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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING - COMMITTEE ON RULES
- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, December 9, 2004, 9:40 a.m.
- - -

BILL 040868 - An Ordinance to amend the
Philadelphia Zoning Maps by changing the zoning
designations of certain areas of land located
within an area bounded by Rhawn Street, Leonard
Street, Loney Street and The Roosevelt Boulevard.

BILL 040999 - An Ordinance amending Title 14 of
The Philadelphia Code, entitled "Zoning and
Planning," by deleting and no longer permitting
the preparation and retail sale of food for
consumption off premises as an accessory use in
the C-2 commercial district; by amending the
definition of a restaurant; by amending Area
Shopping Center District to permit take-out
restaurants; and by making certain technical
changes, all under certain terms and conditions.

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN FRANK DI CICCIO
COUNCILMAN JACK KELLY
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN BRIAN J. O'NEILL

- - -
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3 P R O C E E D I N G S

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5 COUNCIL PRESIDENT VERNA: Good
6 morning, everyone.

7 This is the Committee of the Rules
8 public hearing.

9 I would ask Mr. McPherson to please
10 read the title of Bill Number 040868.

11 MR. MCPHERSON: An Ordinance to
12 amend the Philadelphia Zoning Maps by
13 changing the zoning designations of certain
14 areas of land located within an area bounded
15 by Rhawn Street, Leonard Street, Loney Street
16 and The Roosevelt Boulevard.

17 COUNCIL PRESIDENT VERNA: Good
18 morning. Kindly identify yourself for the
19 record and proceed with your testimony.

20 MR. KRAMER: My name is William
21 Kramer. I am the Senior Zoning Planner for
22 the Development Planning Division of the City
23 Planning Commission, and I'm here today to
24 testify on Bill 040868. Councilman Mariano
25 introduced this Bill on October 7, 2004.

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2 Bill 040868 amends the Philadelphia
3 Zoning Maps by changing the zoning of the
4 portions of the area bounded by Rhawn Street,
5 The Roosevelt Boulevard, Loney Street and
6 Leonard Street.

7 This rezoning would change the
8 zoning of a portion of this block from the
9 current R-10 residential designation to a
10 designation of C-7 commercial.

11 This site is approximately 16,000
12 square feet, and formerly was the location of
13 The Boulevard Nursing Home.

14 The existing structure has been
15 vacant for some time and has suffered
16 extensive damage from a fire.

17 The owner would like to have the
18 zoning designation changed, to be consistent
19 with the other properties fronting along this
20 section of Roosevelt Boulevard, so that the
21 property may be redeveloped, with a use that
22 is compatible and consistent with existing
23 land uses on the block.

24 This site is located between a car
25 wash and a used car dealership.

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2 The Planning Commission has not
3 considered this Bill at this time. It is
4 scheduled to be reviewed by the Commission at
5 its next meeting on December 14, 2004.

6 That concludes my testimony. I
7 would be happy to answer any questions from
8 the Committee.

9 COUNCIL PRESIDENT VERNA: Mr.
10 Kramer, it sounds as though the City Planning
11 Commission is going to have a very lengthy
12 day of meetings on December 14th.

13 MR. KRAMER: And I will be making
14 those of most presentations, Madam President.

15 COUNCIL PRESIDENT VERNA: It seems
16 that every Bill that we've heard this week --

17 MR. KRAMER: Yes, ma'am.

18 COUNCIL PRESIDENT VERNA: -- we're
19 told there's no recommendation from the
20 Planning Commission because they're not
21 meeting until the 14th.

22 I will reiterate what I said the
23 other day. I truly believe that when a Bill
24 is introduced, the City Planning Commission
25 should be considering it then, rather than

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2 our scheduling it for a hearing and not
3 knowing what the recommendation is.

4 Mr. Kramer, do you know if, in fact,
5 the property owner has any development plans
6 for this site? And if so, what are they?

7 MR. KRAMER: I have spoken with a
8 representative of the owner of this
9 particular property. At the present time
10 they don't have specific building plans or
11 any kind of development plans.

12 Exactly what they want to do is
13 demolish the existing structure that's there,
14 primarily because of the fire damage, and
15 reutilize it as a parking facility for a
16 temporary period of time. How long, they
17 don't really know.

18 They want to send out feelers and
19 see what other kind of development they may
20 be able to generate. But they wanted to go
21 in the line that is consistent with the other
22 commercial classifications on either side of
23 the property.

24 On the Boulevard they didn't believe
25 that the R-10 classification would be

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2 appropriate. And at 16,000 square feet, the
3 site was not large enough to facilitate a
4 residential or a nursing type facility on
5 that site.

6 COUNCIL PRESIDENT VERNA: Thank you.

7 The Chair recognizes Councilman
8 O'Neill.

9 COUNCILMAN O'NEILL: Just a question
10 on the neighbors of this site. It sits on
11 the Boulevard. I understand that. And I
12 understand it's between a car wash and a used
13 car dealership.

14 But this site also seems to go back
15 to the residential street, Leonard. And I'm
16 just wondering what potential impact this has
17 on that residential neighborhood. Are there
18 houses back there? Are there more car
19 washes?

20 MR. KRAMER: There are houses on
21 Leonard Street, that face on Leonard Street.
22 I believe that... I'm not positive, but I
23 believe the rear of those houses faces this
24 street. I may be wrong, but I believe it is
25 the rear of the Leonard.

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2 Leonard Street is the rear of the
3 houses that face -- And I don't know the
4 street beyond it, but I -- that's what I
5 believe it to be.

6 COUNCILMAN O'NEILL: You don't know
7 the site?

8 MR. KRAMER: I know the Boulevard
9 Nursing Home site.

10 COUNCILMAN O'NEILL: Yes.

11 MR. KRAMER: I've been in the
12 nursing home, more than once, actually. But
13 I don't remember what was behind it.

14 COUNCILMAN O'NEILL: Right.

15 MR. KRAMER: I do know it's houses.
16 Whether I -- What I don't know is whether
17 they're --

18 COUNCILMAN O'NEILL: You tell us
19 about -- I'm just trying to get a picture.
20 You tell us about the two neighbors on the
21 Boulevard.

22 MR. KRAMER: Mm-hmm.

23 COUNCILMAN O'NEILL: Are there two
24 residential neighbors on Leonard Street,
25 besides the ones that might be across the

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2 street?

3 MR. KRAMER: No. No, sir, there are
4 not.

5 COUNCILMAN O'NEILL: Okay.

6 MR. KRAMER: The properties continue
7 right from the Boulevard to Leonard. Both
8 the car wash and the commercial business on
9 Rhawn Street go from the Boulevard to Leonard
10 Street.

11 Across Leonard Street is the... On
12 Leonard Street being the other portion of the
13 block is the rear drive, with the rear of the
14 properties that are residential that face
15 along Leonard Street.

16 But the drive itself would appear
17 from aerials to be -- also looks like a City
18 street, although it is not. It is a
19 right-of-way driveway. It's rear drives that
20 come along the back, so there is a cushion or
21 a buffer, if you will, between the car wash
22 and this nursing home, and the dealership,
23 between those and the existing residential
24 community.

25 And this is now... As I understand

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2 it, the nursing home is also having other
3 problems, with people using it that aren't
4 supposed to be in there. And the neighbors
5 have been complaining and want to have the
6 building torn down.

7 COUNCILMAN O'NEILL: So they have a
8 common rear driveway.

9 MR. KRAMER: Yes, a common rear
10 driveway for the residential component. But
11 that is not a common easement for either of
12 the commercial uses that exist on the
13 property.

14 COUNCILMAN O'NEILL: If they go all
15 the way back to Leonard -- If this property
16 goes all the way back to Leonard --

17 MR. KRAMER: I'm sorry. I misspoke.
18 It goes back to the right-of-way of the
19 driveway. Leonard Street is the... Leonard
20 Street is the residential properties that are
21 zoned...

22 COUNCILMAN O'NEILL: Right, but you
23 say bound by Leonard Street. That's my
24 concern. It would actually be some feet,
25 some number of feet, from Leonard Street,

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2 right, behind the homes? The homes front on
3 Leonard and back up on this driveway, right?

4 MR. KRAMER: Right. The homes that
5 front on Leonard Street have a depth of 96
6 feet. So, they're a hundred foot --

7 COUNCILMAN O'NEILL: So this isn't
8 really going to Leonard Street.

9 MR. KRAMER: That's correct. I'm
10 sorry. I did misspeak.

11 COUNCILMAN O'NEILL: That's in the
12 title.

13 MR. KRAMER: The Bill goes to
14 Leonard Street. That's in the title. And
15 the entire block was considered in the Bill.

16 COUNCILMAN O'NEILL: Okay. But
17 those will stay residential.

18 MR. KRAMER: They will stay
19 residential.

20 The only thing that changes is...
21 If Map A is the existing zoning map, there is
22 a portion of this map that is zoned R9-A that
23 is 96 feet in depth from Leonard Street --

24 COUNCILMAN O'NEILL: Gotcha.

25 MR. KRAMER: -- heading towards the

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2 Boulevard, that runs from Loney Street to 125
3 feet from Rhawn Street.

4 COUNCILMAN O'NEILL: Okay. That's
5 staying.

6 MR. KRAMER: That's going to stay
7 R-9A.

8 The only thing that will change is
9 the portion of this that is R-10 that fronts
10 along the Boulevard. It's 160 foot in
11 depth -- in width along the Boulevard, and a
12 hundred feet in depth from the Boulevard
13 towards Leonard Street.

14 COUNCILMAN O'NEILL: To that
15 boundary.

16 MR. KRAMER: Right.

17 COUNCILMAN O'NEILL: And that both
18 properties on either side are C-7?

19 MR. KRAMER: Yes, sir.

20 COUNCILMAN O'NEILL: Okay. Thanks.

21 COUNCIL PRESIDENT VERNA: Thank you.

22 Are there any further questions of
23 Mr. Kramer?

24 The Chair recognizes Councilman
25 Clarke.

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2 COUNCILMAN CLARKE: Thank you, Madam
3 President.

4 Good morning.

5 MR. KRAMER: Good morning.

6 COUNCILMAN CLARKE: One brief
7 question. With respects to the Council
8 President's earlier statements, voicing our
9 concern about the Planning Commission not
10 having had any recommendations on virtually
11 all of the bills that we've heard over the
12 last week, you've indicated that on December
13 14th you will be taking up those bills on
14 your agenda?

15 MR. KRAMER: Yes, sir.

16 COUNCILMAN CLARKE: Will you be able
17 to provide the outcome of those
18 recommendations or opposition prior to the
19 16th, which is our last session?

20 MR. KRAMER: Yes, sir.

21 COUNCILMAN CLARKE: Which is when we
22 will be able to vote on these bills.

23 MR. KRAMER: Yes, sir.

24 COUNCILMAN CLARKE: So we'll have
25 that in writing?

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2 MR. KRAMER: Yes, sir.

3 COUNCILMAN CLARKE: Okay. Thank
4 you.

5 COUNCIL PRESIDENT VERNA: Thank you.

6 Any further questions or comments?

7 The Chair recognizes Councilman
8 Kelly.

9 COUNCILMAN KELLY: Yeah. Mr.
10 Chapman, I just want to know, who owns that
11 property that we're changing the zoning on,
12 just that area that we're changing from R-10?

13 MR. CHAPMAN: I cannot say that I
14 know the ownership, in that I did not check
15 legal ownership. But the request for the
16 change came from a Met Management,
17 Incorporated. It is a Michael Anzaione was
18 the president of that organization.

19 COUNCILMAN KELLY: What is it again?

20 MR. CHAPMAN: It's Met Management,
21 Incorporated. And the gentleman is Michael
22 Anzaione, A-n-z-a-i-o-n-e, is the gentleman
23 who's the president of that management
24 corporation.

25 COUNCILMAN KELLY: Okay. Thank you.

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2 COUNCIL PRESIDENT VERNA: Thank you
3 very much.

4 Are there any other questions or
5 comments from members of the Committee?

6 (No response.)

7 COUNCIL PRESIDENT VERNA: Thank you
8 very much.

9 Do we have anyone else to testify on
10 this Bill?

11 (No response.)

12 COUNCIL PRESIDENT VERNA: Seeing
13 none, I would ask Mr. McPherson to please
14 read the title of Bill Number 040999.

15 MR. MCPHERSON: An Ordinance
16 amending Title 14 of The Philadelphia Code,
17 entitled "Zoning and Planning," by deleting
18 and no longer permitting the preparation and
19 retail sale of food for consumption off
20 premises as an accessory use in the C-2
21 commercial district; by amending the
22 definition of a restaurant; by amending Area
23 Shopping Center District to permit take-out
24 restaurants; and by making certain technical
25 changes, all under certain terms and

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2 conditions.

3 COUNCIL PRESIDENT VERNA: Thank you,
4 Mr. Kramer.

5 MR. KRAMER: Good morning, Madam
6 President, and members of the Rules
7 Committee. My name is William Kramer. I am
8 the Senior Zoning Planner for the City of
9 Philadelphia Planning Commission. And I'm
10 here today to testify on Bill 040999.

11 Council members Miller, Tasco,
12 Mariano, Clarke and DiCicco introduced this
13 Bill on November 18, 2004.

14 Bill 040999 amends the Philadelphia
15 Zoning Code by changing a number of
16 provisions related to restaurants and
17 take-out food in commercial districts.

18 It amends the definition of
19 restaurant by adding language specifying that
20 a restaurant must serve food and beverages on
21 non-disposable wear for consumption on the
22 premises with a minimum of 30 seats.

23 This amendment is an attempt to
24 address a problem with applications filed
25 with the Department of Licenses and

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2 Inspections, that purport to be sit-down
3 restaurants that in reality are take-out
4 restaurants.

5 The Bill also attempts to address
6 inconsistency in the Code that seem to permit
7 take-out food in one paragraph with a C-2
8 commercial classification, while prohibiting
9 it in another paragraph.

10 The Department of Licenses and
11 Inspections has interpreted these provisions
12 as requiring all take-out food businesses
13 need the approval of the Zoning Board of
14 Adjustment, and has applied this Code
15 interpretation in this manner for several
16 years.

17 This Bill also amends the provisions
18 of the ASC or area shopping center commercial
19 classification by permitting take-out
20 restaurants as a matter of right.

21 Currently this use is not permitted
22 in the ASC classification.

23 The Planning Commission has not
24 considered the Bill at this time, and it is
25 scheduled to be reviewed by the Commission at

1 040868 & 040999 - Rules - 12/9/04
2 its next meeting of December 14, 2004.

3 That concludes my testimony. I
4 would be happy to answer any questions from
5 the Committee.

6 COUNCIL PRESIDENT VERNA: Mr.
7 Kramer, in your opinion is there anything
8 about this Bill that would provide concerns
9 for the Planning Commission?

10 MR. KRAMER: No, ma'am. The staff
11 recommendation with regard to this Bill is
12 for approval.

13 COUNCIL PRESIDENT VERNA: Thank you.
14 The Chair recognizes Councilman
15 O'Neill.

16 COUNCILMAN O'NEILL: Madam Chair,
17 this is the first time I've seen the area
18 shopping center part of this Bill.

19 And I just would ask the sponsor and
20 sponsors if... I have a lot of area shopping
21 center in my District.

22 And without going out to different
23 community groups that deal with the zoning in
24 there, oftentimes it's not just an evaluation
25 of the request for the take-out that has to

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2 come to them, but it's a chance for them to
3 review other problems because there's often
4 these area shopping centers -- I have one up
5 the street from me, that backs up to a series
6 of row homes.

7 There's a lot of, you know, sort of
8 shopping center versus residential issues.
9 And I would just ask that if it can't be held
10 or deleted, if there's an urgent reason on
11 the area shopping center part of this, that I
12 would exclude my -- do an overlay to exclude
13 my District.

14 I'm not trying to stop progress, but
15 it wouldn't... It's not something I can
16 support. I don't want to speak for anything
17 outside of my District.

18 COUNCILWOMAN MILLER: Well, The Bill
19 does allow restaurants, drive-throughs and
20 take-out windows as a matter of right in area
21 shopping centers.

22 COUNCILMAN O'NEILL: It's amending
23 it to allow that, correct?

24 It says in the title, by amending
25 shopping center district to permit take-out

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2 restaurants. That would mean --

3 MR. KRAMER: By the Bill itself, in
4 an area shopping center already permitted are
5 restaurant, cafe, catering, or soda or ice
6 cream fountain, including outdoor dining
7 areas.

8 Language being added would be
9 restaurants serving patrons who remain in
10 their automobiles, take-out restaurant,
11 delicatessen, and restaurant, cafe or soda
12 fountain, which dispenses food at retail
13 through a window or aperture --

14 COUNCILMAN O'NEILL: That's a huge
15 change?

16 MR. KRAMER: That's what's being
17 added in this Bill.

18 COUNCILMAN O'NEILL: That's a huge
19 change, the drive-through aspect, in a area
20 shopping center.

21 So, it's not permitted today. We
22 would be permitting it, without anyone having
23 to go to the community or to the Zoning
24 Board.

25 And again, I don't want to speak for

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2 any other District. I just... I might go to
3 five or six meetings sometime a month on
4 these things. It's going to come up. Where
5 were you, O'Neil, kind of questions.

6 And I've been on the wrong side of
7 that a few times where I missed it.

8 I would just ask if I could overlay
9 it or we could delay it or remove. I don't
10 know how pressing it is...

11 COUNCILWOMAN MILLER: It's not.

12 COUNCILMAN O'NEILL: ...to have
13 drive-throughs in shopping centers no longer
14 have to go to the community for approval.

15 COUNCILWOMAN MILLER: It's not
16 pressing.

17 The intention of this Bill was to
18 improve quality of life of residential areas
19 where these take-outs are just popping up
20 with two seats, and then they go --

21 COUNCILMAN O'NEILL: Oh, no. I'm
22 for --

23 COUNCILWOMAN MILLER: Right. So
24 it's not --

25 COUNCILMAN O'NEILL: -- a hundred

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2 percent behind the sponsors on this.
3 COUNCILWOMAN MILLER: -- pressing.
4 We don't have a problem --
5 COUNCILMAN O'NEILL: It's sort of a
6 negative hook --
7 COUNCILWOMAN MILLER: -- removing
8 that portion --
9 COUNCILMAN O'NEILL: -- in the back
10 of a very positive Bill.
11 COUNCILWOMAN MILLER: We don't have
12 a problem removing that, Brian, not at all.
13 COUNCILMAN O'NEILL: Okay. Thank
14 you.
15 COUNCIL PRESIDENT VERNA: It's my
16 understanding -- Mr. Kramer, why don't you
17 just sit there, just in the event we have
18 another question -- we have someone from
19 Licenses & Inspections to testify?
20 Good morning. Kindly identify
21 yourself for the record and proceed with your
22 testimony.
23 MR. PERRY: Good morning, Madam
24 President, and members of the Rules
25 Committee.

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2 My name is David Perry. I'm the
3 Chief Code Official for the Department of
4 Licenses and Inspections. And with me today
5 is Otis Haigler, who's our Manager of
6 Regulatory Affairs.

7 COUNCIL PRESIDENT VERNA: Do you
8 have prepared testimony, Mr. Perry?

9 MR. HAIGLER: Council President, no,
10 we do not have prepared testimony. We were
11 just here to support the Bill, and if there's
12 any questions that you had of the department,
13 related to operational issues of the Bill, we
14 would be glad to answer those questions at
15 this time.

16 COUNCIL PRESIDENT VERNA: Thank you.
17 Are there questions from members of
18 the Committee?

19 Chair recognizes Councilman Clarke.

20 COUNCILMAN CLARKE: Thank you, Madam
21 President.

22 In the provision, the amendment that
23 allows as of right take-out area shopping
24 centers, why is the Department of Licenses &
25 Inspections recommending that or are you

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2 recommending that?

3 MR. PERRY: Well, we put it in there
4 because that's where you typically find most
5 of the take-out type restaurants in the City
6 in the first place.

7 The McDonald's, the Burger King's,
8 the large type accomplishments are typically
9 found in area shopping centers. We felt it
10 would be appropriate that those would be
11 issued as a matter of right.

12 COUNCILMAN CLARKE: So currently
13 they all have to go to Zoning on an
14 individual basis, right?

15 MR. PERRY: I believe when they
16 proposed the drive-through, they would go to
17 the Zoning Board on an individual basis.

18 COUNCILMAN CLARKE: Has that proven
19 to be a problem?

20 MR. PERRY: Not that I'm aware of.

21 COUNCILMAN CLARKE: So the old
22 saying is, if it's not broke, why fix it? I
23 mean...

24 MR. PERRY: Well, in discussing it,
25 we were looking to try to find a category in

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2 which take-out restaurants would be
3 permitted. I mean, we wouldn't have an
4 objection if it was deleted back out of the
5 area shopping center. It doesn't matter to
6 us.

7 COUNCILMAN CLARKE: Okay. Thank
8 you.

9 COUNCILMAN O'NEILL: Thank you, Mr.
10 Perry.

11 COUNCIL PRESIDENT VERNA: Thank you.

12 Any other questions or comments from
13 members of the Committee?

14 (No response.)

15 COUNCIL PRESIDENT VERNA: Do we have
16 anyone else to testify on this Bill? Yes,
17 sir.

18 MR. HAIGLER: Yes, Council
19 President. There is an amendment that we had
20 given to Councilwoman Miller to better define
21 exactly what a take-out restaurant is. And I
22 believe that will be read into the record at
23 some point and voted on. So, we just wanted
24 to make mention of that.

25 You wanted me to explain what the

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2 amendment is?

3 COUNCILWOMAN MILLER: Yes, your
4 recommended amendment.

5 MR. PERRY: All right. The
6 amendment would read, restaurant take-out.
7 The use engaged in the preparation, retail
8 sale of food and beverages which serves foods
9 and/or beverages in disposable packaging
10 and/or containers for consumption by patrons
11 on or off the premises, including but not
12 limited to delicatessens and/or a restaurant
13 with 29 or less seats.

14 The proposed amendment is adding the
15 language, and/or restaurant with 29 or less
16 seats.

17 The reason for the proposed
18 amendment is if you do have a small,
19 legitimate restaurant, we feel that they
20 should go to the Zoning Board for a
21 certificated use rather than a variance. So
22 this language would make it somewhat easier
23 for a legitimate eat-in restaurant that has
24 less than 30 seats, to obtain the necessary
25 approvals.

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2 COUNCIL PRESIDENT VERNA:

3 Councilwoman.

4 COUNCILWOMAN MILLER: Yes. Thank
5 you.

6 You know, we, of course, discussed
7 this amendment. And I agree that we're not
8 trying to hurt small, legitimate restaurants.

9 We just want to be able to prevent
10 those restaurants or those establishments
11 that prepare their restaurant.

12 However, again, you know, they have
13 two seats; apply for liquor license, et
14 cetera, that are popping up in our
15 neighborhoods.

16 So, you flow, I agree that this is a
17 good amendment because we are absolutely not
18 trying to hurt small legitimate restaurants.

19 MR. PERRY: That's correct.

20 COUNCILWOMAN MILLER: Thank you.

21 COUNCIL PRESIDENT VERNA: Thank you.

22 Do we have anyone else to testify on
23 this Bill?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: Seeing

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2 none, this will conclude our public hearing.

3 (Deposition concluded at 9:57 a.m.)

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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC MEETING - COMMITTEE ON RULES

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- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, December 9, 2004, 9:57 a.m.
- - -

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1 040868 & 040999 - Rules - 12/9/04

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3 P R O C E E D I N G S

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5 COUNCIL PRESIDENT VERNA: We will
6 now go into our public meeting.

7 And the Chair recognizes Councilman
8 Clarke, regarding Bill Number 040999.

9 In fact, we're going to do the first
10 Bill that we heard, Bill Number 040868.

11 And again I recognize Councilman
12 Clarke.

13 COUNCILMAN CLARKE: Thank you, Madam
14 President.

15 Madam President, I move that Bill
16 Number 040868 be reported out of Committee
17 with a favorable recommendation and a request
18 for rule suspension as to allow reading at
19 the next session of Council.

20 UNIDENTIFIED COUNCIL MEMBER:
21 Second.

22 COUNCIL PRESIDENT VERNA: It has
23 been moved and seconded that Bill Number
24 040868 be reported out of Committee with a
25 favorable recommendation; also a

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2 recommendation that the rules of Council be
3 suspended so as to permit first reading at
4 our next Council session.
5 All in favor will indicate by saying
6 aye.
7 (Chorus of "ayes.")
8 COUNCIL PRESIDENT VERNA: Those
9 opposed?
10 (No response.)
11 COUNCIL PRESIDENT VERNA: The ayes
12 have it, and the motion carries.
13 The Chair recognizes Councilwoman
14 Miller, regarding Bill Number 040999.
15 COUNCILWOMAN MILLER: Thank you,
16 Madam President.
17 I move that Bill Number 040999 be
18 amended. The amendments have been read into
19 the record. And we have two amendments to
20 this Bill. One is a deletion that Item G be
21 deleted from the Bill. That deals with the
22 area shopping centers.
23 COUNCILMAN O'NEILL: That comes out
24 of the title, too.
25 COUNCILWOMAN MILLER: We have to

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2 amend the title?

3 COUNCILMAN O'NEILL: Yeah. And
4 after commercial district in line four, I
5 believe the semicolon becomes a period.

6 COUNCILWOMAN MILLER: Okay.

7 COUNCILMAN O'NEILL: We're deleting,
8 so it's okay.

9 COUNCILWOMAN MILLER: I need a
10 motion on the amendments.

11 COUNCILMAN O'NEILL: You have to
12 delete out.

13 COUNCIL PRESIDENT VERNA: On Page 2,
14 I think there's another deletion.

15 COUNCILMAN O'NEILL: Page 1 in the
16 title, and then on Page 2.

17 COUNCILWOMAN MILLER: On Page 2,
18 Item G.

19 COUNCILMAN O'NEILL: Right.

20 COUNCILWOMAN MILLER: Under use and
21 regulations, Item G would be deleted.

22 COUNCILMAN O'NEILL: Yeah.
23 Actually, starting with 14-309, just above
24 it.

25 COUNCILWOMAN MILLER: Right. Okay.

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2 Yes. 14-309, area shopping center. Use
3 regulations, item G would be deleted.

4 COUNCILMAN O'NEILL: Okay. I
5 understand. It's not going to change
6 anything in the Code.

7 COUNCIL PRESIDENT VERNA: The motion
8 has been made for the adoption of --

9 COUNCILMAN O'NEILL: Second.

10 COUNCIL PRESIDENT VERNA: -- the
11 amendments.

12 All in favor will indicate by saying
13 aye.

14 (Chorus of "ayes.")

15 COUNCIL PRESIDENT VERNA: Those
16 opposed.

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The ayes
19 have it, and the amendments are adopted.

20 The Chair again recognizes
21 Councilwoman Miller.

22 COUNCILWOMAN MILLER: Thank you,
23 Madam President.

24 I move that Bill Number 040999 as
25 amended be reported out of this Committee

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2 with a favorable recommendation; and further
3 move that the rules of Council be suspended
4 so as to permit first reading at today's
5 session.

6 UNIDENTIFIED COUNCIL PERSON:
7 Second.

8 COUNCIL PRESIDENT VERNA: It has
9 been moved and seconded that Bill Number
10 040999 be reported out of Committee with a
11 favorable recommendation, as amended; and
12 further, that the rules of Council be
13 suspended so as to permit first reading of
14 this Bill at our next session of Council.

15 All in favor will indicate by saying
16 aye.

17 (Chorus of "ayes.")

18 COUNCIL PRESIDENT VERNA: Those
19 opposed?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: The ayes
22 have it, and the motion carries.

23 (Public meeting concluded at 10:00
24 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the public hearing and public meeting of The Philadelphia City Council, taken on December 9, 2004, and that this is a true and correct transcript of same.

DAVID A. DEIK, RPR and
Commissioner of Deeds

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)