

PHILADELPHIA CITY PLANNING COMMISSION
October 16, 2007

PRESENT: Marcia Moore Makadon, Acting Chair
David Adelman
Tumar Alexander, representing Loree Jones
Duane Bumb, representing Stephanie Naidoff
Patrick J. Eiding
Gloria Levin
Peggy VanBelle, representing Vincent Jannetti

ABSENT: Lynette Brown-Sow

Executive Director
Deputy Executive Director

Janice Woodcock, AIA, AICP
Gary Jastrzab

Acting Chair Marcia Makadon convened the City Planning Commission Meeting of October 16, 2007 at 1:17PM.

1) Minutes of the Meeting of September 18, 2007.

Upon motion by Mr. Eiding, the City Planning Commission approved the minutes of September 18, 2007.

2) Executive Director's Update

Janice Woodcock stated that she has two items for her update. They are the W Hotel and the Central Delaware Riverfront Plan. After several years of negotiations, the W Hotel is now moving forward with their first Philadelphia location. They have submitted an application to build a 32-story building that will house 273 luxury hotel units and 139 residential units. The building will also have several retail uses and amenities that both the hotel guests and residents will be able to use. The building will be 417 feet in height and provide no accessory parking spaces. This proposed use was reviewed by the City Planning Commission as a redevelopment item in 2005.

Mr. Bumb asked to move the Central Delaware Riverfront Plan to the end of the agenda.

Ms. Makadon moved the Central Delaware Riverfront Plan and Ms. Woodcock's comments to the end of the agenda.

3) Amended Redevelopment Agreement between the Redevelopment Authority and 777 South Broad Street Associates, L.P. (with revised development plan) (1st District – Councilmember DiCicco)

Laura Spina, Community Planner for Center City, stated this item is a revised redevelopment plan. The Philadelphia City Planning Commission approved the project in concept in May 2006. Since then it has changed from condominiums to rental with retail along the side streets with reduced substantially in size. Parking has been moved from underground to surface, with 156 spaces at street level, with ingress and egress from Catharine, Fitzwater and Broad Street. The community insisted on the Broad Street entrance, which the staff initially supported as a trade off to achieve the underground garage. The City Planning Commission staff recommendation is approval with conditions. They are as follows:

1. The Broad Street entrance should be reduced to ingress only.
2. The Fitzwater and Catharine Street facades should be animated at the ground floor by adding community rooms or retail space. This will require a reduction in parking to allow for the new structural elements.

The Urban Design Unit in the City Planning Commission did an analysis of Center City parking in 2000. The results of this study concluded that .7 parking spaces per unit are necessary since people in Center City and the South Broad Street corridor do not own cars.

The site for this project has ample transit service, with 3 buses on Broad Street and 1 on Washington Avenue, and the subsurface line along Broad Street.

A question and answer session ensued between Ms. Makadon, Ms. Spina, Ms. Levin, Ms. Woodcock, and Peter Kelsen, attorney for the developer, Jerry Roller, the architect, Mr. Bumb, and Mr. Adelman.

Upon motion by Mr. Adelman, seconded by Ms. Levin, the City Planning Commission approved without staff's conditions the Amended Redevelopment Agreement between the Redevelopment Authority and 777 South Broad Street Associates, L.P. (with revised development plan).

Mr. Eiding voted against this motion.

- 4) Bill No. 070690 – Creating new section of the Zoning Code “Convention Center Expansion Area Special District Controls”.

William Kramer, of the Development Planning Division, stated that this Bill creates a new overlay section of the Zoning Code. This Bill creates exceptions for the Convention Center Expansion. It further allows buildings that occupy 50% or more of the total area of the block to recede at points from the street line of Broad Street for the purposes of creating architectural recesses. It further allows buildings to occupy 100% of the area of the lot up to 125 feet above the average ground level and to locate off street loading spaces and trash compactors in an area that is not totally enclosed, provided the area is located above the first floor of the building and obscured from direct street level view. It also allows signage to total 15 square feet for each linear foot of frontage along a public street line, provided that the Art Commission approved the signage. This Bill has a hearing before the Rules Committee on October 30, 2007. The SEPTA station at Broad and Race Streets was closed by SEPTA. If it reopens, it will not be impeded by this project. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Bumb, seconded by Mr. Adelman, the City Planning Commission approved Bill No. 070690.

- 5) Cira Center South Project located at 30th and Market Streets thru to Walnut Street
 - a) Bill No. 070674 – Adding a new section to the Zoning Code entitled “30th Street Special Controls District”.
 - b) Bill No. 070675 – An Ordinance allowing for building encroachments to be installed in conjunction with a mixed-use development.
 - c) Bill No. 070676 – An Ordinance establishing a no parking regulation on 30th Street between Market Street and Walnut Street.
 - d) Bill No. 070677 – An Ordinance amending the Philadelphia zoning maps by changing the zoning designations of land in an area bounded by 30th Street, Chestnut Street, Schuylkill Avenue and Walnut Street.
 - e) Bill No. 070678 – An Ordinance regulating the direction of movement of traffic on 30th Street between Market Street and Walnut Street.

Mr. Kramer stated these Bills are for the Cira Center South Area bounded by Thirtieth Street, Market Street, Schuylkill Avenue and Walnut Street. The party at interest is the Brandywine Realty Trust.

Bill 070674: To create special district controls that would allow for the development of the site as a Cira Center South with two proposed mixed-use towers and a parking garage. To accomplish this a new overlay is being created that would establish the uses permitted as those under the "C-5" Commercial zoning designation, as well as allowing multiple structures on a lot. The overlay would allow the site to be developed with a gross floor area of 2000% or 20 FAR. Restrictions on building setbacks, legally required windows and courts are being removed. The area of any above grade garage would not be included in the allowable Gross Floor Area of the development with a parking ratio of 1 space for every 2 dwellings. Additionally the regulations for Flood Plain Controls would be amended to allow for structures containing parking to be permitted if floodproofed according to FEMA guidelines. Lastly the overlay would remove any restrictions on signage for this block.

Bill 070675: To allow for the construction of several building encroachments as follow:

- a. A rigid canopy on Chestnut Street 10 feet wide having a minimum height of 12 feet, projecting 10 feet onto the south footway of Chestnut Street
- b. A rigid Canopy on 30th Street 10 feet wide with a minimum height of 12 feet, projecting 10 feet onto the east footway of 30th Street.
- c. An architectural entrance canopy with various widths with the most at approximately 18 feet with a minimum height of 17 feet located approximately 115 feet east of the east curb line of 30th Street.

A proposed open-air sidewalk café located at the southeast corner of 30th Street consisting of 12 tables to accommodate 48 occupants.

Bill 070676: Establishes a no parking regulation on 30th Street between Market Street and Walnut Street.

Bill 070677: Rezones the area bounded by 30th Street, Chestnut Street, Schuylkill Avenue and Walnut Street from a zoning designation of "G-2" General Industrial to a zoning designation of "C-5" Commercial. The purpose of this zoning change is to allow for a mixed-use development consisting of two tower buildings and a parking garage. The parking garage will provide 2476 parking spaces and have 751,253 square feet of Gross Floor Area. One of the tower buildings is proposed as a combination office building/hotel and residential structure of 244,098 square feet and 48 stories. A second tower is proposed as a mixed-use building containing several floors of retail commercial with the remaining floors being dedicated top residential use. It is proposed as a 25-story structure containing 304,899 square feet.

Bill 070678: Regulates the direction of traffic on 30th Street between Market Street and Walnut Street.

All Bills are scheduled for a hearing before the Rules Committee of City Council on October 17, 2007. Bill No. 070674 creates a special overlay. There was no public benefit the way it was originally written, however the amended Bill includes additional public benefits, such as, LEED Certification, green roof, public access to the roof, building lighting and streetscape improvements. The City Planning Commission staff recommendation is approval.

Carl Primavera, attorney for the developer, thanked Janice Woodcock and the City Planning Commission's staff for working out the schedule of public benefits.

An extensive question and answer session ensued between Mr. Eiding, Mr. Kramer, Mr. Primavera, Jerry Sweeney, Ms. Levin, Mr. Adelman, Ms. Woodcock, and Mr. Bumb.

Mr. Eiding wanted to know if we needed to vote on the Bills. He stated that we should table it and let City Council vote on it.

Mr. Bumb was concerned that if we tabled it, then City Council would hear it without our input.

Another question and answer session ensued between Mr. Sweeney, Mr. Eiding, Mr. Kramer, Ms. Woodcock, and Mr. Adelman.

Ms. Makadon stated that we would vote on the five Bills together.

Mr. Bumb made a motion to approve staff recommendation with provisos for the overlay.

Public statements were made by Lynn Fox, Steve Miller, and Emiliano Rodriguez regarding the traffic and parking situations.

Another question and answer session ensued between Ms. Levin, Mr. Sweeney, Ms. Woodcock, and Mr. Eiding.

Upon motion by Mr. Bumb, seconded by Ms. VanBelle, the City Planning Commission approved Bill Nos. 070674, 070675, 070676, 070677, and 070678 with provisos for the overlay.

A vote was taken by the Commissioners: Mr. Bumb, Ms. VanBelle, and Mr. Alexander voted in favor; Mr. Eiding and Ms. Levin were opposed. Mr. Adelman abstained.

Continuation of the Executive Director's Update

Ms. Woodcock stated the Central Delaware Advisory Group, formed in October of 2006, named Penn Praxis as consultant to the group to create a waterfront plan. Over the last 12 months the Advisory Group has met monthly to provide feedback for the plan and during that time, Praxis has conducted numerous public meetings and meetings with elected and administrative officials and stakeholders to outline a vision for the future of the waterfront.

During this time, the Philadelphia City Planning Commission has provided technical support, mapping, data, and feedback throughout this process but has not participated in the stakeholder meetings, nor has the Commission staff dictated the formulation of the recommendations for the plan or the content of the communications to the advisory group.

This model for planning in Philadelphia is not without precedent. As the ability of the City Planning Commission staff to respond to requests for planning has been limited by government resources, Commission staff has also been challenged by the lack of a comprehensive set of land use policies that would allow the staff to properly administer land use decisions resulting from the public will. The Penn Praxis Plan is an effort to change this

planning dynamic by determining the citizen desires that apply to Philadelphia's Central Delaware riverfront and place it front and center for future decision makers.

In that context, the Central Delaware Advisory Group's work with Penn Praxis has created a vision plan that intends to communicate the hopes and desires of the community through the lens of the Praxis team, which has focused on providing a set of urban design principles that fulfill the feedback it has received from community groups. All meetings of the Advisory Group and with Community Groups have been open to the public. Other stakeholder meetings, with PIDC, Penn's Landing, the State Department of Environmental Protection and the Philadelphia Water Department have not been public, but have supported the effort by providing policy, data and other input for the planning team.

It is important at this point to outline the differences between various types of planning efforts, to more accurately evaluate the product of the Central Delaware Advisory Group and Penn Praxis. The Penn Praxis Plan, by its own definition, is a vision plan. This is to be differentiated from other kinds of plans, such as community plans and master plans.

Community plans outline the goals and objectives of a given neighborhood and serve to express the issues and problems encountered by residents and businesses in a small geographic area. While a community does not own or control all of its own resources, a neighborhood plan helps government provide support to residents in fulfilling common objectives relative to future development, land disposition, city services, and the regulation of land use for key sites within a given neighborhood.

A master plan, in contrast, is more often a combination of land use, urban design, and infrastructure phasing, that looks at what steps it will take in the short and medium term to archive the objectives of a given party, be it a university, hospital, or other similar institution that has control over most, if not all of its own investments.

Given these differences among plans, it is most appropriate that the waterfront plan created at this time be a vision plan. Vision plans suggest transformative change. Vision plans are not necessarily linked to available resources – but instead give us an opportunity to look at the distant future and evaluate our near term actions relative to possible positive future outcomes.

While a vision plan may be most appropriate at this time, there are disadvantages to disengaging the planning process too far from government. Why? Because this plan and all plans require an agreement from many private, non-profit and public partners to implement the plan and also the issuance of plan documents have the tendency to create expectations. To the degree that expectations are not met, the integrity of community engagement and of planning in general can be compromised.

Despite the fact the visions may not always be deliverable one hundred percent, visions do allow us to creatively imagine a future, through illustrations and creative problem solving that may not have been understood or believed to be possible before. This is what makes vision plans to exciting, and frankly, so controversial. So for today, and prior to the full release of the Central Delaware Waterfront Plan, I encourage the Commission and the public to evaluate this plan on the terms under which it is offered.

6) Central Delaware Riverfront Plan – Informational Presentation Only

Harris Steinberg thanked Ms. Woodcock and the City Planning Commission, and the 46 member advisory group. On October 12, 2006 Mayor Street named PennPraxis, the

clinical arm of the School of Design, as consultant of the Central Delaware Advisory Group to create a waterfront plan. He gave his presentation on the study, which will be presented to the public on November 14, 2007 at 6PM at the Convention Center. He stated that they would have completed their end of the Executive Order. He spoke about the history of the city during William Penn's time with the street grid and how we use the grid in the present day. He detailed the public meetings, workshops, the waterfront walks, and what the overall goals and visions are.

Mr. Adelman left at 3:22PM.

Ms. Levin was concerned that the Philadelphia City Planning Commission's logo is on the study. She wanted to know if we are endorse it and was our staff involved.

Mr. Steinberg stated that the City Planning Commission staff was involved since day one. The Philadelphia City Planning Commission has suggested edits, but the document belongs to PennPraxis.

Michael Sklaroff, and Craig Schelter made their statements against the PennPraxis plan.

Sam Sherman approves the PennPraxis plan.

John Grady, Senior Vice President with PIDC, was against it.

Mr. Steinberg stated this is a vision. This is not a final plan. This is about change for the future.

Mr. Eiding stated this vision needs to have a place where we go to work not just go to play. Without industry, we will go through a separation that will be worst.

Ms. Makadon added we need healthcare centers, institution, and museums. She wanted to know if the grids will allow that.

Ms. Levin stated that she has been on the Commission for several years and she sees that people are concerned about the size and width of streets, it is a work in progress.

Mr. Bumb stated we need to understand the costs of projects for the near future. He asked Mr. Steinberg if he had those costs.

Mr. Steinberg replied that he is working on it.

Ms. Levin asked about Foxwoods Casino, the traffic, and the second building how it would impact on the area.

Mr. Steinberg replied that PennDot is working on those with the City. It had nothing to do with sound infrastructure. We are going to have lots of traffic.

Ms. Makadon asked to table this plan.

Mr. Bumb asked what are we trying to undertake cost wise. Can we address the concerns raised here.

Ms. Levin asked Mr. Steinberg if they will be receiving anything else from him.

Mr. Steinberg replied a 200 page book. This is a courtesy briefing.

Ms. Woodcock replied that this plan was created as a result of an Executive Order from the Mayor with a group chaired by her but not controlled by the Philadelphia City Planning Commission or staff. This is an unusual model.

Ms. Makadon replied that instead of tabling it, we would have more discussions.

Mr. Eiding stated he likes to be involved in more discussions. He said the problem with visions is that they take on a life of their own. He stated the timing with the new administration coming in, we don't want to send to wrong message to the new Mayor.

Ms. Levin asked if everyone felt comfortable having the Philadelphia City Planning Commission logo on this plan.

Mr. Bumb replied that he would like to hear from Ms. Woodcock.

Ms. Woodcock replied it would not have matter if our logo was on or off it. We have been involved in the plan as much as we could be under the circumstances.

Mr. Eiding asked if we would be able to take it off.

Ms. Levin replied that we not feel comfortable with this.

Mr. Eiding said he was concerned because many times we get blamed whether we have been involved or not.

Ms. Makadon replied that maybe we should approve the final document when it becomes available.

It was determined by the group that no action was required because this was an informational presentation only. The group will revisit the plan at a subsequent meeting once the plan is released.

- 7) Bill No. 070688 – Amending Title 14 of the Philadelphia Code entitled “Zoning and Planning”, by adding a new Section 14-908 entitled “Queen Village Neighborhood Conservation District” (Introduced by Councilmember DiCicco on September 20, 2007)

Martin Gregorski, Zoning Planner with the Philadelphia City Planning Commission's Development Division, stated the purpose of this Bill is to establish the first Neighborhood Conservation District (NCD) in the City. The area generally bounded by the north side of Washington Avenue, the south side of Lombard Street, the east side of 6th Street, and the Delaware River in the Queen Village section of the city. This zoning overlay district sets forth certain provisions that must be adhered to in order for a developer to obtain a building permit for new construction, alteration, or demolition of a property within the district's boundaries. The regulations include restrictions on building set-backs, heights, fenestration requirements, parking, decks, building materials for residential properties, and parking and material guidelines for commercial and industrial properties. The staff at the PCPC has been working directly with the local community group for a number of years in order to craft an ordinance that accomplished the communities goals, while still remaining palatable to staff. This Bill is a direct result of these efforts. This Bill was drafted at the request of the Queen

Village Neighborhood Association. This will change the flavor of our Commission meetings. The City Planning Commission staff recommendation is approval.

Mr. Bumb asked Mr. Gregorski several questions.

Ms. Levin left at 4:37 PM.

Upon motion by Mr. Bumb, seconded by Mr. Alexander, the City Planning Commission approved Bill No. 070688 and added a 1-year sunset provisions to it. Mr. Bumb commented on what impact the new zoning code will have on it.

- 8) Broad and Washington (Introduced by Councilmember DiCicco on May 3, 2007)
 - a) Bill No. 070370 – Amending the Chapter 14-305 of the Philadelphia Code entitled “C-4 Commercial and C-5 Commercial Districts”, to revise parking regulations in the area bounded by Broad Street, Carpenter Street, South 13th Street, Kimball Street, South 12th Street, and Washington Avenue.
 - b) Bill No. 070371 – Amending the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Broad Street, Carpenter Street, South 13th Street, Kimball Street, South 12th Street, and Washington Avenue.

Paula Brumbelow, Zoning Planner with the Development Planning Division, stated that this is in the Hawthorne section of the City.

The purpose of Bill No. 070371 is to change the zoning map by changing the designations of certain areas of land located at Broad Street, Carpenter Street, South 13th Street, Kimball Street, South 12th Street, and Washington Avenue from “G-2” Industrial to “C-5” Commercial and “G-2” Industrial.

The purpose of Bill No. 070370 is to give relief to the developer of this property from the required parking regulations that would require a special use certificate for above grade garage that would apply in the “C-4” and “C-5” Commercial Districts. The applicant plans to build 2 towers of residential, office and retail uses along with a parking garage. The tower buildings will consist of 2,347,380 square feet, with an above ground parking garage of 12 levels consisting of 428,244 square feet. The garage will house 1,142 parking spaces. This Bill has been approved by Council and is waiting for the Mayor’s signature. If the Mayor does not act on the legislation by October 18, 2007, this Bill will automatically be approved. It will have a LEED Certified green roof for 75% of the building footprint, public access up till 5PM, retail at street level, façade review by the Philadelphia City Planning Commission, ingress/egress, use depress design, street trees and street lightings, and a total FAR of 12. The developer will do a traffic study. The City Planning Commission staff recommendation is approval.

A brief question and answer session ensued between Ron Patterson, Ms. Makadon, Mr. Bumb, and Ms. Woodcock.

Upon motion by Mr. Bumb seconded by Ms. VanBelle, the City Planning Commission approved Bill Nos. 070370 and 070371.

- 9) Bill No. 070366 – Amending Title 14 of the Philadelphia Code by creating a new Section 14-114 entitled “Sustainable Zoning”. (Introduced by Councilmembers Kenney and DiCicco on May 3, 2007)

Mr. Kramer stated that the purpose of this Bill is to require a building occupying a minimum area of 90,000 square feet to have a green roof for at least 75% of the eligible roof top space regardless of the class in which it is located. It also provides that no variances shall be granted from this section except where a denial would effect an unconstitutional taking.

This Bill has a hearing before the Rules Committee on October 30, 2007. The City Planning Commission staff recommendation is to table this Bill. The Bill should be tabled because it represents an incremental approach to dealing with sustainable development and we believe that this important issue should be dealt with in a more comprehensive fashion. We also believe that these types of regulations should be placed in one central location in the Code, as opposed to under the general provisions section. There are also concerns about some of the technical obstacles to applying this regulation citywide.

A question and answer session ensued between Mr. Eiding, Mr. Bumb, Ms. Makadon, and Mr. Kramer.

Upon motion by Mr. Bumb seconded by Ms. VanBelle, the City Planning Commission tabled Bill No. 070366. Commissioners requested that staff inform City Council about the specific reasons this Bill was tabled.

Ms. Makadon adjourned the City Planning Commission Meeting of October 16, 2007 at 5:00PM.

SUMMARY

- 1) Minutes of the Meeting of 9-18-07
Approved
- 2) Executive Director's Update
- 3) Amended Redev. Agreement bet.
the RDA & 777 S. Broad St. Assoc., LP
(w/revised development plan)
(1st District – Councilmember
DiCicco) (Laura Spina)
Approved
w/o staff's
conditions
- 4) Bill #070690 – Creating new section
of the Zoning Code “Convention
Center Expansion Area Special
District Controls”. (William Kramer)
Approved
- 5) Cira Center South Project located at
30th & Market thru Walnut Sts.
 - a) Bill # 070674 – Adding a new
Section to the Zoning Code
Entitled :30th Street Special
Controls District”.
Approved
w/provisos
for the overlay
 - b) Bill #070675 – An Ordinance
allowing for building encroach-
ments to be installed in
conjunction w/a mixed-use
development.
Approved
 - c) Bill #070676 – An Ordinance
Establishing a no parking
Regulation on 30th St. bet.
Market & Walnut Sts.
Approved
 - d) Bill #070677 – An Ordinance
Amending the Phila. Zoning
Maps by changing the zoning
Designations of land in an area
Bounded by 30th St., Chestnut St.,
Schuylkill Ave. & Walnut St.
Approved
 - e) Bill # 070678 – An Ordinance
Regulation the direction of
Movement of traffic on 30th
St. bet. Market & Walnut Sts.
(William Kramer)
Approved
6. Central Delaware Riverfront Plan
Informational Presentation Only
(Harris Steinberg, PennPraxis)
Presentation

7. Bill #070688 – Amending Title 14 of the Phila. Code entitled “Zoning and Planning”, by adding a new Section 14-908 entitled “Queen Village Neighborhood Conservation District” (Introduced by Council-Member DiCicco on 9-20-07) (Martin Gregorski) Approved
w/1 yr. sunset
provisions

8. Broad & Washington (Introduced by Councilmember DiCicco on 5-3-07) Approved
 - a) Bill #070370 – Amending the Chapter 14-305 of the Phila. Code entitled “C-4 Commercial and C-5 Commercial Districts”, to revise parking regulations in the area bounded by Broad St., Carpenter St., S. 13th St., Kimball St., S. 12th St., & Washington Ave.

 - b) Bill #070371 – Amending the Phila. Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Broad St., Carpenter St., S. 13th St., Kimball St., S. 12th St., & Washington Ave. (Paula Brumbelow) Approved

9. Bill #070366 – Amending Title 14 of the Phila. Code by creating a new section 14-114 entitled “Sustainable Zoning”. (Introduced by Councilmembers Kenney & DiCicco on 5-3-07) (William Kramer) Tabled
w/reasons