

PHILADELPHIA CITY PLANNING COMMISSION
April 20, 2010

PRESENT:

Joseph Syrnick, Acting Chair
Brian Abernathy, representing Camille Cates Barnett
Duane Bumb
Chris Donato, representing Rob Dubow
Patrick J. Eiding
Bernard Lee
Natalia Olson Urtecho
Nancy Rogo Trainer
Nilda Ruiz

ABSENT:

Executive Director:

Alan Greenberger

Deputy Executive Director:

Gary J. Jastrzab

Acting Chair Joseph Syrnick convened the City Planning Commission Meeting of April 20, 2010 at 1:08pm.

- 1) Approval of the Minutes for the March 16, 2010 meeting.

Upon motion by Ms. Rogo Trainer, the City Planning Commission approved the minutes for March 16, 2010.

Mr. Syrnick stated that our Executive Director is tied up at a meeting. He would like to be here for his Executive Update. So we are going to skip that and go to item #3, which is the Philadelphia2035 Plan.

- 2) *Philadelphia2035 Plan Update*

Alan Urek, Strategic Planning and Policy Division Director, stated this is an update on the progress we have made on the citywide Comprehensive Plan for Philadelphia called Philadelphia2035. We set out on approximately a year effort that we envision being completed at the beginning of 2011. And at the same time of completing the citywide plan, we will begin a series of preparing 18 district plans over the next several years. We are entering the developing portion of our project schedule, which is going to last into the second quarter of this year. We have completed to a large extent our analysis and visioning process, and are developing specific vision statements, goals, actions and strategies for a number of elements for the plan. We are now beginning a process of looking at forecasted information for population, employment and housing, and developing some scenarios that we will evaluate both at the staff level, and the City Working Group. The Advisory Board is now helping us. We will be going to the public in this quarter to review the ideas as part of this evaluation. So we have come to the consensus for the three themes for our plan, and have developed a series of 9 elements of the plan that we will proceed with. As part of that work, we have begun to fine tune the goals and strategies for these elements. This is an identification of the three themes. They are Thriving, Connection, and Renewing. The vision statements are:

Philadelphians thrive in a competitive metropolitan region. Within that theme we have 3 planning elements that will focus on neighborhood, economic centers and districts, and land management.

Philadelphians connect seamlessly to the region and the world. We will focus on transportation and utilities.

Philadelphians renew valuable resources to sustain a bright future. We will look at the areas of open space, environmental resources, cultural, architectural, and historic resources, and the public realm.

So that is our formal structure for how we are proceeding. We had a lot of input on this and we will come back to you in May with the specific goals, objectives and strategies on how we are proceeding with each of those elements for your review, because that is part of what we will be taking out to the public. We had started this process of developing forecast for population, employment, and housing. That will be the information that will really drive the direction of how we will build different strokes scenarios for the City. We have begun working

with our City Working Group, looking at what if scenarios assuming different increases or decreases and drivers of change. By that we mean, what if the population were to increase, but our employment were to stay stable or decrease, what would that yield in terms of development for the City. We are starting to generate ideas around that. We have scheduled our first round of public meetings that begin on May 27, 2010. The first one will be at the Academy of Fine Arts at 6pm. We are pinning down the dates and locations for 3 other ones, but they will be within the first week of June. Last is an important component of our planning and zoning integrated process. We have begun finalizing the Citizens Planning Institute. We will be interviewing candidates for the Coordinator for that. And it is our anticipation that by the fall of this year, we will have 3 courses set-up and conducted that will involve the public in training to understand how planning works in Philadelphia, and what is the important information they need to understand the changes to the zoning code. That is part of a pilot that is being underwritten by the William Penn Foundation. We are making great progress on that.

Ms. Olson Urtecho asked how many meetings for the outreach.

Mr. Urek replied we are scheduled to have 4 large meetings across the City, and additional 4 in the fall. And we are working with an Advisory Broad Committee on civic engagement to develop a whole series of other outreach tools.

Mr. Syrnick stated our Executive Director is here. He will be giving us his update.

3) Executive Director's Update

Mr. Greenberger stated he had a number of things to go over.

- **CITY PLANNER 2 EXAM ANNOUNCEMENT**

The Philadelphia City Planning Commission has announced a Civil Service exam for the City Planner 2 position; this is our entry level position. We expect to have two "City Planner 2" positions to fill beginning July 1st. We have been able to do that primarily with grants from foundations and outside grant agencies to bolster our ability to do this Comprehensive Plan. But one of the pieces of it, that we have had long discussions with the Budget Director on, is the need for the Planning Commission to also spend more time on planning around Capital facilities around the City. We saw the Capital Program that Alan Urek and his team with Chris Donato put together annually on behalf of the City. It represents a plan, for what we have not been able to do for lack of staffing resources, is to really think through the long term implications in some of this Capital work. There are projects in the City that we continually have to put money to simply maintain and upkeep the different facilities. We really need to be thinking longer term about whether we want to consolidate some of these facilities; whether we want to commit to this, and how much we can commit to that. These planning positions, which are authorized by the Budget Director in coordination with us, are really intended to take a serious look at that. The last Comprehensive Plan for the City, among all of the things it did right, one of the problems was it over forecasted population growth for this City. And we built facilities to match that population, and now the population is significantly less than that forecast, which leaves us managing all of those facilities. We have to think about reviewing these facilities, as well as greater efficiencies. That is what these 2 new positions are for. The minimum application requirements are a Bachelors degree in a planning-related discipline and two years of planning work experience. A Masters

degree can substitute for the work experience requirement. Applications are being accepted by the City Personnel Department for the next two weeks. The deadline is Friday, April 30th. The exam will be given in an interview format, and is tentatively scheduled for the last week in May. For a job description, application requirements, exam information, and application procedure, potential applicants should go to the Personnel Department page on the City's Web site at www.phila.gov/personnel. It is also posted on the City Planning Commission's website.

- **ZONING CODE COMMISSION MODULE 2**

Last week, the Zoning Code Commission released a draft of its second module of the three modules on zoning districts and uses. It can be found on the Zoning Code's website, as well as, distributed to the Zoning Code Commissioners. Some of the major changes include consolidation of districts and overlays, and a shift in the way that uses are categorized. There are also new uses incorporated, such as urban agriculture and alternative energy production. The Zoning Code Commission is eager to receive comments on this draft. There is a new survey on the ZCC website, and there will be four community-based meetings between April 27th and May 5th. I encourage you to go to www.zoningmatters.org to review this module, take the survey, and get the specifics on the upcoming meetings, participate at the meetings as best as you can. The Zoning Code is now in full motion. We have module one about administration and procedures. The module is running and open. A lot of work has been done. This is well on its way.

- **APA 2010 NATIONAL PLANNING CONFERENCE**

Last week, we sent a small delegation to the 2010 National Planning Conference in New Orleans. Eva Gladstein spoke at a session entitled **Comprehensive Zoning Reform in Three Cities**, which our partners in Baltimore, Washington, D.C., and ourselves participated. We meet with them once every six months or so and converse with them on a regular basis to monitor the common problems for ways that we are handling things and ways that other people are handling things. If we know all of that, we may get some good ideas. Gary Jastrzab, our Deputy Director, was also a speaker at a session entitled **Community Education and Engagement**. It specifically discussed our proposal for the Citizens Planning Institute, and how cities are using education and community decision making to improve the quality of their plans and policies. Mr. Greenberger stated he didn't not go to the APA. He suggested that others in the agency should go instead, but he did go to Boston last week as a follow-up to our Rhodes Fellowship. There is a lot of activity out there. We are focusing on the development of North Broad Street from City Hall to Temple. We are looking at some key projects. We are calling it the North Broad Coalition.

- **ITEMS IN ACCORD WITH PREVIOUS POLICY:**

1. **Streets Bill 100220** (Introduced on April 8, 2010 by Councilmember Tasco for Council President Verna) This Bill is a time extension for Bill No. 080279, originally approved 4/28/08, placing 26th Street from Penrose Avenue south for about a third of a mile. This bill will allow the Philadelphia Industrial Development Corporation (PIDC) to construct and open 26th Street into the Navy Yard and the new Tasty Baking facilities. The PCPC approved the original Bill at its meeting on 4/15/08.
2. **Streets Bill 100221** (Introduced on April 8, 2010 by Councilmember Jones). This Bill is a time extension for Bill No. 051234. An Ordinance authorizes the striking and vacating

Jefferson and Heston Streets from 52nd to Paxon Streets; striking and vacating Paxon Street from Jefferson Street to Columbia Avenue; and by reserving gas, water, and drainage rights-of-way. These streets were stricken to allow for the development of the West Parkside Shopping Center (Lowe's). The PCPC approved Bill No. 080430, the first time extension on May 20, 2008.

3. **Streets Bill 100226** (Introduced on April 8, 2010 by Councilmember DiCicco). This Bill is a time extension for Bill No. 040511. It would allow the owners of Don's Truck at 4250 Aramingo Avenue to consolidate his parcel by removing unneeded paper streets (Tulip Street and Ashland Street) under the On/Off ramps to I-95. The Bill authorizing this action was enacted by City Council on May 13, 2004, and a time extension was approved by City Council on September 22, 2005.
4. **Redevelopment Agreement** with ZG Properties for 1632 N. Sydenham St. in the North Philadelphia Redevelopment Area: infill new construction -- two residential units in a 3-story building.

4) Acceptance of Walnut Hill Community Plan

Andrew Meloney, West Philadelphia Planner, stated this plan came to us as part of our Community Planning Guidelines. Those guidelines state that the plans from the last 5 years that we are currently working on can be accepted by the City Planning Commission through a letter. What it does is supports and recognizes the goals, major concepts to the plan, whoever it does not hold the City Planning Commission to each and every goal in the plan. It is sort of a general vote of support. Walnut Hill Neighborhood Association and Enterprise come to us with this plan that was done in 2007. It is within the last 5 years, so it can be accepted. It is a very important area in the City right now. We have been doing some work on the neighborhood strategy program. One of the 7 target areas is right here in Walnut Hill. We have major developments at 4601 Market Street, the new el station is there, 52nd Street is a major corridor, and we have very solid housing in the area, and historic properties. Some of their recommendations are for planning and design. A lot of their recommendations are social in nature, which does not affect this Commission generally. We are going to look at the ones that are planning specific. The first one is creating a gateway features, this was a priority recommendation. One will be at 45th and Walnut Street would help to identify the neighborhood, to give it a sense of place. There are proposing bump outs, public artwork, and signage to let you know that you are in Walnut Hill. The second one is connectivity to improve the pedestrian route. This was also made as a recommendation on the Walnut Hill Redevelopment Plan that was completed by the Philadelphia City Planning Commission to make it greener, a wider streetscape, more pedestrian crossings to get people to move towards the el for Transit Oriented Development, and we wanted to get more density as we moved closer to the el station. The third one is housing development. The idea is that they put development at the under-utilized parcels for mixed-use. This is another recommendation that we recommendation on the Walnut Hill Redevelopment Plan. And from that plan, about 7 months ago we passed a zoning remapping for this area to "C3" zoning. The Enterprise Center is looking to redevelop a property as a mixed-use. Brown-Keener did a community plan. The idea is that they are trying to create a better commercial corridor on Spruce Street from 48th to 49th Streets. The Enterprise Center is also working around the corner at the old Food Rite. They share the same façade. The City Planning Commission staff recommendation is for acceptance of the Walnut Hill Community Plan.

Ms. Olson Urtecho asked how the Enterprise Center development is going.

Mr. Meloney replied they are still looking for financing. We remapped it and hopefully they can get financing from the CDC and the state level; they have the correct zoning in place.

Ms. Rogo Trainer asked what is the major difference between this plan and the plan the Planning Commission put together.

Mr. Meloney replied we settled on 4 major projects. This plan is much larger with 40 or 50 recommendations. He just showed a small portion of it. This plan was put together very well.

Ms. Ruiz replied some of the items they want here are not zoned for what they want it to be.

Mr. Meloney replied yes that is correct, specifically for the gateway. They will also have to get more mixed-use zoning. We support the idea of making gateways.

Mr. Greenberger replied everyone at the table knows this section of the City. A lot of the development has given way to auto related services, and buildings that are set back such as gas stations and car washes. We would like to regain the street and turn this into a more pedestrian way.

Ms. Olson Urtecho asked what is the zoning for the site of the Enterprise Center.

Mr. Meloney replied "C3".

Ms. Olson Urtecho asked is this the first plan that we are approving under the new guidelines.

Mr. Greenberger replied no. We did the Center City and Logan Plan.

Upon motion by Ms. Olson Urtecho, seconded by Ms. Rogo Trainer, the City Planning Commission approved the Acceptance of the Walnut Hill Community Plan.

5) *Information Only: Philadelphia Pedestrian and Bicycle Plan*

Deborah Schaaf, Strategic Planning and Policy Division, stated the Planning Commission received a transportation and community development initiative grant through DVRPC to do a pedestrian and bicycle plan for Phase I of our Pedestrian and Bicycle Plan. It covers about 40% of our land use in the City, and also Citywide recommendations for policies, regulations, and design standards and programs for bicycling in the City. We recently got approval for 2 additional grants. One is a TCDI grant, and another from the Center of Disease Control we got through the Health Department for nutritional and physical health. These 2 additional grants are going to allow us to expand the project to cover the whole length of the City. Our consultant for this project is the Toole Design Group, which is a national leader in pedestrian planning, and the Project Manager is Nick Jackson. He is in town to present the draft recommendations to public open houses.

Nick Jackson gave a brief overview of the project. It is a 21 month project, that we developed Citywide recommendations. We have had 8 meetings with the Steering Committee.

We had 4 community workshops. We did an online questionnaire last year. We did a survey of previous planning work, and found that almost every neighborhood had some plan for pedestrian elements. It was very important for our efforts. On our Steering Committee, we had government agencies, as well as, non-government agencies. There were very well attended community meetings. The first was to developed goals to guide the work. These were the main goal areas: connectivity, safety, encouragement, enhance the public realm, build name recognition for Philadelphia as a leader in bicycle and pedestrian achievement. The plan developed policy recommendations. One of the tasks was to develop a new set of street types for Philadelphia. For this project we developed a new set of street types to complement the highway classification for pedestrian access on the streets. They focused on pedestrian elements of the street types, and the different widths of different zones of the sidewalks. Another focus was to develop recommendation to improve pedestrian safety in the City. We first identify where in the City is there a higher demand for pedestrian accommodations. We look at where there are problems with pedestrian crossing. Where are the crashes occurring on the streets, and on the sides of the streets, and how far is it to the nearest lighted intersection. Next we worked to develop priority corridors for pedestrians. We also developed a number of spot improvements for pedestrians. We made recommendations to make those improvements more bicycle friendly. We could make improvement by adding curb extensions, and adding crossing lanes on main streets. The final element of the plan is the bicycle network. This bicycle network is to serve all areas of the City in the study area. Many of you are familiar with the bicycle lanes on Spruce and Pine. There are 4 miles of bicycle lanes in the study area. We also recommend some cycle tracks, which separate one-way bicycle facilities. Those are recommended in 2 locations of the City. These generally require at least twice the space a normal bicycle lane does. Bicycles do have the right to ride away from parked cars. On streets where there is parking on both sides, it is not safe for a bicycle and car to pass one another. We are recommending treatment to make these streets more bicycle friendly. We are recommending a large oversize symbol in the street, and where appropriate a bicycle trail. In many locations, these are recommended to parallel the routes, such as 15th and 16th Streets.

Ms. Olson Urtecho asked is your priority corridors is on line with the commercial corridors.

Mr. Jackson replied the commercial corridor was one of the primary input to developing the plan, not all commercial corridors like Henry Avenue.

Mr. Syrnick asked where do we go from here.

Mr. Jackson replied we have another community meeting, and then a draft, and a final meeting. In order to complete the plan the final steps are the written recommendations and then implementation plan.

Mr. Greenberger replied his experience has been that when streets are marked better for bicycles, everybody behaves better. He thinks his experiences on Spruce and Pine rule that out. And the thing about pedestrians that make him most nervous is getting hit by a bicycle, because some bicyclists whip through intersections while disobeying street laws. This plan includes everybody where rules are expected to be observed.

Mr. Jackson replied that he agreed. And research has shown that by establishing facilities to increase the traffic for bicyclists to obey all the stop signs and lights, they are brought into the flow of traffic.

Ms. Rogo Trainer asked are you going to be recommending any traffic controls for bicycles.

Mr. Jackson replied it might be appropriate. We are recommending bike boxes to help get more space at intersections. It also helps that bicyclists don't cross the crosswalks while waiting for the light.

Ms. Olson Urtecho asked how many jobs do you think it will create.

Mr. Jackson replied he met a woman last night that opened an electric bicycle shop. Increase demand might increase the use for services.

Ms. Olson Urtecho asked how do we tie this with a plan of development and jobs.

Mr. Syrnick replied there is a public meeting tonight at 6:30pm on this floor, and that is where members of the public should asked questions and make comments.

6) Adoption of Regulations for *Plan of Development* Approvals

Martin Gregorski, Development Planning Division, stated that pursuant to the Delaware Riverfront Overlay District the Philadelphia City Planning Commission has to adopt rules that regulate the Plan of Development. We met in December or January, the community stated they didn't have enough time to make recommendations or oppose these regulations. Since then we met with some members of the community, and some members of the development community. And we have re-written some of the regulations as a result of those meetings. We are here to adopt these regulations. This is the process of how these regulations are adopted. The Philadelphia City Planning Commission would adopt these regulations. Then they are sent to the Records Department for posting for 30 days. The public has 30 days to write their comments. If there are no comments, then they are adopted. If we do get comments, we take some of those comments. The community has the right to request another hearing, and at the end of that hearing the plans of development regulations would be presumed to be adopted. The Plan of Development review is not an open-ended review of any part of the proposed plan of development. It will be limited to the issues that impact to the quality and character of the neighborhood. One of the complaints that we have heard is that it would appear to be a never ending review. We are showing you that it is not going to a never ending review. Generally speaking the Plan of Development regulations include such things as submission requirements. In our meeting with the community, one of the requirements would be that staff would receive a letter stating that the applicant met with the community and a member of the Planning Commission staff. It gives the community a chance to see it before we even hear it. The property would have to be posted within 15 days prior to the hearing. They asked us to extend it to 30 days, we declined. Most boards only post for 12 days. Most of the plans of development we will be hearing here at the Planning Commission. Our first hearing will be an information only hearing; whereby the developer will put on his presentation, and questions can be asked and answered at this time, but no decision will be made. It will not be an official record. If you make comments at that hearing, expect to make them again if you want them to be in the official record. The second hearing would be a real plan of development hearing. Any comments made would be in the record. The applicants can be cross examined, people will be sworn in. It would be more formal then what we are used to here. It would be like the Zoning Board of Adjustment. At that hearing the Commission may approve, table or deny a Plan of Development request. A few of the things we will be looking at in those specs will be uses, Waterfront setback and

access, front yards, and the aesthetics where it impacts the community at large. The Commission may also decide that the setback isn't feasible in certain locations, for instance there is a building in the way of the setback. You couldn't have a setback where there is an existing building or the grade would not permit such a setback. So the Commission does have the option to waive the Waterfront setback. The Commission must render a decision within 75 days upon receipt of a complete submission. Any person may appeal the decision to the Court of Common Pleas. The Philadelphia City Planning Commission was granted an extension of time to get these regulations adopted. As you see, we have regulations before you; mostly they are requirements of how they are going to work and to give the community and developer to put on their faces here. Staff recommendation is that we approve these regulations. These will go to Records for posting for 30 days and another public hearing is requested. As I look out among the folks here, it leads me to believe that I have done the right thing because I see a sea of angry faces. The City Planning Commission staff recommendation is for approval.

Mr. Greenberger stated this is an interim zoning bill and these regulations are an interim. The Waterfront Corporation has full participation, and with the assistance of the Planning Commission, is doing a Master Plan of Central Delaware that is covered by this interim zoning and now these interim regulations. Our expectation is that at the end of that master planning process with a series of public policy recommendations will come out of that, we will have in front of us as a Master Plan that we will be asked to accept or adopt. Our expectation is that those recommendations would then begin to transfer into real public policy for zoning changes or for other regulations that the plan needs. I think you should see these, or we see these as interim regulations on top of an interim zoning overlay to cover at least a year long process beginning now. It could be shorter or longer. You should also from reading the text, we are attempting to at least indicate by example the kinds of items we might take in reviewing what submissions comes before this Commission. We talked about civic design review. We talked about that in the Zoning Code. This is intended to be a kind of example on how we approach these kinds of things to give people the kind of idea of what we are looking for, why we are looking for it, and what the measures are likely to be. It specifically does include a comment about aesthetics. We do believe they are going to be aesthetics issues about this project on the Waterfront. We have had a project where the aesthetics approach was so radical; we thought it had significant adverse impact on development and the community around it. We talked to the developer and the architect about that, and we got them to make some adjustments and to actually approve that project. It was our first project on the Waterfront. It's an example of where we need to step in with very limited takes here. The goal is not to set-up a situation in which this Commission becomes a kind of substitute Art Commission. We don't intend to do that. We are here as defenders of the public realm, not as commentators on art compositions issues of individual objects.

Ms. Olson Urtecho stated we are here to give the public overview. The discussion we have had at the Zoning Code Commission is not a review process. It is the problem approaching them.

Mr. Greenberger replied we have a very extensive process, the public process assisted by the AIA Urban Design Committee and the Penn Project for Civic Engagement, multiday or multi-session process extensive meetings to talk about the balance between notifications to the public on projects that have significant public impacts, a process to take people through when it kind of hit those triggers and to find what those triggers are. And those triggers would apply whether or not a project is in conformance or not. So right now most projects are not. That is the system we are dealing with here. We are saying in some limited number of cases, we are going to report on this at the next Zoning Code Commission – we are doing a little research on

numbers. Projects are going to hit those numbers in either size and/or size approximate to residential neighborhoods in particular, that would cause it to have the Civic Design Review. In an even more limited number of cases, we are probably going to see more cases that hit size trigger or adjacency trigger. And they are otherwise of right projects. We need to make sure in the Zoning Code that of right means of right, which you can't go back on that. The last projects have such an impact to a public review. We have an understanding that on those cases the project is in compliance with zoning. There is no question, there is no hammering. This is not to say that you are not going to get approved. We are still going to have discussions and transparency projects in terms of notifications to the public and the review itself worthwhile. So this is kind of a baby version of it on an interim bases. I wanted you all to see that when we thought of that in those terms coming.

Ms. Olson Urtecho stated we, on the Zoning Code Commission, are looking at full registration of the associations so that there is structure that is done correctly with the right people.

Steven Weixler, Chairman of the Central Delaware Advocacy Group, stated that his group's mission is the realization of the Civic Vision for the Central Delaware. His constituent communities along the riverfront have had an often turbulent relationship with the development community through the lack of an open, fair and consistent Plan of Development process. For nearly four years they have been involved in the genesis if the new Master Plan for the riverfront in which these regulations will play a crucial role, both in the interim and over the long term. They have reviewed both the original draft of the regulations and the revision that is before you today. They have met with members of the Commission staff to express areas of concern and to suggest changes. While it is commendable that the preamble acknowledges the Civic Vision and the need for clear guidelines, we have substantial disagreements with some sections of this proposal. First, Plan of Development review is proposed to be posted on the Commission's website with 14 day advance notice, with two public meetings required. A required informational hearing is an improvement on past policy, but in our current technology there is no plausible reason that Plans of Development cannot be made public with 30 days in advance notice. Further, it is also in the public interest the ".PDF" documents of the Plan in its entire submission be made available. This technology allows information sharing which would prevent the inherent unfairness in the current hearing process. There is no reason Commission should isolate riverfront communities and the technically proficient organizations who represent them; those Philadelphians who will live with the results. In addition, Commission staff recommendations should be made available online as a part of the informational posting. There may be additional factors or considerations which, taken as the judgment of professional staff, advocates for good development may want to consider. His group represents many individuals who are experienced in the issues of their own particular neighborhoods, as well as, the planning and development process. Your work could actually benefit and be streamlined by earlier public dissemination. In the contentious matter of the waterfront trail, he realizes that the City Law Department should immediately resolve the surrounding issues as has been done in other cities. However, the inclusion of language in these regulations, specifically Section 4 (q): "To the extent applicable, a plan for a recreational trail along the waterfront..." introduces a widely variable and vague definition which does not protect one of the central principles of the Civic Vision. The shared riverfront is crucial to the success of any new Master Plan and is your responsibility. The Civic Vision has been accepted by this Commission which is now assuming the role of decision making, the administration of Mayor Nutter has endorse it. The Law Department must reach a resolution of the issues surrounding the riverfront trail to eliminate this easily challenged requirement. His Board also strongly opposes exemption from review for projects in the "C2" classification. They have often seen proposals in this category which have a significant impact

on the quality of life in the neighborhood. All parcels in the Overlay District are significant. He also made an additional point, CDAG fought for a 75-day “deemed approval” provision so the Commission and the public would have the time and opportunity to properly review PODs and promote smart development in the spirit of the Civic Vision. Without a clear, informed process, that 75 day window risks becoming meaningless. He respects the Commission’s work, and welcomes their comments. He will be in contact with additional comments on these regulations.

Craig Schelter, Executive Director of the Development Workshop, Inc, stated approximately one week ago we reviewed the draft that we are here for today. We gave these preliminary comments to the Commission. He started with the two sections of 14-1638 (in the original Ordinance for the Waterfront Overlay) required the Planning Commission to adopt standards of review as stated in the regulations, and objective standards adopted by regulations. In reviewing the document we could not find the standard used one time. And that is a fundamental concern to the development community in terms of both definition and the standards by which this Commission will review plans.

1. 14-1638 (6.b) Waterfront setback – “the Commission shall not grant an exception based on infeasibility other than pursuant to objection standards adopted by regulation”...
2. 14-1638 (12.a) Plan of Development – “the Commission shall adopt regulations providing objective standards for such design review as may be necessary, prior to implementing the provisions of this subsection 1.”

As we stated when these regulations were first presented in January 2010, there are no standards here, just an open-ended list of developer submission requirement. There are major inconsistencies between the goal expressed in the preamble and the details of the submission requirements and the process suggested. There are insignificant definitions. This document turns the City Planning Commission into the Zoning Board of Adjustment, but without the due process or allowing the applicant to present their case. This process is contrary to the Home Rule Charter in its giving decision power to the Planning Commission rather than the Charter defined advisory powers of the Planning Commission. The approach suggested, we believe, is a procedural nightmare with open-ended time frames, if we read the words correctly, there are 75 days once you submit a plan, there is another 75 days if there is an amendment and then the Commission could table. We are talking about a 150 days if you table it. Then what happens. It is not clear. Specifically in regards to each of the sections, while the preamble states that development proposals are formed to be articulated in the vision of the Central Delaware, and the Plan of Development review is not intended to be an open-ended review of any aspect of the proposed development. It is inconsistent when you look at the requirements as form and materials and buildings, and any issues related to sustainability. There isn’t any definition of what that means. Is it grass? Is it green roofs? Is it all of the above? Or is it stormwater run off? Under definitions, the newest definitions we thought that we would find in these regulations, things like submerged land, issues of sustainability, street life continuity, and continuity on vacant land. We don’t know what the continuity on vacant land is. In terms of scales, height, density and mass for use in the surrounding community. Even though many instances, sights are separated from the community by I-95, parcels west of Columbus Boulevard, and 125 ft wide boulevard. Public realm, the surveyors of the Street Departments surveyed the top of the bank would be in terms of how the site the Board of Surveyors, and I am sure there will be other involved that have come up with in the last week. Under submission requirements, there are an excessive lists of requirements. Items A thru Q are open-ended in the extreme, including “any other information that the Commission deems necessary for a decision”. In the Zoning Code, you have height, altered setbacks, parking, loading, and open space. And the idea that this

would be a review that would be subjected to whatever the Commission deems necessary, we believe is over reaching. We also think that a number of the requirements are not appropriate on the review process for a land use decision. Maybe in a final design, but not a land use decision such as having to know the dimensions of any signs that are going to be on the project. Many times the developer has got any tenants yet, doesn't know himself where those signs are going to be located. Next the traffic study per quote, 25 new dwelling units for a 1,000 sq. ft. of retail space. Ladies and gentlemen, Columbus Boulevard accept developments this small, the threshold for your traffic study, should probably close up show. The Traffic management plan, this was something that was added in the code when the Commercial Entertainment Districts were developed for the large number of people coming to the casinos, where they were asked to separate where parking would be for staff and parking for visitors. And again while this might be reasonable for casinos, we don't believe it for retail, commercial, or residential that this is necessary. Finally the two comments on hearings, the emphasis on where the staff presents the developer's project, and as where we read it, the community, individuals or groups are allowed to cross examine witnesses, meaning cross examining the developer. We feel that is the Planning Commission's job; not the community's job. And we think that process is one that will be wrought with problems. And then finally on the decisions of the Commission, the emphasis is placed on scale, density, character, and use for the surrounding community. Numerous sites exist that are not adjacent to a community. More importantly there is not compulsion that the underlying controls and classifications are being followed. So what is the matter of right? We believe that in this situation, there is no longer a matter of right. It is as this Commission determines it out to be.

Richard Lombardo, of Ballard Spahr, stated he worked 35 years in zoning in the Philadelphia City Planning Commission. In all the years, he was always told by the Law Department that you needed to have an underlining base plan. A plan that would say this is the FAR, how much parking, how many uses you could have, this is how much landscaping you would need. His question is, and maybe he is missing something, what is the underlining base here. He noticed the zoning is "C1" and "C2" as being exempt. Does that mean if you have a "C3" site you decide what you do in terms of uses and a matter of development? If that is the case, it seems to be a guideline that should say in these regulations that the guideline zoning is in terms of parking relationship to ratio to parking units, parking in commercial sites. It ought to be stated. It sounds like there is no zoning. It sounds like Oregon Avenue, Aramingo Avenue, I-95 and the River are zoned Commercial. You could just cross it off of the map because there is no zoning because the Planning Commission can determine the use, density, the height, the setback, the parking. These are all of the things that are in the list. I am just raising the point. Was that intentional? Or was it unintentional? Did you mean to say that the underlining zoning of the plan is Waterfront District or Commercial Entertainment District, or Plan of Development District? You can have these uses. You can have these uses if Council approves these uses. There are commercial uses, but there are some base as of right development. You can get something approved by the Commission or Council. It seems that is the big question mark.

Mr. Schelter replied recently this Waterfront Overlay legislation was amended. And as an example one of the things that happened was height restrictions were taken out of the district it had previous been imposed. There were not height restrictions. Now if there are no height restrictions and a developer comes to the City and wants to invest. He is going to say, well I have to go to the Planning Commission and they can tell me they are going to put a height limit on it. Those are the kinds of inconsistencies that are going to be a serious problem.

Mr. Lombardo stated the last thing and it may be a little thing, but in all of his experiences the Law Department always told the Planning commission from the Directives the

City Charter only gave us advisory powers. We had no authority unless you changed the City Charter. We approve it and make a recommendation, and whether Council approved or adopted it, we couldn't approve it ourselves. The Law Department said they can't do that, only License and Inspection can write refusals and issue permits. The Planning Commission can't do that. But it is interesting how it got here without changing the Charter, without enacting new zoning code to change that dynamic. He just wanted to raise those issues today and get it on the record.

Mr. Schelter stated the combination of these regulations and zoning overlay, and the next (most recent) Module that has come out of the Zoning Code Commission's zoning code. One of the concerns the development group has, is seeing changed to the zoning code, and we also see the necessity of going back to amending the Charter. Because the goals that are being recommended for the Planning Commission maybe fine with everyone, but that's a much bigger situation than to simply amend the zoning code.

Paul Boni stated that he is a resident of City, on the Board of Society Hill Civic, and he is also an attorney. First he took the opportunity to thank them to provide public comment and for having this process where the public in particular could make various comments. Generally he wants to make the call for consistency and clarity for both residents, community groups, developers, and the Planning Commission. In face he agrees with many of the things that the Development Workshop testified about before him including lack of objective standards to guide your discretion, insufficient definitions, lack of due process and problems with the Home Rule Charter. He wanted to make 3 main points. The first, he thinks that generally that the Plan of Development regulations are good. It is a good thing, and he thinks that we should have regulations apply whether the Plan of Development is on the Waterfront or elsewhere in the City. There are numerous other properties and maybe more properties that are zoned in the City that will be eligible for plans of development approved by this body. And we should have one set of regulations that governs all of those hearings. He understands the impetus for this is the requirement of the Waterfront Overlay, but nevertheless, we have Plans of Development elsewhere in the City. Continue to have those hearings, everyone would benefit from having regulations applied to all of those hearings. Two other points of consistency and clarity, one is community meetings. The Zoning Code Commission is making good progress, it is not there yet. But it is making good progress on how a developer and a community group should interact by scheduling a community meeting, and what that meeting should look like, basic procedure, how things get memorialized. That's good. It's not great yet, but it's good. So we are having community meetings in these regulations, but it's only one sentence, and it's pretty vague, undefined how things play out in the real world. He thinks, we as a City, should figure out the process to be used whether it's a variance case, a zoning case, or a plan of development case. And we should just use those procedures throughout everything in our City when the developer needs to meet with the community. Even at a minimum here, looking at it, would the zoning code reform measure and provisions apply to the Waterfront property. Seemingly it would, but now you have 2 different sources of description of what it looks like, and that is inconsistent. Finally we should have a clear procedure for how citizens and community groups should be able to participate at this hearing. And we should know that at the offset. We shouldn't figure it out as we go along. He would submit the best way to do it is to use what every other municipality in this Commonwealth uses. The language is in the municipality handbook that says people or groups should be allowed to participate as parties at your discretion at the hearing, which means cross examination and whatnot. He has had some discussion with some people on the Zoning Code Commission offline, and it seems to be an inappropriate balance to Mr. Schelter's point about it. An appropriate balance might be that if a resident or a community group with an attorney, the attorney should be able to do the cross examination of the witnesses. If a party

does not come with an attorney, then it should be funneled through the Chairman of the Commission or whoever is in charge of the hearing. That is a way for everyone to get due process. People and groups have constitutional protected rights, and property rights. They are entitled to have due process. It is very important that we allow that; that we see that coming, to lay out procedures at the hearing. To figure it out as we go along, he thinks is going to invite disputes, and unnecessary appeals and court cases. He thinks we have the opportunity right now to get it right. Again thank you for the opportunity to write comments and provide things in writing as we move forward.

Joe Schiavo, resident of the Old City area of Philadelphia, replied following up on Mr. Greenberger's comments to the Commission at the start of this presentation. It is interim zoning, and so these POD standards are considered to be interim until the Master Plan supersedes it. But he thinks there is an opportunity here as Paul Boni said there is an opportunity to set the bar very high in the case of these particular POD standards, and therefore, have a workable process that might be used going forward. As you all know the Zoning Code Commission makes regular reference to PODs as a future process for the City of Philadelphia. So he thinks the bar should be set high. I thinks there are some gaps or weak points for the standards proposed that should be infilled. In order to protect this Commission's role, because if you are not regulated by certain standards. There are certain objective qualified standards that make clear how your decision making process will proceed; will consider each point of the presentation by the applicant. Then your decision will not hold up on appeal. And it is very important. It is important for you. It's important for the City that your decisions be regulated by certain standards, because they are a justifiable process and procedure. It is the case that the section of the Zoning Code 14-1638, that requires buyers of this POD process occurs. It does make clear that the Commission's decision on all PODs is the final decision of the City. So he has to ask you, it's been talked about here. Mr. Schelter referred to it. And Mr. Boni referred to it. But he asked the Commission, do you believe that your decision on Plan of Development proposed to you, that your decision is final. And therefore, no variances are required by that applicant. What is your position on that?

Mr. Greenberger asked Mr. Schiavo, "What is your question again?"

Mr. Schiavo replied it's stated here in Section 14-1638, it's your decision that represents the final decision of the City of Philadelphia on the proposal. Do you believe that the applicant or developer, whoever is before you, will require any further process relative to securing a zoning approval for their project?

Mr. Greenberger replied this is a question that I want to run by our legal representative, since you are asking a legal question. He is not an expert, but he will say that this ties back to something Mr. Lombardo said earlier, it is underlining zoning of these properties. The underlining zoning is not negated by this – it doesn't say whether it is negated by it. We assume it's in operation. If somebody is making a proposal that is contrary to the underlining zoning, we should listen to the regulations of this interim zoning. So his assumption is that they would have to go before the Zoning Board. It is separate from POD. That is a legal statement, and he doesn't know. It is a fair question that will be run by the Law Department. It's specifically not the intention here to suggest that the underlining zoning doesn't exist. He just totally disagrees with that statement, not yours I mean his.

Mr. Schiavo replied he understands that and he doesn't support that statement either. But his concern is to what degree do you, the Planning Commission, have unlimited variance approval for a project. Because if you are governed by the underlining zoning, to what degree

are you will to support a project that doesn't meet the underlining zoning requirements in terms of FAR or height that is applicable for setback for an area or other. What degree can you support variance?

Mr. Greenberger replied he doesn't know if any of us or anyone here in this audience can answer that question with respect to the City that you all seem to want. Because you want the world of conditions out there and you don't know what you will get. We face this all of the time.

Mr. Schiavo replied right, but the answer to that affects the principal that is included in these standards. So it's consider each points of the standards today, he has to say it kept coming to mind for him, how final is this decision.

Henry Schwartz, Law Department, replied the point you are talking about is found in the Ordinance that says the approval or disapproval of the plan of development by the Commission shall constitute the final decision of the City on the POD proposal. It may be challenged by a direct appeal to the Court of Common Pleas provided the applicant went to the ZBA for a variance. It is intended the Planning Commission's role is the approval or disapproval, or the tabling of the Plan of Development. And that decision can be appealed. He can apply to the ZBA for the various variances for parking.

Mr. Schiavo replied thank you for the explanation. So then in terms of what you are asking of the applicant, you are asking a great deal in terms of studies and investment in their proposal. Yet they have to fight the fight again before the ZBA. And it seems that the process, although it may mean a better project proposal, it doesn't net an approval at the end for a major investment could find participating in this process. He finds it just to a degree uncomfortable. It seems that good planning principles are to be applied, if there were to be reasonable requests on the latitude you could apply here after the 150 day process with public hearings. Instead of starting the variance cycle with of course no assured outcome.

Brian Abernathy replied it is important to note that this Commission does not make variances. It does not provide zoning variances for Plan of Development. It is an important distinction. A developer will come for a "C3", "C4", "C5" project and then this commission will approve the plan of development for that "C3", "C4", "C5" project. So there is no need for a variance. In theory there is no need for a variance, but there is a need for a variance when you go before the Zoning Board. In other words, there is not the intent to add additional burden by adding these regulations by requiring both the Planning Commission and the Zoning Board. Does that help clarify it?

Mr. Schiavo replied then the last question he has is the section for "C1" and "C2" exemption from the requirement of an informational meeting. Could you please explain why these parcels may be exempt from informational hearings?

Mr. Gregorski replied generally speaking if you take a look at the area that is covered in the Overlay District, none of them are on the Waterfront. They are under I-95, and they are small parcels. So you will have a grocery store come in for a Plan of Development, and we don't want to have the smaller development wait 60 days for something that may need a back added on the grocery store. These smaller developments are subject to the Plan of Development approval so we want to have the smaller parcels of "C1" and "C2", none of which are on the Waterfront itself, have a quicker process.

Mr. Schiavo asked none on the east side of Delaware Avenue.

Mr. Gregorski replied no.

Mr. Schiavo thanked them for the opportunity.

Rachel Vassar, Philadelphia Outreach Coordinator for Citizens for Pennsylvania's Future (PennFuture) on behalf of the Coalition for Philadelphia's Riverfronts (CPR), thanked the Commission for the opportunity to comment on the proposed Plan of Development Regulations for Properties located in the Central Delaware Riverfront Overlay District. She stated that PennFuture works to create a just future where nature, communities, and the economy thrive. As part of a just future for Philadelphia, PennFuture envisions an urban, high quality, continuous, connected and publicly accessible greenway along the Schuylkill and Delaware Rivers that contributes to Philadelphia's environmental, social, and economic revitalization. They were very pleased when the Planning Commission accepted the Civic Vision for the Central Delaware last year, and then approved the Central Delaware Riverfront Overlay. As the Commission considers the Plan of Development for the Central Delaware Riverfront Overlay District today, she would like first to thank the Commission for taking the written comments she sent to the Commission staff under consideration and incorporating some of their suggestions into the revised Plan of Development Regulations. That being said, some of the recommendations that were not incorporated into the revised Plan of Development are crucial to ensuring that the integrity of the Civic Vision is upheld and that the public is able to meaningfully engage in the Plan of Development review process. First, regarding the riverfront setback and recreational trail called for in the overlay. The revised Plan of Development is a significant improvement over the previous version in that the new Plan of Development better protects continuity of the trail and public accessibility by evaluating the adequacy and appropriateness of the location of any required public access to the riverfront, and requiring the applicant to demonstrate how the trail connects to adjacent properties. However, in addition to calling for a plan for a recreational trail "as applicable" a complete Plan of Development submission should require that applicants explain why compliance is infeasible if they are not including a plan. More generally, the Plan of Development process, both for the Central Delaware and the City as a whole, would benefit from allowing for greater citizen involvement. This can be accomplished primarily through two means: better public notification; and a more generous interpretation of who has standing as parties in Plan of Development reviews. With regards to notification, civic groups, often led entirely by volunteers, need time to organize themselves and respond to proposed development. For that reason, the proposed deadlines for public notification are insufficient. Notice of the scheduling of the Plan of Development review, along with the Plan of Development submission from the developer should be posted on the Planning Commission's website no less than 30 days before the Commission hearing. If changes are made to the submission, the Planning Commission's website needs to be updated to reflect the changes, and an additional 30 days must pass before the Commission can conduct a hearing on the changed Plan of Development. Additionally, staff recommendations regarding a Plan of Development proposal should be posted on the Commission's website no less than 5 working days prior to the hearing. After the hearing, a recording and transcript of the full hearing should be posted on the Commission's website within 5 working days. Regarding standing, the proposed Plan of Development regulations does not spell out who would be included in its definition of "persons demonstrating direct interest in the decision," therefore, it is unclear who would be entitled to an "opportunity to present relevant evidence, to have witnesses testify on their behalf, and to cross-examine adverse witnesses." The Commission should be generous with its definition and grant standing to any affected individual, civic, or community group, as

well as, non-profit advocacy organizations when the project, or aspects of it, are relevant to their scope of work.

Mr. Greenberger replied he wanted to make a couple of follow-up comments. About testifying, he thinks that the practice that this Commission has engaged in, will be the practice that we will continue, which is that we have never stopped anybody from testifying on and they will testify on these matters as well. It is a separate issue from the Court mandated rule, where you can get up and say shut-up something is wrong. The Courts have decided that certain groups have standing appeal decision. The Planning Commission, of all of our development positions, is unrelated to the ability to testify. It would be awkward to testify within this Commission, the common practice with regulations that affect a particular body. This Commission tends to be guided by the chair, and is willing to extend the same courtesy to everybody. It is just added to the Commission that has no Charter driven right to make these decisions, but we have been advised by the Law Department many times. Right now they want us to be a part of it. This is a problem. And going back to the underlining zoning. Underling zoning is underlining zoning, not an attempt to say that we are going to throw all of that out. This is about process of determination of a Council Ordinance, that projects on the Waterfront, in the defined area, have special impacts as a result primarily of their geography in the Waterfront area as projects that have come before us in the last several years. The new zoning code is trying to make those triggers for review more specific. And Citywide we will not have the same Triggers as this Ordinance has accorded this Commission approval to make these decisions. That is until somebody says otherwise either by Court (the Court has accorded this Commission) and this is basically saying these projects with the exception of "C1" and "C2" exist under extreme circumstances, these projects are deemed as impacted and that is what we are asking you to look at. That is what this text is; intent to guide what you are looking at impacts on the public realm.

Mr. Abernathy replied some people have asked how can the Planning Commission make the decision under the Charter, under Council Ordinance. Council granted this Commission the authority and there is a concern about whether this Commission has the authority or not. I think that needs to be taken up with Council, not with this Commission as per the Home Rule Charter. He also wanted to bring up the timeframe of 75 days. He asked Mr. Schwartz, "There is a clause in the Ordinance for 75 days".

Mr. Schwartz replied yes.

Mr. Abernathy replied so the 75 days, is 75 days once the plan is submitted, the Commission has 75 days to act on it. Is that correct?

Mr. Schwartz replied or they can table it.

Mr. Abernathy replied this means the Commission has 75 days to act. This is to say that somebody could not say lets give us another 75 days. There is not an opportunity to add to it. What it is implying is 75 days to approve or deny it.

Mr. Schwartz replied no. The speaker was talking about when is it deemed to be approved. So when you get a complete submission and get additional materials to the Commission.

Ms. Olson Urtecho replied we can go back and say this is an example for other projects. She thinks the public did raise good points regarding standards and procedures. We can't go

back and say we didn't do this correctly because we really don't have those standards in place, so they were really good points. We are trying really hard to bring structure; trying to define different timelines; and who does what here and there. But it's taking some time. Our procedures and objectives are what we are working on.

Mr. Greenberger replied that he thinks from the commentary you have heard; you will see that we are walking a very tight rope here. It is something we discussed at the Zoning Code Commission as well. We walk a very narrow path in which we cannot possibly define every circumstance that might come up hourly so that we have an objective measure to guide against. It's not going to happen that way. It's a big world and it's not going to happen on the Central Delaware. We just don't believe we can do it. Who wants to suggest that we can? We are open to this but I think that we will be here arguing about this for the rest of our lives. So his feeling is we need to move ahead. We need have something in place we think that is reasonable. If it proves to be unworkable; we will be the first ones to suggest changes to it. But we are still talking about interim standards over a limited period of time.

Mr. Syrnick replied we had 6 member of the audience come up today. And he thinks the times that he has been here, that this was the most thoughtful and well presented testimony. You really thought about that, and he thinks the Commissioners appreciated it. Thank you.

Mr. Abernathy replied he wanted to bring up one other thing and that is someone brought up in the testimony. As we move forward how we define what our role is, and how projects are reviewed. He thinks it is important to the development review how far does the audience participate in these reviews. He knows this Commission has been proposition on providing this process of approving and declining, and having a clear understanding of how a party wishes to participate here. It is also important that audience comments are justified and are worthy of consideration. The last think he wants to ask is there an opportunity on going forward for some on the Waterfront trail. Is there an opportunity for cooperation on the Waterfront trail? To have it move forward, rather than have this Commission judge what the Waterfront may or may not look like by projects that are ad hoc. Is there an opportunity for the Waterfront going forward?

Mr. Greenberger replied that is part of what the Master Plan team has in operation right now.

Mr. Abernathy replied by the Master Plan team or Paul Levy has done some work.

Mr. Greenberger replied the work that DRWC is doing; the Master Plan is going to address it. Can't tell you what the final picture is going to be. We don't know. But we certainly believe in the concept of continuity of the trail, and that's why we are addressing it here. He also said that at the bottom of page 3 it says that the Commission will consider criteria including. It articulates these 5 points specifically ties to the development to part of the Overlay. That is where it came from; we didn't just make it up. Now it says but not limited to the following, which is standard language. He apologized for it, if anyone thinks this is an out for them. He believes it does what it needs to for them for a limited time. Those are the criteria, and he is going to try to explain those and how we might suggest viewing them. We cannot account for possible circumstances that come up in a rather fluid situation. We don't have a completed Master Plan. And we are rewriting the zoning code. We are operating with an existing zoning code, which is fair to say is out of date. So sorry that we are in a gray area here, but that is the gray area we are in.

Mr. Lee replied that he thinks the one thing he would add is that in the future as projects come before us, that have financing with a timing issues, and we have 75 days if the is insufficient time, that we would be sensitive to real projects that are timely and have to move back. Because they do have to go to zoning if necessary so that things can happen.

Mr. Eiding replied one of the concerns that he has always had with the overlay is what in turn will happen to the development while being cautious or overly cautious with the financial questions be. We are going through a trying time right now. We don't want to prevent any new development from happening. He knows that in his world that is hurting our people to hold back a little bit more. And if developers don't develop, it doesn't matter what we do.

Mr. Greenberger replied he would add that we have not seen unwillingness on the development community that have talked to us privately about projects that they might be considering. And the issue has not been the issues that have been somewhat articulated here as a result of getting this project with financial backing. Hopefully this will change. By it is certainly not going to change in the next month or two. People are coming to us and they are not saying this is halfway done to doing development.

Ms. Ruiz asked is there a timing for this that we need to approve it today.

Mr. Greenberger replied well our time extension runs out this week. Now as you heard Mr. Gregorski say that if we approve it, there is a 30 day opportunity for public comment. People can request that it be brought to another hearing. So if the folks who testified today want to do so; they will do so. He thinks that our recommendation is to move this ball forward, and keep this process alive rather than in an endless sort of refinement and detail.

Mr. Abernathy replied he doesn't think the regulations are perfect. You all did a good job putting it together. I think you took on a difficult task, and you did pretty darn well. Just from his experience on working the legislation that led us to here, the back and forth that you all had to go through. He can easily imagined, no matter what you do, no matter what these regulations are in play, you are not going to be able to please everyone. What Mr. Gregorski said as he finished up his presentation is pretty accurate. Nobody's happy; he did something good. He doesn't think it is perfect, but he thinks everyone did a pretty good job.

Upon motion by Ms. Rogo Trainer, seconded by Mr. Abernathy, the City Planning Commission approved the Adoption of Regulations for *Plan of Development* Approvals.

- 7) Zoning Bill No. 100156: amending the Zoning Code by modifying provisions of the "C3 Commercial" designation in the area bounded by 41st, 42nd, Walnut, and Sansom Streets for the development of a Hilton Homewood Suites Hotel (Introduced by Councilmember Blackwell on March 11, 2010).

Mr. Gregorski, Zoning Planner, stated last month you saw this as an information only item for the Hilton Homewood Suites Hotel. Phase I of the project would include of a 10-storied, 137 room extended stay hotel, and parking would be required and provided by the Walnut Street garage. Phase II would consists of Campus Apartment Center office building with underground parking for the office space, and retail and open space. As it stands there is a Zoning Bill to exempt this project from certain requirements in "C3". This is how the Bill is going

to be amended. It is going to change the "C3" Commercial. We are removing the requirement for legally required windows; such windows would have to comply with the Zoning Code. That is a huge situation. The "C3" district requires 50 ft. between a legally required window and the other side of the street. This would permit walls without legally required windows. The setback as a "C3" stands now is 8 ft required for 3 stories for an inner court and side yard, and 12 ft. for open courts. This would permit a base FAR for 800% of the lot, rather than 550%. This will change the parking regulations for hotels by permitting off site parking within a thousand feet of the hotel with at least 75 spaces are available. It will also remove off street loading. The City Planning Commission staff recommendation is approval. While the staff has some concerns about the project itself there is a substantial amount of funds for it, and we believe that some of those details could be worked out in negotiations as they pursue zoning permits in the future. The developer, you will recall, initially had a different site. They have decided to go the route of changing the zoning rather than going to the Zoning Board. The down side of permitting the zoning change Bill such as this would be that you can't actually tie a plan to it per se. The Zoning Board would tie a plan to it. However, they haven't applied for zoning permits, and they won't until this Bill is passed. The staff has had a number of questions and concerns, and the Commission has had a number of concerns last month.

Mr. Synchronic stated that he has heard this item a couple of times, speaking for himself, if you want to make a short presentation, you could do so. But he doesn't know what you would say that would be different.

Ms. Olson Urtecho replied she would like to see a brief presentation.

Carl Primavera, attorney, stated originally it started at 40th and Pine, but we had problems with the community. Campus Apartments had a site so we move it there; "C4" surrounds their site. They are between "C3" and "C4". The extended stay hotel will serve Penn and Drexel. The zoning change will be in Phase II. The extended stay hotel will be LEEDS certified. They need to start in September to get the generous tax credits. Campus Apartments is one of the largest landlords around. Why are we doing the Ordinance? If he knew then what he knows now he would have done it differently, but they wanted to plan to the entire block. They feel it is a good planning tool because it allows them to instead of coming into it piecemeal, they can plan the entire block.

Ms. Rogo Trainer asked if they are keeping the existing buildings.

Mr. Primavera replied yes they are income producing.

Randy Lawson replied they are happy with the project.

Erin Young, representing 7,000 members of Workers United, replied her union represents over 7,000 hotel and retail workers in the region and Philadelphia. Approximately 85% of them live in the City of Philadelphia. They are here today in support of Homewood Suite. Their union asks that you approve and recommend this Ordinance in order to allow this important project to move forward. The owner and the developer of this project have committed to create good, sustaining, hospitality constructions jobs. A proposed hotel, which has approximately 137 rooms, would translate to approximately 100 jobs. That is a priority. This would be the minimum because this job also proposes retail space, which may include restaurants would be more permanent jobs for us. During these times of economic reform, job creations are important and challenging in the hospitality and construction industries. Recommend this Bill to go forward to City Council.

Barry Grosback replied we gave our feedback to the developer and we asked for feedback. We raised the issue about the office tower will be built. It might not be built, it could be housing. We sent a letter to the Philadelphia City Planning Commission in support. We were concerned about parking and the skin of the building. We think it is appropriate.

Mr. Lee abstained.

Upon motion by Mr. Eiding, seconded by Ms. Rogo Trainer, the City Planning Commission approved Zoning Bill No. 100156.

- 8) Zoning Bill No. 100079: Amending the Zoning Code by adding a new section entitled "Ridge Avenue Special District Controls." (Introduced by Councilmember Jones on February 12, 2010)

Mr. Gregorski stated you saw this item last month. The overlay would run from Monastery Avenue to Hermitage Street on Ridge Avenue. It is for properties zoned "C2" Commercial within the District which have ground floor use. There are some people here from the community. The plan was done by Roxborough CDC. The City Planning Commission staff recommendation is approval.

Joann stated it would make it very easy for people who want to come in and set-up a business. She asked it be accepted.

Another resident stated the importance of this walk along the sidewalk. He has 23 letters of support and 7 businesses.

Mr. Greenberger replied this is one of the more healthy commercial corridors in the city.

Mr. Gregorski replied the consultant did put a handbook together.

Mr. Primavera replied he has a client (Rite-Aid), he doesn't think his client will be affected by this, but he wants to be on the record in case his client has to come back for zoning.

Upon motion by Mr. Eiding, seconded by Mr. Donato, the City Planning Commission approved Zoning Bill No. 100079.

- 9) Zoning Bill No. 100099: Amending the Zoning Code by re-establishing the Queen Village Neighborhood Conservation District on a permanent basis (Introduced by Councilmember DiCicco on March 25, 2010).

Mr. Gregorski stated this Bill amends the Zoning Code by re-establishing the Queen Village Neighborhood Conservation District on a permanent basis. Last year there was a Bill to extend it, and an oversight fell through the cracks. We have been operating like it is still in effect. This Bill will exempt all of the other machines. The City Planning Commission staff recommendation is approval.

Upon motion by Ms. Rogo Trainer, seconded by Mr. Abernathy, the City Planning Commission approved Zoning Bill No. 100099.

- 10) Zoning Bill No. 100161: Amending the Zoning Code by revising rules and regulations that apply to the "Passive Recreation District (REC-P)" designation Introduced by Councilmember O'Neill on March 11, 2010).

Larissa Klevan, Development Planning Division, stated this Bill amends the existing rules and regulations pertaining to the "Passive Recreation District". It would remove LEED; allows for parking and an access street for maintenance vehicles and users of the park. This Bill was reported out favorably. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Bumb, seconded by Mr. Donato, the City Planning Commission approved Zoning Bill No. 100099.

- 11) Germantown and Nicetown Transit-Oriented Plan Zoning Remapping Bills (Introduced by Councilmember Miller on March 25, 2010).
 - a. Zoning Remapping Bill No. 100195: Changing the zoning designations in the vicinity of the Wayne Junction Regional Rail Station;
 - b. Zoning Remapping Bill No. 100196: Changing zoning designations within an area bounded by Germantown Avenue, Chelton Avenue, Kenyon Street, Schoolhouse Lane, Wissahickon Avenue, and Rittenhouse Street;
 - c. Zoning Remapping Bill No. 100197: Changing zoning designations within an area bounded by Knox Street, Wyneva Street, Wayne Avenue, Logan Street, Pulaski Avenue, and Manheim Street.

Paula Brumbelow, Development Planning Division, stated all 3 of these Bills were reported out favorably.

Jennifer Barr, Community Planner, stated you approved and adopted these plans in January 2009. We did community meetings this past fall. Old Stenton Avenue is "G2" – mixed and industrial uses; change it to "L4". It makes it a much more marketable area. Wayne Junction you approved in February 2010. Change some zoning from "G2" to "C3". Along Wayne Avenue is a small commercial strip; change "C2" to "C1", and some section changing to "R5" to "R9A". this is the largest rezoning area. We are correcting the zoning "ASC" to "C3" to encourage more growth around the train station. The City Planning Commission staff recommendation is approval for all 3 of these Bills.

Mr. Greenberger replied we will be seeing more of these in the coming years some is for TOD, and another is for commercial corridor.

Ms. Olson Urtecho replied this is a great plan. It's a popular one.

Ms. Ruiz asked if Fresh Grocer is vacant.

Ms. Barr replied no, it is occupied.

Upon motion by Ms. Olson Urtecho, seconded by Mr. Eiding, the City Planning Commission approved Zoning Remapping Bill Nos. 100195, 100196, and 100197.

- 12) Property Bill No. 100130: Transferring the Kelly Playground at 5326 Pulaski Avenue from Public Property to PAID for further conveyance (Introduced by Councilmember Reed Miller on March 4, 2010).

Michelle Webb, Development Planning Division, stated this is situated in Germantown. The playground is zoned "REC". PAID will transfer to PHA for nominal fee. The subject property is the Kelly Playground, which is adjacent to PHA's Queen Lane Apartments. PHA plans to acquire the playground lot and consolidate it with the parcel that they already own for the redevelopment of the high rise Queen Lane Apartments. PHA's preliminary site plan indicates that the block bounded by Priscilla Street, Penn Street, Queen Lane and Penn Street will be split by an extension of Alfred Street, thus creating two smaller blocks which will be lined with two or three story units. This Commission will get to see it again for the Plat. The City Planning Commission staff recommendation is approval.

Upon motion by Ms. Ruiz, seconded by Ms. Rogo Trainer, the City Planning Commission approved Property Bill No. 100130.

- 13) Property Bill No. 100187: Transferring the R8 Ryers Station parking lot at 611 Cottman Avenue from Public Property to SEPTA (Introduced by Councilmember O'Neill on March 18, 2010).

Ms. Webb stated this Bill will transfer from Public Property to SEPTA at R8 Ryers Station. SEPTA has purchased an adjacent property and wants to acquire this one with the intention of making upgrades to the station and the parking lot. The reconfigured lot will have approximately the same number of spaces, but will be landscaped and include an entrance plaza with a stair tower and handicapped accessible ramp. The parking lot will have a new stair tower with a ticket booth. There are 71 existing parking spaces; the proposed will have 63 spaces. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Eiding, seconded by Ms. Olson Urtecho, the City Planning Commission approved Property Bill No. 100187.

- 14) Streets Bill No. 100227: Authorizing a City Plan change to revise the easterly houseline of N. 15th Street from Montgomery Avenue to former Berks Street, and the northerly houseline of Montgomery Avenue from N. 15th Street to Broad Street (Introduced by Councilmember Clarke on April 8, 2010).

William Erickson, Development Planner, stated this is a result of the IDD for Pearson and McGonigle Halls for Temple University. It has a 5 ft. encroachment, leaving 7 ft. clear and 2 ft. It is located at Broad and Montgomery, 15th and Berks. The City Planning Commission staff recommendation is approval. The University has agreed to move trees to Fairmount Park and curb bump outs for handicap access.

Mr. Greenberger replied this is a multi-plan. They are long term looking to expand students' recreation building. There are other things going on – dormitory.

Brian McHale stated his initial reaction to this, was much ado about nothing. But going online and downloading Executive Summary for 2020, it is a much larger planner issue. Essentially it turns 15th Street into a glorified alleyway. Several Commissioners said turning street into alley is not very pedestrian friendly. Where is the Commission's comment on activity on 15th Street? It is entirely possible that you think this is fine. You should look at the 2020 plan before you make a decision.

Mr. Greenberger replied you are right, it's not making 15th Street active. We can't make all the streets active every where we want it. This building is part of their projects and it is only coming before you because it is in the IDD. It is a good suggestion that Temple bring their 2020 plan to the Commission.

Upon motion by Mr. Bumb, seconded by Ms. Rogo Trainer, the City Planning Commission approved Streets Bill No. 100227.

- 15) Streets Bill No. 100157: Authorizing a City Plan change to widen and open the approaches to the South Street Bridge through property owned by the City, and the placement of a right-of-way for drainage purposes (Introduced by Councilmember Blackwell and Council President Verna on March 11, 2010).

Mr. Erickson stated there was a Bill in Council but it died. The City Planning Commission staff recommendation is approval.

Mr. Syrnick replied this bridge is under construction. What happens if we don't approve it?

Mr. Erickson replied let's approve this Bill.

Upon motion by Mr. Eiding, seconded by Mr. Lee, the City Planning Commission approved Streets Bill No. 100157.

Mr. Syrnick adjourned the City Planning Commission Meeting of April 20, 2010 at 3:54pm.

SUMMARY

- 1) Minutes of the meeting 3-16-10. Approved
- 2) Phila2035 Plan Update
(Presented by Alan Urek) Presented
- 3) Executive Director's Update.
- 4) Acceptance of Walnut Hill
Community Plan (Presented
by Andrew Meloney). Accepted
- 5) *Information Only: Phila.
Pedestrian & Bicycle
Plan (Presented by
Nick Jackson).* Presentation
- 6) Adoption of Regulations
for Plan of Development
(Presented by Martin Gregorski) Adopted
- 7) Zoning Bill #100156:
Amending the Zoning Code
by modifying provisions of
the "C3 Commercial"
designation in the area
bounded by 41st, 42nd,
Walnut, & Sansom Sts
for the development of
a Hilton Homewood Suites
Hotel (Introduced by
Councilmember Blackwell
On 3-11-10; Presented
by Martin Gregorski). Approved
- 8) Zoning Bill #100079: Amending
by adding a new section entitled,
"Ridge Avenue Special Controls"
(Introduced by Councilmember
Jones on 2-12-10; Presented by
Martin Gregorski). Approved
- 9) Zoning Bill #100199: Amending
the Zoning Code by re-establishing
the Queen Village Neighborhood
Conversation District on a permanent
basis (Introduced by Councilmember
DiCicco on 3-25-10; Presented by
Martin Gregorski). Approved

- 10) Zoning Bill #100161: Amending the Zoning Code by revising rules & regulations that apply to the "Passive Recreation District (REC-P)" designation (Introduced by Councilmember O'Neill on 3-11-10; Presented by Larissa Klevan) Approved
- 16) Germantown & Nicetown TOD Plan Zoning Remapping Bills: (Introduced by Councilmember Miller on 3-15-10; Presented by Paula Brumbelow & Jennifer Barr)
- a) Zoning Remapping Bill #100195: Changing zoning designations in the vicinity of Wayne Junction Regional Rail Station. Approved
- b) Zoning Remapping Bill #100196: Changing zoning designations within an area bounded by Germantown Ave, Cheltenham Ave, Kenyon St, Schoolhouse Ln, Wissahickon Ave, & Rittenhouse St. Approved
- c) Zoning Remapping Bill #100197: Changing zoning designations within an area bounded by Knox St, Wyneva St, Wayne Ave, Logan St, Pulaski Ave, & Manheim St. Approved
- 12) Property Bill #100130: Transferring the Kelly Playground at 5326 Pulaski Ave from Public Prop to PAID for further conveyance (Introduced by Councilmember Reed Miller on 3-4-10; Presented by Michelle Webb). Approved
- 13) Property Bill #100187: Transferring the R8 Ryers Station parking lot at 611 Cottman Ave from Public Prop to SEPTA (Introduced by Councilmember O'Neill on 3-18-10; Presented by Michelle Webb). Approved

- 14) Streets Bill #100227: Authorizing a City Plan change to revise the easterly houseline of N. 15th St from Montgomery Ave to Former Berks St, & the northerly houseline of Montgomery Ave from N. 15th St to Broad St (Introduced by Councilmember Clarke on 4-8-09; Presented by Wm Erickson). Approved
- 15) Streets Bill #100157: Authorizing a City Plan change to widen & open the approaches to the South Street Bridge through property owned by the City, & the placement of a right-of-way for drainage purposes (Introduced by councilmember Blackwell & Council President Verna on 3-11-10; Presented by Wm Erickson). Approved