

PHILADELPHIA CITY PLANNING COMMISSION  
April 21, 2009

PRESENT:

Andrew Altman, Chair  
Joseph Syrnick, Vice Chair  
Camille Cates Barnett  
Anuj Gupta, representing Camille Cates Barnett  
Bernard Lee  
Natalia Olson de Savyckyj  
Peggy VanBelle, representing Rob Dubow

ABSENT:

Patrick J. Eiding  
Nancy Rogo Trainer  
Nilda Ruiz

Executive Director:  
Deputy Executive Director:

Alan Greenberger  
Gary J. Jastrzab

Chair Andrew Altman convened the City Planning Commission Meeting of April 21, 2009 at 1:14pm.

- 1) Approval of the Minutes of the March 17, 2009 meeting.

Upon motion by Ms. Olson, the City Planning Commission approved the minutes of March 17, 2009.

- 2) Executive Director's Update

Mr. Greenberger stated that he has three items for his update.

- 1) Last month the Preservation Alliance of Greater Philadelphia announced a series of preservation achievement awards to honor accomplishments region wide. The City Planning Commission was selected by a panel of historic preservation experts for the 2009 Grand Jury Award for the Philadelphia Rowhouse Manual. It is a 48-page publication on how owners can adapt row homes for modern living without compromising basic forms of architecture. He congratulated Laura Spina from our staff, who was highly instrumental in making that happen. There will be a presentation on it at the Preservation Alliance Achievement Luncheon on May 11, 2009.
  - 2) Richard Tustin, Director of Special Projects, has been appointed to the Community College of Philadelphia's Construction Management Advisory Board beginning in September. That Board will assist the Community College in ensuring the quality and currency of the Construction Management Career Development Program, which identifies training needs, changing market conditions, and employment opportunities.
  - 3) On April 28, there will be 2 public testimonies in City Council for the Philadelphia City Planning Commission's Budget on at 1p.m.; and the Zoning Code Commission's Budget at 2:30p.m.
- 3) Amendment of Regulations to Delegate Discretionary Authority to the Executive Director for Legislative Testimony and Other Actions in Accord with Previous Approvals or Policies

Gary Jastrzab stated this is an amendment to the previous regulations that you adopted in November 2008 authorizing the Executive Director to make recommendations on certain kinds of Bills to City Council, and also to act on other actions that are in accord with previous Commission policy. The actions included approval of minor amendments to Institutional Development Districts, approving Final Plat, and also testifying for all cases before the Zoning Board of Adjustment. The action before you today is to amend these regulations by adding an item that would authorize the Executive Director on behalf of the Commission to grant an extension up to one year to comply with conditions imposed by the Commission, or in the case of a City Council

Ordinance requiring City Planning Commission approval to extend the term in order to avoid the sunset provisions of an Ordinance. Since January 2008, the Commission has approved several plans of development. In most cases those plans of development have come with a one year sunset provision because of the down turn in the economy some of those developments have not proceeded as quickly as expected, and this amendment to our internal regulations would authorized the Executive Director to extend that sunset period without a formal action of the Commission. The staff is recommending approval of this item.

Mr. Syrnick said to recap this, we would get a reporting on the following month of the actions that were taken.

Mr. Jastrzab replied yes, that is correct.

Ms. Olson asked are we approving to extend the sunset provision beyond the year.

Mr. Jastrzab replied yes. This amendment would give the Executive Director the approval to grant the extension of the sunset provision up to one year to comply with conditions imposed by the Commission or in a case of a City Council Ordinance when the City Planning Commission approval is required to extend the terms in order to avoid the sunset provision.

Upon motion by Ms. Olson, seconded by Ms. VanBelle, the City Planning Commission approved the Amendment of Regulations to Delegate Discretionary Authority to the Executive Director for Legislative Testimony and Other Actions in Accord with Previous Approvals or Policies.

#### 4) Presentation of the Central Delaware Riverfront "Vision Plan"

Mr. Greenberger set the framework on the Delaware Waterfront. There will be several presentations. The first presentation is from Harris Steinberg, Executive Director of PennPraxis, regarding the Central Delaware Riverfront "Vision Plan". Previously this presentation was information only before the City Planning Commission. Today's presentation is sort of a repeat of that Commission's public meeting. But this one has a recommendation from staff to accept the "Vision Plan" as the working guidelines for development and for public policy planning. Within a week and a half from now, we will have out on the street a Request For Proposal to do basically the second stage Master Planning for the Central Delaware, which is specific public policy planning related to specific zoning changes, how setbacks are to be organized, how we make a continuous trail, how public access works, what public improvements might be necessary, how to coordinate private development along the waterfront. Basically the recommendation today is the acceptance of that vision to use it as our working guidelines.

The second presentation is for two pieces of legislation, which were introduced by Councilman DiCicco. He was nice enough to be here today to talk about those Bills. We are not asking for you to take any action on those Bills today. The first one is a Zoning Overlay Bill, it is the first action item that is recommended in the civic vision action plan. It is intended to be an interim measure to account for and to start to guide development, a specific guidance to development in this in between period from now

until this next piece of master planning is done. It basically goes from Oregon Avenue to Allegheny Avenue. It sets up ideas about access, setbacks, and public trails. The things that are sort of critical in the vision plan that you are going to hear about. The second piece of legislation is a specific Zoning Remapping Bill for a selected number of properties within the overlay district generally running from Berks Street to just south of the Ben Franklin Bridge. It is essentially trying to take vacant properties, many of which are zoned "Industrial" right now; some of which are fairly zoned high density "Commercial", and rezone them as characterized as medium density "Commercial". There is also a piece of the remapping to remap Penn Treaty Park from "G2" Industrial to "REC" Recreation.

Harris Steinberg thanked everyone. He gave a brief overview of his "Vision Plan". He stated his vision consists of 3 systems: movement, openness, and plan of development. The area is located south of I-95, and to the west are the river ward neighborhoods. The process was started by Executive Order of Mayor Street in October 2006. We worked on it for over 13 months with over 400 Philadelphians to provide planning principals for the creation of the vision in public meetings design workshops and subsequent forums. The Vision was publicly shown in November 2007 at the Pennsylvania Convention Center. It was subsequently presented to the Central Delaware Advocacy Group Action Plan. It was presented to Mayor Nutter last year at the Seaport Museum. These are the civic principals that undermine the Civic Vision Plan of the Central Delaware Riverfront. The citizens participated in the process, called for a reconnection between the neighborhoods and the city and the riverfront. Honoring the river is an essential principal; that the river is an important asset economically to Philadelphia remains an important part of the vision of the ecological systems, and natural systems, and watershed system. It as design with nature was a fundamental principal. We asked the questions on how we manage stormwater, how we build a green and sustainable way to meet the challenges. So striking a balance is important for the uses. This is a long term vision. It is not going to happen tomorrow. It is going to have to be taken sequentially. It is about realizing the framework for growth as it positions us into the 21<sup>st</sup> century. Philadelphians told them they did not want it to be Inner Harbor or another city's waterfront. The city's waterfront is an extension of Philadelphia in a tangible way to the river. The three systems are as follows:

1. Movement – connects 7 miles of Delaware, consisting of 1146 acres of formerly industrial land; I-95 to the west. The boulevard, which is currently Columbus Boulevard and Delaware Avenue, would be connected ultimately by a system of a street grids, a network of pedestrian pathways that would connect seamlessly back into old Philadelphia. It would extend not only a grid but public access to and through and across the 1146 acres of the Central Delaware. To do that they recommended that it be part of a large transportation comprehensive plan so that it ties not only cars but bikes, pedestrians, water taxis, water ferry, rail and other forms of transportation should be factor in later. The potential is here for it to be a model for sustainable transportation development.
2. Open Space – currently there are 8 acres of green space along the Central Delaware; the vision recommends approximately 300 acres in order to give to residents who live along it the access. The vision calls for a network of trails and parks all of which contribute to green infrastructure, stormwater drainage, and managed water for pollutants, which meet the requirements of a sustainability design of the 21<sup>st</sup> century. A 100 ft. set back is what the vision

recommended to meet those objectives. To meet those objectives to provide areas that can be used for wetland regulations, wild life and natural habitats.

3. Plan Development – the goal is to create healthy public investments and infrastructures to support quality public development and the value that they give to private development is imbedded in the thinking of this network. Opportunities for development are consistent with the urban form of development. So we recommended a number of guidelines starting with the set back of the street, ground floor of buildings so that it is vibrant, safe, and secure, ways to manage parking, ways to incorporate green spaces, public and private development, stormwater to create a distinctive character and quality along the Central Delaware.

Mr. Altman thanked Mr. Steinberg.

Steven Weixler, Chair of the Center Delaware Advocacy Group (CDAG) who represents more than 20 civic and community groups along the river, urges the Philadelphia City Planning Commission to adopt it. They support it and are committed to it. It will benefit the City of Philadelphia, the people who live here and the future people who will live here, businesses and those who will develop the land. It will also benefit the City of Philadelphia with new sources of revenue, enhance the quality of life, and increase the marketability of the City. Development based on the principles Mr. Steinberg has described will only benefit everyone for generations to come. He is grateful to Mayor Nutter, Andy Altman, Alan Greenberger, Councilmember DiCicco, Brian Abernathy for their invaluable support of the process; and Harris Steinberg and PennPraxis for their creation of this process. None of this would have happened had it not been for the communities meeting to get the desired potential for the riverfront by planning and helping to create the plan of development process. The challenges are many, but it's not the first, for the Philadelphia City Planning Commission has risen to the challenge. Today the Planning Association designated Society Hill as one of the best plan neighborhoods. They urge the Planning Commission to accept these principles of civic vision for the framework of private development, ensure commitment by honoring the input of the citizens.

Sam Sherman stated that he stands on the testimony he gave about a year and a half ago. He is here as a private developer, Consumer New Urbanism, and as a board member. It allows for a number of different developments. The long term introduces rail to the river. The beauty of it is that it allows for a number of specialties to be employed along the waterfront. It makes room for smaller developers, as well as larger developers. The street grid provides a framework by which we can all use. The other beautiful part is a long term base that it brings light rail here.

Michael Sklaroff submitted written testimony. He stated he is here with Richard Lombardo, the former Planning Director of the Philadelphia City Planning Commission. They are here today as representatives of the Philadelphia Developers Workshop, which is a non-profit corporation dedicated to support the development of neighborhoods throughout the City, to create construction, and enforce its tax base. The members of the Workshop are developers, who helped design the skyline of the City, and widen the streetscape. The members include a former Planning Director, Commerce Directors, Economic Development officials, union leaders, architects, engineers, consultants, and lawyers. They support the efforts of the Planning commission and the revitalization of the Delaware River. They support sustainable development. They support reasonable

access to the river. Many of their members not only supported those items but have invested in them. They commend PennPraxis for their urban designs. The William Penn Foundation deserves considerable praise for their funding of this project. They are here today because they are concerned with the Vision Papers. In the written testimony he submitted are their vision papers, which include the Planning Commission's Central Riverfront District Plan of 1982, and the Planning Commission's Philadelphia Riverwalk Plan of design standards of March 1983. He feels that these kinds of discussions to be limited to 3 minutes are not appropriate, but he will play by the Planning Commission's rules and come back when we talk about the Ordinance. There major concern is the Harris Steinberg didn't establish a partnership between the public and private sectors. They invited Mr. Steinberg to come to the Developers Workshop. What are missing here are the actual landowners of the 1146 acres. Most of them are private ownership along the waterfront, who will be impacted not only by the regulations but by an overlay of 100 ft, which has never been mapped with the costs in the near future but also the distant future. The first time this Commission saw this plan, a Commissioner asked Mr. Steinberg do you have a cost projection, to which he replied "we are working on it". And to this day, we don't see any costs. It hasn't been mapped, it hasn't been priced, and the people, who it will affect it, haven't been identified. They don't know what is going to be involved. He's a little concerned because it was his understanding that it would be an exercise and now you are accepting it as "THE" guideline. Harris Steinberg and PennPraxis have come up with some great ideas and we honor them but honor the landowners.

Matt Ruben, Northern Liberties Neighborhood Association and proud member of CDAG, thanked Mr. Steinberg, Councilmember DiCicco, and Mr. Abernathy for being leaders in this process. They support it and want the Philadelphia City Planning Commission not only accept it but endorse it. He believes it would be better for everyone. He doesn't feel that what PennPraxis and CDAG did for over a year was an exercise as Mr. Sklaroff characterized it. It was very serious, and the issue is not whether this Commission or any body else has come up with a plan. The question is - is it a good plan, a workable plan. The NLNA was one of two neighborhoods who belong along the 7 miles stretch, who did their own plans along the waterfront. The second plan was mostly completed in 2006 before the PennPraxis plan was completed. This plan has some basic recommendations on ecological principles on the water, and recreational areas, in short it supports almost exactly the basic principles of the civic vision. At the beginning of this plan, you will find waterfront developers participating in the process of developing this plan, which reinforces the civic vision and funding of this plan. Among them Trump Tower, who Mr. Sklaroff represented. There is a fiction that they have not been a part of it. The fiction out there, that all of these communities including those with stakeholders, have not participated in discussion like these. He is here to tell the Planning Commission that from the perspective of his organization, there is a study out there that is 1/6 of the Central Delaware Waterfront area. It was a partnership and the resulting plan is the principles that you are being asked to endorse today.

Nick Walsh, Philadelphia Regional Port Authority, stated this plan consists of Piers 38 and 40, and part of Pier 84. He is in support of the Vision. He looks forward to working with him and any other agencies on the riverfront.

Rachel Vassar, Philadelphia Outreach Coordinator for Citizens for Pennsylvania's Future (PennFuture) submitted written testimony. She urged the Planning Commission to support this proposal.

Tim Kelly, Program Manager at Clean Air Council, submitted written testimony. They support the Civic Vision for the Central Delaware as the framework for future planning efforts along the waterfront.

Christine Rabe, a co-chair of the Young Friends of PHS Steering Committee, and Todd Baylson, a fellow steering committee member on the staff of PHS, stated they support it. They submitted written testimony.

David Homan of South Street Headhouse stated he was originally appointed to the Central Delaware Waterfront Advocacy. He is a Queen Village resident, and he approves the plan. He strongly urged the adoption of the Civic Vision Plan.

Bryan McHale stated he believes in the plan. He has a problem with the 100 ft. greenway. He believes it can work in the Master Plan after it has been mapped. In the end the Civic Vision is a great idea, but should we spend 16 months on something that will be taken out.

Joan Riley, Senior Director of Philadelphia Green and CDAG, stated she wants the Philadelphia City Planning Commission to endorse the plan.

Al Johnson stated there are other plans beside the PennPraxis Plan. PennPraxis only talked to one group. It's biopic.

Jethro Heiko, founder of Casino Free Philadelphia, stated he is a resident in the neighborhood on the riverfront. He participated in the Civic Vision process. He suggests opposing casinos on the riverfront.

Sarah Stuart state she represent a small non-profit group called the Schuylkill Riverfront Alliance. She recommends the Philadelphia City Planning Commission accept the Vision Plan and the 100 ft. set back, and also approve the overlay.

Alex Doty, Bicycle Coalition of West Philadelphia, stated he supports the plan. He explain the impact the 100 ft. set back can have on transportation.

Patrick Starr, Senior Vice President of the Pennsylvania Environmental Council, endorsed the Civic Vision. His organization is working across the State on projects on greenways. He hoped the Philadelphia City Planning Commission would adopt it today.

Brian Glass, attorney for Penn Future, stated he supports the plan. In regards to taking private property, it cannot be taken without public use. Government can use private property without paying for it.

Jim Plumb, PUFFA, stated he supports the plan. The Central Delaware Greenway is an excellent design of community greenway.

5) Central Delaware Riverfront Zoning Bills:

- a. *Information Only: Zoning Bill 090170: Central Delaware Riverfront Zoning Overlay (Introduced by Councilmember DiCicco on March 5, 2009)*
- b. *Information Only: Zoning Bill 090169: remapping for the Old City/Northern Liberties/Fishtown section of the Central Delaware Riverfront (Introduced by Councilmember DiCicco of March 5, 2009)*

Mr. Greenberger stated the two Bills are for the following:

1. the overlay recommendation in the Civic Vision Plan that we are embarking on. The overlay is from Oregon to Allegheny. Certain uses will be prohibited within the area.
2. Remapping of selected parcels from Berks Street, Delaware River, Market Street and I-95. It falls in the Old City, Northern Liberties, and Fishtown neighborhoods. Some are zoned high density. The proposal is to rezone to medium density, mixed use.

Mr. Altman thanked Councilmember DiCicco and Brian Abernathy.

Councilmember DiCicco stated he would like to delay recommendation until the Philadelphia City Planning Commission's May hearing. Currently the Rules Committee has a hearing on it on June 3. In the summer of 2006, he met with Harris Steinberg. He stated that without Brian Abernathy's work we would not be here. He thanked Mr. Abernathy for all his hard work. The goal shaped political guide for long term growth. The Civic Vision helped him achieve that goal. He thanked former Mayor John Street for taking the initiative for the Mayor's Executive Order for PennPraxis and Shawn McCaney of the William Penn Foundation.

Mr. Altman thanked Councilmember DiCicco.

Marilyn Cutler thanked the members of the Commission, councilmember DiCicco, and Mr. Abernathy. Consolidated Rail – Conrail wants to be a part of it.

Lila Rothman, Delaware River Keeper, stated she supports the 100 ft. buffer along the Delaware River. She doesn't support development that goes into the river. She thinks there should be some changes to the legislation.

Mr. Altman state the PennPraxis plan is an evolution of a vision; it is not a plan. It is a guide that points in a direction. We will be working on a detailed Master Plan funded by the William Penn Foundation. It will be a 14 to 16 month endeavor. The overlay is important because it puts in the first goals before the Master Plan; how we will use the PennPraxis plan in out work.

Mr. Greenberger stated we have heard different points of view. It needs to be negotiated piece by piece. We will not give access to public use if there is a danger to the public. Things change. The acceptance of the visions will set out for the goals we want to achieve. These are the first steps. The goals and the principals of the Vision Plan will help us. Imagine Philadelphia started the process.

Ms. Olson thanked everyone for being here. If we could have the same process of the Imagine Philadelphia work for the comprehensive plan. She thanked PennPraxis and the William Penn Foundation for working on this vision.

Mr. Syrnick replied this is not a plan; this is a vision plan. It is well thought out.

Upon motion by Ms. Olson, seconded by Ms. VanBelle, the City Planning Commission approved the Central Delaware Riverfront "Vision Plan".

Mr. Altman thanked Mr. Steinberg and everyone who supported this plan. We have 30 days to work on the overlay.

- 6) Zoning Bill 090295: Amending the Philadelphia Zoning Maps by changing the zoning designations of the area bounded by 8<sup>th</sup>, 9<sup>th</sup>, Market, and Filbert Street from C5 to CED; and the area bounded by 10<sup>th</sup>, 11<sup>th</sup>, Market, and Filbert Streets from CED to C5 (Introduced by Councilmember DiCicco on April 16, 2009)

Martin Gregorski, of the Development Planning Division, stated this Bill changes the zoning designation of the block bounded by 11<sup>th</sup> Street, Filbert Street, 10<sup>th</sup> Street and Market Street, from an existing designation of "CED" Commercial Entertainment District to a new designation of "C5" Commercial. This site at the Gallery was contemplated to be the home for the Foxwoods Casino, before the new site was chosen.

This Bill then changes the zoning designation of the block bounded by 9<sup>th</sup> Street, Filbert Street, 8<sup>th</sup> Street and Market Street, from the existing "C5" Commercial to a new designation of "CED" Commercial Entertainment District. This zoning will allow the developers to pursue further approvals, including a Plan of Development (POD) approval from the City Planning Commission. It has a hearing on May 7, 2009. The City Planning Commission staff recommendation is approval.

- 7) Zoning Bill 090294: Amending the Philadelphia Zoning Code by modifying the procedure for approving Plans of Development in Commercial Entertainment Districts, and modifying off-street loading requirements in the Market East District (Introduced by Councilmember DiCicco on April 16, 2009)

Mr. Gregorski stated originally, all Plans of Development (POD) for Commercial Entertainment Districts (CED) required the approval of City Council. This Bill removes City Council hearings and will now allow the Philadelphia City Planning Commission to give the POD approval. There will be a hearing on May 7, 2009. The City Planning Commission staff recommendation is approval.

Tully Speaker, Logan Square Neighborhood Association, stated they continue to oppose the building of casinos. They opposed the Strawbridge's building for a casino.

James Schneller, Eastern PA Against Gambling, stated they oppose gambling for various reasons. He wants the Philadelphia City Planning Commission to disapprove

this Bill. He cited public health issues. He thinks it's unconstitutional to remove city Council hearings from the process. There is little that can be enhanced by year round tourism from gambling.

Mary Gee stated she trained as a planner. She saw the building of Vine Street Expressway and Market East. She had been around helping Chinatown. We have a Chinatown Neighborhood Plan funded by the William Penn Foundation and assisted by the Philadelphia City Planning Commission. She asked the City Planning Commission to wait for the study on impacts at 8<sup>th</sup> and Market. What are the studies? This accelerated process is not acceptable. What is influencing this Commission to rush this process?

Debbie Way, school principal in Chinatown, stated by placing the slots in accessible pathways causes temptations for those who have addictions. She shared some of her experiences that she has had with parents regarding gambling addictions, where the parents had not money for food or to pay their bills. As responsible planners, who look at impacts on the public, should know a code of ethics.

Ms. McCallister, Asian Americans United, stated it may be in Foxwoods interest to be in Center City, but Michael Thomas boosted that gambling addicts is its base. Casinos know how to build its client base. Location! Location! Location! Next door to a neighborhood that is part of its client base. And groom the next generation of teenagers by setting up a casino where teenagers hang out. The first time we saw this CED, we were given reassurances by both the Mayor and Andy Altman that serious studies would be many. We have not seen any of these studies.

Roseann Loesu, board member and incoming president of the Society Hill Civic Association, stated her neighborhood northwest boarder is two blocks from the proposed casino. They consider themselves major stakeholders. Why do you need studies before approving this? According to the FBI, the crime rates went up in Disney's Orlando and Atlantic City. Narcotics related crime increased. Please have this type of study and other on what it would do to her neighborhood and Chinatown.

Mr. Jerry G stated he is concerned about Foxwoods coming to Center City. How was Mike Thomas awarded his license since he is a convicted felon? Ron Rubin, owner of Strawbridge, was on the Pennsylvania Gaming Commission.

John Chin, Executive Director of the Philadelphia Chinatown Development Corporation, stated the casinos are the most impacted that will effect Chinatown in the coming years. He is asking the Philadelphia City Planning Commission to hold Foxwoods to the highest standards. He wants the Philadelphia City Planning Commission to recognize Chinatown not just as a tourist attraction or corridor, but as a neighborhood of residents. He would like to talk with the Philadelphia City Planning Commission at a later date.

Kathy Shimizu, West Philadelphia resident who works in Chinatown, stated that since the City of Philadelphia refused to do their own research, the people of Philadelphia needs to know. You must weigh what gambling will do to society. She cited research by several people, all of whom clearly state the job lost and costs exceed the revenue of the casinos. Priorities of tourists are put before the priorities of the people who live there. Please ensure that what happens here is best for the City.

Vickie Feldman, Fairmount resident and member of Casino Free Philadelphia, stated that having a casino in the historic Strawbridge's building is wrong. Studies have not been done and should have been done. Has heard how gambling has brought in jobs but it has caused more problems. She is against casino at the historic Strawbridge's building. Find some place else.

Dr. Barnett left at 3:55pm. Mr. Gupta took her place.

Luella Trip, resident of Chinatown, stated she is against the casino. We reject any site of a casino that would change a neighborhood.

Lai Hare Chung stated we all want what is best for Philadelphia. She is angry that people profited off of other people. Casinos are a predatory industry.

Denerall Jones stated he represents people with disabilities. His board voted as a whole to vote against the casinos. Please see how this effects a population that no one sees.

Jethro Heiko stated the battle has just begun, and 70% of the profits come from the addicts. You should oppose it and give it back to City Council. You can restrict the use – casinos 24/7 are not appropriate in a neighborhood.

Ms. Ling stated other people before me have spoken very clearly on this issue. This commission and this body will continue to do so. A process can be different. Market East architects were hired because they had casino background. Health and safety were not there to answer. Delay request to move forward for the CED.

Gary Lee, resident of Chinatown, stated he opposes any casino near Chinatown. Why two Zoning Bills merit your approval today? This change is being done with no explanation why it is being done. Receive in a timely manner the Plan of Development. We were promised an open and transparent process. It is worst because 6 months have passed and nothing has been shown. Don't pass these Bills.

Mr. Altman replied Bill 090294 moves authority from City Council to the Philadelphia City Planning Commission. There is already a precedence of this with Stamper Square and other large developments.

Mr. Greenberger replied the original CEDs were written that all casinos would be on the waterfront.

Mr. Synchron asked why the broad geographic area.

Mr. Greenberger replied it is consistency with the Center City CED area. As to the process, this is a very difficult process and issue. The State has put us in a very impossible position. We expected the casinos would be at the Gallery at Market East, but it didn't happen. They now want to move in the Strawbridge's building. The gaming facilities would be on the second and third floors. The first floor would still be rented by Preit for restaurants and retail. We have been doing our own research on parking. We need to have the plan and development done by Preit. We would need to have a special meeting in the future. The first Bill is a remapping. It takes the zoning away from the

1000 block of Market and gives it to the 800 block. Council will have a hearing on it on May 7.

Ms. Olson asked did we get any Plan of Development on it the last time the decision was made.

Mr. Greenberger replied no, they started but then decided to move to the Strawbridge's building. They said they have the financing to move forward. This is very difficult. The Strawbridge's building is historic. They will not be making many changes.

Ms. Olson asked what is the status of the Market East study.

Mr. Greenberger replied we have had numerous meetings in our office and we have been able to get a lot of it out before the casino. We saw the bus traffic on Market Street and Arch Street, and what the damage it does.

Ms. Olson replied there are still transportation issues. I would try to study the area before making any changes.

Mr. Syrnick asked if these two proposals are adopted, what would then happen.

Mr. Greenberger replied once we have a sense of a schedule of what they can accomplish.

Ms. Olson asked have them had a meeting with staff.

Mr. Greenberger replied that they had one and then stopped.

Mr. Altman replied the Market East Plan has started and we can evaluate it. The POD will come forward to us, and there will be public input.

Ms. Olson replied as co-chair of the Zoning Code Commission, we have over 30 people from a variety of backgrounds; maybe they should look at it.

Upon motion by Ms. VanBelle, seconded by Mr. Gupta, the City Planning Commission approved Zoning Bill 090295.

Ms. Olson opposed it.

Mr. Lee recused himself.

Upon motion by Mr. Syrnick, seconded by Ms. VanBelle, the City Planning Commission approved Zoning Bill 090294.

Ms. Olson opposed it.

Mr. Lee recused himself.

- 8) Zoning Bill 090296: Re-enacting expired Bill 080253-A (approved May 14, 2008) amending the Philadelphia Zoning Maps by

changing the zoning designation of the area generally bounded by Front, Lombard, 2<sup>nd</sup>, and Pine Streets from C2 to C4 (Introduced by Councilmember DiCicco on April 16, 2009)

Ms. Brumbelow stated this Bill re-enacts the provisions of Bill No. 080253-A by placing a new sunset provision on the re-zoning of certain areas of land which lapsed on April 16, 2009. The new sunset provision shall lapse on June 30, 2010 unless a building permit has been issued or the City Planning Commission has granted an extension of up to one year upon a determination by the Commission that the applicant is making substantial progress toward completion of the approved Plan of Development. Sections of this property were rezoned from "C-2" to "C-4" Commercial in the original bill in order to accommodate the Stamper Square Project. The City Planning Commission staff recommendation is approval.

Mr. Greenberger relied this was the cause of an item that we had before. This is how it came about. There is a Bill in Council where there is a one year extension for variances. This is by Ordinance.

Ms. Loesu, Society Hill Civic Association, stated that they oppose it previously. They did not know there was going to be an extension on it.

Mr. Syrnick replied when this came up before this was very controversial. The Commission felt it made sense before and it still makes sense.

Upon motion by Mr. Syrnick, seconded by Ms. VanBelle, the City Planning Commission approved the Zoning Bill 090296.

- 9) Zoning Bill 090246: Amending the Philadelphia Zoning Maps by changing the zoning of a parcel bounded by Orthodox Street, Large Street, and Adams Avenue from G2 General Industrial to C2 Commercial (Introduced by Councilmember Sanchez on March 26, 2009)

Ms. Brumbelow stated the purpose of this Bill is to rezone a parcel in the area described from an existing zoning designation of "G2" General Industrial to a new designation of "C2" Commercial. This change will permit the existing CORA facility to continue operations and to permit a future expansion. The CORA facility would like to open an all day care center for approximately 50 children between the ages of 2 ½ and 5 years old. Additionally, they will continue their after school programs as well as their GED, job and career counseling programs; all currently taking place at this facility. The surrounding area is generally zoned for industrial use. However, given that this parcel would not necessarily be suited to industrial use, there is a large parcel zoned for Area Shopping Center across the street, its proximity to residents who use its services, and the fact that CORA is a long standing member of the community, we believe that the zoning change is warranted. The City Planning Commission staff recommendation is approval.

Upon motion by Ms. VanBelle, seconded by Mr. Lee, the City Planning Commission approved Zoning Bill 090246.

- 10) Zoning Bill No. 090191: Amending the Zoning Code to prohibit the transfer of ZBA special approvals on subdivided lots (Introduced by Councilmember O'Neill on March 12, 2009)

Ms. Brumbelow stated this Bill will affect all properties which receive relief from the Zoning Board of Adjustment. This Bill prohibits the transfer of a special exception, certificate, variance, or special use permit, when granted by the Zoning Board of Adjustment, from one parcel to another. Presently, if a property is granted relief from the ZBA and the property owner subdivides the lot into two, the relief may be applied to the new lot. This Bill would prohibit this situation by allowing the zoning relief only for the existing lot with the associated address, not for the newly created lot with a new address. This situation occurs infrequently, but when it does, it tends to cause confusion for the public as to what use is permitted on the new lot. If the owner of the new lot wanted the same zoning relief as the old lot, he would have to go back to the ZBA for approval. Negatively, an owner must be certain to include all relevant addresses on their zoning applications in order to ensure that the relief requested covers all of the intended lots. The City Planning Commission staff recommendation is approval.

Mr. Syrnick asked if a property is subdivided, can an owner keep the address.

Ms. Brumbelow replied yes.

Mr. Syrnick asked are we going to get people mixed-up and jammed because they thought they had subdivided when they didn't.

Mr. Greenberger replied that it's possible that it could create confusion and it is possible that it could clear it up too. As the Zoning Code gets rewritten, things like this should get cleaned up.

Upon motion by Ms. Olson, seconded by Mr. Gupta, the City Planning Commission approved Zoning Bill 090191.

- 11) Zoning Bill 090265: Amending the zoning Code to simplify the procedure for making revisions to Neighborhood Conservation Areas (Introduced by Councilmember DiCicco on April 2, 2009)

Mr. Gregorski stated this Bill revises the process by which amendments to NCD's are made. Previously, any amendment to an NCD would require the same process by which an NCD is created. This process included petitions, public meetings held by Philadelphia City Planning Commission staff, mass mailings, and finally the City Council Bill process. Even the most minor amendments would have to go through this process. This Bill permits some limited amendments to NCD's (not including increasing the boundaries or revising the guidelines) without this arduous process and simple through a Bill of Council. If you wanted to decrease the area, it could be done without all of the letter writing. There are no significant planning issues with this Bill. While this does represent a change in the process, there is only one existing NCD which would be affected. Making a change now before too many are created would be preferable to a later date where many NCD's could be affected. The City Planning Commission staff recommendation is approval.

Ms. Olson asked if this is because of last month's item, are we reshaping the district.

Mr. Greenberger replied not reshaping it. The recommendation is the Ordinance notice will be given.

Upon motion by Ms. Olson, seconded by Ms. VanBelle, the City Planning Commission approved Zoning Bill 090265.

- 12) Zoning Bill 090190: Amending the Zoning Code by adding a new subsection providing for bicycle parking (Introduced by Councilmembers Reynolds-Brown, Kenney, and Jones on March 12, 2009)

Mr. Gregorski stated the purpose of this Bill is to create a new subsection providing for bicycle parking. This new subsection first defines three types of bicycle parking spaces based on how they protect against theft and weather, then provides regulations as to when and where bicycle parking is to be provided.

Class 1 provides protection against theft and inclement weather.

- Class 1A spaces are located in bicycle storage facilities, which are defined as a shed, storage room or locker designed to hold one or more bicycles, that complies with the standards established by L & I and the Streets Department.
- Class 1B spaces are located under a permanent overhead building structure.

Class 2 provides protection against theft, but not during inclement weather.

The Bill then gives regulations on how the spaces are to be provided: racks shall support the bike frames at two points, and storage facilities shall provide tamper proof locks and provisions shall be made that bikes may be locked individually.

Next the Bill describes the uses that will require bicycle parking and the number of spaces to be provided as follows:

- For all uses except single and multi-family dwellings, public parking lots and low occupancy facilities:

|                        |   |
|------------------------|---|
| Gross Floor Area of:   | Number of spaces:                             |
| 0 to 7,500 sq.ft.      | 0 spaces                                      |
| 7,501 to 20,000 sq.ft. | 2 spaces                                      |
| Over 20,000 sq.ft.     | 1 per every 10,000 sq.ft. or fraction thereof |

- For multiple-family dwellings when 12 or more dwellings units are provided on a lot.

|                  |                   |
|------------------|-------------------|
| Number of Units: | Number of spaces: |
| Less than 12     | 0 spaces          |

|                   |  |
|-------------------|--|
| 12 dwellings      | 4 spaces   |
| Over 12 dwellings | 1 per every 3 dwelling units or fraction thereof |

- For Public Parking Lot:

|                        |   |
|------------------------|---|
| Number of Auto Spaces: | Number of spaces:                         |
| 4 to 20                | 2 spaces                                  |
| 21 to 40               | 4 spaces                                  |
| Over 41                | 1 per every 10 spaces or fraction thereof |

- For Low Occupancy Facilities – Buildings with no customer contact and less than 1 employee per every 10,000 sq.ft. of GFA:

|                      |  |
|----------------------|--|
| Number of Employees: | Number of spaces:                            |
| 0 to 5               | 0 spaces                                     |
| 6 to 20              | 2 spaces                                     |
| 21 to 80             | 4 spaces                                     |
| Over 80              | 1 per every 20 employees or fraction thereof |

The Bill then gives the conditions as to where the spaces can be located:

- Spaces shall be on an accessible route as defined in the Building Code.
- Racks may be placed on public right-of-way provided that the owner enters into a maintenance agreement with the Streets Department.
- All spaces on the exterior of a building must be located within 50 ft. diameter of the building entrance, unless the Streets Department or L & I waives this requirement.
- Spaces located in attended parking facilities shall be adjacent to the attendant booth or in an area under constant surveillance.

Lastly this Bill provides for a substitution of bicycle parking for auto parking. For every five Class 1 bicycle spaces provided, the number of required off-street auto parking spaces, excluding handicapped spaces, may be reduced by one space. However, the number of substituted auto parking spaces cannot exceed 10% of the total required spaces.

This will not go into effect until January 1, 2010. There are 11,000 daily bike riders in the City. The City Planning Commission staff recommendation is approval with technical changes/amendments. You can't make someone take their bike down to the basement.

Sarah Stewart, Bicycle Coalition, stated they are in support of this Bill. Without this provision, new buildings would not offer this amenity.

Mr. Syrnick stated must be adjacent to the booth for constant surveillance. Why are we making it?

Mr. Gregorski replied we may get the Street Department to waive part of this.

Ms. Stewart replied it could be because of dark spots or corners.

Ms. Olson replied it may be for safety issues.

Upon motion by Ms. Olson, seconded by Ms. VanBelle, the City Planning Commission approved Zoning Bill 090190.

- 13) Property Bill 090263: Transferring ownership of the PA State Police Barracks at Belmont Avenue and Monument Road from the City of Philadelphia to the Commonwealth of Pennsylvania (Introduced by Councilmember Jones on April 2, 2009)

Michelle Webb, Development Planning and Zoning Division, stated the purpose of this Bill is to transfer the ownership of the PA State Police Barracks at Belmont Avenue and Monument Road to the Commonwealth of Pennsylvania. In order to build a modern State Police headquarters building at the current location, the Commonwealth wants to acquire approximately four acres of City owned land that is adjacent to the current headquarters building. The transaction between the City and the Commonwealth would be a no cost transfer of land to be used solely by the State Police for the furtherance of their law enforcement mission. The City Planning Commission staff recommendation is approval. The Commonwealth owns an adjacent parcel which is occupied and used by the State Police. The conveyance of the City parcel would allow the expansion of the existing facility which has been located at this site since 1949. It would be in the best interests of the City to continue and strengthen the State Police presence in the area.

Upon motion by Ms. Olson, seconded by Mr. Syrnick, the City Planning Commission approved Property Bill 090263.

Mr. Altman adjourned the City Planning Commission Meeting of April 21, 2009 at 5:05pm.

## SUMMARY

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- 1) Minutes of the Meetings of 3-17-09 Approved
- 2) Executive Director's Update
- 3) Amendment of Regulations to Delegate Discretionary Authority to the Exec. Dir. for Legislative Testimony & Other Actions in Accord w/Previous Approvals or Policies (Presented by Gary Jastrzab) Approved
- 4) Presentation of the Central Delaware Riverfront "Vision Plan" (Harris Steinberg, U of P) Presentation
- 5) Central Delaware Riverfront Zoning Bills:
  - a. *Information Only: Zoning Bill 090170: Central Delaware Riverfront Zoning Overlay (Presented by Alan Greenberger)* *Presented*
  - b. *Information Only: Zoning Bill 090169: Zoning remapping for the Old City/Northern Liberties/Fishtown section of the Central Delaware Riverfront (Presented by Paula Brumbelow)* *Presented*

(Both Bills introduced by Councilmember DiCicco On 3-5-09)
- 6) Zoning Bill 090295: Amending the Phila. Zoning Maps by changing the zoning designations expansion of the area bounded by 8<sup>th</sup>, 9<sup>th</sup>, Market, & Filbert Sts. from C5 to CED; & the area bounded by 10<sup>th</sup>, 11<sup>th</sup>, Market, & Filbert Sts. from CED to C5 (Introduced by Councilmember DiCicco on 4-16-09; Presented by Martin Gregorski) Approved

- 7) Zoning Bill 090294: Amending the Phila. Zoning Code by modifying the procedure for approving POD in Commercial Entertainment Districts, & modifying off-street loading requirements in the Market East District (Introduced by Councilmember DiCicco on 4-16-09; Presented by Martin Gregorski) Approved
  
- 8) Zoning Bill 090296: Re-enacting expired Bill 080253-A (approved 5-14-08) amending the Phila. Zoning Maps by changing the zoning designation of the area generally bounded by Front, Lombard, 2<sup>nd</sup>, & Pine Sts. from C2 to C4 (Introduced by Councilmember DiCicco on 4-16-09; Presented by Paula Brumbelow) Approved
  
- 9) Zoning Bill 090246: Amending the Phila. Zoning Maps by changing the zoning of a parcel bounded by Orthodox St., Large St., & Adams Ave. from G2 General Industrial to C2 Commercial (Introduced by Councilmember Sanchez on 3-26-09; Presented by Paula Brumbelow) Approved
  
- 10) Zoning Bill 090191: Amending the Zoning Code to prohibit the transfer of ZBA special approvals on subdivided lots (Introduced by Councilmember O'Neill on 3-12-09; Presented by Paula Brumbelow) Approved
  
- 11) Zoning Bill 090265: Amending the Zoning Code to simplify the procedure for making revisions to Neighborhood Conservation Areas (Introduced by Councilmember DiCicco on 4-2-09; Presented by Martin Gregorski) Approved

- 12) Zoning Bill 090190: Amending the Zoning Code by adding a new subsection providing for bicycle parking (Introduced by Councilmembers Reynolds-Brown, Kenney, & Jones on 3-12-09; Presented by Martin Gregorski) Approved
- 13) Property Bill 090263: Transferring ownership of the PA State Police Barracks at Belmont Ave. & Monument Rd. from the City of Phila. to the Commonwealth of PA (Introduced by Councilmember Jones on 4-2-09; Presented by Michelle Webb) Approved