PHILADELPHIA CITY PLANNING COMMISSION
July 20, 2010

PRESENT:	Joseph Syrnick, Acting Chair Duane Bumb Patrick J. Eiding Bernard Lee Natalia Olson Urtecho Nancy Rogo Trainer Nilda Ruiz
ABSENT:	Rob Dubow Richard Negrin

Executive Director:	Alan Greenberger
Deputy Executive Director:	Gary J. Jastrzab

Acting Chair Joseph Syrnick convened the City Planning Commission Meeting of July 20, 2010 at 1:17pm.

1) Executive Director's Update

Mr. Greenberger stated he had sad news to report that one of our long-time Community Planners, Cornell Pankey, died unexpectedly yesterday. He may have been our third longest standing members of the Planning Commission staff person for 33 years. He was a Community Planner, who was involved with various neighborhoods in the City. At various times Cornell was Community Planner for Southwest, West and North Philadelphia. He was a pretty special guy who did an awful lot of work in a lot of areas. He touched a lot of plans in the City. Actually I heard from the Mayor, that Cornell was his Community Planner a good part of the Mayor's time when he was a Councilmember for West Philadelphia. Funeral arrangements are not yet complete. We are going to miss Cornell greatly. Whenever he spoke he had a lot of good things to say. He had all kinds of health issues, and because of that he was here and not here. Nobody saw this coming.

- **AUGUST 17 MEETING**

will have an August meeting. There may be a few items requiring Commission action, we thought we would take advantage of this to give you a more in-depth update on the ZCC rewriting of the Zoning Code, our Philadelphia2035 Comprehensive Plan efforts, and other work-in-progress reports. That will happen on August 17.

- **ZCC COMMUNITY MEETINGS**

In regards to the Zoning Code, there are four more public meetings scheduled to provide public input on Module 3, it is the big development standards, of the draft new Zoning Code. The Module just came out. The locations of the meetings are as follows:

- Tuesday 7/20 at Arch Street Methodist Church, 55 N. Broad Street
- Thursday 7/22 at Victory Christian Center, 5220 Whitby Avene
- Tuesday 7/27 at First Methodist Church of Germantown, 6001 Germantown Avenue
- Thursday, 7/29 at the Community Academy Charter School, 1100 E. Erie Avenue.

All meetings are from 6:00 -- 8:00p.m.

Eva Gladstein stated there are flyers at the table. You can go on our website at zoningmatters.org to take our survey as well.

- **MICHELLE WEBB TO STREETS**

Another personnel matter - Michelle Webb, who has been with our Development group, has accepted a promotion. She will be transferred to the Streets Department next month. We are sorry to lose Michelle but it will be nice to have an allied in the Streets Department. We wish her well.

- **TCDI URBAN DESIGNER**

We do have a grant called the TCDI to add an Urban Design consultant to our work on the Comprehensive Plan. Information about that position was posted on the City's *eContracts* site. The deadline for applications is tomorrow, July 21. We expect to make a job offer by the end of the month. So we will be able to add to our Urban Design's capacity to our Comp Plan.

- **STATE LEGISLATION UPDATE**

Last week, Gov. Rendell signed a law that provides an automatic extension for any building permits, zoning and use permits, and any development-related administrative approvals, including approvals by Boards and Commissions, that were in effect at the beginning of 2009 and the extension can last up to July 2013. So this was in response to concerns that the weak economy was leaving a lot of approvals expired and needed to come back. We had dealt with a couple of them here at the Commission. Stamper Square was one of them. So now the State has come up with a bigger umbrella for that for anything that was in effect from 2009 can automatically be extended to 2013. Previously applicants, who have approval with the City, may seek written verification, and the PCPC must respond within 30 days affirming the PCPC action, its expiration date, and any issues associated with its validity. Now they don't have to do that. So in effect this is our added extension. So whether they seek affirmation or not, is not grounds for termination, revocation, or other invalidation of an approval. We don't expect to see any extensions at the Commission while that State imposed extension is in effect.

2) Philadelphia2035 Plan Update

Alan Urek, Strategic Planning and Policy Division, stated he wanted to give an update on the progress of the Comprehensive Plan known as the Philadelphia 2035 Plan. Updates on the work plan, some of the forecasting they have been doing regarding population and employment, the process they are going through for allocating growth across the City, and a little bit about the public meetings they have been doing in late May and early June. As you will recall we are in the midst of the one year Citywide Comprehensive Plan. We are pretty much in between the 2nd and 3rd quarters of the effort on the work we are still working on. We hoped to be finished by now, but it has been extended a little bit. We are working on developing our forecast for population and the scenarios that growth forecast will allow us to create regarding how growth will accommodate across the City. We are still moving forward on that. We continue to prepare the goals and objectives and strategies that fall under the THRIVE, CONNECT, and RENEW headings. We are starting to collect, and are expecting in the fall to be able to start presenting to you the draft plan materials for the fall and into the winter for the Commission to adopt in the early part of 2011. We expect to have some additional input activities, things where they are input into the design to make the October time frame. In the goals, objectives, and strategies, we have been developing a series of population and employment forecasts will help us understand the magnitude of growth in the City in the year 2035. This is a lot more art than science to an extent. The way we approached it is to look at 6 different, individual forecast methods that have come up with a range of future population in the year 2035. Ranging from a decrease of the current 2010 base population decrease of 1.5 million to 1.4 million, and to an increase of 1.85 million so each of these methods uses different assumptions to reach different approaches to how we can plan for the future. It comes does to birth, deaths, and migrations, and by changing assumptions there by using different base information arrive at this range of forecasts. A single forecast, that is to take the range and average them, which we have done here. You can see that the average of the 6 forecasts runs about 1.64 million, which we are now rounding to a nice round number of 100 thousand people. We are going to consider it to be our 2035 plan forecast. The work that we do, is assuming that 100 thousand new people in the City of Philadelphia in the year 2035. We are very comfortable with this. We think that it is modestly aspirational. It is also depending on what is happening in the course of that 25 years, that the plan will enable us with improvements, such as, airport, and changes in policy to allow development to happen. So there are certain assumptions behind it but basically this is the number we are considering to be our plan number. We are also. as we move through the

process, looking at scenarios to consider a flat growth option which would basically be to keep out population the same, which is not aspirational. And a boon scenarios to bring it up to 1.85 million, which would be an additional .35 million so that we can understand the range that growth has in the City. The additional housing units are based on that 100 thousand population. So that's the demand side of the equation. The supply side, we are going to allow the process in A software program called Community Viz to determine what property, what land around the City is most suitable to our growth. We are translating those population figures, housing units, and job numbers into actual square footage or acreage that needs to be absorbed in order to accommodate that. We have seen that with this new software the factors pushed forward that will basically allow blocks around the City that will likely be absorbed in the future by this growth. He showed 3 examples of this, of how this index is being built. For instance, we are looking at vacant land that is suitable for future development. This shows an area in the City that is not affected by the flood zone. It is areas in the City that is protected from floods. Another one would be transit stations. We begin to overlay these factors. This is 3 of the 15 that we are considering. It starts to show you where are the properties, the sites around the City that tend to be most suitable, basically those factors for development and we take the growth of 100 thousand people, a certain number of housing units, etc and through this system we will begin to allocate for us the most suitable areas. We will go through greater review in August. So this is the work that is going on parallel to the broader idea of discussions we have had previously about the Citywide plan. We did have 4 successful public meetings at the end of May and in early June. They were attended by more than 220 people. The people were broken into small groups to work on developing their vision for the City of Philadelphia. At the previous meeting we described the process. It developed into about 30 individual visions, each indicating 28 ideas all told we have about 840 interesting ideas that came out of this. The meetings were in very nice locations around the City. He thought it was very helpful in terms of traffic. One was held at the Academy of Fine Arts, and another at the Please Touch Museum. This is just an example of the two types of meetings yielded. Everybody were broken into small teams and were given icons or small game pieces that represented a different type of development. They were asked to allocate that development across the City. At the end of the meeting we would have people come up with catchy names for it – for the future vision of Philadelphia. We heard repeatedly throughout the meetings about transit extending through northeast corridor, open space and access to the riverfront. We were asked can we cover certain portions of I-95, improve the Vine Street Expressway, etc. He noted 2 other things, ancillary to the work that we are doing. The first is the Citizens Planning Institute, which is the third component of the neighborhood planning and zoning process, is moving along. Our intent is to have a series of 3 courses as the Citizens Planning Institute set to launch in September of this year. This is the pilot phase. We will evaluate the success of these sources. The hope is to seek out additional resources to allow us to scale the Citizens Planning Institute to a larger outreach effort so that we can become the educational and outreach center of the Planning Commission. We have also nearly completed A strategic communications plan, which will help us rollout, not only the work we are doing on the Comprehensive Plan as that happens over the next several months, but the conclusion of the Zoning Code updates and the Citizens Planning Institute as well.

3) Information Only: Philadelphia Zoo Parking Plan (Presented by Nina Bisbee and Kenneth Woodson of the Philadelphia Zoo).

Andrew Meloney, West Philadelphia Community Planner, stated that he has been working with Nina and Ken along with Anthony Santaniello on the Centennial District study. It had grown out of a 2003 study for parking issues for the zoo and transportation in that area.

Nina Bisbee, Vice President for Planning for the Philadelphia Zoo, stated it seems to be appropriate to follow the comprehensive plan since our transportation is on that plan as well. The issue surrounding this plan is essentially located at the intersection of 34th Street and Girard Avenue. They currently have 5 major parking areas including Zoo Drive, which is used by the employees during the year. We have been working on it for some time, since 2003. The project was developed with the input of a broad range of stakeholders including PennDOT –Central Office, PennDOT- District 6, Fairmount Park, Philadelphia Streets Department, SEPTA, Philadelphia Department of Commerce and the Philadelphia Planning Commission staff. With the goal of exploring the potential for a public/private partnership, the Zoo selected a developer-led design team to produce a concept that not only addresses transportation issues, but also provides opportunities for economic development. The proposed concept includes intermodal transportation improvements to the street right-of-way that include signal and intersection improvements at Girard Avenue and 34th Street; the west bound I-76 off-ramp and 34th Street; and the eastbound I-76 off-ramp and Girard Avenue. These improvements, along with a dynamic messaging system, are intended to relieve traffic congestion and more safely convey automobiles in the area of the Zoo parking facilities. The new signal schemes will also enhance pedestrian safety to parking locations and to existing and proposed public transportation stops on Girard Avenue. Streetscape improvements include paving, lighting, planting, street furniture, bicycle parking, and way-finding and identity graphics. These improvements are designed to enhance the arrival experience and the identity of the Zoo and the Centennial District, improve safety, improve neighborhood aesthetics and “green” the district. Streetscape improvements on 34th street will be planned in coordination with the West Bank Greenway Extension that the Zoo is currently implementing with the assistance of the Delaware Valley Regional Planning Commission and PennDOT. The majority of the proposed traffic and streetscape improvements proposed will be funded from a $7.2 million federal transportation grant and $1.4 million in matching funds jointly secured by the Zoo and PennDOT. The Centennial District Intermodal Transportation plan also calls for the construction of a parking garage (650 to 1000 spaces) on the site of the Zoo’s existing “Tiger Lot” on the south side of Girard Avenue, across from the I-76 ramps and adjacent to a the Amtrak railway. This location will allow for potential connection to any future regional rail station. The four to six-story garage is designed and located to work in tandem with the proposed streetscape improvements to relieve traffic congestion in the neighborhood and on I-76. The Structure will be set back form the street to provide the opportunity for commercial development along Girard Avenue and will take advantage of the frontage along the railway to announce the District and the City itself to travelers passing by on the Amtrak northeast corridor though graphic treatment on the façade. The 12,000- 24,000 SF retail/office development would provide amenities to Zoo guests and the neighborhood and would provide economic benefits to the community. These facilities would also provide a lively streetscape and improve the pedestrian experience on Girard Avenue. It is anticipated that this commercial development would be implemented though private investment. It is the Zoo’s hope that this project could serve as a catalyst for the realization of the City of Philadelphia plans for the Centennial District.

Bernard Lee arrived at 1:37pm.

Nilda Ruiz arrived at 1:45pm.

Mr. Syrnick asked what will it take to make it all happen.

Ms. Bisbee replied we are presenting the plan to a number of forums to get feedback, working on more details on the design, and looking for the funding for the project.

Kenneth Woodson, Vice President of Community and Government Affairs for the Philadelphia Zoo, replied in addition to physically building the structure to fit the local décor, it also includes a number of outside entities, such as, PennDot, SEPTA, etc.

Ms. Bisbee replied PennDot hs been an active partner in this project.

Mr. Syrnick asked in a perfect world, what year would you like to see this happen.

Ms. Bisbee replied we will see things start to happen in 2013, in a perfect world.

Mr. Greenberger asked about the 34th Street Greenway Project.

Ms. Bisbee replied there is not a lot happening on the street, on the lanes and the actual bike lanes will be out on the street – outside the curb, so that bikes are not on the curb

Mr. Greenberger asked regarding the speed of traffic, Is that an issue for the Zoo. Would you like us to help you?

Ms. Bisbee replied yes. We would certainly like to look at that, It is an issue.

Mr. Syrnick stated there were 2 items on the Tentative Agenda that have been removed. The information only item for a proposed mixed-use development at 401 Race Street. This has been removed by the developer. And a Redevelopment Agreement with Liberty Housing Development Corporation at Vine and Vodges Streets in the Haddington neighborhood of West Philadelphia.

4) Approval of the Minutes for the June 8, 2010 meeting.

Upon motion by Ms. Rogo Trainer, the City Planning Commission approved the minutes for June 8, 2010.

5) Adoption of regulations to promote compliance with high performance building standards in City Capital-funded new construction and major renovation projects.

John Haak, Strategic Planning and Policy Division, stated he has an item for the Commission's consideration. This item is proposed to allow us a new section in the City Code, Section 17-111. Bascially this is a requirement the City if putting on itself for Capital Program projects where projects over a certain size be design and built to achieve LEED Silver Certification. Now the way the Ordinance is written these regulations are being proposed to you, the main purpose of the regulations is to deal with exceptions to alternative standards to the LEED Silver Certification. The Ordinance was designed to allow people under certain circumstances to submit proposals to the Planning Commission, and an Advisory Board would be established to figure out whether in the public interest it would be advisable to allow a project to proceed under a different standard. The regulation would allow for a process to be establish where a request for LEED review and may also establish submitted requirements, so that everyone is on the same page and knows what is proposed to us. Our staff anticipates little

requests during the year. Planning Commission staff recommendations is approval of these regulations.

Mr. Syrnick asked when does this go in effect.

Mr. Haak replied the Ordinance is effective as of January of this year. The Ordinance was sign in December 2009. It has taken a little time to iron out some details to the regulations.

Mr. Jastrzab replied if the Commission adopts these regulations, we would then transmit them to the Department of Records for a 30 day advertising period and at the end of that 30 days if there is not call for a public hearing on the regulations or any other modifications, they would be come effective.

Ms. Rogo Trainer asked who evaluates them.

Mr. Haak replied the Philadelphia City Planning Commission evaluates them. The intent of the Bill, with the Departs in a collaborative manner to do a high performance building to learn from this process we would hope not to have issues come to the Planning Commission for that. There is a process on how the Executive Director of the Philadelphia City Planning Commission would sit down with the Department's head. We have several steps to try to resolve it.

Upon motion by Mr. Eiding, seconded by Ms. Rogo Trainer, the City Planning Commission approved the adopted the regulations to promote compliance with high performance building standards in City Capital-funded new construction and major renovation projects.

Natalia Olson Urtecho arrived at 2pm.

6) Report on the Public Hearing regarding Plan of Development Regulations for the Central Delaware Riverfront Overlay District.

Martin Gregorski, Development Planning Division, stated as you will recall the Plan of Development process needed regulations for Central Delaware Riverfront Overlay. We had a hearing on it, and were requested to have another hearing on public comments. The report states what we felt were the largest concerns. We had a public hearing on the POD regulations on June 8. This is a report from that meeting. For each of these comments, the PCPC staff provides a finding and recommendation, including suggested revisions, modifications, or clarifications to the regulations as originally adopted.

Public Comment 1: The POD regulations lack objective criteria governing the review process.

Staff Finding: The POD regulations list a number of submission requirements in Section 4 that specify what elements the PCPC will consider in its review. In addition, Section 6 of the regulations states that the PCPC will consider whether the proposed development is appropriate in scale, density, character, and use for the surrounding community, as required by Section 14-1638 of the Philadelphia Code. Section 6 further provides that the PCPC will consider additional criteria including proposed uses, waterfront setback, waterfront access, front yard, and overall aesthetics (only if the Commission feels this would have an adverse impact on the area).

While these criteria may not be exact quantifiable measures, the ordinance requires the PCPC to adopt regulations that provide objective standards for design review "*as may be necessary*." The very nature of the POD review process does not lend itself to precise quantifiable certainty, thereby requiring the Commission to use its professional expertise and judgment in rendering an action. What should be clear to all concerned is that the base zoning of a parcel, with all of its use, dimensional, and other requirements, cannot be amended by a POD review. In the end, the base zoning is the standard for objective review.

Staff Recommendation 1: The staff recommends minor changes to Section 3 of the regulations, to emphasize that conformance with the base zoning is the essential standard for POD review. Furthermore, the base zoning of a parcel, with all of its entitlements, cannot be amended by the POD review process. The Commission, in reviewing aspects of a development beyond its base zoning requirements, is interpreting the spirit of the overlay as expressed in Section 1 of the regulations.
To make this clearer, the staff recommends reorganizing the text of this section to read as follows:

…Items subject to the POD review will include:

- *(a) Conformance with the base zoning, including;*
  - *i. proposed uses;*
  - *ii. density of the development, including the scale, height, and massing of the structures, as well as the unit count and composition;*
  - *iii. amenities included in the project, which may include landscaping;*
  - *iv. parking requirements*
  - *v. site design and layout as it relates to the base zoning requirements;*
- *(b) Connections to adjacent sites, areas, and the development's surroundings;*
- *(c) Measures proposed to encourage street life and visible human activity, and to promote an appropriate and continuous "urban fabric" in the overlay district;*
- *(d) Proposed streetscape improvements;*
- *(e) Parking and traffic impacts of the development, including the location and means of servicing buildings;*
- *(f) The appearance of the building, including its form, legibility, and materials;*
- *(g) Aspects of the development relating to issues of sustainability, efficient building performance, and the mitigation of negative environmental impacts, as they relate to overall site design.*

Public Comment 2: Because the PCPC's decision regarding a POD is a final decision and not merely advisory, the PCPC must act as an objective, adjudicative body. The PCPC's decision should be based solely on the evidence and testimony presented at the hearing, and members of the PCPC should not have any communications or otherwise receive any information regarding the POD outside the hearing.

Staff Finding: The staff acknowledges that the parties to an administrative proceeding are entitled to a fair hearing before an impartial body, and to a determination made without bias, hostility, or prejudgment. Having a PCPC staff member present the development plans to the Commission could lead to a false impression of bias or prejudgment.

Staff Recommendation 2: The staff recommends requiring the applicant to present development plans at the POD hearing. We believe it is permissible for the PCPC staff to

offer a recommendation on the POD at the hearing, if called upon to do so by the Commission. We further recommend that the PCPC address *ex parte* communications in the regulations, by adding the following modified provision from the Municipalities Planning Code ("MPC") as a new item 5(d):

(d) The Commission shall not communicate, directly or indirectly, with any applicant or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

Public Comment 3: The applicant, not the PCPC staff, should present the POD, and bear the burden of proving entitlement.

Staff Finding: We acknowledge that in administrative proceedings, the burden of proof generally rests with the party asserting the affirmative of any issue. For instance, an applicant applying to an agency for a privilege bears the burden of proving his or her entitlement.

Staff Recommendation 3: As noted above, staff recommends revising the regulations to require the applicant to present the POD, instead of having a PCPC staff member represent the development project. This will also eliminate any appearance of bias or prejudgment. The staff recommends that item 5(e) – formerly 5(d) – be revised to read as follows:

(e) The applicant will present the POD proposal at the hearing. The Commission, in its discretion, may request staff to offer an advisory recommendation on the proposal.

Public Comment 4: The PCPC should have an attorney present to draft findings of fact and to rule on evidentiary matters.

Staff Finding: As a rule, the PCPC should have a Law Department representative present at all POD hearings, even though it is not a legal requirement. Findings of fact will have to be drafted; however, this does not have to be done by an attorney. In addition, an attorney does not have to be present to rule on evidentiary matters considering that local agencies are not bound by technical rules of evidence at agency hearings under § 554 of the PA Local Agency Law.

Staff Recommendation 4: While no changes to the text are necessary, staff recommends that a Law Department representative be present at all POD hearings as a matter of Commission policy.

Public Comment 5: The provision in Section 5(g) of the POD regulations, allowing persons demonstrating a "direct interest" in the decision a reasonable opportunity to present relevant evidence and testimony, is unclear. The PCPC should consider adopting the MPC standard for appearing before the Commission at POD hearings.

Staff Finding: Under the PA Local Agency Law, no adjudication is valid as to any party unless that party has been afforded reasonable notice and an opportunity to be heard (§ 553). A party is statutorily defined as any person who appears in a proceeding before an agency who has a *direct interest* in the subject matter of such proceeding (2 Pa. C.S. § 101).

To provide more certainty, the regulations could be revised to limit those parties who may present evidence, cross-examine, etc. to *aggrieved* parties. This is the standard used by a court to determine if a party has standing to appeal a PCPC decision to the Court of Common Pleas. To show that a party is aggrieved, that party must show a direct, substantial, and immediate interest in the outcome of the POD hearing.

As an alternative to the aggrieved party standing, the MPC standard could be adopted. Under the MPC, the parties to a hearing are the municipality, any person *affected* by the application who has made a timely appearance of record before the board, and any other person permitted to appear by the board.

A third alternative suggested by the City's Law Department is to adopt provisions similar to those used by the Zoning Board. The Zoning Code allows any person or organization to offer testimony, regardless of whether that person or organization would have standing to appeal the Zoning Board's decision. In addition, the Zoning Board allows a person or organization that is represented by an attorney to present evidence and cross-examine.

Staff Recommendation 5: The staff recommends using the broadest and most inclusive alternative for "standing" at POD hearings, in order to give voice to all affected parties. As a result, the staff recommends modifying the text of item 5(h) – formerly 5(g) – to reflect the MPC standard. Staff recommends that the regulations read as follows:

(h) The parties to the hearing are the municipality, and any person affected by the application who has made a timely appearance of record before the Commission, and any other person including civic or community organizations permitted to appear by the Commission.

Public Comment 6: In the submission requirements for Section 4(q), the phrase "to the extent applicable," is vague. How is it determined whether a plan for a recreational trail along the waterfront is "applicable?"

Staff Finding: Whether a plan for a recreational trail is "applicable" is determined by the provisions of the Ordinance. Section 14-1638(7) requires the applicant to create a recreational trail within the waterfront setback (or dedicate the waterfront setback area to the City) only in commercially zoned districts. In addition, §14-1638(6)(b) provides the PCPC may grant an exception to the waterfront setback requirements (and, therefore, the recreational trail requirement) where it determines that the setback is not feasible. As provided in Section 6(a)(ii) of the POD regulations, when determining feasibility, the PCPC will consider factors including the existing structure, topography, incompatible land use, and any negative impacts on the health, safety, or welfare of the public.

Staff Recommendation 6: No changes to the text are necessary.

Public Comment 7: The Section 4 submission requirements are overly onerous and expensive.

Staff Finding: Many of the items required for the POD review are also required for the review of any new, large development projects. For example, site plans, surveys, landscaping plans, storm water management plans, and certain topographical information are all required for site plan review at the Commission staff level. Items such as gross floor area calculations, setbacks, occupied area calculations, dimensions, and locations of off-street parking and loading with their access driveways, and signage are either required for PCPC review or by the Zoning Unit of the Department of Licenses and Inspections to apply for a zoning permit.

However, in an effort reduce the cost burden of a traffic study for smaller-sized developments, and to ensure consistency with other PCPC review processes (e.g. the Civic Design Review process proposed as part of the new Zoning Code), the staff recommends increasing the threshold for a required traffic study to developments having either a minimum of 25 new residential dwelling units or a minimum 100,000 gross square feet of floor area.

Staff Recommendation 7: Staff recommends revising item 4(k) to read as follows:

(k) A traffic study and mitigation plan for any POD which includes either a minimum of 25 new dwelling units or a minimum of 100,000 gross square feet of development;

Public Comment 8: The deadline for a final decision is too open-ended and could be continued indefinitely.

Staff Finding: A 75-day window for Commission action is specifically cited in the ordinance creating Section 14-1638(12)(a) of the Philadelphia Zoning Code. As with all plans submitted to the agency, the staff will work with developers to ensure that the review process is concluded in the most expeditious manner possible.

Staff Recommendation 8: No changes to the text are necessary.

Public Comment 9: The POD process will discourage outside investment and act as a de facto moratorium on development.

Staff Finding: These comments are purely speculative. We believe that the present state of the economy and developers' difficulties in obtaining financing far outweigh any chilling effect that this review process will have on future development.

Staff Recommendation 9: No changes to the text are necessary.

Public Comment 10: The PCPC should post a PDF of the proposed POD on its website prior to the informational meeting.

Staff Finding: In most cases, the PCPC already posts information on many of the important projects in which the staff is involved. We will post all- POD related documents on the website as well. This should become a general policy, rather than required by regulation.

Staff Recommendation 10: While no changes to the text are necessary, staff recommends posting PDF documents on the Commission's Web site for thorough public inspection as a matter of Commission policy.

Public Comment 11: In the submission requirements detailed in Section 4(b), the applicant should be required to provide a letter stating that he or she has met with the local residents. It should not be sufficient for the applicant merely to provide a statement indicating that although substantial efforts were made to hold such a meeting, no such meeting took place.

Staff Finding: The PCPC places a great importance on the input of the affected community for any project. This is why item 4(b) was included in the regulations in the first place. However, while it is important to encourage such input, local residents should also not be in a position to hold up the POD process by refusing to hold a meeting on the development. If a developer makes a genuine effort to meet with the community, but is not successful in meeting with them in a timely manner, the developer must have the opportunity to proceed with the review process, recognizing that the community group will participate in the POD hearing itself.

Staff Recommendation 11: Staff recommends a minor change in item 4(b), substituting the word "documenting" for "indicating," requiring a higher standard of proof of the developer's efforts to meet with local residents. This documentation can take the form of written or electronic correspondence exchanged with local residents or community organizations proposing a meeting on the development. Staff recommends that item 4(b) read as follows:

(b) A letter from the developer stating that he or she has met with local residents at a meeting where a member of the Commission staff was also present, to discuss the relevant proposal, or a letter documenting that substantial efforts have been made by the developer to hold such a meeting, but such a meeting never took place;

The City Planning Commission staff recommendation is for approval. With your approval within 10 days the Plan of Development Regulations will become officially adopted.

Ms. Ruiz asked now the developer will come before the Planning Commission and give his own presentation.

Mr. Gregorski replied yes. The developer will give his own presentation instead of some one like myself giving the presentation.

Ms. Ruiz replied we look to the staff's recommendations on these projects.

Mr. Gregorski replied we will meet with developers, we can come up with recommendations with developer and it's my understanding that he or she cannot directly speak with staff. We can still give recommendations, but you will be in a different position. Now you will have to remove yourselves from this situation.

Mr. Greenberger replied if you remember the last time there was a lot of testimony regarding legal ramifications on how we do these kinds of development. There were a lot of

comments on what we can and cannot do. This is new territory for us. It can get tested in court or it can never get tested for new Plan of Development as planned on the Waterfront. The law that was passed by Council requires us to do approvals. This is an interim operation here. What is before us right now, it needs to be approved so we need to set up procedures based on that. The law has advised us what is required of us.

Mr. Eiding asked during due process will we be able to ask the opinion of the staff.

Mr. Greenberger replied yes.

Ms. Ruiz asked where is the Central Delaware Riverfront Overlay District space.

Mr. Greenberger replied the space is between I-95 and the Waterfront, and Allegheny Avenue and Oregon Avenue.

Ms. Ruiz asked how you connect all of it

Mr. Greenberger replied our staff can try to help make sure the applicant knows what the critical issues are that relate to the Plan of Development review. This is not an open-ended review that undermines a zoning or an open-ended review which anything and everything are subject to review.

Richard Lombardo, from Ballard Spahr, stated we received these 6 pages two hours ago. In his experience with 35 years of City employment usually when we received these items there is a discussion period between the people who made the objections and the proposed response of the agency. We believe that 2 hours is not enough time to do that and to be here in terms of these regulations. He asked the Commission to delay the adoption of these until your August meeting to respond and maybe have more discussions in that interim period.

Craig Schelter, of the Development Workshop, replied we are making this request because we asked the staff what is going to be the next steps. Give us some advice on that. We were told we don't have any advice to give on this. We have tried to stay in contact with staff on this. We made direct calls and asked for information that can be reviewed. We were not given the courtesy of a response. He got up this morning and took a plane from Providence, Rhode Island because he is serious about this. He felt the Development Workshop has been trying to assist the Planning Commission and the Administration on the rewriting of the Zoning Code. We felt that we should have an opportunity to review these and provide comments. If the Commission didn't want to have another hearing on this, and that is your business. The fact that it was the Workshop that brought the appeal to the Philadelphia City Planning Commission. There were others that came to that hearing with additional points, but these were not all of our comments. Please delay this item until your August 17 meeting. He received an e-mail from Paul Boni, and they are agreeing more and more with each other.

Mr. Greenberger read Mr. Boni's e-mail message:

> He has only received a copy of the Planning Commission's report on the June 8, 2010 public hearing. He understands it is on the Agenda for today's Planning Commission meeting. He has not been able to review the report for content, and today's meeting regards the Plan of Development regulations that he has continually provided something in the public comments to the Planning Commission on several occasions including the

June 8 hearing. Attorneys ofter represents citizens on their causes. He will continue to be involved in this process. He likes to request no official action be taken at today's meeting that concern that is indicated on page 2 of the report is clearly "that the regulations become effective 10 days following the report". Further request that the public be given a reasonable amount of time to comment before the Philadelphia City Planning Commission considers such comments. Thank you for consideration of this request. He is copying Neal Sklaroff for his information regarding these draft regulations because he is a part of the comment for whomever is representing development interests as expressed using procedure and clarity upon which he often agree, but they disagree on some matters.

Steven Weixler, Chairman of the Central Delaware Advocacy Group, commented on the short notice. The recommendations have been worked on a long period of time, probably should have been given a greater chance to review those. Central Delaware Advisory Group does agree with most of the staff's recommendations. We made public comments at several meetings and their comments were properly included. There is 1 more is in the matter to set-up and conduct a meeting with civic association and perhaps you might change the language to the civic association, or neighborhood groups might be the better conduit on conducting the meetings.

Brian McHale stated that when presenting PDF on the website that some more time be given; at least 4 or 5 days ahead of time

Mr. Gregorski replied we are going to provide PDF on website. We don't have a time limit, we will get them up as soon as we can.

Ms. Rogo Trainer replied since this is an interim measure, could we wait until the August meeting. Are there negative implications for waiting?

Mr. Greenberger replied he is not aware of negative implications for holding off. If you choose to wait until August 17, that is your decision.

Ms. Olson Urtecho replied since this is the first time, she would rather us do it correctly with as much public input as possible.

Upon motion by Mr. Lee, seconded by Mr. Eiding, the City Planning Commission suspended the ruling until the next meeting in August. It was tabled.

7) Institutional Development District Master Plan Amendment for the University of Pennsylvania to construct a new building for the Wistar Institute.

Mr. Gregorski stated the location of this site is former 36th Street, Spruce Street, former Woodland Avenue, and 37th Street. This is an old building that was built in 1894. The purpose of this IDD amendment is to demolish the existing vivarium facility and construct a new research tower in its place. The Vivarium Relocation and New Research Tower will be designed as a single project following the demolition of the existing vivarium attached to the Cancer Research Building. The Vivarium Relocation includes renovation of 18,950 sq. ft. of existing space in the CRB into new vivarium space and demolition of the existing 26,500 sq. ft. vivarium facility. Related renovation to the exterior façades at the first floor of the CRB is also anticipated. The

New Research Tower of approximately 93,083 gross floor area will be located on the site of the demolished vivarium and adjacent courtyard. The first level above the street (First Floor) will include a three-story high sky lit atrium space and 200 seat sloped floor lecture hall with fixed seating. Floors 2-6 will house open research labs, enclosed procedure rooms, offices and interaction areas. Two of the five research floors will be shell space. They have a total of 7462 spaces. They require 3334 parking spaces. He read online that there will be 7,000 parking spaces at this site. It is untrue. The City Planning Commission staff recommendation is approval.

Ms. Rogo Trainer asked about the loading dock.

Mr. Gregorski replied the loading is on 36th Street.

Mr. Syrnick asked is the loading for panel trucks.

Mr. Gregorski replied the loading is for small trucks.

Mr. Greenberger replied he thought loading was on Spruce Street.

The representative from the University of Pennsylvania replied there are 2 off street loading spaces on new plan. They are on Spruce Street not 36th Street.

Mr. Syrnick asked can vans pull right into the building.

The representative from the University of Pennsylvania replied yes, vans and small truck can pull right into the building.

Upon motion by Mr. Eiding, seconded by Ms. Ruiz, the City Planning Commission approved the Institutional Development District Master Plan Amendment for the University of Pennsylvania to construct a new building for the Wistar Institute.

8) Final Plat Revision: Subdivision for Rhoads Industries in Parcel 5R, Building 22 at the Philadelphia Navy Yard.

Michelle Webb, Development Planning Division, stated this will create a new parcel. They are owned by PIDC. Rhoads Industries intends to purchase Building 22 at the Navy Yard. They have been working with the Philadelphia Industrial Development Corporation (PIDC) to create a fee simple lot, which encompasses Building 22 and some areas for parking. Rhoads Industries intends to expand its ship parts manufacturing operation, which is currently located in an adjacent building. They plan to use the new building for metal fabrication, a machine shop, and a warehouse with a locker room for employees. It will be fee simple title. This site is zoned “G-2” Industrial. The reuse of this building is consistent with the current and proposed land uses at the Navy Yard. The expansion of Rhoads Industries into the new building will allow them to create approximately 65 new jobs. The building is currently vacant. It was formerly used for the manufacture of ships. The City Planning Commission staff recommendation is for approval.

Upon motion by Mr. Eiding, seconded by Ms. Ruiz, the City Planning Commission approved the Final Plat Revision: Subdivision for Rhoads Industries in Parcel 5R, Building 22 at the Philadelphia Navy Yard.

9) Streets Bill No. 100464: Striking and vacating Olive Street from 19th to Hutchinson Streets, and Hutchinson Street from Olive to Brown Streets, to permit a building expansion (Introduced by Councilmember Clarke on June 10, 2010).

Ms. Decamp stated this Streets Bill will strike two mid-block streets to allow Nature Soy to expand at its current location. It will close Olive and Hutchinson Streets. The two streets in question are mid-block streets that are not used for circulation purposes. They are not currently improved, and one street is being used as a parking lot. The City Planning Commission staff recommendation is approval.

Mr. Syrnick asked if it is going to leave a little stub there.

Ms. Decamp replied the Streets Department don't usually like this kind of item but they will allow this one.

Mr. Greenberger replied he took a walk around the area. This is an opportunity to keep a viable business in the City.

Ms. Olsen Urtecho asked how many people worked there.

Mr. Greenberger replied he doesn't know.

Upon motion by Ms. Olson Urtecho, seconded by Mr. Eiding, the City Planning Commission approved Streets Bill No. 100464.

Mr. Syrnick adjourned the City Planning Commission Meeting of July 20, 2010 at 2:45pm.

SUMMARY

1)	Executive Director's Update.	
2)	Philadelphia2035 Plan Update (Presented by Alan Urek)	Presented
3)	*Information Only: Philadelphia Zoo Parking Plan (Presented by Nina Bisbee and Kenneth Woodson of the Philadelphia Zoo)*	*Presented*
4)	Minutes of the meetings 6-8-10.	Approved
5)	Adoption of regulations to promote compliance with high performance building standards in City Capital-funded new construction and major renovation projects (Presented by John Haak)	Adopted
6)	Report on the Public Hearing regarding Plan of Development Regulations for the Central Delaware Riverfront Overlay District (Presented by Martin Gregorski)	Tabled
7)	IDD Master Plan Amendment for the University of Pennsylvania to construct a new building for the Wistar Institute (Presented by Martin Gregorski)	Approved
8)	Final Plat Revision: Subdivision for Rhoads Industries in Parcel 5R, Building 22 at the Philadelphia Navy Yard. (Presented by Michelle Webb)	Approved
9)	Streets Bill No. 100464: Striking and vacating Olive Street from 10th to Hutchinson Streets, and Hutchinson Street from Olive to Brown Streets, to permit a building expansion (Introduced by Councilmember Clark on June 10, 2010; Presented by Martine Decamp).	Approved