PHILADELPHIA CITY PLANNING COMMISSION
August 20, 2013

PRESENT:	Alan Greenberger, Chairman Joseph Syrnick, Vice Chairman Manny Citron, representing Richard Negrin Patrick J. Eiding Bernard Lee, Esq. Nancy Rogo Trainer Saskia Thompson, representing Rob Dubow
ABSENT:	Elizabeth K. Miller Nilda Ruiz

Executive Director:	Gary J. Jastrzab
Acting Deputy Executive Director:	Alan Urek

Chair Alan Greenberger convened the City Planning Commission Meeting of August 20, 2013 at 1:10pm.

1) Approval of the Minutes for the July 16, 2013 meeting.

Upon motion by Mr. Eiding, the City Planning Commission approved the minutes for the July 16, 2013 meeting.

2) Executive Director's Update

Mr. Jastrzab stated he had a relatively brief report.

- **CITIZENS PLANNING INSTITUTE**

Application period for CPI's 7th semester opens on September 2nd, and will be accepted through September. The application form is available on the CPI's website www.citizensplanninginstitute.org. CPI will be reaching out to publicize the application process. To receive your "Citizen Planner Certificate of Completion", you need to complete the Core Sessions, two electives, and a Course Project. Classes will be on Wednesday evenings for 7 weeks beginning October 9 and ending November 20.
CPI began in fall 2010 with the first 30 students. We currently have 180 "Citizen Planner" graduates. We are looking to add 30 more for the fall semester.

REDEVELOPMENT ITEMS RECOMMENDED FOR ADMINISTRATIVE APPROVAL:

1. Redevelopment Agreement with Delores Jones for 2348 Cross Street (South Philadelphia) for a residential side yard.

2. Redevelopment Agreement with MPower Development Corp. for construction of the Project HOME Wellness Center at 2108-44 Cecil B. Moore Avenue, 2105-47 Nicholas Street, and 1631-37 N.22nd Street. It was previously approved as (1) a blight recertification and (2) a Redevelopment Proposal authorizing land acquisition.

3. Redevelopment Agreement with 810 Arch L.P. for the construction of a 94-unit residential building with ground floor retail at 810 Arch Street, and amendment of the Center City Redevelopment Area Plan for this site to "Residential and related." This proposal is to approve the redevelopment agreement between the Philadelphia Redevelopment Authority and 810 Arch L. P. for the construction of a 94-unit residential building with ground floor retail at 810 Arch Street, and amend the Center City Redevelopment Area Plan for this site to "Residential and Commercial." The Center City Redevelopment Area Plan, dating to 1976, calls for commercial/industrial use at the property of 810 Arch Street. This does not allow the residential use proposed. The amendment for the plan would show commercial/residential use for the site. The Philadelphia City Planning Commission previously supported the zoning variance required for the project at the Zoning Board of Adjustment hearing on 26 September 2012. The variance was necessary owing to the lack of parking on the site. The project also received the approval of the Philadelphia Redevelopment Authority's Advisory Board of Design on 9 August 2012.

3) *Staff Presentation*: One-Year Zoning Code Review.

Mr. Greenberger stated staff has been working on the one-year report. Natalie will be giving you an overview. The other 2 items on the Agenda have to do with above ground parking garages. We will come back to talking about policy.

Natalie Shieh, from the Deputy Mayor's Office of Economic Development, stated this Thursday will be the one-year anniversary of the new Zoning Code. A new Zoning Code was signed into law by Mayor Nutter on December 22, 2011, and became effective on August 22, 2012. In the enacting legislation for the new Zoning Code, City Council directed the Commissioner of Licenses and Inspections (L&I), the Executive Director of the Philadelphia City Planning Commission (PCPC), and the Commerce Director, and the Chair of the Zoning Board of Adjustment (ZBA) to submit a "One-year Review" assessing the achievement of these goals for the Zoning Code:

- Is consistent and easy to understand;
- Makes future construction and development more predictable;
- Encourages high quality, positive development;
- Preserves the character of Philadelphia's neighborhoods, and;
- Involves the public in development decisions.

We will be presenting this report to City Council this Thursday. She acknowledged the Zoning Tech Committee: L&I, PCPC, and the Law Department. They have been meeting since day 1. The committee also served as a sounding board for the public engagement with CPI. Donna Carney put together 6 groups, with a total of 115 people participated.

Highlights from the report include:

- Code users agree that the new code is easier to use, navigate and understand.
- There is an 11 percent increase in zoning permits approved by-right; clear rules have taken the guess work out of common zoning activities.
- Revamped use and dimensional standards have reduced the number of variances as intended in certain districts, notably one of the most widely-mapped zoning districts - RM-1 (Residential Multi-Family-1).
- Code users feel that in principle, notifying and meeting with Registered Community Organizations is worthwhile, but the code (as amended on January 4, 2013) has made the process unpredictable and difficult to manage. The RCO was the most popular topic – notification requirements to the neighbors.
- Zoning remapping is integral to the overall zoning reform effort and is necessary to better reflect on-the-ground land use patterns and promote development as planned for in Philadelphia2035.

The first recommendation – technical amendments – correct typos. The second – substantive amendments – topics are pretty varied (see page 20) such as CMX3,4, and 5 – garages. The third – RCOs spent a lot of time thinking about this: a) statement of purpose; b)

qualifications/best practices; c) boundaries – we are thinking of expanding qualifications; d) recommendation to have decertify groups that are inactive; e) notice requirements – good faith effort. Finally revising – neighbor notification rules – place burden on applicant ad reduce radius.

The report will be available on the Philadelphia City Planning Commission's city website.

Mr. Greenberger replied these are optimistic objections. When will it be presented to Council.

Ms. Shieh replied mid to late September and end of fall sessions.

Mr. Greenberger replied his concern in asking it is that the commissioner and the public have to review it and give comments.

Ms. Shieh replied this is a framework. As for step 3 – reviewing it with City Council, we will probably have public comments.

Corinne, member of RCOs in Mantua, replied working to create an RCO for the entire District, and eventually the entire city. She read the 93 page draft and has a lot of input she would like to give.

Mr. Greenberger replied the intent of the RCO was to get the community involved – hands on. RCO is not an entitlement without responsibilities.

Corinne thanked them for letting them be a part of it.

Tracy L. Fisher, RCO in Southwest Philly, replied he has been at a lot of meetings that people don't know what an RCO is. There has to be a liaison that comes to these meetings and take it back to the community to let them know what is happening. He thinks this Commission needs to set-up a liaison to do this. You are here to protect us from the developers, so that they don't ride shotgun over us. Maybe you want to meet with him or someone else to get together to do this.

Mr. Greenberger replied we do better when we have organized community groups to deal with. Individual people can come here to voice their opinions. It works smoothly when we work together.

Ed Panek replied the current notification for RCOs – we strongly support. He thanked Alan and Natalie.

Corinne replied she has been invited by Vice President Frye at Drexel University. Drexel is forming a land owner group. That is why we wanted a liaison.

Mr. Greenberger replied there is a difference between a community organization and an RCO.

4) Action Item: ZBA Calendar No. 20722 for the development of a 278-unit residential building with accessory parking at 1919-43 Market Street (CDR: August 6, 2013; ZBA Hearing: August 21, 2013).

Paula Brumbelow stated this is located on the northeast corner of Market Street and 20th Street. It is a vacant lot next to the Blue Cross Building. This property is on the border of the Center City Residence Area and the Logan Square Community within the Central Planning District. The existing zoning is "CMX-5" Commercial Mixed-use. The site area is 33,627 sq. ft. of land. The party-at-interest is Brandywine Realty Trust. The applicant proposes to construct a new 351 foot tall, 29-story building that will have 278 residential units, an amenities floor, retail and commercial office space, and 223 spaces in an above grade garage, and a curb cut on 20th Street. The applicant has met with neighbors, and the neighbors asked not to put the curb cut on Commerce Street. They are asking for the following variances:

- Side Yard – minimum – the standard is 8 feet; they are requesting 1.5 feet. The problem is we assume the property is at a 90 degree angle, but this one is at a 92 degree angle.
- Ingress to parking within Market Street area – is not allowed; they are requesting 1 entrance. They must have parking, and are not allowed curb cut on Market Street.
- Parking Garage Above Ground Level – they will need a Special Exception.

SPECIAL EXCEPTIONS:

- Referral by L&I, not a refusal
- The application cannot specifically cause detrimental impacts to the neighborhood beyond that which normally might be expected from the proposed use:
    - Congestion in streets or transportation systems;
    - Overcrowding the land;
    - Impairing an adequate supply of light and air to adjacent properties;
    - Burdening water, sewer, and public facilities;
    - Impairing the use of adjacent conforming properties;
    - Endangering public health or safety by fire or other means; or
    - Inconsistent with the Comprehensive Plan.

At its meeting of August 6, 2013, the Civic Design Review Committee made a favorable motion concerning the project, subject to the following comments and concerns, to be reported to the full City Planning Commission:

1. Above Grade Parking Garage
2. Ground Floor Transparency – In addition, there was a question about the level of transparency that the tinted grey glazing that comprises the majority of the ground floor elevation would offer. The development team responded that it would be completely transparent, and that their renderings were faulty in indicating that the glass would be so dark.
3. Façade Elevations.

They moved "1919" over to the entrance of the lobby. They put in more translucent in the building. The City Planning Commission staff recommendation is support. It meets the goals of the Philadelphia 2035 Plan.

Mr. Greenberger asked Ms. Rogo Trainer if she had any comments.

Ms. Rogo Trainer replied she was glad to see that they took the strong issues we had regarding transparency and made the changes.

Carl Primavera, attorney representing Brandywine Realty Trust, introduced his team.

Seth Shapiro replied after the CDR meeting, we took a walk back to the site and your comments were right on. We took another look at the materials.

Gabriel Gottleib, real estate agent and blogger, replied he testified about this at the CDR meeting. He wanted to make a quick point that this corner at 20th and Commerce, when this building is built – it will block out the sun. It will be difficult to get rental with underground parking.

Mr. Greenberger asked what is the FAR.

Mr. Primavera replied close to 13.

Mr. Panek replied we had several meetings regarding this project. We are not fans of above ground parking garages, but sometimes it has to be done. There will probably be increase traffic on Commerce Street. We had a meeting with Brandywine, and it would be a waste for underground parking, and have come to the conclusion that it would not be bad here. The deliveries and trash pick-up will be on off-peak hours.

Ms. Rogo Trainer asked has Streets Department seen it.

Mr. Primavera replied we have signed off, and worked with the Traffic Engineers on it.

Jennifer Fearro replied we were conscious of the loading operations on Commerce Street. We thought it would be beneficial.

Ms. Rogo Trainer replies we should fine ways.

Mr. Greenberger replied the traffic issues on Commerce Street have not come across my desk.

Mr. Syrnick asked what is the width size of the lay-by lane on 20th Street.

Ms. Fearro replied the lay-by lane is a drop-off for the residents. The sidewalk is just 7.2.

Mr. Greenberger replied Hanahman Hospital has double parking, and the Meridan in front has a 4 ft. lay-by.

Ms. Fearro replied they use a program for a 40 ft truck to back in for entry; we would expect a larger truck pulling out onto Commerce would take 1 turn. There are 2 bays – a right side and a left side.

Mr. Greenberger commented about the garages – one of the things these 2 projects are in CMX-3-4-5. Why do garages go underground? In Washington, they develop by buildings. In New York, it's market condition to pack in as much as you can. Parking goes underground. Basically market pushes garages underground. But the question is – "if it's not wanted, then underground parking is not feasible". The market conditions will not support underground parking every time. This one is doing it by design, and by not impacting on the neighborhood.

Ms. Brumbelow replied our staff supports the variances and special exceptions at the ZBA tomorrow.

Ms. Rogo Trainer replied her concern is to remove the tree.

Mr. Primavera replied we will remove the tree.

Jerry Sweeney, CFO for Brandywine Realty Trust, replied we are encouraged with the process this project went through. Brandywine does have an interest in Commerce Square and the stock exchange building s we looked at these apartments coming on line.

Upon motion by Ms. Thompson, seconded by Mr. Syrnick, the City Planning Commission supports ZBA Calendar No. 20722 for the development of a 278-unit residential building with accessory parking at 1919-43 Market Street.

Mr. Eiding abstained.

5) Action Item: ZBA Calendar No. 20922 for the development of a mixed-use building containing a 63,000 square foot grocery store and 293 residential units with accessory parking at 501 N. 22nd Street (CDR: August 6, 2013; ZBA Hearing: August 28, 2013).

Anthony Santaniello stated it is located on the northeast corner of 22nd & Hamilton Streets, at Pennsylvania Avenue. The existing zoning is “CMX-4” Commercial Mixed-Use. The applicant proposes to construct 293 residential units, a grocery store and accessory restaurant, retail, a financial institution and a parking garage for 494 cars partially below grade. They are requesting variances for the following:

- 22nd Street – curb cut for 2-way: allowed 24 feet; requested 30 feet;
- 21st Street – curb cut for 2-way: allowed 24 feet; requested 33 feet;
- Parking Garage Ground Floor Use Ceiling Height: allowed 10.5 feet; requested 8.33 feet;
- Parking Garage Above Ground Level: Will need a Special Exception

SPECIAL EXCEPTIONS:

- Referral by L&I, not a refusal
- The application cannot specifically cause detrimental impacts to the neighborhood beyond that which normally might be expected from the proposed use:
    - Congestion in streets or transportation systems;
    - Overcrowding the land;
    - Impairing an adequate supply of light and air to adjacent properties;
    - Burdening water, sewer, and public facilities;
    - Impairing the use of adjacent conforming properties;
    - Endangering public health or safety by fire or other means; or
    - Inconsistent with the Comprehensive Plan.

There will be ground floor grocery store and retail. The 21st Street side will have the retail garage.

At its meeting of August 6, 2013 the Civic Design Review Committee made the following comments, and then made a unanimous favorable motion concerning the project that will be

reported to the full City Planning Commission at a future meeting. The Civic Design Review Committee offered the following comments:

1. The Committee urged that there be additional "urban space" developed along the Pennsylvania Avenue façade. The architect agreed that this possibility will be explored, but did state that there are inherent difficulties with creating further perforations at this edge due to temperature and humidity concerns of grocery stores. Some Committee members suggested that since the building almost fills the footprint of the site itself, respecting all street walls, that "there was not much for the public in the public realm." The Committee asked that the building "inflect" to offer some public space within the block. The architect answered that the enclosed dining terrace along Pennsylvania Avenue should fulfill that request.

2. Though some amount of underground parking will be provided for this proposed residential and commercial use (170 spaces), some on the Committee wanted to know why all the 490 cars could not be placed below grade. The architect said that due to subsoil conditions, underground water and simply cost, that this was not feasible. The Committee suggested that the community would not benefit by having a parking garage located at this site. The project does include a new service lane within the boundaries of the block where all truck service to both residential and commercial functions are accommodated. No loading has to be done on the street. The architect added that no matter how far a person lives from a grocery store, which most will want to drive to the facility to get their groceries to their homes.

3. Attorney Michael Sklaroff listed the many ways that the project would benefit the community, even if there were above grade parking in a garage along a small perimeter of the block. He stated that the store would give life to the Parkway, that the project supports the goals of the new Parkway Plan in offering just the amenities that are included in this residential/commercial mix, that the "Whole Foods" store itself performs as a community forum, and that the project as currently conceived exhibits "really good design" that can mend a distressed section of the Parkway, as well as provide a number of jobs.

4. The Committee suggested that a more gracious residential lobby be created on the ground floor leading up to the "sky lobby." The architect and developer agreed that such a provision will be rethought and incorporated into a new design within the already-proposed footprint. The architect did concede that this will be "challenging" given the overall building program that must accommodate garage access and mechanical equipment space for both the grocery store and the residential component.

5. The Committee and the two RCO's (Logan Square Neighbors Assoc, LSNA & Spring Garden Civic Assoc, SGCA) concur that the stucco elevations on the single-loaded corridor that links the two residential towers, apparent on both the north and east elevations, be reconsidered in terms of both design and materials. Comments were offered that suggested that this "hyphen" between the major residential tower is not complementary to the glass articulation of much of the building as well as the skin of the parking garage along 21st Street. The RCO's both agreed that there was too much dissonance in the many expressions of the architecture – especially from at the east elevation.

6. The Committee wanted to know why a LEED certification of some sort was not being sought for this project, especially since the "Whole Foods" grocery ethos promotes sustainability and sound practices in food purchasing and consumption. There was no definitive answer to this question from the design team.

7. The RCO's suggested and The Committee agreed that pedestrian-scale lighting be included on all four sidewalks surrounding the development.

Ms. Rogo Trainer asked have there been any changes to the plan since the CDR meeting.

Mike Sklaroff, attorney, introduced the team.

Mr. Greenberger replied there are a series of CDR recommendations.

Jim Voelzke replied the building meets the requirements. We are not pursuing LEEDS. We have not proceeded with the designing with the inside of the building.

Ms. Rogo Trainer replied the public space along 22nd Street. There are not any openings. The second was the small notch on the corner – setbacks made more. There could be something that feels public.

Mr. Voelzke replied we agreed with everything Nancy is saying. Everything is green there. He has worked for Whole Foods for 20 years, and we make it open and lively. I don't agree with more open space – we front on the Parkway – 55,000 sq. ft. We put the front on Pennsylvania Avenue at grade.

Mr. Greenberger asked is the main floor open air.

Mr. Voelzke replied yes.

Mr. Greenberger replied have some open doors with the café.

Mr. Voelzke replied it is set up as a large vestibule.

Mr. Greenberger replied open public space – the problem is with people coming out with bags in their hands, etc that need to move around. He asked Anthony what are the parking spaces below grade.

Mr. Santaniello replied 172 spaces below grade.

Mr. Voelzke replied below grade serves Whole Foods, and above grade is for retail and residents – 310 spaces.

Mr. Lee asked how long it would take.

Mr. Voelzke replied it would take several years.

Ms. Rogo Trainer replied this project is accessible to traffic.

Mr. Eiding asked are we estimating how much pedestrian traffic there will be. Trader Joe at 22nd and Market is a real mess.

Mr. Greenberger replied you can get in Whole Foods on Hamilton Street.

Mr. Voelzke replied Whole Foods parking is separate – 2 ways in and out of that garage. Trucks are a huge issue with any business. No trucks will be moving in a pedestrian right of way or moving on sidewalk. Parking will be controlled at first, but if there is a problem then they will fix it.

Mr. Syrnick replied looks like all driveways as street to street. Do you ramp up?

Mr. Voelzke replied the curb cuts on 21st and Hamilton.

Mr. Syrnick replied he feels it should be straight sidewalk all of the time.

Mr. Panek replied they are happy to see Whole Foods relocate to this site, and the residential apartments. One concern is the above ground parking, but since they have put significant below ground parking that is okay. They would like to see some greenery. The traffic in the area is bad. It could be because there are no traffic signals. The curb cut ingress and egress on Hamilton Street, we frankly would prefer not to see it. If you have to have it, could you please put a gate there during rush hours. How would you control it?

Mr. Eiding replied 21st and Hamilton, that area is always congested. The 9th Police District is there. The project is great for the area. There is a stop sign there but it doesn't move traffic.

Mr. Greenberger replied it sound like a more complicated management problem. I think we need to talk to the Streets Department and the Police Department on how they handle their cars. We don't know the future of the Whole Foods that is now there.

Mr. Panek replied where the Whole Foods is now, it will not be empty long. Check on the Wawa too.

Mr. Sklaroff replied this project has taken 5 community meetings. This issue at 21st and Hamilton will not be address by the developer alone. It needs to be addressed by Streets Department, Police Department, and SEPTA. The 48 Bus route is important to the community.

Resident replied 21st and Hamilton, parking at Wawa, SEPTA, and Police activity in the area. People will wait for a parking space for people to come out. The access to Hamilton disperses the traffic. We don't see traffic in the morning during rush hour.

Mr. Greenberger replied 1) commitment to make some doors; 2) commitment to study pedestrian activity; and 3) Nancy – what is it about lighting?

Ms. Rogo Trainer replied recommendation – not adequate lighting.

Mr. Sklaroff replied we have an agreement with community, but the Streets Department has some responsibility here.

Mr. Greenberger continue with 4) traffic situation at 21st and Hamilton needs to be address.

Mr. Sklaroff replied our first meeting with Council President Clarke and Councilman Greenlee was very supportive.

Mr. Syrnick replied left side perforated metal.

Mr. Greenberger asked how long is the wall.

Mr. Voelzke replied 180 feet. Parking garage is designed. We put our main residential on 21st Street.

Ms. Rogo Trainer replied we saw some photos at CDR, that didn't make us uncomfortable.

Mr. Greenberger replied they will need some screen over the garage. He said the motions on the table are: 1) additional doors; 2) study the pedestrian areas to Whole Foods; 3) work with Streets Department on light and traffic; and 4) materials.

Mr. Voelzke replied we are bumping into problems with every door needs a vestibule. Could you help us with this?

Upon motion by Mr. Lee, seconded by Mr. Citron, the City Planning Commission supports ZBA Calendar No. 20922 for the development of a mixed-use building containing a 63,000 square foot grocery store and 293 residential units with accessory parking at 501 N. 22nd Street.

Ms. Rogo Trainer opposed. We gave our recommendation at the CDR and they didn't make any changes. They came back with the same plan. They are wasting our time.

Mr. Greenberger adjourned the City Planning Commission Meeting of August 20, 2013 at 3:07pm.

SUMMARY

1. Approval of the Minutes for the July 16, 2013 meeting. Approved

2. Executive Director's Update.

3. *Staff Presentation:* One-Year Zoning Code Review (Presented by Natalie Shieh) Presented

4. Action Item: ZBA Calendar No. 20722: Development of 10 a 278-unit residential building with accessory parking at 1919-43 Market Street (CDR: August 6, 2013; ZBA Hearing: August 21, 2013; Presented by Paula Brumbelow). Supported

5. Action Item: ZBA Calendar No. 20922: Development of a mixed-use building containing a 63,000 sq. ft. grocery store and 293 residential units with accessory parking at 501 N. 22nd Street (CDR: August 6, 2013; ZBA Hearing: August 28, 2013; Presented by Anthony Santaniello). Supported