

PHILADELPHIA CITY PLANNING COMMISSION  
October 16, 2012

PRESENT:

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

ABSENT:

Nilda Ruiz

Executive Director: Gary J. Jastrzab  
Deputy Executive Director: Eva Gladstein

Chairman Alan Greenberger convened the City Planning Commission Meeting of October 16, 2012 at 1:09pm.

- 1) Approval of the Minutes for the September 18, 2012 meeting.

Upon motion by Mr. Eiding, the City Planning Commission approved the minutes for the September 18, 2012 meeting.

- 2) Executive Director's Update

Mr. Jastrzab stated there are a number of items to report.

- **APA/PA AWARD**

I'm pleased to announce that the Philadelphia City Planning Commission has received the APA-PA's *Planning Excellence Award for Best Practice* for our "Integrated Planning and Zoning Process." The award recognizes the strategic inter-relationship between *Philadelphia2035*, zoning reform, and the CPI. It celebrates the creation of the positive climate in Philadelphia that enabled adoption of a new comprehensive plan and new zoning code in the same year, for the first time in 50 years. As I speak, Eva Gladstein is at the award luncheon of the PA Chapter's annual conference in Erie, PA, accepting the award on our behalf. We're very proud of everyone who had a hand in this work -- far too many to recognize here. We are hopeful that we'll receive a similar award at the APA National Planning Conference in Chicago next April.

- **DANIELLE DILEO-KIM RECEIVES THE YOUNG ARCHITECT AWARD**

I'm likewise pleased to announce that Danielle DiLeo-Kim, who has consulted with us for the past two-plus years, is this year's recipient of the AIA Philadelphia's *Young Architect Award*. This award recognizes a young architect of exceptional achievement for past accomplishment and future promise in the areas of practice, education, and service. Danielle's work with us on *Philadelphia2035* was a contributing factor in the AIA's award decision. We're proud of that work and the recognition it's brought to Danielle and the City Planning Commission staff. I should note that our Chairman, Alan Greenberger, was also a recipient of this award in 1991.

- **NANCY ROGO-TRAINER RECEIVES THE AMERICAN ACADEMY IN ROME FELLOWSHIP**

Also announced last Wednesday, October 10, by AIA Philadelphia, and sponsored by WPF, was the awarding of a Fellowship to American Academy in Rome (next April-May 2013) to Nancy Rogo-Trainer.

- **ALAN GREENBERGER RECEIVES THE WYCK-STRICKLAND AWARD**

And last, but not least, I'm happy to announce that our Chairman has been awarded the Wyck-Strickland Award for leadership in the arena of design and development, and its impact on the City of Philadelphia. The award acknowledges progress and modernity with an understanding of and sensitivity to historical context. Congratulations to Alan.

## **PHILADELPHIA 2035 PLANNING ACTIVITIES:**

### **1. Staff leadership at Design on the Delaware Conference**

Another tribute paid to the Philadelphia City Planning Commission is that staffers are often sought out as "thought leaders." For the upcoming *Design on the Delaware Conference* (Nov 14-16), 10 staff members are leading sessions at the region's principal professional gathering for architects, planners, landscape architects, and others in the design professions:

- a. Danielle DiLeo-Kim
- b. Jennifer Barr
- c. Andrew Meloney
- d. Ian Litwin
- e. Beige Berryman
- f. David Fecteau
- g. Clint Randall
- h. Debby Schaaf
- i. Alan Urek
- j. Mark Wheeler

### **2. Upcoming Central District Plan public meetings:**

- a. Next Monday, October 22 at the Independence Visitors' Center at 5:30 pm.
- b. Next Thursday, October 25 at the Trinity Memorial Church, 22<sup>nd</sup> & Spruce at 5:30 pm.

### **3. Starting University City/SW District Plan:**

- a. First public meeting will be November 13<sup>th</sup> at the Enterprise Center, 4548 Market Street at 6:30 pm.

## **ITEMS IN ACCORD WITH PREVIOUS POLICY – LEGISLATIVE BILLS RECOMMENDED FOR ADMINISTRATIVE APPROVAL:**

- **Zoning Bill No. 120774: Zoning Code Technical Amendments (Introduced by Councilmember Greenlee on October 4, 2012)** The Administration originally prepared a Zoning Code "clean-up" amendments bill (#120431), and it was introduced on May 17. On May 29, the Commission recommended that #120431 be approved. On May 21, #120431 was approved by City Council, and the Mayor signed it. However, before passage the bill was amended, and contained only one of the many changes recommended by the PCPC, L&I, and the Law Department in the original bill. The dozens of other changes, the majority of which corrected typographical or grammatical errors, or clarified graphics, definitions, and charts, were excluded from the bill. A new Bill #120774 containing these items was introduced on October 4.
- **Streets Bill No. 120653 (Introduced by Councilmember Jones for Council President Clarke on September 13, 2012)** Authorizes the bay windows of a proposed 12-story residential building to encroach over the sidewalk on both Chestnut and Ranstead Streets, between 20<sup>th</sup> and 21<sup>st</sup> Streets. Encroachment is less than 3 feet over the public right-of-way, beginning ten feet above the sidewalk, and continuing from the 2<sup>nd</sup> through 12<sup>th</sup> floors of the proposed building. On January 17, 2012, PCPC recommended the approval of a Redevelopment Agreement between the Philadelphia Redevelopment Authority and Aquinas 2021 Chestnut Street, LP for the development of this building, noting that the proposal was consistent with the Center City

Redevelopment Area Plan. On February 21, 2012, the Commission voted support for zoning variances needed to develop this project.

- **Streets Bill No. 120657 (Introduced by Councilmember Squilla on September 13, 2012)** Technical correction to Bill 120565 introduced on June 7<sup>th</sup>, correcting the spelling of Alder Street (misspelled as *Adler Street*). As a result, the bill was reintroduced with the corrected spelling. Authorizes PNC Bank to own and maintain three concrete planters on the south sidewalk of South Street between 10th and Alder Streets adjacent to the curb line. These planters will encroach five feet onto the sidewalk, leaving seven feet of clear and unobstructed footway for pedestrian passage. Additionally, one concrete planter will encroach onto the east sidewalk of Alder Street between South and Bainbridge Streets, leaving 5 feet of clear and unobstructed footway. The Commission recommended approval for the original bill on June 12, 2012.
- **Streets Bill No. 120658 (Introduced by Councilmember Squilla on September 13, 2012)** Authorizes a sidewalk encroachment for two outdoor seating areas at 1700 S. 2nd Street. The tables and chairs leave slightly more than 6 feet of clear unobstructed footway.
- **Streets Bill No. 120660 (Introduced by Squilla on September 13, 2012)** Authorizes revision of lines and grades in the area bounded by Aramingo Avenue, Frankford Creek, and Adams Avenue. Amends Section 2 of an earlier ordinance (Bill No. 100226, which further amended Section 2 of an even earlier Bill 040511) by extending the period for compliance. Bill No. 100226 was recommended for approval by the City Planning Commission on April 20, 2010.
- **Streets Bill No. 120778 (Introduced by Councilmember Johnson on October 4, 2012)** Extending the period for compliance with a previously approved balcony and bay window encroachment bill for a building at 621 S. 24th Street. The PCPC recommended approval of Bill No. 120519 on June 12, 2012.
- **Streets Bill No. 120798 (Introduced by Councilmember Jones on October 11, 2011)** Authorizes the placement of a utility ROW at Parker Avenue and Umbria Streets, for the development of Umbria Village, a 168 unit residential complex. The PCPC supported granting of the variances for this development on September 20, 2011.

**Redevelopment items for administrative approval.** PCPC staff recommends administrative approval of five Redevelopment Agreements for side yards. These approvals are consistent with their respective Redevelopment Area Plans. The properties are:

**New Kensington/Fishtown Redevelopment Area**

1. 1228-30 E. Oxford Street, Brian K. Schubert
2. 2320-22 Emerald Street, Edward White
3. 2128 E. Dauphin Street, Michael A. Smith
4. 2200 E. Cumberland Street, Brett Dietsch

**North Philadelphia Redevelopment Area**

5. 2528 N. Leithgow Street, Bienvenido and Feliciano Rosario

3) Staff Presentation: Recognition of American Planning Association "Great Places in America" Neighborhood Award to Chestnut Hill

David Schaaf, Director of the Urban Design Division, stated today we are presenting an award on behalf of the American Planning Association (APA). The APA Great Places in American Program recognizes 10 Great Places, 10 Great Streets, and 10 Great Neighborhoods. This program celebrates places of exceptional planning, character, and custodianship. These places represent achievements in urban planning and design. They have a true sense of place, cultural and historic interests, community involvement, and a vision for the future. Such a neighborhood is Chestnut Hill, which received one of the APA Great Neighborhood awards in October. According to the APA's characteristics and guidelines for designations, a Great Neighborhood must be at least 10 years old to be considered for this honor. Chestnut Hill is more than 300 years old, and was mentioned as a place in the German Township of the Philadelphia County less than a generation after William Penn founded the colony. The neighborhood attributes and assets are substantial. Citizens continue to advocate it to this day. It is the largest community in the Commonwealth. They have numerous historic buildings. They have one commercial corridor along Germantown Avenue. They have a hospital, a college, an arboretum, an art museum, a farmers market, a theater, a food co-op, a cricket club (where they play tennis), a golf course, and century old hardware store. It is served by 2 commuter rail lines; the Reading Railroad and the Pennsylvania Railroad. They continue to be an active community of interested citizens, who plan and preserve the community's assets to serve the needs of present day. Here to receive awards today from the Chestnut Hill Community Association represented by Joyce Lenhardt, Vice President of Physical Development; the Chestnut Hill Business Association represented by Kate O'Neil, the Chief Deputy Director; and Chestnut Hill Historical Society represented by Patricia Marian Cove, Board member and Chair of the Historic District Advisory Committee. Mr. Greenberger presented them the awards.

4) Action Item: Adoption of *Philadelphia2035* Lower Northeast District Plan.

Ian Litwin, Project Manager for the Lower Northeast District Plan, stated the Lower Northeast District Plan is 5.92 square miles, consisting of the following neighborhoods: Frankford, Northwood, Summerdale, Oxford Circle, Lawncrest. It is the third in a series of 18 district plans. The plan envisions the Lower Northeast as a district complete with thriving commercial corridors, a growing arts and artisanal manufacturing economy, and neighborhoods that are popular with immigrants and young families looking for stable housing, access to an expanding open space network, and new and enhanced transit routes. The *Lower Northeast District Plan* is both aspirational in its scope and vision, yet readily implementable. Many of the recommendations are written so that they can be implemented in a phased manner. The plan contains 45 clearly written recommendations across eight planning elements. Nine of these were chosen as priority recommendations. We will focus on the implementation of these nine over the next 12 months. We have already taken steps towards the implementation of three of these. The *Healthy Philadelphia* element of the plan focuses on the provision of health services in the Lower Northeast. Access to health services in this section of the city is severely lacking. To support the work of the Department of Public Health, the plan recommends three locations that we feel would best serve the population. The three focus areas are the Frankford Transportation Center, Frankford Gateway, and Castor Avenue Commercial Corridor. The Frankford Transportation Center (FTC) focus area aims to create a neighborhood center through streetscape improvements and the development of a new health and wellness center. Improved public space, together with the addition of a new health and wellness center would

transform the area into a complete neighborhood center. The Frankford Gateway focuses on the southern part of Frankford and its historic, creative, and natural resources. This section of Frankford includes many unique resources that could be strengthened through better connectivity and thoughtful urban design measures. Located in a neighborhood with rapid population growth and convenient access to public transportation, Castor Avenue can become the premiere multicultural destination in the Lower Northeast. The Castor Avenue Commercial Corridor focus area illustrates potential building massing and uses associated with CMX-2.5 zoning. This zoning change is recommended to encourage development that can help meet the area's need for more diverse housing options while providing a more active and welcoming streetscape. In addition, the plan makes 19 zoning recommendations (14 characterized as Corrective Zoning and 5 characterized as Zoning to Advance the Plan). The City Planning Commission staff recommendation is adoption.

Upon motion by Mr. Eiding, seconded by Ms. Thompson, the City Planning Commission adopted the *Philadelphia2035* Lower Northeast District Plan.

- 5) Action Item: Acceptance of Hunting Park Neighborhood Strategic Plan 2022.

David Ortiz, Community Planner, stated the location of this plan is Luzerne to Roosevelt Boulevard, Front Street to 9<sup>th</sup> Street. The party-at-interest is Esperanza. The plan was funded by the Wells Fargo Regional Foundation and completed by Interface Studio LLC. The key planning recommendations are:

- Housing preservation and rehabilitation;
- Streetscape improvements to include greening and lightning;
- Storefront lighting and façade improvements;
- Acquisition and redevelopment of the abandoned rail corridor;
- Acquisition and redevelopment of the old Roberto Clemente school site.

The City Planning Commission staff recommendation is acceptance.

Upon motion by Mr. Syrnick, seconded by Ms. Miller, the City Planning Commission accepted of the Hunting Park Neighborhood Strategic Plan 2022.

- 6) Action Items: Legislative Amendments to the Zoning Code:
  - a. Zoning Bill 120654: Amending the Zoning Code relating to stream buffers, waterfront setbacks, certain overlay districts; and the Water Department Hydrology Map designating watercourses subject to waterfront setback requirements (Introduced by Councilmember Jones for Council President Clarke on September 13, 2012).

Joseph Syrnick recused himself.

Paula Brumbelow, Development Planning Division, stated this is one of several bills designed to make technical amendments to the new zoning code. As adopted by City Council, the new Zoning Code requires a 50 foot setback from waterways identified on the City's

Hydrology Map, to be adopted by regulation of the Philadelphia Water Department. In June, 2012, after input from the development community objecting to the setback from the riverfronts, City Council amended the new zoning code to require City Council adoption of the City's Hydrology Map. A Working Group convened by Councilman Green's office and including representatives of District Council offices, development and environmental organizations, met several times over the summer to review this issue. Based upon the work of that group, Bill # 120654 was drafted:

- Adopting the City's Hydrology Map (attached as an appendix to the ordinance);
- Clarifying that recyclable materials are included in the Wholesale, Distribution, and Storage Use category;
- Establishing a 50-foot setback from all watercourses identified on the Hydrology Map;
- Prohibiting within the setback: permanent or temporary structures (except for docks, piers, and structures accessory to public parks and open space;) outdoor storage of materials; roads and driveways; parking lots; and any other directly connected impervious surface;
- Permitting: portions of the lot within the setback to count towards required open space; plantings within the setback to count toward minimum landscape requirements; and stormwater management functions approved by the Water Department within the setback; and
- Adding special controls for the Delaware and Schuylkill Rivers to permit dock or port related activities; private marina and boat storage; pipelines and conveyors; airport related facilities; utilities; wholesale, distribution, and storage uses; and city-owned facilities in the setback if they are permitted by the underlying zoning and compatible with existing adjacent uses.

The proposed legislation also requires the City Planning Commission to review applications and plans for any development on a lot sharing a boundary with the Delaware or Schuylkill Rivers. The Commission's determination is to be filed with the Chief Clerk of Council. City Council may override the determination within 45 days. The City Planning Commission staff recommendation is approval.

Craig Schelter submitted testimony (See exhibit "6A"). He appeared in two capacities: 1) as a consultant to Orthodox Properties LLC, owners of 3100 and 3150 Orthodox Street; and 2) as Executive Director of the Development Workshop, Inc. He gave background on the related zoning issues. During August, City Council staff assembled a working group in which the Workshop was one of a number of participants. Over two meetings the group heard presentations of the Water Department, as well as, reviewed draft zoning language related to stream buffers. After the second meeting, we first heard press comments that a consensus had been reached on an approach. We immediately responded to the press that this was not the case. We outlined what further needed to be done and asked for another meeting to see if common group could be reached. While we understand and, under most conditions accept those criteria for streams with some sort of natural bank, we do not believe that the same conditions exist wherever a riverfront site is bulkheaded against the river. What you see from the Airport to Girard Point, along the refineries of the Schuylkill River, along the Navy Yard

(equivalent to the width of Center City), along Packer Avenue Marine Terminal, industrial lands north of Penn Treaty Park, Tioga Marine Terminal, north of the Betsy Ross Bridge to Northern Metals – an industrial water's edge characterized by bulkhead structures. In each of those sites, a 50 ft. setback does nothing to achieve any of the stated purchases above. Therefore, a way must be found to exclude such properties from the setback provisions. Furthermore, the process by which the Commission determines compatibility makes then a "decider" rather than a "recommender" as provided in the Home Rule Charter, and give City Council only 45 days to overturn a decision of the Commission, which is inconsistent with City Council approval at stated meetings during the summer recess. Changing to 75 or 90 days appears much more realistic. As to the specific property at 3100 Orthodox Street, this 15 acre parcel has a 770-ft. river frontage that is entirely bulkheaded. Adjacent to that bulkhead is concrete and asphalt impervious paving. On this site, a thriving electronics recycling business is growing in size, layout and employment. Under the ordinance as drafted, they may be forced to a new location all because their produce handling is clearly not compatible with a public park or trail, nor are other owners further to the south. What we are asking is that business expansion be given at least as much consideration as the eight concerns listed above since the bulkhead setback really doesn't provide the natural water's edge referred to in the draft legislation. Therefore, we are asking that the Commission's recommendation either include these points or that action be deferred until revised amendments can be submitted to City Council for discussion with proper time allowed for the public hearing to be rescheduled shortly after the election in mid November. This is something that can be and needs to be done right.

Upon motion by Ms. Thompson, seconded by Ms. Rogo Trainer, the City Planning Commission approved Zoning Bill 120654 with an amendment to clarify that the 45-day period for City Council review be counted only when City Council is in session. Mr. Eiding opposed.

- b. Zoning Bill 120656: Amending the Zoning Code by modifying lot area and parking requirements for the "RM1" Residential Multi-Family and the "CMX1, CMX2, and CMX2.5" Commercial Mixed-Use districts (Introduced by Councilmember O'Neill on September 13, 2012).

Martin Gregorski, Development Planning Division, stated this bill will change the lot size requirements for multi-family dwellings in the "RM1", "CMX1", and "CMX2" districts. The existing requirement is that a minimum of 360 sq. ft. is required per unit for the first 1,440 sq. ft. of lot area, and 480 sq. ft. per unit for thereafter. This results in four dwelling units on a 1,440 sq. ft. lot. This bill changes the calculation so that in these districts 480 sq. ft. of lot area is required per unit, regardless of the size of the lot. This change would limit these districts to three units on a 1,440 sq. ft. lot. The bill also adds a parking ratio of 3 spaces per every 10 dwelling units in the "RM1", "CMX2", and "CMX2.5" zoning districts where currently no parking spaces are required. In the "RM1" District, you may have two dwellings without the need for a parking space. Hotels (visitor accommodations) in the "CMX2" and "CMX2.5" districts will also now have a parking ratio of 3 spaces per 10 dwelling units. The "CMX1" Commercial Mixed-Use zoning district picks up its parking requirement from the restrictive adjacent zoning district, which is why it was not included in the changes. Limiting the number of dwelling units in certain districts is supportable, given that the three-story row home is a dominant dwelling model in these districts. The changes would permit one unit per floor, rather than four units in a three-story structure, which can lead to basement apartments and/or too small efficiencies. With regard to the changes to parking requirements, the ordinance would result in a significant number of referrals to the Zoning Board of Adjustment, because the new Zoning Code requires

a special exception to provide parking on lots that are less than 20 ft. wide and that are not served by a rear street, shared driveway, or alley. This was designed to prevent front-loaded, off-street parking that removes on-street parking spaces from the neighborhood. Therefore, The City Planning Commission staff recommends approval with an amendment to exempt the first three residential units from the calculation of the required spaces.

Upon motion by Ms. Miller, seconded by Mr. Eiding, the City Planning Commission approved Zoning Bill 120656 as amendment.

- c. Zoning Bill 120781: Amending the Zoning Code by... Daycare Amendments to the Zoning Code (Introduced by Councilmember Reynolds Brown on October 4, 2012).

Larissa Klevan, Development Planning Division, stated this bill proposes to amend Section 14-603(5) (a) (.1) and Section 14-603(5) (a) (.2), relating to Family Day Care. "Family day care" is defined as "The provision of care within the day care provider's primary residence for children who are not relatives of the provider." This bill proposes to amend these provisions, so that a family day care may exceed the limit of six children up to 12 children if approved by special exception. Currently, the zoning code requires a variance to exceed this limit. The amendment exempts "Area 1" and "Area 2" (see maps below) where family daycare use is limited to four or fewer children, and would remain so.

**Area 1:** all divisions of the 41st Ward; divisions one through six, 12, 15, 20 23, 25 of the 45th Ward; all divisions of the 44th Ward; divisions 26 and 29 of the 56th Ward; divisions four through nine, 20, 23, 26, and 27 of the 57th Ward; divisions three, six, seven, eight, 10, 11, 12, and 14 through 26 of the 62nd Ward; all divisions of the 64th Ward; and divisions one through nine and 11 through 23 of the 65th Ward.

**Area 2:** divisions three and five of the 35th Ward; divisions 12, 15, 20, 21, and 22 of the 53rd Ward; divisions two, three, four, seven through 12, 14, 17, 18, 19, and 33 of the 56th Ward; divisions one, two, three, 10 through 19, 21, 22, 24, 25, and 28 of the 57th Ward; all divisions of the 58th Ward; divisions one through 21, 23, 24, and 25 of the 63rd Ward; division 10 of the 65th Ward; and all divisions of the 66th Ward.

The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Eiding, seconded by Mr. Citron, the City Planning Commission approved Zoning Bill 120781.

Mr. Greenberger left at 3:16pm.

- 7) Action Item: Zoning Remapping Bill 120724: Remapping a portion of the area bounded by 5<sup>th</sup>, Clearfield, and 6<sup>th</sup> Streets, and Allegheny Avenue from "I2" Medium Industrial to "CMX3" Community Commercial Mixed-Use (Introduced by Councilmember Quiñones Sánchez on September 20, 2012).

Mr. Gregorski stated this bill will rezone the site from its current "I2" Medium Industrial zoning to a new designation of "CMX3" Community Commercial Mixed-Use. This change will permit the development of this site as the "La Plaza" flea market. The market will re-use shipping containers for kiosks, with retail sales, a stage for entertainment, and a seating area. This remapping was the subject of a Zoning Board case, where the variances were denied. The PCPC staff proposed that the "CMX3" zoning be amended to "ICMX," and the Councilmember concurs. "CMX3" zoning permits additional development density that is not in character with the area; the "ICMX" zoning classification is a much better fit. The City Planning Commission staff recommendation is approval as amended to "ICMX" Industrial Commercial Mixed-Use district, which to more appropriate given the density and character of the area.

Upon motion by Mr. Eiding, seconded by Ms. Thompson, the City Planning Commission approved the Zoning Remapping Bill 120724 as amended.

- 8) Action Item: Street Bill 120648: Striking Senate Street from appoint 106 feet west of Rosewood Street to its terminus (Introduced by Councilmember Johnson on September 13, 2012).

Sarah Chiu, Development Planning Division, stated the purpose of this Bill is to strike and vacate a paper street from the City Plan. This block of Senate Street is neither currently paved, nor open to public traffic. The developer is proposing to construct several new homes fronting on Fitzwater Street and seeks to incorporate a portion of the vacated street areas as part of the building lots. The City Planning Commission staff recommendation is approval.

Upon motion by Ms. Rogo Trainer, seconded by Mr. Eiding, the City Planning Commission approved Street Bill 120648.

- 9) Action Item: Streets Bill 120649: Striking "A" Street from Erie Avenue to a cul-de-sac turnaround to accommodate new hospital development (Introduced by Councilmember Quiñones Sánchez on September 13, 2012).

Ms. Chiu stated the purpose of this Bill is to accommodate the hospital's expansion plan. Tenet Health System - St. Christopher's Hospital for Children proposes to construct a 2-story Medical Office Building (MOB) with associated off-street surface parking and a new 4 story Critical Care Building connected to the existing hospital within the St. Christopher's Hospital site located at 3601 A Street. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Lee, seconded by Mr. Eiding, the City Planning Commission approved Streets Bill 120649.

- 10) Action Item: Streets Bill 120661: Revising the lines and grades of Delaware Avenue from Spring Garden Street northwest to Ellen Street, and of Penn Street from Delaware Avenue northwest to Ellen Street, to accommodate a pedestrian and bicycle trail (Introduced by Councilmember Squilla on September 13, 2012).

Ms. Chiu stated this action will reduce the cartway width by approximately 16 feet, and add this to the footway area to accommodate a trail for use by pedestrians, cyclists, and other non-motorized users. The party-at-interest is the Delaware River Waterfront Corporation. The travel direction on Penn Street is also to be changed from northbound to southbound. The City Planning Commission staff recommendation supports the concept of the trail at this location, but has requested more detail about the overall Central Delaware Riverfront Trail design. There is also a Streets Department regulation that requires the Commission to approve any trail that makes use of the sidewalk area. DRWC's application to use the footway for a trail is now being prepared. Therefore, we are requesting an additional 45 days to allow DRWC and its design team to provide this information. At the November 20<sup>th</sup> meeting, there will be a presentation of the trail design, and Commission action can be taken on the curblineline relocation and request to use a portion of the footway for a multi-use trail. Both the Councilmember and DRWC support this recommendation.

Upon motion by Mr. Eiding seconded by Ms. Rogo Trainer, the City Planning Commission approved staff's recommendation for a 45-day extension to review Streets Bill 120661.

- 11) Action Item: Streets Bill 120723: Striking and relocating a drainage right-of-way on a site located at the northeast corner of Island and Bartram Avenues to accommodate new hotel development (Introduced by Councilmember Johnson on September 20, 2012).

Ms. Chiu stated this action will relocate an existing drainage right-of-way in order to accommodate a hotel proposal. The City Planning Commission staff recommendation is approval.

Upon motion by Ms. Thompson, seconded by Mr. Citron, the City Planning Commission approved Streets Bill 120723.

Mr. Syrnick adjourned the City Planning Commission Meeting of October 16, 2012 at 3:35pm.

## SUMMARY

---

1. Approval of the Minutes for the September 18, 2012 meeting. Approved
2. Executive Director's Update.
3. Staff Presentation: Recognition of American Planning Association "Great Places in America" Neighborhood Award to Chestnut Hill (Presented by David Schaaf). Presented
4. Action Item: Adoption of *Philadelphia2035* Lower Northeast District Plan (Presented by Ian Litwin) Adopted
5. Action Item: Acceptance of Hunting Park Neighborhood Strategic Plan 2022 (Presented by David Ortiz and Pita Lacenski Oxholm of Esperanza). Accepted
6. Action Items: Legislative Amendments to the Zoning Code:
  - a. Zoning Bill 120654: Amending the Zoning Code relating to stream buffers, waterfront setbacks, certain overlay districts; and the Water Department Hydrology Map, designating watercourses subject to waterfront setback requirements (Introduced by Councilmember Jones for Council President Clarke on 9-13-12; Presented by Paula Brumbelow) Approved
  - b. Zoning Bill 120656: Amending the Zoning Code by modifying lot area and parking requirements for the "RM1" Residential Multi-Family and the "CMX1, CMX2, and CMX2.5" Commercial Mixed-use districts (Introduced by Councilmember O'Neill on 9-13-12; Presented by Martin Gregorski). Approved
  - c. Zoning Bill 120781: Amending the Zoning Code by...Daycare Amendments to the Zoning Code (Introduced by Councilmember Reynolds Brown on 10-4-12; Presented by Larissa Klevan) Approved
7. Action Item: Zoning Remapping Bill 120724: Remapping a portion of the area bounded by 5<sup>th</sup>, Clearfield, and 6<sup>th</sup> Streets, and Allegheny Avenue from "I2" Medium Industrial to "CMX3" Community Commercial Mixed-use (Introduced by Councilmember Quiñones Sánchez on 9-20-12; Presented by Martin Gregorski). Approved as amended
8. Action Item: Streets Bill 120648: Striking Senate Street from a point 106 feet west of Rosewood Street to its terminus (Introduced by Councilmember Johnson on 9-13-12; Presented by Sarah Chiu). Approved
9. Action Item: Streets Bill 120649: Striking "A" Street from Erie Avenue to a cul-de-sac turnaround to accommodate new hospital development (Introduced by Councilmember Quiñones Sánchez on 9-13-12; Presented by Sarah Chiu) Approved

10. Action Item: Streets Bill 120661: Revising the lines and grades of Delaware Avenue from Spring Garden Street northwest to Ellen Street, and of Penn Street from Delaware Avenue northwest of Ellen Street, to accommodate a pedestrian and bicycle trail (Introduced by Councilmember Squilla on 9-13-12; Presented by Sarah Chiu).  
Requested 45-day extension
  
11. Action Item: Streets Bill 120723: Striking and relocating a drainage right-of-way on a site located at the northeast corner of Island and Bartram Avenues to accommodate new hotel development (Introduced by Councilmember Johnson on 9-20-12; Presented by Sarah Chiu). Approved



Comments before the City Planning Commission

On Bill No. 120654

October 16, 2012

By

Craig Schelter

Good afternoon ladies and gentlemen.

I appear before you today in two capacities: one a consultant to Orthodox Properties LLC, owners of 3100 and 3150 Orthodox Street and secondly as executive director of the Development Workshop, Inc., a 501(c)(6) not-for-profit trade organization promoting the interests of real estate developers in Philadelphia to help the City realize its full potential, create construction and permanent jobs, increase the tax base and support the development in the context of vibrant, safe neighborhoods.

Background: Last June when City Council considered related zoning issues the Workshop had recommended that **stream buffers**, as the issue was described at the time, should be considered separately from technical amendments recommended by the Planning Commission. City Council went one step further and required the Water Department to prepare hydrology maps to be approved by City Council.

During August, City Council staff assembled a working group in which the Workshop was one of a number of participants. Over two meetings the group heard presentations of the Water Department as well as reviewed draft zoning language related to **stream buffers**. During that time we asked three major questions:

- What is the implication of additional controls in terms of water quality on stream buffers on mainly existing and potential industrial development sites?
- Why are the same controls being considered for rivers as are being considered for streams? And where are the scientific studies to back up the waterfront restrictions?
- Isn't this whole effort an indirect effort to ultimately restrict private property for public use?

After the second meeting, we first heard press comments that a consensus had been reached on an approach. We immediately responded to the press that this was not the case. We outlined what further needed to be done and asked for another meeting to see if common ground could be reached. That has not happened on two important points:



- Applicability standards as they extend to **waterfront setbacks** (formerly stream buffers) particularly where the waterfront characteristic is a constructed bulkhead along the water's edge.

Under 14-704(5)(a) all watercourses "*designated for protection for purposes including "restoring and maintaining the City's water resources; restoring and maintaining drinking water sources; restoring and maintaining base flow of streams; reducing and controlling erosion and sedimentation; reducing and controlling storm water runoff; stabilizing stream banks; and restoring and maintaining riparian habitats."*

While we understand and, under most conditions accept those criteria for streams with some sort of natural bank (as shown the diagram on page 7 of the draft ordinance), we do not believe that the same conditions exist wherever a riverfront site is bulkheaded against the river.

Now I ask you to bear with me for a minute as I take you up the two rivers in question (using the enclosed reprints from a series of aerial photographs along the rivers.) What you see from the Airport, to Girard Point, along the refineries of the Schuylkill River, along the Navy Yard( equivalent to the width of Center City), along Packer Avenue Marine Terminal, industrial lands north of Penn Treaty Park, Tioga Marine Terminal , north of the Betsy Ross Bridge to Northern Metals – an industrial water's edge characterized by bulkhead structures. In each of those sites, a 50 foot setback does nothing to achieve any of the stated purposes above. Therefore, a way must be found **to exclude such properties from the setback provisions.**

That would at least provide clarity to the diagram on page 7 of the proposed legislation showing the relation to a 25 foot wide stream and a 50 foot waterfront setback.

- The process by which additional uses beyond just open space waterfront setbacks for the Delaware and Schuylkill Rivers would be allowed.

Under 14-704(5)(c) Additional permitted uses are allowed provided they are permitted by the underlying zoning and "*the Commission determines that they are compatible with existing adjacent uses, including public parks and open space or recreational trails located in the waterfront setback."*

This provision should be deleted, as many industrial uses would clearly be incompatible with an adjacent park or trail. And to create the trail in the setback would require a public acquisition of the private property.



Furthermore, the process by which the Commission determines compatibility makes then a "decider" rather than a "recommender" as provided in the Home Rule Charter and gives City Council only 45 days to overturn a decision of the Commission which is inconsistent with City Council approval at stated meetings during the summer recess. Changing to 75 or 90 days appears much more realistic.

Finally, let me just touch on the specific property at 3100 Orthodox Street. This 15 acre parcel has a 770-foot river frontage that is entirely bulkheaded. Adjacent to that bulkhead is concrete and asphalt impervious paving. On this site, a thriving electronics recycling business is growing in size, layout and employment. Under the ordinance as drafted they may be forced to a new location all because their product handling is clearly not compatible with a public park or trail, nor are other owners further to the south.

What we are asking is that business expansion be given at least as much consideration as the eight concerns listed above **since the bulkhead setback really doesn't provide the natural water's edge referred to in the draft legislation.**

Therefore we are asking that the Commission's recommendation either include these points or that action be deferred until revised amendments can be submitted to City Council for discussion with proper time allowed for the public hearing to be rescheduled shortly after the election in mid November. This is something that can be and needs to be done right.

Thank you for your time I would be happy to answer any questions you may have and I ask that these comments be reflected in the minutes of this commission meeting.

G. Craig Schelter

