

PHILADELPHIA CITY PLANNING COMMISSION  
May 20, 2014

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  
Nilda Ruiz  
Saskia Thompson, representing Rob Dubow

ABSENT:

Executive Director:  
Deputy Executive Director:

Gary J. Jastrzab  
Alan Urek

Chair Alan Greenberger convened the City Planning Commission Meeting of May 20, 2014 at 1:06pm.

Mr. Greenberger stated we have a very long agenda. We are going to do the Plan of Development first because we have a court reporter here for that. We want to get her job done earlier. And then we are going to go through some of the normal items before the more complicated agenda items.

- 1) Approval of the Minutes for the April 15, 2014 meeting.

Upon motion by Ms. Rogo Trainer, the City Planning Commission approved the minutes for the April 15, 2014 meeting.

- 2) Executive Director's Update

Mr. Jastrzab stated he is going to try to make this brief.

- **CDR and PCPC MEETINGS**

The next scheduled CDR Committee Meeting will be May 27<sup>th</sup>. The next scheduled PCPC Meeting will be June 10. These meetings are being held a week earlier to accommodate City Council's schedule.

- **RCO UPDATE**

The new application period will open during the month of June. Two June RCO WORKSHOPS will be June 3 at 5:30pm and June 20 at 12:30pm in this room on the 18<sup>th</sup> floor of One Parkway Building. These presentation-style workshops will walk members of existing and new RCOs through the Philadelphia development process and how RCOs fit into the process and review "best practices" for meetings with developers.

- **STAFF RECOGNITION**

Nicole Ozdemir is a new staff planner working in the West/Central/South Cluster of the Planning Division. She comes to us from Hurley-Franks Associates.

## **REDEVELOPMENT ITEMS RECOMMENDED FOR ADMINISTRATIVE APPROVAL:**

All of the redevelopment agreement items listed below are consistent with their respective redevelopment area plans (the redevelopment area is shown in parentheses):

1. Redevelopment Agreement with Buist Avenue, LLC for the construction of seven market-rate, single-family homes at 7936-40 Buist Avenue (Eastwick).
2. Redevelopment Agreement with Errol Brown for the rehabilitation of a single-family home at 2008 South Salford Street (Kingsessing).

3. Redevelopment Agreement with BVIR Community Development Corporation LLC for the rehabilitation two vacant structures as residential duplexes at 6024-26 Greenway Avenue (Kingsessing).
4. Redevelopment Agreement with Carmen I. Rojas for the rehabilitation of a vacant structure for single-family homeownership at 3012 Arbor Street (Kensington).
5. Redevelopment Agreement with Brickstone Group, LLC for the construction of a single-family structure for homeownership at 2068 Boston Street (East Kensington).
6. Redevelopment Agreement with James Staab for the improvement of two vacant lots for use for parking and green space at 1306-08 Crease Street (Fishtown).
7. Redevelopment Agreement with Stephon Fox for the rehabilitation of a vacant structure for single-family homeownership at 1927 Brunner Street (Nicetown).

**LEGISLATIVE BILLS RECOMMENDED FOR ADMINISTRATIVE APPROVAL:**

All of the legislative bills listed below are consistent with policies of the Commission. The sidewalk encroachment bills all meet City guidelines for pedestrian clear space:

1. Bill No. 140338 implementing a SP-INS Master Plan Amendment for the University of Pennsylvania for the Perry World House, 3801-3803 Locust Walk (Introduced by Councilmember Blackwell on April 24, 2014). This amendment to the master plan was previously approved by the Commission on March 18, 2014.
2. Streets Bill No. 140314 authorizing an accessible ramp and step encroachment located at 1201 North 61st Street (Introduced by Councilmember Jones on April 10, 2014).
3. Streets Bill 140352 Authorizing Moonshine Philly to construct, own and maintain an open-air sidewalk café at 1825 E. Moyamensing Street. (Introduced by councilmember Squilla on 5/1/2014).
4. Streets Bill No. 140378 authorizing Wishbone Restaurant, LLC to construct, own, and maintain an open-air sidewalk café at 4034 Walnut Street (Introduced by Councilmember Blackwell on 5/1/2014).
5. Streets Bill No. 140389 authorizing Tiffin Bistro, LLC ('Owner') to construct, own, and maintain an open-air sidewalk café at 1100 Federal Street (Introduced by Councilmember Squilla on 5/1/2014).

Mr. Eiding asked how do we police sidewalk café set-ups that aren't approved. How do you know what is and is not approved? They are all over the place.

Mr. Jastrzab replied it's a legal authorization, and L&I is the enforcement agency. He can't speak for their enforcement practices because he doesn't know much about them.

Mr. Greenberger replied it is generally done on a complaint basis. Someone will have to contact them and say this is a problem. License and Inspections will get a notification and send out enforcement agents.

Mr. Jastrzab replied when they apply for such an encroachment, and it requires a Bill like this, the Planning Commission staff will check the plans that are submitted as part of that request to make sure that our standards are read.

- 3) Action Item: Plan of Development for AAA Mid-Atlantic commercial and vehicle maintenance facility, 1601 S. Columbus Boulevard at Tasker Street.

Mr. Jastrzab stated you may remember this item was an information only presentation at our last meeting. It is a Plan of Development for a proposed AAA Mid-Atlantic retail office and vehicle service facility with some accessory parking, which is located in the Central Delaware Riverfront, 1601 South Columbus Boulevard (southeast corner of Columbus Boulevard and Tasker Street). He invited Carl Primavera to make his presentation.

Carl Primavera, Esq. stated he was representing the AAA application for Plan of Development Review. It is near the Home Depot and Walmart. AAA will have retail sales for members, and some car maintenance and repairs by appointment. The underlining zoning has been industrial for the site, so the landlord entered into an agreement with the tenant, which is AAA. And it was the tenant's obligation to get all of the appropriate approvals and permits. Their engineer is here. He made the application. At the time of the application, the property was zoned industrial, and this type of use was an "as of right permitted use". However, it was subjected to POD review. And as you will hear at some point, the staff of the City Planning Commission met with the applicant. They totally revised their plans, and adopted each and every suggestion by the staff to make the site comply with the form requirements; make it more urban, make it more glass, make the traffic less of an impact. And basically do everything we are going to show you today. That plan was stamped. They went down to zoning; a zoning permit was issued; and a building permit was issued. Under the agreement between the parties (the landlord and the tenant) the landlord now had final, un-appealable permits; and gave a notice to proceed to the landlord as per the lease to demolish 2 significant structures on the property because AAA wanted to build from the ground up. The owner went in with City demolition permits, completed demolished a significant commercial office building and a large storage area. And then he vacated, and his responsibilities (in his mind) had been completed. And now he had a 20 year lease to AAA. AAA came on board and started their construction. It was approximately 4 months from the date of the initial permits when they received a letter from the City saying "I think you need to go through the Plan of Development process". Which everyone was concerned about, because it's hard to put the toothpaste back in the tube. So we filed an appeal with the Zoning Board of Adjustment, saying we had vested rights based upon reliance, expenditure, non-recoverable funds, and based upon proceeding in open fashion. Pennsport filed an appeal before us; saying they were unhappy with the permits that L&I had issued. So that's for another day. But we are here today, without prejudice obviously to our position of vested rights and many other complicated long and expensive lawsuits that will follow in all likelihood as between many parties and interests given the factions they are; but we have endeavor to satisfy each and every element of the Plan of Development so that in effect we may have gone out of order. So we have acted on the permits before the POD. But we had very strong and very significant staff input, and followed it; what you will see is really what we believe the POD process required. Now another interesting factor is that this is

retrospective. The POD is gone; we have a new Zoning Code. So this is just a footnote in history, but a very, very complicated, and difficult one because in effect our application was submitted it before the Zoning Code changes eliminated the POD; and now this use would be a prohibited use. But it wasn't at the time that we applied. So he hopes that he didn't confuse everybody. He will submit information and documentation.

Andrew DeFonzo, Civil Engineer of D.L. Howell and Associates. He said he prepared the POD Plan. He said the parcel is approximately an acre in size. It is located at the southeast corner of Tasker Street and Columbus Boulevard. Adjacent properties include a vacant land to the north, Tasker Street to the north, the Home Depot and the Walmart to the south and east, and various commercial properties to the west across S. Columbus Boulevard, beyond that you have I-95 and some residential neighborhoods. This parcel doesn't have access to the waterfront.

Mr. Lee arrived at 1:24pm.

Mr. Primavera showed where the Walmart, Home Depot, a gas station was in the area.

Mr. DeFonzo replied this parcel would be an extension for Home Depot. He brought in the first plan and the City Planning Commission staff made recommendations regarding the parking and the width of the lot line. We went back to AAA and they re-designed their entire plan. We showed no landscaping, and we were told that it was required. We were going to have 2 curb cuts on Columbus Boulevard, and now there is one curb cut. There is a 12 ft. wide sidewalk on Tasker and 7 ft. wide sidewalk on Columbus Boulevard. We have one curb cut on Tasker for in and out. The flow of traffic is from the rear. The curb cut on Tasker Street is 24 ft. There will be 45 parking spaces, and 5 ft. planting buffers.

Brad Murr, from AAA Mid-Atlantic, replied he works for them in a development capacity. He has been involved with this from the beginning. The store front will be glass north and south along Columbus Boulevard. Columbus Boulevard will be the main customer entrance on the side at a 45 degree angle. They are proposing a multi-facet facility; so all of their services are offered under one roof. They are using the sidewalk standards for Tasker Street. The Tasker Street side doors will not be available for use.

Mr. Greenberger replied let's move this along.

Mr. Primavera replied we are not on the water; we are surrounded by property we don't own.

Mr. DeFonzo replied heading on South Columbus – you will see the rear of Home Depot, and coming from the other direction – you will see our building. There are some other strip malls in the area.

Mr. Citron arrived at 1:32pm.

Mr. Primavera replied it is an "L" shaped building; with 50% of non-car repair activity. When you enter it will be retail activity.

Mr. Jastrzab replied it is zoned "I-2" Industrial; no variance is required. Present use is a vacant lot. Proposed use is retail and auto servicing facility, and should add the reason we are here of course is because there is an Overlay District that was enacted by City Council that

provided additional controls over and above the existing based zoning. That is why we are doing this POD review here today. The development team held a meeting with the community on April 29. And on May 7, we received a letter from them stating that. And we had 2 Commission staff attend that meeting. The development team did submit all of the necessary the materials required for a Plan of Development review. Back in 2008 Penn Praxis worked on the Vision Plan for the Central Delaware Riverfront. It was completed in early 2009. The Vision Plan for the Central Delaware was adopted in April 2009. In August 2009, City Council enacted a Central Delaware Riverfront Overlay, which became part of the Philadelphia Zoning Code. That established the Plan of Development Review process that we are doing today. Overlay Districts provide additional regulations beyond what is required or permitted in based zoning districts. The Central Delaware Riverfront Overlay was intended as “do no harm” interim zoning measure until a new master plan could be developed for the area and the entire riverfront area could undergo zoning remapping. The POD review procedure was intended to provide a check against inappropriate development, in light of plans being developed and remapping occurring. So after the Vision Plan was completed, the Delaware River Waterfront Corporation (DWRC) initiated a process for developing a more detailed Master Plan for Central Delaware Riverfront. That work was completed early in 2012; and the City Planning Commission adopted that Plan as part of the *Philadelphia2025* Comprehensive Plan for Philadelphia in March 2012. Shortly after that in August 2012, our new Zoning Code became effective. The new Zoning Code was enacted in December 2011, and became effective on August 22, 2012. And the existing overlay carried over into the new Zoning Code. On June 4, 2013, the development team submitted an application for zoning permit to L&I. The very next day, June 5, a new amended Central Delaware Riverfront Overlay was moved out of the Rules Committee in City Council, and was submitted to the Council as a whole for further enactment. That new Central Delaware Riverfront Overlay was enacted on June 25, 2013. So the development team submitted their application just prior to the new Overlay taking effect, and that is why we are going through this POD process, because the new amended Overlay eliminated the POD process. On April 15 and today, the Commission has had an opportunity to review this Plan of Development review. Last month you saw it as an information only item, which was required by our regulations to provide you with an overview and some basic materials about the plan and at this meeting we will make a staff recommendation for your consideration for final action on this Plan of Development. Under our regulations, the Plan of Development review should consider these items: uses, waterfront setback (which in this case does not apply), waterfront access, quality of the front yard, and aesthetics. And the Commission can consider additional criteria beyond these but our regulations established these as the items to be considered by the Commission in your review of any particular POD proposal. So a little bit about the Central Delaware Waterfront Plan – the plan is extensive and detailed, and establishes a number of principals for the future development for the Central Delaware Waterfront. In regards to this case, one of the major principals is to promote the development of new low to mid-rise dense and walkable residential neighborhoods along Columbus Boulevard, and the Delaware Riverfront. Plan recommendations were made to create a pedestrian friendly and balanced transportation plan that supports walkability and complete streets along the waterfront, and to encourage strong connections from the river’s edge to the City and the region. And finally the plan recognized that this plan was not going to happen all at one time; and that the plan is intended to be implemented in discreet increments over a period of time. The plan called for the southern end of Columbus Boulevard, especially below Tasker Street where the big box stores are currently located, that over time this area would be redeveloped as a mixed-use, multi-storied urban fabric that respected street and house lines, and enclosed open spaces along the riverfront. The City has been very active in helping to support the creation of green open spaces along this portion of the riverfront. He summarized the staff findings with our review of this proposal.

The following are the Philadelphia City Planning Commission's staff findings:

- On the basis of the Commission's adoption of the Vision Plan and the Central Delaware Master Plan POD proposals within the overlay area should be considered within the context of the waterfront goals outlined in these adopted documents.
- A principal goal of the Central Delaware Master Plan was the development of more urban, mixed-use, and walkable development along the riverfront and Columbus Boulevard, with better connections between existing city neighborhoods and the riverfront.
- The staff feels that a stand-alone, auto-oriented retail use requiring substantial surface parking conflicts with these principals.
- An auto-oriented use on the riverside of an important waterfront intersection can create pedestrian and bicycle safety issues along the connecting street and hinder the implementation of safer and more pedestrian/bicycle-friendly connections to the river's edge.
- And with the adoption of the amended Central Delaware Overlay District, auto-oriented uses are prohibited along on Columbus Boulevard and river access streets.

The City Planning Commission's staff recommendation is disapproval of this proposal.

Mr. Eiding asked what the activity is on Tasker Street now.

Mr. Jastrzab replied currently very little use of that street.

Mr. Eiding asked is it used by Home Depot, Walmart, etc for truck deliveries. Is it an open street?

Mr. Jastrzab replied it is an open street. It may be used by trucks for their loading docks.

Mr. Eiding replied it is an open street that cars can use. You have this grand schemes for that whole area, where Walmart, Home Depot and all of those other commercial buildings are. Is there a time when they have to get out of there?

Mr. Jastrzab replied no. This proposal is for a new use that currently doesn't exist.

Mr. Eiding replied he understands. He is trying to look at things realistically of what he sees.

Mr. Jastrzab replied there is no timeline for them to vacate the property. That is going to be determined by the overall market for the Central Delaware Riverfront.

Mr. Eiding replied so if they happen to be there for the next 20 years, so for 20 years you are going to have vehicles access going down Tasker Street.

Mr. Jastrzab replied yes.

Mr. Syrnick replied we have heard from the applicant that there have been a number of changes in zoning over the history of this project, but based on when they applied and the rules that were in effect at the time that they required a POD.

Mr. Jastrzab replied yes, they did. The permit was issued in error without having the Plan of Development process gone through. That's why we are back here today.

Ms. Thompson arrived at 1:52pm.

Craig Schelter, Development Workshop, replied he is in approval of this development. Thanks for the timeline. It made him remember how much time he was involved in it; and how long it took. One of the things we brought up at that time was this is very ambitious plan that the City entered into. One of the consultants, who applied to work with them, said it took us 40 years to do a mile and a half of Battery Park City in New York. You're trying to do 7 ½ miles. We recommended at that time the Central Waterfront Plan be limited to the focus between roughly between Penn Treaty Park and Tasker Street. This is an area where there is public ownership; was lots of clear land; where the opportunities to create the kind of different environment that would be a walkable neighborhood. This site, however, was pointed out – is going to stay retail/commercial for a long time. And to have a use on a site that would sit there for 15 to 20 years where the owner cannot get income off of it, where the City's tax ratable do not grow in that period; seems to him particularly difficult in a time when the City is always trying to raise the City's tax base. Also in regard to Tasker Street, it was pointed out this would impact on the ability to get bicycles on the trail along the river. Tasker is a wide open street, there is no parking on either side. It can take truck traffic, it can take bicycle traffic, and in no way preclude community access to and from on Tasker Street to the Waterfront Trail; so that objective that is still going forward, it can still happen. So that in the end when you have a developer, who has worked the Commission, on the issues that were developed in the final overlay is done, to create a building that is responsive to the site bring it out to the street, putting in the amount of curb cuts, narrowing down the curb cuts. It seems to him that this is a situation that merits positive consideration by this Commission.

Karen Thompson, Planner and Project Manager with DRWC, replied this is before you, after the adoption of the Master Plan which you all adopted unanimously. And this Plan of Development needs to be considered in the context of that. She thinks that argument has been made. These are goals that were vetted by the public, this body, thousands of people for several years. And this Plan of Development review allows this body to serve as a check against development that is inappropriate for waterfront. And it allows you to reaffirm your support for the Master Plan and the principals. The Master Plan did understand that the existing big box uses adjacent to this site would remain in the short to mid-term until they exhausted their useful lives, and owners would redevelopment. Master Plan supports mixed-use development at this location, specifically called out numerous examples of big box retail rated in the new urban forms that would be appropriate here. The Master Plan is not opposed to these retail uses; the Waterfront will need these uses to support healthy waterfront neighborhoods; but the included auto repair use is completely incompatible with the Master Plan as is this building's form and design. The Master Plan envisions a Waterfront and Columbus Boulevard much more pedestrian friendly with new development with more walkable and urban than the existing development. While the existing conditions are pedestrian unfriendly, DRWC and the City have been working to identify places where we can make short

and long term improvements to make pedestrian access safer and in accordance with the Master Plan. Adding yet another entirely auto focused development with more surface parking, in addition to the hundreds of parking spaces that are right next to this at this key intersection, is only adds more cars and congestion; which is exactly the opposite the City's goals for Columbus Boulevard. This proposed project does not contribute to a safer, walkable, more attractive Columbus Boulevard. It is not in keeping with the Master Plan. As part of our Master Plan, we have connector street program, which is aimed at improving key streets along the Waterfront by installing upgraded lighting, sidewalks, and bike facilities for the safety and increase access to the Waterfront amenities for adjacent neighborhoods. The Connector Street Program does not preclude vehicle access on those connector streets. It is seen as working together as a complete street. The first connector street was Race Street, which was completed 2 years ago. The second phase will begin construction soon. Columbia, Marlborough, and Shackamaxon are under construction now in Fishtown. Spring Garden is in final design. And we identified Tasker Street as our next connector street project. This is the first such street in South Philadelphia, and the one with the clearest connection to the Waterfront, the Delaware River Trail, and our new parks at Piers 53 and 68. All in all we have committed or will commit to over seven and a half million dollars to improve this section of the Waterfront through the Delaware River Trail and the aforementioned parks. Having a strong, clear, beautiful connection between vibrant Pennsport neighborhood and the improved Waterfront is essential to the success of these investments. And Tasker Street is the best place to make that connection. Placing an auto repair center at this key intersection would be damaging to that goal. We should not just shrug our shoulders and approve this project simply because of what is there now. The entire point of the Master Plan, the overlay, and the POD process was to prevent exactly that. This parcel has the potential to support much more than that. It has the capability to support much more compatible and interesting development and can serve a wide range of needs while acting as a gateway to the Waterfront. To allow this parcel to be developed in a way that is wholly inconsistent with the plan, sets an unprecedented that would set back the advancement of the Master Plan.

Matt Ruben, Chair of Central Delaware Advocacy Group (CDAG), replied CDAG is a City recognized organization made up of approximately 15 civic associations and 5 other non-profits, whose mission is to shepherd, promote, and protect the principals of the Civic Vision, and the articulated objectives of the Master Plan, and the specific provisions of the Central Delaware Overlay. As my colleague Vice Chair, Joe Schiavo, said at the last month's meeting, CDAG was, is, and remains oppose to the granting of approval for the proposed development, therefore, concur with the staff recommendation. And we appreciate how the staff's forthright comparison of what is proposed here with the objectives of the Master Plan. We appreciate the staff's coming out and making the negative recommendation. We are also here in support of our friends and CDAG member organization, the Pennsport Civic Association. They have gone on record repeatedly as appreciating the general type of use as the applicant said, but not at the location. And that is the issue that it is at the waterfront location. So customer demand for this type of use in the general area, is irrelevant consideration of whether or not this particular development should go in the Central Delaware Waterfront District, in particularly on the river side of Columbus Boulevard. In additional, he wanted to build on something that Karen Thompson just said, that he thinks is incredibility important. Throughout the presentation, that was made, there was an implication that was made repeatedly for example with the photographs of the street view – what is it you will see if you are standing outside our front door, and what's next door, and look at what's around it now. And this implication was made explicit in Mr. Schelter's testimony. And the idea that's being articulated here is because what is presently there is not in conformity with the aspirations of the Plan or with the Overlay, as it was there long before the Plan of Development when the overlay went into effect. Because

what's there to put it in layperson's terms not great, you should allow the new construction of something else that is equally non-conforming but might hold the street frontage a little better and not have quite as wide as a curb cut as it originally had in its proposal. He thinks it's important because we are on the record that whatever you decide, whether you approve or disapprove this proposal that you put on the record that as a Commission this idea that because of what already there is not great, you should allow new construction that is equally not great. Reject that argument utterly. It is a dead letter, and as Karen Thompson said it is very, very dangerous. What's there already should never, ever be an excuse for violation the principals and objectives of the Master Plan. Finally, while he very much appreciates the staff's recommendation here, it does need to be emphasized that this application was submitted one day before the current overlay became pending legislation. The permit, he understands, was not issued until nearly 6 months after the initial application was put in. He thinks it would be important for this Commission to request or demand some kind of rational written accounting for why there was no POD initially. For how this permit could have possibly sat around for 6 months no one involved in permit review, apparently taking the step to kick it to POD as required by law. There was never a time, when one overlay or the other did not apply as a matter of law, whether it was the prior overlay or the current one. There was always an overlay. And he doesn't understand, as a citizen, how there was not an awareness of that somewhere along the line in the various agencies and individuals, who were required to be part of the permit review. And he really thinks this Commission should ask for a rational explanation of that.

Katharine DeAngelis, resident of Pennsport and representative on CDAG for the Group Neighbor, replied she fought for an adjacent piece of land not to be a casino for 6 years. Where people in the community desperately cared about that section of the riverfront, and people put a lot of money into it, a lot of time, many, many City Council meetings, and trips to Harrisburg. And this is approximately 30 feet across the street. And this happened in the blink of an eye. This is a mistake. We all know that this is a mistake. This is a chance to correct it. We all make mistakes in our lives. And a second mistake doesn't make it better. We know there is cost involved, but there was not Plan of Development submitted. Ignorance of the law is no excuse. If we had a POD, we would not be holding this meeting today. The American Lung Association in their 2014 report was that Philadelphia was the 11<sup>th</sup> worst city for air quality and smog. People go the waterfront to get healthy. To get rid of some of that weight – walking, do some jogging, take the kids in the strollers. Here we have something that is emitting pollution to our air. This is Pennsport's only connector street. To walk or jog, to go past a car facility is totally inadequate. She thinks the Commission decision today is extremely easy; which you probably don't think so. But it is. It's the right decision to reject this facility. And doing the right thing may have some angst, but in the long run you know it's the right thing; it correct. She asked them to remember who supports the waterfront; who works with the DRWC frequently to help plan this waterfront that we had hope for how many years – Willard Rouse. It is finally coming to fruition. We need to help that along.

Richard DeMarco, attorney that filed the appeal for the Pennsport Association, read letter from D. James E. Moylan (see "Exhibit 3A"). License and Inspection did issue a letter of intent to revoke the permit due to outcome of the Philadelphia City Planning Commission.

Councilman Mark Squilla, District Councilman of the 1<sup>st</sup> District, replied we met with Pennsport. He has the same concerns with the community. They want to help AAA find another site and to help the owner of the site find another tenant. This is wrong for this site. He is willing to work with both the landowner and the developer. He is here to side with the community, DRWC, and CDAG. They consider this as a non-compliant site for the City.

Mr. Greenberger replied as many of you know, the site known as Foxwoods is in the process of moving in the direction we are looking for. He supports the staff's recommendation.

Mr. Eiding replied he is really perplexed about this presentation. If you are really concerned with Tasker Street, why don't we close it down for pedestrian and bikes. If you look at that piece and what is around there – Home Depot and Walmart; they are not going anywhere. The only argument he feels comfortable with is if you close Tasker Street for no truckers to go down there.

Ms. Ruiz replied she is concerned that Home Depot and Walmart are not going anywhere. She is concerned that if she gives permission for it, and Home Depot and Walmart moves.

Upon motion by Mr. Citron, seconded by Ms. Thompson, the City Planning Commission disapproved Plan of Development for AAA Mid-Atlantic commercial and vehicle maintenance facility, 1601 S. Columbus Boulevard at Tasker Street.

Mr. Eiding abstained.

#### 4) Staff Presentation: School District of Philadelphia Capital Budget

Jametta Johnson stated before the School District presents an overview of their FY 2015 -2020 Capital Budget and Program, I would like to provide some background on the Planning Commission's role in reviewing the School District's Budget and to address some broader planning issues as identified by Planning Commission staff.

By City Charter mandate, the Planning Commission must review the Philadelphia School District's Capital Budget and Program before it is adopted at the end of May. This year the budget will be adopted on May 29, 2014. The School District's fiscal year is concurrent with ours, and will begin on July 1.

Section 12-304 of the Home Rule Charter specifies that:

*"The capital program shall not be adopted, nor shall it be amended, until the Board of Education has requested the recommendations thereon of the City Planning Commission. The Board shall not be bound by such recommendations and may act without them if they are not received within (30) from the date they were requested."*

Although the Planning Commission does not have a fiduciary role in reviewing the School District's Capital Budget and Program (it is completely funded with bonds), *and* its approval is not required, today's review does provide the Commission and staff with the opportunity to understand the School District's capital needs and priorities, and to coordinate and leverage the City's capital investments in neighborhoods with the School District's investments in schools. Planning Commission staff has reviewed the budget and is agreement with the stated priorities. The proposed FY2015-2020 Capital Budget and Program is primarily focused on lifecycle improvements that will address the extensive physical needs of existing schools facilities and the upgrades and improvements that will keep those buildings in a state of good repair. New construction activity is limited to renovations and new additions to existing facilities. Planning Commission staff will continue to work with the School District as they move forward with implementing 2015-2020 Capital Budget and Program. As part of that process and

our District Planning process, we will continue to explore the feasibility of incorporating city agency uses within schools; increasing the use schools as community centers; and having schools serve as community anchors for revitalization and investment. We also support the SD efforts to incorporate sustainable design principles into the rehabilitation and new construction of school facilities, and we encourage them to continue programs that provide green recreational space within schools. As you may know, in 2010 the School District embarked on a long range Facilities Master Plan to standardize grade configuration, increase school utilization and reduce excess building capacity. As a result of that plan and increasing fiscal challenges, in December of 2012, the District recommended closing 37 schools with low enrollment and low achievement levels. After extensive community feedback and comments, the final recommendation was reduced to 23 schools. Over the past year, the School District has worked with Deputy Mayor Greenberger and staff on the disposition of 7 surplus buildings. Buyers for those 7 building have been identified. The remaining (20) surplus building will be sold by PIDC. PIDC is hosting an Open House for potential buyers that started yesterday, May 19th and will continue through June 2nd. PIDC will begin making recommendations to the School District for the sale of those buildings starting on June 9th. Today Ms. Danielle Floyd, Senior Vice President for the School District's Office of Capital Programs is here, along with Ms. Leigh Anne Clark, Operations Manager for the School District's Office of Capital Programs. Ms. Floyd will now present the FY 2015-2020 Capital Budget and Program, along with an update on the disposition of the surplus school buildings.

Ms. Floyd, Director for the Office of the Capital Program Office, stated their proposed FY2015 Capital Budget is \$166.3 million. Their office is responsible for identifying and prioritizing Capital work within the School District of Philadelphia. Their work includes maintaining the physical integrity of their existing facilities, constructing new buildings, and renovation existing facilities to accommodate the educational needs of students within their District. Their budget right now is funded through sale of bonds that are typically repaid over 30 years. And the Capital Improvement Program (CIP) is a 5-year long range plan. The CIP is that is generated is a 5-year plan which includes information from work order data, building condition assessment information, as well as, their Superintendent's educational priorities in advancement of academic improvement in the District. Next year's budget is very much a shift from major, new construction and adding capacity to the School District to a greater emphasis on life cycle investments in facilities we currently own. In fact over half of the budget next year is dedicated exclusively for that use for that purpose with significant investments going to relighting of schools for the purposes of energy consumption and savings, as well as, exterior façade renovations on our facilities. We are also shifting to an increase in our investment in technologies, specifically around improving our business system and a new student information system, which will allow them to be a more data driven organization, and make decisions that prioritize the needs of students. And we also going to begin activities to support the expansion or re-location of existing programs within the School District, some of which will be located in facilities that were closed a year ago. Regarding building investments – over 55% of our budget will go toward supporting the infrastructure in school. We looked at projects that were included in this budget, prioritizing projects based on a life, safety and code requirement, as well as, any environmental conditions that had been observed and documented in schools. We are projecting receipt of new bond funds in September of this year, and it will fund approximately 38 active constructions projects at 22 locations, as well as, partially fund other projects in various stages in either planning or design. So in terms of their life cycle investments for next year, the primary investment will be \$20 million in terms for structural repairs followed by \$14.8 million in relights. We are also going to continue to do roof replacements, chiller replacements, and elevator and fire alarm replacements as well. But this just breaks down how the funds regarding their building investments will look for next year. In February of this year, our

Superintendent released a revised version of the District's Action Plan, which basically outlines the priority for the School District around 4 key anchor goals and within that Action Plan, it also identifies 6 strategies specifically aimed at improving student proficiency in reading and in math; insuring our students are ready to graduate high school, and are college and career ready; being sure we recruit quality educators, principals, and teachers in classrooms doing that while maintaining a fiscal balance. So as part of the process, we went through this year with the Capital Budget, they made revisions to the proposed projects and investments to identify approximately \$55 million to support implementation of that Action Plan. Some of the things that have been identified within their 6 strategies – renovations to support new schools, they are planning to open 3 innovated high schools in September; expansion of their Career and Technical Education Programs (previously referred to as their Vocational Education Program); partnerships around greening and site improvements at schools; implementing a new student information system; implementing a new CMMS system, which will allow their to better track work order information and to prioritize projects that are included in future Capital Program; and the purchasing of new facilities' equipment for their staff that work in schools, and the purchase of new food service equipment to transition schools from pre-plate meals to being able to offer fully cooked meals in each of the schools. This is how their budget is aligned to support the goals that have been identified by Superintendent in his Action Plan. This year they have made a very conscious decision to not to go forward with any recommendations for school closures. So their office, in terms of key initiatives, have really shifted to the disposition of surplus property, and continuing the sustainability initiative that have been started with partnerships with both the Philadelphia Water Department, as well as, the City's Department of Parks and Recreation. She gave some highlights of their process, as Ms. Johnson referenced in her opening comments, a partnership with both the Planning Commission of the City, as well as, PIDC to assist them with the disposition of properties. They closed a number of buildings in June 2013. Their School Reform Commission (SRC), who is their governing body, revised their current adapted sale and reuse policy to give the District greater flexibility around the disposition of properties, and she emphasized timely disposition. One of the comments they heard during closure process was concerns about what happens with facilities once they have been closed, and the length of time they sit vacant prior to identifying a responsible reuse. They launched a property website in November to provide information on the properties they identified for immediate sale, which there were 7; and then for the remaining 20 properties release an RFQ to find out who may be interested in purchasing those properties once they were declared unused and unnecessary and listed for sale. In December, they procured the services of Binswanger and PIDC to serve as their professional consultants to review the qualifications of proposed buyers, and to make a recommendation to the District on offers to accept. She noted that for the 7 properties that they listed for immediate sale, multiple offers were received on each one of those properties. They went and formed an advisory committee. They did interviews for each of the potential buyers, so they could have a better understanding of use, as well as, price and what was being proposed, and the timeframe that was being proposed by the redevelopment plan. They also communicated that information to communities that were being impacted where these buildings were located. Their final offers went to School Reform Commission in March. And they have negotiated the agreements of sale. Most of the buyers for the 7 properties are within their due diligence phase. They shifted significantly in terms of the remaining 20 properties. PIDC is acting as a representative for the District for the sale of those properties. There is a new website – [www.phlschoolsales.com](http://www.phlschoolsales.com) – where information is available on the other properties; their asking prices, as well as, dates that are advertised for open houses, and that process is scheduled to conclude June 9. PIDC will meet with the District to make recommendations to their leadership on the offers they may potentially want to accept. Lastly, we are very much committed in their budget to staying involved and being committed with the City's Green 2015 Plan. In 2012 they received funding from the

Water Department to do stormwater management at 5 different locations in the City. And they anticipate construction to start in the fall on those. They also launched a partnership with a new non-profit called a Trust for Public Land, and the Philadelphia's Parks and Recreation Department to dramatically transform 3 schools. They are having a ribbon cutting at the William Dick Elementary School on June 10, as completion of that project; and immediately following that their completing design activities at the Cramp Elementary School. And Taggart Elementary School has been identified as their third site to dramatically transform the school yards to create public parks, as well as, play space for students who attend those schools in the neighborhood. The Philadelphia Water Department, parallel to the work that they are doing, is also working with the Community Design Collaborative in friends of organizations in different neighborhoods to create greening master plans for several schools. The first of which is Niebinger Elementary School. They opened up a rain garden, and outside vocational classrooms for that school. They are really excited about being able to continue their commitment in that area; and their budget for the next 5 years commits an annual commitment of \$2 million to support those efforts, and they hope that that will be a leverage to attract other resources and other fund raising and grants efforts so that they can extend this program and investment to other schools.

Mr. Greenberger replied this is not an action item. It is one of their requirements to present it to the Philadelphia City Planning Commission before they adopted. They will present it to their Commission on May 29 for adoption.

Mr. Syrnick replied it is a very impressive presentation.

5) Action Item: Amendments to the Recommended FY2015-2020 Capital Program and Budget.

Alan Urek, Deputy Planning Director, stated City Council President Darrell Clarke proposed amendments to Bill Nos. 140144 (the Recommended FY2015-2020 Capital Program) and 140145 (the FY2015 Capital Budget) on April 22, 2014. As stipulated by the City Charter, City Council has requested the recommendations of the City Planning Commission concerning the amendments. As background, the Capital Program establishes a six-year plan for investing in the City's physical and technology infrastructure, public facilities, and municipal buildings. The first year of this plan is known as the Capital Budget. The City Planning Commission approved the Recommended FY2015-2020 Capital Program at its meeting on February 28, 2014. The amendments propose to increase the amount of general-obligation bond funding (aka "CN" funding) by \$2.9 million, in FY2015 only, for the following projects:

- Line 22. Free Library Improvements (Free Library): \$2.4 million increase, from \$2.182 million to \$4.582 million
- Line 32. Buildings, Courts, Play Areas, Athletic Fields (Department of Parks and Recreation): \$500,000 increase from \$1.51 million to \$2.01 million

The \$2.4 million increase to the Free Library is proposed to match a requested Redevelopment Assistance Capital Program (RACP) grant from the Commonwealth to support the "21st Century Libraries Initiative" toward renovation of all branch libraries. This RACP grant has not been awarded. The \$500,000 increase to the Department of Parks and Recreation will support improvements to two city-owned cultural facilities: the Betsy Ross House (\$250,000) and the Philadelphia History Museum (\$250,000). Overall, the \$2.9 million addition would increase

total CN funding in FY2015 from \$131.509 to \$134.409 million. The Philadelphia City Planning Commission staff's recommendation is approval only for the \$500,000 increase to the Department of Parks and Recreation. The \$2.4 million addition for the Free Library is not recommended for approval. This RACP grant from the Commonwealth of Pennsylvania is not expected to be awarded, and the Administration has established other priorities for Commonwealth RACP grant funds. The approval of a matching fund appropriation at this time will allocate limited City capital funding capacity for a project not likely to proceed in a timely way. Adding \$500,000 will increase the total CN funding in FY2015 to \$132.009 million.

Mr. Greenberger replied the RACP that probably represents 10 times what is likely to show up in Philadelphia. We would like to be sure that there is RACP money before we approve that part of it.

Mr. Lee replied we had a lot of items in the Capital Budget that were contingent with matching funds that we didn't know whether they were going to come to us; so he doesn't know why we are making such a distinction now for this particular project that may not come, but there are a lot of projects that may not come.

Mr. Urek replied we know with greater certainty when matching funds will come. When the Departments apply for Capital monies is related to a match, it's either somewhere in the pipeline we are very much aware of or it's been committed in prior years so it's being repeated year after year.

Mr. Lee replied he would rather give the City more flexibility to do this; particularly since he doesn't think it impacts on other Capital projects. Either they will do the additional bonding or they won't. We are not taking it from one source and giving it to another source that it never gets allocated.

Ms. Rogo Trainer asked is there a way that we could say "accept staff recommendation with the contingency that if RACP funds come forward.

Mr. Syrnick replied no there isn't a way.

Mr. Greenberger said it would have to come back and amend the Capital Program.

Mr. Citron replied he is comfortable with staff's recommendation. He wanted to know if this was like the chicken and egg kind of thing, where if the City went forward and put in for the bond, we would more likely get the grant approved from the State level. Because if that is the case, it would be worth considering. What is the status of that?

Mr. Greenberger replied he didn't know. What we do know is the amount of money that is being decided from this next round RACP grants is more or less how big it is. And based on historical evidence, we know more or less how much is going to be coming to this City. It includes some things the State has already obligated itself to that they will count as part of what comes to Philadelphia. He thinks we are dealing in very small likelihoods here. In this Administration in Harrisburg, their consistent pattern of RACP, to the extent that they have one, has been either projects that have a direct impact on job creation or they have done some work around the hospitals or education.

Ms. Miller asked if the City is still committed to fund the project without the RACP money.

Mr. Urek replied it is mostly about the bond issue and expanding our capacity to borrow, and typically Capital projects need to be underway by January of the following calendar year. And the fact that this is not likely to be even in the pipeline much sooner than that is, it doesn't make for smart budgeting.

Mr. Lee asked why they would do an amendment like this, under the circumstances you describe. This is something recent. What is his missing?

Ms. Ruiz replied it is very political, and given the political landscape – everyone is at an impasse and she doesn't know if we will get it. If you get a RACP grant, you have 2 years to use the money. So once that is committed, you can always come back and ask for it. If it not approved by the Governor, then I would not approve it.

Upon motion by Ms. Ruiz, seconded by Mr. Syrnick, the City Planning Commission approved the staff's recommendation to approve only the \$500,000 increase to the Department of Parks and Recreation.

6) Action Item: Adoption of *Philadelphia2035* Lower North District Plan.

Octavia Howell stated she will present the adoption of the *Philadelphia2035* Lower North District Plan. This is the 7th of 18 plans to be developed in phase two of the City's *Philadelphia 2035* Comprehensive Plan. Dave Fecteau was the project manager for this, and he had jury duty, so she is presenting for him. The members of the team were Paula Brumbelow, herself, Jack Conviser, Larissa Klevan, Pauline Loughlin, Clint Randall, and Matt Wysong. The boundaries of the District are Girard Avenue, Lehigh Avenue, Front Street, and the Schuylkill River. We received a lot of comments on the last draft of the Plan, and made changes. The Lower North team developed ten priority recommendations under the categories Thrive, Connect and Renew. Thrive focuses primarily on housing and economic development. Connect deals with transportation. Renew addresses parks, recreation and historic preservation. The priorities follow:

THRIVE:

- 1) Fortify residential blocks where homeownership is dominant;
- 2) Commission a study to determine what impacts, if any, rising property values have on current renters and homeowners;
- 3) Invest City resources into viable commercial districts where private investment is occurring including: Germantown and Lehigh, Front and Kensington, Broad & Cecil B Moore and West Girard Avenue.

CONNECT:

- 4) Implement transit first policies along high-volume bus routes 7, 32, and 48 signal controls;
- 5) Improve and expand Route 15 trolley service, in conjunction with fleet modernization;
- 6) Implement high priority bicycle infrastructure from the *Pedestrian and Bicycle Plan* including on: 2<sup>nd</sup>, 5<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> streets and Cecil B Moore Avenue.

RENEW:

- 7) Support from Council and the community to construct a New Martin Luther King Older Adult Center at 21<sup>st</sup> Street and Cecil B Moore Avenue;

- 8) Improve public recreation facilities including the Cecil B Moore Recreation Center and Waterloo Playground;
- 9) Pursue nomination for the following sites to the Philadelphia Register of Historic Places: The Pyramid Club; Teatro Puerto Rico (Diamond Theater); Church of the GESU; Poth Brewery; the townhomes at 1416-32 W. Girard Avenue; The Legendary Blue Horizon; and Berean Presbyterian Church.

Additions to Focus Areas/Focus Topic – added a section with more specific recommendations for each of three major block types where vacant land is present.

Thrive > Neighborhoods: Added LNO 3: Maintain Industrial or Industrial Commercial Mix zoning on American Street and specific areas to the east and west, from Master Street to Lehigh Avenue. Added the Broad & Susquehanna commercial corridor to the recommended areas for commercial district improvements and expanded the Front and Kensington corridors' boundaries.

Thrive > Land Management: Added LNO 12: Redevelop the Blumberg Apartments into lower scale houses while reintroducing rights-of-way through the former superblock. Include green spaces as place-making elements.

Connect > Transportation > Complete Streets: Added LNO15: Prioritize the following SEPTA stations for capital improvements: Girard BSL, North Philadelphia BSL and Girard MFL. Improvements should include: ADA accessibility upgrades, Art in Transit, bicycle parking and storage, landscape and streetscape treatment, and lighting and signage upgrade to complement proposed TOD zoning. Changed LNO 19 by adding streets sections or intersections and change the traffic direction on certain street segments to improve traffic flow and safety:

- 8<sup>th</sup> Street from Girard Avenue to Thompson Street;
- Germantown Avenue between Girard Avenue and Berks Street;
- Germantown Avenue at 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> streets;
- Oxford Avenue between Front Street and 6<sup>th</sup> Street;
- 30<sup>th</sup> Street between Susquehanna and Diamond Street;
- 4<sup>th</sup> and Dauphin streets.

The City Planning Commission staff recommendation is adoption.

Adam Lange replied he is the Republic Ward Leader for the 29<sup>th</sup> Ward (which is Brewerytown and Sharswood) and also on the Board of the Brewerytown Civic Association. He is not here speaking out on their behalf. The only comment he really wanted to make was the presentation of the Plan over the past couple of months, the part he was particularly curious about was Ridge Avenue corridor north to Girard Avenue, between Girard Avenue and C.B. Moore, and it is marked there and during the previous presentation of changing the zoning to encourage more large, format retail. Why for that stretch to encourage large, format retail as opposed to trying to rebuild the historical commercial corridor that has been in that stretch?

David Fecteau, who was just released from jury duty, thanked Octavia for the presentation. He replied Mr. Lange's question is a very good one, and one he has gotten before. In the Ridge Avenue Commercial Corridor, we are not seeing the population gains that we would hope to see in the area. We have some viable commercial development north of that area at Ridge and Cecil B. Moore, so one of the recommendation we asked for is to preserve

that retail. But what we are trying to do is acknowledge that all of that traditional small footprint commercial retail is not coming back. We want to take advantage of the large assembly of City owned property, especially on the east side of Ridge. We believe that if we could assemble those properties, and possibly vacated some of the smaller streets (obviously that has not been finalized yet), we think that if we could create a site large enough that we could attract some larger format either grocery store or pharmacy; which could actually provide an interesting anchor to the area. But what we have seen on Cecil B. Moore Avenue, east of Ridge Avenue and on Susquehanna Avenue, and some of the other commercial districts, is that quite unfortunately the lot sizes don't allow the creation of many kinds of viable ground floor square footage, which is what we have been hearing from some potential retail tenants. Either we do something to change the zoning in that area to allow more flexibility or help the property owners to consolidate properties to create larger footprints to attract that retail. The consensus among his team was that it just wasn't going to be there for that small stretch of Ridge from Girard working a few blocks further north to redevelop into the traditional hat stores, clothing stores, and such, what use to be there.

Mr. Lange appreciated the response. He wanted to add about the population, as one you will see in the next item coming up, that area is currently going through a planning process for the Hope Grant – which at some point would develop a significant part of the neighborhood.

Gabriel Gottlieb replied when we talked about reducing retail along a commercial corridor – look at South Street. He used to live at 20<sup>th</sup> and South. They didn't anticipate it to come back, and they were wrong. When we talk about Ridge or Girard or Kensington, we shouldn't assume retail won't come back. Blumberg is being developed – population is coming back.

Another resident replied some changes have been made to our area when the new zoning code came into place. This notification should be sent to everyone that changes are being made from single-family to multi-family.

Mr. Fecteau replied City Council is involved with that.

Ms. Rogo Trainer asked how neighbors were involved with making the plan.

Mr. Fecteau replied this is the only Plan that had only a City Council member. There are over 30 civic community groups in the City. We trusted the groups to get information out to the neighborhoods. We held 3 public meetings in round 1 and then held other meetings and that last one was at Temple.

Ms. Ruiz replied the area doesn't have a name.

David Fecteau replied it's because we don't have a name for the area. We can call the area North Philadelphia.

Ms. Ruiz asked if they had a budget.

Mr. Fecteau replied no, we don't. This is not the final copy.

Upon motion by Ms. Rogo Trainer, seconded by Mr. Eiding, the City Planning Commission adopted the *Philadelphia2035* Lower North District Plan.

- 7) Action Item: Redevelopment Agreement with the Philadelphia Housing Authority for a mixed-use development on 28 properties between 20<sup>th</sup> and 21<sup>st</sup> Streets, from Ridge to Oxford Avenues.

Richard Redding stated this is a Redevelopment agreement between the Philadelphia Redevelopment Authority (PRA) and the Philadelphia Housing Authority (PHA) that would authorize the transfer of 28 publicly owned properties to PHA. The transfer will facilitate the beginning phase of the Blumberg Apartments redevelopment. PHA is currently developing a plan for the Sharswood neighborhood with funding from the U.S. Department of Housing and Urban Development's Choice Neighborhoods program and funding and support from the City of Philadelphia. All properties being transferred are vacant, are owned by either the Redevelopment Authority or the Philadelphia Housing Development Corporation, and will be used to support the following:

- Residential infill conceptual development on the 2200 block of Sharswood St. and the 2100 block of Harlan St.
- Residential and open space development on the 2200 block of Stewart Street;
- Development of a pocket park on the 1900 block of Turner Street. PHA is currently in talks with the Water Department regarding installation of stormwater management infrastructure on the site;
- Residential and mixed-use projects on the 1900 block of Ridge Avenue, 1400 and 1500 blocks of N 20<sup>th</sup> Street, and 1900 block of Thompson Street. On 20<sup>th</sup> Street facing Harlan Street – rental housing. A gateway park on Ridge Avenue. At Ridge Avenue and Thompson Street – senior housing.

The properties will be transferred for a nominal price, \$1 each for a total of \$28. The projects are all located within the Lower North Philadelphia planning district. They are consistent with the Focus Area. A community charrette will be happening this summer. The City Planning Commission staff recommendation is approval.

Mr. Greenberger replied this will be the tip of the iceberg. PHA has done a very good job.

Adam Lange, Republican Ward Leader and Civic Association member, replied last week we had a public meeting where we saw the list of the properties. We have seen PHA projects before. Why are they acquiring more land to rebuild? Are they going to build, then not take care of them, and then close them down? If they have funding, why aren't they fixing what they already have?

Mr. Redding replied all of these 28 properties are vacant and publically owned.

Upon motion by Mr. Citron, seconded by Mr. Syrnick, the City Planning Commission approved the Redevelopment Agreement with the Philadelphia Housing Authority for a mixed-use development on 28 properties between 20<sup>th</sup> and 21<sup>st</sup> Streets, from Ridge to Oxford Avenues.

- 8) Action Item: Drexel University Master Plan Amendment for the construction of a hotel with accessory retail uses at 33<sup>rd</sup> and Chestnut Streets.

Ms. Rogo Trainer recused herself.

Paula Brumbelow stated this is an Institutional (Special Purpose) District Master Plan Amendment for Drexel University for the erection of a new 10-story Hotel at the corner of 33<sup>rd</sup> and Chestnut Streets. It is located at Drexel University Campus northwest corner of 33<sup>rd</sup> and Chestnut Streets. This amendment will permit the construction of a 212 room hotel with a restaurant and retail space. There will be accessory meeting and banquet space, in a building that is 125 feet tall and will have approximately 145,000 square feet of space. There will be off-site parking for 37 cars on a Drexel-owned site at 34<sup>th</sup> and Market Streets. They are required to have 770 parking spaces; the SPINS total is 862 spaces (303 additional, off-campus). The Gross Floor Area: existing is 3,208,043 sq.ft.; the proposed is 145,000 sq.ft.; the SPINS total is 3,353,043 sq. ft. (247%:400% maximum); the occupied area is 694,304 sq.ft. (51.2%:70% maximum). The City Planning Commission staff recommendation is approval.

Mr. Greenberger replied there was never a hotel in a SPINS District, so this needed to change for the restaurant. The building design itself is subject to CDR Review.

Tony Forte, Esq. replied the hotel is called the Study Hotel; it is a college or university campus oriented hotel.

Tiffany Green replied she has a concern how the plan is described. She has a problem with "The Master Plan". She said it is an insult to the African community. You should take out the word "Master".

Timothy McHenry agreed with her.

Mr. Greenberger replied he has a problem with it to.

Upon motion by Mr. Eiding, seconded by Mr. Citron, the City Planning Commission approved the Drexel University Master Plan Amendment for the construction of a hotel with accessory retail uses at 33<sup>rd</sup> and Chestnut Streets.

- 9) Action Item: Zoning Bill 140339 amending the Zoning Code to regulate the placement of utility meters in historic districts and on historic buildings (Introduced by Councilmember Greenlee for Council President Clarke on April 24, 2014)

Ms. Brumbelow stated this Bill amends the placement of utility meters in historic districts and on historic buildings. This will impact residential units located in historic districts or properties that are designated historic throughout the City. This will amend Code Section 14-703 (4) (5) and will now place the 2 regulations into the Code:

- (a) That new utility meters shall be placed and located within the interior of buildings; however, when public safety requires, new utility meters may be placed on the exterior of buildings, provided the meters are not visible from any street frontage.

- (b) It will require utility companies to file an annual report with the City, detailing: the total number of utility meters that were installed, within the previous calendar year, in historic districts and on historic properties; and the number of such meters that were located on the exterior of buildings.

The Pennsylvania Utility Commission now allows the jurisdiction to regulate the meter location if they are designated historic or in a historic district. While still getting clarity on this Rule, it appears that even under the revised rule it is not clear that inside locations are mandatory for historic properties. But in speaking to our Law Department, they would argue that so requiring, in our Code, would render an outside location as listed as not available, and therefore, require the inside location. The City Planning Commission and the Building Industry Association have been working together to try to solve this problem. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Syrnick, seconded by Ms. Thompson, the City Planning Commission approved Zoning Bill 140339.

- 10) Action item: Zoning Bill 140416 creating a Center City East Neighborhood Commercial Overlay District and prohibiting "personal credit establishments" (Introduced by Councilmember Squilla on May 8, 2014).

Ms. Brumbelow stated this Bill creates a new Center City East/NCA Overlay District and prohibiting Personal Credit Establishments within the District. The new overlay will cover the area bounded by Delaware River, Spring Garden Street, Broad Street and Spruce Street. The existing zoning has Various Zoning Classifications, including industrial, commercial, residential, row home residential, and parks. This is no change to the base zoning, but would prohibit personal credit establishments in the designated area. The City Planning Commission staff recommendation is approval. While this bill would do no harm, staff believes a more effective and longer-term solution should be addressed if the Market 8 Casino is approved. If the casino is approved and the site rezoned to SP-ENT (the only zoning district allowing gaming use), Personal Credit Establishments would not be permitted within 1,000 feet of the SP-ENT zoning district.

Upon motion by Mr. Eiding, seconded by Mr. Citron, the City Planning Commission approved Zoning Bill 140416.

Mr. Lee abstained.

- 11) Action item: Zoning Bill 140311 remapping the area bounded by Lehigh Avenue, and Fairhill, Huntingdon, and 5<sup>th</sup> Streets (Introduced by Councilmember Quiñones-Sánchez on April 10, 2014).

Ms. Brumbelow stated this Bill amends the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Lehigh Avenue, Fifth Street, Huntingdon Street, and Fairhill Street. These properties are located at the northwest corner of Fifth Street and Huntingdon Street. The existing zoning is "RM-1" Residential Multi-Family, "CMX-2" Commercial Mixed Use, and "I-2" Medium Industrial. The party at interest is Taller Puertorriqueno. This Bill will rezone portions of the area to permit a

one-story community arts center encompassing 25,000 square feet. The center will contain an exhibition gallery, a café, bookstore, art studios and labs, a stage, offices, and a large multi-purpose room. The project will also include 86 on-site parking spaces. There was additional corrective rezoning of six residential properties to "RM-1" Residential Mixed use. The City Planning Commission staff recommendation is approval.

Peter Kelsen, Esq. replied he is the attorney representing Taller Puertorriqueno, and he is here with Vera Kiseleo, the architect. He said once it is rezoned, it will be by right.

Ms. Rogo Trainer replied that she appreciates the model.

Upon motion by Mr. Eiding, seconded by Ms. Rogo Trainer, the City Planning Commission approved Zoning Bill 140311.

- 12) Action Item: Zoning Bill 140408 remapping the area bounded by Girard Avenue and Taney, Poplar, and 27<sup>th</sup> Streets from "CA-1" Auto-Oriented Commercial to "CMX-3" Community Commercial Mixed-Use. (Introduced by Councilmember Greenlee for Council President Clarke on May 8, 2014).

Ms. Brumbelow stated Bill is "An Ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Girard Avenue, Taney Street, Poplar Street, and 27th Street. The existing zoning is "CA-1" Commercial Auto. The proposed zoning is "CMX-3" Commercial Mixed Use. The party at interest is MM Partners, Inc., represented by Michael Mattioni. The proposed use is for a mixed-use development that will consist of 72,000 square feet in a five story building with 14,400 square feet of first floor retail and 68 apartments on 4 floors. There will also be ten three story townhomes along with 68 parking spaces provided in the rear of the property. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Syrnick, seconded by Ms. Ruiz, the City Planning Commission approved Zoning Bill 140408.

Mr. Lee left at 3:45pm.

- 13) Family Court Building Redevelopment, 1801 Vine Street (Introduced by Councilmember Greenlee for Council President Clarke on May 8, 2014):
  - a. Action Item: Property Bill 140409 authorizing conveyance of 1801 Vine Street to PAID for further conveyance.
  - b. Action Item: Zoning Bill 140410 remapping the area bounded by 18<sup>th</sup>, 19<sup>th</sup>, Wood, and Vine Streets from "RM-4" Residential Mixed-Use to "CMX-3" Community Commercial Mixed-Use.

Ms. Brumbelow stated Bill 140409 is "An Ordinance authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to convey that certain parcel or parcels of City-owned land, together with buildings and improvements located thereon, commonly known as the Family Court Building bounded by 18th Street, Vine Street, 19th Street, and Wood Street

and known as 1801 Vine Street, under certain terms and conditions". And Bill 140410 is "An Ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by 18th Street, Wood Street, 19th Street, and Vine Street". The purpose of these approve the sale of the Family Court Building at 1801 Vine Street, and to change the zoning designation to permit the rehabilitation of the building as a hotel. The existing zoning is "RM-4" Residential Multi-Family. The proposed zoning is "CMX-3" Commercial Mixed Use. The City Planning Commission staff recommendation is approval of both Bills to encourage the reuse of the building.

Mr. Eiding replied his concerns are that they keep the structure in place.

Mr. Syrnick replied PennDot is working on the Vine Street Bridge. Will that have any impact on it?

Mr. Greenberger replied we are working with PennDot on it. This is going to be a great project. There are designated interior rooms that are historical.

Upon motion by Mr. Eiding, seconded by Ms. Rogo Trainer, the City Planning Commission approved Property Bill 140409 and Zoning Bill 140410.

- 14) Action Item: Zoning Bill 140315 remapping the area bounded by 7th, Arch, 13th, and Callowhill Streets (Introduced by Councilmember Squilla on April 10, 2014).

Andrew Meloney stated this Bill amends the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by 7th Street, Arch Street, 13th Street, and Callowhill Street. The existing zoning is "CMX-4". The proposed zoning is "RM-1", "RMX-3", and "CMX-3". This remapping is a recommendation of the Central District Plan adopted by the Commission in July 2013. This is done to prevent small retail lots. They want to see residential blocks. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Citron, seconded by Mr. Eiding, the City Planning Commission approved Zoning Bill 140315.

- 15) Action Item: Zoning Bill 140413 remapping the area bounded by Roosevelt Boulevard, Oxford Avenue, Dyre Street, and Frankford and Bustleton Avenues (Introduced by Councilmember Quiñones-Sánchez on May 8, 2014).

Kathleen Lambert stated this Bill amends the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by the Roosevelt Boulevard, Oxford Avenue, Dyre Street, Frankford Avenue, and Bustleton Avenue. The existing zoning is "RM-1" Residential Multi-Family. The proposed zoning is for "RSA-5" Residential Single Family Attached; "SP-POA" Parks and Open Space Special Purpose District. Presently there are residential 2 and 3-story rowhomes. One area is a large parcel that is currently used as a recreation center. This Zoning Bill represents further implementation of the Lower Northeast District Plan, which was adopted in October 2012 by the City Planning Commission. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Eiding, seconded by Mr. Citron, the City Planning Commission approved Zoning Bill 140413.

- 16) Frankford Arsenal Redevelopment (Introduced by Councilmember Henon on 4/24/2014):
  - a. Action Item: Property Bill 140340 authorizing the acquisition of land in the area bounded by the Delaware River, the former Frankford Creek, Bridge Street, Tacony Street and Darkrun Lane; the conveyance of land in this area to PAID further conveyance; the acquisition of 3101 East Orthodox Street; and the acquisition of land in the area bounded by the Delaware River, Disston and Milnor Streets, and Princeton Avenue.
  - b. Action Item: Zoning Bill 140341 remapping the area bounded by Tacony Street, Comly Street extended, the Delaware River, Frankford Creek, and Bridge Street from "CMX-3" Community Commercial Mixed-Use to "I-2" Medium Industrial and "SP-PO" Parks and Open Space.
  - c. Action Item: Property Bill 140344 authorizing the City and PAID to exchange 1.1-acre parcels of land to facilitate redevelopment.

William Kramer stated the purpose of Bill 140340 is to allow for the acquisition of 2 properties located on the Delaware River waterfront from the PA Fish and Boat Commission and 1 property from PAID that is currently part of the Frankford Arsenal. Bill 140340 authorizes the Commissioner of Public Property to:

- A. acquire by lease or deed land in an area bounded by the Delaware River, the former Frankford Creek, Bridge Street, Tacony Street and Darkrun Lane (extended to the Delaware River);
- B. to convey by lease or deed land in an area bounded by the Delaware River, the former Frankford Creek, Bridge Street Tacony Street and Darkrun Lane to PAID for further conveyance;
- C. acquire by deed land located at 3101 East Orthodox Street;
- D. acquire by lease or deed land in an area bounded by the Delaware River, Disston Street, Milnor Street and Princeton Avenue all for nominal consideration under certain terms and conditions.

Bill 140341 amends the Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Tacony Street, Comly Street extended, the Delaware River, Frankford Creek, and Bridge Street. The existing zoning is "CMX-3" Commercial Mixed Use and "SP-PO-A" Special Purpose Parks and Open Space-Active, along with "RM-1" Residential Multi-Family, "I-2" Industrial Medium and "I-3" Industrial Heavy. The proposed zoning is "I-2" Industrial Medium and "SP-PO-A" Special Purpose Parks and Open Space-Active will adjust their zoning boundaries while "RM1" Residential Multi-Family, and "I-3" Industrial Heavy will remain the same.

The purpose of Bill 140344 is to transfer 1.1 acres of land known as the former Kensington and Tacony rail right-of-way to the Philadelphia Authority for Industrial

Development for industrial reuse in exchange for land owned by PAID located on the Delaware riverfront at 2101 Orthodox Street.

The City Planning Commission staff recommendation is approval of all three Bills.

Mr. Greenberger replied you did a very good job of presenting a complex proposal. This will attract industrial use here.

Mr. Eiding replied this area has been an area for a lot of employment for many years.

Mr. Greenberger replied he is very excited. He didn't think they could pull it off. Tom Dalfo from PIDC, and Duane Bumb from our Commerce Department did a great job.

Mr. Schelter asked if they had an actual map of the swap.

Mr. Kramer replied he doesn't have an exact map of the swap.

Upon motion by Mr. Eiding, seconded by Mr. Citron, the City Planning Commission approved Property Bill 140340, Zoning Bill 140441, and Property Bill 140344.

- 17) Action Item: Property Bill 140380 authorizing conveyance of 1823-35 Callowhill Street to PAID for further conveyance (Introduced by Councilmember Greenlee for Council President Clarke on 5/1/2014).

Ian Litwin stated this Bill authorizes the Commissioner of Public Property to convey to the Philadelphia Authority for Industrial Development (PAID) all or part of a parcel of land, with any improvements thereon, located at 1823-35 Callowhill Street, for further conveyance, under certain terms and conditions. The property formerly housed the Children's Crisis Treatment Center. PAID will convey this parcel to Orens Brothers Real Estate. Orens Brothers Real Estate intends to demolish the building and develop the site into a 5-story mixed-use development with ground floor commercial uses. Orens Brothers has a letter of intention from Callowhill Craft Brewing to lease 9,300 square feet of space to develop a microbrewery with tasting room, beer garden, and restaurant. This is within the "Transforming West Callowhill's Connections" Central District Plan Focus Area. The existing zoning is "CMX-2". It will probably come back to the Commission. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Eiding, seconded by Ms. Thompson, the City Planning Commission approved Property Bill 140380.

- 18) Action Item: Property Bill 140385 authorizing conveyance of 611 North 2nd Street to PAID for further conveyance (Introduced by Councilmember Squilla on 5/1/2014).

Mr. Litwin stated this Bill authorizes the Commissioner of Public Property to convey to the Philadelphia Authority for Industrial Development (PAID), all or part of a parcel of land and any improvements located at 611 N. 2nd Street, for further conveyance, under certain terms and conditions. The property is a former fire station. PAID will convey this parcel to Steven J. and Michael A. Christini who intend to rehab and lease to their company, Christini

Technologies, Inc., to house their offices and a motorcycle show room. The City Planning Commission staff recommendation is approval.

Upon motion by Ms. Ruiz, seconded by Mr. Eiding, the City Planning Commission approved Property Bill 140385.

- 19) Action Item: ZBA Calendar No. 22285 for the construction of a Children's Hospital of Philadelphia research and office building at 700 Schuylkill Avenue (ZBA hearing held 4/16/2014).

Mr. Litwin stated this is for the construction of a Children's Hospital of Philadelphia research and office building at 700 Schuylkill Avenue. This is for CHOP Research Campus Phase I. The properties bounded by Schuylkill Avenue to the east, South Street Bridge to the north, CSX Rail ROW to the west, and land owned by PECO Energy to the south. Presently it is a vacant warehouse, surface parking, and small retail. The plans have been modified to have 1 entrance off of the South Street Bridge. All of the loading would happen under the buildings. We are here today to talk about parking and loading. The site with the current zoning would require 15 loading docks. The applicant is proposing 4 spaces; and they happen on the second parking level underneath the buildings. The site is zoned "I-2" Medium Industrial. If this site was zoned CMX-4 or 5; it would only require 3. The applicant is proposing 4. That complies with the Citywide Vision under Thrive to support and promote Center City/University City as the primary economic center of the region, and to reposition former industrial sites for new users. Also for this proposal is the consideration of the CDR process. On April 1, it has its initial review. The Committee stated several findings and concerns and asked the development team to address them and return for a second hearing. They addressed most of those on May 6. The Committee saw this project a second time, and made the following recommendations: to secure a letter from the Fire Department documenting the department's recommendations concerning access to the site by public safety vehicles. That is taken care of by removing the second curb cut from the South Street Bridge. In conjunction with local community and City agency stakeholders to develop a comprehensive master plan for the entire site; and using the same quality of exterior cladding materials throughout the development, including building and garage facades that face the river. Continue to explore options that allow minimizing curb cuts on South Street, which they have. Explore a more active interface along Schuylkill Avenue; and to provide a more thoroughly designed scheme for the anticipated Phase II tower. And to further address local residents' concerns about traffic congestion on Schuylkill Avenue; and to provide information to the City Planning Commission to more completely communicate the project's public realm impacts.

Ms. Rogo Trainer replied this is probably one of the most complicated projects CDR has seen so far. She wanted to say that - the neighborhood groups, CHOP and the various people from the neighborhood - there was a really robust dialogue about what should happen. And there was a lot of goodwill on both sides. She doesn't think that anybody is likely to be entirely happy; but for her - to get 2 curb cuts on the South Street Bridge removed, that is a really good thing out of the process. It could not have happened had CHOP and the neighborhood RCOs had such an open and honest and productive dialogue. She complemented everybody in the process on both sides.

Mr. Litwin replied staff recommendation is approval of the variance. The CDR conversation is a separate issue.

Ms. Rogo Trainer replied she heard that CHOP had more slides to show that answers some of the concerns we had.

Donald Clinton, from Cooper Robertson and Partners in New York, replied that yes he did have more slides. He tried to organize the 8 points that were made by the CDR at our last meeting with them. We were asked to do a master plan for this site. The CDR was not involved in the early part of this project, when we did that work. This framework plan, which comes from the master plan that we have worked on for the last 3 years. We started our discussions with the community in the beginning. It is information that has been in the Master Plan. He wanted to focus on how it has evolved. CHOP has developed a Master Plan for this site with the building of a bridge for bikes and pedestrians. The framework has been to address South Street and to address the neighbors' concerns with the small open area. All of the public area will be built first in Phase I. It will make it harder to built Phase II. The plaza itself – we developed a restaurant on the first floor. The South Street Plaza is an open area. This is the only eating facility on the site. Bainbridge Place – Bainbridge access to get across to the river. The curb cut will be on the west. They don't have a letter from the Fire Department, but he will keep requesting it. There is a discussion, since there will not be a curb cut, should we have landscaping here. The 100 year flood level is here. We are landscaping that entire area. Phase II – it can engage on 3 levels with the public. As South Street declines, we can see that we can have some active use. It is not allowed here so we are working on it, and we will go to City Council or get a variance. One of the corners can be an active space. People walking on South Street Bridge can come off to an open space. Cars can also come off Bridge to parking area. They are working with the Streets Department on traffic signals. CHOP is embracing the idea of bike share. They are looking for traffic calming solutions with the Streets Department. As for the river frontage – lower as much as possible the Plaza elevation towards the river. They were asked to create something on the tower wall, where people on the trail will see it.

Ms. Rogo Trainer thanked him for working so hard on this project.

Steve Cobb, from Councilman Kenyatta Johnson's office, replied the Councilman has worked with CHOP and the community groups on the issues. First more river access – CHOP agreed to build a bridge. The community asked for some retail space – CHOP agreed. Develop some sort of engagement with the community. The situation for traffic and pedestrians on South Street Bridge – CHOP removed 1 curb cut. Councilman has agreed to support with the acknowledgement with the community. As the Phases go on, they will continue with combined engagement.

Sean Ali replied he lives at the corner of Schuylkill and Bainbridge. He thanked Peter and Don (the architect). He purchased the property there because he saw the future. He has a 26-story building right in front of his house. The AT&T building casts a darkness. He is feeling the same thing will happen to Bainbridge. This throws a wall between the community and the riverfront.

Peg Kendrick, of SSWCA, replied frontage on Schuylkill doesn't show street parking. She feels the entrance for the trail should be moved. She doesn't agree with CCRA. Phase II has an active vision – we want walk up businesses. She is concerned about safety with the hair pin turn; no bus or truck on hair pin turn. Off hours parking must be reasonably priced for neighbors.

Christopher Stowberg, Board member of SOSNA, acknowledged their first meeting with CHOP. They have made some headway. They didn't have a playground; now they do.

How many of their people are going to be walking across that bridge between two buildings? Need some commercial space. Fill the drive aisle space with greenery? We would like to keep the aisle. We would like to see the final bike area coming off the bridge.

Renata Coleman replied she lives directly across this site. One – CHOP has been great. They made her feel like they were interested in what she had to say. She agrees with her neighbor. The questions she has – the commercial space, which is above South Street, the hair pin turn, and traffic pattern. It takes her a long time to get to the corner in her car. Lastly, parking structure facing Schuylkill Avenue – what are we looking at?

Marcus Iannozzi, Chair of SSWBA, replied he wanted to thank and congratulate CHOP on their engagement with us. We have not seen the new plans. They are happy with one curb cur. He is concerned about pedestrian safety. We don't feel the zoning process should be held up.

Jeff Braff, CCRA, replied the remaking of South Street Bridge, Joe Syrnick has been involved with it, the only reason to divert traffic, was to relieve traffic on the Bridge. We were told the people that would be using it are people dropping off, taxi, and fire trucks. The time to get this curb cut corrected is now. Maybe having traffic go through garage. If we fail to deal with it now, we will have to deal with it later.

Kiki Bolender replied she just doesn't get it. Everything around the edges just seems grungy. Everything looks great inside. Maybe you should offer that space to a coffee shop for your people. It could be a real park. No one should accept this project with a blank wall.

George Claflen replied he assumes the Commission wants to approve this project on less. He hopes they place appropriate uses on this site. He hopes you use your power to move the owner on a mixed-use site. The CDR review was great.

Jim Campbell replied he thinks the Commission has heard from neighbors, the City leaders, and would ask the City to have a proviso to have answers for traffic.

Mr. Syrnick asked help me understand is there a big sewer going under there.

Mr. Clinton replied we have to keep the sewer there.

Mr. Syrnick asked are you going to strengthen it.

Mr. Clinton replied we are going to rebuild it.

Ms. Rogo Trainer asked in Phase II, what will be built. Show me what won't be built?

Mr. Clinton replied building it because there is a building on the side.

Ms. Rogo Trainer asked why are you building a wall there. You are building it because you don't want to walk on the roof?

Mr. Clinton replied yes. We are building it as a screening wall.

Ms. Rogo Trainer replied if it doesn't have glass on it and are serving a space – she has a problem with it. She agrees with the neighbors. She hopes he continues the dialogue with the neighbors.

Mr. Greenberger replied you firm did do a more comprehensive plan for the site that involves coordination with the Philadelphia City Planning Commission. Sun study – they will get sunlight until very late afternoon in spring and summer. Retail at base of Schuylkill and Bainbridge – it is not your job to know what will go in there. That should be a subject for an ongoing discussion. The curb cut - he continues to have concern about the sharp curve; and to retain the drop off lane. It is a very complicated site – dips, rail lines, residential, etc. He would like the Commission to approve the recommendation to ZBA.

Upon motion by Mr. Syrnick, seconded by Ms. Thompson, the City Planning Commission approved ZBA Calendar No. 22285 for the construction of a Children's Hospital of Philadelphia research and office building at 700 Schuylkill Avenue. They want Children's Hospital to continue to meet with the near neighbors and the City.

Mr. Citron told them to seek the recommended zoning change.

- 20) Action Item: ZBA Calendar No. 22647 for the construction of a 48-unit residential development at 2012-2020 Wharton Street (ZBA hearing scheduled for 6/4/2014)

Ms. Brumbelow stated is for 2012-2020 Wharton Street. The property is bounded by Wharton, Capital, Reed and Woodstock Streets. It is in the Point Breeze neighborhood. The existing zoning is "ICMX" Industrial Commercial Mixed Use. There is "RSA-5" Residential in the neighborhood. The purpose is to create 48 lots from one deeded lot and erect a single family 3-story home on each lot for a total of 48 new homes. They will need variances for use and parking. The Residential use is not permitted in "ICMX". The parking requirement on an "ICMX" lot is 1 space per 2 residential units. Forty-eight lots are being created, requiring 48 spaces, 1 per lot). No parking is being provided. This proposal was initially reviewed by the Civic Design Review Committee for 50 units in November 2013. The developer was asked to return to address issues raised at the CDR meeting. The applicant reduced the units to 48 units, created larger rear yards, removed the pilot houses from the roofs, and created a more pedestrian-friendly design to the building fronts, and presented this redesign at the May 6, 2014 CDR Committee meeting. The Committee recommended that the applicant follow-up on the following issues: Resolve community concerns about lack of off-street parking for the project; this was a primary concern of both RCOs attending the meeting, the member of the public who testified, and the District Councilman; and with the support of the City Planning Commission staff and the District Councilman's office, explore ways of improving coordination and communications between the developer and the community, particularly regarding on-site parking options. Please note that the two RCO representatives present at the CDR Committee meeting opposed the project as presented, and critiqued the proposal for lack of green space, it is 3-story height, density, lack of design variety, and lack of economic diversity. The City Planning Commission staff recommendation is approval to support the variances.

Ronald Patterson, Esq., of Klehr Harrison, stated it is a large parcel, but for him the case is simple. They are asking for a use variance for residential on a property that is zoned "ICMX". The first element of the variance is whether there's a hardship for a property that can no longer be used for what it's built for, what it was used for. It was a warehouse. It is

dilapidated. It is not economically or feasibly to do so; to bring it up to date for someone to do so. What use would fit here? We are an "ICMX" in a sea of residential. So we said residential. What kind of residential? We looked at the size and also what surrounded it, so that we could mimic what is there. And with that said, our second refusal is for parking. That applies when you are in an "ICMX" zoning. If this were zoned "RDA-5", this would not be happening. If you look at that entire block, no one has parking. To supply parking would be contrary to the design of that area. He doesn't think anyone would actually like to have parking there that would ruin the context and the rhythm of the area. So with that said the hardship and the project do fit in with the character of the neighborhood.

José Hernandez, associate at JKR Partners LLC, showed 2 sketches: 1) the vacant property that is there, and 2) with the infill properties. If this was zoned "RSA-5" would have 3-stories with no parking. If all of those parcels were to be residential, no parking would be required. We did a study on housing stock starting at Walnut Street working their way down south. The study was with a 3-story with a larger footprint to a 4-story working it was down to Graduate Hospital in the Point Breeze area. If you are on the 1900 block of Pine Street – there are 3 and 4-story structures. Their model block that we use for this design was St. Albans Place. It has a 2-story structure with mansure roofs. They thought it would be the natural evolution for residential. It is 3-story structure with an 8 ft. setback on the third floor.

Mr. Patterson replied his experience with ZBA, once you ask for a use variance to go from industrial to residential, you cannot pick and choose or cherry pick the dimensional aspects. Once you choose residential, the ZBA will say that they are going to apply the residential standards, by the analogy it would be RSA-5, you cannot go back and change it.

Mr. Cobb, from Councilman Kenyatta Johnson's office, replied he has some serious concerns: parking, density, economic inclusivity, and community process. Parking – you are proposing 48 houses with 3-story, 3-bedrooms will probably own a car. On Capital Street, there is parking on one side of the street; they park on the curb. It probably isn't permitted. When this site is build, it will not be allowed for parking. The District Plan is not completed here. The proper way to fix this is through community engagement. Parking would be a problem. In certain communities the elderly and people with small children would like to be able to park near their homes. Density is the second issue. It plays into the parking. Economic inclusivity – the community is concerned with the high end houses. They asked could it be staggered; could they have some lower end prices. So it is available for everyone. Community process – it is a very large project, not as large as CHOP. They need a little bit more community meetings. They are not against development. They want to have a say in the process. The Councilman opposes this project as it is today.

Claudia Sherrod replied they had way over 300 people who came out for the meeting; 182 opposed and 82 supported. It was important to sit down with community. The developer said they will not move from residential. It should stay industrial. She urged them to say no.

Haley Dervinis, on the zoning board of Point Breeze Community Development Coalition, replied these are her concerns: dense, greenspace, parking, design, and economic diversity. Parking on Capital and Woodstock Streets is 2 tires on the curb next to the house. There are a lot of renters around there. We also have a concern with Point Breeze Ave. So as it stands today, it isn't fully businesses. We expect in the future it will become more lively. The total impact is two separate projects with a total of 70 homes. The houses around there are 2-stories. It does not fit in at all. This project is not ready. It could be great, but they need to work with the community. She is also concerned with Point Breeze Ave.

Dr. Jack Williams replied he wanted to thank all of the people who spoke before him; they stated his concerns. They build 3-story houses. It blocks the sun. No one came to them to ask them what did they think about it. They didn't do it. There is a young group of people who moved in and do drugs. They should build a place where seniors and young people can get together to nourish and grow. He was a music teacher. He wishes there was a place to teach people to sing, play music, learn to knit, and help kids with homework. Building these 3-story houses don't fit in the neighborhood. He thinks he has a sneaky feeling it's more to it. The taxes will go up, and people will have to move out. What about the people who need help and support?

Theresa McCormick, with Concerned Citizens of Point Breeze, replied she lives on Wharton Street. We need new development, but with more jobs. We do have people who have moved in, but they are barely making it. They are waiters and waitresses. We talked to the developers that we would like to see a supermarket just like the one at 2<sup>nd</sup> and Girard – supermarket and garage.

Ms. Green replied we don't support this project. His architect was meeting with the Philadelphia City Planning Commission. It was the Philadelphia City Planning Commission recommendation that they should go for "RA-5". One of the main concerns was 2-story instead of 3-story. The reason you have it in terms of by-right, we are not saying that they don't have their right, but we have a right too. She has a concerned that the planners are working to push it through or are they working for the community. Some of the Zoning Code was changed without the community knowing. She asked the Planning Commission to disapprove of this project.

Ms. Miller asked about the vacancy in the area.

Mr. Hernandez replied the Zoning Code and the tools that are given to us to work with. Allowable uses are pet supplies and funeral parlor. Even within the ICMX is well below it. The RSA-5 is more restrictive

Filling in the areas that are vacant, dealing with material

We are well below 38 ft. of allowable

Mr. Greenberger replied there are several issues we are dealing with. There is an empty industrial building with I-2 zoning. They would probably rezone it "RSA-5". You saw a proposal like this for PHA project. This is a typical Philadelphia layout. He is hearing that it is painful for people. People are afraid of change. People do park on these streets and some park on the sidewalk. It may not be legal. As this neighborhood evolves into the same parking issues you see in South Philadelphia. Some night say parking in rear, but this is "RSA-5". We could go to ZBA and say Council and Philadelphia City Planning Commission need to work on it. The 1900 block of Wharton Street are 3-story buildings. This is pretty well done. Parking is an issue. And there is a problem that zoning isn't any answer for.

Ms. Miller replied these 2 streets are really tiny; that is why there are missing buildings.

Ms. Ruiz replied she grew up where she had to find a parking space. You can create a community parking lot.

Ms. Miller replied they could do this. This is how a community could do this. Many civic associations do this in Philadelphia.

Mr. Greenberger replied you could reduce the number of buildings and/or build a lot.

Ms. McCormick replied this street is like a walk way. People would have to find parking in the neighborhood. There is a funeral parlor on 20<sup>th</sup> Street.

Mr. Cobb replied this looks exactly like the project that was presented to us in the beginning. This doesn't look any different.

Mr. Greenberger replied many developments have put them in because they do it for money.

Jerry Roller, architect with JKR Partners LLC, replied you could put parking here with 4-story buildings, and you would be very upset. Point Breeze neighborhood has a lot of vacancy. People are afraid to come into the neighborhood. This is a filler project. This needs to be filled in. This is a solidly built project. It would bring people in.

Ms. Green replied community needs to have input of what they need. They have a right for self-determination of a project in their neighborhood. We have a conservation study and you are wrong. It has mostly 2-story buildings.

Mr. Greenberger replied people have property rights. What exists is an abandon property that no one wants to develop.

Ms. McCormick replied your planner sat down with the CHOP developer. They didn't do it with use.

Ms. Dervinis replied CDR wasn't like a real meeting. We will survive; if it sits for a year. It's too much, too fast.

Mr. Cobb replied there were 3 or 5 issues raised by the community that was not discusses.

Ms. Green replied she doesn't see that many new developments where African Americans can buy into.

Ms. Ruiz replied we have the Councilman and the community saying that they didn't meet with them.

Howard Silverman replied we have met with them numerous times. They have delayed us and pushed us back. We have tried. He has developed many projects, but this is the most continuous or hardest. There are many places where we can find parking for them. The only negative comments are the community doesn't want it.

Ms. Dervinis replied you have sat down and had an honest talk with us. We don't deserve it. That's not how Point Breeze works. We are talking about a Point Breeze with a future.

Ms. Rogo Trainer replied we had 2 CDR meetings. The first was for height, lot size, and parking. They did clarify it. A number of issues didn't come up here. They didn't want houses. The CDR doesn't deal with that. We deal with design issues. Open spaces came up at the second meeting. We feel that on the design issues, they did a good job. The other issues are not for CDR, but here at the Planning Commission. She doesn't have the answers. She's not Solomon.

Mr. Greenberger replied moving this to the ZBA, they will see the same issues we are having today. They are going to be stuck. It comes back to the Councilman and the community.

Mr. Syrnick replied it's going to ZBA whether we approve it or not.

Mr. Greenberger replied yes. We can make recommendations for the parking, but we cannot deal with the other issues. The bigger social issues we cannot do it.

Ms. Ruiz replied she doesn't know if they have a community group or leader. It seems like they have a lot to say, but doesn't have anywhere to go.

Mr. Greenberger asked why is the Councilman involved. If this was rezoning "RSA-5"; it would be by-right.

Mr. Cobb replied we have seen many projects and worked with many community groups. But this is a project that hasn't had any changes.

Ms. Rogo Trainer asked are there any 3-story projects that the Councilman would approve.

Mr. Cobb replied you could drive through the neighborhood and see 3-stories. There are a lot of 3-story projects the Councilman supports.

Mr. Greenberger replied this is going back to ZBA with a message that better parking be worked out.

Mr. Eiding replied no developer is going to come in there and put a Shop Rite in there without a bigger community. The developer is putting money in this without getting something out of it. You cannot compare it with PHA, that's something different. This isn't about parking

Mr. Silverman replied there isn't anything we can do.

Mr. Greenberger replied take out some houses and put parking spaces in it.

Mr. Cobb replied we hear that all of the time. That they can do this or leave it vacant.

Mr. Greenberger replied the ZBA is going to either table it

Mr. Cobb replied we are uncomfortable because the District Plan has not been done.

Mr. Greenberger replied we are dealing with an incorrect zoning.

Mr. Roller replied it is the fabric of the neighborhood.

Mr. Greenberger replied we need to go back to the law as it is right now. You will have to go to the variance process. The ZBA will table it. If we table it right now, we can ask for the reconsideration of the parking.

Mr. Cobb again brought up density, economic inclusivity, etc.

Mr. Jastrzab replied there is fear of prices. What he has heard over and over is parking issue.

Ms. Green replied it is not only about parking. It is about the price. You never had a meeting about the new Zoning Code.

Mr. Cobb replied he feels a number of issues haven't been addressed by the applicant.

Mr. Jastrzab replied if we table it, we make a recommendation to the ZBA. And that motion be the ZBA hold off on their vote for this project.

Mr. Roller replied if the Councilman brokers a meeting with us and the community, maybe there will be no screaming and talking over us.

Upon motion by Mr. Eiding, seconded by Mr. Citron, the City Planning Commission tabled ZBA Calendar No. 22647 for the construction of a 48-unit residential development at 2012-2020 Wharton Street.

Mr. Greenberger adjourned the City Planning Commission Meeting of May 20, 2014 at 7:00pm.

## SUMMARY

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- 1) Approval of the Minutes for the April 15, 2014 meeting. Approved
- 2) Executive Director's Update.
- 3) Action Item: Plan of Development for AAA Mid-Atlantic commercial and vehicle maintenance facility, 1601 S. Columbus Boulevard at Tasker Street (Presented by Andrew DeFonzo of D.L. Howell and Associates, and Brad Murr of AAA Mid-Atlantic). Disapproved
- 4) *Staff Presentation*: School District of Philadelphia Capital Budget (Introduced by Jametta Johnson; Presented by Danielle Floyd, School District of Philadelphia). Presented
- 5) Action Item: Amendments to the Recommended FT2015-2020 Capital Program and Budget (Presented by Alan Urek). Approved  
Staff's Recommendation
- 6) Action Item: Adoption of *Philadelphia2035* Lower North District Plan (Presented by Octavia Howell for David Fecteau). Adopted
- 7) Action Item: Redevelopment Agreement with the Philadelphia Housing Authority for a mixed-use development on 28 properties between 20<sup>th</sup> and 21<sup>st</sup> Streets, from Ridge to Oxford Avenues (Presented by Richard Redding) Approved
- 8) Action Item: Drexel University Master Plan Amendment for the construction of a hotel with accessory retail uses at 33<sup>rd</sup> and Chestnut Streets (Presented by Paula Brumbelow). Approved
- 9) Action Item: Zoning Bill 140339 amending the Zoning Code to regulate the placement of utility meters in historic districts and on historic buildings (Introduced by Councilmember Greenlee for Council President Clarke on April 23, 2014; Presented by Paula Brumbelow). Approved
- 10) Action Item: Zoning Bill 140416 creating a Center City East Neighborhood Commercial Overlay District and prohibiting "personal credit establishments (Introduced by Councilmember Squilla on May 8, 2014; Presented by Paula Brumbelow). Approved
- 11) Action Item: Zoning Bill 140311 remapping the area bounded by Lehigh Avenue, and Fairhill, Huntingdon, and 5<sup>th</sup> Streets (Introduced by Councilmember Quiñones-Sánchez on April 10, 2014; Presented by Paula Brumbelow). Approved
- 12) Action Item: Zoning Bill No. 140408 remapping the area bounded by Girard Avenue and Taney, Poplar, and 27<sup>th</sup> Streets from "CA-1" Auto-Oriented Commercial to "CMX-3" Community Commercial Mixed-Use. (Introduced by Councilmember Greenlee for Council President Clarke on May 8, 2014; Presented by Paula Brumbelow). Approved

- 13) Family Court Building Redevelopment, 1801 Vine Street (Introduced by Councilmember Greenlee for Council President Clarke on May 8, 2014; Presented by Paula Brumbelow):
  - a. Action Item: Property Bill No. 140409 authorizing conveyance of 1801 Vine Street to PAID for further conveyance. Approved
  - b. Action Item: Zoning Bill No. 140410 remapping the area bounded by 18<sup>th</sup>, 19<sup>th</sup>, Wood, and Vine Streets from "RM-4" Residential Mixed-Use to "CMX-3" Community Commercial Mixed-Use. Approved
- 14) Action Item: Zoning Bill No. 140315 remapping the area bounded by 7th, Arch, 13th, and Callowhill Streets (Introduced by Councilmember Squilla on April 10, 2014; Presented by Andrew Meloney). Approved
- 15) Action Item: Zoning Bill No. 140413 remapping the area bounded by Roosevelt Boulevard, Oxford Avenue, Dyre Street, and Frankford and Bustleton Avenues (Introduced by Councilmember Quiñones-Sánchez on May 8, 2014; Presented by Kathleen Lambert). Approved
- 16) Frankford Arsenal Redevelopment (Introduced by Councilmember Henon on 4/24/2014; Presented by William Kramer).
  - a. Action Item: Property Bill No. 140340 authorizing the acquisition of land in the area bounded by the Delaware River, the former Frankford Creek, Bridge Street, Tacony Street and Darkrun Lane; the conveyance of land in this area to PAID further conveyance; the acquisition of 3101 East Orthodox Street; and the acquisition of land in the area bounded by the Delaware River, Disston and Milnor Streets, and Princeton Avenue. Approved
  - b. Action Item: Zoning Bill No. 140341 remapping the area bounded by Tacony Street, Comly Street extended, the Delaware River, Frankford Creek, and Bridge Street from "CMX-3" Community Commercial Mixed-Use to "I-2" Medium Industrial and "SP-PO" Parks and Open Space. Approved
  - c. Action Item: Property Bill No. 140344 authorizing the City and PAID to exchange 1.1-acre parcels of land to facilitate redevelopment. Approved
- 17) Action Item: Property Bill No. 140380 authorizing conveyance of 1823-35 Callowhill Street to PAID for further conveyance (Introduced by Councilmember Greenlee for Council President Clarke on 5/1/2014; Presented by Ian Litwin). Approved
- 18) Action Item: Property Bill No. 140385 authorizing conveyance of 611 North 2nd Street to PAID for further conveyance (Introduced by Councilmember Squilla on 5/1/2014; Presented by Ian Litwin). Approved

19) Action Item: ZBA Calendar No. 22285 for the construction of a Children's Hospital of Philadelphia research and office building at 700 Schuylkill Avenue (ZBA hearing held 4/16/2014; Presented by Ian Litwin).

Approved

20) Action Item: ZBA Calendar No. 22647 for the construction of a 48-unit residential development at 2012-2020 Wharton Street (ZBA hearing scheduled for 6/4/2014; Presented by Paula Brumbelow). Tabled



" EXHIBIT 3A "

*Pennsport Civic Association  
1837 South Second Street  
Philadelphia, PA 19148  
215-462-9764 – Fax: 215-462-9787*

To: Philadelphia City Planning Commission  
One Parkway Building  
1515 Arch Street  
Philadelphia, Pa 19102

*Re: Plan of Development for AAA Mid-Atlantic, commercial and vehicle  
maintenance facility. 1601 S Columbus Blvd at Tasker Street*

Dear Ladies and gentlemen of the Planning Commission,

I am Dr. James E Moylan. I am the President of the Pennsport Civic Association.  
We are the RCO for the area in which this project is proposed.

I am writing to provide information of our concerns.

We were first made aware of this situation when we saw demolition permits on the buildings that recently stood on the site. This was January of 2014. By tortuous means, we were able to learn that it was being demolished to allow for a AAA facility that would include auto repair, travel and insurances services and commercial sales.

The portion that has created the most concern is, the auto repair section.  
Under the Master Plan, permanent Delaware River Overlay, auto repair is a prohibited use.

Now, the AAA legal representatives ( whom were retained by AAA only after our appeal) will tell you that they applied for and were granted permits under the old "temporary overlay". (at the absolute last minute, as the permanent overlay was voted into law almost the next day) and that auto repair was not a prohibited use at the time.

But what was required, was a plan of development, a community meeting and THEN the permits could be granted. But that's not how this went. It was all done out of order and here we are today, with AAA asking for forgiveness instead of permission.

I've made it repeatedly clear to whomever would listen, that we are very much in favor of having AAA become a member and partner of our community. Just not at this site. We are opposed to this use at this location. Along with Councilman Squilla, we have offered to AAA, that we would assist in locating another site within the Councilman's district. They have given no response to that offer, to date.

I contacted L&I informing them that this was a prohibited use and that the permits needed to be withdrawn. They told me they couldn't / wouldn't and that I

had to appeal. Which is exactly the sole reason this hearing is being held today. If the Pennsport Civic Association hadn't filed an appeal, the AAA facility would already be on its way to completion.

The work and focus provided to reclaim the Philadelphia waterfront under the Master Plan for the seven mile stretch, is being outright ignored by allowing prohibited uses. The support of the funders, (i.e.: millions of dollars) from the William Penn foundation and Penn Charitable Trusts are being wasted when the plan is not vigorously defended.

There are unanswered questions and concerns from those of us who have to live with the end result. If this is granted and auto repair is allowed, what happens if AAA decides to leave after 2 years? Can anyone who wants to do auto repair, come into this facility, which is already zoned for auto repair? What if it's not as trustworthy a company as AAA? How does this plan affect Tasker Street, which is listed in the Master Plan as the last, southernmost "connector street"? How will this affect the lane for pedestrians or bikers on their way to enjoy the trails and piers along the waterfront? How does this fit into plans for adjacent properties who will be required to develop under the permanent overlay?

We learned that AAA was negotiating for this site for over 2 years and that they had numerous meetings with planning commission representatives over many months, assisting them in their submission. Yet no one had any interest to contact us and inform us, until the appeal. After the appeal was filed and with pressure from legislators, a letter was sent from L&I to AAA to state an intent to withdraw the permits.

We held a public meeting, April 21, 2014, required by this plan of development, with AAA and I informed everyone that AAA was not our issue or concern, but it was the multiple city agencies tasked with defending the temporary and permanent overlays. These agencies had regulations already enacted that should have stopped this process or at minimum ensured it followed the expected rules. Yet no one has explained how this happened but they expect us to live with whatever happens.

Therein lies the greatest concern, we the residents of Pennsport and the stakeholders of the Master Plan will be forced to accept, live with and deal with the errors of others, without our input and for no concern of the consequences, short and long term.

Either the Master Plan and its vision means something or it was just an exercise in futility that's easily ignored.

I guess on this day, it's up to you to decide.

Sincerely,

Dr. James E. Moylan  
President