

PHILADELPHIA CITY PLANNING COMMISSION  
MEETING VIA WEBEX  
MINUTES MAY 19, 2020

PRESENT:

Anne Fadullon, Commission Chair

Duane Bumb

Garlen Capita

Patrick Eiding

Cheryl L. Gaston

Maria Gonzalez

Catharine Lamb

Christopher Rupe

Joseph Syrnick, Vice Chair

Nancy Rogo Trainer

Ariel Vazquez

Eleanor Sharpe

NOT PRESENT:

*Commission Chair, Anne Fadullon, convened the Philadelphia City Planning Commission meeting on Tuesday, May 19, 2020, at 2:00 p.m.*

1. **Action Item: Approval of the Meeting Minutes for February 25, 2020.**

*Upon the motion made by Commissioner Eiding and seconded by Commissioner Rupe, the Philadelphia City Planning Commission approved the minutes from the February 25, 2020 meeting. Unanimous consent with no nays.*

2. **Executive Director's Update.**

Current RCO's registration is extended from this year until June 30, 2021. New applications will still be accepted for this year until August 14, 2020 an extension from June 30<sup>th</sup>.

Redevelopment Agreements

- i. Redevelopment Agreement with BMK Properties LLC (Lawrence McKnight and Mohamed Rushdy) for 2451-53 Frankford Avenue in the New Kensington-Fishtown Redevelopment Area.

This proposal is for a ground floor commercial space with six residential units which is consistent and conforms with the New Kensington & Fishtown Redevelopment Area Plan which recommends commercial and related land use. The property will be sold for \$200,000. Therefore, this item can be approved administratively.

- ii. Redevelopment Agreement with Salim Cunningham for 1728 N 51st Street in the Parkside-Lancaster Redevelopment Area. This proposal for a side yard conforms with the Parkside-Lancaster Redevelopment Area Plan which recommends residential land use. Therefore, this item can be approved administratively.

This concludes the Executive Director's report.

Comment(s): There were no comments by the public or the Commission about the Redevelopment Agreements.

3. **Philadelphia School District Capital Budget (Jametta Johnson)**

The Philadelphia Home Rule Charter requires the City Planning Commission to review the School District of Philadelphia (SDP) Capital Budget and Program prior to its adoption. The School District's Capital Program and Budget is scheduled for adoption on May 28, 2020, for the FY 2021, beginning on July 1, 2020.

The School District is proposing to spend \$1.869 billion on capital improvements over the next six years. The District is also proposing to revise their FY2020 Capital Budget to \$219.5 million, a decrease of \$100.0 million from the originally adopted FY2020 budget of \$319.5 million. This reduction of funds reflects the actual project expenditures, as well as the reevaluation of projects and associated costs.

Environmental Management and Services is budgeted at \$6.8 million. Asbestos abatement is the major component of this category. As noted above, the project amounts include an additional \$34.3 million for school specific asbestos abatement and lead stabilization improvements.

Administrative Support is expected to cost \$13.2 million.

A Contingency Fund of \$1.5 million is requested.

Next Steps: Home Rule Charter Provisions – City Planning Commission staff will continue to work with the School District as it moves forward with implementing the Fiscal Year 2021-2026 Capital Budget and Program.

Staff Recommendation: The City Planning Commission's staff has reviewed the School District's Capital Program and Budget and agrees with the stated priorities. The City Planning Commission's approval is not required. The School District is only seeking comments.

Comment(s): Commissioner Eiding commented on the few million dollars set aside for asbestos and lead, that the approach being taken [doing a piece here or there] through the school system, he thinks that they are well underestimating the cost. The only way to clean a school of asbestos is, to clean the whole school. Additionally, uncertain if there'll be enough money to project for what has to be done in the older schools.

No action required or taken – presentation purpose only

4. **Action Item: [Zoning Bill No. 200082](#): “An Ordinance amending Section 14-303 of The Philadelphia Code, entitled ‘Common Procedures and Requirements,’ by providing for additional requirements with respect to the granting of variances by the Zoning Board of Adjustment; all under certain terms and conditions.” Introduced by Councilmember Parker for Council President Clarke on January 30, 2020. (Presented by Paula Brumbelow Burns)**

This Bill is to amend Section 14-303 of the Zoning Code to provide additional requirements with respect to the granting of variances by the Zoning Board of Adjustment.

Criteria of Approval – The Bill adds to the Criteria for Approval that the granting of a variance should be a rare event, and the Zoning Board is authorized to grant a variance only if it expressly concludes that there are substantial, serious and compelling reasons to do so.

The Zoning Board currently provides a written summary on approved cases. The Bill adds that the detailed findings shall be posted on the Board’s website within five days of its decision, and no grant of a variance shall be effective in the absence of such a posting.

The proposed Bill re-iterates that the granting of a variance requires the concurrence of at least three members of the Board.

Additionally, the Bill requires that the Zoning Board of Adjustment create a report each year that consists of the following information:

- a summary of all applications for zoning variances that have been submitted for the 12-month period
- divided into what was granted in whole or in part, denied, and still pending
- description of each requested variance and the scope of the variance that was granted.

This process may impact the process of posting the findings on-line within five days and the yearly reporting, along with incurring significant costs to the City on transcription and legal fees. At this point, it may be too early to fully develop the reporting required within this Bill. The Zoning Board heard over 1,400 cases in 2020 and the reporting of the details of each request will be cumbersome to write, summarize, and review by readers.

Staff recommendation is for Approval with Amendments.

Comment(s): Commissioner Gaston stated that this bill appears to change or try to restrict the powers of the Zoning Board, and the powers of the Zoning Board comes from the City Charter and that City Council can't by legislation, just change their powers. Their powers are very broad and if they want to restrict or change the powers of the board, this would require a charter change, as opposed to this legislation, which says that the conditions upon which they can grant a variance. Whereas, the charter says that they even have the power to make such decisions as ought to be made. The case law says that the vote of the board at a public meeting that's being transcribed is, actually the adjudication of the board, and the writing that comes along later is not the legal standard. It's not the findings that are determinative, it's actually the vote of the board and so we're putting in a standard that again, is not in accord with the case law. The actual board vote is the adjudication, the writing comes along later.

Email submissions read by Commission Chair, Anne Fadullon and Moderator, David Fecteau: Mark Frog Park, President of Cathedral Park, Steven Pollock, Sam Gordon, Hal Schirmer, Rachel Pritzker

*Upon the Motion made by Commissioner Bumb and seconded by Commissioner Capita to Accept Staff Recommendation of Approval with Amendments.*

*Commission pulled: Accepted by Commissioner Vazquez, Commissioner Lamb, Commissioner Rupe, Commissioner Capita, and Commissioner Bumb*

*Not Accepted by Commissioner Gaston, Commissioner Gonzalez, Commissioner Trainer, Commissioner Eiding, and Commissioner Syrnick*

*Commission Chair, Anne Fadullon voted to accept staff recommendation with approval.*

*Staff Recommendation for Approval with Amendments was Approved.*

*Commissioner Gonzalez and Commission Vice Chair, Joseph Syrnick had to sign off after this item.*

5. **Action Item: [Zoning Bill No. 200160](#): “An Ordinance amending Section 14-203 of The Philadelphia Code, entitled ‘Definitions,’ by adding a definition for ‘Site Clearing,’ further amending Section 14704, entitled ‘Open Space and Natural Resources,’ by making technical changes to regulations regarding development on steep slopes, and amending Title 4 Subcode ‘A’ of the Philadelphia Building Code, all under certain terms and conditions.” Introduced by Councilmember Jones on February 20, 2020. (Presented by Matt Wysong)**

Steep slope protections are located within the Open Space and Natural Resources section of the Code. Open space and natural resources standards are intended to promote safe and compatible development throughout the City of Philadelphia that avoids adverse impacts and degradation of the environment through open space preservation, protection of steep slopes, erosion control, and water quality protection.

The City’s Steep Slope Protection Area (SSPA) is mapped in areas adjacent to the City’s major rivers and streams – Delaware, Schuylkill, Wissahickon, Pennypack, Tookany-Tacony, Cobbs. Protections apply in all zoning districts to slopes of 15% or greater. When an applicant applies for a zoning permit within the SSPA, they are required to submit a topographic survey to confirm the locations of slopes 15% or greater. Where the slope of land is more than 15% and less than 25%, site clearing or earth moving activities shall only be permitted in conformance with an earth moving plan. Where the slope of land is 25% or greater, no site clearing or earth moving activity is permitted.

Steep slope protections against site clearing are only triggered by the need for a zoning permit for accompanying development. There have been instances where those with the intent to develop have cleared wooded slopes greater than 15% before applying for a zoning permit. They then applied for the zoning permit for development after the slope has been cleared. This is a perfectly legal loophole that allows them to circumvent steep slope protections.

First, this bill creates a definition for “Site Clearing” in the Code. Second, it creates a new type of zoning permit within the SSPA just for site clearing. This will help close the loophole described above. It also changes the threshold for review from 5,000 square feet of disturbance to 1,400 square feet of disturbance **OR** an increase of impervious ground cover by more than 1,400 square feet.

This closes another potential loophole whereby an applicant could subdivide a lot to avoid a 5,000 square foot threshold.

Staff Recommendation is for Approval.

Comment(s): Commissioner Gaston expressed concerns about the reduction in the square footage that is implicated, which means that even small development projects where people are doing things to their homes are going to be implicated by this and thinks that's a problem. Also, steep slopes is not very well defined or is hard to find. Within the code, there supposed to be Planning Commission regulations that relate to this and they are not in the regulations so that if you have one of these issues, it's very hard to get anybody to tell you what it is a person is supposed to do. People have to get a proper graphical survey done, which is kind of pricy just to say whether steep slopes is or isn't implicated. With regards to the process, the Zoning Board doesn't understand about this, doesn't recognize it, or doesn't pay any attention to it. There needs to be a better explanation, process or something written that directs people as to what they're supposed to do if this is an issue that's implicated in their Zoning Permit Application.

Commissioner Trainer asked for presenter to address last email for clarification purposes, because her understanding is that we are adding a condition because they don't have to site clearing whether or not to associate with the project now that there is some oversight, which was correct and confirmed.

Email submissions read by Commission Chair, Anne Fadullon and Moderator, David Fecteau: Mark Frog Park, President of Cathedral Park, Hal Schirmer, Esq.

*Upon the Motion made by Commissioner Trainer and seconded by Commissioner Eiding to Accept Staff Recommendation for Approval.*

*Commission pulled: Accepted by Commissioner Rupe, Commissioner Bumb, Commissioner Capita, Commissioner Eiding, Commissioner Trainer, Commissioner Lamb, and Commission Vazquez*

*Not Accepted by Commissioner Gaston*

*Staff recommendation for approval was approved.*

6. **Action Item: [Zoning Bill No. 200260](#): “An Ordinance amending Title 4, Subcode ‘A’ of the Philadelphia Building Code, to revise certain provisions of Chapter 3, Permits, and amending Title 14 of The Philadelphia Code, entitled ‘Zoning and Planning,’ to revise certain provisions of Chapter 14-300, entitled ‘Administration and Procedures,’ by amending the terms and conditions of Administrative Review.” Introduced by Councilmember Squilla on March 12, 2020. (Presented by Andrew Meloney)**

This Bill is to allow for further leeway in the process of Administrative Review by L&I.

Administrative Review is a process by which changes can be made to a zoning permit after it has been approved. Changes are often needed when a development moves towards building permits and realizes that previous approvals need to be revisited. Administrative Review cannot increase non-conformance or create new variances. Previously this review was only allowed within 180-days of the Zoning Permit, however, the Permit lasts for 3 years and can be extended 1 year further. This Bill changes Administrative Review to match the length of the permit.

Staff Recommendation is for Approval.

Email submissions read by Commission Chair, Anne Fadullon and Moderator, David Fecteau: Hal Schirmer, Esq., Paul Bonnie

*Upon the Motion made by Commissioner Gaston and seconded by Commissioner Capita to Accept Staff Recommendation for Approval.*

*Commission pulled: Accepted by Commissioner Vazquez, Commissioner Rupe, Commissioner Gaston, Commissioner Trainer, Commissioner Capita, Commissioner Bumb, Commissioner Lamb, and Commissioner Eiding*

*Staff recommendation for approval was approved.*



7. **Action Item: [Streets Bill No. 200158](#): “An Ordinance authorizing Alterra Properties (‘Owner’) to construct, own, and maintain a proposed exterior building ramp and steps at 1401-15 Arch Street, Philadelphia, PA 19102 (‘Property’), all under certain terms and conditions.” Introduced by Councilmember Parker for Council President Clarke on February 20, 2020. (Presented by Sarah Chiu)**

The propose is to construct an exterior building ramp and steps at 1401-15 Arch Street, located along the north Right-of-Way line of Arch Street and along the west Right-of-Way line of North Broad Street. The ramp will encroach upon the north footway of Arch Street and on west footway of Broad Street for approximately six feet (6'-0"), leaving 10' walking zone space for pedestrians, with the pinch point at the area behind the existing bus shelter.

Present Use

Broad Street: public sidewalk, no encroachment; Arch Street: an existing 5' encroachment for the exterior stairway and elevated landing area, will be demolished.

The proposed building ramp was reviewed and approved by the Historical Commission on January 24, 2019.

Staff Recommendation is for Approval, with the recommendation that the developer work with OTIS/Streets to move the bus shelter.

*Upon the Motion made by Commissioner Capita and seconded by Commissioner Gaston to Accept Staff Recommendation for Approval.*

*Commission pulled: Accepted by Commissioner Vazquez, Commissioner Rupe, Commissioner Gaston, Commissioner Bumb, Commissioner Capita, Commissioner Eiding, Commissioner Trainer, and Commissioner Lamb*

*Staff recommendation for approval was approved.*

8. **Action Item: Preliminary Plat for 512 – 516 Parker Avenue and 6789 Ridge Avenue and Streets Bill No. 200256: “An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 299 by striking from the City Plan Parker Avenue from a point approximately three hundred forty-two feet southwest of Matthias Street to its terminus approximately fifty-eight feet further southwestwardly therefrom, under certain terms and conditions.” Introduced by Councilmember Jones on March 12, 2020. (Presented by Sarah Chiu)**

Executive Director, Eleanor Sharpe noted that staff held the Preliminary Plat.

9. **Action Item: [Property Bill No. 200188](#): “An Ordinance authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to acquire fee simple title or a lesser real estate interest to all or a portion of a parcel or parcels of land located in the vicinity of Calera Road between Red Lion Road and Chalfont Drive, commonly known as the Liberty Bell Youth Organization Recreation Center.” Introduced by Councilmember O’Neill on February 27, 2020. (Presented by Gregory Waldman)**

This Bill is to acquire 3295 Red Lion Road, the gymnasium building currently owned and operated by Liberty Bell Youth Organization, which will be incorporated into the Picariello Recreation Center programming. Present Use - Gymnasium owned and operated by a non-profit youth organization

Liberty Bell Youth Organization is fiscally unable to maintain the gymnasium and will donate the building to the

City of Philadelphia at no cost. The gymnasium building was constructed in 2010 and is located adjacent to

Picariello Recreation Center, which currently lacks a gymnasium. The facility supervisor at Picariello

Recreation Center will oversee permitting of the facility. This gymnasium will provide additional opportunities for youth and summer camp programming.

Staff Recommendation is for Approval.

Email submissions read by Commission Chair, Anne Fadullon and Moderator, David Fecteau: Hal Schirmer, Esq.

*Upon the Motion made by Commissioner Eiding and seconded by Commissioner Bumb to Accept Staff Recommendation for Approval.*

*Commission pulled: Accepted by Commissioner Vazquez, Commissioner Gaston, Commissioner Rupe, Commissioner Capita, Commissioner Bumb, Commissioner Lamb, Commissioner Eiding, and Commissioner Trainer.*

*Staff recommendation for approval was approved.*

*Upon the motion made by Commissioner Eiding and seconded by Commissioner Gaston, the Philadelphia Planning Commission Meeting was adjourned by the Commission Chair at 3:27 p.m.*

The next City Planning Commission Meeting is scheduled for **Tuesday, June 16, 2020 at 1:00 p.m.** via the Webex platform.

## SUMMARY

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1. Action Item: Approval of the Meeting Minutes for February 25, 2020.

**APPROVED**

2. Executive Director's Update.

### Redevelopment Agreements

- i. Redevelopment Agreement with BMK Properties LLC (Lawrence McKnight and Mohamed Rushdy) for 2451-53 Frankford Avenue in the New Kensington-Fishtown Redevelopment Area.
- ii. Redevelopment Agreement with Salim Cunningham for 1728 N 51st Street in the Parkside-Lancaster Redevelopment Area.

3. Philadelphia School District Capital Budget (Jametia Johnson)

**NO ACTION REQUIRED OR TAKEN**

4. Action Item: Zoning Bill No. 200082: "An Ordinance amending Section 14-303 of The Philadelphia Code, entitled 'Common Procedures and Requirements,' by providing for additional requirements with respect to the granting of variances by the Zoning Board of Adjustment; all under certain terms and conditions." Introduced by Councilmember Parker for Council President Clarke on January 30, 2020. (Presented by Paula Brumbelow Burns)

**APPROVED WITH AMENDMENTS**

5. Action Item: Zoning Bill No. 200160: "An Ordinance amending Section 14-203 of The Philadelphia Code, entitled 'Definitions,' by adding a definition for 'Site Clearing,' further amending Section 14704, entitled 'Open Space and Natural Resources,' by making technical changes to regulations regarding development on steep slopes, and amending Title 4 Subcode 'A' of the Philadelphia Building Code, all under certain terms and conditions." Introduced by Councilmember Jones on February 20, 2020. (Presented by Matt Wysong)

**APPROVED**

6. Action Item: Zoning Bill No. 200260: “An Ordinance amending Title 4, subcode ‘A’ of the Philadelphia Building Code, to revise certain provisions of Chapter 3, Permits, and amending Title 14 of The Philadelphia Code, entitled ‘Zoning and Planning,’ to revise certain provisions of Chapter 14-300, entitled ‘Administration and Procedures,’ by amending the terms and conditions of Administrative Review.” Introduced by Councilmember Squilla on March 12, 2020. (Presented by Andrew Meloney)

**APPROVED**

7. Action Item: Streets Bill No. 200158: “An Ordinance authorizing Alterra Properties (‘Owner’) to construct, own, and maintain a proposed exterior building ramp and steps at 1401-15 Arch Street, Philadelphia, PA 19102 (‘Property’), all under certain terms and conditions.” Introduced by Councilmember Parker for Council President Clarke on February 20, 2020. (Presented by Sarah Chiu)

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**STAFF HELD THE PRELIMINARY PLAT**

9. Action Item: Property Bill No. 200188: “An Ordinance authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to acquire fee simple title or a lesser real estate interest to all or a portion of a parcel or parcels of land located in the vicinity of Calera Road between Red Lion Road and Chalfont Drive, commonly known as the Liberty Bell Youth Organization Recreation Center.” Introduced by Councilmember O’Neill on February 27, 2020. (Presented by Gregory Waldman)

**APPROVED**