

PHILADELPHIA CITY PLANNING COMMISSION
January 16, 2007

PRESENT: Marcia Moore Makadon, Acting Chair
Tumar Alexander, representing Pedro A. Ramos
Duane Bumb, representing Stephanie Naidoff
Patrick J. Eiding
Gloria Levin
Peggy VanBelle, representing Vincent Jannetti

ABSENT: David Adelman
Lynette Brown-Sow

Executive Director
Deputy Executive Director

Janice Woodcock, AIA, AICP
Gary Jastrzab

Acting Chair Marcia Makadon convened the City Planning Commission Meeting of January 16, 2007 at 1:14PM.

1) Minutes of the Meeting of December 19, 2006.

Upon motion by Mr. Bumb, the City Planning Commission approved the minutes of December 19, 2006.

2) Executive Director's Update

Janice Woodcock explained that her update would be brief due to the long Agenda. She stated that in regards to the Central Delaware Waterfront, the meetings have been completed in the neighborhoods. The February 3 session will be open to the public.

Ms. Makadon asked if and when there is a short agenda, could we have a presentation on the projects that the City Planning Commission staff is working on.

Ms. Woodcock replied that they would do one on the Riverfront.

Ms. Makadon stated she is interested in the River City on the Schuylkill, and she wants to be kept up-to-date on this project.

3) Bill No. 060963 Amending Sections 14-305 (C4 and C5 Commercial) and 14-1402 (Parking) of the Philadelphia Zoning Code. (Introduced by Councilmember Clarke on December 14, 2006.)

William Kramer stated this is a Zoning Code Amendment Bill for an area bounded by North Broad Street, Fairmount Avenue, North 13th Street, Wallace Street, and Ridge Avenue. The purpose of this Bill is to revise the "C-4" and "C-5" and parking sections of the Zoning Code to allow for the development of the former Divine Lorraine Hotel site. This amendment would consist of the following three things:

- 1) To revise the "C-4" and "C-5" by adding parking garages under this use.
- 2) The amendment on this block would change the FAR to have the allowable gross floor area raised to allow for 600% of the area of the lot.
- 3) The amendment to the Code is to change the parking requirement to seven spaces per ten families.

This site would be a mixed-use development with retail, and also to maintain and preserve the Divine Lorraine Hotel. The City Planning Commission staff recommendation is for approval with language.

Carl Primavera, attorney for the developer, stated that they have been trying to put together a Master Plan, and last week the Historic Commission approved the concept of this project. He went on to describe the different amenities, and that the "C-4" and "C-5" zoning tries to accomplish these things citywide. He also described the restoration of the former Divine Lorraine Hotel.

A representative from Cope Linder described the design with a series of entrances around the property. The shortest is three levels high. She described how the design gave light and air to the existing building. The three stories would include of a restaurant and a health club.

Mr. Primavera stated that the principal partner is from Holland. He explained that in Phase I there would be 620 spaces. He stated that most people would be walking, taking public transportation, or biking.

The representative from Cope Linder explained that there are three levels of parking above the retail that would be screened.

Mr. Eiding wanted to know what was the problem with the Bill.

Mr. Kramer replied the design review.

Mr. Primavera stated that they do not have a problem with the City Planning Commission review.

Ms. Levin stated that earlier our Chairwoman made a statement about having a presentation shown to us earlier. We don't get information until the last minute and this could make changes in the future. She does like this project.

Mr. Primavera stated that we have only asked for changes to this site.

Ms. Levin stated that she doesn't want these zoning changes to apply citywide.

Ms. Makadon wanted to know if we were setting a precedent.

Ms. Levin wanted to know if we should have the right to change this right here for the city.

Mr. Primavera states he feels that it is specific to their site. He also felt that someone, who also comes in with the same elements, should be given the same consideration.

Ms. Levin stated that she does want this project to be done.

Mr. Primavera said this Bill has a Council hearing on February 7, and that timing is everything. He was sorry that it was thrown at the City Planning Commission. He said that people who saw this from the Councilman to the City Planning Commission staff all agreed with it.

Ms. Levin said she supports this if this project is isolated.

Ms. Woodcock stated that she wanted someone from our Law Department to look at it.

Marilyn Ackerman, City of Philadelphia Law Department, replied that she would look into it.

Mr. Kramer stated that the language in the Code specifically limits the changes to this project.

Ms. VanBelle asked if the garage would be common or just for residents.

The representative from Cope Linder replied that the lower level over the retail store would be for customers. The second and third levels would be for residents.

Ms. VanBelle asked if the residents could park on the lower level if there were not any parking available on the upper levels.

Cheryl replied the residents could park anywhere, but there will be enough parking for them on the above levels.

Mr. Primavera stated that there would be on-site management of the garage, therefore, no need for off street parking.

Ms. VanBelle asked if there would be some kind of regulations in place.

Mr. Primavera replied yes, and that management would add a dividend but it would take time to complete.

Mr. Eiding asked if there would be a person directing it and not a machine.

Mr. Primavera replied yes, a person would be there.

AND

- 4) Bill No. 060962 Rezones N. Broad Street, Fairmount Avenue, N. 13th Street, Wallace Street, and Ridge Avenue. (Introduced by Councilmember Clarke on December 14, 2006.)

Mr. Kramer stated the purpose of this Bill is to rezone the Divine Lorraine site to a zoning designation of "C-4" Commercial, and the remainder would stay "C-2" Commercial. The Planning Commission staff recommendation is for approval. Upon review of the proposed development plan the staff believes this to be an appropriate development for this site that not only recognizes the presence of mass transit facilities but also respects the existing historically certified Divine Lorraine Hotel. The City Planning Commission staff recommendation is for approval.

Ms. Makadon wanted to know if there would be any problems with the street striking.

Mr. Kramer replied if there would be any problems it would be the cost, not that it cannot be done.

Mr. Bumb wanted to know if the second Bill is not issuance on this development.

Mr. Kramer replied that yes, it is technically.

Mr. Primavera stated that Councilman Clarke is working on a plan and this ties in with it. And we are hoping everyone would get what they want.

A representative from the West Poplar Community group, stated that they are working with the Divine Lorraine on a community benefit package. They don't have a problem with this project. They like the idea that a major developer is coming here since this area is blight.

Ms. Browsh asked Marge what are they waiting for from the developer.

Marge replied they are waiting for the community benefit package.

Mr. Primavera said that the package would be included for the community, that Councilman Clarke would not have it any other way.

Mr. Eiding asked what about PHA.

Mr. Primavera replied that PHA would be providing job training skills.

Mr. Alexander stated that it has diversity job training.

Ms. Browsh stated that she is concerned that we have so many condos and how it affects the people who have homes.

Ms. Levin wanted to know if we were waiting for our opinion from the City's Law Department or were we approving it.

Mr. Eiding replied that we were waiting for our attorney; but we can work on the design review.

Upon motion by Mr. Eiding, seconded by Ms. Levin, the City Planning Commission approved with the condition from the City's Law Department Bill No. 060963.

Upon motion by Mr. Bumb, seconded by Ms. VanBelle, the Planning Commission approved Bill No. 060962.

- 5) Bill No. 060902 Amending the Philadelphia Zoning Code by adopting a new section 14-217 entitled, "Industrial Transformation District". (Introduced by Council-member Clarke on November 30, 2006.)

Mr. Kramer stated this Bill creates a new section of code similar to what we approved in May 2005 on the Waterfront Redevelopment District. It requires a Master Plan be submitted for buildings and structures in the District. Boundaries must provide a reasonable line of division between the District and adjacent property. The gross floor area of all buildings may not exceed 250% of the total area of the District. Buildings, structures and streets may not occupy more than 80% of the District. One parking space must be provided for the first two bedrooms in any dwelling unit and one additional parking space for each additional two-bed rooms in any dwelling unit. Auditoriums, theaters and churches must provide one parking space per 10 seating spaces. Nursing, rest or convalescent homes and assisted living facilities must provide one parking space per 10 beds. Other uses must provide one space for every 3,000 square feet of gross floor area. A Master Plan has been submitted by the developer and approved by City Council. We would like to add language to the Bill. The Planning Commission staff recommendation is for approval with conditions.

Al Alston, of the African-American Business and Residents Association, submitted information and testimony in opposition to Bills 060901 and 060902 (EXHIBIT "A") to the Commissioners, and stated that he opposed the previous Westrum projects. He read his list of opposition to this development as listed in Exhibit "A". He stated that they had a meeting with Paul Loney, representative for Westrum. They oppose Westrum's plans to this development. He said that they had no discussion with Darrell Clarke's office. He also said that he purchased the property at 3117 Master Street and turned it into a cultural center for the community.

Ms. Levin left at 2PM.

Ms. Woodcock stated that large areas of land, that is not bad for the City, should have open space. She wanted to know how can we make sure that we add to the quality of life. On a large site like this one, there are a lot of environmental issues that need to be handled. That is what we need added to this Bill. The City Planning Commission does not speak of gentrification. We are very sensitive to the community's issues and concerns.

Ms. Makadon stated she feels that the City Planning Commission is very responsive to the community, but does not feel that the Councilman is responsive to them.

Mr. Alston said he would be more than willing to meet with the City Planning Commission and Councilman Clarke.

Sharon Suletta, attorney for Westrum, stated that they have done everything they needed to do in regard to this plan.

Ms. Woodcock said she understands that this Bill would go directly to Council first.

Ms. Suletta replied that it must come to the City Planning Commission first and be approved by the City Planning Commissioners, and then go to Council. As far as due process goes, if this has been approved previously by the City Planning Commission, it should be approved again. She had a rebuttal to each of Mr. Alston's oppositions, and she had a comment for the Bill's code.

Mr. Alston said that he was told that the approval of the first Master Plan, that this would then go to the City Council. They have a lot of problems with the Zoning Board of Adjustment, but these projects should go through the community.

Paul Loney, Community Relations representative for Westrum, replied that Councilman Clarke told him to go to the Brewerytown CDC to get approval before any plans would be introduced to City Council.

Ms. Makadon asked them to stop arguing with each other and address the City Planning Commission.

Mr. Loney stated that there is a Memo of Understanding (MOU) that commits to the neighborhood.

Mr. Alston asked what right does Councilman Clarke have that he decided on a designated community organization. Westrum needs to work with the other community groups. He went on to say that two weeks ago there was an article in the Inquirer that said the organization, that Councilman Clarke chose, has no leader; that Westrum's 70 infill units on 30th Street is segregating the community; and his organization does not take money from the developers.

Mr. Eiding asked Mr. Alston if he has ever been a member of this other community group.

Mr. Alston replied he has not, but some members of his group have been members. Block captains are part of this advisory committee.

James Boyd, resident, made a comparison between making a cake and his community. He opposes this legislation in its present form.

Ms. Suletta stated the alternatives of the proposal of the legislation.

Mark Steer, Neighborhood Networks, made a comment regarding gentrification, and he hopes that we are moving faster to zoning reforms. A lot of community groups feel that they are not included in the process. He understands that this community has just heard of this proposal.

Ms. Woodcock said the reason it is on our Agenda is because Council has placed it on their Agenda. We are sorry that this is a last minute item and we are trying to repair it.

Mr. Loney stated that Mr. Alston and some of his group have sent this plan.

Ms. Woodcock replied that her concern is about changing a rule that becomes a right. The community groups need to express their voices to get what they want.

Mr. Alston replied that they want to be involved every step of the way.

Mr. Steer agreed that everyone in the city should get involved.

Mr. Martez Cooper apologized for the condition of the Brewerytown CDC.

Sheila Mosely, professional social worker, wanted to know whose makes the decision of what affordable housing means. She said that she is in the middle.

Ms. Woodcock replied that the city in general is looking at what is affordable housing.

Mr. Eiding replied that he has a problem with what he is hearing. He is pro-development but he has not heard from the other group, Brewerytown CDC. He also told Mr. Alston that if he has a problem with the Councilman, then he should run against him. He said he also needs to hear from the Councilman too. He said he grew up in Kensington and still has family there. They could not afford to buy these houses.

Mr. Loney apologized for not having the people from the CDC with him. He felt this Bill was a technical item.

Mr. Eiding replied that he would like to hear from the people in the community. He told Mr. Loney to bring a hundred people if needed.

Ms. Makadon would like to hear from the Councilman or someone in his office.

Ms. Woodcock said we need to let him know that.

AND

- 6) Bill No. 060901 Rezones an area bounded by Girard Avenue, Pennsylvania Avenue, 32nd Street, a Railroad right-of-way, Oxford Avenue, and 30th Street. (Introduced by Councilmember Clarke on November 30, 2006.)

Mr. Kramer stated that the purpose of this Bill is to rezone 16 acres of land to a zoning designation of "ITD" Industrial Transformation District. Stacked townhouses are completed or in the process of completion. Five hundred and ninety-five residential units consisting of 302 stacked townhouses, 120 condo units and 62 residential units over commercial. There are proposed rental units in mid-rise buildings, which will be up to six

stories in height. The parking will be provided as either in-house garage for the stacked townhouses and either a surface parking lot or underground structured parking for the condo, rental and commercial units. If approved by the Commission and City Council, the Site Plan and the Master Plan Narrative will become the zoning requirement for this District. The City Planning Commission staff recommendation is for approval.

Ms. Makadon asked if we table or disapprove the previous Bill what would happen if this Bill.

Mr. Kramer replied if you tabled one, you need to table the other.

Ms. Makadon asked does this development deny access to parking.

Mr. Loney replied no.

Ms. Alston stated the ITD doesn't conform to the Zoning Code because it is not in it. This forces a plan on the community that we do not want. We want to be a part in this planning process. He opposes this Master Plan.

Ms. Suletta replied that most of the objections from the community groups regards the Zoning Code.

Ms. Woodcock replied that if we table it then we recommend that the Councilman table it too.

Ms. Suletta replied that you cannot table it because they are on a timetable.

Mr. Bumb stated the City Council is free to approve a Bill whether we table it or disapprove it. We need to understand what the underlying legislation is for this District before we can approve it. He would like to approve development, but the developers don't know what the community will want. The City Planning Commissioners are struggling because we feel we need more information.

Mr. Gregorski replied that in the past few days the City Planning Commission staff have had some recommendations to the Bill, such as parking spaces does not mean open space, and the height control limit stay in the flavor of the neighborhood.

Ms. Woodcock said we are looking at the quality of the site, as well as, the requirements in the development site. If it meant all standards, then it would be obligated to be approved.

Mr. Kramer stated the time for the negotiation with the community and the developer was at the beginning of the planning phase. We don't deal with any one community group we deal citywide.

Ms. Woodcock stated that she wants to make sure the community benefits from any development plan.

Mr. Loney replied that when they signed the MOU, they made a large commitment to the community. The Councilman made the decision to whom we should deal with; it was not our decision.

Mr. Alston replied that exclusive market rate housing is not good for the community. The community would like to know what their rights are. We believe Mr. Loney represents

his company in dealing with us. This Master Plan is going to open a can of worms in the city.

Mr. Loney replied that the community told him that they wanted the money to go to the supermarket. There is no city money there so we purchased it with our money.

Mr. Alston replied there is money in that supermarket.

Mr. Bumb replied there is a line in the Capital 2004 Budget. There are a lot of challenges involved.

Ms. Makadon made a comment regarding what is the community. She stated we are responsible to the community. The councilperson is responsible for the community.

Mr. Bumb moved that we are unable to recommend this Bill because we have outstanding concerns such as the community concerns.

Mr. Eiding wanted to know if we are also going to propose to City Council to table it.

Ms. Woodcock replied yes, because of concerns with height limit, open area, and that plans should have been submitted before the development stage.

Ms. Makadon replied that it would be time for community input at that time.

Ms. Woodcock said there should be ways to do this.

Mr. Eiding replied that in layman's talk this has left too many questions as it has been presented to us. He would like to hear from the Councilman. This is not just Brewerytown; it would effect the entire city. This has left him with a lot of unanswered questions.

Upon motion by Mr. Eiding, seconded by Mr. Bumb, the City Planning Commission tabled Bill No. 060902 and would like to hear Councilman Clarke's concerns.

Upon motion by Mr. Bumb, seconded by Mr. Alexander, the City Planning Commission tabled Bill No. 060901.

7) Adoption of the Neighborhood Conservation District Internal Regulations.

Martin Gregorski stated this item was presented to you at our November meeting of the City Planning Commission for information only, the staff is now requesting that these internal rules and regulations be adopted by the City Planning Commissioners. These Districts would keep the flavor of the neighborhood.

In reviewing the regulations set forth in the enabling legislation, the staff of the PCPC has come to the conclusion that a set of internal rules and regulations are necessary to carry out the work needed to issue the Certificates of Compliance (CoC) that are mandated in the new NCD.

The internal regulations include a brief description of the process of creating an NCD, submission requirements, time limitations and the appeal process.

While much of the work necessary will be carried out by the staff, the first line of appeal with rest in the hands of the PCPC proper. The staff's issuance of the CoC (with or without conditions) or the written denial of an application may be appealed to the City Planning Commission.

Appeals to the City Planning Commission will be heard within 60 days of receipt, at the regularly scheduled monthly meeting. The City Planning Commission may choose to affirm its staff decision or issue a new decision on the application. The City Planning Commission may attach conditions to the CoC, which are deemed necessary to meet the purposes as set forth in the NCD. The applicant will receive a written decision which then could be appealed to the Board of Licenses and Inspection Review.

The City Planning Commission staff recommendation is for adoption of the Neighborhood Conservation District Internal Regulations.

Ms. Browsh asked would the Zoning Board of Adjustment be sidelined by this regulation.

Mr. Gregorski replied no because this is a Certificate of Compliance.

A resident from Queens Village wanted to know if it would be like the Zoning Board of Adjustment. Would the City Planning Commission have public input?

Mr. Gregorski restated the appeals process. Appeals to the City Planning Commission will be heard within 60 days of receipt, at the regularly scheduled monthly meeting. The City Planning Commission may choose to affirm its staff decision or issue a new decision on the application. The City Planning Commission may attach conditions to the CoC, which are deemed necessary to meet the purposes as set forth in the NCD. The applicant will receive a written decision which then could be appealed to the Board of Licenses and Inspection Review.

Upon motion by Mr. Bumb, seconded by Mr. Eiding, the City Planning Commission adopted the Neighborhood Conservation District Internal Regulations with the stipulation to let the community know when these issues are coming up.

- 8) Urban Design Recommendations for the Improvement of an area of South Philadelphia at the intersection of Passyunk Avenue, Reed and 10th Streets.

David Schaaf, Senior Urban Designer, stated this is a conceptual plan. He showed a power point presentation of what is currently in the area, and what recommended improvements could possibly be implemented for the enhancement of the Passyunk Avenue corridor and environs. He explained the history of this complicated intersection, at one time it was the site of the Moyamensing Prison, which was demolished in 1968. Matt Rader, The Passyunk Square Civic Association and the East Passyunk Business Improvement District support these conceptual recommendations for the enhancement and safety of the corridor. The City Planning Commission staff recommendation is for approval.

Ms. Makadon asked if Matt Rader's group is a fund raising group.

Mr. Schaaf replied that they raise money for the businesses. He said that Councilman DiCicco would like to have a meeting with the businesses.

Mr. Bumb asked is the same property owner as the supermarket.

Ms. Schaaf replied yes.

Upon motion by Mr. Eiding, seconded by Ms. VanBelle, the City Planning Commission approved the Urban Design Recommendations for the Improvement of an area of South Philadelphia at the intersection of Passyunk Avenue, Reed and 10th Streets.

Ms. Makadon adjourned the City Planning Commission Meeting of January 16, 2007 at 3:35PM.

SUMMARY

- 1) Minutes of the Meeting of 12-19-06
Approved
- 2) Executive Director's Update
- 3) Bill #060963 Amending Sections 14-305 (C4 & C5 Commercial) & 14-1402 (Parking) of the Phila. Zoning Code. (Introduced by Councilmember Clarke on 12-14-06.) (William Kramer)
Approved w/condition from City Law Dept.
- 4) Bill #060962 Rezones N. Broad St., Fairmount Ave., N. 13th St., Wallace St., & Ridge Ave. (Introduced by Councilmember Clarke on 12-14-06.) (William Kramer)
Approved
- 5) Bill #060902 Amending the Phila. Zoning Code by adopting a new section 14-217 entitled, "Industrial Transformation District". (Introduced by Councilmember Clarke on 11-30-06) (William Kramer)
Tabled; & would like Councilman Clarke's explanation of this legislation
- 6) Bill #160901 Rezones an area bounded by Girard Ave., Pennsylvania Ave., 32nd St., a Railroad Right-of-Way, Oxford Ave., & 30th St. (Introduced by Councilmember Clarke on 11-30-06.) (William Kramer)
Tabled
- 7) Adoption of the Neighborhood Conservation District Internal Regulations (Martin Gregorski)
Adopted
- 8) Urban Design Recommendations for the Improvement of an area of S. Phila. At the Intersection of Passyunk Ave., Reed & 10th Sts. (1st District – Councilmember DiCicco) (David Schaaf)
Approved