

PHILADELPHIA CITY PLANNING COMMISSION
January 20, 2009

PRESENT: Andrew Altman, Chair
Joseph Syrnick, Vice Chair
Patrick J. Eiding
Anuj Gupta, representing Camille Cates Barnett
Bernard Lee
Natalia Olson de Savyckyj
Nancy Rogo Trainer
Peggy VanBelle, representing Rob Dubow

ABSENT: Nilda Ruiz

Executive Director: Alan Greenberger
Deputy Executive Director: Gary J. Jastrzab

Chair Andrew Altman convened the City Planning Commission Meeting of January 20, 2009 at 1:09pm.

- 1) Approval of the Minutes of the December 16, 2008 meeting.

Upon motion by Ms. Rogo Trainer, the City Planning Commission approved the minutes of December 16, 2008.

- 2) Executive Director's Update

Mr. Greenberger stated that he has a number of items to report to the Commission.

- 1) There have been a number of articles in the newspapers on the plan of development process for the proposed casino at the Gallery. There is no design work done yet; this process has just been initiated. It will take several months, and there is a plan for several public meetings. The Philadelphia City Planning Commission will hold two meetings on this project. The first meeting will be "information only," and the second meeting will be consideration for the plan of development. We do not have any dates in mind at this time. In the past, these public meetings have had a large turnout, therefore, we will have to arrange for another venue. We may have to schedule special meetings for this project.
- 2) Eva Gladstein has assumed her role as the Zoning Code Commission's (ZCC) Executive Director. We had the first ZCC meeting with her in this capacity on January 14. Our consultants have been actively analyzing the Zoning Code, and will report back to the ZCC. The ZCC approved the formation of a second committee – the Civic Engagement Committee – that will oversee public outreach. They will be meeting for the first time this week. That's in addition to the Workplan Committee, which oversees the internal workings of the Commission. The ZCC voted that each committee will have their own chair, and each chair will serve as vice-chair to the ZCC. The ZCC held two District Council Community meetings last week. We are getting closer to having all ten of them scheduled through this month and the month of February. They have done extensive user interviews with Code users. A lot of information is beginning to flow back to us.
- 3) Capital Budget: Alan Urek, the PCPC staff, and the Budget Office have been working extremely hard for the past several months. They have met with every agency going over what their capital project needs. The Capital Budget and Program needs to be approved by this Commission. Normally it would come to you this month, but the Mayor has pushed his Budget Address back to March. The Capital Budget and Program will be on our Agenda next month.

- 4) At the last meeting, you approved language changes by which we work to approve items in accord with previous policy. The Executive Director will report on any matters that come up in that category. We have one that is a matter of a correction of a dimension of a parcel in an industrial area that we have acted favorably on this in the past. The staff recommendation for approval of this item has been forwarded to the Mayor and City Council.

Mr. Altman made a proposal to elect a Vice-Chair for the Philadelphia City Planning Commission.

Upon motion by Mr. Eiding, seconded by Ms. Olson, the City Planning Commission voted to elect Joseph Syrnick as Vice-Chair of the Philadelphia City Planning Commission.

- 3) PCPC Staff Presentation: Germantown and Nicetown Transit-Oriented Neighborhood Plan (Jennifer Barr)

Jennifer Barr, Northwest Area Planner in the Community Planning Division, stated the plan was funded through DVRPC via a Transportation and Community Development Initiative grant. This grant included matching in-kind services from our staff. The consultants were Kise Straw & Kolodner. The study area consisted of an area bounded by five SEPTA Regional Rail stations. There was a great deal of public outreach for this plan, and we had a great support from the media. Community turnout was great at all 3 meetings. Quality of Life issues were discussed at all of the meetings. The four priority areas that were chosen by the Advisory Committee were Wayne Junction Station area, Queen Lane Apartments area, Germantown and Cheltenham shopping district, and the Wister Station area. These Priority Areas were chosen through analysis of the existing conditions and opportunity sites, stakeholders interviews, and input from the public at the Visioning Workshop. The final decision on the priority area selections were made by the Advisory Committee.

Wayne Junction is the central gateway between Nicetown and Germantown and a major transit hub. This station has a high number of users. Windrim Avenue, in the front of this station, is a very wide street that offers the opportunity to expand parking resources at this station with angled parking. SEPTA is currently planning a full historic rehabilitation of this station with improved amenities for passengers, high-level platforms, elevators, and ADA compliant ramps. Former industrial buildings near the station are key opportunities for mixed-use redevelopment. Much of the land in the immediate vicinity of this station is zoned G2 General Industrial. Rezoning of some of the parcels adjacent to this station will encourage higher density mixed-use development that could support transit use. The area may offer the potential for creation of a TRID district with SEPTA.

The Queen Lane Apartments building consists of 100 high rise apartments. The Philadelphia Housing Authority is willing to redevelop the housing complex with lower-scale housing as they are doing in the Mantua neighborhood with the former Mantua Hall site. The new lower-rise development at Queen Lane would not fully replace the 100 units that currently exist, but vacant buildings and land in the vicinity create an opportunity for scattered-site housing. The Queen Lane corridor is in need of

streetscape upgrades to improve the pedestrian's experience as they travel to the station with street trees, lighting and new sidewalks. Through beautification projects, Queen Lane could serve as an attractive gateway between East Falls and Germantown.

The recommendations for Germantown Station include improved lighting, maintenance, and a public-private partnership for the revitalization of the area immediately adjacent to the station. There are long range plans for parking and short term parking. The Commerce Department has given a grant to the Central Germantown Council to fund a study of the immediate Germantown Station area which is currently underway. Germantown is a National Historic District. Conservation District might be a good tool for them to use. At 4400 Germantown Avenue, we recommended a RDA Plan.

Cheltenham Avenue Station – this business corridor used to be the second largest shopping area in the City. The recommendation is to allow residential use above the buildings on Maplewood Mall.

Wister Station is the least used station. Access problems are a major issue at this station and in the neighborhood. Access from Belfield Avenue is also an issue. We recommend expanding access to the station. The large parcels of vacant land on Rubicam and Rufe Streets are an opportunity to extend the surrounding streets and create parking for the station. These parcels are owned by SEPTA, the Philadelphia Redevelopment Authority, and Michael's Development, which owns and operates the apartment complex. There is also an opportunity to create new housing on scattered vacant parcels near the station. We recommend an RDA Plan with townhouses. Improved access, parking, and new potential transit riders will likely increase ridership at this station. Additional ridership at this station could potentially come from the growing LaSalle University to the Germantown Hospital Campus north of Belfield Avenue. The station entrance on Belfield Avenue to the north of the station must be expanded and made safer for transit riders. The expansion should not only include improved lighting and landscaping, but also a passenger drop-off area near the station entrance. This drop-off area should accommodate the potential for shuttle buses serving LaSalle or SEPTA.

We will continue to meet with the Advisory Committee. Zoning remapping will come back to the Commission. The staff is requesting your endorsement of this plan. It will allow them to move forward and also pursue funding.

Ms. Olson stated she is very excited about this project. She asked if the community complained about density.

Ms. Barr replied that they didn't complain about density. They complained about the vacancies.

Ms. Olson asked if there was any shuttle service in the area.

Ms. Barr replied that we only talked about shuttle service with the Hospital.

Ms. Rogo Trainer asked if the full plan was available.

Ms. Barr replied that the Executive Summary is currently on the website. We are hoping to have the full plan available soon.

Rev. Kevin Porter, of the First Presbyterian Church of Germantown, stated how refreshing it was to include the community at this stage, and the opportunity for folks to be heard and for us to participate in it.

Mr. Altman asked about the timing of the rezoning.

Ms. Barr replied that we have started on the base planning work for this. We may have a draft in 3 or 4 weeks.

Mr. Altman stated this would be the time to move forward on it.

Upon motion by Mr. Syrnick, seconded by Mr. Eiding, the City Planning Commission endorsed the Germantown and Nicetown Transit-Oriented Neighborhood Plan.

Mr. Altman told Ms. Barr that she did a great job.

4) *Information Only: 2116 Chestnut Street Residential Development
(Presented by the John Buck Co.)*

William Erickson, planner for the Development Planning Division, stated the location of this item is in Rittenhouse Square. It is bounded by Chestnut, Sansom, 22nd, and Van Pelt Streets.

“Billy” Schwartz, attorney with Obermeyer, Rebmann, Maxwell & Hippel, stated this is a two parcel site. The first fronting on Chestnut Street; and the second fronting on Sansom Street. The site will be subdivided. At the present time, it is 6 ft. higher than the hotel plan for the Boyd site.

David Radomski, Senior Vice President of the John Buck Company,

Lynne Fox, Chair of the Board of Trustees for the Sidney Hillman Medical Center, stated the intent is to partner with the developer to:

- 1) Continue operation of a medical center; 2) Continue the development of Chestnut Street with retail; and 3) Build a residential apartment tower that would consist of 88% studios, with the remainder 1-bedroom units. This project enables us to accomplish something we have been looking forward to for a long time.

Jim Plunkard, with HP Architecture in Chicago, stated we have worked with out team that we hope you find respective to the neighborhood. The base of the building will be 4 stories tall; the height will be 40 ft. on Chestnut, and 48 ft. on Sansom. There will be 172 ft. of footage on Chestnut with new retail on the ground floor and above that will be office space. The new facility will be 46 ft. and it will all be offices. Van Pelt Street is a little dark and narrow. We will pull back the building and make open space. The lobby will have a full glass wall that extends down on Van Pelt. The will be lighting standards and planting on Van Pelt, and outside dining seating on Chestnut and Van Pelt. The garbage, deliveries, and loading will be on and off Van Pelt.

Mr. Schwartz stated they will be opening and dedicating Van Pelt Street. We would need an ordinance for this.

Mr. Plunkard stated we had environmental issues that do not allow us to build below grade. At the base of the building, we set tower back from Sansom and the west. The tower is set as a break from the base.

Mr. Plunkard stated the fifth floor will be the amenity floor that will have a green roof, and a fitness center. United Care will also have a green roof.

Mr. Schwartz stated that back in November they presented this proposal to the staff, and the Streets Department approved the conceptual plan. We submitted our zoning plan this to L&I this month.

Ms. Rogo Trainer asked how far back are your set backs.

Mr. Plunkard replied most of the setback is 15 ft. on Van Pelt. The tower is above is set back 65 ft. from Sansom; set back slightly less on the west side.

Ms. Rogo Trainer asked why you made your set back so close to Van Pelt.

Mr. Schwartz replied there is a church on the other side.

Ms. Rogo Trainer asked how many units.

Mr. Plunkard replied 329 residential units.

Ms. Olson asked if it will be "green."

Mr. Radomski replied that the John Buck Company developed the very first Gold LEED building in the world. We are going to do everything we can here. There will be 148 bike racks.

Mr. Schwartz stated they are aiming for the young professionals that are on waiting lists at other residential projects.

Mr. Greenberger told them that they will need to talk to the Historical Commission. I advise you to do that before you come to this Commission.

Mr. Schwartz replied that they are going for de-certification of the existing buildings on the site.

Mr. Greenberger commented about the density of the project. Make the public benefit tell us why this structure should be built.

Mr. Schwartz replied that they are not allowed to get the bonuses. That is why they would need a variance. The developer would widen Van Pelt Street and donate it to the City. At the corner of Chestnut and Van Pelt Street, the architect proposed an open area with sitting and green space. It's like a C-4 garden/open space. Open terrace will reduce the foot print by 68%.

Ms. Rogo Trainer asked if the green space will be open to the public.

Mr. Schwartz replied that it will be for residents only.

Mr. Syrnick stated that he likes the open plaza space but Van Pelt is too narrow. He wanted to know if they can make the turn or do you have to back-up. He asked him to go over the measurements of Van Pelt Street.

Mr. Schwartz replied currently it is 3 ½ X 13 X 3 ½. The proposed size would be 6.5 X 6.5 X 6.9.

Mr. Erickson asked if the garage overhangs over the existing house line.

Mr. Schwartz replied yes.

Ms. Rogo Trainer replied even though you are widening the street, some of the building is coming over the property line.

Ms. Olson recommended that they do future presentation on powerpoint.

Mr. Roderick Wolfson, of the First Unitarian Church of Philadelphia, stated that the church opposes this proposal. The congregation has 300 members, but has 1,200 people using the Church. The First Unitarian Church of Philadelphia is a historic church designed by noted Philadelphia architect Frank Furness, and built between 1883-6. Under the Zoning Code's C-4 zoning, they are protected from being put in shadow by a taller neighbor across the street. The building portion above 50 ft. must follow a 45° angle away from Chestnut Street so as not to block the sun. There are 3 historic churches on this block. This should be built on Market Street, not on Chestnut Street.

Mr. Greenberger stated the developers have more work to do here.

Mr. Plunkard replied that they did some studies on shadows. The base is at 4 stories but they oriented the tower north and south, away from the church.

Ms. Rogo Trainer replied the height of the tower has an impact on other buildings not only on the church. She wants to see the studies.

Mr. Plunkard showed graphics from shadow study during the Winter and Summer Solstices, as well as, during the Spring and Autumn Equinoxes.

Mr. Schwartz replied they are going to ask to meet with CCRA so that they can go before them for zoning.

Mr. Altman replied you would come back to see the staff regarding these issues.

- 5) University City Core Redevelopment Area: Proposal to change the permitted land use in the University City Urban Renewal Plan to allow Drexel University to expand onto two sites that are part of the University City Science Center: (1) 3501 Market Street; (2) N.E. corner of 36th and Filbert Streets.

Ms. Rogo Trainer recused herself.

Andrew Meloney, Community Planner, stated that modification will be made on 2 properties. The modification will allow Semi-Public Institutional as a permitted land use, in addition to the current Commercial land use for Parcel No. 3 at the N.E. corner of 36th and Filbert Streets, and Parcel No. 34D at 3501 Market Street. The total of the parcels is 3.19 acres. There are no zoning issues. The property at 3501 Market Street is a famous architectural design by Venturi, Scott Brown. Drexel will not change the outside structure. The City Planning Commission staff recommendation is approval.

Mr. Syrnick asked will both buildings be rehabilitated.

Mr. Meloney replied yes.

Upon motion by Mr. Eiding, seconded by Mr. Syrnick, the City Planning Commission approved the University City Core Redevelopment Area: Proposal to change the permitted land use in the University City Urban Renewal Plan to allow Drexel University to expand onto two sites that are part of the University City Science Center: (1) 3501 Market Street; (2) N.E. corner of 36th and Filbert Streets.

- 6) Final Plat Revision of the Navy Yard: Proposal to re-subdivide Parcel 5 into four additional parcels (5M, 5N, 5P, and 5Q) to allow for the expansion of Urban Outfitters Corporate Headquarters.

Mr. Erickson stated the buildings already exist and are catty-corner to the Urban Outfitters building. The Philadelphia City Planning Commission approved the initial subdivision of the Navy Yard into 10 development parcels (PAID ownership) and other U.S. Navy retained areas on March 23, 2000. The City Planning Commission approved Zoning Bill No. 050058, rezoning portions of the Navy Yard from G-2 Industrial to C-3 Commercial to assist the relocation of Urban Outfitters, on March 10, 2005. The staff recommendation is approval.

Mr. Gupta asked how does this fit in with PIDC's Master Plan for the Navy Yard.

Mr. Erickson replied PIDC is the owner and they are transferring it.

Mr. Lee recused himself.

Upon motion by Mr. Eiding, seconded by Mr. Syrnick, the City Planning Commission approved Final Plat Revision of the Navy Yard: Proposal to re-subdivide Parcel 5 into four additional parcels (5M, 5N, 5P, and 5Q) to allow for the expansion of Urban Outfitters Corporate Headquarters.

- 7) ZBA Case No. 4176: 828 N. 2nd Street, the Poplar Hotel Development by Tower Investments. Erection of a new 11 story structure for use as an 86 unit hotel with ground floor retail, a take-out restaurant, and 86 below-grade parking spaces.

Paula Brumbelow, planner for the Development Planning Division, stated this was on last month's agenda as an information only item. This site is located on the S.W. corner of 2nd and Poplar Streets. The proposal is for an 11 story building to be used as an extended-use hotel with ground floor retail and a take-out restaurant. The applicant will be seeking several variances as follows:

Gross Floor Area:
Maximum: 500% (74, 410 sq. ft.)
Proposed: 557% (82,920 sq. ft.)

Off-Street Loading Spaces:
Required: 5 spaces
Proposed: 1 space

Size of Off-Street Loading Space:
Required: 11' X 60'
Proposed: 11' X 25'

The developer has addressed the community concerns, but the community opposes this proposal. The City Planning Commission staff recommendation is approval. The need for extended stay hotels is increasing in the City, and will increase the tax base of the City. The site is in close proximity to public transportation, restaurants, shops and Center City.

Ron Patterson, attorney with Klehr Harrison Harvey Branzburg & Ellers, stated this proposal is one of many proposals from Tower Investments. It was scheduled for a Zoning Board hearing last year, but we pulled back to work with the community. Loading would be restricted to panel trucks. Streets Department agrees with this approach. You will hear Northern Liberties oppose this, but we feel they are only a small group opposing it.

Ms. Rogo Trainer asked who requested it be moved to Poplar Street.

Ms. Brumbelow replied the Streets Department and the Philadelphia City Planning Commission.

Mr. Eiding asked what is the height.

Ms. Brumbelow replied 8 stories.

Ms. Olson asked what were our big issues.

Ms. Brumbelow replied loading issues, but they were not stand-out issues.

Ms. Olson asked if it would be green.

Cecil Baker replied it's our goal to get this a LEED certification. Green roof at the second level and green roofs at each cut back.

Mr. Syrnick replied that last month we had the impression of community support. Is this opposition new or long-standing?

Ms. Brumbelow replied it is long-standing.

Mr. Eiding asked if it is currently vacant.

Ms. Brumbelow replied it occupied by an industrial use tenant.

Larry Freedman, Zoning Chair of the Northern Liberties Neighborhood Association, stated their review of this proposal in October 2007, November 2007, and December 2008 for 86 units and 86 parking spots. They do not support the proposal for a hotel with restaurant. The reasons are: (1) the height and massing at this location; in G2 – hotel is not allowed; (2) loading dock on 2nd Street; Poplar Street is one-way. It is problematic that there will be traffic backed up. Their goal is to have a clean slate to work with; and (3) restaurant with alcohol use is not allowed in their district, There are 86 parking spots for hotel but none for the restaurant. We asked the Zoning Board to give us another month to work through these issues.

Deborah King stated she lives and works in the neighborhood, and is the Vice President of the Northern Liberties Neighborhood Association. An extended stay hotel is a good idea but not in this location. In 2005, the Northern Liberties Neighborhood Association adopted a neighborhood plan. They have an abundance of bars and restaurants. They recommend daytime commercial use be recommended for this area with parking ratio 1,000 sq. ft. equals 1.6 parking on 2nd Street. Second Street is the heart of Northern Liberties. This project will choke this area. She submitted the Northern Liberties Neighborhood Association Master Plan to the Philadelphia City Planning Commission.

Ray Metzker stated he lives at 915 American Street, and is the owner of 213-219 Poplar Street. He feels they are being ignored on Poplar Street. The following issues are great concern: sunlight protection for those who live between 2nd and American Street. Poplar will be dark during most of the day. Increased noise from beeping of trucks backing up and car horns honking. Property values will go down. The overall mass is intrusive, to say the least.

Another speaker stated this will be across from his café. The loading dock is small. He is concerned with rental values and shadow studies show negative impact. He gets daylight all day long. He gave a petition for opposition to the Zoning Board.

Tom Walsh, from PlanPhilly, stated that the Philadelphia City Planning Commission's new role in accountability by Mayor Nutter, "That the buck stops here". He knows and likes Mr. Blatstein. He said we should ask Mr. Blatstein the following questions: How he will finance this project and his other projects individually? Tenants for the hotel? He has nothing against this plan or the other projects.

Mr. Altman said the scale is relevant to context and loading dock

Ms. Rogo Trainer said parking came up over a number of times.

Ms. Olson asked did the Philadelphia City Planning Commission have a hand in this Master Plan.

Mr. Jastrzab replied that we may have adopted a plan conceptually. He would have to check the records.

Mr. Redding replied that staff didn't work on it but they did attend some of the meetings.

Mr. Greenberger replied that Northern Liberties is going thorough what South Street has gone through. This area is largely G2 Industrial. This G2 credibility is had in this area since G2 says restaurant is not a use. You really need to sort out what is the use. Northern Liberties is a neighborhood with building sizes ranging from 1 story to 10 or more. Light on Poplar Street, the tallest use, light and air all day long is not owned exclusively by anyone. The Streets Department approved the loading dock. Loading is a problem throughout the city, and Poplar Street is narrow.

Mr. Eiding replied these neighborhoods were built around G2 areas. People who are moving there now want to make them look different.

Ms. Brumbelow replied the ZBA is waiting for our recommendation, and the community asked from a month extension.

Ms. Olson asked are there guidelines on how many community meetings a developer has to have with them.

Mr. Syrnick asked Mr. Blatstein if he was going to have another meeting with the neighborhood association.

Mr. Blatstein replied that he told them he was available to meet with them.

Ms. Olson asked are we going to ask for an economic impact.

Mr. Altman replied we are here to vote on the use.

Ms. VanBelle replied it is outside of our purview.

Craig Schelter, representing the Developer's Workshop, stated that plans have been done by well known architects for these neighborhoods. Those plans are owned by the neighborhoods. He stated you have an incredibility hard decision to make.

Mr. Syrnick replied that we just heard that the developer is willing to meet with the neighborhood association.

Mr. Freedman replied our expertise is that we are there. We did our own plan. The City Planning Commission didn't do much planning in our neighborhood for a very long time. We only have the Zoning Board of Adjustment and the Philadelphia City Planning Commission to go to. We really do want to meet with the developer.

Mr. Blatstein replied this has been scale backed previously. As to financing, the developer is providing the equity. As to the location of the hotel in the center of the neighborhood, it is a great location for it. We are ready to build this year.

Mr. Greenberger replied this has been heavily vetted. We feel this use is appropriate at this site. Staff recommendation is approval.

Upon motion by Ms. Rogo Trainer, seconded by Ms. VanBelle, the City Planning Commission approved the ZBA Case No. 4176: 828 N. 2nd Street, the Poplar Hotel Development by Tower Investments for the erection of a new 11 story structure for use as an 86 unit hotel with ground floor retail, a take-out restaurant, and 86 below-grade parking spaces.

Ms. Olson abstained.

Mr. Greenberger left at 3:30pm.

- 8) Zoning Bill No. 080881 – Zoning change for the former State Office Building, bounded by Broad, 15th, Spring Garden, and Buttonwood Streets (Introduced by Councilmember Clarke on November 13, 2008)

Ms. Brumbelow stated last month we saw this as an information only item. The purpose of this Bill is to change the zoning designation from G2 Industrial to C5 Commercial. The applicant will be creating an addition and covering the office building, which will be used for residential and commercial use. There will be 474 residential units, 86,275 sq. ft. of retail space, and 127 parking spaces. It was reported out favorably by Rules Committee. The City Planning Commission staff recommendation is approval for the zoning change.

Ed Panek, Chair of Logan Square Neighborhood Association, stated they did not give a presentation to LSNA. He is willing to present it at LSNA's Board Meeting on February 10. We are not here to approve or oppose it. We would like to have a presentation. We will contact City Councilmember Clarke to delay voting on this project.

Mr. Altman asked Mr. Blatstein if he was will to meeting with LSNA.

Ms. Brumbelow replied it is a zoning change, not a variance.

Mr. Eiding asked about the parking.

Ms. Brumbelow replied it is next to the Broad Street line.

Ms. Olson asked when is the LSNA meeting? When is the City Council hearing?

Mr. Panek replied the LSNA meeting is February 10.

Ms. Brumbelow replied the City Council hearing is Thursday.

Mr. Altman replied it is a change in rezoning, and a change in use. It would be residential with TOD on Broad Street. It would be changing an obsolete zone.

Mr. Eiding replied he doesn't see what the community has to oppose it.

Upon motion by Ms. VanBelle, seconded by Mr. Eiding, the City Planning Commission approved Zoning Bill No. 080881.

Mr. Lee recused himself.

- 9) Zoning Bill No. 080877: Zoning remapping for the Northern Liberties neighborhood, bounded by Girard Avenue, Front, Spring Garden, and Sixth Streets (Introduced by Councilmember DiCicco on November 13, 2008.)

Ms. Brumbelow stated this item is purpose of this Bill is to change the zoning designations of certain properties from "R10" Residential (multi-family) to "R10A" Residential (single-family). As long as they continue to maintain their permits, they would stay multi-family. If they do not continue to pay, it would revert back to single-family. The City Planning Commission staff recommendation is approval.

Ms. Olson asked where the transit stops are.

Ms. Brumbelow replied there are several in this area.

Mr. Syrnick asked do we know how many multi-unit properties are illegal today.

Ms. Brumbelow replied that we don't know.

Mr. Gupta asked if a property is not legal, is there any remedy for it.

Ms. Brumbelow replied yes, but L&I must enforce the Code.

Mr. Eiding asked if they sell a multi-unit property what would happen to it.

Ms. Brumbelow replied it would stay a multi-unit.

Ms. Rogo Trainer asked if it was illegal, how would the buyer know that.

Ms. Brumbelow replied you wouldn't until you went for your permit.

Ms. Olson replied that she does not feel comfortable with this.

Mr. Syrnick asked if they are not in compliance, is it an immediate effect on them.

Ms. Brumbelow replied immediate effect.

Mr. Gupta asked if the neighborhood association spoken with the owners.

Mr. Altman asked does R10 and R10A have a different bulk requirement.

Ms. Brumbelow replied they have the same bulk requirement. It is the use that is different.

Mr. Freedman replied his intent was to prevent a single-family dwelling being made into 5 units. Intent was to prevent break-up of property.

Ms. Rogo Trainer replied doing it without notification is wrong.

Ms. Olson asked is this part of the NLNA Master Plan.

Mr. Freedman replied that he didn't know.

Mr. Altman asked when does it go before City Council.

Ms. Brumbelow replied Thursday.

Mr. Eiding replied his concern is that people will be stuck in the middle.

Mr. Altman asked can we ask for an extension.

Ms. Brumbelow replied that we passed the 30 days and the 45 days extensions.

Mr. Eiding asked is it too late to stop it. City Council could vote on it anyway.

Ms. Brumbelow replied we write a letter to the Mayor to recommend or not to recommend it.

Mr. Jastrzab replied that we can make a recommendation that they change how they notify people before taking action.

Mr. Lee replied let's add it to our recommendation.

Upon motion by Mr. Eiding, seconded by Mr. Lee, the City Planning Commission approved Zoning Bill No. 080877. However, the Commission expressed concern about the manner in which individual property owners were notified about the zoning change proposed by this legislation. In the future, the City Planning Commission urges City Council to conduct a more thorough neighborhood notification process for Council-initiated zoning remapping legislation.

Ms. Rogo Trainer and Ms. Olson were opposed.

Ms. VanBelle left at 4pm.

- 10) Zoning Bill No. 080952: Prohibiting accessory uses permitted with principal uses authorized by variance (Introduced by Councilmember O'Neill on December 11, 2008)

Martin Gregorski, Zoning Planner, stated this Bill affects any affirmative decision of the Zoning Board of Adjustment. This Bill will change the long standing rule derived

from common law, which permits all uses, accessory to a use granted by the Zoning Board of Adjustment to be granted without further hearings. The purpose of this Bill is to change Section 14-1801, Jurisdiction and Powers of the ZBA by adding the following language (in italics) to Section 14-1801(1) (c):

“Authorize, upon appeal, in specific cases, such variance from the terms of this Title as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship, and so that the spirit of this Title shall be observed and substantial justice done, subject to such terms and conditions as the Board may decide. *The grant of a variance shall not, of itself, authorize uses accessory to the use permitted by the variance, other than necessary public utility facilities accessory to the principal use. Accessory uses which meet the standards for allowance of a variance may be authorized in connection with a grant of variance for a principle use provided such accessory use has been specifically authorized in the grant of variance.*”

While on its face, there are not many impacts of this Bill, there are long term administrative issues that must be considered. While it would be easy for an applicant to write out on their application every use, accessory or otherwise, that will be at the property, it will be difficult for an applicant to envision every use at an establishment.

Conversely, neighborhood groups may not even be aware of the policy to permit accessory uses to a use granted by the ZBA, so they may be surprised when they become aware of these “extra” uses.

Ultimately, given that some uses are not considered important enough to list in the application, some accessory uses will fall through the crack. This can result in an enforcement issue for the City, as it will be difficult to police for such uses, additionally, this Bill may result in many more cases in front of the ZBA. We do understand the Councilman’s concerns on nuisances. We are in discussions with License & Inspections and Councilmember O’Neill’s office to craft an amendment that will address these problems. The City Planning Commission staff recommendation is to table this Bill so that we can continue to work on a possible solution.

Aaron Finestone, from Councilman O’Neill’s office, accepted the request to table this Bill.

Upon motion by Mr. Eiding, seconded by Mr. Lee, the City Planning Commission tabled Zoning Bill No. 080952.

- 11) Zoning Bill No. 080954 – Zoning change for a parcel between Broad Street, 15th Street, Cecil B. Moore Avenue, and Oxford Street from C-2 to C-4; amending 14-1402 regarding parking; amending 14-305 regarding C-4 and C-5 Commercial; and amending 14-1620 regarding the Avenue of the Arts North Special Controls District (Introduced by Councilmember Clarke on December 11, 2008)

This item for Zoning Bill No. 080954 was removed from the agenda.

- 12) Property Bill No. 080951: Authorizing the City to accept from the Delaware River Port Authority four parcels of land near 8th and Race Streets, and Florist Street between 2nd and 4th Streets (Introduced by Councilmember DiCicco on December 11, 2008)

Michelle Webb, Development Planner, stated the purpose of this Bill is to “clean up” the ownership of parcels that were left over from the creation of the Benjamin Franklin Bridge. The 8th and Race parcel is a landscaped area adjacent to the Police Headquarters. The remaining three parcels are right-of-ways that are currently maintained by the City. The change in ownership will have no impact on the configuration or operation of any of the parcels. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Eiding, seconded by Mr. Syrnick, the City Planning Commission approved Property Bill No. 080951.

- 13) Streets Bill No. 080948: Revising the lines and grades of Cross Street (Introduced by Councilmember Jones on December 11, 2008.)

Mr. Erickson stated this Bill does not revise the lines. It authorizes changing the grades of Cross Street from Gates Street to Hermitage Street and Gates Street from Silverwood Street to Cross Street in order to conform more closely to existing physical conditions. The purpose of this Bill will allow the developer to reconstruct Cross Street at a grade that is more in keeping with the existing grade to allow for the development of 16 new attached single-family dwellings. The cost of these improvements is the responsibility of the developer. This item was approved as a proposed City Plan change by the Philadelphia City Planning Commission at its meeting on September 18, 2007. The City Planning Commission staff recommendation is approval.

Mr. Syrnick asked one built it will be a legally open street.

Mr. Erickson replied yes.

Upon motion by Mr. Eiding, seconded by Mr. Syrnick, the City Planning Commission approved Streets Bill No. 080948.

Mr. Altman adjourned the City Planning Commission Meeting of January 20, 2009 at 4:09pm.

SUMMARY

- 1) Minutes of the Meeting of 12-16-08 Approved
- 2) Executive Director's Update
- 3) PCPC Staff Presentation: Endorsed
Germantown & Nicetown
Transit-Oriented Neighborhood
Plan (Presented by Jennifer Barr)
- 4) *Information Only: 2116 Chestnut,
Street Residential Development
(Presented by the John Buck Co.)* Presentation
- 5) University City Core Redev. Area: Approved
Proposal to change the permitted
Land use in the University City
Urban Renewal Plan to allow
Drexel Univ. to expand onto 2
Sites that are part of the University
City Science Center: (1) 3501
Market St; (2) N.E. corner of 36th
& Filbert Sts. (Presented by Andrew
Meloney)
- 6) Final Plat Revision of the Navy Yard: Approved
Proposal to re-subdivide Parcel 5
Into 4 additional parcels (5M, 5N, 5P
& 5Q) to allow for the expansion of
Urban Outfitters Corporate Head-
Quarters. (Presented by Wm Erickson)
- 7) ZBA Case #4176: 828 N. 2nd St., the Approved
Poplar Hotel Development by Tower
Investments. Erection of a new 11 story
Structure for use as an 86 unit hotel
w/ground fl retail, a take-out restaurant,
& 86 below-grade parking spaces.
(Presented by Paul Brumbelow)
- 8) Zoning Bill #080881 – Zoning change Approved
For the former State Office Bldg.,
Bounded by Broad, 15th, Spring Garden,
& Buttonwood Sts (Introduced by
Councilmember DiCicco on 11-13-08;
Presented by Paula Brumbelow)
- 9) Zoning Bill #080877 –Zoning remapping Approved
for the Northern Liberties neighborhood, w/recommendation

bounded by Girard Ave., Front, Spring Garden, & 6th Sts. (Introduced by Councilmember DiCicco on 11-13-08) (Paula Brumbelow)

to change the way neighborhood's are notified re: remapping.

- 10) Zoning Bill #080952: Prohibiting accessory uses permitted w/principal uses authorized by variance (Introduced by Councilmember O'Neill on 12-11-08.) (Martin Gregorski)

Tabled working w/L & I & Councilman's office.

- 11) Zoning Bill #080954: Zoning change for a parcel bet Broad St., 15th St., Cecil B. Moore Ave., & Oxford St. from C-2 to C-4; amending 14-1402 regarding parking; amending 14-305 regarding C-4 & C-5 Commercial; & amending 14-1620 regarding the Avenue of the Arts North Special Controls District (Introduced by Councilmember Clarke on 12-11-08.) (Martin Gregorski)

Removed from Agenda

- 12) Property Bill #080951: Authorizing the City to accept from the DRPA 4 parcels Of land near 8th & Race Sts, & Florist St. Bet. 2nd & 4th Sts. (Introduced by Council-Member DiCicco on 11-20-08.) (Michelle Webb)

Approved

- 13) Streets Bill #080948: Revising the lines & grades of Cross St (Introduced by Councilmember Jones on 12-11-08) (Wm Erickson)

Approved