

PHILADELPHIA CITY PLANNING COMMISSION  
March 17, 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  
Nilda Ruiz

ABSENT:

Rob Dubow

Executive Director:

Alan Greenberger

Deputy Executive Director:

Gary J. Jastrzab

Chair Andrew Altman convened the City Planning Commission Meeting of March 17, 2009 at 1:13pm.

- 1) Approval of the Minutes of the February 17 and March 3, 2009 meetings.

Upon motion by Ms. Rogo Trainer, the City Planning Commission approved the minutes of February 17 and March 3, 2009.

- 2) Executive Director's Update

Mr. Greenberger provided the following updates:

- a) Market East Area Plan: the plan for Market East is one-third to one-half complete. The last public presentation was on February 24, and others will be scheduled;
- b) 9<sup>th</sup> & Berks: this area is very accessible, and has a lot of publicly-owned property. PCPC staff is working on a plan for this area east of the Temple University campus;
- c) The RDA Plan for Germantown/Wayne Junction: Staff is looking at how best to use these properties;
- d) 30<sup>th</sup> Street: The Urban Design staff is creating a streetscape in conjunction with the Streets Department and AMTRAK.
- e) "G2" – Industrial Zoning: We are looking at these sites zoned G2 with an eye towards rezoning.
- f) Imagine Philadelphia: The public meetings held throughout the City led to a series of categories regarding the future of our city. It is being wrapped up to be presented to you.
- g) Last of the Zoning Code Commission meetings in 10 City Council Districts have been held. The work of the consultants can be found on the ZoningMatters Web site ([www.zoningmatters.org](http://www.zoningmatters.org));
- h) PCPC has a new graphic image: We had a competition among staff. The winning design is from 2 staff members: Laura Spina, from Community Planning Division, and Mike Pini, from the Urban Design Division.

3) Adoption of technical amendments to the Recommended FY2010-2015 Capital Program and Budget

Alan Urek, Division Director for the Strategic Planning and Policy Division, gave details on a number of technical amendments to the Recommended FY2010-2015 Capital Program and Budget approved by the Commission on March 3, 2009:

- For the Finance Department, add 13 subprojects, items *30K. Citywide Facilities-FY00* through *30W. Facilities Improvements-Citywide-FY97*, and delete same 13 subprojects *42A. Citywide Facilities-FY09* through *42M. Facilities Improvements-Citywide-FY97* from the Managing Director's Office.
- For the Department of Public Property, transfer \$1.5 million in PICA funds from subproject *49.1. Emergency Generators* to subproject *50.3. City Hall Life Safety Renovation*. Also, reduce total PICA funds for subproject *50.3. City Hall Life Safety Renovation* to \$3.004 million.
- For the Streets Department, delete \$1.135 million in CA funds from subproject *61.1. Reconstruction/ Resurfacing and ADA Ramp Reconstruction*.
- Also for the Streets Department, add carried-forward subprojects *63X. Philadelphia Auto Mall – Improvements-FY03* for \$927,000 in PT (private, carried-forward) funds and *63Y. Philadelphia Auto Mall – Improvements-FY02* for \$1.136 million in CT funds.

Together, these changes amount to a decrease in the recommended FY2010 budget-year total of \$2.537 million to \$2,495,822,000, and a decrease in the recommended FY2010-2015 Program total to \$7,780,276,000.

The Mayor will present it to Council on Thursday 3/19/09. We expect additional amendments as Federal Recovery funding amounts are determined. The City Planning Commission staff recommendation is adoption.

Upon motion by Mr. Eiding, seconded by Ms. Rogo Trainer, the City Planning Commission adopted the technical amendments to the Recommended FY2010-2015 Capital Program and Budget.

4) Appeal of a denied Certificate of Compliance in the Queen Village Neighborhood Conservation District: 522-26 Carpenter Street

David Schaaf, Acting Director of the Urban Design Division, stated that this denial concerns proposed construction of two adjoining houses at 522-26 Carpenter Street. The land is zoned R-10 and is within the "Queen Village Neighborhood Conservation District." The legislation that created this "NCD" was passed by City Council on June 19, 2008, and on July 15, 2008, Mayor Nutter signed this bill into law. The "Queen Village Neighborhood Conservation District" is the first of what may be many conservation districts. Design guidelines that are written into the Zoning Code can regulate, among other attributes, materials, mass, height, streetscape, open space, as well as parking. In

the Queen Village Neighborhood Conservation District, there is very little vacant property. Conservation Districts are not Historic Districts. The boundaries for the Queen Village Neighborhood Conservation District are: on the north, Bainbridge Street, on west, 6<sup>th</sup> Street, on south, Washington Avenue, and on the east, Front Street. This proposed project is in the southwest part of the District.

The first floor plan of each of the houses indicates a garage that is accessed from Carpenter Street. The front elevation of each house is proposed to be constructed of brick and zinc cladding, and the rear is proposed to be constructed in stucco. The community has previously decided the defining characteristics and the qualities of the neighborhood that they wish to preserve. With the assistance of the Philadelphia City Planning Commission, these specific design guidelines are codified for the district. The denial of the proposed plans is based on the following issues found in Section 14-908 Philadelphia Zoning Code:

1. There is no habitable room on the front of the first floor, as required;
2. Front garages are proposed on structures where the habitable room requirements and fenestration requirements are not being met;
3. Since there is no habitable room on the front of the first floor, none of the fenestration requirements for that room are being met, including the height of the window sills, the size of the windows, and the aggregate width of 33% of the total lineal frontage of the first floor;
4. The rear of the structures, which are visible from Fairhill Street, are being finished with a stucco treatment, which is not permitted;
5. The thresholds of the new doors are not at least one foot above the sidewalk as required, and;
6. There are no lights illuminating the sidewalk being provided adjacent to the front doors of the buildings.

The City Planning Commission staff recommendation is denial.

Mr. Louis Zahner, owner, stated in January, 2008 he purchased 522 Carpenter Street from Jefferson Square CDC. He also purchased 524 Carpenter Street and 526 Carpenter Street from the City. The purchase price for one of the City-owned lots was \$85,000 which was a high appraised value for a vacant lot. He bought the other two lots for \$65,000. The agreement of sale with the City stated the land has residential zoning.

Mr. Russell, of Harman Deutsch architects, stated that their firm did an initial search of zoning issues for these properties. The zoning overlay for parking and curb cuts for the garages at these properties was available to them on line – that being, the “Off-Street Parking Control District Boundaries,” which became part of the Zoning Code on June 15, 2006. Schematic designs for the houses were completed in late 2008. The Streets Department told the architecture firm to go to the District Highway Office, where they got approval on December 5; and Streets Department approval on December 7 or 9. The owner got a refusal on December 26, 2008 for building because it was not a matter-of-right development. The owner received approval from the ZBA on February 25, 2009, that was the first time that Mr. Zahner was told the project was in a Neighborhood

Conservation District. Mr. Zahner claimed a hardship – the project is already designed with the garages and financial approval is based on it. Mr. Zahner held that project is on the outskirts of the Queen Village neighborhood. He has a petition from the residents of the 500 block of Carpenter Street in support of his plan. He would like to receive approval and receive a letter of compliance today.

Mr. Altman asked when City Council passed the Ordinance.

Mr. Schaaf replied City Council passed it on June 19, 2008, and the Mayor signed it into law on July 15, 2008. ZBA noted that the owner needed to comply with the terms of the “Off-Street Parking Control District.”

Mr. Zahner stated that “front garages” are consistent with the character of the neighborhood. If anyone has been there (near Carpenter and Fifth Street), they would see large areas of abandoned property.

Rich Cole, co-chair of the Queen Village Neighborhood Association discussed the boundaries of the Queen Village Neighborhood Conservation District with the Philadelphia City Planning Commission back in 2004. They were concerned about this particular “corner” within the boundary that ultimately resulted. Queen Village CDC had an opportunity to exempt this corner. Mr. Cole said that he didn’t think this area should be included in the District at this time.

Jeff Rush, President of the Queen Village Neighborhood Association said that they have worked hard on this project. He is deeply troubled by this action of denial by staff. This is the first case for the Conservation District and this is the first time this issue has come up. He talked to Councilman DiCicco and Mr. DiCicco replied that the renewal of the terms of this Neighborhood Conservation District would come back up in June or July for reauthorization. Mr. Rush held that the area of the project is blighted. The representatives of the Queen Village Neighborhood Conservation District have been working with Council and have been waiting for NTI money. The Councilman wants the neighborhood to support this project.

Ms. Nancy Rogo Trainer asked about the timeline for the approval of the Bill and the changing of the zoning maps. What happens if we say OK to this particular project? What happens the next time when residents don’t follow guidelines?

Mr. Syrnick replied that there may be confusion because the owner and the architects didn’t have the information, and may not have been available on line.

Mr. Kramer replied that when Council is out of session in July, PCPC doesn’t get the notification that a particular bill is signed. There are occasions that PCPC misses one and our GIS staffers don’t make the on line changes. Both provisions are listed there today.

Ms. Olson asked if it took 6 months from the time the Bill is passed to the time the Bill is reflected on line.

Mr. Kramer replied that it took at least 3 months.

Mr. Gupta asked if there was another way to know if the Neighborhood Conservation Regulations would be in effect.

Mr. Kramer replied that since this NCD is the first one, there are bound to be questions. His staff looks at site plans, and subdivisions. PCPC supports NCD, L & I sends the applicant to the Philadelphia City Planning Commission for review by the Urban Design Division. As each NCD is formulated and crafted we will have a fact sheet for each one.

Mr. Schaaf replied to a question concerning vacant property and vacant land in the southwest corner of the District. He replied that there are areas of wholeness and integrity – one need look no further than the continuity of Randolph Street (which runs between Carpenter and Washington Avenue), and is just around the corner from the Carpenter Street project. There is more than just “blight” here in this southwest quadrant of the District.

Ms. Ruiz replied that 1508 has a garage in front.

Mr. Schaaf replied that the construction occurred before there was an NCD for Queen Village.

Ms. Olson replied that we should return to the idea that PCPC drew the boundaries of the District. There were areas that the neighborhood didn’t want to include because they were thought of as blighted. You need to look at the blighted areas.

Mr. Russell of Harman Deutsch Architects stated they are in the process. L & I should have been sent the project back to the City Planning Commission when they realized that it was in a Neighborhood Conservation District . When should L & I have sent the applicant to PCPC?

Mr. Kramer replied at the beginning of the process, but he can’t speak for other Departments. We can’t act on something we don’t know about.

Mr. Altman replied this is the first test case for a Neighborhood Conservation District. The City is being accused of changing the rules in the middle of the process. There is a “fairness question” going forward, the community intends to redraft the boundaries.

Mr. Kramer replied he wasn’t involved in the drafting of this legislation. The community and the Councilperson decided to define this district as it is.

Ms. Rogo Trainer replied the boundaries are already in place. How do we jump start the process?

Ms. Ruiz replied that since 5<sup>th</sup> Street is blighted, how could we change the boundaries of the District to extend only to 5<sup>th</sup> Street and not to 6<sup>th</sup> Street and fix the blight in the area.

Mr. Kramer replied that there is a “sunset clause.” The Councilman would like to extend it. After this meeting, he said he will be doing his homework to assess how to notify the community.

Ms. Olson replied that two gentlemen are losing money, they did everything they could to comply with the rules.

Mr. Altman asked why these boundaries for the District were selected.

A resident of Queen Village said that the Councilman changed the boundaries. Queen Village residents were told that they couldn't. The neighbors asked the Philadelphia City Planning Commission to amend the boundaries. Neighbors thought the area was an NTI.

Mr. Schaaf replied that Mike Hauptmann of the Queen Village Neighborhood Zoning Committee said that the NCD was written specifically to preclude front-loaded parking in the street wall of new houses. In the 2006 legislation, that issue was recognized.

Mr. Ruiz asked if we could put the garage in the back of the units.

Mr. Schaaf replied that both lots are already too small and require variances.

Mr. Kramer stated that part of the process for the Neighborhood Conservation District was writing to everyone in District. He was involved in the hearings, and there were people for and against it. Notices were sent out there were three community meetings.

Mr. Lee asked what was on the table.

Mr. Syrnick replied it is to grant relief from the NCD regulations in this case or not.

Ms. Olson replied that the Councilman was supposed to send notices out. We need to decide how we should do this.

Mr. Altman replied that the staff should revisit this issue with the community. Staff, while reviewing the application, tried very hard to adhere to the Design Guidelines as outlined in the ordinance.

A motion was introduced, seconded and passed by the Commissioners who granted relief to the applicant based on miscommunication which caused a hardship. A point was made that the granting of relief in this case is not an indication that the Commission supports front-loaded garages or relief from any existing regulations which are stipulated in the Design Guidelines for the Queen Village Neighborhood Conservation District.

5) *Information Only: Benjamin Franklin Parkway streetscape and Rodin Museum garden and landscape improvements*

Mark Focht, Executive Director of Fairmount Park, gave an overview on the Parkway. He stated that over the last several years, there has been substantial investment on the Parkway with renovation of 3 Parkway, Café Cret, Aviator Park outside of the Franklin Institute, and from 16<sup>th</sup> Street to Eakins Oval. There have

received \$17.1 million (\$6.4 from the state, \$6.4 from the City, and the Pew Charitable Trust Foundation) for the Barnes Foundation and the proposed expansion of the Free Library.

Nancy O'Donnell, of the Philadelphia Horticultural Society, stated the Rodin project was funded by the Pew Charitable Trusts. Her role is to facilitate the project.

Gail Harrity, Interim CEO of the Philadelphia Museum of Art, stated that the Rodin Museum houses one of the largest collections of Rodin outside of Paris. The PMA parking garage opened last month. The Rodin gardens are historical: Paul Cret designed the building and Jacques Grébers designed the gardens. Foreign visitors often request to see only the Liberty Bell, the Betsy Ross House, and the Rodin Museum.

Sue Weiler, of the Olin Partnership, stated the plan is for tour bus drop off on 22<sup>nd</sup> Street. At the back of the building, there will be a driveway with a pedestrian walkway. Primary access to the gardens will coordinate with the Barnes Museum. Studies showed how to make a long shallow ramp for people who have disabilities. There will be a restoration of all the walls and path.

Paul Pincus provided information about the cleaning and pointing of limestone. They received final approval on February 4, 2009. The roof was replaced with copper. The ornamental gate was temporarily replaced so original gate can be renovated. Replacement stones will be arriving from France. There will also be a complete reconstruction of 21<sup>st</sup> St. and 2100 and 2000 blocks of the Parkway.

Karen Skafte, of Lager Raabe Skafte Landscape Architects, stated in 2005 her firm developed the guidelines for the Parkway. The Parkway consists of 5 traveling lanes, and a bicycle lane. It is best to move the bicycling to inner lanes. Three travel lanes in the center, with parking, one travel lane, and bicycles in the outer section. The size of the median will be increased to 18 feet, which only occurs at the intersection. Some curb bump outs will be introduced on the numbered streets. Increase size of sidewalks. Replacement of benches, trash cans, and add bike racks.

Mr. Syrnick asked if the parking is moving to the inner lanes.

Ms. Skafte replied yes, they recommend moving parking lanes to the inner lane on the left side. It increases the safety for cycling.

Mr. Syrnick replied he has a problem with that. More people have problems parking on the left hand side.

Ms. Skafte replied both will go under construction and be completed in 2010.

6) *Information Only: Overview of "Southport", the Port of Philadelphia expansion along the Delaware River, and future development of the Navy Yard*

Kate McNamara, special assistant to Governor Rendell for maritime activities, stated that this project is an expansion of the Port of Philadelphia, and the accompanying dredging of the Delaware River south of Packer Marine Terminal, including a large part of the former Navy Yard. The first phase of this project would be in the \$400 million range, and could be underway a year from now. They have 4 finalists in a request for proposal process. Whoever wins the bid, it would be a public-private partnership. It would mean the dredging of the Delaware River to a 45-foot level. It would be known as the Southport Marine Terminal.

Mr. Greenberger asked why is it zoned "LR" and not "PI".

Ms. McNamara replied that there are certain activities permitted in "LR" that are not allowed in "PI".

Ms. Olson asked about the State's investment.

Ms. McNamara replied the State's investment is in putting the land together.

Mr. Altman added "to consolidate the parcel and rezone it." What is the timing?

Ms. McNamara replied final proposals are due in the summer

Mr. Syrnick asked who are the four finalists.

Ms. McNamara replied Holt/Hamburg, MOL/TraPack, Delaware River Stevedores Inc., and the Southport Development Partners.

7) Institutional Development District Master Plan Amendment for Drexel University

William Kramer stated this is a request to amend the Master Plan for Drexel University at 34<sup>th</sup> and Race Streets in the West Philadelphia section of the City. This action will permit the construction of an 18 foot high addition onto the existing Kelly Residence Hall. This addition will be used for a dining terrace, food court and study hall for the students. When new additions exceed the footprints of the buildings as they were approved on the Master Plan, an amendment is necessary in order to permit construction. Back in June of 2007 the Commission approved this Master Plan Amendment. This proposal changes the plan. The IDD provides 899 parking spaces. It requires 680 spaces. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Eiding, seconded by Mr. Syrnick, the City Planning Commission approved the revisions and recommends that City Council also endorse these changes to the Institutional Development District Master Plan Amendment for Drexel University.

- 8) Zoning Board of Adjustment Case No. 8365: Lincoln on Locust LP proposal to convert an existing building located at 1222 Locust Street to a 92-room hotel

Mr. Kramer stated you saw this as an information only item last month. It is a 92 hotel room with no off street parking. They will need variances. The plans were previously submitted last month. The City Planning Commission staff recommendation is approval.

Mr. Greenberger asked why are variances needed?.

Mr. Kramer replied that the structure was built in 1893, and there wasn't any zoning until 1933.

Upon motion by Mr. Eiding, seconded by Ms. Rogo Trainer, the City Planning Commission approved the Zoning Board of Adjustment Case No. 8365: Lincoln on Locust LP proposal to convert an existing building located at 1222 Locust Street to a 92-room hotel.

- 9) Zoning Bill No. 090127: Amending the Zoning Code by authorizing the Department of License and Inspections to extend the expiration date of zoning and/or use registration permits (Introduced by Councilmember DiCicco on February 27, 2009)

Mr. Kramer stated the purpose of this Bill allows the Department of Licenses and Inspections to extend the expiration date of a zoning and/or a use registration permit issued by the Zoning Board of Adjustment for one year. This will alleviate going back and forth to the Zoning Board of Adjustment. The Sunset provision expires 3 years after it becomes law. The City Planning Commission staff recommendation is approval.

Richard Thom, of the Old City Civic Association, stated that projects were approved over our objections and now their permits have expired. He encourages the Commission not to approve this Bill. Such extensions should be a one time thing.

Mr. Altman agreed that any extensions should be one time only.

Upon motion by Ms. Ruiz, seconded by Mr. Eiding, the City Planning Commission approved Zoning Bill No. 090127.

- 10) Zoning Bill No. 090071: Amending the Zoning Code by adding a new section entitled "Overbrook Farms Transit Oriented Center Special District Controls" (Introduced by Councilmember Jones on February 5, 2009)

Mr. Kramer stated that this Bill will affect properties in the vicinity of 63<sup>rd</sup> Street, between City Avenue and Woodbine Avenue. This Bill creates a new zoning overlay district in this area, which prohibits a number of mostly auto-related uses, and permits

commercial office use in residentially zoned properties. Additionally, this Bill creates a number of design standards for the buildings and sets forth signage regulations.

The City Planning Commission recommends two revisions to this Bill. The first of these is the removal of Section (5)(b)(.3). This section requires the City Planning Commission staff to perform a Historic Review of properties within the boundaries of the Overbrook Farms National Historic District. This provision of the Bill encroaches on the responsibilities of the Philadelphia Historic Commission and requires specific expertise available only at the Historical Commission. The Historic Commission has not designated this area as a historic district. This would not happen for at least another year.

The Commission also recommends removing the portion of Section (5)(a) requiring the City Planning Commission to coordinate Art Commission reviews in this District. This provision will complicate and likely delay the process of Art Commission review. The Commission recommends that the City Planning Commission and the Art Commission staff continue to perform their reviews independently. The City Planning Commission staff recommendation is approval with the amendments described.

Mr. Greenberger replied if you allow offices in residential properties, hence the logic for multiple signs.

Ms. Olson stated that she recently met with Neighborhoods Now, and she recommends representatives from Councilman Jones get together with Neighborhood Now.

Ms. Rogo Trainer asked if Mr. Kramer could describe what the "tail" of the district includes on City Line Avenue.

Mr. Kramer replied that it is a large apartment building.

Upon motion by Mr. Eiding, seconded by Ms. Rogo Trainer, the City Planning Commission approved with staff's recommendations Zoning Bill No. 090071.

- 11) Streets Bill No. 090120: Striking and vacating 47<sup>th</sup> Street from Fairmount Avenue to Brown Street, and Aspen Street from 47<sup>th</sup> Street to Markoe Street (Introduced by Councilmember Blackwell on February 25, 2009)

Mr. Lee abstained from this item.

Michelle Webb, Development Planning and Zoning Division, stated this item is located in the Mill Creek section of the City. The campus will replace the high rise apartments. The privately owned houses on Brown Street will remain.

The City Planning Commission staff recommendation is approval.

Ms. Olson asked if there will be a pedestrian walkway and bike paths.

Ms. Webb replied that there is not yet a site plan.

Mr. Greenberger asked when will we be getting a site plan for this.

Mr. Johns (PHA) replied that the City Planning Commission will be getting one shortly.

Upon motion by Ms. Olson, seconded by Ms. Rogo Trainer, the City Planning Commission approved Streets Bill No. 090120.

Mr. Eiding abstained from this item.

Mr. Syrnick adjourned the City Planning Commission Meeting of March 17, 2009 at 3:39 p.m.

## SUMMARY

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- 1) Minutes of the Meetings of 2-17-09 & 3-3-09 Approved
- 2) Executive Director's Update
- 3) Adoption of technical amendments Adopted  
to the Recommended FY2010-2015  
Capital Program & Budget (Presented  
by Alan Urek)
- 4) Appeal of denied Certificate of Approved  
Compliance in the Queen Village  
Neighborhood Conservation District:  
522-26 Carpenter St. (Presented by  
David Schaaf)
- 5) *Information Only: Benjamin Presentation Only  
Franklin Parkway streetscape  
and Rodin Museum garden &  
landscape improvements  
(Mark Focht, Fairmount Park  
Commission & Gail Harrity,  
Philadelphia Museum of Art)*
- 6) *Information Only: Overview of Presentation Only  
"Southport", the Port of Phila.  
expansion along the Delaware  
River, & future development of  
the Navy Yard (Presented by Kate  
McNamara of the PA Governor's  
Office)*
- 7) IDD Master Plan Amendment Approved  
recommends City  
Council endorse  
these changes  
for Drexel University (Presented by  
William Kramer for Martin Gregorski)
- 8) ZBA Case #8365: Lincoln on Locust LP Approved  
w/no provisos  
proposal to convert an existing bldg.  
located at 1222 Locust St. to a  
92-room hotel (Presented by  
William Kramer for Paula Brumbelow)

- 9) Zoning Bill #090127: Amending the Zoning Code by authorizing the Dept. of L & I to extend the expiration date of zoning and/or use registration permits (Introduced by Councilmember DiCicco on 2-27-09; Presented by William Kramer for Paula Brumbelow) Approved
- 10) Zoning Bill #090071: Amending the Zoning Code by adding a new section entitled "Overbrook Farms Transit Oriented Center Special District Controls" (Introduced by Councilmember Jones on 2-5-09; Presented by William Kramer for Martin Gregorski) Approved  
with staff's  
amendments
- 11) Streets Bill #090120: Striking & vacating 47<sup>th</sup> St. from Fairmount Ave. to Brown St., & Aspen St. from 47<sup>th</sup> St. to Markoe St. (Introduced by Councilmember Blackwell on 2-25-09; Presented by Michelle Webb) Approved