

PHILADELPHIA CITY PLANNING COMMISSION
June 24, 2009

PRESENT:

Andrew Altman, Chair
Joseph Syrnick, Vice Chair
Anuj Gupta, representing Camille Cates Barnett
Natalia Olson de Savyckyj
Nancy Rogo Trainer
Nilda Ruiz
Peggy VanBelle, representing Rob Dubow

Executive Director:

Alan Greenberger

Deputy Executive Director:

Gary J. Jastrzab

Chairman Andrew Altman convened the special City Planning Commission Meeting of June 24, 2009 at approximately 1:15 p.m. at the Academy of Natural Sciences.

1) Executive Director's Report

Mr. Greenberger noted that this is Deputy Mayor Altman's last City Planning Commission meeting, and thanked him for his service to the City of Philadelphia.

Mr. Altman, in turn, expressed his thanks to Mr. Greenberger and the Commissioners in the rebuilding the planning staff and their role in planning. It's been a pleasure serving on this Commission.

2) 2116 Chestnut Street, ZBA Case # 8559.

Paula Brumbelow, planner for the PCPC Development Planning Division, gave a presentation outlining the major features this new construction development proposal on the site of the existing Sidney Hillman Medical Center, which is located in Rittenhouse Square. It is zoned "C-4" Commercial. The proposed development is a 30-story mixed-use structure, 336-feet in height, 322 residential units with offices, community rooms and fitness center, 9,230 square feet of retail space, 44,000 square feet of commercial office space, with 101 above grade parking spaces. The applicant has requested the following variances: required parking, setback and street frontage along Chestnut Street, side yard along Van Pelt Street, maximum gross floor area, maximum height at Chestnut Street, and size of loading spaces. Graphics were projected showing a rendering of the proposed development, including the tower portion of the building which has been moved further to the south and west, as a result of consultation with community members and the staff.

The City Planning Commission staff recommendation is approval, with a proviso authorizing the staff to continue discussions with the developer prior to the Zoning Board of Adjustment hearing to resolve any outstanding issues between the community, the staff, and the applicant.

Mr. Syrnick asked if the churches changed their positions on this proposal as a result of their discussions with the developer.

Ms. Brumbelow stated that the attorneys for the churches were present, and could specifically address this question.

Mr. Altman asked if the Commissioners had any technical questions about the development before statements were made by members of the audience.

Ms. Rogo Trainer asked if the developers would identify the changes made in the proposal since the Commission last saw the development plans. It would be helpful to understand what the differences are.

James Plunkard, architect for the developer, stated that the only difference, besides the reduction in the height of the tower by two stories, was to move the tower to the south by approximately 20 feet and to the west by 20 feet. This has resulted in some internal, ground floor reconfiguration, and less of a “canyon” effect along Van Pelt Street. Thirteen feet of the site will be dedicated to the public right-of-way, allowing new landscaping along Van Pelt. The development will also be pulled an additional 7 feet away from the property line on 22nd Street, allowing more rear yard space for neighbors’ properties.

Ms. Rogo Trainer asked if there was any part of the building overhanging Van Pelt Street.

Mr. Plunkard replied that there was not, under the revised proposal.

Mr. Altman opened the floor to the public, stating that each speaker would have three minutes to address the Commission.

Several members of the audience addressed the Commission:

John Gallery, representing the Preservation Alliance, read from a letter to the Commission and requested that the Commission disapprove these variances;

Avis Allman (adjacent property and business owner at 113 South 22nd Street), stated that nearby neighbors had not seen the latest revisions to the plan and asked for a “continuance” until the plan could be studied;

Alex Zhou (property owner of 115 and 117 South 22nd Street, and business owner at 121 South 22nd Street) also asked the Commission to delay its vote until the neighbors could assess the revised plan;

Bill Cluner (owner and resident of 114 South Van Pelt Street since 1969), stated that the current site was not large enough to accommodate a development of this density;

Roderick Wolfson and Michael Mattioni (representing First Unitarian Church) stated that they have met with the developer and City Planning Commission staff to address outstanding issues, are working on written agreement with the developer before the ZBA hearing, and believe they can support the proposed development;

Anthony Forte and Pastor Cary Hart (representing the Lutheran Church of the Holy Communion) stated that they always liked the mixed-used nature of the project, and that the revised development has addressed their main concerns, mainly the visibility of the historic steeple, light, and air. They are encouraged by the design and are working with the developer to draft an agreement on the details of construction;

Steve Masters (staff attorney representing Council President Verna’s office) stated that they appreciate the efforts of the staff to bring all parties together to discuss their concerns, but requested a postponement of the vote until the next meeting in order to make sure that all neighbors had an opportunity to review the current plan;

Brenda Sachs (owner of 119 South 22nd Street) stated that she has never been contacted regarding this development, and mentioned her concerns about parking, light, and air, and requested an opportunity to meet with the developer.

Craig Schelter (representing the developer) stated disagreement with Mr. Gallery's position that the site should be rezoned, rather than utilizing the variance process, summarized the benefits of the development to the City and surrounding community, and urged the Commission to support the project.

Mr. Greenberger summarized the issues presented to the Commission: that the existing Hillman Center is in financial jeopardy, this part of the central business district has not grown appropriately, and the existing zoning "doesn't work." He stated that the developers have provided substantial improvements to what is now a service alley; they have screened the parking and are providing auto-share spaces; the reduction in parking requirements is warranted by market trends and available transit, and it is likely that parking requirements will be reduced – or parking maximums established – in the City's rewritten Zoning Code. In the end, this is a very skillful design, there is some "give-back" for public space, and there is a mix of uses, and the Hillman Center will be retained at the site. We are recommending approval for this because overall it offers the City many benefits that we are not likely to see come along again anytime soon on this site, which could soon be a vacant site. In terms of the process, this development has been before the Commission and community for several months. I can't explain why some individuals may not have heard about the proposal. However, we are offering to continue to convene the parties to resolve any outstanding issues. Ultimately, the Commission will be making a recommendation to the Zoning Board of Adjustment, which will make the final decision.

Ms. Olson de Savyckj asked if there were guidelines for how the public notification and approval process should be conducted.

Mr. David Radomski (representing the John Buck Company) stated for the record that they started meeting with members of the community about a year ago. They met with CCRA six times. I personally have met with the 22nd Street neighbors four times. Jim Plunkard, project architect, has spoken with the 22nd Street neighbors at least a dozen times. We met with them this morning. We've been working very hard with the community on this project. We've had seven meetings with the churches. We have extended ourselves for an entire year.

Mr. Plunkard added that providing seven feet of property to the 22nd Street neighbors was born out of those meetings. We've met at several different locations. There is clear evidence that we have worked with them. We even have signed letters of approval from some neighbors. It is this last shift of the tower south and west that has caused some concern.

Mr. Synchron asked if there were any meetings after the last shift was made in the tower's location.

Mr. Plunkard identified three subsequent meetings with the neighbors since the last revisions were made, including this morning.

Ms. Olson de Savyckyj recommended a better definition of and fixing of the process.

Ms. Ruiz moved that a vote be delayed until the next meeting, since there will be another Commission meeting before the ZBA hearing, to give the developers time to talk to the community.

Ms. Rogo Trainer supported the motion, and that there is much in the development for the Commission to support, but was responding to the process.

Ms. VanBelle asked if a 30-day delay would create a hardship for the developers.

Mr. Radomski said the lack of certainty would affect their ability to obtain financing, but a decision by the ZBA hearing date of July 29th would meet their requirements.

Mr. Altman noted the John Buck Company's work in other cities, and commended the developers for being very responsive to staff and community concerns. He asked the Commissioners if there were any other project concerns.

Mr. Syrnick asked about the loading docks on Van Pelt Street and noted that the trees, as shown on the plans, could interfere with trucks making deliveries.

The developers stated that they have considered truck turning radii in the placement these trees, but would take a closer look at their spacing.

Upon motion by Ms. Ruiz, seconded by Mr. Syrnick, the City Planning Commission tabled this item until the next Commission meeting.

3) SugarHouse Casino Plan of Development

Martin Gregorski, planner for the PCPC Development Planning Division, gave a presentation outlining the proposed changes to the SugarHouse Casino Plan of Development, previously approved by the City Planning Commission on May 22, 2007.

He began by summarizing recent legislative changes affecting the Commercial Entertainment District (CED) zoning classification. The first of these, Bill 090294, signed into law on June 3, 2009, changed the process by which CED Plans of Development or amendments are approved by giving final approval to the City Planning Commission, and no longer requiring subsequent City Council approval. The second change, Bill 090354, signed into law on June 17, 2009, allows some parking for CED developments to be located on an immediately adjacent lot, or along Delaware Avenue on a temporary basis during the construction period.

Mr. Gregorski stated that the Commission was being asked to consider two items: 1) the amendment of the SugarHouse Plan of Development, and; 2) the use of the "Bogotin site," directly north of the SugarHouse site, for some of the required parking. In order to approve an amendment to an existing Plan of Development, the City Planning Commission must determine that the amendments are in compliance with the terms of

the CED, and otherwise appropriate in terms of scale, density, accessibility, and design for the neighborhood.

Mr. Gregorski stated that the differences between the previously approved existing Plan of Development and the amendment include: the parking garage will not be built during the interim phase as originally proposed; the promenade along the riverfront has been moved so that is entirely on existing land, not on a deck over the river; the large area on the Delaware Avenue side of the casino structure will now be surface parking during the interim phase only; also, some of the required parking will be located off-site, which requires that the staff consult with the Streets Department to determine that the location of this parking is compatible with the requirements of the CED. The Streets Department has no objection to the use of the Bogotin site for parking. Finally, the traffic signalization originally proposed for Shackamaxon Street and Delaware Avenue will be moved slightly to the south in order to impede through traffic along Shackamaxon Street into and from the neighborhood.

Phase I of the revised plan is similar to the previously approved interim phase, except for the construction of a 3,800-car structured parking garage. Phase II, the future development phase, is different from that originally approved in that the promenade will now include a water taxi dock and the open space originally proposed in front of the porte cochere and interim parking during Phase I, will now be a hotel with parking directly on the Delaware Avenue street line.

The City Planning Commission staff has reviewed the proposed modifications to the existing plan, and found the amendments consistent with the terms of the Commercial Entertainment District. The staff has also consulted with the Streets Department and we have found the use of the Bogotin site for parking is compatible with the purposes of the Commercial Entertainment District. Accordingly, the staff recommends that the amended Plan of Development and the use of the adjacent Bogotin site for parking be approved. The developer will now give a short presentation about the amended plan, and I will be happy to take any questions about the approval process.

The SugarHouse development group, headed by Tom Witt (attorney representing HSP Gaming LP, the casino license holder, and SugarHouse Gaming LP, the owner of the land) requested that the City Planning Commission find the amended Plan of Development compatible with the requirements of the Commercial Entertainment District, provided a series of documents relating to the development plan to the Commission, and described plan phasing. Ian Cope, the project architect, gave a PowerPoint presentation on the architectural and design aspect of the amended plan.

Ms. Rogo Trainer asked about the number of parking spaces in each phase of the development.

Mr. Cope responded 1,436 in the interim phase, and Phase I is up to 4,224.

Ms. Rogo Trainer asked why the developer was exceeding the number of required spaces.

Mr. Cope responded that it had to do with the phasing of the development, and the expected additional of other uses in the future without having to build an additional garage.

Ms. Olson de Savyckyj inquired about the 50-foot setback from the river, and asked why it didn't meet the 100-foot setback recently adopted in the Central Delaware Riverfront zoning overlay.

Mr. Greenberger responded that the original CED zoning for this site required only a 50-foot setback.

Mr. Altman added that the 100-foot setback was not intended to be an absolute for every site, but could vary depending on the quality of the river's edge treatment.

Ms. Ruiz asked if this 50-foot setback could accommodate the bike trail proposed for the riverfront.

Mr. Greenberger clarified that the proposed two-path scheme along the river's edge would accommodate this trail.

Mr. Cope added that there are many portions of the site where the setback exceeds 50 feet, due to the irregular, natural shoreline.

Ms. Rogo Trainer asked if the timing of the parking garage tied to anything other than additional slot machines.

Mr. Witt responded that the timing of the garage is tied to the expansion of the casino from 1,700 machines to 3,000 machines. We can't go above 1,700 with the surface parking. We are anxious to get to 3,000 machines. We expect to begin construction of the garage within 4 to 9 months after opening the interim casino, with two to two-and-a-half years of construction to completion.

Ms. Rogo Trainer asked if the interim phase would extend beyond two-and-a-half years.

Mr. Witt said that is conceivable, but they have incentives to move forward as quickly as feasible. Mr. Witt then provided a series of documents to the Commission members for inclusion in the record.

Mr. Altman noted that there are twelve speakers who want to testify and stated the ground rules for testimony: provide name and address, three-minute time frame to speak, and no disruptions from the audience so that everyone may be heard.

James Porter, property owner of 1039-55 Frankford Avenue, stated that development of the riverfront is much needed, and asked if the City had recourse if the casino property is not developed as proposed.

James Schneller of Eastern PA Citizens Against Gambling questioned the approval process by the PCPC and stated his opposition to the development for a variety of reasons.

Lily Cavanaugh, 5015 Hazel Avenue, stated her opposition to the proposal.

Frank Guarnaccia, 715 Clymer Street, stated his opposition to the proposal.

Ivan Boothe, 801 S. 47th Street, stated his opposition to the proposal.

Debbie King, 835 North 3rd Street, stated her opposition to the proposal.

Matt Ruben, 326 St. John Neumann Way, and president of the Northern Liberties Neighbors Association, read a statement opposed to the proposal and remote parking on the former City incinerator site.

Deborah Rudman, 106 Fairmount Avenue, read a statement opposed to the development.

Rosanne Loesch, 425 Spruce Street, and elected president of the Society Hill Civic Association, expressed that organization's opposition to the proposal.

Micah Gold Markell, 928 North Orianna Street, expressed his opposition to the proposal.

Mr. Altman asked Alan Greenberger to give a summary of the issues involved with this development, to be followed by discussion by the Commission.

Mr. Greenberger summarized: this is an amended Plan of Development that was originally approved by the City Planning Commission two years ago. The changes that have been made are not substantial – the buildings being proposed are in many respects the same as those approved two years ago. The substantial changes are:

1. The riverfront promenade does not extend out over the riverbank and over the water, as the previous plan did.
2. The developers worked hard with the staff to help us understand sequencing of the development, and there is no guarantee that the development can be built on schedule, but we are quite confident that the phasing described will occur as described.
3. To serve the temporary need for parking during construction, an ordinance was passed to allow off-site parking along Delaware Avenue in an effort to keep cars out of adjacent neighborhoods. The incinerator site is legally operating as parking now, but must be further approved by the DRWC Board and City Planning Commission before it can be used for casino parking. The Commission is being asked to approve these Plan of Development amendments, as well as the use of the Bogotin site for temporary casino parking.

Ms. Rogo Trainer expressed concern with the suburban character of the interim phase of the development, which is at odds with many of the principles of urban development that the Commission is trying to promote.

Mr. Synchron asked about the width of east-west connections to the river's edge.

Mr. Cope replied that the minimum dimension of the setback is 50 feet, and the path corridor varies from 20 to 60 feet.

Mr. Syrnick asked several questions about the width of the paths along the river frontage, and suggested that these pathways be widened.

Mr. Cope said this could be accomplished by reducing some landscaping along the promenade to widen the path.

Mr. Greenberger added that the urbanity of the site will improve as site phasing proceeds and more work is done and amenities added along Delaware Avenue. He stated that the staff will look at refining the paths going forward.

Mr. Syrnick expressed the opinion that the paths should be wider given the usage expected from pedestrians and casino patrons.

Mr. Cope detailed some of the larger spaces proposed in Phase II of the project.

Ms. Olson de Savyckj asked why couldn't multiple floors be built, allowing more use of the site for open space and other amenities.

Mr. Cope replied that a vertical casino is challenged from a business perspective, and that it is very difficult to build and operate a multi-floor project.

Mr. Altman stated that it was important for future phases to create a street wall and sense of arrival, but that it is clear that the developers are motivated to ultimately develop up to 3,000 slot machines and other amenities, and that "urban" pieces of this development will follow.

Ms. Rogo Trainer stated that the initial phase of development was still a missed opportunity from an "urbanism" the point of view.

Mr. Altman stated that the staff recommendation before the Commission was for approval of the interim phase and future development phases.

Upon motion by Ms. Van Belle, seconded by Mr. Gupta, the City Planning Commission voted 4-2 to approve the staff recommendation of approval (voting in favor: Van Belle, Gupta, Syrnick, and Ruiz; Opposed: Rogo Trainer and Olson de Savyckj).

Mr. Altman adjourned the City Planning Commission Meeting of June 24, 2009 at 3:20 p.m.

SUMMARY

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| 1) 2116 Chestnut Street | Tabled |
| 2) SugarHouse Plan of Development | Approved |