



Logan Square Neighborhood Association

November 11, 2010

Ms. Eva Gladstein
Executive Director
Philadelphia Zoning, Code Commission
One Parkway, 13th Floor
1515 Arch Street
Philadelphia, PA 19103

**RE: Comments on the Draft New Philadelphia Zoning Code
in Relation to the Logan Square Neighborhood and Parkway Area**

Dear Eva:

The Logan Square Neighborhood Association (LSNA) is grateful for the opportunity to review the draft new Zoning Code, as we have appreciated the meaningful communication we have had with the Commission to date.

Our comments here are focused on issues and concerns relating to the potential impact of the new code on the Logan Square Neighborhood and Parkway North areas. We have reviewed the Consolidated Draft issued in September 2010, as well as subsequent modifications to sections of the draft code issued through November 10, 2010 that have been posted on the website.

We understand that, in addition to these comments, LSNA will have further opportunities to review and comment on the draft code in areas of ongoing modification of the text by the Zoning Commission. We also understand that we will be given the opportunity for continuing dialogue on the sections of the code where the potential impacts of the provisions on the Logan Square community are less well defined and the controls are still being modified. This anticipated coordination relates particularly to the Center City Overlay, and Sky Plane Controls.

Our comments have been developed in the context of the Logan Square Neighborhood-Parkway Plan that was completed by the community in 2009, and accepted by the Planning Commission as consistent with City Planning Commission policy. A defining characteristic of the Logan Square neighborhood is the proximity of a low-rise residential townhouse community to the high density high-rise office core. While in many ways this is an asset for the neighborhood and its residents, it also presents challenges in terms of potential impacts of large scale, dense, bulky high-rise development, particularly impacts of development along the C5 zoned JFK Boulevard/Market Street/Septa air rights corridor, on the low-rise residential neighborhood north of Arch Street.

In the plan, LSNA expressed concern that future development should not replicate the patterns of development exemplified by Kennedy House and the Sterling, where full block long high-rise building slabs create adverse impacts on daylight and sunlight penetration to the north. LSNA believes a more positive development approach is presented by the Commerce Square development, with narrower towers separated by one space. The since-abandoned Philadelphia River City proposal of 2006 highlighted LSNA

concerns by proposing major light blocking high-rise air rights development over the SEPTA right-of-way that would have devastated the neighborhood.

The Logan Square Neighborhood-Parkway Plan included several recommendations to address this pivotal issue:

- Reduction of excessive additional FAR provisions in the existing C4 and RC4 districts, which provide a “buffer” along Arch Street between the high-rise office core on JFK and Market, and low-rise residential development to the north.
- Provision of building bulk controls (height, building spacing, and footprint dimensions) on all major developments to assure daylight and sunlight preservation, and protection of views
- Establishment of design review procedures that incorporate community input on all major developments.
- Establishment of a review process for projects that includes developers, public agencies, and residents.

Many of these concerns are at least partially addressed in the draft new code. Based on this background information, our specific concerns relating to the draft code are:

1. Floor Area Ratio (FAR)

The new zoning code should not be used as a vehicle for significantly changing permitted density/FAR in the Center City area. The Zoning Commission has issued several iterations on the FAR issue in the last weeks. In early November, the Zoning Commission issued a revised version of Table 14-1601-3 that proposed increasing the allowable base FAR in CMX4 zones (existing C4) from the existing FAR 5 to FAR 7, or 40% increase in base density, and an unwarranted windfall bonus for existing property owners. The table also provided for unlimited FAR in CMX4 (C4) and CMX5 (C5) parcels near Suburban and 30th Street Stations and the Concourse, compared to an existing maximum FAR of 24 in C5 and 13 in C4. These increases would have an unacceptably adverse impact on the Logan Square community. We now understand that the proposed allowable FARs as of 11/10/2010 are now largely consistent with existing allowable FARs, and are as follows:

	Base	Cap with Bonuses
CMX4 (C4)	500	1200
CMX5 (C5)	1200	2000
CMX5 (C5) TOD	1600	2400

These Base and Cap with Bonuses (as presented on November 9th) now appear to be a fair and thoughtful balance between development and conservation objectives, and deserving of broad neighborhood support. Conversely, LSNA would strongly oppose any reconsideration of increasing the FAR base or cap above these limits.

Within the Logan Square-Parkway area, particularly in Parkway North, there are numerous RMX3 (former RC4) high-density residential mixed-use parcels. Base FAR for these parcels is FAR 5. Under the existing code, bonuses of up to FAR 8 were offered. The neighborhood plan had recommended a significant reduction in the potential bonuses available in the district. The new zoning code now eliminates density bonuses in RMX3 zones entirely. We strongly support the elimination of bonus FAR provisions, as consistent with the Logan Square Plan recommendations. However, the existing bonus provisions in RC4 did provide a bonus for underground parking. We believe that underground parking is a major benefit, in eliminating the bulk and aesthetic impacts of exposed garages, and represents a significant benefit over podium parking (such as the St. James) or attached garage structures (such as the Murano). We believe that a limited FAR of up to FAR 1 should be offered for underground parking in RMX3 zones.

2. Building Height and Massing Controls, Center City/CTR Overlay

A basic goal of LSNA in the Neighborhood Plan was to institute building bulk and massing controls that would prevent block long high-rise slab structures that would block light to the low-rise residential areas. The plan recommendations used as a model the existing controls on the south side of JFK Boulevard that require that buildings above 65' be wider than 250', or 66% of the block, and require a minimum spacing of 75' between buildings. The plan had recommended that these controls also apply to the north side of JFK, and recommended that other different building height and building spacing controls be applied to other sections of the neighborhood. Under the existing code, buildings in C4/C5 zones are also subject to lot coverage provisions that limit lot coverage at various building heights, from 100% building coverage at grade level to 30% at 700'.

Under the draft new code, for JFK Boulevard, Market Street, and Arch Street, these variable lot coverage provisions will be replaced by Sky Plane Controls. We believe the Sky Plane controls have great promise as an innovative tool to provide developers and designers more flexibility for creative solutions while helping to control impacts on adjacent areas. However, more testing and possible revisions are needed to realize that promise.

The maximum building width on the south side of JFK Boulevard is proposed to be deleted. Appropriate Sky Plane Controls could potentially adequately replace these provisions and reduce the building bulk above certain heights by providing a maximum allowable blockage of the sky plane, viewed from the middle of the street.

a) *Sky Plane Controls*

We believe that, in concept, this approach has the potential to address the neighborhood's concern over appropriate building bulk, and assure that new high density development does not overwhelm the residential areas to the north. Theoretically, the approach can offer more flexibility than prescriptive maximum basic building dimension and spacing controls. However, we need to have a full understanding of how the sky plane controls will specifically impact the Logan Square neighborhood before we fully comment on this issue.

We have the following initial specific concerns:

- LSNA needs to see and review the results of applying the Sky Plane controls to key sites that will impact the Logan Square neighborhood, in order for us to evaluate the potential impacts of various building bulk options that may be possible under the sky plane controls. These sites include:
 - C5 parcel bounded by 2200 block of Market Street and JFK Boulevard, 22nd Street and 23rd Street
 - C5 SEPTA air rights site on the north side of the 2000 block of JFK Boulevard through to Cuthbert Street
 - C4 site on the south side of the 1900 block of Arch Street, through to Cuthbert Street

For each option, lot coverage at each height in the current C4/C5 bulk limits should be calculated to compare to the building bulk that would be permitted under the existing code. Shadow impact studies for each site should also be prepared.

LSNA is not yet convinced that the Sky Plane controls sufficiently limit the length of a high-rise building on a full block 400' long site, and thus avoid some of the same adverse "wall" impacts on sun, light and view as seen with the Kennedy House and Sterling.

The Sky Plane controls currently encourage high buildings to be set back from the subject street, such as JFK Boulevard, or Market Street, for the developer to maximize building height and bulk. For parcels on the north side of JFK this would have the adverse impact of moving building bulk to the north, abutting Cuthbert Street, with consequent potential impacts on light and air to blocks to the north. Potential impacts need to be explored and addressed.

- As presently configured, the controls follow the NYC Midtown criteria of a 70° angle from the center of the street to the plotting plane, as the threshold for daylight obstruction control. We think this may be too high an angle for Center City Philadelphia. For instance, it could result in a theoretical continuous street wall building 82' high along Chestnut and Walnut Streets. Although this full build-out would never be realized, perhaps a lower angle such as 65° may be appropriate for Center City Philadelphia.
- The approach could be extended to other mixed use/higher density areas outside the Center City core. For instance, the Logan Square Neighborhood Plan included recommendations for building form controls within the RC4(now RMX3) zone areas in Franklin Town/Parkway North to encourage construction of single-family townhouses in conjunction with widely spaced higher multi-family buildings, to preserve daylight/views. The recommended controls in the plan were simple building height/spacing requirements above a certain height. Instead, using the sky plane approach a lower angle of concern could be established (say 60°), which would establish a maximum 40' high continuous street wall, appropriate for townhouses. Significantly higher percentages of sky access would apply here compared to the core of Center City, consistent with the more open character of the neighborhood context, to maintain views as well as sky access.

b) *Benjamin Franklin Parkway Area Height Control*

We understand that the existing 125' maximum height limit in the Benjamin Franklin Parkway area north of the north side of Arch Street, through to the Spring Garden Street will be retained. We strongly oppose any modification to the height limit provision at this time. In the future, LSNA may be open to possible modification of the height limit in certain areas, in the context of clearly defined building height, spacing, bulk and other controls that will assure protection of views, and minimize adverse impacts on daylight and sunlight.

3. Design Review

LSNA strongly endorses the provisions for a Civic Design Review Committee as consistent with the neighborhood plan recommendations. We believe this will be an important step in encouraging high-quality major development. The inclusion of a rotating seat for a representative of the Registered Community Organization located in the project area is an important change in the Consolidated Draft. The requirement for a neighborhood public meeting and related notice requirements are also important provisions. We believe however that compliance with the recommendations of the Design Review should be a factor in zoning approval of the project by ZBA. For developments that potentially impact a historic district, or historic property we recommend that the committee also include a representative with expertise in historic preservation.

4. Form and Design Standards

a) *Form and Design Standards for Parking Structures 14-602(9)b*

LSNA strongly supports the design standards in 14-602(9)b. We understand that the requirements that now apply to detached garages will also apply to attached garages and podium garages. We believe that this is an essential addition.

There is a requirement under (9)(b)(1)(b) that where a driveway crosses a public sidewalk it should be a different color, texture or paving material. This requirement is unnecessary, and encourages precedence of the driveway traffic over the pedestrian on the sidewalk, as well as breaking up the visual place of the sidewalk. Requirements for audible warnings at driveways are adequate.

The provisions under (9)(b)(3)(a) should be modified to require active uses defined under (.b), at first floor level, unless a variance is obtained from the Zoning Board of Adjustment, as not economically feasible.

b) *Form and Design Standards for Residential Developments*

LSNA believes that the Form and Design Standards, as issued in the November 8, 2010 Draft are consistent with the Neighborhood Plan recommendations.

We specifically support the reduction from 10 to 5 or more row houses, as the trigger for application of the row house design standards. We also strongly support the inclusion of multi-family building design standards under 14-603(4). However, we believe that the proposed maximum horizontal length of 80' of facade wall without articulation is too long, and should be reduced to 50'.

5. Transit Oriented Development (TOD)

One of the most important innovations in the overall Code, these development incentives still lack key information needed for full review, have unanswered questions, and may need further refinements to fully achieve their purpose. We have concerns which relate both to the overly prescriptive nature of TOD development standards in Section 600, and to the implementation criteria for bonuses in Section 602. We believe these could have a significant bearing on the effectiveness of the TOD initiatives.

Since these concerns relate to Center City and neighborhoods more generally, we are including more detailed comments and recommendations on TOD's in the Crosstown Coalition's comments. (A copy is also attached to this transmittal.)

6. Required parking

The new code reduces and eliminates parking requirements in higher density residential and commercial areas, with the apparent dual rationale that: 1) unnecessary requirements may stimulate undesirable automobile use and 2) if needed, the private market dynamics will define and provide the needed spaces when there are few onstreet parking alternatives.

While this rationale may work within the confinements of a high-density area, it does not where adjacent areas of lower density seem to offer alternatives. The result is spillover traffic into neighborhoods like Logan Square, competing with residents and Parkway visitors for the scarce inventory of onstreet spaces and surface lots. Additional structured parking is less compatible with surrounding low rise residential areas and, therefore, more difficult to provide here. Additionally surface lots are prime candidates to disappear as development in the downtown area continues. So those cars are more and more likely to occupy resident permit (sticker 6) spaces which the resident homeowners desperately need, especially those who have no garages. This impact falls particularly on young families with kids in houses with no onsite parking where shopping, errands, and schools lead to especially high demand for a car conveniently close by.

Given the ongoing influx of development with evermore people, and the increasing scarcity of onstreet and surface parking, we believe the elimination of parking requirement for high rise and high density buildings as described in 14-700 will become an increasingly significant negative impact on Logan Square, as well as in other older low-rise communities adjacent to developing, high-rise areas. If parking is not to be required,

perhaps residents of high rise buildings should be excluded from obtaining residential parking permits. Optimally, we believe the current parking requirements should be retained.

In conclusion, we wish to commend and thank the Zoning Code Commission, its staff and consultants for their efforts in bringing such important but complex matters to so many who will be affected by them. As noted above, we continue to have significant concerns which need to be resolved. However, given the efforts and progress to date, we are hopeful for zoning reform to benefit both our neighborhood and the City as a whole.

Sincerely,

A handwritten signature in black ink that reads "Sam R. Little". The signature is stylized with a large, bold "S" and "L", and a smaller "R" in between.

Sam R. Little
President,
Logan Square Neighborhood Association

cc: Hon. Darrell Clarke
Gail Harrity, Parkway Council
LSNA Board