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December 1, 2003

Mr. David L. Auspitz, Chair
Zoning Board of Adjustment
City of Philadelphia
Concourse Level
Municipal Services Building
1401 JFK Blvd
Philadelphia, PA 19102

Dear Mr. Auspitz

RE: Zoning Cases 02-1280, 02-1281, and 021282
Known as the "The Jefferson Garage"

Dear Mr. Auspitz,

We have become aware that the applicant has requested a "final" hearing on this matter in view of additional changes that they have made to the plans.

Members of DAG met with representatives of Jefferson and InterPark twice since the July hearing. On August 14, 2003 we met and presented four design schemes that represented appropriate concepts for the whole block. These schemes in aggregate revealed to us that there are many far superior design solutions to the arrangement of parking and other useful facilities on this important city block. On November 21, 2003 we again met with the same representatives and reviewed the revised proposal. While improved by the elimination of the curb cut on Chestnut Street, and certain other adjustments to the configuration and appearance, the revised project represents a minor adjustment to those previously submitted and fails to satisfy the basic urban design criteria that we have previously outlined and presented to the Jefferson/InterPark team. We therefore recommend that the new proposal be rejected for the following reasons:

1. **The applicant has not dealt with the plan for the whole block.** The effective site is the entire block, as demonstrated by the unity of use agreement and your specific statements at the July hearing requesting that the applicant deal with these implications. This has not been done. It is clear that the site at the east end of the block is intended as a speculative investment, the value of which would be influenced by the proposed adjacent buildings
2. **Numerous variances are still required, but their number is no longer clear until the revised plan is reviewed by the zoning unit.** Possible issues would include: (1) Height on Chestnut Street, (2) Size of garage, (3) Frontage Length of garage, (4) Lot coverage, (5) lack of landscaping and screening, (6) signage variations, both projecting and freestanding, (7) special use permit for above grade parking, Several easements are proposed for access to and from the garage which might affect the other parcels. Their zoning status is unclear and needs to be determined by the zoning unit.
3. **Inexplicably, the most important building proposed for the site, the Jefferson Ambulatory Care Building, has not been presented in any form and has been relegated to the worst site.** (Sansom Street, behind the garage.) Without doubt this building is the most significant public building planned for the site.

The board should, in our opinion, require demonstration of the feasibility of the proposed adjacent buildings as a condition of any variance. Without this demonstration the board is, in our opinion, opening itself to an unending stream of future variance applications for subsequent buildings on the adjacent sites impaired by the garage project. We believe that, due to the absence of a master plan, Jefferson will suffer a negative impact to itself and to this district of the city with a poorly sited facility. Our organization has made it clear repeatedly that we are not against responsible provision of parking for Jefferson, and not against Jefferson's development and expansion. In fact, both of these are necessary for this district to again prosper and for Jefferson to fulfill its mandate as an important public institution. Regrettably this plan, as has been pointed out in numerous venues during the preceding year, fails to take into account these important considerations.

4. **The Victory Building is not an issue.** We find that the argument that this parking is needed for the Victory Building rehabilitation to be unpersuasive, in view of the fact that Victory Building has a 450 car Philadelphia Parking Authority Garage "*The AutoPark at Jefferson*" adjacent to it on the north side.

In summary we continue to be opposed to the Jefferson Garage project as now submitted.. We believe that the ZBA should consider the following actions prior to and during the next hearing on this matter.

1. That the zoning unit should be required to determine the number of refusals involved in the revised scheme in light of its variations from the originally submitted scheme that it most resembles (02-1280). Please note that this might also result in a referral to the Planning Commission if it is determined that the new plan includes elements that were not previously reviewed by that body.
2. That the board should be satisfied that the traffic study required by the special use permit has been revised to incorporate the new traffic pattern that is proposed.
3. That, as you advised during the July hearing, the applicant should be required to provide a satisfactory plan for the entire block covered by the unity of use agreement.

Regarding the hearings themselves, since the applicant has had ample time to present the project at multiple hearings, we propose that.

1. No more than 30% of the time of any subsequent hearing be devoted to the applicant's testimony.
2. As before, the board do its best to encourage concise, but complete testimony from all interested parties, with appropriate questions after the testimony is completed.

Conclusion

We believe that the applicant has conceived of a plan that would not receive serious consideration for multiple variances were it not for the legitimate needs of Jefferson University, and that this attempt to link the interests of the institution with a private activity has led to an untenable logical position. The applicant, on the one hand, requests multiple variances because of Jefferson's needs, but immediately responds to any request for significant modification of the plan with the argument that the applicant is InterPark only. To this we advise, that if the applicant is InterPark, the City should not grant this for-profit developer variances at the public's expense, and if the applicant is Jefferson or Jefferson/InterPark the City should require the master plan that has been requested by both the board and many of those testifying, including our organization.

We further submit that the effect of granting the requested variances would be to have the citizens of Philadelphia bear the long term environmental consequences of the

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applicant's failure to consider the needs of the community as reflected in the zoning ordinance and the findings of City Council that are incorporated therein.

Thank you very much for your consideration of these views. In recognition of our organization's deep interest in this project and record of responsible advocacy, we respectfully request adequate time to comment on the revised proposal at the next hearing.

Sincerely yours on behalf of the Design Advocacy Group of Philadelphia

George L. Claflen, Jr. FAIA

Chair of the Jefferson Garage Subcommittee

Cc: William Becker, Chairman of DAG
Alan Greenberger, Vice Chair of DAG
Ed Bronstein, Member of the Jefferson Garage Subcommittee
Steven Conn, Member of the Jefferson Garage Subcommittee