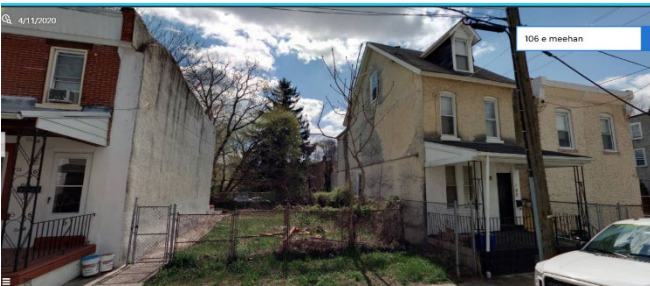


EMAN Zoning Committee Variance Request Review:

Application Number: ZP-2020-001401
109 E Pleasant St and 106 E Meehan Ave

Existing
3 lots: 106 E Meehan Ave,
109, 121 E Pleasant St,
1 Historic House

Proposed
8 New 3-Story Attached Houses:
2 on E Meehan Ave &
6 on E Pleasant St



This EMAN Zoning Committee variance review has been prepared for consideration by the Applicant, Near Neighbors and the E Mt Airy community. This review identifies potential issues related to the variance request in accordance with the ZBA criteria for accepting or denying a zoning variance request.

L&I Notice of Refusal (Excerpt)

L&I Notice of Refusal, L&I issued a notice of refusal for the proposed 109 – 121 E Pleasant St & 106 E Meehan Ave zoning permit application by Designblendz Architecture (Applicant) on 11/3/21. The image below shows L&I’s 17 zoning refusals:

Application for:

FOR THE RELOCATION OF LOT LINES TO CREATE NINE (9) LOTS (PARCEL A THROUGH I) FROM THREE (3) EXISTING LOTS (106 MEEHAN AVE , 109 PLEASANT ST AND 121 PLEASANT ST) AND FOR THE ERECTION OF AN ATTACHED BUILDING WITH A ROOF DECK AND ROOF DECK ACCESS STRUCTURE FOR THE USE AS SINGLE FAMILY HOUSEHOLD LIVING AND ONE (1) ACCESSORY SURFACE PARKING SPACE (PARCEL A TO F, H AND I); FOR THE EXISTING USE OF SINGLE FAMILY HOUSEHOLD LIVING ON PARCEL G (SIZE AND LOCATION AS SHOWN ON PLANS).

The permit for the above location cannot be issued because the proposal does not comply with the following provisions of the Philadelphia Zoning Code. (Codes can be accessed at www.phila.gov.)

<u>Code Section(s):</u>	<u>Code Section Title(s):</u>	<u>Reason for Refusal:</u>	
TABLE 14-701-1	MINIMUM LOT WIDTH (FT.)	REQUIRED	PROPOSED
		16 FT.	13.391 FT. (PARCEL H) 14.703 FT. (PARCEL I)
TABLE 14-701-1	MINIMUM LOT AREA (SQ. FT.)	REQUIRED	PROPOSED
		1440 SQ. FT.	1143.023 SQ. FT. (PARCEL A) 1165.225 SQ. FT. (PARCEL B) 1163.403 SQ. FT. (PARCEL C) 1161.581 SQ. FT. (PARCEL D) 1159.759 SQ. FT. (PARCEL E) 1157.937 SQ. FT. (PARCEL F) 1130.096 SQ. FT. (PARCEL H) 1208.090 SQ. FT. (PARCEL I)
Table 14-701-1; §14-701(2)(b)[5](.a); §14-701(2)(b)[5](.b)	MINIMUM FRONT SETBACK (FT.) (PARCEL A, B, C, D, E, F)	On any given street, the front setback shall be no deeper than the front setback of the principal building on the immediately adjacent lot on such street with the deepest front setback; and shall be no shallower than the front setback of the principal building on the immediately adjacent lot on such street with the shallowest front setback. On any given street, if there is no principal building on an immediately adjacent lot, then the front setback shall match the front setback on the closest building to the subject property that is on the same blockface. Whereas the proposed is not in compliance with the front setback requirements.	
TABLE 14-701-1	MINIMUM SIDE YARD WIDTH (FT.) (PARCEL G)	REQUIRED	PROPOSED
		5 FT.	0 FT.

SEVENTEEN (17) ZONING REFUSALS

The Applicant submitted an Appeal to the Zoning Board of Adjustment (ZBA).

The EMAN Zoning Committee has reviewed the Applicant’s variance appeal using the criteria specified in the City Code, as outlined in §14-303(8)(e).

EMAN Zoning Committee Variance Review Summary

Table 1 summarizes the EMAN Zoning Committee’s assessment of this variance request in accordance with the ZBA criteria for accepting or denying a zoning variance request.

Table 1: Philadelphia Code: §14-303(8)(e) Variance Review Criteria — EMAN Zoning Committee Assessment

Project: 109-121 E Pleasant St, 106 E Meehan Ave: ZP-2020-001401		
(.1) General Criteria. ... The Zoning Board shall grant a variance only if it finds each of the following criteria are satisfied:		Meets Criteria?
(.1)(a)	Denial would result in an unnecessary hardship. The applicant shall demonstrate that the unnecessary hardship was not created by the applicant and that the criteria set forth in § 14-303(8)(e)(.2) (Use Variances) below, in the case of use variances, or the criteria set forth in § 14-303(8)(e)(.3) (Dimensional Variances) below, in the case of dimensional variances, have been satisfied;	No
(.1)(b)	The variance, whether use or dimensional, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the use or dimensional regulation in issue	No
(.1)(c)	The grant of the variance will be in harmony with the purpose and spirit of this Zoning Code	No
(.1)(d)	The grant of the variance will not substantially increase congestion in the public streets, increase the danger of fire, or otherwise endanger the public health, safety, or general welfare	No
(.1)(e)	The variance will not substantially or permanently injure the appropriate use of adjacent conforming property or impair an adequate supply of light and air to adjacent conforming property	
(.1)(f)	The grant of the variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities	
(.1)(g)	The grant of the variance will not adversely and substantially affect the implementation of any adopted plan for the area where the property is located	
(.1)(h)	The grant of the variance will not create any significant environmental damage, pollution, erosion, or siltation, and will not significantly increase the danger of flooding either during or after construction, and the applicant will take measures to minimize environmental damage during any construction	No
(.2) Use Variances. To find an unnecessary hardship in the case of a use variance, the Zoning Board must make all of the following findings:		
(.a)	That there are unique physical circumstances or conditions (such as irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions) peculiar to the property, and that the unnecessary hardship is due to such conditions and not to circumstances or conditions generally created by the provisions of this Zoning Code in the area or zoning district where the property is located;	NA
(.b)	That because of those physical circumstances or conditions, there is no possibility that the property can be used in strict conformity with the provisions of this Zoning Code and that the authorization of a variance is therefore necessary to enable the viable economic use of the property;	NA
(.c)	That the use variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and	NA
(.d)	That the hardship cannot be cured by the grant of a dimensional variance.	NA
(.3) Dimensional Variances. To find an unnecessary hardship in the case of a dimensional variance, the Zoning Board may consider the economic detriment to the applicant if the variance is denied, the financial burden created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood.		

EMAN Zoning Committee's Variance Review includes several tables and figures and 10 Committee Comments. The Comments are summarized below. Variance Review supporting information is presented in pages 6-16.

Zoning Committee Comment No. 1: Population Density

The Applicant is requesting 17 dimensional variances to build 8 new housing units in a very dense census block (86th percentile). These additional units would increase the current 40.9 people per acre density to 47.3 or 55.4, depending on future occupancy of the 10 vacant houses in the block.

The Zoning Committee requests that the Applicant provide their rationale and justification for requesting 17 RSA5 dimensional variances in this already dense block.

Zoning Committee Comment No. 2: By-right Options, 109-121 E Pleasant St

The Applicant is asked to provide information on what by-right options were considered for the 109-121 E Pleasant St lots and the rationale for not selecting a no-variance 4-new home by-right option like that shown in Figure 6, page 11.

Zoning Committee Comment No. 3: By-right Options, 106 E Meehan Ave

The Applicant is asked to provide information on what by-right options were considered for the 106 E Meehan Ave. lot and the rationale for selecting the proposed 2-unit single-family option which requires a considerable number of variances.

Zoning Committee Comment No. 4: Building Height Impact Reduction

The Applicant is asked to provide information on what alternative building height – width - depth options have been considered to reduce the overall dominating and substantial visual impact of these proposed new buildings and the rationale for selecting the proposed building height option, 33.5ft to top of roof, 43.5ft to top of pilot house. This height exceeds the abutting and surrounding homes in this well-established neighborhood.

Zoning Committee Comment No. 5: E Pleasant St Driveway Turning Radius, Impact on Parking

Figure 9 on page 14 shows that the Applicant's proposed driveway will significantly reduce parking space on the even side of E Pleasant St.

The Zoning Committee requests that the Applicant provide a stamped vehicle entry/exit turning radius drawing and AutoCAD compatible file so that the Committee can assess any negative impact of the proposed driveway on the even side of E Pleasant St parking.

Zoning Committee Comment No. 6: 106 E Meehan Ave – Unnecessary hardship

The RSA5 code would allow the Applicant to build 1 new detached house on the 106 E Meehan Ave lot and 4 attached houses on the 109-121 E Pleasant St lots by-right. The Applicant is asked

to explain the unnecessary hardships that justify the proposed 8 new houses rather than the 5 by-right houses allowed for the combined sites.

Zoning Committee Comment No. 7: 106 E Meehan Ave – Least Modification Possible

The RSA5 code would allow the Applicant to build 1 new house on the 106 E Meehan Ave lot and 4 new houses on the 109-121 E Pleasant St lots by-right. The Applicant is requested to provide a justifiable rationale, if any, for how their proposed 8 new houses is the least modification possible when 5 new houses can be built by-right.

Zoning Committee Comment No. 8: Tree Canopy

The City has established a goal of 30% tree canopy. The Zoning Committee is concerned that the proposed removal of 2 mature trees and extensive paving for driveway and parking will worsen the tree canopy shortage in this part of E Mt Airy. The Applicant could reduce the tree canopy loss on these lots by:

- Selecting the 4 new houses in the 109-121 E Pleasant St lots and the 1 new house for the 106 E Meehan Ave by-right options. This would reduce the new houses from 8 to 5.
- Eliminating the proposed off street driveway and parking spaces behind the 4 – new by-right E Pleasant St houses would provide space for new tree canopy.

The Applicant is asked to consider the option of reducing the total number of new houses from 8 to 5 as allowed by-right and eliminating the E Pleasant St off-street parking.

Zoning Committee Comment No. 9: Heat Stress Index

The E Meehan – E Pleasant St area already has the highest heat stress index in E Mt Airy. The Applicant proposes to remove existing trees, build 8 new housing units as well as new paved driveway and parking areas. These actions will all increase the heat stress in the immediate area. What design provisions, if any, does the Applicant propose to help reduce the adverse heat stress effects of their proposed new construction?

Zoning Committee Comment No. 10: Historic Wingohocking Watershed Flooding

Increased impervious cover would worsen both the downstream combined sewer overflow water pollution problem and increase flooding risks for the 8 flood prone intersections downstream of the E Meehan – E Pleasant St properties.

The Zoning Committee requests that the Applicant:

- Calculate the proposed impervious cover and anticipated stormwater runoff impacts of their 8-new houses and off-street parking.
- Agree to implement the same PWD stormwater controls that would be required if the project met the City’s 15,000 sf threshold for stormwater controls.

EMAN Zoning Committee Variance Review

L&I Notice of Refusal, L&I issued a notice of refusal for the proposed 109 – 121 E Pleasant St & 106 E Meehan Ave zoning permit application by Designblendz Architecture (Applicant) on 11/3/21. The image below shows L&I’s 17 zoning refusals:

Application for:

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TABLE 14-701-1	MINIMUM SIDE YARD WIDTH (FT.) (PARCEL G)	5 FT.	0 FT.

SEVENTEEN (17) ZONING REFUSALS

L&I found 17 refusals: 2 minimum lot width refusals (Parcels H, I), 8 minimum lot area refusals (Parcels A,B,C,D,E,F,H,I), 6 minimum front setback refusals (Parcels A,B,C,D,E,F) and 1 minimum side yard refusal (Parcel G).

The Applicant submitted a ZBA Application for Appeal on *****. The image below shows the Applicant’s Reasons for Appeal from that Application.

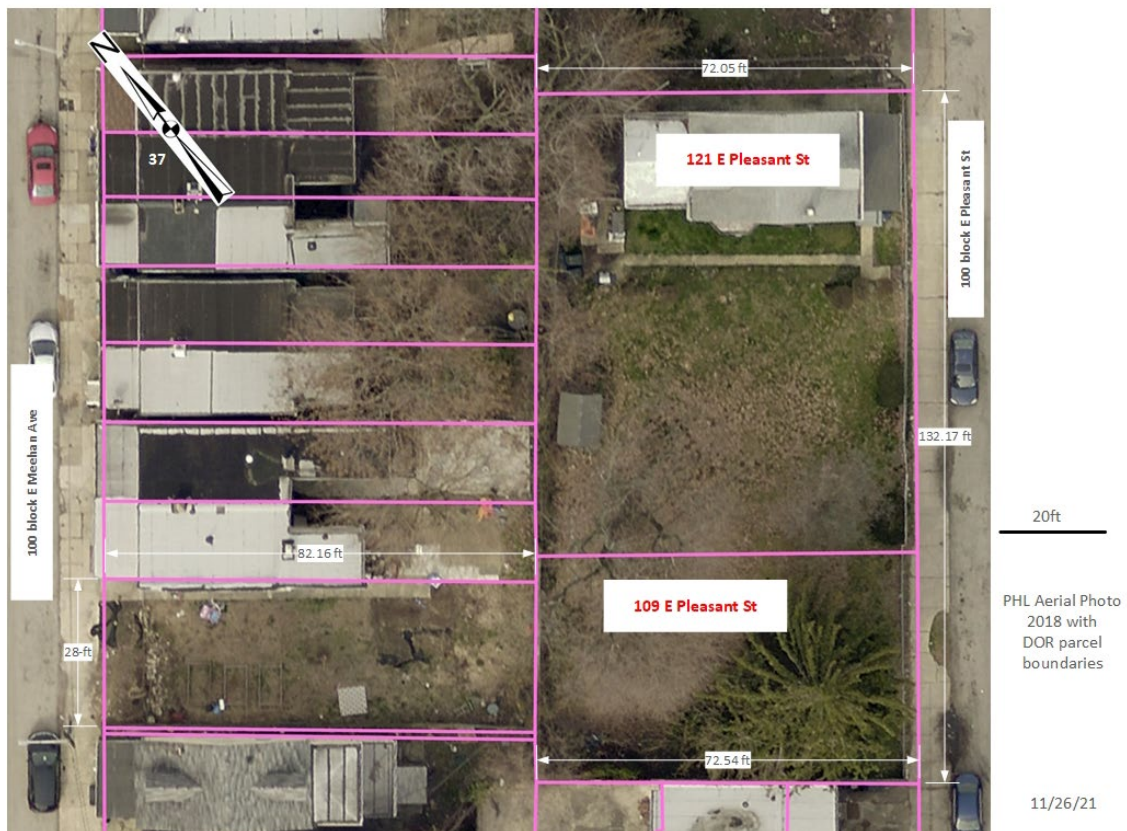
Copy of ZBA Appeal Not Available

Properties: This variance application involves 3 properties, as shown in Table 2:

Table 2: Property Dimensions			
Property	Width ¹ Ft	Depth Ft	Area ² SF
106 E Meehan Ave.	30' ³	82.16'	2,484
109 E Pleasant St	45'	72.54'	3,226
121 E Pleasant St	87.91'	72.05'	6,461
Total			12,171

Figure 1 shows a 2018 aerial view⁴ of the properties.

Figure 1: 106 E Meehan Ave, 109-121 E Pleasant St



¹ Lot dimensions obtained from City Atlas, Registry maps

² Lot area obtained from PWD Stormwater Parcel Viewer

³ Applicant's Zoning drawing shows 106 E Meehan Ave property width to be 27ft 11 1/2in

⁴ Pa Spatial Data Access: Phila. 2018 survey, tiles: 26849E, 273574N; 26848E, 270934N

Historical Context of E Meehan Ave – E Pleasant St Properties:

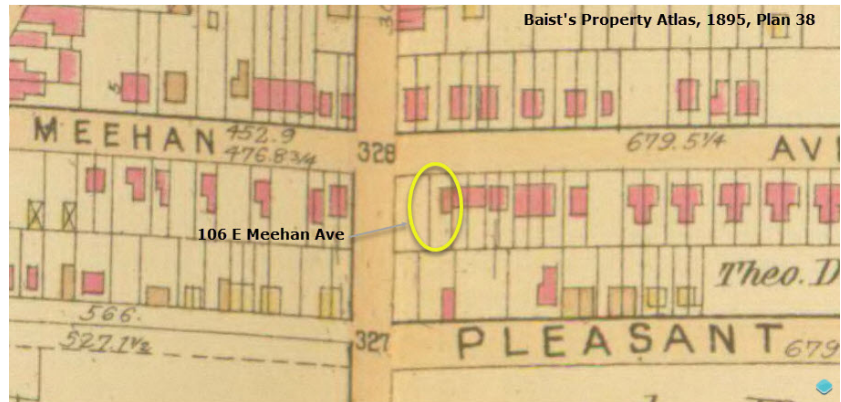
E Pleasant St and E Meehan Ave are historic streets in E Mt Airy. E Pleasant St is shown on the 1871 22nd Ward map and E Meehan Ave is shown on the 1885 Baist Property Atlas.

121 E Pleasant St is an historic property⁵, the former home of Joseph Meehan.

Figure 2, part of the 1885 Baist's Atlas, shows that the 106 E Meehan St lot had a house that was attached to 108 E Meehan Ave house and that here was an open space between the 106 E Meehan Ave house and the adjacent 102 E Meehan Ave lot. The 1889 Bromley Ward 22 map confirms that 106 E Meehan Ave had a single house attached to 108 E Meehan Ave and an open area between the west side of the 106 house and the 102 E Meehan Ave house.

The E Meehan Ave and E Pleasant St houses were built as 2-story houses with front porches.

Figure 2: 1885 Baist's Atlas



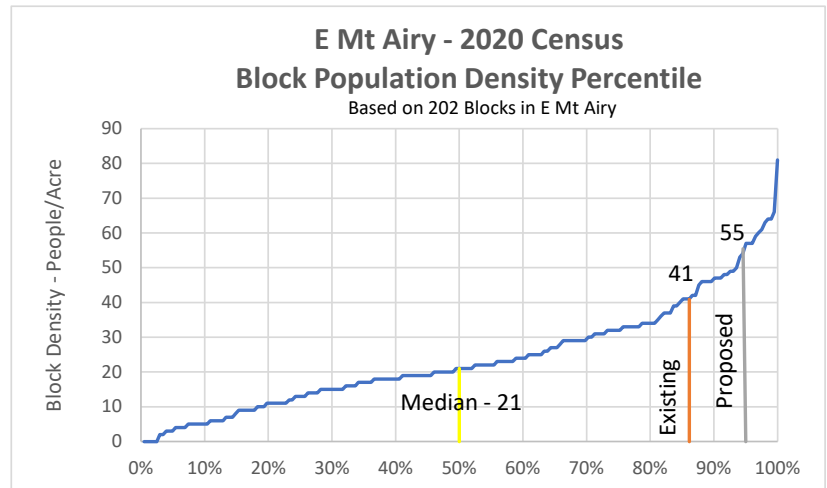
Housing and Population Density in Project Site Area

The 2020 US Census shows that E Mt Airy has a total population of 18,679; 8,941 residential housing units; 983 acres and 202 census blocks. The population density varies across E Mt Airy from a low of 2 people per acre to a high of 81 people per acre in residential housing blocks, as shown in Figure 4, next page.

Figure 3 shows a percentile chart for the block population densities of E Mt Airy's 202 census blocks.

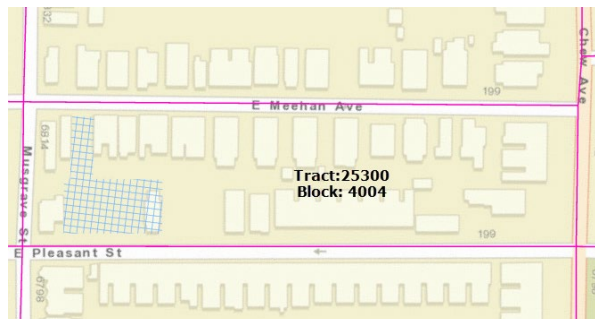
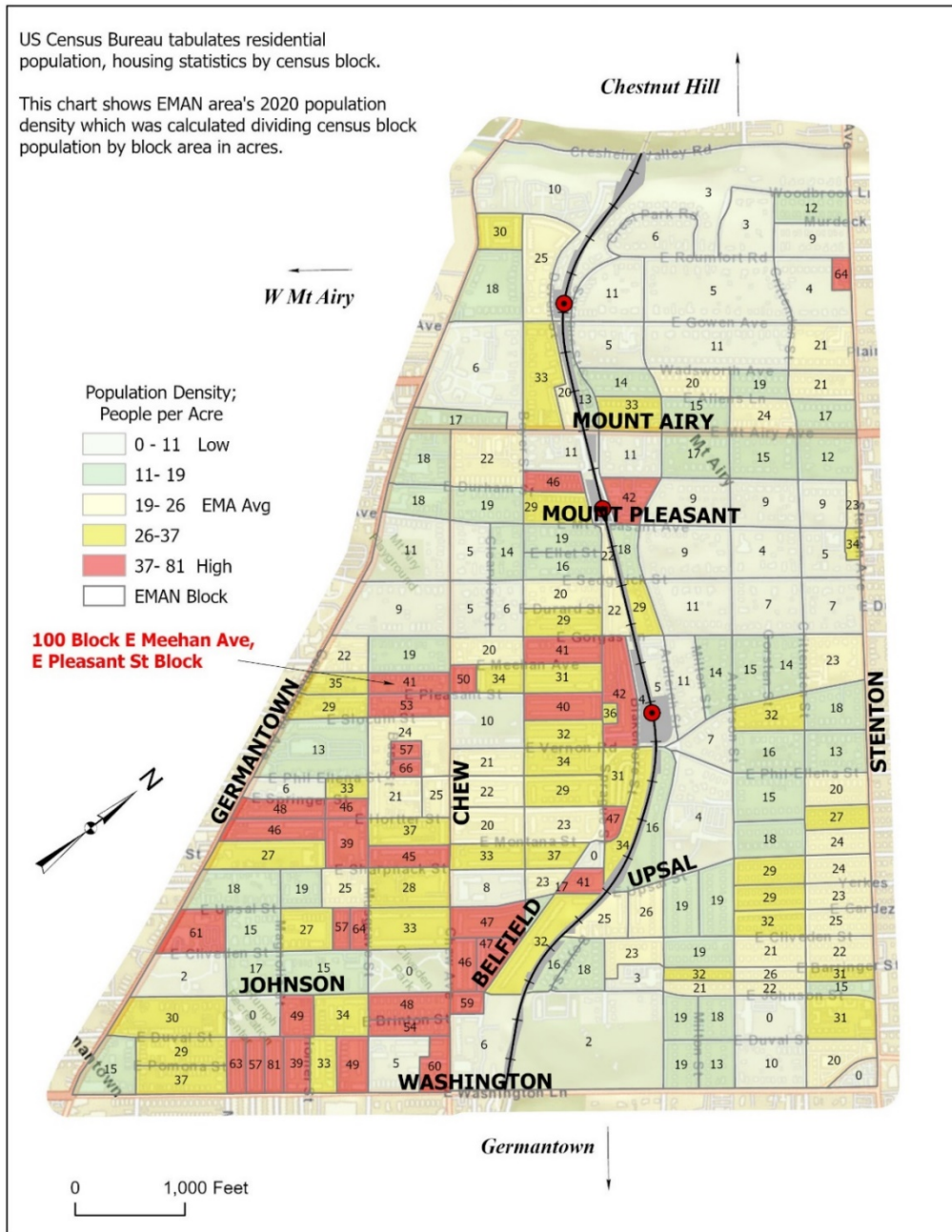
The project census block has a density of 41 people per acre which would increase to 47-55 with the proposed variances.

Figure 3:



⁵ Property designated in Philadelphia Register of Historic Places, Philadelphia Historic Commission

Figure 4
E Mt Airy - Population Density (People per Acre)
2020 Census, Block Level Data



K O'Day, 12/13/21

Table 3 summarizes the existing and future population density of the census block with the proposed 8 new housing units.

Table 3

Existing and Proposed Population Density Tract 25300, Block 4004 100 Block: E Meehan Ave, E Pleasant St			
	Existing 2020 Census	With Variance 8 New Units, 10 Vac Units	With Variance 8 New Units, Full Occupancy
Total housing units	61	69	69
Occupied housing units	51	59	69
Vacant housing units	10	10	0
Population per housing unit*	2.65	2.65	2.65
Total Population	(51*2.65) 135	(59*2.65) 156	(69*2.65) 183
Population Density** – People/acre	40.9	47.3	55.4

By-Right Options:

109 -121 E Pleasant St Lots: The Applicant’s proposed 6 new house lots would be 16ft by 72.5ft, approximately 1,160 sf each. RSA5 dimensional requirements call for minimum lot areas of 1,440 sf for individual lots.

The Applicant could meet the 1,440 sf RSA5 minimum lot area requirement for the new houses by sub-dividing the lots into 20ft wide by 72.5ft deep lots, equivalent to 1,450 sf each.

Figure 5 compares the lot areas, house sizes and house building areas for the Applicant’s proposed 16ft wide lot and the alternative 20ft wide lot.

Figure 5
E Pleasant St Lot & house width Options:
16ft versus 20ft Width

Based on CDPHI Proposed House Depth of 35.75-ft

Lot & House Width:	16ft House	20ft House
House Depth:	35.75ft	32ft
Floor Area:	572-sf/floor	715-sf per floor
Total Area:	3 floors: 1,716 sf	3 floors: 2,145 sf 3rd Floor with 8ft Setback: 1,985 sf

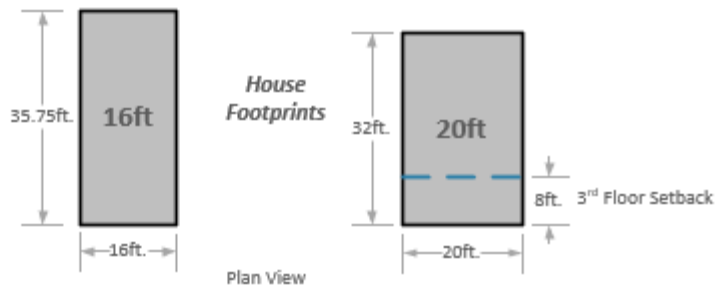
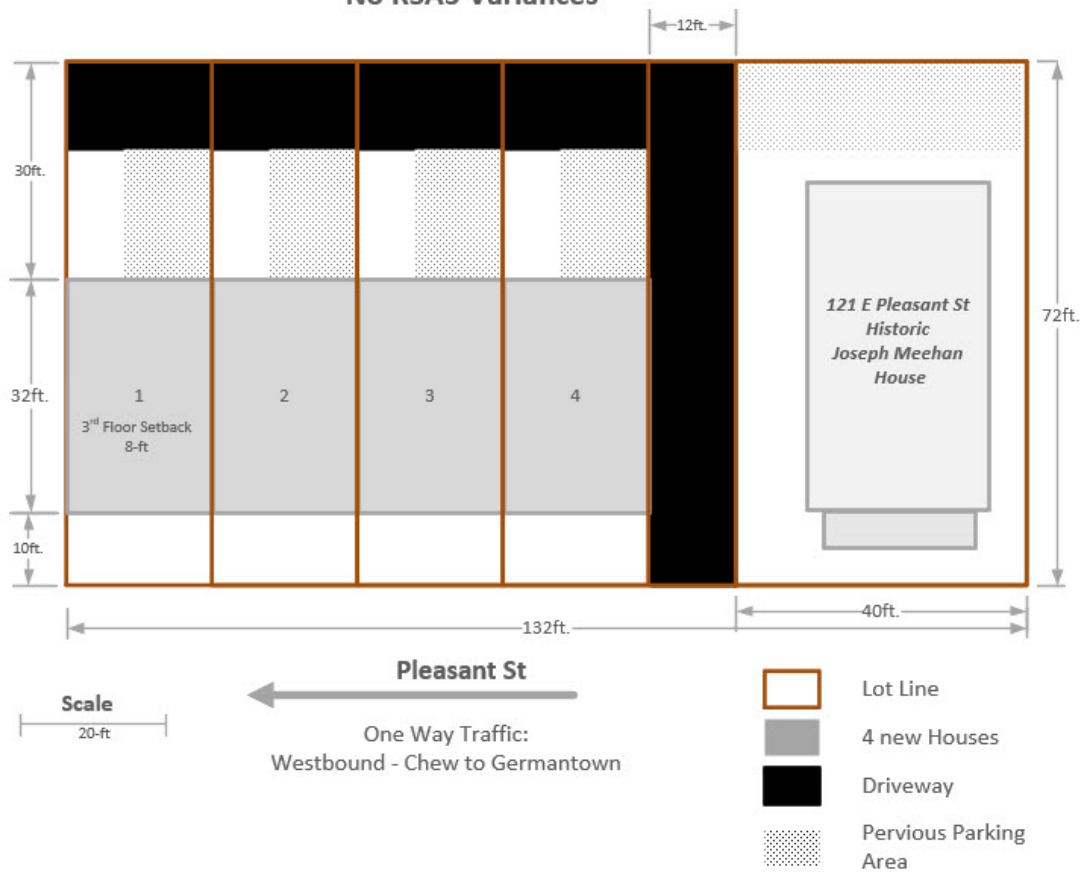


Figure 6 shows a by-right option for the 109-121 E Pleasant St site that includes 4 new single-family attached houses that meet the minimum lot area and front setback requirements, a 3rd floor 8ft setback, and provides the required side yard for the existing Joseph Meehan House. The 4-new houses would have 1,985 sf of gross building area, slightly larger than the Applicant’s 1,716 sf target gross area. The Applicant could further reduce the building footprint to meet their 1,716 sf target if they choose to.

Figure 6

**109-121 Pleasant St Project
By-Right Development Option
4 Lots at 20-ft ea., Rehab Exist Joseph Meehan House
Pleasant St Driveway at 12-ft
Existing House Frontage 40-ft
No RSA5 Variances**



106 E Meehan Ave Lot: The Applicant proposes to build 2 new 3-story attached houses that are 13.5ft by 35.75ft each. The 2 lots would be 13.33ft wide for the western lot and 14.625ft for the eastern lot. Both lots would have a depth of 82.16ft. The lot areas would be 1,120.1sf and 1,208.1sf. RSA5 dimensional requirements call for a minimum lot area of 1,440sf for individual lots and minimum lot width of 16ft.

The Applicant could meet this 1,440sf minimum lot area requirement by not sub-dividing the lot, keeping a single lot that is approximately 28ft by 82.16ft, for a total lot area of 2,338.2 sf.

Figure 7 shows how a single family detached house could be built by-right on the existing lot with no variance(s).

The previous 106 E Meehan Ave house, prior to its demolition, was attached to the 108 E Meehan Ave house and had a side yard on the western side of the house. Providing side yards on both sides would fit with the previous character of the neighborhood and reduce risks associated with excavation and building a new house attached to 108 E Meehan Ave.

Figure 7
106 Meehan Ave Project
By-Right Option: 1 Single Family House
No RSA5 Variances

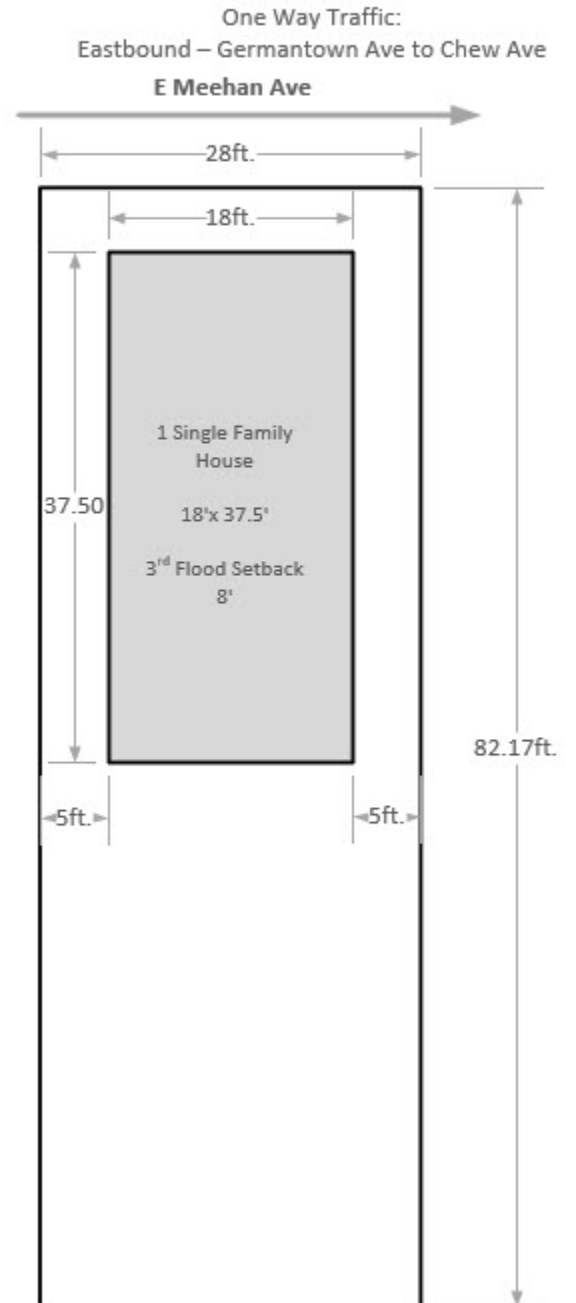
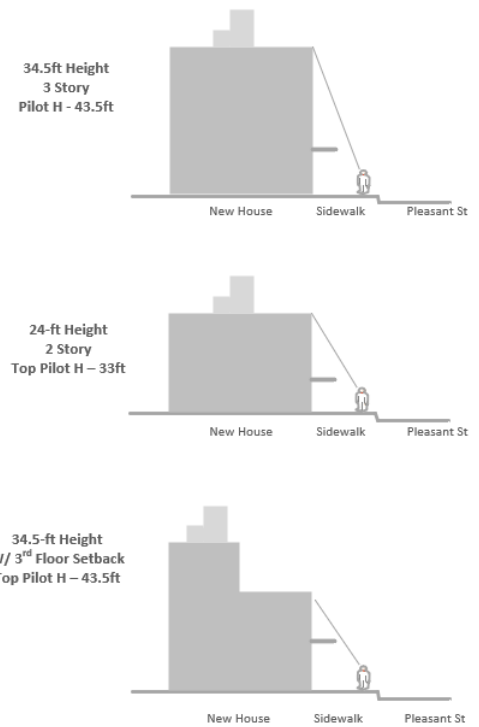


Figure 8: Building Height Options

Building Height: The proposed 8 new 3-story buildings would all have top of roof elevations at 34.5ft and top of pilot house elevations at 43.5ft.

These proposed heights are considerably taller than the abutting 2-story houses. The Applicant could reduce the visual impact of these taller homes by either increasing the building floor area to accommodate desired floor area in 2-stories or providing 3rd floor setbacks, as illustrated in Figure 8.



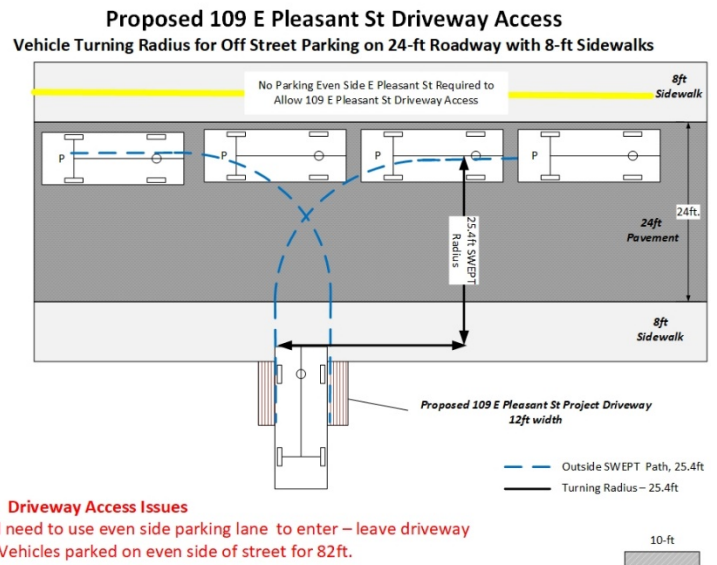
Vehicle Turning Radius for Proposed Common Driveway:

The Applicant is proposing to provide 8 parking stalls behind the 109-121 E Pleasant St houses and build a common driveway from E Pleasant St. Figure 9 shows the Zoning Committee’s Driveway Access Diagram to assess the feasibility of the proposed common driveway. This analysis

shows parking would need to be restricted on the even side of E Pleasant St to allow vehicles to enter the Applicant’s proposed common driveway. This would reduce even side allowable parking space by approximately 82ft.

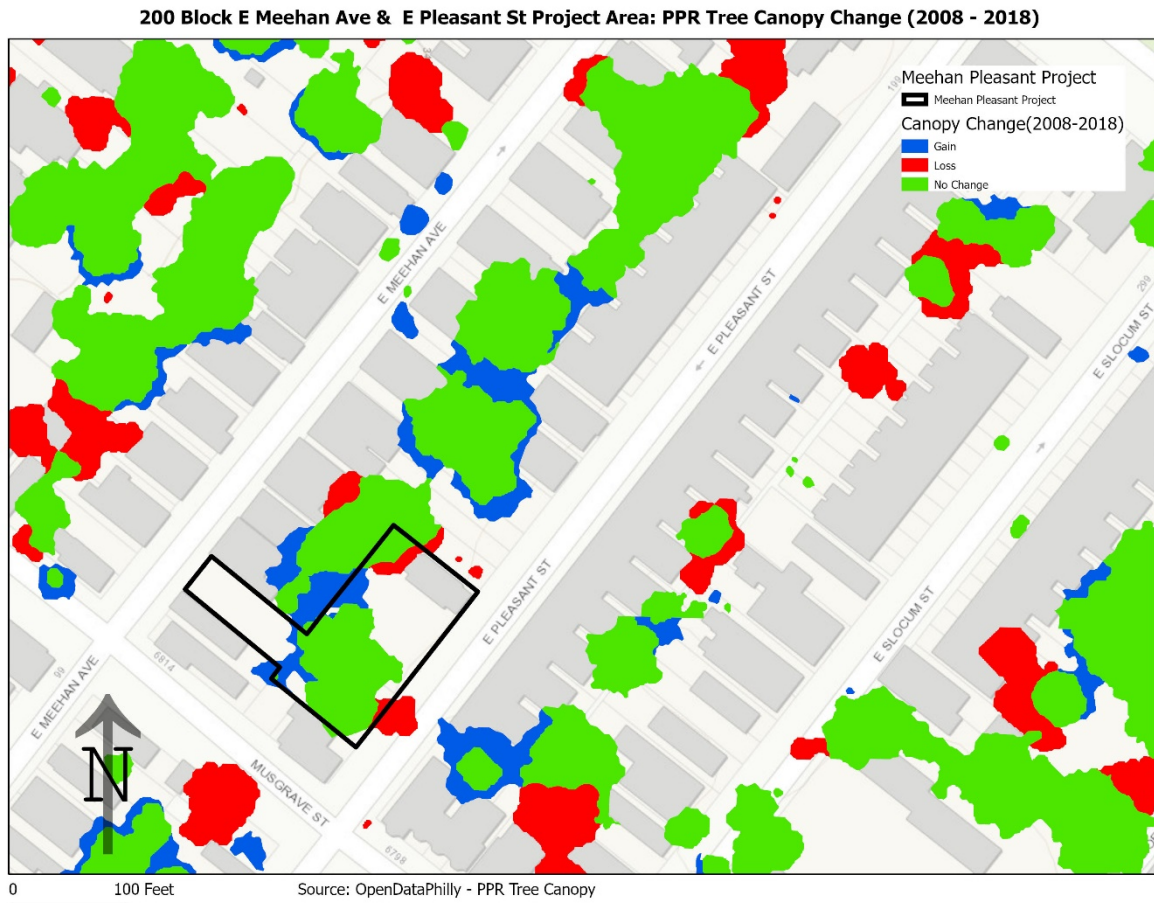
Tree Canopy – Heat Stress – Public Health: Philadelphia Parks & Recreation⁶ conducted a tree canopy assessment in 2018 that found a decline in Philadelphia tree canopy between 2008 and 2018. The City’s goal is to have 30% tree canopy coverage for all neighborhoods. Figure 10 shows the Parks & Recreation tree canopy data for the area.

Figure 9: Driveway Access Diagram



⁶ Philadelphia Tree Canopy Assessment, Philadelphia Parks and Recreation, Dec. 2018.

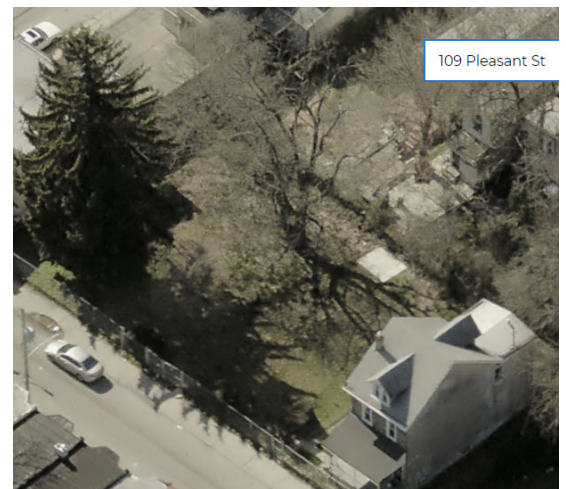
Figure 10



The proposed project would remove 2 mature trees in the 109 E Pleasant St lot and would add 8 young street trees along E Pleasant St. The Applicant's proposed paved parking behind the new E Pleasant St houses would prohibit future planting of yard trees in the back yards, an important tree canopy area in RSA5 zoning district with limited street tree planning options.

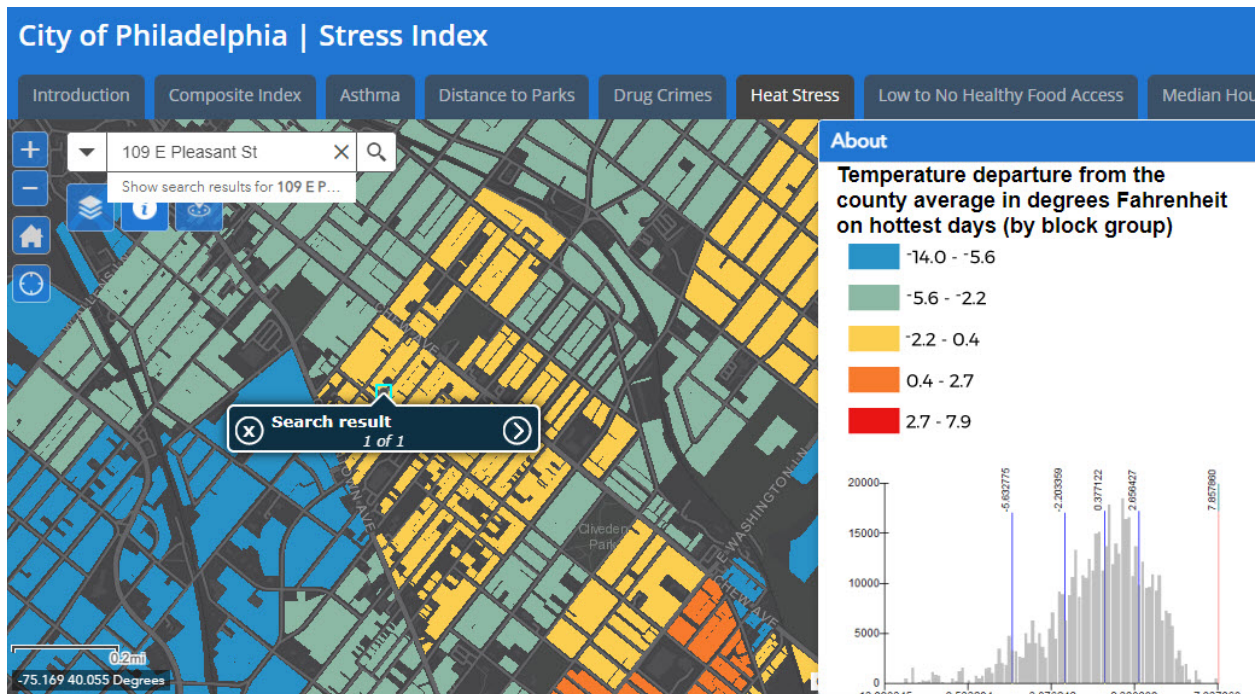
The City has mapped heat stress⁷ across Philadelphia. Figure 11 shows the heat stress situation in the E Meehan – E Pleasant St area of E Mt Airy. This area is in the 3rd hottest class, -2.2 cooler to 0.4F warmer than the City average on hot days.

Trees, impervious cover, zoning and building mass all play a role in urban heat islands. This following map shows the street tree and tree canopy situation for the E Meehan – E Pleasant St area.



⁷<https://www.arcgis.com/apps/MapSeries/index.html?appid=47afd9a9dcfa4637a2f88024d1c210b4>

Figure 11



Historic Wingohocking Watershed Stormwater CSO Pollution and Flash Flooding Risk:

The proposed site plans would significantly increase the impervious cover.

The Upper Northwest 2035 Plan⁸ identified flash flooding risks in parts of E Mt Airy, Germantown and Ogontz. PWD⁹ has issued a summary report that identified 16 flood-prone intersections, and over 2,700 hundred basements subject to stormwater backwater during intense rainstorms.

PWD has initiated a green stormwater program to reduce combined sewer overflows and resulting Frankford Creek pollution from the Wingohocking outfall, I and Ramona streets, during rainstorms. Properties over 15,000 sf are required to prepare stormwater control plans to reduce stormwater runoff during storm events to reduce Wingohocking combined sewer overflows.

These properties currently have 2,823 sf of impervious cover out of a total property area of 12,171 sf, equivalent to 23.2 % impervious cover. Increased impervious cover would worsen both the downstream combined sewer overflow water pollution problem and increase flooding risks for the 8 flood prone intersections downstream of the E Meehan – E Pleasant St properties.

⁸ Philadelphia Planning Commission, Upper Northwest 2035 Plan, Oct. 2019.

⁹ Philadelphia Water Department, Germantown Flood Risk Capital Improvement Plan, Task 6 Executive Summary.