

PHILADELPHIA CITY PLANNING COMMISSION
April 17, 2012

PRESENT: Alan Greenberger, Chairman
Joseph Synchronick, Vice Chairman
Brian Abernathy, representing Richard Negrin
Patrick J. Eiding
Bernard Lee, Esq.
Elizabeth K. Miller
Nancy Rogo Trainer
Nilda Ruiz
Saskia Thompson, representing Rob Dubow

ABSENT:

Executive Director: Gary J. Jastrzab
Deputy Executive Director: Eva Gladstein

Chairman Alan Greenberger convened the City Planning Commission Meeting of April 17, 2012 at 1:10pm.

Mr. Greenberger stated the item #6 has been removed from the Agenda for today. Item #10 (remapping) is being moved up to item #4.

- 1) Approval of the Minutes for the March 20, 2012 meeting.

Upon motion by Ms. Thompson, the City Planning Commission approved the minutes for the March 20, 2012 meeting.

- 2) Executive Director's Update

Mr. Jastrzab stated there are several items.

- **AIA PRESIDENT'S AWARD**

He was very pleased to announce that AIA Pennsylvania presented Deputy Mayor/Commission Chairman Alan Greenberger and Eva Gladstein, Deputy Director of the City Planning Commission and former Executive Director of the Zoning Code Commission, with the President's Award on behalf of the Zoning Code Commission. This award is presented in recognition of special contributions or support of the profession, the business of architecture or the built environment in Pennsylvania.

- **CPI CLASSES**

Update: Weekly classes begin tomorrow, on April 18, and run through May 30. There were 75 applications for 30 available seats. Donna Carney will be running those classes. This will be the CPI's 4th semester of classes.

- **CITY PLANNER II EXAM**

The office of Human Resources offered the Civil Service City Planner II exam. Applications were accepted from March 19 to April 6. They received 212 applications for the exam.

- **FINANCIAL DISCLOSURE FORMS**

Reminder: Filing deadline is May 1, 2012. You can file those online. These forms disclose financial information for calendar year 2011. Members of the City Planning Commission must file all 3 forms for the CITY, STATE, and MAYOR'S FORMS.

- **Master Plan for Lower Schuylkill**

The Philadelphia City Planning Commission and PIDC will be working on the Master Plan for Lower Schuylkill. There will be a meeting on April 18th. It will be held at the Richard Allen Prep School at 58th and Lindbergh Avenue. The April 19th meeting will be held at Penn's New South End Campus, the former Marshall Labs, located at 34th and Grays Ferry Avenue. Anyone who is interested is encouraged to attend those meetings.

ITEMS IN ACCORD WITH PREVIOUS POLICY:

Streets Bill 120168: Authorizing the placing of a utility right-of-way City Plan No. 321, within the lines of Delaware Avenue from Pennypack Street to a point approximately 456 feet southwestwardly (Introduced by Councilmember Henon on March 8, 2012). Bill No. 110611, approved by the Commission on October 14, 2011, removed Delaware Avenue from the City Plan. The Water Department is requesting a utility right-of-way to be placed on the City Plan due to an earlier oversight of their technical requirements.

There are 7 Administrative Approvals (proposed uses are consistent with Redevelopment Area Plans):

1. Amendment to the Model Cities Urban Renewal Plan, authorizing the acquisition of one vacant lot, 1838 Cecil B. Moore Avenue, to be combined with others already in the Philadelphia Redevelopment Authority's (PRA) ownership. This will allow the PRA to issue an RFP for the parcels located at 1822-42 Cecil B. Moore Avenue.
2. Amendment to the New Kensington-Fishtown Urban Renewal Plan, authorizing the acquisition of 2218-20R Emerald Street. This land-locked vacant structure will be conveyed to Chris and Lee Sheffield to become part of a multi-unit residential project. The Sheffields already own the front portion of the parcel.
3. Amendment to the New Kensington-Fishtown Urban Renewal Plan, authorizing the acquisition of 2211 Blair Street for business expansion for Michael's Decorators. This vacant lot sits directly behind the existing business located at 2210-2214 Frankford Avenue.
4. Amendment to the South Central Urban Renewal Plan, authorizing the acquisition of five undeveloped lots at 6th and League Streets. The lots will be conveyed to the Neighborhood Gardens Association for continued use as a community garden.
5. Amendment to the Whitman Urban Renewal Plan, authorizing the acquisition of 433, 438, and 443 Cantrell Street for land assembly for proposed senior housing.
6. Amendment to the Grays Ferry Urban Renewal Plan, authorizing the acquisition of 1217 S. 27th Street and 2524 Ellsworth Street for affordable housing development (27th Street) and a residential side yard (Ellsworth Street).
7. Amendment to the Point Breeze Urban Renewal Plan, authorizing the acquisition of three vacant lots for side yards at 2422 Federal Street, 2123 Fernon Street, and 1913 Wilder Street.

3) *Information Only: Review of the Second Draft of Sign Controls Legislation for the New Zoning Code.*

Don Elliott, from Clarion Associates, gave background information on the Zoning Code Commission that was set-up in 2007. In 2011 City Council signed it into law, and it will become effective in August 2012. It didn't include sign controls, and that was Clarion's suggestion. In 2010 an interim group was formed for sign controls. It was not clear on how it was for other districts. The sign controls was not lining up because of the variances and amendments. The second draft highlights and organizes it. The definitions of rules and descriptions have been changed with clearer, distinct types of signs and characteristics. As a general rule, it reduces signs. Billboards are non-accessory signs. If you want to put 1 up, you must take 1 down. Accessory signs relates to the business it is on. Digital signs have been tied to National standards. What kind of signs are regulated by the City of Philadelphia? What signs need permits? Non-accessory signs are broken down into where they are allowed, and where do you want to get rid of them. Market East signs have their own section. How many can you have on your property? How big can they be? Menu of types of signs: window, projecting, awning/canopy, marquee, roof, freestanding, and temporary. In the old code, projecting signs stuck out over the right-of-way. Now it is in the public right-of-way. Characteristics: area, height, illumination, mechanical (banned everywhere except in Market East). Window sign: 12" inside of building. It treats awning signs differently than the old code. It treats window signs differently than wall signs. In general, the amount of wall signs has been reduced. They vary in different cities. You can have up to 20% window signs. You don't require a permit for window signs for both permanent and temporary. Temporary signs: didn't address how long you can have them. In general temporary signs are 6 months at a time; and real estate signs for 1 year. If you use it all up in permanent signs, you don't have room for temporary signs. If you put up a very large sign, you will need a permit. Non-accessory sign: for every sq. ft. you put up, you must remove. In I2, I3, and I4 Districts, if you put up a digital, you will need to take more non-digital signs down. There are 3 areas: permitted, removal, and prohibited. We have letters come in from stakeholders and the sign committee will review that input. We will submit the final version in May.

Mr. Constantine replied he sees signs all over like "a work in progress" that never moves.

Mr. Elliott replied that sign controls are covered by private property. The City regulates what falls in the public right-of-way that is not owned by the City. They are not covered by this ordinance.

Craig Schelter replied 1 of the sign types that was not listed is logo signs. Where are they?

Ms. Gladstein replied they have been renamed identification signs.

Mr. Greenberger thanked Mr. Elliott.

4) *Zoning Bill 120214: Remaps the area bounded by York, Front, Second, and Berks Streets from "R10" to "R10A" Residential (Introduced by Councilmember Sanchez on March 15, 2012).*

Ms. Miller recused herself.

Martin Gregorski, Zoning Planner in the Development Planning Division, stated this remaps an area in the Norris Square neighborhood. It is a predominantly residential neighborhood with some commercial and industrial. Residential Districts are all "R10". We really are changing 1 thing. It is to change all "R10" to "R10A"; change from multi-residential (as a matter of right) to single-family. Councilwoman Sanchez called us and told us that she was having problems with the single-family dwelling being turned into multi-family dwelling, whether they were legal or illegal. What we did was have our Community Planners go out and take a look around the neighborhood. What they did was do a windshield search. They walked around the neighborhood and looked at meters, door bells, and mail boxes to see which were single-families and which were not. And basically what we found through that survey, that there were already a number of conversions to multi-family. We don't know if they are legal or illegal. If you are legal, you don't have to worry. After the new Zoning Code, "R10" will be "RM-1". Every single could be turned into a duplex as a matter of right. What we are asking is to grandfather all of the legal ones; and any new ones will go to the ZBA. The City Planning Commission staff recommendation is approval.

Henri Marcial, Norris Square Civic Association Board member, replied on the map there is a large square in the middle – it is Norris Square. This is one of the poorest sections of the country. We currently have a new affordable housing project on the south side of the square, where we will be building 15 units. Ten million dollars are allocated for this project. This is spot zoning. What we lack here is community input like it was on the other side of Front Street. When you have an actual study, not a drive by study, with community input; not what a politician wants at will.

Mr. Abernathy asked if the 15 units in "R10" requires a variance.

Mr. Gregorski replied no. This proposal is an "L" shaped building, and they received their permits. It will be grandfathered in.

Mr. Abernathy replied this legislation will not impact that project.

Maria Camoratto, Real Estate Development for Norris Square Civic Association, asked the Commission to table your decision. Councilwoman had a meeting on the 9th. This project will have 15 units co-ownership and cooperative, and already have 3 buildings for community use. We have petitions and letters supporting our project. If we don't spend the dollars by February 2013, we lose the funding. We ask that you look at the larger needs of the community, and you table this proposal.

State Representative Angel Cruz replied he was not made aware of the plans for rezoning. Because of a vacant property, we had a fire and lost 2 firemen. We have too many vacant properties. He is asking that this be tabled. The Councilperson should look at the entire district not just Norris Square. Please table it for further information and education.

Jeannette Delgado-Garcia replied she owns the properties at 141 and 143 W. Susquehanna Avenue. This is hurtful for her and her family. She has grown up there (51 years) and her children have ground up there. She has a 7 unit house. It will take them years to fix it up. They would have to sell the property.

Mr. Greenberger asked her if she has tenants.

Mrs. Delgado-Garcia replied no. She evicted them. They want to fix the units up.

Mr. Greenberger asked her if it can be a multi-family now.

Mrs. Delgado-Garcia replied yes.

Mr. Abernathy told her that if she has zoning and permit for a multi-living dwelling, it will not impact them.

Mrs. Delgado-Garcia replied they have not kept up with the permit.

Mr. Abernathy replied you will need to get building permits to fix it up, and you will need a permit for the units.

Mr. Greenberger replied get back to the staff of the Philadelphia City Planning Commission to find the status of her property. It is for your peace of mind.

Ms. Ruiz replied she is worry about the status of her property.

Patricia DeCarlo, Executive Director of the Norris Square Civic Association, replied the issue is that people are not clear about the zoning change. We received notice on April 2, and a meeting on April 9, and now this meeting. The question is what's the rush. The mapping was done very quickly with the drive by planning. The people would suffer with that process. Let's do a study to see the impact on the community. We passed a petition around; it has 170 signatures, who are opposed to the change in zoning. To look at the democracy process, the people need an understanding and educating are what the people need. Table this vote.

Diana Qunons replied she rented for years before purchasing her property in 2000. She is here representing homeowners. They were invited to a meeting with the Councilperson for the density in the area. Instead of having the meeting to talk about what the neighborhood needed, she gave us the proposal for what she was changing in the area. Many residents feel that she should be helping the neighborhood. Their neighborhood is in close proximity to Fishtown and Northern Liberties that have multi-apartments. The only 2 issues that she brought up were density overpopulation, and parking. We do not take well to intimidation. Democracy is still well.

Jose Hernandez stated his family owns 7 properties in the area. This entire change would affect his family. He wants this stopped or at least find out more information. He is here representing his family.

Archangel Bishop Torres replied he is a 17 year old student, musician, teacher and Norris Square resident, and lives down the street from the Boniface project. He has been home schooled and that is why he has been able to be an intern at 124 W. Diamond Street. In the last 2 years, we have been able to exhibit many artists. He is here to ask the Philadelphia City Planning Commission to keep the zoning the way it is.

Betsy Torres replied she is an artist, mother, and business owner who lives, works, and bring business to the area. She will work in Australia. She works with the mural arts, etc. As an artist/entrepreneur, her business offers internship around the world. Her children contribute to

the neighborhood. The zoning will change how she uses her business. Please vote no to the proposed zoning change.

Christopher Sawyer replied he lives on the other side of Kensington. An issue like this is a concern. Norris Square Civic Association is not acting as a civic association, but as a CDC. It owns a lot of properties in the area. However, it is bias. They have their own tenants. Other peoples voices are not being heard. Norris Square sold property to the women's center. They had to go to the ZBA. He got that zoning issue continue. He would ask the Philadelphia City Planning Commission to take that into consideration. There is more to that input that you are hearing.

Councilwoman Sanchez replied she has been a resident for the past 15 years. She has been passionate about the concerns here. Impetus was that the St. Boniface could be developed without much input. She can assure you as a 15 year resident, and as a councilperson, her neighbors who came to her because of the hopelessness of what could be done about it. She made every attempt to try to explain it to the people, but when you have a conflicting voice who don't want to meet it is hard to do. When she sought the consulting with the Philadelphia City Planning Commission staff to see what can be done. Every area around Norris Square has been remapped because they were actively involved with it. It was very vague about the way they were getting signatures for their petition. The community process has been compromised and that is why we are doing this. There is a Planning Commission process and a legislative process. She supports every one of the uses that is there. Day care, employment training center, and administrative offices are there. Some residents will not go to their meetings because they feel they are being dictated to. We always knew we wanted the campus to attend to the community. What is evident today is there is confusion. The utilization of ten million dollars is a choice by Norris Square Civic Association. We have suggested other ways for them to us that money. They have chosen not to listen. She has done her due diligence. She continues to represent the residents who are afraid to speak up. They are being visited and told the wrong information. The developer has vacant properties that they have not been able to sell. Who are the expected funders? They have not shared any information. Le Torres is 10 units. We have asked the developer to make it whole. As the Philadelphia City Planning Commission, this is not the first time you have heard conflicting testimony. She asked the Commission to follow staff's recommendation.

Mr. Greenberger replied this is a real dilemma for the Commission to try to sort out the items. It is a very tough issue for us to figure out. Zoning issues are going to come up, whether we have done a District Plan or not. The Commission is not approval or disapproval but a recommendation to Council. We can tailor our recommendation to Council. He asked Councilwoman Sanchez if there were going to be more meetings with the community.

Councilwoman Sanchez replied yes, we did suggest more meetings. She has a problem that she has been characterized as putting this money in jeopardy.

A resident replied she will not rebuttal the Councilwoman. She will send you in writing the concerns that have been ongoing.

Tara Colon replied she is a low income mother for the past 16 years. We have a vote. This affects renters. We give the money to the owners, who double and triple the rent. She raised her kids all over North Philadelphia. We provide income to the neighborhood whether you like it or not. She helps clean out the lots in the neighborhoods, and then gets pushed out.

Mr. Greenberger replied there is also a door that can get open to investors who don't care about the neighborhood. What is the legislative process?

Councilwoman Sanchez replied the Rules Committee and a final vote. Any point throughout that process, we can work on it. But she doesn't see it happening. She will have the meeting. There were 75 people at the meeting that may not come or have any more to do with it.

Ms. Ruiz asked if we tabled it and it comes back in May, what will happen to it.

Councilwoman Sanchez replied there will still have a Rules Committee meeting.

Ms. Rogo Trainer replied to vote on a neighborhood she doesn't understand, but to vote on the issue. She would like the following information: How many multi-family dwellings? How many are legal?

Mr. Gregorski replied getting the permits is not going to be easy. License and Inspections has Hanson, but it is going to be difficult for us to get the information.

Mr. Lee asked what can happen to this area in August.

Mr. Gregorski replied they could turn into duplexes.

Ms. Ruiz replied there is an art gallery and a medical center, etc. What would happen to them?

Mr. Gregorski replied they would be grandfathered in, and still stay the same.

Ms. Ruiz replied she doesn't see a negative impact.

Mr. Greenberger replied if a building has a zoning permit, it is not affected. They don't know what the long term effect is. If we table it, Council's agenda moves ahead.

Mr. Abernathy replied the additional information – it doesn't impact on vendors.

Mr. Syrnick replied he has never heard so many people come up and say they are confused. The Councilwoman said she will have another meeting, but if they have a disorderly meeting, you will not achieve it. Go and have an orderly meeting.

Councilwoman Sanchez replied she is trying to have an orderly meeting.

Mr. Abernathy replied he doesn't see many cons; he sees pros. He has known the Councilwoman; and has worked with NSCA. They both work hard.

Upon motion by Mr. Abernathy, seconded by Mr. Eiding, the City Planning Commission approved Zoning Bill 120214.

Ms. Rogo Trainer and Mr. Syrnick opposed this Bill.

Mr. Eiding replied it is hard to work for this and it is frustrating. City Council is going to do whatever they want.

- 5) Preliminary Plat: Subdivision of 3.2 acres for the construction of 32 single-family, semi-detached dwellings as the Kingsley Court Development.

Brian Wenrich, Development Planning Division, stated the Preliminary Plat for Kingsley Court is in the Roxborough section of the City. It is 3.2 acres of property that is zoned "R-4" Residential. The proposal is for 32 townhouses development on a cul-de-sac. Previously the proposal was not to strike the street. This proposal has two streets proposed to be stricken from City Plan, resulting in three stub end streets. The developer is proposing to use "R-5" dimensional standards which will require variances. Staff has come up with an alternative plan where the street goes through. It better addresses the street grid, traffic circulation and safety, stormwater, and neighborhood form issues by recommending a through street. The staff would prefer that this alternative be pursued by the developer. We talked to the Streets Department, and they suggested no left turn sign. However, the current cul-de-sac plan as proposed, meets all of the subdivision requirements, and is deemed approvable by the Commission. Our recommendation consistent with Philadelphia2035 Objective 9.1.1.a Preserve and extend the city's grid, which is included in the Public Realm chapter, Development Patterns section of the Citywide Vision.

Joseph Beller, attorney, replied this has been vetted by the Councilperson. The cul-de-sac, for stormwater management, is what the neighbors wanted. This would be a problem. He has been working with the Philadelphia City Planning Commission, and their recommendations; but we don't know if it is workable.

Mr. Greenberger replied he understands staff's recommendation, and also the opposition to it. Is there something else we can come up with? Do you want to fuss with this?

Upon motion by Mr. Syrnick, seconded by Mr. Eiding, the City Planning Commission approved the developer's recommendations for the Preliminary Plat for the Kingsley Court Development.

Joseph Cozen from Councilmember Jones' office replied the Councilman supports the cul de sac.

- 6) Redevelopment Agreement with Nicetown Court II Housing Partners, for a 50-unit rental housing development with ground floor commercial space at 4428-70 and 4413-51 Germantown Avenue, and 4428 Uber Street.

Richard Redding, Director of the Community Planning Division, stated the parties of interest are Redevelopment Authority and Nicetown Court II Housing Partners, LP which consists of a partnership of Nicetown CDC and Universal Companies. The proposal is for 50 units of affordable rental housing with ground floor commercial space. It is near the Wayne Junction train station, and adjacent to Wayne Junction Historical District. The proposal is consistent with the following objectives of Philadelphia2035: THRIVE 1.2.2 – Ensure a wide mix of housing is available to residents of all income levels; CONNECT 4.1.3 – Coordinate land use decisions with existing and planned transit assets; and RENEW 9.2.2 – Create welcoming, well-designed public spaces, gateways and corridors. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Eiding, seconded by Mr. Syrnick, the City Planning Commission approved Property Bill 120140.

- 7) Amendment to the Point Breeze Urban Renewal Plan for a land-use change to permit the expansion of a funeral home.

Mr. Greenberger announced that at the request of the Redevelopment Authority, this item has been removed from the Agenda.

A woman from the community responded that this is the first time they have heard about it. They would like to get more information.

- 8) Streets Bill 120178: Authorizes the striking of Tulpehocken Street from Ardleigh to Crittenden Streets for the construction of an outdoor track for the Green Tree Charter School (Introduced by Councilmember Bass on March 8, 2012).

Martine Decamp, Development Planning Division, stated the Green Tree Charter School proposes to use the bed of the street for track. They asked to strike part of the street. The Streets Department asked that they strike the entire street. The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Eiding, seconded by Ms. Thompson, the City Planning Commission approved Streets Bill 120178.

- 9) Roadway modifications for the Childrens' Hospital medical campus:
 - a. Streets Bill 120211: Authorizing the striking and conveyance of portions of East Service Drive and Health Sciences Drive to accommodate underground oil vaults (Introduced by Councilmember Blackwell on March 15, 2012).
 - b. Streets Bill 120249: Authorizing various encroachments, including a canopy, underground tie-backs for a retaining wall, raised planters, bicycle racks, and bollards on Civic Center Boulevard and the streets named above (Introduced by Councilmember Blackwell on March 29, 2012).

Ms. Decamp, Development Planning Division, stated these are related improvements for Childrens' Hospital. Portions of the footway are being stricken, but rights-of-way will be maintained for pedestrian access. Encroachment details:

- The canopy on East Service Drive is 43' long, encroaches 13' into the ROW, and has a clearance of 15' above grade.
- The tie backs for the retaining wall are under East Service Drive and extend 370' along the width of East Service Drive.

- 20 raised planters along Civic Center Boulevard will encroach 6' into the footway, leaving a clear area of footway between 11'6" and 14' wide.
- 20 bicycle racks along West Service Drive will leave 13' between the racks and the building.
- 7 security bollards on West Service Drive will project 4' into the ROW, and leave 7.5' of clearance between the bollard and building.

The City Planning Commission staff recommendation is approval.

Upon motion by Mr. Eiding, seconded by Ms. Rogo Trainer, the City Planning Commission approved Streets Bills 120211 and 120249.

- 10) *Information Only: Townhouse development at 412 N. Front (Front and Willow Streets) requiring "Plan of Development" approval in the Central Delaware Riverfront Overlay District.*

Mr. Gregorski stated this information only presentation is required by the regulations for the Central Delaware Riverfront Zoning Overlay. A second meeting to approve a Plan of Development is required in order for the developer to pursue permits.

Hercules Gregios stated this is a 35 unit townhouse development. It is in the Waterfront Overlay District. We will come back next month. There will be parking along Front Street. The homes along Front Street will have interior lots.

Jose Fernandez replied the interior units pushed off right-of-way with parking. Instead of fences dividing the properties, it will be greenery and benches. There will be green roofs and a small deck for maintenance. The materials will be finished stone, brick, and fiberglass. Majority on Front Street has a dedicated 3-story, 3-bedrooms, and 2 ½ baths.

Mr. Gregoris replied it is zoned "C-4".

Mr. Eiding asked about the green roofs and who will take care of it.

David Pearlman replied there will be a maintenance company they will sign up for.

Mr. Gregoris replied Joe Schiavo is concerned about the gates.

Mr. Greenberger asked where are the gates.

Mr. Gregoris replied at the carriage house.

Mr. Greenberger asked him to coordinate those ambiguities with John Mondlak.

A resident replied one of the first Philadelphia train stations was on this site. Could it be research and archeological dig?

Mr. Greenberger asked him to submit letter to Mr. Jastrzab so he can contact the Historical Commission.

11) *Information Only: PCPC Bicycle and Pedestrian Plan*

Deborah Schaaf, Strategic Planning and Policy, stated Phase I was approved by the Philadelphia City Planning Commission in 2010. Phase II was funded by the Department of Health and Human Services and Get Healthy Philly, an initiative of the Philadelphia Department of Public Health, and from the Delaware Valley Regional Planning Commission's Transportation and Community Development Initiative. Phase 2 of the Pedestrian and Bicycle Plan incorporates and expands recommendations for the pedestrian and bicycle networks to include West, Southwest, and Northeast Philadelphia, Olney/Oak Lane, and the River Wards. It also expands coverage of the Street Type classification to the entire city, which will enable use of the sidewalk design standards developed in Phase 1. In addition, Phase 2 includes a sidewalk inventory of arterial and collector streets citywide and a GIS-based prioritization of missing sidewalks and sidewalks in very poor condition. Walking and biking helps health. Phase I of the Bicycle and Pedestrian Plan has been implemented. It is consistent with the Philadelphia2035 Plan.

Mr. Greenberger applauded the effort of this work.

A woman asked a question about bike lanes on 21st and 22nd Streets.

Ms. Schaaf replied not all streets are bike friendly.

Craig Schelter, Development Workshop, replied this is part of the Delaware River Waterfront. The 10 riverfront access streets don't have sufficient dimensions for bikes.

Another woman replied what concerns her is the liability for a homeowner, how are bicycle riders going to be held accountable for liability.

A man replied the 31 Bus will be coming back to Market Street, and you are also putting in bike lanes. There are bollards on the street for turning lanes, it will cause problems.

12) *Adoption of City Planning Commission Regulations*

Eva Gladstein, Deputy Director of the Philadelphia City Planning Commission, reminded everyone that the City Planning Commissioners and the public have seen and heard about this for several months now. One of the comments made at our Special Meeting on March 6, 2012 was to have a meeting, which we did on April 4. We are asking you to take a formal action that the Home Rule Charter requires. After this is adopted, we will ask the Records Department to post a notice, under the regulations, in the newspaper for 30 days. Any member of the public, who is affected by the regulations, could ask for a formal meeting. The new Zoning Code goes into effect on August 22. The new Zoning Code, which was approved by City Council and signed into law by the Mayor. There are 16 items in the table of contents. She is going to talk about 7 of them. Policy adopted by the Philadelphia City Planning Commission was put into regulations. Submissions requirements of Master Plans. The new requirements came about and the current IDD and CED are included under Civic Design Review (now in Code). The code sets forth the number of members, and the Mayor makes appointment per qualification. Design Review Guidelines - until the Mayor appoints the committee, the Philadelphia City Planning Commission will be assign that duty and come under those guidelines. Most comments we received were RCOs. There are 2 kinds of RCOs: 1) local RCOs both receive notices for meetings and can convene meetings; and 2) issue-based

RCO's receive notices but doesn't have representatives. How RCOs should tell the residents, etc about the meeting. RCO must have written rules. And we have added a conflict of interest clause. If there is no RCOs, the Councilperson would represent that area.

One other outstanding suggestion came from Chestnut Hill, that there be a third type of RCO; is that there be a convening group. We didn't add it. If The City Planning Commission chooses to adopt the regulations today, the Commission would submit to the Records Department to advertise in the newspaper for 30 days. If a meeting is requested, then we would have a meeting with a stenographer taking formal meeting notes. This system was set-up that developers meet with community groups. The Zoning Code also takes a number of steps to improve public notice.

Neil Sklaroff, Esq. stated the Bar Association Committee that has been reviewing the Zoning Code and hopefully we can be a part of. There are certain issues that we would be a part of. We don't see why we or anybody else would be subjected to a repeal, whether the regulations go into an accepted plan. They would like to have a public meeting. We would like to have a productive dialogue. He didn't see where the Law Department would have public comments.

Bonita Cummings replied she was in attendance at the meeting on March 6. She said where our freedom of speech and movement are being violated, then we are walking on a dangerous path. We really need to have more dialogue on what a regulated RCO is. Give us time to talk a lot at what the changes are.

Celeste from Chestnut Hill Community Association replied she wants to understand what the comments mean that were we put on the website. She wants to know about the number of meetings that developer would have with RCOs. And also to hear the process and make recommendations that would benefit everyone.

Larry McEwen, practicing architecture and co-chair Development Review Committee Chestnut Hill, replied in saying you won't add a third type of RCO, we have met with other groups and we can act as an umbrella for them. When we go to the ZBA, they ask 2 questions: "What does your Councilperson say?" and "Who do you represent?" If we do support what you recently say, the developer does know who they are talking with. In the case of the College, the Historical Society, the College agree that CHNA be the representative for the umbrella group. Their belief is that the 2 key principles are the developer and lightening the load of the ZBA.

Frank from Chestnut Hill Historical Society replied for the past 20 years, the process we have – has been successful. If you remove those, you will take the benefits away from us. We hope you don't throw the old and establish process out.

Brian McHale replied first he wanted to thank Eva and staff for all of their hard work. Why we establish RCOs is to have the developers take as a matter of right, no matter the size, meet with the community. RCO get a shot in the hat to set down, and have a discussion with the developer. This entire process was a delicate balance not to step on the toes of the neighborhoods.

Steve Huntington, CCRA, asked for the RCO meetings, has the attendance for voting been stricken.

Ms. Gladstein replied yes.

Mr. Huntington replied they must submit a narrative summary. It is not unusual for our meetings to last 45 minutes. How would you submit a narrative summary for the Norris Square testimony you had today? That would be a hard one. You must remember that we are volunteers. And would the ZBA really give thought to our narrative?

Joan Williams from West Philadelphia stated she was at our March meeting where Rick Redding and Andy Meloney gave information on this. Many people did not hear about this before that meeting. She thinks it is important to put on the record that they feel it is unnecessary to have RCOs. There are other groups out there that need to be told that this is going on, and they may not know that this is going on. The City is also a developer, and the Philadelphia City Planning Commission is part of that, but it looks like a conflict of interest. If there is not a RCO in the community, then the Councilperson would represent the community. We have seen earlier where the community and the Councilperson are not in agreement. We need to have more discussions before you adopt these regulations.

A woman asked us to postpone this vote. She wants a public hearing on RCOs. It is none of the Philadelphia City Planning Commission business how many times they meet, and how they run their business. If we choose to ignore your regulations, are you going to depose us? Are you going to disband our group? We are going to go to court.

Tiffany Green, from Point Breeze, said she doesn't support having a RCO policy. People should come to meetings as residents. RCO should not be developers, and should not handle meetings. Non-profits are suffering and are coming under hard times. What will happen if a developer comes to the ZBA and has 7 letters of support from RCO, and the residents are not supporting it? Who will the ZBA agree with? Why not have a group who goes to the zoning meeting register as RCO. Who is going to handle zoning meeting? Especially in Point Breeze. We don't feel this is going to be beneficial to the community.

Mr. Schelter submitted testimony (see "Exhibit 12A"). He said that at the meeting on April 4, they didn't address even a quarter of the issues that were on the agenda at the beginning of the meeting.

Greg Pastore, co-chair of Zoning Committee and past Zoning Code Commission member, replied you have the right to have the RCO. You have to ask who is identifying the RO. You have streamlined it so much that you cannot do it anymore. Part of the other half of the RCO meeting, your letterhead identifies who you are. The body of the letter is telling you what happened at the meeting. The only thing you cannot say is a one sentence stating "you opposed this item". That is not a descriptive narrative of what happened. You should have a list of the attendees. If they refuse to follow the standards, then next year, they should be decertified as a RCO. He has been doing this for the past 4 years. You cannot say that people have not known what has been going on.

Mr. Greenberger replied we could have no notice requirements for meetings. If we didn't notify that we are having a meeting, people wouldn't know about it. Does it give preferences to groups who are registered? Anyone can still go to our meetings and the ZBA to testify. We don't want to give preferences to anyone. He didn't hear anyone say that they don't want to have any more meetings. We need to move this ahead today because we know we are going to have another meeting.

Mr. Lee asked has the Law Department review this draft.

Ms. Gladstein replied the Law Department reviews each change of the draft.

Mr. Eiding replied a lot of the discussions came from the same community groups. If you have a sense of who is representing the community.

Ms. Ruiz replied it is tough. Most community groups come from the community and development comes from the community. She thinks it's a good idea.

Ms. Rogo Trainer replied it increases public participation.

Mr. Greenberger replied that is what we wanted it to do. We don't think it dampens public participation. We don't want them to stop development because there are 5 or more groups.

Upon motion by Mr. Eiding, seconded by Ms. Ruiz, the City Planning Commission adopted the City Planning Commission Regulations.

Mr. Greenberger adjourned the City Planning Commission Meeting of April 17, 2012 at 5:45pm.

SUMMARY

- 1) Approval of the Minutes of the March 20, 2012 meeting. Approved
- 2) Executive Director's Update.
- 3) *Information Only: Review of the Second Draft of Sign Controls Legislation for the New Zoning Code (Presented by Don Elliott, Clarion Associates).* Presented
- 4) Zoning Bill 120214: Remaps the area bounded by York, Front, Second, and Berks Streets from "R10" to "R10A" Residential (Introduced by Councilmember Sanchez on 3-15-12). Approved
- 5) Preliminary Plat: Subdivision of 3.2 acres for the construction of 32 single-family, semi-detached dwellings as the Kingsley Court Development (Presented by Brian Wenrich).
Approved the developer's recommendation
- 6) Redevelopment Agreement with Nicetown Court II Housing Partners, for a 50-unit rental housing development with ground floor commercial space at 4428-70 and 4413-51 Germantown Avenue, and 4428 Uber Street (Presented by Richard Redding) Approved
- 7) Amendment to the Point Breeze Urban Renewal Plan for a land-use change to permit the expansion of a funeral home.
Per request from RDA, this was removed from Agenda
- 8) Streets Bill 120178: Authorizes the striking of Tulpehocken Street from Ardleigh to Crittenden Streets for the construction of an outdoor track for the Green Tree Charter School (Introduced by Councilmember Bass on 3-8-12; Presented by Martine Decamp) Approved
- 9) Roadway modifications for the Children's Hospital medical campus (Presented by Martine Decamp):
 - a. Streets Bill 120211: Authorizing the striking and conveyance of portions of East Service Drive and Health Sciences Drive to accommodate underground oil vaults (Introduced by Councilmember Blackwell on 3-15-12). Approved
 - b. Streets Bill 120249: Authorizing various encroachments, including a canopy, underground tie-backs for a retaining wall, raised planters, bicycle racks, and bollards on Civic Center Boulevard and the street named above (Introduced by Councilmember Blackwell on 3-29-12). Approved
- 10) *Information Only: Townhouse development at 412 N. Front (Front and Willow Streets) requiring "Plan of Development" approval in the Central Delaware Riverfront Overlay District (Presented by Martin Gregorski).* Presented

PCPC Meeting
4-17-12

- 11) *Information Only: PCPC Bicycle and Pedestrian Plan (Presented by Debby Schaaf).* Presented
- 12) Adoption of City Planning Commission Regulations (Presented by Eva Gladstein) Adopted

Development Workshop, Inc.
Room 5170
51st Floor
1735 Market Street
Philadelphia, PA 19103-7599

EXHIBIT 12A

April 17, 2012

Via Hand Delivery

Mr. Gary J. Jastrzab, Executive Director
Philadelphia City Planning Commission
1515 Arch Street, 13th Floor
Philadelphia, PA 19102

Re: Proposed Planning Commission Regulations

Dear Gary:

The purpose of this letter is to formally transmit to the City Planning Commission issues raised by the Proposed Planning Commission Regulations that are a concern to the Development Workshop.

This is a compilation of the opinions of the Workshop expressed, in part, at the meeting held by PCPC staff on Wednesday, April 4. At that meeting, attended by some fifty concerned citizens, you heard major concerns on the part of those representing a multitude of interests on a multitude of issues. However, the meeting did not address even a quarter of the issues that were on the agenda at the beginning of the meeting.

In fact none of the issues raised by the Development Workshop were considered, including the following:

As a general comment, these proposed draft regulations are not warranted as regulations that are within the four corners of the Zoning Code and are clearly expansions of the scope of the Zoning Code as enacted by City Council. The Planning Commission may not usurp City Council's powers over zoning in Philadelphia. In any event, to add accepted plans to the regulations now is a direct contradiction to the process followed to enact the Zoning Code – a process which the drafters of the regulations now wish to make a ruse.

3.4. Conflict of Interest

Section 3.4.2. Conflict of interest and disclosure process. The regulations state “any person or entity submitting physical development projects to the Commission for approval . . . must, prior to any action by said Commission, submit a disclosure statement.” There are no limitations or thresholds established so one must assume that anyone coming to the Commission

or the staff for ministerial reviews and approvals must file a Conflict of interest disclosure. The regulations reference July 13, 1973 Conflict of Interest Regulations which had specific application and submission requirements. These are absent in the proposed regulations.

5.1. Adoption of the Comprehensive Plan. The comprehensive plan and other plans, specifically 5.2 the “acceptance” of other plans prepared by others, for which there is neither provisions in the Home Rule Charter nor the new Zoning Code approved by City Council and signed by the Mayor on December 22, 2011. This section is unnecessary and should be deleted because this section adds nothing by way of regulation to extensive provisions for the preparation and adoption of the Comprehensive Plan as contained in the Zoning Code or the provisions of the City Charter which makes the plan **non-binding** on the Mayor or City Council. In the City Charter language regarding the Comprehensive Plan (Physical Development Plan of the City), the actions of the Planning Commission are recommendatory as the actions on the Comprehensive Plan are transmitted to the mayor and the council to inform them.

5.2 Acceptance of Other Plans. The Charter gives the Commission the power to prepare, adopt and modify a plan (not adopt or accept plans done by others).

The concept of the Planning Commission “accepting” privately developed plans and being guided in any manner by an accepted plan was included in several drafts of the ZCC’s Zoning Code. From time to time, the provisions governing an accepted plan were revised and, presumably, discussed and considered thoroughly by the ZCC and its working group. Ultimately, the ZCC rejected the idea of providing for an accepted plan and decided to drop the concept from the Zoning Code. By including the Planning Commission in the Zoning Code, the ZCC made a decision to set forth the powers of the Planning Commission with regard to zoning matters. Here, the drafters are attempting to undo the work of the ZCC and create zoning legislation indirectly where they failed to do so directly.

The draft regulations mandate that an “accepted plan shall provide general policy guidance for the Commission” is mandatory, must be followed and is little different from an adopted plan. The regulation states that “the Commission shall not be obligated to implement the recommendations of the plan,” clearly implying that the Commission has an obligation to implement the adopted Comprehensive Plan and its amendments. This makes little sense, however, since the Commission, as recently explained by the Executive Director and Commission Chairperson, is not obligated to implement the adopted comprehensive plan. The regulations, therefore, fail to establish any distinction between accepted and adopted plans.

Section 6. Recommendations on Legislation. The draft regulations contain a number of provisions that transfer power given to the Planning Commission to the Executive Director. This may well be a codification of the existing structure and, more importantly, practice. However, by attempting the codify practice, the draft may well make distinctions and determinations that were not well considered.

Section 7. Preliminary and Final Plats of Subdivisions. The Charter gives the Commission the duty to “prepare **regulations** governing the subdivision of land and **submit them to the Mayor for transmission to Council.**” Under the present subdivision Code, the

Commission approves or disapproves plans of streets and revisions of such plans, and land subdivision plans, in accordance with the Philadelphia Code and the regulations of other Departments (Streets and Water) exercising their City Charter powers. There is very little discretion for the Commission under the present Subdivision Code. The proposed Preliminary Plat and Final Plat regulations have excessive submission conditions (7.2.2.3) and (7.2.3.2) including 16., 17., 18.

Section 8. Review of Master Plans. Review of Master Plans, specifically the authority and delegation to the Executive Director (8.1), Submission requirements (8.2) exceed the authority in the new Zoning Code

8.1. Authority and Delegation to the Executive Director. The regulations delegate to the Executive Director the authority to approve, on behalf of the Commission, minor amendments to the master plans in order to fulfill the Commission's duties pursuant to § 14-304(4) of the Zoning Code. Contrary to the Regulations, the Zoning Code requires a public hearing and action by the Commission. In particular, § 14-304(4) provides, in part,

Any minor amendment submitted for approval must contain the information required by the regulations of the Commission. If, after the public meeting, the Commission determines that the proposed amendment is a Minor Amendment, the Commission may approve the amendment, or approve its with modifications.

Major Amendments must go to City Council.

Query: Does the regulations allow the Executive Director to waiver the public hearing requirement. This may be good policy, but the provisions in the Zoning Code may leave an applicant with a project, the application for which did not receive public review, subject to an appeal.

8.2. Submission Requirements. The Zoning Code does not set forth the criteria for the approval of a new Master Plan. The Zoning Code implies that only City Council has to approve the Master Plan, except that submission shall contain information as required by the Commission's regulations. § 14-304(30(e).1)(c). The exact role of the Commission is unclear. The regulations' submission requirements for new Master Plan districts exceed the scope of the criteria listed in the Zoning Code. In particular, § 8.2.4. provides that "[t]he Executive Director may request additional materials as it deems necessary to guarantee that the proposed master Plan is consisted with the state purposes of the district."

9. Review of Zoning and Building Permit Applications

Section 9. What specifically are the "prerequisite approvals and recommendations" the Commission believes it has? The powers to approve zoning permit and building permit applications should be enumerated here so as not to be confused with actual permit approval authority.

Review of Zoning and Building Permit Applications, specifically authority and delegations to the executive director (9.1) and (9.2) submission requirements that should reside with the L&I plan examiner and (9.2.2) specific submission requirements that go beyond what is called for in the new Zoning Code.

9.1.1. The Executive Director is authorized to provide, on behalf of the Commission, prerequisite approvals and recommendations on zoning permits and building permits in order to fulfill the Commission's duties pursuant to the Zoning code.

With regard to as-of-right applications (and other applications that do not call for a "final action" or qualify for "prerequisite approvals" under the Zoning Code), to what does this provision apply. Does this carry any discretion?

In past practice, the Planning Commission staff performs certain ministerial duties -- does an application meet very specific criteria to which the answer is a clear yes or no. For instance, has the PWD issued a conceptual stormwater approval -- it has done so or not. This provision seems to imply that the Planning Commission, on its own, approves or recommends over-the-counter and as-of-right permits. The Zoning Code does not provide guidance in these instances and, therefore, the Planning Commission has no discretionary role in this portion of the permitting process.

9.2 Submission requirements. Submission requirements (page 16) enumerated on the next seven pages are not within the commissions powers to determine or require. Given the impact of these "minimum" requirements to significantly increase the cost of a permit application, they should be the subject of legislation, adopted after public hearings and assessment of the cost of preparing an application.

Site plans for the development activities provided in Subsection 9.1.1. of these Regulations, above, shall satisfy the requirements of Subsection 9.2.

This section seems to intrude on the role and functions of L&I's Zoning Unit by setting forth the requirements for plans that are to be evaluated by the Zoning Examiner. If the Planning Commission does not have discretionary approval rights, then the requirements should reflect what the Zoning Examiner needs to review the plans and should be left to the requirements of the Zoning Administrative Manual. Notwithstanding the above and except as state below, the requirements seem reasonable.

9.2.2 The Executive Director may require any of the following additional information to be provided on site plans, where applicable:

9.2.2.11 Written description or samples of building materials.

Clearly, the requirement for written description or samples as the zoning permit stage of an as-of-right application is overreaching and suggests a criteria not found in the Zoning Code. This serves as precedent for the incorporation of more requirements not Code driven into

the regulations. This is particularly troublesome as the addition of a regulation alone would likely not trigger the public scrutiny that either an ordinance or omnibus rule-making does.

Section 10. Civic Design Review including procedure, submission requirements and review guidelines

10.4 Procedure

10.4.1. The Executive Director shall review the application and determine its completeness pursuant to the submission requirements delineated in subsection 10.5, below.

This gives exclusive prerogative to the Executive Director to determine whether a submission meets the requirements, which are extraordinarily broad. Query: does the Executive Director has discretion to waive any submission and what are the criteria for establishing whether the submission is complete. Query: if an applicant refuses to made a submission, what is the result of the failure? A negative recommendation or a complete shutdown of the process. For instance, what if the Executive Director believes the “written summary of intended sustainable buildings” just isn’t good enough. Shouldn’t the applicant be given an opportunity to address that with the Committee?

10.5 Submission Requirements. (page 23 through 27) are over-reaching considering that they go beyond the requirements of the Zoning Code and involve, at the end of the process a recommendation to the applicant. Their impact upon the cost of preparing a submission needs to be evaluated

These are very detailed and extraordinarily broad. Use of words like “all elements,” “all sides,” “where relationship of outside spaces to inside spaces can be understood” are just not terms capable of enough precision to be appropriate for zoning regulations. If the regulations suggest and necessarily implicate criteria that are not set forth in the Zoning Code, then the regulations exceed the permissible scope of regulations.

10.6 Review Guidelines.

The Review Guidelines are, again, extensive, broad and detailed. Filled with a lot of “shoulds,” they provide little real guidance that could allow an applicant to prepare plans. In any event, they exceed the scope of the provisions of the Zoning Code. If the Zoning Commission had wanted to set forth these guidelines, then the Zoning Commission should have done so.

We would be pleased to meet for a continued and necessary dialogue on the above concerns.

Sincerely,


G. Craig Schelton
Executive Director

cc: Alan J. Greenberger, Chairman
Eva Gladstein, Deputy Executive Director
Members of the Planning Commission

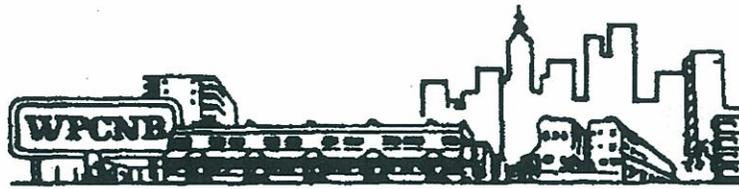


EXHIBIT 12 B

WEST PHILADELPHIA COALITION OF NEIGHBORHOODS AND BUSINESSES

Lee B. Tolbert
President and CEO

5070 Parkside Avenue, 4th Floor
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Philadelphia, PA 19131
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April 16, 2012

Alan Greenberger, Chairman
Philadelphia City Planning Commission
1515 Arch Street, 13th Floor
Philadelphia, PA 19102

Dear Mr. Greenberger:

I understand that the Philadelphia City Planning Commission will be meeting on April 17, 2012. Part of the agenda is the adoption of the Planning Commission's regulations, which include regulations for Registered Community Organizations (RCOs) under the new Zoning Code. We are writing to advise you that the West Philadelphia Coalition of Neighborhoods and Businesses (the Coalition) opposes the need for registration as an RCO and the accompanying criteria. We request that you reject that part of your regulations that require the registration of community-based organizations (CBOs). We see this as an effort to control CBOs, which is beyond the authority of the Planning Commission, City Council, and the city.

The Coalition represents over 125 CBOs, churches, businesses, and institutions. Our boundaries are from City Avenue to the airport and from the Schuylkill River to Cobbs Creek Parkway. Many of our member CBOs are small grassroots organizations that have been representing their communities for years on a variety of issues, including zoning and development issues. Under the new Zoning Code, RCOs must meet strict eligibility criteria to participate fully in development activities planned for their communities. These criteria include, but are not limited to:

- regularly scheduled meetings that are open to the public,
- public announcement of these meetings,
- an executive committee or board chosen through open elections,
- governing documents, such as bylaws or articles of incorporation, that establish the mission or operation of the organization, and
- rules that establish the geographic boundaries of the organization.

These criteria assume a level of sophistication that many grassroots organizations might not have. In addition, many organizations do not have the resources to comply. Therefore, my first question is, are you going to fund these organizations to meet all of these requirements. If not, these requirements should be withdrawn.

We do not believe that registration as an RCO is necessary. For decades, community members have seen the need to take action on issues affecting them and have done so. The need for action is usually urgent because many times, organizations are not notified until the last minute, if at all, that their community has been targeted for some form of development. Many have not stopped to elect a board, develop bylaws, or predetermine the geographic boundaries of their collective action. Are you trying to eliminate these voices?

These requirements also appear to create a conflict of interest. In some cases, the city, and not a private developer, may be proposing development that the community opposes. It is, therefore, inappropriate for the city to establish the criteria for who can become an RCO. This gives the appearance that the city is deciding who gives feedback on city development or on private development that the city supports.

Pennsylvania's Sunshine Act (65 C.S.A) addresses the public's rights regarding meetings convened by public agencies. Section 702(b) states that it is the public policy of the Commonwealth of Pennsylvania to insure the right of its citizens to have notice of and to attend all meetings of agencies at which any agency business is discussed or acted upon, pursuant to the Act. Section 710.1(a) requires these agencies to give residents a reasonable opportunity to comment on matters of concern, official actions, or deliberations that are or may be before them prior to taking official action. It is, therefore, unnecessary for the city to establish a process for participation when a process already exists under state law.

Information distributed by e-mail by the Planning Commission on April 13 cites benefits to becoming an RCO. RCOs will be notified of zoning hearings and Civic Design Review meetings for projects within their boundaries. Section 709(a) of the Sunshine Act requires agencies to give public notice of its meetings, and specifies the timing and types of notice. Notices restricted to RCOs would violate this requirement.

The April 13 e-mail also states that developers must meet with RCOs before seeking approval from the Zoning Board of Adjustment (ZBA) or going to Civic Design Review, that a member of the RCO will sit on the Civic Design Review Committee for projects within the RCO's boundaries, and that the RCO will be listed on a public website. It is unclear to me why these same benefits cannot be given to existing CBOs without the need for them to be registered as an RCO. Regarding meeting with developers, we are concerned with who gets to meet with them, as this affects not only what is built in our community, but also who the contractor is, minority and female hiring, etc. In addition, if what is built has HUD dollars attached, then other considerations come into play, such as Section 3 of the HUD regulations, which requires contractors to hire residents of public housing and subcontract with companies that hire residents of public housing. Therefore, organizations that get to meet with developers should not be restricted to city-approved groups, but should include the broadest number of organizations possible.

At the Planning Commission's Stakeholder Exchange on April 4, we were told that these criteria are law because they are in the Zoning Code passed by City Council and that the Planning Commission is charged with developing the process for implementation. We cannot believe that City Council would approve a law that would limit the full participation of community

Page 3 – Alan Greenberger

organizations unless they met some requirement set by the Planning Commission. However, by copy of this letter, we are informing City Council of our objections to the need for registration as an RCO.

Grassroots organizations are the voice of the community and any attempt to compromise their independence is unacceptable. CBOs have always acted autonomously and their autonomy should not be compromised or limited based on whether the city recognizes or approves them. These criteria are similar to the criteria imposed on organizations who, in the past, wanted to become NACs. As in those cases, community groups who represented their communities but could not meet the criteria imposed by the city were limited in their participation, thereby allowing the city to control who had input. It is unclear what weight the Planning Commission or the Zoning Board of Adjustment would give to CBOs who participate in this process but are not RCOs. I believe that the RCO would have the advantage. Otherwise, why register?

I hope that the Planning Commission will respond favorably to this request. Please feel free to contact me at the above telephone number or by e-mail at wpcnbjw@aol.com.

Sincerely,


Lee B. Tolbert

cc: Richard Redding, Director of Community Planning, PCPC
Members, Philadelphia City Council
Mayor Michael Nutter
News Media

Sam Robertson Little

2400 Chestnut St. • Philadelphia, PA 19103 • Tel 215-561-2644 • Fax 215-561-0501 • samrlittle@gmail.com

April 16, 2012

Ms. Eva Gladstein
Philadelphia City Planning Commission
One Parkway, 13th Floor
1515 Arch Street
Philadelphia, PA 19103

Dear Eva,

In review of the proposed Planning Commission regulations relating to the Civic Design Review (CDR) and Registered Community Organizations (RCO), I would offer the following comments:

1) One key impact category is not included in the Submission Requirements for zoning and building permit applications (10.5).

While the zoning code specifies (§14-304 (5) (f) that "design review shall focus on the impact of building and site design on the public realm, particularly streets, sidewalks,..." there is no mention of traffic impacts. In reality, this is likely to be one of the most problematic areas, either with additional volumes of traffic on the local street/transportation network or with the portal configurations in the site design. The Planning Commission regulations should add:

"10.5.1.11 A written statement of traffic/transportation impact, supported by technical analysis, as appropriate."

2) an RCO should not be expected or encouraged to take votes (see 12.4.3.5.1).

This will lead to overly simplistic reports on community sentiments to the CDR team and, correspondingly, to majority rule decisions rather than more nuanced, but better decisions by the CDR team. Irrespective of its organizational set up, the RCO's primary responsibility should be to report faithfully the range of views and concerns--otherwise the CDR is likely to be compromised in making decisions that work--and have buy-in.

This primary representational responsibility is for a practical reason rather than a legal/liability one.

As an advisory-only process, CDR's will depend upon the quality, workability and credibility of the decisions made--a growing legacy of case studies on how to integrate developer and community values. If decision maker's don't have the full meaningful information to work with, particularly of minority oppositions and why, CDR's are likely to perpetuate or even aggravate community controversies. As far as I can tell, RCO's (or other designated organizations) who are willing to take on this primary responsibility for representation are the best way to promote effective decisions. Furthermore, the RCO's own credibility will also depend on how well they do this.