EXECUTIVE ORDER NO. 3-16

OFFICE OF PLANNING AND DEVELOPMENT AND ASSOCIATED OFFICES, BOARDS AND COMMISSIONS

WHEREAS, by approval of the voters at the election held on November 3, 2015, the Philadelphia Home Rule Charter was amended to create a Department of Planning and Development and to make a number of associated changes (*see* Bill No. 140721 (approved June 16, 2015); Resolution No. 140732-A (adopted June 11, 2015));

WHEREAS, as provided in those amendments, the amendments become effective on July 1, 2017;

WHEREAS, it will be beneficial to the City to incorporate the substance of those changes into the structure of the new Mayoral Administration at its outset;

NOW, THEREFORE, I, JAMES F. KENNEY, by the powers vested in me by the Philadelphia Home Rule Charter as Mayor of the City of Philadelphia, do hereby **ORDER** as follows:

SECTION 1. Office of Planning and Development

(1) The Office of Planning and Development is hereby created within the Office of the Mayor, headed by the Director of Planning and Development ("the Director of P&D"), who shall report directly to the Mayor and shall be a member of the Mayor's Cabinet.

(2) The Office shall contain the following three Divisions: the Division of Housing and Community Development; the Division of Development Services; and the Division of Planning and Zoning. The Divisions shall perform the functions set forth with respect to each Division in Council Resolution No. 140732-A, a copy of which is appended hereto.

(3) The current employees of the Office of Housing and Community Development ("OHCD") shall be transferred to the Office of Planning and Development and shall constitute the Division of Housing and Community Development.

(4) The current employees of the Department of Commerce who perform the functions of the Division of Development Services shall be transferred to the Office of Planning and Development and shall constitute the Division of Development Services. The Commerce Director shall enter into a Memorandum of Understanding ("MOU") with the Mayor, detailing which employees are subject to this transfer, and pursuant to which the Mayor, through the Director of P&D, will assume responsibility for supervision of such employees.

SECTION 2. Associated Boards and Commissions

(1) The Housing Advisory Board is hereby created and shall have the composition and duties as set forth in Council Resolution No. 140732-A.

(2) The number and composition of appointments to the City Planning Commission and the Philadelphia Historical Commission shall remain as presently provided for by law.

SECTION 3. Effective Date and Sunset Provision

(1) This Executive Order shall be effective immediately.

(2) This Executive Order shall expire on June 30, 2017.

1/4/16
Date

James F. Kenney, Mayor

MEMORANDUM OF UNDERSTANDING

Between the Commerce Director and the Mayor regarding the coordination of the work of the Division of Development Services.

This Memorandum of Understanding ("MOU") is made as of the 4th day of January, 2016, by and between the Commerce Director and the Mayor.

In consideration of the specialized experience, education and expertise of the members of the executive branch of city government and to effectively promote the cross-departmental and inter-agency cooperation needed for the effective function of city government and in order that Section 8-401 of the Philadelphia Home Rule Charter ("Charter") is properly complied with, the Commerce Director and the Mayor agree to the following:

1. Day to day supervision of Division of Development Services is hereby assigned to the Director of Planning and Development.

2. This Memorandum of Understanding is effective immediately.

Harold T. Epps,
Director of Commerce

James F. Kenney,
Mayor

City of Philadelphia

Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 140732-A)

RESOLUTION

Proposing an amendment to The Philadelphia Home Rule Charter relating to the creation of a new Department of Planning and Development, headed by a Cabinet-level Director, to oversee the City's planning, zoning, licensing, inspection, enforcement, and housing functions; continuing the existence of the City Planning Commission, Philadelphia Historical Commission, Zoning Board of Adjustment, Board of Building Standards, and Board of License and Inspection Review as boards or commissions in such new Department, with certain changes to the powers and duties of such boards and commissions; creating a new Intergovernmental Housing Commission in such new Department; and conforming other provisions of the Charter to such reorganization; and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to The Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; and

WHEREAS, Council believes that The Philadelphia Home Rule Charter should be amended to create a new Department of Planning and Development, headed by a Cabinet-level Director, to oversee the City's development coordination, planning, zoning recommendation, and housing functions; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendments to The Philadelphia Home Rule Charter are hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

SECTION 1.

~~Strikethrough~~ indicates matter deleted from the Charter by these amendments.
Bold italics indicates matter added to the Charter by these amendments.

ARTICLE III
EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

CHAPTER 1
OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

§3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated.

The executive and administrative work of the City shall be performed by:

* * *

(d) The following departments which are hereby created:

* * *

Department of Planning and Development;

* * *

(e) The following independent boards and commissions, which, except for the Board of Trustees of the Free Library of Philadelphia, are hereby created:

~~City Planning Commission;~~

* * *

(f) The following departmental boards and commissions, which are either created or placed, as the case may be, in the respective departments, as follows:

* * *

In the Department of Public Property:
Gas Commission~~;~~.
~~Art Commission~~.

In the Department of Licenses and Inspections:

~~Zoning Board of Adjustment;~~
Board of Building Standards;
Board of License and Inspection Review.

* * *

In the Department of Planning and Development:

City Planning Commission;
Historical Commission;
Art Commission;
Zoning Board of Adjustment;
Housing Advisory Board.

* * *

§3-101. Department Heads.

Each department shall have as its head an officer who either personally or by deputy or by a duly authorized agent or employee of the department, and subject at all times to the provisions of this charter, shall exercise the powers and perform the duties vested in and imposed upon the department.

The following officers shall be the heads of the departments following their respective titles:

* * *

Director of Planning and Development, of the Department of Planning and Development;

* * *

§ 3-102. The Mayor's Cabinet.

The Mayor's Cabinet shall consist of the Mayor, the Managing Director, the Director of Finance, the City Solicitor, ***the Director of Planning and Development,*** the Director of Commerce and the City Representative.

* * *

CHAPTER 2
ELECTION OR APPOINTMENT

* * *

§ 3-204. Managing Director, Director of Finance, ***Director of Planning and Development,*** Director of Commerce and City Representative.

The Mayor shall appoint the Managing Director, the Director of Finance, ***the Director of Planning and Development,*** the Director of Commerce and the City Representative. The Director of Finance shall be appointed from among three persons whose names are submitted to the Mayor by the Finance Panel.

* * *

CHAPTER 6
COMPENSATION

§ 3-600. The Mayor and Other Officers.

Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

* * *

Director of Planning and Development, $150,000.

* * *

CHAPTER 8
INDEPENDENT BOARDS AND COMMISSIONS

§3-800. ~~City Planning Commission.~~ ***Reserved.***

~~The City Planning Commission shall be composed of six appointed members and the Managing Director, the Director of Finance and the Director of Commerce. Of the appointed members, at least five shall be persons who hold no other public office, position or employment of profit, one shall be an architect, one shall be an urban planner, one shall be a traffic engineer, one shall be an attorney experienced in land use issues, and two shall be representatives of Philadelphia community groups that participate in land use issues.~~

* * *

CHAPTER 9
DEPARTMENTAL BOARDS AND COMMISSIONS

* * *

§3-908. ~~Reserved.~~ ***City Planning Commission.***

The City Planning Commission shall be composed of seven appointed members and the Managing Director, the Director of Finance, the Director of Commerce and the Director of Planning and Development. None of the appointed members shall hold another public office or position of profit. Of the appointed members, one shall be an architect, one shall be an urban planner, one shall be a traffic engineer, one shall be an attorney experienced in land use issues, two shall be representatives of Philadelphia community groups that participate in land use issues, and one other shall meet any one of the above qualifications.

* * *

§ 3-911. Zoning Board of Adjustment.

The Zoning Board of Adjustment shall be composed of five appointed members. The ~~Commissioner of Licenses and Inspections~~ ***Director of Planning and Development*** shall be an alternate member who may replace any absent or disqualified appointed member.

* * *

§3-918. Historical Commission.

The Historical Commission shall be composed of seven appointed members, and the Council President or his or her designee, the Director of Commerce, the Commissioner of Public Property, the Commissioner of Licenses and Inspections, the Chair of the City Planning Commission or his or her designee, and the Director of Planning and Development. Each appointed member shall be learned in the historic traditions of the City and interested in the preservation of the historic character of the City and the appointed members shall include one of each of the following: an architect experienced in the field of historic preservation; a historian; an architectural historian; a real estate developer; a representative of a community development corporation; and a representative of a community organization.

§3-919. Housing Advisory Board.

The Housing Advisory Board shall be composed of five appointed members and the designees of the following: the Council President, the Chair of the Council Committee with responsibility for housing and related matters, the Director of Commerce, the Director of Planning and Development, the Philadelphia Housing Authority, the Philadelphia Redevelopment Authority, and the Philadelphia Housing Development Corporation. The appointed members shall include one representative from each of the following: the not-for-profit housing development sector, the for-profit housing development sector, the real estate brokerage sector, the mortgage lending sector, and a city-wide affordable housing advocacy organization.

* * *

ARTICLE IV
EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES
The Mayor, The City Representative and Departments, Boards, Commissions and Offices under the Mayor

* * *

CHAPTER 6
~~CITY PLANNING COMMISSION~~

DEPARTMENT OF PLANNING AND DEVELOPMENT AND ITS DEPARTMENTAL BOARDS

§4-600. General Provisions.

(a) The Department of Planning and Development shall include the following divisions:

(1) Division of Development Services;

(2) Division of Planning and Zoning; and

(3) Division of Housing and Community Development.

§4-601. Division of Development Services.

(a) The Division of Development Services shall have the power and its duty shall be to perform the following functions:

(1) Coordinate work among offices, departments, boards and commissions with respect to development projects in order to facilitate timely compliance with legal requirements and the provision of merited approvals.

(2) Coordinate with non-City governmental and government-related entities to promote cooperation with City agencies regarding review of, and support for, development projects.

(3) Establish procedures for consideration and review of development projects by City and non-City agencies to reduce burdens on proponents

of development projects while ensuring compliance with legal requirements and prompt consideration regarding necessary approvals.

(4) Coordinate interaction with the relevant community group(s) and stakeholders as needed, including establishing a point of contact for citizens to use concerning projects with respect to which the Division is providing coordination services.

(b) All City offices, departments, boards, and commissions shall work cooperatively with the Division in order to achieve the ends of this Section 4-601.

(c) Nothing in this Section shall relieve a department or agency, or an officer or employee of a department or agency, of its or his or her duty to carry out its or his or her responsibilities and duties in compliance with the law.

§4-602. Division of Planning and Zoning. The Division shall have the power and its duty shall be to administer the operations of, and support, including by making recommendations to: the City Planning Commission regarding the Commission's functions set forth in Section 4-604; the Philadelphia Historical Commission; the Art Commission; and the Zoning Board of Adjustment.

§4-603. Division of Housing and Community Development. The Division shall have the power and its duty shall be as follows:

(a) Policies and Program. The Division shall be responsible for the development of housing and community development policies and programs, and for making recommendations concerning such policies and programs.

(b) Strategic Housing Plan. The Division shall be responsible for the regular development of a multi-year strategic housing plan for the City that includes recommendations for maintaining and increasing affordable housing, workforce housing and market-rate housing. The Division shall consult with and seek advice from the Housing Advisory Board in its preparation of such plans. It shall deliver such plans and recommendations to the Mayor, the Council and non-City housing agencies serving the City.

(c) Grant applications. The Division shall prepare all documents and take all other actions necessary to enable the City to receive any available public and private funds dedicated to housing and community development programs and activities.

(d) Program administration. The Division shall administer all City housing and community development programs and activities, and shall oversee the expenditure of all public and private funds received by or appropriated by the City for such programs and activities.

(e) The Housing Advisory Board. The Division shall convene and provide administrative support to the Housing Advisory Board.

(f) Coordination with other Agencies. The Division shall convene representatives of non-City public agencies involved in housing and community development activities, including the Philadelphia Housing Authority, the Philadelphia Redevelopment Authority, the Philadelphia Housing Development Corporation and the Philadelphia Land Bank in order to facilitate coordination among the City and such agencies.

~~§4-600.~~ ***§ 4-604. City Planning Commission.***

(a) Physical Development Plan of the City. * * *

~~§4-601.~~

(b) Proposed Zoning Ordinances, Maps and Amendments. * * *

~~§4-602.~~

(c) Capital Program and Budget. * * *

~~§4-603.~~

(d) Streets and Land Subdivision. * * *

~~§4-604.~~

(e) Recommendations to Council. * * *

§4-605. Historical Commission.

(a) Historic Designation. The Historical Commission shall designate as historic those buildings, structures, sites, objects, and spaces, whether interior or exterior (collectively, for purposes of this section, "historic buildings") that the Commission determines are significant to the City, and shall delineate the boundaries

of and designate as historic those City districts it determines are significant to the City, all pursuant to criteria and procedures set forth by the Council by ordinance.

(b) Restrictions Regarding Historic Buildings. The Commission shall have such powers with respect to review of applications for building permits to alter or demolish historic buildings and to construct buildings, structures, or objects within historic districts, and with respect to any other matters concerning the historical heritage of the physical composition of the City, as may be established by the Council by ordinance.

(c) Inventory. The Commission shall prepare and maintain a comprehensive inventory of historic buildings and districts.

(d) Recommendations. The Commission shall make recommendations concerning the use of grants, gifts, and budgetary appropriations to promote the preservation of buildings, structures, site, objects, spaces and districts of historic importance to the City.

(e) Education. The Commission shall take steps to increase public awareness of the value of architectural, cultural, and historic preservation.

* * *

§4-608. Housing Advisory Board. The Board shall provide advice and recommendations to the Division of Housing and Community Development regarding how best to maintain and increase the availability of affordable, workforce and market-rate housing. It shall provide advice to the Division regarding the Division's preparation of multi-year strategic housing plans.

* * *

§ A-200. Schedule.

* * *

(10) Creation of the Department of Planning and Development and related amendments.

(a) The amendment creating a new Department of Planning and Development and making certain related changes to other City agencies (the "DPD Amendment") shall take effect July 1, 2017.

(b) The DPD Amendment shall not be construed to have abolished and re-constituted the City Planning Commission, the Zoning Board of Adjustment, the Art

Commission or the Historical Commission (as referenced in Section 14-1003 of The Philadelphia Code), but only to have continued the existence of those agencies as departmental boards or commissions placed within the Department of Planning and Development as of the effective date of the DPD Amendment. All proceedings pending before those agencies when the DPD Amendment takes effect shall continue and remain in full force and effect, notwithstanding the passage of the DPD Amendment.

(c) A City employee serving, as of June 1, 2015, in a position in the Office of the Mayor exempt from civil service dedicated to housing development or related activities may, within six months after the effective date of the DPD amendment, be transferred by the Director of Planning and Development, with the consent of the Mayor, to a civil service position in the Division of Housing and Community Development of the Department of Planning and Development approved by the Civil Service Commission and may be continued in such position, without the need for such employee to take an examination prescribed by the Personnel Director and approved by the Civil Service Commission. Nothing herein shall preclude the reclassification or reallocation as provided by civil service regulations of any position held by any such employee.

SECTION 2. The text of the following sections of the Home Rule Charter are maintained in their entirety, but renumbered and relocated in the Charter, and accompanying technical changes are made, as follows:

a. Section 5-903 ("Art Commission") is renumbered and designated as "§4-606. Art Commission." The new Section 4-606 shall be relocated to Title 4, Chapter 6.

b. Section 5-1006 ("Zoning Board of Adjustment") is renumbered and designated as "§4-607. Zoning Board of Adjustment." The new Section 4-607 shall be relocated to Title 4, Chapter 6.

c. After the numbering "§5-903" in Title 5, Chapter 9, the words "Art Commission" are deleted and replaced by the word "Reserved."

d. After the numbering "§5-1006" in Title 5, Chapter 10, the words "Zoning Board of Adjustment" are deleted and replaced by the word "Reserved."

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the eleventh day of June, 2015.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Jones for Council President Clarke

Sponsored by: Councilmember Jones and Council President Clarke