



**FISHTOWN NEIGHBORS ASSOCIATION**

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December 11<sup>th</sup>, 2012

Honorable Darrell L. Clarke  
Council President, District 5  
City Hall, Room 494  
Philadelphia, PA 19107-3290

Honorable Mark Squilla  
Councilman, District 1  
City Hall, Room 332  
Philadelphia, PA 19107-3290

Dear Council President Clarke and Councilman Squilla:

We are writing in regards to Philadelphia City Council Bills #120916 and #120917 that propose to modify the use restrictions and other regulations of zone categories CMX-2 and CMX-2.5. We find that the proposed changes will restrict high-quality, urban uses in our primary urban commercial zones and will add needless complications to the neighborhood planning and mapping process. The Fishtown Neighbors Association **opposes these bills** and believes that they should be rejected unless significantly amended.

Our concerns with Bills #120916 and #120917 include:

- **Restricting good urban commercial uses in CMX-2:** The primary change proposed would restrict several current uses in CMX-2, including very common and appreciated uses like veterinarians, prepared food stores, transit stations, artist studios, and community gardens. The proposed use restrictions are excessive and remove uses that are typical of strong urban commercial corridors. This would require neighborhoods to address many more variances for developments that are today welcomed eagerly. The current allowed uses were identified during the four-year, open and comprehensive development of the new zoning code; they should not be rolled back so quickly.
- **Eliminating the height bonus in CMX-2.5:** The bills also reduce the height limit in CMX-2.5 from 55 feet to 38 feet. This reduction removes the purpose of CMX-2.5: to allow neighborhoods to map in additional height on large commercial streets. Most neighborhoods have not even had an opportunity to consider the use of CMX-2.5 at this early stage, and the zone should be maintained until its use can be considered and tested. Some neighborhoods (like Castor Ave in the Lower Northeast) that are already involved in the District Planning and re-mapping process are looking to implement the extra density of CMX-2.5, and this community process should be allowed to go forward.
- **Adding extra hurdles to traditional urban commercial development:** Finally, the bills seek to create a new CMX-2.2 district maintaining the current uses of CMX-2. Although this measure could serve as an effective compromise if the full bills are implemented, it is a poor replacement for the strong urban definitions developed under

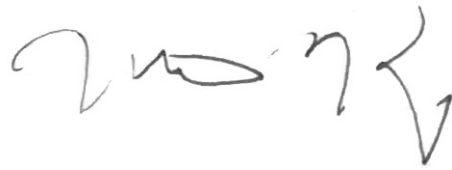
the new code. Forcing neighborhoods to re-map and re-institute the current CMX-2 definitions puts the burden on those who desire dense, active commercial corridors to go through an extra process only to legalize what currently exists. If the current uses under CMX-2 are not desired by some communities, the onus should be on those neighborhoods to down-zones their areas to a more restrictive definition like CMX-1. The zoning code and zoning map should default towards being less restrictive and allowing more growth following historic urban patterns.

We urge you to reconsider this bill and the restricting effects it will have on local urban commercial growth in our neighborhoods. We found the amendments offered on previous bills changing the zoning code to be fair and well thought out compromises, and we hope that a similar consensus can be found regarding these changes to our neighborhood commercial zones. Thank you for your time and consideration.

Sincerely,



Jill Betters  
President  
Fishtown Neighbors Association



Matt Karp  
Chairman, Zoning Committee  
Fishtown Neighbors Association

CC:

Mayor Michael Nutter  
Councilman Kenyatta Johnson  
Councilwoman Jannie Blackwell  
Councilman Curtis Jones, Jr.  
Councilman Bobby Henon  
Councilwoman Maria Quinones-Sanchez  
Councilwoman Cindy Bass  
Councilwoman Marian Tasco  
Councilman Brian O'Neill  
Councilman Wilson Goode, Jr.  
Councilman William Greenlee  
Councilman Bill Green  
Councilman Dennis O'Brien  
Councilman James Kenney  
Councilwoman Blondell Reynolds Brown  
Councilman David Oh  
Philadelphia City Planning Commission  
East Kensington Neighbors Association  
Olde Richmond Civic Association