

**RESPONSE OF CROSSTOWN
COALITION TO CONSOLIDATED
DRAFT WITHOUT ANALYSIS OF
ADMINISTRATIVE MANUAL,
FINAL SKYPLANE REGULATIONS,
PROMISED SIGN REGULATIONS
AND FINAL 31 PAGES OF
CHAPTER 200**

Coalition Members

Center City Residents Association • East Falls Community Council • Logan Square Neighborhood Association • Northern Liberties Neighbors Association • Old City Civic Association • Overbrook Farms Club • Queen Village Neighborhood Association • Society Hill Civic Association • South Broad Street Neighborhood Association • South of South Neighborhood Association • SCRUB – The Public Voice for Public Space

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Chapter 14-200 Administration & Procedure

HIGHLIGHTS OF FIRST FORTY PAGES OF CHAPTER 14-200 ADMINISTRATION AND PROCEDURES –SEE APPENDIX A FOR ALL COMMENTS

P. 2-40, Section 14-201: Civic Design Review (6) (a) (.1), and Table 14-204-2: Civic design Review Triggers

Civic Design Review Triggers, as detailed in Table 14-204-2, are set too high for most districts. The particular character of most neighborhoods would be challenged by the broad-stroke standards proposed. For example, for a CMX-3 District, a project may include 100,000sf of developed area and / or 100 newly constructed or building conversion residential units could be added directly adjacent to existing buildings that host, on average, 3-6 residential units per building above ground-floor retail or commercial spaces, and those 100 units may be built without the benefit of review.

The standards of Table 14-204-2, whether applied to R Districts or C Districts, do not include appropriately modest thresholds to protect either the character of Philadelphia neighborhoods nor provide appropriate opportunity to consider how the pressures that such disproportionately large-scale development will weigh on the host community.

Proposed Solution: [Adjust all Civic design Review Triggers downward to better promote contextual development that respects the character of the host community. Incorporate a second Table dedicated to small-scale design review triggers.](#)

P. 2-7, Section 14-201: Civic Design Review Committee (7) (a)

The Design review Committee would benefit from one member with historic preservation credentials, given the scope and breadth of the Philadelphia’s historic assets incorporated within the built environment. That preservationist could be an additional Design Review Committee member, or one of the two architects described in the Committee composition. **(See page 9 of Appendix A for details)**

Proposed Solution: [Add a historic preservationist to the composition of the Design Review Committee. \(See page 9 of Appendix A for details\)](#)

P. 2-7, Section 14-201: Civic Design Review Committee (7) (a)

The definition of who can be the permanent member of the Civic Design Review Committee, participating on behalf of neighborhoods, should clearly specify that the representative should be a currently active zoning committee member of a Registered Community Organization. **(See page 9 of Appendix A for details)**

Proposed Solution: [Adjust definition of this section to include a requirement that the permanent member of the Civic Design Review Committee, participating on behalf of neighborhoods, must be a currently active zoning committee member of a Registered Community Organization. \(See page 9 of Appendix A for details\)](#)

P. 2-13, Section 14-203 (1) (b): Neighborhood Meetings, (b) Applications Where Notice is to be Provided

We believe that Registered Community organization notice should occur from all malt beverage license applications, plan of development amendment, zoning map amendments, and Code interpretations. **(See page 13-14 of Appendix A for details)**

Proposed Solution: [Amend the list of Applications where Notice is to be Provided at Section 14-203-1 \(b\) to include Malt Beverage License Applications, Zoning Map Amendments, and Code Interpretations.](#) **(See page 13-14 of Appendix A for details)**

P. 2-13, Section 14-203 (1) (c): Neighborhood Meetings, (c) Community Review Meeting

The Consolidated Draft provides that community meetings are to occur within 21 days' notice from an applicant. However, community organizations typically run on monthly schedules, so the proposed 21- day timetable does not fit the meeting schedule of most community organizations. **(See page 15 of Appendix A for details)**

Proposed Solution: [Adjust the proposed community meeting timetable from 21 days to 45 days.](#) **(See page 15 of Appendix A for details)**

P. 2-18, Section 14-203 (6) (b) (.4) (a): Public Notice, Sign Notice

This section addresses reposting procedure, when reposting is required for any reason. In addition to these proposed regulations, the applicant should also be required to deliver written notice of the reposting, including the rescheduled hearing date, to the Registered Community Organization. **(See page 20 of Appendix A for details)**

Proposed Solution: [Amend this section to include a requirement of the applicant to notify the Registered Community Organization of the reposting of the property and the rescheduled hearing date.](#) **(See page 20 of Appendix A for details)**

P. 2-20, Section 14-203 (7): Public Hearings

ZBA hearings, and other public hearings, involving Registered Community Organizations are normally scheduled at times of the day, i.e., during normal, work-day hours, that are inconvenient for most neighborhood volunteers who constitute community organizations, to attend and participate in those hearings. **(See page 22 of Appendix A for details)**

Proposed Solution: [Include regulations within this section that provide that all ZBA hearings, and other public hearings relative to zoning matters that involve Registered Community Organizations, to be scheduled after 5:00 PM.](#) **(See page 22 of Appendix A for details)**

P. 2-21, Section 14-203 (7) (o): Public Hearings

The current draft specifies, "all decisions of the ZBA shall be in writing, shall state the reason(s) for the decision,". The Code should make clear what formalities will be required in these decisions. **(See page 24 of Appendix A for details)**

Proposed Solution: Amend this section to itemize all formalities to be included in all ZBA written decisions. Such written decisions need not contain findings of fact or conclusions of law, but must cite the sections of the Code applied, and contain a narrative summary explanation as to how the applicable Code section(s) informed and guided the decision of the Board. (See page 23 of Appendix A for details)

P. 2-21, Section 14-203 (8): General Decision-Making Criteria

This provision seems to authorize decision makers to permit uses and structures which are not specifically permitted by the Code so that the provision could lead to results that are unforeseeable. **(See page 24 of Appendix A for details)**

Proposed Solution: Delete this section. (See page 24 of Appendix A for details)

P. 2-22, Section 14-203 (9) (b): L&I

This section permits L&I to impose conditions on permits raising our concern that L&I employees would be authorized to improvise their own conditions which might vary substantially from the provisions of the Code. **(See page 24 of Appendix A for details)**

Proposed Solution: Delete this section. (See page 24 of Appendix A for details)

P. 2-24 – 2-26, Section 2-203 (13) (a) (.3): Appeals, Appeals to the Zoning Board of Adjustment

The new Code draft has eliminated the detailed provisions of current Code section 14-1807 which provides a checklist for perfecting appeals. The elimination of the "reasonable time" provision relating to appeals from L&I does not account for the fact that citizens and community organizations are often unaware of L&I decisions, and therefore do not know when the appeal clock is running. **(See page 26 of Appendix A for details)**

Proposed Solution: Insert the detailed provisions of the current Code Section 14-1807. (See page 29 of Appendix A for details)

Chapter 14-400 Overlay Zoning Districts

P. 4-42 – 4-46, Section: 14-404, Neighborhood Conservation Overlay District

Footnote 264 – p. 4-42, indicates that for future NCD's, certificates of compliance will no longer be required. Our understanding is that review for compliance, instead of with the City Planning Commission as it currently stands, will be with the L&I Plan Examiner who is reviewing the drawings for compliance with the Zoning Code. It is also our understanding that the Plan Examiner will be undergoing intensive training to assure competency regarding all aspects of the new code and, we assume, this training covers the NCD guidelines. Our concern is that the guidelines, being somewhat subjective, will be interpreted differently by each Examiner.

Proposed Solution: [We would like to see a dedicated Plan Examiner for each of the NCD's, as they are created, so that there is a familiarity with the particular district and a consistency with regard to the decisions rendered.](#)

P. 4-10 - 4-11, Section: 14-402: /CTR Center city Overlay (3) Height Regulations

As currently written, minimum and maximum heights prescribed for Walnut Street, Locust Street and Spruce Street would destroy rather than preserve the character of the various neighborhoods in the river to river corridor indicated on the map on p.4-8. In addition, the Draft calls for "unlimited height" along the south side of Spruce Street.

Proposed Solution: [Limit the overlay to apply only to properties designated CMX-4 or CMX-5. Delete reference to "unlimited height" in 14-402 \(3\) \(n\) "Spruce Street".](#)

P. 4-14, Section 14-402 (5) (a) (.2): Sky Plane Bulk Controls

While sky-planing appears be a good tool to assure a sense of spacial openness in developing a building's form, it still might fall short of the mark, especially when applied to sites that back onto residential or less intense commercial districts. While improving the aspect on one street, it might simultaneously close in the street running parallel behind the subject property or create other negative physical impacts.

Proposed Solution: [Do not make sky-plane the sole control for bulk. Other controls responsive to wind patterns natural and/or those generated by the building shape itself should be integrated into code \(similar to controls in San Francisco's code\) to prevent or mitigate negative impacts on adjacent streets and buildings.](#)

P. 4-28, Table 14-402-1: Supplemental Use Regulations in the Center City Overlay District

This Table identifies separate Supplemental Use Regulations applicable in certain overlay districts, but does not include a line for Nightclubs, a sub-category that has recently been added to Table 14-502-2: Uses allowed in C Districts.

Since Nightclubs have recently been added to the permitted uses within C Districts, we believe it is appropriate to add Nightclubs to Table 14-402-1 of p. 4-28, and identify this use as: N = Not Allowed, as is appropriate, and this use should not be permitted as of right.

Proposed Solution: Add **Nightclubs**, as a sub-category of Assembly and Entertainment, to Table 14-402-1 of p. 4-28, and identify this use as N = Not Allowed, or S = Special Exception Approval Required, as appropriate, for each of the districts included in the Table.

P. 4-28, Table 14-402-1: Supplemental Use Regulations in the Center City Overlay District

This Table identifies separate Supplemental Use Regulations applicable in certain overlay districts, and includes a line for Food, Beverage and Groceries, as defined on p.5-10 (d) and is included in Table 14-502-2: Uses allowed in C Districts.

The Consolidated Draft does not include a practical mechanism to prevent Food, Beverage, and Grocery operations with incidental or accessory food service, as proposed, from morphing into cafes or restaurants.

Proposed Solution: Qualify all **Food, Beverage, and Groceries** within the Table Notes, as permitted, but **without** incidental and accessory food and beverage service, in Table 14-402-1 of p. 4-28, for all C Districts.

P. 4-15, Section 14-402 (5): Bulk and Massing Regulations, Sky Access Plane Regulation

The Coalition and its constituent civic associations have reviewed initial materials provided on this control mechanism, and expect to have further communication with the ZCC staff on:

- 1) geographic extent and applicability of sky plane controls
- 2) effectiveness in addressing adjacency impacts (between high rise/density and low rise/density areas)
- 3) possible modification, including shallower reference angles, for use on smaller scale buildings
- 4) means to simplify explanation and to improve instruction on use of sky planning

Chapter 14-500: Use Regulations

P. 5-4, Section 14-501(2) (b) Residential Use: Group Living and P. 5-23 Table 14-502-1

All Group Living uses within R Districts should be categorized as: "S = Special Exception

Approval Required". None should be permitted by right. Each situation, depending on management, staffing, criteria for residence, etc., should be considered separately. Each application should be vetted by the community to determine the impact on the neighbors.

Additionally, Single-room Residences should be prohibited in RM-1 within the Center City District, as it is an inappropriate use within this area.

Proposed Solution: [Identify all Group Living Uses as: "S = Special Exception Approval Required" in table 14-501-1. Identify Group Living Uses as: N = Not Allowed \(expressly prohibited\) in RSA-5 and RM-1 districts. Identify Single-room Residences as: : N = Not Allowed \(expressly prohibited\) in RM-1 districts.](#)

P. 5-50, Section 14-504 (8): Home Occupations

The definition of by-right Home Occupation as having up to 3 nonresident persons (employees, associates, customers) is too much of an expansion of current limitations, and could result in too great an increase of commercial traffic in residential neighborhoods. Such an expansion of commercial enterprise within residential neighborhoods would certainly, and deleteriously, alter the character of the host neighborhoods.

Additional nonresident persons, beyond the current code allowance of one person, should be by Special Exception, only. Any uses other than the professional office use allowed in the current code (Section 14-203(1)(b)) but not strictly prohibited by the proposed code Section 14-504 8 (d) (.8), should be by Special Exception, only.

Proposed Solution: [Adjust the definition of Home Occupations to restrict such uses to include one \(1\) licensed professional and one \(1\) employee \(consistent with current Code Section 14-203\(1\)\(b\)\), with a requirement that the owner of the business also be a resident owner of the property, and requirement that the business have a low impact on the host neighborhood.](#)

P. 5-6, Section 14-501(4) (d): Public, Civic and Institutional: Educational Facilities, and P. 5-6 Table 14-502-1

Educational Facilities should be "S = Special Exception Approval Required", none should be permitted by right, in residential Districts including CMX, RM-1 and RSA-5. Of particular concern, due to impacts on vehicular patterns, are grades K - 12 Educational Facilities.

Proposed Solution: [Identify all Educational Facilities as: "S = Special Exception Approval Required" for CMX Districts, RMX Districts, RM-1 and RSA-5 within Table 14-502-1.](#)

P. 5-8, Section 14-501(4) (m): Public, Civic and Institutional / P. 5-44 Standards 15-503(14): Wireless Service Facility and P. 5-23, Table 14-502-1

No antennas, new or additional, should be permitted by right. Installations often require significant equipment that must be placed somewhere on the ground and often require unsightly cables to be mounted on the building that holds the antenna. Each installation should be reviewed for impact.

Proposed Solution: [Identify all Wireless Service Facility as: "S = Special Exception Approval Required" within Table 14-502-1.](#)

P. 5-18 and P. 5-35, Section 14-501(7) (o): Commercial Services / Standards 14-503(2): Visitor Accommodations: Bed and Breakfast, and P. 5-24 Table 14-502-1

While we encourage the establishment of attractive, well-run Bed and Breakfast operations, where appropriate in Philadelphia, they should not be permitted by right; they must be reviewed and vetted for potential impacts on the community.

Even a modest sized Bed and Breakfast requires significant support services, staff, deliveries, and generates vehicular and pedestrian traffic, and should not be a by-right use in residential districts or mixed-use districts.

It is critical that the applicant makes a presentation to the neighborhood association and provides credentials for review, and detailed plans of operation to assure that the Bed and Breakfast operation does not devolve into a Residential Group Living or Single-Room Residence facility.

Proposed Solution: [All Bed and Breakfast operations should be identified as: "S = Special Exception Approval Required". Standards for Bed and Breakfast operations should include clear standards for minimum dimensions of guestroom, minimum number of bathrooms per guestrooms, standards for common area for guests, and appropriate parking provisions.](#)

Chapter 14-600: Developments Standards

P. 6-32-33, Section 14-603 (3) (b): Rowhouse Design Standards

The "10 or more rowhouse" threshold seems to be a standard in several places in the new code for a number of requirements. This should be lowered to three or more units within all R Districts. Even 4-unit to 6-unit projects will have a significant impact on most blocks of most residential districts.

Proposed Solution: [Reduce the by-right threshold to three \(3\) rowhouse units, with all projects proposing four or more units, identified as: "S = Special Exception Approval Required".](#)

P. 6-11, Section 14-601: Dimensional Standards for Commercial Mixed Use Districts

Table 14-601-3 identifies a new F.A.R. standard of 550% for all CMX-3 parcels. This new standard represents an increase of 22%, with a possible F.A.R. bonus for meeting Green Building standards (+33% for Platinum Level LEED building and 13% for Gold Level LEED building) and additional bonuses for Mixed Income Housing, and additional F.A.R. bonus for some TOD areas. All of which amounts to an extraordinary increase in density for all mixed-use CMX-3 parcels.

Bonuses for meeting Green Building standards seem entirely gratuitous, given that such standards will soon be common industry standards, and should not net the project owner such a generous bonus - up to 33% additional F.A.R. - in light of the increase of the base standard F.A.R. for the CMX-3 zoning classification. In general, the relaxed F.A.R. standards for most zoning classifications, in conjunction with the bonus options, seem to promote a density that will both tax the existing infrastructure and overwhelm the current built environment.

Proposed Solution: [For all CMX-3 parcels, return the F.A.R. standard to the 450% of the current code, and allow the bonus formulas proposed to be calculated from that standard.](#)

P. 6-25-26, Section 14-602 (6) (a): Floor Area Bonuses, Public Open Space

Providing well-designed open space is the most beneficial manner to mitigate the impact of high- density construction and must be prioritized over the other aspects within the proposed density bonus program. It would not be appropriate to allow for density increases without any provision for public open space, as the Consolidated Draft now allows.

The minimum requirement of 2,500sf of public open space would not be sufficient for a large project. The current F.A.R. bonus regulations call for 30% of the lot to be dedicated to public space. The public space requirements of the new code should increase with the size of the lot, either by being stated as a percentage or as a tiered system of increasing sizes.

Also, the proposed requirement to provide at least one tree per 1,000sf of open space is not sufficient and should be increased.

Proposed Solution: [Incorporate a standard requiring appropriate public open space as a prerequisite for additional density bonuses. Adjust the minimum open space standard to](#)

correspond to a percentage – 30% suggested - of the lot area for large projects. Adjust the landscaping standard to at least one tree per 500sf of open space for large projects.

P. 6-46 through 6-53, Section 14-605: Transit Oriented Development

This entire section is somewhat baffling because of some ambiguities between the text and the map. On the map "Proposed TOD Locations", p.6-47, one assumes that all the larger "dots" are the only areas under consideration for the accompanying eight pages of text and Center City's major nodes at Market East, Suburban Station and Thirtieth Street Station seem to be excluded. If these were to be included, each exists in a very different context and probably could not be lumped together as a single "type".

Proposed Solution: Clarify how the three Center City stations are to be developed and if they are to be regarded as a TOD, describe reach of each of their respective sites.

14-602 (9) Floor Area Bonuses for Transit Improvements Revise (a) criteria to read:

A floor area bonus may be earned by: a) connecting to, constructing or extending a rail, subway, or trolley transit station or concourse within Center City, or, b) a contribution to the physical improvements of the transit infrastructure to be done by others, provided that the project or alternate contribution meets the following standards:

(.1) The applicant shall submit a letter from the City of Philadelphia and Southeastern Pennsylvania Transportation Authority (SEPTA) confirming that the City and SEPTA are aware of: the proposed construction or extension and approves the location, size, and scope of the project or the adequacy and applicability of the contribution.

(.2) Qualifying improvements by the developer may include new access easements or improvements to connecting passageways, mezzanines, or concourse areas.

(.3) The improvements by the developer shall be designed and developed as an integral part of the total development project.

(.4) The improvements by the developer shall be engineered and completed to accommodate peak hour travel in all directions. **(See page 1 of Appendix C for details).**

Pg. 6-47, 14-605 (3) Transit Nodes Revise map:

- 1) Add Olney and Frankford Transportation Terminal to the map as nodes
- 2) Add line stations on Frankford elevated and Broad Street line as Type 2 or Type 3 nodes
- 3) Add Market East, Suburban and 30th Street stations, maybe with a different symbol and reference to their discussion elsewhere

4) Make the map legible, and reproducible, in black and white (See pg. 2 of Appendix C for details)

Pg. 6-48, 14-605 (4) TOD Boundaries and Elements Revise to read:

For each of the TOD nodes shown on the map in 14-605(3), the Planning Commission shall designate and entertain a Plan of Development and map:

- (a) The boundaries of the areas subject to the standards of this 14-605; and
- (b) Primary and Secondary TOD Primary Streets as appropriate to each TOD node, and as defined in Chapter 14-1000.

The actions of 14-605 (4) TOD Boundaries and Elements can be initiated by: 1) the Planning Commission, a developer or developers, or by registered civic association or associations.

Additional TOD nodes beyond those identified on the map in 14-605(3), can be initiated by the above process but must be formalized by Councilmanic Ordinance. (See pg. 2 of Appendix C for details)

Pg. 6-48, 14-605 (5, a) Intent: This should include subway and surface transit concentrations as well as rail. Strike "rail" from ...high rail transit... in line three. (See pg. 2 of Appendix C for details)

Pg. 6-48-51, 14-605 (5b, 6b, 7b, and 8 b) Regulations, Revise the first sentence for each type (in 5, 6, 7, and 8) to read:

Notwithstanding the provisions of Chapter 14-600: for each Type 1 TOD Plan of Development, the following bonuses shall apply and development standards apply, as appropriate, after [Insert Effective Date of Zoning Code].

Pg. 6-51, 14-605 (9) Development Standards Applicable to all TOD Nodes: Revise first line to read:

The following standards for all TOD nodes shall apply, as determined applicable and relevant in the Plan of Development for each TOD Node:

Pg. 6-51, 14-605 (10) Use Regulations: Revise the first line to read:

Notwithstanding the provisions of Tables 14-501-1 through 14-501-4, after [insert Effective Date of Zoning Code] all new development and redevelopment in all TOD nodes shall comply with the use regulations in this 14-605(10), as applicable and appropriate in the Plan of Development for each TOD Node: (See pg. 2 of Appendix C for details)

Remove: 14-605 (10) (c) (.2) car rental (See pg 3 of Appendix C for details)

Chapter 14-700: Parking and Loading

P. 7-5, Section 14-702: Required Parking in C Districts, Table 14-702-2

The reduction of parking space requirements to zero for residential development in CMX-3, CMX-4 and CMX-5 districts is too drastic. The current parking requirements for C-4 and C-5 in Center City is for either five spaces for every ten residential units or seven spaces for every ten units, respectively. The by-right construction of new residential towers with no parking provisions would negatively impact the neighborhood by increasing the demand on street parking spaces, which are already in short supply. A more appropriate reduction of the parking space requirement would be to adopt a provision for 3.3 spaces per ten new residential units in CMX-3, CMX-4 and CMX-5 districts.

Proposed Solution: [Adjust the standards of this section to require 3.3 parking spaces per ten new residential units within all CMX-3, CMX-4 and CMX-5 districts.](#)

P. 7-28, Section 14-702 (13) (h): Design Standards for Detached Garage Structures

The garage design standards of this section apply only to detached garages but they should apply to accessory garages as well, such as parking podiums constructed for residential and commercial high rises.

Proposed Solution: [Adjust the standards of Section 14-702 \(13\) \(h\) to require active retail or commercial uses at 80% of the ground floor of all commercial and accessory parking garages within all C Districts.](#)

P. 7-29, Section 14-702 (13) (h) (.3): Design Standards for Detached Garage Structures in RMX-3 and C Districts, Ground Floor Retail Use

This section states that commercial parking garages should be constructed to “allow” for retail or commercial use on the ground floor. This is not an adequate standard. The current zoning code, at Section 14-305 (3) (f), requires that active uses be provided on 80% of all frontages on Walnut, Locust and Chestnut Streets. This standard should be expanded to all areas of the city for frontages on all commercial corridors and mixed-use areas, and include garage structures.

Proposed Solution: [Adjust the standards of Section 14-702 \(13\) \(h\) to require active retail or commercial uses at 80% of the ground floor of all commercial and accessory parking garages within all C Districts.](#)

Chapter 14-800: Signs

[Please see our attached Appendix B addressing Chapter 14-800](#)

Chapter 14-900: Historic Preservation

This chapter would be greatly enhanced by inclusion of maps that identify all recognized historic districts within the city, and a clear directional reference to an index of all recognized historic districts and individually designated and contributing sites, buildings, structures, etc. The classification of a property as *designated* or *contributing* does impact the zoning and building permit process procedure; therefore, it is appropriate that all such properties should be identified or referenced within the new code.

The Historical Commission's current advisory capacity relative to permit issuance within historic districts and relative to designated properties and sites is an inadequate level of authority to protect the historic assets and character of Philadelphia.

Proposed Solution: Add maps to this chapter that identify all recognized historic districts within the city, and a clear directional reference to an index of all recognized historic districts and individually designated and contributing sites, buildings, structures, etc. Adopt standards giving the Historical Commission a level of permit approval authority, or gate-keeper status, over all parcels and sites within all Historic Districts as well as individually designated parcels and sites.

Chapter 14-1000: Definitions

P. 10-30, Section 14-1003 Definitions, Registered Community Organization

The definition of Registered Community Organization, which may also serve to define Community Group, relative to all zoning code related matters, may be inadequate to protect the position of long-standing and vested community groups, from ad-hoc groups formed specific to a particular development proposal.

Proposed Alternative Definition: For the purposes of this Code, a Community Organization is a corporation which files with the Planning Commission a statement signed by its presiding officer that:

- 1) A primary purpose is to benefit residents within its defined neighborhood;
- 2) Specifies geographical boundaries of that neighborhood which boundaries are within the City of Philadelphia;
- 3) Its voting membership is open to all residents who reside within the neighborhood's geographical boundaries;
- 4) Its voting members are entitled to vote for its corporate officers and directors, if there are any directors, and to attend and to speak at any meeting convened by the corporation pursuant to this Zoning Code.

APPENDIX A

**CROSSTOWN COALITION ANALYSIS
OF 14-200 THROUGH 14-204(6)
AT PAGE 2-40
(ADMINISTRATION AND PROCEDURES)
OF CONSOLIDATED DRAFT**

14-201 Reviewers and Decision Makers GENERAL COMMENT: Is this list of decision makers necessary because the operative sections of the Code should clearly state what bodies control what topics. Moreover, despite the disclaimer in this paragraph labeled "Purpose," the attempt to summarize the "zoning powers" of each of these entities is both ambitious and of limited use for users of the Code who, as a practical matter, will focus not on this preamble but on the particular section that impacts their project. Only the lawyers will consult this section and once they do, it is certainly possible that they will contrast the provisions of this section with the City Charter. It is ambitious because there is a real possibility that powers of a particular entity may be overstated or understated in this section 201 providing a conflict between this section and other sections, and such conflicts can generate litigation. It is not particularly useful because the operative provisions of a well drafted code will leave no doubt as to what entity has control over what decision. In the event that the ZCC decides to include this section, we have made particular suggestions regarding individual sections.

(1) Purpose

This Section identifies the roles and responsibilities of appointed and elected government officials and bodies primarily involved in the administration of this Zoning Code. Additional officials or entities may be involved based on the character of the application and the size or type of development involved. No provision of this section shall add to or detract from a power granted to any boards, commissions, departments, committees, or agencies of the city by a grant of power, duty, or responsibility in another section of The Philadelphia Code.

(2) City Council

Consol Code. Pg. 2-1

a. Powers Related to Zoning The City Council (Council) serves as the legislative body for the City of Philadelphia. The powers of Council related to this Zoning Code include:

(.1) Review and approve amendments to the text of this Zoning Code and the official zoning map.

(.2) Review and approve regulations for the subdivision of land included in this Zoning Code.

(.3) Review and approve plans of development at the time any planned development district is adopted or added to the official zoning map.

(.4) Review and approve Major Amendments to plans of development in any planned development district as described in 14-204(3)(c). (pg. 2-33)

(3) City Planning Commission

(a) Creation and Administration

The Philadelphia City Planning Commission (Planning Commission), established by the Philadelphia Home Rule Charter Section 3-800, is responsible for guiding the orderly development and redevelopment of the city.

(b) Powers and Duties

The duties of the Planning Commission related to this Zoning Code include

- (.1) Prepare and adopt a comprehensive plan for the city and amendments to that comprehensive plan.
- (.2) Prepare and adopt or accept other plans for specific areas, facilities, services, or aspects of development or redevelopment in the city, and amendments to those plans.
- (.3) Decide on land subdivisions and review plans of streets.
- (.4) Prepare proposed zoning ordinances and maps, and amendments to zoning ordinances and maps, for consideration by Council.
- (.5) Prepare regulations governing the subdivision of land for consideration by Council.
- (.6) Review plans of development at the time any planned development district is proposed for adoption or addition to the official zoning map, and provide recommendations to Council.
- (.7) Review and decide on Minor Amendments to plans of development in any planned development district as described in 14-204(3)(b). – pg. 2-33
- (.8) Review and make recommendations on Major Amendments to plans of development in any planned development district, as described in 14-204(3)(c).24 - pg. 2-33
- (.9) Make recommendations to the Council on all bills originating in the Council that affect any adopted plan, any adopted redevelopment plan, any zoning ordinance, or the capital program, or that would authorize the acquisition or sale of City real estate. Unless such recommendations are received by the Council within 35 days from the date

any such bill shall have been introduced, the approval of the Planning Commission shall be presumed.

(.10) Make Recommendations to the ZBA on all applications for variances with special exceptions uses or ~~regulated uses~~. (We believe regulated uses should be deleted and because it is covered by the terms special exception and variances)

(.11) Establish and maintain an annual registry of Registered Community Organizations.. This should reflect 14-203(1)(a) on page 2-13.

(.12) To impose conditions consistent with 14-203(9) (pg 2-22) on any approval that the Commission is authorized to grant, and to recommend conditions consistent with 14-203(9) whenever the Commission is authorized to make a recommendation on a matter.
Consol Code pg,2-2 to 2-3

(4) Zoning Board of Adjustment

(a) Creation and Administration

We suggest the following addition to make the section more specific: The Zoning Board of Adjustment (ZBA) established by Section 3-911 of the Philadelphia Home Rule Charter shall have the powers provided by the Home Rule Charter *and, pursuant to Charter Section 5-1006*, is one of the departmental boards of the Department of Licenses and Inspections.

(b) Powers and Duties Here the draft attempts to paraphrase and expand Charter Section 5-1006 but the paraphrase does not use the exact wording found in the Charter. To the extent that there are differences between this paraphrase and the wording of the Charter, litigation can arise as to whether this section, once approved by City Council, or the Charter controls a particular application. For example, .1 below fails to specifically include the Charter phrase “ made by an administrative official in the enforcement of zoning ordinances, regulations and maps” and instead substitutes “or related regulation” leaving a lawyer’s question: Is a map a regulation? Similarly in subparagraph .3 the Charter at 1006 b states that the ZBA shall “Hear and decide special exceptions” but the Code say “Review and decide applications for special exceptions, presenting the lawyers question as to whether a review requires a hearing. lawyers questions can be found in the various subsections below. To the extent that this section is intended to provide a guide to the uninitiated, we suggest that the safest course is to quote the Charter verbatim or attach the Charter as an appendix and then add any explanations in a footnote or in the yet to be published manual. In the event that the ZCC decides to retain this Section, we have made particular comments below.

As authorized by Section 5-1006 of the Philadelphia Home Rule Charter, the ZBA has the following powers and duties provided by the Home Rule Charter related to this Zoning Code.

- (.1) Hear and decide appeals in zoning matters where error is alleged in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Zoning Code or related regulation, pursuant to 14-203(13). (pg. 2-24)
- (.2) Hear and decide zoning variances from the terms of this Zoning Code pursuant to 14-204(8). (pg. 2-47)
- (.3) Review and decide applications for special exceptions ~~uses~~ (*delete "uses" because the term used is "special exception." Is special exception defined anywhere?*) pursuant to 14-204(4)) (pg. 2-38)
- (.4) Review and decide applications for regulated uses pursuant to 14-204(5). (pg. 2-39) *Should this be deleted because it is covered in .2 or .3 above?*
- (.5) Hear and decide appeals in any matter where it has been given special jurisdiction by any ordinance or Act of Assembly. (pg. 2-22)
- (.6) To impose conditions consistent with 14-203(9) (pg. 2-22) on any approval that the Board is authorized to grant under this Zoning Code.
- (.7) Adopt regulations, consistent with the provisions of this 14-201(4), in accordance with the terms of the Philadelphia Home Rule Charter under section 8-407. If this section is to be a guide for users of the Code, then to make the section more user friendly, the particular provision of the Home Rule Charter dealing with the issuance of regulation should be specified.
- (.8) There is an ordinance requiring that applicants be current on taxes so that the ordinance should be described in shorthand and not reprinted in the Zoning Code which is, after all, the Zoning Code not the Revenue Code. The reader should be referred to the legislation by citation as follows *"The ZBA shall not issue a special exception, variance or approval if the applicant is not in compliance with (here insert the citation), attached as Appendix X pertaining to the current payment by applicants of City taxes.*
No special exception, variance, or ZBA approval shall be granted unless the person who owns the property for which the application is made has provided documentation satisfactory to the ZBA verifying that all of the person's taxes pursuant to Title 1 of this Code are current or are subject to a payment agreement; or produces evidence that

denial of the application will result in an unconstitutional taking of the property for which it is sought. The following exceptions shall apply:

(.a) If the application is made by a tenant non-owner of the property, the tenant shall provide documentation verifying that all of the tenant's taxes are current or are subject to a payment agreement and any taxes due on the subject property (Would a tenant have taxes due on a property?) are not delinquent, and the application may then proceed without further regard to the owner's tax status.

(.b) If the application is made by [a nonprofit entity, including a for-profit limited partnership whose general partner is owned or controlled by a nonprofit entity]] that acquired the subject property from the City or a public agency, and all prior tax liabilities on the property were not cleared as of the acquisition, the applicant only needs to provide documentation verifying that all taxes assessed after its acquisition of the subject property, and all of the applicant's other taxes unrelated to properties so acquired, are current or subject to a payment agreement.

(.c) If the application is made by a homeowner who acquired the subject property either directly from the City or a public agency, or from a nonprofit entity that previously acquired the property from the City or a public agency, and all prior tax liabilities on the property were not cleared as of the date of the homeowner's acquisition, the applicant only needs to provide documentation verifying that all taxes assessed after his or her acquisition of the subject property, [and all of the applicant's other taxes unrelated to properties acquired in that manner, are current or subject to a payment agreement.]

(.d) If the applicant attaches a purchase and sale agreement providing that the sale of the subject property to the applicant Chapter is contingent upon approval of the application, together with an authorization for the application by the current owner of the subject property, the ZBA may conditionally approve the application if it otherwise meets the criteria for approval, with a condition that the special exception or variance will be finally approved when L&I is provided with a copy of the Board's decision and documentation verifying that all of the taxes due on the subject property are paid in full.

Consol Code pg. 2-5

(5) Department of Licenses and Inspections

(a) Creation and Administration We suggest that the following sentence should be inserted so that the reader can be referred to that section of the Home Rule Charter which provides the powers of L & I." *The Department of Licenses and Inspections (L & I) created by Section 5-1000 of the Philadelphia Home Rule Charter shall have those powers conferred by the Charter."*

Under the Home Rule Charter, The Department of Licenses and Inspections (L&I) has been created as an administrative department of the City of Philadelphia.

(b) Powers and Duties

Consol Code pg. 2-3 to 2-4

L&I has the power and duty of administering and enforcing the provisions of this Zoning Code, with the exception of those provisions related to the approval of land subdivisions (see 14-204(7))(pg. 2-44) [and any powers specifically granted to another department, agency, board, or commission of the city under this Zoning Code]. No permit, certificate, license, or document relating to the use of property shall be issued by any other department, agency, board, or commission of the city until L&I shall have certified that the use to be made of the property is in full compliance with the provisions of this Title. The specific powers and duties of L&I include the following.

- (.1) Make available to the public the official zoning map showing the current zoning classifications of all land in the city. Access to the map shall be available at the L&I offices and through the city's web site ***which shall be searchable by street address or BRT number.***
- (.2) Administer the requirement that a use registration permit be obtained for every new use ***(This should refer to section of Code re use regulation to make the Code user friendly)*** commenced on any land or in any structure except for use as a single family dwelling or place of worship.
- (.3) Administer the requirement that a zoning permit shall be obtained for every new structure or alteration or addition to an existing structure that results in a change to gross floor area commenced on any land within the city
- (.4) Issue a zoning permit or use registration permit for a special exception only ***(Here there should be a reference to the Code Section to make the Code user friendly)*** after the ZBA has approved the application and when all the other applicable provisions of this Title have been met.
- (.5) Issue building permits only after all required zoning permits have been obtained.
- (.6) To enforce conditions imposed by the Zoning Board of Adjustment consistent with 14-203(9) (pg. 2-22) on any approval that the Board is authorized to grant under this Zoning Code.
- (.7) Upon application, issue a certification noting ***that (typo)*** the zoning district classifications of any property and the current zoning status of that property as shown by the official zoning map and other maps and records of L&I. ***If this section is to be a guide for users of the Code, then to make the section more user friendly, the***

particular provision of the Home Rule Charter dealing with the issuance of regulations should be specified.

(.8) *This Section shd be deleted because the powers of the L and I Review B are described below in Section 6.* To cause the Board of License and Inspection Review to hear appeals of decisions made by the Art Commission and the Historical Commission. **Consol Code pg. 2-4**

(.9) *This Section shd also be deleted because it is not a function of L and I to adopt or administer regulations re the Historical Commission or its findings.* Adopt and administer regulations necessary to perform its duties under 14-204(10) (pg. 2-57 Designation of Historic Structure or District) and 14-204(11) (pg. 2-57 Construction, Alteration and Repair in Historic Area).

(6) Board of License and Inspection Review Consol Code pg 2-6

(a) Creation and Administration

The Board of License and Inspection Review has been created by Section 5-1005 of the City Charter and shall have those powers conferred by the Charter.

(b) Powers and Duties

The duties and responsibilities of the Board of License and Inspection Review ~~under this Zoning Code~~ include. We recommend that the phrase “under this Zoning Code” be deleted because the Board’s actions re Art and Historical matters are not under this Zoning Code.

(.1) To hear appeals of decisions of the Historical Commission delete all subsequent language on applications for construction, alteration, or demolition in a historic area pursuant to Chapter 14-900:.

(.2) To hear appeals of decisions of the Art Commission pursuant to the powers for the L and I Review Board as described in this section 6.

Consol Code pg. 2-7

Civic Design Review Committee The Coalition suggests that either the composition of the DRC include an additional member with historic preservation credentials or that one of the two architects have such credentials and further that the definition of who is representative with civic experience be set forth specifically. .

(a) Membership

The Civic Design Review Committee members shall include seven (or eight if the ZCC wishes to include a member with historic preservation credentials) volunteer members, recommended by the Planning Commission and appointed by the Mayor, with the following membership: two architects one of whom shall have educational qualifications as a historic preservationist, one landscape architect, one transportation/urban planner, one developer/builder, one person with civic association review experience *(The reference to "one person with civic association review experience" is imprecise. Almost anyone could qualify under this definition. We suggest that this language be eliminated and substituted with the following: "at least one person who is a member of a Registered Community Organization who reviews zoning applications on behalf of that Community Organization) ,* and one rotating seat for a representative ~~of a~~ (insert "designated in writing by") a Registered Community located in the project area. A member of the Planning Commission will be the Chair of the Committee and will fill one of the designated positions. The Executive Director of the Planning Commission (or appointed designee) will advise the Committee but will have no vote. *With ref to ftnote 38, the Coalition would prefer that the Planning Commission, not City Council, designate the rotating community seat in the event that no person is nominated by a Registered Community Organization or in the event that the competing Community Organizations cannot agree on a single nominee.*

(b) Powers and Duties

Consol Code pg. 2-7

The duties and responsibilities of the Civic Design Review Committee under this Zoning Code include:

(.1) Meet monthly to review those proposals for which civic design review is required under 14-204(6). (Pg. 2-410)

(.2) To offer a single *(insert "written")* advisory recommendation on each proposal consistent with the civic design review guidelines in the Zoning Code Administrative Manual. *(Not yet published.)* The Committee's recommendation may incorporate recommendations from other design entities, such as the Art Commission and Historical Commission.

(.3) We suggest that this shd be deleted as there is no reason why there shd be a separate Design Review merely because there is an Art Commission review and this double review seems too burdensome. Where the Art Commission has responsibility to review the design of a project, building, structure, or site (see 14-201(9)), the Civic Design Review Committee may exercise its advisory review role.

Duties

(a) Creation and Administration

The Historical Commission is the City of Philadelphia's historic preservation regulatory agency, and has been created as described in 14-901. The Historical Commission's members include six officials of the City or their designees and eight Mayoral appointees. In the case of any conflict between the provisions of this 14-201(8) and the provisions of Chapter 14-900:, the latter shall prevail.

(b) Powers and Duties

The duties and responsibilities of the Historical Commission related to this Zoning Code include:

- (.1) Designating as historic those buildings, and *public interior portions of buildings* structures, sites, and objects that the Historical Commission determines are significant to the city, pursuant to the criteria set forth in 14-902. *In this précis, it is probably wise to alert the reader to 14-901 (2) (b) at page 9-1*
- (.2) Delineating the boundaries of and designating as historic those districts that the Historical Commission determines are significant to the city, pursuant to the criteria set forth in 14-902.
- (.3) Reviewing and acting on all applications for permits to alter or demolish historic buildings, structures, sites, or objects, or to alter or demolish buildings, structures, sites, or objects located within historic districts, and reviewing and commenting on all applications for permits to construct new buildings, structures, or objects on undeveloped sites within historic districts, pursuant to 14-903.

Art Commission

(a) Creation and Administration

The Art Commission established by Section 3-910 of the Philadelphia Home Rule Charter is composed of one painter, one sculptor, one architect, one landscape architect, one member of the Commission on Parks and Recreation, one experienced business executive, and two members of the faculty or governing body of a school of art or architecture. In the case of any conflict between the provisions of this 14-201(9) and the provisions of Section 3-910, the latter shall govern.

(b) Powers and Duties

The duties and responsibilities of the Art Commission related to this Zoning Code include:

- (.1) Approve the design and proposed location of any building, bridge and its approaches, arch, gate, fence, or other structure or fixture to be paid for, either wholly or in part, from the city treasury or for which the city or any other public authority is to furnish a site, provided that the approval conform to the comprehensive plan.
- (.2) Approve any structure or fixture, including signs, to be erected by any person upon or to extend over any highway, stream, lake, square, park or other public place within the city.
- (.3) Approve the erection or alteration of any building or other construction, including open spaces, abutting the Art Commission Permit Area and the Independence Mall and Independence National Historical Park area shown on the maps in 14-402(9).
- (.4) Approve the construction of all projecting signs.
- (.5) Approve the construction of all signs in the following areas:
 - (.a) The Chestnut/Walnut/S. Broad, North of Race Street, Benjamin Franklin Parkway, Broad Street, and Washington Square areas shown on the map in 14-402(7);
 - (.b) The Passyunk Avenue area shown on the map in 14-403(5)(a); and
 - (.c) The Cobbs Creek, Roosevelt Boulevard, and Fairmount Park areas shown on the maps in 14-805(7).
- (.6) Approve all proposals for public art submitted to meet the requirements of the SP-ENT districts or that part of the CMX-4 district that was zoned RC-4 prior to the adoption of this Zoning Code.

Streets Department

Consol Code pg. 2-9 to 2-10

(a) Powers and Duties

The duties and responsibilities of the Streets Department related to this Zoning Code include:

- (.1) Review and comment to the Planning Commission on traffic and circulation elements of proposed subdivisions of land and on street parking. *We would suggest the addition of the phrase "on street parking,"*

(.2) Review and comment to the Planning Commission on the adequacy of traffic flow and circulation and parking of proposed zoning permit applications in the SP-ENT districts and the Waterfront Redevelopment area of the RMX-2 district. *We would suggest the addition of “ parking”,*

(.3) Prepare amendments to the official City Plan to reflect changes to or vacation of an existing street or the addition of a new street;

(.4) Review and comment on proposed driveways, loading docks, curb cuts, parking lots and structures, sidewalks, curb bump-outs, lay-by-lanes, street signals, signs, and paving;

(.5) Review street lighting plans for proposed development and redevelopment, and require installation of additional street lights as necessary;

(.6) Review and comment on encroachments, projections *into the public way* and architectural embellishments *which encroach on the public way*. *(What does architectural embellishment refer to? Is this an attempt to deal with encroachments on the public way?. If so, why not just say that?)*

(.7) Approve parking plans in the SP-ENT district;

(.8) Approve off-street parking, layout, and access conditions in the SP-STA district; and

(.9) Assist other departments, boards, and commissions in managing and enhancing the relationship between development and the character and functioning of adjacent streets.

Water Department

Consol Code pg. 2-10 to 2-11

(a) Powers and Duties

The duties and responsibilities of the Water Department related to this Zoning Code include

(.1) Review and comment on the storm water impacts of all zoning permit applications (a) in the Wissahickon Watershed or (b) outside the Wissahickon Watershed that involve more than 5,000 sq. ft. of earth disturbance. City storm water regulations will generally apply when:

(.a) The application involves earth disturbance of more than 15,000 sq. ft.; or

(.b) The property involves earth disturbance of more than 5,000 sq. ft. in the Darby-Cobbs Creek Watershed; or

(.c) The property is located in the Wissahickon Watershed (/WWO) overlay district.

(.2) Review and comment to the Planning Commission on the storm water impacts and mitigation measures of zoning permit applications in the SP-ENT districts and the Waterfront Redevelopment area of the RMX-2 district.

(.3) Review and provide comments to the Planning Commission on requests for additional impervious surfaces in the /WWO overlay district.

(.4) Approve proposed storm-water runoff control methods in applications for land subdivision.

14-202 Procedures Summary Table

Consol Code pg 2-11 to 2-12

Table 14-202-1 summarizes the roles of the review and decision bodies listed in 14-201 in specific types of Zoning Code applications. In the event of conflict between the provisions of that table and the text of this Zoning Code, the text shall govern.

(1) Using the Table

In Table 14-202-1, the initial “R” indicates that the body has authority to make a recommendation to another body regarding the application, but does not have the power to make a decision on the application. Generally, recommendations are not final decisions subject to appeal under 14-203(13). The initial “D” indicates that the body has authority to make a decision regarding the application. The initial “A” indicates that the body is authorized by either the Philadelphia Home Rule Charter, the Philadelphia Municipal Code, or that laws of Pennsylvania to hear appeals of that type of decision. For all listed bodies other than “courts”, this table is not intended to create or grant legal rights different from those established by other sections of the Philadelphia Municipal Code, but to clarify how existing laws of the City and Commonwealth apply to these types of applications. In the case of the column for “Courts”, this table is not intended to create additional rights to appeal not recognized by the courts of Pennsylvania, or to indicate that the City recognizes a particular right of appeal, but to indicate that there is no body within the City authorized to hear an appeal of that type of decision and that any effort to find relief from the City’s decision will need to be sought outside the City government. **(Code 2-12)**

(a) Registered Community Organizations We believe the following additions improve and tighten this section:

In some cases, the applicant for an approval under this Zoning Code is required to conduct a neighborhood meeting with a Registered Community Organization in the project area before the ZBA hearing or CDR meeting on the application. In order to become a Registered Community Organization, an organization must register annually with the Planning Commission by providing (1) the name and information for contact by mail and email of a contact person, (2) the name and information for contact by mail and email of a person designated to participate in the Civic Design Review process, (3) the boundaries of its neighborhood or area of concern, and (4) mail and, if desired, no more than two email contacts for the organization.

(b) Applications Where Notice is to be Provided **GENERAL COMMENT:** We believe that notification should be provided for malt beverage applications (see 5), plans of Development (see 6), zoning map amendments (see 7) and code interpretations re properties in the CO's neighborhood.

The Registered Community Organizations shall receive notice under 14-203(6)(e) at page 2-19 of projects that:

(.1) Require ZBA approval of a special exception under 14-204(4) at pg. 2-38 which pertains to a property within the boundaries of the registered Community Organizations:

(.2) Require ZBA approval of a regulated use under 14-204(5) at pg. 2-39; which pertains to a property within the boundaries of the registered Community Organizations.;

(.3) Meet the requirements for Civic Design Review in 14-204(6) at pg. 2-40; or

(.4) Require ZBA approval of a zoning variance under 14-204(8) which pertains to a property within the boundaries of the registered Community Organizations.;

(.5) Require L and I Review Board approval of permits for sales of take out malt beverages at establishments located within the boundaries of the registered Community Organizations.;

(.6) Require Planning Commission approval of the adoption or amendment of a Plan of Development in an area which falls within the boundaries of the registered Community Organizations.;

(.7) Any proposed amendment to the zoning map in areas that fall within the boundaries of the Registered Community Organizations.;

(.8) Any application for a code interpretation pursuant to section 14-203 (12) page 2-23 which pertains to a property within the boundaries of the Registered Community Organization.

(.9) Any application pursuant to 14-204 (2) (e) (.3) at page 2-32 for the adoption of a plan of development within a proposed or adopted SP-ENT district

(c) Community Review Meeting **GENERAL COMMENT** A general problem here is that community organizations, which are volunteer groups, meet on a monthly basis. Accordingly, to require the convening of a meeting within 21 days is unrealistic. Because community organizations are on a 30 day cycle, we suggest that they be given 45 days to convene meetings.

Within ~~21~~ 45 days after receiving notice under 14-203(6)(e) that an application under subsection (b) has been filed, the Registered Community Organization(s) shall convene a meeting with the applicant to discuss the proposal. If there is more than one Registered Community Organization whose area of concern includes the project site, those organizations shall coordinate to convene a single meeting with the applicant during that 45 day period. The registered Community Organization(s) shall be responsible for organizing and conducting the meeting. We suggest that the following sentence be added: "Either the applicant or the Community Organization may notify the applicable Board of the completion of the meeting provided that the notification if issued by the applicant shall be simultaneously delivered to the Community Organization and vice versa." Within 10 days after the meeting, the applicant and the Registered Community Organization(s) shall document the meeting in writing and submit the documentation to the ZBA, L and I Review Board or Civic Design Review Committee, as applicable. The ZBA or Civic Design Review Committee or L and I Review Board shall not conduct its first meeting until 15 days after the community meeting regardless of whether written reports have been received. **Consol Code pg. 2-13**

2) Authority to File Applications **Consol Code pg. 2-14 to 2-15**

(a) Comprehensive Plan

Is this section inserted to ensure that plans must be routed through the PC or is there another agenda? Further, in view of the provisions at 14-105 is this section unnecessarily duplicative? Only the Planning Commission may submit (should “to Council” be added here?) or amend a Comprehensive Plan (insert “per Section 14-105 on page 1-3” to make the draft user friendly. Also Comprehensive Plan should be inserted in the definitions section) for approval pursuant to the Philadelphia Home Rule Charter.. The City or any public or quasi-public agency may submit a proposed amendment to the comprehensive plan for approval pursuant to 14-204(1) (pg. 2-26). Other organizations may submit plans for acceptance by the Planning Commission, but if accepted those plans will not be considered amendments to the comprehensive plan (see 14-105) (page 1-3) We suggest that the following language be added at the end of the last sentence after “(see 14-105): “unless adopted as an amendment to Comprehensive Plan.”

(b) Zoning Text or Map Amendment

(.1) Any person or entity, including the Planning Commission or a department or agency of the city, may request that the City Council enact an amendment of the text of this Zoning Code pursuant to 14-204(2).59

(.2) An ordinance to amend the official zoning map may be proposed to City Council by (a) the Planning Commission or a department or agency of the city, or (b) the owner of the property proposed for rezoning. Isn't this an attempt to limit who can access Council on zoning matters and, if so, is it permissible? Can a councilperson propose an amendment under this provision?

(c) Other Applications

An application for any other approval listed in 14-204 may only be filed by (a) the Planning Commission or a department or agency of the city (What dept other than the PC would create a Planned Development Zoning District?), or (b) the property owner. Applications for an interpretation of this Zoning Code are subject to the provisions of 14-203(12). See our comments regarding advisory opinions , Consol. Code pg. 2-23, Section 14-203(12).

(d) Equitable Owners, Authorized Agents, and Conservators

(.1) Notwithstanding the provisions of subsections 14-203(2)(b) and 14-203(2)(c) (pg. 2-19) above, whenever the legal owner of real property is authorized to file an application under this Zoning Code, that application may also be filed by:

(.a) Any person or entity with written documentation of equitable ownership of that real property.

(.b) A conservator of the property pursuant to 68 P.S. 1101-1111 (2008).

(.c) Any person or entity, other than a real estate agent, but including a tenant or licensed contractor, with signed authorization from the legal owner of the property, or from an equitable owner of the property, or from a conservator of the property pursuant to 68 P.S. 1101-1111 (2008).

(.2) Any person or entity other than a legal owner of the property, tenant of the property, licensed architect, licensed engineer, or licensed contractor shall be required to obtain an expeditors license (insert the Code citation for such a license in order to make the Code more user friendly) from the City before filing an application under this Zoning Code.

(3) Application Materials and Fees

Consol Code pg 2-15

(a) Each application for a permit or approval under this Zoning Code shall include all application materials and fees required by the City. Lists of required application materials for each type of application listed in 14-204 ~~may be obtained~~ (better phrasing is "shall be available") from L&I, from the city's web site or from the Zoning Code Administrative Manual. Additional detailed application requirements ~~may be listed~~ (insert "shall be available") in the Zoning Code Administrative Manual. If requested by the applicant, L&I shall review the list of materials required for a proposed application, and may waive any materials that L&I determines (a) are not required to demonstrate compliance with applicable state or federal law, and (b) are not required to demonstrate compliance with this Zoning Code or related regulations of the city, because of the size, nature, or location of the application We suggest the following phrase be added to as a safeguard to overstepping by L and I "provided the reasons for the waiver are documented in the records of L and I. "

(b) Each application for a permit or approval pursuant to this Zoning Code shall require the payment of a fee in the amount shown in the Philadelphia Administrative Code. The schedule of fees ~~may be obtained from L and I~~ shall be listed in the Zoning Code Administrative Manual and be available on the City's website . Fees are calculated to cover the city's costs of reviewing applications, and shall not be refunded Why add?: "if the application is subsequently denied"?

(4) Complete Application Required *Consol Code pg. 2- 15 to 2-16*

(a) Each application filed pursuant to the requirements of this Zoning Code shall be reviewed to confirm that it contains all of the required application materials. No

application shall be reviewed for compliance with this Zoning Code until it is complete. If L&I determines that an application does not contain the required application materials it shall ~~notify~~ **issue written notification to** the applicant of the missing materials within 15 days after L&I's receipt of the application and shall request that the applicant provide the missing materials within 15 days after the applicant's receipt of that notice. If the applicant does not supply the requested materials, the provisions of 14-203(10) (pg. 2-23) shall apply.

(b) The determination that an application is complete shall not prevent L&I, the ZBA, or the Planning Commission from later requesting in writing additional materials **supplementing and relative to any required materials per 14-203 (3)** that it deems necessary to evaluate whether the application meets the applicable criteria for approval set forth in 14-204. **We added the clause modifying the term "additional materials" because applicants should not be subject to fishing expeditions. Accordingly, we suggest that the materials requested be supplementary and relevant to the documentation required for a standard application.**

(5) Referrals *Consol Code pg. 2-16*

~~L&I, the ZBA, or the Planning Commission may refer an application to any other department or agency of the city, state, or federal government if deemed necessary to evaluate the impacts of the application.~~ **Does this proposal empower L & I, the ZBA and the PC to delegate their decision making to another agency? If so, it should be removed. If not, why is it included as L & I, ZBA and the PC can always consult with other agencies. If this has to be included, then a clause shd be inserted stating "provided however that nothing herein shall deprive the referring agency of its rights and duties to render a decision.**

(6) Public Notice **Does the Code provide that all public notices be posted on an L & I website, if not, that requirement should be inserted here.**

(a) Content *Consol Code pg. 2-16 to 2-17*

All newspaper or sign notices required by this section shall include the following information unless another provision of this subsection 14-203(6) indicates that different information is required:

- (.1) Indicate the name and address of the applicant;
- (.2) Indicate where copies of the application and any related information submitted by the applicant can be obtained; **See the comment at 6 above regarding the posting of notices on a**