

*Recommendations of the Society Hill Civic Association's
CDAG Advisory Committee, February 12, 2010*

**CITY OF PHILADELPHIA
CITY PLANNING COMMISSION**

Regulations Regarding Approval of a Plan of Development Pursuant to § 14-1638 of The Philadelphia Code for Properties Located in the Central Delaware Riverfront Overlay District

Section 1. Definitions

“Commission”: The Philadelphia City Planning Commission

“Executive Director”: Executive Director of the Philadelphia City Planning Commission

“POD”: Plan of Development

Section 2. Scope

Pursuant to Subsection (12) of Section 14-1638 of The Philadelphia Zoning Code, entitled “Central Delaware Riverfront Overlay District,” the City Planning Commission hereby adopts the following rules and regulations governing the review and approval of “Plans of Development.”

Every new development or redevelopment has impacts on the immediate surroundings, the neighborhood, and the larger urban context. The responsibility of protecting this public realm falls on the City Planning Commission. The Plan of Development is an extension of this already existing charge.

In reviewing a proposed POD, the City Planning Commission will be reviewing any item that will have an effect or impact on this public realm. Such items subject to the POD review will include but not necessarily be limited to:

- (a) The base zoning;
- (b) The proposed uses;
- (c) The density of the development, including the scale, height and massing of the structures as well as the unit count/composition;
- (d) The amenities included in the project, including the landscaping;
- (e) Any connections to neighborhood at large;
- (f) Street life activity/continuity;
- (g) Any proposed streetscape improvements;
- (h) Parking and traffic impacts including where the buildings will be serviced;
- (i) The appearance of the building, including its form and materials;
- (j) The site layout/design; ~~and~~
- (k) Any issues relating to sustainability, including energy conservation and environmental protection; and,-

*Recommendations of the Society Hill Civic Association's
CDAG Advisory Committee, February 12, 2010*

~~(l) The surrounding and nearby area, community, neighborhoods, development, open space, uses and the environment, etc.~~

~~While such a list obviously cannot be all-inclusive, it should serve as notice to developers bound by the POD, on what to expect from this review process.~~

Section 3. Submission Requirements

~~A complete POD submission shall include the following submission requirements elements, all of which shall be submitted to the Commission in digital format as well as paper format; however, the Commission may in its discretion waive one or more of these requirements [Note: the PCPC should not have the discretion to waive any of these requirements. If the developer wants to assert that a particular requirement does not apply to its project, it can do so.]:~~

- ~~(a) A Site Plan including a survey showing the, boundaries, area and length and width dimensions of the site(s) indicating existing conditions, including:~~
 - ~~(1) a survey showing the property lines and dimensions of the site(s);~~
 - ~~(2) All current building and structures;~~
 - ~~(3) the extent and location of any submerged lands, floodplains, floodways, waterways;~~
 - ~~(4) utilities, easements, and rights-of-way; and,~~
 - ~~(5) the location of any suspected historic and cultural resources; and,~~
 - ~~(6) all adjacent properties and uses.~~
 - ~~(7) [Anything else?]~~

- ~~(b) A Site Plan indicating the proposed project, including:~~~~A Site Plan indicating the propose project, including:~~

~~[The following, as they are relate to the proposed project, should be listed (and renumbered) under this subsection (b)]~~

- ~~(c) The proposed maximum gross floor area;~~
 - (c) The dimensions and heights of the proposed structures or existing structures to be retained, and the use or uses intended for each such structure;
 - (d) The gross floor area and occupied area of all buildings on the property;
 - (e) The dimensions and location of all parking areas, all driveways leading thereto, and all other private drives, ways or streets intended for use by automobile traffic;
 - (f) The dimensions and location of all off-street loading facilities;
 - (g) The dimensions and locations of all signs;
 - (h) A landscaping plan, including the dimensions and characteristics of any open space;
 - (i) A traffic study and mitigation plan for any POD which includes either a minimum of 25 new dwelling units or a minimum of 10,000 square feet of new retail space;
 - (j) A parking management plan describing the proposed policy on and resources for

*Recommendations of the Society Hill Civic Association's
CDAG Advisory Committee, February 12, 2010*

parking for patrons, employees and managers, and anticipated traffic and parking management resources;

(k) Building floor plans, elevations, sections and renderings, including a materials board. Elevations must indicate locations of all materials;

(l) Identification of all public and private areas;

~~(m) ——— (m) —~~A storm water management plan;

~~(n) — A demonstration of compliance with waterfront setback requirements or a narrative of why such compliance is infeasible.~~

~~(o) — A demonstration of how the proposed waterfront setback and trail connect to the adjacent properties.~~

~~(m)(p) — A demonstration of compliance with the public access requirements.~~

~~(n) — Any other information that the City Planning Commission deems necessary for a decision; and~~

~~(o) — To the extent applicable, a~~ plan for a recreational trail along the waterfront, ~~which that~~ shall include the following:

- 1) a minimum of twelve (12) foot wide trail surface with a three (3) foot shoulder with a minimum eight (8) foot vertical clearance from existing grade; and
- 2) plans for the connection of the trail to adjacent properties.

~~(s) — A Phase I archaeological investigation conducted according to the Guidelines for Archaeological Investigations in Pennsylvania issued and as may be amended by the PHMC-BHP; and a narrative for when future phases will be conducted;~~

~~(t) — A description of a plan to take appropriate action to investigate and detect historic and prehistoric resources during construction and a plan to protect such resources appropriately;~~

~~(u) — A Phase I environmental site assessment conducted according to ASTM standards.~~

~~(v) — A certification from the Philadelphia Department of Revenue that all of the property owner's taxes pursuant to Title 19 of the Philadelphia Code are current or are subject to a payment agreement (Note: this language is taken from Councilman Rizzo's bill that would require the same certification for anyone seeking a variance from the ZBA); and~~

~~(w) — A demonstration of how the project is appropriate in scale, density, character and use for the surrounding community.~~

~~(x) — Any other information that the Commission deems necessary for a decision;~~

~~(t) — A submittal fee in the amount of \$_____ per acre of the area covered by the POD [with language indicating that such fee is automatically increased per the rate of inflation, the CPI or another appropriate index].~~

When a POD submission is made either in whole or in part, or amended, the staff of the Commission shall make reasonable efforts to notify the local community group(s) of the submission. All POD submissions, including plans and renderings, shall be posted promptly on the Commission website.

*Recommendations of the Society Hill Civic Association's
CDAG Advisory Committee, February 12, 2010*

Section 4. Hearings

(a) Hearings on Plan of Development proposals will be conducted at regularly scheduled Commission meetings, unless otherwise determined by the Commission in its discretion.

(b) Any staff recommendations regarding a POD proposal shall be posted on the Commission website at least 14 days prior to the scheduled date of the hearing.

~~(bc)~~ Action on a proposed POD shall be by vote of a majority of the Commission members present and constituting a quorum at a POD hearing.

~~(ed)~~ All POD hearings shall be open to the public, with at least forty-five (45) days ~~reasonable~~ notice and opportunity provided for public comment. Notice of a POD submission shall be posted on the property according to the same requirements for posting Zoning Notice Posters except that the recreational trail and regulated public access areas required by Section 14-1638 of the Philadelphia Code shall be considered street frontage for purposes of posting; and on the Commission's website at least forty-five fourteen-(145) days prior to the scheduled POD hearing. The POD submission shall be considered final and un-amendable as of 45 days prior to the scheduled date of the hearing. The Commission staff shall make reasonable efforts to notify the local community group(s) of the hearing.

~~(de)~~ The staff of the Commission will present the POD proposal at the hearing with their recommendations.

~~(e)~~ ~~The Commission shall have the power to administer oaths for the testimony of witnesses.~~

(f) The parties to the hearing shall be the City, any person affected by the application who has made timely appearance of record before the Commission, and any other person including civic or community organizations permitted to appear by the Commission. Parties shall also include not-for-profit advocacy groups when their subject matter may be implicated. Such groups include but are not limited to those in the Philadelphia area in the fields of historic preservation, archeology, anti-blight, open space, environmental, etc. The Commission shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Commission for that purpose.

(g) The Executive Director of the Commission or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

*Recommendations of the Society Hill Civic Association's
CDAG Advisory Committee, February 12, 2010*

(h) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

(i) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

~~(f) The applicant shall be given reasonable notice of the hearing and an opportunity to present all relevant evidence and testimony of witnesses in support of the POD. Reasonable cross-examination shall be permitted. The applicant may appear in person or by his attorney.~~

~~(g) The Commission may allow, in its discretion, persons demonstrating a direct interest in the decision a reasonable opportunity to present relevant evidence, to have witnesses testify on their behalf, and to cross-examine adverse witnesses.~~

~~(h) All testimony hearings shall be transcribed and a recorded and a full and complete record be kept of the proceedings. Transcripts of all hearings shall be posted online and be available to the public at no cost.~~

Section 5. Decisions of the Commission

(a) The Commission may approve, conditionally approve, deny or table the POD at the hearing. The Commission shall approve the POD only if it determines, in its discretion, that the POD provides for development appropriate in scale, density, character and use for the surrounding community. In determining appropriateness, the Commission shall consider and shall be guided by the following objective standards:

- (1) _____ :
- (2) _____ :
- (3) _____ ; and,
- (4) _____ .

(b) To make a determination of infeasibility pursuant to Subsection (6)(b) of Section 14-638 of the Philadelphia Code, the Commission must find by clear and convincing evidence that all of the following exist:

- (1) _____ :
- (2) _____ :

*Recommendations of the Society Hill Civic Association's
CDAG Advisory Committee, February 12, 2010*

(3) _____; and
(4) _____.

(c) The Executive Director is hereby authorized to review any zoning permit applications issued on properties within the district, to determine whether or not such permits would be in conformity with the approved POD.

(c) The Commission shall render a decision within seventy-five (75) days of receiving a POD submission that complies with the requirements of Section 3 of these regulations. ~~—If the Commission fails to render a decision within seventy-five (75) days of a complete POD submission, the approval of the Commission shall be presumed.~~ If any amendments are made to the POD, whether at the request of the Commission or the applicant, the Commission shall have seventy-five (75) days from the date of amendment to render a decision. If the Commission does not meet these deadlines, the applicant's submittal fee shall be refunded.

(d) All decisions of the Commission shall be in writing, shall contain findings and the reasons for the decision, and shall be served upon the applicant and his attorney of record and to such other persons as have notified the Commission in writing of their interest in the matter. All decisions shall be posted promptly on the Commission's website.

(e) The approval (with or without conditions) or disapproval of a POD by the Commission shall constitute the final decision of the City on the POD proposal.

Section 6. Appeals

Any person aggrieved by an approval (with or without conditions) or denial of a POD proposal by the Commission may appeal the decision to the Court of Common Pleas. Appeals must be filed within ___ days of the date the decision is announced by the Commission.