

NEIGHBORHOODS MATTER

1 **Joint Response of Neighborhood Groups to** 2 **Philadelphia’s New Zoning Code - Detailed Recommendations** 3

4 We, the members of the Crosstown Coalition of Communities, present the
5 following issues of mutual concern as reaction to the Detailed Recommendations
6 presented to the Zoning Code Commission in September of 2009.

7 **1. IMPROVED PARTICIPATION OF COMMUNITY GROUPS** 8

9 Communities must be heard in the development approval process and the Zoning
10 Code should recognize their right to participate, present evidence and cross examine
11 witnesses at the ZBA. We recognize that the variance review process would be
12 improved if it were more standardized and predictable across all the City’s
13 neighborhoods. For example, we endorse suggestions such as the proposal on page 16
14 to limit conditions (or provisos) on development decisions to “those that will address or
15 mitigate an impact of the proposed development.” However, we cannot support the
16 suggestion on page 15 to reconsider the ZBA’s established practice of requiring position
17 letters from community groups prior to rendering a variance decision.¹ The first
18 suggestion standardizes community input, the second suggestion disables it.
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21 **2. DESIGN REVIEW COMMITTEE** 22

23 We do not oppose the establishment of a Design Review Committee. However,
24 the relationship and coordination between the activities of the proposed Design Review
25 Committee and neighborhood groups must be clarified. In particular, a role for
26 neighborhoods must be specified in terms of (1) the setting of design criteria; (2) the
27 composition of the decision making group and (3) participation by neighborhood
28 representatives and meetings/deliberations on projects impacting those neighborhoods.
29 A Committee with a “set” membership cannot possess detailed knowledge of every
30 Philadelphia neighborhood. Therefore, the Committee should include a position to be
31 filled by a representative from the neighborhood in which a project under review by the
32 Committee is located. At present we reserve judgment as to which projects should be
33 subject to Design Review Committee hearings.

34 **3. ADMINISTRATIVE VARIANCE REVIEW** 35

36 We agree that the ZBA case load should not be filled with minor code variance
37 requests (per page 21 at Section 14-204(9)) and that some of these requests can be

¹ The practice of requesting community position letters as part of the variance review process is currently found in a ZBA information sheet. We recommend that this requirement be written into the Zoning Code.

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38 processed administratively. However, even minor variance requests may adversely
39 impact immediate neighbors. Consequently, sufficient public notice must be provided
40 to the neighborhood and community input must be part of the administrative decisional
41 process and full rights of judicial review should be maintained. We are concerned with
42 the definition of “minor” and request that it at least be limited to a single dimensional
43 variance.

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4. MINIMIZING THE INCIDENCE OF VARIANCES

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47 We concur with the ZCC’s observation that, over the years, variances have been
48 issued in the absence of any true hardship. Consideration should be given to
49 mechanisms which might reduce the incidence of variances. One proposal we all agree
50 with is that the ZBA announce the factual bases of a hardship at the time variances are
51 granted. We look forward to working with the ZCC to address this problem.

5. ZONING CATEGORY CONSOLIDATION

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54 We agree there are opportunities to reduce the number of zoning categories as
55 suggested in the table on pg. 27 and 28. However, the overriding objective must be
56 simplification of use which is not necessarily accomplished by reducing the number of
57 categories. No zoning category should be eliminated if it makes the use of the code
58 more subjective. For example, using “contextual” guidelines to accommodate the
59 differences between two current zoning categories and then joining the categories into
60 a single category, as is recommended, would, in the name of simplicity, decrease
61 predictability contrary to the committees’ primary goal – a “clear zoning approval
62 process” (see pg. 2 of report).

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6. MIXED-USE CATEGORY CONSOLIDATION

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66 The report recommends that RC districts (Residential –Commercial) be
67 consolidated into similar C (Commercial) districts because commercial districts already
68 contain residential uses. However, there is a significant difference between the
69 commercially dominant mixed-use C4 zone and the residentially dominant mixed use RC4
70 zone. These differences should be maintained and the categories should not be
71 consolidated.

7. OVERLAY DISTRICT CONSOLIDATION

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74 We are concerned that the reduction of the 14 Center City overlays into a single
75 overlay would lead to more confusion. The current overlays are geographically based
76 and the different regulations reflect the different character of each Center City
77 neighborhood. The recommendation that the overlays be divided into component
78 issues described on five different maps that cover the Center City area requires that
79 applicants review five different maps where currently only one source need be
80 consulted. Moreover, if all Center City communities were included in a single overlay,
81 any change to the overlay would have to be monitored by each of the disparate
82 communities within Center City, not a desirable result for either the City or the
83 communities within Center City.

84 **8. FORM BASED CONTROLS**

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86 The discussion of form controls in rezoning (Section 14-507, page 80-81) shows
87 promise in mitigating impacts on neighborhoods, particularly in edge conditions
88 between widely divergent zoning categories. We encourage its further exploration but
89 its ultimate effectiveness will depend upon the scope and circumstances where applied.

90 **9. NEIGHBORHOOD CONSERVATION DISTRICTS**

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92 This mechanism for protecting the character of residential neighborhoods has
93 been incorporated into one Center City neighborhood and proposed in the
94 neighborhood plan of another. Depending upon appropriate conditions and local
95 initiative and consent, it should be considered for wider application.

96 **10. EXAMINATION OF BONUS PROVISIONS**

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98 We agree with the Recommendation's recognition that the present bonus system
99 is in need of revision and wish to work with the Commission on this topic. At present,
100 the bonus system encourages results which cannot be easily perceived through a
101 review of the zoning map. If the City wishes to encourage trade-offs, it should do so
102 through the remapping process rather than relying on bonus calculations. We can
103 envision exceptions for specific situations.

104 **11. CITIZEN PLANNING INSTITUTE**

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106 It is incumbent upon the neighborhoods to improve the productivity and
107 effectiveness of their input into the development process. A role of the proposed
108 Citizens Planning Institute should be to encourage developers and neighborhoods to
109 better understand and appreciate their respective objectives.

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111 **12. TECHNOLOGY SUGGESTIONS**

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113 The new Zoning Code should require that (a) developers submit to L&I all
114 rendering and elevations in digital format, which L&I shall post online upon receipt; (b)
115 L&I to timely post on line all by-right permits, and rights to appeal to be linked to the
116 date of online posting; (d) ZBA to post all transcribed transcripts online.

117 **13. TOPICS OMITTED**

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119 In terms of general goals, the report does not enunciate one of the primary
120 objectives of all Center City communities – encouraging street level, pedestrian activity.
121 Turning from general goals to more specific issues, we believe the following concerns
122 should be addressed:

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124 Regulations to counter blank party walls generated by new high rise
125 buildings adjacent to low rise buildings.

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127 Inappropriate density bonuses for building wall set backs

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129 Creating strong requirements to ensure that when a historic building is
130 eliminated, the development proceeds as proposed

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CONCLUSION

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134 We consider this the beginning of our various community groups' efforts to
135 articulate our requests and positions regarding the reforming of the Zoning Code and
136 the associated remapping. We look forward to providing additional guidance as the
137 process moves forward and as our work continues. We appreciate the ability to be
138 involved and be heard.

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