

**ZCC MEMBERS IN ATTENDANCE**

**Brian Abernathy**, Aide to Councilman Frank DiCicco  
**Sophie Bryan**, Legislative Assistant to Councilman Bill Green  
**Frances Burns**, Department of Licenses and Inspections  
**Wendella Fox**, U.S. Department of Education  
**Alan Greenberger**, Philadelphia City Planning Commission  
**Ann Hoskins-Brown**, MANNA  
**Peter Kelsen**, Blank Rome LLP  
**Brian O'Neill**, City Council District 10  
**Natalia Olson Urtecho**, H2L2  
**Greg Pastore**, Bella Vista Town Watch  
**Bill Salas**, Hispanic Association of Contractors and Enterprises (HACE)  
**Al Taubenberg**, Greater Northeast Philadelphia Chamber of Commerce  
**Andrew Toy**, Enterprise Center  
**Stella Tsai**, Archer & Greiner, P.C..74  
**Daniela Voith**, Voith & Mactavish Architects LLP  
**John Westrum**, Westrum Development Co.

**Guest Presenters**

**Kiki Bolender**, Urban Design Committee, American Institute of Architects (AIA)  
**Don Elliott**, Clarion Associates  
**Owen Franklin**, Portfolio Associates  
**Harris Sokoloff**, Penn Project for Civic Engagement

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**Agenda Item: Call to Order**

- Chairman Greenberger called the meeting to order at 8:30 am.

**Agenda Item: Approval of November 18, 2009 Minutes**

- **Action Taken:** The Zoning Code Commission (ZCC) adopted the minutes of the November 18, 2009 session.

**Agenda Item: Chairman's Report**

**Discussion Summary:**

- Chairman Greenberger reviewed a brief history of the Zoning Code Commission. The ZCC was created in order to fix a zoning code that is widely considered broken by code users throughout the city. The ZCC is diverse, including representatives of business organizations, labor, planners, architects, developers, attorneys, civic associations, non-profit organizations, and City officials.
  - The ZCC has the legal mandate to reform the zoning code. The process is being managed in a professional and transparent manner, which is reflected in the open ZCC monthly meetings, posting all of ZCC materials on line, setting up meetings in the community, and engaging in conversation with all parties, at their request.
- The ZCC recognizes that there are components of the *Draft Recommendations* that raised considerable concern on the part of the public – in particular the idea that applicants would be responsible for managing and documenting meetings with neighborhood organizations. In response to those concerns, the ZCC adopted a "Change Memo" last month that removed that recommendation. The ZCC also confirmed its intention to support a series of three "facilitated dialogues" with civic and neighborhood organizations and the development community to find common ground, and identify the remaining "hot spots" on the issue of the timing, scope, and management of neighborhood meetings.
  - The ZCC has asked a third party, skilled in this area of work, to design and manage the process to ensure impartiality. The Urban Design Committee of the American Institute of Architects (AIA) is partnering with the Penn Project for Civic Engagement (PPCE) for this purpose. Representatives of the AIA and PPCE will make a brief presentation later in the meeting.

- While the ZCC has reached out to a third party to design and conduct these dialogues, it is the responsibility of the ZCC and the consultant team to write the new code. Input will always be welcomed, but the ZCC will be the final decision maker in the writing of the new zoning code.
- Representatives of the ZCC will participate in the small group that will help advise the process, and will attend the meetings in an observer role. The ZCC's primary role will be to receive and respond to the report that is produced as a result of this dialogue.
- The ZCC anticipates that this set of facilitated meetings will be the beginning of a process that may require more time and discussion. The Zoning Code Commission is committed to working with all of the stakeholders to continue the conversation after the third meeting, in order to address any outstanding issues.
- The code drafting has begun with the administration and procedures section because it was recognized that it would be the toughest, and may take the longest to complete.
  - Over the course of the next six months, the ZCC will be sharing the draft of each section of the new code with the public to receive more comments.
- Chairman Greenberger also congratulated Commissioners Stella Tsai and Natalia Olson Urtecho for being recognized as 2009 Women of Distinction award winners.

**Agenda Item: Work Plan Committee Report****Discussion Summary:**

- This month, the Work Plan Committee met in a combined session with the Civic Engagement Committee. The group participated in a joint conversation about the facilitated dialogues, which will be discussed later in the Civic Engagement Committee Report.
- The Committee ratified the decision to hire Natalie Hsueh for the position of Program Coordinator for the Zoning Code Commission. Ms. Hsueh is an extremely qualified candidate. Eva Gladstein will introduce her more formally in her report.
- The drafting of the first module of the new code has begun. There will be continued opportunities for public involvement as each module is released. The ZCC is open to meeting with individuals and groups throughout the process.
- The Working Group on Non-Conforming Uses, Lots, and Structures has met twice and is making headway on some of the issues that need to be addressed. Other Working Groups will be formed, as the process moves forward, in synch with the code modules as they are being written.

**Agenda Item: Executive Director's Report****Discussion Summary:**

- Ms. Gladstein introduced Natalie Hsueh, who will be joining the staff of the Zoning Code Commission later in December to serve as Program Coordinator. Ms. Gladstein briefly described the hiring process. In addition to holding Masters Degrees in Environmental Science and City Planning, Ms. Hsueh has six years of experience managing environmental remediation projects across the city. She is also a ten year resident of Philadelphia and has spent the last six months, in an intern capacity to Brian Flanagan, working on the improvement of the City's development approval processes.
- In November, the ZCC made a presentation to the Executive Committee of the Urban Land Institute. Through the assistance of Commissioner Westrum, a meeting will be held with the Philadelphia Real Estate Council next week to brief them on the ZCC's work.
- Ms. Gladstein also had an informal meeting with representatives of the Crosstown Coalition yesterday, and another such meeting is set up with several ZCC representatives for next week.

**Agenda Item: Civic Engagement Committee Report****Discussion Summary:**

- Commissioner Olson Urtecho reported that the Civic Engagement Committee had a productive joint meeting with the Work Plan Committee. The groups discussed the upcoming facilitated dialogue, focusing on the goals of the dialogue, and the role of the ZCC and the other parties.
  - This will be a very inclusive process and will identify areas of common ground as well as issues that are more difficult to resolve. The ZCC will give thoughtful consideration to this information and make the decisions that it needs to in order to create the new zoning code.

- Commission Olson Urtecho reminded everyone that the ZCC will conduct civic engagement activities to receive feedback on the draft of each of the three modules of the new code. These are planned for February, April, and July of next year.
- Commissioner Olson Urtecho asked Owen Franklin of Portfolio Associates to say a few words about the raw data from the survey.
  - Owen Franklin briefly explained that this report contains the unedited comments provided by the 335 people who took the survey. This document differs from the Report on Civic Engagement distributed at the November ZCC meeting, which highlighted and summarized key findings. He noted that there are very informed comments and that the document, while long, is readable and interesting.
  - The ZCC will make the unedited comments received from the civic engagement online survey available on its website.

**Agenda Item: Presentation: Facilitated Dialogue with civic associations and development organizations**

- Kiki Bolender, of the American Institute of Architects (AIA), and Harris Sokoloff, of the Penn Project for Civic Engagement, spoke about the facilitated dialogue involving civic associations and developer organizations.
- Ms. Bolender commented that the matter of balancing civic interests with developer interests is an issue for which no city has a perfect process. Philadelphia has an opportunity in the coming months to provide a model for the rest of the country.
- She introduced Harris Sokoloff, who has organized other civic engagement processes, such as the Central Delaware Riverfront planning process and City budget workshops.
- Mr. Sokoloff stated that the goals for the facilitated dialogues will be to find common ground between civic groups and developers in the project review process, while still recognizing the individual interests of both sides. The tensions felt by each group will be explored and possible trade-offs and resolutions will be discussed.
- The facilitated dialogues will be invitational, with a representative group of leaders from civic associations and the development community being invited. The meetings will not be open to the public, but the report and findings of the meetings will be made available as soon as they are finished.
- An advisory group, consisting of ZCC members, developers, community development corporation leaders, civic association leaders, PCPC staff, and a few others, will help inform the process and ensure that the process it will be fruitful.
- Mr. Sokoloff stated that this is an advisory process that should clarify the issues and provide insight into possible solutions. It is ultimately up to the ZCC to make decisions about the new zoning code. He understands that there may need to be continued work after the planned discussions and additional funding has already been requested for further meetings.
- The expected outcomes of the meeting will be improved stakeholder understanding of the review process, better understanding of stakeholder interests, increased collaboration between civic groups and developers, and improved communication.
- To suggest developers or civic leaders who should be involved in these discussions, contact Linda Breitstein, Project Manager Penn Project for Civic Engagement, at 215-898-1112 or [lindabre@gse.upenn.edu](mailto:lindabre@gse.upenn.edu)
- To discuss the project, contact:
  - Kiki Bolender - Phone: 215-731-0390 Email: [orkiki@schadeandbolender.com](mailto:orkiki@schadeandbolender.com)
  - Harris Sokoloff – Phone: 215-898-8426 Email: [harriss@gse.upenn.edu](mailto:harriss@gse.upenn.edu)
- Eva Gladstein will post a PowerPoint of this presentation on [www.zoningmatters.org](http://www.zoningmatters.org).
- Tom Walsh of PlanPhilly asked if the sessions would be open to the press. Chairman Greenberger commented that the press would be able to attend if they were willing to abide by ground rules, including that everything at the meetings would be off the record.

**Agenda Item: Update from the Consultant Team  
Discussion Summary:**

- Don Elliot of Clarion Associates explained that he and his team are hard at work drafting the first module of the new zoning code. They will submit a draft of the first module to the ZCC for internal review by December 31<sup>st</sup>.
- The team is working, under ZCC guidance, to make the code more efficient and easier to use. The process is moving quickly, but it is important to generate actual code language to produce greater clarity as to the areas of agreement and the areas of disagreement.
- The consultants will wait for input from the facilitated dialogue process and the ZCC before writing about community meetings for development projects.
- Mr. Elliot posed a question to the ZCC regarding the location of the definitions chapter within the overall structure of the code. It is the second chapter in Philadelphia's current zoning code, but he would prefer it to be at the end of the new code.
  - Commissioner Pastore commented that the definitions should be the second chapter because, with a new code, there will be an even greater need for code users to use the definitions. Commissioner O'Neill stated that he believed that the definitions should be at the end of the new code.
  - Chairman Greenberger suggested that Mr. Elliot use his best judgment in placing the definitions, since he is the one with the most experience and insight. If necessary, the location can be adjusted at a later time in the code drafting.
  - Mr. Elliot explained that some definitions will be carried over from the current code and some definitions will still need to be written. When this section is presented in the new year, it will be a "work in progress" and will need to be revised as the additional modules are drafted.
- Mr. Elliott praised the civic engagement process in Philadelphia, noting that, of the cities he has worked with, Philadelphia has done the best job of involving the community in the zoning reform process.
- David Feldman, a member of the public, asked a question about what mechanisms the code would have to allow for updating and amending without the need for a charter change. Mr. Elliott responded that he does not anticipate that the new code will require charter changes and that the consultants will provide a structure for amending the code.
- Lorna Katz, a member of the public, suggested a better linkage between the zoning code, the building code, and the historical code.
- Mr. Elliott stated that the user friendliness of the new code will largely depend upon the codifier the city uses to publish and maintain the code. The two largest codifiers in the country have largely text based codes that are not user friendly, but are easy to update. Some cities maintain a more readable version of the code in tandem with the one maintained by a codifier.
- Chairman Greenberger commented that having a code with a format similar to the codes in other cities will make outside developers more comfortable using the code and investing in the city. The graphics of the new zoning code will be very important to the ultimate success of the code.
- Commissioner Voith noted that the ZCC has indicated an interest in producing a web-based code, which will greatly increase user friendliness.

**Agenda Item: Adjourn**

- Chairman Greenberger adjourned the meeting.