

ZCC MEMBERS IN ATTENDENCE

Robert Barrilli, Sr., Administrative Assistant, Councilman Brian O'Neill's Office
Darwin Beauvais, Klehr, Harrison, Harvey, Branzburg & Ellers LLP
John Binswanger, Binswanger & Co.
Frances Burns, Commissioner of Licenses & Inspections
Richard DeMarco, Klehr, Harrison, Harvey, Branzburg & Ellers
Frank DiCicco, City Council District 1
Eileen Evans, Deputy Commissioner Licenses & Inspections
Varsovia Fernandez, Greater Philadelphia Hispanic Chamber of Commerce
Wendella P. Fox, Former Chair of The Zoning Board of Adjustment
Bill Green, City Council At Large
Alan Greenberger, Philadelphia City Planning Commission
Ann Hoskins-Brown, MANNA
Susan Jaffe, Zoning Board of Adjustment
Marion Johnson, Office of Councilwoman Marian Tasco
Peter Kelsen, Blank Rome LLP
Natalia Olson de Savyckyj, Delaware Valley Regional Planning Commission
Anne Papageorge, University of Pennsylvania
Greg Pastore, Bella Vista Town Watch
Guillermo Salas, Jr., HACE
Nick Shenoy, Asian American Chamber of Commerce
Al Taubenberger, Greater Northeast Philadelphia Chamber of Commerce
Andrew Toy, Enterprise Center
Stella Tsai, Archer & Greiner, P.C.
Daniela Voith, Voith & Mactavish Architects
John Westrum, Westrum Development Co

GUEST PRESENTERS

Don Elliott, Clarion Associates
Honorable Michael A. Nutter, Mayor of Philadelphia
Al Taubenberger, Chair, Zoning Code Commission Hiring Subcommittee

INTRODUCTION & CHAIRMAN'S REPORT

Chairman Greenberger began the meeting by outlining the contents of the meeting, including comments by Mayor Michael A. Nutter, a presentation concerning zoning and some of the different forms of public outreach that will be used by the Zoning Code Commission (ZCC) given by Don Elliott of Clarion Associates as well as public comment.

At this time, the Zoning Code Commission approved the minutes from the October 8th, 2008 session. Chairman Greenberger then introduced Don Elliott, the lead member of the ZCC's consultant team, to begin his presentation.

ZONING 101-PHILADELPHIA ZONING CODE REFORM PROJECT

Mr. Elliott began his remarks by commenting that zoning can be a tool that can help lead Philadelphia. However, for the Zoning Code Commission's work to be truly effective and efficient, everyone should understand what work this project entails, as well as what it does not. He explained that the consultant team, led by his firm, Clarion Associates, that has been assembled is particularly adept at aiding in zoning code reform. He described the roles of each of the team members:

- Clarion Associates- Project Manager, Research & Drafting
- Duncan Associates- Research & Drafting
- Claflen Associates- Urban Design
- Wallace, Roberts & Todd- Sustainability
- CHPlanning- Public Outreach
- Portfolio Associates- Public Outreach
- Additional Resource Team:

- Dyett & Bhatia- Downtowns
- Hurley- Franks & Associates- Form Based Codes
- Montgomery, McCracken, Walker & Rhoads- Legal Consultant
- Vic Group- Web Based Tools

Following the introduction of the team, Mr. Elliott described a five step process that the Zoning Code Commission, along with the consultant team, will complete within the first phase of this reform project. The first step is public involvement. He encouraged all Philadelphians to get involved in the reform process and commented that while comment is allowed at all stages of the effort, when given early in the process it can be used most effectively by all. The second step involves evaluating Philadelphia's current code to establish what currently benefits Philadelphia and what does not. Following that work, best practices will be identified that will draw from strategies that have worked in other cities. The fourth step involves identifying alternative code scenarios that incorporate ideas such as sustainability and urban form that may be worthwhile to incorporate into Philadelphia's code. Finally, the consultant team will present the recommendations to the Zoning Code Commission. Mr. Elliott also presented a detailed calendar for each step. He noted in particular that the current plan is to have additional public outreach in order to give the public an opportunity to respond to the consultant team's recommendations. By the end of the current consultant team's contract a detailed outline of the revised zoning code will be prepared.

Mr. Elliott then described the ZCC's public outreach strategy. There will be ten community meetings, one per City Council district within the next few months. CHPlanning will also be conducting code user interviews of approximately two hundred individuals who intimately interact with the zoning code on a consistent basis. Also, an online survey will be available on www.ZoningMatters.org within the next few days that will help the Zoning Code Commission hear from anyone who wishes to contribute to the process. He also encouraged everyone to visit the Zoning Code Commission's website for additional information and to join the ZCC mailing list if they wish.

The next topics Mr. Elliott discussed were "zoning basics" and reasons to update Philadelphia's Zoning Code. He described how zoning defines zones or districts, such as residential, commercial, or industrial and other items such as uses, the building envelope and site design including parking and landscaping. While reform is a two step process, including both the zoning text and the zoning map, Mr. Elliott stressed that the current process concerns revising the text, not the map. He commented that most cities do complete their text revisions before addressing their map. Although ideas concerning the map may be available for comment during the text revisions, the map is not part of this current phase.

Subsequently, Mr. Elliott commented on the need for reform in Philadelphia's Zoning Code. The first issue he addressed was usability and the need to reduce inconsistencies within the code as well as a need to reduce the volume of variance requests, the intention being that all individuals, regardless of their previous zoning knowledge, should be able to read and understand Philadelphia's Zoning Code. He also touched on innovation. New land uses and building types are now available and it should be decided whether or not it would be appropriate for our code to address them. Mr. Elliott also commented that Philadelphia's code should "encourage high quality, creative and sustainable design." In

order for Philadelphia to compete economically, Mr. Elliott stressed that zoning can be used to encourage the type of development that is deemed appropriate by Philadelphia while limiting that which is not. He also commented on the opportunities for Philadelphia to create a more efficient and streamlined approval process. Finally, in regards to reasons to update Philadelphia's code Mr. Elliott also raised the potential for increased user friendliness. He also identified the following next steps:

- Ten meetings by City Council District
- Online Survey at www.ZoningMatters.org
- Public Zoning Code Commission Meetings

To conclude his presentation Mr. Elliott raised the following questions in order to help generate effective public comment:

- How would you like to see the code made more user friendly?
- How could the code be changed to make Philadelphia a better place to live and work?
- What about zoning needs to be simplified, and how?
- What recent zoning or development decisions have had a positive or negative impact on your neighborhood?

Mr. Elliott also requested comments on the following topics: building design, parking, housing, environment & sustainability, appropriate land uses and modernization.

REMARKS BY MAYOR MICHAEL A. NUTTER

Mayor Nutter began his remarks by commenting that while zoning may not seem to be one of the more enticing topics to discuss, it is one of the most important tools for determining what our City looks like and therefore Philadelphia should strive to incorporate best practices into its reform effort. He also spoke about the importance to elevating the status of planning and zoning in Philadelphia, specifically focusing on creating a zoning code which can be accessible and understandable by all. Mayor Nutter also stressed how the zoning code has previously been an impediment to development in Philadelphia, one of the reasons that necessitated the creation of the Zoning Code Commission. He thanked the ZCC for their work and encouraged them to create a balanced code that is positive for Philadelphia as a whole, as well as the business community. Mayor Nutter also spoke of the composition of the ZCC, remarking that the group represents a wide variety of stakeholders within Philadelphia, which will allow them to work together to create a revised code that will effect future development in Philadelphia for many decades to come.

Mayor Nutter then commented on his appointment of Alan Greenberger as Executive Director of Philadelphia City Planning Commission and Chair of the ZCC. He also remarked that the Zoning Code Commission is in need of an Executive Director as well. Mayor Nutter recommended Eva Gladstein as Executive Director of the ZCC. He is confident that Ms. Gladstein is the appropriate person for the position, and that she can use her vast expertise and knowledge to help lead the ZCC in their reform process. While the ZCC needs to vote to ratify Mayor Nutter's recommendation, he hopes that they will vote on Ms. Gladstein's appointment in the near future.

HIRING SUBCOMMITTEE REPORT

Al Taubenberger, Chair of the ZCC Hiring Subcommittee, commented that the Hiring Subcommittee met this past summer to review approximately twenty five resumes and interviewed nine candidates and subsequently submitted four names to Mayor Nutter for consideration. Commissioner Taubenberger, on behalf of the Hiring Subcommittee, recommended that the ZCC consider Ms. Gladstein's appointment at the next meeting.

PUBLIC COMMENT (Notes Provided by Portfolio Associates)

Question 1: Howard Tucker: Executive Director of West Philadelphia Childcare Network: How to make Philadelphia a better place to live and work? How many of you have children? How many of you work? We have options as far as childcare is concerned. We as part of a coalition of childcare providers have been asking the ZCC to support childcare through the code. People need to have childcare in their neighborhoods. We have a white paper of 6 points. Please put childcare in the code.

Comment: None

Question 2: Rashena Philips: New staff attorney at community legal services. I represent childcare providers. Help providers get their license and zoning. It is difficult for them to get through the process, due to some of the definitions. We have a white paper that we are passing to the commission. We want to see child care in the code. We want to include it more than just as an accessory use.

Comment: None

Question 3: Brian McCale - member of public. Leave comments on actual zoning for another time. I have a request. At the end of this there is going to be a document that lists the legalese of zoning. As soon as it is enacted, we are going to find out all the things that are wrong with that document. Developers and communities will take issue with different aspects of it. In addition to the actual zoning code, I would request that there is some articulation of how you get there. This is not going in a vacuum. There are many neighborhood plans, city wide planning, and it would help if there was a thought process showing what we thought the problems were and why we thought these changes would solve those problems. The zoning code is going to be as much of a legal document as it is today. People are no more likely to understand it 20 years from now than they are now. There should be an outline of what your thought process was. If we agree or disagree with it, at least we will have a person or thought process to disagree with, not just a document of legalese.

Comment: Don Elliot - The document that will end this phase of the work will lay out the reasons why we are undertaking this project. Usually at the end, we will have to figure out if the answer is a separate document or something that can be embedded in the code. Many cities come up with a document that explains it. I would prefer it all together but sometimes we can't do it all.

Question 4: Lawrence Vitale - civic association to represent Tacony. Some of my questions have already been answered. One of my questions was will the commission allow more participation from the community. Is there some sort of a sub-commission of civic presidents that could meet with the commission? In the 10 meetings, are they specific communities that are already on the docket, but what are the communities on the meeting list?

Comment: Don Elliot - These Commission members have been appointed by the mayor, council

and civic groups. But there is ample opportunity for public meetings. One for each council district. We are trying to come up with group meetings; we will talk to the staff about this. We are going to have meetings by district council. And each council member will identify the civic groups. Councilman DiCicco says some communities span districts, we will try to make sure that organizations are invited by what geographically makes sense.

Question 5: Lawrence Vitale - The variance - I understand we are trying to limit them. But from the civic point of view, that is the only thing that forces the developer back to us. Our councilmember gets a call from the developer and tells them to call the civic group. The variance, if removed, should be replaced with something else that protects the civic groups.

Comment: Allen Greenberger - Variances will not be removed. As new rules are written and we hope them to be both modern and some reasonable projection of the future, variances should be minimized, but that doesn't mean public participation will be eliminated. We are trying to find a way to structure those conversations so that everything is not its own transaction but instead happens in a structured way.

Question 6: Sherry Walker - family day care provider. We need providers who can provide childcare for our neighborhood. I'm piggybacking on what the others were saying. We need to be able to open up centers for our children.

Comment: None

Question 7: Gina Snyder - Director of the East Falls Development Corporation. Community based organizations that focus on economic revitalization. We have a special district overlay. It was enacted in a thoughtful process. It is a good overlay in that it addresses use and design and those are the major concerns in the community. We have had a lot of experience with the overlay. By and large it has been good. But it does have problems. We have a lot of experience in dealing with some of the minutia with the problems that have come up. It really needs to be responsive to some of the sustainability issues. I think that there is openness for people to talk about the rules. My major pitch is for neighborhood based commercial corridors where people are so concerned about the look and feel of their neighborhood and to have a code that allows for development that is positive. We have that technical expertise that we would like to bring forward.

Comment: Councilman Green: You will be on the list for the people involved in our meeting.

Question 8: Allen Alston, African American Business and Residents Association: Code needs to be more accessible to different communities that don't have as much access. The arguments that community groups make that are rejected because what they want is not in the code. It does not have affordable housing. It should look at the comprehensive plan and it should be consistent with that. That has been routinely rejected. I think you have to make affordable housing part of the code and define it as what the community can afford as opposed to HUDs definition. Not just sustainability or usability or design. Community involvement is critical. But it does not even happen at the planning commission when staffers work with the developers and the community doesn't even know it. Community involvement should be required. You need to make

the regulation for community involvement mandatory. There are rules regarding who should appear or how at the zoning board. It puts those in CBOs, especially if you are conflicting with the mayor or council, if you could put into the code rules that make it easier for people who can't afford lawyers to participate. The rules for those who have or don't have an attorney should be the same.

You need someone who can advise CBOs or people who can't afford an attorney. If you are a member of a corporation you should be able to represent yourself, you should not have to hire an attorney. The code user interviews - you were presented with a list of who should be a part of this? That's awfully top-down.

CONCLUDING COMMENTS

To conclude the meeting, Chairman Greenberger asked each of the Zoning Code Commission members to introduce themselves and their professional affiliation.

****Special thanks to Portfolio Associates for their assistance regarding the public comment section of these minutes****