

Supporting documents for “Distilling Deliberation”

- Pictures from Civic Leadership workshop
- Pictures of moderator poster-board notes
 - Shared hopes and values (Group 5/7)
 - Consolidated values (all groups)
 - Storytelling (Group 5/7)
 - Extracting “lessons” (Group 5/7)
 - Distilling “principles” (Group 5/7)
- Moderators’ report (from Group 5/7)
- “Common Ground Principles” (from PPCE final report)
- Detailed discussion of 8 principles (from PPCE final report)
- Response of the Zoning Code Commission (from ZCC minutes)
- ZCC’s proposed reforms to public input process in zoning decisions (from online town meeting)

Civic Leadership workshop



Starting with shared values

Common Neighborhood Values

- **Commitment to betting Community**
 - People come together (not a group led) with group as led
 - Org led
 - not everyone, but you work together
 - structure - shared
- utilized existing space to address youth needs
- Keeping interest of whole community (especially most vulnerable) in mind
- **Institutions define community**
 - + Value pub; private schools (undervalued by gov)
 - + Religious institutions + health & wellness
 - + Rec areas, parks
 - + Preserving historic architecture
 - + ~~value~~ influence communities
 - + Problem with commercialization / losing architecture
 - + can be used to leverage for community needs
- **Commerce, commercial corridors**
 - + things in \$, jobs, resources
 - + ~~jobs~~ ↓ crime
 - + desire to live there
 - + ↑ property values
 - + ↑ pride in community
 - + ↑ sense of community

Cooperative police effort (community)

- + Foot patrol
- + Town watch
- + Get people to report suspicious
- + Dialogues: homelessness, prostitution
- + "Public service areas" - get to know area, build relationships
- + Crime map
- + Online list board to share crime info, informal network of block captains in each Internet area.
- Green space
- Housing stock
- Diversity (broadly defined)
 - Dialogue through common meeting space - community garden
- Mobility, access to public trans

Group 5/7: shared hopes and values

GROUP 7

INTRODUCTIONS Name, where you're from, 1 dream, hope or wish you have for Philadelphia:

Rob Fairmont Rid of Corruption
 Delaware river front in port
 52nd Street corridor improved
 More cultural/entertainment developed
 People who are neglected, included
 process + community involve
 Recognize neighborhoods / improvement
 like mutual respect
 Philly has resources: parks, schools
 parks, waterworks, improve infra.
 Slowing areas in city wake-up
 Quality of neighborhood maintained
 Commercial corridors revived, flourish, not
 underdeveloped and destroyed.

* Problem: BRT raise impacts seniors
 keep tax down, maintain communities

"Neighbors don't know how to be neighbors"
 collective responsibility
 maintain neighborhood
 preserve "not destroy in the process"

Have our dreams come true
 these forums include more from neighborhoods - make inclusive
 Educate residents = civic responsibility

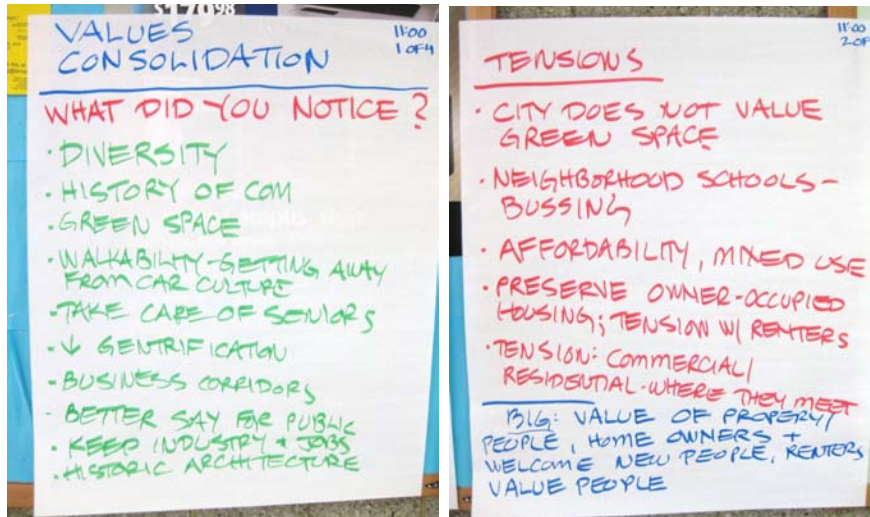
Zoning Code reforms - not politically connected
 upgrade + maintain city
 Identify neighborhoods, raise pride
 Attract to ask for support
 remember our seniors.

Shared Values (Group 7)

- Historic Component - Preserve
- Reluctance to change - tension
- open/Green space
- Transportation
- Having a voice in zoning matters
- Voice allow flexible response
- Desire to cooperate w/ council person
- They are or aren't, not vice versa
- Support community goals
- Have consistent enforcement of codes + ordinances
- Educate community on process + options
- Place welcoming process
- Support spaces + buildings for families + children
- Preserve character thru time
- Value diversity "like it all"
- Don't displace people for new comers to arrive
- Tension

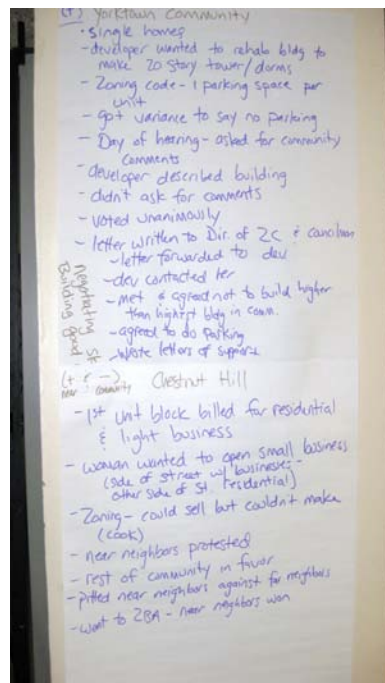
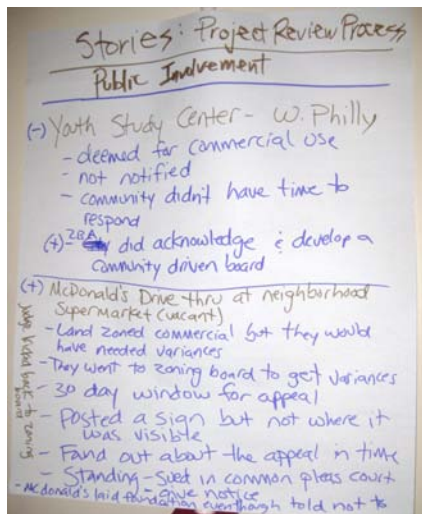
Values consolidation

(collected by Sokoloff after a "gallery walk")



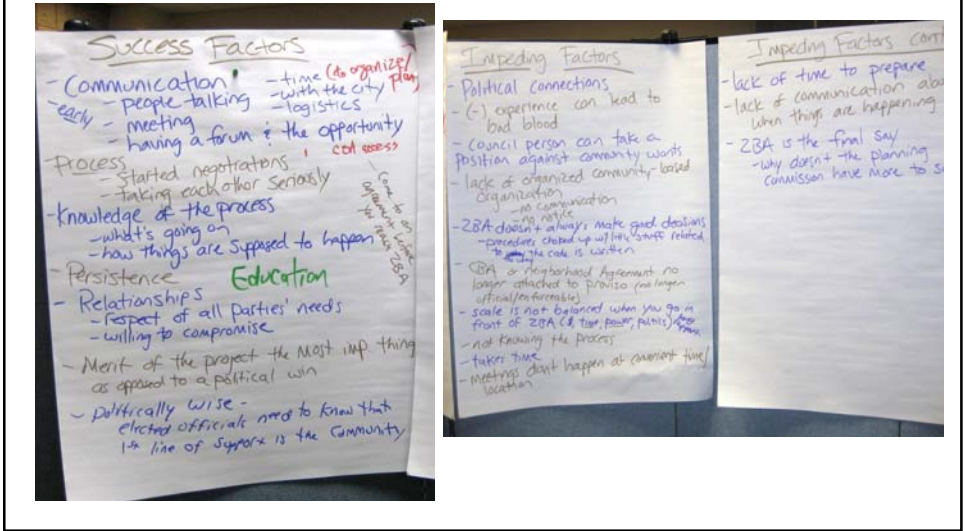
Storytelling

(positive and negative experiences)

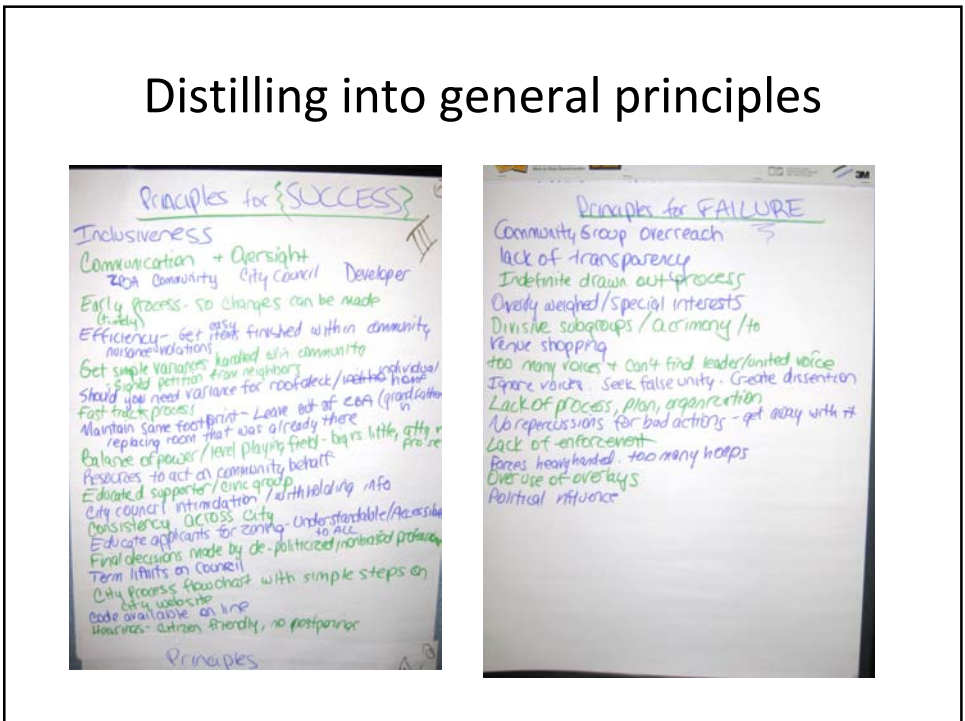


Extracting lessons

(Factors leading to success and failure)



Distilling into general principles



Common Ground Principles (as distilled by the leadership team in final report)

- PRINCIPLE 1: Every neighborhood should have a similar, widely known way to convene civic groups and concerned individuals for input into project review.
- PRINCIPLE 2 All projects of a certain level of impact, whether as-of-right or requiring variances, would benefit from public input.
- PRINCIPLE 3 When assessing a project's impact, go beyond size to look at how a project impacts or fits into its surroundings.
- PRINCIPLE 4 Issues of design and aesthetics should be reviewed, but on a basis separate from the parameters of zoning.
- PRINCIPLE 5 Early and effective notification about project proposals helps improve outcomes both for the neighborhood and the developer.
- PRINCIPLE 6 The project review process should be more transparent and predictable, in ways that inform, invite and engage constructive participation.
- PRINCIPLE 7 Clear review timelines should be set as part of a predictable public input process. This would reduce uncertainty and cost for the developer while ensuring the community gets sufficient time to assess, discuss and comment.
- PRINCIPLE 8 The role of City Council members in zoning and project review should be made explicit and Transparent.

Common Ground for Rebuilding Our City

Civic Leaders Workshop
January 23, 2010

Groups 5 & 7

Moderators: Ellen Greenberg, Cassandra Georges, Ted Enoch

Group Overview: On Saturday, January 19th, an amazing, diverse and effective group of 15 Philadelphians, (groups 5 and 7, who combined with such excellent results) were one of 7 small groups who worked together in three sessions throughout the day. This group was split nearly equally among men and women. Members came from nearly every region and corner of the city. Most of the group members appeared to be in the 30's, 40's and 50's, though one or two may have been a bit older or younger. There was a good balance of African American and white group members, as well as (a seemingly) broad selection of members from different socio-economic backgrounds. Other ethnicities may have been present, but were not easily noticed by observers.

This was an exciting group. One could just feel and see how each were leaders in their own communities, and group members were very eager to learn from and teach one another. Nearly everyone brought some pertinent experience or expertise to the group, and everyone listened and deliberated with respect and enthusiasm. All three moderators were inspired by the group and had rarely seen a group come into existence so quickly and function so well. This particular writer felt a strong sense of optimism for Philadelphia after working with the distinguished, generous and thoughtful group.

What participants value in their neighborhoods:

- Preserve our historic components. (It was noted that this can lead to a reluctance to change, and can create tension in communities.)
- Open/green space is important.
- Transportation (and access to it) is important.
- Having a voice in zoning matters in the neighborhood and beyond. (Several group members asked that this be noted as very important. To star it. To underline its importance...)
 - This voice allows for a flexible and creative response in developing communities.
- Desire to cooperate with councilperson. They are our servants, not vice versa.
 - They need to support community goals.
- Have consistent enforcement of codes and variances.
- Educate community on process and options. Make a more welcoming process.
- Support space and buildings for families and children.

- Preserve character through time.
- Value diversity. One participant stated that, *“we like it all in our neighborhood.”*
NOTE: After these final two values were named, one wise man from West Powelton pointed out that it is very hard to achieve these last two without conflict. Then most group members agreed that this was very challenging. One person stated that, *“we can’t displace people just to make room for new comers to arrive.”*

Principles/Factors participants said contribute to productive public participation in the project/development review process:

- Communication:
 - Early
 - People talking to each other
 - Meeting with each other
 - Having a forum and an opportunity to meet and talk
 - Time (to organize and plan)
 - With the city
 - Logistics are communicated
- Process:
 - Starts negotiations
 - Taking each other access
- Knowledge of the process
 - What’s going on
 - How things are supposed to happen
 - Come to an agreement before you reach the ZBA
- Persistence
- Relationships
 - Respect of all parties’ needs
 - Willing to compromise
- Merit of the project is the most important thing (as opposed to a political win)
- Politically wise: elected officials need to know that the first line of support is the community
- Education
- CBA access

Principles/Factors participants said impeded good process leadership to quality development:

- Political connections
- Negative experience can lead to bad blood
- Council person can take a position against community wants
- Lack of organized community based organization
 - No communication
 - No notice
- ZBA doesn’t always make good decisions
- Procedures choked up little stuff related to the way the code is written

- CBA or neighborhood agreement no longer attached to proviso (no longer official/enforceable)
- Scale is not balanced when you go in front of ZBA (\$, time, power, politics, language rapport, etc.)
- Not knowing the process
- Takes time
- Meetings don't happen at convenient time/location
- Lack of time to prepare
- Lack of communication about when things are happening
- ZBA is the final say – why doesn't the planning commission have more to say?

Characteristics/elements to include in a new project/development review process:

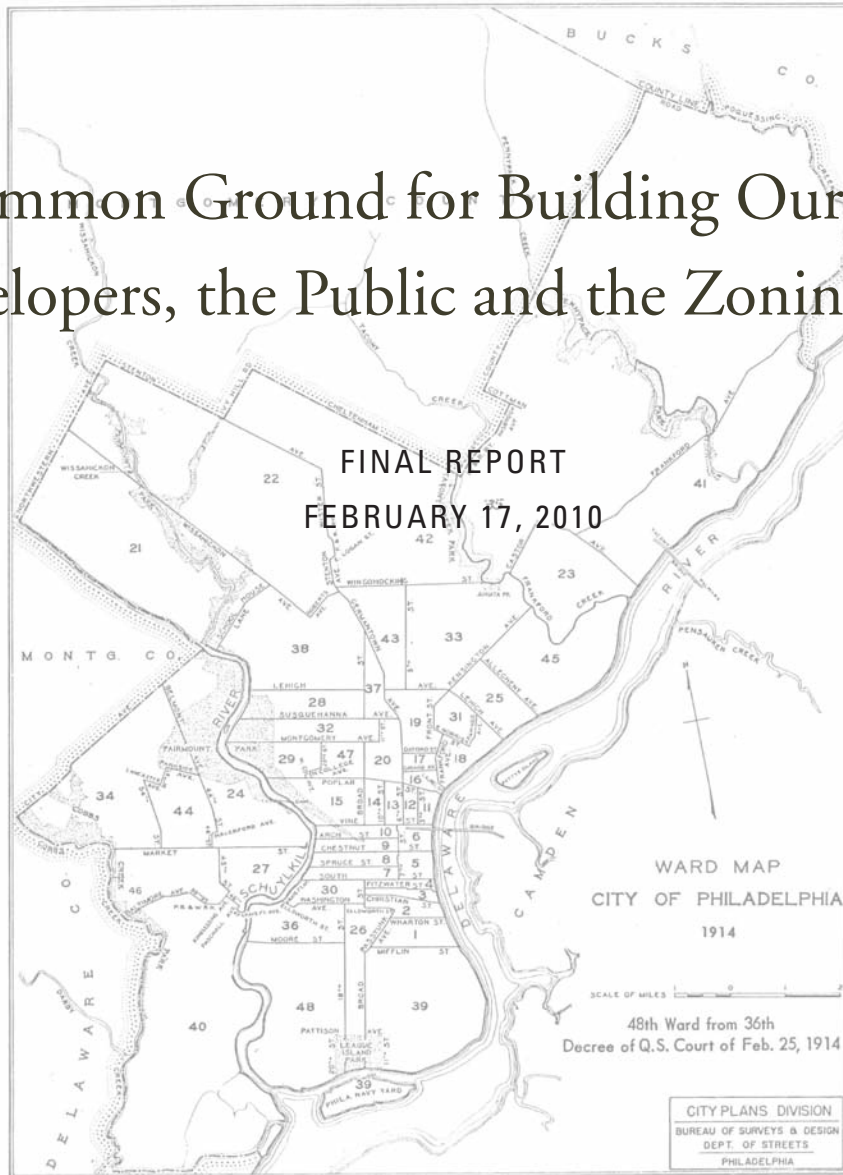
- Inclusiveness
- Communication
- Oversight
 - ZBA, Community, City Council, Developer all communicate early and often.
 - Early/timely process – Have input early enough so that changes can be made
- Efficiency – Get easy items process within the community (i.e. nuisance violations).
 - Get simple variances handled within community. Approval could be property owner getting signed petition from neighbors.
 - Should you need variance for roof deck at an individual home?
 - Create fast track process.
 - Maintain some footprint – Unclog ZBA. Removing simple cases from ZBA means more space for complex cases. Homeowner replacing room that was already there, but was not approved under City records, could be grandfathered in.
- Balance of power/Level the playing field – big vs. little, attorney vs. pro se
 - Resources to act on community behalf
 - Educated supporters/civic group
 - Final decisions should be made by depoliticized, nonbiased group including professionals
 - Hire an independent mediator/administrative law judge instead of using city employees to resolve disputes, as done by Chestnut Hill
 - Educate applicants on zoning – Very often applicants ask the ZBA for things that are not possible. They should know all options before hand.
- Depoliticize the process.
 - City council intimidation/ withholding info
 - Set term limits on City Council to reduce
- Consistency across the city.
- Welcoming, accessible process:
 - City's process listed as easy-to-read steps. Post on web.
 - Make Code available online
 - Hearings – Make them citizen friends, i.e. ensure that hearings are not repeatedly postponed

- Neutrality

PRINCIPLES FOR FAILURE

- Community Groups overreach their responsibilities/powers
- Lack of transparency
- Indefinitely drawn out process
- Overly weighted special interests
- Acrimony and Divisive subgroups
- Venue shopping
- Too many voices or can't find leader/united voice
- Ignore voices
- Seek false unity
- Create dissent.
- Lack of process, plan, and organization
- No repercussions for bad actions – Get away with it (ignoring procedures, breaking agreements, etc.)
- Lack of enforcement
- Heavy handed forces – Too many hoops to jump through
- Overuse of overlays
- Political influence

Common Ground for Building Our City: Developers, the Public and the Zoning Code



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► 1. Introduction

The Philadelphia chapter of the American Institute of Architects (AIA) (under the umbrella organization of the Center for Architecture) joined with the Penn Project for Civic Engagement (PPCE) to design and convene a set of three workshops with the cooperation of the Zoning Code Commission (ZCC). WHY? was the media partner.

The purpose was to gather input from major stakeholders about what forms public participation should take under the development review process in the new zoning code.

That process governs how proposed new buildings, repurposed existing buildings, and new uses are reviewed by the City. The first building block of that process is the zoning code, which tells what can be built where, and defines the physical limits of the project.

The ZCC was formed in 2008. It grew out of a strongly supported 2007 ballot initiative that asked voters whether the city’s antiquated zoning code should be updated. The Commission has made robust public engagement part of its work, including online surveys and public meetings. In this way, the ZCC has demonstrated a commitment to transparency, public input and outreach to diverse stakeholders.

These public engagement efforts continued with the release in September 2009 of its draft recommendations for the new zoning code. The ZCC heard strong reactions from diverse stakeholders, who recognized that the new code—by making more projects “as-of-right” and leaving fewer projects in need of a variance—would dramatically alter the status quo.

A lot is riding on the new process for development review—both its underlying principles and its specific procedures. The draft zoning code will come before City Council for an up or down vote in the fall of 2010. A stakeholder group unhappy with the proposed process could derail the entire zoning reform movement, if it were able to sway enough City Council members. One angry civic group leader said that it will come down to money (campaign contributions from developers) or votes (pressure from civic groups), and he was betting on votes.

This is the context in which the *Common Ground* project took place. Its assignment was to zero in on the issue of public input inside project review. Finding (or perhaps creating) some common ground across stakeholder groups—civic groups, developers and others—could reap significant benefits. That common ground could assist in the drafting of a new code that answers the needs of stakeholders, while helping to foster a vision of the city as a whole.

The ZCC asked for input on a list of specific issues:

- At what points in the development process (e.g., pre or post application) should these meetings occur? Are there points during which different kinds of meetings are necessary?
- For which projects (e.g., based on size, scale, and need for variance) should such meetings be required?
- What should be the scope of these meetings (e.g., adherence to design guidelines, operations, traffic and parking impacts)?
- What type of notice (e.g., how many days, delivered through what method, to whom) should be required?
- How should the results of these meetings be documented?
- Are there benefits of a project review within the context of “of right” projects and projects that require variances?
- Should the zoning applicant/neighborhood meeting process be conducted in accordance with a specific timeline?

Participants in all three workshops discussed these questions in various ways. In Section 2, Common Ground Principles, these questions are explored, using a framework that grew out of the themes and concerns voiced in the first two workshops. In Section 3, the details of the process are explained. In Section 4, some possible next steps are offered.

► 2. Common Ground Principles

The final workshop was structured around eight themes that emerged from the two earlier workshops. Each theme touched upon points of common ground, as well as tensions, among stakeholder groups.

For each theme, a common ground principle emerged through deliberative discussion at the final workshop. Each principle articulates a point where the views of civic groups and developers converged. This report presents eight such principles, along with a list of suggested actions that could put each principle into practice. These are actions that generated some enthusiasm or general assent at the workshops.

After listing the possible actions under each principle, we offer a detailed account of the points of common ground and the points of tension that underlie the principle.

An overview of the processes that lead to the final workshop can be found in Section 3. Moderator reports of each small group are included in Appendix A, B and C. A summary of the eight tasks assigned for small group work at the final workshop is also included in Appendix C.

PRINCIPLE 1

Every neighborhood should have a similar, widely known way to convene civic groups and concerned individuals for input into project review.

POSSIBLE ACTIONS

- 1| Designate for each neighborhood a Convening Civic Group (CCG) to take the lead in convening public input sessions for project review. Choosing the CCGs would likely be a Philadelphia City Planning Commission (PCPC) function, in consultation with district council members and other city agencies. Each CCG would receive formal, early notification of every project proposed within its area.

The CCG could have the following responsibilities:

 - Ensure that all associated civic groups and near neighbors get notices of proposed development.
 - Convene neighborhood meetings to share information and gather input on projects, making sure all known civic entities (even “difficult” ones) and concerned individuals are notified and invited.
 - Keep a thorough, transparent record of any sessions it convenes.
 - Where possible, develop a common position for the neighborhood to be presented to city agencies. But invite and include dissenting positions as part of its report.
 - Educate individuals and groups in the neighborhood about zoning, processes, etc.
- 2| Evaluate each CCG regularly to ensure that it is acting inclusively and performing its notification and convening duties well. If it is not doing so, another group could be asked to step forward to take its place.
- 3| Establish the proposed PCPC Citizens’ Institute, and use it as a vehicle for identifying, certifying and training civic groups capable of playing this role. (Overall, there was strong enthusiasm for the idea of establishing such an institute.)
- 4| In neighborhoods where no viable candidate for the role of CCG emerges, assign the duties temporarily to the Community Planner for that neighborhood. The PCPC would have an affirmative responsibility to work with civic groups in that neighborhood over time to help one develop the capacity to serve as CCG. (Representatives from some civic groups with sophisticated teams for zoning and planning work said the institute could be a vehicle for them to share experience and expertise with other neighborhoods.)
- 5| Assign city planners the task of coordinating communication among CCGs for projects whose scope and impact crosses neighborhood boundaries.

COMMON GROUND

Many participants—both civic and developer—commented on the frustrations of a system where a developer and citizens can reach general agreement at one meeting, only to have it collapse at the next meeting when different people show up. Neighborhoods that include a number of different civic groups, Community Development Corporations (CDCs) and business associations are prone to this problem, as are areas without organized groups.

Almost everyone agreed that no system can or should silence an individual with a legitimate reason to question a project. But most agreed that a robust framework for early civic engagement would make it more likely that those individuals could be heard early on, and their concerns recorded and duly considered.

A number of developers stressed that their primary interest was in having one set of rules for public input that operates consistently from neighborhood to neighborhood, and is well understood by neighborhood groups. “Level playing field” was a

common phrase. A common complaint was that opposition raised very late in the project review process often carries the day; this was cited by developers as a prime risk factor of doing projects in Philadelphia.

Surprisingly often, civic group leaders—particularly from groups proud of their hard-won expertise on zoning and planning issues—also complained about splinter or Johnny-come-lately groups asserting themselves late in the game as “the voice of the neighborhood.”

Sometimes, civic leaders said, these non-representative groups are hand-picked by developers, or politicians. As one participant put it, “People come out of the woodwork.”

While the problem of competing neighborhood voices might be defined differently from the vantages of developer or established civic group, the common ground was clear: Things would go better if a representative, well-equipped civic group had responsibility from the get-go to organize informational sessions and public input on a project.

TENSIONS

Designating a CCG obviously would be complicated and potentially controversial in neighborhoods with multiple active groups. Enthusiasm for the idea came mostly from leaders of civic groups who clearly thought their group was the obvious choice in their neighborhood.

The situation would be just as fraught for projects whose boundaries or impacts crossed neighborhood lines.

Lively discussions occurred about how it would be determined which group should represent the neighborhood. Civic leaders split about whether there should be set criteria (e.g. size, inclusiveness, training, transparency) for groups eligible to serve as CCG.

Another difficult issue would be the standards by which an established civic group might lose its status as convener, and who would make that decision.

An acknowledged tension: The interests of the larger neighborhood can conflict sometimes with interests of the neighbors most affected by a project. While the appeal of a more orderly, timely process was clear to both sides, many citizens were concerned that the right of individuals to defend their particular interests not be trampled.

Conversely, some developers were skeptical about the ultimate value of the CCG, in that no amount of early process can guarantee that a project approval won't be appealed by an aggrieved individual.

Developers also said that, while they definitely would like to have a more stable sense of “who speaks for the neighborhood?”, some worried that a CCG designation might give a group a sense that it wielded an absolute veto.

PRINCIPLE 2

All projects of a certain level of impact, whether as-of-right or requiring variances, would benefit from public input.

POSSIBLE ACTIONS

- 1| Set up a clear process with a reliable timetable, consistent from neighborhood to neighborhood, for early public input into projects that will require variances.
- 2| Set up varying levels of input depending on project impact.
- 3| For as-of-right projects determined to have significant impact, set up a process for advisory public input at the neighborhood level, early in the timetable. Or ...
- 4| Alternatively, for as-of-right projects of significant impact, set up a new regulatory process led by the PCPC and clearly defined in the zoning code. This process could be triggered by an impact evaluation upon intake by PCPC, which would also monitor the process.
- 5| Make the process for public input to the ZBA more predictable, structured and transparent.
- 6| Create new guidelines for ample, structured community input to the PCPC when it is engaged in project review.

COMMON GROUND

Stakeholders broadly agreed that all major projects and all parties could benefit from early input from the community. The

neighborhood would add value by expressing its best thinking on its hopes and needs, and by exploring how the initial development concept can support those hopes and needs. The developer would benefit by being able to understand the “pulse” of the neighborhood, leading to the likelihood of a more profitable project once completed.

As is clear in the *Transparency* section below, participants generally agreed that all processes should be documented, and be consistent, predictable, and with a clear format for all to follow.

Developers indicated they would welcome change to the review process if it establishes them as partners in neighborhood growth, not adversaries.

Many participants felt that as-of-right projects warrant review if they have a significant impact on the community. This sentiment was particularly strong among civic leaders, given the likelihood that fewer projects will seek variances once their neighborhood is zoned and mapped in a way that reflects its current character. In discussing impact, there was general agreement that if standards for triggering review are set, they should be different for the various zone districts.

Many developers agreed that public input can be useful even on as-of-right projects, *if* the projects rise to a level of significant impact. However, most want that input to be advisory, as part of a mechanism to test and improve their as-of-right proposals—not part of a regulatory review that could lead to rejection of a proposal.

Each constituency agreed on the need to improve and clarify the ZBA process. (More on this under later principles dealing with notification and transparency.) Many developers seem to welcome the possibility of a more structured form of neighborhood input into the ZBA process; some commented on the need to “unclog” the system.

Both sides in general welcomed a greater role for the planning commission. Developers appreciate the professionalism of the staff; many neighborhoods have had good experiences with their PCPC Community Planner. This sentiment was especially prevalent in the neighborhoods with fewer local professionals (lawyers, planners, etc.) to draw on for pro bono services.

TENSIONS

In that the Common Ground project focused on forms of public input into the development approval process, not on the process itself, participants were not asked to propose new regulatory processes.

So, as civic leaders discussed their wishes to offer input on as-of-right projects of significant impact, it was not always clear how they saw such input fitting into a larger regulatory scheme. To a degree, civic group leaders have spent so much time learning how to give input on projects as part of a variance process that they have a hard time imagining a city where many more projects are deemed as-of-right.

That said, it’s clear that, even for as-of-right projects, neighborhood groups would prefer substantive input into a city review process that could still stop a project whose impact was deemed too negative.

Developers generally want as-of-right to mean just that. While many were willing to accept advisory input from neighborhoods on as-of-right projects, they were cool to any new regulatory powers for city agencies over such projects.

Developers would like any input process for major as-of-right projects to have clear ground rules as to its advisory nature and a timetable with an endpoint.

Both constituencies remain unclear and anxious about how a new code with would affect other forms of project review by City agencies e.g. PCPC, historical commission, art commission. Overlap of review responsibilities may cause tension.

Some civic leaders commented that “the scale is not balanced” when the ZBA is the regulatory forum, as many neighborhoods lack time, expertise and political influence, and they noted that meetings are held at inconvenient times for working people. They commented that the ZBA’s decisions sometimes seem arbitrary and capricious.

While many civic leaders said they’d welcome a larger role for the PCPC (a sentiment largely based on good working relations with community planners), several worried that the commission right now makes far less structured and robust provision for community input than the ZBA. They worry that the “two-minute prepared statement” approach will not sufficiently express neighborhood views or protect neighborhood interests.

Some civic leaders wished to be able to request a regulatory review on a case by case basis, when they could not reach a private agreement with the developer. (Some developers referred to such practices in the past as getting close to “extortion.”)

PRINCIPLE 3

When assessing a project’s impact, go beyond size to look at how a project impacts or fits into its surroundings.

POSSIBLE ACTIONS

- 1| Create clear criteria for distinguishing levels of impact among projects. Differing levels could trigger different types of review. Factors affecting impact might include:
 - Use
 - Square footage, for renovations, additions and new construction
 - Location (some cities have lower thresholds of review for projects near the waterfront)
 - Importance (This would have to be quantifiable, with some room for judgment by PCPC. Factors might include a zoning anomaly, or proximity to a significant historic landmark or natural feature.)
 - Fit with the PCPC Comprehensive Plan and neighborhood plans
 - Traffic
- 2| Convene stakeholders to discuss the impact of a project as early in that project as possible, with PCPC staff as part of the process.
- 3| Consider a process whereby concerned citizens in a neighborhood could, upon gathering a set number of signatures, petition the PCPC to reconsider a determination that a project was of “minor” impact.

COMMON GROUND

There was broad and deep agreement that the impact of a project on a neighborhood or community is both important and difficult to determine.

Several developers said they recognized that, no matter the size, projects involving certain uses (e.g. group homes) have an impact that argues for consultation with the neighborhood.

Most (not all) participants agreed that projects of minor impact should proceed on a simpler, quicker track—thereby clearing the docket to afford more time to assess high-impact projects.

TENSIONS

Some civic groups still want a chance to review all projects, no matter how small.

Developers worry that even designation of a project as “minor,” with a faster track for approval, would not eliminate the chance of opposition from a vocal minority, and possible appeals.

PRINCIPLE 4

Issues of design and aesthetics should be reviewed, but on a basis separate from the parameters of zoning.

POSSIBLE ACTIONS

- 1| Create a Design Review Committee made up primarily of architects, similar to the make up of the Architectural Committee of the Historical Commission, acting in a similar advisory capacity. In addition to the professionals, include one or two rotating seats for representatives of the neighborhood of the project under consideration.
- 2| Define which areas of impact would be subject to PCPC review (use, traffic, parking requirements, environmental issues, conformance to PCPC plans, etc.) and what architectural features are subject to design review.
- 3| Carefully craft design review guidelines to have substance, but to also maintain the applicant’s Fifth Amendment rights to due process; the reviewers would be able to apply objective criteria to the project under review. Design review guidelines would vary by zone district, with neighborhood input into the creation of the guidelines.
- 4| Set up timetable and procedures for the Design Review Committee to convey to the ZBA and PCPC its judgment on any design issues raised by projects seeking a variance or PCPC approval.

COMMON GROUND

Most agreed that design issues could and should be reviewed separately from other types of impact, such as use, traffic, parking requirements and environmental issues. Design review might cover such issues as quality of materials, contribution to the pedestrian experience, parking disposition, lighting and types of landscaping.

There was agreement that PCPC staff should play a role in establishing relationships, coordinating meetings and keeping a record of decisions.

TENSIONS

Some participants worried about neighborhoods trying to agree about style. Others were concerned that too many opinions on design would stifle creativity and foster “timid architecture.” Some suggested that design review guidelines would need to define “character” broadly, and not require mimicking of historical architecture.

A developer commented that having zoning and design issues “all thrown in the same pot” impedes quality development.

PRINCIPLE 5

Early and effective notification about project proposals helps improve outcomes both for the neighborhood and the developer.

POSSIBLE ACTIONS

- 1| Require the first notification to the neighborhood (meaning both the Convening Civic Group and individual neighbors within the closely affected area) to occur as soon as a developer first notifies any city agency of intent to develop.
- 2| Extend the concept of “early notification” to cover advance warning to neighbors and the neighborhood CCG before any ZBA or PCPC hearing. Set a number of days that constitute sufficient advance notice to the Convening Civic Group. This time period should allow time for neighborhood groups to convene an inclusive group for input.
- 3| Take full advantage of new media, as well as old, for notifying neighbors and civic entities.

Methods of notification could include:

- Orange posters—One group had an idea for adding public participation opportunities to the information on the orange sign. This idea would require that the posting period for the signs be significantly longer than it is now.
 - Email from the ZBA or PCPC to the CCG, along with email to individuals who have registered to be on the notification list (similar to the current practice of the Historical Commission). It should be relatively easy to also generate notices through such social networking utilities such as Facebook and Twitter.
 - A web site with geo-coded listings of proposals, with dates of upcoming meetings and hearings, and links to background data. Allow parties to register with this Web site for automatic notification via email or other social media of any new projects in their designated “watch area” or any changes in status or scheduled meetings re: projects they are tracking. Software already exists to provide this type of service.
 - Notices from the CCG in libraries and other public places in the community (e.g., food markets) and perhaps fliers
 - Certified letter from the developer to adjacent property owners, coordinated by the CCG.
- 4| Hold input meetings in the affected community. Some civic leaders thought meetings should be held at different times of day so people working different shifts or with children to care for can participate.

COMMON GROUND

Few topics garnered more support than the notion of early notification.

PRINCIPLE 6

The project review process should be more transparent and predictable, in ways that inform, invite and engage constructive participation.

POSSIBLE ACTIONS

- 1| Publish information about projects, meetings and hearings on-line in a consistent and readily available way. Publish project applications on-line, including forms and drawings. Use social networking sites like Facebook and Twitter.
- 2| Provide assistance through the CCG and the public libraries to interested parties who are unable or unaccustomed to using a computer.
- 3| Provide project information directly to community newspapers, neighborhood groups or individuals, much as the Historical Commission does now.
- 4| Publish transcripts or audio records of ZBA and PCPC hearings, including presentations and testimony.
- 5| Make it ZBA policy to provide a written explanation of decisions, recording who voted for and against. Publish reasons for decisions regardless of appeal status.
- 6| Treat as public information any communications—personal, telephone, email or letter—regarding projects under review sent to the ZBA or PCPC by any Council member, or any elected or appointed city official, who is seeking to influence a project review decisions.

Neighborhood leaders believe that inclusive early notification—both early in the development process and early in each successive stage of the process—is essential to meaningful input. Civic groups have limited volunteer resources, and their members have work and domestic responsibilities, so they need time to respond to requests for meetings.

Developers favored inclusive early notification for complementary reasons. They want community feedback from diverse sources, providing a variety of useful perspectives early on, to develop positive relationships with civic groups and near neighbors. They also cited the need to get notification out broadly and early so that concerned citizens state their concerns at the stage in a project when it is still feasible to address them.

TENSIONS

No mechanism currently in place would foster the broad and early participation envisioned by participants for early notification. Setting one up would take an investment of time and energy; each side wondered whether the city could or would take the lead in this effort.

Some civic groups have suspicions that some developers prefer to advance quietly to the stage of architectural plans, so as to present the neighborhood with a *fait accompli*. Still, most developers who attended the workshops praised the idea of early notification. Their concern was with how much of the burden of early notification would fall upon them. Ideas such as the Convening Civic Group and the geo-coded Web site with electronic notification of all who register should relieve some of the burden on developers.

As noted above, some developers were willing to endorse early notification with a chance for public input even for as-of-right projects of significant impact. But developers’ notion that meetings would be purely informational, and the civic input purely advisory, might clash with the expectations of some civic groups. This tension remained unresolved in the workshops.

- 7| Engage the community in the development of any criteria for triggering project review and in Design Review guidelines.

COMMON GROUND

Issues of transparency ran through every discussion in all three workshops. Transparency—typically defined as civic groups, developers and the City making their respective work public and easily accessible—was seen as a key to community confidence in project review.

In the ideal, developers would be transparent about their intentions and keep the neighborhood informed about those intentions and their evolution. Civic leaders and individuals would be transparent about their intentions and keep the developer informed of those intentions and their evolution. These are reciprocal responsibilities. Participants felt strongly that they should be honored.

Discussion at the three workshops revealed three areas of transparency:

- *Transparency in the process:* A clear and public process for project review is in place. Meetings are well publicized and held in convenient locations. No deals are made behind closed doors.

PRINCIPLE 7

Clear review timelines should be set as part of a predictable public input process. This would reduce uncertainty and cost for the developer while ensuring the community gets sufficient time to assess, discuss and comment.

POSSIBLE ACTIONS

- 1| Create general project review timelines for different kinds of projects (by size, impact, location, zone district). Within the general project review timeline, developers would consult with civic groups to develop specific project review timelines.
- 2| Specify points at which neighborhood engagement is required; for example, in-concept, first revision, final schematic design. PCPC staff could be responsible for monitoring compliance of final project documentation with the approved final schematic design, if the review is part of a regulatory process.
- 3| Set deadlines (in keeping with the Transparency principle) for parties to make public the minutes of all meetings included in the project review timeline. A summary of the minutes could be included as part of all applications for variances. Minutes could include record of decisions, minority opinions and discussions of trade-offs.

COMMON GROUND

Groups in all three workshops agreed that realistic, clear and predictable timelines would go a long way to supporting the goals of the referendum passed in 2007, particularly in pro-

- *Transparency in the product:* Documents—applications, plans, etc—that developers, civic groups, individuals and City agencies create during the development process are readily available to all parties. This might include publication of third party private agreements, such as Community Benefit Agreements, although the City would not have jurisdiction over them.
- *Transparency in the decision:* All regulatory decisions that are made at different steps are made public. Decisions by regulators would include a short narrative about reasons for the decision.

TENSIONS

An interesting tension arose as civic leaders tried to imagine a zoning code under which fewer projects would be reviewed. Some thought that would be an advantage to all, as fewer projects would be heard, considered and documented in greater detail and transparency. Others thought the more projects reviewed the better, and that the system would have to build in means to ensure transparency even under a heavy caseload.

moting economic development and protecting the character of neighborhoods. While civic leaders and those in the development community had different reasons for supporting clearer timelines, those reasons complemented each other.

For developers, a timeline with a clear starting point and a clear ending point reduces time, cost and risk.

For civic leaders, a predictable and realistic timeline would help them husband precious volunteer resources.

TENSIONS

Civic groups and individual neighbors have their own jobs and domestic responsibilities. What seems to a developer to be an unreasonably long period for neighborhood comment might be what is needed for a group to do outreach, schedule meetings and respond to a proposal.

In development, time costs money. This means that developers often express a sense of urgency even during a first meeting with neighborhood groups. This makes it appear to the neighbors as if the project is a “done deal” and their input is just a box to be checked by the developer—and any real concerns they have are viewed just as a stumbling block. This automatically creates a yes-no, win-lose atmosphere.

Given all that, even with the promising consensus around the idea of a consistent timeline for project review, actually setting up such timetables will entail finding a middle path between how a developer might define “plenty of time” for input, and how a civic group might.

PRINCIPLE 8

The role of City Council members in zoning and project review should be made explicit and transparent.

POSSIBLE ACTIONS

- 1| Increase transparency in Council activities when related to zoning decisions.
- 2| Make public all communication related to project reviews between Council members and the ZBA or PCPC.
- 3| As a matter of policy, set a time deadline (e.g. X number of days before a scheduled, advertised hearing) for a Council member to send the ZBA or PCPC a written opinion on a project review. If the Council members miss the deadline, the ZBA or PCPC should be free to ignore their input.
- 4| Similarly, require that written communication to spell what, if anything, the Council member did to solicit public input regarding the project in question.
- 5| Request that Council members share such communications as a matter of course with the Convening Civic Groups in their district.
- 6| Inform the CCG any time a Council member introduces a zoning ordinance before city council. Notification should be early enough to give ample time for the CCG to contact its associated neighborhood groups and concerned individuals.

In addition to these steps, the following helpful roles for Council members were discussed:

- 7| Serve as the clearing house for information about zoning and project review in a district.
- 8| Designate a staff person in each district Council office to serve as liaison with the CCG in that district.

COMMON GROUND

Agreement was broad that district City Council members, as the elected officials closest to neighborhood concerns, play an essential role in the zoning process. Concern was intense, however, over the way some Council members have played this role in the past.

Both sets of stakeholders agreed that Council members sometimes exercise their influence over development decisions in ways that are not transparent. Some neighborhood participants felt that Council members had favorite groups that were deployed as pawns in development controversies, and that those

groups were not always broadly representative of the neighborhood.

A developer cited Council influence as part of the “paralyzing uncertainty” of the current development climate in Philadelphia.

Few thought that it was either realistic, or desirable, to talk about eliminating a Council role in development decisions.

That explains the stress on defining the role more clearly, and setting up rules that encourage the role to be played in a more transparent way.

TENSIONS

It was noted that an action that one side cites as Council meddling might be cited by others as an example of Council leadership. Many participants from civic organizations fear that a modern code with fewer variance applications will lessen their influence in the approval process. Some of these civic groups have found their Council members to be very effective advocates for their group’s interests, and don’t want to lose that sense of having a politically powerful voice on their side.

In other Council districts, where some civics have tense relationships with their district representative, skepticism emerged about any suggestion to have the Council member play a key role in coordinating community input into project review. Some civic leaders said flatly that their Council person did not have the capacity or the relationships with civic groups to play a helpful role.

Developers did tell stories of some Council members being very helpful in enabling projects to happen, but most regarded the tradition of councilmanic privilege over zoning and project approval as one of the impediments to development in the city.

Most realized that “Councilmanic privilege,” like filibuster in the U.S. Senate, is a political tradition that isn’t subject to change by outside action, unlike a charter provision or ordinance that can be amended or abolished. But some said abuses of councilmanic privilege could be hedged in via ZBA and PCPC policy and practice.

- Chairman Greenberger clarified that the recent rulings in PA state courts on standing to appeal does not apply to the rights to offer testimony at hearings. Giving testimony is analogous to adding to the public record.
 - Commissioner Brown-Sow added that people can put testimony in writing if the ZBA runs out of time at a hearing.
- Commissioner DeMarco asked for clarification to be made that the individual must be present at the hearing even if someone else is speaking for him or her. Commissioner Kelsen added that the representative typically needs to provide a signed authorization form from the individual.
- Commissioner Pastore asked if 501(c)(3) non-profits count as corporations.
 - Commissioner Fox said yes, they are corporations.
- Commissioner Brown-Sow expressed discomfort with anyone being able to testify.
 - Mr. Elliott responded that these provisions would be placed in the Administrative Manual instead of the code so the ZBA could adjust them over time as needed.
- Commissioner Fox asked about public notification of the decision made at the hearing.
 - Mr. Elliott responded that this is a growing practice; however most cities currently do not do this.
 - Commissioner Kelsen commented that there is another section of *Module 1* which requires the ZBA to provide an explanation for a decision. We need to consider how to distribute this as well.
- Section 14-204(6), Design Review
 - This draft section is based on a PCPC proposal that has been the basis of continuing discussion.
 - Earlier comments included: clarify how size triggers are measured; reduce size triggers; clarify when referrals to the design review committee are made; clarify how accepted plans inform design review; give neighborhoods a way to request design review.
 - Chairman Greenberger commented that this is an influx topic. We need to be sensitive to the clarity of the process for the applicant. We are sketching a flow diagram which reveals 4 essential paths. First, a project is determined of-right or not of-right. From there, it is determined whether design review is needed or not. Projects that are not of-right and subject to design review are the most complicated. We are trying to design an effective way of incorporating public input that still ensures consistency and predictable timeframes.

Agenda Item: Response to “Common Ground” Principles and Other Items

Discussion Summary:

- Chairman Greenberger thanked Kiki Bolender (AIA), Harris Sokoloff (Penn Project for Civic Engagement) and Chris Satullo (WHYY) for their support and for those who participated in the Common Ground workshops.
- The Commission agreed at the beginning of this process to respond to any Common Ground principles that arose from this work, and to explain why we are or are not accepting these principles. We will respond today, however this is not the sum total of the response. The report provided 8 principles and dozens of potential actions that we will work with to form draft language on the issue of project review. When proposed code language has been developed it will be shared with the public for review and comment.
- The following is a proposed set of responses that was developed by the combined Work Plan and Civic Engagement Committees.
 - Principle 1 - every neighborhood should have a similar, widely known way to convene civic groups and concerned individuals for input into project review.
 - The ZCC agrees with this principle.
 - The ZCC will recommend that the PCPC establish a system for the registration of civic associations and individuals for the purpose of providing notice about zoning actions and creating opportunities for input into project review. This principle hopes to encourage community groups to organize themselves by rewarding them with the right to receive notice and provide input.

- The ZCC does not support designating a Convening Civic Group for each neighborhood because it does not believe that the new code should mandate the established processes of civic associations.
- Principle 2 – all projects of a certain level of impact, whether as-of-right or requiring variances, would benefit from public input.
 - The ZCC agrees with this principle.
 - Projects of a certain level of impact will have a public input process. Public input processes should be consistent between neighborhoods and should include a reliable timeline.
 - For projects that do not meet the defined level of impact, the ZCC is evaluating whether the code should mandate public input.
- Principle 3 – When assessing a project's impact, go beyond size to look at how a project impacts or fits into its surroundings.
 - The ZCC agrees with this principle.
 - The ZCC believes that the factors identified in this report are appropriate to use when determining a project's impact. These factors include form variations, height variations, proposed use, size, location, importance, traffic, and consistency with city and neighborhood plans.
 - Commissioner Olson Urtecho commented that established criteria are needed. Chairman Greenberger commented that there will be a matrix of criteria. It will be subject to as little discretion as possible.
- Principle 4 – Issues of design and aesthetics should be reviewed, but on a basis separate from the parameters of zoning.
 - The ZCC does not fully agree with this principle.
 - The ZCC will recommend that the Civic Design Review Committee evaluate impacts of the project on the public realm. The emphasis should be the impact on the public, not aesthetics.
 - Commissioner Kelsen added that pure aesthetics are not within zoning's authority. There are areas, such as the Benjamin Franklin Parkway, where aesthetics are governed by a separate, chartered entity.
 - Commissioner Kelly commented that good design matters, especially in historic districts.
 - Chairman Greenberger responded that historic districts already have a mechanism for project review.
 - Mr. Elliott said the same is true for neighborhood conservation districts, and for this reason they have been maintained in *Module 1*.
- Principle 5 – Early and effective notification about project proposals helps improve outcomes both for the neighborhood and the developer.
 - The ZCC agrees with this principle.
 - Chairman Greenberger commented that of-right still needs to mean of-right, but can include opportunities for public input.
- Principle 6 – the project review process should be more transparent and predictable, in ways that inform, invite, and engage constructive participation.
 - The ZCC agrees with this principle.
 - *Module 1* calls for the ZBA to provide written explanation of its decisions. The ZCC will consider additional ways this principle can be put into action.
- Principle 7 – Clear review timelines should be set as part of a predictable public input process. This would reduce uncertainty and cost for the developer while ensuring the community gets sufficient time to assess, discuss and comment.
 - The ZCC agrees with this principle.
 - Predictability is crucial. The code needs to provide timeframes that are consistent across the city.
- Principle 8 – the role of City Council members in zoning and project review should be made explicit and transparent.
 - The ZCC does not agree that this principle is within the purview of the ZCC.

- City Council's rights are set by the Charter and the ZCC is not in a position to propose something different.
- Craig Shelter, a representative of the Development Workshop, questioned whether the Common Ground principles accurately represented the opinions of the development community.
 - Commissioner Kelsen reminded everyone that this is only one part of the civic engagement process. Although most of these principles are compelling, there is still a significant amount of detail that must flow from these concepts and be worked out in the draft new code.
 - Eva Gladstein added that the Change Memo will continue to be developed and will reflect the responses from Common Ground in addition to the rest of comments received from the ZCC's main civic engagement activities.
 - Commissioner Tsai stressed that the ZCC is on board with the basic principles, but not necessarily every action proposed in the report.
 - Chairman Greenberger stated that agreeing with principles is not the same as putting it into the code.

Agenda Item: Adjourn

- The Meeting was adjourned at 10:00 AM

Community Input on Key Development Decisions



Old Zoning Code

- The zoning code does not specify when and how applicants proposing development and redevelopment projects must solicit feedback from the organizations that represent the people who live and work near the proposed project site.

New Zoning Code (See sections 14-201(7) and 14-204(6))

- Two new mechanisms will support more consistent feedback from community organizations:
 - › First, the Planning Commission will establish a **registry of community organizations**. Interested organizations can annually register a contact person and information on their boundaries. These organizations will receive early notice of applications for certain kinds of projects (as described below) within their boundaries. For these projects, registered organizations must agree to convene and document meetings with applicants.
 - › Second, the Planning Commission will create a **Civic Design Review (CDR) Committee**. The CDR Committee will review applications for projects that exceed certain thresholds (see reverse side). These thresholds generally apply to projects that are very large or that are taller than adjacent buildings. Thresholds will be lower for projects proposed in or adjacent to residential districts than for projects that are in and adjacent to commercial, mixed use, and industrial districts.
- Applicants whose projects exceed the CDR thresholds AND applicants whose projects require Zoning Board of Adjustment (ZBA) approval must notify the registered community organizations whose boundaries include their proposed project site.
- Community organizations receiving this notification must conduct one combined meeting with the applicant prior to any scheduled public meetings or hearings with the Planning Commission or ZBA.
- Both the applicant and the registered community organizations will be required to document the meeting and any resulting recommendations. This documentation will be shared with the Planning Commission or Zoning Board of Adjustment in advance of their decision on an application.
- The Zoning Administrative Manual will recommend methods of notice to community groups and guidelines for community groups and developers to document the meeting.

Community Input on Key Development Decisions

Civic Design Review is required in the following three cases:	The applicant's property is located in this district:	AND the property abuts* one or more of the following:	AND the application:
Case 1:	Any Residential Multi-dwelling (RM), Residential Mixed-use (RMX) , Commercial (C), Industrial (I) or Special Purpose (SP)district	Any Residential Single Dwelling Detached (RSD) or Residential Single Dwelling Attached (RSA) district	<ol style="list-style-type: none"> 1. Includes more than 25,000 sq. feet of new construction; or 2. Includes more than 25 dwelling units; or 3. Includes buildings that are more than 20 ft. taller than the tallest building on an RSD or RSA lot within 400 ft. of the project property.
Case 2: Case 1 does not apply, AND	Any C, I or SP district	Any RM or RMX district	<ol style="list-style-type: none"> 1. Includes more than 25,000 sq. feet of new construction; or 2. Includes more than 25 dwelling units; or 3. Includes buildings that are more than 20 ft. taller than the tallest building on an RSD or RSA lot within 400 ft. of the project property.
Case 3: Cases 1 and 2 do not apply, AND	Any district	Any district	<ol style="list-style-type: none"> 1. Is not for an industrial building in an industrial district. 2. Includes more than 100,000 sq. ft. of new gross floor area or more than 100 new dwelling units

* A property "abuts" the applicant's property if:

- (a) it shares all or part of a side or rear property line with the applicant's property, or
- (b) it is separated from the applicant's property by only an alley, driveway, railroad line, or creek, or
- (c) it is located on the blockface located across a street from the front lot line of the applicant's property and:
 - (i) the street separating the two properties is less than 100 ft. wide (measured curb to curb), and
 - (ii) the closest points on the applicant's property and the subject are less than 200 ft. apart.