

City of Philadelphia



(Bill No. 170335-A)

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” and Title 18 of The Philadelphia Code, entitled “Commerce,” to provide for the preparation and distribution of Project Information Forms with respect to certain development projects; to revise the requirements for neighborhood notice and meetings; and to make related changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

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CHAPTER 14-100. GENERAL PROVISIONS.

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CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

§ 14-303. Common Procedures and Requirements.

Procedures that are common to several types of applications for permits, approvals, or variances are provided for in this section.

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(7) Special Exception Approval.

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(e) Criteria for Review and Action by the Zoning Board.

The Zoning Board must approve, or approve with conditions, the application for a special exception if it determines that the criteria in § 14-303(7)(e)(.1) and § 14-303(7)(e)(.2) below have been met, unless the Zoning Board finds that the objectors, if any, satisfied the criteria in § 14-

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303(7)(e)(.3). The Zoning Board shall, in writing, set forth each required finding for each special exception that is granted, set forth each finding that is not satisfied for each special exception that is denied, and to the extent that a specific finding is not relevant to the decision, shall so state. *The Zoning Board shall file with each decision approving a special exception any Project Information Form prepared by the applicant pursuant to § 18-403, but need not attach the Form to the decision; filing of the Form shall not constitute incorporation of its contents into the decision and those contents shall not be binding.*

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(8) Zoning Variances.

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(e) Criteria for Approval.

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(.1) General Criteria.

The Zoning Board may grant a lesser variance than requested, and may attach such reasonable conditions and safeguards as it may deem necessary to implement this Zoning Code, including without limitation a limitation on the size or duration of the variance, consistent with § 14-303(9) (Conditions on Approvals). The Zoning Board shall, in writing, set forth each required finding for each variance that is granted, set forth each finding that is not satisfied for each variance that is denied, and to the extent that a specific finding is not relevant to the decision, shall so state. *The Zoning Board shall file with each decision approving a variance any Project Information Form prepared by the applicant pursuant to §18-403, but need not attach the Form to the decision; filing of the Form shall not constitute incorporation of its contents into the decision and those contents shall not be binding.* Each finding shall be supported by substantial evidence. If the Zoning Board chooses to view the subject property as part of the hearing, the Zoning Board must provide due process. Reports of other City agencies made as a result of inquiry by the Zoning Board shall not be considered hearsay. Upon request of any party, the Zoning Board may compel the attendance of the City agency. The Zoning Board shall grant a variance only if it finds each of the following criteria are satisfied:

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* * *

(12) Neighborhood Notice and Meetings.

* * *

(b) Required Notice from the Planning Commission to Applicants and Others.

Within seven days after an appeal has been filed with the Zoning Board for approval of a special exception or variance, or after the notification by L&I to an applicant that an application will require review under the Civic Design Review Process, the Commission shall provide notice to the applicant, with a copy to each RCO whose registered boundaries include the applicant's property and to the district councilmember whose district includes the applicant's property, of:

* * *

(.5) *A copy of the notice of appeal and any attachments, including any Project Information Form required pursuant to Chapter 18-400 ("Project Information Forms").*

(d) Initial Notice from the Applicant to RCOs and Others.

(.1) Within ten days after receiving the notice provided by the Commission under subsection (b), an applicant must provide written notice of its application to:

* * *

(.g) The agency responsible for administering Chapter 18-400 ("Project Information Forms"), for projects that require a Project Information Form pursuant to such Chapter.

(e) Neighborhood Meeting and Documentation Requirements.

(.1) After receiving notice from the applicant under subsection (d), the Coordinating RCO, after consultation with the applicant and all other Registered Community Organizations whose registered geographical boundaries include the applicant's property, shall set the time, date and

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place of a public meeting to discuss the applicant's proposal, and shall notify the applicant and all other Registered Community Organizations whose registered geographical boundaries include the applicant's property of those details. The meeting shall be scheduled for a date that is within 45 days after the applicant filed the appeal to the Zoning Board for approval of a special exception or variance or within 45 days after the applicant has been notified by L&I that an application will require review under the Civic Design Review Process, as applicable.

(.a) With respect to projects that are subject to Civic Design Review: No later than two business days prior to the scheduled date of the meeting, the applicant shall provide to all of the parties listed in subsection (d)(1), above (pertaining to Initial Notice from the Applicant to RCOs and Others), a copy of any Project Information Form required by § 18-403; provided, however, that, in the event a meeting in full compliance with subsection (e) takes place prior to the required notification by L&I that an application will require review under the Civic Design Review Process, the applicant shall provide such Form at or before such meeting or as expeditiously as possible thereafter. The Commission shall strongly encourage applicants proceeding with Civic Design Review under § 14-304(5)(b)(3) (Optional Review) to comply with this subsection (12) and § 18-403.

* * *

(.5) Neither the Zoning Board nor the Civic Design Review Committee shall conduct any public meetings on an application until the earlier of: (i) the applicant and the Coordinating RCO have completed all actions required by subsection (d), above, and by this subsection (e); or (ii) 45 days have elapsed since the applicant filed the appeal to the Zoning Board or was notified by L&I that the application required review under the Civic Design Review Process, as applicable, except that if an applicant fails to provide the notice required by subsection (d), then such 45 day period shall be measured from the date the required notice is in fact provided.

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(15) Appeals.

(a) Appeals to Zoning Board of Adjustment.

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(.3) Any appeal of an L&I decision must be filed with the Zoning Board within 30 days of the date of L&I's decision. Where the applicant fails to post the permit in compliance with § 14-303(6)(f) (Posting of Permits), any person other than the applicant must file any appeal within 30 days of constructive notice of the L&I decision. All appeals must be filed through a written notice of appeal stating specifically how L&I's decision is inconsistent with the requirements of this Zoning Code or the basis for the requested variance or other relief.

(.A) *An applicant who seeks either a special exception or a variance must submit to the Board, at the time the appeal is filed, a copy of the Project Information Form for such application, if the preparation of a Project Information Form is required for such application pursuant to § 18-403 (“Project Information Form Required”). Such Form shall be submitted in electronic form, together with searchable data identifying the applicant, date of filing, address, and Council District of the project. Such Form shall be for information purposes only; its contents shall not be presented to the Board or considered by the Board in its decisionmaking process, other than for determining compliance with the filing and notice requirements of this subsection (.A) and of subsection (12).*

(.B) *The Board shall provide a copy of the Form to the agency responsible for administering Chapter 18-400 (“Project Information Forms”).*

§ 14-304. Specific Procedures.

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(5) Civic Design Review.

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(e) Review by Civic Design Review Committee.

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(.4) The Civic Design Review Committee shall review each proposal and make its recommendation as follows:

(.a) The applicant must submit application materials (in accordance with regulations of the Commission) to the Civic Design Review Committee at least 14 days before the scheduled date of the Civic Design Review meeting.

(.b) *The Committee shall not conduct its meeting on the application unless the applicant documents, prior to the meeting, that there has been compliance with the requirements of § 14-304(5)(c) (“Neighborhood Notice and Meetings Required”).*

[(.b)] (.c) * * *

[(.c)] (.d) The Civic Design Review Committee must deliver a written recommendation to the Commission *and shall attach to its recommendation the applicant’s Project Information Form, if preparation of such Form is required by § 18-403 (“Project Information Form Required”).* The Civic Design Review Committee's recommendation may incorporate recommendations from other design entities, such as the Art Commission and Historical Commission. The Commission shall post the written recommendation of the Civic Design Review Committee on the Commission's website. So long as the applicant has participated in good faith in Civic Design Review, the application shall be deemed to have completed Civic Design Review

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within 150 days of written notification from L&I to the applicant that Civic Design Review is required.

SECTION 2. Title 18 of The Philadelphia Code is hereby amended to read as follows:

TITLE 18. COMMERCE.

* * *

CHAPTER 18-400. PROJECT INFORMATION FORMS.

§18-401. Legislative Findings.

(1) This City Council finds that development projects which have positive impacts on the surrounding community have the potential to (a) maximize returns on local government investment in economic development; (b) transform regions through stronger, more equitable economies; (c) generate broad public support for economic development projects, and (d) contribute to a smart growth agenda through shared prosperity.

(2) It is the intent and purpose of this Chapter to enhance the knowledge of nearby residents regarding the impact of development in their community by requiring the creation of Project Information Forms for covered development projects.

§18-402. Definitions.

(1) Applicant. An individual or entity who has submitted an application to the Zoning Board of Adjustment or the Civic Design Review Committee, or who seeks approval from City Council of a proposed development.

(2) Covered Development Project. A development project (other than an exclusively residential development of three or fewer dwelling units; and other than an application exclusively for signage) relating to any structure or resulting structure of more than two thousand five hundred (2,500) square feet in Gross Floor Area, that either:

(a) Requires an ordinance or resolution of Council in order to proceed.

(b) Requires the issuance of a special exception or variance by the Zoning Board of Adjustment.

(c) Meets the requirements for civic design review under § 14-304(5) ("Civic Design Review").

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(d) Is accepted for civic design review under §14-304(5)(b)(.3) ("Optional Review") and the applicant agrees to treat the project as a Covered Development Project.

(3) Department. The department, office, agency or other entity designated by the Mayor to administer the provisions of this Chapter.

(4) Developer. A person or entity with primary responsibility for a development project.

(5) Development Project. A project involving improvement of land or structure; or a change in use.

(6) Project Information Form. A statement conforming to Section 18-403(2).

§18-403 Project Information Form Required.

(1) Creation of Project Information Form. Every Applicant shall prepare a Project Information Form for each covered development project and shall personally sign and date each such form. If submission of the Form is not required by § 14-303(15)(a) (Appeals to Zoning Board), then the Applicant shall submit a copy of the Form to the Department.

(2) Contents of Project Information Form. Each Project Information Form shall set forth the following information:

(a) Statements communicating the following in plain language:

(.1) The form is completed by the Applicant to provide a standard set of public information about each project; RCO's and the public are free to seek other information.

(.2) Statements made by the Applicant in the form are solely those of the Applicant. The City of Philadelphia, including the Philadelphia City Planning Commission, the Civic Design Review Committee, and the Department of Licenses and Inspections, does not review or control the statements made by the Applicant.

(.3) No statement in the form creates any contractual or other legal obligation; nor may any statement in the form be used to satisfy any legal obligation, except to demonstrate compliance with Section 14-303(15)(a)(.3)(.A) (relating to Appeals to Zoning Board of Adjustment), or 14-304(5)(e)(.4)(b) (relating to Review by Civic

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Design Review Committee).

(.4) The statements in the form cannot be presented as evidence to, and may not be considered by, the Zoning Board of Adjustment or the Civic Design Review Committee, except to demonstrate compliance with Section 14-303(15)(a)(.3)(.A) (relating to Appeals to Zoning Board of Adjustment), or 14-304(5)(e)(.4)(b) (relating to Review by Civic Design Review Committee).

(b) The address of the Covered Development Project.

(c) The name and address of the Applicant.

(d) The name, phone number and email address of a contact person whom the local community can contact during construction (and, if different, the name, phone number and email address of a contact person the local community can contact after construction, e.g., a property manager) with any questions or concerns; and the nature of the relationship between that contact person(s) and the Applicant.

(e) The following key project statistics:

(.1) Current land use of parcel(s).

(.2) Proposed land use of parcel(s).

(.3) Net change in number of dwelling units.

(.4) Net change in commercial square footage.

(.5) Net change in total floor area.

(.6) Net change in any external dimensions or set-backs.

(.7) Net change in on-street parking.

(.8) Number of off-street parking spaces to be provided.

(.9) Approximate projected construction period.

(.10) Any area or height bonuses which the Applicant will be seeking under the Zoning Code.

(f) A brief summary of the Covered Development Project.

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(g) *Any proposed changes to the landscaping and lighting on any public space within or adjacent to the Covered Development Project.*

(h) *Any anticipated impacts on the transportation network (e.g. parking, sidewalks, street safety or traffic, public transit), and any plans for mitigating any negative impacts.*

(i) *Any plans for environmental remediation or cleanup; any stormwater management plans; and any waste or recycling plans; and any traffic impact study.*

(j) *Any plans to increase the supply of affordable housing that would satisfy the criteria set forth in § 14-702(7)(a)(.3), (.4) (“Mixed Income Housing”; “Criteria”) or affordable workforce housing (as defined in § 16-901(1)(a) (“Philadelphia Workforce Housing Opportunity Zones”; “Definitions”).*

(k) *The following information concerning employment opportunities:*

(.1) *An approximation of the number of full time equivalent jobs (if any) that are currently located at the Covered Development Project.*

(.2) *An approximation of the number of full time equivalent workers (if known) who will be employed on-site during the construction period and a description of the anticipated wage range and anticipated employee benefits, including healthcare and retirement benefits for those workers.*

(.3) *An approximation of the number of full time equivalent workers (if known) who will be employed on-site after construction is complete and a description of the anticipated wage range and anticipated employee benefits, including healthcare and retirement benefits for those workers.*

(.4) *Any plans for local hiring and job training apprenticeships during or after construction.*

(.5) *Any plans to submit an Economic Opportunity Plan to the Office of Economic Opportunity, and, if applicable, a copy of that plan.*

(l) *Any proposed partnerships with local community organizations or businesses during or after construction.*

(m) *Any other anticipated community impacts (positive or negative) associated with the Covered Development Project, and if applicable, any plans to assist residents or businesses displaced or negatively impacted by the Covered Development Project.*

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(n) Any additional information the developer wishes to provide or the Department wishes to require.

(3) Amendments to Project Information Form. At any time, the Applicant may amend its Project Information Form; and, if significant changes are made to a covered development project, the Applicant is strongly encouraged to amend its Project Information Form. The Applicant shall submit any amended form to the Department.

(4) Condition for passage of Council ordinance or resolution. No covered development project shall be approved by ordinance or resolution of Council unless:

(a) No less than ten days prior to the public hearing on such ordinance or resolution, or, in the event of a resolution on which no public hearing is conducted, no less than 10 days prior to final passage, the Developer of such project shall have certified to the Council that the Developer has filed a copy of the Project Information Form with the Department.

(b) The ordinance or resolution, as introduced and as finally adopted, includes as an attachment a copy of the Project Information Form.

(5) The Department shall post on its website, in searchable and downloadable format, within seven (7) days after receipt, each Project Information Form or amended Project Information Form, and such Forms shall remain on its website for a minimum of five years.

§18-404 Administration.

(1) The Department shall be responsible for coordinating the implementation of this Chapter and may promulgate such regulations as are necessary to carry out its provisions, including, but not limited to, regulations altering any deadline set forth in this Chapter, and regulations setting forth extraordinary circumstances under which any requirement of this Chapter may be waived.

(2) Until such time as public web posting is implemented, the Department shall submit to Council an annual report containing the text of each Project Information Form, compiled by Council District, for that calendar year.

SECTION 3. This Ordinance shall take effect six months from the date it becomes law.

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Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 18, 2017. The Bill was Signed by the Mayor on June 6, 2017.



Michael A. Decker
Chief Clerk of the City Council