

Legislation Text

File #: 190767, **Version:** 1

Amending Subcode A of Title 4 of The Philadelphia Code (The Philadelphia Administrative Code), to further provide for timelines and administrative fees in connection with various permit applications; and to establish a special surcharge in connection with accelerated permit reviews; all under terms and conditions.

WHEREAS, the Department of Licenses and Inspection endeavors to conduct review of all zoning, building, electrical, plumbing and other permit applications within a reasonable period of time;

WHEREAS, for the past five years, all such reviews generally have been completed well within state-mandated deadlines;

WHEREAS, for a variety of reasons, some permit applicants have consistently sought plan review within a shorter time frame than generally available (“accelerated review”);

WHEREAS, the City and its Department of Licenses and Inspections have long considered it desirable, for the promotion of commerce and other reasons, to provide a mechanism to allow for, in limited circumstances, such accelerated review;

WHEREAS, if City charges for providing such accelerated review do not significantly exceed City charges for review within the ordinary timeframe, there is no disincentive to seeking accelerated review and the resources devoted to such accelerated review become overwhelmed, leading to longer wait times for accelerated review;

WHEREAS, accelerated review presents additional costs above the City’s costs for ordinary review, for which the City can seek cost-based recovery in the form of additional fees; and

WHEREAS, higher fees based on cost recovery for accelerated review is not sufficient, on its own, to disincentivize overuse of the accelerated review system, such that pressure on the system is increasing the wait times for accelerated review, which reduces the value of accelerated review; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9 of Subcode A of Title 4 of The Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING
CONSTRUCTION AND OCCUPANCY CODE

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SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

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CHAPTER 9
FEES AND OTHER CHARGES

SECTION A-901 GENERAL

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A-901.10 Accelerated plan review: The department is authorized to provide accelerated review of plans associated with the issuance of any permit required under Title 4 or 14 of this Code. The fees *and charges* for this service shall be in addition to any permit fee *otherwise* set forth in this Chapter, [. The fee shall be paid at the time an accelerated review is requested, and is not refundable. The fees for accelerated reviews shall be established by the department by regulation] and *shall be* published in appropriate schedules.

A-901.10.1 Additional accelerated plan review fee: The additional cost-based fee for accelerated review shall be \$350 per application, or such other amount as may be established by the department by regulation. Such amount shall neither exceed the costs to administer and provide accelerated review services nor exceed \$350 multiplied by the fraction of the most recently published Consumer Price Index for all Urban Consumers (CPI-U) All Items Index, Philadelphia, Pennsylvania, as of the effective date of the proposed fee increase, divided by the most recently published CPI-U as of July 1, 2020.

A-901.10.1.1 The accelerated review fee shall be paid at the time the application is submitted and is non-refundable.

A-901.10.1.2 There shall be no additional cost-based fee for accelerated review of a plumbing, electrical, mechanical or fire suppression system permit application that is requested at the same time as accelerated review of a building permit application for the same project.

A-901.10.2 Accelerated plan review surcharges.

A-901.10.2.1 A surcharge of \$1,650 shall be added for accelerated review in connection with a building permit application.

A-901.10.2.2 A surcharge of \$700 per permit application shall be added for accelerated review in connection with all other permit applications, including for each zoning, electrical, plumbing, mechanical, fire suppression system, total demolition and signage permit application.

A-901.10.2.3 There shall be no surcharge for accelerated review of a plumbing, electrical, mechanical or fire suppression permit application that is requested at the same time as accelerated review of a building permit application for the same project.

A-901.10.2.4. Such surcharges shall be payable prior to receipt of the permit(s) and are in addition to any cost-based fee charged pursuant to subsection A-901.10.1 or another provision of the Code.

A-901.10.2.5. Disputes concerning payment or the amount of any surcharge pursuant to this subsection A-901.10.2 shall be governed by Chapter 19-1700 (“Review, Refunds and Compromises”).

[A-901.10.1 Accelerated zoning plan review: Upon payment of the fee, the department shall complete its plan review of any zoning application that is subject to civic design review under § 14-304(5) and issue a decision no later than ten business days after submission of a complete application, absent an emergency that would prevent such completion.]

SECTION 2. Chapter 3 of Subcode A of Title 4 of The Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING
CONSTRUCTION AND OCCUPANCY CODE

* * *

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

* * *

CHAPTER 3
PERMITS

SECTION A-302 PERMITS

A-302.1 Action on application: * * *

A-302.1.1 *Time limits for permit application consideration.* The code official shall grant or deny a complete permit application in whole or in part or request further information, within [30 business days of the filing date] *the following number of business days after the filing date:*

1. for commercial construction [and], *20 days, to the extent capacity permits, but in no event more than 30 days.*
2. [15 business days] for residential construction, *15 days.*
3. *for affordable housing projects, as defined by the Department of Licenses and Inspections, 10 days, to the extent capacity permits.*
4. *for accelerated review provided under § A-901.10, 5 days.*

A-302.1.2 *Application amendments.* The code official shall endeavor to grant or deny a complete application for an amendment to a permit within 10 business days of the filing date, provided the amendment is the result of an unforeseen field condition or constraint that necessitates a change in configuration, design, or materials. An applicant may obtain accelerated plan review pursuant to the requirements of § A-901.10 for any application for an amendment to a permit.

A-302.1.3 *Imminently dangerous structures.* If the permit application is for an imminently dangerous structure as determined under the Property Maintenance Code Section PM-110, then the code official shall preliminarily review such application for completeness at the time submitted, and shall grant or deny a complete permit application within 5 business days of receipt. Reasons for a denial shall be in writing and sent

to the applicant.

A-302.1.4 Extension of consideration time limits. When agreed to by the code official and the permit applicant in writing, the deadline for action shall be extended by the number of days specified in the agreement. *In connection with any application for accelerated review under § A-901.10, the Department may determine, in writing provided to the applicant, that resource constraints prohibit compliance with the 5-day time line and may extend the time limit for up to an additional 5 days.*

[Exception:] *A-302.1.5 Time limits for historic properties.* The deadline for action on permits for structures that have been designated as historic or are located in an historic district is [extended by the amount of time] *no earlier than the time of decision on the application [is under review]* by the Historical Commission.

A-302.1.6 Accelerated zoning plan review: Upon payment of the fee, the department shall complete its plan review of any zoning application that is subject to civic design review under § 14-304(5) and issue a decision no later than ten business days after submission of a complete application, absent an emergency that would prevent such completion.

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SECTION 3. Department of Licenses and Inspections Regulation A-901.10(R) is hereby superseded upon the effective date of this ordinance.

SECTION 4. This ordinance shall take effect on July 1, 2020.