

REFORM AGENDA: for Planning and Design Review in Philadelphia

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EXECUTIVE SUMMARY

The system of planning and design review in Philadelphia is broken and needs to be fixed. The absence of clear plans and the means to interpret them creates conditions that foster ad-hoc, highly politicized project-by-project decisions. It is a system that rewards insider deal making, serving primarily the well-connected few at the expense of the overall public interest. Major reform is required so that Philadelphia can create and implement strong and effective visions for its future growth and development.

Over the past few years, Philadelphia has experienced a surge of development activity far above the previous several decades. This has created an opportunity for the City and the Region to attain the often discussed world class status, a level that we will surely not reach if we continue to act as if we are still the near bankrupt city that we were fifteen years ago, when any investment, no matter the quality, was welcomed with open arms, and planning was dismissed as an impediment to getting things built.

In this report, the Design Advocacy Group of Philadelphia provides a diagnosis of the problem and an agenda for reform. The agenda is based upon the following four perspectives:

1. Provide the Fundamentals: Transparency and Expertise

- Reorganize the process for the submission and approval of building projects so that it is thorough, open and predictable.
- Appoint experts to the boards and commissions that work in the areas of planning and design, and hold them accountable for their decisions.

2. Focus the Structure on 21st Century Problems

- Establish a Philadelphia Department of Transportation to coordinate the responsibilities of the Streets Department, Penn DOT, and SEPTA and oversee the planning and development of mass transit, vehicular and pedestrian traffic systems.
- Implement the proposed reorganization and consolidation of the City's housing-related agencies.
- Create and empower a Civic Design Review Commission that will draw upon the extensive professional resources in the region to provide urban design review for all major projects.

3. Demand Up to Date Content

- Identify transformative ideas that can radically alter and improve the quality of the City and the region, and synthesize these ideas into a long range vision for growth.
- Develop a comprehensive plan for the City that describes a framework of public facilities and infrastructure improvements as the context for more detailed plans for neighborhood and commercial district improvement, and waterfront development.
- Revise the zoning code to incorporate the content of the comprehensive plan, and streamline the process according to the recommendations of the Building Industry Association report.

4. Raise the Bar for Quality and Diversity in Design

- Focus creative attention upon design quality in every aspect of building throughout the City, and ensure that the urban design perspective is considered in public decision.

REFORM AGENDA FOR PLANNING AND DESIGN REVIEW IN PHILADELPHIA

The system of planning and design review in Philadelphia is broken and needs to be fixed. Poor decisions and the potential for corruption both thrive in public development environments that lack clear plans or the means to interpret them. In Philadelphia, where we are missing both, virtually every major project becomes a special case judged in a highly politicized arena. It is a system to be sure, but not one that has evolved to serve the public, nor, we would argue, the long-term interests of developers and investors. Boston and San Francisco have empowered their citizens, planners, designers, and activists to create strong and effective visions of the public interest. It's time for Philadelphia to do the same.

Here is our diagnosis of the problem and an agenda for reform. We include simple, easy steps that could happen right away as well as more complex proposals that will require further study and public debate. The agenda is based upon the following four perspectives:

- Provide transparency and expertise.
- Focus the structure on 21st century problems.
- Demand up to date content.
- Raise the bar for quality and diversity in design.

1. PROVIDE THE FUNDAMENTALS: TRANSPARENCY AND EXPERTISE

Introduction. Both submission and approval of building projects are public acts and the process of reviewing them should be thorough, open, and predictable. Today every major development project faces numerous uncoordinated reviews from agencies often with unpublished decision-making criteria. This hurts small businesses and individuals the most, as larger developers and institutions have the resources to cope with such complexity. Planning and design review is supervised by and in some cases actually carried out by many boards and commissions. Even the membership of some boards is not readily available to the public. We also believe that in making appointments to these boards and commissions it is of the utmost importance to set methods in place that will ensure attracting the most effective expertise and leadership.

Note: The following boards and commissions are, at a minimum, the subject of the following recommendations: City Planning Commission, Zoning Board of Adjustment, Historical Commission, Art Commission, Board of Building Standards, L&I Appeals Board, Redevelopment Authority, Capital Program Office, Fairmount Park Commission, Philadelphia Industrial Development Corporation, Philadelphia Housing Development Corporation, Office of Housing and Community Development, Redevelopment Authority,

Philadelphia Housing Authority, Philadelphia Water Department, and high level staff positions in these agencies.

Recommendations: In addition to whatever statutory requirements there may be regarding membership, the following practices and criteria should be employed:

- Publish the names and affiliations of all members of all boards and commissions affecting planning, zoning, design, and development.
- Publish the decisions of all boards and commissions on the Internet.
- Publish maps, applications, and procedures on the Internet to the greatest extent possible.
- Where boards and commissions have unwritten policies that are habitually employed in decisions, require these policies to be written and publicly disseminated.

- Require an architect and a planner or landscape architect on the Zoning Board of Adjustment.
- Include at least one design professional and two experts in urban technologies such as transportation and sustainability on both the Planning Commission and the Redevelopment Authority boards.
- Include adequate representation of housing policy expertise on the PHCD board and any advisory committees of OHCD and the Office of Housing and Neighborhood Preservation.
- In general, seek the most qualified appointments to these boards by obtaining the advice of non-partisan professional associations, much in the way that legal appointments are often vetted through the Bar Association. We would suggest that such advice involve consideration of the candidate's knowledge and commitment to the mission of the board, likelihood of conflicts of interest, due regard for avoiding the placement of the same outside individuals on multiple boards, and regard for diversity of race, gender, and professional background.
- Identify a contact person from each commission and board to help field questions relating to its process for professionals and laypersons alike.

The Zoning Board of Adjustment (ZBA) is an organization of particular concern to us, since it has the power to override or alter the prior thinking embedded in zoning requirements. . We believe that in addition to reconsidering its membership, that steps should be taken to:

- Discourage the ZBA from adding requirements that are not found in the ordinance.
- Require the ZBA to give more serious consideration to the recommendations of the Planning Commission.
- Ensure that all participants in cases are treated in a dignified manner. The hearings at the ZBA have on occasion lacked decorum, particularly when dealing with out-of-town architects and developers.

2. FOCUS THE STRUCTURE ON 21ST CENTURY PROBLEMS

Introduction. The structure we have no longer aligns well with the kind of problems that we face. This means that some of the players are not at the table. There are significant public-private initiatives underway today in which City Departments are working with a task force convened by the Building Industry Association (BIA) to plan important operational reforms. We support and continue to contribute to these efforts, but we must go beyond improvement of operations to structural reform.

Recommendations. Here are some of the areas that we believe need attention.

- **Transportation.** Philadelphia is the only American city of its size and importance that lacks an agency devoted to transportation improvement and performance. Such agencies focus on the performance of the whole community in facilitating movement, and their mission is thus distinctly different from that of either the Streets Department or SEPTA. We should have a Philadelphia Department of Transportation -- Phil DOT.
- **Housing.** We applaud the efforts of the current administration to reorganize the housing related agencies. The reorganization of the housing agencies should be seen in the context of an overall commitment to design and planning that will coordinate housing priorities with non-housing initiatives traditionally considered by the RDA, PIDC, and the Planning Commission. We believe that the role and relationship between the Planning Commission and the Redevelopment Authority should be studied carefully, and reflected in this reorganization. This is particularly timely since the Neighborhood Transformation Initiative is now beginning to move from property acquisition and demolition, to planning and development.
- **Urban Design.** Boston created the Civic Design Review Commission for the express purpose of providing urban design review for major projects. The commission has worked well, aiding, not thwarting, development, while improving its quality and providing a non-binding means for citizen input. Its mission is simply stated as: 'What is good for Boston.' We recommend that Philadelphia create and empower a commission with a similar mandate that can draw upon the extensive professional resources in this region.

- Environment and sustainability. The City has significant and well-respected efforts underway in both areas, but they lack visibility. Some are in the Water Department and some are in the Capital Program Office, while still others are the Fairmount Park Commission. Chicago has had great success with a strong environmental initiative. As one of the few American cities with two oil refineries inside its limits, Philadelphia should give more prominence and clarity to these efforts.

- Charter change. Some cities, such as Boston, have had success by linking the analysis and planning role of the traditional planning commission directly to the property owning and implementation capabilities of the Redevelopment Authority. While not possible here now under the Home Rule Charter, this and other possible structural changes should be analyzed carefully to see if Charter changes are necessary. This would obviously be a long-term project.

Commentary: The Historical Commission is a model. Within the present system, the Historical Commission is the most successful unit that deals with design and planning. It has a diverse, well-qualified and energetic Commission, a motivated staff, a strong ordinance, and the right structure to consider both details and broad policy initiatives. This does not mean that we agree with everything that the Commission has done, but that by and large the debates have been the right debates to have at the right times and they have been relatively transparent.

Ad hoc councilmanic overlays are not a model. By contrast, the practice of adding zoning changes and zoning overlays, often originating with the council person, creates over time a barely manageable diversity of requirements and constraints. The Planning Commission should seek to get ahead of the curve on zoning changes, rather than reacting to crises.

While an increase in transparency and appropriate structural reorganization are both necessary steps, they are not enough by themselves without real substance.

3. DEMAND UP TO DATE CONTENT

Introduction. The civic-minded recommendations made above will not work unless there is substance to the structure, and content that can be appreciated through greater transparency. Zoning is a good example. We are in complete support of the emerging initiatives to redo the zoning code to make it simpler and more streamlined. This is necessary. But what is zoning based upon? Zoning is based upon planning, and becomes an important means for influencing the efforts of both the public and private sectors over long periods of time. Many development-critical areas of the City lack up-to-date plans, (the Plan for Center City, for example, was issued in 1988) and the City does not have what could be called a recent comprehensive plan.

Recommendations. Here are some of the areas in which new up to date content would energize public and private planning and design decisions.

- Identify transformative ideas that can radically alter and improve the quality of the city.
- Provide a comprehensive plan for the City that provides a framework to knit the ideas, plans and aspirations of diverse neighborhoods with an aged, but noble infrastructure.
- Re-do the zoning ordinance to reduce the number of zones, and to further the objectives of the plan.
- Enable contextual zoning. (Note: Contextual zoning describes an effort to relate the intentions and limitations of zoning height, bulk, and form requirements to the existing conditions in a neighborhood or district, usually for the purpose of enhancing the degree to which new projects will fit into prevailing height, bulk, and form tendencies.)
- Develop incentives for high-rise buildings (both residential and office) outside of C4 and C5 zones. Provide incentives for high rise condominiums to be better neighbors.
- Set a goal that every neighborhood have a plan within five years.
- Develop plans for all of Philadelphia's waterfronts.

- Provide a vision of the “capital web” – the network of public facilities and public infrastructure investments that will shape the city.
- Place greater emphasis upon the revitalization of existing commercial districts.
- Deal more effectively with the visual – lighting, uncontrolled advertising - so that each resident, in every neighborhood, can experience a well-designed street.
- Relate all plans to sustainable development.

Commentary: Use the crystal ball and plan for the next few challenges to development. Here is one: What are the implications for development in Philadelphia if the Wage Tax and/or the Business Privilege Tax are substantially reduced, thereby eliminating a major reason cited for relocation to the immediate suburbs. Would this unleash a high tech investment boom, and how would it be managed?

4. RAISE THE BAR FOR QUALITY AND DIVERSITY IN DESIGN

Introduction. The deficiencies that we have noted above impact negatively on both urban design and building design in Philadelphia. But removing obstacles to good design is not enough – there must be creative attention and relentless focus upon design quality in every aspect of building, both public and private. The lack of a voice for design and planning at the highest levels of the City has been addressed by informal means for many years, such as by the long ago appointment of a “Development Coordinator” and the continuing and appropriate practice of inviting the Executive Director of the Planning Commission to sit in on the cabinet meetings. We believe that there must be even greater visibility of design-oriented leadership if the current building boom is to be sustained.

Recommendations.

- Ensure that the urban design perspective is considered in every public decision

- Place and empower senior design-oriented officials in every agency
- Link with sustainability initiatives
- Link with historic preservation initiatives
- Link with community development and NTI activities
- Link with tourism objectives.
- Be sure to value, preserve, and create diverse places that reflect the city as it is, not some purified vision of what it never was. (Note: Not every space should be made to look the same—Allegheny Avenue, the Italian Market, and 52nd Street, may all need attention, for example, but this attention should reinforce their character as unique places.)

Commentary: Lest there be any confusion as to the nature of the design excellence that we seek— let us explain: the time of static and singular planning and urban design is long past. Philadelphia is culturally more diverse today than it ever has been. Every morning the School District of Philadelphia addresses the needs of students who come from 75 different native language backgrounds. Excellence in design should, in our view, celebrate this complexity. Plans, therefore, should be multiple, not singular. Diverse plans might sometimes conflict, and there is potential for great civic debate, worthy of our community, in addressing meaningful differences as to the shape of our future.

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