

**CITY OF PHILADELPHIA  
LAW DEPARTMENT**

**MEMORANDUM**

**DATE: March 17, 2016**

**TO: Anne Fadullon, Chair, City Planning Commission**

**FROM: Brendan O'Rourke, Divisional Deputy City Solicitor**



**SUBJECT: Amendments to the Regulations of the City Planning Commission**

I have reviewed the proposed amendments to the Regulations of the City Planning Commission ("Amendments") and find them to be legal and in proper form. In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, you may now forward the proposed Amendments to the Department of Records where they will be made available for public inspection.

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Attachment

Cc: Gary Jastrzab, Executive Director

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## 1. DECLARATION OF AUTHORITY AND PURPOSE

### 1.1. Authority

The City Planning Commission is established by §§3-100 and 3-800 of the Philadelphia Home Rule Charter. The City Planning Commission has those powers set forth in Article IV, Chapter 6 of the Philadelphia Home Rule Charter and additional duties and responsibilities as provided in The Philadelphia Code.

### 1.2. Prior Regulations Superseded

All regulations heretofore adopted by the City Planning Commission are hereby superseded.

### 1.3. Purpose

No provision of this section shall add to or detract from a power, duty, or responsibility granted to the City Planning Commission by the Philadelphia Home Rule Charter or The Philadelphia Code. In the case of any conflict between the provisions of this Subsection 1.3 and other provisions of the Philadelphia Home Rule Charter or The Philadelphia Code, the provisions of the Philadelphia Home Rule Charter or The Philadelphia Code shall govern.

1.3.1. The City Planning Commission is responsible for guiding the orderly growth and development of the City of Philadelphia. The City Planning Commission's charter-mandated powers include the preparation of:

- 1.3.1.1 A Comprehensive Plan, also referred to as the Physical Development Plan of the City, and its modifications;
- 1.3.1.2 The Capital Program and Budget;
- 1.3.1.3 Proposed zoning ordinances and amendments;
- 1.3.1.4 Regulations concerning the subdivision of land;
- 1.3.1.5 Recommendations on legislation affecting zoning, the Comprehensive Plan, the capital program, plans of streets, land subdivision, or the purchase or sale of real estate.

1.3.2. The Philadelphia Code assigns certain duties and responsibilities to the City Planning Commission, including the following:

- 1.3.2.1 Reviewing and issuing prerequisite approvals or recommendations on certain zoning and building permit applications, pursuant to Title 14;
- 1.3.2.2 Approving minor amendments to master plans, pursuant to Title 14;
- 1.3.2.3 Making recommendations to the Zoning Board of Adjustment on variances and special exceptions, pursuant to Title 14;

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- 1.3.2.4 Maintaining a registry of community organizations, pursuant to Title 14;
- 1.3.2.5 Preparing regulations concerning Civic Design Review, pursuant to Title 14;
- 1.3.2.6 Reviewing nominations of new Neighborhood Conservation Overlay (NCO) zoning districts, pursuant to Title 14; and
- 1.3.2.7 Promulgating regulations for the implementation of §17-111 of The Philadelphia Code (Energy Efficiency and Environmental Design in Construction of Buildings) requiring every City contract for the design or construction of a large City public works project to meet minimum energy efficiency requirements, including requirements intended to ensure that a finished project will achieve a silver-level LEED rating.
- 1.3.2.8 *Promulgating regulations concerning the Civic Design Review requirements for certain major amendments to master plans, pursuant to Title 14.*
- 1.3.3. In accordance with the Pennsylvania Urban Redevelopment Law (Act of May 24, 1945, P.L. 991, No. 385, as amended), the City Planning Commission is responsible for designating blight certification areas, preparing redevelopment area plans, and issuing recommendations on urban renewal plans, redevelopment proposals, and redevelopment agreements prepared by the Philadelphia Redevelopment Authority.
- 1.3.4. In addition to the administrative and regulatory duties specified in subsections 1.3.1 through 1.3.3, above, the City Planning Commission fulfills an advocacy and support function to the City and the public on issues such as economic development, transportation, neighborhood planning, housing, and urban design.

**\*\*\* Sections 2 through 7 Omitted \*\*\***

## **8. REVIEW OF MASTER PLANS**

### **8.1. Authority and Delegations to the Executive Director**

The Executive Director is hereby authorized to approve, on behalf of the Commission, minor amendments to master plans in order to fulfill the Commission's duties pursuant to the Zoning Code.

### **8.2. Submission Requirements**

All master plans required by the Zoning Code to establish a new Master Plan District shall include the following:

- 8.2.1. A Statement of Existing Conditions that describes the existing context of the proposed Master Plan District and its surrounding areas. The Statement of Existing Conditions may include, but is not limited to:

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- 8.2.1.1 Local, state or national historic designations.
    - 8.2.1.2 A description of surrounding land use and density patterns.
    - 8.2.1.3 A description of the natural environment, including topographic conditions and any floodplains, wetlands, or other sensitive habitats present in the area.
    - 8.2.1.4 A description of existing parking and traffic conditions.
  - 8.2.2. Statement of Impacts of Proposed New Conditions that describes the potential impacts of the Master Plan District on the elements presented in the Statement of Existing Conditions. The Statement of Impacts of Proposed New Conditions should indicate any proposed mitigation measures.
  - 8.2.3. Site Plan with the following information recorded on the Site Plan:
    - 8.2.3.1 Extent, boundaries and area of the proposed district;
    - 8.2.3.2 If there are multiple land owners within the proposed district area, the existing ownership of land;
    - 8.2.3.3 Proposed changes to the existing confirmed street layout within or surrounding the boundaries of the district;
    - 8.2.3.4 Total proposed maximum gross floor area;
    - 8.2.3.5 Total area and type of open space;
    - 8.2.3.6 Setback lines from watercourses;
    - 8.2.3.7 Occupied area, gross floor area and height of each structure, existing and proposed, within the district;
    - 8.2.3.8 Use of each structure, existing and proposed, within the district;
    - 8.2.3.9 Size and location of all parking areas;
    - 8.2.3.10 Size and location of all driveways leading thereto;
    - 8.2.3.11 Size and location of all other private driveways or streets intended to be used by automobiles;
    - 8.2.3.12 Size and location of all off-street loading; and
    - 8.2.3.13 Size and location of any signage.
  - 8.2.4. Complete Streets Handbook Checklist.
  - 8.2.5. The Executive Director may request additional materials as he or she deems necessary to guarantee that the proposed Master Plan is substantially consistent with the stated purposes of the district.
  - 8.2.6. For Special Purpose Institutional (SP-INS) districts, the Site Plan required by Subsection 8.2.3, above, shall additionally indicate the area(s) to be designated commercial and a specified list of uses within each commercial area.
  - 8.2.7. For Special Purpose Sports Stadium (SP-STA) Districts, the Master Plan submission shall additionally include a parking and circulation plan showing the
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size, capacity and use of all buildings and structures proposed and existing on the lot.

- 8.2.8. For Special Purpose Entertainment (SP-ENT) districts, the Master Plan submission shall additionally include the following:

8.2.8.1 A landscape plan.

8.2.8.2 A transportation management plan that details:

- .1 Internal circulation systems,
- .2 External access points,
- .3 Pedestrian flows, including to and from parking facilities,
- .4 Estimates of levels of service on sidewalks and internal roads, and
- .5 A traffic and parking study prepared by a licensed traffic engineer, assessing the impacts of new traffic generated by the proposal on roadway and intersection capacity, public transit and other bus operations, and pedestrian and bicycle circulation and safety.

8.2.8.3 A parking management plan describing the proposed policy on and resources for parking for patrons, employees and managers, and anticipated traffic and parking management resources.

8.2.8.4 Any recommendations on intersection improvements, new roadway construction, or widening of existing roadways, if required, and any traffic buffers to protect residential areas, including the manner of funding such improvements by the developer.

### **8.3. Submission Requirements for Amendments to Master Plans**

8.3.1. For minor amendments, as defined by the Zoning Code, the proposed changes shall be indicated on a copy of the adopted site plan for the master plan district. Upon Commission approval of the minor amendment, the site plan with the approved changes shall become the adopted site plan for the Master Plan District.

8.3.2. For major amendments, as defined by the Zoning Code, the amendment shall be accompanied by a revised site plan. Except for Master Plan Districts established as of August 21, 2012, the major amendment shall also be accompanied by a revised Statement of Impacts of Proposed New Conditions.

### **8.4. Criteria for Required Civic Design Review of Major Amendments to Master Plans**

*Major amendments, as defined by the Zoning Code, shall be subject to civic design review pursuant to Zoning Code and Section 10 of these Regulations, provided the amendment meets the criteria of both subsections 8.4.1 and 8.4.2 below.*

8.4.1. *One or more of the following applies to the major amendment:*

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- 8.4.1.1 *The amendment increases the gross floor area by more than 25,000 sq. ft.;*
- 8.4.1.2 *The amendment changes the proposed building footprints by more than 25,000 sq. ft.;*
- 8.4.1.3 *The amendment includes a rezoning of more than 25,000 sq. ft. of land into the master plan.*
- 8.4.2. *The Executive Director and the Chair of the CDR Committee agree that the amendment significantly impacts the public realm within the Master Plan District or the surrounding area and that civic design review would be in the best interests of the City. Significant impacts to the public realm may include modifications to the connectivity, functionality, character, or utilization of sidewalks, public spaces, streets, and public and community facilities.*

**\*\*\* Section 9 Omitted \*\*\***

## **10. CIVIC DESIGN REVIEW**

### **10.1. Authority**

The Civic Design Review Committee is authorized by the Zoning Code to review zoning permit applications for any development that meets the criteria established therein.

### **10.2. Civic Design Review Committee**

Except where the Commission is acting as the CDR Committee, pursuant to the Zoning Code:

- 10.2.1. The CDR Committee consists of seven members, as set forth by the Zoning Code.
- 10.2.2. A quorum of the CDR Committee shall consist of four members. A majority of the members present at the time of voting is required to issue a CDR Committee recommendation.
- 10.2.3. The CDR Committee shall meet monthly, or as required. Pursuant to the Zoning Code, the CDR Committee shall post web notice of its meetings at least 15 days prior to each meeting.
- 10.2.4. The CDR Committee shall be guided by the Zoning Code and Section 10.6 of these Regulations when reviewing developments required to undergo civic design review as provided in The Zoning Code.

### **10.3 Recommended Qualifications for CDR Committee Members**

The Executive Director may recommend candidates to the Mayor for appointment to the CDR Committee as follows:

- 10.3.1 Each member recommended to serve in the seat designated for an architect or landscape architect should be a certified professional registered in the Commonwealth of Pennsylvania.
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- 10.3.2 Each member recommended to serve in the seat designated for an urban design professional or developer should be recognized by peers to possess extensive knowledge of their practice area.
- 10.3.3 The member recommended to serve in the civic association review seat should have (1) experience in architecture, planning, urban design, or development, and (2) experience reviewing development plans on behalf of a community organization. Persons satisfying this criterion may include, but are not limited to, persons who serve or have served on a zoning, land use, or similar committee of a community organization.
- 10.3.4 The Local RCO whose registered boundaries include the Civic Design Review project will select a representative to serve on the CDR Committee.
- 10.3.4.1 At least one week before the date of the scheduled Civic Design Review meeting for the project, the Local RCO(s) shall nominate a representative to the Executive Director.
- 10.3.4.2 If there is more than one Local RCO whose boundaries include the project site, the Local RCOs may select up to two representatives.
- 10.3.4.3 If the Executive Director receives more nominations than there are available Local RCO representative seats, the Executive Director shall select the representative(s) from among the nominees.

#### **10.4. Procedure**

- 10.4.1. The Executive Director shall review the application and determine its completeness pursuant to the submission requirements delineated in subsection 10.5, below. The Executive Director shall forward the completed application to the CDR Committee.
- 10.4.2. The CDR Committee shall keep a summary of its recommendations made at each meeting and shall forward its recommendations to the Executive Director.
- 10.4.3. The Executive Director shall post the recommendations of the CDR Committee on the Commission's website, as required by the Zoning Code.

#### **10.5. Submission Requirements**

- 10.5.1. Applicants must submit a digital .PDF file and 10 bound color copies of the following in 11" x 17" format, except items in subsections 10.5.1.5 through 10.5.1.13 shall not apply to applicants of new master plan districts *or major amendments to master plans*:
- 10.5.1.1 A site survey indicating the current conditions of the proposed development site conducted by a licensed surveyor or engineer. A plan illustrating the current conditions of the proposed development site. Refer to Section 8.2.3 of these regulations for the information to be included on the site plan.
- 10.5.1.2 Complete Streets Handbook Checklist.
- 10.5.1.3 Photographs of the proposed building site and immediate area and aerial photographs in plan and oblique views.

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- 10.5.1.4 Site plan, drawn to a scale where all elements of the streetscape are discernible and the relationship of outside spaces to inside spaces can be understood. The site plan must include all existing street elements such as utility poles, traffic signs, handicapped ramps, fire hydrants, street lights, bollards, benches, bicycle racks, and other street furniture.
  - 10.5.1.5 Ground floor plan, drawn to a scale where the relationship of outside spaces to inside spaces can be understood. The ground floor plan must show all building entrances and exits and vehicle loading and unloading areas.
  - 10.5.1.6 Landscape plan, drawn to a scale where all elements of the streetscape are discernible and the relationship of outside spaces to inside spaces can be understood.
  - 10.5.1.7 Elevations drawn to scale of all sides of the proposed building(s) with all exterior materials labeled.
  - 10.5.1.8 Site sections (minimum of two) showing the relationships to adjacent buildings and spaces.
  - 10.5.1.9 Perspective renderings (minimum of two views including at least one at street-level perspective). Exterior materials must be depicted in the renderings.
  - 10.5.1.10 3D digital or physical massing model that shows the proposed development within the context of surrounding buildings.
  - 10.5.1.11 ~~A written summary of intended sustainable design elements~~ *The Commission's Sustainability Questionnaire. In addition to the Sustainability Questionnaire, applicants applying for LEED certification, or certification by another green building or neighborhood development rating system, may also submit additional materials that detail the credits for which they are applying.*
  - 10.5.1.12 A written description of the building materials and their textures and colors. The CDR Committee may request material samples as it deems necessary to evaluate the project.
  - 10.5.1.13 If applicable, the submissions required to demonstrate compliance with the sky plane controls of the Zoning Code, as provided in subsection 9.3 of these Regulations.
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- 10.5.1.14 The Executive Director may request additional materials as he or she deems necessary to assist the Civic Design Review Committee in their evaluation of the project proposal.

## **10.6. Review Guidelines**

The CDR Committee shall consider the impacts on the public realm in accordance with the Zoning Code. The CDR Committee shall apply the guidelines set forth in this Subsection 10.6 to evaluate each project and to make its advisory recommendation. For reviews of new Master Plan Districts *and major amendments to master plans*, the guidelines regarding architectural elements of individual buildings or facades may not apply. These CDR Guidelines are intended to supplement the form and design standards in the Zoning Code. Should there be a conflict between the regulations of this Subsection 10.6 and the Zoning Code, the provisions of the Zoning Code shall prevail.

10.6.1. General Intent. Civic Design Review is focused on the assessment of the proposed characteristics and quality of the public realm that is an integral part of any large development project. The “public realm” is defined as sidewalks, public spaces, streets, and public and community facilities. In addition, Civic Design Review will address the way in which a large proposed development may have an impact on its neighborhood. The Civic Design Review process does not lend itself to precise quantifiable certainty, requiring members of the CDR Committee to use their professional expertise and judgment in rendering advisory action.

10.6.2. Purpose. Projects that are subject to Civic Design Review, pursuant to the Zoning Code, are encouraged to:

- 10.6.2.1 Enhance the city’s streets and sidewalks, which represent the greatest percentage of its public realm, to function well, and promote vitality and activity;
  - 10.6.2.2 Reinforce desirable urban features found within the surrounding area, such as siting patterns, massing arrangements and streetscape characteristics; and, if appropriate provides buffers and screens between the proposed building(s) and the adjacent area;
  - 10.6.2.3 Maximize the utility of open space, which may be either public or private, and visible to the public;
  - 10.6.2.4 Design site characteristics and building features to help reduce energy use and greenhouse gas emissions, manage stormwater runoff, conserve water and preserve natural habitats;
  - 10.6.2.5 Promote pedestrian interest, safety and comfort by creating attractive and serviceable walkways and pedestrian routes;
  - 10.6.2.6 Promote the safe and efficient circulation of bicyclists and motorists;
  - 10.6.2.7 Promote the use of public transit;
  - 10.6.2.8 Integrate accessibility for persons with disabilities; and
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- 10.6.2.9 Minimize the adverse visual impact of vehicular service areas, while providing safe and ample access for emergency and delivery vehicles.

10.6.3. The site design of a project is encouraged to:

- 10.6.3.1 Where feasible, re-establish or continue the existing street and sidewalk grid.
- 10.6.3.2 Maintain adequate sidewalk widths in accordance with the Commission's Pedestrian and Bicycle Plan to ensure pedestrian clear zone widths.
- 10.6.3.3 Locate surface parking lots behind buildings.
- 10.6.3.4 Provide vehicular access and access to service areas, such as those from dumpsters, loading docks and mechanical equipment, from smaller service streets or alleys. Landscaping and walls may be used to screen service areas from view.
- 10.6.3.5 Include clearly defined pedestrian connections from buildings and parking areas to public streets.
- 10.6.3.6 Incorporate quality public open spaces and pedestrian networks between buildings.

10.6.4. The building design is encouraged to:

- 10.6.4.1 Construct buildings to the street line, match the prevailing setback on the block, or set back buildings to accommodate public space.
- 10.6.4.2 Define building entrances by an easily recognizable architectural element in the façade that leads the pedestrian to an entryway.
- 10.6.4.3 Maximize ground floor transparency through generous fenestration.
- 10.6.4.4 Incorporate windows, as well as materials and architectural details, into street-facing building facades to articulate the building in order to provide an interesting pedestrian experience.

10.6.5. The parking design is encouraged to:

- 10.6.5.1 Break up surface parking lots into smaller "cells," "pods," or "modules" by buildings, landscaping and pedestrian paths.
- 10.6.5.2 Provide shared parking and shared driveway entrances and exits whenever possible.
- 10.6.5.3 Construct multi-level parking structures instead of large surface parking lots, where possible.
- 10.6.5.4 Include ground-floor commercial uses in parking structures, where possible. Above-ground screening devices, such as architectural articulation including

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baffles, screens, and landscaped walls are encouraged.

10.6.6. The design of public open space is encouraged to:

- 10.6.6.1 Be visible from the sidewalk.
- 10.6.6.2 Include direct access from adjacent streets, allow for multiple points of entry, and where applicable, integrate public transit stops or stations.
- 10.6.6.3 Incorporate amenities such as benches, seats, tables, fountains, drinking fountains, and interpretive historical markers.

10.6.7. The project is encouraged to integrate sustainable design elements that:

- 10.6.7.1 Reuse the existing building stock when possible.
- 10.6.7.2 Incorporate existing on-site natural habitats and landscape elements into the project design.
- 10.6.7.3 Incorporate functional storm water control features such as rain gardens, swales, and green roofs to store, slow and/or reduce rainwater runoff from the site.
- 10.6.7.4 Site and mass buildings to maximize daylight for exterior spaces and minimize shading on adjacent sites.

**\*\*\* Remainder of Regulations Omitted \*\*\***

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**9. REVIEW OF ZONING AND BUILDING PERMIT APPLICATIONS.....16**

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**9.6. Reviews for properties in areas of Steep Slope Protection.**

*Zoning permit applications submitted for review to the City Planning Commission as a pre-requisite review approval pursuant to **§14-301(3)(c)(.1)(.j)** of the Philadelphia Code, may be considered exempt from the provisions of **§14-704(2)**, if one of the following conditions, as determined by the staff, is met:*

*9.6.1. Maintenance, repair, renovation, or structural alteration of an existing structure that does not increase the impact to, encroach further within, or further alter a steep slope area.*

*9.6.2. Rebuilding or replacing structures that are destroyed or rendered unusable by fire or an act of God or a third party over which the owner has no control provided that action toward the rebuilding or replacement is commenced within three years of the destruction, that the rebuilding or replacement is diligently pursued, and that the new construction or related activity does not further encroach into, or increase the impact to, or further alter, a steep slope area.*

*9.6.3. Installation or construction in improved public road rights-of-ways, and replacement, operation, repair or alteration of all natural gas, cable communications, telephone facilities, public utility lines, pipes, mains, equipment or appurtenances.*

*9.6.4. If the intrusion into the steep slope area benefits the public, as with trails providing access to parks, creeks, or wetlands.*

*9.6.5. All other reviews of applications where disturbance of slopes exceeding 25% and not covered by exemptions 9.6.1 through 9.6.4 must provide the following information for consideration by the City Planning Commission for exemption:*

*9.6.5.1. The applicant shall demonstrate: the projects has no practicable alternative to the work with less impact on the steep slope exists; and the work does not pose an unreasonable threat to the public health, safety or welfare, or to the environment, on or off the property.*

*9.6.5.2. The applicant shall demonstrate protection of existing vegetation and trees pursuant to a tree and vegetation plan consistent with best management practices. The plan shall be prepared by a qualified expert with experience related to the type of steep slope area where work will occur. In steep slope areas the plan shall also be approved by a geotechnical engineer or geologist licensed in the State of Pennsylvania with experience in analyzing geological hazards related to slope stability and vegetation removal on steep slopes.*

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