



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 170335**

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**Introduced April 6, 2017**

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**Councilmembers Parker, Quiñones Sánchez and Reynolds Brown**

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**Referred to the  
Committee on Rules**

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## **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.**

\* \* \*

**CHAPTER 14-100. GENERAL PROVISIONS.**

\* \* \*

**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.

\* \* \*

(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 § 14-303(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 attach to each decision approving a special exception any Project Information Form prepared by the applicant pursuant to § 18-403.*

\* \* \*

(8) Zoning Variances.

\* \* \*

(e) Criteria for Approval.

\* \* \*

(.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 attach to each decision approving a variance any Project Information Form prepared by the applicant pursuant to §18-403.* Each finding shall be supported by substantial

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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:

\* \* \*

## (12) Neighborhood Notice and Meetings.

### (a) Applicability.

This subsection (12) applies to applications that:

(.1) Require Zoning Board approval of a special exception under § 14-303(7) (Special Exception Approval);

(.2) Require Zoning Board approval of a zoning variance under § 14-303(8) (Zoning Variances); [or]

(.3) Meet the requirements for Civic Design Review in § 14-304(5) (Civic Design Review);

(.4) *Are accepted for Civic Design Review under §14-304(5)(b)(.3) (Optional Review); or*

(.5) *Require the preparation of a Project Information Form pursuant to § 18-403(2)(a) (projects requiring Council approval).*

### (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, *or upon notice to the Commission that an applicant seeks to commence a development project that requires the approval of City Council by ordinance or resolution or that has been accepted for optional Civic Design Review*, the Commission shall provide notice to the applicant, with a copy to each RCO whose registered

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boundaries include the applicant's property and to the district councilmember whose district includes the applicant's property, of:

\* \* \*

(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.*

(.2) The notice required by this subsection (d) shall contain the following:

\* \* \*

(.c) [The] *A copy of the application, and the location where [copies of the application and] any related information submitted by the applicant can be obtained;*

\* \* \*

*(.i) If required pursuant to Chapter 18-400 ("Project Information Forms"), a copy of a Project Information Form prepared by the applicant with respect to the application.*

*(A) The agency responsible for administering Chapter 18-400 shall post on its website, in searchable and downloadable format, within two (2) business days after receipt, each Project Information Form or amended Project Information Form, and such Form shall remain on the website for a minimum of five years.*

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*(B) The Applicant is strongly encouraged to disseminate any amended Project Information Form in the same manner as the original Project Information Form was disseminated.*

(.j) Any additional information required by L&I, the Zoning Board, or the Commission for the proposed application.

\* \* \*

(15) Appeals.

(a) Appeals to Zoning Board of Adjustment.

\* \* \*

(.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. *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”).* 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.

§ 14-304. Specific Procedures.

\* \* \*

(5) Civic Design Review.

\* \* \*

(e) Review by Civic Design Review Committee.

\* \* \*

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

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recommendation as follows:

\* \* \*

(c) 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 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.*

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(2) *Covered Development Project.* A development project (other than an exclusively residential development of three or fewer dwelling units) with a total occupied area equal to or exceeding two thousand five hundred (2,500) square feet, 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").*

(d) *Is accepted for civic design review under §14-304(5)(b)(.3) ("Optional Review").*

(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 that contracts to perform work to improve land.

(5) *Development Project.* The site where a developer improves land.

(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.

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

(a) *A disclaimer that the contents of this form are for information purposes only, and are not to be considered by any City agency or board in any adjudication.*

(b) *The location of the Covered Development Project.*

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(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 with any questions or concerns.*

(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.*

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

(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.*

(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:*

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*(.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.*

*(n) Plans to create mechanisms for the local community to monitor the Covered Development Project, both during and after the construction phase.*

*(o) 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:*

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*(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 distributed a Project Information Form in accordance with the requirements set forth in §14-303(12)(Neighborhood Notice and Meetings), along with a notice of the date, time and location of the public hearing, or the stated session of Council in the event no public hearing is conducted, and, in order to indicate a desire to offer public testimony, the name and contact information for the Chief Clerk.*

*(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 two (2) business 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) 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 thirty (30) days from the date it becomes law.

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### **Explanation:**

[Brackets] indicate matter deleted.  
*Italics* indicate new matter added.