

April 30, 2010

Alan Greenberger  
Chair, Zoning Code Commission  
Philadelphia City Planning Commission  
One Parkway, 13th Floor  
1515 Arch Street  
Philadelphia, Pennsylvania 19102

RE: Comments to Civic Design Review process and Public Input

Dear Mr. Greenberger:

Thank you for allowing the Building Industry Association (BIA) to provide comments on the proposed Civic Design Review (CDR) approach. While the BIA understands and supports the vital role of public input and design review in the development process, we do have some concerns regarding the Civic Design Review procedure as it is currently being considered.

The BIA agrees with limiting the number of CDR review meetings to no more than two. We also strongly agree community organizations should be registered. However, we further believe recognized and registered community groups should be the only entities allowed to represent their communities. This will help negotiate the often conflicting views represented by various community groups and individuals within the same community. If a council person selects the community representative, similar requirements should apply.

It is unclear to the BIA membership how the Committee will be assembled. Will these be paid positions? Who will make the appointments? How is a person's experience for the position be assessed and by whom? Our membership strongly believes the CDR Committee should include at least one (1) builder/developer. This is the only industry professional fully qualified to provide input on the cost and impact of any committee recommendations.

Further, it is not clear as to how the process will function. Are these to be public meetings or closed meetings with only the CDR and the developer in attendance? What exactly is the end result of the process? Will a single opinion/recommendation be issued or will there be conflicting comments from various members of the CDR Committee? If a developer, not able to receive a by-right approval, is going to be required to submit to CDR and prepare extensive documentation in order for CDR to review a project, CDR should not simply be advisory in nature. When a developer receives a positive recommendation from CDR, this should complete the public review and input process. The developer should then be clear to proceed with the remainder of the zoning and building permitting process without being subject to further negotiations with the community. By-right projects should not be subject to CDR review. This defeats the purpose of getting a by-right designation.

The information provided by the Zoning Code Commission (ZCC) did not include specifics on exactly what type of documentation a developer would be required to provide to the CDR Committee. This documentation should not be voluminous or onerous as this will be a deterrent to development, resulting in a negative economic impact on the city. The timeframe for completion of the entire CDR process must be brief (30 days or less). Added time in the approval process results in added cost of development. This is simply not palatable in a city already plagued with extremely high development

costs. It would be best if the CDR process could be run simultaneously with other steps in the development review process to keep project delays to a minimum. Lastly, the point in the zoning and building permit approval processes at which this review takes place is critical. If a developer is requested to provide a substantial amount of detailed information early in the process, before there is any indication that a project is viable and approvable, this again, will be a significant deterrent to development investment in the city.

Thank you for your thoughtful consideration of the BIA's issues and concerns. We look forward to continuing the dialogue with the ZCC as it moves forward with the vital task of zoning code reform.

Sincerely,

David Perlman  
President

cc: Eva Gladstein, ZCC Executive Director  
Peter Kelsen, ZCC Committee Member  
John Westrum, ZCC Committee Member