

# Common Ground for Building Our City

Development Community and Civic Leader  
Consolidation Workshop  
January 27, 2010

## Group 4

**Moderators:** Carolyn T. Thompson and Ellen Petersen

**Group Overview:** Group 4 had 13 participants: 7 men and 6 women; 5 people of color (Black and Latino), 8 white people; nearly all were middle aged. Of the participants, three were developers, one of who was a lawyer. The remaining ten participants represented civic groups, yet many mentioned that they also had some connection to development. There was a great deal of disagreement among the group, particularly between a few individuals. It took a great deal of work, but in the end the group was able to reach consensus on several items.

**Low Hanging Fruit:** Transparency

*Common Ground Principle:* A defined process that is transparent, predictable and informs, invites and engages participation.

*Actions Ideas to Achieve Common Ground Principle:*

- Publish transcript of hearing (or put on-line)
- There is an ability to see and make public the application summary, presentation, testimony
- An explanation is provided of the decision, why it was made, and who was for and against it
- The decision complies with the criteria for decisions, zoning code, and it is detailed and publically provided
- Fewer cases may lead to greater transparency (note: there was a great deal of disagreement on this idea)
- Zoning Board required to disclose all forms of contact (phone calls, e-mails, other conversations) related to cases before the Board
- Ethics or other codes of conduct (applied to Judges or other officials) should be applied to zoning officials
- Clearer zoning code with fewer variances needed should lead to a more transparent process (note: this sentiment was not shared by everyone in group)
- Code must be enforced to confirm transparency of and commitment to process
- Publish reasons for decision regardless of appeal status

- Engage the community in the process of deciding new rules and “of right” and have a process of engaging the community in any future changes
- The code book should be there in hearing room and available to the public for reference during the hearing
- A legal representative should be at the hearing to ascertain the city’s position
- Other non city stakeholders should have legal representation at the hearings
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- Make public presentations available for and posted to the community. May publish in community newspapers
- Community groups should have all documents to be presented at the hearing in advance of the meeting with enough time to review them or the documents should not be admissible
- Community groups should be able to cross examine at the hearing without a lawyer (Note: this was not agreed to by broad group and there was mention of a concern of filibuster)
- Due process should be followed (as in a courtroom)
- Need a predictable process

**Gut Wrencher #1:** Which projects are reviewed?

*Common Ground Principles:*

- Philadelphia needs a new code that is predictable and projects both community interests and development rights.
- If a project doesn’t conform to the existing code, it should be reviewed; if a project is to code (assuming a new and better code) the community should still be involved.

*Actions Ideas to Achieve Common Ground Principle:*

Towards the end of the meeting, the group divided into two subgroups. One subgroup reached consensus on the common ground principle above and the additional “areas of consensus” listed below. The other subgroup worked on Gut Wrencher #2. Both subgroups had development and civic leadership represented.

*Areas of Consensus*

- All projects should have a mandatory wait period (10 days was mentioned) in order to allow for community input.
- Community input needs to be given in a manner that is structure and predictable.
- There needs to be a process for notifying and engaging the community from the very beginning, when the project is just an idea.

**ADDITIONAL IDEAS**

*Triggers for Review*

- All projects should have some kind of community involvement, but not necessarily a review
  - This should be triggered by the filing of an application
  - Type of review/involvement should vary by the type of project
- Review needs to take place before it is a “done deal”
- Projects with the following qualities should be reviewed:
  - There is significant community interest
  - Large project
  - Has material impact
  - Is a disruptive or change of use project
  - Is outside of the neighborhood plan
  - Impacts the value of the neighborhood, quality of life or density

### *Review Process*

- Create a process to register community groups (and individuals), then notify those groups whenever an application is filed
- Tiered system with three options:
  - 1: have a quick review because there is no community interest
  - 2: involve the community but they wouldn't have objection rights because the project was “of right”
    - \* There was a lot of discussion about this idea. Participants generally liked the idea, but feared that it wouldn't work because the community wouldn't “have any teeth.” It was pointed out that this option doesn't currently exist and if we created it, it could build trust between developers and civic groups.
  - 3: community has right to review and potentially overrule
- Post all applications (including “of right” projects) online so that everyone can see them. Additional ideas to support this included:
  - Creating a virtual map of the community
  - Having a clearing house for information (there was disagreement in the group about if the clearing house should be decided by council person, councilmanic district or zip codes; it was also noted that more clearly defined districts would be needed)
  - Whatever the process is, it needs to be consistent

### **Gut Wrencher #2: Councilmanic Privilege**

*Principle or Common Ground Statement:* Council doesn't have a “privilege” but instead has a “role.”

*Some of the attributes of this principle would be:*

- The council person is responsible for informing, engaging and communicating with all the stakeholders (developers, community), perhaps facilitating the process, or acting as a clearinghouse

- Any time a council person introduces or changes a zoning ordinance before City Council he/she must notify the community, perhaps in a posting similar to what is required for zoning variances
- After new map and zoning rules, there is no “privilege” unless mandated by legislative amendment
- No state representative privileges should exist either
- There is a clear process by the council person and transparency around who she/he supports and why
- Council person does not advise the zoning board