

**Crosstown Coalition Zoning & Land-Use Committee – June 2, 2014,
6:00 p.m., 1600 Market Street, Suite 2500
Meeting Minutes – Submitted by: Joe Schiavo**

In attendance: Peter Zutter, Mary Tracy, Lucia Esther, Michelle Atherton, Lynda Payne, Jared Klein, Ed Panek, Judith Applebaum, Steve Huntington, Joe Schiavo

Going forward, CC Zoning & Land-Use Committee meetings will be scheduled quarterly, while working groups proceeding with specific tasks, as required, to satisfy established project goals. A GoogleGroup list will be established in order for all CC Zoning & Land-Use committee members to conveniently communicate.

Agenda Items Discussed

1. Special Assembly Occupancy License (SAOL) and nuisance noise regulations
2. Proposed amendments to L&I/PCPC RCO and CDR timing protocols
3. Proposed amendments to L&I Zoning Posting procedures
4. 2006 non-accessory signage (temporary) amnesty agreement coming to term
5. Discordant standards among City land-use decision-makers

1. Special Assembly Occupancy License (SAOL) and nuisance noise regulations

Issue: Special Assembly Occupancies are referenced within the Noise Ordinance, but only relative to the Use within Industrial Districts. For all other Districts, there is no particular regulation or enforcement device to ensure that SAOLs, and their frequent concomitant noise nuisance, are an appropriate fit for the particular host community. The Noise Ordinance would best include SAOL noise standards for each specific zoning classification.

Since many SAOLs also hold liquor licenses, bringing the city noise enforcement standard into line with the state standard, would put all enforcement officers, city and state, on the same page relative to enforcement of noise regulations relative such Uses. Ideally, the city would adopt the state (Liquor Control Enforcement) standard – audible by the human ear - and not require a decibel recording device to determine violations.

Committee Disposition/Action: Compose and send a letter addressed to all members of City Council and Leaders of wards containing Xtown communities outlining the issue and requesting specific changes to the current regulations. (See below) Follow up visits to key Council members.

We propose the following amendments, illustrated in **RED** text, be made to the current text of Section 10-403.(4):

*(4) **Special Assembly Occupancies.** No person shall create or cause, or permit the creation of, sound originating from a special assembly occupancy, as defined under Subcode B (The Building Code) of Title 4 of this Code, audible **to the human ear beyond the***

property boundary of such special assembly occupancy when adjacent to any occupied residential or commercial property, or when no such adjacency exists, audible at a distance greater than one hundred feet from the property boundary of such special assembly occupancy. This subparagraph shall apply regardless whether it is more restrictive than the limitations imposed by paragraph (3) of this section.

2. Proposed amendments to L&/PCPC RCO and CDR timing protocols

Issue: CDR meetings are permitted to proceed, and are proceeding, without the benefit of a prior RCO meeting, rendering the RCO representative at the CDR table ineffective and without a voted position to express or defend. The City Law Department has expressed that an informal meeting, or meeting preliminary to a formal RCO meeting with the developer, meets the criteria of the of the prerequisite RCO meeting prior to CDR.

Committee Disposition/Action: Compose a letter outlining the issue and requesting that the intent of the standing regulation – RCO meeting is a prerequisite for all CDR meetings – be the standard of protocol applied to all applications subject to CDR. Request a meeting with Alan Greenberger, to be attended by Ed P., Judy A., and Joe S., to introduce the issue and request direction/assistance regarding appropriate approach to all those associated with the process of CDR scheduling and decision making.

3. Proposed amendments to L&I Zoning Posting procedures

Issue(s): 1) There is currently not enough information on any zoning posting to inform the public as to why the posted premises was denied an of-right zoning permit by L&I. That information is readily available at the time L&I generates the orange zoning posting at the Applicant's/Appellant's request. That information is included in the Refusal issued by L&I in response to the original application, but L&I does not include that critical information on the orange, zoning posting form.

2) Zoning re-postings, due to hearing continuances or changes in the detail of the application, are indistinguishable from the original posting, and do not adequately serve to inform the public that the application or hearing date have changed. Re-posting notices must be formatted to clearly identify any change in the information posted at the premises. Current re-postings requirements are not being enforced. Re-posting standards need to be tightened, not relaxed.

3) The ZBA on-line calendar does not link the original posted hearing date of a case to the any and all hearing dates consequential to continuances.

Committee Disposition/Action: Compose a letter outlining the issues addressed to the Commissioner of L&I, Alan Greenberger, and all members of City Council and Ward Leaders. Within our letter, request that the detail of the Refusal be included in the body of all zoning postings; request that current re-posting regulations be strictly enforced; suggest that current regulations regarding circumstances under which re-posting is not required is being abused and should be eliminated, resulting in all hearing date changes

should required re-posting or clear modification of postings, in order to communicate that the scheduled hearing date has changed; suggest that updated zoning postings could be printed by ZBA Clerk at the time the continuance is granted by the ZBA; and suggest that the original hearing date, and any subsequent hearing date(s), be maintained on the ZBA calendar, with clear notations directing the public to the date of the next scheduled hearing date. Request a meeting with Commissioner Williams. Request a meeting with Alan Greenberger.

4. 2006 non-accessory signage (temporary) amnesty agreement coming to term

Issue: The 2006 Non-Accessory Sign Agreement is coming to term in August of 2014. Since the inception of the 2006 Agreement, the City has not yet participated in arbitration to resolve any cited issues, as the Agreement requires. During the Agreement period, legal action to address illegal billboards, or potentially-illegal billboards, has been frozen by the temporary ‘amnesty’ provided by the Agreement.

Committee Disposition/Action: Compose a letter addressed to Mayor Nutter with copies to the City Solicitor and all members of City Council, and leaders of wards containing Xtown communities demanding that the ‘amnesty’ provided by the 2006 Agreement not be extended, and inviting an open dialogue to continue larger the discussion regarding non-accessory signage regulation and enforcement. Follow up our letter with visits to City Council members.

Outline an action plan for re-starting the process of developing a contemporary, comprehensive non-accessory signage regulation for Philadelphia.

5. Discordant standards among City land-use decision-makers

Issue: The City does not exercise appropriate effort to coordinate the standards of protocol and policy among land-use decision-makers so as to support and promote sound city planning and development. Example: The ZBA does not adequately concern itself historical and planning concerns; the Historical Commission does not concern itself with the regulations of the Zoning Code; and the Planning Commission makes decisions without adequate consideration of the zoning code and overlay regulations which it has previously approved and supported, or neighborhood and master plans previously adopted. All leaving the developer/applicant confused and forced to make random judgments regarding procedural priorities in a field of discordant decision-makers.

Committee Disposition/Action: Due to the limits of our committee meeting time, the Committee committed to contemplate this issue and resume our discussion at our next meeting.