

MINUTES CROSSTOWN COALITION DELEGATES MTG MAY 28, 2024

HOMEWORK

RCOs to:

1. WARD LEADER REACHOUT re City Def/Indemnity Bill and SLAPP bill.
2. OBTAIN RCO VOTES ON:
 - a. RCO REFORM SUGGESTIONS so we can, hopefully, team up with the development community to get reforms in place
 - b. VISION ZERO FUNDING
 - c. VEHICLE PROTECTED BIKE LANE SUPPORT
 - d. LTR RE SOUND CAMERAS on South Street
 - e. ELIMINATION OF GAS POWERED LEAF BLOWERS OR inviting Seth Leiberman for a presentation to your RCO.

DELEGATES to

1. SUBMIT NOMINATIONS to Nominating Committee chair Rich Leimbach for June 24 election of officers. richleim@aol.com)

MISC:

1. Steve Huntington/Jeff Braff to do Inquirer Ltr re Phila Bill to Defend/Indemnify RCOs

ATTENDING See separate list attached. NOTE SIGN UP LIST WAS NOT AT DOOR SO SOME MEMBERS WHO ATTENDED MAY NOT BE LISTED

NEXT MEETING MON. JUNE 24, BEX SPACE 20ND & MARKET

BICYCLE COALITION

Chris Gale. The Coalition has worked on a number of projects recently for national bike month including a Hustle and Ride event for about 150 kids, a Ride of Silence to commemorate cyclists in the area who have lost their lives on the streets and a Bike to Work ride. On June 9th there will be a ride on MLK Blvd encouraging use of the drive when it is closed on Sundays.

The Coalition plans to focus on presenting the cycling community as diverse by introducing programs in neighborhoods where the Coalition has, traditionally, not had a major presence. The goal is to build a mass of young people who grow up accustomed to using their bikes and to make the roadways better for all users - pedestrians, transit riders, vehicle operators, as well as bikers. One of the key programs is the creation of youth cycling teams in high schools across the city. The Coalition not only provides coaching for the cycling sport, it also mentors the high school students involved in the program. Students who engage in the program tend to do better in terms of graduation and progression into college.

Two Coalition governmental programs could be helped with Crosstown member support. First, the Parker administration has cut the Vision Zero budget from 2.5 million to \$1 million. The Coalition would like to see those funds restored. In Harrisburg, a bill to legalize vehicle parking protected bike lanes

failed to pass this year. As a result, vehicle protected bike lanes cannot be placed on state highways that run through the city some of which are major city thoroughfares such as Broad Street.

DEF/INDEMNITY + SLAPP BILLS CONTACT WARD LEADERS

Steve Huntington, Zoning Cmtee chair, followed up on his emails to the Xtown list on May13 at 9:30 am and to selected Crosstowners on May 2, at 4:46 pm.

We lack both money and votes so we do not get the time of day from our elected officials. We cannot get money but we can get votes by, in a Philadelphia first, asking our ward leaders to take a stand. At present, there is no connection betw wards and the RCOs in their communities but now is the time to start.

POL SILENCE ON SLAPP It has now been seven months since we wrote the Philadelphia senatorial delegation requesting their support on the latest SLAPP bill. (we wrote a followup letter in Jan) So far we have heard from 2 senators, Saval, who has been helpful, and Dillion who at least has responded.

POL SILENCE ON CITY RCO DEFENSE INDEMNITY BILL: The bill contained on the April ballot initiative was passed by a 2 to one margin at the polls BUT it will not come into effect until regulations are passed. We have seen this rodeo before. In 2021 Henon passed a similar bill calling for financial support of RCOs upon the issuance of regulations which were never delivered. Accordingly, we wrote a May 13 letter/email to the Executive Director of the Planning Commission, the City Solicitor, and the Managing Director requesting a seat at the table when the regulations were drafted and, further, requesting for a response within the next two weeks. Predictably, none of the three offices responded let alone acknowledge receipt of the letter/ e-mail. It was moved and seconded that we should prepare a ltr for the Inquirer. Steve Huntington to draft with Jeff Braff as editor. It will be circulated to the membership before submitted to the Inquirer.

MEMBER FEEDBACK NEEDED ON RCO REG REFORM

We have had constructive conversations with the development community. The hope is that we can use the clout of developers in City Hall to achieve reforms that they wish and revisions that we wish as summarized in the memo attached.

NEXT STEP NEEDED XTOWN MEMBER BUYIN FOR PROPOSED CHANGE: The goal is to approach City Hall for these reforms in partnership with the development community which has the clout to open doors which would otherwise be closed. To do so, we need endorsements for these proposals from a critical number of member RCOs

PHASING OUT LEAF BLOWERS

Seth Lieberman s.lieberma@aim.com advised that the traditional gas powered leaf blower with a 2 stroke engine is an outsized polluter which emits gases that impact those with asthma, one in five children in Philadelphia.. Lieberman claimed that the articles on his organization's website WWW.QuietCleanPhilly substantiate the claim that 30 minutes of operating a standard gas powered leaf blower produces emissions equal to the emissions discharged by a Ford Raptor on a drive from Philadelphia to Juneau AK. Lieberman has been in touch with Carlton Williams, head of the Mayor's Clean and Green Initiative, and is hopeful that his unit may take steps to reduce the number of

gas powered leaf blowers used by the City and replace them with electric leaf blowers. Seth offered to make his presentation at meetings of our RCO members.

NOISY VEHICLES AND SOUND CAMERAS

Cait Allen of Queen Village N A advised that Queen Village along with other groups including Bella Vista have been focusing on the noise and disruption caused by ATVs, dirt bikes, slingshots, and muscle cars. Almost a year ago they began conversations with Lieutenant Ricci who is assigned to the local police substation end, also, Councilman Squilla. They hit upon the idea of “ sound cameras” which, like a speed camera, photographs the license plate of vehicles causing excessive noise. The neighborhood groups working with Cait requested 12 cameras on South St. from Front to Broad. After waiting for the better part of a year, Cait was told that two cameras were requisitioned and, further, that there was no guarantee that the two cameras would be deployed on South St. Cait is hoping that the original requisition for 12 cameras will be put in place. The city agency in charge of the requisition process is OTIS, the Office of Transportation and Infrastructure.

In response to a question as to whether noisy vehicle operators would be affected by the tickets generated via the sound camera system, Cait noted that many slingshots are rented from three agencies near Love Park, Washington Square, and the Fashion District so so that, if these agencies received the tickets, they might be more responsive than the typical slingshot operator.

A motion was moved, seconded, and passed to have a letter circulated for signature from the RCOs requesting that the original 12 camera requisition be placed and that the cameras be placed on South St. from front to broad, Cait is to do the first draft of the letter which will be circulated among the membership with a request that they sign on.

CALL FOR NEW OFFICER SLATE

Rich Leimbach, Logan Square, as chair of nominating committee requested that people present to him nominations for officers in the ensuing year for election to one year terms at the next meeting on June 22 at the BEX space at 20th and Market. richleim@aol.com)

++++
++++
++++

SOME PROPOSALS RE RCO OPERATIONS REVISED MAY 3

I. *IMPROVING THE “45 DAY RULE”:* The “45 day rule” found in ~~14-303.12.e.1~~ calls for ~~RCO community meetings to be scheduled “within 45 days” after the ZBA appeal.~~ While ~~14-303.12.e.1~~ calls for ~~RCOs to schedule community meeting “within 45 days” after the filing of a ZBA appeal,~~ two other Code sections can shorten the period to as few as 18 days. As many as seven of the 45 days can be eliminated via ~~14-303.12.b~~ which provides the Planning Commission 7 days from the appeal date to notify affected RCOs. As many as 20 additional days may be eliminated per ~~14-303.12.d.2~~ which specifies

that the RCO cannot establish a meeting date only after it receives a notice from the applicant which can be issued as many as 20 days after the applicant receives the 7 day PCPC notice.

1. *FOUR PROBLEMS WITH THE 45 DAY RULE:*

A. THE CODE DOES NOT PENALIZE VIOLATIONS. The Code contains no sanctions for failing to convene a timely community meeting and, instead, merely provides that the ZBA can “conduct public meetings” once the 45 days have elapsed (14-303.13.e.5) so that the ZBA can and does send the developers back to the community to schedule a meeting where none has occurred per the 45 day rule even in cases where the developer has taken all appropriate steps to ensure compliance.

B. PER THE CODE, THE 45 DAY CLOCK CAN COMMENCE BEFORE THE RCO IS NOTIFIED. The “45 day rule” clock found in 14-303.12.e.1 commences ticking with the “appeal” but per 14-303.12.b and b.5, the PCPC notice to the RCO need not issue until 7 days after the appeal. Hence, if a variance is appealed on Jan 1, the 45 days would run on Feb 14. However PCPC is not obligated to notify the responsible RCO until 7 days after an appeal 14-303.12.b and b.5 (i.e. as late as Jan 8 in the hypothetical)

C. THE PCPC NOTIFICATIONS ARE NOT TIMELY so that often the RCO is not notified until a significant portion of the 45 day clock has run.

B. RCOs MEET MONTHLY which means that, depending on when the appeal is filed, the RCO has only one meeting cycle in which to schedule the Code required community meeting.

2. *THE SUGGESTED REVISIONS TO THE 45 DAY RULE:* Provisions that:

A. SANCTION VIOLATIONS by providing that where a timely meeting has not occurred and there has been no satisfactory explanation of the delay, the ZBA shall consider the application as though it had no RCO opposition.

B. START THE CLOCK WHEN THE PCPC NOTIFIES THE RCO so that the time period commences running not when the appeal is filed but when the PCPC issues its notice of the appeal to the appropriate RCO.

C. TO ACCOMMODATE RCO MONTHLY MEETING CYCLES, RCOs should be given the option to extend the 45-day period to avoid having multiple meetings in one calendar month. Such an option would provide that where an RCO receives notice of an application after the RCO has already scheduled a community meeting on another project for the month in which the 45 day period would run for the second property, the meeting on the second property could be delayed for as many as 30 days after the scheduled date for the first property. This grace period would, at most, delay the “second” community meeting by a maximum of 15 days as is illustrated by the following scenario.

Assume the PCPC notifies an RCO on Jan 1 of project A. The project A 45 day clock would run on February 14. Assume further that after scheduling project A for the last possible day, February 14, the RCO receives on January 14 another PCPC notification on project B. The 45

day project B clock would run on February 28, the same month in which the project A meeting had been scheduled. To avoid the hassle of multiple meetings in the same month, the project B clock would be extended for as many as 30 days after the Feb 14 meeting on project A – i.e. to March 16.

II. ADDRESSING CHAOTIC COMMUNITY MEETINGS

THE PROBLEM: While most community meetings are conducted with an acceptable degree of decorum and parliamentary procedure, some RCO community meetings are unacceptably chaotic.

THE SUGGESTED SOLUTION: CITY APPOINTED MODERATORS FOR NEWLY CREATED RCOs DEALING WITH LARGER PROJECTS so that PCPC selected moderators would conduct RCO community meetings and issue the required post meeting report to the ZBA where

A. THE PROJECT IS LARGE and involves more than XXX square feet or YYY residential units so that less significant matters (roof decks, AIR BnB etc.) could be treated per usual AND

B. THE RCO IS NOT A NEWBIE such that it has not filed a second biennial registration with the PCPC. Per this provision, moderators would not be utilized where the RCO has been operating for a least two years on the assumption that, if the RCO has reregistered, it is not a “one project” concern and that, over the two years of its existence, it has acquired the institutional knowledge needed to operate responsible community meetings.

DISCUSSION: There are at least three practical problems with this recommendation:

PROBLEM ONE: EXPENSES Compensating moderators would be more expensive than the current system which utilizes unpaid volunteers.

PROBLEM TWO: POLITICAL OPPOSITION Having a third party take over an established RCO’s land use review procedures would be a hard sell in the RCO community, an issue which, in turn, might make the use of moderators a hard sell in Council and the administration.

PROBLEM THREE: MODERATOR QUALIFICATIONS Successful moderators would need some awareness of Zoning Code procedures and, equally important, the thick skin and gravitas necessary to run potentially rambunctious community meetings.

SUGGESTED SOLUTION FOR EXPENSE AND POLITICAL OPPOSITION ISSUES. The expenses of a moderator program would be limited by introducing moderators only for larger projects of a defined square footage or residential unit number and specifying their usage only for newbie RCOs. This latter limitation would not only reduce the number of moderators needed, it would also minimize the political pushback of RCOs to handing over meetings to moderators.

SUGGESTED SOLUTION FOR QUALIFIED ARBITRATORS; THE AMERICAN ARBITRATION ASSN. MODEL A cadre of third party volunteers selected by the PCPC compensated on an hourly basis, a la the American Arbitration Association, could provide the knowledge and gravitas to successfully run community meetings. The expense of a moderator program might be a difficult sell to the administration and Council, the alternative, using PCPC personnel, appears problematic. PCPC employees selected for a night assignment in outlying neighborhoods would probably be the youngest and least experienced who drew the short straw. Even if that were not the case, personnel who are solid performers on the 13 floor of MSB would not necessarily be great moderators.

III. "ONE ISSUE" RCOS

THE PROBLEM. RCOS can register merely by promising to comply in the future with RCO obligations a low bar does not inhibit the creation of single project RCOS.

THE SUGGESTED SOLUTION: REQUIRING NEW RCOS TO APPLY FOR REGISTRATION AFTER THEIR FIRST YEAR to ensure that they have lived up to the promises made in their original application.

IV. LILLIPUTIAN RCOS. 254 RCOS are listed on the PCPC website. Their number has proliferated because there is only one Code provision restricting their creation - 14-303.11A.a.3 specifies a maximum number of parcels that may be included in an RCO (20,000). There is no provision as to the minimum number of parcels so that, for example, an RCO could be created for a single block face or, for that matter, for a single home. *Per the Commission regulations, an RCO can only change its boundaries on the occasion of its renewal application, filed once every two years. Reg. 12.3.4*

THE SUGGESTED SOLUTION. Requiring that RCOS include at least XXX parcels or YYY number of people.

DISCUSSION Practically speaking, a parcel/ # of residents requirement would be almost impossible to enforce (how would the creator of an RCO prove that the membership includes addresses in the purported boundaries?). Similarly, practically speaking, it is unrealistic to expect that a citizen RCO creator (or, for that matter a PCPC representative seeking to enforce this requirement) could easily tally the population in a proposed RCO catchment. BUT the presence of such a regulation might discourage mom and pop RCO creations.

V. ENSURING THAT PARTICIPANTS IN RCO LAND USE DECISIONS HAVE COMMUNITY CONNECTIONS.

THE PROBLEM: The Code (14-303.11A.a.7) does not limit RCO membership to persons having a connection to the neighborhood which opens the door to ZBA recommendations generated by outlanders. Relevant here are anecdotal reports of RCO community meetings being "packed" by outsiders.

THE SUGGESTED SOLUTION : Provisions:

A. LIMITING RCO MEMBERSHIP TO THOSE WITH COMMUNITY CONNECTIONS within the RCO's declared geographical boundaries AND

B. NAME & ADDRESS DISCLOSURE for those who participate in the community meeting process either by verbal commentary or by voting.

DISCUSSION: The question of who is an RCO member is crucial for those RCOs whose recommendations to the ZBA are determined by audience responses/votes at community meetings. Even in those RCOs whose ZBA recommendations are determined by the votes of an RCO Zoning Committee (CCRA, SOSNA and a few others), the committee members are presumably influenced by audience member comments.

The only solution, albeit cumbersome, would be a Code requirement that community meeting audience members who participate either by public commentary or via voting identify their community connection by stating their addresses AND, to keep them honest, their names. If this name and address requirement were employed where audience votes are taken, practically speaking, the rule would require written ballots at least where the number voting exceeds 10 or so that oral reports would be too cumbersome to record.

Realistically, there would be no non RCO third party to enforce a Code revision requiring identification of participants so that it might be frequently ignored. Even so, in a given meeting if one side felt the room was "packed" with outlanders, this modification would afford the opportunity to cite this provision to ensure community representation. Moreover, the inclusion would provide a "best practices" nudge to RCO officers.

VI.SAFEGUARDS TO ENSURE RCO OFFICERS HAVE COMMUNITY CONTACTS

1.THE PROBLEM: The current Code lacks the customary safeguards re. officer elections or the qualifications of officers. The Code requirements are, at best, sketchy – meetings must be "open", "regularly scheduled" and "publicly announced" Code 14-303.11A.a.5 and .6 and "leadership (elected) on a regularly scheduled basis" Code 14-303.11A.a.7

2.THE SUGGESTED SOLUTIONS: Provisions that:

A. REQUIRING COMMUNITY CONNECTIONS FOR OFFICERS so that officers would be required to be residents, property owners, or business operators in the RCO's designated area. Currently, anyone can become an officer, leaving the door open for control of an RCO by persons having no connection with the community.

B. OFFICER ELECTIONS AT LEAST ONCE EVERY 3 YEARS: Officer elections be held at least once every three years, Currently, while elections must be held "regularly" the regular period could be, for example, once a decade.

- C. PUBLIC NOTICE OF ELECTIONS so that the community has some opportunity to participate in the selection of their RCO representatives. Currently, there is no provision that the time, date and place of elections be publicized nor is there any requirement that the publication precede the election by a stated period.

Stephen N. Huntington, Esq.
Unit 1809
1701 Locust Street
Philadelphia, Pa. 19103
Cell: 215 380 6928
Land: 215 545 6573