

May 10, 2007

COMMENTS ON PHILADELPHIA'S WATERFRONT REDEVELOPMENT DISTRICT ZONING

Review commissioned by the Pennsylvania Environmental Council: Patrick Starr, Regional Vice-President Reviewers: George Clafien, FAIA team leader, Craig Schelter, Peta Raabe ASLA, Nancy Trainer AIA, Edwin Bronstein AIA, and James Templeton AIA.

BACKGROUND

City Council approved the Waterfront Redevelopment District (WRD) residential zone classification in 2005. This provision was developed to foster the development of waterfront sites, and, although it was motivated substantially by the opportunities and conditions then prevailing in the North Delaware Waterfront, from Bridesburg to the city line, it is a broadly applicable zone. This is indicated in the statement of purpose of the ordinance:

This district is intended to encourage the orderly redevelopment of large parcels of formerly industrial, utility and port related land located along or near rivers, streams or canals into new mixed-use communities. All types of residential uses and commercial facilities in support of these new communities and existing neighborhoods as well as certain non-residential uses shall be permitted in accordance with an approved Master Plan of development. The Master Plan shall be approved and from time to time may be amended as necessary and is subject to restrictions on the type of use and certain other development controls.

Unlike the more prescriptive zones, the WRD permits an owner of more than an acre of property to propose a master plan that meets the general criteria of the zone. The plan must be then approved by the Planning Commission, and after this approval, be accepted by City Council.

The intention of the zone is to give more flexibility to the planning and development of larger sites. It also removes the planning process from the Zoning Board of Adjustment process, since the zone, plan, and subsequent modifications all involve only the Planning Commission and City Council. For example, the zone waives most of the setbacks and general area requirements of the prescriptive zones in favor of the plan. Specific requirements under paragraph 3(b) include:

- (.1) Plans for the development of the entire district, or for a separate lot, parcel, or block within the district;
- (.2) The height, and use of all buildings and structures;
- (.3) All proposed setbacks, open space, recreational and play areas;
- (.4) The gross floor area of all buildings;
- (.5) Any proposed change to the existing confirmed street layout within or surrounding the boundaries of the district;
- (.6) The total occupied area of the district, expressed in square feet and percentages;
- (.7) A landscaping plan;
- (.8) A parking plan, including all driveways leading thereto and the size and location of all private drives or public streets intended to be used for automobile traffic. All proposed plans for off-street parking lots shall be approved by the Department of Streets;
- (.9) The size and location of all off-street loading facilities;
- (.10) The size and location of any signs.

The WRD requires both graphic plans and a written narrative. The Planning Commission staff, however, have consistently noted the supremacy of the written narrative. The WRD sets out regulations for use, area, parking, loading and signage. The zone supports the incremental development of a continuous river front recreational right of way, by requiring the dedication of a waterfront setback including a minimum 30' wide public open space and a 20' minimum wide right-of-way dedicated for pedestrian, bicycle an/or vehicular traffic. (Note: sites "near" the river are eligible for this zoning, and this has been applied already to a site that is separated from the river by a Pennsylvania Fish and Boat Commission boat ramp facility.)

The Pennsylvania Environmental Council (PEC) obtained funding to support reviews of the initial projects that have applied for WRD status, and to develop from these reviews commentary on the WRD itself. PEC invited the Design Advocacy Group of Philadelphia (DAG) to conduct these reviews. DAG is known for both its strong support for redevelopment that can reconnect Philadelphia to its waterfront, and responsible design review. Alan Greenberger, chair of DAG, asked one of its vice-chairs, George Clafien, to organize the reviews, and asked his firm; Clafien Associates Architects + Planners, to provide administrative support for the project. Most of the reviewers are affiliated with DAG and have participated in other reviews of large projects.

RESEARCH

On Saturday, February 17, 2007, the reviewers conducted an intensive site visit to the district that included visits to all four active sites and many neighborhoods and important elements of the North Delaware riverfront communities. Subsequently the team met with the developers of four critical sites: Northern Shipping and Tacony Army Warehouse (Kamps), Dodge Steel (Diemer) and Philadelphia Coke (Westrum Company). Each of these meetings was for the purpose of conducting an intense design review of the plans that the developers provided. The Kamps projects have already received WRD approval, and the Diemer project was approved as RC6 zoning before the WRD zone was available. Westrum is currently seeking WRD status for the Philadelphia Coke site. Additionally, members of the team met with two of the authors of the WRD zoning, both former Executive Directors of the Planning Commission, Thomas Chapman, and Richard Lombardo.

COMMENTS

The sites currently approved or under discussion for WRD status range from thirteen to 77 acres. The smaller sites are almost exclusively residential in character, and the larger ones have primarily residential uses with a great variety of unit types, and significant mixed use commercial, primarily retail and human services.

The reviewers commented frequently during the four reviews on their hopes for more detailed documentation for certain elements of the site plan, as for example, the open space system, and the street rights of way. Additionally, the reviewers found the written narratives to be very general and limited in light of the large size of the projects. (Narratives were about a page and half.)

At the same time the review team felt that the WRD represents a new mechanism (not unlike a Planned Unit Development) that provides flexibility over time for large and complex sites. This approach crates a natural tension between the necessity for developers to lock in density (and therefore value) and the reciprocal community objective of defining the beneficial characteristics of a public infrastructure that will be in place for as much as a century. These comments are thus geared to improving an important process of city-building.

RECOMMENDATIONS THAT WOULD NOT REQUIRE CHANGES TO THE WRD

After discussion with the authors, we are convinced that the Planning Commission has substantial discretion in the approvals process and "rule making" function, and that implementing the following recommendations would not require amending the WRD ordinance at the City Council level:

1.

The Planning Commission should establish specific guidelines for the WRD approval process and communicate these to both developers and community organizations.

- The Planning Commission has several options for organizing its contact with applicants for WRD zoning. Ultimately many projects will likely involve the cooperative efforts of the Development Planning, Community Planning, and Urban Design divisions, as well as, in some cases, consultants. Coordinated effort is necessary for the WRD to fulfill its promise.
- The Planning Commission should establish a transparent process for public input and participation, including public meetings. There ought to be a typical schedule where the developer goes to planning commission first and to the public later. In some cases developers have gone to the community long before going to the Planning Commission,

short-circuiting good planning process. There should be an advisory to all interested parties establishing a standard schedule that brings the developer to the community through the area planners or other Planning Commission managed mechanism.

- Clear procedures for public participation should be promulgated. These might include early site visits, public meetings convened with the participation of the Planning Commission staff, as well as solicitation of civic association input in writing and public meetings. At the public meeting of the Planning Commission when a site is approved, comments from the appropriate civic groups should be solicited. The Planning Commission approval process is the best level to vet the pros and cons of a plan. Every effort should be made to bring the results of a complete planning and community process to City Council for adoption.

2.

The Planning Commission should issue more specific rules and guidelines for documentation specific to each application.

We feel that the Planning Commission should provide site-specific guidance to each applicant. There is nothing in the WRD that prohibits this. The WRD, in fact, requires a Master Plan for the site, and the Planning Commission is charged with verifying conformance of subsequent building applications with that plan. This clearly implies a planning process, which should always include investigation of site-specific issues and an update of the Comprehensive Plan in the larger district of which the site is a part.

- The Planning Commission should require substantially more documentation than has been submitted previously, including three-dimensional drawings that show the massing (zoning and height envelope).
- Required documentation should also include enough information to evaluate the pedestrian experience through and around the site; this should include plans showing a system of open spaces and the paths between them and sections through typical streets showing the relation of street, sidewalk, and building front, including dimensions.
- The role of the narrative should be clarified. The narratives should be much more detailed about the plan and its elements; yet, in our opinion, the graphic plans should be primary, and the written narrative, secondary, or interpretive of the graphic plan.
- We believe that the Planning Commission should develop criteria that will encourage developers to provide open space and internal recreation as a carefully designed system demonstrating connectivity with the mandatory public greenway at the river's edge, rather than allowing residual spaces with no particular value to count for this important element of the plan. Provisions related to "open area" should be aligned more closely with the apparent intentions of the WRD. "Open area" is defined in the Philadelphia Zoning Code as "area or space at ground level, transit concourse level, or any floor level which is open to the sky." However, Section 6.d of the WRD sets out its intentions for open area by requiring that 50% of the required open area shall be "for individual dwelling units or shared open area," and by requiring the remainder to be used to provide "public open spaces such as parks or recreation areas and open space and screening for commercial development." The Planning Commission should communicate to developers that an important purpose of the required landscape plan is to allow the Commission to evaluate the quality and connectivity of the proposed open space system.
- Additionally we believe that the Planning Commission should develop criteria and announce to applicants that they will be expected to meet the higher generally accepted standards of site planning that document the pedestrian experience and encourage characteristically urban mixtures of uses and building types.
- Phasing should be clarified-(1) to bring order to the long-term development process, and (2) to be able to assess from the public policy standpoint the desirability of approving units that cannot be built for many years. Also the phasing must articulate when the public greenway will be built, (in general we would expect this to be built – and publicly accessible – in the initial phase) and describe how it implements the City of Philadelphia design guidelines.

- The “top of riverbank” is the location of the public open space easement, but this is not a defined term – more clarification is needed. The “top of riverbank” might sometimes follow the pier head sometimes the bulkhead line; we do not want a situation where the public easement overlooks mud flats or derelict piers without some planning leverage on this.
- Continuity of – and public access to – the Greenway should be a priority. This may require designation of streets perpendicular to the river and inland as part of the system.
- Once approved, WRD site plans should be published in an appropriate format and noted on the zoning map.

BROADER RECOMMENDATIONS THAT MAY REQUIRE CHANGES TO THE WRD

The changes recommended below could require legislative action, yet they are an essential part of good planning and design practice.

3.

Consider a system of quality points for plan review that would encourage publicly desirable approaches to open space, views and neighborhood quality, parking, environmental sustainability, and infrastructure development. The Planning Commission could develop and announce a point scoring method for plan evaluation that would encourage appropriate provisions for these elements. Whether this should go further to permit density incentives for particularly good plans would be an additional level to be considered.

- To encourage developers to provide a systematic approach to open space and internal recreation, as mentioned above, intentional and usable open spaces such as ball fields and similar recreational uses, amphitheaters, town squares, storm water management infrastructure, and green streets, should be valued more highly than generic residual setback spaces. Connectivity to the mandatory greenway should be a high priority.
- Regulations and site-specific review procedures should be developed around such issues as public views to the river or important elements of the landscape such as the bridges and adjacent parks or wetlands. Street sections should be required, with the expectation that they are varied appropriately.
- Parking ratios: We believe that incentives should be given for reducing parking ratios, and for appropriate transportation development options. Certainly parallel parking spaces in the public streets should be allowed to count toward required parking where this is appropriate.
- Incentives for LEED neighborhood design status. Where a comprehensive system of neighborhood design criteria has already been developed, such as the LEED neighborhood design certification that is under advanced development by the U. S. Green Building Council, consideration should be given for how to relate these criteria to those in the WRD in order to give developers a sound incentive for considering such an environmentally appropriate approach to their project.
- Many surrounding jurisdictions require analysis of environmental, traffic, school, and infrastructure impacts for large new developments. Sites over, say, five acres, or 200 units should be required to submit this. Our recommendation is not made from the point of view of delaying development, but providing the Planning Commission with the means to make an orderly plan for capital expenditures.

4.

Floor area ratio (FAR) and open space provisions should be tested and clarified. In many cities, complex provisions such as the WRD are “tested” by having theoretical designs prepared and evaluated to confirm that the system is logical and accommodates a wide variety of sites and intentions. The two recommendations below would benefit from such investigation to calibrate the regulation to the realities of the sites and neighborhoods that are involved.

- The current FAR limit is 2.5 on an across-the-board basis. A more sophisticated approach would allow FAR to vary by site size. A small site will need higher FAR, (say 3 or 4?) to pay for the initial infrastructure and development costs, while a larger site will not be able to sustain a density higher than about 2.5 over a larger area, although specific parts might be quite dense. We recommend that the Planning Commission investigate this.
- In general the whole treatment of open space criteria is inadequate. We recommend that the Planning Commission issue specific criteria that distinguish “open space” from “habitable outdoor space,” require both to be calculated, and establish minimums for each. It is highly misleading, for example, for parking to be included in open space. It may also add unnecessary confusion to mix private and public open space as mentioned in section 2 above. One of our reviewers commented that if William Penn and Thomas Holme were writing this code, they would want to guarantee some interval of public open space within each increment of development. Many communities have very precise standards for open space that would vary with the size of the development. A two-acre site will not support the complexity of open space that is essential for the successful development of a 60-acre site. As we mentioned above, the goal should be to obtain a planned, and carefully programmed sequence of public open space appropriate to the site and program for development.

4.

Acknowledge, and provide guidelines for, the mixed-use nature of quality urban environments.

Mixed use is an important issue. It would not help Philadelphia’s future to build at urban densities, but without an urban diversity of uses. The WRD was developed as a residential zone, although Section 4 allows some non-residential uses, including commercial uses but limits leasable area. There may be sites where non-residential mixed use is a significant component of a desirable development. The Planning Commission should evaluate whether additional provisions or a new zone are required. (Much of the central waterfront is C4 and C5 zoning that already covers this problem, but the South Delaware and Schuylkill waterfronts will need attention, as well as the creeks if they are deemed part of the process.)

- If the Zoning Commission is created, and rewrites the zoning code, a new edition of the WRD might reference other zoning classifications where appropriate. (This assumes that the new zoning classifications might be more contextual and design oriented than the present highly prescriptive zones.)
- Consider and coordinate regulations for development along the new and proposed arteries such as the extension of Delaware Avenue in Bridesburg.

CONCLUSIONS

We hope that these comments will develop into a more complete public discussion of this very interesting and forward-looking zoning provision. As the points made here are evaluated, some may become lower priorities, while others may be seen as immediate action items. In some cases implementation may require Council action. In general we recommend a strategy of keeping the legislation simple, and with it the requests to Council, by placing functional responsibility for professional oversight with the Planning Commission.