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DAGSpace: Interim Zoning No Small Task

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With a smile and “Let the Sunshine In” playing over the AV system, Mayor Nutter added his support to Central Delaware Action Plan this past June at the Seaport Museum in front of a packed house, and much enthusiasm. This event was one of several promising signs for the future of urban planning in Philadelphia, including the Mayor's pledge this spring to strengthen the role of planning, and most notably, his call for interim zoning for the waterfront.

The call for new zoning could not be more critical at this time, both as a test for the Mayor's bold ideas and as a way to create a new front door for the City at the water's edge. Local government needs to do its best work now, while the real estate market gives us a pause, and a second chance to do it right.

Here are a few ideas of note that need to be cast into local policy if this effort is to succeed:

Waterfront parcels are complicated!

Create zoning standards consistent with the legal status and configuration of waterfront lots. Over the past decade, owners of waterfront land simply selected a zoning classification that would fit their project and sought rezones to fit their proposals. None of the zoning classifications in the Philadelphia zoning code, even the recent WRD (Waterfront Redevelopment District) addressed the complex nature of waterfront lots, and worse, through

piecemeal approvals, the relationships between developments has been (and is!) impossible to coordinate. Waterfront lots include 'fast' land and submerged land, and property lines jut out past established boundaries invoking riparian rights. When typical density standards are applied to such lots, the results distort even the intent of the outdated commercial zoning used to guide them. In addition, the City and State have yet to pin down the special legal status of waterfront land, leading as we have seen, to legal dispute. While evolution of the provisions leasing riparian lands from the State have recently established modest public access requirements, these requirements do not go far enough on Philadelphia's waterfront because they have been developed to apply to waterfronts statewide. The State looks to localities to supplement its powers through local zoning regulations with clear objectives. Just how riparian rights are to be related to local zoning must be legally established and understood. Only then can the impact of density rules on the form of buildings be fully developed and used to get the density right. This leads to the next principle....

We need progressive land use partners!

Rather than reinventing the wheel, the opportunity exists to strengthen relationships with like minded government agencies. Federal and State governments have long recognized the need for establishing regulations to protect waterways and the environment. Policies ranging from the protection of habitat to the improvement of water quality impact the ways that waterfront land can be developed. In the absence of sound planning and zoning, Philadelphia has not adequately understood and coordinated its efforts with available state and federal laws. As a result, the waterfront has been left exposed to outside influence, with results unresponsive to local concerns. Philadelphia's next steps in developing local land use policy must involve establishing strong relationships with allied government agencies. Our local government needs to demonstrate we are entitled to and deserve home rule to regain control over our own land use decisions.

It's the water, of course.

Develop regulations with based on preserving the environment: The Philadelphia Water Department, recognized nationally for its work, has made great strides in addressing water quality through the development of progressive stormwater management regulations. As part of this work PWD has created an inventory of environmentally sensitive areas along Philadelphia's waterfronts where the restoration of the riverbank, wetlands and habitat will continue to improve the water quality and reduce the environmental impact of developments. Receptor sites that can be restored can be traded against sites where fill may be required for new developments. Interim zoning should incorporate and reinforce this science-based work and build on the dialogue PWD has already developed with the state Department of Environmental Protection and other state and Federal agencies.

Private enterprise is the engine.

The process used to develop new zoning needs to recognize the economic issues from the private sector's point of view. Recent land purchases along the waterfront have been made with expectations that certain densities will be possible and public access will not be required. There are many pending proposals along the waterfront that embody outdated ideas about what the waterfront can be. The lull in the marketplace provided an opportunity to revisit these proposals. Interim zoning must demonstrate the benefits of change including how public access, preservation of public views, the provision of open space, and pedestrian access will increase the value of the waterfront for all. It must establish appropriate densities and a mix of land uses that will create value to private sector investment.

Illustrate the power of good design.

The best way to gain support from the private sector is to base new zoning on an urban design plan that illustrates through graphics, renderings, and illustrative diagrams how new rules can work. Zoning must establish appropriate densities and a mix of land uses that will create value. Make no mistake, this will require that the position of planning, as outlined by Mayor

Nutter, be strengthened as *the* mediating tool to create a plan. To date, the position of planning has been severely compromised and it will take a concerted effort to change this dynamic. Our government's design and planning staff has the talent to solve this problem, now it needs the proper political support to perform.

Spend the resource wisely.

Interim zoning must recognize the economic value of waterfront land: The tradition of preserving the riverbed and its banks for the public goes back hundreds of years for good reason. Cities have long depended on the proper development and use of waterfront parcels not only for public access, but also for commerce and trade. While our economy has changed, we should recognize that land use policy should preserve some areas for water dependent and water related uses. Waterfronts across the country have dealt with this issue by allocating land for ports and marine businesses while allowing a limited amount of residential or other uses that benefit from but do not require water access.

Restrict Parking

In considering the unique value of waterfront land, new zoning should consider whether parking for private vehicles should be permitted and if so, in what limited quantities. If the small, linear waterfront lots created by Delaware Ave and existing parcel lines are to work, roadways and buildings must be designed to promote walking, not driving. New zoning should promote parking on upland lots, not allow view-blocking boxes that prevent the lively design of ground level spaces from engaging the streets, sidewalks and open spaces created by new development.

The time is now to signal a fundamental change in attitude about the value of good design, based on environmental principles and sound economic planning for the future health of the City. Bold new rules that properly position private development will not be easy to implement in Philadelphia, but alternative is not an option if we are to build a city for future generations.