



Washington Avenue to Tasker Street & 6th Street to Broad

### **Passyunk Square Civic Association – Zoning Committee Guidelines**

\*Adopted by the PSCA Board of Directors on February 28, 2023 \*

The Passyunk Square Civic Association (PSCA) – Zoning Committee provides a public forum, on the 2<sup>nd</sup> Tuesday of every month, for review, comment and discussion of all zoning variance or special exception appeals filed within Association boundaries. This document is intended to provide our community, and zoning applicants, with general information and guidelines about our committee and meetings.

#### **1. Purpose**

The purpose and goal of the PSCA Zoning Committee is to provide a public forum for review, comment and discussion of all zoning variance or special exception appeals filed within Association boundaries. Meetings will be public and afford those most affected by zoning applications a chance to have their opinions heard and considered prior to consideration of an application by the Philadelphia Zoning Board of Adjustment (ZBA).

In keeping with PSCA's bylaws, the Zoning Committee will work to enhance the quality of life in the neighborhood, preserve the neighborhood's unique historic character, and to promote a cohesive community of residents, businesses and institutions.

#### **2. Zoning Committee Membership and Authority**

- The Zoning Committee shall be comprised of not more than **14 and no fewer than 5** members.
- The Zoning Committee members are nominated by the Zoning Chair or PSCA Board President, and must be approved by the Board.
- The Zoning Committee Chair shall be a member of the PSCA Board of Directors.
- No committee member can be nominated unless they reside within Association boundaries, and until he or she has attended at least two zoning and planning meetings within the preceding 12 months, except in the necessity of an emergency appointment.

- Any committee member can be removed from the Committee by a majority vote of the board without cause.
- All Committee members serving at the time these guidelines were approved and adopted have received Board approval.

### **3. Ethical Policy**

- Only those members designated by the Committee are authorized to speak or write on behalf of the organization. Such communication shall be consistent with the positions taken by the Committee and/or PSCA Board of Directors.
- No member shall use their position on the Committee to forge business or professional relations for personal gain, or benefit for a family member or any business entity in which the member has a direct or indirect interest.
- The Committee serves at the request of the PSCA Board of Directors, which is responsible for any changes in structure or leadership.
- *No Committee member may testify to the ZBA in opposition to the official PSCA position while identifying themselves as part of PSCA or the Committee..*
- *No Committee member who participated or voted in the PSCA Zoning Committee's voting session may appeal a ZBA decision without the express permission of PSCA.*
- Conflicts of interest may occur. A member with a conflict of interest must inform the Committee Chair of the conflict and refrain from participation in decisions affecting the outcome of the particular case. *While traditional conflicts of interest should be self-evident, committee members should consider abstention whenever there is doubt that they can opine on the case from a neighborhood perspective without weighing their own specific, personal interest. PSCA reserves the right to require any committee member to abstain from a vote for a perceived or real conflict of interest.*
- *If a committee member or PSCA board member has a case appealed to the ZBA, PSCA will take appropriate steps to ensure that no real or perceived conflict of interest may occur.*

### **4. Meeting Schedule and Community Notification**

Per revisions to the Philadelphia Zoning Code that took effect in March, 2014, it is the responsibility of every applicant to contact the zoning committee and request that their project be included on an upcoming

meeting agenda. This initial outreach must occur within 10 days of receipt of the notification email from the City Planning Commission. **Although PSCA receives notice from the Planning Commission as well, Applicants MUST contact us to be placed on the agenda. It is NOT the responsibility of PSCA to reach out to every applicant, and your application will not be placed on any zoning committee agenda until outreach from the applicant to PSCA takes place. Please note that failure to contact PSCA and request a meeting will be reported to the ZBA and Planning Commission at the time of the ZBA appeal hearing.**

Initial contact should be made via email to [zoning@passyunk.org](mailto:zoning@passyunk.org), and include the Applicant's name, owner's name and property address. Initial outreach should also include scanned copies of the application for zoning variance, refusal and ZBA hearing date/time.

Within three (3) days of receipt of the initial contact, PSCA will provide the applicant with the date and time of the next available public meeting. PSCA requests that the Applicant include that meeting information on the notice to property owners required by the Zoning Code.

Please note that it is the responsibility of the applicant to provide notice of the date, place and time of our meeting to the neighbors identified by the City Planning Commission, and any failure to do so may result in a request for continuance and rescheduling of the meeting.

Meetings are held the 2<sup>nd</sup> Tuesday of every month.

## **5. Documentation and Applicant Requirements**

No less than ten (10) days prior to the Zoning Committee meeting, all documents listed below **must** be submitted for Committee Review. The Applicant must also bring hard copies for review during the meeting. All plans must be drawn to scale and include all levels of the building, including the basement, even if the application impacts only one level. The required documents are:

Deed, Agreement of Sale or other evidence of ownership of the subject property  
Site plan, including the subject property and its relation to neighboring structures and the closest intersection.  
Floor plan, as is  
Floor plan, as proposed  
Site photos of the front, rear, and side (if applicable), showing subject property in relation to adjacent buildings and the block  
Renderings  
Neighborhood notification letter and proof of posting

Please note that failure to provide the Committee with the required documentation may result in

the Committee requesting a continuance from the ZBA for the purpose of scheduling a subsequent community meeting after all documentation is appropriately submitted.

## **6. Meeting Procedure**

- PSCA's goal as an RCO is to provide the ZBA with an accurate perspective of the community's view of each application, as well as a list of any provisos addressing community concerns.
- Upon arriving, every attendee must sign-in and provide their name and address. Attendance by Zoning Committee members will also be noted.
- The Zoning Committee Chair will determine the order in which applications are heard.
- Each application will begin with a presentation by the applicant. In order to have an application considered, the applicant and property owner **must** attend the meeting. For complex projects, it is suggested that an architect attend as well.
- Each applicant presentation should summarize for all attendees the scope of the proposal, the refusals that have been issued, and the specific reason(s) why compliance with the zoning code presents a hardship for the applicant.
- The Committee will then ask questions of the applicant. Once their questions have been answered, questions and comments from the floor will be encouraged and moderated by the Chair. Efforts will be made to solicit opinions from the neighbors closest to the application, but all attendees are encouraged to participate. Committee members may offer their own opinions of the requested variance, in order to enable neighbors to understand the zoning issues involved.

- If the Committee deems it necessary, it will propose modifications to the application, either necessitating the inclusion of a proviso or a change in the appeal to the ZBA.
- After the Chair draws discussion of an application to a close, they will take a straw poll of attendee support or opposition to the application, making clear that the straw poll is not the final decision of the Committee, and that the Committee will weigh the straw poll, the opinions expressed by neighbors, and the Committee's own expertise before voting.

## 7. Meeting Outcome

- Immediately following the meeting, the Committee will meet in executive session to discuss and vote on each application.
- After the Committees' decision and vote have been recorded, the committee's vote and community straw poll will be communicated to the PSCA board and published to the PSCA website or other designated public site. All decisions by the Zoning Committee will be subject to review by the PSCA Board. The Board shall review the summary and vote, and if any Board member believes that the Committees' decision is the result of egregious error or undue influence, or that the Committees' meeting failed to conform to the rules and procedures contained herein, that Board member may request, within 24 hours of receipt of the Chair's email, a vote by the full PSCA Board regarding the propriety of the Committees' decision.
  - If a Board vote is called for, the request for such a vote must include the basis for the vote and must be communicated to the Zoning Chair with sufficient time for a response from the Committee. Input from the Committee and any Board vote must be concluded within 48 hours of the request.
  - Absent a request for a full Board vote, the Committees' decisions will be considered Board-certified 24 hours after the Chair's email has been sent.
- After the Committee's decision has been certified or modified by the Board, the Committee will alert the applicant of the result, via email, and prepare a letter of non-opposition, non-opposition with provisos, or opposition directed to the Zoning Board of Adjustment, the 1st District Councilperson, the South District Regional Planner, and any other relevant party explaining the Committee's decision. This letter will be provided no later than three (3) days before an application's zoning hearing.
- We note that as a Registered Community Organization, information we provide to the ZBA is advisory. Only the Zoning Board of Adjustment and City Council are empowered to alter the Zoning Code. As a result, everyone in our community is encouraged and invited to attend the property's ZBA hearing in person if they feel that their issues with the property have not been adequately addressed. For more information about a property's ZBA hearing, please call the Philadelphia Zoning Boards Administration

Unit at 215.686.2429.

## **8. Meeting Rules of Conduct**

- We ask attendees to keep in mind that purpose of our public meetings is to have their perspective regarding each application considered and their vote recorded. Zoning meetings are not the appropriate forum to raise issues unrelated to the properties being heard or advance a personal agenda. We also ask

attendees to be mindful that the ZBA is concerned with each application's relation to the Zoning Code – issues of aesthetics, while important to the community, should not be the focus of community comment as the ZBA has limited jurisdiction over the selection of construction materials, color choices, etc.

- PSCA strives to make its presentations cordial and constructive, and to maximize the opportunity for developers to speak directly with the community. To that end, we ask that all attendees be respectful of the applicants, and each other, while speaking or waiting to speak, and to raise their hand and wait to be acknowledged by the zoning committee before offering comment.
- Everyone in attendance will have an opportunity to speak. Once you have offered a comment, we ask that you wait until all other attendees have been afforded a chance to speak before offering further comments or questions.
- Derogatory statements or any disruptive or disrespectful behavior will not be tolerated.