

FAIRMOUNT CIVIC ASSOCIATION

ZONING IN FAIRMOUNT

January 4, 2006

Property owners and developers seeking zoning approval in Philadelphia must follow a multi-step process – a process that likely requires representation of your interests by an attorney and/or your architect by presenting your proposal to the Department of Licenses and Inspections, utilities, neighborhood groups, affected neighbors, the Zoning Board of Adjustment (ZBA), and other City agencies.

The Fairmount Civic Association (FCA), in representing the views and interests of Fairmount residents, takes an **active role** in zoning matters in Fairmount. As part of our effort to promote smart, neighborhood-friendly development, the FCA has prepared these guidelines for developers and homeowners in Fairmount. Fairmount residents generally welcome development that is consistent with the character of the neighborhood but can be vocal and strong in opposition to unwanted projects.

While the FCA does not use a single fixed process for every zoning proposal, we expect that these guidelines will assist both applicants and the FCA in making the process run as smoothly as possible.

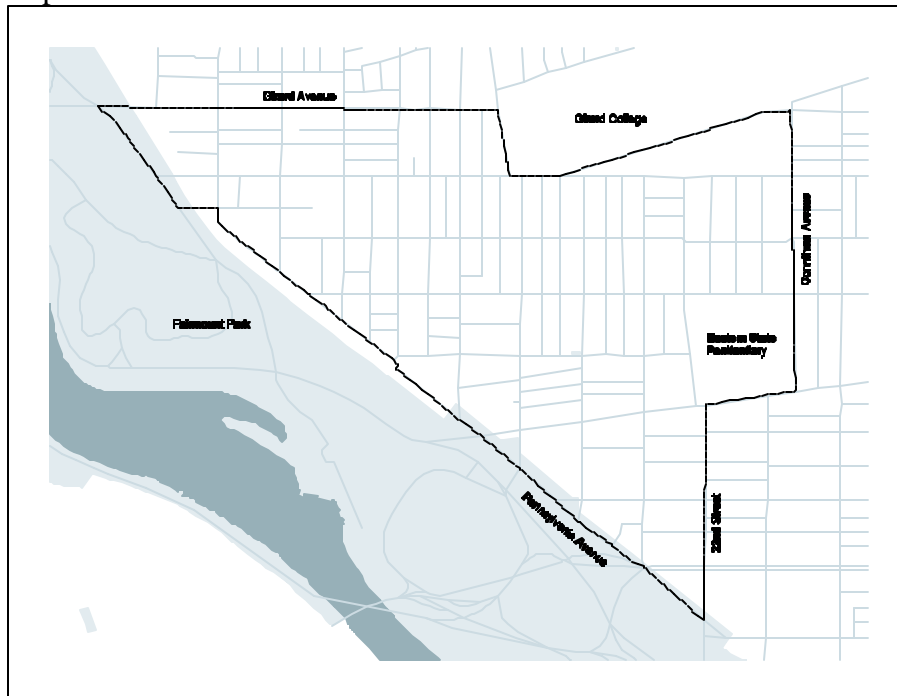


Figure 1: Fairmount Boundaries

PROCEDURE

Contact the FCA

Once you have a proposed use for your property, we urge you to contact the FCA Zoning Committee. The Zoning Committee can be reached either through the FCA web site (www.fairmountcivicassociation.org) or by fax at 267-200-0680. Alternatively, you can contact any member of the FCA board as listed on our web site and they will put you in touch with the Zoning Committee.

Meet with the Zoning Committee

A representative of the zoning committee will discuss your project with you to review the FCA process and to discuss specific procedures for your project. In addition to that discussion, the Zoning Committee representative will preliminarily categorize your request as described below. The FCA Zoning Committee has a standing biweekly meeting schedule. Your attendance may or may not be required at a Zoning Committee meeting.

The FCA classifies zoning applications into six categories, with processes that vary but which are designed in each instance to ensure that all neighborhood stakeholders are contacted and invited to participate. The categories are:

- Class A Major new construction with neighborhood-wide impact
- Class B Multi-plot new construction with more focused impact
- Class C Other new construction and significant modification, typically single unit construction requiring variances
- Class D Minor modification to an existing property (addition or a roof deck, legalizing a fence, and similar projects)
- Class E Changes to use without significant alterations to structures
- Class F Other

For all Class A developments, and for certain Class B developments, the FCA will try to streamline the development approval process by bringing to the table other interested groups.

FCA Review

Your process will likely include:

- Consultations with members of the FCA Zoning Committee
- Discussions with your immediate neighbors. These discussions should include preparation and the collection of adjacent and immediate neighbors' signatures of support or non-opposition on petitions for all projects. The FCA does ensure that all immediate neighbors have expressed their views.
- Immediate neighbor meetings for Class A, B, and E projects

- Special neighborhood-wide meeting(s) or a presentation to the neighborhood at a regular FCA monthly meeting for Class A projects
- Consultations with the FCA Zoning Committee and immediate neighbors on design issues for Class A, B, and C projects, hopefully leading to modifications which will eliminate opposition to the project to result in a successful project for you
- A binding agreement between the FCA and the applicant for all Class A and B projects and for certain other projects.

The FCA Decision

Depending on the project, the level of immediate neighbor support, and calendaring issues, the decision will either be made by the FCA membership of the FCA board for Class A, B and certain C projects. These issues will generally be presented to the membership as advisory questions, to allow the Board to act if, after the vote, the applicant changes the project to conform to remaining neighbor concerns. These votes, whether at the membership or board level, are conditioned upon the Board and the applicant entering into written agreements based on the commitments made by the applicant and the FCA including enforcement mechanisms where appropriate.

The final step will be for the FCA to issue a position letter based on the expressed views of the neighborhood and the FCA Board. This letter will be sent to the Philadelphia Zoning Board of Adjustment in advance of your scheduled ZBA hearing date. The categories of position letter are (from most favorable to least favorable): (1) support, (2) non-opposition, (3) no position, (4) cannot support and (5) opposition.

Summary

Once your process is completed and the neighborhood is satisfied with the proposed plan, the FCA will support the project, typically through ZBA testimony (via oral testimony, a position letter) and by assisting with on-going neighbor relations during construction. We hope that this leads to successful developments and strong neighbor relationships.

The FCA wants the Zoning process to work for our existing neighbors, for future neighbors, and for the projects that make those future neighbors possible. As such, we pledge to:

- Keep an open mind
- be clear about what process we expect from applicants
- Be clear if those expectations change
- Facilitate applicant access to the community
- Facilitate community access to the applicant
- Reflect the opinions of the community and the immediate neighbors
- Balance the opinions of immediate and broader neighbors where appropriate
- Respond promptly and reasonably to reasonable requests

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FAQs

How should I contact the neighbors? Depending on the process set out by the Zoning Committee, you will need to now explain the development to impacted neighbors. For certain developments it makes sense to do this at a full neighborhood meeting (FCA will call special meetings at the Board's discretion) or a meeting that FCA sets up to contact affected stakeholders. In other cases, this can be done by going door-to-door to the four or five affected immediate neighbors. It will be your obligation to contact relevant neighbors prior to such meetings (typically by dropping FCA-approved flyers at addresses specified by the Zoning Committee).

How do I keep the FCA informed and involved? The Zoning Committee will designate a point person for your project. That contact person will be available to you to facilitate the process and to serve as a liaison to the Zoning Committee and the FCA Board. It is your obligation to keep the liaison informed and up-to-date. We are generally responsive and reachable via e-mail and phone. If you get us relevant information and we believe it is appropriate to do so, we will distribute the information to the community on our website and via e-mailed link to our membership.

How will materials that FCA receives be handled? We share them with concerned parties as makes sense on a case-by-case basis. FCA will generally post plans and renderings on its website. Zoning refusals and similar documents will not be posted.

What do I need to provide to the FCA Zoning Committee? After the initial meeting, once you have your petitions, plans, and other materials together, arrange a meeting with the Zoning liaison where you deliver these materials and anything else that you want us to consider.

How quickly should I expect a response from the FCA? The FCA endeavors to respond reasonably and to not unreasonably slow down a developer's timetable. Our prompt response is based upon (i) the developer coming to the FCA sufficiently early enough for the neighbors to deliberate in a thoughtful manner, and (ii) the developer promptly responding to requests from the FCA.