

We Will Let You Built It, But Please Don't

by Robert Kettell

(With apologies to the Committee of Seventy for copying the question-and-answer format made famous by their "How the City Works" series.)



before



after

On April 18 the City Planning Commission recommended approval of a bill before City Council that would allow high-rise towers along both sides of the Benjamin Franklin Bridge in Philadelphia, after being told that, hopefully, the tall buildings would not actually be built.

Q. – What is wrong with high-rise towers next to the bridge?

A. – This would create a cavern-like entry to the city and would violate two parts of the city's recently adopted comprehensive plan, called Philadelphia 2035. That plan designates the Ben Franklin Bridge as a "large scale, successful gateway," and such development would ruin this important feature. To quote the plan: "As the saying goes, you only get one chance to make a good first impression. Create standards for greening and cleaning, signage, and design for all major gateways, especially highways and along utility and rail corridors." (Strategy 9.2.2) A second part of the plan seeks to "Preserve historically significant viewsheds and landscapes: a) Protect historic landscapes from development and invasive plants. b) Identify and preserve public viewpoints, scenic sites, and scenic corridors. c) Protect the viewsheds of important buildings, such as City Hall, Philadelphia Museum of Art, Christ Church, and Lemon Hill." (Strategy 8.1.6)

Q. – OK, high-rises seem like a bad idea, so why approve new zoning that allows them?

A. – They don't really want lots of high-rise towers along the bridge; they only want one high-rise at 205 Race Street.

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Q. – So why not change the zoning for just that property?

A. – When zoning is changed for only one property (and one property owner), there is a danger that it will be ruled “spot zoning” and thus illegal.

Q. – Oh come on, the Planning Commission changes zoning for single properties all the time.

A. – Yes, but only a court can overturn such a site-specific change, and the affected people or communities usually lack the money for a court challenge.

Q. – So what is different in this case?

A. – This time an adjacent property owner has the wherewithal to challenge the zoning change, which would allow a high-rise building at 205 Race Street would block views of his lucrative billboard. This might—or might not—lead to a “spot zoning” challenge.

Q. – If they are afraid to change the zoning for 205 Race Street, why not just ask for a zoning variance?

A. – A zoning variance was the property owner’s first strategy, but the owner needed six major variances, and rulings by the Zoning Board of Adjustment are subject appeal. The appeal process could take so long that “we might lose the project,” as Alan Greenberger, the Deputy Mayor for Economic Development, Director of Commerce, and Chairman of the City Planning Commission, testified.

Q. – Wouldn’t the Planning Commission’s approval also be subject to appeal?

A. – No, the Planning Commission opinion would not be worth complaining about, since it only supports a bill that has been introduced by the Councilman for the area, Mark Squilla. The real decision maker is City Council, which will hold hearings and vote on the bill. Even with the resources of a billboard company, it will be difficult to challenge the legality of such legislation.

Q. – So what makes the Planning Commission think that we will not get rows of high-rises along both sides of the bridge?

A. – Alan Greenberger, is confident that this would not happen. There are two parts to his answer. First, the buildings on both sides of the bridge are part of the Old City Historic District, so they have some degree of protection from demolition.

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Q. – Hold it right there, can't historic buildings be ruled to be “economic hardships” and demolished for new construction?

A. – Maybe so, but that would put the blame for new high-rises on the Historical Commission, not the Planning Commission.

Q. – I don't like the answer, but tell me about the second consideration?

A. – This is related to the vacant lots adjacent to the bridge, where the Planning Commission believes that unregulated new construction could ruin the gateway and its views. They have decided to talk to Councilman Squilla about reducing the number of vacant properties where this might happen . We shall see what happens.

Q. – Why the big push to get 205 Race Street built?

A. – The city approved the demolition of the building on this lot -- the Lithographic Building, a fine example of industrial Beaux-Arts construction--several decades ago, and the property has sat idle since then. Previous proposals for developing the site did not require as many zoning variances, but the current developer feels he needs a high-rise to make the finances work.

Q. – Wouldn't it be better to wait for another developer who could build on the site without endangering the Ben Franklin Bridge?

A. – Good question. Here we have to balance two needs. The Deputy Mayor for Economic Development, Alan Greenberger, as Director of Commerce, needs to build a track record of development in the city quickly, before the administration leaves office. On the other hand, as Chairman of the City Planning Commission, he needs to start long-term projects that build confidence in the newly-adopted zoning code, assuring citizens, community organizations, property owners, and developers that rational development can take place with transparency and without the Philadelphia tradition of “politics a usual.”

This case gives an opportunity for these two conflicting to resolve themselves.

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