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CITYSPACE

Pay to Play and Billy Penn's Feet

UP AND AWAY: Prospective developments in Center City would violate further the "zone of respect" height limit set forth by Philly's forefathers. Photo By: Michael T. Regan

Rules mean nothing to Philadelphia's development community.

by Patrick M. Starr

Lately, new mega-condo towers and mega-parking garages seem to make daily headlines. As a long-suffering Philly booster, I feel warm and loved as developers pitch their multimillion-dollar projects for our city. It feels like Philly has finally arrived!

Unfortunately, though, it turns out that to build a mega-tower, the developer demands a mega-zoning variance. Every developer flouts agreed-upon zoning and design principles, so that each project is so wonderful, the rules needn't apply.

For years, in order to break the rules there needed to be a compelling reason — and it used to be called a "hardship" in zoning case law. It appears that these days, the rules themselves are considered hardship. Recently, the officials charged with upholding the law and protecting the public interest have been co-opted. The list of indictments handed down last week in the federal probe into city corruption is emblematic of the now-infamous Philly culture of "you scratch my back (pay), I'll scratch yours (play)." It's even permeated urban design decision-making.

So my Philly pride comes smack up against Philly reality. Instead of behaving like the sophisticated global city we claim to be, we behave like the insecure down-at-the-heels, seen-our-best-days hard-luck case that we are. To me, it is a civic embarrassment. A relationship counselor would say: "If you want to be respected by your partner, you have to first have respect for yourself and establish clear limits."

The Design Advocacy Group (DAG) exists to promote public discussion and engagement in critical design issues. Nothing chills public participation more than closed-doors dealmaking that disrespects public policies arrived at through careful listening, heartfelt public testimony and open voting by elected officials.

Case in point: The proposed condo and parking garage towers on the old Meridian site anCed at 15th and Chestnut streets by the Mariner Commercial Properties and the Arden Group. Developers have taken pot shots at each other and sanctimoniously defended current zoning policies. In fact, they ignore current zoning policy and are trying to subvert established planning rules.

The Mariner owners defend their 720-foot-high tower as well within allowable FAR (floor-area ratio, a common measure of density, multiple of the lot size) while conveniently failing to point out that they are exceeding the "zone of respect" height limit around City Hall by 240 feet.

What is the zone of respect? For those of us with long memories, this carefully thought-out public policy flowed directly from more than a year of spirited public debate in the mid-'80s about breaking the old "gentleman's agreement" limiting building heights to the base of Billy Penn's feet on top of City Hall. It was an amazing high watermark for public engagement with urban design, and was a catharsis for thousands of Philadelphians who participated in public meetings about urban design. Careful listeners at the City Planning Commission took from that debate essentially two key concepts: 1. buildings immediately on the perimeter of City Hall should respect Billy Penn and 2. critical views of Billy Penn silhouetted by the sky should be protected. These ideas were made law in the early '90s.

Apparently, the City Planning Commission has had a change of heart.

My assertion is a simple one. If the discussion to establish the zone of respect involved so many Philadelphians and the creation of a City Council ordinance, then no one has the right to simply trade that away for a lick and a promise to any developer without a proper public process.

In fact, Common Pleas Court Judge Matthew D. Carrafiello had the temerity to invalidate the zoning variance at 15th and Chestnut streets using just this argument. (Remember that, folks, when you are electing judges!) The good judge noted that the Zoning Board of Adjustments simply ignored the law in granting the variance. He pointed out that



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...e a variance and instead made a simple suggestion: that City Council

... much-discussed guidelines that were blithely ignored in favor of the ... of Chestnut. DAG and anyone who thinks public discourse is important in civic design issues has got to take this one seriously. If construction on the towers is allowed, what reason is there for anybody to waste their time with urban design policy?

I repeat: Pay to play has become Philadelphia's urban design policy. Selling short future generations for immediate political financial gain rules. It's sad.

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