



**KLEHR HARRISON  
HARVEY BRANZBURG LLP**

**Coronavirus (COVID-19) Task Force**

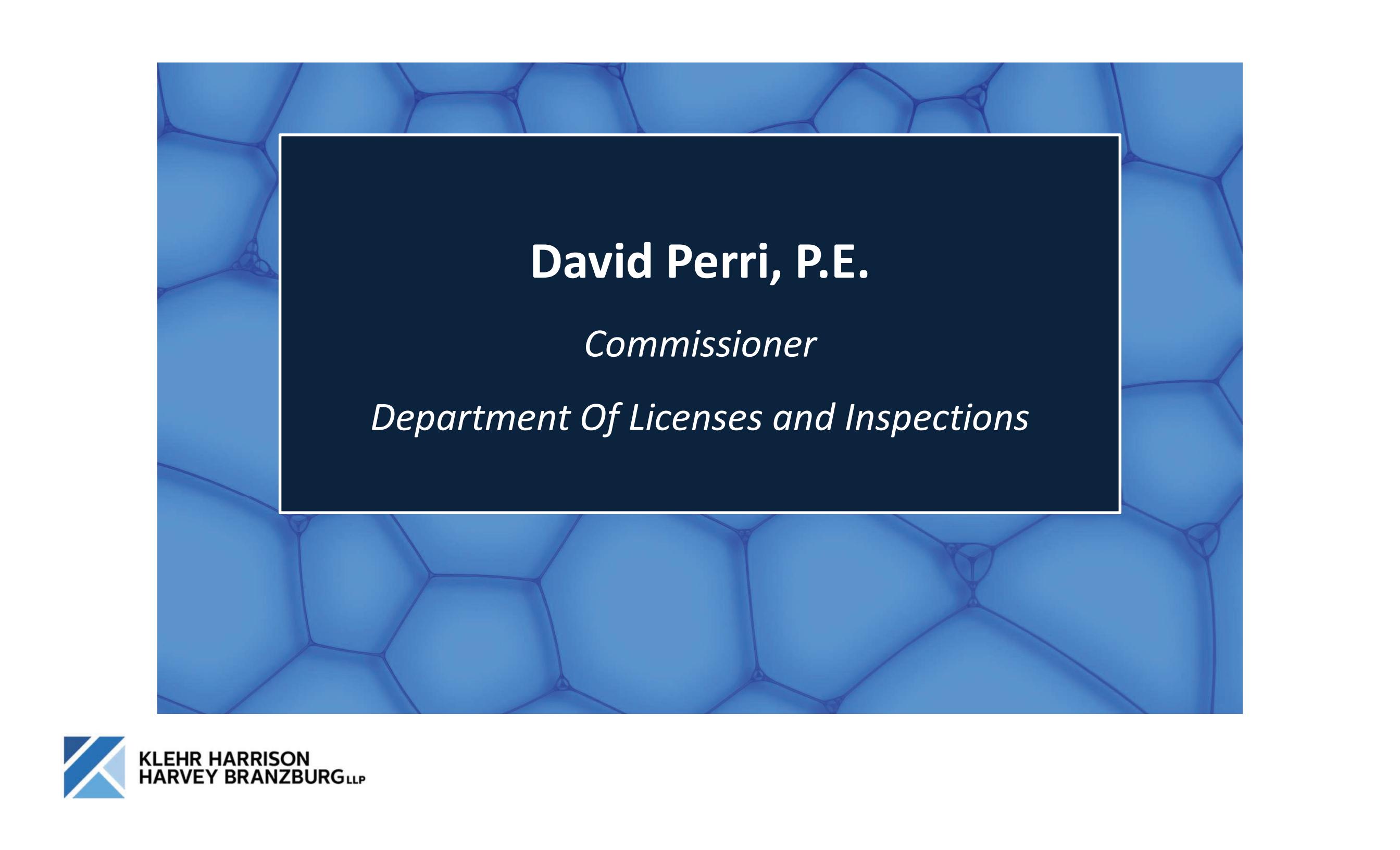
# **The Philadelphia Land Use and Zoning Approval Process During the COVID-19 Pandemic**

Panel moderated by:

**Brett Feldman, Partner**

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April 23, 2020



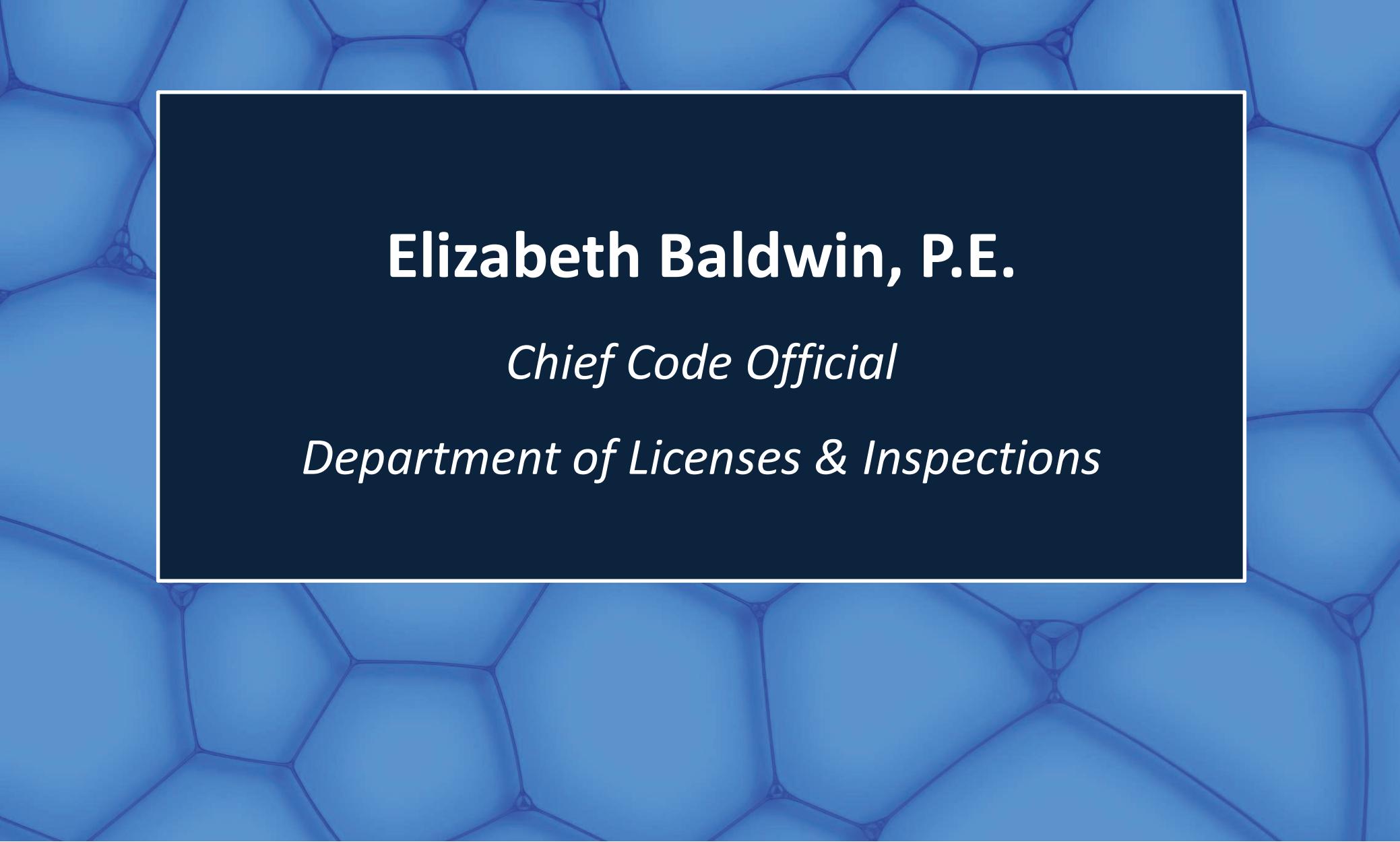
**David Perri, P.E.**

*Commissioner*

*Department Of Licenses and Inspections*



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**Elizabeth Baldwin, P.E.**

*Chief Code Official*

*Department of Licenses & Inspections*



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# Department of Licenses and Inspections

## COVID-19 RESPONSE

- Restricted and Permitted Activity
- L&I Operations
  - Permitting Services
  - Active Paper Applications
  - Inspections
  - Permit Expirations
- eCLIPSE

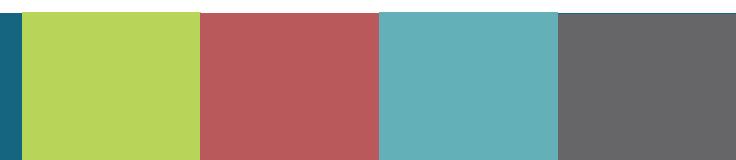




# Restricted Activity

All Construction Activity is restricted unless meeting a specific exemption or obtaining a waiver.

Non-compliant job sites will be shut-down and L&I may pursue action against a non-compliant license holder.





# Permitted Activity

Construction on your site may continue if any of the following apply:

1. Your development is a **medical, pharmaceutical or health care facility**;
2. Your project has been determined to be **essential infrastructure** (ex. City funded affordable housing or City public works) and you have a letter from the City documenting that decision;
3. The work that you are performing is an **emergency**.
  - Structural (including make-safes)
  - Weatherproofing
  - Environmental including remediating lead hazards within a K-12 school or daycare.
  - Habitability (including equipment replacement)
  - Testing, maintenance, certification and repair of life safety systems

*Your specific project has been given a **waiver from the State** and you have a letter from the State documenting that decision for the **specific project**. The rules are expected to change on May 8.*





# Required Permission

- All notifications and requests for continued construction activity must be submitted to [codeissues@phila.gov](mailto:codeissues@phila.gov).
- State Exemptions and Waivers
  - If you are operating under a State exemption, it is highly recommended that you notify L&I.
  - If you are operating under a **State issued waiver**, you must provide proof of the waiver that includes the specific job site address. Generic waivers issued to companies are not acceptable.
- City Permission
  - You must obtain permission from L&I to make a site or structure safe and secure or continue work to ensure the habitability of an occupied, residential structure.
  - The request shall include the project address, permit number, the nature of the work that must be completed, the time extension requested and proposed safety provisions to protect the workers. Photos and professional reports are a plus.



# Approvals

- **Emergency repairs**
  - Emergency repairs (plumbing leaks, roofing repairs, HVAC equipment replacement, etc.) require an L&I permit.
  - Permits must be filed online within 3 days of repair.
- **Make Safe Permit**
  - Remediation of structurally unsafe or imminently dangerous condition requires an L&I permit.
  - Applications are filed in-person and by appointment.
- **City Infrastructure**
  - Requires a waiver letter from the Department of Planning and Development or the Department of Public Property.





# L&I Operations

## Licensing

- All new and renewal license applications may be filed online.
  - Contractors must renew their license on time
  - Contractors are required to submit all insurance updates through the online portal
  - Failure to keep your license, insurance, and tax account current will hinder permit processing.
- Design professionals, attorneys and PA Home Improvement contractors must register their PA license.
  - Registration is not mandatory for design professionals and attorneys who do not make application.
- All electronic applications are processed within three business days.





# L&I Operations

## Permitting Services

- All permits and certificates may be filed online:
  - EZ Permits- reviewed within 3 business days
  - Use permit applications- reviewed within 3 business
  - Electronic Plan submissions-standard review time applies
  - Accelerated applications are accepted
  - Property Certs are auto-issued or reviewed within 5 business days
  - Certificate of rental suitability
  - Fire Code permits
  - Certificates of Occupancy/ Lawful Occupancy





# L&I Operations

## Permitting Services

- If a pre-requisite approval is required, L&I will continue review but hold permit issuance.
  - Most departments are or are preparing to perform reviews/ approval requests received through eCLIPSE.
  - Review individual departmental websites for current services.
- Submit online request form if you need to file an amendment to a previous approval.
  - Zoning permit amendments are only permitted if the approval was granted by variance or special exception

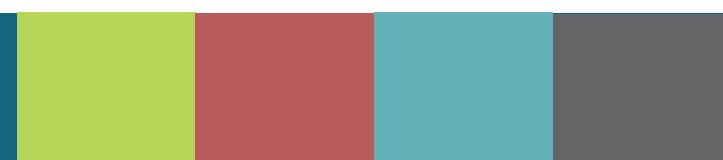




# L&I Operations

## Paper Applications

- L&I is processing all paper applications received before March 16.
  - Additional information may be submitted via postal mail or through the online portal.
  - Approved permits are made available through your online account
    - Will enable you to pay for and download the permit.
    - Paper plans will be delivered at initial inspection or retained at MSB.





# L&I Operations

## Appeals

- Plan to resume virtual BBS and PAB hearings beginning in May.
- Board of Licenses and Inspections is conducting emergency hearings where an immediate threat to public health, safety, and welfare exists.
- Permit denials and the ability to appeal a permit denial may only be made available online for denials issued after March 15.
  - The attorney must gain access to the electronic permit through the permit applicant.





# L&I Operations

## Inspection Services

### Permitted Construction

- Contractors must call for inspections for all permitted work, including work under a State exemption or waiver, work continuing under City approval, and make safe permits.
- Call 215-255-4040 to schedule all inspections.
- If an L&I cannot send an inspector due to hazard level, the contractor will be contacted in advance with instructions. Depending on level of work or other complication, L&I may accept alternate documentation (i.e. photos, engineer's report).





# L&I Operations

## Re-Inspection Services

### Violation Compliance

- L&I will close administrative violations, conduct exterior inspections, and consider other forms of documentation to satisfy a violation IF necessary for a pending sale or other extenuating circumstances.
- Contact the local District to request re-inspection or violation compliance.





# L&I Operations

## Permit Expirations

- No permit or permit application will expire during the shut-down.
- If PA DLI does not issue a policy on extensions, L&I will make a determination on blanket length of extensions once construction activity re-commences.
- Disregard any automated notifications received.
- 



# Resources

Issue	Portal/ Info Source
eCLIPSE logon,licensing, or technical question	eCLIPSE Help, 3-1-1 or eCLIPSE help link
Permit Status or Code Question	Permit Tracker and L&I/ About/ Contact Us/Permit or Code Questions
Request an Inspection	<a href="tel:215-255-4040">215-255-4040</a> or <a href="#">eCLIPSE portal</a>
COVID 19 Construction/ Business Updates	<a href="https://www.phila.gov/li">https://www.phila.gov/li</a> or 3-1-1
*Expose Permit through online portal (pay or resubmit electronically)	<a href="#">Request Online Invoice or Allow Electronic Resubmission' form</a>
*Appointment for make safe permit	'Make Safe Appointment' form
*Can't see Contractor License Under Prof/ Tradesperson Pull Down	eCLIPSE Help or 'Help- I Can't See My Contractor' form
*Upload Emergency Inspection	'Notice of Completion of Repairs' form
*Submit or request a construction waiver	<a href="mailto:codeissues@phila.gov">codeissues@phila.gov</a>
*Inspection Issues	<a href="mailto:codeissues@phila.gov">codeissues@phila.gov</a>
Confirm compliance with an administrative hold on permit	L&I/ About/ Contact Us/Permit Questions
ZBA Appeal Info	Planning and Development web page
Other departmental approvals	Departmental web pages or 3-1-1

# Development Review During the COVID-19 Crisis

Martha Cross, AICP, PP, LEED AP  
Deputy Director, Division of Planning & Zoning

Paula Brumbelow Burns, AICP  
Senior Planner, City Planning Commission

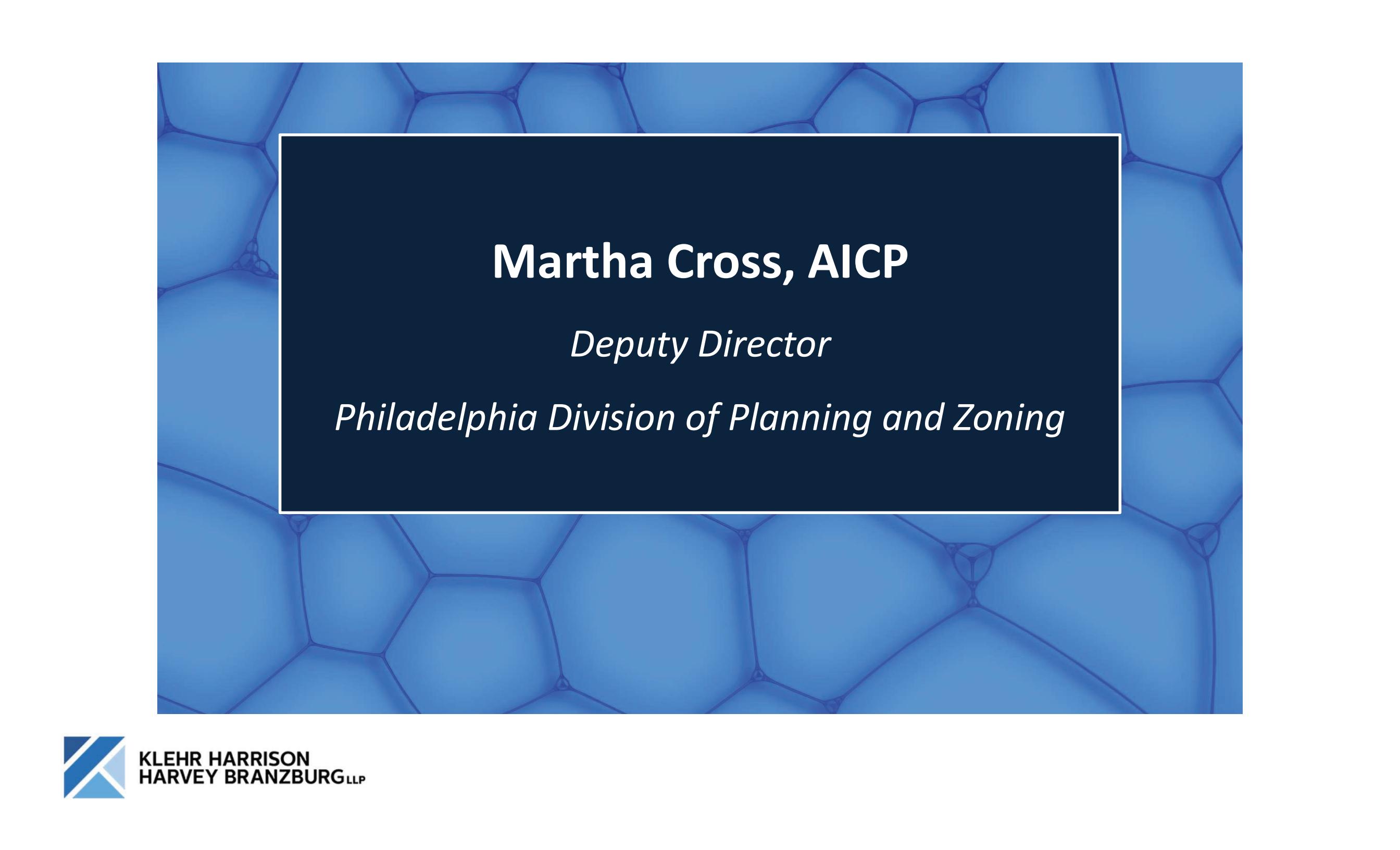
Jonathan E. Farnham, Ph.D.  
Executive Director, Historical Commission

Sharon Suleta, Esq.  
Counsel, Zoning Board of Adjustment

Frank DiCicco  
Chair, Zoning Board of Adjustment



Art Commission  
City Planning Commission  
Historical Commission  
Zoning Board of Adjustment



Martha Cross, AICP

*Deputy Director*

*Philadelphia Division of Planning and Zoning*



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# Agenda

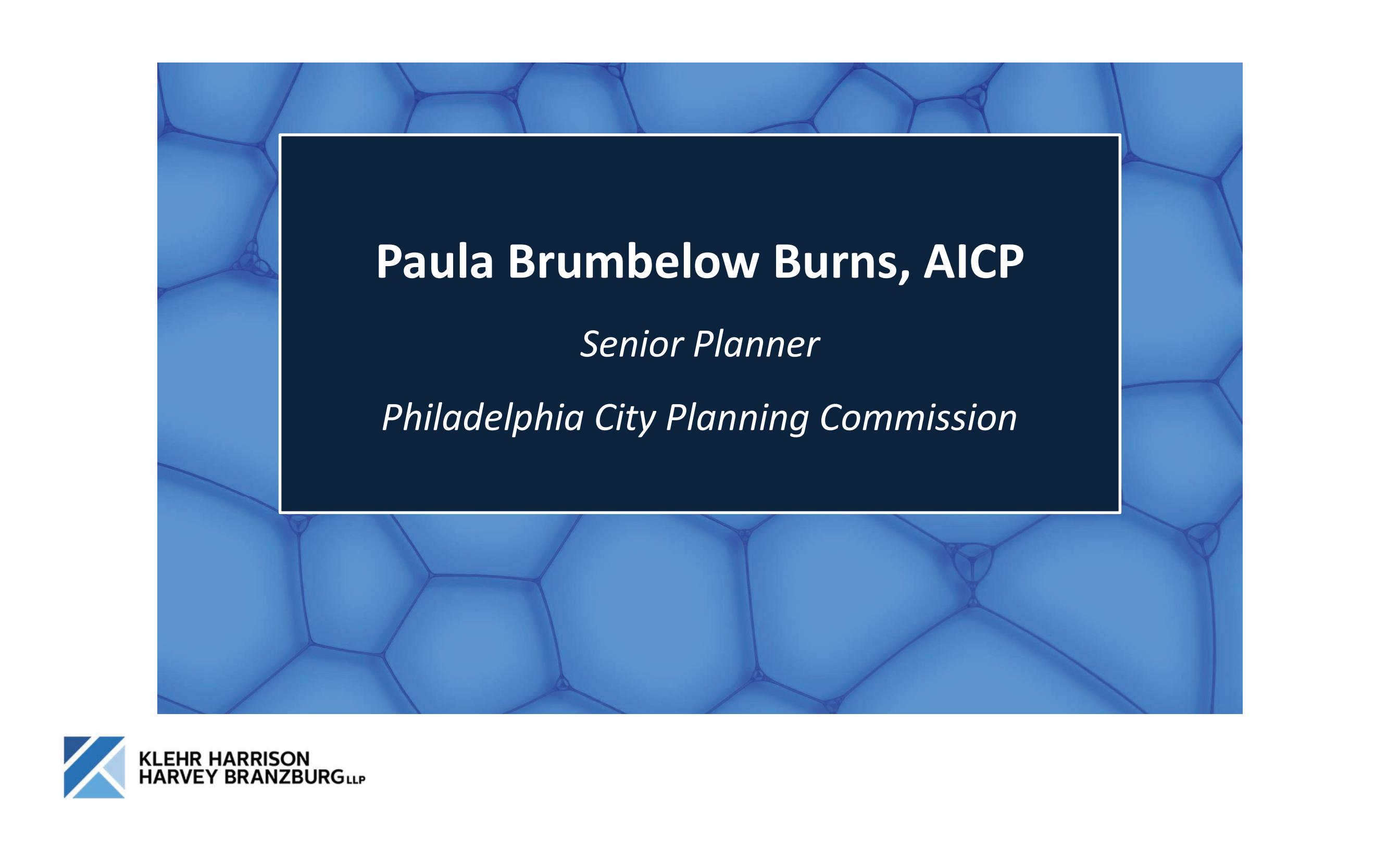
- DPZ Meetings
- Art Commission
- City Planning Commission
  - Zoning Permit Review
  - Civic Design Review Committee (CDR)
  - Registered Community Organizations (RCOs)
- Historical Commission
- Zoning Board of Adjustment (ZBA)

# DPZ Meetings

- Finding ways for our boards and commissions to safely meet
- Virtual meetings in the works for Art Commission, Historical Commission, and Planning Commission
- ZBA and CDR will require more infrastructure to support facilitation and RCO requirements
- Planning to support ramp up of activities to address backlog

# Art Commission

- Zoning Permit: Sign Applications – submit through eCLIPSE and email application package
- Building Permit: email application package
- Submissions can be sent at any time, but are generally due two weeks prior to meetings
- Meetings will be announced via legal posting in newspaper, website, social media, and email



**Paula Brumbelow Burns, AICP**

*Senior Planner*

*Philadelphia City Planning Commission*



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# City Planning Commission

- Zoning Permit: Submitted through eCLIPSE
  - Frontage, Landscape, and Steep Slope reviews completed timely
  - Mixed-Income, Lot Line Changes, and Watershed may require more time, access to paper files, or additional information
- Zoning Permit: Previous paper applications
  - May be able to be reviewed and approved via email
    - email staff to discuss

# City Planning Commission

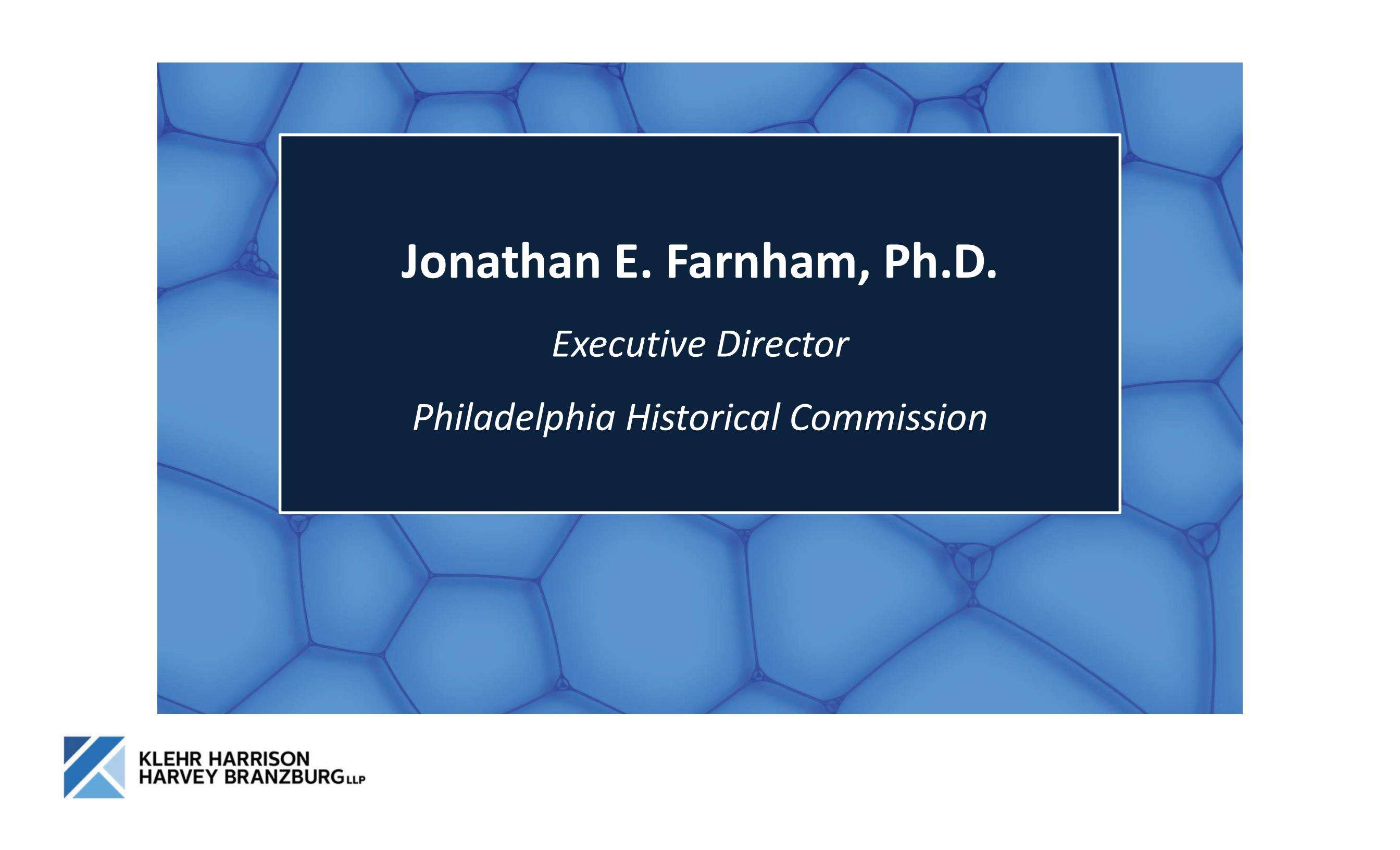
- Loading Waivers
  - Conducted via email between PCPC and Streets
  - Submit letter and materials via email
- Plan Consistency Letters
  - Make request via email at least ten days before deadline
- Environmental Reviews

# City Planning Commission

- Zoning and Building Permit – Urban Design:  
Submitted through eCLIPSE:
  - Façade Review, Sky Plane, NCO, NCA, and Open Space Bonus
- Civic Design Review (CDR):
  - Meetings are postponed
  - Staff can provide preliminary review and comments to development teams

# City Planning Commission

- Registered Community Organizations (RCOs):
  - Working on plan for RCO registration (traditionally done in June)
  - Creating training materials that can be accessed remotely
  - Surveying RCOs to understand their current capacity



Jonathan E. Farnham, Ph.D.

*Executive Director*

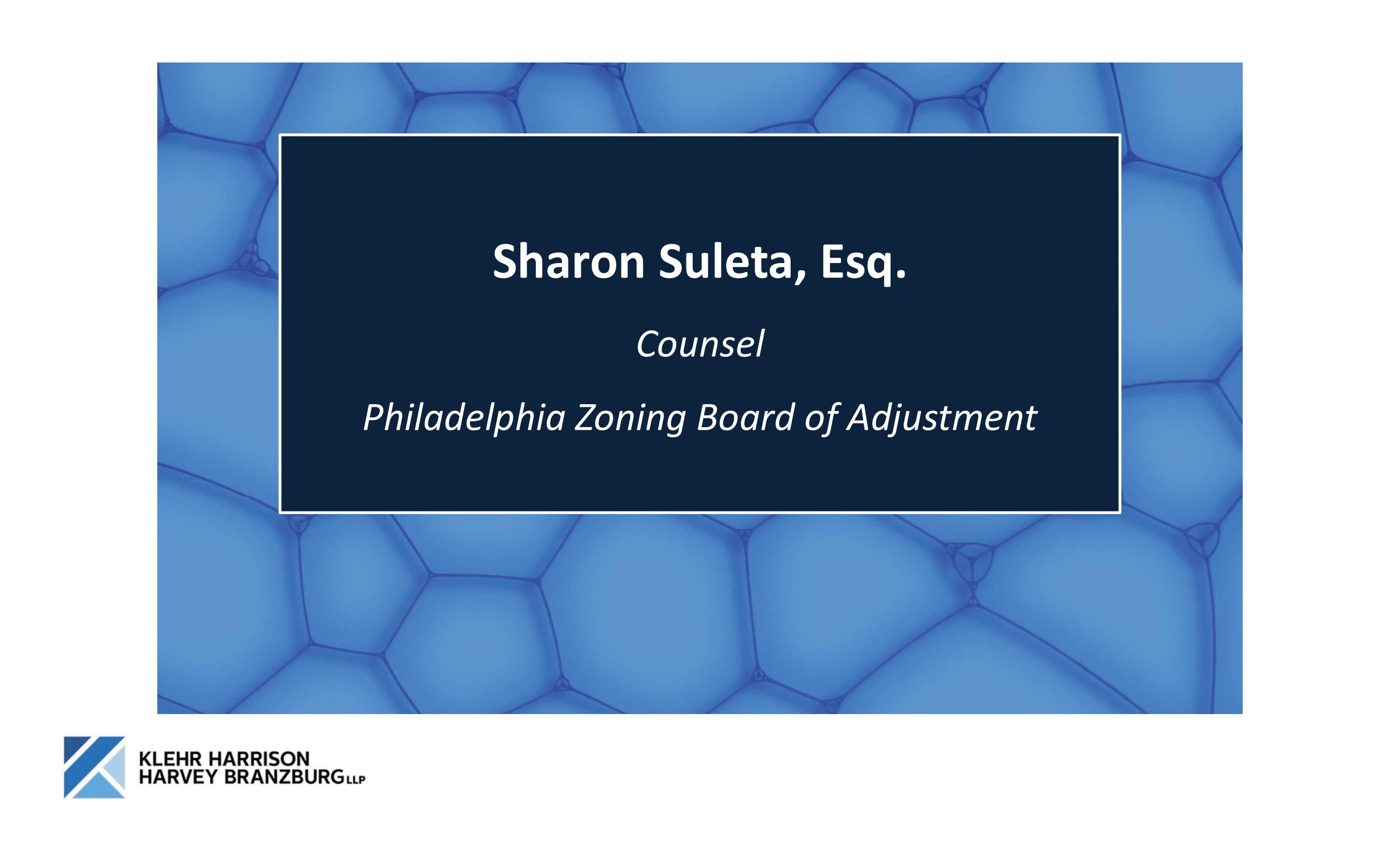
*Philadelphia Historical Commission*



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# Historical Commission

- Building Permit: Submitted through eCLIPSE
  - Staff-level reviews conducted through eCLIPSE
  - Reviews exceeding staff authority directed to future meetings
  - Pre- or post-permit review requests by email
- Designation Matters: Submitted by email
  - Nominations, amendments, etc. reviewed by staff
  - Correct and complete requests directed to future meetings
- Section 106 Reviews: Submitted by email



Sharon Suleta, Esq.

*Counsel*

*Philadelphia Zoning Board of Adjustment*



KLEHR HARRISON  
HARVEY BRANZBURG LLP



Frank DiCicco

*Chair*

*Philadelphia Zoning Board of Adjustment*



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# Zoning Board of Adjustment

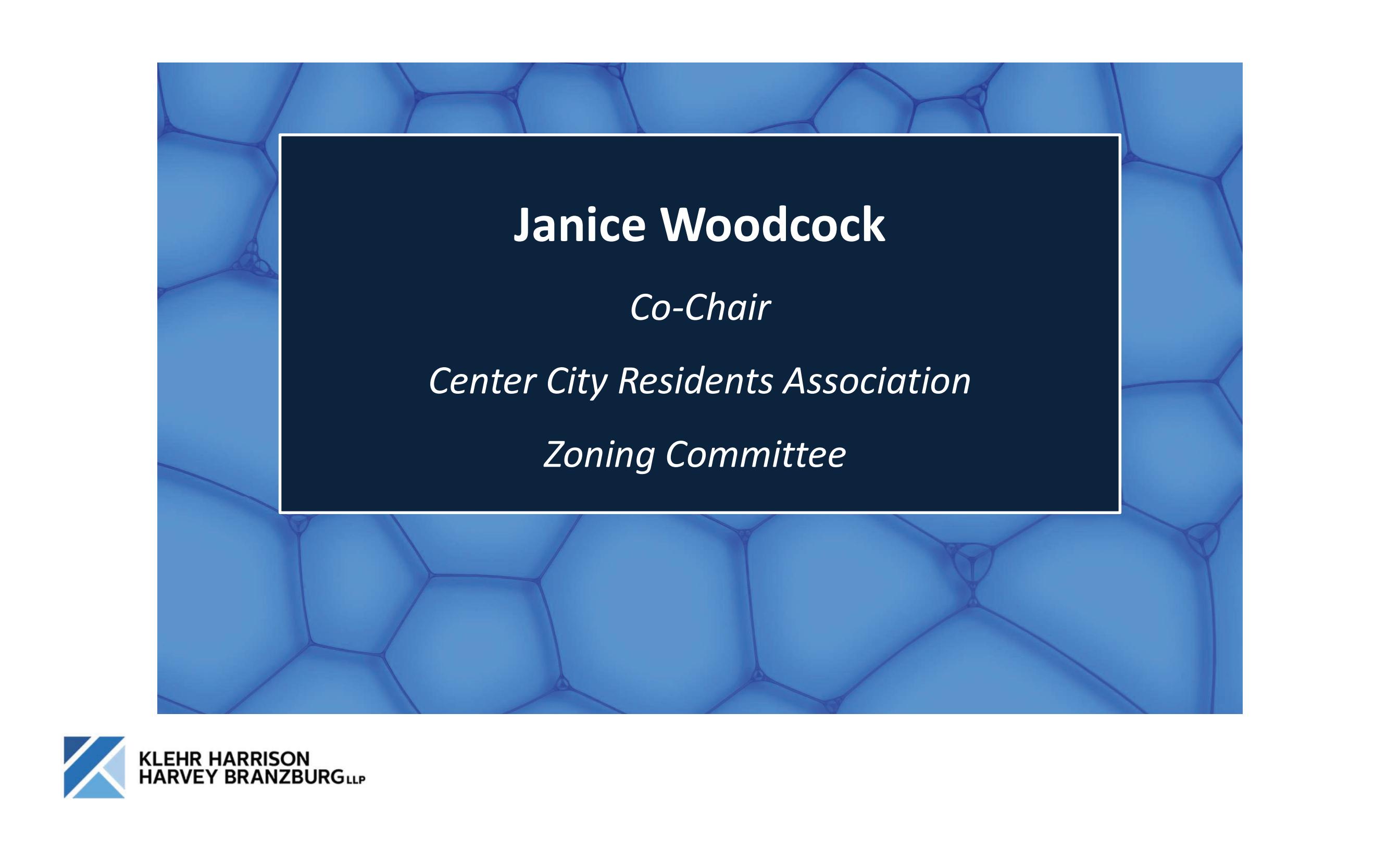
- Filing deadlines extended indefinitely
- Currently no plans to restart hearings until the City reopens
- Cancellations announced at least 2 weeks in advance, currently postponed through May 16<sup>th</sup>

# Zoning Board of Adjustment

- When City reopens, Staff will:
  - Determine if scheduled hearings can take place
  - Reschedule postponed hearings
  - Schedule new hearings for appeals submitted since March 13 – Board requests that new appeals not be mailed during the shutdown
- Board will consider holding hearings on additional dates
- Property posting and RCO meeting requirements will still need to be met

# Zoning Board of Adjustment

- When hearings are held, continuances should be requested in advance to avoid needless appearances
- Board is considering incorporating use of telecommunications technology into meeting formats to facilitate access
- Format of RCO meetings is left to the judgment of the individual organizations
- Applicants encouraged to communicate with RCOs



Janice Woodcock

*Co-Chair*

*Center City Residents Association*

*Zoning Committee*



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# RCO LIST OF REQUIRED MATERIALS TO BE SUBMITTED 10 DAYS IN ADVANCE OF MEETING

## GENERAL INFORMATION

- ZBA Calendar number, hearing time and date
- Copy of the appeal
- Certification of mailing as proof of notification to required near-neighbors

## SITE / LOCATION PLAN

- Measurable scale of at least  $1/16" = 1'-0"$ . The site plan must dimension all site limits, the building footprint and any yard areas. The site plan must show the neighboring properties on all sides and the closest street intersection. The street numbers of the neighboring properties must be identified on the site plan.

## FLOOR PLANS

- Floor plans of the proposed construction or the existing relevant spaces of a use application at a measurable scale of  $1/4" = 1'-0"$ . Commercial and residential use (over 6 units) applications shall indicate location of internal trash storage.



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# RCO LIST OF REQUIRED MATERIALS TO BE SUBMITTED 10 DAYS IN ADVANCE OF MEETING

## ELEVATIONS

- All elevations of the proposed construction - front, side (if applicable), and rear - must be shown at a measurable scale of  $\frac{1}{4}$ " – 1'-0". Elevations must show the existing building adjacent to the new construction and the adjacent neighboring buildings on each side of the new construction. All elevations must be annotated to clearly indicate the materials of construction.

## SITE PHOTOS

- Photos must show the relationship of the building to its neighbors and the streetscape.

## NEIGHBOR SIGN-OFF SHEETS

- Expressions of non-opposition or support identifying the signer and their address. The document must clearly state what the signer supports or does not oppose and must reference the drawings presented to the Zoning Committee by name and date. The applicant should seek responses from neighbors on all sides and across the street from the property in question.

## ADDITIONAL MATERIALS

- The committee welcomes, but does not generally require, sun/shadow studies, 3D massing studies and streetscape drawings. These presentations are encouraged and may be a requirement by the Committee depending on the scale and impact of the application.

# VIRTUAL MEETING FORMAT: HOW WE ARE SETTING IT UP

## STEP 1: SET THE AGENDA

- Accept Projects from Applicants
- Chairs confirm materials are complete in advance
- Prepare materials for virtual sharing for Committee review in advance
- Request the applicant's RCO Notification Letter explains clearly how to participate
- Attendees register in advance via RCO Website and Committee Chairs

## STEP 2: ESTABLISH ZOOM PROCEDURES

- Review meeting protocol and practice in advance
- Show up early for the meeting to prepare



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# VIRTUAL MEETING FORMAT: HOW WE ARE SETTING IT UP

## STEP 3: HOLD THE MEETING

Goal: make meeting as open as possible but manage the conversation

- Public Starts Out on Mute
- Presenters verbally review projects with share screen
- Attendees submit written questions
- Applicant responds to questions
- Co-Chairs will make every effort to recognize online “raised hand”
- Depending on the number of participants, the meeting will be unmuted

## STEP 4: DEBRIEF AND IMPROVE MEETING PROCEDURES AS REQUIRED

- Process is evolving
- CCRA is committed to promoting public dialog and participation



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# Thank You

For questions or more information, please contact:

**Brett Feldman, Partner**

**[bfeldman@klehr.com](mailto:bfeldman@klehr.com) | 215.569.3697**

**Follow our Coronavirus (COVID-19)  
Task Force Resource Center for all the latest guidance:**

**[www.klehr.com/covid-19](http://www.klehr.com/covid-19)**