

UPDATED VERSION PROPOSED FEBRUARY 2016.

## **OPERATING PROCEDURES, EAST FALLS COMMUNITY COUNCIL ZONING AND LAND USE COMMITTEE**

The Zoning and Land Use Committee (“Committee”) is a standing committee of the East Falls Community Council (EFCC) chaired by the 1st Vice-President of EFCC. (See EFCC By-laws [“by-laws,”] Article VIII, Section 8.1.)

The Committee is mandated to research and consider proposed and actual changes in zoning and/or property use in East Falls, as defined by the by-laws, Article II, Section 2.2; to seek the opinions of neighbors and East Falls residents; and, taking into consideration those opinions, the laws and ordinances of the Commonwealth and the City of Philadelphia and policies of the EFCC, to take positions as to variances and/or special exceptions sought by property owners and/or occupants. Pursuant to the EFCC by-laws, the Committee has authority to act for the EFCC. The Committee shall report its activities to the membership at each regular membership meeting.

### **1. Membership:**

The Committee shall include the prior chair, at least nine members-at-large and the officers designated as members by the by-laws. All Committee members are entitled to vote. Members-at-large must be EFCC resident members in good standing. The by-laws designate the following EFCC officers to be members of the Committee:

President, 1st Vice President and 2<sup>nd</sup> Vice President.

Criteria for membership: The Committee seeks to foster the broadest representation of views and perspectives among East Falls residents as possible. To that end, in selecting new members the following criteria shall be considered, all other qualifications being equal: diversity in geography, organizational or institutional associations, as well as skills and experience in relevant fields such as zoning, design, construction, and development.

Every effort shall be made to assure that members include at least one attorney who is willing to represent the committee on a *pro bono* basis to prepare agreements with applicants and appear before the Zoning Board and other agencies as needed in the normal course of discharging Committee responsibilities.

Criteria for removal from the Committee: the Committee is a working committee and requires all members to be active participants. Members will be subject to removal for regularly missing meetings; missing two of three consecutive meetings; and/or failure to participate in subcommittee work or other tasks as needed. The Committee relies on the collegiality of its members to meet its responsibilities. In cases where a member acts in a manner that is disruptive or inconsistent with the purpose of the Committee, a member of the Committee may request removal of the member in question. Removal of a member shall be upon an affirmative vote of at least 2/3's vote of the entire

Committee after one month's notice to the Committee of the proposed action. All members of the Committee need not be present in order to effect a removal.

## **2. Terms of Service:** □

Members shall be appointed to staggered three-year terms that begin on July 1. Appointments shall be made in the normal course before the beginning of the EFCC fiscal year. The Chair shall select replacements for at-large members after consultation with the members of the Committee, subject to review by the EFCC Executive Committee.

In the normal course it is expected that a member-at-large who has served a three-year term shall rotate off the Committee, as an at-large-member, for at least one year. In the event that the Chair and the Committee decide that it is desirable to reappoint such a person to a consecutive three-year term as a member-at-large, the proposed appointment shall be brought to the General Membership for approval.

In making appointments the Chair and the Committee shall take into consideration the criteria for membership stated in Section 1. If a Committee member steps down, becomes an EFCC officer, or is dismissed, the Chair shall promptly name a replacement to serve out his/her term subject to the same considerations and procedures. Members who have completed their terms shall serve until their replacements have been appointed.

## **3. Officers:** □

Pursuant to the by-laws, the 1st Vice President chairs the Committee. In the Chair's absence, the 2nd Vice President shall preside. The Chair shall appoint a Secretary who shall take meeting minutes. The minutes shall identify Committee members present, excused, and absent, and recusals, and report the decisions of the Committee. After approval by the Committee, the Secretary shall see to the posting of the minutes on the EFCC website.

## **4. Responsibilities:** □

Committee members shall attend meetings and shall assist the Chair in the work of the Committee.

To preserve the integrity of the process, deliberations shall be considered confidential. Committee members shall not discuss outside the Committee details of matters that have not otherwise been made public.

Committee members are expected to notify the Chair at least 48 hours in advance, if possible, if they are going to be absent from a meeting.

Notice to the Applicant: □ Whenever a matter is to be considered by the Committee, the Chair shall provide to the interested parties (property owner, tenant, developer, etc.)

information about the Committee's purpose and process, the information sought by the Committee, and the date when the matter will be heard at a Committee meeting.

Notice to the Non-applicant: □ When it comes to the Committee's attention that there is a zoning or land use issue which has not been referred to the Committee for consideration, it is incumbent on the Chair to contact the interested parties (property owner, tenant, developer, etc.) to provide information about the Committee's purpose and process, the information sought by the Committee, and the date when the matter will be heard at a Committee meeting.

If necessary, the Chair shall ask the Non-applicant to agree to a continuance of an upcoming proceeding at the Zoning Board of Adjustment, Liquor Control Board, or other agency or board, so as to allow time for the community and Committee to consider the matter. If the Chair cannot obtain such an agreement, the Chair shall do whatever is necessary to obtain a continuance.

**5. Meeting Schedule:** □

Regular Committee meetings shall be held monthly. The Chair, with the agreement of at least two other Committee members, may call a special meeting upon five days notice to Committee members and the community, by email and such other means as are reasonably possible, to address time-sensitive issues.

**6. Agenda:** □

The Chair shall determine the agenda. It shall include, but not be limited to, matters requested by an applicant or a member of EFCC; it also may include other appropriate items. Each month's agenda shall be closed by the end of the first week of the subject month.

**7. Location:**

Committee meetings shall be held in East Falls.

**8. Notice to the Community:**

□□ It is desirable that as many potentially affected residents as possible have notice of the issues to be considered by the Committee.

The City of Philadelphia has established requirements for providing notice to potentially affected residents that apply to the most common types of zoning matters (variance requests, etc.) The Committee seeks consistency with the City's requirements. Typically the applicant will receive directions on how to comply when he or she initiates a zoning matter with the City.

The Chair will support the City's requirements by providing to applicants the date, time and location of upcoming Committee meetings where they can present to the public

and Committee as well as the specific language and provisions for residents to submit comments to the Committee if they will be unable to attend.

In addition, the Chair may request that applicants provide additional notice or extend the geographic range of the notice to each residential property up to 500 feet from the applicant's site or suggest that the Committee conduct additional notice. The Chair shall consider such notice on a case-by-case basis, taking into consideration the range of potentially affected residents. The Chair may cause random checks to be made to ensure proper distribution.

The Chair shall send notice of the meeting agenda by email to EFCC members and have it posted on the EFCC website and also shall use available social media and post at public locations.

### **9. Conduct of Meetings: □**

Any resident of East Falls or other interested party may attend the public portion of the meeting. Residents also may submit to the Committee opinions on agenda items by mail, email or other electronic transmission no later than 24 hours prior to the meeting. These comments and opinions shall be summarized or read aloud during the public portion of the meeting at the discretion of the Chair. Those not read shall be made available at the meeting for inspection.

After each presentation, the public and Committee members may ask questions □ and make comments on the proposal. Persons asking questions or otherwise commenting may identify themselves and provide their address or their □ approximate address (IE.: "3400 block of Coulter St.") At the conclusion of the final presentation, Committee members shall meet among themselves. The Chair or a member shall present a motion on each agenda item. After discussion, the Committee shall vote on each agenda item.

### **10. Conflicts of Interest: □**

It is the policy of the Committee that all of its members occupy positions of trust to the residents of East Falls and are bound to discharge their duties in good faith and with undivided loyalty to the interests of the community. Therefore, it is incumbent upon them to:

**A.** Act in the course of their duties solely in the best interests of the community as a whole without consideration to the interests of any other agency, organization or association with which they are associated, and to refrain from taking part in any transaction where such persons do not believe in good faith that they can act with undivided loyalty to the community.

**B.** Disclose any financial interest that they may have in any entity engaged in land use planning, development, or other such activity that may be inconsistent with, or

otherwise conflict with, the mission of the Committee.

**C.** Disclose any interest that they may have, which would result, or potentially result, in any special benefit or detriment to themselves, their immediate families, or any entity in which they have a professional or financial interest, and refrain from participation in any action on such matters, except upon approval of the entire Committee after full and frank disclosure.

**D.** Refrain from using any inside information obtained solely as a member of the Committee for the benefit of themselves, their immediate families, or any entity with which they may be associated.

If a Committee member has reason to believe that another Committee member has such an interest, it shall be called to the Chair's attention. If there is a question as to whether recusal should be required, the Committee shall make the determination by vote of a simple majority. The member in question shall be permitted to vote on the question. A recusal shall be noted during the public portion of the meeting. Recusal shall not affect the quorum.

#### **11. Voting Procedures:**

Only Committee members present at the meeting may vote. Seven Committee members shall constitute a quorum. If a quorum is not present, the meeting and subsequent vote shall be continued until a quorum can be convened.

A simple majority will determine the Committee's position. After a decision is reached, the Chair will restate the decision for the record.

#### **12. Notice of Decisions:**

The President and Chair shall decide if the Committee's decision requires ratification by a majority vote of the membership of the Community Council.

Within five days of the Committee's decision, the Chair shall cause written (by mail or email) notice of the decision to be sent to the applicant and the EFCC listserv, and shall post the decision on the EFCC website. The Committee also may ask for a continuance. The Chair shall do whatever is necessary to implement the Committee's decision including, but not limited to, informing the applicable governmental entity in writing of the decision ensuring, to the extent possible, that the decision is incorporated in the authority's decision or ruling, and executing agreements with the applicant.

#### **13. Protection of Community Interests:**

In order to protect the Community's interests, it is incumbent upon the Committee to see that applicants adhere to its decisions when they are reflected in the decisions of

governmental authorities and/or in agreements with applicants.

Whenever the Committee becomes aware of an apparent zoning or other land use violation, it shall assist an affected community member as appropriate by, among other things, assisting in the filing a complaint or filing a complaint itself. The Committee, as appropriate, also shall assist in following up on action on the complaint.

**Adopted by vote of the EFCC Zoning Committee, March 9, 2009**

Tom Sauerman, Chair, EFCC 1<sup>st</sup> VP;

Adam Carangi, EFCC President;

Greg Curci, EFCC 2nd VP;

Zoning Committee Members: Jim Deasy, Sharon Jaffe, Ed Delisle, George Grigonis, Bill Epstein, Meg Greenfield, Chris McCabe and Lloyd Russow

**Amended and adopted by vote of the EFCC Zoning Committee, Dec. 16, 2015**

William Epstein, EFCC President

Todd Baylson, Chair, EFCC 1st VP

Zoning Committee Members: Paul Ella, Michelle Kleschick, Jen Arnoldi, LB Young, JD May and Chris Rooney