

MEMORANDUM

To: William Webb, Swarthmore Borough
Swarthmore Borough Council

From: Adam Tecza, FHI Studio

Date: 3/13/2023

RE: Town Center Zoning – Preliminary Findings

BACKGROUND

The Borough of Swarthmore hired FHI Studio to review Chapter 1256 Town Center (TC) of the Zoning Ordinance and to supply a revised version of the Chapter. The first step in that process is a review of previous plans and the zoning ordinance. This memorandum summarizes those findings. The memorandum covers the following topics:

- Summary of the history of planning, zoning, and historic district study
- Historic buildings and district
- Analysis of current ordinance language
- Public engagement
- Next Steps and Timeline

SUMMARY OF PREVIOUS PLANS, ZONING, AND HISTORIC DISTRICT STUDIES

The following summarizes the various planning documents, zoning changes, and historic district studies that lead to the current zoning ordinance. The review is intended to provide insights into how the ordinance evolved, what issues it was intended to address, and the goals it was designed to achieve. The following documents were reviewed:

- 1976 BA Zone
- 1985 Compressive Plan
- 1999 Town Center Revitalization Study
- 2001 Historic Resource Survey
- 2002 TC NRE Form
- 2006 Multi-Municipal Comprehensive Plan
- 2003 Community Design Collaboration Co-Op Project*
- 2011 Town Center Zoning Changes
- 2015 Aging in Place Task Force Report

- 2021 Affordability Task Force Ordinance
- 2022 Historic Preservation Task Force Ordinance
- 2022 Demolition Section Amendment
- 2022 Placemaking, Traffic, and Parking Study
- 2022 Swarthmore Development and Affordability Task Force Report Draft

1976 BA Zone

- Permitted multi-family and commercial uses by right.
- 60% lot coverage
- 3 stories or 35 feet with FAR of 2
- No design standards or demolition restrictions

1985 Comp Plan

The 1985 Comprehensive Plan was detailed and developed specifically for Swarthmore. It included a section specifically dedicated to the Business District.

General Issues

- Population loss, and fewer families/school-aged children
- The population was aging and wasn't being replaced.
- A desire for more local retailers in the Town Center.

Town Center

- Value
 - o "The Business District provides shopping opportunities for people who are unable to drive to neighboring retail centers as well as a convenience for those preparing local shopping."
 - o "A health business district should provide some job opportunities for youth and others looking for local employment."
 - o Provides a geographic focal point for community activities of the town and a natural meeting place for residents.
- Issues
 - o Competition with surrounding malls and "mini-malls" (shopping centers)
 - o Conversion of retail to service facilities (offices) which places higher demand on parking and provides fewer retailing opportunities.
 - o Merchants want abundant free parking. The borough council needs income. "Except for peak shopping times and periods of poor weather, this may be a problem that is perceived rather than real."
- Recommendations
 - o Identified parking opportunities.

- Improve landscaping to make sitting spaces in the business district and promote a “focal point.”
- Consider allowing the sale of liquor.
- Creation of a “Task Force” to address the issues.

1999 Swarthmore Town Center Revitalization Study

The 1999 Study was developed by consultants (Urban Partners and KSK) and lead by the Town Center Revitalization Task Force. The Task Force was different than the one recommended in the 1985 Comprehensive Plan.

Engagement

- The consultant team received “significant input from the Swarthmore community” about the Town Center. (public meetings, open houses, 20 focus group sessions, merchant and property owner interviews, borough-wide survey). 900 people participated.

Key Issues

- The condition of retail spaces and physical size were seen as a challenge for maintaining existing retailers and supporting further retail expansion. Convenience and community-serving businesses needed larger spaces to operate.
- Lots of competition for larger chain retailers.
- The base of retailers does not provide relevant merchandise or operate at the late hours necessary to attract Swarthmore College students.
- Infrastructure was poorly maintained, and public open space was limited.
- Inadequate parking resources.
- Affection for the small-town flavor of the Swarthmore and enjoy a mix of residential and commercial uses in the Town Center.
- Commercial spaces provide limited tax base support because of the small store footprint.

Relevant Recommendations

1. Reconstruct Swarthmore Co-Op
2. Promote Development west of S. Chester Road / Inn at Swarthmore
3. Construct Elderly Living Facility
4. Encouraged the development of design guidelines to assure all new development is consistent in scale and height with existing structures and consistent in character with established village fabric.

2001 Historic Resources Survey

- Written by the County.
- Well-documented narrative of the history of the historic core of the Town Center
- Includes building-by-build descriptions and the history of several sites in the business district.

- Recommended districts worthy of National Register Status. The Town Center was not identified in this list.
- Identified several buildings outside of the proposed districts but in the Town Center that could be worthy of the National Register
 - o Michaels Corner
 - o Swarthmore Train Station
 - o Shirer Building
- Recommended for Town Center
 - o Creating a local historic district for the Town Center
 - o Create standards that would guide scale, setbacks, design, placement, and use.
 - o "Create a relaxed Act 167 local historic district ordinance." (Emphasis original to text)
 - Protect against "development intrusions" but loose on regulating each and every building within the district.
 - Emphasize overall character, not specific materials, and design standards.
 - o Study not adopted as part of Comprehensive Plan, as recommended.

2005 BA Zone Update

- Regulations
 - o Five stories or fifty-five feet as a conditional use. (new)
 - o Permitted multi-family and commercial uses by right (no change)
 - o FAR of 2 (no change)
 - o 60% lot coverage (no change)
- Background
 - o Media Borough was having a renaissance.
 - o Continued competition from malls.
 - o Internet retailing was a concern.

2006 Multi-Municipal Comprehensive Plan

- The document was largely a housekeeping effort.
- No recommendations for the Town Center.
- No articulated vision for the Town Center.

2003 Community Design Collaborative Co-Op Project

- Lead to the relocation of the co-op.
- New street built.

2013 Change of BA to Town Center Zoning

- Multi-family is restricted to existing structures and above the ground floor.

- Mixed-use permitted (but not clear if it includes residential)
- FAR increased to 2.5
- Maximum lot coverage increased to 100%
- Demolition standards (new)
- Minimum height established (2 stories / 26 feet)
- Introduction of incentives
 - o Increase in heights (5 stories / 65 feet) if 10-foot stepback of façade above 35 feet/
 - o FAR increased to 4 if 50% of parking is below grade, enclosed, and non-visible from the street.
- Design Standards (new)

2015 Aging-In-Place Task Force Report

- There is not enough diverse, accessible, and affordable housing in Swarthmore to house those who want to age in place here.
- With increasing numbers of baby boomers, the unmet needs of those over age 65 will accelerate the current trend of having to leave Swarthmore rather than remain in the community, as the majority wish to do.
- Encourage the creation of a range of affordable housing options near Downtown.
- Provide opportunities for diverse housing options throughout Swarthmore.
- Provide a new overlay zone within about ½-mile of the train station to allow new housing types such as townhomes, large home-to-condominium conversions, or multi-family dwellings.
- Support revisions to the Subdivision and Land Development Ordinance to facilitate mixed-use development close to transit, as well as reconfiguring lots to promote housing options, including cottage cluster housing.

2022 Historic Preservation Task Force

- Examine historic district designation.
- Recommendation on protections.
- Pros/Cons of historic designation.
- How to promote the value of historic structures and resources.
- Education.
- Recommendations on ordinances, rules, and policies.

2022 Demolition Section Amendment

The 2022 Amendment to Chapter 156.06 “Demolition” established the following criteria for whether to permit the demolition of a building of historic value:

- The effect that the demolition will have on the historical significance and architectural integrity of the resource itself and neighboring historic resources.
- If the applicant has demonstrated they have considered all alternates to demolition.
- The economic feasibility of adaptive reuse of the historic resource proposed for demolition.
- Whether there are reasonable alternatives to demolition of the resource.
- Whether retention of the historic resource would represent an unreasonable economic hardship for the developer.

Ongoing Task Force Work

The Borough has two tasks forces that are undertaking work related to amendments to the Town Center Zoning: the Historic Preservation Task Force (HPTF) and the Development and Affordability Task Force (DATF). Members of both of those groups sit on the Technical Advisory Committee for this project. Based on a summary presentation of this memo, they have made the following requests.

Historic Preservation Task Force

The DATF requested some or all of the following be considered for inclusion in revisions to the Zoning Code:

- ACT 167.
- Municipalities Planning Code based historic preservation provisions.
- The proposed historic district boundary.
- Form-based zoning.
- Design guidelines with graphics.
- National Register of Historic Places - Historic District.

The Task Force also conducted a survey that was shared with FHI Studio. Information from that survey will be taken into consideration during the zone update process.

Development and Affordability Task Force (DATF)

The DATF shared its DRAFT recommendations with FHI Studio. They included two recommendations:

- Changes to the Zoning code to permit accessory dwelling units (ADUs)
- Creating a Master Plan for Swarthmore Town Center that identifies desity bonuses that would permit inclusion of income-qualified units or payments to support affordability. The plan recommends, as a starting point, a 20% unit set aside or 5% of construction costs.

KEY TAKEAWAYS FROM PREVIUS WORK REVIEW

- Town Center retail has struggled to compete since at least 1985.
- The Town Center could better serve the community by providing more everyday retail, opportunities for aging in place, more community gathering spaces, and a more attractive public realm.

- The 2005 and 2011 zoning changes that increased allowable densities were the result of long-term efforts to encourage more vibrancy in the Town Center and achieve community-identified goals.
- The unifying architectural elements in the Town Center can best be described as traditional transit-oriented development. This includes elements such as ground-floor retail, upper-floor residential, moderate rhythm of storefronts, and being primarily pedestrian-oriented, among others.
- Buildings differ in their contribution to the historic character of the area, but there is no distinction made in the ordinance, historic studies, or comprehensive plan about how to treat different types of historic resources.
- The planning documents provide no direction on how the historic district should evolve (or not) over time.
- There are many goals for the Town Center which include:
 - Stimulate retail activity.
 - Promote housing options/
 - Promote affordable housing.
 - Support aging-in-place.
 - Address parking concerns.
 - Increase commercial tax base.
 - Encourage upgrades of buildings and the public realm.
 - Support the environment / good environmental stewardship.
 - Maintaining the overall feel of the Town Center by promoting context-sensitive design.

HISTORIC BUILDINGS IN THE TOWN CENTER

The following summarizes FHI Studio's findings from a review of previous planning documents, site visits, and an interview with the County Planning Department staff. The summary is intended to be preliminary.

There is no predominant style: Although many buildings of historic value date from the late 19th and early 20th centuries, there is no predominant architectural style in the Town Center.

The is a lot of iterative/layered development: The Town Center does not have buildings from a single identified time period. It has evolved and development has been layered into the fabric. Not only have individual sites been redeveloped (often several times over) buildings have been modified to meet the needs of the times. As a result, there is no predominant style (see above) and many of the buildings include multiple architectural styles, building materials, and/or forms from different eras.

The is a notable distinction between “architect-designed” buildings and others: The Town Center is home to several buildings which were designed by named architects. The quality and craftsmanship of these buildings distinguish them from others that date from similar periods.

The historic quality is in the form, not the style: The historic value of the Town Center largely rests in the pattern or form of development, rather than in any one building. The pattern has several features, including:

- Having a relationship with the train station and transit commuting
- Street-facing facades
- Ground-floor retail
- Upper-floor residential
- A rhythm of shopfronts measuring 15' – 40' in width
- Being primarily pedestrian-oriented
- Having a solid and consistent street wall with limited breaks
- Generally being 2.5 stories in height but extending to 3 stores.

The value of the form means that otherwise unremarkable buildings are contributing, and leaves open the potential for new construction to do the same: Several properties would not be considered contributing to the historic quality of a district on their own merits. However, because they conform to the form of the area, they contribute. This demonstrates that buildings can contribute to the district without being of any particular historic value themselves.

The historic buildings were not subject to Zoning: Many of the buildings in the Town Center were not built under any zoning regulation (first adopted nationally in 1929) but instead were built to serve the economic needs of the times and were limited by the technology available at the time.

ISSUES WITH ZONING ORDINANCE

1256.02 – Permitted Use

It is unclear if new residential uses are not permitted by right, even in a mixed-use development.

The ordinance permits “Dwelling, multi-family dwelling/apartment/residential condominium” in the list of permitted uses if they existed as of the enactment date of the chapter and do not occur adjacent to the sidewalk and on the ground floor of buildings unless the front of the building is setback ten feet or more from the property line. *Section 1256.02(a)(14)*. However, the following section (1256.02(a)(15)) indicates that “Mixed-use development involving any of the above-permitted uses” is permitted by right. A review of previous ordinances, Comprehensive Plans, and the Town Center Revitalization Strategy all indicate that residential units should be permitted as part of mixed-use development. If this is the case, the list of uses should be updated.

1256.03 – Dimensional Standards

The setback above 35 feet is diminished by the 65-foot building height.

Stepbacks serve three purposes:

1. Maintain a consistent roofline along a series of buildings. The current provision achieves that goal.
2. To reduce the amount of bulk that sits at the front of the building. The current provisions achieve that goal.
3. To hide a portion of the top of the building from view from the street, giving the appearance of a shorter building from the street. The current provisions do not achieve this goal because 30 feet of the building is permitted to extend above the setback, so none of it is hidden.

The bulk incentives are exclusively targeted at parking, which may not align with community goals.

The ordinance provides an increase in FAR from 2.5 to 4 if, "If the new building is mixed-use, combining residential with non-residential uses, and at least fifty percent of the required parking is below grade or provided in an enclosed garage not visible from any street on which the façade fronts." *Section 1256.03(c)(3)*. The Permitted Use section (1256.02) already requires mixed-use development for the inclusion of residential, which is the only building type likely to exceed 2 stories. As such, the only thing that a developer is required to do to get the additional FAR is to meet certain parking requirements. The Purpose section of the Town Center District (1256.01) identifies several other priorities which are not incentivized.

1256.04 – Design Standards

The design standards include subjective language that is difficult to evaluate.

The design standards include standards that are difficult to evaluate. The following is a sample of language, with the appropriate subjective text underlined:

- The main façade of buildings shall be designed to emphasize entryways, windows, corners, and vertical elements of the building façade, as well as other special features. *Section 1256.04(b)(1)*
- The architectural design of buildings should complement the scale and proportion of surrounding buildings, celebrate innovative design, and be varied in context. *Section 1256.04(e)*
- All new building facades shall be built to the scale of other buildings on the street. *Section 1256.04(c)(1)*
- When buildings are located on street corners, primary entrances shall be located on the corner with an appropriate building articulation. *Section 1256.04(d)(2)*
- Windows and doors [shall be] complementary in design to existing properties in the Town Center District. *Section 1256.04(e)(1)A.*

The are no examples of what meets the subjective criteria.

Where communities have used more subjective criteria, they often include examples of elements to help evaluate applications. The Town Center ordinance does not include any examples.

The design standards do include some objective criteria.

The objective criteria include standards regarding the percentage of the ground floor which should be clear windows and doors. *Section 1256.04(e)* The section on roofs also includes some objective criteria.

1256.05 – Other Requirements

The requirements often include subjective language that is difficult to evaluate.

Similar to the design standards, the other requirements are often subjective. For example, Section 1256.05(b) indicates that when there is no existing streetscape along a frontage, the streetscape shall relate to the streetscape along the other frontages of the property. There are no standards, however, for the frequency of street lighting, street amenities, sidewalks, paver strips, or the like.

1256.06 - Demolition

It is not easy or clear how to determine what properties have Historic Value in the Town Center.

The Ordinance identifies a building as having historic value if it meets one of four criteria (see 1240.05(63)). One of those criteria is if it is, “identified in the most updated version of the Borough of Swarthmore Historic Resources Survey.” The Survey does not have a section that includes “identified” properties.

Supplemental documentation (Historic Resource Survey Forms) only provides descriptions of the physical building and its history. Neither the forms nor the survey passes judgment on value and the extent to which buildings contribute to the historic character of the Town Center.

The Demolition section (1256.06) does not provide clear direction on how to evaluate whether a demolition permit should be issued.

The section includes language that is subjective and difficult to evaluate. For example, subsection (a)(2) notes that “demolition of the building will not have a *substantial negative effect* on the character of the Town Center.” (Emphasis added) There are no objective criteria for determining what constitutes a substantial negative impact.

There is no clear direction on what constitutes contributing vs non-contributing buildings in the Village Center.

The Swarthmore Historic Resources Survey identifies a historic district in the Town Center. However, there is no clear direction in that survey or the ordinance regarding what should be considered contributing to that character and what is not. As a result, it makes it difficult to determine what would have a “substantial negative effect on the charter of the Town Center.” Section 156.06(a)(2). Among other competing definitions of historic, one could include one or all of the following criteria:

- Old buildings.

- Well-designed buildings.
- Buildings that remain intact/have not been substantially modified.
- Buildings that have a certain form.

The “additional considerations” adopted in 2022 to the Demolition Section do not have a clear relationship to the criteria established in 1256.06(a).

Section 156.06(a) requires that a permit only be issued if one of two criteria is met. It is not clear how or when the “additional considerations” should be taken. For example, should they be considered only if the demolition of a building is determined to have a “substantial negative effect” on the character of the Town Center? Or should those criteria be considered even if the demolition will have no substantial negative effect?

Comprehensive Plan

The current Comprehensive Plan provides no vision for the Town Center, making it difficult to evaluate whether a conditional use is consistent with it.

Unlike previous Comprehensive Plans, the most recently adopted one does not articulate a vision or goals for the Town Center. As such, it is difficult to determine whether a project is consistent with the Town’s vision for the area. This is problematic because the Demolition Section states that the permit shall be approved “in accordance with conditional use application procedures outlined in Section 1264.11.”

It is not clear if the Town Center Revitalization Strategy remains part of the Comprehensive Plan.

The Town Center Revitalization Strategy was adopted as part of the Comprehensive Plan. However, it was not included in the 2006 Multi-Municipal Comprehensive Plan. As such, it is not clear if that plan provides a legal foundation for evaluating a project as part of a conditional use application.

PHASE 2 - PUBLIC ENGAGEMENT

FHI Studio is scoped to do one public engagement session in the second phase of the project (an additional session is scheduled for the third phase).

Format

After discussions with the Technical Advisory Committee (TAC), we recommend that the format be an open house at an accessible location on a weekday evening. April 11th was chosen because it avoids school spring break and easter vacations.

An email will be provided that will allow anyone to submit comments who otherwise cannot attend the meetings.

Promotion

The following strategies have been identified to promote the project:

- The Borough will put a dedicated tab on the website to host key details.
- Borough's staff is working with FHI Studio to develop a robust email list to distribute information about the meeting.
- The TAC members have agreed to distribute information about the open house to their respective associates and organizations. They will also share information about the meeting on social media.
- FHI Studio will be developing a flyer and a poster that the Borough can print and distribute locally.

Every Door Direct Mailer

Through the kick-off of the project, it has become clear that there is a desire to ensure that all residents of Swarthmore have an opportunity to know about the project and participate in it. There is some concern that the above-mentioned promotional activities, while good, will not reach every resident.

To that end, FHI Studio has proposed and gained support from the TAC and Borough Council for the creation of an Every Door Direct Mailer (EDDM) that would go to every residential address in the Borough. The mailer will include a "Save the Date" and a short QR Code survey. This would provide the Borough reasonable confidence that most residents were made aware of the project and that those who could not attend could provide input through a digital survey.

NEXT STEPS

The following provides a top-level overview of the next steps for the project and timeline for completion.

March	Memorandum published and shared with Council
March (late)	Mailer sent
April 11 th	Open House
April (late)	TAC II Meeting
May 1 st or 8 th	Council (Engagement Summary & Code Framework)
May – Jun	Code Development
July	TAC III Meeting
Aug	Council receives draft code.