

**West Chester Neighborhood Consortium  
Presentation to Borough Council Work Session**

Dianne Herrin March 20,2007

As you know, the neighborhood associations support the HARB recommendation for 45/60. And as you know, we did not come by this recommendation lightly. We performed extensive independent research. I refer you to our paper, which makes an informed case based on the published literature, for keeping heights down. It shows that preservation of historic character and integrity, and quality of life in the New Economy, are essential economic assets. To be sure, people can hold up examples of large cities that may appear to be contrary to these findings, like Berkley and Pittsburgh, but a close read of this paper shows that it is written for West Chester, and about West Chester, and about smaller historic places like West Chester, and not large cities. It shows that in towns like ours, allowing building heights that do not respect the existing fabric or the relatively narrow street design threatens both quality of life and historic character and integrity.

We would also like to submit for your consideration a new report prepared by Ellen Zadoff summarizing the results of the neighborhood height meetings that individual council members held some time ago (Exhibit A). It shows that, across the board, the majority of residents want heights under 75 feet. As you know, we also have more than 500 petitions in support of 45/60.

We realize this has been a trying process for everyone, and that includes us. We have taken time away from our families and our jobs to work on this issue. That's how important it is to us. And we appreciate the commitment of Council, especially the members of PZBID.

We'd like to make a few points:

1. 90 feet is not a compromise. While the BID has a height overlay discussion paper on its website that says "If the 180 foot height option zone is to be revised, it should be no less than 135 feet," the first proposal on the table was the Blue Ribbon proposal for 90 feet. The second proposal was HARB's, at 45/60. The third was ours, also at 45/60. The fourth is Carolyn's latest plan, at 45/75. 90 feet is not a compromise.
2. A 90-foot plan does not fully consider the purpose of zoning. Zoning is not supposed to be a means for securing revenue. According to the PA Municipal Planning code (see Exhibit B): "Zoning provisions shall be designed to protect public health, safety, and welfare; promote coordinated development; provide adequate transportation, community facilities, recreation, and schools; preserve natural, historic, and agricultural resources; prevent blight, traffic congestion, and damage from fire, flood, and other dangers; provide for all types of housing; and accommodate reasonable growth." Zoning is supposed to be a balance

between all these things. In addition, Act 68 extended the purpose of zoning to allow for the protection of environmental and historic areas, and Act 67 expanded the scope of municipal comprehensive plans by allowing them to not only designate appropriate growth areas, but to plan for conservation of “natural, scenic, historic and aesthetic resources.” This gives townships the power to carefully designate important resources that should be conserved and ensure that future growth respects these resources. Nowhere in here does it say that government leaders can zone to gain revenue, or that revenue can be used as a standard or measure to control zoning. The primary purpose is protection. We question the idea of allowing revenue to drive this decision.

3. 90 feet is not a revenue raiser. It has been suggested that 90 feet will prevent council from having to raise taxes, and that it will help retail. We think it's time to question these assumptions. If you look at Exhibit C, you'll see that the maximum potential revenue difference between 60 and 90 is negligible and will not alleviate our revenue challenges. The maximum potential difference between 75 and 90 is even smaller. These figures are from Ray Ott's buildout analysis, who is working with Stan on the hotel proposal, and it considers the costs to the Borough, using Ray's estimate that these costs will total 25% to 50% of revenues. Importantly, these figures do not account for the less directly measurable costs that the zoning code says must be considered; such as blight resulting from empty spaces and traffic congestion.
4. There are other, more positive and effective ways to raise non-tax revenue. That is, revenue without height is very possible. As you can see from Exhibit D, we use the City of York, Pennsylvania, as an example. In the City of York, PA, (pop 40K), a county seat where 27% of properties are tax-exempt, the Mayor has undertaken several non-tax initiatives that are raising about \$3/4-million in revenue. They include:
  - a- The city's "Fair Share" initiative (<http://www.yorkcity.org/gov/mayor/fairshare.htm>) asks nonprofit, governmental and religious entities to contribute to the city 50% of what their real estate taxes would be were they not tax exempt. According to the mayor: "Twenty seven percent of the total value of our properties in our city are tax exempt, and so this initiative is critical to enabling us to continue to provide quality public services to all workers, clients, and parishioners who utilize our city." In 2003, this non-tax revenue stream generated \$462,309. In 2004, the Fair Share goal almost reached \$600,000. Their County Commissioners are helping make the case – in person – to the town's tax exempt entities.
  - b- The city matches businesses, churches, and non-profits with their 24 city parks through an Angels of the Park Program. Sponsors include Starbucks, Church of Latter Day Saints, York Young Professionals,

Shadowfax, Urban Boy Scouts, East End Neighborhood Association, Walmart and Lowes.

- c- The city just proposed a new initiative called the "Downtown Collaborative: 2007-2010," which aims to add a downtown beat and a bike patrol of 5 police officers through a partnership between the BID, government, nonprofits and other authorities. Their County Commissioners already pledged \$33,000 to support the initiative in 2007 and the City is expecting an additional \$50,000 from the City General Authority.
- d- "332" Fund. The city raised \$113,000 from citizens through its 2003 "Happy Meal" campaign, whereby they ask citizens to donate the cost of a happy meal to the fund, which was earmarked for police and fire and rescue services. (<http://www.yorkcity.org/gov/mayor/332Fund.htm>)

This is just one city, one example. The Borough of State College levies an "in lieu of tax" fee on Penn State University. Boston gets tax-exempt institutions to pay part of the taxable value of properties they buy that were formerly on the tax rolls. The Pittsburgh Public Service Fund has received a promise of \$13.2 million in contributions from 102 tax-exempt groups as a way to pay for municipal services, given that it has many non-profit, non revenue-generating properties (hospitals, university) there. And here in West Chester, we have already started down a path to raise non-tax revenue with the liquor tax effort, the potential to work with the University on a student surcharge, and an Ad-Hoc Revenue Committee.

Finally, we'd like to point out that there is a difference in perspective between the developers and the residents. They—and there are only three or four of them—talk about their individual projects. And while we certainly don't begrudge them of that, because we feel we must all work in partnership, we, the Neighborhood Consortium, who represent the majority of residents, talk about the town as a whole. We, too, have invested incredible time and personal resources into this issue because we want what is best for the town as a whole, not what is best for those who serve to gain financially from a single project in isolation. We will not walk away from this with any money. What we do want is to walk away from this with more confidence that our town will prosper in the long term, for *everyone*. And that includes developers who live here, but it includes us, too.

In this vein, the majority of our members come prepared tonight to support Carolyn's 75-foot compromise proposal, but we urge Council to write into the ordinance that no historic contributing resource located within the Height Overlay District may be demolished, either by permit or by neglect. This is important because the overlay district is larger than the HARB boundary. Our specific recommendation is that the definition of what a contributing resource is should be

based on the National Register definition and should be in the ordinance both in writing and delineated on a map. Jane Dorchester will be happy to work with Ray Ott to update, clarify, and edit the Historic Resources Map which he has started.

We think Carolyn has done an incredible amount of work and shown that 75 feet is a compromise that meets the criteria of the state municipal standards for zoning. Finally, we ask Council to make a decision that is balanced, correct and based on what is best for everyone, and not based on a small amount of revenue that can be obtained in other creative and more positive ways. We absolutely believe that going to 90 feet will compromise the economic potential of this town by damaging quality of life and historic integrity. We do not want Council to vote for an ordinance and look back 3 to 4 years from now to see that it was a mistake, that buildings are going down, or that buildings are going up too high, or that there is an even greater glut of empty space. Right now, we have office spaces and 22 retail units empty. We believe a 90-foot plan can contribute to economic downturn in the future.

We stand at the ready to support Carolyn's plan well into the future. We ask for a fair and balanced solution so we may move forward together to address the many other issues that we face.