Meeting Agenda
State College Borough Planning Commission
January 4, 2017
Room 304 / Noon

I. **Call To Order**

II. **Roll Call**

III. **Approval Of Minutes**

IV. **Election Of Officers**

V. **Chair Report**

VI. **Public Hour - Hearing Of Citizens**

VII. **Land Development Plans**

VIII. **Community Planning**

IX. **Official Reports And Correspondence**

X. **Upcoming Meetings**

XI. **Adjournment**

Documents:

Planning Commission - January 4, 2017.pdf

Meeting Agenda
State College Borough Planning Commission
January 4, 2017
Room 304 / Noon

I. Call to Order

II. Roll Call

Michael Roeckel
Anita Genger
Zoe Boniface
Charles Dumas
Scott Dutt
Jon Eich
Richard Kalin

III. Approval of Minutes

IV. Election of Officers

V. Chair Report

VI. Public Hour - Hearing of Citizens

VII. Land Development Plan - none

VIII. Community Planning

A. Amendment to the Signature Development Project Conditional Use Provisions in the Commercial Incentive District

During the December 19, 2016 Borough Council meeting, it was announced that Council would like to alter the location where the non-owner occupied provisions can be applied in the signature development project area.

The Planning Commission is asked to consider this alteration and provide a recommendation to Council.

Attached to this agenda on pages 3-6 is the information Council received during their December 19 meeting.

Planning Commission Action: Review information and develop recommendation for Council's consideration.

IX. Official Reports and Correspondence

A. Borough Council (BC)

B. Land Development Plans

C. Staff Updates

X. Upcoming Meetings

Thursday, January 19, 2017 at 7 p.m.

XI. Adjournment

State College Borough Council
Policy Briefing Summary

Date Prepared: December 16, 2016
Prepared By: Planning Staff
Proposed Meeting Date: To Be Determined
Deadline for Action: To Be Determined

I. Request/Issue Needing Council Action

Review the current geographic location of the "non-owner-occupied housing" section of the Signature Development Project overlay in the Commercial Incentive District (CID).

As illustrated by the graphic attached to this memo, the Downtown Master Plan identified three themes that characterize downtown. The plan titled them: 1) *Traditional Downtown*, 2) *Collegiate District* and 3) *West End*. For new development, each area is suggested to have its own land use pattern that mimics and enhances the character and use of the current development. Based on recent review of the themes, Planning staff determined that a conflict exists within the *Traditional Downtown* and the "non owner-occupied housing" section of the Signature Development Project location. Using the Downtown Master Plan document as guidance, the *Traditional Downtown* is to provide for a variety of housing for a variety of demographics and not predominately undergraduate housing. Instead, the plan indicates that the *Collegiate District* (located west of McAllister Alley) is the preferred location for undergraduate housing. The "non owner-occupied housing" section of the ordinance provides significant residential density for market-rate housing. In downtown State College, market-rate housing is predominantly occupied by undergraduate students.

II. Current Policy and/ or Practice The current location of the Signature Development Project is in specific areas of the downtown as noted in the graphic attached to this memo.

The ordinance requires a set of criteria to be met for a Signature Development Project to proceed through a conditional use permit process approved by Borough Council.

The "non-owner-occupied" section of the Signature Development Project allows developments within this overlay to have a residential floor-area ration (FAR) of 5 when the required Conditional Use permit is granted by Borough Council.

III. Other Background Information

The Commercial Incentive District (CID) was enacted in 2005. The original Signature Development project overlay was also enacted in 2005. Since that time Council has made several amendments to the zoning language for the Signature Development project overlay.

On February 11, 2013, Council received a presentation on the proposed redevelopment of properties at the intersection of the South Atherton Street and West College Avenue. The properties were and are zoned Commercial Incentive (CID).

A request made by the owner indicated that amendments would be necessary to the ordinance to accommodate the proposed mix of uses so that future development at this location would be at a density sufficient to justify the costs of the development. Two modifications to the site's current zoning were proposed: 1) increasing the permitted maximum building height and 2) increasing permitted rental residential floor-area ratio (FAR). In simple terms, FAR standards set

the amount of usable square-footage (either residential or non-residential) in a building in relationship to the size of the lot. Council received the request and referred this request to the Planning Commission.

The Planning Commission reviewed this request during five meetings. Borough Council received the amendment request in June of 2013. A draft text amendment was developed that did the following:

- Increased the allowable residential rental FAR from 2.0 to 5.0 and reduced the commercial requirements from 40 percent of the building to 1.0 FAR when certain criteria are met (marketing plan, long term management plan, limit 60% of units to 4 or more bedrooms, limit occupancy to 2-person per bedroom, no more than 5 persons per unit, provide gathering space, access management for building)

- allowed for a taller first floor ceiling height that would not number increase the number of stories

- expand the façade options and include review by the Design Review Board

- limit building height to 12 stories and 145 feet (note a separate ordinance amendment allows for 155 feet in a more limited area of the CID Signature Development Project provisions)

Council held a hearing and then enacted the ordinance in August of 2013. Since that time one project has been developed that assembled three parcels to create the development known as the Metropolitan. It is important to note the boundaries of the Signature Development Project permission were not altered because of this ordinance nor was the requirements that a project is eligible only when the lot is 30,000 square feet or larger. Attached to this information is a map showing where the Signature Development project can occur as long as the criteria is met through the conditional use process.

IV. Financial Impact on Budget

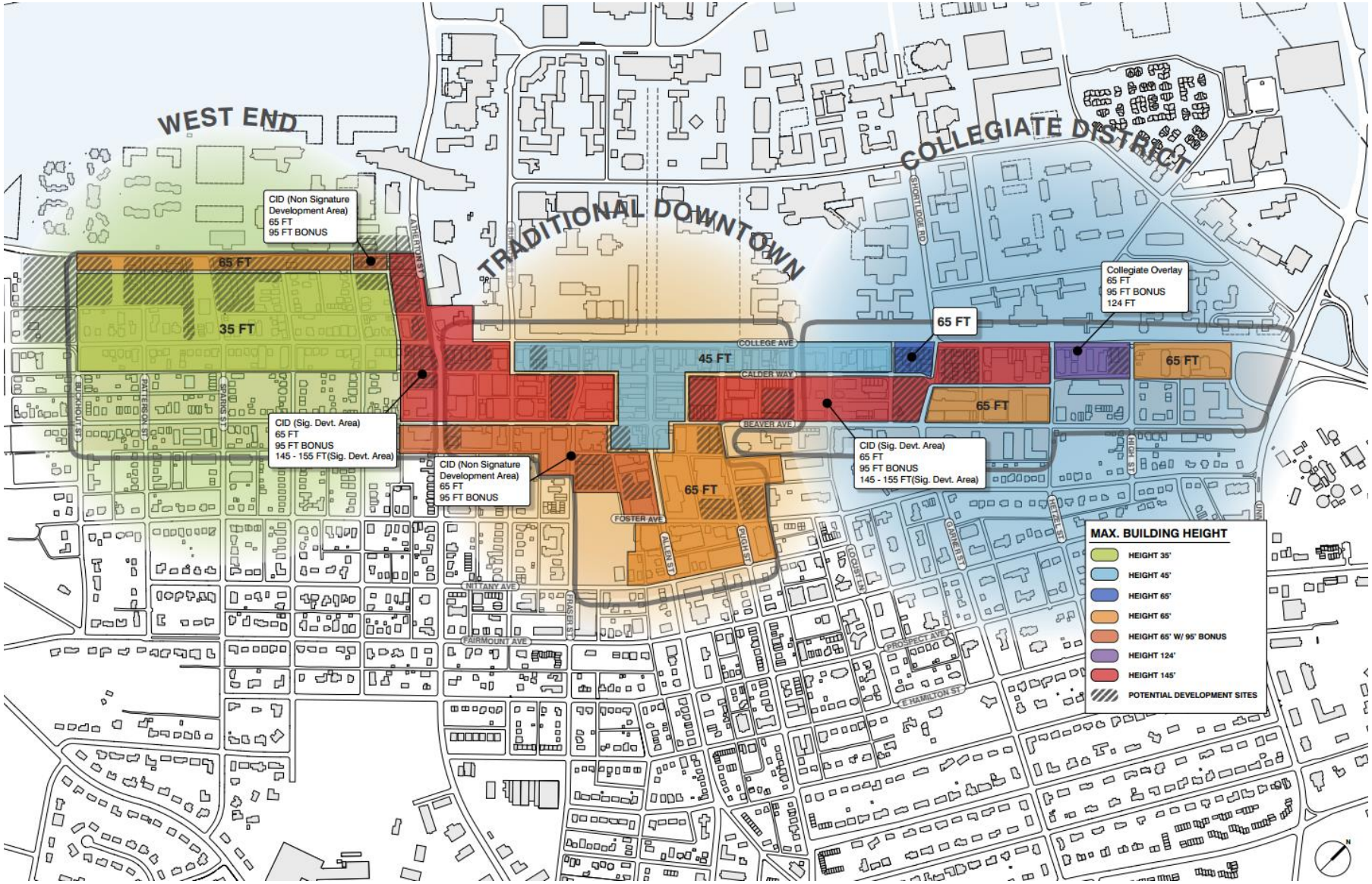
There is no direct financial impact on the budget due to this amendment.

V. Board, Commission or Agency Review

No significant reviews by Planning Commission has occurred to date. Time was spent as part of a 2017 Work Program discussion to review the Downtown Master Plan and the location of the Signature Development Project as a possible item for consideration in 2017. This item will be included in a January 2017 Planning Commission agenda.

VI. Staff Recommendation and Reason

Staff recommends Borough Council consider this information and direct staff on how to proceed. Borough Council may refer this to Planning Commission for their review and recommendation.


WEST END
TRADITIONAL DOWNTOWN
COLLEGIATE DISTRICT
CID (Non Signature Development Area)
65 FT
95 FT BONUS
65 FT
35 FT
CID (Sig. Devt. Area)
65 FT
95 FT BONUS
145 - 155 FT(Sig. Devt. Area)
CID (Non Signature Development Area)
65 FT
95 FT BONUS
45 FT
65 FT
Collegiate Overlay
65 FT
95 FT BONUS
124 FT
65 FT
65 FT
65 FT
CID (Sig. Devt. Area)
65 FT
95 FT BONUS
145 - 155 FT(Sig. Devt. Area)
COLLEGE AVE
CALDER WAY
BEAVER AVE
FOSTER AVE
NITTANY AVE
FAIRMOUNT AVE
PROSPECT AVE
E HAMILTON ST
ATHERTON ST
BUCKNOUT ST
PATTERSON ST
SPARKS ST
SHORTLIDGE RD
HIGH ST
HEETER ST
GAMMER ST
LOGUE LN
ALLEN ST
BUGH ST
STAGER ST
MAX. BUILDING HEIGHT
HEIGHT 35'
HEIGHT 45'
HEIGHT 65'
HEIGHT 65'
HEIGHT 65' W/ 95' BONUS
HEIGHT 124'
HEIGHT 145'
POTENTIAL DEVELOPMENT SITES

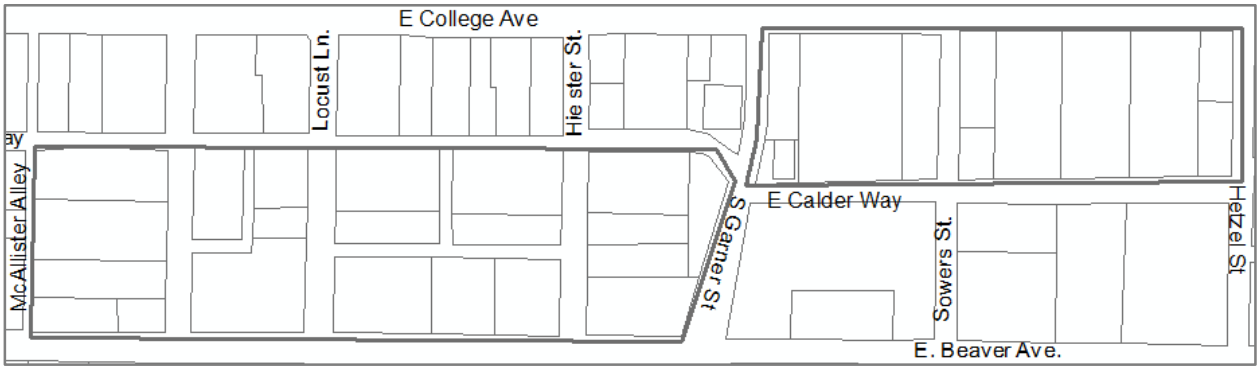
ORDINANCE_____

AMENDING THE STATE COLLEGE BOROUGH ZONING ORDINANCE (CHAPTER XIX OF THE COFICATION OF ODINANCES) BY REDUCING THE AREA PERMITTED FOR NON-OWNER OCCUPIED HOUSING IN THE SIGNATURE DEVELOPMENT PROJECT REQUIREMENTS.

Be it ENACTED AND ORDAINED by the Borough Council of the Borough of State College, and it is hereby Enacted and Ordained by authority of same, as follows:

Section 1. Amend the Codification of Ordinances, Chapter XIX, **Part D, <u>Section 1809.a.(12) Non Owner-occupied housing that is part of the Signature Development Project,</u>** to insert the following description at the beginning of the section and to read as follows:

Applicability. The area permitted for this use is shown in the graphic below followed by a boundary description.



The applicable areas are described by two extents in the Commercial Incentive District. The first area is bounded by parcels in the Commercial Incentive District that are located east of the center line of McAllister Alley, south of the center line of Calder Way, west of the center line of Garner Street and north of the center line of West Beaver Avenue.

The second area is bounded by parcels in the Commercial Incentive District that are located east of the center line of Garner Street, north of the center line of Calder Way, West of the center line of Hetzel Street and south of the center line of East College Avenue.

ENACTED AND ORDAINED this _____ day of _____, 2016

ATTEST: BOROUGH of STATE COLLEGE

_____ By: _____

Sharon K. Ergler
Assistant Borough Secretary

Thomas Daubert
President of Council

EXAMINED AND APPROVED as an Ordinance this _____ day of _____, 2016.

_____

Elizabeth A. Goreham
Mayor

Borough of State College
MEMORANDUM

to: ABC Secretaries and Staff Assistants

from: Ed LeClear

re: Conflict of Interest Policy and Code of Conduct with Regards to HUD Programs

date: November 17, 2016

A Conflict of Interest Policy and Code of Conduct with regards to HUD Programs was adopted by the State College Borough Council in 2005. Elected and appointed officials are to receive a copy of the policy at a regular meeting of their respective council, authority, board or commission annually. Members who are absent should receive a copy by mail.

A copy of the policy is attached. Please include it as an agenda item or as an attachment to the agenda at the first meeting of the ABC in 2017. Also, please be sure to note distribution of the policy in the meeting minutes.

from the desk of... Ed LeClear
Planning Director Borough of
State College ■243 South Allen
Street State College, PA 16SO1
eleclear@statecollegepa.us (814)
234-7109 Fax: (.814) 234-7197

BOROUGH OF STATE COLLEGE

Conflict of Interest Policy and Code of Conduct
With Regards to HUD Programs

SECTION 1

CONFLICTS OF INTEREST

COVERED INDIVIDUALS:
Any employee, agent, officer, elected official, appointed official or consultant of the Borough of State College (Participating Jurisdiction) or; any member of an employee's, agent's, officer's, elected official's or appointed official's immediate family; an employee's, agent's, officer's, elected official's or appointed official's partner; or an organization that employs or is about to employ any of the above.

CONFLICTS PROHIBITED:

No person(s) described in Paragraph 1 of section 1 who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME Investment Partnerships Program (HOME) or Community Development Block Grant (CDBG) or other U.S. Department of Housing and Urban Development (HUD) funds or who is in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a HOME,- CDBG, or other HUD-assisted activity, or has a financial interest in any contract, subcontract, or agreement with respect HOME,- CDBG, or other HUD-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild and in-laws of a covered person. Occupancy of a HOME-assisted unit by a covered person constitutes a financial interest.

EXCEPTIONS:

Threshold Requirements - Upon the written request of the participating jurisdiction, the U.S. Housing and Urban Development (HUD) or its successor, may grant an exception to the provisions of the CONFLICTS PROHIBITED of section 1 on a case-by-case basis when it determines that the exception will serve to further the purpose of the HOME, CDBG or other HUD program and the effective and efficient administration of the Borough's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure* of the conflict and a description of how the public disclosure was made; and
b. An opinion from the Borough's attorney that the interest for which the exception is sought would not violate state or local laws.

*The requirements for public disclosure include publication in a local newspaper or disclosure during an advertised public hearing.

Factors to be considered for Exceptions - In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraphs a. and b. above, HUD, or its successors, will consider the cumulative effect of the following factors, where applicable:

a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be

available;

b. Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiary of the assisted activity, and the exception will permit such person(s) to receive generally the same interests or benefits as are being made available or provided to the group or class;

c. Whether the affected person(s) has withdrawn from his/her functions or responsibilities or the decision-making process with respect to the specific assisted activity in question;

d. Whether the interest or benefit was present before the affected person was in a position as described in the COVERED PERSONS Paragraph of this section

e. Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

f. Any other relevant considerations.

OWNERS AND DEVELOPERS:

No owner, developer or sponsor of a project assisted with HOME, CDBG or other HUD funds (or officer, employee, agent, elected or appointed official or consultant of the owner, developer or sponsor or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of the owner, developer or sponsor) whether private, for-profit or non-profit (including a community development organization (CHDO) when acting as an owner, developer or sponsor) may occupy a HOME, CDBG or other HUD-assisted affordable housing unit in a project during the required period of affordability specified in §92.252(e) or §92.254(a)(4). This provision does not apply to an individual who receives HOME, CDBG or other HUD funds to acquire or rehabilitate his or her principal residence or to an employee or agent to the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

EXCEPTIONS:

Upon written request of a housing owner or developer, the Borough may grant an exception to the provisions of the above paragraph of this section on a case by case basis when it determines that the exception will serve to further the purposes of the HOME, CDBG or other HUD program and the effective and efficient administration of the owner's or developer's HOME, CDBG or another HUD-assisted project. In determining whether to grant a requested exception, the Borough shall consider the following factors:

a. Whether the person receiving the benefit is a member of a group or class of low- income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class:

b. Whether the person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted housing in question:

c. Whether the tenant protection requirements of Sec. 92.253 are being observed;

d. Whether the affirmative marketing requirements of Sec. 92.351 are being observed and followed; and

e. Any other factor relevant to the Borough's determination, including the timing of the requested exception.

<u>SECTION 2</u>

COVERED INDIVIDUALS:

Any employee, officer, or agent of the Borough of State College (Participating Jurisdiction).
PROCUREMENT

The CDBG, HOME and other HUD Programs follow the procurement policy of the Borough of State College located in the Borough of State College Code of Ordinances, Chapter 1, Part N. If any provisions of CFR 24 85.36, 24 CFR 570.611,24 CFR 92.356 are not included or conflict with the Borough's Procurement Policy, the provisions of CFR 24 85.36, 24 CFR 570.611, and 24 CFR 92.356 shall supersede the Borough's Procurement Policy.

No Covered Individuals in section 2 may participate in the selection, award or administration of a contract supported by HOME, CDBG or other HUD Program if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for award:

-employee, agents, or officer of the Borough of State College;
-any member of an employee's, agent's or officer's immediate family;
-an employee's, agent's or officer's partner; or
-an organization that employs or is about to employ any of the above

No employee, officer, or agent of the Borough or sub recipient may solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub agreements.

CODE OF CONDUCT:

Persons covered in section 2, paragraph 1, are expressly forbidden from soliciting or accepting money, gifts, gratuities, services, favors, or anything of monetary value (excepting unsolicited calendars, pens, or other items of nominal value used as an advertising medium) from any person, company, firm, or corporation to which any purchase order or contract is or might be awarded or from a party to any potential subcontract.

The Borough shall also take disciplinary action in accordance with the Borough Personnel Rules and Regulations against any covered persons in section 2 paragraph 1 who violate this conflict of interest policy.

Employees will receive a copy of the conflict of interest policy on an annual basis as a mailer included in a paycheck. Elected and appointed officials will receive a copy of the policy at a regular meeting of their respective council, authority, board or commission. Distribution of the policy will be noted in the minutes of the meeting. Members who are absent will receive a copy by mail. Consultants and agents will be provided a copy of the policy as part of their contracts.

SUB-RECIPIENTS:

Applicable Conflict of Interest and Procurement Policies for the Borough's sub recipients are covered under CFR 24 84.42, 24 CFR 570.611 and CFR 24 92.356. Each sub recipient has developed its own Conflict of Interest Policy and Procurement Policy in accordance with the applicable regulations.

Authorized Official: Ed LeClear, Director of Planning and Community Development 243 S. Allen Street State College, PA 16801 814-234-7109

Adopted by the State College Borough Council on April 18, 2005. Revised by staff on April 30, 2015.