



BOARD OF COMMISSIONERS COMMITTEE
OF THE WHOLE

AGENDA ITEM

October 14, 2021

AGENDA ITEM NUMBER

DATE

Administration

DEPARTMENT

FISCAL IMPACT

Cost > \$10,000

Yes No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes No

AGENDA ITEM:

Preit Petition For Amendment of the Abington Township Zoning Ordinance

EXECUTIVE SUMMARY:

Item 6 in the Petition for Zoning Amendment makes reference to the proposed ordinance being prepared jointly with the Township's Planning Consultant. Relative to Paragraph 6 to the petition, this should in no way be considered as a recommendation or endorsement of the Petition or its contents. Per the request of the previous Ward 5 Commissioner, as well as neighboring Ward Commissioners, the proposed ordinance was reviewed on a staff level.

The Planning Commission at their May 25, 2021 meeting rejected the proposed Zoning Ordinance Text Amendment as offered by PREIT and to have the matter come back before the Planning Commission to discuss in further detail.

PREVIOUS BOARD ACTIONS:

December 10, 2010 - The Committee of the Whole made a motion to move the agenda item to the Board of Commissioners Regular Meeting on January 14, 2021, to approve the next step of the process in sending this matter to the Township Planning Commission.

February 23, 2021 - Planning Commission Meeting - Ms. Strackhouse announced that the PREIT team will be invited back next month to continue discussion.

March 23, 2021 - Planning Commission Meeting - Application continued until the following month.

April 27, 2021 - Planning Commission Meeting - Application continued until the following month.

May 25, 2021 - Planning Commission - Rejected the proposed Text Amendment and will have the matter come back before the Planning Commission.

June 10, 2021- The Committee of the Whole moved the item to the EDC on September 28, 2021.

September 28, 2021 - The EDC requested that PREIT provide further detail as presented by E-Consult Solutions, Inc. including whether there will be any business privilege tax that would benefit the Township as well as any other types of revenue benefiting the Township, and further detail on how expenses were calculated. Also, requested was a comparison of an as-is circumstance vs. the proposed.

RECOMMENDED BOARD ACTIONS:

Consider request of Pennsylvania Real Estate Investment Trust's (PREIT) petition to amend the Township's Zoning Ordinance .

**BEFORE THE BOARD OF COMMISSIONERS OF ABINGTON TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA**

PETITION FOR ZONING AMENDMENT

WG Park, L.P. and WG Park-Anchor B Limited Partnership (hereinafter collectively referred to as “**PREIT**”), by its attorneys, Kaplin Stewart Meloff Reiter & Stein, P.C., hereby submits this Petition for Amendment of the Abington Township Zoning Ordinance (“**Zoning Ordinance**”), and in support thereof avers as follows:

1. PREIT is the legal owner of the property upon which the Willow Grove Park Mall is located (“**Mall Property**”).
2. Pursuant to the current Zoning Ordinance, the Mall Property is located in the BC-Business Center District, Willow Grove Park subdistrict.
3. PREIT seeks to construct a 365 unit apartment building on the eastern side of the Mall Property (“**Proposed Development**”) in accordance with the Concept Plan attached hereto as Exhibit “A”.
4. Under the existing Zoning Ordinance, the Proposed Development is not a permitted use in the BC-Business Center District, Willow Grove Park subdistrict.
5. In order to construct the Proposed Development, PREIT seeks an amendment to Section 2103.H and the comprehensive use matrix in the appendix of the Zoning Ordinance to include a transit-oriented apartment/condominium building as use [h-12], permitted upon conditional use approval in the BC-Business Center District, Willow Grove Park subdistrict. A true and correct copy of a proposed Zoning Amendment (“**Proposed Zoning Amendment**”) is attached hereto as Exhibit “B”.
6. The Proposed Zoning Amendment was prepared jointly by PREIT and the Township’s planning consultant, Michael Narcowich of the Montgomery County Planning

Commission.

Justification for Proposed Zoning Amendment

7. PREIT seeks to construct the Proposed Development to preserve and enhance the future of the Willow Grove Park Mall through the creation of a multi-use destination.

8. Over the course of the past decade, in response to a multitude of changes that have occurred in the retail shopping environment, PREIT has reinvented its mall properties through the introduction of a variety of uses including entertainment venues, extensive dining programs, off-price and value purveyors, fitness centers and others.

9. The ongoing turbulent economic and retail environment has accelerated plans to deliver a mix of uses incorporating living space into the retail environment.

10. The addition of an apartment community to the Mall Property will preserve and enhance tax revenue and jobs, ensure the vitality of this historic focal point within the community and drive traffic within the various businesses by expanding the customer base.

11. Based upon the foregoing, Landowner respectfully requests that the Board of Supervisors adopt the Proposed Zoning Amendment attached hereto and made part hereof as Exhibit "B".

KAPLIN STEWART MELOFF REITER & STEIN, P.C.

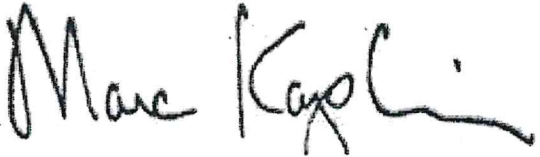
By  _____
MARC B. KAPLIN, ESQUIRE
Attorneys for PREIT

EXHIBIT "A"

EXHIBIT "B"

ORDINANCE NO. _____

ABINGTON TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE ABINGTON TOWNSHIP ZONING ORDINANCE OF 2017, AS AMENDED, TO AMEND SECTION 2103.H AND THE COMPREHENSIVE USE MATRIX IN THE APPENDIX TO INCLUDE A TRANSIT-ORIENTED APARTMENT/CONDOMINIUM BUILDING AS USE [H-12], PERMITTED UPON CONDITIONAL USE APPROVAL.

BE IT ORDAINED AND ENACTED, by the Board of Commissioners of Abington Township, Montgomery County, as follows:

SECTION 1. Zoning Text Amendment. Section 2103.H of the Abington Township Zoning Ordinance of 2017, as heretofore amended, is hereby amended to add the following new use:

Use H-12: Transit Oriented Apartment/Condominium Building. A Transit Oriented Apartment/Condominium Building [Use H-12] is a multifamily residential Apartment/Condominium Building or Buildings, each containing at least three, separate Dwelling Units, arranged in a variety of combinations, including side by side, over and under, or back and forth with another dwelling unit. A Transit Oriented Apartment/Condominium Building or Buildings shall be a permitted use within BC-Business Center District: Willow Grove Park, subject to the Developer/Applicant obtaining conditional use approval for such use in accordance with Section 1806 of the Zoning Ordinance.

SECTION 2. Zoning Text Amendment. The Abington Township Zoning Ordinance of 2017, as heretofore amended, is hereby amended to add the following new Section:

SECTION 1112.

A. **Master Plan.** All properties proposed for development as a Transit Oriented Apartment/Condominium Building [Use H-12] shall be developed in accordance with a master plan that has been approved by the municipal governing body as part of the conditional use approval process.

1. Master plans shall meet the following requirements:
 - a. A master plan shall be prepared when any property, existing at the time of adoption of this ordinance, is initially proposed for subdivision or land development. Subdivided properties that are intended to be developed at a later date shall be subject to this initial master plan.
 - b. Master plans shall meet the conditional use plan requirements in Section 1806 of the Abington Township Zoning Ordinance.

c. Master plans shall demonstrate that land use mix requirements of Figure 11.9 Dimensional Requirements have been met.

d. Master plans shall illustrate a pedestrian network that connects all buildings, parking areas, open space areas, and transit stops on-site, with public streets.

e. The municipal governing body may require, as a condition of the conditional use approval, changes in the master plan in order to meet the legislative intent and other standards of the Business Center District.

2. Development of property may be done in phases; however, any proposed subdivision or land development of a property or portion of a property must be consistent with the master plan. If a proposed subdivision or land development is not consistent with the master plan, the master plan as a whole may be revised, provided the following requirements are met:

a. The master plan complies with all BC Business Center District requirements, including the mix requirements of Figure 11.9 Dimensional Requirements

b. All owners of land within the original Master Plan development area, whose property is affected by the revised master plan, approve the revisions to the master plan that affects their properties. In the event that other property owners are unwilling to participate in the master plan process, the master plan may apply only to the applicant's property.

B. **Intent.** The purpose and intent of this Section is to encourage development and redevelopment of land within 2,500 linear feet of SEPTA's Regional Line Train Stations, to create a pedestrian-friendly environment and encourage walking, bicycling and transit use, and provide an alternative to traditional development by emphasizing mixed use, pedestrian-oriented development; promote a mix of retail and office uses, while allowing community service and higher-density residential uses within walking distance to retail, commercial, office and personal services; promote increased public transit ridership as an alternative to total reliance on the automobile for a variety of trip purposes; provide a range of housing options; create a neighborhood identity that promotes pedestrian activity, human interactions, safety and livability; and encourage development of underused tracts and parcels.

C. **Governing Regulations.** If elected by a Developer/Applicant, and subject to obtaining conditional use approval in accordance with Section 1806 of the Ordinance, an [H-12] Apartment/Condominium Use shall be subject to the regulations, requirements and standards set forth in this Section, and shall be subject to the regulations, requirements and standards of the BC Business Center District and other applicable regulations, requirements and standards set forth in the Ordinance, provided, however, to the extent that a regulation, requirement or standard of the Ordinance is inconsistent with the regulations, requirements and standards set forth in this Section, the regulations, requirements and standards set forth in this Section shall govern and control.

D. **Construction Standards.** All construction shall be governed by the standards contained in the most recent edition of the International Building Code and National Fire Protection standards, as adopted by the state of Pennsylvania. Wood frame construction shall be permitted, provided that it meets all International Building Code and National Fire Protection standards.

E. **Existing Legal Nonconformities.** All existing legal nonconformities on a site proposed for development shall be permitted to remain and shall not be required to be brought into conformity with current ordinance requirements, provided that no new nonconformities are created and the extent of any existing legal nonconformity shall not be increased unless the applicant obtains relief from the Zoning Hearing Board.

F. **Use Regulations: Use H-12:**

1. Qualifying Lot. An [H-12]: Transit-Oriented Apartment/Condominium Building shall be located within 2,500 linear feet of one or more of SEPTA’s Regional Line Train Stations

2. Mixed Use. Retail, commercial office, and other uses permitted in the BC District Apartment/Condominium Building may be located on the first floor, penthouse or rooftop area of a Transit-Oriented Apartment/Condominium Building. If provided on the first floor, the first floor ceiling height must be a minimum of eleven (11) feet.

3. Accessory Uses. Accessory uses for Use [H-12]: Transit-Oriented Apartment/Condominium Building shall include those accessory uses permitted for Use H-1: Apartment/Condominium Building. Accessory uses:

- a. Shall be located on the ground floor, penthouse or rooftop area.
- b. There shall be no entrance to any accessory use located within a building except from inside the apartment/ condominium building.
- c. Other than permitted signs, there shall be no display of merchandise or other manifestation of commercial use visible from the street.

F. **Dimensional Requirements.**

AREA AND BULK REGULATIONS:	
Minimum Mix Requirement	Minimum 20% Retail, Minimum 10% Apartment/Condominium
Maximum Floor Area Ratio (0.80; 1.0 with bonus
Minimum Floor Area Per Dwelling Unit	Not Applicable
Minimum Lot Size	Not Applicable
Minimum Lot Width	Not Applicable
Minimum Lot Depth	Not Applicable

Maximum Impervious Coverage	75%
Minimum Green Area	15%
Minimum Public Open Space	3 acres
BUILD-TO-LINE (BTL) REQUIREMENTS (RESIDENTIAL USES):	
BTL for Public Streets	Minimum: 20 feet Maximum: 75 feet
BTL for Main Access Drives/Private Streets	Minimum: 15 feet Maximum: 40 feet
BTL for Secondary Access Drives	Minimum: 0 feet Maximum 30 feet
SETBACK REGULATIONS:	
Minimum parking lot setback from public street	15 feet from the edge of the legal right-of-way
Minimum building setback from parking	15 feet
BUILDING REGULATIONS:	
Maximum Building Height	85 feet, plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building
Maximum Building Height for Buildings or portions of buildings within 100 feet of an R-1, R-2, R-3 or R-4 residential zoning district	35 feet, plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building
Maximum Building Height for Buildings or portions of buildings within 300 feet of an R-1, R-2, R-3 or R-4 residential zoning district	55 feet, plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building

G. **Public Open Space.** Transit Oriented Apartment/Condominium Buildings shall contain one or more common use areas that will serve as a focal point for the development and provide walkways, seating, and landscaping. Green areas, courtyards, and plazas are encouraged.

H. **Design Standards.**

1. Access Drives. Access Drives and their dimensions shall be designed to provide capacity for on-site traffic. Where new infrastructure meets existing improvements, the proposed improvements may be sized to facilitate the connection to that existing infrastructure.

2. Parking Garages. Cars in parking garages or structures when visible from the public right-of-way shall be screened from the right-of-way (rather than the street) using features such as grills, lattice, mock windows, louvers, or false facades. Sub-Section 1104.C.4 shall not apply to any garage ancillary to Transit Oriented Apartment/Condominium Buildings.

3. Corner Buildings. Sub-Section 1104.C.5.a shall not apply to any Transit Oriented Apartment/Condominium Buildings.

4. Roofs. Paragraph 11.04.C.8.b shall not apply to any Transit Oriented Apartment/Condominium Buildings.

I. **Bonuses.**

Bonus	Bonus Points	Bonus Points or Conditions Required to Qualify
Shared Parking	1	Make parking (min. 8 spaces per acre) available to other BC Business Center District properties through shared parking and easement agreements
Residential Uses Wrapping Parking Garage	1	Residential uses shall be located along at least 25% of garage perimeter.
Greening of parking lot to conform with zoning	4	Retrofitting one-half acre of existing parking lot to add planting islands, planting strips or other stormwater best management practices required by zoning's landscaping chapter.
Enhanced pedestrian	1	300 L.F. of off-site sidewalk and/or crosswalk

connections to Regional Rail Stations, or contribution to escrow account for same		improvements (replacing existing sidewalk with sidewalk and verge conforming to existing zoning) on Moreland Road or Easton Road leading to Willow Grove or Crestmont Regional Rail stations, or to Fitzwatertown Road bus route.
Electric vehicle charging stations	1	Charging stations for three vehicles
Provision of green wall on parking garage	1	For use of native vine species to create green wall facing perimeter street, or if not visible from perimeter street, from a public right-of-way.
Reduced of impervious area	1	For each 1,000 s.f. reduction of impervious area

J. Parking Access and Traffic Control.

1. Access Drives. The dimensions of Access Drives will be determined based upon the volume of traffic, required number of lanes and turning movements required. The final width of such access drives shall be approved by the Township Engineer.
2. Employee Parking. Employee parking spaces for Use [H-12]: Transit-Oriented Apartment/Condominium Building shall be coordinated with the principal use of the building, but such parking spaces shall not be required to be signed or striped differently from other on-site parking spaces.
3. Off-Street Loading Requirements. Loading berths shall not be required for Transit-Oriented Apartment/Condominium Buildings if loading and unloading will only be performed by trucks other than tractor trailers.

SECTION 3. Zoning Text Amendment. Section 2304 of the Abington Township Zoning Ordinance of 2017, as heretofore amended, is hereby amended as follows:

A. **Section 2304.C.33. Use C-34: Shopping Mall or Shopping Center Regional:**
Section 2304.C.33 is amended as follows:

1. By changing “1 parking space for every 220 square feet of gross leasable floor area” to “1 parking space for every 300 square feet of gross leasable floor area”.
2. By adding the following at the end thereof:

{01053702;v1}6

If and to the extent that any parking spaces are intended to be available for any Use in addition to Use C-34, the parking requirements for Use C-34 shall govern and control.

B. **Section 2304.H. Residential Uses:** Section 2304.H is amended by adding the following new paragraph:

- 12. Use [H-12]: Transit Oriented Apartment/Condominium Building: The parking requirements for Use H-2 shall apply. Perpendicular parking stalls in the Transit Oriented Shopping Village (TOSV) Overlay District shall be a minimum of 9 feet by 18 feet; angled parking stalls shall be a minimum of 9 feet by 20 feet; parallel parking stalls shall be a minimum of 8 feet by 22 feet.

SECTION 4. Zoning Text Amendment. The Comprehensive Use Matrix in the Appendix is amended to include a Transit Oriented Apartment/Condominium Building as Use [H-12], as a conditional permitted use within the Willow Grove Park area of the BC-Business District.

SECTION 5. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 6. Effective Date. This Ordinance shall become effective five (5) days from enactment.

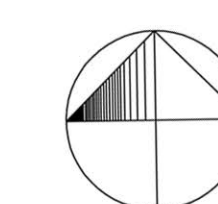
ORDAINED AND ENACTED by the Board of Commissioners of Abington Township on this day of _____, 2020.

Attest:

ABINGTON TOWNSHIP
BOARD OF COMMISSIONERS

, Secretary

, President





TOWNSHIP OF ABINGTON

Office of the Fire Marshal

John L. Spiegelman, *Board President*
 Thomas Hecker, *Board Vice President*
 Richard J. Manfredi, *Township Manager*
 John Rohrer, *Fire Marshal*

January 21, 2021

Re: Preitt submission of Zoning Amendments

Richard J. Manfredi
 Township Manager

Reviewing the proposed amendments to the 2017 Zoning Ordinance submitted by Preitt for the possible development of an apartment complex on the mall property, I provide the following comments for your review and consideration by the Planning Committee.

Abington Township has had a long standing Construction Type restriction in our Zoning Ordinance which was recently carried into the latest version of the Zoning Ordinance adopted in 2017. Ordinance 1753 established the minimum construction in certain districts throughout the Township and is part of the Township Code under Section 602 (below).

Section 602.0 shall provide as follows:

602.0 Construction requirements: All construction within areas of the township designated as "Town Commercial," "Special Commercial," "Planned Business," "Apartment-Office," "Community Service," "Mixed Use" and "Suburban Industrial" of the Zoning Ordinance of the Township of Abington, Ordinance No. 1753, as the same may be amended from time to time, shall conform to the requirements of Type 1, Protected (1A or 1B) or Type 2, Protected (1A or 1B) construction as set forth in Table 602. Type 3, Type 4 and Type 5 construction shall be prohibited within the aforesaid districts.

The current Zoning Ordinance has carried these requirements forward as is listed under Section 103 d.

SECTION 103. INTERPRETATION

D. It is the specific intent of the Board of Commissioners of the Township of Abington that the change in names of certain commercial Zoning Districts will not affect the enforceability of existing Ordinances of the Township of Abington, except to the extent that such repeal or invalidation of existing Ordinances is expressly stated herein or the terms of this Ordinance specifically and directly conflict with the terms of the existing Ordinances, in which case the provisions of this Ordinance shall prevail. Specifically, except as stated above, this Ordinance does not repeal, invalidate or cause to be voided any Ordinances of the Township of Abington as it relates to the Town Commercial District, Mixed Use District, Special Commercial District or Planned Business District as defined within in the Zoning Ordinance adopted as Ordinance #1753 of May 9, 1996.

As is within the authority of the Board of Commissioners, these requirements were enacted for the safety and health of residents and the protection from fire.

SECTION 102. GENERAL PURPOSE AND INTENT: The fundamental purpose of this Ordinance is the implementation of the Abington Township Comprehensive Plan, Old York Road Corridor Improvement Plan, Abington Open Space and Environmental Protection Plan, Township Neighborhood Revitalization Plans, and the preservation of a high-quality environment which is the hallmark of Abington Township. It draws its legislative foundation in part from Act 247, Article VII: Traditional Neighborhood Development of the Pennsylvania Municipalities Planning Code



(MPC). Therefore, it is the intent of this zoning ordinance to:

A. Promote and protect the health, safety, and general welfare of the inhabitants of the Township; secure safety from fire, panic, and other dangers; provide adequate light and air; prevent the overcrowding of land; and avoid undue concentration of population;

SECTION 103. INTERPRETATION: This interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

A. Whenever any regulations made under authority of this Ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this Ordinance shall govern.

The proposed amendment Section 1112 D. states;

CONSTRUCTION STANDARDS. All construction shall be governed by the standards contained in the most recent edition of the International Building Code and National Fire Protection Standards, as adopted by the state of Pennsylvania. Wood frame construction shall be permitted, provided that it meets all International Building Code and National Fire Protection standards.

The Abington Township Fire Department and I, in the interest of public and fire fighter safety fully support the Construction requirements as established and do not recommend the passing of this amendment as written permitting wood frame construction. Attached for review are examples of lightweight fire retarded wood buildings exposed to fire in the United States. Each met the requirements being proposed. Ironically, the only portion of the buildings that remained afterwards were the concrete and block stair towers.

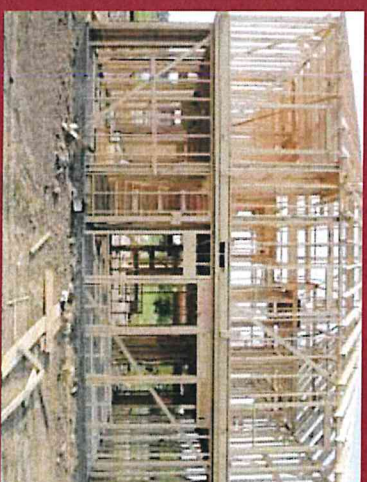
Any questions or concerns feel free to contact the Fire Marshal at 267-536-1056 or 267-536-1057.

Sincerely,

John J. Rohrer
Fire Marshal



Lightweight Wood Construction





Lightweight Wood Construction under Fire



Los Angeles, CA

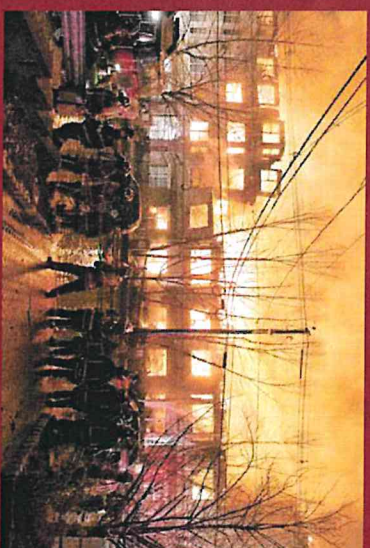
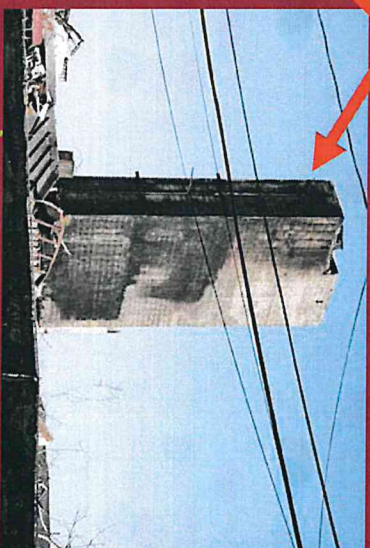


Conshohocken, PA



New Penn State
Non-Combustible-Sprinklered

NonCombustible Stairtowers



Edgewater NJ (2nd Fire)

All 3 Fires totally consumed sprinklered buildings



Sprinkler System installed

Main Valve Shut off

Fire Alarm installed & activated

Vinyl Siding

Lightweight Wood Construction

Common Attic

Water supply issues

High Winds





- After massive fires in **Waltham, Mass.** and **Boston** destroyed large residential lightweight wood-frame building complexes this summer, officials from both municipalities are questioning the safety of wood-frame construction for large apartment complexes and **urging the state for stricter regulations on the size of such buildings.**



Maplewood NJ 2017



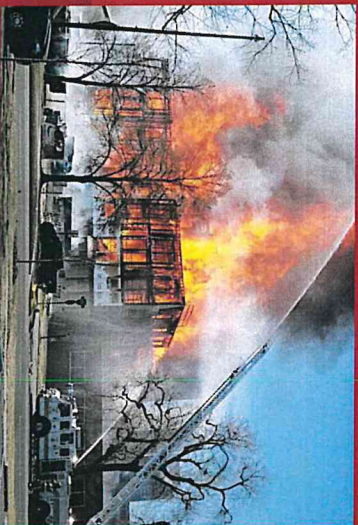
Oakland Ca, 2017



Houston Tx, 2017



Santa Clara, Ca, 2018



Denver, Co 2018



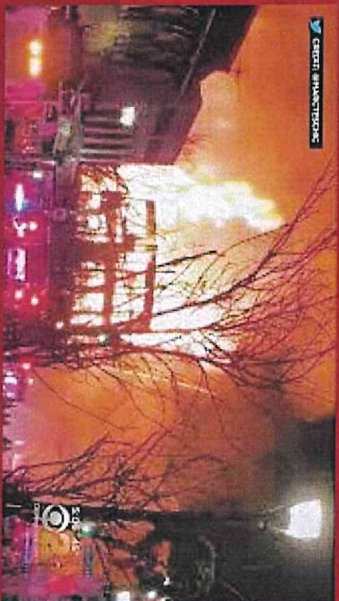
Overland Park, Ks 2018



Bayside, WI 2019



Peekskill, NY 2019



Bound Brook, NJ 2020



Tustin, Ca 2020



To: Lucy Strackhouse, Chair, Planning Commission

From: Richard J. Manfredi, Township Manager

Date: January 25, 2021

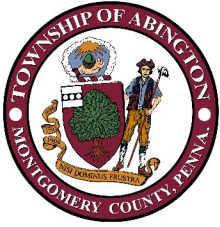
Subject: Board of Commissioners Referral of Proposed Text Amendment Ordinance

The Board of Commissioners at their January 14, 2021 meeting, voted to approve referring a request by PREIT to amend an Ordinance of Abington Township, Montgomery County, amending the Abington Township Zoning Ordinance as a Zoning Text Amendment. Please consider this memorandum as the official referral of this Ordinance to you by the Board of Commissioners. Please note, that the Board specifically asked that this matter be placed as an agenda item on your Tuesday, January 26, 2021 Planning Commission meeting, and that you be made aware that this referral of this text amendment is in no way an acceptance of or agreement to consider approving this text amendment at this time. It is being sent to you for your objective and thorough review of PREIT's request before the Board takes any official action.

Please also note, that the proposed provisions regarding construction standards specific to wood frame construction being permitted is in no way being consider by the Board of Commissioners.

The Board of Commissioners continues to support the existing regulations that do not permit combustible wood frame construction. Please also find attached a letter dated January 21, 2021 from Fire Marshal John Rohrer regarding PREIT submission of Zoning amendment.

Thank you and should you have any questions whatsoever regarding the contents of this memorandum or required any additional context to the amendment or this memo, please do not hesitate to call me.



township of abington

Office of the Township Manager

MEETING NOTES

May 6, 2021 2:30 p.m.

TO: Richard J. Manfredi, Township Manager

DATE: MAY 6, 2021

SUBJECT: TOWNSHIP'S PLANNING COMMISSION'S RECOMMENDATIONS OF PREIT TEXT AMENDMENT

REFERENCE: MEETING TO REVIEW TOWNSHIP'S PLANNING COMMISSION'S RECOMMENDATIONS OF PREIT TEXT AMENDMENT OF MAY 6, 2021 VIA ZOOM

ATTENDEES: TERRY CASTORINA, EXECUTIVE ASSISTANT TO TOWNSHIP MANAGER, MICHAEL NARCOWICH, COUNTY PLANNER, MCPC, ALLISON LEE, TOWNSHIP ENGINEER, PENNONI ASSOCIATES, LIZ VILE, MINUTES SECRETARY

SUMMARY: AS FOLLOWS

General Discussion:

County Planner provided a list of recommendations from the Township's Planning Commission's meetings held on March 23, 2021 and April 27, 2021 per the minutes from those meetings regarding PREIT's proposed zoning text amendment.

County Planner and Township Engineer reviewed County Planner's list of Planning Commission's recommendations dated May 5, 2021 and revised on May 6, 2021 for reference.

Action Items and Responsibility:

County Planner will send to Township Manager's Office revised Abington Township's Planning Commission's Recommendations of [H-13] Transit-Oriented Apartments/Condominiums, dated May 5, 2021 and revised on May 6, 2021 for reference.

Meeting adjourned at 3:09 p.m.

Liz Vile, Minutes Secretary

Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose. For Internal Use Only – Not a Public Document.

WILLOW GROVE PARK MALL

COMPARISON OF EXISTING ZONING REQUIREMENTS AND PROPOSED ZONING REQUIREMENT

This document was prepared to compare/contrast the existing Abington Township Zoning Ordinance with the proposed text amendments submitted by PREIT and to explain the reasoning behind the proposed amendments. The comparison is broken down into three separate categories: (1) changes to retail/residential parking requirements; (2) changes to dimensional requirements; and (3) changes to bonus provisions.

Attorney/Client Privileged

RETAIL/RESIDENTIAL PARKING REQUIREMENTS

CURRENT ORDINANCE	PROPOSED AMENDMENT	COMMENT
<p>Section 2304.C.34 (Parking Use Regulations for Shopping Mall or Shopping Center Regional):</p> <p>The parking space requirements shall be calculated at the ratio of 1 parking space for every 220 square feet of gross leasable floor area.</p>	<p>Section 2304.C.34 (Parking Use Regulations for Shopping Mall or Shopping Center Regional):</p> <p>The parking space requirements shall be calculated at the ratio of 1 parking space for every 300 square feet of gross leasable floor area. If and to the extent that any parking spaces are intended to be available for any Use in addition to Use C-34, the parking requirements for Use C-34 shall govern and control.</p>	<p>The reduction of the retail parking requirement is consistent with trends in the shopping center/mall industry over the past decade. PREIT's Springfield, VA property is one recent example. Many major retailers have reduced their internal parking ratio requirements over the same period.</p>

<p>Section 2304.H (Parking Use Requirements for Residential Uses):</p> <p>Use H-2: Apartment/Condominium Campus: Same as Use H-1: Apartment/Condominium Building (<u>1.33 spaces per dwelling unit</u>), plus one quarter (1/4) parking spaces per dwelling unit for visitors and overflow parking if proposed in land development with greater than 16 units involving the creation of new streets or drives.</p>	<p>Section 2304.H (Parking Use Requirements for Residential Uses):</p> <p>Use H-12: The parking requirements for Use H-2 (see left) shall apply (<i>i.e.</i> 1.33 spaces per dwelling unit).</p>	<p>The residential parking requirement matches the existing criteria within the zoning ordinance.</p>

Comparison of dimensional requirements on the following page.

DIMENSIONAL REQUIREMENTS

AREA AND BULK REGULATIONS:	CURRENT ORDINANCE (Willow Grove Park)	USE H-12 PER PROPOSED TEXT AMENDMENT	COMMENTARY
Minimum Mix Requirement	Minimum 20% Retail, Minimum 10% office	Minimum 20% Retail, Minimum 10% Apartment/Condominium	This mix is consistent with the existing requirement but adds an apartment/condominium minimum
Maximum Floor Area Ratio	.30; .40 with bonus	0.80; 1.0 with bonus	The change brings the district in line with other BC Districts which allow apartment uses.
Minimum Floor Area Per Dwelling Unit	Not Applicable	Not Applicable	The H-12 use does not include minimum floor area/dwelling unit sizes because the use is consistent with current market trends that are far larger than the minimums prescribed in the H-1 Apartment/Condo building.
Minimum Lot Size	1.0 acre	Not Applicable	The final lot dimensions are unknown, but we believe we can comply with the existing requirements
Minimum Lot Width	100 feet	Not Applicable	The final lot dimensions are unknown, but we believe we can comply with the existing requirements
Minimum Lot Depth	150 feet	Not Applicable	The final lot dimensions are unknown, but we believe we can comply with the existing requirements
Maximum Impervious Coverage	70% (75% maximum paving)	75%	The existing mall is non-compliant. The expectation is that any proposed development application will hold or reduce the existing impervious coverage.
Minimum Green Area	Minimum: 25%, Minimum: 15% in	15%	As above, the existing mall site is non-compliant, but we expect to add green area within the Bloomingdale's parking lot and around the new residential building.

	“Triangle” Area with Bonus		
Minimum Public Open Space	5% Gross Floor Area	3 acres	The only available land area to create a public space is around the existing retention pond. The development program anticipates new amenities and enhancement of this area.
BUILD-TO-LINE (BTL) REQUIREMENTS (RESIDENTIAL USES):			
BTL for Public Streets	Minimum: 20 ft (50 ft on Moreland W. of Park & Old Welsh W. of Reservoir) Maximum: 50 ft. (100 ft. on Moreland W. of Park & Old Welsh W. of Reservoir)	Minimum: 20 feet Maximum: 75 feet	Minor dimensional changes were made to allow additional flexibility. With frontage improvements along Easton Road there will likely be changes to the ROW or roadway easements which could have effects on the final establishment of the build-to-lines. These dimensions effectively give the development flexibility in regard to how it interacts with the street.
BTL for Main Access Drives/Private Streets	Minimum: 20 feet Maximum: 25 feet	Minimum: 15 feet Maximum: 40 feet	Minor dimensional changes were made to allow additional flexibility and tie-ins to existing on-site driveways.
BTL for Secondary Access Drives	Minimum: 16 feet Maximum: 25 feet	Minimum: 0 feet Maximum 30 feet	Minor dimensional changes were made to allow additional flexibility and tie-ins to existing on-site driveways.
SETBACK REGULATIONS:			
Minimum parking lot setback from public street	100 feet (unless a principal building lies	15 feet from the edge of the legal right-of-way	Some existing on-site parking lots are non-compliant. We want to preserve the limits previously established for the mall parking lots and not encounter a situation where

	between public street and parking)		an existing parking lot needed to be further setback if it was included in a future development application.
Minimum building setback from parking	10 feet	15 feet	The conceptual layouts have all held a larger setback to provide wider sidewalks and landscape beds
BUILDING REGULATIONS:			
Maximum Building Height	55; Bonus: 65; Buildings w/in 100 ft. of BC District boundary: 35	85 feet, plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building	We chose 85 feet as buildings above this number are considered high-rise and would be constructed differently. It should be noted that 85 feet would only be permitted adjacent to Easton Road. The current proposal is approximately 60 feet in height.
Maximum Building Height for Buildings or portions of buildings within 100 feet of an R-1, R-2, R-3 or R-4 residential zoning district	Not Applicable	35 feet, plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building	As this ordinance covers the entire Mall property, we felt it was necessary to regulate how tall future buildings could be closer to the single-family homes to the west.
Maximum Building Height for Buildings or portions of buildings within 300 feet of an R-1, R-2, R-3 or R-4 residential zoning district	Not Applicable.	55 feet, plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building	Same reasoning from above. The further away new development is from R1, R2 R3 and R4 development, the taller it may be.

Bonus provision comparison on the following page.

CURRENT BONUS PROVISIONS, § 1108

(“N/A” denotes bonus that is included in text amendment is currently provided for in the Zoning Ordinance).

Bonus	Bonus Points	Bonus Points or Conditions Required to Qualify
Shared Parking	Eliminated Side Yards	Make parking (min. 8 spaces per acre) available to other BC Business Center District properties through shared parking and easement agreements
Residential Uses Wrapping Parking Garage	Building Cover Increase to 80%	Residential uses shall be located along at least 25% of garage perimeter. This applies to the Noble Triangle area (bounded by Old York Road, the Fairway, and the SEPTA Regional Rail line).
Greening of parking lot to conform with zoning	None	N/A
Enhanced pedestrian connections to Regional Rail Stations, or contribution to escrow account for same	None	N/A
Electric vehicle charging stations	None	N/A
Provision of green wall on parking garage	None	N/A

Reduced of impervious area	None	N/A
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PROPOSED TEXT AMENDMENT TO BONUS PROVISIONS

Bonus	Bonus Points	Bonus Points or Conditions Required to Qualify	COMMENTARY
Shared Parking	1	Make parking (min. 8 spaces per acre) available to other BC Business Center District properties through shared parking and easement agreements	The bonus is converted to a point rather than reducing setbacks. The mall borders roads so the only side yards would be adjacent to the residential properties to the west.
Residential Uses Wrapping Parking Garage	1	Residential uses shall be located along at least 25% of garage perimeter.	The bonus is converted to a point rather than increasing building coverage. The floor area ratio already controls the allowable building coverage.
Greening of parking lot to conform with zoning	4	Retrofitting one-half acre of existing parking lot to add planting islands, planting strips or other stormwater best management practices required by zoning's landscaping chapter.	This bonus resulted from discussions at Developer/Township Meetings.

Enhanced pedestrian connections to Regional Rail Stations, or contribution to escrow account for same	1	300 L.F. of off-site sidewalk and/or crosswalk improvements (replacing existing sidewalk with sidewalk and verge conforming to existing zoning) on Moreland Road or Easton Road leading to Willow Grove or Crestmont Regional Rail stations, or to Fitzwatertown Road bus route.	This bonus resulted from discussions at Developer/Township Meetings. The thought was to entice the developer to improve/upgrade the sidewalks and paths connecting the mall with the train stations.
Electric vehicle charging stations	1	Charging stations for three vehicles	This bonus resulted from discussions at Developer/Township Meetings.
Provision of green wall on parking garage	1	For use of native vine species to create green wall facing perimeter street, or if not visible from perimeter street, from a public right-of-way.	This bonus resulted from discussions at Developer/Township Meetings. This follows suit with other bonuses for enhancing green space and providing additional buffering of the parking garage.
Reduced of impervious area	1	For each 1,000 s.f. reduction of impervious area	This bonus resulted from discussions at Developer/Township Meetings. Provision to induce improvement of the existing non-conformity and add green space to the site.

Attorney/Client Privilege

March 18, 2021

ABINT19006/02

Richard Manfredi
Township Manager
Abington Township
1176 Old York Road
Abington PA 19001

**RE: Willow Grove Park Mall – Potential Multi-Family Housing
Review of Traffic Study for Proposed Text Amendment**

Dear Mr. Manfredi:

We have completed our review of the materials listed below and offer the following comments for consideration by the Abington Township Board of Commissioners. It is our understanding that there is no pending land development application, and as such we may have additional comments if a land development application is submitted to the Township.

Submission:

1. Transportation Impact Study (TIS) for the Willow Grove Park Mall Multi-Family Housing, prepared by McMahon Associates, dated August 27, 2020.
2. Proposed Bus Layover Area Plan, prepared by McMahon Associates, dated September 4, 2020.

Background:

The proposed project intends to redevelop a section of the Willow Grove Mall by adding a residential component to the site, between the Bloomingdale's department store and Easton Road, which will consist of 400 apartment units with a parking garage. In addition, the study also accounts for the conversion of 94,358 SF of space within the mall to provide a 48,693 SF movie theater, a 35,585 SF sport and health center, and 10,080 SF of retail space. The residential development is anticipated to generate **178** new vehicular trips during the weekday morning peak hour and **203** new vehicular trips during the weekday afternoon peak hour.

Due to the impact of the Covid-19 pandemic, the study was prepared using a combination of historical traffic data, supplemented with new traffic volume counts available in the area, and projected to base year 2020 conditions. The study included the following intersections:

1. Moreland Road (SR 0063) & Center Avenue/Mall Access
2. Moreland Road (SR 0063) & Park Avenue/Mall Access
3. Moreland Road (SR 0063) & Eastern Mall Access
4. Moreland Road (SR 0063) & Easton Road
5. Moreland Road (SR 0063) & Davisville Road
6. Easton Road & Davisville Road/Mall Access
7. Old Welsh Road (SR 2029) & Fitzwatertown Road (SR 2038)
8. Old Welsh Road (SR 2029) & Reservoir Avenue/Mall Access
9. Old Welsh Road (SR 2029) & Easton Road

10. Old York Road (SR 0611) & Easton Road/Memorial Park
11. Old York Road (SR 0611) & Davisville Road (SR 2042)

Recommended improvements contained within the TIS include:

- Removal of the existing right-in only access along Easton Road, and reconfiguration of the existing Eastern Mall Access driveway to Moreland Road (SR 0063).
- Realignment of the Mall Access driveway to Easton Road to intersect Easton Road at a ninety-degree angle directly across from Davisville Road. This modification will also include providing two ingress lanes and two egress lanes on the mall access driveway, separated by a landscaped median.

Also, SEPTA buses currently park for short time periods on the existing eastern site driveway to Moreland Road just west of Easton Road. Due to the proposed reconfiguration of this driveway, the applicant proposes to relocate the bus parking area to the internal access roadway adjacent to the existing parking deck.

Transportation Impact Study Comments:

1. The 'local traffic growth' section of the study should contain a summary table of the trip generation from Appendix F depicting the additional traffic anticipated from the revisions to the existing mall area.
2. A right-turn lane must be provided on the southbound Easton Road approach for traffic entering the site driveway. As shown in Appendix E of the Study, the PennDOT warrant for the right-turn lane is extremely close to being satisfied during the projected weekday PM peak hour. In addition, the development is proposing to remove the existing free-flow right-turn entrance into the mall property from Easton Road, and a right-turn lane at the site driveway will aid in facilitating this movement.
3. At the intersection of Moreland Road and the reconfigured eastern mall driveway, protected/permitted left-turn phasing must be provided for westbound Moreland Road traffic.
4. Due to the use of historical traffic data for the study, post-development peak hour traffic counts must be obtained. The traffic signal timing and coordination settings for the intersections studied must be optimized. The applicant should coordinate the scope of work with the Township Engineer's office.
5. Detailed roadway construction and traffic signal construction plans must be provided for the proposed intersection modifications. The proposed modifications must include ADA compliant pedestrian facilities. The traffic signal plans must accommodate future left-turn phasing if not currently warranted. Specifications for any new signal equipment must be coordinated with and reviewed by the Township Engineer's office and the Public Works Department.
6. The proposed intersection modifications to Moreland Road (SR 0063) will require a PennDOT Highway Occupancy Permit (HOP). Abington Township must be included on all submissions, correspondence, and meetings regarding the PennDOT HOP application for the proposed roadway and traffic signal modifications.
7. Regarding the on-site circulation associated with the proposed development, bus and fire vehicle maneuvering diagrams must be shown for all modified internal driveways and intersections. In addition, corner sight distance must be shown for internal driveways and intersections, particularly along the new boulevard-style site driveway to Easton Road.

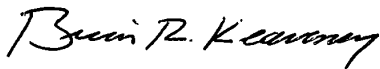
Proposed Bus Parking/Layover Plan Comments:

1. SEPTA must approve the proposed relocation of the bus parking/layover area. Pedestrian improvements and new or relocated bus shelters must be considered in the area of the new parking area. Abington Township must be included in all meetings and correspondence with SEPTA regarding the proposed bus layover area modifications.

As previously noted, if a formal land development application is submitted, we may have additional comments. If you should have any questions, please do not hesitate to contact us.

Sincerely,

PENNONI ASSOCIATES INC.



Brian R. Keaveney, PE, PTOE
Transportation Division

cc: Timothy G. Clark, Assistant Director of Engineering
Shaun Littlefield, Interim Zoning Officer
John J. Rohrer, Township Fire Marshal
Terry Castorina, Executive Assistant
Michael P. Clarke, Esq., Rudolph Clark LLC, Township Solicitor
Michael Narcowich, AICP, Montgomery County Planning Commission
Sandy Koza, PE, McMahon Associates
Khal Hassan, PE, Pennoni

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR
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JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

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SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

May 5, 2021

SUBJECT: Abington Planning Commission Recommendations
[H-13] Transit-Oriented Apartments/Condominiums

TO: Rich Manfredi, Manager

FROM: Mike Narcowich, AICP, Community Planning Assistant Manager
Abington Township Planning Consultant

RECOMMENDATIONS FROM APRIL MEETING:

1. Applicant agrees to require that a full building must fall within 2,500 L.F. of a train station I, in order to qualify for the H-13 Use in that building. Consider whether full lot needs to fall within 2,500 L.F. distance. *Note: this was addressed by the draft distributed May 3, 2021. The full building must fall within the 2,500 L.F. requirement.*
2. Applicant agrees to 65-foot height limit (not counting rooftop equipment). *Note: this was addressed in the draft distributed May 3, 2021. The maximum height is now 65 feet plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building*
3. Cathy Gauthier: should there be rooftop-specific restaurant standards? Mike will look into Phila requirements for rooftop restaurants. See Section F.3.a. Allison: it might be best for this to be limited in size to a café, if permitted at all.
4. All agree that the bonus should be removed, because it doesn't say how many points are needed to qualify and there is disagreement over the number of bonus points to award for specified improvements. Bonuses are not currently defined. *Note: this was addressed by the draft distributed May 3, 2021. The bonus option was removed from the ordinance.*
5. Daryl Baker would prefer that the maximum allowable FAR not exceed 0.80, as that is consistent with other large buildings in the township. *Note: this was addressed by the draft distributed May 3, 2021; the maximum FAR is now 0.80.*
6. Lucy Strackhouse and Mike Narcowich recommended that a "density cap" be considered.
7. Lucy Strackhouse recommends changing the word "encouraged" in the sentence "Green areas, courtyards and plazas are encouraged." The applicant responded that that sentence would be removed. *Note: this was addressed by the draft distributed May 3, 2021. The section was removed.*
8. Cathy Gauthier suggested a maximum density requirement. *Note: this was addressed in the May 3, 2021 draft. The maximum density is now 16 dwelling units per acre (16 DU/Acre).*
9. Mike Narcowich recommended increasing the minimum green area, from 15% to 25%.
10. Cathy Gauthier would like a more detailed table comparing the BC District regulations to that of the proposed ordinance.

RECOMMENDATIONS FROM MARCH MEETING:

11. Cathy Gauthier recommended, and the applicant agreed, that the 2,500 linear foot distance should be based upon the center of the lot proposed for development, and that the distance should be measured by walking distance. She would like to clarify whether it's from the center of the station building *[see April meeting notes on this topic]*.
12. Allison Lee noted that the language of "municipal governing body" should be defined as "Board of Commissioners," in Section 1112 A.1.e.
13. Nick Brown recommended clarifying whether the entire mall site would be included in a master plan and whether dimensional criteria would be calculated based upon one parcel or the entire mall site.
14. Lucy Strackhouse noted that the use should be updated from "H-12" to "H-13," since Senior Apartments became use H-12 when they were adopted. *Note: this was addressed by the draft distributed May 3, 2021.*
15. Planning Commission wondered whether parking would be adequate, given parking space requirement reduction 1 space per 220 s.f. to 1 space per 300 s.f.
16. Glen Cooper: Construction standards should go into building code, and not zoning standard and should not be included in the ordinance. *Note: this was addressed by the draft distributed May 3, 2021. The section on construction standards was removed from the draft.*
17. Section F: Use Regulations H-12. For mixed-use, clarify which type of retail and commercial uses are permitted, and other regulations for them.
18. Change Section F to Section G. (it's misnumbered).

There was much discussion over wood frame construction and fire protection requirements over the course of three PC meetings. At the April meeting, it was clarified that the court decision meant that the building could be wood frame, and that would no longer be the focus of discussion because the matter has been decided by the Court of Common Pleas.

ORDINANCE NO. _____

ABINGTON TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE ABINGTON TOWNSHIP ZONING ORDINANCE OF 2017, AS AMENDED, TO AMEND SECTION 2103.H AND THE COMPREHENSIVE USE MATRIX IN THE APPENDIX TO INCLUDE A TRANSIT-ORIENTED APARTMENT/CONDOMINIUM BUILDING AS USE [H-13], PERMITTED UPON CONDITIONAL USE APPROVAL.

BE IT ORDAINED AND ENACTED, by the Board of Commissioners of Abington Township, Montgomery County, as follows:

SECTION 1. Zoning Text Amendment. Section 2103.H of the Abington Township Zoning Ordinance of 2017, as heretofore amended, is hereby amended to add the following new use:

Use H-13: Transit Oriented Apartment/Condominium Building. A Transit Oriented Apartment/Condominium Building [Use H-13] is a multifamily residential Apartment/Condominium Building or Buildings, each containing at least three, separate Dwelling Units, arranged in a variety of combinations, including side by side, over and under, or back and forth with another dwelling unit. A Transit Oriented Apartment/Condominium Building or Buildings shall be a permitted use within BC-Business Center District: Willow Grove Park, subject to the Developer/Applicant obtaining conditional use approval for such use in accordance with Section 1806 of the Zoning Ordinance.

SECTION 2. Zoning Text Amendment. The Abington Township Zoning Ordinance of 2017, as heretofore amended, is hereby amended to add the following new Section:

SECTION 1112.

A. **Master Plan.** All properties proposed for development as a Transit Oriented Apartment/Condominium Building [Use H-13] shall be developed in accordance with a master plan that has been approved by the municipal governing body as part of the conditional use approval process.

1. Master plans shall meet the following requirements:
 - a. A master plan shall be prepared when any property, existing at the time of adoption of this ordinance, is initially proposed for subdivision or land development. Subdivided properties that are intended to be developed at a later date shall be subject to this initial master plan.
 - b. Master plans shall meet the conditional use plan requirements in Section 1806 of the Abington Township Zoning Ordinance.

c. Master plans shall demonstrate that land use mix requirements of Figure 11.9 Dimensional Requirements have been met.

d. Master plans shall illustrate a pedestrian network that connects all buildings, parking areas, open space areas, and transit stops on-site, with public streets.

e. The Board of Commissioners may require, as a condition of the conditional use approval, changes in the master plan in order to meet the legislative intent and other standards of the Business Center District.

2. Development of property may be done in phases; however, any proposed subdivision or land development of a property or portion of a property must be consistent with the master plan. If a proposed subdivision or land development is not consistent with the master plan, the master plan as a whole may be revised, provided the following requirements are met:

a. The master plan complies with all BC Business Center District requirements, including the mix requirements of Figure 11.9 Dimensional Requirements

b. All owners of land within the original Master Plan development area, whose property is affected by the revised master plan, approve the revisions to the master plan that affects their properties. In the event that other property owners are unwilling to participate in the master plan process, the master plan may apply only to the applicant's property.

B. Intent. The purpose and intent of this Section is to encourage development and redevelopment of land within 2,500 linear feet of SEPTA's Regional Line Train Stations, to create a pedestrian-friendly environment and encourage walking, bicycling and transit use, and provide an alternative to traditional development by emphasizing mixed use, pedestrian-oriented development; promote a mix of retail and office uses, while allowing community service and higher-density residential uses within walking distance to retail, commercial, office and personal services; promote increased public transit ridership as an alternative to total reliance on the automobile for a variety of trip purposes; provide a range of housing options; create a neighborhood identity that promotes pedestrian activity, human interactions, safety and livability; and encourage development of underused tracts and parcels.

C. Governing Regulations. If elected by a Developer/Applicant, and subject to obtaining conditional use approval in accordance with Section 1806 of the Ordinance, an [H-13] Apartment/Condominium Use shall be subject to the regulations, requirements and standards set forth in this Section, and shall be subject to the regulations, requirements and standards of the BC Business Center District and other applicable regulations, requirements and standards set forth in the Ordinance, provided, however, to the extent that a regulation, requirement or standard of the Ordinance is inconsistent with the regulations, requirements and standards set forth in this Section, the regulations, requirements and standards set forth in this Section shall govern and control.

D. **Existing Legal Nonconformities.** All existing legal nonconformities on a site proposed for development shall be permitted to remain and shall not be required to be brought into conformity with current ordinance requirements, provided that no new nonconformities are created and the extent of any existing legal nonconformity shall not be increased unless the applicant obtains relief from the Zoning Hearing Board.

E. **Use Regulations: Use H-13:**

1. Qualifying Lot. An [H-13]: Transit-Oriented Apartment/Condominium Building shall be, entirely, located within 2,500 linear feet of one or more of SEPTA's Regional Line Train Stations
2. Mixed Use. Retail, commercial office, and other uses permitted in the BC District Apartment/Condominium Building may be located on the first floor, penthouse or rooftop area of a Transit-Oriented Apartment/Condominium Building. If provided on the first floor, the first floor ceiling height must be a minimum of eleven (11) feet.
3. Accessory Uses. Accessory uses for Use [H-13]: Transit-Oriented Apartment/Condominium Building shall include those accessory uses permitted for Use H-1: Apartment/Condominium Building. Accessory uses:
 - a. Shall be located on the ground floor, penthouse or rooftop area.
 - b. There shall be no entrance to any accessory use located within a building except from inside the apartment/ condominium building.
 - c. Other than permitted signs, there shall be no display of merchandise or other manifestation of commercial use visible from the street.

F. **Dimensional Requirements.**

AREA AND BULK REGULATIONS:	
Minimum Mix Requirement	Minimum 20% Retail, Minimum 10% Apartment/Condominium
Density (DU/acre)	16 units/acre
Maximum Floor Area Ratio	0.80
Minimum Floor Area Per Dwelling Unit	Not Applicable
Minimum Lot Size	Not Applicable
Minimum Lot Width	Not Applicable
Minimum Lot Depth	Not Applicable
Maximum Impervious Coverage	75%
Minimum Green Area	15%

Minimum Public Open Space	3 acres
BUILD-TO-LINE (BTL) REQUIREMENTS (RESIDENTIAL USES):	
BTL for Public Streets	Minimum: 20 feet Maximum: 75 feet
BTL for Main Access Drives/Private Streets	Minimum: 15 feet Maximum: 40 feet
BTL for Secondary Access Drives	Minimum: 0 feet Maximum 30 feet
SETBACK REGULATIONS:	
Minimum parking lot setback from public street	15 feet from the edge of the legal right-of-way
Minimum building setback from parking	15 feet
BUILDING REGULATIONS:	
Maximum Building Height	65 feet, plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building
Maximum Building Height for Buildings or portions of buildings within 100 feet of an R-1, R-2, R-3 or R-4 residential zoning district	35 feet, plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building
Maximum Building Height for Buildings or portions of buildings within 300 feet of an R-1, R-2, R-3 or R-4 residential zoning district	55 feet, plus the height of rooftop architectural enhancements and mechanical systems that do not exceed 20% of the footprint of the Building

G. **Public Open Space.** Transit Oriented Apartment/Condominium Buildings shall contain one or more common use areas that will serve as a focal point for the development and provide walkways, seating, and landscaping.

H. **Design Standards.**

1. Access Drives. Access Drives and their dimensions shall be designed to provide capacity for on-site traffic. Where new infrastructure meets existing improvements, the proposed improvements may be sized to facilitate the connection to that existing infrastructure.
2. Parking Garages. Cars in parking garages or structures when visible from the public right-of-way shall be screened from the right-of-way (rather than the street) using features such as grills, lattice, mock windows, louvers, or false facades. Sub-Section 1104.C.4 shall not apply to any garage ancillary to Transit Oriented Apartment/Condominium Buildings.
3. Corner Buildings. Sub-Section 1104.C.5.a shall not apply to any Transit Oriented Apartment/Condominium Buildings.
4. Roofs. Paragraph 11.04.C.8.b shall not apply to any Transit Oriented Apartment/Condominium Buildings.

I. **Parking Access and Traffic Control.**

1. Access Drives. The dimensions of Access Drives will be determined based upon the volume of traffic, required number of lanes and turning movements required. The final width of such access drives shall be approved by the Township Engineer.
2. Employee Parking. Employee parking spaces for Use [H-13]: Transit-Oriented Apartment/Condominium Building shall be coordinated with the principal use of the building, but such parking spaces shall not be required to be signed or striped differently from other on-site parking spaces.
3. Off-Street Loading Requirements. Loading berths shall not be required for Transit-Oriented Apartment/Condominium Buildings if loading and unloading will only be performed by trucks other than tractor trailers.

SECTION 3. Zoning Text Amendment. Section 2304 of the Abington Township Zoning Ordinance of 2017, as heretofore amended, is hereby amended as follows:

A. **Section 2304.C.33. Use C-34: Shopping Mall or Shopping Center Regional:**

Section 2304.C.33 is amended as follows:

1. By changing “1 parking space for every 220 square feet of gross leasable floor area” to “1 parking space for every 300 square feet of gross leasable floor area”.
2. By adding the following at the end thereof:

If and to the extent that any parking spaces are intended to be available for any Use in addition to Use C-34, the parking requirements for Use C-34 shall govern and control.

B. **Section 2304.H. Residential Uses:** Section 2304.H is amended by adding the

following new paragraph:

- 12. Use [H-13]: Transit Oriented Apartment/Condominium Building: The parking requirements for Use H-2 shall apply. Perpendicular parking stalls in the Transit Oriented Shopping Village (TOSV) Overlay District shall be a minimum of 9 feet by 18 feet; angled parking stalls shall be a minimum of 9 feet by 20 feet; parallel parking stalls shall be a minimum of 8 feet by 22 feet.

SECTION 4. Zoning Text Amendment. The Comprehensive Use Matrix in the Appendix is amended to include a Transit Oriented Apartment/Condominium Building as Use [H-13], as a conditional permitted use within the Willow Grove Park area of the BC-Business District.

SECTION 5. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 6. Effective Date. This Ordinance shall become effective five (5) days from enactment.

ORDAINED AND ENACTED by the Board of Commissioners of Abington Township on this day of _____, 2021.

Attest:

ABINGTON TOWNSHIP
BOARD OF COMMISSIONERS

, Secretary

, President

June 2, 2021

To Abington Ward Commissioners:

The following represents an informal list of unanswered questions / comments from the members of Abington's planning commission regarding the proposed text amendment to Abington's zoning ordinance in regard to the proposed mixed-use, multi-unit, multi-story building project located on the existing parking lot in front of Bloomingdales at the Willow Grove Mall.

Ron Rosen

- *Apartment Density precisely defined and limited, increase of green space, tax benefits to the Township more concretely measured with some supporting analysis, burdens on Township services (school, police, etc), some master plan concepts etc.*
- *Legal opinion regarding the wood construction issue, including potential for Township liability for wood construction.*

Lucy Strackhouse

- *Green space should be increased to 25%*
- *The township should require a cost benefit analysis*
- *Clarification on density; is it units per acre of entire site or is it limited to the area defined by the radii, a density cap could also be considered*
- *More clarification on radius area including point of measurement from train stations to central point of radius*

Cathy Gauth

1. *first floor space needs to be clarified regarding apt units or commercial space (ref to 11 ft height provision)*
2. *What uses are acceptable for roof top and are additional regs needed? The clean ordinance did not address either of these.*
3. *I stated that some of the proposed bonus provisions should be incorporated into the ordinance as required regulations without giving a bonus. They were all deleted 9 instead. Some of those provisions could/should be provided in text amendment (but not as a bonus option!)*
- 3b. *I did indicate that a bonus should be considered for providing affordable units based on median twp income rate. This was not addressed.*
4. *I am troubled by the master plan provisions, specifically that it allows the use by Conditional use--which both Mike N. and the applicant attorney stated they are rarely denied. I would like to have more control for NOT approving a master plan by conditional use { esp after the debacle for the brandalini site including not complying with the 2nd emergency accessway}*
5. *No statement has been provided regarding consistency w existing or updated comp plan. THIS SHOULD BE PROVIDED and if it is not consistent a comp plan amendment should be submitted simultaneously with the amendment. PLEASE NOTE THAT I DO NOT KNOW IF I MADE THAT COMMENT PREVIOUSLY, BUT I DID MEAN TO.*
6. *I have stated that the text amendment is not clear ON how it will be folded into the existing ordinance. It appears to be a standalone for only the WG BC and all the design standards required in the overall BC district WOULD NOT apply. A copy of the amendment with new language, strikethroughs {and maybe explanation of provision etc.} would be extremely useful.*
7. *the provision that exempts nonconformities from provisions should be deleted AND rather cite the existing zoning ordinance provisions! {if they can't comply, they can apply for zoning relief via zhb!}*
8. *Lastly, if the applicant does not wish to comply with fire safety blg materials, then MAYBE we, the twp. should deny the text amendment hands down!*

Nick Brown

My comments are already included in the below, aside from one additional—more clarity in the text on what type of long-term vision/planning is expected of the applicant in the Master Plan. My reading of proposed Section 1112.A “Master Plan” looks like mostly references to other already-existing requirements, or additional process steps. The exception is 1112.A.d (requirement to illustrate a pedestrian network) which is the only provision that outlines a long-term content requirement. This could, perhaps, be a place to require the sorts of things others are looking to see—concrete economic analysis, burden on Twp services, etc. One content requirement might be an overall site feasibility analysis for “buildable” portions of the site (like what Preit already did with the “second” theoretical building at the southeast corner)

If nothing else, explicit use of the words “long-term” or “long-range” should find its way in.

Dale Murphy

Nothing to add.

Glenn Cooper

As most of you know I didn't want the planning commission to recommend the approval of this text amendment as it was written, amended, revised, etc. In my opinion there were still too many loose ends and unanswered questions. I also don't think there was any (enough) planning that was talked about or discussed with anything surrounding the mall property (BC district). As a planning commission I think moving this forward without looking at the possibilities is a wasted opportunity. Many of us have verbalized at times that we want to be more than just a rubber stamp commission and I feel like we just did it again.

In my humble opinion I would have thought the best outcome we could have given the residents and the township would have been a motion to reject this proposed amendment, or postpone a vote on it, while a 6 month study conducted by a neutral 3rd party takes place. Perhaps PREIT pays for some or all of this. This study / review should be done by some professionals that have more experience and time than each of us. Additionally, perhaps a few folks who have been through some urban mall redevelopments can be involved and share some of their insights along with some surrounding businesses or neighbors. Currently, the only opinion that was presented to us was from the Mall itself.

As far as some specifics go:

- *This text amendment needs to be extremely clear on exactly what it is allowing to be developed, both now and in the future. The township has gotten into trouble before because our zoning and actions weren't crystal clear and/or handled correctly.*
- *Every scenario needs to be considered. The mall's presentation was very focused on just their property and was also presented with the idea that the existing mall footprint was to remain forever. The presentation also lead us to believe that only one building was to be built. The township needs to make sure that the proposed text amendment doesn't allow more to be built than anyone is expecting. What happens if the At Home (old Kmart) property and the Goodman Property parcels are combined, or combined with the mall property? What happens if some of the existing mall footprint is removed? Is it possible that more apartments buildings, or more total units can be built? I don't think that is what any of us want to be allowed.*
- *The amendment language needs to be ironclad that any building that is constructed must have its entire footprint within the 2500 foot circle from one of the (2) stations.*
- *The text amendment requested a max building height of 85 feet which was questioned and then reduced to 65 feet. 65 feet is still extremely tall. Do we want this? How tall is the new Station apartments that are located on the corner of York and Davisville Roads in Willow*

Grove? I don't think they are 65 feet tall. I also don't believe any of the existing buildings at the mall are that tall.

- One of the reasons we were told for this text amendment is because the mall is struggling and it needs to adapt. I don't believe we ever received a detailed cost/benefit analysis on this project. My specific concern is the potential maximum number of children up to 18 years of age who will need to be schooled and bused. In addition what other expenses would the township incur? Trash, water, sewer, street and intersection upgrades and ongoing maintenance, street lighting, fire hydrants, fire and police services, etc. This needs to be looked at a lot more closely than what we saw.

- The township needs to make sure that the potential adoption of this ordinance doesn't open up any unwanted, or unexpected, further development in the future, period! If the mall doesn't know what their mid to long term plan will be than we need to understand that and expect the worse and be prepared.

- I am not a TOD expert but most of what I have seen and read about the concept and success of multi family high density living near rail stations includes MORE than just building the apartment building. It involves a walkable surrounding with walking and bike paths. It includes nearby places for the resident to meet and drink coffee and go to bars and restaurants and LOCAL stores and shops. A sense of outdoors with trees and benches comes to mind. A community. I didn't get much of this vision in this text amendment. I believe for this project to be successful more needs to be done with a walking and biking path, additional useable green space needs to be provided. There wasn't anything presented that showed the paths of how these new tenants were to walk to the train station each day. Was that walkway wide enough? Properly lit? Crosswalks present? Were these people walking by storefronts or were they walking by masonry walls with no doors and windows? Were the buildings and lost they passed cleaned and friendly or run down with litter?

- How much income does this generate for the Mall? If it isn't enough what happens if the mall fails in a few years? If that occurs is the township worse off with a bankrupt mall, and a big apartment building that no one wants to live in?

- More useable green space is needed. The existing pond isn't used and I wouldn't expect it to get much use in the future.

- The surrounding areas weren't discussed at all. In the long run there are a lot of obsolete and run down buildings in this area and the entire area should be looked at. If we really want the mall to succeed and transform, and a beautiful walkable area to thrive, then the township and PREIT need to do more and look at the entire area and come up with some ideas and what might be feasible.

Charles DiCello

My biggest concerns were the green space of 25%, decreasing density requirements, and better defining the radius from the transportation center. Looks like these have all been addressed in the correspondence below. If I had anything to add I would suggest that the radius be based on the centroid of the original property shape, this would eliminate any reference to structures that could potentially change in the future.

Daryl Baker

I like what has been proposed for a new mixed-use (residential and commercial) building to be located on the existing parking lot in front of Bloomingdales. It seems like the right approach to revitalize a struggling mall, one that has been a driving economical boost for Abington township for many years. Plus, I can't really think of a better location for a project of this magnitude in all of Abington.

However, it's not the building but the proposed text amendment that needs to be approved by the township; and in its current form, the text amendment is too loose to ensure that the concerns of the residents don't become a reality. Unit density and how it is calculated is one. The defining of

the radii is another. I believe that the proposed text amendment can be revised (tightened up) to appease the residents and still allow for the proposed building project to be built.

Personally, I would agree with the other comments from the planning commission members requesting more green space, setting this at 25%. I also wonder about the future impact of increased traffic in and around this area and whether the developer will help to alleviate this concern.

Vice President Hecker made a MOTION, seconded by Commissioner Myers to move this item forward to the Board of Commissioners Regular Meeting on July 8, 2021.

MOTION was ADOPTED 15-0.

Jim DeGidieo, owner of the property, commented that he proposes to bump up the sidewalk towards the fence line.

Vice President Hecker suggested that the applicant work with Township Engineer over the next several weeks regarding the final plan prior to it being distributed to the Board of Commissioners for consideration at their meeting next month.

Consider the Planning Commission's recommendation of the requested and submitted petition to amend the Township's Zoning Ordinance by PREIT and any related action:

President Spiegelman commented that there has been a lot of feedback regarding proposed text amendment, and he would like to provide a list of questions/concerns by the Board as well as constituents to be addressed by PREIT to see whether this is something that could move forward, so he does not have enough information tonight to make a recommendation.

Commissioner Vahey commented that we have not heard about the economic development that could be fostered by the construction of an apartment building and he suggested consulting with the Economic Development Committee on how this would help our Township; also, would tax revenue generated by the development exceed the burdens placed on Township's services as well as the School District, and it is important for the Board to have that information prior to any final consideration of this proposal.

Commissioner Vahey made a MOTION, seconded by Commissioner Myers to refer this item to the Township's Economic Development Committee for review and feedback to the Board.

MOTION was ADOPTED 15-0.

Bolded numbers represent an ACTUAL dollar amount
All other numbers are estimates

Township Tax & Fee	Assumption	Bloomingdale's	Sears	PREIT	Total Mall	Grand Total without Bel Canto	Incremental Improvements with Bel Canto	Total One Time Fees	Total Recurring Fees	Source
	Total Mall: 130 stores with 10 employees per store with an avg. salary of \$50,000; subtracting 20% of employees with store closings									
Employee Income Taxes - Township	Bel Canto Improvements: 130 stores with 10 employees per store with an average salary of \$50,000; adding 10% new employees due to increased demand .005% goes to the Township			\$4,739	\$260,000	\$264,739	\$360,000		\$624,739	
Forty-Two Property Management Employee Income Taxes - Township	16 Forty-Two Property Management Employees with an avg. salary of \$50,000; .005% goes to the Township						\$4,000		\$4,000	
New Resident Employee Income Taxes - Township	Per Angelides Report, 287 new residents contributing \$61,000 in income taxes; .005% goes to the Township						\$30,000		\$30,000	
Local Service Tax	Total Mall: 130 stores with 10 employees; subtracting 20% of employees with store closings; \$52 per person annually Bel Canto Improvements: 595 jobs created with construction and management; adding 10% new employees due to increased demand; \$52 per person annually; New residents: Per Angelides report, would contribute \$1,000 for the 287 working residents				\$60,000	\$60,000	\$40,000		\$100,000	https://www.abingtonpa.gov/home/showpublisheddocument/2160/635859483330700000
Mercantile & Business Privilege Taxes	.0015% is the Abington Township retail mercantile tax Total mall revenue of \$250,000,000			\$82,190	\$400,000	\$482,190			\$482,190	https://www.abingtonpa.gov/home/showpublisheddocument/16628/637473378879530000
Transfer Taxes - Initial	1% of land sales price						\$153,000	\$153,000		
Impact Fees	\$6,000 per door						\$2,190,000	\$2,190,000		
Annual Property Tax	Retail: Montgomery County, PA Tax Records Bel Canto: RYAN Tax Estimate	\$204,826	\$355,029	\$4,200,061		\$4,759,916			\$4,759,916	
County Taxes							\$120,000		\$120,000	
Montgomery Community College Taxes							\$10,000		\$10,000	
Abington Township Taxes							\$160,000		\$160,000	
Building Permit and Application Fees	Total Estimate of \$781,760; detailed breakdown below									
New Construction – Residential and Institutional Uses Permit Fee	Per Abington Township Permit Fee Schedule: 440,600 SF * \$180						\$80,000	\$80,000		
Impervious Coverage Permit Fee	Per Abington Township Permit Fee Schedule: \$50 for up to 250 SF and \$10 for each additional 100 SF or fraction thereof						\$50,000	\$50,000		
Plan Review Fee	Fee for Commercial Zones						\$250	\$250		
Swimming Pool Permit	\$100K pool + \$25k decking/equipment = \$125k*\$35/1,000						\$5,000	\$5,000		
Building Permit Fees	Remainder of the above permit fees using 1% of the total FMV with an equalization rate of 2.24, which is \$78,176,000 from Angelides Report						\$650,000	\$650,000		
Trade Permits	Per Harkins, \$1,800 per unit in 2017/2018						\$660,000	\$660,000		
Work License Fee	Per Harkins, 75% of subcontractors will have to renew/apply for the license fee; \$5,000-\$7,500						\$10,000	\$10,000		
Total (\$) Contribution to Abington Township						\$5,566,845	\$4,522,250	\$3,798,250	\$6,290,845	
Variance (%) in Contribution to Abington Township									81%	

School District Tax & Fee	Assumption	Bloomingdale's	Sears	PREIT	Total Mall	Grand Total without Bel Canto	Incremental Improvements with Bel Canto	Total One Time Fees	Total Recurring Fees
Property Taxes to Abington School District Taxes	Per RYAN Real Estate Tax Study						\$1,100,000		\$1,100,000
	Total Mall: 130 stores with 10 employees per store with an avg. salary of \$50,000; subtracting 20% of employees with store closings								
	Bel Canto Improvements: 130 stores with 10 employees per store with an average salary of \$50,000; adding 10% new employees due to increased demand								
Employee Income Taxes - School District	.005% goes to the School District				\$260,000	\$260,000	\$360,000		\$620,000
Employee Income Taxes - School District	16 Forty-Two Property Management Employees with an avg. salary of \$50,000; .005% goes to the School District						\$4,000		\$4,000
New Resident Employee Income Taxes - School District	Per Angelides Report, 287 new residents contributing \$61,000 in income taxes; .005% goes to the School District						\$30,000		\$30,000
School aged children	Angelides Report: 14 students total; incremental cost of \$13,500 per student					\$0	(\$190,000)		(\$190,000)
Net Total (\$) Contribution to Abington Township						\$260,000	\$1,304,000		\$1,564,000

<https://www.nahbclassic.org/generic.aspx?genericContentID=255505&fromGSA=1>

IMPACT OF DECLINING OPERATING METRICS ON TAXES

- An affirmative appeal was initiated by the School District and Township in 2004.
- The appeal was settled in 2017 and resulted in a doubling of the assessment and associated Real Estate Taxes.
- Erosion in operating metrics subsequent to the settlement led to an appeal of the 2021 assessment.
- Anchor tenants drive traffic to the mall, its retailers, and restaurants. The departure of JCPenney, coupled with the underperformance of Sears and Bloomingdale's, has negatively impacted traffic, sales, and occupancy on the main mall parcel.
- Without investment and stabilization of the anchors, operating metrics on the mall parcel will continue to decline, impacting occupancy and valuation of the asset.
- This example has played out across the country, most notably in this market at Montgomery, Neshaminy, and Exton Square Malls. All have lost anchors that have not been replaced resulting in mostly vacant small shop space and assets that are no longer viable in their current format.

TAX APPEAL SUMMARY

Plymouth Meeting Mall - Settled Appeal								
Tax Year	Parcel	Tax Rate	Original Assessment	Original Taxes	New Assessment	New Taxes	Reduction %	Annual Reduction
2019	Mall	2.878%	\$53,940,000	\$1,552,447	\$40,720,000	\$1,171,962	24.51%	\$380,485
2020	Mall	2.953%	\$53,940,000	\$1,592,848	\$32,963,000	\$973,397	38.89%	\$619,451
2021	Mall	3.038%	\$53,940,000	\$1,638,713	\$18,760,000	\$569,934	65.22%	\$1,068,779
Total Tax Reduction								\$2,068,715

Exton Square Mall - Sears Settled Appeal								
Tax Year	Parcel	Tax Rate	Original Assessment	Original Taxes	New Assessment	New Taxes	Reduction %	Annual Reduction
2019	Sears	2.636%	\$5,170,000	\$136,283	\$3,708,990	\$97,770	28.26%	\$38,513
2020	Sears	2.675%	\$5,170,000	\$138,299	\$3,549,600	\$94,953	31.34%	\$43,346
Total Tax Reduction								\$81,859

Exton Square Mall - Settled Appeal								
Tax Year	Parcel	Tax Rate	Original Assessment	Original Taxes	New Assessment	New Taxes	Reduction %	Annual Reduction
2019	Mall	2.636%	\$53,528,490	\$1,411,027	\$26,676,000	\$703,187	50.16%	\$707,840
2020	Mall	2.675%	\$53,528,490	\$1,431,898	\$20,706,000	\$553,890	61.32%	\$878,008
Total Tax Reduction								\$1,585,848

Exton Square Mall - JCPenney - Settled Appeal								
Tax Year	Parcel	Tax Rate	Original Assessment	Original Taxes	New Assessment	New Taxes	Reduction %	Annual Reduction
2019	JCPenney	2.636%	\$4,686,660	\$123,542	\$3,180,600	\$83,842	32.14%	\$39,700
2020	JCPenney	2.675%	\$4,686,660	\$125,369	\$3,056,600	\$81,765	34.78%	\$43,604
Total Tax Reduction								\$83,305

Willow Grove Park - Pending Appeal								
Tax Year	Parcel	Tax Rate	Current Assessment	Current Taxes	30% Reduction	40% Reduction	50% Reduction	60% Reduction
2021	Mall	4.159%	\$100,980,000	\$4,200,061	\$2,940,043	\$2,520,037	\$2,100,031	\$1,680,024
Total Tax Reduction					\$1,260,018	\$1,680,024	\$2,100,031	\$2,520,037

Willow Grove Park - Bloomingdale's								
Tax Year	Parcel	Tax Rate	Current Assessment	Current Taxes	10% Reduction	20% Reduction	30% Reduction	40% Reduction
2021	Mall	4.159%	\$4,924,500	\$204,825	\$184,342	\$163,860	\$143,377	\$122,895
Total Tax Reduction					\$20,482	\$40,965	\$61,447	\$81,930

THE FAIR HOUSING ACT: HOUSING FOR OLDER PERSONS

The Fair Housing Act prohibits discrimination because of race, color, national origin, religion, sex, disability or familial status (families with children under the age of 18; pregnant women and people in the process of obtaining custody of children under 18, or persons with written permission of the parent or legal guardian). However, it contains a limited exemption from the familial status prohibitions for housing for older persons.

What Are the Fair Housing Act's "Housing for Older Persons" Exemptions?

The Fair Housing Act specifically exempts three types of housing for older persons from liability for familial status discrimination. Such exempt housing facilities or communities can lawfully refuse to sell or rent dwellings to families with minor children *only* if they qualify for the exemption. In order to qualify for the "housing for older persons" exemption, a facility or community must comply with all the requirements of the exemption.

The Housing for Older Persons exemptions apply to the following housing:

1. Provided under any state or federal program that the Secretary of HUD has determined to be specifically designed and operated to assist elderly persons (as defined in the state or federal program);
2. Intended for, and solely occupied by persons 62 years of age or older; or
3. Intended and operated for occupancy by persons 55 years of age or older.

The 55 or older exemption is the most common of the three.

How to Qualify for the "55 or Older" Exemption

In order to qualify for the "55 or older" housing exemption, a facility or community must satisfy *each* of the following requirements:

- At least 80 percent of the units must have at least one occupant who is 55 years of age or older; and
- The facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and
- The facility or community must comply with HUD's regulatory requirements for age verification of residents.

The "housing for older persons" exemption does not protect such housing facilities or communities from liability for housing discrimination because of race, color, religion, sex, disability, or national origin.

Fiscal Impact Analysis for Residential Development at the Willow Grove Park Mall

Date: October 8, 2021
Submitted by Peter Angelides, Ph.D., AICP
Submitted to PREIT

DRAFT



Introduction

The Pennsylvania Real Estate Investment Trust (“PREIT”) is proposing a multifamily residential development on under-used land surrounding the Willow Grove Park Mall. PREIT has partnered with Bel Canto Development, which would be the developer of the multifamily project. PREIT requested that I analyze the fiscal impact of the proposed development on Abington Township and the Abington School District.

Willow Grove Park Mall is a destination retail center located in Willow Grove, PA (within Abington Township) near the intersection of the Pennsylvania Turnpike and Pennsylvania Route 611. The design and exact size of the proposed development has not been finalized, but for purposes of this analysis, I use assume the residential development will include 365 units, including 165 studio and one-bedroom units, 182 two-bedroom units, and 18 three bedroom units apartments.

Figure 1: Willow Grove Park Mall Site



Source: PREIT (2021)

Fiscal Impact Analysis

The primary focus of this report is a fiscal impact analysis for both Abington Township and Abington School District. For these entities, the primary driver of expenditures is the new residents, including public school students, that accompany the development. The primary drivers of revenue include the

new property tax revenue from the assessed value of development, as well as growth in earned income tax revenue generated by residents.

The fiscal impact calculation begins with the two basic analyses: the projected assessed value of the proposed development, and the number of residents and public school students associated with it. It then uses these figures and additional calculations to find the relevant types of incremental revenue to both the Township and School District, based on existing budgets. The analysis then calculates the additional expenditure for both the Township and School District, and calculates the fiscal impact of these changes, as the development will generate new tax revenue for the Township and the School District, alongside new expenses.

Figure 2: Assumptions Used in Calculating the Development’s Fiscal Impact

Assumption	Value	Source
Anticipated Assessed Value	\$30,612,411 to \$39,200,000	Third party RE Tax Consultant, Ryan (www.ryan.com) and ESI calculation (see below)
Number of Units	365	PREIT
Studio and one-bedroom	165	PREIT
Two-bedroom	182	PREIT
Three-bedroom	18	PREIT
Number of New Residents	585	CDA Calculation (see below)
School-Aged Children in Public School ¹	14	CDA Calculation (see below)
Working Adults	286	CDA Calculation (see below)
Residents Employed in the Township	9.9%	Bureau of Labor Statistics ²

Sources: PREIT, Montgomery County Board of Assessment (2020), U.S. Census Bureau (2014-2018), Bureau of Labor Statistics (2018)

Baseline Calculations

Assessed Value

The development’s approximate assessed value is given as a range. The low-end estimate corresponds to the low-end estimate provided by third party Real Estate Tax Consultant, Ryan (www.ryan.com).³ The high-end estimate was calculated by ESI using the average per-unit assessed value of comparable multifamily residential properties in Montgomery County (see Figure 3). These comparables include all stabilized apartment buildings with a market asset grade of B+ or higher (to reflect the level of amenities offered to be offered by the proposed development), a construction year of 2000 or later, and a nearby

¹ I have also included a version of the analysis showing the impacts to the school district if there were 24 incremental students, which is the total number of school-aged children (including private school students) anticipated in a development of this type (see Appendix A).

² *OnTheMap* (2018), Bureau of Labor Statistics

³ The range provided by Ryan (www.ryan.com) showed anticipated total assessed value between Best Case and Most Probable Case ranging \$30,612,411 from \$39,473,898.

location within the County. Existing properties that meet these criteria have an average assessed value of \$107,336 per residential unit, as calculated from Montgomery County’s property assessment records.

Figure 3: Comparable Properties Used to Establish Assessed Value

Building	Municipality	Assessed Value	Unit Count	Occ. Rate	Asking rent/SF	Year Built	Market Grade	Value/Unit
Riverwalk at Millennium	Conshohocken	\$43,125,000	375	92.3%	\$ 1.98	2006	A	\$115,000
Londonbury at Millennium	Conshohocken	\$35,535,000	309	96.4%	\$ 1.80	2010	A-	\$115,000
The Courts at Spring Mill Station	Conshohocken	\$46,221,840	383	94.8%	\$ 2.04	2016	A	\$120,684
Dekalb II	East Norriton	\$11,107,800	73	100.0%	\$ 1.63	2009	B+	\$152,162
Omnia at Town Center	Upper Merion	\$38,436,220	339	92.6%	\$ 2.18	2017	A+	\$113,381
Indigo 301	Upper Merion	\$41,491,240	363	92.0%	\$ 2.24	2017	A+	\$114,301
Park Square	Upper Merion	\$34,665,730	313	95.9%	\$ 2.09	2018	A	\$110,753
Hanover King of Prussia	Upper Merion	\$38,927,960	339	92.9%	\$ 2.36	2018	A+	\$114,832
AVE King of Prussia	Upper Merion	\$31,185,220	185	97.3%	\$ 2.36	2019	A+	\$168,569
The Glen at Lafayette Hill	Whitemarsh	\$13,631,000	139	91.4%	\$ 1.67	2000	B+	\$98,065
The Point at Plymouth Meeting	Norristown	\$15,413,920	338	98.8%	\$ 1.60	2003	B+	\$45,603
Luxor Apartments	Norristown	\$6,084,570	195	95.4%	\$ 1.98	2017	A-	\$31,203
The Parc at Plymouth Meeting	Plymouth Meeting	\$38,137,200	398	98.0%	\$ 1.98	2015	A-	\$95,822
Average Assessed Value/Unit								\$107,336

Source: AXIOMetrics (February 2020), Montgomery County Board of Assessment (February 2020)

New Residents and Public School Enrollment – Overall Method

Forecasting the number and types of new residents involves the use of demographic multipliers for individual unit types, which are then applied to the units in the proposed development. ESI uses a proprietary analysis, Community Data Analytics (CDA) to develop multipliers specifically for a proposed

development based on similar developments in similar locations.⁴ These multipliers are calculated by ESI based on data from the 2014-2018 American Community Survey (ACS) Public Use Microdata Sample (PUMS). They are calculated at the finest level permitted by the data, which means that they are based on demographically similar communities (in this case, a group of nine Public Use Microdata Areas (PUMAS) in Montgomery, Bucks, and Philadelphia Counties), as determined by similarity to Abington Township based on geographic location, level of overall development, school district quality, and other demographic indicators.⁵ This approach was used to estimate the total number of new residents as well as the number of public school children likely to live in the proposed development.

Public School Enrollment Estimates

For example, comparable two-bedroom apartments (in new rental buildings with five or more units) have a *public school* student multiplier of 0.078, meaning that one can expect 78 public school students per 1,000 housing units.

We estimate that there will be 14 children attending *public schools* from this type of development, broken down as illustrated in Figure 4.⁶ For comparison, we estimate the development will have a total of 24 school age children, with 10 not attending the public school. We have also included a scenario showing 24 public students, to show the impact that this larger number of students would be expected to have (see Appendix A).

Figure 4: Distribution of *public school* enrollment growth expected from the proposed development.

Metric	1-Bedroom	2-Bedroom	3-Bedroom	Total
Number of Units	165	182	18	365
Students in Public K-5 per Unit	0.000	0.055	0.000	
Students in Public 6-8 per Unit	0.000	0.012	0.000	
Students in Public 9-12 per Unit	0.000	0.012	0.000	
Total Students per Unit	0.000	0.078	0.000	
Kindergarten – Grade 5	0	10	0	10
Grades 6 – 8	0	2	0	2
Grades 9 – 12	0	2	0	2
New Public School Students	0	14	0	14

Source: U.S. Census Bureau’s American Community Survey Public Use Microdata Sample, 2014-2018

⁴ See Econsult Solutions’ page on Community Data Analytics for more information on this approach: <https://econsultsolutions.com/cda/>.

⁵ Public Use Microdata Sample (PUMS) files are untabulated records containing data about individual people and housing units that can be analyzed to provide statistical and demographic information. Public Use Microdata Areas (PUMAs) are special non-overlapping areas that partition each state into contiguous geographic units containing no fewer than 100,000 people each. PUMS files cover a five-year period, the most recent of which is 2014-2018, and are based on samples from approximately five percent of the area population.

⁶ Abington School District’s elementary schools currently include kindergarten through sixth grade.

In addition to our baseline CDA study, we have applied the results of two other studies to the question of additional school children. These studies are the Rutgers Study and the National Association of Home Builders (NAHB). The Rutgers Study used a survey of “developers and property managers of multi-family rental buildings.” The survey collected information on more than 30,000 market rate units, and calculated, among other things, the average number of school age children by unit size, further broken down by the household income of the building’s market rate residents.⁷

The NAHB study uses the 2015 American Community Survey to calculate “on average, how many school age children (defined as children between the ages of 5 and 18) live in different types of residential developments, including single-family and multifamily developments. Calculations of the average number of children in different residential units is also analyzed by household characteristics, such as mobility and tenure.”⁸ This study uses the same underlying data source as the ESI study, though not as current as the data used by ESI.

Both these alternative studies measure the number of school age children in a development, not just public school students. The Rutgers study’s multipliers indicate there will be 19-30 school age children, and the NAHB study’s multipliers indicate there will be 15-36 school age children. The comparable number from our study is 24 school age children, which is within the ranges indicated by both the other studies. *Both these studies reinforce our estimates.*

Figure 5 shows the results of these analyses. Note that the first column, titled “Public School Students” is what we used in our fiscal impact analysis.

Figure 5: Estimates of school age children from three studies.

Apartment Type	Count	ESI		Rutgers Study		NAHB	
		Public School Students	All Students	HH Income Greater than \$100,000	\$50,000-\$100,000	Multifamily 20+ Units All Residents	Recent Movers
Studio / 1 BR	165	0	0	2	3		
2 BR	182	14	21	16	24		
3BR	18	0	3	1	3		
Total	365	14	24	19	30	26	15
Note:		Public School Children	All children	All children	All children	All children	All children

⁷ Morris Davis, David Frame, Donald Ladell, Debra Tantleff, School-Age Children in Rental Units in New Jersey: Results from a Survey of Developers and Property Managers, Rutgers Center for Real Estate, July 2018

⁸ Carmel Ford, “Only 41 Children for Every 100 Housing Units in the U.S., on Average”, HousingEconomics.com, for the National Association of Home Builders, 2017

The Abington School District provided PREIT with a list of existing multi-family properties and the number of public school students from those properties. We note that all the apartment buildings they identify are long standing units were constructed between 1938 and 1980. Further, their average rent is lower than the rent proposed by Bel Canto, implying occupancy by lower income households. The Rutgers Study indicates significant differences in number of children by household income. Using averages associated with incomes less than \$50,000, the Rutgers study predicts 102 school age children, compared to 30 school age children for incomes between \$50,000 and \$100,000 and 19 school age children for incomes greater than \$100,000. Similarly, the study indicates an average of 9.8 children per 100 market rate units built after 2000, and 25.9 children per unit for units built after 2000. In other words, all else being equal, older market rate apartments units have more than 2 ½ times as many school age children as newer units.

The list of buildings provided by Abington School District includes 14 buildings or developments, ranging from 5 units to 588 units each. Construction years were identified for 13 of the 14 buildings; these range from 1938 to 1980, with a median construction year of 1960 (and a corresponding median building age of 61 years). While exact breakdowns of the number of bedrooms per unit are not known, rents for two-bedroom units in these buildings are significantly lower than the anticipated asking rent of \$2,409 for two-bedroom units in the proposed development. Of the eight buildings for which we have collected rent data (from public sources including apartments.com and property management websites for individual buildings), six buildings have two-bedroom units renting for less than \$1,700 per month (less than the cost of a studio unit in the proposed development). Additionally, the U.S. Census Bureau's 2015-2019 ACS estimates show that 87% of all studio and one-bedroom units and 71% of two-bedroom units rent for \$1,500 or less in Abington Township.⁹ This supports our understanding that the majority of one- and two- bedroom units in the 14 buildings have rents of less than \$1,500.

Willow Grove Park's anticipated rents ranging from more than \$1,700 for studio units to \$3,350 for 3-bedroom units means that it cannot be expected to have similar household types (and therefore numbers of students) to the fourteen buildings provided. For example, Jenkintown Gardens at 155 Washington Lane has 23 public school students in an 84-unit building. With rents of \$1,239-\$1,439 for a one-bedroom and \$1,339-\$1,489 for a two-bedroom unit, this building would be affordable to a household earning between \$49,560 and \$59,590 per year.¹⁰ In comparison, rents at the proposed development correspond to household incomes of at least \$75,290 for one-bedroom units, or at least \$96,350 for two-bedroom units (and at least \$134,000 for three-bedroom units).

In addition, ESI's approach using the CDA multipliers also takes building age into consideration. By considering all buildings rather than just buildings constructed in recent years, this approach gives 22 students for every 100 units, assuming 35/60/5 split of one-, two-, and three-bedroom units. This means that the list provided by Abington School District showing actual enrollments associated with 14

⁹ This data source does not give additional detail about higher rent categories beyond \$1,500 per month.

¹⁰ "Jenkintown Garden Apartments," <https://www.apartments.com/jenkintown-gardens-apartments-jenkintown-pa/6y5qg7s/> for information on rents. Affordability is based on a household spending 30 percent of its income on rent.

properties falls in line with what is calculated in the CDA approach for buildings of any age, as the number of students in those buildings are given as between 22 and 29 students per one hundred units, depending on whether a low-end outlier is excluded. This comparison of the CDA estimates for all buildings to the actual numbers provided by the School District further confirms the point that building age, unit sizes, and income levels of residents impact the number of school-aged children that can be expected to live in a multifamily building.

New Resident Estimates

The total number of residents (585) and the number of working adults (286) are calculated similarly, also based on values for renter households in buildings with five or more housing units within the nine selected PUMAs in Montgomery, Bucks, and Philadelphia Counties (see Figure 6).

Figure 6: Distribution of new residents and employed individuals expected from the new development.

Metric	1-Bedroom	2-Bedroom	3-Bedroom	Total
Number of Units	165	182	18	365
Residents per Household	1.22	1.81	3.05	
Employed Individuals per Household	0.53	0.96	1.36	
Total Number of Residents	201	329	55	585
Total Number of Employed	87	174	25	286

Source: U.S. Census Bureau's American Community Survey Public Use Microdata Sample, 2014-2018

Impacts on Revenue

Property Tax Revenue

With an assessed value of approximately \$30,600,000 to \$39,200,000 based on comparable multi-family developments elsewhere in Montgomery County, this development is expected to generate annual property tax revenues of \$149,000 to \$190,000 to the Township and \$1,002,000 to \$1,283,000 to the School District, given millage rates of 4.851 mills and 32.720 mills, respectively (see Figure 7).

Figure 7: Property Tax Revenue Calculations

Metric	Value
Approximate Assessed Value	\$30,600,000 to \$39,020,000
Abington Township Millage Rate	4.851 mills
Abington School District Millage Rate	32.720 mills
Anticipated Property Tax Revenue to Abington Township	\$149,000 to \$190,000
Anticipated Property Tax Revenue to Abington School District	\$1,002,000 to \$1,283,000

Source: Comparables (see Figure 3) and Municipality Millage Rates, Montgomery County

Earned Income Tax and Local Service Tax Revenue

A residential development of this size will support a total of approximately 585 new residents, 286 of whom will be working adults (as described above, in the baseline calculations section of this report). Based on current Earned Income Tax (EIT) revenue generated by the Township, these new residents are expected to contribute an additional \$67,000 in EIT to both the Township and the School District (each), plus an additional \$1,000 in Local Service Tax to the Township.

Figure 8: Anticipated Earned Income Tax Revenue Growth to Abington Township and Abington School District

Metric	Value	Source
Current Earned Income Tax Revenue	\$7,000,000	Abington School District 2019-2020 Budget ¹¹
Residents who are Employed	29,860	Bureau of Labor Statistics
Average EIT Revenue per Resident Worker	\$234.44	Calculation
Anticipated Number of New Resident Workers	286	CDA Calculation
Anticipated Revenue Growth (Rounded)	\$67,000	Calculation

Sources: Abington School District, U.S. Census Bureau (2014-2018), Bureau of Labor Statistics (2018)

Figure 9: Anticipated Local Service Tax Revenue Growth to Abington Township

Metric	Value	Source
Amount per Resident-Employee (Income >\$12,000)	\$52	Abington Local Service Tax Form
Number of Employed Adults in Proposed Development	286	CDA Calculation
Percent with Primary Jobs in Abington Township	9.9%	Bureau of Labor Statistics
Anticipated Local Service Tax Revenue (Rounded)	\$1,000	Calculation

Sources: Abington Township, U.S. Census Bureau (2014-2018), Bureau of Labor Statistics (2018)

¹¹ The school district budget was used rather than the municipal budget, as it only includes EIT revenue associated with residents.

Impacts on Expenses

Expenses to the Township

The new residential development will require an expansion of services provided by the fire and police departments. Similarly, School District enrollment will increase by approximately 14 students, requiring additional expenditures by the School District.

Increases to the Township's expenses are calculated by scaling up current budgets for administration and fire services by the new population, and scaling police costs by the number of annual calls to the department (see Figures 10 and 11). The anticipated increase to the fire budget is conservative, as the proposed development would be new construction equipped with a sprinkler system. Further, Abington Township's fire department is an all-volunteer force.

Figure 10: Anticipated Increases in Administration and Fire Services Expenses

Abington Township Budget Item	Annual Budget	Per Resident Spend	Anticipated Increase
Administration	\$3,141,397	\$57	\$33,000
Fire Services	\$3,080,985	\$56	\$33,000

Source: Abington Township Budget (2021)

A phone call with the Lower Moreland Police Department in December 2019 found that a comparable development in that township had received an average of 0.53 calls per residential unit in the past 365 days. Scaling that value up by the proposed 365 units at the Willow Grove Park Mall site, Abington Township might expect an additional 200 police calls annually, corresponding to an increase of \$102,000 in police department expenses (see Figure 11).

Figure 11: Anticipated Increase in Police Department Expenses

Metric	Value	Source
Annual Calls to a Comparable Development	125	Phone Call with Lower Moreland Police Department, December 2019
Number of Units in Comparable	236	Internet Search
Average Calls per Unit	0.53	Calculation
Estimated Annual Calls (365 Units)	193	Calculation
Total Police Calls, Abington Township	42,323	Abington Township 2021 Budget
Abington Township Police Budget	\$22,367,751	Abington Township 2021 Proposed Budget
Spend per Call, Abington Township	\$529	Calculation
Anticipated Increase	\$102,000	Calculation

Sources: Phone Call with Lower Moreland Police Department, Abington Township Budget (2021)

Expenses to the School District

The proposed development is located in the catchment area of Willow Hill Elementary School, which currently has the smallest class sizes among the school district’s elementary schools. With an average class size of 21.3 students, the approximately one to two additional students per grade would not require new class sections.¹²

Current school enrollment is more than 8,000 students, so the increase of 14 students is a *de minimis* change to the current enrollment. Accordingly, increased expenses to the Abington Township School District are calculated by scaling up the operations spending portion of School District’s 2020-2021 budget by the anticipated increase in students (see Figures 12-14). This approach provides a conservative estimate, as costs do not increase linearly with new students.

Figure 12: Abington School District Budget, 2020-2021

Description	Total Amount	Excluded Expenses (Capital Costs and Financing)
Instruction	\$104,242,717	
Support Services	\$58,729,653	(\$16,380,735)
Operation of Non-Instructional Services	\$2,088,386	
Facilities Acquisition, Construction, and Improvement	\$1,239,269	(\$1,239,269)
Other Expenditures and Financing Uses	\$10,632,237	(\$10,632,237)
Total Estimated Expenditures	\$176,932,262	
Excluded Expenditures		(\$26,252,241)
Scalable Portion of School District Budget	\$148,680,021	
Per Student	\$17,776	

Source: Abington School District (2021)

The anticipated increase to Abington School District’s annual budget is calculated by scaling up this portion of the budget by the increase in students, while keeping the excluded expenses constant.

Figure 13: Abington School District Current and Projected Enrollment

Metric	Value
Current Abington School District Enrollment	8,364
Anticipated Growth	14
Percent Change	+ 0.17%

Source: Abington School District, Econsult Solutions Calculation

¹² Abington School District Summary of Enrollments and Staffing Projections 2020-2021. Current enrollment numbers from October 2019.

Figure 14: Anticipated Overall Budget Increase

Abington School District Budget	Current	Anticipated (+0.17% Enrollment)
Scalable Portion	\$148,680,021	\$148,928,888
Portion to Remain Constant	\$28,252,241	\$28,252,241
Total Budget	\$176,932,262	\$177,181,129
Budget Increase		\$248,867

Source: Econsult Solutions Calculation

According to Abington School District’s 2020-2021 budget, 75 percent of funding is local. This corresponds to a projected increase of \$187,401 in local school spending that is associated with the proposed development (see Figure 15). We have reviewed these incremental cost calculations with the Abington School District.

Figure 15: Local Share of Anticipated Budget Increase

Metric	Value
Total Anticipated Budget Increase	\$248,867
Local Share	75%
Local Portion of Anticipated Budget Increase	\$187,401
Local Portion of Anticipated Budget Increase – Per Student	\$13,386

Source: Abington School District Budget

Summary of Fiscal Impacts

Based on the analysis described above, Abington Township can be expected to see an overall net positive impact of approximately \$49,000 to \$90,000 as a result of this project, and Abington School District can be expected to see a net positive impact of approximately \$882,000 to \$1,163,000 (see Figures 16 and 17).

Figure 16: Potential Impacts on Abington Township Budget

Township Impacts	Subtotals	Totals
Revenue		\$217,00 to \$258,000
Property Tax	\$149,000 to \$190,000	
Earned Income Tax	\$67,000	
Local Service Tax ¹³	\$1,000	
Expenses		(\$168,000)
Administration	(\$33,000)	
Police	(\$102,000)	
Fire	(\$33,000)	
Net Change		\$49,000 to \$90,000

Sources: Abington Township 2021 Proposed Budget (2021), PREIT (2021)

Figure 17: Potential Impacts on Abington School District Budget

School District	Subtotals	Totals
Revenue		\$1,069,000 to \$1,350,000
Property Tax	\$1,002,000 to \$1,283,000	
Earned Income	\$67,000	
Expenses		(\$187,000)
Net Change		\$882,000 to \$1,163,000

Sources: Abington School District 2020-2021 Final Budget (2021), PREIT (2021)

¹³ 10.2 percent of employed residents are expected to work in Abington Township, meaning that their employers would pay the local service tax of \$52 per employee.

Appendix A

If the development supported 24 public school students, the following impacts would apply.

Figure A.1: Local Share of Anticipated Budget Increase

Metric	Value
Local Portion of Anticipated Budget Increase – 14 Students (from Figure 15)	\$187,401
Local Portion of Anticipated Budget Increase – Per Student	\$13,386
Local Portion of Anticipated Budget Increase – 24 Students	321,264

Source: Abington School District Budget

Rather than associated expenses of \$187,000 (for 14 new students), 24 new students would correspond to approximately \$320,000 in associated expenses to the School District. The impact of this change is shown below, in Figure A.2.

Figure A.2: Potential Impacts on Abington School District Budget

School District	Subtotals	Totals
Revenue		\$1,069,000 to \$1,350,000
Property Tax	\$1,002,000 to \$1,283,000	
Earned Income	\$67,000	
Expenses		(\$320,000)
Net Change		\$749,000 to \$1,030,000

Sources: Abington School District 2020-2021 Final Budget (2021), PREIT (2021)

Appendix B

Qualifications

My name is Peter Angelides. As a Principal of Econsult Solutions, Inc. (ESI), based in Philadelphia, Pennsylvania, I conduct economic, financial, and strategic analyses for public and private entities concentrating in real estate, transportation, and economic development. I received a Bachelor of Arts degree in Urban Studies from the University of Pennsylvania in 1987, a Master of City Planning degree from the University of Pennsylvania in 1988, a Master of Science in Economics from the University of Minnesota in 1996, and a Ph.D. degree in Economics from the University of Minnesota in 1998.

As an economist with a concentration in real estate and urban planning, I have participated in a large number of master planning and site planning exercises, including adaptive reuse of old buildings, transit-oriented development, and mixed use development. In this work, I have evaluated and made recommendations for the appropriate land use and zoning of neighborhoods and properties based on real estate trends, regional and local demand, and planning standards.

In addition to my current position at Econsult, I serve as a lecturer at the University of Pennsylvania where I have taught a variety of courses, including Microeconomics, Urban Economics, Project Finance, and Infrastructure Investment in both the Department of City and Regional Planning and in the Fels Institute of Government. I have taught numerous courses at the University of Minnesota, including Microeconomics, Macroeconomics, Welfare Economics, Industrial Organization, and Cost Benefit Analysis. I have also supervised many independent studies and thesis papers.

I am a member of the American Economics Association, the American Institute of Certified Planners, and the Urban Land Institute.

Prior to my current position, I held consulting positions at Econsult Corporation, PricewaterhouseCoopers, Charles River Associates, and Putnam, Hayes & Bartlett from 1997-2012. I have also practiced planning for the public and private sectors, including with Wallace Roberts and Todd; and the Philadelphia City Planning Commission. My Curriculum Vitae is attached on the following pages of this report.

PETER A. ANGELIDES, PhD, AICP

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EDUCATION

University of Minnesota

Doctor of Philosophy in Economics, February 1998
Master of Science in Economics, December 1996
Thesis topic: "Auto Ownership and Mode Choice: A Structural Approach"
Fields: Industrial Organization, Financial Economics

University of Pennsylvania

Master of City Planning, May 1988
Bachelor of Arts – Major: Urban Studies (Honors); Minor: Mathematics, May 1987

WORK EXPERIENCE

CURRENT POSITIONS

Econsult Solutions, Inc., Philadelphia, PA, *Principal*, 2013 – Present. *President*, 2020 – Present

- Conduct economic, financial and strategic analyses for public and private entities.
- Concentrations include real estate development, transportation, economic development, economic and fiscal impacts, and financial modeling.

Passyunk Avenue Revitalization Corporation – Vice Chair, 2019, Chair 2021

PenTrans – Board of Directors, 2015

Racquet Club of Philadelphia—Board of Governors, 2016, Vice President, 2017, Treasurer, 2018

Urban Land Institute –Technical Assistance Program Council, 2013, Co-Chair, 2017

PAST POSITIONS

Econsult Corporation, Philadelphia, PA, *Vice President and Director*, 2008 – 2012.

PricewaterhouseCoopers, Philadelphia, PA, *Manager, Director*, 2001 – 2008

- Provided economic and statistical modeling and analysis in business consulting, litigation and regulatory matters.
- Major work included litigation support in a variety of industries and case-types, setting prices for intellectual property and services, and evaluating the impact of royalty licensing agreements.

Charles River Associates, *Senior Associate*, Washington, DC, 1999-2001

- Provided economic analysis, primarily for Fortune 500 companies seeking Federal regulatory approval for mergers or joint ventures. Antitrust, commercial damages.

PHB Hagler Bailly / Putnam, Hayes & Bartlett, *Consultant*, Washington, DC, 1997-1999

- Economic and litigation consulting in the telecom, energy, pharmaceutical, and postal industries

Wallace Roberts & Todd, Philadelphia, PA, *Urban and Environmental Planner*, 1990-1992

- Provided planning services to private developers, state and county government, and the Washington Metropolitan Area Transportation Authority.
- Projects included preparation of county level master plans, analyzing the impact of statewide zoning changes, updating municipal zoning codes, and preparation of environmental impact statements.

Central Philadelphia Development Corporation, *Planner/Intern*, 1988-1990

- Supported the activities of CPDC committees and conducted numerous analyses in support of CPDC's initiative to create what became the Center City District.

Delaware Valley Smart Growth Alliance – Juror, Board member, Treasurer – 2012-2021

Design Advocacy Group – Steering Committee, 2014-2020

Healthy Rowhouse Project – Philadelphia, PA – Working Team, 2014-2015

Healthy Rowhouse Project – Strategic Vision Team, Philadelphia, 2016-2018

Transportation Research Board, Washington, DC – TCRP G-15 Panel Member, 2015

St. Peter's School – Finance Committee, 2010-2016

Mayor's Task Force on Historic Preservation, Philadelphia, 2017-2019

American Institute of Certified Planners – Exam question writing task force, 2012-2018

TEACHING

University of Pennsylvania, Philadelphia, PA

Jefferson University, Philadelphia, PA

University of Minnesota, Minneapolis, MN

SELECTED PROJECTS

Consulting and Planning

- Economic Development and Retail Revitalization Plans
 - Chester, PA – *Revitalization Plan for the Chester Transportation Center.*
 - Coatesville, PA – Economic Development Strategy
 - City of Coatesville, PA – *Vision plan and retail study as part of Coatesville’s economic development strategy*
 - City of Trenton, NJ – Analyzed the impact of the potential reconfiguration of Rt. 29.
 - Marcus Hook – *Economic Development Agenda for Marcus Hook.*
 - Media Borough, PA – Economic development, retail, and placemaking plan
 - Ohio City, Cleveland, OH – Economic development and retail analysis and strategy
 - Regional Municipality of Wood Buffalo (Alberta, Canada) – *Real Estate Solutions for the Regional Municipality.*
 - Rowan College at Gloucester County – Market feasibility analysis for several development scenarios, including student housing, retail, and an academic building.
 - Sussex County, DE – Economic development, retail, and placemaking plan
 - Williamsburg, VA – Economic development, retail, and placemaking plan

- Economic Impact Studies
 - ARIPPA – Economic and environmental impact of waste-coal fires power plants
 - Kentucky – Economic impact of a proposed coal mine on Kentucky.
 - SEPTA – *Understanding SEPTA’s Statewide Economic Impact.*
 - US Squash – Evaluated the economic impact of the new US Squash headquarters in Philadelphia
 - Virtua Health – Evaluated the economic impact of a new hospital facility.

- Fiscal Impact Studies
 - Chappaqua School District – Evaluated the enrollment and fiscal impacts of proposed town zoning changes.
 - Concord Township – Evaluated fiscal impact of a proposed residential development on the host municipality and school district
 - Camden – Evaluated the fiscal impact of several development projects, including two phases of a mixed use project on the waterfront and an industrial expansion
 - South Fayette Township – Evaluated fiscal impact of a proposed mixed use development. The analysis included a custom calculation of potential public school children likely to live in the development.
 - Upper Darby Township – Evaluated comminute impact of a proposed new middle school

- Market Studies

- RAL – Market study for 1300 Fairmount Avenue
- Camden, NJ – market studies of proposed market rate apartments
- Hoboken, NJ – North End Redevelopment Plan

- Affordable Housing
 - New Jersey Municipalities – Created a comprehensive methodology to assist municipalities calculate their “fair share” affordable housing obligations in Mt. Laurel cases in New Jersey, pursuant to the Mt. Laurel IV and Mt. Laurel V rulings in March 2015 and January 2017.
 - New Jersey League of Municipalities – Analyzed a report quantifying each municipality’s “fair share” of affordable housing under the Mt. Laurel IV court case.
 - New Jersey Council On Affordable Housing (COAH)
 - Created a general real estate development feasibility model for COAH to review development proposals.
 - Analyzed housing and employment growth at the municipal level for purposes of determining affordable housing requirements in the state.
 - New Jersey Housing Mortgage and Finance Agency (HMFA) – *Analysis of Four HOPE VI Development Proposals*. Evaluated the appropriateness of development costs for several affordable housing projects. (New Jersey)
 - New Jersey Housing and Mortgage Finance Agency (HMFA) – Analyze the economic feasibility of multiple housing developments with and without tax credit assistance. (New Jersey). More than 20 projects evaluated since 2013.

- Gaming
 - Commonwealth of Pennsylvania, Legislative Budget and Finance Committee - *The Current Condition and Future Viability of Casino Gaming in Pennsylvania*. Assessed the state of the casino industry in Pennsylvania, forecast future revenue for the state in the face of increasing competition from other states, identified profit enhancing regulatory changes, and estimated the value of potential additional forms of gaming.

- Tax Analyses
 - Philadelphia Growth Coalition – Modeling impacts on Philadelphia employment, real estate values and tax revenues from proposed changes in Philadelphia’s tax structure.
 - Earned Income Tax Calculations: Estimated the value of potential tax receipts if a community implemented an Earned Income Tax. Conducted the analysis for several communities, including:
 - Middletown Township, Bucks County
 - Bensalem Township, Bucks County
 - Falls Township, Bucks County
 - Upper Darby Township, Delaware County
 - Coalition for Main Street Fairness - *The Impact of Not Collecting Sales and Use Taxes from Internet Sales into Pennsylvania*. Analyzed the economic consequences to

- Pennsylvania if it were able to collect sales tax from all internet retailers (Pennsylvania)
- Philadelphia Parking Association – Analyzed impact of the Parking tax on the ability to construct new facilities profitably. Estimated the potential revenue from changes to meter rates, loading zone fees, and similar charges.
- Analyzed the impact of an increase in the statewide transfer tax on the overall level of sales before and after the imposition of the tax
- General Real Estate
 - Estimated property tax for a large mixed-use development in Lower Merion Township for internal underwriting.
 - Analyzed the potential for Tax increment Financing in a suburban Philadelphia municipality, including calculating financial benefits to the local jurisdictions.
 - Analyzing the potential demand for a liquor license and restaurant in a New Jersey municipality.
 - University of Delaware – Participated in the creation of a strategic plan for a large newly acquired parcel adjacent to its main campus. (Newark, DE)
 - Philadelphia Water Department – *Economic Analysis of Stormwater Fee Changes on Philadelphia Businesses* (Philadelphia, PA)
 - King of Prussia Business Improvement District – Development Incentives Package For *the King of Prussia Business Improvement District* (King of Prussia, PA)
 - Studied strategic investments in commercial corridors in Philadelphia. The study combined extensive, locally unprecedented data gathering with thorough econometric analysis to investigate the drivers of commercial success for all 265 retail corridors in Philadelphia. The study included an examination of which City and non-profit based interventions in corridors were effective in improving corridor performance. The analysis also included a simulation tool to model and predict the impact of future interventions on corridors.
 - Lower Merion Township TOD - Evaluated proposals for the mixed-use, transit-oriented development in Ardmore, PA. Helped Lower Merion Township evaluate alternative development proposals for downtown Ardmore.
 - Prepared a land consumption analysis for a Mid-Atlantic state experiencing rapid suburbanization and construction on the fringes of metropolitan areas. The county-by-county analysis projected the percent of land that would remain undeveloped after 30 years of growth.
 - Bureau of Labor Statistics - *Analysis of Possible Data Sources for the Estimation of Owner Equivalent Rent*. Conducted four analyses for the BLS to help them improve calculation of the Consumer Price Index. (Washington, DC)
 - Monroe County – Prepared analyses in support of a master plan for Monroe County, Florida. The analysis included the preparation of thematic maps, proposed land uses, and calculations regarding housing capacity. A major constraint was consideration of evacuation capacity in the event of a hurricane. (Florida)

- Prepared a strategic plan to assist the Parkway Council Foundation realize its vision for the Benjamin Franklin Parkway in Philadelphia as an exceptional cultural destination. (Philadelphia, PA)
- Transportation
 - Delaware Valley Regional Planning Commission – *Using Toll Revenue to Finance Highway and Transit Capital Improvements*. Analyzed the ability of tolls on US 422 to finance roadway upgrades and the re-establishment of commuter rail service to Philadelphia. (Pennsylvania)
 - Select Greater Philadelphia – *US 422 Improvements – Potential Economic Impacts*. Prepared an assessment of the potential economic impacts of restored passenger rail service and upgraded highway infrastructure in the US 422 corridor. (Pennsylvania)
 - Central Philadelphia Development Corporation (CPDC) – Fiscal Impacts of the Proposed 22nd Street Subway Station. Evaluated potential economic and fiscal impacts. (Philadelphia, PA).
 - Prepared Environmental Impact Statements for the Washington Metropolitan Transportation Authority as it sought regulatory approval for the expansion of its heavy rail network.
 - Examined alternatives for reconfiguring Eakins Oval in front of the Philadelphia Museum of Art and the intersection of 25th Street, Pennsylvania Avenue, Kelly Drive and Fairmount Avenue.
 - Surveyed users of parking and loading zones on Washington Avenue (Philadelphia, PA)
- Benefit-Cost Analysis
 - Many of these BCA's were prepared for Transportation Investment Generating Economic Recovery (TIGER), Better Utilizing Investments to Leverage Development (BUILD) and similar grant programs:
 - Bronx River Alliance – Bronx River Greenway multiuse trail (New York City). \$10 million awarded.
 - Central Philadelphia Development Corporation – Bicycle Lanes and Pedestrian Improvements to Market Street and JFK Boulevard (Philadelphia, PA)
 - Central Philadelphia Development Corporation – Renovation of Dilworth Plaza (Philadelphia, PA). \$15 million awarded.
 - Delaware River and Bay Authority – Bridge abutments protection project
 - Haddam and East Haddam – Side path for a swing bridge (Connecticut)
 - King of Prussia – New slip ramp from I-76 to First Avenue (King of Prussia, PA)
 - Lower Merion Township – Ardmore Transportation Center (Lower Merion, PA)
 - New Haven (City) – Downtown Crossing urban boulevard, Phase II (New Haven, CT)
 - Norwalk – Route 7 intersection redesign (Norwalk, CT)
 - PATCO – Franklin Square station reopening (Philadelphia, PA). \$12 million awarded.
 - Passaic County – Paterson-Hamburg Turnpike Intersection at Alps Road

- Passaic City – infrastructure upgrades along Main Avenue
- Philadelphia Museum of Art – Roadway and Pedestrian Concourse Improvements (Philadelphia, PA)
- Philadelphia Regional Port Authority – Infrastructure investment to improve capacity and warehousing (Philadelphia, PA)
- Sandusky, Ohio – Riverfront Greenway
- Streetworks – Quincy Green project (Quincy, MA)
- Waretown – Roadway Improvements for a New Town Center (Waretown, NJ)
- Secaucus Brownfield Development Corporation – Parking lot at the Lautenberg – Secaucus Train Station (Secaucus, NJ)
- Southeastern Pennsylvania Transportation Authority (SEPTA)
 - Track Segregation of the West Trenton line so CSX and SEPTA traffic does not intermix (Bucks County, PA). \$10 million awarded.
 - 19th and 37th Street stations ADA access.
 - 30th Street Station Rehabilitation. \$15 million awarded.
 - 5th Street Station Rehabilitation
 - Lawndale Grade Separation. \$5 million awarded.
- Tobyhanna Township – infrastructure improvements as part of the Pocono Summit Economic Development District
- Waterbury Connecticut – Waterbury Green bicycle path, access improvements and other greening elements (Waterbury, CT) \$10 million awarded
- Wilmington – Wilmington Riverfront Transportation Infrastructure Project. Full application
- Hoboken – Rebuild by Design – Prepared a BCA for the proposed storm surge barrier in Hoboken, NJ. Submitted to the Army Corps of Engineers.
- General Analysis
 - Delaware Valley Healthcare Funders – *The Economic and Fiscal Impacts of Medicaid Expansion in Pennsylvania*. Conducted analysis regarding the incremental effect of Medicaid expansion from the baseline set by the Affordable Care Act.
 - District of Columbia – Staffed the 2015 District of Columbia Infrastructure Task Force.
 - Evaluated the rates and claims experience of a health plan for a major health insurance company investigating the cause of an increase in claims from one of its clients.
 - Reviewed the numerical advertising claims of a software company for accuracy and appropriateness.
 - New York City Economic Development Corporation – Assessed the competitiveness of trash collection market in New York City. (New York City Economic Development Corporation)

Litigation and Regulatory

- **Regulatory**
 - Analyzed the sales patterns of “premium cigars” by consolidating transaction level sales data from the leading online cigar retailers. (Submitted to the Food and Drug Administration)
 - Electricity Markets - market power analyses (Submitted to the Federal Energy Regulatory Commission)
 - Ancillary services for the California Independent System Operator on behalf of Pacific Gas & Electric and Southern Energy.
 - Market based rate authority for sale of ancillary services to ISO New England. (FERC Section 203)
 - Market power studies in support of the purchase by the Southern Company of several generating units in New England. (FERC Section 205)
 - Market power studies in support of the purchase by the Southern Company of several generating units in New York
 - Postal Rate Commission
 - Analyzed the rate structure of the U.S. Postal Service in an omnibus postal rates case, focusing on parcel post
 - Analyzed U.S. Postal Service volume forecasts and rate design for media mail and submitted testimony.
- **Real Estate Litigation**
 - New Jersey Municipalities – Created a comprehensive methodology to assist municipalities New Jersey Municipalities – Created a comprehensive methodology to assist municipalities calculate their “fair share” affordable housing obligations in Mt. Laurel cases in New Jersey, pursuant to the Mt. Laurel IV and Mt. Laurel V rulings in March 2015 and January 2017. Testified in trials in:
 - Mercer County
 - Middlesex County
 - Ocean County
 - Economic hardship analysis before the Philadelphia Historical Commission – Analyzed the financial feasibility of reusing historic structures.
 - Boyd Theater (2014)
 - Royal Theater (2015)
 - 1904-1920 Sansom Street (2015)
 - Trinity Church Oxford (2017)
 - St Laurentius (2020)
 - Evaluated the impact of water quality regulations on the feasibility of real estate developments in Monroe County, Pennsylvania

- Real Estate Tax Assessments – analyzed real estate tax appeals made by school districts in Pennsylvania. Projects included analyses on behalf of school districts and on behalf of taxpayers.
 - Upper Merion School District
 - Lower Merion School District
 - Maple-Newtown School District
 - Delaware County
 - Chester County
 - Downingtown Area School District
 - Coatesville Area School District
 - Monroe County
 - Calculate potential escalation in construction costs during litigation related delay
 - Institute for Advanced Study
 - 625 N. Broad Street Associates
 - Calculated potential damages to a real estate developer due to frivolous appeal of permits
 - Calculated the value of an easement for a billboard in a property taking case.
 - Analyzed the potential profitability of a real estate development as part of lawsuits between developers and their lenders
 - Single family home subdivision in the western suburbs of Kansas City
 - Single family home subdivision in the eastern suburbs of Kansas City
 - Vacation and primary residences in the Poconos – Monroe County, PA
 - Calculated the damages to the developer of a \$1 billion condominium building in New York of delay in selling units because of an error in condominium documentation.
 - Calculated the profitability of commercial real estate development along the Philadelphia waterfront in the absence of tax incentives.
 - Calculated the value of a ground lease to the owners of an undeveloped restaurant pad.
 - Analyzed the likely impact of a shopping center redevelopment on a lead tenant in the center.
 - Calculated the fiscal impact of a tax credit to a developer on a municipality.
 - Assessed the impact of a marijuana dispensary on nearby properties
 - Variance approval – assessed the appropriateness of proposed developments.
- Intellectual Property Litigation and Analysis
 - Microsoft – Royalties for Windows Server protocols. Determined the appropriate royalty program, including royalty rates, maximums, minimums and other terms, for sets of Windows Server protocols that the European Union required Microsoft to License as part of the remedy in an antitrust case against Microsoft.
 - Microsoft – Impact of licensing. The analysis included calculating royalties paid, assessing the markets for products based on the licensed technology, and

- determining the ways in which the licensees' products were complimentary or competitive to the licensor's products.
 - Johnson & Johnson - Defended patent validity in a case involving an over-the-counter medication.
 - Determined damages in a copyright infringement case involving a luxury jewelry manufacturer and retailer.
 - For a direct response television marketer, determined damages in a copyright infringement case against a competing firm.
 - Analyzed a royalty distribution model used to determine payments to content creator in situations where no record of the originator of the content was kept.
 - Conducted reasonable royalty calculations in a patent infringement case. The case involved both the review of the Georgia-Pacific factors to determine a reasonable royalty, and a critique of another calculation of a reasonable royalty.
 - Modeled revenues for several pharmaceutical products in an intellectual property and breach of contract dispute.
- General Litigation
 - Reviewed, analyzed and critiqued an econometrically based damage analysis that estimated how quickly shares of stock in a publicly held company could sell on the London AIM market in a marital dissolution matter.
 - Calculated damages by valuing the lost advertising value of missed appearances of an injured performed on a national television show.
 - Calculated the damages from failure to divide proceeds from the sale of a business and the associated real estate evenly among the heirs of an estate.
 - Determined the appropriate cram down interest rate in a bankruptcy proceeding.
 - Assessed the ability of a private, for-profit, golf course to continue operations as a golf course by forecasting club profit and loss based on industry growth forecasts and financing commitments made by the owners of the course.
 - Calculated the impact of a municipal regulation severely restricting the sale of cigars in packages of fewer than five cigars.
 - Determined the appropriate discount rate to use in a marital dissolution matter.
 - Assisted American Express in the preparation of its business interruption insurance claim related to damages suffered as a result of the September 11 attacks on the World Trade Center.
 - Assisted a health insurance company investigate the impact of errors in claims processing on the appropriate purchase price of the company that made the errors
 - Calculated damages to purchasers of variable universal life insurance, who allege they purchased policies based on misrepresentations made by the insurance agent.
 - Calculated damages and analyzed opposing expert's report in a state-wide class action suit between a health insurance company and member pharmacies.
 - Calculated damages to a not-for-profit organization from the allegedly wrongful actions of a local government.

- Calculated damages resulting from a company's withdrawal of its long-term care insurance products on its outside sales forces.
- For a large pharmaceutical company, evaluated the potential exposure of the company in a large class action lawsuit regarding drug pricing.
- Performed several analyses with respect to drug pricing for a large pharmaceutical company.
- In a suit alleging that an insurer with a retrospective workers compensation policy was overpaying claims, reviewed records of the largest claims to determine the appropriateness of the payments.
- Determined overcharges in a class-action dispute between resellers of toll-free 800 service and several Local Exchange Carriers.
- Conducted analyses, including a damages calculation, for an independent power producer in a breach of contract dispute with its host utility.
- Calculated damages in a breach of contract dispute between the owners of a chain of cell-phone kiosks in a major discount store with the host discount store.
- Wage Arbitration
 - City of Allentown – Assisted the City of Allentown, Pennsylvania negotiate with its police union.
 - Upper Darby Township – Tax Base Analysis for Upper Darby Township. Conducted a tax base analysis and testified at arbitration for Upper Darby as part of its contract negotiations with its police union. (Upper Darby, PA)
- Antitrust and Securities Litigation
 - 10b-5 damages for a provider of services to internet and small-scale retailers.
 - Evaluated the effect of the defendant's dealer-loyalty program on the ability of new entrants to gain market share.
 - 10b-5 damages against the auditors of a manufacturer of building supplies.
 - CBS-Viacom Merger Review - evaluated the effect on the broadcast advertising market, the market for the sale of first-run television programs to the networks, and the sale of syndicated shows to the local broadcast stations. (Federal Trade Commission)
 - Coastal and El Paso Merger Review - evaluated horizontal overlaps in several geographic regions. (Federal Trade Commission).
 - El Paso and Southern Company Joint Venture review - evaluated several market overlaps and investigated the validity of the government's anticompetitive theories, especially vertical exclusion issues (Federal Trade Commission).
 - Diageo, Pernod, and Seagrams merger review - evaluated the effect of the combination of brands on the consumer. (Department of Justice)

RELEVANT SKILLS

COURSES TAUGHT

University of Pennsylvania, 2004-present

CPLN 502/633: Urban and Regional Economics
CPLN 502: Urban Redevelopment and Infrastructure Finance
CPLN 540: Introduction to Property Development
CPLN 705: Studio
GAFL 622/522: Economic Principals of Public Policy
GAFL 724/534: Infrastructure Investment and Economic Growth
URBS 456: Economics and Urban Affairs

Jefferson University, 2021

MRE 620: Urban Revitalization

University of Minnesota, 1993-1997

Cost - Benefit Analysis, Industrial Organization, Welfare Economics, Principals of Microeconomics, Intermediate Microeconomics, Principals of Macroeconomics, International Trade and Payments

STUDENTS SUPERVISED

Joshua Warner – *Commercial Corridor Revitalization*. University of Pennsylvania, PhD in City Planning, 2020

Mengke Chen – *Agglomeration Economies and High Speed Rail*. University of Pennsylvania, PhD in City Planning, Independent Study, 2012

Jonathan Broder – *New York City Highline*. University of Pennsylvania, Master of Liberal Arts, Capstone Paper, 2011

University of Pennsylvania Studio – *Cost Benefit Analysis for High Speed Rail in the Northeast Corridor*, City Planning Studio, 2011

Allyson Randolph – *The Reinvestment Fund in Baltimore: A Model for CDFI Expansion*. University of Pennsylvania, Master of Liberal Arts, Capstone Paper, 2009

Scott Zeigler – *Identifying Housing Bubbles: An Analytical Approach*. University of Pennsylvania, Master of Liberal Arts, Capstone Paper, 2008

John Culbertson – *Microfinance*. University of Pennsylvania, Master of Liberal Arts, Capstone Paper, 2007

PROFESSIONAL MEMBERSHIPS

American Economics Association
American Planning Association
American Institute of Certified Planners
Urban Land Institute

Last updated August 11, 2021

1.1. About Econsult Solutions, Inc.

This report was produced by Econsult Solutions, Inc. (“ESI”). ESI is a Philadelphia-based economic consulting firm that provides businesses and public policy makers with economic consulting services in urban economics, real estate economics, transportation, public infrastructure, development, public policy and finance, community and neighborhood development, planning, as well as expert witness services for litigation support. Its principals are nationally recognized experts in urban development, real estate, government and public policy, planning, transportation, non-profit management, business strategy and administration, as well as litigation and commercial damages. Staff members have outstanding professional and academic credentials, including active positions at the university level, wide experience at the highest levels of the public policy process and extensive consulting experience.

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BOARD OF COMMISSIONERS COMMITTEE
OF THE WHOLE

AGENDA ITEM

October 14, 2021

DATE

Police

DEPARTMENT

AGENDA ITEM NUMBER

FISCAL IMPACT

Cost > \$10,000

Yes No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes No

AGENDA ITEM:

Consider approving the advertisement of Ordinance XXXX

EXECUTIVE SUMMARY:

Over the last few months the Police Department received the following requests, All requests were reviewed by the Traffic Safety Unit and approved by the Traffic Safety Unit and Township Officials:

Install 15 MPH speed limit signs during the hours of 8:15AM and 9:00AM and 3:15PM and 3:45PM to Woodland Road,

Install Stop Signs on Edgley Avenue at Oakdale Avenue, Elliott Avenue at Crestview Avenue and Woodland Road at Cumberland Road,

Install No Parking on Edgecomb Avenue, Fairy Hill Road, Fitzwatertown Road and North Hills Avenue,

Install No Parking Here to Corner on Jenkintown Road

Install Handicapped Parking Signs and Fine Placard in front of 1416 Edgewood Avenue

Remove No Parking Except Certain Hours on Fitzwatertown Road both sides from 7AM-9AM and 4PM-6PM From Woodland Road to a point approximately 500 feet south thereof, West - 7AM-9AM 500 feet North of Woodland Road, West 7AM-6PM and 4PM-6PM From Coulon Road north to existing signs at house No. 1442

PREVIOUS BOARD ACTIONS:

Ordinance No. 1397 - 03-14-1975 As Amended.

RECOMMENDED BOARD ACTIONS:

Consider approving advertisement of Ordinance # XXXX, amending Chapter 156 - "Vehicles and Traffic," Article II - "Traffic Regulations," Section 7 - "Speed Limits Established," and Section - 14 - "Stop Intersections," and Article III - Parking Regulations, "Section 25 - "Parking Prohibited at All Time; No Parking Between Signs; No Parking Here to Corner; Parking Prohibited Except Certain Hours; No Stopping or Standing," and Section 26 - "Parking Prohibited During Certain Hours," Section 28 - "Special Purpose Parking Zones," to add 15 MPH speed limit during the hours of 8:15AM and 9:00AM and 3:15PM and 3:45PM to Woodland Road, add Stop Signs on Edgley Avenue at Oakdale Avenue, Elliott Avenue at Crestview Avenue and Woodland Road at Cumberland Road, add No Parking on Edgecomb Avenue from 2456 Edgecomb Avenue to Roslyn Avenue, Fairy Hill Road, Fitzwatertown Road and North Hills Avenue from 1065 to Elliott Avenue, add No Parking Here to Corner on Jenkintown Road, Handicapped Parking in front of 1416 Edgewood Avenue and remove No Parking Except Certain Hours on Fitzwatertown Road. *(Chief Molloy)*

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. XXXX

**AN ORDINANCE AMENDING
CHAPTER 156 – “VEHICLES AND TRAFFIC;”
ARTICLE II – “TRAFFIC REGULATIONS;”
SECTION 7 – “SPEED LIMITS ESTABLISHED;”
SECTION 14 – “STOP INTERSECTIONS;” AND
ARTICLE III – “PARKING REGULATIONS”
SECTION 25 – “PARKING PROHIBITED AT ALL TIMES; NO PARKING BETWEEN
SIGNS; NO PARKING HERE TO CORNER; PARKING PROHIBITED EXCEPT
CERTAIN HOURS; NO STOPPING OR STANDING”
SECTION 26 – “PARKING PROHIBITED DURING CERTAIN HOURS”
SECTION 28 – “SPECIAL PURPOSE PARKING ZONES”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.20 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56579.20, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.6 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56579.6, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to section 1502.24 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56579.24, the Board of Commissioners has the authority to regulate traffic and parking; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that the Code of Ordinances of the Township of Abington shall be amended at Chapter 156 – “Vehicles and Traffic,” Article II – “Traffic Regulations,” Sections 7 – “Speed Limits Established,” and 14 - “Stop Intersections,” and Article III – “Parking Regulations,” Section 25 – “Parking Prohibited at All Times; No Parking Between Signs; No Parking Here to Corner, Parking Prohibited Except Certain Hours, No Stopping and Standing,” and Section 26 – “Parking Prohibited During Certain Hours,” and Section 28 – “Special Purpose Parking Zones,” should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. The Code of the Township of Abington is amended at Chapter 156 - “Vehicles and Traffic,” Article II – “Traffic Regulations,” at Section 7 – “Speed Limits Established,” to **add** the following restrictions:

Name of Highway	Speed Limit	Location
Woodland Road	15MPH during the hours of 8:15AM-9:00AM; 3:15PM-3:45PM	North Side, west of private alley near PECO Pole #62685; South Side 30 ft. east of Edge Hill Road

2. The Code of the Township of Abington is amended at Chapter 156 - “Vehicles and Traffic,” Article II – “Traffic Regulations,” at Section 14 – “Stop Intersections,” to **add** the following restrictions:

Stop Sign On	Direction of Travel	At Intersection of
Edgley Avenue	East and West Sides	Oakdale Avenue
Elliott Avenue	ALL-WAY	Crestview Avenue
Woodland Road	ALL-WAY	Cumberland Avenue

3. The Code of the Township of Abington is amended at Chapter 156 - "Vehicles and Traffic," Article III - "Parking Regulations," at Section 25 - "Parking Prohibited at All Times; No Parking Between Signs; No Parking Here to Corner, Parking Prohibited Except Certain Hours, No Stopping or Standing" to **add** the following restrictions:

No Parking	Side	Location
Edgecomb Avenue	North and South Sides	From 2456 Edgecomb Avenue to Roslyn Avenue From Washington Lane to the driveway at 801 Washington Lane on the North side and to the driveway of 1358 Fairy Hill Road on the South side.
Fairy Hill Road	North and South Sides	From Woodland Road to 1371 Fitzwatertown Road
Fitzwatertown Road	East	From 1605 to Elliott Avenue
North Hills Avenue	East	
No Parking Here to Corner	Side	Location
Jenkintown Road	North Side	Louise Avenue

4. The Code of the Township of Abington is amended at Chapter 156 - "Vehicles and Traffic," Article III - "Parking Regulations," at Section 28 - "Special Purpose Parking Zones" to **add** the following restrictions:

Name of Highway	Side	Authorized Purpose or Vehicle	Location
Edgewood Avenue		Handicapped Parking	In front of 1416 Edgewood Avenue

5. The Code of the Township of Abington is amended at Chapter 156 - "Vehicles and Traffic," Article III - "Parking Regulations," at Section 26 - "Parking Prohibited at During Certain Hours" to **remove** the following restrictions:

No Parking Except Certain Hours	Side	Time	Location
Fitzwatertown Road	Both	7AM-9AM and 4PM-6PM	From Woodland Road to a point approximately 500 feet south thereof
Fitzwatertown Road	West	7AM-9AM and 4PM-6PM	500 feet north of Woodland Road From Coulon Road north to existing signs at house No. 1442 Fitzwatertown Road
Fitzwatertown Road	West	7AM-9AM and 4PM-6PM	1442 Fitzwatertown Road

6. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.

7. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2021.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Richard J. Manfredi,
Township Manager & Secretary

By: _____
John L. Spiegelman, President



BOARD OF COMMISSIONERS COMMITTEE
OF THE WHOLE

AGENDA ITEM

October 14, 2021

DATE

Public Works

DEPARTMENT

AGENDA ITEM NUMBER

FISCAL IMPACT

Cost > \$10,000

Yes



No



PUBLIC BID REQUIRED

Cost > \$20,100

Yes



No



AGENDA ITEM:

2021-2022 Montgomery County Winter Services Agreement

EXECUTIVE SUMMARY:

This is a yearly agreement that the township enters into with Montgomery County providing for snow and ice clearance along with the application of anti-skid and/or de-icing materials on County highways and bridges within Abington Township primarily Easton Road, from Moreland Road to Mt. Carmel Avenue. This agreement will cover the "Winter Season", October 1 to April 30th, for the years 2021-2022, 2022-2023 & 2023-2024.

PREVIOUS BOARD ACTIONS:

This is a yearly agreement.

RECOMMENDED BOARD ACTIONS:

Motion to recommend approval to enter into a one (1) year agreement with the County of Montgomery, beginning October 1, 2021 and ending September 31, 2022 with two (2) additional one (1) year extensions, for providing snow and ice clearance on County highways, bridges, sidewalks and approaches.

(Mr. Jones)

**WINTER TRAFFIC SERVICES AGREEMENT BETWEEN
MONTGOMERY COUNTY AND ABINGTON TOWNSHIP**

THIS AGREEMENT, is made and entered into this _____ day of _____, 2021, by and between the County of Montgomery, Pennsylvania, (hereinafter called the “COUNTY”) and ABINGTON TOWNSHIP of the Commonwealth of Pennsylvania, acting through its proper officials, (hereinafter called the “MUNICIPALITY”).

WITNESSETH

WHEREAS, certain public highways, including bridges and their sidewalks and approaches, in the MUNICIPALITY have been adopted and taken over as part of the COUNTY Highway System, to be constructed, improved and maintained by the COUNTY; and,

WHEREAS, the MUNICIPALITY has the equipment, materials, personnel and procedures available and ready to perform snow and ice clearance together with the application of anti-skid and/or de-icing materials for certain COUNTY highways, including bridges and their sidewalks and approaches (hereinafter referred to as “Winter Traffic Services”), within the MUNICIPALITY in a prompt and efficient manner and has signified its willingness to furnish these Winter Traffic Services for the COUNTY during the winter seasons of 2021-2022, 2022-2023 and 2023-2024; and,

WHEREAS, the MUNICIPALITY will conduct the Winter Traffic Services in a manner satisfactory to the COUNTY in order to facilitate the safe and unimpeded flow of vehicular traffic and pedestrian traffic on bridge sidewalks over said COUNTY highways within the MUNICIPALITY in accordance with the terms, covenants and conditions hereinafter set forth in the Agreement; and,

WHEREAS, the MUNICIPALITY will conduct the Winter Traffic Services for a lump sum as agreed upon by the parties and specified herein, regardless of the amount of actual work required to conduct the Winter Traffic Services for each winter season, it being understood and agreed that the costs of such work can vary from one winter season to another, and that the

MUNICIPALITY is not entitled to and will not receive any payments in addition to the lump sum amount as agreed to by the parties; and,

WHEREAS, the payment of a lump sum to the MUNICIPALITY for the Winter Traffic Services obviates the necessity for a detailed and costly audit by the COUNTY.

NOW THEREFORE, the parties hereto, for and in consideration of the foregoing promises and of the mutual promises hereinafter set forth, with the intention of being legally bound hereby agree as follows:

1. The MUNICIPALITY will provide the necessary equipment, material and personnel, in accordance with the special procedures set up for such purposes, and undertake and accomplish the Winter Traffic Services, as indicated below, in a prompt and efficient manner. The MUNICIPALITY agrees to conduct the Winter Traffic Services in such a manner as will, in the judgment of the COUNTY, facilitate the safe and unimpeded flow of vehicular traffic over the COUNTY highways within the MUNICIPALITY.

2. For the purpose of this Agreement, the winter season of 2021-2022, 2022-2023 and 2023-2024, shall be the period from October 1 to April 30 (the "Winter Season").

3. For each of the Winter Seasons, the COUNTY will pay to the MUNICIPALITY, as reimbursement for the Winter Traffic Services contracted for in Paragraph 1 hereof, the total sum of \$17,044.80 in the following manner:

Winter Traffic Services on Easton Road Route 63 West to Cheltenham Township Line

3.35 miles x 4 lanes x \$1,272 per lane mile = \$17,044.80

50% to be paid on or before November 15 of each Winter Season - \$8,522.40

50% to be paid on or before January 15 of each Winter Season - \$8,522.40

4. The MUNICIPALITY shall indemnify and save harmless the COUNTY and all its officers, agents and employees from all suits, actions, demands, liabilities, losses, costs, expenses or claims of any type, brought for or on account of the death or injury of any person or damage

to property attributable to or arising out of or in connection with defective materials or workmanship, negligence in safeguarding work areas or any other act, omission, neglect, carelessness or misconduct of the MUNICIPALITY, its servants, agents or employees during the effective period of this Agreement.

5. The term of this Agreement shall be for one (1) year, from October 1, 2021 (hereinafter referred to as the "Effective Date") through September 31, 2022. On each of the first two anniversaries of the Effective Date, this Agreement shall automatically renew, except as described below, for an additional one (1) year term (hereinafter referred to as the "Renewal Term"). Unless agreed and documented by both parties in a separate agreement, this Agreement, shall terminate on September 31, 2024. Either party shall have the right to terminate this Agreement without cause, upon notice to the other party. In order for such a termination to be effective, notice must be made in writing, and delivered between one hundred eighty (180) and ninety (90) days before the start of any Renewal Term. Notice to the MUNICIPALITY shall be delivered to the Township Manager. Notice to the COUNTY shall be delivered to the Administrator of Roads & Bridges.

6. Work performed by the MUNICIPALITY under this Agreement shall be done to the satisfaction of the COUNTY. Such work shall be subject to inspection by the COUNTY and/or its duly authorized representatives.

7. It is further agreed by the parties that if the MUNICIPALITY fails to comply with the terms of this Agreement to the satisfaction of the COUNTY, the COUNTY may terminate the Agreement upon giving ten (10) days written notice to the MUNICIPALITY. In the event the Agreement is so terminated, then the COUNTY shall not be further obligated to pay any amount of money to the MUNICIPALITY and the MUNICIPALITY shall be entitled to funds from the COUNTY in proportion to the period of the contract for which services were provided.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, attested and sealed by their proper officials, pursuant to due and legal action authorizing the same to be done the day and year first above written.

ATTEST:

COUNTY OF MONTGOMERY

(SEAL)

Commissioner

Commissioner

Commissioner

ATTEST:

MUNICIPALITY

BY _____

Title _____

Title _____

(SEAL)