

ROXBOROUGH ON THE RISE: A CASE OF GENERATING SUSTAINABLE BUY-IN

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I. INTRODUCTION

In an ever-globalizing, networked society, business improvement districts (BIDs), as network actors in metropolitan governance, are increasingly becoming subjects of study. BIDs are “publicly sanctioned special districts,” providing a “wide range of services,” and commonly relying upon assessment of members as the primary revenue source.¹ Often nestled in metropolitan regions, BIDs are beginning to play a vital role in urban entrepreneurial governance.² Urban entrepreneurial governance is a market-driven approach that invokes collaboration between the public and private sectors with the goal of fostering economic development.³ At its core, it is about strategic policy planning.⁴ To compete in a global political economy, cities will have to shift from managerial to entrepreneurial governance.⁵ BIDs, such as the Roxborough Neighborhood Improvement District (RNID) in Philadelphia, Pennsylvania, can help metropolitan areas facilitate that shift.

The Philadelphia City Council first approved the RNID in 2003 and renewed it in 2008.⁶ The RNID plays a role as a sublocal actor in urban entrepreneurial governance. In Part II, this Case Study examines the RNID in a historical, legal, and socio-economic context. Part

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1. Göktuğ Morçöl & Ulf Zimmermann, *Metropolitan Governance and Business Improvement Districts*, in BUSINESS IMPROVEMENT DISTRICTS: RESEARCH, THEORIES, AND CONTROVERSIES 27, 30 (Göktuğ Morçöl, Lorraine Hoyt, Jack W. Meek & Ulf Zimmerman eds., 2008).

2. See Fayth A. Ruffin, *Collaborative Network Management for Urban Revitalization: The Business Improvement District Model*, 33 PUB. PERFORMANCE & MGMT. REV. 459, 462, 464, 480-81 (2010).

3. ORG. FOR ECON. CO-OPERATION & DEV., COMPETITIVE CITIES: A NEW ENTREPRENEURIAL PARADIGM IN SPATIAL DEVELOPMENT 8 (2007).

4. See *id.*

5. See David Harvey, *From Managerialism to Entrepreneurialism: The Transformation in Urban Governance in Late Capitalism*, 71 GEOGRAFISKA ANNALER 3 (1989).

6. Phila., Pa., Ordinance No. 030017 (June 11, 2003); Phila., Pa., Ordinance No. 080077 (July 2, 2008).

III explores the RNID's legislative history. Part IV discusses the RNID's ambitious streetscape project as a developmental moment, relating it to the RNID's current state of affairs. Part V explores the Roxborough Development Corporation (RDC)/RNID efforts to grant a voice to assessment payers as well as the RNID's potential for contributing to strategic environmental policy planning, evaluating influential factors and choices impacting the life and sustainability of the RNID. Lastly, Part VI offers a conclusion.

II. THE RNID: HISTORICAL, LEGAL, AND SOCIO-ECONOMIC CONTEXT

A. *Defining the Community*

Located in northwestern Philadelphia and bordered by the Schuylkill River and Wissahickon Creek, Roxborough boasts a number of well-endowed parks and recreation sites.⁷ Roxborough is about ten minutes by car from Center City, Philadelphia, and has easy access to the commuter rail into the city.⁸ At the heart of the community is the commercialized Ridge Avenue. The RNID encompasses the two-and-a-half mile Ridge Avenue commercial corridor and certain intersecting blocks.⁹ The RNID is separated into three colloquially named areas: Up the Ridge, the Ridge, and Down the Ridge. The Ridge is the central business district.¹⁰

Once a Native American trail called the Manatawny, the 300-foot ridge line between Wissahickon Creek and the Schuylkill River has a rich history. Now home to Ridge Avenue, it was the main local and industrial thoroughfare during the Colonial and Revolutionary periods, enabling transportation for farmers, as well as the produc-

7. The neighborhood contains the Andorra Natural Area, Valley Green, Boone (or Peace) Park, Fair View Park, Gorgas Park, and parts of Fairmount Park, the city's largest park. See *Parks & Recreation*, ROXBOROUGH, <http://www.roxborough.us/events.php?c=parks> (last visited Nov. 8, 2010).

8. Southeastern Pennsylvania Transportation Authority's (SEPTA) Norristown line services the areas that make up Roxborough. The neighborhood is accessible via the Wissahickon, Ivy Ridge, and Miquon stops along the line. See *Clickable Regional Rail & Rail Transit Map*, SEPTA, <http://septa.org/maps/system/index.html> (last visited Nov. 8, 2010).

9. Specifically, the RNID covers Ridge Avenue from the 5100 block, where Main Street and Domino Lane split, to the 7100 block, a portion colloquially known as "[t]he Ridge." Peter Van Allen, *Roxborough is Fishing for Retail to Spawn a Revival of Ridge Avenue*, PHILA. BUS. J., Mar. 10-16, 2006, at 1, available at <http://www.bizjournals.com/philadelphia/stories/2006/03/13/story3.html>.

10. Phila., Pa., Ordinance No. 030017 ex. A (June 11, 2003).

tion of flour, paper, and other milling and textile goods.¹¹ Descendants of seventeenth- and nineteenth-century political leaders, business leaders, and landowners who settled Roxborough¹² remain in the area today. In 1854, Roxborough Township became part of the city of Philadelphia.¹³ While the commercial properties clustered along Ridge Avenue had created a vibrant, bustling area for centuries, like so many other commercial corridors, Roxborough experienced a business and economic decline after WWII, and again following the 1970s financial crisis, as suburbanization grew and street-level merchants fled to shopping malls.¹⁴

A seemingly homogenous and close-knit community of multiple generations, as of 2000, Roxborough enjoyed a population of 29,667 that was 88.89% White, 6.26% African American, 2.79% Asian, and 1.94% Hispanic.¹⁵ The area is largely residential—2007 statistics show that it was 82.23% residential and only 2.94% commercial.¹⁶ The median household income is approximately \$44,000, and the median value of owner-occupied properties is approximately \$100,000.¹⁷ Overall, the area is poorly educated; of all residents over age twenty-five, only approximately 30% possess a high school diploma,¹⁸ and only 20% hold a bachelor's degree.¹⁹ However, as far as college education goes, the latter statistic demonstrates that Roxborough is actually better off than Philadelphia as a whole, where only 10% of residents over age twenty-five hold a bachelor's degree.²⁰ Roxborough's residents are also financially better off than

11. John Johnstone, *Philadelphia's Story (The 1700's)*, MEMBRANE, <http://www.membrane.com/philanet/Philadelphia/1700.html> (last visited Nov. 8, 2010).

12. For example, the Rambos, the Rittenhouses, and the Leverings. See CYNTHIA J. SHELTON, *THE MILLS OF MANAYUNK: INDUSTRIALIZATION AND SOCIAL CONFLICT IN THE PHILADELPHIA REGION, 1787-1837*, at 77-94 (1986).

13. Act of Feb. 2, 1854, Pub. L. No. 16, 1854 Pa. Laws 21, 25.

14. See *Hearing on Bill No. 080077 and Bill No. 080082 Before the Comm. on Rules 26, 86* (Phila., Pa. Mar. 13, 2008) [hereinafter *Hearing on Bill No. 080077*] (statements of John Davis, small business owner, and Michael Cooley, real estate developer), available at <http://legislation.phila.gov/transcripts/Public%20Hearings/rules/2008/ru031308.pdf> (discussing the declined state of Ridge Avenue); telephone interview with Jack Harmer, Treasurer, Roxborough Dev. Corp., (Dec. 7, 2009).

15. See *NeighborhoodBase Neighborhood Reports*, U. PA. CARTOGRAPHIC MODELING LAB., <http://cml.upenn.edu/nbase/nbProfileRequest.asp> (choose "Roxborough" from the "Basic" dropdown menu; then click "Create PDF Report"; then click the generated link to view the PDF report) (last visited Nov. 8, 2010).

16. *Id.*

17. *Id.*

18. *Id.* This percentage is comparable to that for the city as a whole: 33.33%. *Id.*

19. *Id.*

20. *Id.*

Philadelphia residents as a whole, with less than 8% of Roxborough residents at or below the poverty level and only 20% below twice the poverty level.²¹ In contrast, 22% of Philadelphia's residents are at or below the poverty level and 42% are at or below twice the poverty level.²² Additionally, Roxborough's crime rate is among the lowest in the city.²³

B. Legal History of the RNID

Roxborough has always had a mainstay of civic organizations, most of which helped activate the BID movement in early 2000.²⁴ To help contextualize the RNID, this Case Study now turns to a brief history of Pennsylvania's BID laws, some of which address questions raised by stakeholders during the public hearing on the RNID's renewal.

The Municipality Authorities Act of 1945,²⁵ provides the framework for BIDs and other municipal authorities to operate as independent agents of the state, rather than municipally created and controlled agents.²⁶ However, the Business Improvement District Act of 1967,²⁷ empowers municipalities to establish BIDs as subunits of local government, enabling the BIDs to collect additional assessments from a district's commercial properties.²⁸ Under both Acts, businesses were assessed broadly by category, a system that failed to account for the effects of location.²⁹ In an effort to expand the power of BIDs and resolve ambiguities about BID governance, the Pennsylvania legislature enacted the Community and Economic Improvement Act of 1998 (CEIA)³⁰ and the Neighborhood Improvement District Act of 2000 (NIDA),³¹ the latter of which placed

21. *Id.*

22. *Id.*

23. See *CrimeBase Neighborhood Reports*, U. PA. CARTOGRAPHIC MODELING LAB., <http://cml.upenn.edu/crimebase/cbsProfileRequest.asp> (choose "Roxborough" from the drop-down menu under "Choose one of the NIS neighborhoods"; then select "Create Web Report") (last visited Nov. 8, 2010).

24. Telephone interview with Jack Harmer, *supra* note 14.

25. 53 PA. CONS. STAT. ANN. §§ 5601-5623 (West 2009).

26. Göktug Morçöl & Patricia A. Patrick, *Business Improvement Districts in Pennsylvania: Implications for Democratic Metropolitan Governance*, 29 INT'L J. PUB. ADMIN. 137, 147 (2006).

27. 53 PA. CONS. STAT. ANN. §§ 5401-06 (West 2009).

28. *Id.*

29. Morçöl & Patrick, *supra* note 26, at 146-49.

30. 53 PA. STAT. ANN. §§ 18101-18112 (West Supp. 2010).

31. 73 PA. STAT. ANN. §§ 831-40 (West 2008).

all types of BIDs—commercial, residential, industrial, and institutional—into geographical neighborhood improvement districts (NIDs) managed by neighborhood improvement district management associations (NIDMAs).

Against this backdrop, and primarily driven by the Roxborough Development Corporation (RDC), the City created the RNID in June 2003.³² The RDC is the duly authorized NIDMA. Supplemental services provided by the RDC include marketing, beautification and cleaning, parking, and public safety.³³ The assessment formula imposes a higher rate for the central commercial corridor (the Ridge).³⁴

The force behind the RNID—the RDC—was the combined effort of the Central Roxborough Civic Association (CRCA) and the Roxborough Business Association (RBA) in 1991. According to Jack Harmer, charter member and treasurer of the RDC, RBA president Sam Millouza challenged his colleagues to rectify the dilapidated Foster Shoe Store, which had become an eyesore due to multiple fires.³⁵ The RBA and the CRCA then each supplied six members to jointly formulate the RDC.³⁶ The RDC, the CRCA, and the RBA continued to collaborate for the betterment of Roxborough, as well as for the establishment and renewal of the RNID, as discussed below. In 2001, the RDC commissioned a market analysis—entitled *Development Strategy for the Ridge Avenue Commercial District*—detailing the importance of retail along the Ridge Avenue corridor.³⁷

III. LEGISLATIVE HISTORY OF THE RNID

Despite support from a dedicated neighborhood contingent,³⁸ the process of establishing and continuing the RNID was not uncontroversial. The relevant ordinances both met resistance during public hearings of the Philadelphia City Council Committee on Rules.

32. See Phila., Pa., Ordinance No. 080077 (June 11, 2003).

33. This does not include law enforcement-oriented security, which is not necessary in Roxborough given the low crime rate. See *CrimeBase Neighborhood Reports*, *supra* note 23; telephone interview with Bernard Guet, Exec. Dir., Roxborough Dev. Corp. (Nov. 16, 2009).

34. See Phila., Pa., Ordinance No. 080077 (June 11, 2003).

35. Telephone interview with Jack Harmer, *supra* note 14.

36. *Id.*

37. See Kise Straw & Kolodner, *Ridge Avenue Revitalization Master Plan 3* (June 2004), <http://www.roxborough.us/ridgeMasterPlan.pdf>.

38. See *Hearing on Bill No. 080077*, *supra* note 14, at 27 (statement of John Davis, small business owner).

A. Public Hearings on the Establishment Ordinance

Then-Councilman Michael Nutter sponsored the initial resolution—Resolution 030033—and its companion bill—Ordinance 030017—on January 28, 2003, after which the resolution went to the Philadelphia City Council Committee on Rules.³⁹ Fifteen stakeholders—the majority of whom were Roxborough residents—testified at the first hearing. Only three opposed the establishment of the RNID.⁴⁰ Overall, stakeholder testimony amounted to a plea for collective action to improve a commercial corridor that neighbors hold dear.⁴¹ For example, Roxborough resident, property owner, business operator, and CRCA board member Kelly Phillips-Erb testified that creation of the RNID would allow neighbors the ability to shape their own destinies.⁴² Lifelong resident, community volunteer, church trustee, and RNID steering committee member John Davis expressed hope that the RNID would bring the area up to par, make it attractive, and recruit new businesses.⁴³ Others feared that without the RNID, Ridge Avenue would lose out to suburban malls.⁴⁴ They recognized the importance of the relationship between the long-term health of the residential and business communities⁴⁵ and argued that cleaner streets, cohesively maintained storefronts, and an improved streetscape would return the business district to an area where people would want to stroll, shop, and meet.⁴⁶

39. See Phila., Pa., Res. No. 030033 (Jan. 28, 2003), available at <http://legislation.phila.gov/attachments/8342.pdf>; Phila., Pa., Res. No. 080097 (Jan. 31, 2008), available at <http://legislation.phila.gov/attachments/4797.pdf>.

40. More than ten who offered testimony were property and/or business owners, and several represented local organizations such as Friends of Gorgas Park, the CRCA, and the Wissahickon Neighbors Civic Association, all of whom read letters of support for the RNID. See *Hearing on Bill No. 020683, Bill No. 020826, Bill No. 030113, Bill No. 030114, Bill No. 030017, Bill 030024, Bill No. 030081, Bill No. 030099, and Res. No. 030003 Before the Comm. on Rules 25–54* (Phila., Pa. Mar. 6, 2003) [hereinafter *Hearing on Bill No. 030017*], available at <http://legislation.phila.gov/transcripts/Public%20Hearings/rules/2003/ru030603.pdf>.

41. See *id.* at 38, 55–56 (statements of John Boyce, community activist; Collette Strohsnyder, Roxborough resident; and Bernice Kessler, business owner).

42. See *id.* at 24 (statement of Kelly Phillips-Erb, CRCA).

43. See *id.* at 29 (statement of John Davis, Roxborough Dev. Corp.).

44. See *id.* at 34–39 (statement of John Boyce, community activist). During his testimony, John Boyce exhibited a photograph of his grandfather, explaining that his great-grandfather started a Manayunk shoe-mending shop in the 1880s and that his mother still lives in the home in which she was born. *Id.* at 34–36.

45. See *id.* at 41 (statement of Billie Jean Gresham, Wissahickon Neighbors Civic Ass'n).

46. See *id.* at 40 (statement of Sharon Crawford, CRCA).

The dissenters, William Spalding, Ron Clarkson, and Harvey Russakoff—all area business owners—argued that the request to formulate the RNID should be denied. Spalding, an attorney with an office on Ridge Avenue, argued that a government program that would impose additional taxes on business and property owners was unnecessary and that individual business owners could address the desires of the RNID proponents on their own.⁴⁷ Clarkson explained that at least twenty-four businesses were against the RNID; that the RDC had a poor track record and had “accomplished absolutely nothing;”⁴⁸ and that an attempted farmer’s market had failed because the RDC “didn’t know how to run the damn thing.”⁴⁹ He questioned, therefore, how the RDC could be trusted to manage millions of dollars.⁵⁰ Finally, Russakoff opposed the geographical boundaries of the RNID.⁵¹ In response to these concerns, Councilman Nutter clarified that the RNID initiative came from business people and was a request for the right to assess properties for mutual benefit, not a tax imposed by the government.⁵²

The second, and final, hearing on the RNID’s enabling legislation, held on April 10, 2003, proceeded without opposition. Instead, a variety of individuals and organizations expressed support for the RNID’s formation.⁵³ Bill 030017 moved out of committee with a favorable recommendation and met with a unanimous vote of the Committee on Rules.⁵⁴ The Philadelphia City Council passed the ordinance on May 29, 2003, and Mayor Street signed it on June 11, 2003.⁵⁵

47. *Id.* at 42–45 (statement of William Spalding, business owner).

48. *Id.* at 46–48 (statement of Ron Clarkson, business owner).

49. *Id.* at 48.

50. *See id.* at 48.

51. *See id.* at 51–52 (statement of Harvey Russakoff, business owner).

52. *See id.* at 57–59 (statement of Councilman Michael Nutter).

53. For example, Duane Bumb testified on behalf of the Department of Commerce, and representatives from the RDC and the CRCA testified on behalf of those organizations. Additionally, the 21st Ward Community Council sent a representative to speak in favor of the RNID, and Interac, a mental health clinic on Ridge Avenue, volunteered to pay \$1,000 per year to the RNID. *See Hearing on Bill No. 010743, Bill No. 030017, and Bill No. 030068 Before the Comm. on Rules 31–35* (Phila., Pa. Apr. 10, 2003) (statements of Duane Bumb, Deputy Commerce Director, City of Phila.; Jack Harmer, Vice President, CRCA; William Kingsley, RDC; and Robert Catell, RDC), available at <http://legislation.phila.gov/transcripts/Public%20Hearings/rules/2003/ru041003.pdf>.

54. *See id.* at 38–39.

55. *See PHILA., PA. CITY COUNCIL, LEGISLATIVE FILE ID 0300177 (2003)*, available at <http://legislation.phila.gov/detailreport/?key=2636>.

B. Public Hearings on the Continuation Ordinance

The first public hearing on the continuation of the RNID was no less controversial than the first public hearing on its creation. Councilman Curtis Jones, Jr. sponsored the resolution—Resolution 080097—and its companion bill—Ordinance 080077—on January 31, 2008.⁵⁶ He also convened a public forum between the first and second hearings to help manage disagreement between factions. Councilmembers raised a considerable number of concerns about the progress of the RNID during its first five years.⁵⁷ Proponents cited the RNID's street cleaning, installation of new street lighting and banners, promotional activities, and planting of flowers as examples of efforts which had enhanced Ridge Avenue's viability as a meeting place for everyone in the community.⁵⁸

Community proponents included Charles McElroy, Community Relations Manager for Roxborough Memorial Hospital, who expressed his belief that businesses were fairly and equitably assessed so as to prevent "free-riding."⁵⁹ Michael Cooley, a lifelong resident and local real estate developer argued that the RNID was vital to the long-term success of his neighborhood.⁶⁰ Cooley reminisced about the bustling avenue of his youth, explaining that he found the deterioration of—and the dilapidated and abandoned properties now lining—Ridge Avenue shameful.⁶¹ Marco Gidaro, a thirteen-year resident, also testified in support of the RNID, not because of any business or RDC affiliation, but because he felt that the RNID had improved the local atmosphere.⁶² He stated, "There's many, many, many people walking the Ridge because it's safer, it's cleaner[,] and there's many businesses that are open later."⁶³

Business and property owner Stuart Lacheen opposed the RNID's management because of potential conflicts of interest, but not its

56. See Res. No. 080097, Phila. City Council (Phila., Pa. Jan. 31, 2008); PHILA., PA. CITY COUNCIL, LEGISLATIVE FILE ID 080077 (2008), available at <http://legislation.phila.gov/detail/report/?key=8160>.

57. See, e.g., *Hearing on Bill No. 080077*, *supra* note 14, at 51, 71-72, 83-84 (statements of Councilman Curtis Jones, Jr. and Council President Anna C. Verna).

58. See *id.* at 28-29 (statement of Charles McElroy, Community Relations Manager, Roxborough Mem'l Hospital).

59. See *id.* at 30-31.

60. See *id.* at 85-86 (statement of Michael Cooley, real estate developer and native of Roxborough).

61. See *id.*

62. See *id.* at 73-74 (statement of Marco Gidaro, Roxborough resident).

63. *Id.* at 74.

continuation.⁶⁴ Likewise, property owner Leonard Bracale questioned the nature of assessments and possible conflicts.⁶⁵ In effect, rate payers appeared troubled by the RDC board becoming the *ipso facto* RNID board once the RDC was appointed to manage the BID. The testimony of Lacheen invoked particular concern from Councilman Clarke and others. Lacheen explained that he and other business and property owners were concerned with (1) the method of electing BID-governing officials; (2) the lack of access to contact information for other rate payers; (3) the lack of communication between rate payers and RDC/RNID board members; (4) potential conflicts of interest wherein RDC/RNID board members received RNID contracts; and (5) an amendment allowing rate payers to vote on board members.⁶⁶

Lacheen believed that allowing assessment payers to vote on RDC board members would infuse the board with new blood.⁶⁷ To this end, he requested a bylaw amendment.⁶⁸ Lacheen complained that because he was unable to choose board members, he had no voice in the decisions made by the RNID.⁶⁹ He also complained of a lack of consistency in notifying rate payers about meetings.⁷⁰ He questioned the fact that no governmental official sat on the board, ensuring its actions were correct and legal.⁷¹ He further pointed out an apparent conflict of interest, wherein the RDC/RNID vice president's "inside information" gave him an edge over competitors vying for BID contracting work.⁷² Property owner Leonard Bracale echoed Lacheen's management concerns, asking for guidance on what the RDC may and may not fund with the assessments.⁷³

Councilman Jones indicated that there may be an opportunity for city council to help change and strengthen BID guidelines, bylaws, and the electoral process, ensuring that notice is provided and participation encouraged.⁷⁴ Jones agreed to convene a stakeholder meeting and an open forum to resolve some of the differences

64. See *id.* at 50–53, 59–60 (statement of Stuart Lacheen, Roxborough business owner).

65. See *id.* at 75, 77–78, 81–82 (statement of Leonard Bracale, Roxborough property owner).

66. See *id.* at 50–53 (statement of Stuart Lacheen, Roxborough business owner).

67. See *id.* at 57.

68. *Id.* at 58.

69. See *id.* at 65.

70. See *id.* at 66.

71. *Id.* at 51.

72. *Id.* at 58–60.

73. See *id.* at 80–82 (statement of Leonard Bracale, Roxborough property owner).

74. See *id.* at 51, 71–72, 83–84 (statement of Councilman Curtis Jones, Jr.).

among the factions.⁷⁵ The result of the March 19, 2008, and April 29, 2008, stakeholder meetings and forums was the amendment of the RDC bylaws, empowering the RDC board to (1) provide for a BID advisory council; (2) organize an annual meeting for BID contributors; (3) encourage BID-contributor participation on the RDC board; and (4) when required, post requests for proposals on the RDC website.⁷⁶ In addition, the RDC began posting its annual financial statement online.⁷⁷ A second hearing found no opposition when RDC Executive Director Bernard Guet explained the changes made by the board.⁷⁸ Councilman Clarke moved Ordinance 080077 out of committee with a favorable recommendation, and the Philadelphia City Council unanimously approved it on June 19, 2008.⁷⁹

IV. A DEVELOPMENTAL MOMENT FOR THE RNID: CREATING A MASTER PLAN

Public hearings on the establishment and the continuation of the RNID denoted a number of objections. These objections, however, were not about the need for a BID, but were about the RNID's borders and its management and governance. The RNID grew out of individual volunteer burn-out and the utility of collective action. An ambitious RNID streetscape project was helpful at the continuation phase.

The master plan, which includes input from stakeholder meetings,⁸⁰ envisages Ridge Avenue as not just a commercial corridor, but as a group of clustered business districts interspersed with residential, civic, and institutional uses.⁸¹ Although developed in 2004, the current RNID staff is carrying out the plan's streetscape objectives. As Executive Director Guet explained, "[t]his goal has been

75. *See id.* at 71-72, 83-84.

76. *Bylaws for the Roxborough Development Corporation*, art. II, § 2.15 (Aug. 11, 2009) [hereinafter *RDC Bylaws*].

77. Telephone interview with Bernard Guet, Exec. Dir., Roxborough Dev. Corp. (Dec. 16, 2009).

78. *Hearing on Bill No. 080077 and Bill No. 080251 Before the Comm. on Rules 4-5* (Phila., Pa. Apr. 30, 2008) (statement of Bernard Guet, Executive Director, Roxborough Dev. Corp.).

79. *Id.* at 40 (statement of Councilman Darrell Clarke); Phila., Pa., Ordinance No. 080077 (July 2, 2008).

80. Kise Straw & Kolodner, *supra* note 37, at 10.

81. *Id.* at 4.

dormant for several years due to lack of staff, resources and willingness to jump in and get it done.”⁸²

The streetscape design theme entails elements of change such as banners and street signage; gateway signage; green pedestrian-scaled lighting; sidewalk and curb restoration and decoration; pedestrian-friendly mid-block crossings; and planting specifications for trees, shrubs, and groundcover.⁸³ Streetscape designs for the Ridge differ from those Up the Ridge and Down the Ridge, and the various designs require land use changes.⁸⁴ For example, the Ridge and a small section of Ridge Avenue in the Wissahickon neighborhood will be pedestrian districts – walkable shopping districts, ideally with stores, restaurants, and cafes that directly face the street and offer rear parking.⁸⁵ Conversely, the rest of the Down the Ridge area, along with Up the Ridge area, will be street garden districts.⁸⁶ Street garden districts comprise attractive landscaped buffers between sidewalks and parking lot edges which offset large parking lots facing the street and eliminate the automobile-heavy nature of Ridge Avenue.⁸⁷ Street garden districts bring the commercial landscape more in line with existing residential setbacks and private gardens to create a more cohesive linear landscape, bolstering an inviting public space that encourages shopping and gathering.⁸⁸ The RDC/RNID is having greater success implementing the pedestrian district than it is the street garden district.⁸⁹

As for funding of the streetscape project, Guet, Harmer, and Andrew Frishkoff of the City’s Department of Commerce each indicated that the leveraging of funds is allowing the RDC to make great strides.⁹⁰ At the continuation public hearing, Frishkoff noted that the Philadelphia Department of Commerce and Councilman Jones’s office were working with the RDC to leverage more than \$1.7 million in state and federal funds to help implement the RNID streetscape

82. Bernard Guet, Exec. Dir., Roxborough Dev. Corp., Response to *Philadelphia BID Director Survey*, Ctr. for Pub. Pol’y, Drexel Univ. (Dec. 17, 2009) [hereinafter Guet, *Survey Response*].

83. Kise Straw & Kolodner, *supra* note 37, at 14–20.

84. *Id.* at 20–27.

85. *Id.* at 28.

86. *Id.* at 30–34.

87. *Id.* at 26–27.

88. *Id.* at 30–32.

89. Telephone interview with Bernard Guet, *supra* note 33; telephone interview with Andrew Frishkoff, Dir. of Neighborhood & Econ. Dev., Phila. Dep’t of Commerce (Dec. 7, 2009); telephone interview with Jack Harmer, *supra* note 14.

90. Telephone interview with Bernard Guet, *supra* note 33; telephone interview with Andrew Frishkoff, *supra* note 89; telephone interview with Jack Harmer, *supra* note 14.

improvements.⁹¹ One challenge to greening the district is stakeholder resistance to change.⁹²

Nevertheless, the RDC continues to implement its streetscape project as part of its development strategy. By emphasizing the quality of stores, store operations, and public spaces, and fully integrating the business district into the civic life of Roxborough, the RDC hopes to reestablish a sense of value in the RNID.⁹³ For example, entryways to Ridge Avenue are receiving gateway signage Down the Ridge at Rochelle Avenue and Wissahickon, on the Ridge between Roxborough and Hermitage, and Up the Ridge at Domino Lane in order to provide wayfarers with a welcoming sense of arrival and to thank them for coming to the district. As Guet puts it, "To improve a commercial corridor you have [two] choices: 1) [i]nvest lots of money [or] 2) [i]f the funding is limited, manage your district on the principle of a puzzle. Set your long-term vision and build it one piece at a time. . . . [L]ittle by little people realize that something is happening."⁹⁴ Clearly, change is afoot in Roxborough. The emerging picture fits with the RNID's tendency toward urban entrepreneurial governance. The RNID will need to brand itself with sublocal distinctiveness to be regionally competitive.⁹⁵ Currently, the RNID is undergoing a phase of self-discovery in order to brand the district.⁹⁶

V. EVALUATION OF THE RNID

Not unlike actors in urban entrepreneurial governance, the RNID fosters economic development, is market driven, involves public-private collaboration, and has the potential to engage in strategic policy planning. This Part explores stakeholder perception of the RDC/RNID identity and how the RDC as the NIDMA addressed challenges raised at the public hearings on the RNID's continuation. It also discusses the opportunity for the RNID network arrangements that relate its streetscape project to Philadelphia environmental policy planning.

91. *Hearing on Bill No. 080077*, *supra* note 14, at 22 (statement of Andrew Frishkoff, Director, Neighborhood & Econ. Dev., Phila. Dep't of Commerce).

92. Telephone interview with Bernard Guet, *supra* note 33.

93. Kise Straw & Kolodner, *supra* note 37, at 2.

94. Guet, *Survey Response*, *supra* note 82.

95. See Ruffin, *supra* note 2, at 480-81.

96. Telephone interview with the Bernard Guet, *supra* note 33.

A. *Ratepayers Seek Voice in RNID Governance and Management*

It is axiomatic that “[h]e who takes the benefit must bear the burden.”⁹⁷ BIDs are based upon this legal maxim as special benefit districts. Testimony adduced at the continuation hearing, however, found landowners complaining about being denied the right to vote for board members, as well as being disconnected from the RDC board,⁹⁸ even though it is the RDC that levies assessments against the RNID rate payers.⁹⁹ Rate payers seemed to perceive a distinction between the RDC board and the RNID. To be sure, the RDC is the NIDMA. Nonetheless, rate payers appeared troubled by the RDC and the RNID sharing identical governing boards and management staff without rate payer involvement distinct from the original RDC composition. According to Lacheen and Bracale, locals want to have a voice in the RNID governance.¹⁰⁰

Interestingly, the RDC’s website explains that the RDC “is a Neighborhood Improvement District.”¹⁰¹ Is the community development corporation the neighborhood improvement district? Or is the RDC staff managing the RNID and the RDC board governing the RNID? Unlike the RDC, would not the RNID geographically refer to stakeholders in the district? Should the RNID’s NIDMA have a corporate identity, board, and bylaws dedicated to the RNID? The CEIA and the NIDA mandate that “a majority of the NIDMA board be representatives of property owners in the districts,” require at least one member be from the sponsoring municipal government, and mention the representation of business owners.¹⁰² Therefore, the concerns of Lacheen and Bracale are not misplaced.

97. See, e.g., CAL. CIV. CODE § 3521 (West 2007); see also *S.O.L. Club, Inc. v. City of Williamsport*, 443 A.2d 410, 411 (Pa. Commw. Ct. 1982) (holding that to challenge an assessment levied under the Business Improvement District Act, a property owner must establish by a fair preponderance of evidence that in fact no benefit has been conferred upon his property).

98. See *Hearing on Bill No. 080077*, *supra* note 14, at 50–53 (statement of Stuart Lacheen, Roxborough business owner).

99. See Phila., Pa., Ordinance No. 080077 § 4(d) (July 2, 2008).

100. See *supra* text accompanying notes 66–75.

101. *About the RDC*, ROXBOROUGH, <http://www.roxborough.us/doingbusiness.php?c=aboutrdc> (last visited Nov. 8, 2010).

102. See Morçöl & Patrick, *supra* note 26, at 157–58. At the request of Lacheen during the public hearing, Councilman Jones agreed to become involved with the RNID and the organization of the community meeting and public forum that brought about changes to the RDC bylaws and ultimately led to the enactment of the continuation ordinance. See *Hearing on Bill 080077*, *supra* note 14, at 51 (statement of Councilman Curtis Jones, Jr.).

The RDC bylaw revisions address many of the challenges raised during the continuation hearing.¹⁰³ While a shared corporate personality and shared operation of NIDs and the sister development corporations that manage them appears to be legally permissible, demarcating the entities may minimize conflicts of interest, as well as yield greater transparency and accountability from the perspective of the direct rate payers and business owners and operators who, at least indirectly, contribute to assessments. Wider stakeholder inclusion could create greater buy-in to the RNID master plan.

B. Strategic Environmental Policy Planning

The RNID could better execute its master plan by exercising its strategic policy-planning potential with GreenPlan Philadelphia, a planning project designed “to help provide a long-term, sustainable roadmap for using, acquiring, developing, funding, and managing open space in [Philadelphia] neighborhoods.”¹⁰⁴ Many of the areas discussed at GreenPlan stakeholder input meetings lie partially in, or adjacent to, the RNID. The RNID’s streetscaping project entails strategic planning and land use beyond private business services, and includes plans for shaping the area’s public space. To date, accomplishments in the RNID’s pedestrian districts are more pronounced than those in the street garden districts.¹⁰⁵ Given Roxborough’s environment and the common goals of the street garden districts and GreenPlan,¹⁰⁶ the RNID could tap into the social and

103. *RDC Bylaws*, *supra* note 76, § 2.15. The revisions, *inter alia*, provide for a BID Advisory Committee to inform RDC on priorities, concerns, and issues of assessment contributors; designates that a BID Advisory member shall serve as a board member and that RDC otherwise encourages strong assessment payer representation on the board; calls for an annual meeting for BID contributors; states that RDC will post an annual audited financial statement of the BID account; and indicates that when the RDC board deems required, notice of an RFP will be posted on the RDC’s website. Many of these revisions address the concerns raised at the continuation hearing in 2008.

104. See GREENPLAN PHILA., <http://www.greenplanphiladelphia.com> (last visited Nov. 8, 2010).

105. Telephone interview with Bernard Guet, *supra* note 33; telephone interview with Andrew Frishkoff, *supra* note 89.

106. GreenPlan community input meetings revealed interest in changing planning policies generally, with a particular focus on new development and open space, planting more trees, conserving open space, and improving neighborhood communication and coordination. GREENPLAN PHILA., COMMUNITY ENGAGEMENT PHASE 1 REPORT 74, available at http://www.greenplanphiladelphia.com/files/summaries/roxborough_manayunk_summary_web.pdf [hereinafter GREENPLAN PHILA., COMMUNITY ENGAGEMENT REPORT]; see also *Roxborough/*

human capital of GreenPlan while fulfilling the RDC/RNID mission to maintain Roxborough's beauty and promote community planning and development.¹⁰⁷

Moreover, cooperation between the RDC and GreenPlan may create feelings of ownership over the neighborhood streetscape project among RNID rate payers and residents while also bringing business and residential stakeholders closer to the activities of the RDC. For example, Roxborough Memorial Hospital, an RNID assessment contributor, provided input to GreenPlan.¹⁰⁸ Civic associations connected to the RDC similarly participate. This potential for network arrangements could enable the RDC/RNID to be an actor in strategic metropolitan environmental policy planning. Simultaneous community participation in GreenPlan and the execution of the RDC/RNID's master plan could help cultivate the local distinctiveness and branding of the RNID, which would, in turn, make the neighborhood more regionally competitive.

VI. CONCLUSION

This Case Study of the RNID has reviewed the district's context, its legislative history, and one of its developmental moments. Similar to BID development elsewhere, collective action of business stakeholders is the driving force behind the RNID. Unlike many BIDs, the Roxborough neighborhood does not require security measures. Daily cleaning is supplied, and benefits are borne of a landowner assessment burden. Beyond cleanliness and safety, and based on its market study, the RNID began an ambitious streetscape project which continues to unfold. The RNID addressed landowner challenges to its governance and management by amending RDC bylaws. Furthermore, the RDC demonstrated that it values resident inclusion through civic association participation. As one stakeholder so aptly put it, "The long-term health of the residential community is tied to the health of the business district and vice versa. A Ridge Avenue BID [is] an important asset to the interrelationships between the residential and business communities."¹⁰⁹

Manayunk (Area H) Green Plan, GREENPLAN PHILA., <http://www.greenplanphiladelphia.com/area/pash> (last visited Nov. 8, 2010).

107. *About the RDC*, *supra* note 101.

108. GREENPLAN PHILA., COMMUNITY ENGAGEMENT REPORT, *supra* note 106, at 73.

109. *Hearing on Bill No. 030017*, *supra* note 40, at 41:6-10 (letter from Forest Aegiano, President, Wissahickon Neighbors Civic Ass'n, as read by Billie Jean Gresham, Wissahickon Neighbors Civic Ass'n).