



David W. Feldman
Executive Director

Bill No. 210669 & Resolution No. 210692

Good afternoon Chairwoman Parker, Council President Clarke, and members of City Council's Committee on Law and Government.

Thank you for hearing the testimony of the Development Workshop on Bill No. 210669 and Resolution No. 210692.

My name is David W. Feldman and I serve as Executive Director of the Development Workshop. The Development Workshop is a group of construction companies, law firms, developers, architecture and engineering firms, real estate professionals and economists working to grow the population, create jobs, strengthen the tax base, and promote diversity and inclusion in the industry.

The Development Workshop fully understands City Council's intent to increase the transparency, diversity, and accountability of the Zoning Board of Adjustment ("ZBA"). The Workshop wholeheartedly agrees with Council's overarching goals but has some concerns about the unintended consequences of this legislation.

First, the legislation would increase the size of the ZBA from 5 to 7 members. While on its face this augmentation may seem harmless, the unintended consequence is that by increasing the size of the board, the legislation would also increase the number of members necessary to establish quorum. The ZBA has already postponed several meetings because of a lack of quorum, and therefore by increasing the quorum threshold, it is likely this administrative problem will increase in the future.

Secondly, the Workshop has concerns about the language used to describe the areas of expertise and sensitivity to community concerns of future ZBA members. The Workshop recommends this language be replaced with a statement that the members should be qualified to uphold the purposes of the Zoning Code as expressed in Section 14-101. In particular, the Workshop suggests that the language "protection of the character of Philadelphia's neighborhoods" be removed from the legislation in its entirety. While clearly not intended here, similar language has been used to justify the preservation of segregated neighborhoods. The Workshop believes Council's legislative goals can be accomplished without this language and therefore recommends its removal.



Third, the Workshop recognizes that Council's confirmation of Mayoral appointments is not unique and is currently required in several instances including school board appointments. Philadelphia however was organized as a "strong Mayor" government, and the Workshop cautions against any legislation that would diminish the Mayor's authority, responsibility, and accountability under the Charter.

Finally, the Workshop recognizes Council's concern around the increasing volume of use variances sought from the ZBA. However, the Workshop does not believe this charter change will reduce the number of variances coming to the ZBA, as the core reason that so many variances are requested is the ongoing delay in remapping the new zoning code that was adopted in 2012. The Planning Commission undertook a multi-year process of extensive community engagement to match citywide mapping with the new code. Based on resident feedback they developed recommended remapping to match current building needs and community vision with the new zoning code. However, less than half of these changes have been enacted by the respective District Council members through legislation. If these changes were enacted, there would be fewer variance requests being submitted to the ZBA.

The Development Workshop sincerely thanks the sponsors and the Committee for the opportunity to testify today.

We are available to answer any questions.