

Legislation Text

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January 18, 2022

TO THE PRESIDENT AND MEMBERS OF THE COUNCIL OF THE CITY OF PHILADELPHIA:

I am hereby returning without my signature Bill Number 210669, which was passed by Council at its session on December 16, 2021. Bill Number 210669 would provide for submission to the qualified electors of the City of Philadelphia an amendment to The Philadelphia Home Rule Charter (Charter). Per Resolution Number 210692, this Charter amendment would revise the composition of the Zoning Board of Adjustment (ZBA) in the following ways: (1) increase the size of the board from five to seven members, all of whom would continue to be appointed by the Mayor; (2) provide for Philadelphia City Council confirmation of these appointments; and (3) require that the ZBA include members who possess specified areas of expertise and members who are recognized leaders from community organizations.

While the Administration supports the intent of this Charter change to address issues with the ZBA, the change would significantly delay its work and ultimately impede development. The ZBA is already operating under challenging circumstances with ever growing lists of increasingly complicated cases. This additional step would pose another impediment to resolving cases, as it would require the ZBA to meet the new quorum of four sitting Board members upon the charter change taking effect.

Additionally, the prescriptive ZBA membership requirements of this Charter change would make it even more difficult to attract members to the ZBA. The Charter change requires members with various professional backgrounds to include: an urban planner, an architect, an attorney with zoning experience, a person with experience in the construction industry, and at least two recognized leaders from community organizations. Many of these professionals will not be able to serve on the ZBA, as conflict-of-interest rules will significantly hamper their professional opportunities. Should a member of these professions be seated, there would be many cases requiring the member's recusal due to a conflict of interest, posing an additional quorum issue for the ZBA.

As a critical component of the City's Zoning Code, it is essential to ensure that the ZBA executes its authority in as professional a manner as possible. As always, we remain open to working with Council to develop proposed changes to the ZBA that will address the concerns that this Charter change aims to resolve.

For these reasons, I am returning without my signature Bill Number 210669.

Respectfully,
JAMES F. KENNEY
Mayor