



**Testimony of Matt Ruben
President, Northern Liberties Neighbors Association
On Bill 090170, Central Delaware Interim Zoning Overlay
City Council Committee on Rules, June 3, 2009**

Good afternoon. My name is Matt Ruben and I am President of the Northern Liberties Neighbors Association (NLNA), a proud member of the Central Delaware Advocacy Group (CDAG), a coalition of 20 riverfront community associations and Philadelphia nonprofits charged with promoting and defending the *Civic Vision for the Central Delaware*. I am testifying today in my capacity as NLNA President.

I would first like to clarify a few items related to Mr. Sklaroff's testimony. The NLNA represents what is perhaps Philadelphia's fastest-growing community, with about 2,000 new residents over the past decade. We also have well over 100 businesses, and each of them is a member of the NLNA. So we are part of CDAG, and we do in fact have many, many members who have developed properties, created jobs, and added to the city's wage tax, business tax, and property tax bases, and who overwhelmingly support this overlay and the Civic Vision. I would be happy to give Mr. Sklaroff a tour around the neighborhood and take him to all those businesses, so he can apologize to each of them for calling them elitists because they support this bill.

The NLNA supports Bill 090170, with the amendments proposed by Councilman DiCicco, and we thank him and Brian Abernathy. They have put in a tremendous amount of work on this, and the current amendments are very strong. The bill provides clear "rules of the road" for future development. And by putting the basics in place, it allows time for a Master Plan to be developed, while ensuring that no one can pull permits now in an attempt to make their land exempt from the Master Plan later.

The NLNA also advocates – in the strongest terms – that the Waterfront Setback (Section 6) be set at 100 feet, and no more than 20% of the lot. CDAG's analysis shows that almost every parcel in the overlay area can accommodate 100 feet, and that the few that cannot, can easily accommodate the 20 percent alternative. The setback is also supplemented with numerous safeguards to protect property rights and development prerogatives – existing piers are exempt, as are riparian lands; the lot

depth is counted from the bulkhead line; and the setback can count towards the open-space requirement that already exists in the underlying zoning for many of the parcels.

I am aware of no concrete evidence offered anywhere that shows that another formula is superior to the 100ft/20% one. In short, this setback formula is the distilled essence of the Civic Vision. Adopting it will validate the public process that created the vision, and more importantly will help create the future waterfront we all want to see.

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You have heard objections that this Bill institutes “spot zoning.” But by creating a large, seven-mile district, mandating objective guidelines, and paving the way for a Master Plan, this Bill ends the days of spot-zoning on the waterfront. Civic groups are willingly giving up some of our historic leverage in zoning because we believe in having a real plan and a better process. Far from promoting spot-zoning, this bill does the opposite. In fact, it is probably the strongest tool ever crafted to prevent spot-zoning.

You have heard that this Bill puts a moratorium on development. But giving the Planning Commission time to craft guidelines will remove the uncertainty and lack of clarity that have long impeded development, and will help spur development, not stop it.

You have heard that this Bill would effect “takings” of private property. But there is plenty of precedent for this kind of setback and public access; and in any event, the waterfront setback would in many cases be smaller than the open-space area already required by the underlying zoning. This Bill would simply say that a certain portion of that open space must be located on the waterfront – a simple, reasonable principle that has guided successful urban waterfront planning efforts across the nation.

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Finally, I leave you with one, overriding principle we feel should guide your vote today: we cannot create the waterfront we deserve if we fail to act, or if we act through half-measures. This Bill should not contain language, or omit language, because any particular group or entity wants it that way. Rather, this Bill should contain the language necessary to produce the desired result, which is to make the Civic Vision a reality through a functional, enjoyable, sustainable waterfront; meaningful public access; and a vibrant, well-planned, mixed-use waterfront area that allows recreational, residential, industrial, and commercial uses to survive, thrive, and coexist. Thank you.