

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON STREETS AND SERVICES

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, March 11, 2010
1:20 p.m.

- - -

PRESENT:

COUNCILMAN FRANK DiCICCO, CHAIR
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN WILLIAM GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILWOMAN DONNA REED MILLER

BILLS 080029, 090925, 090926, 100015 and
100102

- - -

1

2

COUNCILMAN DiCICCO: Good

3

afternoon, everyone. This is the

4

Committee on Streets and Services. My

5

name is Frank DiCicco. I'm the Chair.

6

And we do have a quorum. To my immediate

7

left is Councilman Greenlee. To my

8

immediate right is Councilman Curtis

9

Jones, and to his right is Councilwoman

10

Donna Miller.

11

I would ask Mr. McMonagle to

12

read the title of the first bill.

13

THE CLERK: Bill No. 080029, an

14

ordinance authorizing the vacating of

15

Byberry and Bensalem Road from

16

Southampton-Byberry Road to the

17

Philadelphia and Bucks County Line and

18

the vacating of Burling Avenue from the

19

Roosevelt Boulevard to a dead-end

20

approximately three thousand nine hundred

21

feet southeast of the Roosevelt

22

Boulevard, all under certain terms and

23

conditions.

24

(Witnesses approached witness

25

table.)

1 3/11/10 - STREETS - BILL 080029, etc.

2 MR. MORELLI: Good afternoon,
3 Mr. Chairman and members of the
4 Committee. My name is Frank Morelli,
5 Survey Bureau Manager of the Department
6 of Streets, and the Department of Streets
7 would like to offer the following
8 testimony on Bill No. 080029.

9 This is an Administration
10 ordinance requested by the Streets
11 Department in coordination with the
12 Commonwealth of Pennsylvania Department
13 of Conservation and Natural Resources.

14 The purpose of this ordinance
15 is to authorize the vacating of Byberry
16 and Bensalem Road from
17 Southampton-Byberry Road to the
18 Philadelphia and Bucks County Line and
19 Burling Avenue from the Roosevelt
20 Boulevard to a dead-end approximately
21 3,900 feet southeastwardly therefrom.
22 Both of these roads were legally opened
23 before 1900, but were not placed on the
24 City Plan. These roads extend through
25 land owned by the Commonwealth of

1 3/11/10 - STREETS - BILL 080029, etc.
2 Pennsylvania, commonly known as Benjamin
3 Rush State Park. The Commonwealth's
4 Department of Conservation and Natural
5 Resources intends to develop this land as
6 a state park and has requested that the
7 City vacate its rights in the beds of
8 those roads. This authorization is
9 conditional upon the execution of an
10 agreement between the Commonwealth and
11 the City wherein the Commonwealth shall
12 assume ownership, operation and
13 maintenance responsibilities for the
14 historic stone arch bridge extending over
15 Poquessing Creek at the northeasterly end
16 of former Townsend Road.

17 This ordinance is supported by
18 the Department of Streets and is
19 recommended to your committee for
20 favorable action.

21 COUNCILMAN DiCICCO: Thank you.

22 MR. ERICKSON: Good afternoon,
23 Chairman DiCicco and members of the
24 Streets and Services Committee. I am
25 William Erickson, a City Planner with the

1 3/11/10 - STREETS - BILL 080029, etc.
2 Development Planning Division of the
3 Philadelphia City Planning Commission. I
4 am here to testify on Bill 080029, which
5 Councilman O'Neill introduced into City
6 Council on January 4, 2008.

7 The purpose of this ordinance
8 is to remove the roads through the
9 Benjamin Rush State Park and allow the PA
10 Department of Conservation and Natural
11 Resources to improve the conditions at
12 this state park. These improvements will
13 include a new trail and the construction
14 of a comfort station.

15 The Planning Commission at its
16 meeting of February 19, 2008 recommended
17 that Bill 080029 be approved.

18 This concludes my testimony.

19 COUNCILMAN DiCICCO: Thank you.

20 Any questions for these
21 witnesses?

22 Councilman Jones.

23 COUNCILMAN JONES: Just out of
24 curiosity, we are vacating this so that
25 the bridge primarily can be picked up by

1 3/11/10 - STREETS - BILL 080029, etc.
2 the Commonwealth for enhancements and
3 improvements or is this a part of a
4 strategic plan to --

5 MR. MORELLI: This area is
6 going to be part of Benjamin Rush Park
7 and the roads will be vacated, which will
8 leave an historic bridge crossing
9 Poquessing Creek. The Streets Department
10 no longer wants to maintain a bridge
11 that's not supported by a City street
12 leading to it. And when this bill was
13 previously introduced, the Commonwealth
14 signed an agreement that we would turn
15 over the maintenance to them. So we just
16 wanted to continue this that was first
17 introduced back in 2002.

18 COUNCILMAN JONES: Would you
19 thank the Commonwealth for us.

20 MR. MORELLI: Yes.

21 COUNCILMAN JONES: Thank you,
22 Mr. Chairman.

23 COUNCILMAN DiCICCO: Thank you.

24 Any other questions?

25 (No response.)

1 3/11/10 - STREETS - BILL 080029, etc.

2 COUNCILMAN DiCICCO: Anyone

3 else here to testify on this bill?

4 (No response.)

5 COUNCILMAN DiCICCO: Seeing

6 none, please read the title of the next

7 bill.

8 THE CLERK: Bill No. 090925, an

9 ordinance authorizing the revision of

10 lines and grades on a portion of City

11 Plan No. 248 by placing on the City Plan

12 Saybrook Avenue from Lloyd Street to

13 Seventy-Second Street, approximately two

14 hundred three feet southeast of Woodland

15 Avenue, under certain terms and

16 conditions, including the dedication to

17 the City of the bed of Saybrook Avenue.

18 MR. MORELLI: Good afternoon,

19 Mr. Chairman and members of the

20 Committee. My name is Frank Morelli,

21 Survey Bureau Manager of the Department

22 of Streets, and the Department of Streets

23 would like to offer the following

24 testimony on Bill No. 090925.

25 This is not an Administration

1 3/11/10 - STREETS - BILL 080029, etc.
2 ordinance, but an ordinance requested by
3 Mr. Michael Johns, General Manager of the
4 Philadelphia Housing Authority, 12 South
5 23rd Street, Philadelphia, PA 19103.

6 The purpose of this ordinance
7 is to authorize the placing on the City
8 Plan of Saybrook Avenue from 72nd Street
9 to Lloyd Street as part of a project to
10 redevelop the Paschall Village Public
11 Housing site by replacing the existing
12 structures with 100 new rental housing
13 units.

14 This ordinance is supported by
15 the Department of Streets and is
16 recommended to your committee for
17 favorable action.

18 COUNCILMAN DiCICCO: Thank you.

19 MR. ERICKSON: Good afternoon,
20 Chairman DiCicco and members of the
21 Streets and Services Committee. I am
22 William Erickson, a City Planner with the
23 Development Planning Division of the
24 Philadelphia City Planning Commission. I
25 am here to testify on Bill No. 090925,

1 3/11/10 - STREETS - BILL 080029, etc.
2 which Councilwoman Tasco introduced into
3 City Council on December 17th, 2009 for
4 Council President Verna.

5 This bill will allow Saybrook
6 Avenue to be placed between 72nd Avenue
7 and Lloyd Street in order to enable the
8 PHA's Paschall Village Revitalization
9 Project development of 60 single-family
10 homes and duplexes to meet its
11 subdivision and infrastructure
12 requirements.

13 The Planning Commission at its
14 meeting on January 19, 2010 recommended
15 that Bill 090925 be approved.

16 COUNCILMAN DiCICCO: Thank you.

17 The purpose of this is to
18 authorize the placing on the City Plan of
19 Saybrook Avenue from 72nd Street to Lloyd
20 Street as part of a project to redevelop
21 Paschall Village Public Housing. Are we
22 vacating any street or --

23 MR. ERICKSON: No. They're
24 actually placing it back on the Plan.
25 They're going to make houses facing on --

1 3/11/10 - STREETS - BILL 080029, etc.
2 it was stricken before when they did the
3 Paschall Village and it was a private.
4 Now they're going to replace the street
5 back there, take the old houses down,
6 build brand new houses, and in this block
7 60 new properties will face a new
8 Saybrook Street at that location. Well,
9 60 total.

10 COUNCILMAN DiCICCO: But it was
11 vacated in the past?

12 MR. MORELLI: That is correct.

13 MR. ERICKSON: In the past it
14 was.

15 COUNCILMAN DiCICCO: And what
16 was the purpose of vacating it then; do
17 you remember?

18 MR. ERICKSON: It was in the
19 middle -- PHA is here and will be able to
20 answer those questions.

21 COUNCILMAN DiCICCO: I'm just
22 curious, was there any consideration for
23 vacating it at that time?

24 MR. MORELLI: No, there wasn't.

25 COUNCILMAN DiCICCO: When we

1 3/11/10 - STREETS - BILL 080029, etc.
2 get to the last bill, I'm going to ask
3 the same question. Thank you.

4 Any questions for these
5 witnesses?

6 (No response.)

7 COUNCILMAN DiCICCO: Seeing
8 none, please read the title of the next
9 bill.

10 THE CLERK: Bill No. 090926, an
11 ordinance authorizing the paving of
12 Saybrook Avenue from Lloyd Street to
13 Seventy-Second Street, under certain
14 terms and conditions.

15 MR. MORELLI: Good afternoon,
16 Mr. Chairman and members of the
17 Committee. My name is Frank Morelli,
18 Survey Bureau Manager of the Department
19 of Streets, and the Department of Streets
20 would like to offer the following
21 testimony on Bill No. 090926.

22 This is not an Administration
23 ordinance, but an ordinance requested by
24 Michael Johns, General Manager of the
25 Philadelphia Housing Authority, 12 South

1 3/11/10 - STREETS - BILL 080029, etc.

2 23rd Street, Philadelphia, PA 19103.

3 The purpose of this ordinance
4 is to authorize the paving of Saybrook
5 Avenue from 72nd Street to Lloyd Street.
6 This authorization has been requested by
7 the Philadelphia Housing Authority as
8 part of a project to demolish the
9 existing public housing units at this
10 location and construct an affordable
11 housing development consisting of 100 new
12 rental units.

13 This ordinance is supported by
14 the Department of Streets and is
15 recommended to your committee for
16 favorable action.

17 COUNCILMAN DiCICCO: Thank you.

18 Mr. Erickson, no testimony?

19 MR. ERICKSON: No.

20 COUNCILMAN DiCICCO: Any
21 questions, any comments?

22 (No response.)

23 COUNCILMAN DiCICCO: Anyone
24 else here who wishes to testify?

25 (No response.)

1 3/11/10 - STREETS - BILL 080029, etc.

2 COUNCILMAN DiCICCO: Seeing
3 none, please read the title of the next
4 bill.

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN DiCICCO: Oh, I'm
8 sorry.

9 MR. ARCHIE: I was hiding
10 behind him. We stayed up all night
11 preparing it. We have to say something.

12 COUNCILMAN DiCICCO:
13 Absolutely. Absolutely.

14 Whenever you're ready.

15 MR. ARCHIE: Good afternoon,
16 Chairman DiCicco and members of the
17 Committee on Streets and Services. My
18 name is Robert Archie. I'm a partner at
19 the law firm of Duane Morris LLP, and I'm
20 here today as counsel to the Philadelphia
21 Housing Authority. As you know, is
22 referred to as PHA. I'm here to testify
23 on behalf of PHA in support of Bill Nos.
24 090925 and 090926. These bills provide
25 for, as you heard earlier, the revision

1 3/11/10 - STREETS - BILL 080029, etc.
2 of lines and grades on a portion of City
3 Plan No. 248 by placing on the City Plan
4 Saybrook Avenue from Lloyd Street to 72nd
5 Street approximately 203 feet southeast
6 of Woodland Avenue, under certain terms
7 and conditions, which are set forth in
8 Bill No. 090925, including the dedication
9 to the City of the bed of Saybrook
10 Avenue, and we're also going to -- the
11 paving of Saybrook Avenue from Lloyd
12 Street to 72nd Street, under certain
13 terms and conditions, which are also set
14 forth in Bill No. 090926.

15 The factual background as to
16 why PHA supports the approval of these
17 bills, the Philadelphia Housing Authority
18 received federal funding pursuant to the
19 American Recovery and Reinvestment Act of
20 2009, a portion of which will be used to
21 revitalize Paschall Village. This
22 development will initially involve the
23 demolition of 223 antiquated existing
24 public housing units, which were built in
25 1966, and are situated on two parcels of

1 3/11/10 - STREETS - BILL 080029, etc.
2 land totalling 6.2 acres in the Paschall
3 neighborhood. After demolition, PHA will
4 undertake to construct a two-phase
5 affordable rental housing development
6 project. The development will consist of
7 two parcels of land, one with a total
8 acreage of 3.18 acres, which is generally
9 bounded by Woodland Avenue, Paschall
10 Avenue, 72nd Street and South Lloyd
11 Street.

12 This is found -- my testimony
13 is found in the Tab No. 3 of what was
14 handed up.

15 And there's another parcel for
16 a total acreage of 3.02 acres, which is
17 generally bound by Cobbs Creek Parkway,
18 Greenway Avenue and Greenway Place. The
19 two phases of the development of the
20 project will be known as Paschall Phase I
21 and Paschall Phase II, respectively, and
22 will contain, in the aggregate, 100 newly
23 constructed townhouses and duplex
24 residential rental units, with
25 approximately a 4,000 square foot

1 3/11/10 - STREETS - BILL 080029, etc.
2 community facility, management office
3 building with community space, storage
4 and a management office built and a
5 computer lab. This will be shared by all
6 the residents of Paschall Village. By
7 placing Saybrook Avenue from Lloyd
8 Street, 72nd Street on the City Plan,
9 dedicating the bed of Saybrook Avenue to
10 the City and paving Saybrook Avenue, it
11 will provide vehicular and pedestrian
12 access to the first phase of this
13 development.

14 These 100 residential units
15 will be constructed with a stick frame on
16 a slab on grade. The exterior, as
17 Michael pointed out on the other side,
18 will consist of a combination of brick,
19 vinyl and stucco facades, with off-street
20 parking in the rear. The development
21 will also feature several green and
22 energy-efficient elements, including
23 compliance with the Energy Star building
24 standards, geothermal heating and
25 cooling, solar panels and storm water

1 3/11/10 - STREETS - BILL 080029, etc.

2 recycling.

3 PHA, in order to do this
4 development, has formed or will form two
5 Pennsylvania limited partnerships, one
6 for each phase of the development. The
7 general partner of the partnership will
8 be an instrumentality of PHA, and the
9 limited partners will be an affiliate of
10 Wachovia Bank National Association. The
11 total development cost for the
12 development is expected to be
13 approximately \$46 million. The project
14 will be funded by Low-Income Housing Tax
15 Credits awarded by the Pennsylvania
16 Housing Finance Agency, as well as PHA
17 capital funds from the federal
18 government.

19 It is anticipated that the
20 development will take place in May of
21 2010. There will be infrastructure work
22 and construction of the development which
23 is scheduled to commence May of 2010, and
24 it will be completed in August of 2011.
25 PHA expects that all 100 units will be

1 3/11/10 - STREETS - BILL 080029, etc.

2 fully leased by November of 2011.

3 I thank you for your time and
4 consideration of our request. In
5 anticipation of a question which I expect
6 to be asked, there'll be 200 jobs created
7 by this project.

8 COUNCILMAN DiCICCO: Well,
9 thank you.

10 Councilman Greenlee.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Chairman.

13 Good afternoon, Mr. Archie.
14 Just a question on the number of units.
15 So the Paschall development will now have
16 a total of, what, 100 units?

17 MR. ARCHIE: One hundred units.

18 COUNCILMAN GREENLEE: Okay.
19 And you said, I think, in here there were
20 originally 223?

21 MR. ARCHIE: Correct.

22 COUNCILMAN GREENLEE: Were some
23 of those 223 still occupied or were they
24 all vacant?

25 MR. ARCHIE: They're all

1 3/11/10 - STREETS - BILL 080029, etc.
2 vacant. Mr. Johns, the man who --
3 introduce yourself and answer these
4 questions, please.

5 He's the architect.

6 COUNCILMAN GREENLEE: Okay.

7 MR. ARCHIE: He designed all
8 this.

9 MR. JOHNS: Michael Johns,
10 General Manager of Planning and Design,
11 Philadelphia Housing Authority.

12 They originally had had 223
13 units on site. At the time we decided to
14 do the demolition, it was about half
15 occupied. The majority of the residents
16 either took Section 8 vouchers or they
17 moved to some of our conventional sites
18 or our scatter sites or opted out of
19 public housing all together.

20 COUNCILMAN GREENLEE: So these
21 100, are they going to be new PHA tenants
22 then or are they transfers or some of
23 both?

24 MR. JOHNS: No. It will be a
25 site-based waiting list. All of our new

1 3/11/10 - STREETS - BILL 080029, etc.
2 developments that are Low-Income Housing
3 Tax Credit developments have site-based
4 waiting lists. So they'll be all new
5 tenants. There will be an option for
6 the -- an option for the tenants who were
7 there to apply first, but there's no
8 guarantee that they'll be admitted. They
9 have to -- there's certain criteria under
10 PHFA guidelines that they will need to
11 meet in order to become a tenant there.

12 COUNCILMAN GREENLEE: Okay.

13 All right. Thank you.

14 Thank you, Mr. Chairman.

15 COUNCILMAN DiCICCO: Thank you.

16 Any other questions?

17 Councilwoman Miller.

18 COUNCILWOMAN MILLER: Hi. Good
19 afternoon. What is site-based waiting
20 list?

21 MR. JOHNS: Site-based waiting
22 list means that -- typically for public
23 housing we have a location that is a
24 general location where everybody that
25 wants to come into public housing will

1 3/11/10 - STREETS - BILL 080029, etc.
2 go, like North Broad Street or South 17th
3 Street. But when we talk about a
4 site-based waiting list, we mean that the
5 location where the new units are built is
6 where people will go to apply for housing
7 at that site.

8 COUNCILWOMAN MILLER: Okay.
9 And what is the criteria? I know that
10 you have -- why would someone who lived
11 there in the past may not qualify to move
12 back? I guess that's what I'm trying
13 to --

14 MR. JOHNS: Well, there's a
15 criminal check, there is a credit check,
16 and there is -- if tenants have been
17 relocated from that location and they
18 moved into, say, for example, a newly
19 renovated unit, then typically that's a
20 permanent relocation. But if they were
21 relocated to someplace that either is a
22 temporary or not completely renovated
23 location, they would give their -- they
24 would be given the first opportunity to
25 apply. And so the other criteria would

1 3/11/10 - STREETS - BILL 080029, etc.
2 then have to kick in. For example, while
3 they were away from the site during the
4 construction, they would have to be up in
5 their rent, they would -- they can't have
6 any unpaid utilities and issues while
7 they're away from the site and while it's
8 under construction. And, of course,
9 there'll be the criminal check and the
10 other check before they could be
11 eligible.

12 And then the way that we do the
13 eligibility, because we try to get a mix
14 of incomes, typically because the
15 Pennsylvania Housing Finance regs, we
16 typically are below 50 to -- 70 to 50
17 percent AMI, but even within that range,
18 we'll try to target so many units for
19 people that make between zero and 20
20 percent of area median income and then
21 families that make between, you know, 20
22 and 30 and then 30 and 50, something like
23 that. So we try to get a mix.

24 COUNCILWOMAN MILLER: Okay.
25 All right. I understand a little better,

1 3/11/10 - STREETS - BILL 080029, etc.

2 not completely.

3 COUNCILMAN DiCICCO: Thank you.

4 Any other questions?

5 (No response.)

6 COUNCILMAN DiCICCO: Anyone

7 else here to testify?

8 (No response.)

9 COUNCILMAN DiCICCO: Thank you

10 both, gentlemen, for your testimony.

11 MR. ARCHIE: Thank you.

12 COUNCILMAN DiCICCO: Please

13 read the title of the next bill.

14 MR. ARCHIE: There is a

15 proposed amendment. The Philadelphia

16 Housing Authority has entered into a

17 Memorandum of Understanding with respect

18 to building permits in connection with

19 their development. This ordinance

20 provides there will be a \$200 fee paid.

21 Under the MOU, that fee would be waived.

22 So if you look on each of the ordinances

23 on the bottom, it says that there will be

24 a \$200 fee. PHA is asking, respectfully,

25 that that ordinance be amended -- that

1 3/11/10 - STREETS - BILL 080029, etc.
2 these ordinances be amended and that \$200
3 fee be removed. Is that possible?

4 COUNCILMAN DiCICCO: I honestly
5 do not know, and I see some people
6 smiling in the background. Could anyone
7 shed some light on this? If not, what we
8 could do is vote --

9 MR. ARCHIE: I can hand you up
10 an amended version of this ordinance.

11 COUNCILMAN DiCICCO: I think
12 you might want to discuss that with the
13 sponsor of the bill. We can vote the
14 bill out of Committee, and if possible,
15 if we need to, then we can always make
16 some amendment going forward.

17 MR. ARCHIE: That will be fine.

18 COUNCILMAN DiCICCO: Just not
19 to slow the process down.

20 MR. ARCHIE: We thank you very
21 much.

22 COUNCIL DiCICCO: Okay?

23 MR. JOHNS: Yes.

24 COUNCILMAN DiCICCO: Discuss it
25 with the sponsor of the bill.

1 3/11/10 - STREETS - BILL 080029, etc.

2 MR. ARCHIE: I certainly will.

3 COUNCILMAN DiCICCO: Thank you
4 again for your testimony.

5 Please read the title of the
6 next bill.

7 THE CLERK: Bill No. 100102, an
8 ordinance amending Section 2 of an
9 ordinance (Bill No. 080725) approved
10 November 19, 2008, entitled "An ordinance
11 authorizing the revision of lines and
12 grades on a portion of City Plan No. 120
13 by striking from the City Plan and
14 vacating Cleveland Street from Girard
15 Avenue to Stiles Street, under certain
16 terms and conditions," by extending the
17 period for compliance with the terms and
18 conditions stated therein.

19 (Witnesses approached witness
20 table.)

21 COUNCILMAN DiCICCO: Please
22 proceed with your testimony.

23 MR. MORELLI: Good afternoon,
24 Mr. Chairman and members of the
25 Committee. My name is Frank Morelli,

1 3/11/10 - STREETS - BILL 080029, etc.
2 Survey Bureau Manager of the Department
3 of Streets, and the Department of Streets
4 would like to offer the following
5 testimony on Bill No. 100102.

6 This is not an Administration
7 ordinance, but an ordinance requested by
8 Ms. Carolina C. Spaventa, Esquire, of
9 Stradley, Ronon, Stevens, Young, LLP,
10 2600 One Commerce Square, Philadelphia,
11 PA 19103.

12 The purpose of this ordinance
13 is to amend a previous ordinance, Bill
14 No. 080725, which authorized the striking
15 from the City Plan and vacating of
16 Cleveland Street from Girard Avenue to
17 Stiles Street. This amendment will
18 extend the time period for compliance
19 with the terms and conditions of the
20 ordinance for an additional two years.
21 The purpose of this proposed action is to
22 allow the abutting owner, St. Joseph's
23 Preparatory School, to improve and
24 consolidate existing parking areas on
25 either side of Cleveland Street.

1 3/11/10 - STREETS - BILL 080029, etc.

2 This ordinance is supported by
3 the Department of Streets and is
4 recommended to your committee for
5 favorable action.

6 MR. ERICKSON: Good afternoon,
7 Chairman DiCicco and members of the
8 Streets and Services Committee. I am
9 William Erickson, a City Planner with the
10 Development Planning Division of the
11 Philadelphia City Planning Commission. I
12 am here to testify on Bill No. 100102,
13 which Councilman Clarke introduced into
14 City Council on February 25, 2010.

15 This ordinance is a time
16 extension to Streets Bill No. 080725,
17 which authorizes the vacating of
18 Cleveland Street between Stiles Street
19 and Girard Avenue to allow St. Joe's
20 Preparatory School to consolidate two
21 existing parking lots into a single
22 parking facility.

23 The Planning Commission at its
24 meeting of October 21, 2008 recommended
25 that Bill No. 080725 be approved and,

1 3/11/10 - STREETS - BILL 080029, etc.
2 therefore, recommend that Bill No. 100102
3 also be approved.

4 This concludes my testimony.

5 COUNCILMAN DiCICCO: Thank you.

6 I'll ask the same question again. Is
7 there any consideration for vacating?

8 MR. MORELLI: Cleveland Street
9 was opened by affidavit, so we didn't --

10 COUNCILMAN DiCICCO: I'm sorry.
11 Say that again.

12 MR. MORELLI: It was legally
13 opened by affidavit, so we didn't pay any
14 damages when the street was opened. So
15 we only collect damages for street
16 striking when the City -- when the street
17 was initially opened. If we pay damages,
18 then we have an appraisal done at the
19 end. If there was no damages, we didn't
20 receive any money.

21 COUNCILMAN DiCICCO: I'm
22 confused. I apologize. You're saying
23 "damages."

24 MR. MORELLI: When we opened
25 the street, if the City had acquired the

1 3/11/10 - STREETS - BILL 080029, etc.
2 property through condemnation, if we had
3 to pay to acquire the ground, then we at
4 the end ask for fair market value for the
5 street, but some streets are just
6 dedicated to the City, free of any costs,
7 so when we strike those streets, no fee
8 is required.

9 COUNCILMAN DiCICCO: I'm a
10 little confused, I'll be honest.

11 MR. ERICKSON: Councilman,
12 maybe I can explain it. When a developer
13 comes in and wants to build a bunch of
14 houses, they'll give us the street for
15 free just to get it on City Plan.

16 COUNCILMAN DiCICCO: Right.

17 MR. ERICKSON: So if they give
18 it to us for free, when we no longer need
19 it as a street, we have to give it back
20 for free. If the City pays money to
21 acquire it --

22 COUNCILMAN DiCICCO: Then you
23 have to be made whole.

24 MR. ERICKSON: Then they want
25 to be paid back.

1 3/11/10 - STREETS - BILL 080029, etc.

2 COUNCILMAN DiCICCO: At least
3 made whole.

4 MR. ERICKSON: Yes.

5 COUNCILMAN DiCICCO: So this,
6 you're saying --

7 MR. MORELLI: No damages were
8 paid, so we didn't --

9 COUNCILMAN DiCICCO: All right.
10 Please read the title of the
11 next bill.

12 THE CLERK: Bill No. 100015, an
13 ordinance authorizing Charles Weiner to
14 construct, own and maintain a building
15 encroachment at 3653 Germantown Avenue,
16 under certain terms and conditions.

17 (Witness approached witness
18 table.)

19 COUNCILMAN DiCICCO: Thank you.

20 MS. BRISBON: Good afternoon,
21 Chairman DiCicco and members of the
22 Streets and Services Committee. My name
23 is Michelle Brisbon and I'm a Staff
24 Engineer with the Transportation Planning
25 and Analysis Unit of the Department of

1 3/11/10 - STREETS - BILL 080029, etc.
2 Streets. I'm here to offer testimony on
3 Bill No. 100015, which Councilmember
4 Clarke introduced into City Council on
5 January 28th, 2010.

6 The Department of Streets does
7 not support this bill. The building
8 encroachment which this bill seeks to
9 accommodate was initiated without the
10 approval of the Department of Streets.
11 It is the policy of the Department of
12 Streets not to approve permanent
13 commercial intrusion into the public
14 right-of-way solely for the purpose of
15 expanding a business use. Requests for
16 permanent private building structures
17 within the right-of-way should be
18 referred to the Department of Streets
19 City Plans Unit for a City Plan change
20 ordinance. Requests to strike a portion
21 of the right-of-way are first reviewed by
22 the Department of Streets, City Planning
23 Commission and any affected utilities.
24 Once this process has been completed, an
25 ordinance can be introduced to strike

1 3/11/10 - STREETS - BILL 080029, etc.
2 this portion of the right-of-way from
3 City Plan. This would allow the owner of
4 3653 Germantown Avenue to incorporate the
5 12 foot by 75 foot parcel into their
6 deed.

7 Once again, this bill is not
8 supported by the Department of Streets
9 and is recommended to your committee for
10 unfavorable action.

11 COUNCILMAN DiCICCO:

12 Mr. Erickson.

13 MR. ERICKSON: Good afternoon,
14 Chairman DiCicco and members of the
15 Streets and Services Committee. I am
16 William Erickson, a City Planner with the
17 Development Planning Division of the
18 Philadelphia City Planning Commission. I
19 am here to testify on Bill 100015, which
20 Councilmember Clarke introduced into City
21 Council on January 28, 2010.

22 This bill will allow the owners
23 of the Eagle Bar located at 3653
24 Germantown Avenue to build and maintain a
25 12 foot by 75 foot encroachment on the

1 3/11/10 - STREETS - BILL 080029, etc.
2 south side of Erie Avenue. The sidewalk
3 is 28 foot wide at this location and this
4 addition would reduce the unencumbered
5 sidewalk to 16 feet wide. The City
6 Planning Commission does not believe that
7 a permanent building encroachment should
8 be allowed in the street right-of-way.
9 The street is for public transportation
10 and utility purposes, and private
11 interests should not encroach on those
12 interests. Except when a street
13 right-of-way can be reduced and still
14 allow safe pedestrian travel and
15 vehicular movement and utility functions,
16 then the City Plan changes should be
17 requested.

18 The City Planning Commission at
19 its meeting on February 16, 2010
20 recommended that Bill No. 100015 be
21 disapproved.

22 This concludes my testimony. I
23 appreciate any comments -- I appreciate
24 to appear before you and if you have any
25 questions.

1 3/11/10 - STREETS - BILL 080029, etc.

2 COUNCILMAN DiCICCO: Thank you.

3 Mr. Erickson, for what reason
4 is this being disapproved? Your
5 testimony says that the street is for
6 public transportation.

7 MR. ERICKSON: Yes.

8 COUNCILMAN DiCICCO: Et cetera,
9 except when a street right-of-way can be
10 reduced and still allow pedestrian
11 travel. Does it meet that standard?

12 MR. ERICKSON: The reason the
13 bill is being recommended disapproval is,
14 we think this is the wrong way to do it.
15 What we think is appropriate would be a
16 street change where you would strike the
17 12 foot and allow the person to purchase
18 it and it would no longer be a street.
19 Therefore, he would be building on ground
20 he owns instead of encroaching on the
21 right-of-way of a street. In this
22 particular case, it's a 28 foot wide
23 sidewalk.

24 COUNCILMAN DiCICCO: It would
25 meet that criteria of still being --

1 3/11/10 - STREETS - BILL 080029, etc.

2 MR. ERICKSON: Yes.

3 COUNCILMAN DiCICCO: So it's
4 not because of any --

5 MR. ERICKSON: Well, it's not
6 that we don't like the building
7 encroachment. We just don't like the
8 idea of a bill that says we're going to
9 put a building there, it's going to be
10 permanently in the sidewalk and it's
11 still going to be considered a street.

12 When we build a building into
13 the sidewalk, the applicant is required
14 to indemnify the City in case somebody
15 runs into the building. Well, this is
16 going to be a permanent building here.

17 COUNCILMAN DiCICCO: Which the
18 applicant would be more than willing to
19 do.

20 MR. ERICKSON: Yes, but it's
21 permanent. You don't know how long the
22 applicant is going to own it.

23 COUNCILMAN DiCICCO: The
24 applicant, whether he owns it for a long
25 time or a short period of time, if it

1 3/11/10 - STREETS - BILL 080029, etc.
2 became part of the deeded property, if
3 the City were to vacate that --

4 MR. ERICKSON: Well, in that
5 case, he would.

6 COUNCILMAN DiCICCO: That's the
7 suggestion you're making?

8 MR. ERICKSON: That's what
9 we're suggesting.

10 COUNCILMAN DiCICCO: And for
11 public disclosure, I'm a personal friend
12 of the applicant even though this
13 property resides in Councilman Clarke's
14 district. So I do have a personal
15 knowledge of what he was trying to do,
16 because we're friends and we've talked
17 from time to time. And I know that he
18 would entertain a recommendation for
19 financial -- a financial consideration to
20 take that portion of the sidewalk and
21 allow it then to become part of his deed.
22 The question now is how much.

23 MR. ERICKSON: Well,
24 realistically, the Planning Commission
25 doesn't determine how much and we don't

1 3/11/10 - STREETS - BILL 080029, etc.
2 even determine whether or not he would
3 get charged. It all depends on how the
4 street was opened. In this particular
5 case, it just so happened that this one
6 there was damages paid. As we testified
7 on the other one, it's not.

8 COUNCILMAN DiCICCO: How do we
9 handle other situations that are similar?
10 I know there was a controversial issue in
11 my district before I was the District
12 Councilperson on Broad Street at what was
13 then Bocce, or I can't remember the name
14 of the place, across from the Bellevue.
15 There's the restaurant with the atrium
16 that was built, I believe, without
17 approvals, if memory serves me right.
18 How did eventually we legalize that
19 encroachment?

20 MS. BRISBON: I'm not aware of
21 that.

22 MR. ERICKSON: I think that was
23 an encroachment built similar to this
24 that was introduced. In this particular
25 case, I mean, the gentleman is doing it

1 3/11/10 - STREETS - BILL 080029, etc.
2 the correct way. He's applying for an
3 encroachment ordinance prior to any
4 construction, and we really appreciate
5 that he's taken those steps. He had the
6 Survey District do a plan up. The only
7 issue really is that when they wrote the
8 ordinance -- normally the Streets
9 Department will write an ordinance for
10 the party-in-interest. As part of that
11 writing, they put a clause in there that
12 says under 90 days or 180 days, at
13 written notice by the Streets Department,
14 the building would have to be removed.
15 Well, I mean, when you're building a
16 building and a bank is going to give you
17 money, they don't want to see that clause
18 90 days or 180 days it has to be removed.
19 So I can understand why they didn't
20 include it in this, but when you take
21 that clause out, it sort of makes this
22 really permanent here, and we think that
23 it would be more appropriate to strike
24 the street, take it out, have him acquire
25 the property and then build his building

1 3/11/10 - STREETS - BILL 080029, etc.

2 that way.

3 COUNCILMAN DiCICCO: Okay. And

4 I'll get back to you in a minute.

5 Ms. Brisbon, in your testimony

6 you state that the request to strike a

7 portion of the right-of-way are first

8 reviewed by the Streets Department. Are

9 you suggesting that it had never been

10 reviewed by the Streets Department?

11 MS. BRISBON: I'm sorry?

12 COUNCILMAN DiCICCO: Are you

13 suggesting that -- are you telling us

14 that it has never been reviewed by the

15 Streets Department, this application?

16 MS. BRISBON: No. What I'm

17 stating is, that's the process if they

18 wanted to go through to strike it, that

19 they would submit the application to

20 strike it from City Plan and it would be

21 through the Streets Department.

22 COUNCILMAN DiCICCO: Okay. But

23 my understanding -- I could be wrong --

24 is that the owner, Mr. Weiner, had an

25 idea to expand his property to do an

1 3/11/10 - STREETS - BILL 080029, etc.

2 encroachment.

3 MS. BRISBON: Yes.

4 COUNCILMAN DiCICCO: It was my
5 understanding that I believe someone from
6 the Streets Department at first rejected
7 it because they believed that there was
8 either a water main or a lateral or some
9 utility under that area, the 12 foot
10 area, from the property line out to the
11 sidewalk.

12 MS. BRISBON: Yes. The Streets
13 Department --

14 COUNCILMAN DiCICCO: And it was
15 also suggested, if memory serves me
16 right, that if he would bring the
17 extension out only to nine feet, then
18 there would be no other problem.

19 So I guess what I'm getting at
20 is, I'm confused with your testimony that
21 that should have been the first thing.
22 But didn't he already get that review?

23 MS. BRISBON: I'm not aware
24 of --

25 COUNCILMAN DiCICCO: And I

1 3/11/10 - STREETS - BILL 080029, etc.
2 could be wrong, but I think that review
3 has already taken place.

4 MS. BRISBON: Okay. Yeah. I'm
5 not aware.

6 Are you aware of that, Bill?

7 COUNCILMAN DiCICCO: I'm just
8 doing this to establish a record so that
9 we all are on the same page here.

10 MS. BRISBON: I understand.

11 MR. ERICKSON: Councilman, the
12 plan that he had drawn up was done by the
13 9th Survey District, which is a part of
14 the Streets Department. John Parkinson
15 did the drawing. And what you're talking
16 about is, there's an abandoned water
17 right-of-way underneath where he had
18 planned on --

19 COUNCILMAN DiCICCO: At the
20 time the survey was done, they didn't
21 know if it was abandoned.

22 MR. ERICKSON: Well, they know
23 it's abandoned now.

24 COUNCILMAN DiCICCO: But at
25 that time, they didn't. The surveyor

1 3/11/10 - STREETS - BILL 080029, etc.
2 said, Well, only go out nine feet and you
3 won't have to deal with that service
4 under there. But we find out it's
5 abandoned.

6 MR. ERICKSON: They found out
7 it was abandoned and the proposal is for
8 the 12 by 75.

9 Normally the process when
10 you're looking to do a Streets bill is,
11 the first step is you send a letter to
12 the Streets Commissioner, who then sends
13 it down to different departments. The
14 department that handles encroachments is
15 not the department that handles street
16 strikings. Basically you're dealing with
17 Michelle on encroachments, and Frank and
18 Tom do the street striking. So different
19 people actually look at it.

20 COUNCILMAN DiCICCO: All right.
21 I was also at a sidebar earlier with
22 Councilman Clarke, the person who
23 introduced this bill, that an appraisal
24 would have to be made. The owner can't
25 do the appraisal on his own? It has to

1 3/11/10 - STREETS - BILL 080029, etc.

2 be from the Planning Commission?

3 MS. BRISBON: The Streets

4 Department has a list of approved

5 appraisers.

6 COUNCILMAN DiCICCO: Certified

7 appraisers.

8 MS. BRISBON: And there's five

9 of them.

10 COUNCILMAN DiCICCO: What I'm

11 getting at is, certainly we want this to

12 be done correctly. We want it to be done

13 legally so that going forward there's no

14 question of who owns what. I know that

15 the applicant has been working on this

16 for several months now, and with the

17 weather changing, he was hoping to get

18 under construction as quickly as

19 possible. Do you have any sense of how

20 much time this would take for him to get

21 the appraisal and get it back and then

22 have it reviewed by your respective

23 departments?

24 MR. MORELLI: Councilman, we

25 did a --

1 3/11/10 - STREETS - BILL 080029, etc.

2 COUNCILMAN DiCICCO: Why don't
3 you come up, Frank. Again, I'm not
4 trying to rush it. It's just that he's
5 waited and now he thought he would be
6 able to be under construction.

7 Assuming at some point if the
8 appraisal comes back at a figure that he
9 is accepting to move forward with, he'd
10 like to get this construction started
11 ASAP.

12 MR. MORELLI: The appraisal
13 would just be one of the conditions in
14 the ordinance that would have to be
15 carried out before the change is
16 confirmed, but the ordinance could be
17 drafted and we could have it back to you
18 still in this Council session. But that
19 would be something that would need to be
20 done after the bill is introduced. It's
21 not a condition that we would need done
22 immediately.

23 COUNCILMAN DiCICCO: I know I
24 spoke to the Councilperson's chief of
25 staff -- or legislative assistant. I

1 3/11/10 - STREETS - BILL 080029, etc.
2 apologize if I didn't get your title
3 right. And they asked that we hold this
4 bill. I'm just wondering, is there
5 anything that the applicant could do as
6 we're going through these other processes
7 to get this project going? Could he
8 start pulling permits, getting things in
9 order so that when the appraisal and
10 everything comes in, he could just begin
11 the project?

12 MR. MORELLI: I know that --

13 COUNCILMAN DiCICCO: If he
14 can't, he can't. I'm just asking.

15 MR. MORELLI: L&I is going to
16 want to see at least that there has been
17 a bill introduced before they start their
18 review. So we can immediately start
19 drafting a Streets ordinance and get it
20 to you in this session. And the
21 appraisal would be a condition that's
22 before confirmation.

23 COUNCILMAN DiCICCO: You
24 frighten me a little bit when you say
25 "this session," meaning that they may not

1 3/11/10 - STREETS - BILL 080029, etc.
2 get approved until June and then the
3 construction -- well, he still has the
4 summer, but all right. I'm just trying
5 to see if we can expedite, because he has
6 been waiting for a while to get this
7 project underway.

8 Any sense, Frank, on the timing
9 it would take to get this?

10 MR. MORELLI: I mean, once we
11 receive it, we have to distribute it to
12 all the utilities and it has to go in
13 front of the Committee of Highway
14 Supervisors.

15 MR. ERICKSON: We did
16 distribute it to all the utilities and we
17 took it to DEC. I had mentioned that
18 this encroachment bill is probably going
19 to come back as a Streets bill, so we did
20 send it to all the utilities today in the
21 event to try to speed it along.

22 COUNCILMAN DiCICCO: All right.
23 So as soon as you get the bill, it will
24 be sent over to Councilman Clarke's and
25 we'll get it reintroduced.

1 3/11/10 - STREETS - BILL 080029, etc.

2 Councilman Greenlee.

3 COUNCILMAN GREENLEE: Thank
4 you, Mr. Chairman.

5 Mr. Morelli, I think you said
6 the price was just one condition. What
7 else has to happen here?

8 MR. MORELLI: When there's a
9 street striking, there's an indemnity
10 agreement that's in all street striking
11 agreements that would be required.
12 There's a signoff with the abutting
13 property owners that they don't object to
14 it.

15 COUNCILMAN DiCICCO: He owns
16 both abutting properties.

17 MR. MORELLI: That's good.

18 COUNCILMAN DiCICCO: I don't
19 think he'll object.

20 COUNCILMAN GREENLEE: And you
21 said there's five appraisers?

22 MR. MORELLI: No. We have a
23 list of five different appraisers. They
24 can -- the party-in-interest could choose
25 any one of those.

1 3/11/10 - STREETS - BILL 080029, etc.

2 COUNCILMAN GREENLEE: All
3 right. And just one other question on
4 the encroachment issue. I know there's a
5 lot of properties around that have like
6 these sort of entryways that kind of
7 enter onto the sidewalk. Is that how all
8 of them were done over the years, what
9 you're suggesting, or is it the size of
10 the encroachment or the size of the
11 sidewalk that makes the difference? I
12 don't know who is supposed to answer
13 that. Ms. Brisbon maybe. Am I making
14 sense?

15 MS. BRISBON: I don't believe
16 that -- I don't think they have to go
17 through an ordinance. I mean --

18 COUNCILMAN GREENLEE: That's
19 why I'm asking. Is it the size?

20 COUNCILMAN DiCICCO: They were
21 just encroachments?

22 MR. ERICKSON: Well, you are
23 allowed to encroach depending on the
24 width of the street. The smaller the
25 street, the smaller the encroachment. So

1 3/11/10 - STREETS - BILL 080029, etc.
2 you're allowed to have stairs into the
3 bed of the street some, but once --
4 there's a specific limit depending on the
5 size of the street. Once you get it past
6 that, you then have to get an
7 encroachment ordinance.

8 COUNCILMAN GREENLEE: And what
9 is sort of the rule on that? You say in
10 your -- or Ms. Brisbon says, leaves a
11 distance approximately 16 feet for clear
12 pedestrian traffic.

13 MR. ERICKSON: The encroachment
14 can only be up to four foot six, is the
15 maximum encroachment. This is a 12 foot.

16 COUNCILMAN GREENLEE: All
17 right. I didn't know what the rule was.
18 Okay.

19 COUNCILMAN DiCICCO: Just a
20 crazy question. Maybe I got my facts
21 mixed up. If we just did it as a
22 straight encroachment and not a striking,
23 does that speed it up and could he come
24 back later and could it be stricken
25 later?

1 3/11/10 - STREETS - BILL 080029, etc.

2 MR. ERICKSON: That would be up
3 to you, Councilman. I mean, our
4 recommendation -- the Planning
5 Commission's recommendation is just that,
6 a recommendation. We'd recommend you go
7 through the City Plan change process. If
8 you would prefer to -- that would be your
9 call or Councilman Clarke's call on
10 whether or not -- but we recommend
11 that -- we just don't like the idea of
12 permanent structures in the streets, and
13 that's why we're opposed to it.

14 COUNCILMAN DiCICCO: Any other
15 questions?

16 (No response.)

17 COUNCILMAN DiCICCO: Thank you.

18 This concludes the public
19 hearing on the Committee of Streets and
20 Services. We will now go into the public
21 meeting, but before we do so, at the
22 request of the sponsor, Bill No. 100015
23 is being held until some of the matters
24 that we discussed in the public hearing
25 have been resolved.

1 3/11/10 - STREETS - BILL 080029, etc.

2 Councilman Greenlee.

3 COUNCILMAN GREENLEE: Thank

4 you, Mr. Chairman. I move that the

5 following bills -- Bill No. 080029,

6 090925, 090926 and Bill No. 100102 -- be

7 reported out of this Committee with a

8 favorable recommendation and move further

9 that the rules of Council be suspended to

10 allow them to be heard at first reading

11 at our next session.

12 (Duly seconded.)

13 COUNCILMAN DiCICCO: It has

14 been properly moved and seconded that the

15 bills that have just been read into the

16 record be approved by this Committee and

17 a further recommendation that the rules

18 of Council be suspended.

19 All those in favor signify by

20 saying aye.

21 (Aye.)

22 COUNCILMAN DiCICCO: Those

23 opposed?

24 (No response.)

25 COUNCILMAN DiCICCO: This

1 3/11/10 - STREETS - BILL 080029, etc.

2 concludes the Committee on Streets and

3 Services. Thank you for attending.

4 (Committee on Streets and

5 Services concluded at 2:05 p.m.)

6 - - -

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on March 11, 2010, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

