

**RESPONSE TO WRITTEN QUESTIONS FROM ROBERT W. BALLENGER**  
**PUBLIC INPUT HEARING**  
**October 25, 2016**

| Questions Posed by Mr. Ballenger   | Philadelphia Water Department Responses   |
|--|---|
| <p>1. Testimony during the hearings at City Council included discussion of the fact that community gardens were advised by PWD to place stormwater billings in dispute, rather than paying them. Accordingly, some community gardens have unpaid stormwater bills, for which PWD has not pursued collections.</p> <p>(a) Please explain why PWD decided that community gardens should be advised not to pay stormwater bills in past years</p> <p>(b) How much actual stormwater revenue did PWD collect, on an annual basis over the past five years, from community gardens that, going forward, may be exempt from stormwater fees?</p> <p>(c) Does PWD have any other informal arrangements with customers through which it advises them not to pay bills pending a change in the rate structure or the availability of some other form of relief? If so, please describe them.</p>  | <p><b>Response:</b></p> <p>(a) Stormwater fees for these parcels were placed in dispute upon request pending a permanent resolution of requests from such customers for an exemption from stormwater charges for community gardens.</p> <p>(b) PWD did not separately track stormwater revenue over the past five years from community gardens.</p> <p>(c) Charges for properties owned by the Philadelphia Housing Development Corporation (PHDC) are abated upon request pursuant to the Ordinance approved on October 2, 1968 (attached as Attachment 1). Charges for vacant properties acquired by the Philadelphia Redevelopment Authority of Philadelphia (RDA) are abated upon request pursuant to the Ordinance approved on July 5, 2011 (attached as Attachment 2).</p>  |
| <p>2. According to testimony at City Council, PWD's arrangement (advising community gardens to place storm water bills in dispute) has been ongoing for as long as five years, with PWD, at times, making commitments to implement an exemption.</p> <p>(a) Why did PWD decide not to propose formalizing a stormwater exemption for community gardens in the rate increase proceeding for FY 2017 and 2018?</p> <p>(b) Why did PWD not propose formalizing a stormwater exemption for community gardens at any time over the past five years (including the period of time prior to the Board's oversight)?</p> <p>(c) Confirm that PWD's "collection factor" used in the FY 2017-FY 2018 Rate Proceeding reflected non-payment (in prior years) of stormwater fees by community gardens that were advised not to pay.</p> <p>(d) If PWD's collection factor reflected non-payment (in prior years) by community gardens, isn't it correct that customer rates have already increased (through the application of the collection factor) as a result of unpaid stormwater fees from community gardens? If not, why not?</p> | <p><b>Response:</b></p> <p>(a)-(b) All of discounted rates for Special Customers (schools, charities, places of religious worship, senior citizens, PHA, IWRAP) were enacted pursuant to ordinances approved by City Council and adopted by the City. The Ordinance authorizing discounted rates for community gardens and establishing eligibility criteria was not passed by City Council until after the conclusion of the rate increase proceeding.</p> <p>(c)-(d) The collection factors used in the FY 2017-2018 Rate Proceeding reflect the historical payment patterns of all customers, including any historical non-payment of stormwater fees by community gardens. Collection factors were developed for Retail Excluding Stormwater Only Customers and Retail Stormwater Only Customers. The historical payment patterns and resulting collection factors were not analyzed exclusively for community gardens nor any other sub-set of customer types. The rates are reflective of historical payment patterns of any customer types including those community gardens that have historically not paid their bill.</p> |

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|--|--|
| <p>3. The ordinance states that the discount provided to community gardens is without prejudice to any other prior arrangement for relief.</p> <p>(a) What other arrangements for relief of stormwater bills for community gardens are currently in effect, and what has been the impact on PWD revenues from such arrangements in past years?</p>   | <p><b>Response:</b> See answer to 1(a). In addition, some community gardens may qualify for credits and discounts.</p>   |
| <p>4. Testimony during hearings at City Council included discussion of retroactivity of stormwater exemptions.</p> <p>(a) To what extent does PWD propose that exemptions should be retroactive and for what reasons?</p> <p>(b) To the extent PWD proposes the exemptions should be retroactive, how much in stormwater billings for prior billing periods is potentially subject to an exemption?</p>  | <p><b>Response:</b> PWD does not propose that the exemption be retroactive. The ordinance does not make the exemption retroactive but instead provides in Section 2 that the discount or exemption shall be without prejudice to any prior arrangement for relief of stormwater fees between the Water Department and a Community Garden under certain conditions. It is anticipated that Section 2 will be implemented through payment arrangements and/or settlements negotiated by the Law Department.</p>  |
| <p>5. PWD's 2016 Special Rates Filing assumes that 231 community garden parcels will qualify for the community gardens exemption, if implemented. PWD reports a total of 286 known community garden parcels</p> <p>(a) Please explain why PWD's community gardens figure (286 known parcels) varies so significantly from statements from representatives of community gardens, who testified to City Council that there are upwards of 500 community gardens in Philadelphia.</p> | <p><b>Response:</b> The Special Rate Filing assumes that 231 community gardens are potentially eligible for the discount or exemption; however, actual eligibility based on the criteria in the ordinance has not yet been determined. The list of 286 community gardens was compiled based on information supplied by Neighborhood Gardens Trust (NGT), Pennsylvania Horticultural Society, Amy Laura Cahn of the Public Interest Law Center, and others. Of these 286 potentially eligible garden parcels, 55 are vacant parcels exempt from stormwater charges pursuant to the ordinance approved in 2011 (Attachment 2) and the remaining 231 parcels currently are billed for stormwater. Additional parcels on vacant land were identified but were not added to the list because they currently are exempt. See also the testimony of Amy Laura Cahn indicating that NGT's longer list of approximately 500 parcels includes a large number of gardens that do not qualify as eligible community gardens under the ordinance because the principal use of such additional parcels is not for a community garden. (See Transcript, 10/25/2016, pages 44-47).</p> |
| <p>6. As described in testimony during hearings at City Council, the benefits of community gardens include reduction in gun violence, improved health outcomes for neighborhood residents, increased exercise and decreased stress levels, additional housing value, availability of donated surplus crops, etc.</p> <p>(a) Please provide any supporting documentation in PWD's possession for these benefits.</p> <p>(b) Please provide any supporting documentation in</p>      | <p><b>Response:</b> (a)-(b) PWD did not provide such testimony at City Council. By way of further answer, see: (1) Transcript of the City Council Finance Committee hearing on June 2, 2016, pages 264-311 (attached as Attachment 3), including statement of Councilman Domb on behalf of Councilwoman Sanchez, Statement of Councilman Henon and Testimony of Ms. Chan, Mr. Hopkins and Ms. Unver; and (2) transcript and written public comments from the Rate Board's Public Input Hearings in this proceeding.</p>  |

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|---|---|
| PWD's possession for any other benefits provided by community gardens.  |   |
| <p>7. According to testimony at City Council, community gardens retain stormwater, and benefit PWD's stormwater program. Furthermore, community gardens report working together with PWD to manage stormwater from nearby rights-of-way.</p> <p>(a) Has PWD assessed the extent to which community gardens retain stormwater? If so, how, if at all, did PWD take into consideration this assessment in calculating the net revenue requirement in the FY 2017-FY 2018 rate proceeding?</p> <p>(b) Provide a full report on the feasibility of measures for community gardens to manage stormwater from nearby rights-of-way.</p> <p>(c) Please explain how stormwater fees for rights-of-way (largely impervious area) are allocated to customers.</p> | <p><b>Response:</b> PWD did not provide such testimony at City Council. By way of further answer, see the responses below.</p> <p>(a)-(b) PWD has not independently assessed stormwater runoff associated with community gardens but is aware of an assessment prepared by the Pennsylvania Horticultural Society (attached as Attachment 4)</p> <p>(c) Streets, medians and sidewalks in public rights-of-way are not included in the billable units of service. Stormwater management of such rights-of-way is shared by all customers.</p> |

## Attachment 1

## AN ORDINANCE

Authorizing City Council to prepare requisitions for payment of certain bills incurred during 1967, for services rendered the City, and authorizing the City Treasurer to pay those bills from the 1968 appropriation to City Council.

*The Council of the City of Philadelphia hereby ordains:*

SECTION 1. City Council is hereby authorized to prepare requisitions for payment and the City Treasurer to pay a sum not exceeding thirty-eight thousand (38,000) dollars for printing services rendered the City.

SECTION 2. The aforesaid sum shall be paid from the 1968 appropriation to City Council for materials, supplies and equipment.

Approved the second day of October, A.D. 1968.

JAMES H. J. TATE,  
Mayor of Philadelphia.

## Explanation:

[Brackets] indicate matter deleted from existing ordinance.

Italics indicate new matter added to existing ordinance.

## AN ORDINANCE

Amending Section 2, of an ordinance approved June 28, 1966, relating to an agreement between the Philadelphia Housing Development Corporation and the Commissioner of Public Property providing low cost residential development in certain housing programs, by abating certain municipal claims against certain properties and adding a new paragraph, under certain terms and conditions.

*The Council of the City of Philadelphia hereby ordains:*

SECTION 1. Section 2, Paragraph 10, of an ordinance approved June 28, 1966, relating to an agreement between the Commissioner of Public Property and the Philadelphia Housing Development Corporation is amended as follows:

10. PHDC agrees to use such monies as are transferred to it from time to time by the City (including but not limited to the two million dollars (\$2,000,000.00) revolving fund appropriation established by ordinance of Council of the City of Philadelphia, approved by the Mayor of the City of Philadelphia on February 10, 1965 for capital expenditures for the acquisition and rehabilitation of substandard housing) to return vacant lots and vacant, closed, boarded-up or derelict properties to effective use in the active housing supply through rehabilitation and new construction; costs of acquisition and rehabilitation of substandard housing are to include the following items: set out by way of illustration only and not by way of limitation; costs of title reports reasonably necessary for the proper evaluation by PHDC of whether a particular property should be acquired; and title insurance, [costs of payment of delinquent taxes or other municipal liens owed to the City, School District, or other governmental agency, if demanded; payment of current taxes and municipal charges if assessable,] payment for liability and fire insurance while ownership of the properties is in PHDC and required maintenance costs necessary to the sale of the property.

SECTION 2. Section 2 of an ordinance approved June 2, 1966, relating to an agreement between the Commissioner of Public Property and the Philadelphia Housing Development Corporation is amended by adding a new paragraph as follows:

20. Upon acquisition of any property by PHDC either by gift or purchase, all delinquent real estate taxes, water and sewer charges, and any other mu-

municipal charges or fines owed to the City which relate to the specific property so acquired or held by PHDC and while any property is held by PHDC all real estate taxes, water and sewer charges, and any other municipal charges which relate to the specific property so acquired or held by PHDC shall be abated, and all liens and judgments filed or entered of record against the owner of the property being acquired by PHDC (on such property) in connection with any delinquent real estate taxes, water and sewer charges, and any other municipal charges or fines owed to the City shall be removed but as to the property being acquired by PHDC (such property) only; provided, however, that upon purchase of any property, PHDC shall not pay more than the difference between the fair market value of the property and the amount of taxes or charges or fines abated under this ordinance. The provisions of the paragraph shall be applied retroactively to apply to all properties acquired at any time by PHDC subsequent to the term of this agreement.

**Explanation:**

(Brackets) indicate matter deleted from existing ordinance.  
*Italics* indicate new matter added to existing ordinance.

Approved the second day of October, A.D. 1968.

JAMES H. J. TATE,  
*Mayor of Philadelphia.*

**AN ORDINANCE**

Establishing and revising parking regulations on Warfield street, from Wharton street to Moore street.

*The Council of the City of Philadelphia hereby ordains:*

SECTION 1. The following parking regulation is hereby terminated:

**PARKING PROHIBITED AT ALL TIMES**

Warfield street, from Wharton street to Moore street, west side.

SECTION 2. The following parking regulation is hereby established:

**PARKING PROHIBITED AT ALL TIMES**

Warfield street, from Wharton street to Moore street, east side.

Approved the second day of October, A.D. 1968.

JAMES H. J. TATE,  
*Mayor of Philadelphia.*

**AN ORDINANCE**

Establishing and revising parking and stopping regulations on Montgomery avenue, from Broad street to Thirteenth street.

*The Council of the City of Philadelphia hereby ordains:*

SECTION 1. The following parking regulation is hereby terminated:

**PARKING PROHIBITED AT ALL TIMES**

Montgomery avenue, from Broad street to Thirteenth street, south side.

## Attachment 2

# City of Philadelphia



(Bill No. 110446)

## AN ORDINANCE

Amending Chapter 19-1600 of The Philadelphia Code, entitled “Water and Sewer Rents,” by revising the terms for discontinuance of water and sewer charges, and making technical changes, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 19-1600 of The Philadelphia Code is amended to read as follows:

### CHAPTER 19-1600. WATER AND SEWER RENTS.

§ 19-1601. Discontinuance of Water and Sewer Service Charges.

(1) (a) A customer may cause the Department to discontinue water and sewer service charges on his property, *other than charges relating to storm water management and disposal*, when he:

\* \* \*

(b) When the owner of a destroyed or demolished building obtains a permit to discontinue water service, the Department may waive unpaid water and sewer service [charges from] *charges, other than charges relating to storm water management and disposal, incurred as of the date of such destruction or demolition.*

(2) (a) The Department may discontinue water and sewer service charges on certain properties, *other than charges relating to storm water management and disposal*, under these terms and conditions:

(.1) The property[ies are] *is* vacant and [have been delinquent in the payment of water and sewer service charges for at least two billing cycles; and] water service [to these properties] has been shut off pursuant to the City’s shut-off program; or

(.2) The property has been destroyed by fire. If the property has been so destroyed, the Department may waive unpaid water and sewer service [charges from] *charges, other than charges relating to storm water management and disposal, incurred as of the date of such destruction or consequential demolition.*

\* \* \*



# City of Philadelphia

BILL NO. 110446 continued

Certified Copy

§ 19-1602. Acquisition of Property by the City.

(1) When any *vacant or unoccupied* premises are acquired by the City, charges for water *and sewer, including charges relating to storm water management and disposal*, shall terminate on the date that such premises are acquired[, unless the previous owner or his tenant continues the use of water thereafter].

§ 19-1603. [Vacant or Unoccupied Premises.] *Reserved.*

[(1) When any premises remain vacant and no water is used for a period of 12 consecutive months, the Department shall, upon application made no later than 30 days following that period of vacancy, credit the account for one-half the minimum charge for the period of vacancy.]

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.

# City of Philadelphia

BILL NO. 110446 continued

Certified Copy

# City of Philadelphia

BILL NO. 110446 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 16, 2011. The Bill was Signed by the Mayor on July 5, 2011.



Michael A. Decker  
Chief Clerk of the City Council

## Attachment 3

Committee on Finance  
June 2, 2016

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COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE ON FINANCE

Room 400, City Hall  
Philadelphia, Pennsylvania  
Thursday, June 2, 2016  
10:35 a.m.

PRESENT:

COUNCILWOMAN JANNIE L. BLACKWELL, CHAIR  
COUNCILWOMAN CINDY BASS  
COUNCILMAN ALLAN DOMB  
COUNCILMAN DEREK S. GREEN  
COUNCILMAN WILLIAM K. GREENLEE  
COUNCILMAN BOBBY HENON  
COUNCILMAN DAVID OH  
COUNCILWOMAN CHERELLE L. PARKER  
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ  
COUNCILWOMAN BLONDELL REYNOLDS BROWN  
COUNCILMAN MARK SQUILLA

BILLS 160402, 160470, 160471, 160510, 160511,  
160523, and 160551  
RESOLUTION 160541

- - -

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1           6/2/16 - FINANCE - BILL 160402, etc.

2           back to the Sheriff and tell him.

3                   COUNCILWOMAN BLACKWELL: Thank  
4           you.

5                   MR. VIGNOLA: Can we be  
6           excused?

7                   COUNCILMAN GREENLEE: Yes.

8                   MR. VIGNOLA: Thank you.

9                   COUNCILWOMAN BLACKWELL: Yes.  
10          Thank you. Thank you very much.

11                   Yes, we have one more bill and  
12          we have -- we'll ask the Clerk to read  
13          the title of Bill No. 160523.

14                   THE CLERK: An ordinance  
15          providing for an exemption from charges  
16          relating to storm water management and  
17          disposal for community gardens operated  
18          for community benefit and producing food  
19          or non-food crops; all under certain  
20          terms and conditions.

21                   COUNCILWOMAN BLACKWELL: Thank  
22          you very much.

23                   Councilman Domb, you're going  
24          to make a statement for Councilwoman  
25          Sanchez as well as yourself.

1           6/2/16 - FINANCE - BILL 160402, etc.

2           COUNCILMAN DOMB: I guess I'm  
3           just -- Madam Chair, on behalf of  
4           Councilwoman Sanchez, I'm just offering  
5           this amendment.

6           COUNCILWOMAN BLACKWELL: Okay.  
7           Well, we're not quite ready for that. So  
8           we'll ask those who are here, we have  
9           Debra McCarty, Commissioner.

10           (Witness approached witness  
11           table.)

12           COUNCILWOMAN BLACKWELL: Now,  
13           Commissioner, you know I'm going to ask  
14           you about my -- that's right. I haven't  
15           said it at all. So I know you took care  
16           of all my people.

17           COMMISSIONER McCARTY: I'm  
18           still working with Risk, but a lot -- I  
19           think since we last met, the numbers have  
20           come down and we're --

21           COUNCILWOMAN BLACKWELL: I  
22           didn't hear what you said at all.

23           COMMISSIONER McCARTY: I'm  
24           sorry. So I did reach out to Risk and  
25           the numbers have come down. So they

1           6/2/16 - FINANCE - BILL 160402, etc.

2           settled most of the --

3                   COUNCILWOMAN BLACKWELL: I  
4           don't know why you all won't take care --  
5           you know, June 14th will be a year  
6           anniversary. Do you hear them?

7                   COMMISSIONER McCARTY: There  
8           have been offers made to everybody.  
9           We're just waiting for the claimants to  
10          sign the documents and/or agree to the  
11          settlement.

12                   COUNCILWOMAN BLACKWELL: As  
13          long as we've been here, I couldn't  
14          resist it. I couldn't resist it,  
15          colleagues.

16                   My colleagues are sick of me  
17          bringing this up. I got one young man, I  
18          said he was a good leader, and then he  
19          ran for office. My goodness. I told him  
20          he was a leader. Then he came down and  
21          told me, I took your advice, you said I'm  
22          a leader, I'm running for office.  
23          Against an incumbent too.

24                   So I'm telling you, my  
25          colleagues do not want me to bring this



1           6/2/16 - FINANCE - BILL 160402, etc.  
2           up. And we're into another Mayor, at the  
3           end of his first term and we can't get it  
4           done, and I don't understand it. I don't  
5           accept it. But I'm being calm these  
6           days. I'm being calmer, because  
7           everybody is tired, and we want to get it  
8           done. But really you all should not --  
9           it's inhumane for the City to treat  
10          people wrong when it's tax dollars and  
11          when the Water Department has money. I'm  
12          telling you, they have more money than  
13          we'll ever see, and they always say they  
14          need money for whatever they say they  
15          need money for. But take care of the  
16          people who elect us, who pay our  
17          salaries.

18                   COMMISSIONER McCARTY: Risk  
19          Management has made offers to every  
20          single claimant. So the majority we're  
21          waiting for the claimants to send back  
22          the settlement agreement.

23                   COUNCILWOMAN BLACKWELL: I'm  
24          telling you. I ran into a young lady  
25          yesterday, Asian lady, getting a once

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           every five year exam and she said, I know  
3           you. You're Councilwoman Blackwell.  
4           You're the one who pays water bills for  
5           your clients.

6                     Now, let me say this: I just  
7           can't afford it. Let me try it another  
8           way, another approach, but we just can't  
9           do it. But on a serious note, you got to  
10          take care of people who elect you. It's  
11          an issue of morality, of decency, of  
12          doing the right thing. And it's just  
13          unfair. June 14th will be a year  
14          anniversary, one whole year, and people  
15          are still waiting to be made whole. It's  
16          just not right. Not right.

17                    All right. Let me move on.  
18          Let me let you make your statement for  
19          this.

20                    COMMISSIONER McCARTY: Good  
21          afternoon, Councilwoman Blackwell and  
22          members of the Committee on Finance. I  
23          am Debra McCarty, Commissioner of the  
24          Philadelphia Water Department, and I'm  
25          here today to testify on Bill No. 160523.

1           6/2/16 - FINANCE - BILL 160402, etc.

2           The Water Department recognizes  
3           the benefits that community gardens bring  
4           to the City, as well as City Council's  
5           desire to incentivize this type of land  
6           use. We are working to develop a program  
7           contemplated by this bill and have begun  
8           drafting regulations that will shape the  
9           implementation and administration of it.

10           The proposed regulations  
11           essentially track the bill and include:  
12           how to apply for the exemption; how a  
13           community garden may show that it meets  
14           the organizational and occupancy criteria  
15           required by the bill; how the community  
16           garden may achieve the 80 percent  
17           pervious cover required by the bill, such  
18           as with soil or crops or stormwater  
19           management features like porous paving; a  
20           four-year exemption period to match our  
21           standard stormwater credit period.

22           We are committed to honoring  
23           this program and aim to have regulations  
24           in place this fall in time for the bill's  
25           effective date of January 1st, 2017.

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1           6/2/16 - FINANCE - BILL 160402, etc.

2                   This concludes my testimony,  
3       and thank you.

4                   COUNCILWOMAN BLACKWELL: Thank  
5       you.

6                   Any questions?

7                   COUNCILMAN DOMB: I have one.

8                   COUNCILWOMAN BLACKWELL:

9       Councilman Domb has a question.

10                  COUNCILMAN DOMB: Actually I  
11       have a statement and a question. I  
12       should have read the statement first, so  
13       I apologize. But I'm reading this on  
14       behalf of Councilwoman Sanchez. It's  
15       basically about this bill that she's  
16       introducing, I guess, and it's in  
17       recognition of the financial burden posed  
18       by stormwater billing, which you  
19       mentioned, on community-managed gardens  
20       and market farms which provide multiple  
21       benefits to Philadelphia neighborhoods.  
22       So it exempts gardens from stormwater  
23       fees as a no-brainer because they  
24       naturally absorb stormwater runoff that  
25       would otherwise burden our sewer system.

1       6/2/16 - FINANCE - BILL 160402, etc.  
2       It's the latest initiative of our city's  
3       ambitious portfolio of green initiatives,  
4       including the Green City, Clean Waters  
5       Program.

6               In addition to direct  
7       contribution to our stormwater management  
8       goals, these institutions provide many  
9       other community benefits, including  
10      improving fresh food access and  
11      encouraging healthy eating, encouraging  
12      adaptive reuse of otherwise vacant and  
13      blighted spaces, creating safe green  
14      public spaces for neighbors to share and  
15      enjoy together. This legislation brought  
16      by Councilwoman Sanchez marks the  
17      culmination of the Water Department's own  
18      efforts to reform the way of  
19      self-sustaining gardens are built and  
20      parallels the Department's similar  
21      exemption for residential side yards.  
22      The exemption will apply retroactively to  
23      2010. The Philadelphia Water Department  
24      regulates that gardens apply every four  
25      years.

1           6/2/16 - FINANCE - BILL 160402, etc.

2                     Here's a question from

3     Councilwoman Sanchez I wanted to pose.

4     This legislation defines community

5     gardens as a distinct classification of

6     ratepayers that will receive a discounted

7     rate on billing charges related to

8     stormwater only. Can you confirm for the

9     record that the Water Department will

10    propose that the Water Rate Board fix

11    that discount at a rate of zero percent?

12                    COMMISSIONER McCARTY: I can

13    confirm that we will, based on Council's

14    passage of the ordinance, go to the Rate

15    Board with the requested discount.

16                    COUNCILMAN DOMB: Okay. Thank

17    you. Thank you very much. I have no

18    further questions.

19                    Thanks, Madam Chairwoman.

20                    COUNCILWOMAN BLACKWELL: Thank

21    you very much.

22                    Councilman Henon.

23                    COUNCILMAN HENON: Thank you,

24    Madam Chair.

25                    Could you repeat that discount?

1           6/2/16 - FINANCE - BILL 160402, etc.

2           I missed the question. I apologize.

3                   COUNCILMAN DOMB: That's okay.

4           Can you confirm for the record that the

5           Water Department will propose that the

6           Water Rate Board fix the discount at a

7           rate of zero percent. This is for

8           community gardens.

9                   COUNCILMAN HENON: Okay. Thank

10          you.

11                  COUNCILMAN DOMB: Just for

12          community gardens.

13                  COUNCILMAN HENON: It's for the

14          record. And we can have conversations

15          about this offline, because I have some

16          concerns, although I think side lots and

17          community gardens beautify the

18          neighborhood. It brings the community

19          together. And where there is a food

20          desert and/or lack of fresh produce, I

21          mean, it certainly provides and offers an

22          incredible service for our neighborhoods

23          across the City, especially where we need

24          them the most.

25                  COUNCILWOMAN BLACKWELL: Maybe

1           6/2/16 - FINANCE - BILL 160402, etc.

2           we'll ask them to feed my people.

3                   COUNCILMAN HENON: I hear you.

4                   COUNCILWOMAN BLACKWELL: Maybe.

5                   COUNCILMAN HENON: So with that

6           being said, I do have some questions, and

7           if we don't have the answers here, I'd

8           like to get them before final passage,

9           because whether it's worthy of amendment

10          or not, but it certainly will be worthy

11          of whether I vote for it or not vote for

12          it.

13                   So the exception that the Rate

14          Board at zero for community gardens, what

15          are community gardens assessed now for --

16          how is their stormwater management

17          calculated?

18                   COMMISSIONER McCARTY: If they

19          are -- a lot of community gardens are

20          just one single parcel. So they would be

21          charged whatever the residential property

22          is currently charged, which is \$14 and

23          some change. I think it's \$14.10. Like

24          what my bill is and your bill would be.

25          Larger parcels would be billed based on,



1           6/2/16 - FINANCE - BILL 160402, etc.  
2           as a commercial property, based on porous  
3           and pervious services. So that's what  
4           would occur with one large single  
5           property if it's not a typical  
6           residential parcel.

7                   COUNCILMAN HENON: Right. And  
8           so we would need -- this legislation  
9           wouldn't add corrective measures? If a  
10          community garden is qualified for the  
11          exemption, the Rate Board needs to  
12          approve it? How does that work, just  
13          from a process standpoint?

14                   COMMISSIONER McCARTY: Yes.  
15          This would fall under rates and charges,  
16          which is under the jurisdiction of the  
17          Rate Board. So they would need to say,  
18          yes, it's okay to not collect this  
19          stormwater fee and exempt the community  
20          gardens.

21                   COUNCILMAN HENON: Would that  
22          happen in this calendar year or in three  
23          years, next year, four years?

24                   COMMISSIONER McCARTY: No. If  
25          this is passed, we would go to the Rate

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1           6/2/16 - FINANCE - BILL 160402, etc.

2           Board probably in July and take this and  
3           say this is -- they have the final say,  
4           though. It's rates and charges.

5                   COUNCILMAN HENON: And a couple  
6           other questions and then a few comments.  
7           One, as a city, we have a side lot  
8           exemption; is that right?

9                   COMMISSIONER McCARTY: I'm  
10          sorry. We have a what?

11                   COUNCILMAN HENON: A side lot  
12          exemption for community gardens.

13                   COMMISSIONER McCARTY: Yes.

14                   COUNCILMAN HENON: Does this  
15          apply to that, or how come there is -- is  
16          there separate -- why is it separate?  
17          Instead of promoting side --

18                   COMMISSIONER McCARTY: Side  
19          yard exemptions?

20                   COUNCILMAN HENON: Side yard  
21          exemptions.

22                   COMMISSIONER McCARTY: So a lot  
23          of the -- some community gardens are  
24          property -- because it's community, it's  
25          not necessarily the person that -- the

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           resident's that is right adjacent to that  
3           garden. So they might not even own it,  
4           that parcel. So it really wouldn't be a  
5           side yard exemption. And that property,  
6           that homeowner may not even want to be a  
7           part of the community garden, but they're  
8           fine if others in their community garden  
9           and keep it nice and it helps make the  
10          area look nicer. So that would be an  
11          example where it wouldn't be able to get  
12          a side yard exemption.

13                 Currently, property owners, if  
14          you own two parcels, one is the house,  
15          one is the side yard, you can apply for  
16          the side yard exemption and you would  
17          only pay as if you had one parcel.

18                 COUNCILMAN HENON: How many  
19          exemptions have we granted for side yard  
20          exemptions?

21                 COMMISSIONER McCARTY: I will  
22          have to get back to you on that.

23                 COUNCILMAN HENON: If you  
24          would, please.

25                 And just through the process of

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           this legislation, the question about  
3           asking a zero -- like a complete  
4           exemption for the Rate Board, the  
5           amendment here says it's up to and  
6           including. So that is still determined  
7           by the Water Department what kind of  
8           discount rate it would be?

9                   COMMISSIONER McCARTY: Right.  
10          We would be -- well, no. The discount is  
11          determined by the Rate Board. We could  
12          say Council is asking for an exemption,  
13          100 percent exemption, for the community  
14          gardens, but if the Rate Board deems that  
15          it should be less of a reduction, that's  
16          what they -- it's in their authority.  
17          It's not in our authority.

18                   COUNCILMAN HENON: So it's in  
19          their authority up to a zero rate.

20                   COMMISSIONER McCARTY: Correct.  
21          Right.

22                   COUNCILMAN HENON: That's what  
23          this legislation would do and that's what  
24          your recommendation through the process  
25          would determine who is eligible and --

1           6/2/16 - FINANCE - BILL 160402, etc.

2           COMMISSIONER McCARTY: Right.

3           We'll review the --

4           COUNCILMAN HENON: Okay. So  
5           some of my concerns, which I would love  
6           to continue to have a conversation with  
7           before this is up for a vote, is, a  
8           few -- one, let me start off by saying  
9           setting a few precedents in being  
10          retroactive I think is a little  
11          concerning for me. It's not necessarily  
12          about the money, because I don't think  
13          we're talking about a lot of money here,  
14          but the precedent of going back and  
15          having exemptions retroactive is  
16          concerning of me, so I --

17          COMMISSIONER McCARTY:  
18          Understood.

19          COUNCILMAN HENON: -- want to  
20          make note of that.

21          Two is the for-profit sale of  
22          some of these -- of the produce on these  
23          gardens on commercial sites or where it's  
24          for commercial use. That is a little  
25          concerning, especially with the future of

1       6/2/16 - FINANCE - BILL 160402, etc.  
2       more innovation and technology. I just  
3       want to make sure that we're thinking out  
4       the future as opposed to right now let me  
5       just exempt everything, let me go back  
6       and set a precedent for retroactive. I  
7       just want to be a little more  
8       forward-thinking when it comes to a new  
9       industry, which I'm going to call in the  
10      produce manufacturing industry, that's  
11      going to come here in the City of  
12      Philadelphia. So that is another  
13      concern.

14               And question, if you could, do  
15      you know how many lots this would impact  
16      in the City of Philadelphia at the 80  
17      percent? What is it, the gross area?

18               COMMISSIONER McCARTY: The 80  
19      percent -- well, we believe that the  
20      community gardens that we're aware of --  
21      I think there are around 200 parcels. We  
22      believe that they are at least 80 percent  
23      of the gross area is pervious, but that's  
24      an important requirement, because you  
25      need to be not having water run off into

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           our system, I would think, to get the  
3           exemption.

4                   COUNCILMAN HENON: Right.

5                   COMMISSIONER McCARTY: And  
6           minimize the amount of water running off  
7           into our system at the very least.

8                   COUNCILMAN HENON: Right.  
9           You're going to have -- how would this  
10          offset or be offset by General Fund  
11          resources?

12                   COMMISSIONER McCARTY: I'm  
13          sorry?

14                   COUNCILMAN HENON: General Fund  
15          resources. What kind of impact would  
16          this have?

17                   COMMISSIONER McCARTY: There  
18          should be no General Fund impact.

19                   COUNCILMAN HENON: Because it's  
20          coming out of the --

21                   COMMISSIONER McCARTY: The  
22          Water Fund.

23                   COUNCILMAN HENON: The Water  
24          Fund, okay. Which is taxpayer?

25                   COMMISSIONER McCARTY:

1           6/2/16 - FINANCE - BILL 160402, etc.

2           Ratepayer, Water Fund ratepayer.

3                   COUNCILMAN HENON: Water  
4           ratepayers, okay.

5                   And the current fee structure,  
6           will that need to change to maintain any  
7           kind of revenue level? Like you have an  
8           aggregate revenue level from the  
9           ratepayers. What kind of impact will  
10          that have on this? Would the rates need  
11          to change to make up for this exemption?

12                   COMMISSIONER McCARTY: Right  
13          now my understanding is it's about  
14          \$40,000 a year for those parcels that  
15          we're aware of right now. So we -- it  
16          would not result in a rate increase, not  
17          that exposure at all.

18                   COUNCILMAN HENON: Okay. Look,  
19          commercial, benefit, sales, setting a  
20          precedent on retroactive, not knowing  
21          exactly how many parcels and the exact  
22          impact. I know we say roughly. They're  
23          some of my concerns and I just wanted to  
24          get that on the record as we move  
25          forward.



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1           6/2/16 - FINANCE - BILL 160402, etc.

2           Thank you so much.

3           COUNCILWOMAN BLACKWELL: Thank  
4           you very much.

5           Any other questions?

6           (No response.)

7           COUNCILWOMAN BLACKWELL: Thank  
8           you very much.

9           COMMISSIONER McCARTY: Thank  
10          you.

11          COUNCILWOMAN BLACKWELL: We  
12          want to ask Panel 2: Justin Trezza,  
13          Norris Square Neighborhood Project; Amy  
14          Cahn, PILCOP; Jennifer Greenberg,  
15          Neighborhood Garden Trust; Aviva Kapust,  
16          The Village; and Matt Radar, President,  
17          Philadelphia Horticultural Society.

18          And I will assume everybody  
19          wants to testify on this issue, other  
20          than the resolution, that they have  
21          testified; am I correct? Nobody else  
22          waiting, correct?

23          (No response.)

24          COUNCILWOMAN BLACKWELL: Thank  
25          you.

1           6/2/16 - FINANCE - BILL 160402, etc.

2           MS. CAHN: I think we have one  
3 other person to add.

4           COUNCILWOMAN BLACKWELL: Well,  
5 they should come.

6           MS. CAHN: She's right here.

7           So my name is Amy Laura Cahn.

8 I'm a staff attorney with the Public  
9 Interest Law Center of Philadelphia and  
10 I'm speaking on behalf of myself and  
11 Justin Trezza. So we've gotten rid of  
12 one, and I'll consolidate.

13          COUNCILWOMAN BLACKWELL: Thank  
14 you.

15          MS. CAHN: Thank you,  
16 Councilwoman Blackwell. Thank you to the  
17 Committee for the opportunity to testify  
18 today. I will read Justin's testimony in  
19 brief and add a couple comments.

20          I have been working with Norris  
21 Square Neighborhood Project as their  
22 attorney on a preservation plan for their  
23 garden since 2011, and I've been working  
24 on this issue of a stormwater exemption  
25 since that time.

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1           6/2/16 - FINANCE - BILL 160402, etc.

2           So for Justin, for the last  
3           three years, he has been the Executive  
4           Director of Norris Square Neighborhood  
5           Project, a grassroots arts, culture, and  
6           gardening organization for the last 40  
7           years has served residents, primarily  
8           youth identifying as Latino in the 19122,  
9           19133, and 19140 zip codes.

10           Beginning in 1983 and thanks to  
11           the valiant efforts of the women of the  
12           community, Grupo Motivos, Norris Square  
13           Neighborhood Project was able to  
14           establish its first urban garden, Raices,  
15           which quickly grew into five additional  
16           gardens over the years - Las Parcelas,  
17           El Batey, Jardin de la Paz, Butterfly  
18           Garden, and Villa Africana Colobo. Each  
19           of these gardens is fundamental to the  
20           community by providing culturally  
21           relevant and affordable produce, sharing  
22           the story and history of the neighborhood  
23           and, most importantly, preserving the  
24           Boricua culture.

25           NSNP strongly supports the

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           stormwater billing exemption, Bill No.  
3           160523, introduced by Councilmember  
4           Quinones-Sanchez and the benefits it  
5           affords community gardeners, farms, and  
6           the City of Philadelphia. The bill will  
7           not only reduce the financial burdens  
8           posed by stormwater billing on gardens  
9           such as Las Parcelas, which makes up 20  
10          parcels itself, but also benefit the  
11          Philadelphia community as a whole,  
12          further incentivizing stormwater  
13          mitigation, beautification of  
14          neighborhoods, access to organic produce,  
15          et cetera. In the case of NSNP, an  
16          organization with a budget of half a  
17          million dollars and a staff of eight,  
18          this bill will relieve us of over \$6,000  
19          in stormwater fees yearly, a sum of money  
20          that can easily be reinvested in programs  
21          like our Raices de Cambio, a youth garden  
22          apprenticeship program aimed to employ  
23          high school youth while developing their  
24          leadership skills and critical thinking.

25                   For myself, I just want to add

1       6/2/16 - FINANCE - BILL 160402, etc.  
2       you have the four largest community  
3       garden landholders here right now  
4       represented. We have Norris Square  
5       Neighborhood Project, The Village of Arts  
6       and Humanities, Urban Tree Connection,  
7       and the Neighborhood Gardens Trust. This  
8       exemption represents a huge cost savings  
9       to them. This is capital costs that's  
10      very hard for a non-profit to raise. And  
11      it's a small impact on the budget for  
12      PWD. It's a -- but it's also a \$40,000  
13      investment for them in stormwater  
14      management. And it also benefits gardens  
15      throughout the City. We have between 400  
16      and 500 gardens, we think. And many of  
17      those gardens are at risk. So this is  
18      part of a larger preservation plan. It  
19      is also consistent with the Land Bank's  
20      strategic plan and offers a return on  
21      investment for the Philadelphia Water  
22      Department.

23               Finally, I think it's important  
24      to emphasize that this exemption is  
25      almost five years in the making. Many

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1           6/2/16 - FINANCE - BILL 160402, etc.  
2           gardens and garden organizations went  
3           into debt in reliance on this occurring.  
4           It has been a huge priority for gardens,  
5           farms, and support organizations who have  
6           been working closely with PWD for five  
7           years to make this happen.

8                       Thanks so much for the  
9           opportunity to testify.

10                      COUNCILWOMAN BLACKWELL: Thank  
11           you very much.

12                      MS. GREENBERG: Good afternoon,  
13           Councilwoman Blackwell and members of the  
14           Finance Committee. My name is Jenny  
15           Greenberg and I serve as the Executive  
16           Director of the Neighborhood Gardens  
17           Trust. Thank you for the opportunity to  
18           speak today in support of Ordinance No.  
19           160523, which would enact a stormwater  
20           billing exemption for community gardens,  
21           market farms in Philadelphia. I would  
22           also like to thank Councilwoman Sanchez  
23           on behalf of NGT for initiating this  
24           legislation.

25                      The Neighborhood Gardens Trust

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           acquires and preserves community gardens  
3           and shared open spaces to enhance quality  
4           of life in Philadelphia's neighborhoods.

5                     There are upwards of 500  
6           community gardens across the City, many  
7           of which have been cultivated on former  
8           vacant, trash-filled lots through the  
9           cooperative efforts of neighbors. These  
10          gardens serve as community anchors,  
11          providing safe green spaces for residents  
12          to come together and a source of  
13          community identity and pride. Community  
14          gardens provide many important benefits,  
15          including access to healthy affordable  
16          food, positive impacts on physical and  
17          mental health, and crime reduction.

18                    Further, the pervious soils at  
19          gardens manage stormwater on site,  
20          supporting the City's wet weather water  
21          pollution goals.

22                    Many community gardens in  
23          Philadelphia steward land owned by the  
24          City or private tax delinquent owners.  
25          NGT's role as a land trust is to acquire

1       6/2/16 - FINANCE - BILL 160402, etc.  
2       and protect these community gardens. We  
3       currently hold title or leases for 35  
4       gardens and are actively working to  
5       preserve 20 additional gardens in the  
6       next three years.

7               As the largest landholder of  
8       community gardens in Philadelphia, the  
9       Philadelphia Water Department stormwater  
10      fee poses a significant threat to NGT's  
11      ability to continue to support and  
12      preserve gardens. Based on the new  
13      proposed water rates, NGT gardens could  
14      be billed over \$14,000 per year if an  
15      exemption is not put into place, which is  
16      close to 10 percent of our annual  
17      operating budget.

18             For the past several years, NGT  
19      was advised by PWD to put stormwater fees  
20      owed into dispute rather than paying them  
21      in anticipation of a fee exemption.  
22      Based on this advice, there are over  
23      \$15,000 in unpaid stormwater fees in  
24      dispute associated with NGT gardens. It  
25      is essential that the City follow through



1           6/2/16 - FINANCE - BILL 160402, etc.

2           on its commitment not only to create an  
3           exemption but to make it retroactive.

4                     The majority of gardeners which  
5           NGT serves live in low- and  
6           moderate-income neighborhoods and cannot  
7           afford to shoulder these fees, nor can  
8           NGT take on these costs. This is a  
9           critical issue for the future viability  
10          of our organization and gardens across  
11          the City.

12                    In closing, I encourage you to  
13          support Bill 160523, which recognizes the  
14          many benefits that community gardens  
15          bring to our city and will enable NGT and  
16          our partners to continue to support these  
17          important growing spaces.

18                    Thank you.

19                    COUNCILWOMAN BLACKWELL: Thank  
20          you.

21                    MR. HOPKINS: Thank you,  
22          Councilwoman Blackwell and the rest of  
23          the Finance Committee. I appreciate you  
24          hearing our testimony today. My name is  
25          John Hopkins. I'm the Environmental

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           Director at The Village of Arts and  
3           Humanities in North Philadelphia. I'm  
4           here on behalf of our Executive Director,  
5           Aviva Kapust.

6                       Basically over the last four  
7           decades, The Village has transformed over  
8           50 vacant or abandoned, blighted  
9           properties into green art parks open to  
10          the community and built alongside  
11          residents of the community. The  
12          Village's green art parks and gardens  
13          were created to bring beauty through  
14          nature to a neighborhood devoid of both  
15          in physical landscape. The process of  
16          building the parks leverage and amplify  
17          the expertise and talents of residents  
18          working as artistic partners to Village  
19          founder, Lily Yeh. This has created  
20          place-making, as we call it today, at its  
21          best - equitable, transformative in both  
22          people and place and created with, for,  
23          and as neighbors to the community. These  
24          green art parks and gardens manage  
25          stormwater while providing a communal

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           public space for gathering, learning,  
3           gardening, and interacting with nature.  
4           The Village owns and maintains these  
5           gardens at our own cost. Additional fees  
6           would have a catastrophic impact on the  
7           portion of our annual funds dedicated to  
8           general operations. The Village insists  
9           on running with the very low overhead so  
10          that the majority of the funds we raise  
11          go directly to programming impact.  
12          However, a certain amount of general  
13          operating is necessary to maintain these  
14          15 parks and 20 buildings, employing  
15          residents of the community to do so and  
16          to operate the organization in accordance  
17          with our mission. The resulting impact  
18          would be a significant portion of our  
19          general operating budget on top of funds  
20          needed to pay past fees. The Village  
21          does not have reserved funds to pay those  
22          fees. So we ask that you look thoroughly  
23          through this bill and consider our  
24          testimony today.

25                   Thank you very much.

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1           6/2/16 - FINANCE - BILL 160402, etc.

2                   COUNCILWOMAN BLACKWELL: Thank  
3           you.

4                   MS. WITTE: Councilwoman  
5           Blackwell and the Committee, thank you so  
6           much for letting me testify today. I am  
7           the volunteer coordinator and site  
8           management coordinator for Urban Tree  
9           Connection. I'll make this brief.

10                   At Urban Tree Connection in our  
11           gardens and at the farms, we have been  
12           intrinsically working to manage  
13           stormwater runoff for all the time that  
14           we've been involved on the spaces.

15                   Oh, I'm sorry. Sue Witte. I'm  
16           with Urban Tree Connection.

17                   So we have been creating green  
18           spaces, gardens, children's program  
19           spaces, community gardens, and urban  
20           farms, many of which are located on lots  
21           that are fairly impervious spaces. One  
22           of our farms at North 53rd and Wyalusing,  
23           Neighborhood Foods Farm, is the location  
24           of a former parking lot of a construction  
25           company. So we've done a lot of

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           remediation in terms of drainage at those  
3           sites, including these following things:

4                     We have brought in leaves, huge  
5           amounts of leaves, two feet of leaves,  
6           and spread them throughout the site.

7           Then we've brought in compost soil and  
8           created garden modules, constructed them  
9           for growing food. The other thing is, we  
10          use a sheet mulching technique where we  
11          bring in cardboard and wood chips. All  
12          of these things break down and create a  
13          huge amount over time of material that  
14          drains -- it's like a huge sponge,  
15          draining the area, draining stormwater  
16          into the site.

17                    And the third thing we do is,  
18          more and more we use rain barrels and  
19          rainwater catchment systems to collect  
20          rainwater. At this time, when there  
21          seems to be like an inordinate amount of  
22          rain and the storms that we get perhaps  
23          from climate change, we collect that  
24          rainwater and store it for a later date  
25          when there's less water available for

1           6/2/16 - FINANCE - BILL 160402, etc.  
2           irrigation on the sites.

3                   Therefore, urban gardens and  
4           farms around the City serve as a part of  
5           the remediation process of stormwater  
6           runoff. Allowing a tax exemption for  
7           gardens, farms, green spaces makes good  
8           sense, and it rewards the partners who  
9           are involved in this stormwater  
10          collection and it's diverting the  
11          stormwater from the stormwater treatment  
12          system, organizations, many of -- all the  
13          gardening organizations around Philly  
14          like Urban Tree Connection. It will free  
15          up more funds for more children and adult  
16          programming, which promote health and  
17          well-being in the communities that we  
18          serve.

19                   Thank you so much for listening  
20          to the testimony, and please, we hope  
21          that you consider passing this bill.

22                   MS. UNVER: Thank you. Good  
23          afternoon. I'm the last person standing  
24          between you and the end of testimony, so  
25          I will be brief.

1           6/2/16 - FINANCE - BILL 160402, etc.

2                   COUNCILWOMAN BLACKWELL: Thank  
3           you.

4                   MS. UNVER: My name is Aisha  
5           Unver (ph). I'm with the Pennsylvania  
6           Horticultural Society and I'm speaking on  
7           behalf of Matt Radar, the President of  
8           PHS.

9                   So since 1827, PHS has sought  
10          to connect people to horticulture and to  
11          create beautiful, healthy, sustainable  
12          communities. We began working with  
13          community gardens in the 1970s and have  
14          trained more than 3,000 Philadelphians to  
15          green their communities. With more than  
16          27,000 member households and 5,000 annual  
17          volunteers, PHS is proud to promote a  
18          greener, healthier Philadelphia through  
19          greening programs known nationally and  
20          beyond. We have seen time and again the  
21          power of community gardens to galvanize  
22          neighborhoods, to bring people together,  
23          and to improve the health and safety of a  
24          community. Our research partners at the  
25          University of Pennsylvania have found the

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1       6/2/16 - FINANCE - BILL 160402, etc.  
2       addition of green space to a neighborhood  
3       is associated with a marked reduction in  
4       gun violence, with improved health  
5       outcomes for neighborhood residents,  
6       including increased exercise and  
7       decreased stress levels, and with  
8       additional housing value for long-time  
9       residents. The vast majority of the  
10      City's community gardens fall in low- and  
11      moderate-income neighborhoods where these  
12      benefits have the most pronounced impact.  
13      Across the City, residents pitch in time,  
14      sweat, and their own money to sustain  
15      community gardens, along with assistance  
16      from organizations like PHS, the  
17      Neighborhood Gardens Trust, and others  
18      who have spoken today. For most, this is  
19      a labor of love. The gardens are a part  
20      of PHS's city harvest network, 140 in  
21      all, donate surplus crops to local food  
22      cupboards, enough to feed 1,200 families  
23      a week during the growing season. Bill  
24      No. 160523 is crucial because, quite  
25      simply, many of these gardens would cease



1           6/2/16 - FINANCE - BILL 160402, etc.  
2           to exist without it.

3                       Given the limited resources of  
4           so many community gardens, the imposition  
5           of a stormwater fee would have the effect  
6           of shuddering community gardens, which  
7           would then in many cases cause the lots  
8           to become overgrown, untended and unsafe.  
9           These gardens are too important to our  
10          neighborhoods and our city to let this  
11          happen. Most community gardens already  
12          effectively manage a majority of the  
13          stormwater that falls on each site. In  
14          addition, PHS and the Neighborhood  
15          Gardens Trust have been working with the  
16          Water Department to figure out ways for  
17          the gardens to manage not only their own  
18          stormwater but stormwater that falls in  
19          the nearby right-of-way.

20                      Accordingly, community gardens  
21          are doing more than just contributing to  
22          Philadelphia's -- doing more than just  
23          not contributing to Philadelphia's  
24          stormwater challenges, but they are  
25          helping to ameliorate those challenges.

1           6/2/16 - FINANCE - BILL 160402, etc.

2                   For all these reasons, I  
3           strongly encourage you to support Bill  
4           No. 160523 and would be happy to answer  
5           any questions you might have.

6                   Thank you for your time.

7                   COUNCILWOMAN BLACKWELL: Thank  
8           you. Thank you so much.

9                   Are there questions or  
10          comments?

11                   (No response.)

12                   COUNCILWOMAN BLACKWELL: Thank  
13          you very much.

14                   What we're going to try to do  
15          is, we're going to recess our hearing and  
16          enter into a public meeting and return,  
17          because we still have one resolution to  
18          do.

19                   So we are going to -- the Chair  
20          recognizes Councilwoman Bass for a motion  
21          on Bill No. 160402.

22                   COUNCILWOMAN BASS: Thank you,  
23          Madam Chair. I move that Bill No. 160402  
24          be reported from this Committee with a  
25          favorable recommendation and further move

1       6/2/16 - FINANCE - BILL 160402, etc.  
2       that the rules of Council be suspended to  
3       permit first reading of this bill at the  
4       next session of Council.

5               (Duly seconded.)

6               COUNCILWOMAN BLACKWELL: Thank  
7       you. It has been moved and properly  
8       seconded that Bill No. 160402 be reported  
9       out of Committee with a favorable  
10      recommendation and also a recommendation  
11      for suspension of the rules so as to  
12      permit first reading at our next session  
13      of Council.

14              Those in favor will say aye.

15              (Aye.)

16              COUNCILWOMAN BLACKWELL:

17      Opposed?

18              (No response.)

19              COUNCILWOMAN BLACKWELL: The  
20      ayes have it and the motion carries.  
21      Bill No. 140402 will be reported from  
22      this Committee with a favorable  
23      recommendation and a recommendation for  
24      suspension of the rules so as to permit  
25      first reading at our next session of

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1           6/2/16 - FINANCE - BILL 160402, etc.

2           Council.

3                   The Chair now recognizes  
4           Councilman Greenlee for a motion on Bill  
5           No. 160470.

6                   COUNCILMAN GREENLEE: Thank  
7           you, Madam Chair. I move that Bill No.  
8           160470 be reported out of this Committee  
9           with a favorable recommendation and move  
10          further that the rules of Council be  
11          suspended to allow for first reading at  
12          our next session of Council.

13                   (Duly seconded.)

14                   COUNCILWOMAN BLACKWELL: All in  
15          favor say aye.

16                   (Aye.)

17                   COUNCILWOMAN BLACKWELL:  
18          Opposed?

19                   (No response.)

20                   COUNCILWOMAN BLACKWELL: Thank  
21          you. It has been moved and seconded that  
22          Bill No. 160470 be reported out of  
23          Committee with a favorable recommendation  
24          and a recommendation for suspension of  
25          the rules so as to permit first reading

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1           6/2/16 - FINANCE - BILL 160402, etc.

2           at our next session of Council.

3                   All in favor?

4                   (Aye.)

5                   COUNCILWOMAN BLACKWELL:

6           Opposed?

7                   (No response.)

8                   COUNCILWOMAN BLACKWELL: I

9           think you voted twice. Thank you very

10          much. Since we've moved and voted twice,

11          then this bill will be reported out of

12          Committee with a favorable recommendation

13          and for a recommendation for a suspension

14          of the rules.

15                   The Chair now recognizes

16          Councilman Henon for a motion -- no. The

17          Chair now recognizes Councilwoman Parker

18          for a motion on an amendment to Bill No.

19          160471.

20                   COUNCILWOMAN PARKER: Thank

21          you, Madam Chair. I move that the

22          amendments to Bill No. 160471 be adopted.

23                   (Duly seconded.)

24                   COUNCILWOMAN BLACKWELL: All in

25          favor will say aye.

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1           6/2/16 - FINANCE - BILL 160402, etc.

2                   (Aye.)

3           COUNCILWOMAN BLACKWELL:

4           Opposed?

5                   COUNCILMAN DOMB: Opposed.

6           COUNCILWOMAN BLACKWELL:

7           Councilman Domb will be one opposed vote.

8                   The Chair now recognizes

9           Councilwoman Parker on a motion for Bill

10          No. 160471, as amended.

11                   COUNCILWOMAN PARKER: Thank

12          you, Madam Chair. I move that Bill No.

13          160471 be reported from this Committee

14          with a favorable recommendation and

15          further move that the rules of Council be

16          suspended to permit first reading of this

17          bill at the next session of Council.

18                   (Duly seconded.)

19                   COUNCILWOMAN BLACKWELL: It has

20          been moved and seconded that Bill No.

21          160471, as amended, be reported out of

22          Committee with a favorable recommendation

23          and we have one no vote, Councilman Domb,

24          and also that the rules of Council be

25          suspended so as to permit first reading

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1           6/2/16 - FINANCE - BILL 160402, etc.

2           at our next session of council.

3                   All in favor?

4                   (Aye.)

5                   COUNCILWOMAN BLACKWELL:

6           Opposed?

7                   COUNCILMAN DOMB:   Nay.

8                   COUNCILMAN OH:   Nay.

9                   COUNCILWOMAN BLACKWELL:   We  
10          have two nay votes on 160471, Councilman  
11          Domb and Councilman Oh. Thank you very  
12          much.

13                   The Chair now recognizes -- we  
14          will hear a statement.

15                   COUNCILMAN DOMB:   I just have a  
16          quick statement. I'm in favor of the  
17          initiative. I'm just not in favor of  
18          raising the transfer tax. I think  
19          there's efficiencies in government that  
20          can pay for that initiative, especially  
21          coming out of OPA.

22                   Thank you.

23                   COUNCILWOMAN BLACKWELL: Thank  
24          you very much. We are grateful for your  
25          comments.

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1           6/2/16 - FINANCE - BILL 160402, etc.

2                   We will now move forward. We  
3           are now up to Bill No. 160510. The Chair  
4           recognizes Councilwoman Parker for a  
5           motion on Bill No. 160510.

6                   COUNCILWOMAN PARKER: Thank  
7           you, Madam Chair. I move that Bill No.  
8           160510 be reported from this Committee  
9           with a favorable recommendation and  
10          further move that the rules of Council be  
11          suspended to permit first reading of this  
12          bill at the next session of Council.

13                   (Duly seconded.)

14                   COUNCILWOMAN BLACKWELL: It has  
15          been moved and properly seconded that  
16          Bill No. 160510 be reported out of  
17          Committee with a favorable recommendation  
18          and also that the rules of Council be  
19          suspended so as to permit first reading  
20          at our next session.

21                   Those in favor say aye.

22                   (Aye.)

23                   COUNCILWOMAN BLACKWELL:

24          Opposed?

25                   (No response.)



1           6/2/16 - FINANCE - BILL 160402, etc.

2           COUNCILWOMAN BLACKWELL: The  
3           ayes have it and so this motion has  
4           passed with a suspension of the rules so  
5           as to permit first reading at our next  
6           session of Council.

7           The Chair now recognizes  
8           Councilman Henon for Bill No. 160523.

9           COUNCILMAN HENON: Thank you,  
10          Madam Chair. I'd like to make a motion  
11          for an amendment to Bill No. 160523.

12          (Duly seconded.)

13          COUNCILWOMAN BLACKWELL: All in  
14          favor say aye.

15          (Aye.)

16          COUNCILWOMAN BLACKWELL:  
17          Opposed?

18          (No response.)

19          COUNCILWOMAN BLACKWELL: So the  
20          amendment to Bill No. 160523 has been  
21          adopted.

22          The Chair now recognizes  
23          Councilman Henon for a motion on the  
24          bill, as amended, for No. 160523.

25          COUNCILMAN HENON: Thank you,

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1           6/2/16 - FINANCE - BILL 160402, etc.

2           Madam Chair. Motion on Bill No. 160523,  
3           as amended, be voted out of the Committee  
4           with a favorable recommendation and  
5           suspension of the rules at our next  
6           Council session.

7                       (Duly seconded.)

8                       COUNCILWOMAN BLACKWELL: It has  
9           been moved and seconded that Bill No.  
10          160523, as amended, be reported out of  
11          Committee with a favorable  
12          recommendation, also a recommendation for  
13          suspension of the rules so as to permit  
14          first reading at our next session of  
15          Council.

16                      Those in favor will say aye.

17                      (Aye.)

18                      COUNCILWOMAN BLACKWELL:

19          Opposed?

20                      (No response.)

21                      COUNCILWOMAN BLACKWELL: The  
22          ayes have it and the motion carries. So  
23          this bill will be reported out of  
24          Committee with a favorable recommendation  
25          with a suspension of the rules.

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1           6/2/16 - FINANCE - BILL 160402, etc.

2           The Chair now recognizes  
3           Councilman Oh for a motion with regard to  
4           Bill No. 160551.

5           COUNCILMAN OH: Thank you,  
6           Madam Chair. I move that Bill No. 160551  
7           be reported from this Committee with a  
8           favorable recommendation and further move  
9           that the rules of Council be suspended to  
10          permit first reading of this bill at the  
11          next session of Council.

12          (Duly seconded.)

13          COUNCILWOMAN BLACKWELL: It has  
14          been moved and seconded that Bill No.  
15          160551 be reported out of Committee with  
16          a favorable recommendation, also a  
17          recommendation for suspension of the  
18          rules so as to permit first reading at  
19          our next session of Council.

20          Those in favor say aye.

21          (Aye.)

22          COUNCILWOMAN BLACKWELL:

23          Opposed?

24          (No response.)

25          COUNCILWOMAN BLACKWELL: There

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1       6/2/16 - FINANCE - BILL 160402, etc.  
2       are none. Therefore, the ayes have it.  
3       The motion carries, and Bill No. 160551  
4       is reported out of this Committee with a  
5       favorable recommendation and also a  
6       recommendation for a suspension of the  
7       rules so as to permit first reading at  
8       our next session of Council.

9               Now what did I not do?

10              COUNCILMAN GREENLEE: We didn't  
11      do 511.

12              COUNCILWOMAN BLACKWELL: All  
13      right. Councilman Domb, we will ask you  
14      for a motion for Bill No. 160551 -- 511,  
15      counting is the problem -- so that we may  
16      report the OHCD application out of  
17      Committee with a favorable  
18      recommendation. Councilman Domb.

19              COUNCILMAN DOMB: Thank you,  
20      Madam Chair. I make a motion on 160511  
21      be reported from this Committee with a  
22      favorable recommendation and further move  
23      that the rules of Council be suspended to  
24      permit first reading of this bill at the  
25      next session of Council.

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1           6/2/16 - FINANCE - BILL 160402, etc.

2                   (Duly seconded.)

3                   COUNCILWOMAN BLACKWELL: It has  
4           been moved and properly seconded that  
5           Bill No. 160511 be reported out of  
6           Committee with a favorable recommendation  
7           and a recommendation for a suspension of  
8           the rules so as to permit first reading  
9           at our next session of Council.

10                   Those in favor say aye.

11                   (Aye.)

12                   COUNCILWOMAN BLACKWELL:  
13           Opposed?

14                   (No response.)

15                   COUNCILWOMAN BLACKWELL: Then  
16           the ayes have it, and this bill is  
17           reported out of Committee with a  
18           favorable recommendation and with a  
19           suspension of the rules.

20                   We will now resume our hearing  
21           part of this gathering to consider  
22           testimony for Resolution 160541.

23                   Would the Clerk please read the  
24           resolution.

25                   THE CLERK: Resolution 160541,

## Attachment 4

# Neighborhood Gardens Trust Stormwater Assessment

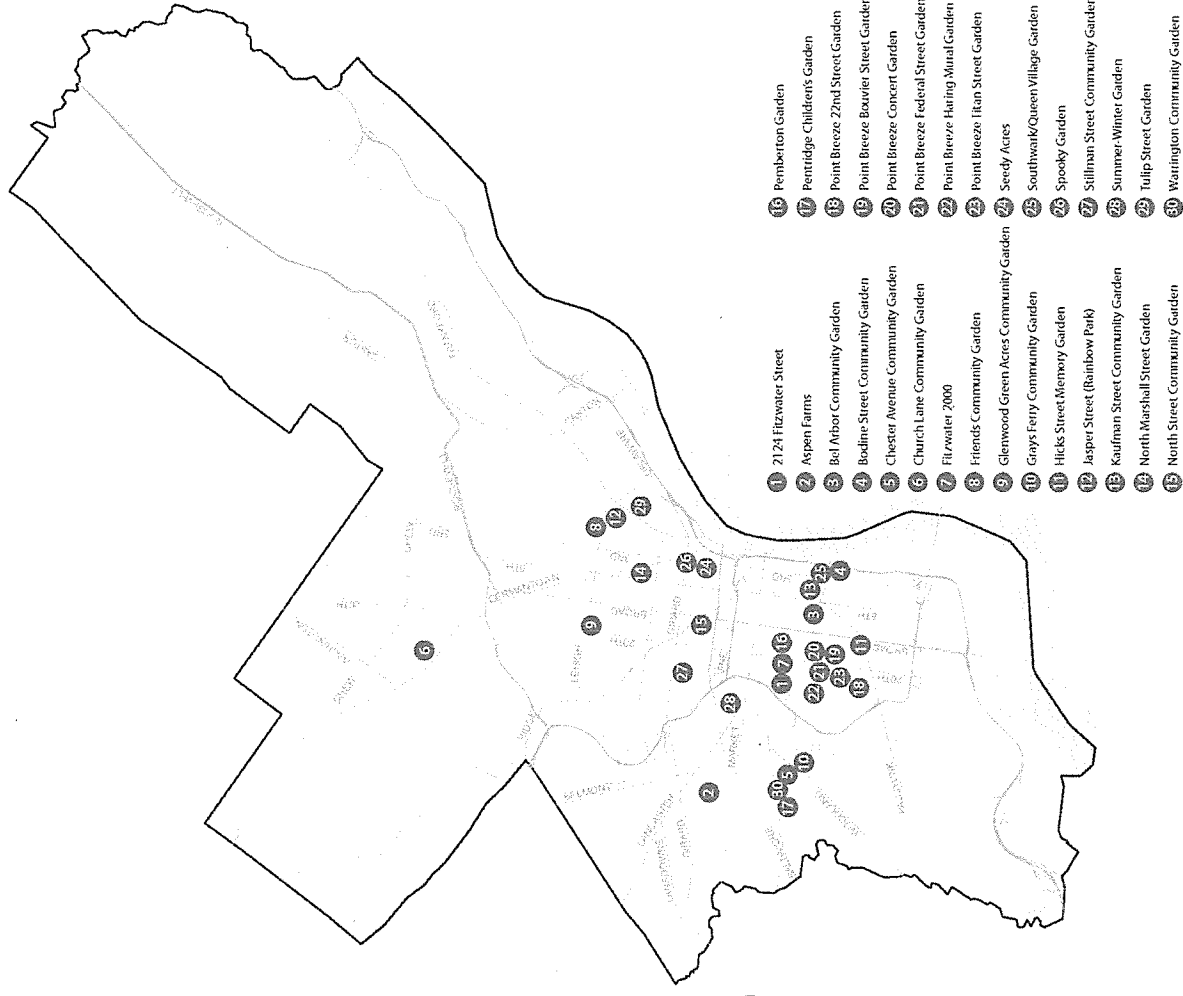
This report by The Pennsylvania Horticultural Society (PHS) catalogs the investigation into capturing and managing stormwater runoff from the adjacent right-of-way into Neighborhood Gardens Trust (NGT) (formerly Neighborhood Gardens Association) community gardens. The umbrella organization of PHS has recently assumed the management and operations of NGT, and with it, responsibility for these gardens. This study is intended to inform the discussion about hosting stormwater demonstration projects on NGT sites.

An initial desktop analysis of all thirty NGT sites was done using GIS-created maps and Google Streetview. Some were rejected as stormwater management sites for reasons including size, mid-block location, proximity to adjacent homes, elevation relative to surrounding drainage areas, etc.

Sites selected for further assessment for their ability to accept and manage runoff from the street rights-of-way are:

- Church Lane Garden – 234 Church Lane (#6 on map)
- Concert Garden – 2056 Ellsworth Street (#20)
- Glenwood Green Acres – 1801 W. Glenwood Avenue (#9)
- North Street Garden – 1525 North Street (#15)
- Southwark Community Garden – 311 Christian Street (#25)
- Stillman Street Garden – 846 N. Stillman Street (#27)
- Summer-Winter Garden – 3225 Race Street (#28)
- Tulip Street Garden – 2300 E. Cumberland Street (#29)
- Warrington Garden – 4731 Warrington Avenue (#30)
- Aspen Farms – 4837 Aspen Street (#2)

## PHS NGT Gardens



# Church Lane Garden, 234 Church Lane

Area: 14,000 SF

Sewershed: Tacony

Outfall Area: T14

## Key Existing Features:

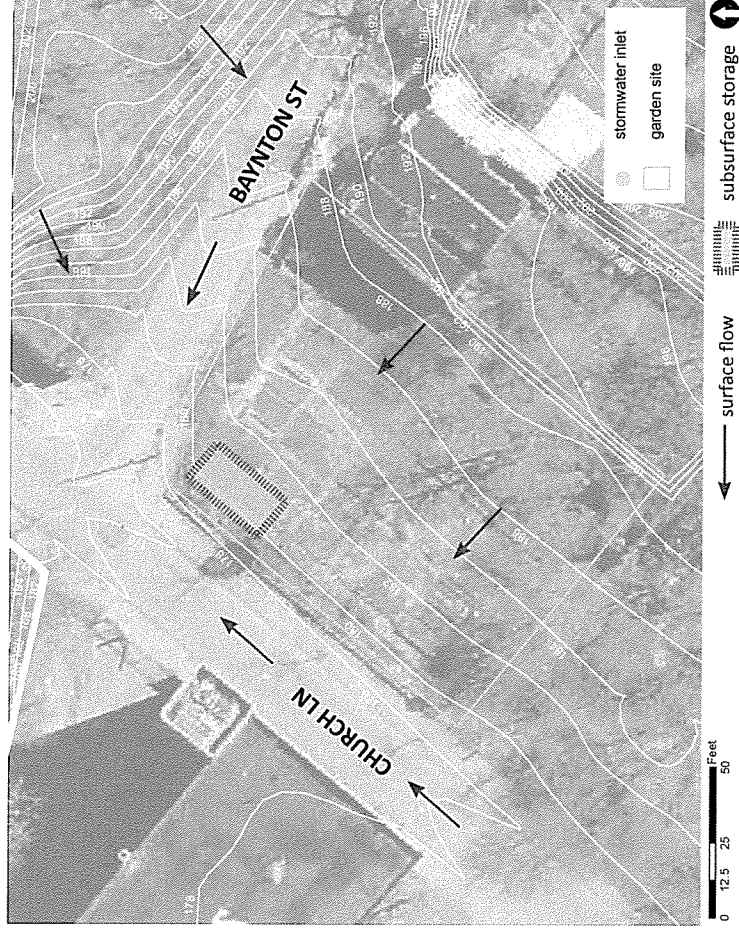
Established community food-production garden, elevated from Church Lane by 2+ feet with stacked recycled concrete slabs, topped with decorative metal picket fence along Church Lane and Baynton Street and a chain link fence along the southwestern property line.

## Constraints:

A mature crabapple tree exists at the north corner of the site. This tree would need to be removed to install subsurface storage bed. The entire site is very steep, which limits the potential location of any intervention. Because this is a food-producing community garden, street runoff cannot be used on the crops.

## Opportunities:

Considerable drainage area upstream of existing inlet on Baynton Street. Church Lane and Baynton Street both drain towards the northern corner of the site. Stormwater from both of these ROWs could be captured in a subsurface storage bed at the corner of the garden, but because of the elevation drop to Church Lane, the subsurface storage bed would be pushed very deep. Two new intercepting inlets upstream of the existing ones on either side of Baynton Street could capture the entire street's runoff.





# Concert Garden, 2056-60 Ellsworth Street

Area: 3,120 SF

Sewershed: Central Schuylkill East Side

Outfall Area: S26

## Key Existing Features:

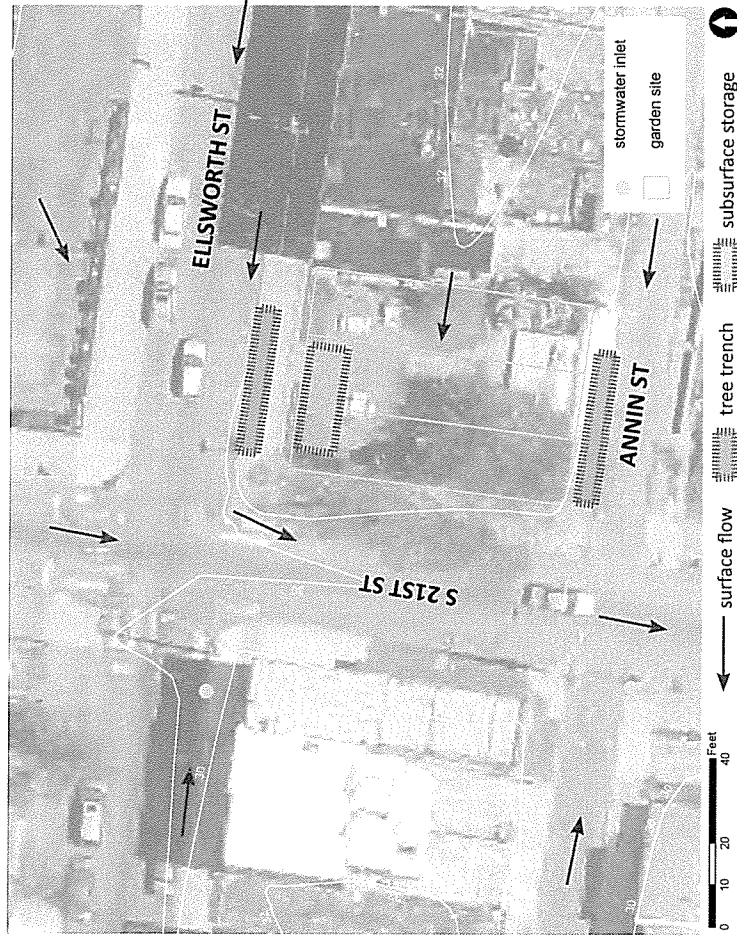
Established community sitting garden, comprised of three lots. Has large paved central gathering space, elevated from Ellsworth Street by approximately one foot. Substantial drainage area shallowly slopes to inlet on Ellsworth at corner.

## Constraints:

Mature Zelkova trees on 21st Street side preclude easy construction there.

## Opportunities:

Stormwater from Ellsworth Street could be captured in a tree trench or on site in a subsurface storage bed, which may be accommodated near corner of Ellsworth and 21st Street, but no easy surface storage because of drop in elevation to the street. Possible tree trench on Annin Street. Potential to re-design site is welcomed.



# Glenwood Green Acres, 1801 W. Glenwood Avenue

Area: 159,865 SF

Sewershed: Not Listed

Outfall Area: D39, D44, D45

## Key Existing Features:

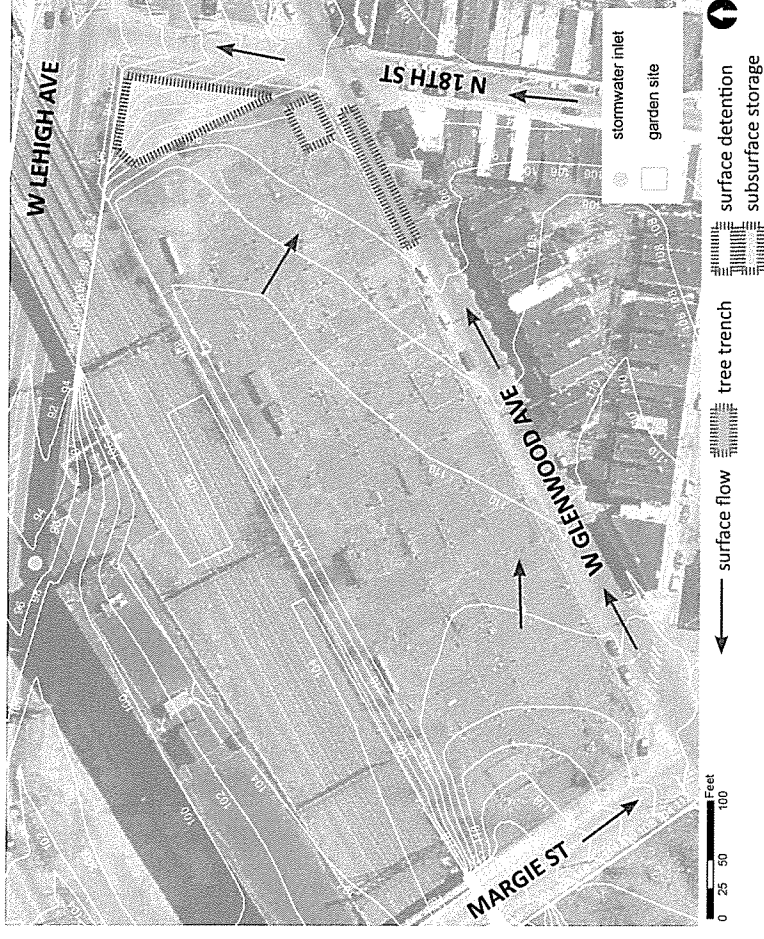
Established community food-gardening site. Substantial drainage area on W. Glenwood Avenue slopes moderately to inlet at intersection of 18th Street. 18th Street is a steeply sloping cobblestone street ending on W. Lehigh Avenue.

## Constraints:

Railroad ROW and elevation change to railroad tracks limit drainage area. Simple, level raingarden is impractical on 18th Street because of the steepness and size of the site. Any construction within site would disrupt gardening activities during growing season.

## Opportunities:

A tree trench or subsurface storage bed could capture stormwater from the W. Glenwood ROW upstream of the existing inlet near the corner of W. Glenwood and 18th streets. There is also the possibility of managing this water instead in the area shown in yellow, but the steep topography in this location would severely limit what type of SMP could be employed, such as a series of stepped pools to retain and infiltrate stormwater before being piped to the existing sewer on W. Lehigh Avenue. Gardeners are open to opportunity to renovate this portion of site to help with maintenance.



# North Street Community Garden, 1525 North Street

Area: 1,191 SF

Sewershed: Lower Delaware Lower Level

Outfall Area: D62, D63

## Key Existing Features:

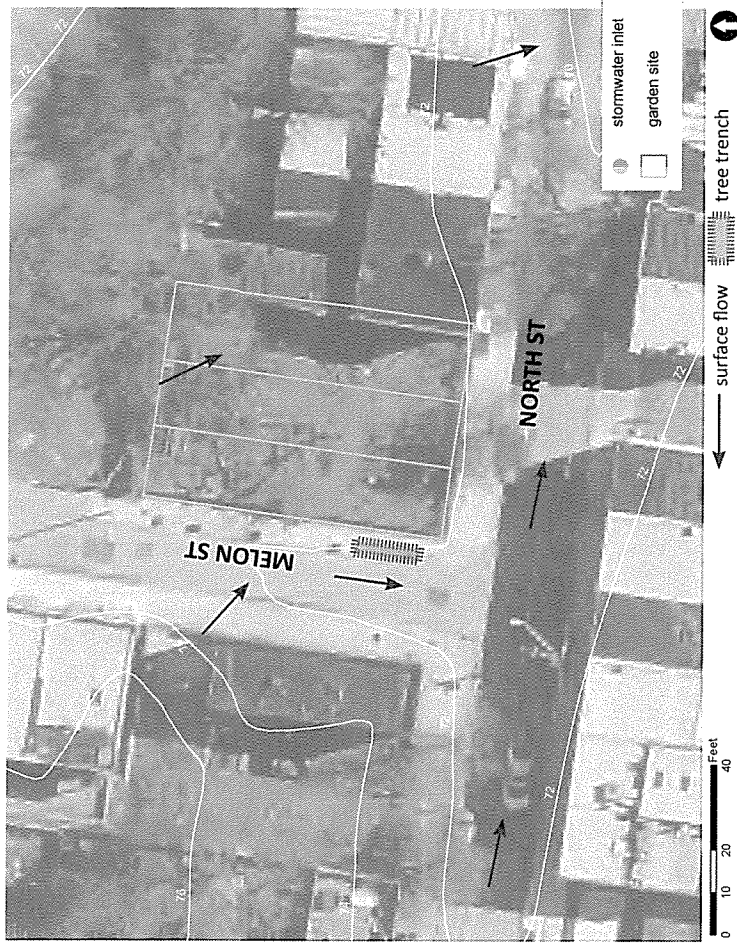
Established food-production and ornamental community garden comprised of three separately owned lots, bordered by a natural wood picket fence. The center of the garden has a seating area made of brick. Limited drainage area from Melon Street and part of North Street slopes moderately to inlets at the intersection of Melon Street and North Street. The garden is well-established with mature trees, and a mature tree also exists along North Street in front of the garden.

## Constraints:

The mature tree along North Street precludes a tree trench there, but one may be possible along Melon Street, although the drainage area is very small: high point of street is near lot's northern extent. Only the westernmost lot is owned by NGA, so cooperation with the Spring Garden CDC would be necessary in order to install any intervention that might impact the adjacent lots.

## Opportunities:

Very limited, but small tree trench may be constructed at southern extent of Melon Street in footway.



# Southwark Community Garden, 311 Christian Street

Area: 20,700 SF

Sewershed: Lower Delaware Lower Level

Outfall Area: D62, D63

## Key Existing Features:

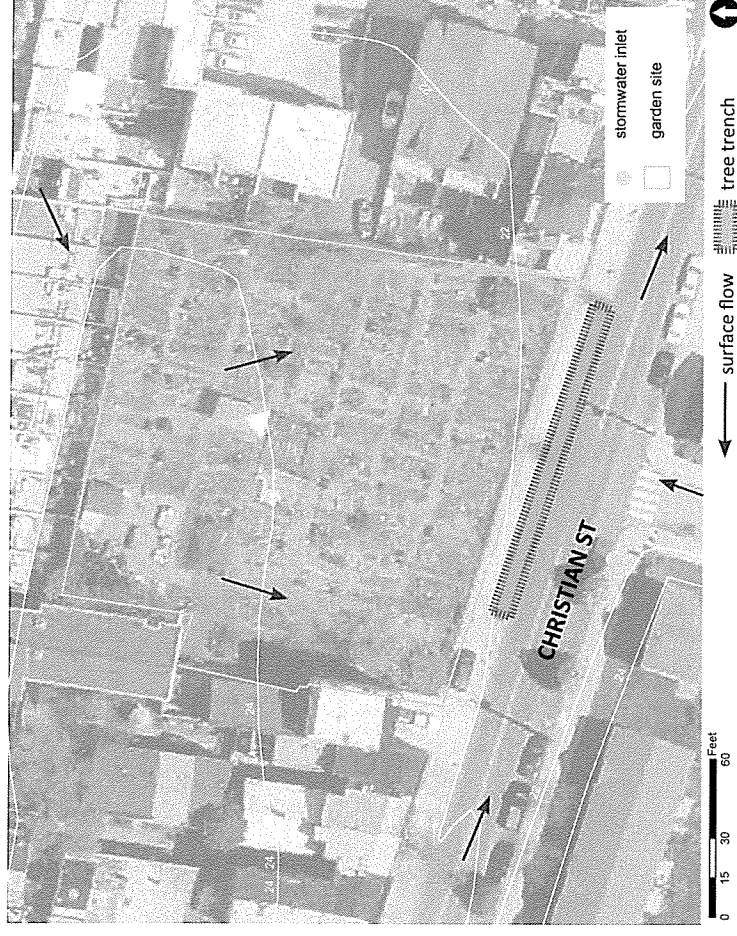
Large, well-established and well-cared for community garden for food production and ornamental plantings. Community has installed water service, gazebo, beehives, shed with honey harvesting equipment and green roof, composting toilet and solar panels. Site perimeter is secured by black ornamental fencing; topography slopes gently toward the southeast corner of the completely occupied site.

## Constraints:

Little opportunity for managing ROW stormwater on-site due to topography and established garden layout with perimeter fencing.

## Opportunities:

A large tree trench could be incorporated into the very wide sidewalk where the garden fronts Christian Street. At this location a substantial portion of Christian Street could be managed while simultaneously greening the streetscape, which currently lacks substantial trees. Limited active utility service laterals to garden, and no overhead utilities along Christian Street. Garden members are open to concept of tree trench in sidewalk. Adjacent townhouses to the north have rear external downspouts.



# Stillman Street Garden, 846 N. Stillman Street

Area: 784 SF

Sewershed: Central Schuylkill East Side

Outfall Area: R12

## Key Existing Features:

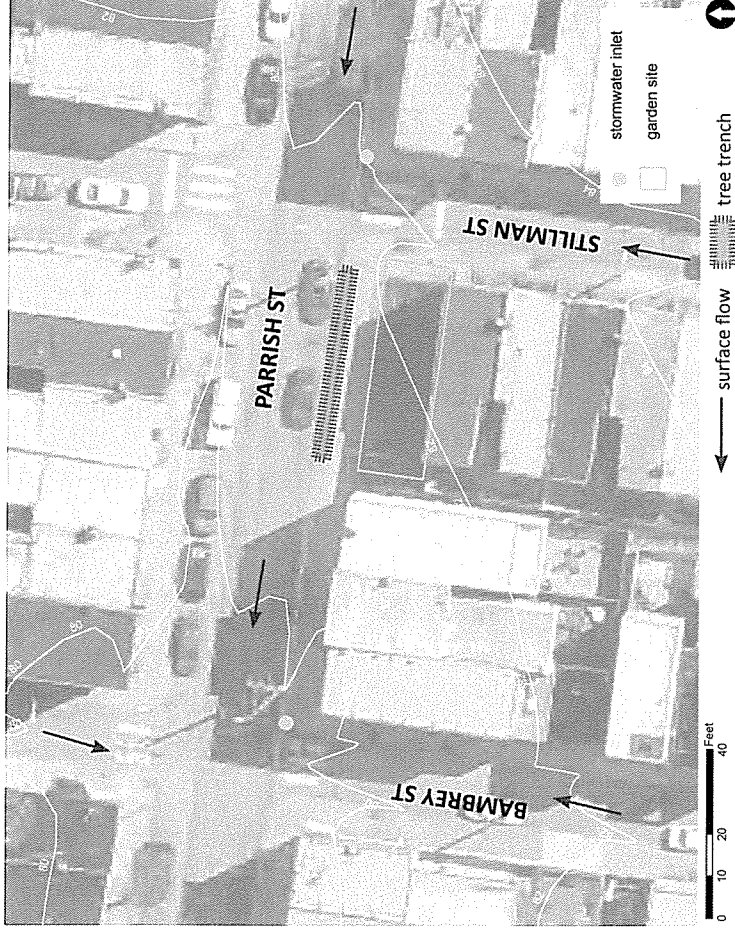
Narrow garden contains ornamentals, mature evergreen tree and white picket fence. Current garden tender is aging and is looking for someone to take over maintenance of garden.

## Constraints:

Lot appears to be too narrow for a subsurface intervention. Overhead utilities and existing trees might complicate tree trench installation at Parrish Street.

## Opportunities:

Very large drainage area of Stillman Street south to Brown Street could potentially be intercepted upstream of inlet on Stillman Street near Parrish intersection, and piped to tree trench on Parrish Street.





# Summer-Winter Community Garden, 3225 Race Street

Area: 12,145 SF

Sewershed: Central Schuylkill West Side

Outfall Area: S04, S20

## Key Existing Features:

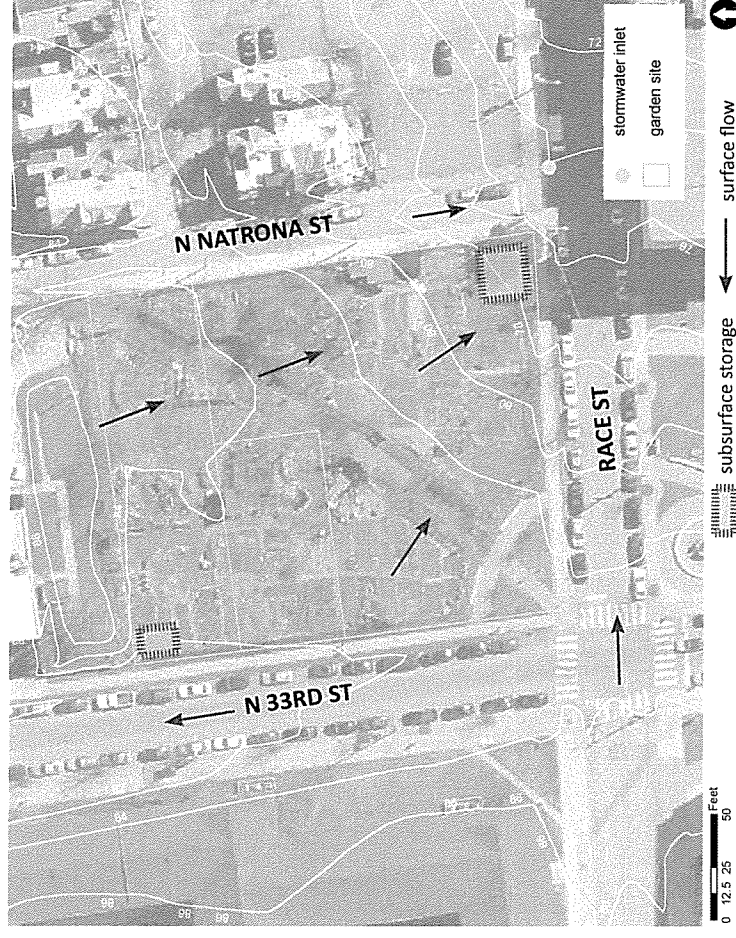
Large, well-established food-producing garden, with ornamental plantings; small children's garden/play space in the southeast corner with large tree. Food production plots are secured behind black ornamental metal picket fence, while public corridor outside of fencing cuts diagonally through site. Several small out-buildings or greenhouses.

## Constraints:

Garden is fully utilized and occupies entire site. Property generally slopes toward the southwest corner of the site, and minimally toward the northwest corner. There are new and mature trees on Race and 33rd streets and N. Natrona Street is narrow, so tree trenches are less plausible. Intersection of 33rd and Race streets is localized high point, so contributing drainage area is limited.

## Opportunities:

Subsurface storage bed may be located at northwest corner of site adjacent to 33rd Street, capturing ROW runoff. Subsurface bed at southeast corner is possible and could possibly manage runoff from N. Natrona and Race streets; large healthy tree and children's play area/garden would need to be removed for subsurface construction.



# Tulip Street Community Garden, 2300 E. Cumberland Street

Area: 1,856 SF

Sewershed: not listed

Outfall Area: D37, D38

## Key Existing Features:

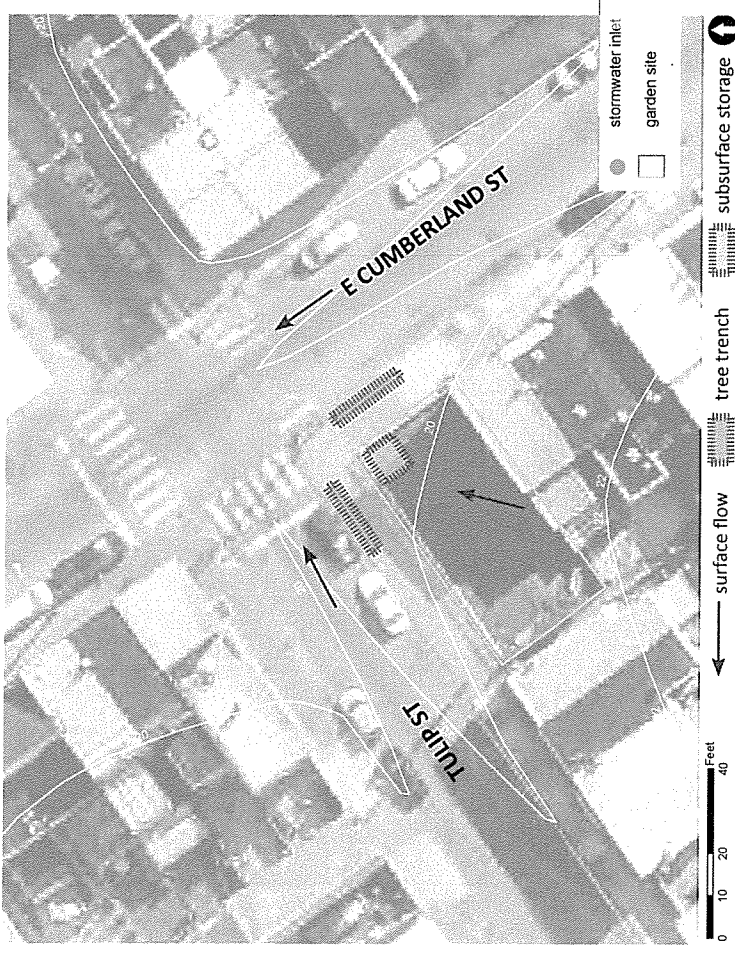
Narrow ornamental garden is surrounded by a white picket fence and is approximately 18" above street elevation. Improvements include brick-paved seating area in southern (back) corner of site and mulch paths, with substantial plantings of tulips and other ornamentals. Nearest inlet is located at corner.

## Constraints:

Elevation above street precludes surface storage, and subsurface storage bed would impact existing plantings and other site improvements. Tulip Street drainage area is smaller than E. Cumberland; overhead wires on both streets, but only one utility pole near corner.

## Opportunities:

Tree trenches are possible in footway of Tulip and E. Cumberland streets, or subsurface bed could be constructed at garden's corner.



# Warrington Community Garden, 4731 Warrington Avenue

Area: 27,800 SF

Sewershed: Southwest Main Gravity

Outfall Area: S50

## Key Existing Features:

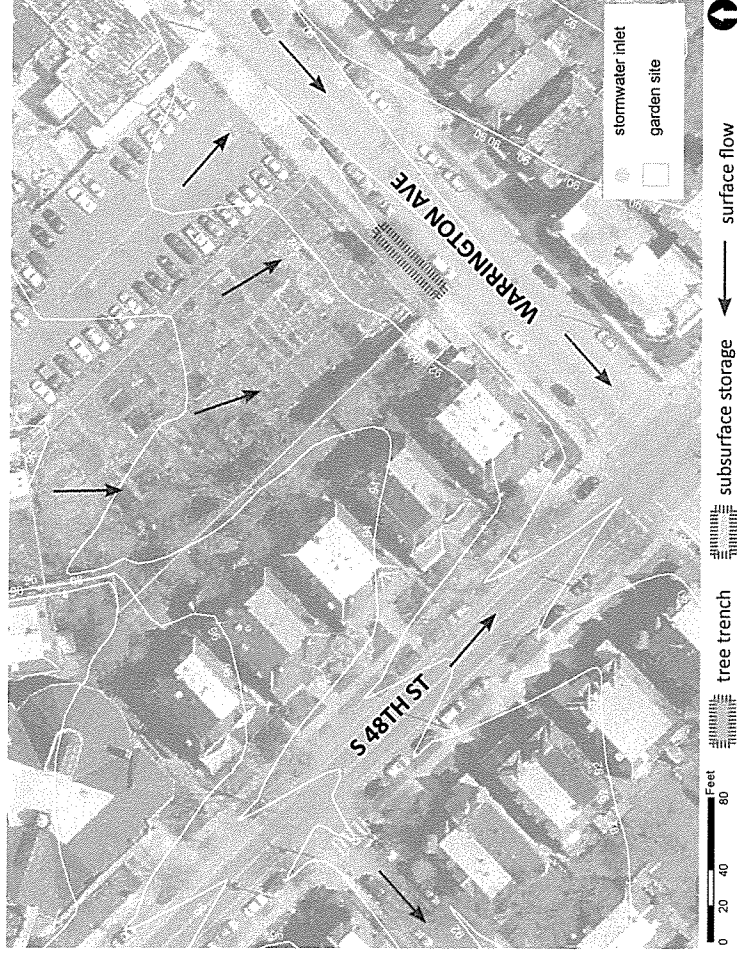
Large, well-established food and ornamental garden, enclosed with chain-link fence. Garden slopes toward Warrington Street. The community has installed small water feature on western edge of site. Grade break at eastern fence line of adjacent private parking lot slopes steeply to lot's inlet near street.

## Constraints:

Inlet at corner of 48th and Warrington limits drainage area flowing past garden. Two existing street trees at garden frontage may impact tree trench possibility. Rise in grade of garden from street precludes surface treatment, and increases cost (depth) of subsurface storage on NGA property.

## Opportunities:

Wide sidewalk and shallow slope of Warrington, no overhead wires and minimal utility laterals make tree trench within ROW a logical SMP for this site.





# Aspen Farms, 4837 Aspen Street

Area: 28.390 SF

Sewershed: Southwest Main Gravity

Outfall Area: S50

## Key Existing Features:

Large, well-established and -tended community food and ornamental garden; paver walkway inside fence along 49th Street. Auto repair and towing business to the east. Garden's vehicular entrance at low point of site.

## Constraints:

Inlets on corners at 49th and Aspen streets limit drainage flow past site, and inlet at 49th and Folsom interrupts possible conveyance from 49th frontage to low point of site. Overhead utilities along Folsom Street. Small drainage area on Aspen Street almost makes tree trench impractical, however, water could possibly be piped or surface-expressed along eastern edge of site to subsurface bed under driveway in northeast corner.

## Opportunities:

No overhead utilities on 49th or Aspen streets. Gardening community engaged and interested in improving broken, weedy Folsom footway. If inlet at 49th and Folsom could be bypassed, larger capture area could be managed in tree trench on Folsom, or subsurface bed under driveway used for deliveries to site.

