

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 050961)

RESOLUTION

Authorizing a request to the Law Department to represent City Council to secure full compliance with the Philadelphia Building Code and with the terms and conditions of a zoning permit issued for the residential development project located at 4041 Ridge Avenue, including if necessary filing for a Temporary Restraining Order to stop construction until compliance is achieved; and, if the Law Department declines to render such services to City Council, authorizing the retention of outside counsel to provide such services.

WHEREAS, The Philadelphia Zoning Board of Adjustment ("ZBA") has jurisdiction to review requests for variances and to conduct hearings for the purposes of taking testimony and reviewing the facts of each case to determine whether or not a variance should be granted; and

WHEREAS, Decisions of the ZBA directly affect the legislative policy of City Council as expressed in the Zoning Code and in other duly enacted ordinances; and

WHEREAS, On July 24, 2002, the Zoning Board took testimony on Calendar No. 02-0874 concerning an application for partial demolition of existing buildings, and the erection of a four-story apartment building, a five-story accessory parking garage, an accessory open-air parking lot and retail space for a total of 414 dwelling units and 660 accessory parking spaces at 4041 Ridge Avenue; and

WHEREAS, During the Zoning Board hearing, questions were asked and commitments were made by a representative of the property owner and by counsel for the property owner to comply fully with the Philadelphia Building Code and to provide for the "best craftsmanship" for the project; and

WHEREAS, The project is now under construction and Tocci Building Corporation, a non-union company based in Massachusetts, is the builder; and

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WHEREAS, Many concerns have been raised with respect to this construction project and Tocci's management of the project; including, but not limited to: non-payment of area prevailing wages and benefits, an unsafe work site, the utilization of unskilled labor, and the lack of diversity in the composition of the workforce; and

WHEREAS, This is a major residential construction project and there is a need to insure that it is built according to the Philadelphia Building Code with skilled crafts people; and

WHEREAS, For that reason, City Council wishes to be able to insure full compliance with the Philadelphia Building Code and with the commitments made during the course of the zoning hearing by a representative of the property owner and by counsel for the property owner; and

WHEREAS, Section 2-105 of the Philadelphia Home Rule Charter provides that "[i]n the event the Law Department declines to advise or render legal services to the Council in any matter ... the Council may employ and fix the compensation of counsel of its own selection to handle such matter"; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That this body is hereby authorized to request the Law Department to represent City Council to secure full compliance with the Philadelphia Building Code and with the terms and conditions of a zoning permit issued for the residential development project located at 4041 Ridge Avenue, including if necessary filing for a Temporary Restraining Order to stop construction until compliance is achieved.

FURTHER RESOLVED, That if the Law Department declines to render such services to City Council, that City Council is authorized to retain outside counsel to provide such services.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-seventh of October, 2005.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Nutter

Sponsored by: Councilmembers Nutter, Blackwell, Kenney, Goode, Reynolds Brown, DiCicco, Ramos, Tasco, Clarke, Miller, Council President Verna, Councilmembers Kelly, Rizzo and Krajewski