



STAFF REPORT (All suggestions / recommendations in this report are advisory)

TO : Allentown City Planning Commission
 FROM : Planning Bureau
 SUBJECT : Proposed Vacation of 800-Blk of West Howe Street
 DATE : November 9, 2021

Background

1. This proposed vacation comes from the Da Vinci Science Center. It covers the 800-blk of West Howe Street from North Eight Street westward, up to where it terminates just past mid-block (see Figure 1). The petition mentioned that this segment of Howe Street dead ends at its current length due to a similar vacation in 2001 giving way to the construction of the nearby Grand Plaza.
2. In September 2021, it is recalled that CPC granted conditional approval to Da Vinci Center’s preliminary /final plan for a new learning center in this area of downtown Allentown. One of terms of that conditional approval was for Da Vinci to have this segment of Howe Street vacated.

Fig-1. Aerial photo of the vicinity showing the streets proposed for vacation, abutting parcels and land uses.



3. (Refer to Fig-2a and 2b) This segment of Howe Street is improved with concrete paving, albeit cracked in some places and patched with asphalt. The buildings abutting the south boundary of Howe have installed improvements that encroach into the south half of Howe, such as: concrete/metal bollards, a fire escape, and an exhaust fan box, among others. At present, this street segment is used to store dumpsters and receptacles for refuse and recyclables.

Fig-2a and 2b. Interior of 800-blk of Howe Street as viewed from different locations. (Photos as of Nov 1, 2021)



Findings / Comments

4. The subject street is 10 feet wide and about 43 feet long. But because of the improvements to the buildings abutting the south boundary of the subject street, its width is effectively reduced by as much as 2 feet (down to 8 feet wide).
5. There are 6 parcels abutting this segment of Howe Street (see Fig-1 for parcel label reference).
 - a. Parcel A is a parking lot owned by 8th Street LLC. This will be the principal location of the new Da Vinci Science Center. Ownership will be transferred to Da Vinci at a later date.
 - b. Parcel B is an office building owned by Yuyi Income Tax Service.
 - c. Parcels C, D and E are office buildings owned by 801 Hamilton St LLC
 - d. Parcel F is a mixed-use retail /residential structure owned by 801 Hamilton St LLC
 - e. Parcel G is a vacant lot owned and maintained by the City of Allentown.
6. During the Staff's site visit (on Oct 25, 2021), the following were observed:
 - a. Parcel C – which hosts a vacant 5-story office building – maintains a fire escape over the subject street.

- b. Parcels D and E are vacant office buildings, each of which maintains its own ground-level access to the subject street.
 - c. Parcel F – which contains a mix-use of retail and residential spaces – maintains a ground-level access to the subject street.
 - d. No large access facilities like loading /cargo bays or overhead doors were observed.
7. In accordance with Article 915 of the City’s Codified Ordinances (re: Street Vacations), Planning Staff considered the proposed vacation against criteria prescribed therefor:
- a. Whether the right-of-way vacation will adversely affect the street pattern or circulation of the immediate area or of the community.
 - i. Street Pattern – *No. In the central business district (CBD), this segment is what remains of West Howe Street. The other segments of Howe Street in the CBD have been vacated through the years in favor of building over them. Closing it, as requested, is deemed consistent with the emerging street pattern.*
 - ii. Re: Circulation – *No, since the subject street segment is not a through street and not used as a roadway.*
 - b. Whether the public need will be adversely affected.
 - i. *No, since the subject street is not a through street and neither used as a roadway or pedestrian route.*
 - c. Whether the public right-of-way may be needed for future public use.
 - i. Planning Staff defers to the PW Staff as to future plans for the subject street segments.
 - d. Whether any abutting property owner will become landlocked or will have his access substantially impaired.
 - i. *No. None of the affected properties will be landlocked since all of them will be accessible via their respective primary frontages either on Hamilton Street or on N. 8th Street. However,*
 - *Parcel C maintains a fire escape over the subject street and uses Howe to access N. 8th Street.*
 - *Parcels D, E and F have rear doors facing the subject street.*
8. Meanwhile, Staff Report from the City’s Public Works Dept informs of the following:
- a. Comments from abutting properties were obtained with the following results:

Parcel Label	Property Owner	Response
A	8 th Street LLC (B. Land, LLC) -- Petitioner	
B	Yuyi Income Tax Service	Has not responded.
C and D	801 Hamilton St LLC	Objects. The owner is planning for a large-scale commercial building involving this property which envisions the continued use of Howe Street. Specifically, it is intended that Howe Street to be utilized for access of future tenants and vendors visiting the properties.
E	801 Hamilton St LLC	Objects. The owner is planning for a large-scale commercial building involving this property which envisions the continued use of Howe Street. Specifically, it is intended that Howe Street to be

		utilized for access of future tenants and vendors visiting the properties.
F	801 Hamilton St LLC	Objects. The owner is planning for a large-scale commercial building involving this property which envisions the continued use of Howe Street. Specifically, it is intended that Howe Street to be utilized for access of future tenants and vendors visiting the properties.
G	City of Allentown	Does not object, with conditions. See Item 8.d.

b. Utility agencies were also polled with the following results:

Utility Agency	Response
PPL	Objects due to existing facilities in the ROW and will need an easement.
UGI	No objection.
LCA	Objects due to an active sewer line in the ROW and will need easements.
Verizon	No objection.

c. City units that have a conceivable interest in vacating the subject street were also polled with the following results:

City Staff /Department	Response
A P D	Has not responded.
A F D	No objection.
Traffic Engineer	No objection.
Stormwater Engineer	No objection.
Communications /EMS	Has not responded.

d. *Staff from the City's PW Dept. has no objection to the subject street vacation on the condition that the City of Allentown reserves an easement over the vacated area for drainage and for passage of public utilities, together with right of entry therein for repairs, construction and reconstruction of the drainage facilities and the public utilities without any liability for damages on the part of the City. Where the easement is reserved, no construction, temporary or permanent, shall be made over or across without the approval of the City of Allentown.*

9. Moreover, LVPC's review of the subject vacation found it consistent with regional policies that promote context-specific design solutions. While it supports the closure, *LVPC recommends that access should be maintained for residents, businesses and utility infrastructure of adjoining buildings via a multimodal sidewalk type corridor for mobility and the continued storage of trash and recycling containers for the area of the proposed vacation.*

Summary

10. Planning Staff agrees with the recommendations by PW staff and LVPC, to vacate the subject street and close it to public traffic but that no construction should take place therein and that access and easements should be retained for users of the adjoining properties and utilities as required.