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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, May 8, 2008
2:10 p.m.

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PRESENT:

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COUNCILMAN FRANK DiCICCO, CHAIR

11

COUNCILMAN BILL GREEN

12

COUNCILMAN WILLIAM GREENLEE

13

COUNCILMAN CURTIS JONES, JR.

14

COUNCILWOMAN DONNA REED MILLER

15

COUNCILMAN DARRELL CLARKE

16

17

BILLS 080162, 080163, 080164, 080406, 080380,
080404, 080129, 080382, 080383, 080384,
080408, 080374 and 080375

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COUNCILMAN DiCICCO: Good

3

afternoon, everyone. I apologize. We're

4

a little bit late. I apologize, for

5

those of you who have been waiting.

6

I'm going to hand out a

7

memorandum that was sent to me from Julia

8

Chapman, the Director of Legislative

9

Affairs for the Mayor.

10

At a hearing that was held on

11

April 3rd of this Committee, we held a

12

bill that was introduced by Councilman

13

Kenney regarding sidewalk closures for

14

construction projects. We're not going

15

to be doing anything with that bill

16

today, but I just wanted to, for your

17

purposes, see what the response to that

18

asking for holding of the bill was at

19

that time.

20

With that, I will now ask

21

Mr. Abernathy to read the title of the

22

first bill -- the first three bills.

23

Same testimony for all three?

24

THE CLERK: Yes.

25

Bill No. 080162, an ordinance

1 5/8/08 - STREETS - BILL 080162, etc.
2 amending Chapter 11-200 of The
3 Philadelphia Code, entitled "Openings and
4 Excavations in the Streets," to revise
5 the operative period of permits to break
6 streets and footways for the installation
7 and repair of underground conduit, all
8 under certain terms and conditions.

9 Bill No. 080163, an ordinance
10 amending Title 9 of The Philadelphia
11 Code, entitled "Regulation of Businesses,
12 Trades and Professions," and Title 11 of
13 The Philadelphia Code, entitled
14 "Streets," to provide authorization to
15 the Streets Department to adopt
16 regulations establishing fees for issuing
17 permits for hauling oversized and
18 overweight vehicles; breaking streets and
19 footways for the installation and repair
20 of underground pipes and conduit; placing
21 construction materials, construction
22 equipment and portable on-demand storage
23 units in the right-of-way; and for
24 providing accelerated service for the
25 survey activities and City plan changes

1 5/8/08 - STREETS - BILL 080162, etc.
2 and plan reviews of private paving plans;
3 and to establish supplementary inspection
4 fees when the work or activity has been
5 commenced without the permit first having
6 been obtained.

7 And Bill No. 080164, an
8 ordinance amending Chapter 11-600 of The
9 Philadelphia Code, entitled "Construction
10 Encroachments and Projections Over, On
11 and Under Streets," make the Streets
12 Department the permitting agency for the
13 placement of construction materials in
14 the right-of-way; adding a section
15 prohibiting the blocking or closure of a
16 roadway or sidewalk for loading or
17 unloading, building maintenance or
18 related activities without a permit; and
19 authorizing the Streets Department to
20 issue regulations for such permits; all
21 under certain terms and conditions.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN DiCICCO: Mr. Perri,
25 Mr. Denny. Good afternoon, gentlemen.

1 5/8/08 - STREETS - BILL 080162, etc.

2 Decide among yourselves who will be
3 providing the testimony.

4 MR. PERRI: Good afternoon,
5 Mr. Chairman and members of the
6 Committee. My name is David Perri and I
7 am the Chief Engineer for the Bureau of
8 Surveys and Design for the Department of
9 Streets. Joining me today to my right is
10 Deputy Commissioner Michael Zaccagni and
11 to my left, Chief Traffic Engineer
12 Charles Denny. We're here to offer
13 testimony in support of Bill 0801620,
14 0801630 and 0801640. Combined, these
15 three bills will accomplish the following
16 seven objectives:

17 Number one, transfer the permit
18 issuance responsibility for the use of
19 the right-of-way for temporary storage of
20 construction materials in the roadway
21 from the Department of Licenses and
22 Inspections to the Department of Streets.

23 Number two, provide the
24 Department of Streets with the authority
25 to charge supplemental inspection fees

1 5/8/08 - STREETS - BILL 080162, etc.
2 whenever work or activities that are
3 regulated under Title 9 or Title 11 occur
4 without first obtaining the required
5 permits.

6 Three, provide the Department
7 of Streets with the authority to
8 establish permit fees by regulation for
9 activities that are regulated under Title
10 9 of The Philadelphia Code.

11 Four, provide the Department of
12 Streets with the authority to establish
13 optional accelerated services for survey
14 activities and for the review of private
15 paving plans.

16 Five, provide the Department of
17 Streets with the authority to charge
18 permit fees for the placement of pods,
19 dumpsters and other construction
20 equipment in the public right-of-way.

21 Six, provide the Department of
22 Streets with the authority to charge
23 permit fees for full or partial street
24 and sidewalk closures.

25 Seven, changing the valid

1 5/8/08 - STREETS - BILL 080162, etc.
2 operative time for a street opening
3 permit from two weeks to 30 days and the
4 elimination of permit renewals.

5 These seven objectives support
6 the following goals:

7 One, improve pedestrian and
8 bicycle circulation by providing a
9 disincentive for the extended use of
10 public roadways and sidewalks for the
11 staging of construction and maintenance
12 activities.

13 Two, improve customer service
14 by offering optional accelerated
15 services.

16 Three, cost recovery for
17 services performed by the Department.

18 Attached is the proposed fee
19 schedule. The process for implementing
20 these fees will be by formal regulation.
21 As you know, the promulgation of
22 regulations to The Philadelphia Code
23 includes a legal review by the Law
24 Department and public advertising and
25 recording by the Records Department.

1 5/8/08 - STREETS - BILL 080162, etc.

2 Thank you for consideration of
3 these bills. We are available to answer
4 any of your questions.

5 COUNCILMAN DiCICCO: Thank you.
6 Before I begin, for the purpose of the
7 record, we do have a quorum. To my far
8 left is Councilman Green, my immediate
9 left is Councilman Greenlee, to my far
10 right is Councilwoman Donna Reed Miller,
11 and to my immediate right is Councilman
12 Jones, and myself as Councilman DiCicco
13 as Chair.

14 Is there anyone else testifying
15 or just you?

16 MR. PERRI: That's it.

17 COUNCILMAN DiCICCO: Any
18 questions for these folks from the
19 Committee?

20 (No response.)

21 COUNCILMAN DiCICCO: Is there
22 anyone here who wishes to testify on
23 behalf of this bill, either for or
24 against this bill?

25 (No response.)

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN DiCICCO: Thank you.

3 Seeing none, Mr. Abernathy,
4 please read the title of the next bill.

5 THE CLERK: Bill No. 080406, an
6 ordinance amending Chapter 12-2400 of The
7 Philadelphia Code, entitled "Towing and
8 Immobilizing of Parked or Abandoned
9 Vehicles," by adding and changing towing
10 zone locations, all under certain terms
11 and conditions.

12 (Witness approached witness
13 table.)

14 COUNCILMAN DiCICCO: Good
15 afternoon, Mr. Fenerty. Please identify
16 yourself for the record and proceed with
17 your testimony.

18 MR. FENERTY: Good afternoon,
19 Chairman DiCicco and Councilmembers. My
20 name is Vince Fenerty and I'm the
21 Executive Director of the Parking
22 Authority. I'm here to testify on behalf
23 of Bill 080406.

24 I would like to thank Chairman
25 DiCicco and the members of the Committee

1 5/8/08 - STREETS - BILL 080162, etc.
2 for allowing me to testify here today. I
3 am testifying in favor of Bill 080406,
4 which would extend the boundaries in
5 which the Parking Authority can impound a
6 vehicle in the City of Philadelphia.

7 Please note that there is an
8 amendment attached to this ordinance and
9 I am asking for approval to the amendment
10 also of Bill 080406.

11 Currently, the Parking
12 Authority may impound a vehicle from
13 Spruce to Vine Street for rush hour or
14 safety violations. The Authority would
15 also like to extend the boundaries from
16 Spring Garden Street to Bainbridge Street
17 and from the Delaware River to the
18 Schuylkill River. The streets which lie
19 in between those boundaries have several
20 "no stopping" or "no parking any time"
21 zones and rush hour zones. The
22 boundaries also conform with the Center
23 City boundaries for other parking
24 violations.

25 When reviewing traffic patterns

1 5/8/08 - STREETS - BILL 080162, etc.
2 in the Center City area, you will note
3 that the exit to Interstate I-95
4 northbound is at Callowhill Street. The
5 extension of the tow enforcement area
6 would include this street. By granting
7 the ability to enforce from Spring Garden
8 and Callowhill Streets with tow-away
9 zones, the Parking Authority would be
10 able to keep all lanes of traffic open
11 during the morning rush hour. I am
12 confident that there will be a vast
13 improvement of traffic flow arriving into
14 the City during the peak hours if this
15 ordinance is passed.

16 Bill No. 080406 also includes
17 extending the rush hour enforcement on
18 Broad Street from Spring Garden Street to
19 Hunting Park Avenue. Currently, North
20 Broad Street is enforced for rush hour by
21 parking enforcement officers, but the
22 Authority cannot tow from Spring Garden
23 Street north on Broad. Broad Street is a
24 major artery for the City of Philadelphia
25 and to have one lane blocked by vehicles

1 5/8/08 - STREETS - BILL 080162, etc.
2 in the morning or afternoon rush hour
3 impedes the flow of traffic.

4 Located along North Broad
5 Street there are several large
6 businesses, a major university and a
7 large hospital. Along with these
8 institutions, there are several fire
9 hydrants, "no stopping" and bus zones.
10 By granting the Authority the capability
11 to enforce the tow zones along North
12 Broad Street, you would greatly enhance
13 the safety of drivers and pedestrians
14 alike.

15 I ask that this Committee give
16 Bill 080406 a favorable recommendation
17 and request that the rules be suspended
18 to allow the first reading at the next
19 Council session.

20 Thank you again for the
21 opportunity to testify before the
22 Committee this afternoon, and I would be
23 happy to answer any questions which you
24 may have.

25 COUNCILMAN DiCICCO: Thank you.

1 5/8/08 - STREETS - BILL 080162, etc.

2 The Chair recognizes Councilman
3 Greenlee.

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

6 Good afternoon, Mr. Fenerty.
7 Just so I'm clear on this, this would
8 allow you to tow anywhere where there's
9 "no parking any time"? We're not just
10 talking rush hour. I'm not real clear.

11 MR. FENERTY: It would be "no
12 parking any time" in a marked tow-away
13 zone.

14 COUNCILMAN GREENLEE: Marked
15 tow-away zone?

16 MR. FENERTY: Yes. There are
17 many areas that are just marked "no
18 parking any time" which are not marked
19 tow-away zones.

20 COUNCILMAN GREENLEE: I guess
21 the reason I'm asking, I can think -- you
22 mentioned bus zones. Is that a tow-away
23 zone?

24 MR. FENERTY: Most bus zones
25 are a tow-away zone.

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN GREENLEE: Does it
3 say that on the sign?

4 MR. FENERTY: Yes.

5 COUNCILMAN GREENLEE: And the
6 other thing I'm thinking of -- and I
7 don't know if it's in this area, but it's
8 in the area just north of Spring Garden,
9 which I have a little interest in,
10 there's some old signs which we've been
11 trying to get taken away -- maybe they
12 finally have been. I'm not sure -- that
13 say things like no parking during
14 Wednesdays between such-and-such. I
15 think they were left over from
16 street-cleaning days.

17 MR. FENERTY: If there's any
18 signs, Councilman, that are in your
19 district, we would be glad to look at
20 them.

21 COUNCILMAN GREENLEE: So it has
22 to say tow zone basically?

23 MR. FENERTY: It has to say tow
24 zone. And when you leave here today and
25 maybe walk towards home, if you look at

1 5/8/08 - STREETS - BILL 080162, etc.

2 the sign, it will have a little tow truck

3 also on the top of it, say tow-away zone.

4 Some of them have a little tow truck.

5 COUNCILMAN GREENLEE: So just
6 plain illegal parking doesn't necessarily
7 get you towed?

8 MR. FENERTY: No.

9 COUNCILMAN GREENLEE: All
10 right. We'd probably have chaos. Okay.
11 Thank you. Thank you very much.

12 COUNCILMAN DiCICCO: Thank you.

13 The Chair recognizes
14 Councilwoman Miller.

15 COUNCILWOMAN MILLER: Yes.

16 Good afternoon. How are you?

17 MR. FENERTY: Good afternoon.

18 COUNCILWOMAN MILLER: I was
19 just wondering, too. Councilman Greenlee
20 did ask basically what I was going to
21 ask, the difference between a tow-away
22 zone and what's there now. I would think
23 that it's important that when you decide
24 to -- the bill is approved, that the
25 signs are large enough that people

1 5/8/08 - STREETS - BILL 080162, etc.

2 understand that if they park there,
3 there's a chance of getting towed.

4 Does this mean that -- I
5 believe during rush hour here in Center
6 City if a car is parked in one of those
7 zones, you immediately tow it?

8 MR. FENERTY: Yes, we would.

9 COUNCILWOMAN MILLER: So that
10 means that from Spring Garden up to
11 Hunting Park any car parked at 4
12 o'clock -- is it 4 o'clock?

13 MR. FENERTY: It's either 3:30
14 or 4:00.

15 COUNCILWOMAN MILLER: --
16 (continued) would be towed if they're in
17 that lane?

18 MR. FENERTY: Right. A parking
19 enforcement officer or a police officer
20 would have to cite the vehicle first with
21 a parking ticket, and then sometime after
22 it's cited, the tow truck would come up
23 and move it. And the reason for that is
24 because we have going towards north going
25 along North Broad Street, both in and

19 MR. FENERTY: Those vehicles
20 would be taken to Lot No. 1 down in South
21 Philadelphia.

22 COUNCILWOMAN MILLER: Is there
23 such a thing that you just take vehicles
24 to a place where parking is permitted? I
25 think I recall a constituent or so that

1 5/8/08 - STREETS - BILL 080162, etc.
2 have had their cars towed, but then
3 nobody kind of knows where the car is.

4 MR. FENERTY: We primarily do
5 that during snow emergencies and also
6 street closures for police, temporary no
7 stopping where it wouldn't be. We don't
8 move a car and impound it to another
9 street as a normal course of business.
10 It would become an impound.

11 COUNCILWOMAN MILLER: So what
12 would happen if, hypothetically, my car
13 was towed? I then call probably 9th and
14 Filbert to say, Hey, my car is not here,
15 can you tell me where it is.

16 MR. FENERTY: They would tell
17 you where it is. Everything is
18 computerized. They will be able to tell
19 you immediately where it is. You could
20 go to that lot and you could pay for the
21 towing fee, and if you felt that the
22 towing was improper, there you would be
23 given the proper paperwork to file to
24 contest the towing of the vehicle or the
25 ticket, and a hearing would be scheduled

1 5/8/08 - STREETS - BILL 080162, etc.
2 later at the Bureau of Administrative
3 Adjudication.

4 COUNCILWOMAN MILLER: So on
5 Broad Street, North Broad Street, in the
6 morning coming south is when you have
7 enforcement and then in the afternoon
8 going north?

9 MR. FENERTY: Yes.

10 COUNCILWOMAN MILLER: I'm
11 certainly familiar with the fact that
12 sometimes those lanes are blocked with
13 cars.

14 MR. FENERTY: Yes.

15 COUNCILWOMAN MILLER: And it
16 does cause a bottleneck. I mean, that's
17 happened for years. So this would
18 actually change it.

19 MR. FENERTY: It would change
20 it and how the towing would be done. You
21 can imagine a bottle. You open the
22 bottleneck up. So going-home traffic
23 going northbound, you would start on the
24 southern end closest to Spring Garden and
25 you would open the bottleneck up. Coming

1 5/8/08 - STREETS - BILL 080162, etc.
 2 in in the morning what you would do is,
 3 you would reverse it the same way. You
 4 open the bottleneck up.

5 COUNCILWOMAN MILLER: Okay.
 6 All right. Thank you.

7 Thank you, Mr. Chair.

8 COUNCILMAN DiCICCO: The Chair
 9 recognizes Councilman Jones.

10 COUNCILMAN JONES: Thank you,
 11 Chairman.

12 Good afternoon. Just for the
 13 record, how much is the towing fee and
 14 what is the average ticket? Is that in
 15 addition to the towing?

16 MR. FENERTY: The towing fee is
 17 \$125 and the average ticket for no
 18 stopping -- I don't have a book in front
 19 of me. I think -- and please don't hold
 20 me to it -- I think that's a \$41 ticket.

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

23 COUNCILMAN DiCICCO: Any
 24 further questions?

25 Councilman Green.

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN GREEN: Thank you,
3 Mr. Chairman.

4 Good afternoon, Mr. Fenerty.

5 MR. FENERTY: Good afternoon.

6 COUNCILMAN GREEN: Can you
7 refresh my recollection about how money
8 flows from the Parking Authority to the
9 City of Philadelphia and then --

10 MR. FENERTY: The money flows
11 from the Parking Authority. We submit a
12 budget to the City Finance Director by
13 December 1st of each year.

14 COUNCILMAN GREEN: No. I mean
15 particularly what I'm thinking of is
16 after 25 million, the rest of the money
17 does not come to us or --

18 MR. FENERTY: The rest of the
19 money goes to the Philadelphia School
20 District.

21 COUNCILMAN GREEN: I've read
22 public statements that where the Parking
23 Authority has said that they are going to
24 give the -- the City of Philadelphia is
25 going to get its whole \$25 million.

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. FENERTY: Councilman, our
3 fiscal year goes from April 1st to March
4 30th of each year, and we reconcile our
5 books two months after the close of each
6 month. Our Board approves it. The City
7 of Philadelphia for our last fiscal year,
8 which ended March 30th, there has been
9 \$25 million already transferred. We
10 transfer money each month. We're
11 currently reconciling the books for the
12 last two months. We will meet the goal
13 and we will exceed the goal of 1.25
14 million for the School District this
15 year, and I don't know by how much. I
16 will know within the next week or two,
17 and our Board will approve those
18 financials the day after Memorial Day at
19 its Board meeting.

20 COUNCILMAN GREEN: And you
21 project that you will provide the City of
22 Philadelphia 25 million next year?

23 MR. FENERTY: At least, yes.
24 That's the cap.

25 COUNCILMAN GREEN: And that's

1 5/8/08 - STREETS - BILL 080162, etc.
2 without -- you're doing that without some
3 of the things that I've seen recently,
4 extending hours of parking on streets --

5 MR. FENERTY: Yes.

6 COUNCILMAN GREEN: -- and this
7 towing proposal and other things like
8 that?

9 So I guess just from an
10 economic perspective, from the City of
11 Philadelphia's perspective -- and I
12 understand that cars need to be towed if
13 they're a danger, but why should the
14 Parking Authority do it rather than have
15 a unit of the Police or Streets or
16 somebody else do it where we can get the
17 revenue and put the dollars into the City
18 budget? Because we're capped out from
19 everything we can get from the Parking
20 Authority. Why continue to provide you
21 additional dollars versus maximizing the
22 City's revenue when we have a \$200
23 million hole in our own budget over the
24 next five years?

25 MR. FENERTY: Well, Councilman,

1 5/8/08 - STREETS - BILL 080162, etc.
2 there is an agreement of understanding
3 between the City of Philadelphia and the
4 Parking Authority where we enforce the
5 on-street regulations, and going back to
6 1983 when the duties were transferred
7 over, it was so that the police tow
8 squad, which has very small numbers,
9 would concentrate on crime scenes and the
10 Streets Department would concentrate on
11 "downed" vehicles. We concentrate on
12 those vehicles which are in violation.
13 And we're not -- we don't need to add any
14 employees or staff for these expanded
15 boundaries.

16 COUNCILMAN GREEN: No. I
17 wasn't suggesting that. I'm just
18 saying -- which means it's definitely
19 going to hit the bottom line, increase
20 revenues.

21 MR. FENERTY: The profit will
22 go to the Philadelphia School District,
23 not to the Parking Authority.

24 COUNCILMAN GREEN: Right, and
25 not into the City's General Fund, which

1 5/8/08 - STREETS - BILL 080162, etc.
2 is 200 million short over the next five
3 years in our Five-Year Plan.

4 MR. FENERTY: I understand your
5 point, but the City has no impoundment
6 lots, so, therefore, the City is not
7 equipped to do this type of towing. We
8 estimate --

9 COUNCILMAN GREEN: But it's a
10 good business, right? I mean, if we went
11 into it, we'd probably make money.

12 MR. FENERTY: If you went into
13 it, you would probably make some money,
14 but what you would be doing is
15 replicating the same services.

16 COUNCILMAN GREEN: But we'd get
17 the dollars.

18 Is there any way that you can
19 share dollars with the City of
20 Philadelphia if we extend your authority
21 or permit you to extend hours on parking
22 signs?

23 MR. FENERTY: We're not keeping
24 the money.

25 COUNCILMAN GREEN: I

1 5/8/08 - STREETS - BILL 080162, etc.
2 understand.

3 MR. FENERTY: The money goes to
4 the schools.

5 Personally, if that were
6 changed, if the Mayor found a way to
7 change it and all the money went into the
8 City budget, that wouldn't matter to the
9 Parking Authority, the same as we had
10 hoped to change the red light camera
11 money from going to PennDOT into the City
12 schools to keep it local. We weren't
13 successful in Harrisburg on doing that.

14 It doesn't matter to me where
15 the money goes. What matters to me as
16 the Executive Director of the Parking
17 Authority is trying to clear the streets.

18 COUNCILMAN GREEN: But we could
19 do it. I mean, a police unit could write
20 tickets, a police unit could tow, and we
21 could generate profits that come right
22 into the General Fund, essentially go
23 into competition with you.

24 MR. FENERTY: I don't mean --
25 don't take this as a contradiction, but

1 5/8/08 - STREETS - BILL 080162, etc.
2 in order to do that for the amount of
3 additional towing, it wouldn't be cost
4 effective in any way, because once we
5 start enforcing, we estimate that we'll
6 probably pick anywhere from five to eight
7 tows up total along Broad Street. Once
8 we start enforcing, people who get towed
9 one time will not do it again. The
10 towing is the deterrent. The towing is
11 not a great moneymaker.

12 COUNCILMAN GREEN: No, no. I
13 understand. My questions really didn't
14 relate to the specifics of this towing
15 proposal, but just the public policy in
16 general.

17 MR. FENERTY: Well, I don't
18 know how Council or the Mayor are going
19 to formulate their budget, but the more
20 money the Parking Authority generates for
21 the schools possibly, that's less money
22 the City has to provide to the schools.
23 So it's all going into the same pot.
24 It's just how it's divided is up to this
25 Council and to the Mayor.

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN GREEN: Right.

3 Councilman DiCicco, who decides
4 where the -- the extension of hours for
5 parking meters on the street? Is that
6 something that has to be done through the
7 Streets Committee or can that be done
8 unilaterally by the Parking Authority?
9 In other words, where the sign used to
10 say 9:00 to 6:00 and now it says 9:00 to
11 10:00 p.m.

12 COUNCILMAN DiCICCO: I think
13 that varies depending on --

14 MR. FENERTY: It varies.

15 COUNCILMAN DiCICCO: -- the
16 neighborhood. I mean, as an example,
17 parking permits are not consistent in
18 terms of the hours on which you need to
19 have a permit to park in a particular
20 neighborhood, and I think the same
21 probably goes for parking regulations
22 throughout the rest of the City,
23 depending on the environment, whether
24 it's a commercial corridor versus a mixed
25 use.

1 5/8/08 - STREETS - BILL 080162, etc.

2 I don't know if I'm saying that
3 right, Mr. Fenerty. You can correct me
4 if I'm wrong.

5 MR. FENERTY: You are correct.

6 COUNCILMAN DiCICCO: It's based
7 on what the City Streets Department feels
8 its needs are on cars being removed from
9 a particular street at a certain time in
10 order to allow a more appropriate flow of
11 traffic, rush hour. Walnut Street
12 certainly would be a different time than
13 maybe -- I'm just using Spruce Street,
14 but another street as an example.

15 COUNCILMAN GREEN: I won't
16 belabor the point because I know that's
17 not the topic of your testimony today,
18 but I do understand that the Parking
19 Authority is unilaterally putting up --
20 changing hours on signs and then
21 enforcing those.

22 MR. FENERTY: We don't do it
23 without study.

24 COUNCILMAN GREEN: Well, but
25 you do it without authority from the City

1 5/8/08 - STREETS - BILL 080162, etc.
2 of Philadelphia.

3 MR. FENERTY: I'm not prepared
4 to answer those full questions today, but
5 I can tell you, for instance, what
6 Councilman DiCicco brought up. A
7 residential parking permit area, a
8 question came from another Councilmember
9 that he had a complaint about we extended
10 the time from 10:00 p.m. in a residential
11 parking zone, which would mean no parking
12 unless you have a residential parking
13 permit. And we researched that. When we
14 do a study, we have to talk to the
15 neighbors, a petition has to be filed by
16 the neighbors, and notification of change
17 of hours have to be filed with the Chief
18 Clerk of City Council. And when that
19 question came up, everything had been
20 properly done.

21 There is a set of formula
22 regulations where we just can't go out
23 and unilaterally change hours. There's a
24 formal notification process. And I'm a
25 little rusty on what it is, Councilman

1 5/8/08 - STREETS - BILL 080162, etc.
2 Green, and I'd be glad to find that out
3 for you.

4 COUNCILMAN GREEN: I'd
5 appreciate that.

6 MR. FENERTY: As you know, I've
7 invited you --

8 COUNCILMAN GREEN: Yes.

9 MR. FENERTY: -- many times to
10 come down and ask me all your questions,
11 give you a tour --

12 COUNCILMAN GREEN: I appreciate
13 it.

14 MR. FENERTY: -- so I can
15 answer all the questions you have. And
16 whenever your schedule allows it, I'll
17 give you a whole day.

18 COUNCILMAN GREEN: Thank you
19 very much.

20 COUNCILMAN DiCICCO: Just since
21 the question was raised about possibly
22 the City doing towing and what the
23 benefits may be, if there are any
24 benefits, if you can supply the Chair
25 with a breakout of what it costs to run

1 5/8/08 - STREETS - BILL 080162, etc.
2 your towing fleet in terms of equipment,
3 man hours, person hours, they're
4 operated, just to get a sense of whether
5 it would make sense. My guess is it's
6 not. I think your doing it one-stop
7 shop, if you will, probably makes more
8 sense, but I think it will be helpful to
9 this conversation.

10 Councilman Jones.

11 COUNCILMAN JONES: Very
12 quickly, Mr. Chairman.

13 Pretty much the idea here is to
14 give you a wider range of authority to
15 tow in order to alleviate traffic in
16 certain timeframes, correct?

17 MR. FENERTY: That's correct.

18 COUNCILMAN JONES: In fact,
19 what are those timeframes? Are they what
20 are traditional timeframes such as rush
21 hour, both in the morning and afternoon?

22 MR. FENERTY: Rush hour as
23 posted on the rush hour streets. We
24 enforce "no stopping" zones. We enforce
25 the loading zones. We enforce "no

1 5/8/08 - STREETS - BILL 080162, etc.
2 parking" zones, valet zones, to name --
3 they're the major we would do. For
4 instance, if someone is parked in a
5 passenger loading zone or a regular
6 loading zone for a truck, the sign would
7 specify how long that vehicle can be
8 there, if it's 20 minutes or 30. After
9 30 minutes, when a parking enforcement
10 officer is making the rounds, they ticket
11 the vehicle. We would remove that
12 vehicle in order to open up the loading
13 zone for deliveries so the streets don't
14 get bogged down with double-parkers.
15 Someone is parked in a "no stopping"
16 zone, which is a bus zone, it would say
17 "no stopping, bus" or "no stopping here
18 to corner." When the vehicle is parked
19 in there, it's properly marked, we tow
20 it. And that's generally during the
21 normal hours. We don't go out and tow
22 them in the middle of the night. In
23 Queens Village, Society Hill on the
24 weekends, we do tow down there, and
25 that's at the request of the neighborhood

1 5/8/08 - STREETS - BILL 080162, etc.
2 and the restaurants. We have to keep
3 order.

4 COUNCILMAN JONES: Just one
5 other observation. In the traffic
6 patterns, are you noticing or do you take
7 into account that there is an increase in
8 traffic congestion in coming into the
9 City on Friday evenings now and is that a
10 part of your --

11 MR. FENERTY: There's traffic
12 congestion coming into the eastern end of
13 the City on Friday and Saturday evenings.
14 There are no rush hours that extend for
15 that type of violation. What we have
16 done is, we've extended some areas where
17 meters go now until 12:00 and until 2:00
18 a.m. to turn it over. We've extended
19 many residential permit parking zones at
20 the request of the community so people
21 will be able to get back into their
22 neighborhood and park, so it wouldn't be
23 totally loaded where someone who may own
24 a home at 3rd and Pine has to park at
25 Broad and Pine and walk back. So we

1 5/8/08 - STREETS - BILL 080162, etc.

2 limit it, and we have a good study on
3 everything, and all that is done by
4 petition with the residents.

5 COUNCILMAN JONES: Just as a
6 footnote, with the increased amount of
7 popularity of our Center City nightlife,
8 I just want to make sure that as we start
9 to make these adjustments on times on
10 signage, that it's taken into account
11 some of the folk who have to live through
12 our prosperity almost in a negative way
13 because of the parking and congestion.

14 MR. FENERTY: We do do that,
15 and also within the upcoming year,
16 Councilman, you may not know, but we've
17 experimented with what we call a
18 multi-space meter, and there are six of
19 them down in the Headhouse District in
20 Councilman DiCicco's district. The
21 Parking Authority has just contracted to
22 buy 50 more of them, and they will be
23 primarily located in Center City business
24 districts.

25 For instance, along Broad

1 5/8/08 - STREETS - BILL 080162, etc.
2 Street where there are restaurants or
3 along Walnut Street where there are
4 restaurants, you need a two-hour zone
5 normally during the day to turn the
6 traffic over. The current stand-alone
7 parking meters only allow one type of
8 regulation, two hours, three hours, four
9 hours, whatever they're set. If we set
10 them in the restaurant zone for four
11 hours, that would be good -- for the
12 stand-alone meter, that would be good for
13 the evening business in the City, but it
14 would be no good for the retail business
15 or the hospital business during the day,
16 because it wouldn't turn it over. With
17 the new multi-space meters, you eliminate
18 ten parking meters that handles ten
19 spots. We can set those type of meters
20 to, for instance, from 8:00 a.m. until
21 6:00 p.m. or until 4:00 p.m., whatever
22 the time may be, for two-hour parking and
23 thereafter we can set it for three-hour
24 parking, four-hour parking,
25 three-and-a-half-hour parking to

1 5/8/08 - STREETS - BILL 080162, etc.
2 accommodate the businesses that have
3 moved into Center City so people don't,
4 I'm eating dinner, I got two hours and at
5 one hour and 50 minutes they have to walk
6 down the street to feed the meter.

7 We're looking at that. The
8 technology has changed drastically in the
9 last several years. Those multi-space
10 meters take Smart Cards, they take debit
11 cards, they take credit cards, and you'll
12 start seeing them being placed at the end
13 of the summer in Center City.

14 They also do turn a projected
15 additional revenue of 30 percent, and
16 that's because when you drive away from a
17 stand-alone meter and you place your
18 change in it, that time is still on
19 there. The next person can come up and
20 use that time.

21 With a multi-space meter, it
22 gives you a small ticket to put on the
23 left-hand side of your window inside.
24 The parking enforcement officer walks by,
25 looks at it and you have until 3:30 or

1 5/8/08 - STREETS - BILL 080162, etc.
2 3:43, whatever you paid till. When you
3 drive away, you drive away with that in
4 your car. The next person coming in has
5 to buy new time. And down in the
6 Headhouse District with the six
7 multi-space meters, which handle
8 approximately 60 spaces, we have seen a
9 30 percent increase in the revenue.

10 COUNCILMAN JONES: I used to
11 call that parker's luck.

12 MR. FENERTY: That's right,
13 parker's luck. But these are things
14 which we are doing that moving along to
15 enhance technology in the City of
16 Philadelphia with parking.

17 COUNCILMAN JONES: Thank you
18 very much.

19 Thank you, Mr. Chairman.

20 COUNCILMAN DiCICCO: Thank you.

21 Any other questions?

22 (No response.)

23 COUNCILMAN DiCICCO: Any other
24 witnesses here to testify for or against
25 this bill?

1 5/8/08 - STREETS - BILL 080162, etc.

2 (No response.)

3 COUNCILMAN DiCICCO: Thank you,
4 Mr. Fenerty.

5 MR. FENERTY: Thank you.

6 COUNCILMAN DiCICCO: Seeing
7 none, Mr. Abernathy, the title of the
8 next bill, please.

9 THE CLERK: Bill No. 080404, an
10 ordinance authorizing the construction of
11 a sewer and appurtenant work required to
12 alleviate unsanitary conditions in a
13 portion of East Willow Grove Avenue.

14 COUNCILMAN DiCICCO: We just
15 jumped around a little bit from the
16 Calendar because there are a couple bills
17 which we think will take a little bit
18 longer. For those non-controversial
19 bills, we want to get those folks to
20 testify so they can get on their way.
21 Thank you.

22 Mr. Holst.

23 MR. HOLST: Good afternoon,
24 Chairman DiCicco and members of the
25 Committee of Streets and Services. I am

1 5/8/08 - STREETS - BILL 080162, etc.

2 Arthur Holst, Government Affairs Manager

3 of the Philadelphia Water Department. I

4 am here today to testify on Bill No.

5 080404, which authorizes the construction

6 of a sewer and appurtenant work required

7 to alleviate unsanitary conditions in a

8 portion of East Willow Grove Avenue.

9 Councilwoman Donna Reed Miller introduced

10 this bill on April 17, 2008.

11 Bill No. 080404 authorizes the

12 construction of a sewer and appurtenant

13 work in a portion of East Willow Grove

14 Avenue from Germantown Avenue to Winston

15 Road. The properties at this location

16 currently have a private sewer which is

17 failing. This situation is creating an

18 unsanitary condition. To alleviate the

19 problem, the construction of a public

20 sewer is required.

21 The residents affected by this

22 construction shall be assessed for a new

23 sewer in accordance with The Philadelphia

24 Code.

25 The Water Department recommends

1 5/8/08 - STREETS - BILL 080162, etc.
2 that this bill be reported favorably out
3 of Committee and that the rules of
4 Council be suspended to allow for a first
5 reading of this bill at the next session
6 of City Council.

7 This concludes my testimony.
8 I'll be happy to answer any questions you
9 may have.

10 COUNCILMAN DiCICCO: Thank you,
11 Mr. Holst.

12 Any questions for this witness
13 from the Committee?

14 (No response.)

15 COUNCILMAN DiCICCO: Anyone
16 else here who wishes to testify for or
17 against the bill?

18 (No response.)

19 COUNCILMAN DiCICCO: Thank you.
20 Seeing none, Mr. Abernathy, the title of
21 the next bill.

22 THE CLERK: Bill No. 080129, an
23 ordinance granting permission to Sunil
24 Shroff, owner and operator of the
25 newsstand located on the northwest corner

1 5/8/08 - STREETS - BILL 080162, etc.
2 of 40th Street and Spruce Street, to
3 construct, use and maintain conduits for
4 fiberoptic facilities in, under and
5 across the northwest corner of 40th
6 Street and Spruce Street, for the purpose
7 of supplying electrical service and
8 telephone service to said newsstand.

9 MR. BLACK: Good afternoon,
10 Chairman and members of the Committee.
11 My name is Robert Black and I'm a
12 construction engineer with the Streets
13 Department. I am here to offer the
14 following testimony for Bill No. 080129.

15 This bill grants permission to
16 Sunil Shroff, owner of the newsstand at
17 the northwest corner of 40th Street and
18 Spruce Street, to construct, use and
19 maintain an electrical conduit with
20 electrical service line and a
21 telecommunications conduit with a
22 telephone service line in and under the
23 public right-of-way, for purpose of
24 supplying electrical and telephone
25 service to the newsstand.

1 5/8/08 - STREETS - BILL 080162, etc.

2 The Streets Department has
3 reviewed the construction plans for this
4 project and has no objection to the
5 passage of this bill.

6 COUNCILMAN DiCICCO: Thank you.

7 Any questions for this witness
8 from the Committee?

9 Councilman Green.

10 COUNCILMAN GREEN: How much do
11 we charge somebody for a permit like
12 that, to use the public right-of-way?

13 MR. BLACK: There's degradation
14 fees that's just based on the linear
15 amount of damage to the street, and
16 that's how it gets based on. For
17 something like this, it's very, very
18 minor.

19 COUNCILMAN GREEN: But that's
20 essentially recovering -- it's not a fee
21 because it's what it costs us to maintain
22 the street is what they pay?

23 MR. BLACK: Exactly. A lot of
24 the major fees for this comes from the
25 bigger animal such as Verizon, PECO.

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN GREEN: But that's
3 also just sort of cost recovery?

4 MR. BLACK: It's all cost
5 recovery.

6 COUNCILMAN GREEN: Okay. Thank
7 you very much.

8 COUNCILMAN DiCICCO: On that
9 same note, did we not a couple years back
10 have some discussion and agreements that
11 in the cost it was built in for five,
12 six, ten years out? Because a lot of
13 times when you do excavation, the
14 settlement doesn't happen for a few years
15 out, and did we not factor in those costs
16 that we anticipate in the out years?

17 MR. BLACK: There is a
18 degradation chart that goes with that.

19 COUNCILMAN DiCICCO: Thank you.

20 Any other questions for this
21 witness on this particular bill?

22 (No response.)

23 COUNCILMAN DiCICCO:

24 Mr. Abernathy, the title of the next
25 bill, please.

1 5/8/08 - STREETS - BILL 080162, etc.

2 THE CLERK: Bill No. 080382, an
3 ordinance authorizing Mariner Commercial
4 Properties, Incorporated, owner and
5 developer of 1441 Chestnut Street, to
6 construct, own and maintain various
7 encroachments to be installed in
8 conjunction with a mixed-use development,
9 all under certain terms and conditions.

10 MR. BLACK: Good afternoon,
11 Chairman and members of the Committee.
12 My name is Robert Black and I'm a
13 construction engineer with the Streets
14 Department. I am here to offer the
15 following testimony for Bill No. 080382.

16 This bill grants permission to
17 Mariner Commercial Properties, owner and
18 developer, to construct, use and maintain
19 various encroachments to be installed in
20 conjunction with a mixed use for 1441
21 Chestnut Street.

22 There are various building
23 encroachments on Chestnut Street. There
24 is a rigid canopy approximately 124 foot
25 wide and 16 foot high. There are two

1 5/8/08 - STREETS - BILL 080162, etc.
2 cornices. The first is 124 feet wide and
3 54 feet high. The second is 124 feet
4 wide and 150 feet high. There is a
5 balcony 124 feet wide and 78 feet high.
6 There is a bay window approximately 90
7 feet wide and 158 feet high. There is an
8 angled bay window approximately 13 feet
9 wide and 109 feet high. There is also a
10 light box encroachment on 15th Street
11 that is approximately 23 feet wide and
12 approximately 18 feet high.

13 The Streets Department has
14 reviewed the preliminary construction
15 plans for this project and has no
16 objection to the passage of this bill.

17 COUNCILMAN DiCICCO: Thank you.

18 Any questions for this witness?

19 (No response.)

20 COUNCILMAN DiCICCO: Anyone
21 else testifying on this?

22 Mr. Patterson.

23 MR. PATTERSON: Thank you,

24 Mr. Chairman. Ronald Patterson with the
25 Klehr Harrison law firm, 260 South Broad

1 5/8/08 - STREETS - BILL 080162, etc.

2 Street, Philadelphia, PA 19102.

3 I'm the land use attorney for
4 this project, and with me is Tim Mahoney
5 and David Ertz, architect. We thought
6 you should just see at least what the
7 encroachments regard, if you'd like.

8 In 2007, we obtained a zoning
9 permit for this 58-story building, about
10 670 feet, to contain a mix of
11 condominiums, hotel rooms and parking
12 spaces in the lower pedestal, and this
13 ordinance would approve the encroachments
14 over the sidewalk, as I'm depicting, as
15 part of the architectural design. And I
16 have Tim Mahoney here, who you can
17 address any other questions you may have.

18 Tim, if you want to say a few
19 words.

20 MR. MAHONEY: Thank you,
21 Mr. Chairman and members of the Council.

22 What we plan on building here
23 is a five-star hotel, true world-class,
24 truly unlike anything that's in
25 Philadelphia now and even some of my

1 5/8/08 - STREETS - BILL 080162, etc.
2 colleagues are building that are here
3 today. But the encroachments are
4 strictly architectural to accentuate the
5 building at the base for the guest
6 entrance and the guest experience walking
7 in as the portico share encroachment.
8 And then we have an actual day-lit
9 ballroom up on the 11th Floor, 10th Floor
10 where you have the cornice encroachment
11 and, above that, the bow -- the very
12 pronounced bow window that David is
13 pointing to right there.

14 The fourth and final
15 encroachment is what's referred to as the
16 light box at 15th and Chestnut. That
17 will be above a signature retail store.
18 So we see that as, again, a prominent
19 architectural feature to make this
20 building really truly stand out along
21 Chestnut Street.

22 MR. PATTERSON: And while we do
23 have the zoning permit, we have filed
24 plans to make minor adjustments, and
25 these plans contain the minor adjustments

1 5/8/08 - STREETS - BILL 080162, etc.
2 that are within this ordinance in front
3 of you.

4 COUNCILMAN DiCICCO: This
5 building is the one that is immediately
6 south of the Ritz, right?

7 MR. PATTERSON: Correct.

8 COUNCILMAN DiCICCO: On the
9 other corner.

10 MR. PATTERSON: That's correct.

11 COUNCILMAN DiCICCO: What is
12 between the north side of this building
13 and the south side of the Ritz building?
14 Is there --

15 MR. PATTERSON: There's
16 Ranstead Street that was vacated, which
17 will remain a vacated street the Ritz
18 will use for access, and as part of, I'll
19 say, a settled lawsuit between the two
20 developers, we worked long and hard to
21 ensure that there were no build zones so
22 that the two buildings could be aligned
23 in certain configurations so as to
24 provide each the best views possible.

25 MR. MAHONEY: Ron summed it up.

1 5/8/08 - STREETS - BILL 080162, etc.

2 The buildings are very sympathetic to
3 each other, and that was the result of
4 very long and protracted negotiations.

5 COUNCILMAN DiCICCO: Yeah. I'm
6 aware of that. One of the few I didn't
7 have to deal with in my district. It's
8 not my district.

9 I understand that there has
10 been an amendment that has just been --
11 are you aware of any amendments to
12 this --

13 MR. PATTERSON: Yes, I am.

14 COUNCILMAN DiCICCO: -- that's
15 been sent up by the Administration?

16 Mr. Black.

17 MR. BLACK: Yeah. There is an
18 amendment to make it appurtenant to 1441
19 Chestnut for Section 1.

20 COUNCILMAN DiCICCO: And you
21 guys are okay with that?

22 MR. PATTERSON: Yes. That's
23 fine. It was a correction that was
24 needed.

25 COUNCILMAN DiCICCO: Councilman

1 5/8/08 - STREETS - BILL 080162, etc.

2 Green.

3 COUNCILMAN GREEN: You said you
4 had a zoning permit, so I'm sure the
5 answer to this is yes, but I just want to
6 confirm. This has been approved by the
7 Planning Commission?

8 MR. PATTERSON: Yes. The 2007
9 permit was. And we then resubmitted
10 plans. The Planning Commission has
11 reviewed and approved it. However, they
12 wanted to see this ordinance go through
13 to allow for the encroachments before
14 they released the plans, and then we'll
15 get an updated permit.

16 COUNCILMAN GREEN: But the
17 Planning Commission has publicly met and
18 approved what you're proposing today?

19 MR. PATTERSON: It was reviewed
20 and approved at staff level.

21 COUNCILMAN GREEN: At the staff
22 level?

23 MR. PATTERSON: Yes.

24 COUNCILMAN GREEN: I personally
25 am not comfortable voting for anything

1 5/8/08 - STREETS - BILL 080162, etc.
2 that hasn't been approved by the Planning
3 Commission itself, so for that reason,
4 I'll be voting no.

5 COUNCILMAN DiCICCO: Any other
6 questions for these witnesses?

7 (No response.)

8 COUNCILMAN DiCICCO: Seeing
9 none, anyone else here who wishes to
10 testify for or against this bill?

11 (No response.)

12 COUNCILMAN DiCICCO:
13 Mr. Abernathy, the title of the next
14 bill.

15 THE CLERK: Bill No. 080383, an
16 ordinance authorizing Arch Street Hotel
17 Partners, LLC to construct, own and
18 maintain various encroachments at 1421
19 Arch Street, all under certain terms and
20 conditions.

21 MR. BLACK: Bill No. 080383,
22 granting permission to Arch Street Hotel
23 Partners to construct, own and maintain
24 various encroachments to be installed on
25 1441 Arch Street.

1 5/8/08 - STREETS - BILL 080162, etc.

2 There is an awning that's 17
3 feet wide and 21 feet long. There are
4 two movable urns along Arch Street to an
5 amended four feet in diameter. There is
6 a bike rack on Arch Street approximately
7 ten feet in length.

8 The Streets Department has
9 reviewed the preliminary construction
10 plans for this project and has no
11 objections to the passage of this bill.

12 There is an amendment that is
13 added that specifies the four foot in
14 diameter for the urns.

15 COUNCILMAN DiCICCO: Thank you.

16 Mr. Patterson.

17 MR. PATTERSON: Yes. Good
18 afternoon again. Ronald Patterson on
19 behalf of the owner. With me is John
20 Hayes, architect on the project.

21 By way of background, in April
22 of 2007, we obtained a "by right" zoning
23 permit to convert the old YMCA building
24 into a 198-room hotel called the Le
25 Meridien, with retail and commercial on

1 5/8/08 - STREETS - BILL 080162, etc.
2 the first floor, and this ordinance, as
3 John could depict again, is to approve
4 projections from the building over the
5 sidewalk, including the awning that's
6 shown on the plan, some movable urns and
7 a bike rack.

8 COUNCILMAN DiCICCO: Thank you.
9 Any questions for these
10 witnesses?

11 (No response.)

12 COUNCILMAN DiCICCO: Is there
13 anyone else here who wishes to testify
14 for or against the bill?

15 (No response.)

16 COUNCILMAN DiCICCO: Seeing
17 none --

18 MR. PATTERSON: I just want to
19 mention, because Councilman Green asked,
20 when this permit was issued, as all
21 zoning permits are issued, the Planning
22 Commission reviews and stamps the plans.
23 So this permit did go through Planning.

24 COUNCILMAN DiCICCO: By the
25 way, what hotel will this be?

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. PATTERSON: Le Meridien.

3 MR. HAYES: It's a Starwood

4 brand hotel.

5 COUNCILMAN DiCICCO: Old age.

6 I couldn't see.

7 MR. HAYES: John Hayes of

8 Blackney Hayes Architects.

9 COUNCILMAN DiCICCO: I'm sorry.

10 I couldn't read it from here. That's why

11 I had to ask.

12 MR. HAYES: Le Meridien. It's

13 a Starwood brand.

14 COUNCILMAN DiCICCO: It's the

15 old YMCA building.

16 COUNCILMAN GREEN: I'm sorry.

17 Excuse me, Councilman. Thank you,

18 Mr. Chairman.

19 Did you say the Planning

20 Commission has approved this, the

21 Commission itself?

22 MR. PATTERSON: Yes.

23 COUNCILMAN GREEN: Okay.

24 That's 383?

25 MR. PATTERSON: Not the

1 5/8/08 - STREETS - BILL 080162, etc.
2 ordinance, but the zoning plans that were
3 filed to get the zoning permit.

4 COUNCILMAN GREEN: What I'm
5 looking at, the extension over the
6 sidewalk.

7 MR. PATTERSON: No. We did not
8 run that through Planning. That goes
9 through Streets because it's a street
10 encroachment.

11 COUNCILMAN GREEN: Okay. Thank
12 you.

13 MR. PATTERSON: You're welcome.

14 COUNCILMAN DiCICCO: There is
15 also an amendment to this bill, as you
16 know.

17 MR. PATTERSON: Correct.

18 COUNCILMAN DiCICCO: We're
19 fine?

20 MR. PATTERSON: Yes.

21 COUNCILMAN DiCICCO: Okay.

22 Thanks.

23 I'll read the next bill while
24 he's talking. Bill No. 080384 -- I'm
25 sorry.

1 5/8/08 - STREETS - BILL 080162, etc.

2 Is anybody else testifying on
3 this, on 383?

4 (No response.)

5 MR. PATTERSON: It's the next
6 bill.

7 COUNCILMAN DiCICCO: Mr. Grasso
8 is coming up for 384, right?

9 Bill No. 080384, an ordinance
10 authorizing Grasso Holdings, Inc., the
11 owner and developer of 1601 Vine Street,
12 to construct, own and maintain various
13 encroachments to be installed in
14 conjunction with a mixed-use development,
15 all under certain terms and conditions.

16 Mr. Black.

17 MR. BLACK: I'm here to offer
18 the following testimony for Bill No.
19 080384. Bill No. 080384, granting
20 permission to Grasso Holdings to
21 construct, own and maintain various
22 encroachments to be installed in
23 conjunction with mixed-use development
24 projects for the lots known as 1601 Vine
25 Street.

1 5/8/08 - STREETS - BILL 080162, etc.

2 There are various building
3 encroachments on Vine Street. There are
4 three rigid canopies of varying width,
5 from 16 feet to approximately 19 feet in
6 width, and varying heights, from 19 feet
7 to 56 feet. There is a facade overhang
8 encroachment along Vine Street and
9 Franklin Boulevard, varying width from 18
10 feet to 62 feet and 12 feet to 46 feet in
11 height. There are three rigid metal
12 canopy encroachments on Franklinton
13 Boulevard. These vary in width from
14 eight feet to an amended 104 feet and 12
15 feet to 17 feet in height. There are two
16 rigid metal canopy encroachments on Wood
17 Street. These canopies are approximately
18 25 feet wide and 25 feet high.

19 There are two amendments to
20 this bill, one in Section 1 relating to
21 the width being changed to 104 feet and
22 also in Section 1 dealing with the
23 appurtenant 216 -- 1601 Vine Street for
24 the actual place.

25 The Streets Department has

1 5/8/08 - STREETS - BILL 080162, etc.
2 reviewed the preliminary construction
3 plans for this project and has no
4 objection to the passage of this bill.

5 COUNCILMAN DiCICCO:
6 Mr. Patterson.

7 MR. PATTERSON: Thank you.
8 Good afternoon again. Ron Patterson on
9 behalf of the owner, and David Grasso is
10 here as the owner.

11 By way of background, in
12 January of 2007, we obtained a "by right"
13 zoning permit to construct a 33-story and
14 a 45-story tower connected with a
15 pedestal base for a combination of a
16 mixed use of 530 residential units and
17 278 hotel units, with an interior parking
18 garage with over 900 parking spaces and
19 retail on the ground floor, including a
20 large Fresh Foods space.

21 With that plan in mind, we then
22 recently submitted a revised site plan
23 that would break this into phases, with
24 the larger tower going first, and with
25 those revised plans, we made some

1 5/8/08 - STREETS - BILL 080162, etc.
2 revisions that would require this
3 ordinance to approve the encroachments
4 over the sidewalk. And I'll turn it over
5 to David to explain more about the
6 project.

7 MR. GRASSO: Thank you.

8 Good afternoon, Mr. Chairman
9 and members of the Committee on Streets
10 and Services. I'm David Grasso. I'm the
11 CEO of Grasso Holdings. I'm a developer
12 here in Philadelphia. And this project,
13 1601 Vine Street, has been in the
14 planning stages for several years now.
15 We're at the final stages, and I'm happy
16 to come here and tell you a little bit
17 about the project.

18 It's a pretty big project, so I
19 think it's worth explaining to you kind
20 of what it's all about. It will probably
21 be one of the largest projects that --
22 private projects, that is -- that goes on
23 over the next couple of years.

24 The project in -- Phase I of
25 the project, which entails the whole

1 5/8/08 - STREETS - BILL 080162, etc.
2 Foods Market at 60,000 square feet, Best
3 Buy stores at 45,000 feet and the
4 signature tower, which you see in that
5 rendering there, which includes the
6 250-key InterContinental Hotel, with
7 about an 8,000-square-foot ballroom and
8 15,000 square feet of additional meeting
9 space, which is primarily used as an
10 executive conference center.

11 Above that you have around 200
12 residential units in the tower, which are
13 substantially all rental apartments,
14 which there's a drastic need in
15 Philadelphia for rental apartments.
16 Everything has been converted to
17 condominium.

18 This project is a joint venture
19 between myself and the State Employees
20 Retirement System of Pennsylvania. This
21 is an example of the State Pension Fund's
22 investing their dollars back into this
23 Commonwealth. We're proud to be a part
24 of that.

25 Like I said, it's a big job.

1 5/8/08 - STREETS - BILL 080162, etc.
2 It's going to create approximately 600
3 well-paying jobs. Most of them are
4 permanent jobs -- I mean, most of them,
5 excuse me, are full-time jobs. It's
6 going to generate approximately \$15
7 million of additional tax revenues for
8 the State and -- the City and the
9 Commonwealth. So this is a substantial
10 generator of jobs and economic benefits
11 to the region.

12 We've gone through a lengthy
13 process of entitlements here. We spent a
14 long time getting the neighborhood to
15 approve our project and ultimately won
16 their support after a long road. We were
17 originally -- we were originally in the
18 overlay which Councilman Clarke
19 introduced, I guess, a year or two ago
20 creating a height restriction in this
21 entire area, and through our endeavors,
22 we were able to convince him and the
23 community to allow us to be the only
24 property to be excluded from that height
25 restriction.

1 5/8/08 - STREETS - BILL 080162, etc.

2 So it's been a long road.

3 We've generated the support of everyone
4 who can be opposed to it over a long
5 process, and I just wanted to tell you a
6 little about the project, and I'll answer
7 any questions.

8 COUNCILMAN DiCICCO: Thank you,
9 Mr. Grasso.

10 This project is, if I'm not
11 mistaken, is that kind of like the
12 perimeter of the overlay?

13 MR. GRASSO: I think it is the
14 perimeter of the overlay.

15 COUNCILMAN DiCICCO: Towards
16 the eastern end of it; is that right?

17 MR. GRASSO: That's right.

18 COUNCILMAN DiCICCO: I remember
19 there was some original controversy when
20 you first proposed it.

21 And Whole Foods would be the
22 retailer, right? Is that what I heard
23 you say?

24 MR. GRASSO: Correct. They're
25 the anchor. They're on the ground floor.

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. PATTERSON: There's another
3 view.

4 MR. GRASSO: Their entrance
5 would be on the corner of 16th and Vine
6 Streets, which would kind of enliven that
7 whole street there. I mean, it's pretty
8 dead around there. This has been a
9 parking lot for the past 30 years. It
10 was originally part of the original
11 Franklinton Redevelopment Area, which
12 all this ground around here was condemned
13 30-some-odd years ago and the parcels
14 were doled out to developers, as well as
15 major corporations. SmithKline, their
16 headquarters are as a result of this, and
17 the streets were realigned and
18 infrastructure was put in place to foster
19 large-scale development. This is one of
20 the largest last remaining tracts in the
21 Franklinton Redevelopment Area, and it
22 was zoned specifically for this type of
23 use when it was rezoned 30 years ago.

24 COUNCILMAN DiCICCO: The other
25 question is, as it relates to Whole

1 5/8/08 - STREETS - BILL 080162, etc.

2 Foods, they will be vacating their
3 current site?

4 MR. GRASSO: That's correct.

5 COUNCILMAN DiCICCO: Because
6 they just kind of grew out of space
7 there, right?

8 MR. GRASSO: That's right.
9 They're in approximately 20,000 square
10 feet in their existing location, with
11 only about 40 parking spaces. They're
12 going to be now 60,000 square feet, with
13 300 parking spaces. So it's a much
14 better deal for them and for us.

15 COUNCILMAN DiCICCO: And it's
16 much needed in that community.

17 MR. GRASSO: Absolutely.

18 COUNCILMAN DiCICCO: Thank you.
19 Councilman Green.

20 COUNCILMAN GREEN: Thank you,
21 Mr. Chairman.

22 I apologize, Mr. Grasso, for
23 having your lawyer educate me on zoning
24 law in Philadelphia. I know you pay him
25 by the hour.

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. GRASSO: No problem.

3 COUNCILMAN GREEN: My
4 apologies.

5 So when you originally submit
6 plans to the Planning Commission, did
7 they in 382, 383 and 384, did they
8 include these encroachments? In other
9 words, did the plans approved by the
10 Planning Commission include the
11 encroachments?

12 MR. PATTERSON: Are you talking
13 all three? Do you want to go through all
14 three again?

15 COUNCILMAN GREEN: Yeah.

16 MR. PATTERSON: Yeah. They
17 would see the encroachments and they
18 would stamp the plan, allow us to go to
19 the next step, which would normally be
20 the Streets Department, before we would
21 go to L&I.

22 COUNCILMAN GREEN: So all of
23 these encroachments were seen in the
24 designs provided to the Planning
25 Commission?

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. PATTERSON: Yes.

3 COUNCILMAN GREEN: Okay.

4 MR. PATTERSON: Whether they
5 have the authority to say we approve the
6 encroachments --

7 COUNCILMAN GREEN: No, no.

8 That's not the question I was asking.

9 They were seen in the designs submitted
10 to the Planning Commission.

11 MR. PATTERSON: Yes.

12 COUNCILMAN GREEN: Thank you
13 very much.

14 COUNCILMAN DiCICCO: So, in
15 effect, if they didn't like the plan and
16 maybe the encroachment was one of the
17 components that they didn't like, they
18 wouldn't give you an approval?

19 MR. PATTERSON: Correct.

20 COUNCILMAN DiCICCO: It kind of
21 goes together, right?

22 MR. PATTERSON: That's correct.

23 COUNCILMAN DiCICCO: Thanks.

24 COUNCILMAN GREEN: Thank you.

25 COUNCILMAN DiCICCO: Councilman

1 5/8/08 - STREETS - BILL 080162, etc.
2 Greenlee.

3 COUNCILMAN GREENLEE: Just a
4 quick observation, Mr. Chairman.

5 Mr. Grasso, I agree that Whole
6 Foods will be much better served here,
7 even though you're stealing it from my
8 neighborhood. I think it's a good plan,
9 and good luck. I know it took a long
10 time to get this approved. So I think it
11 will be certainly a major positive
12 addition to that area.

13 MR. GRASSO: Thank you very
14 much.

15 COUNCILMAN GREENLEE: I'll just
16 have to go farther to Whole Foods.

17 COUNCILMAN DiCICCO: Councilman
18 Clarke.

19 COUNCILMAN CLARKE: Thank you,
20 Mr. Chairman.

21 Mr. Chairman, I'm not a member
22 of the Committee, but thank you for
23 giving me an opportunity to say a couple
24 words.

25 I just wanted to say that this

1 5/8/08 - STREETS - BILL 080162, etc.
2 is obviously, from our perspective, a
3 very exciting project. There have been
4 significant meetings in the surrounding
5 community about the project for quite a
6 while. This is one of those projects
7 where I guess there's pretty much a
8 consensus. You can always find one or
9 two people who don't like anything you
10 propose, but in this particular case,
11 there was actually -- at one point it was
12 a height overlay, and as a result of the
13 discussions in the community, there was
14 an agreement to remove the height overlay
15 to allow this to proceed.

16 So I just want to say that I'm
17 very supportive and happy and look
18 forward to a groundbreaking ceremony.

19 MR. GRASSO: Thank you. Me,
20 too.

21 COUNCILMAN DiCICCO: Thank you.
22 I'm sure of that, Mr. Grasso.

23 MR. GRASSO: Thank you for all
24 your help, Councilman Clarke. You've
25 been great.

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN DiCICCO: Again, to
3 Mr. Patterson, you know there's also an
4 amendment that has to do with the size of
5 the canopy?

6 MR. PATTERSON: That's correct.
7 It's a needed correction.

8 COUNCILMAN DiCICCO: No
9 concerns about that, right?

10 MR. PATTERSON: No.

11 COUNCILMAN DiCICCO: Any other
12 questions for these witnesses?

13 (No response.)

14 COUNCILMAN DiCICCO: Is there
15 anyone else here who wishes to testify?

16 Please join us. Just pull one
17 of those chairs up.

18 (Witness approached witness
19 table.)

20 MR. STEWART: Thank you, Mr.
21 Chairman. I'll be really brief. Rob
22 Stewart, Van Pelt Street, President of
23 Logan Square Neighborhood Association.

24 I want to note that Mr. Grasso
25 appeared before our association several

1 5/8/08 - STREETS - BILL 080162, etc.
2 times, and while we don't yet have a
3 finalized neighborhood development
4 agreement which we -- because this
5 project has been in the works, and then
6 in terms of a volunteer association,
7 we've been working on other things. We
8 expect that now that this is moving
9 forward, we will ink that agreement.
10 It's been worked out in principle and we
11 will be supportive of the project.

12 COUNCILMAN DiCICCO: Well,
13 thank you for your testimony. I can
14 assure you having worked with the Grasso
15 family on numerous projects in my
16 district, they've always lived up to
17 those agreements, even if we were not
18 finalized at the time approvals were --
19 they've always acted in good faith, and I
20 suspect they will do the same in this
21 regard as well.

22 MR. STEWART: We have no doubt.

23 COUNCILMAN DiCICCO: Any other
24 questions?

25 (No response.)

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN DiCICCO: Anyone
3 else here who wishes to testify?

4 (No response.)

5 COUNCILMAN DiCICCO: Seeing
6 none, thank you, gentlemen.

7 MR. PATTERSON: Thank you.

8 COUNCILMAN DiCICCO: Seeing
9 none, Mr. Abernathy, title of the next
10 bill.

11 THE CLERK: Bill No. 080408, an
12 ordinance granting permission to Howard
13 Foreman, owner of the Island Caribbean
14 Restaurant, 1338 to 44 Rising Sun Avenue,
15 for a raised deck encroachment for
16 accessory seating for the restaurant,
17 under certain terms and conditions.

18 MR. BLACK: I'm here to offer
19 the following testimony for Bill No.
20 080408. This bill grants permission to
21 Howard Foreman, owner of Caribbean Feast
22 Restaurant and the property 1338 to 1344
23 Rising Sun Avenue, for a raised deck
24 encroachment to an existing restaurant
25 along Rising Sun Avenue and Westmoreland

1 5/8/08 - STREETS - BILL 080162, etc.

2 Street.

3 The raised deck is
4 approximately 18 inches high. The deck
5 is approximately six feet wide and 37
6 feet along Rising Sun Avenue and six feet
7 wide by 12 feet along Westmoreland
8 Street. This encroachment still leaves
9 approximately eight feet of clear footway
10 space on Rising Sun and six feet of clear
11 sidewalk on Westmoreland Street.

12 The Streets Departments has
13 reviewed the encroachment and has no
14 objection to the passage of this bill.

15 COUNCILMAN DiCICCO: Thank you.

16 Any questions for this witness?

17 (No response.)

18 COUNCILMAN DiCICCO: Anyone
19 else here who wishes to testify for or
20 against the bill?

21 (No response.)

22 COUNCILMAN DiCICCO: Seeing
23 none, Mr. Abernathy, the title of the
24 next bill, please.

25 THE CLERK: Bill No. 080374, an

1 5/8/08 - STREETS - BILL 080162, etc.
2 ordinance establishing a one way
3 regulation on Guilford Street, from
4 Crispin Street to Rowland Avenue,
5 westbound.

6 (Witness approached witness
7 table.)

8 MR. DLUGOSZ: Good afternoon,
9 Councilman DiCicco, honorable members of
10 the Committee, ladies and gentlemen. My
11 name is Dave Dlugosz. I am the District
12 Traffic Engineer for Northeast
13 Philadelphia, District 3. I am here
14 offer my testimony on Bill 080374.

15 The Streets Department has
16 posted this block on a trial basis for
17 one way direction on October 12, 2007 and
18 since has received no negative feedback
19 from the residents of this community or
20 the Councilwoman's office. Therefore,
21 the Streets Department has no objection
22 to this change.

23 Thank you for the opportunity
24 to appear and I'd be happy to take any
25 questions.

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN DiCICCO: Any
3 questions for this witness?

4 (No response.)

5 COUNCILMAN DiCICCO: Anyone
6 else here who wishes to testify on this
7 bill?

8 (No response.)

9 COUNCILMAN DiCICCO: Seeing
10 none, Mr. Abernathy, the title of the
11 next bill, please.

12 THE CLERK: Bill No. 080375, an
13 ordinance establishing a one way
14 regulation on Brighton Street, from
15 Sackett Street to Rowland Avenue,
16 eastbound.

17 MR. DLUGOSZ: Good afternoon,
18 Councilman DiCicco, honorable members of
19 the Committee. My name is Dave Dlugosz,
20 District Traffic Engineer, District 3,
21 which is Northeast Philadelphia, for the
22 Department of Streets. I offer my
23 testimony on Bill 080375.

24 The Streets Department has
25 posted this block for one way on a trial

1 5/8/08 - STREETS - BILL 080162, etc.
2 basis on October 22, 2007 and since has
3 received no negative feedback from the
4 residents of the block or the community.
5 Therefore, the Streets Department has no
6 objections to this change.

7 Thank you for the opportunity
8 to appear, and I'll take any questions.

9 COUNCILMAN DiCICCO: Thank you.
10 Any questions for this witness?
11 (No response.)

12 COUNCILMAN DiCICCO: Anyone
13 here who wishes to testify on behalf of
14 this bill?

15 (No response.)

16 COUNCILMAN DiCICCO: Thank you.
17 Thank you for your testimony.

18 The title of the next bill.

19 THE CLERK: Bill No. 080380, an
20 ordinance authorizing and directing the
21 revision of curb lines and grades on a
22 portion of City Plan No. 97 by relocating
23 the easterly curb line of Broad Street
24 approximately nine feet six inches
25 eastwardly, from a point approximately 77

1 5/8/08 - STREETS - BILL 080162, etc.
2 feet one inch south of the south curb
3 line of Fitzwater Street the distance of
4 approximately 112 feet two inches to a
5 point approximately 189 feet three inches
6 south of the south curb line of Fitzwater
7 Street, under certain terms and
8 conditions.

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN DiCICCO: Good
12 afternoon, Mr. Morelli. Please proceed
13 with your testimony

14 MR. MORELLI: Good afternoon,
15 Mr. Chairman and members of the
16 Committee. My name is Frank Morelli, and
17 with me is Darin Gatti, Transportation
18 Manager of the Department of Streets, and
19 the Department of Streets would like to
20 offer the following testimony on Bill No.
21 080380.

22 This is not an administrative
23 ordinance, but an ordinance introduced on
24 behalf of Dranoff Properties, 3180
25 Chestnut Street, Philadelphia, PA 19104.

1 5/8/08 - STREETS - BILL 080162, etc.

2 The purpose of this ordinance
3 is to realign a portion of the easterly
4 curb line of Broad Street south of
5 Fitzwater Street to establish a nine foot
6 six inch wide traffic layby lane. The
7 location of the proposed layby as
8 described in the bill is not consistent
9 with its location as shown on the plans
10 submitted to the Planning Commission.
11 This proposal was not reviewed by the
12 Department of Streets prior to its
13 introduction in Council. The Department
14 does not approve of this layby on Broad
15 Street due to its detrimental impact on
16 pedestrian traffic.

17 The Department's policy is not
18 to permit layby lanes when there is
19 parking lane available for a loading
20 zone, as is the case here. The proposed
21 nine foot six inch depth of the layby,
22 when added to the existing parking lane,
23 will encourage several rows of parking
24 and create safety hazards because the
25 inside of the lane will be out of the

1 5/8/08 - STREETS - BILL 080162, etc.
2 sight line of traffic. Covered
3 drop-offs, such as the one proposed for
4 this site, cannot be safely created with
5 layby lanes. They must be outside the
6 right-of-way with driveways.

7 Additionally, a review of the
8 utility records indicate that a proposed
9 new curb at the interior of the layby
10 will conflict with utilities under Broad
11 Street sidewalk at this location.

12 In view of these issues, the
13 Department of Streets does not support
14 this bill.

15 COUNCILMAN DiCICCO: Thank you,
16 Mr. Morelli.

17 Are you testifying, Mr. Gatti,
18 or are you just here to help with the
19 questions?

20 MR. GATTI: Just to answer
21 questions.

22 COUNCILMAN DiCICCO: All right.

23 In your testimony you say that
24 the proposal was not reviewed by the
25 Streets Department prior to introduction.

1 5/8/08 - STREETS - BILL 080162, etc.

2 Would that have changed your
3 recommendation? I'm not being critical.
4 I'm just curious.

5 MR. MORELLI: No, it would not.

6 COUNCILMAN DiCICCO: The
7 recommendation would be the same
8 whether -- okay.

9 MR. MORELLI: Correct.

10 COUNCILMAN DiCICCO: And the
11 proposed nine feet six inch depth of the
12 layby, when added to the existing parking
13 lane, will encourage several rows of
14 parking and create a safety hazard
15 because of the inside of the lane will be
16 out of the sight line of traffic.

17 I understand that. Are you
18 suggesting or telling me that there are
19 no -- we don't have any layby lanes where
20 we have parallel parking on the same
21 block?

22 MR. MORELLI: We don't like
23 layby lanes being that deep. Nine feet
24 six inches is too deep for a layby lane.
25 It will encourage two -- more than one

1 5/8/08 - STREETS - BILL 080162, etc.
2 row of cars will be pulling in that area.

3 COUNCILMAN DiCICCO: Into the
4 layby?

5 MR. MORELLI: Into the layby
6 area, yes.

7 COUNCILMAN DiCICCO: In the
8 plan was it -- I'm going by memory. In
9 the plan was it a four foot layby.

10 MR. MORELLI: No. When I say
11 it's not consistent with the plan that
12 was submitted to the Planning Commission,
13 it doesn't agree with the ordinance. In
14 the ordinance it says it begins 77 feet
15 down from Fitzwater.

16 COUNCILMAN DiCICCO: Going
17 south.

18 MR. MORELLI: Going south, from
19 the house line.

20 COUNCILMAN DiCICCO: But what
21 is depth of that lane?

22 MR. MORELLI: That depth,
23 that's consistent on the plan. It's the
24 nine foot six inches. There's no --
25 they're consistent on both plans and the

1 5/8/08 - STREETS - BILL 080162, etc.
2 the ordinance.

3 COUNCILMAN DiCICCO: So your
4 concern has to do with the length of the
5 layby?

6 MR. MORELLI: No. That's where
7 they're inconsistent. The inconsistency
8 is the 77 foot one inch, it says, from
9 the house line, but it's actually from --
10 it's from the curb line at Fitzwater
11 Street. The ordinance says from the curb
12 line of Fitzwater. It's actually from
13 the house line of Fitzwater Street.

14 COUNCILMAN DiCICCO: I'm a
15 little confused. The house line, are you
16 talking about what the width of the
17 sidewalk we would be left with after the
18 layby?

19 MR. MORELLI: In the ordinance
20 it's saying beginning from the house
21 line, and it's actually -- it's saying --
22 the layby begins so many feet down from
23 the curb line down from Fitzwater, but
24 the plan is dimensioning it from the
25 house line. So there's an inconsistency

1 5/8/08 - STREETS - BILL 080162, etc.
2 there. I can show you on the plan if you
3 want me to show you.

4 COUNCILMAN DiCICCO: Yeah. I'd
5 like to see that, and maybe we can bring
6 up -- Mr. Chapman, you have something,
7 some visuals, for myself and the
8 Committee?

9 MR. GATTI: What Frank is
10 talking about there is actually the
11 location of the layby lane, not the
12 dimensions of it.

13 MR. MORELLI: It's 77 feet one
14 inch from the house line. The ordinance
15 is saying from the curb line. That's one
16 of the inconsistencies I'm mentioning.

17 COUNCILMAN DiCICCO: And that
18 changes your position on support?

19 MR. MORELLI: No, it does not.
20 That's just an inconsistency.

21 COUNCILMAN DiCICCO: Okay. I
22 want to get to the heart of what the
23 width and the depth are as it relates
24 to -- put it on the side, if you can.
25 This way we won't block the witnesses.

1 5/8/08 - STREETS - BILL 080162, etc.

2 So at the bottom right there,
3 the inconsistency that Mr. Morelli is
4 talking about is, in the plan it's
5 70-something inches from that -- if you
6 could point that out, Mr. Chapman.

7 MR. CHAPMAN: Yes. For the
8 record, Thomas Chapman, Blank Rome,
9 representing the interested party here.

10 What Mr. Morelli I believe is
11 saying -- and I don't want to put words
12 in your mouth, Frank -- is that the bill
13 describes the beginning of the layby lane
14 as being measured from the curb line.

15 COUNCILMAN DiCICCO: Of
16 Fitzwater Street.

17 MR. CHAPMAN: Yes. When it
18 really should have said from the house
19 line.

20 COUNCILMAN DiCICCO: The house
21 line. But that's not a deal breaker. We
22 can amend that.

23 Is that correct?

24 MR. MORELLI: That's correct.

25 COUNCILMAN DiCICCO: So the

1 5/8/08 - STREETS - BILL 080162, etc.

2 Streets Department will be fine if we
3 make that correction?

4 MR. MORELLI: That's correct.

5 MR. CHAPMAN: And the
6 description is -- the description is
7 what's different. The location of this
8 layby is exactly where it was presented
9 to the Planning Commission.

10 COUNCILMAN DiCICCO: Okay.

11 MR. CHAPMAN: Thank you.

12 COUNCILMAN DiCICCO: What is
13 the objection again on the proposed nine
14 foot six inch depth of the layby; that
15 is, taking it from the curb line into the
16 property line? They're proposing nine
17 feet six inches, which, in your opinion,
18 your expertise, would create two parking
19 lanes in the layby

20 MR. MORELLI: Correct.

21 COUNCILMAN DiCICCO: What is
22 acceptable to the Streets Department?

23 MR. GATTI: Normally we do not
24 encourage layby lanes when there is an
25 existing parking lane where the property

1 5/8/08 - STREETS - BILL 080162, etc.
2 owner could apply to the Parking
3 Authority for a loading zone for
4 pick-ups, drop-offs. And when you have
5 the parking lane there, they're adding
6 nine foot six inches to the depth there.
7 So you have nine foot six inches of
8 depth, then you have another eight foot,
9 which was the parking lane. So now the
10 inside of that curb now is almost 18 feet
11 from the travel lane. The cars that are
12 in the layby lane will not be able to see
13 the oncoming traffic in the rear-view
14 mirror. The oncoming traffic will not be
15 able to see the entire layby lane as
16 they're driving down. And so we see
17 that, one, for the sight distance problem
18 and also if you have two rows of cars
19 parked in there -- there's enough room
20 for that -- you're stacking up cars, and
21 we have a real problem with layby lanes
22 and cars being stacked in layby lanes,
23 because it becomes very dangerous to
24 pedestrians then.

25 COUNCILMAN DiCICCO: I

1 5/8/08 - STREETS - BILL 080162, etc.
2 understand that. I do understand and
3 appreciate your concern. However -- and
4 correct me if I'm wrong -- you're
5 suggesting that layby lanes when you have
6 a parking lane is not something that you
7 support. That's something that you would
8 rather not see. Is that accurate?

9 MR. GATTI: Yes. We would
10 prefer not to see that. There are cases
11 where they --

12 COUNCILMAN DiCICCO: And you
13 would say put a loading zone. So
14 eliminate the layby and just create a
15 loading zone?

16 MR. GATTI: We prefer them
17 to -- yeah. We prefer for people to go
18 to a loading zone first and then --
19 before they start taking up the sidewalk.

20 We do have a problem with
21 Philadelphia sidewalks not being
22 walkable, and the layby lanes take space
23 away from the sidewalk, which means
24 there's less room for the pedestrians.

25 COUNCILMAN DiCICCO: And I

1 5/8/08 - STREETS - BILL 080162, etc.
2 understand that. I'm getting to that
3 question. Before I get to how much
4 sidewalk would be left under the
5 developer's proposal, if you create a
6 loading zone, it means the curb line is
7 the same all the way from Catharine to
8 Fitzwater.

9 MR. GATTI: Yes.

10 COUNCILMAN DiCICCO: My
11 concern -- and I'm not an expert in
12 this -- is that people then begin to
13 discharge into a traffic lane. So for
14 me -- and, again, I'm not an expert -- a
15 layby makes more sense. Maybe not to the
16 extent that's being asked for here, but a
17 layby, which the purpose is to get people
18 away from discharging into the traffic
19 lane.

20 MR. GATTI: Yes.

21 COUNCILMAN DiCICCO: So if that
22 scenario were to play out, where we would
23 agree on a layby, what would be the
24 maximum depth of the layby that you would
25 be supportive of? And if you're not

1 5/8/08 - STREETS - BILL 080162, etc.
2 supportive, say that as well. If we came
3 to an agreement on a layby.

4 MR. MORELLI: We were looking
5 at a four foot deep layby, is something
6 that the Streets Department could
7 support.

8 COUNCILMAN DiCICCO: Is that
9 similar to the laybys that are on Market
10 Street, as an example, in front of 1234
11 Market or Loews? Is that similar to
12 that?

13 MR. GATTI: Actually, the last
14 three layby lanes that came through our
15 office that were approved -- actually,
16 one of them is the 1400 block of Arch
17 Street, where the parking lane is rather
18 narrow, and using that as a drop-off
19 would be unsafe for a hotel there. We
20 approved a three foot deep layby lane.

21 COUNCILMAN DiCICCO: That's for
22 the bill we just heard on the 1400 block?

23 MR. GATTI: Yes. Yes, it is.

24 We had another one -- we had
25 two others, similar circumstances. One

1 5/8/08 - STREETS - BILL 080162, etc.
2 of them was for a senior center, which
3 needed appropriate space to drop off, for
4 Paratransit to drop off, in which case we
5 got the three foot there to allow that
6 extra space to be able to open up the
7 door. So there have been instances where
8 we've approved it once we agreed that a
9 layby lane was appropriate in those
10 cases.

11 COUNCILMAN DiCICCO: Okay. Go
12 back to a question Councilman Greenlee is
13 going to ask, but I had it on my list as
14 well. If the proposed layby -- the layby
15 area that is proposed by the developer,
16 were it to become a reality, what would
17 be left of the sidewalk in that portion
18 of the layby? How much space would be
19 left from that curb line of the layby to
20 the property line?

21 MR. GATTI: It's currently a 22
22 foot wide footway on Broad Street.

23 COUNCILMAN DiCICCO: So we're
24 backing nine, ten feet out. So you wind
25 up with a 12 foot sidewalk?

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. GATTI: Yeah.

3 COUNCILMAN DiCICCO: What is a
4 typical sidewalk on Broad Street?

5 MR. GATTI: Twenty-two feet.

6 COUNCILMAN DiCICCO: It's
7 pretty consistent all the way down?

8 MR. MORELLI: Correct.

9 MR. GATTI: So basically you're
10 cutting the sidewalk in half.

11 COUNCILMAN DiCICCO: Even on
12 the west side?

13 MR. MORELLI: Yes.

14 MR. GATTI: Yes.

15 COUNCILMAN DiCICCO: Symphony
16 House and all, that's 22 feet?

17 MR. MORELLI: Twenty-two.

18 COUNCILMAN DiCICCO: It doesn't
19 look it. Maybe the building kind of
20 distorts it. But when you get further
21 south of Washington Avenue, it probably
22 changes, because you have row house steps
23 and stuff coming out, right? I mean, if
24 you took it from the step, from a
25 person's step, on the 1300 block or 1200

1 5/8/08 - STREETS - BILL 080162, etc.

2 block of South Broad --

3 MR. MORELLI: Steps may extend
4 into the right-of-way.

5 COUNCILMAN DiCICCO: They
6 extend into that 22 foot.

7 MR. GATTI: There's a lot of
8 cases where stairs extend into the
9 right-of-way, planters, signs, and that
10 reduces what's left of the usable space.

11 COUNCILMAN DiCICCO: Right.
12 1300 block South Broad east side, Jimmy
13 Tayoun's neighborhood, they had those
14 extended garden areas, whatever. What's
15 the width of that sidewalk; do you know?
16 But it's less than 22 feet.

17 MR. MORELLI: I can check on
18 that for you.

19 COUNCILMAN DiCICCO: Okay. All
20 right.

21 I'm sorry. Councilman Green.

22 COUNCILMAN GREEN: I guess my
23 question is, did you raise the objection
24 with respect to the layby at the Planning
25 Commission level?

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. MORELLI: It went to the
3 Planning Commission. I wasn't aware of
4 this project. It didn't come through the
5 Streets Department originally.

6 COUNCILMAN GREEN: So the
7 Planning Commission didn't hear this
8 objection and then say, no, we want --
9 they've never heard your objection to
10 this.

11 MR. MORELLI: No.

12 MR. GATTI: Right. We were
13 never consulted by the Planning
14 Commission.

15 COUNCILMAN GREEN: Typically
16 are they consulted?

17 MR. GATTI: We should be.

18 MR. MORELLI: They usually do.
19 This was something that it didn't come
20 our way, but most projects do.

21 COUNCILMAN GREEN: They don't
22 ask you your opinion about this before
23 they approve plans?

24 MR. MORELLI: Usually they do.

25 COUNCILMAN GREEN: Do you know

1 5/8/08 - STREETS - BILL 080162, etc.

2 what happened?

3 MR. MORELLI: No. I don't know
4 why we weren't consulted on this one.

5 COUNCILMAN GREEN: Okay.

6 That's all. I just -- so you would
7 oppose it at the Planning Commission
8 level and at this level?

9 MR. MORELLI: Yes.

10 MR. GATTI: Yes.

11 COUNCILMAN DiCICCO: Maybe we
12 can hear from Mr. Chapman and Mr. Roller
13 and whoever else on the developer side.

14 MR. CHAPMAN: Good afternoon,
15 Mr. Chairman and members of the
16 Committee. My name is Tom Chapman. I'm
17 with Blank Rome.

18 COUNCILMAN DiCICCO: Before you
19 begin, Mr. Chapman, just for purposes
20 of -- so if my colleagues aren't
21 familiar, this is on the east side of
22 Broad between Fitzwater and Catharine.
23 It's apparently a vacant lot. At one
24 time it was a hospital, Broad Street
25 Hospital, and St. Theresa's Church was at

1 5/8/08 - STREETS - BILL 080162, etc.
2 Catharine, and where this dark part here
3 was used to be the Broad Street Hospital.
4 They use it pretty much for parking when
5 Cirque du Soleil is in town. Right now
6 it's just a pebble, gravel, empty, vacant
7 lot on Broad Street. Just so you get
8 some familiarity with the site. Thanks.

9 Here's a photo. It tells you
10 exactly what it is.

11 MR. CHAPMAN: Mr. Chairman,
12 excuse me for recycling some photographs
13 that we used for the Zoning Board
14 hearing, but they do indicate the current
15 condition of the property. It gives you
16 a view of the property from across Broad
17 Street from Fitzwater and Catharine
18 Street and a view from the property
19 looking north and south on Broad Street.

20 I don't know if I stated this
21 or not, but we represent the interested
22 party here, Carl Dranoff Properties and
23 777 South Broad Street Associates. With
24 me here today from JK Roller and
25 Associates is Jerry Roller, principal of

1 5/8/08 - STREETS - BILL 080162, etc.
2 the firm and architect for the proposal,
3 as well as Rich Stewart.

4 As was previously stated, this
5 bill authorizes the placement of a layby
6 lane for the development of the property
7 that's known as 777 South Broad Street.
8 The site contains approximately 85,400
9 square feet and is zoned C-3 Commercial,
10 C-2 Commercial and partly R-10A
11 Residential.

12 In January of this year, the
13 Zoning Board of Adjustment approved a
14 modification of a previously approved
15 development plan for this property. Back
16 in November, the Zoning Board had granted
17 variances to allow for a mixed-use
18 development at this site that included
19 residential and retail commercial at the
20 ground floor. The previous approval
21 allowed for the development with 146
22 apartments, including 20 one-bedroom
23 units and 126 two-bedroom units, about
24 19,000 square feet of retail commercial
25 use on the ground floor and 155 parking

1 5/8/08 - STREETS - BILL 080162, etc.
2 spaces.

3 The change approved by the
4 Zoning Board was to reduce the height of
5 the building from six stories to five and
6 to allow for accessory parking to be
7 contained with the interior courtyard of
8 the site. Originally the site had been
9 proposed for below-grade parking. There
10 was no change in the unit count.

11 We have had the support of the
12 community association, the Hawthorne
13 Empowerment Coalition and we have a
14 Memorandum of Understanding with them
15 that's dated August 3, 2007, and we also
16 had your support, Councilman DiCicco,
17 when this has gone before the Zoning
18 Board.

19 The revised plan has been
20 reviewed and approved by the Planning
21 Commission. That was at its meeting of
22 October 16, 2007. We had been requested
23 by the Commission to revise the plan so
24 that the curb cut on Broad Street would
25 be limited to ingress only. Originally

1 5/8/08 - STREETS - BILL 080162, etc.
2 in the previous iterations of this plan,
3 that curb cut had been for ingress and
4 egress and there was no layby lane as
5 part of this proposal. We agreed to do
6 that, and that's basically what led to
7 our request for the layby.

8 The layby allows us to load and
9 unload passengers out of Broad Street
10 lanes of traffic. It provides a better
11 situation, especially for children and
12 the elderly, as well as in instances
13 where there's a resident that has
14 packages to contend with.

15 By limiting the curb cut to
16 ingress only, it limits our ability to
17 pick up passengers when leaving the
18 building, since vehicles can't exit out
19 onto Broad Street. The layby provides a
20 safe and reliable place to pick up and
21 drop off passengers at the main entrance
22 to the building.

23 We have met with
24 representatives of the Streets
25 Department, as well as representatives of

1 5/8/08 - STREETS - BILL 080162, etc.
2 the staff of the Planning Commission in
3 an effort to address the concerns of the
4 Streets Department, but we were not able
5 to agree on a compromised solution.
6 Streets has expressed concerns regarding
7 the establishment of the layby in
8 general, as well as with its length and
9 depth. The length is approximately 112
10 feet, but a good portion of that length
11 is due to the fact that the layby also
12 incorporates the driveway into the site.
13 In other words, if this were simply a
14 layby lane, we wouldn't need it to be as
15 long as it is.

16 As was stated earlier, the
17 sidewalk is 22 feet wide at this location
18 and the proposed building is set back as
19 much as six feet five inches from the
20 property line along portions of the Broad
21 Street frontage. Even at a width of nine
22 and a half feet, there would still be 12
23 and a half feet of public sidewalk left
24 for pedestrian traffic. And just as a
25 point of reference, I believe that both

1 5/8/08 - STREETS - BILL 080162, etc.
2 Chestnut Street and Walnut Street for the
3 better part are about 12 feet wide.

4 We believe that the creation of
5 the layby does not significantly impact
6 on the walkable and usable area of the
7 sidewalk.

8 We thank you for scheduling
9 this hearing, and we would be happy to
10 answer any of your questions. And as I
11 stated, we do have Jerry Roller here, the
12 architect for the project.

13 COUNCILMAN DiCICCO: Thank you.
14 All the chairs are rolling up, as you
15 noticed.

16 We don't have copies of your
17 testimony.

18 MR. CHAPMAN: I'm sorry. I
19 actually do have copies.

20 COUNCILMAN DiCICCO: If you
21 can, because Councilman Greenlee missed
22 something when you said that the plan was
23 submitted with the layby or something
24 like that.

25 MR. CHAPMAN: Yes. When this

1 5/8/08 - STREETS - BILL 080162, etc.
2 proposal was considered back in October
3 by the Planning Commission, the layby
4 lane was indicated on the plans, was
5 shown on the plans at that time.

6 COUNCILMAN DiCICCO: I see it
7 on the last page in the second paragraph.
8 "We had been requested by the Commission
9 to revise the plans so that the curb cut
10 on Broad Street would be limited to
11 ingress only. We agreed to do that."

12 Mr. Roller, do you have
13 anything to add to that or do you want to
14 wait for some questions?

15 MR. ROLLER: I'd be happy to
16 answer any questions.

17 COUNCILMAN DiCICCO: I guess
18 the big question for me is, why is it --
19 and I think you touched on this a little
20 bit, Mr. Chapman.

21 Why is it necessary that the
22 layby be nine feet six inches, whatever,
23 wide as opposed to the three foot, four
24 foot, which the Streets Department would
25 be somewhat acceptable of?

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. CHAPMAN: Well, at three
3 feet or four feet, we believe that we
4 can't get an entire -- the entire width
5 of a car out of the lane of traffic.
6 We're trying to establish an area where
7 you can fully put a car.

8 COUNCILMAN DiCICCO: That goes
9 to my comments earlier, that people
10 discharging out into a lane of traffic.
11 So four foot -- what's the typical width
12 of a car? Four foot maybe?

13 MR. ROLLER: Yeah. Cars
14 typically -- a parking space is eight
15 foot, nine feet. So a car is typically
16 six foot wide.

17 COUNCILMAN DiCICCO: I'm
18 talking about the width.

19 MR. ROLLER: Six foot wide.

20 COUNCILMAN DiCICCO: So even
21 with four foot, you'd be discharging into
22 a travel lane. That's why you're looking
23 for the nine foot. Is that --

24 MR. ROLLER: Yeah. The other
25 purpose of bringing the layby in is to

1 5/8/08 - STREETS - BILL 080162, etc.
2 address the discharge and the distance
3 between the car and the cover over the
4 canopy, because the sidewalk on Broad
5 Street is so extremely wide, if you keep
6 somebody out at the curb, you've got a 22
7 foot distance to go before you get under
8 cover and that's a problem. When the
9 Planning Commission asked that we not
10 bring people out onto Broad Street from
11 the cover that we have, the only other
12 choice is for people to exit the parking
13 onto Catharine Street, then make the turn
14 and come up Broad Street, and that's when
15 we introduced the layby at the request of
16 the Planning Commission so that we could
17 bring people under cover for pick-up and
18 discharge.

19 MR. CHAPMAN: If I could just
20 add, both Fitzwater Street and Catharine
21 Street are westbound at this location.
22 So there's really only one way for you to
23 get out of the property and around to
24 pick someone up, and that's exiting out
25 onto Catharine and you would make a right

1 5/8/08 - STREETS - BILL 080162, etc.
2 onto Broad and then around to the front
3 of the building. So if that lane, what
4 is currently a parking lane in front of
5 the building, is all parked up, then
6 you're kind of out in a lane of traffic
7 picking someone up. And, of course,
8 that's not going to be every time that
9 you leave the property, but on the other
10 hand, there are going to be folks with
11 infants and elderly people that are
12 living there, and you kind of want to get
13 that out of the lane of traffic.

14 COUNCILMAN DiCICCO: Now, there
15 will be parallel parking along the curb
16 of the entire project but for the layby?
17 There currently is now.

18 MR. CHAPMAN: Yeah. I don't
19 see any reason why that wouldn't
20 continue.

21 COUNCILMAN DiCICCO: I guess
22 I'm just trying to -- maybe this isn't
23 the right answer or the right solution.
24 Hypothetically, if on-street parking were
25 eliminated, then maybe the layby wouldn't

1 5/8/08 - STREETS - BILL 080162, etc.
2 have to be as deep. No, it still would
3 have to be, because that becomes another
4 lane. All right.

5 Councilman Greenlee.

6 COUNCILMAN GREENLEE: Thank
7 you, Mr. Chairman.

8 Real quickly, because I think
9 my question was answered, but I'm still
10 totally not clear on this, because I can
11 picture the area.

12 But, Mr. Chapman, I'm reading
13 your testimony now. So it was the
14 Planning Commission that originally
15 requested or suggested that you apply for
16 this; am I correct?

17 MR. CHAPMAN: That's close, but
18 not exactly.

19 COUNCILMAN GREENLEE: I'm using
20 your words. "We had been requested by
21 the Commission to revise the plan so the
22 curb cut on Broad Street would be limited
23 to ingress only."

24 MR. CHAPMAN: If I may,
25 Councilman, the Planning Commission did

1 5/8/08 - STREETS - BILL 080162, etc.
2 not ask us to create a layby. Let me be
3 perfectly clear about that. They did ask
4 us to limit the driveway to ingress only,
5 and that led to our coming up with this
6 request.

7 COUNCILMAN GREENLEE: All
8 right. I lost you. Okay. I got you
9 now.

10 MR. CHAPMAN: I didn't mean --
11 I'm sorry if I wasn't clear on that.

12 COUNCILMAN GREENLEE: That's
13 okay. I probably just missed it. That's
14 okay.

15 Thank you.

16 COUNCILMAN DiCICCO: Councilman
17 Jones and then Councilman Green.

18 COUNCILMAN JONES: Just a point
19 of information. Did you say in your
20 testimony that originally this project
21 was to be six stories and it was reduced
22 to five?

23 MR. CHAPMAN: Yes.

24 COUNCILMAN JONES: And you said
25 it did not impact the number of units?

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. CHAPMAN: That's correct.

3 COUNCILMAN JONES: How was that
4 accomplished? Did you widen the
5 footprint of the building?

6 MR. ROLLER: Yeah.

7 COUNCILMAN JONES: You did?

8 MR. ROLLER: The footprint of
9 the building changed.

10 COUNCILMAN JONES: Did it
11 reduce parking in the back?

12 MR. ROLLER: It reduced parking
13 slightly. We still have more than
14 one-for-one parking.

15 COUNCILMAN JONES: What's the
16 width of a Paratransit vehicle,
17 multi-passenger, average? Anybody know?

18 MR. ROLLER: Somewhere around
19 eight feet.

20 COUNCILMAN DiCICCO: Or
21 greater.

22 COUNCILMAN JONES: Or greater?
23 I raise that point because your original
24 request was how wide?

25 MR. CHAPMAN: For the layby?

1 5/8/08 - STREETS - BILL 080162, etc.

2 MR. ROLLER: Nine six.

3 COUNCILMAN JONES: Nine six?

4 MR. CHAPMAN: That's what's in
5 the ordinance.

6 COUNCILMAN JONES: Okay. And
7 you said you need the length of it
8 because?

9 MR. ROLLER: The length of it
10 is approximately three cars plus the
11 driveway.

12 COUNCILMAN JONES: Okay.

13 MR. CHAPMAN: The point that I
14 tried to make, Councilman, part of the
15 length of the lane is dictated by the
16 fact that it includes the driveway. If
17 this were strictly a layby lane, it would
18 probably be at least one-third less in
19 length than what we see right now.

20 COUNCILMAN JONES: I'm just --
21 I know we're increasing our activity
22 south of Broad. I'm aware that we're
23 marketing our stadiums. At certain
24 points in the season Broad Street traffic
25 is going to be horrendous, and I would be

1 5/8/08 - STREETS - BILL 080162, etc.
2 less than responsible if we didn't try to
3 kind of minimize some of the impact by
4 that layby. What it gives you is a safe
5 haven for people and you don't obstruct
6 traffic. The question I think most of us
7 have is, does it have to be that wide, in
8 your opinion?

9 MR. ROLLER: In our opinion, it
10 has to be that wide in order to get
11 people close enough to the cover of the
12 canopy of the building so that they can
13 exit and get under cover appropriately.
14 This was a trade-off with the Planning
15 Commission. When they said we can't pull
16 under the building, the request was,
17 well, then if you don't pull into the
18 building, could we use a layby to
19 accomplish the same thing, and that's
20 what the Planning Commission accepted as
21 their compromise on traffic on Broad
22 Street.

23 COUNCILMAN JONES: Thank you,
24 Mr. Chairman.

25 COUNCILMAN DiCICCO: Councilman

1 5/8/08 - STREETS - BILL 080162, etc.

2 Green.

3 COUNCILMAN GREEN: Thank you.

4 I'm glad you clarified your
5 testimony, because I was going to call
6 you on it, when you said at the request
7 of the Planning Commission, we created a
8 layby, and that was misleading in the
9 most generous use of that term. I assume
10 it was a mistake.

11 The other thing that is very
12 troubling to me is that you testified
13 that you have had discussions with the
14 Planning Commission and the Streets
15 Department since the last Planning
16 Commission meeting or prior to coming
17 here today. You were unable to resolve
18 them, and we didn't find out about that
19 until we sat down for this hearing. In
20 other words, the people on this Committee
21 did not know that there was a
22 disagreement on this, and I don't know
23 how we're expected to be the judge of
24 what the right thing is to do. None of
25 us are Streets engineers and none of us

1 5/8/08 - STREETS - BILL 080162, etc.
2 are members of the Planning Commission.
3 So I don't understand how we're coming in
4 here with this disagreement between the
5 developer, Streets and Planning
6 Commission, which it sounds to me didn't
7 have the advice of Streets, and I don't
8 know what you expect us to do, except
9 vote against it or hold it until you can
10 work it out with the Planning Commission
11 and Streets.

12 And, finally, although I'm not
13 a Streets engineer, it's clear to me the
14 reason they want three feet or four feet
15 is specifically so that the car will abut
16 the parking lane and you don't create a
17 second place for cars to stack up, which
18 creates a larger safety concern, in their
19 view, than the need to pull cars all the
20 way in, because obviously everybody can
21 exit the vehicle on the curb side.

22 I also note that your testimony
23 emphasized that the priority here was to
24 get people under a canopy; in other
25 words, to keep them dry if it's raining

1 5/8/08 - STREETS - BILL 080162, etc.
2 or to keep them out of the snow versus
3 the public safety concerns raised by the
4 Streets Department, and I find on balance
5 the public safety raised by the Streets
6 Department to be far more important than
7 whether or not someone who lives in a
8 half a million dollar apartment gets wet.
9 Would you characterize that as accurate?

10 MR. CHAPMAN: Councilman, I
11 know that I testified that safety is one
12 of the prime concerns. I believe
13 Mr. Roller testified about the placement
14 of the canopy on the property, but if you
15 look at the top of my testimony --

16 COUNCILMAN GREEN: He's the
17 architect.

18 MR. CHAPMAN: Yes, sir. Yes,
19 Councilman. You know, it is clearly, in
20 my opinion, my belief and in my
21 testimony, that a good part of the reason
22 for having this is a safety concern.

23 COUNCILMAN GREEN: And the
24 Streets Department, who worked for the
25 City and the citizens of Philadelphia,

1 5/8/08 - STREETS - BILL 080162, etc.
2 are saying despite what your training as
3 an attorney, they may have a little bit
4 more information on this. They're saying
5 it's a safety issue to have it go to nine
6 six. So how do you react to -- what does
7 your safety expert say? That's what they
8 do.

9 MR. CHAPMAN: I'm sorry?

10 COUNCILMAN GREEN: That's what
11 they do.

12 COUNCILMAN DiCICCO: I'd like
13 to bring up the Streets Department folks
14 again, please. And stay there,
15 Mr. Chapman and Mr. Roller. Just pull an
16 extra chair up.

17 For the record, Mr. Chapman,
18 are you an attorney?

19 MR. CHAPMAN: Yes, I am.

20 COUNCILMAN DiCICCO: I didn't
21 realize that. I knew you worked for the
22 planning -- I never knew you were an
23 attorney. I apologize.

24 I didn't realize he was an
25 attorney.

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2 Either one of you testified
3 about the 1400 block of Arch Street and
4 the layby that has been approved or
5 recommended for the 1400 block of Arch
6 Street as being three feet deep?

7 MR. GATTI: Yes.

8 COUNCILMAN DiCICCO: Would not
9 people who are discharging from the
10 driver's side, won't they be discharging
11 into the street, into a lane of traffic?

12 MR. GATTI: No. They'll be
13 into the parking lane, because you're
14 adding three foot to the width of the
15 parking lane. So on Broad Street when
16 you add nine and a half feet to the eight
17 foot parking lane that's already there,
18 the curb is now almost 18 feet from the
19 travel lane. That was our objection.

20 One other point about the
21 driveway, the ingress and egress of the
22 driveway, the Streets Department does not
23 have an objection to their driveway being
24 two way. We're not sure why the Planning
25 Commission required it to be one way.

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN DiCICCO: Are either
3 one of you going to speak to that issue?
4 Or if you don't, you don't. I'm just
5 curious, because he's making a statement
6 that the Planning Commission made that a
7 requirement. Or was that part of the
8 design feature? Does that make more
9 sense?

10 MR. CHAPMAN: That was a
11 request, a recommendation, of the
12 Planning Commission. I'm well aware of
13 Mr. Gatti, the Streets Department's
14 objection to that. We've discussed --
15 we've met with Mr. Gatti and other folks
16 from the Streets Department, and I think
17 that I've made it clear at least to your
18 office, as well as to folks in the
19 Administration that we had attempted
20 to -- we had at least discussed the
21 matter. We weren't able to resolve our
22 differences here, but we did meet.

23 COUNCILMAN DiCICCO: I want to
24 go back to this one point again, because
25 maybe I'm not absolutely clear on it.

1 5/8/08 - STREETS - BILL 080162, etc.

2 Arch Street will have a three foot deep
3 layby, so that people who are discharging
4 from the driver's side of their vehicle
5 will be discharging into the parking
6 lane.

7 MR. GATTI: Yes.

8 COUNCILMAN DiCICCO:

9 Hypothetically, someone comes to the
10 extreme westerly end of that curb line
11 where it meets the layby. They're going
12 to back in or pull in and then back out.
13 Aren't they somehow competing with each
14 other discharging from the car? As the
15 car is going to be parking, he's going to
16 pull in. Because you are, in effect,
17 even though it's a parking lane, you have
18 to drive either forward or in reverse to
19 get into that parking spot.

20 Now, I'm not trying to split
21 hairs here, but it's still somewhat of a
22 lane in which traffic will be moving in
23 until the car is parked and it's
24 stationary. But getting in and out of it
25 requires some activity in the parking

1 5/8/08 - STREETS - BILL 080162, etc.
2 lane, which would be competing with the
3 layby. Does that make sense what I'm
4 saying to you? Do you understand what
5 I'm suggesting here?

6 MR. GATTI: If someone is
7 pulling into the layby lane at the same
8 time as someone getting out of their car,
9 there could be a conflict, and that
10 goes --

11 COUNCILMAN DiCICCO: Let me
12 stop you a minute. Someone who is
13 parking in the parking lane where it
14 meets up with the layby.

15 MR. GATTI: No, because there's
16 a "no parking" zone at the beginning of
17 the layby.

18 COUNCILMAN DiCICCO: How far
19 back?

20 MR. GATTI: To allow for site
21 distance.

22 I believe it's like 20 feet
23 usually. It depends on the case.
24 Sometimes it's greater, but our standard
25 when we put like what they call the X in

1 5/8/08 - STREETS - BILL 080162, etc.
2 the box, we put them at intersections.
3 We put them at the beginning and the end
4 of the layby lanes to make sure that you
5 have proper sight distance pulling in and
6 pulling out. And we would have the same
7 thing in any case for a layby lane where
8 you would have that so you wouldn't be
9 that close.

10 COUNCILMAN DiCICCO: Right up
11 to the layby.

12 MR. GATTI: Right.

13 COUNCILMAN GREEN: Point of
14 information, Councilman.

15 COUNCILMAN DiCICCO: Councilman
16 Green.

17 COUNCILMAN GREEN: Thank you.

18 That is certainly a safer
19 situation, the one Councilman DiCicco
20 just described, than a normal parking
21 lane where people -- you're going out
22 into traffic as opposed to having the
23 extra five or six feet that you have as a
24 result of the layby; is that correct?

25 MR. GATTI: Right. Just as an

1 5/8/08 - STREETS - BILL 080162, etc.
2 example, right out on Arch Street behind
3 our building, which everyone is kind of
4 familiar with, if you park there, you
5 open up your door, you're taking your
6 life into your hands, because you're
7 opening your door right into the driving
8 lane, because in that particular case,
9 the parking lane is rather narrow. Most
10 other cases the parking lane is a bit
11 wider where you have a little bit of
12 room, but there's always some conflict on
13 a normal parking lane.

14 COUNCILMAN GREEN: Have you sat
15 with the Planning Commission? Where are
16 they on your objections right now?

17 MR. GATTI: We don't know. We
18 haven't...

19 COUNCILMAN GREEN: Okay. So
20 maybe you guys should talk to the
21 Planning Commission.

22 MR. GATTI: That's one of the
23 things we've been trying to do, is to set
24 up a meeting to find out what's --

25 MR. MORELLI: They've already

1 5/8/08 - STREETS - BILL 080162, etc.
2 approved this plan, so although they may
3 sympathize with our objections, they've
4 already approved the plan.

5 COUNCILMAN GREEN: But they
6 won't --

7 MR. MORELLI: Relook at this
8 case? No.

9 COUNCILMAN GREEN: But will
10 they talk to you? Are you telling me the
11 Planning Commission won't talk to you
12 about your objections and whether or not
13 they would be happy with your
14 recommendation for changing?

15 MR. GATTI: Our Chief Engineer
16 had sent a memo to the Planning
17 Commission, and I'm not sure what the
18 response was. The previous Planning
19 Commission had approved this.

20 COUNCILMAN GREEN: I see.

21 MR. GATTI: The current
22 Planning Commission really didn't have
23 anything -- wasn't part of the
24 negotiation. So the people that we need
25 to talk to aren't around anymore, and I

1 5/8/08 - STREETS - BILL 080162, etc.
2 think that's where part of the problems
3 come in. If we were involved earlier on,
4 which is the normal case, one of the
5 things that we could have done was
6 discussed the idea of the entrance being
7 one way versus two way, which might have
8 helped the developer's plans a bit.
9 Unfortunately, we were not part of those
10 discussions, and we're not sure why the
11 Planning Commission had requested that,
12 because both our Transportation Office
13 and our Traffic Engineering Office,
14 Charlie Denny, my counterpart, agreed
15 that that driveway could have been made
16 two way.

17 COUNCILMAN DiCICCO: Wasn't
18 there some concern -- point of order.

19 Wasn't there some concern from
20 the community? Did that change the --

21 MR. ROLLER: No.

22 COUNCILMAN DiCICCO: --
23 ingress/egress on Catharine or Fitzwater
24 at one time?

25 MR. ROLLER: No.

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN DiCICCO: Wasn't
3 that part of that discussion?

4 MR. ROLLER: No. That was
5 strictly a request from Planning
6 Commission and its staff.

7 COUNCILMAN DiCICCO: I haven't
8 been involved in this for a long time. I
9 have several projects. I wasn't sure if
10 that was an issue.

11 Councilman Greenlee.

12 COUNCILMAN GREENLEE: Thank
13 you, Mr. Chairman. And I know we can
14 analyze this to the death, but to the
15 gentleman from the Streets Department,
16 just so I'm clear, the two main problems,
17 one is the stacking issue, right, and the
18 other is what you are saying are the
19 sight lines, trying to pull out? Is that
20 basically what we get down to here?

21 MR. MORELLI: That's correct.

22 COUNCILMAN GREENLEE: On the
23 sight lines and you pointed out on Arch
24 Street you have -- and I didn't know if
25 you had these by laybys -- like sort of

1 5/8/08 - STREETS - BILL 080162, etc.
2 the boxes to give a little clearance. Is
3 that -- you do have that, or you could
4 put it in? Let me put it that way.

5 MR. GATTI: That will be put in
6 when that layby lane goes in. That's
7 going to be later on, much later on in
8 the project. It's been through the
9 review. I'm not sure if the final
10 approval is done, but we're not objecting
11 to it. And when it does get built, we
12 would have the line striping at the
13 beginning and the end of the layby lane
14 to allow better sight distance.

15 COUNCILMAN GREENLEE: Okay. So
16 that would improve at least what we're
17 talking about here, wouldn't it, your
18 concern of pulling out and sight lines
19 and all? I mean, if the cars aren't
20 right up to there, would it be -- maybe
21 it would not be ideal, but we have a lot
22 of non-ideal things in the City.
23 Wouldn't that improve things by having
24 those boxes in? Am I making sense?

25 MR. GATTI: They reduce the

1 5/8/08 - STREETS - BILL 080162, etc.
2 risk somewhat, but it really does not
3 improve anything. We're still --

4 COUNCILMAN GREENLEE: Well, if
5 it reduces the risk, doesn't it improve
6 it? I'm not trying to pick your words
7 apart.

8 MR. GATTI: We still think it's
9 unsafe. I mean, that's the bottom line.

10 COUNCILMAN GREENLEE: And --
11 I'm sorry.

12 MR. GATTI: If you have a
13 street where there's no parking and we
14 have a layby lane, that layby lane has to
15 be at least seven feet deep, generally
16 about eight to nine feet deep, if it's
17 approved in some of those cases, because
18 you have to have a parking lane. And
19 there's cases where we bump the curb in
20 to make the intersection safer. When you
21 already have a parking lane, you already
22 have that buffer between the traffic and
23 the curb and then you extend that, now
24 you're pulling -- now you're pulling
25 everything further away from the traffic

1 5/8/08 - STREETS - BILL 080162, etc.
2 lane. People aren't looking that far out
3 of the traffic lane. They're looking at
4 the line of parked cars as their -- when
5 they concentrate.

6 COUNCILMAN DiCICCO: Point of
7 information. Councilman Jones.

8 COUNCILMAN JONES: Other than
9 in my garage, where is it safe to get out
10 of a car?

11 MR. GATTI: Not too many
12 places.

13 COUNCILMAN JONES: All right.

14 COUNCILMAN GREENLEE: Could I
15 just finish on one thing? I'm sorry.

16 On the stacking issue, because
17 wouldn't that car parked there, the
18 stacking car, that would be illegal
19 parking; am I right? Because you're
20 blocking in another vehicle. And if it
21 is illegal parking, could there not be --
22 and you guys would know better than
23 this -- but either a box or something,
24 some sign that you could not park there?
25 Because if it's illegal parking, there

1 5/8/08 - STREETS - BILL 080162, etc.
2 must be something that can be done to try
3 to avoid that or have cars avoid that.
4 Am I making sense?

5 COUNCILMAN DiCICCO: Yeah.

6 MR. GATTI: The City has not
7 been very successful in the enforcement
8 of preventing double parking. As a
9 matter of fact, the Marriott right
10 outside here of City Hall --

11 COUNCILMAN GREEN: Especially
12 south of Broad.

13 MR. GATTI: -- has been a real
14 problem where they're blocking SEPTA
15 buses, and we get complaints all the time
16 about that.

17 COUNCILMAN DiCICCO: Let me --
18 I'm sorry.

19 COUNCILMAN GREENLEE: Go ahead.

20 COUNCILMAN DiCICCO: I want to
21 go back to one more thing, because I know
22 we're beating this thing to death.

23 The sight line, typically is
24 it -- the setback for the on-street
25 parking, is it generally 20 feet back

1 5/8/08 - STREETS - BILL 080162, etc.

2 from where the layby begins?

3 MR. GATTI: It depends on the
4 location.

5 COUNCILMAN DiCICCO: Well,
6 here.

7 MR. GATTI: Our standard, what
8 they call, X in the box --

9 COUNCILMAN DiCICCO: Let me
10 interrupt you. What would be your
11 recommendation here on this project? How
12 many feet back? And, look, if you're off
13 a couple feet, I'm not going to hold you.
14 I'm just curious. Is it ten feet, 20
15 feet?

16 MR. GATTI: Normally we do 20
17 feet at the beginning and the end of a
18 layby lane.

19 COUNCILMAN DiCICCO:
20 Hypothetically, if you move that sight
21 line piece, that first parking space back
22 another ten and opened up 30 feet, would
23 that not improve your sight line?

24 MR. GATTI: It improves the
25 sight line a bit, but you still -- the

1 5/8/08 - STREETS - BILL 080162, etc.
2 person parked up in the curb of the layby
3 lane still will not see traffic in their
4 rear-view mirror.

5 COUNCILMAN DiCICCO: Thirty
6 feet back?

7 MR. GATTI: Because your
8 rear-view mirrors aren't looking out to
9 the side. They're looking more behind
10 you. We're looking at the sight lines.

11 There's two sight lines, the
12 sight line of the driver driving down
13 Broad Street and there's also the sight
14 line of the parked car out their
15 rear-view mirror, which is a limited
16 sight line.

17 COUNCILMAN DiCICCO: When you
18 come out of a parking space on any City
19 street, which is parallel parking, you're
20 always looking to see if traffic is
21 coming, and there is no space between
22 where you're getting out of your car and
23 the travel lane. I mean, that's
24 typically the way we drive. We look in
25 either side mirror or look back. And I'm

1 5/8/08 - STREETS - BILL 080162, etc.
2 thinking that if you did 30 feet, it
3 gives you an extra ten feet of open space
4 clear sight line that may eliminate some
5 of those concerns.

6 MR. GATTI: But if your cars
7 are stacked up in there, you're not going
8 to have that sight line, and that's what
9 really makes it dangerous. You have two
10 rows of cars where people -- you're not
11 going to see someone getting into a car
12 possibly and pull into that spot and hit
13 them. We don't want -- well, whenever
14 you have stacking, it's really unsafe.

15 COUNCILMAN DiCICCO: Look, and
16 I know you're doing your job and I
17 appreciate that, and you guys do it well,
18 but I'm so familiar with South
19 Philadelphia parking, St. Rita's -- every
20 funeral home down there, they're double
21 parked, stacking up. I mean, that
22 doesn't mean it makes it right. It's
23 reality as it relates to the environment
24 that we live in. And we don't live in
25 suburbia where we have wide swaths of

1 5/8/08 - STREETS - BILL 080162, etc.
2 land where we can create all these -- we
3 got to try to figure out how to make this
4 work and promote development at the same
5 time where we try to make it as safe as
6 we possibly can. In a perfect scenario,
7 you guys would be absolutely right on
8 target, and I do appreciate your comments
9 and your concerns, but in the reality of
10 living in Philadelphia, in a congested
11 area, we're never going to have it the
12 way we'd like to have it, so we have to
13 kind of bite the bullet sometimes and do
14 the best we can.

15 MR. GATTI: And that's why
16 we're willing to negotiate to a four foot
17 layby lane, which basically gives you the
18 safety that you need and we think is the
19 safest solution.

20 COUNCILMAN DiCICCO: Well, but
21 we don't get the other stuff that the
22 Planning Commission about the discharging
23 onto the sidewalk with the canopy and
24 everything else.

25 MR. MORELLI: Councilman, one

1 5/8/08 - STREETS - BILL 080162, etc.
2 other thing, this project never went in
3 front of the Utility Board of Review.
4 That's where all the utilities would be
5 contacted if there was a conflict with
6 any of the utility lines. So I did a
7 quick look, and there was a conflict. I
8 contacted the gas company, and there was
9 an eight inch gas main. The gas company
10 is very concerned about that this would
11 be a conflict with the gas line under
12 there.

13 MR. CHAPMAN: Mr. Chairman,
14 we're aware of that. That was also
15 brought to our attention by the Streets
16 Department, and we've contacted PGW about
17 that.

18 COUNCILMAN DiCICCO: Let me ask
19 you a question before I recognize
20 Councilman Green. Does that issue, could
21 it potentially change some of the stuff
22 we're talking about here? Where I'm
23 going is, I'm going to call the bill up.
24 Whether it passes this Committee or not,
25 I'm not sure yet, but assuming we vote it

1 5/8/08 - STREETS - BILL 080162, etc.
2 out, I know you guys are likely to get a
3 suspension, but can we get an answer
4 maybe before we recess, assuming it gets
5 a favorable recommendation from this
6 Committee?

7 MR. CHAPMAN: Sure.

8 COUNCILMAN DiCICCO: Because if
9 it's going to change any of these issues
10 that we've been talking about for the
11 last hour, then everybody, including
12 yourselves, we need to know that.

13 MR. CHAPMAN: Mr. Chairman, if
14 it involves the relocation of this line,
15 we're prepared to take on that expense,
16 if that's the case.

17 COUNCILMAN DiCICCO: I'm not
18 concerned about expense. I'm just
19 talking about functionality and do you
20 have -- I know there's some subway grates
21 along that street. Does that come into
22 play if you had to move it either way?
23 Yes? No?

24 MR. ROLLER: No.

25 MR. CHAPMAN: No.

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN DiCICCO: Okay.

3 Councilman Green.

4 COUNCILMAN GREEN: I just want
5 to confirm briefly the testimony of both
6 sides so that we've got enough on a bunch
7 of issues, but I want to make two things
8 clear that I think are clear.

9 Number one, it's the testimony
10 of the professionals at the Streets
11 Department that you would be willing to
12 accept a four foot layby and that is the
13 safest option, in your opinion?

14 MR. GATTI: Yes, it is.

15 COUNCILMAN GREEN: Okay.
16 Leaving aside the utility issue. And it
17 is the testimony of the people
18 representing the developer that the
19 reason you don't want a four foot layby
20 is because people will have to walk five
21 feet in the rain?

22 MR. CHAPMAN: That certainly
23 wasn't my testimony, Councilman.

24 COUNCILMAN GREEN: Well, that's
25 the only rationale for going -- that I've

1 5/8/08 - STREETS - BILL 080162, etc.
2 heard from the architect from going from
3 the four foot layby to the 9.6 foot
4 layby. That's the testimony. Every time
5 he's testified about it, it is so that
6 people can get under the canopy and not
7 get wet.

8 So the only difference here
9 between the two of you, it appears to me,
10 is people getting wet or not getting wet.
11 So why not go with the safer option and
12 let them get a little wet and rely on the
13 professionals who work for the City of
14 Philadelphia.

15 COUNCILMAN DiCICCO:
16 Mr. Roller, do you want to take a stab at
17 that one?

18 MR. ROLLER: I'll take a stab
19 at it.

20 We feel -- and we disagree
21 professionally with the folks at the
22 Streets Department, but we're --

23 COUNCILMAN GREEN: I'm sorry.
24 Are you a street engineer?

25 MR. ROLLER: No. I'm an

1 5/8/08 - STREETS - BILL 080162, etc.
2 architect.

3 COUNCILMAN GREEN: Okay. Thank
4 you. I don't know how you can disagree
5 professionally when you're not a street
6 engineer.

7 MR. ROLLER: Well, we do do a
8 little bit of land planning as part of
9 our responsibility, so I would beg to
10 differ, and you can judge for whatever
11 that's worth in regard to the safety. We
12 feel that it is safer to pull those cars
13 completely out of any other traffic lane,
14 whether there are parked cars or are no
15 parked cars there, because it's not
16 terribly busy. If you look at the
17 pictures, there aren't any parked cars
18 there now. It's hard to know what will
19 be parked there. So we believe that to
20 get the car completely out of any part of
21 the street is a safer situation.

22 COUNCILMAN GREEN: I
23 understand.

24 MR. ROLLER: We also believe,
25 by the way, that stacking is not an issue

1 5/8/08 - STREETS - BILL 080162, etc.
2 at an apartment building unlike someplace
3 like a hotel where you have a lot of
4 people. There is no valet parking with
5 this building, so that anybody who is
6 going to drive there is driving their own
7 car and unlikely to wait for somebody to
8 pick it up.

9 COUNCILMAN GREEN: In this
10 location, we'll now have three cars
11 stacked. You may not be familiar with
12 the area. At any rate --

13 MR. ROLLER: I am familiar with
14 the area.

15 COUNCILMAN GREEN: At any
16 rate --

17 COUNCILMAN DiCICCO: He lives
18 in Queen Village.

19 COUNCILMAN GREEN: Okay. At
20 any rate, I want to put my lot with the
21 professionals that the City of
22 Philadelphia hired, who is telling us the
23 safest thing to do is have a four foot
24 layby, and so for that reason, I would --
25 I will be opposing this. I would be

1 5/8/08 - STREETS - BILL 080162, etc.
2 amenable to an amendment that had a four
3 foot layby.

4 Is that something that's
5 unacceptable to the developer?

6 MR. CHAPMAN: I'm sorry,
7 Councilman. Yes. We believe that it
8 doesn't work for us at four feet.

9 COUNCILMAN GREEN: Thank you.

10 MR. CHAPMAN: Mr. Chairman, if
11 I may, we did have a traffic study done
12 for this proposal and I have a letter, a
13 memorandum from Orth-Rogers and
14 Associates dated December 19, 2007, and
15 as part of the traffic analysis, Mr. Orth
16 also looked at the proposed layby lane.
17 And if I could just read one sentence
18 into the record. "The proposed layby
19 lane should eliminate or at least
20 minimize potential conflict and delay
21 with northbound foot traffic, which might
22 otherwise be caused by motorists dropping
23 off or picking up passengers or packages
24 at 777 South Broad Street."

25 I have a copy that I'd be happy

1 5/8/08 - STREETS - BILL 080162, etc.
2 to submit for the record.

3 COUNCILMAN GREEN: I have one
4 question about that, if I may,
5 Mr. Chairman.

6 COUNCILMAN DiCICCO: Councilman
7 Green.

8 COUNCILMAN GREEN: Thank you.
9 Did the traffic study compare
10 the alternatives of a nine foot six layby
11 lane and four foot layby lane?

12 MR. CHAPMAN: No, it did not,
13 Councilman.

14 COUNCILMAN GREEN: So maybe you
15 could ask your -- it seems to me that
16 your traffic, based on what our
17 professionals are saying, your traffic
18 engineer might conclude that a four-foot
19 layby lane would be safer, and you have
20 no -- you're not submitting any testimony
21 that essentially refutes the City's
22 professionals who are here before us
23 today.

24 MR. CHAPMAN: Councilman, I'll
25 submit the traffic report that we have,

1 5/8/08 - STREETS - BILL 080162, etc.
2 and it's just a point that we just have
3 to agree to disagree here. We have our
4 architects. We have --

5 COUNCILMAN GREEN: Okay. I
6 have your answer. Thank you.

7 COUNCILMAN DiCICCO: Thank you.
8 Anyone else here who wishes to
9 testify on this bill?

10 (No response.)

11 COUNCILMAN DiCICCO: Seeing
12 none, this will close the public hearing
13 on the Committee of Streets and Services.
14 We will now go into the public meeting.

15 The Chair recognizes Councilman
16 Greenlee for an amendment to Bill No.
17 08016 -- no. There's no amendment on
18 that one, is there?

19 COUNCILMAN GREENLEE: The first
20 one? No.

21 COUNCILMAN DiCICCO: The Chair
22 recognizes Councilman Greenlee for a
23 motion on 080162.

24 COUNCILMAN GREENLEE: I move
25 that Bill No. 080162 be reported out of

1 5/8/08 - STREETS - BILL 080162, etc.
2 this Committee with a favorable
3 recommendation and, further, that the
4 rules of Council be suspended to allow
5 for first reading at our next session of
6 Council.

7 (Duly seconded.)

8 COUNCILMAN DiCICCO: It's been
9 properly moved and seconded that Bill No.
10 080162 be reported out of this Committee
11 with a favorable recommendation and that
12 the rules of Council be suspended so as
13 to permit first reading at our next
14 session.

15 All in favor signify by saying
16 aye.

17 (Aye.)

18 COUNCILMAN DiCICCO: Those
19 opposed?

20 (No response.)

21 COUNCILMAN DiCICCO: The bill
22 is approved.

23 Councilman Greenlee.

24 COUNCILMAN GREENLEE: Mr.
25 Chairman, I move that Bill No. 080163 be

1 5/8/08 - STREETS - BILL 080162, etc.
2 reported out of this Committee with a
3 favorable recommendation and, further,
4 that the rules of Council be suspended to
5 allow for first reading at our next
6 session of Council

7 (Duly seconded.)

8 COUNCILMAN DiCICCO: It has
9 been properly moved and seconded that
10 Bill No. 080163 be reported out of this
11 Committee with a favorable recommendation
12 and that the rules of Council be
13 suspended.

14 All those in favor signify by
15 saying aye.

16 (Aye.)

17 COUNCILMAN DiCICCO: Those
18 opposed?

19 (No response.)

20 COUNCILMAN DiCICCO: The bill
21 is approved.

22 Councilman Greenlee for the
23 amendment to Bill No. 080164, which all
24 members have received a copy of.

25 COUNCILMAN GREENLEE:

1 5/8/08 - STREETS - BILL 080162, etc.

2 Mr. Chairman, I move the passage of the
3 amendment to Bill 080164.

4 (Duly seconded.)

5 COUNCILMAN DiCICCO: It has
6 been properly moved and seconded that the
7 amendment to Bill No. 080164 be approved.

8 All in favor signify by saying
9 aye.

10 (Aye.)

11 COUNCILMAN DiCICCO: Those
12 opposed?

13 (No response.)

14 COUNCILMAN DiCICCO: Councilman
15 Greenlee for the amended Bill 164.

16 COUNCILMAN GREENLEE: Mr.
17 Chairman, I move that Bill 080164 as
18 amended be reported out of this Committee
19 with a favorable recommendation and,
20 further, that the rules of Council be
21 suspended to allow for first reading at
22 our next session of Council.

23 (Duly seconded.)

24 COUNCILMAN DiCICCO: It has
25 been properly moved and seconded that

1 5/8/08 - STREETS - BILL 080162, etc.

2 Bill No. 080164 as amended be reported
3 out of this Committee with a favorable
4 recommendation and that the rules of
5 Council be suspended.

6 All those in favor signify by
7 saying aye.

8 (Aye.)

9 COUNCILMAN DiCICCO: Those
10 opposed?

11 (No response.)

12 COUNCILMAN DiCICCO: The bill
13 is approved.

14 Councilman Greenlee for the
15 amendment to Bill No. 080406.

16 COUNCILMAN GREENLEE: Mr.
17 Chairman, I move the approval of the
18 amendment to Bill 080406.

19 (Duly seconded.)

20 COUNCILMAN DiCICCO: It has
21 been moved and properly seconded that the
22 amendment to Bill 080406 be approved.

23 All in favor signify by saying
24 aye.

25 (Aye.)

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN DiCICCO: Those
3 opposed?

4 (No response.)

5 COUNCILMAN DiCICCO: The
6 amendment is approved.

7 Councilman Greenlee.

8 COUNCILMAN GREENLEE:

9 Mr. Chairman, I move that Bill 080406 as
10 amended be reported out of this Committee
11 with a favorable recommendation and the
12 rules of Council be suspended to allow
13 for first reading at our next session of
14 Council.

15 (Duly seconded.)

16 COUNCILMAN DiCICCO: It has
17 been properly moved and seconded that
18 Bill No. 080406 as amended be reported
19 out of this Committee with a favorable
20 recommendation, that the rules of Council
21 be suspended.

22 All in favor signify by saying
23 aye.

24 (Aye.)

25 COUNCILMAN DiCICCO: Those

1 5/8/08 - STREETS - BILL 080162, etc.
2 opposed?

3 COUNCILMAN GREEN: No.

4 COUNCILMAN DiCICCO: Three yes,
5 one no. The majority passes. The bill
6 passes.

7 The Chair recognizes Councilman
8 Greenlee for a motion on Bill No --

9 COUNCILMAN GREEN: Just a quick
10 point of order on this. I think we're
11 getting to 380. The sight line in the --
12 there was a difference in feet to begin
13 with and we don't have --

14 COUNCILMAN DiCICCO: That will
15 be done at the time of final passage.
16 The language didn't come over yet. We
17 can amend it on the floor.

18 COUNCILMAN GREEN: Okay. I'm
19 still going to vote against this.

20 COUNCILMAN DiCICCO: Okay.

21 The Chair recognizes Councilman
22 Greenlee.

23 COUNCILMAN GREENLEE:
24 Mr. Chairman, I move that Bill 080380 be
25 reported out of this Committee with a

1 5/8/08 - STREETS - BILL 080162, etc.
2 favorable recommendation and the rules of
3 Council be suspended to allow for first
4 reading at our next session of Council.

5 (Duly seconded.)

6 COUNCILMAN DiCICCO: It has
7 been moved and properly seconded that
8 Bill No. 080380 be reported out of this
9 Committee with a favorable recommendation
10 and that the rules of Council be
11 suspended.

12 All in favor signify by saying
13 aye.

14 (Aye.)

15 COUNCILMAN GREEN: No.

16 COUNCILMAN DiCICCO: Let the
17 record reflect there are three ayes and
18 one nay. The majority having passed Bill
19 No. 080380.

20 Councilman Greenlee.

21 COUNCILMAN GREENLEE: Mr.
22 Chairman, I move that Bill No. 080404 be
23 reported out of this Committee with a
24 favorable recommendation and the rules of
25 Council be suspended to allow for first

1 5/8/08 - STREETS - BILL 080162, etc.

2 reading at our next session of Council

3 (Duly seconded.)

4 COUNCILMAN DiCICCO: It has

5 been properly moved and seconded that

6 Bill No. 080404 be reported out of this

7 Committee with a favorable

8 recommendation, that the rules of Council

9 be suspended so as to permit first

10 reading at our next session.

11 All in favor signify by saying

12 aye.

13 (Aye.)

14 COUNCILMAN DiCICCO: Those

15 opposed?

16 (No response.)

17 COUNCILMAN DiCICCO: The bill

18 is approved.

19 The Chair recognizes Councilman

20 Greenlee.

21 COUNCILMAN GREENLEE:

22 Mr. Chairman, I move that Bill 080129 be

23 reported out of this Committee with a

24 favorable recommendation and the rules of

25 Council be suspended to allow for first

1 5/8/08 - STREETS - BILL 080162, etc.
2 reading at our next session of Council.

3 (Duly seconded.)

4 COUNCILMAN DiCICCO: It has
5 been properly moved and seconded that
6 Bill No. 080129 be reported out of this
7 Committee with a favorable
8 recommendation, that the rules of Council
9 be suspended.

10 All those in favor signify by
11 saying aye.

12 (Aye.)

13 COUNCILMAN DiCICCO: Those
14 opposed?

15 (No response.)

16 COUNCILMAN DiCICCO: The bill
17 is approved.

18 The Chair recognizes Councilman
19 Greenlee for an amendment to Bill No.
20 080382.

21 COUNCILMAN GREENLEE:
22 Mr. Chairman, I move the amendment to
23 Bill 080382.

24 (Duly seconded.)

25 COUNCILMAN DiCICCO: It has

1 5/8/08 - STREETS - BILL 080162, etc.

2 been properly moved and seconded that the
3 amendment to Bill No. 080382 be approved.

4 All in favor signify by saying
5 aye.

6 (Aye.)

7 COUNCILMAN DiCICCO: Those
8 opposed?

9 (No response.)

10 COUNCILMAN DiCICCO: Councilman
11 Greenlee.

12 COUNCILMAN GREENLEE:

13 Mr. Chairman, I move that Bill 080382 as
14 amended be reported out of this Committee
15 with a favorable recommendation and,
16 further, that the rules of Council be
17 suspended to allow for first reading at
18 our next session of Council.

19 (Duly seconded.)

20 COUNCILMAN DiCICCO: It has
21 been properly moved and seconded that
22 Bill No. 080382 as amended be reported
23 out of this Committee with a favorable
24 recommendation, that the rules of Council
25 be suspended.

1 5/8/08 - STREETS - BILL 080162, etc.

2 All those in favor signify by
3 saying aye.

4 (Aye.)

5 COUNCILMAN DiCICCO: Those
6 opposed?

7 (No response.)

8 COUNCILMAN DiCICCO: The Chair
9 recognizes Councilman Greenlee for an
10 amendment to Bill No. 080383.

11 COUNCILMAN GREENLEE:

12 Mr. Chairman, I move the approval of the
13 amendment to Bill 080383.

14 (Duly seconded.)

15 COUNCILMAN DiCICCO: It has
16 been properly moved and seconded that the
17 amendment to Bill No. 080383 be approved.

18 All in favor signify by saying
19 aye.

20 (Aye.)

21 COUNCILMAN DiCICCO: Those
22 opposed?

23 (No response.)

24 COUNCILMAN DiCICCO: The
25 amendment is approved.

1 5/8/08 - STREETS - BILL 080162, etc.

2 Councilman Greenlee.

3 COUNCILMAN GREENLEE:

4 Mr. Chairman, I move that Bill 080383 as
5 amended be reported out of this Committee
6 with a favorable recommendation and,
7 further, that the rules of Council be
8 suspended to allow for first reading at
9 our next session of Council.

10 (Duly seconded.)

11 COUNCILMAN DiCICCO: It has
12 been properly moved and seconded that
13 Bill No. 080383 as amended be reported
14 out of this Committee with a favorable
15 recommendation, that the rules of Council
16 be suspended.

17 All those in favor signify by
18 saying aye.

19 (Aye.)

20 COUNCILMAN DiCICCO: Those
21 opposed?

22 (No response.)

23 COUNCILMAN DiCICCO: The bill
24 is approved.

25 Councilman Greenlee for an

1 5/8/08 - STREETS - BILL 080162, etc.
2 amendment to Bill No. 080384.

3 COUNCILMAN GREENLEE:
4 Mr. Chairman, I move that the amendment
5 to Bill No. 080384 be approved.

6 (Duly seconded.)

7 COUNCILMAN DiCICCO: It has
8 been properly moved and seconded that the
9 amendment to Bill No. 080384 be approved.

10 All in favor signify by saying
11 aye.

12 (Aye.)

13 COUNCILMAN DiCICCO: Those
14 opposed?

15 (No response.)

16 COUNCILMAN DiCICCO: The
17 amendment is approved.

18 Councilman Greenlee.

19 COUNCILMAN GREENLEE:
20 Mr. Chairman, I move that Bill 080384 as
21 amended be reported out of this Committee
22 with a favorable recommendation, that the
23 rules of Council be suspended to allow
24 for first reading at our next session of
25 Council.

1 5/8/08 - STREETS - BILL 080162, etc.

2 (Duly seconded.)

3 COUNCILMAN DiCICCO: It has
4 been properly moved and seconded that
5 Bill No. 080384 as amended be reported
6 out of this Committee with a favorable
7 recommendation, that the rules of Council
8 be suspended.

9 All those in favor signify by
10 saying aye.

11 (Aye.)

12 COUNCILMAN DiCICCO: Those
13 opposed?

14 (No response.)

15 COUNCILMAN DiCICCO: The bill
16 is approved.

17 Councilman Greenlee.

18 COUNCILMAN GREENLEE:
19 Mr. Chairman, I move that Bill 080408 be
20 reported out of this Committee with a
21 favorable recommendation, that the rules
22 of Council be suspended to allow for
23 first reading at our next session of
24 Council.

25 (Duly seconded.)

1 5/8/08 - STREETS - BILL 080162, etc.

2 COUNCILMAN DiCICCO: It has
3 been properly moved and seconded that
4 Bill No. 080408 be reported out of this
5 Committee with a favorable
6 recommendation, that the rules of Council
7 be suspended.

8 All those in favor signify by
9 saying aye.

10 (Aye.)

11 COUNCILMAN DiCICCO: Those
12 opposed?

13 (No response.)

14 COUNCILMAN DiCICCO: The bill
15 is approved.

16 Councilman Greenlee.

17 COUNCILMAN GREENLEE:
18 Mr. Chairman, I move that Bill 080374 be
19 reported out of this Committee with a
20 favorable recommendation and that the
21 rules of Council be suspended to allow
22 for first reading at our next session of
23 Council.

24 (Duly seconded.)

25 COUNCILMAN DiCICCO: It has

1 5/8/08 - STREETS - BILL 080162, etc.
2 been properly moved and seconded that
3 Bill No. 080374 be reported out of this
4 Committee with a favorable
5 recommendation, that the rules of Council
6 be suspended.

7 All those in favor signify by
8 saying aye.

9 (Aye.)

10 COUNCILMAN DiCICCO: Those
11 opposed?

12 (No response.)

13 COUNCILMAN DiCICCO: The bill
14 is approved.

15 Councilman Greenlee.

16 COUNCILMAN GREENLEE:

17 Mr. Chairman, I move that Bill 080375 be
18 reported out of this Committee with a
19 favorable recommendation and that the
20 rules of Council be suspended to allow
21 for first reading at our next session of
22 Council.

23 (Duly seconded.)

24 COUNCILMAN DiCICCO: It has
25 been properly moved and seconded that

1 5/8/08 - STREETS - BILL 080162, etc.
2 Bill No. 080375 be reported out of this
3 Committee with a favorable
4 recommendation, that the rules of Council
5 be suspended.

6 All those in favor signify by
7 saying aye.

8 (Aye.)

9 COUNCILMAN DiCICCO: Those
10 opposed?

11 (No response.)

12 COUNCILMAN DiCICCO: The bill
13 is approved.

14 Thank you, everyone.

15 This concludes the public
16 meeting on the Committee of Streets and
17 Services. Thank you all for attending.

18 (Committee on Streets and
19 Services adjourned at 4:15 p.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on May 8, 2008, and that this

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is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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