

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 28, 2011
2:20 p.m.

PRESENT:

COUNCILMAN FRANK DiCICCO, CHAIR
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

BILLS 100783, 100874, 110081, 110157, 110182,
110183, 110231, 110260, 110272, 110273, 110276
and 110232

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1
2 COUNCILMAN DiCICCO: Good
3 afternoon, everyone. This is the public
4 hearing on the Committee of Streets and
5 Services.

6 We do have a quorum. To my
7 left is Councilman Bill Green. To my
8 immediate right is Councilman William
9 Greenlee, and joining us is also
10 Councilwoman Quinones-Sanchez.

11 I don't know if we're ready to
12 begin the testimony, but I wanted to
13 establish a quorum, because Councilman
14 Green has to step out for a few minutes.
15 So give us another couple minutes and
16 we'll get started with the hearing.
17 Thank you.

18 (Brief pause.)

19 COUNCILMAN DiCICCO:
20 Mr. McMonagle, would you please read the
21 title of the first bill.

22 THE CLERK: Bill No. 110232, an
23 ordinance amending Chapter 12-3000 of The
24 Philadelphia Code, entitled "Use Of An
25 Automated Red Light Enforcement System To

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 Prevent Red Light Violations," by
3 authorizing the installation of red light
4 enforcement systems at the intersection
5 of Island Avenue at Lindbergh Boulevard,
6 all under certain terms and conditions.

7 (Witnesses approached witness
8 table.)

9 COUNCILMAN DiCICCO: Before you
10 begin, Mr. Fenerty, I'd just like for the
11 record, Councilman Jones is also in
12 attendance. He's a member of this
13 Committee as well.

14 Proceed with your testimony.

15 MR. FENERTY: Thank you,
16 Mr. Chairman.

17 Good afternoon. My name is
18 Vince Fenerty. I'm the Executive
19 Director of the Philadelphia Parking
20 Authority. I would like to thank the
21 Chairman and the members of the Committee
22 for allowing me to testify today. I
23 would also like to thank President Verna
24 for introducing this legislation. I am
25 testifying in favor of Bill 110232, which

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 would add an additional intersection to
3 the red light camera program in the City.
4 The intersection will be at Island Avenue
5 and Lindbergh Boulevard.

6 I would like to commend Council
7 for its past excellence and, at most
8 times, unanimous support for the program.
9 Since the first cameras were activated at
10 Grant and Roosevelt Boulevard on February
11 23rd, 2005, the program has been
12 successful in its main goals, decreasing
13 the red light camera running, accidents,
14 injuries and fatalities. There are now
15 85 cameras at 19 intersections. With the
16 addition of this intersection at Broad
17 and Vine Street, which was recently
18 approved by Council, the citywide total
19 will be 93 cameras at 21 intersections.

20 The intersection of Island
21 Avenue and Lindbergh Boulevard is a large
22 and a busy intersection with heavy
23 traffic volume of vehicles and
24 pedestrians. Also, the Route 36 trolley
25 travels along Island Avenue at this

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 intersection. Unfortunately, this
3 intersection currently has a high rate of
4 vehicles disregarding the red light
5 signals. It is not an exaggeration to
6 say that you sometimes put your life in
7 your hands navigating this area. I
8 believe that the red light cameras will
9 change the behavior of the motorists here
10 as they have in other parts of the City
11 to make walking and driving in the area a
12 safer experience. The establishment of
13 red light cameras at this intersection
14 will continue to enhance and extend this
15 program to other dangerous intersections
16 in the City.

17 I ask that the Committee give
18 Bill 110232 a favorable recommendation
19 and request that the rules be suspended
20 to allow the first reading at the next
21 Council session.

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

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 COUNCILMAN DiCICCO: Thank you.

3 Mr. Denny.

4 MR. DENNY: Good afternoon,
5 Councilman DiCicco and members of the
6 Committee. Thank you for the opportunity
7 to appear before you today. My name is
8 Charles Denny and I am the Assistant
9 Chief Traffic Engineer of the Department
10 of Streets. I am here to offer testimony
11 on Bill No. 110232.

12 This bill authorizes the
13 installation of a red light enforcement
14 system at the intersection of Island and
15 Lindbergh. The Streets Department
16 supports this bill. These devices have
17 been shown to lower red light running at
18 other locations where they are used in
19 the City.

20 Thank you for the opportunity
21 to appear before you and I'm willing to
22 answer any other questions.

23 COUNCILMAN DiCICCO: Thank you,
24 Mr. Denny.

25 Any questions for these

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 witnesses from the Committee?

3 (No response.)

4 COUNCILMAN DiCICCO: Is there
5 anyone else here who wishes to testify
6 for or against this bill?

7 (No response.)

8 COUNCILMAN DiCICCO: Seeing
9 none, Mr. Abernathy -- I said it again.
10 I apologize. Mr. McMonagle, please read
11 the title of the next bill.

12 He's in the room somewhere.

13 Where is he?

14 THE CLERK: Bill No. 100783, an
15 ordinance amending Chapter 9-200 of The
16 Philadelphia Code, entitled "Commercial
17 Activities on Streets," by amending
18 Section 9-203, entitled "Street Vendors"
19 and Section 9-205, entitled "Sidewalk
20 Sales," by prohibiting street and
21 sidewalk vending on certain portions of
22 Castor Avenue from Oxford Avenue to Rhawn
23 Street, all under certain terms and
24 conditions.

25 (Witness approached witness

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 table.)

3 COUNCILMAN DiCICCO: Good
4 afternoon, Mr. Haigler.

5 MR. HAIGLER: Good afternoon.

6 COUNCILMAN DiCICCO: See, I
7 didn't call you Abernathy, right?

8 Please proceed with your
9 testimony.

10 MR. HAIGLER: Good afternoon,
11 Chairman DiCicco and members of the
12 Committee. I am Otis Haigler, Jr.,
13 Director of Enforcement and Emergency
14 Services for the Department of Licenses
15 and Inspections. Today I am here to
16 provide testimony on Bill 100783, which,
17 if enacted, would amend Section 9-203,
18 entitled "Street Vendors," and Section
19 9-205, entitled "Sidewalk Sales," by
20 prohibiting street and sidewalk vending
21 on certain portions of Castor Avenue from
22 Oxford Avenue to Rhawn Street.

23 The Department offers no
24 objections to the enactment of this bill,
25 and I'm happy to answer any questions you

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 have at this time.

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

5 Any questions for this witness
6 from the Committee?

7 (No response.)

8 COUNCILMAN DiCICCO: Anyone
9 else here who wishes to testify for or
10 against this bill?

11 (No response.)

12 COUNCILMAN DiCICCO: Seeing
13 none, please read the title of the next
14 bill.

15 THE CLERK: Bill No. 110260, an
16 ordinance amending Section 9-213 of The
17 Philadelphia Code, entitled "Farmers'
18 Markets," by adding a permissible
19 location on the sidewalk of the west side
20 of the 1600 block of East Moyamensing
21 Avenue, all under certain terms and
22 conditions.

23 MR. HAIGLER: Good afternoon,
24 Chairman DiCicco and members of the
25 Committee. I am Otis Haigler, Jr.,

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 Director of Enforcement and Emergency
3 Services for the Department of Licenses
4 and Inspections. Today I am here to
5 provide testimony on Bill 110260, which,
6 if enacted, will amend Section 9-213,
7 entitled "Farmers' Markets," to add a
8 permissible location on the west side of
9 the 1600 block of East Moyamensing
10 Avenue.

11 The Department of Licenses and
12 Inspections has no objections to the
13 enactment of this bill, and I'm happy to
14 answer any questions.

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

17 Any questions for this witness
18 from the Committee?

19 (No response.)

20 COUNCILMAN DiCICCO: Is there
21 anyone else who wishes to testify for or
22 against this bill?

23 (No response.)

24 COUNCILMAN DiCICCO: Seeing
25 none, please read the title of the next

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 bill.

3 THE CLERK: Bill No. 110081, an
4 ordinance amending Chapter 9-200 of The
5 Philadelphia Code, entitled "Commercial
6 Activities on Streets," by amending
7 Section 9-203, entitled "Street Vendors,"
8 and Section 9-205, entitled "Sidewalk
9 Sales," by prohibiting street vending and
10 sidewalk sales within the area bounded by
11 and including both sides of East Tioga
12 Street, Kensington Avenue, East Ontario
13 Street, Potter Street, "I" Street, East
14 Westmoreland Street, "F" Street,
15 Kensington Avenue, East Monmouth Street,
16 and Emerald Street, providing for certain
17 exceptions and making certain technical
18 changes, all under certain terms and
19 conditions.

20 MR. HAIGLER: Good day,
21 Chairman DiCicco, members of the
22 Committee. I am Otis Haigler, Jr.,
23 Director of Enforcement and Emergency
24 Services for the Department of Licenses
25 and Inspections. Today I am here to

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 provide testimony on Bill 110081, which,
3 if enacted, will prohibit sidewalk and
4 street vending in the designated areas as
5 mentioned before.

6 The Department has no
7 objections to the enactment of this bill,
8 and I'll be happy to answer any questions
9 at this time.

10 COUNCILMAN DiCICCO: Thank you.

11 Any questions for this witness
12 from the Committee?

13 (No response.)

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

17 One moment.

18 COUNCILWOMAN SANCHEZ: You can
19 come up, Randy.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN DiCICCO: Before we
23 begin with this testimony, I have a
24 question. How many people are here for
25 the 8th and Walnut project? Just raise

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 your hand.

3 (Some audience members raise
4 their hands.)

5 COUNCILMAN DiCICCO: How many
6 of you will be testifying?

7 (Some audience members raise
8 their hands.)

9 COUNCILMAN DiCICCO: And on the
10 ADA ramps, I know, Roseanne, you'll be
11 testifying. Mark Squilla will be
12 testifying and -- three, four. I'm
13 trying to think which one will have the
14 most testimony so I don't hold everybody
15 up all afternoon.

16 All right. We'll get back to
17 you.

18 Good afternoon. Please proceed
19 with -- you have to read the title of the
20 bill.

21 THE CLERK: No.

22 COUNCILMAN GREENLEE: Same
23 bill.

24 COUNCILMAN DiCICCO: Same bill?
25 Sorry about that. Please proceed with

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 your testimony.

3 MR. HOFER: Good afternoon,
4 Committee Chair and members of City
5 Council. My name is Randy Hofer and I am
6 the Director of Marketing at Impact
7 Services Corporation. I am here today to
8 testify in support of Bill No. 110081.

9 As part of its economic
10 development activities, Impact manages
11 the K&A Business Association, which
12 offers support and services to over 75
13 local businesses. Most businesses along
14 the K&A corridor are small shops that
15 have been hard hit by the current
16 recession. Additionally, in recent
17 months, street vending has become a
18 growing issue in most areas along the
19 corridor. Most recently we had a dental
20 van operating across the street from the
21 local dentist, a hot dog stand across the
22 street from one of our diners, perfumes
23 around the corner from a variety store,
24 and T-shirt stands in front of clothing
25 stores. Unfortunately, we also have

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 vendors selling merchandise in the street
3 at busy intersections, disrupting traffic
4 flow, and others are selling small
5 turtles that have been found to be
6 diseased to unsuspecting residents. Some
7 of these ventures are unsafe, but all are
8 in direct competition with our businesses
9 legally operating, paying rent and taxes
10 to the City of Philadelphia.

11 We have witnessed street
12 vendors aggressively pursuing customers
13 as they walk out of the El station and
14 observe them set up close proximity to
15 the stores they are in direct competition
16 with. However, this is not fair
17 competition. Vendors have an unfair
18 advantage because they are able to charge
19 less for the goods since their overhead
20 costs are much less. Their activity
21 interrupts business at our local stores
22 and often provides a lower-quality
23 product and services to our neighborhood
24 consumers. Additionally, they take
25 revenue directly from the City, because

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 they pay fewer taxes, if any, and take
3 market share away from our local
4 retailers.

5 At the request of our
6 businesses and in order to protect our
7 merchants and their customers, a motion
8 to expand our non-vending area along the
9 K&A corridor was accepted at our monthly
10 Business Association meeting on October
11 20th, 2010. The motion was voted and all
12 were in favor to initiate a resolution to
13 the existing ordinance.

14 The City of Philadelphia has
15 invested largely in our commercial
16 corridor for many years. It is our
17 opinion street vending undermines the
18 stability of local businesses and the
19 ongoing revitalization efforts of Impact
20 Services. We strongly urge that City
21 Council pass this ordinance to help
22 improve conditions for our merchants,
23 residents and the City of Philadelphia.

24 COUNCILMAN DiCICCO: Thank you.

25 Proceed with your testimony,

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 please.

3 MS. CODINA: My name is
4 Patricia Codina from Impact Services as
5 well. I'm the Corridor Manager, and I'm
6 here to read testimony from one of our
7 local businessowners.

8 Good afternoon. My name --

9 COUNCILMAN DiCICCO: Please
10 pull the microphone a little bit closer
11 and speak into it. Thank you.

12 MS. CODINA: Good afternoon.
13 My name is Dr. Abdul Sami Janjua, DDS. I
14 am a dentist and have had my practice at
15 1822 East Allegheny Avenue since 1986. I
16 am also an active member of the K&A
17 Business Association and have been since
18 2000. I am giving testimony today in
19 favor of an ordinance that prohibits
20 street vending on a larger area around
21 the Kensington and Allegheny commercial
22 corridor.

23 Street vending has had a very
24 negative impact on established businesses
25 along our corridor. Last year I

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 experienced this firsthand when a dental
3 van parked on the north side of East
4 Allegheny Avenue right in front of my
5 practice. The van conducted dental
6 services on the truck, and the company's
7 employees would walk along the sidewalks
8 handing out flyers, especially to El
9 riders as they exited the Allegheny
10 Station. Many of my patients were
11 approached and lured to the van. My
12 business suffered during the time the van
13 was operating across the street.

14 Additionally, the truck
15 occupied almost four spaces on a street
16 where parking spaces are limited and
17 patients and clients of local businesses
18 struggle to find convenient parking. It
19 also represented a loss of revenue for
20 the City, because they did not feed the
21 meters all the time that they were
22 parked. Not only was the dental van
23 diverting patients from my practice, but
24 also disrupting traffic and limiting
25 parking options for K&A customers.

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 After many months of calls to
3 3-1-1 and working with the Business
4 Association to keep the van off the
5 corridor, we were finally able to get
6 them to move. Unfortunately, this only
7 moved them a couple of blocks away. For
8 this reason, I fully support the new
9 ordinance being proposed to expand the
10 area where the street vending is
11 prohibited. In this case keeping the
12 dental van away will be good for my
13 business, but keeping other vendors away
14 will be good for other businesses on the
15 corridor as well. I reiterate my support
16 for this ordinance and urge Council to
17 pass it for the benefit of the K&A
18 corridor.

19 COUNCILMAN DiCICCO: Thank you.

20 No questions from the Committee
21 for these witnesses.

22 Anyone else here to testify?

23 (No response.)

24 COUNCILMAN DiCICCO: Thank you.

25 Thank you for coming in. Thank you for

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 your testimony.

3 MR. HOFER: Thank you very
4 much.

5 COUNCILMAN DiCICCO:
6 Mr. McMonagle, please read the title of
7 the next bill.

8 THE CLERK: Bill No. 100874, an
9 ordinance authorizing the revision of
10 lines and grades on a portion of City
11 Plan No. 157 by striking from the City
12 Plan and vacating the legally open
13 portions of American Street from Sedgley
14 Avenue southeastwardly to its terminus
15 and reserving and placing on the City
16 Plan a right-of-way for sewer and
17 drainage purposes within the lines of
18 American Street being stricken and
19 authorizing the acceptance of the grant
20 to the City of the said right-of-way,
21 under certain terms and conditions.

22 COUNCILMAN DiCICCO: We went
23 out of order just to get all of your
24 testimony, because the other two bills
25 are going to be a little bit lengthy. I

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 know you can't wait to get back to your
3 office.

4 MR. MORELLI: Good afternoon,
5 Mr. Chairman and members of the
6 Committee. My name is Frank Morelli,
7 Survey Bureau Manager of the Department
8 of Streets, and the Department of Streets
9 would like to offer the following
10 testimony on Bill No. 100874.

11 This is not an Administration
12 ordinance, but an ordinance requested by
13 Mr. Mahn Suh Park, 309 West Sedgley
14 Avenue, Philadelphia, PA.

15 The purpose of this ordinance
16 is to authorize the striking from the
17 City Plan and vacating the legally open
18 portions of American Street from Sedgley
19 Avenue southeastwardly to its terminus at
20 the northwesterly right-of-way line of
21 the connecting railway and the reserving
22 and placing on the City Plan of a
23 right-of-way for sewer and drainage
24 purposes within the lines of American
25 Street being stricken. The portion of

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 American Street proposed to be stricken
3 is not currently paved and the City is
4 not desirous of opening this street to
5 public traffic. This action will allow
6 the abutting owner to consolidate his
7 property and make improvements to the
8 existing business occupying the site.

9 This ordinance is supported by
10 the Department of Streets and is
11 recommended to your Committee for
12 favorable action.

13 MR. ERICKSON: Good afternoon,
14 Chairman DiCicco and members of the
15 Streets and Services Committee. I am
16 William Erickson, a City Planner with the
17 Development Planning Division of the
18 Philadelphia City Planning Commission. I
19 am here to testify on Bill No. 100874,
20 which Councilmember Sanchez introduced on
21 December 16th, 2010.

22 This Streets Bill 100874 will
23 strike and vacate American Street from
24 Sedgley Avenue to the dead end and place
25 a right-of-way for sewer and drainage in

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 the bed of the former American Street.
3 The purpose is the removal of a paper
4 street to allow the owner of 390 West
5 Sedgley Avenue to consolidate his
6 property to allow for the expansion of
7 his demolition company.

8 At its meeting of January 18th,
9 2011, the City Planning Commission
10 recommended that Bill No. 100874 be
11 approved.

12 This concludes my testimony.

13 COUNCILMAN DiCICCO: Thank you.

14 Any questions for these
15 witnesses on this bill?

16 (No response.)

17 COUNCILMAN DiCICCO: Anyone
18 else here to testify?

19 (No response.)

20 COUNCILMAN DiCICCO: Seeing
21 none, please read the title of the next
22 bill.

23 THE CLERK: Bill No. 110157, an
24 ordinance authorizing the revision of
25 lines and grades on a portion of City

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 Plan No. 63 by relocating the
3 northeasterly curbline of the Benjamin
4 Franklin Parkway, from Twentieth Street
5 to Twenty-First Street, two feet
6 southwestwardly and relocating portions
7 of certain curblines within the area
8 bounded by Benjamin Franklin Parkway,
9 Twenty-First Street, Pennsylvania Avenue,
10 and Twentieth Street to establish certain
11 curb bump-outs and corner radii, under
12 certain terms and conditions.

13 MR. MORELLI: Good afternoon,
14 Mr. Chairman and members of the
15 Committee. My name is Frank Morelli,
16 Survey Bureau Manager of the Department
17 of Streets, and the Department of Streets
18 would like to offer the following
19 testimony on Bill No. 110157.

20 This is an Administration
21 ordinance requested by the Streets
22 Department.

23 The purpose of this ordinance
24 is to relocate the curbline of the
25 Parkway in accordance with the request of

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 the Department of Parks and Recreation
3 and to increase pedestrian safety and
4 improve traffic circulation at the site
5 of the new Barnes Museum.

6 This ordinance is supported by
7 the Department of Streets and is
8 recommended to your Committee for
9 favorable action.

10 MR. ERICKSON: Good afternoon,
11 Chairman DiCicco and members of the
12 Streets and Services Committee. I am
13 William Erickson, a City Planner with the
14 Development Planning Division of the
15 Philadelphia City Planning Commission. I
16 am here to testify on Bill 110157, which
17 Councilmember Clarke introduced on March
18 3rd, 2011.

19 This Streets Bill 110157 is to
20 authorize the relocating of the northerly
21 curbline of Benjamin Franklin Parkway
22 between 20th and 21st Street by widening
23 the sidewalk to 17 feet and reducing the
24 cartway to 16 feet. Additionally, it
25 will allow bump-outs to be established at

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 the two intersections on 20th Street in
3 order to improve the safety of
4 pedestrians. The City Plan change
5 implements traffic circulation
6 improvements recommended in the Benjamin
7 Franklin Parkway Circulation, Parking and
8 Transit Study completed for the City
9 Planning Commission and the Commerce
10 Department in January 2007, and follows
11 the Fairmount Park Commission landscape
12 design guidelines.

13 The Philadelphia City Planning
14 Commission reviewed this action at its
15 meeting on April 19th, 2011 and
16 recommended that Bill No. 110157 be
17 approved.

18 COUNCILMAN DiCICCO: Thank you.

19 Any questions for these
20 witnesses from the Committee?

21 (No response.)

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

24 Mr. Jottman (ph).

25 MR. JOTTMAN: Good afternoon,

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 Mr. Chairman, members of the Committee.

3 I'll be brief. As has already been
4 testified, these are relatively minor
5 changes to the streets plan that we
6 believe serve two purposes here. They're
7 consistent with recommendations of the
8 Fairmount Park as well as serving to
9 enhance and promote both pedestrian and
10 vehicular circulation around the site of
11 the new Barnes Museum and Educational
12 Facility.

13 I'd like to thank you for
14 scheduling this hearing, and I'd also
15 like to thank Councilman Clarke for
16 introducing the legislation and for all
17 of his support with everything that's
18 been before this Council related to the
19 Barnes Collection coming to the City of
20 Philadelphia.

21 Thank you very much.

22 COUNCILMAN DiCICCO: Thank you
23 for your testimony.

24 Anyone else who wishes to
25 testify on this bill?

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 (No response.)

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

6 THE CLERK: Bill No. 110182, an
7 ordinance authorizing the plotting upon
8 City Plan Nos. 258 and 270 of two
9 rights-of-way for sewer and drainage
10 purposes in the area lying southeast of
11 Tacony Street and southwest of former
12 Vankirk Street, within the property
13 formerly known as the Frankford Arsenal,
14 and authorizing acceptance of the grant
15 to the City of the said rights-of-way,
16 under certain terms and conditions.

17 MR. MORELLI: Good afternoon,
18 Mr. Chairman and members of the
19 Committee. My name is Frank Morelli,
20 Survey Bureau Manager of the Department
21 of Streets, and the Department of Streets
22 would like to offer the following
23 testimony on Bill No. 110182.

24 This is not an Administration
25 ordinance, but an ordinance requested by

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 Brook J. Weese, Esquire, representing
3 Hankin Management Company of Elkins Park,
4 Pennsylvania.

5 The purpose of this ordinance
6 is to authorize the plotting upon the
7 City Plan and acceptance of the grant to
8 the City for two rights-of-way for sewer
9 and drainage purposes in the area laying
10 southeast of Tacony Street and southwest
11 of former Vankirk Street, within the
12 property formerly known as the Frankford
13 Arsenal. The proposed rights-of-way will
14 encompass existing sewers within the
15 Arsenal property. This action will
16 facilitate plans for development within
17 the Arsenal property for a retail
18 shopping center consisting of over
19 500,000 square feet of stores.

20 This ordinance is supported by
21 the Department of Streets and is
22 recommended to your Committee for
23 favorable action.

24 MR. ERICKSON: Good afternoon,
25 Chairman DiCicco and members of the

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 Streets and Services Committee. I am
3 William Erickson, a City Planner with the
4 Development Planning Division of the
5 Philadelphia City Planning Commission. I
6 am here to testify on Bill No. 110182,
7 which Councilmember Krajewski introduced
8 on December 16th, 2010.

9 Bill No. 110182 places upon the
10 City Plan two rights-of-way for sewer and
11 drainage purposes within the property
12 known as the Frankford Arsenal. This
13 action is required as part of the
14 redevelopment of the Frankford Arsenal
15 into an Area Shopping Center. The
16 applicant is proposing a large-scale
17 shopping center at this location. The
18 shopping center will be approximately
19 490,000 foot of commercial space with
20 ample parking.

21 The City Planning Commission
22 recommended approval to Bill No. 110151
23 on February 15th, 2011 for a zoning
24 change to allow for the construction of
25 the Frankford Arsenal Shopping Center.

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 Therefore, the City Planning Commission
3 recommends approval for Bill No. 110182
4 as an item in accordance with previous
5 policy.

6 COUNCILMAN DiCICCO: Thank you.

7 Any questions for these
8 witnesses from the Committee?

9 (No response.)

10 COUNCILMAN DiCICCO: Anyone
11 else here who wishes to testify on this
12 bill?

13 (No response.)

14 COUNCILMAN DiCICCO: Seeing
15 none, please read the title of the next
16 bill.

17 THE CLERK: Bill No. 110183, an
18 ordinance authorizing the revision of
19 lines and grades on a portion of City
20 Plan Nos. 196, 197, and 305 by relocating
21 the southwesterly curblineline of Allegheny
22 Avenue, from a point approximately
23 two-hundred feet southeast of Richmond
24 Street to Delaware Avenue, ten feet
25 northeastwardly, thereby increasing the

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 width of the southwesterly footway area
3 of said Allegheny Avenue; closing
4 Allegheny Avenue, southeast of Delaware
5 Avenue, to vehicular traffic; and
6 relocating the southeasterly curblane of
7 Delaware Avenue, from Allegheny Avenue to
8 Lewis Street, varying distances
9 northwestwardly, thereby increasing the
10 width of the southeasterly footway area
11 of said Delaware Avenue; all under
12 certain terms and conditions.

13 MR. MORELLI: The Department of
14 Streets would like to offer the following
15 testimony on Bill No. 110183.

16 This is an Administration
17 ordinance requested by James Donaghy of
18 City of Philadelphia's Commerce
19 Department.

20 The purpose of this ordinance
21 is to authorize the relocation of the
22 southwesterly curblane of Allegheny
23 Avenue, from a point approximately 200
24 feet southeast of Richmond Street to
25 Delaware Avenue, and the southeasterly

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 curbline of Delaware Avenue, from
3 Allegheny to Lewis Street, thereby
4 widening the footway area in these
5 locations, and to authorize the closing
6 of Allegheny, southeast of Delaware
7 Avenue, to vehicular traffic. The
8 purpose of this action is to facilitate
9 the development and construction by the
10 City and the Delaware River City
11 Corporation of the North Delaware
12 Riverfront Trail along Allegheny and
13 Delaware Avenues at this location.

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

17 MR. ERICKSON: Good afternoon,
18 Chairman DiCicco and members of the
19 Streets and Services Committee. I am
20 William Erickson, a City Planner with the
21 Development Planning Division of the
22 Philadelphia City Planning Commission. I
23 am here to testify on Bill No. 110183,
24 which Councilmember DiCicco and
25 Councilwoman Krajewski introduced on

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 March 10th, 2011.

3 This Streets Bill No. 110183,
4 which will relocate the southwesterly
5 curbline of Allegheny Avenue, from the
6 southeast of Richmond Street to Delaware
7 Avenue, ten feet northeastwardly, thereby
8 increasing the width of the sidewalk area
9 of Allegheny Avenue, along with the
10 revision of Delaware Avenue, from
11 Allegheny Avenue to Lewis Street. The
12 purpose of this Streets bill is to allow
13 the North Delaware Riverfront Trail to be
14 constructed.

15 The Philadelphia City Planning
16 Commission reviewed this action at its
17 meeting on March 15th, 2011 and
18 recommends that Bill No. 110183 be
19 approved.

20 COUNCILMAN DiCICCO: Thank you.

21 Any questions for these
22 witnesses from the Committee?

23 (No response.)

24 COUNCILMAN DiCICCO: Anyone
25 else here who wishes to testify on this

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 bill?

3 (No response.)

4 COUNCILMAN DiCICCO: Seeing
5 none, please read the title of the next
6 bill.

7 THE CLERK: Bill No. 110273, an
8 ordinance authorizing the revision of
9 lines and grades on a portion of City
10 Plan No. 278 by striking from the City
11 Plan and vacating Delaware Avenue from
12 Robbins Street to Levick Street,
13 reserving and placing on the City Plan a
14 right-of-way for sewer and drainage
15 purposes, water main purposes, and public
16 utility purposes within the lines of
17 Delaware Avenue being stricken, placing
18 on the City Plan a right-of-way reserved
19 for drainage purposes extending from the
20 southeasterly side of Delaware Avenue,
21 southwest of Levick Street,
22 southeastwardly to the Pierhead Line of
23 the Delaware River, and relocating the
24 curblines of Levick Street from Barnett
25 and Elbridge Streets to Delaware Avenue,

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 thereby increasing the cartway width of
3 said Levick Street; all under certain
4 terms and conditions.

5 MR. MORELLI: The Department of
6 Streets would like to offer the following
7 testimony on Bill No. 110273.

8 This is an Administration
9 ordinance requested by the Philadelphia
10 Commerce Department, James Donaghy.

11 The purpose of this ordinance
12 is to authorize the striking from the
13 City Plan and vacating of Delaware Avenue
14 from Robbins Street to Levick Street and
15 reserving and placing on the City Plan of
16 a right-of-way for sewer and drainage,
17 water main and public utility purposes
18 within the lines of Delaware Avenue being
19 stricken, the placing on the City Plan of
20 a right-of-way reserved for drainage
21 purposes extending from the southeasterly
22 side of Delaware Avenue, southwest of
23 Levick Street and southeastwardly to the
24 Delaware River, and the relocating of the
25 curblines and widening of the cartway of

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 Levick Street from Barnett to Elbridge
3 Streets to Delaware Avenue. These
4 actions will facilitate the plans by the
5 Commerce Department and the Delaware
6 River City Corporation to develop
7 Lardner's Point Park at this location as
8 part of the North Delaware Riverfront
9 Greenway.

10 This ordinance is supported by
11 the Department of Streets and is
12 recommended to your Committee for
13 favorable action.

14 MR. ERICKSON: Good afternoon,
15 Chairman DiCicco and members of the
16 Streets and Services Committee. I am
17 William Erickson, a City Planner with the
18 Development Planning Division of the
19 Philadelphia City Planning Commission. I
20 am here to testify on Bill No. 110273,
21 which Councilmember Krajewski introduced
22 on April 14th, 2011.

23 This Streets Bill 110273 will
24 strike from the City Plan Delaware Avenue
25 from Robbins Street to Levick Street,

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 with the placement of a utility
3 right-of-way in the former bed of the
4 street. The purpose of this Streets bill
5 is to allow for the construction of the
6 Lardner Point Park.

7 The Philadelphia Planning
8 Commission is planning on hearing this
9 item at its next meeting of May 17th,
10 2011, but I don't see any major issues
11 with this Streets action. But we haven't
12 actually heard -- we haven't taken it
13 formally to the Planning Commission.

14 This concludes my testimony on
15 this bill.

16 COUNCILMAN DiCICCO: So you
17 would not have any problems with us
18 voting the bill out, but we could hold
19 off on the suspension until --

20 MR. ERICKSON: Until we get a
21 chance to --

22 COUNCILMAN DiCICCO: We'll vote
23 it out today hopefully without a
24 suspension. We won't do the suspension.
25 Okay. Thank you.

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 Any questions for these
3 witnesses?

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, please read the title of the next
11 bill.

12 THE CLERK: Bill No. 110276, an
13 ordinance authorizing the revision of
14 lines and grades on a portion of City
15 Plan No. 121 by striking from the City
16 Plan and vacating the legally open
17 portions of the westerly twelve feet wide
18 portion of Thirty-Second Street from
19 Glenwood Avenue to a point approximately
20 twelve feet south of the southerly side
21 of Master Street produced and reserving
22 and placing on the City Plan a
23 right-of-way for drainage purposes and
24 water main purposes and a right-of-way
25 for drainage purposes within portions of

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 the portion of Thirty-Second Street being
3 stricken and authorizing the acceptance
4 of the grant to the City of said
5 rights-of-way; all under certain terms
6 and conditions.

7 MR. MORELLI: The Department of
8 Streets would like to offer the following
9 testimony on Bill No. 110276.

10 This is not an Administration
11 ordinance, but an ordinance requested by
12 Anthony R. DiArenzo of Conrail, 1000
13 Howard Boulevard, Mount Laurel, New
14 Jersey.

15 The purpose of this ordinance
16 is to authorize the striking from the
17 City Plan and vacating the westerly 12
18 foot wide portion of 32nd Street from
19 Glenwood Avenue to approximately 12 feet
20 south of Master Street and the reserving
21 and placing upon the City Plan of a
22 right-of-way for drainage purposes and
23 water main purposes and a right-of-way
24 for drainage purposes within the portions
25 of the area being stricken. The area

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 proposed to be stricken is currently
3 occupied by an active railroad track
4 operated by Conrail which connects CSX
5 Trenton Line with Amtrak's Northeast
6 Corridor. Conrail has requested this
7 action to provide clearance for the
8 operation of trains and to improve
9 efficiency and safety of these
10 operations.

11 This ordinance is supported by
12 the Department of Streets and is
13 recommended to your Committee for
14 favorable action.

15 MR. ERICKSON: Good afternoon,
16 Chairman DiCicco and members of the
17 Streets and Services Committee. I am
18 William Erickson, a City Planner with the
19 Development Planning Division of the
20 Philadelphia City Planning Commission. I
21 am here to testify on Bill No. 110276,
22 which Councilmember Clarke introduced on
23 April 14th, 2011.

24 This Streets Bill 110276 will
25 strike from the City Plan 12 foot of the

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 westerly portion of 32nd Street from
3 Glenwood Street to a point 12 feet south
4 of Master Street and the placement of a
5 drainage right-of-way in the former bed
6 of the street. The purpose of this
7 Street bill is to allow Conrail to more
8 effectively operate its rail system.

9 The Philadelphia City Planning
10 Commission is planning on hearing this
11 item at its meeting on May 17th, 2011. I
12 don't see any major issues with this
13 Street bill. However, we haven't seen
14 the item.

15 This concludes my testimony on
16 that.

17 COUNCILMAN DiCICCO: Thank you.

18 Any questions for these
19 witnesses from the Committee?

20 (No response.)

21 COUNCILMAN DiCICCO: Is there
22 anyone else here who wishes to testify?

23 (No response.)

24 COUNCILMAN DiCICCO: Please
25 read the title of the next bill.

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 Thank you, gentlemen.

3 THE CLERK: Bill No. 110272, an
4 ordinance amending Section 11-505 of The
5 Philadelphia Code, entitled "Sidewalk
6 Paving and Other Improvements By Property
7 Owners," by providing further
8 specifications for curb and sidewalk
9 paving, under certain terms and
10 conditions.

11 COUNCILMAN DiCICCO: Ms. Loesch
12 and Mr. Squilla, would you care --
13 Roseanne, you're going to have testimony
14 or you're going to speak on this, I
15 assume. So I'll bring you guys up as a
16 panel and then we'll bring the
17 Commissioner and the other people.

18 MS. LOESCH: The Preservation
19 Alliance is here as well. I don't know
20 if you want him in the same panel.

21 COUNCILMAN DiCICCO: Yeah.
22 Preservation Alliance, absolutely.

23 And, John Farnham, I guess you
24 might be -- are you here just to offer
25 advice?

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 MR. FARNHAM: I have no
3 testimony.

4 COUNCILMAN DiCICCO: Thank you.
5 (Witnesses approached witness
6 table.)

7 COUNCILMAN DiCICCO: Please
8 proceed.

9 MS. LOESCH: Good afternoon --

10 COUNCILMAN DiCICCO: Please
11 identify yourself.

12 MS. LOESCH: -- Councilman
13 DiCicco, Councilman Greenlee and -- I'm
14 sorry.

15 COUNCILMAN DiCICCO: Councilman
16 Jones.

17 MS. LOESCH: Jones. Excuse me.
18 My name is Roseanne Loesch and I am
19 President of Society Hill Civic
20 Association, the neighborhood association
21 for Society Hill, and I am here to
22 testify in favor of Bill No. 110272,
23 which was introduced by Councilman
24 DiCicco and Kenney, and we thank you for
25 that.

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 The reason why the -- the bill
3 calls for materials substantially the
4 same in appearance as to be used on ADA
5 ramps, substantially similar in
6 appearance to the material -- the
7 original material of the sidewalk. In
8 Society Hill all the sidewalks are made
9 of brick, and this bill would call for
10 brick ramps. And the reason why this is
11 being reconsidered is because this
12 project right now, which was started in
13 Society Hill, was stopped because the
14 City was interfering with the fabric of
15 historic materials by using cheek walls
16 to install the grading. So we have an
17 opportunity to rethink the materials that
18 can be used or should be used for the
19 ramps.

20 I have two points to make. One
21 has to do with why the City should want
22 to pay for materials other than cement
23 for the ramps, and the second is how
24 would this affect ADA compliance, which,
25 of course, is very important.

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 The most obvious argument in
3 favor of using brick in Society Hill is
4 that -- is to preserve an important part
5 of the character of a national historic
6 district that is an extension of
7 America's most historic square mile.
8 America's most historic square mile is,
9 of course, Independence National Historic
10 Park, which on the Park's website they
11 call the Cradle of Democracy.

12 The Park Service thought that
13 the issue of brick ramps was important
14 enough that it entered into an agreement
15 for the City to install all brick or all
16 stone ramps throughout its properties.
17 Other cities also with historic districts
18 have made the same decision, and two that
19 I have spoken to before coming to testify
20 today are the municipality of Norristown
21 and Williamsburg.

22 What economic benefits is it to
23 these cities to install all brick ramps
24 in their historic areas? Well, the
25 bottom line is, it's an economic issue.

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 The 2009 tourist -- or statistics on
3 tourist dollars tells us that there was
4 \$1.2 billion that came in in federal,
5 state and local taxes from tourist
6 dollars, \$8.2 billion of visitor spending
7 to Philadelphia in 2009. And we all know
8 that a large part of the draw for
9 Philadelphia is historic tourism. Of
10 course, there are many other important
11 things that people do once they come
12 here, but this area; in particular,
13 Society Hill and the National Park, are a
14 huge draw for these tourist dollars.

15 It also has an impact on jobs.
16 For the same year, 2009, 83,664 jobs were
17 sustained through tourism. These
18 statistics I got off the visitphilly.com
19 website for 2009.

20 So the bottom line is that it's
21 in the City's economic interest to do
22 everything it can to enhance and preserve
23 the character of a national historic
24 district like Society Hill.

25 The second point has to do with

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 ADA compliance, and this is a very
3 important issue, and obviously we support
4 ADA compliance for these ramps a hundred
5 percent. So I called Williamsburg and I
6 called Norristown and I spoke to them
7 about this issue. Yesterday I had a
8 lengthy conversation with the regional
9 manager for the engineering firm that
10 designed and oversaw the installation of
11 brick ramps in Norristown, and he said
12 that they have had little or no
13 maintenance issues with brick ramps and
14 that they have had no complaints of
15 non-compliance. I learned the same thing
16 from officials in Williamsburg.

17 And, further, I had a lengthy
18 conversation with Charles Horton in the
19 Mayor's Office for ADA compliance.
20 Charles said one of the most important
21 things for the disability community is
22 obviously compliance, and any material
23 can come out of compliance. He told me
24 about an unfortunate, very unfortunate,
25 incident he had once with a ramp where --

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 he's in a wheelchair, and he was going
3 along and hit a non-compliant ramp and
4 was thrown out of his wheelchair. You
5 know, terrible thing, obviously. But I
6 asked him where it occurred, and where it
7 occurred was on Broad Street, and as we
8 know, Broad Street is not an area of the
9 City with brick ramps.

10 So the point is that any
11 material can come out of -- can become
12 non-compliant. So it's a maintenance
13 issue and a question of priorities for
14 the City as to whether they want to
15 maintain something that contributes so
16 much to this tourist area of the City.

17 And my final point about
18 maintenance actually is something that
19 was raised by Councilman DiCicco in talk
20 with the City. There is a question about
21 whether a homeowner who has a residence
22 on a corner and the ramp comes out of
23 compliance, if it is -- how difficult is
24 it to repair a brick ramp as opposed to a
25 cement ramp. A cement ramp that comes

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 out of compliance through a SEPTA bus or
3 a two-ton truck going across the curb and
4 breaking the concrete ramp requires a
5 homeowner to hire someone to actually
6 jackhammer out that ramp. It needs to be
7 re-poured to the very specific slope
8 requirements that the ADA law requires.

9 So we, in talking about this,
10 thought that it might even be easier for
11 a homeowner to have a bricklayer come out
12 and re-lay the bricks in a small area
13 that comes out of compliance.

14 So I think this is something
15 that the City needs to look into before
16 continuing with the cement ramps in
17 Society Hill, and our civic association
18 asks the Committee to give a favorable
19 recommendation to this bill, and I thank
20 you very much for your time.

21 COUNCILMAN DiCICCO: Thank you.

22 Mr. Squilla.

23 MR. SQUILLA: Mark Squilla.

24 I'm here to testify on Bill 110272
25 amending Section 11-505.

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2 I first came to notice this
3 while canvassing the Society Hill and Old
4 City neighborhoods, and several of the
5 residents were actually complaining about
6 the aesthetic look of it. And at first I
7 didn't realize that it would be that big
8 a deal, and then as I noticed by going
9 from street to street, you could see not
10 only were they done differently, each
11 corner had either a small portion of the
12 cement with the ADA ramp or a large
13 portion of cement. And I realized then
14 that not only was it a problem for the
15 residents, but I believe and I agree with
16 Roseanne, as we spoke, it's a problem for
17 the City of Philadelphia.

18 We live in a city that's
19 historic. Millions of people come into
20 the City of Philadelphia to see it. So
21 why not put the extra effort in to make
22 it look the same as it did before we had
23 these ADA ramps installed? And I think
24 that's an important aspect.

25 Also -- and I realize this --

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 this is a federally mandated project. So
3 I called our Congressman to see if
4 there's anything that he could do to help
5 us out on this, if there maybe is a cost
6 to the City to have to fix these ramps
7 that are already installed, and he is
8 looking favorably on that to help us with
9 Council to make this happen.

10 So I think it's very important
11 to realize that this is not only
12 important to just the residents, but it's
13 important to the whole City of
14 Philadelphia to make this work, and I
15 would hope that you would consider
16 favorably ruling on this, because I think
17 it's just something that we need as a
18 city and something that we need to keep
19 our neighborhoods alive.

20 So thank you.

21 COUNCILMAN DiCICCO: Thank you.

22 Please.

23 MR. LEACH: Councilman DiCicco,
24 members of the Committee, I appreciate
25 this opportunity to speak before you on

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 proposed Bill 110272. My name is Ben
3 Leach. I'm the Director of Advocacy at
4 the Preservation Alliance for Greater
5 Philadelphia.

6 Our interest in this bill
7 before you is twofold. First, when the
8 sidewalk work in Society Hill began
9 earlier this spring, it's fair to say
10 that our office was actually inundated
11 with calls from members of both our
12 organization and other concerned citizens
13 about the impact that this work was
14 having on the historic character of that
15 neighborhood.

16 Second, we have a more
17 practical concern about the actual
18 physical effect that some of these ramps
19 are causing to adjacent buildings, some
20 of which the Alliance holds protective
21 facade easements on and, therefore, we
22 have design review responsibilities for
23 any exterior alterations. We believe
24 that the intersection of this bill is a
25 good one.

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 First, we'd like to clarify
3 that we completely understand the need
4 both legally and practically to replace
5 many of these sidewalk ramps and the
6 important benefits these ramps provide to
7 significant numbers of our fellow
8 citizens, but we believe that the nature
9 of Philadelphia's historic sidewalks
10 prevent a one-size-fits-all engineering
11 solution to the problem. It's important
12 to remember that the issue is bigger than
13 one of bricks in Society Hill. As this
14 work moves on to other areas of the City,
15 a number of new and unique conditions
16 involving many other materials will be
17 encountered, granite in Old City being
18 but one example. Having language in The
19 Philadelphia Code that acknowledges the
20 need for contextually appropriate design
21 solutions is important.

22 Secondly, we would also hope
23 that the proposed bill addresses the
24 so-called cheek walls being installed at
25 certain corner buildings where regrading

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 has exposed the foundations of these
3 buildings. The solution to this
4 apparently unforeseen condition has so
5 far been to pour essentially concrete
6 curbs adjacent to the building, the
7 feature that it has absolutely no
8 historic precedent and is often visually
9 quite distracting. We believe that other
10 solutions and other materials are more
11 appropriate and addressing these concerns
12 and requirements before a job has gone
13 out to bid is essential, and we believe
14 this bill can help provide that.

15 Thank you.

16 COUNCILMAN DiCICCO:

17 Mr. Squilla.

18 MR. SQUILLA: Yes. One thing I
19 did omit. When I did contact the Council
20 office, I did reach out to Councilman
21 DiCicco and Councilman Kenney, and I do
22 appreciate your act so swiftly on this,
23 because this is not important only to,
24 like I said, the neighborhood, but it is
25 important to the City of Philadelphia,

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 and I want to thank you for that.

3 COUNCILMAN DiCICCO: Thank you.

4 Ms. Loesch.

5 MS. LOESCH: There was one
6 important thing that I forgot to say, is
7 that in addition to other districts like
8 Williamsburg and Norristown and many
9 other municipalities which have brick
10 ramps, there's an example at 4th and
11 Walnut where Independence National
12 Historic Parks already has theirs. The
13 City installed it under the agreement I
14 spoke of, and it's a beautiful ramp and
15 looks like it's going to hold up really
16 well and is in keeping with that park.
17 And that's all I wanted to add.

18 Thank you.

19 COUNCILMAN DiCICCO: I was out
20 of town last week in Fort Lauderdale and
21 I noticed a brick sidewalk with the new
22 pad that's required, and all that was
23 actually done was that the pad was bolted
24 into the brick sidewalk. So there was no
25 concrete. So, I mean, every municipality

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 handles things a lot differently, but I
3 suspect that they're under the same
4 federal requirements, because it's that
5 new pad that we're seeing now that was
6 installed on a brick pavement in Fort
7 Lauderdale.

8 Thank you for your testimony.

9 Councilman Greenlee.

10 COUNCILMAN GREENLEE:

11 Councilman Jones and I were just -- I
12 heard the term "cheek wall." Could
13 somebody explain that? What does that
14 mean?

15 COUNCILMAN DiCICCO: Before you
16 begin.

17 (Off-the-record discussion
18 between Councilmembers.)

19 COUNCILMAN DiCICCO: Thank you.

20 Councilman Kenney, you have
21 questions or comments for these folks or
22 the Streets?

23 COUNCILMAN KENNEY: Thank you
24 very much, Mr. Chairman and members of
25 the Committee for allowing me to say a

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 few words. I'm also happy the Chairman
3 allowed me to co-sponsor this piece of
4 legislation, because as was said earlier
5 in testimony, it affects many parts of
6 the City, because each city, based on its
7 age and how it was structured over the
8 years, use different types of elements to
9 pave their streets and sidewalks. So
10 it's very, very important.

11 I'd like to thank Mr. Squilla
12 and the representative from the
13 Preservation Alliance and Roseanne Loesch
14 for bringing that to our attention and
15 for Councilman DiCicco for moving so
16 quickly on it.

17 I will tell you from just an
18 anecdotal situation, they're really ugly.
19 I mean, if you look at -- you're talking
20 about how wonderful it looks at 4th and
21 Walnut? Well, go to 3rd and Market and
22 you'll see this just expansive white
23 concrete in a brick sidewalk. You could
24 see it from five blocks away. It really
25 is terrible looking. And I do think that

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 if, again, as was stated in the
3 testimony, that so much of our economy is
4 based on tourism and hospitality and
5 since we have such real things here --
6 this is not Williamstown where it was
7 kind of made up. We actually do it here
8 and we did it here, and to walk around
9 the Old City neighborhoods, the Society
10 Hill neighborhoods, even up in Germantown
11 and places where they have historic
12 nature, there's all different types.

13 So I'm glad this will apply
14 citywide, and, again, in cooperation with
15 folks who are concerned about ADA, which
16 is very, very important, we can, I think,
17 come to a conclusion where everyone can
18 win and we can have the neighborhoods
19 look the way we'd like them to look. So
20 thanks for taking the time and for your
21 input.

22 COUNCILMAN DiCICCO: Thank you.

23 Thank you, Councilman Kenney.

24 Next, Commissioner Tolson and
25 Streets Department team.

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 (Witnesses approached witness
3 table.)

4 COUNCILMAN DiCICCO: You're
5 going to keep us on a level keel here.

6 COMMISSIONER TOLSON: That's
7 right. Everything even keel.

8 COUNCILMAN DiCICCO:
9 Commissioner, before you begin and the
10 other folks on the Streets Department
11 team begin, I just want to clarify one
12 thing. I do want to thank you and your
13 folks for the time that we have in
14 discussing this afternoon. We've
15 probably put in cumulatively five and a
16 half, seven hours. I forget exactly.
17 Steve is shaking his head.

18 It may have been more, right,
19 Steve?

20 But I do want to thank you.
21 And I don't mean for this to be an
22 adversarial discussion. We understand
23 that the federal government requirements
24 as it relates to the ADA compliance are
25 necessary and important, and we certainly

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 support that.

3 You were at one of the
4 meetings. It's more of an issue
5 obviously -- it is an issue of aesthetics
6 and how we can maybe provide for a better
7 product at the end that will meet those
8 ADA requirements. And there have been a
9 number of suggestions that have been
10 brought up at those different meetings
11 and we thought that it was best that we
12 at least have a public hearing on this so
13 we can establish a record so that it is
14 not a Streets Department decision that's
15 being made on its own, it's being made in
16 cooperation with the City Council of
17 Philadelphia so that Streets Department
18 is not on the hook, if you will, for
19 making any adjustments, if we get to that
20 point.

21 So, again, this is a work in
22 progress, and hopefully we can come to a
23 better solution than the situation that
24 exists out there today, because I'm here
25 until the end of the year. I suspect

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2 I'll be chairing a number of Streets and
3 Services Committees between now and the
4 end of the year, and it is more likely
5 that this ADA requirement is going to
6 continue throughout my district and I
7 suspect other neighborhoods throughout
8 the City of Philadelphia as well. So
9 thank you.

10 COMMISSIONER TOLSON: Thank
11 you. And, Councilman, I appreciate your
12 remarks and your commentary there. I
13 think that for both of us, we have
14 extended sincere efforts to address the
15 needs of the community desires, because
16 we're here to support all of that. So to
17 the best of our ability, we will do that
18 and we will continue to do that work.

19 I'll offer my formal testimony
20 with regard to this ordinance.

21 Good afternoon. I am Clarena
22 Tolson, Commissioner of the Streets
23 Department. Thank you for the
24 opportunity to testify on Bill 110272
25 regarding the use of materials to

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2 construct sidewalk curb cuts.

3 Over the past several years,
4 the federal government has issued new
5 stringent standards for design and
6 installation of sidewalk curb cuts and
7 aggressively enforced compliance with the
8 ADA. These efforts follow a number of
9 lawsuits where courts found that
10 sidewalks were not reliably accessible to
11 citizens with restricted mobility and
12 vision impairments. The new standards
13 require precise slopes for the ramps, the
14 wings on either side of the ramp and the
15 ramp landing. The tolerances are now
16 measured with Smart Levels, which I have
17 here before me, which can identify slopes
18 at a precision of 0.1 percent. Ramps are
19 required to be compliant at both the time
20 of construction and for years to come.
21 The material suited to meet these
22 requirements is concrete. Federal and
23 state transportation agencies have also
24 issued guidance identifying
25 transportation investments that trigger

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2 the requirements to bring sidewalk curb
3 cuts into compliance with current ADA
4 standards. Resurfacing of streets is one
5 such investment activity.

6 It is my understanding that the
7 bill being considered today is in
8 response to concerns received from
9 residents of Society Hill and possibly
10 Old City regarding the appearance of
11 newly installed ADA curb ramps. These
12 ramps are being installed as part of the
13 Center City southeast quadrant
14 resurfacing project, which is funded by
15 Recovery Act dollars and started
16 construction in the summer of 2010. Some
17 concerns have been about the angular look
18 of the ramps, the use of concrete, the
19 color of the concrete and others about
20 the color of truncated domes, the bumps
21 that are at the bottom of the ramp.
22 While it may not be entirely
23 understandable to the untrained eye, the
24 designs that have been approved and
25 constructed are driven by the federal and

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2 state regulations, standards and
3 specifications I described. Some of
4 these elements are not negotiable.

5 There's approximately 22 to 27
6 measurements that must be taken for each
7 ramp.

8 One area that is not explicitly
9 specified in ADA regulations is
10 materials. We appreciate the aesthetic
11 charm of communities and recognize the
12 desire to use brick sidewalks in our
13 oldest neighborhoods. In discussions
14 with persons with disabilities, the use
15 of bricks and other potentially slick
16 materials for accessible surface,
17 especially a ramp, is not ideal. The use
18 of uneven surfaces and materials that can
19 easily fall out of compliance present
20 serious problems for citizens with
21 mobility impairments. It also places the
22 adjacent property owner and possibly the
23 City at risk of a lawsuit.

24 Recognizing the importance of
25 the character of Society Hill, the

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2 Streets Department developed a solution
3 that minimizes the use of concrete. It
4 calls for ensuring that three of the most
5 critical elements of the ramps - the
6 ramps and the two wings - are made of
7 tinted concrete. The tint of the
8 concrete is limited by ADA regulations as
9 well in order to assure viability for
10 those that are visually impaired.

11 Since the slopes of the ramps
12 are relatively flat, the Streets
13 Department proposed a fourth critical
14 element, the approach to the ramp, be
15 made of brick. For the remaining
16 sidewalk construction, we have specified
17 that the contractor reuse existing
18 materials. In the event that the
19 existing materials are no longer suitable
20 for reuse, if they are cracked, damaged
21 in any way or too brittle, the contractor
22 is to closely match existing materials as
23 best as possible.

24 The Streets Department
25 developed the current Society Hill design

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2 proposal in 2009 with input from several
3 members of the Society Hill Civic
4 Association Board, persons with
5 disabilities, and the technical expertise
6 of design, construction and maintenance
7 staff on what designs would have the
8 greater chance of not only being
9 constructed in compliance but, more
10 importantly, remaining in compliance with
11 ADA regulations. The Department
12 presented this design to the SHCA Board
13 on May 9th, 2009, where it was accepted.
14 The Streets Department has recently
15 worked with SHCA to address several
16 issues raised by the community. Several
17 of these issues arose from the fact that
18 this project, like all PennDOT projects,
19 used design-build for the ADA ramp design
20 and construction. The Streets Department
21 is working with the State Historical and
22 Museum Commission to address potential
23 impacts to registered historic properties
24 that arose during the ramps' design-build
25 process. And, in fact, we're trying to

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2 plan a meeting within the next two weeks
3 for that guidance with the community and
4 the Commission.

5 The Streets Department has
6 agreed to darken the concrete on the
7 ramps as much as possible as is allowed
8 by the ADA regulations. Further changing
9 our design specifications during
10 construction exposes the City to
11 potentially significant dollars in delay
12 claims.

13 As I mentioned earlier,
14 tolerances for non-compliance can now be
15 measured with Smart Levels, which can
16 identify slopes at a precision of 0.1
17 percent. I'll use as an example one of
18 the Smart Levels I have before me.
19 Though this table may look that it's
20 absolutely flat and looks fine, it is
21 presently 0.1 percent off. Only very,
22 very minute differences are allowed.
23 Adding three sheets of paper, my
24 testimony, changes it by 0.1 percent.
25 Three sheets of paper.

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2 As I mentioned earlier,
3 tolerances to -- I'm sorry. If a ramp is
4 out of compliance during construction, it
5 must be reconstructed at the sole expense
6 of the contractor. While this seemingly
7 passes the burden onto the contractor,
8 the risk will ultimately be passed onto
9 the City through higher bid prices.

10 As it is currently written, the
11 Streets Department cannot support this
12 bill. The Department does not believe
13 that it is in the long-term interest of
14 persons with disabilities nor the City.
15 However, the Department continues to be
16 strongly committed to working with
17 Council and community within federal and
18 state regulations. And, as I mentioned,
19 we have the meeting planned with the
20 State Historical and Museum Commission,
21 along with community groups that we have
22 to organize.

23 This project, along with all of
24 the other ramps we are installing, are
25 about ensuring that all Philadelphians

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2 and visitors to the City, regardless of
3 their abilities, can safely enjoy all
4 that the City has to offer.

5 Thank you for your time. This
6 concludes my testimony. I'm available
7 for answers to your questions, along with
8 Stephen Buckley, who will come up.

9 COUNCILMAN DiCICCO: Thank you,
10 Commissioner. I'm going to ask Sean to
11 bring up a photograph of -- a picture I
12 took when I was in Florida describing the
13 brick sidewalk with the truncated dome.
14 I'm not asking you to agree or disagree
15 with it, but I did want to show you that.
16 And that was on Las Olas Boulevard in
17 Fort Lauderdale, and most of that area or
18 a good portion of that area has brick
19 sidewalks for aesthetic purposes. I'm
20 not sure if it had any historical value.
21 I didn't get into that, but it is
22 aesthetically mostly brick, and that's
23 what is at pretty much every ramp that I
24 saw.

25 COMMISSIONER TOLSON:

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2 Certainly. It is very attractive,
3 Councilman. I don't know when it was
4 installed. There's a couple of concerns
5 that we would -- or questions that we
6 would raise.

7 I don't know when it was
8 installed. It may have been compliant
9 with the previous regulations. I don't
10 know if it's compliant with present
11 regulations. I don't know how old it is
12 and --

13 COUNCILMAN DiCICCO: Neither do
14 I. I didn't get into it. I mean, it was
15 done. Whether it meets requirements,
16 whether they have to change it, I don't
17 know. I'm just sharing that with you so
18 you can see that there are other
19 municipalities, and whether -- the
20 timeframe, we don't know. Certainly I'm
21 sure you'll look into that as well.

22 COMMISSIONER TOLSON:

23 Absolutely. And we agree that they are
24 attractive. They can be built, but the
25 issue is about maintaining their

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 compliance.

3 You mention earlier about one
4 city had bolted-in pads.

5 COUNCILMAN DiCICCO: That's
6 what I'm talking about.

7 COMMISSIONER TOLSON: That is
8 now not allowed. That is not compliant.

9 COUNCILMAN DiCICCO: So that is
10 pre-existing?

11 COMMISSIONER TOLSON: Right.
12 So, for example, the City of Philadelphia
13 installed numerous ramps a few years ago
14 in much of our paving work. All that
15 work that we did five years ago is now
16 not compliant.

17 COUNCILMAN DiCICCO: Does the
18 truncated dome pad need to be of a color
19 or could it be -- I'm going to send this
20 up to you as well.

21 COMMISSIONER TOLSON: There are
22 some contracts requirements that are
23 allowed --

24 COUNCILMAN DiCICCO: For the
25 visually impaired?

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2 COMMISSIONER TOLSON: For the
3 visually impaired, yes. One problem that
4 we did have with this contract is that we
5 put the wrong -- the contractor installed
6 the wrong truncated domes initially on
7 this project. Part of the error came
8 about the different shades of red. So
9 they may have been brick red and --

10 DEPUTY COMMISSIONER BUCKLEY:
11 Colonial red.

12 COMMISSIONER TOLSON: Colonial
13 red. The wrong shade of red was used.

14 However, the reason why it
15 wasn't in those initially is that when
16 these are installed, they have a coating
17 on them. The coating is removed after
18 installation. After installation, then
19 it was realized that it wasn't a matter
20 of being new or needing to age. It was
21 actually the wrong shade of red. So
22 those are going to be replaced.

23 COUNCILMAN DiCICCO: One other
24 point I want to make, and I'm sure some
25 questions will be asked. During one of

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2 the meetings that we had, I had asked if
3 we could -- and that's what the bill
4 speaks to, either replacing what the
5 existing materials are or providing for
6 what was existing materials, in this case
7 brick, for as much brick as possible with
8 the least amount of concrete.

9 So I understand that you have
10 to have certain things for the visually
11 impaired, but I'm going to send up two
12 photographs, and you'll see one of the
13 photographs has a large portion of
14 concrete and the other one shows a much
15 less area of concrete, which says that
16 there was more brick reinstalled on one
17 as opposed to another. I don't know what
18 that means in terms of the slope. I
19 think it's the same, it meets the
20 requirements. But why is it we can do
21 one with a limited amount of concrete and
22 then the other with a whole lot more
23 concrete?

24 COMMISSIONER TOLSON: Each
25 location has to be individually

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2 engineered and designed. We're literally
3 on the street designing and then building
4 it.

5 I think I would also say with
6 this, in fairness to all that are
7 involved, coming to this community, these
8 communities, it's an early effort for us
9 in terms of working with historic
10 properties and trying to add a level of
11 charm that may not have been necessary in
12 working with some of our downtown streets
13 or other places where we installed ramps.

14 So our interest and our desire
15 to change and modify how we do exists.
16 We're willing to do that to the fullest
17 extent possible. The notion of tinting
18 concrete even, that's something that was
19 not necessarily thought about or a
20 concern in previous job efforts, but it
21 is a concern now and we would like to do
22 that. We would like to, to the fullest
23 extent possible, modify colors if it
24 makes it a little bit more pleasing to
25 the eye.

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2 Some of the problems that we
3 have with this is that we have new work
4 being done. So new concrete is always
5 going to look very bright. In time it's
6 going to age down, but there are some
7 things that we can do to help the process
8 along, like staining, to assist in that
9 process.

10 COUNCILMAN DiCICCO: Just one
11 other question on the cheek wall. I
12 think at one of the meetings I had
13 asked -- and I understand the purpose of
14 the cheek wall. It makes absolute sense,
15 because you protect the integrity of the
16 facade of the building. Was there -- I
17 had asked, I think, Steve if we can find
18 out, would it be permissible to
19 encapsulate that with brick so it looks
20 like a brick ledge as opposed to that
21 concrete cheek wall? Is there any
22 objection to that? Could we do that?

23 DEPUTY COMMISSIONER BUCKLEY:
24 There's kind of two issues here.

25 COUNCILMAN DiCICCO: Identify

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 yourself.

3 DEPUTY COMMISSIONER BUCKLEY:
4 Steve Buckley, Deputy Commissioner for
5 the Streets Department.

6 There are two issues here. The
7 ramps, we kind of treat them separate
8 from the cheek walls. The cheek walls
9 are unique in certain situations. Where
10 we're really deferring to on this front
11 is the Pennsylvania Historical and Museum
12 Commission. They are providing the
13 Streets Department with guidance, the
14 Streets Department and PennDOT, with
15 guidance on what they think would be an
16 acceptable use of a cheek wall. So they
17 are actually working with us, and we had
18 a meeting this morning where we're
19 working up several designs that are
20 acceptable to the PHMC, and we basically
21 probably -- I'm not sure if we actually
22 have details at this point, but we can
23 provide them to you. One solution was
24 incapsulating it, probably makes it a
25 little bit larger. Another piece was to

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2 basically take the concrete up to flush
3 and then perhaps put brick to -- just a
4 thin brick up on the facade. But we
5 basically are taking their lead on that.

6 COUNCILMAN DiCICCO: Somehow
7 camouflage that concrete?

8 DEPUTY COMMISSIONER BUCKLEY:
9 Correct.

10 COUNCILMAN DiCICCO: Councilman
11 Jones.

12 COUNCILMAN JONES: Thank you,
13 Mr. Chairman.

14 Ms. Tolson, I just wanted to
15 know, Commissioner, why they outlawed the
16 other material in Florida. Why was that
17 discontinued? Do you happen to know?

18 COMMISSIONER TOLSON: Why it
19 was discontinued? The photograph that
20 the Councilman showed of a ramp in
21 Florida, our comment was that we don't
22 know when this was built in terms of what
23 regulations it was meeting at the time
24 that it was built and don't know that
25 it's compliant now, because there are

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2 different requirements with regard to
3 this truncated dome, this plate right
4 here that has kind of like the half
5 bubbles on that, that area, or the
6 landing that's here as well --

7 COUNCILMAN JONES: Okay.

8 COMMISSIONER TOLSON: -- as
9 part of the ramp. So if any of these
10 bricks were to, say, shift a quarter of
11 an inch, it's out of compliance.

12 In the case of the Park system
13 that want to have a brick ramp on 4th
14 Street, they also took the responsibility
15 of maintaining that ramp. So they signed
16 off on putting in brick and maintaining
17 brick. Further, that's their property.
18 So they're taking all of the liability
19 and maintenance responsibility for that.

20 COUNCILMAN DiCICCO: I'm going
21 to get back to that in a minute, but I
22 know Councilman Kenney has a question.

23 COUNCILMAN KENNEY: Thank you.
24 I'm in the same subject matter myself.
25 How often are the non-Park Service ramps

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2 inspected for compliance?

3 DEPUTY COMMISSIONER BUCKLEY: I
4 mean, I can answer this. We did an
5 inspection. We're in the process of
6 developing a transition plan for our ADA
7 ramps, and basically that's going to
8 outline how long it's going to take us to
9 basically do the citywide transition.
10 The inspection that we performed, 95
11 percent of the ramps --

12 COUNCILMAN KENNEY: No. What
13 is the frequency of a new ramp once it's
14 in and compliant, when is it looked at
15 again for compliance?

16 DEPUTY COMMISSIONER BUCKLEY:
17 It basically will be inspected at
18 construction, at which point the
19 construction manager has to sign off and
20 PennDOT has to sign off on it, at which
21 point after that the issue becomes the --
22 anyone can go out there with a Smart
23 Level, and if it's not compliant, they
24 can file a claim against the City.

25 COUNCILMAN KENNEY: So we don't

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2 have a responsibility annually or

3 biannually --

4 DEPUTY COMMISSIONER BUCKLEY:

5 No.

6 COUNCILMAN KENNEY: -- to

7 inspect them?

8 So this is a complaint-driven

9 mechanism?

10 DEPUTY COMMISSIONER BUCKLEY:

11 Correct.

12 COMMISSIONER TOLSON: Correct.

13 COUNCILMAN KENNEY: Then why

14 couldn't we use the brick and if the

15 brick is out of compliance, we fix it? I

16 mean, how often are these going to be

17 inspected that we're going to be going

18 out there every week? I mean, if we were

19 required by the federal government to

20 inspect it every year and we were

21 responsible for putting it back into

22 compliance, I would understand. But if

23 it's a complaint-driven mechanism and we

24 do the appropriate areas in brick and

25 then someone goes out with that and

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2 checks it, we go out and fix it. Are you
3 telling me that the concrete ramp will
4 never be out of compliance?

5 COMMISSIONER TOLSON: No, not
6 saying that at all. Concrete or any
7 material may need maintenance. Concrete
8 is less likely to need more frequent
9 maintenance because you have less movable
10 parts, say, unless if it busts up, it
11 were to break up. But further, in terms
12 of the inspection and the exposure, it is
13 the adjacent property owner that owns
14 that portion of the sidewalk. So the
15 adjacent property owner has the exposure
16 of any disabled person or anybody coming
17 forward and saying, That ramp is not
18 compliant.

19 COUNCILMAN KENNEY: But what
20 part of the pavement does the property
21 owner own?

22 COMMISSIONER TOLSON: All of
23 it.

24 COUNCILMAN KENNEY: I was
25 always under the impression -- and

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2 probably mistakenly so -- that the
3 portion of the row house pavement, half
4 of it closest to the street was the
5 City's. Was it ever --

6 COMMISSIONER TOLSON: No.

7 COUNCILMAN KENNEY: Was it ever
8 that case?

9 COMMISSIONER TOLSON: No.
10 There's a right-of-way for people to
11 publicly traverse it, but --

12 COUNCILMAN KENNEY: So if you
13 adapt a corner property to a handicap or
14 to an ADA-compliant ramp, that's now the
15 homeowner's responsibility?

16 COMMISSIONER TOLSON: Yes.

17 COUNCILMAN KENNEY: Under
18 federal law or under our law?

19 COMMISSIONER TOLSON: Under
20 state.

21 DEPUTY COMMISSIONER BUCKLEY:
22 State and city.

23 COUNCILMAN KENNEY: State and
24 city?

25 If the federal government --

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2 and this is a rhetorical question, I'm
3 sure, for you. If the federal government
4 is requiring this alteration, why then is
5 the homeowner responsible for keeping it
6 in compliance? It's not their edict that
7 required the manipulation on the sidewalk
8 to begin with.

9 I mean, it makes no sense to me
10 that -- if the City is being mandated by
11 the federal government to do something,
12 either the City or the federal government
13 should be responsible for its
14 maintenance, not the homeowner.

15 COMMISSIONER TOLSON: No. It
16 is the homeowner. That's the kind of --

17 COUNCILMAN KENNEY: No; it is
18 the homeowner now, I agree. Why?

19 COMMISSIONER TOLSON: That's
20 our state law.

21 COUNCILMAN KENNEY: Hold it. I
22 want to get into this a little better.
23 State law or city law?

24 If you don't know, you can get
25 back to us, because we're going to

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2 have continued conversation.

3 DEPUTY COMMISSIONER BUCKLEY:

4 State and city, actually.

5 COUNCILMAN KENNEY: State

6 mandating city law?

7 DEPUTY COMMISSIONER BUCKLEY:

8 Yes.

9 COUNCILMAN KENNEY: So the

10 state mandates us to mandate the

11 homeowner to be responsible for the

12 altered ramp?

13 DEPUTY COMMISSIONER BUCKLEY:

14 Homeowner is responsible for sidewalk and

15 curb, yes.

16 COUNCILMAN KENNEY: I

17 understand, but the homeowner did not

18 alter the curb. The federal government

19 required the alteration of the curb. I'm

20 sure the homeowner is happy to be

21 compliant with ADA, but why should they

22 assume the financial burden of keeping it

23 in compliance? I mean, that's something

24 the state -- is the federal government

25 requiring us to have the state -- I don't

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 want to get too --

3 COUNCILMAN DiCICCO: We
4 actually had a lot of this conversation
5 at one of the meetings.

6 COUNCILMAN KENNEY: But I just
7 want to understand. Does the state
8 require -- did the feds require the state
9 and city to make the homeowner
10 responsible or did the state and city
11 decide they were going to make the
12 homeowners responsible?

13 COMMISSIONER TOLSON:
14 Councilman, I think I'd prefer to let us
15 get back to you with precise answers.

16 COUNCILMAN KENNEY: Because
17 that's a terrible burden of the
18 homeowner. When federal government,
19 state governments and local governments
20 are mandating things, fine, do it. Let
21 the taxpayer pay for it if we're required
22 to do it, but the homeowner shouldn't be
23 responsible for maintaining it, and
24 that's my issue relative to the full
25 brick installation that's done in the

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2 National Park Service. The taxpayer is
3 paying for that, too. I mean, what's the
4 difference between the 4th and Walnut
5 curb or ramp being maintained by the
6 federal and state and local taxpayer as
7 opposed to any other ramp that's being
8 forced to be put in? Why should the
9 homeowner be responsible?

10 I just -- I kind of reject the
11 whole notion of that -- unless the
12 homeowner was the one who decided they
13 wanted to alter their pavement in the
14 first place.

15 I mean, for example, if I
16 decide I want to build a garage and I get
17 the zoning and build the garage next to
18 my house and I have to put a curb cut in
19 and get a permit for that, hey, that's
20 all on me. I got to maintain that all
21 and do that. But if the federal
22 government is saying do this and there's
23 a good reason to do it, I'm not arguing
24 it. The homeowner, him or herself,
25 should not have to go out with that ruler

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2 and make sure it's okay. I mean -- all
3 right.

4 COUNCILMAN DiCICCO: Well,
5 we've had some of this conversation in
6 one of the meetings, and I think I asked
7 then, if we made an exception for the
8 Park Service to continue with the ramp
9 systems in all brick, because they assume
10 the liability, and since the homeowner
11 has the liability anyway, why don't we --
12 why can't we just do it in brick and
13 maybe if it makes the City more
14 comfortable, if the homeowner was
15 agreeing to put something into his or her
16 insurance policy that says they're
17 responsible for the maintenance of it --
18 I don't want to put any more burden on
19 them, but since the Park Service is
20 getting the same exception, why couldn't
21 we --

22 COUNCILMAN KENNEY: The Park
23 Service isn't putting out their own
24 money. The homeowner is. It's like
25 we're exempting the Park Service at our

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2 expense. We won't exempt the homeowner
3 at our expense.

4 COMMISSIONER TOLSON:

5 Councilman, I think -- Councilman
6 DiCicco, your comments kind of go along
7 with what I heard in the previous
8 comments from the community, that in fact
9 it would be even cheaper, from their
10 perspective, to have brick because they
11 could replace a single brick versus
12 replacing an entire pad. But there is
13 also, on the flip side of that, the
14 exposure, because those bricks are more
15 likely to come out of compliance because
16 of freeze and thaw, so you're going to
17 have the shoving of those bricks popping
18 up here and there. When cars are driving
19 over it, things shift. So those things
20 work hand in hand. I don't necessarily
21 agree that that would be less expensive
22 for the property owner.

23 COUNCILMAN DiCICCO: But two
24 points I want to make on that. There is
25 a less expensive way and a more expensive

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2 way of doing brick installation. The
3 less expensive way is, you grade it, you
4 tamp the soil down and you lay the brick
5 on, you put the sand in between the
6 joints and it tightens up, and eventually
7 it will move, weather conditions,
8 somebody driving over it or whatever.
9 And there's the other way where you
10 excavate the sidewalk down as far as you
11 need to with a four-inch pad of concrete,
12 which would be the thickness of a
13 residential sidewalk, and then the brick
14 gets laid on top in a bed of sand, and
15 it's less likely you're going to have
16 movement. You will have it if somebody
17 drives a car over it and the concrete
18 cracks, but that's going to happen no
19 matter what.

20 And the other point I want to
21 make is, especially in these older
22 neighborhoods, sidewalks, I mean, some of
23 them are like roller coasters out there.
24 We're not requiring -- and I'm certainly
25 not advocating that we require people to

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 level off their pavements, but the
3 conditions exist. And I know that you
4 guys would rather be spending money on
5 some other things right now. The feds
6 have mandated this, but I still think
7 that there is a more appropriate way of
8 doing this and being in compliance with
9 all the things that we need to do to be
10 ADA compliant and maintaining the
11 aesthetic integrity of the sidewalks as
12 they have been for the last 20, 30 or
13 hundreds of years, depending on what
14 block you're standing on.

15 COMMISSIONER TOLSON: Yes.

16 COUNCILMAN DiCICCO: Again,
17 it's not adversarial. I'm not
18 confrontational. We all would like to
19 move on to do some other things and not
20 just deal with this, but it is important.
21 And we get into the historical
22 significance of buildings, some buildings
23 that are historical, some are
24 contributing and some are
25 non-contributing, but at the end of the

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 day, in my view at least -- and I think
3 most people would agree -- brick
4 sidewalks in neighborhoods like Society
5 Hill, whether they're adjacent to an
6 historical building or a non-contributing
7 historical building, add to the ambiance
8 and the historical nature and feel of the
9 community, and it's what lends itself to
10 make it a unique place to live and visit.

11 That's my two cents. But thank
12 you.

13 Any other questions?

14 (No response.)

15 COUNCILMAN DiCICCO: Any other
16 comments?

17 (No response.)

18 COUNCILMAN DiCICCO: Thank you.
19 Thank you all.

20 DEPUTY COMMISSIONER BUCKLEY:
21 Thank you.

22 COUNCILMAN KENNEY: My only
23 other comment is, how come I keep on
24 hearing the name Frank DiCicco and
25 Florida in the same sentence?

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 COUNCILMAN DiCICCO: I was on a
3 fact-finding mission. Someone told me
4 there were brick pavements in Fort
5 Lauderdale, so I had to go out and see
6 for myself.

7 COUNCILMAN KENNEY: What do
8 they pave the golf courses with?

9 COUNCILMAN DiCICCO: At my own
10 expense, by the way. I didn't charge it
11 to the City. It was my own expense.

12 All right. Thank you all.
13 Thank you. Thank you, Mr. Squilla.
14 Thank you, Ms. Loesch, everyone.

15 The title of the next bill.

16 THE CLERK: Bill No. 110231, an
17 ordinance authorizing Liberty/Parkway 8th
18 and Walnut, LP, or its designee, to
19 construct, use and maintain a marquee
20 attached to the proposed building to be
21 located at the southwest corner of 8th
22 and Walnut Streets and projecting over
23 the footways of 8th and Walnut Streets;
24 and authorizing LPLP or its designee to
25 construct, use and maintain an upper

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 linear building and facade encroachment
3 over the south footway of Walnut Street
4 between 8th Street and 9th Street and an
5 upper level linear building and facade
6 encroachment over the west footway of 8th
7 Street between Walnut Street and Locust
8 Street; all under certain terms and
9 conditions.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN DiCICCO: Good
13 afternoon. Please identify yourself for
14 the record and proceed with your
15 testimony.

16 MS. BRISBON: Good afternoon,
17 Chairman DiCicco and members of the
18 Streets and Services Committee. My name
19 is Michelle Brisbon and I am a Staff
20 Engineer with the Department of Streets,
21 and I'm here to offer testimony on Bill
22 No. 110231.

23 This bill authorizes
24 Liberty/Parkway 8th and Walnut, LP, or
25 its designee, to construct, use and

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 maintain various encroachments over the
3 public right-of-way as indicated in Bill
4 No. 110231.

5 The Streets Department has no
6 objections to these proposed
7 encroachments and supports the passage of
8 this bill.

9 This concludes my testimony. I
10 appreciate the opportunity to appear
11 before you today and would be pleased to
12 answer any questions you may have.

13 COUNCILMAN DiCICCO: Thank you.

14 Mr. Erickson.

15 MR. ERICKSON: Good afternoon,
16 Chairman DiCicco and members of the
17 Streets and Services Committee. I am
18 William Erickson, a City Planner with the
19 Development Planning Division of the
20 Philadelphia City Planning Commission. I
21 am here to testify on Bill No. 110231,
22 which Councilmember DiCicco introduced on
23 March 24th, 2011.

24 This bill proposes two types of
25 encroachments for the development of a

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 project at the corner of 8th and Walnut
3 Streets. The first encroachment is a
4 proposed marquee that will be ten foot
5 above grade and projecting ten foot onto
6 both Walnut and 8th Street. It will be
7 73 feet long along 8th Street and 24 feet
8 long along Walnut Street.

9 The second proposed
10 encroachment involves the overhead
11 building and the facade. The
12 encroachment will be 60 feet above the
13 8th Street sidewalk and 12 feet above the
14 Walnut Street sidewalk. It will encroach
15 six feet on 8th Street and three feet on
16 Walnut Street and extending in length 154
17 feet on 8th Street and 64 feet on Walnut
18 Street.

19 At its meeting of April 19th,
20 2011, the Philadelphia City Planning
21 Commission recommended that Bill No.
22 110231 be approved.

23 COUNCILMAN DiCICCO: Thank you
24 for your testimony.

25 Any questions for these

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 witnesses?

3 (No response.)

4 COUNCILMAN DiCICCO: Okay. I
5 will ask Mr. Brian Cohen and Mr. Kevin
6 Mahoney.

7 (Witnesses approached witness
8 table.)

9 MR. COHEN: Thank you,
10 Councilman DiCicco and other members of
11 the Committee. On behalf of Liberty
12 Property Trust and Parkway Corporation,
13 thank you for giving me the opportunity
14 to briefly summarize the proposed new
15 development at 8th and Walnut Streets.

16 The project consists of a
17 12-story, 153,000-square-foot office
18 building to be developed above the
19 existing seven-story parking garage at
20 8th and Walnut. It will be 100 percent
21 occupied by the University of
22 Pennsylvania Health System to be used as
23 medical offices. Liberty and Parkway are
24 proud to partner with the University of
25 Pennsylvania, which has a storied history

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 and tradition in Philadelphia and boasts
3 the first medical school and hospital in
4 the nation. The building will support
5 Penn Health in continuing to provide
6 high-quality patient care and service
7 within the City.

8 In order to frame the need for
9 the encroachment ordinance in front of
10 you today, let me summarize the history
11 of the development of the block on the
12 south side of Walnut between 8th and 9th
13 Streets.

14 In 1989, the existing
15 seven-story parking garage was
16 constructed encompassing this block. As
17 part of the Urban Renewal Plan created
18 for this block, two residential towers on
19 top of the garage were envisioned, rising
20 in excess of 280 feet. The garage was
21 designed and constructed to structurally
22 accommodate these residential towers. In
23 2002, Wills Eye completed an
24 approximately 147,000-square-foot office
25 building in place of the western

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 residential tower at 9th and Walnut, a
3 development approach which amended this
4 Urban Renewal Plan to accommodate the
5 change in both use and development.

6 The proposed project at 8th and
7 Walnut continues the same development
8 approach for the eastern tower by
9 pursuing the development of a smaller
10 office building in place of the
11 residential tower, which had received all
12 approvals for a 323,000-square-foot tower
13 rising 280 feet in height, 20 feet higher
14 than our proposed building. However, the
15 dimensional requirements of an office
16 floor plate differ from that of a
17 residential floor plate. Therefore, in
18 order to accommodate an office footprint,
19 the building will need to cantilever in
20 the east, west and north directions.
21 These cantilevers create two
22 encroachments into right-of-ways, a less
23 than six-foot encroachment into 8th
24 Street right-of-way, which occurs 60 feet
25 above the sidewalk, and a less than

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 two-foot encroachment into the Walnut
3 Street right-of-way which occurs
4 approximately 12 feet above the sidewalk.
5 Without these encroachments, the project
6 is not viable and cannot move forward.

7 The building will be designed
8 and constructed to attain LEED
9 certification from the United States
10 Green Building Council, making it one of
11 the most environmentally friendly and
12 energy-efficient buildings in Center City
13 Philadelphia. We have worked with the
14 Planning Commission to analyze the
15 project related to the proposed new
16 Zoning Code and comply with all material
17 aspects of the new Code, including the
18 proposed sky visibility requirements. In
19 addition, we have received design
20 approval for the project from both the
21 Art Commission and the RDA's Advisory
22 Board of Design.

23 Since our first public
24 informational session at the Planning
25 Commission meeting in February, we have

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 presented the project to the Washington
3 Square West Civic Association and have
4 reached out to the various constituents
5 in the neighborhood and have, in many
6 cases, tweaked the design of the building
7 to accommodate their requests.

8 Urban Engineers has completed a
9 traffic study and has determined that
10 during peak traffic periods, this
11 development will result in a less than
12 one second impact at the intersections of
13 8th and Walnut and 9th and Walnut, and
14 these intersections will maintain their
15 current Class B level of service.

16 This project will be the first
17 significant office development in Center
18 City Philadelphia since the completion of
19 Comcast Center in 2008, creating in
20 excess of 450 construction jobs and
21 representing an investment of
22 approximately \$70 million, without the
23 need for any public subsidy, except for
24 the as-of-right real estate tax
25 abatement.

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2 Thank you for your favorable
3 consideration of this ordinance which
4 will enable this important project to
5 proceed.

6 COUNCILMAN DiCICCO: Thank you.

7 Good afternoon.

8 MR. MAHONEY: Good afternoon,
9 Mr. Chairman. My name is Kevin Mahoney.
10 I'm the Senior Vice-President, Chief
11 Administrative Officer for the University
12 of Pennsylvania Health System and a Vice
13 Dean in the School of Medicine at the
14 University of Pennsylvania. I want to
15 just take this opportunity to give you a
16 brief update on what our thinking was in
17 terms of bringing this project forward.

18 Pennsylvania Hospital continues
19 to grow and has experienced growth over
20 the last several years that the current
21 facility cannot accommodate. That growth
22 is occurring for a number of reasons, one
23 of which is the excellence of the medical
24 staff. It will be exhibited tonight when
25 a player from Pennsylvania will get

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2 drafted by the NFL, when only last year
3 he was suffering from Ewing's sarcoma.
4 Pennsylvania Hospital was able to cure
5 his cancer, insert a titanium rod, and he
6 will go on to continue his career as a
7 football player.

8 Growth is also occurring
9 because of the change in the healthcare
10 in the City of Philadelphia. As
11 obstetrical units have closed in many of
12 the neighboring hospitals, Pennsylvania
13 Hospital has continued its OB unit, and
14 we have experienced growth for that
15 reason.

16 And then, finally, just the
17 growth in the neighborhood and the
18 quality of the medical staff continues to
19 pressure our facilities.

20 So we looked at a number of
21 ways to solve this problem. We
22 contracted with Birdhill Architects to do
23 a master facilities plan, and they came
24 forward with a number of ideas. Those
25 ideas predominantly included building up

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2 on the Widener and Cathcart Buildings and
3 building across the street in the green
4 space just over 8th Street behind the
5 Duncan Garfield Building.

6 We found those difficult for
7 the community. We didn't think it was
8 best to continue tall buildings down in
9 that sector of the City, and taking up
10 the last bit of green space in that
11 surrounding area didn't seem our best
12 neighborhood approach, although it would
13 have been best for us, because adjacency
14 in healthcare is always our most
15 efficient building. So we asked Geis
16 Realty to look at surrounding properties,
17 and this parcel came up.

18 It also benefits us because it
19 uses Liberty's capital to put the
20 building up, which allows me to invest in
21 Gamma Knives and radiology equipment and
22 the things that are needed to maintain a
23 healthcare building. And also the
24 schedule is very attractive to us,
25 because we could get started right away.

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2 We're cognizant. As we finish the
3 buildings over in West Philadelphia,
4 nearly every construction worker stops me
5 and says, Do you have another project.
6 And this allows us to get started right
7 away as opposed to if we wanted to build
8 on the open space, the length of time
9 those approvals would take.

10 We're committed to a
11 first-class building. We've done the
12 studies on parking, as Brian mentioned,
13 and we think this will work well.

14 COUNCILMAN DiCICCO: Thank you.

15 MR. MAHONEY: Thank you.

16 COUNCILMAN DiCICCO: Who else
17 will be testifying? Mr. Primavera.
18 Anyone else from Liberty testifying? No.

19 (Witnesses approached witness
20 table.)

21 MR. PRIMAVERA: Good afternoon,
22 Councilman DiCicco, members of the
23 Streets and Services Committee. Carl
24 Primavera. With me is my partner, Ron
25 Patterson.

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2 I'm going to read into the
3 record a letter that I sent to Councilman
4 DiCicco, which I think fairly addresses
5 where we are.

6 As you know, our office
7 represents Thomas Jefferson University
8 and Thomas Jefferson University Hospital
9 in connection with Liberty Property
10 Trust's proposed development for
11 medical/hospital activities at 8th and
12 Walnut Streets. The plan as proposed
13 requires a Zoning bill and a Streets bill
14 scheduled obviously for today and for May
15 4th on the rezoning bill.

16 It says, in light of concerns
17 raised at the Planning Commission on
18 April 20th, we respectfully request that
19 the matter be delayed so that we can have
20 further discussion among the interested
21 parties and stakeholders.

22 Also, I believe Dan Sablosky
23 sent you a letter as well. He's the
24 representative of The St. James.

25 Testimony with the Planning

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2 Commission was presented by several
3 important and interested parties in the
4 immediate vicinity of this proposed
5 development; specifically, Michael Allen,
6 Esquire. He's the general counsel for
7 Wills Eye Health Systems. He appeared
8 and stated that significant concerns have
9 been raised regarding the traffic and
10 parking impact of the proposed new tower,
11 as well as the additional demands placed
12 upon the already limited loading
13 facilities at this site. Ron Bowan,
14 Vice-President of Thomas Jefferson
15 University, noted that he also shared
16 those concerns, as well as the proposed
17 impact of the sidewalk encroachment.

18 Dan Sablosky of Stonehenge
19 Management appeared on behalf of the
20 owners and residents of The St. James.
21 They're immediately across from the
22 proposed facility on 8th Street. He
23 noted that the condenser unit was
24 problematic, in that serious noise
25 pollution would be adversely impacting

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2 rental units on the western side of The
3 St. James.

4 Now, I believe he's in
5 discussions with John Gattuso from
6 Liberty on that, but as his letter
7 indicated, the meeting times that were
8 suggested to Dan all post-date the two
9 hearings. Dan was a little bit
10 frustrated by that, saying, Gee, they
11 gave me a date after the hearings. But
12 scheduling happens. But he, I believe,
13 is under an understanding or at least
14 believes he's under some type of
15 understanding that this air unit, which
16 he believes will be like a jet sucking in
17 noise for the western side of the
18 building, is going to be either screened
19 or relocated, but that's his number one
20 issue. And then he also shares the
21 concerns of Wills and Thomas Jefferson
22 about this loading dock. Apparently the
23 loading, which was designed, I guess, in
24 the '80s when this was originally going
25 to be a residential tower, didn't

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2 contemplate the demands that Wills puts
3 on it, as well as the proposed
4 medical/hospital facility. So the
5 loading dock is a real issue.

6 They also are concerned on The
7 St. James side regarding the
8 encroachment, because apparently they
9 have outdoor patios and balconies, and
10 they say the closer you bring the medical
11 office building to The St. James, that
12 may impact the desirability of those
13 units. But he can explain that best.

14 As I said, John Gattuso of
15 Liberty suggested that he had information
16 and documentation that would address
17 these concerns, and I heard today some
18 testimony that there may be an Urban
19 Engineers' report. I think some of the
20 frustration from the parties that we're
21 representing is that we haven't seen the
22 documentation. Anything that would allay
23 these fears would obviously be helpful,
24 because we're dealing with sophisticated
25 institutions who have their own counsel

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2 and their own consultants. So if in fact
3 some of these studies and documentation
4 that's been done in support of this were
5 shared, we might not have to be here
6 today.

7 Given the significance of these
8 stakeholders in the City and the
9 particular neighborhood and we know this
10 Council, in particular Councilman
11 DiCicco, you have been a strong advocate
12 for community and business, including the
13 hospitals, both Wills and Thomas
14 Jefferson, and The St. James, and we
15 would want and expect you to be equally
16 supportive of great participants like
17 Liberty Property and the Parkway
18 Corporation and Pennsylvania Hospital.
19 We typically are on that side of the
20 discussion, as you know. And I think
21 that you are uniquely situated to bring
22 together in a roundtable fashion the
23 parties, which, despite their
24 significance to the City and their
25 overall contributions, can't seem to get

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2 together and have a real discussion.

3 We know that the people
4 involved are important and busy, but it
5 seems to me a project of this magnitude
6 that's going to impact Wills, Thomas
7 Jefferson University, Thomas Jefferson
8 University Hospital and The St. James,
9 which is owned by some Middle Eastern
10 prince, but it's really the finest
11 residential apartment building in the
12 City, why would we not have the kind of
13 discussion and dialogue that we have for
14 a billiard club or any of the other
15 things that are important?

16 COUNCILMAN DiCICCO: Because I
17 don't want to spend seven months worried
18 about a billiard parlor.

19 MR. PRIMAVERA: Right. So
20 we're a little chagrined about the fact
21 that there has been trouble, and we think
22 perhaps with your good graces, that maybe
23 there could be a meeting of the parties
24 and try to resolve these issues, if
25 they're resolvable. So that's our

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2 request today, with full respect to both
3 the Committee and to all the participants
4 here, who are all great Philadelphians.

5 I mean, it's a great story to have the
6 type of robust meds and eds economy that
7 we have, and we want to do nothing but
8 continue to support that, but if we do
9 something shortsighted, it may create a
10 problem and, more importantly, why should
11 we have the feeling of hurt feelings
12 among major institutions in the City? I
13 mean, if we came to Penn and decided to
14 put a major building right next door and
15 they read about it in the paper for the
16 first time, I think Amy Gutmann would be
17 on the phone to me in about two seconds.

18 So we don't want to say that
19 there's a territorial prerogative here,
20 but what we do want to say is, there's a
21 need to be open, honest, forthcoming,
22 sharing and to be Philadelphians. And I
23 think it's a great story, as long as we
24 tell it right and as long as we act in
25 good faith.

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2 So we appreciate your
3 consideration of these comments, and we
4 trust that you'll be as helpful as you
5 have been in so many other instances.

6 COUNCILMAN DiCICCO: Will this
7 have a brick sidewalk?

8 No; I'm sorry. Thank you. I
9 did get your letter this morning. I
10 think Ron pointed out to me yesterday or
11 sent me it electronic, but I couldn't
12 read it off of my BlackBerry. But I did
13 get your hard copy this morning, and I
14 think Mr. Sablosky -- am I pronouncing
15 that right?

16 MR. PRIMAVERA: Yes. I saw --

17 COUNCILMAN DiCICCO: I think I
18 got his yesterday, but I was totally
19 confused. He said something to the
20 effect that this meeting was scheduled on
21 the time and date that he knew I couldn't
22 make. I don't know who he was referring
23 to.

24 MR. PRIMAVERA: No, no. That
25 letter, as I recall -- and I saw it on a

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 BlackBerry too, but I think what he was
3 saying is that he's been trying to meet
4 with Liberty and the dates that were
5 selected, he just learned, were dates
6 after these two hearings. So it wasn't a
7 criticism of this Council. It was --

8 COUNCILMAN DiCICCO: No. I
9 wasn't taking it personal. I just was --

10 MR. PRIMAVERA: Right. So that
11 was his frustration. He's out of town
12 today, and he said, Gee, I realize I have
13 a meeting that's coming up, but it's
14 going to be after the fact. And that may
15 just be an honest scheduling issue. I
16 don't see John here today. He's probably
17 out of town as well. So I think that's
18 just part of the problem, that people who
19 need to sit together and discuss these
20 issues just haven't found a way to do it.

21 COUNCILMAN DiCICCO: I am a
22 little taken aback to being told that
23 there's been no communication, because we
24 did have a meeting, I think -- I don't
25 know if you were there, Carl, with

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2 representatives of Jefferson Hospital

3 maybe three weeks ago in my office.

4 MR. PRIMAVERA: I wasn't there.

5 I know it did happen.

6 COUNCILMAN DiCICCO: There was

7 a meeting and they came and expressed

8 their concerns then. So they obviously

9 knew what was being proposed. If they

10 didn't have all the details, I'm a little

11 taken aback by that. But I know that Mr.

12 Gattuso has had meetings with, I believe,

13 Washington Square West. There is a

14 meeting scheduled for next Tuesday with

15 Washington Square West.

16 You want to speak, Bill?

17 MR. PRIMAVERA: Well, the

18 meeting that I went to at Washington

19 West, both Carl Engelke, who I did see

20 here, and I had a bill of particulars

21 about things that we typically see about

22 traffic reports and studies and all those

23 things, and we were told they exist. We

24 didn't see it. Dan hasn't seen it.

25 Again, he met with John one on one. I

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2 think Ron Bowlan spoke to people from
3 either Liberty or from Parkway. So we
4 would like to see these documents. We
5 would like to have the discussion.

6 I don't think anything that's
7 been asked for has been unique in the
8 sense that this is typically what
9 happens, and when we go through a Zoning
10 Board process, it's easier to get, but it
11 shouldn't be easier just because we're
12 going through a City Council hearing.
13 Typically those materials allay fears. I
14 don't think given the quality of the
15 people involved in this project, my
16 suspicion is being open and forthright
17 will allay fears, whereas keeping the
18 information unavailable is just going to
19 feed into people's insecurities.

20 COUNCILMAN DiCICCO: Again, I'm
21 not aware that there was information that
22 was not being shared. I assumed -- and I
23 shouldn't assume, I guess, but I did
24 assume that after the initial meetings
25 that I had with Mr. Zuritsky and Bill and

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2 others about the project and then there
3 was some phone calls that were made to my
4 office -- Christine Cavalieri, I believe,
5 counsel for Jefferson, had called me, and
6 then the meeting was in my office. I
7 just thought that there were discussions
8 being held, and what information was
9 being shared, whether there was enough or
10 not enough, I don't know that until just
11 now. I assumed that it was all being
12 shared.

13 So I know Mr. Hankowsky has a
14 comment to make or two.

15 MR. PRIMAVERA: Thank you.

16 MR. HANKOWSKY: Bill Hankowsky,
17 Liberty Property Trust.

18 I also want to join Brian in
19 thanking you, Councilman DiCicco, for
20 working with us on this and scheduling
21 the hearing, and I want to thank all the
22 other Committee members for being here
23 today.

24 The only thing I wanted to do
25 is to clarify a little bit this issue of

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2 communication. So here are the facts as
3 they stand.

4 There was a public meeting of
5 the Planning Commission on February 15th.
6 It was presented yet again on April 19th.
7 There was a meeting with Washington
8 Square on February 22nd, and, Councilman,
9 you are correct, there is one now
10 scheduled for May 3rd. We met with the
11 Walnut Street Theatre on March 8th. We
12 have a letter of support from them for
13 the project. We met with The St. James
14 on March 14th. It is accurate as Brian
15 said, there's been some redesign done.
16 We're attempting to schedule a second
17 meeting. It is accurate John is out this
18 week. But we have every intent to have a
19 second meeting, talk about the growing
20 tower. We have a plan that deals with
21 covering it, et cetera.

22 There was a meeting -- we
23 reached out after the February 15th
24 meeting to Thomas Jefferson. We've,
25 candidly, somewhat been unable to

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2 schedule a meeting. However, we actually
3 met with the CFO and the CEO this week.
4 They did not bring the project up. Kind
5 of interesting, but we're happy to meet.

6 We had a meeting on April 5th
7 with representatives of Wills Eye. One
8 is now scheduled for May 17th.

9 We are totally committed to an
10 open process with everybody involved to
11 communicate, deal with the issues, get
12 them on the table, see what we can do to
13 resolve them. Some things we can deal
14 with, things like trying to cover the
15 cooling tower. Some things are more
16 difficult. There's a truck loading dock
17 that was built as the original project.
18 It kind of is where it is. We can see
19 what we can do.

20 We would simply say, I think,
21 everything can continue in pace. I think
22 we could, as we have today, request that
23 the Committee give us favorable
24 consideration. As we all know, these
25 bills take a while to get through. You

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 have another bill coming up. You'll
3 having a hearing. You'll have first
4 reading, second reading, and then this
5 will all come together. But we'd like to
6 also keep it on schedule.

7 COUNCILMAN DiCICCO: Yeah, and
8 I understand --

9 MR. HANKOWSKY: So we're open
10 to a communication process and have had
11 lots of documented interaction with lots
12 of affected parties.

13 COUNCILMAN DiCICCO: And I
14 understand Mr. Primavera's concern about
15 if the bill comes out, it's kind of
16 moving forward, but what I will suggest
17 to this Committee, that we vote the bill
18 out favorably, but I won't ask for a
19 suspension. There's a meeting next week.
20 There's the other bill that has to be
21 heard. There's a number of other things.

22 MR. HANKOWSKY: The bills will
23 connect them.

24 COUNCILMAN DiCICCO: I have to
25 personally get a little bit better

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 comfort level on the condenser, because
3 it would impact residents who I am
4 representing and at least will continue
5 to represent for a while.

6 MR. HANKOWSKY: I will not get
7 particularly technical, but we've
8 actually worked to put the equipment that
9 makes the noise inside the building.

10 COUNCILMAN DiCICCO: Those are
11 the things I think would be helpful --

12 MR. HANKOWSKY: It's only a
13 cooling tower.

14 COUNCILMAN DiCICCO: Those are
15 the things that I think would be helpful
16 to everyone, including me, before -- so
17 if it's -- I mean, that's what I'm going
18 to recommend. I'll recommend the bill
19 come out. I won't ask for a suspension,
20 because we have the other bill next week.
21 It will give us a few weeks to discuss
22 any of those open-ended issues that may
23 be there. And I'm all ears and I'll
24 listen. If I have to convene a meeting
25 with everybody, I'll do that. I mean, if

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 that's what you're asking me to do, I'll
3 certainly be the person to put that
4 meeting together if you can't do it among
5 yourselves.

6 Bill, Brian, reach out to me
7 whatever way that's best for you guys.
8 All right?

9 MR. HANKOWSKY: Thank you.

10 COUNCILMAN DiCICCO: But I
11 don't want to delay that roundtable
12 discussion forever.

13 MR. HANKOWSKY: No, no. Some
14 of this is scheduled, so I think we'll
15 just keep going and get the other
16 meetings scheduled.

17 MR. COHEN: Thank you.

18 COUNCILMAN DiCICCO: Thank you.

19 Any questions for these
20 witnesses?

21 (No response.)

22 COUNCILMAN DiCICCO: Anyone
23 else here to testify on this bill?

24 (No response.)

25 COUNCILMAN DiCICCO: Seeing

1 4/28/11 - STREETS - BILLS 100783, ETC.

2 none, this concludes the public hearing
3 on the Committee of Streets and Services.
4 We will now go into the public meeting.

5 The Chair recognizes Councilman
6 Greenlee.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Chairman. I move the adoption
9 of the amendments to Bill Nos. 100783 and
10 110081.

11 (Duly seconded.)

12 COUNCILMAN DiCICCO: It has
13 been properly moved and seconded that the
14 amendments to Bill Nos. 100783 and 110081
15 be approved.

16 All in favor?

17 (Aye.)

18 COUNCILMAN DiCICCO: Those
19 opposed?

20 (No response.)

21 COUNCILMAN DiCICCO: The
22 amendments are approved.

23 Councilman Greenlee.

24 COUNCILMAN GREENLEE: Thank
25 you, Mr. Chairman. I move that Bill Nos.

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 100783, as amended, and 110081, as
3 amended, be reported out of this
4 Committee with a favorable recommendation
5 and that the rules of Council be
6 suspended to allow for first reading at
7 our next session of Council.

8 (Duly seconded.)

9 COUNCILMAN DiCICCO: It has
10 been properly moved and seconded that
11 Bill No. 100783 and Bill No. 110081, as
12 amended, be reported out of this
13 Committee with a favorable recommendation
14 and that the rules of Council be
15 suspended.

16 All in favor?

17 (Aye.)

18 COUNCILMAN DiCICCO: Those
19 opposed?

20 (No response.)

21 COUNCILMAN DiCICCO: The two
22 bills have been approved.

23 Councilman Greenlee.

24 COUNCILMAN GREENLEE: Thank
25 you, Mr. Chairman. I move that the

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 following bills be reported out of the
3 Committee with a favorable recommendation
4 and that the rules of Council be
5 suspended to allow for first reading at
6 our next session of Council: Bill Nos.
7 100874, 110157, 110182, 110183, 110260,
8 110272.

9 (Duly seconded.)

10 COUNCILMAN DiCICCO: It has
11 been properly moved and seconded that the
12 bills that have just been read into the
13 record be reported out of this Committee
14 with a favorable recommendation and that
15 the rules of Council be suspended.

16 All in favor?

17 (Aye.)

18 COUNCILMAN DiCICCO: Those
19 opposed?

20 (No response.)

21 COUNCILMAN DiCICCO: Those
22 bills have been approved.

23 Councilman Greenlee.

24 COUNCILMAN GREENLEE: Thank
25 you, Mr. Chairman. I move that Bill Nos.

1 4/28/11 - STREETS - BILLS 100783, ETC.
2 110231, 110273 and 110276 be reported out
3 of this Committee with a favorable
4 recommendation.

5 (Duly seconded.)

6 COUNCILMAN DiCICCO: It has
7 been properly moved and seconded that the
8 three bills that have just been read into
9 the record be reported out of this
10 Committee with a favorable
11 recommendation.

12 All in favor?

13 (Aye.)

14 COUNCILMAN DiCICCO: Those
15 opposed?

16 (No response.)

17 COUNCILMAN DiCICCO: The three
18 bills have been approved.

19 This concludes the public
20 meeting on the Committee of Streets and
21 Services.

22 (Committee on Streets and
23 Services concluded at 4:05 p.m.)

24 - - -

25

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on April 28, 2011, and that
8 this is a true and correct transcript of same.

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12
13 -----
14 MICHELE L. MURPHY
15 RPR-Notary Public
16
17
18

19 (The foregoing certification of this
20 transcript does not apply to any reproduction
21 of the same by any means, unless under the
22 direct control and/or supervision of the
23 certifying reporter.)
24
25