

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, September 21, 2011
10:25 a.m.

PRESENT:

COUNCILMAN FRANK DiCICCO, CHAIR
COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN DARRELL CLARKE
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

BILLS 100269, 110449, 110481, 110482, 110549,
110551, 110553 and 110564

- - -

1
2 COUNCILMAN DiCICCO: Sorry for
3 the delay. We are trying to establish a
4 quorum. I believe the Council President
5 will be out shortly, and her presence
6 will give us a quorum. So a couple of
7 minutes we should be able to get started.
8 Thank you.

9 (Pause.)

10 COUNCILMAN DiCICCO: Good
11 morning, everyone, and thank you for
12 being patient. We do now have a quorum.
13 Council President Verna is with us. To
14 my immediate left is Councilman Greenlee.
15 To my right is Councilwoman Maria
16 Quinones-Sanchez.

17 I will ask Mr. McMonagle to
18 please read the title of the first bill.

19 THE CLERK: Bill No. 110549, an
20 ordinance amending Section 9-605 of The
21 Philadelphia Code, entitled "Towing," by
22 providing that a vehicle may be towed
23 from the premises of a hospital without
24 first being ticketed, under certain terms
25 and conditions.

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2 COUNCILMAN DiCICCO: Anyone
3 here to testify? Lieutenant Healy.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN DiCICCO: Thank you.
7 Lieutenant, please proceed with your
8 testimony.

9 LIEUTENANT HEALY: Sure. Good
10 morning, Chairman DiCicco and members of
11 the Committee of Streets and Services and
12 other members of Council. My name is
13 Lieutenant Healy and I am here as -- I am
14 a Special Advisor to Police Commissioner
15 Ramsey and I'm here to testify on his
16 behalf regarding Bill No. 110549. Before
17 I begin, I would like to express his
18 gratitude for allowing the PPD to voice
19 its opinion on this proposed amendment to
20 the City Code Section 9-605.

21 The issue of towers removing
22 vehicles parked on private property has
23 historically been a problem for the
24 Philadelphia Police Department. The
25 problems stem from the fact that there

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2 were no statutory requirements mandating
3 an independent authority to confirm that
4 a vehicle was actually parked illegally.
5 The discretion was left solely with those
6 individuals that received the direct
7 financial benefit for moving these
8 vehicles. Towers had become, in essence,
9 judge, jury and executioner, with no
10 right to appeal, when it came to parking
11 on private property. Abuses were rampant
12 and the police had very little options to
13 help the victims.

14 This was the background and
15 underlying premise when Councilman Kenney
16 demonstrated his leadership on this issue
17 and introduced a bill to amend Section
18 9-605 by requiring a parking ticket to be
19 placed on a vehicle illegally parked on
20 private property. This change was
21 designed to end the abusive and illegal
22 conduct by certain towers, provide the
23 vehicle owners the right to appeal any
24 such decision to a neutral party and
25 allows uniform police enforcement.

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2 However, after this ordinance
3 was passed, it was recognized that in the
4 hospital context, illegally parked
5 vehicles may need to be immediately moved
6 without waiting for a ticket. Thanks
7 also to Councilman Kenney's leadership, a
8 resolution was worked out at that time
9 and Section 9-605 was amended
10 accordingly. Specifically, in hospital
11 settings, illegally parked vehicles could
12 be moved to another location on the
13 property prior to having any ticket
14 issued. However, prior to taking these
15 vehicles off premises and having them
16 entirely impounded, they would still
17 require a parking ticket.

18 This was a reasonable
19 resolution. It guaranteed emergency
20 access to the hospital. It afforded the
21 alleged offender the right to dispute the
22 matter in a court, and the law was clear
23 for officers on the street, all vehicles
24 being towed from private property or
25 illegally parked on private property

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2 needed a parking ticket, with no
3 exceptions.

4 In our view, however, we are
5 concerned that this bill will undermine
6 the positive impact the previous
7 amendment to Section 9-605 has created.
8 Hospital safety was deliberately
9 addressed and a reasonable resolution was
10 offered and accepted by Council. Carving
11 out a special exception to this general
12 rule, when this issue has already been
13 reasonably addressed, is not needed.

14 Parking offenders will be treated
15 differently throughout the City. Alleged
16 offenders on hospital property will again
17 be at the mercy of the towers without
18 appeal and the police officers on patrol
19 will be able to tell whether a tow has
20 just taken a car illegally without a
21 ticket or legally from a hospital parking
22 lot.

23 For these reasons, the
24 Philadelphia Police Department must
25 respectfully object to this bill, and I'd

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2 be happy to answer any questions or
3 expand on anything I've just said.

4 COUNCILMAN DiCICCO: Thank you.

5 What I'd like to do is the
6 panel will all give their testimony, then
7 we'll open it up for questions.

8 So gentlemen.

9 MR. BECK: Good morning,
10 Councilman DiCicco, distinguished members
11 of the Committee on Streets and Services.
12 I'm Christopher Beck from the Office of
13 Government Affairs and Community
14 Relations at the Children's Hospital of
15 Philadelphia, and I'm joined today by the
16 hospital's Director of Security,
17 Mr. Michael Brooke. We would like to
18 express our support for Bill No. 110549,
19 which, if passed, will allow vehicles to
20 be towed from the premises of a hospital
21 without first being ticketed, under
22 certain terms and conditions.

23 This legislation is mindful of
24 the need to ensure full, unrestricted
25 access to hospital entrances and loading

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2 docks. Illegally parked vehicles can
3 have an adverse impact on a hospital's
4 ability to serve patients in a timely
5 manner, particularly in emergency
6 circumstances. This bill will optimize
7 efficiency of traffic control on the
8 hospital premises by better accommodating
9 families and ensuring timely delivery of
10 medical supplies.

11 We would like to thank
12 Councilman Kenney and his staff for
13 introducing this legislation, as well as
14 you, Mr. Chairman and the Committee, for
15 your willingness to consider this
16 legislation and the unique needs of CHOP
17 and other hospitals in the City. We
18 would also be happy to answer any
19 questions you may have.

20 COUNCILMAN DiCICCO: Thank you.

21 Will you be testifying?

22 MR. BROOKE: No; just here to
23 answer questions.

24 COUNCILMAN DiCICCO: Thank you.

25 Questions? Councilman

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2 Greenlee.

3 COUNCILMAN GREENLEE: Thank

4 you, Mr. Chairman.

5 Good morning, gentlemen.

6 Maybe -- I'm sorry, sir. You can

7 address -- you heard what Lieutenant

8 Healy said about the issue that there's a

9 sort of resolution to this already. Can

10 you go in maybe a little bit more detail

11 on why you think that hasn't worked

12 maybe?

13 MR. BROOKE: Yes. Our biggest

14 concern is twofold. One is access

15 into --

16 COUNCILMAN DiCICCO: Excuse me.

17 Please identify yourself.

18 MR. BROOKE: I'm sorry. My

19 name is Michael Brooke and I'm the

20 Director of Security and Parking at

21 Children's Hospital.

22 Our concern is twofold. One is

23 access into our emergency department. If

24 a car should come up and park illegally,

25 it could literally cripple access into

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2 our ED for ambulance vehicles and for
3 pedestrian vehicles with families.

4 Then our other big concern is
5 our loading dock. We actually share a
6 loading dock with the Hospital of the
7 University of Pennsylvania, and we've had
8 times where cars will come down and park
9 illegally, the operator of the vehicle
10 disappears. And it can cripple
11 deliveries into our loading dock and
12 HUP's loading dock as well.

13 COUNCILMAN GREENLEE: But as I
14 understand as it stands now, that car can
15 be moved, it can be relocated, correct,
16 to some place else in that property? Is
17 that being done? What problem does that
18 cause? You know what I'm saying?
19 Because Lieutenant said that that was
20 kind of worked out, that that would be
21 sort of the middle ground, that it could
22 be moved, you wouldn't have to wait and
23 not touch it at all, but it would be
24 relocated on site somewhere.

25 Could you tell me what has been

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2 the problem with that?

3 MR. BECK: I apologize. I'll
4 have to verify. It was my understanding
5 that that currently could not be done and
6 that this bill provides for that to be
7 done.

8 COUNCILWOMAN SANCHEZ: I need
9 clarification, too. Maybe go on record.

10 COUNCILMAN DiCICCO: Sarah,
11 just pull up a chair.

12 MS. SACHDEV: Good morning.
13 Sarah Sachdev, Councilman Kenney's
14 office.

15 Currently there is a form of an
16 exemption for hospitals that allows a tow
17 truck who is contracted by the hospital
18 to come and pick up the vehicle and move
19 the vehicle out of the way, whether it be
20 out of the loading zone or out of the
21 emergency access driveway, and remain
22 with that vehicle until an officer either
23 from the Police Department or the Parking
24 Authority is able to come and issue a
25 ticket for that vehicle. Once the ticket

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2 is issued, then the tow truck operator
3 could continue the tow and bring that
4 vehicle to their lot.

5 COUNCILMAN GREENLEE: Okay.

6 MS. SACHDEV: But it's not a
7 relocation in the sense that the vehicle
8 can just be moved to a legal parking
9 space.

10 COUNCILMAN GREENLEE: But it is
11 taken out of where it's a problem,
12 though, correct?

13 MS. SACHDEV: The tow truck
14 does have to remain with the vehicle. So
15 I can't speak to the response times, but
16 I understand that some tow operators are
17 hesitant to come and put a tow truck out
18 for service and then have that tow truck
19 remain with the vehicle and then it's out
20 of service for other tows.

21 COUNCILMAN GREENLEE: But it is
22 taken out, it is taken out of where the
23 problem area is in some fashion?

24 MR. BROOKE: It can be if you
25 can get the tow operator to come.

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2 COUNCILMAN GREENLEE: So part
3 of the problem is getting the tow people
4 to want to do that; is that right?

5 MR. BROOKE: Right. And their
6 concern, as I understand it, at least the
7 vendor that we work with, is the response
8 times, because as Sarah said, they have
9 to stay with the vehicle. They could
10 relocate it out of the problem area, but
11 they have to stay with it, and response
12 times at times can be excessive.

13 COUNCILMAN DiCICCO: So it's an
14 indefinite amount of time.

15 MR. BROOKE: It could be.

16 COUNCILMAN DiCICCO: It could
17 be ten minutes, it could be hours.

18 LIEUTENANT HEALY: When we did
19 the run, it's an average of about, I
20 think it was, 23 to 30 minutes to
21 respond. Now, it depends. You might get
22 a bad experience, but the issue really
23 is, yes, the tow truck driver has to
24 wait.

25 COUNCILWOMAN SANCHEZ: Why? Is

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2 this a regulation?

3 LIEUTENANT HEALY: It's a new
4 regulation, yes, that we passed through
5 the abuses that the towing industry were
6 causing.

7 COUNCILWOMAN SANCHEZ: So they
8 have to stay with the vehicle?

9 LIEUTENANT HEALY: They stay
10 with the vehicle until it gets a parking
11 ticket; that's it. So public safety,
12 emergency access to the hospital is not
13 impinged in any way by the existing
14 statute. The hospitals have the right to
15 move it. The issue here is the tow truck
16 company that CHOP apparently is
17 contracting with does not want to wait.
18 But I do not see any other hospitals
19 here. I don't see anybody else
20 complaining that this is not working. It
21 is working. There may be some times when
22 we don't respond in the proper manner,
23 but we are working on that. But this
24 program was designed and implemented for
25 three reasons. To end the abuses that

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2 were going on, people being victimized by
3 these towers by taking them improperly.

4 It also allows the people that get their
5 cars towed not to have to go to
6 bullet-proof glass in the middle of the
7 night to get their gun back -- I'm sorry;
8 to get their car back. Sorry. Different
9 issue, different day.

10 But the idea there is that they
11 have another forum to go to. A parking
12 ticket gives them, actually literally the
13 ticket, to appeal it to a court, whether
14 or not the car was illegal towed or not.
15 The ticket also requires a police officer
16 to come up and say, yea or nay it's an
17 illegally parked ticket. Even though
18 it's a summary violation and we can
19 receive information from outside people
20 say, yes, it was, at least there's an
21 independent person saying this car was
22 illegally parked. It's not the tower who
23 gets financial benefit from the tow
24 deciding what is or what is not illegally
25 parked.

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2 And the final thing on this
3 issue is uniform enforcement. Now, I
4 have 4,000 cops on patrol, roughly. Now,
5 I have to try to carve out exceptions for
6 when cars are towed from this piece of
7 property, this is the way they'll be
8 handled. If they're pulled from this
9 type of property, they require a ticket.
10 That's just not commonsense enforcement.
11 We need uniform enforcement across the
12 board. We came up with a very, very
13 solid and reasonable piece of legislation
14 with Councilman Kenney's help. He
15 actually spearheaded this, and we really
16 appreciated that. But right now carving
17 out little exceptions for little
18 hospitals here, what it's going to do,
19 it's going to be flurry. I mean, we're
20 going to have a whole flurry of people
21 wanting special exemptions. That is
22 going to be a problem for law enforcement
23 down the road, and if that is to occur,
24 then I say repeal the whole thing and
25 start from scratch, but don't start

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2 carving out exceptions as it stands.

3 COUNCILMAN DiCICCO: I was
4 going to ask you about that, about making
5 exceptions.

6 Refresh my memory. Right now
7 if a car is towed from a private lot,
8 police officer -- the tow truck operator
9 stays with it until a ticket is issued?

10 LIEUTENANT HEALY: As it stands
11 now, outside of the licensed parking lot
12 or the hospital context, any other
13 private property, before the tow truck
14 driver can tow it or put it on a hook,
15 handle it and touch it in any way, a
16 police officer must come verify and issue
17 the ticket, and then the tow truck driver
18 is authorized to hook it and tow it.

19 COUNCILMAN DiCICCO: Again,
20 refresh my memory. Is there a time
21 constraint on that? Did we not talk
22 about it during the hearings about how
23 much time that would have to --

24 LIEUTENANT HEALY: I think the
25 issue was bantered back and forth of how

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2 long it would take, but it never came to
3 be that the officers must --

4 COUNCILMAN DiCICCO: No time.

5 LIEUTENANT HEALY: -- be within
6 a certain period of time. Actually,
7 internally we agree with some of the
8 towers that we would revisit the issue on
9 timeframes. If this was becoming too
10 long of a time, we'd revisit the idea.

11 COUNCILMAN DiCICCO: That's
12 where my thought was.

13 MS. SACHDEV: If I may add,
14 from the beginning of this conversation
15 and of the initial legislation with the
16 Police Department, we identified
17 hospitals as being a unique situation and
18 warranting some sort of exemption, and
19 from the beginning, we realized that
20 hospitals in terms of public safety do
21 have different issues than, say, a
22 licensed parking lot or a business
23 parking lot or even a private driveway,
24 that the issue of public safety warrants
25 a type of exemption, and clearly what we

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2 understand -- and CHOP is here to testify
3 to it -- that the current exemption is
4 not working because tow companies are not
5 willing to put out a vehicle to hold an
6 illegally parked vehicle for an unknown
7 amount of time.

8 LIEUTENANT HEALY:

9 Respectfully, I'd have to object to that.
10 It's not that the statute is not working.
11 It's the contracted salver that they're
12 using isn't working.

13 MR. BROOKE: And we've
14 contacted our previous vendor, and they
15 have the same concern about waiting for
16 the police to --

17 COUNCILMAN DiCICCO: In
18 addition to the emergency area and/or the
19 loading dock, towing contractors are used
20 for other purposes of removing and/or
21 relocating cars at the hospital? Are
22 they?

23 MR. BROOKE: Only handicap
24 abuses, if they're parking in handicap
25 parking spaces. But they're the two

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2 primary, the emergency room access and
3 then the loading dock access.

4 COUNCILMAN GREENLEE: If I just
5 could ask, though. I think Lieutenant
6 Healy brought up a point. Is anybody
7 aware of any other hospitals that have
8 this problem, and if there's not, it
9 would seem like those hospitals must have
10 found some tower.

11 MR. BROOKE: We share, as I
12 said, we share our loading dock with the
13 Hospital of the University of
14 Pennsylvania. So that loading dock issue
15 was also their issue.

16 COUNCILMAN GREENLEE: All
17 right.

18 MR. BROOKE: And we're two of
19 the biggest hospitals in the City.

20 COUNCILMAN GREENLEE: No. I
21 understand. I understand. But I wonder
22 if other hospitals have found ways to
23 deal with maybe other towers that are
24 willing to take that time. And I agree,
25 that is a long time. When I first saw

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2 this bill, I thought, yeah, this makes
3 sense, but I think some of the issues
4 Lieutenant Healy comes up with addressing
5 also make some sense, so that's why I'm a
6 little back and forth on this. And
7 that's why I'm wondering if there's other
8 hospitals -- Sarah, maybe you know. Are
9 there other hospitals that have expressed
10 concern or have you heard how they
11 figured it out, anything like that?

12 MS. SACHDEV: When the
13 Councilman introduced the initial towing
14 legislation, we were contacted by other
15 hospitals with concerns about public
16 safety.

17 COUNCILMAN GREENLEE: Right.
18 But that's why this compromise was put
19 in, correct? I'm sorry. I'm grilling
20 you. I don't mean to do that. Since
21 you're not committee woman anymore in my
22 ward, I can get away with it.

23 No, but I'm just wondering,
24 because it's --

25 MS. SACHDEV: It is. I mean,

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2 we also heard from the towers from -- I
3 would say dozens of towers, and they did
4 express basically that time was of the
5 essence to their business, and so we
6 understand that most towers would not
7 want to send out a truck to sit with a
8 vehicle and wait for a ticket.

9 COUNCILMAN GREENLEE: But most
10 of them didn't want the bill to start
11 with, right?

12 MS. SACHDEV: I would imagine
13 it's an issue among many towing companies
14 and not just the one that CHOP has a
15 contract with.

16 COUNCILMAN DiCICCO:
17 Councilwoman Sanchez.

18 COUNCILWOMAN SANCHEZ: Can I
19 speak on behalf of the consumer here. I
20 want to ask CHOP. Just the thought of
21 someone going to the hospital, having to
22 park because of an emergency in an
23 illegal zone, their car gets moved, but
24 this whole notion of towing for your
25 consumers -- I mean, these are people

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2 that are visiting your hospital. I would
3 want to think that they're not just
4 parking illegal because they want to, but
5 there might be an emergency here.

6 MR. BROOKE: No. I understand.

7 For our emergency room, we will always
8 attempt to find the owner of the vehicle
9 before we would call a tow truck. The
10 loading dock is a whole different issue,
11 because we have repeated loading dock
12 violations.

13 I agree with you, if a parent
14 who is in the car by themselves with a
15 sick child pulls up to get that child
16 into the emergency room, that's clearly
17 the priority, and we would attempt to
18 identify that vehicle owner in the
19 emergency department. And, in fact, we
20 have a program in place where we can park
21 that car for them. We can get the keys,
22 park it in our garage. We have maps so
23 we can show them exactly where the car is
24 when they're ready to leave.

25 So I hear your concern, and I

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2 agree with it.

3 COUNCILWOMAN SANCHEZ: So how
4 many -- can you give me an average how
5 many cars you get towed off your lot on a
6 yearly basis?

7 MR. BROOKE: Right now not many
8 because of this issue.

9 COUNCILWOMAN SANCHEZ: Prior to
10 this.

11 MR. BROOKE: Prior to this, I
12 would say probably between a dozen and
13 two dozen.

14 COUNCILWOMAN SANCHEZ: A year?

15 MR. BROOKE: A year.

16 COUNCILWOMAN SANCHEZ: So you
17 understand the complexity of carving out
18 an exception for a half --

19 MR. BROOKE: I do.

20 COUNCILWOMAN SANCHEZ: -- a
21 dozen cases for the Police Department and
22 how difficult that is?

23 COUNCILMAN GREENLEE: Just one
24 more question. Isn't the Parking
25 Authority allowed to ticket in this

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2 situation or is it just the police?

3 LIEUTENANT HEALY: The Parking
4 Authority, they are able to write a
5 ticket and any other -- university
6 police. Anybody that can write a parking
7 ticket in Pennsylvania is authorized.

8 COUNCILMAN GREENLEE: Because I
9 would assume in the area of CHOP and U of
10 P that the Parking Authority is around.

11 MR. BROOKE: We went that
12 route. With the Councilman's office's
13 help, meetings were facilitated. We were
14 given phone numbers, and we had zero
15 cooperation from the Parking Authority.

16 COUNCILMAN GREENLEE: So you're
17 saying they didn't respond at all?

18 MR. BROOKE: They did nothing,
19 absolutely nothing.

20 COUNCILMAN GREENLEE: The
21 Parking Authority not giving tickets?
22 That's a story.

23 MR. BROOKE: They would say
24 that they had people in the area and that
25 they would get to us when they got to us.

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2 We had no support from the Parking
3 Authority.

4 COUNCILMAN DiCICCO: Sarah.

5 MS. SACHDEV: I just wanted to
6 add that the purpose of the ticket was to
7 create documentation of the location of
8 the vehicle, and this bill keeps
9 documentation in place by requiring
10 hospital security personnel to fill out
11 an official form and put that on the
12 vehicle so that documentation of the
13 location is upheld.

14 COUNCILMAN DiCICCO: I saw
15 Mr. Dickson in a sidebar with Sarah.
16 Would you care to add anything to this,
17 Rick?

18 MR. DICKSON: The only thing
19 I'll add is if we did not respond --

20 COUNCILMAN DiCICCO: Hold you.
21 You've been through this before, a couple
22 times.

23 (Witness approached witness
24 table.)

25 MR. DICKSON: Thank you,

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2 Councilman Greenlee, for your comments
3 about our effectiveness.

4 If we did not respond to a
5 request from HUP to assist in this, that
6 is unacceptable, and I will guarantee
7 that that will not happen again. We have
8 people on the street until at least
9 midnight every night, and there is no
10 reason why our officers should not have
11 responded to that.

12 COUNCILMAN DiCICCO: Let me ask
13 a question. Let's assume that the tow
14 truck driver comes out, they wait. I'm
15 using 30 minutes as the example, and we
16 don't know when the police officer is
17 going to be able to get there because of
18 other duties that they're attending to.
19 Could you boot that car, and that way,
20 the tow truck driver can go away?

21 LIEUTENANT HEALY: Not the way
22 the statute is currently written. The
23 booting is on a public street, and this
24 is a private property tow.

25 COUNCILMAN DiCICCO: I'm just

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2 thinking out loud. That would limit the
3 time that the tow truck driver has to be
4 there, not cause the police to have to
5 make an exception to get there because
6 they got to leave. I'm just
7 brainstorming.

8 LIEUTENANT HEALY: I'll be very
9 honest, any type of resolution like that
10 would be fine, except for where would the
11 cars be placed and booted? That would be
12 one issue. The other issue is, there's a
13 cost to booting. It's equivalent to the
14 cost of a tow, I believe, which is -- I
15 mean, it is what it is, you parked
16 illegally.

17 The issue there, though, even
18 before you get a boot or a tow on a
19 public street, you get a ticket. The
20 ticket gives --

21 COUNCILMAN DiCICCO: I mean
22 boot the car so it's immobilized, and
23 that sometime between the time it's towed
24 to the time it gets booted or thereafter
25 then the police officer would come out

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2 and issue or a parking enforcement

3 officer would issue a ticket.

4 MR. DICKSON: The only thing I
5 would say, Councilman, is that if the
6 goal is to get the car out of the way
7 because it's causing some kind of a
8 problem, that's not going to do it. That
9 sort of locks the car there.

10 COUNCILMAN DiCICCO: I mean
11 relocate it to some place else and then
12 boot it to the relocated place.

13 MR. DICKSON: That's possible.
14 The issue then becomes who pays the tow
15 company for the relocation. I mean, the
16 citizen isn't going to go get the car out
17 there.

18 I mean, my response to the
19 whole thing is that we need to do our
20 jobs. If HUP called the Parking
21 Authority and said we need an officer out
22 here to ticket this car so that it can be
23 done, we need to do that. If we didn't
24 do it, then we fell down and -- changing
25 the whole paradigm to deal with one

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 institution, the Parking Authority's
3 falling down on the job, I don't think is
4 the answer. I think what we need to do
5 is kick our staff and say this needs to
6 be a priority. When a request from one
7 of these institutions comes into our
8 dispatch center, get somebody out there.
9 They need to just do that. And I can
10 assure you that that will be what happens
11 when I go back.

12 LIEUTENANT HEALY: And allow me
13 to follow up on that. When we wrote the
14 statute, it's not just Philly PD. We
15 understood the restraints of the Philly
16 PD, but we also understand the
17 victimization that was happening to these
18 aggrieved owners. Some of them are
19 illegally parked and deserve to get
20 towed; a lot of them weren't. So what
21 was happening with it -- and we
22 understood the limitations of our
23 department, but we undertook the
24 responsibility. But we also in the
25 statute allows not just Philly PD, the

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 Parking Authority can write tickets, Penn

3 Police can write tickets, Temple

4 University Police can write tickets.

5 So if Hospital of the
6 University of Penn has a problem, all
7 they need to do is call their police
8 department to have a ticket issued on
9 that car and it's good to go by any tower
10 in the City.

11 COUNCILMAN GREENLEE: I was
12 going to ask that after the Parking
13 Authority. Sir, I'm sorry --

14 MR. DICKSON: That's actually
15 what --

16 COUNCILMAN GREENLEE: That was
17 going to be my question.

18 MR. BROOKE: Again, I'm here
19 representing the Children's Hospital of
20 Philadelphia. We're not part of the
21 University of Pennsylvania.

22 COUNCILMAN GREENLEE: But you
23 said you share --

24 MR. BROOKE: We have the same
25 issue with Penn Police. We don't share

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 Penn Police with anyone. We fall under
3 Philly PD's jurisdiction and patrol
4 boundaries and in fact don't fall under
5 Penn's. So we have the same issue there
6 if we call them.

7 COUNCILMAN GREENLEE: But on
8 that --

9 MR. BROOKE: But I understand
10 your point.

11 COUNCILMAN GREENLEE: It would
12 seem, I agree with Mr. Dickson, that you
13 have at least in your case three entities
14 that could be giving tickets and for some
15 reason aren't getting there quickly
16 enough, and I don't doubt that they're
17 not getting there quickly enough. So it
18 seems like maybe working with those
19 entities is the better avenue.

20 And let me just say, Councilman
21 Kenney and Sarah worked tremendously hard
22 on all these issues and know way more
23 about it than anybody else, at least here
24 probably. So I'm not doubting that
25 they're trying to work out this problem,

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 and I understand what your problem is,
3 but it seems like there's another way to
4 do it.

5 MR. BROOKE: Well, maybe we're
6 meeting with the wrong people, because we
7 did meet with the Parking Authority and
8 we had no support whatsoever.

9 COUNCILMAN GREENLEE: As I
10 said, I said it half sarcastically, but I
11 also mean it.

12 MR. BROOKE: I'm going to get
13 these gentlemen's cards before I leave
14 here today so I'm dealing with the right
15 people here.

16 COUNCILMAN GREENLEE: Sometimes
17 I fight with the Parking Authority and
18 say they're too aggressive. I don't
19 think I've ever fought with them to say
20 you're not aggressive enough.

21 LIEUTENANT HEALY: Councilman,
22 I can say as of now when I leave here,
23 I'll reach out to the ROC overseeing this
24 area, as well as the inspector and
25 captain and make sure that -- parking is

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 obviously not the highest priority on our
3 priority scale, but it is when towers are
4 sitting there losing -- we understand
5 that. We requested this legislative
6 change and we need to be held
7 accountable. So we will do our best to
8 accommodate as quickly as humanly
9 possible. We'll notify all the
10 powers-that-be and especially in the
11 University City -- I'm sorry; the
12 University of Penn and CHOP areas to try
13 to make it as much a priority as
14 possible.

15 COUNCILMAN GREENLEE: It seems
16 like there is a way to work this out. I
17 mean, in my opinion. Because I think you
18 have a legitimate concern. I'm not
19 saying you don't have a problem. It's
20 just how to solve it might be the dilemma
21 here, if you will.

22 Thank you.

23 MR. DICKSON: Well, parking is
24 our priority and there's no reason why
25 this could not be -- there's no reason we

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 can't accommodate them in this. So I
3 apologize.

4 COUNCILMAN DiCICCO: So if the
5 Parking Authority would step up its
6 enforcement in terms of getting there
7 more in a more timely fashion. Is that
8 what you're suggesting, Mr. Dickson?

9 MR. DICKSON: Yes. I will meet
10 with our dispatch staff.

11 COUNCILMAN DiCICCO: Would the
12 Parking Authority be willing to contract
13 to do also the towing?

14 MR. DICKSON: We could
15 certainly meet with HUP to see whether
16 that's legally possible.

17 COUNCILMAN DiCICCO: You'll be
18 waiting for the ticket. You guys are
19 pretty efficient about doing other
20 things. No disrespect to the private
21 tower, but the Parking Authority doesn't
22 have the time constraints that the
23 private tower has.

24 MR. DICKSON: I can check to
25 see whether that's a possibility, but I

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 can guarantee that they'll see improved
3 service in our responsibility in terms of
4 writing tickets.

5 COUNCILMAN DiCICCO: Thank you.

6 Any other questions?

7 (No response.)

8 COUNCILMAN DiCICCO: Let the
9 record reflect that Councilman Jones, who
10 is a member of this Committee, is
11 present.

12 Any other questions?

13 (No response.)

14 COUNCILMAN DiCICCO: Any other
15 comments? Anyone else here who wishes to
16 testify on this bill?

17 (No response.)

18 COUNCILMAN DiCICCO: Seeing
19 none --

20 MR. BROOKE: Thank you.

21 COUNCILMAN DiCICCO: Thank you.

22 Please read the title of the
23 next bill.

24 THE CLERK: Bill No. 100269, an
25 ordinance authorizing the installation of

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 an all-way stop sign at the intersection
3 of Whiting Road and Whiting Place.

4 (Witness approached witness
5 table.)

6 COUNCILMAN DiCICCO: Good
7 morning, Mr. Denny.

8 MR. DENNY: Good morning.

9 COUNCILMAN DiCICCO: Please
10 proceed with your testimony.

11 MR. DENNY: Good morning, Mr.
12 Chairman, members of the Committee. I am
13 here to testify on Bill 100269.

14 The Department of Streets
15 objects to the passage of this bill based
16 on the following:

17 The Pennsylvania Vehicle Code
18 requires PennDOT to develop regulations
19 governing traffic control devices in
20 accordance with the Federal Highway
21 Manual on Uniform Traffic Devices. These
22 regulations apply to all public highways
23 in Pennsylvania, and the City Solicitor
24 has ruled that the Streets Department is
25 legally obligated to comply with the

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 Vehicle Code and related PennDOT
3 regulations.

4 The federal and state criteria
5 for an all-way stop control be warranted
6 by an engineering study of traffic
7 conditions - police accident records,
8 traffic volumes, speed and sight
9 distance. The study conducted as a
10 result of your request concluded that
11 present-day conditions at this location
12 do not satisfy federal and state warrants
13 for an all-way stop control. The
14 warrants for the all-way stop control
15 were analyzed and the following is a
16 description of the analysis with respect
17 to conditions at Whiting Place and
18 Whiting Road.

19 Police accident records of five
20 or more accidents within a 12-month
21 period, correctable by an all-way stop
22 installation, satisfy the set warrants.
23 According to police records from January
24 2007 to March 2010, there have been no
25 such crashes at this intersection.

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 In addition, the total
3 vehicular volume entering the
4 intersection from the major street,
5 Whiting Road, must average at least 500
6 vehicles per hour for any eight hours of
7 the average day, and the combined vehicle
8 and pedestrian volume from the minor
9 street, Whiting Place, must average 20
10 vehicles and pedestrians per hour for the
11 same eight hours.

12 Actual count of the traffic
13 volumes during the morning peak hours
14 averaged 162 vehicles entering the
15 intersection from Whiting Road. This is
16 only 10.7 percent of the minimum -- this
17 is about half actually of the minimum 500
18 required for that approach. Also during
19 the same morning peak hours, six vehicles
20 and six pedestrians entered the
21 intersection from Whiting Road. This is
22 12 percent of the minimum 200 required
23 for pedestrians and vehicles entering.

24 An installation of an all-way
25 stop control at this location would

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 increase traffic delays on Whiting Road
3 as Whiting Place is a cul-de-sac with
4 only 13 homes.

5 At Whiting Place and Whiting
6 Road, we are not dealing with a
7 borderline situation, but rather one in
8 which prevailing traffic conditions fall
9 short of the minimum required by the
10 Federal Highway Manual and by the
11 Pennsylvania Vehicle Code for the
12 installation of an all-way stop control.

13 Thank you for my opportunity to
14 testify, and if you have any questions,
15 feel free to ask me.

16 COUNCILMAN DiCICCO: Thank you,
17 Mr. Denny.

18 Any questions from this panel?

19 (No response.)

20 COUNCILMAN DiCICCO: Anyone
21 here who wishes to testify on this bill?

22 (No response.)

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

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 THE CLERK: Bill No. 110481, an
3 ordinance establishing a one-way
4 regulation on North Lambert Street, from
5 65th Avenue to Chelten Avenue,
6 southbound.

7 MR. DENNY: Good morning again,
8 Mr. Chairman and members of the
9 Committee. Thank you for the opportunity
10 to appear before you today. My name is
11 Charles Denny, Assistant Chief Traffic
12 Engineer for the Department of Streets.
13 I am here to offer testimony on Bill No.
14 110481.

15 The Streets Department has no
16 objections to this bill. The 4600 block
17 of North Lambert Street was converted to
18 one-way operation on a trial basis on
19 September 14th, 2010.

20 Thank you for the opportunity
21 to testify. I would be happy to answer
22 any questions at this time.

23 COUNCILMAN DiCICCO: Thank you
24 again.

25 Any questions from this

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 Committee for this witness?

3 (No response.)

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

7 (No response.)

8 COUNCILMAN DiCICCO: Seeing
9 none, please read the title of the next
10 bill.

11 THE CLERK: Bill No. 110482, an
12 ordinance establishing a one-way
13 regulation on Marion Street, from West
14 Ashmead Street to Hansberry Street,
15 northbound.

16 MR. DENNY: Good morning again,
17 Mr. Chairman and members of the
18 Committee. Thank you again for the
19 opportunity to appear before you today.
20 My name is Charles Denny, Assistant Chief
21 Traffic Engineer for the Department of
22 Streets. I'm here to offer testimony on
23 Bill No. 110483.

24 The Streets Department has no
25 objections to this bill. This street was

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 converted to a one-way operation on a
3 trial basis on September 9th, 2010.

4 Thank you for the opportunity
5 to appear before you today. I would be
6 happy to answer any questions.

7 COUNCILMAN DiCICCO: Thank you.

8 Any questions for this witness
9 from the Committee?

10 (No response.)

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

14 (No response.)

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

18 THE CLERK: Bill No. 110551, an
19 ordinance authorizing the revision of
20 lines and grades on a portion of City
21 Plan No. 278 by closing to vehicular
22 traffic a portion of Unruh Avenue
23 extending from a point approximately
24 one-thousand seventy-seven feet southeast
25 of Wisconsin Street southeastwardly to

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 the Pierhead Line of the Delaware River,
3 under certain terms and conditions.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN DiCICCO: Good
7 morning. Please proceed with your
8 testimony.

9 MR. MORELLI: Good morning,
10 Mr. Chairman and members of the
11 Committee. My name is Frank Morelli,
12 Survey Bureau Manager of the Department
13 of Streets, and the Department of Streets
14 would like to offer the following
15 testimony on Bill No. 110551.

16 This is administrative
17 ordinance requested by the Commerce
18 Department, James Donaghy, 1515 Arch
19 Street.

20 The purpose of this ordinance
21 is to remove public vehicle traffic from
22 this portion of Unruh Avenue while
23 retaining the street as a public
24 thoroughfare for pedestrian, bicycle and
25 utility purposes. This action has been

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 requested in conjunction with the
3 development of the North Delaware Trail
4 and Greenway, which will cross Unruh
5 Avenue at this point just east of the
6 proposed closing point.

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

11 COUNCILMAN DiCICCO: Thank you.

12 Please proceed.

13 MS. CHIU: Good morning,
14 Chairman DiCicco and members of Streets
15 and Services Committee. I am Sarah Chiu,
16 City Planner from the City Planning
17 Commission. I'm here to testify on Bill
18 No. 110551, which Councilmember Krajewski
19 introduced on September 8th, 2011.

20 This Streets Bill No. 110551
21 authorizes the revision of lines and
22 grades by closing to vehicular traffic a
23 portion of Unruh Avenue extending
24 approximately 1,070 feet southeast of
25 Wissinoming Street to the Pierhead Line

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 of Delaware River. The area proposed to
3 be closed to vehicular traffic is to be
4 part of North Delaware Trail and Greenway
5 development.

6 At its meeting of September
7 20th, 2011, the City Planning Commission
8 recommended that Bill No. 110551 be
9 approved.

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

14 COUNCILMAN DiCICCO: Thank you.

15 Any questions for these
16 witnesses from the Committee?

17 (No response.)

18 COUNCILMAN DiCICCO: Anyone
19 else here who wishes to testify?

20 Please come up to the witness
21 table, sir.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN DiCICCO: Good
25 morning. Please identify yourself for

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 the record and proceed with your
3 testimony.

4 MR. COLLINS: Good morning.

5 Tim Collins with Superior Moving. We are
6 located on this street, Unruh Avenue.

7 And I can't really render a statement,
8 because I'm not quite sure how to

9 interpret this notice. It says

10 vehicular -- closing vehicular traffic on

11 that whole section. I don't know if I'm

12 to interpret that as this street being

13 completely closed or is this temporary.

14 I don't know. So I can't really make a
15 statement.

16 COUNCILMAN DiCICCO: Would you

17 slide over. That way, Frank can pull up

18 a chair and -- ma'am, you can stay there.

19 Just Frank will pull up a chair.

20 Frank, would you please explain

21 to the witness.

22 MR. MORELLI: Frank Morelli,

23 Streets Department.

24 Only approximately 78 feet of

25 Unruh from the Delaware River going

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 westward is going to be stricken for
3 vehicular purposes, and that's just
4 enough to allow the greenway to go
5 through along the Delaware River. We're
6 not limiting all of Unruh Avenue. It's
7 just a small portion of it.

8 MR. COLLINS: Where is that
9 indicated on the map? I can't picture 80
10 feet in my head.

11 MR. MORELLI: The bulkhead line
12 is roughly the location of where the
13 Delaware River is now and if you went 78
14 feet westward is the limit of where the
15 new curbing is going to cross Unruh
16 Avenue.

17 MR. COLLINS: I understand
18 that, but is there anything indicated
19 where if there's a business 80 feet away?
20 Like where exactly is that located?
21 That's going to be a complete disruption
22 for every business on that strip,
23 including us. We have 30 trucks and
24 about 50 customers a day that go back and
25 forth to our loading dock. So I have to

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 be sure. If this is going to be
3 completely closed, we're in trouble.

4 COUNCILMAN DiCICCO: Will it
5 impede any vehicular traffic from being
6 able to access his property or business?

7 MR. MORELLI: His property
8 currently has 552 feet of -- well, after
9 the 78 is removed, they will still have
10 552 feet of access to Unruh Street.

11 COUNCILMAN DiCICCO: Without me
12 seeing the map, access to Unruh, is it
13 going to be impeded in any way?

14 MR. MORELLI: No, it's not.

15 COUNCILMAN DiCICCO: So in your
16 opinion, there should be no disruption to
17 the vehicular traffic flow to their
18 business?

19 MR. MORELLI: No. No, sir,
20 there wouldn't be.

21 MR. COLLINS: So they're
22 repaving the street; is that what they're
23 doing?

24 COUNCILMAN DiCICCO: No.

25 MR. MORELLI: Where the trail

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 is proposed to cross, there will be
3 curbing placed along there to protect the
4 pedestrian and bicyclists.

5 COUNCILMAN DiCICCO: So you
6 won't be able to go east on Unruh,
7 without seeing the map, up to the
8 bulkhead.

9 MR. MORELLI: Correct.

10 COUNCILMAN DiCICCO: It will
11 stop 78 feet before the bulkhead.

12 MR. MORELLI: Correct.

13 MR. COLLINS: Also too on here,
14 are you also with the redevelopment
15 agency?

16 MR. MORELLI: No, I'm not. I
17 work for the Streets Department.

18 MR. COLLINS: Okay. Are you
19 with them?

20 MS. CHIU: No. I'm from --

21 COUNCILMAN DiCICCO: I'm sorry,
22 sir. Would you direct your question
23 here.

24 MR. COLLINS: Yeah. This also
25 affects us. I was at a meeting about

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 five or six years ago with the
3 Redevelopment Authority and our business
4 wasn't located on the map at that time.
5 So we have 2,500 self-storage customers
6 in our building and that's going to cost
7 the City a tremendous amount of money to
8 relocate that. I can't find any
9 information anywhere with this trail.
10 Does that still affect us or has that
11 been --

12 COUNCILMAN DiCICCO: Does what
13 affect you? What the Redevelopment
14 Authority was planning on doing?

15 MR. COLLINS: With this nature
16 trail.

17 COUNCILMAN DiCICCO: Again,
18 without seeing the map, knowing a little
19 bit about the nature trail, I can't
20 imagine it having any impact on your
21 business.

22 MR. MORELLI: The trail is
23 going to be within the bed of the former
24 railroad right-of-way. That's the
25 location of the new proposed trail.

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 MR. COLLINS: So that's only as
3 wide as those tracks?

4 MR. MORELLI: Correct.
5 Correct.

6 MR. COLLINS: Not wider? Oh,
7 great. Okay. The way this was listed
8 this morning, everyone was in a tizzy
9 this morning because it sounded like they
10 were closing our whole area from
11 Wisconsin where there's probably 15
12 companies between the river and
13 Wisconsin. But that sounds better.

14 COUNCILMAN DiCICCO: The last
15 thing we want to do is remove businesses
16 from our streets.

17 MR. COLLINS: I hope not.
18 Thank you.

19 COUNCILMAN DiCICCO: Any other
20 questions?

21 (No response.)

22 COUNCILMAN DiCICCO: Okay.
23 When these gentlemen get up, you can
24 approach the table.

25 There are two more witnesses on

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 this bill. Please approach the witness
3 table. Thank you.

4 (Witnesses approached witness
5 table.)

6 MR. ROSEN: My name is Steven
7 Rosen. I'm the owner of Daydreams.

8 COUNCILMAN DiCICCO: Would you
9 pull the microphone a little closer.

10 MR. ROSEN: My name is Steven
11 Rosen, the owner of Daydreams. It's a
12 club at 5200 Unruh. And we just became
13 aware of this hearing and what's going on
14 late last night, so we're a little bit
15 unprepared. The way I read it in the
16 notice of the hearing is that the street
17 was going to be closed to traffic, and
18 that was our concern and that's why we're
19 here, because we've got 80 people who
20 earn a living and if my customers can't
21 get to the club, we're out of business.

22 COUNCILMAN DiCICCO: Yeah.
23 Again, Mr. Morelli I think has a map and
24 he'll indicate to you on the map what
25 portion of Unruh is being restricted.

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 MR. ROSEN: Thank you.

3 COUNCILMAN DiCICCO: I don't
4 believe it will impact you at all.

5 (Off-the-record discussion
6 between Mr. Morelli and Mr. Rosen.)

7 MR. ROSEN: Thank you.

8 COUNCILMAN DiCICCO: Are you
9 satisfied? Thank you for coming in.

10 MR. ROSEN: What we read about
11 the hearing, it wasn't clear.

12 COUNCILMAN DiCICCO:
13 Understand. We understand that. Thank
14 you.

15 MR. ROSEN: Thank you.

16 (Witness approached witness
17 table.)

18 COUNCILMAN DiCICCO: Good
19 morning. Please identify yourself for
20 the record and proceed with your
21 testimony.

22 MR. SHARP: Good morning, Mr.
23 Chairman and Committee. I am Greg Sharp.
24 I represent 5250 Unruh Avenue Associates.
25 We have a commercial property at the end

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 of the street, and, again, we also just
3 heard about this and didn't get any kind
4 of information - diagrams, maps or
5 anything - to really see what was going
6 on.

7 (Off-the-record discussion
8 between Mr. Morelli and Mr. Sharp.)

9 COUNCILMAN DiCICCO: Please
10 identify yourself for the record.

11 MR. SHARP: Greg Sharp for 5250
12 Unruh Avenue Associates. We have a
13 commercial property at the end of the
14 street of Unruh Avenue which they're
15 proposing to close. Again, I just now
16 got a chance to look at the diagram, map,
17 and it appears that we'll still get
18 access to our facility. However, we'll
19 have to -- if I could get a copy of it to
20 further take a look at it and whatnot.

21 COUNCILMAN DiCICCO: Yeah.
22 Mr. Morelli, maybe you can supply the
23 other gentlemen that were here as well
24 with copies, if you can.

25 MR. MORELLI: Yes, I will.

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 COUNCILMAN DiCICCO: Because I
3 suspect that there are other
4 businesspeople who were not able to be
5 here today and all the folks who won't be
6 impacted or who have businesses along
7 there, they can go to their fellow
8 businesspersons and see that map.

9 MR. MORELLI: And, Councilman,
10 I just wanted to say also that there will
11 be additional hearings for the Streets
12 Department, it will be advertised, where
13 representatives from the Commerce
14 Department will have the development
15 plans there and will be able to spend
16 more time showing you the site plans at
17 that time.

18 COUNCILMAN DiCICCO: Thank you.

19 Any other questions?

20 (No response.)

21 COUNCILMAN DiCICCO: Any other
22 witnesses?

23 MR. SHARP: Just one other
24 thing. I had prepared a written
25 statement, which they had copied and so

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 everybody should have a copy of that.

3 COUNCILMAN DiCICCO: The
4 stenographer will have a copy and put
5 into the record. It will be part of the
6 record. Thank you. Thank you for coming
7 in.

8 Please read the title of the
9 next bill.

10 THE CLERK: Bill No. 110564, an
11 ordinance authorizing the revision of
12 lines and grades on a portion of City
13 Plan No. 55 by striking from the City
14 Plan and vacating the legally open
15 portions of Ashland Street from a point
16 approximately four-hundred one feet
17 southwest of Adams Avenue to the
18 northeasterly channel line of the
19 Frankford Creek and reserving and placing
20 on the City Plan a right-of-way for sewer
21 and drainage purposes and water main
22 purposes within the lines of Ashland
23 Street being stricken and authorizing
24 acceptance of the grant to the City of
25 the said right-of-way, under certain

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 terms and conditions.

3 MR. MORELLI: Good morning, Mr.
4 Chairman and members of the Committee.
5 My name is Frank Morelli, Survey Bureau
6 Manager of the Department of Streets, and
7 the Department of Streets would like to
8 offer the following testimony on Bill No.
9 110564.

10 This is not an Administration
11 ordinance, but an ordinance requested by
12 Adams Avenue Development, Kirk Dolawy,
13 225 East Adams Street, Philadelphia, PA.

14 The purpose of this ordinance
15 is to authorize the striking from the
16 City Plan and vacating the legally open
17 portion of Ashland Street from a point
18 approximately 401 feet southwest of Adams
19 Avenue to the northeasterly channel line
20 of the Frankford Creek and the reserving
21 and placing on the City Plan of a
22 right-of-way for sewer and drainage
23 purposes and water main purposes within
24 the lines of the portion of Ashland
25 Street being stricken. This action will

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 allow the abutting owner to consolidate
3 business operations on either side of
4 Ashland Street.

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

9 MS. CHIU: Good morning,
10 Chairman DiCicco and members of the
11 Streets and Services Committee. I am
12 Sarah Chiu, City Planner from the
13 Philadelphia City Planning Commission. I
14 am here to testify on Bill No. 110564,
15 which Councilmember DiCicco introduced on
16 September 8th, 2011.

17 This Streets Bill No. 110564
18 authorizes the striking from the City
19 Plan and vacating legally portion of
20 Ashland Street from approximately 400
21 feet southwest of Adams Avenue to the
22 northeasterly channel line of Frankford
23 Creek and reserving and placing on the
24 City Plan a right-of-way for sewer and
25 drainage purposes and water main purposes

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2 within the lines of Ashland Street.

3 At its meeting of September
4 20th, 2011, the City Planning Commission
5 recommended approval for Bill No. 110564.
6 The Planning Commission staff is
7 currently working with the Department of
8 Rec and Park and other government
9 entities on the future possible trail and
10 the greenway plans. We feel Ashland
11 Street is not essential at this location
12 nor will be needed for future greenway
13 access.

14 This concludes my testimony. I
15 appreciate the opportunity to appear
16 before you today and would be pleased to
17 answer any questions you may have.

18 COUNCILMAN DiCICCO: Thank you.

19 Any questions for these
20 witnesses from the Committee?

21 (No response.)

22 COUNCILMAN DiCICCO: Sir,
23 please approach the...

24 (Witness approached witness
25 table.)

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2 MR. EVANGELIST: Good morning.

3 My name is Albert Evangelist. I own
4 Orthodox Auto Company. It is at the end
5 of Unruh Street. It sits on six and a
6 half acres. I'm just concerned whether
7 or not -- I have a lot of traffic that
8 comes down the street and turns around at
9 the end of the street and goes back out
10 again, and I just want to know if we're
11 going to be cut off where we can't do any
12 business. There's a lot of business down
13 there.

14 COUNCILMAN DiCICCO: This is
15 not this bill. It's the previous bill.

16 MR. MORELLI: The previous
17 bill.

18 MR. EVANGELIST: That's my main
19 concern.

20 COUNCILMAN DiCICCO: We also
21 heard testimony on that bill, but
22 obviously you did not hear it or...

23 (Off-the-record discussion
24 between Mr. Morelli and Mr. Evangelist.)

25 COUNCILMAN DiCICCO: Excuse me.

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2 Since that was -- if you don't mind,
3 we'll continue with the other testimony.
4 Sir, you can meet with Frank and he'll
5 explain it to you.

6 MR. EVANGELIST: I'm sorry. I
7 didn't hear you.

8 COUNCILMAN DiCICCO: Frank will
9 explain to you again what is being
10 proposed. I don't believe it will have
11 any impact, but we're going to continue
12 with the hearing, because we already had
13 testimony on that bill.

14 MR. EVANGELIST: That's fine.
15 Thank you very much.

16 COUNCILMAN DiCICCO: Thank you.

17 Any questions? Anyone else
18 here to testify on this bill?

19 (No response.)

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

23 THE CLERK: Bill No. 110553, an
24 ordinance amending Section 9-205 of The
25 Philadelphia Code, related to "Sidewalk

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2 Sales," and vending in residential areas,
3 within the Ninth District, by deleting a
4 provision allowing sidewalk sales and
5 vending in the area bordered by and
6 including Olney Avenue, Cheltenham
7 Avenue, Broad Street, and Fifth Street,
8 both sides.

9 MR. YOUNG: Good morning,
10 Councilman DiCicco and members of the
11 Committee. I am John U. Young from the
12 Department of Licenses and Inspections.
13 Today I am here to provide testimony on
14 Bill No. 110553, which, if enacted, will
15 amend Section 9-205, "Sidewalk Sales," by
16 deleting a provision allowing sidewalk
17 sales and vending in the area bordered by
18 and including Olney Avenue, Cheltenham
19 Avenue, Broad Street, and Fifth Street,
20 both sides.

21 The Department of Licenses and
22 Inspections offers no objection to the
23 enactment of this bill.

24 Thank you for the opportunity
25 to provide the Department's testimony on

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2 Bill No. 110553. I will be happy to
3 answer any questions at this time.

4 COUNCILMAN DiCICCO: Any
5 questions from this Committee for this
6 witness?

7 (No response.)

8 COUNCILMAN DiCICCO: Anyone
9 else here to testify on this bill?

10 (No response.)

11 COUNCILMAN DiCICCO: Seeing
12 none -- thank you. Seeing none, please
13 read the title of the next bill.

14 THE CLERK: Bill No. 110449, an
15 ordinance amending Title 12 of The
16 Philadelphia Code, entitled "Traffic
17 Code," by amending Chapter 12-900,
18 entitled "Parking Regulations and
19 Penalties," by adding a new section
20 authorizing the Philadelphia Parking
21 Authority to designate reserved parking
22 spaces for hotel owned vehicles, adding
23 definitions to Section 12-102, and making
24 certain technical changes, all under
25 certain terms and conditions.

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2 (Witnesses approached witness
3 table.)

4 COUNCILMAN DiCICCO: Good
5 morning, gentlemen.

6 Mr. Pollock, please proceed
7 with your testimony.

8 MR. POLLOCK: Good morning,
9 Councilman DiCicco, Councilman Greenlee
10 and Councilman Jones, and Councilwoman
11 Sanchez, who I know was here previously,
12 and Council President Verna, who I know
13 was in attendance also. I'm here on
14 behalf of a bill that impacts the hotel
15 industry in the City of Philadelphia.
16 Specifically, I have with me Mr. Matt
17 McCauley, who is the General Manager of
18 the Latham Hotel, and that was the
19 genesis of our request with 110449.

20 If I may, Councilman, we did
21 prepare -- I have some photos just so
22 everybody can see, and it's photos of the
23 Latham Hotel, also the Hotel Palomar,
24 also the Radisson and also a hotel known
25 as AKA, which is on 18th Street. But the

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2 unique -- there is something unique about
3 the 17th Street corridor, as you'll see
4 with regard to that.

5 I also would like to hand up to
6 you a map that will show the area that we
7 would anticipate being covered by a hotel
8 vehicle that would be complimentary. And
9 also just something to show you that the
10 15 Beacon, which is a boutique luxury
11 hotel in Boston, on its website, the very
12 first page, highlights that they have a
13 Lexus that will provide complimentary
14 service, and they tout that as an amenity
15 for their guests. So I'd like the panel
16 to see that also.

17 And if you want, here's one
18 more thing. It's a highlighted map where
19 you'll get a better idea of the
20 boundaries of where the car will go.

21 So I will take credit for
22 having at least tried in effort to draft
23 something that, Councilman DiCicco, I'm
24 thankful that you were willing to
25 introduce this so we could be heard. We

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2 tried to pattern it as an amalgam between
3 the passenger loading zone ordinance and
4 also the valet parking zone ordinance to
5 bring in the characteristics of both
6 those ordinances that are on the books.

7 This is a request, and what
8 happens is this -- in my prepared
9 testimony -- and I always liked this
10 quote, that Senator Robert Kennedy always
11 expressed the role of a leader in his oft
12 used quotation from George Bernard Shaw:
13 "There are those that look at things the
14 way they are and ask why. I dream of
15 things that never were and ask why not."
16 And we're asking today why not. Council
17 Bill 110449 is going --

18 COUNCILMAN DiCICCO: That's
19 going to be a tough act to follow, Rick.

20 MR. DICKSON: I have to really
21 brush up on my historical analogies now.

22 MR. POLLOCK: He and I go way
23 back to many campaigns, so he knows my
24 shtick.

25 There are several hotels in the

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2 City that don't have the luxury of
3 off-street parking, and in order for the
4 Philadelphia hotel industry to keep up
5 with other cities, the dream of a
6 reserved hotel vehicle parking space we
7 feel needs to be a reality.

8 I could also show you, if you
9 want, the Houston -- in Houston there is
10 a hotel called the Lancaster Hotel. It
11 is a hotel that's a boutique hotel. It's
12 in a landmark building dating back to the
13 1920's. And if the panel would like to
14 see that, I can hand up a copy of their
15 website to show you.

16 And here is the thing: We are
17 in a landmark building. This building
18 was built by William Bucknell, the same
19 William Bucknell who was a
20 philanthropist, who later on in life
21 created Bucknell University and one of
22 the finer private institutions in the
23 Commonwealth of Pennsylvania, among many
24 others.

25 This property sits at 17th and

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2 Walnut, but we have crafted something
3 that will fit for a generic and fits the
4 hotels that I talked to you about, also
5 would probably fit many other hotels that
6 would have at least three street
7 frontages that would already have in
8 front of them a valet and/or loading
9 zone. And so, therefore, we're not
10 taking away an already metered space in
11 front of an existing area where the
12 general public can go park, but we're
13 talking about a specific area that
14 already sort has been designated by the
15 Authority under the ordinances as given
16 the nature and activity of a hotel, you
17 do need to have some sort of quality
18 control and allow people to go and have
19 their parking.

20 But the problem that we face --
21 and Matt can get into this a lot more
22 because of his experience -- is that you
23 can't always get -- you have people that
24 come, they want to be able to get out and
25 go to a restaurant very quickly. They

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2 want to go to a meeting, because the
3 Latham does not have meeting room space.
4 We have 139 rooms. Matt will tell you
5 painstakingly that they've just spent \$12
6 million to renovate the Latham Hotel to
7 modernize it and bring it up to making
8 it, and it's received a Preferred Hotel
9 Boutique label, that one of the standards
10 is to provide complimentary service like
11 this for cars and their passengers. And
12 so we are looking at this as a way of
13 providing for the hospitality industry of
14 the City of Philadelphia, which spills
15 over into the restaurant industry,
16 because if somebody wants to take the car
17 to go to one of our restaurants and they
18 have a reservation that they have to make
19 very quickly, we would be able to provide
20 this.

21 No way is this going to be for
22 hire for anybody. No way is this
23 intended to be a supplement or supplant
24 the taxicab industry in this city. No
25 way is this supposed to be somebody is

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2 going to shuttle you to the airport.
3 That's just not going to be. As you can
4 see on our map that we've handed up, we
5 intend about a mile and a half to
6 two-mile radius where we would be willing
7 to take people. So we're not trying to
8 do anything like that. And since it
9 would be a spot that we would use only
10 from about 6:00 a.m. to 11:00 p.m., if we
11 meet certain criteria approved by the
12 Authority, because that's -- like the
13 loading zone ordinance and the valet
14 ordinance, the Authority has the right to
15 take a look and consider certain factors.
16 That's part of the ordinance that we've
17 presented, so it's a standard that you're
18 setting as the legislative body. You're
19 giving them some direction as to how they
20 are supposed to look at it.

21 But we're not going to be using
22 it 24 hours and being parked there and
23 just park there for the rest of our days
24 and that's the end of it. So at the end
25 of the night when we're finished

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2 providing that service, it would go to an
3 off-street lot that we -- a facility that
4 we do have an arrangement with with
5 Central Parking on Sansom Street, so that
6 it wouldn't be something that we would
7 consider taking up the space on a 24-hour
8 basis and would no longer be that.

9 We designated it at about 23
10 feet in length, because that's what the
11 loading zone area is, but we have, as I
12 said, we have loading zone and we have
13 valet in front of us, and we're fortunate
14 enough that on our side, the east side of
15 17th Street, there's no parking on our
16 side. As you go further south,
17 interestingly enough, in front of the
18 Radisson, the parking -- once you go
19 south of Walnut Street, parking then
20 switches to the west side. And so the
21 Radisson definitely would be an eligible
22 participant.

23 The Palomar -- and I do have a
24 letter. I don't know -- they sent it
25 back in June I know when the bill first

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2 got introduced and I just want to make
3 sure that it makes the record again.
4 Palomar, which is a Kimpton Hotel, also
5 is in support, and I have copies of that
6 letter.

7 COUNCILMAN DiCICCO: Where
8 would the zone be for Palomar? Because
9 there's parking on --

10 MR. POLLOCK: Palomar would
11 probably have it, Councilman, along
12 Sansom Street.

13 COUNCILMAN DiCICCO: Okay.

14 MR. POLLOCK: Because they do
15 have a long area where it's -- and you
16 can see from the pictures, they have a
17 double valet and loading zone also along
18 Sansom Street, but they also are
19 allowed -- you are allowed to park in
20 front of on that side of the Palomar,
21 because they are also on the east side of
22 17th Street between Chestnut and Walnut.
23 And so it doesn't really -- the parking
24 doesn't really shift until you get south
25 of Walnut Street.

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2 And I must be correct, because
3 Rick is not telling me I'm wrong on that
4 one with regard to the way the parking
5 shifts.

6 COUNCILMAN DiCICCO: I'm
7 familiar with it.

8 MR. POLLOCK: Yeah. And
9 because we're going to have 12 to 13
10 hours worth of traffic -- of use, this
11 will probably require us to hire at least
12 two, maybe three new people that would
13 serve as drivers, and they would be the
14 kind of jobs that -- right kinds of jobs
15 in Philadelphia and they would increase
16 employment.

17 So it's something that if
18 other -- it's something that gives us an
19 opportunity to say to everybody that we
20 want to come here to this fine city,
21 because we've expanded the Convention
22 Center, and you all know that, the Mayor
23 has made a call for 2,000 more hotel
24 rooms. The Latham stepped up and their
25 Ocean Property stepped up with \$12

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2 million to renovate to keep 139 hotel
3 rooms in the City, and this is just
4 another thing that they need to compete,
5 because as you can see, I can show you
6 the -- all the W Hotels have something
7 they call their Acura Experience, where
8 they offer the same thing with an Acura
9 for their hotel guests in the cities
10 they're in. So they're in, you name it,
11 they're in Chicago, New Orleans.

12 So we're not just talking
13 about -- so that's why I'm saying, the
14 dream is instead of listening -- and I
15 have all due respect for Mr. Denny and
16 Mr. Dickson, and they're doing their job
17 just like we're doing our job. But we're
18 asking you as legislators to ask the why
19 not, and why not allow us to have -- not
20 just us, because it's generic and it
21 could fit if you have something in your
22 district, Councilman Jones.

23 Councilman Greenlee, I know
24 you're concerned with Fairmount. And
25 Councilman Clarke now is here, his

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2 district. You know, it provides for a
3 lower rate too for the fee or the cost to
4 offset the regulation cost for any
5 district. So it's a generic bill that's
6 not wedded just to a specific location
7 the way we've drafted it.

8 I'd like to have Matt McCauley
9 give you some of the insights he has as
10 being the Manager of the Latham.

11 MR. McCAULEY: Hi. Good
12 morning. My name is Matt McCauley. I am
13 the General Manager of the Latham Hotel.

14 Following a \$12 million
15 renovation of the Latham Hotel, the
16 property has been re-branded and
17 repositioned as a "Preferred" Boutique
18 Hotel. The Preferred Hotel designation
19 constitutes the highest level of services
20 and products within the industry. There
21 are 26 four diamond hotels and 12 five
22 diamond hotels under the Preferred Hotels
23 and Resorts umbrella.

24 The Preferred Hotels group has
25 a global reach of 850 best-in-class

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2 hotels located in 70 countries. There
3 are over one million members of the "I
4 Prefer" guest loyalty program. The
5 tourism industry always seeks to provide
6 additional amenities to our business
7 travelers and tourists.

8 The re-branding of the Latham
9 Hotel will do just that through elevated
10 concierge services and catering to a
11 distinctive traveler.

12 Part of this new service level
13 requires us to have a hotel vehicle on
14 site for quick, easy access to locations
15 within two miles of the hotel. Ready
16 access to a hotel vehicle will provide
17 transportation for our guests when time
18 is of the essence and where the distance
19 traveled may not be accommodated by
20 regular taxicab service.

21 The vehicle will be used
22 exclusively by hotel management, hotel
23 sales associates, the "I Prefer" members
24 and VIP guests. We will transport
25 management or clients to appointments or

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2 locations within the two-mile area from
3 the hotel. The vehicle will not be used
4 for hire or for any transportation beyond
5 this area, including the airport, and all
6 marketing material will exclude airport
7 transportation.

8 The vehicle will be parked in
9 front of the hotel from 7:00 a.m. to
10 11:00 p.m. and then off site in the
11 garage after hours. The hotel -- excuse
12 me. The hotel vehicle will be an Audi
13 A-8, Jaguar or similar luxury sedan that
14 we anticipate purchasing in Philadelphia.

15 As a hotel, it does not have
16 the ability to park the vehicle on its
17 property. This will enable us to provide
18 our hotel guests with significant
19 service, which will also enhance the
20 amount of visitors who may or may not
21 have chosen a Center City hotel.

22 MR. POLLOCK: What's been your
23 experience, Matt, with regard to your
24 guests in terms of getting them to events
25 or getting them to --

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2 MR. DICKSON: You don't get to
3 ask witnesses questions.

4 MR. POLLOCK: Oh, I'm sorry.

5 COUNCILMAN JONES: One of the
6 benefits of being on these committees
7 that may seem to some mundane, I find
8 exciting, because there's some learned
9 application that can be applied to some
10 other aspect.

11 You mentioned that there is a
12 certain boutique level of hotels. How
13 are they determined? Does some rating
14 agency --

15 MR. McCAULEY: By service
16 levels and amenities provided at the
17 property.

18 COUNCILMAN JONES: And this --

19 MR. McCAULEY: This would be an
20 amenity that is required by Preferred
21 Hotels.

22 COUNCILMAN JONES: Can you
23 provide to the Chair and the members of
24 this Committee some level of
25 understanding of what those services and

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2 amenities are so as we go forward and
3 there's a debate about more hotels in the
4 City of Philadelphia, that we get a sense
5 of this. Would this put you -- and
6 you're going to tell me probably you're
7 far superior to the W, but is it like --

8 MR. McCAULEY: Yes. This will
9 put us in the same level as the W Hotel,
10 as the Hotel Palomar, which we had
11 discussed, which is the Kimpton Hotel.
12 And it's just providing a unique service
13 specific to a boutique property. So it's
14 a service that you're not going to get at
15 a Hilton, you're not going to get at a
16 Marriott, and it's specific to the
17 boutique and that niche of clientele that
18 we're going after.

19 COUNCILMAN JONES: And the
20 profile of that clientele would be
21 someone looking for?

22 MR. McCAULEY: Looking for a
23 higher level of services. It's not --

24 COUNCILMAN JONES: So Steve
25 would be able to afford that.

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2 MR. McCAULEY: Yeah.

3 MR. POLLOCK: Not after the
4 wedding I have to pay for.

5 MR. McCAULEY: It's not at the
6 same level as a Four Seasons or a Ritz
7 Carlton, but it's right in between there
8 and it would be above a Marriott and a
9 Hilton.

10 COUNCILMAN JONES: And so in
11 Philadelphia's competition with other
12 cities, the more of these types of
13 hotels, you get a particular type of
14 traveler/customer/hotel night stay that
15 wants this.

16 MR. McCAULEY: Correct.
17 Correct. That's why we've partnered with
18 Preferred Hotels. They have their "I
19 Prefer" program, which is a million
20 strong. So it's a great benefit.

21 MR. POLLOCK: Councilman Jones,
22 if I may, here's the Lancaster Hotel,
23 which is in Houston, but it's in the
24 downtown theatre district, and it's a
25 landmark building, like we are a landmark

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2 building. And if you want to see what
3 their website advertises in some of
4 the --

5 COUNCILMAN DiCICCO: We're
6 going to do actually a road trip to go
7 see the hotels. As Chairman of this
8 Committee, I'm empowering myself to
9 demand that this Committee --

10 MR. POLLOCK: Well, you are the
11 Streets Committee and you're allowed to
12 go on the streets. Nobody said it has to
13 be just the streets of Philadelphia.

14 COUNCILMAN DiCICCO: I got to
15 charge one trip to this Council after 16
16 years, and I figure on the way out, this
17 is a good opportunity.

18 COUNCILMAN JONES: Our
19 Chairman's dedication to public service
20 knows no bounds.

21 MR. POLLOCK: Also, I don't
22 know if you got a letter sent to you, but
23 Matt had an e-mail that was sent to him
24 from Ed Grose, who is the Executive
25 Director of the Greater Philadelphia

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2 Hotel Association. I don't know if that
3 made it to you yet, but we do have that,
4 where they are supportive in this.

5 Our hotels continue to struggle
6 with how best to manage the automotive
7 needs of our guests with Philadelphia's
8 limited on-street parking spaces, the
9 newly increased valet fees and the
10 highest rate -- the high rates at
11 off-street parking garages. This new
12 parking category will add another
13 variable to assist several hotels in
14 making our city more attractive and
15 convenient to out-of-town guests.

16 COUNCILMAN DiCICCO: The
17 amenity that -- I went out of turn. I
18 usually get testimony and then ask, but
19 I'll ask one more question, but let's
20 wait until the rest of the --

21 COUNCILMAN JONES: You're
22 right, Mr. Chairman.

23 MR. POLLOCK: And if I can -- I
24 don't know if it's right, but if I can
25 reserve two minutes to come back after I

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2 know the onslaught I'm going to hear from
3 Rick and Charlie.

4 COUNCILMAN DiCICCO: The
5 amenity that this bill represents in
6 preserving a reserved space puts you in
7 that Preferred Hotel category?

8 MR. McCAULEY: Preferred
9 Boutique, yes.

10 COUNCILMAN DiCICCO: Boutique.
11 Without it, would you still be in the
12 Preferred Boutique?

13 MR. McCAULEY: I would, but I'd
14 have to find another unique amenity. I
15 would have to find another unique
16 amenity, and this is a unique amenity
17 that --

18 COUNCILMAN DiCICCO: If you
19 don't have a unique amenity or cannot
20 find whatever it is, another unique
21 amenity, how does that impact your room
22 rates?

23 MR. McCAULEY: Dramatically.
24 Dramatically. It's \$100, \$150 less.

25 COUNCILMAN DiCICCO: Per room?

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2 MR. McCAULEY: Per room, per
3 night.

4 COUNCILMAN DiCICCO: Less
5 revenue for you, less taxes for the City.

6 MR. McCAULEY: Yes.

7 COUNCILMAN DiCICCO: I'm
8 looking at economic issues as well.
9 Thank you.

10 Mr. Dickson and Mr. Denny, I
11 apologize.

12 MR. DICKSON: Well, in keeping
13 with Mr. Pollock's opening theme, Edward
14 Kennedy said at his brother's eulogy, My
15 brother need not be idealized or enlarged
16 in death beyond which he was in life. He
17 should be remembered simply as a good and
18 decent man, who saw wrong and tried to
19 right it.

20 I see a potential wrong here
21 and I am trying to right it.

22 COUNCILMAN DiCICCO: Bravo.
23 Bravo. I was concerned about your being
24 able to --

25 MR. DICKSON: You didn't think

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2 I was going to be able to rise to the
3 occasion.

4 COUNCILMAN DiCICCO: I knew you
5 were capable of it, but in such short
6 notice, I'm impressed.

7 MR. DICKSON: Unfortunately, I
8 wasn't able to pay any attention to
9 Mr. Pollock's testimony, so I don't know
10 what he said while I was trying to come
11 up with that.

12 MR. POLLOCK: See, that was the
13 distraction.

14 COUNCILMAN DiCICCO: Councilman
15 Green wasn't here for --

16 MR. DICKSON: He doesn't know
17 what led to this.

18 COUNCILMAN DiCICCO: He
19 couldn't understand why we're comparing
20 this to JFK, but anyway.

21 MR. DICKSON: The Parking
22 Authority's role is to try to manage what
23 is really a scarce resource, and that's
24 on-street parking spaces. We have -- we
25 do not come at any time and say we

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2 believe that a part of the public street
3 should be turned over to an exclusively
4 private use. The fact that this bill
5 limits the applicability of -- the
6 availability of the space to hotels that
7 have frontage on three sides is not
8 particularly relevant, because in every
9 one of these cases two of the three sides
10 are not really available for public use,
11 public parking.

12 The only space that's available
13 in regard to the Latham is the Sansom
14 Street front of the hotel. It has been
15 reserved -- I'm sorry; 17th Street front
16 of the hotel. I apologize. 17th Street.

17 It has been reserved for the
18 use of valet and passenger loading.
19 Unfortunately, most of the time valets do
20 not get vehicles out of the zones quickly
21 enough for the next vehicle to come in
22 and get to the curb space. That results
23 in vehicles double parking, creating both
24 a vehicle and a pedestrian safety hazard.
25 Taking one of those spaces out of the use

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2 for that application to reserve it for a
3 vehicle which will be parked 90 percent
4 of the time displaces dozens of other
5 vehicles that want to take advantage of
6 the services at the hotel. They will end
7 up double parking or driving around the
8 block finding another way to get access
9 to the hotel.

10 The other issue is reserving it
11 exclusively for one vehicle, which at the
12 end of the day will actually be an
13 advertising mechanism more than a
14 service, is analogous to a hot dog stand
15 on South Street saying I want to take the
16 space in front of my place to park the
17 Oscar Meyer vehicle there because I'm
18 going to deliver hot dogs down to some
19 place somewhere else, where 90 percent of
20 the time it's never going to be used.

21 The fact that the space may not
22 be available has nothing to do with
23 whether the amenity is available. They
24 have off-street parking spaces that are
25 available to park this vehicle, and

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2 obviously from what Mr. Pollock said,
3 they have staff available that can get
4 the vehicle and bring it to the location.
5 So the fact that the vehicle is not
6 parked there all of the time does not
7 mean that the amenity is not available.

8 Our concern is that this is
9 going to create all kinds of other safety
10 problems, because the frontage that's
11 available is really not even sufficient
12 to provide ample opportunity for those
13 people that are using valet and loading
14 services, and we're going to create both
15 traffic jams on 17th Street and we're
16 going to create safety hazards for the
17 people that are there.

18 The other issue is taking any
19 space, public space, and exclude -- and
20 assigning it exclusively to one business,
21 individual or institution is not really
22 the best use of a public resource.

23 The final comment that I would
24 make is that this is -- the fee that's
25 set for this is \$1,200. Council already

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2 set the fee for valet spaces at \$2,500,
3 and those spaces are available to anyone
4 that wants to use that service, not just
5 to one person. So charging half the fee
6 for the exclusive use of an on-street
7 parking space doesn't really seem
8 appropriate when we're charging more than
9 twice that for valet space that everybody
10 wants to use valet services, wants to
11 have access, that does have access to.

12 So the Parking Authority's
13 position is that we would not recommend
14 approval of this bill.

15 COUNCILMAN DiCICCO: Mr. Denny.

16 MR. DENNY: Good morning again,
17 Mr. Chairman and members of the
18 Committee. Thank you for the opportunity
19 to appear before you again. My name is
20 Charles Denny, Assistant Chief Traffic
21 Engineer for the Department of Streets,
22 and I am here to offer testimony on Bill
23 110449.

24 The Streets Department has
25 concerns for this bill. We are concerned

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2 with the privatization of curb space. We
3 are allocating limited space to a private
4 entity. Most hotels have limited space
5 in front of their hotel for normal
6 loading and unloading of vehicles by
7 guests of the hotel. The space in front
8 of the hotel is generally a combination
9 of passenger loading zone with a valet
10 operation as well. The passenger loading
11 zone is used by taxis. In some cases
12 there are taxi zones in front of the
13 hotel. All of this activity in front of
14 the hotel results in spillover at some
15 hotels, with loading and unloading taking
16 place in the travel lane. These busy
17 activities increase congestion on the
18 City's streets both in Center City and
19 University City.

20 The legislation should be
21 crafted to ensure that any hotel parking
22 space does not cause additional
23 congestion on Center City streets by
24 reducing the needed loading zone for the
25 normal operation of a hotel, forcing that

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2 activity into the travel lanes or
3 adjacent parking or loading zones. We
4 feel that the Streets Department will
5 need to be the entity to evaluate and
6 make the determination that the proposed
7 hotel vehicle parking space is
8 appropriate. The Streets Department
9 should also evaluate whether the zone is
10 impacting other normal loading and
11 unloading activities that take place in
12 front of the hotel.

13 The other area of concern is
14 the value of the parking space. Based on
15 calculations, a Center City metered space
16 should generate \$8,000 per year and
17 University City spaces 6,500 per year.
18 The proposed fee of \$1,200 is not on the
19 scale with the true value. The fee
20 should be priced to at least half the
21 above values.

22 Thank you again for the
23 opportunity.

24 COUNCILMAN DiCICCO: Thank you.

25 I was listening to

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2 Mr. Dickson's testimony. I started
3 making notes, but I'd probably just go
4 right up to Mr. Denny, and the question
5 is, I understand the amenity. I
6 understand it gives you a better ranking,
7 and that's good for everybody. You guys
8 do better, the City does better because
9 we have a higher rate of hotels, which
10 means more taxes, et cetera.

11 The vehicle is not going to
12 always be there, because if a client
13 wants to use it, they're going to leave,
14 take that person to wherever location
15 they want to be driven to. The space
16 stays open for ten minutes, half hour, an
17 hour depending how far that client needs
18 to be driven to.

19 What do you do with the space
20 in the absence of that and what happens
21 to the valet spaces that are already
22 there? While you're not asking for an
23 additional space to the valet, how do you
24 handle that? I mean, in some cases where
25 you have a whole -- maybe Market Street

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2 in front of the Marriott you got a pretty
3 big area, but the Latham, even the
4 Warwick, I guess, and Palomar.

5 MR. POLLOCK: Which is the
6 Radisson now.

7 COUNCILMAN DiCICCO: I'm just
8 curious.

9 MR. POLLOCK: I mean, one of
10 the things that I think you have happen
11 is that since it's a valet and you have
12 concierges and you have -- the Latham
13 always has people outside to assist --
14 that you're going to be able to manage
15 that and a hotel be able to manage that,
16 so that if a vehicle is outside and gone
17 to deliver somebody, avail themselves of
18 that amenity, that space could be used
19 for a valet. It doesn't necessarily have
20 to be an exclusive spot.

21 I mean, what happens is this,
22 and this is -- with regard to the current
23 status where you have a valet and you
24 have loading zone, they're supposedly
25 time limited. They're supposedly subject

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2 to the enforcement officer who comes
3 along from the Parking Authority. That
4 person, I understand shifts get changed,
5 assignments get changed. So you as a
6 hotel operator get hit with irregular
7 kind of enforcement and irregular kinds
8 of de facto allowing something to stay a
9 little bit longer than possibly the
10 regulations allow. Because let's face
11 it, if there's a valet zone in front of a
12 hotel, I don't think somebody is using it
13 for the -- I'm not going to valet my car
14 if I'm going to the McDonald's just up
15 the street on Walnut Street. I'm not
16 going to valet if AKA were allowed to do
17 this. If I was going to Barnes and
18 Noble, I'll probably not valet.

19 I mean, allowing the valet or
20 the passenger loading in that particular
21 area, in that particular segment or in
22 front of a hotel, I would say that most
23 of the time you're getting it used by the
24 hotel and not by other businesses in the
25 area.

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2 Now, I mean, I would harken to
3 that some ways that the whole scheme of
4 things set up for tour bus operators and
5 the amphibious tour vehicles and what
6 they're allowed to do in passenger
7 loading zones or passenger carrier zones
8 and they're allowed to have their own
9 assignment -- it's in 9-407 -- is akin to
10 sort of saying again that for a purpose
11 and time that there is allowed to be this
12 use by a specific --

13 COUNCILMAN DiCICCO: That's the
14 only point --

15 MR. POLLOCK: And I would --
16 the other thing is, I have great respect
17 for the vendors and everything like that,
18 but the vendors are there because of an
19 ordinance. They pay certain fees, but
20 this is somebody who pays real estate
21 taxes, just spent 12 million. And the
22 hotel operators, they're either lessees
23 or in our case we own -- we have an
24 entity, the Latham Hotel Management, LLC,
25 I think, that owns this property. So we

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2 own our entire property. So we're paying
3 a little bit more and have a little bit
4 of a stake that this is actually -- we're
5 not moving. A vendor always could some
6 day move to a different location if he
7 could do that. So to say that you're --
8 I think it's really apples and oranges,
9 or some people like --

10 COUNCILMAN DiCICCO: I'm not --

11 MR. POLLOCK: So I think --

12 COUNCILMAN DiCICCO: I get the
13 issue --

14 MR. POLLOCK: And I think
15 people can manage that it -- and the
16 \$1,200 was at that point in time when I
17 drafted this, I think there was an
18 ordinance coming through. You were
19 looking to redo the valet ordinance, and
20 I think at the point back in April or
21 May, it was at about 1,200. Then I think
22 you did set it up to 2,500. So that
23 would be the least of our concerns.

24 COUNCILMAN DiCICCO: That's
25 something we can talk about. It's not a

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2 deal killer.

3 But the only part about, Rick,
4 your testimony was about reserving. We
5 do reserve spaces for other businesses,
6 as Mr. Pollock pointed out. And I
7 understand that valet parking zones are
8 not to be long-term parking, and
9 sometimes that happens. We all
10 understand that. So that's the reason
11 why we would need a separate bill to
12 allow for that reserved spot, which
13 pretty much operates similarly. Somebody
14 uses the car, they get driven away as
15 opposed to the attendant parking in the
16 garage and then bringing it back.
17 There's always movement in those spaces,
18 is what I'm getting at.

19 I'm just curious if there's a
20 way creatively you guys can figure where
21 we can massage the valet parking
22 rules/regulations that will give some
23 leeway for these types of amenities that
24 the hotels want to offer within the valet
25 zone. You may not have the answer now,

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 but I'm just kind of trying to figure if
3 there's a way of getting there. And as
4 you're thinking about it, Councilman
5 Jones was on first.

6 COUNCILMAN GREEN: He was not,
7 actually, Mr. Chairman.

8 COUNCILMAN DiCICCO: Well, you
9 were late getting here, so I am --

10 COUNCILMAN GREEN: That's true.
11 I have a point of information.

12 COUNCILMAN DiCICCO: Point of
13 information. Frank Rizzo --

14 COUNCILMAN JONES: We're going
15 to change the point of information rule.

16 COUNCILMAN GREEN: I think the
17 gentleman in the middle, I'm sorry, asked
18 a question, which I'd like to hear the
19 answer to. And I apologize because I was
20 late coming from a wake and I have an
21 appointment at noon that is going to
22 cause me to leave as soon as I hear the
23 answer to this question, so --

24 COUNCILMAN DiCICCO: Hurry up.

25 COUNCILMAN GREEN: That is, why

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2 can't the valet car simply be available
3 and pull up when the customer needs it,
4 as was suggested? I don't understand the
5 need to have it park in front.

6 MR. McCAULEY: Time. With
7 Preferred Hotels, it's a more demanding
8 clientele and it's just time. To drive a
9 car around, it's 10, 15 minutes, to pull
10 it out of a garage, get it out of a
11 parking spot, bring it down Sansom, turn
12 the street. It's too much time, and I
13 have demanding clientele. I can't meet
14 the time. If someone wants to go, they
15 have an immediate meeting they need to
16 get to, they need to get to a restaurant,
17 they need to get to an appointment --

18 COUNCILMAN GREEN: I've used a
19 car service at a hotel and I've never not
20 called in advance or let them know,
21 because it's usually not there if you
22 haven't told them you need it at 10
23 o'clock or 10:15. I mean, that's my
24 personal experience. But thank you.

25 MR. McCAULEY: You're welcome.

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2 COUNCILMAN DiCICCO: Councilman
3 Jones.

4 COUNCILMAN JONES: Yeah. My
5 question would be to the Parking
6 Authority in the sense that we have a
7 number of restaurants, hotels that
8 actually take advantage of our spaces.
9 When I say "our," the our I mean is the
10 City of Philadelphia, Public Property.

11 My question is, how do you
12 determine the value and is there a
13 comparable value on the estimated in and
14 out revenue that we would have on the
15 metered space, and how do you determine
16 that?

17 MR. DICKSON: We generally
18 determine that based on the number of
19 regulated hours of the meter rate in the
20 area and the overall occupancy of those
21 spaces.

22 COUNCILMAN JONES: So there's a
23 formula that X equals what? What is that
24 formula?

25 MR. DICKSON: Well, to tell you

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 the truth, I haven't recalculated it
3 since the meter rate went up a month or
4 so ago. Charlie calculated it at \$8,000
5 a year. I can believe that that's
6 probably -- that's pretty close.

7 COUNCILMAN JONES: And is our
8 fees commensurate with that revenue loss?

9 MR. DICKSON: Oh, no.

10 COUNCILMAN JONES: No.

11 MR. DICKSON: In no case is it
12 commensurate. I mean, the highest rate
13 we have is \$2,500 a year for a valet
14 space, and if we're getting \$8,000, even
15 if we say \$6,000, clearly it's not.

16 There are times where the
17 public purpose that's being served by
18 providing a different kind of parking
19 option would say that the reduced rate
20 may be appropriate.

21 I'm really not making the case
22 here based on revenue. My major concern
23 is that the street has to work, and if it
24 doesn't work for everybody because there
25 are vehicles that are double parked

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2 because they don't have access to the
3 curb to do what they need to do, then
4 it's not good for the hotel's business
5 nor is it good for the business of
6 everybody around them. And having worked
7 with valet now for 15 years or so, I know
8 that the spaces are generally not always
9 available, because we can't get them in
10 and out. It just doesn't happen that
11 way.

12 COUNCILMAN JONES: I'm going to
13 take this opportunity to quote Kennedy.
14 Ask not what the Parking Authority can do
15 for you, but what you can do for the City
16 in the sense -- I'm paraphrasing Kennedy
17 there. And when I say --

18 MR. DICKSON: Well, we've
19 covered all three brothers now.

20 COUNCILMAN JONES: This is
21 Kennedy Day in Council.

22 But I would -- not at this
23 hearing, but ask at a different time for
24 you to, A, update the calculation on what
25 the new revenues are per zone per parking

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 for the City, and then, B, I'm really
3 going to ask, is the greater good of
4 having a hotel that can charge greater
5 room rates and we derive taxes from equal
6 to the revenue that we lose? This is not
7 the case for that to be decided today,
8 but at some point as we start to look at
9 quarters in the couches for how we fund
10 our schools and other places, that
11 question will resurface. So I'm giving
12 you some time in advance to get an
13 answer.

14 MR. DICKSON: And let me just
15 respond to Councilman DiCicco's question
16 about whether we might be able to work
17 the rules for valet that would
18 accommodate a longer-term occupancy for a
19 vehicle owned by the hotel. That's
20 certainly something we can look at. The
21 problem always becomes when the valet
22 zone is 100 percent occupied, do we then
23 force the hotel to say, Okay, you've got
24 to get the other car out of here now.
25 It's sort of constantly juggling to

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2 say -- we set the rules to try to say get
3 them out so that there's space available
4 for the next guy.

5 So we could certainly talk with
6 the hotels about something, but that's
7 been our goal, make sure that there's
8 space that doesn't cause vehicles to park
9 illegally to get access to the building.

10 COUNCILMAN DiCICCO: I get
11 that. I understand. Thank you.

12 How do they do it in New York,
13 other cities where they have similar
14 traffic congestion issues? I mean, they
15 do have reserved spaces, I believe. Is
16 that what you were suggesting in your
17 testimony earlier?

18 MR. POLLOCK: Yes.

19 COUNCILMAN DiCICCO: They are
20 reserved. They have valet?

21 MR. McCAULEY: Yes.

22 COUNCILMAN DiCICCO: How do
23 they -- I'm trying to get a sense of why
24 they can figure it out. Not that we
25 can't. We may figure it out. I'm just

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 curious. What makes it different here or
3 what could make it different here from
4 other cities?

5 MR. POLLOCK: I mean, I can't
6 venture, because I've never really looked
7 into the operational logistics of how
8 they do that. So I would only --

9 COUNCILMAN DiCICCO: They have
10 parking authorities and --

11 MR. POLLOCK: I'd be at a loss
12 to give you any kind of --

13 COUNCILMAN DiCICCO: I'm
14 curious.

15 MR. POLLOCK: I mean, other
16 than, I guess, that -- it depends on what
17 values you have and what do you want to
18 allow people to do and how do you see
19 yourself and how do you want to portray
20 yourself and do you value, as Councilman
21 Jones said, the economics of something or
22 do you value that we're doing something
23 that we shouldn't allow somebody to do
24 because everybody else is going to want
25 to do it, or do you start looking at it,

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 as you say, Councilman DiCicco, to try
3 and see if you can make it work. And so
4 I guess in other cities where they
5 realize they want to get people into
6 their hotels, they're willing to put up
7 with some of this stuff.

8 MR. DICKSON: Could I offer,
9 Councilman, that I would be happy to work
10 with these gentlemen to contact the
11 cities where these exist and see how
12 they've structured it to see whether we
13 might be able to learn something from
14 their experience.

15 COUNCILMAN DiCICCO: And that's
16 where I would ask that maybe we would
17 hold the bill. Maybe there's a way of
18 massaging it and figuring it out. And I
19 do have a concern. My question is, why
20 are we doing 300 in areas that are
21 outside of the boundaries that are
22 described that would pay --

23 MR. POLLOCK: Again, it was
24 just that I think --

25 COUNCILMAN DiCICCO: I don't

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 think uniformity -- I think under the
3 Uniform Act we wouldn't be able to do
4 that anyway.

5 MR. POLLOCK: I think the valet
6 ordinance had sort of set up a zone for
7 areas inside the City, certain areas
8 within the City, and then outside the
9 City a lesser fee. So that was the only
10 reason why --

11 COUNCILMAN DiCICCO: Outside
12 Center City?

13 MR. POLLOCK: Outside of Center
14 City. That was the only reason why I
15 came up with that.

16 MR. DICKSON: And I think,
17 Councilman, that was structured to be
18 consistent with the difference in meter
19 rates in the different areas.

20 MR. POLLOCK: Meter rates. So
21 that was the only reason why --

22 COUNCILMAN DiCICCO: Well, you
23 can look into that, nail that down at
24 least on the fees. Twelve hundred
25 obviously doesn't make sense if you're

1 9/21/11 - STREETS - BILLS 110269, ETC.
2 doing the 25, but let's keep talking
3 about this. We'll hold this, and we're
4 going to have another Streets and
5 Services hearing, at least one, if not
6 two, before the end of the session and
7 we'll try to figure out how we can
8 accommodate and be able to move traffic,
9 keep traffic moving out there as well.

10 MR. POLLOCK: Okay.

11 COUNCILMAN DiCICCO: Thank you.

12 MR. POLLOCK: Thank you very
13 much.

14 COUNCILMAN DiCICCO: Any other
15 questions?

16 (No response.)

17 (Pause.)

18 COUNCILMAN DiCICCO: This
19 concludes the public hearing on the
20 Committee of Streets and Services. We're
21 now going to go into the public meeting.

22 The Chair recognizes Councilman
23 Greenlee for a motion on the bills that
24 we just heard, that were just recorded.

25 COUNCILMAN GREENLEE: Thank

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 you, Mr. Chairman. I move that the
3 following bills - 100269, 481, 482, 551,
4 564, 553 and 4 -- and 553 - be reported
5 out of this Committee with a favorable
6 recommendation and that the rules of
7 Council be suspended to allow for first
8 reading at our next session of Council.

9 (Duly seconded.)

10 COUNCILMAN DiCICCO: It's been
11 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: The bills
22 pass. Bill No. 110549 and Bill No.
23 110449 are being held.

24 Thank you. Thank you for your
25 attendance.

1 9/21/11 - STREETS - BILLS 110269, ETC.

2 (Committee on Streets and

3 Services concluded at 12:05 p.m.)

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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 September 21, 2011, and
8 that this is a true and correct transcript of
9 same.

10
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14 -----
15 MICHELE L. MURPHY
16 RPR-Notary Public
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