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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING
COMMITTEE ON STREETS AND SERVICES

- - -

Room 401, City Hall
Philadelphia, Pennsylvania
Thursday, June 3, 1999
2:00 p.m.

- - -

BILLS: 990138, 990140, 990141, 990142,
990149, 990150, 990161, 990200, 990201, 990224,
990243, 990305, 990306, 990308, 990312, 990314,
990332, 990333.

- - -

PRESENT:

COUNCILMAN FRANK DI CICCIO, Chairman
COUNCILMAN DAVID COHEN
COUNCILMAN RICHARD T. MARIANO
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN FRANK RIZZO

- - -

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1 RESOLUTION 990312

2 THE CHAIRMAN: Good afternoon, everyone.

3 The public hearing for the Committee on Streets and
4 Services is now in session. In attendance are
5 Councilmembers Rizzo, Cohen, Miller, and Mariano.
6 I'm Frank DiCicco, I'm Chairman of the Committee.
7 We are going to take three bills out of order.
8 There are a couple people who need to catch a train
9 sometime in the next hour or so, so the first bill
10 will be by the clerk. Again, we're taking these out
11 of order.

12 THE CLERK: Bill No. 990312, an
13 Ordinance amending Chapter 9-200 of the Philadelphia
14 Code, entitled "Commercial Activities on Streets,"
15 by creating a new section 9-211, entitled "Boxes for
16 the Distribution of Printed Material," regulating
17 the maintenance, specifications, and placement of
18 such boxes on the public sidewalk, under certain
19 terms and conditions.

20 THE CHAIRMAN: Please have a seat at the
21 table. State your name for the record. And is
22 there anyone from the Streets Department who will be
23 testifying on these bills? Everyone who's
24 testifying please come forward and have a seat at
25 the witness table.

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2 MR. CUNNINGHAM: My name John
3 Cunningham. I'm the Right-of-Way Manager for the
4 Department of Streets. Reference is made to Bill
5 No. 990312, an Ordinance amending Chapter 9-200 of
6 the Philadelphia Code, entitled "Commercial
7 Activities on Streets," by creating a new section
8 9-211, entitled "Boxes for the Distribution of
9 Printed Material," regulating the maintenance,
10 specifications, and placement of such boxes, under
11 certain terms and conditions.

12 The purpose of this ordinance is to
13 regulate the location and orderly appearance of news
14 boxes in the Center City District.

15 Although the Department of Streets was
16 not granted a great deal of time to work with the
17 Department of Licenses and Inspections and other
18 city agencies in the drafting this ordinance, we
19 believe we can meet our responsibilities as
20 outlined. Further, the Department is willing to
21 work with all appropriate city agencies to assist in
22 the implementation. Therefore, the Department
23 offers no objection to the passage of this
24 ordinance.

25 THE CHAIRMAN: Thank you.

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2 Please state your name for the record.

3 MR. CURCI: My name is Paul Curci,
4 publisher of Philadelphia City Paper. On behalf of
5 my fellow publishers, many of whom are here today,
6 I'd like to thank you for giving me the opportunity
7 to speak on behalf of our proposed news box
8 ordinance.

9 A little over a year ago in response to
10 an ordinance proposed by Councilman DiCicco, a group
11 of publishers began to come together with city
12 representatives to draft a plan to regulate
13 newspaper honor boxes. This program represents a
14 cooperative effort to improve the manner of
15 distribution of newspapers and other printed
16 materials for readers while assuring a neat, clean,
17 orderly appearance. The ordinance will create a
18 more attractive appearance by requiring publishers
19 to use boxes of the same durable, easily-cleaned
20 construction rather than allow for the use of boxes
21 of widely disparate quality and durability.

22 As a weekly newspaper which features
23 daily calendar listings, it's important that City
24 Paper readers find us immediately. Street corners
25 are the best locations. This ordinance takes that

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1
2 into account and serves the reader as well as the
3 publisher. This ordinance will expand successful
4 initiatives begun a few years ago under the
5 leadership of Paul Levy and the Center City
6 District. This program will benefit the City in its
7 efforts to make it more attractive to residents and
8 visitors. It will benefit the many people who work
9 in and visit Center City and will benefit publishers
10 who will maintain access to readers while
11 maintaining our distinctive colors and logo
12 identity, adding to the vitality of Center City
13 street life.

14 When the pilot program is successful, it
15 can be expanded as needed to other parts of the
16 City. We expect the program to be affordable and to
17 balance the needs of everyone concerned. We look
18 forward to implementing our plan in cooperation with
19 the Center City District and all of the appropriate
20 city representatives. Thank you.

21 THE CHAIR: Any questions for this
22 witness? Do you have more.

23 MR. MC GEE: In addition I'd just like
24 to offer a few amendments that came as a result of a
25 meeting held yesterday with Paul Levy in the Center

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2 City District.

3 THE CHAIRMAN: Please identify yourself
4 for the record.

5 MR. MC GEE: My name is John McGee,
6 M-c-G-E-E, and I'm currently a general manager for
7 USA Today Newspaper in the Philadelphia region. In
8 that current role I manage sales, marketing, and
9 distribution within a 200-mile radius of
10 Philadelphia. When we first heard about the Center
11 City news rack corral project, US Today was very
12 excited about it. It's our belief, and it still is,
13 that Philadelphia has come up with something smart
14 and unique. We know a good thing when we see it,
15 and we like this one. We still do after a year of
16 conversations with our colleagues here in
17 Philadelphia. So what we did is we came together to
18 see if we could formulate an ordinance. We worked
19 with the Inquirer, the Daily News, Philadelphia
20 Weekly, Philadelphia City Paper, and the
21 Philadelphia Gay News. And I'm happy to be speaking
22 on behalf of all these publications today.

23 Now, as you know, USA Today distributes
24 in every other major cities in the United States, so
25 we've had a lot of experience elsewhere. The

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2 corrals of Philadelphia are a much better idea than
3 any program that any other city has ever proposed.
4 The cost is lower. The gains to the City are high.
5 Readers get flexibility and easy access. Publishers
6 get security, an orderly environment, and access
7 matched to their manner of distribution.

8 I'd like to say a few words about how we
9 manage our distribution operation to explain why
10 we're so high on these corrals. USA Today is
11 published five days, and in Philadelphia our first
12 publication hits the streets everyday by 6:30 in the
13 morning. About 60 percent of those papers are gone
14 by 9 o'clock, and another 20 percent are gone by
15 noon. So our shelf-life is much shorter than the 24
16 hours that are left before our next edition comes
17 out. It's also important for you to know that we
18 buy expensive, well-built news racks; and for USA
19 Today, the news rack is one of our trademarks. Our
20 readers look for our trademark like consumers of any
21 other product, and we need to use our trademark like
22 other businesses do and we want our trademark to be
23 displayed in an attractive, well-kept environment.

24 Every time we service a news rack, it
25 gives us an opportunity to attend to the

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2 maintenance, pick up any litter that may be around
3 the box, and straighten things up in and around
4 where many machines are located. The corral program
5 recognizes the difference between the operations of
6 frequent publishers versus infrequent publishers.
7 This is a practical realistic approach likely to
8 provide the highest and best service to the greatest
9 number of people. We like this idea and USA Today
10 endorses the ordinance that you have before you.

11 Corrals make news racks safer by
12 securing them into a single row inside an immovable
13 frame, and their appearance is very crisp, neat, and
14 orderly. Corrals have a prosperous look to them,
15 and we'd like to distribute our newspapers there.
16 While corrals keep the news rack secure, they still
17 allow us to display our trademark colors, use our
18 trademark news rack, and let our readers know where
19 we are. We think based on our experience that
20 corrals can be made right here in Philadelphia for
21 well under a thousand dollars each and perhaps for
22 as little as \$500, especially if you're willing to
23 accept a simple design. This corral plan is simple,
24 flexible, directly addresses the point, and costs
25 relatively little. Philadelphia has come up with a

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2 good idea, and we hope you will support this
3 ordinance.

4 THE CHAIRMAN: Thank you. Any questions
5 for this witness?

6 Paul, are you going to be testifying?
7 Why don't you come forward? Paul Levy, please.

8 Who will be introducing all of the
9 amendments?

10 MR. LEVY: I believe Paul Curci had all
11 but one, which I have the final amendment.

12 THE CHAIRMAN: I think we need to have
13 those read into the record, I believe. So decide
14 amongst yourselves who will reading those.

15 MR. LEVY: Why don't I give my
16 testimony. Good afternoon. My name is Paul Levy.
17 I am the Deputy Director of the Center City
18 District. I very much appreciate this opportunity
19 to testify in favor of the proposed amendments to
20 9-200 of the Philadelphia City Code.

21 Based on surveys that the Center City
22 District did in 1995, there were 776 boxes on the
23 sidewalks in the area of bounded by Spruce, Vine,
24 Sixth, and 21st Street. By the fall of 1998, that
25 number had increased to 1,180 or a 52 percent

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2 increase in just three years.

3 With many publications on the streets of
4 Center City there some intersections with 20 to 30
5 boxes per intersection which often inhibit
6 pedestrian access. We very much thank Councilman
7 DiCicco for taking the lead in bringing together the
8 very diverse parties who are here to develop a pilot
9 or demonstration program, and we particularly
10 welcome the spirit the cooperate shown by the
11 newspaper publishers who are willing to participate
12 in this demonstration program. I can't underscore
13 enough help how diverse publishers who are
14 competitors have come together and put together a
15 demonstration program that they were prepared to
16 participate in. The Center City District is eager
17 to work cooperatively with appropriate city
18 departments and with the newspaper publishers to
19 help implement this demonstration program which can
20 serve as a model for many other commercial areas in
21 the City.

22 There is one amendment that, if you
23 would like, I would introduce now, and Paul Curci I
24 think can introduce the rest. Clearly, we've talked
25 about a cooperative arrangement here. I should read

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2 it into the record; is that the best way?

3 THE CHAIRMAN: Yes.

4 MR. LEVY: This has been reviewed by the
5 Law Department of the City. The Department which is
6 L & I is hereby authorized to enter into an
7 agreement with the Center City District on such
8 terms that may be determined by the Department
9 including reimbursement to the CCD of direct costs
10 and overhead incurred in connection with the
11 services under this agreement in a form satisfactory
12 to the Law Department, for the CCD to provide
13 consulting, design coordination, construction,
14 management, and administrative management services
15 assisting the Department in carrying out activities
16 required or appropriate under this ordinance,
17 including without limitation conduct of periodic
18 surveying of the program area to determine
19 compliance with this ordinance, notification of
20 non-compliant publishers, site inspections to
21 determine if compliance has been achieved, removal
22 and storage of non-compliant publishers' boxes,
23 renegotiating locations upon the entrance of a new
24 frequent publisher into the marketplace, periodic
25 maintenance, graffiti removal, and painting of the

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2 publishers' box corrals.

3 So I'd like to submit that for
4 consideration as an amendment.

5 THE CHAIRMAN: Thank you.

6 MR. LEVY: Thank you very much for this
7 opportunity.

8 THE CHAIRMAN: Paul, just identify where
9 the amendment will be placed in the section and page
10 number, please.

11 MR. LEVY: The amendment is at the end
12 of Section 2 on Page 7 of the current legislation, a
13 new Paragraph 8.

14 THE CHAIRMAN: Thank you.

15 MR. LEVY: Thank you very much.

16 THE CHAIRMAN: You have to identify
17 yourself for the record, please.

18 MR. CAMPBELL: John Campbell, Licenses
19 and Inspections. We worked with Paul Levy,
20 yourself, and the Solicitor's Office to develop this
21 amendment, and we ask that this Committee approve
22 that amendment and also that when this bill is --
23 that you would suspend the rules.

24 THE CHAIRMAN: Thank you.

25 MR. CURCI: Paul Curci, publisher of

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2 City Paper. I'll read off the amendments that were
3 submitted. On Page 2, Section 9-211, Part 2, the
4 pilot program duration. The provisions of this
5 section shall expire two years after the department
6 certifies by regulation that at least 15 publishers
7 box corrals are in place and available for operation
8 within the program area.

9 Page 4, Section 9-211, (4)(a)(.5), the
10 box shall weigh no less than 80 pounds when empty of
11 publications and without added weight.

12 On Page 5 Section 9-211(4)(b)(.3), keeps
13 such box clean and free of graffiti, broken parts,
14 posted bills and debris of any description,
15 including ruined or out-dated publications,
16 including any publication with a cover date of more
17 than 13 days past, or, in the case of infrequent
18 publishers' boxes, more than 44 days past.

19 Page 5, Section 9-211(4)(c)(.2), no box
20 shall be attached to any utility pole, traffic or
21 parking sign or device, trash receptacle, fire
22 hydrant, directional sign, bicycle rack or other
23 utility pole or fixture.

24 Page 7, amendment Section 9-211(7) as
25 follows: (a) publishers' box corrals may be placed

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2 and maintained on a public -- excuse me, should I
3 just read the bold italicized portion? That would
4 be the amended.

5 THE CHAIRMAN: Yes.

6 MR. CURCI: Part (c), prior to approving
7 any locations or making any determinations, as set
8 forth in subsection 9-211(7)(a) above, prior to
9 developing any criteria for allocation space, as set
10 forth in subsection 9-211(7)(b) above, and prior to
11 promulgating any regulations or making any
12 determinations relating to this Section, including
13 any determinations concerning the appropriate size
14 of corrals at particular locations, the Department
15 or the Streets Department shall consult with
16 representatives of relevant City agencies, City
17 Council, the Center City District and entities which
18 issue regular editions of publications intended for
19 distribution on the sidewalks and other public areas
20 of the City, including publishers of daily, weekly
21 and infrequent publications. Notwithstanding any
22 later effective date of this Section, the
23 above-mentioned representatives of the affected
24 agencies and industry shall submit to the Department
25 and to the Streets Department within ninety days of

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2 the enactment of this Section any proposals
3 regarding appropriate size and locations of corrals
4 and proposed criteria for allocation of space within
5 the corrals.

6 THE CHAIRMAN: Thank you. I need for
7 you to go back. I apologize. And read the deletion
8 also for Page 7 amend Section 9-211(7) Publishers'
9 Box corrals.

10 MR. CURCI: Publishers box corrals may
11 be placed and maintained on public sidewalks by any
12 City agency or by the Center City District, at
13 locations acceptable to the Streets Department. The
14 Streets Department shall approve any proposed
15 location where, as determined by the Streets
16 Department, substantial pedestrian traffic, sidewalk
17 congestion or the presence of a significant number
18 of publishers' boxes within close proximity of one
19 another suggests the need for certain limits on the
20 number and placement of publishers' boxes.

21 THE CHAIRMAN: Read the deletion.

22 MR. CURCI: This would be deleted: The
23 Streets Department shall make such determinations
24 after consultation regarding appropriate locations
25 with representatives of the Department, City

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2 Council, the Center City District and entities which
3 issue regular editions of publications intended for
4 distribution on the sidewalks and other public areas
5 of the City, including publishers of daily, weekly,
6 and infrequent publications.

7 THE CHAIRMAN: Thank you.

8 Any questions for this witness from the
9 committee?

10 COUNCILMAN COHEN: Well, I thought you
11 wanted to wait until they have all testified.

12 THE CHAIRMAN: Well, all of the
13 amendments have been read into the record.

14 Are there any other witnesses?

15 MR. CUNNINGHAM: Will the Streets
16 Department have a chance to review this amendment in
17 another form again, to go through it, the proposed
18 amendments within the body because one thing I was
19 noticing is that there is a reference to "the
20 Department" and then the "Department of Streets."
21 Inasmuch as they're both departments, they're kind
22 of intricately involved in this. It would be
23 clearer if it said which department when they are
24 carrying out certain stipulations.

25 THE CHAIRMAN: You want to comment, Mr.

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2 Campbell?

3 MR. CAMPBELL: Again, John Campbell.

4 When you refer to "the Department," you were always
5 referring to the Department of Licenses and
6 Inspections. Additional departments are referred to
7 as the Department of Health, Department of Streets,
8 or whatever other city agency it is. So that it's
9 clear to us that when they say "the Department,"
10 that's us.

11 THE CHAIRMAN: Okay. Councilmember
12 Cohen.

13 COUNCILMAN COHEN: Yes. I understand
14 one of the witnesses stated that this has been
15 approved by the Law Department of the City.

16 MR. CAMPBELL: That's correct.

17 COUNCILMAN COHEN: And reviewed. I'm
18 concerned, as I would imagine the City's Law
19 Department would have been concerned by questions of
20 the First Amendment. What's the circumstance if
21 somebody decides to print a newspaper, a new one,
22 and decides to put it out on their own stand?

23 THE CHAIRMAN: I believe we have someone
24 here who can testify to that. Rich Feder and Alice
25 Lucan, please.

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2 MS. LUCAN: I wonder if you could repeat
3 the question.

4 THE CHAIRMAN: Councilman Cohen, would
5 you repeat the question for Ms. Lucan, please?

6 COUNCILMAN COHEN: Yes. Suppose
7 somebody comes along, a new newspaper, may not even
8 call it a newspaper, might not be big enough to be
9 called that. But some form of printed material
10 which they wish to circulate. That may later do it
11 frequently, it may be infrequently, it could be
12 every day, it could be once a week or whatever, you
13 know, depending on the creativity and the
14 availability of funding, I suppose. How does that
15 fit in? Somebody says, "I don't have to pay
16 attention to this. I have a First Amendment right
17 to disseminate my information and make it available
18 to people." Give me the Law Department's basis for
19 concluding that there are no First Amendment
20 problems.

21 MR. FEDER: Richie Feder, Divisional
22 Deputy, City Solicitor.

23 First, to just clarify, I believe the
24 statement that Mr. Levy made was that the Law
25 Department had reviewed the amendment that he had

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2 offered and that language was acceptable to the Law
3 Department. Although I will tell you, although we
4 haven't issued a formal opinion, it is our belief
5 that the legislation is constitutional.

6 In answer to your question in
7 particular, Councilman, any newspaper publisher,
8 whether it is a newspaper regular circulation or
9 fly-by-night operation or a brand-new newspaper,
10 would be subject to the same restrictions. This
11 doesn't prohibit you from distributing your
12 newspapers. What it does is it says if you're going
13 to use the public sidewalks and put the newspaper in
14 a box on the public sidewalk, you must put it in an
15 orderly manner, you can't have it too close to the
16 curb, you can't have it too far from the curb. It
17 just basically arranges it in a particular manner.
18 But all newspapers are subject to these regulations.

19 THE CHAIRMAN: Please identify yourself
20 or the record.

21 MS. LUCAN: My name is Alice Lucan,
22 L-u-c-a-n, and I'm outside counsel for USA Today.
23 Let me just state the rules so you can understand
24 that all publications have a First Amendment right
25 to distribute in the public forum. But the City has

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2 the power to impose reasonable time, place, and
3 manner restrictions on the publications so long as
4 those restrictions are content-neutral, leave open
5 ample alternative means of distribution and directly
6 and narrowly address significant government
7 interests. In particular, this ordinance addresses
8 the manner of distribution, and when it
9 distinguishes between publications, it simply
10 addresses the way they distribute their
11 publications, whatever the publication is. The
12 person who administers this ordinance never has to
13 read the publication in order to impose the
14 regulations. And that is a key criteria in order to
15 understand that this ordinance is Constitutional.

16 COUNCILMAN COHEN: Well, it sounds good,
17 but I think the Supreme Court also adopts the
18 position that it will evaluate each case separately.
19 And what I raise here is what happens if somebody
20 has very little financing but just enough to cover
21 six or seven street corners, say, and decides they
22 have a message that they want to disseminate and
23 which, by my point of view, the citizens of
24 Philadelphia would be entitled to be informed about,
25 and that publisher is in no position to meet

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2 whatever tests may exist by the City. What's the
3 answer we give? Do we say, you've got to meet these
4 in order to be able to disseminate your
5 information?

6 MS. LUCAN: The First Amendment does not
7 require the City to underwrite the publishers'
8 costs. Every publisher, of course, has a cost when
9 it goes into business and when it decides to
10 distribute. As a practical matter, the answer to
11 your question is that that publisher, we assume an
12 impecunious publisher, will be distributing by hand.
13 And this ordinance doesn't restrict that at all.
14 I assume somewhere else in the City of Philadelphia
15 you've got a street-hawkers ordinance. Is that
16 true, Mr. Feder?

17 COUNCILMAN MARIANO: We're working on
18 that one.

19 MS. LUCAN: Okay, we're working on that
20 one.

21 (Laughter.)

22 MS. LUCAN: Does that satisfy you, Mr.
23 Cohen?

24 COUNCILMAN COHEN: No.

25 MS. LUCAN: What else would you like to

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2 know?

3 COUNCILMAN COHEN: I just don't agree
4 with your conclusions. I understand that those
5 conclusions very satisfying to established
6 publishers because all the established publishers
7 can meet this, and I think in general the purpose of
8 the -- I'll use Mr. Feder's language that he uses in
9 other situations. I'm sure that the publishers all
10 realize that this is a benefit. There's a lot of
11 benefit to the City of Philadelphia, and I agree
12 with the main purposes of this. However
13 well-intended, I'm concerned about limitations on
14 new folks that may come around that maybe haven't
15 earned the title of publisher and think of
16 themselves as publisher, but someone who believes he
17 or she has ideas important to begin dissemination.
18 It may evolve into a regular paper of some kind or
19 it may disappear after a few appearances. If this
20 in any way prohibits somebody from putting their own
21 box somewhere where it is not dangerous to anybody
22 and the person chooses to distribute there, I think
23 we have a serious First Amendment problem if that
24 person is going to be told that "you can't do it,
25 you have to develop the funding to be able to meet

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2 the standards we put here." Now, is there any
3 provision made for that situation?

4 Suppose I decide I want to distribute
5 the Cohen Newspaper. If you asked me how long, I'd
6 say I don't know what the contents is going to be; I
7 don't know, but it will probably be provocative.

8 COUNCILMAN MARIANO: Point of
9 information, Councilman. I love it when lawyers
10 argue especially about First Amendment rights.

11 MS. LUCAN: I'm not arguing.

12 COUNCILMAN MARIANO: He's arguing, so
13 there has to be somebody for him to argue with. And
14 it warms my heart that the Councilman is protecting
15 everyone's First Amendment right, but he means this.
16 So if you could explain this a little more in a
17 non-legal term. Basically, if you want to put out
18 your communist manifesto and you want to stand out
19 on the corner, you could can do that anywhere. The
20 First Amendment says that's all right. If you want
21 to put it in a box down in Center City or eventually
22 in Juniata Park or anywhere, because that's where
23 we're going with this, you're saying your legal
24 opinion is you've got the right to give it out, just
25 the municipality has a right to regulate how you

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2 give out?

3 MS. LUCAN: Yes. Municipalities have no
4 rights; they only have power. And you have the
5 power that's given to you to regulate reasonable
6 time, place, and manners restrictions that directly
7 advance a significant government interest. So Mr.
8 Cohen's hypothesis that a publisher is coming out
9 and just putting his box on the street, in fact,
10 describes the reason that there is often a problem
11 with news racks. And what is needed here and what
12 you hear and see your publishers asking you for is
13 reasonable time, place, and manner regulations so
14 that we have a decent distribution environment in
15 Philadelphia.

16 THE CHAIRMAN: Councilman Rizzo.

17 COUNCILMAN RIZZO: Thank you, Mr.
18 Chairman. I'm trying to think of all the various
19 publications that I see, apartment guides, auto
20 trader, and this. To, again, comment on what
21 Councilman Cohen said, did I hear today that we've
22 introduced an amendment that describes, I heard a
23 weight of 80 pounds unstocked? It sounds to me,
24 maybe one of the publishers can comment, but the
25 First USA box looks like a very expensive piece of

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2 equipment. I doubt very much any person just trying
3 to distribute information in their community could
4 afford to -- if we now designed a criteria for the
5 type of box that's utilized, the little guy could
6 never, in my opinion, afford the box that you or --
7 did I hear actual specifications on the box that
8 would have to be provided? What's the value of that
9 specification, a ballpark value of that device?

10 THE CHAIRMAN: You have to speak into
11 the mike and state your name again.

12 MR. MC GEE: John McGee.

13 COUNCILMAN RIZZO: What is the
14 approximate value?

15 MR. MC GEE: Our metal vending machines
16 are approximately \$300. And the basic reason for
17 metal in our case and the reason why we're proposing
18 it here is primarily from a safety issue standpoint,
19 the fact that they can't be moved around easily, the
20 fact that they're durable, they won't fall off of
21 street corners, they can easily be attached to --

22 COUNCILMAN RIZZO: The reason I raise
23 that question is that, am I hearing that all of you
24 will be required to have a box that is similar and
25 approximate same out-of-pocket expense? So that

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2 \$300 if that's going to be part of the requirement
3 that you have specifications on a vending device
4 that has a value of \$300, I think that itself limits
5 people getting into the game.

6 THE CHAIRMAN: Councilman Rizzo, that's
7 the price of doing business. We have 30 boxes on
8 some intersections. I mean, anyone who has walked
9 the streets of Philadelphia understands what we're
10 trying to accomplish here. We're not trying to
11 restrict publication being -- Mr. Siegle, you can
12 come forward. I see your hand up. We're not trying
13 to restrict that. We're just trying to have some
14 order on the sidewalks to have some uniformity. And
15 the price of doing any business requires a certain
16 investment.

17 COUNCILMAN RIZZO: I understand that.

18 THE CHAIRMAN: Let me finish. The Chair
19 is speaking. And the price of doing any business
20 involves a certain investment, and you either get
21 into the business because you can afford to get into
22 it or you don't. We just can't allow people
23 constantly dropping these boxes off. I mean, every
24 time I walk the streets anymore in Center City, I
25 see a new box. And there is no rhyme or reason,

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2 there's no consideration for the public who walk the
3 streets, the curb cuts that have been made available
4 for the handicapped. Again, I will repeat myself;
5 it's the cost of doing business.

6 COUNCILMAN RIZZO: I understand that,
7 but my point being First USA Today has more
8 wherewithal, in my opinion, to spend \$300 a pop for
9 a vending machine. I don't know the City Paper's
10 ability to spend \$300 apiece for a vending machine
11 or do they want to. Or Mark Siegle's publication --

12 COUNCILMAN MARIANO: Mark, what's the
13 name of your paper?

14 THE CHAIRMAN: A little order here,
15 please.

16 COUNCILMAN RIZZO: -- (continuing) to
17 spend \$300 per box. What I'm hearing here today is
18 we've designed a machine that appears to be very
19 expensive that you refer to it as the cost of doing
20 business, but everyone's first car isn't a Cadillac.
21 So maybe everybody that wants to start a business or
22 distribute a publication can't afford a top-line
23 device similar that other publications have the
24 ability to pay for.

25 THE CHAIRMAN: Please state your name

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2 for the record.

3 MR. SIEGLE: Mark Siegle, publisher,
4 Philadelphia Gay News. It's an honor to see you
5 gentlemen and ladies once again. I came to the mike
6 simply to clarify some of the issues that I'm
7 hearing. Being the smallest publisher of the group,
8 Philadelphia Gay News is probably the smallest
9 financial member of our group of publishers who I am
10 very proud to serve with. I started my business
11 literally with 50 cents in my pocket. PGN's
12 circulation now is 20,000 printed copies per week.
13 We publish somewhere about 72 to 100 pages per week.
14 It is a business. When in the circulation of
15 businesses, a newspaper business, several things
16 happen. You have vending boxes. And if you're
17 interested in the First Amendment issue, you would
18 be hawking your papers on the street corner by
19 yourself, putting them in cafes, putting them in
20 bars, putting them in Laundromats. You can
21 circulate your paper anywhere you want. Many of us
22 use all of these forms. But recently in the City of
23 Philadelphia, we've had a proliferation of vending
24 boxes of all different types. And some of the
25 neighborhoods have been very angry and aggravated by

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2 how these vending boxes have been put on the street
3 corner almost anywhere at any time. Working with
4 the City Council People, we've heard complaints from
5 their constituents. Working with Center City
6 District, which has been dealing with this issue for
7 a while, we tried find some compromise which help
8 each and every one of these constituents. The
9 vending boxes, PGN could not afford to spend \$300
10 per box for 120 vending boxes, which is what we have
11 in Philadelphia. What we did was, quite honestly,
12 we bought them secondhand. One can buy vending
13 boxes anywhere from 5 or \$10 all the way up to
14 \$1500, depending on where you are in that issue.

15 THE CHAIRMAN: Buy the Ford or the
16 Cadillac, right?

17 MR. SIEGLE: I'd buy the mercury.

18 (Laughter.)

19 COUNCILMAN RIZZO: I'd just like to
20 comment, though, now I'm hearing that the
21 specification that I thought I heard here is not as
22 stringent as --

23 MR. SIEGLE: Correct. My vending boxes
24 which fit into these criteria were much cheaper than
25 what was paid for here.

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2 Also, the other issue you raised that we
3 should clear up is they only have to be in corrals
4 in the area where there's a huge proliferation. PGN
5 was concerned, because some of our areas that we do
6 distribution don't specifically fit into that area,
7 and that's written into the bill. We've taken into
8 consideration almost every piece of literature
9 that's out there on the streets today. We taken
10 into consideration the cost. We've tried to be as
11 fair as possible.

12 THE CHAIRMAN: Councilmember Mariano.

13 COUNCILMAN MARIANO: The boxes that you
14 bought secondhand, are they 80 pounds, do they fit
15 into this category?

16 MR. SIEGLE: Yes, they do.

17 COUNCILMAN MARIANO: Anyone at that
18 table, are most of the boxes that weight anyhow?
19 When you designed these boxes, you weren't looking
20 to keep USA in business and knock the Gay News out,
21 you were looking for something that was good for
22 everybody that already exists.

23 THE CHAIRMAN: Mr. Campbell.

24 MR. CAMPBELL: What this section really
25 is, and when you get into dealing with

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2 specifications, we're really dealing with minimum
3 standards. What we're saying is these are the
4 standards you can't fall below. So that whether USA
5 Today spends \$350, he pays \$65, \$125, we're talking
6 about material standards that we want to see boxes a
7 level of performance that we want to see these boxes
8 at so that they're not necessarily Cadilacs, Lincoln
9 Continentals or whatever, they're the minimum
10 standard that should be on the street to promote the
11 public good safety -- street-worthy I think is the
12 term I'm looking for.

13 COUNCILMAN RIZZO: May I please
14 follow-up on that, Mr. Chairman?

15 THE CHAIRMAN: Councilman Rizzo.

16 COUNCILMAN RIZZO: You just said minimum
17 standard. In other words, if USA Today decided to
18 buy a very extravagant box twice the minimum of the
19 minimum standard --

20 MR. CAMPBELL: Not size. Width and
21 height restrictions.

22 You can buy an outdoor grill for your
23 backyard. You can go over to Rite-Aid and by one
24 for \$3 or you can spend \$13,000 for a grill. I
25 mean, that's what really what we're talking about.

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2 These are really minimal standards that are
3 acceptable to the City and for public safety are
4 street-worthy. And whatever the individual vendors
5 want to do, it's up to them.

6 And we've done this with newsstands,
7 we've done this with street vendors. We've set
8 minimum requirements under 9-203, 204, 205, 206.

9 COUNCILMAN RIZZO: Thank you.

10 THE CHAIRMAN: Councilmember Cohen.

11 COUNCILMAN COHEN: I'm sure when the
12 groups met that they all considered their own
13 personal needs and the needs of the others in the
14 groups and you arrived at something that made a lot
15 of sense to you. But at this point, all of you are
16 established. When Thomas Paine began issuing
17 "Common Sense," he did not feel he was entering into
18 a business. He was disseminating ideas that might
19 or might not have become a business. I'm asking who
20 was representing the interest of somebody who may
21 have a thought or an idea or a continuing view of
22 things? We don't know what may come up, who wishes
23 to disseminate that information. I think it's
24 important for that person who wants to distribute
25 the material, and I think it's very important to the

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2 population as a whole to have available any
3 information that people want to distribute.

4 At no time did I hear anything, and I've
5 been waiting patiently to hear that if somebody does
6 have some kind of a problem like that and wants to
7 distribute, there is some arrangement whereby we
8 will consider as to how it fits in. All I hear is
9 that the needs of the group that met together were
10 being met. And I can I understand that. You're all
11 in the business and it's important that you meet
12 regularly, not only on this subject but probably on
13 a whole host of other subjects, as long as you don't
14 violate the antitrust laws. I don't agree on fixing
15 prices, that kind of thing. But I'm still concerned
16 with what happens if somebody feels, I'm got ideas,
17 I've got enough money to issue maybe 500 papers a
18 week, maybe 300, maybe 100, I would like to spot
19 them in certain areas of the City where some people
20 will begin to pick them up." It's not that they
21 have to. All the discussions, "well, they can hawk
22 it in person," but if Councilman Mariano wants to
23 put out the right-wing philosophy of so-and-so, he
24 can do that.

25 (Laughter.)

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2 COUNCILMAN MARIANO: See, I would
3 publish it in the Philadelphia Weekly.

4 COUNCILMAN COHEN: Or his version of
5 what labor movement would do, whatever it is.

6 COUNCILMAN MARIANO: I knew he was awake
7 when I said that.

8 COUNCILMAN COHEN: Whatever he wants to
9 do is perfectly all right with me. But I'm still
10 wondering -- and Richie, you can apply to law school
11 now; you've got your college degree so you can go
12 ahead and join the rest of us in fraternity.

13 (Laughter.)

14 COUNCILMAN COHEN: But what I'm trying
15 to find out, how do we protect both the person's
16 right who wishes to distribute an idea and the
17 receiving public? What thought have you given to
18 that and what arrangements exists for that?

19 MS. LUCAN: Councilman DiCicco, I think
20 I can answer that in less than a minute.

21 THE CHAIRMAN: I'm not certain what the
22 rebuttal will take.

23 MS. LUCAN: The provision of the new
24 publisher is there.

25 COUNCILMAN COHEN: He may not be a

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2 publisher.

3 MS. LUCAN: We didn't have a
4 non-existent publisher the room, I admit that, we
5 didn't. And we can't do that, you understand.

6 COUNCILMAN COHEN: I'm not criticizing
7 what you did. I think what you did was
8 well-intended. I'm looking for ways to protect
9 other interests so that perhaps we can all come
10 together in agreement and know that everybody
11 interests are protected.

12 MR. FEDER: Councilman, can I offer
13 one -- there is no absolute limitation on the number
14 of boxes in the ordinance. There is no prohibition
15 that says -- this is not like the street vender
16 ordinance which said there would only be 300; there
17 is no sealing. What this does is attempt to
18 regulate very crowded corners. It would give a new
19 publisher a right to be in the middle of any other
20 block within this area so long as they were not
21 blocking a crosswalk, attached to a fire hydrant.
22 So there is not a prohibition of new publisher
23 entering this marketplace. What there is, is a --

24 COUNCILMAN COHEN: Could I use the word,
25 just to separate, disseminator of ideas or some

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2 phrase like that. The person may not be a
3 publisher.

4 MR. FEDER: Whatever phrase is most
5 appropriate, the point is there is not an absolute
6 limit on publishers or on locations which is
7 specified here. There is reasonable guidelines that
8 say, you can't block crosswalks, you can't attach to
9 light poles, and you can't be overcrowded at certain
10 locations, so that new disseminators of information
11 might choose to come into the marketplace could be
12 midway down 13th Street away from the corner. And
13 so long as they weren't violating these guidelines,
14 they have a right to come into the marketplace.

15 COUNCILMAN COHEN: So you're saying that
16 this bill does not establish direct specifications
17 as to location and as to size and that kind of
18 thing? That what you're trying to do is to regulate
19 the regular -- those that are in the area now, get
20 them to agree on a common method that the Department
21 will enforce but that others may come in and may act
22 just as if this bill had not passed? Because there
23 are laws today that prohibit being too close to an
24 intersection.

25 MR. FEDER: Actually, to the best of my

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2 knowledge, there are no laws now which govern the
3 placement of newspaper boxes on the street. There
4 is a real gap at this point. And what this law does
5 is now provide certain reasonable standards such as
6 can't block crosswalks, can't attach to fire
7 hydrants. My statement was that there are a series
8 of guidelines of the size of the box, the weight of
9 the box, and certain distances that these boxes need
10 to be. And any new disseminator of information who
11 came into the marketplace who could conform to those
12 guidelines would be appropriate and welcome.

13 COUNCILMAN COHEN: That's where you lose
14 me. As soon as you "conform to those guidelines"
15 and you begin to move away from not blocking the
16 sidewalk, not being too close to a fire hydrant, and
17 begin to say "as they meet these other
18 qualifications." I could go with you on the first
19 step, but I can't go with you on the rest. And I
20 just suggest to the Law Department that they have a
21 more serious question than they apparently maybe
22 believe that they had. I think that unless there is
23 some guarantees that some disseminator of
24 information has some freedom to disseminate, not so
25 as to interfere with crosswalking, not to create a

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2 safety hazard for pedestrians, but you have these
3 additional requirements that are mandatory on
4 everyone, I think that's where we run into trouble.
5 Thank you, Mr. Chairman.

6 THE CHAIRMAN: Thank you. Any other
7 questions for this witness? Is there anyone else
8 here who wishes to testify for or against this bill?

9 Mr. Campbell?

10 MR. CAMPBELL: I'd just like to say
11 that we would like the committee to look favorably
12 upon this bill and report it out and suspend the
13 rules.

14 THE CHAIRMAN: We are going to attempt
15 to do that. I'd just like to take this opportunity
16 to thank everyone who has been working with this,
17 Mark Siegle, John, Paul, Kathy, Allison, and Paul
18 Levy for all the time and effort you put into this.
19 And thank you very much, Richie Feder and John
20 Campbell. And whoever I missed, I apologize. Thank
21 you again.

22 The clerk will read the title of the
23 next bill.

24 THE CLERK: Bill No. 990332, an
25 Ordinance authorizing Disney Regional Entertainment,

1 RESOLUTION 990332
2 800 South Main Street, Burbank, California 91506, to
3 construct and maintain various marquees, signs,
4 architectural embellishments and other encroachments
5 over the public rights of way within the area
6 bounded by Eighth Street, Ninth Street, Chestnut
7 Street and Market Street, under certain terms and
8 conditions.

9 THE CHAIRMAN: Good afternoon. Please
10 identify yourself for the record.

11 MR. CUNNINGHAM: Good afternoon,
12 Councilman. My name is John Cunningham, the
13 Right-of-Way Manager for the Department of Streets.
14 With respect to Bill No. 990332, an ordinance
15 entitled, an Ordinance authorizing Disney Regional
16 Entertainment, 800 South Main Street, Burbank,
17 California 91506, to construct and maintain various
18 marquees, signs, architectural embellishments and
19 other encroachments over the public rights of way
20 within the area bounded by Eighth Street, Ninth
21 Street, Chestnut Street and Market Street, under
22 certain terms and conditions.

23 This not an Administration Ordinance,
24 but an ordinance requested by Robert D. Lane, Jr.,
25 of Morgan, Lewis & Bockius, LLP, 1701 Market Street,

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2 Philadelphia, PA 19103 on behalf of Disney Regional
3 Entertainment.

4 After conducting a thorough review of
5 the plans and specifications, the Department of
6 Streets offers no objection to the passage of this
7 ordinance.

8 MR. LANE: Thank you, John. Mr.
9 Chairman, Members of the Committee, my name is Bob
10 Lane of Morgan, Lewis & Bockius. I'm here
11 representing Disney Regional Entertainment.

12 The ordinance before you is to authorize
13 the facade that is planned for the Disney Quest that
14 is proposed for the southwest corner of Eighth and
15 Market Streets. Before I proceed, I would like ask
16 the indulgence of the Committee to correct a
17 typographical error in the second line of Section 1
18 where it reads, "at the southeast corner of Eighth
19 Street and Market Street," that should be the
20 southwest corner of Eighth Street and Market Street.

21 As you can see from the renderings that
22 are on the easel before you, this is a very dramatic
23 facade planned as the entrance to the interactive
24 theme park which will be Disney Quest. There are
25 several architectural features identified in the

1 RESOLUTION 990332

2 ordinance that I'll just run through briefly that
3 will project over the footpath beyond that which
4 would be automatically permitted by the Streets
5 Department's rules and therefore needs to be
6 Council's authorization.

7 The first is the lower marquis -- and
8 you have photographs in your package. What we're
9 calling the lower marquis which will project 9 feet
10 over the property line and will be a height 16 feet
11 at the center point, and as you can see, it tapers
12 down toward the ground so it will be a low of 10
13 feet.

14 This entry canopy is to provide an
15 energized and visually compelling entrance to the
16 Disney Quest.

17 The upper marquis, which is more or less
18 parallel to the lower one which is about two-thirds
19 of the way up the building, as you can see, that
20 only would go three feet over the property line,
21 although it would be hard to tell that from the
22 street. At the lower edge of it, it will be 69 and
23 a half feet, 69 feet 6 inches, extending up to 73
24 feet 6 inches at the highest point. And it
25 stretches about 32 on each side feet on each side

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2 down Market Street and down Eighth Street.

3 The third is that the corner, the top
4 corner of the building will taper out to give a very
5 dramatic effect, as you can see behind you there,
6 about 2 feet over the property line, so it
7 technically requires authorization.

8 The next item in the ordinance are the
9 signs, the lettering at the lower part of the
10 entrance. It's a double row of what they refer to
11 as sign cans. But it's really those letters will be
12 little light boxes that will be internally
13 illuminated and the lower row will be 10 feet above
14 the footpath and the upper row that says Disney
15 Quest will be 40 feet at the highest point. And
16 those will extend up to 10 feet over the property
17 line.

18 The next and most the dramatic part of
19 the facade is architectural feature that's really
20 going to be the logo for Disney Quest throughout the
21 country, and that's what's called the Hurricane
22 Mickey. And you can see it's that's big sort of
23 surrealistic Mickey Mouse head at the very top of
24 the corner of the building. That will extend 12
25 feet at its outermost point over the footpath and

1 RESOLUTION 990332

2 its height will be 85 feet 6 inches to the lower
3 point and 105 feet to the top of it.

4 The final part of the ordinance are what
5 are called -- what we've been calling architectural
6 banners, but they're actually technically signs,
7 although they may or may not have wording on them.
8 They'll be for aesthetic purposes. And they're
9 those long banners that go up vertically. They're
10 shown two each street frontage on the model there
11 and it's possible there will be as many as three on
12 each so we're asking Council to authorize three.
13 Those will be for purposes of embellishing the side
14 architecturally. That may have lettering that may
15 change from time to time. They'll extend as much as
16 12 feet over the property line. The lowest point
17 will be 34 feet above ground level to 80 feet. I
18 might add that this facade, as you're seeing it
19 here, has been approved by the Art Commission, it's
20 been approved by the Planning Commission. There's
21 been input both of those agencies. The Streets
22 Department as well as the Zoning Board of Adjustment
23 to the extent that the Zoning Board's involvement
24 was appropriate.

25 And we would ask your favorable

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2 consideration at this time.

3 THE CHAIRMAN: Any question for this
4 witness?

5 Councilmember Rizzo.

6 COUNCILMAN RIZZO: I would assume by
7 these photographs, that this -- I'll call it signage
8 even though it's beyond, I think, the realm of
9 signage, is metallic.

10 MR. LANE: Yes, most of it is various
11 kinds of metals or other composition.

12 COUNCILMAN RIZZO: Who has reviewed the
13 engineering design to assure that 5 years, 10 years
14 down the road that we don't have a mishap with
15 deteriorating anchors and things like that? Who
16 signed off, professional engineer, Department of
17 Licences and Inspection, to assure that this thing
18 wouldn't fall?

19 MR. LANE: That's a very important
20 question, obviously, and one that Disney with their
21 commitment to safety is terribly concerned about.
22 At this point, it has not had any -- we're at a
23 conceptual design which is to authorize the concept.
24 Before anything could be built, of course, fully
25 engineers plans will have to approved by the

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2 Department of Licenses and Inspections and the
3 Department of Streets to be sure that they are as
4 safe as any other projecting sign or embellishment.
5 We can certainly assure you that codes will not only
6 be met, but they'll be exceeded because Disney's
7 standards are the very highest for safety as well as
8 aesthetics.

9 COUNCILMAN RIZZO: You refer to the
10 light cans, the actual lighting for the footway,
11 will that whole area will be illuminated?

12 THE WITNESS: Yes.

13 COUNCILMAN RIZZO: I don't see any
14 lights other than the ones what you pointed out.

15 MR. LANE: What you have is a photograph
16 of an actual model, so this doesn't really exists.
17 But what's planned in terms of lighting for the
18 canopy, there will be recessed lighting that will be
19 beneath the canopy at the ground level so there will
20 be recessed lighting under that, although you can't
21 see it on the -- this is a computer-generated
22 rendering. It will have an even level of ambient
23 light footpath at the ground level. There will be
24 lots and lots of light. Each letter will have a
25 glow that will be internally illuminated and

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2 back-lit so that they'll seem to glow. The columns
3 on the side will have lighting that's built into the
4 back of them so they'll also reflect. And generally
5 there's many more lighting. I could be more
6 specific if you'd like.

7 THE CHAIRMAN: Councilmember Cohen.

8 COUNCILMAN COHEN: Does this exist
9 anywhere? Is there anyplace, say, L & I can go and
10 take look at it?

11 MR. LANE: Actually, that's a good
12 question. That's actually been pursued. The very
13 first Disney Quest opened in Orlando last summer.
14 That was the prototype and it's near, but not within
15 Disney World down there. Our Mayor and other
16 representatives of the city actually were taken down
17 there to visit that and see how that would look in
18 reality.

19 The second Disney Quest opens this week.
20 What they call the soft opening opened, I think, on
21 Tuesday; and the official opening is the 16th, two
22 weeks from yesterday. That facade is a little bit
23 different than the facade in Orlando. They've been
24 sort of working with it. And obviously, down in the
25 sun belt it's going to be a little bit different

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2 than in the city. Chicago is going to be very close
3 to this. And in fact, I think the chairman of our
4 Chamber of Commerce will be there next week, and
5 others, I'm sure, from the City will get to see the
6 Chicago one as the construction plans and
7 engineering plans are developed.

8 Frankly, this is a little bit of a
9 departure even from the Chicago facade. They're
10 compatible in terms of the image, the same teal blue
11 and the same type of signage and the same logos. As
12 this is an evolving concept, they're doing it better
13 each time and there are things they learned in the
14 design in Chicago that they're improving upon here
15 in Philadelphia.

16 COUNCILMAN COHEN: Well, I just think --
17 I can't begin to understand really what's involved
18 and whether there's any potential danger at a future
19 time. I just think it's very important for the
20 appropriate city officials not to depend just on
21 artists' renderings or computer generated drawings
22 but to try to see what it is so that when we ask
23 them questions, they can tell us from their own
24 study rather from what they've been told in turn by
25 you.

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2 Does the movement for this bill indicate
3 that Disney Quest really is made up its mind that it
4 wants Disney Quest in Philadelphia.

5 MR. LANE: As of this time they are
6 absolutely eager and dedicated toward making that
7 happen. Obviously there's things that are up in the
8 air that everybody is hoping and praying will allow
9 there to be a Disney Quest. I know they are highly
10 motivated to make that happen.

11 COUNCILMAN COHEN: Because I see all
12 kinds of safeguards in Section 2 of this bill aimed
13 at enabling the City of Philadelphia to withdraw its
14 approval and to withdraw all of the licences and the
15 permits if there isn't full compliance by Disney
16 Quest with the terms of an agreement prepared by the
17 Department of Licenses and Inspections. Is that the
18 only city department that's involved? Is the
19 Streets Department also involved in this or can
20 L & I handle everything?

21 MR. CUNNINGHAM: We'll probably have
22 involvement later on when they actually go for
23 engineering plan review. We'll be, again, seeing
24 those plans and review them again, see that they're
25 in conformance with the ordinance.

1 RESOLUTION 990332

2 COUNCILMAN COHEN: All right. Thank
3 you, Mr. Chairman.

4 THE CHAIRMAN: Any other questions? Is
5 there anyone else here who wishes to testify?

6 MR. LANE: If I could request, to the
7 extent necessary, suspension of the rules.

8 THE CHAIRMAN: So noted.

9 Bob, would you just officially request
10 an amendment to the Section 1 where the change
11 should be from southeast to southwest.

12 MR. LANE: Yes. If I could request or
13 move a technical correction of the preamble to
14 Section 1 in the second line, the seventh word
15 "southeast" should be changed to "southwest."

16 THE CHAIRMAN: Thank you.

17 MR. LANE: Thank you.

18 THE CHAIRMAN: Mr. Primavera, do you
19 wish to testify?

20 MR. PRIMAVERA: I'm actually here on the
21 second ordinance, not on the first one.

22 THE CHAIRMAN: Anyone else here who
23 wishes to testify for or against the bill?

24 Hearing none, the clerk will read the
25 title of the next bill for consideration.

1 RESOLUTION 990333

2 THE CLERK: Bill No. 990333, an
3 Ordinance authorizing Pavilion East Associates,
4 L.P., 350 Sentry Parkway, Building 630, Suit 300,
5 Blue Bell, PA 19422, and the Philadelphia Parking
6 Authority, 3101 Market Street, Philadelphia, PA
7 19104, to construct and maintain various rigid
8 awnings, electrified signs, electrified marquees
9 facade projections, cornices and signs over the
10 public rights of way within the area bounded by
11 Eighth Street, Ninth Street, Chestnut Street and
12 Market Street, under certain terms and conditions.

13 THE CHAIRMAN: Good afternoon. Please
14 state your name for the record.

15 MR. CUNNINGHAM: Good afternoon,
16 Councilmen. My name is John Cunningham. I'm the
17 Right-of-Way Manager for the Department of Streets
18 regarding Bill No. 990333, an Ordinance authorizing
19 Pavilion East Associates, L.P., 350 Sentry Parkway,
20 Building 630, Suit 300, Blue Bell, PA 19422, and the
21 Philadelphia Parking Authority, 3101 Market Street,
22 Philadelphia, PA 19104, to construct and maintain
23 various rigid awnings, electrified signs,
24 electrified marquees facade projections, cornices
25 and signs over the public rights of way within the

1 RESOLUTION 990333

2 area bounded by Eighth Street, Ninth Street,
3 Chestnut Street and Market Street, under certain
4 terms and conditions.

5 This is not an Administration Ordinance,
6 but an ordinance requested by Pavilion East
7 Associates and the Philadelphia Parking Authority.

8 After conducting a thorough review of
9 the plans and specifications, the Department of
10 Streets offers no objection to the passage of this
11 ordinance.

12 THE CHAIRMAN: Thank you. Please
13 identify yourself for the record.

14 MR. PRIMAVERA: Yes, Carl Primavera.
15 I'm the attorney for Pavilion East Associates, L.P.

16 Mr. Chairman, Members of the Committee,
17 as you heard from Mr. Lane representing Disney, this
18 exciting project will require an ordinance of City
19 Council in order to satisfy the requirements
20 concerning improvements which overhang the
21 right-of-way. The two bills are companion bills.
22 One, as you already heard, was for the Disney Quest.
23 But we're here with the request to the remainder of
24 the development. My client would actually be
25 developing this complex, and Disney wanted to make

RESOLUTION 990333

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2 sure that its own ordinance satisfied its own design
3 needs. And what we're doing is we're making sure
4 that the remainder of the complex will have
5 satisfactory and adequate signage for the other
6 tenants. We don't actually have a lot of the
7 tenants already identified, and that's why, as
8 you'll see when I hand this up, we went to the
9 Zoning Board and the Art Commission with what we
10 would call design criteria so that each and every
11 tenant of Disney that comes will actually have to go
12 through the Department of Licences and Inspections,
13 the Art Commission and everything else to do an
14 individual application for its own store. But
15 before we could have Mr. Cope (ph) from Cope Blender
16 design the space and to be able to go out and tell
17 our potential tenants the types of signs and type of
18 improvements that would be available we had to come
19 up with what we're calling our standard format. So
20 that's really what we're showing today. And I will
21 hand up to the clerk a copy of the plan showing the
22 three categories of requests. One is for an 8-foot
23 maximum projection, the other is for the 5-foot
24 projection, and then one is for a 1-foot 6-inch
25 projection. I'm also handing up the materials for

1 RESOLUTION 990333

2 the Art Commission as well as the letter from the
3 Art Commission and Zoning Board both giving approval
4 on a conceptual basis of the formats that we
5 provided.

6 And actually, Councilman Rizzo, there's
7 another drawing behind that drawing, if you could.
8 Thank you. You can see a site. And what we've done
9 is we've numbered, hopefully in letters large enough
10 for the Committee to see, where the actual letter
11 paragraphs occur. "A" starts on the Chestnut Street
12 side, and basically they work their way around from
13 Chestnut to Eighth to Market to Ninth. And what
14 these establish are really the maximum allowances.
15 It may well be a tenant won't want to go to the
16 maximum, but at least the developer, my client, when
17 its negotiating with tenants will be able to say
18 that conceptually speaking you may have a sign of
19 this size, of this dimension, and its already
20 received preliminary approval from the Zoning Board,
21 the Art Commission and City Council. And then
22 strictly what would be left is for them to come in,
23 as Disney has done with the very specific set of
24 drawings, and then, again, the powers-that-be will
25 have a chance to review that. So this in effect

1 RESOLUTION 990333

2 sets the guidelines and the criteria.

3 THE CHAIRMAN: Thank you. Any questions
4 for this witness from any Members of the Committee?
5 Councilmember Cohen.

6 COUNCILMAN COHEN: Who is your client,
7 Pavilion East Associates?

8 MR. PRIMAVERA: That's correct.

9 MR. COHEN: And who are they?

10 MR. PRIMAVERA: As I understand it,
11 they're now, I guess, a joint venture between the
12 Goldenberg Group and Pete Ruben.

13 COUNCILMAN COHEN: And they together
14 make up Pavilion Associates?

15 MR. PRIMAVERA: Yes, that's correct.

16 COUNCILMAN COHEN: Has there been any
17 precedent for this particular proceeding?

18 My experience has been that as each
19 person, each business, whatever, has a problem, they
20 present it, say, to the Zoning Board. Why is it
21 necessary to have this preliminary approval in which
22 we in advance set sort of bounds and metes without
23 really knowing anything about it?

24 MR. PRIMAVERA: Well, that occurred
25 really because of the fast-track nature of the

RESOLUTION 990333

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2 project. The Disney Quest was identified early on.
3 The other tenants that will be necessary to make it
4 possible are in effect going to be filling in as we
5 go. We already, as you can see, have designed a
6 whole complex with some of the tenants being
7 unknown. So what we had to do is we had to talk to
8 the sophisticated tenants and see what type of
9 signage they need if in fact they were to come to
10 this complex, and then based upon that, set the sign
11 criteria. So it's really an attempt for us to put
12 the pieces together so that we can start the
13 construction. If we had to wait for each tenant, we
14 wouldn't know what the building would look like and
15 we wouldn't be able to have the Disney Quest move at
16 the speed that it has to move in order to meet the
17 guidelines. And the Art Commission was very
18 comfortable with that. And the City, they wanted to
19 make sure that they understood the general
20 parameters. And once they were happy with the
21 general parameters, they thought it would be very
22 easy for each individual tenant to come in and to
23 individually submit its own criteria, knowing that
24 everyone is going to play by the same rules. It's
25 also important for the other tenants to know that

1 RESOLUTION 990138

2 every other tenant will play by the same rules so
3 that they don't feel they're being out-done or that
4 they're not being given the same level of approval.

5 THE CHAIRMAN: All right. Thank you.

6 MR. PRIMAVERA: We also request,
7 Councilman DiCicco, suspension of the rules, if
8 that's possible.

9 THE CHAIRMAN: Any other questions for
10 these witnesses?

11 Is there anyone else here that wishes to
12 testify for or against the bill?

13 Thank you, gentlemen, and good luck.

14 The clerk will read the title of the
15 next bill for consideration. We will do all the
16 parking regulations. We will combine them and do
17 those all at once, so come forward.

18 THE CLERK: Bill No. 990138, an
19 Ordinance establishing a parking regulation on 13th
20 Street, both sides, Allegheny Avenue to Westmoreland
21 Street.

22 MS. CONFAIR: Good afternoon. My name
23 is Catherine Confair. I'm an analyst coordinator
24 with the Philadelphia Parking Authority. Bill
25 990138, introduced by Councilmembers Blackwell,

1 RESOLUTION 990140

2 Cohen, and DiCicco by request. This bill
3 establishes a parking regulation on 13th Street,
4 both sides, Allegheny Avenue to Westmoreland Street.

5 The new regulation has been in effect
6 for a period of at least eight months with no
7 apparent problems.

8 Philadelphia Parking Authority
9 recommends favorable consideration of this bill.

10 THE CHAIRMAN: Thank you. Any questions
11 for this witness from the Committee?

12 Anyone else here who wishes to testify
13 for or against the bill?

14 Hearing none, the clerk will read the
15 title of the next bill.

16 THE CLERK: Bill No. 990140, An
17 Ordinance establishing a parking regulation on
18 Rosewood Street, east side, Wolf Street to Ritner
19 Street.

20 MS. CONFAIR: Bill No. 990140,
21 introduced by Councilmember Kenney and Council
22 President Verna by request. This bill establishes a
23 parking relationship on Rosewood Street, east side,
24 Wolf Street to Ritner Street.

25 This new regulation has been in effect

1 RESOLUTION 990141

2 for a period of at least eight months with no
3 apparent problems. The Philadelphia Parking
4 Authority recommends favorable consideration of this
5 bill.

6 THE CHAIRMAN: Any questions for the
7 witness from the Committee?

8 Anyone else here who wishes to testify
9 for or against this bill?

10 Hearing none, the clerk will read the
11 title of the next bill.

12 THE CLERK: Bill No. 990141, an
13 Ordinance establishing a parking regulation on
14 Fitzwater Street, both sides, 20th Street to 21st
15 Street.

16 MS. CONFAIR: Bill No. 990141,
17 introduced by Councilmember Kenney for Council
18 President Verna by request. This bill establishes a
19 parking regulation on Fitzwater Street, both sides,
20 20th Street to 21st Street.

21 This new regulation has been in effect
22 for a period of at least eight months with no
23 apparent problems.

24 The Philadelphia Parking Authority
25 recommends favorable consideration of this bill.

1 RESOLUTION 990142

2 THE CHAIRMAN: Any questions for this
3 witness from the Committee?

4 Anyone else here who wishes to testify
5 for or against this bill?

6 Hearing none, the clerk will read the
7 title of the next bill.

8 THE CLERK: Bill No. 990142, an
9 ordinance establishing a parking regulation on 17th
10 Street, both sides, Catharine Street to Christian
11 Street.

12 MS. CONFAIR: Bill No. 990142,
13 introduced by Councilmember Kenney for Council
14 President Verna by request. This bill establishes a
15 parking regulation on 17th Street, both sides,
16 Catharine Street to Christian Street.

17 This new regulation has been in effect
18 for a period of at least eight months with no
19 apparent problems. Philadelphia Parking Authority
20 recommends favorable consideration of this bill.

21 THE CHAIRMAN: Any questions for this
22 witness from Committee?

23 Anyone else here wishes to testify for
24 or against the Bill?

25 Hearing none, the clerk will read title

1
2 of the next bill.

3 THE CLERK: Bill No. 990149 is being
4 held.

5 MS. CONFAIR: That's the Streets
6 Department.

7 THE CLERK: Parking regulation?

8 MS. CONFAIR: Yes, it's probably a tow
9 away or a no stopping anytime.

10 THE CLERK: Parking regulation?

11 MS. CONFAIR: Yes, no stopping anytime
12 or tow away would be considered a parking
13 regulation.

14 THE CHAIRMAN: The clerk will read the
15 title of the next bill.

16 THE CLERK: Bill No. 990149 is being
17 held at request of the sponsor.

18 Bill No. 990150, an Ordinance
19 establishing a parking regulation on Front Street,
20 both sides, Olney Avenue to Godfrey Avenue.

21 MS. CONFAIR: That's the Streets
22 Department.

23 THE CHAIRMAN: It's being held?

24 THE CLERK: It's not the parking
25 Authority.

1 RESOLUTION 990243

2 MS. CONFAIR: It's the Streets
3 Department.

4 THE CHAIRMAN: Oh, I'm sorry.

5 THE CLERK: I don't think we have any
6 testimony on that one.

7 THE CHAIRMAN: We'll hold that one. The
8 next one.

9 THE CLERK: 990161.

10 THE WITNESS: The Streets Department.

11 THE CLERK: We have no testimony on
12 that. We'll hold that.

13 990200 is being held at the request of
14 the sponsor.

15 Bill No. 990201, an Ordinance
16 establishing a tow away regulation at taxi stand on
17 Broad Street, east side, beginning at a point 81
18 feet of Olney Avenue for 36 feet.

19 MS. CONFAIR: The Streets Department,
20 too.

21 THE CHAIRMAN: We will hold that one.

22 THE CLERK: Bill No. 990224, Ordinance
23 establishing a parking regulation on Godfrey Avenue,
24 both sides, from Fifth Street to Broad Street.

25 THE CHAIRMAN: Hold.

1 RESOLUTION 990243

2 THE CLERK: Bill No. 990243, an
3 Ordinance authorizing the revision of lines and
4 grades on a portion of City Plan No. 63 by striking
5 from the City Plan and vacating Edwin Street from
6 Perkiomen Street to Leland Street, Leland Street
7 from Vineyard Street to Wylie Street, Edwin Street
8 from Poplar Street southwardly to a dead-end, and
9 striking from the City Plan and abandoning a certain
10 28 feet wide right-of-way for drainage purposes from
11 Leland Street northwardly to Edwin Street, under
12 certain terms and conditions.

13 MR. LONIE: Good afternoon Mr. Chairman.
14 My name is Paul Lonie, Survey Bureau Manager for the
15 Department of Streets. The Department of Streets
16 would like to offer following the testimony of Bill
17 990243:

18 This is not an Administration ordinance,
19 but an ordinance requested by Mr. Steve Kaufman of
20 Community Ventures, Inc.

21 The purpose of this ordinance is to
22 grant the legal authority to strike the 1700 block
23 of Edwin Street and the 800 block of Leland Street
24 between Wylie and Vineyard Streets for the
25 development of a 42-unit complex called Francisville

1 RESOLUTION 990243

2 Seniors.

3 This ordinance is supported by the
4 Department of Streets and is recommended to your
5 Committee for favorable action.

6 THE CHAIRMAN: Good afternoon. Please
7 state your name, identify yourself for the record.

8 MR. SOFFER: Chairman, Members of the
9 Committee, my name is Martin Soffer from the
10 Philadelphia City Planning Commission.

11 The proposed ordinance authorizes the
12 striking and vacating of three minor un-needed
13 streets and a right-of-way located in the
14 Francisville Section of the North Philadelphia. The
15 purpose of this ordinance is to help assemble this
16 parcel for construction of the \$5.5 million
17 Francisville Seniors Development that will include
18 42 units of family and elderly housing, off-street
19 parking, and a community center.

20 Therefore, by action at its meeting on
21 May 6, 1999, the Planning Commission recommends
22 990243 be approved. Thank you.

23 THE CHAIRMAN: Thank you. Anyone else
24 who wishes to testify?

25 Please identify yourself for the record.

1 RESOLUTION 990243

2 MR. KAUFFMAN: My name is Steven
3 Kauffman. I'm the Executive Director of Community
4 Ventures. I just wanted to identify us as a
5 nonprofit developer of low-income housing. These 42
6 units are being financed by funding from the CDBG
7 block grant low-income housing tax credit. Our
8 joint venture is with Francisville Community
9 Development Corporation, which is the local
10 community group. And these units will be kept
11 affordable over the long term to low and moderate
12 income families.

13 THE CHAIRMAN: Thank you.

14 MR. MORRIS: Vincent Morris from the
15 Fifth Council District Office. Just here asking for
16 a favorable decision. We've met with Mr. Kauffman
17 and Francisville CDC and we are definitely in favor
18 of the Francisville Seniors.

19 THE CHAIRMAN: Thank you. Are you
20 requesting a suspension of the rules?

21 MR. MORRIS: Yes.

22 THE CHAIRMAN: Councilmember Cohen?

23 COUNCILMAN COHEN: As a result of the
24 development that you're speaking of and this bill,
25 will any people not living in homes be displaced?

1 RESOLUTION 990243

2 MR. KAUFFMAN: This is Steven Kauffman
3 again from Community Ventures. There is one
4 household, they're renters living in a very
5 deteriorated building.

6 COUNCILMAN COHEN: I didn't get that.
7 There is one household what?

8 MR. KAUFFMAN: Who are renters, they
9 rent the premises. They're living in a
10 single-standing building on a vacant block which is
11 almost otherwise all vacate lots. The building is
12 in very poor shape, and the Redevelopment Authority
13 has acquired it and will be relocating them and
14 providing them substantial benefits. Other than
15 that, practically this entire area is vacant land.

16 COUNCILMAN COHEN: My second question
17 is, has there been community opposition expressed?

18 MR. KAUFFMAN: No, there's been
19 absolutely none. There is great community support.

20 MR. MORRIS: Vincent Morris again from
21 the Fifth District. There has not been any
22 community opposition.

23 COUNCILMAN COHEN: Thank you.

24 THE CHAIRMAN: Any other questions for
25 these witness?

1 RESOLUTION 990305

2 Anyone else here who wishes to testify
3 for or against the bill?

4 Hearing none, the clerk will read the
5 title of the next bill.

6 THE CLERK: Bill No. 990305, an
7 Ordinance authorizing the revision of lines and
8 grades on a portion of City Plan No. 120 by striking
9 from the City Plan and vacating Carlisle Street from
10 Oxford Street to Cecil B. Moore Avenue and by
11 reserving and placing on the City Plan a
12 right-of-way for drainage purposes, water main
13 purposes, gas main purposes and public utility
14 purposes within the lines of Carlisle Street being
15 stricken from the City Plan and vacated under
16 authority of this Ordinance, under certain terms and
17 conditions.

18 MR. LONIE: Good afternoon, Mr. Chairman
19 and Members of the Committee. My name is Paul
20 Lonie, Survey Bureau Manager for the Department of
21 Streets.

22 The Streets Department would like to
23 offer the following testimony of Bill No. 990305:

24 This is not an Administration Ordinance,
25 but an ordinance requested by Richard Goldstein of

RESOLUTION 990305

Hangley, Aronchick, Segal & Pudlin, Attorneys at
Law.

The purpose of this ordinance is to
assemble the site for Jump Street by striking from
City Plan Carlisle Street.

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

MR. SOFFER: The proposed ordinance
authorize the proposed striking and vacating of a
minor un-needed street located in the north-central
section of North Philadelphia. The purpose of this
ordinance is to assist Grid Properties, Inc., to
assemble the Jump Street USA development parcel for
the construction of approximately 90,000 square
foot, approximately \$31 million to restore a movie
complex with retail concessions and surface parking.

Therefore, by action at its meeting on
May 20, 1999, the Planning Commission recommends
that Bill No. 990305 be approved. Thank you.

THE CHAIRMAN: Thank you. Please
identify yourself for the record.

MR. GOLDSTEIN: Good afternoon, Mr.
Chairman, Members of the Committee. My name is

RESOLUTION 990305

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2 Richard Goldstein of the law firm Hangle, Aronchick
3 Segal & Pudlin. I'm appearing before the Committee
4 this afternoon representing Grid Properties, Inc.
5 Grid is a real estate investment company engaged in
6 the development and operation of premiere intercity
7 retail and entertainment facilities.

8 This particular project Jump Street USA
9 will extend from North Broad Street west to Carlisle
10 Street and from Cecil B. Moore Avenue and south to
11 Oxford. I have with me this afternoon John Bower of
12 Bower, Lewis, Thrower (ph), the project architect.
13 And I'd just like to briefly ask if Mr. Bower can
14 just familiarize the committee with the site plan a
15 and indicate the location of the proposed street
16 striking and vacating.

17 MR. BOWER: I'm John Bower, partner of
18 Bower, Lewis, Thrower Architects. The project
19 extends along Broad Street from Oxford to Cecil B.
20 Moore and extends back to Carlisle Street, which
21 we're asking to be closed remain available for
22 utilities. This will enable the project to have
23 service access from the rear, access to the parking,
24 and will eliminate the need to have a mid-block
25 crossing of the sidewalk for cars coming off the

RESOLUTION 990305

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parking area or coming out Carlisle street.

This is important for a number of reasons. It will facilitate a clear organization of the site for service and for public access from the parking into the building complex. It will also mean that the development along Cecil B. Moore Avenue, which is being developed by various community groups for retail and entertainment, will have an uninterrupted sidewalk and the possibility of sidewalk cafes occurring in the area at the end of Carlisle Street where it abuts Cecil B. Moore.

THE CHAIRMAN: Thank you.

Anyone else who wishes to testify?

MR. MORRIS: Vincent Morris from the Fifth District Office. We are asking for favorable decision and that the rules be suspended.

THE CHAIRMAN: Any questions?
Councilmember Cohen.

COUNCILMAN COHEN: As a result of the development that we're speaking of in this bill, will present occupants who will have to move?

MR. GOLDSTEIN: Councilman Cohen, it's my understanding there are several, and I don't have a number of units that are used for dwelling in this

1 RESOLUTION 990305

2 area. Acquisition is being pursued at this time by
3 the Redevelopment Authority, and relocation will be
4 facilitated through the Redevelopment Authority.

5 But I don't have any actual numbers that I can
6 provide to you.

7 COUNCILMAN COHEN: Is there anybody here
8 from the Redevelopment Authority that can give us
9 that information?

10 MR. GOLDSTEIN: I do not believe so.

11 COUNCILMAN COHEN: Has anybody here been
12 in touch with the Redevelopment Authority?

13 MR. MORRIS: Vincent Morris again from
14 the Fifth District. I can provide that information
15 to you, Councilman Cohen.

16 COUNCILMAN COHEN: Say that again.

17 MR. MORRIS: I can provide that
18 information to you. I can contact the Redevelopment
19 Authority. It's probably Michael Kuntz, to find out
20 exactly how many people will need to be relocated.

21 COUNCILMAN COHEN: With their consent?

22 MR. MORRIS: Yes, with the consent of
23 the Redevelopment Authority, they will provide to
24 me --

25 COUNCILMAN COHEN: No, I didn't mean

1 RESOLUTION 990305

2 with the consent of the Redevelopment Authority. I
3 meant the consent of the people. Or is it that
4 they're going to have to be subjected to some
5 process to remove them from their homes?

6 MR. MORRIS: Well, it's my understanding
7 that there hasn't been any opposition at all to the
8 development of Jump Street USA. So I would presume
9 that the people who are asking to be relocated have
10 some understanding of the process.

11 COUNCILMAN COHEN: Can we have something
12 other -- you know, I don't mean to be disrespectful,
13 but it's important on matters like this if we have
14 knowledge, and not someone's understanding. Can we
15 get some information furnished to the Chairman of
16 the Committee with respect to this situation?

17 MR. MORRIS: Yes, we can.

18 COUNCILMAN COHEN: And if there is
19 action being contemplated with respect to people who
20 are living in places that are going to be displaced
21 some statement as to what action is intended to be
22 taken with respect to them?

23 MR. MORRIS: Yes.

24 THE CHAIRMAN: With regard to the
25 relocation issues that were raised by Councilmember

1 RESOLUTION 990305

2 Cohen, are they residential properties, are they
3 commercial or a combination of both? Does anyone
4 know that?

5 MR. GOLDSTEIN: It is my understanding
6 that most of the properties are vacant. There were
7 a mix of residential and commercial properties.
8 Those properties that are occupied at the present
9 time, I believe, may also be somewhat of a mix.

10 COUNCILMAN COHEN: You know, this may be
11 a fault of my profession, but it really doesn't help
12 very much to say "it is my understanding that."
13 What helps us is to get some facts so we know.
14 Because later on -- again, I mean no disrespect to
15 you, sir. But your understanding is not the same as
16 the facts of the situation. Because later all you
17 have to do is say, "I had the wrong understanding."
18 We'd like to know what the facts are and take
19 appropriate action with respect to the facts.

20 MR. GOLDSTEIN: We will be happy to
21 comply, Councilman Cohen, and will provide that.

22 COUNCILMAN COHEN: And all members
23 present.

24 THE CHAIRMAN: And Mr. Morris who
25 represents Councilmember Darrell Clarke will provide

1 RESOLUTION 990306

2 that information. I'm certain if there's any issues
3 on relocation that the Councilperson -- now that
4 there is a Councilperson that will be addressing
5 those issues. Thank you.

6 Anyone else here who wishes to testify
7 for or against the bill?

8 Hearing none, the clerk will read the
9 title of the next bill.

10 THE CLERK: Bill No. 990306, an
11 Ordinance authorizing the revision of lines and
12 grades on a portion of City Plan No 120 by striking
13 from the City Plan and vacating Sharswood Street
14 from 22nd Street to 23 Street; by striking from the
15 City Plan and vacating Harlan Street from 22nd
16 Street to 23rd Street, and by reserving and placing
17 on the City Plan a certain right-of-way for gas main
18 purposes, all under certain terms and conditions, .

19 MR. LONIE: Good afternoon, Mr.
20 Chairman. My name is Paul Lonie, Survey Bureau
21 Manager of the Department of Streets, and Streets
22 Department would like to offer the following
23 testimony on Bill No. 990306:

24 This is not an Administration ordinance,
25 but an ordinance requested by Mr. William McDowell,

1 RESOLUTION 990306

2 Redevelopment Authority of the City of Philadelphia.

3 The purpose of the ordinance is to grant
4 the legal authority to strike these streets to
5 facilitate the development of the Sharswood
6 Apartments.

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

10 MR. SOFFER: Good afternoon, Chairman
11 and Members of the Committee. My name is Martin
12 Soffer from the Philadelphia City Planning
13 Commission.

14 The proposed ordinance authorizes the
15 striking and vacating of two minor un-needed streets
16 located in the north-central section of North
17 Philadelphia. The purpose of this ordinance is to
18 facilitate the development of the Sharswood
19 Apartment proposal and 8.6 million new rental unit
20 development for low and moderate income families.

21 Therefore, by action at its meeting on
22 May 20, 1999, the Planning Commission recommends
23 that Bill No. 990306 be approved. Thank you.

24 MR. MORRIS: Vincent Morris again
25 from -- let me, for record, set it straight.

1 RESOLUTION 990306

2 Councilman Darrell Clarke's office. We ask for a
3 favorable decision and request that the rules be
4 suspended.

5 THE CHAIRMAN: Thank you.

6 MR. SILVER: Good afternoon. My name is
7 Joel Silver. I'm the vice president for Michael's
8 Development Corporation. We are the sponsor and are
9 working with North Central Block Captains
10 Association in partnership to develop this 70-unit
11 townhouse project for the community.

12 THE CHAIRMAN: Thank you. Any questions
13 for these witnesses from the Committee?

14 COUNCILMAN COHEN: Same as before; are
15 there families living that are going to have to be
16 moved?

17 MR. MORRIS: Vincent Morris again from
18 Councilman Clarke's office. No, sir, there's no
19 relocation.

20 COUNCILMAN COHEN: And has there ever
21 been community option?

22 MR. MORRIS: No, sir. The community is
23 in full support.

24 COUNCILMAN COHEN: Very good. Thank
25 you.

1 RESOLUTION 990308

2 THE CHAIRMAN: Anyone else here who
3 wishes to testify for or against the bill?

4 Hearing none, the clerk will read the
5 title of the next bill.

6 Thank you for your patience, gentlemen.

7 THE CLERK: Bill No. 990308, an
8 Ordinance authorizing the vacating of Walker Street,
9 from Pearson Avenue to a dead-end approximately 108
10 feet northeast of Pearson Avenue, under certain
11 terms and conditions.

12 MR. LONIE: Good afternoon, Mr. Chairman
13 and Members of the Committee. My name is Paul
14 Lonie, Survey Bureau Manager of the Department of
15 Streets. The Streets Department offer the following
16 testimony of Bill No. 990308:

17 This is not an Administration Ordinance,
18 but an ordinance requested by Ms. Elaine Kochanski,
19 Post Office Box 353, Feasterville, PA.

20 The purpose of this ordinance is to
21 vacate Walker Street northeast of Pearson Avenue.

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

25 MR. SOFFER: Mr. Chairman and Members of

RESOLUTION 990308

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the Committee. My name is Martin Soffer from the Philadelphia City Planning Commission. The proposed ordinance authorize the vacating of an un-needed paper street located in the Torresdale Section of Northeast Philadelphia. The purpose of this ordinance is to remove a legal encumbrance of this street from a party-at-interest property.

Therefore, by action at its meeting on May 20, 1999, the Planning Commission recommends that Bill No. 990308 be approved thank you.

THE CHAIRMAN: Thank you. Any questions for this witness?

Councilmember Cohen.

COUNCILMAN COHEN: What is this bill about? What does it mean? I read the technical language to the bill, I have no idea what you're talking about.

MR. LONIE: There's a paper street next to this lady's house. She wants to get rid of it. Her parents were there. They tried to sell it; it didn't work. They're trying to get rid of the street to basically raise the value of their home. It's just to expand their side yard. There's nothing there. It's a paper street. It never went

1 RESOLUTION 990314

2 through, and they're just trying to get rid of it.

3 COUNCILMAN COHEN: Thank you.

4 THE CHAIRMAN: Any other questions?

5 Anyone else here who wishes to testify
6 for or against this bill?

7 Hearing none, I ask the clerk to read
8 the title of the next bill.

9 THE CLERK: Bill No. 990314, an
10 Ordinance granting permission to Steve Miller, owner
11 of the newsstand located on the northeast corner of
12 Juniper and Market Streets, to construct, use and
13 maintain an electrical conduit and service line and
14 a fiber optic conduit and telephone service line in
15 and under Juniper and Market Streets for the purpose
16 of supplying electrical service and telephone
17 service to his newsstand, under certain terms and
18 conditions.

19 THE CHAIRMAN: I apologize. I didn't
20 realize you had that one bill or I would have had
21 you up.

22 MR. CUNNINGHAM: That's okay I enjoyed
23 the whole process anyway.

24 Mr. Chairman, I'm here to testify on
25 Bill 990314, an ordinance entitled, an Ordinance

RESOLUTION 990314

1
2 granting permission to Steve Miller, owner of the
3 newsstand located on the northeast corner of Juniper
4 and Market Streets, to construct, use and maintain
5 an electrical conduit and service line and a fiber
6 optic conduit and telephone service line in and
7 under Juniper and Market Streets for the purpose of
8 supplying electrical service and telephone service
9 to his newsstand, under certain terms and
10 conditions.

11 The installation of electrical and fiber
12 optic lines provides the capability for conducting
13 lottery sales. In our judgment, the proper
14 configuration for lottery sales at a newsstand is on
15 that side of the stand whereby patrons can be safely
16 and orderly cued longitudinally with the sidewalk
17 and away from the crosswalk thereby not further
18 reducing the available walkway for pedestrian
19 travel.

20 Inasmuch as the current configuration of
21 this newsstand accommodate sales only at the front,
22 the Department of Streets is opposed to the passage
23 of this ordinance.

24 THE CHAIRMAN: Thank you for your
25 testimony. A question from Councilmember Rizzo.

1 RESOLUTION 990314

2 COUNCILMAN RIZZO: I believe this is the
3 first time or possibly the first time that I've
4 caught it that we're now introducing language fiber
5 optic conduit. Could you tell me -- normally when
6 we get these, we hear telephone and electric. I
7 don't recollect fiber optic conduit. What
8 technology are they introducing? Because most
9 lottery sales are able to conduct their activity
10 with a telephone line and an electric line. And
11 what are they -- what's the fiber optic?

12 MR. CUNNINGHAM: I believe that there's
13 only two means of electrifying a newsstand for
14 lottery sales. You need the electrical for the
15 power and then you need the phone for the
16 transmission, and I believe that's what the fiber
17 optic is for. I don't know if --

18 COUNCILMAN RIZZO: It says fiber optic
19 conduit and telephone service.

20 MR. CUNNINGHAM: I think that's just a
21 supportive statement. I don't think there's a
22 separate use, in my opinion.

23 COUNCILMAN RIZZO: Could you clarify
24 that for Chair?

25 MR. CUNNINGHAM: I'll look that up for

1 RESOLUTION 990314

2 you, certainly.

3 THE CHAIRMAN: Any other questions for
4 the witness?

5 Councilmember Cohen.

6 COUNCILMAN COHEN: Tell me if I'm wrong.
7 Does this represent a change of the Streets
8 Department?

9 MR. CUNNINGHAM: Which part?

10 COUNCILMAN COHEN: With respect to
11 granting permission to newsstand operators. Don't
12 you traditionally reject them?

13 Here, I gather you are apparently
14 supporting it, except you think it's on the wrong
15 side or something?

16 MR. CUNNINGHAM: The newsstand is
17 already existing, and what we're saying, given that
18 the newsstand is there and now you want to augment
19 its operation by putting in lottery sales, and when
20 you have a large number of folks cueing up at the
21 front of stand, it really does reduce the sidewalks
22 that we have here. So what we're saying is, please
23 put it on the side if you can work that into the
24 design, this way it can facilitate the traffic.

25 COUNCILMAN COHEN: Then would you then

1 RESOLUTION 990314

2 approve it if they did it?

3 MR. CUNNINGHAM: Yes.

4 COUNCILMAN COHEN: Now, does that
5 represent a change in the policy?

6 MR. CUNNINGHAM: In that regard you are
7 correct, sir.

8 COUNCILMAN COHEN: Will that changes
9 stand apply in the future or just does it just apply
10 in this one case?

11 MR. CUNNINGHAM: We would be consistent
12 on that.

13 COUNCILMAN COHEN: Thank you.

14 THE CHAIRMAN: Anyone wishes to testify?
15 Anyone else for or against the bill?

16 Hearing this concludes the public
17 hearing on the Committee of Streets and Services.
18 We will now move into our public meeting.

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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC MEETING
COMMITTEE ON STREETS AND SERVICES

- - -

Wednesday, June 3, 1999

- - -

Public Meeting conducted by the
Committee on Streets and Services, held in Room 401,
City Hall, Philadelphia, Pennsylvania, on the above
date, to consider action on the following:

BILLS 990138, 990140, 990141, 990142, 990149,
990150, 990161, 990200, 990201, 990224, 990243,
990305, 990306, 990308, 990312, 990314, 990332,
990333.

- - -

PRESENT:

COUNCILMAN FRANK DI CICCIO, Chairman
COUNCILMAN DAVID COHEN
COUNCILMAN RICHARD T. MARIANO
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN FRANK RIZZO

- - -

1 PUBLIC MEETING

2 COUNCILMAN COHEN: I congratulate the
3 Chairman of this Committee if he helped to
4 effectuate a change of policy by the Streets
5 Department.

6 THE CHAIRMAN: The Chair recognizes
7 Councilmember Cohen for a motion on Bill No. 990138.

8 COUNCILMAN COHEN: Mr. Chairman, I move
9 that Bill No. 990138 be reported out with a
10 favorable recommendation and with the request for
11 suspension of rules to permit first reading.

12 (Duly seconded.)

13 THE CHAIRMAN: It has been properly
14 moved and seconded that Bill No. 990138 be reported
15 out of Committee with a favorable recommendation and
16 also recommendation for suspension of rules.

17 All those in favor of the bill signify
18 by saying aye.

19 Those opposed say nay.

20 The ayes have it. The bill is approved.

21 The Chair recognizes Councilmember Cohen
22 for a motion on Bill No. 990140.

23 COUNCILMAN COHEN: Mr. Chairman, I move
24 that Bill No. 990140 be reported out with a
25 favorable recommendation and with the request for

1 PUBLIC MEETING

2 suspension of rules to permit first reading at the
3 next Council meeting.

4 (Duly seconded.)

5 THE CHAIRMAN: It has been properly
6 moved and seconded that Bill No. 990140 be reported
7 out of Committee with a favorable recommendation and
8 that the rules of Council be suspended.

9 All those in favor signify by saying
10 aye.

11 Those opposed say nay.

12 The Bill is approved.

13 The Chair recognizes Councilmember Cohen
14 for a motion on Bill No. 990141.

15 COUNCILMAN COHEN: Mr. Chairman, I move
16 that Bill No. 990141 be reported out with a
17 favorable recommendation and with the request for
18 suspension of rules to permit first reading at the
19 next session of City Council.

20 (Duly seconded.)

21 THE CHAIRMAN: It has been properly
22 moved and seconded that Bill No. 990141 be reported
23 out of Committee with a favorable recommendation and
24 that the Rules of Council be suspended.

25 All those in favor of the bill signify

1 PUBLIC MEETING

2 by saying aye.

3 Those opposed say nay.

4 The bill is approved.

5 The Chair recognizes Councilmember Cohen
6 for a motion on Bill No. 990142.

7 COUNCILMAN COHEN: Mr. Chairman, I move
8 that Bill No. 990142 be reported out of Committee
9 with a favorable recommendation and with the request
10 for suspension of Rules to permit first reading at
11 the next session of City Council.

12 (Duly seconded.)

13 THE CHAIRMAN: It has been properly
14 moved and seconded that Bill No. 990142 be reported
15 out of Committee with a favorable recommendation and
16 that the Rules of Council be suspended.

17 All those in favor of the bill signify
18 by saying aye.

19 Those opposed say nay.

20 The bill is approved.

21 The Chair recognizes Councilmember Cohen
22 for a motion on Bill No. 990243.

23 COUNCILMAN COHEN: Mr. Chairman, I move
24 that Bill No. 990243 be reported out of Committee
25 with a favorable recommendation and with the request

1 PUBLIC MEETING

2 for suspension of rules to permit first reading at
3 the next session of City Council.

4 (Duly seconded.)

5 THE CHAIRMAN: It has been properly
6 moved and seconded that Bill No. 990243 be reported
7 out of Committee with a favorable recommendation and
8 that the Rules of Council be suspended.

9 All those in favor of the bill signify
10 by saying aye.

11 Those opposed say nay.

12 The Bill is approved.

13 The Chair recognizes Councilmember Cohen
14 for a motion on Bill No. 990305.

15 COUNCILMAN COHEN: Mr. Chairman, I move
16 Bill 990305 be reported out with a favorable
17 recommendation and with the request of suspension of
18 Rules to permit first reading at the next session of
19 City Council.

20 THE CHAIRMAN: It has been properly
21 moved and seconded that Bill No. 990305 be reported
22 out of Committee with a favorable recommendation and
23 that the Rules of Council be suspended.

24 All those in favor of the bill signify
25 by saying aye.

1 PUBLIC MEETING

2 Those opposed say nay.

3 The Bill is approved.

4 The Chair recognizes Councilmember Cohen
5 for a motion on Bill No. 990306.

6 COUNCILMAN COHEN: Mr. Chairman, I move
7 that Bill No. 990306 be reported out with a
8 favorable recommendation and with the request for
9 suspension of rules to permit first reading at the
10 next session of City Council.

11 (Duly seconded.)

12 THE CHAIRMAN: It has been properly
13 moved and seconded that Bill No. 990306 be reported
14 out of Committee with a favorable recommendation and
15 that the Rules of Council be suspended.

16 All those in favor of the bill signify
17 by saying aye.

18 Those opposed say nay.

19 The Bill is approved.

20 The Chair recognizes Councilmember Cohen
21 for a motion on Bill No. 990308.

22 COUNCILMAN COHEN: Mr. Chairman, I move
23 that Bill No. 990308 be reported out with a
24 favorable recommendation and with the request for
25 suspension of Rules to permit first reading at the

1 PUBLIC MEETING

2 next session of City Council.

3 (Duly seconded.)

4 THE CHAIRMAN: It has been properly
5 moved and seconded that Bill No. 990308 be reported
6 out of Committee with a favorable recommendation and
7 that the Rules of Council be suspended.

8 All those in favor of the bill signify
9 by saying aye.

10 Those opposed say nay.

11 The Bill is approved.

12 The Chair recognizes Councilmember Cohen
13 for a motion on the amendments to Bill No. 990312.

14 COUNCILMAN COHEN: May I ask the Chair
15 to have Councilman Mariano or Councilman Rizzo make
16 that motion because I'm going to vote against the
17 Bill.

18 COUNCILMAN RIZZO: Bill No. 990312, I
19 make a motion that the amendments to that bill be
20 approved.

21 (Duly seconded.)

22 THE CHAIRMAN: It has been properly
23 moved and seconded that the amendments to Bill No.
24 990312 be approved.

25 All those in favor of the amendment

1 PUBLIC MEETING

2 signify by say aye.

3 Those opposed signify by saying nay.

4 The motion for the amendment has been
5 approved.

6 The Chair recognizes Councilmember Rizzo
7 for a motion on Bill 990312 as amended.

8 COUNCILMAN RIZZO: I make a motion that
9 Bill No. 990312, as amended, be reported out of this
10 Committee with a favorable recommendation and that
11 rules of Council be suspended to permit first
12 reading at the next session of Council.

13 (Duly seconded.)

14 THE CHAIRMAN: It has been properly
15 second that Bill No. 990312, as amended, be reported
16 out of this committee with a favorable
17 recommendation and that the rules of Council be
18 suspend.

19 All those in a favor signify by saying
20 aye.

21 Those oppose?

22 COUNCILMAN COHEN: Nay.

23 THE CHAIRMAN: The Bill is approved.

24 COUNCILMAN COHEN: For reasons stated
25 during the course of the hearing.

1 PUBLIC MEETING

2 THE CHAIRMAN: The Chair recognizes
3 Councilmember Cohen for a motion on Bill No. 990314.

4 COUNCILMAN COHEN: Mr. Chairman, I move
5 that Bill No. 990314 be reported out with a
6 favorable recommendation with the request for
7 suspension of rules to permit first reading at the
8 next session of City Council.

9 THE CHAIRMAN: It has properly moved and
10 seconded that Bill 990314 be reported out with a
11 favorable recommendation and that the rules of
12 Council be suspended.

13 All those in favor of the bill signify
14 by saying aye.

15 Those opposed say nay.

16 The Bill is approved.

17 THE CHAIRMAN: The Chair recognizes
18 Councilmember Cohen for an amendment to Bill No.
19 990332.

20 COUNCILMAN COHEN: I move that Bill
21 990332 be amended in so that Section 1, Line, 2 the
22 very last word will be changed from the present
23 reading of southeast changed to southwest.

24 (Duly seconded.)

25 THE CHAIRMAN: All those in favor of a

1 PUBLIC MEETING

2 motion to amend signify by saying eye.

3 Those opposed?

4 The motion is carried.

5 The Chair recognizes Councilmember Cohen
6 for a motion on Bill No.990332, as amended.

7 COUNCILMAN COHEN: Mr. Chairman, I move
8 that Bill No. 990332, as amended, be reported out
9 with a favorable recommendation and with the request
10 for suspension of rules to permit first reading at
11 the next session of City Council.

12 (Duly seconded.)

13 THE CHAIRMAN: It has properly moved and
14 seconded that Bill 990332, as amended, be reported
15 with a favorable recommendation and that the rules
16 of Council be suspended.

17 All those in favor of the bill signify
18 by saying aye.

19 Those opposed?

20 The Bill is approved.

21 The Chair recognizes Councilmember Cohen
22 for a motion on Bill No. 990333.

23 COUNCILMAN COHEN: Mr. Chairman, I move
24 that Bill No. 990333 be reported out with a
25 favorable recommendation and with the request for

1 PUBLIC MEETING

2 suspension of rules to permit first reading at the
3 next session of City Council.

4 (Duly seconded.)

5 THE CHAIRMAN: It has properly moved and
6 seconded that Bill 990333 be reported with a
7 favorable recommendation and that the rules of
8 Council be suspended.

9 All those in favor of the bill signify
10 by saying aye.

11 Those opposed?

12 The Bill is approved.

13 This concludes the public meeting on the
14 Committee on Streets and Services. And I thank my
15 members for being patient and hanging in there
16 today.

17 (Meeting adjourned at 4:00 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of June 3, 1999, were reported fully
and accurately by me, and that this is a correct
transcript of the same.

RE: COMMITTEE ON STREETS AND SERVICES

Lisa C. Bradley, RPR
and Notary Public