

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING
4 BEFORE THE COMMITTEE ON STREETS AND SERVICES

5 - - -
6 Room 400 City Hall
7 Philadelphia, Pennsylvania
8 Monday, March 12, 2001
9 2:51 p.m.
10 - - -

11 BILL 000766 - Amending Section 2 of an ordinance
12 (Bill No. 990713) approved December 21, 1999
13 authorizing the revision of lines and grades on a
14 portion of City Plan No. 42. . .

15 BILL 000770 - Amending Section 9-205 of the
16 Philadelphia Code, entitled "Sidewalk Sales," by
17 prohibiting sidewalk sales on the 2200 block of
18 Swanson Street, both sides.

19 BILL 010109 - Authorizing Neil Stein, owner of
20 Avenue B Restaurant, to conduct and maintain
21 various encroachments in, on, over, and under the
22 west footway of Broad Street. . .

23 (Full text of all ordinance appear in body of
24 transcript.)

25 PRESENT: COUNCILMAN FRANK DICICCO, Chairman
COUNCILMAN DAVID COHEN, Vice Chair
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN RICHARD T. MARIANO
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO
COUNCIL PRESIDENT ANNA C. VERNA

26 - - -

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2 I N D E X

3 Page

4 BILL 000766

5 Alice Beck, Esq., Drexel University 4
 6 Paul Lonie, Streets Department. 6

7 BILL 000770

8 Elias Stein, Representing a Business Owner. . . 9

9 BILL 010109

10 Nancy Sen, Streets Department Engineer. . . . 11
 11 Eileen O'Brien Center City Residents Assoc. 13
 12 Otis Haigler, L&I 18
 13 Nancy Lavin, Philly Walks 26

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2 P R O C E E D I N G S

3 COUNCILMAN DICICCO: Could I have your
4 attention, please. May I have your attention,
5 please. The public hearing on the Committee of
6 Streets and Services is now in session. For the
7 purposes of today's hearing, we will be hearing
8 two bills: Bill No. 000766 and 010109. All other
9 bills will be continued for hearings. The date
10 certain will be -- the date and time certain is
11 Tuesday, March 20th, at 10 o'clock a.m. So we
12 will hear those two bills.

13 And 770 will be heard today.

14 In attendance are Councilman Rizzo
15 Mariano, Cohen, Clarke, and Ortiz, including
16 myself.

17 The clerk will read the title of the
18 first bill.

19 THE CLERK: Bill No. 000766, an
20 ordinance amending Section 2 of an ordinance (Bill
21 No. 990713) approved December 21, 1999,
22 authorizing the revision of lines and grades on a
23 portion of City Plan No. 42 by striking from the
24 City Plan and vacating the legally-open portions
25 of 32nd Street from Market Street to Chestnut

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2 Street, and by reserving and placing on the City
3 Plan a right-of-way for drainage purposes, water
4 main purposes, gas main purposes, and public
5 utility purposes within the lines of 32nd Street
6 being stricken from the City Plan and vacated
7 under authority of this ordinance, under certain
8 terms and conditions, by extending the period for
9 compliance with the authorization conditions
10 therein.

11 COUNCILMAN ORTIZ: Mr. Chairman, may I
12 be excused. I wanted to be voted aye.

13 (Committee members have discussion off
14 record among themselves.)

15 COUNCILMAN MARIANO: Thank you,
16 Councilman. I too have to be excused for business
17 in my district. I would like to vote yes on all
18 bills and amendments in front of this committee.

19 Thank you.

20 COUNCILMAN DICICCO: Thank you.

21 Please proceed with your testimony.

22 MS. BECK: My name is Alice Beck, and
23 I'm Senior Associate General Counsel with Drexel
24 University.

25 About two years ago, City Council

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2 authorized the City to close a portion of 32nd
3 Street that runs through Drexel's campus. The
4 purpose is so that Drexel can put a park on the
5 street and better unify its campus. Part of --
6 before the property can be transferred to Drexel,
7 it's necessary to get the agreement from the
8 adjoining property owners that what we're doing is
9 not going to impact their property.

10 SEPTA's the adjoining property owner.
11 We have been working for about a year with SEPTA
12 to try to get them to agree to our plans. We're
13 in the process, but we couldn't meet the deadline
14 required by the ordinance of December 21 to enter
15 into an agreement with SEPTA.

16 This ordinance basically gives us an
17 additional year to enter into an agreement with
18 SEPTA so that we can then have our park on the
19 property.

20 COUNCILMAN DICICCO: Thank you.

21 MS. BECK: Thank you. And so on behalf
22 of Drexel, we would ask you to support ask you to
23 support the bill.

24 COUNCILMAN DICICCO: Thank you.

25 Mr. Lonie.

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2 MR. LONIE: Good afternoon,
3 Mr. Chairman and members of the committee. My
4 name is Paul Lonie, Survey Bureau Manager with the
5 Department of Streets, and the Department of
6 Streets would like to offer the following
7 testimony on Bill No. 000766:

8 This is not an administration ordinance
9 but an ordinance requested by Mr. Joseph
10 Cassaserri (ph.), Vice President for Government
11 and Community Relations of Drexel University. The
12 purpose of this ordinance is to extend the time
13 period to permanently close 32nd Street between
14 Chestnut and Market Streets to vehicular traffic.

15 This ordinance is supported by the
16 Department of Streets and is recommended to your
17 committee for favorable recommendation.

18 COUNCILMAN DICICCO: Thank you.

19 Are there any other questions for these
20 witnesses from the committee?

21 (No questions.)

22 COUNCILMAN DICICCO: Is there anyone
23 else here who wishes to testify on this bill?

24 (No response.)

25 COUNCILMAN DICICCO: Mr. Lonie, do you

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2 have any reason to suggest that if we held Bill
3 No. 769, which is the Marriott Courtyard, is there
4 any reason that we have to do that today?

5 MR. LONIE: That's Nancy's.

6 COUNCILMAN DICICCO: Okay, we'll hold
7 that one also, all right?

8 Councilman Rizzo.

9 COUNCILMAN RIZZO: Just so I
10 understand. On this particular request, this is
11 for an extension, this is not permanent, this is
12 not a permanent closure.

13 MR. LONIE: No.

14 COUNCILMAN RIZZO: This is just an
15 extension? Why can't we just get to the permanent
16 part? Why do we have to have these extensions;
17 could you explain that?

18 MR. LONIE: I sure can. What happened
19 in this case, the second section of all ordinances
20 passed through this committee have certain
21 requirements that need to be met within a year of
22 the passage of the ordinance. In this case, it
23 was an agreement with the abutting property owners
24 that had to be signed within the year or the
25 ordinance would simply disappear. That's one of

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2 the conditions.

3 And in this case, it was SEPTA.

4 SEPTA's notoriously difficult to get to sign an
5 agreement in a timely manner. So in this case,
6 Drexel University is negotiating further with them
7 and in another year is given to get those
8 agreements with SEPTA.

9 COUNCILMAN RIZZO: So that's the
10 problem here, SEPTA?

11 MR. LONIE: Yes.

12 COUNCILMAN RIZZO: Thank you.

13 COUNCILMAN DICICCO: Thank you.

14 Any other questions?

15 (No further questions.)

16 COUNCILMAN DICICCO: Hearing none, the
17 clerk will please read the title of the next bill.

18 THE CLERK: Bill No. 000770, an
19 ordinance amending Section 9-205 of the
20 Philadelphia Code, entitled "Sidewalk Sales," by
21 prohibiting sidewalk sales on the 2200 block of
22 Swanson Street, both sides.

23 (Witness comes forward.)

24 COUNCILMAN DICICCO: Good afternoon.
25 Please identify yourself for the record.

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2 MR. STEIN: Hello. My name is Elias
3 Stein. I'm here representing actually the owner
4 of the property on the 2200 block on Swanson as
5 well as a business located on that block.

6 We're not opposed to the ordinance.
7 However, the ordinance says "eliminate sidewalk
8 sales," and I assume all sidewalk sales. One of
9 the businesses on that block Foreman Mills, who
10 employs about 20 to 30 people, on occasion, they
11 put their merchandise on the pavement and they
12 have sales, although the money transaction is
13 inside the building. They still have their
14 property on the sidewalk itself. How will that
15 impact on this particular ordinance?

16 COUNCILMAN DICICCO: It won't. And if
17 there is any issue with the Department of Licenses
18 and Inspections, what we can do by way of
19 ordinance is grant them the ability to be able to
20 vend their products within 40 inches of the
21 building, provided they're the building owner or
22 the lessee. This is only to prohibit outsiders
23 from coming in and vending along South Swanson
24 Street.

25 We can address that at a future date,

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2 if there is a problem.

3 MR. STEIN: Fine. Thank you very much.

4 COUNCILMAN DICICCO: Thank you.

5 Are there any other questions for this
6 witness from the committee?

7 (No questions.)

8 COUNCILMAN DICICCO: Is there anyone
9 else here who wishes to testify on this bill?

10 (No response.)

11 COUNCILMAN DICICCO: Hearing none,
12 thank you sir. The clerk will read the title of
13 the next bill.

14 MR. STEIN: Thank you very much.

15 THE CLERK: Bill No. 010109, an
16 ordinance authorizing Neil Stein, doing business
17 as "Meal Ticket," owner of the Avenue B
18 Restaurant, tenant of the property located at 260
19 South Broad Street, Philadelphia, Pennsylvania,
20 19102 to conduct and maintain various
21 encroachments in, on, over, and under the west
22 footway of Broad Street and the north footway of
23 Spruce Street adjacent to the property 260 South
24 Broad Street, all under certain terms and
25 conditions.

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2 COUNCILMAN DICICCO: Good afternoon.

3 Please identify yourself for the record.

4 MS. SEN: Good afternoon, Chairman and
5 members of the committee. My name is Nancy Sen.

6 I'm an engineering supervisor with the Streets
7 Department, here to testify on Bill No. 010109 on
8 behalf of the Department.

9 This bill authorizes Neil Stein, Meal
10 Ticket, owner of Avenue B Restaurant, located at
11 260 South Broad Street, to construct and maintain
12 the following encroachments on, above, and below
13 the public footways on the corner of Broad and
14 Spruce Street:

15 An electrified marquee with an icon
16 sign;

17 A total of 8 rigid awnings;

18 A total of 8 infrared heater units;

19 A total of 8 custom iron flower boxes;

20 A total of 6 iron planters;

21 A total of 6 iron trellis decorative
22 panels;

23 A total of 3 service stand counters;

24 and

25 A total of 3 electrical cable junction

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2 boxes.

3 I believe I distributed the detailed
4 descriptions of all of these ordinances, and you
5 probably have a copy in front of you. Shall I
6 read them or --

7 COUNCILMAN DICICCO: I think we all --
8 we'll have a copy shortly, unless the sponsor of
9 the bill wants to read everything into the
10 record. No, we can forego that.

11 MS. SEN: Okay. The Streets Department
12 has reviewed plans for this site and determined
13 that the proposed encroachments leave adequate
14 width and clearance of unobstructed footway. On
15 Spruce Street, there will be approximately eight
16 feet of clear sidewalk between the encroachments
17 and existing bollards at the curbline. A similar
18 clear sidewalk width will be maintained on Broad
19 Street.

20 Therefore, the Streets Department has
21 no objection to the passage of this bill.

22 COUNCILMAN DICICCO: Just by way of
23 information, Miss Sen, did this require any
24 zoning?

25 MS. SEN: I know that the project came

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2 to us and went through Zoning, but we just saw it
3 as it went in and then came out. I wasn't aware
4 of the process.

5 COUNCILMAN DICICCO: Thank you.

6 MS. SEN: To get their building permit,
7 I do believe did go through the zoning process.

8 COUNCILMAN DICICCO: But for the
9 outdoor cafe, they didn't need to do the rezoning
10 because of a previous ordinance we did about a
11 year or so ago.

12 MS. SEN: Right. This is just for
13 everything besides the tables and chairs that were
14 here.

15 COUNCILMAN DICICCO: Councilman Clarke,
16 do you have anything? Yes, no?

17 Is there anyone here who wishes to
18 testify for or against the bill?

19 Yes, please come forward.

20 (Witness comes forward.)

21 COUNCILMAN DICICCO: Good afternoon.

22 MS. O'BRIEN: Good afternoon, Mr.
23 Chairman and members of the Committee. My name's
24 Eileen O'Brien. I'm a member of the Board of the
25 Center City Residents Association where I serve on

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2 its Streets Committee. CCRA encompasses the area
3 from Broad Street to Schuylkill River, and from
4 Market Street to South Street. We represent
5 approximately a thousand households and
6 businesses.

7 I'm here to testify on Bill 10109,
8 which is a private-interest bill to allow Neil
9 Stein, owner and operator of Avenue B Restaurant
10 at Broad and Spruce to maintain certain sidewalk
11 obstructions on the Spruce Street and Broad Street
12 sides of the restaurant. As accompaniments to a
13 sidewalk cafe, he plans to erect there.

14 CCRA wishes Mr. Stein well on his
15 latest venture. We're pleased to have yet another
16 of his fine restaurants in Center City.

17 We've asked for the opportunity to
18 speak today because of our general concerns
19 regarding the use of the public sidewalk,
20 especially when that use is a sidewalk cafe. We
21 have reviewed the plan submitted to the Streets
22 Department for the sidewalk cafe, the legislation
23 before you today, and what is actually on the
24 sidewalk at this time. We have noted the
25 following discrepancies:

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2 In reality, the sidewalk is not the
3 full 15 feet specified on the City Plan, but 2 or
4 3 inches less. The size and placement of the
5 bollards occupy 28 inches of the sidewalk from the
6 curb inward instead of the 18 inches shown on the
7 plan.

8 The combined effect of these two
9 measurements is to reduce the sidewalk available
10 for pedestrian use by two and a half feet before
11 any other obstructions are added.

12 The bill seeks to allow two heaters on
13 the Broad Street side of the restaurant, although
14 there are no tables authorized on that side. An
15 additional heater is included in the ordinance of
16 the Spruce Street side beyond the area approved
17 for the tables.

18 The iron planters installed on Spruce
19 Street are 42 inches tall. The bill provides an
20 approximate height of 3 feet for these items.

21 In addition, the planters house water
22 lines installed on the footway possibly for
23 irrigation or hosing down the sidewalk. These
24 facilities are not mentioned in the bill.

25 The wood service stands shown on the

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2 plan project onto the sidewalk 6 feet from the
3 building line, although the bill implies they will
4 be placed next to the planters and extend 3 feet
5 onto the footway.

6 The legislation contemplates electrical
7 boxes adjacent to each of three planters. In
8 fact, junction boxes have been installed inside
9 all six planters, tripling the amount of the
10 electrification mentioned in the bill for Spruce
11 Street.

12 Two additional electrical outlets have
13 been installed on Broad Street, although the bill
14 does not seek approval for them.

15 Speakers playing amplified music have
16 been installed on the building's exterior but do
17 not appear on the plan or the bill.

18 Although this bill was prepared in
19 conjunction with the sidewalk cafe application, it
20 neither mentions or specifies the number or
21 placement of the tables and chairs to be set out.

22 Both the bill and the plan fail to
23 provide a dimension for the portion of the
24 sidewalk to be left available for pedestrian use.

25 CCRA seeks your assurance that these

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2 discrepancies noted above will be addressed. We
3 question why additional heaters and electricity
4 have been requested or installed. Our concerns
5 arise from our experience with the sidewalk cafes
6 on 18th Street. We want to avoid a replication of
7 the situation there, where it has become difficult
8 for pedestrians to negotiate a path for
9 themselves.

10 As you know Avenue B is across Spruce
11 Street from the soon-to-be-open Kimmel Performing
12 Arts Center. Current levels of pedestrian
13 activity are sure to be surpassed when this
14 facility is in regular use. The sidewalk cafe and
15 accompanying streets furniture, which this
16 authorizes, should be reviewed after the Kimmel
17 Center is open.

18 This bill represents a static plan,
19 while a sidewalk cafe in operation is often an
20 extremely congested scene, with patrons, waiters,
21 and passersby all jostling for a share of a
22 limited public resource, the sidewalk.

23 Please join with CCRA in protecting
24 pedestrian space.

25 Thank you for the opportunity to

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2 register our views in this matter.

3 COUNCILMAN DICICCO: Thank you.

4 Anyone else?

5 (Applause.)

6 COUNCILMAN DICICCO: Mr. Haigler?

7 (Witness comes forward.)

8 MR. HAIGLER: Good day, Councilman

9 DiCicco and members of the committee. I am Otis
10 Haigler, Jr., Legislative Regulatory Affairs
11 Manager for the Department of Licenses and
12 Inspections.

13 Today, I am here to provide testimony
14 on Bill 010109, which, if enacted, will allow Neil
15 Stein, owner of Avenue B Restaurant, at 260 South
16 Broad Street, to construct and maintain
17 encroachments in, on, over, and under the west
18 footway of Spruce Street adjacent to 260 South
19 Broad Street.

20 With respect to this bill, the
21 Department offers no objections to its enactment,
22 with the stipulation that a pedestrian footway
23 clearance of at least six feet be maintained on
24 the sidewalk and that any and all appurtenances on
25 the sidewalk cafe be temporary and movable.

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2 Thank you.

3 COUNCIL PRESIDENT VERNA: Thank you.

4 The Chair recognizes Councilman Rizzo.

5 COUNCILMAN RIZZO: To both

6 representatives of the Streets Department and
7 Licenses and Inspections, Miss O'Brien just stated
8 that some of those requirements aren't met. How
9 do you respond to that? Who's right and who's
10 wrong here?

11 MS. SEN: I can only say -- and I did
12 review a plan prepared by the architect who
13 represents the restaurant, and I don't remember
14 seeing a water line. I think that was water
15 lines. There are electrical cable boxes. We were
16 told to feed a register so that they could -- the
17 waiters could put the orders in and send them back
18 to the kitchen. That would be the -- that was the
19 purpose that was told to me for the electric and
20 computer cable.

21 But if they weren't shown on the plans,
22 perhaps they could resubmit and we could review
23 them at a later time.

24 COUNCILMAN RIZZO: So in other words,
25 at this hearing today, you are not clear on, now

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2 that you've heard this testimony, not clear on
3 exactly what will exist at that location.

4 MS. SEN: The water pipes that were
5 observed by members of the Center City Resident
6 Community Association, I did not see them on the
7 plan. And, therefore, they weren't put into the
8 distributive part of the ordinance.

9 COUNCILMAN RIZZO: L&I?

10 MR. HAIGLER: There may be a
11 requirement if they're going to put in any type of
12 water lines as well as electrical lines. They're
13 going to have to get permits from our department
14 in order to do that. In the permitting process,
15 they're going to have to present plans to our
16 department as part of that process, and we will
17 review those plans to determine whether or not
18 they meet Code requirements -- for electrical, the
19 Electrical Code; and for plumbing, the Plumbing
20 Code.

21 COUNCILMAN RIZZO: So you have no
22 problem with what you heard today, you feel
23 everything's --

24 MR. HAIGLER: As long as they present
25 and submit the required plans and documentation to

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2 the department prior to installing the water
3 lines, as well as the electrical lines, and our
4 people are allowed to review those plans and
5 documentation to determine whether or not they
6 meet Code requirements, I have no problem with
7 that.

8 COUNCILMAN RIZZO: So you're telling me
9 that in the event that that would not be met, that
10 those clearances and all of that be met, that they
11 would not be permitted to operate and that the
12 Community Association would be protected in the
13 event that they don't meet these requirements?

14 MR. HAIGLER: Well, I'm assuming that
15 the water lines are going to be underground. And
16 the electrical lines, I'm assuming, will not be on
17 the sidewalk itself, that will prevent people from
18 transversing the sidewalk.

19 MS. SEN: I just -- I do know where the
20 electric lines come on the face of the wall behind
21 the planter. In other words, it's almost like at
22 the face of the building, that's where the box is
23 for the electric lines. I'm just assuming that's
24 probably where the water lines are, so I don't
25 think there would be any problems. They wouldn't

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2 be obstructing.

3 But what could have happened is they
4 were presented to L&I, and they were reviewed by
5 the Plumbing Unit and not, you know, pointed out
6 to Streets when we prepared the ordinance for the
7 other encroachments. I could check on that,
8 looking at, you know, the plans that were
9 submitted for the building permit and L&I.

10 COUNCILMAN RIZZO: Thank you.

11 Thank you, Mr. Chairman.

12 Mr. Stein, are you holding the plans in
13 your hand?

14 MR. STEIN: Yes, I am.

15 COUNCIL PRESIDENT VERNA: Perhaps you
16 could give it to the witness?

17 (Neil Stein shows plan to witnesses.))

18 MS. SEN: I'm just suggesting that
19 perhaps Mr. Stein could send to L&I a
20 cross-section showing that. I don't believe that
21 this would have any bearing on the encroachments
22 that are already authorized under the bill because
23 the water lines go into the planter boxes, which
24 you are authorizing under this bill.

25 The only thing is that, you know, just

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2 to make sure L&I saw them in the plans, which I'm
3 sure they did and they're just not shown in these
4 few plans that were prepared only for the
5 encroachments that you are authorizing under the
6 bill.

7 MR. HAIGLER: And also, I reviewed the
8 plans also, and the planter boxes, where the water
9 lines appear to be, is adjacent to the wall. It's
10 not on the footway part at all where you would
11 need to clear pedestrian space. From what I see
12 on the plans, it appears that they have about 8
13 feet 5 inches of pedestrian space, clear space,
14 between the curb to where the tables are located.
15 So it's more than what I would like at as our
16 six-foot requirement.

17 COUNCILMAN DICICCO: Thank you.

18 Any other questions for this witness?

19 Councilmember Rizzo?

20 COUNCILMAN RIZZO: Just a note that
21 Miss O'Brien --

22 COUNCILMAN DICICCO: I was going to get
23 into that.

24 COUNCILMAN RIZZO: I'm sorry.

25 COUNCILMAN DICICCO: That's okay.

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2 Anyone else who wishes to testify for
3 or against the bill, please step forward.

4 Miss O'Brien I understand you might
5 want to speak again on the bill.

6 (Ms. O'Brien off-mic.)

7 COUNCILMAN DICICCO: Councilmember
8 Rizzo indicates he would like to have further
9 questions. Would you please approach the witness
10 table.

11 And, ma'am, would you come forward
12 also.

13 (Witnesses come forward.)

14 COUNCILMAN DICICCO: I guess, Miss
15 O'Brien, you can go first.

16 Councilman Rizzo?

17 COUNCILMAN RIZZO: Miss O'Brien, you
18 heard the Streets Department representative and
19 the Department of Licenses and Inspections
20 representative's explanation of your concerns.
21 Are you okay with what you heard?

22 MS. O'BRIEN: Well, I agree that --
23 that they don't affect the encroachment sought in
24 this legislation, but the water line is an
25 additional encroachment and has to be covered in

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2 some way. The water lines are on the sidewalk,
3 inside the planter boxes, in the same location as
4 the electrical boxes, which this legislation is
5 required in order for them to be there.

6 So something has to cover the water
7 lines. They are not covered by this bill.

8 COUNCILMAN DICICCO: I didn't see the
9 blueprints, but I assume the water lines -- when
10 you say they are on the sidewalk, I mean, it's not
11 something laying on the sidewalk.

12 MS. O'BRIEN: The planter box is
13 hollow. Inside the box is where the --

14 COUNCILMAN DICICCO: Right. So it
15 won't go beyond -- the water line and the
16 electrical line or the electrical box, or
17 whatever, will not go beyond the encroachment that
18 is allowed for within the ordinance as it relates
19 to the planter.

20 MS. O'BRIEN: They don't extend any
21 further than the planters themselves.

22 COUNCILMAN DICICCO: So when the plants
23 grow, you won't even see it anyway, I'm assuming,
24 right?

25 MS. O'BRIEN: Right. Well, I'm just

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2 suggesting, though, that they're not -- they're
3 not entitled -- Mr. Stein's not entitled to
4 install these lines without the approval of
5 Council. They have -- they're on the public
6 right-of-way and they ought to be included if in
7 fact they're on the sidewalk.

8 The other concern we had and I
9 mentioned was the extent of the electrification.
10 It's substantially greater than what the bill
11 requests. And the heaters and locations where no
12 tables are authorized by the plan submitted for
13 the sidewalk cafe itself.

14 COUNCILMAN DICICCO: Any other
15 questions?

16 (No further questions.)

17 COUNCILMAN DICICCO: Thank you.

18 MS. O'BRIEN: Thank you.

19 COUNCILMAN DICICCO: Yes, ma'am, please
20 identify yourself for the record.

21 MS. LAVIN: Greetings, everyone. My
22 name is Nancy Lavin, I'm Vice President of Philly
23 Walks. Philly Walks is the only Philadelphia
24 organization solely dedicated to the concerns of
25 pedestrians. We're a project of the Clean Air

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2 Council.

3 The above bill authorizes Neil Stein
4 various encroachments for a sidewalk cafe in front
5 of his restaurant, Avenue B, at Spruce Street --
6 or on Spruce Street. Philly Walks needs to voice
7 our concerns. We would reiterate the language of
8 existing regulations for sidewalk cafes in this
9 city. And that is, they proscribe an 8-foot
10 pathway for pedestrians, but in some cases, 6 feet
11 has been taken as a de facto pedestrian use of
12 sidewalk.

13 You will recall that the newsstand bill
14 that was passed by Council last year specified
15 that six feet must be allowed for pedestrians. It
16 is essential that this 6-foot area not be chipped
17 away in any manner of misuse that would add to the
18 usurping of the people's space. Since newsstands
19 extend along the sidewalk for a fraction of the
20 one half of a city block, this proposed sidewalk
21 cafe will stretch. Why, then, should anything
22 less than six feet be acceptable?

23 Philly Walks asserts that it is unfair
24 to have the burden of adjusting to weakened
25 regulations be placed upon the feet of

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2 pedestrians.

3 Let me respond to what the L&I
4 testifier has just said, and I think that we have
5 a disagreement as to how the sidewalk measurements
6 are done. I am assuming that when he found eight
7 and a half feet of pedestrian sidewalk, he
8 measured from the curb to the table servers, and
9 not from the bollards. Bollards are in place all
10 along Spruce Street. Pedestrians are not going to
11 weave in and out of the bollards as if they were
12 doing a (indiscernible) for a ski championship.

13 COUNCILMAN DICICCO: They are there for
14 the skateboarders, actually. The skateboarders
15 use them, it's an obstacle course for
16 skateboarders.

17 MS. LAVIN: They are very good at it,
18 and I think skateboarders should have a place in
19 this city, by the way.

20 COUNCILMAN DICICCO: You do?

21 MS. LAVIN: Yes, I do.

22 In any case, it is not eight and a half
23 feet. When it is measured from the bollard to the
24 table servers that are placed in front of the
25 planters, you will find that there is six and one

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2 half feet. The tables and chairs along the plan
3 look as if they are set inside of this area along
4 the building line.

5 Our concern is that over time, maybe
6 another table will be added with some extra
7 chairs, and maybe they'll be pulled out in front.
8 That takes away from six and a half feet. We
9 really do not want to see this happen.

10 Just last spring, Philly Walks
11 submitted a plan to Mr. Stein that would help
12 resolve conditions at his other cafe locations,
13 but we have never received a reply. Philly Walks
14 asks you to keep in mind the significant increased
15 volume of mobility, both vehicular and pedestrian,
16 that will occur when the Kimmel Center opens. The
17 entire area should be assured of a safe and secure
18 environment. Maintaining appropriate laws for
19 businesses such as sidewalk cafes will enable the
20 exciting Avenue of the Arts to flourish, and we
21 wish Mr. Stein much success in his pursuits to
22 help the area thrive.

23 And I thank you very much for your
24 attention.

25 COUNCILMAN DICICCO: Thank you, ma'am.

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2 (Applause.)

3 COUNCILMAN DICICCO: Any other
4 questions for this witness?

5 (No questions.)

6 COUNCILMAN DICICCO: Anyone here who
7 wishes to testify on or against this bill?

8 (No response.)

9 COUNCILMAN DICICCO: I just want to
10 thank Mr. Stein and Mr. Mirabella for your
11 investment in the City of Philadelphia. It's a
12 risk you take every time you open a restaurant. I
13 was a restaurateur once in my life. I didn't
14 think anything could be harder than politics, but
15 being a restaurateur is actually more difficult
16 than being in politics -- if one can believe that.

17 Councilman Clarke, do you have anything
18 you wanted to say? Any comments?

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

21 Mr. Chairman, I just wanted to make a
22 brief statement with respects to this whole
23 sidewalk cafe issue. I would be remiss if I did
24 not speak about that, particularly given today's
25 subject.

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2 It is clear that this is a growing
3 problem and a growing concern among a number of
4 members both in the industry and residents, and I
5 think this is something that the Administration
6 and members of this Council have talked about and
7 will continue to talk about. And it is closely
8 and quickly approaching on a time where we need to
9 get some levels of consistency as it relates to
10 the particular law governing sidewalk cafes, and I
11 would hope within the next several months, as I
12 see a member of the Administration shaking her
13 head, Miss (indiscernible), you agree, that we
14 will come to a conclusion real soon. And
15 hopefully we will have the level of consistency so
16 we don't continue to have such type of dialogue
17 that we've been having over the last several
18 weeks.

19 So I want to, on the record, state my
20 commitment to both the pedestrian right-of-way and
21 also state my commitment to the many businesses in
22 the City of Philadelphia. But I think, as a
23 Council body, we do need -- and as an
24 administration, we do need to get some level of
25 consistency as it relates to the law.

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2 So thank you, Mr. Chairman.

3 COUNCILMAN DICICCO: Thank you.

4 Any further questions or comments?

5 (No response.)

6 COUNCILMAN DICICCO: Hearing none, this
7 concludes the public hearing.

8 - - -

9 COUNCILMAN DICICCO: We will now go
10 into the public meeting on the Committee of
11 Streets and Services.

12 The Chair recognizes Councilman Clarke
13 for a motion on Bill No. 000766.

14 COUNCILMAN CLARKE: Thank you,
15 Mr. Chairman. I make a motion that Bill No.
16 000776 be reported out of committee with a
17 favorable recommendation and a request for a
18 suspension of the rules so as to be reported at
19 the next session of Council.

20 COUNCILMAN DICICCO: Is there a second?

21 (Duly seconded.)

22 COUNCILMAN DICICCO: It's been properly
23 moved and seconded that Bill No. 000766 be
24 reported out of committee with a favorable
25 recommendation and that the rules of Council be

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2 suspended.

3 All those in favor signify by saying
4 aye.

5 And let the record note that
6 Councilmember Mariano and Ortiz left their vote of
7 approval on these bills.

8 All those opposed?

9 Hearing none, the bill is approved.

10 The Chair recognizes Councilman Clarke
11 for a motion on Bill No. 000770.

12 COUNCILMAN CLARKE: Thank you,
13 Mr. Chairman, I move that Bill No. 000770 be
14 reported out with a favorable recommendation and a
15 request for a suspension of the rules so as to be
16 read at the next session of Council.

17 (Duly seconded.)

18 COUNCILMAN DICICCO: It's been properly
19 moved and seconded that Bill No. 000770 be
20 reported out of this committee with a favorable
21 recommendation and that the rules of Council be
22 suspended.

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

25 Those opposed?

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2 The bill is approved.

3 The Chair recognizes Councilman Clarke
4 for a motion on Bill No. 010109.

5 COUNCILMAN CLARKE: Thank you,
6 Mr. Chairman. I make a motion that Bill No.
7 010109 be reported out with a favorable
8 recommendation and a request for a suspension of
9 the rules so as to be read at the next session of
10 Council.

11 (Duly seconded.)

12 COUNCILMAN DICICCO: It's been properly
13 moved and seconded that Bill No. 010109 be
14 reported out of committee with a favorable
15 recommendation and that the rules of Council be
16 suspended.

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

19 Those opposed?

20 The bill is approved.

21 This concludes the public meeting on
22 the Committee of Streets and Services. Thank you.

23 And all of the other bills of that
24 committee will be heard on Tuesday, the 20th of
25 March, at 10 o'clock a.m.

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2 (Adjourned 3:25 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Monday, March 12, 2001, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON STREETS AND SERVICES
BILL NO.'S 000766, 000770, 010109

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter