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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, December 10, 2009
9:25 a.m.

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PRESENT:

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COUNCILMAN FRANK DiCICCO, CHAIR

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COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN WILLIAM GREENLEE

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COUNCILMAN CURTIS JONES, JR.

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COUNCILWOMAN MARIA QUINONES-SANCHEZ

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COUNCILWOMAN DONNA REED MILLER

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BILLS 090747, 090771, 090772, 090809, 090810,
090844, 090875, 090876 and 090877

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V A R A L L O Incorporated
Litigation Support Services
Eleven Penn Center
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
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COUNCILMAN DiCICCO: Good

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morning, everyone. Thank you for your

4

patience. This is the Committee on

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Streets and Services. We are now in

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session. We do have a quorum. To my far

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right is Councilwoman Donna Reed Miller.

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To my immediate right is Councilwoman

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Maria Quinones-Sanchez, and to my

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immediate left is Councilman Greenlee.

11

I would ask Mr. Abernathy to

12

read the title of the first bill.

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THE CLERK: Bill No. 090876, an

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ordinance authorizing the revision of

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lines and grades on a portion of City

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Plan No. 307 by striking from the City

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Plan and vacating Cherry Street from

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Broad Street to Carlisle Street and by

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reserving and placing on the City Plan a

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right-of-way for drainage purposes, water

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main purposes, gas main purposes and

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public utility purposes within the lines

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of Cherry Street being stricken from the

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City Plan and vacated under authority of

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this Ordinance, under certain terms and

1 12/10/09 - STREETS - BILL 090747, etc.
2 conditions.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN DiCICCO: Good
6 morning, gentlemen. Please identify
7 yourself for the record and proceed with
8 your testimony.

9 MR. MORELLI: Good morning, Mr.
10 Chairman and members of the Committee.
11 My name is Frank Morelli, Survey Bureau
12 Manager from the Department of Streets,
13 and the Department of Streets would like
14 to offer the following testimony on Bill
15 No. 090876.

16 This is not an administrative
17 ordinance, but an ordinance requested by
18 Mr. John Howard of Becker and Frondorf,
19 1500 Walnut Street, Philadelphia, PA on
20 behalf of the Pennsylvania Academy of the
21 Fine Arts.

22 The purpose of this ordinance
23 is to strike from the City Plan and
24 vacate the legally open portions of
25 Cherry Street from Broad Street to

1 12/10/09 - STREETS - BILL 090747, etc.
2 Carlisle Street and to reserve and place
3 on the City Plan a right-of-way for
4 drainage purposes, water main purposes,
5 gas main purposes and public utility
6 purposes. This action will facilitate
7 the construction of a pedestrian plaza
8 between the Academy's existing buildings
9 on the southwest and northwest corners of
10 Broad and Cherry Streets.

11 At this time, I would like to
12 offer two amendments: Amending Section 2
13 of the ordinance by extending the time of
14 compliance from one to two years.
15 Amending Section 2(d) of the ordinance to
16 include access at all times for the
17 public pedestrian walkway.

18 This ordinance is supported by
19 the Department of Streets and is
20 recommended to your committee for
21 favorable action.

22 COUNCILMAN DiCICCO: Thank you.

23 Good morning.

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

1 12/10/09 - STREETS - BILL 090747, etc.
2 Streets and Services Committee. I am
3 William Erickson, a city planner with the
4 Development Planning Division of the
5 Philadelphia Planning Commission. I am
6 here to testify on Bill 090876, which was
7 introduced by Councilman Clarke on
8 December 3rd, 2009.

9 This ordinance will strike and
10 vacate Cherry Street west of Broad Street
11 to Carlisle Street to allow for the
12 construction of a pedestrian plaza. The
13 purpose of this bill is to allow the
14 Philadelphia Academy of the Fine Arts to
15 occupy the plaza and create a campus-type
16 atmosphere between their two buildings.

17 The Planning Commission
18 reviewed and approved this action at its
19 meeting of December 8, 2009. Therefore,
20 the Planning Commission recommends that
21 Bill 090876 be approved. And we have no
22 objections to the amendments either.

23 COUNCILMAN DiCICCO: Thank you.

24 Let the record reflect that
25 Councilman Jones, who is a member of this

1 12/10/09 - STREETS - BILL 090747, etc.
2 committee, is also present, and
3 Councilman Goode is in the Chambers as
4 well.

5 Any questions for these
6 witnesses?

7 (No response.)

8 COUNCILMAN DiCICCO: Is there
9 anyone else here to testify on this?

10 Yes, sir. Please come around
11 and have a seat at the table, please.

12 (Witnesses approached witness
13 table.)

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

18 MR. LEWIS: My name is Edward
19 T. Lewis and I'm President of the
20 Pennsylvania Academy of the Fine Arts.

21 COUNCILMAN DiCICCO: Do you
22 have testimony, sir?

23 MR. LEWIS: Yes, I do.

24 COUNCILMAN DiCICCO: Please.

25 MR. LEWIS: First of all, let

1 12/10/09 - STREETS - BILL 090747, etc.

2 me thank the Council for considering this
3 ordinance for the closing of Cherry
4 Street. It will set the stage certainly
5 for the development of the plaza, which
6 will be directly across the street from
7 the Convention Center.

8 I'd like to very briefly,
9 because I know you have a full agenda,
10 talk about the components of this public
11 plaza.

12 First of all, it will be
13 designed by Olin Partnership, one of the
14 foremost landscape architects in the
15 country. It will have a sculpture garden
16 and will have changing curated
17 exhibitions in that garden. It will have
18 a commissioned outside sculpture by a
19 major American artist. And think of
20 Clothespin, for example, by Claes
21 Oldenburg as an example and you would be
22 very close to what we're thinking of.

23 And, finally, it would have a
24 first-rate restaurant housed in the
25 ground floor of the Hamilton Building,

1 12/10/09 - STREETS - BILL 090747, etc.
2 which is the building as you see in both
3 those images on the right.

4 And, finally, it would have
5 other features to enhance the sense that
6 this is truly a public gathering place,
7 and we think this is very important.

8 The plaza itself would be a
9 link to the Museum Mile and it is only a
10 five- to six-minute walk to that
11 extraordinary array of museums on the
12 Museum Mile. Perhaps even more
13 importantly, it is the first impression
14 that a million conventioners a year, as
15 they walk out the front door of the
16 Convention Center, will have of
17 Philadelphia. Their sense will be that
18 it's safe, it's welcoming, it's walkable,
19 and most of all, right across the street,
20 it has a very good restaurant.

21 From the beginning, we have
22 included experts and we have asked for
23 the opinion of our neighbors. We have
24 had no neighbors that were opposed to the
25 project, and both the Parkway Corporation

1 12/10/09 - STREETS - BILL 090747, etc.
2 and the Logan Square Neighborhood
3 Association have both written letters of
4 support for it.

5 So we're very excited by this
6 project and we think that it can
7 transform a very important piece of North
8 Broad directly across the street from the
9 Convention Center.

10 COUNCILMAN DiCICCO: Thank you.
11 I'm a little bit excited about it myself
12 even though it's not in my district, it's
13 across the street.

14 MR. LEWIS: Thank you very
15 much.

16 COUNCILMAN DiCICCO: But it has
17 that European flavor.

18 MR. LEWIS: It does.

19 COUNCILMAN DiCICCO: And we
20 should do more of what the Europeans do
21 in terms of our public space. Thank you.

22 Do you have any --

23 MR. STROBER: No. I'm counsel
24 to the Academy. Fred Strober. And I
25 just want to mention this has been a very

1 12/10/09 - STREETS - BILL 090747, etc.
2 cooperative effort among the Streets
3 Department, City Planning Commission, the
4 Academy and the Mayor's Office in making
5 this happen.

6 COUNCILMAN DiCICCO: Well, we
7 appreciate it, and we appreciate your
8 investment on North Broad Street and wish
9 you much success.

10 MR. LEWIS: Thank you very
11 much.

12 COUNCILMAN DiCICCO: Thank you.
13 Any questions for these
14 witnesses?

15 (No response.)

16 COUNCILMAN DiCICCO: Seeing
17 none, thank you.

18 Brian, are we going to do 747
19 next? I'll read it.

20 THE CLERK: Bill No. 090877, an
21 ordinance amending Section 9-203 of The
22 Philadelphia Code, entitled "Street
23 Vendors," and Section 9-205 of The
24 Philadelphia Code, entitled "Sidewalk
25 Sales," by prohibiting street and

1 12/10/09 - STREETS - BILL 090747, etc.
2 sidewalk vending within the area bounded
3 by Broad Street, Oxford Street, 13th
4 Street and Jefferson Street, including
5 both sides of any street bounding this
6 area; all under certain terms and
7 conditions.

8 COUNCILMAN DiCICCO:

9 Mr. Haigler.

10 (Witness approached witness
11 table.)

12 COUNCILMAN DiCICCO: You spend
13 a lot of time here, Mr. Haigler.

14 MR. HAIGLER: Yes.

15 Good morning, Chairman DiCicco
16 and members of the Committee. I'm Otis
17 Haigler, Jr., Director of Legislative
18 Affairs for the Department of Licenses
19 and Inspections.

20 With regard to the bill that
21 was just read into the record, the
22 Department offers no objections to the
23 bill. I've been made aware that there is
24 an amendment for this bill, and I've
25 looked at the amendment. There is no

1 12/10/09 - STREETS - BILL 090747, etc.
2 objections to the amendment as well. All
3 it is is a technical amendment to
4 indicate that the only section that
5 needed to be amended was Section 9-205 of
6 The Philadelphia Code, and it was offered
7 by the Law Department, so we have no
8 objections.

9 COUNCILMAN DiCICCO: Very good.
10 Thank you.

11 Any questions for Mr. Haigler
12 from this committee?

13 (No response.)

14 COUNCILMAN DiCICCO: Is there
15 anyone else here to testify on this bill?

16 (No response.)

17 COUNCILMAN DiCICCO: Seeing
18 none.

19 THE CLERK: Bill No. 090809, an
20 ordinance authorizing Brandywine Cira
21 Post Office L.P. to construct, own and
22 maintain various encroachments at 2970
23 Market Street, all under certain terms
24 and conditions.

25 (Witness approached witness

1 12/10/09 - STREETS - BILL 090747, etc.
2 table.)

3 MR. BLACK: Good morning,
4 Chairman and members of the Committee.
5 My name is Robert Black and I'm a
6 construction engineer with the Streets
7 Department. I am here to offer the
8 following testimony for amended Bill No.
9 090809.

10 The encroachment described in
11 Section 1 of the ordinance will leave a
12 minimum of five feet of clear pedestrian
13 traffic throughout the perimeter of the
14 building.

15 At this time, I offer up a
16 proposed amendment.

17 COUNCILMAN DiCICCO: That
18 amendment has been circulated?

19 THE CLERK: Yes.

20 COUNCILMAN DiCICCO: Okay.

21 Thank you.

22 MR. BLACK: The Streets
23 Department has reviewed the proposed
24 plans for this project and it's supported
25 by the Streets Department and is

1 12/10/09 - STREETS - BILL 090747, etc.
2 recommended to your committee for
3 favorable action.

4 COUNCILMAN DiCICCO: Thank you.
5 Any questions?

6 (No response.)

7 COUNCILMAN DiCICCO: Seeing
8 none, anyone else here to testify on this
9 bill?

10 (No response.)

11 COUNCILMAN DiCICCO: Thank you,
12 Mr. Black.

13 Darwin, are you testifying?

14 No. Okay.

15 Mr. Abernathy will read the
16 title of the next several bills, and if
17 there's anyone who wants to testify after
18 he completes reading them, please come to
19 the witness table. Thank you.

20 THE CLERK: Bill No. 090747, an
21 ordinance amending Section 9-213 of The
22 Philadelphia Code, entitled "Farmers'
23 Markets," by adding as a permissible
24 location the west side of North 12th
25 Street from Cuthbert Street to Arch

1 12/10/09 - STREETS - BILL 090747, etc.

2 Street, all under certain terms and

3 conditions.

4 Bill No. 090771, an ordinance

5 authorizing the University City Science

6 Center to construct, own and maintain

7 twenty benches, twenty-three trash

8 receptacles, and nine bike racks on the

9 north and south footway of Market Street,

10 from 34th Street to 41st Street, all

11 under certain terms and conditions.

12 Bill No. 090772, an ordinance

13 authorizing Nicole and Daniel Dizio,

14 owners of Wit or Witout Cheesesteaks, to

15 construct, own and maintain one table,

16 four chairs and one trash receptacle on

17 the sidewalk located at 7352 Frankford

18 Avenue, under certain terms and

19 conditions.

20 Bill No. 090810, an ordinance

21 authorizing the People's Emergency Center

22 to construct, own and maintain one bench

23 and one parking sign on the north and

24 south footway of Lancaster Avenue,

25 between 40th Street and 41st Street, and

1 12/10/09 - STREETS - BILL 090747, etc.
2 one sculpture pedestal and three planters
3 on the traffic island at the intersection
4 of 40th Street, Lancaster Avenue and
5 Haverford Avenue, all under certain terms
6 and conditions.

7 Bill No. 090844, an ordinance
8 authorizing Joseph Vento, owner of Geno's
9 Steaks, Incorporated, to legalize various
10 existing sidewalk encroachments located
11 on a triangular parcel bounded on two
12 sides by Ninth Street and East Passyunk
13 Avenue, also known as 1219 South Ninth
14 Street.

15 Bill No. 090875, an ordinance
16 amending Section 9-206 of The
17 Philadelphia Code, entitled "Sidewalk
18 Vendors in Neighborhood Business
19 Districts," by expanding the Oregon
20 Avenue Business Corridor District to
21 include both sides of Front Street from
22 Oregon Avenue to Pattison Avenue, by
23 authorizing an additional vending
24 location within that district, and by
25 making technical amendments; all under

1 12/10/09 - STREETS - BILL 090747, etc.

2 certain terms and conditions.

3 COUNCILMAN DiCICCO: Thank you.

4 Any questions?

5 (No response.)

6 COUNCILMAN DiCICCO: Is anyone
7 to testify on any of the bills that have
8 just been read into the record?

9 (No response.)

10 COUNCILMAN DiCICCO: We do have
11 copies of testimony for each of the bills
12 that have just been read into the record.
13 They will be submitted to be made part of
14 the complete record of this committee.

15 Is there anyone who wishes to
16 testify on any of these bills?

17 (No response.)

18 COUNCILMAN DiCICCO: Seeing
19 none, this concludes the public hearing
20 on the Committee of Streets and Services.
21 We will now go into the public meeting.

22 The Chair recognizes
23 Councilwoman Sanchez.

24 COUNCILWOMAN SANCHEZ: Thank
25 you, Chair. I move that Bill 090809 be

1 12/10/09 - STREETS - BILL 090747, etc.

2 amended as presented.

3 (Duly seconded.)

4 COUNCILMAN DiCICCO: It's been
5 properly moved that the amendment to Bill
6 No. 090809 be approved.

7 All in favor signify by saying
8 aye.

9 (Aye.)

10 COUNCILMAN DiCICCO: Those
11 opposed?

12 (No response.)

13 COUNCILMAN DiCICCO: The Chair
14 recognizes Councilwoman Sanchez.

15 COUNCILWOMAN SANCHEZ: I move
16 that Bill 090809 be moved out of
17 committee, as amended, and that the rules
18 of Council be suspended to allow first
19 reading in our next public session.

20 (Duly seconded.)

21 COUNCILMAN DiCICCO: It's been
22 properly moved and seconded that Bill No.
23 090809, as amended, be reported out of
24 this committee with a favorable
25 recommendation, that the rules of Council

1 12/10/09 - STREETS - BILL 090747, etc.

2 be suspended.

3 All those in favor?

4 (Aye.)

5 COUNCILMAN DiCICCO: Those

6 opposed?

7 (No response.)

8 COUNCILMAN DiCICCO: The bill

9 is approved.

10 Councilwoman Sanchez.

11 COUNCILWOMAN SANCHEZ: I move

12 that Bill 090876 be amended.

13 (Duly seconded.)

14 COUNCILMAN DiCICCO: It's been

15 properly moved and seconded that the

16 amendment to Bill No. 090876 be approved.

17 All in favor?

18 (Aye.)

19 COUNCILMAN DiCICCO: Those

20 opposed?

21 (No response.)

22 COUNCILMAN DiCICCO: The

23 amendment is approved.

24 Councilwoman Sanchez.

25 COUNCILWOMAN SANCHEZ: I move

1 12/10/09 - STREETS - BILL 090747, etc.
2 that Bill 090876 be approved, as amended,
3 and be moved out of committee with a
4 favorable recommendation and that the
5 rules of Council be suspended to allow
6 first hearing at our next public session.

7 (Duly seconded.)

8 COUNCILMAN DiCICCO: It has
9 been properly moved and seconded that
10 Bill No. 090876, as amended, be reported
11 out of this committee with a favorable
12 recommendation, that the rules of Council
13 be suspended.

14 All those in favor signify by
15 saying aye.

16 (Aye.)

17 COUNCILMAN DiCICCO: Those
18 opposed?

19 (No response.)

20 COUNCILMAN DiCICCO: The bill
21 is approved.

22 Councilwoman Sanchez.

23 COUNCILWOMAN SANCHEZ: I move
24 for the approval of the amendment to Bill
25 090877.

1 12/10/09 - STREETS - BILL 090747, etc.

2 (Duly seconded.)

3 COUNCILMAN DiCICCO: It's been
4 properly moved and seconded that the
5 amendment to Bill 090877 be approved.

6 All in favor?

7 (Aye.)

8 COUNCILMAN DiCICCO: Those
9 opposed?

10 (No response.)

11 COUNCILMAN DiCICCO: The
12 amendment is approved.

13 Councilwoman Sanchez.

14 COUNCILWOMAN SANCHEZ: I move
15 that Bill 090877 be approved, as amended,
16 and be moved out of this committee and
17 rules of Council be suspended to allow
18 first reading at our next public session.

19 (Duly seconded.)

20 COUNCILMAN DiCICCO: It has
21 been properly moved and seconded that
22 Bill No. 090877, as amended, be reported
23 out of this committee with a favorable
24 recommendation, that the rules of Council
25 be suspended.

1 12/10/09 - STREETS - BILL 090747, etc.

2 All in favor?

3 (Aye.)

4 COUNCILMAN DiCICCO: Those
5 opposed?

6 (No response.)

7 COUNCILMAN DiCICCO: The bill
8 is approved.

9 Councilwoman Sanchez.

10 COUNCILWOMAN SANCHEZ: I move
11 that Bill 090747, Bill 090771, 090772,
12 090810, 090844, 090875 be moved out of
13 committee with a favorable recommendation
14 and that the rules of Council be
15 suspended to allow first reading at our
16 next public session.

17 (Duly seconded.)

18 COUNCILMAN DiCICCO: It has
19 been properly moved and seconded that the
20 bills that have just been read into the
21 record be approved and that the rules of
22 Council be suspended so as to permit
23 first reading on all of the bills at our
24 next session of City Council.

25 All those in favor?

1 12/10/09 - STREETS - BILL 090747, etc.

2 (Aye.)

3 COUNCILMAN DiCICCO: Those

4 opposed?

5 (No response.)

6 COUNCILMAN DiCICCO: All the

7 bills have been approved.

8 Thank you. This concludes the

9 Committee on Streets and Services.

10 (Committee on Streets and

11 Services concluded at 9:40 a.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on December 10, 2009, and

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that this is a true and correct transcript of

9

same.

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16

MICHELE L. MURPHY

17

RPR-Notary Public

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