

Committee on Streets and Services
June 11, 2018

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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, June 11, 2018
10:38 a.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR

COUNCILWOMAN CINDY BASS

COUNCILMAN WILLIAM K. GREENLEE

COUNCILMAN DAVID OH

COUNCILMAN AL TAUBENBERGER

BILLS 180236, 180555, 180565, 180566

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1 6/11/18 - STREETS - 180236, etc.

2 CHAIRMAN SQUILLA: We do have a quorum.

3 To my left, Councilman Taubenberger, Councilman
4 Greenlee and to my right Councilman Oh.

5 Mr. McMonagle, please read the title of
6 the first bill.

7 THE CLERK: Bill number 180555. An
8 Ordinance amending Section 9-204 of The
9 Philadelphia Code, entitled Sidewalk Vendors in
10 Center City, and Section 9-205, entitled Sidewalk
11 Sales, to exempt sales of fresh fruits and
12 vegetables on the abutting sidewalk of a property
13 by the owner or tenant of that property from the
14 requirements of Sections 9-204 and 9-205, under
15 certain terms and conditions.

16 CHAIRMAN SQUILLA: And Health
17 Commissioner. Anybody else here to testify on Bill
18 number 180555?

19 Thank you, Commissioner. Just state
20 your name for the record and proceed with your
21 testimony.

22 COMMISSIONER FARLEY: Good morning,
23 Chairman Squilla and members of the Streets and
24 Services Committee. I'm Dr. Thomas Farley, Health
25 Commissioner for the City of Philadelphia. Thank

1 you for allowing me to give testimony in Bill
2 number 180555 which if enacted, would make it
3 easier for Philadelphia store owners interested in
4 selling fresh fruits and vegetables outside their
5 stores to do so. Philadelphia has very high rates
6 of diseases linked to an unhealthy diet, such as
7 diabetes and heart disease. At the Health
8 Department we are encouraging residents to have
9 healthier diets, including eating more fruits and
10 vegetables and collaborating with partners across
11 the City to improve access to healthy foods and to
12 improve the nutrition of foods served in
13 institutional settings.

14 Unfortunately, in many Philadelphia
15 neighborhoods, fresh fruits and vegetables are hard
16 to find. Corner stores are everywhere, but they
17 sell mostly unhealthy foods. Twenty-three percent
18 of Philadelphians live in areas with no to low
19 walkable access to healthy foods. Thirty percent
20 of African American residents of Philadelphia, 25
21 percent of Latinos, and 26 percent of the City's
22 children live in blocks with low access to healthy
23 food.

24 In many cities across the United States
25 and around world, though, you can see displays of

1 fresh fruit and vegetables on the sidewalks outside
2 of small stores. These produce displays invite
3 passersby to stop in, acting effectively as
4 advertising for healthy foods inside their stores.
5 They also expand the retail space available to
6 small store owners, helping them to boost their
7 revenue.

8 Current laws in Philadelphia are
9 barriers to store owners having display likes
10 these. Many streets are prohibited from having any
11 outdoor product displays. Other rules ban store
12 owners from keeping racks or shelving outdoors
13 after business hours. That means that a store
14 owner who wants to sell fresh fruits and vegetables
15 outside of his or her store not only needs to pack
16 up all the produce at the end of the day, but also
17 needs to find somewhere inside the store to keep
18 their racks or shelving after hours.

19 This bill would help both store owners
20 and the residents nearby by removing those
21 barriers.

22 In the Sixth Councilmanic District,
23 storeowners are already allowed to sell fresh
24 fruits and vegetables on sidewalks abutting their
25 buildings without sidewalk sales licenses, even

1 where sidewalk sales are otherwise prohibited.

2 This Bill would expand this exemption to the entire
3 City and create a parallel exemption for stores to
4 leave display shelves outdoors overnight. But to
5 qualify, the stores could sell only fresh fruits
6 and vegetables; this bill is not an opportunity to
7 sell other items on the sidewalk. Also, stores
8 would remain subject to requirements for
9 unobstructed sidewalk space and food safety,
10 including a ban on leaving any food outside
11 overnight to avoid any problems with rodents or
12 other pests.

13 Our department has worked with the Food
14 Trust to learn about sidewalk sales of produce in
15 other cities. We learned that sidewalk sales of
16 fresh produce drew many new customers to
17 participating stores and resulted in a very
18 positive response from the community. If this bill
19 was passed, we plan to provide technical assistance
20 to ensure store owners are aware of the revised
21 city policies and to help store owners access
22 affordable good quality produce, create attractive
23 displays and better market produce to customers.

24 Overall, this bill is a win for
25 everyone involved. Residents will have better

1 access to healthy foods. Neighborhoods will look
2 more attractive. And store owners will see an
3 increase in business.

4 Thank you for the opportunity to
5 testify. I'm happy to answer any questions.

6 CHAIRMAN SQUILLA: You didn't exceed
7 your time, that was just a --

8 COMMISSIONER FARLEY: Thank you.

9 CHAIRMAN SQUILLA: Thank you for your
10 testimony and we'll ask for any questions if
11 anybody else will testify on this legislation.

12 COMMISSIONER FARLEY: We have got
13 probably four or five others that want to read
14 testimony, but I'll be happy to answer -- go ahead.

15 MS. JARVIS: Good morning, Chairman
16 Squilla, Councilman Greenlee and members of the
17 Committee on Streets and Services. My name is
18 Shana Jarvis and I'm a senior program manager on
19 the Healthy Corner Store Initiative at the Food
20 Trust. Thank you for the opportunity to testify
21 today.

22 The sidewalk vendor bill will provide
23 greater access to fresh fruits and vegetables for
24 Philadelphia residents, a mission that the Food
25 Trust has been striving for since 1992, which is

1 why we fully support the passage of this bill to
2 make it easier for retailers to sell fresh produce
3 outside of their store. The Food Trust Healthy
4 Corner Store initiative has been working to
5 increase healthy foods, specifically fresh fruits
6 and vegetables in small stores across the City for
7 the past 10 years. This past year our program
8 worked closely with the Philadelphia Department of
9 Public Health to get Healthy Philly Initiative to
10 investigate corner store owners' interests and the
11 barriers to outside produce vending. We visited a
12 number of stores who were either already selling
13 produce outside or had the interest or potential
14 for outdoor produce vending. We heard time and
15 time again that the current policies are both
16 confusing and prohibitive. Currently retailers are
17 required to bring their stands inside of the store
18 each night. This is simply not possible for the
19 average 500 square foot corner store. In addition,
20 stands must be monitored at all times by a store
21 associate. In reality, many stores are staffed by
22 only one person who must remain inside the store at
23 the register at all times. Hiring a second staff
24 person in order to sell produce outside would not
25 be a cost effective business decision. In

1 addition, the retailers we spoke to that already
2 sold produce outside stated that theft was not an
3 issue. Another major barrier we identified is the
4 list of streets prohibited from outdoor vending.
5 We came across several stores located on prohibited
6 streets who have become a mainstay in their
7 community selling produce outside for years,
8 totally unaware they were in violation, as well as
9 others who have the ability and intent to sell
10 fresh produce but are legally unable to since they
11 are located on a prohibited street.

12 I have seen firsthand how selling
13 produce outside can impact purchasing decisions.
14 During our store interviews I watched people walk
15 by a store and notice the fresh, vibrant produce
16 displayed outside and then make an unplanned stop
17 to buy a few items. I have also seen how different
18 a store's facade and ultimately a neighborhood can
19 look when fresh produce is displayed drawing
20 attention away from the ubiquitous tobacco
21 advertisements that cover the walls and windows of
22 many stores.

23 Eliminating the barriers to outdoor
24 produce sales makes sense from a business
25 perspective, a community perspective and of course

1 a health perspective. The Food Trust urges the
2 adoption of Bill 180555 in order to allow stores to
3 more simply sell fresh fruits and vegetables
4 outside and provide greater access to healthy foods
5 to communities across the City.

6 Thank you again for the opportunity to
7 be here.

8 CHAIRMAN SQUILLA: Thank you. Please
9 proceed.

10 MR. WOODALL: Good morning all. Good
11 morning, Council members. My name is Arnett
12 Woodall, University of Penn Community Scholar and
13 also the owner and builder of West Philadelphia
14 Produce. And at West Philadelphia Produce we built
15 it from the ground up back in 2007 and it has now
16 been open for seven days a week for the last nine
17 years in our community. And the open sales and
18 sales on our sidewalk has changed the demographics
19 and the attitudes and moods of people in our
20 community. We are now globally published across
21 the globe in produce business as the model for all
22 communities across the country. We provided you
23 with a copy of the articles that we appear in in
24 this magazine that's globally published. But with
25 the sale of fruit and produce in communities on

1 sidewalks, it has to come into effect sooner or
2 later because it's the way of the future.

3 Universities across the tri-states send
4 classes by the busloads out to West Philadelphia
5 Produce just to see what we're doing out in our
6 community. As you'll see, we have done Good
7 Morning America. We have done just about every
8 newspaper in the City of Philadelphia with our
9 approach to the healthy concepts in communities and
10 it can work with some of these barriers broken and
11 some of the red tape that it takes to get fruit and
12 produce out into communities. With this bill
13 passed we'll be able to get more fruit and produce
14 and provide more healthy residents in the City of
15 Philadelphia. He just spoke on community stores
16 and stores in our community. In our African
17 American communities every corner store is selling
18 a hoagie inside the corner store. But when you
19 look at the hoagie and think about what's the
20 healthiest thing on a hoagie, the onion is the
21 healthiest thing. People are fooled into thinking
22 that that green lettuce which has no nutritional
23 value. The mayonnaise, the cheese and the oil is
24 creating cholesterol and heart failure. The bread
25 breaks down into sugar and the FDA itself said that

1 the meat alone on a hoagie causes more cancer than
2 smoking cigarettes and this is why more fruit and
3 produce is needed in communities to go along with
4 that hoagie.

5 I thank you for the time and I hope
6 that this bill passes because across your city and
7 your underserved communities in Philadelphia more
8 fruit and produce is needed. Thank you very much.

9 CHAIRMAN SQUILLA: Thank you for your
10 testimony. Is there others that want -- two more?
11 If you want to proceed up to the table and then
12 state your name for the record and then proceed
13 with your testimony.

14 MS. GOMEZ: Hello. Good morning. My
15 name is Ella Lisa Gomez. I'll be interpreting
16 today for Mr. Jose Pinon.

17 MR. PINON: Good morning. President
18 Squilla, Councilman Greenlee, and members of the
19 Commission of Streets and Services.

20 CHAIRMAN SQUILLA: Excuse me one
21 second. Just wait until he's done and then do it
22 so we can get it. Okay. Thank you.

23 MR. PINON: My name is Jose Pinon. I
24 am the owner of Good Neighbors Mini Market. It's a
25 store that is on the corner of 49th Street and

1 Woodland Street in West Philadelphia. In the last
2 eight years I have provided nutritive foods and
3 foods that the community likes, including a variety
4 of fruits and vegetables. After so many years of
5 managing my own store I want to throw out there a
6 new project which is really exciting. I want to
7 sell fruits and vegetables to all the other store
8 owners in the city. When I spoke with the other
9 store owners I find out is that they all want to
10 use the sidewalk as well next to their business.
11 Think of it as making the store bigger in order to
12 sell fresh products. Of course to make the extra
13 area of the store look more attractive and to take
14 more -- like get more clients for our businesses.
15 A couple of them were a little worried about this
16 project because of the rules that we have right now
17 or the laws. The ones that requires that those
18 stands are being watched at all times or supervised
19 and to put them inside every night. This will make
20 it harder for other people to sell vegetables and
21 fruits because for some of them it's harder to sell
22 fruits and vegetables outside their business
23 because there are streets that are prohibited in
24 Philadelphia. It's a city where around one-fourth
25 of the people don't have access to fresh products.

1 They don't have access to vegetables like in the
2 streets while walking. They'll have healthy
3 products -- in none of the streets.

4 MS. GOMEZ: I apologize. I'm going to
5 clarify with my client.

6 (Pause.)

7 MR. PINON: In Philadelphia it is
8 prohibited to sell vegetables in the streets. We
9 believe that it shouldn't be that way. It should
10 be allowed to sell products in the streets. It
11 will be really proactive to actually take off the
12 barriers that we have in order to sell our products
13 outside the stores of our business so people all
14 over the city can sell and find fruits and
15 vegetables for them and their families. If you
16 guys vote for this proposal it would not only
17 benefit me but hundreds of other business owners as
18 well. And this will make us --

19 MS. GOMEZ: I'm sorry.

20 (Pause.)

21 MR. PINON: This regulation will make
22 us go further and at the same time it will bring
23 more fruits and vegetables to our communities.

24 Thank you for considering my testimony
25 and for your services to the City. Thank you so

1 much.

2 CHAIRMAN SQUILLA: Thank you. Please
3 proceed.

4 MR. WHARTON: Good morning, Chairman
5 Squilla and members of the Committee on Streets and
6 Services. My name is Dwayne Wharton and I am an
7 appointed member of the Philadelphia Food Policy
8 Advisory Council. Thank you for this opportunity
9 to testify on behalf of FPAC in support of Bill
10 number 180555 which would make it easier for store
11 owners to sell fresh fruits and vegetables outside
12 of their stores.

13 Numerous studies have shown that large
14 areas of Philadelphia have few supermarkets, and in
15 many neighborhoods none exist. In fact
16 Philadelphia has the second lowest number of
17 supermarkets per capita of major cities in the
18 nation. This shortage of supermarkets means that
19 residents must travel outside of their
20 neighborhoods to purchase food, or shop at more
21 corner stores and convenience stores with limited
22 selections of fruits and vegetables. And, as great
23 as our farmers' markets are, Philadelphians cannot
24 rely exclusively on them to fulfill all of our
25 needs.

1 For many of our residents, especially
2 people living in low-income communities of color,
3 finding a fresh apple or produce simply to make a
4 healthy meal for their families is not easy. In
5 fact, according to the Philadelphia Department of
6 Health, almost a quarter of all Philadelphians live
7 in areas with high poverty and low-to-no walkable
8 access to healthy food. This insufficient access
9 to healthy food contributes to high rates of
10 diet-related health problems such as heart disease,
11 cancer, and diabetes we see in our city.

12 FPAC's Food & Health Subcommittee is
13 charged with advising the City on policies and
14 practices that influence food and beverage choices
15 with the aim of improving overall health and
16 well-being and reducing health disparities for all
17 Philadelphians.

18 With the passage of this legislation,
19 many of our corner stores, along with traditional
20 grocery stores and other food vendors, will be able
21 to increase the volume of fruits and vegetables
22 offered to communities. By displaying produce
23 front and center on the sidewalks, we hope this
24 increased exposure will also encourage more
25 Philadelphians to make healthier choices.

1 We ask for your support in amending the
2 City of Philadelphia Code to make it easier for
3 storeowners to sell produce on their sidewalk.
4 Thank you again for this opportunity to testify.

5 CHAIRMAN SQUILLA: Thank you. Thank
6 you for your testimony and thank you all.

7 Commissioner Farley, one question.

8 This seems like a great policy moving
9 forward. Who would be in charge of the regulations
10 we see that are being set forth of enforcement to
11 make sure of that?

12 COMMISSIONER FARLEY: The Streets
13 Department regulates the use of the sidewalk and
14 the physical use of that space. The Health
15 Department regulates the operations of the retail
16 food store, including if they're cutting fruits and
17 vegetables, how to do that in a sanitary way and
18 how to avoid pests. So both of those agencies have
19 some relationship to the way this is regulated.

20 CHAIRMAN SQUILLA: So they would be
21 working together on these regulations to work on
22 enforcement. Great. Thank you very much.
23 Appreciate your time.

24 COMMISSIONER FARLEY: Thank you.

25 CHAIRMAN SQUILLA: Any other questions?

1 Seeing any, is anyone else here to testify on Bill
2 number 180555? Seeing none, thank you.

3 Before we read the title of the next
4 bill, I would like to recognize Councilwoman Bass
5 being present for the hearing.

6 Mr. McMonagle, please read the tile.

7 THE CLERK: Bill number 180236. An
8 ordinance authorizing the revision of lines and
9 grades on a portion of City Plan No. 307 by placing
10 on the City Plan an irregularly-shaped area
11 extending along the northerly side of John F.
12 Kennedy Boulevard, from 22nd Street to 23rd Street,
13 in order to conform with the lines established by
14 the Commonwealth of Pennsylvania.

15 CHAIRMAN SQUILLA: Thank you. Whoever
16 wants to go first, state your name for the record
17 and Frank, if you want to proceed with testimony.

18 MR. MORELLI: Good morning, Councilman
19 Squilla and members of the Committee. My name is
20 Frank Morelli, Survey Bureau Manager for The
21 Department of Streets and I would like to offer the
22 following testimony on Bill number 180236.

23 This is an Administration ordinance
24 requested by the Department of Streets.

25 The purpose of this proposed ordinance

1 is to authorize the placing on City Plan of an
2 irregularly-shaped area extending along the
3 northerly side of John F. Kennedy Boulevard, from
4 22nd Street to 23rd Street, in order to conform
5 with the lines established by the Pennsylvania
6 Department of Transportation. PennDOT has acquired
7 this area as an addition to the right of way and
8 will be constructing a stairway and ramp at this
9 location to provide a connection from the northerly
10 sidewalk of John F. Kennedy boulevard to the
11 westerly sidewalk of 22nd Street below.

12 I'll be happy to respond to any
13 questions.

14 CHAIRMAN SQUILLA: Thank you.

15 MS. BRUMBELOW-BURNS: Good afternoon,
16 Chairman Squilla and members of the Streets and
17 Services Committee. I am Paula Brumbelow-Burns,
18 City Planner with the Philadelphia City Planning
19 Commission. I am here to testify on Bill 180236
20 which was introduced by Council Member Greenlee for
21 Council President Clarke on March 15, 2018. Bill
22 number 180236 will authorize the revision of lines
23 and grade changes on the City Plan by placing the
24 area between 22nd Street to 23rd Street on the
25 northern side of J.F.K. Boulevard on the City Plan

1 so that the limits of the public right of way is
2 officially documented. PennDOT is currently
3 working on the bridge repair project, a pedestrian
4 stairway and ramp which will be constructed at the
5 northwestern side of 22nd Street and J.F.K.
6 Boulevard. This construction is part of the bigger
7 effort to help improve pedestrian access to the
8 Schuylkill River Trail. At its meeting on April
9 17, 2018 the City Planning Commission recommended
10 Bill number 180236 be approved.

11 This concludes my testimony. I
12 appreciate the opportunity to testify before you
13 today and we would be pleased to answer any
14 questions.

15 CHAIRMAN SQUILLA: Thank you. Thank
16 you for your testimony. Are there any questions?
17 Seeing none, is there anyone else here to testify
18 on Bill 180236? Seeing none, thank you. You did a
19 great job.

20 MS. BRUMBELOW-BURNS: Thank you.

21 CHAIRMAN SQUILLA: Mr. McMonagle.

22 THE CLERK: Bill number 180565. An
23 Ordinance amending Title 11 of The Philadelphia
24 Code, entitled Streets, by amending Chapter 11-500,
25 entitled Paving, by creating Section 11-508,

1 entitled Private Development Projects, by providing
2 that the Department of Streets may establish
3 regulations to require certain private development
4 projects to pave and mill the adjacent roadway, all
5 under certain terms and conditions.

6 And Bill number 180566. An Ordinance
7 amending Title 11 of The Philadelphia Code,
8 entitled Streets, by amending Chapter 11-600,
9 entitled Construction, Encroachments and
10 Projections Over, On and Under Streets, by amending
11 section 11-608, entitled Excavation and
12 Construction in and Under the Sidewalks, by
13 providing that the areaway encroachments may extend
14 into the street line as far as may be required by
15 the applicable utility provider.

16 CHAIRMAN SQUILLA: Thank you. There's
17 two bills read into the record and Rich, if you
18 want to testify on both or one at a time, whatever
19 you decide.

20 MR. MONTANEZ: Good morning, Chairman
21 Squilla, members of the Committee on Streets and
22 Services. My name is Richard Montanez. I'm the
23 Deputy Commissioner of the Streets Department,
24 accompanied by Patrick O'Donnell, Director of
25 Operations of the Streets Department. I am here to

1 present testimony on Bill number 180565 and Bill
2 number 180566.

3 Please allow me to, first, address Bill
4 number 180565.

5 There are existing current criteria
6 enacted by Departmental regulations, specifically,
7 Regulations Governing Street Openings, Excavations
8 & Restoration, became law January 2015. The
9 proposed legislation changes The Philadelphia Code
10 to double the assessed project frontage size,
11 currently six, proposed 12 resident units and 100
12 to 200 linear feet of frontage, and increase the
13 paving triggers from 40 percent disturbance to 60
14 percent disturbance, while also removing the
15 regulations 3+ lateral trigger for residential
16 development.

17 The Streets Department offers the
18 following concerns:

19 The Department was not aware of the
20 proposed changes to the Code. This is a matter
21 that currently exists by a regulation developed in
22 response to the impacts to the roadway by private
23 developers. In many cases the Department of
24 Streets has found itself tasked with providing
25 repairs at a rate that could not be forecast using

1 established pavement maintenance practices.

2 The Building Industry Association and
3 the Committee of Highway Supervisors were notified
4 in advance of the regulation changes by a Streets
5 Department delegation. The meeting with the BIA
6 was lead by then Streets Commissioner Perri. This
7 regulation subsequently became law without
8 opposition.

9 By increasing the Department's current
10 paving trigger, Council will effectively eliminate
11 most-to-all low density residential developments,
12 and many small-medium sized commercial
13 developments. By requiring more lenient triggers,
14 the cost of private paving development will be
15 borne by taxpayers, and existing City resources
16 will be reallocated to repair the extensive roadway
17 degradation caused by development at the sacrifice
18 of other City-wide road maintenance activities.

19 A 2015 analysis of cost to taxpayers
20 that were deferred by requiring developers to pay
21 for mitigation of their projects, including
22 restoration and mandated ADA improvements, amounted
23 to over 3.5 million dollars per year.

24 The current bill does not provide
25 special considerations for historic streets;

1 assessing only half the roadway width, where
2 conditions allow, to reduce costs; providing refund
3 options to roadway opening fees, particularly
4 plumbers' ditches.

5 Average project size for small,
6 multi-unit infill development is typically less
7 than six parcels per. The Department considering
8 the financial burden by paving requirements could
9 cause on the smaller scale development, and
10 identified six parcels per block as a project of
11 appropriate size to be less burdened by this
12 regulatory requirement.

13 The current regulations offer a
14 provision to refund the cost of plumbers' permit,
15 currently rated at \$550 plus \$145 per yard, after
16 two yards covered in the initial fee of \$1,000 or
17 more are not unusual, so this amount will be used
18 as an example:

19 The potential refund allowed in this
20 example would be \$6,000, six units times one
21 thousand per unit, which equates to paving of 300
22 square yards, assuming a cost of \$20.00 per square
23 yard.

24 Six residential row homes, with 15-foot
25 wide lots, on 34-foot wide street, has a total

1 frontage yard 340 yards. 170 yards for half width
2 restoration.

3 Total costs for a private paving
4 agreement is not limited to the paving surface and
5 would require replacement of the concrete base,
6 asphalt binder for each trench and ADA improvements
7 as required by the federal law at roughly \$8,000
8 per curb ramp. In absence of the current
9 regulations, these costs will ultimately be borne
10 by the taxpayers.

11 This information was presented to the
12 BIA, and is written into the Department's
13 regulations.

14 The largest departmental operation
15 problem with enacting the current regulation is the
16 time to contract with developers, and likely
17 reflects a greater cost to the developer. We are
18 willing to propose alternative legislation to
19 better empower the Department of Streets to be more
20 expeditious in our contractual requirements which
21 are required by Code. Additionally, we will be
22 happy to discuss the ability to collect in-lieu
23 fees via escrow to reimburse private cost work
24 performed by public contracts.

25 Based on these concerns, we require

1 Bill number 180565 be replaced with legislation
2 that would allow for greater flexibility in
3 issuance of private paving agreements, as well as
4 the ability of the Department to accept escrow
5 funds for improvements necessitated by private
6 development.

7 Next, I will discuss Bill number
8 180566.

9 The current Code requires for areaways
10 allows for a three-foot encroachment. The proposed
11 revision would allow for areaways to extend
12 unrestricted into the entire footway, and
13 potentially beyond the curbline into the cartway if
14 so required by the utility.

15 The Streets Department offers the
16 following concerns:

17 For new construction, the areaway may
18 be built within the parcel, so to allow conformance
19 with Section 11-608 as currently written.

20 For retrofitting of existing
21 structures, we recommend restrictions that would
22 require at least four feet of Americans with
23 Disabilities Act compliant sidewalks be provided to
24 reduce incidents related to material failure or
25 improper grate installation that may affect ADA

1 compliance. We also make this recommendation to
2 allow people wearing heels to safely pass the
3 proposed grate, which may otherwise pose a public
4 hazard and liability to the City.

5 Conformance with the requirement of
6 areaways being flush, and without rails is also
7 routinely being ignored by developers, that the
8 Streets Department's inspectors are unable to
9 comprehensibly enforce these requirements citywide
10 and still perform their other duties.

11 Full encroachment of the footway may
12 greatly restrict the ability of public utilities to
13 provide services. In many areas in the city, the
14 only remaining space for new public utilities, such
15 as fiber optic companies, is the sidewalk.

16 Based on these concerns, we require
17 Bill number 180566 be revised to authorize the
18 Department of Streets to develop criteria to allow
19 greater flexibility in the approval of areaway
20 encroachments to ensure the safe and sustainable
21 use of the footways for all users.

22 Thank you for your consideration. I
23 will be happy do respond to any questions.

24 CHAIRMAN SQUILLA: Thank you. Pat, are
25 you testifying at all or are you just here for

1 questions?

2 We do see some concerns when
3 development -- especially I mean we have been
4 dealing with it in my district with historic
5 streets and how they get those streets fixed in a
6 proper manner and we do see that there are some
7 concerns and some more work to be done. And from
8 talking with the President he is more than willing
9 to continue working on conversations with the
10 Streets Department as this moves forward.

11 Is there any questions? Seeing none.

12 Is there anybody testifying on Bill
13 number 180565 and 180566?

14 MR. PLANTE: Good morning. My name is
15 David Plante. I'm a civil engineer here on behalf
16 of the Building Industry Association of
17 Philadelphia, which represents the region's
18 residential home builders, contractors and material
19 suppliers. I would like to thank Chairman Squilla
20 and the members of the Committee on Streets for the
21 opportunity to testify before you today. Here to
22 testify in support of Bills number 180565 and
23 180566 which were introduced by Councilman Squilla
24 on behalf of Council President Clarke and the BIA's
25 request. I just wanted to say that we appreciate

1 the Deputy Commissioner's testimony and having
2 heard it, feel like we're not really all that far
3 apart and should be able to work out a solution
4 that's acceptable to all parties. And I do want to
5 make clear that this proposal does not -- is not
6 intended to in any way impact the obligation to
7 replace or install ADA ramps along a property
8 frontage.

9 Bill number 180565 allows the
10 Department of Streets to establish regulations to
11 require certain private development projects to
12 pave and mill the adjacent roadway, which they
13 currently do but this allows them to do so only
14 under certain terms and conditions. The current
15 triggers requiring developer to mill and overlay
16 streets are too low and unnecessarily burden many
17 small development projects with significant
18 construction costs for improvements that are often
19 unnecessary.

20 Currently the requirement is triggered
21 for six new units, which often involves as few as
22 three utility trenches as the utility trenches for
23 adjacent buildings are typically ganged together.
24 So six buildings would typically end up with three
25 trenches. This disturbance to the paved area is

1 often quite small and doesn't warrant repaving of
2 the entire frontage of the street. Simply not
3 necessary. Additionally, milling and repaving has
4 been required for multi-family buildings which
5 exceed the threshold, even though there's only one
6 set of utility trenches. So in that case that
7 simply is often not required due to the small
8 amount of disturbance.

9 This requirements is particularly
10 burdensome to small projects as the mobilization
11 cost to mill and repave streets is very high
12 because of the size and type of equipment that's
13 required. So typically it is around \$30,000 just
14 to have the contractor show up, even for a very
15 small area that has to be repaved, milled and
16 repaved. And it's very difficult and costly
17 obviously to have that cost borne by so few units,
18 as few as six units. So Bill number 180565
19 requires repaving of the entire property frontage
20 only if one of three scenarios exist with the
21 private development. We're proposing if that
22 disturbs 60 percent or more of the adjacent roadway
23 area or if it involves new construction or
24 substantial improvements of 12 or more adjacent
25 residential lots or properties fronting on the same

1 roadway block, or if it involves new construction
2 or substantial improvement of 200 linear feet or
3 more of frontage on a roadway block.

4 The second bill being heard today, Bill
5 number 180566, provides that areaway encroachments
6 may extend into the street line as far as may be
7 required by the applicable utility provider. This
8 is a legislative response to issues that have
9 arisen as a result of the Streets Code not being
10 coordinated with the practical realities of what
11 PECO requires.

12 Specifically, PECO required the minimum
13 size of an electrical vault under a sidewalk be at
14 least four feet wide, often five feet or more, yet
15 the current Streets Code prohibits electrical
16 vaults under the sidewalk to extend more than three
17 feet. So four feet by six feet seems to be a
18 typical size, standard size that's frequently
19 required by PECO and is routinely rejected and that
20 leaves the developer in a stalemate unable to
21 provide power to the project and having very little
22 recourse with the Streets Department. We have had
23 many, many projects that have been stalled over
24 this issue.

25 We understand that Streets has been

1 looking for a way to resolve this, but feel like
2 their hands are tied by the current regulations.
3 So this legislation is an attempt to break that
4 logjam and this proposal would not have any
5 negative impact on the public since the sidewalks
6 would still have to be in compliance and provide an
7 adequate walking zone for the public.

8 The BIA is aware that the Streets
9 Department opposes these bills and we have had
10 conversations with them to that effect. It's
11 important to note BIA has also brought these issues
12 up to Streets over the course of the last several
13 years, but we have been unable to resolve these
14 issues. Consequently, the BIA has asked Council
15 President to consider introducing these bills as a
16 means to streamline the development process. I
17 think we're really looking forward to this bill
18 coming out of rules and working with Streets to
19 resolve the outstanding issues.

20 We greatly appreciate the Council
21 President's support and we ask that the Committee
22 consider supporting these bills and thank you very
23 much for your time.

24 CHAIRMAN SQUILLA: Thank you. As we
25 said to the Streets Department, we did speak to

1 Council President and he does want people to get
2 together and work on this to come up -- it seems
3 like it's very close -- to be able to come up to an
4 agreement.

5 Is there any questions? Seeing none,
6 is anyone else here to testify on Bills number
7 180565 or 180566? Seeing none, that will end our
8 hearing.

9 We will now go into a meeting. I would
10 like to recognize Councilman Greenlee on the
11 amendment to Bill number 180566.

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

14 I move the adoption of the amendment to
15 Bill number 180566 as has been distributed.

16 COUNCILMAN OH: Second.

17 CHAIRMAN SQUILLA: All in favor?
18 (Ayes.)

19 CHAIRMAN SQUILLA: Any opposed? Ayes
20 have it. Bill number 180566 has been amended.

21 Councilman Greenlee.

22 COUNCILMAN GREENLEE: Thank you, Mr.
23 Chairman.

24 I move that the following Bills be
25 reported from this Committee with favorable

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1 recommendation with a rule suspension to allow
2 first reading at our next session of Council. Bill
3 number 180555, 180236, 180565, and 180566 as
4 amended.

5 COUNCILMAN TAUBENBERGER: Second.

6 CHAIRMAN SQUILLA: All in favor?

7 (Ayes.)

8 CHAIRMAN SQUILLA: Any opposed? Ayes
9 have it. All bills read to the record have been
10 approved with suspension of rules for next session
11 of Council. That will end our session. Thank you
12 very much.

13 - - -

14 (Hearing concluded 11:18 a.m.)

15 - - -

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

I hereby certify that the
proceedings, evidence and objections noted, are
contained fully and accurately in the notes taken
by me on the hearing of this matter, and that this
copy is a correct transcript of the same.

SUSAN A. HURREY, R.P.R.
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