

Committee on Streets and Services
March 22, 2016

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, March 22, 2016
10:21 a.m.

PRESENT:

COUNCILMAN MARK SQUILLA
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILWOMAN CINDY BASS

BILLS: 160097, 160112, 160131, 160145,
160146, 160147, 160148, 160169

1 - - -

2 COUNCILMAN SQUILLA: Good morning,
3 everyone. We would like to get started for
4 the hearing. Mr. McMonagle -- we have a
5 quorum to start -- read the title of the
6 first bill.

7 THE CLERK: Bill No. 160131: An
8 ordinance authorizing the installation of an
9 the all-way stop signs at the intersection
10 of 22nd Street and Porter Street.

11 Oh, I'm sorry. That's being held.

12 COUNCILMAN SQUILLA: That's being held.
13 Thank you.

14 THE CLERK: Bill No. 160147: An
15 ordinance establishing parking regulations
16 in the vicinity of Pine Street and 45th
17 Street; Melville Street and Locust Street.

18 (Witness approaches Table.)

19 COUNCILMAN SQUILLA: Good morning. Just
20 state your name again for the record and
21 proceed with your testimony.

22 MS. BRACLEY: Good morning, Council. My
23 name is Dionne Bracley, Deputy Manager for
24 the Philadelphia Parking Authority. Thank

1 you for allowing me to testify before
2 Council regarding Ordinance 160147,
3 establishing parking regulations.

4 The Philadelphia Parking Authority has
5 no objection to the ordinance previously
6 read before Council, and recommends
7 favorable consideration.

8 Thank you again.

9 COUNCILMAN SQUILLA: Thank you for your
10 testimony.

11 Any questions?

12 Seeing none, is anyone else here to
13 testify on Bill No. 160147?

14 Seeing none, Mr. McMonagle, please read
15 the title of the next bill.

16 THE CLERK: Bill No. 160097: An
17 ordinance amending Section 9-213 of The
18 Philadelphia Code, entitled "Farmers'
19 Markets," by adding a permissible location,
20 all under certain terms and conditions.

21 (Witness approaches Table.)

22 COUNCILMAN SQUILLA: State your name
23 again for the record, and proceed with your
24 testimony.

1 MS. SWANSON: Good morning, Chairman
2 Squilla and Members of the Committee on
3 Streets and Services. My name is Rebecca
4 Swanson. I'm the Planning Director for the
5 Department of Licenses and Inspections.

6 I'm here to provide testimony on Bill
7 No. 160097 which, if enacted, will amend
8 Section 9-213 of the Philadelphia Code,
9 entitled "Farmers' Markets."

10 The bill would make the sidewalk and
11 adjoining curb lane of the north side of Ann
12 Street from Mercer Street to Almond Street a
13 permissible location for a farmers' market.
14 The Department has no objection to this
15 bill, and is prepared to enforce provision
16 shall it become law.

17 Thank you for the opportunity to provide
18 the Department testimony.

19 COUNCILMAN SQUILLA: Thank you.

20 Are there any questions?

21 Seeing none, anyone else here to testify
22 on Bill No. 160097?

23 Seeing none, thank you for your
24 testimony.

1 Mr. McMonagle, please read the title of
2 the next bill.

3 THE CLERK: Bill No. 160145: An
4 ordinance authorizing the revision of lines
5 and grades on a portion of City Plan No. 44
6 by placing on the City Plan Thirty-Seventh
7 Street from Market Street to Filbert Street
8 and from Filbert Street to Warren Street,
9 Cuthbert Street from Thirty-Seventh Street
10 to Thirty-Eighth Street, north of Filbert
11 Street, and Warren Street from
12 Thirty-Seventh Street to Thirty-Eighth
13 Street, all under certain terms and
14 conditions, including the dedication to the
15 City of the said beds of Thirty-Seventh
16 Street, Cuthbert Street, and Warren Street.

17 (Witnesses approach Table.)

18 COUNCILMAN SQUILLA: Whoever wants to
19 start first, just start with your name and
20 then proceed with your testimony.

21 MR. MORELLI: Good morning,
22 Mr. Chairman, Members of the Committee. My
23 name is Frank Morelli, Survey Bureau Manager
24 for the Department of Streets. And with me

1 is Sarah Chiu, City Planner with the
2 Philadelphia City Planning Commission. We
3 are here to testify in support of Bill No.
4 160145, which was introduced by Councilwoman
5 Blackwell on February 25, 2016.

6 This is not an administration ordinance,
7 but an ordinance requested by Mr. Tim Boles
8 of Boles Smyth and Associates on behalf of
9 Wexford Development, LLC. The purpose of
10 this ordinance is to authorize the placing
11 on the City Plan of 37th Street from Market
12 Street to Filbert Street, and from Filbert
13 Street to Warren Street, Cuthbert Street
14 from 37th Street to 38th Street, and Warren
15 Street from 37th Street to 38th Street.

16 The purpose of this action is to permit
17 the redevelopment of the 14 acres of former
18 University City High School and Charles R.
19 Drew elementary school sites, which were
20 acquired by Drexel University from
21 Philadelphia School Districts.

22 Wexford Science and Technology,
23 University City -- University City Science
24 Center and Drexel University are proposing a

1 large scale mixed-use development including
2 commercial, office, laboratory, residential
3 and academic uses with a total of 2.7
4 million square feet. The zoning remapping
5 bill for this proposal, Bill No. 140437, was
6 recommended for approval on June 10, 2014 by
7 the City Planning Commission. Therefore, at
8 its meeting on March 15, 2016, the Planning
9 Commission recommended this bill for
10 approval as an item in accord with previous
11 policy.

12 This bill is supported by the Department
13 of Streets and City Planning and is
14 recommended to your committee for favorable
15 action. We are available for any comments
16 that you may have.

17 MS. CHIU: I don't have additional
18 testimony.

19 COUNCILMAN SQUILLA: Okay. Thank you
20 very much.

21 Is there any questions?

22 Seeing none, is there anyone else here
23 to testify on Bill No. 160145?

24 (No further testimony presented.)

1 Thank you. Mr. McMonagle, please read
2 the title of the next bill.

3 THE CLERK: Bill No. 160146: An
4 ordinance authorizing the paving of
5 Thirty-Seventh Street from Market Street to
6 Filbert Street and from Filbert Street to
7 Warren Street, Cuthbert Street from
8 Thirty-Seventh Street to Thirty-Eighth
9 Street, and Warren Street from
10 Thirty-Seventh Street to Thirty-Eighth
11 Street, under certain terms and conditions.

12 (Witness approaches Table.)

13 MR. MORELLI: The Department of Streets
14 would like to offer the following testimony
15 on Bill No. 160146. This is not an
16 administration ordinance, but an ordinance
17 requested by Mr. Tim Boles representing
18 Wexford Development, LLC.

19 The purpose of this ordinance is to
20 authorize the paving of 37th Street from
21 Market Street to Filbert Street and from
22 Filbert Street to Warren Street, Cuthbert
23 Street from 37th Street to 38th Street, and
24 Warren Street from 37th Street to 38th

1 Street.

2 These new streets will extend through
3 the former University City High School site.

4 This proposed work is part of the
5 redevelopment of the site and adjacent
6 property fronting on Market Street, which
7 will ultimately consist of 3.1 million
8 square foot of office, laboratory,
9 residential, commercial, academic and retail
10 uses.

11 This ordinance is supported by the
12 Department of Streets and is recommended to
13 your committee for favorable action.

14 COUNCILMAN SQUILLA: Thank you.

15 Any questions?

16 Seeing none, anyone else here to testify
17 on Bill No. 160146?

18 Seeing none, thank you.

19 Mr. McMonagle please read the title of
20 the next bill.

21 THE CLERK: Bill No. 160148: An
22 ordinance authorizing Rachel Miller of Best
23 Partners, LP to install, own and maintain an
24 open-air sidewalk cafe at 4301 Baltimore

1 Avenue, Philadelphia, PA 19104, under
2 certain terms and conditions.

3 (Witness approaches Table.)

4 MR. TORRENCE: Good morning, Chairman
5 Squilla, Members of the Streets and Services
6 Committee. My name is St. Martin Torrence.
7 I'm the Director of Legislative Affairs for
8 the Department of Streets. I'm here to
9 offer testimony on Bill No. 160148 as
10 amended.

11 This bill authorizes Rachel Miller of
12 Best Partners to install, own and maintain
13 an open-air sidewalk cafe on 4301 Baltimore
14 Avenue, Philadelphia, PA 19104 as follows:

15 The Encroachment Description. A
16 sidewalk cafe along the building line of
17 4301 Baltimore Avenue from a point
18 approximately 2 feet east of the southeast
19 corner of building line of 4301 Baltimore
20 Avenue extending approximately 25 feet
21 further west and extending approximately
22 11 feet into the northerly footway of
23 Baltimore Avenue with 11 feet 4 inches clear
24 walkable space remaining with two 9-foot

1 4-inch points moveable planters/barricades
2 are to be proposed as shown on the approved
3 plans. The Streets Department has no
4 objections to this encroachment.

5 Thank you for your time. This concludes
6 my testimony.

7 MS. CHIU: Good morning, Chairman
8 Squilla and Members of Streets and Services
9 Committee. I'm Sarah Chiu, City Planner
10 with the Philadelphia City Planning
11 Commission. I'm here to testify on Bill No.
12 160148 with amendments, which was introduced
13 by Councilmember Blackwell on February 25,
14 2016.

15 Bill No. 160148 authorizes an open-air
16 sidewalk cafe at 4301 Baltimore Avenue. A
17 total of 8 tables and 16 chairs will
18 encroach approximately 11 feet onto the
19 north footway of Baltimore Avenue leaving
20 approximately 11-feet, 4-inches for
21 pedestrian walking zone space. The
22 encroachment meets the complete street
23 policy requirement. At its meeting on
24 March 15, 2016, the City Planning Commission

1 recommended Bill No. 160148 for approval as
2 an item in accord with previous policy.

3 This concludes my testimony. I
4 appreciate the opportunity to testify before
5 you today. And be pleased to answer any
6 questions you may have.

7 COUNCILMAN SQUILLA: Are there any
8 questions?

9 Seeing none, anyone else here to testify
10 on Bill No. 160148?

11 Seeing none, thank you for your
12 testimony.

13 Mr. McMonagle, please read the title of
14 the next bill?

15 THE CLERK: Bill No. 160112: An
16 ordinance authorizing Dr. Jack Carroll for
17 Magee Rehabilitation Hospital to construct,
18 own and maintain a liquid oxygen tank and
19 the construction of an associated masonry
20 enclosure at 1513 Race Street, Philadelphia,
21 PA 19102, all under certain terms and
22 conditions.

23 (Witness approaches Table.)

24 COUNCILMAN SQUILLA: Please proceed.

1 MR. O'DONNELL: Morning, Councilman
2 Squilla and Members of the Committee on
3 Streets and Services. My name is Patrick
4 O'Donnell. And I am here to testify on Bill
5 No. 160112 as amended introduced on behalf
6 of Council President Clarke.

7 This bill would permit Magee
8 Rehabilitation Hospital to construct and
9 maintain a liquid oxygen tank and an
10 associated masonry enclosure on the south
11 footway the Spring Street. This
12 encroachment will occupy 11 feet on the
13 sidewalk leaving approximately 6 feet for
14 pedestrians.

15 The City holds the right-of-way. Our
16 sidewalks and streets entrust for the
17 benefit of all Philadelphians. Our
18 rights-of-way are small democratic spaces
19 open to everyone. Our right-of-way are also
20 people -- our rights-of-way are how people
21 travel between work, home and friends. They
22 are how many commerce moves. They are where
23 people go to be heard on the public matters
24 that are most important to them. They are

1 the physical connections between
2 neighborhoods that create the geography we
3 recognize as Philadelphia and as home.

4 For that reason, Council, the Planning
5 Commission and the Streets Department guards
6 the City's rights-of-way jealously. We do
7 not likely surrender them to encroachments
8 unless the encroachment is consistent with
9 the purpose and the design of the
10 right-of-way and will not interfere with it.

11 There is no question that this proposed
12 encroachment, which will occupy well over
13 half the width of the sidewalk,
14 fundamentally changes the Spring Street
15 right-of-way at that location. And it is a
16 far more substantial character than the
17 usual encroachments routinely reviewed by
18 Streets and approved by Council.

19 Under any other circumstances, the
20 Streets Department would be constrained to
21 oppose an encroachment of this type.
22 Nevertheless, we recognize the truly unique
23 circumstances exist in this case, and the
24 need outweighs the otherwise overriding

1 interest of protecting the integrity of the
2 right-of-way.

3 Magee Rehabilitation Hospital, a
4 nonprofit medical institution renowned for
5 the physical function it preserves and
6 restores in its patients has a longstanding
7 presence on Spring Street. In order to
8 provide it's life restoring rehabilitation
9 services to as many as possible, it has no
10 choice but to expand its oxygen tank
11 capacity. Moreover, it appears that no
12 other location for new tanks exist on the
13 premises at any place.

14 In other words, Magee provides unique
15 and essential service to the City. And it
16 has no choice but to expand its oxygen tank
17 capacity. And there is no other safe or
18 feasible location to do so. A proposed
19 amendment represents what was just stated.
20 In circumstances as compelling and as narrow
21 as these, the Streets Department will
22 present no opposition to the encroachment.

23 Thank you for the opportunity to appear
24 before you this morning.

1 MS. CHIU: Good morning, Chairman
2 Squilla and Members of Streets and Services
3 Committee. I'm Sarah Chiu, City Planner
4 with the Philadelphia City Planning
5 Commission. I'm here to testify on Bill No.
6 160112 as amended, which was introduced by
7 Councilmember Greenlee for Council President
8 Clarke on February 11, 2016.

9 The purpose of this action is to allow
10 Magee Rehab Hospital to construct and
11 maintain a liquid oxygen tank and the
12 construction of associated masonry enclosure
13 on the south footway of Spring Street. This
14 encroachment would take about 11 feet on the
15 footway and will leave approximately 6 feet
16 of foot pedestrian walkway. This action is
17 to allow the hospital to expand the oxygen
18 storage capacity in order to meet increased
19 patients' treatment demands.

20 In its meeting on March 15, 2016, the
21 City Planning Commission recommended Bill
22 No. 160112 for approval.

23 This concludes my testimony. I
24 appreciate the opportunity to testify before

1 you today. And be pleased to answer any
2 questions you may have.

3 COUNCILMAN SQUILLA: Thank you.

4 Are there any questions?

5 Seeing none, anyone else here to testify
6 on Bill No. 160112?

7 (No further testimony presented.)

8 Thank you. Mr. McMonagle, please read
9 the title of the next Bill number.

10 THE CLERK: Bill No. 160169: An
11 ordinance legalizing an existing six foot
12 wooden fence at 841-43 North Opal Street,
13 Philadelphia, PA 19130, all under certain
14 terms and conditions.

15 MR. TORRENCE: Good morning, Chairman
16 Squilla and Members of the Streets and
17 Services Committee. My name is Patrick
18 O'Donnell and I'm the right-of-way manager
19 for the right-of-way unit. I'm here to
20 offer testimony on Bill No. 160169.

21 This bill legalizes an existing 6 foot
22 wooden fence at 841-43 North Opal Street,
23 Philadelphia, PA 19130 as follows.

24 The Encroachment Description. From a

1 point on North Opal Street at the northern
2 property line 841 North Opal Street to a
3 point approximately 24 feet farther south at
4 the southern point line of 843 North Opal
5 Street and extending approximately 8 feet
6 into the eastern footway of North Opal
7 Street with zero foot of passable sidewalk
8 remaining in existence. The total height of
9 the encroachment from the existing sidewalk
10 level to a height not to exceed 6 feet.

11 The Streets Department is unopposed to
12 this ordinance as the street sidewalk is not
13 well traveled. Thank you for your time.
14 This concludes my testimony. I am pleased
15 to answer any questions you may have.

16 MS. CHIU: Good morning, Chairman
17 Squilla and Members of Streets and Services
18 Committee. I'm Sarah Chiu, City Planner,
19 with the Philadelphia City Planning
20 Commission. I'm here to testify on Bill No.
21 160169, which was introduced by
22 Councilmember Greenlee for Council President
23 Clarke on March 3, 2016.

24 The purpose of this action is to

1 legalize an existing 6 feet tall wooden
2 fence at 841-43 North Opal Street. The
3 fence encroaches 8 feet on the east footway
4 of North Opal Street leaving no pedestrian
5 walkway space. The Planning Commission does
6 not support the practice of used public
7 sidewalk space for private uses.

8 Therefore, at this meeting on March 15,
9 2016, the Planning Commission recommended
10 Bill No. 160169 not for approval.

11 This concludes my testimony. Appreciate
12 the opportunity to testify before you today
13 and be pleased to answer any questions you
14 may have.

15 COUNCILMAN SQUILLA: Thank you.

16 Is there any questions?

17 Seeing none, is there anyone else here
18 to testify on Bill No. 160169?

19 Thank you -- oh, hold on.

20 Please proceed to the table. State your
21 name for your testimony.

22 (Witness approaches Table.)

23 State your name for the record and
24 proceed with your testimony.

1 MR. KONDYLAS: My name is Drew Kondylas.
2 I'm the owner of 841-43 North Opal Street.
3 I did not expect to testify today, but I
4 just wanted to put my opinion on the record.

5 These properties were purchased from the
6 City of Philadelphia approximately six years
7 ago. The properties were purchased as part
8 of a redevelopment agreement with the RDA.
9 And at the time the encroachment was written
10 into the plans, although it was never
11 legalized, my hope is this common sense
12 ordinance will be passed and allow me to
13 simply use the backyard as it was intended.

14 I have no bill clauses attached to both
15 properties, simply maintaining them as open
16 green space and a rear yard for myself and
17 my family. If you have any questions, I'm
18 happy to answer them.

19 COUNCILMAN SQUILLA: Thank you.

20 Councilman Greenlee.

21 COUNCILMAN GREENLEE: Thank you,
22 Mr. Chairman. I don't have any questions,
23 but I'm familiar certainly with this area.
24 It's not real far from where I live. Opal

1 Street is extremely narrow street. It is --
2 for years I thought it was just basically an
3 alley. I didn't even realize it was a
4 street.

5 What the gentleman said, as
6 Mr. O'Donnell said, this is not a heavily
7 traveled street at all. And it was every
8 expectation when the gentleman built this
9 house, he was doing something legally. I
10 think this ordinance makes sense, which is
11 why the Council President put it in and why
12 I certainly support it as a neighbor. So, I
13 think we should move forward with this bill.

14 Thank you.

15 COUNCILMAN SQUILLA: Thank you,
16 Councilman.

17 Any other questions?

18 Seeing none, is there anyone else here
19 to testify on Bill No. 160169?

20 Seeing none, thank you for your
21 testimony.

22 We will be ending the hearing and
23 starting back in our committee. We are
24 waiting for one member.

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2 (At this time, Public Hearing concluded and Public
3 Committee commences.)

4 - - -

5 COUNCILMAN SQUILLA: Thank you so much.
6 Before we start the Committee, I would like
7 to mention the quorum. I forgot to mention
8 Councilman Greenlee to my left. To my
9 right, Councilwoman Bass and Councilwoman
10 Blackwell. Thank you so much.

11 We'd like to start the Committee. I'd
12 like to recognize Councilman Greenlee.

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

15 I move the adoption of the amendments to
16 Bill Nos. 160148 and 160112.

17 COUNCILWOMAN BASS: Second.

18 COUNCILMAN SQUILLA: All in favor?

19 - - -

20 (Chorus of Ayes)

21 - - -

22 COUNCILMAN SQUILLA: Any apposed?

23 (No opposition.)

24 Ayes have it. The amendments to Bills

1 160148 and 160112 have been approved.

2 Councilman Greenlee.

3 COUNCILMAN GREENLEE: Thank you,
4 Mr. Chairman.

5 I move that the following bill be
6 reported out of this Committee with a
7 favorable recommendation; and the Rules of
8 Council be suspended to allow for first
9 reading at our next session of Council.
10 Bill Nos. 160147, 160097, 160145, 160146,
11 160148 as amended, 160112 as amended and
12 160169.

13 COUNCILWOMAN BASS: Second.

14 COUNCILMAN SQUILLA: Bills have been
15 read and properly seconded.

16 All in favor?

17 - - -

18 (Chorus of Ayes)

19 - - -

20 COUNCILMAN SQUILLA: Any opposed.

21 (No opposition.)

22 Ayes have it. All bills pass with an
23 suspension of the rules to be read at first
24 session of Council.

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1 That will end our Committee. Thank you
2 so much for coming.

3 (Committee on Streets and Services
4 adjourned at 10:46 a.m.)

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

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

ANGELA M. KING, RPR
Court Reporter - Notary Public

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