

Committee on Licenses and Inspections
December 1, 2015

Page 1

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 1, 2015
2:50 p.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN DAVID OH

BILL 150749 - An ordinance amending Title 6 of
The Philadelphia Code, entitled "Health Code,"
by amending Section 6-503, entitled "Licenses
and Permits," by adding certain conditions for
food establishments to obtain a license...

BILL 150897 - An ordinance amending Chapter
9-3300 of The Philadelphia Code, entitled
"Erection, Use and Inspection of Tower
Cranes," by adding requirements...

- - -

1
2 COUNCILWOMAN SANCHEZ: Good
3 afternoon. The Committee on Licenses and
4 Inspections will now start its public
5 meeting on Bill No. 150749, having
6 established a quorum with Councilman Oh
7 to my right, Councilman Greenlee to my
8 left, and Councilman Henon to my far
9 left.

10 Will the Clerk read the title
11 of the bill.

12 THE CLERK: Bill No. 150749, an
13 ordinance amending Title 6 of The
14 Philadelphia Code, entitled "Health
15 Code," by amending Section 6-503,
16 entitled "Licenses and Permits," by
17 adding certain conditions for food
18 establishments to obtain a license; all
19 under certain terms and conditions.

20 COUNCILWOMAN SANCHEZ: Thank
21 you.

22 We are waiting for Ms. Rebecca
23 Swanson from the Department of License
24 and Inspection.

25 (Witness approached witness

1 12/1/15 - L&I - BILL 150749

2 table.)

3 MS. SWANSON: Are we good?

4 COUNCILWOMAN SANCHEZ: Yes.

5 You can proceed.

6 MS. SWANSON: Good afternoon,
7 Chairwoman Sanchez and members of the
8 Committee on Licenses and Inspections.
9 My name is Rebecca Swanson. I am the
10 Director of Policy and Legislative
11 Affairs for the Department of Licenses
12 and Inspections. Today I am here to
13 provide testimony on Bill No. 150749,
14 which, if enacted, will amend Title 6 of
15 The Philadelphia Code, entitled "Health
16 Code," by adding additional language to
17 the application for a food license.

18 The bill would require the
19 Department of Licenses and Inspections to
20 create a new food license application on
21 which applicants zoned as "Eating and
22 Drinking Establishments," as defined in
23 Section 14-601(7)(f) of the Zoning Code,
24 must indicate the specific use they are
25 permitted - as a prepared food shop,

12/1/15 - L&I - BILL 150749

take-out restaurant or sit-down
restaurant. The Department agrees that
this information should be included on a
food license and will begin to work to
create a new application to reflect this.
We anticipate completion of this by
spring 2016.

The Department notes, however,
that this use indicator cannot be a
simple checkbox. This is because the
uses enumerated in Section 14-601(7)(f)
were introduced with a new Zoning Code in
2012. The previous Zoning Code used
different categories that do not align
with these new use categories, so
establishments that obtained a zoning
permit prior to 2012 would have to be
tracked differently in our system.

This new information will be of
assistance to our inspectors when they
are called out to inspect potential
violations at these establishments.
Currently as part of the inspection,
inspectors check whether the

12/1/15 - L&I - BILL 150749

establishment has the proper food license and whether it is doing business in accordance with the permitted use on the zoning permit. Adding the use information to the food license will save the inspectors this extra step. More importantly, it will allow inspectors to see more quickly whether there have been any changes in zoning since the use permit was first issued. Since food licenses must be renewed annually, any changes in use would have to be reported on the next license renewal.

Having extra eyes on these establishments in this way is crucial to identifying bad actors. The Department's Nuisance Property Task Force considered these types of establishments as priority targets and inspects these properties upon complaint from community members and members of City Council. We do these inspections in the evening so as to observe the establishment while in operation. These inspections include

12/1/15 - L&I - BILL 150749

checking the food license and zoning as well as looking for property maintenance and fire code issues. However, we know that many of these establishments may not provide accurate information about their operations, and in some cases evidence of improprieties is concealed, and our inspectors are not always able to catch establishments operating in a way inconsistent with zoning. The Department must rely on other departments such as the Department of Health to bring potential violators to our attention. We will continue to cooperate with the Department of Health in this effort and determine if increased collaboration is necessary in order to achieve the goals of both departments and the goal of the bill.

Finally, it's the Department's understanding that the bill is intended to regulate establishments that have a state liquor license, but operate in a way that is inconsistent with state

12/1/15 - L&I - BILL 150749

requirements, particularly those establishments that sell shots of liquor. The Department notes, however, that the Department does not issue use permits for any type of liquor sales, nor can it undertake enforcement related to such. And the bill, as amended, does remove that reference. All liquor-related licenses and violations are regulated solely by the state. The Department understands and shares the frustration caused by the loophole in the state liquor laws that allows these establishments to exist, and to that end, we partner with the state Liquor Control Board to bring suspected offenders to their attention. But if our inspectors catch an establishment selling liquor in a way that is incompatible with state liquor law, legally we are limited to calling in state authorities.

Thank you for the opportunity to testify on Bill No. 150749. I am happy to answer any questions at this

1 12/1/15 - L&I - BILL 150749

2 time.

3 COUNCILWOMAN SANCHEZ: Any
4 questions from the Committee?

5 (No response.)

6 COUNCILWOMAN SANCHEZ: Rebecca,
7 just for the record, when an inspector
8 notices the sale of these shots and they
9 call the state liquor law, what happens?
10 Do we know what their protocol is?

11 MS. SWANSON: We do have a
12 partnership with them and also with the
13 local police captain. So we check their
14 zoning. We check -- and then we usually
15 do find some other violation there,
16 whether it's a fire code violation with
17 their kitchen equipment, things like
18 that. So we'll cite them and handle that
19 process, but we do the referral to the
20 state. I know they come out and do their
21 own investigation, but then as far as any
22 sort of action taken on the license
23 itself remains with the state, and my
24 understanding is that in many of these
25 locations, because of the loophole in the

1 12/1/15 - L&I - BILL 150749

2 liquor license, I don't think anything
3 really happens.

4 COUNCILWOMAN SANCHEZ: Can we
5 get the Department of License and
6 Inspection to officially notify the state
7 Liquor Control Board that this is an
8 issue? The reason I want to put it in
9 writing is, we need to talk to state
10 officials around this, and I know there
11 are members of the Philly delegation that
12 are head of the Liquor Control, and I
13 think this is an issue that's going to
14 keep coming up, because it's become such
15 a hot issue about being able to get a
16 shot in some of these take-out
17 establishments who have food licenses.

18 MS. SWANSON: Absolutely. Our
19 Nuisance Task Force goes out to these at
20 least 12 or 15 a month. They try to hit
21 neighborhoods where there's a
22 concentration of these.

23 COUNCILWOMAN SANCHEZ: But I
24 think we should send an official letter
25 for the record, because I can foresee us

1 12/1/15 - L&I - BILL 150749

2 potentially maybe asking the state folks
3 and have some hearings about that and
4 figure out how we tighten up some of
5 that.

6 MS. SWANSON: And it may
7 already be done, but I will double-check
8 and I think a letter from the
9 Commissioner --

10 COUNCILWOMAN SANCHEZ: If you
11 have that, could you share that?

12 MS. SWANSON: Absolutely. And
13 if we don't, I will make sure that we
14 have one.

15 COUNCILWOMAN SANCHEZ: Thank
16 you.

17 Any other questions?

18 (No response.)

19 COUNCILWOMAN SANCHEZ: Anyone
20 else here to testify?

21 (No response.)

22 COUNCILWOMAN SANCHEZ: The
23 Chair recognizes Councilman Oh for a
24 motion on the amendment.

25 COUNCILMAN OH: I move that the

Committee on Licenses and Inspections
December 1, 2015

Page 11

1 12/1/15 - L&I - BILL 150749

2 amendment be adopted.

3 (Duly seconded.)

4 COUNCILWOMAN SANCHEZ: All in
5 favor?

6 (Aye.)

7 COUNCILWOMAN SANCHEZ: Anyone
8 opposed?

9 (No response.)

10 COUNCILWOMAN SANCHEZ: Seeing
11 none, can I get a motion on the amended
12 bill.

13 COUNCILMAN OH: I move that
14 Bill No. 150749, as amended, be moved out
15 of Committee and a rules suspension
16 waiving.

17 (Duly seconded.)

18 COUNCILWOMAN SANCHEZ: All in
19 favor?

20 (Aye.)

21 COUNCILWOMAN SANCHEZ: Any
22 opposition?

23 (No response.)

24 COUNCILWOMAN SANCHEZ: Seeing
25 none, Bill No. 150749, as amended, will

Committee on Licenses and Inspections
December 1, 2015

Page 12

12/1/15 - L&I - BILL 150749

be moved out of the Committee with a
favorable recommendation and further
moved that the rules of Council be
suspended to allow first reading at our
next Council session.

There are no other businesses,
seeing none, the Committee on License and
Inspections meeting is adjourned.

(Committee on Licenses and
Inspections concluded at 3:00 p.m.)

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

Committee on Licenses and Inspections
December 1, 2015

Page 1

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
able 6:9 9:15	bad 5:17	call 8:9	1:10 2:2,20	enumerated	good 2:2 3:3	goal 6:19	5:8 6:9 7:18	identifying	liquor-relat...					
Absolutely	bill 1:13,16	called 4:22	3:4 8:3,6	4:12	3:6	goals 6:18	inspects 5:20	5:17	7:9					
9:18 10:12	2:5,11,12	calling 7:22	9:4,23	equipment	Greenlee 1:10	going 9:13	intended 6:22	importantly	local 8:13					
accurate 6:6	3:1,13,18	captain 8:13	10:10,15,19	8:17	2:7		introduced	5:8	locations 8:25					
accurately	4:1 5:1 6:1	cases 6:7	10:22 11:4	Erection 1:17			4:13	improprieties	looking 6:3					
13:5	6:20,22 7:1	catch 6:9	11:7,10,18	established			investigation	6:8	loophole 7:13					
achieve 6:18	7:8,24 8:1	7:19	11:21,24	2:6			8:21	include 5:25	8:25					
action 8:22	9:1 10:1	categories	Cranes 1:18	establishme...			issue 7:5 9:8	included 4:4						
actors 5:17	11:1,12,14	4:15,16	create 3:20	5:2,24 7:19			9:13,15	incompatible						
adding 1:15	11:25 12:1	caused 7:13	4:6	establishme...			issued 5:11	7:20						
1:18 2:17	Board 7:17	certain 1:15	crucial 5:16	1:15 2:18			issues 6:4	inconsistent						
3:16 5:5	9:7	2:17,19	Currently	3:22 4:17				6:11,25						
additional	BOBBY 1:11	CERTIFIC...	4:24	4:23 5:16			J	increase						
3:16	bring 6:13	13:2	D 1:10	5:19 6:5,10				6:17						
adjourned	7:17	certification	DAVID 1:11	6:23 7:3,15			K 1:10	inspect 4:22						
12:9	business 5:3	certifying	December 1:7	9:17			keep 9:14	inspection						
adopted 11:2	businesses	13:24	defined 3:22	evening 5:23			kitchen 8:17	1:17 2:24						
Affairs 3:11	12:7	Chair 1:10	delegation	evidence 6:7			know 6:4	4:24 9:6						
afternoon 2:3		Chairwoman	9:11	13:4			8:10,20	6:6						
3:6		3:7	Department	exist 7:15			9:10	inspect 4:22						
agrees 4:3	call 8:9	CERTIFY	2:23 3:11	extra 5:7,15				inspector 8:7						
align 4:15	called 4:22	13:3	3:19 4:3,9	eyes 5:15			L 13:14	inspectors						
allow 5:8 12:5	calling 7:22	13:2	6:11,13,16				L&I 3:1 4:1	4:21,25 5:7						
allows 7:14	captain 8:13	certification	7:4,5,11 9:5				5:1 6:1 7:1							
amend 3:14	cases 6:7	13:20	Departmen...				8:1 9:1 10:1							
amended 7:8	catch 6:9	CERTIFY	5:17 6:21				11:1 12:1							
11:11,14,25	7:19	13:3	departments				language							
amending	categories	13:24	6:12,19				3:16							
1:13,14,16	4:15,16	certifying	determine				law 7:21 8:9							
2:13,15	caused 7:13	13:24	6:17				laws 7:14							
amendment	certain 1:15	Chair 1:10	different 4:15				left 2:8,9							
10:24 11:2	2:17,19	10:23	differentl...				legally 7:21							
and/or 13:23	CERTIFIC...	Chairwoman	4:19				Legislative							
annually 5:12	13:2	3:7	direct 13:23				3:10							
answer 7:25	certification	Chairwoman	Director 3:10				letter 9:24							
anticipate 4:7	13:20	10:23	doing 5:3				10:8							
applicants	CERTIFY	Chairwoman	double-check				license 1:15							
3:21	13:3	3:7	10:7				2:18,23							
application	certifying	Chairwoman	Drinking				3:17,20 4:5							
3:17,20 4:6	13:24	10:23	3:22				5:2,6,14 6:2							
apply 13:21	Chair 1:10	Chairwoman	Duly 11:3,17				6:24 8:22							
approached	10:23	3:7					9:2,5 12:8							
2:25	Chairwoman	3:7	E				licenses 1:3							
asking 10:2	3:7	Chairwoman	Eating 3:21				1:14 2:3,16							
assistance	changes 5:10	Chairwoman	effort 6:16				3:8,11,19							
4:21	5:13	10:23	enacted 3:14				5:12 7:10							
attention	Chapter 1:16	Chairwoman	enforcement				9:17 12:10							
6:14 7:18	check 4:25	3:7	7:7				limited 7:21							
authorities	8:13,14	Chairwoman	entitled 1:14				liquor 6:24							
7:22	checkbox	Chairwoman	1:14,17				7:3,6,14,16							
Aye 11:6,20	4:11	Chairwoman	2:14,16				7:19,21 8:9							
	checking 6:2	Chairwoman	3:15				9:2,7,12							

Committee on Licenses and Inspections
December 1, 2015

Page 2

offenders 7:17	1:9	reported 5:13	start 2:4	try 9:20	1		
official 9:24	previous 4:14	reporter 13:24	state 6:24,25	Tuesday 1:7	1 1:7		
officially 9:6	prior 4:18	reproduction 13:21	7:11,13,16	type 7:6	12 9:20		
officials 9:10	priority 5:19	require 3:18	7:20,22 8:9	types 5:19	12/1/15 3:1		
Oh 1:11 2:6	proceed 3:5	requirements 1:18 7:2	8:20,23 9:6	U	4:1 5:1 6:1		
10:23,25	proceedings 13:4	response 8:5	9:9 10:2	understand... 6:22 8:24	7:1 8:1 9:1		
11:13	process 8:19	10:18,21	stenographic 13:6	understands 7:12	10:1 11:1		
operate 6:24	proper 5:2	11:9,23	step 5:7	undertake 7:7	12:1		
operating 6:10	properties 5:20	restaurant 4:2,3	supervision 13:23	use 1:17 3:24	14-601(7)(f) 3:23 4:12		
operation 5:25	property 5:18	right 2:7	sure 10:13	4:10,16 5:4	15 9:20		
operations 6:7	protocol 8:10	Room 1:6	suspected 7:17	5:5,10,13	150749 1:13		
opportunity 7:23	provide 3:13	RPR-Notary 13:15	suspended 12:5	7:5	2:5,12 3:1		
opposed 11:8	public 2:4	rules 11:15	suspension 11:15	uses 4:12	3:13 4:1 5:1		
opposition 11:22	put 9:8	12:4	Swanson 2:23	usually 8:14	6:1 7:1,24		
order 6:18	Q	S	3:3,6,9 8:11	V	8:1 9:1 10:1		
ordinance 1:13,16	questions 7:25 8:4	sale 8:8	9:18 10:6	violation 8:15	11:1,14,25		
2:13	10:17	sales 7:6	10:12	8:16	12:1		
P	quickly 5:9	Sanchez 2:2	system 4:19	violations 4:23 7:10	150897 1:16		
p.m 1:7 12:11	QUINONE... 1:10	2:20 3:4,7	T	violators 6:14	2		
part 4:24	quorum 2:6	8:3,6 9:4,23	table 3:2	W	2:50 1:7		
particularly 7:2	R	10:10,15,19	take-out 4:2	waiting 2:22	2012 4:14,18		
partner 7:16	read 2:10	10:22 11:4	9:16	waiving 11:16	2015 1:7		
partnership 8:12	reading 12:5	11:7,10,18	taken 8:22	want 9:8	2016 4:8		
Pennsylvania 1:6	really 9:3	11:21,24	13:6	way 5:16 6:10	3		
permit 4:18	reason 9:8	save 5:6	talk 9:9	6:25 7:20	3:00 12:11		
5:5,11	Rebecca 2:22	seconded 11:3,17	targets 5:20	we'll 8:18	4		
permits 1:15	3:9 8:6	Section 1:14	Task 5:18	WILLIAM 1:10	400 1:6		
2:16 7:5	recognizes 10:23	2:15 3:23	9:19	witness 2:25	5		
permitted 3:25 5:4	recommend... 12:3	4:12	terms 2:19	2:25	6		
Philadelphia 1:2,6,14,17	record 8:7	see 5:9	testify 7:24	work 4:5	6 1:13 2:13		
2:14 3:15	9:25	seeing 11:10	10:20	writing 9:9	3:14		
Philly 9:11	reference 7:9	11:24 12:8	testimony 3:13	X	6-503 1:14		
police 8:13	referral 8:19	sell 7:3	Thank 2:20	Y	2:15		
Policy 3:10	reflect 4:6	selling 7:19	7:23 10:15	Z	7		
potential 4:22	regulate 6:23	send 9:24	things 8:17	zoned 3:21	8		
6:14	regulated 7:10	session 12:6	think 9:2,13	zoning 3:23	9		
potentially 10:2	related 7:7	share 10:11	9:24 10:8	4:13,14,17	9-3300 1:17		
prepared 3:25	rely 6:12	shares 7:12	tighten 10:4	5:5,10 6:2			
PRESENT	remains 8:23	shop 3:25	time 8:2	6:11 8:14			
	remove 7:8	shot 9:16	title 1:13 2:10	0			
	renewal 5:14	shots 7:3 8:8	2:13 3:14				
	renewed 5:12	simple 4:11	Today 3:12				
		sit-down 4:2	Tower 1:17				
		solely 7:11	tracked 4:19				
		sort 8:22	transcript 13:8,21				
		specific 3:24	true 13:7				
		spring 4:8					