



**CITY OF PHILADELPHIA
DEPARTMENT OF STREETS
DEPARTMENT OF LICENSES AND INSPECTIONS**

**REPORT ON PUBLIC COMMENT FOLLOWING FEBRUARY 11, 2022, PUBLICATION OF
THE JOINT REGULATIONS REGARDING THE LICENSURE AND OPERATION OF
STREETRIES ON AUTHORIZED PORTIONS OF THE RIGHT-OF-WAY**

I. Procedural Background.

On December 2, 2021, Philadelphia City Council took final action on Bill No. 210776, as amended, sponsored by Councilmember Domb, Councilmember Gilmore Richardson, Councilmember Green, Councilmember Parker, former Councilmember Henon, Councilmember Johnson, and Councilmember Brooks. The bill was signed by Mayor Kenney on December 8, 2021. On January 20, 2022, the bill became law, with an effective date of 90 days, thereby amending Chapter 9-200 of Title 9 of The Philadelphia Code, entitled “Commercial Activities on Streets” to add a new section, Section 9-215, entitled “Streetries” (“Streetries Ordinance”). (*See Exhibit D, Certified Copy of Bill No. 210776.*)

The Streetries Ordinance provides for use of the public Right-of-Way¹ for outdoor dining, including closure of part or all of the street to other uses, such as on-street parking spaces. (*See § 9-215(1).*) The Streetries Ordinance directs the Department of Streets and the Department of Licenses and Inspections (collectively, the “Departments”) to establish standards and procedures for the issuance and enforcement of licenses for using portions of the Right-of-Way. (*See § 9-215(3).*) Additionally, the Streetries Ordinance directs the Departments to design these standards and procedures to protect public safety and the orderly, safe, and efficient use of the Right-of-Way by pedestrians and vehicles. (*Id.*)

¹ The Right-of-Way, Rights-of-Way, or ROW is defined in the Philadelphia Code as follows:

The surface of and space above and below any real property in the City in which the City has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, pedestrian and vehicle tunnels and passageways, concourses, viaducts, bridges, and skyways under the control of the City, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility purposes; provided, that the following lands are not included in the Right-of-Way: lands administered by the Division of Aviation of the Commerce Department; lands owned by the City that are not Streets; and lands, other than the following Streets, that are under the care and jurisdiction of the Fairmount Park Commission: Belmont Avenue, Bells Mill Road, Benjamin Franklin Parkway, Cobbs Creek Parkway, Cresheim Valley Drive, Haverford Avenue, Henry Avenue, Hunting Park Avenue, Kelly Drive, Lansdowne Avenue, Lincoln Drive, Montgomery Drive, Parkside Avenue, Rhawn Street, Roosevelt Boulevard, the Schuylkill Expressway, Southern Parkway, and West River Drive. The phrases “in the Right(s)-of-Way” and “in the right(s)-of-way” mean “in, on, over, along, above and/or under the Right(s)-of-Way” or “right(s)-of-way”.



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Having articulated the twin goals of the ordinance—the establishment of an outdoor dining use within the Right-of-Way and the continued safe, orderly, and efficient use of the Right-of-Way by pedestrians and vehicles—the Streeteries Ordinance identifies a series of requirements, conditions, and limitations within which the Departments are directed to develop regulations.

On February 10, 2022, the Departments submitted the Joint Regulations Regarding The Licensure And Operation Of Streeteries On Authorized Portions Of The Right-Of-Way (“Draft Regulations”) to the Law Department. The Law Department found the Draft Regulations to be legal and in proper form, causing them to be forwarded to the Department of Records, where, on February 11, 2022, the Draft Regulations were published and made available for public inspection. (*See* Phila. Charter § 8-407). The Department of Records also provided notice of the filing of the Draft Regulations in keeping with the Home Rule Charter. (*Id.*) Following publication, a written request for a public hearing on the Draft Regulations was made to the Department of Records. (*Id.*; *see also* Exhibit E, Draft Regulations Hearing Request.)

II. March 16, 2022, Hearing Pursuant to Article VIII, Chapter 4, § 8-407 of the Home Rule Charter.

On March 16, 2022, following public notice, representatives from the Department of Streets, the Department of Licenses and Inspections, and the Law Department held a meeting at 12 p.m. using live videotelephony software to hear public comment regarding the Draft Regulations. The following representatives appeared on behalf of the Department of Streets: Kristin Del Rossi, Director of Operations for the Transportation Division; Noelle Marconi, Director of Legislative Affairs; and Richard Montanez, Deputy Commissioner of Transportation. The following representative appeared on behalf of the Department of Licenses and Inspections: Karen Guss, Chief of Staff. The following representatives appeared on behalf of the Law Department: James Kellett, Divisional Deputy City Solicitor, Regulatory Law Unit; Maggy White, Divisional Deputy City Solicitor, Code and Public Nuisance Litigation Unit. The hearing was moderated by David Fecteau, AICP, City Planner II, Planning and Legislation Team, Philadelphia City Planning Commission.

The following members of the public appeared and offered comment:

Councilmember Allan Domb, At-Large

Rep. Joseph C. Hohenstein, State Representative, 177th Legislative District

Nate Ross, Owner, New Wave Café

Councilmember Maria D. Quiñones Sánchez, District 7



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Sean McGranaghan, Director of Operations, Winnie's Manayunk

Zachary Pyzik, Director of Government Affairs, Pennsylvania Lodging & Restaurant Association (PLRA)

William Reed, Owner of Standard Tap, Johnny Brenda's, and the International Bar (aka I Bar)

Michael Harris, Executive Director, South Street Headhouse District (SSHD)

Angela Sultan, Owner, Community

Jason Evans, Tavern Group

Jennifer Sabatino, Director of Business Operations, Manatawny Still Works

Eugene Desyatnik, President, Bella Vista Neighbors Association

Spoonie O'Neal, Owner, O'Neal's Pub

Doug Hager, Owner, Brauhaus Schmitz

Chutatip "Nok" Suntaranon, Owner, Kalaya

Job Itzkowitz, Executive Director, Old City District

Erin Wallace, Director of Retail Operations, Devil's Den

Marc Grika, Owner, Flannel

David Suro-Piñera, Owner, Tequilas Restaurant

Jonathan Myerow, Owner, Tria, and Bar Poulet

Kristen Plotts, Barcelona Wine Bar

Owen Kamihira, Owner, El Camino Real, and Board Member Northern Liberties Business Improvement District (NLBID)

Tess Hart, Co-Founder & CEO, Triple Bottom Brewing

Kelli Lamplugh, Operator, Mifflin Tavern

Ashley Thomas, General Manager, Cantina Dos Segundos, Khybar Pass Pub



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In addition to the members of the public appearing at the hearing, written comments addressing the Draft Regulations were submitted via electronic mail to Ian.Daniels@phila.gov.² (See Exhibit F, Written Comments.)

Michael E. Harris, Executive Director, South Street Head House District (SSHD)

Suzanne T. O'Brien, Chief Executive Officer, Simons, Frank, and Company

Juergen Becker, Neighbor

John Byrnes, Neighbor

Marc D. Collazzo, J.D., Executive Director, Fishtown Kensington Area Business Improvement District (BID)

Zak Pyzik, Director of Government Affairs, Pennsylvania Restaurant & Lodging Association (PRLA)

Eryn Santamoor, Chief of Staff, Office of Councilmember Allan Domb, Philadelphia City Council

Heather L. Gleason, Proprietor, Good Dog Bar

III. Response to Testimony and Comments Resulting in Changes to the Draft Regulations.

In writing this report, the Departments examined the oral record created at the hearing on the Draft Regulations and the written comments submitted following publication of the Draft Regulations. While the Departments deliberated on all comments, questions, and other input provided by the public concerning the Draft Regulations, the topics identified and discussed below represent topics raised that the Departments considered, and either made modifications or affirmed their propriety.

A. Bond

² The videotelephony software used to conduct the meeting allowed for written comments and questions to be sent to the Moderator via a Q&A function akin to a virtual Chat; however, at the start of the meeting the Moderator asked the attendees to “only use the Q[&]A function if you have questions about the meeting process,” and to submit all written testimony, questions, or comments by electronic mail to the address provided. (See Exhibit G, Hearing Transcript at 2-3.)



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Section 9-215(7)(d) of the Streeteries Ordinance provides:

The licensee must obtain a bond with corporate surety in amount approved by the Streets Department and in form satisfactory to the Law Department to cover indemnification of the City for the cost of removal of any part of the Streeteries, restoration of the public right-of-way, and all incidental costs.

Phila Code § 9-215(7)(d). The Streeteries Ordinance does not contain an amount for the bond. Based upon the language of the Streeteries Ordinance, the Streets Department determined that at the time the Draft Regulations were promulgated, an appropriate bond amount to ensure “cost of any potential removal of the Streeteries and restoration of the Right-of-Way by the City,” was \$60,000. (See Streeteries Regulations § 5(A).)

Following numerous statements identifying the deleterious effect of the bond³, the Departments determined that the bond may be initially set at Zero Dollars (\$0) and, accordingly, have modified the Draft Regulations to reflect this change. The reasoning for the modification includes, among others, the following bases. First, should it prove necessary, the regulations may be amended in the future to require a surety bond amount above \$0. Second, the Streeteries Ordinance and existing authority allow for the Departments to bill the licensee and abutting property owner for any cost of removal and restoration of the Right-of-Way by the City; the purpose of the bond is to provide guaranteed funds to initially draw against to pay the bill. Third, use of the surety bond layers on additional administrative costs for the Departments, including, among other things, maintaining, indexing, and auditing the bonds.

³ A diverse group of restauranteurs and advocates commented during the hearing on the onerous impact of the surety bond. (See Exhibit G, Hearing Transcript at 17, 34, 35, 49, 56, 63, 90, 101.) Many of the comments made were echoed by the testimony of Councilperson Domb:

[E]liminate the need for a security bond at this time and revisit it later or not at all. I understand this is something the City often asks for as a security monitor permitting, however security bonds and the associated rates are based upon a business owner's financials. And at this point, most of our small restaurants don't have the financials to even get a bond. It's unreasonable. I've talked to several insurance people about this. Also, we have no idea how often the issue of removal or remediation of the streets will come up nor do we have any sense of the true cost associated with this process. So by asking everyone to obtain a security bond, you're only allowing our wealthier owners in the hospitality industry in the most affluent parts of the city to access the streeteries program.

(See Exhibit G, Hearing Transcript at 7-8.) As the lead sponsor of the Streeteries Ordinance, Councilmember Domb's recognition of the burden the surety bond places on small businesses still buffeted by the pandemic and desire to reassess its usefulness as a tool to ensure taxpayers do not bear the burden of another's malfeasance underscores the importance of this issue to stakeholders.



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B. Art Commission

Public comment concerning the role of the Art Commission focused on two issues: the extent of the Art Commission’s jurisdiction, and the desire for guidance from the Art Commission akin to pre-approved templates. (*See Exhibit G, Hearing Transcript at 8, 17, 22, 25, 37, 61, 64, 69, 77, 79, 101.*)

1. Jurisdiction

Section 6(b) of the Draft Regulations requires the Art Commission to approve the design of any Streeteries as a prerequisite to approval by the Streets Department. The root of this requirement is the Home Rule Charter, which provides that the Art Commission shall approve “any structure or fixture to be erected by any person upon or to extend over any highway, stream, lake, square, park or other public place within the City.” Phila. Charter Art. IV, Ch. 6, § 4-606(1)(d). This language requires that any structure or fixture in the Right-of-Way obtain prior approval by the Art Commission. However, Streeteries that do not contain Streeteries Structures, as defined in Section 1(C) of the Draft Regulations, do not need Art Commission approval.

Section 1(C) of the Draft Regulations defines a Streeteries Structure as a “structure, shelter, or enclosure located in the parking lane with at least two enclosed sides and an overhead covering, which may or may not have a platform base.” Streeteries Structures need building permits. Streeteries Structures also need Art Commission approval. Streeteries that do not contain Streeteries Structures need neither a building permit nor Art Commission approval. This is because Streeteries, as nonpermanent encroachments in the Right-of-Way, do not amount to fixtures and, therefore, even though Streeteries occupy public space, Art Commission jurisdiction under the Charter is not triggered unless and until there is a structure; were Streeteries not removable, all Streeteries would require Art Commission approval under the Home Rule Charter.

2. Guidance

The Draft Regulations are joint regulations promulgated by the Department of Streets and the Department of Licenses and Inspections. The Art Commission is a departmental commission of the Department of Planning and Development. The Department of Streets and Department of Licenses and Inspections are without authority to adopt regulations affecting the discretion of the Art Commission.

C. Utilities

Many comments centered upon the limitations placed by the Draft Regulations on the use of utilities in Streeteries, specifically the use of propane and electrical wiring that runs across the sidewalk. Section 8(D)(9) of the Draft Regulations prohibits the use of propane in a Streeteries, including the commonly used “mushroom top” propane heaters. The Departments have



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determined that the use of propane heaters in the portion of the Right-of-Way that is a parking lane is a threat to the public health, safety, and welfare. The Departments have made no modification to this prohibition.

Section 8(D)(10) of the Draft Regulations prohibits electrical wiring running across the sidewalk or overhead. This prohibition created the impression that the Departments intend for electrical connections to run underground or for gas generators to be used to power streeteries. (Exhibit G, Hearing Transcript at 9, 38, 57, 69, 81, 101-02.) As a result, the Departments have modified what is now Section G(8) to clarify that underground wiring for Streeteries is prohibited. Portable power stations or power banks may be used. Unlike gas generators, portable power stations are silent and free of emissions.

D. Fee

1. Cost

The Streeteries Ordinance provides for (a) an annual license fee of \$200, (b) an administrative and enforcement fee, and (c) an emergency removal fee. Phila Code § 9-215(8)(a)-(c). The Draft Regulations address the fees in Section 4(A)-(B). Section 4(A) provides that the “non-refundable fee of \$200 must be paid at the time of application submission and “shall be credited toward payments of the first annual license fee payment.” Section 4(B) of the Draft Regulations sets the annual license fee to cover the costs of administration and enforcement of the program at \$2,2000. Many commenters expressed concern that the fee in the Draft Regulations is prohibitive and some commenters stated that it appeared to be for the purpose of generating revenue. (*See* Exhibit G, Hearing Transcript at 6-7, 13, 24, 28, 35-6, 49-50, 52, 56, 63, 76, 85-6, 90.)

A license fee is directly tied to the cost of the program for which the license is needed. In this instance, it is intended to allow the costs of the Streeteries program to be borne by the people operating Streeteries, rather than those who do not have the privilege. A license fee, however, is not a tax and is therefore directly tied to the actual costs of administration and enforcement. Here, recognizing that, like the bond, should it prove necessary, the regulations may be amended to raise the annual license fee, the Departments examined the calculation and looked for areas where costs could be reduced. As a result of this analysis, the Departments determined that the fee could be brought down to \$1,750.

2. Structure

In addition to the actual cost, commenters expressed concern with the structure of the fee and resulting inequities among restaurants. For example, one commenter thought there should be a “sliding scale of licensing options that the cost of the license is based upon the capacity or the seasonality.” (Exhibit G, Hearing Transcript at 6.) Another suggested a “multi-tiered fee model” where streeteries existing prior to the Streeteries Ordinance pay a lower first-time fee



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with the cost of renewal dependent upon compliance, while wholly new Streeteries pay a higher licensing fee. (Exhibit G, Hearing Transcript at 36.) Other commenters suggested that the fee be based on the size and location of the restaurant or, similarly, the curb footage or seating capacity for the Streeteries. (Exhibit G, Hearing Transcripts at 52, 53.) These comments also reflected a larger frustration with the “one size fit all,” approach of the regulations. (Exhibit G, Hearing Transcript at 20, 23-24, 65, 68.)

The Departments must exercise their discretion within the constraints of the Streeteries Ordinance. Except for the additional step for restaurants that are located outside the by-right geographic areas, the Streeteries Ordinance creates a one-size fits all process. The Streeteries Ordinance clearly sets forth one license fee based on three components. The Departments cannot create an entire license fee scheme based on additional criteria not intended or contemplated by City Council.

E. Inclement Weather

Streeteries must be removable. As a part of the Draft Regulations, the Departments included a requirement that “[w]hen the weather forecast calls for inclement weather, including but not limited to high winds, the Streeteries structure must be removed in advance of severe weather.” Draft Regulations § 9(D). Multiple commenters expressed a concern that this language was vague and unnecessary. (Exhibit G, Hearing Transcript at 47, 66, 90, 101.) Additionally, it was noted at the public hearing that “in the Fall of 2021, [] since June 1 of that year, the National Weather Service Office in Mount Holly, New Jersey,” which covers the Philadelphia area, “had recorded 2,749 storm reports in that small amount of time which is the most in the entire nation over that period.” (Exhibit G, Hearing Transcript at 33-4.)

The Departments removed the inclement weather provision from the regulations. Accordingly, unless the City directs removal of a Streeteries, removal of a Streeteries due to inclement weather is within the discretion of and remains the responsibility of the licensee.

IV. Impact of the 2019 Novel Coronavirus.

The use of the Right-of-Way for outdoor dining grew out of the tremendous upheaval wrought by the 2019 novel coronavirus (“COVID-19”) in Philadelphia and the world at large. Many of the comments address the impact the COVID-19 pandemic has had on the restaurant industry over the past two years, as well as the impact it continues to have. (Exhibit G, Hearing Transcript at 5, 14, 16, 22, 31, 46, 64-5, 67, 77, 82, 85, 87, 92, 94.) Initially, use of the Right-of-Way for outdoor dining proceeded as a temporary use in recognition of the unique impact a disease communicable through the air had on businesses designed to bring sizable groups of people unknown to each other inside, close together, to eat and drink. As one commenter noted at the public hearing, “Philadelphia’s a huge food destination.” (*Id.* at 51.) By bringing dining outdoors into our streets, the restaurant community showed tremendous resiliency and reinjected our streets with the vibrancy common to life in the City that was blunted by the pandemic.



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The purpose of the Streeteries Ordinance is to turn this temporary use into a permanent program. Outdoor dining is no longer a stopgap. As a result, even though COVID-19 is not behind us, the Departments, in creating the Draft Regulations, had to shift from what was manageable in the short term to what is workable as a permanent long-term use of the Right-of-Way. This necessitated determining what a safe, orderly, and efficient use of the Right-of-Way must look like to accommodate, among other concerns and uses, multimodal transportation, pedestrians, access to commercial storefronts, and outdoor dining consistently over time, rather than at a unique moment in time. Many commenters expressed concern that introduction of a permanent program before the COVID-19 pandemic has subsided will burden an industry still in recovery. Although the Departments may receive and create a record of these concerns as a part of the regulatory process, the Departments are not able to act upon them. The Departments are bound by the amendments to Chapter 9-200 of Title 9 of The Philadelphia Code and the mandates and authority contained therein; City Council has acted, and these regulations are those of the Departments in accordance with the law enacted by Council.

V. Final Action.

The Departments hereby file with the Department of Records for final action this Report and the Final Joint Regulations Regarding The Licensure And Operation Of Streeteries On Authorized Portions Of The Right-Of-Way, attached as Exhibit A. Changes from the Draft Regulations, wherein strikethrough represents deletion and bold represents addition, are reflected in the document attached as Exhibit B. The Draft Regulations are attached as Exhibit C.

EXHIBIT A

**Final Joint Regulations Regarding The Licensure And Operation Of Streeteries On Authorized
Portions Of The Right-Of-Way**



CITY OF PHILADELPHIA

Commissioner James Leonard, Esq.
Department of Records
City Hall Room 156
Philadelphia 19107

October 3, 2022

RE: Joint Regulation Regarding the Licensure and Operation of Streeteries on Authorized Portions of the Right-of-Way

Dear Commissioner Leonard,

Attached please find Department of Licenses and Inspections and Department of Streets Amended Joint Regulation Regarding the Licensure and Operation of Streeteries on Authorized Portions of the Right-of-Way pursuant to Bill No 210776, effective March 8, 2022, and Section 9-215 of the Philadelphia Code. The regulations have been approved by the Law Department.

Please let either of us know if you have any questions.

Sincerely,

Ralph DiPietro

Ralph DiPietro
Commissioner
Department of License and Inspections
1401 John F. Kennedy Blvd.
Philadelphia, PA 19102

A handwritten signature in black ink, appearing to read "Carlton Williams".

Carlton Williams
Commissioner
Department of Streets
1401 John F. Kennedy Blvd.
Philadelphia, PA 19102

**City of
Philadelphia Law
Department**

MEMORANDUM

TO: Carlton Williams, Commissioner, Department of Streets

Ralph DiPietro, Commissioner, Department of Licenses and Inspections

FROM: James C. Kellett, Esq. Divisional Deputy City Solicitor

DATE: October 3, 2022

**RE: JOINT REGULATION REGARDING THE LICENSURE AND OPERATION OF
STREETRIES ON AUTHORIZED PORTIONS OF THE RIGHT-OF-WAY**

I have reviewed the attached Amended Joint Regulation Regarding the Licensure and Operation of Streetries on Authorized Portions of the Right-of-Way and find them to be legal and in proper form. In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, you may now forward the proposed amendments to the Department of Records where they will be made available for public inspection, to become law 10 days thenceforth.

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**JOINT REGULATION REGARDING THE LICENSURE AND OPERATION OF
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WHEREAS, Bill No. 210776 (approved December 8, 2021) amends Title 9 of the Philadelphia Code to authorize dining in the parking lane of the Right-of Way and permit the licensing of Streeteries; and

WHEREAS, Bill No. 210776 authorizes the Department of Licenses and Inspections (“L&I”) and Department of Streets (“Streets Dept”) to promulgate regulations governing standards and procedures for the operation of Streeteries and the issuance and enforcement of said licenses;

NOW THEREFORE, L&I and Streets Dept hereby adopt the following regulation regarding the operation of Streeteries and standards and procedures for the issuance and enforcement of Streetery Licenses, as follows:

Section 1. Definitions

- A. Abutting Property – The property upon which the Streetery fronts, and which houses the food establishment operating the Streetery.
- B. Right-of-Way (ROW) – Right-of-Way shall have the meaning provided by Section 11-701(dd) of the Philadelphia Code.
- C. Streetery Structure: A Streetery with an overhead covering or at least one side greater than forty-eight inches (48") in height, as measured from the ground.

Section 2. Applicability of Regulation

This regulation shall apply to the issuance of any Streetery License pursuant to Section 9-215 of The Philadelphia Code and contains requirements that supplement the requirements set forth in Section 9-215 which are designed to protect public safety and the orderly, safe and efficient use of the right-of-way by pedestrians and vehicles. A Streetery license may only be issued in connection with a location authorized by law.

Section 3. Streetery License – Issuance, Amendment, Renewal, Closure

A. Issuance: L&I will not issue a Streeter license unless all requirements of The Philadelphia Code Section 9-215 and this regulation are met. Beginning December 15, 2022 all Streeters must have a Streeter License.

1. All applications should be submitted online to L&I or in person at the Permit and License Center of the Municipal Service Building using an application form available at the Center.
2. The application shall be made by the Abutting Property owner, the business owner, or their designee.
3. The application must include proof of Streets Dept approval and Art Commission approval (as provided in Section 6).
4. The application must identify the eating establishment in connection with which the license is to be obtained, and include a certification that the eating establishment is primarily engaged in the business of food preparation on the premises for sale to customers substantially for on-premises consumption.
5. The application must include a certification that the property owner of the Abutting Property or the Abutting Property owner's designee has consented in writing to the Streeter.
6. The application must include a Certificate of Insurance as provided in Section 5 of these regulations.
7. The application must include an attestation to agreement to the Insurance, Indemnification and Removal requirements of Section 9-215(7) of The Philadelphia Code and of these regulations.
8. Applicant must hold a valid food license for the location where the Streeter will be located. The applicant must provide the food license number, number of indoor and outdoor seats, and number of plumbing fixtures on the application. If the number of seats in the Streeter changes the type of food license required, the Licensee is responsible for applying for a new food license with the Health Department prior to beginning Streeter operations.
9. Applications for a Streeter License in which the proposed Streeter includes a Streeter Structure or any other feature which requires a permit under The Philadelphia Code must include a copy of the approved permit(s).

10. The application shall include proof of public notice of Streeter application, as required under Section 9-215(4)(a)(.4) of The Philadelphia Code, via posting of the official form approved by L&I and a photograph submitted thereof in the following manner:

- a. The official form shall be downloaded from the L&I website or obtained from the Permit and License Center of the Municipal Services Building. Such form shall include information about the right to appeal the issuance of any license to the Board of Licenses and Inspections Review.
- b. The Public Notice shall be visibly posted on a front-facing window or the front door of the business subject to the application.
- c. The Public Notice shall be posted at least ten (10), but no more than thirty (30), days prior to application for a Streeter License.
- d. The Public Notice shall remain in place until the Streeter License is either issued or denied by L&I.
- e. The application shall include a photograph demonstrating compliance with this requirement.

B. Amendment: If a licensee wants to change the dimensions or other physical aspects of the Streeter, as approved by the Streets Dept, a new Streets Dept approval is required and a proposed amendment to the Streeter License must be submitted.

C. Renewal: A Streeter License must be renewed annually. To renew a Streeter License, licensees must meet all requirements of The Philadelphia Code, as well as including:

1. Certification that the Streeter is operating in accordance with any issued approval(s) and that any structure remains in good repair;
2. Provide proof of insurance; and
3. Pay the annual license fee.

D. Closure: It is the responsibility of the licensee to close out any license that the licensee no longer wants to maintain. Non-renewal is not the same as closure of the license.

1. Holding an active or expired Streeter License constitutes agreement to the provisions of these regulations, including all requirements and waivers. Any

licensee who does not agree to the terms of these regulations must cease dining operations in the Right-of-Way and close out the Streeteries License.

2. If after license closure an operator intends to restart operation of a Streeteries, a new Streeteries License must be obtained.

Section 4. License Fees

A. Application Fee: A non-refundable fee of \$200.00 must be paid at the time of application submission. The application fee payment shall be credited toward payment of the first annual license fee payment.

B. Annual License Fee: The annual license fee for the calendar year is \$1,750, based on the projected costs for administering and enforcing the Streeteries program.

Section 5. Insurance and Bonding.

A. Insurance Required: A one million dollar (\$1,000,000.00) comprehensive general liability insurance naming the City as an additional insured.

Section 6. Department of Streets Approval

A. Pursuant to The Philadelphia Code Section 9-215, prior to applying to L&I for a Streeteries License the applicant must first have the approval of the Streets Dept, based upon a demonstration that a plan proposed for the Streeteries meets the requirements of Section 9-215 and these regulations.

B. Documentation Requesting Streets Dept Approval: An Application for Requisite Approval form must be submitted to the Streets Dept. Completion of the application will require the following:

1. Identification of the exact location of the proposed Streeteries and explanation of why that location is authorized by law for licensing of a Streeteries. This will include either (a) identification as a location within the boundaries described in Section 9-215(3) of the Code; or (b) an ordinance authorizing the proposed location as suitable for a Streeteries, subject to compliance with the Code and this Regulation.
2. A site plan that demonstrates that the Streeteries will meet the standards set forth in Code Section 9-215 and this Regulation, including

a. A document showing the dimensions of the proposed Streeteries boundaries, including those of proposed crash barriers, and showing that the Streeteries will only be located in the parking lane portion of the right-of-way directly abutting the restaurant in connection with which the license is obtained. Such document shall also show the width of the parking lane in which the Streeteries will be located and the width of the travel lanes that will remain upon placement of the Streeteries.

b. A document reflecting the boundaries of the proposed Streeteries in reference to fire hydrants, crosswalks, traffic signals and any other relevant appurtenances of the right-of-way with respect to which standards are established in Section 8 of these regulations.

c. A document showing and explaining how the accessibility standards of these regulations will be met.

d. A document identifying underground utility access points and showing that the Streeteries will not violate the requirements of these regulations concerning such access points.

e. A document identifying the location of heating elements, what type of heating element(s) will be utilized, and their power source(s).

f. Proposed configuration of furniture.

g. Stormwater drainage clearance required by this Regulation.

h. A document showing that, where a platform is utilized, it is connected to the curb, level with the sidewalk, and has a method of access underneath the platform surface to allow for cleaning and removal of waste.

i. Crashworthy barriers that meet the Safety and Maintenance Requirements below.

C. A proposed Streeteries may be situated on a State or Federally-funded street; however, the Commonwealth of Pennsylvania, by and through the Pennsylvania Department of Transportation (“PennDOT”), reserves the right to, and may at its discretion, order the removal of such Streeteries at any time without City review. The applicant shall place a Streeteries on such street at its own risk, and shall immediately remove the Streeteries if ordered to by the Commonwealth.

D. The Streets Dept shall issue a Notice of Requisite Approval when it approves a Streeteries. The Notice of Requisite Approval for an application that includes a Streeteries Structure

shall be conditioned upon approval of the Streetery Structure by the Art Commission and issuance of the necessary building permit. The Notice must be submitted to L&I as part of the Streetery License application.

Section 7. Streetery Structures

A. Permitting and Licensing Requirements: A Streetery structure, as defined in this regulation, shall be subject to the requirements of this regulation, the Philadelphia Building Construction and Occupancy Code and, Code Bulletin B-2201. Where a conflict exists, the provisions of Code Bulletin B-2201 shall govern.

B. Art Commission Approval. Pursuant to Section 4-606(1)(d) of the Home Rule Charter, the Art Commission must approve the design of any Streetery Structure, pursuant to any standards established by the Commission. A Streetery not using a Streetery Structure does not require Art Commission approval.

C. Building Permit Required: A building permit is required for any Streetery Structure. Streetery Structures are subject to the following permitting and licensing requirements.

1. An approved building permit must be submitted with a new or amended Streetery license application that proposes use of a Streetery structure.
2. A building permit application shall be submitted in accordance with standard application procedures established by L&I.
3. All Streetery Structures must be installed by a contractor licensed in accordance with Section 9-1000 of the Philadelphia Code.
4. The Streetery Structure shall be subject to inspections required by Sub-Code A of the Philadelphia Building Construction and Occupancy Code. The permit holder shall be responsible to request required inspections.
5. Streets Dept Approval.

D. Existing Temporary Streetery Structures: Existing Streetery Structures that were permitted and inspected under temporary conditions prior to the effective date of these regulations, and that otherwise meet the requirements and conditions for Streetery Structures established in of Section 9-215, these regulations, and Code Bulletin B-2201 shall be permitted to remain, provided the following information is submitted with a Streetery License application by January 2, 2022:

1. A copy of the building permit;

2. A copy of the Certificate of Approval demonstrating that the structure passed inspection;
 3. A sealed statement from a PA licensed design professional affirming that the structure meets all requirements and conditions for Streeteries Structures established under Section 9-215, these regulations, and Code Bulletin B-2201, and that the structure is maintained in good condition; and
 4. Streets Dept approval.
 5. Art Commission Approval.
- E. All Streeteries Structures shall visibly display the address, as recorded by the Office of Property Assessment (OPA), of the Abutting Property. The address identification shall be legible and placed in a position that it is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of $\frac{1}{2}$ inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Section 8. Operational Requirements

- A. Posting of the Streeteries License: A copy of the license shall be posted at the establishment in a conspicuous place so that it is clearly visible to the public from the exterior and shall be readily available for inspection by the City.
- B. Indoor Service Required: The licensee shall maintain at least three (3) tables for indoor service during the operational hours of a Streeteries.
- C. Hours of Operation: A Streeteries shall only be operated for business between the hours of 7 a.m. and 10 p.m. Sunday through Thursday and 7 a.m. and 11 p.m. on Friday and Saturday.
- D. Excess Seating: The number of Streeteries dining seats for an establishment may not exceed the total number of dining seats located in the interior dining locations of the restaurant.

E. Placement Requirements:

1. All components of a Streeter, including all furniture, structures, platforms and protective barriers, must conform to plans approved in the licensing process.
2. A Streeter may only be installed in a parking lane that is at least seven (7) feet wide and directly adjacent to the curb.
3. No portions of a Streeter, except for the protective barrier, may extend further than six (6) feet from the curb into the cartway. No portion of a Streeter whatsoever, including all furniture, structures, platforms or protective barriers associated with any Streeter, shall:
 - a. reduce the width of the space reserved as travel lanes to less than twelve (12) feet or be located in a travel lane of any type, including a bicycle lane, unless located as part of a closure of an entire street.
 - b. extend to within fifteen (15) feet from a fire hydrant.
 - c. extend to within forty (40) inches from any other Fire Department connection.
 - d. extend to within twenty (20) feet from a cross walk, pedestrian street-crossing curb cut, or any transit stop.
 - f. extend to within thirty (30) feet from any flashing signal, stop sign, yield sign, or traffic-control signal.
3. No portions of a Streeter Structure, platform, or crashworthy barriers associated with any Streeter, shall extend to within five (5) feet of a manhole, water inlet, other utility access point, or ventilation apparatus for any above or below -ground utility structure.

F. Accessibility Requirements: A Streeter must comply with the Americans with Disabilities Act (“ADA”), including:

1. Seating. A Streeter must provide at least one (1) accessible table, or 5% of the available seating space, whichever is greater.
 - a. Table height shall be between 28” and 34”.

- b. Unobstructed knee clearance between the ground or deck and table shall be a minimum of 27" in height, 30" in width, and extend a minimum of 19" under the table.
 - c. A clear floor area of 30" by 48" shall be provided at the accessible seating area, which may include the knee clearance area. The slope of a clearance area shall not exceed 1:48 (2%).
 - d. If a counter is provided, the accessible portion shall be a minimum of 60" in length.
2. Accessible Route. An accessible route between the sidewalk and accessible seating area shall be provided and adhere to the following:
- a. The platform deck or the access to the seating area shall be flush with the adjacent sidewalk without a horizontal or vertical separation greater than $\frac{1}{2}$ ". Vertical separations between $\frac{1}{4}$ " and $\frac{1}{2}$ " high shall be beveled with a slope not steeper than 1:2 (50%).
 - i. Exception- a vertical separation exceeding $\frac{1}{2}$ " shall be permitted where serviced by a ramp complying with the ADA Standards, including being beveled with a clear landing area of at least 5' at the top and bottom of the ramp.
 - b. The running ground slope (parallel to the curb) shall not exceed 1:20 (5%) and the cross slope (perpendicular to the curb) shall not exceed 1:48 (2%).
 - c. The accessible route shall maintain a minimum width of 36" and be free of obstacles.
 - d. A circular wheelchair turning space a minimum of 60" in diameter or a T-shaped space compliant with the ADA Standards shall be provided. A turning space may include designated clearance areas.

G. Safety and Maintenance Requirements

1. Crash Barrier Protection:

- a. Every side of the Streeteries except for the curbside must be protected by crashworthy barriers, which is either:
 - i. a water-filled jersey barrier at least eighteen (18) inches wide by thirty-two (32) inches tall by seventy-two (72) inches long; or

- ii. Concrete jersey barriers
 - iii. PennDOT certified planters
 - iv. a barrier which, by written certification of a design professional, provides an equivalent level of protection, approved by the Streets Dept.
- b. Crashworthy barriers must be connected, where feasible. Where infeasible, there shall be no more than two (2) inches between barriers.
 - c. No portion of a crashworthy barrier may protrude into a travel lane or onto a sidewalk.
 - d. Destroyed, damaged, or otherwise compromised barriers shall be replaced, and the approved barrier layout restored, immediately upon such damage.

2. Stormwater Drainage:

No platform or other portion of a Streeteries shall impede street or sidewalk stormwater drainage. Any platform or other framing shall be adequately open or provided with minimum drainage openings to ensure compliance with this provision.

3. Bathrooms and Handwashing Facilities.

- a. A Streeteries must be compliant with requirements of The Philadelphia Code for access to bathrooms, handwashing facilities and other applicable plumbing fixtures based upon the total occupant load of indoor and Streeteries dining areas and seats. Nothing in this regulation shall supersede the minimum requirements of the Philadelphia Plumbing Code.
- b. Access to plumbing fixtures is inclusive of all patrons and does not include facilities provided for exclusive use by employees.
- c. At least two (2) water closets and two (2) lavatories must operate for up to one hundred fifty (150) patrons, except that one (1) water closet and (1) lavatory shall be permitted for an eating establishment in a space that was occupied by any restaurant prior to the adoption of Section 9-215 of the Code and that accommodates no greater than twenty-five

(25) patrons, inclusive of indoor and outdoor dining. For capacities that exceed 150, refer to Section 403 of the Philadelphia Plumbing Code.

4. General Maintenance: It is the responsibility of the licensee to ensure that the Streeteries are maintained and operated in a clean and safe manner including but not limited to:
 - a. No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be permitted in the public Right-of-Way.
 - b. Trash storage must comply with Section PM-308 of the Philadelphia Code; if a dumpster is utilized, a dumpster license is required.
 - c. The food establishment and adjacent Right-of-Way must be illuminated to allow clear passage within and through the sidewalk areas, and oriented to prevent glare on surrounding areas.
 - d. A Streeteries, including any structure, must be reasonably secured from trespass during non-operational hours.
5. Signage: No sign, other than a sign guiding ingress or egress or a sign satisfying the address requirements of Section 7(E), *supra*, may be displayed on or adjacent to a Streeteries.
6. Furniture and Appurtenance Placement:
 - a. Tables, chairs, umbrellas, and other moveable furniture must be placed indoors or secured to the ground during non-operating hours.
 - b. Moveable furniture must be labeled with the food establishment or business name in a place where it is easily identifiable and readable.
 - c. Umbrellas shall be of fire-retardant material and canopy shall be a maximum of six (6) feet in diameter.
7. Heating:
 - a. No open flames, even if covered, are allowed as part of a Streeteries.
 - b. No propane may be used in a Streeteries.
 - c. All heating elements used must be approved for outdoor use and installed in accordance with manufacturer's installation instructions and in compliance with the Philadelphia Fire Code.

- d. Reserved.
- e. All heating elements must be placed a minimum of five (5) feet from a building and all combustibles, except for electrical heaters which may be placed at least three (3) feet from combustibles.

8. Electrical Connections:

- a. Electrical connections may not exceed circuit amperage.
- b. Wiring running across the sidewalk or underground is prohibited.
- c. All cords and electrical wiring must be properly secured within the Streetery and may not encroach upon the path of travel or seating areas.
- d. Any plug-in electrical fixtures, or electrical equipment, must be powered by a portable power source.

9. Compliance with All Other Codes and Regulations:

- a. All Streetery operations must also comply with all other applicable federal, state, and local laws, including The Philadelphia Code and any regulations promulgated thereunder, including but not limited to Title 6 (“Health Code”).
- b. Issuance of a Streetery License does not give a licensee authority to operate in a location and manner which is otherwise prohibited by Law.

Section 9. Removal.

- A.** In accordance with Code Section 9-215(6)(b) all Streetery Structures must be removable within 48 hours of notices or less.
- B.** If a Streetery Structure is determined by the City to be creating a hazard to life or property, removal or all or part of the Streetery, or other remedial action, may be ordered to take place immediately.
- C.** Other bases for Removal: An order of removal or other remedial action may be given for any of the reasons provided in Code Section 9-215(7)(c).

- D.** An order to remove a Streeter or any portion thereof, given verbally to a person responsible for the eating establishment at the time of such order, shall have the same and full effect as a subsequent written order. Written notice to remove may be delivered by hand, posting, mail, or electronic mail.
- E.** Where the City determines it must remove a Streeter and restore the Right of Way, the cost of abatement shall be billed to the owner of the property abutting the Streeter and the Licensee.

Section 10: Penalty

Failure to follow any of the requirements of Code Section 9-215 or this regulation shall constitute a violation of The Philadelphia Code and is subject to the maximum penalty set forth in Section 9-215(9) thereof.

Section 11: Effective Date

This Regulation relating to the licensure and operation of Streeteries shall take effect pursuant to Section 8-407 of The Philadelphia Home Rule Charter.

EXHIBIT B

**Changes from the Draft Joint Regulations Regarding The Licensure And Operation Of
Streetcars On Authorized Portions Of The Right-Of-Way**



CITY OF PHILADELPHIA

Commissioner James Leonard, Esq.
Department of Records
City Hall Room 156
Philadelphia 19107

October 3, 2022

RE: Joint Regulation Regarding the Licensure and Operation of Streeteries on Authorized Portions of the Right-of-Way

Dear Commissioner Leonard,

Attached please find Department of Licenses and Inspections and Department of Streets Amended Joint Regulation Regarding the Licensure and Operation of Streeteries on Authorized Portions of the Right-of-Way pursuant to Bill No 210776, effective March 8, 2022, and Section 9-215 of the Philadelphia Code. The regulations have been approved by the Law Department.

Please let either of us know if you have any questions.

Sincerely,

Ralph DiPietro

Ralph DiPietro
Commissioner
Department of License and Inspections
1401 John F. Kennedy Blvd.
Philadelphia, PA 19102

A handwritten signature in black ink, appearing to read "Carlton Williams".

Carlton Williams
Commissioner
Department of Streets
1401 John F. Kennedy Blvd.
Philadelphia, PA 19102

**City of
Philadelphia Law
Department**

MEMORANDUM

TO: Carlton Williams. Commissioner, Department of Streets

Ralph DiPietro. Acting Commissioner, Department of Licenses and Inspections

FROM: James C. Kellett, Esq. Divisional Deputy City Solicitor

DATE: October 3, 2022

**RE: JOINT REGULATION REGARDING THE LICENSURE AND OPERATION OF
STREETRIES ON AUTHORIZED PORTIONS OF THE RIGHT-OF-WAY**

I have reviewed the attached Amended Joint Regulation Regarding the Licensure and Operation of Streeteries on Authorized Portions of the Right-of-Way and find them to be legal and in proper form. In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, you may now forward the proposed amendments to the Department of Records where they will be made available for public inspection, to become law 10 days thenceforth.

CITY OF PHILADELPHIA

DEPARTMENT OF LICENSES AND INSPECTIONS

DEPARTMENT OF STREETS

JOINT REGULATION REGARDING THE LICENSURE AND OPERATION OF STREETRIES ON AUTHORIZED PORTIONS OF THE RIGHT-OF-WAY

WHEREAS, Bill No. 210776 (approved December 8, 2021) amends Title 9 of the Philadelphia Code to authorize dining in the parking lane of the Right-of Way and permit the licensing of Streeteries; and

WHEREAS, Bill No. 210776 authorizes the Department of Licenses and Inspections (“L&I”) and Department of Streets (“Streets Dept”) to promulgate regulations governing standards and procedures for the operation of Streeteries and the issuance and enforcement of said licenses;

NOW THEREFORE, L&I and Streets Dept hereby adopt the following regulation regarding the operation of Streeteries and standards and procedures for the issuance and enforcement of Streetery Licenses, as follows:

Section 1. Definitions

- A. **Abutting Property** – The property upon which the Streetery fronts, and which houses the food establishment operating the Streetery.
- B. **Right-of-Way (ROW)** – Right-of-Way shall have the meaning provided by Section 11-701(dd) of the Philadelphia Code.
- C. **Streetery**: Occupaney of a parking lane portion of the Right of Way for outdoor dining operations, including but not limited to all furniture, structures, platforms, and protective barriers associated with such operations.
- C. **Streetery Structure**: a structure, shelter, or enclosure located in the parking lane with at least two enclosed sides and an overhead covering, which may or may not have a platform base. A Streetery with an overhead covering or at least one side greater than forty-eight inches (48") in height, as measured from the ground.

Section 2. Applicability of Regulation

This regulation shall apply to the issuance of any Streetery License pursuant to Section 9-215 of The Philadelphia Code and contains requirements that supplement the requirements set forth in Section 9-215 which are designed to protect public safety and the orderly, safe and

efficient use of the right-of-way by pedestrians and vehicles. A Streeter license may only be issued in connection with a location authorized by law.

Section 3. Streeter License – Issuance, Amendment, Renewal, Closure

A. Issuance: L&I will not issue a Streeter license unless all requirements of The Philadelphia Code Section 9-215 and this regulation are met. Beginning December 15, 2022 all Streeters must have a Streeter License.

1. All applications should be submitted online to L&I or in person at the Permit and License Center of the Municipal Service Building using an application form available at the Center.
2. The application shall be made by the **Abutting Property** owner, the business owner, or their designee.
3. The application must include proof of Streets Dept approval and Art Commission approval (as provided in Section 6).
4. The application must identify the eating establishment in connection with which the license is to be obtained, and include a certification that the eating establishment is primarily engaged in the business of food preparation on the premises for sale to customers substantially for on-premises consumption.
5. The application must include a certification that the property owner of the **Abutting Property** or the **Abutting Property** owner's designee has consented in writing to the Streeter.
6. The application must include a Certificate of Insurance ~~and a Security Bond~~ as provided in Section 5 of these regulations.
7. The application must include an attestation to agreement to the Insurance, Indemnification and Removal requirements of Section 9-215(7) of The Philadelphia Code and of these regulations.
8. Applicant must hold a valid food license for the location where the Streeter will be located. The applicant must provide **the** food license number, number of indoor and outdoor seats, and number of plumbing fixtures on the application. If the number of seats in the Streeter changes the type of food license required, the Licensee is responsible for applying for a new food license with the Health Department prior to beginning Streeter operations.

9. Applications for a Streeter License in which the proposed Streeter includes a Streeter ~~s~~Structure or any other feature (~~electrical, hvac, etc.~~) which requires a permit under The Philadelphia Code must include a copy of the approved permit(s).

10. The application shall include proof of public notice of Streeter application, as required under Section 9-215(4)(a).4) of The Philadelphia Code, via posting of the official form approved by L&I and a photograph submitted thereof in the following manner:

- a. The official form shall be downloaded from the L&I website or obtained from the Permit and License Center of the Municipal Services Building. **Such form shall include information about the right to appeal the issuance of any license to the Board of Licenses and Inspections Review.**
- b. The Public Notice shall be visibly posted on a front-facing window or the front door of the business subject to the application.
- c. The Public Notice shall be posted at least ten (10), but no more than thirty (30), days prior to application for a Streeter License.
- d. The Public Notice shall remain in place until the Streeter License is either issued or denied by L&I.
- e. The application shall include a photograph demonstrating compliance with this requirement.

B. Amendment: If a licensee wants to change the dimensions or other physical aspects of the Streeter, as approved by the Streets Dept, a new Streets Dept approval is required and a proposed amendment to the Streeter License must be submitted.

C. Renewal: A Streeter License must be renewed annually. To renew a Streeter License, licensees must meet all requirements of The Philadelphia Code, as well as including:

1. Certification that the Streeter is operating in accordance with any issued approval(s) and that any structure remains in good repair;
2. Provide proof of insurance; and
3. Pay the annual license fee.

D. Closure: It is the responsibility of the licensee to close out any license that the licensee no longer wants to maintain. Non-renewal is not the same as closure of the license.

1. Holding an active or expired Streeter License constitutes agreement to the provisions of these regulations, including all requirements and waivers. Any licensee who does not agree to the terms of these regulations must cease dining operations in the Right-of-Way and close out the Streeter License.
2. If after license closure an operator intends to restart operation of a Streeter, a new **Streeter License** must be obtained.

Section 4. License Fees

A. Application Fee: A non-refundable fee of \$200.00 must be paid at the time of application submission. The application fee payment shall be credited toward payment of the first annual license fee payment.

B. Annual License Fee: The annual license fee for the calendar year is ~~\$2,200.00~~ **\$1,750**, based on the projected costs for administering and enforcing the Streeteries program.

Section 5. Insurance and Bonding.

A. Insurance Required: A one million dollar (\$1,000,000.00) comprehensive general liability insurance naming the City as an additional insured.

~~B. Bond Required: A security bond in the amount of Sixty Thousand Dollars (\$60,000) for the cost of any potential removal of the Streeter and restoration of the Right of Way by the City.~~

Section 6. Department of Streets Approval

A. Pursuant to The Philadelphia Code Section 9-215, prior to applying to L&I for a Streeter License the applicant must first have the approval of the Streets Dept, based upon a demonstration that a plan proposed for the Streeter meets the requirements of Section 9-215 and these regulations.

~~B. Art Commission Approval: Pursuant to Section 3-910 of the Home Rule Charter, the Art Commission must approve the design of any Streeter, pursuant to any standards established by the Commission. The Streets Department will not approve a Streeter unless the Art Commission has approved the Streeter design.~~

E. B. Documentation Requesting Streets Dept Approval: An Application for Requisite Approval form must be submitted to the Streets Dept. Completion of the application will require the following:

1. Identification of the exact location of the proposed Streeteries and explanation of why that location is authorized by law for licensing of a Streeteries. This will include either (a) identification as a location within the boundaries described in Section 9-215(3) of the Code; or (b) an ordinance authorizing the proposed location as suitable for a Streeteries, subject to compliance with the Code and this Regulation.
2. A site plan that demonstrates that the Streeteries will meet the standards set forth in Code Section 9-215 and this Regulation, including
 - a. A document showing the dimensions of the proposed Streeteries boundaries, including those of proposed crash barriers, and showing that the Streeteries will only be located in the parking lane portion of the right-of-way directly abutting the restaurant in connection with which the license is obtained. Such document shall also show the width of the parking lane in which the Streeteries will be located and the width of the travel lanes that will remain upon placement of the Streeteries.
 - b. A document reflecting the boundaries of the proposed Streeteries in reference to fire hydrants, crosswalks, traffic signals and any other relevant appurtenances of the right-of-way with respect to which standards are established in Section 8 of these regulations.
 - c. A document showing and explaining how the accessibility standards of these regulations will be met.
 - d. A document identifying underground utility access points and showing that the Streeteries will not violate the requirements of these regulations concerning such access points.
 - e. A document identifying the location of heating elements, what type of heating element(s) will be utilized, and their power source(s).
 - f. Proposed configuration of furniture.
 - g. Stormwater drainage clearance required by this Regulation.
 - h. A document showing that, where a platform is utilized, it is connected to the curb, level with the sidewalk, and has a method of access underneath the platform surface to allow for cleaning and removal of waste.

i. Crashworthy barriers that meet the Safety and Maintenance Requirements below.

~~3. Any documents identified by the Art Commission as necessary for Art Commission review. See Section 6(B) of this Regulation.~~

D. C. A proposed Streeteries may be situated on a State or Federally-funded street; however, the Commonwealth of Pennsylvania, by and through the Pennsylvania Department of Transportation (“PennDOT”), reserves the right to, and may at its discretion, order the removal of such Streeteries at any time without City review. The applicant shall place a Streeteries on such street at its own risk, and shall immediately remove the Streeteries if ordered to by the Commonwealth. .

E. D. The Streets Deptt shall issue a Notice of Requisite Approval when it approves a Streeteries. **The Notice of Requisite Approval for an application that includes a Streeteries Structure shall be conditioned upon approval of the Streeteries Structure by the Art Commission and issuance of the necessary building permit.** The Notice must be submitted to L&I as part of the Streeteries License application.

Section 7. Streeteries Structures

A. Permitting and Licensing Requirements: A Streeteries structure, as defined in this regulation, shall be subject to the requirements of this regulation, the Philadelphia Building Construction and Occupancy Code and, Code Bulletin B-2201. Where a conflict exists, the provisions of Code Bulletin B-2201 shall govern.

B. Art Commission Approval. Pursuant to Section 4-606(1)(d) of the Home Rule Charter, the Art Commission must approve the design of any Streeteries Structure, pursuant to any standards established by the Commission. A Streeteries not using a Streeteries Structure does not require Art Commission approval.

C. Building Permit Required: A building permit is required for any Streeteries Structure. Streeteries Structures are subject to the following permitting and licensing requirements.

1. An approved building permit must be submitted with a new or amended Streeteries license application that proposes use of a Streeteries structure.
2. A building permit application shall be submitted in accordance with standard application procedures established by L&I.

3. All Streetery Structures must be installed by a contractor licensed in accordance with Section 9-1000 of the Philadelphia Code.
4. The Streetery Structure shall be subject to inspections required by Sub-Code A of the Philadelphia Building Construction and Occupancy Code. The permit holder shall be responsible to request required inspections.
5. Streets Dept Approval.

C. D. Existing Temporary Streetery Structures: Existing Streetery Structures that were permitted and inspected under temporary conditions prior to the effective date of these regulations, and that otherwise meet the requirements and conditions for Streetery Structures established in of Section 9-215, these regulations, and Code Bulletin B-2201 shall be permitted to remain, provided the following information is submitted with a Streetery License application by ~~September 1, 2022~~**January 2, 2022**:

1. A copy of the building permit;
2. A copy of the Certificate of Approval demonstrating that the structure passed inspection;
3. A sealed statement from a PA licensed design professional affirming that the structure meets all requirements and conditions for Streetery Structures established under Section 9-215, these regulations, and Code Bulletin B-2201, and that the structure is maintained in good condition; and
4. Streets Dept approval.

5. Art Commission Approval.

E. All Streetery Structures shall visibly display the address, as recorded by the Office of Property Assessment (OPA), of the Abutting Property. The address identification shall be legible and placed in a position that it is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of $\frac{1}{2}$ inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

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 - D. Excess Seating: The number of Streeter dining seats for an establishment may not exceed the total number of dining seats located in the interior dining locations of the restaurant.
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- 1. All components of a Streeter, including all furniture, structures, platforms and protective barriers, must conform to plans approved in the licensing process.
 - 2. A Streeter may only be installed in a parking lane that is at least seven (7) feet wide **and directly adjacent to the curb**.
 - 3. No portions of a Streeter, **except for the protective barrier, may extend further than six (6) feet from the curb into the cartway. No portion of a Streeter whatsoever**, including all furniture, structures, platforms or protective barriers associated with any Streeter, shall:
 - a. reduce the width of the space reserved as travel lanes to less than twelve (12) feet or be located in a travel lane of any type, including a bicycle lane, unless located as part of a closure of an entire street.
 - b. extend to within fifteen (15) feet from a fire hydrant.
 - c. extend to within forty (40) inches from any other Fire Department connection.
 - d. extend to within twenty (20) feet from a cross walk, pedestrian street-crossing curb cut, or any transit stop.

- e. extend to within thirty (30) feet from any flashing signal, stop sign, yield sign, or traffic-control signal.
- 4. No portions of a Streeter Structure, platform, or crashworthy barriers associated with any Streeter, shall extend to within five (5) feet of a manhole, water inlet, other utility access point, or ventilation apparatus for any above or below -ground utility structure.

F. Accessibility Requirements: A Streeter must comply with the Americans with Disabilities Act (“ADA”), including:

- 1. **Seating.** A Streeter must provide at least one (1) accessible table, or 5% of the available seating space, whichever is greater.
 - a. Table height shall be between 28” and 34”.
 - b. Unobstructed knee clearance between the ground or deck and table shall be a minimum of 27” in height, 30” in width, and extend a minimum of 19” under the table.
 - c. A clear floor area of 30” by 48” shall be provided at the accessible seating area, which may include the knee clearance area. The slope of a clearance area shall not exceed 1:48 (2%).
 - d. If a counter is provided, the accessible portion shall be a minimum of 60” in length.
- 2. **Accessible Route.** An accessible route between the sidewalk and accessible seating area shall be provided and adhere to the following:
 - a. The platform deck or the access to the seating area shall be flush with the adjacent sidewalk without a horizontal or vertical separation greater than $\frac{1}{2}$ ”. Vertical separations between $\frac{1}{4}$ ” and $\frac{1}{2}$ ” high shall be beveled with a slope not steeper than 1:2 (50%).
 - i. Exception- a vertical separation exceeding $\frac{1}{2}$ ” shall be permitted where serviced by a ramp complying with the ADA Standards, including being beveled with a clear landing area of at least 5’ at the top and bottom of the ramp.
 - b. The running ground slope (parallel to the curb) shall not exceed 1:20 (5%) and the cross slope (perpendicular to the curb) shall not exceed 1:48 (2%).

- c. The accessible route shall maintain a minimum width of 36" and be free of obstacles.
- d. A circular wheelchair turning space a minimum of 60" in diameter or a T-shaped space compliant with the ADA Standards shall be provided. A turning space may include designated clearance areas.

G. Safety and Maintenance Requirements

31. Crash Barrier Protection:

- a. Every side of the Streeteries except for the curbside must be protected by crashworthy barriers, which is either:
 - i. a water-filled jersey barrier at least eighteen (18) inches wide by thirty-two (32) inches tall by seventy-two (72) inches long; or
 - ii. Concrete jersey barriers
 - iii. PennDOT certified planters
 - iv. a barrier which, by written certification of a design professional, provides an equivalent level of protection, approved by the Streets Dept.
- b. Crashworthy barriers must be connected, where feasible. Where infeasible, there shall be no more than two (2) inches between barriers.
- c. No portion of a crashworthy barrier may protrude into a travel lane or onto a sidewalk.
- d. Destroyed, damaged, or otherwise compromised barriers shall be replaced, and the approved barrier layout restored, immediately upon such damage.

2. Stormwater Drainage:

No platform or other portion of a Streeteries shall impede street or sidewalk stormwater drainage. Any platform or other framing shall be adequately open or provided with minimum drainage openings to ensure compliance with this provision.

3. Bathrooms and Handwashing Facilities.

- a. A Streeteries must be compliant with requirements of The Philadelphia Code for access to bathrooms, handwashing facilities and other applicable plumbing fixtures based upon the total occupant load of indoor and Streeteries dining areas and seats. Nothing in this regulation

shall supersede the minimum requirements of the Philadelphia Plumbing Code.

- b. Access to plumbing fixtures is inclusive of all patrons and does not include facilities provided for exclusive use by employees.
 - c. At least two (2) water closets and two (2) lavatories must operate for up to one hundred fifty (150) patrons, except that one (1) water closet and (1) lavatory shall be permitted for an eating establishment in a space that was occupied by any restaurant prior to the adoption of Section 9-215 of the Code and that accommodates no greater than twenty-five (25) patrons, inclusive of indoor and outdoor dining. For capacities that exceed 150, refer to Section 403 of the Philadelphia Plumbing Code.
4. General Maintenance: It is the responsibility of the licensee to ensure that the Streeteries are maintained and operated in a clean and safe manner including but not limited to:
 - a. No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be permitted in the public Right-of-Way.
 - b. Trash storage must comply with Section PM-308 of the Philadelphia Code; if a dumpster is utilized, a dumpster license is required.
 - c. The food establishment and adjacent Right-of-Way must be illuminated to allow clear passage within and through the sidewalk areas, and oriented to prevent glare on surrounding areas.
 - d. A Streeteries, including any structure, must be reasonably secured from trespass during non-operational hours.
5. Signage: No sign, other than a sign guiding ingress or egress **or a sign satisfying the address requirements of Section 7(E), *supra***, may be displayed on or adjacent to a Streeteries.
6. Furniture and Appurtenance Placement:
 - a. Tables, chairs, umbrellas, and other moveable furniture must be placed indoors or secured to the ground during non-operating hours.
 - b. Moveable furniture must be labeled with the food establishment or business name in a place where it is easily identifiable and readable.

- c. Umbrellas shall be of fire-retardant material and canopy shall be a maximum of six (6) feet in diameter.

7. Heating:

- a. No open flames, even if covered, are allowed as part of a Streeter.
- b. No propane may be used in a Streeter.
- c. All heating elements used must be approved for outdoor use and installed in accordance with manufacturer's installation instructions and in compliance with the Philadelphia Fire Code.
- d. ~~All portable gas fired heaters must comply with all provisions of The Philadelphia Code Fire Code Section 603.4.2.~~
- e. All heating elements must be placed a minimum of five (5) feet from a building and all combustibles, except for electrical heaters which may be placed at least three (3) feet from combustibles.

8. Electrical Connections:

- a. Electrical connections may not exceed circuit amperage.
- b. Wiring running across the sidewalk **or underground or overhead** is prohibited.
- c. All cords and electrical wiring must be properly secured within the Streeter and may not encroach upon the path of travel or seating areas.
- d. Any plug-in electrical fixtures, or electrical equipment, must be powered by a portable **power source**. ~~generator, unless wiring is installed in underground conduit, permanently connected to the main electrical panel of the Licensee's property, and approved and inspected under an electrical permit issued by L&I.~~

9. Compliance with All Other Codes and Regulations:

- a. All Streeter operations must also comply with all other applicable federal, state, and local laws, including The Philadelphia Code and any regulations promulgated thereunder, including but not limited to Title 6 ("Health Code").

- b. Issuance of a Streeter License does not give a licensee authority to operate in a location and manner which is otherwise prohibited by Law.

Section 9. Removal.

- A.** In accordance with Code Section 9-215(6)(b) all Streeter Structures must be removable within 48 hours of notices or less.
- B.** If a Streeter Structure is determined by the City to be creating a hazard to life or property, removal or all or part of the Streeter, or other remedial action, may be ordered to take place immediately.
- C.** ~~Inclement Weather. When the weather forecast calls for inclement weather, including but not limited to high winds, the Streeter structure must be removed in advance of the severe weather. Removal in such circumstances is the responsibility of the licensee.~~
- C.** Other bases for Removal: An order of removal or other remedial action may be given for any of the reasons provided in Code Section 9-215(7)(c).
- D.** An order to remove a Streeter or any portion thereof, given verbally to a person responsible for the eating establishment at the time of such order, shall have the same and full effect as a subsequent written order. Written notice to remove may be delivered by hand, posting, mail, or electronic mail.
- E.** **Where the City determines it must remove a Streeter and restore the Right of Way, the cost of abatement shall be billed to the owner of the property abutting the Streeter and the Licensee.**

Section 10: Penalty

Failure to follow any of the requirements of Code Section 9-215 or this regulation shall constitute a violation of The Philadelphia Code and is subject to the maximum penalty set forth in Section 9-215(9) thereof.

Section 11: Effective Date

This Regulation relating to the licensure and operation of Streeters shall take effect pursuant to Section 8-407 of The Philadelphia Home Rule Charter, ~~but not earlier than March 8, 2022.~~

EXHIBIT C

**Draft Joint Regulations Regarding The Licensure And Operation Of Streeteries On Authorized
Portions Of The Right-Of-Way**



CITY OF PHILADELPHIA

Commissioner James Leonard, Esq.
Department of Records
City Hall Room 156
Philadelphia 19107

February 11, 2022

RE: Joint Regulation Regarding the Licensure and Operation of Streeteries on Authorized Portions of the Right-of-Way

Dear Commissioner Leonard,

Attached please find Department of Licenses and Inspections and Department of Streets Joint Regulation Regarding the Licensure and Operation of Streeteries on Authorized Portions of the Right-of-Way pursuant to Bill No 210776, effective march 8, 2022, and Section 9-215 of the Philadelphia Code. The regulations have been approved by the Law Department.

Please let me know either of us know if you have any questions.

Sincerely,

Ralph DiPietro
Ralph DiPietro
Acting Commissioner
Department of License and Inspections
1401 John F. Kennedy Blvd.
Philadelphia, PA 19102

Carlton Williams
Carlton Williams
Commissioner
Department of Streets
1401 John F. Kennedy Blvd.
Philadelphia, PA 19102

**City of
Philadelphia Law
Department**

MEMORANDUM

TO: Carlton Williams. Commissioner, Department of Streets

Ralph DiPietro. Acting Commissioner, Department of Licenses and Inspections

FROM: James C. Kellett, Esq. Deputy City Solicitor

DATE: February 10, 2022

**RE: JOINT REGULATION REGARDING THE LICENSURE AND OPERATION OF
STREETRIES ON AUTHORIZED PORTIONS OF THE RIGHT-OF-WAY**

I have reviewed the attached Joint Regulation Regarding the Licensure and Operation of Streetries on Authorized Portions of the Right-of-Way and find them to be legal and in proper form. In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, you may now forward the proposed amendments to the Department of Records where they will be made available for public inspection.

CITY OF PHILADELPHIA

DEPARTMENT OF LICENSES AND INSPECTIONS

DEPARTMENT OF STREETS

JOINT REGULATION REGARDING THE LICENSURE AND OPERATION OF STREETRIES ON AUTHORIZED PORTIONS OF THE RIGHT-OF-WAY

WHEREAS, Bill No. 210776 (approved December 8, 2021) amends Title 9 of the Philadelphia Code to authorize dining in the parking lane of the Right-of Way and permit the licensing of Streeteries; and

WHEREAS, Bill No. 210776 authorizes the Department of Licenses and Inspections (“L&I”) and Department of Streets (“Streets”) to promulgate regulations governing standards and procedures for the operation of Streeteries and the issuance and enforcement of said licenses;

NOW THEREFORE, L&I and Streets hereby adopt the following regulation regarding the operation of Streeteries and standards and procedures for the issuance and enforcement of Streeterly Licenses, as follows:

Section 1. Definitions

- A. **Right-of-Way (ROW)** – Right-of-Way shall have the meaning provided by Section 11-701(dd) of the Philadelphia Code.
- B. **Streetery**: Occupancy of a parking lane portion of the Right-of-Way for outdoor dining operations, including but not limited to all furniture, structures, platforms, and protective barriers associated with such operations.
- C. **Streetery Structure**: a structure, shelter, or enclosure located in the parking lane with at least two enclosed sides and an overhead covering, which may or may not have a platform base.

Section 2. Applicability of Regulation

This regulation shall apply to the issuance of any Streetery License pursuant to Section 9-215 of The Philadelphia Code and contains requirements that supplement the requirements set forth in Section 9-215 which are designed to protect public safety and the orderly, safe and efficient use of the right-of-way by pedestrians and vehicles. A Streetery license may only be issued in connection with a location authorized by law.

Section 3. Streetery License – Issuance, Amendment, Renewal, Closure

A. Issuance: The Department of Licenses and Inspections (L & I) will not issue Streetery license unless all requirements of The Philadelphia Code Section 9-215 and these regulations are met.

1. All applications should be submitted online to the Department of Licenses and Inspections or in person at the Permit and License Center of the Municipal Service Building using an application form available at the Center.
2. The application shall be made by the property owner, the business owner, or their designee.
3. The application must include proof of Streets Department approval and Art Commission approval (as provided in Section 6).
4. The application must identify the eating establishment in connection with which the license is to be obtained, and include a certification that the eating establishment is primarily engaged in the business of food preparation on the premises for sale to customers substantially for on-premises consumption.
5. The application must include a certification that the property owner of the abutting property or the property owner's designee has consented in writing to the Streetery.
6. The application must include a Certificate of Insurance and a Security Bond as provided in Section 5 of these regulations.
7. The application must include an attestation to agreement to the Insurance, Indemnification and Removal requirements of Section 9-215(7) of The Philadelphia Code and of these regulations.
8. Applicant must hold a valid food license for the location where the Streetery will be located. The applicant must provide food license number, number of indoor and outdoor seats, and number of plumbing fixtures on the application. If the number of seats in the Streetery changes the type of food license required, the Licensee is responsible for applying for a new food license with the Health Department prior to beginning Streetery operations.
9. Applications for a Streetery License in which the proposed Streetery includes a Streetery structure or any other feature (electrical, hvac, etc.) which requires a permit under The Philadelphia Code must include a copy of the approved permit(s).
10. The application shall include proof of public notice of Streetery application, as required under Section 9-215(4)(a).4 of the Code, via posting of the official form approved by

the Department of Licenses and Inspections and a photograph submitted thereof in the following manner:

- a. The official form shall be downloaded from the Department of Licenses and Inspections website or obtained from the Permit and License Center of the Municipal Services Building.
- b. The Public Notice shall be visibly posted on a front-facing window or the front door of the business subject to the application.
- c. The Public Notice shall be posted at least ten (10) days, but no more than thirty (30) days, prior to application for a Streeterly License.
- d. The Public Notice shall remain in place until the Streeterly License is either issued or denied by the Department of Licenses and Inspections.
- e. The application shall include a photograph demonstrating compliance with this requirement.

B. Amendment: If a licensee wants to change the dimensions or other physical aspects of the Streeterly, as approved by the Streets Department, a new Streets Department approval is required and a proposed amendment to the Streeterly license must be submitted.

C. Renewal: A Streeterly License must be renewed annually. To renew a Streeterly License, licensees must meet all requirements of The Philadelphia Code, as well as including:

1. Certification that the Streeterly is operating in accordance with any issued approval(s) and that any structure remains in good repair;
 2. Provide proof of insurance; and
 3. Pay the annual license fee.
- D. Closure: It is the responsibility of the licensee to close out any license the licensee no longer wants to maintain. Non-renewal is not the same as closure of the license.
1. Holding an active or expired Streeterly License constitutes agreement to the provisions of these regulations, including all requirements and waivers. Any licensee who does not agree to the terms of these regulations must cease operating in the Right-of-Way and close out the establishment's license.
 2. If after license closure an operator intends to restart operation of a Streeterly, a new license must be obtained.

Section 4. License Fees

A. Application Fee: A non-refundable fee of \$200.00 must be paid at the time of application submission. The application fee payment shall be credited toward payment of the first annual license fee payment.

B. Annual License Fee: The annual license fee for the calendar year is \$2,200.00, based on the projected costs for administering and enforcing the Streeteries program.

Section 5. Insurance and Bonding.

A. Insurance Required: A one million dollar (\$1,000,000.00) comprehensive general liability insurance policy in which the City is named as additional insured.

B. Bond Required: A security bond in the amount of Sixty Thousand Dollars (\$60,000) for the cost of any potential removal of the Streeteries and restoration of the Right-of-Way by the City.

Section 6. Streets Department Approval

A. Pursuant to The Philadelphia Code Section 9-215, prior to applying to the Department of Licenses and Inspections for a Streeteries License the applicant must first have the approval of the Streets Department, based upon a demonstration that a plan proposed for the Streeteries meets the requirements of Section 9-215 and these regulations.

B. Art Commission Approval. Pursuant to Section 3-910 of the Home Rule Charter, the Art Commission must approve the design of any Streeteries, pursuant to any standards established by the Commission. The Streets Department will not approve a Streeteries unless the Art Commission has approved the Streeteries design.

C. Documentation Requesting Streets Department Approval: An Application for Requisite Approval form must be submitted to the Streets Department. Completion of the application will require the following:

1. Identification of the exact location of the proposed Streeteries and explanation of why that location is authorized by law for licensing of a Streeteries. This will include either (a) identification as a location within the boundaries described in Section 9-215(3) of the Code; or (b) an ordinance authorizing the proposed location as suitable for a Streeteries, subject to compliance with the Code and this Regulation.
2. A site plan that demonstrates that the Streeteries will meet the standards set forth in Code Section 9-215 and this Regulation, including

- a. A document showing the dimensions of the proposed Streeteries boundaries, including those of proposed crash barriers, and showing that the Streeteries will only be located in the parking lane portion of the right-of-way directly abutting the restaurant in connection with which the license is obtained. Such document shall also show the width of the parking lane in which the Streeteries will be located and the width of the travel lanes that will remain upon placement of the Streeteries.
 - b. A document reflecting the boundaries of the proposed Streeteries in reference to fire hydrants, cross-walks, traffic signals and any other relevant appurtenances of the right-of-way with respect to which standards are established in Section 8 of these regulations.
 - c. A document showing and explaining how the accessibility standards of these regulations will be met.
 - d. A document identifying underground utility access points and showing that the Streeteries will not violate the requirements of these regulations concerning such access points.
 - e. A document identifying the location of heating elements, what type of heating element(s) will be utilized, and their fuel source(s), any electrical connections, and the location of generators.
 - f. Proposed configuration of furniture.
 - g. Stormwater drainage clearance required by these regulations.
 - h. A document showing that, where a platform is utilized, it is connected to the curb, level with the sidewalk, and has a method of access underneath the platform surface to allow for cleaning and removal of waste.
 - i. Where an alternative barrier is proposed, a document demonstrating how such barriers will be weighted down and protected from movement.
3. Any documents identified by the Art Commission as necessary for Art Commission review as described at Section 6(B) of these regulations.
- D. A Streeteries may only be installed on a State or Federal street or highway where the Pennsylvania Department of Transportation has delegated authority to the City to permit such activity on the street or highway identified.

E. The Streets Department shall issue a Notice of Requisite Approval when it approves a Streetery. The Notice must be submitted to L & I as part of the Streetery License application.

Section 7. Streetery Structures

A. Permitting and Licensing Requirements: A Streetery structure, as defined in this regulation, shall be subject to the requirements of this regulation, the Philadelphia Building Construction and Occupancy Code and, Code Bulletin B-2201. Where a conflict exists, the provisions of Code Bulletin B-2201 shall govern.

B. Building Permit Required: A building permit is required for any Streetery structure. Structures are subject to the following permitting and licensing requirements.

1. An approved building permit must be submitted with a new or amended Streetery license application that proposes use of a Streetery structure.
2. A building permit application shall be submitted in accordance with standard application procedures established by the Department of Licenses and Inspections.
3. All structures must be installed by a contractor licensed in accordance with Section 9-1000 of the Philadelphia Code.
4. The structure shall be subject to inspections required by Sub-Code A of the Philadelphia Building Construction and Occupancy Code. The permit holder shall be responsible to request required inspections.
5. Streets Department Approval.

C. Existing Temporary Streetery Structures: Existing structures that were permitted and inspected under temporary conditions prior to the effective date of these regulations, and that otherwise meet the requirements and conditions for Streetery Structures established in of Section 9-215, these regulations, and Code Bulletin B-2201 shall be permitted to remain, provided the following information is submitted with a Streetery license application by May 1, 2022:

1. A copy of the building permit;
2. A copy of the Certificate of Approval demonstrating that the structure passed inspection;
3. A sealed statement from a PA licensed design professional affirming that the structure meets all requirements and conditions for Streetery Structures established under Section 9-215, these regulations, and Code Bulletin B-2201, and that the structure is maintained in good condition; and

4. Streets Department Approval.

Section 8. Operational Requirements

A. Posting of the Streeter License: A copy of the license shall be posted at the establishment in a conspicuous place so that it is clearly visible to the public from the exterior and shall be readily available for inspection by the City.

B. Indoor Service Required: The licensee shall maintain at least three (3) tables for indoor service during the operational hours of a Streeter.

C. Placement Requirements:

1. All components of a Streeter, including all furniture, structures, platforms and protective barriers, must conform to plans approved in the licensing process.
2. A Streeter may only be installed in a parking lane that is at least seven (7) feet wide.
3. No portions of a Streeter, including all furniture, structures, platforms or protective barriers associated with any Streeter, shall:
 - a. extend more than six (6) feet from the curb into the cartway.
 - b. reduce the width of the space reserved as travel lanes to less than twelve (12) feet or be located in a travel lane of any type, including a bicycle lane, unless located as part of a closure of an entire street.
 - c. extend to within 15 feet from a fire hydrant.
 - d. extend to within (40) inches from any other Fire Department connection.
 - e. extend to within five (5) feet of a manhole, water inlet, other utility access point, or ventilation apparatus for any above or below -ground utility structure.
 - f. extend to within (2) feet from cellar doors.
 - g. extend to within twenty (20) feet from a cross walk, pedestrian street-crossing curb cut, or any transit stop.
 - h. extend to within thirty (30) feet from any flashing signal, stop sign, yield sign, or traffic-control signal.

D. Accessibility Requirements: A Streeter must comply with the Americans with Disabilities Act (“ADA”), including:

1. Seating. A Streeter must provide at least one (1) accessible table, or 5% of the available seating space, whichever is greater.
 - a. Table height shall be between 28" and 34".
 - b. Unobstructed knee clearance between the ground or deck and table shall be a minimum of 27" in height, 30" in width, and extend a minimum of 19" under the table.
 - c. A clear floor area of 30" by 48" shall be provided at the accessible seating area, which may include the knee clearance area. The slope of a clearance area shall not exceed 1:48 (2%).
 - d. If a counter is provided, the accessible portion shall be a minimum of 60" in length.
 2. Accessible Route. An accessible route between the sidewalk and accessible seating area shall be provided and adhere to the following:
 - a. The platform deck or the access to the seating area shall be flush with the adjacent sidewalk without a horizontal or vertical separation greater than $\frac{1}{2}$ ". Vertical separations between $\frac{1}{4}$ " and $\frac{1}{2}$ " high shall be beveled with a slope not steeper than 1:2 (50%).
 - i. Exception- a vertical separation exceeding $\frac{1}{2}$ " shall be permitted where serviced by a ramp complying with the ADA Standards, including being beveled with a clear landing area of at least 5' at the top and bottom of the ramp.
 - b. The running ground slope (parallel to the curb) shall not exceed 1:20 (5%) and the cross slope (perpendicular to the curb) shall not exceed 1:48 (2%).
 - c. The accessible route shall maintain a minimum width of 36" and be free of obstacles.
 - d. A circular wheelchair turning space a minimum of 60" in diameter or a T-shaped space compliant with the ADA Standards shall be provided. A turning space may include designated clearance areas.
 3. Crash Barrier Protection:
 - a. Every side of the Streeter except for the curbside must be protected by crashworthy barriers, which is either:

- i. a water-filled jersey barrier at least eighteen (18) inches wide by thirty-two (32) inches tall by seventy-two (72) inches long; or
 - ii. a barrier which, by written certification of a design professional, provides an equivalent level of protection, approved by the Streets Department.
- b. Crashworthy barriers must be connected, where feasible. Where infeasible, there shall be no more than two (2) inches between barriers.
 - c. No portion of a crashworthy barrier may protrude into a travel lane or onto a sidewalk.
 - d. Destroyed, damaged, or otherwise compromised barriers shall be replaced, and the approved barrier layout restored, immediately upon such damage.

4. Stormwater Drainage:

No platform or other portion of a Streeter shall impede street or sidewalk stormwater drainage. Any platform or other framing shall be adequately open or provided with minimum drainage openings to ensure compliance with this provision.

5. Bathrooms and Handwashing Facilities.

- a. A Streeter must be compliant with requirements of The Philadelphia Code for access to bathrooms, handwashing facilities and other applicable plumbing fixtures based upon the total occupant load of indoor and Streeter dining areas and seats. Nothing in this regulation shall supersede the minimum requirements of the Philadelphia Plumbing Code.
- b. Access to plumbing fixtures is inclusive of all patrons and does not include facilities provided for exclusive use by employees.
- c. At least two (2) water closets and two (2) lavatories must operate for up to one hundred fifty (150) patrons, except that one (1) water closet and (1) lavatory shall be permitted for an eating establishment in a space that was occupied by any restaurant prior to the adoption of Section 9-215 of the Code and that accommodates no greater than twenty-five (25) patrons, inclusive of indoor and outdoor dining. For capacities that exceed 150, refer to Section 403 of the Philadelphia Plumbing Code.

6. **General Maintenance:** It is the responsibility of the licensee to ensure that the Streeteries are maintained and operated in a clean and safe manner including but not limited to:
 - a. No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be permitted in the public Right-of-Way.
 - b. Trash storage must comply with Section PM-308 of the Philadelphia Code; if a dumpster is utilized, a dumpster license is required.
 - c. The food establishment and adjacent Right-of-Way must be illuminated to allow clear passage within and through the sidewalk areas, and oriented to prevent glare on surrounding areas.
 - d. A Streeteries, including any structure, must be reasonably secured from trespass during non-operational hours.
7. **Signage:** No sign, other than a sign guiding ingress or egress, may be displayed on or adjacent to a Streeteries.
8. **Furniture and Appurtenance Placement:**
 - a. Tables, chairs, umbrellas, and other moveable furniture must be placed indoors or secured to the ground during non-operating hours.
 - b. Moveable furniture must be labeled with the food establishment or business name in a place where it is easily identifiable and readable.
 - c. Umbrellas shall be of fire-retardant material and canopy shall be a maximum of six (6) feet in diameter.
9. **Heating:**
 - a. No open flames, even if covered, are allowed as part of a Streeteries.
 - b. No propane may be used in a Streeteries.
 - c. All heating elements used must be approved for outdoor use and installed in accordance with manufacturer's installation instructions and in compliance with the Philadelphia Fire Code.
 - d. All portable gas-fired heaters must comply with all provisions of The Philadelphia Code Fire Code Section 603.4.2.

- e. All heating elements must be placed a minimum of five (5) feet from any building and all combustibles, except for electrical heaters which may be placed at least three (3) feet from combustibles.

10. Electrical Connections:

- a. Electrical connections may not exceed circuit amperage.
- b. Wiring running across the sidewalk or overhead is prohibited.
- c. All cords and electrical wiring must be properly secured within the Streeteries and may not encroach upon the path of travel or seating areas.
- d. Any plug-in electrical fixtures, or electrical equipment, must be powered by a portable generator, unless wiring is installed in underground conduit, permanently connected to the main electrical panel of the Licensee's property, and approved and inspected under an electrical permit issued by L&I.

11. Compliance with All Other Codes and Regulations:

- a. All Streeteries operations must also comply with all other applicable federal, state, and local laws, including The Philadelphia Code and any regulations promulgated thereunder, including but not limited to Title 6 ("Health Code").
- b. Issuance of a Streeteries License does not give a licensee authority to operate in a location and manner which is otherwise prohibited by Law.

E. Hours of Operation: A Streeteries shall only be operated for business between the hours of 7 a.m. and 10 p.m. Sunday through Thursday and 7 a.m. and 11 p.m. on Friday and Saturday.

F. Excess Seating: The number of Streeteries dining seats for an establishment may not exceed the total number of dining seats located in the interior dining locations of the restaurant.

Section 9. Removal.

- A. In accordance with Code Section 9-215(6)(b) all Streeteries Structures must be removable within 48 hours of notices or less.
- B. If a Streeteries Structure is determined by the City to be creating a hazard to life or property, removal or all or part of the Streeteries, or other remedial action, may be ordered to take place immediately.

- C. Inclement Weather. When the weather forecast calls for inclement weather, including but not limited to high winds, the Streeter structure must be removed in advance of the severe weather. Removal in such circumstances is the responsibility of the licensee.
- D. Other bases for Removal: An order of removal or other remedial action may be given for any of the reasons provide in Code Section 9-215(7)(c).
- E. An order to remove a Streeter or any portion thereof, given verbally to a person responsible for the eating establishment at the time of such order, shall have the same and full effect as a subsequent written order. Written notice to remove may be delivered by hand, posting, mail, or electronic mail.

Section 10. Penalty

Failure to follow any of the requirements of Code Section 9-215 or this regulation shall constitute a violation of The Philadelphia Code and is subject to the maximum penalty set forth in Section 9-215(9) thereof.

Section 11. Effective Date

This Regulation relating to the licensure and operation of Streeteries shall take effect pursuant to Section 8-407 of The Philadelphia Home Rule Charter, but not earlier than March 8, 2022.

EXHIBIT D
Certified Copy of Bill No. 210776

City of Philadelphia



(Bill No. 210776)

AN ORDINANCE

Amending Chapter 9-200 of Title 9 of The Philadelphia Code, entitled “Commercial Activities on Streets” to add a new section entitled “Streeteries” to allow for expansion of business uses, including outdoor dining, in portions of the public right-of-way, such as at certain curbside parking locations; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is amended to read as follows:

* * *

CHAPTER 9-200 COMMERCIAL ACTIVITIES ON STREETS

* * *

§ 9-215. *Streeteries.*

(1) *The Department of Licenses and Inspection and the Department of Streets are hereby authorized to establish, by regulations not inconsistent herewith, standards and procedures for the issuance and enforcement of licenses for use of portions of the Right-of-Way for outdoor dining, including closure of part or all of the street, such as on-street parking spaces.*

(2) *Occupancy of the Right-of-Way for the purposes of outdoor dining pursuant to such licenses are referred to in this section as “Streeteries,” which term also refers to all furniture, structures, platforms or protective barriers associated with any Streeteries.*

(3) *Such regulations shall provide for standards concerning license issuance and standards of operation that are designed to protect public safety and the orderly, safe and efficient use of the Right-of-Way by pedestrians and vehicles and shall include, at a minimum, the standards set forth in this Section 9-215.*

(a) *Streeteries shall be located within the following geographic boundaries, and such other locations as shall be approved from time to time by the Departments of L&I, Streets and the City Council:*

(i) *Within the area bounded by the Delaware River, the south houseline of South street, the center line of Third street, the south houseline of Bainbridge street,*

City of Philadelphia

BILL NO. 210776 *continued*

Certified Copy

the Schuylkill River and the south houseline of Spring Garden Street; (ii) within the geographic boundaries of the following Special Services and Business Improvement Districts: a) Fishtown Kensington Area Bid; b) South Street Headhouse District; c) Old City Special Services District; d) East Passyunk Avenue BID; e) Center City District; and f) Northern Liberties Bid; (iii) both sides of Fairmount avenue between 15th street and 25th street; (iv) on Broad street, between Bainbridge street and the north houseline of Washington avenue; (v) within the geographic boundaries of the Third Council District; (vi) on East Passyunk avenue, both sides, between Broad street and Federal street; (vii) on Ninth street, both sides, between Christian street and Federal street; (viii) on Germantown avenue, both sides, from Creshiem Valley road to Rex Avenue; (ix) Wadsworth avenue both sides, Michener avenue to Cedarbrook Avenue; (x) Main Street both sides, Shurs Lane to Green Lane.

(b) *Streeteries shall be no wider than 6 feet and are only permissible in connection with eating establishments that primarily are engaged in the business of food preparation on the premises for sale to customers substantially for on-premises consumption and that maintain at least three tables for indoor dining on a regular basis.*

(c) *A Streeteries shall only be operated for business between the hours of 7 a.m. and 10 p.m. Sunday through Thursday and 7 a.m. until 11 p.m. on Friday and Saturday.*

(d) *A Streeteries shall not be located in a travel lane of any type, including a bicycle lane, unless located as part of a closure of an entire street.*

(e) *The number of Streeteries dining seats may not exceed the total number of dining seats located in the interior dining locations of the restaurant.*

(f) *No Streeteries is permissible without the written agreement of the property owner of the abutting property or the property owner's designee.*

(g) *A Streeteries may only be located in the parking lane portion of the right-of-way directly abutting the restaurant in connection with which the license is obtained.*

(4) License Application and Renewal.

(a) *No streeteries may be operated without a valid license or in connection with an establishment that is not licensed to serve prepared food. Applications for licenses shall be made to the Department of Licenses and Inspections and shall include, at a minimum, the following:*

(.1) *Dimensions of the proposed Streeteries seating boundaries;*

City of Philadelphia

BILL NO. 210776 *continued*

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(.2) *Proof of insurance and attestation that application for such license constitutes agreement to the insurance, indemnification and removal requirements as set forth in subsection (7) below.*

(.3) *Approval from the Department of Streets confirming that the proposed Streeteries meets the placement requirements and restrictions on location of this Section and regulations established under this Section.*

(.4) *Photographic proof, in such form as determined by regulation, that for a minimum of ten (10) consecutive days prior to application, but beginning no more than thirty (30) days prior to application, the applicant has posted at a conspicuous location in the front window or on the front door of the restaurant to which the Streeteries will be accessory, in such form established by regulation, notice of the intent to apply for a Streeteries license and which identifies the specific proposed location of the Streeteries.*

(.5) *A non-refundable application fee in the amount of \$200. If a license is granted, the application fee shall be credited towards the first annual license fee.*

(5) Safety and Accessibility.

(a) *At a minimum, safety, placement and accessibility standards for Streeteries shall include the following:*

(.1) *Barrier protection. All Streeteries must be protected by a crash-proof physical barrier abutting any portion of the Streeteries alongside of which, vehicular traffic passes at any time, pursuant to such standards as established by regulation.*

(.2) *Vehicle Passage. No portion of any Streeteries, including a protective barrier associated with the Streeteries, shall reduce vehicle clearance in any portion of the right of way to less than 12 feet.*

(.3) *Accessibility. All Streeteries must be accessible, pursuant to standards established by regulation.*

(.4) *Pedestrian, accessibility and transit passage. No portion of any Streeteries, including a protective barrier, may be placed within: 15 feet of any fire hydrant; 20 feet of a crosswalk, pedestrian street-crossing curb cut or a bus or other transit stop; or within 30 feet of any flashing signal, stop sign, yield sign or traffic-control signal.*

(6) Streeteries Structures.

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BILL NO. 210776 continued

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(a) *Structures built or maintained as a Streetery must conform to any standards established by regulation and must conform in all respects with all requirements of Title 4 of The Philadelphia Code (The Philadelphia Building and Occupancy Code).*

(b) *All such structures must be removable within 48 hours upon notice from the City of Philadelphia or such lesser time established by regulation.*

(c) *No platform or structure may be placed on top of a utility manhole cover or hinder access to or prevent proper ventilation of utility structures (both buried and above ground) for emergency repairs or planned maintenance and inspections in accordance with federal or state laws, codes or regulations. Utility providers shall not be held liable for and shall not be required to pay any costs for relocation, removal or damage to any streetery structures, resulting from forced access to utility structures in the event of emergency repairs or planned maintenance or inspections.*

(7) Insurance, Indemnification and Removal.

(a) *The licensee must agree in writing in form satisfactory to the City Solicitor to indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of, such Streetery, or by the acts or omissions of the employees or agents of the licensee in connection with such Streetery. The licensee shall also agree to release the City from any and all claims relating to its Streetery, including, but not limited to, loss of business and/or value of the Streetery when it is ordered removed or when street, sidewalk or utility construction occurs;*

(b) *The licensee must agree in writing in form satisfactory to the City Solicitor to obtain and maintain in full force and effect, at the licensee's own expense, an insurance policy naming the City of Philadelphia as an additional insured, in an amount determined by the Risk Manager. The policy shall afford comprehensive general liability insurance including contractual liability insurance coverage the licensee's indemnification and hold harmless obligations under subsection (a) above and shall provide that the Law Department be notified upon the expiration of coverage in the event the policy is cancelled or the applicant fails to renew the Streetery license. Within ten (10) days of the approval of the Streetery license application, and each year thereafter, the licensee shall submit a certificate of insurance in accordance with the agreement and maintain a copy on the premises for review;*

(c) *The licensee must agree in writing, in a form satisfactory to the City Solicitor, to remove any barriers, furniture, structures or platform associated with the Streetery, and to repair any portion of the right-of-way damaged by the Streetery, upon written notice from the City that:*

City of Philadelphia

BILL NO. 210776 *continued*

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(.1) *a portion or all of the Streetery no longer meets the requirements of this Section or other applicable laws, is operating in violation of the law, or is no longer in regular operation;*

(.2) *a portion of all of the Streetery must be removed to accommodate a City or City-sponsored public project;*

(.3) *the Streets Department has granted another person a temporary permit to close some or all of the portion of the right of way occupied by the Streetery;*

(.4) *the restaurant to which the Streetery is accessory has been temporarily or permanently closed for violation of any law; or*

(.5) *the Streetery has damaged any part of the right-of-way.*

(d) *The licensee must obtain a bond with corporate surety in amount approved by the Streets Department and in form satisfactory to the Law Department to cover indemnification of the City for the cost of removal of any part of the Streetery, restoration of the public right-of-way, and all incidental costs.*

(8) *License fee; Administration and Enforcement Fee; Emergency Streetery Removal Fund.*

(a) *The annual fee for a Streetery license is \$200.*

(b) *The Departments of L&I and Streets are hereby authorized to impose an administration and enforcement fee for the costs of administering and enforcing the terms and conditions set forth herein.*

(c) *The Departments of L&I and Streets are further authorized to impose a fee to cover the cost of immediate removal of a Streetery in the event of an emergency or other necessity.*

(9) *Penalties and Enforcement.*

(a) *This Section may be enforced by any individual authorized to enforce this Code.*

(b) *The penalty for violation of this Section or any condition of a license or of a regulation issued pursuant to this Section shall be a fine of up to three hundred dollars (\$300) per day, per violation.*

(c) *A Streetery license may be suspended or revoked based on violations of this Section or regulations issued hereunder, or other applicable law.*

(d) *Removal of any barrier, furniture, platform or structure based on the provisions of Subsection (7)(c) or based on any violation of this Section or other*

City of Philadelphia

BILL NO. 210776 continued

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applicable laws, or repair of any damaged portion of the right-of-way, shall be at the sole expense of the licensee. The City is hereby authorized, upon a determination that removal or repair of the right-of-way must be carried out by the City, to charge the costs of such removal or repair, including administrative costs, to the licensee. The Law Department may take action to collect such costs by lien or any other method. If removed property is not claimed within 10 days of notice of its removal by the City, the City is authorized to dispose of any such property.

SECTION 2. This Ordinance shall take effect within ninety (90) days of becoming law.

City of Philadelphia

BILL NO. 210776 continued

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City of Philadelphia

BILL NO. 210776 *continued*

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 2, 2021. The Bill was Signed by the Mayor on December 8, 2021.



Michael A. Decker
Chief Clerk of the City Council

EXHIBIT E
Draft Regulations Hearing Request



C I T Y O F P H I L A D E L P H I A
C I T Y C O U N C I L

Councilmember Allan Domb
Room 316, City Hall
Philadelphia, PA 19107
215-686-3414

Councilmember At-Large

March 4, 2022

Commissioner James Leonard, Esq.
Department of Records
City Hall Room 156
Philadelphia, PA 19107
Via email: James.Leonard@Phila.gov

**RE: Request for a Public Hearing on the Joint Regulations for the Licensure and Operations of
Streeteries on Authorized Portions of the Right-of-Way**

Dear Commissioner Leonard,

I am requesting a public hearing be held regarding the February 11, 2022 publicly posted Department of Licenses and Inspections and the Department of Streets joint regulation for the licensure and operation of streeteries on authorized portions of the right-of-way pursuant to Bill No 210776, and Section 9-215 of the Philadelphia Code.

Sincerely,

A handwritten signature in black ink that reads "Allan Domb".

Councilmember At-Large

Cc: Lewis Rosman, Carlton Williams, Richard Montanez, Michael Carroll, Karen Fegely,
Stephanie Marsh

EXHIBIT F
Written Comments

From: Mike Harris <mikeharris@southstreet.com>
Sent: Wednesday, March 16, 2022 11:48 AM
To: Ian Daniels <Ian.Daniels@phila.gov>; James Kellett <James.Kellett@Phila.gov>
Cc: Mark Squilla <Mark.Squilla@Phila.gov>; Eryn Santamoor <Eryn.Santamoor@Phila.gov>; Ben Fileccia <ben@prla.org>
Subject: Testimony on Proposed Regulations regarding Streeteries

External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.

Good morning - Thank you for scheduling today's hearing on the Joint Regulations regarding Streeteries. Attached is my written testimony submitted on behalf of the South Street Headhouse District. Thank you, Mike

--
Michael E. Harris
Executive Director
South Street Headhouse District

PO Box 63675
Philadelphia, PA 19147
(o) 215-413-3713
(c) 267-216-6541



P.O. Box 63675 · Philadelphia, PA 19147
Phone 215.413.3713 · Fax 215.627.7035
www.southstreet.com

March 16, 2022

Commissioner James Leonard, Esq.
Department of Records
City Hall Room 156
Philadelphia, PA 19107

Re: Philadelphia Outdoor Dining Regulations

Commissioner Leonard:

On behalf of the South Street Headhouse business community, I want to thank you for the opportunity to comment on the “Joint Regulations Regarding the Licensure and Operation of Streeteries.” I also want to acknowledge and thank the leadership of the Departments of OTIS, Streets, Commerce, and L&I for their support and creativity and responsiveness over the past 2 years as the Streeteries Program was developed and implemented to support the Philadelphia hospitality economy. This program has saved jobs, kept businesses afloat and proved to be popular with patrons and residents. Over 20 restaurants in SSHD set up and utilized streeteries during the pandemic. We look forward to the program continuing and are pleased that it was made permanent by City Council.

To that end, we understand the need for standards and regulations, but also ask for modifications and further considerations as this process gets rolled out. One of our primary concerns is the time and efforts it will take to go through the approval process, given the multiple Department approvals and the addition of the Art Commission. Any steps that can be done to clarify or streamline the process to make the review as efficient and time sensitive as possible would be appreciated. If the Art Commission and the Streets Department were able to proffer or set some standard models for approvals of designs and “crash worthy barrier” alternatives that would allow for better awareness and be more efficient rather than handling every setup on a case by case basis. We would also seek some additional clarity and conditions governing the “inclement weather” requirements. Finally, we would seek some flexibility in the electrical power requirements to allow for safe and potentially less expensive options.

Thanks again for your consideration and support.

Sincerely,
s/ Michael Harris, Executive Director

Cc: Councilman Squilla, Councilman Domb, Pennsylvania Restaurant & Lodging Association

From: Suzanne O'Brien <suzanneobrien@sfcbars.com>
Sent: Wednesday, March 16, 2022 8:29 AM
To: Ian Daniels <Ian.Daniels@phila.gov>
Cc: James Kellett <James.Kellett@Phila.gov>
Subject: Proposed regulations for streetery program

External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.

Dear Mr. Daniels,

I oversee 9 bars and restaurants in Philadelphia, we have streeteries associated with three of them. We recognize the need for there to be regulations governing the build and placement of streeteries for the safety of citizens and vehicles but find some of the new regulations far too difficult to execute.

Streeteries built properly will not be movable due to inclement weather.

The \$60k security bond is excessive and difficult to procure.

The annual fees are really expensive

We already built our streeteries to the prior specifications, art commission approval seems unnecessary and another process that could take unnecessary time and cause confusion.

We can't afford to run electricity underground, this would require digging up our sidewalks

Crashproof barriers will further clog the streets and will be unsightly to our neighbors and residents

I hope you can help us reach a point where streetery regulations are easier to execute and afford for the many businesses who wish to keep outdoor dining. Philadelphians are NOT dining indoors at pre-pandemic numbers, they want the outdoor option, and streeteries have become vital in our businesses survival.

Thank you for your help in this matter.

Sincerely,
Suzanne O'Brien

--

Suzanne T. O'Brien, CEO
Simons, Frank and Company
52 S. 2nd St
Philadelphia, PA 19106
c: 215-370-1684

[Triangle Tavern](#) [Khyber Pass Pub](#)
[Cantina Dos Segundos](#) [Cantina Los Caballitos](#)
[Royal Tavern](#) [Royal Sushi and Izakaya](#) [Royal Boucherie](#)
[PHS Pop Up Garden- South Street](#) [PHS Pop Up Garden- Manayunk](#)

From: Juergen Becker <XXXXXXXXXXXX@XXXXX.com>

Sent: Wednesday, March 16, 2022 7:34 PM

To: David Fecteau <David.Fecteau@phila.gov>; James Kellett <James.Kellett@Phila.gov>

Subject: Outdoor Dining Regulation Hearing - PHL March 16, 2022

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Dear David Fecteau and James Kellett,

Thank you for organizing the hearing and for your excellent effort to prepare the regulations (published on February 11, 2022).

I want to share my observations related to the event.

My personal experience is based on a streetery at 745-747 25th ST that established an outdoor sports bar, which escalated the impact of drunk, threatening patrons regularly yelling and screaming outside, post-hours loitering and noise throughout the night. The neighbors considered the establishment a "nuisance bar" already before the pandemic.

Most of the speakers during the hearing were owners of restaurants and bars.

I understand their concerns regarding the lost business during COVID, the positive impact of outside dining as well as the burden of the regulations. I personally enjoy outside dining, when the patrons as well as owners follow the regulations and respect their surroundings.

I want to summarize my view with reference to topics raised during the hearing.

- Section 8.C. Placement Requirements 3.
These must be followed, including
g. and h. 20 feet distance from crosswalk and 30 feet from flashing signal, stop sign, ...
The comparison with loading zones and parking is misguided, especially when considering that lost parking spaces lead to delivery and trash pick up trucks stopping for longer periods on busy streets and intersections, which could be mitigated with loading zones instead of streeteries.
I fully support the other topics in this section
- The approval by neighbors has to be mandatory for any restaurant outside the pre-approved area.
As all neighbors within a block (in any direction) may be impacted, is there a regulation regarding the perimeter that will be considered for approval?
- I oppose the proposal from owners and managers to extend the temporary conditions into fall 2022.
Section 7. C has an application deadline of May 1, 2022, which is feasible.
Any streetery structure without at least a fully qualifying pending application (incl. required approvals from neighbors) should be removed after this date.
- It may be helpful to confirm that sidewalk cafes with limited seating will still be an option.

- Streamlining the approval process is in the best interest of the owners as well as citizens of Philadelphia. However, the impact on the safety and serenity of the citizens has to be considered with the same due diligence as the financial interests.
- Question: are there any regulations regarding TVs and music equipment (speakers) installed outside? This takes the "sports bar" outdoors in addition to the "beer garden".

I sensed strong emotions during the meeting, some understandable, some elaborated. I trust your sober judgement and your cooperation with all parties involved and impacted, including the neighbors of the restaurants applying for a streetery license.

Feel free to contact me, if you have any questions.

Best Regards,
Juergen Becker

XXXX XXXXX St
Philadelphia, PA 19130
phone: XXX-XXX-XXXX

From: John Byrnes <XXXXXXXXXX@XXXXX.com>
Sent: Wednesday, March 16, 2022 12:50 PM
To: David Fecteau <David.Fecteau@phila.gov>
Subject: Outdoor Dining Regulation Hearing

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David,

Thank you for today's hearing. Unfortunately, I need to return to work and I do not expect to have a chance to enter my comment into the record:

As a 30 year resident of the Fairmount section of the city, I am supportive of our restaurant economy. However, it is essential that these restaurants are held accountable for the disruption they cause in their communities. The painful downside of living near a streetery includes: drunk, threatening patrons regularly yelling and screaming outside our door, post-hours loitering and, noise throughout the night. These are just a few challenges our neighborhood streetery has added to our city lifestyle.

Here is my question: How can residents make sure our voices are heard during this process?

Please let me know,

Best,

John

From: Marc Collazzo <marc@fishtownbid.org>

Sent: Thursday, March 17, 2022 1:47:33 PM

To: Ralph DiPietro <Ralph.DiPietro@phila.gov>; Richard Montanez <Richard.Montanez@phila.gov>

Subject: FW: Fishtown District Comments Regarding Outdoor Dining Regulations

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Good afternoon, Ralph and Richard:

I know that there over 100 people scheduled to speak at yesterday's outdoor dining regulation hearing. If you don't mind, I am forwarding my comments for review. As you can see, most of them are similar to what you already heard from the many witnesses. Please know that I appreciate you and all of the work you are doing on this. I am happy to help in any way possible.

Thanks so much!

Marc D. Collazzo, J.D.
Executive Director
Fishtown Kensington Area Business Improvement District (BID)
1509 North Front Street, Unit 1
Philadelphia, PA 19122
267-764-3724
(Cell) 215-816-5942
www.fishtowndistrict.com
"Find It In Fishtown"



1509 N Front Street | Suite 1 | Philadelphia, PA 19122

3/16/2022

FISHTOWN KENSINGTON AREA BUSINESS IMPROVEMENT DISTRICT TESTIMONY FOR
OUTDOOR DINING REGULATION HEARING.

To Whom It May Concern

Good Afternoon:,

I'm Marc Collazzo, Executive Director of the Fishtown Kensington Area Business Improvement District (hereinafter referred to as the "Fishtown District" and I come before you today to express the collective feelings, opinions and recommendations of our over 500 businesses, restaurants, taverns, venues and professional services, respectively, regarding the recently released Outdoor Dining Regulations. I ask all of you to join us in a citywide engagement of said rules so as to find reasonable, safe and efficient guidelines for the extension of outdoor dining and streetery licenses. By allowing outdoor dining applications to go through a streamlined review process, it allows every restaurant an equal opportunity to participate in the creative economy of Philadelphia and eliminates the "who you know" aspects of government that we should all work to avoid.

The award-winning dining scene in the Fishtown and Kensington neighborhoods is known throughout the world for its eclectic, dynamic selections that brings thousands of people to our commercial corridor on a daily basis to, as we say, "Find it in Fishtown". Like the myriad of other eateries throughout the country, the food establishments suffered critical financial losses in income, patronage and personnel as a result of the COVID-19 pandemic. City Council heard our pleas for vital assistance to keep our restaurants in operation by providing an efficient, expeditious and open procedure to allow for outdoor dining that was safe, open and accessible for all. The subsequent effect in the Fishtown District was remarkable. The temporary legislation not only kept our eateries alive, it allowed the public to escape the isolation of the pandemic, but provided a safe, communal way for residents and patrons to feel "normal" again. Moreover, our restauranteurs, such as Johnny Brenda's, the International, WM Mulherin's & Sons, Cheu, Nunu, and Lloyd's Whiskey Bar, just to name a few, invested significant time,

talent and treasure in creating beautiful, regulated spaces for a comfortable, unique experience that had not been known in the Fishtown District and the City of Philadelphia and are now the envy of the region. These outdoor dining spaces embraced the creativity of their owners, and became an enhanced part of neighborhood culture and design that has been embraced by all. We applaud this body for its ingenuity and collaboration in preserving an industry that is crucial for the economic preservation of our communities. Now, the time has come again for this Council to act to only preserve the restaurant industry, but to allow for its continued growth and innovation.

Our eateries and taverns, still reeling from the financial impact and losses from COVID-19, have made the outdoor dining concert part of their recovery model.....and the public overwhelmingly wanted these options to become permanent. The Fishtown District became the guide for the entire nation on how to rejuvenate and revitalize an area that had been ignored for decades, and the City can now ignite an entire industry by making outdoor dining part of the culture of Philadelphia. Let us be the example like so many cities in Europe so that Philadelphia becomes the center of destination dining. By doing so, we not only allow for our restaurants to survive, they will thrive! Increased patronage leads to more jobs, the openings of additional businesses and a surge in residential and commercial development. People come to live, shop, work and play in the Fishtown District because the world is right outside their door, and, by maintaining outdoor dining/streeteries, the rest of the world will join them.

We agree with Councilmember Allan Domb, Council Member Maria Quinones-Sanchez, Representative Joseph Hohenstein (177th Legislative District) and the Pennsylvania Restaurant and Lodging Association (PRLA), that having fair and equitable standards matched with an efficient process is a better way forward for residents and restaurants. It also helps Philadelphia to distinguish itself from the surrounding suburbs and other cities - drawing more visitors to every section of Philadelphia. Let's face it - food brings people together and brings them to our City! The benefits are many:

Jobs:

- Restaurants largely employ local residents and at a time when our City is still recovering from the economic impact of this pandemic, we need more opportunities to get people back on their feet.

Tourism:

- Food and culture bring people together in our city and in city's all over the world. If we want to be a world class city, then Philadelphia needs to support a long-term vision for creative uses of our public spaces and outdoor dining presents us with a perfect opportunity to get started.
- Philadelphia must attract residents and visitors in order to recover our recent losses, and expand for the future. Outdoor dining provides exciting, interesting, and vibrant spaces for anyone to

visit and helps differentiate us from the surrounding suburbs and even other cities in the United States.

Commercial Corridors:

- Restaurants are anchor businesses in our commercial corridors, helping attract new people and local residents or workers to these spaces. When they dine in our restaurants, they often shop in our stores. Outdoor dining helps elevate the visibility of these restaurants and makes for interesting and fun spaces that are inviting to everyone.

Public Safety:

- Our residents, visitors, and business owners feel safer when our outdoor spaces are vibrant and full of people. Outdoor dining draws people outside, often providing additional lighting, and generally makes our public spaces feel safer, encouraging people to shop, promote, and otherwise enjoy Philadelphia.

In reviewing the proposed regulations, our stakeholders issued several areas of concern that would, in essence, keep them from maintaining the streeteries that City Council provided in recent legislation. These issues are as follows:

1). The Annual License Fee (\$2,200.00) and the Bond requirement of \$60,000.00, severely cripples an industry still reeling from the effects of the pandemic. With staffing still a concern, and supply and demand causing severe inflation, our restaurants still struggle to meet prior COVID-19 revenues. In addition, most streeteries are limited to a few tables, which means the cost would outweigh the benefit;

2). The process set forth in the temporary regulations allowed for a cost effective, efficient and expeditious manner to apply. The proposed L&I/Streets Department regulations add layers of unnecessary bureaucracy, to wit, the Art Commission, which then leads to excessive delays. All of the adds up to confusion, and ultimate removal of very thing the outdoor dining regulations are meant to protect. The Art Commission, as you know, is a volunteer organization that meets infrequently. By making an applicant obtain approval from both Streets and the Art Commission, you are adding months of delay and backlog. The better method, we believe, is to set forth design guidelines, which the applicant must submit, and have them reviewed by the Streets Department within thirty (30) days; and

3). The City already has practical mechanisms in place to handle such matters, ie., applications for parklets,

<https://www.phila.gov/services/streets-sidewalks-alleys/parklets-plazas-and-bike-corral/apply-to-install-a-parklet/>

that have been proven to work efficiently, and could be incorporated into the current regulations.

I thank you for your time and I look forward to working with all of you to creating a system of safety, accessibility, design and reporting that will make outdoor dining a streetery licenses are permanent part of life.

Respectfully Subnitted.

Marc D. Collazzo, J.D.
Executive Director
Fishtown Kensington Area Business Improvement District (BID)
1509 North Front Street, Unit 1
Philadelphia, PA 19122
267-764-3724
(Cell) 215-816-5942
www.fishtowndistrict.com
“Find It In Fishtown”

From: Zak Pyzik <ZPyzik@prla.org>
Sent: Wednesday, March 16, 2022 9:21 AM
To: Ian Daniels <Ian.Daniels@phila.gov>
Cc: James Kellett <James.Kellett@Phila.gov>
Subject: PRLA Comments on Regulations re. the Licensure and Operation of Streeteries on Authorized Portions of the Right-of-Way

External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.

To Whom It May Concern,

I hope this email finds you well. Attached are public comments from the Pennsylvania Restaurant & Lodging Association on regulations re. the Licensure and Operation of Streeteries on Authorized Portions of the Right-of-Way. Please do not hesitate to contact me if you have any questions or concerns.

Best,
Zak Pyzik

--
Zak Pyzik | Director of Government Affairs



Pennsylvania Restaurant & Lodging Association
100 State Street, Harrisburg, PA 17101
717-963-8366 (direct) | 570-579-3644 (cell) | zpyzik@prla.org | www.prла.org

Promoting, protecting and improving Pennsylvania's hospitality & tourism industries.



March 16, 2022

Philadelphia Department of Streets
1401 John F Kennedy Blvd.
Philadelphia, PA 19102

Philadelphia Department of Licenses and Inspections
1514 Cecil B. Moore Ave.
Philadelphia, PA 19121

Re: Philadelphia Outdoor Dining Regulations

To Whom It May Concern,

The Pennsylvania Restaurant & Lodging Association (PRLA) represents nearly 4,000 members statewide and hundreds of members in Philadelphia. We have worked congruently with the Philadelphia Department of Streets and the Department of Licenses and Inspections on various issues in the past. And we have always appreciated the Departments' commitment to our communities. This time is no different. We appreciate and understand the magnitude of the Departments' responsibility in this case, and we feel confident the Department and the public share a common goal of wanting a fair and vibrant outdoor dining program. PRLA represents the entirety of the foodservice industry in Philadelphia, and we submit these thoughts and comments based on the feedback we've received from PRLA members and operators from all throughout the city.

We're thankful for the Department's outreach on this subject and for meeting with PRLA regularly to discuss concerns. Below are some items we think the Department should consider before taking next steps:

- Regarding “Inclement Weather,” the regulations state *when the weather forecast calls for inclement weather, including but not limited to high winds, the Streetery structure must be removed in advance of the severe weather. Removal in such circumstances is the responsibility of the licensee.* Operators in the city understand that these structures are not meant to be permanent but instead temporary. And due to that temporary nature, it’s expected that operators will likely have to remove their structures for all kinds of reasons ranging from construction to concerning weather. We fear, however, that requiring structures be removed for all “inclement weather” puts an unnecessary and challenging burden on operators.

Fox29 reported in fall of 2021 (<https://www.fox29.com/weather/a-lot-of-active-weather-here-philadelphia-tops-nation-with-nearly-2800-storm-reports-since-june>) that “since June 1, the National Weather Service office in Mount Holly, New Jersey, which covers the Philadelphia area, has recorded 2,749 storm reports. That is the most in the entire nation over that period, and it’s not even close.” As a result, many operators fear they’ll be expected to remove their structures at the last minute due to storms that’ll likely pass or might miss altogether.

PRLA kindly requests that the Department reconsider this terminology and perhaps flesh out what sort of weather events they expect to be most problematic.

- The regulations, as written, require a security bond be secured to cover costs in the event a structure is abandoned. Specifically, the regulations say, *a security bond in the amount of Sixty Thousand Dollars (\$60,000) for the cost of any potential removal of the Streetery and restoration of the Right-of-Way by the City.*

We know that the Administration is committed to equal access to streeteries for all operators in the City of Philadelphia. Unfortunately, after speaking with dozens of restaurateurs re. these regulations, we’ve been informed that this coverage will be a significant obstacle for many businesses in the city. It’ll specifically be challenging for many smaller restaurants, and independent restaurants, and restaurants that are minority owned. We hope the city will consider changing this requirement to account for operators that may have different financial and credit hurdles to jump. For some, the bond will not be difficult to secure. However, it will be difficult for others, and we know that it is not this Administration’s intent or desire to box out some operators and not others.

PRLA has talked to dozens of operators about costs to remove a streetery structure. The average is about \$10,000. Many have told us that \$60,000 insurance on streeteries seems excessive.

- Out of all of the emails and inquiries we’ve received re. the regulations, it’s the annual license fee that we were contacted most about. Restaurants of all sizes – your large chains to your small independents – have voiced their concerns and have told us that they do not feel that the license fee is fair, reasonable, or necessary.

We strongly recommend that the Department reconsider this annual fee and work to establish a fee model that allows all Philadelphians to participate in the outdoor dining program. Based on our research and feedback, we suggest a tiered license fee structure that encourages good operators and is inclusive of all of those in Philadelphia that may want to operate a streetery. We recommend that the city adopt a multi-tiered fee model, such as:

- Formerly approved streeteries can initially renew for a first time at \$1,000.
- Those formerly approved streeteries will have a \$500 renewal fee, yearly, thereafter (with no citations).
- New streetery - \$1,500 initial filing fee

If you have car insurance and go a year without any driving infractions or tickets, the insurance company will oftentimes reduce your premium rate. Similarly, we think it would encourage good behavior amongst operators, and help with enforcement, if these fees are linked to good records.

We also feel that consideration ought to be given to those streeteries that are already permitted to operate in the city (about 500-800 licensees). The new license fee is an opportunity for the city to account for currently approved streeteries, and bring them into the program by allowing them to skip that initial filing fee, and instead start with the second level on the tier — a \$1,000 renewal (at one year). This would provide a huge lift to the industry. And restaurants in the city can use it now, more than ever, given the additional layer of mitigation endured by city bars and restaurants compared to operations in surrounding counties.

- PRLA has heard from dozens of owners and operators in the city concerned about the Art Commission's role in the approval process. We've explained to those that have reached out, and will continue to explain, that this is required by the Philadelphia Home Charter as it was explained to us. In other words, there are no alternatives to this process. Nevertheless, operators are anxious about what this additional layer of approval could entail. And furthermore, they admittedly fear the process may not be fair and consistent, and that certain geographical designations may be reviewed differently than others.

We understand the Art Commission's required role in approving the designs of Streeteries, however, we ask that the city work to streamline and standardize that process as much as possible. Specifically, we ask that the Art Commission preemptively produce approved designs and also list out certain design concepts that would prohibit approval (other than those spelled out in the legislation and elsewhere in the regulations). Most preferably, operators think it will be helpful if there are pre-approved design blueprints to select.

Some restaurant owners are not able to hire architects and engineers simply for projects that may end in denial, and so it would be extremely helpful to have a select amount of pre-approved streeteries ideas that they can work to construct and perhaps customize. We understand that the Art Commission is already working to establish a system that can approve design ideas expeditiously. In addition to the approval being fast, it's vital that the process be fair, consistent, and transparent so that operators do not waste time and/or money.

When creating e-filing software, we ask that the Art Commission work to simplify that process to one single form as to minimize administrative costs and duties that come with the process. We feel very confident that pro-active and preemptive guidance will not just help the restaurant industry, but will help the city with their administrative obligations as well. PRLA will stand ready to assist and help the city provide this information to operators.

- From the regulations: *Wiring running across the sidewalk or overhead is prohibited. Any plug-in electrical fixtures, or electrical equipment, must be powered by a portable generator, unless wiring is installed in underground conduit, permanently connected to the main electrical panel of the Licensee's property, and approved and inspected under an electrical permit issued by L&I.* It's been brought to our attention, however, that many operators have already installed and equipped their streeteries with overhead conduit that is both safe and cost-effective.

Below are two pictures for your consideration. These are members with conduit, and they are operating safely. We know the city is committed to safety, but some places have figured out a way to accomplish this safely without having to go under the street. Without propane, there needs to be reasonable solutions for things like lighting. We do not think the noise produced by generators would be good for the city. We kindly ask that the Department consider reasonable solutions that will assure functionality for restaurants and safety as well.





- The regulations require that, *Every side of the Streeteries except for the curbside must be protected by crashworthy barriers, which is either: a water-filled jersey barrier at least eighteen (18) inches wide by thirty-two (32) inches tall by seventy-two (72) inches long; or ii. a barrier which, by written certification of a design professional, provides an equivalent level of protection, approved by the Streets Department.*

There is no such thing as something that is “crashworthy.” Accidents, unfortunately, can happen, and they can happen in a variety of different ways with tons of different outcomes. It’s impossible to design something that is truly “crashworthy.” We ask that the Department flesh this out and clarify what the city’s expectations are when it comes to preventing crashes and keeping customers safe.

We understand why many of these regulations are necessary for public safety and to help keep Philadelphia the beautiful city that it is. We appreciate the City's commitment to working with the hospitality industry to assure that the regulations are functional and reasonable.

Thank you in advance for your consideration of these comments. We hope to continue an open dialogue on this subject as changes are considered.

Qamara Edwards
Philadelphia Chapter President
Pennsylvania Restaurant & Lodging Association (PRLA)

Zak Pyzik
Director of Government Affairs
Pennsylvania Restaurant & Lodging Association (PRLA)

From: Eryn Santamoor <Eryn.Santamoor@Phila.gov>
Sent: Wednesday, March 16, 2022 10:37 AM
To: Carlton Williams <Carlton.Williams@phila.gov>; Richard Montanez <Richard.Montanez@phila.gov>;
Noelle Marconi <[Noelle.Marconi@phila.gov](mailto>Noelle.Marconi@phila.gov)>; Ralph DiPietro <Ralph.DiPietro@phila.gov>
Cc: Ian Daniels <Ian.Daniels@phila.gov>; Gontek, Tara <TGontek@pahouse.net>; Allan Domb
<Allan.Domb@Phila.gov>
Subject: Streeteries reg hearing

Hi all.

State Rep. Joe Hohenstein wishes to attend and speak at today's hearing. His office reached out to me this morning and they have now registered, but if there was a deadline on registration, Councilmember Domb wants to be sure he is recognized to speak. To that end, his Chief of Staff, Tara Gontek, has been copied on this email in case anything further is required.

Thank you,
Eryn



Eryn Santamoor

Chief of Staff

Philadelphia City Council

Councilmember Allan Domb's Office

Eryn.Santamoor@Phila.Gov

(215) 686-3414 (office)

Follow Councilmember Domb on Social Media!

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From: Heather Gleason <heather@gooddogbar.com>
Sent: Tuesday, March 15, 2022 3:15 PM
To: Ian Daniels <ian.Daniels@phila.gov>
Cc: Dave Garry <dave@gooddogbar.com>; James Kellett <James.Kellett@Phila.gov>
Subject: Comments for Streeteries Hearing

External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.

Please accept these comments for consideration regarding the zoom hearing tomorrow for streeteries.

We have been in limbo for two years since the pandemic began and our industry has been hit harder than any other. The streeteries have been a true lifeline in helping us make it through the pandemic. The last surge was in January, so we are not out of the woods yet. We feel streeteries should be allowed to continue operating throughout the summer while we work towards finalizing all rules and regulations. We have spent \$30,000 on our current streeteries which will no longer be viable once the proposed regulations become law. Being able to operate throughout the spring and summer would go a long way towards helping us recover from our losses and save the funds needed to meet all new requirements. The timeline for enforcing these regulations once finalized will need to be flexible as every restaurant in Philadelphia will be seeking assistance from the same group of architects and contractors to help complete the new and improved design and buildouts. Fall/Winter would be much better timing for us all to organize proper design, approval, and construction. The proposed regulations cannot be met overnight. For example: we will need to have our current streeteries demolished before we can re-build to new specifications.

Regulations we would like to see adjusted or clarified:

1. Use of neighboring properties. This is a huge issue for most of us as Philly is a very old city and many of us operate in small buildings. Our building is a standard rowhome which gives us 15 feet of frontage and nowhere enough space for a proper streterey. Our neighbors are an apartment building with a bank on the first floor and they have given us permission to use some of their frontage for our streterey since the start of the pandemic. Their tenants are all customers and love having the outdoor seating. We are using the street not the sidewalk, so technically it is the city's property not ours or theirs. I am not sure why using the street in front of a neighbor is an issue, especially when they are huge fans of it? The parking in front of us was loading during the day and parking from 6pm-8am before the pandemic. The new streterey we would be looking to build will use even less space than the current structure, but during the pandemic we had to go with whatever we could get as everyone needed the same materials and outdoor furniture. **We are working with Councilman Johnson's office to obtain a variance to use a bit of our neighbor's frontage, but until rules and regulations are officially laws, we cannot proceed.**
2. Removal of streterey within 48 hours of inclement weather. How are you defining inclement weather? Streeteries have been up for 20 months, and we have been through plenty of storms involving heavy rains, winds, and snow. We did not experience any issues through any of the storms of any kind. We are on 15th street, and it is plenty windy daily. Shoveling snow around the structure was simple and our outside wall was

hit by a plow during one snowstorm, and it left a small scratch but did not cause any serious damage or movement. I do not think 48 hours is a reasonable amount of time to organize taking an entire structure down and storing it, especially since we rarely get much notice when storms hit-they tend to come in fast and often out of nowhere.

3. The \$60k security bond for removal of structures is excessive and ridiculous. We work with TSC Builders, and they have built most of the streeteries in center city and have already demolished several streeteries as well. They charge between \$3-4k for demolition based on size and materials used. I have no idea where \$60k came from, but it is far more than demolition will ever cost. If we want to be sure everything is covered, I suggest a \$10k bond which is more than double to cost of removal.
4. Annual fees. While we do not think \$2,200 is unreasonable, we do understand this fee would be difficult for smaller businesses that do not have the same volume we do. \$2,200 is double the cost of renewing our liquor license yearly and 5.5 times more than renewing our food license yearly which makes it seem a bit out of whack. Why not streamline it with the other renewals and charge \$1,200 for yearly renewals? We are all still recovering from the losses incurred due to the pandemic, so I would suggest starting fees in 2023 and allowing us all the rest of 2022 to get financially healthy again.
5. Art Commission approval. Traditionally the art commission has taken several months to years to approve designs, and this is what has restaurants worried. We have heard rumors that they will be streamlining the streetery approval process but could use more definitive info on this process. Giving us all some pre-approved design specs would be very helpful and could make the process much easier for the Art Commission. We have been working with the CCRA to develop a streetery plan that makes sense for our neighborhood and abides by all proposed regulations. They have said they would be more than happy to share design ideas to help facilitate this. Center City has more streeteries than any other neighborhood, so they feel they have a lot of experience with what will work best, abide by all regulations, and make safety a priority.
6. Supplying electricity. Both L&I and the Streets department had us install electrical conduit from our building up and over to our streetery last summer, so I am not sure why this is now not part of the plan? It cost us \$1,500 to do this and now we are being told it will have to be underground versus overhead and out of the way. I cannot see how we can make easily removable structures with electric coming from underground. Digging up the sidewalks seems excessive and problematic for pedestrians.
7. Banning the use of propane on the street but not the sidewalk. This makes zero sense to me. If propane is not safe than why can it be used on the sidewalk? A vehicle can just as easily crash onto the sidewalk as they can something on the street. We have safely used propane in the streeteries for two winters now and there have been no issues citywide. If we are granted a permanent streetery we would prefer to swap to mounted electric heaters as propane is quite expensive and electrical heaters offer far better heat overall. This is where the electrical requirements come into question again. Electric heat takes far more power than lighting, so we could use more clear-cut electrical guidelines. I have heard generators mentioned, but I am not sure how they make sense if removal is a priority? In lieu of propane, electrical heaters make the most sense. They are costly, but an expense most of us can get behind if we gain permanent streetery licensing. During the pandemic spending the money on electrical heaters we may have had to throw out in a few months was not sensible, but now they are a great option.
8. Crash proof barriers. This is something we need more clarification on as none of us fully understands how to incorporate this into our designs. Safety is a priority, so we need to learn more about what crash barriers are to be used and how to best keep our guests safe. We also need to know how do they impact the 6 feet from the curb rule?

After reviewing all the proposed regulations, we cannot help but wonder if the goal is for less structure overall? If the goal is to be easily removable than building structures does not seem realistic. Typing this has us thinking that maybe the best solution is for more simplified outdoor seating. The quote we received for a new structure observing all proposed regulations is \$50,000 which is tough considering we will have to demo the current structure that cost is \$30,000 during the height of the pandemic when funds were beyond tight. Outlining a simpler outdoor area and not building a new structure would be far more cost effective for us. Would crash barriers be enough to define and protect the streetery space versus building a structure? Maybe it would be best if we did something less permanent that could be stored during the winter months to allow for proper plowing and street maintenance during the off season. I can only speak for us, but we would be happy to have outdoor seating restricted to the milder months versus not at all. I would suggest 3/15 – 11/15 since our springs and falls have been quite mild. Building structures were just done b/c the pandemic kept us from serving indoors during the colder months. Making this more seasonal and less of a structure would solve several issues all around like heating, removal costs & time, time to complete roadwork projects and electrical needs. The one issue we would face without proper structures would be ADA compliance. Having outdoor seating allowed us to serve people in wheelchairs for the first time since we opened 18.5 years ago. Our building is over 100 years old, three floors, small and narrow. Our sidewalk is not deep enough for a ramp, so having outdoor seating made us accessible for the first time. Being able to serve these folks outside was a huge win for us and without the outdoor seating we will no longer be able to host anyone in a wheelchair. Proper structures would make being ADA compliant even easier as decking allows for level access from the curb-this would be the one thing that makes structures more sensible. The curb out front of Good Dog is low, so everyone in a wheelchair just wheeled over the curb and onto the street-they did not have any issues doing this as most were delighted to have so many new dining options available to them. Honestly, giving folks who are disabled so many more dining options might be the best reason to keep streeteries permanently and to ease up on some of the requirements which will make it impossible for most restaurants to comply with.

Thank you for your time and consideration. We will be attending the hearing tomorrow via zoom should you have any questions or concerns regarding any comments we made. If you need any clarification before the hearing, please do not hesitate to email or call. My cellular is 610-564-0663.

Best regards,
Heather Gleason & Dave Garry

Heather L. Gleason

Proprietor

Good Dog Bar

224 S. 15th St.

Philadelphia, PA 19102

215-985-9600p 215-985-1918f

Coming Soon

3426 Atlantic Avenue

Atlantic City, NJ 08401
609-808-3038p
www.goooddogbar.com

EXHIBIT G
Hearing Transcript

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(This is an audio file

3

transcribed by Amy Marzario, Court Reporter
4 with Strehlow Court Reporting.)

5

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6

MR. FECTEAU: Welcome to the

7

March 16, 2022 public hearing on the joint

8

regulation regarding the licensure and

9

operation of streeteries on authorized

10

portions of the right of way. I'm David

11

Fecteau with the City Planning Commission

12

staff. We are hosting this meeting on Zoom.

13

We may also have some people join us by

14

phone. This meeting will be recorded.

15

During today's hearing,

16

representatives of the Department of Streets

17

and from the Department of Licenses &

18

Inspections will introduce themselves.

19

Following the introductions, members of the

20

public will be asked to offer comments

21

concerning the joint regulation regarding

22

the licensure and operation of streeteries

23

on authorized portions of the right of way

24

published February 11, 2022.

1 Following the hearing after due
2 consideration, a report of the hearing
3 reaffirming or modifying the regulation will
4 be filed with the Department of Records by
5 the Department of Streets and the Department
6 of Licenses & Inspections.

7 Those of you who are joining us on
8 Zoom will have two options to comment. If
9 you would like to speak, click or tap on the
10 Raise Hand button on the menu bar on the
11 bottom of your screen at any time during an
12 agenda -- during the agenda item. You'll be
13 called on and have the opportunity to speak
14 to the representatives of the audience --
15 and the audience.

16 If you're joining us by phone, you
17 can press star 9 to raise your virtual hand
18 to speak. We ask that you limit your
19 comment to three minutes to ensure that
20 there's ample time for everyone present to
21 contribute. Please only use the Q and A
22 function if you have questions about the
23 meeting process.

24 If you would like to provide

1 written testimony or a written comment,
2 please provide it via e-mail to
3 ian.daniels@phila.gov. That's
4 I-A-N.D-A-N-I-E-L-S@P-H-I-L-A.G-O-V.

5 And now I'll turn the meeting over
6 to the representatives from the Departments
7 of Licenses and Inspections and Streets to
8 introduce themselves.

9 MS. GUSS: Hi. I'm Karen
10 Guss. I'm the Chief of Staff at the
11 Department of Licenses & Inspections.

12 MR. MONTANEZ: Good morning
13 -- or good afternoon. Richard Montanez,
14 Deputy Commissioner of Streets.

15 MS. MARCONI: Good afternoon.
16 Noelle Marconi, Director of Legislative
17 Affairs, Department of Streets.

18 MS. DEL ROSSI: Kristin Del
19 Rossi, Director of Operations, Streets.

20 MR. FECTEAU: Okay. Do we
21 want to begin taking comments?

22 MS. GUSS: Yes, let's do
23 that.

24 MR. FECTEAU: Okay.

1 Councilmember Domb, welcome to the meeting.
2 You're unmuted. Please unmute yourself and
3 give the panel your comments.

4 MR. DOMB: Thank you very
5 much. I want to thank the administration
6 for holding this hearing today and for your
7 willingness to seriously consider changes
8 that may help this program. Our goal is to
9 make this successful for businesses, for
10 their customers, and for government. I want
11 to thank Streets, L&I, OTIS, Commerce, and
12 City Planning.

13 And, you know, we'll say this.
14 Every information chart you see it is clear
15 from the pandemic that the hospitality
16 industry was crushed by far more than any
17 other industry. Like just looking at
18 employment numbers, the only agency or
19 business that had positive employment was
20 the government and every other industry had
21 a loss of employment with hospitality being
22 the worst at 28% loss of employment. Both
23 of those are within less than 3 to 5%.

24 You know, we've already spoken

1 about many of the issues and we'll continue
2 to try to move some of these regulations
3 forward but I want to just briefly discuss
4 some of the suggestions for moving forward.

5 So I want to strongly urge the
6 administration to consider the fact that
7 most restaurant owners represent our
8 smallest and most diverse businesses across
9 the city and it's important that we support
10 them and help them get through this
11 pandemic.

12 And, you know, what we don't
13 realize is that January and February were
14 like knockout months for many restaurants,
15 especially the smaller ones, with the
16 Omicron variant. They had no PPE, no monies
17 from anywhere. They had to survive during
18 those two months. So I want to be clear
19 that outdoor dining is still new and we
20 should be careful not to overburden the
21 market before we really see its full effect
22 and how it's going to occur in a post-Covid
23 environment.

24 Our goal here really is to have a

1 safe environment, a fun environment,
2 interesting spaces for our residents and
3 visitors to enjoy, and for people in the
4 city to bring them back into a lifestyle
5 that I think people really like and that's
6 eating outdoors.

7 Remember that the employees of our
8 hospitality industry, the majority, I would
9 say 90-95 percent, are Philadelphia
10 residents so it's important that we support
11 these businesses. So with this thought in
12 mind, here are some suggestions.

13 One, provide a sliding scale of
14 licensing options that the cost of the
15 license is based upon the capacity or the
16 seasonality of the streetery and the effect
17 those factors may have on administering the
18 program, what the costs are to administer
19 it.

20 Someone who uses, for example, the
21 public right of way for only two or three
22 months out of the year clearly would have
23 less oversight and enforcement than others
24 that are using it six months or twelve

1 months. So if there's, you know, options in
2 the type of licenses and the associated fee
3 seems reasonable.

4 Second, eliminate the need for a
5 security bond at this time and revisit it
6 later or not at all. I understand this is
7 something the City often asks for as a
8 security monitor permitting, however
9 security bonds and the associated rates are
10 based upon a business owner's financials.

11 And at this point, most of our small
12 restaurants don't have the financials to
13 even get a bond. It's unreasonable. I've
14 talked to several insurance people about
15 this.

16 Also, we have no idea how often the
17 issue of removal or remediation of the
18 streets will come up nor do we have any
19 sense of the true cost associated with this
20 process. So by asking everyone to obtain a
21 security bond, you're only allowing our
22 wealthier owners in the hospitality industry
23 in the most affluent parts of the city to
24 access the streetery program. I don't think

1 that's what we want to do coming out of this
2 pandemic, or ever for that matter.

3 Next point is the Art Commission
4 approval process. While I agree we want to
5 seek their approval, there's no mention of
6 design criteria or standards in the
7 regulation so it's unclear to our restaurant
8 people how they'll make their decisions.

9 This should be addressed in the regulations.

10 As we've discussed, it must be some
11 basic agreed-upon standards on how the
12 structures look and feel in all parts of the
13 city. I've advocated for providing owners
14 with one to three options. On design, they
15 can choose to create a streamline approval
16 process and to ensure continuity in design
17 across the city.

18 These should be recognized and
19 standardized for residents and patrons. If
20 an owner has another idea beyond the three
21 options provided and can meet the City's
22 requirements, that's fine. It may take a
23 bit longer. They may have additional hoops
24 to jump through but they should be allowed

1 to do that. Otherwise, we should stick to
2 the options provided.

3 I'm trying to make this simple,
4 quick, and easy. Lastly, I will say that
5 the lighting, heating, or cooling issues,
6 they have to provide a reasonable way into
7 which streeteries can provide a safe and fun
8 experience. The regulations go into detail
9 about what they cannot do in this section
10 and they don't provide real clarity on
11 what's allowable. So I appreciate the
12 concern for safety in using propane and gas
13 heating options.

14 If we can run lines underground in
15 a matter that any other business or
16 contractor runs lines with all necessary
17 certifications and billing permits, then it
18 seems there should be an option for business
19 owners. Additionally, we need lighting
20 options in these spaces.

21 I'd like to see better guidance on
22 how lights can be allowed to keep these
23 spaces vibrant, safer, and enjoyable for
24 both patrons and people passing by in

1 vehicles or on foot. These are the most
2 concerning issues with the regulations.
3 There's more minor details my office and I
4 have covered with your office.

5 I look forward to our next
6 conversation and expect changes will be made
7 to help ensure the restaurants, which is
8 such an important part of our economy, can
9 pursue this program successfully and people
10 can enjoy these new spaces safely. So thank
11 you for all you've done and I look forward
12 to this hearing. Thank you.

13 MR. FECTEAU: Thank you,
14 Councilman. I had an e-mail asking if
15 Representative Hohenstein could speak. I
16 don't see the Representative in the
17 audience. I do see Tara.

18 Tara, if you are going to be
19 speaking on behalf of the Representative,
20 would you raise your hand, please? If not,
21 we'll move on to some of the other
22 panelists. Hi, Tara. You're unmuted.

23 MR. HOHENSTEIN: Yes. It's
24 actually Representative Hohenstein.

1 MR. FECTEAU: Oh, hi. How
2 are you? I'm sorry.

3 MR. HOHENSTEIN: So, first of
4 all, thank you to all of the city agencies
5 for holding this joint hearing and for
6 listening to the concerns about this. I'm
7 going to start with indicating that I do
8 agree with everything that Councilmember
9 Domb just discussed and all of his concerns.
10 And I want to let folks know two different
11 perspectives I want to add to that.

12 One is for my district which is the
13 River Wards going into the Lower Northeast
14 and at the risk of being cliche, my
15 restaurant owners are not places where
16 people can count on a whole lot of revenue.
17 They're counting on revenue from a regular
18 set of customers that they've been trying to
19 serve. The cliche is everybody knows your
20 name.

21 So those are the small spaces and
22 the diners, the other places, that need
23 access to outdoor dining in the form of
24 sidewalk, cafe permits, and the streeteries.

1 And the way that this currently has
2 been structured, I can't even begin to
3 recommend streeteries as an option for any
4 of the businesses in my district because all
5 of the additional costs and hoops that
6 you've placed in these regulations simply
7 make it financial untenable for any of them
8 to even consider doing even though there
9 would be some real significant benefit to
10 their continuing to be able to operate both
11 in their normal capacity and in this
12 expanded capacity for outdoor seating.

13 And that impact is something not
14 just of an individual business but for
15 entire corridors. I've got corridors on
16 Frankford Avenue, Cottman Avenue, Allegheny
17 Avenue. I've got a number of different --
18 Lehigh Avenue even. There are places in our
19 neighborhoods here in River Wards and in the
20 Lower Northeast that could absolutely
21 benefit from an accessible streeteries
22 program.

23 And what you've got for all of the
24 reasons that Councilmember Domb discussed

1 isn't accessible to those mom and pop and
2 small, you know, one-stop places. It's just
3 not something we can do.

4 The second perspective I want to be
5 able to give to you is a recognition that
6 from a state level -- and I worry about this
7 program having been established with some of
8 these higher fees being looked at by the
9 city as a revenue generator and I would
10 really encourage it not to be looked at as
11 that.

12 And I think the original intent of
13 the legislation was to help our businesses
14 in our neighborhoods pull out of the
15 pandemic. And so the accessibility of the
16 program for that -- to meet that legislative
17 intent from the council is really what we
18 ought to be doing. But I also recognize the
19 financial stresses and strains that are
20 coming in.

21 And so I want to be able to say I
22 know for myself and I can certainly say a
23 number of my other colleagues in the
24 legislative delegation for Philadelphia

1 would support mechanisms that would provide
2 some support to Philadelphia as it assumes
3 some of the cost or some of the different
4 expenses that will be coming along with an
5 expanded streeteries program.

6 And, you know, we will do what we
7 can to make sure that that remaining Covid
8 relief money that still hasn't been really
9 properly allocated at the state level,
10 there's other types of programs that are
11 coming in with infrastructure bills and
12 other federal funding where the State needs
13 to begin directing funding.

14 And I think if we can be creative
15 in the way that we work to get Harrisburg to
16 provide some of the support to the city,
17 then you wouldn't need to look at this as a
18 revenue generator because from the outside
19 looking in, that's really what it looks like
20 here.

21 And I don't believe that was the
22 original intent of the legislation from the
23 council and I would hope that you can begin
24 to, you know, take some steps back

1 recognizing again the physical constraints
2 that all of the departments are under.

3 I know in particular L&I with some
4 of its inspectors, I have difficulty getting
5 regular residential construction inspected
6 and, you know, acted upon and that's
7 something that I know there are stressors
8 and strains for the city government on.

9 But I don't think we should be
10 doing it on the backs of our small
11 restaurants especially not the folks, you
12 know, who are in my district who -- they're
13 all going to the same restaurants that
14 they've always gone to and they want to be
15 able to go there. And those restaurants
16 deserve some ability to get back some of --
17 a lot of what they lost during the pandemic.

18 So thank you once again. I
19 appreciate everyone for your time and remain
20 open to having continued discussions with
21 any of you especially on the issues I
22 raised.

23 MR. FECTEAU: All right. We
24 have Nate Ross. Nate, please state your

1 comment.

2 MR. ROSS: Good morning,
3 everyone. Nate Ross. I'm the owner of the
4 New Wave Cafe at 3rd and Catharine in
5 Philadelphia. I've been doing this for 38
6 years. The last two years and change have
7 been the biggest challenge I've ever had to
8 face and to my partner's and I's credit, we
9 met it.

10 We've been open every day.
11 Whatever limit or law or regulation you
12 allowed us to do, we adapted and did and I'm
13 back having 27 souls getting a paycheck.
14 It's beyond disillusionment that these rules
15 were created without anyone in our industry
16 chiming in. I mean, I would argue the whole
17 thing needs to be torn up and thrown away.
18 Have a real productive meeting with some
19 leaders of my industry.

20 We don't need anyone else other
21 than L&I. Karen's office does a very good
22 job. I'm sure Streets wants nothing to do
23 with this if I was to guess what he's
24 thinking in the back of his head.

1 And we all get health inspected
2 once a year. And what would be the
3 difference with them spending another five
4 minutes in our streetery or outside than it
5 is for the regular inspection that they do?
6 Art Commission, are you kidding me? We have
7 to heat them so there has to be some
8 mechanism for having propane. That's just
9 reality, folks.

10 And I would also argue that this is
11 what customers expect now because many of
12 them are still gimpy about going inside.
13 And then I'll go to further make my point,
14 look, we're here on Zoom right now. We're
15 not even in person. So to think that this
16 isn't a big deal for us and if created now
17 with money issues and stress issues -- I
18 also talked to an insurance person about
19 trying to -- I'm insured inside but this
20 bond thing, they didn't even know what I was
21 talking about.

22 And I agree to be licensed,
23 insured, and follow the rules. I assure you
24 my company does and most of us are doing the

1 right thing. I thank you for your
2 listening. And truth be told, I'd really
3 like to have a question asked of me by one
4 of you if anyone would have one 'cause it
5 might -- you're getting a man off the
6 streets' perspective here.

7 MR. MONTANEZ: Are you asking
8 if the Streets Department has a question for
9 you, Mr. Ross?

10 MR. ROSS: I'm asking for
11 some sort of a back-and-forth dialogue.
12 Okay? It would be more productive in my
13 opinion, sir, if all of us could as someone
14 chimes in on something someone has something
15 else to say as opposed to you're going to
16 listen to a bunch of us rant. And you've
17 already heard a couple of politicians
18 politician.

19 The idea is to make this actually
20 work and function because our industry is
21 every day. There's no it's snowing out or
22 the dog got sick or somebody ate my
23 homework. All of us who are adults who work
24 in this business get up every morning and

1 slog through it because they have to. Have
2 to is the key part of that sentence.

3 MR. MONTANEZ: I will
4 elaborate on what you said and thank you for
5 what you've said. And, yes, we are -- we
6 have representatives from restaurants that
7 have helped us. The public right of way is
8 managed by the Department of Streets and not
9 Licenses & Inspections and that is why these
10 are Department of Street's regulations. So
11 that is why.

12 Parking, loading zones, public
13 sidewalks, all that falls within the
14 jurisdiction of the Philadelphia Streets
15 Department. So this is a case where
16 multiple departments are working together to
17 do the best we can for the businesses and
18 we're hoping to put a program forward that
19 would help businesses grow.

20 MR. ROSS: Well, look, I
21 appreciate your frankness and I had sidewalk
22 dining for 25 years at my place. Another
23 part of the law that's been written now is
24 that it's not the same for everybody.

1 There's enterprise zones in different
2 people's districts. There isn't a one size
3 fit all.

4 And for an example, it's my
5 understanding that I actually might be
6 outside of -- well, I was always outside of
7 the zone for regular sidewalk dining and had
8 to have an ordinance written by my
9 councilman. I don't know where we stand
10 right now. I mean, I'm currently licensed.
11 Whatever you guys have asked us to do we've
12 done. We submitted plans. We submitted
13 insurance. We submitted -- you know, you
14 had to be fifteen feet from this and seven
15 feet from that.

16 I mean, I assure you, you could
17 pull my license. We have filed every
18 guidance that's been out there. And I guess
19 that's why a lot of us who -- and this cost
20 us -- cost me like two or three days of my
21 life two summers ago trying to make this
22 happen 'cause nobody knew what the deal was.
23 One person would send me to one agency.
24 Someone else would send you to another

1 agency. A third person would be like, No,
2 I've got the answer.

3 And so I get the part that -- what
4 you're saying, sir, and having to work with
5 L&I. I certainly understand that part of
6 it. I just want to see it be easier and
7 less stressful on us. We've all -- everyone
8 -- all my colleagues, we've been really --
9 we've really been stressed. I mean, we just
10 came out of having to deal with checking
11 people's papers, their vaccination cards,
12 getting yelled at and screamed at by the
13 occasional asshole.

14 You know, it put us -- I mean, I'm
15 not a rich enough business. I didn't have
16 someone I could pay to do this. I did it.
17 My staff did it. And now thank God that's
18 coming down now and most importantly people
19 aren't getting sick anymore. Thank God.

20 So, look, I hope I tried to make my
21 point. I'm available and would love to
22 serve on any panel that would publicly be
23 put out there that anyone could sign up for.
24 And I guess if I had known about any of this

1 stuff, being able to have gotten involved
2 with it, I assure you I would've. I don't
3 want to sound like I'm a Johnny come late
4 and do my part but thank you for your time.

5 MR. FECTEAU: Thank you, Mr.
6 Ross. Councilmember Quiñones Sánchez, thank
7 you for joining us.

8 MS. QUIÑONES SÁNCHEZ: Thank
9 you. Good afternoon, everyone. I want to
10 just recognize all the hard work that has
11 gone to get us here and in a post-Covid
12 world really look forward to us rolling out
13 a program that changes the character of not
14 only downtown but for neighborhoods. I want
15 to thank the Department of L&I and the
16 Streets Department.

17 I have a couple recommendations
18 that I think, you know, some of the folks
19 who spoke before me, I think the regulation
20 around the Art Museum is one that could be
21 onerous. The Art Museum -- the Art
22 Commission are volunteers and we want to
23 make sure that we create a process that
24 allows people to move quickly. And so I too

1 want to weigh in that, you know, that
2 provision of it could complicate and delay
3 this.

4 As it relates to the insurance
5 component of it, I know folks need to be
6 insured. There has to be a way where we ask
7 people to add a rider regarding the
8 streeteries as opposed to an additional. I
9 am not one that wants to create more funding
10 or more money for the insurance industry so
11 I think within the million dollar
12 requirement there should be something that
13 says you can add a rider that says you have
14 a streetery and that that should be enough.

15 As it relates to the cost, I think
16 the cost would be fairer if it was scaled
17 based around the number of seating available
18 to restaurants. And I really want to again
19 push this from a Center City conversation to
20 a neighborhood conversation and in the
21 neighborhoods some of the streeteries that
22 we've, you know, embraced along Castor
23 Avenue as Representative Joe Hohenstein as a
24 colleague has expressed may only have six to

1 ten seating. And for them to pay the same
2 flat rate as people who have 50 seating I
3 think is unfair.

4 And so I do think -- I know it's
5 harder to manage from an operational
6 perspective but I think creating a tiered
7 process is a fairer process for us to get to
8 a better place.

9 And then, you know, lastly, you
10 know, we learned a lot during this process
11 of legalizing the streeteries and we have to
12 guarantee the industry that we're going to
13 be able to move this from beginning to end,
14 you know, in 45 days even when it requires
15 councilmatic movement, you know, that we
16 commit to a certain time line.

17 And I know that I'm working with
18 several restaurants in my district that fall
19 outside the guidelines. We want to have
20 these and many of these are wonderful. Some
21 of them are ugly and need to come down. We
22 absolutely need them to be safe in the
23 neighborhoods if this is going to be a
24 staple.

1 So I just want to thank everyone
2 involved and I think the insurance
3 provision, the art provision, and not having
4 a tiered process makes it unfair and I'm
5 glad that we're having this hearing and I
6 hope that you will listen to the feedback
7 that you will get today and make some of
8 those changes so that we can really embrace
9 this new form of business for the folks who
10 are doing it new and support the ones who
11 managed to utilize it in the core Center
12 City creating a different lifestyle.

13 So thank you very much, Deputy
14 Commissioner, and everyone involved in this.
15 I look forward to adding and continuing to
16 work with you through this process. Thank
17 you.

18 MR. FECTEAU: So I have Shawn
19 -- and, Shawn, I apologize if I mispronounce
20 your last name, McGrenahan.

21 MR. MCGRENEHAN: That's
22 actually spot on. I appreciate that. My
23 name is Shawn McGrenahan. I'm Director of
24 Operations for Winnie's in Manayunk.

1 Winnie's has been a mainstay in Manayunk in
2 the Philadelphia area for years and years
3 and years and plans to be there for more
4 years and years and years and as a part of
5 the streetery that developed there and this
6 is very important.

7 Streeteries became lifeboats out of
8 the operators during the pandemic. They
9 allowed us to bring employees back to work,
10 to continue to serve our loyal guests, and
11 to offer a little slice of normal that we
12 didn't realize for some time.

13 At the time, the City knew they
14 needed to support this extension to help
15 keep restaurants open. Streeteries have
16 become a staple and a natural extension of
17 restaurants in Philadelphia and many other
18 cities across America. Barriers to
19 operating were broken down in order to give
20 restaurant operators like us at Winnie's the
21 chance to rebuild their sales.

22 Winnie's has always been not just a
23 staple in Philadelphia but also a leader in
24 helping to create an atmosphere that's very

1 good and positive for business. Having a
2 streetery allowed us to stay afloat while
3 waiting for the days of returning to
4 normalcy. We did everything that was asked
5 of us and provided a safe environment for
6 our returning guests and our dedicated team.

7 While we were pleased with
8 Councilman Domb's leadership and City
9 Council's decision to allow the streeteries
10 to continue permanently, adding regulation
11 that would create an even playing field for
12 all operators to have an opportunity to
13 continue to improve is an already-essential
14 segment of our operation.

15 We really feel that the changes
16 that have been made to the streetery
17 requirements have created barriers to entry
18 and participation for many operators
19 separating the haves and the have nots.
20 While the regulation is welcome to make sure
21 that every operator is providing a safe and
22 comfortable environment for our guests and
23 teams, that program is very cost
24 prohibitive, is vague, obtuse, and needs

1 restaurant operators' input in order to
2 survive.

3 Today we're asking the Streets
4 Department and L&I to reconsider some
5 aspects of the additional regulations to
6 Councilman Domb's bill first to lower the
7 annual licensing which many people have
8 already spoken about already. The licensing
9 fee is high, it's cumbersome, and it's
10 something that frankly many operators just
11 can't afford.

12 Establish transparency with the Art
13 Commission through a process to ensure both
14 a fair and timely preapproval process.
15 Create templates that operators can use to
16 help streamline the process and lower cost
17 of schematic drawings and architectural
18 fees.

19 Eliminate the need for removability
20 within 48 hours and trust construction in
21 streeteries to design and construct based
22 upon the clearly-defined requirements as has
23 been done for over 18 months. Allow the
24 existing gas and electric connections to

1 remain after proper inspection and safety of
2 the guests and teams are guaranteed as well
3 as create a template for how to properly
4 bring those services to the streeteries.

5 We really feel like there was such
6 an effort to help restaurants, help
7 restaurants that were decimated during the
8 pandemic that were, you know, working
9 paycheck to paycheck, were laying off
10 people, were trying to figure out how to pay
11 people, trying to figure out how to, you
12 know, keep their business alive.

13 The big operators, the chain
14 operators, the ones with the deeper pockets,
15 they didn't have to worry as much about
16 those four, five, six tables that were
17 outside because it wasn't necessarily the
18 bloodline of what they were doing. But for
19 many independent operators which is the far,
20 far and away, the majority of what the
21 operators are in the city, they became the
22 lifeblood.

23 And I think putting up barriers for
24 people to be able to take advantage of the

1 streetery program as opposed to allowing it
2 to be an open market for people to be able
3 to say, Hey, I need to be able to generate
4 revenue for my business, I need to continue
5 to generate revenue for my business,
6 businesses have done everything they could
7 to try and make sure that, you know, they
8 were doing things the right way.

9 Anytime something -- some other
10 rule or regulation came up, we abided by
11 them. The vast majority of people abided by
12 them. We did everything that was asked of
13 us, you know. Even now when it comes to
14 being an operator, at Winnie's we pay far
15 above minimum wage, you know. We set our
16 standard at \$15.00 an hour long before
17 everybody else started to do it 'cause we
18 wanted to make sure we're creating a fair
19 environment for both our team and our
20 guests.

21 And to be able to do that, we need
22 this additional revenue. We need this
23 additional revenue stream in order to keep
24 that going. Thank you very much for your

1 consideration.

2 MR. FECTEAU: I have Zachary
3 next. Zachary?

4 MR. PYZIK: Hi. Can you guys
5 hear me? Well, thank you very much. Good
6 afternoon. My name is Zack Pyzik. I am the
7 Director of Government Affairs with the
8 Pennsylvania Restaurant and Lodging
9 Association, the PRLA. The PRLA represents
10 nearly 4,000 members statewide, hundreds of
11 members in Philadelphia specifically. And
12 as you can imagine, unpredictability has
13 plagued the hospitality industry for 20
14 months.

15 Now that we've seen a decrease in
16 Covid cases and mitigation has been rolled
17 back in the city, the path to recovery
18 hopefully starts this Spring. And if we can
19 get this program right, it can start
20 specifically with outward dining, something
21 Philadelphians and visitors have come to
22 love and something that has lifted the
23 industry at one of the most challenging
24 times in history.

1 I want to thank Councilmember Domb
2 for his hard work on this legislation and
3 for his comments today. I want to thank
4 Representative Hohenstein and Councilmember
5 Quiñones Sánchez for their comments as well.
6 And thank you to the Department for the
7 opportunity to offer public comment and to
8 the administration for being willing to
9 listen to stakeholders.

10 PRLA did submit expansive written
11 comments earlier this morning but I still
12 wanted to offer remarks synopsizing some of
13 the issues that we covered in those
14 comments. We're thankful for the
15 Department's initial outreach on this
16 subject and for meeting with PRLA regularly
17 to discuss concerns.

18 We were, however, admittedly
19 disappointed that we oftentimes found
20 ourselves playing catch up on certain
21 announcements. We weren't notified of the
22 initial regulations being posted until weeks
23 after when Councilmember Domb's office was
24 kind enough to contact us about them.

1 Furthermore, it's recently been
2 brought to our attention that just within
3 the last 48 hours there are additional
4 changes that might be considered regarding
5 the ability to access utilities. We feel
6 strongly that many operators in the city
7 continue to be surprised by announcements as
8 reflected by earlier comments in today's
9 program and just in general about the
10 rollout of the program.

11 In terms of the substance of the
12 regulations, however, there are a few things
13 that I'd like to address. First off,
14 regarding inclement weather, we fear that
15 requiring structures be removed for all
16 inclement weather puts an unnecessary and
17 challenging burden on operators.

18 Fox 29 reported back in the Fall of
19 2021 that since June 1 of that year, the
20 National Weather Service office in Mount
21 Holly, New Jersey which they cover the
22 Philadelphia area, they had recorded 2,749
23 storm reports in that small amount of time
24 which is the most in the entire nation over

1 that period. It's not even close.

2 And as a result, many operators
3 feel that they'll be expected to remove
4 their structures at the last minute due to
5 storms that will likely pass or perhaps miss
6 altogether. PRLA kindly requests that the
7 Department reconsider this terminology and
8 perhaps flush out what sort of weather
9 events they expect to be most problematic.
10 The regulations as they are written require
11 a security bond be secured to cover costs in
12 the event a structure is abandoned.

13 We know that the administration is
14 committed to equal access to streeteries for
15 all operators in the City of Philadelphia.
16 Unfortunately, after speaking with dozens of
17 restauranteurs regarding the regulations,
18 we've been informed that this coverage will
19 be a significant obstacle for many
20 businesses in the city.

21 It'll specifically be challenging
22 for many smaller restaurants, independent
23 restaurants, and restaurants that are
24 minority owned. We hope that the City will

1 consider changing this requirement to
2 account for operators that may have
3 different financial and credit hurdles to
4 jump. And for some, this bond will not be
5 difficult to secure, however, we ask the
6 Department to consider those comments on
7 that subject.

8 Out of all the e-mails and
9 inquiries we've received regarding the
10 regulations over at the PRLA, it's the
11 annual license fee that we were contacted
12 most about. We strongly recommend that the
13 Department reconsider this annual fee and
14 work to establish a fee model that allows
15 all Philadelphians to participate in the
16 outdoor dining program if they would like
17 to.

18 Based on our research and feedback,
19 we suggest, and we put this in our written
20 comments as well, a tiered license be
21 structured that encourages good operators
22 and is inclusive of all those in
23 Philadelphia that may want to operate a
24 streetery. We recommend that the City adopt

1 a multi-tiered fee model such as
2 formerly-approved streeteries perhaps can
3 initially renew for the first time at
4 \$1,000.

5 Those formerly-approved streeteries
6 that have a \$500 renewal fee yearly
7 thereafter assuming there are no citations
8 and a new streetery altogether we think a
9 \$1,500 initial filing fee is fair. We also
10 feel that consideration ought to be given to
11 those streeteries that are already permitted
12 to operate in the city, about 500 to 800
13 licensees.

14 That new licensee fee -- this new
15 licensee fee is an opportunity for the City
16 to account for currently-approved
17 streeteries and to bring them into the
18 program by allowing them to skip that
19 initial filing fee and instead start with
20 the second level on the tier, a \$1,000
21 renewal, which I imagine would help with
22 administrative costs and burdens as well.
23 Not to mention this would provide a huge
24 lift to the hospitality industry in

1 Philadelphia.

2 We understand the Art Commission's
3 required role in approving the designs of
4 streeteries. However, we ask that the City
5 work to streamline and standardize that
6 process as much as possible. Specifically,
7 we ask that the Art Commission preemptively
8 produce approved designs and also list out
9 certain design concepts that would prohibit
10 approval other than those spelled out in the
11 legislation and elsewhere in the regulations
12 of course.

13 Most preferably though, operators
14 think it would be helpful if there are
15 pre-approved design blueprints for them to
16 select from. Also on this subject, when
17 creating e-filing software, we ask that the
18 Art Commission work to simplify that process
19 to perhaps one single form as to minimize
20 administrative costs and duties that come
21 with the process.

22 We feel very confident that
23 proactive and preemptive guidance will not
24 just help the restaurant but will help the

1 City with their administrative obligations
2 as well. PRLA stands ready to assist and
3 help the City provide this information to
4 operators when that time comes.

5 In terms of electrical and
6 utilities, there are operators with conduit
7 and they are operating safely. We know that
8 the City is committed to safety but some
9 places have figured out a way to accomplish
10 this safely without having to go under the
11 streets. Without propane, there needs to be
12 reasonable solutions for things like heating
13 and lighting.

14 We do not think the noise produced
15 by generators would necessarily be a good
16 thing for the City and we kindly ask that
17 the Department consider reasonable solutions
18 that will assure both functionality for
19 restaurants and safety as well.

20 It's also worth noting a few
21 miscellaneous concerns that were not
22 included in our written comments but that
23 came up later this morning from additional
24 operators that we have heard from. Many

1 have noted that the depth of a streetery
2 should be based on the width of the traffic
3 lane and not set six feet from the curb
4 necessarily. They made the point that not
5 all parking lanes are the same size.

6 Additionally, while we understand
7 that structures do need to be removable,
8 many operators have noted concerns when
9 juxtaposing removability with safety. The
10 City wants streeteries to be removable and
11 we get that but many operators feel that
12 some of the regs around removability can
13 actually impact safety and we hope that the
14 Department can consider those concerns. In
15 other words, permanency by nature is
16 oftentimes the safest.

17 Lastly, operators we've talked to
18 have concerns regarding adjacent properties.
19 We do understand that the legislation does
20 not allow for use of adjacent property.
21 However, we are concerned that the
22 regulations require additional significant
23 action that operators would have to take
24 just to even use parking lanes in front of

1 their own property. And we ask that the
2 Department kindly consider adjusting some of
3 that language as well.

4 We understand why many of these
5 regulations are necessary and we appreciate
6 your commitment to all public safety and in
7 keeping Philadelphia the beautiful city that
8 it is. We also appreciate the City's
9 commitment to working with the hospitality
10 industry to ensure that these regulations
11 are functional and also reasonable.

12 I want to thank you all in advance
13 for your consideration of these comments.
14 We hope to continue an open dialog on this
15 subject as changes are considered and people
16 at PRLA stand ready to help assist however
17 we can. Thank you.

18 MR. FECTEAU: I have William
19 next, William Reed. Please unmute and
20 address the panelists.

21 MR. REED: Hi. Thank you for
22 having me on here. Thanks, everybody, for
23 the work they've done. My name is William
24 Reed as you said. I'm the owner of Standard

1 Tap in Northern Liberties, Johnny Brenda's
2 in Fishtown, and we also have a new place
3 called The International also in Fishtown.

4 The streeteries have been a real
5 lifeline to the restaurant industry as many
6 people have pointed out. We took a real hit
7 during the pandemic and we continue to do
8 only a fraction of the business that we did
9 before the pandemic.

10 We are hopefully recovering and the
11 streeteries have played a really big part of
12 that both in providing a safer place for
13 people to eat outside if that's the
14 requirement and also as the restrictions
15 have gone up and gone down, it's kind of
16 given a little baseline that we could count
17 on during the worst times. So I'm really
18 thankful that we had that opportunity to
19 kind of help ourselves.

20 The City helped -- the restaurant
21 industry helped. I felt like rather than
22 just a handout allowing people to have the
23 outside dining, it let the restaurant
24 industry do what we do best which is pivot,

1 turn, try to figure out a way to make
2 everything work for their hospitality.

3 I got a couple things that this
4 particular bill -- although I would echo
5 almost all the comments earlier provided
6 especially by the PRLA, there's a few things
7 that also I've been thinking about.

8 The date of enactment. We're still
9 talking about what's going to be in this
10 bill and the warm weather is on us right
11 now. I certainly hope that anything that
12 ends up in this bill that significantly
13 changes the regulations on what can be built
14 in the public right away isn't put into an
15 enforcement until the Spring, especially if
16 it requires all these additional hoops.

17 We'd love to be able to adapt and
18 be -- and provide something that fits
19 whatever criteria is given but we can't do
20 that overnight. And to have a thoughtful,
21 well-planned implementation I don't think is
22 reasonable in this summer season. And then
23 of course we would also at the same time be
24 asking that there be a prolongment of what

1 we currently have to allow restaurants to
2 continue to operate.

3 The other thing I've been -- I keep
4 seeing highway-style barriers being proposed
5 for streeteries. And I understand
6 everyone's first response to requiring the
7 highest level of safety possible but if you
8 think about it, and I've been thinking about
9 it a lot, pedestrian bumpouts and sidewalks
10 and traffic islands in the middle that are
11 provided for people waiting for the trolley,
12 all those things, they don't have
13 highway-style barriers around them.

14 I mean, if they did, our city would
15 look like a fortress. It would look like
16 we're under a war or something. If you look
17 at a pedestrian bumpout, it's there to
18 provide safety for pedestrians crossing the
19 street. The curb, like a six-inch curb, is
20 what is used to delineate traffic from
21 pedestrians.

22 There's no guarantee that cars will
23 never cross a curb. And as we see like --
24 you know, but that's the standard. Cars are

1 expected to follow the rules of the road and
2 stay in the traffic lane. And occasionally
3 we have problems where cars don't but it's
4 really more of a problem about cars. So I
5 was wondering if there's a way with
6 streetries to put them on a curb height
7 cement thing or have a cement curb around
8 them.

9 And I've seen drawings and I wish I
10 could share it on this but I can't 'cause of
11 the format we're using. I've seen images
12 from other cities where they retain the
13 drainage channel along the sidewalk but they
14 have a raised platform with cement. That
15 wouldn't be permanent. It still could be
16 done in a reasonable way.

17 But I think that would be great and
18 it would also address the need for ADA
19 accessibility because then the streetery
20 would automatically be at grade with the
21 sidewalk so that would be pretty great.

22 The other thing I guess I've seen a
23 lot of people have seen is like the
24 requirements for 20 feet from crosswalks and

1 other similar distances. And I've
2 understood -- I've heard people say that
3 that's the requirement for parking spaces as
4 well although it's not what we see in the
5 city almost anywhere in the city.

6 And to me it seems like if you
7 could get -- if you're eligible to have a
8 loading zone in front of your business, you
9 should be able to -- it should be the same
10 eligibility that you could have a streetery
11 there because I don't really understand what
12 would be different about it.

13 I'm going to keep my comments
14 brief. It is super important to us as a
15 restaurant to be able to recover, to keep
16 employment, and also to be compliant with
17 all the rules and I would love to be
18 involved in any other stakeholder meeting or
19 anything else if you guys need it. Thank
20 you.

21 MR. FECTEAU: Next we have
22 Michael Harris. Michael, please unmute
23 yourself and address the panelists.

24 MR. HARRIS: Thank you. On

1 behalf of the South Street Headhouse
2 Business Community, I want to thank you for
3 the opportunity for holding this hearing. I
4 also want to acknowledge and thank the
5 leadership of the Department of Streets and
6 OTIS and Commerce and Planning and L&I for
7 all their support, creativity, and response
8 to this over the past two years as this
9 program was developed.

10 This program has saved jobs, kept
11 businesses afloat, and proved to be popular
12 with the residents and patrons in the city
13 and over 20 restaurants in the South Street
14 Headhouse District have set up and utilized
15 streeteries during this pandemic. We are
16 pleased that the City Council made it
17 permanent and we look forward to the program
18 continuing.

19 To that end, we understand the need
20 for standards and regulations but are also
21 asking for modifications and further
22 considerations as the process gets rolled
23 out. And I would say one of our primary
24 concerns is the time and effort that it will

1 take to go through the approval process
2 given that multiple department approvals and
3 the addition now of the Art Commission.

4 So any steps that can be done to
5 clarify or streamline the process to make
6 this review as efficient and time sensitive
7 as possible, especially what a former
8 speaker said about the upcoming summer and
9 weather, you know, to be cognizant of that
10 definitely is appreciated.

11 And if the Art Commission and
12 Streets or other departments were able to
13 proffer or set some standard models for
14 approvals of both designs and the crash
15 worthy barrier alternatives other than the
16 orange barricades, that would allow for a
17 better awareness by operators and applicants
18 and would be more efficient rather than
19 handling every setup on a case-by-case
20 basis.

21 We also would seek some additional
22 clarity and conditions governing the
23 inclement weather requirements. And
24 finally, we ask to seek some flexibility in

1 the electrical power requirements that have
2 been discussed previously. We thank you
3 again for your consideration and support on
4 behalf of our restaurants and hosting this
5 hearing today.

6 MR. FECTEAU: Next we have
7 Angela. Welcome, Angela. Please unmute.

8 MS. SULTAN: Can you hear me?

9 MR. FECTEAU: Yes, we can.

10 MS. SULTAN: Hi, guys. My
11 name is Angela Sultan. I'm the owner of
12 Community. It's a 34-seat bar in Point
13 Breeze in South Philadelphia at 21st and
14 Federal. We were not originally in the
15 geographical catchment for the updated
16 streetery allowance but the PRLA is helping
17 us with our City Councilmember to hopefully
18 join the geography since that's already
19 brought up.

20 I don't really understand why the
21 barriers are created when the streeteries
22 were fine all through the pandemic. And it
23 does make some businesses feel like you're
24 prioritizing Center City or, you know,

1 Rittenhouse Square which really can't give
2 up the parking but yet they all have giant
3 massive streeteries.

4 That being said, my husband and I
5 started this business during the pandemic
6 when our catering company could not have any
7 events. We thought let's pivot to brick and
8 mortar and we can at least do takeout. We
9 are still shortstaffed. We did not receive
10 any free money because we were not open
11 before the pandemic so we're still playing
12 catch up.

13 One major concern for us is the
14 cost of the streetery just like everyone
15 else is saying. I know it costs money to
16 make it happen and I appreciate all the hard
17 work behind it but when you're a small
18 restaurant like us, we have 34 seats, the
19 streetery allows us an additional 20 seats
20 outside depending on, you know, how
21 comfortable we make it for our guests.

22 So if we have a \$2,200 fee, \$200 in
23 application, and let's say \$100 a month for
24 the bond that's \$1,200 annually, that's

1 roughly \$180 per seat if I can get 20 in
2 there. If it's less, it goes more per seat.
3 That's how we think about things in the
4 restaurant industry.

5 Not to mention we are paying our
6 staff historically high wages which we're
7 happy to do but everything is adding up.
8 Food cost is up. We've raised prices three
9 times in the 18 months that we've been open.
10 Chicken, for example, \$5.00 a pound. So if
11 you want to sell chicken wings and you want
12 to have a streetery, they're going to be
13 \$20.00 a pound. We employ 15 to 20 people
14 at any time.

15 Takeout fees are also on the rise.
16 The City just got rid of those. So
17 everything is adding up so that's why we're
18 very cognizant of these fees 'cause this
19 industry works all on profit margin.

20 Additionally, we're located in
21 Point Breeze. It's on the rise. I think
22 there's only four restaurants that have
23 streeteries, maybe five. So we're not in
24 the geography so those will all go away soon

1 if that's not changed. Additionally, all my
2 guests want streeteries. They're not -- you
3 know, when I tell them about the regulation,
4 they're really upset.

5 So one of my suggestions is please
6 not only involve industry professionals when
7 you're making these decisions but involve
8 just residents of Philadelphia.

9 Philadelphia's a huge food destination, top
10 20 in the country, and I think this is an
11 opportunity for us to become an even more
12 food friendly and encouraging destination.

13 I want to see my notes. So I have
14 a little bit of notes of suggestions that I
15 would like to see in these regulations.

16 Please consult industry professionals.

17 Please consider residents of Philadelphia
18 and what they're looking for. A grace
19 period has been mentioned.

20 Like they said, we got hit really
21 hard this winter again by Omicron. My
22 restaurant was dead November/December 'cause
23 I think everyone was trying to stay healthy
24 for grandmom before the holidays which is

1 great but we were struggling. So we need
2 more time to catch up.

3 I think a tiered process or a
4 sliding scale based on the size of the
5 restaurant and the location would be really
6 helpful. You know, I don't have the seating
7 that Park has. I don't have the rent money
8 that Park has in a small business so I need
9 -- I need more time, I need a sliding scale.
10 You know, I'm near commercial corridor which
11 is Point Breeze Avenue.

12 We're trying to revitalize that
13 neighborhood so I think that should be taken
14 into account. I also think that restaurants
15 that went out on a limb during the pandemic
16 opened a restaurant because they believe in
17 Philadelphia and they believe in the
18 restaurant industry. Maybe there's a
19 special tier for those businesses.

20 I've also heard that there's an
21 existing parklet process that could
22 hopefully streamline this and kind of join
23 in on that. As far as crash-proof barriers
24 go, I think that's really important but I

1 like what everyone had to say about, you
2 know, using the curb or reflectors that has
3 been discussed.

4 I don't know why we need a
5 crash-proof barrier against traffic. I
6 don't understand the three sides. I think
7 maybe one side, wherever the cars are coming
8 from, could be realistic. Any templates and
9 designs that already exist would make this a
10 lot easier.

11 I own this business with my
12 husband. I'm pregnant. I'm trying to like
13 help in my neighborhood but if I have to
14 spend hours and hours trying to figure out
15 this process, it makes running a small
16 business very difficult. So the more
17 streamline things can get, the better.

18 And, yeah, I think that's all my
19 notes but I really appreciate your hard work
20 and your time so thanks for considering what
21 I have to say.

22 MR. FECTEAU: I have Jason
23 next. Jason, welcome and please address the
24 panelists.

1 MR. EVANS: Good afternoon,
2 everybody. My name is Jason Evans. I
3 represent The Tavern Group as well as some
4 other LGBTQ+ businesses in the community as
5 well as some black and brown businesses.
6 Thank you for taking the time to meet with
7 us this afternoon and for all of your
8 efforts during the pandemic.

9 Shout out to Kristin. Good to see
10 you. We used to meet every Tuesday. It
11 feels weird not seeing you in a long time.
12 Hope all is well.

13 I have a few concerns with the
14 newly-released regulations pertaining to the
15 streeteries and outdoor dining program I'd
16 like to share with you. We understand that
17 public safety is a priority but we also hope
18 there's an opportunity to work together to
19 find solutions.

20 It is my hope that some of the
21 regulations will be reconsidered as a way to
22 help small and diverse businesses including
23 LGBTQ, black, and brown businesses not just
24 continue to operate but also to employ

1 hundreds of service-industry workers who are
2 still in recovery from the losses
3 experienced during the pandemic including
4 the extended closure of bars and restaurants
5 as part of safety initiatives.

6 Assistance to these businesses has
7 been slow and for most non-existent. The
8 restaurant revitalization funds are not
9 being replaced and many businesses in
10 Philadelphia did not receive any funds at
11 all.

12 As someone who has worked with
13 streetries, L&I, OTIS, and the Health
14 Department during the pandemic to ensure the
15 businesses that I have represented and
16 assisted from within the LGBTQ community, we
17 stayed within all of the guidelines set by
18 the administration and hope there's a
19 willingness to continue to listen to
20 businesses and work with businesses to find
21 solutions that are complementary to proper
22 enforcement as well as sustainable for
23 small, minority, and diverse businesses.

24 With that, here are a few pain

1 points I hope you'll reconsider. The
2 license fee of \$2,200 I feel is excessive
3 and will heavily burden many small
4 businesses. I suggest a sliding scale
5 starting below \$1,000 for the first two
6 years.

7 The security bond. Please review
8 this process as to not overburden businesses
9 while ensuring safety. These fees also seem
10 excessive or burdensome to small, local, and
11 diverse businesses.

12 The Art Commission. Provide a few
13 templates to streamline the approval process
14 as other delays will yet again burden and
15 put businesses at a disadvantage. Help us
16 through this process. The regulations did
17 not have any details and we don't want to
18 overburden the Arts Commission by flooding
19 them with questions. I hope we can find a
20 way to all work together like we did during
21 the pandemic.

22 Utilities. I've heard about the
23 possibility of disallowing any utilities to
24 streeteries. Lighting needs to be allowed.

1 Not just for these businesses but also to
2 keep our neighborhoods safe. There's a
3 crime issue going on here in Philadelphia
4 that affects each and every one of us and if
5 we have people dining outside, if we have
6 lighting outside, that can help act as a
7 deterrent.

8 Heating. Guidelines are set by the
9 fire department and other organizations
10 during the pandemic. I hope we can continue
11 to work with these organizations and not
12 just throw away everything that we have
13 worked for and learned during the pandemic
14 as again these investments were made based
15 on guidance from the City. Gas generators
16 are not really supportive of the City's
17 sustainability efforts so we ask that you
18 reconsider.

19 Review regulations to be more
20 inclusive of streets that do not hold
21 vehicular traffic so they can operate
22 streeteries as well. We ask that you
23 reconsider.

24 Lastly, I hope in addition to

1 reviewing these regulations the City will
2 consider a more open or transparent process
3 to include as many businesses as possible.
4 I know this can be a challenge so might I
5 suggest engaging more with the PRLA who is
6 always available and the Diverse Chambers
7 Coalition to ensure we are all committed to
8 inclusivity, to marginalized business owners
9 who continue to already be burdened but
10 remain committed to our great city. Thank
11 you for your time.

12 MR. FECTEAU: Thank you,
13 Jason. Next we have Jennifer. Jennifer,
14 please unmute and address the panel.

15 JENNIFER: Hi, everyone.
16 Thank you so much for meeting with us today.
17 I'm going to say that I definitely agree
18 with all of the speakers prior to me and all
19 of their concerns. A little difference is
20 that I'm coming from -- I'm the director of
21 operations for a small distillery that's
22 actually located in Pottstown, Manatawny
23 Still Works, but we do operate a small bar
24 and tasting room on East Passyunk at Tasker.

1 We started our streetery in the
2 pandemic just like everybody else. We
3 definitely maintain all the City's guidance
4 as far as four seats to a table and we
5 offered a half of a peanut butter and jelly
6 sandwich as part of the food requirement.
7 We definitely stuck to the rules.

8 My issue with the current -- the
9 way that things are written is that it
10 doesn't really include in places like mine
11 that have a small food menu and we do have a
12 food prep license but a majority of our
13 sales do not come from food. And just
14 looking at Section 3A, number 4 and number 8
15 in Section A -- or, excuse me, Section H,
16 Part B of the indoor three tables required,
17 it definitely leaves out small
18 establishments like mine that do have small
19 food menus.

20 We offer cheese and charcuterie but
21 those aren't a main staple of what we're
22 selling. People on East Passyunk generally
23 come and visit us before dinner or after
24 dinner. They might get a cheese plate. My

1 menu was written up by Craig LaBan, by the
2 Philadelphia Inquirer, and was published in
3 Philadelphia Magazine but it's not a major
4 part of what we do here as far as our
5 distilled spirits.

6 And I just want to make a note that
7 we just want to be considered moving forward
8 but the way that the current legislation is
9 written, it's definitely for food
10 establishments and we're not necessarily
11 while we have the food prep license not a
12 food establishment and we don't want to be
13 left behind with not being included in the
14 streetery process.

15 We're definitely willing and have
16 been willing to jump through all the hoops
17 and get all the proper permits and work with
18 all of the agencies needed to serve alcohol
19 outside. I just want to make a note for me
20 and other establishments like mine we're not
21 nuisance bars. We're not open late.

22 We have had no citations, no
23 complaints through the five, six years that
24 we've been down here on East Passyunk and we

1 just don't want to be left behind in the
2 streetery process.

3 MR. FECTEAU: Thank you,
4 Jennifer. We have Eugene next. Eugene,
5 please unmute yourself and address the
6 panelists.

7 MR. DESYATNIK: Yes. This is
8 Eugene Desyatnik, Bella Vista Neighbors
9 Association. I just wanted to kind of -- a
10 lot of things were covered so I'll be brief.
11 We agree with a lot of the points that are
12 importantly raised by the PRLA and there
13 should be a streamline process.

14 You know, in Bella Vista, we have
15 some areas that are in, some areas that are
16 out. And by streamline, we mean quick and
17 predictable. And, you know, in order for
18 that to happen, we have to set expectations
19 ahead of time with what can or cannot be
20 done, kind of like templates or designs that
21 were proposed by previous speakers.

22 A review by volunteers can be
23 overly taxing on their time and that goes to
24 both the Art Commission and the neighborhood

1 groups like ours that would likely need to
2 meet to support streeteries outside the
3 by-right areas. We just don't want to
4 become a bottleneck and rather we would
5 provide the input up front on what, you
6 know, acceptable designs look like with a
7 focus on safety.

8 I think, you know, the corner
9 clearances are important for visibility as
10 well as for turning. They shouldn't be up
11 too close. They shouldn't impact traffic,
12 safety. Accessibility is important. I
13 mean, a lot of these things appear to
14 already be in the standards.

15 And I think personally, you know,
16 we either believe that this -- you know, the
17 changing habits of consumers to dine out
18 safely are there and the concern is still
19 there to get people in safely outdoors or
20 not. You know, you probably can't have it
21 both ways. So I think three walls or less
22 would be important so that we don't recreate
23 an indoor scenario outdoors. That's it.
24 Thank you.

1 MR. FECTEAU: All right.

2 Thank you, Eugene. Next I have Spoony.

3 Please unmute yourself.

4 MR. O'NEAL: Can you hear me?

5 MR. FECTEAU: I can.

6 Welcome.

7 MR. O'NEAL: Thank you very
8 much. Thank you. My name is -- and thank
9 you for taking the time to listen to all of
10 us. I agree with a lot of the things and
11 I'm not going to point out every single
12 thing that everybody's been trying to bring
13 up.

14 But my name is Spoony O'Neal. I'm
15 the proprietor of O'Neals Pub on South
16 Street in the Bella Vista District. And
17 first in regards to the fees and cost, the
18 streeteries are not a one size fit all but
19 the cost for both the removal bond and the
20 annual fee are the same fixed size for all
21 streeteries. My suggestion is to right size
22 both fees for the curb footage for your
23 streetery or the seating capacity of your
24 streetery. Basically, a three-table

1 streetery does not generate the revenue to
2 cover the cost that a 20-seat streetery does
3 -- or a 20-table.

4 Second, on the timing and deadlines
5 to design permit and rebuild, we're coming
6 into our peak business period. Still
7 recovering from our two very difficult years
8 plus with the uncertainty in the future of
9 knowing when the next Covid variant might be
10 coming along. This is now a window when
11 restaurant operators are all hoping to
12 maximize their business while case counts
13 remain low and before a possible winter
14 uptick.

15 To require us to rebuild
16 immediately is pretty disruptive especially
17 given the uncertainty of when the Art
18 Commission is going -- what the Art
19 Commission is going to require. We will
20 need time to absorb eventual Art
21 Commission's guidance, time to hire folks to
22 develop the permitting paperwork, work on
23 permitting process between L&I and Streets
24 presumably with the permanent expeditor and

1 rebuild all during peak business time.

2 Bottom line, we need more time and
3 more clarity before deadlines are imposed.

4 And extension time to allow existing
5 streeteries in the business districts and
6 not only in the business districts but the
7 other -- people that are outside the
8 business districts to continue to operate
9 during this period would be very helpful.

10 In fall, we can then revisit this
11 or a time when people are more in -- more
12 prone to be inside. Then we can talk about
13 rebuilding or doing whatever we're doing.

14 We have been doing this for, as everybody
15 said, 18 months now and we haven't had any
16 issues. And I don't know if everybody
17 remembers, today is actually the two years
18 to this day that we were closed down so let
19 that sink in.

20 We have been doing everything we
21 can to stay open and the struggle is not
22 over yet, not even close. The showing today
23 should be a test on how important this is to
24 us so please take some of our suggestions

1 and work with us. Just because everything
2 has been lifted doesn't mean we're anywhere
3 near back to normal.

4 Inclement weather. Again, I'll go
5 back to saying that, you know, we've had our
6 structure up for 18 months and haven't had
7 one issue. And to have us taking these up
8 and down every time inclement weather comes
9 through, it's been through snowstorms. It's
10 been through wind storms. It's been through
11 tornadoes. It's been through, you know,
12 everything you could possibly think and we
13 haven't had a problem.

14 So I thank you for taking the time
15 to listen and hopefully you will take a lot
16 of this into consideration. Thanks very
17 much.

18 MR. FECTEAU: And thank you.
19 And next we have Doug. Doug, please unmute
20 yourself and address the panelists.

21 MR. HAGER: Can you hear me?

22 MR. FECTEAU: We can.

23 MR. HAGER: Thank you very
24 much. I want to thank you guys for taking

1 the time to listen to us all today and hope
2 that again, as Spoony just said, that you
3 recognize how important this is to us and
4 how many of us showed up to discuss.

5 As I said, my name is Doug Hager.
6 I'm the owner of Brauhaus Schmitz at 718
7 South Street. For 13 years, I've been a
8 proud business owner and brought life and
9 vibrance to South Street and to our city.
10 It goes without saying that the past two
11 years have been tremendously difficult.

12 It's been a constant struggle
13 worrying about if my business will be able
14 to survive and more importantly if my
15 employees would be able to provide basic
16 needs for themselves. Rules and regulations
17 were constantly changing and we were forced
18 to adapt constantly to try and keep the
19 doors open and people employed.

20 As someone mentioned, I think it
21 was the councilman earlier, as Councilman
22 Domb mentioned earlier, you know, a lot of
23 people don't realize how bad from Christmas
24 through February was. My business alone, we

1 lost about \$100,000 just in that time frame
2 to keep people paid while having no butts in
3 seats.

4 I'm sure many will agree with me
5 that the street cafes and streetery program
6 were not only an essential part to that
7 survival but also the highlight during such
8 a crisis. Restaurants across the city used
9 some amazing creativity building community
10 spaces that were used and enjoyed by so many
11 people. We spent thousands of dollars on
12 these spaces following limited or no
13 guidelines from the onset.

14 I applaud the City for these
15 programs and we can all agree that they are
16 a success. Now we want to add 14 pages of
17 rules and regulations to these in an attempt
18 to standardize these spaces. All of our
19 businesses are unique in our own way and our
20 streeteries are as well. Attempting an
21 overreaching one-size-fits-all approach
22 won't work for this program.

23 I would like to highlight a couple
24 of regulations that I find issue with for

1 your consideration. I'd also like to say --
2 echo pretty much everything that's been said
3 so far. While I look forward to the Art
4 Commission's input on these spaces, I'm
5 concerned about how much further they will
6 push these regulations, how long will it
7 take them to review designs, and to review
8 amendments.

9 With what lens will they review
10 these spaces? Will a French bistro set up
11 with planters and cafe tables be looked at
12 the same way as a space that focuses on
13 street art or maybe even a do-it-yourself
14 design? Both can be beautiful or both can
15 be hideous.

16 Also, I think the idea of
17 generators and orange jersey barriers pretty
18 much defeat the purpose of the Art
19 Commission review at all. I know we need
20 safe spaces but we should look into
21 incorporating crash protection into the
22 structures if possible.

23 A couple of ideas; you could have
24 structures that could be weighted or filled

1 or lagged to the street, intermittent
2 bollards or, as Will mentioned earlier, I
3 like the idea of a curb. A few issues with
4 Section 8; all streets are not the same in
5 the city. Some parking lanes are wider than
6 others. This is our dimension.

7 I agree that the width of your
8 streeteries should be based on the width of
9 the traffic lane and not from the curb.
10 Let's see. One that has been mentioned;
11 clearance for manhole covers. I have a
12 manhole cover in front of my business. It
13 hasn't been opened in the 13 years I've been
14 here. I understand the need for access but
15 if I need to be able to move my structure in
16 48 hours, I should be able to allow access
17 to a manhole cover in even less time.
18 Design considerations could address access
19 to such things.

20 Somebody mentioned distance from
21 corners and crosswalks. You know, we have
22 to have consistency. If we're allowing
23 loading zones or parking within five feet of
24 a crosswalk, then I don't see why

1 streeteries wouldn't be allowed. I think,
2 you know, we can put -- maybe there needs to
3 be transparency or something in these
4 streeteries but I think some consideration
5 should be given to that.

6 As written, the application process
7 is confusing. It's not clear what is the
8 start or the end point of the process.
9 Having done business with the City for 13
10 years, I'm concerned that this process from
11 start to finish will take months to
12 complete. We need final regulations,
13 guidelines from the Art Commission, design
14 examples, architectural drawings, potential
15 engineer reviews, building and/or MEP
16 permits, and your approval before we can
17 even begin to modify our existing structures
18 or build new ones. All of that is going to
19 also cost thousands of dollars.

20 At best, this process will take us
21 into the summer which is peak outdoor dining
22 time. Are we expected to either not use our
23 existing spaces during the spring and summer
24 while this process plays out?

1 I was excited that you wanted --
2 that the City wanted to make the streetery
3 program a permanent fixture and recognize
4 the opportunity it gives my business to
5 rebound and hopefully thrive again. That
6 excitement was quickly extinguished when I
7 read this draft of regulations. I
8 personally cannot afford to rebuild and take
9 a huge financial chance on this program as
10 written and I cannot trust that it won't
11 change and we won't be asked to pivot and
12 adapt once again.

13 I am asking the City and the
14 departments involved in this bill to take a
15 deep breath, put yourself in my shoes and
16 the shoes of my fellow restaurant owners and
17 understand our hardship. I ask you to delay
18 these regulations for further consideration,
19 work with us to come up with rules and
20 regulations that are acceptable. If you
21 push these regulations through now, it will
22 be just in time to shut down just about
23 every streetery in the city for our peak
24 business.

1 Let's think about this together and
2 come up with a plan that is inclusive and
3 works for the greater good not just a few.
4 We're not saying no to regulations but just
5 involve us in the development of such. We
6 are not the enemy but indeed your allies and
7 create a progressive vision for what this
8 city can truly be.

9 I thank you for your time and I
10 once again sincerely hope you consider all
11 of our comments and recommendations. Thank
12 you.

13 MR. FECTEAU: Thank you,
14 Doug. And next I'm going to apologize to
15 our next speaker. If I mispronounce your
16 first name, please correct me. Chutateep?

17 NOK: Can you hear me?
18 Hello?

19 MR. FECTEAU: Yes, we can
20 hear you.

21 NOK: Okay. Hi. My name is
22 Nok. I'm the chef/owner of Kayala Thai
23 Restaurant. And great news, we just were
24 nominated to (inaudible) finalists again.

1 So for the small restaurants like ours and
2 like, you know, everybody on this meeting we
3 put Philadelphia first thing on a national
4 level and we did something very meaningful
5 to the city that we love and we chose to do
6 best thing.

7 The regulation that we are now
8 going through and we just read, I want to
9 ask you a question. L&I and Streets
10 Department, if you are putting yourself in
11 our shoes, would you be able to comply?
12 Kayala was 10 months old when pandemic hit.
13 During lockdown, instead of closing the
14 doors we kept going and kept laying off what
15 started as a bigger team. We pay people
16 better and part of that is because we have
17 outdoor dining.

18 So, you know, like I said,
19 Philadelphia is a city that has a lot of
20 talented chefs so, you know, our outdoor
21 dining certainly is our lifeline. And most
22 importantly, as other people said, it's safe
23 dining options. And for us, we use this as
24 a platform to bring into the community.

1 We actually support local artists
2 to create a mural in the program and give
3 artists the opportunity to have work in our
4 outdoor space and we're able to give 100
5 percent of that sale instead of dealing with
6 the agent or whatever would take that
7 commission. I cannot speak English right
8 now.

9 But all I'm asking is the
10 efficiency of application process and clear
11 information from L&I and Streets Department.
12 Rules and regulations that are based on
13 reality is really important for outdoor
14 structure and make it possible for business
15 owners to follow. You make life easier, you
16 make our life easier. We are willing to
17 work with you.

18 So crush-worthy option that looks
19 presentable, that's all we need, you know.
20 Just make it make sense instead of putting
21 all the complications in the regulations.
22 For me, I feel like you are saying no to us
23 in a very polite way. That's all I'm
24 saying. Thank you.

1 MR. FECTEAU: Thank you. And
2 next we have Joe. Hello, Joe.

3 MR. BISCAWITZ: Hi, everyone.
4 This is Joe Biscawitz with the Old City
5 District. Thanks so much for allowing us
6 the opportunity to speak today. I will be
7 very brief, echo the comments of Zack from
8 PRLA and Mike Harris from South Street.
9 There were just a couple of points I wanted
10 to make about the regs themselves.

11 One, you've heard from folks who've
12 said that the fee is too high and I don't
13 dispute that but I also wonder if there's a
14 way to spread out whatever the ultimate fee
15 is over time so that not all the payment has
16 to be made up front. It's a big check to
17 cut. And maybe as additional revenue comes
18 in, monthly or quarterly payments can be
19 made.

20 Second point was just about the Art
21 Commission. I understand that there may be
22 something in the code that requires this
23 permanent structure to be evaluated by the
24 Art Commission. I would suggest that since

1 they're required to be removed, it's not
2 permanent. They're required to be removed
3 in the event of snow or utility work.

4 And so maybe even under the code a
5 different interpretation would yield the
6 result that the Art Commission is not
7 required to review it. Alternatively, we
8 would be happy to work with you to have
9 council amend that code.

10 A few folks have mentioned
11 pre-approved formats. The Mid Alliance has
12 collected several of those. I know that
13 Jason referred to some of the ongoing
14 meetings we had over the last two years.
15 I'm happy to share those.

16 I know there are other designers in
17 town that would happily put those together
18 and I think if there's preapprovals, even if
19 a restauranteur doesn't opt to select those
20 it will be easier to go through the process
21 for approval knowing what has already been
22 approved.

23 And I also understand that it
24 changes the process. I appreciate your

1 willingness even after this set of
2 regulations gets approved to continue to
3 view to see what's working and what isn't
4 and, you know, maybe those pre-approved
5 pieces aren't going to be ready for the
6 summer but let's keep having that
7 conversation as time goes on so that in time
8 for next year they'll be available. That's
9 it. Thank you for the time and I look
10 forward to seeing the results.

11 MR. FECTEAU: Thank you, Joe.
12 We have Erin next. Erin, welcome and please
13 unmute yourself and address the panel.

14 ERIN: Hi. Can you hear me?

15 MR. FECTEAU: We certainly
16 can.

17 ERIN: Okay. I mean, I agree
18 with pretty much what everybody has said on
19 this. I think -- I'm the owner of The
20 Devil's Den in South Philly and we've been
21 open over 16 years there. And this year was
22 -- or the last two years have been honestly
23 the hardest.

24 I've owned three restaurants in the

1 city and I'm down to one now and I don't
2 know if I'd be able to get by if it -- and
3 my staff get by if it wasn't for the
4 streeteries. They allowed us to keep income
5 coming in in the hardest of times.

6 And it seems to be that, you know,
7 we all know that we need guidelines and
8 rules on how to move forward with the
9 streeteries but it seems like this is a one
10 size fits all answer and all restaurants are
11 not the same and we really need that kind of
12 taken into consideration.

13 All of us have been working really
14 hard to keep our staff safe, to keep our
15 guests safe, and we really do want to find a
16 way that we can work together and keep it
17 open and keep everybody safe but in a way
18 that's not draining what little reserves
19 that we have left.

20 You know, things like the Art
21 Commission and filing all the paperwork,
22 I'll be the one that's doing that on top of
23 filling in for staff who can't make it in or
24 who still may get sick and covering short

1 shifts. So a grace period which would allow
2 us some time to get all that paperwork in
3 and all and still operate would be great.
4 My staff took a big hit along with us over
5 this winter.

6 For us, November through February
7 are usually our busy months. People love to
8 come into the restaurant for my fireplace
9 and enjoy the winter. And with the Omicron
10 variant going through and everybody trying
11 to stay safe or getting sick, this was one
12 of the worst winters I've ever seen in my
13 life.

14 And having that outdoor seating, my
15 staff is excited right now about the weather
16 being nice today 'cause they know that'll
17 bring more people out and the opportunity,
18 you know, to make more tips.

19 So I hope that you've really -- I
20 mean, I think everybody here has covered a
21 lot of what we all feel and I really hope
22 you take that into consideration and try to
23 find a way, you know. We're just not all
24 the same and we need to have some ability to

1 make some changes to help keep us going.

2 MR. FECTEAU: Thank you,
3 Erin. I have Mark next. Mark, please
4 unmute yourself and address the panelists.

5 MR. GREECA: Hi. This is
6 Mark Greeca with The Smaller Circle. I only
7 have a minute 'cause I'm cooking 'cause the
8 meeting is during lunch. So it just seems
9 so unjust to make this just come out and it
10 kind of snuck out and then we have a
11 deadline already. And of course the hearing
12 at noon is impossible but anyway, just
13 throwing all this stuff at us -- we're
14 projects of passion. We're small places and
15 we do things because we love them.

16 And we're not big companies like
17 Cheesecake Factory or the Starr Restaurant
18 group or anything like that. We have a
19 limited amount of seats, limited amount of
20 guests that love us and approve of what we
21 do. So if there could be more time and
22 thought that goes into these things instead
23 of like the generator which is the dumbest
24 idea of all but anyway. Yes, we need the

1 dark and need the light (inaudible).

2 There's just so many things wrong
3 with this coming out but I want to speak up
4 but I'm sorry I need to go back to cooking
5 in a couple --

6 MR. FECTEAU: Mark, I'm
7 sorry. I think we lost you. All right.
8 We're going to go to David next. David,
9 welcome. Please address the panelists.

10 DAVID: Can you hear me?

11 MR. FECTEAU: We can.

12 DAVID: My name is David.
13 I'm from Tequilas Restaurant at 16th and
14 Locust. And I'm going to try to keep it
15 short 'cause everybody here has been amazing
16 with, you know, putting in the input of the
17 struggles we're all going through in the
18 industry whether it's restaurants, bars,
19 breweries, big restaurants, small
20 restaurants, you know. We obviously had a
21 horrible two years and, you know, we just
22 need more time.

23 We need a better structure with,
24 you know, just legislation. And, you know,

1 it'd be nice to be able to come together
2 with you guys and also restaurants,
3 breweries, bar owners to come up with
4 something to help us, help the city, you
5 know, and keep it alive.

6 You know, I just wanted to add on
7 top of everything not only -- you know, it
8 seems like you want to limit space adding
9 more cost to us when already the food cost
10 has been astronomical. I mean, it's not
11 talking cents per pound. I mean, we're
12 talking dollars and dollars that lead into
13 thousands and thousands of dollars adding to
14 the overhead, you know, in the restaurant.

15 I mean, again, breweries and bars,
16 we keep getting destroyed and getting pushed
17 back and pushed back that we can't catch up.
18 And adding more stress to us and adding
19 more, you know, just -- I don't know. Just
20 adding more to stuff is not helping us. I
21 don't think it's going to help the city, you
22 know.

23 We bring in a lot of people through
24 the city and, you know, we want to keep it

1 that way. And just I hope you hear all of
2 us out and we are all in this together and
3 whatever we can do to make this better, I
4 know we're all in.

5 And, you know, just know that we're
6 nowhere near caught up and I don't think
7 we'll be anytime being caught up to what we
8 already lost, all of us in this. And I
9 think that's it. So thank you for hearing
10 us out and I thank everybody out there for
11 sticking to it.

12 MR. FECTEAU: Thank you,
13 David. Next we have Kristin. Kristin, good
14 afternoon. Please address the panelists.
15 Kristin, you're unmuted. Kristin? No?
16 Okay. Kristin dropped off.

17 It looks like Jonathan is next.
18 Hello, Jonathan. Welcome. Please address
19 the panelists.

20 MR. MYRO: Hi, everyone.
21 This is Jon Myro. I have three restaurants;
22 Tria Rittenhouse, Tria Wash West, and Bar
23 Poulet. If you combine the restaurants I've
24 owned in the city, it's over 50 years of

1 ownership of restaurants.

2 The streeteries kept us literally
3 alive and if we don't have this season
4 coming up after a month of the losing over
5 \$100,000 club along with Doug, I'm sure some
6 other people are in that club, this last
7 winter I don't know how we're going to make
8 it.

9 You know, just remember we had
10 restrictions just days ago not months ago
11 and there's a new variant in China. So the
12 safety issue of Covid is not over. We're on
13 break. We were on break last summer. We
14 need a season to actually make back some of
15 the money we lost or we can't make it. I'll
16 be employing 75 people in the next few weeks
17 as we open up the outside.

18 I want to reference something that
19 Representative Hohenstein said. The
20 streeteries are actually already a revenue
21 generator. The City gets \$0.08 for every
22 dollar of food that we sell in the
23 streeteries, \$0.10 for every dollar of
24 alcohol that we sell, a wage tax on all the

1 extra people we hire to work in the
2 streeteries so we are a revenue generator.

3 And I want to address again the
4 equity issue. We heard from a lot of
5 smaller operations and heard about them by
6 minorities and women and so forth. I have a
7 reasonably moderately-sized company. Okay?
8 So we have 75 employees. I don't think I
9 can afford to live up to these regulations.

10 So what you're going to have is
11 streeteries that are only able to be
12 operated by the five or ten really large
13 operators in the city. So that's great for
14 them if they get to make more money but
15 we're at a competitive disadvantage because
16 if the guy next door has a streetery and I
17 don't and people want to sit outside, what
18 are we supposed to do? How are we literally
19 supposed to stay in business?

20 Sixty-five percent of us that
21 applied for restaurant recovery funds did
22 not receive them and I'm in that group.
23 There's only so much of an unlevel playing
24 field that any one business is able to

1 tolerate. So the equity issue is huge.
2 It's just going to be an exclusive club of
3 streeteries.

4 And just kind of echoing what's
5 been said here, I think this really
6 productive talk which I thank you for having
7 has raised so many more questions than even
8 I had after reading the regulations. I
9 haven't seen any -- obviously this is not
10 the place to have answers. I'm making an
11 ask.

12 And I was on the advisory committee
13 with the City Health Commission. Throughout
14 Covid, I spent countless hours on Zoom calls
15 where our pleas were often ignored which
16 resulted in regulations that were vague,
17 unenforceable, unfollowable. So you had the
18 group -- the majority of restaurant owners
19 tried to comply but even those of us on the
20 committee couldn't even figure out what we
21 were being asked to do because we weren't
22 spoken with.

23 We didn't get a seat at the table.
24 Then you had 10 or 20 percent of the

1 operators who said, Screw this. We'll just
2 do what we want 'cause this is ridiculous.
3 We're asking for a seat at the table.

4 I think with the guidance of PRLA,
5 if we can take a breath like Doug said and
6 have meetings with people in the city and
7 the restaurant community to come up with
8 enforceable, accessible, clear guidelines,
9 then this can be a huge success. We don't
10 know anything about how to run a city.

11 Okay? I don't know if you all know all that
12 much about how to run a restaurant.

13 So I don't see how we can get good
14 guidance, good regulations that are followed
15 unless we all work together as a team. And
16 by the end of the summer when we have a
17 chance to get on our feet, I really think
18 that we can come up with something that
19 works for everybody that's safe, attractive,
20 lucrative for the restaurant community, fun
21 for the dining community, and profitable for
22 the city. That's all I have. Thank you
23 very much for your time.

24 MR. FECTEAU: Thank you, Jon.

1 We're going to Kristin next. Kristin,
2 please unmute yourself.

3 KRISTIN: Can you hear me?

4 MR. FECTEAU: We can. How
5 are you?

6 KRISTIN: Good, thank you.

7 So my name is Kristin. I'm from Barcelona
8 Wine Bar in South Philly on Passyunk. Thank
9 you so much for taking the time, for letting
10 us speak.

11 A couple things I just wanted to
12 bring up. I do believe and agree with many
13 of the speakers today. These regulations
14 hitting right before our spring/summer
15 dining is really a crunch time. Our staff
16 and guests still are uneasy with being in a
17 building at all times. And giving that
18 ability to dine out for our guests and our
19 staff to spend more in fresh air I think is
20 what everyone is looking for.

21 Me personally, I feel that walking
22 down the street as a female in the City of
23 Philadelphia and being able to feel safer in
24 a neighborhood because of outdoor dining I

1 think is something that we have to look at
2 for our residents of Philadelphia.

3 Somebody mentioned earlier that the
4 crime, you know, is on the rise and I think
5 lit areas with businesses, restaurants, and
6 people outside especially in the nice warmer
7 weather where the daylight is going longer I
8 think is what we want and need to attract
9 people into our areas.

10 Just to mention about the 60,000
11 security bonds. I think getting a little
12 bit more in depth in what inclement weather
13 is so we understand. It's pretty vague and
14 it's hard to know what that means. I do
15 agree with what somebody else said earlier
16 about the license, the \$2,200 license, being
17 paid over time. Asking for it up front is a
18 big number.

19 Although I am a larger restaurant,
20 I know that this is a huge amount of money
21 to ask for some of our smaller businesses.
22 I would love an opportunity to delay these
23 regulations so that we can come up with a
24 plan.

1 To make outdoor dining successful
2 in the City of Philadelphia, I feel that is
3 an amazing addition and did help everybody
4 through the pandemic and I would hate to see
5 that piece go away 'cause I think it is
6 unique and it's something that the City has
7 missed is having a lot more out dining --
8 outdoor dining. That's it. Thank you.

9 MR. FECTEAU: Thank you,
10 Kristin. Next we have Gisella. Gisella,
11 welcome. Please address the panelists.

12 GISELLA: Hello. Can you
13 hear me?

14 MR. FECTEAU: We can, yes.

15 GISELLA: My name is Gisella
16 and I represent Malbec Argentine Steakhouse.
17 I don't want to repeat myself. I just want
18 to be short and I just want to please touch
19 upon in considering all these rules and new
20 fees because we really got hit hard and also
21 in order to maintain the staff because
22 there's a shortage in maintaining the staff.
23 So that they don't go somewhere else, we had
24 to pay from our own pockets.

1 So please have that in mind and I'm
2 talking from my heart and like everybody
3 else I'm sure that's doing this. Reconsider
4 please and put yourself in our shoes. We
5 are really struggling and we really hope you
6 take all of this into consideration. Thank
7 you so much.

8 MR. FECTEAU: Thank you,
9 Gisella. I have Owen next. Owen, welcome.
10 Please unmute yourself and speak with the
11 panelists.

12 MR. KAMIHIRA: Yes. Hi. I'm
13 Owen Kamihira. I'm the founding board
14 member of the Northern Liberties Business
15 Improvement District and the owner and
16 operator of El Camino Restaurant.

17 So two years ago because of the
18 City shutdown, we laid off 57 people and in
19 the past two years, we've been able to hire
20 back everybody. And, you know, I just
21 wanted to make a few comments regarding the
22 streeteries and what they've been able to
23 help us do. And honestly, our streetery has
24 been able to help us survive and hopefully,

1 you know, we can completely get back onto
2 our feet.

3 It's been choppy for the past four
4 months and this winter has been awful. You
5 know, during the pandemic we did not have
6 very much guidance and I do thank you for,
7 you know, this program and hearing our
8 comments. But, you know, when we first were
9 allowed to do the streeteries, there was not
10 a lot of guidance.

11 And there were parameters and, you
12 know, with those parameters and guidance, I
13 built with my son what I think is a very
14 safe, well-lit, and well-maintained
15 streetery. And, you know, with these
16 guidelines, let's say the six-foot maximum
17 encroachment, you know, I'm not exactly sure
18 where that comes from.

19 You know, the original guidelines
20 were the parking lane which, you know, is
21 eight foot -- if the six foot is there to
22 allow for a two-foot crash barrier, if we
23 have that built into the streetery, I have,
24 you know, a four-inch steel pipe running the

1 length of my streetery with 9,000 pounds of
2 gravel at the end to protect from, you know,
3 an impact. You know, can we go to the edge
4 of the parking lane?

5 You know, the other issues I have
6 are the requirements for utilities. We
7 stuck to the requirements, you know, during
8 the pandemic with L&I as to what we were
9 allowed to do. And, you know, having to
10 change completely back to basically, you
11 know, no utilities is going to limit the use
12 of these streeteries.

13 So I think, you know, that needs to
14 really be clarified and we should be able to
15 use propane or natural gas and electricity
16 in a safe way but, you know, let's not cut
17 off our noses to spite our faces. You know,
18 the design criteria really should have taken
19 into account what has happened over the past
20 two years.

21 I think that my streetery's been
22 completely safe. We have not had issues
23 and, you know, the majority of streeteries
24 across this city have been, you know, safe

1 and, you know, well-maintained. And the
2 rules that you, you know, put in place for
3 the permanent streeteries really should, you
4 know, take those things into account.

5 You know, there haven't been, you
6 know, massive propane explosions and, you
7 know, people getting shocked by exposed
8 electric. And, again, I don't want, you
9 know, extension cords run around and, you
10 know, propane tanks bouncing down the street
11 but, you know, let's be reasonable here.

12 And, you know, I would like to, you
13 know, again restate the 20-foot distance
14 from sidewalks and corners basically
15 eliminates anybody's streetery if you, you
16 know, are a corner property or, you know,
17 adjacent to a crosswalk. And so, again, you
18 know, the parking issue and loading zones,
19 you know, going right up to corners and
20 crosswalks, we need to relook at that. I
21 would like you to relook at, you know, how
22 that rule is applied.

23 You know, I think that we can get
24 somewhere with this to a very reasonable,

1 you know, middle ground if you guys can, you
2 know, see clear to hear out our concerns,
3 reasonable concerns. You know, again, I
4 understand this is not, you know, a
5 permanent structure that you're allowing.
6 It's for streeteries to be, you know,
7 permanently licensed.

8 But, again, we have to find the
9 ground that, the middle ground that, you
10 know, we are doing something safe and we are
11 doing it legally and we have time to
12 actually get that done.

13 Thank you for hearing me out and
14 hearing all of us out and, you know, I'd
15 like to hope that we can get this stuff done
16 properly. Thank you.

17 MR. FECTEAU: Thank you,
18 Owen. Next we have Tess. Tess, please
19 unmute yourself and address the panelists.

20 MS. HART: Good afternoon,
21 everyone. Thank you so much for hearing our
22 voices today. My name is Tess Hart. I'm
23 one of the owners of Triple Bottom Brewing
24 Company which is at 9th and Spring Garden

1 Street. And I want to first say that so
2 much of what has already been said resonates
3 for us.

4 We are one of the businesses that
5 is not in an automatic zone where we will
6 need to have an ordinance in order to keep
7 our streetery. And so we've been having a
8 lot of conversations with our neighbors
9 about what our streetery means to them and I
10 think that the big thing that we are hearing
11 is that it feels safer here. It feels like
12 our community is alive and it's creating a
13 sense of pride. And I think that's true for
14 communities around the city who see their
15 streets come alive because of this.

16 Something that Kristin said
17 earlier, as a woman walking down the street
18 that sense of greater safety I think is also
19 something that is so important and should
20 not be overlooked. As we as a city are
21 coming out of this pandemic, there are so
22 many things that we never want to have to do
23 again that we had to do during this pandemic
24 but there are some things that really worked

1 and I think the streeteries are one of them.

2 And I think to Jon's point, they're
3 also huge revenue drivers for the city.
4 They're creating more sales which creates
5 more taxes. They're creating more jobs
6 which creates more taxes. So I think it's
7 just a win-win all around.

8 I think that it would be so
9 beneficial for more of our voices to be in
10 this process and to give a timeline that
11 won't just knock us out and take us out at
12 the knees right as we're finally getting
13 ready for hopefully a busy spring season
14 after we're all still sort of reeling from a
15 really, really hard winter.

16 So I hope that you can think about
17 timing and think about what these have meant
18 for the city and for our neighbors and our
19 community members as we're moving forward.
20 And thank you so much.

21 MR. FECTEAU: Thank you,
22 Tess. Kelly, you're next. Please unmute
23 yourself and address the panelists.

24 MS. LANFLOW: Hi. My name is

1 Kelly Lanflow. We have Mifflin Tavern and
2 we would really love for our streeteries to
3 stay. Our neighbors have thoroughly enjoyed
4 it. It has definitely brought a bigger view
5 to the area. We're right along the path to
6 Target.

7 We're also not automatically
8 considered for the streetery in our district
9 so that's just another thing that we'd have
10 to work out to even be able to have it
11 continue.

12 I know that I see a lot of people
13 with their children and feel very
14 comfortable to come and it's really, really
15 eye opening to see that for years our
16 establishment was considered more of a bar
17 and over these past two years it has changed
18 people's minds that we are equal parts a bar
19 and a restaurant. Thank you.

20 MR. FECTEAU: Thank you,
21 Kelly. Next we have Ashley. Ashley, please
22 unmute yourself and address the panelists.

23 ASHLEY: Hi there.

24 MR. FECTEAU: Hi, Ashley.

1 ASHLEY: Good afternoon.
2 Thanks for having us and taking the time to
3 listen to our concerns. A few of the bars I
4 help run have streeteries. One is Khyber
5 Pass Pub. One is Cantina Dos Segundos.

6 Streeteries are essential to
7 recovering from this pandemic. They are
8 becoming standard in every major city. They
9 are expected. Tourists want them.

10 Neighbors want them. We employ around 200
11 Philadelphians who also want them. These
12 streeteries provide financial security for
13 our employees and raise money for the City
14 of Philadelphia and draw in visitors from
15 outlying areas and across the country.

16 Part of my job is licensing. We
17 have followed every rule. We have filled
18 out every form. The new regulations are
19 overwhelming and prohibitive. I feel
20 slightly that I'm being set up to fail. If
21 we are given guidelines and templates, we'll
22 do our absolute best and there's just no way
23 that this could happen immediately,
24 certainly not in time for, you know, the

1 75-degree weather that we have now and we'll
2 probably have next week.

3 I do have a few comments on
4 specific points. The \$60,000 security bond
5 is excessive and difficult to procure. The
6 annual fees are really expensive. We have
7 already built our streeteries to the prior
8 specifications. Art Commission approval
9 seems unnecessary and another process that
10 could take unnecessary time and cause
11 confusion.

12 We cannot afford to run electricity
13 underground. This would require digging up
14 our sidewalks. But we care about safety so
15 lights make it safe outside both in the
16 stretery itself and on the streets in
17 general. The seating outside makes the city
18 cleaner, more attractive, and safer.
19 Streeteries built properly and safely will
20 not be movable due to inclement weather.

21 Crash-proof barriers will further
22 clog the streets and will be ugly for
23 residents and the city. So it's kind of
24 either a safer structure or it's removable

1 for every rainfall. I don't think we can
2 have both.

3 And I feel pretty confident in
4 saying that every single person on this
5 phone call has safely enjoyed an outside
6 propane heater. I'm trying to think of
7 anyone that wouldn't have. They're
8 everywhere. It's kind of bananas to think
9 people may want to dine outside next to the
10 whirring sound of generators.

11 And I just heard today that we
12 would need neighbors' approval to operate
13 these streeteries in front of our own
14 businesses. I don't know how I missed that
15 one but I just got news this morning. And
16 we understand the need when we're allowed to
17 be in front of their property obviously but
18 not in front of our own building.

19 The amount of bars that have absent
20 owners as neighbors or are owned by a bank
21 or in one of our cases a mentally unstable
22 neighbor means getting all neighbors'
23 written approval is putting up impossible
24 barriers to our success. I hope you can

1 help us reach a point where streeteries'
2 regulations are easier to execute and afford
3 for the many businesses who wish to keep
4 outdoor dining.

5 I personally would love to see it
6 'cause I have an unvaccinated three year old
7 and he's never eaten inside of a restaurant.
8 Philadelphians are not dining indoors at
9 pre-pandemic numbers. They want the outdoor
10 option and streeteries have become vital to
11 our business survival. Thank you very much
12 for your time.

13 MR. FECTEAU: Thank you,
14 Ashley. All right. Kelly, it looks like
15 you have your hand up again. Did you want
16 to say one quick thing before we end?
17 Kelly, did you want to say anything else?

18 MS. LANFLOW: I'm not sure
19 how I did that. I apologize.

20 MR. FECTEAU: Okay. All
21 right. So it looks like we have concluded
22 our public hearing. James, did you want to
23 say anything else?

24 MR. KELLETT: Yes, please.

1 Good afternoon, everybody. My name is James
2 Kellett. You can call me Jim. I'm a Deputy
3 City Solicitor with the Philadelphia Law
4 Department and I want to thank -- reiterate
5 and thank everybody here for attending,
6 those that are hanging around for these last
7 comments. I see some people leaving and I
8 don't blame them. It's been a long one.

9 I just -- as a matter of
10 conclusion, I want to describe what happens
11 next. The Departments have strived to
12 establish regulatory framework in compliance
13 with the bill and in line with its effective
14 date. Each of these concerns is taken under
15 careful consideration. I do note that not
16 discounting the individual comments we've
17 heard from our speakers, several do overlap.

18 As a matter of concern -- excuse
19 me, as a matter of law the Departments are
20 required to produce a report of this
21 meeting. That report will occur after
22 consideration of the concerns raised. The
23 report -- there is no time frame for the
24 report to be issued. It will be issued when

1 the Departments are ready to issue that
2 report.

3 The report will either reaffirm or
4 modify the amendments and be submitted to
5 the Department of Records. They will sit in
6 Records for ten days before becoming law.
7 Regulations as a matter of course are always
8 able to be amended as well.

9 So the next steps are for that
10 report to be issued after the consideration
11 of the people that you see before you today,
12 a submission of that report and the ten-day
13 window required by law.

14 That's all I have to say. Thank
15 you to the panelists and, again, thank you
16 to everybody who listened in and/or
17 participated either by voice or by
18 submitting written testimony to us today.
19 Thank you.

20 - - -

21 (This concludes the audio
22 file.)

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