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UNIVERSITY *of* PENNSYLVANIA

# Pedestrianization of Camac Street

EMPA Capstone 2023

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UNIVERSITY OF PENNSYLVANIA – FELS SCHOOL OF GOVERNMENT

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## BLUF (Bottom Line Up Front)

As part of a city-wide pandemic response, state<sup>1</sup> and local governments relaxed regulations for bars and restaurants. This was partly to allow for outdoor dining and to-go drinks to help the service industry generate revenue after months of closures which put their staff out of work and left business owners unable to pay their bills. While these changes in regulations proved to be a helpful way for businesses to reopen safely and put people back to work, these changes also provided government officials insight into how these changes could and should remain long after the pandemic restrictions were rescinded.

The temporary pandemic regulations provided businesses with several options and opportunities to modify their operating procedures—however, some of those regulations needed to harmonize with the existing laws and regulations. For example, Camac Street is a narrow street from the 1600s, not designed to handle regular vehicular traffic in the current era. This street was turned into an outdoor parkway through a Street Closure Permit. The Streets Department issues a Street Closure Permit for different types of use, including block parties, events, construction, or festivals. A permit is required, as it gives the city a chance to review how the street closure may affect citizens and businesses. In this case, a street closure worked efficiently as Camac Street has minimal traffic due to

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<sup>1</sup> State Alcohol-Related Laws During the COVID-19 Emergency for On-Premise and Off-Premise Establishments as of April 13, 2020

[https://alcoholpolicy.niaaa.nih.gov/sites/default/files/static/apis\\_covid-19\\_memo\\_4.22.20\\_508c\\_\(3\).pdf](https://alcoholpolicy.niaaa.nih.gov/sites/default/files/static/apis_covid-19_memo_4.22.20_508c_(3).pdf)

<sup>2</sup> Coronavirus (COVID-19) Temporary Advisory Notice: Breaking Down the Latest Guidance from the Pennsylvania Liquor Control Board

<https://norrismclaughlin.com/blogs/llb/category/coronavirus-covid-19-temporary-advisory-notice-breaking-down-the-latest-guidance-from-the-pennsylvania-liquor-control-board>

its narrow width. However, outside of the temporary pandemic regulations, using a street in this manner requires a change in the street's designation. This can only be done by an act of legislation by the councilperson overseeing the district, Councilperson Mark Squilla. In Philadelphia, city council members have a great deal of control regarding land-use decisions, zoning, parking, and other issues, especially regarding businesses. This control or authority is called Councilmanic Prerogative.

Councilmanic Prerogative is not an actual law but a tradition based on respect for the district's councilperson. Councilmanic prerogative allows councilmembers to make decisions within their district without interference from other councilmembers<sup>3</sup>. In addition, council members typically vote in favor of whatever legislation another council member introduces under their councilmanic prerogative. A great deal of unwritten power is given to council members to run their districts as they see fit. There are no recorded cases in recent years of a prerogative vote against a district council member<sup>4</sup>.

We hope to have this street's designation converted to a pedestrian-only street to allow for other uses. Councilperson Squilla has been supportive of my plan to pedestrianize Camac Street. In addition, he's mentioned how he misses dining outside on Camac Street, giving us hope.

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<sup>3</sup> Councilmanic prerogative in Philadelphia: What you need to know  
<https://www.inquirer.com/news/councilmanic-prerogative-philadelphia-city-council-20220321.html>

<sup>4</sup> Philadelphia's Councilmanic Prerogative  
<https://www.pewtrusts.org/en/research-and-analysis/reports/2015/07/philadelphias-councilmanic-prerogative-how-it-works-and-why-it-matters>

## The Business

The Tavern Group comprises two establishments, one at each end of Camac Street.

**Ubar** is a neighborhood bar at the corner of the 1200 block of Locust Street and Camac Street. This bar has been around for over 30 years, proudly serving the LGBTQ+ community.

**Tavern on Camac** is a three-story venue, with a restaurant on the ground level, a popular piano bar on the main level, and a dancefloor on the top. Tavern on Camac has been open under different names for almost 100 years, and it is believed that the wine cellar in the basement was part of the underground railroad.

These businesses are open to everyone but have primarily an LGBTQ+ clientele. Under the ownership of Steven Carlino and his husband, Dennis Fee, they prioritized giving back to the LGBTQ+ community over the years. Some of their philanthropic events include being an annual participant in Dining Out for Life – a fundraiser where 33 or more percent of sales go to ActionWellness, an HIV/AIDS health organization, and various fundraisers on Camac Street in the warmer months.

## Background

On March 16<sup>th</sup>, 2020, at 5 pm, the Mayor of Philadelphia (Jim Kenney) ordered the closing of all non-essential businesses to stop the spread of Covid-19, a deadly virus we knew very little about. This move was to protect not only patrons but also the staff of these establishments. Deeply affected by these closures were the bars and restaurants of

Philadelphia. Given Philadelphia's rich food and beverage culture and Philly's great tourism reputation, this was a massive hit to the service industry.

After several months of seeing the devastating effects of these closures, along with further data on COVID-19, state and local leaders needed to find ways to not only help people in the service industry back to work safely but also try to restart the economy. This brought in a new era of temporary regulations designed to test the waters to open businesses incrementally while closely monitoring infection rates from COVID-19. The first step was to allow food and drinks to go before allowing guests to dine indoors.

After seeing no significant increase in infection rates, the city relaxed regulations a little more, allowing for outdoor dining and sidewalk cafés<sup>5</sup>. In addition, bars and restaurants were not permitted to have customers remain inside their establishments but could serve patrons outside where the chance for infection was less than in an indoor confined space.

In September 2021, Councilperson Allan Domb introduced legislation to make outdoor dining permanent<sup>6</sup>. Seeing all the benefits produced by outdoor dining, to-go drinks, street closures, and other creative ideas from business owners, Domb sought to create legislation to have these benefits continue long after the pandemic. Domb also cited

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<sup>5</sup> Outdoor dining in Philadelphia: What you need to know

<https://www.phila.gov/2020-06-11-outdoor-dining-in-philadelphia-what-you-need-to-know/>

<sup>6</sup> COUNCILMEMBER DOMB INTRODUCES LEGISLATION TO ESTABLISH PERMANENT OUTDOOR SEATING CITYWIDE

<https://phlcouncil.com/councilmember-domb-introduces-legislation-to-establish-permanent-outdoor-seating-citywide/>

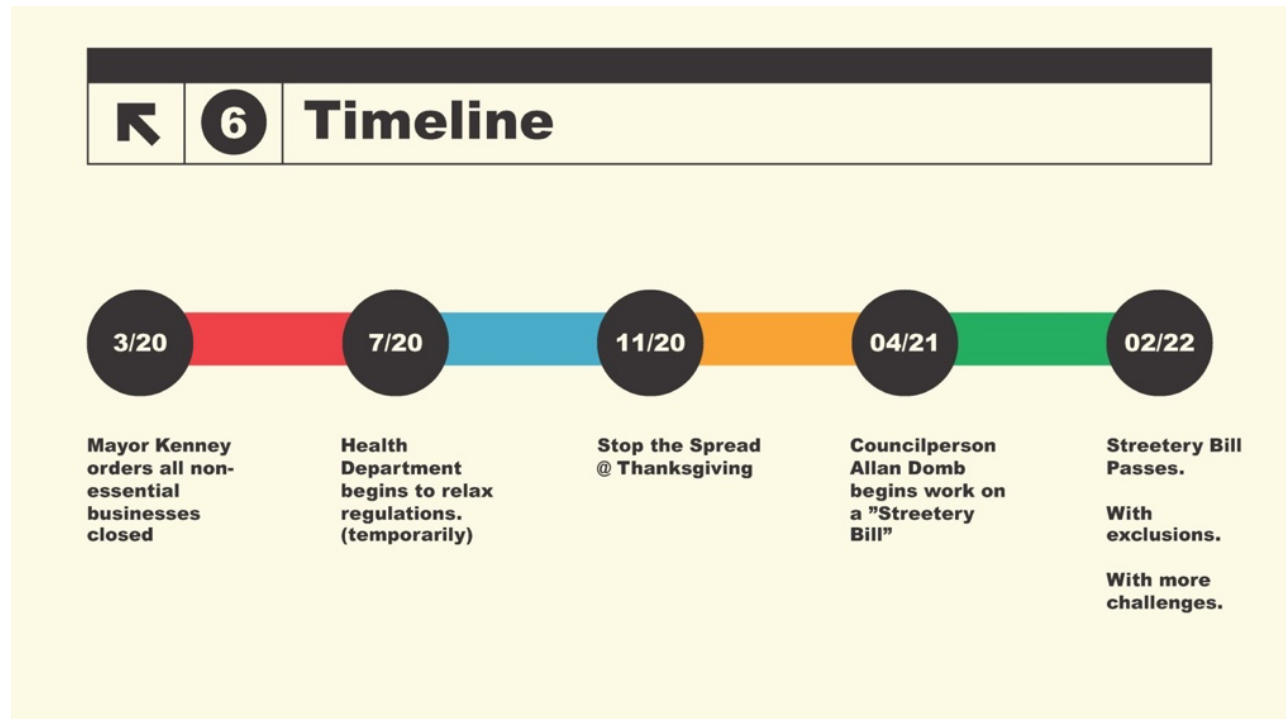
benefits to citizens in and around Philadelphia, who had been stuck in their homes for months with no opportunities to enjoy life outdoors, as we had never experienced the lack of socialization at this level in the past.

Other members of city council partially dismantled Councilperson Domb's bill. City Council President Clarke wanted to ensure the residents of every community had a say in each proposed outdoor dining location and have the "opportunity to weigh in on the impacts on the impacts of expanded dining in their neighborhoods"<sup>7</sup>. Councilperson Domb had the support of other council members, including Cherelle Parker and Jaime Gauthier, who wanted the legislation to support outdoor dining in every district of the city. Council President Clarke opposed this preferring to stand by the antiquated "councilmanic prerogative" doctrine adhered to by the City Council, where each member of the Council has the final say over issues impacting their Districts.

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<sup>7</sup> Philly Council passes bill to legalize 'streeteries' permanently in some areas  
<https://why.org/articles/philly-council-passes-bill-to-legalize-streeteries-permanently-in-some-areas/>

## Timeline



## Challenges Past and Present

### Health Department:

The relationship between the Health Department and the bars & restaurants grew strained. The Philadelphia Health Department sometimes made decisions directly affecting bars and restaurants, which seemed arbitrary. For example, before Thanksgiving Eve, the busiest bar night of the year, bars and restaurants were told they could be open and serve. This announcement was made on every tv network in the area. The establishments began to prepare, including ordering extra food and beverages they intended to sell during the busy holiday weekend. Then one day before the holiday



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weekend, the city closed all bars and restaurants to ‘prevent the spread.’ This not only angered owners and operators of bars & restaurants, but this decision by the health department caused some businesses to close permanently. Not being able to sell the inventory they specially ordered, on top of the additional closures being ordered by the health department, left tens of businesses unable to survive<sup>8</sup>.

Bars and restaurants were held to a higher standard than school classrooms. In February 2021, the health department released enhanced ventilation standards for indoor dining. These standards included complex calculations related to the number of Air Exchanges Per Hour. The city offered a spreadsheet<sup>9</sup> to help with the calculations; however, many needed help with this process. In addition, upon completing the worksheet, many businesses found these standards required to be more attainable due to price and level of construction.

	A	B	C	D	E
4	<i>Enter Your Measurements in Green Boxes</i>				
5	A	Air Flow at Vent	500	linear feet per minute	
6	B	Width of Vent	8	feet	
7	C	Height of Vent	0.5	feet	
8	D	Number of Vents	2	vents (or fans)	
9	E	Dining Room Length	27	feet	
10	F	Dining Room Width	27	feet	
11	G	Dinning Room Ceiling Height	12	feet	
12					
13	<i>Calculations are in Blue Boxes</i>				
14	H = B x C	Area of Each Event	4	square feet	
15	I = D x H	Total Area of Vents	8	square feet	
16	J = A x I	Total Air Flow in Cubic Feet Per Minute (CFM)	4000	cubic feet per minute (CFM)	
17	K = J x 60	Cubic Feet Per Hour (CFH)	240000	cubic feet per hour	
18	L = E x F x G	Dining Room Air Volume	8748	cubic feet	
19					
20	M = K / L	Air Changes Per Hour (ACH)	27.43	air exchanges per hour (ACH)	
21					
22					
23					
24					

<sup>8</sup> The Philly Restaurants that Closed During the Coronavirus Pandemic So Far  
<https://philly.eater.com/2020/5/18/21262156/philadelphia-restaurants-bars-closed-permanently-coronavirus-covid-19>

<sup>9</sup> Enhanced Ventilation Standards Worksheet – Phila Health Dept.  
[https://www.phila.gov/media/20210209114918/PDPH\\_AMS\\_RestaurantVentilationCalculator-020821.xlsx](https://www.phila.gov/media/20210209114918/PDPH_AMS_RestaurantVentilationCalculator-020821.xlsx)

Worse, the school district was told to place box fans in windows to increase the airflow for students in classrooms. Bars and restaurants saw this as another situation where they felt discriminated against or held to a higher standard. Many restauraners started questioning the head of the health department, Dr. Farley's ethics and bias. When many businesses were classified as 'essential,' including food trucks, ride-sharing services, and hotels<sup>10</sup>, many asked what the criteria was based on.

### **City Council:**

The proposed "Streeterly" bill included language for outdoor dining structures to take up street parking spots and sidewalk space "Sidewalk Cafés." Still, it did not include a provision for using entire streets, no matter their size, as streets are regulated differently and have other considerations, including whether a street is a State Route. This was an unforeseen complication that wasn't noticed until the legislation had already been negotiated by city council. Sadly, this complication left some businesses out of the Streeterly bill.

Businesses that successfully used certain streets to expand their service footprint during the pandemic have now lost the ability to use those same streets. The city has denied those businesses the opportunity to continue to utilize a proven and successful operational plan to help those businesses recoup funds lost during the pandemic, often

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<sup>10</sup> City of Philadelphia Safer at Home Restrictions  
<https://www.phila.gov/2020-11-16-philadelphia-announces-new-safer-at-home-restrictions-in-response-to-rising-covid-19-cases/>

without a clear explanation. In addition, some in the city’s administration have not helped identify solutions for the bars & restaurants. With the expiration of the pandemic executive orders and costly expenses from the new Streeterly bill, many businesses, especially small and minority/diverse-owned businesses, are being left behind.

The new Streeterly bill was written to have low costs<sup>11</sup> and easy-to-understand processes to help Philadelphia’s diverse bar and restaurant establishments maintain their existing setups while adhering to the new regulations. Unfortunately, a compromise was required. When the regulations finally rolled out, we saw a 775% increase in the licensing fee<sup>12</sup>, in addition to other permits and inspections necessary, all with their costs. Meanwhile, bars & restaurants that utilized streets were consistently losing revenue because of their inability to use the street any longer.

### **Kenney Administration:**

The Office of Transportation, Infrastructure, and Sustainability (OTIS) and the Streets Department of Philadelphia recommended “striking” Camac Street. Stating this would allow the return of outdoor dining. “Striking the Street” means to remove the street in question from the city plan. In doing so, the person or business ‘striking the street’ would become responsible for the street. However, this would impose a paralyzing cost

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<sup>11</sup> COUNCILMEMBER DOMB INTRODUCES LEGISLATION TO ESTABLISH PERMANENT OUTDOOR SEATING CITYWIDE

<http://phlcouncil.com/wp-content/uploads/2021/09/CM-Domb-Streeterly-Bill-9.28.21.pdf>

<sup>12</sup> Get a Streeterly License

<https://www.phila.gov/services/streets-sidewalks-alleys/outdoor-dining/get-a-streeterly-license/>

to the company due to the required upkeep of owning a city street. These costs would include but are not limited to paving, sidewalk replacement, plowing, and other maintenance. For example, in the event of a water main break, the city would replace the water main, but the street owner would be responsible for clean-up, repaving, and any other repairs. Therefore, this was not a viable option.

### **Neighbor:**

Meetings have been held with neighbors on Camac Street. I have met with several neighbors, and so far, only one has expressed concern. The Sketch Club is a group of artists who have a club also on Camac Street. A meeting early in 2022 proved to be less than productive. I introduced several plans to garner support from the Sketch Club, which have all been shot down. The club mentioned concerns about artists needing help to deliver artwork for showings efficiently. At the end of the call, I asked if there was any option they could think of that would be amenable, to which they had no response.

### Success Stories

The Tavern Group (TTG) has had great success with outdoor dining during the pandemic. Not only were they able to create jobs, but they also had their employees return to work safely. In addition, the TTG has provided an outdoor space for customers in and out of the city to come and enjoy good food and drink in a safe environment all year round. I was required to attend a weekly call with the city to answer any questions from city officials from OTIS, Streets, Licensing, and Inspections (L&I), and the Health Department. During the two-year pandemic regulatory period,

TTG received minimal complaints about its outdoor dining program, and most issues were resolved the same day.

Outdoor dining helped restaurants survive<sup>13</sup>. More than eight in 10 restaurant employees in Pennsylvania — at least 332,000 people — have been laid off or furloughed since the beginning of March 2020, according to the National Restaurant Association<sup>14</sup>. However, many of those businesses are still here partly because of outdoor dining programs, which helped employees keep food on the table and a roof over their heads. While the recovery is not over, full outdoor dining and not limited streeteries are what Philadelphia needs.

### Opposition and Resolutions

When TTG first applied to use Camac Street for outdoor dining, one of the concerns was accessibility. If the street was being used for tables and chairs, how would pedestrians be able to walk up and down the street? Would the plans for Camac Street include ADA accessibility? Fortunately, the Streeteries proposal addressed these issues in total. As part of the planning process, TTG had a roped-off barrier along one sidewalk with enough width for a wheelchair or mobility device with plenty of room for assistance.

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<sup>13</sup> Philly restaurants see expanded outdoor dining as a chance for survival  
<https://billypenn.com/2020/05/01/philly-restaurants-see-expanded-outdoor-dining-as-a-chance-for-survival/>

<sup>14</sup> Dire report from restaurant group shows 8 in 10 workers idled and billions lost  
<https://www.inquirer.com/food/national-restaurant-association-economic-report-lost-jobs-unemployment-closings-20200420.html>

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The city added stipulations stating, “Any structure/tent/etc. would need to be removable within 48 hours’ notice<sup>15</sup> or sooner in an emergency. TTG’s response was to use temporary tents with concrete anchors at each end. The anchors could be rolled away at any time, yet strong enough to sustain 40 MPG winds. The tents themselves could be taken down in about 30 minutes.

Early during the pandemic, before outdoor dining, the city offered establishments to sell to-go drinks, as patrons were not yet permitted to remain indoors. This presented a problem for the city’s health department as people began congregating in common areas and side streets like Camac Street. As a result, Camac Street was eventually named “Covid Alley,” a moniker nobody liked. Still, most didn’t know how to deal with it. By providing TTG with a permit for Camac Street, TTG was able to not only reduce the volume of people on Camac Street but also add tables and chairs for a more structured outdoor dining experience. In doing so, TTG benefited from safe dining. The city also helped by no longer having a public health crisis happening on one street in Center City, Philadelphia, an issue they could not resolve on their own.

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<sup>15</sup> City of Philadelphia Outdoor Dining Program  
<https://www.phila.gov/media/20221018201649/Philadelphia-Streeterly-License-Restaurant-Owners-Guide-Version-1.0.pdf>

## What are our next steps?

We need legislation. To provide an equitable solution for businesses excluded from the current Streetery Legislation, we need to draft legislation to be more inclusive to business owners who have successfully adhered to city regulations while operating outdoor dining during the pandemic. We should not be punished because the legislation needed to be fully inclusive.

As a pilot, I propose introducing a bill to “Pedestrianize” Camac Street. Camac Street has already conducted a three-year trial run during the pandemic with great success, including support from city council members and the various city departments involved in the process.

The city already pedestrianized Filbert Street at the Reading Terminal Market (RTM) <sup>16</sup> in 2022. Creating a no-parking zone between 11<sup>th</sup> to 12<sup>th</sup> street, lowering the sidewalks to meet street level, and adding removable bollards on a road that holds vehicular traffic, is more proof that our plan for Camac Street can work. Camac Street does not usually carry vehicular traffic, so that is one issue already eliminated. In addition, the outdoor dining options at RTM were initially used throughout the COVID-19 pandemic to keep Reading Terminal Market open and busy without risking illness through close

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<sup>16</sup> Reading Terminal Market stretches into Filbert Street with outdoor seating and a festival space <https://www.inquirer.com/news/reading-terminal-market-outdoor-space-filbert-street-opens-20221102.html>

contact<sup>17</sup>. TTG would like to do the same thing but does not require reconstruction of the street or millions of dollars in city money.

We plan to continue conversations with the city administration to work out any concerns, stay in communication with our city council person who loves the idea, and work with community partners and neighborhood associations to address their concerns.

## Final Thoughts

Where do we go from here?

Given the mayoral and councilperson elections being held in mid-May and the city council going into summer recess, there is a better time to submit this plan for legislative review. Councilperson Squilla has offered the resources of his office to draft the necessary legislative bill for submission upon receiving support from the neighborhood association, Washington Square West (WSW). I have been in preliminary talks with WSW and will continue to discuss our plans over the summer.

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<sup>17</sup> Reading Terminal Market to extend outdoor space with Filbert Street Transformation project <https://www.phillyvoice.com/reading-terminal-market-filbert-street-transformation-project-groundbreaking-revitalization/>



## PEDESTRIANIZATION OF CAMAC STREET

There are pros and cons to the election cycle. My pros to the election cycle have allowed me to meet with several incumbent city council members to discuss this plan for Camac Street. I have gained additional support from current and potential future council members, including Katherine Gilmore Richardson and Fels graduate (and my capstone sponsor) Eryn Santamoor. In addition, mayoral candidate Allan Domb has supported this plan since the beginning and has offered his support if he becomes mayor.

A few cons to the election cycle start with the delay in introducing my plan. There needs to be more time to submit the project in the current session. We could not garner all the support and requirements required in time to be heard in committee, voted on, and then moved to the full council for a vote before the final city council session in June 2023. Also, would President Clarke allow such a vote to proceed while he is still in charge?

Other concerns are the delays bar & restaurant owners are facing within the Kenney Administration. For example, during the height of the pandemic, the City of Philadelphia had over 800 streeteries or outdoor dining establishments<sup>18</sup>. A new

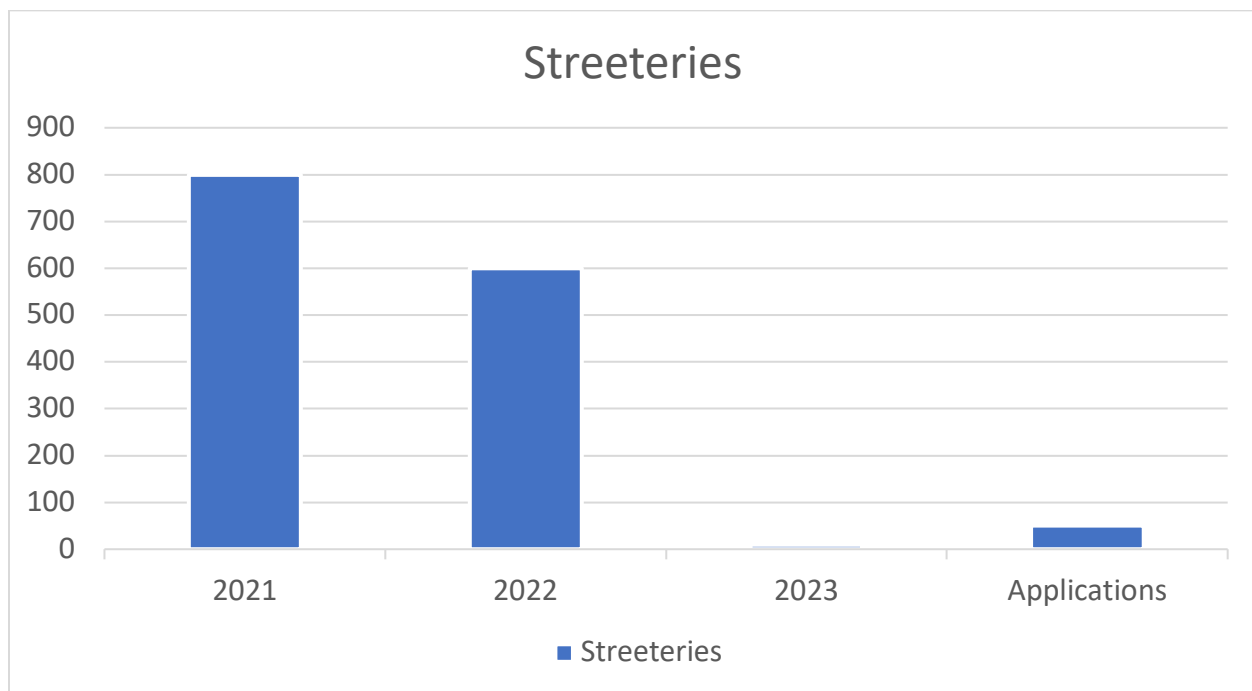
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<sup>18</sup> Just 50 Philly restaurants applied for streeteries permits as the city crackdown starts this week  
<https://www.inquirer.com/news/philly-streeteries-outdoor-dining-restaurants-law-fine-20230109.html>

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application and process were announced in October 2022<sup>19</sup>, along with a mandate to remove all existing streeteries until the business owner received a new license under the new process. Several businesses found the application overwhelming and excessively expensive. To date, over 50 applications have been submitted to the city for approval, and only four have been reviewed. Zero have been approved.

Meanwhile, bars and restaurants continue to recover from the pandemic, dealing with staff shortages and supply chain issues.



<sup>19</sup> City announces regulations and application process for permanent Outdoor Dining Program <https://www.phila.gov/2022-10-18-city-announces-regulations-and-application-process-for-permanent-outdoor-dining-program/>

After the general election, more than 60% of the city council, including its president, will be new to their position. We will also have a new mayor by then. The newly elected leadership will have priorities that could shift the landscape of outdoor dining overall. For example, council President Clarke was not a fan of outdoor dining, but a new president could support the bars and restaurants more.

Overall, I am much more optimistic about the post-election city council session. New leadership, a new vision for the city, and the willingness to make improvements all over the city are what has been missing for a while. Any mayor or councilperson would see this as an opportunity to be part of a more excellent plan to revitalize the city post-pandemic. I want to make sure bars and restaurants' interests are represented.



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