

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, February 16, 2011
10:10 a.m.

PRESENT:

COUNCILMAN FRANK DiCICCO, CHAIR
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

BILLS 100782, 100860, 100871, 100872, 110004
and 110055

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1
2 COUNCILMAN DiCICCO: Good
3 morning, everyone. The Committee on
4 Streets and Services is now in session.
5 My name is Frank DiCicco. I'm the Chair
6 of this Committee. To my far right is
7 Councilwoman Donna Reed Miller. To my
8 immediate right is Councilwoman Maria
9 Quinones-Sanchez, and to my immediate
10 left is Councilman Greenlee, who are
11 members of this Committee. We do have a
12 quorum.

13 I will ask Mr. McMonagle to
14 read the title of the first bill.

15 THE CLERK: Bill No. 110004, an
16 ordinance authorizing John and Concetta
17 Varallo, owners of Pesto Italian
18 Restaurant, 1917 South Broad Street, to
19 construct, own and maintain an
20 encroachment within the right-of-way
21 located on the east footway of Broad
22 Street, under certain terms and
23 conditions.

24 (Witness approached witness
25 table.)

1 2/16/11 - STREETS - BILL 100782, etc.

2 MS. BRISBON: Good morning,
3 Chairman DiCicco and members of the
4 Streets and Services Committee. My name
5 is Michelle Brisbon and I'm a staff
6 engineer with the Department of Streets.
7 I'm here to offer testimony on Bill No.
8 110004.

9 This bill authorizes John and
10 Concetta Varallo, owners of Pesto Italian
11 Restaurant located at 1917 South Broad
12 Street, to construct, own and maintain an
13 encroachment in the public right-of-way
14 at the location as noted in Bill No.
15 110004.

16 The Streets Department has
17 reviewed the plans for this project and
18 supports the passage of this bill.

19 COUNCILMAN DiCICCO: Thank you.

20 Any questions from this
21 Committee for this witness?

22 (No response.)

23 COUNCILMAN DiCICCO: Anyone
24 else here to testify on this bill?

25 (No response.)

1 2/16/11 - STREETS - BILL 100782, etc.

2 COUNCILMAN DiCICCO: Seeing
3 none, Mr. McMonagle, please read the
4 title of the next bill.

5 THE CLERK: Bill No. 110055, an
6 ordinance authorizing Gerald Rothstein
7 and Frederick Mumenthaler, owners of the
8 property located at 1921-23 South
9 Bancroft Street, to legalize an existing
10 encroachment in the right-of-way located
11 on the east public footway of Bancroft
12 Street, under certain terms and
13 conditions.

14 MS. BRISBON: Good morning,
15 Chairman DiCicco and members of the
16 Streets and Services Committee. My name
17 is Michelle Brisbon and I'm a staff
18 engineer with the Department of Streets
19 and I'm here to offer testimony on Bill
20 No. 110055.

21 This bill authorizes Gerald
22 Rothstein and Frederick Mumenthaler,
23 owners of the property located at 1921-23
24 South Bancroft Street, to legalize an
25 existing encroachment in the public

1 2/16/11 - STREETS - BILL 100782, etc.
2 right-of-way at the location as noted in
3 Bill No. 110055.

4 The Streets Department has
5 reviewed the plans for this project and
6 supports the passage of the bill.

7 COUNCILMAN DiCICCO: Thank you.

8 Any questions for this witness
9 from the Committee?

10 (No response.)

11 COUNCILMAN DiCICCO: Anyone
12 else here who wishes to testify on this
13 bill?

14 (No response.)

15 COUNCILMAN DiCICCO: Seeing
16 none, please read the title of the next
17 bill.

18 THE CLERK: Bill No. 100872, an
19 ordinance amending Section 2 of an
20 ordinance (Bill No. 080641) approved
21 November 19, 2008, entitled "An ordinance
22 authorizing the revision of lines and
23 grades on a portion of City Plan No. 128
24 by striking from the City Plan and
25 vacating Eighteenth Street from Cambria

1 2/16/11 - STREETS - BILL 100782, etc.
2 Street to Indiana Avenue and reserving
3 and placing on City Plan a right-of-way
4 for drainage purposes and water main
5 purposes within the lines of Eighteenth
6 Street being stricken, under certain
7 terms and conditions," by extending the
8 period for compliance with the terms and
9 conditions stated therein.

10 (Witnesses approached witness
11 table.)

12 MR. MORELLI: Good morning,
13 Mr. Chairman and members of the
14 Committee. My name is Frank Morelli,
15 Survey Bureau Manager of the Department
16 of Streets, and the Department of Streets
17 would like to offer the following
18 testimony on Bill No. 100872.

19 This is not an administrative
20 ordinance, but an ordinance requested by
21 Edward J. McLaughlin of Select Holdings,
22 LLC, on behalf of the 18th Street
23 Associates, 1800 West Indiana Avenue,
24 Philadelphia, PA.

25 The purpose of this ordinance

1 2/16/11 - STREETS - BILL 100782, etc.
2 is to amend a previous ordinance (Bill
3 No. 080641), approved November 19, 2008,
4 which authorized the striking from City
5 Plan and vacating of 18th Street from
6 Cambria to Indiana Avenue and placing
7 upon the City Plan a right-of-way for
8 drainage purposes and water main purposes
9 within the lines of 18th Street being
10 stricken. The proposed amendment will
11 extend the time period for compliance
12 with the terms and conditions of the
13 authorizing ordinance for an additional
14 two years. The purpose of this action
15 will alleviate short dumping, vandalism
16 and crime problems along this portion of
17 18th Street and will allow for the
18 abutting businesses to utilize the former
19 street area for parking purposes.

20 This ordinance is supported by
21 the Department of Streets and is
22 recommended to your Committee for
23 favorable action.

24 MR. ERICKSON: Good morning,
25 Chairman DiCicco and members of the

1 2/16/11 - STREETS - BILL 100782, etc.
2 Streets and Services Committee. I am
3 William Erickson, a City Planner with the
4 Development Planning Division of the
5 Philadelphia City Planning Commission. I
6 am here to testify on Bill No. 100872,
7 which Councilwoman Miller introduced into
8 City Council on December 16th, 2010.

9 This Streets Bill 100872 is a
10 time extension to a previously approved
11 Bill 080641, which strikes and vacates
12 North 18th Street from Cambria Street to
13 Indiana Street and places a right-of-way
14 on the former bed of North 18th Street.
15 This action will allow the 18th Street
16 Associates to clean up the neighborhood
17 around their businesses, and the
18 Association hopes this action will
19 prevent such problems as short dumping,
20 graffiti and break-ins.

21 At its meeting on October 21st,
22 2008, the Planning Commission recommended
23 that Bill No. 080641 be approved.
24 Therefore, the Philadelphia City Planning
25 Commission recommends that Bill No.

1 2/16/11 - STREETS - BILL 100782, etc.

2 100872 be approved.

3 This concludes my testimony and
4 I appreciate the opportunity to appear
5 before you today.

6 COUNCILMAN DiCICCO: Thank you.

7 Any questions for these
8 witnesses on this bill?

9 (No response.)

10 COUNCILMAN DiCICCO: Anyone
11 else here who wishes to testify for or
12 against?

13 (No response.)

14 COUNCILMAN DiCICCO: Seeing
15 none, please read the title of the next
16 bill.

17 THE CLERK: Bill No. 100871, an
18 ordinance amending Section 2 of an
19 ordinance (Bill No. 040505) approved June
20 21st, 2004, entitled "An ordinance
21 authorizing the striking from City Plan
22 Nos. 270 and 258 of Sanger Street from
23 Tacony Street to the westerly Pierhead
24 Line of the Delaware River, under certain
25 terms and conditions," by extending the

1 2/16/11 - STREETS - BILL 100782, etc.
2 period for compliance with the terms and
3 conditions stated therein.

4 MR. MORELLI: Good morning,
5 Mr. Chairman and members of the
6 Committee. My name is Frank Morelli,
7 Survey Bureau Manager of the Department
8 of Streets, and the Department of Streets
9 would like to offer the following
10 testimony on Bill No. 100871.

11 This is not an administrative
12 ordinance, but an ordinance requested by
13 Brook J. Weese, Esquire, representing
14 Hankin Management Company, Elkins Park,
15 Pennsylvania.

16 The purpose of this ordinance
17 is to amend a previous ordinance (Bill
18 No. 040505), approved June 21, 2004,
19 which authorized the striking from the
20 City Plan of Sanger Street from Tacony
21 Street to the Pierhead Line of the
22 Delaware River. The proposed amendment
23 will extend the time period for
24 compliance with the terms and conditions
25 of the authorizing ordinance. The

1 2/16/11 - STREETS - BILL 100782, etc.
2 portion of Sanger Street proposed to be
3 stricken is not currently open to public
4 traffic, and the City is not desirous of
5 constructing a street at this location.
6 This action will clear land area within
7 the Frankford Arsenal for development for
8 a retail shopping center consisting of
9 over 500,000 square feet of store space.

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

14 COUNCILMAN DiCICCO: Thank you.

15 MR. ERICKSON: Good morning,
16 Chairman DiCicco and members of the
17 Streets and Services Committee. I am
18 William Erickson, a City Planner with the
19 Development Planning Division of the
20 Philadelphia City Planning Commission. I
21 am here to testify on Bill No. 100871,
22 which Councilwoman Krajewski introduced
23 into City Council on December 16th, 2010.

24 This Streets Bill 100871 is a
25 time extension to a previously approved

1 2/16/11 - STREETS - BILL 100782, etc.
2 Bill No. 040505, which strikes and
3 vacates Sanger Street from Tacony Street
4 to the westerly Pierhead Line of the
5 Delaware River. This action is required
6 as part of the redevelopment of the
7 Frankford Arsenal into an Area Shopping
8 Center.

9 At its meeting of May 12, 2005,
10 the Philadelphia Planning Commission
11 recommended approval to the zoning change
12 from G-2 to C-3 Commercial to allow for
13 the construction of the Frankford Area
14 Shopping Center. Therefore, the City
15 Planning Commission recommends that Bill
16 No. 100871 be approved.

17 This concludes my testimony.

18 COUNCILMAN DiCICCO: Thank you.

19 Any questions for these
20 witnesses from the Committee?

21 (No response.)

22 COUNCILMAN DiCICCO: Anyone
23 else here who wishes to testify?

24 (No response.)

25 COUNCILMAN DiCICCO: Seeing

1 2/16/11 - STREETS - BILL 100782, etc.
2 none, please read the title of the next
3 bill.

4 THE CLERK: Bill No. 100860, an
5 ordinance amending Section 2 of an
6 ordinance (Bill No. 020252) approved May
7 29, 2002, entitled "An ordinance
8 authorizing the revision of lines and
9 grades on a portion of City Plan No. 13-S
10 by striking from the City Plan and
11 vacating Lawrence Street from Wharton
12 Street to Titan Street and Leithgow
13 Street from Wharton Street to Titan
14 Street; by revising the lines and grades
15 of Reese Street from Reed Street to
16 Wharton Street and Titan Street from
17 Fifth Street to Fourth Street; by placing
18 on the City Plan Earp Street from Fifth
19 Street to relocated Leithgow Street; by
20 striking from the City Plan and vacating
21 certain portions of Earp Street from
22 Fourth Street to Fifth Street; by
23 revising the lines and grades of Lawrence
24 and Leithgow Streets from Reed Street to
25 former Earp Street, all under certain

1 2/16/11 - STREETS - BILL 100782, etc.
2 terms and conditions, including the
3 dedication free and clear of all
4 encumbrances the beds of the proposed
5 Earp Street not previously dedicated and
6 the unopened portions of Reese Street,
7 Lawrence Street and Leithgow Street," by
8 revising the terms and conditions stated
9 therein and extending the period for
10 compliance therewith.

11 COUNCILMAN DiCICCO: This is
12 the Jefferson Square project.

13 MR. ERICKSON: That's correct.

14 COUNCILMAN DiCICCO: I was
15 curious why we were doing it now. I
16 thought we already did this.

17 MR. MORELLI: It's been
18 completed and fully constructed, but
19 what --

20 COUNCILMAN DiCICCO: I know
21 that that's been there for five years.

22 MR. MORELLI: There were
23 indemnity agreements and release
24 agreements that weren't completed, so
25 we're trying to get that cleaned up.

1 2/16/11 - STREETS - BILL 100782, etc.

2 COUNCILMAN DiCICCO: Okay.

3 Thanks. Please proceed.

4 MR. MORELLI: The Department of
5 Streets would like to offer the following
6 testimony on Bill No. 100860.

7 This is not an administrative
8 ordinance, but an ordinance requested by
9 Mr. Grant Johnson of Jefferson Square
10 CDC, 237 Tasker Street, Suite 200,
11 Philadelphia, PA.

12 The purpose of this ordinance
13 is to amend a previous ordinance (Bill
14 No. 020252) which authorized revisions to
15 the City Plan within the area bounded by
16 4th Street, Reed Street, Reese Street and
17 Titan Street. These revisions were part
18 of the Jefferson Square Revitalization
19 Plan, which removed blight and
20 constructed new housing in the Jefferson
21 Square neighborhood. The proposed
22 amendment will revise the terms and
23 conditions of the authorizing ordinance
24 and extend the time period for
25 compliance. This will allow for the

1 2/16/11 - STREETS - BILL 100782, etc.
2 completion of several outstanding items
3 and enable the Streets Department to
4 revise its maps and records of the
5 affected streets to conform with as-built
6 conditions.

7 This ordinance is supported by
8 the Department of Streets and is
9 recommended to your Committee for
10 favorable action.

11 MR. ERICKSON: Good morning,
12 Chairman DiCicco and members of the
13 Streets and Services Committee. I am
14 William Erickson, a City Planner with the
15 Development Planning Division of the
16 Philadelphia City Planning Commission. I
17 am here to testify on Bill No. 100860,
18 which Councilman DiCicco introduced into
19 City Council on December 9th, 2010.

20 This Streets Bill No. 100860 is
21 a time extension to previously approved
22 Bill No. 020252, which strikes and
23 vacates Lawrence Street and Leithgow
24 Street from Wharton to Titan Street,
25 along with revisions to Titan Street,

1 2/16/11 - STREETS - BILL 100782, etc.
2 Reese Street and Earp Street. These
3 streets were revised and the physical
4 conditions changed as part of the
5 Jefferson Square development. The
6 current condition is being legalized by
7 this action and will allow for easier
8 confirmation of the City Plan changes.

9 At its meeting of May 6th,
10 1999, the City Planning Commission
11 approved the redevelopment plans for the
12 Jefferson Square development. As a
13 result of this action, the Philadelphia
14 City Planning Commission recommends that
15 Bill No. 100860 be approved.

16 This concludes my testimony.

17 COUNCILMAN DiCICCO: Thank you.

18 Any questions for these
19 witnesses from the Committee?

20 (No response.)

21 COUNCILMAN DiCICCO: Anyone
22 else here who wishes to testify?

23 (No response.)

24 COUNCILMAN DiCICCO: Seeing
25 none, please read the title of the next

1 2/16/11 - STREETS - BILL 100782, etc.
2 bill.

3 THE CLERK: Bill No. 100782, an
4 ordinance amending Section 2 of an
5 ordinance (Bill No. 090840) approved
6 September 1st, 2010, entitled "An
7 ordinance granting permission to ABEER,
8 LP, owner of the property Oak Lane Diner,
9 6528 North Broad Street, to legalize a
10 one-story concrete masonry construction,
11 under certain terms and conditions," by
12 extending the period for compliance
13 therewith.

14 MR. ERICKSON: Good morning,
15 Chairman DiCicco and members of the
16 Streets and Services Committee. I am
17 William Erickson, a City Planner with the
18 Development Planning Division of the
19 Philadelphia City Planning Commission. I
20 am here to testify on Bill No. 100782,
21 which Councilwoman Miller introduced into
22 City Council on November 18th, 2010.

23 This bill is a time extension
24 for Bill No. 090840, which was signed
25 into law on September 1st, 2010. It

1 2/16/11 - STREETS - BILL 100782, etc.
2 permits an encroachment onto North Broad
3 Street that will legalize the expansion
4 of the Oak Lane Diner.

5 In February 2010, the City
6 Planning Commission recommended against
7 the approval of Bill No. 090840 because
8 it would legalize a permanent
9 encroachment in the public right-of-way
10 that did not obtain the required permits
11 before it was constructed. However,
12 realizing that Bill 090840 has been
13 signed into law and that Bill No. 100782
14 is merely the extension of the time
15 period to implement the ordinance, the
16 City Planning Commission chose not to
17 make a recommendation on this bill at its
18 meeting on 100870 on December 14th, 2010.

19 As a result, the City Council
20 may enact this bill after the required
21 45-day period, which will elapse January
22 2nd, 2010.

23 This concludes my testimony.

24 COUNCILMAN DiCICCO: Thank you.

25 MS. BRISBON: Good morning,

1 2/16/11 - STREETS - BILL 100782, etc.
2 Chairman DiCicco and members of the
3 Streets and Services Committee. My name
4 is Michelle Brisbon and I'm a staff
5 engineer with the Department of Streets.
6 I'm here to offer testimony on Bill No.
7 100782.

8 This bill grants permission to
9 ABEER, LP, owner of the property Oak Lane
10 Diner, additional time to implement the
11 ordinance Bill No. 090840. The Streets
12 Department has no objection and supports
13 the passage of the bill because Bill No.
14 100782 merely extends the time period to
15 implement the ordinance.

16 COUNCILMAN DiCICCO: Thank you.

17 Any questions for this witness
18 from the Committee?

19 (No response.)

20 COUNCILMAN DiCICCO: Anyone
21 else here who wishes to testify?

22 (No response.)

23 COUNCILMAN DiCICCO: Seeing
24 none, this concludes the public hearing
25 on the Committee of Streets and Services.

1 2/16/11 - STREETS - BILL 100782, etc.

2 Thank you for attending. I will now go
3 into the public meeting.

4 I'll call on Councilman
5 Greenlee to give us a report on all the
6 bills that have just been reported.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Chairman. I move that the
9 following bills - 100782, 100860, 100871,
10 100872, 100004 and 110055 all be reported
11 out --

12 COUNCILMAN DiCICCO: I think
13 you may have misread on this one.

14 COUNCILMAN GREENLEE: 110004.
15 I move that all those bills be reported
16 out of this Committee with a favorable
17 recommendation and, further, that the
18 rules of Council be suspended to allow
19 for first reading at our next session of
20 Council.

21 COUNCILMAN DiCICCO: Thank you.
22 Before I move on that, just let the
23 record reflect that Councilman Jones, who
24 is a member of this Committee, is also in
25 attendance.

1 2/16/11 - STREETS - BILL 100782, etc.

2 I would ask for a second.

3 (Duly seconded.)

4 COUNCILMAN DiCICCO: It's been
5 moved and seconded that all the bills
6 that have just been read into the record
7 be reported out of this Committee with a
8 favorable recommendation and that the
9 rules of Council be suspended so as to
10 permit first reading at our next regular
11 session of Council.

12 All in favor?

13 (Aye.)

14 COUNCILMAN DiCICCO: Those
15 opposed?

16 (No response.)

17 COUNCILMAN DiCICCO: The bills
18 have all been approved.

19 This concludes the Committee on
20 Streets and Services.

21 (Committee on Streets and
22 Services concluded at 10:25 a.m.)

23 - - -

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1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on February 16, 2011, and
8 that this is a true and correct transcript of
9 same.

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14 -----
15 MICHELE L. MURPHY
16 RPR-Notary Public
17
18
19

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