

PHILADELPHIA CITY PLANNING COMMISSION

July 17, 2007

PRESENT:

Marcia Moore Makadon, Acting Chair
David Adelman
Tumar Alexander, representing Loree Jones
Lynette Brown-Sow
Duane Bumb, representing Stephanie Naidoff
Vincent Jannetti
Gloria Levin

ABSENT:

Patrick J. Eiding

Executive Director
Deputy Executive Director

Janice Woodcock, AIA, AICP
Gary Jastrzab

Acting Chair Marcia Makadon convened the City Planning Commission Meeting of July 17, 2007 at 1:15PM.

- 1) Minutes of the Meeting of June 19, 2007.

Upon motion by Mr. Bumb, the City Planning Commission approved the minutes of June 19, 2007.

- 2) Presentation of Redevelopment Plan and Homeless Assistance Submission for Germantown Veterans Memorial United States Army Reserve Center, 5200 Wissahickon Avenue (4th District – Councilmember Campbell)

Jennifer Barr, Planner for the Northwest, stated that the City Planning Commission was designated, by the Department of Defense, as the Local Redevelopment Authority (LRA) for the Base Realignment and Closure (BRAC) Program. Last month we reviewed and approved the Redevelopment Plan and Homeless Assistance Submission for Philadelphia Memorial Armed Forced Reserve Center, 2838-98 Woodhaven Road. The item before you is the Redevelopment Plan and Homeless Assistance Submission for Germantown Veterans Memorial United States Army Reserve Center, 5200 Wissahickon Avenue. The Germantown Veterans Memorial USARC lies between two neighborhoods, East Falls to the west and southwest Germantown to the east. The site is well served by public transportation. However, there are issues regarding internal vehicular circulation and pedestrian access to the site because of the runoff and sinkhole issues. Any redevelopment on this site must remediate the sinkholes, reduce impervious surface to improve flooding issues, construct sidewalks along the entire length of the property, and implement stormwater detention systems on the site. These problem need to be addressed for future reuse. The site is currently zoned “R-9A” Residential.

John Haak, with the Strategic Planning and Policy Division of the Philadelphia City Planning Commission, stated that the City Planning Commission had received 6 notices of interest (NOIs) for this site. Two of the proposals did not meet the basic requirements for our notices of interest , and therefore, were not given further consideration. The remaining four qualified proposals are as follows:

1. Eagles Nest Community Development Corporation, which proposed to relocate its church, school and Community Development Center;
2. School District of Philadelphia, which proposed to transfer the Randolph Career Academy and its Career and Technical Education programs currently located at 3101 Henry Avenue to this location;
3. 1260 Housing Development Corporation, which proposed to renovate the existing structures to create 48 one-bedroom units of affordable housing for seniors and the homeless. They propose to renovate the first floor of the main building to house their administrative and maintenance offices;
4. City of Philadelphia, Department of Public Property, which proposed to reuse this site as an operational and administrative headquarters for the Philadelphia Police Department’s covert and undercover units.

The PCPC/LRA finds that all four of the qualified NOIs seek to address important community needs. However, in considering several criteria that guided PCPC/LRA efforts to shape a consensus around a redevelopment plan, the PCPC/LRA finds that on balance, feasibility, compatibility, and community input the proposal by the Philadelphia Department of Public Property for Police Covert and Undercover Operations should be supported in the Redevelopment Plan. The PCPC/LRA Staff Ranking of Proposals the Department of Public Property proposal was ranked first overall, with a total of 16.5 points, across five general criteria consistent with the PCPC/LRA redevelopment goals. The PCPC/LRA worked with the Southwest Germantown Neighbors Association, the East Falls Community Council, and the East Falls Development Corporation. These materials are on the PCPC website.

Mr. Haak stated that the two community organizations, the Southwest Germantown Neighbors Association and the East Falls Community Council, both conveyed to the PCPC/LRA the clear support of community members for the Police Covert and Undercover Operations proposal. Community preference is especially relevant to the need for local support of any zoning change or variance required to permit the reuse of the site.

Below is a list of actions needed for successful implementation of any redevelopment plan on this site. These actions relate to site improvements.

- Improve landscaping along Wissahickon Avenue to buffer the parking lot from the street.
- Construct a continuous sidewalk along the site's property boundary with Wissahickon Avenue.
- Remediation of existing sinkholes on-site and their underlying cause.
- Creation of on-site stormwater management systems. This may include permeable parking surfaces, underground retention basins, stormwater basins or swales. In particular, flooding issues along Wissahickon Avenue must be addressed.
- It is also strongly recommended that excessive impervious surfaces be removed and replaced by landscaped areas.
- Improved lighting for on-site safety.
- New fencing that does not include barbed or razor wire.
- Increased tree coverage/canopy in impervious areas.
- Support necessary zoning approvals by City Council or Zoning Board of Adjustment.

The City Planning Commission thanks Eagles Nest for its continued involvement in the BRAC process.

A brief question and answer session ensued between Mr. Bumb, Mr. Haak, and Ms. Levin.

Upon motion by Mr. Alexander, seconded by Mr. Jannetti, the City Planning Commission approved the Redevelopment Plan and Homeless Assistance Submission for Germantown Veterans Memorial United States Army Reserve Center, 5200 Wissachickon Avenue.

3) Executive Director's Update

Janice Woodcock made the following statement:

“As a backdrop for today's Commission review of the Foxwoods Plan of Development, my Executive Director's report will highlight the waterfront

planning efforts of the Central Delaware Advisory Group to date and place this work in the larger context of related City efforts to successfully introduce gaming to the City of Philadelphia.

Beginning with the New River City concept plans prepared by the Planning Commission in 2000, we have put in place initiatives to reclaim underutilized land along our rivers. Since that time, organizations such as the Schuylkill River Development Corporation and the New River City Development Corporation have begun the process of planning new trails and public open space along the water -- as part of new private sector developments in some cases -- and in other cases, by establishing new parks and trails on existing publicly owned land. Successes have included the construction of Schuylkill River Park connecting Center City to the Art Museum and Kelly Drive trails, plans for Lardner's Point Park, and the design of a new trail system on the North Delaware waterfront.

Recognizing the demand for residential development, and more recently, that at least one casino would be located on the Central Delaware waterfront, Mayor Street signed an Executive Order in October 2006 establishing the Central Delaware Advisory Group and naming Penn Praxis as the lead consultant to the group to develop a civic vision for the Central Delaware. Since October, over 3100 citizens have attended waterfront walks, public forums, Advisory Group meetings and planning workshops and they have provided input into the future of the plan, eliciting a list of design principles to establish a pedestrian-friendly street grid, a network of open spaces every 2000-feet, and public access to the water as part of future development.

At the start of this process, the sites for casino development had not been selected, however, the possibility of at least one casino being located within the study area elicited much concern in adjacent waterfront neighborhoods over traffic impacts, spin-off development, and associated social and economic impacts of casinos.

We acknowledge that from the outset of the Central Delaware planning process, many of the residents of the riverfront communities expressed strong opposition to the presence of casinos. These voices were heard at the forums held by PennPraxis last winter. Indeed, it was agreed by the Advisory Group that the final civic vision to be presented to Mayor Street in November will include alternative design options for the casino sites.

The work of the Central Delaware Advisory Group has therefore sought to develop a vision for the waterfront that will accommodate a wide range of uses, focusing on sound planning principles and design guidelines as a way to establish the ground rules for all development. These principles will be critical to the future and enable quality development to occur within a comprehensive framework protecting public access to the water, providing public open spaces, and walkable streets.

In December 2006, the Administration provided an evaluation of all five Casino sites to the State Gaming Board drawing from the well-received report produced by the 2005 Gaming Advisory Task Force. This evaluation scored each site on relative traffic impacts, community impacts, social impacts, equal opportunity, and design quality. This work, together with the work of the Advisory Group, has provided an important basis for reviewing today's

plan of development for Foxwoods. The December 2006 evaluation of sites is attached for your reference, and the following thirteen design principles from the Advisory Group are summarized below for your consideration.

Central Delaware Advisory Group design principles:

1. In new developments, require setbacks of adequate size for public access to the water's edge. Connect this public access to existing and newly planned public streets and include bicycle paths, sidewalks, and landscaping to create a pedestrian environment.
2. Establish view corridors along the river, and provide development standards to protect public views of the waterfront.
3. Provide "Trail Headways" for services, relaxation, and rest.
4. Prohibit parking in public access zones and where parking is provided, wrap structures with usable functional space to activate the public areas.
5. Design buildings to face the river and public streets, and include windows and openings that reinforce the active use of public spaces. Prohibit blank walls facing public rights of way, the river, and connections to the river.
6. Avoid placing service roads, trash collection, loading docks, and storage within view of waterfront public open space.
7. Prohibit gated communities or restrictions to public access areas.
8. Prohibit billboards adjacent to the river and provide wayfinding and directional signs that are inviting and clearly indicate the public nature of the access provided.
9. Encourage mixed-use development that is of appropriate height, bulk and scale with the surroundings and incorporate adequate open space on site to serve residents, patrons and visitors to the waterfront.
10. Where industrial ruins or other historical or natural features exist, incorporate these features into the design of new projects and provide interpretation of the industrial past.
11. As opportunity for public investment arises, design Delaware Avenue and Columbus Boulevard to incorporate landscaping, allowing for future bicycle routes, public transit and pedestrians within the public right of way.

Since the selection of gaming sites in December 2006, the City has worked to incorporate the principles of the New River City, the Gaming Advisory Task Force Report, and the Central Delaware Planning principles to influence the design of casino developments. While the City did not select the sites, the City has retained zoning control through the Commercial Entertainment District zoning provisions passed by City Council last fall. Our work to date on water -front planning and the study of gaming impacts has been fully utilized to review the Plan of Development for the Casinos, including today's plan of development for Foxwoods. You will see this work reflected in the report by the City Solicitor in the Development Agreement, and in the

recommendations from the staff of the City Planning Commission on the proposed Plan of Development.

Thank you for your consideration of our recommendations. This concludes the Executive Director's report."

Ms. Makadon described the procedures for the hearing for public comments. We know this project is controversial and we appreciate the public comments. Please provide your name and affiliation and address your comments to the Commissioners. Please don't debate with one another, respect the speaker, and everyone else in the room. Thank you.

4) Foxwoods Casino Proposal – 1499 Christopher Columbus Boulevard

Martin Gregorski, Zoning Planner with the Philadelphia City Planning Commission, stated this item is the introduction of the Casino legislation. This item includes two separate actions, but they are three distinct parts. The first action is the rezoning of the site to a designation of Commercial Entertainment District or "CED". This item will also need City Council's approval. The CED legislation was drafted by the City Planning Commission's staff along with the Law Department on March 9, 2006. The CED legislation is the legislation that will permit a licensed gaming facility. The second item that we need to consider today is for the Review and Approval of the Plan of Development, and the Design Review and Approval. The Plan of Development needs a Bill of Council to permit Foxwoods to move to the next step. The Plan of Development is a Master Plan that sets out the layout, phasing, height, gross floor area, uses, occupied area, the size and location of parking areas, signage, and landscaping for every building located within the CED. A part of the Plan of Development is the Design Review. The Design Review relates to certain design issues, such as, building massing, materials, quality and appearance, landscaping and the impact of the development on the public environment. which will need all the necessary approvals and building permits. We have two items: the CED that will need to go to City Council for approval, as well as the Plan of Development that will need to go to City Council. When they are approved, then Foxwoods can get the necessary building permits to build.

Given that any traffic mitigation scenarios for Phases II and III of the development will require the construction of transportation solutions, likely a new ramp from the I-95 expressway, and given that there is no concrete timeline nor funding for such a ramp, the PCPC staff recommends that the project be approved with provisos that require resolution of traffic issues before the project progresses further.

This will permit Foxwoods to pursue all permits for Phase I, while allowing negotiations to continue regarding the I-95 ramp. When those negotiations are further along and a date certain is set for the construction, the Foxwoods team would return to the City, acting on the advice of the City Planning Commission, for determination of whether an adequate transportation plan is in place to address existing and anticipated visitation.

Pursuant to the determinations of the Philadelphia Gaming Advisory Task Force, the City has sought an agreement with Foxwoods addressing a myriad of City issues, including many issues relevant to the plans for the larger area near Foxwoods. Because the City Solicitor has informed staff that the City and Foxwoods have reached an agreement in concept, but not in detail, staff recommends that the approval be subject to a proviso that such agreements be finalized.

The City Planning Commission staff recommendation is for approval of the rezoning of this site to CED and the Plan of Development with the following provisos:

1. Foxwoods may only apply for building permits for development beyond what is labeled as Phase I in the Plan of Development if, in addition to all other necessary approvals from relevant governmental bodies, Foxwoods has completed a transportation plan that, in the City's determination after receiving the advice of the City Planning Commission, adequately addresses and funds the needs of an expanded casino complex.
2. The City Solicitor certifies that an agreement has been reached between the City and Foxwoods that adequately and appropriately addresses the issues raised by the Philadelphia Gaming Advisory Task Force, including, but not limited to, a commitment by Foxwoods to support a Special Services District.

The City Planning Commission staff recommendation is for approval of the Design Review with the following provisos:

1. Foxwoods Casino Philadelphia will pursue certification as a LEED-certified development and will take all commercially reasonable measures to achieve such certification.
2. A portion of the roof will be a green roof (approximately 10,000 square feet) with another 140,000 square feet will be a "Cool Roof" as classified by LEED standards for green buildings.
3. The north facing blank wall in Phase I will have a combination of vegetation, lighting, and/or other design features to create visual interest as viewed from the public trail.
4. The landscaped area along Columbus Boulevard in front of the parking structure will be widened as much as technically feasible to permit more dense landscaping and screening along the sidewalk. The width of this design feature (including the possible narrowing or elimination of a traffic lane) will be examined with Streets, PennDOT and the City Planning Commission as engineering plans are finalized. In addition, Foxwoods will explore, and will consult with City and State authorities about, options to have the paving and paving treatments of the access road adjacent to the landscaped median designed to slow the speed of traffic as it passes by the sidewalk.
5. Architectural treatment of the parking garage will be provided on the facade facing Columbus Boulevard and will include vegetation, lighting, or other design features to create visual interest when viewed from the public street. When developed, plans will be provided to the City Planning Commission for review.
6. Subject to applicable regulatory approval, Foxwoods will provide appropriate vending and/or refreshments for sale during seasonal months to provide activity and amenities on the trail along the waterfront.

Mr. Gregorski stated that we would have a presentation from the Foxwoods team.

Ms. Makadon stated that the City Planning Commission would be voting separately on each of the 3 categories.

The Foxwoods presentation was given by Jeffrey Rotwitt, Esq. of Obermeyer Rebmann Maxwell & Hippel, Don Dessinger of EwingCole, and Jeffrey Greene of Orth-Rodgers and Associates.

Ms. Woodcock explained how to proceed with the public comments.

Romulo L Diaz, Jr., City Solicitor, spoke on the matters of the development of the Foxwoods Casino Development Agreement. The key element is to document all commitments. We have an agreement in concept with one or two gaps. The terms of the agreement are consistent with the SugarHouse agreement. He listed the types of agreement: transportation, road modification, plan and design development, funding Special Services District, public access to the waterfront, and responsibility to install infrastructure for water and gas facilities.

Councilman DiCicco thanked everyone for this opportunity to speak on this sensitive issue that we have been dealing with since December 2005. He told the audience that we should respect the previous speakers. He stated that he has received a message that the Supreme Court has ruled against the Riverwalk Casino. He stated that a recommendation has been made to approve it by the City Planning Commission. Recently Senator Fumo and Representative Babette Josephs have introduced in Harrisburg Bills for two 1500 ft. buffers. City Council has decided to find an alternate site, but has not been able to come up with a site at this time. In 1995 he was interested in Riverfront gaming, but since then he has seen that development has been occurring throughout the city and the Central Delaware Waterfront. He would not support casinos now. He understands that for every day that the development is put off, we lose revenue. At some point we may have to support this item. Please look at the impact of this development to the retail establishments this development will have on them. Will some of these recommendations by the traffic study help this neighborhood? We need to make sure that it works not only for the casino but for everyone else as well.

Mary Isacson, who was representing the State Representatives Keller and O'Brien, noted that the Representatives feel that Foxwoods has decided to build on the riparian land. The Representatives are prepared to go to court to stop the transfer of riparian rights. She asked the City Planning Commission to not vote on this issue today due to issues on stormwater, traffic, etc.

The following persons made comments to the Philadelphia City Planning Commission:

Mary Isacson, representing the State Representatives Keller and O'Brien, against.
Elizabeth Bhutern, resident.
Jeff Rush, President of Queen Village Neighborhood Alliance, against.
Joel Palmer from Bella Vista Town Watch and Delaware River Neighborhood Alliance, against.
Rene Goodwin, resident and member of Pennsport, against.
Sandy Cadwalader, former Executive Director of Indian Rights Association
Jethro Heiko, Casino-Free Philadelphia and resident who lives near the proposed SugarHouse site, against.
Matt Ruben, resident of Northern Liberties & member of Northern Liberties Neighborhood Association, against.
Hilary Regan, resident of Northern Liberties, against.
Al Brown, resident of South Philadelphia w/the Point Breeze Performing Arts Center, support.
Wayne Rahman, member of South Philadelphia Black Association, support.
Dino Rossi, resident of South Philadelphia & head of CSEEP, support.
Clifton V. Williams, resident of South Philadelphia & head of CORPP, support.
Daniel Giorgio, resident of South Philadelphia, support.
Tom Falvey, works for TN Ward Company, support.
Frank Tavani, traffic engineer hired by residents, against.

Steven A. Weixler, Society Hill Civic Association, against.
Marianne Connell, Pennsport, against.
Mary Stumpf, resident of South Philadelphia, against.
Ed Goppelt, Hallwatch.org & resident of South Philadelphia
Caryn Hunt, Passyunk Square, against.
George Brody, member of CCRA & DRNA, against.
Joe Schiavo, resident & member of Old City Civic Association & DRNA, against.
Paul Boni, attorney & member of Casino Free Philadelphia, against.
Richard Wolk, resident & member of QVNA & DRNA, against.
Rosanne Loesch, member of Society Hill Civic Association & DRNA, against.
Linda D. Evans, resident of South Philadelphia, support.
Matt Berman
Ed Kirlin, resident of Pennsport, against.
Dr. Deborah Diamond, GPTMC, support.

Upon motion by Mr., Adelman seconded by Ms. Brown-Sow, the City Planning Commission tabled the Foxwoods Casino Proposal so that PCPC staff can have time to get further information on the traffic study, the riparian rights issue, and community input.

Ms. Makadon adjourned the City Planning Commission Meeting of July 19, 2007 at 4:40PM.

SUMMARY

- 1) Minutes of the Meeting of 6-19-07
Approved
- 2) Presentation of Redev. Plan & Homeless Assistance Submission for Germantown Veterans Memorial U.S. Army Reserve Center 5200 Wissachickon Ave. (4th District – Councilmember Campbell) (John Haak & Jennifer Barr)
Approved
- 3) Executive Director's Update
- 4) Foxwoods Casino Proposal – 1499 Christopher Columbus Blvd. rights issue, (Martin Gregorski) PCPC's
Tabled - PCPC staff will get on traffic study, riparian & community input for Commissioners