

PHILADELPHIA CITY PLANNING COMMISSION
August 21, 2007

PRESENT: Marcia Moore Makadon, Acting Chair
Tumar Alexander, representing Loree Jones
Lynette Brown-Sow
Duane Bumb, representing Stephanie Naidoff
Patrick J. Eiding
Vincent Jannetti
Gloria Levin

ABSENT: David Adelman

Executive Director
Deputy Executive Director

Janice Woodcock, AIA, AICP
Gary Jastrzab

Acting Chair Marcia Makadon convened the City Planning Commission Meeting of August 21, 2007 at 1:15PM.

1) Minutes of the Meeting of July 17, 2007.

Upon motion by Mr. Bumb, the City Planning Commission approved the minutes of July 17, 2007.

2) Executive Director's Update

Janice Woodcock thanked City Council for allowing us to use their room for today's meeting. She also thanked the Department of Public Property. She thanked the other City departments, who helped review the Foxwoods Casino proposal. They included the Managing Director's Office, the Department of Commerce, and the Law Department, Licenses and Inspections, Water and Streets Departments, and the Philadelphia City Planning Commission staff, as well as, PennDot, the Department of Environmental Protection and other people outside of City government.

3) Redevelopment Proposal for Tioga Redevelopment Area.
Purpose: to allow for development of a parking lot in the 1400 block of Kerbaugh Street, to serve an adjacent business. The Tioga Redevelopment Area Plan will also be amended to change the proposed land use to Commercial at this location. (8th District – Councilmember Reed Miller)

Richard Redding, Director of Community Planning, made the presentation. The Tioga Redevelopment Area is generally bounded by Broad Street, Hunting Park Avenue, R-8 Rail line, and Allegheny Avenue. The purpose of this item is to authorize acquisition of 14 vacant lots for eventual development as a parking lot for an adjacent business. The adjacent business is the STR8-Hand Construction LLC, who specializes in construction, construction management and demolition. The second purpose is for a land use change from "Residential" to "Commercial", to make the parking lot an allowable use. The City Planning Commission staff recommendation is for approval.

A brief question and answer session ensued between Ms. Brown-Sow and Mr. Redding.

Upon motion by Ms. Brown-Sow seconded by Mr. Eiding, the City Planning Commission approved the Redevelopment Proposal for Tioga Redevelopment Area.

Ms. Makadon made the following opening statement:

"The Commission is here today to receive from Commission staff clarification on certain issues raised at the July 17, 2007, meeting regarding the proposed Foxwoods casino. The open issues before us are:

- (1) Traffic mitigation measures
- (2) Riparian rights questions
- (3) Pending state legislation
- (4) Public participation process

Commission staff will present clarifications on traffic, while the City Solicitor will present clarifications on the remaining three issues. The Law Department will then make a brief statement explaining how we will receive public comment. The Commission will then have an opportunity to question Commission staff, the City Solicitor, Foxwoods representatives and others to resolve the open questions.

I remind everyone that the scope of the Commission's consideration of the proposed Foxwoods gaming facility under CED legislation is limited to (1) the rezoning of the site to CED, (2) the Plan of Development to determine compliance with CED zoning provisions, and (3) design review. Site selection was not the responsibility of this Commission.

Before the presentation begins, I would like to ask everyone present to respect the process, the Commission and one another. Public comment has been both passionate and thoughtful. I received a number of thoughtful letters raising the same issues heard at the public meetings. But while feelings are intense, I ask that you be respectful of those speaking today and not interrupt. I have asked Civil Affairs to ask anyone who is disruptive to leave the room to make room for someone who wants to listen to what is happening."

4) Foxwoods Casino Proposal – 1499 Christopher Columbus Boulevard

Martin Gregorski, Zoning Planner with the Philadelphia City Planning Commission's Development Division, stated this item includes two separate actions. 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.

Patrick Mulligan stated that since 2006 the Pennsylvania Gaming Control Board did a traffic study. He went on to state what it entailed. He stated that Foxwoods met the Phase 1 requirements, and that Foxwoods agrees that they need further studies for Phase 2 and 3.

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.

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

State Representatives Keller and O'Brien, against.
Matt Ruben, resident of Northern Liberties & member of Northern Liberties Neighborhood Association, against.
David Odell, against.
Rev. Jesse Brown, against.
Paul Boni, attorney & member of Casino-Free Philadelphia, against.
Hilary Regan, resident of Northern Liberties, against.
Rene Goodwin, resident and member of Pennsport, against.
Ben Boyd, against.
Daniel Hunter, Co-coordinator of Casino-Free Philadelphia, against.
Mary Stumpf, resident of South Philadelphia, against.
Paul Boni again
David Oh, against.

Jeanne Missaoui, against.

Jeffrey Rotwitt, Esq. of Obermeyer Rebmann Maxwell & Hippel, Jeffrey Greene of Orth-Rodgers and Associates, and the Foxwoods design team were questioned by the following City Planning Commissioners: Ms. Woodcock, Ms. Makadon, Ms. Levin.

Mr. Jannetti and Mr. Alexander asked City Solicitor Diaz questions regarding riparian rights issue and the future zoning bill to be introduced by City Council.

Ms. Woodcock and Ms. Levin asked Jeff Greene questions regarding traffic.

Marie Curley and Paul Boni asked several traffic questions.

Ms. Woodcock asked Mr. Denny several questions.

Paul Boni, Jean Drake, Ursula Reed, and Marge Rosenblum stated their concerns with the traffic.

Mr. Diaz instructed the Commission on three points:

1. Absence of the elected officials request – you are acting on the applicant of the developer;
2. Action on applicant – these decisions were entirely made by the State Gaming Control Board, but we have the right to make the zoning decisions;
3. Various media reports for relocation they are exclusively within the State Gaming Control Board rights.

He stated that he could not say what DEP has done with regard to environmental reviews, since they are normally done for Federal Laws.

Mr. Eiding stated that several of the Legislative Representatives were here and left. When the hearings were being held, these representatives didn't step up at the meetings. They did their job when they voted. We have a job to do here today.

Upon motion by Mr. Eiding seconded by Mr. Bumb, the City Planning Commission approved with provisos the Foxwoods Casino Proposal.

Ms. Makadon adjourned the City Planning Commission Meeting of August 21, 2007 at 3:43PM.

SUMMARY

- 1) Minutes of the Meeting of 7-17-07
Approved

- 2) Executive Director's Update

- 3) Redev. Proposal for Tioga Redev. Area. Approved
Purpose: to allow for development of a parking lot in the 1400 block of Kerbaugh St., to serve an adjacent business. The Tioga Redev. Area Plan will also be Amended to change the proposed Land use to Commercial at this location.
(8th District – Councilmember Reed Miller)
(Richard Redding for Cornell Pankey)

- 4) Foxwoods Casino Proposal – 1499 Christopher Columbus Blvd. Approved
w/provisos
(Martin Gregorski)