

PHILADELPHIA CITY PLANNING COMMISSION
May 22, 2007

PRESENT: Marcia Moore Makadon, Acting Chair
David Adelman
Tumar Alexander, representing Pedro A. Ramos
Duane Bumb, representing Stephanie Naidoff
Patrick J. Eiding
Vincent Jannetti
Gloria Levin

ABSENT: Lynette Brown-Sow

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| Executive Director | Janice Woodcock, AIA, AICP |
| Deputy Executive Director | Gary Jastrzab |

Acting Chair Marcia Makadon convened the City Planning Commission Meeting of May 22, 2007 at 1:15PM.

Ms. Makadon stated that items #4, 11A, 11B and 13 are being removed from the Agenda. If anyone has a comment to make regarding the items on the Agenda, please come up to the end of the podium.

1) Minutes of the Meeting of April 19, 2007.

Upon motion by Mr. Adelman, the City Planning Commission approved the minutes of April 19, 2007.

2) Executive Director's Update

Janice Woodcock thanked everyone for coming to the Library and making the extra long trip.

Ms. Woodcock stated that she wanted to call to the Commissioners' attention a great accomplishment that occurred during Earth Week. Mayor Street signed an Executive Order that includes a number of very graphic environmental actions that City government will be taking. She gave a quick overview of the following: He's directed the Procurement Department to reduce its energy consumption, and links its energy consumption patterns to a climate change plan that is part of Clinton's Climate Initiative. Secondly, he's directed the Operating Departments, including the Capital Program Office, to design any building that is invested and designed by the Capital Program Office to exceed the requirement for LEEDS (Leadership Environmental Energy Design). He's directed the Philadelphia City Planning Commission to promote transit oriented development regulations. And finally he's created an Office of Sustainability in the Mayor's Office to oversee the activity of all of these departments.

3) Review of the Philadelphia School District FY2008-2013 Capital Program and Budget.

Jametta Johnson, planner with the Strategic Planning and Policy Division, stated that by the Philadelphia Home Rule Charter requires the City Planning Commission to review the Philadelphia School District's Capital Program and Budget prior to its adoption by the end of May for the fiscal year beginning on July 1. Before we begin a review of the budget, I would like to provide some background on the School District's Capital budget process and to address some broader planning issues as identified by the City Planning Commission staff.

The School District's guiding principles in developing the Capital Budget are the following:

1. To improve high school options by providing more, small high schools;
2. To phase out middle schools;
3. To bring all schools into a state of good repair.

When possible the School District has also tried to incorporate sustainable design principles into their new construction projects.

The School District has also been working with the Water Department to develop green spaces in watershed areas on school properties. These projects will be funded by the Water Department.

In order to minimize the impact of renovations and replacements on the educational process, the School District has planned, in some cases, to relocate students to other facilities while existing facilities are demolished and new construction begins, while in other cases, projects are phased-in and work areas isolated. In cases where the replacement facility is on a new site, there is no impact on the students.

The Capital Budget has increased. In FY2006, the Capital Budget was \$658 million, the six-year program was budgeted at \$2.6 billion. In FY2007, the Capital Budget was \$736 million, the six-year program was budgeted at \$3 billion, which includes incorporating the Water Department's recently approved stormwater requirements.

Site improvements include the Campus Greening projects and while this year's budget has been significantly reduced to \$879, 407 from \$6.1 million in FY2007.

As you know, the Mayor recently signed an Executive Order directing City agencies to implement a number of recommendations contained in the Local Action Plan for Climate Change. Some of those recommendations include using solar energy, incorporating open space and greening in design, and building to LEED standards (Leadership in Energy and Environmental Design). The Planning Commission's Strategic Planning & Policy Staff has been in discussion with the School District about incorporating some of these recommendations and we will continue those discussions as the Capital budget is implemented. We would also like to encourage the School District to continue its Campus Greening Program, which provides green recreational space at schools. This program is consistent with the goals of the Local Action Plan, and the City's GreenPlan, and it is widely supported by the communities throughout the city.

Our Community Planning Division, which works with the School District and local communities on addressing educational needs, has a number of goals for neighborhood schools. These include:

1. Increasing the Joint use of schools (having schools serve a wider population with longer hours);
2. Increasing the use Schools as community centers; and
3. Having Schools serve as community anchors for revitalization and investment.

Over the past four years the School District has made a major capital investment in our public education infrastructure. Completing over 242 projects, totaling \$352 million dollars. This has resulted in the completion:

- construction of 2 new elementary schools and 2 new high schools
- Major Renovations at 11 schools
- Exterior Renovations at 13 schools
- The conversion of two middle school to high schools

- And the expansion of 55 /K-8 Schools; as well as, a number of school replacements and additions, building upgrades and site improvements. A more detailed breakout of these accomplishments is included in the handout.

This year's budget continues that trend, while more accurately reflecting available funding for projects.

The School District is proposing to spend \$2 billion on Capital improvements over the next six years. The District is also proposing to revise their FY2007 budget to \$452 million, a decrease of \$285 million from the adopted FY2007 budget of \$737 million. This reallocation of funds reflects actual project expenditures, as well as the reevaluation of projects and associated cost increases.

In the FY2008 Capital Budget, the Philadelphia School District is proposing to spend a total of \$532 million to renew the City's public schools. This is broken down into 8 major project categories. This year, with a 40% increase in construction costs, the School District has had to reduce the scope of a number of projects. The FY2008 budget reflects those reductions, particularly proposed funding for New Construction projects (24% decrease), which is budgeted at \$170 million, down from \$224 million in FY2007; Upgrades and Improvements (72% decrease), budgeted at \$48 million, down from \$177 million in 2007. And the Contingency Budget has also been substantially reduced down to \$35,000 from last year's budget of \$30 million. Major Renovations is one of the few project categories that reflects an actual increase in funding for FY2008 (3% increase). Its projects have increased to \$235 million. In FY2007, Major Renovations were budgeted at \$228 million, and at \$186 million in 2006.

- *New Construction and Acquisitions* is budgeted at a total of \$170 million (24% decrease). This includes \$137 million for 5 new high schools, and \$33 million for 3 new elementary schools.
- *Major Renovations and Additions*, this is the largest project category, is budgeted at \$235 million (3% increase). This includes \$116 million for improvement at 14 high schools, \$92 million for improvements at 9 elementary schools, and approximately \$28 million for the conversion of 2 middle schools to high schools.
- *School Upgrades and Improvements* is budgeted at \$48 million (72% decrease). This category includes smaller improvements at schools, such as: \$21 million will be used to fund exterior and interior renovations, \$16 million will be used to fund boiler replacements, \$3 million is needed to expand 7 K-4 and K-5 schools to K-8 schools. An additional \$1 million will be used for Campus Greening projects and the installation of athletic fields/field houses. Code compliance is budgeted at \$1 million and the District's on-going condition assessment program is budgeted at \$1.2 million.
- *Equipment Acquisition* is budgeted at a total of \$22 million. Of this total, \$17 million will go towards computer systems and software for the modernization of classrooms, and the remaining \$5 million is for fleet purchases.

- *Environmental Management and Services* is budgeted at \$22 million, which will fund asbestos abatement and associated services.
- Administrative Support is budgeted at \$30 million.
- *Bond Issuance* is budgeted at \$5 million.
- And a *Contingency Fund* of \$35,000 is requested.

Ms. Johnson presented a map that showed all major projects budgeted at \$10 million or more. There are 33 major projects, which include: 5 new high schools, 3 new elementary schools; Major Renovations at 13 high schools and 1 elementary school; and Additions and Renovations at 7 high schools and 4 elementary schools. There are 6 projects in the planning phase. There are 6 projects in design. There is 1 project in procurement. There are 20 projects in construction. Major new construction projects in FY2008 include: Audenreid High School (in construction), Fel High School (in construction), Lincoln High School (in construction), West Philadelphia High School (in planning), and Kensington High School (in planning). New construction for elementary schools includes: Barry Commodore Elementary School (in construction), G Street Elementary School (in construction and scheduled to open in September), and the Francis Willard Elementary School (in design). Other FY08 projects include: Major Renovations at Mastbaum High School, Roxborough High School, and McDaniels Elementary School, as well as the conversion of Vaux and Rush Middle Schools to High Schools.

The City Planning Commission staff stands ready to work with the School District as the Capital Program is implemented and we urge the City Planning Commission to endorse our recommendation for the School District related to the continued funding for the Campus Greening Program, incorporating recommendations from the Local Action Plan for Climate Change, and the expanded use of neighborhood schools.

Ms Johnson told the Commissioners that Patrick Henwood from the School District is here to answer any of your questions.

- 4) Independence Mall Urban Renewal Area, Unit #3, at the SE corner of 5th & Market Streets: Land use change from Commercial to Institutional, to permit development of the National Museum of American Jewish History. (1st District - Councilmember DiCicco)

David Knapton stated this item is for an amendment to the Independence Mall Urban Renewal Area at the southeast corner of 5th and Market Streets. This amendment is for a land use change from "Commercial" to "Institutional Development District" for the National Museum of American Jewish History. The museum is moving to a larger site. It is a private transaction between two parties; that does not include the Redevelopment Authority. This plan was previously presented to our Commissioners. The City Planning Commission staff recommendation is for approval of the land use change.

Ms. Makadon asked if they will be placing an entrance on the side on 5th Street, as was previously requested by the Community Civic Association. She had also asked that question the first time she saw the presentation.

Mr. Knapton replied he had no comment on the side entrance, that he was only proposing a land use change.

Upon motion by Mr. Eiding, seconded by Mr. Bumb, the City Planning Commission approved the Independence Mall Urban Renewal Area, Unit #3, at the SE corner of 5th & Market Streets: Land use change from Commercial to Institutional, to permit development of the National Museum of American Jewish History.

- 5) Independence Mall Urban Renewal Area, Unit #4, at 116-130 N. 7th Street: Redevelopment Agreement with Federal Reserve Bank of Philadelphia. Purpose: construction of a vehicle-receiving annex. (1st District - Councilmember DiCicco)

Mr. Knapton stated this item is in the Independence Mall Urban Renewal Area, located at 116-130 N. 7th Street. It is a Redevelopment Agreement between the Federal Reserve Bank of Philadelphia and the Redevelopment Authority. The purpose is to create a one-story receiving vehicle annex at the rear of the building to change the trucks coming into the Federal Reserve Bank for security purposes to check out the trucks before they enter Federal Reserve Bank. This security site is being conveyed to the Federal Reserve Bank. The Chinatown Neighborhood Association approved it. The architect has incorporated ideas into the site, such as: a garden area on the south side (southeast corner of 7th Street), and 1% for Art Program of the Urban Renewal of the Redevelopment Authority, as well as create a border between the security site and the African American Museum. The City Planning Commission staff recommendation is for approval.

Mr. Eiding asked is the recommendation for the security site and the surrounding area as proposed.

Mr. Knapton replied it is for the proposed site and the successful handling of the traffic pattern.

Upon motion by Mr. Adelman, seconded by Mr. Jannetti, the City Planning Commission approved the Independence Mall Urban Renewal Area, Unit #4, at 116-130 N. 7th Street: Redevelopment Agreement with Federal Reserve Bank of Philadelphia.

- 6) Model Cities Urban Renewal Area, vicinity of Cumberland & Howard Streets: Redevelopment Agreement with Norris Square Civic Association for the Hunter School Homeownership Project, consisting of 50 new homes. (7th District – Councilmember Savage)

David Ortiz stated this is a Redevelopment Agreement with the Norris Square Civic Association for the Hunter School Homeownership Project. The location is various addresses on the blocks of 100 West Cumberland and York Streets, 2400 North Howard and Waterloo Streets, 2300 North Hope, Howard and Waterloo Streets. Civic

Association is planning 50 new homes for affordable housing. Site plan shows rear parking with the homes fronting on Howard Street. The developer, the Norris Square Civic Association, is also the OHCD funded Neighborhood Advisory Council (NAC) for this area and is under contract to conduct citizen participation and community planning activities. The City Planning Commission staff recommendation is for approval.

Upon motion by Mr. Eiding, seconded by Mr. Bumb, the City Planning Commission approved the Model Cities Urban Renewal Area, vicinity of Cumberland & Howard Streets: Redevelopment Agreement with Norris Square Civic Association for the Hunter School Homeownership Project, consisting of 50 new homes.

- 7) Mill Creek Urban Renewal Area; at the SW corner of 52nd & Poplar Streets: Redevelopment Agreement with WesGold, LLC for the purchase of parcels 78A and 79 for the development of a church that was relocated from the site of the Park West Shopping Center. (3rd District – Councilmember Blackwell)

Michelle Webb stated this item is a Redevelopment Agreement with the Redevelopment Authority and WesGold, LLC for a relocation of the church. WesGold is a partner of the Goldenberg Group. They are responsible for the development of the shopping center. Most of the residential parcels have been purchased and homeowners have been relocated. One building is still there, it is the First Born Church of God in Christ. As part of the process, WesGold has agreed to build a new church facility at the corner of 52nd and Poplar Streets, located on parcels 78A and 70. The site plans show the new facility will front on to 52nd and parking lot in the back for 25 spaces. We have asked that the architect to increase the setback from the sidewalk to the parking lot to 6" and they have agreed to do that change.

We have been asked to stress the point that this agreement is between the developer and the Redevelopment Authority, not with the church. They have had litigation in the past because of the separation of church and state. The price will be \$150,000 to \$250,000 to represent full market value.

Carroll Park neighborhood and Councilmember Blackwell support this proposal. The City Planning Commission staff recommendation is for approval.

Upon motion by Mr. Eiding, seconded by Mr. Adelman, the City Planning Commission approved the Mill Creek Urban Renewal Area; at the SW corner of 52nd & Poplar Streets: Redevelopment Agreement with WesGold, LLC for the purchase of parcels 78A and 79 for the development of a church that was relocated from the site of the Park West Shopping Center.

- 8) Institutional Development District Master Plan Amendment for the University of Pennsylvania.

Martin Gregorski, Zoning Planner with the Philadelphia City Planning Commission, stated this item is for the Institutional Development District Master Plan Amendment for the University of Pennsylvania. The Institutional Development District was established on December 13, 1965. The site is located at 32nd and Walnut Streets. It is a parking lot now. The purpose is to erect a 1-story 1,250 square foot structure that will be about 40 ft. high to be used as the B.L.A.S.T. High Bay Laboratory. The B.L.A.S.T. High Bay Laboratory, at the University of Pennsylvania, is in conjunction with

a program with the University of Toronto. The existing gross floor area is 926,818 square feet. The proposed gross floor area is for 928,068 square feet. Ten existing parking spaces will be removed as a result of the construction of this building and one extra parking space is required, bringing the total number of parking spaces required to 3240. The University currently provides more than double the amount of parking as required under the provisions of the Zoning Code. The required parking will be provided at the garage located at 34th and Chestnut Streets. The City Planning Commission staff recommendation is for approval.

Ms. Makadon asked if they would be launching the balloons from this site.

Mr. Gregorski replied that they would only be building the balloons.

Upon motion by Mr. Alexander, seconded by Mr. Bumb, the City Planning Commission approved the Institutional Development District Master Plan Amendment for the University of Pennsylvania.

Mr. Adelman abstained.

- 9) Bill No. 070386 – Rezones an area bounded by Burholme Avenue, Napfle Avenue, Burholme Avenue, Hartel Avenue, Hasbrook Avenue, Central Avenue, and Shelmire Avenue. (Introduced on May 10, 2007 by Councilmember O'Neill)

William Kramer stated Bill No 070386 is a rezoning bill in the Fox Chase section of the city. It is for the Fox Chase Cancer Center. It is located in the area bounded by Burholme Avenue, Napfle Avenue, Burholme Avenue, Hartel Avenue, Hasbrook Avenue, Central Avenue, and Shelmire Avenue. It is currently zoned "R-3", and this proposal would rezone it to "IDD" Institutional Development District. In addition to the rezoning, we would ask the Commission to approve the Master Plan as it exists for the Fox Chase Cancer Center. The Commission saw this a year or two ago, and we were presented with the long-range goals to extend out to Burholme Park. The expansion is not ready to go forward at this time. As part of the campus development a 6-story facility for patient care and a new parking garage for 1,000 cars were approved at the Zoning Board of Adjustment. However, they have been appealed to the Court of Common Pleas, and they are now requesting that it be rezoned to "IDD". This Bill is rezoning it to "IDD" now, which was proposed all along when the deed was finalized for the park extension at a later date. The required number of parking spaces required in the district is 300 and the campus contains 1,993 parking spaces. This does have a hearing in front of the Rule Committee on May 30, 2007. The City Planning Commission staff recommendation is for approval. This is the first step in a long-term growth plan or a major institution in the City of Philadelphia that will assist in allowing the center to grow and develop as one of the country's major resources in the search to find a cure for cancer. Representatives from Fox Chase Cancer Center are here, Dr. Young and Mr. Garvey, to answer any questions you may have.

Mr. Eiding wanted to know if this was property they already had.

Mr. Kramer replied yes, it is.

The representatives from Fox Chase Cancer Center thanked the Commissioners and the Philadelphia City Planning Commission staff.

Upon motion by Mr. Eiding, seconded by Mr. Bumb, the City Planning Commission approved Bill No. 070386.

- 10) Bill No. 070264 – Amending Section 14-1624 North Delaware Avenue
Area Special District Controls (Introduced on April 12, 2007 by Councilmember DiCicco)

Mr. Kramer stated Bill No. 070264 does amend Section 14-1624 of the Zoning Code, which is the North Delaware Avenue Area Special District Controls. This Bill was introduced on April 12, 2007 by Councilmember DiCicco. It does two things. It extends the boundaries of the District, and would also change the name to Delaware Avenue Controls. It would extend the boundaries from Spring Garden Street to Oregon Avenue, and from Fox Street to the river. The restrictions under the code are for uses only, not for structural restrictions. The restrictions would include dancehalls, entertainment of guests and patrons as a main use, nightclubs, private clubs, restaurants, and cabarets and expansion or extension of any of these uses. The controls currently apply to an area bounded by Spring Garden Street, The Delaware River, Lehigh Avenue, Frankford Avenue, Girard Avenue and 5th Street. Currently the controls are zoned “C-3” and “C-4”. The area, that the Bill would extend, is currently zoned “G-2” Industrial, “LR” Limited Restricted, and “PI” Port Industrial. This Bill has a hearing on June 6, 2007 before the Rules Committee. We believe this is to slow down the casinos, but we do not have anything that stated that. The proposed expansion of the North Delaware District controls would be inconsistent with the goals of commercial development along the Delaware riverfront because most of that is already zoned “C-3” and “C-4” Commercial. The City Planning Commission staff recommendation is for disapproval.

Ms. Makadon asked if it would prohibit an existing restaurant from expanding.

Mr. Kramer replied yes, that is correct.

William Schwartz, representative for Foxwoods Development, said the Bill is aimed at our development, to slow it down or kill it. That’s the purpose of it. In the text of the Special District code it says that the north section is to protect the residential section of the residents that are already there. In the new area, that this Bill proposes to extend, there are no residents, it’s all commercial uses. So for the purpose of the ordinance itself, there is no purpose except to hurt Foxwoods.

Upon motion by Mr. Eiding, seconded by Mr. Bumb, the City Planning Commission disapproved Bill No. 070264.

- 11) Bill No. 070266 – Amending Section 14-1605 by adding gun shops as a regulated use (Introduced on April 12, 2007 by Councilmember DiCicco)

Ms. Woodcock stated the Law Department is still looking into the legal technicality of this Bill. We would like to table it at this time until the Law Department has completed its work.

Upon motion by Mr. Bumb, seconded by Mr. Alexander, the City Planning Commission tabled Bill No. 070266.

- 12) Bill No. 070342 – Amending Section 14-1605 of the Zoning Code by providing for Special Regulated Uses and designating overflow storage tanks as a special regulated use. (Introduced on April 26, 2007 by Councilmember O'Neill)

Mr. Kramer stated that Bill No. 070342 amends Section 14-1605 of the Zoning Code, which is for regulated uses, by designating the overflow of storage tanks as a special regulated use. It was introduced on April 26, 2007 by Councilmember O'Neill. The Bill also provides that no special regulated use shall be permitted within 1,500 feet of any residentially zoned district (regardless of the actual uses contained therein) Institutional Development District or any lawfully occupied residence, including any dormitory. The Water Department is attempting to deal with overflowing sewage from the existing sanitary system. The method they have chosen includes the placement of several overflow tanks in strategic areas in the City. The alternatives are to do nothing, which will allow raw sewage to leave the system and be a public point of contact as well as to run into surface bodies of water, or to replace the existing system of underground pipes with larger ones which is cost prohibitive as well as very disruptive to the quality of the existing residential community. This Bill has a hearing before the Rules Committee on June 6, 2007. The City Planning Commission staff recommendation is for disapproval. Passage of this Bill will endanger the City's efforts to maintain and protect the quality of the environment and provide treatment of the sanitary waste of the City.

Ms. Makadon asked Mr. Kramer if the tanks are underground.

Mr. Kramer replied yes, they are. What you see above ground is mostly metal, but will probably need some sort of control building, that is not described at this time.

Richard Lombardo made the following statement to the Philadelphia City Planning Commission:

"Good afternoon, my name is Richard Lombardo and I am a City Planner working for Ballard Spahr. Prior to my present position, as many of you may know I was a member of the staff of the City Planning Commission for over 35 years. I am here today to urge the Commission to recommend against the passage of Bill #070342. This Bill, if enacted, would place overflow storage tanks, in the eyes of the Zoning Code, in the same category as adult book stores, drug paraphernalia stores, adult video stores; pawn shops, tattoos parlors, and massage parlors to name a few other "Regulated Uses". The difference here is that while most "Regulated Uses" are businesses and land-uses with a demonstrated history of having deleterious social or economic impact upon neighboring land-uses, Overflow Storage Tanks a publicly owned and operated underground sewer system that are designed to protect and enhance public health and welfare. They are to be installed and maintained by the Philadelphia Water Department in

an effort to eliminate the pollution of surface streams and rivers with untreated sanitary sewerage during times of increased storm water overflow. This Bill would amend the Zoning Code. At the time where the voters recently have passed Charter Amendments aimed at strengthening the Planning Commission and the Zoning Code, it is an inappropriate attempt to take a public health and public policy issue such as this away from professional planners at the Water Department and the Planning Commission and place it before the Zoning Board of Adjustment. This Bill attempts to move the Zoning Code in a new area of land-use control, that of overseeing necessary underground utility service to residents and businesses. This legislation comes at a time when the Water Department is trying to adapt the City's sewer system to comply with federal regulations. If this legislation is successful in hamstringing this effort, it could have dire economic consequences for the City, both in the area of requiring significant Capital improvement to the City's sewer system, as well as loss of new development in several areas of the City because of inadequate sewer capacity. In closing I urge the Commission to recommend against this Bill."

Paul Loney, Philadelphia Project's representative for Westrum Development, stated that they have a rather substantial project. It is the Byberry State Hospital, where we have used our own money to tear down 22 asbestos-ridden buildings. We have very strict guidelines on what we can and cannot build there. The problem is that in order to get our environmental permits, we need to stay on a certain schedule. Because of this, we were put into the moratorium from the Water Department. They have added us to the list, and therefore, we can proceed with our project. At this point in time this whole project is in jeopardy, because if we can't build we are out of \$20 million, and that is a difficult thing to deal with. So we are hoping that this Commission will turn this down and let the Water Department do what they do best. He thanked the Commissioners.

Upon motion by Mr. Bumb, seconded by Ms. Levin, the City Planning Commission disapproved Bill No. 070342.

- 13) Revised Final Plat (SD#271F) located at 680 & 682 Renz Street (NEC of Keiffer Street)

William Erickson, Development Planner with the City of Philadelphia Planning Commission, stated the item before you is a Revised Final Plat. It is 2 lots in the Northwest area of Philadelphia in the Green Valley neighborhood. The lots currently face on Renz Street, it is actually 680 and 682 Renz Street. The properties in question have some serious settling problems. The developer would like to remove the properties completely, and replace them with a new set of twins to front on Keiffer Street instead of Renz Street, thereby changing the lots layout. It is currently zoned "R-5" Residential, and the new lots will meet the requirements for "R-5" requirements but will be fronted on Keiffer Street. The City Planning Commission staff recommendation is for approval.

Upon motion by Mr. Adelman, seconded by Mr. Bumb, the City Planning Commission approved the Revised Final Plat (SD#271F) located at 680 & 682 Renz Street (NEC of Keiffer Street).

- 14) SugarHouse Casino Proposal – 941-967, 1001 & 1015-25 N. Delaware Avenue

Ms. Woodcock made a statement that after Mr. Gregorski's presentation we are going to take a little break to allow the developers to set up for their presentation.

Mr. Gregorski stated this item is the introduction of the Casino legislation. For those of you who may not know, the boundaries the SugarHouse Casino Proposal is Delaware Avenue, Shackamaxon Street (extended), the Delaware River and Ellen Street (extended). 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 license 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 SugarHouse 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 with 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, 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 SugarHouse can get the necessary building permits to build. We would like to continue to work with SugarHouse on the Design Review. Here are a few of the concerns we want to work on: green roofs, LEEDS certification, public waterfront and access to it from all city streets, blank walls whenever possible, the entrance for pedestrians walkway, there will be a street wall feature lining the Delaware Avenue, excluding points of ingress and egress, to create visual interest at street level, review and approval from the Art Commission for the Public Art process. There has been a great deal of cooperation between the City Planning Commission staff and SugarHouse so that we can obtain the best possible project on this site. The City Planning Commission staff recommendation is for approval of the rezoning of this site to CED, approval of the Plan of Development, and approval of the Design Review with provisos, and also that we approve the Design Review before anything can be completed. We will have a presentation from the SugarHouse team.

Kevin Greenberg, Chief City Solicitor, stated he was here on behalf of Romulo Diaz. We will not be able to disclosed the agreement today, but will do so when it is finalized. On behalf of Law Department, I commend SugarHouse for coming to the table.

A brief question and answer session ensued between Paul Boney and Kevin Greenberg.

- 15) Bill No. 070391 – Amends Chapter 14-1600 of the Zoning Code by adding a new section entitled "Prohibited Locations for Licensed Gaming Facilities". (Introduced on May 10, 2007 by Councilmember DiCicco)

Mr. Kramer stated that Bill No. 070391 amends Chapter 14-1600 of the Zoning Code by adding a new section entitled "Prohibited Locations for Licensed Gaming Facilities". This Bill was introduced on May 10, 2007 by Councilmember DiCicco. The Bill establishes a regulation that would prohibit any Licensed Gaming Facility within 1,500 feet of any residentially zoned district, any church, convents, rectories, legally occupied dwellings and Convention/Civic Center, any school including the 12th grade and any public playgrounds, public swimming pools, public parks and public libraries. The Bill further establishes no variances shall be granted from this section. This Bill would be preempted by state law, because it would create conditions under which a legally licensed gaming facility would be prohibited from locating at any viable sites in the City, including those sites chosen by the Gaming Control Board. The City Planning Commission staff recommendation is for disapproval, because this Bill would be preempted by state law.

A questions and answer session ensued between residents, Ms. Makadon, Ms. Woodcock, Mary Catherine Miller - a pastor of a church in this area, Rev. Jesse from Casino Free Philadelphia, and Mr. Boney.

Upon motion by Mr. Bumb, seconded by Mr. Eiding, the City Planning Commission disapproved Bill No. 070391.

The SugarHouse presentation was given by Tom Witt and Ian Cope.

A lengthy question and answer session ensued Ms. Makadon, Mr. Cope, Ms. Levin, Mr. Cope, Mr. Eiding, Terry McKenna from Keating Development, Ms. Woodcock, Ed Goppelt of Hallwatch, and Mr. Bumb.

Comments were given by the following people: Sarah Thorpe of the Fishtown Resident Association, Chris Mack, Delaware River Neighborhood Alliance, Mr. John a resident, Mary Slumpf a resident of Passyunk Square, Donna Tomlinson from Fishtown Action Committee, Sam Perkins an owner of a small business, Andrew Stacksteder, Kerry Nelson a resident, John Donalan, Casino Free Philadelphia, Lauren Griffith a Fishtown resident

Ms. Woodcock read the letters of Councilman DiCicco (Exhibit A) and Representative O'Brien (Exhibit B).

Another question and answer session ensued between Mr. Boney, Ms. Woodcock, Ms. Makadon, Mr. McKenna, Ms. Levin, Mr. Cope, City Solicitor Romulo Diaz, Jr., Mr. Adelman, Ms. Thorpe, Greg Harland – CEO of SugarHouse, Daniel Hunter – Director of Casino Free Philadelphia, and Mr. Eiding.

Upon motion by Mr., Eiding seconded by Mr. Adelman, the City Planning Commission approved to rezone SugarHouse Casino site (941-967, 1001 & 1015-25 N. Delaware Avenue) to a CED.

Upon motion by Mr., Eiding seconded by Mr. Adelman, the City Planning Commission approved the Plan of Development, and approval of the Design Review with provisos, and also that we approve the Design Review before anything can be completed.

Ms. Makadon adjourned the City Planning Commission Meeting of May 22, 2007 at 4:30PM.

SUMMARY

- 1) Minutes of the Meeting of 4-19-07 Approved
- 2) Executive Director's Update
- 3) Review of the Phila. School District
FY2008-2013 Capital Program &
Budget. (Jametia Johnson) Review
- 4) Independence Mall Urban Renewal Area,
Unit #3, at the SEC of 5th & Market Sts:
Land use change from Commercial to
Institutional, to permit development of the
National Museum of American Jewish History.
(1st District - Councilmember DiCicco)
(David Knapton) Approved
- 5) Independence Mall Urban Renewal Area,
Unit #4, at 116-130 N. 7th St: Redev.
Agreement w/Fed. Reserve Bank of
Phila. Purpose: construction of a vehicle
Receiving annex. (1st District - Councilmember
DiCicco) (David Knapton) Approved
- 6) Model Cities Urban Renewal Area, vicinity of
Cumberland & Howard Sts: Redev. Agree-
ment w/Norris Square Civic Assoc. for the
Hunter School Homeownership Project,
consisting of 50 new homes. (7th District –
Councilmember Savage) (David Ortiz) Approved
- 7) Mill Creek Urban Renewal Area; at the SWC of
52nd & Poplar Sts: Redev. Agreement w/WesGold,
LLC for the purchase of parcels 78A & 79 for the
development of a church that was relocated
from the site of the Park West Shopping Center.
(3rd District – Councilmember Blackwell)
(Michelle Webb) Approved
- 8) Institutional Development District Master
Plan Amendment for the University of
Pennsylvania. (Martin Gregorski) Approved
- 9) Bill #070386 – Rezones an area bounded by
Burholme, Napfle, Burholm, Hartel, Hasbrook,
Central, & Shelmire Aves. (Introduced on 5-10-07) Approved

by Councilmember O'Neill) (William Kramer)

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| 10) <u>Bill #070264</u> – Amending Sect. 14-1624 North Delaware Avenue Area Special District Controls (Introduced on 4-12-07 by Councilmember DiCicco) (William Kramer) | Disapproved |
| 11) <u>Bill #070266</u> – Amending Sect. 14-1605 by adding gun shops as a regulated use (Introduced on 4-12-07 by Councilmember DiCicco) (William Kramer) | Tabled |
| 12) Bill #070342 – Amending Sect. 14-1605 of the Zoning Code by providing for Special Regulated Uses & designation overflow storage tanks as a special regulated use. (Introduced on 4-26-07 by Councilmember O'Neill) (William Kramer) | Disapproved |
| 13) Revised Final Plat (SD#271F) located at 680 & 682 Renz St (NEC of Keiffer St) (William Erickson) | Approved |
| 14) SugarHouse Casino Proposal – 941-967, 1001 & 1015-1025 N. Delaware Ave (Martin Gregorski) | Approved |
| 15) Bill #070391 – Amends Chapter 14-1600 of the Zoning Code by adding a new section entitled “Prohibited Locations for Licensed Gaming Facilities”. (Introduced on 5-10-07 by Councilmember DiCicco) (William Kramer) | Disapproved |