

October 14, 2008

Dear Mayor Nutter and Councilman DiCicco,

Please slow down the process regarding Foxwoods' possible move into the heart of the city. We can imagine the political pressure the Governor is applying but we ask that you stand with the people and protect the public interest. As we explain, you now have a good opportunity to keep both Foxwoods and SugarHouse away from neighborhoods.

Councilman, you intend to propose in Council this week an amended Commercial Entertainment District (CED) ordinance for Market Street. You stated that if you do not propose the CED now, then we risk the Supreme Court imposing the CED at Market Street and stripping the City of any meaningful role. Similarly, State Rep. Michael O'Brien wants to "inoculate this community from the Supreme Court." These are not accurate assessments; and, we wouldn't be surprised if they were pushed on you by the Governor's office.

You might not recall, but under the law a casino can proceed to the Planning Commission as soon as the CED is simply "proposed" for a particular location. § 14-403(3) (emphasis added). This means the mere proposal of the CED for Market Street would allow Foxwoods, at a time of its choosing, to submit plans to the Commission to start processing the paperwork (behind closed doors, as was done with the waterfront proposal). This is all much too fast.

We respectfully request a 6-month stay on proposing any legislation for Market Street and on any agency working on designs or infrastructure. Instead, during this time-out the Planning Commission, with full citizen input, would engage in a full, fair and public process to analyze all potential impacts of both Foxwoods and SugarHouse and engage in a full-scale study of all potential alternative sites for both projects, including a cost/benefit analysis (for more details, please see our July 8, 2008 letter, to which 685 citizens signed-on).<sup>1</sup>

The specter of the State Supreme Court is a red-herring at present. The Supreme Court explained quite clearly that it could only order the CED imposed at the waterfront sites because, among other things: (1) the Pennsylvania Gaming Control Board had already issued gaming licenses for those two sites; and (2) the by-right CED already existed on the books courtesy of Mayor Street. However, neither of these two prerequisites exists at Market Street. Therefore, unless and until the PGCB transports Foxwoods' license to Market Street (which, if it occurs, will take at least a few months), and unless and until you propose an amended CED for Market Street (for which we see no reason to rush), the Court is powerless to impose the CED at Market Street. Accordingly, there is plenty of time to call a time-out so that proper analyses can be conducted.<sup>2</sup>

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<sup>1</sup> All we ask is for the downtown communities to have 6 months. The waterfront communities had sixteen (16) months to study the plans and engage land use experts, witnesses and traffic consultants (Foxwoods made its waterfront plans public on December 28, 2005 and first presented to the Planning Commission on April 17, 2007). If you introduce the CED now, Foxwoods might be able to submit plans to the Planning Commission in a few weeks, if not sooner.

<sup>2</sup> You have good leverage because Foxwoods wants desperately to abandon the waterfront for Market Street and, in the process, to save hundreds of millions of dollars in construction costs at a time when financing is scarce. Furthermore, with the waterfront sites' regulatory obstacles that Mayor Nutter stated are "virtually insurmountable," we know groundbreaking cannot occur on the waterfront anytime soon. Indeed, if it wants, Foxwoods can make use of the local time-out to ask the PGCB to transport its license to Market Street.

In other words, if an amended CED is proposed this week, then, once the PGCB transports the state gaming license, we may well have gone a long way towards providing the Court everything it needs to impose Foxwoods at Market Street. The proposal of the CED, no matter how much we say it is merely “begins” the process and no matter how many hearings we have on adverse impacts, may well be the only legislative step necessary for the Court to seize control at Market Street. It could be interpreted as serving up Market Street on a silver platter; and simply not proposing the CED at this early time can prevent that bad result.

The people have earned your leadership. For over two years, thousands of citizens have been working to protect their families, communities and the city. We’ve learned about the predatory nature of this industry, including the operators’ desire to be near residential neighborhoods, the computerized programming of the machines designed to encourage gamblers to “play to extinction” (their term) and the targeted get-rich marketing strategies used to prey upon the false hopes of low to moderate income citizens. The City is simply not prepared for the onslaught of this predatory industry, from the impacts to our local small businesses, the devastating effects on families, youth and the poor, and the need to deal with new addicts, foreclosures, bankruptcies, crimes and suicides.

Respectfully, for at least three main reasons, we believe the City is rapidly losing credibility. First, the Market Street property would break Mayor Nutter’s explicit campaign promise to keep casinos more than 1,500-feet away from homes, parks, schools and places of worship. Second, it would violate Mayor Nutter’s reform platform because it is based on an insider, backroom deal orchestrated by the Governor and Foxwoods.<sup>3</sup> Third, as we now know, for several weeks the Mayor and the Governor met secretly with SugarHouse while keeping the public in the dark. The City must do better.

The City has an opportunity to set things right. Mayor Nutter’s election was based on the promise of an expert Planning Commission and returning good planning to preeminence in Philadelphia. The proper function of the Planning Commission, of course, is to determine which uses go where in our City -- and to do so unfettered by political pressure. The City can now be true to its promises by imposing a stay and conducting a proper planning process.

Let us have the public debate the Governor and the industry don’t want us to have: a public conversation about whether we should become the first great city to facilitate and encourage slots parlors in the heart of our downtown, in Northern Liberties/Fishtown, or anywhere. We all have too much to lose not to get this right.

Respectfully,  
Casino-Free Philadelphia

cc: Terry Gillen and Andrew Altman  
Members of Philadelphia City Council  
Governor Edward G. Rendell  
Media

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<sup>3</sup> This past Thursday this loss of credibility in our City became apparent in Chinatown where hundreds of residents, with courage and passion, challenged the decision and pled for more time, more information and a meaningful say.