



CITY OF PHILADELPHIA CITY COUNCIL

FRANK DICICCO
Room 332 City Hall
Philadelphia, Pennsylvania 19107
(215) 686-3458-3459
Fax No. (215) 686-1931

COUNCILMAN - 1ST DISTRICT

COMMITTEES

Chairman
Streets & Services

MEMBER

Finance
Labor & Civil Service
Parks, Recreation &
Cultural Affairs
Commerce & Economic
Development
Fiscal Stability &
Intergovernmental Cooperation
Housing & Homeless
Technology & Information Services

May 28, 2009

Caryn Hunt for
Neighbors Allied for the Best Waterfront
VIA EMAIL: carynhunt@hotmail.com

Dear NABR:

Thank you for your May 27th letter concerning the proposed Central Delaware River Waterfront Overlay. I'm happy to address your concerns:

1. We Should have Clear Rules for the Waterfront Setback, Recreational Trail and Public Access to the River:

For clarity purposes, the Overlay does contain clear rules for the Setback, Trail and Public Access. NABR disagrees with those rules. I will, however, address those disagreements.

It is also important to note that the Overlay is not only meant to create a better waterfront but is intended to simplify the development process and encourage construction. Our hope is that the Planning Commission is empowered and the necessity of zoning variances is limited. We can not transform our waterfront without encouraging development and creating clear expectations.

a. Waterfront Setback:

(1) Width of the Setback: Some believe that in all instances 100 feet is an appropriate setback width. Should circumstances prohibit 100 feet, the developer could seek a variance from the ZBA.

There are a number of circumstances where 100 feet may be inappropriate and mandating a variance would be contrary to our goal of simplifying development. A minimum percentage standard is appropriate.

The specific width of the setback and what the minimum standard is appropriate will be determined at the public hearing on June 3rd.

(2) Point of Measurement: I concur that the Bulkhead line presents some concerns; however, the legislation recognizes these concerns and mandates that “Any discrepancies between the physical top of the bank and Bulkhead Line along the west bank of the Delaware River shall be surveyed by the District Surveyor and the Board of Surveyors of the Department of Streets shall keep the survey on file and available for public inspection.”

b. Recreational Trail: To my knowledge, no legally mandated waterfront trail provides for unlimited, unqualified 24-hour access. Even so, such access is not appropriate if and when such access directly impacts the security or safety of property and residents. While I agree that 24/7 access is preferable (and as such is stated in the legislation) there must be a balance between public access and private property.

c. Regulated Public Access:

(1) Maximum Distance: Your concern is appreciated and will be considered.

(2) No shared easements: NABR believes the legislation would permit a shared easement “even in the middle of a property.” You continue further by stating that it could allow multiple property owners to share one easement. Certainly, that is not my intent. While I believe the current language is appropriate, I will raise your concerns with the Law Department and make changes if appropriate.

(3) Hours of Availability: As with the trail, I do not believe 24/7 access is always appropriate.

1. The List of Prohibited Uses Should Be Consistent with the Civic Vision:

NABR’s position on riverfront gaming is clear and I agree that no additional gaming facilities should be built on the waterfront. However, I do not believe that the Overlay is the place to fight this battle. I will, however, stand with you if and when that fight occurs.

The omission of gun shops and payday lenders is unintentional and the error will be corrected. Thank you for bringing it to my attention.

3. Archaeology and Historic Preservation:

While I understand NABR’s desire to protect historically significant sites, I do not believe that the City has or should assert the power to mandate archaeological investigations nor does the City enjoy the resources to perform such oversight. As such, this power is appropriately within the purview of the State and would encourage and support any efforts to strengthen State laws and regulations.

4. The waterfront property owners should not have a privileged role in the legislative process

Your assertion that property owners have enjoyed a privileged role is inaccurate. My office has engaged in hundreds of individual and/or group conversations with all stakeholders – members of CDAG, the general public, Delaware River Waterfront Corporation, the Planning Commission, attorneys, architects, engineers and property owners. Each conversation has been an effort to improve the legislation and enact measures that work.

Some of the concerns that property owners have raised are reasonable and have been addressed. Other concerns have not been. Overall, my dialogue with them has resulted in a better bill.

Similarly, some of the concerns that NABR has raised are reasonable and will be addressed. Other concerns, in my opinion, are not. Overall, my dialogue with you has resulted in a better bill.

For that, I thank you, thank the property owners and their representation and thank every stakeholder who has participated.

Sincerely,



Frank DiCicco
1st District Councilman