

Urban Waterfront Action Group (UWAG) Meeting

Tuesday, March 21, 2017

Participants:

Connie Bird, Philadelphia Water Department; James Boyer, U.S. Army Corps of Engineers; Randy Brown, PA DEP/CZM; Harris Ford, Mark Sanderson, DIGSAU; Joe Forkin, DRWC; Ray Heinzlmann, GBA; Joseph Musil, Roy Denmark, Dan Humes, Urban Engineers; Tyson Sayles, Ensemble; Sean Greene, Delaware Valley Regional Planning Commission

Meeting Summary:

A brief project description and concept development plan were submitted to the committee in advance of the meeting. These documents are attached to these meeting notes along with comments from the National Marine Fisheries Service (NMFS). The Delaware River Basin Commission (DRBC) emailed Sean Greene that DRBC does not have jurisdiction of the tidal portion of the Delaware River and has no comment on this project.

1. Piers 34 and 35 South Mixed Use Development: Presented by Urban Engineers, Inc.

Roy Denmark of Urban Engineers presented the overall mixed-use development concept plan for piers 34S and 35S that includes approximately 300 apartments, parking, restaurant and commercial uses as well as restored habitat and public access areas (concept plan is attached). Tyson Sayles (Ensemble) and Mark Sanderson (DIGSAU) described the purpose behind the development concept up for discussion, including input from the city planning commission, neighborhood groups, and consistency with the waterfront plan developed by the Delaware River Waterfront Corporation. The intent of the project is to produce a mixed use economic development project that includes public access to the Delaware River and creates a destination that meets the requirements of the *Master Plan for the Central Delaware*, including river access and connections to bicycle and pedestrian trails along the waterfront.

James Boyer, USACOE, noted that it was difficult to offer comment on the feasibility of the project without seeing definitively what the impacts of the project will be on the river, specifically what are the current conditions, what areas are proposed to be filled, what portions of the site are proposed for high deck or low deck piers. Mr. Boyer noted that commercial and residential development are not water dependent uses and that the regulatory agencies discourage filling or covering tidal and open water habitat for non-water dependent uses. Mr. Boyer noted that mitigation strategies are not considered until the issue of whether the project is permissible in the first place.

Randy Brown, PA DEP / CZM, mentioned that minimizing impacts was important for the regulatory agencies. There is a history of building non-water dependent uses on existing piers and there may be some benefit to separating the project into the mixed use development on the existing pier 34 and the public access components that might require additional water and mudflat coverage. There would be additional benefit to identifying what parts of the existing pier 35 can be considered uplands and considering those areas for decking and boardwalk to minimize the tidal and open water impacts. Mr. Boyer agrees to present this idea to his agency.

Both Mr. Boyer and Mr. Brown agreed that it was important for the developer to use proper terminology when describing the areas to be filled and what structural strategies will be implemented in the development. The gentlemen also both recommended that a concept plan that shows the current

conditions, locations, and extents of existing and proposed fill and high and low deck piers would be critical in helping the regulatory agencies determine the impacts of the project and offer meaningful input to the project concept.

The gentlemen agreed that the order of impacts on habitat and thus the likelihood of regulatory action ranged from 1) filling in tidal and open water habitat to create upland or dry land areas as the most impactful to 2) building on low deck piers, where the pier cribbing and pilings were under the high water mark to 3) high deck piers that allowed water to flow under the pier at high tide as the least impactful. Mr. Boyer noted that the NMFS will also consider shading a negative impact on fish habitat.

Mr. Boyer presented comments on the project concept that were submitted by the National Marine Fisheries Service. Those comments were distributed and are attached to these meeting notes.

All parties agreed that this project is a balance between the regulatory agency review of habitat protection and waterfront planning to develop public access, amenities, and economic activity to a revitalized waterfront.

The development team thanked the attendees for their comments and suggestions and indicated that they would consider them in the project design.

The meeting adjourned at 11:25. The next scheduled UWAG meeting is May 16, 2017 at 10:00 AM at the DVRPC offices.