

DELAWARE VALLEY REGIONAL PLANNING COMMISSION

URBAN WATERFRONT ACTION GROUP

Tuesday, December 28, 2021 - 10:00 AM

Minutes

Introduction

- In attendance
 - Randy Brown, PA DEP
 - Angelo Waters, Urban Engineers
 - George Cressman, Urban Engineers
 - Matt Walderon, PA DEP
 - Sarah Chiu, PCPC
 - Stephen Maffei, Abatate Design Studio
 - Susan Patterson, PWD
 - Jim Boyer, US ACE
 - Robert Deems, US ACE
 - Ian Litwin, PCPC
 - Neha Ghaisas, PWD
 - Chris Linn, DVRPC
 - Miles Owen, DVRPC

Presentation

Pier 35.5: 709-17 N. Penn St., Philadelphia, PA– Angelo Waters from Urban Engineers will discuss the mixed-use residential and commercial development proposed for the site located at Pier 35.5 in the Fishtown neighborhood in Philadelphia. The existing pier is deteriorated and will require rehabilitation and reconstruction.

- Presentation by Angelo Waters - Urban Engineers
 - The project is not permit ready yet. They met with Philadelphia L&I Floodplain regulators and they suggested meeting with this group and with FEMA regarding flood map revisions
 - The project is in early zoning stages and so they wanted to meet with this group to get it on the radar and discuss the goals and phased development plan
- Stephen Maffei – Abatate Design Studio
 - This project was approved for 41 townhomes in 2015. That zoning permit has expired so they are presenting a different plan.
 - Some of the land mass of the pier has eroded. They would like to rebuild to the historic pier extent. This would not increase the size of the land mass.
 - Along the south side, they are proposing a 5 foot wide cantilevered walkway
 - This would create side/back private areas for the townhomes
 - The cantilever provides space for escape/rescue access to the entire

- development by allowing for the townhomes to move back and create more space for the road
 - The property line of this project on the north side is right along the edge, so no changes there
 - But the property line on the southern edge is partially in the water
- Angelo Waters – Urban Engineers
 - Historic pier structure is a crib structure with wooden crib with earthen fill
 - It has eroded and so they met with L&I flood management group to discuss high water lines
 - Will have a discussion with FEMA to talk about flood map modification with new construction
 - Urban Engineers got the wave action line from a shapefile supplied by FEMA from approximately 2015

Project Discussion

- Sue Patterson
 - Q: Do you have any profile views of the flood elevation as required by the city?
 - A: Yes, there will be 24 inches of freeboard in all homes
 - Q: They located an old flood marking at the PECO station down the road from Hurricane Agnes in 72. They can provide that information if you want.
 - A: Yes, that would be great
 - Q: So, you will submit a letter of modification to FEMA based on fill?
 - A: In order to get this structure back to what it was, they will have to construct a bulkhead along the edge
 - A: The current line is a result of some of the erosion that has occurred
- Randy Brown
 - Q: What about the mean high, mean low, tide line, etc...? Will this project entail a significant expansion of the existing pier footprint?
 - A: The footprint will remain the same as the historic pier structure line
 - The state looks at the existing condition of the pier as the extent of the pier and the part that is currently in the water or mud flat is the Delaware River
 - If there was a specific event that caused the pier to erode, then reestablishing the pier is a different matter
 - If the pier naturally eroded, then any fill or bulkhead to the old outline would be considered new work
- Rob Deems
 - A big question is the intended use of this pier.
 - Since it hasn't been utilized in years, we aren't even sure what the original extent is.
 - Even though the old pier structure is there, the applicant needs a permit to bulkhead and enclose up to the old pier line
- Randy Brown
 - Anything below the mean high water/high tide line needs a permit because it causes a habitat loss that will need to be dealt with through the permitting process
- Angelo Waters
 - The city has said they want to see reestablishment of the pier line before development occurs.

- Q: With this in mind, they want to do this project in phases by first completing the bulkhead line, then the map revision, and then the development. Is that what the process that works with the Corps?
 - A: No, for the state/Corps it needs to be a single process
- Angelo Waters
 - Q: The city wants a phased approach, and the state and Corps want to see a single application. How do we navigate that?
 - A: You can apply to the state and corps with a single application, and then apply to the city with a phased approach. We can't look at this as a phased project
 - A: Sue Patterson
 - And the state and corps priorities come first. The city can't approve the extension without their permits.
- Stephen Maffei
 - We are just planning on running this to zoning first. The developer wants to get a zoning permit and then might sell the project
 - Q: What are our options if we remove the units outside the water line? If we want to just do the zoning, what would that require? If we removed the two units at the tip of the space, would we still need to go through all this process?
 - A: Sue Patterson
 - Yes, because this is the plan on the table
- Rob Deems
 - Q: Are you removing fill from this? Or using the fill there? Because of the possibility of contaminants.
- Neha Ghaisas
 - Q: Is there any information available on the legacy sediment behind the mean high-water line?
 - A: George Cressmen – There are multiple geotechnical reports, but not sure about environmental reports
- George Cressmen
 - Q: Going through the process to reestablish the bulkhead, we are trying to understand what is required for the client to get a permit and then maybe develop it on his own. Do you see any things that you would say stop?
 - A: Randy Brown – Can't talk too much about the zoning, that is a city discussion. From a project feasibility standpoint, there are concerns about potential contamination from festival pier, regulations require public access, and compensatory mitigation is also an issue.
 - A: Sue Patterson– the planning commission can't look at anything until it has gone through the state/corps process
- Sarah Chiu
 - In terms of floodplain review. Does the state need to see a letter from the city?
 - That would be little less stringent than a floodplain consistency letter
 - For zoning review information, it is pretty much site plan information
 - Parking, landscaping, structure, trail access
 - Q: For the elevated boardwalk, is that public or private?
 - Stephen Maffei – That would be a private boardwalk for the townhomes. There is no provided access or amenity space other than parking. In the common building on the south eastern side of the site, that could be amenity space.

- Stephen Maffai
 - Q: The current owner wanted to see what was feasible. Thought is to remove the two units at the tip and then build them later
 - A: Randy Brown
 - It doesn't matter if the units aren't built, what matters is the fill. Only if you build the bulkhead at the water line then that would be a different. You need permits if you expand the existing pier footprint.
- Rob Deems
 - Looking at the landward side of the pier, there is a bump out on the north side. This entire site is surrounded by a mudflat which is considered a special aquatic site and so will entail upland alternative requirements
- Randy Brown
 - If this is a water dependent activity then that is not required, but if not then you have to consider upland alternative requirements
- Stephen Maffei
 - Q: We want to see what is necessary to apply for zoning?
 - A: Randy Brown
 - It sounds like city zoning officials will need to see final plans, which will come from working through the state/corps process
 - Q: Can the city look at a conceptual plan and approve that?
 - A: Sarah Chiu
 - It's a hard question whether L&I would approve a conceptual plan. But since L&I said to reach out to state and corps, then that is probably required. The city needs assurance that that is buildable
 - A: Randy Brown
 - And as presented, this is not something we can authorize
- Stephen Maffei
 - Q: Is the FEMA remapping a long process?
 - A: Sue Patterson
 - Yes
 - A: Angelo Waters
 - You would have to complete an H and H study and you would first get a conditional approval and final once it is built
 - A: Randy Brown
 - Josh has stated that an H and H is not enough. It requires a more substantial report to go through FEMA remapping
 - A: Neha Ghaisas
 - The FEMA process is at least 12 months. And that happens after design is 70% complete
- Sue Patterson
 - Talk to waterfront square, they had recent sunny day flooding and could help with flooding information
- George Cressmen
 - Question for Rob – The MHW line cuts through the commercial and mixed-use buildings. What is the chance of reestablishing the line along the historic bulkhead line?

- Rob Deems – it all boils down to your intended use and whether it would be water dependent. It is hard to give an answer when looking at a multiuse project like this. The biggest hurdle will be an alternative analysis
 - In past projects, some agencies were focused on shading impacts. It is hard to tell. The easiest thing to do is to put it through a permit process, but it doesn't sound like you are close
- Matt Walderon
 - Rob mentioned that you would need individual permits from the Corps, you also need federal consistency permits from PA coastal zone program. And we would require public access around the whole project.
- Stephen Maffai
 - Q: What dictates public access? Can you be a little more explicit?
 - A: Because you would be occupying submerged lands of the commonwealth, would have to enter a lease agreement with the commonwealth. The Commonwealth will require public access as part of that lease.
 - It can't be partial perimeter access, or something at the very tip. The previous legal agreement permit for this site requires full perimeter public access
- Angelo Waters –
 - Q: If the boardwalk is public access, does that mean that this project now becomes water dependent?
 - A: Randy Brown
 - That could be an argument for the pier and walkway. The buildings are not water dependent though
- Rob Deems
 - The state requires public access, but the pier/walkway is not enough for the federal requirements to qualify as a water dependent activity. The federal review would ask why you cannot move the buildings
- Randy Brown
 - And we haven't even talked about compensatory mitigation. We can talk about that later