



CITY OF PHILADELPHIA

**COMMISSION ON PARKS AND
RECREATION**

One Parkway – 10th Floor
1515 Arch Street
Philadelphia, PA 19102-1587

March 6, 2015

Via Hand Delivery and U.S. Mail

Honorable Michael Nutter
Mayor
Room 215, City Hall
Philadelphia, PA 19107

Honorable Darrell Clarke
President, City Council
Room 434, City Hall
Philadelphia, PA 19107

Dear Sirs:

On behalf of the Philadelphia Commission on Parks & Recreation, and pursuant to the City's land protection ordinance, Bill No. 110002-A, we are writing to inform you of the Commission's recommendation regarding the proposal by Project 250 to build a "Multi-Sport, Entertainment, & Youth Development Center" (the "Velodrome") on a portion of FDR Park in South Philadelphia.

On or about November 14, 2014, Project 250 submitted an Alternatives Analysis to the Commission, which the Commission deemed complete and made available to the public through several electronic outlets. The Commission held a well-attended public meeting at the American Swedish Historical Museum on December 17, 2014 to hear additional public input on the project. Representatives from Project 250 presented a Powerpoint about their project and several dozen people testified at that meeting, both favoring and opposing the project. The Commission also accepted written public comment on the proposal as well as accepted supplemental project information from the Velodrome applicants, responding in part to questions raised at the public hearing.

As a procedural matter, the land protection ordinance provides that the Commission may submit its determination any time before Council has taken final action on a proposed transfer or conversion of outdoor park or recreation land. As you are aware, there currently is no bill before Council regarding this proposed transfer/conversion of parkland. The ordinance also requires that City Council and all other City officials give "substantial weight" to the Commission's determination.

In short, the land protection ordinance (which is largely modeled on the public trust doctrine and the state law codifying it) generally requires that proposals to convert or

transfer open parkland to other uses meet three tests. These are that:

- 1) The continuation of the original use of the land as outdoor park or recreation land is no longer practicable or possible and has ceased to serve the public interest;
- 2) The proposed transfer or conversion is necessary for the public interest; **and**
- 3) There is no reasonable and practical alternative to the proposed transfer or conversion.

The Commission believes that although the Velodrome is conceptually a worthwhile project with potential benefits to a number of users, the application fails to meet all three requirements of the ordinance.

1) REQUIREMENT: The original use of the parkland is no longer practicable/has ceased to serve the public interest.

FINDING: FDR Park is used year-round by hundreds of thousands of members of the public. The specific section of the park that would be disturbed or eliminated by the Velodrome contains several picnic areas with views of the lake and is part of a larger area critical for migratory birds and other wildlife. This land also serves as an important buffer between the interior of the park and the stadiums and traffic along Broad Street.

The Philadelphia Department of Parks & Recreation has invested \$6 million in FDR Park over the last ten years, including restoring Meadow Lake; renovating and adding new tennis courts and ball fields; adding a new playground, signage, and roads; and beginning restoration of the historic Olmstead Pavilion. Future capital improvements planned for the park include repairing roads, parking areas, and trails and improving lighting throughout the park. While the City does not have unlimited funding to spend on *all* the physical improvements it might desire, the park generally is well-maintained and serves as a treasured oasis of green for residents in one of the densest urban areas of the City.

For these reasons, the Velodrome proposal fails to meet this requirement of the land protection ordinance.

2) REQUIREMENT: The proposed transfer/conversion is necessary for the public interest.

FINDING: The Commission believes that construction of the Velodrome will have a significant negative impact on users of the remainder of the park. The viewshed from inside the park will be greatly compromised by construction of this large arena, and the additional traffic and disturbance to natural areas will undoubtedly materially adversely affect both the user experience and wildlife.

The physical improvements to the park promised by the project supporters (ranging in estimates from \$5 to \$15 million) do not mitigate this negative impact. Several of the proposed park improvements are already planned via City capital dollars; others may not be well-advised given

ecological considerations (removing “overgrowth” from lagoon areas); and others are somewhat unlikely given the current regulatory environments (e.g., making Meadow Lake swimmable).

While the Commission recognizes the limitations of its purview prescribed by Bill No. 110002-A, we believe there are additional substantial issues worthy of our comment. To that end, while the goal of providing cyclists from the City and around the region with an indoor location to train and compete is laudable, Project 250 proposes to subsidize this use by essentially having the facility serve as a concert venue and professional sports arena. However, we have not been presented with a feasibility study *substantiating the need* for a 6,000-person auditorium of this size. Nor have we been provided with sufficient credible detail about how such a facility could *operate* sustainably (other than the summary charts on pages 119 and 120 of the Alternatives Analysis). Many velodromes around the country are struggling,¹ and even though the applicant has offered (in its supplemental letter) to post a bond sufficient to allow the City to demolish the structure if indeed it cannot be feasibly operated, it is not clear that investors would permit this or that a bond sufficient to cover demolition and full restoration of the park could easily be assembled. (Nor has the ability to procure a sponsor willing to pay \$40 million for naming rights to the Velodrome been confirmed other than via a letter from the consultant.)

Further, no credible information has been provided to us indicating where the thousands and thousands of cars that might be expected for the larger Velodrome events would be parked. No written agreement has been provided on this point. If even a portion of these cars would be parked on-site during the 85 or so planned events, it is clear that the park user experience would be significantly negatively impacted.

For these reasons, the Velodrome proposal fails to meet this requirement of the land protection ordinance.

3) REQUIREMENT: There is no reasonable and practical alternative.

FINDING: The applicants freely concede that the only reason they desire to locate the Velodrome in FDR Park is because a large lighted sign would be highly visible at that location and thus potentially attractive to sponsors who would purchase naming rights to help fund the project.

But the applicant’s supplemental letter itself (“Project 250 Response to Parks and Recreation Commissioner Questions and Public Comments”) indicated that several other types of smaller, less expensive velodromes theoretically could be built. These all would serve a primary purpose of providing a place for cyclists of all ages to train and compete. The applicants presented no

¹ “Multisport Training Complex: Preliminary Feasibility Study,” Hudson Sports Consulting, prepared for the Philadelphia Sports Congress (Aug. 28, 2012), p. 83-96. Additionally, the study noted that a velodrome in the Philadelphia “is unlikely to generate much revenue from local operations” and that the “relative paucity of large scale regional, national and international competitions and the limited capacity of even Olympic-caliber facilities make it unlikely that a Philadelphia-area velodrome would generate significant economic impact for the city and region.”) (p. 96).

evidence that construction of these other types of velodromes would not be possible, other than simply stating that there would be a “risk of financial failure.” If there truly is a need for a velodrome -- a proposition *not* supported by the 2012 Philadelphia Sports Congress study noted above – a smaller project could possibly be built on *numerous* other potential sites in the City, which would not require the taking of public parkland for a privately-owned facility. There appear to be several sites listed in the Site Evaluation Matrix in the Alternatives Analysis that would warrant more investigation as suitable alternatives.

Additionally, while many in the cycling community support the Velodrome proposal, many other members of the cycling and youth development community feel that there may be better ways to introduce youth to cycling closer to home.

Finally, a number of important legal and regulatory hurdles have not yet been addressed by the applicant. Because federal Land & Water Conservation funding was used for park improvements, federal and state approval to convert the parkland to this private, for-profit use is necessary. Historic Commission approval to construct a Velodrome in a locally designated historic district also has not been obtained.

For these reasons, the Velodrome proposal fails to meet this requirement of the land protection ordinance.

In light of these factors, and after much careful deliberation and consideration of all of the public comments and all materials submitted to us, the Commission has determined that while a velodrome is a worthwhile project, it would be better located in a different location. In conclusion, the Commission cannot support the Velodrome project and recommends that City Council not approve a lease of City parkland for this purpose.

The Commission remains committed to effectively implementing the land protection ordinance and it is our privilege to advise you on matters related to it. Thank you for this opportunity.

Sincerely,



Nancy A. Goldenberg
Chair, Commission on Parks & Recreation

Sincerely,



Debra Wolf Goldstein, Esq.
Chair, Land Use Committee

Cc: Michael DiBerardinis, Deputy Mayor
Commissioners, Phila. Comm'n on Parks & Recreation
Councilman Kenyatta Johnson