

March 6, 2020

WCHBO 10008

Kevin Gore
Director of Building and Housing
Borough of West Chester
401 East Gay Street
West Chester, PA 19380

**RE: Hotel/Spence Building - Zukin Realty
Subdivision and Land Development – 2nd Submission**

Dear Mr. Gore:

As requested, we have reviewed the following information, prepared by Edward B. Walsh Associates, Inc., unless otherwise noted, regarding the referenced project:

- “*Land Development Plan for Zukin Realty - Spence Building*” (5 sheets) dated May 20, 2019, revised February 7, 2020;
- “*Land Development Plan for Zukin Realty - Hotel*” (6 sheets) dated November 5, 2019, revised February 7, 2020;
- “*Stormwater Management Report and Narrative*” dated November 13, 2019, revised February 12, 2020;
- *Soils Report* dated March 17, 2016; and
- Undated response letter.

The owner/applicant, Zukin Properties Trust, proposes to consolidate UPI #1-9-56 (0.343 acres) with UPI #1-9-56.1 (0.188 acres). The applicant proposes to demolish the existing building on the combined parcel and construct a hotel. The adjacent parcel, UPI #1-9-57, owned by Stanford & Elsa Zukin Family Trust, will remain separate, although this parcel is part of the redevelopment. The applicant is proposing an addition to this building. The site is located at the corner of North Walnut Street and East Gay Street (SR 0003), within Block Class B and the Retail Overlay District of the Town Center District (TC). Associated stormwater management is proposed on UPI #1-9-57 which will serve both properties. The existing building and the proposed hotel will be served by public water and sewer.

The following comments from our January 6, 2020 review letter remain outstanding (***new comments in bold/italics***):

AGREEMENT

The following comments are in regard to the *Amended and Restated Settlement Agreement for Zukin Hotel* dated March 20, 2019, approved by Court on March 26, 2019:

1. Condition 4.D.i. – *The first floor of the Spence Building shall be used as a restaurant.*

This shall be confirmed by the Borough during the building permit stage.

2. Condition 4.D.ii. – *The rest and remainder of the Spence Building shall be used for residential purposes.*

This shall be confirmed by the Borough during the building permit stage.

3. Condition 4.E. – *Student Homes within Spence Building.*

This shall be confirmed by the Borough during the building permit stage.

4. Condition 4.F. – *Declaration of Façade Preservation Easement.*

The Borough Solicitor has confirmed that this easement has been executed.

5. Condition 5.A. - *Certificate of Appropriateness.*

The Borough Solicitor has confirmed this certificate was approved.

6. Condition 5.B.i. – *The Building Height of the New Hotel and Retail Building shall not exceed eighty-one and one-half feet (81.5’).*

The height of the building shall be added to the *Zoning Data* table and confirmed by the Borough during the building permit stage.

7. Condition 5.B.ii. – *All external mechanical equipment at the New Hotel and Retail Building shall be screened from public view.*

This shall be confirmed by the Borough during the building permit stage.

8. Condition 5.B.iii. – *Regarding step-back requirements.*

This shall be confirmed by the Borough during the building permit stage.

9. Condition 5.B.iv. – *Not less than 2,100 square feet of the New Hotel and Retail Building shall include a green roof.*

The *General Notes* and *Stormwater Management Report* indicate the hotel will contain a 2,106 square foot green roof; this shall be confirmed by the Borough during the building permit stage.

10. Condition 5.B.v. – *There shall be no interior interconnectivity between the New Hotel and Retail Building and the Spence Building.*

This shall be confirmed by the Borough during the building permit stage.

11. Condition 5.B.vi. – *Developers shall make a good faith effort to connect the gutters from the approximately rear half of the Spence building into the Hotel Storm Water Management System.*

Per the *Drainage Area Plan*, the rear half of the Spence building does not appear to be connected to the stormwater management system; no further information is provided.

OUTSTANDING. As no areas of the existing Spence building are connected into the stormwater management system, it does not appear a good faith effort has made to date.

12. Condition 5.B.vii. – *Encroachment into the rear yard.*

RESOLVED. The setback is now indicated on the plans; however, see additional comment below (No. 55). While it appears the proposed building is setback in excess of 4.5-feet from East Prescott Alley, this setback line is not indicated on the plan.

13. Condition 5.B.viii.1. – *Contribute funds toward the traffic improvements based on trip generation, but not to exceed \$10,000.*

Borough shall confirm this has been received.

14. Condition 5.B.viii.2. – *Contribute up to \$5,000 toward wayfinding signs.*

PENDING. Per the Borough, this signage is for parking only, not for the Hotel. The Borough shall confirm this has been received.

15. Condition 5.B.viii.3. – *Pave and stripe relevant portions of North Walnut Street and Prescott Alley as needed to address any impacts from the construction of the Hotel/Retail Building within the limits of the property lines of the New Hotel and Retail Building.*

RESOLVED. Sheet 3 indicates areas to be paved. The repaving and striping of North Walnut Street and East Prescott Alley are not indicated on the plans.

16. Condition 5.B.viii.4. – *Pave and stripe East Gay Street as directed by PennDOT to address any impacts from the construction of the Hotel/Retail Buildings.*

RESOLVED. The applicant has indicated there is no anticipated impact to East Gay Street. It appears no disruption of East Gay Street is currently proposed.

17. Condition 5.B.viii.5. – *Purchase 55 monthly passes on an ongoing, monthly basis in the Chestnut Street Parking Garage.*

PENDING. The Borough and the project team have met; see February 21, 2020 correspondence from Mr. Nagle. This will be reviewed under separate cover by the Parking Director.

18. Condition 5.B.viii.6. – *Install such stormwater management controls for the New Hotel and Retail Building as are required by the applicable Borough stormwater management ordinance provisions.*

Addressed below.

19. Condition 5.B.viii.7. – *Submit a schedule that demonstrates that the Spence Building renovation and expansion shall be completed prior to the completion of the New Hotel and Retail Building.*

This shall be confirmed by the Borough during the building permit stage.

20. Condition 5.B.viii.9. – *The ground floor of the New Hotel and Retail Building shall include a full-service restaurant with frontage on Gay Street.*

This shall be confirmed by the Borough during the building permit stage.

21. Condition 5.B.viii.10. – *There shall be no Hotel-ordered or Retail Building-ordered deliveries on Gay Street during the business day after 10:00 am.*

This shall be confirmed by the Borough during the building permit stage.

22. Condition 5.B.viii.11. – *There shall be a minimum of two loading spaces on Walnut Street in front of the entry to the New Hotel. The loading spaces may be incorporated with a pull in area for arriving Hotel Guests.*

OUTSTANDING. While the loading spaces have been indicated on Sheet 2, no information regarding striping nor signage was provided. The plans shall be updated to clearly identify the location of the two loading spaces and indicate the appropriate signage and striping, including details.

23. Condition 5.B.viii.12. – *All trash storage and disposal facilities for the New Hotel and Retail Building must be located on the Redevelopment parcels.*

The trash storage is indicated inside the building adjacent to East Prescott Alley.

24. Condition 5.B.viii.13. – *Loading and unloading for the New Hotel and Retail Building shall be accomplished in accordance with the new Hotel and Retail Building Loading Plan.*

This shall be confirmed by the Borough during the building permit stage.

25. Condition 5.B.viii.14. – *The Developer shall share a copy of the final Spence Building Historic Tax Credit Renovation Plans, as approved by the National Park Service, for HARB's information.*

PENDING. The applicant has indicated they anticipate having this ±120 days from February 11, 2020. The Borough shall confirm this has been received.

26. Condition 5.C.i. – *Developers shall submit to the Borough a plan for loading and unloading and valet parking.*

PENDING. The Borough and the project team have met; see February 21, 2020 correspondence from Mr. Nagle regarding valet parking. The Borough has confirmed this was submitted and will be reviewed under separate cover by the Parking Director.

27. Condition 5.D. – *Once the Borough Manager releases the Land Development Plans for recordation the Developer shall pay over to the Borough a development impact fee relative to the New Hotel and Retail Building in the amount of \$40,000.*

Pending plan recording.

28. Condition 6.D. – *Developers and the Borough acknowledge that following conditional approval of the Land Development Plans...Developer will need to obtain other permits, approvals, waivers and agreements from governmental agencies and public and municipal authorities other than the Borough.*

PENDING. The applicant has indicated the only outside agency permit that is needed is a planning module exemption from the DEP; please submit upon approval. Please confirm what, if any, outside agency approvals may be required.

29. Condition 6.F. – *At such time as Developers shall deliver the Land Development Plans to the Borough...Developers shall also deliver to the Borough a Developer Agreement, a Financial Security Agreement, the Financial Security and a Stormwater Management Best Management Practices*

Operations & Maintenance Agreement, all in form and substance reasonable acceptable to the Borough Solicitor.

OUTSTANDING. Revised financial security estimate has not been provided. Will be reviewed under separate cover pending revisions noted herein. However, regarding the submitted preliminary cost estimate dated November 21, 2019, please additionally include the following: relocated street light, new street lights, relocated parking meters, ADA ramp, striping and signage, street trees, engineering/inspection and as-built plans. Prior to approval and inclusion in any agreements the estimate should be signed and sealed by the design engineer.

SUBDIVISION AND LAND DEVELOPMENT (§97)

30. Please confirm the cartway width of North Walnut Street is 12 foot per lane, where the proposed curb bump-outs are located. (§97-29.C(1))

RESOLVED. The applicant has confirmed the widths on Sheet 2 of the Hotel plans.

31. Per §95-11.A(1), in the *Historic Overlay Zoning District*, all sidewalks that are constructed or rebuilt shall be composed of clay-fired brick.

OUTSTANDING. General Note 10 on Sheet 2 of the Hotel plans indicates sidewalks are to be reconstructed/replaced with clay-fired brick, however, the hatching on the plan is typically for concrete and no plan legend is provided.

32. The plans shall indicate the proposed street trees meet the requirements of §97-34.A & B regarding caliper (3.5 inches), height (12 feet) and species. The Borough recommends that the *Silva Cell System* be utilized for street trees plantings (detail attached). Note that no street trees are proposed along North Walnut Street, except for the proposed tree near its intersection with East Gay Street.

OUTSTANDING:

- a. **The Borough should confirm no additional trees are required along North Walnut Street, other than the proposed tree nearest Gay Street.**
 - b. **The Silva cell system is required for all street trees regardless of their utilization as part of the stormwater management design.**
 - c. **Sheet 2 of the Hotel plans notes 'see detail' for the proposed tree well; no detail is provided.**
 - d. **Sheet 6 of the Hotel plans includes an unlabeled detail for a tree grate/permanent tree protection. The Borough should confirm this is consistent with their intent for street trees.**
33. A planning module, or an exemption, shall be provided. (§97-38.E)

PENDING. A planning module exemption has been submitted to the Borough.

34. Regarding preliminary/final (§97-45 & -46) plan requirements, the following shall be provided:
- a. The error of closure for the lots (§97-45.A(2));

RESOLVED. The error of closure has been added to Sheet 1.

- b. The name of all owners of all adjacent lands (§97-45.B(2)(a)[8]); and

OUTSTANDING. The Code (§97-8) requires all “abutting owners” be included on the plans, including those across streets.

- c. Statements of availability of water and sewer capacity. (§97-45.B(2)(b)(3) & §97-39.A)

PENDING. The applicant has provided a “will serve” letter from Aqua and indicated a planning module exemption has been submitted.

LIGHTING

35. Please provide details for streetlight and light foundations.

OUTSTANDING. No details have been provided.

36. Proposed streetlights should meet the street light standard specification of the Borough. Please refer to the Spring City Electrical specification dated January 18, 2017, drawing no. LP-29809 (attached).

OUTSTANDING. The detail has not been added to the plans.

37. All wiring and power transmission lines in support of streetlighting shall be placed underground.

RESOLVED. General Note 12 has been added to Sheet 2 of the Hotel plans.

38. We recommend a note be added that any lighting substitutions shall be approved by the Borough.

RESOLVED. General Note 13 has been added to Sheet 2 of the Hotel plans.

39. We will defer to the Borough regarding relocated and proposed lighting locations.

RESOLVED. General Note 11 has been added to Sheet 2 of the Hotel plans.

STORMWATER MANAGEMENT (§94)

40. Weighted averaging of runoff coefficients shall not be used for manual computations or input data for water quality and runoff volume calculations. (§94-309.G)

RESOLVED. The applicant revised the calculations.

41. Please provide Worksheet 4 type calculations which demonstrate compliance with §94-305, regarding water quality and runoff volume requirements and §94-306, regarding infiltration requirements.

RESOLVED. The applicant has provided the requested calculations.

42. The measured infiltration rate of 7.4 inches/hour appears to be atypical for the Borough. Please provide the complete soils report, including a detailed description of the soils. (§94-309.I)

RESOLVED. The applicant has provided the soils report.

43. All infiltration practices shall be set back at least 10 feet from all buildings and features with subgrade elements (e.g., basements, foundation walls, etc.), unless otherwise approved by the Borough Engineer. The proposed infiltration bed appears to be less than 10 feet from existing and proposed building foundations. (§94-306.K(3))

OUTSTANDING. The applicant stated that they cannot comply with the required horizontal separation between the infiltration bed and the hotel and adjacent building due to site constraints. The design engineer has offered to provide a barrier to limit horizontal migration of the runoff within the bed toward the subgrade building elements, however, no information was provided; please provide detailed information regarding the same and add to the plans.

44. During site construction, all infiltration practice components shall be protected from compaction due to heavy equipment operation or storage of fill or construction material. Infiltration areas shall also be protected from sedimentation. (§94-306.M)

OUTSTANDING. The applicant has stated that due to site constraints the area of the proposed infiltration cannot be protected from compaction. The applicant has stated that they will meet with the Borough Engineer to resolve this issue, but no contact has been made to date. At a minimum, additional testing may be warranted prior to installation and appropriate notes added to the plan.

45. Where roof drains are designed to discharge to infiltration practices, they shall have appropriate measures to prevent clogging by unwanted debris (for example, silt, leaves and vegetation). Such measures shall include but are not limited to leaf traps, gutter guards and cleanouts. (§94-306.O)

RESOLVED. The applicant has provided a note stating that the roof drain system specified by the architect shall have a leaf guard system installed. The applicant should provide specific details once the roof drain system is designed.

46. The bottom of the infiltration bed and/or trench shall be scarified prior to the placement of aggregate. (§94-306.R(2))

RESOLVED. The applicant has added a note to the plan.

47. The applicant should provide a statement, signed by the applicant, acknowledging that any revision to the approved SWM site plan shall be submitted to and approved by the Borough, and that a revised erosion and sediment control plan shall be submitted to, and approved by, the Conservation District or Borough (as applicable) for a determination of adequacy prior to construction of the revised features. (§94-402.A(3))

RESOLVED. The applicant has provided the statement on the plans.

48. The applicant should provide the required signature block signed and sealed by the qualified licensed professional responsible for the preparation of the SWM site plan. (§94-402.A(4))

RESOLVED. The applicant has provided the required signature block.

49. The applicant should provide an Operations and Maintenance Plan and Agreement in accordance with §94-702 & -703. We recommend that this include the green roof.

PENDING. The applicant has stated that a note regarding the green roof should be added to the O&M Agreement stating that the green roof shall be maintained per the manufacturer's specifications.

50. Easements shall be established in connection with any regulated activity for all permanent BMPs and conveyances that will not be dedicated to or otherwise owned by the Borough. (§94-704).

OUTSTANDING. The applicant has stated that they will discuss a blanket easement with the Borough.

51. No material/equipment storage or soil stockpile areas appear on the plans.

RESOLVED. No on site stockpile will be provided and coordination with Borough staff is ongoing.

52. We recommend that geotextile fabric be installed on the top and sides of the proposed bed only.

OUTSTANDING. Based on direction from the Conservation Districts, we recommend that geotextile fabric be installed on the top and sides only.

53. We recommend that the green roof design be submitted for review by our office at such time it has been completed.

OUTSTANDING. The applicant has stated that the green roof design will be submitted as part of the architectural plan submission.

GENERAL

54. Please clarify the intent of the "proposed parking (by others)" call out at the back of the hotel on East Prescott Alley.

RESOLVED. This has been removed.

55. It is unclear why the *Zoning Data* table indicates the proposed rear yard for the combined parcels as 20-feet.

OUTSTANDING. The Zoning Table indicates a proposed rear yard setback of 5 feet, however the plan graphically indicates 4.5 feet. Please clarify. Further, it may be appropriate for a note be provided on the plans justifying the use of 4.5 feet, rather than the Code required 5 feet.

56. Similar to the recent 44 West Gay Street redevelopment, the applicant should indicate if there are any planned sidewalk closures, provide construction truck delivery plans, address construction worker parking and indicate which streets/alleys are to be utilized. A meeting with all appropriate Borough and developer/contractor personnel is recommended.

PENDING. The applicant has indicated this will be added after the preconstruction meeting with the Borough.

57. Regarding parking:

- a. Proposed parking spaces to the rear of the Spence building and along North Walnut should be indicated, with dimensions.

RESOLVED; however, see comment below (No. 57b)

- b. It appears the proposed Spence building addition may extend into the parking area.

OUTSTANDING. The applicant has confirmed the addition extends into the parking area and two (2) of the six (6) spaces will be 15.5 feet in length instead of the required 18 feet. (§122-73.T)

- c. The location of street lights and/or parking meters along North Walnut may need to be adjusted to reduce conflicts with automobile doors.

RESOLVED. The applicant has added General Note 11 to Sheet 2 of the Hotel plans indicating relocation of items will be coordinated and approved by the Borough prior to installation.

- d. The plan should provide a note indicating that parking meter locations will be determined by the Borough.

RESOLVED. The applicant has added General Note 11 to Sheet 2 of the Hotel plans indicating relocation of items will be coordinated and approved by the Borough prior to installation.

58. We recommend a note be added indicating that plan approval does not include signage approval; all signage is subject to the rules, regulations and permit requirements of the Borough.

OUTSTANDING. No note has been provided.

59. We recommend the text of the Settlement Agreement be included on a plan sheet to be recorded.

OUTSTANDING. The applicant has indicated they do not know if this is necessary and will review with the Solicitor.

NEW COMMENTS

60. The plans and response letter refer to "architectural site plans" or similar for multiple items, such as paver type and design, the green roof, exact dimensions of building, roof downspout/gutter design, etc. These plans have not been provided and we were unable to review these items at this time.

61. Grading Detail 'A' on Sheet 3 should clarify if the existing grate will be required to be replaced, and if so, by whom.

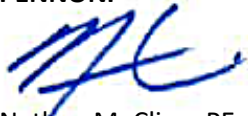
62. We recommend the plans indicate the existing stop sign, stop bar and crosswalk at Prescott Alley & North Walnut Street be relocated and/or eradicated and replaced as directed by the Borough Engineer.

It is our recommendation, that pursuant to Section 6.C.ii of the Settlement Agreement, the applicant shall revise the plans in a manner consistent with this letter and resubmit the revised plans to the Borough for further review.

Should you have any further questions or comments, please contact me.

Sincerely,

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Nathan M. Cline, PE
Borough Engineer

cc: Scott Zukin, Zukin Realty & Stanford & Elsa Zukin Family Trust (via e-mail)
Michael Perrone, Borough Manager (via e-mail)
Michael Gill, Esq., Borough Solicitor (via e-mail)
Theodore J. Gacomis, PE, Edward B. Walsh Associates, Inc. (via e-mail)
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Clark Elms, Parking Director (via e-mail)