

IN THE SUPREME COURT OF PENNSYLVANIA

No. 179 E.M. 2007

HSP GAMING, L.P.,
Petitioner,

v.

THE CITY OF PHILADELPHIA;
CITY COUNCIL FOR THE CITY OF PHILADELPHIA;
THE CITY PLANNING COMMISSION FOR THE CITY OF PHILADELPHIA,
Respondents.

BRIEF OF RESPONDENTS,
THE CITY OF PHILADELPHIA
AND THE PHILADELPHIA CITY PLANNING COMMISSION

Dated: November 2, 2007

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STATEMENT OF FACTS

Pursuant to its authority under the Pennsylvania Race Horse Development and Gaming Act (the “Gaming Act”), on December 20, 2006, the Gaming Control Board approved HSP Gaming, L.P. (“SugarHouse”), and Philadelphia Entertainment and Development Partners, L.P. (“Foxwoods”), for Philadelphia Category 2 Slot Operator’s licenses. *See* Pennsylvania Gaming Control Board, February 1, 2007, Adjudication (“Adjudication”); 4 P.S. §§ 1201 *et seq.* (2007).

On January 9, 2007, both selected casino developers began a series of meetings with the City to craft a Plan of Development for each site. The Plan of Development is required by the City’s comprehensive Commercial Entertainment District (“CED”) zoning ordinance, enacted to accommodate the introduction of gaming and other entertainment uses in the City. *See* Phila. Code §§ 14-401 *et seq.* (2007). The City’s meetings with SugarHouse addressed the range of open issues the City and the casino operator each had identified.

On May 22, 2007, the Philadelphia City Planning Commission¹ approved SugarHouse’s Plan of Development and recommended approval of three bills related to SugarHouse, which

¹ The petition names the “City Planning Commission of the City of Philadelphia” as a party. The organization operates under the name, the “Philadelphia City Planning Commission,” and is so labeled in this filing. Because City of Philadelphia agencies must be sued only in the name of the City, the Philadelphia City Planning Commission cannot be sued as a separate entity

