



Mayor's Office of Sustainability
One Parkway Building
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Dear Land Bank Board Members,

We are writing on behalf of the Mayor's Food Policy Advisory Council (FPAC) to offer comments on the draft Philadelphia Land Bank Strategic Plan (Strategic Plan) and the draft disposition policies for the Philadelphia Land Bank and other land holding agencies of the City of Philadelphia.

Over the past several years, the FPAC at large has followed with interest the efforts to pass legislation to create a Philadelphia Land Bank. We see the potential of the Land Bank to advance the goals of FPAC, the Food Charter, and *Greenworks*. In particular, FPAC values the commitment outlined in the legislation to ensure that public land is used to enhance and create benefits for the public. The Land Bank Ordinance and now the Strategic Plan recognizes urban agriculture as one of a range of end uses essential to creating healthy and sustainable communities, building on the progress of Philadelphia's new zoning code to create a framework and enhance opportunities for local production of healthy, affordable, and culturally appropriate food.

Thank you, once again, for the opportunity to participate in the ongoing process of creating the Philadelphia Land Bank Strategic Plan (the "Plan") and associated Disposition Policies. The process has been extremely productive in the level to which urban agriculture and open space stakeholders have been ongoing participants in the process. It has been heartening for these groups to be part of the conversation, alongside the host of other stakeholders.

Strategic Plan:

To the extent that there is capacity and support to implement the goals as outlined in this current draft, the Land Bank Strategic Plan could do significant work to move urban agriculture and community-managed open space opportunities forward in the City of Philadelphia. The substance of the Plan itself could signal a paradigm shift in the way that we, as a city, value and invest in urban agriculture and community-managed open spaces. The portions of the Plan that are critical to this work include the following:

- In Goals One and Five and throughout the document, the Plan recognizes Philadelphia residents as active land stewards and the investment put into community-tended spaces, as well as the fragility of spaces that are not legally secured.
- In Goal One, the Plan defines the objective to "preserve existing community gardens" and, in Goal Six, creates guiding criteria such that properties already in use as active and maintained community gardens and market farms will be protected. Many hundreds of

residents will benefit from the preservation of spaces that represent Philadelphia's diverse cultural heritage and have, for decades, provided neighborhoods with fresh, local, and affordable food sources.

- In Goals One and Five, the Plan creates frameworks to create opportunities for new community gardens and open spaces, as well as spaces for food production, including larger-scale market farms and destination gardens. These goals respond to ongoing community need, interest, and capacity for growth and could be used to leverage federal resources directed at increasing food access and community health.
- The Plan draws a connection between community-managed urban agriculture/open space, and green stormwater management projects, a connection that has the potential to expand opportunities for both.

As stated by Elisa Ruse-Esposito of Philadelphia Parks and Recreation, the Plan “does a great job of changing the conversation of Urban Ag as an interim use to that of a community asset that needs to be preserved.”

To reinforce the Plan's commitment to urban agriculture and open space as valuable and essential end uses for vacant land, FPAC would like to see stronger language used to describe Goal Five in the Executive Summary on page IX. The Land Bank “*will*,” rather than “*should*,” consider acquisition and disposition of property to support community-driven open space and greening projects. The Land Bank “*will*” also consider proposals for new open spaces. Using “*will*” aligns the language in Goal Five with the language from the other Goals outlined in the Executive Summary, including Goal One, relating to preservation of existing gardens. Using “*will*” assures readers that the Land Bank is equally committed to urban agriculture and open space. To improve clarity regarding Goal Five, the Plan should define the terms “urban agriculture,” “community garden,” “open space,” and “green space,” which appear to be used interchangeably throughout the document.

FPAC's mission has been integrated into the Equity goal in *Greenworks*, the Mayor's Office of Sustainability's citywide, comprehensive plan to make Philadelphia the greenest city in the country. Several of the Goals in the Land Bank Strategic Plan also align with *Greenworks* Target 10 to provide walkable access to affordable, healthy food for all Philadelphians. Goal Five will contribute directly to Target 10 by supporting the creation of new gardens, farms, and farmers' markets on vacant land. In addition to the other plans and initiatives listed, the Plan should reference *Greenworks* under why Goal Five is important (page 86).

Goal Four (page 74) highlights the issue of food deserts and the critical role supermarkets play in these areas, a role that represents the intersection of economic development and equity. FPAC



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commends the Plan for recognizing that establishing supermarkets and grocery stores in these areas will allow residents to benefit simultaneously from the development of robust commercial corridors and from improved food access.

Finally Goal Six emphasizes the importance of transparent, public discourse and participation regarding current and future Land Bank plans and operations. In keeping with the *Greenworks* Equity goal, FPAC emphasizes the importance of public meetings, printed documents, onsite notices, and targeted outreach to the Registered Community Organizations serving Philadelphia neighborhoods to ensure that those with limited internet access continue to have a voice. FPAC also encourages the development of strategies to engage residents in neighborhoods that have not had the opportunity to develop a District, area, or community-based plan.

Land Disposition Policies:

As to the disposition policies, we have attached are two documents. The first includes our comments on and suggested language for the disposition policies, themselves. The second is an articulation of the policy innovations and associated operations mechanisms that we have identified to be critical to moving urban agriculture forward.

While the Land Bank strategic planning is a more recent effort, FPAC, as well as a larger universe of urban agriculture stakeholders, have been in discussions with the City land holding agencies over the past three years. FPAC first offered a set of policy recommendations to the City land holding agencies in January of 2012. These recommendations were the result of input with over 100 gardeners, farmers, and staff from support organizations. These stakeholders identified land insecurity as the major impediment to urban agriculture in the City of Philadelphia, citing the need for a more streamlined, uniform, transparent process for accessing city owned property and a need to increase opportunities for long term land tenure and preservation. Some of the FPAC recommendations were integrated into the existing disposition policies in April 2012. The FPAC met with the City land holding agencies, again, in June 2013, to offer recommendations for implementation of existing policies. At that point, Philadelphia Parks and Recreations (PPR) expressed a desire to take a lead role in urban agriculture. PPR, working with the Land Bank and the Neighborhood Gardens Trust, is expected to be instrumental in addressing the need for a better garden and farm application process. Our hope is to create policies that provide the framework to allow these entities to do just that.



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The key aspects we are seeking:

- Provide more notice with respect to the application process, revocation of licenses, or nonrenewal of leases.
- Change the wording from “Community Garden License” or “Community Garden Agreement” to “Community Garden Lease” to standardize terminology and encourage more certainty in the types of agreements available to gardeners and farmers.
- Expand opportunities for longer term leases into the policy document.
- Recognize that market farming operations may be nonprofit, for-profit, or a hybrid of both.
- Include more specific language regarding pricing.

We appreciate your consideration of our recommendations and the ongoing opportunity to engage in this process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Cornman-Levy".

Diane Cornman-Levy,
FPAC Co-Chair

A handwritten signature in cursive script, appearing to read "Amy Laura Cahn".

Amy Laura Cahn,
FPAC Vacant Land Subcommittee Chair



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City of Philadelphia

POLICIES FOR THE SALE AND REUSE OF CITY OWNED PROPERTY

Draft for Discussion

Suggested edits and additions are underlined in red.

Overview and General Information

Guiding Principles

The goals of this policy and the disposition of City-owned land are to:

- Encourage the development and reuse of vacant properties consistent with the City of Philadelphia's Comprehensive Plan (Philadelphia2035), the Land Bank Strategic Plans, and other City-approved and accepted plans

Real Estate Review Committee

Prior to the establishment and full operation of the Philadelphia Land Bank, the Real Estate Review Committee is the means by which the City will review applicant requests related to pricing and non-conforming proposed property uses. The committee will make a recommendation to the agency that owns the requested property. Any final decision will be made by the agency and, when required by law, City Council.

The Committee is comprised of representatives of the following agencies: Office of Housing and Community Development, Philadelphia Redevelopment Authority, Department of Public Property, Philadelphia Housing Development Corporation, Philadelphia City Planning Commission, and the Mayor's Integrity Office. Each agency has one vote for the purpose of making a recommendation.

The City will consult with the land-holding agency and the appropriate City Council district office before an application is presented to the Real Estate Review Committee. Notice will be provided to the applicant(s) that a given application has been referred to the Real Estate Review Committee.

When appropriate, applicants may be asked to attend the Committee to speak on their own behalf.



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Property Sales

General Sales

The City will publish its property inventory on the City website www.PhillyLandWorks.org or www.philadelphialandbank.org), generally with a listing price. Individual requests for properties will be accepted and reviewed on an ongoing basis.

If the City receives more than one Qualified Bid for a property, the City will provide first preference to any applicant that provides for a public purpose (see below). If no public purpose is proposed, the City will determine the most qualified applicant or may use a Competitive Sales approach to obtain the best offer for the property.

Community Development Projects

Developments that propose significant incremental community benefits may be eligible for discounted pricing. Community benefits may include:

- Significant improvements to community infrastructure including the greening of schoolyards, recreation center yards, or other publicly owned parcels to achieve stormwater management, public recreation, or community gardening goals

Individual Garden Licenses

Definition: An individual garden is defined as a publicly-owned property for which an individual person or family is given temporary access to farm or garden and maintains for their personal use. The intent is to provide an interim use for the land to eliminate blight and improve safety until development is possible. The City expects that the majority of individual gardens will be temporary, and the land will still be available for development.

Acceptable Uses: The gardener may enter and use the property only for the following non-commercial, gardening purposes:

- To grow food, flowers, ornamental plants, and other landscaping.
- To compost in rodent-resistant containers.



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- Certain construction improvements as allowed by the City and agreed to in writing.

Terms: The Individual Garden Agreement (IGA) will last for one year, and may begin and end at any time throughout the year. IGAs are time-limited agreements that both the City and gardener may terminate at any time, with or without cause, upon prior written notice to the other party. The City shall use reasonable efforts to avoid terminating the urban garden agreement between April 1 and November 1. The City shall make every effort to provide as many months notice as possible if a license is to be terminated. IGAs may be renewed annually at the discretion of the City.

Pricing: Individual Garden Licenses are available at a nominal cost in recognition of the beneficial community impact.

Additional Requirements:

- The City expects that individual gardens will be maintained throughout the term of the IGA. Maintenance standards will be provided in writing to all applicants.

Community Garden and Open Space Leases

A community garden is defined as an area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (such as flowers) for personal or group consumption, for donation, or for sale that is incidental in nature.

Acceptable Uses: A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (such as hand tool storage sheds) maintained and used by the group. Community gardens may be used for recreational purposes, and improvements to facilitate such purposes may be allowed on a case by case basis upon review by the City and with community support.

Terms: Community Gardens and community-managed Open Spaces are eligible for Community Garden Leases of up to five years in length, subject to renewal. Leases of longer than five years, lease renewals, and purchase options are available at the discretion of the land holding agency and subject to the approval of the district councilmember. The City shall make every effort to provide as many months notice as possible if a lease will not be renewed.

Pricing: Community Garden Leases are available at a nominal cost in recognition of the beneficial community impact.

Additional Requirements for Community Gardens:

- Secure and maintain insurance acceptable to the City
- Provide maintenance plan and description of community benefits / programming
- Be sponsored by a local organization



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Market and Community-Supported Farms

Definition: A market farm is defined as an area managed and maintained by an individual or group of individuals to grow and harvest food crops or non-food crops (such as flowers) for sale or distribution that is not incidental in nature.

Acceptable Uses: Market farms may include both for-profit and nonprofit enterprises, as well as hybrid for-profit/nonprofit models.

Terms: Lease terms are variable and will be established by the City on an individual basis. Market and Community Supported Farm Leases for nonprofit enterprises are available at a nominal or reduced price to the extent the proposal demonstrates a beneficial community impact. For-profit enterprises must demonstrate both beneficial community impact and show the amount of discount needed to make the project both initially financially feasible and continually sustainable.

Additional Requirements for Market and Community-Supported Farms:

- Secure and maintain insurance acceptable to the City
- Submit a business plan / feasibility study
- Provide the applicable neighborhood/district councilperson letter of support
- Any additional constructed improvements must meet the terms of the City of Philadelphia's Zoning Code and must be approved by the City in writing.

(Because the City recognizes the special needs and requirements of Urban Agriculture activities, the PRA and the Land Bank will work with the Philadelphia Department of Parks and Recreation to manage urban agriculture on public land and a more detailed separate policy will be issued for these purposes.)



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2014 Disposition Policy and Operations Recommendations *Submitted to Land Bank staff on 09/04/14*

Basic Principles

- 1. Longstanding and new community open spaces, gardens, and farms contribute to healthy and sustainable neighborhoods.*
- 2. Philadelphia needs city policies that facilitate citywide access to community-driven urban agricultural and open spaces, with an emphasis on enhancing opportunities where there is a need for better access to healthy, fresh, and culturally appropriate food and open space and/or where existing spaces are at risk.*
- 3. Philadelphia needs city policies that are geared toward preventing the displacement of existing community assets through preservation mechanisms.*
- 4. Philadelphia needs city policies that facilitate productive reuse of vacant land as multifunctional spaces for healthy food, community gathering space, physical activity, cultural preservation, and green stormwater infrastructure.*

Policies needed to achieve above principles.

1. Community-managed open spaces and gardens, and market and community supported farms are among the public purposes that should be given clear first preference, even in a competitive sale, subject to the goals established by the Land Bank Strategic Plan and other city- and community-based planning efforts.
2. The public land holding agencies of the City of Philadelphia are committed to supporting the establishment of new community-managed open spaces and gardens, and market and community supported farms as beneficial land uses that serve as mechanisms for community and economic development.
 - a. Individual/Family Gardens provide interim access to land for personal, not public, use. Individuals and families are eligible for time limited Garden Licenses that will last one year and may be renewed at the discretion of the City.
 - b. Community Gardens and Community-managed Open Spaces are intended as mechanisms to repurpose public land for public benefit.
 - i. Community Gardens and Community-managed Open Spaces are eligible for Community Garden Leases of up to five years in length. Longer leases, lease renewals, and purchase options are available at the discretion of the land holding agency and subject to the approval of the district councilmember.
 - ii. New Community Gardens and Community-Managed Open Spaces will be subject to a "seasoning period" administered by PP&R, through

- which new gardens and open spaces are granted one year leases in their first year and five year leases in their second year and are considered for preservation after their sixth year as an established garden.
- iii. Community Garden Leases are available at a nominal cost in recognition of the beneficial community impact.
 - iv. In situations where development on a particular property is anticipated based on the prior existence of a site-specific proposal, the public land holding agencies may negotiate with the garden to include a clause allowing the City to terminate the lease at any time, with or without cause. In the case that such a clause is utilized, the relevant agency will provide four months notice and do its best to provide an alternate site for the garden or open space project.
- c. Market and Community Supported Farms are for- and nonprofit commercial enterprises through which food and non-food crops are grown and harvested for sale and distribution.
- i. Market and Community Supported Farms are eligible for Market Farm Leases of up to five years in length. Longer leases, lease renewals, and purchase options are available at the discretion of the land holding agency and subject to the approval of the district councilmember.
 - ii. Market and Community Supported Farms may apply for access to land through a public RFP process administered by PP&R or apply to implement site-specific projects.
 - iii. Market and Community Supported Farm Leases for nonprofit enterprises are available at a nominal or reduced price to the extent the proposal demonstrates a beneficial community impact. For-profit enterprises must demonstrate both beneficial community impact and show the amount of discount needed to make the project both initially financially feasible and continually sustainable.
3. Commercial activity associated with community gardening and market and community supported farming is allowable on publicly owned property, subject to any restrictions imposed by the Philadelphia Zoning Code.
 4. Community-managed open spaces and community gardens with a sustained record of excellent maintenance, broad community involvement and support, and sufficient resources for continued maintenance may be conveyed to a group or organization that promises to maintain and care for the property for this purpose.

- a. Pricing of an existing open space or community garden will be nominal as long as preservation of the space will provide beneficial community impact.
- b. When a proposal for development of an existing garden space has been submitted to a public land holding agency, the relevant agency will post a notice on the property and provide at least a 30 day window for the garden to submit a competing proposal.

Operations systems needed to achieve the above principles. (See also attached flowchart)

1. Philadelphia Parks & Recreations (PP&R) should be the lead and coordinating agency in charge of accepting and evaluating applications for individual/family gardens, community-managed open spaces, community gardens, and market and community supported farms, with staff housed dually at PP&R and the Land Bank.
 - a. PP&R can provide assistance to the public land holding agencies by (1) creating different pathways for different types of urban agriculture and open space projects (e.g. individual garden, community garden, market farm); (2) evaluating the viability of a project, capacity of the applicant to fulfill project goals, and community support; and (3) providing recommendations for type of agreement (license, lease, or conveyance), and term of years.
 - b. PP&R can accept requests for and process license and lease renewals, in coordination with the relevant public land holding agencies.
 - c. PP&R can provide assistance to applicants by explaining the different opportunities available to for different types of projects and by coordinating access to water and other city infrastructural supports.
 - d. PP&R is currently the city liaison with the Neighborhood Gardens Trust to coordinate preservation of existing well established gardens, farms, and open spaces.
2. PP&R and the public land holding agencies should collaborate on the implementation of standard garden and farm applications, with guidance from stakeholders. Each of the land-holding agencies should appoint at least one representative who is tasked with focusing on garden-related matters
3. PP&R and the public land holding agencies should collaborate on standard Individual/Family Garden License, Community Garden Lease, and Market Farm Lease agreements.
 - a. Standard agreements that contain revocation clauses discourage any meaningful investment, therefore, leases should not include these terms as a

default, but should be negotiated where necessary to facilitate pre-existing development plans.

- b. Agreements need to be in plain language and/or accompanied by an explanatory term sheet.
 - c. Agreements need to be designed for urban agricultural and open spaces uses and reflect needs of users, including length of lease, allowable structural changes to site, commercial activity, etc.
4. Gardens that obtain land by conveyance are concerned about the impact of a deed restriction on the value of the land and the ability to obtain loans.

Reminder of 2011 Recommendations

- *Land tenure and transparency were the biggest issues identified by over 100 gardeners and farmers in developing recommendations for disposition policies.*
- *Proactive identification of land appropriate and available for mid- and long-term leases and discounted sales would help focus efforts of organizations drafting qualified bids. Existing expressions of interest, Land Bank Strategic Plan, Food Policy Advisory Council land inventory (in development), and Neighborhood Gardens Trust acquisition plan (due in 2015) should guide this effort.*
- *Lack of institutional capacity to procure liability insurance remains an issue, but Neighborhood Gardens Trust and the American Community Gardening Association may provide partnership opportunities. (NGT will need a property interest (e.g. a lease) to be able to provide insurance.)*
- *Community members are willing to use project models compatible with fragmented inventory, infill sites, and land traditionally not considered ideal for urban agriculture.*
- *As the City creates procedures to implement these new disposition policies, growers request a formal and transparent review process.*