



*The Philadelphia Food Policy Advisory Council facilitates the development of responsible policies that improve access for all Philadelphia residents to culturally appropriate, nutritionally sound, and affordable food that is grown locally through environmentally sustainable practices.*

## TESTIMONY

To the members of the Land Bank Board:

Thank you for the opportunity to testify today regarding the draft Strategic Plan and included acquisition and disposition policies. My name is Amy Laura Cahn, I am the appointed co-chair of the Philadelphia Food Policy Advisory Council (FPAC), and I am here today to testify on behalf of my appointed colleagues on FPAC.

FPAC has long supported the Land Bank's mission of facilitating the return of vacant and underutilized land to productive use. Our appointed membership and subcommittee participation include many of the gardeners and farmers who are working across the city to transform such properties into vibrant community assets. We appreciate the Land Bank's commitment to an equitable and transparent process, and are grateful for the ongoing opportunities to provide feedback.

FPAC would like to offer these values as critical to the policies and plan overall:

- 1) **Priority land uses are both critical and compatible:** Affordable, accessible housing, food production, green space, and economic development are all compatible uses demanded by Philadelphia communities. These uses collectively make neighborhoods more livable for all residents. There is no need for tension among these uses, which together keep communities intact, equitable, and sustainable. The City has the opportunity to mitigate perceived competition between uses. To this end, we ask that the City and Land Bank prioritize the equitable distribution of a range of community beneficial uses and resources, consistent with the spirit and letter of the Land Bank Law.
- 2) **Philadelphians need equitable distribution of urban agriculture and open space projects:** The Land Bank should both support a range of urban agriculture and open space projects and make certain these are equitably distributed throughout the city, meeting demand from and dismantling barriers for a diverse group of stakeholders. We are still awaiting information about how resources will be distributed geographically, and particularly how the Land Bank intends to meet need and demand in different housing markets. Consistent with the prior five-year plan, we ask that the Land Bank incorporate food security, not just open space, into analyses of need and opportunity. Omitting food security makes invisible a major equity issue in this city and is inconsistent with Mayor Kenney's commitment to equitably serving all neighborhoods.
- 3) **Effectiveness will be evaluated with implementation:** FPAC stakeholders have had an ongoing role in crafting disposition policies. Current draft disposition and acquisition policies look quite similar to past policies. However, only full implementation will allow



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us to understand whether they increase opportunity and reduce barriers to creating new and preserving existing garden, farm, and open spaces in practice. We are heartened by the City’s commitment to developing these policies, and look forward to working with the Administration on implementation.

- 4) **The Land Bank can and should build trust through transparency:** The need for transparent and consistent processes has been an ongoing theme in creating and implementing the Land Bank. In fact, one of the objectives set out by the original strategic plan was to “provide meaningful ways for the public to be engaged in Land Bank decision making.” It is critical for the Land Bank to serve as a bridge between community groups and residents and the City to rebuild trust in the process—including *early* stakeholder involvement in processes like building the plan and policies. There is still a long way to go in terms of transparency, clarity in the process, and equitable implementation. FPAC is willing and ready to work with you on this.

### **On the Land Bank Strategic Plan**

The new Land Bank Strategic Plan details careful analysis of the market context and subsequent need for affordable housing, market-rate housing, and economic development. However, unlike the prior five-year Land Bank Strategic Plan, this plan does not apply the same attention to the need for and impact of urban agriculture, gardens, and open space, nor does it set out a plan to achieve the stated goals of increasing and preserving these spaces.

FPAC recommends that the new plan incorporate the reasoning for urban agriculture and open space as a land use priority, which was established in the five-year plan (pages 86 to 102) through broad stakeholder input. This includes:

- 1) Explaining why “open space is vital to the health and future of Philadelphia’s neighborhoods” and residents.
- 2) Acknowledging that “redevelopment pressures [in some neighborhoods] threaten informal opens space created [and maintained] by residents,” who have invested heavily in formerly abandoned spaces, in some cases for decades.
- 3) Incorporating food access as a factor in considering where gardens and open space should be created and/or preserved.
- 4) Using the map on page 94 of the five-year plan, which shows in detail the need for open space in areas where there is poor access to open space, poor food access, low density of existing gardens, and dense population.
- 5) Creating “clear criteria to help determine potential end uses for Land Bank property” (pages 109 to 120), including determining a transparent process to guide how decisions will be made between potential priority uses.



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Finally, the plan has an opportunity to enumerate next steps beyond continuing to “work with horticultural partners.” The Land Bank should use this opportunity to commit to collaborating with work in progress, including a team of city agencies implementing a federal grant to mitigate environmental contamination on public land; another team currently analyzing existing garden data, provided by nonprofit partners; and FPAC and other partners working to create an urban agriculture strategic planning process.

Finally, more detailed comments on the disposition and acquisition policies are attached.

Again, thank you very much for the opportunity to testify today.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Laura Cahn".

Amy Laura Cahn  
*FPAC Appointed Co-Chair*

A handwritten signature in black ink, appearing to read "Nancy Kohn".

Nancy Kohn  
*FPAC Appointed Member*  
*FPAC Urban Agriculture Subcommittee Chair*

### **FPAC Appointed Members**

Glenn Bergman  
Patricia Blakely  
Allison Blansfield  
Saleem Chapman  
Katrice Cheaton  
Stephanie Dorenbosch  
Donkey Dover  
Bryan Fenstermaker  
Jill Fink  
Kathy Fisher  
Alison Hastings  
Esteban Kelly

Linda Knapp  
Andy Marin  
George Matysik  
Jessica McAtamney  
Tommy McCann  
Greg McKinley  
Herman Nyamunga  
Calvin Okunoye  
Julianne Schrader  
Nicky Uy  
Dwayne Wharton  
Jimmy Wilson  
Julie Zaebst

### **DETAILED ACQUISITION AND DISPOSITION POLICY COMMENTS**



Thank you for giving FPAC the opportunity to provide feedback on these policies at an FPAC Urban Ag Subcommittee meeting and a stakeholder engagement session in fall 2016. We're pleased to see that some of our suggestions were approved and are reflected in the draft policies. We also have some remaining concerns that we'd like to raise in this final opportunity for input. We have detailed these comments below.

FPAC commends the Land Bank for incorporating important changes to the disposition and acquisition policies to better support urban agriculture. FPAC recommended these changes in a series of engagement sessions with the Land Bank to provide feedback on the draft policies, and is pleased to see them reflected. These changes include:

- Page 65: Expanding the threshold for individual garden agreement applications from within 500 feet of the applicant's property, to "within 500 feet of the property or up to 1,500 feet of the property with the approval of the Land Bank Board," which allows for greater flexibility for applicants seeking garden agreements who may live in the neighborhood but not on the same block as the garden.
- Page 66: Defining community gardens as managed or maintained by "a group of individuals" rather than a "non-profit," which was an inaccurate view of many gardens in the city that are not operated by a non-profit organization.
- Page 66: Allowing a "letter of support signed by the majority of the neighbors on the block or within a one block radius of the garden" as a requirement for seeking ownership, which reduces barriers for residents.
- Page 66: The use of "lease" as the one term signifying a legal agreement with the City, rather than the interchangeable use of both "lease" and "license," which became confusing.
- Page 66 & 67: Allowing "nonprofit organizations or unincorporated nonprofit associations," rather than only incorporated organizations, to hold leases for community gardens, which reduces a significant and costly barrier to lease and purchase for gardeners. We encourage the language to consistently use the terms "Pennsylvania nonprofit" to further clarify this distinction.

Thank you to the Land Bank for your additional commitment to remove the following:

- Page 39: Under Acquisition Policies for Gardens and Open Space: "NOTE: The Land Bank may retain property ownership to preserve future redevelopment opportunities." While this language might be appropriate in the disposition context, this language confuses the goals of the acquisition policies.



Finally, Consistent with FPAC’s feedback following the stakeholder engagement sessions, FPAC would like to see the following additional changes addressed in the policies:

- The terminology regarding “open” or “green” space, as well as “urban agriculture,” “community garden,” and “market farm” is used inconsistently throughout the draft plan and policies. FPAC recommends standardizing that terminology by using “open space and urban agriculture” as the overarching category, which would include side yards, community managed green space, community gardens, and market farms.
- Page 66: Under “Terms,” commit to 60-day written notice of nonrenewal of a lease agreement and strive to provide a comparable replacement parcel. The Land Bank should have ample notice if it is entering into an agreement to sell a parcel being leased for community use. The community should benefit from that notice, as well.
- Page 67: Under “Acceptable Uses,” remove the need for “prior consent of the City” to make certain construction improvements “such as tool sheds, fences, raised beds, storm water storage containers, composting containers, signs and bulletin boards.” Raised beds, compost containers, signs, and bulletin boards are removable and common in community gardens, so the process as currently stated creates more work for the City and creates barriers and delays for the community to build a successful garden.