

Feedback from Food Growers on Proposed City of Philadelphia Land Disposition Policies

In 2010, the Mayor's Office of Sustainability (MOS) in collaboration with Philadelphia Parks & Recreation, convened the Philadelphia Food Policy Advisory Council (FPAC), which the Mayor committed to establishing in a 2008 executive order. The FPAC is charged with helping the City of Philadelphia "facilitate the development of responsible policies that improve access for Philadelphia residents to culturally appropriate, nutritionally sound, and affordable food that is grown in the Philadelphia region through environmentally sustainable practices."

Both MOS and FPAC view the update of vacant land disposition policies as an opportunity to encourage the reactivation of land, reduction of blight, and creation of businesses through food growing. These food growing activities can also increase access to open space, fresh food, and green jobs, all goals included in the City's long-term plans including Greenworks, Green2015, and Philadelphia2035.

MOS recently worked with the FPAC vacant land subcommittee to solicit feedback from FPAC members, the Philadelphia Urban Farmers' Network (PUFN), and the Food Organizing Collaborative (FORC) on the proposed City of Philadelphia vacant land disposition policies (more detailed feedback from PUFN and FORC is included in an attached document). Based on discussions with community members, the FPAC vacant land subcommittee drafted the following recommended language for the proposed City of Philadelphia vacant land disposition policies. The subcommittee has also drafted basic terms and procedures that support the suggested policies.

The proposed policy language proposes three categories of urban agriculture and uses definitions similar to those in the recently passed zoning code. It recommends continuing to offer urban garden agreements for interim use gardens, and in lieu of requiring that a non-profit organization sponsor longer-term projects, requiring entities seeking longer-term leases or discounted sale of land for urban agriculture projects to submit qualified bids outlining their plans, establishing the length of time required for their project to succeed, and demonstrating their capacity.

In addition to the draft policies and procedures, community members gave the following feedback:

- Pro-active identification of land appropriate and available for longer-term leases and discounted sales would help focus efforts of organizations drafting qualified bids.
- Growers expressed concern about current projects' lack of institutional capacity to procure liability insurance immediately. Phasing in the insurance requirement would allow organizations time to research policies, compare prices, and organize to facilitate group purchasing.
- 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.

Proposed Policy Language

Guiding Principles

Add:

- Support community-beneficial uses by providing access to properties at reduced or nominal consideration.

Urban Agriculture¹

The City supports the creative use of vacant land for urban gardening, farming, and other related uses that improve quality of life and access to fresh produce in the City's neighborhoods.

Individual Urban Gardens

An individual urban garden is a publicly-owned property to which the City grants a person or group i temporary access to garden and maintain. 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 urban gardens will be temporary, and the land will still be available for development.

Urban Community Agriculture

Urban Community Agriculture, as defined by the Philadelphia Zoning Code, includes Community Gardens and Market- or Community-Supported Farms.

Community Gardens

An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation, or for sale that is incidental in nature. 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 (e.g., hand tool storage sheds) maintained and used by the group. Community Gardens may also be secondarily used for recreational purposes.

Market- or Community-Supported Farms

An area managed and maintained by an individual or group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution that is not incidental in nature. Market farms may be principal or accessory uses and may be located on a roof or within a building.

Policies:

Policies for Individual Urban Gardens:²

¹ This new section will replace both "Individual Urban Gardens" and "Community Gardens," listed under "Other Transactions" in Draft 11.4.11.

The Redevelopment Authority will administer a program of offering Urban Garden Agreements, one year renewable licenses for Individual Urban Gardens. Urban Garden Agreements may be available in any area of the City. Individuals and organizations are eligible to apply for an Urban Garden Agreement.

Policies for Urban Community Agriculture:³

Leases:

An Urban Community Agriculture enterprise that submits a Qualified Bid proposing significant incremental community benefits may be eligible to lease property.

The length of the lease will depend on the needs of the project, including necessary start-up and infrastructural costs, and may include renewal and purchase options, consistent with market conditions and any adopted and accepted city, community, or neighborhood plans.⁴ Market conditions include current and projected housing and commercial development, as well as the relative availability of fresh food and proximity of open space.

Discounted sales:

An Urban Community Agriculture enterprise that submits a Qualified Bid proposing significant incremental community benefits and demonstrating long-term capacity may be eligible to purchase property for a discounted price as a Community Development Project.

In determining the availability of property for discounted sale to an Urban Community Agriculture enterprise, the City will consider the needs of the project, including necessary start-up and infrastructural costs, as well as market conditions and any adopted and accepted city, community, or neighborhood plans. Market conditions include current and projected housing and commercial development, as well as the relative availability of fresh food and proximity of open space.

² Terms and procedures for Urban Garden Agreements will be outlined in a separate, underlying document.

³ Terms and procedures for Urban Agriculture enterprises seeking to lease or acquire title to land will be outlined in a separate, underlying document.

⁴ As part of the district planning process, the Philadelphia City Planning Commission will identify areas where different forms of agriculture are desired uses, essentially opportunity zones. In certain of these areas, longer lease terms and renewal/purchase options would potentially be available. A menu of standard lease terms – such as 3, 5, or 10 years – will be developed following consultation with end-users to assess the needs of current and possible projects. The City will also set targets, similar to the analysis for parks and open space in Green2015, for the number and density of community gardens that will serve residents in higher-density areas.

Proposed Terms and Procedures for Individual Urban Gardens:

- Urban Garden Agreements (UGAs) will be administered through the City's Redevelopment Authority.
- Individuals and organizations are eligible to apply for an Urban Garden Agreement.
- Urban Garden Agreements may be available in any area of the City.

The Urban Garden Agreement will last for one year, and may begin and end at any time throughout the year. Urban Garden Agreements 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 will use reasonable efforts to avoid terminating the urban garden agreement between April 1 and November 1.

The City expects that urban gardens and farms will be maintained throughout the term of the UGA. Maintenance standards will be provided in writing to all applicants. Owners of adjacent properties will be notified when an urban garden agreement is executed. The notification will include information about maintenance standards, contact information for the gardeners, and how to report complaints to 311.

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.

Gardeners may make only the following constructed improvements in support of their efforts:

- Install fencing that meets all Philadelphia Code requirements.
- Install a temporary storage shed no larger than 8' x 10' and no taller than 10'.
- Install water conveyance systems including water lines and covered cisterns as needed for irrigation.

Proposed Terms and Procedures for Urban Community Agriculture:

Terms

- Must be sponsored by a non-profit organization, or provide documentation of organizational stability to the satisfaction of the City as part of a Qualified Bid.
- As of January 2013, must secure and maintain insurance acceptable to the City.

The City expects that properties leased to Urban Community Agriculture enterprises will be maintained throughout the term of the lease. Maintenance standards will be provided in writing to all applicants. Owners of adjacent properties will be notified when a lease is executed. The notification will include information about maintenance standards, contact information for the lessee, and how to report complaints to 311.

Leases may be terminated if an Urban Community Agriculture enterprise ceases to fulfill its commitments and objectives as outlined in its Qualified Bid and Lease. Notice and opportunity to correct should be provided before termination on this basis.

Improvements to the property that facilitate acceptable uses may be allowed on a case by case basis upon review by the City.

Application Criteria – Leases and Discounted Sales

Urban Community Agriculture enterprises seeking to lease or obtain title to City-owned property should submit a Qualified Bid.⁵

Requirements could include:

- A brief narrative describing community benefits, participant experience and capacity, sustainability practices, and urban agriculture or community garden concept
- A statement of the project's history within the neighborhood, if applicable
- A statement of cost estimate and economic feasibility
- A fundraising or financing plan
- Minority- and women-owned business participation
- A maintenance plan
- An outline of current stakeholder participation, list of community leadership or board of directors (if applicable), and anticipated community engagement

Projects obtaining land access through a lease or discounted sale price must add value to the neighborhood, through significant incremental community benefits, including, but not limited to:

- Education, job creation, and reentry opportunities

⁵ The following specific requirements and criteria for Urban Agriculture Qualified Bids will be developed subsequent to the release of the City's disposition policy. The Qualified Bid process will establish the necessary threshold requirements needed to apply for a long-term lease or conveyance.

- Youth and adult leadership development
- Community development
- Blight and crime reduction
- Environmental stewardship, remediation, and/or stormwater management
- Fostering access to open space
- Improvement of fresh food access and food security
- Promotion of health and active living, include diabetes and obesity prevention
- Cultural preservation and community engagement
- Cross-cultural and intergenerational relationship building