

Testimony of the Public Interest Law Center of Philadelphia
June 12, 2012
Philadelphia City Council

Members of City Council, I thank you for this opportunity to come before you and testify on Bill Number 120418.

My name is Amy Laura Cahn. I am an attorney with the Public Interest Law Center of Philadelphia. Since 1979, the Law Center has provided legal and technical expertise and assistance to communities in Southeast Pennsylvania that seek to overcome disproportionately distributed burdens of environmental impacts, to ensure that they have a voice in creating healthy communities.

I have been asked to work with Eastwick Friends and Neighbors, a coalition of Eastwick residents and Friends of the John Heinz National Wildlife Refuge – to help ensure their opportunity for a voice in their own future.

I am asking that you remember the history of Eastwick.

Passage of this bill will change the zoning designation from R-9a single family to R-12 multi-family residential within a 35-acre area to enable Korman Residential to construct 722 apartment units and parking for 1034 automobiles on a parcel of land immediately adjacent the Refuge.

As you know, the land in question was condemned and seized by eminent domain by the Philadelphia Redevelopment Authority for urban renewal in the 1950s. Ten thousand residents were displaced from this integrated community and many resettled into nearby homes built on swamps filled in by silt and cinder. Many of these homes have subsided due to unstable foundation construction. This land is on the 100-year flood plain, and residents continue to report consistent flooding – with huge financial impacts. This is not ancient history for many residents. And, resistance to the Korman project is grounded substantially in fear of being cut out of the planning process once again.

That the community of Eastwick even knows about this project is an accident. Any recent opportunity they have had to voice their concerns has been on their own initiative -- not Korman's and not the City's.

The City has been on notice of Korman's plans to develop this land for some time – they litigated over this parcel in 2005. And, Korman has been an Eastwick developer and landlord for decades, has probably built most of the houses and apartment units in that area. Yet, the original rezoning bill was introduced last year – without any notice to the community.

In fact, community residents only learned of the proposed development when surveyors suddenly appeared in the neighborhood in April of 2012. The Refuge staff

found out in a similarly indirect manner and reached out to Councilman Johnson's office and to Mr. Korman in May.

Community leaders initiated a series of meetings with Korman representatives between April and May. The first three meetings were informational, first with just a few residents, then a slightly larger group. Then, on May 22, the community residents, working with Friends of the Refuge, brought together one hundred and fifty people at the Eastwick Mercy Wellness Center, inviting Korman representatives to present the project to the community.

Those in attendance vehemently expressed their concerns. They have fears about flooding, traffic, and other environmental impacts. They question why the development must be entirely rental units. They have concerns for property values and loss of tranquility. They have desires to see this space remain what it has been, not just a field of weeds, but an extension of the Refuge. They also have stories about broken promises by Korman. Central is the perception that residents have been, thus far, excluded from any participation in the rezoning and planning process.

The community asked for a straw poll. All but two expressed their opposition to the development.

Yet, once again, community members were left rather in the dark about opportunities to be heard. One week following the community meeting, the City Planning Commission would vote on this bill. No one made the community members aware of that Commission meeting until three days prior. Due to the lack of notice, only one community member and myself were in attendance.

On June 6, 2012, Eastwick Friends met with Councilman Johnson's Chief of Staff and Legislative Aide. Eastwick Friends came away from that meeting with the understanding that the community's only opportunity to have a voice in and/or benefit from this project was to agree to a Community Benefits Agreement before the full Council vote on this bill, scheduled for June 21st.

The community and the Refuge need more time and sufficient information to fully understand the impact of this development on the health of their community.

We just do not know enough about how this project will affect the area.

- No environmental impact studies have been conducted.
- We do not know the efficacy of preventing flooding in these new homes
- We do not know whether the existing plan will exacerbate flooding in the surrounding area.

Korman simply says that they are complying with Water Department storm water regulations, but they have shared no plan.

- We do not know whether there will be any toxics that will be unearthed when Korman breaks ground.
- We can speculate, but have no data about, the impact on the Refuge.

Even the existent studies on traffic have not been shared with the community.

Korman has had ample time to develop this project. The community and the Refuge need time to have a voice.

Korman and the City have taken ample time to come to consensus on this project amongst them. Months? Years?

Concurrently, the City Planning Commission is developing district plans through a months-long process in each district. The City's Comprehensive Plan and the district planning process prioritize

- Community engagement
- Planning healthy communities
- Integration of zoning and planning
- Long range visioning

For residents of the Lower Southwest, this will not begin until Phase 3, long after construction of this large parcel is underway.

In contrast, residents and Refuge supporters are being asked to

- come to community consensus on terms for,
- negotiate, and
- sign a Community Benefits Agreement in the next week.

They are advised that this is their one and only shot at having a voice in this process.

The original 1961 agreement between the Redevelopment Authority and Korman's predecessor states that this parcel must be developed in accordance with the Redevelopment Plan for the Project Area. That Plan, calling for single-family homes, was approved by City Council in 1958. No doubt-- it should be revised and updated, but in as a participatory process, in accordance with current planning principles, not just to facilitate the needs of one developer.

Eastwick Friends is not asking you to right a past wrong. Eastwick Friends is simply seeking sufficient time and opportunity to enable all stakeholders a seat at the table. They are asking for equitable and meaningful participation in planning for development

I am asking you to have compassion and a keen awareness of the history.

And I am asking that you allow the stakeholders of Eastwick, including the Refuge, to have what every Philadelphia neighborhood is being afforded -- equitable and meaningful participation in the plan for their own future. Please, Councilman Johnson, pull this bill. In the alternative, I ask that this committee vote against its passage.