

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC PROPERTY AND
PUBLIC WORKS

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 1, 2019
10:27 a.m.

PRESENT:

COUNCILMAN BOBBY HENON, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA

BILLS 190130, 190560, 190602, 190606, 190707,
190712, and 190714

- - -

Committee on Public Property and Public Works
October 1, 2019

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1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 COUNCILMAN HENON: Good

3 morning, everybody, and welcome to the
4 Committee of Public Property and Public
5 Works. Our public hearing will begin.

6 There will be a hold on a few
7 bills. Bill No. 190602 is going to be
8 held and 190560 will also be held.
9 190602, the sponsor of that bill, that
10 will be at the call of the Chair to our
11 next Public Property meeting, as we are
12 working with Parks and Rec and the
13 Administration to ensure that our public
14 is safe at all times in all our public
15 facilities when it comes to sudden
16 cardiac arrest and the safety of our
17 citizens.

18 Before we leave, I do want to
19 recognize a quorum is present. To my
20 left, Councilwoman Gym, Councilman
21 Greenlee, Council President Clarke, and
22 we are joined also in our body here by
23 Councilwoman Maria Quinones-Sanchez.

24 Clerk, would you please read
25 the title of Bill No. 190130.

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 THE CLERK: Bill No. 190130,
3 authorizing the Parks and Recreation
4 Commissioner and the Procurement
5 Commissioner to enter into a Concession
6 Agreement with Loveluck LLC, for the
7 design, construction, management and
8 operation of a food and beverage
9 concession in the Fairmount Park Welcome
10 Center in John F. Kennedy Plaza, a/k/a
11 Love Park, all under certain terms and
12 conditions.

13 (Witness approached witness
14 table.)

15 COUNCILMAN HENON: Good
16 morning.

17 COMMISSIONER OTT LOVELL: Good
18 morning.

19 COUNCILMAN HENON: State your
20 name for the record, please, and you may
21 proceed with your testimony.

22 COMMISSIONER OTT LOVELL: Sure.
23 My name is Kathryn Ott Lovell. I'm the
24 Commissioner of Philadelphia Parks and
25 Recreation.

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 Good morning, Chairman Henon,
3 Vice Chairman Greenlee, and Committee
4 members. My name is Kathryn Ott Lovell.
5 I'm the Commissioner for Philadelphia
6 Parks and Recreation. I'm pleased to
7 appear before you today on behalf of the
8 Department in support of City Council
9 Bill No. 190130. The bill authorizes the
10 City of Philadelphia, through the
11 Department of Parks and Recreation, to
12 enter into a Concession Agreement with
13 Loveluck LLC for the design,
14 construction, management and operation of
15 a food and beverage concession in the
16 Welcome Center in Love Park.

17 Parks and Recreation is very
18 pleased to be working with the selected
19 concessionaires, Valerie Safran and
20 Marcie Turney, owners of Barbuzzo, Bud
21 and Marilyn's, Little Nonna's, and other
22 very popular restaurants and retail
23 operations in the Midtown section of City
24 Council. Safran and Turney have often
25 been described in the media as one of the

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 primary contributors to the economic
3 development of Midtown Philadelphia.

4 Over the past several months,
5 it has been gratifying to see the high
6 level of activity and use of the newly
7 revitalized Love Park. The multi-million
8 dollar restoration of the Welcome Center,
9 due to be completed in early November, is
10 the second phase of the revitalization of
11 the Park. The third and final phase is
12 Safran's and Turney's investment of
13 approximately \$1.5 million to turn the
14 Welcome Center and the immediately
15 surrounding park-level terrace into a
16 beautiful and exciting new restaurant
17 called Loveluck.

18 Safran and Turney's plans call
19 for a full-service restaurant and bar in
20 the Welcome Center interior and balcony,
21 with a more limited seasonal menu and bar
22 on the terrace below. The Parks and
23 Recreation and Art Commission-approved
24 designs will create a 1960s vibe
25 consistent with the Welcome Center's

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 heritage. We believe that Loveluck will
3 take Love Park to the next level as a
4 popular destination for residents and
5 tourists.

6 Loveluck was selected as a
7 concessionaire through an RFI and RFP
8 process that began in 2017 and culminated
9 with the award of the concession in June
10 of 2018. Parks and Recreation received
11 several RFI proposals, and several
12 qualified restaurant operators attended
13 the RFP pre-proposal meeting in February
14 of 2018. However, Safran and Turney
15 submitted the sole proposal in May of
16 2018.

17 Loveluck and Parks and
18 Recreation signed a Concession Agreement
19 in March of 2019, with an initial term of
20 one year and up to three annual renewals.
21 The initial term converts to a ten-year
22 term upon enactment of this ordinance.
23 The Concession Agreement also provides
24 for up to two five-year renewals at the
25 City's sole discretion.

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 Loveluck has agreed to pay a
3 guaranteed annual fee ranging from
4 \$60,000 in the first 12 months after
5 opening to \$102,000 in year 20, plus an
6 additional one percent of gross revenue.
7 Based on Loveluck's ten-year projections,
8 the combined amounts result in a
9 concession fee of \$82,000 in the first
10 year to \$121,000 in year 10. That
11 concession fee will be used to maintain
12 and provide free programming in Love
13 Park.

14 Loveluck executed an Economic
15 Opportunity Plan that requires a best and
16 good-faith effort to achieve MBE and WBE
17 participation ranges from 5 to 10 percent
18 for project design and 10 to 15 percent
19 for construction, maintenance, and
20 operation of the restaurant. The EOP
21 also includes workforce diversity goals.
22 Loveluck itself is a certified WBE
23 registered with the City's Office of
24 Economic Opportunity.

25 I appear before you today to

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 offer Parks and Recreation's full support
3 for Bill No. 190130 and respectfully ask
4 this Committee move it forward for City
5 Council approval.

6 Thank you to the bill's
7 sponsor, Council President Clarke, for
8 his ongoing support of this project. I'm
9 happy to answer any questions you may
10 have.

11 COUNCILMAN HENON: Thank you
12 for your testimony, Commissioner.

13 I also would like to recognize
14 for the record we were joined by
15 Committee members Councilman Squilla and
16 Councilman Oh.

17 Anyone on the Committee wish to
18 have any comments or questions for Bill
19 No. 190130?

20 (No response.)

21 COUNCILMAN HENON: Anyone here
22 today also joining us wish to testify on
23 Bill No. 190130?

24 (No response.)

25 COUNCILMAN HENON: That being

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 said, thank you for your testimony. We
3 appreciate your comments.

4 The Chair will now ask the
5 Clerk to read the title of Bill No.
6 190712.

7 THE CLERK: Bill No. 190712,
8 authorizing the Commissioner of Public
9 Property, on behalf of the City of
10 Philadelphia, to convey to the
11 Philadelphia Authority for Industrial
12 Development, all or a portion of a parcel
13 or parcels of land in and about the area
14 bounded by Lombard Street, South Broad
15 Street, South Street and 15th Street, for
16 further conveyance, under certain terms
17 and conditions.

18 (Witness approached witness
19 table.)

20 COUNCILMAN HENON: The Chair
21 recognizes Councilman Greenlee.

22 COUNCILMAN GREENLEE: After she
23 speaks. Sorry.

24 COUNCILMAN HENON: Good
25 morning.

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 DEPUTY COMMISSIONER CASIMIR:

3 Good morning.

4 COUNCILMAN HENON: And welcome.

5 DEPUTY COMMISSIONER CASIMIR:

6 Thank you.

7 COUNCILMAN HENON: Please
8 identify yourself and you may proceed
9 with your testimony.

10 DEPUTY COMMISSIONER CASIMIR:

11 Sure. Thank you.

12 Good morning, Chairman Henon
13 and other members of the Committee on
14 Public Property and Public Works. My
15 name is Dominique Casimir and I am the
16 Deputy Commissioner of Real Estate for
17 the Department of Public Property. I am
18 here today to testify in support of Bill
19 No. 190712, an ordinance authorizing the
20 Commissioner of Public Property, on
21 behalf of the City of Philadelphia, to
22 convey to the Philadelphia Authority for
23 Industrial Development, also known as
24 PAID, a portion of all or parcels of land
25 located in and about the area bounded by

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 Lombard Street, South Broad Street, South
3 Street, and 15th Street, all under
4 certain terms and conditions.

5 Conveyance of the property to
6 PAID shall be conditioned upon a
7 commitment by PAID to require an Economic
8 Opportunity Plan in accordance with
9 Section 17-1602 of The Philadelphia Code,
10 upon further conveyance.

11 The City conducted a
12 competitive process to convey this parcel
13 of land. Upon completion of this
14 competitive process, the committee has
15 recommended conveyance to The Goldenberg
16 Group, Harvey and Robert Spear, and The
17 Badger Group, LLC.

18 The Department of Public
19 Property supports this measure and,
20 accordingly, I respectfully ask that the
21 City Council approve Bill No. 190712.

22 I am requesting a suspension of
23 all rules to allow for the first reading
24 at the next session of Council.

25 Thank you, and I will be happy

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 to answer any questions you may have.

3 COUNCILMAN HENON: Thank you
4 for your testimony.

5 The Chair recognizes Councilman
6 Greenlee.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Chairman.

9 Just a quick question here.
10 Obviously this is the old health center,
11 correct?

12 DEPUTY COMMISSIONER CASIMIR:
13 Correct.

14 COUNCILMAN GREENLEE: Do you
15 know what the plan is once it's conveyed,
16 what's going to be there?

17 DEPUTY COMMISSIONER CASIMIR:
18 Yes. So the conveyance of the property,
19 the health center will be restored and
20 will be used in partnership with
21 University of the Arts. They look to
22 have a retail and performance art
23 facility there. So it will be open to
24 the public. Adjacent to where the lot is
25 currently open for parking, there will be

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 a development that will cater to the
3 University of the Arts for the students
4 there.

5 COUNCILMAN GREENLEE: So it
6 will be connected with the University of
7 the Arts?

8 DEPUTY COMMISSIONER CASIMIR:
9 Correct.

10 COUNCILMAN GREENLEE: All
11 right. Thank you.

12 Thank you, Mr. Chairman.

13 COUNCILMAN HENON: Could you
14 let everybody know that the services that
15 are there now are still going to be put
16 to good use and making sure that they're
17 a better provider for our communities as
18 a public entity.

19 DEPUTY COMMISSIONER CASIMIR:
20 Sure. Absolutely. So the Health
21 Department has been relocated. The
22 Administrative Services has been
23 relocated so that they can all be
24 together at 1101 Market Street. The
25 actual health center where services are

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 provided has been relocated to 1930 South
3 Broad Street, the Constitution Health
4 Center, where it's co-located with other
5 medical uses and facilities, and there's
6 ample parking and transportation access
7 there as well. The lab is the last
8 remaining piece, which will also
9 eventually go over to that location as
10 well.

11 COUNCILMAN HENON: And I just
12 wanted to make sure that publicly people
13 understand that there is a fair amount of
14 planning and collaboration when it comes
15 to utilizing and making sure that our
16 public services are accessible and that
17 their coordinated efforts are in the best
18 and most efficient way possible as we
19 reallocate spaces.

20 DEPUTY COMMISSIONER CASIMIR:
21 Absolutely. Thank you, Chairman Henon.

22 COUNCILMAN HENON: Anyone else
23 on the Committee wish to speak on Bill
24 No. 190712?

25 (No response.)

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 COUNCILMAN HENON: Anyone here
3 today wishes to testify on Bill No.
4 190712?

5 (No response.)

6 COUNCILMAN HENON: That being
7 none, thank you so much for your
8 testimony.

9 Clerk, would you please read
10 the title of Bill No. 190707.

11 THE CLERK: Bill No. 190707,
12 authorizing the Commissioner of Public
13 Property, on behalf of the City of
14 Philadelphia, to acquire fee simple title
15 or a lesser real estate interest to all
16 or a portion of a parcel or parcels of
17 land, together with the improvements
18 thereon, in and about the area bounded by
19 West Cumberland Street, North 8th Street,
20 West York Street and North 9th Street,
21 under certain terms and conditions.

22 COUNCILMAN HENON: Thank you.

23 DEPUTY COMMISSIONER CASIMIR:
24 Good morning, Chairman Henon and other
25 members of the Committee on Public

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 Property and Public Works. My name is
3 Dominique Casimir and I am the Deputy
4 Commissioner of Real Estate for the
5 Department of Public Property. I am here
6 today to testify in support of Bill No.
7 190707, an ordinance authorizing the
8 Commissioner of Public Property, on
9 behalf of the City of Philadelphia, to
10 acquire fee simple title to all or a
11 portion of parcels of land located in and
12 about the area bounded by West Cumberland
13 Street, North 8th Street, West York
14 Street, and North 9th Street, under all
15 certain terms and conditions.

16 The City will use the facility
17 for a community service center. The site
18 encompasses all needs and accommodations
19 for the use.

20 The Department of Public
21 Property supports this measure and,
22 accordingly, I respectfully ask that the
23 City Council approve Bill No. 190707.

24 I am requesting a suspension of
25 all rules so as to allow for the first

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 reading at the next session of Council.

3 Thank you, and I'm happy to
4 answer any questions you may have.

5 COUNCILMAN HENON: Thank you
6 for your testimony.

7 Anyone on the Committee wish to
8 speak on Bill No. 190707?

9 (No response.)

10 COUNCILMAN HENON: Anyone else
11 here wish to testify on Bill No. 190707?

12 (No response.)

13 COUNCILMAN HENON: That being
14 none, Clerk, would you please read the
15 title of Bill No. 190714.

16 THE CLERK: Bill No. 190714,
17 authorizing the Commissioner of Public
18 Property, on behalf of the City of
19 Philadelphia, to enter into a lease
20 agreement with the Robert Nicoletti
21 Family Trust, for use by the City, of all
22 or a portion of the premises located at
23 1813 through 25 Hilton Street, under
24 certain terms and conditions.

25 DEPUTY COMMISSIONER CASIMIR:

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 Good morning, Chairman Henon and members
3 of the Committee on Public Property and
4 Public Works. My name is Dominique
5 Casimir and I am the Deputy Commissioner
6 of Real Estate for the Department of
7 Public Property. I am here today to
8 testify in support of Bill No. 190714, an
9 ordinance authorizing the Commissioner of
10 Public Property, on behalf of the City of
11 Philadelphia, to enter into a lease
12 agreement with the Robert Nicoletti
13 Family Trust, for use by the City, of the
14 premises located at 1813-25 East Hilton
15 Street, under certain terms and
16 conditions.

17 The Health Department will use
18 this location for Vector Control, Food
19 Protection, and storage for these units.
20 The City recommends the property at
21 1813-25 East Hilton Street. The lease
22 for the property will commence no later
23 than December 1st, 2019 for a ten-year
24 term, under certain terms and conditions.

25 The Department of Public

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 Property supports this measure and,
3 accordingly, I respectfully ask that the
4 City Council approve Bill No. 190714.

5 I am requesting a suspension of
6 all the rules so as to allow for the
7 first reading at the next session of
8 Council.

9 Thank you, and I'm happy to
10 answer any questions that you may have.

11 COUNCILMAN HENON: Well, thank
12 you so much for your testimony. And just
13 a little personal point of privilege. I
14 am excited for this lease to go through
15 and this bill to proceed through the
16 process of City Council, freeing up much,
17 much, much needed space that Vector
18 co-locates and shares with the Animal
19 Control Team here in the City of
20 Philadelphia.

21 The Animal Control and Care
22 Team has been restricted for the amount
23 of space so they can take care of the
24 animals here in the City of Philadelphia.
25 They've had, I think, unsafe work

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 conditions, both physically and mentally,
3 for not just the employees but the
4 volunteers and people who are trying to
5 care for our dogs and make sure that we
6 have, and animals, that we have a safe
7 place.

8 So this is the first step of
9 freeing up space, and I as a former Board
10 member of ACCT, as you well know, it's
11 been one of my frustrating arguments that
12 I've been trying to make with the City
13 for many, many years now. Vector has to
14 be relocated, and this paves the path of
15 doing so.

16 So we have a new Board member
17 on there, Councilman Domb, who is going
18 to carry the banner on trying to make
19 sure that we have good work conditions
20 and conditions for Animal Control Team to
21 do their job. This will free up space to
22 have happy dogs going out for adoption,
23 sad dogs being treated in an efficient
24 way.

25 We've made a lot, a lot of new

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 moves with the Board before I had left by
3 expanding the Board so they can reform
4 the animal code, brought back the defunct
5 Animal Advisory Committee. We have
6 renewed interest, I think, on a lot of
7 the activists and volunteers that finally
8 they should be excited about Vector
9 relocating and having the space of their
10 own and having the conditions of their
11 own.

12 So now it's time to move
13 forward, rebuild, and fix the current
14 conditions of that in this upcoming year
15 so we could be proud of what we have here
16 as a city, as a first class city, making
17 sure that all our animals are being cared
18 for with the most integrity and
19 responsibility.

20 DEPUTY COMMISSIONER CASIMIR: I
21 just want to say, Chairman Henon, I have
22 to personally thank you, because since
23 I've started, this has been a personal
24 project of yours and you have pushed for
25 it since day one. You have been a strong

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 advocate, and you've made sure that
3 Public Property had the resources in
4 order for us to move in an expedited
5 manner.

6 This facility is absolutely
7 amazing for Vector to move. It's
8 actually perfect. It actually promotes
9 and stimulates an area or a corridor that
10 has been left vacant. So it's a great
11 fit for everyone, and I want to say thank
12 you personally, because you really have
13 been championing this since day one.

14 COUNCILMAN HENON: And I
15 appreciate that. We deserve better
16 outcomes, and this is the first step of
17 ensuring that the outcomes are in the
18 pipeline, in the way. Construction is
19 going to be starting, redesign is in
20 place, and the new adoption center will
21 finally have a shovel in the ground and
22 people. We can continue to fight for
23 more funding. And I don't do it alone.
24 You know, I'm sitting here with
25 Councilman Squilla, who has been a

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 staunch advocate.

3 DEPUTY COMMISSIONER CASIMIR:

4 Yes.

5 COUNCILMAN HENON: And

6 supporter of Animal Control, as well as

7 Councilman Domb. So together I think as

8 a body, we're going to do the responsible

9 thing and moving forward. So I'm excited

10 about today. Thank you for not giving

11 up, and looking for a space that's

12 located. And, by the way, the location

13 of this lease where we're on Hilton

14 Street here is in a space where it could

15 use a lot more activity, could use more

16 lighting, it could use a lot more of

17 security precautions, and it's right in

18 the middle of the opioid epidemic that we

19 have in our City of Philadelphia. So

20 you're not only providing other spaces,

21 you're transforming a space that will be

22 in the best of the public interest.

23 The Chair recognizes Councilman

24 Greenlee.

25 COUNCILMAN GREENLEE: Thank

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 you, Mr. Chairman. You actually
3 addressed my question. I wanted to check
4 to see if this was going to free up that
5 area for ACCT. It obviously is, and I
6 just want to recognize your advocacy for
7 the years on this very important issue.
8 As also a dog lover, I was glad to see
9 that this issue is going in the right
10 direction. So thank you, Mr. Chairman.

11 COUNCILMAN HENON: The Chair
12 recognizes Councilman Squilla.

13 COUNCILMAN SQUILLA: Thank you,
14 Mr. Chairman, and thank you for your
15 advocacy for ACCT and also for the moving
16 Vector into this new location.

17 Is Health also going to a new
18 location, moving from the ACCT location
19 to here or somewhere else?

20 DEPUTY COMMISSIONER CASIMIR:
21 So Vector falls under Health. So it will
22 be Vector and a portion of Food Services
23 will be relocating to that area.

24 COUNCILMAN SQUILLA: A portion
25 of Food Services?

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 DEPUTY COMMISSIONER CASIMIR:

3 So at this time, the whole entire
4 building will be dedicated to City use,
5 which is absolutely amazing. It will be
6 turnkey and fit out for our use,
7 specifically designed. They're investing
8 in the landscaping of the area, putting
9 up additional lighting, rebuilding the
10 building out completely to our fit-out
11 and spec. So it's a really great deal.
12 It's a ten-year term. We have two
13 five-year options. We locked in at an
14 absolutely great rate, and we have
15 additional tenant improvement dollars,
16 which allows us to truly do service to
17 the Health Department and building out
18 their facilities correctly.

19 COUNCILMAN SQUILLA: Well,
20 thank you. And I also want to really
21 applaud Public Property for finding the
22 location for being able to relocate
23 Vector and the Health Department to this
24 new spot to hopefully now open up the
25 door to creating a better atmosphere for

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 ACCT and an expansion of ACCT in the
3 current property that they're in. So
4 thank you so much, and great job.

5 DEPUTY COMMISSIONER CASIMIR:
6 It's always a pleasure working with you,
7 Councilman Squilla.

8 COUNCILMAN HENON: Thank you,
9 Councilman.

10 Any further questions on Bill
11 No. 190714 from the Committee?

12 (No response.)

13 COUNCILMAN HENON: Anyone else
14 here who wishes to testify on Bill No.
15 190714?

16 (No response.)

17 COUNCILMAN HENON: That being
18 none, thank you for your testimony.

19 Clerk, would you please read
20 the title of Bill No. 190606.

21 THE CLERK: Bill No. 190606,
22 amending Title 16 of The Philadelphia
23 Code, entitled "Public Property," by
24 amending Chapter 16-400, entitled "Vacant
25 and Surplus Properties," Chapter 16-500,

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 entitled "Councilmanic District
3 Development Program," and Chapter 16-700,
4 entitled "Philadelphia Land Bank," in
5 order to establish uniform procedures for
6 the disposition of property by the City
7 and City-related agencies to whom the
8 City conveys property, and to amend the
9 provisions governing the Land Bank, all
10 under certain terms and conditions.

11 COUNCILMAN HENON: Thank you.

12 Is there anyone here from the
13 Administration that wishes to testify on
14 Bill No. 190606?

15 (Witness approached witness
16 table.)

17 COUNCILMAN HENON: Good
18 morning.

19 MS. FADULLON: Good morning.

20 COUNCILMAN HENON: Madam
21 Director, please state your name for the
22 record and you may proceed with your
23 testimony.

24 MS. FADULLON: Good morning.

25 My name is Anne Fadullon. I'm Director

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 of Planning and Development.

3 Good morning, Chairman Henon
4 and members of the Committee on Public
5 Property and Public Works. My name is
6 Anne Fadullon and I am the Director of
7 Planning and Development for the City of
8 Philadelphia. I am here today to provide
9 testimony on Bill No. 190606, which seeks
10 to revamp the City's vacant property
11 disposition policies.

12 The Administration is
13 supportive of the intent behind this
14 legislation. This is a bold and
15 substantial proposal, and while many
16 details remain to be ironed out, we look
17 forward to continuing to work with City
18 Council to produce an open and
19 transparent process for the disposition
20 of publicly owned properties. We welcome
21 the opportunity to advance our efforts to
22 ensure Philadelphia has an efficient and
23 transparent disposition process. Going
24 forward, we will continue to work closely
25 with our partners on City Council to

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 produce amendments that reflect our
3 priorities.

4 Thank you for the opportunity
5 to speak here today, and I'm happy to
6 answer any questions.

7 COUNCILMAN HENON: Thank you
8 for your testimony.

9 The Chair recognizes Councilman
10 Greenlee.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Chairman.

13 Just quickly. Ms. Fadullon, I
14 know you say in the written testimony
15 here details remain to be ironed out, and
16 I understand this is not an easy issue.
17 It's something as a Councilman at-large I
18 don't deal with directly, but I know it's
19 been an important issue.

20 I guess I'm just trying to
21 figure out. The bill was introduced on
22 June 20th. I know there was a lot of
23 work done before that, even before the
24 bill was introduced. I guess I'm trying
25 to figure out why it's not finalized by

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 now. I mean, why haven't you --

3 MS. FADULLON: It's
4 complicated. So we've met. I want to
5 say we've probably met five or six times,
6 the Administration with Council staff,
7 since the bill has been introduced. This
8 is 13 pages of legislation. It's pretty
9 sweeping. Like we said, it's bold and
10 there's a lot of details to be ironed
11 out.

12 Essentially the bill is taking
13 a stab at properties, some of which are
14 governed by City law around City-owned
15 properties, state law with the Land Bank
16 enabling legislation, and state law with
17 the urban redevelopment law, and trying
18 to meld all of those together and make
19 sure all the I's are dotted and T's are
20 crossed based on the different
21 requirements across those. There's a lot
22 of detail there and we're just ironing
23 that out.

24 I also think there's some
25 issues with codifying pieces of the

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 disposition process when what happens on
3 a piece of ground is so disparate. So,
4 for example, we have anything happening
5 on properties from a side yard to
6 multi-year, tens of millions of dollars
7 development, and to try to say those are
8 all going to follow the exact same
9 process with this timeline, it's
10 complicated. And so I think those are
11 the things that we're working on.

12 I think with the big picture
13 items, we do have agreement. We are in
14 agreement with the intent, but working
15 through these details, it takes some
16 time. And I don't think that either side
17 has been unwilling to meet or unwilling
18 to roll up their sleeves. It's just
19 every time we meet, we make some
20 progress, but there's also some other
21 things that are identified that we still
22 need to dot some I's and cross some T's.

23 COUNCILMAN GREENLEE: Since you
24 say most of the major stuff has been
25 finalized, do you think it's reasonable

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2 to assume that if Council passes this
3 bill out of Committee today, that it can
4 be passed in the normal process after
5 that?

6 MS. FADULLON: I'm not sure --

7 COUNCILMAN GREENLEE: The
8 timeframe.

9 MS. FADULLON: So the normal
10 process, I guess I need you to clarify
11 for me what the normal process is.

12 COUNCILMAN GREENLEE: Well,
13 within two meetings of --

14 MS. FADULLON: I think we're
15 working towards that. I can't -- I'm not
16 able to commit to that right now, but I
17 know that we do have some additional
18 meetings set up this week and we're going
19 to -- we are all committed to meeting on
20 a regular basis until we get this done.
21 I think we all want to get this done.

22 COUNCILMAN GREENLEE: Okay.

23 MS. FADULLON: Again, this is a
24 big deal, and we want to make sure we get
25 it right.

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 COUNCILMAN GREENLEE: No.

3 Exactly. But by the same token, it has
4 been many months. So, I mean, you
5 know...

6 MS. FADULLON: I would say --

7 COUNCILMAN GREENLEE: There
8 seems to be a time where you have to kind
9 of get --

10 MS. FADULLON: Well, I mean, it
11 was introduced June 21st.

12 COUNCILMAN GREENLEE: But wait
13 a minute. In all fairness, wasn't there
14 a lot -- again, this isn't my ball game
15 here.

16 MS. FADULLON: There was.
17 There was a lot of work going into this,
18 but I will say this: A lot of the work
19 that was done that went into this didn't
20 translate.

21 COUNCILMAN GREENLEE: It's
22 what? I'm sorry. I didn't hear that.

23 MS. FADULLON: So we had a lot
24 of work that went in and then what was
25 put into the legislation did not fully

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2 reflect the work that had been done
3 prior. It picked up pieces here and
4 there, but, again, I think when you're
5 trying to take from sort of different
6 sources and meld them together, it's just
7 some of the details fell out, and so
8 those are the things that we've been
9 working through.

10 COUNCILMAN GREENLEE: So you
11 say you'll work with the partners on
12 Council to produce additional amendments.
13 Is that still your plan?

14 MS. FADULLON: Yes.

15 COUNCILMAN GREENLEE: Okay.
16 All right. Thank you.

17 Thank you, Mr. Chairman.

18 COUNCILMAN HENON: The Chair
19 recognizes Councilman Squilla.

20 COUNCILMAN SQUILLA: Thank you,
21 Mr. Chairman.

22 And thank you, Ms. Fadullon,
23 and I know this is a complicated process
24 as we deal with land sales.

25 Do you know in this process

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 that we will be able to swap properties

3 that are --

4 MS. FADULLON: So that isn't
5 addressed in this legislation right now.

6 So that's, I think, one of the things

7 that we started to -- that we were

8 talking about when we had our meeting

9 yesterday afternoon about this that we've
10 got to look into further.

11 COUNCILMAN SQUILLA: Because, I
12 mean, we really hit, I guess, a conundrum
13 of issues when we have areas we're trying
14 to save for the betterment of the
15 community or to save a garden and we have
16 a private property in the middle of a
17 garden and, therefore, if we could then
18 swap a property out to the end of the
19 garden and then keep the garden whole,
20 things like that. We sort of prevent
21 ourselves from doing that and we're not
22 able to do it or it's so complicated that
23 nobody is willing to do it and we end up
24 losing the better good for the community
25 out of that.

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2 So, I mean, I think it's
3 something that we need to do to be able
4 to have that option available, and there
5 could be regulations in place and things
6 to protect bad things from happening, but
7 it's something that we should have a tool
8 in our chest to be able to do to help
9 communities to be able to understand that
10 there is a process to keep these gardens
11 and open spaces available to them while
12 development is happening, because if not,
13 we end up getting cut in the middle and
14 then losing all of it and it's a
15 detriment to the community as a whole.
16 And I know we're trying to protect
17 ourselves sometimes from ourselves by
18 having these policies in place, but
19 there's got to be a way that we can trust
20 the people in the community, in our
21 departments, and in our legislature to
22 understand, if we're trying to find
23 what's best for the community, have that
24 ability to do that, and without it makes
25 it very -- and it's very frustrating for

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2 some of our community members, even the
3 NGT, Neighborhood Garden Trust, and some
4 other folks that are really inspirational
5 to the community and trying to hold on to
6 some of these open spaces in our more
7 developing communities, and without that
8 option, I think we would be missing an
9 opportunity if we don't add that into
10 this legislation.

11 MS. FADULLON: Well, I think
12 that's exactly what we're working on, is
13 how do you make sure that the process is
14 as clear, fair, and transparent as
15 possible, but also allows flexibility to
16 make sure you end up with the best
17 result.

18 COUNCILMAN SQUILLA: Okay.
19 Well, thank you, and hopefully we'll
20 continue to do this and get it passed so
21 that we can make these properties move a
22 little quicker and easier.

23 Thank you.

24 COUNCILMAN HENON: Thank you,
25 Councilman.

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2 The Chair recognizes
3 Councilwoman Maria Quinones-Sanchez.

4 COUNCILWOMAN SANCHEZ: Thank
5 you. Thank you, Mr. Chair.

6 For the record, I just want to
7 say that in this process, we really have
8 moved really a long road ahead around
9 this reform process. From the creation
10 of Anne Fadullon's position by Council
11 President Clarke to the consolidation of
12 land to the consolidation of the housing
13 alphabet soup, I think the Administration
14 has moved towards this.

15 I think conceptually we have
16 all of the major agreements. Like any
17 piece of legislation, how the
18 Administration operationalizes, they have
19 a lot of discretion around some of the
20 issues that we talked about, but I think
21 we're very, very clear that we need the
22 strategic plan. We need to get back to
23 people on a timely basis. We need a
24 simple way of reviewing all of this
25 stuff, which all of these -- which this

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2 piece of legislation does. It really
3 outlines mandatory deed restrictions with
4 the ability of the Administration to
5 really revert title when we have
6 problems. And nothing in this
7 legislation prohibits the Administration
8 from some of the areas of concern.

9 And I appreciate all the work
10 that has gone into all of this. As
11 someone who has worked for this for many,
12 many years, and this Committee and
13 Chairman Henon and others know that we've
14 really been trying to get this right. We
15 can't let the good -- the perfect be the
16 enemy of the good.

17 I think creating a transparent
18 process and being able to move these
19 properties -- there's 40,000 vacant
20 properties, and they keep accumulating.
21 We all agree that the level of
22 disposition that we've done in the last
23 few years is not enough and that we need
24 to build that capacity, but we also need
25 to make sure that we're not, what I say,

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2 over-thinking this. We can be targeted
3 and transparent. They're not conflicting
4 terms, and I think that's what we're
5 trying to get here.

6 So I feel very confident that
7 the intent and the desire both by the
8 Administration and Council is there and
9 we'll work through some of the remaining
10 issues, and I ask this Committee to help
11 us move this along so that we can get
12 this right and we can repurpose and get
13 back onto the tax rolls these 40,000
14 vacant properties that right now, as we
15 read on Friday, will continue to be
16 exploited through Sheriff Sale
17 speculation that we see all over the City
18 that has really, really concerned
19 neighborhoods and has really sometimes
20 worked against the work of our community
21 development corporations, who have really
22 gone into neighborhoods before anybody
23 else went in there and began to repurpose
24 and create markets. And I think we could
25 be fair to long-term residents as well as

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2 provide some predictability for
3 development in the future.

4 So I look forward to working
5 again with Council President Clarke, who
6 is the author of this legislation, and
7 the team and feel confident that we will
8 get this done.

9 Thank you. Thank you,
10 Mr. Chair.

11 COUNCILMAN HENON: Thank you,
12 Councilwoman.

13 Just a few quick questions. So
14 how does the -- so the new disposition
15 policy here or this legislation, there's
16 a redevelopment agreement? Are there
17 redevelopment agreements tied to --

18 MS. FADULLON: So there would
19 be -- I think we've called it a purchase
20 development agreement. So, again, this
21 is sort of where it gets a little bit
22 complicated. So redevelopment agreement
23 is something that is required by urban
24 redevelopment, state urban redevelopment
25 law. So anything comes out that's in the

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 Redevelopment Authority inventory
3 requires a redevelopment agreement. But
4 what we're talking about is having as
5 close to a uniform agreement across all
6 property ownership entities. So whether
7 it's a City property, a Land Bank
8 property, or a Redevelopment Authority
9 property, having a very similar agreement
10 so that similar protections would be in
11 each of the agreements.

12 COUNCILMAN HENON: Okay. So
13 there is a purchase agreement for
14 redevelopment --

15 MS. FADULLON: Yes.

16 COUNCILMAN HENON: -- that's
17 required by state law, right? Covered?
18 Under?

19 MS. FADULLON: So --

20 COUNCILMAN HENON: How does it
21 fit into the strategic plan that you're
22 outlining in this?

23 MS. FADULLON: So the urban
24 redevelopment law requires a
25 redevelopment agreement for Redevelopment

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2 Authority-owned properties, right. Based
3 on our local Land Bank and Land Bank
4 enabling legislation at the state, we
5 have a purchase development agreement for
6 Land Bank ones that very closely
7 resembles our redevelopment agreement.

8 Currently City-owned property that came
9 out from the Vacant Property Review
10 Committee did not have that type of
11 agreement. There has been an MOU entered
12 into between the City and the Land Bank
13 to provide a similar purchase development
14 agreement as the Land Bank, but part of
15 what we're dealing with in this
16 legislation is trying to create a uniform
17 agreement that incorporates what's
18 required by City law, what's required by
19 state Land Bank law, and also what's
20 required by state redevelopment law. We
21 may not get exactly there, but we're
22 trying to get as close of alignment as
23 possible so that certain protections are
24 in place regardless of what is the
25 landholding entity.

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2 COUNCILMAN HENON: Got you.

3 All right.

4 MS. FADULLON: You got that?

5 And that's just one component of this
6 legislation.

7 COUNCILMAN HENON: Now, that
8 being said, I actually know what you're
9 talking about, but I want you to talk
10 about it so people understand how
11 comprehensive this is and how much work
12 has gone into it over the years and how
13 Land Bank has evolved, how the PRA has
14 evolved in its processes. So how does
15 this new disposition or legislation
16 streamline the process and transparency
17 and get to market quicker with more
18 accountability?

19 MS. FADULLON: Right. So I
20 think the key components is, one, we're
21 trying to create a uniform agreement.
22 We're trying to create a uniform process
23 so it doesn't matter what the landholding
24 entity is, the process is the same.

25 We're trying to tie timeframes

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2 to the process and then also we're
3 trying -- for those that we make it
4 clear, what can be gone out as a
5 competitive sale, what would qualify for
6 a non-competitive sale, and in the case
7 of a competitive sale, what would be the
8 criteria that would be evaluated when
9 those competitive sale proposals come in.

10 COUNCILMAN HENON: Okay.

11 Anyone else have any questions
12 for the Director for Bill No. 190606?

13 (No response.)

14 COUNCILMAN HENON: That being
15 said, thank you for your testimony.

16 Clerk, would you please read or
17 ask our next three people who are due to
18 testify to come up in one panel, please.

19 THE CLERK: Beth McConnell,
20 Jacob Markovitz, and Will Gonzalez.

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN HENON:

24 Ms. McConnell, you may state your name
25 for the record and proceed with your

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2 testimony, and welcome. Thank you for
3 being here.

4 MS. McCONNELL: Thank you.

5 Good morning, Chairperson Henon, Vice
6 Chair Greenlee and other members of the
7 Committee. My name is Beth McConnell.
8 I'm the Policy Director with the
9 Philadelphia Association of Community
10 Development Corporations, PACDC, here to
11 testify on Bill No. 190606.

12 I want to start by thanking
13 Councilwoman -- Councilpersons --
14 Councilmembers Sanchez -- I'll get it
15 right eventually -- and the Council
16 President for sitting down with us and
17 their staff to walk through the
18 legislation and hearing our
19 recommendations and addressing our
20 questions. We do appreciate that.

21 This bill will make several
22 important changes to the way that
23 Philadelphia manages vacant and surplus
24 property. First, it would eliminate the
25 Vacant Property Review Committee, VPRC.

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2 PACDC has advocated for eliminating the
3 VPRC during the debates over the creation
4 of the Land Bank back in 2013. We hold a
5 seat on the VPRC and, as such, we've seen
6 firsthand the important work that it has
7 done in overseeing the process of
8 disclosing public property, but the goal
9 of the Land Bank was and still is to
10 streamline the process and create
11 transparency and accountability.

12 So by eliminating the VPRC and
13 folding its functions into the Land Bank,
14 Philadelphia moves one step closer to
15 having one land-holding agency with an
16 open, transparent process, with one set
17 of policies and procedures, and one path
18 to disposition. City Council can take
19 another step by working with the
20 Administration to transfer all remaining
21 vacant, surplus property into the Land
22 Bank, including the inventory that's
23 still held by the Office of Public
24 Property and the Redevelopment Authority.

25 PACDC is also pleased to see

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2 some of the provisions in the bill that
3 establish scoring criteria for properties
4 subject to competitive bid. These
5 criteria highly value economic
6 opportunity and inclusion as well as
7 social impact while de-emphasizing
8 purchase price. We support policies that
9 advance long-term equitable development
10 goals over short-term financial gain.

11 Now, scoring criteria for
12 competitive bids already exists.
13 However, this bill makes that criteria
14 publicly known in ordinance for the first
15 time. But it will be important for the
16 definitions of the scoring criteria to be
17 more fully developed as part of the Land
18 Bank disposition policies so there is
19 uniform agreement, for example, on what
20 "economic opportunity and inclusion"
21 means or what "public purpose" means.

22 We also do request that the
23 bill be amended slightly just to ensure
24 that the scoring criteria results are
25 disclosed to the applicants when they get

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2 either an approval or a denial letter,
3 creating some more transparency about how
4 that criteria is being applied.

5 For disposition decisions
6 without advertised bids, PACDC also
7 requests that the bill be amended to
8 define "affordable housing" as intended
9 for properties where at least 51 percent
10 of the rental units are designated to
11 households below 80 percent area median
12 income and for-sale units below 120
13 percent AMI. While we strongly support
14 prioritization of land for affordable
15 homes that serve far lower income
16 populations, this would give the Land
17 Bank flexibility to support development
18 of mixed-income rental properties as well
19 as mixed-income housing developments
20 under that program and workforce housing
21 as well.

22 The legislation also allows the
23 land-holding agencies to discount the
24 sale price for nominal or less than fair
25 market value for a number of reasons.

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2 While we strongly support this concept,
3 some of those categories are not defined,
4 such as "economic opportunity," "design
5 and sustainability." So we really hope
6 to see in the Land Bank disposition
7 policies that more of that detail is
8 flushed out so it's clear. And we're
9 also very pleased to see in the amendment
10 that's been submitted today requiring
11 reporting of discounts that are applied
12 in the Land Bank's annual performance
13 report. We also recommend that that
14 include not just that the discount was
15 offered, but the justification for the
16 discount.

17 Finally, the bill also could
18 require that the amount that the Land
19 Bank pay the City of Philadelphia to
20 acquire vacant, tax-delinquent parcels at
21 Sheriff Sale, it limits the price to the
22 lesser of the assessed value or the real
23 estate taxes due. Right now there's an
24 MOU between the Land Bank and multiple
25 City agencies and the School District

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2 that requires the Land Bank to pay all
3 municipal liens and back taxes to acquire
4 a property. So it basically requires
5 General Fund allocations so that the City
6 of Philadelphia can pay the City of
7 Philadelphia. And while this would
8 not -- this bill would not eliminate that
9 completely, at least it will allow the
10 Land Bank to stretch its limited
11 acquisition dollars a bit further.

12 In closing, PACDC was a strong
13 advocate for creating the Land Bank,
14 along with our allies and partners that
15 care deeply about turning vacant property
16 into opportunities for green space and
17 gardens, market-rate housing, and
18 commercial development, as well as
19 affordable housing and community space.
20 The Land Bank has come a long way since
21 2013. This bill will move us a few steps
22 further, and we look forward to
23 continuing to work with Council and the
24 Administration as the strategic plan is
25 finalized and the acquisition and

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2 disposition policies are updated in the
3 coming months.

4 Thank you for the opportunity
5 to testify.

6 COUNCILMAN HENON: Thank you
7 for your testimony.

8 You may state your name for the
9 record and proceed with your testimony.
10 Thank you.

11 MR. GONZALEZ: Buenos dias.
12 Good morning. Thank you very much for
13 organizing this public hearing on such an
14 important topic and for inviting us to
15 testify before you today. My name is
16 Will Gonzalez. I'm the Executive
17 Director of CEIBA, a coalition of Latino
18 community-based organizations in
19 Philadelphia.

20 CEIBA supports what Beth
21 McConnell of PACDC just testified. CEIBA
22 is an active member of PACDC.

23 We welcome the streamlining of
24 the process of disposing of vacant lots
25 and public property that this legislation

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2 seeks to accomplish by eliminating the
3 VPRC and strengthening the Philadelphia
4 Land Bank. We are concerned, however,
5 with the provisions in this legislation
6 aiming to establish a scoring system to
7 help determine how best to move property
8 out of the Philadelphia Land Bank into
9 the hands of the public. There are good
10 sounding terms like "public purpose,"
11 "social impact," and "economic
12 opportunity and inclusion." However,
13 there are no firm definitions for the
14 terms in this legislation.

15 We understand that the Land
16 Bank is under the executive branch of
17 government and that sometimes there may
18 be limits, legal and political, to what
19 the legislative branch can do in meddling
20 in the Land Bank's policies and
21 procedures so as to make them more
22 supportive of affordable housing and
23 other community uses.

24 We respectfully request and
25 urge you to do your utmost, starting with

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 this legislation, to ensure that the Land
3 Bank's policies and procedures maximize
4 equitable development in the
5 neighborhoods.

6 Please define in the
7 legislation the terms "public purpose,"
8 "social impact," "economic opportunity
9 and inclusion."

10 Please also ensure that this
11 legislation fosters transparency in the
12 process of disposing of City lots and
13 properties. This means that the public
14 must see the results of all scoring
15 decisions which emanate from this
16 legislation's implementation. This is
17 basic due process. Otherwise, what is
18 being created here is a secretive process
19 that can lend itself to misuse in the
20 wrong hands.

21 On paper, the Land Bank looks
22 good. This legislation looks good.
23 However, in practice, the Land Bank has
24 yet to hit its stride, and this
25 legislation, without additional

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2 definitions and safeguards of
3 transparency and due process, may not
4 accomplish what it seeks to do no more
5 than to get rid of one layer of
6 bureaucracy, the VPRC.

7 I need to make one more point
8 about equity and inclusion regarding the
9 Land Bank, especially as this legislation
10 defers to it, definitions of "public
11 purpose," "social impact," "economic
12 opportunity and inclusion." Sad to say
13 that the Land Bank has no Latino on its
14 Board of Directors. Yes, its Executive
15 Director is Latino. However, the
16 policy-making power of the Land Bank
17 rests on its Board of Directors.

18 We respectfully request that
19 the City Council do what it can to ensure
20 that a Latinx person is on the
21 Philadelphia Land Bank Board.

22 Thank you for your attention.
23 We look forward to continuing to work
24 with you to ensure equitable development
25 in Philadelphia. Gracias.

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2 COUNCILMAN HENON: Thank you
3 for your testimony.

4 You can state your name for the
5 record and you may proceed with your
6 testimony.

7 MR. MARKOVITZ: Good morning.
8 Jacob Markovitz.

9 Chairman Henon and members of
10 the Committee on Public Property and
11 Public Works, my name is Jacob Markovitz.
12 I'm a realtor in the City of Philadelphia
13 and I am Vice President of the Greater
14 Philadelphia Association of Realtors.
15 With over 3,000 hard-working members
16 throughout the region, GPAR has served as
17 the voice of real estate in Philadelphia
18 since 1908. We have a proven track
19 record of advocating for policies that
20 protect the rights of private property
21 owners and benefit the entire City, not
22 just our realtor community.

23 Thank you for the opportunity
24 to testify today regarding the bill.
25 Councilwoman Sanchez, on behalf of

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 Council President Clarke, introduced the
3 bill, and it seems to amend the process
4 of disposition of public property owned
5 by the City of Philadelphia.

6 GPAR supports the bill. We
7 believe the current process in place for
8 the disposition of public property is
9 both challenging and ineffective. The
10 bill is the right step towards solving
11 the disposition process and providing a
12 fair chance to anyone who would like to
13 competitively bid for a property owned by
14 the City of Philadelphia. The bill also
15 recognizes the issue of blight in the
16 City of Philadelphia and includes such
17 properties in the disposition process.
18 Furthermore, we appreciate the bill's
19 emphasis on developing affordable
20 housing, low-income housing, and
21 community gardens.

22 We would like to thank
23 Councilwoman Sanchez and her staff for
24 working with us on specific concerns we
25 had in relation to the bill. We look

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 forward to working with the Council to
3 make the process work better and with
4 more transparency. We respectfully
5 request that Council continue to include
6 GPAR in any further stakeholder
7 discussions.

8 Once again, we support the
9 bill. Thank you for the consideration
10 expressed by me and GPAR.

11 COUNCILMAN HENON: Well, thank
12 you all for your testimony and your
13 submitted testimony on record.

14 Anyone have any questions on
15 the Committee?

16 (No response.)

17 COUNCILMAN HENON: We
18 appreciate your time today.

19 Clerk, would you please read
20 our last two speakers to come up and
21 testify.

22 THE CLERK: Anthony Fullard and
23 Rick Young.

24 (Witnesses approached witness
25 table.)

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2 COUNCILMAN HENON: Good
3 morning.

4 MR. YOUNG: Councilmembers,
5 good morning.

6 COUNCILMAN HENON: State your
7 name for the record and you may proceed
8 with your testimony.

9 MR. YOUNG: Rick Young,
10 Westview Development Partners. I'm here
11 to support Bill 190606.

12 I spoke a number of times on
13 the playing field being level for --
14 urban developers or developers of color
15 are indigenous to the neighborhood. I
16 think that's something that has been
17 missing for some time, and I think that's
18 really important where, you know, the
19 emphasis goes on community impact and
20 social impact. Someone like myself who
21 created the template for neighborhood
22 special service districts who hired close
23 to a hundred people and do
24 entrepreneurial programs in elementary
25 schools and give kids a safe place to go

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2 on Christmas, Halloween, and Easter, I
3 think, you know, something that, you
4 know, you don't get credit for, but it's
5 good to know that now. On a scale of 1
6 to 100, bills are taken in consideration
7 when the terms of development.

8 You know, someone like myself
9 who comes from a community like Mantua,
10 who the City has become a destination and
11 a place like Mantua has become a
12 destination for developers since it's
13 central to the Zoo, the Art Museum, and
14 Drexel University, I think there's an
15 onslaught of developers. Where the
16 emphasis on the past has been on price
17 and on money and it kind of out-prices --
18 you know, it makes it no different than
19 the Sheriff Sale when you go to try to
20 bid on a property and the City takes it
21 to the highest bidder.

22 So I support this bill. And
23 having conversation with Councilwoman
24 Sanchez and President Clarke on how do we
25 make it fair, make the playing field fair

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2 for developers of color or urban
3 developers who come from indigenous --
4 who come from this neighborhood, who
5 knows the neighborhood from an internal
6 perspective, I think that's going to be
7 something that's going to be very
8 important down the line. So I support
9 the bill.

10 Thank you very much. And any
11 questions, I'll be more than happy.

12 COUNCILMAN HENON: Thank you
13 for your testimony.

14 Mr. Fullard.

15 MR. FULLARD: Oh, okay. Sorry.

16 COUNCILMAN HENON: Can you
17 state your name for the record and then
18 proceed with your testimony.

19 MR. FULLARD: Yes. Anthony
20 Fullard, President of West Powelton
21 Development Corporation. I am present
22 today here to lend my support to Bill No.
23 190606, and the reason for my support of
24 the vacant and surplus properties, there
25 is approximately 25,000-plus vacant

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2 properties in Philadelphia. I understand
3 that the Councilwoman has even said it's
4 about 40,000. The Philadelphia Land Bank
5 manages more than 5,000-plus properties
6 for sale around the City. Most
7 properties are vacant land and buildings
8 in need of repair.

9 I also pulled up this thing. I
10 think it was done by Econsult.

11 Households near vacant properties lose
12 wealth through reduced property value.

13 In 2010, Econsult study found that the
14 blighting efforts of the vacant process
15 reduced the value of nearby properties by
16 6.5 percent citywide and as high as 20
17 percent in particular neighborhoods. In
18 dollar figures, this equates to an
19 average of 8,000 decrease in the property
20 values per household, totally roughly
21 \$3.6 billion in lost household wealth.

22 These figures do not even include the
23 lost revenues associated with the
24 foregoing opportunities for new
25 development projects associated with job

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2 growth, new residents who are wage
3 earners, et cetera.

4 And then largely I support this
5 bill for a number of items that are in
6 this bill, is that a large number of
7 properties are vacant for a very long
8 time. Vacant properties are in poor
9 physical condition and impossible to live
10 in. Certain properties have been
11 declared by the City of Philadelphia
12 unfit to live in. Owners of unfit
13 properties live in and are -- properties
14 are delinquent in real estate taxes,
15 water, sewer. Properties are in their
16 most present state and conditions have
17 become blight and a nuisance and have
18 been a haven for criminal activity in our
19 local neighborhoods. Non-payment of tax
20 obligations by the owners.

21 There needs to be a quick
22 vetting process, that the owner may be
23 able to do a payment plan. There needs
24 to be a quick process for owners' desire
25 to donate properties to the City. The

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2 City to hold owners of such properties
3 would be acquired to be held into a trust
4 until they can be rehabbed.

5 So those are certain points
6 that I read in this bill that I think
7 that are very important for us to move
8 through all of these vacant properties,
9 all of these vacant lots that is really
10 plaguing our city.

11 But also, City Councilmembers,
12 I am also in support of the item that is
13 in this bill within 180 days of close of
14 bidding, the agency shall evaluate
15 bidders for selection based upon the
16 following weighted criteria: 30 percent
17 for economic opportunity and inclusion,
18 20 percent for public purpose - social
19 impact, 25 percent for development team
20 experience. I like the point system. So
21 then this opens it up for a number of
22 potential developers that have been
23 vetted that can do a good development
24 job, which our City needs.

25 Now, I specifically, such as

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2 Rick, I concentrate on areas that are
3 plagued by a lot of blight and all of
4 that that we see each and every day and
5 like to bring development and like to
6 bring revitalization to these
7 neighborhoods. This bill will help
8 developers such as me to be able to
9 continue on on that mission.

10 So, again, as I said, I am in
11 100 percent of Bill No. 190606.

12 If you have any questions,
13 please let us know.

14 COUNCILMAN HENON: Thank you
15 for your testimony. That will be it. We
16 appreciate you coming in and testifying
17 with us here today.

18 Anyone else here wishes to
19 testify on any of the bills just read in
20 the Public Property and Public Works?

21 (Witness approached witness
22 table.)

23 COUNCILMAN HENON: Good
24 morning.

25 MS. DeCARLO: Good morning.

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2 COUNCILMAN HENON: You may
3 state your name for the record and
4 proceed with your testimony and the bill
5 number that you are speaking on.

6 MS. DeCARLO: Patricia DeCarlo.
7 And here are -- you usually like copies.

8 Okay. Good morning. Thank you
9 for the hearing. My name is Patricia
10 DeCarlo. I'm testifying today as a
11 long-term resident of Mi Barrio, the
12 Norris Square neighborhood, and as the
13 interim Executive Director of Norris
14 Square Community Alliance, a non-profit
15 community-based advocacy and development
16 organization.

17 As a resident, I have seen
18 firsthand the impact of the for-profit
19 development in the neighborhood,
20 particularly after its designation as an
21 Opportunity Zone. Every day I hear the
22 concerns of residents losing their
23 backyards they've maintained for 20, 30,
24 40, years to Sheriff Sales without any
25 prior notice or having their homes

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2 damaged by developers, contractors who do
3 not respect or care about the impact of
4 their project on family properties.

5 This proposed legislation for
6 procedures to be followed on acquisition
7 of City property is one of the keys to
8 planning for future development of our
9 neighborhoods and controlling the abuse
10 and short- and long-term negative impact
11 on our neighborhoods.

12 The other key government
13 procedures which impact our
14 neighborhoods, which also need to get
15 dealt with, are zoning and legislated
16 financial burdens or benefits imposed on
17 real estate.

18 As I read the legislation, I
19 was glad that the Vacant Property Review
20 Committee was eliminated as a process for
21 acquisition and disposition of City
22 properties, as at times it seems lengthy
23 and redundant. The proposed process,
24 though, is concerning, as it is vague in
25 terms of the priorities identified by the

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2 City for the disposition of its
3 properties. What does 30 percent of the
4 weighted criteria for economic
5 opportunity and inclusion mean? One
6 might think it gives opportunity for
7 low-income persons to receive training,
8 get a job, be eligible for housing. But
9 the word "opportunity" has become
10 questionable. The Opportunity Zone was
11 hailed as such, and so far the only
12 beneficiaries have been wealthy
13 investors, developers avoiding payment of
14 capital gain taxes by investing in poor
15 neighborhoods and developing, quote,
16 affordable workforce housing, which
17 translated into current reality in our
18 neighborhood means a one-bedroom
19 apartment at a rent of 1,200 to 1,400 per
20 month. That is not affordable in a
21 neighborhood where the AMI is 17,000 to
22 20,000 per year. Do the math. But that
23 is the AMI of our workforce.

24 Unless we are more specific as
25 to the economic impact and inclusion and

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2 what that means and how it gets measured,
3 our poor neighborhoods, where families
4 have struggled to improve and maintain
5 mostly without City assistance, will be
6 decimated and they will become homeless.
7 It's already happening. As people sell
8 their properties to these developers, the
9 folks who were renting from them can't
10 find affordable housing in the
11 neighborhood and they have to leave. So
12 expect an increase in homelessness due to
13 all the development that's going on
14 without any real restraint as to price.

15 There is one glaring absence of
16 prioritizing acquisition in this
17 legislation; that is, providing long-term
18 residents with deeds to the properties
19 they have maintained for decades without
20 assistance or maintenance from the City.
21 So I mean the folks from the badlands who
22 have been living there, taking care of
23 abandoned, blighted property, both City
24 owned and privately owned, fencing,
25 clearing it of trash, taking care of drug

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2 needles, without any help from the City,
3 and now that they are eligible under
4 adverse possession, they don't have the
5 money, they don't have the information,
6 and they don't get the help from the City
7 to get their deeds. They are legally
8 entitled to the deeds. That should be
9 part of your acquisition legislation, a
10 simple, efficient process for those
11 families to be able to acquire a deed to
12 the property that they can prove they've
13 maintained for all these years.

14 These lots should have top
15 priority for City Council to legislate a
16 simple, expeditious process that provides
17 deeded titles to the caretaker of these
18 properties, with no restriction on use.
19 So not limited to for open space or
20 gardens, liens of 30 years on the deed,
21 et cetera. It should be open and
22 available to expand their home to
23 accommodate parents or their children,
24 build a garage, or sell the property.
25 Why should poor people be limited in the

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2 use of the properties they have
3 maintained for 30, 40 years? Why is it
4 that only the well-to-do get the
5 opportunity to even be more well-to-do?
6 They can sell and they can make their
7 money, but the poor people can't.

8 So, again, I ask that you
9 address this in this legislation of
10 acquisition and disposition.

11 Let me tell you a quick story.
12 So we have several residents who have
13 been taking care of their lots for
14 decades and decades and decades. So they
15 go to court under adverse possession.
16 They're being held by a non-profit who is
17 helping with gardens and lots. They
18 assign an attorney. The lady is an elder
19 lady. She only speaks Spanish. So she
20 goes ready to go to court. She pays for
21 the court costs. She gets there, and the
22 attorney says, oops, can't represent you,
23 I have a conflict because you as
24 (unintelligible). And so they postpone
25 the case. Then she gets assigned two

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2 months later another attorney, who is
3 doing it pro se. So I spend the night
4 explaining, translating for her. Several
5 weeks later, months later, they have
6 another court date and, again, oops,
7 can't do it, conflict of interest. The
8 judge dismisses the case. Why? Because
9 she didn't have representation.

10 So while I find attorneys to do
11 this for people pro se, it really, really
12 would be very useful if this legislation
13 includes a process done by the City to
14 take those properties and deed them, go
15 through the court, you do the adverse
16 possession, you do the City, they owe
17 taxes, and you get the property and you
18 pass on the deed to the people who have
19 been taking care of those properties for
20 20, 30, 40 years, without paying back
21 taxes, because they paid the back taxes
22 by taking care of the properties.
23 They'll pay taxes forward, but it has to
24 be included in this disposition property.
25 Otherwise, we're not really taking care

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2 of the people who have suffered the most
3 from the blight and the lack of
4 maintenance. And I understand City
5 didn't have the resources, but the City
6 didn't maintain those neighborhoods.
7 Those people did.

8 Second concern: There's no
9 clearly defined priority and percentage
10 value for properties to be developed for
11 the homeless and/or low-income families.
12 Using the City's AMI as the measurement
13 for affordable housing assures the
14 exclusion of families where the
15 neighborhood AMI is 17,000 to 20,000 as
16 opposed to the City at 40,000. So, for
17 example, that's the AMI in Norris Square.
18 So you have these developers coming and
19 saying they're going to do some
20 affordable housing. Well, affordable,
21 it's at \$40,000. Nobody there makes
22 \$40,000. So what happens? They don't
23 get the benefit from affordable housing.
24 That's a problem.

25 Third concern: There is no

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2 plan proposed for the identification and
3 protection of the cultural footprint and
4 heritage of the neighborhood.

5 Philadelphia has a long history of how
6 minority neighborhoods have been
7 decimated through the process of
8 gentrification, particularly when
9 advanced and exacerbated by governmental
10 incentives such as tax abatements,
11 Opportunity Zones, and/or zoning density
12 bonus. Legislate as part of the
13 acquisition process that 30 percent of
14 your priority is going to go impact on
15 the neighborhood cultural economic
16 footprint. Is it going to have a
17 negative impact? If it does, you don't
18 approve it.

19 Mi Barrio is being overwhelmed
20 by building developments that are five
21 and eight stories high with 60 to 100
22 units, ten parking spots, mostly
23 one-bedroom apartments in what is
24 basically a row home single-family
25 neighborhood of two- to three-story

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2 homes. Family housing is not being
3 provided, and the rental and the sale
4 price of the same is way beyond the
5 capacity of most families, as our AMI,
6 again, in four out of our five census
7 tracts is 17,000. But these are all
8 touted as workforce housing, which is
9 what you have prioritized here.
10 Workforce housing pays \$1,200 to \$1,400 a
11 month for a one-bedroom. You tell me
12 whose workforce that is. It sure ain't
13 our neighborhood.

14 In summary, Mi Barrio is
15 entitled --

16 COUNCILMAN HENON: Excuse me,
17 Ms. DeCarlo. I'm sorry to interrupt. We
18 do have your written testimony. If you
19 could summarize your comments on the bill
20 itself, on Bill No. 190606, we'd
21 appreciate that. And if you could
22 summarize that for us so we can move on
23 with our business, and then we'll make
24 sure that this is submitted for the
25 record.

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2 MS. DeCARLO: Right. So in
3 summary, take care of our poor
4 neighborhoods. Please review your
5 legislation to make sure that it's the
6 poor that are mostly being protected.
7 The other ones can have a chance, but
8 take care of the ones that have been here
9 all these years.

10 Thank you.

11 COUNCILMAN HENON: Certainly
12 agree. Thank you so much for testifying
13 today.

14 Is there anyone else here that
15 wishes to testify on any of the bills
16 that were heard in our public committee
17 today?

18 (No response.)

19 COUNCILMAN HENON: That being
20 none, I want to remind that this
21 Committee is holding Bill No. 190602,
22 190560.

23 This will conclude our public
24 hearing of Public Property and Public
25 Works. We will now go to our public

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 meeting.

3 The Chair recognizes Councilman
4 Greenlee on an amendment to Bill No.
5 190606.

6 COUNCILMAN GREENLEE: Thank
7 you, Mr. Chairman. I move the adoption
8 of the amendment to Bill No. 190606,
9 which has been distributed to the members
10 of the Committee.

11 (Duly seconded.)

12 COUNCILMAN HENON: It's been
13 moved and properly seconded.

14 All those in favor signify by
15 saying aye.

16 (Aye.)

17 COUNCILMAN HENON: Opposed?

18 (No response.)

19 COUNCILMAN HENON: The ayes
20 have it. Bill No. 190606 is amended.

21 The Chair again recognizes
22 Councilman Greenlee on motions for all
23 bills in the public meeting.

24 COUNCILMAN GREENLEE: Thank
25 you, Mr. Chairman. I move that the

1 10/1/19 - PUBLIC PROPERTY - BILL 190130, ETC.

2 following bills be reported out of this
3 Committee with a favorable recommendation
4 and that the rules of Council be
5 suspended to allow for first reading at
6 our next session of Council: Bill Nos.
7 190130, 190712, 190707, 190714, and
8 190606 as amended.

9 (Duly seconded.)

10 COUNCILMAN HENON: It has been
11 moved and properly seconded.

12 All those in favor signify by
13 saying aye.

14 (Aye.)

15 COUNCILMAN HENON: Opposed?

16 (No response.)

17 COUNCILMAN HENON: The ayes
18 have it. Bill Nos. 190606 as amended,
19 Bill No. 190130, 190602, 190712, 190707,
20 190714 -- that's 190606, I apologize, as
21 amended and the bills just read will be
22 reported out of Committee with a
23 favorable recommendation with a
24 suspension of the rules to allow the
25 first reading of said bills at our next

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2 Council session.

3 This will conclude our public
4 meeting. Thank you so much.

5 (Committee on Public Property
6 and Public Works concluded at 11:37 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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