

## **COMMISSION ON PARKS AND RECREATION**

### **FACT SHEET ON THE PROPOSED PARK & RECREATION OPEN LANDS PROTECTION ORDINANCE**

#### **1. Why is this ordinance needed?**

The Commission on Parks and Recreation is charged by the 2009 amendments to the Home Rule Charter with developing standards and guidelines for the conveyance of park and recreation land. No such written standards exist at this time. The proposed ordinance provides criteria and imposes additional safeguards before such conveyances can move forward.

#### **2. What land is covered?**

Outdoor lands held by the City now or in the future for public park or recreation use.

#### **3. What triggers the protections of the ordinance?**

Proposals to change the physical characteristics or use of outdoor park or recreation lands and proposals to change the custody or control of such lands. Only transfers that would require a City Council ordinance to be effective (i.e., non-Administrative actions) are covered. Certain types of transactions are exempted from the ordinance (see #7(A) below).

#### **4. What is the review process created by the ordinance?**

If a transfer fitting into #3 above is proposed, the proposed transferee must prepare an Alternatives Analysis and give a copy to the Commission and City Council. In short, the Alternatives Analysis must detail i) why there is no alternative to the proposed transfer of outdoor park or recreation land; why the proposed transfer is necessary for the public interest; and why the existing park or recreation use is no longer practical; ii) land use, traffic, and parking impacts; iii) what alternatives were considered and their impacts; and iii) if applicable, what substitute land will be supplied (see #6 below).

#### **5. What happens next?**

Within a specified timeframe, the Commission will review the Alternatives Analysis, prepare a written opinion regarding the advisability of the proposed transfer, and send its determination to the Mayor as well as notification to the Council President. If the Commission fails to submit a determination within designated time frames, its approval is assumed. In certain cases (see #7(B) below), it will hold a public meeting regarding the matter.

City Council will then hold a public hearing on the proposed transfer. The Commission would be expected to provide testimony at that hearing. Transfers (except for those outlined in #7(B) below) will require a finding on the part of City Council that there is no alternative; that the proposed transfer is necessary for the public interest; and that the existing park or recreation use is no longer practical.

Transfers (except for those outlined in #7(B) below) also will require substitute land.

**6. What are the criteria for substitute land?**

Where applicable, the City must receive land of at least equal value, size and park or recreational usefulness as the land to be transferred, based on an independent appraisal. The substitute land must be located in the same or an adjacent City Council district as the transferred land.

**7. Does this ordinance apply to all proposed transfers?**

**A)** No. Exempted from the ordinance are: i) renewals of existing agreements; ii) transfers for utility sub-surface easements or stormwater management facilities; and iii) de minimus increases in impervious coverage related to adaptive re-use of existing structures or modifications in roadways.

**B)** Another category of transfers are covered by the ordinance and will require submission of an Alternatives Analysis but no substitute land. These are: i) transfers for another park or recreation use recognized by state law as a permissible use of park land; and ii) transfers that materially improve the public's park or recreation experience at the site, as determined by a resolution and vote of the Commission after a public meeting.

**8. Is it possible that City Council could vote to transfer park and recreation land against the recommendation of the Commission?**

Yes, City Council could act against the recommendation of the Commission.

**9. Is there a list of preferred substitute land?** To further the goals of GreenWorks Philadelphia, the Department of Parks and Recreation, in conjunction with PennPraxis, is working to develop a list of new properties that might be desirable for park and recreation purposes. Although the study focuses on creating new greenspace, its findings also could be used as a reference for identifying acceptable substitute land.

**10. What is the next step?** Commissioners will meet with City Council members to brief them on the proposed bill. By Labor Day, the draft bill will be released to the media, to park/recreation friends groups, and to the public. The Commission's September 15, 2010 meeting will be devoted to taking public comment on the bill. A revised draft will be prepared after that, and assuming the Commission approves the revised bill, it then will be sent to the Mayor. We are hoping the bill will be introduced into Council by the beginning of November and that a public hearing on the bill will occur later that month. We are working towards passage of the land protection bill prior to the holiday recess.