



## **Philadelphia Parks Alliance Comments: Commission on Parks and Recreation November 15, 2010 Revised Open Lands Protection Ordinance**

In September 2010, the Land Use Committee of the Commission on Parks and Recreation presented a draft of an Open Lands Protection Ordinance - an ordinance intended to protect city parkland by establishing criteria governing its disposition - and made a request for public comment and questions. During the review period the Commission held a special meeting devoted to public comment; participated in a dedicated Parks Alliance discussion with 75 leaders from community, park and nonprofit organizations across the city; and solicited and responded to written and verbal input from individuals and organizations.

On November 17, 2010, the Commission released a revised version of the ordinance in response to public concerns and commentary. They will vote on the final ordinance at their January 19, 2011 meeting. Once the proposed bill is accepted by the Commission, it will be introduced at City Council, which as part of its legislative review will hold a public hearing for additional comment.

The revised ordinance includes a number of new provisions that clearly emphasize that the purpose of the ordinance is to protect parkland, and that the transfer or conversion of open space is to be the exception rather than the rule. The revised ordinance also strengthens the public participation provisions ensuring that the public has a meaningful opportunity to be heard on any proposed transfer or conversion of parkland.

The Parks Alliance is pleased to support the passage of the revised ordinance, which reflects many of the comments received by the Commission. PPA's backing comes after months of review, research and conversation with constituents and the Commission, along with 100 hours of pro-bono legal counsel generously donated by our partner PennFuture, who made their Senior Attorney Brian Glass available to work with us as needed. PPA supports this ordinance with the understanding that the Commission will create guidance materials to address acquisition and provide direction on how to apply the ordinance.

The Parks Alliance thanks the members of the Commission for their dedication to protecting and improving Philadelphia's parks and recreation; for their considerable work in drafting and revising the ordinance; and for their responsiveness to addressing feedback and concerns from the public and the parks and recreation community.

Following are the key changes the Commission made to the revised draft of the ordinance in response to public input:

- **Protection:** The language on the first page of the revised draft ordinance has been changed to emphasize that its purpose is to protect Philadelphia's outdoor public park and recreation land. The added "Whereas" clauses highlight the creation and value of these assets as well as the importance of preserving them so that "future developments in the City do not result in any net loss of public park and recreation land." In addition, the revised ordinance cites the Rules of City

Council. Those rules require approval by two-thirds of all the members of Council in order to report certain bills to Council's Committee of the Whole, if those bills pertain "to the conveyance or lease to a third party of an interest in real estate that includes park or recreation land."

Revised Section 15 – 104 (1) (a) adds additional protection by requiring the Alternatives Analysis to disclose all restrictions applicable to the outdoor park or recreation land proposed for transfer or conversion, "including but not limited to those imposed or created under any dedication; will; deed; deed of trust; federal or Commonwealth grant agreement; easement; historic, natural landmark, or other designation; or declaration of covenants."

Section 15 – 104 (1) (b) adds the requirement that the Alternatives Analysis describe the environmental impact of a proposed transfer or conversion.

- **Public Participation Process:** Section 15 -102 (2) of the revised ordinance now requires the Commission to post Alternatives Analyses on its website and to accept public comments for at least 30 days prior to its next meeting.

In the previous draft, there was a presumption of Commission approval if the Commission neglected to submit a determination concerning a proposed conversion or transfer to City Council. Revised Section 15 – 102 (3) removes that presumption and adds that "City Council and all other City officials shall give substantial weight to the Commission's determination."

Revised Section 15 – 102 (4) extends the time after the Commission delivers its written determination (as to conversion or transfer) for City Council to hold at least one public hearing from "no less than 10 days" to "no less than 20 days."

Revised Section 15 – 104 (1) (c) requires that the Alternatives Analysis include "a list of all community groups with whom the transferee met to discuss the proposed transfer or conversion" as well as copies of any letters or emails received from those groups, their members and other members of the public.

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