

Testimony of the Public Interest Law Center of Philadelphia
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Philadelphia City Council

My name is Amy Laura Cahn. I am a staff attorney with the Public Interest Law Center of Philadelphia. I have been serving as legal counsel to the Eastwick Friends and Neighbors Coalition ("the Coalition") since June of this year. The Coalition brings together Eastwick residents and Friends of the John Heinz National Wildlife Refuge.

Since June 12, 2012, following the Rules Committee hearing which addressed the rezoning of the 35 acre parcel for Korman's proposed development, the Coalition has been asked "what does the community want?" I hope you will have heard a number of answers to this question today, but I will add to that answer.

In September, in an effort to launch what will hopefully be a more extensive community planning process for Eastwick, the Coalition piloted a survey to residents. The results are clear. Before anything else -- any new amenities or improvements or any development -- the community wants a solution to their flooding problems and the inconsistencies of and burden associated with flood insurance.

I spoke with a resident, just yesterday, who lives off Saturn Place. Her home has flooded nine times since 1999 -- between 8 inches and 5 and one half feet.

Thus, I want to applaud our City Council members -- in particular Councilman Johnson -- for calling this hearing. I also want to applaud the Philadelphia Water Department and the Eastwick Friends and Neighbors Coalition. The Water Department and the Coalition developed a partnership almost immediately after the June 12th hearing to investigate the flooding. The Coalition went door to door for weeks, building on the trust they have with their neighbors, in order to collect several hundred flooding surveys. These surveys provided the data for Water Department's modeling process through which the Water Department has been able to identify flooding hot spots in the neighborhood.

This partnership and this hearing have created an opportunity that could lead to significant benefits for the Eastwick community -- residents and the Refuge.

To understand these benefits, it is important to distinguish between normal stormwater events -- an ordinary summer storm -- and catastrophic flooding.

The Water Department has committed to investigating and solving the stormwater issues by focusing on the localized, street-level flooding hotspots that have emerged from the survey and modeling. This will be of benefit to many residents.

In addition, the Water Department, the City, and a number of elected officials on a local and state level have committed to working with the relevant federal agencies to develop environmentally sound solutions to the catastrophic flooding. This is the flooding that is plaguing Eastwick with increasing severity and frequency -- the type of flooding that has caused intense harm to the community and cost to the City. It is also the flooding to which we have no immediate solution. In light of sea level rise and increasing rainfall events, in light of the environmental harms presented by the Clearview landfill, Eastwick needs a comprehensive solution that demands the cooperation of many agencies and significant

community education and participation. The question will be – on what timeline can the coordination and resources be marshaled? Let's keep working to make this a reality – sooner rather than later.

At the same time, if outside the scope of this hearing, the City and elected officials can begin to work with residents and FEMA to examine problems associated with flood insurance.

Beyond creating solutions to the flooding problems, what else does the Eastwick community want? The community supports and welcomes economic development for Eastwick. Residents see a need for new growth, welcome a variety of housing types, and embrace commercial enterprises and entrepreneurship. They view the Refuge and Pepper School as core resources in the community and potential anchors for new initiatives. They value development that is fair and just, safe and environmentally sustainable.

This brings me to the proposed Korman development, which is none of those things.

This hearing is not just about flooding. This hearing is an opportunity by the City of Philadelphia to advance its interests in promoting the development of 722 units and 1034 parking spaces on 35 of 128 acres of undeveloped green space in the flood plain.

Why is the City so hell bent on rezoning this parcel for development?

As was revealed during the final minutes of the June 12th hearing, the City needs the rezoning to occur in order to finalize a settlement agreement between the City, the Philadelphia Redevelopment Authority, and Korman. This settlement agreement will resolve years of litigation over the value of Korman's purchase option to a parcel, which the City seized by eminent domain to create airport employee parking, completely unrelated to the 128 acres in question.

Underlying the settlement agreement is the 1961 Redevelopment Agreement between New Eastwick Corporation and the Redevelopment Authority through which New Eastwick and, ultimately, Korman were given rights to purchase and develop 476 acres of land seized by eminent domain from an existing, racially integrated community.

Underlying the 1961 agreement is the Eastwick Urban Renewal Plan. That Plan was enacted with the purpose of "remov[ing] blighted elements which [had] prevented [Eastwick] from developing as a normal part of the City" -- conclusions that existing residents protested heavily. The Plan was also intend to provide sewage and water services to the area, and eradicate vacancies. At the core, the original dream was to establish an integrated community in Eastwick, despite the fact that one was already there. One would think that Eastwick residents were intended to benefit from the Plan and, by extension, the 1961 Redevelopment Agreement.

The Urban Renewal Plan not a good deal for the almost 10,000 residents who were displaced through eminent domain or those African American who were subjected to racial quotas when they tried to purchase homes in the new Eastwick. Nor was the Plan a good deal for those residents who moved into Korman-built sinking homes, homes placed next to the Clearview landfill, or homes in the flood plain -- those residents have, for decades, experienced the cumulative impacts of these environmental burdens and a host of others.

In contrast, the Urban Renewal Plan and the Redevelopment Agreement were a very good deal for Korman.

Now, if the City can push the rezoning through, the City can bring that deal to fruition. The City will save itself the money on the value of the condemned tract at issue in the litigation and gain control of 93 acres for use as part of what has been referred to as "Airport City" or "Airtropolis."

In the City's analysis, if the settlement agreement does not go through, the City will be on the hook for several additional million dollars to Korman and Korman will retain the purchase option to the entire 128 acres that remains of the 1961 agreement.

In essence, the City has engaged in a cost benefit analysis -- weighing these wins and some very short term and limited fiscal benefits of the development itself against the Eastwick community. Eastwick loses, again.

The Eastwick residents know that they will not benefit from the settlement agreement or the proposed Korman development. This is not an innovative or sustainable development the likes of which we are seeing in other sections of the city. The 1961 Redevelopment agreement will result in a 1961-era development, cut off from the rest of the neighborhood and perpetuating 1961 environmental and financial harms to the community.

The folks with whom I work in Eastwick -- members of the Coalition, Refuge supporters, and residents alike -- seek to make Eastwick whole. They are striving to secure for Eastwick a socially, economically, and environmentally sustainable future -- with a plan that looks holistically at any economic, housing, or environmental development on the 128 acre parcel as a part of that future, rather than allowing for development that exists apart from and unconnected to the community.

Eastwick's dream advances a host of policy goals currently being triumphed by this City and this Council. To fulfill that dream, the community needs an opportunity to plan -- to have an equitable and meaningful voice in the development of one of the largest undeveloped parcels in the City and in a greater future for the community as a whole.

That's what Eastwick wants.