The Pandemic and the Future of Land Use Policy, Planning, and Law

What questions are we addressing; what solutions do we recommend?
The Land Use, Human Health, and Equity Project

Began with stemming the exodus from low carbon cities. How to make them safe?

Linked with public health risks of Climate Change. Flooding, heat, ....

Linked to public health problems in lower income neighborhoods.
The Panel

Donald L. Elliott, FAICP – Director, Clarion Associates, LLC
Sarah Malpass – Diversity, Equity, Inclusion Associate, Skeo
Melissa Kaplan-Macey, AICP – Vice President, State Programs & Connecticut Director - Regional Plan
Thomas Murphy – Senior Resident Fellow - Joseph C. Canizaro/Klingbeil Family Chair for Urban Development, Former Mayor of Pittsburgh
Larisa Ortiz – Managing Director, Research + Analysis, Streetsense
Our Panel Addresses Three Questions that the Pandemic Raises

- What problems are we facing? Is it just the pandemic?
- What has the pandemic taught us about land use planning, regulation, and municipal governance? Are there some opportunities in what we are learning?
- What are some practical strategies for dealing with these problems?
Regarding the Problem(s)

- **Is it the Pandemic?** C40 Global Mayors COVID-19 Recovery Task Force: We commit to doing everything in the power of our city governments to ensure that the recovery is healthy, equitable and sustainable.

- **Is it Climate Change?** Lancet Countdown on Climate Change: public health experts: “Climate Action is a prescription for health.” Low carbon cities reduce fossil fuel emissions.

- **Is it Systemic Racism?** National Community Reinvestment Coalition federal redlining maps classified Black and immigrant neighborhoods as risky places to make loans. These neighborhoods have high rates of chronic diseases including asthma, diabetes, hypertension, obesity and kidney disease.
Our Panel Addresses Three Questions that the Pandemic Raises

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- What has the pandemic taught us about land use planning, regulation, and municipal governance? Are there some opportunities in what we are learning?
- What are some practical strategies for dealing with these problems?
Policies for Recovery from a Regional Perspective

Melissa Kaplan-Macey, AICP
Vice President, State Programs
& Connecticut Director
Regional Plan Association
Stamford
New York’s Next Comeback

History tells us that New York will recover from this crisis—but how?

Whether we are entering an era of decline or coming back stronger, fairer and more resilient than ever will depend on the choices we make now.
Common mistakes

- Mistaking short-term disruptions for new paradigms
- Thinking of city and suburbs as a zero-sum game
- Assuming a rising tide will lift all boats
- Recreating the past instead of envisioning the future
What the evidence tells us so far...

- Urban density does not spread the coronavirus
- No evidence that transit spreads the virus
- Working and learning from home is here to stay, but the impacts are unclear
- The surge of people leaving NYC is driven by both temporary and potentially long term forces
- Housing cost differential between NYC and the rest of the region is likely to narrow
Threats that could deepen the downturn and make it harder to recover

- Downward fiscal spiral causes deteriorating services and infrastructure
- Widespread evictions and business failures
- Perception that New York City is unhealthy and unsafe
5 Reasons to bet on the New York region

1. Urban density is still an advantage
2. Diversity and talent drive success
3. Many of our unique assets can’t be replicated
4. New businesses and households will seize opportunities
5. We have a wake up call to address structural problems
RPA’s Fourth Regional Plan provides a framework for recovery and renewal

- Health, Equity, Prosperity, Sustainability
- Fix institutions and structural inequities
- Save and modernize transit
- Design streets for people
- Affordable broadband for all
- Resilience to climate change and health hazards
- Transcend municipal and state boundaries
FIGHTING COVID-19

Download the app, stop the spread.
The Importance of Elected Officials
Traits of Effective Leadership

Hon. Thomas Murphy
ULI Senior Resident Fellow and
Joseph C. Canizaro/Klingbeil Family
Chair for Urban Development
Former Mayor of Pittsburgh
Pittsburgh
Intentionality

Nimble, Curious, and an Appetite for Risk
NUMBER OF YEARS IT TOOK FOR EACH PRODUCT TO GAIN 50 MILLION USERS:

- Airlines: 68yrs
- Automobiles: 62yrs
- Telephone: 50yrs
- Electricity: 46yrs
- Credit Card: 28yrs
- Television: 22yrs
- ATM: 18yrs
- Computer: 14yrs
- Cell Phone: 12yrs
- Internet: 7yrs
- iPods: 4yrs
- YouTube: 4yrs
- Facebook: 3yrs
- Twitter: 2yrs
- Pokémon Go: 19 days
Accelerating existing trends

• Retail moving more online
• More home delivery of food
• Increase in work from home
• Changing nature of work space
• College courses online
• Accelerating income divide
• More in-home entertainment
• Rethinking the public realm
Questions remain on how it will impact...

- Global trade—manufacturing moving onshore
- Density
- Impact on large events
- Travel
What the COVID-19 pandemic has shown us...

The old adage for real estate: “Location, Location, Location” has now become: “Leadership, Leadership, Leadership”
Can’t be business as usual...

• It’s not a question of if, but when another pandemic comes (Read Spillover by David Quammen)

• The rules need to change (Community Reinvestment Act, police reforms, housing ownership, education, etc.)
Cities that will succeed need public-private leaders that are Nimble, Curious and Have an appetite for risk.
Top Private Employers in each state
Cities that will succeed:

• Think Strategically
• Dynamic Leadership
• Strong Partnerships
• Entrepreneurial spirit for funding
• Smart Staff
• Design Excellence
The most powerful person in a community...

...is the translator
The Importance of Small Business Recovery

Larisa Ortiz
Managing Director, Research+ Analysis
Streetsense
New York City
small business pandemic recovery strategies

Pace Land Use law center,
Land Use and Sustainable Development Conference
12/8/2020
“Never let a good crisis go to waste”

WINSTON CHURCHILL
WHAT PROBLEMS ARE WE SOLVING FOR?

COVID IMPACTS

Asymmetrical Impacts

Place-blind policies

Source: www.facebook.com/via313
COVID IMPACTS

By sector

- Strongly negative
  - Transportation
  - Personal & Consumer Services

- Limited negative
  - Manufacturing & Resources
  - Retail & Wholesale

- Neutral
  - Finance
  - Prof. Services
  - Telco & Media
  - Utilities

- Limited positive
  - Government & Education

- Strongly positive
  - Healthcare

Source: IDC
Districts driven by office worker demand

Depending on market, only 10% - 25% of employees have returned to office

Source: Unsplash/MJ Tangonan
Growth in on-line
doliday sales

2020

Source: CBRE
Support for small businesses

- Legal Assistance
  - Seattle “Lease Amendment Toolkit”
  - Lease Negotiation
- Liquidity Assistance
  - Grants
  - Short Term Rental Assistance
- Technical Assistance
  - Operations & Management
  - Safety guidance
- Promotion & Marketing
- Local tourism

COMMERCIAL LEASE RESOURCE

COVID-19 LEASE AMENDMENT TOOLKIT

For small businesses and nonprofits
How can zoning and permitting help?

- Relaxation of outdoor dining & merchandising rules (as-or-right or self certification)
- Relaxation of use restrictions or change in use
- Small scale manufacturing
- Signage permits (Visible signs, A-Frame signs)
- Allow for take-out windows
How can public realm investments help?

- Public space management & investments
Collaboration with landlords to activate/cover up vacant spaces
THANK YOU

streetsense.

www.streetsense.com / DC / MD / NY / LA / Madrid
Zoning Reforms
Short and Long Term

Donald L. Elliott, FAICP
Director
Clarion Associates, LLC
Denver
Zoning Reforms
Short and Long Term

Lessons on **Short Term Responsiveness**

1. **Pre-authorization**
   We need to pre-authorize the local government administrators to make quick adjustments to governance procedures in light of changed conditions (without the need for in-person meetings)

2. **Flexibility in Enforcement**
   We need to clarify and reinforce local government administrators to choose not to enforce less important regulations that do not affect public health or safety when changed conditions will make it harder to comply

With clear and defensible limits on these new authorities
Zoning Reforms
Short and Long Term

What About Longer Term Changes to Zoning Controls?

1. It is a bit early to conclude what changes in behavior and consumer preferences will continue and which will revert
   - But the longer we work and shop from home, the greater the number of Americans who will keep doing so

2. But there were clear trends in real estate and development occurring before COVID – most of which were grounded in powerful economic, demographic, and societal forces
   - The real question is whether COVID is likely to accelerate, slow, or reverse those pre-COVID trends – and why
Zoning Reforms
Short and Long Term

The pre-existing trends towards:

- More housing diversity accelerate
- More diverse use and occupancy of housing accelerate
- More flexible uses of commercial space accelerate
- More compact, mixed-use development
- Transit-oriented Development
- More focus on open space and public realm
- Pressure to eliminate drive-throughs.
Zoning Reforms
Short and Long Term

The pre-existing trends towards:

- More housing diversity **accelerate**
- More diverse use and occupancy of housing **accelerate**
- More flexible uses of commercial space **accelerate**
- More compact, mixed-use development **slow**
- Transit-oriented Development **slow**
- More focus on open space and public realm **accelerate**
- More pressure to eliminate drive-throughs **slow or reverse**
- More pressure for sprawl **accelerate somewhat**
  - But lots of pressures are still pulling towards infill
Zoning Reforms
Short and Long Term

Some things to keep in mind

- **We know less** than we think we know about the future
  - We have never watched the economy respond to this before
  - Short-term trends often moderate in the longer run
  - People who are paid to write will find something to write about

- The key to Post-COVID zoning is **flexibility** in use and occupancy
  - The market can think up new uses, services, and development types faster than you can amend your code
  - Many changes in property use have few impacts on surroundings

- **Resist** the use of zoning as a tool of exclusion
  - Rigid rules hurt lower incomes and neighborhoods of color hardest
  - Allowing families to work from home and accommodate more people in the household helps mitigate those equity impacts
Engaging Marginalized Communities in Developing Strategies

Saran Malpass
Diversity, Equity, and Inclusion Associate
Skeo Solutions
Charlottesville
EQUITY BY DESIGN: Connecting with Underserved Communities in Your Design Process
Determine what level of influence over project outcomes is feasible.

This may be different at different stages of the work!

### IAP2 Spectrum of Public Participation

<table>
<thead>
<tr>
<th>Public Participation Goal</th>
<th>Inform</th>
<th>Consult</th>
<th>Involve</th>
<th>Collaborate</th>
<th>Empower</th>
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<td>To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions</td>
<td>To obtain public feedback on analysis, alternatives and/or decisions.</td>
<td>To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</td>
<td>To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.</td>
<td>To place final decision-making in the hands of the public.</td>
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| Promise To The Public | We will keep you informed. | We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | We will implement what you decide. |
Working across difference and power imbalances
Cultural Competence and Cultural Humility
Approaches for our current reality – Black Lives Matter

✓ Educate yourself on issues of equity, planning and design, and the Black community
✓ Learn from Black planning and design experts
✓ At the outset of a relationship, acknowledge the national and local context of this moment
  • Use language that is specific and direct – do not beat around the bush
  • Acknowledge the potential for oops and ouch moments
  • Initiate consistent feedback loops and be willing to change in response to feedback
  • Connect design to equity outcomes

Starter Resources

Articles and Statements
• Black Landscapes Matter (Kofi Boone in Ground Up)
• Interview with Walter Hood: Black Landscapes Matter (The Dirt)
• Black Lives Matter, Black Communities Matter. (ASLA)

Books
• Black Landscapes Matter (Hood and Tada – forthcoming Nov 2020)
• The Color of Law: A Forgotten History of How Our Government Segregated America (Richard Rothstein)

Podcast
• Kofi Boone on BLM’s Challenge to Landscape Architecture (LAMCAST)
Blue Water Baltimore: Cultural Humility in Practice

✓ Acknowledge cultural differences and power dynamics up front
✓ Ask what a healthy partnership would look like
✓ Set up a feedback loop for oops and ouch moments
Equitable Engagement during the COVID-19 Pandemic
Working within the confines of community engagement requirements

✓ Often there is flexibility to renegotiate the community engagement approach and still meet engagement requirements

✓ Local governments tend to want to document input at key milestones, but the “how” can vary

✓ Quality over quantity

Engagement Methods and Principles

- Coordinate closely with city and community-based organizations to co-develop the process.
- Liaison with local community-based leaders to reach deeper within the community.
- Prioritize “going to the community” to engage through existing city- and community-sponsored events.
- Build community capacity to understand the technical issues and participate in informed, discussions about the options.
Approaches for our current reality – engagement during a pandemic
✓ Partner with community organization
✓ Ask, what is the best method to reach the community?
✓ Integrate into existing activities (school, food drive, etc.)
✓ Enlist the community in outreach
✓ Consider everyday accessible tools for virtual engagement.

Case Study: Laguna Nueva Park

Original Plan
• Community workshop
• School event

Adapted Virtual Approach
• Survey – over 150 responses
• Video – community created
• Focus Group – google slides

Video link
What does success look like?
How do you measure success in community engagement?

✓ Did you keep your “promise” about the level of participation and the influence over outcomes?

✓ Are relationships and trust improved between the community and the local government?

✓ Does the community feel ownership of the outcome?

✓ Will the community and the local government continue to work together through the implementation phase?

✓ Have you identified next steps and set concrete expectations for the next phase of work?
Questions for the Panel
Land Use, Human Health, and Equity Project

To Learn More and to Stay Up to Date

Contact

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Thank You!

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