

Crafting a More Equitable Zoning Ordinance

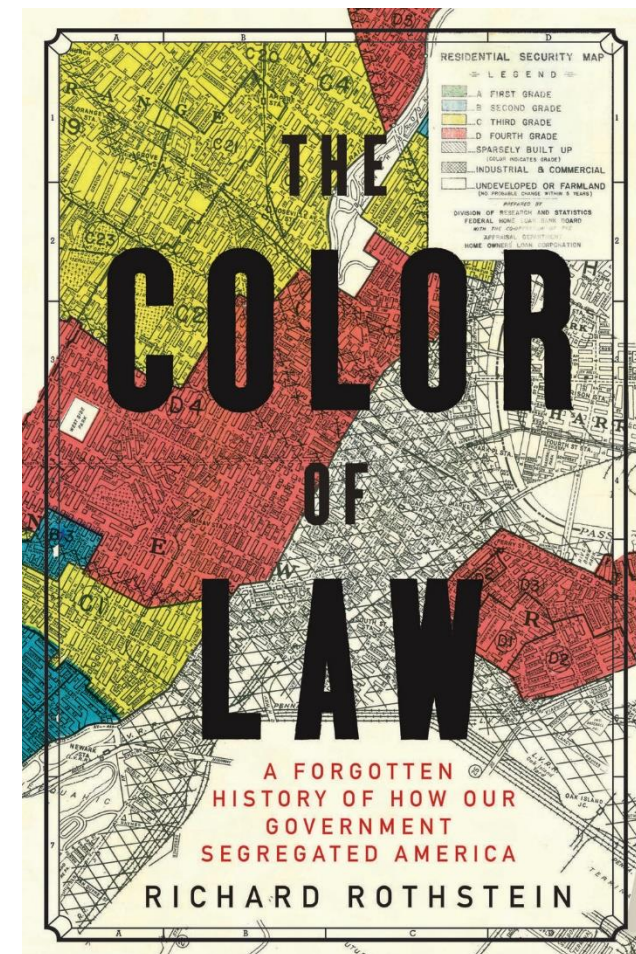


Why This Session ?

1. Growing awareness of:

1. The racial segregationist origins of land use zoning
2. How zoning contributes to inequitable outcomes and creates barriers to social mobility
3. How facially neutral zoning language creates disproportionate barriers to racial and ethnic minorities, women, the disabled, other minorities, and low-income households

2. APA's Effort to Create a Policy Guide on Equity in Zoning



Today's Panelists

Vidal Marquez

- Planner, City of Orange, California
- APA Latinos and Planning Division Chair



Charnelle Hicks, AICP

- Principal, CHPlanning/Nspiregreen
- Land use planning and zoning codes consultant



Don Elliott, FAICP

- Director, Clarion Associates, Denver
- Planner/lawyer drafting development codes



How Zoning Works

A **book** (or **Website**) of rules and incentives about what you can (and cannot) do and build on your property – and a **map** applying those rules to different locations in the community

Outcomes disproportionately favorable to some (and unfavorable to others) get embedded in three ways:

1. The **process** by which the book and map are drafted and amended
2. The rules in the book of the **book** (or a website)
3. The lines drawn on the **map**



How Zoning Works

Facially Neutral Doesn't Count for Much

- In light of the history of the U.S. – and Zoning – facially neutral rules and incentives can perpetuate and compound segregation and thwart social mobility
- Often facially neutral zoning rules are defended as only having disproportionate impacts on “those who can afford to live there and those who cannot”
- The Fair Housing Act now recognizes that you can prove a violation of the Act by proving that facially neutral language “caused” disproportionate housing impacts on racial and ethnic minorities, women, the disabled, or other classes protected by the Act.

Zoning rules that make it harder for those with less money to live, work, own, or build create disproportionate impacts because:

- Women earn less than men
- Minorities earn less than majorities
- Persons experiencing disabilities often have lower incomes than those without disabilities

How Zoning Works

Examples

- Large minimum lot sizes
- Low residential densities
- Low lot coverages
- High open space per dwelling unit requirements
- Prohibition/Limits on ADUs
- High infrastructure requirements
- High landscaping requirements
- High parking requirements



How Zoning Works

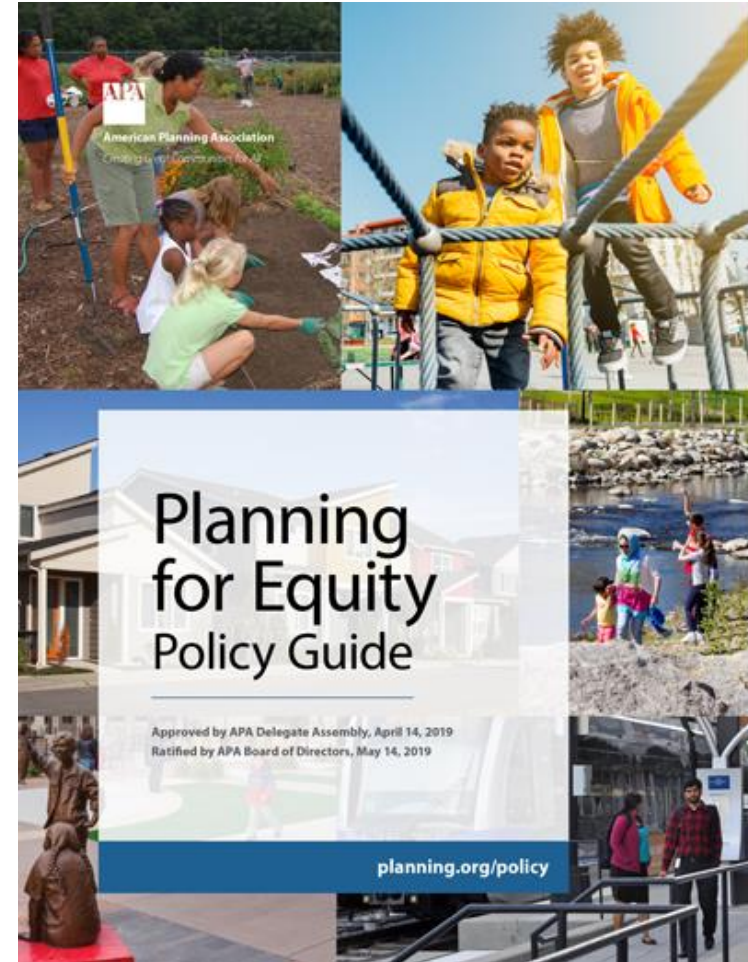
More Examples:

- Single-family-only zoning
- Low residential occupancy limits
- Owner occupancy requirements/limits on renting
- Concentrating unpopular/polluting uses
- Limited home occupations
- Prohibitions on live/work
- Strict nonconformity provisions
- Conditional review/hearing procedures
- Very detailed rules



APA Equity in Zoning Policy Guide

- Just Starting
- A follow-on to the Equity in Planning Policy Guide
- Focused on regulations and incentives, and the ways in which they are drafted, adopted, applied, mapped, and enforced.
- Broad outreach survey anticipated
- Large review group beyond APA
- Draft may be ready for review in late 2021



The Consequences of Failures to Connect

1. Community Engagement for Underrepresented Groups

- Who and where are the stakeholders?
- Local Networks
- Cultural Competency

2. Missed Connections

- Los Angeles County Housing Crisis
- City of Los Angeles Street Vending Prohibition



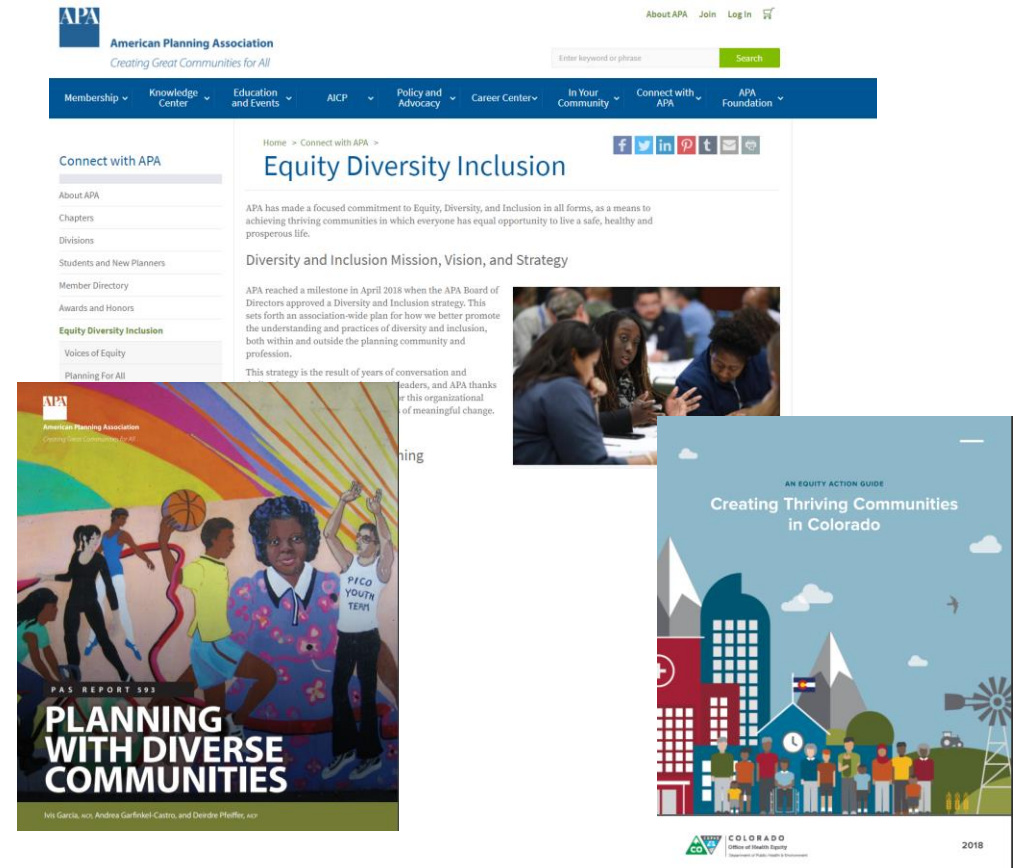
Resources

1. APA EDI Homepage

- <https://planning.org/diversity/>
 - APA Diversity and Inclusion Strategy
 - Planning for Equity Policy Guide
 - Planning for Diverse Communities PAS
 - Diversity and Inclusion Training Series
 - Reports, Studies, Videos, Blogs

2. CO Office of Health Equity

<https://cdphe.colorado.gov/ohe>



Advocate

1. Education

- Planning Organization
- Decision-makers/Elected Officials

2. Volunteer

- Local Organizations
- APA Ambassador Program
- APA Chapter or Section Committee
 - CO Chapter Diversity Committee

3. Join a Division

- www.planning.org/divisions/



Equity in Planning & Zoning Practice

Charnelle Hicks, AICP
President, CHPlanning

- Land Use Planning
- Zoning
- Equity & Engagement



Planning & Zoning Practitioner

Charnelle Hicks, AICP
President, CHPlanning

- Land Use Planning
- Zoning
- Equity & Engagement



Equity in Practice

Equitable Foundations

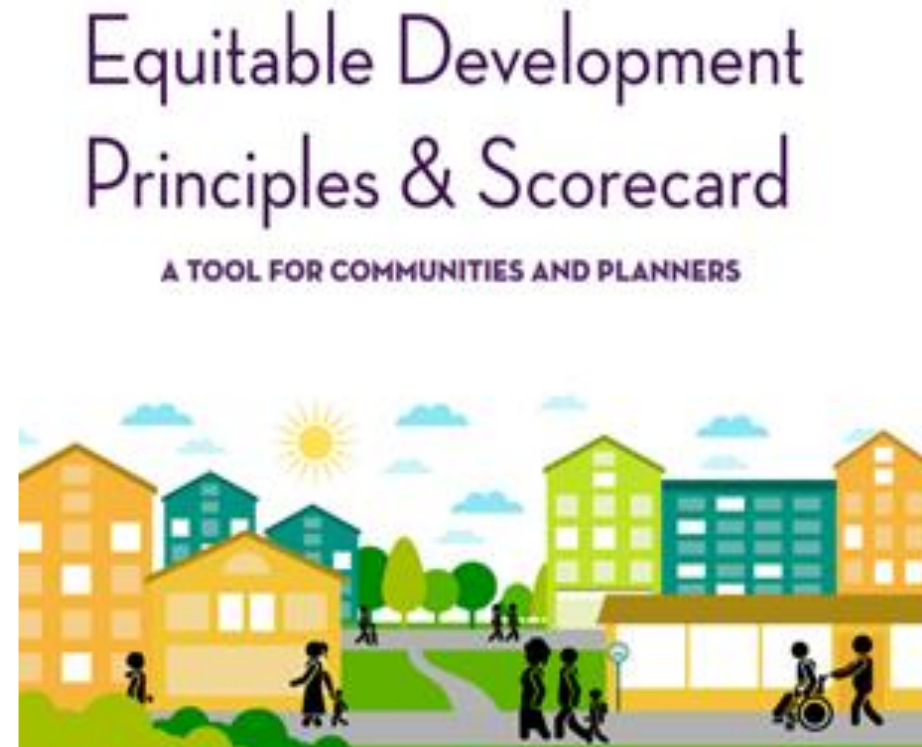
- Equal Protection
- Equal Access & Enjoyment
- Freedom & Opportunity to Thrive



Equity in Practice

Equitable Foundations

- Inclusivity
- Policy & Metrics
- The Comprehensive Plan
- Addressing Historic Harm
- Re-examine Zoning



Equity in Practice

Spartanburg, SC Comprehensive Plan

www.planspartanburg.com

- Equity based comp plan (first in the US)
- Indicators: e.g. CDC Social Vulnerability Index
- Historic harms addressed
- Inclusive engagement



CHPlanning/Nspiregreen
w/Town Planning & Urban Design Collaborative

Equity in Practice

Equitable Zoning Implications

- Engage all stakeholder
- Examine past zoning performance
- Establish values and policy goals
- Consider trade-offs



Equity in Practice

Land Use
Planning and
Zoning
should work
for everyone!



Questions and Discussions

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- **Charnelle Hicks, AICP**

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Final Thoughts on Yesterday's Keynote

“We’re good at telling people that they do not belong here” (through laws – or through design)

“Zoning is the spatial toolkit for maintaining white supremacy”

Zoning was born to exclude – how do we transcend and transform it into a tool of opportunity and inclusion