

Land Use as it was meant to be: a Public Health Tool



Presentation Goals:

- Provide an overview of the connections between land use and public health
- Examine land use as a tool to encourage the availability of nutritious food and limit the proliferation of fast food



Every Land Use Decision Has Public Health Consequences



Some are obvious...





www.pedbikeimages.org/ Dan Burden



...and others are less obvious



For example...how zoning supports or limits access to nutritious foods.



The links between Land Use and Public Health

The 1901 Tenement House Act (NYC)

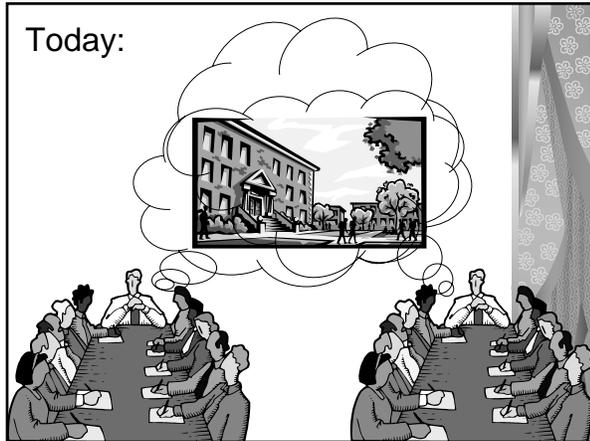
In all now existing tenement houses, all...privy vaults... shall be completely removed... [and] replaced by individual water-closets of durable non-absorbent material, properly sewer connected.

San Francisco, 1866

[Pursuant to authority granted by the State, the City and County of San Francisco orders] No person shall establish... pursue...maintain, or carry on any...business...prejudicial to the public health...



Today:





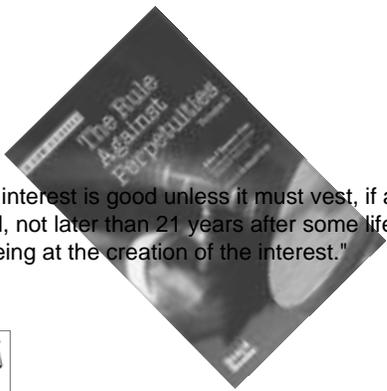
From the land use planner's perspective, there are specific land use tools available to help order and regulate the built environment. These include:



- General/Comprehensive/Master Plans
- Zoning Controls
- Specific Plans
- Area Plans
- Conditional Use Permits

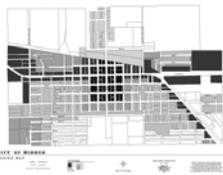


"No interest is good unless it must vest, if at all, not later than 21 years after some life in being at the creation of the interest."



Zoning

- Zoning divides a community into districts, and determines what can and cannot be built on the parcels of land within those districts.



Zoning

- Zoning regulations typically address two issues contained within the question of “what” can be built:
 - The height, bulk, and sometimes design of buildings (i.e. how big they are and how they look)
 - To what use buildings may be put (what activities can take place in the buildings)



Zoning

- Conventional zoning: Types of land uses are grouped together
 - Mixed use, residential, industrial, agriculture
- Zoning can encourage or disallow certain uses
 - Relaxed standards for promoting public health goals
 - No more fast food, “big box” or “drive-thrus”



Conditional Use

- Conditional Use
 - Closely related to zoning
 - Contrast with use allowed “as of right”
 - Use that is permitted at a specific location, subject to additional scrutiny which may include
 - Public Hearing
 - Grant of permission by the Planning Commission
 - Permission granted in form of Conditional Use Permit (“CUP”)



Conditional Use

- Standard: Use must be found to be “necessary” or “desirable.”
- Can be a powerful public health tool by allowing health-promoting uses “as of right,” while subjecting unhealthy uses to stricter scrutiny.



Conditional Use

- | | | |
|---|---|--|
| ■ Not Permitted | ■ Allowed as of Right | ■ Subject to CUP |
| ■ Stores over 10,000 square feet are not allowed in the NC district | ■ Stores over 10,000 square feet are permitted in the NC district so long as the use is permitted pursuant to this code | ■ Stores over 10,000 square feet are subject to Conditional Use . |



What's the Connection?



Problem: Food Deserts

- “Food Deserts”: residential areas without convenient access to healthy foods
 - Little or no fresh fruits & vegetables at these food locations
 - Extremely limited quantity and quality if available



Problem: Food Deserts



No Supermarkets

Problem: Food Deserts



- Only convenience stores, liquor stores & fast food outlets



Land use planning tools can:



- Maximize access to healthy foods and
- Establish restrictions on the density and location of fast food.



How?



- Require/encourage the development of:
 - retail stores





farmer's markets, and





other sources of healthy foods.



Bad zoning impedes food access

SECTION 12-232. "C-L" LIMITED NEIGHBORHOOD SHOPPING CENTER DISTRICT.

SECTION 12-232.1. USES PERMITTED.
 6. Confectionery;
 20. Tobacco products.

SECTION 12-232.2. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT.
 *2. Bakery goods, retail sales only;
 *6. Delicatessen;
 8. Ice cream;
 9. Liquor products (off-sale);
 10. Restaurants (with or without alcoholic beverages)
 *12. Soft drink fountain.

SECTION 12-232.3. USES EXPRESSLY PROHIBITED.
 3. Cafeteria;
 4. Fruit and vegetable store;
 6. Grocery store;
 9. Meat market;
 16. Supermarket.

City of Fresno, California



Stealth Health: Formula Retail

■ Many communities have limited or banned chain stores and/or chain restaurants.*



*see www.newrules.org for ordinances



Formula Retail

- Rationales vary, but include:
 - Eliminating drive-thrus
 - Preserving neighborhood character
 - Protecting small businesses



Can be tricky to ban fast food on nutritional basis



Is this really better...

than this?



CAUTION: Neighborhood-preserving ordinances can have unintended consequences!

- Example: San Francisco allows commercial uses of about 2,500-5,000 sq. feet in Neighborhood Commercial Districts.
- Average modern supermarket is 60,000 square feet



Possible Solutions

- Zone Desirable Uses In:
 - Create exceptions in the code for desirable uses (like supermarkets)
- Allow Desirable Uses Subject To Conditional Use



Good Land Use can help achieve vibrant communities with healthy food access



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