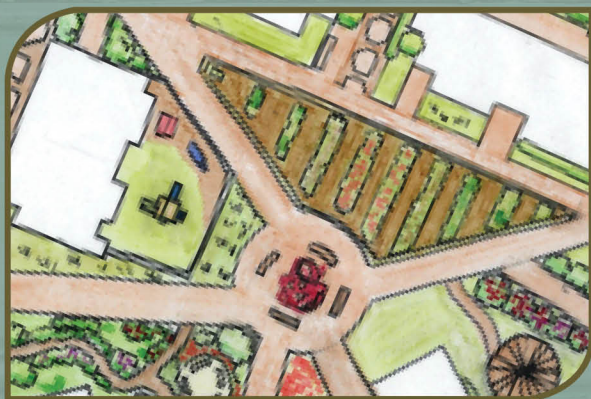




Food Access Policy and Planning Guide



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FOOD ACCESS POLICY AND PLANNING GUIDE

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Table of Contents

Introduction	1
The Context of this Work	
The Purpose of this Guide	
The Role of Planners and Policy Makers	5
Reviewing Your Policies, Programs, and Codes	6
Methods for Compiling This Guide	7
Using This Guide	8
Common Definitions	
Food Access Menu	10
Government and Institutional Development	12
Healthy Food Retail	16
Farmers Markets	21
Community Gardens	24
Urban Agriculture	27
Restaurants and Food Establishments	31
Transportation	35
Bibliography	38

Introduction

The *Food Access Policy & Planning Guide* was developed to support the efforts of cities funded by King County's Let's Do This program, funded by a federal Communities Putting Prevention to Work (CPPW) grant. The Guide is designed to assist these (and other) municipalities in improving their food environments by increasing access to healthy food for all residents, particularly those living in lower income communities that currently have limited access to healthy food (a.k.a. "low food access") and are most at risk for diet-related chronic disease. This guide outlines many strategies being used across the United States right now.

According to the American Planning Association:¹

The availability of healthy and unhealthy foods in a community is fundamentally driven by a number of factors:

- Proximity of food outlets to schools and residential areas
- Prevalence and types of food outlets available in neighborhoods
- The presence of food and nutrition programs in a community
- Local policy and regulatory framework (e.g., food policy councils, food charters, school food policy, local plan-making, zoning regulations, design regulations, and other standards)

Planners play an important role in assessing existing food access disparities, shaping the food environment of communities, and facilitating healthy eating.

The Context of this Work


King County's Let's Do This program seeks to effect change at three levels: policies, systems, and environment. These concepts can be thought of in order: An organization, agency, or municipality might implement a policy that would then influence the function of a larger system. In turn, that system would influence the larger environment. Policy change is about changing or developing regulation themselves and systems change is geared towards the policies and practices of institutions, including the overall regulatory environment. Together they can aid in larger environmental change, both physical and social, and facilitate healthier behavior. This guide can help communities with policy and systems change that set them on the pathway toward healthier food environments. Other Let's Do This activities are similarly focused on changing the tobacco environment in the county.

The food system is a relatively new concept for planning and public health. While the systems approach encompasses food production, processing,

Municipalities can change their local food systems, making them function better and contribute to making the healthy choice the easy choice.



¹ American Planning Association. (2010). Food systems. Retrieved from <http://www.planning.org/nationalcenters/health/food.htm>



This guide can help communities identify appropriate policy interventions that match the interests, resources, and challenges in their own places.

distribution, access and consumption, and waste management or residue utilization, this guide is directed towards a narrower yet universally important need for people of any jurisdiction: food access. **By food access, we mean the availability healthy, affordable, culturally acceptable food to residents of all communities.** By examining food access issues and changing the local policies, systems, and environments, municipalities can change their local food systems, making them function better and contribute to making the healthy choice the easy choice.

Many communities have begun addressing food access issues. They often use the longstanding models of emergency food (more precisely, anti-hunger) projects like food banks. While these are clearly important, a more systemic approach points upstream to activities that minimize our need of such anti-hunger resources in the first place. City staff rarely realize how their policy environment is related both to the food system and to the ability of residents to access healthy and affordable food. Common city functions including zoning definitions and land use, economic development strategies, parking, freight, and traffic management all have direct impacts on the food system. This guide can help communities identify appropriate policy interventions that match the interests, resources, and challenges in their own places.

Washington is an active state with regard to food policy, so local actions fit into a growing web of actions to address food system problems. At the state level there is a new Washington Food Policy Forum established in 2010 by Governor Gregoire, and there are several county and regional food policy councils forming or already formed across the state. Operating across King, Kitsap, Pierce, and Snohomish Counties, The Puget Sound Regional Council's Regional Food Policy Council is one such example.

Beyond institutions, food and health are being written into plans and legislation, including the King County Comprehensive Plan; Puget Sound Regional Council's land use plan, *VISION 2040*; and Public Health–Seattle & King County's work on nutrition labeling and its ban on artificial trans fats.

The Purpose of this Guide

The *Food Access Policy and Planning Guide* provides practical food access policy solutions that can be proposed or implemented at a municipal or county level. It is intended to help practitioners and policymakers in planning, public health, and community development increase their knowledge of relevant policy actions that address inadequate access to healthy foods.

Food Systems and King County's Comprehensive Plan²

"Food is as essential to our health and well-being as air and water. For example, King County is experiencing a rise in the rate of obesity, and at the same time, an increase in food insecurity and malnutrition. Both can be caused by lack of access to adequate amounts of nutritious food, and both can lead to the same thing - a diminished quality of life that ends with premature death due to diet-related chronic disease. King County plays an important role in guiding and supporting system improvements that will result in King County residents eating local, healthy food. King County supports food systems that are ecologically and economically sustainable and that improve the health of the county's residents."

"Policy FW-101: King County will seek to reduce health disparities and address issues of equity, social and environmental justice when evaluating its land use policies, programs, and practices."

"Agricultural lands and farming provide many benefits to the citizens of King County including a connection to our cultural heritage, fresh local foods, and a diverse economy."

"Acknowledge and support the connections between the food system, particularly food production, as it relates to providing King County residents with food choices that would allow them to meet dietary guidelines for fruits, vegetables, milk and milk products, and whole grains."



These types of policy interventions are relatively new, and given the complexity and long-term nature of these systemic policy changes, measuring their scope and impact is difficult. Extensive review or long-term analysis has yet to be conducted on a broad scale for most policy changes. However, to the extent that documentation exists, we explain the known impacts of such policies.

This guide does not attempt to exhaustively review the academic or professional literature on community food security and food access, though the literature is consulted for the purpose of reviewing policy analyses and evaluations. Nor does this guide attempt to document every food access policy intervention nationwide. Rather, **it provides an overview that municipalities can use as a “menu of successful policy options” and customize according to their community’s needs, current practices, political climate, and available resources.**

² *King County Comprehensive Plan*. (2008 with 2010 update). King County, Washington. Introduction, pp. 5, 7; 3-52. Retrieved from http://www.kingcounty.gov/property/permits/codes/growth/CompPlan/2008_2010update.aspx

We recognize that successful policy solutions are often specific to a region, a political environment, and to resources and community capacity. As such, we do not promote any particular solution, but offer enough context and relevant community characteristics so that decision makers can determine promising and suitable practices.

The primary scope of this report is municipal land use and built environment policies that can improve community members' physical access to healthy food. As a result, we list primarily place-based and urban planning solutions. The following types of policies are generally **not** included within the scope of this guide:

- Restaurant menu labeling and regulation
- Tax policy (e.g., candy and soda)
- Institutional purchasing guidelines
- School district level nutrition, procurement, and vending policies
- Farmland and natural resource preservation
- Complete Streets legislation
- Bicycle and pedestrian master planning
- State level policy

While we support policy change across these categories, they are beyond the scope of this guide for three reasons. First, we focus on policies implemented at the municipal level. Second, this guide had been developed to be congruent with the work of other consultants who are providing guidance on institutional purchasing, school district nutrition guidelines, Complete Streets ordinances, and bicycle and pedestrian master planning. Third, Public Health–Seattle & King County is a national leader in implementing nutrition labeling and artificial trans fats regulations, and jurisdictions countywide are guided by these policies. These elements above are all fundamental components of healthy food access, and they should be considered in addition to the suggestions we provide here.

The food planning field is rich with resources. New reports and guidance are constantly being published as planners, communities, and organizations become more experienced and sophisticated in their approaches and evaluation of the work being done. Our report is specifically about food access and land use policy, while others address a wider or narrower range of topics. Since this guide was written, a number of new resources have come out, including multiple publications from Public Health Law & Policy; the American Planning Association's Planning Advisory Service report on Urban Agriculture; and reports from academic centers such as Samina Raja's Food Systems Planning and Healthy Communities Lab at SUNY-Buffalo, which recently published *Planning to Eat? Innovative Local Government Plans and Policies to Build Healthy Food Systems in the United States*. Our goal has been to add to the field by synthesizing many of the available resources into an accessible starting point for planners and policy makers.

The Role of Planners and Policy Makers

Improving food access involves changing the built environment in which our communities develop and operate. Because planning and policy shape this landscape, **improved food access relies on policy makers to understand the importance of the issues and the tools available** to work toward solutions. While it may seem that healthy eating and active living (HEAL) policy is the work of public health departments, it is planners and developers who shape the neighborhoods and layouts of cities. These policies have health consequences even if planners are not used to thinking in these terms.³ Increasing food access also creates positive benefits beyond the public's health, such as offering economic development opportunities for small business owners and creating more walkable and livable neighborhoods.

Food system activities consume a large amount of urban and regional land and are an important part of local economies.⁴ Planners of all types (e.g., land use planners, environmental planners, transportation planners, economic development offices, parks departments, and community development and social services) currently play a role in food access through their work, both directly and indirectly.

A 2008 report from Yale's Rudd Center for Food Policy and Obesity outlines why food access is relevant for policy makers:⁵

- The U.S. Surgeon General, in his Call to Action to Prevent and Decrease Overweight and Obesity, recommends that governments create policies that promote environments in which healthy dietary options are easily accessible.
- Effective obesity prevention policy addresses changes to the environment, which help individuals take responsibility for improving their own nutrition. Increasing access to healthy foods by facilitating grocery store location for those who lack access is an example of such a policy.
- Prevention of obesity and related chronic diseases such as diabetes and heart disease can significantly decrease health-related costs that burden both government and the individual.
- Bringing supermarkets to low-income areas, and helping smaller groceries expand their stock of healthy and affordable items, is a win-win situation for communities and residents who gain:
 - Access to healthy foods
 - Increased potential to reduce obesity through healthy eating
 - New jobs
 - Increased revenue
 - Increased potential for commercial revitalization
 - Capacity-building of community organizations and coalitions
- Local businesses will also benefit from:
 - Market expansion and increased revenue
 - More foot traffic to neighborhoods
 - Contributing to the community's public health and economic well-being

³ Public Health Law & Policy. (2009). *Healthy planning guide*. Retrieved from http://www.phlpnet.org/sites/phlpnet.org/files/BARHII_Healthy_Planning_Guide_FINAL_web_090821_0.pdf

⁴ American Planning Association. (2007). *Policy guide on community and regional food planning*. Retrieved from <http://www.planning.org/policy/guides/adopted/food.htm>

⁵ Rudd Center for Food Policy & Obesity, Yale University. (2008, Fall). *Access to healthy foods in low-income neighborhoods: Opportunities for public policy* [Policy brief], p. 3. Retrieved from <http://www.yaleruddcenter.org/briefs.aspx>

Reviewing Your Policies, Programs, and Codes

There are many dimensions of a municipal food system assessment. A major part of assessment is understanding how the policy and planning landscape affects food access in your community.

Each section of this guide includes **keywords** and **linkages** that can help you assess your community's current policies, programs, and codes that affect healthy food access. Look to these sidebars for ideas about how to review policies, who to talk to, and what to consider in your assessment work.

Keywords are land uses and common terms that you can search for in the text of policy and planning documents. When you come across these terms, take note of the following details in their surrounding policy language:

- Definitions (including what can or cannot be sold at the establishment, what is included in the category)
- Whether it is its own category or a sub-category of something else (e.g., grocery as a category of general retail, which can limit locations)
- Where the activity is allowed (e.g., which zones)
- Permitting and licensing (e.g., regulations, processes, fees)
- Parking requirements
- Development standards
- Circumstance of allowance (e.g., allowed by right, temporary, conditional, accessory)

Linkages are the related planning concepts that impact food access, though they may not directly mention food. A search for keywords will not capture all tools and policies that promote or hinder healthy food access. As a result, these linkages are also important to review in plans and policies because they can be used in food access promotion efforts.

It is also important look at the existing conditions of a community's access to healthy and less healthy food. This analysis includes using geographical information systems (GIS) to map the opportunities for purchasing, acquiring, growing, and selling food. This information should be compared with individual or community characteristics, including transportation routes, socioeconomic data, and health statistics, when possible. It is also important to understand the economics and pricing among food retailers in your area. A handful of communities have begun to calculate their Retail Food Environment Index (RFEI). This tool is a ratio describing the relative abundance of retail outlets offering less healthy food choices (e.g., fast food, convenience stores) to those outlets offering healthier food choices (e.g., supermarkets, grocery stores, farmers markets).⁶

⁶ Jilcott, S. B., McGuirt, J. T., Imai, S., & Evenson, K. R. (2010). Measuring the retail food environment in rural and urban North Carolina counties. *Journal of public health management and practice*, 16(5), 432-40. doi:10.1097/PHH.0b013e3181bdebe4

Methods for Compiling This Guide

This guide draws upon the generous commentary, insight, and feedback from community partners and colleagues, including urban planning and design consultants, food access technical assistance providers, public health practitioners, and planning staff from municipalities in King County.

The majority of policy documentation in this field is published in non-peer-reviewed “gray literature” rather than academic sources, making it paradoxically both harder and easier to find. Our primary review involved scanning numerous publications and reports. We reviewed documents within the broad subject area of food access and planning (e.g., “Healthy Planning”). Where applicable, we conducted searches using the following terms: “food planning,” “food policy,” “food environment,” “food access,” and “built environment.” The document review was continued until we experienced a saturation of results due to organizations cross-referencing each other’s work.

Publications from the following sources were reviewed:

- Government organizations
- Municipal code databases (e.g., municode.com, Strategic Alliance’s ENACT database)
- Universities’ academic research centers
- Professional associations
- Think tanks, Non-Governmental Organizations (NGOs), and independent research groups

The majority of the organizations and publications reviewed are based in the United States, with some crossover into Canada.

The bibliography includes sources that discuss proposed and enacted policies, offer sample language, or discuss the implementation and evaluation of these policies. To a large extent it does not include the academic literature evaluating the links between obesity, nutrition, and food environments which provides evidence-based support for HEAL policies. This material is referenced within the chapters and widely available in other reports.



Using This Guide

This guide provides an overview to a wide range of policy and planning interventions. Many organizations, institutions, and researchers have paved the way for this work. We have attempted to create a guide that moves beyond establishing the links between obesity, health, food access and the built environments. **That research has been well documented and continues to develop, and on that basis, we provide a snapshot of the actions—or tools—at a municipal planner or policymaker’s disposal to effect change on a wide variety of fronts.**

The policy suggestions in this guide are **arranged topically according to the type of intervention** (e.g., community gardens, transportation). We have organized them this way rather than arranging them according to specific comprehensive plan elements because we know that policy change occurs in many ways and through many different channels. By displaying them topically, we hope decision makers and communities working to improve healthy food access identify strategies most appropriate to their political, geographical, and economic circumstances.

Of course, policy is only as good as its implementation. Identifying the characteristics of food access issues in your community and choosing appropriate actions is only the first step. Experience demonstrates **that these policies are widely supported and most successful when they are aligned with other municipal goals and priorities.** For example, these priorities could align with economic development or livable communities agendas of plans, city departments and established community groups.

The policy options in this guide include:

- **Place-based interventions** across all sectors of the food system: production, processing, distribution and retail, consumption, and waste management. Because interventions (like zoning for food establishments) can take many forms, we offer a sample of approaches that represent varying degrees of investment required for implementation.
- **Examples**, whenever possible, of cities that have enacted each strategy. Cities mentioned range in population from small (hundreds)to large (millions) in population. With city examples, we note the 2010 U.S. Census population and land area to provide context.
- **Links** to sample language that can be used to adapt and adopt your own ordinances, resolutions, and policies. This sample language includes actual policy documents as well as model language templates created by organizations such as Public Health Law & Policy.
- **Policy review tips** for how to start reviewing your own policies and plans. See the “Reviewing Your Policies, Programs and Codes” section.

Common Definitions

Healthy Food	"Healthy food provides an individual with a balanced diet that meets national dietary guidelines and provides plenty of vegetables, fruits, whole grains, low fat dairy products and healthy fats like olive and canola oil and protein such as lean meats and legumes." ⁷
Food Enviroment	"The food environment is the physical presence that affects a person's diet; a person's proximity to food store locations; the distribution of food stores, food service, and any physical entity by which food may be obtained; or a connected system that allows access to food." ⁸
Food Access	Ensuring that "healthy, high-quality, culturally appropriate options [are] available and affordable wherever people reach for food and drinks—in supermarkets, corner stores, restaurants, childcare centers, schools, after-school programs, healthcare facilities, and workplaces." ⁹
Food System	"[T]he chain of activities connecting food production, processing, distribution, consumption, and waste management, as well as all the associated regulatory institutions and activities." ¹⁰

⁷ Access to Healthy Foods Coalition. (2010). *Opportunities for increasing access to healthy foods in Washington*, p. 2. Retrieved from http://depts.washington.edu/waaction/tools/featured_resources/access_report.html

⁸ Centers for Disease Control & Prevention. (2010). General food environment resources. Retrieved December 15, 2010, from <http://www.cdc.gov/healthyplaces/healthtopics/healthyfood/general.htm>

⁹ Shak, L., Mikkelsen, L., & Chehimi, S. (2010). *Recipes for change: healthy food in every community*, p. 10. Retrieved from PolicyLink and Prevention Institute: <http://www.preventioninstitute.org/component/jlibrary/article/download/id-547/127.html>

¹⁰ Pothukuchi, K., & Kaufman, J. (2000). The food system: A stranger to the planning field. *Journal of the American Planning Association*, 66(2), p. 113. doi:10.1080/01944360008976093

Food Access Menu

Consider this guide a “menu” of successful food access planning options. After assessing the characteristics of food access in your community, consult the table below and its subsequent explanations for ideas that best fit your community’s circumstances. The options are generally **arranged roughly from easier to more difficult**, though feasibility varies greatly between communities.



Government and Institutional Development - page 12	Healthy Food Retail page 16	Farmers Markets page 21
Pass a healthy food resolution	Ensure that small-scale healthy food retail has an appropriate zone and definition	Define and establish farmers markets as an approved land use
Create an interdepartmental team, or working group, or advisory committee on food issues	Facilitate small retailers' knowledge of public health permits	Allow markets on city-owned property
Include food access and health goals into the comprehensive plan or neighborhood plans	Designate grocery stores or food retail as an allowable activity in all/most zones	Work with schools and other institutions to allow markets on school grounds
	Reduce/remove parking requirements for retail in priority areas	
Include food systems goals in a climate action plan or sustainability plan	Allow or reduce barriers for mobile produce markets/carts	Identify appropriate sites and ensure tenure for new markets (parks, street closures)
Include food access goals (e.g. proximity to food retail) in development checklists or health impact assessments	Regulate mobile vending near public sites	
	Pass a resolution to identify grocery retail as an economic development strategy	Streamline permitting process for small markets
Monitor the balance of healthy to less healthy stores	Require/encourage retailers to accept federal nutrition program benefits	
Include food access goals (e.g., proximity to food retail) in development checklists or health impact assessments	Offer density bonuses for new grocery retail	Enable/require ability to purchase via federal nutrition program benefits at farmers' markets
	Offer grants or loans	
	Expedite the permitting process for grocery development in priority areas	
Conduct a community food assessment (CFA) or food system assessment (FSA)	Require or encourage healthy food retail in or near multifamily housing	Encourage developers to dedicate space for farmers markets
Work with or establish a food policy council	Identify and/or assemble potential sites for new grocery	



Community Gardens page 24	Urban Agriculture page 27	Restaurants page 31	Transportation page 35
Define or clarify community garden land use	Define or clarify urban agricultural land uses and activities	Define/differentiate restaurant types	Consider transit accessibility to stores, based on both routes and time of day
Establish zone protections	Allow food production on public land that is privately maintained	Establish minimum fast food siting distances/buffers from public sites	Encourage transit-oriented development to include grocery stores
Establish open space protections	Allow commercial sales of food produced on private land	Design guidelines for chain restaurants	Establish a walkability standard for access to retailers of fresh produce
Facilitate the use of vacant public and private land for community gardens	Require and review management plans for large urban farms	Limit arterial access points for restaurants	Improve pedestrian and bicycle connectivity to grocery stores
Assess suitable lands for community gardens	Ensure supportive animal control and residential composting ordinances	Require conditional use permits for fast food or similar establishments	Work with grocers, paratransit, or senior centers to establish a supermarket shuttle
Include in Parks and Recreation Master plans	Provide building codes that allow for rooftop food gardens or greenhouses	Limit fast food or formula (chain) restaurants in certain zones	
Include supportive language and level of service standards/density targets in the comprehensive plan	Provide design guidelines and incentives to developers who allocate space for food production and food enterprise	Create a “healthy school food zone”	
Encourage in the design of public and private multi-family units	Define land use policy for privately and public maintained public spaces (e.g., street ROW and powerline corridor ROW)	Moratorium or ban on fast food/drive-through service	
Establish or support a community garden program	Consider food production and processing facilities in area-wide and neighborhood plans		
	Partner with community land trusts and land banks		

Government and Institutional Development

Municipalities can begin to increase their understanding of, communication about, and capacity to address food access issues in many ways. While not exhaustive, the following list provides steps that cities have taken to include food access within the scope of their regular activities. The strategies can involve collecting information on baseline conditions, sharing information and resources across departments, and raising public awareness.

Planning and Policy Options

Pass a healthy food resolution	As a first step to raising awareness of and commitment to healthy food access issues, a resolution can define the connection between health and the built environment, state the city's intentions, and request departmental coordination. ¹¹ A resolution can also encourage commitment from a municipality to support federal and state-level food and health policies that affect its residents, such as speaking in support of improvements to the National School Lunch Program. Such resolutions can also include long-term action plans.
Create an interdepartmental team, or working group, or advisory committee on food issues	Cities across the country have passed ordinances that establish committees or commissions to analyze and improve local food systems. Such entities work closely with city officials to increase access to healthy food, and they bring together municipal departments to develop joint and coordinated strategies. An internal team that brings departments together can coordinate city activities and staff as they work with outside councils, committees, or community groups. Such teams can meet monthly, where staff share efforts, trouble-shoot common public concerns and requests, and strategize for greatest impact.
Include food access and health goals into the comprehensive plan, neighborhood plans, and other plans	As a guiding document for a city, comprehensive plans can help ensure that food access goals cut across many city functions and departments. Some communities choose to create a stand-alone health or food system element, while others choose to weave health and food access goals throughout the existing elements. ¹² Comprehensive plans and other plans should also include supportive statements in the plan's vision and overarching objectives that highlight citywide food access goals. Food access goals can be included across other city plans, such as a Transportation Master Plan, Bicycle and Pedestrian Master Plan, Parks and Recreation Master Plan, or Sub-area Plan.
Include food systems goals in a climate action plan or sustainability plan	Improved food access can address climate change goals in a number of ways. Enhancing distribution systems and the opportunities for local, sustainable farmers to bring their products into local markets can reduce the distance food travels and the climate change impacts of food production and distribution. Community gardens can provide for green space that helps mitigate the negative impacts of the urban environment. Increasing the proximity of grocery stores to where people live can reduce car trips for grocery shopping.

¹¹ Stair, P., Wooten, H., & Raimi, M. (2008). *How to create and implement healthy general plans*. Retrieved from Public Health Law & Policy: http://www.phlpnet.org/sites/phlpnet.org/files/Healthy_General_Plans_Toolkit-WEB.pdf

¹² Stair et al., *Healthy general plans*.

Monitor the balance of healthy to less healthy food stores	Municipalities can calculate their Retail Food Environment Index (RFEI), which is a ratio of how many less-healthy food options (e.g., fast food, convenience stores) exist within its boundaries compared to healthier food options (e.g., grocery stores, small grocers, produce stands, and farmers markets). ¹³ Essentially, it measures residents' exposure to unhealthy food. The RFEI can also be used as a periodic assessment tool. It can also be included in the comprehensive plan, along with a goal to either decrease the number or keep the current number from rising.
Include food access goals (e.g., proximity to food retail) in development checklists or health impact assessments	If mandated as a part of the routine planning process, a health impact assessment or checklist that assesses the benefits and costs of policy decisions can inform decision-makers of health implications during the early stages of decision-making by providing a standardized format to compare options. ¹⁴
Conduct a community food assessment (CFA) or food system assessment (FSA)	A community food assessment can help communities identify issues in, plan for, and engage in decision making around their food system. They are typically driven by and conducted by community members, sometimes with outside assistance. CFAs can also "determine the locations and incidence of food deserts—that is, areas with limited healthy and fresh food access—and inform decision makers of those areas that need intervention." ¹⁵ It shows the intersections between social, economic, physical, and environmental dimensions of a community and where improvements can be made to enhance those relationships. ¹⁶ A less community-based approach to understanding the local food system is to conduct a food system assessment. It differs from a CFA in that it examines similar topics from a generally more objective perspective based upon secondary data (Census, GIS, etc.). See the Food Landscape Assessments by Urban Food Link (urbanfoodlink.com) for this CPPW project as examples of FSAs that include both maps and the calculation of local RFEIs. Sometimes no distinction is made between CFAs and FSAs.
Work with or establish a food policy council	Food policy councils can convene stakeholders from across the food system, which allows disparate sectors and organizations to see the big picture, examine policies' impact on food access and other food systems issues, advise government, assess and study issues facing the community, and pool existing resources to solve problems. ¹⁷ Cities could establish their own food policy councils or collaborate with county or regional councils, such as the Puget Sound Regional Council's Regional Food Policy Council, which formed in 2010.

¹³ California Center for Public Health Advocacy. (2007). *Searching for healthy food: The food landscape in California cities and counties*. Retrieved from <http://www.publichealthadvocacy.org/RFEI/expanded methods.pdf>

¹⁴ Stair et al., *Healthy general plans*.

¹⁵ Centers for Disease Control & Prevention. (2010). General food environment resources. Retrieved December 15, 2010, from <http://www.cdc.gov/healthyplaces/healthtopics/healthyfood/general.htm>

¹⁶ Pothukuchi, K. (2004). Community food assessment: A first step in planning for community food security. *Journal of Planning Education and Research*, 23(4), 356-377. doi:10.1177/0739456X04264908

¹⁷ ICMA Press. (2006). *Community health and food access: The local government role*. Retrieved from the International City/County Management Association: <http://bookstore.icma.org/freedocs/E43398.pdf>

Where has it been done?

- Alexandria, Virginia (pop. 139,966; 15 mi²; located outside of Washington, D.C.) passed a “**Green Food Resolution**” that strives to improve access to healthy, locally grown foods in order to achieve health, environmental, and economic development goals.¹⁸
- South Gate, California (pop. 94,396; 7.2 mi²; located within Los Angeles County) added a **Healthy Communities Element to its general plan** in 2010. As a stand-alone section, this element underscores the importance of the relation between the community’s health and built environment. In addition to healthy eating, active living, and health care topics, this element incorporates public safety objectives as required by state statute. It also highlights health-related goals, objectives, and policies stated throughout the other plan elements.¹⁹
- Berkeley, California (pop. 112,580; 10.5 mi²; located in the San Francisco Bay area) included goals related to community gardens, rooftop gardens, and sustainable local food production in its **Climate Action Plan** to reduce greenhouse gas emissions.²⁰
- Baltimore (pop. 620,961; 80.9 mi²) includes local food systems and urban agriculture production and sales in its 2009 **Sustainability Plan** “Greening” and “Cleanliness” themes.²¹
- A number of jurisdictions have included **food as a part of their comprehensive plans**, including Madison, Wisconsin (pop. 233,209; 76.8 mi²), Marin County, California (pop. 252,409; 520.3 mi²; located in the North San Francisco Bay area), and Toronto, Ontario (pop. 2,503,281; 243.1 mi²).²²
- Watsonville, California (pop. 51,199; 6.7 mi²; located 95 miles south of San Francisco along the central coast, in a predominantly agricultural area) includes food access goals in its **transportation and**

circulation element, its **land use element**, and an **element entitled “A Diverse Population.”**²³

- Cities and counties in more than 16 states have conducted community food assessments. See http://www.foodsecurity.org/cfa_guidebook.html for a list of assessments.
- Food policy councils have been established in over 100 cities, counties, and states. Local examples include the Clark County Food System Council, Kitsap Food and Farm Policy Council, and Puget Sound Regional Council’s Regional Food Policy Council.

Sample Language

- Alexandria’s Green Food Resolution: <http://eatbettermovemore.org/SA/policies/pdf/text/201004211410100.AlexandriaGreenFoodResolution.pdf>
- Berkeley’s Climate Action Plan: http://eatbettermovemore.org/SA/policies/pdf/text/200909081718280.Berkeley%20Climate%20Action%20Plan_full%20language.pdf
- Public Health Law & Policy wrote model obesity prevention and health resolution templates that can be customized to a specific jurisdiction. These resolutions can set the stage for healthy eating and active living policies more comprehensively. http://www.nplanonline.org/sites/phlpnet.org/files/Obesity_Prevention_Resolution_FINAL_2010_0105.pdf
- Model general plan language for improving healthy food access, reducing the availability of less healthy food, improving walkability and bikeability, parks and open space, and public transportation to food sources can be found in General Plans and Zoning: A Toolkit for Building Health, Vibrant Communities.²⁴

¹⁸ Strategic Alliance. (n.d.). ENACT local policy database. Retrieved May 1, 2011, from <http://eatbettermovemore.org/sa/policies/index.php>

¹⁹ *South Gate General Plan: Healthy Community Element*. (2010). South Gate, California. Retrieved from http://www.sogate.org/sgcms/media/File/General_Plan/07_SouthGate_General_Plan_Chapter_7_Health.pdf

²⁰ Strategic Alliance, ENACT database.

²¹ Hodgson, K., Caton Campbell, M., & Bailkey, M. (2011). *Urban agriculture: Growing healthy, sustainable places* (PAS Report 563). Chicago: American Planning Association.

²² Raja, S., Born, B. M., & Kozlowski Russell, J. (2008). *A planner’s guide to community and regional food planning: Transforming food environments, facilitating healthy eating*. Chicago: American Planning Association.

²³ Stair et al., *Healthy general plans*.

²⁴ Feldstein, L. M., Jacobus, R., & Laurison, H. B. (2007). *Economic development and redevelopment*. Oakland. Retrieved from Public Health Law & Policy: <http://www.phlpnet.org/sites/phlpnet.org/files/EcDevToolkit.pdf>

- An ordinance establishing a Food Policy Advisory Commission in Hartford, Connecticut (pop. 124,775; 17.4 mi²): <http://www.hartford.gov/government/FoodCommission/municipal%20code.pdf>
- An ordinance establishing Nashville's (pop. 601,222 for city-county; 475.1 mi²) Food Policy Council: https://secure.nashville.gov/mc/ordinances/term_2007_2011/bl2010_807.htm
- San Francisco's (pop. 805,235; 46.9 mi²) ordinance establishing the Food Security Task Force: <http://www.sfgov3.org/Modules/ShowDocument.aspx?documentid=241>

Notes

It is up to the community to choose whether to include food systems and health as a stand-alone general plan element or to weave them throughout the existing elements. While creating a stand-alone element can build support and visibility for healthy eating and active living goals that do not naturally fit into existing elements, it can present challenges for implementation. Food issues cross many departmental functions, which means that no one department would be responsible for implementing this plan.²⁵ Including health goals throughout the plan can help a community.²⁶

- Recognize what actions it currently takes to promote health and how the built environment influences health;
- Assign responsibility more clearly;
- Highlight health priorities even for residents, employees and developers who are accustomed to referencing only one plan element; and
- Reduce the possibility of an element containing goals and policies that conflict with health goals elsewhere.

A number of organizations provide resources for conducting community food assessments.

- Pothukuchi, K., Joseph, H., Burton, H., & Fisher, A. (2002). *What's cooking in your food system?* A

POLICY SCAN

KEYWORDS: food, food access, health, healthy, vending, vending machine, food bank, food security, food assistance, nutrition, nutrition assistance

LINKAGES: joint use agreements with schools, interdepartmental teams, municipal purchasing policies/protocols (e.g., allowing local purchasing preference, enacting nutrition standards)



guide to community food assessment. Retrieved from Community Food Security Coalition: http://foodsecurity.org/pub/whats_cooking.pdf

- Cohen, B. (2002). *Community food security assessment toolkit* [E-FAN No. (02-013)]. Washington, D.C.: Economic Research Service, Food Assistance & Nutrition Research Program, U.S. Department of Agriculture. Retrieved from <http://www.ers.usda.gov/Publications/EFAN02013/>

Food policy councils can take many forms. *Food Policy Councils: Lessons Learned* is a 2009 report by Food First Institute for Food and Development Policy that explains the **structures, functions, successes and challenges of food policy councils** over the past thirty years: <http://www.foodfirst.org/en/foodpolicycouncils-lessons>

²⁵ Raja et al., *A planner's guide*.

²⁶ Stair et al., *Healthy general plans*.

Healthy Food Retail

Research shows that the presence of a supermarket in a neighborhood is linked to lower rates of chronic diseases and obesity as well as higher rates of fruit and vegetable consumption.²⁷ The reasons why neighborhoods may lack adequate healthy food retail are many: inaccurate perceptions of the spending power of low-income communities, higher operating costs, safety concerns, site issues, competition and more.²⁸ In addition to planning tools, there are a number of economic development resources employed by cities that could specifically target food retail to overcome these challenges, both for attracting new supermarkets and large grocery and for investing in and strengthening existing healthy food retail options.

Planning and Policy Options

Ensure that small-scale healthy food retail has an appropriate zone and definition	Some corner stores or convenience markets are zoned in ways that inhibit the sale of fresh food. In the Policy Approaches to Healthy Corner Stores webinar, Heather Wooten suggests a definition for a Small Food Market based on the percentage of retail space devoted to perishable items and fresh produce. ²⁹
Facilitate small retailers' knowledge of public health permits	Knowledge of food safety and handling techniques is a crucial first step towards retailers stocking and selling more fresh produce. Some small food retailers operate without a public health permit. These businesses tend to be owned by immigrants or others who are not aware of the permitting requirements. Cities can include information within their business licensing systems that educate retailers that a county (or city) public health permit is legally required (in most cases) and provides instructions on how to apply.
Designate grocery stores or food retail as an allowable activity in all/most zones	This advertises grocery as a preferable activity. Along with this code change, it is important to ensure that size limitations on certain zones' commercial uses do not preclude a grocery store from developing there. In addition to grocery stores or supermarkets, corner stores could also be designated as an allowable activity in neighborhood commercial or small retail clusters near neighborhoods. In that case, a city could choose whether to include additional requirements for a corner store to stock healthy foods. Cities can also create floating zones for healthy food retail in priority areas identified by the city or neighborhood planning processes. ³⁰

²⁷ Inagami, S., Cohen, D. A., Finch, B. K., & Asch, S. M. (2006). You are where you shop: Grocery store locations, weight, and neighborhoods. *American Journal of Preventive Medicine*, 31(1), 10-17. doi:10.1016/j.amepre.2006.03.019; Sturm, R., & Datar, A. (2005). Body mass index in elementary school children, metropolitan area food prices and food outlet density. *Public Health*, 119(12), 1059-68. doi:10.1016/j.puhe.2005.05.007

²⁸ Feldstein, L. M., Jacobus, R., & Laurison, H. B. (2007). *Economic development and redevelopment*. Retrieved from Public Health Law & Policy: <http://www.phlpnet.org/sites/phlpnet.org/files/EcDevToolkit.pdf>

²⁹ Public Health Law & Policy. (2010, September). Policy approaches to healthy corner stores [Webinar]. Retrieved from <http://www.phlpnet.org/phlp/webinar-archive>

³⁰ *Zoning for a healthy Baltimore: A health impact assessment of the Transform Baltimore comprehensive zoning code rewrite*. (2010). Retrieved from Center for Child and Community Health Research, Johns Hopkins University: <http://www.hopkinsbayview.org/pediatrics/files/ZoningforaHealthyBaltimoreHIA.pdf>

Reduce/remove parking requirements for retail in priority areas	This ensures that a wider variety of food retail formats can locate in communities that have the potential to support a neighborhood store.
Allow or reduce barriers for mobile produce markets/carts	While some communities do allow mobile vending, others outlaw it or restrict its use. The first step is to allow it in appropriate zones. A municipality can also incentivize mobile produce vending by subsidizing equipment such as weatherproof EBT machines (e.g., NYC Green Cart Initiative), ³¹ offering grants or reduced permit fees, by identifying semi-permanent sites near desirable, high-traffic locations such as schools, “safe routes to school,” employment centers, and transit hubs, or offering discounts or prime locations if a vendor offers a high percentage of healthy food. ³²
Regulate mobile vending near public sites	Mobile vending—food sold from portable vehicles—is increasingly popular among consumers and often used to launch small businesses. While vendors can easily reach communities that have other food access barriers, the food can be less healthy. ³³ A city can set distances requirements (buffers) that are either permanent or that occur only during specific hours related to activities on the site (e.g., 9am-5pm near a school site). These policies are also enacted for air quality reasons, such as decreasing vehicle exhaust near playgrounds. Exemptions can be made for healthy food vending (e.g., produce carts)
Pass legislation to identify grocery retail as an economic development strategy	Economic redevelopment tools are employed for a number of reasons; passing a resolution to identify and prioritize their use for health purposes ensures that changes to a neighborhood have multiple benefits, both for the owner and for the community. It is important to give responsibility for food retail attraction, retention, and development to a specific department. ³⁴ Attracting and including grocery can also be a high-priority item in transit-oriented developments.
Require/encourage retailers to accept federal nutrition program benefits	Accepting Supplemental Nutrition Assistance Program (SNAP) and Women, Infants, and Children (WIC) benefits are one way for stores to serve an expanded customer base. Because of stores accepting these benefits must meet certain requirements of staple foods, ³⁵ monitoring and enforcement of this requirement can be challenging.
Offer density bonuses for new grocery retail	Carefully calibrated density bonuses can offer attractive incentives to private developers to invest in the cost and risk to provide additional public goods such as access to healthy foods. This can include incentivizing ground floor food retail and open space for food-related uses in new developments (commonly high density), which can include food retail, small grocery, farmers markets, community gardening, or small/temporary or less intensively used food retail uses such as mobile vending or produce stands.

³¹ New York City Department of Health and Mental Hygiene. (2011). NYC green cart. Retrieved January 15, 2011, from http://www.nyc.gov/html/doh/html/cdp/cdp_pan_green_carts.shtml

³² Public Health Law & Policy. (2009). *Healthy mobile vending policies: A win-win for vendors and childhood obesity prevention advocates*. Retrieved from http://www.nplanonline.org/sites/phlpnet.org/files/nplan/MobileVending_FactSht_FINAL_091008.pdf

³³ Public Health Law & Policy, *Healthy mobile vending policies*.

³⁴ Stair, P., Wooten, H., & Raimi, M. (2008). *How to create and implement healthy general plans*. Retrieved from Public Health Law & Policy: http://www.phlpnet.org/sites/phlpnet.org/files/Healthy_General_Plans_Toolkit-WEB.pdf

³⁵ Healthy Foods Here. (n.d.). *WIC and SNAP frequently asked questions*. Retrieved February 15, 2011 from <https://catalyst.uw.edu/workspace/skt8/14501/101408>

Offer grants or loans	Existing economic (re)development funds could be awarded to attract new grocery to priority areas or as (re)development incentives for existing retailers to retrofit equipment and upgrade their operations. Cities could participate in or develop initiatives similar to Pennsylvania's Fresh Food Financing Initiative or the national Fresh Food Financing Initiative. ³⁶
Expedite the permitting process for grocery development in priority areas	New food retail development is a time-intensive process. Cities can support developers by helping them navigate the permitting process quickly. ³⁷
Require or encourage healthy food retail in or near multifamily housing	Cities can use bonds, grants, and other incentives to assist food retailers of many sizes with start-up costs, in order to encourage them to locate in or near large housing developments. Planners can also encourage these location choices by including food retail in community master plans and similar development agendas.
Identify and/or assemble potential sites for new grocery	Grocery or supermarket attraction can be a costly endeavor. Economic development departments can conduct or contract for independent market analyses that offer developers a full picture of the neighborhood demand and assist in identifying and assembling appropriate sites.

Where has it been done?

- In Minneapolis (pop. 382,578; 54 mi²), all corner stores hold grocery licenses, and the Licensing Department passed a **"Staple Foods Ordinance" requiring corner stores to carry certain foods**.³⁸ Interestingly, this requirement came out of a concern for public safety. Corner stores were noted as a location for crime citywide, and this program was designed to help corner stores attract a greater customer base and become a site of positive activity in communities.³⁹
- New York City's (pop. 8,175,133; 302.6 mi²) "Food Retail Expansion to Support Health" (FRESH) program offers a **package qualifying new and existing grocery developers and operators for additional development rights** of "one additional square foot of residential floor area will be available for every square foot provided for a grocery store in a mixed-use building, up to a 20,000 square foot limit."⁴⁰
- A recent health impact assessment of Baltimore's Transform Baltimore Comprehensive Zoning Code Rewrite suggests the development of a **"healthy food enterprise overlay zone" or district** that creates incentives for improving the food environment in specific areas.⁴¹
- Portland, Oregon (pop. 583,776; 133.4 mi²) offers **planning support and an expedited permitting process for developers** seeking LEED certification and adopting green building standards; similar tactics could be used for those seeking to improve the food environment.⁴²

³⁶ Healthy Food Financing Initiative. (n.d.). Office of Community Services, Administration for Children and Families, U.S. Department of Health and Human Services. Retrieved January 3, 2012, from http://www.acf.hhs.gov/programs/ocs/ocs_food.html

³⁷ Healthy Food Financing Initiative, Office of Community Services, Administration for Children and Families, U.S. Department of Health and Human Services.

³⁸ Business Licenses Information Program. (n.d.). *Staple food requirements for Minneapolis grocery stores*. Retrieved January 2, 2012 from City of Minneapolis: http://www.minneapolismn.gov/www/groups/public/@regservices/documents/webcontent/convert_272863.pdf

³⁹ Public Health Law & Policy, Policy approaches [Webinar].

⁴⁰ New York City. (2009). Food Retail Expansion to Support Health. Retrieved February 21, 2011, from <http://www.nyc.gov/html/misc/html/2009/fresh.shtml>

⁴¹ *Zoning for a healthy Baltimore*, Center for Child and Community Health Research.

⁴² Feldstein et al., *Economic development*.

- Redmond, Washington (pop. 54,144; 16.3 mi²; 16 miles east of Seattle) recently amended its municipal code to **create a new neighborhood commercial overlay zone**, where businesses including restaurants and grocery can be permitted once approved by a neighborhood and city review committee. See Ordinance No. 2614, adopted September 6, 2011.
- Rochester, New York (pop. 210,565; 35.8 mi²; located in western New York south of Lake Ontario) used public funds from many sources to contribute toward a **shopping plaza construction around a new supermarket site** being developed by TOPS grocery. Public funds included: Federal Enterprise Community Zone program, Community Development Block Grant, Urban Renewal Trust Fund, and the HUD 108 program.⁴³ Other sources include USDA's Farmers' Market Promotion Program, Specialty Crop Block Grants, Community Food Projects, Community Facilities Program, Business and Industry Guaranteed Loan Program, Healthy Urban Food Enterprise Development Center, Sustainable Communities Regional Planning grants, HHS's Community Economic Development Program, and HUD's Choice Neighborhood initiative.⁴⁴
- South Gate, California includes a "Healthy Community Element" in the Community Design section of the city's General Plan. The element includes goals, policies, and actions for **establishing a density bonus program** related to desirable public improvements and amenities.⁴⁵
- King County, Washington's (pop. 1,931,249; 2,115.6 mi²; located in the Puget Sound Region and containing Seattle) Healthy Foods Here Program is designed to **develop healthy food retail and assist small storeowners** in selling fresh produce and other healthy products. The project is a collaboration between Public Health–Seattle & King County and the Seattle Office of Economic Development.⁴⁶



Sample Language

- A model resolution template for establishing food access as an economic (re)development priority can be found on page 117 of Public Health Law & Policy's *Economic Development and Redevelopment*.⁴⁷
- Kansas City, Missouri's (pop. 459,787; 314 mi²) healthy mobile vending definitions, rules, and regulations can be found here: <http://www.kcmo.org/idc/groups/parksandrec/documents/parksrecreation/012710.pdf>
- Sample findings, ordinance, and information about creating a mobile vending permit program:
 - http://www.nplanonline.org/sites/phlpnet.org/files/nplan/Produce%20Cart%20Ord_AppendixA_FINAL_20100222_0.pdf
 - http://www.nplanonline.org/sites/phlpnet.org/files/nplan/Produce%20Cart%20Ordinance_FINAL_20100222.pdf
 - http://www.nplanonline.org/sites/phlpnet.org/files/nplan/Produce%20Cart%20Ord_FactSheet_FINAL_20100222.pdf

⁴³ Aboelata, M. J. (2004). *The built environment and health: 11 profiles of neighborhood transformation*. Retrieved from the Prevention Institute: <http://www.preventioninstitute.org/component/jlibrary/article/download/id-478/127.html>

⁴⁴ White House Task Force on Childhood Obesity. (2010, May). *Solving the problem of childhood obesity within a generation*. Washington, D.C. Retrieved from <http://www.letsmove.gov/obesitytaskforce.php42> White House Task Force on Childhood Obesity, "Solving the Problem of Childhood Obesity Within a Generation," Report to Congress, Washington, D.C., May 2010, <http://www.letsmove.gov/obesitytaskforce.php>.

⁴⁵ "Healthy Community Element," *South Gate General Plan*. (2010). South Gate, California. Retrieved from http://www.sogate.org/sgcms/media/File/General_Plan/07_SouthGate_General_Plan_Chapter_7_Health.pdf

⁴⁶ Healthy Foods Here, WIC and SNAP.

⁴⁷ Feldstein et al., *Economic development*.



POLICY SCAN

KEYWORDS: food, grocery store, grocery, market, supermarket, produce market, convenience store, corner store, minimart, mobile/pushcart vending, food truck, food bank, vending, vending machine, concessions, health/healthy

LINKAGES: small retail development programs, loans, or incentives; incentives/encouragement for small retail in mixed use development, multifamily housing development, or transit oriented development (TOD); retail façade improvement programs; small retail business planning assistance; small retail infrastructure improvements; restrictive covenants (regulating competitors from developing abandoned retail sites); neighborhood walkability standards between residential and commercial areas; truck and delivery access in relevant zones; buffers for certain uses around schools and community sites like parks or recreation centers, electronic benefits transfer (EBT) requirements for SNAP and WIC vendors, store size requirements, parking requirements

Notes

For existing small stores like corner stores and convenience markets, **the challenges lie not only in developing the capacity to carry fresh foods** (refrigeration, food handling knowledge, finding appropriate distribution source), **but also in marketing this new product selection** (via exterior and point of sale signage, as well as standard store advertising in newspapers, blogs, and radio). Incentives and grants could target either or both of these purposes.

While it sounds low-cost, **implementing and enforcing mobile vending may be time consuming and have cost implications.** It may require new permitting classes for easy tracking and enforcement to ensure that policies have the desired impact; these would likely be done by departments of public health through their extant permitting and monitoring programs, and such additional activities are associated with higher staff costs in training and monitoring.

Researchers at Johns Hopkins are currently developing the evidence base and criteria for **creating a Healthy Food Licensing program for healthy corner stores**

that is tied to the city's business privilege tax.⁴⁸

For an **extensive overview of using economic development tools to improve food access**, see Public Health Law & Policy's report, *Economic Development and Redevelopment*.⁴⁹ It contains further details about how to assess an area's potential for food retailers, criteria to evaluate an opportunity, tips for hiring market researchers, as well as case studies of economic development applied to different sized retailers (supermarket, small grocery, corner store, mobile markets, and farmers' markets). Another resource about using economic development packages for attracting food retail is Public Health Law & Policy's *Getting to Grocery: Tools for Attracting Healthy Food Retail to Underserved Neighborhoods*.⁵⁰

There are a number of considerations for determining which food retail development strategy is appropriate and feasible for a community. Bolen and Hecht (2003) **discuss factors for considering the proper strategy; determining the market segment; and market feasibility, financial, and operational issues.**⁵¹

⁴⁸ Feldstein et al., *Economic development*.

⁴⁹ Feldstein et al., *Economic development*.

⁵⁰ Public Health Law & Policy. (2009). *Getting to grocery: tools for attracting healthy food retail to underserved neighborhoods*. Retrieved from http://www.phlpnet.org/sites/phlpnet.org/files/Getting_to_Grocery_FINAL_090909.pdf

⁵¹ Bolen, E., & Hecht, K. (2003). *Neighborhood groceries: New access to healthy food in low-income communities*. Retrieved from California Food Policy Advocates: <http://healthycornerstores.org/wp-content/uploads/resources/CFPAreport-NeighborhoodGroceries.pdf>

Farmers Markets

Facilitating the distribution of locally grown foods has a number of benefits: providing residents and neighborhoods with an alternative retail source to grocery stores; providing the region's farmers with a direct distribution channel for their products; and supporting sustainable food production techniques. Farmers markets often become neighborhood amenities as significant sites of social engagement. As compared to other strategies like grocery development, farmers markets are a more immediate way to increase food access in a neighborhood (though they have limited hours and customers still must shop elsewhere for staple foods), and can increase customer traffic to nearby businesses on market days.⁵² However, many farmers markets lack secure sites. Cities can increase the viability of markets with supportive planning and policy tools.

Planning and Policy Options

Define and establish farmers markets as an approved land use	As a legally defined and allowed use as of right (rather than by permit), farmers markets gain greater stability, increased location options, and reduced permitting requirements. Without this approval in the zoning code, sites are subject to landowner approval and are less stable arrangements for the markets and their vendors. Allowing their use in the zoning code can also help a community prioritize sites based on criteria such as locations near schools or without supermarkets.
Allow markets on city-owned property	Public areas like city parkland, community centers, or public plazas can offer appropriate, high traffic sites for markets with the increased benefit that parks offer of integrating access to healthy foods with opportunities for promoting walkability and physical activity. Municipalities can offer these sites at no or minimal cost. In addition, cities can offer public spaces to be used as community-supported agriculture drop-off sites.
Work with schools and other institutions to allow markets on their grounds	Like allowing markets on public sites, farmers markets can be a good match for school sites, hospitals, or churches. The host institution may also benefit from any fees collected, and can be used to promote healthy eating and active living, such as school fundraisers for physical activity equipment or church donations to food banks. Markets and host sites may negotiate use details and liability issues via joint use agreements.
Identify appropriate sites and ensure tenure for new markets (parks, street closures)	In addition to establishing farmers markets as an explicitly approved land use, cities can also help to identify appropriate sites (such as parks or street closures), based on demographics, demand, land use and travel patterns, potential organization for market management, and other factors. This process can also ensure that current zoning allows markets as a land use in the areas identified.

⁵² ICMA Press. (2006). *Community health and food access: The local government role*. Retrieved from the International City/County Management Association: <http://bookstore.icma.org/freedocs/E43398.pdf>

Streamline permitting process for small markets	For locations where a traditional market may not flourish, small-sized farmers markets such as mini markets or produce stands can increase food access in areas with limited food retail. With streamlined permitting they can operate at a lower cost to vendors, making it a more viable option despite potentially lower traffic than large public markets.
Enable/require ability to purchase via federal nutrition program benefits at farmers' markets	To ensure that farmers markets are accessible to people of all incomes, it is important that markets accept Electronic Benefit Transfer (EBT) cards for SNAP (food stamps); Women, Infants and Children (WIC) benefits, and Senior Farmers' Market Nutrition Program vouchers. Cities could require this provision by definition in zoning code or could offer technical assistance and support in partnership with local organizations and philanthropic funding to provide the necessary technology. ⁵³ Doing so makes farmers market products more affordable, increases traffic and sales at farmers markets, promotes existing human service programs, and increases food access for low-income residents.
Encourage developers to dedicate space for farmers markets	This could occur on public developments or as incentive for private multifamily housing developments. For private development this could be a part of a city's incentive package for all areas or only in a high-priority overlay area, like the previously mentioned "healthy food zones." ⁵⁴

Where has it been done?

- Minneapolis created a "Local Produce Market" permit to streamline the permitting process and eliminate business licenses for **small farmers markets of five vendors or fewer**, called "Mini Markets."⁵⁵
- San Francisco **requires farmers markets to accept** Electronic Benefits Transfer (EBT) for SNAP (food stamps) and WIC nutrition program benefits.⁵⁶
- San Francisco has an ordinance requiring the Recreation and Park Department to work with the Commissioner of Agriculture to **identify suitable market sites on public property**. Other appropriate departments might include transportation or community development.⁵⁷
- Baltimore, Maryland (pop. 620,961; 80.9 mi²) has created the Baltimarket virtual supermarket, a program that allows residents to **order and pick up food deliveries** at public libraries in neighborhoods



with otherwise low food access. The program is a partnership between the city's libraries, school district, public health department, grocers, and other organizations.⁵⁸

⁵³ Public Health Law & Policy. (2009). *Establishing land use protections for farmers' markets*. Retrieved from http://www.nplanonline.org/sites/phlpnet.org/files/Establishing_Land_Use_Protections_for_Farmers_Markets_FINAL_WEB_20091203.pdf

⁵⁴ Public Health Law & Policy. (2008). *Model healthy food zone ordinance*. Retrieved from http://www.nplanonline.org/sites/phlpnet.org/files/nplan/HealthyFoodZone_Ordinance_FINAL_091008.pdf

⁵⁵ Institute for Agriculture and Trade Policy. (2009). *A "how-to" guide for hosting mini farmers' markets in Minneapolis*. Retrieved from http://www.iatp.org/files/258_2_103489.pdf

⁵⁶ Public Health Law & Policy. *Establishing land use protections for farmers' markets*.

⁵⁷ Institute for Agriculture and Trade Policy, *A "how-to" guide*.

⁵⁸ Baltimarket - the virtual supermarket project. (2012). Retrieved January 6, 2012, from <http://baltimarket.org/>



POLICY SCAN

KEYWORDS: farmers market, market, farm stand, community supported agriculture (CSA), farm/farming/farmers/farmland

LINKAGES: joint use agreements with schools, electronic benefits transfer (EBT) requirements for SNAP and WIC vendors, “buy local” campaigns/marketing efforts, street closure permits, safety regulations for temporary food facilities (e.g., church kitchens)

Sample Language

- For model definitions, comprehensive plan language, and zoning ordinances relating to farmers markets, see *Establishing Land Use Protections for Farmer's Markets*.⁵⁹
- San Francisco's ordinance requiring markets to accept food stamps, WIC Farmers' Market Nutrition Program payments and Senior Farmers' Market Nutrition Program payments (§ 9A.15), allowing markets to locate on parks department property (§ 9A.3), and requesting an annual neighborhood needs assessment for future markets (§ 9A.20): <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances07/o0029-07.pdf>
- Minneapolis's “Local Produce Market Permit” application for its mini market sites: http://www.ci.minneapolis.mn.us/business-licensing/docs/Local_Produce_Market_Permit.pdf

Notes

For more information on **joint use agreements with school sites**, see *Opening School Grounds to the Community After Hours*.⁶⁰

For public safety, liability, congestion, and competitive reasons, some businesses and neighbors do not appreciate farmer's markets. For details on **market siting and responding to these concerns**, see the American Planning Association's “Public Markets” issue of *Zoning Practice*.⁶¹

A successful strategy for sustaining farmers markets in low-income communities is to seek **locations that will draw a mixed-income customer base**, such as locating them in highly mixed-income neighborhoods or on the shared border of low- and higher-income communities.⁶²

⁵⁹ Institute for Agriculture and Trade Policy, A “how-to” guide.

⁶⁰ Ogilvie, R. S., & Zimmerman, J. (2010). *Opening school grounds to the community after hours: A toolkit for increasing physical activity through joint use agreements*. Retrieved from Public Health Law & Policy: http://www.phlpnet.org/sites/phlpnet.org/files/Joint_Use_Toolkit_FINAL_web_2010.01.28.pdf

⁶¹ Morales, A., & Kettles, G. (2009). Zoning for public markets and street vendors. *Zoning Practice*, (2). Chicago, IL: American Planning Association.

⁶² Mikkelsen, L., Chehimi, S., & Cohen, L. (2007). *Healthy eating & physical activity: Addressing inequities in urban environments*. Retrieved from Prevention Institute: <http://www.preventioninstitute.org/component/jlibrary/article/download/id-321/127.html>

Community Gardens

Community gardens provide many social, economic, and public health benefits. They can provide food for families that garden the spaces, offer fresh produce donations to food banks, create a sense of community, act as public meeting places, and beautify a neighborhood. Community gardens have also been shown to increase property values.⁶³ Similar to farmers markets, community gardens face land tenure issues when competing public and private uses threaten their continued existence.

Planning and Policy Options

Define/clarify community garden land uses	A first step in support of community gardens is to clarify their definitions in policies and codes. This can include clarifying the differences between temporary versus permanent community gardens, and distinguishing community gardens from other urban agricultural uses, including for example, urban farms.
Establish zone protections	Allow community gardens as a permitted use in all or most zones. By stating that community gardens are approved land uses permitted by right in residential, multifamily, and other specified zones, gardens can operate without obtaining permits, variances, or going through other approval processes. Such ordinances could include additional requirements for governance and operation such as environmental assessment and soil testing for new community gardens. ⁶⁴
Establish open space protections	This language allows community gardens to be zoned as a “sub-districts or sub-use within an open space zoning districts,” which offers them similar protection as other open space lands. ⁶⁵
Facilitate the use of vacant public and private land for community gardens	Vacant public and/or private land can provide an opportunity for food production. To encourage vacant lots for community gardening, a municipality could define temporary versus permanent community gardening land uses in its municipal codes, or it could establish an Interim Land Use Policy as a mutual agreement for vacant lot use “between the landowner, community groups, and the city.” ⁶⁶ These agreements can be tailored for both public and private lands. Communicate these opportunities to potential community groups.
Assess suitable lands for community gardens	Planners can assess the distribution of current garden sites as well as establish criteria for identifying, assessing, and prioritizing locations that would be a good fit for future gardens. They can inventory vacant public and private land and prioritize lands by area of need.

⁶³ Been, V., & Voicu, I. (2006). The effect of community gardens on neighboring property values. *New York University Law and Economics Working Papers*. Retrieved from http://www.community-wealth.org/_pdfs/articles-publications/urban-ag/paper-been-voicu.pdf

⁶⁴ Public Health Law & Policy. (2010). *Establishing land use protections for community gardens*. Retrieved from http://www.nplanonline.org/sites/phlpnet.org/files/CommunityGardenPolicy_FINAL_Updated_100608.pdf

⁶⁵ Public Health Law & Policy, *Establishing land use protections for community gardens*, p. 3.

⁶⁶ Prevention Institute. (1998). The Escondido interim land-use policy: Escondido, California. Retrieved January 3, 2012, from <http://www.preventioninstitute.org/component/jlibrary/article/id-232/127.html>

Include in Parks & Recreation Master plans	Parks and recreation facilities can be a good match for community gardens and related programming, as they promote the physical activity and wellness goals of these programs. These master plans can include recommendations for assessing suitable parkland and community centers for garden space, ensuring equal access to programs, and identifying partnership opportunities for operating gardens and their programs.
Include supportive language and level of service standards/density targets in the comprehensive plan	Include language about support for and prioritization processes for existing and new city-supported garden locations (e.g., in underserved areas), which frames gardens as food access solutions in addition to recreational and community-building uses. This language involves setting a goal that establishes community gardens as a desired use and setting guidelines for providing one garden within walking distance of every [number] of residents or per geographic area. ⁶⁷
Encourage in the design of public and private multi-family units	Planners can encourage multi-family developments to include community gardens in new low-income and market rate developments. ⁶⁸
Establish or support a community garden program	While some community gardening programs are run completely by private or non-profit organizations, they are most effective and long lasting when they have a designated coordinator. Cities could designate a department to coordinate (such as Parks and Recreation, Planning, or Neighborhoods), offer financial support to a community organization, or convene a community gardens coalition to oversee the work.

Where has it been done?

- Chula Vista, California (pop. 243,916; 49.6 mi²; located 7 miles from downtown San Diego) passed a **resolution allowing community gardens on vacant (non-park) lands**. It outlines the process for garden development and operation (at no cost to the city) and includes a **sample user agreement**.⁶⁹
- Seattle's (pop. 608,660; 83.9 mi²) Urban Villages Element of its **Comprehensive Plan sets the goal** of establishing "one dedicated community garden for every 2,500 households" within the urban village centers.⁷⁰
- Escondido, California (pop. 143,911; 36.8 mi²; located about 30 miles north of San Diego) and Park City, Utah (pop. 7,558; 17.6 mi²; located 32 miles southeast of Salt Lake City) have established **provisions for using vacant lots as community gardens**.⁷¹ Cities can facilitate agreements between landowners and gardeners that stabilize a garden's tenure.
- A number of cities and counties nationwide have assessed lands suitable for community gardening. Seattle; King County, Washington; Portland, Oregon; New York; and San Francisco are among the places to have done this analysis.

⁶⁷ Stair, P., Wooten, H., & Raimi, M. (2008). *How to create and implement healthy general plans*. Retrieved from Public Health Law & Policy: http://www.phlpnet.org/sites/phlpnet.org/files/Healthy_General_Plans_Toolkit-WEB.pdf; Public Health Law & Policy. (2010). Establishing land use protections for community gardens. Retrieved from http://www.nplanonline.org/sites/phlpnet.org/files/CommunityGardenPolicy_FINAL_Updated_100608.pdf

⁶⁸ American Planning Association. (2007). *Policy guide on community and regional food planning*. Retrieved from <http://www.planning.org/policy/guides/adopted/food.htm>

⁶⁹ Strategic Alliance. (n.d.). ENACT Local Policy Database. Retrieved January 5, 2011, from <http://eatbettermovemore.org/sa/policies/index.php>

⁷⁰ *Seattle's Comprehensive Plan: Toward a Sustainable Seattle*. (2005). (p. UV-A5). Retrieved from http://www.seattle.gov/DPD/Planning/Seattle_s_Comprehensive_Plan/ComprehensivePlan/default.asp

⁷¹ Public Health Law & Policy, *Establishing land use protections for community gardens*.

- Des Moines, Iowa (pop. 203,433; 80.9 mi²) **operates community gardens on public sites**, from libraries to community centers to low-income housing developments. A number of municipal departments help by way of tilling the soil, hauling compost, and laying woodchips, and coordinating water use (sometimes through fire hydrant access). Rather than staffing all gardens, a city staff member oversees a coalition that manages the gardens.⁷²
- Issaquah, Washington's (pop. 30,434; 11.4 mi²; a fast-growing suburb east of Seattle) Office of Resource Conservation educates and **assists with water conservation efforts** on the city's community garden.⁷³

Sample Language

- For language to make clear distinctions between Urban Agriculture and Community Gardens, see the sample language offered in *Zoning for a Healthy Baltimore*, Appendix 8.1.⁷⁴
- Chula Vista's Community Gardens Policy for Vacant Land: <http://eatbettermovemore.org/SA/policies/pdf/text/201004021500310.ChulaVistaCommunityGardensPolicy.pdf>
- Escondido, California's "Adopt-a-Lot" Property use agreement for interim use of vacant land: <http://eatbettermovemore.org/sa/policies/pdf/text/InterimLandUsePolicy.pdf>
- For model comprehensive plan language, definitions, and zoning ordinances related to community garden protection, expansion, establishing as an approved use, and establishing as a an open space sub-district, see *Establishing Land Use Protections for Community Gardens*.⁷⁵



POLICY SCAN

KEYWORDS: garden, community garden, edible landscaping, agriculture, urban agriculture, greenhouse, p-patch

LINKAGES: interim use agreements for vacant property, pesticide requirements (e.g. near schools and daycares, or sign requirements on lawns following application), ADA accessibility for parks and open space, open space requirements or level of service (LOS) standards, pest management practices or regulations, compost agreements with city departments (e.g. parks and recreation departments)

Notes

For a GIS-based methodology to assess suitable lands for community gardens, see the master's thesis by Megan Horst, entitled *Growing Green: An Inventory of Public Lands Suitable for Community Gardening in Seattle, Washington*, available at <http://faculty.washington.edu/bborn/Growing%20Green.pdf>

Details describing the **implications of the Americans with Disabilities Act (ADA) on community gardens** on public lands are available on in *Establishing Land Use Protections for Community Gardens*.⁷⁶

In addition to land use regulations, it is important to consider **other policies that would impact implementation**, such as sales regulations, business licensing (see Urban Agriculture section) and building codes that allow for accessory uses and structures, such as garden shed construction.

⁷² ICMA Press. (2006). *Community health and food access: The local government role*. Retrieved from <http://bookstore.icma.org/freedocs/E43398.pdf>

⁷³ ICMA Press, *Community health and food access*.

⁷⁴ *Zoning for a healthy Baltimore: A health impact assessment of the Transform Baltimore comprehensive zoning code rewrite*. (2010). Retrieved from Center for Child and Community Health Research, Johns Hopkins University: <http://www.hopkinsbayview.org/pediatrics/files/ZoningforaHealthyBaltimoreHIA.pdf>

⁷⁵ Public Health Law & Policy, *Establishing land use protections for community gardens*.

⁷⁶ Public Health Law & Policy, *Establishing land use protections for community gardens*.

Urban Agriculture

Over the last few years there has been growing attention to urban agriculture and a rise in community and backyard gardening. Urban agriculture can be defined as “the growing, processing, and distribution of food and other products through intensive plant cultivation and animal husbandry in and around cities.”⁷⁷ For the purpose of this guide, we have separated urban agriculture (broadly defined) from community gardens as a public or publicly supported land use. This is in part because of the wide variety of tools available to support these activities. Some communities combine the two uses, while others consider urban agriculture as an entrepreneurial or commercial activity.⁷⁸ **In this section, urban agriculture refers to growing food as an entrepreneurial activity.**

Urban agriculture can create opportunities for increased access to healthy foods as well as business development. As noted in the American Planning Association’s *Policy Guide on Community and Regional Food Planning*, “food-related enterprises are among the most common type of small business development and a way for many households to supplement income and achieve economic stability.”⁷⁹ In addition, immigrant farmers who practice urban agriculture can increase a community’s supply of culturally appropriate food, which may be difficult for residents to find in traditional food retail venues.

Planning and Policy Options

Define or clarify urban agricultural land uses and activities	Urban agriculture can include horticulture, aquaculture, animal husbandry, community gardens, personal gardens, and urban farms. Each of these types of land uses requires different sets of definitions and zoning regulations. What is appropriate for a community or neighborhood varies widely. Operating standards should also be defined and included in these codes, including “hours of operation, or whether on-site sales or animal rearing is allowed.” ⁸⁰ In addition, production standards can aim to minimize water loss through evaporation. ⁸¹
Allow food production on public land that is privately maintained	Land such as planting strips in the right-of-way between residential property, sidewalks, and roads, as well as utility corridors, are common places for food production. Cities can allow this activity eliminate existing permitting fees.

⁷⁷ Brown, K. H., & Carter, A. (2003). *Urban agriculture and community food security in the United States: Farming from the city center to the urban fringe*. Retrieved from <http://foodsecurity.org/PrimerCFSCUAC.pdf>

⁷⁸ Public Health Law & Policy. (2010). *Establishing land use protections for community gardens*. Retrieved from http://www.nplanonline.org/sites/phlpnet.org/files/CommunityGardenPolicy_FINAL_Updated_100608.pdf

⁷⁹ American Planning Association. (2007). *Policy guide on community and regional food planning*. Retrieved from <http://www.planning.org/policy/guides/adopted/food.htm>

⁸⁰ Wooten, H., & Ackerman, A. (2011). *Seeding the city: Land use policies to promote urban agriculture*. Retrieved from Public Health Law & Policy: http://www.phlpnet.org/sites/phlpnet.org/files/Urban_Ag_SeedingTheCity_FINAL_20111021.pdf

⁸¹ Hodgson, K., Caton Campbell, M., & Bailkey, M. (2011). *Urban agriculture: Growing healthy, sustainable places* (PAS Report 563). Chicago: American Planning Association.

Allow commercial sales of food produced on private land	Also known as a “farm stand allowance,” one way to spawn small urban farm businesses is to allow urban producers to sell directly from their land. This can provide urban producers with finances to expand their production and offers an incentive to overproduce and sell surplus to consumers in their community. Home occupation rules in the zoning code can be written to explicitly address food production. A municipality can also educate urban farmers about necessary business licenses.
Require and review management plans for large urban farms	Conditional use permits offer an opportunity to review plans for large urban farms, including the use of chemicals and equipment and ensuring that they have minimal impact on the environment, drainage, and the surrounding land uses. ⁸² This should include integrating Phase 1 and other environmental site assessments for new farm sites, and working with EPA offices to develop plans for clean fill and contained systems. ⁸³
Ensure supportive animal control and residential composting ordinances	Non-zoning regulations related to public health and sanitation should support other policies that encourage urban agriculture, and can be written to ensure that growers are following best practices. ⁸⁴
Provide building codes that allow for rooftop food gardens or greenhouses	Provide building codes that allow for rooftop greenhouses. Lack of space to grow food is often an issue in cities, and one solution is to develop rooftop gardens. To extend short growing seasons, cities should allow for the construction of rooftop greenhouses. Rooftop gardens not only provide a space to grow food but also act to reduce energy use and manage storm water. ⁸⁵
Provide design guidelines and incentives to developers who allocate space for food production and food enterprise	Municipalities can provide encouragement or support to public institutions private developers that provide space for food growing enterprises in developments such as correctional facilities, hospitals, low-income housing, multifamily, or mixed-use developments. This could include tax incentives, design guidelines and concessions, or site planning and design assistance. ⁸⁶
Consider food production and processing facilities in area-wide and neighborhood plans	Urban agriculture enterprises are most successful when they can access other facilities to preserve, process, and add-value to their product. As a form of community economic development, municipalities can “develop area-wide and neighborhood plans with appropriate sites for facilities (such as community kitchens) and spaces (e.g., for entrepreneurial community gardens) that support food-related entrepreneurial development for low-income households.” ⁸⁷
Partner with community land trusts and land banks	Land tenure is a major concern for urban food producers. Partnering with land trusts and similar organizations can help cities to address issues of land tenure, long-term and temporary leases, and find creative solutions for using vacant lands. ⁸⁸

⁸² Wooten & Ackerman, *Seeding the city*, p. 8-9.

⁸³ Hodgson et al., *Urban agriculture*.

⁸⁴ Hodgson et al., *Urban agriculture*.

⁸⁵ Liu, K. K. Y. (2002). *Energy efficiency and environmental benefits of rooftop gardens [Report NRCC-45345]*. Retrieved from National Research Council Canada: <http://www.nrc-cnrc.gc.ca/obj/irc/doc/pubs/nrcc45345/nrcc45345.pdf>

⁸⁶ American Planning Association, *Policy guide*.

⁸⁷ American Planning Association, *Policy guide*.

⁸⁸ Hodgson et al., *Urban agriculture*.



POLICY SCAN

KEYWORDS: agriculture/agricultural, urban agriculture, farm/farming, aquaculture, animals (chicken, ducks, turkey, roosters, goats, livestock, bees), greenhouse, hydroponics/aquaponics, irrigation, rain barrels, water storage

LINKAGES: home business or sales requirements (cottage laws); small retail development programs, loans, or incentives; outdoor advertisement/billboard regulations; green roofs; pesticide requirements (e.g. near schools and daycares, or sign requirements on lawns following application), pest management practices or regulations

Where has it been done?

- Seattle's 2010 **urban agriculture code changes define urban agricultural use**. The ordinance details provisions on allowed mechanical equipment, on-site sales, deliveries, locations, signs, and structures.⁸⁹
- Kansas City, Missouri **allows residents to grow produce in their front-yards as an accessory use**, and allows it for consumption or off-site sales of whole unprocessed produce during a specified growing season. The 2009 ordinance also outlines the special use permitting process for **operating a community supported agriculture (CSA) program in a residential area**, and it allows internships and apprenticeships in neighborhood gardens or farms.⁹⁰
- Seattle eliminated permitting fees and clarified the use, setbacks, and height requirements for **food production in right-of-way planting strips**.⁹¹
- Seattle passed an **ordinance allowing for rooftop gardens** and a 15-foot exception to height limits in multifamily, commercial, Seattle Mixed, downtown, and industrial zones.
- Philadelphia, Pennsylvania (pop. 1,526,006; 134.1 mi²) offers a **"Green Roofs" business tax credit**. The ordinance defines green roofs and requires that a structural engineer certifies eligible roofs. To be eligible, green roofs must cover a minimum percentage of the roof and must be maintained for at least five years. The credit is for 25 percent of the costs incurred, up to \$100,000.
- Vancouver, British Columbia's **city council adopted Urban Agriculture Guidelines for the Private Realm**, developed by the city's urban agriculture steering committee, green-building strategy technical team, and landscape development staff.⁹²
- Minneapolis offers developers **bonus points for incorporating green roofs and growing spaces into PUD proposals**.⁹³
- City Farm in Chicago has an **agreement with the city for growing food on vacant public land, with the understanding that it may have to relocate every few years**. This agreement has already lasted for 25 years, and its success is due in part to City Farm's willingness to use temporary farming methods.⁹⁴

⁸⁹ City of Seattle Department of Planning and Development. (2010). Urban agriculture. *Client Assistance Memo (CAM) 244*. Retrieved from <http://www.seattle.gov/DPD/Publications/CAM/cam244.pdf>

⁹⁰ Kansas City Center for Urban Agriculture. (n.d.). *Growing good food in Kansas City neighborhoods: A guide to urban agriculture codes in KCMO*. Retrieved from <http://www.cultivatekc.org/resources/educational-materials.html>

⁹¹ City of Seattle Department of Transportation. (2009). Gardening in planting strips. *Client Assistance Memo (CAM) 2305*. Retrieved from http://www.seattle.gov/transportation/stuse_garden.htm

⁹² Hodgson et al., *Urban agriculture*.

⁹³ Hodgson et al., *Urban agriculture*.

⁹⁴ Hodgson et al., *Urban agriculture*.

Sample Language

- For language that makes clear **distinctions between urban agriculture and community garden uses**, see the sample language offered in *Zoning for a Healthy Baltimore, Appendix 8.1*.⁹⁵ Public Health Law & Policy also offers definitions in its model zoning ordinance, found in *Seeding the City*.⁹⁶
- Kansas City, Missouri's **ordinance enabling urban agriculture**: <http://kcmo.org/idc/groups/cityplanningdevelopmentdiv/documents/cityplanninganddevelopment/100299.pdf>
- For language that **defines urban farm land uses** in Seattle see the Seattle Municipal Code (Section 23.42.051): <http://clerk.ci.seattle.wa.us/~public/code1.htm>
- Many cities have ordinances regulating the keeping of animals, especially chickens and fowl. For an example of language regulating several types of farm animals see the Seattle Municipal Code (Section 23.42.052): <http://clerk.ci.seattle.wa.us/~public/code1.htm>
- Philadelphia's Green Roof Tax Credit ordinance language: <http://dvgbc.org/files/resources/Green%20Roof%20Tax%20Credit.pdf>
- Public Health Law & Policy offers a detailed **framework for designing urban agriculture policy**, including the options for zoning and permitting and the strengths and weaknesses of each option. It also offers model **comprehensive plan language and a model zoning ordinance for urban agriculture**, one that seeks to develop good operating standards and mitigate against potential conflicts, available in *Seeding the City: Land Use Policies to Promote Urban Agriculture*.⁹⁷ Topics covered in the ordinance include definitions, compliance, soil testing, operating standards, compost and waste management, accessibility, landscaping and setbacks, fencing, structures, signage, produce sales and use, and animals.
- Two recent reports profile dozens of cities' approaches to urban agriculture and compile each city's related codes and policies into tables that offer a good starting point for defining your own city's policy and regulatory approaches:
 - Hodgson, K., Caton Campbell, M., & Bailkey, M. (2011). *Urban agriculture: Growing healthy, sustainable places* (PAS Report 563). Chicago: American Planning Association.
 - Goldstein, M., Bellis, J., Morse, S., Myers, A., & Ura, E. (n.d.). *Urban agriculture: A sixteen city survey of urban agriculture practices across the country*. Retrieved from <http://www.georgiaorganics.org/Advocacy/urbanagreport.pdf>



Notes

In conjunction with allowing or promoting urban agriculture, it is especially important to clarify the **business license laws** regarding the sale or produce from private land as well as the **health and sanitation regulations** regarding consumption and distribution of the produce.⁹⁸

⁹⁵ *Zoning for a healthy Baltimore: A health impact assessment of the Transform Baltimore comprehensive zoning code rewrite*. (2010). Retrieved from Center for Child and Community Health Research, Johns Hopkins University: <http://www.hopkinsbayview.org/pediatrics/files/ZoningforaHealthyBaltimoreHIA.pdf>

⁹⁶ Wooten & Ackerman, *Seeding the City*, p. 20-37.

⁹⁷ Wooten & Ackerman, *Seeding the City*.

⁹⁸ Public Health Law & Policy, *Establishing land use protections for community gardens*.

Restaurants and Food Establishments

While much of this guide focuses on lack of access to healthy foods, the opposite side of that same coin—easy access to less healthy foods—is both problematic in itself and correlated to neighborhoods that have low access to fresh foods.⁹⁹ Though many restaurants can increase access to healthy foods, research shows that low-income neighborhoods have higher concentrations of fast food restaurants.¹⁰⁰ These establishments tend to sell foods that are higher in fat and calories but lower in nutritional value.

In these cases, planning can be used to change the availability of less healthy foods. Historically, zoning has been employed as a tool for protecting the public's health.¹⁰¹ According to the CDC, "Policies can control a fast food business's ability to occupy a retail space, limit how many are allowed in a given space and their density, put a freeze on their development and proximity to each other, and require a minimum distance from schools."¹⁰²

Planning and Policy Options

Define/ differentiate restaurant types	A first step to food establishment zoning includes defining or clarifying classes of food establishments for zoning and/or permitting purposes, such as "full service," "quick service," "take out," "drive through," "fast food," or "formula restaurant."
Establish minimum fast food siting distances/buffers from public sites	New fast food establishments must locate outside of a set buffer (sometimes called a "healthy food zone") distance from public sites, such as community centers, parks, schools, churches, and other public institutions. This policy also is also implemented to decrease loitering and increase safety. (See the "healthy school food zone" option below.)
Design guidelines for chain restaurants	This tool allows for formula retail, but it slows development of additional chain retail and requires such outlets to conform to community needs. Guidelines could include banning drive-throughs, size limits, parking location, or requiring such establishments to locate in a building shared with non-fast food use. Form-based codes can also be used in a way that does not restrict fast food uses, but instead promotes healthy community design.
Limit arterial access points for restaurants	Cities can use urban design guidelines to limit vehicle access and curb cuts directly from arterials into restaurant parking lots. Jurisdictions already use this technique to increase bicycle and pedestrian safety along fast-moving arterials. It also limits access to less healthy food by decreasing the convenience of fast food to passersby and by limiting chain restaurants that use standardized site plans.

⁹⁹ Public Health Law & Policy. (2010, September). Policy approaches to healthy corner stores [Webinar]. Retrieved from <http://www.phlpnet.org/phlp/webinar-archive>

¹⁰⁰ Mikkelsen, L., & Chehimi, S. (2007). *The links between the neighborhood food environment and childhood nutrition*. Retrieved from Prevention Institute: <http://www.preventioninstitute.org/component/jlibrary/article/download/id-316/127.html>

¹⁰¹ Mair, J. S., Pierce, M. W., & Teret, S. P. (2005). *The city planner's guide to the obesity epidemic: Zoning and fast food*. Retrieved from The Center for Law and the Public's Health at Johns Hopkins and Georgetown Universities: <http://www.publichealthlaw.net/Projects/ZoningObesity.php>

¹⁰² Centers for Disease Control & Prevention. (2010). General food environment resources. Retrieved December 15, 2010 from <http://www.cdc.gov/healthylives/healthtopics/healthyfood/general.htm>

Require conditional use permits for fast food or similar establishments	Conditional use could apply to new businesses as well as existing ones upon renewal of leases or when the business is sold. ¹⁰³ It can increase the analysis of a business' health impacts and make their development or continuation contingent on desirable practices.
Limit fast food or formula (chain) restaurants in certain zones	This can take include various approaches including locational bans on new fast food development, quotas, and density limits (number of fast food chains in a given area).
Create a "healthy school food zone"	Municipalities are starting to craft goals to create healthy eating environments in places where children learn and play. These goals can be included in the comprehensive plan. The zoning code can support this goal through a "healthy school food zone," which employs a public health exposure-based lens and limits the proximity of new fast-food retailers and convenience stores near parks, schools, and future school sites. Such regulations should align with mobile food vending goals.
Moratorium or ban on fast food/drive-through service	A community can still allow drive-throughs for other uses (e.g., pharmacies) via conditional zoning permits requiring low risk of negative health impacts. These policies are also enacted to preserve the character of certain retail districts and for pedestrian safety.

Where has it been done?

- Arcata, California (pop. 17,231; 9.1 mi²; located on Humboldt Bay in northern California), Calistoga, California (pop. 5,155; 2.6 mi²; located between Napa and Sonoma counties) and Bainbridge Island, Washington (pop. 23,025; 27.6 mi²; located across the Puget Sound from Seattle) have all **restricted formula restaurants using quotas**, with the primary rationale of maintaining the downtown commercial district.
- Los Angeles, California (pop. 3,792,621; 468.7 mi²) passed a **one-year moratorium on all new fast food outlets in certain neighborhoods**.¹⁰⁴ In this period, they planned to develop incentives to attract new dining and grocery options that align with community goals and objectives as well as develop new regulatory controls and urban design guidelines for those areas.
- Solvang, California (pop. 5,245; 2.4 mi²; located approximately 33 miles from Santa Barbara) and Pacific Grove, California (pop. 15,041; 2.9 mi²; located along the coast near Monterey) have **banned formula restaurants**.
- Concord, Massachusetts (pop. 17,668; 24.9 mi²; located 20 miles from Boston) **has banned drive-throughs and fast food restaurants**.
- Arden Hills, Minnesota (pop. 9,552; 8.6 mi²; a Minneapolis-St. Paul suburb) "**prohibits fast food restaurants within 400 feet** of any public, private, and parochial school; church; public recreation area; or any residentially zoned property."¹⁰⁵
- Bainbridge Island, Washington **uses design guidelines to regulate** the placement of fast food as well as the density of formula take-out restaurants.¹⁰⁶

¹⁰³ Public Health Law & Policy, Policy approaches [Webinar].

¹⁰⁴ City of Los Angeles. (2008). Fast Food Interim Control Ordinance (No. 180103). Retrieved from http://cityplanning.lacity.org/Code_Studies/Misc/FastFoodInterim.pdf

¹⁰⁵ Public Health Law & Policy. (2008). *Model healthy food zone ordinance*, p. 5. Retrieved from http://www.nplanonline.org/sites/phlpnet.org/files/nplan/HealthyFoodZone_Ordinance_FINAL_091008.pdf

¹⁰⁶ Mair, J. S., Pierce, M. W., & Teret, S. P. (2005). *The use of zoning to restrict fast food outlets: A potential strategy to combat obesity*. Retrieved from The Center for Law and the Public's Health at Johns Hopkins & Georgetown Universities: <http://www.cdc.gov/healthyplaces/healthtopics/healthyfood/zoning.htm>

- Warner, New Hampshire (pop. 2,833; 55.7 mi²; located 21 miles from Concord) **requires specific distances between fast food restaurants** in certain areas.¹⁰⁷
- Santa Rosa, California's (pop. 167,815; 41.3 mi²; the county seat of Sonoma County) Urban Design Element in its Comprehensive Plan includes a **policy to "provide continuous sidewalks and bicycle lanes on both sides of major regional/ arterial streets."**¹⁰⁸
- Kansas City, Missouri offers mobile food vendors **incentives based on the percentage of their food offerings meeting nutrition standards.** Offering 50% healthy options reduces the annual permit fee by 50%, and offering 75% healthy options gives vendors access to locations such as parks.¹⁰⁹

Sample Language

- Arcata, California's municipal code requires a permit for formula restaurants in the Commercial-General and Commercial-Visitor Serving districts (9.26.030), and limits the number in other districts to nine (Section 9.46.164): <http://www.cityofarcata.org/departments/building-planning/regulations/land-use-code>
- Calistoga, California's zoning code defines "formula restaurant (Section 17.04.616) and prohibits them in the Downtown Commercial and Community Commercial districts (Section 17.22.040, 17.22.060). Available in the Municipal Code link at <http://www.ci.calistoga.ca.us/>
- Bainbridge Island, Washington's full municipal code: http://www.mrsc.org/wa/bainbridgeisland/index_dtSearch.html
 - a. Design guidelines: 18.41.050 contain take-out restaurant guidelines
 - b. Permitted uses: 18.40.020 contains formula take-out as not permitted in all but one area
 - c. Formula take-out food restaurant definitions: 18.06.370 contains definitions and points toward original ordinances



POLICY SCAN

KEYWORDS: food, restaurant, fast food, chain restaurant/retail, formula restaurant, franchise, drive-through/drive-in, take-out/carry-out, sit-down restaurant, dining, menu, mobile/pushcart vending, health/healthy

LINKAGES: curb cuts/driveway access along arterials, historic preservation/retail core protections, parking requirements

- Los Angeles, California's moratorium on new fast food outlets (Ordinance 180103): www.lacity.org/council/cd9/cd9press/cd9cd9press16549545_12122007.pdf
- Oakland's conditional use permit for convenience stores, fast food, and liquor stores:¹¹⁰ <http://www.oaklandnet.com/government/ceda/revised/planningzoning/ZoningSection/Forms/ConvenienceMarketsFastFoodAlcohol.pdf>
- San Francisco County (pop. 805,235; 46.9 mi²) enacted an amendment to its formula retail ordinance to exclude general grocery stores from the formula retail definition, in order to reduce barriers to new grocery stores opening: <http://eatbettermovemore.org/SA/policies/pdf/text/SFReplaceGrocery.pdf>

¹⁰⁷ Mair et al., *The use of zoning to restrict fast food*.

¹⁰⁸ Public Health Law & Policy. (2009). *Healthy planning policies: A compendium from California general plans*, p. 21. Retrieved from http://www.phlpnet.org/sites/phlpnet.org/files/Healthy_Planning_Policies_Compendium_FINAL_web_090925.pdf

¹⁰⁹ Public Health Law & Policy. (2009). *Healthy mobile vending policies: A win-win for vendors and childhood obesity advocates*. Retrieved from http://www.nplanonline.org/sites/phlpnet.org/files/nplan/MobileVending_FactSht_FINAL_091008.pdf

¹¹⁰ Public Health Law & Policy, Policy approaches [Webinar].

- For a definition of a specific fast food land use category, see Appendix 8.1 in *Zoning for a Healthy Baltimore: A Health Impact Assessment of the Transform Baltimore Comprehensive Zoning Code Rewrite*.¹¹¹
- Public Health Law & Policy has published a model “healthy food zone” ordinance template that sets a buffer around schools and public sites for fast food and other uses.¹¹²
- Findings: http://www.nplanonline.org/sites/phlpnet.org/files/nplan/HealthyFoodZone_Findings_FINAL_091008.pdf
- Code: http://www.nplanonline.org/sites/phlpnet.org/files/nplan/HealthyFoodZone_Ordinance_FINAL_091008.pdf



Notes

When considering development incentives and regulations like moratoriums, it is important to recognize that these strategies look to the future. The current food landscape will remain until new development opportunities arise. The fact that less healthy options will continue to exist in the present highlights that **some of these strategies are best when they are implemented hand-in-hand with other more immediate healthy food access strategies**, like healthy food retail promotions and farmers markets.¹¹³

These actions have often been justified from the perspective of preserving historic or special retail districts and for economic vitality of diverse neighborhood retail, though these actions have become more commonly implemented for public health purposes in recent years. To make the case for these provisions, **it is important to establish an evidence base for determining “less healthy” food establishments**. *A Planners Guide to Community and Regional Food Planning* suggests working “with the local public health

commissioner’s office to develop an assessment tool to gauge the minimum nutritional quality of healthy foods sold in food destinations, such as restaurants,” and the authors propose requiring a “health offerings check” as a part of the licensing process.¹¹⁴

For a detailed discussion of case law supporting the use of zoning for obesity prevention as well as suggestions for crafting strong zoning ordinances for these purposes, see “The Use of Zoning to Restrict Fast Food Outlets: A Potential Strategy to Combat Obesity,” written for the CDC by The Center for Law and Health at Johns Hopkins and Georgetown Universities.¹¹⁵ A related document addresses city planners’ most frequently asked questions on this topic.¹¹⁶

Arcata, California’s city attorney wrote this **memo on the legality of formula restaurant caps**:¹¹⁷ <http://www.newrules.org/retail/rules/formula-business-restrictions/formula-business-restrictions-arcata-ca#memo>

¹¹¹ *Zoning for a healthy Baltimore: A health impact assessment of the Transform Baltimore comprehensive zoning code rewrite*. (2010). Retrieved from Center for Child and Community Health Research, Johns Hopkins University: <http://www.hopkinsbayview.org/pediatrics/files/ZoningforaHealthyBaltimoreHIA.pdf>

¹¹² Public Health Law & Policy, *Model healthy food zone ordinance*.

¹¹³ Wooten, H. (Public Health Law & Policy). Personal communication. February 10, 2011.

¹¹⁴ Raja, S., Born, B. M., & Kozlowski Russell, J. (2008). *A planners guide to community and regional food planning: Transforming food environments, facilitating healthy eating*. Chicago: American Planning Association, p. 99.

¹¹⁵ Mair et al., *The use of zoning to restrict fast food*.

¹¹⁶ Mair et al., *The city planner’s guide*.

¹¹⁷ Public Health Law & Policy, Policy approaches [Webinar].

Transportation

As Kami Pothukuchi and Richard Wallace point out in their chapter of *Healthy, Equitable Transportation Policy*,

*Public bus routes and schedules, even in well-served communities, are typically planned in ways that disadvantage food-shopping trips needed during weekends and evenings. A typical bus system is also planned around a central hub, a design that often lengthens travel time to more peripherally located supermarkets.*¹¹⁸

This challenge can pose a difficult situation for families who do not own a vehicle and rely on public transit. However, researchers have suggested that transportation assistance programs that increase transit options to grocery retail can “generate \$545,700 to \$1,514,700 a year in revenues if 20 percent of households without cars used the service for weekly shopping.”¹¹⁹ One study found that with adequate transit, an urban store could operate with reduced parking requirements and over \$85,000 in land costs.¹²⁰

Planning and Policy Options

Consider transit accessibility to stores, based on both routes and time of day	Prioritize transit accessibility to stores, based on both route location and type (local, express) and time of day. The focus of such a policy should prioritize routes that service areas identified as food deserts. For many living in a food desert, public transportation is the only means to reach a grocery store. Some transit programs operate coupon or vouchers programs in partnership with grocers.
Encourage transit-oriented development to include grocery stores	Cities can provide financial incentives or site design considerations (e.g., reduced parking) for new grocery to be located along public transit routes. ¹²¹ New supermarket permits can require or encourage retailers to develop transportation plans that suit area customers’ needs. ¹²² Related goals and standards for distance between transit-oriented development and food retail can be included in the comprehensive plan and related documents.
Establish a walkability standard for access to retailers of fresh produce	To prioritize future development of many types food retail, communities can define a walking distance standard to healthy food retail (e.g., ½ mile). These goals and standards can be included in the comprehensive plan, and they can guide development or be used to assess and measure progress over time. ¹²³

¹¹⁸ Malekafzali, S. (Ed.). (2009). *Healthy, equitable transportation policy*, p. 117. Retrieved from the Convergence Partnership: <http://www.convergencepartnership.org/site/c.fhLOK6PELmF/b.6136273/k.A18D/Publications.htm>

¹¹⁹ Shak, L., Mikkelsen, L., & Chehimi, S. (2010). *Recipes for change: Healthy food in every community*, p. 19. Retrieved from Prevention Institute: <http://www.preventioninstitute.org/component/jlibrary/article/download/id-547/127.html>

¹²⁰ Gottlieb, R., Fisher, A., Dohan, M., O'Connor, L., & Parks, V. (1997). *Homeward bound: Food-related transportation strategies in low-income and transit dependent communities*. Retrieved from University of California Transportation Center: <http://www.cdc.gov/healthypplaces/healthtopics/healthyfood/transportation.htm>

¹²¹ ICMA Press. (2006). *Community health and food access: The local government role*. Retrieved from <http://bookstore.icma.org/freedocs/E43398.pdf>

¹²² Gottlieb et al., *Homeward bound*.

¹²³ Stair, P., Wooten, H., & Raimi, M. (2008). *How to create and implement healthy general plans*. Retrieved from Public Health Law & Policy: http://www.phlpnet.org/sites/phlpnet.org/files/Healthy_General_Plans_Toolkit-WEB.pdf

Improve pedestrian and bicycle connectivity to grocery stores	This can be done through transportation and circulation elements in comprehensive plans, transportation master plans, bicycle and pedestrian master plans, and Complete Streets policies, as well as through providing adequate bicycle infrastructure at retail destinations.
Work with grocers, paratransit, or senior centers to establish a supermarket shuttle	Because they have smaller capacity and can operate on a more limited or on-demand schedule, shopper shuttles may be more efficient transit solutions than added bus routes. Some shuttles are run publicly or in partnership with community development corporations, while most are run in partnership with or by the stores themselves, who in turn provide a public good in exchange for private benefit. If senior shuttle programs already exist, they can become good partners for grocery shuttle service by aligning stop locations and schedules for food shopping to both grocers and farmers markets.

Where has it been done?

- Hartford, Connecticut **designed the L-Tower Avenue bus route** as part of the Jobs Access program to link people who lived in the north end with jobs, shopping and medical service. Ridership doubled, and 33% of riders cited grocery shopping was cited as the primary reason they used this route.¹²⁴
- Austin, Texas (pop. 790,390; 279.9 mi²) **started a “grocery bus”** to connect 23,000 residents in a predominantly Latino and immigrant community with low food access area to two supermarkets. It was initiated by a partnership with the Austin/Travis County Food Policy Council, the transit authority, and the stores. An organization called the Sustainable Food Center conducted interviews to document need and preferred routes.¹²⁵
- Knoxville, Tennessee’s (pop. 178,874; 98.5 mi²) area transit agency created a “Shop & Ride” program. In partnership with grocery stores, it **offered free return bus tickets for customers making a minimum \$10 purchase**. The transit agency then billed the stores each month for fare reimbursement.¹²⁶
- Houston, Texas’s (pop. 2,099,451; 599.6 mi²) Fiesta Market **operates a store-initiated van service**. The company, which also operates an airport shuttle service, runs a free, daily grocery van shuttle on a route between the store and eleven apartment complexes. It runs every 30 minutes from 10am to 5pm. On an average day, it transports 60-70 shoppers from one apartment complex.¹²⁷
- Ralph’s Supermarkets in Los Angeles, California contracts with a shuttle service that provides a **free ride home for customers who spend over \$25**. The shuttle averages 100 passengers per day, generating approximately \$27,000 of sales per week.¹²⁸

Notes

We have not elaborated on the possibilities for improved food access through bicycle and pedestrian master plans or through Complete Streets legislation. However, these strategies are important for improving food access, especially where there is latent opportunity for residents to access healthy food retail near their neighborhood but transportation barriers such as unsafe pedestrian or cycling environments stand in the way.

¹²⁴ Vallianatos, M., Shaffer, A., & Gottlieb, R. (2002). *Transportation and food: The importance of access* (pp. 1-8). Los Angeles. Retrieved from Center for Food and Justice, Urban and Environmental Policy Institute: http://departments.oxy.edu/uepi/cfj/publications/transportation_and_food.pdf

¹²⁵ Gottlieb et al., *Homeward bound*.

¹²⁶ ICMA Press, *Community health and food access*.

¹²⁷ Gottlieb et al., *Homeward bound*.

¹²⁸ Mohan, V., & Cassady, D. (2002). *Supermarket shuttle programs: A feasibility study for supermarkets located in low-income, transit dependent, urban neighborhoods in California*. Center for Advanced Studies in Nutritional and Social Marketing, University of California, Davis.

There are fewer strategies in this section than others. While some areas have implemented food access and transportation programs, they are especially prone to budget hardships faced by transportation departments. These buses or shuttles are often cut. Similarly, privately operated shopper shuttles must make economic sense for a supermarket or grocery store to continue running them. **A feasibility analysis of multiple California sites by Mohan and Cassidy (2002) finds that enhanced transit or shuttle services can indeed be profitable.** Their report details various program models and commonly successful characteristics for a supermarket-run shuttle service.¹²⁹

POLICY SCAN

KEYWORDS: food access, access, shuttle, supermarket, grocery

LINKAGES: transit service priorities for low-income or underserved neighborhoods, truck and delivery access in relevant zones, curbside/driveway access along arterials



¹²⁹ Mohan & Cassidy, *Supermarket shuttle programs*.

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