



PITTSBURGH VACANT LOT TOOLKIT

POLICY GUIDE

September 2015



pittsburgh
city planning

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ACRONYMS

MVA = Market Value Analysis

OSS = Open Space Specialist

TRF = The Reinvestment Fund

URA = Urban Redevelopment Authority

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EASTFIELD LITTLE FREE LIBRARY TAKE A BOOK
LEAVE A BOOK

INTRODUCTION



EastField Little Free Library and EastField Co-operative Garden, East Liberty
Image: Asakura Robinson

Through the last half of the 20th Century, Pittsburgh’s population declined by more than half through suburbanization, declining household sizes, outmigration and numerous other reasons (figure 1). One of the lasting effects of this population reduction is the prevalence of vacant lots throughout the City.

Today, there are over 28,000 vacant lots in the City of Pittsburgh (figure 2, pg 6). These lots, **which include parcels where structures may have once stood, wooded hillsides, unimproved sidelots, and informal parking lots**, can compromise quality of life for residents, reduce property values and weaken the City’s tax base (parcels with an established use such as park, greenway, parking lot, and cemeteries as well as public right-of-ways are not included). The City of Pittsburgh directly owns approximately 7,286 vacant lots – 13.3% of the total number of vacant lots and 19% of vacant lots by area (figure 3, pg 8). The second largest owner of vacant lots is the Urban Redevelopment Authority (URA). In addition to these existing lots, there is an additional number of abandoned and/or tax delinquent structures that are likely to come under public ownership in the coming years. While the majority of vacant lots in the City remain in private ownership, they still present a significant maintenance challenge for the City of Pittsburgh.

The Open Space Plan, adopted in 2013 as the open space, parks, and recreation component of the City’s Comprehensive Plan, concluded that the approximate cost of maintaining a single vacant lot is \$595 per year. Although the City has developed several programs dealing with vacant lots, including the Side Yard Sale Program, allowing residents to purchase adjoining vacant lots; and the Garden License/Waiver program, which allows for community members to access vacant lots for seasonal gardening; among other programs. However, the responses to vacant lots within the city have been on a small scale and

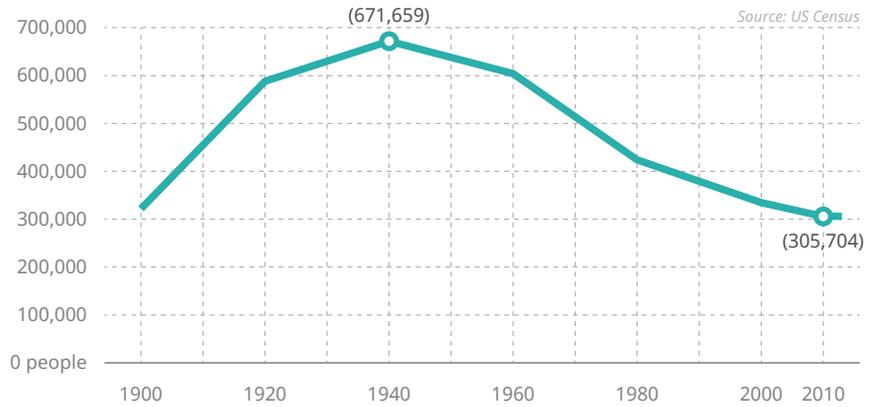


Figure 1. Pittsburgh's Population

generally uncoordinated. While the City population has begun to increase again after this long decline, significant numbers of vacant lots are likely to remain an issue for the foreseeable future.

Many City- and privately-owned vacant lots are located in areas of very low market demand. A Market Value Analysis (MVA), a real estate investment tool developed by the The Reinvestment Fund (TRF), has been conducted for the City of Pittsburgh. The MVA “uses spatial and statistical cluster analysis to identify local conditions that support healthy growth and underscore fundamental problems such as community disinvestment” (source: TRFund.com). Using this tool, some important conclusions can be drawn about the state of vacant lots within Pittsburgh (figure 4, pg 10). Some neighborhoods with significant concentrations of vacant lots, such as Larimer and Homewood, are identified in the most recent MVA as having had less than five sales in the previous year, with over 30% of the remaining homes being owner-occupied. Other neighborhoods, such as Beltzhoover and Lincoln-Lemington-Belmar, are in the lowest-demand cluster in the MVA. The City has taken steps such as the Choice Neighborhoods-funded redevelopment in Larimer to strategically address some of these vacant lots through redevelopment. While this model holds promise for stimulating growth in Larimer, many of these vacant lots in low-demand neighborhoods are likely to remain vacant for 10 years or more and cause a drain on residents and the City if interim uses are not supported.

While much of the existing vacancy is concentrated in low-demand areas, dealing with vacancy in transitioning and high-demand areas poses its own set of challenges. In areas of rising market demand, which appear in the MVA as areas of middle demand, such as Garfield, the question is how to concentrate and focus development through strategic redevelopment as well as vacant lot reuses; while in areas that have rapidly increased in value, such as Lawrenceville, open space preservation may be a concern. In general, there is a high correlation between the market value of properties and the percentage of vacant lots within a neighborhood (figure 5, pg 12), however, due to Pittsburgh's extreme topography and industrial heritage, there are occasionally additional factors in the availability and position of vacant lots. The City has begun to identify and place additional lots in property reserve that are unsuitable for future redevelopment due to hillsides or steep slopes or that are adjacent to existing greenways.

The Open Space Plan, contained several key recommendations for addressing the challenge of vacant lots. One of these recommendations was to launch a Pittsburgh Vacant Lot Toolkit (VLTK) project with two key objectives:

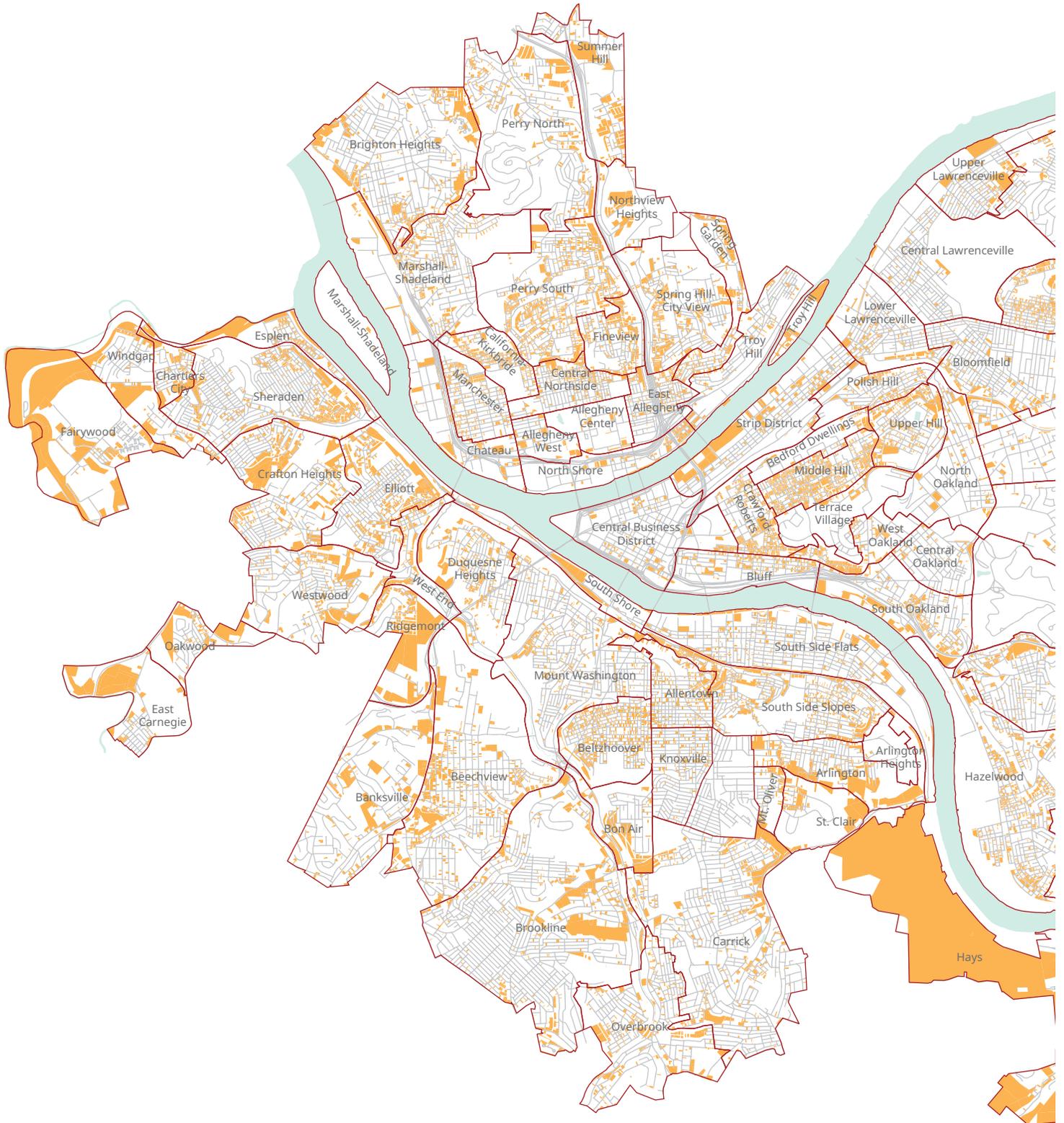
1. **Policy Guide** - Clarify and refine City processes and policies for interim reuse of city-owned vacant lots throughout the City.
2. **Resource Guide** - Create a toolkit for Pittsburgh residents and community groups that documents these clarified City processes and otherwise facilitates vacant lot reuse.

The policy recommendations in this document address the first objective of the Vacant Lot Toolkit – to clarify and refine the City's processes and policies for vacant lot reuse. During public meetings for Open Space Plan, many organizations and individuals came forward to voice that the City's processes for facilitating interim reuse of vacant lots were unclear and inconsistent, with multiple City Departments making discretionary

approvals that absorbed too much time from both City Departments and applicants for vacant lot projects alike. The City has already responded to one key Open Space Plan recommendation by appointing a single point of contact, the Open Space Specialist within the Department of City Planning. This dedicated staff member will interact with applicants and help shepherd projects through the required approvals. The recommendations below are designed to produce a streamlined process that offers clear, transparent guidance to community groups and residents on how to design a vacant lot project that meets City requirements.

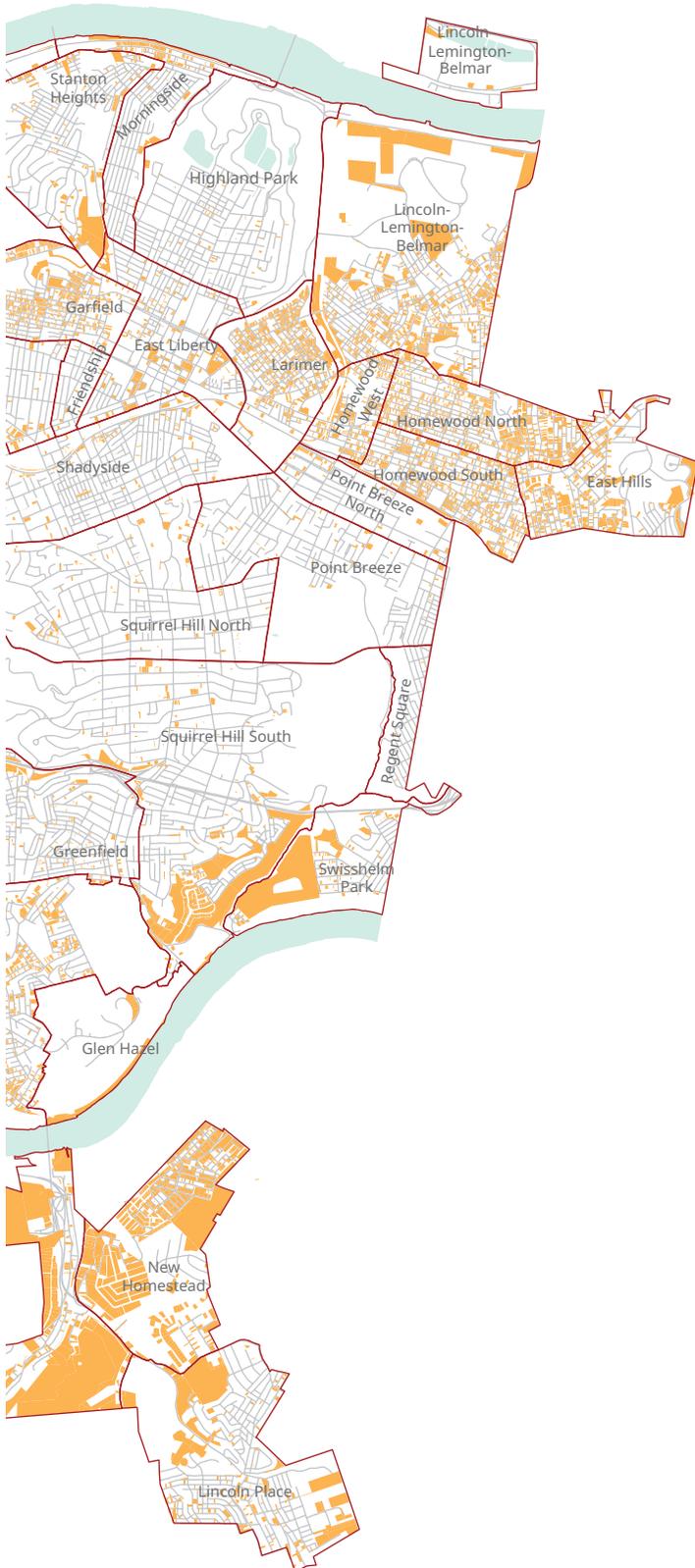
The Department of City Planning initiated the Vacant Lot Toolkit project by creating an Advisory Committee composed of both City departments and authorities (City Planning, Public Works, Finance, Law, Urban Redevelopment Authority, Pittsburgh Water & Sewer Authority) and non-profit partners who provide technical assistance and/or resources to vacant lot projects (GTECH, Grow Pittsburgh, Penn State Center/Extension, Pittsburgh Parks Conservancy, Western Pennsylvania Conservancy, Tree Pittsburgh, and the Pittsburgh Community Reinvestment Group). This Advisory Committee and the Department of City Planning then contracted with the consultant team of Asakura Robinson and Brean Associates, who then assisted the Advisory Committee in developing these policy and process recommendations based on individual interviews and meetings with non-profits, community groups, and community development corporations who work in vacant lot reuse; interviews with City officials from the City Planning, Law, Finance, and Public Works Departments as well as the Mayor's Office and City Council; and focus groups with residents and community organizations focused on green infrastructure, urban agriculture, and play.

The recommendations are broken into two categories: short-term and long-term recommendations. Each of the short-term recommendations has been crafted in coordination with the Department of City Planning and other City



Departments, are meant to be further developed, and, if possible, implemented within several months of the release of this report. Numerous recommendations have already been achieved. Long-term recommendations are those that will require further interdepartmental coordination, coordination with outside organizations or that will require legislative action from City Council or another body, which will occur over the next few years.

Through these recommendations, the City will be better equipped to utilize the social capital of communities and the value of volunteers who desire better futures for their neighborhoods, while also supporting and becoming a resource for City regulatory, funding and programmatic systems.



**TOTAL PRIVATE VACANT LOTS:
18,810**

**TOTAL PUBLIC VACANT LOTS:
9,415**

- Vacant Lots
- Water
- Neighborhood Boundary

1 mile

Sources:
 City of Pittsburgh DCP, PASDA

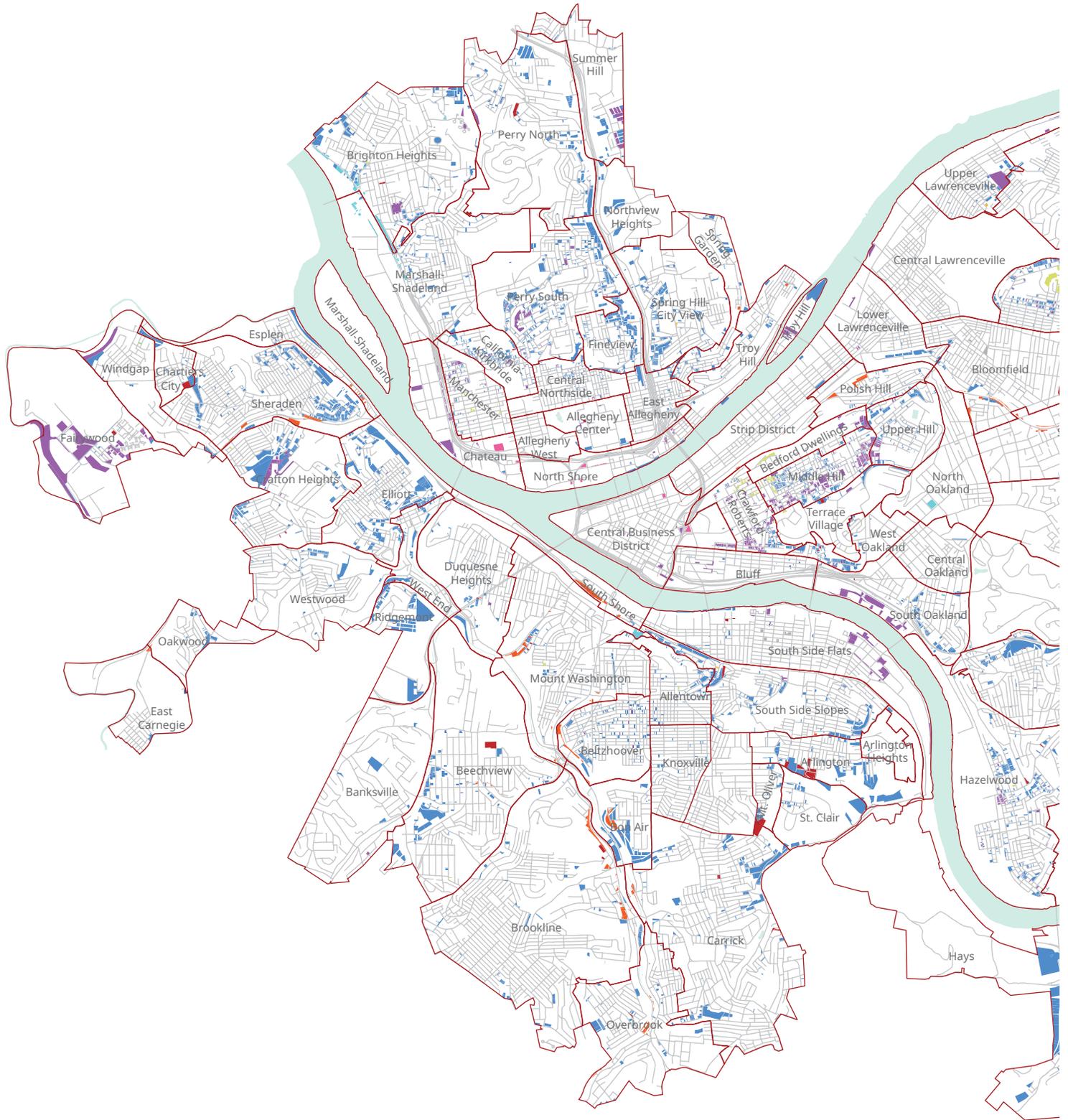


Figure 3. Ownership (% by area)

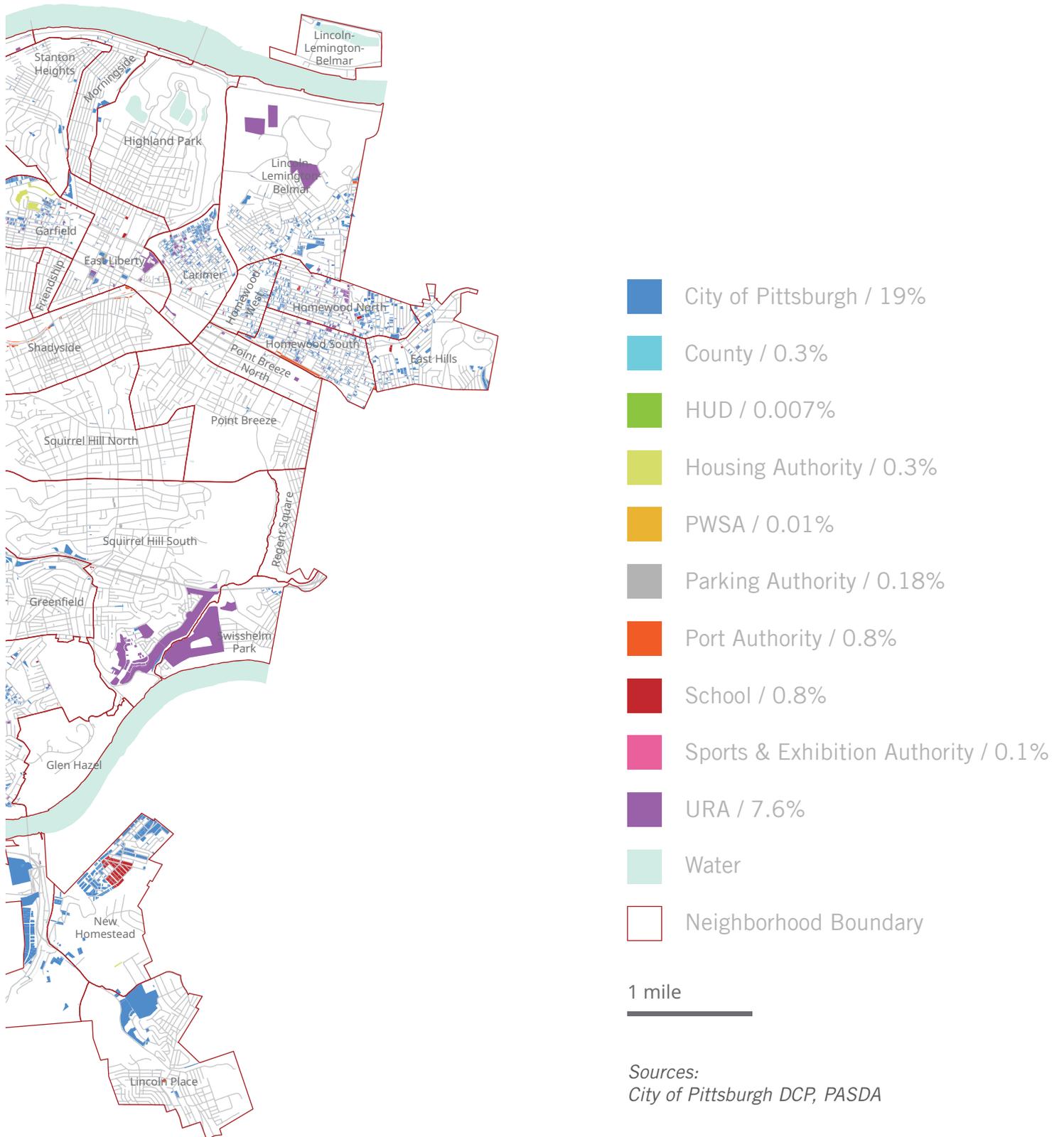
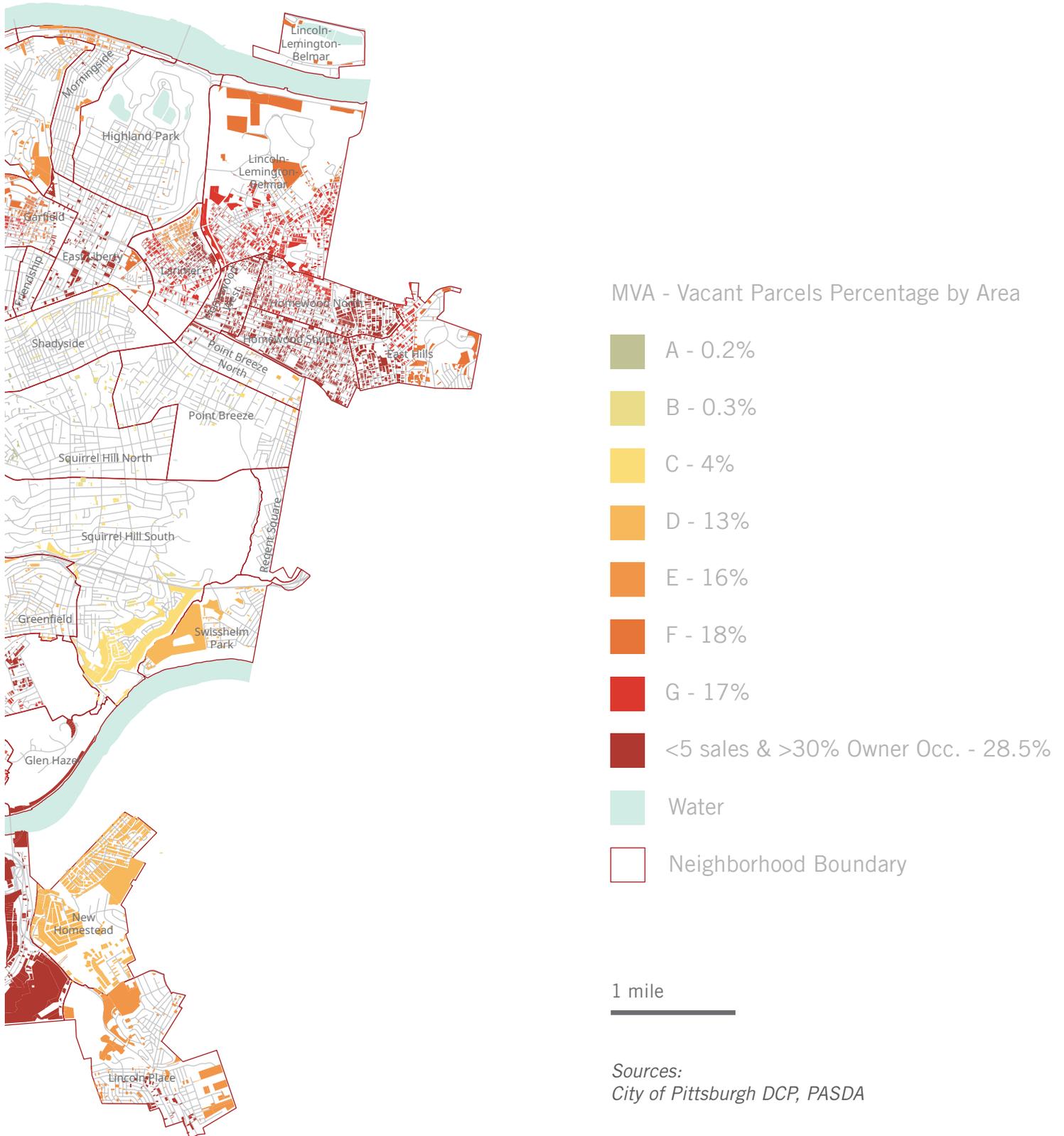


Figure 4. Market Value Analysis of Vacant Lots



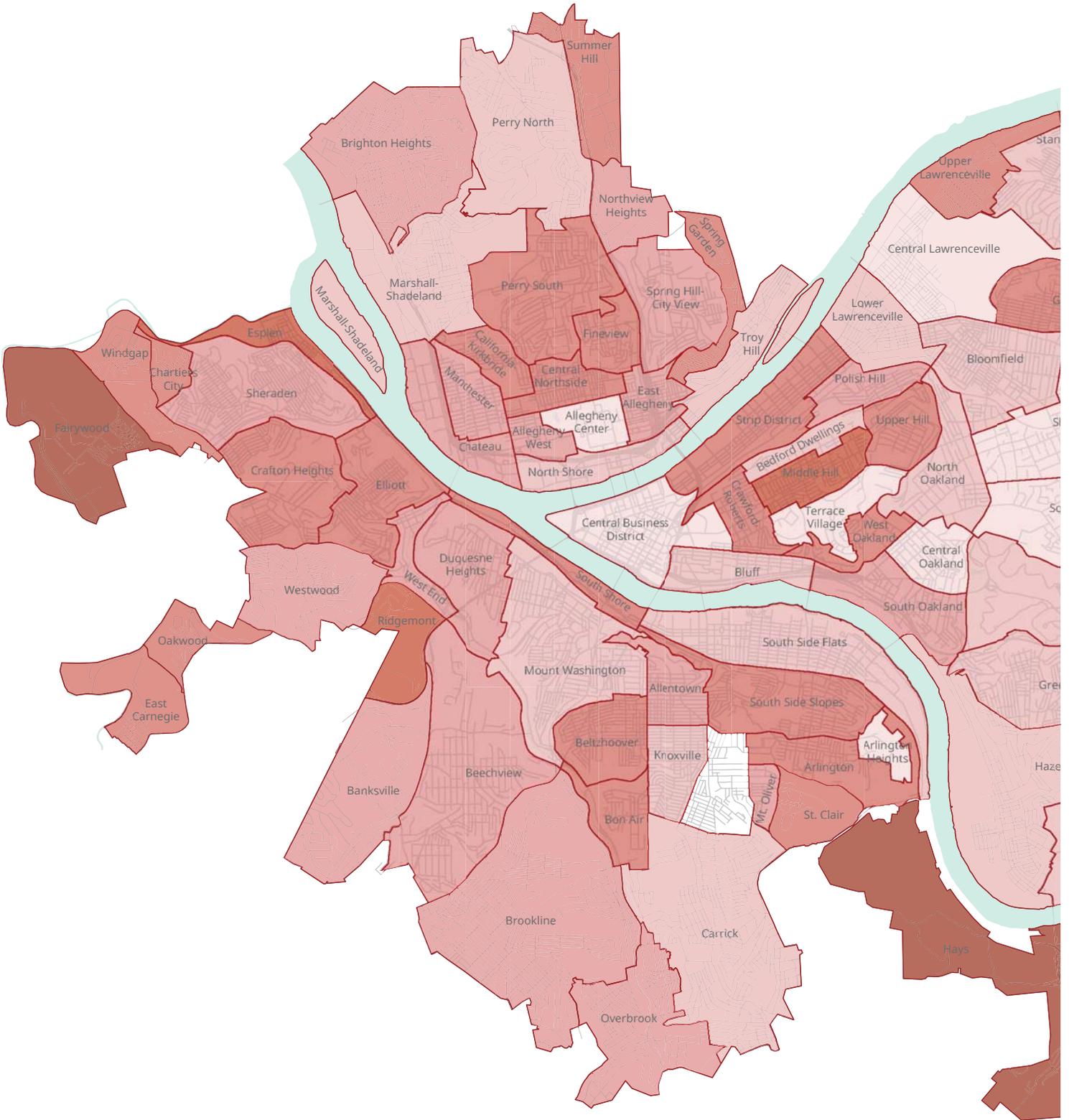
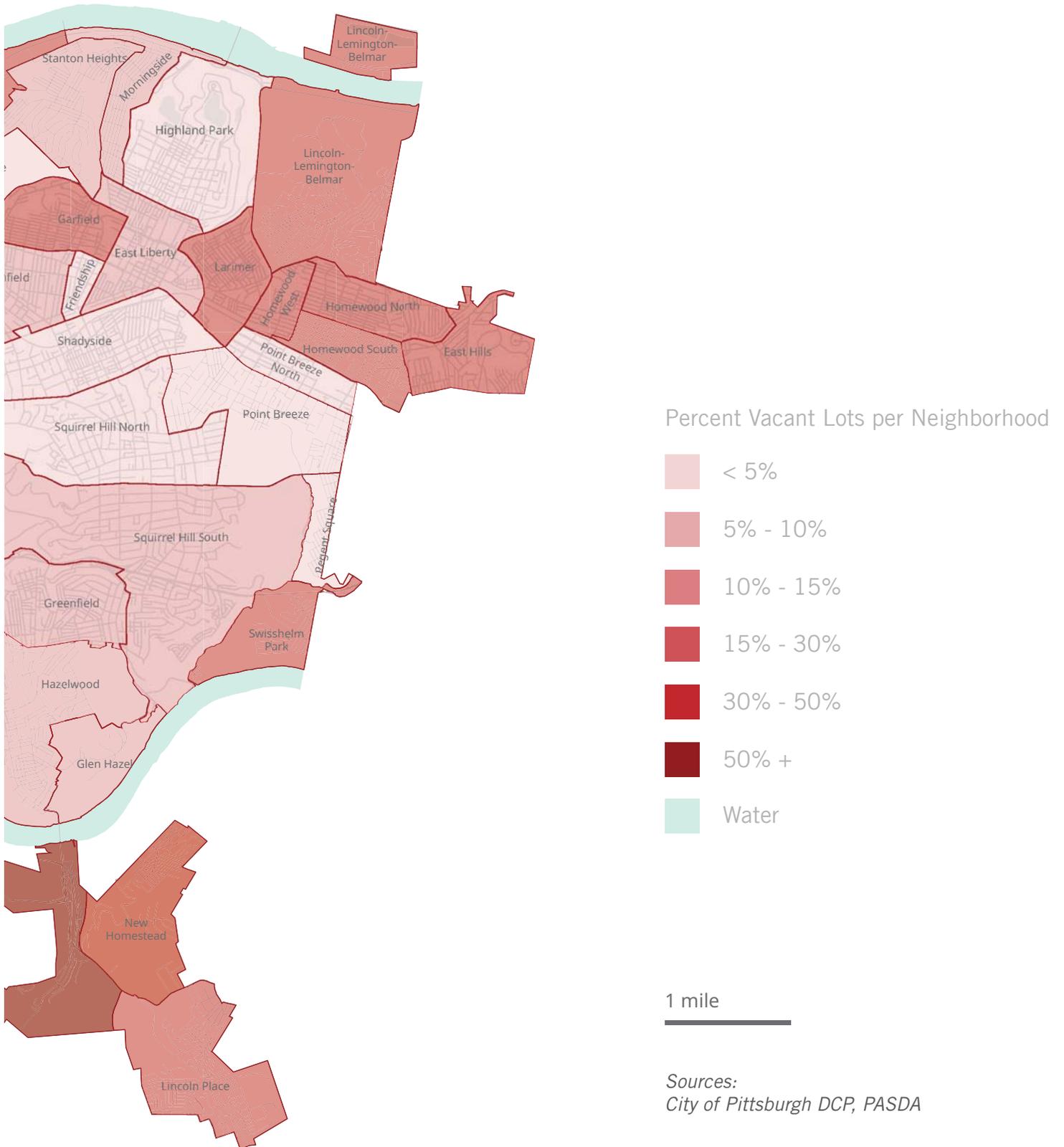


Figure 5. Percent of Lots that are Vacant within each Neighborhood





SHORT-TERM

African Liberation Garden, Homewood
image: Asakura Robinson

RECOMMENDATION 1.1: SET A VISION

RATIONALE

Through review of existing programs and discussion with City departments, community members and organizations, it is clear that the City's policies and programs relating to vacant lots within the City have not been strongly coordinated internally and that City departments do not view vacant lots, temporary and long-term projects for their reuse or desired community uses in the same light. As such, it is important that the Mayor's Office set a common vision for the use and value of vacant lot projects for the City of Pittsburgh and encourage all City Departments to align their policy and practices to those visions.

RECOMMENDATION

In November of 2014, the Mayor's Office released the memo to all Department Directors:

"As you may know, the Greenspace Alliance, a consortium of environmental, parks, and neighborhood greening groups, has been working with our administration since December 2013 to find ways to improve our internal processes to streamline approvals for the work they do. These groups do incredibly important work for our city and provide services and programs that reduce the burden on city government and help us manage our parks, vacant lots, and green spaces at low or no cost to the taxpayers. I made a commitment to these groups that we would work with them to put in place systems and processes that would enhance their ability to assist the city with these activities and I want to make it clear to you and your staff in the departments who work on these approvals that this is indeed a priority of my administration and a goal that I would like us to achieve by the end of the first quarter of 2015.

I understand that there are often tough choices that have to be made regarding medium-term and long-term use of city-owned lots by these groups and about potential liability for the work that they do. While it is important to protect the city and the taxpayers from unnecessary risk, I believe that in most cases the benefits of this work far outweigh the risks and I would ask that you consider this when crafting agreements and deliberating on approvals and err on the side of finding a way to 'yes'.

I know that many of the policy issues related to this work will be addressed by the Vacant Lot Toolkit that the Department of City Planning is currently working on but I don't want to wait until next year when the report is complete to begin making changes to how we interact with these groups. My goal is to get to a point, sooner rather than later, where we have one point of entry and clear timelines for requests for approval of this work, we have user-friendly streamlined forms that are readily accessible online, and we have an expedited process for crafting and approving agreements. Some of that work has already begun and I want to thank you for the time you have already put into it, but we need to do more. I have asked my Sustainability Manager, Grant Ervin, and my Policy Manager, Alex Pazuchanics, to serve as the liaisons to the Greenspace Alliance so please feel free to contact them if you have questions about your work with these groups and our goals for improving our processes.

Thank you for your hard work for the people of Pittsburgh."

As can be clearly seen, the Mayor's Office has put its strong support behind vacant lot projects.

In addition to this internal memorandum, it is further recommended that the Mayor's Office

release an executive order and pursue legislative action in order to continue the work that the City and the Greenspace Alliance have achieved to date.

NEXT STEPS

- The Department of City Planning and Mayor's Office should continue their commitment to working with the Greenspace Alliance and interdepartmentally to further develop opportunities for the reuse of vacant lots in the City.
- The Department of City Planning should continue to work with the Mayor's Office and other City departments to ensure that the concerns of the Mayor's Office are addressed. This includes user-friendly, accessible and transparent processes and materials for community members and organizations working on short-, medium-, and long-term vacant lot projects.
- The Mayor's Office should consider crafting an executive order or legislative action that may be necessary in order to promote the City's vision regarding vacant lots, including the necessary legislative action to create an Adopt-A-Lot Program and fulfill the other recommendations of this report.
- The Department of City Planning should explore the potential for developing key metrics to track the City's successes in achieving its vision. For example, these metrics could include the amount of money saved on maintenance.
- The Department of City Planning, the Mayor's Office, Neighborhood Liaisons, and the Greenspace Alliance should work to promote the availability of new processes for the reuse of vacant lots through the release of the Vacant Lot Toolkit and appropriate media attention.

RECOMMENDATION 1.2: CLARIFY + DEVELOP THE PROCESS

RATIONALE

Perhaps the clearest desire expressed by community members and groups and City Departments alike is the clarification of the process or processes available to use vacant lots for short-, medium-, or long-term reuse projects. Descriptions of past processes revealed a lack of clarity for everything from the department to approach with a proposed project to the length of time required to apply to the costs and fees associated with a project. In order to improve clarity, transparency and to increase the number of vacant lot projects throughout the city, it is necessary to standardize and publicize new processes for the reuse of vacant lots.

RECOMMENDATIONS

The Department of City Planning and the consultant team collaborated with City Departments to develop a process flowchart for the Vacant Lot Toolkit (figure 6, pg 20). It is desired that this chart become the standard for all community members and groups seeking to use vacant lots throughout the City on City-owned or non-City-owned vacant lots. The processes have a number of key components for City-owned lots discussed below.

1. Single Point of Contact

In order to consolidate contacts and clarify processes, it is also necessary to provide a single point of contact for applicants who seek to do vacant lot projects.

The designated point of contact will be the Open Space Specialist (OSS) in the Department of City Planning. It will be necessary to promote the role of the OSS to the other City Departments in order to assure that all project requests are directed to the correct department.

The OSS will have the task of identifying the proper program for each proposed project and shepherding each project through the relevant departmental approvals.

The OSS will also create programs to monitor and track projects throughout the City. This information can be fed into metrics as developed by the Department of City Planning in collaboration with the Mayor's Office.

2. New and Redesigned Processes and Programs

There will be three basic processes in the Adopt-A-Lot Program: the Adopt-A-Lot License, the Adopt-A-Lot Lease and Commercial Use.

The **Adopt-A-Lot License** will replace the existing Garden License/Garden Waiver program. It is intended for simple, short-term/temporary projects with the following parameters:

- Allows one or more individuals to get a license for one lot to do edible or flower gardening.
- Allows raised beds (not exceeding 3' in height)
- Allows temporary fencing (fencing that does not require foundations and does not exceed 42" in height)
- Yearly renewal required
- Does not allow group volunteer days
- No trees or large shrubs (shrubs with mature size exceeding 6' in height and/or width)

The **Adopt-A-Lot Lease** will be the most prevalent process. Participants will receive a one year lease, and, following the successful completion and maintenance of the project in the first year (i.e. project is in line with submitted materials and the licensee has maintained the project), will be eligible for a three year lease.

Finally, acknowledging the greater challenges faced and capacity necessary to use a lot for

a **Commercial Use**, such as a commercial farm, tree farm or other proposed uses, this process will be reviewed in greater detail in recommendation 1.5.

3. Standardized Forms

All forms for vacant lot projects will be standardized to the extent possible in order to formalize and create consistency with vacant lot project requests and reviews. Over time, it is desired that each form also be available online.

For all projects the following forms are required:

- The **Intake Form** will contain information that will assist the OSS in understanding the project type and available processes and will be required for all projects.
- The **Right-of-Entry Application**, will allow the applicant permission to conduct a soil test on their desired lot(s) and will be required for all projects. This application will be made available once the OSS confirms that the lot(s) from the intake form are available for use. This form is required for all projects.

For projects pursuing a Adopt-A-Lot License, the **Adopt-A-Lot License Application** is the required document. This application contains applicant information as well as a simple garden plan to illustrate how you plan to use the lot.

The third set of documents that will be required of applicants is the full **Adopt-A-Lot Lease Application**. The Adopt-A-Lot Lease Application will be required for the Adopt-A-Lot Lease and will contain all documentation necessary for the Department of City Planning to shepherd the project through each City Department and commission that must approve the project. It is desired that this application contain all the information necessary for the approval of the

project. The applicants will be responsible for the completeness of the application, which can be submitted online. The application will contain the following information:

- **General Information**
- **Existing Site Photos**
- **Project Narrative**
- **Site Plan**
- **Materials**
- **Budget**
- **Maintenance Plan**
- **Insurance**
- **Volunteer Waiver**

The **Vacant Lot Project Participant Agreement and Hold Harmless and Release of Liability Form** is the final new form. By signing the form participants agree to follow the City's safety guidelines and releases the City from liability for any actions/activities occurring on the vacant lot. This form is required for all projects. This form is required for all projects.

These documents form the main information that applicants will be required to provide.

4. Policy on Soil

One major public health improvement that becomes possible through improved project tracking and the OSS is improved policy for, and tracking of, soil testing. The City of Pittsburgh will require a test for lead levels on all lots used by residents and will also recommend a test for nutrients and other heavy metals. In terms of stormwater management projects it is recommended that the City collaborate with Pennsylvania Water and Sewer Authority (PWSA) to establish infiltration policy. For lots that are deemed unusable due to high lead levels it is recommended that the City develop a program for remediation.

5. Notification Letters

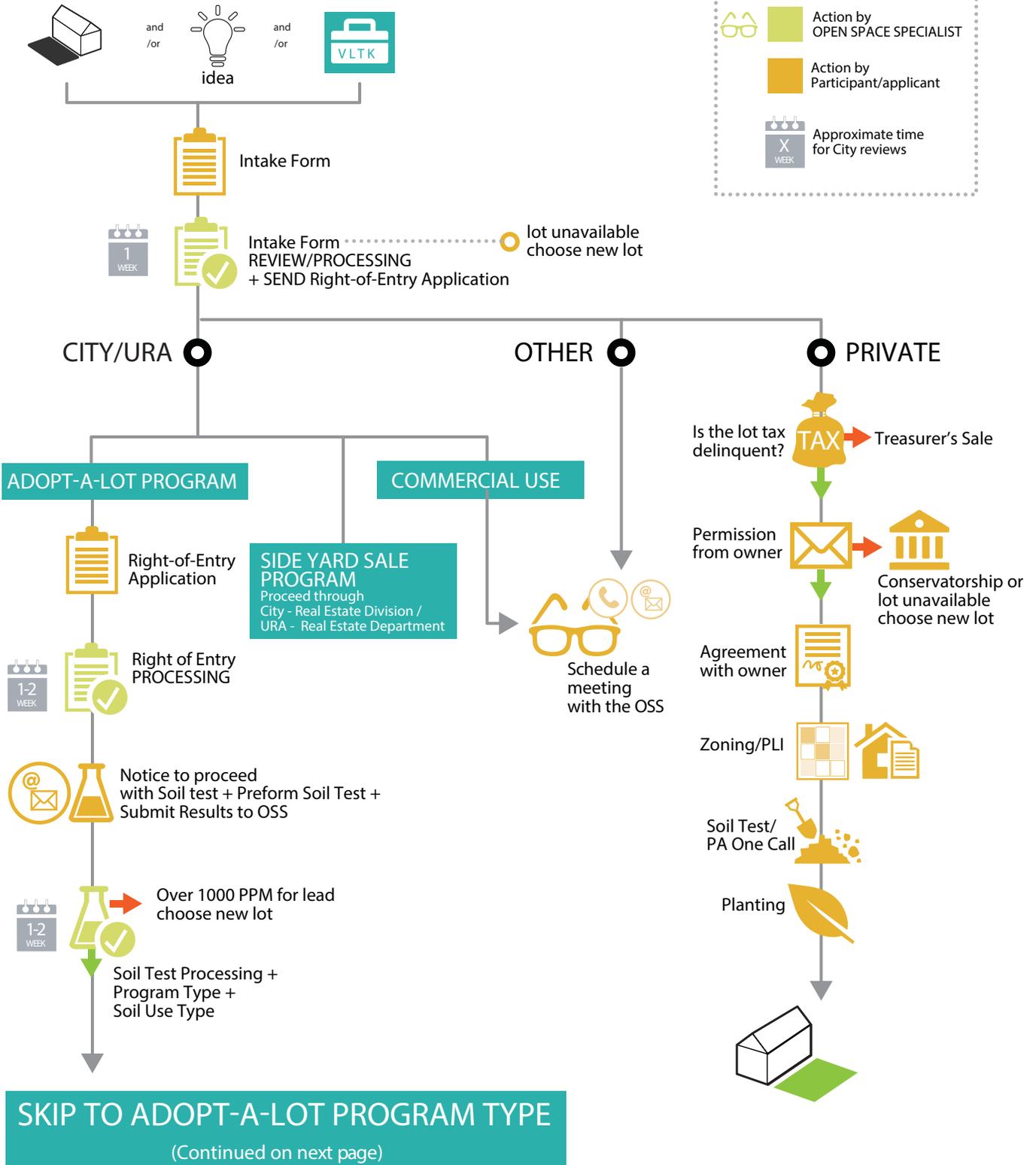
For all Adopt-A-Lot Program projects the

The Process of VACANT LOTS

A guide to gardening vacant lots in Pittsburgh

Legend

- Decision (green = yes, Red = no)
- Action by OPEN SPACE SPECIALIST
- Action by Participant/applicant
- Approximate time for City reviews

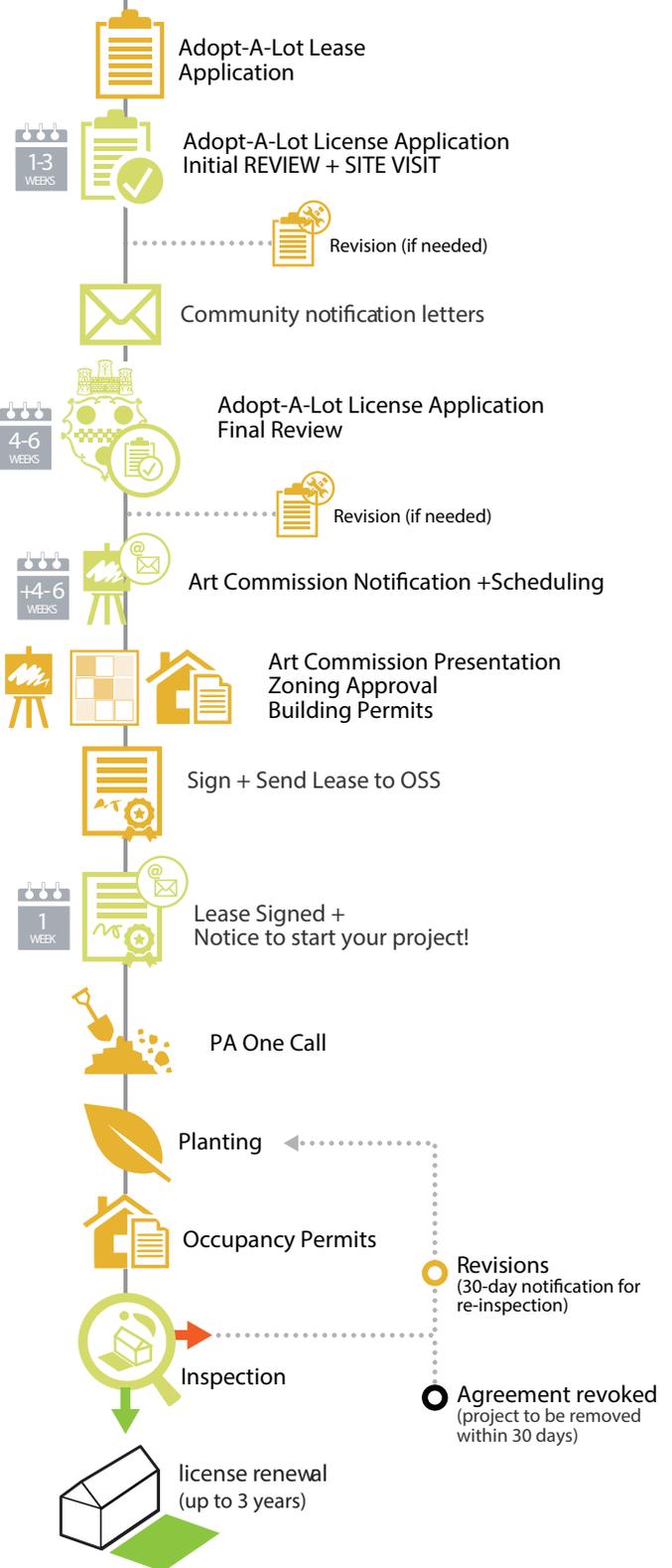


ADOPT-A-LOT PROGRAMS

ADOPT-A-LOT LICENSE



ADOPT-A-LOT LEASE



OTHER RESOURCES

Technical Support / Non-Profit Organizations



Vacant Lot Toolkit



OSS will notify adjacent property owners of the proposed project, and will ask for any questions and/or comments to be submitted by a specified date. For Adopt-A-Lot projects letters will be sent to the City Councilperson as well as Community Development Corporation (CDC) and/or Community Based Organizations to notify them of the project and offer a community meeting. All project applicants can solicit letters of support as well as conduct community meetings as necessary for their projects, but will not be required to do so.

6. Lot Possession

In some cases more than one person may be interested in a particular vacant lot. In cases of multiple parties interested in a lot, the order in which an Intake Form is received will denote lot possession (timestamped and/or date received by OSS). The first applicant will have 30 days to submit a completed soil test and project application; failure to meet that deadline would open the lot to the next individual in line. Other considerations will be taken such as hierarchy of possession type. Still honoring the order of which Intake Forms are received, the OSS will grant possession based on the type of possession ranging from the lowest (Adopt-A-Lot License), middle (Adopt-A-Lot Lease), and highest (vacant lot sale). In this case, the first applicant will have the option to use the lot at a higher use, and in case of sale be able to bid on the property.

On the other hand, some projects may require a change of “possession” for a number of reasons. In the case of a project remaining “as is” or items being removed, the new “lessee” will have to update/amend the previous application with contact information, insurance information and/or amended site plan to receive a new lease (expedited process 2-3 weeks). If the new “lessee” adds to the project, a new application will be required to

reflect new project scope to receive a lease (full process of 6-12 weeks).

7. Existing Projects

Vacant lot projects currently occurring on City lots are responsible for obtaining a license or lease as outlined in the Adopt-A-Lot Program.

Once the Vacant Lot Toolkit is launched to the public the OSS will work with existing programs (Love Your Block, Green-up, Edible Garden Program, etc) to locate project applicants to formalize agreements. The OSS will also work in coordination with the Vacant Lot Toolkit Advisory Committee to outreach to projects that may have occurred with the assistance or support of those partner organizations. The City will work closely with these existing project individuals and groups to make the transition to a formalized agreement as easy as possible.

8. Maintenance and Inspections

Vacant lot projects occurring on City-owned vacant lots are subject to inspections to ensure public safety, consistency with building inspection, approval by Art Commission, and conformity to the final application and agreement.

Once substantial construction of a vacant lot project is complete, the OSS and/or Building Inspector from the Department of Permits, Licenses and Inspections (PLI) will visit each site and perform a general site inspection to assure that:

- Project constructed to application; and
- Components that require building permits, are compliance (inspected by PLI).

Post inspection, the OSS will notify a vacant lot applicant if the project does not meet the application submission or PLI’s inspection. Upon notice, the vacant lot license or lease holder will have 30 days to work with the OSS

to resolve any discrepancies to the application. If items are not resolved within this time frame the Adopt-A-Lot License or Adopt-A-Lot Lease will be revoked, and all items must be removed from the site within 30 days of notification. Items not removed will be removed by the Department of Public Works after the 30 day period.

Routine vacant lot maintenance shall coincide with proposed maintenance plan. The OSS will conduct periodic site visits throughout the season to ensure public safety. If maintenance violations are apparent, the OSS will notify the license or lease holder of maintenance problems. If maintenance issues persist, the vacant lot applicant may not be eligible for lease renewal and/or have to remove their vacant lot project.

9. Insurance

All vacant lot projects except for Adopt-A-Lot License holders are required to have standard commercial general liability policies with \$1 million aggregate and \$500,000 per-occurrence limits, with the City listed as an additional insured.

Adopt-A-Lot License holders are not required to have insurance because of their low-intensity uses on City-owned lots that do not attract people to a site, i.e.:

- Passive space that includes beautification elements such as in-ground plantings and planters, but without benches, tables, trails, pathways, shelters, storage elements, playspace equipment, commercial enterprises, farmstands, or other physical elements that might attract regular public use of the site, and therefore impacting the intensity of use.
- No food can be grown on these sites, and no capital improvements can be created that would be returned to the City if the

license is terminated.

All project participants must sign the Vacant Lot Project Participant Agreement and Hold Harmless and Release of Liability Form, regardless of insurance.

10. Water Access

Vacant lot projects occurring on City-owned vacant lots are able to pursue tap water by contacting the Pennsylvania Water & Sewer Authority (PWSA). To begin the process, the vacant lot applicant would express a need for a water tap to the OSS. Once a need is established, the applicant would follow the PWSA's Water Metering Policy for Adopt-A-Lot Program Projects.

11. Waste Pick-Up

Vacant lot projects occurring on City-owned vacant lots can access waste collection by submitting a form to the Department of Public Works. This includes the initial cleanup of dumped materials that may be necessary in order to prepare the site for reuse. Other vacant lots will have to hire third party waste collection to dispose of materials from their site.

NEXT STEPS

- The Department of City Planning should identify redundancy and/or shared responsibilities with other City Departments and organizations to strategically and effectively utilize the OSS's capacity.
- The Department of City Planning should take the necessary steps to put these new processes into effect, including the development of the necessary materials and forms and coordination with all other necessary departments and commissions. The OSS should also develop methods of tracking vacant lot projects, including an attempt to catalog existing projects and encourage them to reapply or legalize their status using the

- new processes.
- The Department of City Planning should collaborate with PWSA in the development of a policy with relation to soil infiltration for rates and contamination as well as green infrastructure maintenance standards.
 - The Department of City Planning should work to develop online forms for submission whenever possible in order to reduce the amount of paper and cost to applicants.
 - The Department of City Planning should develop a policy for “change orders” relating to project inspection in order to allow some flexibility for DIY (“Do-it-yourself”) projects while still ensuring that the City’s interests are maintained.
 - The Department of City Planning should work with all existing projects in the city to ensure that they are legal and have the ability to access long-term leases for their sites.
 - The Department of City Planning should collaborate with the Mayor’s Office and Grants Office to explore funding opportunities for vacant lot projects.
 - Ensure that regular inspections are conducted and that water access and waste pick-up processes and expectations remain transparent and achievable for vacant lot projects.

RECOMMENDATION 1.3: CONDUCT LEGAL REVIEWS OF REUSE TYPES

RATIONALE

Through a legal analysis, it became clear that there were a number of activities that are desirable from the perspective of community groups and individuals that traditionally the City has been uncomfortable in their ability to legally allow. As such, it is necessary to assess the legality of several activities.

1. Public Trust Doctrine

RATIONALE

Many community groups wish to create long-term, privately-maintained open space projects on City-owned vacant lots. Research shows that access to open spaces can improve public health, improve quality of life, and increase property values in the surrounding neighborhoods. These projects also benefit the City by maintaining publicly-owned vacant properties at no cost to the taxpayer. However, the Department of Law has expressed concern related to allowing these open space uses on publicly owned vacant lots due to their possible implications under the “public trust doctrine” which stems from Pennsylvania’s State Constitution. This recommendation enumerates mechanisms suggested by the Department of Law to mitigate this risk in order to allow privately-maintained open space projects on vacant lots.

RECOMMENDATION

The Department of Law’s concern is that the public trust doctrine could theoretically force the City to maintain each open space in perpetuity should a private individual or group abandon its license or lease. While case law has generally limited the scope of the public trust doctrine to lands that local jurisdictions have acquired specifically for park or open space uses, some risk still exists that the doctrine

could be applied to vacant lot projects as well.

The City’s goal, as expressed by the Mayor’s Office and the Department of City Planning, is to allow as many of these community-oriented vacant lot projects as possible within clear guidelines that minimize the risk to the City under the public trust doctrine. In addition, to minimize time required from applicants and the Department of Law, these guidelines should avoid requiring discretionary Department of Law approvals to the extent possible. Based on an interview with the Department of Law, the following potential guidelines are recommended to govern these privately-maintained open space uses:

- All license agreements with groups creating long-term open space uses should state that nothing within the license and/or lease agreement is intended to designate the piece of property in question as a public park or a publicly-owned permanent open space. This stipulation should be mentioned during each community process for a proposed open space use on City property.
- No vacant lot project conducted on City-owned vacant lots should include the word “park” in its name.
- Signage (standards for which are currently being developed through a separate effort by the Department of City Planning) should indicate that these vacant lot projects are not City projects.
- No vacant lot project conducted on City-owned vacant lots should have play equipment or memorials
- City funding, such as Neighborhood Needs funds, should not be allocated to fund vacant lot projects with primarily recreational purposes, including trails, pathways, and natural playspace elements. The Department of Public Works may not donate “City Standard” materials for these projects (“non-natural” materials such as: benches, lighting, trash cans).

These proposed guidelines are subject to final Department of Law review and recommendations. City Planning and the Department of Law should work together to implement these recommendations.

2. Market Gardens with Farmstands:

RATIONALE

Community organizations operating small-scale community gardens or urban farms have expressed a desire to sell unprocessed produce from their growing sites located on vacant lots in a farmstand-style manner. This “market garden” model assists with the financial sustainability of these urban agriculture projects and brings fresh produce to neighborhoods that often have limited access to fresh food stores; many of these organizations accept SNAP funds from those receiving food assistance. The “market garden” model is common across the United States. In Pittsburgh, the barrier to establishing these uses on vacant lots has been a prohibition on selling items produced on City-owned vacant lots due to concerns about lease fees, liability, and questions around where the boundary would be drawn between these uses and truly “commercial” uses that should pay higher fees.

RECOMMENDATION

The Mayor’s Office has stated that they do not wish to collect additional lease fees, beyond what is required by existing taxes and zoning ordinances, from small-scale urban agriculture uses that sell products grown on City-owned vacant lots. *(Note: the small-scale uses under discussion in this section do not include “commercial uses” which are for-profit and have employees; guidelines and underwriting processes for commercial uses are discussed in Recommendation 1.5.)*

The Department of Law has requested the ability to review fee structures for these

types of “market gardens” from other cities and determine whether the existing fees are appropriate, in light of the fact that Pittsburgh currently does not assess any dedicated lease or license fees for vacant lot projects. A comparison of fee structures in Baltimore, Milwaukee, Cleveland, and Seattle revealed that fees generally fall into one of three categories: application or Certificate of Occupancy fees, zoning variance fees if needed, and yearly lease or license fees (usually zero or \$1 per year).

The following proposed guidelines are recommended for market gardens with farmstands located on City lots:

- Farmstands should conform with existing zoning regulations, and obtain the appropriate permits
- Yearly license fees should remain the same as license fees assessed by the City for other vacant lot projects on public lots.
- All produce sold from these farmstands will be required to be unprocessed and meet county and State Health Department regulations. No processed or cut produce can be sold from these farmstands.
- These gardens and small-scale farms would be required to have standard City-required general liability insurance policies, and add the City as an additional insured on the policy. The current City requirements for liability insurance are consistent with insurance requirements for market garden uses nationally.

These proposed guidelines are subject to final Department of Law review and recommendations.

NEXT STEPS

The Department of City Planning will continue their reviews of each specific issue and coordinate the decisions with the Department of Law in order to put each policy into action.

RECOMMENDATION 1.4: PUBLIC ART

1. Public Art:

RATIONALE

Organizations and individuals have expressed interest in activating City-owned vacant sites throughout the City with public art displays. Art displays assist communities with place-making efforts and enliven vacant lots; the Public Art Manager for the City of Pittsburgh notes that neighborhoods south of the Monongahela and Ohio Rivers with high percentages of vacancy also have particularly limited access to public art. However, it is clear that unattended displays pose legal issues for the City if allowed indiscriminately on public lots; allowing one display can open the doors for other groups with any kind of free speech display (art or otherwise) to demand the right to display their own messages on City-owned vacant lots as well.

RECOMMENDATION

A structured, City-owned or sponsored program for temporary art similar to the City's Market Square Public Art program should be established in order to mitigate this challenge. Two options for establishing this type of program or project include:

- Option 1 - City Sponsored Program: The City could establish a vacant lot public art program, with an open competition to activate selected City-owned vacant lots, with a jury selected by City staff/ Public Art Division and Planning. In the case of the Market Square Art program, an open call for applicants is distributed locally and abroad, and a jury is comprised of two art experts, two city employees or commissioners, and two community members (residents or workers who inhabit the program locale). The jury selects artists and/or the artworks for display, with final approval by the City/Public

Art Division. All pieces on display within the program are loaned to the City while they are being displayed, and a lease or other right of entry agreement is executed with the artist and its contractors. This program could be in place for one site, with a "revolving" series of displays, or for multiple lots with either short-term, or longer term durations. Temporary art models can be flexible in this way.

- Option 2 - Art Displayed Under Leased Lots (to Non-Profits): When there are cases where a vacant lot project would merit or require a long-term lease, the lessee (or tenant) may administer its own display of art, and also administer its own selection and approval process for the art on display. All applicable legal, licensing, building, zoning, and Art Commission approvals would still apply. While there is currently no codified structure of artist selection for this model, a best practice and suggested method is that which is identified in Option 1 above – an open call for artists/art, a jury comprised of stakeholders, art experts, and city staff, with final approval reserved for pertinent City staff/Commissions would be most appropriate.

Since art can take many forms and site conditions can vary greatly, any final program design for a public art program utilizing City-owned vacant lots will be subject to Department of Law review.

2. Art Commission Policy:

RATIONALE

The Vacant Lot Toolkit will include a set of site design standards for common vacant lot reuses such as edible, rain, and/or flower gardens. The Art Commission is currently working to increase the number of applications for vacant lot projects that can be approved at a staff review level rather than

needing full Art Commission review. Members of the Art Commission and the Department of Law are exploring the option of the Art Commission providing a blanket authorization for projects that meet the Vacant Lot Toolkit design standards to be approved at the staff review level in order to speed the process for groups wishing to pass Art Commission review and reduce documentation requirements for those groups that comply with City-approved design standards.

RECOMMENDATION

Based on Department of Law recommendations, the Art Commission's code or bylaws should be amended to reflect the ability to grant a blanket authorization for staff review for projects that meet City-approved design standards.

NEXT STEPS

- The City should continue its legal review of the issue of having staff approve a greater number of vacant lot projects and pursue a legislative solution to this issue if necessary.
- Art Commission should be informed of the new processes for vacant lot projects and familiarized with the new city materials, including the Vacant Lot Toolkit.
- The Art Commission should “adopt” the Toolkit or pre-approve design materials for vacant lot projects.

RECOMMENDATION 1.5: CREATE PROCESS FOR COMMERCIAL REUSES

RATIONALE

Commercial uses such as urban farms, commercial farmers markets, larger scale agricultural and nursery enterprises, to name just a few, are among the most intensive uses for vacant lots we have looked at supporting. They are unique in that they generally require a high level of investment into the enterprise from multiple sources to get off the ground and sustain themselves in the long-term. They are also sources of employment for people. As a business effort, commercial uses require a higher level of review that tests the assumptions in the business model to assure as best we can that the operation is viable over the long haul. While most of the other projects contemplated on vacant lots might be regarded as “interim” uses, these commercial uses generally warrant much longer term leases and in the right circumstances, a sale of property. Longer-term projects are also subject to increase in scale over time, which can mean greater impacts on the land and the communities they are in, especially if they projects fail to deliver on their initial promise. This recommendation seeks to realize a need for a method to review these projects that took into account all the aspects of viability.

RECOMMENDATION

Commercial uses should be subject to a review of the business fundamentals of the project proposed. This would involve the submission of a business plan as well as a comprehensive review of project financing and costs. Looking into the initial capital outlay, who would fund it, the nature of their commitments to do so, and the experience of the business owner all factor into project viability. As it is anticipated that a relatively small number of commercial operations would be proposed in any given year, the Urban Redevelopment Authority, which already does commercial underwriting for business projects in their Economic Development

department, could contribute their expertise and work with the proposing business operator to review project fundamentals, financing commitments and budgets. This review would be undertaken only in instances where a clear long-term large scale commercial use is proposed, i.e. when someone wants to start a business on City-owned vacant lots. In these cases, the applicant will still begin the process with a “pre-application” meeting with the OSS.

NEXT STEPS

- Review the URA process for underwriting of business loans and the sale of real estate for its appropriation into the commercial use review. This includes the submission of a business plan, the review of a site plan with bid level costs, and a budget including “sources” of capital as well as matching “uses”. There would also be the submission of a five year operating budget.
- Determine if new criteria should be added to this review specific to open space and agricultural uses; for instance, should an expert in farm operation or market operations be on tap to advise the URA underwriters on the aspects of these business that are unique to these type of operations’ long-term success.
- Develop a policy for the disposition process. Should the business be in operation under a lease for a number of years before land is sold? What is the policy around construction on these sites? How are hazardous materials to be addressed?
- Develop criteria for previous experience relative to the type and physical scale of the operation proposed. Consider past experience in regards to “scale to experience.”
- Develop cost structure for commercial (revenue-generating) projects.
- Develop enforcement methodologies for commercial projects.



LONG-TERM



Lawrenceville Tree Park, Upper Lawrenceville.
Image: Asakura Robinson

RECOMMENDATION 2.1: CREATE SUITABILITY ANALYSIS

RATIONALE

The City and the Mayor's Office recognize that non-profits and community organizations invest significant resources and time to improve City-owned vacant lots and transform them into community assets. The City and Mayor's Office also understands that the short-term nature of the licenses allowing these groups to use City-owned lots represents a challenge when these groups are deciding whether to invest in improvements.

However, it is also clear that simply allowing long-term, small-scale vacant lot projects indiscriminately on any City-owned property could create future conflicts with other City interests, such as revitalizing commercial corridors, establishing large-scale green infrastructure and greenway systems, and promoting housing redevelopment.

The Department of City Planning therefore identified a need to focus the "suitability analysis" methodology originally developed for the Open Space Plan on selecting appropriate properties for long-term, small-scale vacant lot reuses.

RECOMMENDATION

Due to the number of vacant lots available throughout the City of Pittsburgh, it is the opinion of the consultant team that it is unnecessary to "tag" each vacant lot with a "highest and best" use. Rather, vacant lot projects should take advantage of individual initiatives and use existing zoning to identify unsuitable uses, at least in the short-term. In the longer term, using available GIS data and based on a high-level of community interest in doing vacant lot projects, the City may generate a "list" of City-owned vacant lots that are unlikely to have significant environmental problems or pose significant danger to users, and that are less suited for large-scale green infrastructure uses or redevelopment opportunities.

At the same time, lots that may have a great potential value to city wide goals should be subtracted from the overall available inventory of City-owned lots eligible for small-scale vacant lot reuses, such as:

- **Inappropriate use areas:** Lots where the zoning code does not allow agricultural uses.
- **Potential green infrastructure development areas:** Lots located in floodplains or wetlands; waterway-adjacent properties
- **Dangerous areas:** Lots located in undermined areas, and areas with high landslide risk or steep slopes.
- **Redevelopment priority areas:** Lots located along retail corridors and lots located in core development areas.

Figure 7 (opposite) shows the rough proportion of land that would become unavailable using these criteria, however, further study should be applied, especially relating to upcoming zoning changes, considering the types of projects which may be practical even in undermined or steep sloped areas, and with updated information on redevelopment areas from the URA, and regarding green-infrastructure priority zones being developed by the PWSA. The goal of the Department of City Planning should be to keep as many vacant lots available as is safe and practical. The abbreviated list of City-owned vacant lots generated by removing the above types of properties from the list of eligible lots should be provided to the OSS in the Department of City Planning, who can use this "list" of eligible lots to perform an initial suitability check on each application. If the applicants' proposed lot is found suitable based on the above criteria, the OSS will then need to perform any additional checks with the Department of Finance - Real Estate Division to ensure that the lot has not been otherwise tagged or reserved for an alternative use. These checks include, but are not limited to:

- Has the lot been tagged as part of a greenway

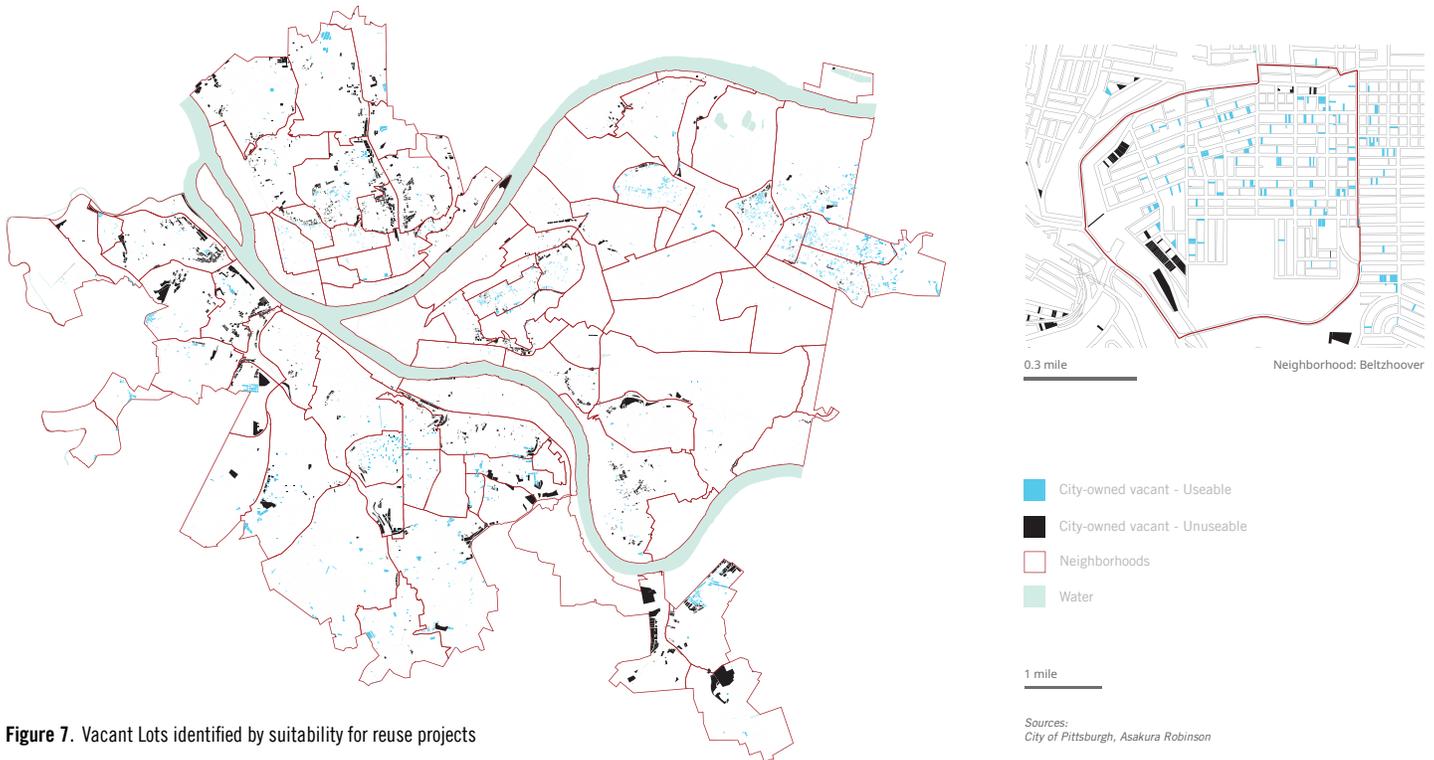


Figure 7. Vacant Lots identified by suitability for reuse projects

project? If so, the applicant should be redirected to an alternate site.

- Has the lot been tagged for the Land Reserve Process? If so, the applicant should be redirected to an alternate site.
- Has the lot been tagged for the URA? If so, the applicant should be redirected to speak with the URA.

If the lot remains eligible after this list of criteria has been checked, the OSS should also refer to the City's Comprehensive Plan, and community or neighborhood planning documents in order to see whether a vacant lot project is consistent with the recommendations of the neighborhood plan related to siting vacant lot uses. In addition, the proposed uses should be checked against PWSA's priority stormwater management areas, which is also currently under development. Community groups may consider the following criteria when determining where to allow long-term vacant lot reuses in their neighborhood:

- **Compatibility with community vision**
 - Is the use and location of the lot consistent with identified community goals and strategies?
 - Action: Address the unevenness of community planning in Pittsburgh's neighborhoods; provide the resources to communities that have not articulated vision and strategies.
 - Is long-term open space in concert with density goals?
 - Does the community envision a variety of lot uses or concentration/network of one type of use (public art, garden, play space, etc.)?
- **Needs of surrounding communities**
- **Food Deserts**
 - Would the use of the lot increase access to fresh food, particularly in communities where such access is lacking?
- **Impact of site on adjacent and neighboring sites and uses**
 - Would the use of the lot be an asset to

- or in conflict with neighboring houses or businesses?
- **Proximity to other neighborhood resources**
 - Which neighborhood resources (churches, community centers) would support lot reuse projects with volunteers or visibility?
- **Accessibility of site for use and maintenance**
 - Which lots would be easier or more difficult for a range of residents to access?
- **Safety and neighborhood surveillance**
 - Would some proposed uses enhance the safety of certain areas of the community?
In which areas might residents be more supportive of vacant lot projects?
- **Visibility of site and preservation of view corridor in the public domain**
 - Which lots have valuable views? How can these views be preserved for public access?
- **Relationship to existing greenways**
 - What kinds of vacant projects would enrich the greenway, either in the greenway or near it? What kinds of uses should be discouraged near greenways?

NEXT STEPS

- Further refine and develop conditions under which lots will become unavailable, using best practices.
- Develop a “shortlist” of potentially suitable lots for vacant lot project based on City GIS data and provide this list to the OSS.
- Arrange for quarterly updates to this shortlist to reflect the City’s changing inventory of land.
- Assist communities in applying siting criteria for vacant lot projects in community or neighborhood plans as they are developed; these criteria may prove particularly useful as the Land Bank becomes functional.
- Develop standards for planning processes and community plan contents in order to allow DCP to have a formal “acceptance” process for community plans.

RECOMMENDATION 2.2: CREATE STANDARDS + PROCESS FOR LONGER TERM USES + PURCHASE

RATIONALE

During conversations with individuals and organizations who have conducted long successful vacant lot projects, there was a great deal of interest in both the possibility of longer term projects and in the opportunity to purchase lots in order to maintain open space and community based projects in perpetuity. These desires become especially important in neighborhoods that are experiencing a strong or transitional market, where providing open space may become more difficult in the near future.

Additionally, although the new processes for using vacant lots introduced in recommendation 1.2 have significantly standardized the opportunities to do vacant lot projects, there is also a desire to streamline or fast-track some projects once the process has proved itself successful. The following recommendations are based on the assumption that the “bugs” have been worked out of the new vacant lot programs and there is an agreement among City Departments that more can be done to improve the process for some or all projects.

RECOMMENDATION

1. Establish Standards for the Types of Projects that can Access Longer Lease Periods

As was stated in recommendation 1.2, vacant lot projects under the new Adopt-A-Lot Lease and Commercial Processes will have access to longer lease periods that were previously allowed. This includes a 1 year standard lease with a 3 year renewal for the Adopt-A-Lot Lease and 3 year standard lease with 5 year renewals for Commercial projects. It is further recommended that the City develop criteria for other types of projects which may be able to access longer leases. These may include projects conforming to a community or neighborhood plan or longer lease periods for

projects that have proven their sustainability through multiple lease renewals.

2. Create Standards for Eligible Community Plans

The Department of City Planning should create a process for vetting and acknowledging community plans, and encouraging communities to include vacant lot planning in their planning processes, using the criteria suggested in recommendation 2.1.

In order to encourage and support community groups in their planning efforts, the City may consider releasing standard criteria for community plans, including template RFP’s or other materials that may assist communities in crafting a plan that is likely to be accepted by the City. It is suggested that the Department set expectations regarding content and public processes that communities should go through, for example the City may recommend that certain topics must be covered in the community plan, for example, it could suggest that all neighborhood plans must address land use, connectivity and circulation, housing, open space, economic development, place-making, sustainability, and stormwater management in order to be considered complete. Categories such as these would make sure that important subjects were covered, but would also give a little flexibility for the communities to address key issues within their area. These sections could also be set to match the chapters of the City’s Comprehensive Plan.

Once accepted by the Department of City Planning, community plans could be used to identify desired vacant lot uses within their study areas and used to fast track projects that meet community desires. Furthermore, lots with projects meeting community plans should be considered for sale or transfer out of the City’s ownership and into the hands of a community group or non-profit with the capacity to ensure the long-term viability of the project.

3. Create Blanket Stewardship Agreements with High Capacity Organizations or Individuals

The City of Pittsburgh is remarkable in the number of high quality, high capacity organizations working in the area of vacant lot projects. It is recommended that the City explore a process to pre-approve or create blanket project agreements with organizations who have proven themselves to be good stewards of the City's land. These organizations may be given an ability to fast track projects through the approval process, or, simply be given an ability to lease a certain number of projects per year without having to go through most of the application process.

These organizations would simultaneously need to submit to a standard inspection process and ensure that their projects continue to meet high quality standards in order to maintain their agreement with the City.

4. Create or Define Purchase Options for Vacant Lot Projects

Building upon the success of vacant lot projects and of the newly established processes, the City should develop policies and standards for those who have an interest in purchasing the lots being used for vacant lot projects. Currently, opportunities for ownership are either through the City's Side Yard Sale Program, which only applies to certain lots which are directly adjacent to other property owned by an applicant; standard vacant lot sale, through the Real Estate's Division vacant lot sale list; and the Treasurer's Sale process, which may not be appropriate for long-term vacant lot projects, as prices may be inflated, or may not reflect the true value of the parcel, especially in neighborhoods experiencing higher market demand.

NEXT STEPS

- The Department of City Planning should establish a point person to further develop each of these recommendations in coordination with the necessary contact people in each of the other relevant city departments. Once available to the public, each item should be promoted to relevant community groups and in the second update of the Vacant Lot Toolkit.
- The Department of City Planning should work to define criteria by which community groups will be assessed for their capacity in order to be allowed to purchase vacant lots for long-term projects.

RECOMMENDATION 2.3: DEFINE + CLARIFY COMMUNITY OPPORTUNITIES

RATIONALE

Community based organizations and city-wide non-profits identified the importance of community engagement for development and maintenance of garden projects on vacant lots. The development of a community corps for garden maintenance is aimed at finding low-cost solutions to garden maintenance when City resources are already stretched. In addition, the utilization of community efforts provides a focus for collaboration and long-term involvement in the health of the community.

On the one hand, the Department of Public Works does not have the capacity to keep up with the work to maintain the City's vacant lots. However, community organizations cannot work on City lots, since a public employer may not transfer any bargaining unit work to nonmembers without bargaining over the issue first with the labor union in question or at the very least asking their permission first.

For the legal precedent on this issue, *see Borough of Geistown v. PA Labor Relations Board*, 679 A.2d 1330, Cmwlt.1996, appeal denied 692 A.2d 568, 547 Pa. 759 (Pa 1997) applying the PA Labor Relations Act at 43 P.S. Section 211.6; *see also Association of Pennsylvania State College and University Faculties v. PA Labor Relations Board*, 661 A.2d 898, Cmwlt. 1995, appeal denied 666 A.2d 1058, 542 Pa. 649 (Pa 1995) applying the PA Employee Relations Act at 43 P.S. Section 1101.1201.

If bargaining unit work is wrongfully transferred, then Arbitrators, Courts and the State Labor Relations Board provide the unions with full payment for the foregone opportunity. Although community organizations have no desire to undermine these jobs, efforts must be made to

work in concert with the Department of Public Works and the Unions to improve and maintain vacant lots throughout the City.

Currently, communities are able to apply for a volunteer waiver, usually for a short-term volunteer clean-up activity. The waivers are too short-term and too specific to meet the needs of on-going community activities. In addition to the issue of non-City workers maintaining City-owned lots, all-volunteer community organizations have identified the liability insurance requirements as a significant roadblock.

Finally, non-profit organizations with staff and expertise to develop and maintain gardens have expressed the need for funding to support their work.

RECOMMENDATION

Identify categories of work on vacant lots that would be pre-approved for individuals in all community organizations. These work categories might be defined by requiring limited skills and/or having limited liability.

Clarify the necessity of volunteer forms once a lease has been issued for a garden.

Explore comprehensive approvals for non-profit organizations and community development organizations with professional staff. These organizations have the resources for staff training and on-going liability insurance.

NEXT STEPS

- Convene a meeting with the City Solicitor and Union representatives to identify appropriate volunteer lot projects, maintenance activities, and protocols with unions.
- Include the PWSA in the further development of these recommendations.
- Identify funding streams to support the work

of non-profit organizations in developing and maintaining City lots.

- OSS should work with the Department of Public Works Anti-Litter Coordinator to streamline the union approval process through standardized communication and established time lines.
- Continue to work with the Department of Law and Department of Public Works to improve the Union communication and approval process, while exploring seasonal and/or yearly maintenance activity approvals for vacant lot projects.

