2008

East Biloxi Community Benefits Report

Produced for: Gulf Coast Community Design Studio (GCCDS)

National Alliance of Vietnamese American

Service Agencies (NAVASA)

Produced by: Florida Planning and Development Lab

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Executive Summary

In the aftermath of Hurricane Katrina, the community of East Biloxi, Mississippi, has engaged in efforts to rebuild and restore the historic qualities that enrich its character. At the same time, there is a desire to expand the tourism industry and diversify the economy of the entire City of Biloxi. A need for compatibility exists between preserving the community integrity of East Biloxi and sustaining economic growth for the City of Biloxi.

The Gulf Coast Community Design Studio and National Alliance of Vietnamese American Service Agencies, as part of the Outreach and Recovery, enlisted the assistance of Florida State University, Department of Urban and Regional Planning Summer 2008 Studio, to explore and assess opportunities to sustain and enhance the integrity of the community. These associations have established themselves among residents and city officials as groups devoted to social justice and equity as exemplified through efforts of community rebuilding and sustainability, advocacy, and coalition building post Hurricane Katrina.

With the passage of House Bill 45, large-scale casino development has begun to affect the landscape of East Biloxi. As these structures move onshore, the need for more commercial land increases; subsequently, altering the character of the community. While casinos bring employment, sales revenue, and tax income to the City of Biloxi, it directly influences the East Biloxi community in terms of land use, infrastructure, and general quality of life. The need for balance and compatibility exists between the desire for economic development and the preservation of the East Biloxi community.

This report begins with a historical overview of the East Biloxi community. Next, it provides an examination of community character with regards to such areas as land use patterns, permitting procedures, transportation infrastructure, and current tourism conditions. Further, policy analysis in each of these areas is explored within the greater context of the United States in an effort to enhance understanding, provide information, and recommend alternative strategies.

Based on this comprehensive assessment, the following recommendations are offered as viable alternatives for mitigating the negative impacts of casino development. The overarching thematic strategy should be one that shifts the uncertainty of development from the East Biloxi community to the casino developer; thereby, creating leverage for negotiation. Achieving this shift of uncertainty can occur through at least three approaches that should be implemented at local, state and national levels. First, coalition strengthening should occur in a manner that increases awareness of East Biloxi community concerns and to rally for support. Second, complementary approaches should be pursued for policy and regulatory changes at the local and state levels that would facilitate procuring long-term benefits from casino development. Third, the optimal approach should entail passage of state enabling legislation for development agreements that would also require negotiated Community Benefits Agreements. This ideal union would best occur under a situation of more complex local and state policy.

About the Author

The Department of Urban and Regional Planning at Florida State University was created in 1965 in response to the growing national demand for persons trained in planning, urban affairs, and policy analysis, and the rapid population and economic growth occurring within the Sunbelt. Florida has been one of the fastest growing states in the nation and is projected to be the third largest state in the U.S. This growth has raised important issues about land development, housing, transportation and infrastructure, environmental protection, health care, and others, and the state has adopted a comprehensive series of laws that mandate planning at all levels of government. This has put Florida in the forefront of the national planning movement and has provided the department with a strong, exciting, and supportive environment within which to offer a professional program.

The Florida Planning and Development Lab was created to reflect and further articulate the Florida State University Department of Urban and Regional Planning's particular responsibility to chronicle, examine and reflect planning practice for the purposes of improving planning practice within the State of Florida and elsewhere. Each semester the Florida Development and Planning Lab administers a capstone studio where students must draw on the body of knowledge and skills acquired through coursework for the master's degree. Examples of past capstone studios include *The Lovejoy Community Neighborhood Revitalization Plan; North Port St. Joe Strategic Plan;* and *City of Midway, Florida Public Education Facilities Element of the Comprehensive Plan.*

About the Clients

The Gulf Coast Community Design Studio (GCCDS), which is embedded in Biloxi, Mississippi, is a research arm of Mississippi State University's School of Architecture, Art + Design. In the aftermath of Hurricane Katrina, the GCCDS worked with members of the East Biloxi community on the ground, providing early damage assessment maps, planning assistance and design services.

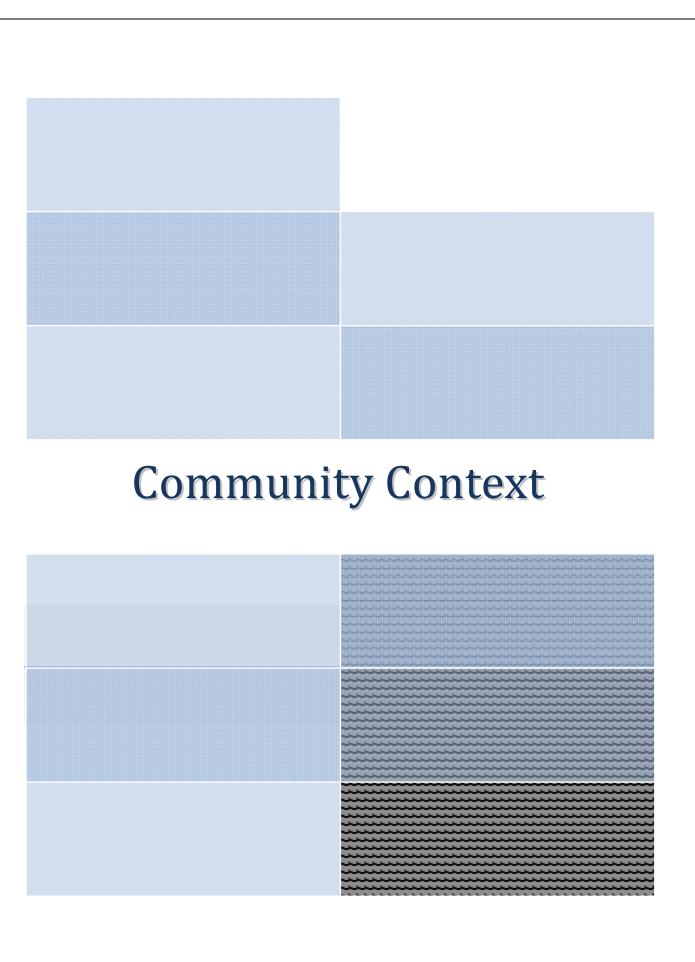
The National Alliance of Vietnamese American Service Agencies (NAVASA) is a national organization whose mission is to improve social and economic justice in the Vietnamese communities throughout the country. NAVASA achieves its mission by implementing three key strategies:

- (1) Building organizational capacity of Vietnamese-led community-based organizations (CBOs) and faith-based organizations (FBOs),
- (2) Developing a new generation of non-profit leaders, and
- (3) Increasing funding support for Vietnamese CBOs and FBOs.

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Project Definition

The Gulf Coast Community Design Studio (GCCDS) and the National Alliance of Vietnamese American Service Agencies (NAVASA) asked the Department of Urban & Regional Planning at Florida State University to develop a Community Benefits Report (CBR) for the East Biloxi community. This CBR includes a review of current conditions, policy background, and recommended strategies to acquire community benefits. Specifically, this plan focuses on providing alternatives that derive benefits from casino development. Among familiar strategies such as the development agreement and amending local and state policy, the relatively new tool of the Community Benefits Agreement (CBA) is explored in great detail.

East Biloxi is a community located in the City of Biloxi in Harrison County, Mississippi, on a small peninsular point between Biloxi Bay (Back Bay) and the Mississippi Sound on the Gulf of Mexico. It is composed of Wards 1 & 2 and includes the neighborhoods east of Forest and Porter Avenues (Keesler Air Force Base Boundary). NAVASA provided a more familiar definition of the area as east of Interstate 110 to Point Cadet. Encompassing both depictions, Figure 1 delineates East Biloxi in the black box.

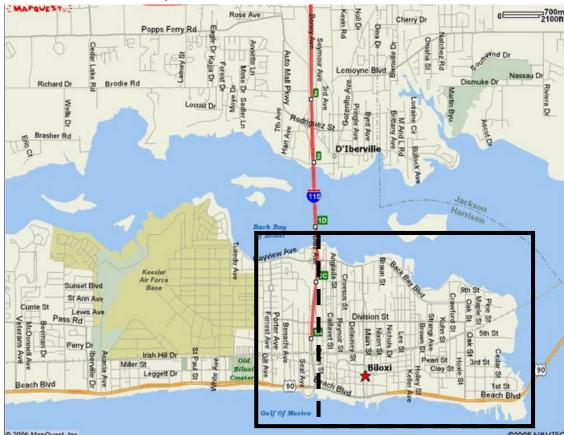


Figure 1: East Biloxi Location Map, 2008

Source: MapQuest 2008

Political influence in the planning process can impede the redevelopment of East Biloxi within the context of post-Hurricane Katrina. For some, it is easy to overlook environmentally vulnerable low-income neighborhoods, whereas high-income neighborhoods are deemed indispensable because they are more valuable (Morse, 2008). The City of Biloxi wants to expand the revenue garnered from the casinos and some municipal officials believe it would benefit from much of the area giving way to more casino development as the tourist attraction. The problem is the dichotomy between a free market and concerns for preserving and sustaining the community integrity of East Biloxi. Casinos have acquired large tracts of property for future expansion, which they now primarily use temporarily for surface parking, recreational vehicle parking.

This report attempts to address many of the inequities that exist and have been exacerbated by the disaster and the consequent redevelopment process. Since legislation now permits land based gaming along the Mississippi Gulf Coast, developments are compromising the availability of space for residential and neighborhood commercial districts. The socioeconomic circumstances present in East Biloxi demand solutions that address social justice inadequacies. In order to accomplish this task, a review of the context of this project will be performed by offering a summary of East Biloxi's history and current conditions. Among the current conditions analyzed are demographics, zoning, permitting, transportation, and tourism. Next, an analysis of state and local policies and regulations influencing the community benefits agreement model will be introduced and offered as a means for facilitating community benefits in East Biloxi. Finally, recommendations are provided that outline how community groups in East Biloxi can procure community benefits.

History and Demographics

In February of 1699 a French explorer, Pierre Le Moyne Sier d'Iberville, landed an expedition of fourteen men on the mainland of present day Biloxi, Mississippi. By 1719 numerous concessions lined the shores of Biloxi, and some of the first Africans arrived as slaves (Boudreaux, 2008). This was the beginning of a 144 year period of slavery that would form the ancestral roots of the Black community in East Biloxi.

East Biloxi became the primary home for enslaved Africans because they were made to live near where they worked. As Biloxi developed, East Biloxi became the economic engine of the city. Its location made it ideal for manufacturing, shipping, and the fishing industry that employed Blacks and other low-income individuals. In time, the commercial canning and fishing industries became the mainstay of Biloxi's economy. By the turn of the 20th century, East Biloxi held more than 40 seafood factories occupying two cannery districts. Eventually, shrimping emerged as the largest facet within the local seafood industry. The significance of the fishing industry, especially shrimping, led to the festival known as the Blessing of the Fleet, first celebrated in 1929. The celebration continues to this day, maintained by Vietnamese immigrants.



Schooners in Biloxi Harbor, Circa 1930; Source: MS Renewal Forum



Blessing of the Fleet; Source: MS Renewal Forum

The Vietnamese began to settle in Biloxi during the 1970s and brought revitalization to the seafood industry. Vietnamese residents worked for low wages in packing plants and they built their own boats, opened small businesses, and became a vibrant part of the seafood industry and community. Moreover, with the arrival of these new immigrants, a cultural diversity was formed that is present in East Biloxi today.

In the 1990s, the national seafood industry experienced decline and the local seafood industry in East Biloxi was similarly affected. Continued stagnancy of the economy provided the rationale for state legislation legalizing dockside gaming. Subsequently, Harrison County voters approved dockside gaming by referendum in 1992.

With the introduction of dockside gaming, the prominence of the local seafood industry continued to decrease, evidenced by a decline in employment, number of vessels, and volume and value of landings (Posadas, 1996). Alternatively, as the gaming industry grew, it became the dominant sector of the economy in East Biloxi. The development of the gaming industry expanded to ten casinos by 2005, garnering tremendous amounts of money in revenue for the city.

On August 29, 2005, Hurricane Katrina struck the Mississippi Gulf Coast. East Biloxi was enveloped by water from two sides, encircling the peninsula from the beach front and the Back Bay of Biloxi (LIVING CITIES, 2006). The destruction extended to the economic heart of East Biloxi, as both the seafood and gaming industries were stalled. The East Biloxi community was almost completely destroyed, resulting in four out of every five homes damaged beyond repair (LIVING CITIES, 2006). Moreover, lower Income residents bore the brunt of this catastrophe.

East Biloxi Demographics

East Biloxi is the oldest community in the City of Biloxi and represents a close-knit community of families and individuals. The population today can be considered racially diverse and low income. East Biloxi has approximately 8,500 residents in 3,500 households, 39 percent of which are Black and 39 percent of which are White (Warnke, 2006). According to NAVASA (2008), 20 percent of residents are Vietnamese. Figure 3 shows the racial and ethnic composition of East Biloxi (Living Cities, 2006). In contrast, the racial composition of the City of Biloxi, according to the 2000 Census, was 75 percent White, 12 percent Black, and 5.5 percent Asian.

2%

Black

Vietnamese

White

Other

Figure 2: Racial and Ethnic Composition in East Biloxi, 2006

The median household income in East Biloxi before Hurricane Katrina was approximately \$26,700 (Living Cities, 2006). For 31 percent of East Biloxi residents, medium household income was less than \$14,999. According to a survey conducted after Hurricane Katrina, this figure had increased to 41 percent (Living Cities, 2006). These low annual incomes create a challenge to the rebuilding and recovery of East Biloxi (See Figure 3).

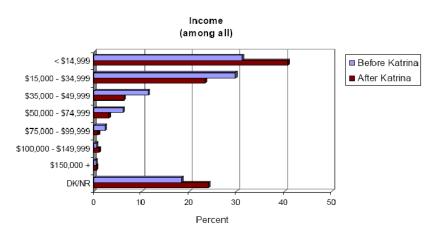


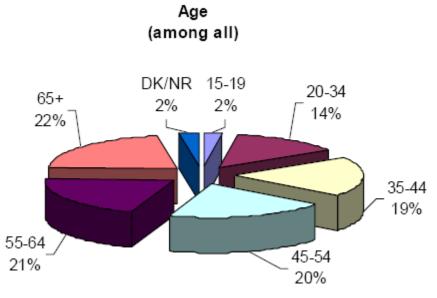
Figure 3: Income of Residents in East Biloxi, 2006

Source: Warnke, 200

Prior to Katrina, approximately 51 percent of East Biloxi households were renters with a median age of 38.9 years and an average family size of 3.13 persons (Warnke, 2006; Living Cities, 2006). Age distribution since Hurricane Katrina has shown a significant shift toward a more elderly population. People over the age of 55 prior to Katrina represented 25 percent of the population; whereas after

Katrina, a survey showed that figure to be at 41 percent. *The East Biloxi Community Plan* notes, "Noticeably small proportion of residents [are] between the ages of 25 and 39." These age cohorts represent individuals who contribute to the workforce and are more likely able to perform the physical tasks of a rebuilding effort. Furthermore, these age cohorts possess transferrable work skills and can most easily relocate elsewhere, avoiding the difficulties of rebuilding. In short, those that are most able to rebuild have left the community in large numbers. Figure 4 illustrates the distribution of age throughout the community.

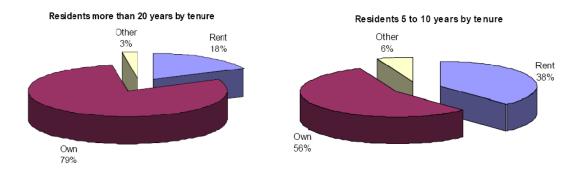
Figure 4: Age Cohorts of Residents in East Biloxi, 2006



Source: Warnke, 2006

Homeownership in East Biloxi is related to the years of residency in the community, with more established residents having greater rates of homeownership. Those with tenure of 20 years or greater show a homeownership rate of 79 percent, while those with tenure of five to ten years show a homeownership rate of 56 percent. The rate drops further as the length of tenure decreases. The newest arrivals have homeownership rates of approximately 25 percent. The high levels of renters may make community organizing more difficult because of less incentive to participate in community rebuilding efforts (East Biloxi Community Plan, 2006). Figure 5 shows tenure by length of residency.

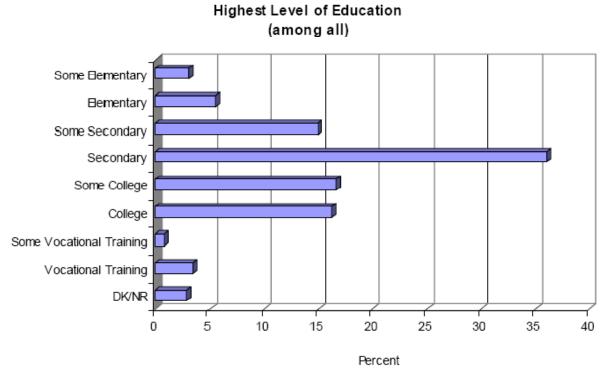
Figure 5: Tenure by Years of Residency, 2006



Source: Warnke, 2006

Among the other factors that may contribute to a sense of community and affect community organizing efforts is the level of educational attainment (Warnke, 2006). Over 80 percent of residents in East Biloxi have at least some high school experience. This indicates a strong foundation for community organizing and coalition strengthening (See Figure 6).

Figure 6: Highest Level of Education Attained in East Biloxi, 2006



Source: Warnke

Finally, a challenge exists with the language barriers in East Biloxi as a result of the diverse demograpics in the community. Whereas many coalitions that campaigned for community benefits in other parts of the United States have been relatively homogenous with regard to language, a coalition for community benefits in East Biloxi must take into account the large proportion of non-native English speakers who live, work, play, and worship in the community. As Figure 7 indicates, English is the primary language of

the community. However, significant percentages of Vietnamese and Spanish speakers reside in the area. Failure by coallitions to provide information in these alternative languages would severely hinder the ability to reach all residents of the community.

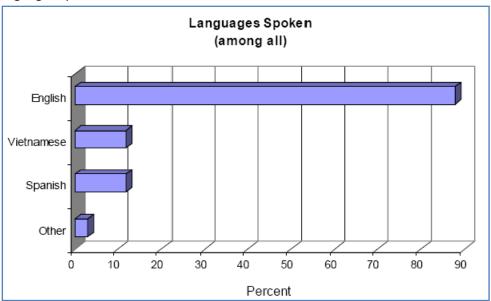


Figure 7: Languages Spoken in East Biloxi, 2006

Source: Warnke , 2006

In summary, the demographics pose both a challenge and an opportunity for community organizing in East Biloxi. The destruction resulting from the catastrophe poses consequences for the community's social fabric, infrastructure, and economy. Historic patterns of settlement have created a community with strength in its diversity. Following the disaster, various groups emerged within the community to participate in the recovery and to organize residents to bring back East Biloxi. If the challenges can be properly addressed, a strong community coalition will be capable of informing the public to procure community benefits from casino developments.

Community Groups

Many community groups were and continue to be a part of the rebuilding process for East Biloxi residents. Listed below are a few key organizations whose involvement has been integral to recovery efforts. More information about these organizations can be attained from their respective web sites (See also Appendix A).

- 1. Outreach and Recovery, established within days of Hurricane Katrina by William F. Stallworth, Biloxi Councilman for Ward 1, houses various outside voluntary organizations and is in the process of converting itself to become a Community Development Corporation.
- The Steps Coalition, another organization that started up after Hurricane Katrina, and headed by the NAACP president, James Crowell, describes their goals as "identifying solutions that address the big picture and advocating for their implementation" (2008).

They have identified 5 barriers to the rebuilding process in East Biloxi.

- Barrier #1- A LACK OF RELIABLE DATA
- Barrier #2- DECISION MAKING WITHOUT THE FACTS
- Barrier #3-DISEMPOWERMENT OF THE MOST VULNERABLE
- Barrier #4-LACK OF EFFECTIVE COMMUNICATION
- Barrier #5-CONFLICTING PERSPECTIVES IN DEFINING OUR "NEW COAST"
- 3. The Mississippi Center for Justice (MCJ), established in June 2002 as a nonprofit, public interest law firm committed to advancing racial and economic justice. Their founding responded to establish in-state advocacy on behalf of low-income people and communities of color. Supported and staffed by civil rights advocates, attorneys, social service advocates and others. MCJ is committed to combating poverty and discrimination in Mississippi and has been there for the people of East Biloxi throughout recovery.
- 4. National Alliance of Vietnamese Service Agencies (NAVASA) partners with community based organizations serving Vietnamese Americans located within East Biloxi. They work with East Biloxi Coordination Relief and Recovery Agency (EBCRRA) around issues of affordable housing, economic development and cultural development. They are policy analyst, political advocates and community organizers with a mission of achieving socioeconomic justice for Vietnamese Americans and the community in which they live.
- 5. Gulf Coast Community Design Studio (GCCDS) is a research arm of Mississippi State University's School of Architecture. GCCDS worked with members of the East Biloxi community on the

ground, providing early damage assessment maps, and then planning assistance, and eventually designs services. Coordinating closely with various organizations that provide funding, case management, and volunteer construction labor, GCCDS provides design assistance to individuals from low income households that need help to rebuild. GCCDS has completed more than 80 homes (both rehabilitations and new construction) in East Biloxi since the destruction of Hurricane Katrina.

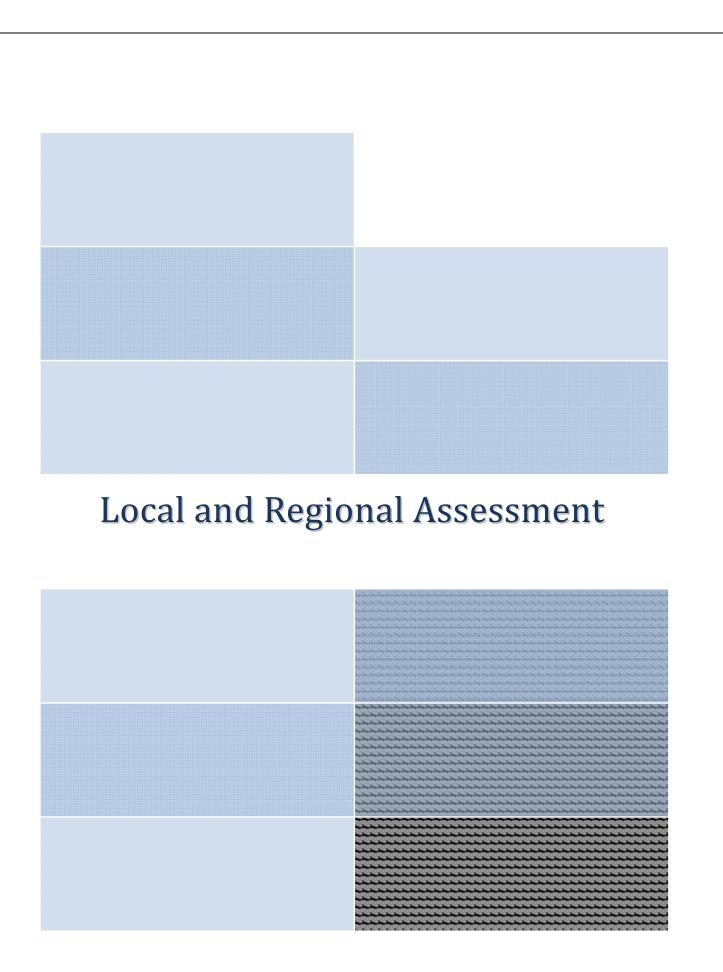
6. Coastal Women for Change was established in January of 2006 as a non-profit organization with the goal of restoring and preserving neighborhoods and communities throughout Biloxi in the aftermath of Hurricane Katrina. Issues addressed by this community group are those that affect daily life of residents in Biloxi and set goals to provide programs that enhance the community life in the area. Provision of elderly care and childcare facilities and mentorship programs are among the basis of their strategy to improve quality of life in the community.

Hurricane Katrina

The role of community groups in recovery cannot be over-emphasized, as damage to the East Biloxi community was catastrophic. The storm washed away almost all of the area's historic structures and thousands of homes.

In addition to the destruction of the homes in East Biloxi, businesses were also hard hit. Most of the casinos in the city are located in East Biloxi and gaming employs nearly 11,000 people, making it an integral part of Biloxi's economy. The restoration of these facilities was, therefore, an important priority for post-Katrina recovery.

New legislation, known as House Bill 45, allowed casinos' gaming structures to locate up to 800 feet inland from the 19-year mean high water line. This bill was approved in Fall 2006, after the hurricane forced the casino barges onshore, causing catastrophic damage to existing coastal development and throughout the East Biloxi peninsula. More importantly, this new legislation has succeeded in its goal to bring a recovery of the gaming industry in Biloxi but has, in turn, caused significant loss to the integrity of the East Biloxi community. Several plans have been devised since Katrina for the purpose of guiding future development in Biloxi. However, keeping in mind the important role community groups must play in ensuring the preservation and sustainability of the community, the section that follows provides an overview of those plans, giving context to the analysis of onshore casino rebuilding in East Biloxi.



Current Planning Documents

In order to perform a thorough policy analysis, a review of current planning documents took place. The guiding plan for the City of Biloxi is currently the Vision 2020 comprehensive plan adopted in 1996. In the aftermath of Hurricane Katrina, the change in landscape created problems that were unforeseeable by the existing comprehensive plan, necessitating an update. At the time of this review, at least five plans had been proposed or under various stages of development. What follows is a brief overview and assessment of each:

Update of the City Comprehensive Plan

The City of Biloxi is currently in the process of re-writing its comprehensive plan. The Philadelphia, Pennsylvania-based, consulting firm of Wallace, Roberts, & Todd (WRT) Design has been hired to carry out this task, which is currently at the data collection stage of the process.

The Mississippi Renewal Forum's Biloxi Plan

Moule and Polyzoides, the firm that led the Mississippi Renewal Forum, occurring rather recently after the storm under the auspices of Andres Duany and the Congress of New Urbanism, created a comprehensive plan for Biloxi in October of 2005. However, they resigned from further work on the plan indicating: "Very simply, while we respect the rights of Biloxi officials to set priorities, we believe the decisions that are now being made are outside of a holistic planning process – and accepting the FEMA maps/guidelines, allowing casino operators to drive infrastructure and design decisions, promoting unchecked real estate speculation and up-zoning -- are all incompatible with a community-based design approach", as an explanation for pulling out. (Miller & Aurbach, 2006, 1)

The plan served less as a strategic guide for rebuilding and more significantly as a direction with architectural details specific to each community along the Mississippi Gulf Coast. Some civic leaders and residents perceived that the plan had been created within a social vacuum, devoid of many of the realities existing within the city of Biloxi including poverty, race, the prominence of Casinos, and FEMA elevation maps.

Warnke Community Consulting's Survey and Plan for East Biloxi, after Katrina

This plan, better known as the East Biloxi Community Plan, is more a vision document than a real design plan because it focuses on the urban design aspect rather than basing decisions on policies and regulations of the city. It produced a fact finding survey of the community and came up with ideas to rebuild, but failed to produce any implementation guidelines for the redevelopment processes. The main instrument used in East Biloxi was a household survey. The survey offered a snap-shot of neighborhood concerns and priorities.

In conducting the survey, 846 residents of East Biloxi's Wards I and II were given the opportunity to voice their opinions and perceptions and to outline their priorities for the improvement of living conditions.

The survey tool addressed the following areas:

- **1.** Demographics: Distinguishing gender, age, ethnicity, and household type in order to better understand the surveyed population.
- **2.** Residency: Identifying homeownership, length of residency, and expectations of homeownership.
- **3.** Concerns and Priorities: Distinguishing the perceptions of the residents and ordering them by neighborhood, their priority, and concern.
- **4.** Employment, Income Generation, Skills and Capacities: Understanding the main sources of employment and income, the perceived challenges, and the existing skills and capacities upon which to build.
- 5. Awareness and Perception of Existing Programs: Listing the awareness of existing programs such as housing and employment training programs, assessing the need for greater awareness or improved efficiency.
- 6. Perception of the Gaming Industry: Explaining the impact of the industry on the neighborhood.

<u>Living Cities and Goody Clancy's Moving Forward: Recommendations for Rebuilding East Biloxi</u>

An action plan for East Biloxi, contracted by the City of Biloxi, was developed by Living Cities with major funding from the John S. and James L. Knight Foundation. Some community organizations, including representatives of NAVASA, indicated uneasiness regarding the plan's strategy of displacement.

This plan leaves some areas as they currently exist; however, it overlooks whole communities of people, such as the Vietnamese district of East Biloxi, which was almost completely destroyed by the storm. The plan goes on to depict the creation of a central park in an area of East Biloxi that is currently predominately occupied by Vietnamese Americans. In addition, the plan recommends a tourism district that would encompass approximately 250 acres of East Biloxi from Back Bay to the Mississippi Sound. It recommends an expansion of housing from 3500 to 5500 units, places single family houses on the highest ground and midrise and higher density housing around new parks and along the waterfront. The plan calls for revitalization of downtown housing and cultural attractions, and locates a seafood village on the Back Bay with dock space, support facilities, processing space, seafood restaurants, and retail outlets as well as a promenade and walkway that wraps around the waterfront and links the attractions. Also, it recommends a continuous traffic loop around East Biloxi that increases the speed of travel around the peninsula; although a trade off is that it cuts off existing roadways, thereby, limiting access and mobility for some community residents. Last but not least, the plan recommends following flood mitigation standards set by FEMA and advises that design guidelines be used for new development that would build on Biloxi's history and architectural traditions.

Zoning Analysis

An analysis of zoning is useful for the understanding of development patterns throughout East Biloxi. The zoning districts are defined by the Biloxi Land Development Ordinance, which was last updated in 2003. Zoning determines which uses are allowed in certain districts, designated on a parcel-by-parcel basis. Currently, Biloxi employs Euclidean Zoning, also known as "straight-zoning" and designates each parcel as a certain district that indicates which uses are allowed and which are prohibited. Consequently, this zoning analysis suggests that Euclidean zoning may not be optimal for a community such as East Biloxi due to circumstantial pressures in the aftermath of Hurricane Katrina.

Using Geographical Information Systems (GIS) techniques, an analysis of the zoning map in East Biloxi for Year 2008 is conducted. As shown in Figure 8, nearly 56 percent of the developable land area in East Biloxi is currently zoned for residential uses.

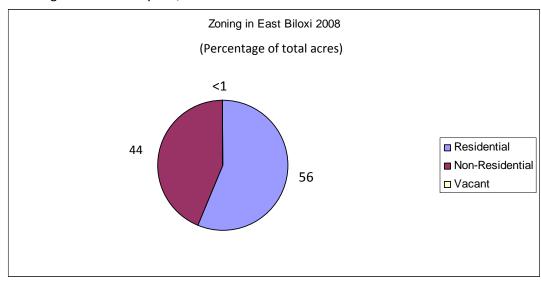


Figure 8: Zoning in East Biloxi by use, 2008

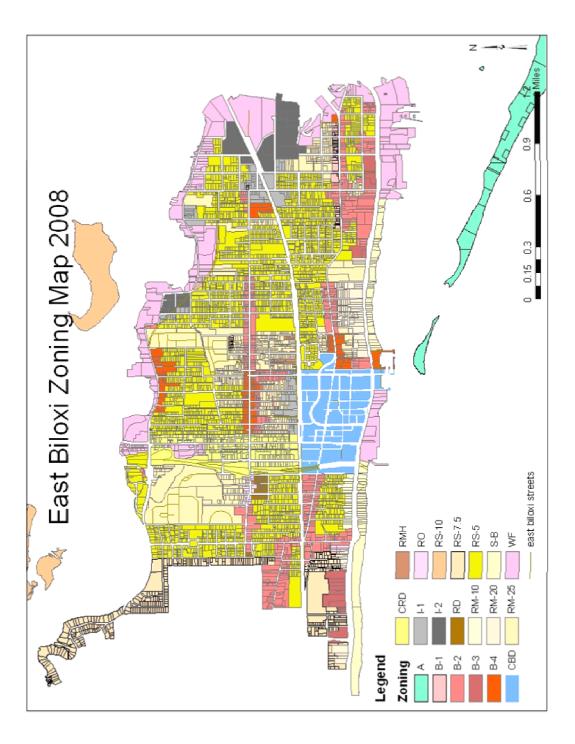
Source: Author's calculations based on data from GCCDS

The zoning map in Figure 9 shows where each type of land use currently exists and provides a visualization of proximity between districts. The most prevalent residential zoning district is for high density single family housing. Non-residential land makes up about 44 percent of the land, with the waterfront district being the most prevalent as shown in Figure 10. With the advancement of casino development onshore, other land uses such as residential districts are compromised in exchange. In the following sections, the residential and non-residential zoning districts will be further explained and analyzed to offer greater understanding of the development trends in the area.

The social impacts that zoning patterns can have on communities can affect the stability of an area through the types of uses allowed in various districts. East Biloxi has identified economic development

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critical for the	sed in a comprehensive prosperity of both in The definitions of the z	nterests and t	the preservation	on and sustain	ability of East E	
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Figure 9: East of Biloxi Zoning Map, 2008



Source: Author and GCCDS, 2008

Figure 10: Zoning Districts by Acreage for East Biloxi 2008

Land Use	Acres	Parcels	Percentage of Acreage
Neighborhood Business (B-1)	11.11	62	0.5%
Community Business (B-2)	172.73	601	7.9%
Hospitality Business (B-3)	33.54	25	1.5%
General Business (B-4)	47.17	140	2.2%
Central Business District (CBD)	114.72	254	5.3%
Corridor Redevelopment District (CRD)	90.5	263	4.2%
Light Industrial (I-1)	44.72	111	2.1%
Heavy Industrial (I-2)	63.02	40	2.9%
Duplex or Two-Family Residential (RD)	6.53	30	0.3%
Low-Density Multi-Family Residential (RM-10)	9.88	19	0.5%
Medium-Density Multi-Family Residential (RM-20)	41.27	97	1.9%
High-Density Multi-Family Residential (RM-25)	294.34	689	13.5%
Residential Manufactured/Mobile Home (RMH)	3.47	26	0.2%
Residential Office (RO)	7.06	31	0.3%
Low-Density Single Family Residential (RS-10)	110.44	7	5.1%
Medium-Density Single Family Residential (RS-7.5)	127.66	331	5.9%
High-Density Single Family Residential (RS-5)	624.06	2707	28.7%
Sand Beach (S-B)	77.47	61	3.6%
Waterfront (W-F)	293.96	226	13.5%
Vacant	1.54	1	0.1%

Source: GCCDS, Author's Calculations, 2008

Methodology

The zoning map was retained in June of 2008 and the data found in Figures 8, 9, and 10 are the most recent available for this study (GULF COAST COMMUNITY DESIGN STUDIO, 2008). Therefore, zoning will be our primary form of land use analysis rather than the more out of date Future Land Use Map (FLUM), which is part of the Vision 2020 Comprehensive Plan, created in 1996. Moreover, it should be noted that a comparison between the zoning map from 2008 and the future land use map from 1996 is irrelevant because of the great disparity between time frames. Also, the FLUM is assumed not to provide a relevant plan for the future development in East Biloxi due to the fact that it is outdated.

This analysis includes only the parcels located in East Biloxi--all in Wards 1 and 2 of the City of Biloxi. Deer Island, which in 2002 became a State Park Preserve and can no longer support any type of development, is excluded from our analysis as it skews the values of developable land in East Biloxi. The island remains on some maps for a point of reference but is not included in the calculations of land area. The coastline data was created to estimate the mean high waterline. This was done by tracing the farthest attribute toward the coastal area and creating a new layer. It is very important to note that this is a rough estimation to be used only for general analysis and not for land speculation. This approach to estimating the mean high waterline is necessary in order to perform an analysis of the land affected by House Bill 45 and potential casino development (Perkins, 2002).

Residential Zoning

East Biloxi has eight residential zoning districts within its borders that make up 64 percent of the total acreage of the community. These districts allow for very low to relatively high-density allowable development. Also, they allow for accessory uses such as parks, churches, and recreational facilities that are compatible with residential development. The eight districts in East Biloxi studied in this analysis are low density single family residential (RS-10), medium density single family residential (RS-7.5), high density single family residential (RS-5), duplex or two-family residential (RD), low density multi-family residential (RM-10), medium density multi-family residential (RM-20), high density multi-family residential (RM-25), and residential manufactured or mobile home (RMH). The highest percentage of residential zoning is designated RS-5, which is high-density single family residential. This district makes up over one-third of the residential acreage within East Biloxi. Small lots characterize these districts, which is a distinguishing feature of the East Biloxi community, typically located in the central area of the peninsula on the higher ground. The highest allowable density for this district is one unit per 5000 square feet (0.115 acres). The high-density multi-family (RM-25) residential district is also of considerable size at about one-quarter of the residential acreage, and could be an asset to the affordable housing goals of the community. This district allows 25 units per acre and can be built up to eight stories in height. Figure 11 outlines the distribution of each residential zoning district in East Biloxi.

Figure 11: Residential Zoning Districts in East Biloxi 2008

Zoning	Acres	Parcels	Percentage of Total Residential Acreage	Percentage of Total Acreage in E. Biloxi	Percentage of Total Residential Parcels	Average Parcel Size (Acres)
RS-10	110.4	7	9.07%	5.08%	0.18%	15.78
RS-7.5	127.7	331	10.48%	5.87%	8.38%	0.39
RS-5	624.1	2707	51.25%	28.69%	68.55%	0.23
RD	6.5	30	1.54%	0.30%	0.76%	0.22
RM-10	9.9	19	0.81%	0.45%	0.48%	0.52
RM-20	41.3	97	3.39%	1.90%	2.46%	0.43
RM-25	294.3	689	24.17%	13.53%	17.45%	0.43
RMH	3.5	26	2.80%	0.16%	0.66%	0.13

Source: GCCDS, Author's Calculations, 2008

Non-Residential Zoning

The non-residential zoning districts in East Biloxi have a more even distribution than the residential districts. Ten districts make up the non-residential areas in the community and constitute a total of nearly 940 acres, or 36 percent of the total acreage. These districts are suited to promote the economic goals of the community and to provide services to residents through such uses as office space, retail, and small community grocers. As illustrated in Figure 9 (pg. 18), Figure 11 provides a summary of non-residential zoning in East Biloxi. The districts are residential office (RO), neighborhood business (B-1), community business (B-2), hospitality business (B-3), general business (B-4), central business district

(CBD), sand beach (SB), waterfront (WF), corridor redevelopment district (CRD), light industrial (I-1), and heavy industrial (I-2). Some of the districts, such as RO, B-1, and B-2 are very important to the permanent residents of East Biloxi because this is where the necessary services such as doctors, grocers, drug stores, and retail are provided to the community. Since Biloxi is very much a city with an economy based around tourism, many other districts serve the purposes of those uses. Waterfront districts are important to the community because only in this district are casinos allowed to be located. The sand beach district is demarcated by the absence of a seawall and considers only very limited development within its boundaries. The intent to the district is to preserve public access and views of the waterfront. Also important to the tourism economy are the B-3 and B-4 districts since they provide services not only to the tourists and to the businesses for supply and shipping of goods. Industrial districts such as I-1 and I-2 provide areas available for storage and distribution centers.

Figure 12: Non-Residential Zoning in East Biloxi 2008

Zoning	Acres	Parcels	Percentage of Non- Residential Acreage	Percentage of Total Acreage in E. Biloxi	Percentage of Total Non- Residential Parcels	Average Parcel Size (acres)
RO	7.06	31	1%	0.32%	0.74%	0.23
B-1	11.11	62	1%	0.51%	1.16%	0.18
B-2	172.73	601	18%	7.94%	18.07%	0.29
B-3	33.54	25	4%	1.54%	3.51%	1.34
B-4	47.17	140	5%	2.17%	4.93%	0.34
CBD	114.72	254	12%	5.27%	12.00%	0.45
S-B	77.47	61	8%	3.56%	8.10%	1.27
W-F	293.96	226	31%	13.51%	30.75%	1.30
CRD	90.5	263	9%	4.16%	9.47%	0.34
I-1	44.72	111	5%	2.06%	4.68%	0.40
I-2	63.02	40	7%	2.90%	6.59%	1.58

Source: GCCDS, Author's Calculations, 2008

Zoning and the Community

A zoning map is an integral tool that can be used to guide future development patterns and ensure that the goals of the community are met. The most important goals identified by the East Biloxi community are economic development and affordable housing. The tourism industry comprises a large part of the economy in the area and the zoning map visualizes the existing development patterns that support the industry (Warnke, 2006).

One-third of the non-residential land is zoned as a waterfront district, a large majority. The waterfront zoning district is intended to both accommodate for marine, gaming, and coastal development and also to preserve accessibility and visibility of the waterfront to residents of the community as defined by the LDO. Casino development can only occur in the waterfront zoning designation as a conditional use, which requires additional review procedures. The waterfront district also serves the purpose of support areas for the seafood and marine industry. The Vietnamese population largely supports the seafood industry, primarily shrimping; however, it has struggled to rebuild its facilities since Hurricane Katrina.

Much of the coastal development since Katrina is related to the gaming industry characterized by large parking decks and high-rise buildings that tend to block the community's waterfront views, a direct violation of the intention of the zoning district. Alternatively, there are benefits to the community from the gaming industry, especially provision of employment for thousands of residents within the East Biloxi community. The close proximity of the residential districts to the casinos is also somewhat desirable for accessibility reasons. While accessibility to employment is of great importance, development patterns must not compromise the quality of life of residents. The comprehensive plan cites diversifying the economy as a strategic method of achieving economic stability. However, the development patterns tend to show that most of the new construction supports the casino industry rather than diversifying economic activity of the coastal area. The shrimping industry has historically been a sizable component of the local economy and is functional without compromising the community's access and views of the waterfront.

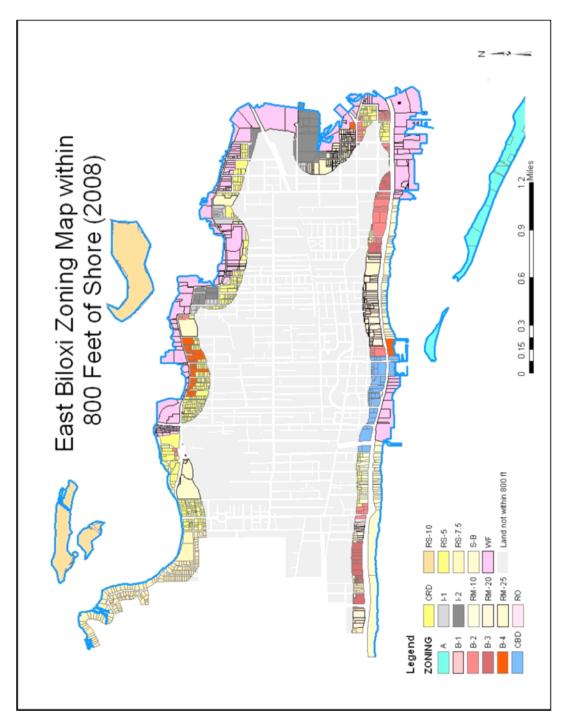
House Bill 45 encourages large-scale commercial development in those areas where the districts already exist, additionally influencing many property owners to re-zone their residential parcels to commercial or waterfront uses with the intention of selling to an interested developer. Not only does this drive up the cost of land, but it also reduces the amount of viable land for development of uses other than those in the waterfront district, such as residential. Historically, the community has been a relatively low-income neighborhood, often with residences and property passed down through generations. When Hurricane Katrina struck in August of 2005, much of the peninsula was flooded and many houses were damaged, if not completely destroyed. Not only has it been financially difficult for residents to rebuild their homes and move back to the community, but also there is the added pressure developers create by inflating land values and enticing residents to sell their property. With the conversion of residentially zoned land to waterfront and other commercial districts, the volume of residential land will decline and will likely result in increased land value, pricing out those that lived in East Biloxi pre-Katrina.

Currently, the greatest percentage of residential land, over 52 percent, in East Biloxi is zoned RS-5, which denotes high-density single family housing. It makes up nearly a quarter of the total land in East Biloxi. This use is intended to provide small lots for moderately dense housing. The second most prevalent residential zoning district in East Biloxi is high-density multi-family residential (RM-25). The density is achieved through an increase in the building height and allows for various types of housing to be incorporated. High-density housing is a popular means of incorporating affordable housing into a community because it creates greater availability. Apartment developments can exist in these districts and may be an option for those residents wishing to return that cannot afford to purchase property or rebuild. Moreover, it is important for the community to achieve a balance between its economic goals and the stability of the residential community because neither can function to its greatest potential without the other.

House Bill 45 and the Effect on Development Patterns

Moving forward with this assessment, the impact of House Bill 45 on the development patterns of East Biloxi cannot be overemphasized. House Bill 45 allowed the development of gaming structures within 800 feet of the mean high water line in Harrison County, Mississippi, in September 2006. The large structures that once existed on barges along the coastline are now being constructed on land that once served other purposes in the community. The casino development continues to infiltrate into the community of East Biloxi, reducing the amount of viable residential land to achieve affordable housing goals. Over 49 percent of the land in East Biloxi is located within 800 feet of the mean high water line. Of this land, 26.5 percent is currently zoned waterfront, which allows for casino-oriented development under conditional use permits. Sand beach constitutes 7.9 percent of the mainland; however, it is protected from development under the Land Development Code that declares that any area on the coast not bound by the seawall shall be designated sand beach, where limited development shall occur. An additional 45.6 percent of the land in this zone is located within one of eight residential districts. Identifying the trend in East Biloxi for casino development to typically occupy developable coastal areas, many of the requests to rezone property to the waterfront district are currently within the residential districts. The affordable housing issue is perpetuated by this shift in land use because of the reduction in availability of residential land. Figure 13 illustrates the East Biloxi zoning map and the location within the 800 foot zone and the districts located within that area. Figure 14 provides a summary of the acreage defined on that map.

Figure 13: Zoning Districts in East Biloxi within 800 feet of the Shoreline, 2008



Source: Author and GCCDS, 2008

Figure 14: Area within 800 feet of Mean High Water Line in East Biloxi, 2008

Land Use	Acres	Parcels	Percentage of Acreage within 800 ft of Shore
B-1	3.09	20	0.30%
B-2	37.73	80	3.50%
B-3	33.54	25	3.10%
B-4	19.21	35	1.80%
CBD	36.04	46	3.30%
CRD	18.04	14	1.70%
I-1	11.68	25	1.10%
I-2	60.95	29	5.70%
RM-10	9.88	19	90.00%
RM-20	34.78	66	3.20%
RM-25	126.25	106	11.70%
RO	1.69	4	20.00%
RD-10	110.44	7	10.30%
RS-5	135.72	415	12.60%
RS-7.5	73.95	189	6.90%
S-B	77.47	61	7.20%
W-F	285.68	206	26.50%

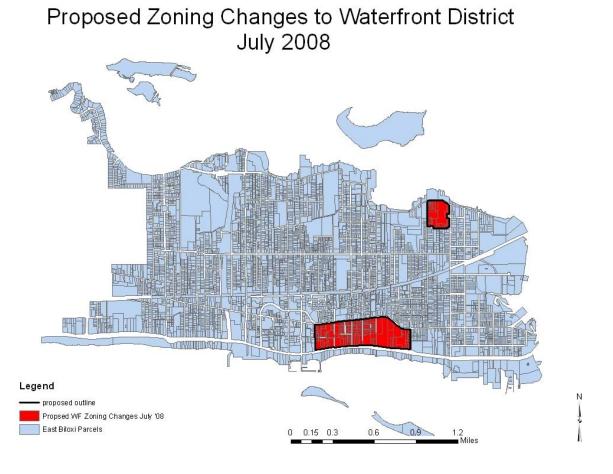
Source: City of Biloxi, Author's Calculations, 2008

In the month of July 2008, two proposals for zoning changes were brought to the City Council for review. These proposals requested rezoning to waterfront districts, changing from various existing designations that were mostly residential. Figure 15 displays the location of each of these proposals, represented by the hatched red polygons, in East Biloxi. The polygons identified by this map represent the 189 parcels being considered for rezoning. Of the 189 parcels requested for rezoning to waterfront, 135 parcels are RS-5, RM-20, or RM-25. This adds up to a total of 74.54 acres or nearly 80 percent of the total acreage requested for waterfront zoning in this proposal. A change to the zoning designation of the residential parcels could result in the decrease of the availability of residential acreage by 5 percent in East Biloxi, while the waterfront acreage would increase by 32 percent from 293 acres to 387 acres. With a total of 387 acres, the waterfront district would increase from 11 percent to 14 percent of the total acreage in East Biloxi. This not only affects the availability of residential land in the community, but it also intensifies the activity on the coastline and may have harmful environmental impacts on the Back Bay and the Gulf. Compatibility with land uses is also a concern, since many of the parcels, particularly on the Back Bay, border a substantially large single family residential district.

Subsequently, these proposals experienced difficulty in the approval process at the local Planning Commission and the Mississippi Gaming Commission hearings. As of July 25th, 2008, the first proposal in the northeastern area of the peninsula has been postponed for unknown reasons and will be put in front of the Planning Commission to determine a date for review of compliance with the City of Biloxi

Zoning Ordinance. The second proposal, on the southern coast of East Biloxi, attempted to rezone a large area of property, located north of Highway 90 adjacent to the sand beach district to the waterfront. The proposal was approved by the Planning Commission in March of 2008, and was given the appropriate variances by the planning department the following month. However, in the summer of 2008, the Mississippi Gaming Commission denied the proposal on the grounds that it violates the stipulations for development under House Bill 45, requiring that all casino activity must be located south of Highway 90 and must be contiguous to the mean high water line (CBJ, 2008). These are encouraging actions being taken by local and state government agencies in enforcing the ideals that protect the existing development patterns found in East Biloxi.

Figure 15: Proposed Changes to the Zoning Map in East Biloxi, 2008



Source: Author and GCCDS, 2008

Proposed Plans for Land Use & Zoning

As previously mentioned, various plans have been proposed for redevelopment efforts in Biloxi since Hurricane Katrina. *Reviving the Renaissance* was developed by Goody Clancy and the Knight Foundation (2006) in an effort toward redevelopment while retaining the historic character of the community. The Knight Foundation, a not-for-profit organization that gives grants for journalism and promotes community redevelopment projects, has been a major contributor to recovery efforts immediately after the storm and continues to support the community. Massachusetts Institute of Technology (MIT) Landscape Architecture design studio and GCCDS recently developed a design oriented site plan proposal for East Biloxi, influenced by *Reviving the Renaissance* and focused on the eastern area of the peninsula. Both plans promote the ideals captured in the East Biloxi Community Survey conducted in 2006 and espoused by the public sector with regard to economic development and housing revitalization.

Most notably, a section of the *Reviving the Renaissance* Plan specific to the redevelopment of East Biloxi entitled "Moving Forward," suggests where various land use types should be located to encourage community sustainability. The plan aims to contain certain types of development patterns within distinct subdivisions of East Biloxi and offers a generalized idea of what types of uses should be located where. The plan incorporates the idea of residential preservation while promoting the tourism industry and promotes buffers to improve compatibility of adjacent land uses.

There are seven different types of land uses cited in the map that promote various community activities in "Moving Forward." The most physical, Central Redevelopment Area, is designated Residential Preservation, which aims to reconstruct, repair, and preserve the residential character of the community. Just as important, there is not a vast difference between what is proposed for the residential district and what currently exists in that area. For example, much of the land is designated for single-family high density housing that is characteristic of historic East Biloxi. Also, it allows for land uses that provide high density housing along the waterfront and parks to act as buffers between the higher intensity land uses on the outer edge of the peninsula.

Figure 16 illustrates the proposal brought forth by the "Moving Forward" section of *Reviving the Renaissance* plan for Biloxi. Within the residential district is the Howard Street Catalyst Housing and Community Center that specifically aims to foster the development of public housing developments and support facilities. An area along the Back Bay to the north maintains the same designation with the intent of diversification of the community structure.



Exhibit 16: Proposed Land Use Map for East Biloxi from Reviving the Renaissance, 2006

Source: Reviving the Renaissance, Moving Forward

Adjacent to Residential Preservation to the east is the Central Redevelopment Area. The intent of this zone is to transition the land uses from the residential area to the large gaming and tourism district. The proposal suggests that this low-lying area be appropriate for a community park central to mixed-use commercial and high-density residential development as a buffer to the community. Before Katrina, the land in this area existed as low-density residential housing. However, it rested on very low-lying land that flooded as a result of the storm. It is the most radical change to the land use structure, and presents some tradeoffs. The proposal suggests changes to the character of what existed before the storm and reduces the amount of viable single-family residential land. Alternatively, it intends to replace the single-family structures with multi-family opportunities for more affordable housing options. The proposed commercial uses would likely serve the needs of both residents and visitors to the community and would provide transition into the more intense tourism area.

The Waterfront Mixed-Use Area is an important aspect of the plan intended to increase the tourism economy by providing a place for gaming facilities, non-casino businesses, and other recreational activities. Much of the coastline currently exists as the waterfront zoning district which allows for these types of activities to occur. The following three areas are proposed for these activities to be located:

- 1. The eastern coast of the peninsula.
- 2. An area at the intersection of Interstate 110 and Highway 90.
- 3. An area on the Back Bay intersecting with Interstate 110.

Public waterfront access is an important aspect of community character and resident quality of life. The Seafood Village, located adjacent to the Waterfront Mixed-Use area on the Back Bay, currently exists as the shrimping docks, primarily utilized by Vietnamese entrepreneurs. The proposal calls for the expansion of the docks and the building of support facilities such as warehouses and canneries to advance the industry and diversify the economy. The plan suggests restaurants and a market for the use of residents and visitors.

The Commercial Mixed-Use Corridor runs along Interstate 110 down Calliavet Street between the Waterfront Mixed-Use area on the Back Bay and the Downtown area farther south. Calliavet Street is a redevelopment district that has recently been the focus of continuous roadway improvements. It serves as a main north-south route through the East Biloxi community. The commercial mixed-use corridor is intended to provide for local shops and other retail, office space expansion and community services. The Downtown district is located where the downtown area currently exists. The community was attempting to enhance the area before the storm, contributing funds to improve roads and expand the commercial and office space throughout the district. This is still perceived by the community as a high-priority reinvestment area where residents would like to see public and civic uses, office spaces, and retail offerings.

The main goal of the "Moving Forward" section of the plan is diversification of the community structure and the economy through land use. The analysis shows that some of the districts suggest drastic changes to the pattern of development, such as the proposed Central Redevelopment Area. Additionally, while it suggests buffering uses of greater intensity from those of less intensity, it also may lead to displacement of current residents. Much of the land in this designation currently exists as single-family low density residential landowners would be encouraged to promote preservation of the East Biloxi community and its residents. Indeed, there is a need for buffers between the casinos and support facilities and the residential community that this study aims to preserve. However, this need should be met without compromising the integrity of the resident community.

The MIT/MSU design oriented site plan reflects the concepts of the "Moving Forward" section without consideration to land use policy and zoning. The plan focuses on the area designated as Waterfront Mixed-Use on the eastern coast of the peninsula. As Figure 17 shows, the plan illustrates the Seafood Village to the north, which is an important aspect of the economy as it provides diversification from the gaming industry but can also incorporate tourism amenities as well. The commercial uses all along the eastern coastline represent high-rise hotels and retail at greater intensities that support the casino industry located along the coast. Public access to the beaches exists on the southern coastline where the seawall does not exist. It is an area that will be preserved for this use as is stated in the Land Development Ordinance (LDO). High-density housing buffers the lower density residential districts as

suggested in the Central Redevelopment District. A central park concept can also be seen, with a solid tree line to ensure visual integrity of residents. It is important to note that the site plan incorporates a roadway expansion along the coastline and prevents heavy travel through the residential district. There are advantages and disadvantages to this concept as it provides for more efficient travel and limits congestion in local areas but also limits connectivity in the existing roadway system. The concerns with the changing landscape of development patterns in the area are the same as those mentioned previously in regard to the *Moving Forward* plan. Community integrity should not be compromised when trying to promote economic development in East Biloxi. The plans for change should involve benefits to not only the financially lucrative Waterfront Mixed-Use district, but also to the preservation of the social character and resident population of the community, as they are both needed to support one another.

Figure 17: MIT/MSU Site Design Proposal for Point Cadet, 2008



Source: MIT, 2008

It is worth reiterating that *Reviving the Renaissance* was developed by Goody Clancy and the Knight Foundation for the Mayor of Biloxi and the plan exhibits a desire to achieve a balance between the interests of the local government and those of the residents. It has been identified by various community groups, including GCCDS and NAVASA as a plan that will greatly influence the forthcoming update to the comprehensive plan. Therefore, this plan is believed to support the ideals and characteristics that are likely to exist in the future. The MIT site plan also follows the land use patterns

Development Project Review

This section provides an analysis of the review processes for proposed development projects in the City of Biloxi. Awareness of these development criteria and the legal parameters within which urban growth may occur is necessary for citizen participation in the planning process. Furthermore, by understanding these review processes, community stakeholders in East Biloxi may pursue amendments to the laws and regulations that guide the planning practices of the City.

The Development Review Process

The Development Review Process is a multi-disciplinary analysis and screening of proposals for all forms of new development as pertaining to the specific site. This process is stipulated under the City of Biloxi Land Development Ordinance (LDO) and conducted by the Development Review Committee (DRC), an office of the City of Biloxi Community Development Department, consisting of representatives from the City's Building, Engineering, Fire, and Planning departments. The review process concerns a broad range of development classifications, including new commercial developments, commercial use change projects, multi-family residential development, housing subdivisions, and any residential or commercial development occurring within a flood-zone. However, the DRC does not review the building plans of a project, as a separate committee is responsible for ensuring that projects are in compliance with structural design codes. Development review is limited to issues of land use, zoning, environmental, and socio-economic impacts. Among the primary documents to be reviewed by the DRC is the proposed site plan which includes a detailed portrayal of the space to be occupied by the project, a landscaping plan, a plan that details the connection of the project to municipal utilities, and a plan that accounts for water draining from the site. Additionally, the DRC reviews documents that certify ownership and control over the proposed site. The plans are considered in relation to the physical conditions of the site as well as regulatory constraints that may affect the project.

After the DRC receives the formal application and all required attachments, a hearing is scheduled. The hearing consists of a presentation to the committee members, by the applicant or developer. Following the hearing, the DRC provides written feedback for the purposes of amending or revising the site plans. Amended or revised site plans are submitted to the DRC for a secondary review. If the project requires Planning Commission and City Council review, the applicant must be granted approval to apply to the Planning Commission. If this approval for application is granted, then the applicant submits the site plans and attachments to the Planning Commission. Upon passing the review by the Planning Commission, the City Council must also approve the site plan. Lastly, having passed the initial and secondary reviews by the DRC as well as application to and approval by the Planning Commission and City Council, the applicant must resubmit its site plan and attachments to the DRC for a final site review. This final site review allows the DRC to view all changes made to the original site plan over the course of the review process before final approval is given. If the applicant passes the final site review, then the site plans are attached to the building plans. Building plans are reviewed by the Building Department for

purpose of issuing a building permit. During the construction of the project, any changes that the applicant or developer seeks must be approved by the DRC prior to implementation. Ultimately, the DRC conducts a final inspection and determines whether the construction complies with all regulations and the site plan. Failure to comply with the approved site plan may not be explicitly covered by standard regulation of the construction. The approved site plan may entail discretionary measures taken by members of the DRC, Planning Commission, or City Council for the purposes of making the new development maximally compatible with its surrounding environment and socio-economic context. Such factors may not be required under law or by code, but may be required by the authorities who conduct the review process. If the project complies, then a Certificate of Development Compliance (CDC) is issued. However, if the project fails to comply with its own site plan or other regulations, then a correction notice is issued. Should the corrections be made, the applicant may apply for a Certificate of Occupancy or subdivision plat approval.

The Dockside Gaming Establishment Review Procedure

The purpose of the dockside gaming establishment review procedure is three-fold. First, it provides a comprehensive examination to manage development and ensures compatibility with surrounding uses. Second, it preserves public waterfront views. Third, it encourages best management land use practices. The dockside gaming establishment review is required in conjunction with the conditional use application review. Before any applications for dockside gaming establishments or auxiliary structures are accepted for processing by the Planning or Building Departments, the applicant is required to present either a completed application for the intention of obtaining a license or a copy of a valid license from the Mississippi State Gaming Commission. Completion of the review procedure is subject to suspension, based upon findings from the State Gaming Commission's investigation or adverse disposition with respect to granting of the Mississippi gaming license.

Before the permitting process for gaming facilities or ancillary structures begins, applicants must have completed a state gaming license application or present a valid gaming license to the Planning and Building Departments. If the state gaming license requirement is satisfied, the City moves to a preapplication conference in which issues of zoning and other licenses are addressed. In addition to the standard requirements for a conditional use permit, applicants seeking to develop dockside gaming establishments are required to provide the following information, in the form of a Master Plan, to the Director of Community Development:

- (1) A completed application on the form provided by the Planning Division.
- (2) Photographs, artist renderings or other visual documents that will assist the City in establishing the compatibility of the proposed development with its surroundings.
- (3) Information detailing the number, length, and width of boats, barges or vessels; the total number of employees expected to be hired and maximum number of employees expected to work during peak

shifts; the estimated number of visitors, in terms of daily, monthly, and annual totals; peak traffic hours and days; and hours of operation.

- (4) Analysis of traffic patterns and congestion resulting from the new development, in compliance with the City of Biloxi Standards and Specifications Manual.
- (5) Identification of on-site and off-site parking, for visitors and employees. If off-site parking lots are used, then leases or contracts allocating specific parking spaces to the project (coupled with an acceptable shuttle bus or other appropriate plan to transport guests and employees to and from the dockside gaming establishment) must be included. Contracts pertaining to all parking and shuttle arrangements are required to be provided to the City of Biloxi by the applicants for the duration of the establishment's existence.
- **(6)** Determination of the potential impact of the proposed operations on municipal infrastructure including, but not limited to, roads, water, drainage, and sanitary sewerage collection and disposal.
- (7) Determination of the development's potential impact on the community that have the potential to result in an increased demand for municipal or public services such as police and fire protection.
- **(8)** Construction phase information, including a staging plan for equipment and materials and a temporary parking plan for the construction phase, provided at a level of detail satisfactory to the Director of Community Development .

Conditional Uses

Gaming Facilities fall under a unique category of conditional use under the LDO and are thereby subject to additional review. This review is intended to ensure compatibility with the City's comprehensive plan and existing land uses in the area.

The LDO of Biloxi (LDO, 2003, 119) defines conditional uses as: "certain uses which, because of their unique characteristics, can be allowed with special consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location." A use is considered conditional on a case by case basis and depends on the zoning district in which the use occurs. Conditional uses in residential districts may include convents, group living, cemeteries, hospitals, neighborhood centers, and youth centers. Non-residential conditional uses may include public accommodations, utility substations, clubhouses, shooting ranges, animal kennels, funeral homes, plant nurseries, veterinary clinics, bed and breakfasts, motor home parks, marinas, and yacht clubs. These uses, while reviewed conditionally, are still only allowed in certain zoning districts defined in the LDO. When making judgments on case-by-case bases, surrounding uses are considered for compatibility with the proposed condition. The developer is required to compose a written narrative describing the effects the proposal will have on existing surrounding areas and is submitted with a site plan proposal for review by the Community Development Department. The subsections that follow describe the

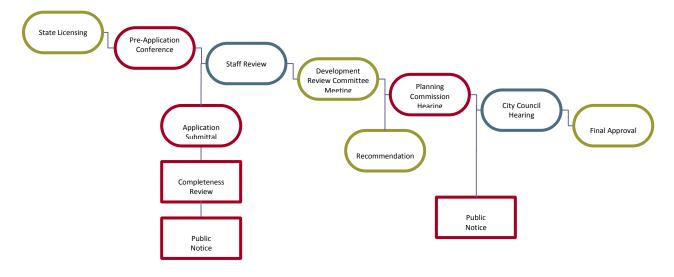
conditional use application and approval process and the review process for dockside gaming establishments.

City of Biloxi Process for Conditional Use Application and Approval

If applying for a conditional use within a certain zoning district, an application packet with a site plan and written intent must first be submitted to the city's planning department. The review of the process begins in the Community Development Department where it is analyzed for compatibility both within the zoning district and within the surrounding area. The goal of the comprehensive plan and LDO is to provide for the public health, safety, and welfare of residents and businesses in East Biloxi. The conditional use must promote the interests of the community while limiting the negative effects it may have on surrounding areas. Sometimes, depending on impact size, a proposal is reviewed for certain development characteristics such as ingress and egress, parking, storm-water facilities, utilities, buffers, signs, open space, and other requirements that may impact the area. After the proposal goes through general approval of the land use, conditions are imposed upon the development in order to reduce harmful or otherwise negative impacts to the surrounding community. Many of the conditions that may be imposed take the form of regulations to specific aspects of the proposed physical structure or development project as a whole. For example, conditions may include particular requirements for lighting, signage, paint, operational hours, construction materials, connections with other buildings, and limitations on redevelopment or additions to the structure. The Development Review Committee (DRC), the Planning Commission, and the City Council may also impose additional conditions where they are deemed necessary.

After application through the Community Development Department, the proposal makes its way to the DRC, where the site plans are reviewed for consistency with the comprehensive plan and compatibility with the surrounding areas. The DRC then denies or approves the plan. A denial may require a developer to revise the plan and resubmit at a further date. An approval is sent to the Planning Division with comments from the DRC. The Planning Division is responsible for determining compliance with various aspects of the Comprehensive Plan to ensure that it furthers the general goals, objectives, and policies. A report from the Planning division is then sent to the Planning Commission for review. Meanwhile, a mandated public hearing is held to inform residents of the proposal and gives a chance for questions and dialogue between the community, the planning staff, and, typically, the developer. After the public hearing is held, the proposal is brought before of the Planning Commission where staff has drafted a report with their recommendation for denial, approval, approval with conditions or additional requirements. Upon Planning Commission approval, the report is sent to the City Council, which functions in a similar manner. The City Council may decide to approve, approve with conditions determined by the Council, or deny the proposal. Figure 18 illustrates the process of a Conditional Use Review. If approved, the conditional use must be reviewed for compliance annually.

Figure 18: Current Process for Conditional Use Review in East Biloxi, 2008



Source: Authors' rendering based on City of Biloxi, Land Development Ordinance, Section 23-6-1

Dockside Gaming as a Conditional Use

Dockside gaming, or casinos, is a conditional use within the Waterfront zoning district. Since the passage of House Bill 45 in 2006, gaming facilities no longer are required to be barges located in water bodies. The bill allows for casinos to be located within 800 feet of the mean high water line. However, in Biloxi, these facilities must fulfill requirements pertaining to the mean high water line and conditional use.

Due to their immense size, the impact that a casino development has on its surroundings is tremendous and can also lead to more intense casino-related development in support of the economy. Similar to other conditional uses, casinos are reviewed for their impact on public facilities and services, such as utilities, infrastructure, emergency access, and buffers, to ensure that there is adequate space to accommodate the development. The conditional use review essentially amounts to a concurrency regulation by requiring new development to be supported by existing public works and infrastructure.

Recognizing that the development review process centers predominately on the physical implications of proposed development projects rather than social and economic impacts, the limitations in current local policy gain greater clarity. Figure 19 illustrates the petition process for a text amendment to the City of Biloxi's LDO. The process follows a fairly linear and simple model that leaves developers with little uncertainty of requirements for approval. Limitations inherent in this process can be amended to include analysis of social and economic impacts and procure community benefits.

Amendment Initiation

Public Notice
Planning Commission
Hearing

Final Approval

Recommendation

Figure 19: Current Review Procedure for a Text Amendment to the LDO, 2008

Source: Authors rendering from City of Biloxi Land Development Ordinance, Section 23-7-2

Mississippi State Gaming Law

Even before the DRC review, the first step in any casino gaming development is the application for a license through the Mississippi State Gaming Commission. The process, as currently undertaken, will not be assessed here. Instead, this assessment will place attention on location and site requirements, and dockside and land-based gaming establishment review procedures undertaken at the state level.

State Gaming Commission: Location and Site Requirements

The Mississippi State Legislature has declared the development of gaming operations and the practice of gaming legal if licensed by the Mississippi Gaming Commission and conducted upon establishments and vessels in certain statutorily described locations where not prohibited by popular vote. These designated locations where licensed gaming is allowed include cruising vessels, stationary vessels, and land based establishments.

The Mississippi Gaming Commission maintains strict regulations on the approval and development of all gaming facilities that exist within the state. Throughout Mississippi, gaming is permitted on statutorily defined navigable waters within stationary or cruising vessels. Navigable waters are defined to include any rivers, creeks, bayous, bays, or others bodies of water that are used or may potentially (in either their natural or modified conditions) be used as arteries of commerce or for the purposes of docking or mooring a vessel. Vessels that house licensed gaming facilities may be docked or bound to the shore or dry land, but may not occupy space other than over the water if that space contains gaming machines, card or gaming tables, or any other facilities that constitute articles of gaming activity. However, property owned or used by a gaming business entity that does not pertain directly to the activity of gaming may be constructed or housed on shore or over dry land. For example, food vendors, retail, lodging, and any other branches of hospitality may be attached to any structure containing gaming facilities and extend beyond the waterline over the shore and dry land. Next, the site is analyzed depending on the type of facility that is to be utilized.

Cruise Vessels (Mobile Gaming Facilities)

In accordance with U.S. Coast Guard Regulations, all cruise vessels must extend to a minimum of one hundred fifty (150) feet in length, have a minimum draft of six (6) feet, and be certified by the U.S. Coast Guard to carry at least two hundred passengers.

Stationary Vessels (Dockside Establishments)

All stationary vessels are defined by the Mississippi Gaming Commission to include every description of floating watercraft or other floating artificial contrivance. Stationary vessels must also extend to a minimum of one hundred fifty (150) feet in length. As stationary vessels are situated in a single location permanently or for extended periods of time, they are subject to all state and local ordinances and regulations pertaining to health and safety. Most important to East Biloxi, stationary gaming vessels may be attached to structures with a permanent foundation onshore such that only that portion of the casino that houses the gaming facilities proper is floating over the water.

Land Based Gaming Establishments

Land based gaming establishments are legal only in the three southernmost counties of Mississippi bordering on the Gulf of Mexico (Harrison, Hancock, and Jackson Counties), as a result of the passage of Mississippi House Bill 45 in September 2005. The portion of the structures housing the licensed gaming facilities and activity are required to be located entirely within an area that is located no more than eight hundred (800) feet inland of the 19-year mean high-water line of the Gulf of Mexico and the Mississippi Sound, St. Louis Bay, Biloxi Bay, and Pascagoula Bay. In Harrison County, the eight hundred (800) foot line may vary depending on the southern boundary of the right-of-way for U.S. Highway 90. No gaming facility or activity may be located north of this southern boundary. If this southern boundary of the right-of way of U.S. Highway 90 exists farther inland than 800 feet from the mean high-water line, then the 800-foot boundary may be extended by the difference. For example, where the highway consumes thirty feet of the 800' development zone, an additional thirty feet inland past the established border becomes acceptable for gaming-oriented development. Any parcels that contain gaming facilities are not divided into separate parcels by easements or rights-of-way for public streets or highways and the distance contained within such easements or rights of way is not counted in the sum of the 800 feet to the inland limit. Any point of reference used to determine the 800-foot distance from the mean high water line must be located on the premises of the applicant or licensee. The applicant or licensee must own or lease the land that is contiguous both to the parcel used to conduct gaming and the point of reference used to determine the mean high-water line, and this land must be shown to be an integral part of the project. The Gaming Commission has final authority in reviewing and approving each site, with respect to meeting the requirements of this regulation.

Related land uses may extend beyond the 800-foot or U.S. Highway 90 inland limit. Only those structures or portions of structures that house gaming facilities are restricted from being located beyond the waterfront zone. Accordingly, hotels, restaurants, shops, surface parking, and parking garages (i.e., ancillary land uses) are permitted beyond the boundary, subject to other zoning and land use ordinances.

Before the Mississippi State Gaming Commission issues a gaming license, they must approve the proposed gaming site. The purpose behind the site approval is to ensure that the proposed development will comply with applicable gaming laws and regulations. Review of the gaming site requires certain information and evidence to be provided in the gaming license application. These items of information and evidence include (1) a survey of the property selected for the development, (2) the current uses of all adjacent properties as well as the locations of the nearest schools, churches, and residential areas, (3) evidence that all applicable zoning and land use ordinances allow gaming at the proposed location, and (4) a survey verifying the 19-year mean high-water line for the purposes of delineating the 800-foot inland gaming boundary. Permission by the Mississippi State Gaming Commission to proceed with development is contingent on submission of architectural plans for the construction or renovation of the gaming facilities including structural design, floor plan, and footprint. Additionally, an estimated total cost of construction, construction schedule, and proof of notification to all applicable federal or state agencies must be provided to the Mississippi State Gaming Commission,

needs of the projected	owing the developmend number of visitors.	nt will meet the inir	astructurai, parking,	and accommodation
needs of the projecte				

Transportation Infrastructure

The transportation infrastructure of the City of Biloxi experienced catastrophic damage from Hurricane Katrina. An analysis of pre-Katrina and post-Katrina transportation activity is provided, as well as an analysis and review of the plans that have been initiated to improve transportation accessibility amenities in East Biloxi. As casinos rebuild and expand throughout East Biloxi it becomes more essential that a comprehensive transportation planning analysis take place.

Public Transit Service

The Coast Transit Authority (CTA) is the entity responsible for providing transit service to the region, which includes the City of Biloxi. Before Hurricane Katrina, the CTA operated 30 peak vehicles in a combination of fixed route and demand response services. Service frequencies (headways) ranged from 15 minutes to 90 minutes, with most routes starting and ending at either the Gulfport Transit Center or the Biloxi Lighthouse Station. Figure 20 summarizes the CTA's pre-Katrina route service.

Figure 20: CTA Pre-Katrina Route Service in Biloxi, 2007

•		<u>-</u>		
Route	Vehicles	ehicles Frequency S		Days Operated
	Required	(Minutes)		
#7 Ocean Springs	1	70	7:25A-5:45P	6
#24 Keesler	2	30	10:00A-10:50P	7
Express				
#26 NCBC Navy	1	70	10:30A-9:30P	3
Base				
#31 Biloxi Back	1	60	5:00A-6:00P	6
Bay				
#34 Pass Road	4	45	5:15A-7:20P	6
#37 Gulfport	1	90	6:00A-6:00P	5
Beach East	2	15	5:40A-8:10P	7
Beachcomber	4	35	5:15A-8:55P	6
Demand Response	14	-	Various	7
Total	30	-		

Source: Coast, 2007

The CTA provided services compliant to the Americans with Disabilities Act (ADA) to meet the needs of residents within ¾ of a mile of the fixed-route service. Senior citizen service was also provided and was funded by both Harrison and Hancock County. This service was limited to specific trips such as medical appointments, grocery shopping, and travel to and from senior centers.

After Hurricane Katrina, the CTA completely restructured transit service due to road closures, bridge destruction, the evacuation and relocation of residents, and other major changes to the types and

locations of trip generators. The service was constantly revised between September 2005 and March 2006 to meet the ever changing travel conditions and the availability of emergency funding from the Federal Emergency Management Agency (FEMA). FEMA provided funding that allowed the CTA to operate free fare service during the previously referenced 6-month time-frame. The funding also allowed the CTA to provide service to communities that were not served before the hurricane.

Existing Public Transit Service Routes

Currently, CTA operates 21 peak vehicles in a combination of fixed-route and demand response services. Fixed-route service is provided on six bus routes using ten buses, with five of the routes operating seven days a week. Route #21-Casino Hopper and Route #31-Biloxi Back Bay provide service within the East Biloxi community. Three pre-Katrina routes were discontinued due to either the destruction of hotels and businesses or the significant deployment of base personnel for military obligations. For the routes that are currently in service, bus frequencies are either 45 or 90 minutes for all routes except for Route 24-Keesler Express. Figure 21 summarizes the CTA's current route service.

Figure 21: CTA Current Route Service in Biloxi (as of October 2006)

Route	Vehicles	Frequency	Span of Service	Days Operated
	Required	(Minutes)		
#7 Ocean Springs	1	90	5:30A-8:25P	7
#21 Casino Hopper	1	45	5:30A-7:40P	7
#24 Keesler Express	1	30	9:30A-9:24P	7
#31 Biloxi Back Bay	1	45	5:30A-7:40P	7
#34 Pass Road	4	45	4:43A-8:28P	7
#37 Gulfport	2	90	4:38A-7:28P	6
Demand Response	11	-	Various	6
Total	21	-		

Source: Coast, 2007

Ridership

The most accurate gauge of a transit system's true performance is ridership. Ridership is defined as the number of passengers using a particular system of public transportation over a given period of time. As presented in the Gulf Coast Transit Development Plan, ridership was forecast for the entire region for bus, proposed streetcar service and regional rail services. For the purpose of assessing ridership as it relates to the existing bus system and its provision of service to East Biloxi, a comparative analysis was undertaken pre- and post-Katrina.

As previously mentioned, two bus routes currently provide direct service within the East Biloxi, Route #31-Biloxi Back Bay and Route #21-Casino Hopper. Route #31 was in existence prior to Katrina, while Route #21 has only been in existence since March 2006. In order to measure the system's performance, data has been provided by CTA evidencing ridership numbers for both routes. For Route #31, figures were provided from July 2005 through June 2008, while for Route #21, numbers could only be produced from March 2006 to the present. In addition, ridership numbers for Route #24-Keesler Air Force Base

Express and Route #34-Pass Road have been for two important reasons. First, being that Route #31 was the only pre-Katrina route that directly serviced East Biloxi, it is important to use other routes that existed during the same time period as measuring/comparison tools. Second, even though Route #24 and #34 do not originate or end in East Biloxi, Route #24 links with Route #34, which does have a direct link with Route #31 as evidenced in the provided transit route map shown in Figure 22.

Back Ray of Billion Semiler Art Force Ocean Son Milator Bary Route 34 Intel Court Howard Police Keesler Express Route 24 man, Hill Dr. Biox Region Cells Billoxi Detr. Inset B Riborat Bary appr Sound **Prob** Mississippi Sound

Figure 22: Subject Transit Routes in Biloxi, 2008

Route #21_

Route #24

Route #31_____

Route #34

Source: CTA, 2008

Based on the analysis of supplemental ridership data provided by the CTA, several interesting points can be made. Analysis suggests that Route #31 experienced its largest ridership during a 7 month period after Katrina. This could be attributed to the lack of serviceable automobiles present in East Biloxi at the time. It could also be reasonably assumed that bus service was the most convenient and reliable transportation source available. Soon after the spike in numbers, ridership went up and down for approximately two years. However, in recent months (January 2008 to June 2008), ridership increased by 20 percent, as shown in Figure 23.

Figure 23: Total Monthly Ridership for East Biloxi Transit Routes, 2008

	Route #31 Biloxi Back	Route #24 Casino Keesler Hopper Express		Route #34 Pass Road	
	Bay				
Jul-05	2,191		2,820	9,789	
Aug-05	2,191		2,107	10,347	
Sep-05	1,976		2,107	7,492	
Oct-05	3,580		0	17,318	
Nov-05	2,647		0	16,798	
Dec-05	3,060		0	18,016	
200 00	0,000		+ +	10,010	
Jan-06	3,791	+ +	0	22,472	
Feb-06	3,802		0	22,929	
Mar-06	1,753	682	2,685	16,141	
Apr-06	1,620	744	6,129	14,303	
May-06	1,701	889	5,495	14,151	
Jun-06	1,868	926	6,380	14,688	
Jul-06	2,061	1,174	5,655	14,399	
Aug-06	2,211	1,654	5,418	16,601	
Sep-06	1,920	1,790	6,510	16,466	
Oct-06	1,853	1,582	5,327	16,341	
Nov-06	1,565	1,211	5,991	16,749	
Dec-06	1,531	1,450	4,580	17,172	
Jan-07	1,779	1,711	3,830	18,146	
Feb-07	1,933	1,715	5,320	17,797	
Mar-07	2,112	2,090	5,183	21,212	
Apr-07	1,506	6,245	4,263	18,995	
May-07	1,019	10,131	4,258	19,994	
Jun-07	2,782	11,143	3,970	15,471	
Jul-07	1,104	13,042	3,295	20,995	
Aug-07	1,461	13,034	3,930	23,092	
Sep-07	1,331	14,889	4,126	21,100	
Oct-07	1,463	13,236	4,116	21,760	
Nov-07	1,276	14,731	5,442	20,839	
Dec-07	1,298	11,658	3,287	18,832	
Jan-08	1,435	12,708	2,941	19,400	
Feb-08	1,400	16,642	4,834	20,015	
Mar-08	1,744	16,981	4,963	20,214	
Apr-08	1,514	18,890	5,432	19,849	
May-08	1,679	20,316	5,810	21,341	
Jun-08	1,795	20,832	4,249	21,689	

Source: CTA, 2008

Route #21-Casino Hopper, created in March 2006, generated 682 riders in its first month of existence. As of June 2008, ridership has increased to 20,832 persons per month. This increase and steady growth

in ridership may be directly attributed to the patrons and employees of the ever-expanding casino development the route was intended to serve.

Route #24-Keesler Express, an original route, was discontinued for six months after Katrina (September 2005-February 2006). In March 2006, the route experienced similar ridership as the numbers presented in the months preceding Katrina. The route exhibited its highest ridership in September 2006, which represented an increase of 130 percent. Even though ridership has leveled off, due in part to military deployments, the overall increase in ridership from pre-Katrina conditions is calculated at approximately 66 percent.

Route #34-Pass Road experienced ridership of 9,789 persons per month in July 2005. As of June 2008, ridership has increased by 121 percent to 21,689 persons per month. This increase may be directly attributed to eastbound traffic flowing into East Biloxi where most post-Katrina mobility is occurring.

The Federal Department of Transportation suggests that the goal of a successful transit system should be to improve urban and rural mobility, and reduce traffic congestion by maintaining the average yearly increase in ridership at a minimum of 2 percent. Based on the analysis provided, the routes serving East Biloxi are keeping in step with this goal. Three of the four routes (#21, #24, and #34) have seen marked increases in ridership over the past 2 plus years. For Route #31, however, ridership has decreased by 18 percent from pre-Katrina conditions. Conversely, the route appears to be gaining back riders, based on a steady increase in ridership during the last eight months.

Public Transit Service Equipment and Facilities

Much of the CTA's equipment and facilities were damaged extensively during Katrina. A number of buses that made up the authority's fleet suffered water damage due to flooding. Several of the buses also experienced mechanical failure shortly after being re-introduced into service. An appeal for new buses was made to the Mississippi Department of Transportation (MSDOT) and the Federal Transit Administration (FTA). The systems current bus fleet consists of 29 active vehicles. Of the 29 buses, 10 are vehicles donated to the authority after Katrina. MSDOT donated seven new vehicles, while three used vehicles have been donated by the Suburban Mobility Authority for Regional Transportation (SMART) which operates out of the City of Detroit, Michigan. Based upon government and other transit industry age standards, the authority's bus fleet is considered old. The average age of the CTA bus fleet is 5.9 years, with many medium-duty buses having been in use for more than 7 years and are considered eligible for replacement. In fact, according to FTA age standards, approximately half of the CTA bus fleet is eligible for replacement. Figure 24 summarizes the CTA's current vehicle fleet.

Figure 24: Current CTA Vehicle Fleet in Biloxi (As of October 2006)

Manufacturer	No.	Year	Age	Exceed FTA	Seating	Fuel	CTA/Donated
				Age?	Capacity	Type	
Orion	1	1988	19	Yes	42	Diesel	СТА
Chance	1	1993	14	Yes	22	Diesel	СТА
Blue Bird	2	1998	9	Yes	24	Diesel	СТА
Blue Bird	1	1999	8	Yes	24	Diesel	СТА
Eldorado	3	1999	8	Yes	19	Diesel	Donated
Thomas	1	1999	8	Yes	20	Diesel	СТА
Blue Bird	2	2000	7	Yes	24	Diesel	СТА
Thomas	3	2000	7	Yes	19	Diesel	СТА
Blue Bird	1	2001	6	No	24	Diesel	СТА
Blue Bird	2	2002	5	No	24	Diesel	СТА
Ebus	2	2003	4	No	22	Hybrid	СТА
Goshen	1	2003	4	No	18	Diesel	СТА
Ebus	2	2004	3	No	22	Hybrid	СТА
Champion	2	2005	2	No	23	Diesel	Donated
Starcraft	1	2005	2	No	15	Diesel	Donated
Starcraft	4	2006	1	No	15	Diesel	Donated
TOTAL	29						
AVERAGE AGE			5.9				

Source: Coast, 2007

Before Katrina, CTA maintained three types of bus stop/shelters throughout its service area: basic bench type bus stops, pre-fabricated glass enclosed shelters, and specialized beach shelters (Coast, 2007). The authority lost 90 bench type stops and 15 glass shelters, as well as seven beach shelters in the catastrophe.

Available Funding Resources for Public Transit Service

In regards to financial resources, Katrina has had a lasting impact on financing public transportation. CTA, which serves the City of Biloxi, is funded through a combination of FTA, state, and local funding along with user fares. Much of the local fiscal base that the authority once depended on has been lost. As a result of Hurricane Katrina, the property tax base has been significantly degraded, with much of the waterfront areas having been devastated. With fiscal pressures being applied to local and state government in the way of requests for recovery and reconstruction dollars, funding for transit service has had a difficult time gaining a foot-hold in terms of priority. In addition, FTA funding programs require local match funds. For example, seven beach shelters are eligible for replacement through a combination of flood and wind insurance and FEMA. However, given the current economic situation, the future utilization of federal funds by CTA may be put in jeopardy.

Identified Public Transit Service Improvements and Strategies

In the wake of Hurricane Katrina, it has become evident to local officials and the community that public transportation needs to become a higher priority for the region due to the mobility needs of the labor force, senior citizens, persons with disabilities, low-income families, and other transit dependant populations. In addition, with increased casino development in the area as a major economic activity, the community has become even more aware of the need for increased public transportation service enhancements and infrastructure improvements. Consequently, CTA has identified the following transit improvements and enhancements.

- 1. Promote better location and access to transit stops and generators: Locate stops close to safe crossings and be sure that they are visible from the pedestrian entrances of major generators. Promote sidewalks, curb cuts for accessibility, and signalized street crossings create a safe walking environment. Provide for curb extensions or "bus bulbs" to allow riders easy access to the bus without interference from parked cars or traffic;
- 2. Promote street signage and way finding for transit: Provide sign poles that are separate and visually distinctive from other signage to call attention to the service. The signage should be developed in coordination with the overall brand image created by the CTA;
- **3.** Improve transit running times and reliability: Create "bus bulbs" so buses do not need to pull in and out of traffic and incorporate transit signalization to help buses through traffic;
- **4.** Connection to the pedestrian/bicycle network: Foster a sense of impendence from the auto by creating a strong link between transit centers and the pedestrian/bike paths around the City. The community should strive to have a visual path that carries pedestrian from transit to the City rather than from transit to auto;
- **5.** Provide for easier transfer: Transit centers within the City should provide a high level of customer amenity and allow for easy transfers between bus routes; and
- **6.** Provide bus stop waiting areas: Provide the infrastructure necessary to create a customer friendly waiting environment. Each bus should have the capability of providing shelter, lighting, and electronic (next bus) information. Electronic information can also be used to broadcast emergency messages.

It is important to note while the CTA is the entity responsible for transit service, the City of Biloxi represents the most important entity due to its ability to potentially coordinate future transportation investments with CTA service planning to create an integrated transit supportive environment. Thus, the improvement and enhancement mentioned above have also been reflected in the *Living Cities: East Biloxi Transportation Strategy*.

Roadway Infrastructure Capacity

Transportation in East Biloxi relies heavily on automobile travel, despite relatively high densities, a good mixture of jobs and housing, and the availability of transit service. The 2000 Census estimated that 87 percent of work trips made by residents of the study area were executed via automobile, with over 90 percent of the work trips made by automobile in several areas, as referenced in Figure 25.

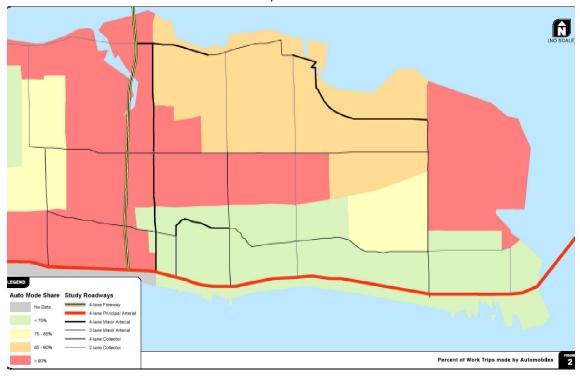


Figure 25: Automobile Mode Share for East Biloxi, 2006

Source: Kittelson, 2006

Due to the growth that is projected for East Biloxi, the ability to maintain adequate capacity on the roadway network is critical. Capacity is defined as the maximum hourly rate at which vehicles can be expected to pass during a given time period under prevailing conditions. In order to assess the conditions of the East Biloxi road network, an arterial capacity analysis has been conducted using ARTPLAN. The software produces estimates of average travel speed and capacity. The primary input parameters that affect the results of the analysis are volume of traffic and number of lanes. The methodology also takes into account roadway and signalization characteristics. For the purpose of this analysis, the assessment focused on both near-term and long-term roadway capacity.

Near -Term Roadway Capacity

Near-term roadway operations were based on pre-Katrina conditions (2004). These conditions reflect the capacity of the roadway network with the US 90 Biloxi-Ocean Springs and Bay St. Louis Bridges intact, and with the casinos and other land uses fully operational. Census TIGER-Line files and other data sources were used for the analysis due to the lack of a calibrated travel demand model available.

Based on the ARTPLAN analysis conducted, most roadways in East Biloxi operated at less than 80 percent of capacity under 2004 pre-Katrina conditions as shown in Figure 26. Back Bay Boulevard (Main Street to Lee Street), US 90 (Porter Street to Biloxi-Ocean Springs Bridge), and I-110 (Division Street to Biloxi Bay Bridge) all operated near capacity.



Figure 26: East Biloxi Roadway Study, 2004

Source: Kittleson, 2006

Long-Term Roadway Capacity

The long-term analysis takes into account the impact of three key improvements that have the potential to increase the capacity of the regional roadway network. The analysis estimates the development potential that each of these transportation improvements could accommodate. The three improvements are as follows:

- 1. East Harrison County Connector (EHCC): The four-lane grade-separated highway is to connect I-10 to US90 approximately 4 miles west of I-110. Because the EHCC parallels I-110, it is anticipated that some I-110 trips will be diverted to the EHCC. A total of 675 peak hour trips are estimated to be diverted after construction of the facility;
- **2.** Back Bay Boulevard Extension: The extension of the facility serves to provide additional local circulation and increased access to casinos located on the bay;
- **3.** Biloxi-Ocean Springs Bridge: This project has recently been completed. It connects the City of Biloxi with the City of Ocean Springs. Its subsequent connection to both Beach Boulevard

and the extended Back Bay Boulevard, which upon its completion is projected to increase the bridges capacity by approximately 1,500 peak hour trips.

Together, these projects are expected to create an additional capacity of approximately 2,175 regional trips. It is to be noted that a more detailed analysis is needed to identify the transportation improvements that are required to support full build-out of East Biloxi. The provided analysis does show, however, that even with the inclusion of proposed roadway improvements, regional roadway capacity may limit the potential for development in East Biloxi. Developing a transportation system that will reduce auto dependence is critical to accommodating anticipated development.

East Biloxi Street Network

East Biloxi's block structure and street network represent an important community asset that contributes directly to the identity and livability of its neighborhoods (Moving Forward, 2006). Upon closer observation, it has been noticed that several links within the network have been either destroyed or broken through the closing off of streets through use of barricades and other "dead end" impediments. The utilization of such barriers leads to interrupted, and in some cases, lost interconnectivity between neighborhoods. Old links should be re-established, in combination with new links being created, while at the same time taking safety and roadway access into consideration. Enhanced connections between the residential street grid and the waterfront, especially through former industrial and commercial properties now being redeveloped, present a significant opportunity.

Streets experiencing lower levels of automobile traffic are more conducive to walking and biking. Where complete, this redundancy created by the grid pattern ensures that no single roadway is required to shoulder a disproportionate number of local trips. Additional benefits of a grid pattern include direct routes between destinations which benefits auto, bicycle, and pedestrian travel and the ability to offer efficient transit service (Kittelson, 2006). As described below, the various series of proposed streets throughout the community provide for a range of utility and character.

Scenic Loop Boulevard

Establishment of a vehicular loop that links Beach Boulevard to Cailavet Boulevard and the Interstate 110 ramps has been identified as a necessity by several redevelopment and transportation plans. Figure 27 illustrates the proposed street network. The proposed project would provide additional roadway capacity to serve existing and future development. Introducing this loop may also relieve congestion on Beach Boulevard, alleviating pressure to consider widening the boulevard beyond four lanes along the beachfront in East Biloxi. This alternative would further the goal of preserving and enhancing the attractiveness of the beachfront. In addition, through development limitations such as setbacks and building height restrictions for structures directly adjacent to the corridor, the potential exists for the creation of a physical appearance that reflects the City's historic scale and character, while accommodating large-scale development.

STREET NETWORK

Scenic loop boulevard

Other street improvements

FUTURE REUSE OF CSX CORRIDOR

REPLACEMENT REDGE SET TO BEGIN CONSTRUCTION

Figure 27: East Biloxi Proposed Street Network, 2006

Source: Kittleson, 2006

View Corridors

Based on the provided map, many of the streets comprising the East Biloxi grid network lead to the waterfront, connecting the City to the Gulf and Back Bay. Scenic views along these corridors connect neighborhoods to the water and open the interior of the East Biloxi community to sea breezes, as shown in Figure 28. Recent casino and hotel development, such as the Imperial Palace, has blocked these views and resulted in the waterfront being blocked off from the City's downtown and neighborhoods. Designs for new waterfront development that keeps view corridors' scenic function should be welcomed by the City.

VIEW CORRIDORS
Linear view corridor
Expanded vista from point
Waterfront open-view areas
with limited or no construction

Figure 28: View Corridors in East Biloxi, 2006

Source: Kittleson, 2006

Bike/Pedestrian Transportation Modes

Pedestrian circulation appeared to be a major "consideration" as referenced in the Future Land Use section of the Vision 2020 Biloxi Comprehensive Plan (Lusteck, 1996). However, the pedestrian friendly enhancements are only referenced for areas of the City in the Biloxi Central Business and Waterfront District. With that being said, no documentation or mapping is available which delineates any true pedestrian ways within these areas.

In addition, the City's comprehensive plan envisions a bikeway system for Biloxi as a combination recreational/transportation type facility. Based on information provided in the plan, respondents to a community survey ranked a proposed bikeway system third in desirability among all alternative recreational facilities. The Transportation Element within the plan recommends a multi-faceted approach to make the City more bicycle-friendly. However, similar to pedestrian ways, no policies were provided calling for the implementation of strategies that would be undertaken to ensure that the City would provide both bike and pedestrian facilities. In addition, no timeframe was provided within the plan indicating when if any of these systems would be implemented. In short, these two alternative modes, for the most part, were truly "visions".

Recent events that have brought about the need to rebuild present the perfect opportunity to plan for a more balanced, and increasingly more desirable, multimodal transportation system. New and different elements of the transportation system, along with enhancements can make walking and bicycling an appealing and functional mode of transportation. Walking itself is also a necessary mode for increased transit use. Accommodations made for walking and bicycling give both residents and visitors a chance to enjoy a different pace and have a more direct experience with the scenery as they move about.

The following projects have been offered by Kittleson (2006) as major opportunities to consider during the reconstruction of the East Biloxi community (See Figure 29). The projects emphasize a focus on water adjacent development as they capitalize on Biloxi's natural appeal through new development that integrates both work and leisure activities:

- Continuous Waterfront Pedestrian Promenade: Uninterrupted access to the gulf and bay front environments should be a key strategy to preserve the City's most special natural features. This particular project has been specifically recommended for areas to be designated Waterfront Mixed-Use.
- 2. Pedestrian scale block structure: Maintaining the scale of the existing block structure of East Biloxi should be a priority in the redevelopment of the community. Developments with large format footprints will present a challenge as the City attempts to retain and enhance its circulation network. Mapping key streets and connections to community resources is also recommended.
- **3.** Bicycling System: Bicycling is best accommodated on low volume, low speed streets. Reinforcing the grid, and bridging links in the street network, as well as creating a multi-use trail at the water's edge are ways to promote bicycling within the City, adding to the area's appeal to both residents and tourists (Kittleson, 2006).



Figure 29: Existing Network and Proposed Improvements in East Biloxi, 2006

Source: Kittleson, 2006

The casino industry has become a great boon to the economy of the gulf coast, especially the City of Biloxi. Much of the growth and development that is currently occurring and that is expected to occur in the future can be attributed to the ever-evolving gaming industry. Based on 2030 County projections, Biloxi, and especially East Biloxi, will experience significant growth in population and employment (See Figure 30). The darker shades of green indicate higher population densities and the larger red circles represent the largest employers by persons employed. The casinos can be expected to be the main contributor to this anticipated growth. The gaming industry brings millions of dollars into an area that would otherwise find it challenging to attract the revenue generated by year round visitors. However, just as the casinos provide a benefit to the City of Biloxi, they also generate impacts affecting East Biloxi directly that should be addressed by the local government and other entities such as the casinos themselves.

Harrison County 2030 Population and Employment

Hence County

Hence Coun

Figure 30: Employment Projections to 2030 in East Biloxi, 2008

Source: Harrison County, 2008

Due to the number of tourists and employees that are attracted daily, casinos generate significant trips on both the local and regional roadway networks. Based on transportation studies recently conducted, the average casino (similar in size to the Beau Rivage casino) has the potential to generate 930 p.m. peak hour trips. With the capacity created by the previously referenced road improvements, the road networks could only accommodate four additional casino developments of similar size to what currently exists. The current capacity to hold four additional casinos contradicts the mayor's vision of 32 casinos, which would truly transform Biloxi into the "Las Vegas of the South" (City Times Picayune article).

Redevelopment strategies that reduce auto dependency will reduce the impact of these new casino developments on local road facilities. Without convenient access to alternate modes, however, casino patrons and employers are likely to generate even more automobile trips. Strategies that reduce the number of new auto trips added to the system are essential to maximizing development potential of East Biloxi. In addition, the casinos should be held accountable monetarily for the transportation impacts that it creates.

Tourism and the Casino Industry

In 2006, Biloxi casinos alone are a \$92 million industry. Gross sales placed the lumber and building industry in second with \$80 million, followed by machinery equipment and sales, food and beverage, retail, and service industries (City of Biloxi, 2008). While casinos bring in over 20 million visitors, a single non-casino tourism attraction has an estimated 75,000* visitors per year pre-Katrina. This means that tourism is the primary economic sector in Biloxi and most of that tourism is accounted for by casinos. As the leading industry in Biloxi, casinos should also be the leaders in corporate responsibility to the community in which they are located.

There are four areas of concern regarding Biloxi's tourist economy. First, it is not diverse enough. Casinos monopolize the sector and non-casino attractions are falling by the wayside (see photographs below). Second, casinos block access to the waterfront by building their parking garages against the water. While this may help buffer future storms, it takes away from the beauty and utility of the waterfront. Third, Vietnamese businesses formerly located along the Oak Street corridor have not returned. These businesses are an important part of the local community and should be valued. Fourth, there is a lack of affordable housing near casinos. This creates an economy where wages are going outside the local area. A possible demographic shift towards more family-oriented tourism may help in gaining casino support for the non-casino attractions and, thereby, help the Biloxi economy rebound as a whole.



The Ohr-O'Keefe Museum that has not been rebuilt since the hurricane.



A shrimping pier that is in disrepair since the hurricane.

Non-Casino Attractions

Pre-Katrina non-casino attractions include museums, art galleries, historic houses, fishing charters, boating tours, festivals, shrimping tours, the historic lighthouse, golf courses, beaches, and the Mississippi Coast Coliseum and Convention Center ("Tourism," 2008). Today, these attractions are still devastated three years after Hurricane Katrina. For instance, shrimping piers are in disrepair, the Ohr-O'Keefe Museum is in shambles after a casino barge collided with it during the hurricane catastrophe, many former commercial and residential areas are now being used as surface parking lots for casinos, and there is a shrimping pier hidden behind the parking garage of the Hard Rock casino (see photograph below).



A shrimping pier located behind the Hard Rock Casino.

Casino Development

Casinos are thriving. Eight out of the 10 pre-Katrina casinos have been rebuilt and many were up and running just months after the hurricane. There were over 20 million casino visitors in 2007, from various states (City of Biloxi, 2008). About a quarter of visitors were from Mississippi with about 21 percent from Louisiana, 18 percent from Florida, and 14 percent from Alabama. Nearly 20 percent of visitors (a growing number) are from outside the immediate region, including such states as Texas and Tennessee. This shows that Biloxi's casino visitors are mostly from the Gulf Coast region, but there is some growth in visitation from states outside the immediate region (see Figure 31).

The current visitor profile for casino visitors consists primarily of middle-income, married, and retired (Economics Research Associates, 2006). While only 40 percent of visitors cite gaming as their sole purpose in visiting Biloxi, over 78 percent of visitors plan to gamble on their trip, making it the primary reason to visit. Other common reasons include getaway vacationing, visiting family or friends, honeymoon or anniversary, business, fine dining, and shopping. This demographic doesn't necessarily help in providing support for diversifying the economy because gaming visitors' needs can be met within the isolated casino complex. There are, however, some families that currently visit and may want more non-casino options. Historically, there have been more families and a younger demographic that visits Mississippi** (State of Mississippi, 2006). Also, there is the potential for a different demographic influx as people come from further away to visit.

Angels Texas

An

Figure 31: Super regional gaming potential map

Source: Economics Research Associates, 2006

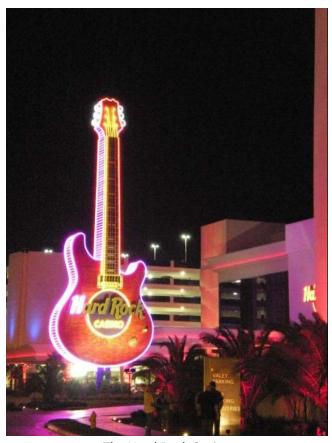
The casino industry is poised for expansion. The current casino establishments include the Beau Rivage, Boomtown, The Grand, Hard Rock (see photograph below), Imperial Palace, Isle of Capri, The Palace, and Treasure Bay. All of the existing casinos, except Treasure Bay, are located in East Biloxi (Figure 32). In addition to the eight pre-Katrina casinos that are operational, three more have been approved for development (City of Biloxi, 2008). Bacaran Bay, Bayview, and Margaritaville will soon be introduced to East Biloxi. Margaritaville will be located in East Biloxi, between The Grand and Isle of Capri.

Figure 32: Map of current casino locations along the Gulf Coast, 2008



Source: Play Mississippi's Gulf Coast, 2008

The current mayor of Biloxi has expressed interest in developing a total of 32 casinos in Biloxi, while the City Council envisions only around 18 future casino developments (Times-Picayune, May 26, 2008). Even the lower of the two numbers is a significant increase in an industry that already owns 30 percent of the non-residential land available in Biloxi (City of Biloxi, 2008).



The Hard Rock Casino

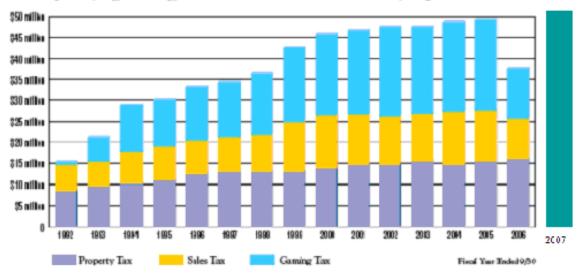
The City of Biloxi sees casinos favorably because most of their city budget comes from gaming tax revenues. The gaming industry made \$929 million dollars in 2007 (City of Biloxi, 2008). The State of Mississippi levies a 4 to 8 percent sliding scale tax, of which 72 percent goes to the county and 28 percent to the city. In addition, the city levies an additional 3.2 percent local tax in accordance with state law. Of this, 60 percent goes to the city general fund (includes 20 percent public safety), 20 percent goes to city public schools, 10 percent goes to county public safety, and 10 percent goes to county public schools. The casinos also have to pay licensing and permitting fees, as well as property taxes.

For 2007 gaming tax revenues were over Pre-Katrina totals (\$911.5 million in FY2005), despite a decrease in the number of visitors. With similar property and sales tax revenues, city tax revenues in 2007 totaled over \$50 million (See Figure 33). The expected super regional market has the potential to increase these revenues significantly. While this may seem like a lot of tax revenue, it remains less than the 21.5 percent tax that neighboring Louisiana taxes its casinos.

Figure 33: Tax revenue for the city of Biloxi, 1992-2006, plus 2007

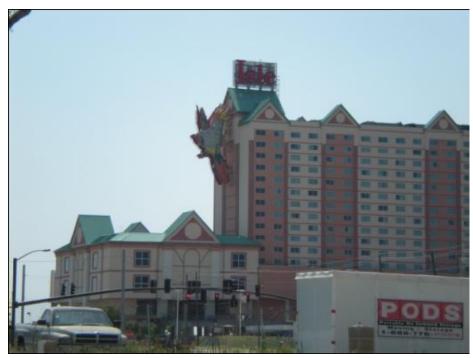
Revenue Trends

Property, gaming and sales taxes fund city operations



Source: City of Biloxi, 2008

Casinos have made non-tax contributions to the local area, including increasing employment opportunities and some infrastructure improvements. For instance, the Isle of Capri (see photograph below) has established the Isle of Capri Education Fund and the Sunshine Funds of the Isle of Capri. They have also made one-time donations to the Ohr-O'Keefe Museum, the Biloxi Main Street Program, the Maritime & Seafood Industry Museum, and the Salvation Army (City of Biloxi, 2008). However, these contributions are mostly in the form of single donations or beautification projects for positive public relations rather than providing sustainable assets to the East Biloxi community.



Isle of Capri Casino

Factors Promoting Tourism

There are several factors contributing to the promotion of tourism in Biloxi, some of which are good for tourism, but potentially harmful to the East Biloxi community. The expanded Gulfport-Biloxi International Airport will help to attract the super regional market into Biloxi. Casino expansions and new casinos will increase recreational opportunities to residents and visitors alike, but may also contribute to the loss of community as local land is purchased by casinos. The Gulfport rebuilding and expansion will bring more business to Biloxi. The many street improvements have made it easier for tourists to get to and from casinos quickly, however these larger roads have cut the community off from access to the waterfront. Annual festivals such as the "Blessing of the Fleet" to celebrate the beginning of the shrimping season have historically brought many visitors to Biloxi. The piers used by local shrimpers, however, remain in disrepair. Another factor promoting tourism in Biloxi is the re-opening of Beauvoir, the Jefferson Davis House, in June 2008 (see picture to follow). If the city puts more effort into rebuilding other such historic sites, the tourism potential will improve.



Beauvoir Mansion: Pre-Katrina

Factors Limiting Tourism

There are several factors that limit tourism in Biloxi. There is a lack of economic diversification due to disproportionate efforts that focus on the revitalization and expansion of the casino industry. Overall, this restricts the growth of tourism because it attracts a limited demographic. The demographic could be expanded if there was a wider breadth of non-casino activities available. The delayed rebuilding of non-casino attractions means that tourists seeking historic and family oriented tourism lack options. Local shrimping activity has declined as a result of the damaged piers, and tourists are no longer inclined to visit these docks. Moreover, across East Biloxi, vacant lots and post-Katrina temporary housing present an unwelcoming atmosphere for many tourists.

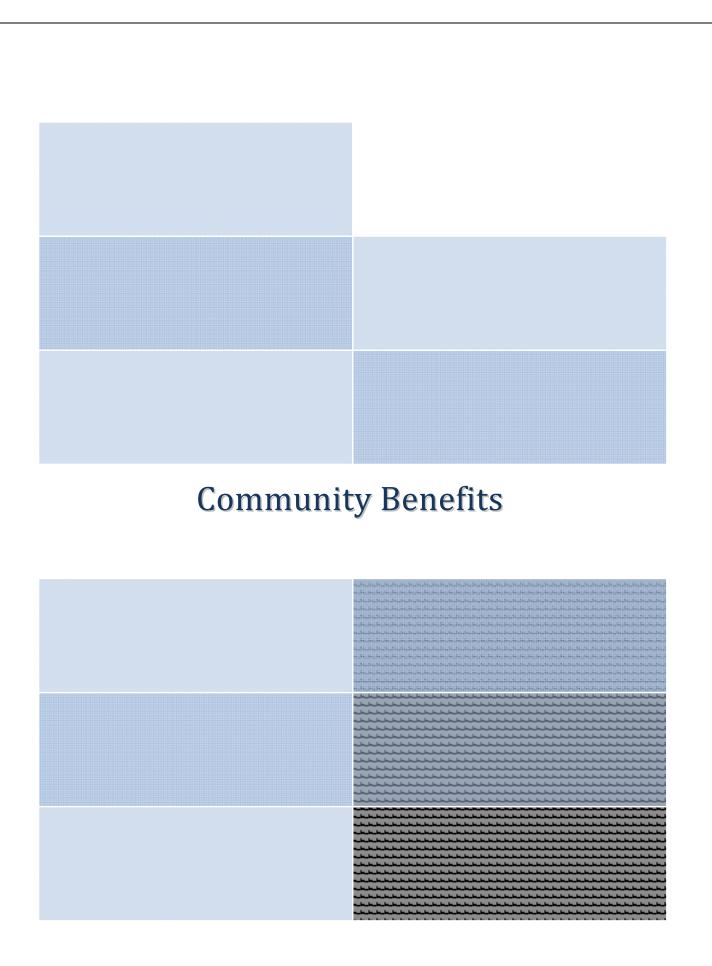


Surface parking near the IP Casino.



A shrimping pier in extreme disrepair.

This analysis provides some understanding about why casino investment was considered a good way to jump-start the post-Katrina economy. However, it is now time to invest in the East Biloxi community and build a balanced economy for the long term. This investment needs to be sustainable (not just for one-time public relations purposes) and should seek to improve East Biloxi for the future, while still retaining its historic local character. Four areas which can be improved include diversifying the economy, creating public access to the waterfront, rebuilding the Vietnamese business district and providing affordable housing. In addition, the "super regional" market potential and the desire to be a "tier I" tourism destination could be used as leverage for these community improvements. Biloxi is currently a tier IV tourism destination and the city has expressed a strong will to improve this. The way to make the casinos do more than they currently need to for the community is not by looking at what is, but what could be the future of Biloxi. The super regional market has the potential to shift demographics towards a more family friendly visitor profile and the casinos have a responsibility to support the needs of Biloxi's tourism economy.



Policy Background

This section of the report highlights policies facilitating community benefits from around the nation. Analyzing efforts from across the United States gives insight to policy formulation in other regions and provides a foundation for recommendations within the context of the East Biloxi community. Each approach exhibits potential to provide community benefits independently or in conjunction with others by following a thematic strategy that shifts uncertainty from the community to the developer. In turn, along with these strengths, several efforts also exhibited some weaknesses.

The subsection that follows provides a review of the literature and historical overview of community benefits agreements in the United States of America. Next, the analysis will provide an assessment of state and regional policies that influence development patterns and that will have an impact on any community benefits campaign. State regulations will also be assessed as they might offer a means to secure community benefits. This section of the report concludes by offering a description of a variety of potential benefits that members of the East Biloxi community might choose to pursue.

Community Benefits Agreement

Communities have extracted benefits from developers for at least the last 70 years (Cummings 2007). These may include exactions, impact fees, or road improvements. In addition, many communities have adopted the development agreement approach which allows for negotiations between the municipal authority and the developer to determine the quantity and range of benefits that are provided. Legal limitations, however, have prevented municipal authorities from extracting more benefits, and oftentimes the benefits that are extracted are infrastructural rather than social or cultural. With the Supreme Court rulings in Nollan v. California Coastal Commission (1987) and Dolan v. City of Tigard (1994), municipal authorities have seen their ability to extract benefits further limited to what is in the realm of the rational nexus and proportionality. This means that any legally mandated granting of benefits hinges on a discernable and rational connection between the actions of the benefits provider and the petition of benefits. If no discernable and rational connection is found, then the benefits are not legally warranted. A measure of proportionality is used to assess whether sum value of the granted benefits are rationally proportionate to offset the negative impacts of the granting entity's actions. Since non-governmental groups are not bound to such rulings, there has been significant effort to bring about community benefits through direct community negotiation resulting in has been the Community Benefits Agreement, or CBA.

Historical Context & Literature Review

The process of urban redevelopment involves three stakeholders: the public sector, the private sector, and the community. In the traditional development process the community has little say, with the idea being that the public sector represents the community's concerns and therefore manages development appropriately. In many places with strong community-public sector connections, this is true. In others, especially those that have only recently had to respond to the "return-to-the-cities" movement, there is a poor relationship between the community's concerns and the actions of the public sector. Figure 34 shows the typical development process without a Community Benefits Agreement.

WITHOUT A CBA

OTHER
GROUPS

Little or no direct communication between community groups and developer

All developer commitments go into development agreement – city and developer draft language
No coordination or shared power among community groups
Community groups cannot enforce developer

Figure 34: Schematic of Development Process Without CBA

Source: Baxamusa, 2008

In the wake of urban renewal and the subsequent sprawling of American suburbs, a shift became apparent. Amidst decades of disinvestment in urban cores, a strong real estate market in the 1990's brought developers back to urban areas in pursuit of low cost land to redevelop (Cummings 2007). The previously concerted effort to bring businesses and development into the decaying cities shifted towards an attempt to manage the large number of projects that were suddenly being proposed. Many cities, having dealt with long-term disinvestment in the post-World War II era had not updated their planning techniques, statutes, or staff and were caught off-guard. From the perspective of the public sector, however, this was not necessarily a concern. Large-scale redevelopment projects brought in new tax revenues, new jobs, and were seen generally as harbingers of change. From the community perspective, however, this wave of redevelopment represented a double-edged sword.

At first many communities tacitly accepted the idea of redevelopment (Janis 2007). Their leaders in the public sector gave promises of jobs and community improvement. Although these promises were often met, the overall impact of redevelopment was often not addressed. As this began to be realized, a backlash began to occur based on the issues of gentrification and the displacement of low-income individuals. In this light, many areas with strong community capacity began to resist development entirely. Other communities, finding it difficult to resist development and the jobs that it promises, chose instead to demand that new developments provide benefits to the communities they impacted. It was from this perspective, not of resisting development but rather of demanding benefits of development, from which the modern Community Benefits Agreement arose (Cummings 2007). Figure 35 shows the modified development process with the CBA intervention empowering the community.

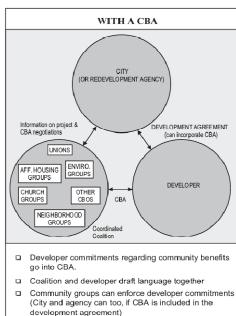


Figure 35: Schematic of Development Process With CBA

Source: Baxamusa, 2008

Lacking a general understanding within the community development field of a definition for Community Benefits Agreement, recent literature has shown that there have been attempts to misuse the phrase or to use the term to connote community acceptance of a project when in fact there is none. For this reason a series of definitions are given:

 Community groups share information, have strength in numbers, and coordinate their advocacy.

A CBA is a legally binding contract (or set of related contracts), setting forth a range of community benefits regarding a development project, and resulting from substantial community involvement. – Gross

A community benefits agreement (CBA) is a private contract negotiated between a prospective developer and community representatives. In essence, the CBA specifies the benefits that the developer will provide to the community in exchange for the community's support, or quiet acquiescence, of its proposed development. – Salkin

CBAs - project-specific contracts between developers or cities and community coalitions. CBAs are legally binding, enforceable agreements that call for a range of benefits to be produced by the development project. They allow community groups to have a voice in shaping a project, to press for community benefits that are tailored to their particular needs, and to enforce developer's promises. – Janis

[CBAs] are legally binding contracts between a developer and community groups, intended to ensure that development projects benefit residents. – Ho

[CBAs] are specific tools in which the interests of developers, workers, and residents are made compatible in ways that facilitate a project's acceptance and completion—they spur equity and growth.—Pastor

From these definitions a general definition can be used for this CBR: Community Benefits Agreements (CBA) are private contracts negotiated between developers and community groups to provide benefits to the community. Indeed, such a definition could be widely accepted and understood within those groups that have experience with using or researching CBAs. The issue at hand, however, is that the vast majority of the public has no understanding of what a Community Benefits Agreement is beyond what can be inferred by its name.

By and large, the literature on Community Benefits Agreements has been restricted to explanatory and guidance documents. The explanatory documents, largely found in law reviews that were interested in the legality of these contracts, sought primarily to provide information to a broad audience that gave a general overview of how they were applied and recent examples of their application. The guidance documents, on the other hand, were primarily published by non-profits engaged in negotiating CBAs or actively assisting other community groups to the same end. These two sources, though important, have generally lacked the in-depth scholarly research on the application of Community Benefits Agreements within the planning context. Scott Cummings noted this in the most recent edition of the Journal of Affordable Housing and Community Development Law in Winter 2007, stating that "This issue is designed to begin to fill this gap by bringing together some of the foremost practitioners and academics working on CBA issues" (Cummings 2007).

Very recently, however, Community Benefits Agreements are beginning to be recognized in planning literature. This is not to say, however, that a shift in the style of writing has occurred. Indeed, many of the recent articles mirror their counterparts in law reviews by providing an explanation of the CBA as a tool used in recent application. This is no surprise since the most prolific writer on CBAs is Patricia Salkin, Associate Dean of the Albany Law School. The exception to this is an article in the Journal of Planning Education and Research by Murtaza Baxamusa (2007) that goes beyond the typical explanatory nature of the majority of authors. Baxamusa covers in detail the process of initiating a CBA, provides an overview of CBAs, and offers case studies. In this way, Baxamusa bridged a literature gap that was present between the explanatory and guidance literature that could previously have been perceived as mutually exclusive.

In the same article, Baxamusa makes another important contribution by integrating the CBA concept within the planning theory of empowerment and raises the question of whether it is wise to incorporate the CBA into a traditional planning process. The author contends that it is not in the best interest of an empowered community to allow CBAs to become institutionalized in the traditional planning process. If the CBA does become institutionalized and the developer is given streamlined approval processing without an accurate assessment of the socioeconomic impacts, the uncertainty moves from the developer to the community. Thus, there is no longer a reason for the developer to engage in the CBA process. This possible action stems from the important question of why developers would find it

necessary to engage in a CBA process in the first place. Indeed, the developer comes to the conclusion that reducing uncertainty is the key factor in the success of any development activity.

Oftentimes, as planners, there is an attempt to institutionalize that which is successful, in this case the CBA. Baxamusa (2007) warns that the institutionalization of the CBA significantly hinders the power that the CBA attempts to garner for community groups, and as such can be counterproductive. One such example in Oakland is reviewed later in the "Local/Regional Regulations" section. However, before that section the following case studies highlight efforts from throughout the United States.

Case Studies

When reviewing case studies, it is important to remember the context in which this project takes place. Planning as a municipal function for many jurisdictions along the Mississippi Gulf Coast is nascent, should it exist at all. Much of the law and regulation that guides planning practice in Mississippi was formed in the early 20th Century and has yet to adapt to the changing patterns of land use. This provides both opportunities for the advancement of planning practice as well as constrains the formulation of a CBA. For the purpose of this report, the case studies have been placed into categories of state and local CBA activity. The case studies include: California; New York City; New Haven, Connecticut; "The South;" and Pennsylvania.

California

California, and Los Angeles in particular, has been a hotbed of CBA activity. California's first negotiated CBA occurred in 1998 and over the past decade several agreements and negotiations have taken place. Indeed, for most CBAs found elsewhere in the United States, California's approach serves as the model.

In California, the campaigns focus on large-scale developments that are financed entirely or in part by public funds. The most distinguishing part of California's approach to CBAs is that they can be included in a development agreement between the developer and the city, and thus, have the ability to be enforced by both community and municipal authorities. This is key element to their approach because it adds a layer of uncertainty for the developer, removes uncertainty for the community, and increases the leverage that can be applied towards developments (Baxamusa 2007, Salkin 2007). The model in California revolves around the creation of broad-based community coalitions among the grassroots that negotiate development agreements with the developer.

Strategic Actions for a Just Economy (SAJE) and its efforts in securing a CBA from the Staples Center in Los Angeles illustrates this point. As elsewhere in California, the driving force for this CBA was grassroots community organizing. However, unlike some others, the CBA was negotiated without direct city involvement even though a great deal of public investment had been committed to the project. When this occurs, community groups instantly have a frame by which they can push for a CBA. In addition, the city was helpful in convincing the developers to meet with the community groups, and in that way helped to facilitate the initial steps of the CBA negotiation process.

New York City

Another popular model of CBAs can be found in New York City. In New York, municipalities are not authorized to engage in development agreements. As a result, the framework for CBAs is much weaker.

The absence of development agreements to provide transparency in the implementation process, especially when public funds are involved, has reportedly led to mismanagement and impropriety. The Atlantic Yards CBA is the most cited example in New York, and is also one of the most controversial. The 22-acre multi-use development along Brooklyn's waterfront, which was slated to receive more than \$200 million in state and local funds, entered into a CBA with a coalition of eight community groups. Although the agreement was broad, many have questioned the size of the coalition, claiming that it did not fully represent the interests of the community. In addition, several of the groups are slated to receive funds from the project, which leads to the expected charges of corruption in the process. Beyond these issues, other CBAs in New York have been accused of being shams created by the developers to garner positive press. Some developers are alleged to have essentially formed community groups for the expressed purpose of creating a CBA. The lessons learned from CBAs in New York are clear: create broad based coalitions with transparency and avoid negotiating CBAs that will provide direct funds to coalition members (Salkin 2007).

New Haven, Connecticut

In New Haven, CT the Connecticut Center for a New Economy started the Communities Organizing for Responsible Development (CORD) campaign. In this model, the driving force is a progressive city council. However, there is debate as to whether this should be considered a CBA or a development agreement. Although CORD was involved in negotiations and determining what benefits should be provided, the agreement was between the City of New Haven and the hospital. This is a rare situation in which the community was able to become involved, get community benefits, and not be responsible for oversight. The legality of this method is questionable, especially if these benefits were required as a condition for permitting. Therefore, it must be stated that it remains ideal for the community organization to be in control of the agreement itself, enforced by a more general development agreement.

"The South"

The southern states have historically lagged behind in the development of CBAs, which have more typically been implemented in the West, Midwest, and Northeast. This is largely due to the fact that cities in these regions have longer traditions of planning and community organizing. There have, nonetheless, been examples of CBAs in the southern United States.

The most prominent CBA composed in the Southern United States is the Atlanta Beltline CBA, which follows a model unlike that of California, New York City or New Haven Connecticut. The Atlanta Beltline is a 22 mile transit loop around the city. By municipal resolution, the Atlanta Beltline must incorporate community benefits into each project under its purview. This was done largely to assuage concerns

about gentrification around the proposed stations. Moreover, it offers a rare case in which a municipal authority has required community benefits be included on such a broad scale.

The impact of the Atlanta Beltline has yet to be realized, but the concern of Baxamusa may come into play since the wording of the law does not require explicit Community Benefits Agreements. Instead, the law requires the inclusion of "community benefits principles" into any development agreement that occurs regarding the construction of the beltline. It is also important to note that this is largely a public sector development (although the specific projects will be built by private developers). As such, community groups have far more leverage to procure community benefits than the typical private development scenario.

The resolution for community benefits through the construction of the Atlanta Beltline is an important step in the right direction. While this case appears to be the most successful, other southern cities have attempted and failed or are in the early stages of pursuing community benefits in development activities. These other places include Charleston, South Carolina; New Orleans, Louisiana; and Miami, Florida.

Pennsylvania

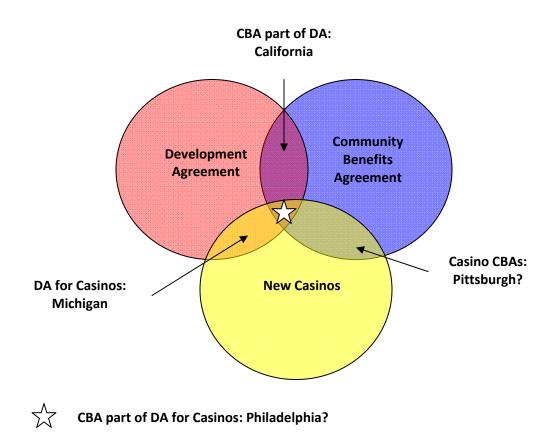
This case study holds special importance since the initial targets of CBAs in East Biloxi will include multimillion dollar casino developments that have, since Hurricane Katrina, gained the legal right to build entirely on land. As of this writing, there has not been a CBA involving casino development. Other methods have been used to acquire community benefits, but a community group has yet to negotiate a CBA directly with a casino. However, this is not to say there has not been progress. Following state legislation in 2005, casino development in Pennsylvania met serious resistance in both Pittsburgh and Philadelphia from community-based coalitions.

In Pittsburgh, a strong coalition known as Pittsburgh UNITED, which experienced CBA victory with the new Penguins Arena, turned their attention to the proposed casino on the northside of the city. Through a campaign called Northside UNITED, they are attempting to negotiate a CBA that will include: living wage jobs, support for parks, job training, home repair funds, creation of affordable housing, and funding of youth programs and childcare. Although a CBA has not been negotiated, in part due to funding issues on the casino side, this is an important precedent.

In Philadelphia, a different approach has been utilized in order to achieve a CBA. The City of Philadelphia has put a CBA requirement into the development agreements that they have reached with two proposed casinos. The casino developers released draft CBAs, placing them on their websites prior to any negotiation with community groups. Both casino draft CBAs propose similar contributions, and are relatively limited in scope. The primary community benefit offered is an annual \$1 million contribution to a "special service district" that will then use this money to provide benefits as it sees fit. At issue is that the draft agreements appear to have similar pitfalls as many of the New York CBAs in lacking accountability. Since the two casinos have taken the step to draft CBAs prior to any negotiation, an argument could be made that they are simply trying to buy off the community. In addition, the CBAs

are so narrow that they do not include provisions for local job training, hiring, or a living wage. Thus, for some, this model can be seen as a preemptive strike at community dissent that seems good on the surface, but is lacking in terms of providing "true" benefits that meet community needs. Figure 36 shows the relationship between development agreements, CBAs, and the development of Casinos.

Figure 36: Nexus of Development Agreements, CBA's, and New Casinos



Impediments to Community Benefits Agreements in East Biloxi

The literature review and case studies give credence to transparent and vigorous community involvement, strong public support and a significant degree of complexity built into development requirements as being important ingredients in any process seeking to obtain community benefits. The cases also suggest that all of these elements may not be present in appropriate amounts at the same time and, consequently, could negatively influence the CBA approach. Certainly, just as different paths may be taken to secure CBAs, impediments also deserve attention when consideration is given to implementing a CBA or other campaign for acquiring community benefits in East Biloxi. In order to better understand the situation, Figure 37 shows a comparison of Mississippi to other states involved in CBAs, development agreements, and/or casino development.

Figure 37: Analysis of Policy in States Permitting Casinos, 2008

Level	Question	Mississippi	Michigan	Pennsylvania	Nevada	New Jersey
State	Development Agreement Enabled by State Legislation?	No	Yes, ONLY for Gaming	Yes, limited	Yes	Yes
State	Development Agreement Legislatively Possible?	Yes, Senate Bill 3237 unanimous (2007)	Yes, Section 432.212 (1996)	Yes, House Bill 994 (2005)	Yes, Section 278.0201 (1997)	Yes, Section 20:55D-45.2 (1998)
State Gaming	Development Agreement Required by State Gaming Commission?	No	Yes	No	No	No
	Development Agreement has occurred for Gaming Establishment?	No, development review process only	Yes, required	Yes, Philadelphia	No, unlikely	No
Local	Community Benefits Agreements have been negotiated?	No	No	Yes, Pittsburgh	No	Yes, Camden
Local	CBA has been negotiated with regards to Gaming Establishment?	No	No	Yes, Philadelphia as part of development agreement, not finalized	No	No

Mississippi lacks many of the protections and the enabling legislation necessary to make a truly strong CBA. Michigan, for example, requires development agreements for its casinos in order for them to receive a gaming license. The development agreements, though important, do not provide the level of community benefits that would be desirable. Pennsylvania has an interesting relationship with development agreements. Although there is no broad state enabling legislation, the Pennsylvania Code provides the ability of cities to manage their own affairs without interference from the State. These home rule charters provide that all powers not forbidden by the state are granted to the city and that these "powers of the City shall be construed liberally in favor of the City". This gives Pennsylvanian cities the ability to engage in land use decisions as they see fit, including entering into development agreements. Nevada and New Jersey each have state enabling legislation but there is no evidence that casinos have engaged in development agreements in either state.

An organization that wishes to create a CBA for casinos in Mississippi should understand the informal community benefits that the casinos currently provide locally, and what they provide in other states. This is because the most obvious response by the developer or the City will likely be that casinos provide immense benefits in the form of jobs and tax revenue.

In Biloxi, casinos have made Youth Sports programs free and have increased the City budget by millions of dollars, helping to build new schools, update roads, and improve city services. The Beau Rivage was the first casino to institute a diversity program. As a result, 51 percent of its employees are women and people of color. Some casinos have donated large sums of money to charitable organizations. For example, the O'Keefe Museum received a \$1 million donation from the Imperial Palace casino post-Katrina. Despite these civic and philanthropic contributions, when compared to other states with legalized casino gaming, Mississippi casinos pay some of the lowest taxes in the country (See Figure 38).

Figure 38: Tax Rates

Sample Tax Rates of Casinos:

Florida: 50%

Louisiana Land-Based: 21.5%

Michigan: 24% Mississippi: 8% + 4%

Missouri: 20%

New Jersey: 8% + 1.25% for community development

Nevada: 6.75% + 1% local

Pennsylvania: 34% + 12% + 5% + 4% = 55%

Source: 2008 AGA Survey of Casino Entertainment

As evidenced by the data, the financial pressure on the casinos in Biloxi is minimal compared to its neighbors in the region. Although government officials may say that this is justified in order to bring about growth in the industry, it is an important message that Mississippi casinos are not doing all they can or should do in contributing the communities in which they reside. A CBA will serve to ensure that casino gaming establishments in East Biloxi provide more to the community than token, one-time donations and the promise of large numbers of low-paying jobs. If the Pennsylvania case is of any use, it shows that a CBA for casino development almost always has to have a strong coalition of community groups in order to be effective.

In summary, CBAs have been used for the past decade to mitigate the negative impacts of large scale development across the United States. Their implementation is not without challenges, but the case studies suggest that through sound strategy and cohesive coalition, CBAs can produce long-term community benefits where there may not be an initial political interest to do so. To this point, the CBA process is one that can be completely controlled by community organizations rather than governmental entities. Moreover, under favorable conditions, the CBA is the most effective method for attaining benefits from development that meets the needs of the community. For East Biloxi, an integral of part creating such a favorable climate would require a deliberate commitment to the thematic strategy of shifting the level of uncertainty from the community to the casino developers. This shift can be actualized through regulatory changes pertaining land development and criteria stipulating what casino developers can and cannot do. Regulatory measures pertaining to casino development will be discussed in the section to follow.

Local Plans, Regulations and Investments

Policies and regulatory measures at the local and regional levels have a direct role in determining how development takes place. In many instances, while the comprehensive plan provides the goals for as well as guides development patterns over the long-term, municipalities employ land-use controls and public capital investments to bring about those development patterns on a daily basis. Changes to local and regional policies and regulations have the potential to provide direct and indirect benefits to communities. This section of the report offers some ideas for change in comprehensive planning, zoning and land ordinance, and public investment with regards to transportation and tourism.

Comprehensive Plan

Most places are unique and so too should be their comprehensive plan in order to meet community needs. Comprehensive is defined as "including much; comprising many things; having a wide scope; inclusive..." and "plan" is defined as "a method or scheme of action; a way proposed to carry out a design; project..." So from a planner's perspective, a comprehensive plan should be one that addresses a wide range of planning issues. These should include and fit specific needs of the community. It should assist the community in reaching long-range goals for growth (Coon, 1999). The duty to enhance, protect and preserve a community's environment rests on the shoulders of government, residents, citizen groups and businesses alike.

There are certain community responsibilities that are overlapping and should be jointly addressed. For example, providing transportation and buried infrastructures are important when a business is so large that it puts extreme demands on an existing system. However, other needs are just as important. Preservation of community integrity is important both in a historic sense and in more contemporary ways. The community should be able to provide a safe haven and safe modes of transportation for its citizens. It should be able to provide adequate and affordable housing and education that would supply its citizens a sense of security and sustainability into the future.

Various forms of zoning can be applied to achieve the goal of equity. Developments could be required to set aside land within the development or in other areas to meet a certain percentage of affordable housing or pay a fee in-lieu of contributions to an affordable housing fund. To meet the requirements of rational nexus when development is business oriented, such as casinos and restaurants, it could include a provision for workforce housing. Other community needs could be based on a similar nexus, such as access to natural areas, provisions for parks, restoration of historical areas and museums, education, and economic stimulus for community jobs.

Planning should capture the community's values, goals and objectives and provide policy for physical development. This could include transportation patterns and future needs, natural and built community resources, population trends and so forth. It should provide a legal basis for land use decisions and

developable land is set aside for protecting existing and future investments, can only enhance a community economically. For sure, planning is a panacea for all community problems; however, it can best prepare communities for the changes that the future might bring.								

Zoning

Governing jurisdictions utilize zoning to ensure compatibility of land uses and promote desirable development patterns throughout an area. There are various zoning types that can be implemented to provide different outcomes and benefits to a community. Land owners have the ability to pursue zoning changes in order to accommodate for land uses that may not be allowed in the district for which a parcel is currently zoned. The process of requesting a zoning change varies in every local jurisdiction and may be subject to community resistance.

Euclidean zoning is the most common type of zoning in communities throughout North America. It is also sometimes referred to as "straight-zoning" because of its simplicity in description and implementation of allowable land uses in certain districts. Euclidean zoning creates various districts that allow specific uses with development specifications relating to density, lot size, and intensity. It is beneficial to a community because it keeps unwanted uses out of an area where the community sees it as unfit. Types of zoning districts may include, but are certainly not limited to, low-density residential, commercial, office, and industrial. Recently, Euclidean zoning has been criticized for its rigidity and inflexibility to accommodate various types of uses as well as for limitations on the types of improvements that can be constructed on private property (Sussek, 1961). Biloxi currently employs Euclidean zoning in its Land Development Ordinance, which will be discussed further in the next section. However, regarding alternative forms of zoning such as performance and incentive and floating zones offer more flexibility in land-use control and additional opportunities (with possible trade-offs) for fulfilling desired land-use plans.

Performance zoning is an alternative to land use planning and is a system that was first used in Fort Collins, Colorado in 1981. The structure of the system is based on an escalating point scale with points earned for various aspects of a development. The structure uses market-based criteria to determine the suitability of a particular type of development in a specific place, rather than a more generalized map. Much of the point determination is based upon density, intensity, traffic congestion, noise, aesthetics, and environmental impacts that the development will cause, primarily to adjacent land uses. Bonus points can also be earned for going above what is required of them and by providing additional amenities to the public such as a park or additional landscaping. Similar to other types of zoning, it also gives the public an opportunity to voice their opinions in open public meetings. The benefit to this type of zoning is that it provides flexibility to the community and the developer as to what can be built throughout an area. On the other hand, this method requires greater site specific review and increases staffing costs due to greater complexity of the process. (Eggers, 1990)

Incentive zoning is another possible method to promote desired types of development in target areas. Incentive zoning typically allows developers to build at greater densities in areas that the community would like to see built in a certain way. For example, the Vietnamese community has voiced that they would like to see Oak Street developed as an international district, supported by both residents of the community and the tourists from the nearby casinos. If the community supports these efforts, it may be designated as an incentive zone and cannot only qualify for increased density but also may reap other

benefits (Morris, 2000). The zone may require that the developer incorporate other community benefits such as public and open spaces, landscaping, or incorporate certain architectural features. It may also entitle a developer to expedited development review, tax breaks, or partial reimbursement for building materials. Given that incentive zoning entices a particular type of development, the zone must be supported by residents and business owners of the area. Incentive zoning can be a strategic negotiation tool for both developers and community leaders.

Floating zones can be implemented to create special developments that a community would like to see developed, but does not designate where the zone will occur until a plan is approved. The process is similar to a Planned Unit Development (PUD) as it sets standards such as height restrictions and setbacks in a comprehensive master plan. The floating zone does not require that the intended use be allowed in the zone over which it "floats" (i.e. a multi-family development can be developed in a floating zone over single-family zoned parcels). More affordable housing can be achieved through this method by establishing an affordable and/or workforce housing zone with characteristics the community envisions as ideal. Since high-density residential projects are ideal for affordable housing; yet, not always located where this type of development is currently permitted, this special zone may allow an affordable residential project to be built where it may currently be restricted.

Zoning patterns can also contribute to the stability of a community, ensuring that uses are compatible within an area. Even a community that values walkable communities as East Biloxi does, a separation of residential areas from higher intensity commercial activity is important to maintain a high quality of life for residents. In the case of Biloxi, where Euclidean zoning is the current style being implemented, greater utilization of mixed-use districts can create a buffer between the high activity commercial areas and the more local residential areas. Buffers can also prevent infiltration of more intense commercial uses into neighborhoods that the community would like to preserve. As seen in the Moving Forward plan, buffers can be in the form of mixed-use, high-density residential, open spaces and parks, or downtown districts that buffer the highest intensity from the lowest intensity areas, preserving the health, safety, and quality of life of residents and visitors. A downfall to this approach is that the creation of buffers in an established community requires land use changes that may sometimes be drastic. However, while changes may initially create difficulties for landowners, utilization of buffers can offer a method of establishing more stable development patterns.

Land Development Ordinance

The land development ordinance is a set of laws governing the procedures and conditions for urban development within the city, according to parameters set by zoning and land use maps, and socioeconomic goals established in the comprehensive plan. Its purpose is to create a detailed rubric to guide the best possible management practices of the city's planning process. However, if the land development ordinance fails to produce results consistent with the best possible management practices or the goals of the comprehensive plan, the city should facilitate an amendment process that is accessible to the public.

Many cities facilitate public petitions for amending local development ordinances. Similar to the review of development proposals, ordinance amendments typically require an assessment of (1) the need for change and (2) the impacts that may result if the change is made. Primarily, the procedure for amending development ordinances involves evaluation of any proposed changes or additions for consistency with the comprehensive plan. Secondarily, the procedure for implementing LDO amendments requires a review for compatibility of land use and conditions of use, such as building height or setback, with surrounding developments. Any proposed changes to the zoning or land use ordinances of the city are typically assessed in terms of community-wide benefit and the contribution to orderly growth. Once amendment proposals have been approved by the planning commission or city council, the amended ordinance is typically made available for public commentary after which the amendment may either be implemented or undergo further review.

City administrations are not easily compelled to amend land development ordinances, although they should take all proposals into consideration in order to maintain a democratic forum for public involvement in the planning process. A few examples that have received national attention and worthy of note are described below (Gross, Making Development Projects Accountable, 2005).

- In 2004 the City of Los Angeles Community Redevelopment Agency passed a city ordinance requiring developers of conditional land uses to conduct a "community context report" before a permit can be granted.
- In 2005 the City of Sacramento passed a similar amendment to its city development ordinance, placing rigorous economic and social impacts review of all proposals for large-scale store developments.
- In 2006 the City of Inglewood became the third jurisdiction in the United States to pass a development ordinance amendment in the direct favor of local economic interests and community benefits, requiring public review and City Council approval prior to the development of all grocery stores exceeding 100 thousand square feet. Under the ordinance the City Council also holds a unique discretionary power to intervene in the approval of smaller commercial developments, to limit alternative plans that would impose similar impacts. Adoption of such

policy is a forward thinking means of protecting the communities of these cities against the economic and social effects of "superstore" commercial developments. Previously, unchecked by city council or public review, "superstore" developments in these cities must now be assessed as a conditional use for their impacts on traffic, buried infrastructure, local retail, property value, the housing market, and job quality.

The types of community concerns that led to these changes in Los Angeles, Sacramento, and Inglewood parallel those concerns of the East Biloxi community as large-scale gaming developments funded by outside investors compete with local business prospects. Due to the fact that changes to development ordinances ultimately depend on the discretion of city officials, they are difficult to implement in cities where the political environment places greater concern for economic growth over community integrity. Nevertheless, success in making such changes can lead to even lead to social gains that enhance community integrity. As an example, consider the following steps that occur in the review process for conditional use "superstore" developments as stipulated in the Inglewood, California Land Development Ordinance:

- 1. The applicant selects a consultant from a pre-approved list compiled by the City of Inglewood to assess the positive and negative economic impacts of the proposed development. The assessment addresses potential business displacement, housing or open space displacement, impact on city tax revenues, creation of blight, job creation or loss, and access to affordable shopping amenities.
- 2. Following submittal of the assessment report, a critical response is offered by the Planning Commission regarding estimated positive and negative economic impacts of the store's operation.
- 3. The Planning Commission then holds a public hearing to be followed by a Commission vote (informed by the demonstrated public opinion) to either grant or deny the permit to proceed with development. Decisions are appealable to the City Council.

Subsequently, the benefits gained by the community from this process include:

Community Voice: This type of ordinance provides more opportunities for community residents to have a voice in proposed developments and accounts for a broader range of impact, both positive and negative, of these developments on residents and the local business market.

Local Influence and Attention to Detail: This type of ordinance transforms the review process into a case-by-case analysis of the impacts of specific development proposals on the proximal neighborhoods or the city as a whole.

Planning Tool: Economic assessments made during the review process provide quantitative

material for cost/benefit analysis that may prove useful as a guide to best management practices in the city's planning.

Protection of City Interests: The city can thereby ensure that large-scale commercial developments do not undermine the comprehensive plan of the city or cause undue damage to the city infrastructure.

Reasonable Approach: This legal strategy is a reasonable compromise, neither creating an outright ban on superstores nor allowing unrestricted construction of large-scale commercial developments.

Transportation

Redevelopment strategies that reduce auto dependency will, by in large, reduce the impact of these new casino developments. Without convenient access to alternate modes, however, casino patrons and employers are likely to generate even more automobile trips. Strategies that reduce the number of new auto trips added to the system are essential to maximizing development potential of East Biloxi. In addition, the casinos should be held accountable monetarily for the transportation impacts that it creates. Despite this, if casinos participate in strategies that reduce auto dependency, they will reduce the cost of constructing parking facilities while creating for themselves good publicity and the image of neighborhood consciousness. The following section outlines strategies, measures, improvements, and enhancements relating to both conventional and alternative transportation modes that can be undertaken by the local government and casinos to mitigate the growth pressures experienced now and in the future as they relate to transportation. These strategies below have been implemented elsewhere and might prove useful for consideration in Biloxi.

- 1. Transportation Management Associations (TMA) is an independent entity that coordinates between public and private agencies to improve the transportation system. The system focuses on the users of systems, such as employers, employees, residents, and visitors/tourists. A TMA has been successfully implemented in the Lloyd District in Portland Oregon. The District is home to the Portland Convention Center, the Rose Garden Arena, the Lloyd Center Mall, and entertainment area, and 17,000 employees. The TMA was initially public funded, but is now completely financed through parking fees and the commissions on the sale of transit passes. The TMA develops and manages innovative transit, bicycling, and ride-sharing programs. The increase in participation of the innovative programs has resulted in the estimated reduction of 1.37 million vehicle-miles of travel each year in the district (Williams, 2005). The following aspects of the Lloyd District TMA could be applied in East Biloxi:
- Transit offered free throughout the District (casino funded);
- Install on-street parking meters to generate revenue;
- Carpooling incentives provided by casino employers;
- Bike and pedestrian facilities strategies integrated into public and private projects at the conceptual stage; and
- Transportation store and/or website that offers user-friendly information and assistance (Kittelson, 2006)
- 2. Partnering with casinos to fund employee transit can be an effective strategy because it increases affordability for employees, many of whom have low-paying jobs. Many cities have implemented similar programs using employer partnerships. In Las Vegas, *ClubRide* is an employer-based transit-supportive program designed by the local transportation commission to encourage alternate mode commuter trips. The program also provides tax incentives to employers and coordinates and tracks employee use of commuter modes other than single

occupancy vehicles. Another program, Portland's *TriMet*, recognizes that employers have differing needs based on the number of employees, the type of work force, work hours, proximity to transit, and the amount of parking available. Employers seeking to develop a transportation package for their employees are assigned representatives who help tailor a program that fits both the employers and employees needs. Another program similar to ClubRide and TriMet is *EcoPass*. EcoPass has been used most recently at Denver International Airport, which is the 8th busiest airport in the world.

- 3. System Development Charges (SDC) should especially be given consideration due to the regional impacts created by casinos. The current method of collecting developer contributions for transportation impacts limits developer contributions to improving specific site and intersection issues. Implementing a SDC would allow the City to pool and apply developer contributions to assist with a broader range of system improvements. Without such a mechanism in place, local jurisdictions and taxpayers would be entirely responsible for making the necessary improvements to accommodate growth. Prior to implementation of a SDC, the following must be in place:
 - A comprehensive land use plan, with accompanying land use map and long-range forecast (planning time-frame usually 20 years) of population and employment growth;
 - A forecast or estimate of travel demand associated with population and employment projections;
 - A list of transportation improvements needed to accommodate planned growth and meet adopted level of service standards. The list should address auto, bike/pedestrian, and transit;
 - A local Transportation Improvement Program that lists projects, cost, funding sources and anticipated timing of the project;
 - A Transportation Impact Analysis procedure to access the number of trips a
 particular development is to add to the transportation network. Based on the
 number of trips generated a decision would be made on whether or not
 improvements are warranted; and
 - A Transportation System Development Charge methodology, which uses the total number of net trips associated with long-range growth and the total cost of all improvement projects needed to accommodate that growth to determine the cost per new trip on the transportation system.

Once the above steps have been put in place, SDC can be implemented. The implementation steps are as follows:

- require development applicants to prepare a Transportation Impact Analysis that
 provides an estimate of net new trips, determines the need to improve the
 transportation system to accommodate growth, and identifies the corresponding
 improvements in the Transportation Improvement Program;
- determine which improvements the developer can be expected to make as conditions of approval for the development application;
- apply SDC to calculate the amount the developer must pay as a fair share for improving the transportation system;
- collect SDC at the time of building permit issuance; and
- review and update the SDC simultaneous with updates of the Transportation Improvement Program (Kittelson, 2006).

Tourism

Improvements to Biloxi's tourist economy should include diversifying the economy, creating public access to the waterfront, rebuilding the Vietnamese business district, and providing workforce housing. Examples where similar projects have happened in other places help to illustrate improvements resulting from such changes. Moreover, these changes have served as leverage for obtaining community benefits.

Atlantic City, New Jersey, saw much of the same patterns of casino development that Biloxi is seeing now in terms of a largely casino-dominated economy (Rubenstein, 1984). Neighborhoods were lost, people were disenfranchised, the government exercised little control over casino development, and community groups were not empowered. Casinos were just supposed to help the economy, but ended up dominating it. The city then passed a Casino Control Act that placed an additional 2 percent tax on casino revenue that is to be used to help other areas of the city develop. Some additional measures undertaken to ensure non-casino development include strict zoning measures, strong anti-arson laws, land banking by the city, tax increment financing, and a land acquisition fund. Casinos can contribute to the fund and also provide outlets for cross-advertising partnerships.

Public access to the waterfront has been a major issue for New York State and several communities have implemented ways in which the public can have access to the water, while allowing businesses to thrive. An example of this is the **City of Oswego** Local Waterfront Revitalization Program through the New York State Coastal Management Program (NYS Department of State, 2004). The purpose of this project was two-fold: to grant public access and to enhance tourism opportunities. This is similar to the situation in Biloxi. Completed projects in Oswego include mile-long recreation areas, pedestrian walkways, pier improvements, infrastructure improvements to the port, Coastal Erosion Hazard Area Management regulations, Waterfront Consistency Law, and feasibility analyses. As far as the implementation, the city provided guidance and funding matches, but the main direction came from the citizens. Additional partners included the Oswego Port Authority and the NYS Department of State, Division of Coastal Resources. There are still additional projects envisioned for the future based on this initial success.

Local governments have been increasingly interested in supporting minority businesses throughout the United States. Minority-Owned Business Certification is one program that the **State of Oklahoma** has implemented for this purpose. This program allows certified minority businesses access to additional resources and funding opportunities (Oklahoma Department of Commerce, 2008). The benefits include low-interest business loans, business start-up help, and the ability for minority businesses to be connected and speak for their interests. Currently, the cost of certification in Oklahoma is \$150. Casinos in Biloxi could support a similar program (should it someday exist) by paying the certification fee for Vietnamese businesses that desire to rebuild.

Fort Lauderdale, Florida, recently completed a workforce housing study with implementation guidelines. Workforce housing is defined as "the housing needs of households whose median income is between 80 percent and 120 percent of the area's median income (AMI) and spend no more than 30 percent (40 percent) of their income on cost costs (cost burden)" (Strategic Planning Associates, Inc,

2005). This includes most civil service employees, such as police officers, firefighters, and school teachers. In Biloxi, a similar program would include people employed by the casinos. Casinos could participate by contributing continued and sustained support for housing trust funds and by joining public/private partnerships. Policies and tools that the local government can provide include density bonuses, fair share allocations, expedited permitting, tax increment financing, urban infill and redevelopment assistance program, workforce housing set-aside program, and exemption from certain development and/or impact fees. To reiterate, while casinos can contribute, local government needs to advance these efforts through policies and incentives.

State Controls

Local units of government derive all of their powers from the state in which they are located. As "creatures of the state," planning efforts at the state level most often entail adhering to regulations that ensure conformity with state plans. Typically, such controls may be mandated through state enabling legislation and concurrency. State enabling legislation defines in broad terms the local planning function, i.e., in many states all municipalities and counties are required to establish a planning commission and adopt a comprehensive plan. Concurrency stipulates that before new development occurs, the municipality must demonstrate that the infrastructure is in place to support that development. The point to be made here is that state controls offer another path for which to achieve community benefits. The subsections that follow describe successful activities garnering community benefits in other states with the intent of providing models that may call for pursuing changes in state controls.

Gaming Licensing Changes

An important perspective of state regulation changes that can be investigated is that of the Gaming License review process. The Mississippi Gaming Commission, discussed previously, is the first step in the process for casino gaming development. As such, it is a crucial step that can be focused on by community groups. One of the changes in licensing that can occur is the requirement of a social impact analysis. A social impact analysis may not necessarily require the developer to mitigate the impacts but would require a public review of the social impacts created by the proposed development. In this regard, a model that can be followed is that of the Michigan Gaming Commission. In their review process, a development agreement must be entered into in order for development to proceed. This requirement provides an access point for communities to influence municipal authorities for the provision of community benefits.

Development Agreement

Before moving forward, it is important to discuss development agreements. In the past, development agreements have been used to procure community benefits, and in many cases continue to do so. A development agreement is a legal contract between two parties—most typically the municipal government and the developer. The purpose of development agreements is to allow flexibility on the part of the city with regards to its land use regulations in order to procure community benefits from a developer. This method has been used to avoid the usual problems that exactions and impact fees have which revolve around the rational nexus and proportionality rules as established by *Nollan v. California Coastal Commission* (1987) and *Dolan v. City of Tigard* (1994). Since the developer is not forced to enter into a development agreement, the community benefits that are procured need not be proportional or necessarily related to the impact that the development causes (although they most often are).

In municipalities where community groups hold significant power, development agreements may entirely replace, or rather prevent the rise of conventional CBAs. Development agreements also have the ability, where appropriate, to solidify a CBA with a legal enforcement mechanism provided by the municipality. In fact, many of the most successful CBAs have been incorporated into development agreements, especially in California.

Development agreements, however, are not universally accepted. Only 13 states currently have enabling legislation for development agreements and municipalities generally cannot engage in them without state enabling legislation (Callies, 2003). For this reason as well as in order to maximize the strength of a CBA, it is important to push for state enabling legislation that allows *responsible* development agreements with strong language supporting community benefits concerns.

Moreover, given the small number of states enabling development agreements, in addition those tacitly available in a limited number of others (for example Pennsylvania), the concern might be raised that it would be extremely difficult to pursue a development agreement enabling act, especially in the State of Mississippi. However, this could very well be untrue.

In 2007, Senate Bill 3237 was passed in the regular sessions of both the Mississippi House and Senate unanimously (122-0) and (49-0) respectively. This bill proposed to allow Harrison County to enter into development agreements with the developer or developer of master planned communities. The development agreements would, in effect, negate current land use regulations on the sites of the planned developments and would replace them with land use regulations that were designed by the developer and managed by a homeowner's association. Although the bill passed both houses of the legislature, it died on the calendar and was never signed into law. Thus, those votes give a clear sign that the Mississippi legislature is open to the idea of allowing development agreements.

As stated previously, development agreements have been used to acquire community benefits; however, these tend to focus on infrastructure impacts and neglect social impacts. Beyond this, it is also important to note that development agreements should be pursued with caution since they can and have been used to circumvent land development conditions without providing any appreciable benefits. Acknowledging these caveats, development agreements add a bargaining chip (in fast track permitting) that the community can use. Thus, managing a development agreement such that there is a clear advantage of entering into it, the community is in a better position to procure community benefits or a CBA.

Concurrency

Although the State of Mississippi requires no concurrency, this added layer of control should be considered as a viable approach in which to secure community benefits. A good model for concurrency requirements comes from the State of Florida. Florida implemented its Growth Management Act in 1985 in response to the escalating development trends. Among the policies introduced was the notion of concurrency, or the ability of a community to support any new development proposed for an area. The intent of the policy change was to manage growth through maintenance of adequate level of service standards for various public services. When the program was created in 1986, the six services that were to be 'concurrent' with any new development were transportation, sanitary sewer, wastewater, storm water, potable water, and open space requirements. Since its creation, the program has been adapted to include school concurrency for developers of residential units that allow school-age children.

Level of service standards are established by the local jurisdiction based on existing usage compared to current space available. If a proposed development requires greater use than the level of services currently available for the area, the proposal can be denied citing that it cannot be supported by the existing services in the area and would cause a burden on other current land uses throughout the area. An alternative to denial of building permits is the notion of allowing developers to pay their 'proportionate share' of the costs to expand the necessary facilities to accommodate for the growth that would ensue as a direct result of the proposal. While this strategy does not halt development, it sometimes increases the costs significantly so that projects become financially infeasible. Financial pressures on local budgets have shown to be a major inhibitor to growth since the policy was developed under an unfunded state mandate. Local governments in Florida have altered the structure of their concurrency requirements so that developers can incorporate payment plans on a schedule that is more affordable to the developer and does not compromise the provision of guaranteed public services to the community. A weakness in this approach is that often the additional costs of concurrency to the developer are passed down to the property buyers, causing land prices to increase and perpetuate affordable housing issues. However, concurrency policies allow for local jurisdictions to regulate development based on existing conditions and theoretically maintain adequate service provisions necessary to existing residents and businesses in the area (Ben-Zadok, 2005).

Potential Community Benefits

Just as the case studies describe various approaches to pursuing community benefits, they also bring into focus a wide range of community benefits that may be procured from such efforts. For the purpose of this report, the following accounting of potential benefits serves as a guide to assist the community in determining needs and desires that can be attained, given the appropriate strategy, through a community benefits campaign. Subsequently, these potential benefits, though generally grouped with the policy area in which they would be implemented, are not mutually exclusive with regard to policy area and strategy.

Transportation

Availability during Emergencies and Natural Disasters

The availability of public transportation in times of emergency has the potential to prove beneficial in its ability to maintaining access, mobility, and safety for individuals who have been impacted. In recent memory, public transportation systems have been used to transport volunteers, evacuate residents, and raise resources during the aftermath of Hurricane Floyd, in North Carolina in 1999. In addition, public transportation was used in transporting firefighters to wild fires in Florida as well as evacuating tornado victims in Nashville in 1998. In light of recent storm events that have impacted the Gulf Coast region, in particular Biloxi, investment in public transportation could provide benefits as they relate to hurricane evacuation and recovery efforts.

Cleaner Environment/Healthier Public

Increased investment in public transportation systems could potentially provide significant environmental benefits and assist in meeting national air quality standards. Currently in this country, many people are suffered from respiratory conditions caused by air pollution mainly generated by automobiles. For every passenger mile traveled, public transportation produces only a fraction of the harmful pollution of automobile traffic. By reducing smog-producing pollutants, greenhouse gases, and better utilizing sensitive lands and open spaces, public transportation can reduce pollution, and as a byproduct, protect the environment and promote better health.

Energy Conservation

With oil and gas prices at an all-time high, public transportation can provide a less expensive transportation alternative that can be utilized by residents. Based on some public transportation studies, for every passenger mile traveled, public transportation is twice as fuel efficient as private automobiles. Public transportation already saves more than 855 million gallons of gasoline or 45 million barrels of oil a year. The number is equivalent to the energy used to heat, cool and operate one-fourth of all American homes annually, or half the energy used to manufacture all computers and electronic equipment in America annually (APTA, 2008).

Enhances Economic Opportunity

Public transportation use also lowers household expenses and frees up more income for other needs. In most households, auto expenses can be considerable. For some lower-income households, transportation costs can exceed 35 percent of earnings. Transportation costs rise in areas with fewer transportation options, while people who live in transit-intensive areas save considerable dollars each year by using public transportation. These household savings could then go towards wealth building and other uses such as housing, food, child-care and higher education.

Connect and Extends Transportation Networks

The most successful systems are those that provide easy-access links within and among all transportation modes. Throughout the country, multimodal transit systems are reaching greater numbers of people, providing travelers with optimum choices. For instance, a new downtown bus terminal in Waco, Texas, links local, inter-city, senior, and rural bus services. Bikes-on-buses programs are also successfully linking riders with different transportation modes. In Phoenix, buses equipped with bike racks attract more than 1.5 million bicyclists a year. When intercity bus service is connected to local public transit through an intermodal terminal, 40 percent of customers access the service by transit (APTA, 2008).

Waterfront

As a peninsula, East Biloxi has the distinguishing characteristic of a continuous waterfront that extends along its perimeter. The coastal property allows for generous sea breezes and gorgeous natural vistas that make it attractive to residents, businesses, and tourists alike. Large-scale commercial developments, oftentimes corporate casinos, compromise local residents' waterfront access and views. Opportunities for improving access to the waterfront to maintain a high quality of life for residents may be accomplished through development of waterfront boardwalks along the coastal property of East Biloxi. Improvement to the city-owned shrimping docks on both the Back Bay and the Gulf would help to diversify economic activity (markets, restaurants, etc), while also providing access to the water for recreation.

Community Foundations

Community foundations can be formed by bringing groups of all levels and interests together to form cohesive networks through which opinions and strategies can be heard. Effective community foundations engaged in social change are those that have progressive leadership as well as local support and are often joined by private-sector and non-profit interests (Lowe, 2006). These local community foundations have relationships with national foundations that increase financial support. Community foundations are essentially grant-allocating interest groups that represent various facets of the local population. Funds can be obtained through various methods such as private and public donations, corporate funding, or contract agreements with local businesses and other entities. Benefits that can be provided may include, but are not limited to educational improvements, general physical enhancements to the community, environmental improvement, and cultural improvements for residents and visitors. Coalition building is a pivotal element of community foundation success. (Graddy, 2006)

Job Training, Local Hiring, Minority Target Hiring

These three initiatives can be simultaneously instrumental to the local economy of East Biloxi. The construction and operation of casino and supporting use facilities requires great quantities of employees for low-skill level jobs. Minimal job training would increase the productivity of workers and create opportunities for unemployed residents to enter into the local workforce. The costs bestowed upon businesses for job training programs would likely balance with the benefits of increased efficiency. Continued job training creates opportunities for employees to move around or progress within an occupation. These types of programs can also lead to greater employee retention and improve morale.

Job training would improve the conditions for local hiring within East Biloxi, or any other community. Employing local residents in businesses, both large and small, improves the local economy because it promotes retention of funds within the community. The residents that work in the local businesses are likely to spend a majority of their income in the local market, ensuring that money is circulated through the local market. Employing residents outside of the local community lends to the risk that their spending will primarily occur outside of the local economy and creates a loss in the market.

The Beau Rivage, a landmark in the City of Biloxi's casino district, currently implements a minority employment initiative that aims to promote hiring of minorities and women. This initiative is completely voluntary but promotes social justice throughout the diverse community of East Biloxi. Combining these three strategies can have a strong positive impact on the local economy of both residents and businesses.

Civil Infrastructure

Public buried and transportation infrastructure facilitates the existence of old and new developments throughout the city. Keeping the infrastructure current is essential to the growth of the city and its ability to support new economic activity. As East Biloxi expands its gaming and tourism industry, it will be important for developers or investors to contribute financially to offset impacts on the city's infrastructure. This will benefit the local community by absorbing utility costs and tax burdens on residents and businesses.

Tourism

Tourism being the foremost industry of Biloxi, broadening the range of attractions is essential to the attainment of Tier I Tourism Destination status. This economic broadening or diversification of the local area can benefit the casinos as well as the community. A diversified economy will result in a stable and well-supported workforce residing in the local area, building an attractive town for tourists within close proximity to casinos.

Small Business Development

Expanding the economic base of East Biloxi can promote a more diverse tourism economy and provide needed amenity shopping opportunities to local residents. Furthermore, the presence of small locally

owned businesses will add attractions for tourists to the Mississippi Gulf Coast while also creating employment opportunities. Small business development may also offer a solution to the preservation of East Biloxi's unique cultural heritage. In order to catalyze small business development in East Biloxi, community benefits negotiations may call for a small business lending program made possible through a trust fund established by casinos.

Land Use

Land use decisions affect many aspects of community life in East Biloxi. Within the small geographic bounds of the peninsula, the City must find a fair balance between the amount of space allocated to each interest, whether for gaming, lodging, shrimping, amenity shopping, or housing. An equitable land use plan will maximize or enhance the local economic and community space by encouraging responsible and conservative spatial consumption as residents and business owners become financially equipped to rebuild.

Wages

As the economy of East Biloxi consists predominately of tourism, many local residents will be employed as service-workers by gaming and hospitality establishments. Given the disproportionately low-incomes of many East Biloxi residents and the high expenses of rebuilding homes and businesses that they face, stakeholders should institute a living wage policy to aid employees in meeting their costs of living.

Affordable Housing

Rebuilding homes to meet FEMA standards, high insurance rates, property taxes, unemployment, and low-incomes collectively amount to a deficit in affordable home ownership and rental. Parallel to the concerns associated with insufficient wage earnings, the cost of housing is displacing many former residents of the East Biloxi community. Charitable or mandatory provision of affordable housing may be a tenable benefit of agreements with the City and new casino developments.

Unionized Labor

Employment in the service industry is often characterized by low wage earnings and limited communication with management. Labor unions are essentially coalitions of employees to facilitate communication with management and voice concerns regarding wages, working conditions, and benefits. Casinos may be amenable to the creation of labor unions among their employees, to ensure that an equitability standard as well as community benefits are met.

Healthcare

The cost of health insurance exceeds the financial capacity of many people who work in the service industry. Injuries or illness can be virtually unaffordable without insurance and an employee's ability to work is critical to being able to meet the costs of living. Healthcare benefits provide financial relief for employees by subsidizing health insurance costs.

Education

Schools of Mississippi have historically suffered from inadequate funding; the socioeconomic repercussions of which are evidenced by high unemployment rates and widespread low-income throughout the State. Gaming revenues have the potential to provide a sound source of private funding for education. Casinos would serve the communities of Biloxi well to fund renovations of school facilities and updating educational resources.

Municipal Services

Financial resources to improve emergency and public works services is lacking throughout much of the Mississippi Gulf Coast. As East Biloxi experiences large-scale economic and tourism growth, and Biloxi as a whole projects a large population influx, the City will require well staffed and equipped police and fire departments. Cooperation between new tourism developments and the City of Biloxi will benefit the community by facilitating the successful operations of these services.

Measuring Outcome and Impact

Upon choosing and employing the strategy that will garner many of the potential community benefits mentioned above, there should be some method of assessment that will accurately capture outcomes and impact. For example, even though CBAs have been effective in many cases, Oakland, California is exploring measuring community benefits derived from public policy. The Oakland case is offered here as a potential model for how a local government might evaluate the effectiveness of community benefits strategies. Recommendations have been provided relating to the implementation of the following five city-wide policy options for legislating community benefits with regards to private developments:

- 1) Menu Point System
- 2) Incentives for Negotiating
- 3) Community Impact Reports
- 4) Community Standards Policies
- 5) Attaching Requirements to Discretionary

The following criteria of potential outcomes were used as a rating measure for five policy options:

- Increasing community benefits in development;
- Increasing community participation in development decisions and improving the identification of community needs;
- Decreasing uncertainty for developers; and
- Reducing the cost of the negotiations that take place between community groups and developers regarding community benefits.

The projected outcomes of each policy alternative with regard to the stated criteria are represented as follows. The multiple ratings signify that an outcome would vary depending on the policy's design and implementation:

- (+) The policy results in an improvement;
- (0) The policy leads to no change
- (-) The policy results in a decline;
- (?) The policy's outcomes are as yet undetermined or will depend upon details of its design and implementation (Rothstein, 2007).

1) Menu Point System

The Menu Point System option would allow the City to develop a menu of benefits that can be included in developments, with each option on the menu corresponding to a number of points. City project approval would require developments to meet minimum threshold points in each category, with larger developments subject to higher minimum requirements than smaller developments. In addition, the

menu could be uniform throughout the city or neighborhood specific, developed through a community planning process. Approaches similar to the Menu Point System are in the process of being implemented in Milwaukee, Wisconsin and Morgan Hill, California.

2) Incentives for Negotiating a Community Benefits Agreement

The City provides incentives to developers for voluntarily negotiating a CBA with community groups. These incentives may include: fast track approval, density bonuses, and variances on zoning or other requirements. For this policy scenario, the CBA would most likely be negotiated either immediately before project approval or earlier if the offered incentives are substantial. Most local jurisdictions that require affordable housing units in market rate housing development offer the type of incentives referenced in this particular policy option.

3) Community Impact Reports

Along with a project's permit application, the City would require a community impact report (CIR). The CIR is a standardized form that analyzes the current conditions of the community in which the proposed development is located and reports on the project's expected social and economic impacts. The report includes both the positive and negative impacts of the development, as well as plans for mitigating negative impacts. The City would be responsible for producing the report, with assistance from a consulting firm hired by the developer. The CIR would be submitted with the permit application, after the project's plans are complete and its impacts can be assessed. The City of San Jose currently has pending legislation similar to a CIR policy. In addition, the City of Los Angeles mandates community impact reports on all "superstores" (Rothstein, 2007).

4) Community Standards Policies

Community Standard Policies would allow the City to adopt requirements and regulations for all large developments, establish minimum housing, workforce and livability benefits, in order to ensure that the development meets the community's basic needs. These policies set clear minimum expectations of all projects, thus representing known costs to developers and known outcomes to communities. Inclusionary housing ordinances are common community standard policies that require residential developers to make a certain proportion of the units affordable to very low, low, and moderate income households. Local governments have enacted such policies throughout the country.

5) Attaching Requirements to Discretionary Decisions

This policy option would allow local governments to make discretionary decisions relating to re-zoning, variances, or other conditional use permit to allow for developments that would otherwise not be allowed. Developments of this sort would depend on Planning Commissions and/or City Councils approving such requests. Under this policy, the local government would consider the value added to the land by such a decision as a subsidy given to the developer. The City would then attach requirements regarding community benefits to these subsidies.

Figure 39 provides a synopsis of each of the policy options' projected outcomes given the previously stated criteria:

Figure 39: Outcomes Matrix for Procuring Community Benefits

	Increase benefits	Decrease developers' uncertainty	Increase community participation	Reduce cost of negotiations
	+ / ?	+ / ?	?	0 / ?
Menu/Point System	Will require minimum threshold of benefits / points should correspond to benefits' value and cost.	Developers know upfront the costs of requirements / points should represent community needs.	Allows developers, not community, to determine benefits / community should be involved in developing menu.	If menu reflects community needs, fewer CBAs will be negotiated.
	+ / 0	+ / 0	+/0	0
Incentives for Community Benefits Agreement	In encouraging but not requiring CBAs, may increase benefits, but not guaranteed.	If incentive is fast- tracked approval, will reduce developers' uncertainty. CBA still represents unknown costs.	May increase use of CBAs, but only if incentive offered is substantial.	Does not change length or cost of CBA negotiations process.
	+/?	0	+	+
Community Impact Report	Improved information about developments' impacts may encourage more CBAs, thus increasing benefits, but not guaranteed.	Does not change uncertainty of development approval or developers' uncertainty in CBA process.	By increasing public information available, community groups learn about impacts of development and may become more involved.	By requiring comprehensive reporting of impacts, CBA process is shorter and less costly.
	+	+	0	+
Community Standards Policies	Will increase overall benefits by placing requirements on all developments.	Requirements will be known upfront, thus reducing uncertainty.	Will not involve or increase community input or participation.	By removing benefits from the negotiations table, CBA process will be less costly.
	+	+	0	+
Attaching Requirements to Discretionary Decisions	Will increase benefits in projects requesting discretionary decisions.	Will reduce uncertainty for developments requesting these decisions.	Will not involve or increase community input or participation.	By removing benefits from the negotiations table, CBA process will be less costly.

Source: Rothstein, 2007



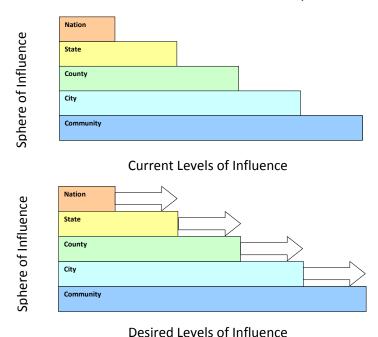
Coalition Strengthening

Coalition strengthening should be undertaken as an important initial activity to increase awareness of community concerns, rally support, and build capacity and influence to affect change. The Steps Coalition should be considered as the best organization for this task because it includes a diverse set of community groups including NAVASA, NAACP, and Coastal Women for Change. However, whichever organization is chosen, coalition strengthening is paramount for the thematic strategy recommended alone as well as the implementation strategies that follow CBA's and local and state policy recommendations.

Strong leaders are necessary to build stable, equitable, sustainable communities and to promote the ideals and needs of residents. Effective leaders require the support of not only individual citizens, but also those of local, state, and national interest. A first step in initiating a campaign for community benefits lies in building a coalition with the necessary capacity and influence to affect change. In Biloxi, the Steps Coalition exists for this purpose, but in order for a community benefits campaign to be successful, its capacity must be increased and its messages well framed and focused. This section provides information on the strategies needed to build a strong coalition that can procure community benefits from casino development. The Steps Coalition is likely the most aptly equipped community group for this task because it includes a diverse range of organizations among its membership including NAVASA, NAACP, and Coastal Women for Change.

East Biloxi inhabitants are a racially diverse and low-income population that has experienced a disadvantage in securing equitable policy decisions. Community advocacy groups provide a foundation for individual interests to be addressed in a more cohesive manner. Still, the need exists for advocacy organizations to form and strengthen in coalition. Moreover, coalitions cannot assume that only work at the community level will provide the local results they desire. Expansion will be necessary in order to reach greater levels of influence such as state, regional, and national interest. A dossier is provided in Appendix B for reference of influential stakeholders and representatives at these varying levels. Figure 40 shows the current and desired levels of influence of a community coalition.

Figure 40: Current and Desired Levels of Influence within Different Spheres



Currently, the Steps Coalition is comprised of groups throughout the nation with the overarching mission, "to promote equitable and healthy, just, and sustainable communities in South Mississippi" (Steps, 2008). The goals of the Steps Coalition focus on affordable housing, community preservation, economic and environmental justice, and human rights. These broad goals can be achieved through the implementation of community benefits reports targeted to mitigate the negative impacts caused by casino development in East Biloxi. The responsibility of educating and informing coalition members falls on leaders of the group, ensuring that members are aware of potential strategies that can be implemented to affect community benefits. Only when the entire coalition is fully informed about community benefits reports and strategies can they be effective in the implementation of a community benefits campaign.

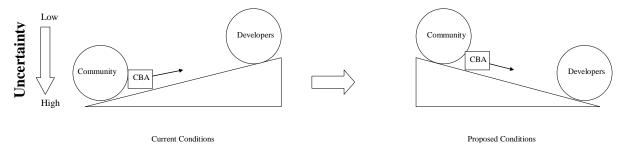
The multiple groups that make up the Steps Coalition have the capacity to reach thousands of people of various demographics as well as influence different levels of political authority with the power to catalyze change. The Steps Coalition currently has strength at the local and regional levels in addition to limited support at the state level and nationally. The coalition should aim to retain the high levels of community and local influence it possesses through its membership, while increasing the strength and visibility statewide and nationally. Increasing the spheres of influences allows the concerns of East Biloxi residents to become more visible among state and national policymakers and media outlets. A good reference for coalition building towards a community benefits report is *Words that Work* by the SPIN Project and Partnership for Working Families, found in Appendix C. Although this document is geared specifically for framing a message for a CBA, it is applicable for all of the strategy recommendations outlined in forthcoming section.

A unique opportunity exists to expand coalition support in the pursuit of community benefits associated with Margaritaville via Jimmy Buffet. Buffet, although not owner of the casino in Biloxi, likely has sway over its development. The fact that he has supported progressive causes and candidates indicates that he could be brought to the table on the side of the community. It is likely that he is unaware of any negative impacts that the casino may bring, and should be informed of the situation as soon as possible. This particular opportunity, however, is unlikely to resurface since most casinos do not have progressive celebrities associated with their name.

Complementary Strategies

The thematic strategy of shifting uncertainty from the East Biloxi community to casino developers must remain at the apex of any approach undertaken to secure community benefits. And, to reiterate Baxamusa (2008), the role of the planner is to shift uncertainty toward the developer in order to create leverage for negotiation. The shift in uncertainly only occurs when the development review and permitting processes becomes complex to the point where a developer engages community interests in support for the development project. The agreement that derives from the negotiation makes the CBA legally binding. Figure 41 diagrams how uncertainty is shifted and leverage is gained by the community for the purpose of negotiating a CBA.

Figure 41: Shifting Uncertainty to Development



While economic growth through the casino industry is anticipated and welcomed, it is important to recognize the effect this type of development has on the East Biloxi community's struggle to rebuild after the catastrophe. The casino industry has become a great boon to the economy of the Gulf Coast, especially the City of Biloxi. Much of the growth and development that is currently occurring, and that which is to occur in the future, can be attributed to the ever-evolving gaming industry. Based on a 2030 Harrison County projection, East Biloxi is expected to experience significant growth in terms of population and employment. The casinos, no doubt, will be the main contributor to the anticipated growth. The gaming industry brings millions of dollars into an area that would otherwise be hard pressed to attract the revenue generated by year round visitors. However, just as the casinos provide a benefit to the City of Biloxi, they also generate impacts that have to be addressed by the public sector in the interests of sustaining the integrity of the East Biloxi community. Therefore, in addition to choosing an implementation strategy for pursuing the CBA, complementary approaches should also be chosen for changes and the local and state level that will facilitate community benefits.

Community Benefits Agreements

The strategy for incorporating a CBA into a new, or existing, development should be implemented at various stages of the development process. The concept can be introduced at the state level relating to the licensing procedure and as a stipulation for approval. The justification for requiring a CBA for licensing are the impacts the large-scale casino developments will incur on the surrounding area. Master plan proposals are already a requirement for license approval; therefore, many of the impacts are

evident before the plan is permitted. Including in the licensing agreement a clause indicating that a CBA shall be considered at the local level ensures the potential for a binding contract between interests of the East Biloxi community and expectations of casino developers. At the local level of government, Biloxi can require a development of a certain size or impact to enter into a CBA as part of the development review process. This can be accomplished through incorporation into a development agreement, given enabling legislation, or to pursue a CBA through a standalone agreement between the city and the developer. If cooperation from the city to incorporate a CBA into the review process is not attainable, a community coalition should negotiate directly with developers. Indeed, a coalition can be instrumental in pushing for cooperation of a developer and to bring community concerns to the table. While some casinos already offer benefits to the community, a CBA can provide a means of solidifying donations to the community over the long-term through a contracted agreement for those casinos that already exist making those contributions more likely to have greater impact on the sustainability of East Biloxi. This also provides precedent to those casinos looking to develop within the area and gives the community greater power for negotiation.

Local Policy Recommendations

The current local review and permitting process, as laid out in the LDO, is a streamlined procedure that allows proposals to be reviewed with minimal discretion. In this situation, the developers carry more weight in terms of certainty in the course of a development because there is no form of an optional deviation from the standard review and therefore no leverage for the community to negotiate. Therefore, the review process should contain more potential paths for procuring building permits, which would provide the community would have greater leverage to negotiate with the developer a balance of benefits. Also, at a minimum, the City of Biloxi should incorporate various objectives into its comprehensive plan and LDO that ensure retention of safety, health, and a high quality of life among its residents and visitors. These objectives should translate into positive impact in East Biloxi through the LDO, zoning and transportation infrastructure.

Land Development Ordinance

- 1. Community interests should petition for complete adherence to the laws of the City of Biloxi during the permitting process and reduce the gaps between policy and the actual development outcome. This may be achieved through involvement by community residents and organizations calling for transparency of review decisions.
- 2. With respect to conditional uses, which provide room for discretion within the permitting process, the LDO should be amended to require an analysis of the social impacts including residential and market interests. This will allow for the promotion of social considerations to legally enforceable assessments. For example, the concept of a "social impact analysis" may be implemented as a legal requirement in the permitting process at either the state or city level. Moreover, such social impact analysis should inform community interest by analyzing socioeconomic conditions under each of the allowable development alternatives.

3. An affordable housing ordinance should be incorporated into the LDO effectively ensuring that funds in the community are directed toward affordable housing efforts. Casinos require hundreds of employees who are typically paid low-wage salaries and cannot afford to commute long distances. It is important for an industry that requires such a large volume of employees to ensure that there is a population in the community that can in turn support those needs. The impact that casinos have on the local population's housing needs can be addressed through implementation of an affordable housing ordinance. The mutual necessity of economic development and residential stability is essential to the perpetuation and prosperity of the East Biloxi community.

Land Use

- 1. Increasing the number of mixed-use districts should be considered as a viable approach to creating buffers between the high activity commercial areas and the more local residential areas. Buffers can also prevent infiltration of more intense commercial uses into neighborhoods that the community would like to preserve. As seen in the "Moving Forward" section of Reviving the Renaissance Plan, buffers can be in the form of mixed-use, high-density residential, open spaces and parks, or downtown districts that buffer the highest intensity from the lowest intensity areas, preserving the health, safety, and quality of life of residents and visitors.
- 2. Floating zones should be given the highest priority for consideration, relieving the rigidity of Euclidean zoning while allowing control to be maintained over the overall development. For example, floating zones can be implemented to create special developments that a community would like to see developed, but does not designate where the zone will occur until final approval of a plan. The process is similar to a Planned Unit Development (PUD) as it sets standards such as height restrictions and setbacks in a comprehensive master plan. The floating zone does not require that the intended use be allowed in the zone over which it "floats" (i.e. a multi-family development can be developed in a floating zone over single-family zoned parcels). More affordable housing can be achieved through this method by establishing an affordable housing or workforce housing zone with the characteristics the community sees as ideal. Since high-density residential projects are ideal for affordable housing but not always located where this type of development is currently permitted, this special zone may allow an affordable residential project to be built where it may currently be restricted.
- 3. Incentive zoning should also be considered as a possible method to promote desired types of development in East Biloxi. Incentive zoning typically allows developers to build at greater densities in areas that the community would like to see built in a certain way. For example, the Vietnamese community has voiced that they would like to see Oak Street developed as an international district, supported by both residents of the community and the tourists from the nearby casinos. If the community supports these efforts, it may be designated as an incentive zone and can not only qualify for increased density but also may reap other benefits. The zone

may require that the developer also incorporate other community benefits such as public and open spaces, landscaping, or incorporate certain architectural features. It may also entitle a developer to expedite development review, tax breaks, or partial reimbursement for building materials. Incentive zoning can be a strategic negotiation tool for both developers and community leaders.

4. Performance Zoning is a third option that may be taken into consideration to implement an incentivized program for new development in Biloxi. Performance zoning allows for the city to award points to developments that are desirable in location, function, and design. This point based scale is related to the development review process by requiring a set amount of points before permits and development orders are awarded. For example, if a developer proposes a community grocery store in an area that is desirable for that type of service, the city may award greater points to that proposal than one that plans to build a retail or office building on the same parcel. It also may provide a manner whereby desired development proposals can be expedited through the development review process once they accumulate adequate points. Performance zoning can be a tool for cities to influence the type and placement of development within the area.

Transportation

- 1. Transit Authorities partnering with casinos to fund programs such as ClubRide, TriMet, and EcoPass in East Biloxi potentially should receive the highest priority as they could provide benefits that contribute to energy conservation and increase economic opportunities. In addition, the implementation of such programs also could lead to improved job accessibility.
- Implementing system development funding in East Biloxi should be become a high priority in light of the regional impacts created by casinos. Benefits such as increased connection of the transportation network, enhanced economic opportunity, increased returns on investment, creation of jobs, and the provision of access to more rural areas can be directly attributed to this particular mechanism.
- 3. Complimentary to the previous two recommendations, an entity should be established that would coordinate the efforts of both public and private agencies in providing transportation system benefits. Potential benefits could include a cleaner environment, a healthier public, enhanced economic opportunities, and enhanced transportation networks.

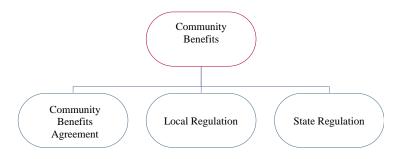
State Policy Recommendations

- 1. Changes should occur in the licensing of gaming facilities to require all proposed development produce a social impact assessment as part of the approval process. Pushing for alterations to the licensing process can broaden the possibility for the review process to consider the impact such a licensed business would have on its surroundings. Community coalitions, such as STEPS, should voice their concerns to state and local officials who may be sympathetic to this cause and who have the power to initiate change.
- 2. State enabling legislation should be passed authorizing: 1) development agreements and 2) ensure that development agreements contain CBAs. Pursuing development agreements would require enabling legislation to do so and would require advocating on behalf of the community. Since there is legislative precedence within Mississippi to enable development agreements, support for such a cause is evident and reaching out to allies can only strengthen the message that such legislation is necessary. A development agreement can be beneficial to East Biloxi by setting a legal platform on which to negotiate with new development proposals. Moreover, should the enabling legislation require the development agreement contain a negotiated CBA for final approval, the community gains more certainty of securing needed and desired benefits.

The Optimal Strategy

There are many paths that a coalition may take to achieve community benefits. As illustrated in figure 42, achievement of community benefits can occur through three primary paths: The Community Benefits Agreement, Local Regulation, and State Regulation. The research suggests the most effective means to community benefits is when a CBA occurs as a component of a development agreement. Consequently, it is highly recommended that the end state of any community benefits campaign be a CBA as part of a Development Agreement as the most effective method to acquire community benefits in East Biloxi.

Figure 42: The Paths to Community Benefits



Source: Author

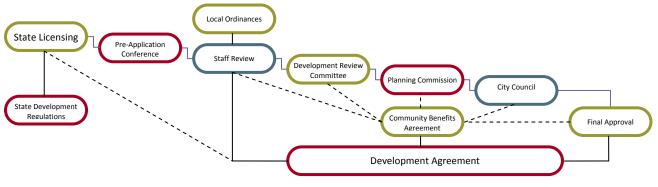
Although the development agreement with a CBA is the best method for a community coalition to achieve community benefits, there are prerequisites. As discussed previously, development agreements must be enabled at the state level. Beyond this, local and state regulation should be used to compliment the CBA/development agreement model. As Baxamusa (2007) pointed out, in order for a CBA to be effective, or even begin to be negotiated, the community must hold a reasonable position from which to negotiate. If the community has no leverage it becomes less likely that a developer will negotiate. The purpose of local and state regulations, beyond face value of providing benefits, are to increase the uncertainty for development and give the community leverage. Figure 43 illustrates the current development review process in Biloxi as highly linear. Clearly, developers understand that following the rules that this linear development review process requires will result in final approval with relative ease and certainty.

Figure 43: Current Development Review Process in Biloxi, 2008



In turn, the proposed strategy of a development agreement with a CBA increases the level of uncertainty experienced by the casino developer and, therefore, increases the level of certainty that the integrity of the East Biloxi community will be preserved and sustained. Figure 44 shows a proposed development review process that increases complexity and provides leverage to the community.

Figure 44: Proposed Development Review Process in Biloxi



Source: Author

As shown, additional state and local ordinances that support community vision increase development uncertainty. Meanwhile, the development agreement has been authorized by state legislation but is available for possible streamlining of the process. By allowing this action to occur, developers can utilize it to bypass or at least speed up their way through the permitting process once they confirm community benefits with the coalition. In this scenario, the community gains an ally and the developer reduces its uncertainty. The community can push to have a CBA included in the development agreement and will therefore receive the community benefits it deserves.

By following this optimal strategy, East Biloxi will be able to shift the uncertainty the community currently feels to the casino developers and successfully acquire community benefits. This ideal situation, as represented by a star in Figure 45 below, is found at the nexus of a strong coalition, a CBA, local policy, and state control.

Figure 45: Nexus of Recommendations



Source: Author

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Appendix A: Community Groups

Action Communication & Education Reform (ACER) ACER was formed in 1997 to engage parents, students and the community in the fight for a better quality of education for poor and African American families. It works to support an intergenerational model that engages civic participation, develops youth leadership and creates intergenerational programs in cultural arts and multi-media justice. 306 Main StreetDuck Hill, MS 38925(662) 565-7004 Al White, Co-Founder and Executive Director

An Outreach of Love

An Outreach of Love is a grassroots organization formed after Hurricane Katrina. It started by serving areas like Moss Point and Escatawpa, MS that were devastated by the hurricane but not receiving funds to serve those in need.

P.O. Box 1292 Ocean Springs, MS 39566 (248) 390-3392 Cynthia Seawright Wright, Founder

Back Bay Mission

Founded in 1922 as an outreach effort of the First Evangelical Church of Biloxi, the Mission responds to the needs of marginalized communities. With work teams from across the country, it provides services such as legal aid, health care and family counseling to poor families in the area.

1012 Division Street
Biloxi, MS 39530
(228) 432-0301
Sharon Kay Prestemon, Executive Director

Boat People S.O.S.

A national organization with a branch in Biloxi, Boat People SOS assists Vietnamese refugees and immigrants by empowering, equipping and organizing them. Some of their programs include community organizing, disaster relief and recovery, and youth empowerment.

833 Vieux Marche Mall Biloxi, MS 395530 (228) 436-9999 Thou Vu, Branch Manager

Coastal Women for Change

Created after Hurricane Katrina, this East Biloxi-based organization fights for issues that affect the elderly and youth by providing awareness and organizing the community. It is a multi-racial organization.

336 Rodenburg Avenue Biloxi, MS 39531 (228) 297-4849 Sharon Hanshaw, Executive Director

Concerned Citizens For A Better Tunica County, Inc.

Concerned Citizens empowers disadvantaged, low-income community members in Tunica County. It uses an intergenerational model of grassroots leadership and organizational development that affect decisions in the educational, economic, political, environmental, and social change systems of the county.

1028 Prichard Road Tunica, MS 38676 (662) 363-6059 Marilyn L. Young, Youth Director

Delta Citizens Alliance (DCA)

Formed in 2006, DCA is a network of citizens and organizations in three states in the Delta region formed to improve the quality of life in these communities. It builds leadership capacity for sustainable communities.

P.O. Box 5335
Greenville, MS 38704-5335
(662) 334-9940
Larry Williams, Co-Founder and Executive Director

Delta State Institute for Community-Based Research (ICBR)

ICBR is an applied research institute in partnership with the Division of Social Science and the Center for Community and Economic Development at the Delta State University. It focuses disaster relief; environmental, health and food security; underemployment and persistent poverty. ICBR's partners with community groups to meet their research needs, develop their capacity, link them with other organizations or institutions and to develop and strengthen research.

Delta State University
P.O. Box 3264
Cleveland, MS 38733
(662) 846-4069
John Green, Co-Founder and Director
Al Edwards, Co-Founder

Enterprise Corporation for the Delta (ECD)

ECD is an intermediary organization that works to bring resources to low income communities in the Mid South region by providing grants and loans to community organizations. It has also established the Hope Credit Union. By providing direct services and financial products, ECD aims to build assets in the region it serves.

4 Old River Place
Jackson, MS 39202
(601) 944-1100
Ed Sivak, Director of Mississippi Economic Policy Center

Greater Mt. Olive AME Church

The AME Church's mission is to minister to spiritual, intellectual, physical, and emotional needs through gospel and deed.

16223 3rd St.
Pearlington, MS 39572
(228) 533-9976
Rev. Frederick Fields

Gulf Coast Fair Housing Action Center (GCFHA)

Formed by The National Fair Housing Alliance and concerned Gulf Coast citizens, GCFHAC works to eliminate housing discrimination and promote equal housing opportunities. It engages in education, advocacy and enforcement of fair housing laws.

15105 Lemoyne Blvd., Suite A-1 Biloxi, MS 39532 (228) 396-4008 James Perry, Executive Director

Gulf Coast Latin American Association (LAL)

LAL facilitates the integration of Latinos into the local community. It also promotes cultural diversity in the Biloxi area.

983 Howard Avenue Biloxi, MS 39530 (228) 374-2379 Andy Guerra, President

HEGA

HEGA stands for three small towns in the Mississippi Delta: Hollandale, Elizabeth & Glenn Allen. HEGA works with the Mississippi Department and Transportation and others to provide "community transportation," that also builds internal capacity and creates jobs for residents.

81317 East Avenue North Hollandale, MS 38748 (662) 827-0777 Lucius McRunnels, Executive Director

Legislative Black Caucus

The caucus consists of African American state legislators drafting and fighting for legislation that will improve and provide resources to under-represented communities. Past programs for the community include a scholarship fund and a tutorial program.

P.O. Box 1018

Jackson, MS 39215

(601) 359-2422

Representative Reecy Dickson, Chairperson

Mississippi Center for Justice (MCJ)

MCJ is a public interest law firm committed to advancing racial and economic justice by re-establishing in-state advocacy on behalf of low-income people and communities of color. MCJ combats discrimination and poverty in the state through the work of civil rights advocates, attorneys, and social service advocates.

P. O. Box 1023
Jackson, MS 39215-1023
(601) 352-2269
Martha Bergmark, President & CEO
Reilly Morse, Lawyer to Katrina Recovery Office

Mississippi Coast Interfaith Disaster Task Force (IDTF)

Established in 1980 as a response to hurricanes affecting the state, IDTF provides information, capacity building, material, and financial support to organizations involved in disaster relief and recovery.

610 Water Street Biloxi, MS 39530 (228) 432-9310 Roberta Avila, Executive Director

Mississippi Immigrants Rights Alliance (MIRA)

MIRA is a coalition of over 350 immigrant and non-immigrant groups dedicated to immigrant rights in the state. It advocates for legislation and policy change at all levels of government and aggressively defends the rights of all immigrants who seek justice and dignity where they work and where they live.

178 Main Street,

Biloxi, MS 29530

(228) 386-5164

Victoria Cintra,

Organizing Coordinator

Mississippi Low-Income Childcare Initiative (MLICCI)

MLICCI is a statewide organization of parents, providers and community leaders dedicated to improved child care policies for low income families. It provides technical assistance and resources for low-income child care providers, research on child care policy and advocacy.

P.O. Box 204

Biloxi, MS 39533-0204

(228) 669-4827

Carol Burnett, Executive Director

Mississippi State Conference NAACP

This state chapter of the NAACP advocates for affordable housing and public education for people of color and low-income people.

1072 W. Lynch Street

Jackson, MS 39203

(601) 353-6906

Derrick Johnson, President

Mississippi Youth Justice Project (MYJP)

Based in Jackson, MYJP promotes community organizing to ensure youth justice and improve the education system in Mississippi. It engages in legal representation and advocacy.

753 N. Congress Street

Jackson, MS 39286

(601) 948-8882

Sheila Bedi, Co-Founder

Parents for Public Schools of Jackson (PPSJ)

PPSJ strives to strengthen public schools through broad-based enrollment. It believes that a quality education is vital to the future of American democracy and works towards that at a local, district level.

3252 North State Street

Jackson, MS 39216

(601) 713-1633

Susan Womack, Executive Director

Quitman County Development Organization (QCDO)

QCDO has provided social, economic, and financial services to low income communities in the state for the past 30 years. Programs include housing assistance, micro-enterprise development and loans, youth programs and child care.

201 Humphrey Street
Marks, MS 38646
(662) 326-4000
Senator Robert Jackson, Executive Director

Steps Coalition

This is a coalition of over 25 groups fighting for the just allocation of resources in rebuilding South Mississippi. It advocates for the development of fair and affordable housing, community continuity, economic redevelopment, the balance of growth with environmental justice, and the humane treatment of all south Mississippi residents.

P.O. Box 2361 Gulfport, MS 39505 (228) 596-7438 Melinda Harthcock, Executive Director

Saving Our Selves (SOS), Mississippi

SOS is a coalition formed to provide relief, restoration and community rebuilding support to the Gulf Coast region in response to needs of Black hurricane survivors. It focuses on leadership and capacity development on health care, affordable housing, education, sustainable jobs and a safe environment. LaTosha Brown, Executive Director

Southern Echo, Inc.

This organization empowers low-income African American families in Mississippi and the southeast region by providing community organizing skills and tools. Its activities include training, technical assistance and legal assistance to affect public education, community planning and environmental justice, among other issues.

P.O. Box 9306
Jackson, MS 39286
(601) 982-6400
Leroy Johnson, Executive Director
Brenda Hyde, Assistant Director
Hollis Watkins, Founder and President

Turkey Creek Community Initiative (TCCI)

TCCI is a community development corporation engaged in the comprehensive revitalization of coastal Mississippi's low-income, historic, and environmentally challenged Turkey Creek community and watershed. It aims to do this by modeling sustainable coastal and urban development that integrates preservation and restoration with environmental justice for all- regardless of race or class.

14439 Libby Rd Gulfport, MS 39503 (228) 863-0099 Derrick Evans, Founder and Director

Young People's Project (YPPA)

YPPA connects Katrina survivors with youth through education, expression, and interaction. It hosted high school and college students who visited cities where Hurricane Katrina survivors were living. In partnership with local and national community based organizations and learning institutions, students identified evacuees and the cities in which they were, developed curriculum, conducted workshops for other young people and documented their experience.

3565 Wheatley St Jackson, MS 39212 (601) 346-5995

Appendix B: Dossier

City Government



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Mayor of Biloxi
P.O. Box 429
Biloxi, MS 39533
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(228) 435-6129



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William "Bill" Stallworth City Council Ward 2 Representative P.O. Box 429 Biloxi, MS 39533



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(228) 388-1802 (fax)



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(228) 435-6188

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Assistant Director, Department of Parks
P.O. Box 775
Biloxi, MS 39533
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Nathan Sullivan
Director, City of Biloxi
Department of Parks
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138 Lameuse St.
P.O. Box 775
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State Government



Tommy Gollott
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Representative, 115th District
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Steven PalazzoRepresentative, 116th District
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spalazzo@mail.house.state.ms.us



Michael W. Janus
Representative, 117th District
mjanus@mail.house.state.ms.us
(228) 359-2439
Other Important Legislative Officials



Bobby Moak
State Representative, Mississippi
Chairman, Mississippi House Gaming
Committee
P.O. Box 242
Bogue Chitto, MS 39629

Phone: (601) 734-2566 Email: bmoak@mail.house.state.ms.us



Hillman Frazier
State Senator, Mississippi
Chair, Senate Housing Committee
Senate Gaming Committee
PO Box 1018
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Mississippi Gaming Commission

Executive Director Larry Gregory
Deputy Director Eddie Williams
Deputy Director Allen Godfrey
Legal Division Tom Mueller

Director of Investigations John B. Hetherington

Director of Enforcement Rich Randall
Director of Compliance Stephanie Sills
Corporate Securities Allen Godfrey
Director of Gaming Laboratory Emil Lyon

Director of MIS Ashley Wiselogel
Director of Charitable Gaming Sonny Weathersby
Public Affairs Larry Gregory

Director of Accounting & Personnel Shelly LeGrand

Phone: (601) 576-3800 Fax: (601) 576-3929

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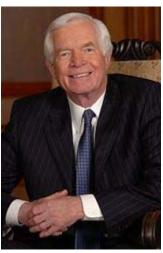
Jackson, MS 39225-3577

Federal Government



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Washington, DC 20510

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US Senator, Mississippi
Washington Office
United States Senate
113 Dirksen Senate Office Building
Washington, D.C. 20510-2402
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US Representative, Massachusetts
Chairman, US House Financial Services
Committee
2252 Rayburn Building
Washington, DC 20515
Phone: (202) 225-5931



Maxine Waters
US Representative, California
House Financial Services
Chair, Subcommittee on Housing and
Community Opportunity
2344 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-2201

Current Casinos



Beau Rivage Resort & Casino 875 Beach Blvd Biloxi, MS (888) 595-2534



Isle of Capri Casino & Resort 151 Beach Blvd Biloxi, MS (228) 436-4753



Boomtown Biloxi Casino 676 Bayview Ave Biloxi, MS (228) 432-7290



Hard Rock Biloxi 777 Beach Blvd Biloxi, MS (228) 374-7625



Imperial Palace (IP) Casino-Resort-Spa 850 Bayview Ave Biloxi, MS (228) 436-3000



Grand Casino Biloxi 280 Beach Blvd Biloxi, MS (800) 946-2946



New Palace Casino Resort 154 Howard Ave Biloxi, MS (228) 432-8888



Treasure Bay Casino Biloxi 1980 Beach Blvd Biloxi, MS (228) 385-6000

Casinos Approved for Development (as of August 2007)



Margaritaville Casino & Resort

Harrah's Entertainment Group, Inc (aka Caesar's) 1-800-eHARRAH

Bacaran Bay Casino Resort

Phoenix Gaming Group, LLC Caillavet Street Development Group, LLC John Ed Ainsworth Torguson Gaming Group, Inc (228) 466-8091

Bayview Casino Resort

Bayview Ventures, LLC Caillavet Street Development Group, LLC John Ed Ainsworth

The Broadwater

Broadwater Development, LLC Michael Cox

Media Outlets

New York Times

620 Eighth Avenue New York, NY 10018 letters@nytimes.com

Washington Post

1150 15th Street, NW Washington, D.C. 20071 letters@washpost.com

Biloxi-Gulfport Sun Herald

Kate Magandy, editor (228) 896-2301 P.O. Box 4567 Biloxi MS 39535-4567 mynews@sunherald.com letters@sunherald.com

GulfCoastNews.com

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Times-Picayune

Jim Amoss, Editor

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Clarion Ledger

Ronnie Agnew, Executive Editor Phone: (601) 961-7175

WLOX-TV 13 ABC

206 DeBuys Rd Biloxi, MS 39531 (228) 896-1313 wlox@wlox.com

WXXV-TV 25 FOX

14351 Hwy. 49 North Gulfport, MS 39503 Phone: (228) 832-2525 promotions@wxxv25.com

Mississippi Public Broadcasting

3825 Ridgewood Rd Jackson, MS 39211 (601) 432-6565

WTNI Radio

News/talk 1640 AM Biloxi, MS (228) 388-2001

WMAH Radio

NPR/MPB 90.3 Biloxi, MS (601) 432-6565

WQRZ-LP Radio

Katrina Radio/Community 103.5 Bay St Louis, MS (228) 463-1035

WBUV Radio

News/talk 104.9 Biloxi, MS (228) 388-2323

Appendix C: Words That Work

Attached is the "Words That Work" document from the SPIN Project and The Project for Working Families

WORDS THAT WORK

Communications
Messaging for
Community Benefits
Agreements

A Joint Publication of the Partnership for Working Families and the SPIN Project











The Partnership for Working Families thanks the following funders for their generous support of our work:

Annie E. Casey Foundation

The California Endowment

The Catholic Campaign for Human Development

The Discount Foundation

The Evelyn & Walter Haas, Jr. Fund

Ford Foundation

French American Charitable Trust

The Hill-Snowden Foundation Fund

Marguerite Casey Foundation

Maurice Falk Fund

The McKay Foundation

The Nathan Cummings Foundation

The New World Foundation

Open Society Institute

The Ottinger Foundation

Panta Rhea Foundation

The Phoenix Fund for Workers and Communities

Public Interest Partners

Public Welfare Foundation

Racial Justice Collaborative Fund

Rockefeller Foundation

Rosenberg Foundation

The Solidago Foundation

Surdna Foundation

The Tides Foundation

The Woodbury Foundation

The Partnership for Working Families **Vision**

Building a New Social Movement for Workers and Communities

The Partnership for Working Families (Partnership) promotes a new vision of organizing around economic policy and development to transform the lives of workers and their communities. Our local Partner organizations represent diverse coalitions of labor, religious, community and environmental groups that organize for better jobs, a healthy environment, more affordable housing and healthcare and accessible public services. As a Partnership, we leverage local and national resources to support these efforts, link our work through peer-to-peer learning and share best practices and legal support across regions and industries.

We believe that we can reclaim and redirect economic development to benefit low-wage workers and communities of color. Our Partners incorporate research, organizing, coalition building and policy development into effective campaigns for economic development practices and decisions that build healthy urban economies and empower working people.

The Partnership for Working Families Offices

National Program Office

633 S. Hawley Rd., Suite 106C Milwaukee, WI 53214 (414) 475-0623 phone

Communications Program

436 14th St., Suite 1126 Oakland, CA 94612 (510) 834-8503 phone (510) 835-0468 fax

Community Benefits Law Center

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Framing for Community Benefits



houghtful framing can effectively communicate the critical essence of Community Benefits. It helps advocates forge and articulate a vision for Community Benefits, as well as develop clear language that encompasses the broad impact of urban development issues. In this section, we will look at framing basics, framing to be heard and framing examples to give advocates tools to influence and control the Community Benefits debate.

About this Toolkit

The Partnership for Working Families and the SPIN Project are proud to bring you Words that Work: Messaging for Community Benefits Agreements, a communications toolkit designed to help Community Benefits advocates learn from others' experiences and integrate successful communications strategies into their own campaigns.

Community Benefits Agreements (CBAs) are a powerful new tool being used by organizations working for economic justice to ensure that large-scale developments serve not only the corporations that underwrite them, but also the communities that surround them. CBAs ensure that development provides quality jobs, community services, local hiring, environmental protections and improvements, affordable housing and a voice for the community in the development process itself.

This toolkit is intended to give advocates, grass-roots organizers, policy specialists, community leaders and their allies the tools they need to shape public opinion through effective framing, messaging and other communications techniques. Advocates across the nation must describe complex growth and development issues using simple language and concepts to influence the terms of

debate. This toolkit can help you find those messages and incorporate a proactive communications and media component into your CBA campaign. The toolkit is also written for community members who need communications resources to tell their stories, to illustrate the dramatic effect of rampant and ineffective development in their lives and to describe a positive vision of the community in which they want to live.

In these pages you'll find best practices for creating successful CBA communications campaigns, based on the work of the Partnership for Working Families, the communications professionals at the SPIN Project and the leaders of organizations across the country who have fought for, and won, CBAs for their communities.

The toolkit is organized into three parts. Part I focuses on framing and messaging considerations for CBAs, including framing/messaging basics, tailoring messages to your audience, examples of good framing and sample messages. Part II contains case studies of three CBA campaigns led by the Front Range Economic Strategy Center in Denver, the Milwaukee Good Jobs and Livable Neighborhoods Coalition and Georgia Stand Up. Part III provides a sample press release, an Op Ed and a communications plan to help you implement a media strategy for your own campaign.



About the Partnership for Working Families

www.communitybenefits.org

The Partnership for Working Families grew out of efforts in individual cities to negotiate Community Benefits Agreements around large-scale, publiclyfinanced redevelopment projects. In the 1990s, coalitions of community-based organizations, neighborhood associations, faith-based organizations and local labor unions pushed for new approaches to urban redevelopment, ultimately winning a series of negotiated contracts with developers that ensured these projects would provide good jobs, local hiring, opportunities for education and training, affordable housing provisions, environmental provisions and other neighborhood amenities. As the Community Benefits movement grew, the Partnership for Working Families was formed to maximize the effectiveness of individual efforts by linking peers across cities, providing technical assistance and support to individual campaigns, and tapping into national-level resources that can be difficult for local organizations to access.

Framing's basic truth is this:
The person who defines
the issue and sets the
terms of the debate is
halfway to winning.

About the SPIN Project

www.spinproject.org

The SPIN Project is a nonprofit group of communications specialists who work with grassroots organizations across the nation to build their communications capacities. SPIN helps organizations increase their effectiveness in influencing debate, shaping public opinion and garnering positive media attention. The SPIN Project honors the multiracial, multicultural, diverse constituencies of the groups we train.

The SPIN Project works with a broad range of organizing, advocacy and policy organizations, all of which work to strengthen democracy and public participation. Our clients typically focus on issues concerning civil rights, human rights, social justice and the environment. We work toward a stronger democracy in which people enhance and actively participate in the public discourse.

To best meet the needs of our clients, we offer:

- Communications Audits
- ◆ Communications Strategy Development
- Skills Building and Leadership Development
- ◆ Communications Coaching
- Organizational Communications Infrastructure
- Campaign Support
- Peer Networking
- Customized Communications Conferences
- Publications

We invite you to visit our Web site at www.spinproject.org or contact us if you would like to discuss our services.



PART I. FRAMING AND MESSAGING

Community Benefits

Effectively communicating Community Benefits is essential to the movement's success. If you took an informal poll, most people would not know or understand terms like accountable development, Community Benefits or even sprawl. Community Benefits advocates have an opportunity to frame, clarify and contextualize this issue. They can create meaningful, values-based messages that resonate with people far more than technical, policyoriented jargon. How can advocates put a human face on these issues? How can the Community Benefits story be told in a way that gives hope to everyday people across the country? This section of the toolkit offers some answers to these important questions. In it, you'll find:

Basic Framing for Community Benefits looks at the why and how of Community Benefits framing—why it is important to frame, examples of

the framing process and what frames have been effective for some advocate organizations.

Framing Examples explores opposition frames and their impact in shaping public perception about Community Benefits, as well frames that are ineffective for our purposes. This section will also look at successful frames and how they embody affirmative possibilities for future framing.

Message Development outlines a Community Benefits message. This section offers tips for cohesive and effective Community Benefits messages. It also looks at the importance of understanding your target audiences and how to reach them with your messages.

A **Sample Communications Plan** provides concrete examples of how to create a communications plan for a Community Benefits campaign.

The concept of Community Benefits is one of the most compelling grassroots economic development strategies in the United States today. It holds the promise of improving the quality of life for the many Americans who live and work in both urban and rural areas that are experiencing development challenges.

Background on Community Benefits Agreements

Community Benefits Agreements (CBAs) are enforceable agreements between community groups and developers seeking to address a broad range of community needs. They ensure community participation in shaping major developments, and help shift the public discussion on economic development that meets the needs of working families.

As Community Benefits work deepens and moves into cities and towns across America, one of the biggest challenges facing advocates is communications—how we translate the goals of the work and the values that inform it to the public, policymakers, allies and the media. There is a real opportunity for advocates to define and mold this movement to reflect our values.

The Community Benefits movement is also building power for working people, giving them the context, language and tools to organize, advocate and build the communities they envision. Living wage jobs, affordable housing and fair and responsible development are goals linked to Community Benefits organizing efforts. The next frontier is how to leverage Community Benefits into a broader movement for fair and responsible development, and communications has a critical role in shaping the future of this work.

One telling example is how the Los Angeles Alliance for a New Economy (LAANE) and a broad-based coalition of labor activists, small business owners, and clergy beat back a Wal-Mart effort to circumvent local government and the will of the community by building a Supercenter that would have provided little, if any, benefit to the community. LAANE's victory over Wal-Mart is particularly impressive given that Wal-Mart outspent them 10-to-1. Moreover, a disciplined communications strategy helped everyday people understand and remember the concepts of Community Benefits and responsible development. LAANE and its coalition partners created the gold standard for media coverage on Community Benefits. Winning messages, strategic frames, disciplined spokespeople, compelling communications plans and an understanding of target audiences are all tools that Community Benefits organizers can use to influence the political and

media landscape for Community Benefits issues.

Basic Framing for Community Benefits

Thoughtful framing can effectively communicate the essence of Community Benefits, helping advocates forge and articulate a vision of economic justice and develop clear language to underscore the importance of development issues for communities across the country. In this section, we will explore the basics of framing and provide examples of effective framing to help advocates influence and control the Community Benefits debate.

Effective framing is critical to mounting a winning campaign. Ultimately, framing means creating and advancing your perspective on the issue. Successfully defining the issue and setting the terms of the debate is half of the battle. Framing helps you advance your perspective, putting you in a proactive stance, with your opposition on the

defense. It allows you to establish the "meaning" of an issue and control the debate by and key players. Framing needs to convey a vision that Community Benefits brings positive solutions to the lives of everyday people and it is a viable solution for

Communications tools for success: defining key points Winning messages, strategic frames, disciplined spokespeople, compelling communications plans and an understanding of target audiences.

changing how development helps working families and local communities. By crafting language based on how people understand the issues, advocates can garner support from broad and diverse constituencies for Community Benefits solutions.

Moreover, framing for maximum impact gets the media—and new constituencies—interested in your issue. It is an opportunity to generate earned media (stories in the news media) through effective news hooks—the story elements that attract a reporter's attention. Framing pushes your issue into the forefront of dialogue, enabling your perspective to be taken seriously and broaden or reframe it to counter opposition framing.



Framing Basics

Framing is your analysis of an issue—the ability to define and control the telling of your story.

Framing is also rooted in values. What do you believe in? What do you stand for? What are the values behind a Community Benefits campaign?

The framework defines what's in your story, which idea you choose to promote and how you push that idea. Community Benefits campaigns carry several powerful frames that echo familiar

American themes: David vs. Goliath, underdogs overcoming obstacles for the common good and a positive, optimistic vision for the future.

It's important to note that our understanding of the American experience is a function of storytelling. We love stories because they affirm that we share a common American culture. We choose sides, identify with key players and seek a comforting resolution to crises. Community Benefits advocates can use framing to accomplish similar goals by telling compelling Community Benefits stories. The Inglewood vs. Wal-Mart struggle is a classic example of a David vs. Goliath frame that captured the country's imagination. Wal-Mart was accustomed to setting up Supercenters wherever it wanted, without opposition—despite its antiunion policies, low-wage business model and lack of accountability. The Inglewood community with LAANE and their coalition partners fought back with the political equivalent of a slingshot and stone. Using this kind of frame will play well even with people who are not familiar with the issue, because it is a classic American story. It makes it easier for people to understand what's happening and why they should care.

Framing in Action

One of the most recent examples of the power of values-based framing is the CBA campaign for the Yale-New Haven Hospital's \$430 million cancer center. The Connecticut Center for a New Economy (CCNE), along with its partners from local labor, community- and faith-based organizations, successfully negotiated a groundbreaking CBA. Benefits to the surrounding community were estimated at \$5 million, not including the hundreds of long-term jobs for local residents.

CCNE President Andrea van den Heever notes that the CBA was the result of years of negotiation, and years of painstaking relationship-building before that. "These types of victories don't come along too often. It is of national significance because of the fact we were able, over the long period of time, to forge the ties we did between the union, the neighborhood and the faith community around a common agenda. It took us five years of intensive focus and five years before that of building community [relations]. It's 10 years of work that got us here."

Among the specific gains from the agreement are: support for affordable housing and neighborhood improvement in the Hill neighborhood surrounding the Hospital; increased access to health care for neighborhood residents; guarantees that the Cancer Center's construction will be environmentally friendly; support from the Hospital for education, job training and youth programs in the community; and organizing rights for hospital employees. These benefits reflect the values of the residents that fought for them, and support their vision of a safe, economically viable community.

Framing to Be Heard

Framing can—and must—be used to move people from general American values to action on specific issues. Advocates for Community Benefits need to understand these values completely, how to connect them to action and how to better position themselves to tell stories for their communities. To develop a frame, you need to ask yourself a few simple questions about your issue. As you build your frame, carefully consider the words you use to convey your issue and your values.

Answering these questions can also help you translate the jargon we often use with colleagues for an audience of everyday media consumers. How many people know or really understand terms like Community Benefits or responsible development? Advocates may know, but most people have no clue what we're talking about. Remember: Most daily newspapers write for the fifth grade reader. Their job is to make news and information accessible to the broadest audience possible, and they do this by making the news into a story with a moral, a narrative structure and clearly defined heroes and villains. Television news reporters don't have

time for nuance—they capture only the most basic, essential information for viewers, often relying on pictures to tell a big part of the story.

If more people are going to understand and support the Community Benefits movement, it is crucial to describe it in a values-oriented and accessible way. Detailed policy solutions and shades of gray don't fit into this model. In order to win on their issues, advocates need to understand how news outlets work and find the right stories to tell them. Policy-laden terminology requiring translation only separates us from our critical audiences.



Framing at Yale-New Haven Hospital's Cancer Center

What frames were employed in this campaign?

1. A New Social Contract

Because Yale University, and the Yale-New Haven Hospital, have a huge impact on the neighborhoods in which they are situated, it is critical that they reflect the values of those communities, and recognize their responsibility to promote the wellbeing of their neighbors. This frame is about ensuring that major institutions acknowledge that responsibility, and ensure, in CCNE's words, "that every family in every neighborhood of our community can prosper."

2. Positive Vision

Americans are optimistic, and find it easier to understand and support a positive vision than a negative one. In this case, residents could articulate a vision for the community and for their future that encompassed quality jobs, responsible development, affordable housing and safe neighborhoods.

3. Win-Win Solutions

There are benefits here for everyone: Yale-New Haven Hospital, policymakers, small business and the community all saw real, concrete gains from the agreement. This frame emphasizes shared prosperity.

4. Community Participation

This is a frame rooted in the value of democracy. Americans believe in including a broad range of voices, and offering community solutions to community issues that reflect real needs.

TO FRAME, CONSIDER THESE QUESTIONS:

What is the issue of Community Benefits really about?

Answering this question helps focus your analysis or perspective on the issue.

- Values: Fairness, participation, the benefits of development shared by the entire community.
- Context: Responsible growth and development means good jobs, affordable housing and a healthy environment.

Who is affected?

Framing for widest reach and drama allows you to show the broad impact of Community Benefits and development decisions on many people, not just selected parts of a community.

 Residents, workers, schoolchildren, merchants, business-owners, churchgoers... the entire community is affected.

Who are the players?

Most frames will have a good vs. bad aspect to them: hero vs. villain, the Force vs. the Dark Side. People are accustomed to choosing sides on issues. This is your chance to cast these roles as you see fit—this can be especially helpful when you need to hold elected officials or developers accountable.

Framing will help determine who the players are.

- Protagonists: Community Benefits advocates and their allies in the community.
- Antagonists: Forces of resistance and lack of accountability (potentially developer associations, Chambers of Commerce, elected officials).
- Target Audiences: Influencers (who can move antagonists), your base and the public (people to act).



What media hooks does this frame contain?

Target reporters by using media "hooks" that attract their attention and make sense of an issue in their language. The media determines newsworthiness by checking your story against media hooks.

- Controversy: Good stories often have a conflict that grabs attention. Frame the story to put the opposition on the defensive.
- Trend: Reporters love stories that suggest new opinions, behavior patterns and attitudes. Three constitutes a trend: Find at least three examples to assert that a new trend is emerging.
- Human Interest: Feature individuals, community leaders or galvanizing spokespersons who may become news themselves because of their fascinating stories.
- Localize National Stories (and vice versa): Take a national story and emphasize its local impact for example, how does the battle over a new big-box store in your community mirror what's going on in the rest of the country?
- Celebrity: If you have a celebrity on your side, make sure to include them in your pitches.

What pictures and images communicate this frame?

Images and symbols can be critical to conveying the story that you want to tell. Find images that convey the values behind Community Benefits, the impact of development on the community, and your hope for the future. For example: Pictures of the community united in their demand for change, the everyday life of the community, schoolchildren petitioning the city council.

Sharing the Frame

Framing is also about empowering others to speak about the issue. Community Benefits advocates can share a successful frame to move the issue beyond preaching to the already converted. Every opportunity to communicate a frame is an opportunity to reinforce the values and meaning that define the debate, re-frame the issue to favor Community Benefits advocates and provide the language for decision-makers and the media to help them understand the issue.



BASIC FRAMING REMINDERS

Framing is about clarifying and promoting values. Clearly define development issues and set the terms of debate for maximum media impact.

Proactive framing means offering a positive vision for your campaign: Be *for* something, not just against something.

Do not reinforce your opposition's frame. Repeating their frames reinforces their definition of the issue, thus supporting their point of view. For example, don't reinforce the following:

- Community Benefits advocates are stifling growth and free markets.
- Development is good for all Americans and Community Benefits advocates are anti-development.
- Advocates are just trouble-makers who are against sensible growth.

You will almost certainly hear these frames from your opposition, but it is vital that you do not repeat and thus reinforce them—even to dispute or dispel them. Concentrate on your positive vision of how development can provide real benefits to everyone in the community.

Repetition and consistency are the keys to helping the frame hold. Creating an effective "echo" keeps a frame alive and moving. Echoing builds scale, creates the perception of broad public support and demonstrates real public demand for our issues. Echoes can help capture the attention of lawmakers, corporate decision makers and those whose businesses and careers depend on the public will.

FRAMING EXAMPLES

Effective Frames

Community Benefits advocates can localize these broad framing concepts and leverage them to help win their campaigns.

- Positive Vision. CBAs articulate a vision for communities and for their future that encompasses quality jobs, responsible development, affordable housing and safe neighborhoods.
- Win-Win Solutions. CBAs mean benefits for all, and support the idea that competing interests can actually work together for livable neighborhoods and responsible development.
- Broad Range of Voices. CBAs allow for, and encourage, broad participation to ensure development meets the needs of all. This frame includes not only community members, but also decision-makers and other key players in the development process.
- Community Origins and Participation in Development. CBAs are the result of the whole community coming together to identify what kind of place they want to live in—with everyone working together, the challenges of development that benefits everyone can be overcome.
- Principled/Mutual Progress. CBA advocates aren't radicals trying to block development. They are working collaboratively within the process to ensure that development works for the common good.

Ineffective Frames

It's sometimes tempting for advocates to talk about the issues in the following ways, but these frames actually work against the Community Benefits argument. Speak to your strengths and not to the either/or, divisive language that alienates potential audiences.

- Policy Reform. Discussions of policy nuance do not move people. Policy details don't address values or define the stakes of the issue for target audiences in terms they can easily grasp.
- Anti-Development. This is a classic "Us vs.
 Them" frame that causes more problems for advocates than it solves. Developers seize this opportunity to say advocates simply do not want development at all.
- Sprawl vs. Smart Growth. This shouldn't be an oppositional frame. Smart growth is varied, responsible and a win-win possibility for all. Sprawl isn't necessarily perceived as a negative thing among those who see outward growth as an opportunity to fulfill their American Dream. Smart growth can be a tool to influence people's understanding of development issues.

CBAs articulate a vision for communities and for their future that encompasses quality jobs, responsible development, affordable housing and safe neighborhoods.

Your Opposition's Frames

While you are busy trying to frame the issue, remember that the opposition is busy creating its own frames. These are some common arguments against Community Benefits from the opposition in past campaigns. Advocates should be prepared to respond to these arguments and defend their positive vision of what CBAs can achieve.

- Community Benefits are anti-business.
 Chambers of Commerce typically argue that
 Community Benefits advocates are hostile to
 business. Their classic argument is that tax
 revenues and jobs will be lost.
- Community Benefits will stifle growth and cost us jobs. The frame here is that developers have all the answers to growth and prosperity, and advocates are job-killers that are driving the economy downward. In this frame, CBAs will discourage local investment.
- Community Benefits will encourage bureaucracy. Community Benefits advocates are accused of adding red tape by calling for additional and unnecessary layers to government approval processes, which slows down economic growth and progress.
- Community Benefits are driven by special interests. The assertion is that big labor and other outsiders with narrow interests are driving the issue—not the larger community or a concern for the common good.



+ We Already Provide Community Benefits.

Developers will argue that a they always provide community benefits, or even that a CBA has already been negotiated with community stakeholders regardless of whether such stakeholders truly represent the needs of working families impacted by the surrounding development. Developers will cite this fact with subsequent coalitions who truly represent the broad voice and concerns of neighboring residents and community leaders in an effort to bypass addressing the long-terms needs of communities.

While you are busy trying to frame the issue, remember that the opposition is busy creating its own frames.

TARGET AUDIENCE

Understanding your target audience helps you craft appropriate messages to reach them. It is especially important to make distinctions among messages for policymakers, media, allies and community groups.

What is your target audience—three possibilities to consider:

Your base: Communities, allies and advocates.

People who can influence the campaign target: The people who can push that target to give you what you want.

Secondary target audiences: People in the community who should know about you to build power and brand awareness for your group.



Knowing Your Audience

Community Benefits advocates can test the effectiveness of messages and determine what audiences think about Community Benefits and the issue of responsible development through polls, focus groups, interviews and research. These can gauge the mood and attitudes of intended audiences. They are supports—not substitutes—for the focused advocacy, policy and communications work that is needed to win Community Benefits campaigns.

Polling gauges public perception of an issue over time or in a moment. It can help you develop your Community Benefits messages or make news of findings. Track polls to look at changing attitudes over time.

Surveys ask in-depth questions and seek to get a deeper understanding of a particular issue. Interviews and Surveys are inexpensive ways to get information from your target audiences about their opinions on your issue.

Focus groups assemble people for focused discussion and to give feedback on a particular issue. Participants' opinions, perspectives and viewpoints can help you develop messages for your intended "target audiences."

Research—by consuming various media, including print, radio, television and online—is the most important way to understand attitudes and types of media messages permeating the political terrain. The Pew Research Center [www.pewresearch.org] offers information on trends, attitudes and issues in American society, particularly related to how we consume the media.

Understanding your target audience helps you craft appropriate messages to reach them.



Framing the Development Debate

Many groups working on Community Benefits strategies also face challenges related to gentrification and rapidly changing communities. Talking about these issues is a tricky business; we do want quality housing, jobs and the other benefits that development can bring to our communities, but not at the expense of people who have lived and worked there for generations. Here are some strategies to help you frame and discuss broad issues of development in your community.

DO...

- Make it local—talk about how these issues are playing out in your neighborhoods and communities.
- Be clear about the goals and tone of your efforts. Are you trying to stop development or shape the way it's done?
- Remember to talk about fundamental values why do you want what you want?
- Define "community" from many angles schools, churches, small businesses, environment, health, transportation, workforce. These community resources are required to fuel a healthy economy.
- Tell human stories to back up the facts. Put a face on the abstract issues.
- Talk about fairness in general terms—get specific on what is currently unfair and how it can be made fairer. Be concrete!
- Use history. Talk about famous cases of displacement that resonate in your area.
- Tap into the language of smart growth—it resonates for a lot of your targets (city council, etc).
- Use arguments that focus on community-driven development, as well as strengthening community and economic diversity.

DON'T...

- Use the word gentrification. It's a charged word that only a handful will recognize—much less relate to. Find ways to define the concept and its impacts without using shorthand.
- Say you oppose development. In the US, that's like saying you hate apple pie and puppies. Talk about the need for principled progress.
- Confuse your demands with your messages.
 Your demands are only part of the narrative,
 part of the picture you want to paint. It's not
 about housing or jobs; it's about creating a community for all of us.
- Let local officials off the hook. Many people believe that when it comes to development, elected officials have their own agendas—set largely by developers. Local officials aren't trusted to consider the long-term consequences of their decisions, so your messages may have an opening there.

Key Community Benefits messages should concisely communicate the key issues at stake. Many organizations attempt to discuss using policy details—or worse, political strategy—instead of putting out sharp messages with clear language that defines and makes the case for Community Benefits.

The SPIN Project recommends adopting a strategy that addresses three key points—the Problem, the Solution and the Action. This method of creating messages helps you develop short, pithy "talking points" that move to the essence of an issue, rather than jargon-filled lectures that only your allies understand. This section will help advocates design and hone key messages for audiences new to the Community Benefits movement. Once your frame helps you determine the story you want told, message development allows you to create sharp, concise messages, making the issue as accessible as possible.

DEVELOPING THE MESSAGE: PROBLEM, SOLUTION, ACTION

Problem

This section of the message should frame the issue clearly, broadly and in a compelling way so that the impact of Community Benefits is felt and understood by everyone—especially to those not familiar with the issue. This section defines the issue, who is affected, who is causing the problem and who is responsible for correcting the problem.

Solution

This part of the message should convey your values. What do you stand for? What is your vision for solving the problem? How will your community benefit from fair and smart development? The solution helps you convey viable alternatives for success. You must offer a positive vision for your initiative—not just a response to your opponents. It's also important to convey a sense of hope and possibility in this message, to suggest that change is achievable and within our reach.

Action

This portion of the message is the call to action. You must offer a picture of leadership to your target audience, and give them a sense of what they can do to solve the problem and help achieve the solution. Keep in mind that particular actions may be different depending on your various target audiences—not every target is asked to do the same thing.

SAMPLE MESSAGE

Problem

Redevelopment has the potential to strengthen our communities, but the current system in Metropolis is not working well. Crucial issues such as job quality, housing and neighborhood services are not considered before a project is approved, while residents directly affected by developments have little opportunity for input. Lawmakers are forced to make decisions and commit taxpayer funds without full information, and developers must confront opposition from frustrated residents whose concerns have not been addressed.

Solution

Redevelopment in Metropolis must focus on the real long-term needs of our communities. A Community Impact Report is a simple, common sense tool that will provide residents, policymakers and developers with the facts they need about development projects. The Community Impact Report will encourage projects that create good jobs, affordable housing and vital neighborhood services, give residents a voice in decisions that affect their lives and allow policymakers and developers to build projects that enjoy strong public support.

Action

Give residents, developers and policymakers the facts they need to build good projects and healthy communities. Support the Community Impact Report policy.

MESSAGE DEVELOPMENT

Here are some step-by-step tools to help you create your message.

Problem

- ◆ Ask yourself: What's going on here? What is the problem and why is it relevant?
- Define the issue: Set the terms of debate, and place the issue in its context.
- ◆ Jargon alert: Avoid jargon, insider language and policy-speak in the problem part of the message. Think of people who do not know anything about your issue and explain it to them.
- ◆ Values: Does your message match up with your audiences' values, experiences and beliefs?

Solution

- Ask yourself: So what? Why should people care?
- Offer a vision of success.
- Ensure the solution is viable and practical.
- Involve your audience in the solution.
- Communicate your values: fairness, participation, benefits for all (win-win).

Action

- ◆ Ask yourself: Now what? What do I want this audience to do?
- Be as concrete as possible: Ask your audience to support a ballot measure, call their city council member, etc.

SUPPORTING MESSAGES

Below are some Community Benefits messages that have proven successful in prior campaigns.

Community Benefits are good for the City

- CBAs help policymakers be more informed on developments and how they could impact the entire city.
- CBAs prevent cities from misallocating taxpayer dollars on development projects that produce no tangible benefits.

Community Benefits are good for Taxpayers

 CBAs ensure taxpayer money serves the best interest of the community by linking development/redevelopment with good jobs, job training, housing and other Community Benefits.

Community Benefits are good for Policymakers

- CBAs give policymakers important information to help them make the best decisions for development projects.
- Policymakers who support CBAs are real leaders, representing the interests of the whole community.
- CBAs help policymakers consider redevelopment projects as a way to provide living-wage jobs and safe and affordable housing.

Community Benefits are good for Developers

- CBAs help developers understand community concerns and needs, and gain much-needed public support as they seek permits and tax subsidies.
- CBAs improve community "buy-in" by addressing concerns early in the development process.

Community Benefits are good for Communities

- CBAs give community members a voice in economic development decisions that affect them.
- CBAs meet the real needs of the community by addressing crucial needs like housing and jobs, thereby improving the overall quality of life.

KEYS TO MESSAGING

Message Essentials

Your messages communicate your frame, position and call to action. The Community Benefits message clarifies your advocacy position and whose interests are at stake. For example, Los Angeles Alliance for a New Economy (LAANE) essentially re-framed the debate on economic development in Los Angeles using Community Benefits framing and messaging: a positive vision, win-win solutions and community-based themes.

Condense your Issue into Key Messages

Try to distill what you want to say into a sharp, concise message. Community Benefits policy nuance and complexity isn't necessary—capture the essence of the issue and make it as accessible as possible. Community Benefits means "fair and beneficial development and creates sustainable communities with good jobs and affordable housing."

Repeat Messages Over and Over

Create an "echo" effect when sharing Community Benefits messages. Repeating your key messages over and over is the only way to get them into the public consciousness. The message pipeline can carry messages through a cycle from advocates to allies, repeating the same message to influencers, repeating it in the media, in community outreach, etc. We can also echo the message with symbols and visuals that convey the essence of the issue.

Respond to Reporters' Questions with Key Messages

Media interviews are opportunities to communicate your key messages to your intended audiences, not to the reporter. The average sound bite in broadcast media is eight to 10 seconds. Complicated policy explanations will not help here, but key messages will.



Stay ON MESSAGE

The key here is discipline. Discipline your messages and the spokespeople delivering the messages. The combination of an effective message and a disciplined messenger will lock an issue into the audience's consciousness.

Many Messengers, One Message

Successful Community Benefits messaging depends on creating a constancy of message across a wide spectrum of interests. This spectrum may include other advocates, allies, community partners, religious and union leadership and others. Everyone should be advancing the same essential message. And this message should be constantly echoed across all media engagement: press releases, media advisories, Op Eds, letters to the editors, television, radio and online communications.

Repeating your key messages over and over is the only way to get them into the public consciousness.





PART II. CASE STUDIES

Front Range Economic Strategy Center

Denver's first responsible development victory: Community Benefits achieved at the Gates Rubber Factory.

The Promised Land

In 2001, Cherokee-Denver, LLC purchased the Gates Rubber Factory, an old building sitting on a 50-acre parcel. The Gates company and factory had once been pillars of Denver's economy. Opened in 1911, Gates produced tires, rubber hose and automobile belts, but, like many other US corporations, moved its operations abroad. The rubber factory slowly began to deteriorate and was officially declared blighted in 2003.

After Cherokee-Denver, LLC purchased the site, Denver residents were inspired by its possibilities. Redevelopment, they imagined, could return to the site its lost status as a center of the city's economy.

Instead, the developer asked for \$150 million in tax-funded subsidies to develop high-end condos without any assurances for affordable housing, and to create low-road service jobs.

FRESC Leads the People

United in a vision to build responsible development for the Denver area, the Campaign for Responsible Development (CRD), a broad coalition of community organizations, labor unions, faithbased groups and community residents, was incubated at the Front Range Economic Strategy Center in 2002.

The coalition's member organizations represented tens of thousands of members and their families, and were committed to maximizing economic opportunities for Denver's communities in redevelopment projects that received public support or subsidies.

The CRD chose to target the Cherokee-Gates redevelopment project as a model for what good development could look like. The CRD proposed a Community Benefits Agreement to Cherokee that would ensure union construction, living-wage jobs and affordable housing.

The Strategy

The Campaign for Responsible Development used several key strategies to get the developer to negotiate.

Broad Coalition

The breadth of the coalition included several labor, religious and community-based organizations who, in turn, mobilized hundreds of community residents at key city council meetings and community town halls.

♦ Research on Tax Increment Financing

Through a series of studies on projects funded through tax increment financing (TIF), the campaign educated policy makers and local politicians on the failure of publicly subsidized redevelopment projects to build stronger local communities and economies.

◆ Political Pressure

Armed with this information, the campaign advocated for council members to ask the developer questions about the benefits that the community would reap, and to make specific agreements about those benefits.

Tenacity

The CRD campaign remained consistent and adamant in their resolve to create greater economic opportunity and stronger local communities by standing firm on the issue over the course of three years.

The Message

Version I

The campaign's early frame of the issue focused on the lack of public return on public investment. This message played well with certain business publications, but organizers found the message too academic and out of reach for community residents.

Version II

The campaign refocused on defining redevelopment as a tool for building community. Sample messages included:

We believe economic development should build communities where ordinary people can afford to live and work.

Economic development should improve the lives of people living in distressed communities.

Economic development should be an investment that improves the city's fiscal health and enriches our entire community.

"We believe that TIF-subsidized economic development can achieve its goals, but only if we raise the expectations for affordable housing and establish wage and benefit standards that allow people to lead healthy and self-sufficient lives here in Denver."

> —Robin Kniech, Campaign for Responsible Development

Lessons Learned

Early on in the campaign, leaders learned the importance of developing a frame that resonated with people's immediate needs, rather than longer-term community concerns. In the first years of the campaign, the coalition had a strong environmental frame identified by community residents near the rubber plant who feared the toxicity of the land and its effects on residents. Although the City Council called the organizers alarmist and tried to downplay the environmental angle, the campaign continued to support thorough environmental cleanup of the land.

Additionally, campaign leaders developed a keen understanding of the importance of getting to know the city beat reporters and predicting what angle of the story would capture their interest. Some reporters were more interested in the political dimensions of the issue, and focused on the process by which the city makes decisions about spending public money. In order to capitalize on this interest, the campaign had to create controversy and tension over how to hold the city responsible for how it was spending tax-payer money.

A cautionary note about long coalition names. While reporters often included the full name of the coalition—the Campaign for Responsible Development—editors repeatedly took it out, saying it had too many words.

Win

In February of 2006, after more than three years of community mobilization and negotiations with the developer and the city, the CRD was proud to voice its support for public investment at the Cherokee-Gates site. Some of the Community Benefits won at Gates include:

- A landmark Affordable Housing Plan that includes 200 units of rental housing for Denver families with the greatest need, those at 50% and 30% of Area Median Income (50% = \$35,825 and 30% = \$21,495 for a family of four in 2005).
- Developer cooperation and participation with the neighborhood-based Voluntary Cleanup Advisory Board that is monitoring the environmental cleanup and communicating cleanup issues to affected residents.
- An unprecedented agreement to pay prevailing wages and benefits for every construction worker engaged in the publicly funded construction of site infrastructure and maintenance of public spaces and facilities.
- Selection of a union construction manager and a general contractor with a strong record of good wages, health care and retirement benefits, as well as high-quality skills and safety training.
- ◆ A commitment to use a "Best Value" selection process for subcontractors at all tiers, maximizing the chances of worker health-care coverage and opportunities to train new apprentices.
- An unprecedented agreement to extend Denver's Living Wage Ordinance to cover parking lot attendants and security personnel employed at the site's public facilities.
- An early agreement that excluded big-box grocery stores, which are typically low-road employers and bad neighbors.
- An enhanced "First Source" local hiring system that promotes the recruitment of local residents to fill new positions and, for the first time, prioritizes immediately adjacent low-income neighborhoods.

Milwaukee Good Jobs & Livable Neighborhoods Campaign

A Tale of Two Cities

In the fall of 2002, Milwaukee community leaders found out about plans to redevelop land that became vacant when city officials decided to dismantle its Park East freeway. These community leaders approached city officials to ask for information on how the planning and redevelopment process would create good jobs, but were told by the Department of City Development that the quality of jobs being created did not factor into redevelopment plans. Community leaders were extremely concerned that, as in past downtown development projects, millions of dollars of taxpayers' money would be spent subsidizing development that would not generate concrete economic gains for local residents.

Within three months, a group of 30 community and labor organizations formed the Good Jobs & Livable Neighborhoods Coalition (GJLN). Spearheaded by the Milwaukee County Labor Council, the Institute for Wisconsin's Future and



Milwaukee Innercity Congregations Allied for Hope (MICAH), a broad array of labor and community organizations embarked on a campaign to demand that Park East redevelopment benefit all of Milwaukee, including some of the city's poorest residents. The Coalition called for a Community Benefits Agreement to be incorporated into the city's redevelopment plan. The proposed CBA



would require any projects within the redevelopment area that received substantial city subsidy to pay prevailing wages for construction and living wages for post-construction jobs; to include job training and job access provisions to ensure local residents found employment opportunities in the redevelopment area; and to include affordable housing in any residential projects.

GJLN framed the issue around A Tale of Two Cities, noting that Milwaukee was the seventh poorest city in the country, ranked fourth highest in child poverty and suffered from extremely high unemployment rates among people of color. They also noted that previous public and private investments in downtown redevelopment—investments which had been committed without any Community Benefits provisions—had done little to address the poverty and unemployment that had devastated many Milwaukee neighborhoods. Community leaders framed the Park East redevelopment as an opportunity to bridge the gap between the rich and the poor by creating good jobs, improved access to education and training and a dedicated local hiring program.

The Campaign

GJLN's volunteer-run coalition began organizing and canvassing, held over 100 meetings with public officials and staged a public meeting where over 700 people turned out to support the coalition's efforts. GJLN developed key messages that included:

- ◆ The Park East redevelopment plan characterized the downtown area as one of the most valuable pieces of land likely to be available for development in our lifetime. If this land is so valuable, community members have a right to expect concrete benefits from its development. This is a tremendous opportunity for our city to bridge the gap between the rich and poor.
- CBA strategies have been used before by government bodies in the Milwaukee area and across the country. Many of the components of the proposed CBA, such as local hiring and prevailing wage requirements, had already been implemented by the City of Milwaukee, Milwaukee County and other local quasi-governmental units.
- CBAs provide concrete, measurable ways of ensuring that developers that receive subsidies deliver on the promises they make. Too often, past developments have received city subsidies based on the hope that they will benefit the community, but with no real way to ensure that concrete benefits accrue.

Community leaders framed the Park East redevelopment as an opportunity to bridge the gap between the rich and the poor.

Changing Strategies

Over the course of an 18-month campaign, the coalition used these frames to change the nature of economic development discussions in Milwaukee. Unfortunately, the Milwaukee Common Council rejected the CBA in June 2004.

Immediately, the Coalition shifted its focus to the Milwaukee County Board of Supervisors, which held title to the majority of the land. GJLN sought a county resolution requiring Community Benefits provisions to be attached to the redevelopment of any county-owned land. Continuing its program of mass mobilization, the coalition began a phone campaign which resulted in over 5,000 constituent phone calls to key County Supervisors emphasizing the desire to see Community Benefits in the Park East redevelopment area.

In December 2004, the Supervisors approved the CBA resolution, 15-to-4, voting again just a few months later to override the County Executive's veto.

Through the campaign, community leaders became experts on the development process and moved quickly to react to changing public perceptions of the campaign. Opponents argued that the CBA campaign was stalling all development and would ultimately kill Milwaukee's nascent momentum for downtown development. They decried the CBA components as too onerous and expensive for developers to sustain. They focused on what they saw as contradictions among CBA provisions, worked to pit union members against community residents and even attempted to divide the coalition on the basis of race. Throughout it all, the Good Jobs and Livable Neighborhoods coalition was unwavering in their use of strategic frames, continuing to argue for citizen input into the development process and pointing out that letting the market



determine the benefits had done little to solve the poverty and unemployment in Milwaukee's neighborhoods.

CBA - A Great Organizing Tool

According to John Goldstein, one of the key architects of the campaign: "CBAs are a great organizing tool because they enable many groups to come together on a joint project. Everyone is able to hold onto their own issues and it builds the coalition in a great way. They are a powerful tool for winning good jobs and more livable neighborhoods."

CBA campaigns are a great way to organize communities to address long-term needs. Through CBA campaigns, communities organize to develop a common mission and principles on how their communities should look like and what kinds of economic opportunities should be provided. Grassroots organizing that fuels CBA campaigns builds power for working families and establishes greater community control over economic development decisions. By organizing the power of working families to direct the process and decision-making around economic development, communities shift the balance from business-directed policy and development to people-directed policy and development.

Through the campaign, community leaders became experts on the development process and moved quickly to react to changing public perceptions of the campaign.

Georgia Stand-Up

Communicating is a two-way street. Listening well is as important as projecting your message clearly.

In the Beginning, There Was the Win

Atlanta was founded as a railroad town. In fact, its original name was Terminus, referring to its position at the end of a great national railroad. At one point, over 1,000 trains roared through Atlanta every day. As trucks replaced trains, Atlanta's railways quieted, leaving the Beltline—a loop of tracks that encircled Atlanta and bisected many of its historically African-American and low-income neighborhoods—idle and open to redevelopment. Several years ago, academics, city officials and businesses proposed to turn the train



tracks and their surroundings into an interconnected network of green space, housing, public transportation and businesses. However, the initial proposal never addressed how the project would affect community residents already living along the Beltline. There was no mention of community benefits in return for the city's tax dollars that went to the project or a process for residents to comment on the project's impact on their community.

In November 2005, the Atlanta City Council revisited the issue of Beltline redevelopment, guaranteeing that Community Benefits would accompany a new \$1.67 billion, 25-year Beltline development plan. Georgia Stand-Up, an alliance of labor, community and faith organizations, had advocated for the Community Benefits language and was thrilled at the victory, which promised prevailing wages for the construction jobs, local hiring that targets low income residents for permanent jobs and construction apprenticeship and pre-apprenticeship programs. Finally, the ordinance guaranteed that affected communities would take part in defining what other Community Benefits they were to receive. After the initial glow of victory, Georgia Stand-Up staff and local officials began to sort through the pressing guestions that would affect their communities for the next 25 years and beyond: What defines Community Benefits? Who is the community? Who gets to define them? What process is used in forming that definition?

Communicating is a two-way street.

Georgia Stand-Up Begins to Organize

With the large task ahead, Georgia Stand-Up convened community leaders from the underrepresented neighborhoods of Atlanta to discuss the impact Beltline redevelopment will have on their neighborhoods. Georgia Stand Up began its organizing by bringing together the recent graduates of Stand-Up's Policy Institute for Civic Leadership, a six-week intensive course designed to bring together community, neighborhood, labor, political and faith leaders to discuss issues such as smart growth and the regional economy. In the winter of 2006, Stand-Up had 30 leaders from around the Atlanta area participate in the Policy Institute, and through these leaders they began to organize around the issue of gaining broader public participation in the Beltline Community Engagement Toolkit.

Georgia Stand-Up held meetings with community leaders twice a month to discuss how outreach could be done in their neighborhoods to make the survey a more effective tool for gaining community input. The group formed an alliance, and its members identified the need to create a help sheet for residents to use when filling out the survey. The purpose of the help sheet was to break down difficult concepts, as well as to explain commonly used terms in the toolkit, such as economic development and historic preservation. Despite these efforts of Georgia Stand-Up and its alliance members, two weeks before the end of the deadline for community input, the response rate of residents in the Southside of Atlanta was still low in comparison to other areas of the city.

Recognizing the need for another method of outreach to these neighborhoods, the strategy committee for the alliance planned a Community Input Session to gain the input of leaders from the historic neighborhoods of the city. The session was intended to provide a venue for leaders to come together and collectively express their opinions regarding the Community Engagement Toolkit, as well as provide an opportunity for these leaders to learn more about the Community Benefits principles amendment in the Beltline ordinance. Stand-Up sent out invitations to over 200 community leaders around the city inviting them to attend this special community input session.

As a result of the meeting, participants completed a consensus survey expressing the ways in which the Beltline could truly benefit the communities that have been traditionally overlooked around the city of Atlanta, with over 50 community leaders from around the city signing off on the results. These results were delivered to the Atlanta Development Authority, along with over 300 individual surveys filled out by residents along the Southside. Since this meeting, Stand-Up has been organizing these leaders, as well as many others around the city, to continue developing a plan for ensuring that the Beltline will be a project that will benefit all Atlantans. The Atlanta Beltline story illustrates the importance of finding the right communications strategy for connecting with key constituencies and communities.

The Atlanta Beltline story illustrates the importance of finding the right communications strategy for connecting with key constituencies and communities.



PART III

Communications Tools

This part of the toolkit contains practical tools to help you plan and implement the communications component of your CBA campaign. Here you'll find:

- ♦ A sample Press Release
- ◆ A sample Op Ed
- A sample Communications Plan

Organizational logo, Web address and contact information should appear at the top of all releases.
Organizational letterhead is often appropriate for this.
Make sure to include your press contact's office phone, cell phone and email. If there's any chance your primary contact will not be available, list a secondary contact to ensure you do not miss out on valuable

press opportunities.

Including a headline and sub-heads is critical, since busy reporters usually spend 30 seconds or less scanning a press release. Attract attention, but do not undermine your credibility with histrionic language. A good story doesn't need to rely on inflammatory rhetoric to attract interest.

The lead paragraph is the most important part of the release. The lead frames the issue for maximum media impact.

Sample Press Release

Contact:

Danny Feingold, Communications Director

Office: (213) 977-9400, ext. 109

Cell: (213) 555-1212

Email: dfeingold@laane.org



Council Approves \$500 Million

Agreement to Help Communities Near LAX

Landmark Deal Sets National Precedent with Far-Reaching Package of Environmental and Economic Benefits for Residents Affected by Airport Modernization

The Los Angeles City Council today overwhelmingly approved a landmark community benefits agreement that provides major environmental and economic improvements to communities affected by the planned modernization of Los Angeles International Airport (LAX).

The legally binding agreement—the result of months of discussions between the City, LAWA and more than 20 community groups, environmental organizations, school districts and labor unions—will establish a national precedent for community improvements around large-scale development projects. At \$500 million, it represents the largest and most comprehensive community benefits agreement ever negotiated, designed to address known impacts to surrounding communities through improvements to environmental, labor, noise and health conditions.

"This agreement shows that by working with the surrounding communities from the beginning, large-scale development projects can result in economic benefits, social benefits and environmental benefits," said Jerilyn López Mendoza, policy director of the Los Angeles office of Environmental Defense, one of the lead organizations involved in the negotiations. "By easing the pollution burden from LAX, this agreement secures a huge health and quality-of-life victory for area residents. This agreement can now serve as a national model for other large-scale development projects and affected communities to bring economic and environmental benefits to their own neighborhoods."

The agreement will now go to the Federal Aviation Administration (FAA), along with Los Angeles Mayor Jim Hahn's \$11 billion plan to renovate and modernize LAX.

"This agreement is a milestone for the growing Community Benefits movement," said Rev. William Smart, senior community organizer at the Los Angeles Alliance for a New Economy, which pioneered the concept of Community Benefits Agreements and played a lead role in the negotiations. "We have demonstrated that when communities have a place at the table, economic development works better for everyone. This shows that responsible development is possible."

The agreement offers significant economic opportunities and quality-of-life improvements to residents east of the airport, who historically have suffered the worst consequences of airport development and had little voice in the decision-making process.

It is also the first Community Benefits Agreement negotiated with a government entity. When the coalition approached Mayor Hahn late last year to propose the agreement, he immediately demonstrated his commitment to the communities surrounding the airport by directing Los Angeles World Airports and his own staff to work with the coalition to negotiate the agreement. Previous agreements, including half a dozen in Los Angeles, have been reached between private developers and community organizations.

"This Community Benefits Agreement is a national model for airport development and serves to enhance the quality of life of the communities surrounding LAX as we move forward with our plans to make LAX safer and more secure for the millions of travelers who pass through the airport every year," said Hahn. "I am proud that together we have developed a comprehensive environmental, economic and educational Community Benefits Agreement that will directly benefit the communities most impacted by operations at LAX."

The key improvements that would result from the Community Benefits Agreement include:

- Sound-proofing all affected schools.
- Increasing funding for the sound-proofing of homes.
- ◆ Retrofitting diesel construction vehicles and diesel vehicles operating on the tarmac to curb dangerous air pollutants by up to 90%.

Include a compelling lead quote within the first 2–3 paragraphs, to frame the issue and clarify your most important news.

Use the Inverted Triangle Model to prioritize your framing points. After the lead, begin to fill in the story's details. The inverted triangle model ensures that the most important news hits the reader at the top, and narrower details are filled in further down in the piece.

Aim for readability. The goal of your writing should be for the reader to comprehend your information as quickly as possible, not to impress them with sophisticated prose. Use short sentences.

Proofreading, spell-checking and consistency are critical. A press release says a lot about you as an organization. Make sure it makes you look good!

Develop your message with supporting quotes. Continue to frame by building your cast of characters. Extra perspectives from different people can entirely recast a story.

Indicate the end of the release by typing "###" at the bottom of the final page. If your release is more than one page long, be sure to include page numbers and write "more" at the page breaks.

Include a boilerplate

description of your organization. Don't assume reporters know who you are or trust them to define your work. At the end of your release, briefly describe your organization and direct reporters to your Web site for more information.

Start with a strong lead. Op Eds need to grab a reader's attention quickly, so make sure your first paragraph is strong. Chris Nevitt explains how Coloradans are being kept in the "dark" about how tax funded subsidies are spent and how they will benefit the community.

- ◆ Electrifying airplane gates to eliminate pollution from jet engine idling.
- Studying the health impacts of airport operations on surrounding communities and making those studies public on the LAWA Web site.
- Providing \$15 million in job training funds for airport and aviationrelated jobs.
- Creating a local hiring program to give priority to local residents, low-income and special needs individuals for new LAX jobs.
- ◆ Enhance opportunities for local, minority and women-owned businesses in the modernization of LAX.
- Monitoring LAX, enforcing the agreement's provisions and holding LAX accountable to the community.

"The Community Benefits Agreement has given disparate groups an opportunity to come together and work out differing opinions about how the development should be done," said Daniel K. Tabor, an Inglewood resident and community activist who helped lead the negotiations. "As a result, LAWA and the City have avoided costly and lengthy litigation and the community will get health and jobs protection up front."

###

Founded in 1993, LAANE is recognized as a national authority on issues affecting the working poor and an innovator in the fight against working poverty. Combining a vision of social justice with a practical approach to social change, LAANE has helped set in motion a broad movement based on the principle that hard work deserves fair pay, good benefits and decent working conditions. Visit www.laane.org for more information.

Sample Opinion Editorial (Op Ed)

Subsidy Sunshine Needed for More Healthy Economic Development

by Chris Nevitt

Coloradans enjoy over 300 days of sunshine a year, but too little sunshine falls on our economic development subsidy practices. Lack of transparency, an absence of clear expectations and a failure to track measurable outcomes, all keep Coloradans in the dark about how millions in tax funded subsidies are spent, and the public benefits they are meant to be generating.

Nationally, state and local development subsidies have ballooned to an estimated \$50 billion in annual costs to taxpayers. In Colorado, Denver taxpayers alone are now committed to over \$500 million in tax-increment financing subsidies. These are not spent directly out of Denver's treasury but instead take the form of foregone revenue—

taxes collected, but diverted to fund private development projects before ever reaching city coffers. Regardless of whether these subsidies are taxes spent or taxes never received, they are a substantial and growing sum—in Denver equaling roughly 7% of the city's annual general fund budget.

The idea behind such subsidies is that they catalyze growth, create jobs, strengthen local economies and benefit our communities. But do they? Led by the national subsidy watchdog group, Good Jobs First, communities across the country are beginning to ask "are taxpayers getting their money's worth?" As detailed in the recent book, The Great American Jobs Scam, the answer has often been "no." The focus on the issue, however, is resulting in more focused and effective subsidy policies, greater accountability, more transparency and robust community involvement. "Sunshine," in short, is improving the health of economic development efforts across the country.

In Colorado, unfortunately, citizens remain in the dark. Local tax subsidy expenditures are not accounted for in local budgets, leaving citizens and policy makers debating painful cuts while unaware of millions they are already spending elsewhere. The recent travails of Lakewood and their heavily subsidized Wal-Mart are a painful case in point. While developers generally must justify their need for subsidies, these calculations are often based on developers' own estimates, and are not available for public examination, even years afterwards.

Citizens also remain in the dark about the specific economic and community goals their subsidies are meant to achieve. Even Denver, perhaps Colorado's most sophisticated dealer in tax-funded development assistance, appears to be functioning entirely without a strategic plan to guide its subsidy program. Denver's public has certainly never had the opportunity to debate such a plan, much less the specific benefits the community should expect from subsidy recipients. Instead, the initiative for the use of subsidies is left almost entirely up to private developers themselves, and they are not required to detail the number or quality of the jobs they will be creating, and whether those jobs will have health care. This often results in lowwage, low-benefit jobs that produce little economic stimulus and exacerbate public service burdens. Nor are subsidized projects required to detail their likely impact on existing business, often leading to small local merchants forced to compete against subsidized big-box stores.

Finally, Colorado citizens remain in the dark about their "return on investment" from subsidies. There is little or no effort to measure or track the economic and community impacts from subsidized projects once they are built. Partly, this stems from the failure to establish clear and quantifiable expectations in the first place. Nonetheless, local governments typically fail to collect even the most basic economic data from subsidy recipients, or about subsidy impact areas, much less analyze their net effects.

Aim for concise writing. Op Eds are generally 500–900 words long. Use short sentences and paragraphs to get

your point across.

Frame the issue quickly.

After the lead, Nevitt immediately develops the frame, pointing to how "sunshine" improves the health of economic development through civic participation and helps achieve community-wide goals by creating good jobs, a stronger economy and a healthier community.

Communicate your mes-

sage. Clearly state the main message of your Op Ed early in the piece. Here, the main message is that citizens remain in the dark about public subsidies, a reality that threatens the health of the community.

Keep to the point. A healthy community cannot remain in the "dark" about local subsidy expenditures, the economic and community goals their subsidies are meant to achieve or how a city measures economic and community impacts once subsidized projects are built. This does not make for a healthy community.

Conclude with your message. End the piece by reiterating your key message. Nevitt details "subsidy sunshine" suggestions for government accountability and transparency for healthy economic development.

Pitch It! Pitch your Op Ed to the Opinion Editorial or Editorial Page editor at your target newspaper. Call first to gauge their interest level, then fax or email the Op Ed with a cover letter and follow up to make sure they received it. Don't submit the Op Ed to another outlet unless your first target decides not to run it. If at first you don't succeed, consider other outlets or rewriting the piece.

Who's the author?

Who signs the Op Ed is a strategic consideration—make sure that the person identified as the author has credibility with your audience. Finding a leader in your community to co-sign the Op Ed can be a great way to catch the attention of readers.

Subsidy "sunshine" does not impede economic development. To the contrary, it promotes civic engagement, raises the bar for public expectations and improves accountability. This can only increase the likelihood that subsidy dollars achieve their stated goals: good jobs, a stronger economy and healthier communities. Most of us believe government has an important role to play in promoting economic development. Publicly funded education and infrastructure are key ingredients for successful economic development, and passage of Referendum C is a major step toward preserving the economic viability of Colorado. But effective government also depends on an informed citizenry, able to understand and influence the policies that guide its actions, and to debate their costs and benefits. This applies as much to tax subsidies as it does to direct government expenditures.

This summer and fall, the Colorado legislature convened an interim committee to examine state economic development policies, and this committee will be introducing several measures in the upcoming legislative session. Unfortunately, while the committee made a good start toward clarifying job creation and wage and benefit expectations for direct state subsidy programs, it left the vast sums of locally-administered subsidies to continue being spent in the dark. Our state legislature needs to come to grips with how local governments must better inform and involve the public in subsidy decisions, and must hold their subsidies accountable for achieving clear, verifiable goals. There is still time for the legislature to assemble sensible measures to bring "subsidy sunshine" to local economic development in Colorado. Here are several suggestions:

Require clear accounting for subsidy tax expenditures in budget publications.

Promote formulation of local strategic plans for the use of subsidies, including clear and measurable expectations from subsidy recipients, and require robust community involvement in developing these priorities and expectations.

Require subsidy recipients to estimate jobs, wages, health benefits and impacts on existing local businesses, and to report subsequent outcomes from their projects.

Increase the transparency of information justifying the use and amount of proposed subsidies.

Subject subsidy programs to regular and independent performance audits.

Sunshine is essential for the health of plants, animals and people. It is also essential for the health of our economy and our communities. Hundreds of millions of dollars in Colorado taxes should not be spent in the dark.

Chris Nevitt, Ph.D., is policy director at the Front Range Economic Strategy Center and co-author, with Tony Robinson, of *Are We Getting Our Money's Worth? Tax-Increment Financing and Urban Redevelopment in Denver, Parts I & II*

140 Sheridan Blvd. Denver, CO 80226

Sample Communications Plan

The legally binding Community Benefits Agreement (CBA) signed by the city of Los Angeles in December 2004—the result of months of discussions between the city, Los Angeles World Airports (the city-owned system of airports in LA) and more than 20 community groups, environmental organizations, school districts and labor unions—is perhaps the clearest victory yet for Community Benefits work. At half a billion dollars, it represents the largest and most comprehensive Community Benefits Agreement ever negotiated, covering a broad range of impacts including environmental, labor, noise, health and accountability issues.

You can use this plan as a model for a communications plan for your own work. For more tips on creating a strategic communications plan, and a template you can use to create your own plan, visit www.spinproject.org.

Communications Plan for LAX Community Benefits Agreement Campaign

The LAX Community Benefits Agreement media plan is designed to convey a simple, compelling message through media actions, feature stories, Op Eds and editorials.

Our media message is crafted to achieve maximum appeal. To sustain coverage, we should consider a variety of actions, escalate the intensity of those actions if needed and call on high-profile public figures for selected events.

Dynamic, articulate spokespeople, both English- and Spanish-speaking, will be crucial to our campaign. These should include residents, community leaders, advocacy group representatives, elected officials, businesspeople and other respected public figures.

Fact sheets supporting our case and endorsements from a range of public figures will also help strengthen our campaign. We should be prepared to provide reporters with detailed information about the negative impact of LAX development projects on communities in the past, and how this will change if our policy is adopted.

Goals

External

♦ Win Community Benefits Agreement (CBA) for LAX modernization plan

Internal

- ♦ Build strong coalition between environmental, labor, community groups
- Build community support for accountable development work in LAX communities

Target

- LAWA Commission
- City Council

An "Executive Summary" can be useful for sharing your plan with other staff members. The authors of the plan begin by laying out what they see as the key aspects of their communications work: a disciplined message, a range of media work, support from public figures, dynamic spokespeople and solid information for reporters.

Be clear about your goals. What do you want? Why are you launching a campaign in the first place and what is your positive vision for the future? Be bold and be specific. Here, the authors divide their goals into External (Win a CBA for LAX) and Internal (Build a coalition across issue areas and increase support in the communities around LAX for accountable development).

Identify your targets. Who can give you what you want? Can you influence your target directly? If not, who has the power to influence them? These are your target audiences. Here, the authors focus on the commission in charge of making decisions at the airport, and the City Council members who must approve the CBA.

Frame the story.

Describe the issue in a way that resonates with your targets and is also interesting to journalists. What is the story really about? Who is affected and who are the players? Here, the authors decide that they will tell a story about residents coming together to better their communities. It's a "win-win" story, good for the residents and for the city, and one that City Council members will want to get behind.

Craft and discipline your message. The Problem lays out your frame. The Solution is your positive vision for the future. The Action calls on your audience to take some specific steps. Here, the author's frame describes the missed opportunities and negative impacts on LAX's neighbors because they weren't consulted in its growth. The Solution presents the CBA as "good for our communities and good for Los Angeles." Finally, the Action calls for support of the CBA to protect the environment, improve education and provide good jobs.

Target Audience

- Voters in District X
- LAX Communities

Frame

We want this story to focus on the betterment of communities adjacent to LAX. We should emphasize the benefits of the agreement—local jobs, environmental protection, better education—as well as the political empowerment of these communities. It should be a story about residents coming together to improve their communities. It is also a win-win story—good for affected residents, good for the city, good for Angelenos.

Message

Problem

LAX is an essential part of our region's economy, but, for decades, airport development has come at the expense of neighboring communities. Residents have not been included in the process, resulting in negative impacts on our health, our schools and our neighborhoods.

Solution

This groundbreaking Community Benefits Agreement protects the rights of residents and gives us a real say in the region's most important economic development plan. The agreement guarantees that the mayor's LAX modernization plan will protect residents' health, provide them with access to good jobs and improve the quality of our schools and neighborhoods. It's good for our communities and good for Los Angeles.

Action

Join us in supporting the Community Benefits Agreement for LAX and help us guarantee a healthier environment, better schools and good jobs for our communities.

False choice between airport development/jobs and community/environment. Can move forward with both.

Key Arguments

- 1. CBAs make business sense by avoiding costly and timely litigation and bad PR. Jobs vs. the environment is a false choice.
- 2. CBAs give communities a place at the table and a voice to help shape where they work and play. With this empowerment, communities can make development work for them.
- 3. CBAs have been proven to work.
- CBAs create environmental and social benefits.
- 5. This CBA is a national model for alternative dispute resolution.
- 6. Broad community support for CBA.
- 7. Unites unlikely partners.

Spokespeople

- Environmental Justice
- Education
- Health Care
- Clergy
- Labor
- ◆ LAANE
- City
- Community Leaders/Residents

Note: Use residents/activists from other CBAs at press conference, hearings and Council meetings, with message that CBA has worked for their communities.

Spokesperson Training

Selected spokespeople will participate in a training on campaign message and public speaking skills.

Materials

- Coalition one-pager
- ◆ CBA one-pager
- Other CBAs
- LAX communities backgrounder
- General Q&A
- Coalition member profiles
- Message and key arguments (internal)
- Media prep Q&A (internal)

Media Events

◆ CBA press conference

Speakers

Community Leaders

Environmental Leaders

Clergy

Elected Officials

Visuals

Planes, playground, handkerchiefs, signs (healthy communities/livable communities)

Select and train spokespeople. Who are the best spokespeople to reach your target audience? Remember: Sometimes the person delivering your message is as important as the message itself. Here, the authors choose a diverse coalition of community leaders to act as spokespeople, as well as community leaders from other cities with CBAs to talk about how they've worked out for their communities. After the spokespeople are selected, they need to be trained on the messages they will be delivering.

How to get the message out? How are you going to let people know about your campaign? What materials can you produce and what events can you schedule to support your message? Here, the authors list the documents they'll need, both internal and external, to discipline their message and get the word out through reporters. Key speakers and visuals to attract television reporters are noted for a planned press conference.

Who will you pitch this story to and

how? Which reporters have written about your issue in the past? Which television programs are watched by your target audiences? Build a list of reporters you want to pitch. Be as specific as you can and choose outlets that are influential with your target audience. You might also consider placing an Op Ed in your local paper, booking your spokespeople on a local affairs talk show, writing letters to the editor or creating an advertising campaign.

Story Angles

- National precedent for CBAs
- Groundbreaking community/labor/environmental coalition
- Precedent-setting environmental justice provisions
- Empowerment of underserved LAX communities

Target Outlets/Reporters

Print/Local:

Los Angeles Times, Reporter X Print/National:

New York Times, Reporter X Wall Street Journal, Reporter X

Radio/Local

KFWB

KFA AM 640

Radio/National

NPR, Talk of the Nation

TV

CBS 2, Reporter X ABC 7, Reporter X

Op Ed

Editorials

Columnists

Talk Shows

Letters to the Editor

Paid Media

Conclusion

We hope that this toolkit has provided you with some useful tools to begin planning the communications aspect of your CBA campaign. Creating a strong strategic communications plan, with clear goals, compelling, well-targeted messages and disciplined implementation, will help win real benefits for your community.

The Partnership for Working Families' Web site (www.communitybenefits.org) contains research, reports and resources related to economic justice in general and CBAs in particular.

The SPIN Project's Web site (www.spinproject.org) contains free tutorials, articles, links and other resources related to strategic communications.

The Partnership for Working Families

Partner Organizations Contact Information

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