

# Pandemic patios and “flat white” urbanism

By Amina Yasin and Daniella Fergusson

## Summary

By compounding existing crises, the COVID-19 pandemic has further marginalized already vulnerable members of our communities. The ease and speed of “pandemic patios” implementation contrasts harshly with the lack of meaningful action in food, housing, transportation, and equitable infrastructure projects. Additionally, pandemic policing continues the historic practice of deciding who can be in public. This disconnect between aesthetic improvements, enforcement, and systems change is emblematic of White Urbanism, a “flat white” power and legal structure implemented through restrictive covenants, redlining, planning euphemisms, land theft, architecture, bylaws and their enforcement, and choices that smooth over structural issues in favour of aesthetic improvements to the status quo.

## Sommaire

En aggravant les crises existantes, la pandémie de COVID-19 a marginalisé bien davantage les plus vulnérables de nos communautés. La facilité et la rapidité de mise en place de «terrasses pandémiques» contrastent fortement avec le manque d’action concrète dans les domaines de l’alimentation, du logement, des transports et des projets d’infrastructure équitables. En outre, les services de maintien de l’ordre perpétuent la pratique historique consistant à décider qui peut être en public durant une pandémie. Cette rupture entre les améliorations esthétiques, l’application des lois et le changement de système est emblématique de l’urbanisme blanc, un pouvoir et une structure juridique «blanc mat» mis en œuvre par le biais de conventions restrictives, de lignes rouges, d’euphémismes de planification, de vol de terres, d’architecture, de règlements et de leur application, et de choix aplanissant les problèmes structurels en faveur d’améliorations esthétiques du statu quo.

The pandemic has starkly revealed existing inequalities in our society: essential workers who are more likely to be female, racialized, and living with underlying health conditions travel on crowded public transportation to unsafe working conditions to keep the economy running, while others can work from home or escape to vacation homes. With many planners having the privilege of working from home since March, there is a danger that our planning work – already done too much from the desk – becomes even more removed from the communities for and with whom we serve. Specifically, danger exists in continuing to ignore the people whose needs were not met before the pandemic and, instead, privileging the needs of people who are economically valued by society.

Approximately 22% of Canadians are disabled 5% of people living in long-term care homes are under the age of 65. People with disabilities have been fighting for accommodations in the public realm, workplaces, and housing, pushing on matters like safe and functional curb cuts, work from home, and level-entry access. Repeatedly, these accommodations are neglected by all levels of government.<sup>1</sup>

Yet, in response to the pandemic, many planners have streamlined permitting for the private commercial use of public rights of way. Open Streets – European-style strolling areas with sidewalk cafes



Mini bubbles for safe dining in New York City. Photo Credit: Aileen Budow.



Los Angeles sidewalk with unhoused people camping. Photo Credit: Joe Buscaino.

and dedicated networks of bike lanes<sup>2</sup> – have been promoted as ways to allow for outdoor exercise and socialization while respecting Provincial Health Orders for physical distancing. Planners point to the physical and mental health benefits of open streets as well as their role in local business economic recovery. But, critical considerations are missing from the social determinants of health analysis behind this seemingly benign planning intervention.

### Defining White Urbanism

Planners must consider whose comforts are readily accommodated, which aesthetics are being prioritized in urban spaces, and how COVID-19 recovery plans reveal those priorities. The pandemic has shown what has always been possible but never implemented due to misplaced beliefs about stigma, worth, and value. From this place, we establish White Urbanism within its historical context as a power, legal, and social order structure, implemented through restrictive covenants, redlining, land theft, planning euphemisms, architecture, development and servicing bylaws and their enforcement, and choices that smooth over structural issues in favour of aesthetic improvements to the status quo.

White Urbanism is a trickle down economics movement inadvertently led by white, middle-class people whose influence, especially during crisis, relies on technocratic inequity, oppression, and policing. This access to power and influence results in rapidly reshaped and newly

coveted urban neighbourhoods and streets through non-egalitarian methods.

In other words, White Urbanism is an unfettered, “flat white” neoliberal utopia where the imaginary White and able-bodied subjects are prioritized in perpetuity – a mark of a “successful city.” This naming follows Goetz, Williams, and Damiano’s work in centering Whiteness within planning. Whiteness names a “legacy of injustice” for social dysfunction, while normalizing and idealizing places of white affluence that resulted from the same injustice.<sup>3</sup>

### On what has always been possible

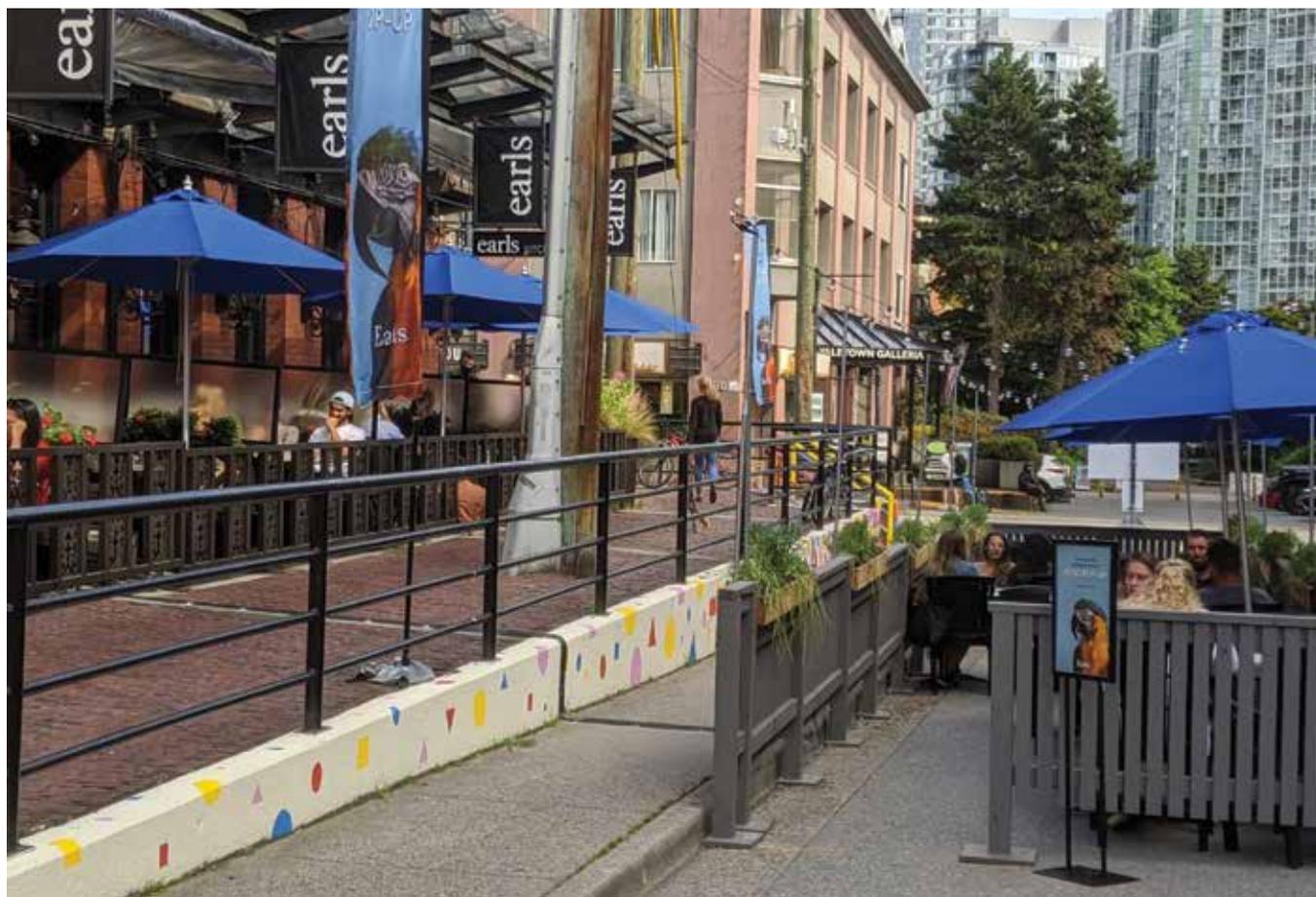
Street vending and loitering bylaws, combined with health authority permits, often make sidewalk food vending illegal. But since the pandemic, planners have streamlined processes to allow food retailers to sell from takeout windows and to permit sidewalk seating areas and patios that taunt physical distancing requirements. The aesthetics of eating on the street are the same, showing that street vending has always been possible. But, pandemic planning is showing the preferential treatment of propertied storefront vendors versus the less capitalized mobile ones. The pandemic is not an opportunity for street food. It is, rather, permission for restaurants to pivot to takeout without having to permit food trucks and other vendors. This is White Urbanism.

### Regulating the user

Complaint-based bylaw enforcement in an already unjust society leads to outsized

impacts on marginalized people. A March 20, 2020 Provincial Health Order restricted service in all restaurants in British Columbia, allowing take-out and delivery service intended to prioritize small business. The order set a limit of no more than 50 people on the premises at any given time with two metre physical distancing requirements. After issuance of this Order, City of Vancouver bylaw enforcement visited 14,300 businesses, wrote 19 orders for compliance, and received 117 calls of complaint.<sup>4</sup> A three-day business licence suspension was issued to just one of those businesses, a Tim Horton’s in the Downtown Eastside – Canada’s second poorest urban postal code – due to there being 11 rather than the maximum of 10 people in the storefront.<sup>5</sup> In another example in Burnaby, a Black-owned East-African restaurant’s business licence was cancelled (and then suspended for six months on appeal) based on one anonymous complaint to the city and one anonymous complaint to the police. The restaurant, which was closed to the public at the time, was deemed by the police to be in violation of Provincial Health Orders. Eyewitness video disputes police claims.<sup>6</sup> So, of thousands of inspections across two municipalities, the only two targeted for closure in a complaint-driven context are businesses that cater to poor people and Black people, with the East African restaurant ordered closed for 6000% longer than the Tim Horton’s. This is blatant discrimination.

By contrast, elected officials have been skirting the rules. For example, Vancouver City Councillor Michael Wiebe was investigated and found in conflict-



of-interest for voting in May in favour of a temporary patio program for restaurants, bars, and breweries. Wiebe's restaurant was among the first 14 businesses streamlined and approved in June by the city.<sup>7</sup> Later, Vancouver Mayor Kennedy Stewart was photographed violating Provincial Health Orders by eating on a restaurant sidewalk pandemic patio with six other people, arguably the same violation as Tim Horton's.<sup>8</sup> That restaurant's business licence, however, was not suspended. In this case, White Urbanism blatantly utilizes regulations to issue fines, subjugate, and limit the physical and economic mobility of multiply-marginalized residents, while privileging and applying rules differentially to White restaurateurs (or those who are on Council), thus ensuring that public health regulations are applied unequally.

Similarly, Toronto's Mayor, John Tory, was photographed, a day after criticizing people for gathering in a crowded park in a predominantly racialized community.<sup>9</sup> The mayor was neither wearing a mask nor physically distancing in Trinity Bellwood Park

amongst a predominantly young, White, and affluent crowd of thousands, while nine tickets were issued for public urination on low-density single family properties.<sup>10</sup> CTV News quoted a variety of urban planners speaking about Trinity Bellwoods park, noting that while the behaviour and crowding were distressing, it was understandable that people who live in high-density (market) housing would want to spend time outside.<sup>11</sup> At the same time, this same level of empathy is not afforded to people living in non-market social housing, people who are more likely to be poor, older, and racialized. Part of White Urbanism is an unjust regulation of the user that is based on biased beliefs of who deserves public space and who is explicitly excluded by infrastructure deficits, deprioritized housing projects, and bylaw enforcement.

#### **Privatizing public space**

Sidewalk patios and business-first emergency recovery plans reassert the unethical privatization of public space. They also crowd out many people's basic food, shelter, and transportation needs.

The privatization of public space requires that someone police who is and who is not allowed in that space and what they are allowed to do and how.<sup>12</sup> Cordoning off public land for business use requires that a person purchase goods to buy time on public land. White Urbanism means spending endless energy on importing European street aesthetics to Canada when there is a tainted drug-supply crisis, a housing crisis, a pandemic, a looming eviction crisis, climate change, disabled people living in poverty to the degree that medically-assisted suicide looks attractive,<sup>13</sup> and rampant violence against Indigenous, Black, and other racialized people.

As Bob Joseph, Indigenous relations trainer and member of the Gwawaenuk Tribe, explains in *21 Things You Didn't Know About the Indian Act*, the Royal Canadian Mounted Police (then the North-West Mounted Police) was established to control the movements of Indigenous people and transfer their land to the federal government. The police forced Indigenous people onto reserves and enforced the pass system which, from 1885

to the 1940s, was a system of controlling whether or not Indigenous people could leave a reserve. The police also enforced strict land use rules, forbidding people on reserve from conducting any commerce. In this way, modern Canada is built on an apartheid system, using police to enforce who is allowed where and when. This system was so successful that a delegation of Afrikaaner settlers visited Canada to learn about the Indian Act, and it became the foundation of the apartheid Bantustan Act in South Africa.<sup>14</sup>

Two sets of rules continue today. For example, it has been reported that the mayor of the small Ontario town of Caledonia – in a potential violation of the Municipal Conflict of Interest Act – paid a deposit to purchase a tract of land on the Haudenosaunee-claimed 384,000-hectare Haldimand Tract, which was the subject of a 1784 treaty between the Haudenosaunee and the British Crown. Land defenders under the banner of 1492 Land Back Lane are drawing attention to the land claim, which has been slated for a 218 detached home and townhouse subdivision development, even though land defenders previously occupied the land in 2006 and have been asserting their claim since 1793.<sup>15</sup>

A broad body of research unpacks how Whiteness, private property, policing, and municipal harassment have led to the exclusion and destruction of communities. Law Professor Cheryl Harris' seminal work "Whiteness as Property" unpacks the legal status of Whiteness, racialized property relationships, functions, and the resulting social relations.<sup>16</sup> Black feminist writer and activist Robyn Maynard in *Policing Black Lives* expands on this to describe how policing and social policy in Canada have created Black poverty, surveillance, and subjugation from pre-Confederation times through to today. Other research shows how spatial anti-Blackness, whiteness, and ableism is embedded into planning policies, codes, design standards, and regulations, with bylaw and law enforcement used to enforce the spatial order.<sup>17</sup> In her thesis on Hogan's Alley, co-founder of Hogan's Alley Society Stephanie Allen details how the City of Vancouver weaponized bylaw enforcement and municipal servicing neglect to justify the destruction and erasure of the region's primary Black community.<sup>18</sup> Municipal neglect, hostile zoning, environmental racism, and urban renewal also destroyed Africville in Halifax,<sup>19</sup> Little Burgundy in

Montreal, and the colloquially named Little Jamaica in Toronto where Black people have been displaced due to unaffordable transit-oriented development.

Today, while the pandemic has led to developments such as sidewalk patios, orders to physically distance have also resulted in stricter visitation rules in social housing. These restrictions have also closed libraries, community centres, and social places where unhoused people can find respite and public washrooms. As a result, visible homelessness is much greater in public spaces, including in parks where there are tent settlements, which were recently banned (with the ban upheld by courts) by cities such as Toronto. Given Toronto's commitments to Indigenous peoples, this is concerning, because Indigenous peoples constitute 15% of the unhoused population in Toronto, but only make up 0.5% of the overall population. Meanwhile, open street programs and fee-waived pandemic patio expansion programs have been accelerated to provide "outdoor" winter shelter and comfort to consumers, brunchers, and brew-pub hoppers on the same public sidewalks that are a home of last resort for far too many. In short, advocating for the complete closure of streets to privilege economic activity leaves no room anywhere for those evicted and made unhoused during the pandemic or for those whose vehicles have become their temporary shelters.<sup>20</sup> In Vancouver, a politically-connected campaign has been harassing unhoused people, calling for broken windows policing and institutionalization.<sup>21</sup> Patios for restaurants, institutionalization for disabled people, and prisons for unhoused residents is the lethal tidiness of White Urbanism, because it prioritizes the comfort of private entities over people and the duty to accommodate.

### Surveillance

In gentrifying and racially shifting neighbourhoods, White Urbanism combined with a complaints-based enforcement system results in violence and displacement. Newcomers with political and police power bring different expectations about how public space should be used. "Eyes on the street" can come from a place of community care in communities with high social connectivity, trust, and experience dealing with friction through culturally specific neighbourliness. In other situations, people who are accustomed

to power deputize themselves to establish law, order, racial hierarchy, and belonging.

For example, in July, a restaurant server or patron hit a man filming how crowded a narrow public sidewalk was in Toronto.<sup>22</sup> Later that month, a white man in a suit deputized himself to demand that a Black man in a Toronto pizza takeout line wear a mask. After violating physical distancing rules and touching the Black man, the White man destroyed the pizza counter. These are individual examples of white spatial entitlement over other people, their property, and their space. Other examples of White spatial entitlement include manspreading on buses and park benches, calling the cops on homeless people, calling the cops on Black people who 'look out of place,' taking over public hearings, idealizing neoliberal patio culture (while criminalizing stoop culture), catcalling, pushing people's wheelchairs without permission, and assaulting elders. It is only now, when physical distancing requirements necessitate new social relations, that these existing entitled behaviours are all the more apparent.

So, when planners design public spaces, consideration must be given to who feels entitled to them, why, and what the consequences will be for other people who try to use that space. Author and lecturer Jay Pitter unpacks this in her analysis of dominant and forgotten densities. She notes that the important but narrow focus on widening sidewalks for physical distancing ignores how people who experience racial profiling are weighing the risk to their personal safety, specifically Black men or Muslim women following or ignoring directives to wear a mask.<sup>24</sup> White Urbanism dictates that those who are used to being deferred to, as the previous examples show, can and do get violent when they are no longer centred.

### Getting back to basics

The pandemic is exacerbating multiple existing crises. Planners should prioritize structural change over White Urbanism aesthetics. The focus on French sidewalk cafes and flaneur culture is racist, ableist, and sexist. Black folks do not get to be 'flaneurs', but instead are targeted by police and bystanders for exclusion. What is needed are more urbanism examples celebrating Indigenous, African, Asian, and Latin American street food, street culture, and

stoop culture, where the “street” and land have always represented the ‘living spaces’ of these communities even if it appears per White Urbanism as dirty, disorderly, and dangerous (it is not).

Moving forward, and in this moment, public interventions should be reprioritized, focused on redress, anti-racism, and anti-ableism.

The following are some ways to get started:

1. Currently many Zoning Bylaws define and calculate Floor Space Ratio (FSR) and exemptions in a way that incentivizes inaccessible development. For example, FSR exemptions for livable basement areas result in suites where neither the basement storey or main storey have level entry. In multi-unit developments, often interior dens/storage areas are exempt from FSR calculations, but no such exemption exists for accessible units, which require more space for turning radius, equipment storage, and bathroom accommodations etc. Additionally, city development permit area design guidelines can also function as a barrier to building accessible, adaptable and affordable housing. One example of a design guideline barrier includes requiring that ground floor units within multi-unit developments be elevated slightly (with steps leading to the entrance) to create privacy and transition zones from the street, as a liveability measure, which results in inaccessible housing and contradict aging-in-place goals and more importantly duty to accommodate requirements within the Human Rights Code. Additionally, design requirements that emphasize step-up entrances for energy efficiency or flood protection reasons prioritize environmental planning goals over human rights concerns, when all the goals can be met affordably with equitable design considerations. .
2. As we have seen during this pandemic, cities have chosen to accommodate private business interests under their emergency response plans by pivoting very quickly to pandemic patios, which either narrow streets to traffic as a streetscape improvement method or encroach onto public rights-of-way in the form of sidewalks crowded with restaurant seating areas. These pandemic patios have not only privatized many public spaces, but they have also served to

assert private power interests in the public realm, displacing specifically vulnerable users including disabled people and unhoused residents. This has led to petitions calling to evict unhoused people seeking assistance in nearby emergency shelters within close proximity to privileged pandemic patio restaurateurs. Cities that have chosen to prioritize private interests during this pandemic have erred on the side of discrimination and inequity. This happened despite the fact that cities had the means, data, and lower vehicle traffic levels needed to allocate space – for once in the cities’ histories – to the most in need, including disabled, racialized, and poor residents. The least cities could have accomplished during this crisis would have been to reassess and reallocate funds, including infrastructure and active transportation funding within COVID-19 emergency plans to ensure that by the end of this pandemic, all street corners would have accessible and functional curb cuts that would make city streets more roamable, walkable, and strollable.

3. Food insecurity has been further exacerbated by the pandemic as more people have to choose between food or saving up to repay deferred rent, since provincial eviction bans were lifted and federal emergency benefits ended. However, during the course of this crisis some communities have stepped up to the challenge through caremongering,<sup>25</sup> while some local governments have criminalized<sup>26</sup> mutual aid<sup>27</sup> and the most marginalized residents who they fail to support through funding and budget reprioritization. Planners and elected officials can radically contribute to community development, food security, and equity by reimagining where food pantries (including mobile pantries) and fresh food markets are permitted, and by expanding community amenity contributions to include “food security spaces,” such as affordable multi-unit housing and public spaces that allow communities to feed, nourish, collect, and distribute food amongst themselves. As Melvin Dickson, an organizer for the Oakland breakfast program says, “one thing you can guarantee in an oppressed community is that you’re going to find hunger.”<sup>28</sup>

It is imperative that planners and elected officials begin to seriously consider who

land use and bylaw regulatory changes – especially during times of crisis - impact the most, understanding that people living in the same place will not have the same experience of that place.<sup>29</sup> White Urbanism flattens all of these experiences into a default wealthy White male experience (the ‘Flat White’ experience), and seeks to silo housing from public space and from transportation. When planning decisions are driven by the aesthetic and biased preferences of technocratic planners, their elected officials, and influential property owners (who may not necessarily reflect the demographic composition of Canada), Black, poor, and disabled people are more likely to be viewed as intruding into public spaces, and only permitted entry as labourers, if at all.

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