

Thursday, November 4, 2021

11:00 AM – 12:15 PM

Workshop 14

Avoiding the Tragedy of the Commons – Best Practices for New Uses in Common Areas

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- I. Introductions
- II. Common Areas
 - A. What are they
 - 1. Parking Areas
 - 2. Vacant (excess) land
 - 3. Stormwater and similar facilities
 - B. Controls
 - 1. Public
 - 2. Private
- III. Importance of Ownership Structure
 - A. Traditional/Older Models
 - 1. Developer owns all
 - 2. REAs/covenants
 - 3. Still appropriate; where?
 - B. “Common Ownership Interest” Models
 - 1. Planned Community/Condominium/Other
 - 2. Declaration – voting rights, assessments, etc.
 - 3. Owner’s association – who controls
 - 4. Usefulness within a stand-alone tract
- IV. Government/Public Policy
 - A. Understanding existing controls
 - 1. Parking Ratios
 - 2. FAR requirements
 - B. Navigating the process
 - 1. Variance/Special Exception

2. Zone Change – category or text change

V. Temporary Uses

- A. Pop-Ups
 - 1. Determine degree of local control
 - 2. Consider licensing, security and similar questions

VI. Real Estate Taxes; Special Assessments

- A. New Valuations
 - 1. Who pays – impact of ownership structure
- B. Special Assessments
 - 1. TIFs
 - 2. Abatements
 - 3. NIDs and BIDs

VII. REAs

- A. What do they control
 - 1. Building areas
 - 2. Use Restrictions
 - 3. Parking Rights
- B. Consents when changing
 - 1. Tenant buy-in
 - 2. Conflicts with “prohibited uses”
 - 3. Parking rights
- C. What’s to come
 - 1. Charging stations/autonomous vehicles

VIII Leasing

- A. Key concerns
 - 1. Definitions
 - 2. Permitted Uses
 - 3. Sidewalks and how they are used
 - 4. Sample Provisions