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The Chicago Metropolitan Agency for Planning's GO TO 2040 plan envisions housing, offices, and transit in compact city neighborhoods.

Smart Growth's Lasting Impact

PLANNING TOOLS

A DECADE OR TWO AGO, "SMART GROWTH" WAS A TRENDING topic in planning circles. But since the recession began, growth of any kind has been slow and hard to come by. Other broad conceptual frameworks for thinking about land use and development, such as sustainability and resilience, have captured some planners' imaginations. Is smart growth still relevant?

The American Planning Association recognized the importance of the concept in 2002 when it adopted a smart growth policy guide that "identifies Smart Growth as that which supports choice and opportunity by promoting efficient and sustainable land development, incorporates redevelopment patterns that optimize prior infrastructure investments, and consumes less land that is otherwise available for agriculture, open space, natural systems, and rural lifestyles."

The movement has established itself solidly in the mainstream. While the phrase itself might have fallen out of favor in some places, the principles for which it serves as shorthand—mixed uses, a diverse array of housing and transportation choices, and com-

pact development based on collaborative decision making, among other things—are alive and well.

The term smart growth may have faded as planners and other advocates searched for terms that appealed more to the general public. "There's a growing demand at the community level, but I'm not sure that everybody would call it smart growth," says Kate Meis, executive director of the Local Government Commission, a Sacramento-based nonprofit. "Practitioners do, but on the ground, people are asking for more housing and transportation choices."

The LGC, which works with local

governments to develop environmental, economic, and social policies, held its 13th annual New Partners for Smart Growth conference in Denver in February.

Yet the movement's impact has been, in some respects, limited. New greenfield construction is rising, as are the sizes of new homes. Policies at every level of government can still make it harder to grow smarter, even in the face of more demand for walkable, transit-friendly urbanism. And communities trying to change can still encounter resistance and fear.

"In some ways, smart growth is accepted wisdom," says Anthony Flint, a fellow and the director of public affairs for the Lincoln Institute of Land Policy in Cambridge, Massachusetts. "It's seen as something that *of course* communities should be doing. At the same time, sprawl-style conventional suburban development is proceeding apace in places such as Arizona, Nevada, and California's Central Valley. We're getting both."

This mainstream status was a long time in coming. Smart growth as we know it began well before the term was widely used. The movement started, as described in *Smart Growth Policies: An Evaluation of Programs and Outcomes*, a 2009 analysis by the Lincoln Institute, with state-level growth management policies in the early 1970s. It evolved as state and local governments and regional organizations introduced, experimented with, and refined policy options.

Those years of experience provide planners with a growing list of case studies and data. Indeed, Flint observed that the vibe of the Denver conference was more technical, compared to the revolutionary quality of earlier gatherings. But it's still not as easy as simply picking the right model and importing it into your community.

The *Smart Growth Policies* analysis shows how complicated and difficult achieving meaningful results can be. Among other conclusions, its authors recommended that officials focus on mission and implementation rather than process and objectives; work on at least a regional scale; cooperate across disciplines and

agencies; pay attention to policies' potential impact on income distribution; and collect data that is in turn measured against well-defined performance metrics. The authors found that policies tailored to particular priorities, such as transportation or environmental protection, can be effective.

Other analyses by the U.S. Environmental Protection Agency's Smart Growth program and organizations such as Smart Growth America have fleshed out the ways in which compact development and integrated land-use planning can benefit air and water quality, public health, and wildlife habitat. They have also suggested ways to meet the challenges a lot of communities are grappling with today.

One of those is affordable housing. As demand for living space near city centers has grown, prices have gone up. Higher density and infill development, along with other planning tools such as inclusionary zoning, can help ensure that the whole community shares in the benefits of growth.

So can partnerships among governments, community groups, developers, and designers.

Paseo Verde, a new development in North Philadelphia by the New York-based Jonathan Rose Companies, illustrates how successful this kind of approach can be. As highlighted by *Philadelphia Inquirer* architecture critic Inga Saffron in March, almost half the units in this attractive, ecologically responsible and transit-friendly building were reserved for low-income residents. Many have already moved in alongside young professionals and students from nearby Temple University. The developer worked closely with Asociación Puertorriqueños en Marcha, and the city provided the property (a former parking lot) and changed its zoning to allow more density near transit stations.

Of course density, a cornerstone of smart growth, is still a hot-button term for a lot of people across the political spectrum. "We've found it effective to do things like community image surveys showing pictures of what we're trying to achieve, rather than talking about 'density' or

'dwelling units per acre,'" says Meis.

Elaine Clegg, a member of the Boise City Council and a project coordinator with Idaho Smart Growth, agrees. ISG recently did a series of case studies on infill projects and found that, five to 20 years after construction, quality and design affected a project's success more than density.

But opposition to density persists, and its foes are often well-armed with resources and influence. In Washington D.C., for example, residents of wealthy neighborhoods have protested an update of the city's circa 1958 zoning regulations, even though changes such as proposed density increases along transit corridors would have little direct impact on these neighborhoods.

If foes of density are successful, cities can lose out on growth. A late February editorial in the Minneapolis *Star Tribune* lamented that, despite the fact that most of its members campaigned on making the city more vibrant and prosperous, the city council voted to halt a new hotel project based on questionable preservation concerns.

The editors' concern is well-placed. Research by Christopher Leinberger of George Washington University and the Brookings Institution and others suggests that walkable, transit-rich communities are doing better in the current economic climate. Clegg says that after the housing crash, there's pent-up demand in the Boise area. "Now existing entitlements in fringe areas are being built out because they're inexpensive, and there's pressure for new entitlements in those areas." But it could be hard to sustain the infrastructure and services necessary to support that kind of development if growth sputters or stays slow.

Whatever terms are used to describe them, smart growth principles are more relevant than ever as tools to help planners make their communities more attractive, prosperous, and ecologically friendly. But the movement can't take a victory lap yet.

—Linda McIntyre

McIntyre is a writer and editor specializing in ecology, urbanism, and design. She also works in law and public policy.

Managing Change with Urban Design

BEST PRACTICES

AS PEOPLE AND INVESTMENT FLOW BACK INTO CITIES, urban communities alike wrestle with conditions unlike anything seen since World War II. Whether dealing with new development pressures in once-quiet urban neighborhoods or retrofitting failing strip retail, communities across the political spectrum are searching for new tools to shape the character and quality of their environments. Long an adjunct to planning, urban design today plays a central role.

From the day Jose Lluis Sert (then dean of Harvard's Graduate School of Design) coined the term "urban design" in 1956, its purpose has been to shape the height, massing, and location of buildings; mix of uses; character of streets and public spaces; fit with nature; and other dimensions of the built environment that must work together to implement core planning objectives. Unlike the urban renewal ethic that dominated its infancy, today urban design represents an essential tool for managing the changes brought on by rapidly evolving demographics, global economic competition, and climate instability.

There is no one-size-fits-all approach to urban design. It can weave through every element of a comprehensive plan (this was the case with the post-Katrina master plan for New Orleans, *A Plan for the 21st Century: New Orleans 2030*); serve as a specific element of a comprehensive plan (e.g., the National Capital Planning Commission's Comprehensive Plan for the National Capital); or function as the focus of an independent plan (e.g., the Central Portland Plan Urban Design Strategy). To illustrate how these varied urban design strategies can work, let's examine five examples ranging from affluent suburbs to major cities. Each example illustrates different urban design strategies, but all share two focuses common to many communities at present: creating the denser, more walkable, mixed use environments needed to achieve compact growth and fostering more competitive, equitable, and resilient communities.

Dublin, Ohio, outside Columbus, has been called a quintessential single-family suburb—and repeatedly named a top place to live and do business by the likes of *Forbes* and *Money*. However, by 2009 Dublin's leaders suspected that its high-end subdivisions and class-A office parks had begun to lose their drawing power. Economist and planner Arthur C. Nelson, FAICP, has reported that over the next 25 years, demand for multifamily housing will grow three times as fast as demand for single-family housing, and this new

demand will focus on walkable, mixed use (that is, "urban") environments. CEOs for Cities has found that educated workers, in high demand by employers, were shunning suburban office parks in favor of jobs and housing in these same walkable locations.

In response to these trends, Dublin's leaders launched the Bridge Street Corridor Plan. It updates the community plan and creates a "higher density, walkable, mixed use downtown" that ultimately will host more than 10 million square feet. Approved in 2012, the plan began with urban design visioning that illustrated how a grid of walkable, tree-lined streets and squares—faced by three- to five-story mixed use buildings and focused around a riverfront central park—could transform failing shopping centers and office parks into a lively downtown and create a new civic heart for Dublin and attract a new generation of residents and skilled workers.

The cities of Santa Cruz, California, and Cambridge, Massachusetts, both confronted gentrification pressures produced by booming demand for housing in their amenity-rich, walkable neighborhoods. Both cities viewed density bonuses as their most effective tool for leveraging thriving housing markets to expand affordable housing for long-term residents. Concerned



Dublin, Ohio, seeks to attract new business and residents with a walkable, mixed use community.

about community reactions to increasing density, both cities grounded their affordability initiatives in intensive urban design studies focused on the scale and character of potential development. Santa Cruz's 2006 Accessory Housing Unit Program (the planning process was led by Bruce Race, FAICP) helped introduce affordable housing into single-family neighborhoods by setting out detailed design guidelines intended to integrate garage conversions and new backyard housing units into the existing neighborhood fabric.

On a more urban scale, Cambridge's Central Square community members spent long hours creating urban design guidelines that include setbacks from adjacent residential neighborhoods, new public spaces, and similar urban design "benefits" in return for carefully located increased heights and densities. Residents' support for increased density was reinforced by real estate consultant Pam McKinney's 2004 study concluding that between 1,000 and 2,000 new housing units within a 10-minute walk (about a half-mile) could reinvigorate one block of "neighborhood-oriented" retail. The resulting 2013 Central Square Plan calls for height and density bonuses that permit a new generation of eight- to 15-story buildings in return for funds to expand affordable housing and subsidize long-term merchants threatened by rising rents.

Seattle and Providence, Rhode Island, demonstrate how cities can harness urban design to reduce greenhouse gas emissions, expand transportation choices, and encourage healthier lifestyles—plus deliver other benefits of compact growth. Beginning with its 1994 Comprehensive Plan, Seattle became one of the first American cities to pursue growth boundaries to reverse sprawl and shift growth toward its core. To build support among residents anxious about the impacts of growth in their neighborhoods, Seattle spent more than two years in intensive, place-based urban design initiatives to identify opportunities for denser infill housing, mixed use development in commercial districts, and greater heights and densities downtown.

Updated annually, these guidelines have promoted the case for compact growth for two decades.

Providence's 2014 Link Plan focuses on 27 downtown acres made available by relocating the I-195 elevated expressway. Concerned about both the public-realm impacts of concentrated development and the expense of structured parking and infrastructure required to support higher densities, the I-195 Redevelopment Commission created highly detailed urban design guidelines. The guidelines tie density to livability by creating a public realm hierarchy that runs from the most personal to the most public spaces—from quiet gardens and small parks to lively squares. These guidelines maximize height and density and balance live and work uses, thereby supporting shared parking, which reduces parking space and its cost by 30 percent. The guidelines shape this dense mix of uses into an ecodistrict that will deliver substantial sustainability benefits.

Robust community engagement around urban design issues isn't just textbook democracy, it's also good politics. Stakeholders have an opportunity to explore the costs and benefits of change. Denser mixed use development may replace familiar stores along an urban Main Street but also add significant vitality and fund affordable housing. Redevelopment of a longstanding shopping center into a new suburban downtown area may bring unfamiliar, so-called "urban" qualities but also contribute a village square and new housing options for empty nesters. Replacing a parking garage facing a downtown waterfront with a mixed use tower may cast shadows but also fund an innovative waterfront park and new transit station.

Urban design, especially with large, transformative plans, involves trade-offs. It also empowers stakeholders to make informed decisions that shape the future of their communities and in the process creates the political will for change.

—David Dixon

Dixon leads urban design at Stantec. He is the coauthor of Urban Design for an Urban Century: Shaping More Livable, Equitable, and Resilient Cities (Wiley, 2014).

Observations

Consider these principles of urban design during this period of extraordinary change.

ON A RELATED TOPIC

ENHANCE LIVABILITY Offer the widest possible individual choices for living healthier, more satisfying lives. America abounds in

drivable environments that offer limited choices for living, working, and playing.

CREATE COMMUNITY Invite people from all walks of life to engage each other. For generations, Americans found community in the churches, schools, and parks they shared. As America becomes a "nation of niches" (according to economist Leanne Lachman) people seek places that provide community.

EXPAND OPPORTUNITY Make cities and regions more economically competitive. As knowledge industries grow, cities depend on dense, walkable environments to attract talent, promote culture, and nurture innovation. The trillions of public dollars invested in regional highways have left cities ill-prepared to compete in a global knowledge economy.

PROMOTE EQUALITY Advance equitable access to livability, community, and opportunity. A growing "opportunity gap" has raised income disparities and pushed poor Americans farther from jobs, health care, and education.

FOSTER SUSTAINABILITY Pursue a full agenda of environmental responsibility and resilience. A growing awareness of the costs of sprawl and the rapid acceleration of climate change has set the stage for a new era of investments in resilience that translate into improved livability, community, opportunity, and equity.

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Site Visits Done . . . Legally

LAW

SITE VISITS ARE COMMON FOR SOME PLANNING COMMISSIONS and nonexistent for others. Should planning commissions do them, and if so, how should they approach them from a legal standpoint?

Many planning commissioners conduct private site visits to look at properties on which developments are proposed. Some meet with

applicants on the properties and discuss the proposed developments. But in many jurisdictions, such site visits could result in a reviewing court overturning a planning commission's decision on the grounds of due process. It is important for planning commissioners to understand the potential legal pitfalls that might arise from a private site visit.

Typically, a planning commission acts as a quasi-judicial body when it considers an application for development approval. Quasi-judicial actions pertain to the application of adopted regulations to a particular applicant, whereas legislative actions pertain to the adoption of regulations. Quasi-judicial hearings require more due process protections than legislative hearings, including the requirement that a planning commissioner must base a decision upon the facts presented during a quasi-judicial hearing. Additionally, all parties involved in a quasi-judicial hearing, such as the applicant and the affected neighbors, are entitled to know all facts that may form the basis for a planning commissioner's decision.

Let's consider an example. A private site visit results in a planning commissioner obtaining information outside the quasi-judicial hearing. The planning commissioner may observe wetlands, protected species, or traffic movement concerns. If the planning commissioner bases his or her decision on this information without disclosing it during the quasi-judicial hearing, a reviewing court could conclude that a party's due process right has been violated.

Moreover, it is possible that the factual determinations the planning commissioner makes during the private site visit are incorrect. For example, he or she may incorrectly

believe that a bald eagle nest is located on the property, and would never vote to approve a project that would disturb a bald eagle. The planning commissioner may also see abundant water on the property

and incorrectly believe wetlands exist there. Such undisclosed and incorrect beliefs would adversely affect the due process rights of the parties involved in a quasi-judicial hearing.

The safest way for a planning commissioner to avoid these due process issues is to simply not conduct private site visits. This approach helps ensure that each planning commissioner will base the decision to approve or deny a development applica-

tion solely upon the information presented during the quasi-judicial hearing.

If planning commissioners still desire site visits, they should schedule the site visits prior to the quasi-judicial hearings and provide public notice so that all interested parties can attend. Following the properly advertised site visits, at the beginning of the quasi-judicial hearings, each planning commissioner should disclose any information gained during the site visit that is pertinent to the pending application. This will allow all parties at the quasi-judicial hearing to address any concerns or incorrect information, such as pointing out that the bald eagle nest is really an osprey nest or clarifying that the alleged wetlands were the result of flooding from a broken pipe.

A related due process concern that frequently arises with private site visits is the applicant or the opposing neighbor discussing the proposed project with a planning commissioner. Such a discussion is known as an *ex parte* communication. Failure to disclose *ex parte* communications could also result in a reviewing court

APPROACHING SITE VISITS FROM A LEGAL STANDPOINT

SCHEDULE site visits prior to quasi-judicial hearings.

PROVIDE public notice for all interested parties.

DISCLOSE information gained pertinent to pending application.

SUMMARIZE *ex parte* communication in a memorandum.

PLACE *ex parte* communication in the project file.

VIEW due process issues from the perspectives of a judicial proceeding.

SEEK legal guidance regarding due process issues.



Planning commissioner site visits require scrupulous reporting on the part of the commissioners after the visit.

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overturning the planning commission's decision. Indeed, in some jurisdictions, *ex parte* communications are deemed inherently improper and are presumed to be prejudicial to the opposing party.

The problem with *ex parte* communications is that information is conveyed to a planning commissioner outside of the quasi-judicial hearing, and he or she may base his or her decision upon such information. Doing so violates the due process right of all parties involved in a quasi-judicial hearing, which is the right to be informed of all facts upon which planning commissioners might base their decisions.

Even with the best of intentions, *ex parte* communications can occur. If this happens, the key to removing the prejudicial effect of such communication is, once again, disclosure. Planning commissioners should summarize any and all *ex parte* communication in a memorandum and place it in the project file. All interested parties can then review the file and be informed about the substance of the *ex parte* communication. Planning commissioners should also make a disclosure at the beginning of the planning commission's quasi-judicial hearing. Finally, it is beneficial to view these due process issues from the perspective of a judicial proceeding. A judge would not conduct a site visit without notifying all parties beforehand. Similarly, it would be improper for a judge to have a private discussion with a party to a lawsuit pending before him or her. Even though planning commissions act in a quasi-judicial manner and not a judicial manner, the requirements of the judicial system provide an excellent guidepost for planning commissioners.

In light of the fact that each jurisdiction is different, planning commissions should seek guidance regarding these due process issues from an attorney. Moreover, because these issues continue to evolve, it is better to err on the side of providing too much due process rather than too little.

—David Theriaque

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OREGON HISTORICAL SOCIETY BB003272

HISTORY

OREGON'S STATEWIDE PROGRAM FOR LAND-USE PLANNING. The impetus for the statewide planning program developed in Oregon over the last four decades was an effort to preserve coastal areas and farms in the Willamette Valley. The means for doing so was adopted through Senate Bill 100, which required Oregon cities and counties to prepare comprehensive plans in conformance with the stated state goals. A major goal was to stop disorderly growth. Signed into law on May 29, 1973, and supported by the governor and key legislators, this pioneering law brought planning to the state level and went on to influence other states such as Maryland. Read more in Carl Abbott's online history of the law in *The Oregon Encyclopedia*.

—Carolyn Torma

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RESOURCE FINDER

APA PUBLICATIONS

Practice Design Guidelines

Douglas Hammel, AICP
Zoning Practice, March 2011
www.planning.org/zoningpractice/2011/pdf/mar.pdf

Safe Urban Form: Revisiting the Relationship Between Community Design and Traffic Safety

Eric Dumbaugh and Robert Raeb
JAPA, Volume 75, Issue 3 (Summer 2009)
www.tandfonline.com/doi/full/10.1080/01944360902950349#.UyNeK_lkROE

Urban Design Framework for the Near Southeast, Washington, D.C.

Christopher Swope
Planning, April 2004
www.planningdc.org/planning/2004/apr/southeastdc.htm

Designing the Urban Block: Best Practices in Los Angeles

Vinayak Bharne
Practicing Planner, Vol. 9, No. 3. 2011
www.planning.org/practicingplanner/2011/fall/case01.htm

APAPLANNINGBOOKS.COM

Urban Design Reclaimed: Tools, Techniques, and Strategies for Planners

Emily Talen
APA Planners Press 2009
www.planning.org/store/product/?ProductCode=BOOK_ARUB

Planning and Urban Design Standards

American Planning Association, John Wiley & Sons, Inc., 2006
www.planning.org/storeproduct/?ProductCode=BOOK_RPUD

The Rules That Shape Urban Form (PAS 570)

Donald Elliot, FAICP; Matthew Goebel, AICP; and Chad Meadows, AICP
APA Planning Advisory Service 2012
www.planning.org/storeproduct/?ProductCode=BOOK_P570

STREAMING MEDIA

Zoning to Shape Urban Form

2013
www.planning.org/storeproduct/?ProductCode=STR_TZTSUF

Design Standards that Shape Urban Form

2007
www.planning.org/store/product/?ProductCode=STR_TDSUFD

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