Bill as Introduced

HB 1382 – AS INTRODUCED

2010 SESSION

10-2484
03/05

HOUSE BILL *1382*

AN ACT relative to workforce housing.

SPONSORS: Rep. W. O'Brien, Hills 4; Rep. Shurtleff, Merr 10; Rep. Hikel, Hills 7; Rep. Groen, Straf 1

COMMITTEE: Municipal and County Government

ANALYSIS

This bill provides that municipalities lacking specified building restrictions shall be deemed compliant with workforce housing requirements.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1382 - AS INTRODUCED

10-2484
03/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to workforce housing.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Workforce Housing Opportunities. Amend RSA 674:58, III to read as follows:

III. "Reasonable and realistic opportunities for the development of workforce housing" means opportunities to develop economically viable workforce housing within the framework of a municipality's ordinances and regulations adopted pursuant to this chapter and consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the development of workforce housing shall be considered in determining whether opportunities for the development of workforce housing are reasonable and realistic. If the ordinances and regulations of a municipality make feasible the development of sufficient workforce housing to satisfy the municipality's obligation under RSA 674:59, and such development is not unduly inhibited by natural features, the municipality shall not be in violation of its obligation under RSA 674:59 by virtue of economic conditions beyond the control of the municipality that affect the economic viability of workforce housing development. ***If a municipality's ordinances and regulations do not require minimum frontage on a public way or building setbacks from boundary lines or restrict residential lot sizes or mixed commercial and residential uses, the municipality shall be conclusively deemed to be providing reasonable and realistic opportunities for the development of workforce housing.***

2 Effective Date. This act shall take effect January 1, 2011.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1382 Date 1-19-10

Committee MCG

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Bob Bridgham	PO Box 242 Eaton, NH 03832	447-1733	Carroll #2 (Albany, Eaton, Madison)		✓
Maggie Fogarty	4 Park St. #209 Concord 224 2407	mfogarty@aftsc.org			✓
Dave Juret	122 N. Main, Concord		BIA		X

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1382

BILL TITLE: relative to workforce housing.

DATE: January 19, 2010

LOB ROOM: 301 **Time Public Hearing Called to Order:** 10:10 am

Time Adjourned: 10:43 am

(please circle if present)

Committee Members: Reps. Cooney, Gagnon, Osborne, L. Brown, Laliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, C. Soucy, J. Sullivan, Crisler, Ferrante, Perkins and Sterling.

Bill Sponsors: Rep. W. O'Brien, Hills 4; Rep. Shurtleff, Merr 10; Rep. Hikel, Hills 7; Rep. Green, Straf 1

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. William O'Brien, sponsor, introduced the bill. To allow communities to do away with the cause of the need for this type of housing. Referred to zoning as a way to prevent the problems of needed housing rather than trying to solve the problem after it exists. Submitted article by James Kunstler about communities that are dysfunctional. Also states that residents of differing incomes do not have to be segregated, just need to keep noxious uses out.
Rep. Wheeler: What was title of Mr. Kunstler's book? Ans.- Home from Nowhere.
Rep. Osborne: You feel localities should get rid of their adoption of workforce housing zoning. Ans.- Yes,
Rep. Osborne: What communities would be able to do this. Ans.- You would have to look at the book, he shows how the zoning laws inhibit uses because of parking restrictions, etc. (Objected to scheduling of all his bills concurrently.)
Rep. John Hikel, co-sponsor, spoke in favor. Feels constituents would prefer to live in diverse, multi-use neighborhoods. Places with conservation lands, etc. do not have affordable housing where most workers would want to live. These folks need to live in an area that can provide services, transportation, stores, etc.
Rep Cooney: Does Goffstown have much mixed use? Ans.- No, about 95% residential. It's difficult to get residences allowed in the few commercial districts.
***Ignatius MacLellan**, Housing Action NH, spoke against the bill.
Elliott Berry, NH Legal Assistance. Opposed the bill. The Supreme Court, in 1991 decided in favor of plaintiffs in Briton vs. Chester which began the efforts to create workforce housing. Many problems cited by sponsors are already available - mixed commercial uses, etc. The biggest problem with this bill is that it rolls back the options for working families to live because they cannot afford single family homes even in today's economy. If you adopt any or all of the provisions of this bill, you could still have restrictive housing rules that would completely exclude low-income and rental housing. This bill gives a free pass to any town that wishes to exclude low income housing.
Rep. Brown: How will equity be found in zoning, rather than tax policy. Ans.-I agree that we do need tax reform. Is housing becoming less and less affordable for working families? - Yes. Feels we need to

retain opportunity for families that are struggling.
Ben Frost, NH Housing. Commends sponsors for their efforts to address needs of communities. However, this vehicle would not achieve the objectives of the sponsors, feels as Mr. Berry stated, it would just enable communities to exclude low-income families. Communities would be able to, e.g. impose higher road costs for developers.
Rep. Osborne: So this would cut current affordable housing regs? Ans.-Yes
Rep. Patten: Are there any communities that don't have zoning requirements? Ans.-I don't know It is now numbering about 75. You could just repeal zoning. e.g. Tamworth does not have zoning. Now have 19 communities that still do not have zoning. (That number is from 2 years ago - mostly in Coos and Grafton, one in Sullivan)
Rep. Sullivan? Ans.- It depends, the RSA identifies a nonexclusive laundry list of things that communities can do. It offers benefits to developers who offer workforce housing.

Respectfully submitted,
Rep Dianne Schuett
Rep. Dianne Schuett
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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Hearing, minutes on
HB 1382 Jan. 19, 2010

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Hearing closed 10:43 a.m.

Respectfully submitted,

Rep.Dainne Schuett

Testimony

Housing Action NH

Building Alliances for Low Income Housing Advocacy

Housing Action NH
Governing Council

Maureen
Beauregard,
Families in
Transition

Elliott Berry,
NH Legal
Assistance

Margaret Fogarty,
American Friends
Service Committee

Curt Hiebert, Keene
Housing Authority

Mike LaFontaine,
NH Community
Loan Fund

Ignatius MacLellan,
Northern New
England Housing
Investment Fund

The Honorable Mary R. Cooney, Chairman
House Municipal and County Government Committee
Legislative Office Building
Concord, NH 03301
Subject: HB 1382 and HB 1395 – Workforce Housing

January 14, 2010

Dear Chairman Cooney and Members of the Municipal and County Government Committee:

I am writing on behalf of Housing Action NH to strongly oppose HB 1382 and HB 1395. Housing Action is a broad coalition of organizations that recognize the importance of affordable housing to a large and growing portion of New Hampshire's population.

Both bills have been introduced as amendments to the workforce housing statute that was passed in 2008 and that went into effect earlier this month. The workforce housing statute, RSA 674:58 through :61, codifies the New Hampshire Supreme Court's 1991 decision in *Britton v. Town of Chester*, 134 N.H. 434, and helps to prevent local land use regulations from continuing to drive up the cost of housing. ***Both bills would open gaping holes in the workforce housing statute*** that was finally enacted after robust legislative debate, appropriate process and careful consideration.

HB 1382 identifies a number of local regulatory actions, any one of which would avoid application of the new law. In fact, none of the proposed new regulatory actions would guarantee that the goals of the statute would be met, enabling municipalities to create barriers to affordable housing development. ***The practical effect of HB 1382 would be to convert the workforce housing statute into mere window dressing.***

HB 1395 reduces the affordable housing qualifying project size from 5 units to 3. The 5 unit standard was not chosen arbitrarily: it is the smallest project size that offers, in most cases, a realistic opportunity to reduce project costs (and consequently rents) by enabling a project to achieve economies of scale in construction and operation. Furthermore, the current law does not require municipalities allow construction only of multi-family structures with a minimum of 5 units. Rather, it requires that municipalities offer the *opportunity* for 5-unit structures if the there is market demand for them; a developer would still be free to build 3- or 4-unit structures if that choice were a better business decision. ***Reducing the unit size below five is equivalent to eliminating the requirement in the current law that projects must be "economically viable."***

HB 1395 also proposes to permit the qualification of senior housing and single bedroom units as workforce housing. Such a proposal would return us to the days when communities gave favorable regulatory treatment to senior housing as

an alternative to affordable family housing. ***If passed, this provision would grandfather communities that in the past had gone out of their way to exclude family housing – hardly an improvement in the new law.***

Changing the requirement that workforce housing be allowed in a majority of residentially zoned land to requiring that only "some" residentially zoned land be made available for affordable housing development introduces into the law precisely the kind of ambiguity that opponents to the law complained of in the original workforce housing bill which initially sought to cover "most, but not necessarily all" residentially-owned land. Indeed, the decision to apply the statutory requirement to a "majority" of residentially-zoned land was itself a compromise. ***The argument that the current law will cause development to spread unchecked throughout the community is simply a red-herring: the development opportunities required by the statute applies only to those parts of the community that are already zoned residential and deemed appropriate by the community for development.***

Finally, eliminating the accelerated appeals mechanism will resurrect the use of costly delay tactics as a means of thwarting affordable housing development. Litigious delay tactics undermine affordable housing development because the cost of litigation and the developer's carrying costs can not be passed on to the end user. Faced again with the kinds of tactics that led to passage of the new law, developers will continue to avoid developing in communities that drag out the appeals process, perpetuating the lack of affordable housing that has serious consequences for the residents and workforce of NH communities.

One section of HB 1395 will improve the new law. Section 4 will enable local land use boards to require long-term affordability restrictions on workforce housing units. Without such a provision, development enabled by the new law will have only a short-term impact because, like other properties in town, it will grow increasingly unaffordable over time. The absence of express authority in the current law is being construed by some municipal attorneys as not permitting the Town they are advising to include this requirement in their Inclusionary Zoning regulations. To do the job properly, the time limit in Section 4 should be eliminated because there are many different long-term affordability models already in use by municipalities, a number of which have terms of 30 years, while others are based solely on market performance. With the elimination of the clause limiting the term of such restrictions, we would support this provision.

While the changes proposed in HB 1382 and HB 1395 appear on the surface to be technical changes, they are, in fact, in direct opposition to the spirit of the workforce housing statute enacted last Session. Therefore, we request that the House Municipal and County Government Committee find these bills Inexpedient to Legislate.

Thank you for the opportunity to comment. Please do not hesitate to contact Housing Action NH for additional information.

Sincerely,

Elissa Margolin, Director

MORE ABOUT

Workforce housing law took years to put together, enact

By CHARLES McMAHON
cmcmahon@fosters.com

PORTSMOUTH — The state's current workforce housing legislation was a long time in the making.

Benjamin Frost, director of public affairs for the New Hampshire Housing Finance Authority, said the ball actually got rolling nearly 17 years ago.

For Frost, the passing of SB342 dates back to 1991, when the State Supreme Court issued a resounding decision in favor of affordable housing.

In the 1991 case, Britton vs. Town of Chester, the court determined that the state's planning and zoning statues called for every municipality to provide reasonable and realistic opportunities for the development of housing that is affordable to low- and moderate-income households, and particularly for the development of multifamily structures.

Frost said the case generated great interest and discussion among local planning boards and in the development community, but was not accompanied by significant and widespread action at the local level.

"The cost of litigation, both in time and money, it seems was still too much for most developers to consider pursuing claims against exclusionary municipalities under the court's Britton decision," wrote Frost.

Throughout the years the Legislature introduced a number of bills that sought to codify the court's ruling, but none of them gathered enough support to pass in either the House or the Senate.

All that ever came of it was a series of committees and commissions to study affordable housing.

"All of which concluded there is a problem," said Frost.

Frost said the reports of those committees and commissions "consistently" concluded that an important contributing factor to the lack of affordable housing in the state involved exclusionary land use regulations.

With advocacy at the state level growing and many grass roots workforce housing coalitions popping up, Frost said the efforts eventually began to pay off in 2007 when addressing the housing crisis became the top legislative priority of the New Hampshire Business and Industry Association.

Eventually, lawmakers came to terms on language in SB342 that also gained support from housing advocates, the BIA, and the New Hampshire Municipal Association.

Finally in 2008, the Legislature passed SB342. Frost said the main objective was to codify the Britton vs. Town of Chester decision. The bill was passed by substantial majorities in both chambers and was signed into law by Governor John Lynch on June 30, 2008.

"It puts flesh on the bone of it all," said Frost. "It explains the terms and gives greater guidance to municipalities."

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Back

Article published Feb 14, 2010

Workforce housing law under attack

Lauren Davis has always dreamed of owning her own home with a big back yard and plenty of room for her and her children to live a comfortable life.

But with only about $800 to spend a month on her living situation, the 27-year-old Barrington native said instead she has made a home of her own in a workforce housing development in Rochester.

Having gone through a breakup with the father of her two children nearly a year ago, Davis said she needed to find a comfortable and safe place for her and her 4-year-old son and 19-month-old daughter.

"I wanted to stay in Rochester so I could keep my kids in the local schools," she said.

After searching for something within the price range of a single mother with a single income, Davis said she learned of the affordable housing complex.

Although the home wasn't exactly the type she had always envisioned, Davis said it made sense for her financially due to the $850 monthly rent, including heat and hot water. With her children sharing the large master bedroom with a huge walk-in closet, Davis said she is grateful for the clean and kid-friendly environment.

"It's an old shoe factory and my apartment has really high ceilings with wood beams and everything is very, very clean," she said.

Formerly the Encore Mill building, the Linscott Court Apartments were presented to Rochester city officials in 2005. Residents began to move into the converted mill in November 2007.

Like many others in the Seacoast, Davis commutes to her job, in her case at Northeast Credit Union in Portsmouth. She said her current living situation will make it possible for her raise her children and sustain her job on the Seacoast.

"I would definitely love to be able to get a house or apartment with a yard and my own area, but that's not possible right now with what I have for a budget," Davis said.

As New Hampshire municipalities try to come into compliance with groundbreaking workforce housing legislation passed in 2008, state housing officials and even some legislators say two new House bills in the works would dramatically soften the law and cause it to lose its original intent.

Senate Bill 342, which requires municipalities to provide for reasonable and realistic opportunities for workforce housing, was passed in 2008 and was to go into effect July 1,

2009. The built-in delay was to give municipalities time to catch up and come into compliance.

As written, the law was considered to be an "act establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing."

The bill requires municipalities that adopt land use ordinances to provide opportunities for the development of workforce housing and establish a way for developers to expedite relief from municipal actions that adversely affected their proposals for workforce housing.

Despite the built-in delay for its implementation, lawmakers passed another piece of legislation — House Bill 321 — granting a further six-month extension, to Jan. 1, for the law going into effect.

Benjamin Frost, director of public affairs for the New Hampshire Housing Finance Authority, said since the law went into effect, two to three dozen communities in the state have either adopted ordinances as required or are ready to propose some at Town Meeting.

Frost considers that assessment to be only anecdotal though, because municipalities aren't required to report whether they are in compliance.

"I try to keep a list of what I'm hearing, but it's not by any means complete," he said. " I am pretty pleased with the response we've gotten over the last two years from municipalities. A lot of communities took the deadline seriously and made changes last year to their ordinances to deal with workforce housing. Others are diligently working on changes this year."

But with two new bills — HB1382 and HB1395 — Frost said the original intent of SB342 could be lost and dramatically softened.

House Bill 1382 is sponsored by State Rep. William O'Brien, R-Mont Vernon. According to Frost, it would create an exception and a substantial gap in the existing statute.

HB1382 adds a measure to SB342 that states, "if a municipality's ordinances and regulations do not require minimum frontage on a public way or building setbacks from boundary lines or restrict residential lot sizes or mixed commercial and residential uses, then the municipality shall be conclusively deemed to be providing reasonable and realistic opportunities for the development of workforce housing."

House Bill 1395 is sponsored by Rep. David Hess, R-Hooksett. His bill would redefine multifamily housing as being "a building or structure containing 3 or more dwelling units, each designed for occupancy by an individual household."

The current statute's language is five or more dwelling units.

It also changes a very important word in the original legislation.

Hess' bill would mean that a municipality that adopts land use ordinances and regulations shall allow workforce housing to be located in "some" and not a "majority," of the land area that is zoned to permit residential uses within the municipality.

"Some means more than one," Hess said. "It doesn't' mean majority of the town."

According to Hess, the bill also will eliminate an accelerated appeals mechanism originally written into SB342.

"It doesn't make sense that you should be able to plop down a workforce housing project anyplace in town," said Hess. "That's the reason why we have zoning, to provide orderly land use and planning.

Another major component of his bill requires that a developer include covenants that workforce housing may not be rented to or occupied by any household whose income is greater than specified in the original ordinance. The covenant cannot exceed 20 years.

"The motivation for that arises from simply the fact that there is nothing in the law that would prevent a developer from getting his workforce housing development enacted, passed, and having all of these zoning ordinance provisions waived and then just flipping it," said Hess. "It says, this has to continue to be workforce housing."

While he said he expects the legislation to get strong backing, he also expects the most enthusiastic advocates for workforce housing to say it will "dilute" SB342.

Frost said both bills could "dramatically soften the bill."

"It would open up some substantial exceptions," Frost said. "The accelerated appeals process is really important because when you're dealing with affordable housing, time really is money."

Senate Majority Leader Maggie Hassan said she believes the two house bills would modify the original intent of SB342 and considerably lessen the availability of workforce housing in the state.

"Both House bills would allow communities to be exempted from the obligation to provide reasonable opportunities in their communities," said Hassan.

Having been a sponsor of SB342, Hassan said she has concerns with passing the bills in their current forms.

"We passed SB342 working closely with the business community because they had identified the need for more workforce housing," said Hassan.

Lisa Henderson, executive director of the Workforce Housing Coalition of the Greater Seacoast, said her organization has been busy advising municipalities and helping them prepare in case developers want to test them to see if they have provided reasonable and realistic opportunities for workforce housing.

Under the current statute, if a developer were to take the matter to court, they would have a hearing in Superior Court in a quick fashion, and if they were granted a builder's remedy, they could go forward with the project without having to go through proper land use boards.

"Municipalities don't want to be in that position, so the idea is what proactive measures can the town take to be more open to the need for workforce housing and meet the minimum guidelines," said Henderson.

Henderson said some towns are in better positions than others in terms of compliance.

"I'll give credit to those communities because they are really trying to step up and wade through the local regulatory environment. It's not easy."

An example of the type of moves municipalities are making to come into compliance with the law can be found in Exeter.

A project called Meeting Place at Exeter closed in the latter half of November, said Henderson, and has begun construction. The $3.6 million project involves 32 newly constructed units of family housing.

The development was financed through the Low Income Housing Tax Credit program and made possible by the town creating inclusionary zoning, which Henderson considers to be a strategy in responding to SB342.

"It offers a carrot to developer(s) by making it more economically viable to have a workforce housing component in a mixed income community," Henderson said.

Another example is in North Hampton.

Henderson said an existing property owner submitted a request to the Planning Board to convert a mix-use (commercial and residential) property into mostly workforce housing. Henderson considers it notable because until North Hampton passed a workforce housing ordinance last spring, the type of development being proposed wouldn't have been possible.

"It will only be a handful of units, but it would still be a help in a high-cost community like North Hampton," she said.

Henderson said she expects to see waves of communities beginning to attempt to come into compliance, many during their town meetings.

John Ayer, director of the Gilford Planning and Land Use Department, said a warrant article proposing a workforce housing ordinance, will be put before voters in March.

The ordinance creates a new "affordable housing" section to the town's zoning ordinances.

It would allow workforce housing in single family residential and commercial zones, as well as provide incentives, in the form of density bonuses, to developers, Ayers said.

He added that the article also strikes a town requirement that multifamily development be connected to the public sewer.

At a Jan. 4 hearing on that article and other proposed changes to the town's zoning ordinances, Ayer said the public sewer requirement makes multifamily development difficult

because of the expense involved.

Ayer said he thinks Gilford may be close to or already providing its fair share of workforce housing, but they would have to pay for a study to prove they provide a fair share in order to get an exemption under the new law.

"We had quite a debate with our Planning Board members about whether or not we already provide our fair share of workforce housing, and the consensus was that we come quite close," Ayers said. "But we wanted to make sure we were providing that 'realistic opportunity' for development."

Ayers noted that the proposed zoning article was developed with help from a consultant, who was paid for through a grant from the New Hampshire Housing Finance Authority.

In Belmont, Town Planner Candace Daigle said the town has met its fair share requirement and is exempt from the new workforce housing law.

"We also believe our regular ordinances are workforce housing-friendly," Daigle said. "We just put in a 32-unit affordable housing development last year."

The City of Laconia also has met the fair share requirement, said Shanna Saunders, the city's planning director.

"We do already have our fair share and I don't think our ordinances discourage workforce housing, as we have several projects currently under way," she said.

Those projects include the Lilac Valley development on Route 107, and in other parts of the city, the Weirs Beach Village and Paugus Woods developments.

In Rye, on the other hand, town planners have found it difficult to come into compliance since SB342 was enacted, according to Kimberly Reed, planning administrator.

"We have been working on this issue for quite some time and have taken a whole town approach to try and come into compliance,"said Reed. "It has not been easy."

Having held various public hearings on the subject, the town was eventually able to whittle its options down to two scenarios.

One way of coming into compliance would be to adopt an innovative land use control provision that is written to "... blend units of workforce housing into neighborhoods available to all prospective residents of Rye."

The other is to amend the Rye Zoning Ordinance to establish a Multi-Family Dwelling Overlay District along Lafayette Road, along with regulations governing the development of multifamily dwellings.

The problem in Rye has been the fact that most people equate workforce housing with low income, said Reed.

She said the good news is that because the town has made efforts to comply, then it technically is in compliance under SB342.

"It's going to come down to the March vote and come into the hands of the people," she said.

Home From Nowhere

Can the momentum of sprawl be halted? America's zoning laws, intended to control the baneful effects of industry, have mutated, in the view of one architecture critic, into a system that corrodes civic life, outlaws the human scale, defeats tradition and authenticity, and confounds our yearning for an everyday environment worthy of our affection

by James Howard Kunstler



AMERICANS sense that something is wrong with the places where we live and work and go about our daily business. We hear this unhappiness expressed in phrases like "no sense of place" and "the loss of community." We drive up and down the gruesome, tragic suburban boulevards of commerce, and we're overwhelmed at the fantastic, awesome, stupefying ugliness of absolutely everything in sight -- the fry pits, the big-box stores, the office units, the lube joints, the carpet warehouses, the parking lagoons, the jive plastic townhouse clusters, the uproar of signs, the highway itself clogged with cars -- as though the whole thing had been designed by some diabolical force bent on making human beings miserable. And naturally, this experience can make us feel glum about the nature and future of our civilization.

When we drive around and look at all this cartoon architecture and other junk that we've smeared all over the landscape, we register it as ugliness. This ugliness is the surface expression of deeper problems -- problems that relate to the issue of our national character. The highway strip is not just a sequence of eyesores. The pattern it represents is also economically catastrophic, an environmental calamity, socially devastating, and spiritually degrading.

It is no small irony that during the period of America's greatest prosperity, in the decades following the Second World War, we put up almost nothing but the cheapest possible buildings, particularly civic buildings. Compare any richly embellished firehouse or post office built in 1904 with its dreary concrete-box counterpart today. Compare the home of a small-town bank president of the 1890s, with its massive masonry walls and complex roof articulation, with the flimsy home of a 1990s business leader, made of two-by-fours, Sheetrock, and fake fanlight windows. When we were a far less wealthy nation, we built things with the expectation that they would endure. To throw away money (painfully acquired) and effort (painfully expended) on something certain to fall apart in thirty years would have seemed immoral, if not insane, in our great-grandparents' day.

The buildings our predecessors constructed paid homage to history in their design, including elegant solutions to age-old problems posed by the cycles

of weather and light, and they paid respect to the future in the sheer expectation that they would endure through the lifetimes of the people who built them. They therefore embodied a sense of chronological connectivity, one of the fundamental patterns of the universe: an understanding that time is a defining dimension of existence -- particularly the existence of living things, such as human beings, who miraculously pass into life and then inevitably pass out of it.

"Home From Nowhere"
Additional illustrations by Catherine Johnson
- ☐ Nantucket
- ☐ Main Street
- ☐ Sidewalk
- ☐ Architectural code

Chronological connectivity lends meaning and dignity to our little lives. It charges the present with a vivid validation of our own aliveness. It puts us in touch with the ages and with the eternities, suggesting that we are part of a larger and more significant organism. It even suggests that the larger organism we are part of *cares* about us, and that, in turn, we should respect ourselves and our fellow creatures and all those who will follow us in time, as those preceding us respected those who followed them. In short, chronological connectivity puts us in touch with the holy. It is at once humbling and exhilarating. I say this as someone who has never followed any formal religious practice. Connection with the past and the future is a pathway that charms us in the direction of sanity and grace.

The antithesis to this can be seen in the way we have built things since 1945. We reject the past and the future, and this repudiation is manifest in our graceless constructions. Our residential, commercial, and civic buildings are constructed with the fully conscious expectation that they will disintegrate in a few decades. This condition even has a name: "design life." Strip malls and elementary schools have short design lives. They are expected to fall apart in less than fifty years. Since these things are not expected to speak to any era but our own, we seem unwilling to put money or effort into their embellishment. Nor do we care about traditional solutions to the problems of weather and light, because we have technology to mitigate these problems -- namely, central heating and electricity. Thus in many new office buildings the windows don't open. In especially bad buildings, like the average Wal-Mart, windows are dispensed with nearly altogether. This process of disconnection from the past and the future, and from the organic patterns of weather and light, done for the sake of expedience, ends up diminishing us spiritually, impoverishing us socially, and degrading the aggregate set of cultural patterns that we call civilization.

Destroying the Grand Union Hotel

THE everyday environments of our time, the places where we live and work, are composed of dead patterns. These environments infect the patterns around them with disease and ultimately with contagious deadness, and deaden us in the process. The patterns that emerge fail to draw us in, fail to invite us to participate in the connectivity of the world. They frustrate our innate biological and psychological needs -- for instance, our phototropic inclination to seek natural daylight, our need to feel protected, our need to keep a destination in sight as we move about town. They violate human scale. They are devoid of charm.

Our streets used to be charming and beautiful. The public realm of the street was understood to function as an outdoor room. Like any room, it required walls to define the essential void of the room itself. Where I live, Saratoga Springs, New York, a magnificent building called the Grand Union Hotel once existed. Said to have been the largest hotel in the world in the late nineteenth century, it occupied a six-acre site in the heart of town. The hotel consisted of a set of narrow buildings that lined the outside of an unusually large superblock. Inside the block was a semi-public parklike courtyard. The street sides of the hotel incorporated a gigantic verandah twenty feet deep, with a roof that was three stories high and supported by columns. This facade functioned as a marvelous street wall, active and permeable. The hotel's size (a central cupola reached seven stories) was appropriate to the scale of the town's main street, called Broadway. For much of the year the verandah was filled with people sitting perhaps eight feet above the sidewalk grade, talking to

one another while they watched the pageant of life on the street. These verandah-sitters were protected from the weather by the roof, and protected from the sun by elm trees along the sidewalk. The orderly rows of elms performed an additional architectural function. The trunks were straight and round, like columns, reiterating and reinforcing the pattern of the hotel facade, while the crowns formed a vaulted canopy over the sidewalk, pleasantly filtering the sunlight for pedestrians as well as hotel patrons. All these patterns worked to enhance the lives of everybody in town -- a common laborer on his way home as well as a railroad millionaire rocking on the verandah. In doing so, they supported civic life as a general proposition. They nourished our civilization.

When I say that the facade of the Grand Union Hotel was permeable, I mean that the building contained activities that attracted people inside, and had a number of suitably embellished entrances that allowed people to pass in and out of the building gracefully and enjoyably. Underneath the verandah, half a story below the sidewalk grade, a number of shops operated, selling cigars, newspapers, clothing, and other goods. Thus the street wall was permeable at more than one level and had a multiplicity of uses.

The courtyard park that occupied the inside of the six-acre block had winding gravel paths lined with benches among more towering elm trees. It was a tranquil place of repose -- though sometimes band concerts and balls were held there. Any reasonably attired person could walk in off the street, pass through the hotel lobby, and enjoy the interior park. This courtyard had even-more-overt characteristics of a big outdoor room than the street did. It was much more enclosed. Like the street facade, the courtyard facade featured a broad, permeable verandah with a high roof. The verandah functioned as a mediating zone between the outdoor world and the world of the hotel's interior, with its many public, semi-public, and private rooms. One passed from public to private in a logical sequence, and the transition was eased at each stage by conscious embellishment. The order of things was, by nature, more formal than what we are accustomed to in our sloppy, clownish, informal age. The layers of intersecting patterns at work in this place were extraordinarily rich. The patterns had a quality of great aliveness, meaning they worked wonderfully as an ensemble, each pattern doing its job while it supported and reinforced the other patterns. The hotel was therefore a place of spectacular charm. It was demolished in 1953.

Although nothing lasts forever, it was tragic that this magnificent building was destroyed less than a hundred years after it was completed. In 1953 America stood at the brink of the greatest building spree in world history, and the very qualities that had made the Grand Union Hotel so wonderful were antithetical to all the new stuff that America was about to build. The town demolished it with a kind of mad glee. What replaced the hotel was a strip mall anchored by, of all things, a Grand Union supermarket. This shopping plaza was prototypical for its time. Tens of thousands of strip malls like it have been built all over America since then. It is in every one of its details a perfect piece of junk. It is the anti-place.

What had been the heart and soul of the town was now converted into a kind of mini-Outer Mongolia. The strip-mall buildings were set back from Broadway 150 feet, and a parking lot filled the gap. The street and the buildings commenced a nonrelationship. Since the new buildings were one story high, their scale bore no relation to the scale of the town's most important street. They failed to create a street wall. The perception that the street functioned as an outdoor room was lost. The space between the buildings and the street now had one function: automobile storage. The street, and consequently the public realm in general, was degraded by the design of the mall. As the street's importance as a public place declined, townspeople ceased to care what happened in it. If it became jammed with cars, so much the better, because individual cars were now understood to be not merely personal transportation but personal home-delivery vehicles, enabling customers to haul away enormous volumes of merchandise very efficiently, at no cost to the merchandiser -- which was a great boon for business. That is why the citizens of Saratoga Springs in 1953 were willing to sacrifice the town's most magnificent building. We could simply throw away the past. The owners of the supermarket that anchored the mall didn't live in town. They didn't care what effect their design considerations had on the town. They certainly didn't care about the town's past, and their interest in the town's future had largely to do with technicalities of selling dog food and soap flakes.

What has happened to the interrelation of healthy, living patterns of human ecology in the town where I live has happened all over the country. Almost everywhere the larger patterns are in such a sorry state that

the details seem irrelevant. When Saratoga Springs invested tens of thousands of dollars in Victorian-style streetlamps in an effort to create instant charm, the gesture seemed pathetic, because the larger design failures were ignored. It is hard to overstate how ridiculous these lampposts look in the context of our desolate streets and the cheap, inappropriate new buildings amid their parking lots in what remains of our downtown. The lamppost scheme was like putting Band-Aids on someone who had tripped and fallen on his chainsaw.

The one-story-high Grand Union strip-mall building must be understood as a pattern in itself, a dead one, which infects surrounding town tissue with its deadness. Putting up one-story commercial buildings eliminated a large number of live bodies downtown, and undermined the vitality of the town. One-story mall buildings became ubiquitous across the United States after the war, a predictable byproduct of the zoning zeitgeist that deemed shopping and apartment living to be unsuitable neighbors.

Creating Someplace

ALMOST everywhere in the United States laws prohibit building the kinds of places that Americans themselves consider authentic and traditional. Laws prevent the building of places that human beings can feel good in and can afford to live in. Laws forbid us to build places that are worth caring about.

Is Main Street your idea of a nice business district? Sorry, your zoning laws won't let you build it, or even extend it where it already exists. Is Elm Street your idea of a nice place to live -- you know, houses with front porches on a tree-lined street? Sorry, Elm Street cannot be assembled under the rules of large-lot zoning and modern traffic engineering. All you can build where I live is another version of Los Angeles -- the zoning laws say so.

This is not a gag. Our zoning laws are essentially a manual of instructions for creating the stuff of our communities. Most of these laws have been in place only since the Second World War. For the previous 300-odd years of American history we didn't have zoning laws. We had a popular consensus about the right way to assemble a town or a city. Our best Main Streets and Elm Streets were created not by municipal ordinances but by cultural agreement. Everybody agreed that buildings on Main Street ought to be more than one story tall; that corner groceries were good to have in residential neighborhoods; that streets ought to intersect with other streets to facilitate movement; that sidewalks were necessary, and that orderly rows of trees planted along them made the sidewalks much more pleasant; that roofs should be pitched to shed rain and snow; that doors should be conspicuous, so that one could easily find the entrance to a building; that windows should be vertical, to dignify a house. Everybody agreed that communities needed different kinds of housing to meet the needs of different kinds of families and individuals, and the market was allowed to supply them. Our great-grandparents didn't have to argue endlessly over these matters of civic design. Nor did they have to reinvent civic design every fifty years because no one could remember what had been agreed on.

Everybody agreed that both private and public buildings should be ornamented and embellished to honor the public realm of the street, so town halls, firehouses, banks, and homes were built that today are on the National Register of Historic Places. We can't replicate any of that stuff. Our laws actually forbid it. Want to build a bank in Anytown, USA? Fine. Make sure that it's surrounded by at least an acre of parking, and that it's set back from the street at least seventy-five feet. (Of course, it will be one story.) The instructions for a church or a muffler shop are identical. That's exactly what your laws tell you to build. If you deviate from the template, you will not receive a building permit.

Therefore, if you want to make your community better, begin at once by throwing out your zoning laws. Don't revise them -- get rid of them. Set them on fire if possible and make a public ceremony of it; public ceremony is a great way to announce the birth of a new consensus. While you're at it, throw out your "master plan" too. It's invariably just as bad. Replace these things with a traditional town-planning ordinance that prescribes a more desirable everyday environment.

The practice of zoning started early in the twentieth century, at a time when industry had reached an enormous scale. The noisy, smelly, dirty operations of gigantic factories came to overshadow and oppress all other aspects of city life, and civic authorities decided that they had to be separated from everything else, especially residential neighborhoods. One could say that single-use zoning, as it came to be called, was a reasonable response to the social and economic experiment called industrialism.

After the Second World War, however, that set of ideas was taken to an absurd extreme. Zoning itself began to overshadow all the historic elements of civic art and civic life. For instance, because the democratic masses of people used their cars to shop, and masses of cars required parking lots, shopping was declared an obnoxious industrial activity around which people shouldn't be allowed to live. This tended to destroy age-old physical relationships between shopping and living, as embodied, say, in Main Street.

What zoning produces is suburban sprawl, which must be understood as the product of a particular set of instructions. Its chief characteristics are the strict separation of human activities, mandatory driving to get from one activity to another, and huge supplies of free parking. After all, the basic idea of zoning is that every activity demands a separate zone of its own. For people to live around shopping would be harmful and indecent. Better not even to allow them within walking distance of it. They'll need their cars to haul all that stuff home anyway. While we're at it, let's separate the homes by income gradients. Don't let the $75,000-a-year families live near the $200,000-a-year families -- they'll bring down property values -- and for God's sake don't let a $25,000-a-year recent college graduate or a $19,000-a-year widowed grandmother on Social Security live near any of them. There goes the neighborhood! Now put all the workplaces in separate office "parks" or industrial "parks," and make sure nobody can walk to them either. As for public squares, parks, and the like -- forget it. We can't afford them, because we spent all our funds paving the four-lane highways and collector roads and parking lots, and laying sewer and water lines out to the housing subdivisions, and hiring traffic cops to regulate the movement of people in their cars going back and forth among these segregated activities.

The model of the human habitat dictated by zoning is a formless, soul-less, centerless, demoralizing mess. It bankrupts families and townships. It disables whole classes of decent, normal citizens. It ruins the air we breathe. It corrupts and deadens our spirit.

The construction industry likes it, because it requires stupendous amounts of cement, asphalt, and steel and a lot of heavy equipment and personnel to push all this stuff into place. Car dealers love it. Politicians used to love it, because it produced big short-term profits and short-term revenue gains, but now they're all mixed up about it, because the voters who live in suburban sprawl don't want more of the same built around them -- which implies that at some dark level suburban-sprawl dwellers are quite conscious of sprawl's shortcomings. They have a word for it: "growth." They're now against growth. Their lips curl when they utter the word. They sense that new construction is only going to make the place where they live worse. They're convinced that the future is going to be worse than the past. And they're right, because the future has been getting worse throughout their lifetime. Growth means only more traffic, bigger parking lots, and buildings ever bigger and uglier than the monstrosities of the sixties, seventies, and eighties.

So they become NIMBYs ("not in my back yard") and BANANAs ("build absolutely nothing anywhere near anything"). If they're successful in their NIMBYism, they'll use their town government to torture developers (people who create growth) with layer upon layer of bureaucratic rigmarole, so that only a certified masochist would apply to build something there. Eventually the unwanted growth leapfrogs over them to cheap, vacant rural land farther out, and then all the new commuters in the farther-out suburb choke the NIMBYs' roads anyway, to get to the existing mall in NIMBYville.

Unfortunately, the NIMBYs don't have a better model in mind. They go to better places on holiday weekends -- Nantucket, St. Augustine, little New England towns -- but they think of these places as special exceptions. It never occurs to NIMBY tourists that their own home places could be that good too.*Make Massapequa like Nantucket? Where would I park?*Exactly.

These special places are modeled on a pre-automobile template. They were designed for a human scale and in some respects maintained that way. Such a thing is unimaginable to us today. We must design for the automobile, because...because all our laws and habits tell us we must. Notice that you can get to all these special places in your car. It's just a nuisance to use the car while you're there -- so you stash it someplace for the duration of your visit and get around perfectly happily on foot, by bicycle, in a cab, or on public transit. The same is true, by the way, of London, Paris, and Venice.

The future will not allow us to continue using cars the way we've been accustomed to in the unprecedented conditions of the late twentieth century. So, whether we adore suburbia or not, we're going to have to live differently. Rather than being a tragedy, this is actually an extremely lucky situation, a wonderful opportunity, because we are now free to redesign our everyday world in a way that is going to make all classes of Americans much happier. We do not have to come up with tools and techniques never seen before. The principles of town planning can be found in excellent books written before the Second World War. Three-dimensional models of the kinds of places that can result from these principles exist in the form of historic towns and cities. In fact, after two generations of architectural amnesia, this knowledge has been reinstalled in the brains of professional designers in active practice all over the country, and these designers have already begun to create an alternate model of the human habitat for the twenty-first century.

What's missing is a more widespread consensus -- a cultural agreement -- in favor of the new model, and the will to go forward with it. Large numbers of ordinary citizens haven't heard the news. They're stuck in old habits and stuck in the psychology of previous investment; political leadership reflects this all over America. NIMBYism is one of the results, a form of hysterical cultural paralysis. *Don't build anything! Don't change anything!* The consensus that exists, therefore, is a consensus of fear, and that is obviously not good enough. We need a consensus of hope.

In the absence of a widespread consensus about how to build a better everyday environment, we'll have to replace the old set of rules with an explicit new set -- or, to put it a slightly different way, replace zoning laws with principles of civic art. It will take time for these principles to become second nature again, to become common sense. It may not happen at all, in which case we ought to be very concerned. In the event that this body of ideas gains widespread acceptance, think of all the time and money we'll save! No more endless nights down at the zoning board watching the NIMBYs scream at the mall developers. No more real-estate-related lawsuits. We will have time, instead, to become better people and to enjoy our lives on a planet full of beauty and mystery. Here, then, are some of the things citizens will need to know in order to create a new model for the everyday environment of America.

The New Urbanism

THE principles apply equally to villages, towns, and cities. Most of them apply even to places of extraordinarily high density, like Manhattan, with added provisions that I will not go into here, in part because special cases like Manhattan are so rare, and in part because I believe that the scale of even our greatest cities will necessarily have to become smaller in the future, at no loss to their dynamism (London and Paris are plenty dynamic, with few buildings over ten stories high).

The pattern under discussion here has been called variously neo-traditional planning, traditional neighborhood development, low-density urbanism, transit-oriented development, the new urbanism, and just plain civic art. Its principles produce settings that resemble American towns from prior to the Second World War.

1. The basic unit of planning is the neighborhood. A neighborhood standing alone is a hamlet or village. A cluster of neighborhoods becomes a town. Clusters of a great many neighborhoods become a city. The population of a neighborhood can vary depending on local conditions.

2. The neighborhood is limited in physical size, with well-defined edges and a focused center. The size of a neighborhood is defined as a five-minute walking distance (or a quarter mile) from the edge to the center and a ten-minute walk edge to edge. Human scale is the standard for proportions in buildings and their accessories. Automobiles and other wheeled vehicles are permitted, but they do not take precedence over human needs, including aesthetic needs. The neighborhood contains a public-transit stop.

3. The secondary units of planning are corridors and districts. Corridors form the boundaries between neighborhoods, both connecting and defining them. Corridors can incorporate natural features like streams and canyons. They can take the form of parks, nature preserves, travel corridors, railroad lines, or some combination of these. In towns and cities a neighborhood or parts of neighborhoods can compose a district. Districts are made up of streets or ensembles of streets where special activities get preferential treatment. The French Quarter of New Orleans is an example of a district. It is a whole neighborhood dedicated to entertainment, in which housing, shops, and offices are also integral. A corridor can also be a district -- for instance, a major shopping avenue between adjoining neighborhoods.

4. The neighborhood is emphatically mixed-use and provides housing for people with different incomes. Buildings may be various in function but must be compatible with one another in size and in their relation to the street. The needs of daily life are accessible within the five-minute walk. Commerce is integrated with residential, business, and even manufacturing use, though not necessarily on the same street in a given neighborhood. Apartments are permitted over stores. Forms of housing are mixed, including apartments, duplex and single-family houses, accessory apartments, and outbuildings. (Over time streets will inevitably evolve to become less or more desirable. But attempts to preserve property values by mandating minimum-square-footage requirements, outlawing rental apartments, or formulating other strategies to exclude lower-income residents must be avoided. Even the best streets in the world's best towns can accommodate people of various incomes.)

5. Buildings are disciplined on their lots in order to define public space successfully. The street is understood to be the pre-eminent form of public space, and the buildings that define it are expected to honor and embellish it.

6. The street pattern is conceived as a network in order to create the greatest number of alternative routes from one part of the neighborhood to another. This has the beneficial effect of relieving traffic congestion. The network may be a grid. Networks based on a grid must be modified by parks, squares, diagonals, T intersections, rotaries, and other devices that relieve the grid's tendency to monotonous regularity. The streets exist in a hierarchy from broad boulevards to narrow lanes and alleys. In a town or a city limited-access highways may exist only within a corridor, preferably in the form of parkways. Cul-de-sacs are strongly discouraged except under extraordinary circumstances -- for example, where rugged topography requires them.

7. Civic buildings, such as town halls, churches, schools, libraries, and museums, are placed on preferential building sites, such as the frontage of squares, in neighborhood centers, and where street vistas terminate, in order to serve as landmarks and reinforce their symbolic importance. Buildings define parks and squares, which are distributed throughout the neighborhood and appropriately designed for recreation, repose, periodic commercial uses, and special events such as political meetings, concerts, theatricals, exhibitions, and fairs. Because streets will differ in importance, scale, and quality, what is appropriate for a part of town with small houses may not be appropriate as the town's main shopping street. These distinctions are properly expressed by physical design.

8. In the absence of a consensus about the appropriate decoration of buildings, an architectural code may be devised to establish some fundamental unities of massing, fenestration, materials, and roof pitch, within which many variations may function harmoniously.

Under the regime of zoning and the professional overspecialization that it fostered, all streets were made as wide as possible because the specialist in charge -- the traffic engineer -- was concerned solely with the

movement of cars and trucks. In the process much of the traditional decor that made streets pleasant for people was gotten rid of. For instance, street trees were eliminated. Orderly rows of mature trees can improve even the most dismal street by softening hard edges and sunblasted bleakness. Under postwar engineering standards street trees were deemed a hazard to motorists and chopped down in many American towns.

Accommodating Automobiles

THE practice of maximizing car movement at the expense of all other concerns was applied with particular zeal to suburban housing subdivisions. Suburban streets were given the characteristics of county highways, though children played in them. Suburban developments notoriously lack parks. The spacious private lots were supposed to make up for the lack of parks, but children have a tendency to play in the street anyway -- bicycles and roller skates don't work well on the lawn. Out in the subdivisions, where trees along the sides of streets were often expressly forbidden, we see those asinine exercises in romantic landscaping that attempt to recapitulate the forest primeval in clumps of ornamental juniper. In a setting so inimical to walking, sidewalks were often deemed a waste of money. In the new urbanism the meaning of the street as the essential fabric of the public realm is restored. The space created is understood to function as an outdoor room, and building facades are understood to be street walls.

Thoroughfares are distinguished by their character as well as by their capacity. The hierarchy of streets begins with the boulevard, featuring express lanes in the center, local lanes on the sides, and tree-planted medians between the express and local lanes, with parallel parking along all curbs. Next in the hierarchy is the multilane avenue with a median. Then comes a main shopping street, with no median. This is followed by two or more orders of ordinary streets (apt to be residential in character), and finally the lane or alley, which intersects blocks and becomes the preferred location for garages and accessory apartments.

Parallel parking is emphatically permitted along the curbs of all streets, except under the most extraordinary conditions. Parallel parking is desirable for two reasons: parked cars create a physical barrier and psychological buffer that protects pedestrians on the sidewalk from moving vehicles; and a rich supply of parallel parking can eliminate the need for parking lots, which are extremely destructive of the civic fabric. Anyone who thinks that parallel parking "ruins" a residential street should take a look at some of the most desirable real estate in America: Georgetown, Beacon Hill, Nob Hill, Alexandria, Charleston, Savannah, Annapolis, Princeton, Greenwich Village, Marblehead. All permit parallel parking.

Residential streets can and should be narrower than current specifications permit. In general, cars need not move at speeds greater than 20 m.p.h. within a neighborhood. Higher speeds can be reserved for boulevards or parkways, which occupy corridors. Within neighborhoods the explicit intent is to calm and tame vehicular traffic. This is achieved by the use of corners with sharp turning radii, partly textured pavements, and T intersections. The result of these practices is a more civilized street.

Even under ideal circumstances towns and cities will have some streets that are better than others. Over time streets tend to sort themselves out in a hierarchy of quality as well as size. The new urbanism recognizes this tendency, especially in city commercial districts, and designates streets A or B. B streets may contain less-desirable structures – for instance, parking-garage entrances, pawnshops, a homeless shelter, a Burger King -- without disrupting the A streets in proximity. This does not mean that B streets are allowed to be deliberately squalid. Even here the public realm deserves respect. Cars are still not given dominion. A decent standard of detailing applies to B streets with respect to sidewalks, lighting, and even trees.

Property Values and Affordable Housing

ZONING required the artificial creation of "affordable housing," because the rules of zoning prohibited the very conditions that formerly made housing available to all income groups and integrated it into the civic fabric. Accessory apartments became illegal in most neighborhoods, particularly in new suburbs. Without provision for apartments, an unmarried sixth-grade schoolteacher could not afford to live near the children she taught. Nor could the housecleaner and the gardener -- they had to commute for half an hour from some distant low-income ghetto. In many localities apartments over stores were also forbidden under the zoning laws. Few modern shopping centers are more than one story in height, and I know of no suburban malls that incorporate housing. In eliminating arrangements like these we have eliminated the most common form of affordable housing, found virtually all over the rest of the world. By zoning these things out, we've zoned out Main Street, USA.

The best way to make housing affordable is to build or restore compact, mixed-use, traditional American neighborhoods. The way to preserve property values is to recognize that a house is part of a community, not an isolated object, and to make sure that the community maintains high standards of civic amenity in the form of walkable streets and easy access to shops, recreation, culture, and public beauty.

Towns built before the Second World War contain more-desirable and less-desirable residential streets, but even the best can have income-integrated housing. A $350,000 house can exist next to a $180,000 house with a $600-a-month garage apartment (which has the added benefit of helping the homeowner pay a substantial portion of his mortgage). Such a street might house two millionaires, eleven professionals, a dozen wage workers, sixteen children, three full-time mothers, a college student, two grandmothers on Social Security, and a bachelor fireman. That is a street that will maintain its value and bring people of different ages and occupations into informal contact.

Density, Not Congestion

"CONGESTION" was the scare word of the past, as "growth" is the scare word of our time. The fear of congestion sprang from the atrocious conditions in urban slums at the turn of the century. The Lower East Side of Manhattan in 1900 is said to have contained more inhabitants per square mile than are found in modern-day Calcutta. If crowding had been confined to the slums, it might not have made such an impact on the public imagination. But urban congestion was aggravated by the revolutionary effects of the elevator, the office skyscraper, the sudden mass replication of large apartment buildings, and the widespread introduction of the automobile. These innovations drastically altered the scale and tone of city life. Within a generation cities went from being dynamic to being -- or at least seeming -- frighteningly overcrowded. Those with the money to commute were easily persuaded to get out, and thus in the 1920s came the first mass evacuation to new suburbs, reachable primarily by automobile. The movement was slowed by the Great Depression and then by the Second World War. The memory of all that lingers. Tremendous confusion about density and congestion persists in America today, even though most urban areas and even many small towns (like my own) now suffer from density deficits. Too few people live, and businesses operate, at the core to maintain the synergies necessary for civic life. The new urbanism proposes a restoration of synergistic density, within reasonable limits. These limits are controlled by building size. The new urbanism calls for higher density -- more houses per acre, closer together -- than zoning does. However, the new urbanism is modeled not on the urban slum but on the traditional American town. This is not a pattern of life that should frighten reasonable people. Millions pay forty dollars a day to walk through a grossly oversimplified version of it at Disney World. It conforms exactly to their most cherished fantasies about the ideal living arrangement.

Houses may be freestanding in the new urbanism, but their lots are smaller than those in sprawling subdivisions. Streets of connected row houses are also deemed desirable. Useless front lawns are often eliminated. The new urbanism compensates for this loss by providing squares, parks, greens, and other useful, high-quality civic amenities. The new urbanism also creates streets of beauty and character. This model does not suffer from congestion. Occupancy laws remain in force -- sixteen families aren't jammed

into one building, as in the tenements of yore. Back yards provide plenty of privacy, and houses can be large and spacious on their lots. People and cars are able to circulate freely in the network of streets. The car is not needed for trips to the store, the school, or other local places. This pattern encourages good connections between people and their commercial and cultural institutions.

The crude street pattern of zoning, with its cul-de-sacs and collector streets, actually promotes congestion, because absolutely every trip out of the single-use residential pod must be made by car onto the collector street. The worst congestion in America today takes place not in the narrow streets of traditional neighborhoods such as Georgetown and Alexandria but on the six-lane collector streets of Tysons Corner, Virginia, and other places created by zoning. Because of the extremely poor connectivity inherent in them, such products of zoning have much of the infrastructure of a city and the culture of a backwater.

Composing a Street Wall

IN order for a street to achieve the intimate and welcoming quality of an outdoor room, the buildings along it must compose a suitable street wall. Whereas they may vary in style and expression, some fundamental agreement, some unity, must pull buildings into alignment. Think of one of those fine side streets of row houses on the Upper East Side of New York. They may express in masonry every historical fantasy from neo-Egyptian to Ruskinian Gothic. But they are all close to the same height, and even if their windows don't line up precisely, they all run to four or five stories. They all stand directly along the sidewalk. They share materials: stone and brick. They are not interrupted by vacant spaces or parking lots. About half of them are homes; the rest may be diplomatic offices or art galleries. The various uses co-exist in harmony. The same may be said of streets on Chicago's North Side, in Savannah, on Beacon Hill, in Georgetown, in Pacific Heights, and in many other ultra-desirable neighborhoods across the country.

Similarly, buildings must be sized in proportion to the width of the street. Low buildings do a poor job of defining streets, especially overly wide streets, as anyone who has been on a postwar commercial highway strip can tell. The road is too wide and the cars go too fast. The parking lots are fearsome wastelands. The buildings themselves are barely visible -- that is why gigantic internally lit signs are necessary. The relationship between buildings and space fails utterly in this case. In many residential suburbs, too, the buildings do a poor job of defining space. The houses are low; the front lawns and streets are too wide. Sidewalks and orderly rows of trees are absent. The space between the houses is an incomprehensible abyss.

The new urbanism advances specific solutions for these ills – both for existing towns and cities and to mitigate the current problems of the suburbs. Commerce is removed from the highway strip and reassembled in a town or neighborhood center. The buildings that house commerce are required to be at least two stories high and may be higher, and this has the additional benefit of establishing apartments and offices above the shops to bring vitality, along with extra rents, to the center. Buildings on designated shopping streets near the center are encouraged to house retail businesses on the ground floor.

A build-to line determines how close buildings will stand to the street and promotes regular alignment. Zoning has a seemingly similar feature called the setback line, but it is intended to keep buildings far away from the street in order to create parking lots, particularly in front, where parking lots are considered to be a welcome sign to motorists. When buildings stand in isolation like this, the unfortunate effect is their complete failure to define space: the abyss. In the new urbanism the build-to line is meant to ensure the opposite outcome: the positive definition of space by pulling buildings forward to the street. If parking lots are necessary, they should be behind the buildings, in the middle of the block, where they will not disrupt civic life.

Additional rules govern building height, recess lines according to which upper stories may be set back, and transition lines, which denote a distinction between ground floors for retail use and upper floors for offices

and apartments. (Paris, under Baron Haussmann, was coded for an eleven-meter-high transition line, which is one reason for the phenomenal unity and character of Parisian boulevards.)

In traditional American town planning the standard increments for lots have been based on twenty-five feet of street frontage, which have allowed for twenty-five-foot row houses and storefronts, and fifty-, seventy-five-, and 100-foot lots for freestanding houses. Unfortunately, the old standard is slightly out of whack with what is needed to park cars efficiently. Therefore, under the new urbanism lot size will be based on the rod (sixteen and a half feet), a classic unit of measurement. This allows for a minimum townhouse lot of sixteen and a half feet, which has room for parking one car in the rear (off an alley) plus a few feet for pedestrians to walk around the car. The 1.5-rod townhouse lot permits two cars to park in the rear. The two-rod lot allows for a townhouse with parking for two cars plus a small side yard. Three rods allows for a standard detached house with on-site parking in different configurations. The four-rod lot provides room for a very large detached building (house, shops, offices, or apartments) with parking for as many as ten cars in the rear. The issue of a standard increment based on the rod is far from settled. Some new-urbanist practitioners recommend an adjustable standard of twelve to eighteen feet, based on local conditions.

The new urbanism recognizes zones of transition between the public realm of the street and the semi-private realm of the shop or the private realm of the house. (In the world of zoning this refinement is nonexistent.) Successful transitions are achieved by regulating such devices as the arcade, the storefront, the dooryard, the ensemble of porch and fence, even the front lawn. These devices of transition soften the visual and psychological hard edges of the everyday world, allowing us to move between these zones with appropriate degrees of ease or friction. (They are therefore at odds with the harsh geometries and polished surfaces of Modernism.)

The arcade, for instance, affords shelter along the sidewalk on a street of shops. It is especially desirable in southern climates where both harsh sunlight and frequent downpours occur. The arcade must shelter the entire sidewalk, not just a portion of it, or else it tends to become an obstacle rather than an amenity. Porches on certain streets may be required to be set back no more than a "conversational distance" from the sidewalk, to aid communication between the public and private realms. The low picket fence plays its part in the ensemble as a gentle physical barrier, reminding pedestrians that the zone between the sidewalk and the porch is private while still permitting verbal and visual communication. In some conditions a front lawn is appropriate. Large, ornate civic buildings often merit a lawn, because they cannot be visually comprehended close up. Mansions merit setbacks with lawns for similar reasons.

Architectural Codes

THE foregoing presents the "urban code" of the new urbanism, but architectural codes operate at a more detailed and refined level. In theory a good urban code alone can create the conditions that make civic life possible, by holding to a standard of excellence in a town's basic design framework. Architectural codes establish a standard of excellence for individual buildings, particularly the surface details. Variances to codes may be granted on the basis of architectural merit. The new urbanism does not favor any particular style.

Nowadays houses are often designed from the inside out. A married couple wants a fanlight window over the bed, or a little octagonal window over the Jacuzzi, and a builder or architect designs the room around that wish. This approach does not take into account how the house will end up looking on the outside. The outside ceases to matter. This is socially undesirable. It degrades the community. It encourages people to stay inside, lessening surveillance on the street, reducing opportunities for making connections, and in the long term causing considerable damage to the everyday environment.

The new urbanism declares that the outside does matter, so a few simple rules re-establish the necessary design discipline for individual buildings. For example, a certain proportion of each exterior wall will be

devoted to windows. Suddenly houses will no longer look like television sets, where only the front matters. Another rule may state that windows must be vertical or square, not horizontal -- because horizontal windows tend to subvert the inherent dignity of the standing human figure. This rule reinstates a basic principle of architecture that, unfortunately, has been abandoned or forgotten in America -- and has resulted in millions of terrible-looking houses.

Likewise, the front porch is an important and desirable element in some neighborhoods. A porch less than six feet deep is useless except for storage, because it provides too little room for furniture and the circulation of human bodies. Builders tack on inadequate porches as a sales gimmick to enhance "curb appeal," so that the real-estate agent can drive up with the customer and say, "Look, a front porch!" The porch becomes a cartoon feature of the house, like the little fake cupola on the garage. This saves the builders money in time and materials. Perhaps they assume that the street will be too repulsive to sit next to.

Why do builders even bother with pathetic-looking cartoon porches? Apparently Americans need at least the idea of a porch to be reassured, symbolically, that they're decent people living in a decent place. But the cartoon porch only compounds the degradation of the public realm.

In America today flat roofs are the norm in commercial construction. This is a legacy of Modernism, and we're suffering because of it. The roofscapes of our communities are boring and dreary as well as vulnerable to leakage or collapse in the face of heavy rain or snow. An interesting roofscape can be a joy -- and a life worth living is composed of many joys. Once Modernism had expanded beyond Europe to America, it developed a hidden agenda: to give developers a moral and intellectual justification for putting up cheap buildings. One of the best ways to save money on a building is to put a flat roof on it.

Aggravating matters was the tendency in postwar America to regard buildings as throwaway commodities, like cars. That flat roofs began to leak after a few years didn't matter; by then the building was a candidate for demolition. That attitude has now infected all architecture and development. Low standards that wouldn't have been acceptable in our grandparents' day, when this was a less affluent country, are today perfectly normal. The new urbanism seeks to redress this substandard normality. It recognizes that a distinctive roofline is architecturally appropriate and spiritually desirable in the everyday environment. Pitched roofs and their accessories, including towers, are favored explicitly by codes. Roofing materials can also be specified if a community wants a high standard of construction.

Architectural codes should be viewed as a supplement to an urban code. Architectural codes are not intended to impose a particular style on a neighborhood -- Victorian, neoclassical, Colonial, or whatever -- though they certainly could if they were sufficiently detailed and rigorous. But style is emphatically not the point. The point is to achieve a standard of excellence in design for the benefit of the community as a whole. Is anything wrong with standards of excellence? Should we continue the experiment of trying to live without them?

Getting the Rules Changed

REPLACING the crude idiocies of zoning with true civic art has proved to be a monumentally difficult task. It has beenattempted in many places around the United States over the past fifteen years, mainly by developers, professional town planners, and architects who are members of the new-urbanist movement. They have succeeded in a few places. The status quo has remarkable staying power, no matter how miserable it makes people, including the local officials who support it and who have to live in the same junk environment as everybody else. An enormous entrenched superstructure of bureaucratic agencies at state and federal levels also supports zoning and its accessories. Departments of transportation, the Federal Housing Administration, the various tax agencies, and so on all have a long-standing stake in policies that promote and heavily subsidize suburban sprawl. They're not going to renounce those policies without a struggle. Any change in a rule about land development makes or breaks people who seek to

become millionaires. Ban sprawl, and some guy who bought twenty acres to build a strip mall is out of business, while somebody else with three weed-filled lots downtown suddenly has more-valuable property.

I believe that we have entered a kind of slow-motion cultural meltdown, owing largely to our living habits, though many ordinary Americans wouldn't agree. They may or may not be doing all right in the changing economy, but they have personal and psychological investments in going about business as usual. Many Americans have chosen to live in suburbia out of a historic antipathy for life in the city and particularly a fear of the underclass that has come to dwell there. They would sooner move to the dark side of the moon than consider city life.

Americans still have considerable affection for small towns, but small towns present a slightly different problem: in the past fifty years many towns have received a suburban-sprawl zoning overlay that has made them indistinguishable from the sprawl matrix that surrounds them. In my town strip malls and fast-food joints have invaded what used to be a much denser core, and nearly ruined it.

Notwithstanding all these obstacles, zoning must go, and zoning will go. In its place we will re-establish a consensus for doing things better, along with formal town-planning codes to spell out the terms. I maintain that the change will occur whether we love suburbia or not.

Fortunately, a democratic process for making this change exists. It has the advantage of being a highly localized process, geared to individual communities. It is called the charette. In its expanded modern meaning, a "charette" is a week-long professional design workshop held for the purpose of planning land development or redevelopment. It includes public meetings that bring all the participants together in one room -- developers, architects, citizens, government officials, traffic engineers, environmentalists, and so on. These meetings are meant to get all issues on the table and settle as many of them as possible. This avoids the otherwise usual, inevitably gruesome process of conflict resolution performed by lawyers -- which is to say, a hugely expensive waste of society's resources benefiting only lawyers.

The object of the charette is not, however, to produce verbiage but to produce results on paper in the form of drawings and plans. This highlights an essential difference between zoning codes and traditional town planning based on civic art. Zoning codes are invariably twenty-seven-inch-high stacks of numbers and legalistic language that few people other than technical specialists understand. Because this is so, local zoning- and planning-board members frequently don't understand their own zoning laws. Zoning has great advantages for specialists, namely lawyers and traffic engineers, in that they profit financially by being the arbiters of the regulations, or benefit professionally by being able to impose their special technical needs (say, for cars) over the needs of citizens -- without the public's being involved in their decisions.

Traditional town planning produces pictorial codes that any normal citizen can comprehend. This is democratic and ethical as well as practical. It elevates the quality of the public discussion about development. People can see what they're talking about. Such codes show a desired outcome at the same time that they depict formal specifications. They're much more useful than the reams of balderdash found in zoning codes.

An exemplary town-planning code devised by Andres Duany, Elizabeth Plater-Zyberk, and others can be found in the ninth edition of *Architectural Graphic Standards*. The code runs a brief fourteen pages. About 75 percent of the content is pictures -- of street sections, blocks, building lots, building types, and street networks. Although it is generic, a code of similar brevity could easily be devised for localized conditions all over America.

The most common consequence of the zoning status quo is that it ends up imposing fantastic unnecessary costs on top of bad development. It also wastes enormous amounts of time -- and time is money. Projects are frequently sunk by delays in the process of obtaining permits. The worst consequence of the status quo is that it actually makes good development much harder to achieve than bad development.

Because many citizens have been unhappy with the model of development that zoning gives them, they have turned it into an adversarial process. They have added many layers of procedural rigmarole, so that only the most determined and wealthiest developers can withstand the ordeal. In the end, after all the zoning-board meetings and flashy presentations and environmental objections and mitigation, and after both sides' lawyers have chewed each other up and spit each other out, what ends up getting built is a terrible piece of sprawl equipment -- a strip mall, a housing subdivision. Everybody is left miserable and demoralized, and the next project that comes down the road gets beaten up even more, whether it's good or bad.

No doubt many projects deserve to get beaten up and delayed, even killed. But wouldn't society benefit if we could agree on a model of good development and simplify the means of going forward with it? This is the intent of the traditional town planning that is the foundation of the new urbanism.

Human settlements are like living organisms. They must grow, and they will change. But we can decide on the nature of that growth -- on the quality and the character of it -- and where it ought to go. We don't have to scatter the building blocks of our civic life all over the countryside, destroying our towns and ruining farmland. We can put the shopping and the offices and the movie theaters and the library all within walking distance of one another. And we can live within walking distance of all these things. We can build our schools close to where the children live, and the school buildings don't have to look like fertilizer plants. We can insist that commercial buildings be more than one story high, and allow people to live in decent apartments over the stores. We can build Main Street and Elm Street and still park our cars. It is within our power to create places that are worthy of our affection.

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1382

BILL TITLE: **relative to workforce housing.**

DATE: February 16, 2010

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Laliberte

Seconded by Rep. Lauterborn

Vote: 14-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yes-vv

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

Rep. Dianne E. Schuett

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1382

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DATE: 2/16/2010

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Moved by Rep. Laliberte

Seconded by Rep. Sauterbork

Vote: 14-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.) YES

Statement of Intent: Refer to Committee Report Sterling/Lewis

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB1382 Title: re workforce housing

PH Date: 1/19/2010 Exec Session Date: 2/16/2010

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	1	
Gagnon, Raymond G, V Chairman absent		
~~Osborne,~~ Jessie L ABBOTT, DENNIS	9	
Brown, Larry	1	
Laliberte, Suzanne S	2	
Wheeler, Deborah	3	
Boisvert, Ronald R	4	
Carlson, Nancy L absent		
Lauterborn, Elaine M	5	
Lewis, Robert D	6	
Schuett, Dianne E, Clerk	7	
Patten, Betsey L	8	
Boyce, Laurie J		1
Soucy, Connie M absent		
Sullivan, James M	10	
Crisler, Margaret M absent		
Ferrante, Beverly A	11	
Perkins, Amy Stasia absent		
Sterling, Franklin W	12	
CUNNINGHAM	13	
TOTAL VOTE:	14	1

Printed: 1/12/2009

Committee Report

CONSENT CALENDAR

February 17, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred HB1382,

AN ACT relative to workforce housing. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Suzanne S Laliberte

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**MUNICIPAL AND COUNTY GOVERNMENT**
Bill Number:	**HB1382**
Title:	**relative to workforce housing.**
Date:	**February 17, 2010**
Consent Calendar:	**YES**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

If passed this bill would declare that a municipality is providing workforce housing if it does not require minimum frontage or building set backs or restrict residential lot size.
This committee believes that since the workforce housing statute just went into effect, it is premature to amend the statute.

Vote 14-1.

Rep. Suzanne S Laliberte
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB1382, relative to workforce housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S Laliberte for MUNICIPAL AND COUNTY GOVERNMENT. If passed this bill would declare that a municipality is providing workforce housing if it does not require minimum frontage or building set backs or restrict residential lot size.

This committee believes that since the workforce housing statute just went into effect, it is premature to amend the statute.

Vote 14-1.

Original: House Clerk
Cc: Committee Bill File

HB 1382
ITL
14-1
CC

This committee believes that since the workforce housing statute just went into effect, it is premature to amend the statute. ~~The committee also feels that the bill would change the statute to make workforce housing impossible in some communities~~.

Rep. Suzanne Laliberte

Chairman's signature_____

If passed this bill would declare that a municipality is providing workforce housing if it does not require minimum ~~set~~ frontage or building setbacks or restrict residential lot sizes.

COMMITTEE REPORT

COMMITTEE: MUNICIPAL & COUNTY GOVT

BILL NUMBER: HB 1382

TITLE: relative to workforce housing.

DATE: 2/16/2010 CONSENT CALENDAR: YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS W/ AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

The committee believes that since the workforce housing statute just ~~went~~ went into effect, it is premature to amend the statute. The committee also feels that the bill would change the statute to make workforce housing impossible in some communities

COMMITTEE VOTE: 14-1

RESPECTFULLY SUBMITTED,

Rep. Suzanne L Laliberte
For the Committee
Laliberte

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rev. 02/01/07 - Yellow