TOD LINE
LAND USE LAW CENTER
PACE LAW SCHOOL
FALL 2012

IN THIS ISSUE

Support for the TOD Line comes from

THE ONE REGION FUND NYCT in THE NEW YORK COMMUNITY TRUST

Fund for the Environment & Urban Life
THE ORAM FOUNDATION, INC.

CONGRESS FOR THE NEW URBANISM

Welcome

Welcome to the inaugural issue of the TOD Line™, the transit-oriented development (TOD) newsletter for southern New York State and western Connecticut, the nation's the most transit-rich region. Through generous support from the One Region Fund in the New York Community Trust, the Fund for the Environment and Urban Life of The Oram Foundation, Inc. and the Congress for the New Urbanism, we are launching this newsletter and companion website to establish a regional communications forum to support and promote equitable transit-oriented development.

This newsletter is based on two premises: first, TOD fosters more livable, economically viable, socially equitable, and environmentally sound communities; second, opinion-molders and practitioners need a forum for the collection of information about regional TOD advances and experiences. To this end, the newsletter will highlight regional and national best practices, model programs, legislation, market trends and specific projects. Its content will also offer problem-solving experiences to guide local officials, developers and advocates.

We hope that you will share your thoughts and suggestions with us on how we can improve this publication as we move forward. In upcoming TOD Line™ issues, you will have the opportunity to participate in online surveys. In the meantime, please feel free to email comments to Jeff LeJava, Staff Editor at *jlejava@law.pace.edu*.

Envisioning the New American Dream

Arthur C. Nelson, Ph.D.

A triple storm is brewing that gives the country an opportunity to reshape its growth pattern from one of ever sprawling suburban developments to more compact, mixed-use, walkable neighborhoods near transit. One storm is the current economy and its effect on home buying; another is the increasing market preference for walking and biking and accessing transit; and the third is dramatically changing demographics. While this storm brews, the present supply of housing on small lots (under one-fifth to one-sixth of an acre) and rental and multi-family housing cannot meet future demand for such housing.

"We know from surveys that about a third of American households want to live where they have access to transit. Yet, fewer than 10 percent have this option."

In some areas of the country, quelling this storm will require expanding existing transit systems and building new ones while redeveloping suburban commercial corridors with transit-oriented development (TOD) along these routes. In the New York metropolitan area, where few new transit facilities are projected but a huge transit system is already in place, it involves creating lively, walkable, denser, mixed-use neighborhoods near existing transit stations where such conditions do not currently exist.

CHALLENGES TO THE AMERICAN DREAM

As characterized by James Truslow Adams (1931),

Continued on page 8

TOD LINE Calendar

Open Houses on the 2040 Regional Transportation Plan

September - October 2012

The New York Metropolitan Transportation Council is holding a series of open houses to discuss the region's transportation future. The discussions will help inform the 2040 regional transportation plan, a blueprint for multi-modal transportation strategies and investments in the New York region, which includes the five boroughs of New York City; the lower Hudson Valley counties of Putnam, Rockland and Westchester; and Nassau and Suffolk counties on Long Island.

For more information, visit www.NYMTC-RTP.org or contact Lisa Daglian at 212.383.7241 or *lisa.daglian@dot.ny.gov*.

Rail~Volution

October 14-17, 2012

Los Angeles, CA

Rail~Volution is a conference of passionate people who want to engage in thoughtful discussion about building livable communities with transit.

Registration: *http://www.railvolution.org/registration/registration-now*

The Land Use Law Center's 11th Annual Land Use and Sustainable Development Conference - Places for People

December 7, 2012

New York State Judicial Institute at Pace Law School
78 North Broadway, White Plains, NY

With examples from the New York region and beyond, see how local leaders and developers have increased transportation choices, created a more pedestrian-focused environment, and made infill development a reality - bringing affordable housing and essential services closer together for the people who live there, especially those most in need.

Registration: *http://law.pace.edu/annual-conference-2012*

TOD LINE Fall 2012

Pace Law School, 78 North Broadway
White Plains, NY 10603
Phone: (914) 422-4262 • Fax: (914) 422-4011

Available online at www.law.pace.edu/landuse/todline/

PACE LAW SCHOOL
PACE UNIVERSITY

Workable Strategies to Realize the New American Dream

John R. Nolon

The good news for TOD Line™ readers is that many cities have already equipped themselves for their new roles, adopting transit area plans, rezoning for compact, mixed-use development, and developing standards for lively, livable, and sustainable neighborhoods. These cities have drawn the blueprint, filled their tool kits, and constructed the planning, regulatory, and physical infrastructure to attract the new market discussed above by Dr. Arthur Nelson. Among the tools being used are transit-oriented development plans, bonus density incentives, floating zones for compact, mixed-use development, design guidelines, green infrastructure, energy conservation zones, and standards for sustainable neighborhoods. The benefits of the resulting transit-oriented developments are many and dramatic.

THE TOD CHALLENGE

Dr. Nelson's article seems to pose a serious challenge to cities and older suburbs. Better said, he presents an opportunity disguised as a problem. Dr. Nelson demonstrates that the future demand for housing in TOD areas will outpace supply greatly: by a ratio of 3:1. The consequence of not balancing the supply of TOD housing with demand for this type of living is clear: the pattern of sprawl will continue. With that pattern come the accelerated disappearance of open space as well as increased impervious coverage, flooding, stormwater run-off, surface water pollution, increased energy consumption, and carbon dioxide emissions. Continued building of single-family homes in places far from transit also misses the chance to revitalize older suburbs and cities, increase their tax bases, and leverage the public's investment in existing infrastructure. The market is beginning to get the message: land values in walkable neighborhoods are skyrocketing, beckoning developers, urban planners and local officials to react.

AN UNLIKELY PLACE FOR AN IMPRESSIVE TOD CASE STUDY

When we first began tracking TOD case studies more than five years ago at the Land Use Law Center, we came across impressive progress in an unlikely place: one light rail stop short of the Mall of America in Bloomington, Minnesota.[1] There we found a local zoning ordinance that permits transit-oriented development by connecting to nearby transit, restricting parking, and locating retail and service uses within short walks of residences. These strategies reduced vehicle miles travelled, the need for car ownership (at a savings of $10,000 per car), and, thus, parking spaces in the development (at a savings of $30,000 per structured space).

Bloomington adopted an HX-R zoning district allowing high intensity mixed-use developments near transit aimed at reducing reliance on autos. The ordinance establishing this new district explicitly states that its purpose is to reduce vehicle trips and vehicle miles traveled by allowing intense development in proximity to high frequency transit service, and to encourage multi-purpose trips, walking trips, carpool trips and transit trips. The ordinance prohibits drive-through uses that obstruct sidewalks and discourage walking. It provides a minimum density of 30 dwelling units per acre for residential development.

The HX-R zoning district provides a minimum floor area ratio of 1.5 and a maximum of 2.0. This "maximum" may be increased, giving density bonuses to encourage retail and service businesses, below grade parking, development of plazas or parks, affordable housing, public art, and sustainable design. Imagine, here is a zoning ordinance that provides additional floor area ratio to a developer for commissioning art in the plaza! This jibes with market studies that call for lively spaces and excellent design to attract and keep residents, shoppers, and workers coming to TOD areas.

"...the future demand for housing in TOD areas will outpace supply greatly: by a ratio of 3:1. The consequence of not balancing the supply of TOD housing with demand for this type of living is clear: the pattern of sprawl will continue."

The ordinance also requires that parking be located below grade, within structured ramps, or in individual on-street spaces parallel with and adjacent to low volume streets. Bicycle parking must be provided near building entrances. Development directly adjacent to transit stations must provide sidewalk and bikeway connections to the transit station, as well as to adjacent sites.

THE TOD LINE: COORDINATING LOCAL TRANSIT STATION PLANNING

To make transit systems more productive, land use planning among localities in a transportation region ought to be coordinated with metropolitan-area scale poli-

cies supporting transit investment and operations. Local land use plans and zoning, which regulate density, determine how much population will increase over time in a certain area. This, in turn, dictates the demand for various types of transportation services. As David Kooris discusses in his article "Connecting the Region," municipalities along a transit corridor must strive to achieve complementary land use mixes that offer housing, retail, service, and employment options to a broad range of society for the corridor. By engaging in coordinated planning, transit ridership will be diverse because people are traveling to work, to shop, to seek entertainment, and to go home at various times during the day, thereby increasing the cost efficiency of the service. In turn, this creates a vibrant transit corridor that will attract further investment and development.

In an intra-municipal context, Austin, Texas has adopted a TOD strategy that reflects this understanding of ridership's effect on station area planning. Its zoning designates three classes of areas that surround stations: Gateway, Midway, and Transition Zones. Each transit stop is regulated under a station area plan that includes specific design standards and development goals for each type of TOD district, including strategies to achieve affordable housing near the station. Regulations that control land use are adopted for each zone, appropriate to the setting.

The intensity and scale of development differs in the various zones extending from the transit station. Gateway Zones, the areas that immediately surround the station platforms, extending 300–500 feet from them, have the highest density of the three TOD zones. These zones also have the highest level of transit integration, with streetscapes that connect the station platforms with the surrounding buildings, which are oriented toward the station. The ground floors of these adjacent structures contain pedestrian-oriented retail stores, with residential uses on the upper floors. The Midway Zones, which are the next closest to the station, are predominantly residential, but include some retail and office space, and are not as dense as Gateway zones. Finally, Transition Zones are the areas on the periphery of the TOD district, which are also predominantly residential, and have the lowest density of the three districts.

Where suburban communities have but one or two transit stops, they should work with their neighboring communities to classify each stop and to plan and zone accordingly, replicating along the inter-jurisdictional line what Austin did internally.

SUSTAINABLE BUILDINGS IN TRANSIT STATION DISTRICTS

Some TOD projects simply emphasize the placement of large buildings next to train stations, without concern for livability, design, affordability, and sustainability. Much more is needed to convince those seeking the New American Dream to move to and remain in transit areas. Those revitalized neighborhoods must be sustainable. Cities enjoy a variety of options for making future development more sustainable, including features that promote less energy consumption and fewer carbon dioxide emissions such as adding vegetation on roofs or incorporating highly reflective roofing. Sustainable sites can also include other features like green infrastructure to properly manage stormwater and the use of existing structural elements and recycled building materials to reduce new construction material consumption. All of these features can be promoted through regulation and incentives adopted at the local level.

Bloomington, MN

Many techniques can be used to require or encourage

sustainable sites and buildings. Cities can provide FAR bonuses or other incentives for sustainable design, as in Bloomington. Green roofs may be counted toward open space requirements, as does Grand Rapids, Michigan. Seattle, Washington allows flexibility in set-back requirements for green buildings and provides waivers of height limitations, so that small wind turbines, skylights, greenhouses, and solar panels can be placed atop buildings.

Sustainability could also be fostered by implementing and enforcing an energy conservation code as developers seek approval for new and renovated buildings. The code would work with a variety of financing sources to provide incentives for energy retrofits in existing buildings, including combined heat and power technologies and the designation of energy conservation districts. These policies should be complemented by a city's commitment to greening its own buildings, operations, and vehicle fleets.

FILLING THE TOOL BOX

Each issue of the TOD Line™ will present useful tools that are being employed by innovative localities to respond to Dr. Nelson's challenge to meet the burgeoning market for TOD living. Note that Bloomington, Minnesota used a novel zoning district, custom-built for TOD, along with bonus density, or incentive zoning, to encourage developers to provide affordable housing, infrastructure, and amenities, including neighborhood art. Austin, Texas combined transit and land use planning, designated appropriately-sized transit station areas, adopted station area plans, and then rezoned to calibrate densities and land uses to needed ridership for each category of station.

Seattle, Grand Rapids, and scores of other cities are adopting additional techniques that include streamlining the development process for TOD projects, assisting developers to achieve LEED-ND certification, property tax abatements, private-public partnerships that vest development rights, remediating distressed properties, retaining affordable housing options for the workforce, and many more. Stay tuned.

END NOTES

1 Enhanced TOD: Connecting Transportation and Land Use Planning, Jennie C. Nolon & John R. Nolon, New York Transportation Journal (Winter 2009).

Connecting the Region – the New York-Connecticut Sustainable Communities Consortium

David Kooris, AICP

With more than 22 million people and nearly 1.3 trillion dollars in economic output, the New York metropolitan region includes a diverse set of living choices that spans the densest urban core in the nation and a network of smaller cities and suburban communities. Linking much of this region is its transit system. Government officials, business professionals, and civic leaders have gone from viewing the region's transit station areas as simply locations for park and ride lots to opportunity sites for economic development. Success will be achieved when the region looks holistically at its transit corridors and plans multiple station areas together with complementary land uses to create a functioning ecosystem of neighborhoods and commercial centers stitched together by commuter rail. The New York-Connecticut Sustainable Communities Consortium, a bi-state partnership of municipalities, Metropolitan Planning Organizations, counties, and regional planning entities, seeks to achieve this vision through a grant provided by the federal Sustainable Communities Partnership.

Mamaroneck, NY

BACKGROUND

In order to work, a transit line must serve a combination of origins (places where people begin their trip) and destinations (places where people are headed) and must aggregate enough people along its route to supply the ridership necessary to support an attractive level of service. The New York metropolitan region is anchored by the

greatest destination of all, Manhattan's Central Business District. With more than one million jobs on the island, workers from across the tri-state region are drawn continually to Midtown and Lower Manhattan to access the high paying employment options that concentrate there. Suburban communities, large and small, were able to grow because of this link to Manhattan and its economic strength. At the region's rail stations, parking for commuters became the highest and best use of adjacent land. For example, along Metro-North Railroad's New Haven Line there are presently multi-year waiting lists for parking permits at nearly every station.

Over the last decade, however, sporadic redevelopment proposals near several transit stations make it increasingly clear that significant land value to the local community derives from the greater access to Manhattan that these station-adjacent parcels provide. Transit-oriented development (TOD) offers an alternative that provides greater short- and long-term value to each station community while generating even greater ridership for the region's commuter railroads.

Looking to other regions around the country where TOD serves as a significant redevelopment tool, communities in New York and Connecticut began experimenting with allowing limited residential development near their stations. Projects in Pelham and Mamaroneck, New York, along with developments in Old Greenwich and Norwalk, Connecticut, demonstrate the proof of concept: that luxury apartments and condos with amenities attract residents looking to live in the suburbs with easy access to frequent transit and New York City.

Despite the growing recognition that high-end rental apartments, condos, and modern office space have proven successful redevelopment ventures around certain of the region's rail stops, not every station area can support these uses. Nor are those three uses alone sufficient to create vibrant, livable communities in the vicinity of a station. If each community is left to plan its own station area in a vacuum, the region's transit-oriented zoning may result in an oversupply at the top end of the market, and the communities' plans and policies may not encourage other aspects of thriving neighborhoods and downtowns: affordable housing, open spaces, community facilities, etc. To be successful, station areas along the corridor must strive to achieve complementary land use mixes that offer housing, retail, service, and employment options to a broad range of society. This requires planning the corridor as a whole.

New Rochelle, NY

NY-CT SUSTAINABLE COMMUNITIES CONSORTIUM

A federal grant funds this effort in the region. The Sustainable Communities Partnership (Partnership) is a groundbreaking initiative led by the U.S. Departments of Transportation (DOT), Housing and Urban Development (HUD), and the Environmental Protection Agency (EPA). Breaking down the federal silos between the bureaucracies that impact physical development across the country, the Partnership represents a new, comprehensive, and coordinated approach to assist communities in achieving their goals for the future. In 2010, the Partnership announced its first significant funding program for proactive planning, offering Challenge Grants across the country to individual communities and Regional Planning Grants to partnerships across the country.

The New York–Connecticut Sustainable Communities Consortium (Consortium) coalesced in anticipation of this funding opportunity. The Consortium is a unique, bi-state collaboration; the Regional Plan Association is serving as project coordinator. Leading this effort are nine mayors from Connecticut, Westchester County, and New York City and the County Executives from Long Island. Together, these chief elected officials demonstrate that working together is a better path to regional prosperity than competition between jurisdictions. The four relevant Metropolitan Planning Organizations and the Long Island Regional Planning Council also participate in the collaborative.

The group aims to better capitalize on the region's commuter rail network to foster livable and sustainable communities. With over 225 commuter rail stations served by the Long Island Rail Road, Metro-North Railroad, and Shoreline East in the 12-county geography covered by the Consortium, significant opportunities exist for transit-oriented, mixed-use, and mixed-income development. Currently, surface parking lots and low-density commercial buildings dominate the built landscape around many station areas.

The New York metropolitan region has the transit connections necessary to link a diverse set of communities to one another; by working together in this Consortium, members will ensure land use along the transit routes is designed to best harness opportunities for growth in neighborhoods that offer housing, employment, and mobility choices for all. To achieve its vision, the Consortium implements a program under the federal grant that involves sixteen major activities in three broad categories as outlined below:

Metropolitan planning and policy integration: Consortium members are assessing the region's existing policy plans to identify missing elements and opportunities for better alignment across political boundaries and between levels of government. Anticipated outcomes of this process include enhancement of existing plans, a regional housing analysis and incentive fund for affordable housing implementation, and a regional public dialogue to share knowledge about building sustainable communities.

Northern Sector sustainability planning: Station area regeneration and infrastructure investment planning for TOD development projects connected by the Metro-North Railroad will occur around New Haven's Union Station, on Bridgeport's East Side, in South Norwalk, on Stamford's East Side, in central New Rochelle, and at several locations in the Bronx. Consortium members also will develop action strategies for the I-287 and Cross County Parkway corridors.

White Plains, NY

Eastern Sector sustainability planning: Four projects linked by the Long Island Rail Road from central Brooklyn to Eastern Suffolk County will emphasize different elements of sustainability planning that can be replicated in various parts of the region. The Consortium will develop an interdisciplinary sustainability plan for the East New York neighborhood in Brooklyn. In Nassau County, the Consortium will conduct a feasibility study for sustainable infill development at several LIRR stations. A transfer-of-development-rights study in Suffolk County will explore this potential mechanism for jointly preserving land and spurring transit-oriented communities. Finally, a Long Island housing strategy will identify the greatest needs and opportunities to provide affordable options for the area's young professionals and families while adding revenue to local budgets.

If the Consortium is successful, the region will accommodate roughly 300,000 new jobs and 200,000 new residents in the transit-oriented cities of New York metro region's northern and eastern suburbs. These developments could house the next generation of the region's population and entrepreneurship, while meeting the needs of the new economy and the nation's changing demographics. For more information on the Consortium, please visit http://www.sustainablenyct.org/.

 Continued from page 1

who is recognized as one of the earliest scholars of the American Dream, "life should be better and richer and fuller for everyone, with opportunity for each according to ability or achievement."[1] In the past few years, the American Dream has been equated with suburban home ownership, perhaps because ownership is a symbol of achieving prosperity, success, and upward social mobility.[2]

Currently, this 'house in the suburbs' American Dream is being challenged in four ways:

Energy prices are rising inexorably. *Over the period 2002 into the middle of 2012, gasoline prices rose 10 percent per year or about three times faster than inflation.* If this trend continues, gasoline prices will exceed eight dollars per gallon by 2020. The increasing cost of energy (and fuel oil prices) will make supporting a home more expensive. Moreover, home ownership in the suburbs, at locations distant from work, services, family, and other destinations, will be more difficult to maintain, as daily travel costs rise.

Wealth has fallen. *The Federal Reserve Board (2012) reports that median family net worth wealth fell from $126,400 in 2007 to $77,300 in 2010.* In constant 2010 dollars, family net worth in 2010 was at about the 1992 level.[3] Thus, not only is home ownership compromised, but social upward mobility is also challenged.

The nation's wealth is steadily shifting to more affluent households,[4] while an increasing number of families do not have the wealth to participate in the housing market. *In the 1980s, about 80 percent of the nation's wealth was held by 20 percent of its wealthiest households.* By 2009, nearly 99 percent of America's wealth was held by the wealthiest fifth of its households. Additionally, the Great Recession of 2008-2009 can be blamed for reducing much of the wealth of the middle and lower classes. Between 2006 and 2011, American homeowners lost half of their equity.[5] Because of the effects of this shifting wealth and loss of home equity: (a) fewer people are able to buy homes; (b) those who own homes may not be able to refinance to enable a down payment on a new home for their children; and (c) fewer home buyers may further drive down demand, and thus prices, which may further erode equity.

Americans' ability to use credit to buy homes has been made more difficult, perhaps forever. The Great Recession was caused in large part by the bursting of the "housing bubble" of the middle 2000s. Banks and other financial institutions were closed, home equity took its biggest decline since the start of the Great Depression, and millions of homes were foreclosed or "sold short" to avoid foreclosure. As a consequence of this financial disaster, lending institutions increased their underwriting requirements, thereby reducing the number of people who could qualify to buy a home.[6]

Mamaroneck, NY

THE GREAT SUPPLY/DEMAND MISMATCH

Along with the above challenges that are stunting new home ownership, market demand for residential housing types is also changing. In recent years, four national studies have reported broad new preference trends for housing. For instance, in assessing a study by the National Association of Home Builders (NAHB), Myers and Gearin[7] noted that by about 2015 up to 17 percent of American households would want the option to live in a townhome.

I synthesized numerous housing market studies from the middle 1990s to the early 2000s to estimate the distribution of housing choice options people wanted.[8] What I found was that 38 percent of Americans wanted the option to live in attached products (apartments, townhouses, condominiums, and cooperatives), 37 percent wanted single family homes on small lots (under one-sixth of an acre) and 25 percent wanted to live on large lots. Among prospective buyers of homes, RCLCO (formerly known as Robert Charles Lesser & Co.) found about nearly the same relationship.[9] A 2011 survey by the National Association of Realtors (NAR) similarly found that 39 percent of Americans wanted the option to live in attached products, 37 percent wanted single family homes on small lots, and 24 percent wanted to live on large lots.

Current housing supply does not match demand, however. The American Housing Survey for 2009 reports that attached housing accounts for 28 percent of the supply while small lots (under one-sixth acre) accounted for 30 percent and large lot housing accounted for 40 percent. Converting these percentages, there are more than 20 million housing units on

New Rochelle, NY

large lots than there is demand for them.

Similarly, recent housing surveys suggest that housing preferences are tied closely to commute times. The 2011 NAR survey reveals 59 percent of Americans would choose a small house with a commute under 20 minutes over a large house with a commute over 40 minutes. Moreover, emerging housing value studies show that people are willing to pay more for walkable communities than auto-oriented communities.[10]

Finally, my work shows that demographic changes clearly favor the demand for more rental housing and multi-family housing to 2030 than in the past several decades.[11]

FUTURE DEMAND

In addition to changing housing preferences, the demographics supporting future residential housing demand are shifting. Between 1990 and 2010, the housing market's growth was attributable primarily to aging baby boomers. During this period, households in their peak demand for housing (those between 35 and 64 years of age) grew by 19 million, accounting for 79 percent of new housing demand, while the number of starter-home households (where the householder is less than 35 years old) fell and senior households (those 65 or older) accounted for the remaining 21 percent of the new demand.[12]

Given that households aged 35 to 64 have more people living in them and earn higher incomes than any other age group, these households have the motive as well as the financial means to increase housing space. During the 1990s and 2000s, they also had the opportunity to purchase homes as suburban communities facilitated construction of new housing at attractive prices. Large homes (those over 2,500 square feet) accounted for a third of all new housing units built[13] and construction on lots of more than one-half acre accounted for half of all new single-family residential development.[14]

Whereas aging baby boomers comprised most of the growth in the housing market over the last 20 years, demographic projections for the next 20 years suggest a different trend. Between 2010 and 2030, the number of households in their peak home buying period will be just 12 percent of new households formed. Meanwhile, the senior population, those age 65 and older, is expected to form the overwhelming majority of new households during this same period. Consequently, the next great housing challenge will be to meet the needs of empty-nesting and down-sizing seniors, who will comprise nearly 80 percent of the net change in the nation's number of households between 2010 and 2030, and nearly as many to 2040.

Going forward further into the 21st century we will see increasing demand for something other than the single family detached home on a large lot in isolated suburbs. In short, development in transit station areas will be demanded by the market for reasons I discuss next.

"the next great housing challenge will be to meet the needs of empty-nesting and down-sizing seniors, who will comprise nearly 80 percent of the net change in the nation's number of households between 2010 and 2030, and nearly as many to 2040."

THE OPPORTUNITIES

We know from surveys that about a third of American households want to live where they have access to transit. Yet, fewer than 10 percent have this option. Even if all new residential units built between 2010 and 2030 were in TODs, future demand for such housing would still exceed supply. The solution is expanding existing transit systems, building new ones, where possible, and increasing density and livability near existing transit stations.[15]

Around the country, TOD opportunities will be facilitated through massive rede-

velopment of commercial corridors. The average life of a one- or two-story commercial structure is about 40 years. In areas were land value appreciates at just one percent per year, those buildings become candidates for redevelopment within about 30 years. Thus, nearly every building standing today in suburbia will become a candidate for redevelopment by 2050, with half of them becoming redevelopment candidates by 2030. Moreover, the vast majority of suburban commercial corridors are developed at relatively low densities, which can be increased to meet new market demands.

While it may be possible to expand or establish new transit systems along commercial corridors in other areas of the country, in places like the New York and Connecticut metro region, such expansion or establishment is quite limited. Consequently, the mismatch between housing supply and demand will have to be met by focusing on infill development and redevelopment near existing transit stations, including appropriate commercial corridors. This will require rezoning along many of the region's existing transit lines, such as those occurring in Harrison, New York, Stamford, Connecticut, and New York City's five boroughs.

THE NEW AMERICAN DREAM

As is evident from the discussion above, the nation's existing development pattern is out of sync with financial realities, demographic trends, and the rising market demand for compact housing, walkable neighborhoods, and mass transit services. To satisfy this demand for the New American Dream, suburban and urban areas will need to embrace the changing economics, demographics, and housing preferences. In the Downstate New York – western Connecticut region, where walking, biking and mass transit options are often available, it is especially important for local governments to rezone to increase housing choices and integrate land uses. Then these areas can be harbingers of the New American Dream.

END NOTES

1 See http://www.loc.gov/teachers/classroommaterials/lessons/american-dream/students/thedream.html.

2 William M. Rohe and Harry L. Watson (eds) (2007). *Chasing the American Dream: New Perspectives on Affordable Homeownership.* Ithaca, NY: Cornell University Press.

3 Federal Reserve Board (2012). *Changes in U.S. Family Finances from 2007 to 2010: Evidence from the Survey of Consumer Finances*, Washington, DC: Federal Reserve Board. Accessed from http://www.federalreserve.gov/pubs/bulletin/2012/pdf/scf12.pdf.

4 This discussion is based substantially on Economic Policy Institute (2011). Various tables accessed April 24, 2011 at http://www.epi.org/.

5 See The U.S. Housing Market: Current Conditions and Policy Considerations, Federal Reserve Board, Washington DC (January 4, 2012). Accessed August 8, 2012 from http://www.federalreserve.gov/publications/other-reports/files/housing-white-paper-20120104.pdf

6 See Credit Risk Retention, accessed April 24, 2011 from http://www.fdic.gov/news/board/29Marchno2.pdf.

7 See Dowell Myers and Elizabeth Gearin, 2001 Current preferences and future demand for denser residential environments. *Housing Policy Debate*. 12(4), 633-659.

8 See Arthur C. Nelson, 2006, Leadership in a New Era. *Journal of the American Planning Association*. 72(4), 393-405.

9 See RCLCo *Generation Y in the Marketplace*, 2008. http://www.rclco.com/.

10 Christopher Leinberger, "Now Coveted: A Walkable, Convenient Place", New York Times, May 27, 2012 (p. 6). Accessible at http://www.nytimes.com/2012/05/27/opinion/sunday/now-coveted-a-walkable-convenient-place.html.

11 See Arthur C. Nelson, "Demographic Outlook for Multi-Family Housing." *Multifamily Trends, November/December, 2009; "The New Urbanity: The Rise of a New America." Annals of the Academy of Political and Social Science* 626 (1): 192–208, 2010; and "Catching the Next Wave: Older Adults and the 'New Urbanism.'" *Generations: Journal of Aging and Society* 33 (4): 37–42, 2009.

12 See http://www.census.gov/compendia/statab/2012/tables/12s0062.pdf.

13 From American Housing Survey for 1989 and 2009, http://www.census.gov/housing/ahs/data/national.html.

14 Op cit.

15 See Arthur C. Nelson, 2011, *The New California Dream*. Washington, DC: The Urban Land Institute.

TOD DEVELOPMENTS

Transit-Oriented Development In New York City

Kevin Dwarka, Ph.D.

Each TOD Line™ issue will feature a story about TOD projects in various cities throughout Connecticut and New York. This issue focuses upon three different kinds of TOD planning efforts underway in New York City: mega-development projects, rezoning initiatives, and sustainable community planning. For an overview of current TOD projects in the region, please visit the TOD Line website at http://www.law.pace.edu/landuse/todline/.

Describing New York City (the "City" or "NYC") as a "transit-oriented development" may sound a bit understated or even redundant to urban planners accustomed to implementing TOD concepts in less urban environments. With its high population densities, walkable neighborhoods, mixed land uses, and a vast transit network, the City is the most transit-oriented city in America. According to 2010 American Community Survey data from the U.S. Census Bureau, 56 percent of New York City workers take transit to work and 56 percent of New York City households do not own an automobile. Few other cities in the United States come even close to approximating this level of freedom from automobile dependency.

And yet, much of NYC is actually *not* transit-oriented. Like all cities, the level of transit utilization varies widely by neighborhood and is correlated with the accessibility of the transit network, density of housing, and levels of car-ownership. For example, 59 percent of Manhattan workers take transit to work. This high level of transit utilization is not surprising given that the borough supports 37,106 housing units per square mile, 94 percent of Manhattan residents live within a half mile radius of a subway entrance, and 78 percent of Manhattan households do not own a car. In Staten Island, however, only 29 percent of the population commutes by transit. This comparatively lower level of transit use is due at least in part to the absence of a subway network in Staten Island and the borough's lower housing density of 3,037 housing units per square mile. In Staten Island, only 18 percent of the borough's households do not own an automobile.

These variations suggest that applying TOD principles to New York City could help increase transit utilization levels in some of the more auto-oriented parts of the City. With the City's population expected to increase by 750,000 residents by 2030, many City agencies are focused on better linking land use regulations with transit infrastructure investment. Over the past ten years, for example, the Department of City Planning (DCP) has pursued an ambitious program to rezone much of New York City with an emphasis on channeling new development to parts of the City best served by transit. PlaNYC, the City's sustainability framework, aspires to locate 95 percent of new housing opportunities within a half mile of a subway station. Meanwhile, mega-development projects like Hudson Yards on Manhattan's west side and Atlantic Yards in Brooklyn aim to intensify development around new and existing transit infrastructure. Summarized below are updates on these various efforts to make NYC even more transit-oriented than it already is.

MEGA-DEVELOPMENT PROJECTS

HUDSON YARDS

The Hudson Yards planning area encompasses a 360-acre, largely industrial area that includes the rail yard but also extends to West 28th Street on the south, West 43rd Street on the north, Eighth Avenue on the east, and the Hudson River on the west. Long targeted by planners as an important opportunity for expanding the Midtown Central Business District (CBD) the Lindsey administration announced an ambitious redevelopment plan in 1969. This plan languished but was recharged in the mid-1990s by various proposals for a new stadium on top of the Hudson rail yards (for the Yankees and then later for the Jets), NYC's bid for the 2012 Olympics, and the perceived need for more commercial office space in Manhattan.

7 Line Subway Extension (courtesy New York MTA)

In 2001, DCP completed the Far West Midtown Development Framework. Con-

currently, planners for the 2012 Olympics bid prepared their own plan. Both plans, one technical and the other visionary, called for a significant increase in commercial office space that would be made possible through the westward extension of the Number 7 subway line to 11th Avenue and 34th Street. Both plans also envisioned an expanded Javits Center and a new stadium, two components that fell by the wayside along with the City's ill-fated Olympics bid. However, the broader redevelopment concept and many of its accompanying urban design components remain intact. The subway extension, backed by the City's sale of three billion dollars in bonds, is under construction, expected to open for revenue service in mid-2014, and be completed by 2015.

DCP rezoned the area in two stages. Most of the area, including the east side of the yards, was rezoned in 2005, while the west side of the yards where the stadium would have been built was rezoned in 2009. As a result, the planning area can accommodate an additional 28 million square feet of commercial office and hotel space and about 17,000 housing units, all located within walking distance of a rail station. The current plan also retains a concept for a 20-acre network of open space, consisting of a pedestrian bridge between 42nd Street and 39th Street; a linear north-south park between 39th and 33rd street along a new landscaped boulevard between Tenth and Eleventh Avenues; and a six-acre public park between 33rd and 30th Street.

So far, the housing market on the west side is fairly robust with about 7 million square feet of new residential towers and hotels already built or nearing completion. Dozens of new housing projects are in the pipeline and should be completed over the next several years. The first phase of the Hudson Yards Boulevard Park is currently under construction between 33rd and 36th streets, and a 46-story, 1.7 million square foot commercial office building anchored by Coach, Inc. will rise at the corner of 10th Avenue and 30th Street. Time will tell how the Number 7 Subway Extension, the Highline extension to 34th Street, and the planned relocation of Penn Station to the Farley Post Office may stimulate new transit-oriented development, including commercial office space.

ATLANTIC YARDS

Atlantic Yards is a 4.9 billion dollar mixed-use project planned for a 22-acre area around Atlantic Terminal, an intermodal transit hub in the vicinity of Downtown Brooklyn. Nine subway lines, the Long Island Rail Road, and a dozen bus lines serve the project area directly. One of the largest redevelopment projects ever constructed outside of Manhattan, the project is sponsored by Forest City Ratner Companies (FCRC) and managed by the Empire State Development Corporation (ESDC), a quasi-public state entity with redevelopment authority. FCRC's plan includes 16 high rise towers that will provide 6,430 of housing units (including 2,200 affordable units), a hotel, office and retail space,

Atlantic Avenue – Barclays Center Station (courtesy New York MTA)

and eight acres of landscaped open space. However, the centerpiece of the project is the Barclays Center, an arena that accommodates 18,000 spectators for entertainment events and basketball games. The arena, which opened on September 28, 2012, serves as the new home for the New Jersey Nets, a professional basketball team that an ownership group led by FCRC CEO Bruce Ratner purchased in 2004.

Atlantic Yards has been controversial among local politicians and area residents since its announcement nine years ago. Adversaries have filed law suits challenging ESDC's declaration that the site is blighted, the use of eminent domain to enable land assembly, and the sufficiency of the environmental impact analysis. These suits, in tandem with the most recent economic recession, created significant project delays and raised questions about the fate of the housing plan. FCRC has not commenced construction of any housing units.

Though Atlantic Yards continues to provoke debate regarding its scale and the viability of its housing plan, the arena is undoubtedly transit-oriented in several ways. First, the arena features a new subway entrance set within a pedestrianized plaza directly in front of the arena. The entrance will enable access to all nine subway lines at the Atlantic Avenue – Barclays Center subway station. Second, the arena features a relatively small number of on-site parking spaces, only 541 spaces reduced from an initially proposed 1,100 spaces. Less than 30 percent of attendees at weekday events are expected to arrive by automobile. Lastly, the arena will open with a bicycle parking facility that will accommodate 400 bicycles. If FCRC does succeed in completing the project's residential program, it will result in one of the largest concentrations of new transit-oriented, affordable housing in the City. FCRC's plan also requires decking over the rail-yards behind the arena, an action that would facilitate development and promote pedestrian accessibility from the surrounding residential areas to Atlantic Terminal. Sam Schwartz, the project's traffic engineer, states that

"the Atlantic Yards site is the epitome of transit-oriented development. If we are going to reduce our carbon footprint, then we need to look at developing more sites like this one."

REZONING NEW YORK CITY

Since 2002, the New York City Department of City Planning (DCP) has implemented 116 rezonings with hopes of channeling new development into areas well-served by transit. These rezoning initiatives affect 40 percent of New York City and cover 10,500 blocks. DCP consultant Sandy Hornick notes that "DCP's approach to zoning is explicitly about promoting transit-oriented development. We have tried to steer new development to places that are either already transit-supportive or to places like Hudson Yards where new transit services can be provided." Not all parts of the City were upzoned. DCP downzoned some areas to reduce development in primarily auto-oriented areas and to protect the low-density character of certain neighborhoods.

Barclays Center (courtesy New York MTA)

DOWNTOWN BROOKLYN

Downtown Brooklyn, New York's City third largest CBD after Midtown-Manhattan and Lower Manhattan, provides one of the best examples of using zoning to achieve TOD. Comprised of a commercial core ringed by residential neighborhoods, the densely built downtown is well-served by transit connections to Manhattan, as well as Brooklyn's outer neighborhoods. The transit network includes seven subway stops, 13 subway lines, and more than a dozen bus routes. The Long Island Rail Road Station at Atlantic Terminal is also nearby. These services make Downtown Brooklyn an ideal place to intensify development without requiring a corresponding expansion of road infrastructure and parking capacity. In 2004, the New York City Council adopted DCP's rezoning proposals for Downtown Brooklyn. The new zoning, spanning 60 blocks, increased the allowable density for both residential and commercial uses while also permitting the expansion of academic facilities.

Eight years later, the zoning has not generated a significant increase in commercial office space yet; however, construction of upscale apartment towers and hotels has occurred, changing Downtown Brooklyn's commercial center to more of a 24-hour neighborhood. In this context of continuing development activity, DCP recently proposed new zoning changes to address overbuilding of parking facilities that are often left underutilized, especially during evenings. These changes would reduce the minimum amount of parking required for new developments, entirely eliminate minimum parking requirements for affordable housing projects, and promote parking facility sharing among residents and visitors. Currently under review, the proposed parking regulations are popular with private developers seeking to reduce their construction costs and maximize opportunities for building leasable space.

ST. GEORGE FERRY TERMINAL

Another TOD rezoning occurred around the St. George Ferry Terminal at the northeastern tip of Staten Island. Serving 21 million annual passengers and renovated in 2005, the terminal also functions as the northern terminus of the Staten Island Railway and serves several bus routes. In 2008, DCP upzoned a 12-block area around the St. George Ferry Terminal, downzoned some areas, and allowed for the conversion of office buildings into residential uses. The regulations permit two kinds of tall towers that may be built as high as 20 stories. Developers may build some towers at a maximum width of 40 feet, while towers on the waterfront may be built at a width of 80 feet. These width regulations were designed to ensure that existing St. George residents have continued visual access to the waterfront and Manhattan skyline.

So far, this rezoning has not generated significant development activity, but City efforts to promote TOD in the terminal area are continuing. In 2011, DCP and the City's Economic Development Corporation released the report, *North Shore 2030: Improving and Reconnecting the North Shore's Unique and Historic Assets*, which provides land use and investment recommendations that include designation of the terminal area as a key development opportunity. Subsequent to the report's release, the City issued a Request for Expressions of Interest to redevelop two city-owned parcels near the St. George Ferry Terminal.

EAST MIDTOWN

Also on the horizon is a new proposal to rezone East Midtown Manhattan in the area around Grand Central Station. The upzoning would take advantage of the area's already rich transit service and capitalize on new transit capacity from the Second Avenue Subway completion and the extension of Long Island Rail Road to East Midtown. The upzoning also would facilitate improvements to existing subway facilities that could provide increased throughput. The 78 block area spans Fifth and Second Avenues

on the west and east, and East 57th and East 39th on the north and south. While the area is already densely built and highly transit dependent, the average office building age is 70 years old. To ensure that Midtown Manhattan meets the need for more modern and large floor plate office space, the rezoning would allow taller office buildings on certain sites. Developers could qualify for density bonuses by either purchasing transferable development rights from underbuilt areas under a landmark designation or by contributing to a special fund designated for area improvements.

CHANGES TO RESIDENTIAL CAPACITY

These various rezoning efforts aim to accommodate projected population growth through transit-oriented housing, but a study conducted by New York University's Furman Center for Real Estate and Urban Policy questions the degree to which these rezonings will add sufficient residential capacity to New York City. The study confirmed that 73 percent of the lots upzoned between 2002 and 2007 are located within a half mile of a rail station. The study also revealed that 59 percent of the downzoned lots actually were located in areas within a half mile of transit. The Furman Center concluded that the rezonings will result in a citywide increase in residential capacity of 1.7 percent, translating into almost 100 million square feet of space that could accommodate as many as 200,000 new residents. As mentioned above, NYC's population is expected to grow by another 750,000 persons by 2030, suggesting that the City must explore a wider variety of development tools beyond rezoning to ensure sufficient residential capacity.

DCP consultant Sandy Hornick notes, however, that many downzonings in places like Park Slope in Brooklyn and Bellerose in Queens were actually "paper downzonings" because many of the affected blocks likely will not provide substantial new housing for a host of reasons beyond the downzoning. Emphasizing the importance of neighborhood preservation even in areas with strong transit access, Hornick observes "[w]e can accommodate TOD sensibly without destroying the character of existing neighborhoods. We have built more TOD than anywhere in the US."

SUSTAINABLE COMMUNITY PLANNING

Sustainable community planning also contributes to TOD efforts in NYC. As discussed in David Kooris' article, "Connecting the Region," the United States Department of Housing and Urban Development awarded a 3.5 million dollar Sustainable Communities Planning Grant to the New York-Connecticut Sustainable Communities Consortium. Fiscally managed by the Regional Plan Association, the Consortium allocated a portion of the grant to several projects in New York City, including station area planning for the Bronx and Brooklyn discussed below. The grant also funds a climate resilience study overseen by DCP that will identify strategies to minimize damage and disruption from coastal flooding and storm surge.

The Bronx Metro-North Corridor study being conducted under the grant evaluates land use and transportation opportunities near several Metro-North Stations. The study's four key goals are to (1) foster transit-oriented development around the rail stations, (2) promote the construction of mixed-income housing, (3) identify opportunities for better linking Bronx residents to regional job opportunities, and (4) enhance station access. DCP has undertaken an extensive range of community outreach activities coordinated with local stakeholders, key public agencies and NY-CT Consortium partners, which will continue throughout the remainder of the 3 year grant. These activities include a handful of regional town hall meetings coordinated by the Consortium, but also a broad series of open houses, community workshops and discussions held at local neighborhood organizations.

The Sustainable East New York study entails a comprehensive planning initiative for the areas of Broadway Junction, East New York, and Cypress Hills in Brooklyn. DCP is managing the planning study; however, the Cypress Hills Local Development Corporation, a key actor in this effort, launched the Verde Initiative, a holistic community development effort, to address unemployment and asthma in the neighborhood. Key project goals for the study include (1) preparing recommendations for land use and zoning changes that will facilitate transit-oriented development and the production of affordable housing; (2) identifying opportunities for improvements to transportation access and intermodal connections; and (3) promoting energy efficiency for new and existing buildings.

THE NEXT STEP FOR TOD PLANNING IN NYC

The three types of TOD initiatives in NYC mentioned above capitalize on the City's dense urban fabric and extensive transit system to stimulate new development. However, each approach also brings to surface a larger set of challenges to achieving New York City's sustainability goals. For example, the mega-development projects at Hudson Yards and Atlantic Yards will reshape underdeveloped parts of the city dramatically, but the boldness of these plans also necessitates careful attention to impacts on existing and surrounding communities. Rezoning similarly requires balancing between accommodating new population growth and respecting community desires. Finally, sustainable community planning in East New York and the Bronx offers hope for greener neighborhoods, but tying these efforts to regional sustainability strategies will require increased financial resources and more interagency coordination.

ALL ABOARD

Alex Twining

The TOD Line™ is advised by an editorial board that consists of transit, development and housing experts. Each issue will feature a profile of one the newsletter's editorial board members.

Alex Twining has been involved in the construction of transit-oriented developments for more than 30 years, beginning with BF Saul and later working for companies such as AvalonBay. Currently, Alex is president and CEO of Twining Properties, a firm whose mission, not surprisingly, is to construct urban, mixed-use development at transit nodes along Amtrak's Northeast Corridor from Washington, DC to Boston. Since the firm's founding in 2002, Twining Properties has worked on more than four million square feet of TOD projects in Boston and New York City.

For Alex, a Yale-educated architect, developer and environmentalist, working with transit and urban growth is a family tradition. In the mid-19th Century, his great-great-grandfather and namesake, Alexander C. Twining (1801 to 1884), an inventor and professor of astronomy, mathematics, and law, laid out many rail lines throughout the Northeast. In the 1970s, Alex's father served as one of the founders of Citizens Against I-95 Expansion, a group organized to stop a new eight-lane bridge across the Connecticut River and redirect the funds toward public rail. The tradition lives on in Twining Properties.

The firm's first TOD project was Watermark Kendall, a 24-story, mixed-use tower with 321 apartments and 25,000 square feet of retail space in Cambridge, MA. The project site, near a high-tech employment cluster surrounding MIT, is one block from the Massachusetts Bay Transportation Authority (MBTA) Kendall/MIT Station on the system's Red Line. Earlier this year, the firm started a second tower next door. When complete, the two phases of the project will include 465 apartments catering to the area's high-tech clientele. Through his experience with Watermark Kendall, Alex has observed firsthand that fewer than 50 percent of residents in TODs located next to a transit station in a dense, mixed-use area, own a car.

Twining Properties is developing another apartment tower in Boston that is part of Seaport Square, a 6.5 million square foot master development on 25 acres along the Boston Harbor waterfront. The firm advised Morgan Stanley on the siting and configuration of the 2.8 million square feet of residential space at Seaport Square and, as a result, acquired one of the blocks when the master plan was approved in late 2010. Alex chose a site located adjacent to the Courthouse Station of MBTA's new Silver Line, the system's only bus rapid transit (BRT) service. From Courthouse Station, residents have direct access to Boston's South Station with available Red Line and Amtrak services. The firm plans to break ground on a 300-apartment tower at the site in early 2013.

Alex's firm also has worked on potential TOD projects in New York City, including a 56-story, one-million-square-foot apartment, hotel and retail development with theaters at 42nd Street and 10th Avenue in Manhattan. The project site, now known as MiMA (Middle of Manhattan), is located above the Metropolitan Transportation Authority (MTA) 7 Line Subway extension project, where a subway stop was to have been built under earlier plans. Twining acquired the site by settling a lawsuit between the City and the former owners and proactively worked with MTA to locate a future subway stop in the basement of the building. While other developers balked at the idea of having a subway station located under the project, it made perfect sense to Alex. The building is designed with knock-out panels in the basement to facilitate a subway stop's future construction. While Twining Properties eventually sold its interest in the project to the Related Companies, the project continues to highlight the firm's TOD focus.

Outside of work, Alex is an active member of the Urban Land Institute (ULI); is a past chair of one of ULI's Urban Mixed Use Development Councils; serves on the Dean's Council at the Yale School of Architecture; and has lectured and taught at Columbia, MIT, NYU and Yale.

As a ULI member for more than 30 years, Alex notes that when he first joined the organization in early 1980s, urban, mixed-use development and transit were barely discussed. Now, however, TOD is the buzz at most meetings. He sees this as a good sign for the nation, even if it does mean new business competition. Alex believes the simple math that efficient transit systems connected to exciting, high density places where people can live, work, and play adds up to better land use, less harmful environmental impacts, more productive workplaces, and a more desirable lifestyle overall. As Alex explains, "these are not novel thoughts, but they are critical if, as a region and a nation, we are to ensure the sustainability of our country."

Who knows, perhaps someday Alex's legacy will be a string of successful, durable, path-finding TOD projects along the Northeast Corridor. For more information on Alex and Twining Properties, please visit *http://www.twiningproperties.com/*.

TOOLS FOR GETTING TOD DONE

Winnipeg TOD Handbook

City of Winnipeg and PB's PlaceMaking Group

The Winnipeg Transit-Oriented Development Handbook is a well-designed and user-friendly guide to furthering TOD principles in a variety of station area settings. Endorsed by the Winnipeg City Council on February 22, 2012, the recently published document is intended as a planning tool for policymakers, developers, public sector representatives, and the public-at-large.

The Handbook offers a succinct presentation of six primary TOD principles and associates each principle with a brief case study of a North American TOD initiative. Integrating the most recent professional literature on TOD best practices, the document interweaves data regarding the market demand and benefits of TOD with clear graphics illustrating core TOD design concepts. Not only does the document feature guidance on the types of development and urban design qualities appropriate for stimulating transit utilization, but it also identifies design characteristics for transit infrastructure that are appropriate for TOD.

The case studies in the report are varied, including the widely cited intensification of land uses along the Rosslyn-Ballston rail corridor in Washington DC. The report also features the linkage between Ottawa's St. Laurent Shopping Centre and a bus station along its Transitway line.

The handbook provides a useful discussion of implementation issues associated with turning TOD concepts into a built reality. For example, one chapter of the report presents key TOD implementation challenges, including limited education about TOD concepts, auto-oriented land use and zoning polices, and market constraints. To overcome these challenges, another chapter of the handbook defines appropriate considerations for locating a TOD, identifies key elements that should be included in a station area plan, and offers a checklist of criteria for assessing the conformity of development proposals with TOD principles.

While the handbook is effective as a guide to TOD generally, its attention to specific TOD typologies conveys the multitudinous ways that TOD might take hold in the city. Through photographs of built projects, the handbook depicts the various ways in which TOD principles may be adapted to the scale, land use mix, and predominant use of a particular station area.

Link: *http://www.winnipeg.ca/ppd/TOD/Handbook.stm*.

MAP-21: The New Federal Surface Transportation Act

On July 6, 2012, President Obama signed into law P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 authorizes federal transportation funding through September 2014, at an annual level of 52.6 billion dollars. MAP-21 took effect October 1, 2012, and expires on September 30, 2014.

Section 20005(b) of MAP-21 establishes a 10 million dollar discretionary pilot program for transit-oriented development (TOD) planning grants. This program aims to:

(A) enhance economic development, ridership, and other goals established during the project development and engineering processes;

(B) facilitate multimodal connectivity and accessibility;

(C) increase access to transit hubs for pedestrian and bicycle traffic;

(D) enable mixed-use development;

(E) identify infrastructure needs associated with the eligible project; and

(F) include private sector participation.

Program grants are available to State and local governments to finance comprehensive planning associated with new fixed guideway capital projects or core capacity improvement projects. A "fixed guideway" is a public transportation facility that uses and/or occupies (1) a separate right-of-way or rail for the exclusive use of public transportation; (2) rail; (3) a fixed catenary system; (4) a passenger ferry system; or (5) a bus rapid transit system. A "core capacity improvement project" is a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than ten percent but excludes elements designed to maintain a state of good repair of the existing fixed guideway system.

For more information as it becomes available, please visit *http://www.fhwa.dot.gov/map21/*.

Denver Equity Atlas

Mile High Connects

The "Denver Regional Equity Analysis, Mapping Access to Opportunity at a Regional Scale" examines equity implications of the Denver Metropolitan Region's existing and future transit network. Comprised of an extensive selection of GIS maps, the atlas analyzes current and future linkages between the region's economically disadvantaged populations and key resources including jobs, housing, education, and health services.

Mile High Connects (MHC) is an organization comprised of various non-profit organizations, philanthropic foundations, banks, and health organizations with a stake in the regional distribution of benefits generated by Metro Denver's 6.7 billion dollar transit expansion program. Two MHC members, the Piton Foundation and Reconnecting America, collaborated to produce a comprehensive spatial analysis of the accessibility and resource needs of the Denver Metro Region's economically disadvantaged population.

The document reveals that completion of the region's transit network will improve access to employment opportunities for low-income populations. Currently, many low-income households suffer from a mismatch between their places of residence and job locations. The suburbanization of poverty in the Metro region, in tandem with the dispersion of low-skill manufacturing jobs in industrial areas poorly served by transit, results in many low-income residents who are unable to take transit to work.

The expansion of the transit system, which includes the extension of transit service to suburban areas, will better connect low-income residents to job centers, as well as retail centers and hospitals. The report also suggests a continuing need to address regional equity issues, including the provision of "last-mile" connections that shorten the gap between transit stations and desired destinations.

The availability of affordable housing in proximity to transit stations constitutes another continuing equity issue. Between 2006 and 2030, the number of households demanding transit oriented housing is expected to rise from 45,000 households to 155,000 households. The atlas anticipates that this increased demand may lead to gentrification pressures and displacement in the absence of new mechanisms for managing the supply of affordable housing along transit lines.

Link: *http://milehighconnects.org/equity-atlas.html*.

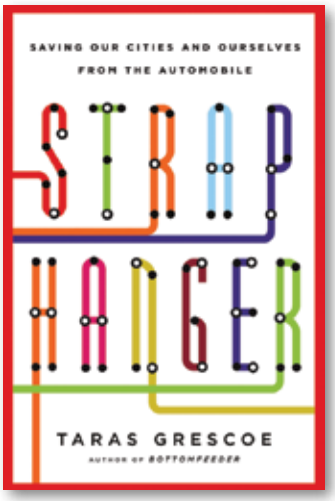
Riders getting off a RTD Light Rail train in Downtown Denver

WORTH READING

Straphanger

In his newly published book, *Straphanger*, Taras Grescoe offers examples of flourishing public transportation systems as part of a broader critique of automobile dependency. A blend of urban history, investigative journalism, and travelogue, *Straphanger* examines the personalities and politics behind public transportation systems in a dozen different cities from around the world. Grescoe's case studies are grounded in a broader set of observations of the environmental costs associated with car-centric living. As Grescoe notes, "This book is, in part, the story of a bad idea: the notion that our metropolises should be shaped by the needs of cars, rather than people." (17).

Among the transit success stories from which Grescoe draws inspiration is New York City's subway system. Grescoe also celebrates the high rates of bike-utilization in Copenhagen, the uplifting design of the Moscow Metro system, and the astounding passenger volumes carried by Bogota's Transmilenio bus rapid transit system.



Although he traces the ways that transit engenders vibrant urban places, Grescoe's case studies are not "best practices." He also documents how even successful systems are nonetheless challenged by obstacles to expansion, as well as the continuing rise of traffic congestion. Grescoe also offers case studies of transportation disaster stories such as Phoenix, which he describes alternatively as a "nightmare" and a "car-dependent, transit-resistant suburbia." Overall, though, Grescoe is optimistic about the capacity of transit investments to provide a high quality of urban life. In Los Angeles, for example, Grescoe sees the city's high densities, diverse demographics, and legacy of urban rail as key assets making possible the city's transformation into a transit-oriented metropolis.

Link: *http://www.harpercollins.ca/books/Straphanger-Grescoe-Taras?isbn=9781554686247*

TOD ONLINE RESOURCES

The following is a list of agencies, non-profit organizations and businesses that maintain useful information on TOD both nationally and within the region. The Land Use Law Center will continue to add resources to this list, which is also available on the newsletter's website at *http://www.law.pace.edu/landuse/todline/*.

Center for Transit-Oriented Development – *www.ctod.org*

Federal Transit Administration – *http://www.fta.dot.gov/12347_6932.html*

Metropolitan Transportation Authority – *http://www.mta.info/*

Mixed Income TOD News – *http://www.mitod.org/home.php*

Reconnecting America – *http://reconnectingamerica.org/what-we-do/what-is-tod/*

Regional Plan Association – *http://www.rpa.org/*

TODNews.com – *http://todnews.com/*

Tri-State Transportation Campaign – *http://www.tstc.org/issues/tod/*

TOD LINE *Contributors: Fall 2012*

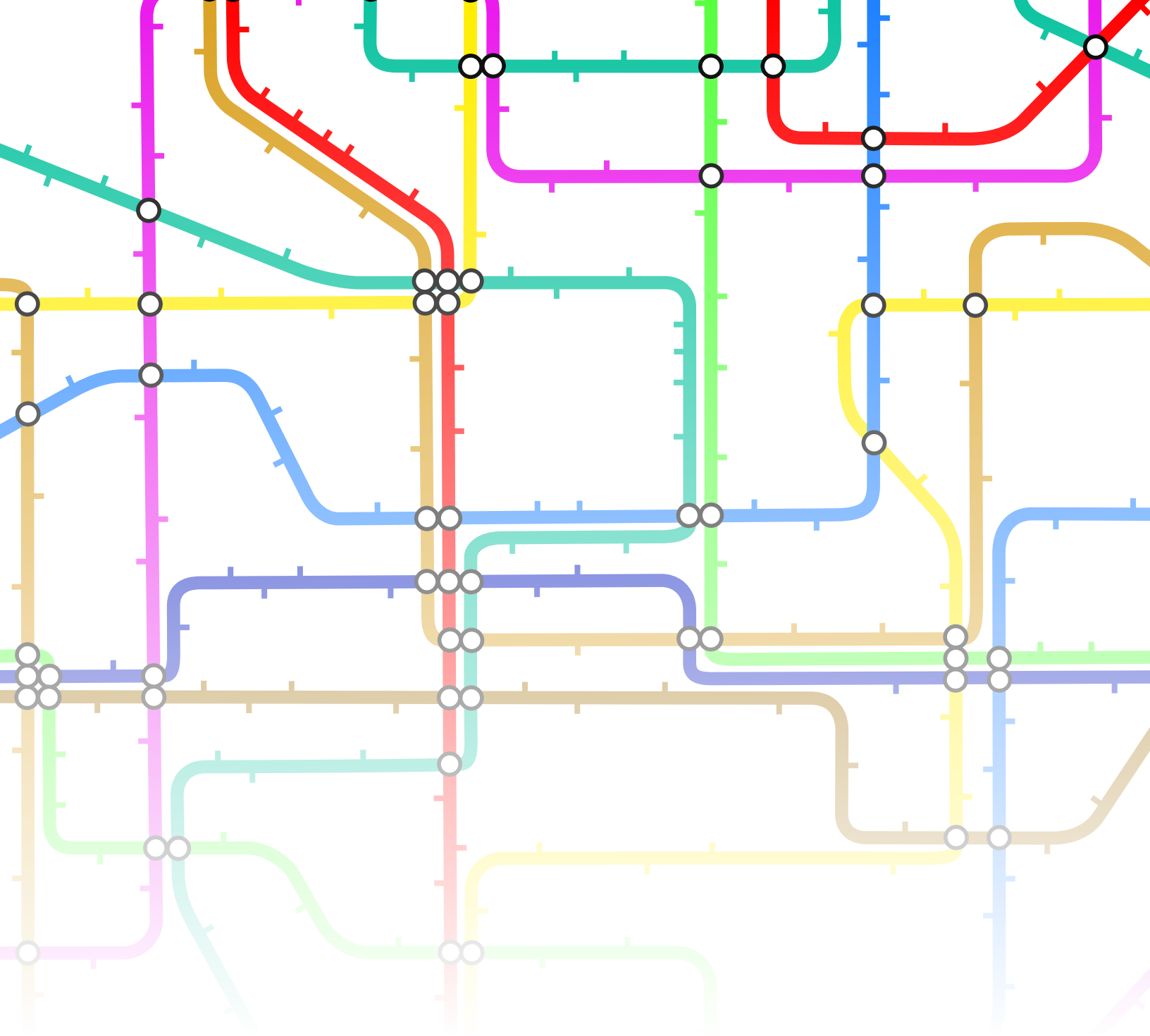
ARTHUR C. NELSON, PH.D. *(Envisioning the New American Dream)* is Presidential Professor of City & Metropolitan Planning at the University of Utah where he is also Director of the Metropolitan Research Center, Adjunct Professor of Finance, and Co-Director of the Master of Real Estate Development Program. His current work focuses on how demographic and economic forces along with shifts in housing preference will reshape America's metropolitan areas for the rest of this century. He has conducted pioneering research in public finance, development policy, smart growth, economic development, and metropolitan development patterns. Dr. Nelson has written more than 20 books, 100 refereed articles, and 300 other works.

JOHN R. NOLON *(Workable Strategies to Realize the New American Dream)* is a Professor of Law at Pace University School of Law where he teaches property, land use, and sustainable development law courses and is Counsel to the Law School's Land Use Law Center. He also directs the Kheel Center on the Resolution of Environmental Interest Disputes and has been Visiting Professor at the Yale School of Forestry and Environmental Studies since 2001. He has served as a consultant to President Carter's Council on Development Choices for the 1980's, President Clinton's Council on Sustainable Development, New York Governor George Pataki's Transition Team, and Governor Elliot Spitzer's Transition Team. Professor Nolon is also co-author of the nation's oldest casebook on land use law: Land Use and Sustainable Development Law: Cases and Materials.

DAVID KOORIS, AICP *(Connecting the Region)*, is the Director of the Office of Planning and Economic Development for the City of Bridgeport, CT. He previously served as Vice President and Connecticut Director of the Regional Plan Association, an independent, not-for-profit regional planning organization, founded in 1922, that focuses on recommendations to improve the quality of life and economic competitiveness of a 31-county New York-New Jersey-Connecticut region.

KEVIN DWARKA, PH.D. *(Transit-Oriented Development in New York City)* is an urban planner and policy analyst with 15 years of experience in transportation and land use planning in the United States and Israel. He has served as a Senior Planner at New York City Transit and a Senior Research Fellow at the Israel Union for Environmental Defense. He was a Senior Associate at Nelson Nygaard Consulting Associates and opened up the firm's New York City office. Dr. Dwarka is also an Adjunct Professor at Baruch College, where he teaches a suite of courses in land use, environmental policy, and economic development.

NYC Subway Train Riding Through Bronx, NY



We gratefully acknowledge the generous support of the foundation investors in the One Region Fund in the New York Community Trust: Fairfield County Community Foundation, Ford Foundation, Long Island Community Foundation, New York Community Trust, Oram Foundation, Rauch Foundation, Rockefeller Foundation, Surdna Foundation, Emily Hall Tremaine Foundation, and Westchester Community Foundation. We also thank the Fund for the Environment and Urban Life of the Oram Foundation, Inc. and the Congress for the New Urbanism for their financial contributions.

PACE LAW SCHOOL
PACE UNIVERSITY

Land Use Law Center
Pace Law School
78 North Broadway
White Plains, NY 10603

Phone: (914) 422-4262
Fax: (914) 422-4011
www.law.pace.edu/landuse