

**Building on 100 Years of Zoning:
Forces of Change for the Future**

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- » Thank you to Pace Law School,
 - + the Land Use Law Center,
 - + and the Center's Executive Director
Jessica Bacher for having me here today.

- » I am pleased to join you and discuss the evolution of zoning and smart growth.

- » I preface my remarks by warning you that prior to my years serving in elected office, — as Governor, as County Executive, and as County and City Councilmember —
 - + I taught for 27 years at the University of Maryland.
 - + My thoughts still tend to come in 55-minute increments — the length of my lectures.

» I will, however, attempt to boil down the key points into the time allotted to me today.

» As I am sure you are all aware, the 1916 Zoning Resolution was enacted to prevent the loss of light and air in New York City and set standards for building height and setbacks, thus beginning a long history of zoning in New York.

- » With modesty, and more recently, I will also tell you that Maryland started the first statewide smart growth program in the country in the mid 90s
- + Smart growth is a better way to build and maintain our towns and cities, with housing and transportation choices near jobs, shops and schools.
- + Great recognition must also go to Oregon and Washington State for their early and successful land use work.
- + Maryland's progress certainly stands on the shoulders of that work.

- » A perception was quickly established that smart growth was only for big cities and coastal communities
 - + This perception was often fueled by the critics of smart growth
 - + I used to hear things like “don’t Manhattan-ize Salisbury (40,000) or Long Island!” (Hofstra)
 - + Ironic because the first zoning laws were enacted to limit the growth of Manhattan.

- » Smart growth works for all kind of places
 - + Not limited by size
 - Large or small
 - Rural, suburban, or urban

- » Over time, we evolved how we talk about smart growth
- + Started primarily on environmental / open space / conservation / revitalization
- + We have refocused to make the fiscal case
- + **AND** made clear that this is **still good for environment**
- + Strong fiscally conservative, fiscally responsible policy can encourage the right decisions for the environment and protect open spaces and natural resources

- » We are using the same tools as before
- + We now highlight the returns on investment, saving money, promoting private sector investment, creating jobs, and addressing economic inequality
- + For example, when considering a proposal for a new subdivision, we must ask why the taxpayers should be paying for the roads, sewers, and more, to support a private investment out there somewhere
 - that not only costs the taxpayers but also is contrary to basic environmental goals
 - and often furthers the inequalities in our communities

- » Both zoning and smart growth, must continue to change in response to major forces impacting our world today.
- » As we celebrate 100 years of zoning it is evident that our policies have largely been reactionary.
- » We should remember: the reality is that people do not wake up one day and start thinking about the environment, or call their governor about smart growth
 - + Only when policy negatively impacts their everyday lives do they notice those decisions

- » Today, there are major forces driving the use of smart growth and land use in general.
 - + Understanding these forces can make us much more proactive than reactive.

- » The first force is our country's changing demographics, specifically two huge generations
 - » First is the millennials
 - + Over 83 million versus 75 million boomers
 - Represent 1/4 of the nation's population
 - Different lifestyles / work until 9pm
 - Raymond in Boise

- » A recent study by Smart Growth America found that businesses are relocating to attract millennials
- » Over 500 have relocated or expanded in downtowns over the past 5 years, the majority of which are in technology or other knowledge-based industries.
- + The majority of them cited wanting to attract the millennial workforce
 - Walkable
 - Mixed use
 - Transit
 - Examples: Marriott, FBI

- » The second demographic force is baby boomers
- + Seniors increasingly want to age in place, not move to South Florida, South Carolina, or senior homes
 - They need the ability to age in place, requiring changes in zoning codes to allow granny flats, accessory dwelling units, **and EVEN tiny homes** or micro units
 - They need more transportation options, safe, walkable streets, and gathering places
 - And they need transit to connect them to continuing employment and amenities

- » Another force driving the country toward smart growth tools is the shift in economic development needs
 - + Rise in the knowledge-based economy
 - + Office parks do not work anymore
 - + Rethinking Research Triangle Park
(explain)
 - I noted with interest a panel later this afternoon on “Changing Downtowns **and** Retrofitting Office Parks” —first time seeing those topics combined
 - + Communities recognize placemaking as an important economic development tool

- » Coupled with the cost of government and tougher budgets, how much can be wasted on sprawl versus saved with infill development?

- » Estimated that smart growth development:
 - + Costs 1/3 less for upfront infrastructure
 - + Saves an average of 10% on ongoing delivery of services
 - + Generates 10 times more tax revenue per acre than conventional suburban development

- » In Raleigh, the **.9** [point nine] square mile Central Business District generates **60** times the dining tax revenue of the over 800 square mile Wake County

- » A second major force impacting these policies is the constant need for climate change induced mitigation and resilience policies
- + We know that storms will only become stronger and more frequent
- + We know that climate change, droughts, massive rainfall, and floods are the new normal
- + There are a variety of ways to respond to this force:
 - Cuomo buyout vs. rebuilding
 - Building codes and hospital generators

- Insurance policies and subsidizing rebuilding known disaster zones
- Story: seeing home fall into Pacific Ocean, policies to rebuild

» The final force, and I believe the most important, is the growing inequality of the country. The shift of wealth to a smaller and smaller number of Americans is a force more powerful than the others combined.

» Just think of the often-repeated statistic that the top 1% of this country owns more wealth than the bottom 90%.

+ During a 3-year period, the Koch brothers' wealth **grew** by \$33 billion, now estimated

to be over \$85 billion.

[Wall Street on Parade, 4/24/13]

- + In that same time period, HUD reported that the number of homeless children enrolled in our schools now exceeds 1 million — the highest level ever recorded.
- + Yet one in four children in America lives in poverty.
- + We must understand that the majority of American revenue sources are not wages.

They include:

- Health support
- Quality free public schools
- Parks
- Affordable transit
- Affordable college

- + When these programs are cut or administered poorly, we cut the resource base of a majority of American families
- + Many of these resources depend on how and where we build
- + **AND** depend on transit / walkability / access to alternatives

» That is why the inequality is growing, and that is why the anger is growing.

+ My comments to the Baltimore Sun about the cause of riots

+ If I could waive a magic wand and eliminate all police conflicts, it wouldn't stop the urban riots.

+ There would be a different spark to ignite the anger and cause unrest.

- 51% unemployment in Baltimore

» When using smart growth tools to address these forces, we did not just need a change in the messaging

+ The policies that we call smart growth changed dramatically.

+ The great recession stimulated further changes in both language and primary goals

+ Sadly, this is all in the context of political realities – the missing action of the Federal government

- For example, cuts to transit funding

» Many states have stepped up to assume leadership

» The real action moving forward will be at the state, **regional**, and local level

» Today, smart growth / sustainability / resilience are not just environmental terms. They mean good economic development, job growth, cost effectiveness, fiscally responsible government, and prosperity.

» We see other examples of great leadership in:

- + Boulder, Colorado where devastating wildfires and flooding have led to an intensified focus on resiliency.
- + Pittsburgh is rapidly becoming a model of an older, seriously depressed industrial city transforming into a livable, sustainable, multi-modal community of future.
- + Or Carmel, Indiana which has become a model for how to retrofit a smaller suburb for sustainability, including bike lanes, a hybrid city vehicle fleet, encouraging walkability and higher density development.
- » These changes will not happen by themselves.
- » They require real leadership that understands the forces of change in this country.

- » Instead of constantly reacting to the latest
 - + financial crisis or budget cut,

- + massive community disturbances or riots,
- + hurricanes or other climate change-induced disaster,
- + our communities can better withstand the impacts of these incidents by changing the growth and development patterns.

» We can start with zoning, and include things like complete streets, resilient building codes, inclusive and affordable housing policies, and transit-oriented development.

» We must build on the first 100 years of land use decisions, **but also** understand the forces that impact us:

- + Our changing demographics
- + Shifts in economic development needs

+ A need for climate mitigation and resilience policies

+ And growing inequality

» Understanding all of that, I state strongly:
these changes **ARE** happening.

+ They are not projected or theories.

+ They are happening right now

» There are communities and local leaders who recognize these changes and are taking steps to address them — not just address but to harness the energy of these changes

- + Those are the communities that will prosper.
- + They will be multigenerational, they will be stronger, and they will be more equitable.
- + **Other** communities will continue to decline and continue to depend on reactionary policies.

- » Our discussions today will help determine which kind of communities we will have tomorrow.
- » Let us leave this conference ready to make the decisions that will give us the fair, equitable, strong communities for the future.

+ Not just for us, but for our children and their children.