

AN INFILL DEVELOPER VERSUS THE FORCES OF NO

BY PATRICK KENNEDY

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Many cities now recognize the value of promoting dense, mixed-use, infill development to enliven their downtowns, to provide affordable housing, and to improve transit ridership. But obstacles to such projects abound, among them reluctant construction lenders, skeptical mortgage financiers, and complicated building code requirements.

One of the biggest hurdles I've encountered as a developer of mixed use infill projects in Berkeley, California is the project approvals process, which invariably involves complying with the city's zoning ordinance. Many cities have ordinances that thwart the very kinds of developments they desire. In my experience, there are three particular areas of local zoning law that are most often used by city staff, opposition groups, and others to kill worthy projects.

DENSITY — The issue of density is one of the biggest sources of resistance to infill projects and the most misunderstood. The problem in many downtowns and city thoroughfares is the absence of people and their purposeful activity, not an excess of them. Samuel Johnson once wrote, "Men, thinly scattered make a shift, but a bad shift, without many things. It is being concentration that produces convenience."

The empty lots and vacant storefronts that stretch along Berkeley's University Avenue, the once proud gateway to my city, attest to the need for more density. Yet many projects are challenged on this ground alone, with the unsupported claim that more people would be detrimental to the area. In Berkeley, any "detriment" may be grounds for denial of a project, and "detriment" is often broadly defined, since no definition is given in the ordinance itself.

On one mixed use project I recently proposed on a vacant commercial lot abutting a residential neighborhood, a protester announced that "even one more person in this neighborhood or on this street would be detrimental."

The Zoning Board disagreed, recognizing that the site already had 36,200 cars going by it every day, and that the development might even have the beneficial impact of slowing them down. Cities must recognize that 3-5 story mixed-use buildings, in central locations and properly designed, do not represent a threat to any other residents of the city, but rather offer a source of vitality and rejuvenation.

PARKING — The first cousin of density, as a roadblock to infill development, is the parking requirement. The latter often wields more power to prevent projects since cities are less likely to grant, and opposition groups to accept, any reduction in it.

Many groups fight new projects purely on the grounds that they will exacerbate a parking problem.

Few seem aware that infill development in mature, central locations tends to reduce auto usage in a downtown or neighborhood, not increase it.

The parking requirement typically calls for at least one space per dwelling unit, and makes dense infill development physically and financially impossible, since few residential developments, particularly affordable or mixed use ones, can afford to build the underground parking garages necessary to accommodate them. The irony, of course, is that many people living in centrally located infill sites don't even need a parking space, and certainly don't want to have to pay for one they are not going to use.



Kennedy's mixed-use Shattuck Avenue Lofts.

OPEN SPACE — Another particularly troublesome requirement is open space, which, as Jane Jacobs writes in *The Death and Life of Great American Cities* (see sidebar), enjoys the slavish devotion of many city planners. Many city ordinances mirror this devotion, and make infill development all the more difficult, if not impossible. For example, the open space needed under the ordinance for a four story, infill project in downtown Berkeley that I recently considered is greater than the actual size of the lot. And the lot is across the street from U.C. Berkeley, a place with acres of open space. Another example of the perversity of the city's ordinance is that an entry front porch — where people naturally gravitate — cannot be considered open space, but a sideyard — with no direct access to a dwelling and only space enough for a garbage can and a lawnmower (10-foot-wide minimum) — can.

Despite these and other obstacles, things are changing on the infill development front. For the first time in recent memory, as a result of the efforts of groups like the Sierra Club and Urban Ecology, people are viewing new development as a positive way to enrich the downtown urban scene and improve its environment. In cities with depopulated and less-than-vibrant downtowns, it is rightly being embraced as an important solution to many urban ills. Before significant further progress can be made, however, cities must rethink their expectations for urban development, and revise their outdated zoning ordinances to reflect them.

"In orthodox city planning, neighborhood open spaces are venerated in an amazingly uncritical fashion, much as savages venerate magical fetishes. Ask a houser how his planned neighborhood improves on the old city and he will cite, as a self evident virtue, More Open Space. Ask a zoner about the improvements in progressive codes and he will cite, again as a self evident virtue, their incentives toward leaving More Open Space. Walk with a planner through a dispirited neighborhood and though it be already scabby with deserted parks and tired landscaping festooned with old Kleenex, he will envision a future of More Open Space. More Open Space for what? For muggings? For bleak vacuums between buildings? Or for ordinary people to use and enjoy? But people do not use city open space just because it is there and because city planners or designers wish they would."

Jane Jacobs

Patrick Kennedy is owner of Panoramic Interests, a Berkeley development firm, specializing in mixed-use infill developments. (www.panoramicinterests.com)