Driving Growth Through Transit-Oriented Development

By Hank Dittmar

Transit-oriented development (TOD) has been a planning buzzword for over a decade. The notion of lively, walkable places near transit appeals to many, as does the prospect of improving transit performance, reducing congestion, and reducing the amount of time busy families spend in the car.

Building high-performing TOD has proven to be difficult, though, and many of the first generation of such projects turned out to be transit-adjacent rather than transit-oriented. The design features of conventional suburban development positioned buildings behind big parking lots, yielded limited mixed use with little synergy between the uses and the transit station, and created an auto-oriented environment rather than a walkable one.

The reasons for these results boil down to the lack of a well-defined implementation path for these projects, and the lack of performance-based definition. Key to bringing TOD to scale is the creation of standards that can be replicated from community to community, and until such standards are created and recognized, TOD will succeed through clever exceptionalism, rather than because it is easy to do. Planning and zoning are at the heart of making TOD a replicable product. Getting the codes right and distinguishing development around transit from auto-oriented development will enable these projects to be entitled more quickly and financed more easily, and hopefully, to perform better. Coding for TOD involves understanding that there is interplay between density and land-use mix and levels of transit service. These vary in scale from downtown to urban neighborhood to suburb.

THE TRANSIT BUILDING BOOM AND CHANGING CONSUMER PREFERENCES

TOD has become a big issue because this country is in a building boom of rail and rapid bus systems. Thirty-five of the 40 largest metropolitan areas are engaged in the planning, engineering, or construction phases of a new transit start as of summer 2004. Light rail, streetcar, commuter rail, or bus rapid transit systems have opened in the last decade in such auto-oriented areas as Salt Lake City, Denver, San Diego, Dallas, Memphis, Sacramento, Portland, Seattle, St. Louis, Miami, San Jose, Minneapolis, and Houston. New projects are under construction in many more cities including Charlotte, Phoenix, Las Vegas, Orange County (California), and Tampa. This trend toward transit construction continues despite intense political opposition in most communities, limited federal resources, and an exhaustive federal review and oversight process that far exceeds what is required for highway projects.

This New Starts Project Review process is one reason for the growing popularity of TOD. Project sponsors must not only undergo environmental, cost-estimating, constructability, and cost-effectiveness reviews before receiving federal funds, but also must prepare future ridership projections and demonstrate that future land uses will support transit in the area around the stations. As this article went to press, the Federal Transit Administration was considering a proposal by an Urban Land Institute panel calling for more stringent requirements for transit operators to work with local authorities to implement comprehensive plan amendments and code revisions to support TOD during the engineering and
construction phases of federally funded transit projects.

The transit building boom and associated federal process help set the stage for the growing interest in TOD. Of equal importance is the changing nature of the demand for new housing in the United States, and growing consumer and employer preferences for mixed-use “24-hour” environments. This shift in real estate trends has been well documented in the Real Estate Research Corporation’s *Emerging Trends in Real Estate* report, and was borne out by a recent report from the National Association of Realtors that the median sales price of condos exceeded that of single-family homes for the first time ever in 2003. Writing in 2001, Dowell Myers estimated that one-third to one-half of the demand for new housing was for townhomes in walkable, denser environments.

In order to estimate how much of this coming demand might reasonably be accommodated around transit, the Center for TOD built a GIS database of every light rail, rapid rail, commuter rail, and bus rapid transit station in the U.S., and collected 2000 Census data for the one-half-mile radius around each station. We found that there were some 3,300 stations in the U.S., located in 27 metropolitan areas, and that 6.2 million households containing 14 million people were located within one-half mile of these stations.

The Center then collected household demand projections for 2025 for each metropolitan region that had fixed guideway transit in 2004 or was projected by the Federal Transit Administration to add fixed guideway transit by 2025. These projections were segmented by household type and age to achieve differential capture rates for each region. The Center projects that demand for housing near transit will grow from 6.2 million households in 2000 to 14.8 million households in 2025, an amount far greater than is being created by the market at this time, or is permitted by current zoning around transit.

### A TOD TAXONOMY

The standard definition of TOD, with modest exceptions, tends to force a one-size-fits-all set of solutions on the types of sites served by transit and the types of transit in communities. Peter Calthorpe’s work identified Urban TOD and Neighborhood TOD, and his approach recognized the differences between the types of places that ought to be located directly on a fixed transit line and those best located where only feeder service was possible. Other planners and designers have identified other types of stations and associated levels of development around them. Dover Kohl Associates, in their work for the Tampa Major Investment Study, identified four types of stations: neighborhood walk-up stations, neighborhood stations, community stations, and regional stations.

But regions are sophisticated places, with a multitude of conditions to serve. The types of strategies that might be appropriate in older neighborhoods close to downtown are certainly different from ones that might work in suburban contexts, even with similar density goals. The TOD typology is an attempt to recognize the important differences of places and destinations within regions and then identify appropriate performance and descriptive benchmarks for these places. Our intent is to display some of the complexity that must be addressed and simultaneously to bound the range of choices so that they are both manageable and recognizable.

Our approach is to use case studies of built projects and mature places to set loose boundaries to a range of TOD types. These boundaries are simply goals that need to be revised and refined as more exemplary developments come on line and demonstrate performance. The following typology of places is a starting point for defining the common types of TOD and distinguishing them in terms of their roles and functions within regional systems.

### GENERAL TYPOLOGY OF TOD PLACES WITHIN A METROPOLITAN REGION

**Urban Downtown.** In recent years, the role of downtowns has changed, as regional and global economic dynamics have shifted a significant portion of jobs from central cities to the suburbs. Downtowns have reemerged as civic and cultural centers, in addition to serving as hubs of employment activity and again becoming residential centers.

**Urban neighborhood.** Virtually every region has a set of historic neighborhoods that surround the downtown and provide housing, shopping, and services for employees and their families. Today, urban neighborhoods provide moderate- to high-density housing in highly livable settings: Shopping is typically located along a central shopping street or key crossroads, schools and parks are integrated into the neighborhood, streets are designed for multiple purposes, and frequent transit is within a five- to 10-minute walk. These neighborhoods provide affordability and convenience for residents and are attractive to urban dwellers.
**Suburban town center.** Suburbs are evolving into an entirely new pattern. Small towns engulfed by growth are becoming job centers of equal importance to their central cities. The result is the development of suburban town centers. While these may need to connect into the traditional radial system—for urban downtowns are still core job centers—they may also have developed the need for their own connective tissue.

**Suburban neighborhood.** A suburban community located on a light rail or rapid bus line, with access to either a subregional center or to the urban downtown, offers the opportunity for some densification of land uses around the stop. Multifamily residential homes are close to the station, and single-family detached are farther away.

**Neighborhood transit zone.** Typically, neighborhood zones consist of a transit stop (bus or streetcar or light rail) with limited neighborhood-serving retail or office, in a largely residential area. It has local transit service, bus, or streetcar with frequencies of 20–30 minutes and requires at least seven units per acre.

**Commuter town center.** A commuter town is a freestanding community outside the conurbation, served by rail or bus commuter service to the downtown core. The station area can be developed as a “Main Street” center, with neighborhood retail, perhaps professional office, and some multifamily residential within the inner walking core of the TOD zone.

The key feature of this typology is that it begins to look at TOD as a type of development that varies across a metropolitan area, in terms of densities, appropriate land uses, and the levels of transit service that can be supported at these levels of land-use intensity.

We compared these densities with actual average densities within one-half mile of transit stations, in order to see how close current densities at existing stations were to the project-based goals outlined above. Most existing stations are in historic transit cities like New York, Chicago, Philadelphia, and Boston, and so they reflect more historic patterns of development than do the new and emerging systems in cities like Salt Lake City, Los Angeles, Houston, and Denver. Table 1 depicts our findings.

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**Table 1: Ideal TOD Types vs. Reality**

<table>
<thead>
<tr>
<th>TOD Typology</th>
<th>Project-Based Density (du/acre)</th>
<th>Current Density (du/acre)</th>
<th>Difference (du/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Downtown</td>
<td>60</td>
<td>69.8</td>
<td></td>
</tr>
<tr>
<td>Major cities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Downtown</td>
<td>60</td>
<td>31.5</td>
<td>28.5</td>
</tr>
<tr>
<td>Mid-sized cities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Neighborhood</td>
<td>20</td>
<td>8.5</td>
<td>11.5</td>
</tr>
<tr>
<td>Suburban Town</td>
<td>50</td>
<td>3.8</td>
<td>46.2</td>
</tr>
<tr>
<td>Center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suburban Neighborhood</td>
<td>12</td>
<td>0.7</td>
<td>11.3</td>
</tr>
<tr>
<td>Commuter Town Center</td>
<td>12</td>
<td>3</td>
<td>9</td>
</tr>
</tbody>
</table>

This comparison shows that, with the exception of urban downtowns, virtually all types of neighborhoods have room for additional housing within walking distance of stations. Clearly, potential demand for housing near transit will outstrip the supply unless dramatic efforts are taken to permit densification near stations. The dramatic growth of new systems in fast-growing metropolitan areas like Southern California, Denver, Phoenix, Charlotte, and Dallas/Fort Worth offer the greatest opportunity for accommodating this demand.

The potential benefits of reorienting zoning near transit to performance-based goals are great. Perhaps the best example is Arlington County, Virginia, which has attempted to concentrate development around its five MetroRail stations since the 1970s. The results have been impressive: The half-mile radii around the five stations now contain 18.3 million square feet of office development, 3.3 million square feet of...
### Table 2: TOD Types and Characteristics

<table>
<thead>
<tr>
<th>TOD TYPE</th>
<th>Land-Use Mix</th>
<th>Minimum Housing Density</th>
<th>Regional Connectivity</th>
<th>Frequencies</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Downtown</td>
<td>• Office Center • Urban Entertainment • Multifamily Housing • Retail</td>
<td>&gt;60 units/acre</td>
<td>High</td>
<td>150 Minutes</td>
<td>• LoDo, Denver • Printer’s Row, Chicago • Embarcadero, San Francisco</td>
</tr>
<tr>
<td>Urban Neighborhood</td>
<td>• Residential Retail • Class B Commercial</td>
<td>&gt;20 units/acre</td>
<td>Medium</td>
<td>10 Minutes Peak 20 Minutes Off-peak</td>
<td>• Mockingbird Station, Dallas • Wicker Park, Chicago • Barrio Logan, San Diego</td>
</tr>
<tr>
<td>Suburban Center</td>
<td>• Primary Office Center • Urban Entertainment • Multifamily Housing • Retail</td>
<td>&gt;50 units/acre</td>
<td>High</td>
<td>10 Minutes Peak 10–15 Off-peak</td>
<td>• Arlington Heights, Ill. • Addison Circle, Addison, Tex. • Downtown Plano, Plano, Tex. • Rosslyn Ballston Corridor, Arlington County, Va.</td>
</tr>
<tr>
<td>Suburban Neighborhood</td>
<td>• Residential • Neighborhood Retail • Local Office</td>
<td>&gt;12 units/acre</td>
<td>Medium</td>
<td>20 Minutes Peak 30 Minutes Off-peak</td>
<td>• Maplewood, N.J. • Ohlone Chenoweth, Santa Clara County, Calif. • The Crossings, Calif.</td>
</tr>
<tr>
<td>Commuter Town Center</td>
<td>• Retail Center • Residential</td>
<td>&gt;12 units/acre</td>
<td>Low</td>
<td>Peak Service Demand-Responsive</td>
<td>• Prairie Crossing, Ill. • Suisun City, Calif.</td>
</tr>
</tbody>
</table>

retail development, and 22,500 housing units, with several thousand more in the pipeline. All this has been accomplished with consistent political and popular support largely because the county has kept its promise to protect the largely single-family neighborhoods outside the corridor from redevelopment. This has enabled the county to pursue the “transit bull’s-eye” strategy with a broad variety of planning tools, including redevelopment plans and zoning changes, sector plans for each station, site plan review, and targeted strategies for historic preservation, affordable housing, and transportation demand management.

Perhaps the most compelling reason for undertaking this work appears in Arlington County’s financial results. In 2002, of total property tax levies of $277 million, $90.9 million, or 32.8 percent, came from the seven percent of the land area within one-half mile of the five stations, enabling Arlington County to have lower rates than neighboring Fairfax County.

These financial results let Arlington County provide quality service to all its residents. TOD facilitates the capture of financial and environmental value for residents and local government alike. That is the key reason for changing zoning codes to make this form of development easier to build.

**RESOURCES**


Using Zoning to Reap the Benefits of TOD

By Ellen Greenberg, AICP

The practice of transit-oriented development (TOD) is maturing. So, too, is the definition of TOD, which is evolving from a relatively narrow early emphasis on joint development to a current understanding of the much broader potential for TOD to bring benefits at scales from the household to the region.

Early definitions were focused on land value capture and increased transit system ridership, but the present approach is comprehensive. It positions TOD as one important strategy in responding to the challenges of mobility, regional structuring, and demographic change, as discussed in the accompanying article by Hank Dittmar. This article argues that, to use this strategy successfully, local governments should identify TOD zoning efforts as part of their regulatory work programs. It reviews a set of performance objectives that define TOD, identifies three sets of physical characteristics of TOD, and then discusses three reasons to treat TOD zoning as a distinct (and important) regulatory effort.

NEW THINKING ABOUT TOD

Current efforts to advance the practice of TOD are introducing performance-based definitions. In The New Transit Town (Island Press, 2004), Hank Dittmar and Shelley Poticha propose and discuss five main goals that together characterize TOD. This complex set of objectives distinguishes zoning for TOD from many other regulatory activities. The objectives are:

- Location efficiency: The conscious placement of homes in proximity to transit systems, crucial to building a region that is both equitable and efficient.
- Rich mix of choices: A mix of land-use and mobility options that expands opportunities for households of different incomes and people of different abilities.
- Value capture: For local governments, higher tax revenues from increased sales and property values; for the transit agency, both lease revenue and increased fare-box revenue; and for households, reduced transportation expenditures leading to opportunity for wealth creation through home ownership.
- Place making: Creation of well-used and well-loved places of enduring value.
- Resolution of the Tension Between Node and Place: Design and management that together satisfy the needs of the transit system’s operators and riders and the requirements of the performance objectives relating to place and community.

These objectives form a set of aspirations for TOD that extend far beyond earlier conceptions. They anticipate benefits that accrue not just to the transit property but also to residents and businesses of the station area, users of the transit system, and the broader community. Zoning is among the tools to realize these benefits.

Expressed above in a universalized form, these objectives can and should take unique shape in the process of crafting, adopting, and implementing local land development regulations. Importantly, their applicability is not limited to urban downtowns but has relevance for places in a variety of settings characterized by different land-use mixes, site design characteristics, and densities.

ABCs OF TOD

TOD must be addressed through both ordinance text and map because use, design, and spatial relationships all come into play. Three related sets of physical characteristics are key, and they are rarely achieved by individual real estate developments. Thus, there is a problem with the frequent use of the term “TOD” to refer to single projects, given the fact that they usually cannot by themselves create these features. The few exceptions are projects that have both large sites and complex development programs. Realizing these physical characteristics and the performance goals above more typically requires the interplay of many projects, planned and constructed over a long time, that together create an urban fabric that provides support for and benefits from a high-quality public transit network.

Departing from the narrow notion of a transit-oriented project is the concept of the “transit zone,” the area within a one-half-mile radius of a transit station or stop. In Hidden in Plain Sight: Capturing the Demand for Housing Near Transit, a forthcoming report, Reconnecting America’s Center for Transit Oriented Development uses the transit zone as a basis for analysis of both characteristics and opportunities associated with TOD.

The ABCs of TOD are essential building blocks for a successful transit zone. They are:

- Active, walkable streets. Places where people take transit are places where people walk. Every transit trip starts and ends with a walking trip, and places where walking is comfortable and appealing have a larger catchment area for transit patrons who access the system by foot. For non-transit riders, active, walkable streets are one element of a “park-once” district, where walking connects multiple destinations. The interplay of public and private spaces in creating walkable streets means that localities should mesh their TOD zoning efforts with standards for streets, transit stops and stations, and other elements of the public realm.

- Building intensity and concentration. Regulation of building intensity is familiar territory for zoning drafters and administrators. However, regulating for density and concentration that support transit productivity is a specific objective that may require new approaches and understandings. Intensity relates to development on individual sites,
Planning and zoning professionals ask, quite reasonably, whether it is useful or even accurate to identify TOD zoning as a distinct type. Indeed, localities nationwide have, over the past years, reformed their land development regulations in order to create mixed-use environments, reinforce qualities of traditional urbanism, and make walkable streets. In many cases, the principles of New Urbanism have directly informed these efforts. Notable examples come from places as varied as Milwaukee, Davidson, North Carolina, and Boulder, Colorado. Increasingly, these reforms focus attention on the form of buildings, the spatial relationships among them, and the public spaces they collectively create, rather than on the regulation of use (see “Form-Based Zoning,” May 2004). In the urban context, these qualities are foundations of a transit-supportive place.

TOD zoning is a distinct regulatory tool, notwithstanding the fact that provisions supportive of transit service increasingly influence many ordinances. Local governments working to capitalize on transit investments and boost transit productivity will do well to recognize this distinction in their planning and zoning efforts. Whether the physical context is highly urbanized with a dense, multimodal service network or a suburban neighborhood with a single commuter rail station and feeder bus service, there are reasons to single out the transit zone for special attention. Likewise, the regulatory climate (i.e., the local political and market factors that influence how new regulations combine the use of incentives, mandates, and options to stimulate desired forms of development) does not influence the basic need to zone deliberately and carefully for TOD.

The following section covers three important reasons why TOD zoning should be recognized in planning and community development departments as a distinct activity.

The land use and transportation connection. Research findings on the relationships between land use and transportation should inform zoning for TOD. In auto-oriented urban and suburban contexts, zoning provisions addressing residential density and commercial intensity may be based on any number of concerns, including desired building type or form, market demand for different products, or infrastructure capacity. In the transit zone, added to these more typical considerations is the need to apply a body of knowledge that provides a basis for regulating density, form, and use to support both transit productivity and urbanism.

This is an area of ongoing research with relevant data assembled for almost 30 years. Some results are contradictory, and many are complex, but they nonetheless deserve careful study. The seminal work, Pushkarev and Zupan’s Public Transportation and Land Use Policy (1977), conveys the fundamental importance of both density and concentration of activity at both ends of the transit trip in supporting transit. In the decades since its publication, practitioners and researchers alike have gained an appreciation of the complexity of land-use/transportation relationships. Most important has been the increased attention to the impacts of site and building design, provision for multimodal mobility, parking supply and management, and land-use mix as they affect mode choice, trip making, and auto ownership. Each of these is addressed in research findings that should play a role in local regulatory decisions. Yet another important set of factors pertains to programmatic elements that may not have direct consequences in the built environment but have notable influence on travel behavior—foremost among these is pricing, particularly for parking.

Published in 2003, TCRP Report 95, Chapter 15: “Land Use and Site Design,” provides a very useful synthesis of the research on land use and site design. In a forthcoming publication based on a series of case studies, the Center for Transit Oriented Development proposes normative residential density minimums and generalized land-use mixes for the transit zones associated with each of five types of TOD, shown in Table 2 on page 5.

The results of applying data from well-designed studies of interactions between land use and transportation can extend beyond even the performance objectives described above. For example, there is considerable evidence of the power of certain land-use and design factors to influence the decision to walk. Proper application of this information through zoning and development can yield benefits ranging from improved public health to increased independence for youth and the elderly, along with improved air and water quality and housing affordability, all of which come from reduced parking and increased walking.

Dual roles for the transit zone. The centers of the transit zone (sites that incorporate stations or stops) will each serve two essential roles, as both gateways to the transit system and individual development projects. The challenge of successfully addressing both roles demands customized planning and zoning.

Every transit zone is composed of two types of sites—the many that together comprise the fabric of the place, and the few that integrate transit stops or stations. The latter group are the sites of gateway projects, which of all TOD efforts are most influenced by the challenging dichotomy of node and place. (These projects are discussed at greater length in Chapter 4 of The New Transit Town, which reports on the author’s study of 12 built projects in transit zones). A key finding was that successful gateway projects demand customized planning and zoning. Agencies sponsoring such efforts have learned that they require detailed, lengthy planning efforts, usually involving many parties. These are the projects of greatest interest to the transit operators as well as to transit users. Frequently, gateway projects are approved as planned unit developments (PUDs) or through adoption of a specific plan or station area plan that integrates policy and regulatory content. Both approaches have the advantage of being familiar to many local agencies, though they may not have been used previously in the service of TOD.

Within the transit zone but outside the gateway sites, an almost opposite approach is needed. In these locations, typical projects should be subject to zoning standards that...
result in the blend of uses, site design features, and intensity that yield desired activity and mobility. Standards for the quantity, management, and placement of parking should be carefully crafted for these districts, reflecting the lower auto ownership in transit-oriented districts as well as the destructive impact on urban quality of poorly placed surface parking. Added to these provisions should be an administrative process that makes the review and approval of conforming projects as simple and time-efficient as possible. When this approach is used successfully, multiple projects incorporating essential characteristics of TOD build the urban fabric of the transit zone. Boulder, Colorado, provides a notable example. The city has approved multiple projects that meet its transit zone objectives under recently adopted mixed-use zoning districts that allow approval of conforming projects as of right.

**Spatial arrangement of the TOD.** The most effective TOD is arranged spatially to create a network of places that together offer the full range of potential benefits of TOD. Larger jurisdictions in particular have a tremendous opportunity to create an integrated land-use and transportation system—first through comprehensive planning and then through zoning—to establish a city-scale pattern of transit zones. In this regard, the zoning map rather than the ordinance is instrumental. For smaller localities or those served by transit operators crossing jurisdictional boundaries, mapping TOD may require considerable interagency collaboration.

TOD mapping efforts should address both ends of the work trip as well as the potential for neighborhood-to-neighborhood connections. In many cases, transit corridors should be the emphasis of TOD mapping, with density, land-use mix, and design elements focused at key stops and transfer points, particularly where transit connections provide access to common commuting or shopping destinations.

An example is San Diego’s effort to align its planning for transit stations and corridors with its overall community development goals through its “City of Villages” plan. This strategy supports mixed-use buildings and higher densities around transit stations and is consistent with the regional comprehensive plan being prepared by the San Diego Association of Governments (SANDAG) and with the regional transportation plan. The city has been working toward implementation of TOD guidelines for more than 10 years. Steps have included adopting zoning code amendments, amending community plan land-use designations and zones, and requiring that guidelines be used as a part of the development review process on selected sites. All City of Villages projects are subject to the TOD guidelines, and a Pilot Village program is underway to provide on-the-ground examples of the City of Villages/TOD strategy.

Station-area zoning supplements other community development strategies in many places. Atlanta recently implemented four “Quality of Life” districts: Live-Work (LW), Neighborhood Commercial (NC), Multifamily Residential (MR), and Mixed Residential Commercial (MRC). These ordinances depart from the city’s conventional districts and are intended to strengthen or establish traditional neighborhood character, encourage pedestrian activity (through sidewalk requirements, urban building forms, active street-level uses, and maximum block sizes), and promote mixed-use buildings. Additionally, the city has adopted goals relating to TOD, and as part of the implementation strategy has sponsored several Transit Station Area Development Studies (TSADS). In the case of Lindbergh City Center, a major TOD effort, the TSADS study was followed by customized urban design provisions and density bonuses for new streets and parks, codified as the Lindbergh Special Public Interest District (SPI-15). The Metropolitan Atlanta Rapid Transit Authority’s participation is crucial to the success of the city’s TOD goals, serving over 1.5 million people in the city of Atlanta and in Fulton and DeKalb counties with 38 stations, 47.6 miles of rail, and 125 bus routes.

Like San Diego, Seattle is addressing TOD through both comprehensive planning and zoning. In 1996, Puget Sound voters approved the Sound Move plan to tax themselves in order to construct a new mass transit system, which includes a light-rail system currently under construction. In 1998, Seattle created the Station Area Planning (SAP) program to integrate the proposed light-rail stations into the city’s communities. SAP advocates mixed-use buildings as well as increased densities and housing types to create walkable downtowns and neighborhoods, building on the Seattle comprehensive plan’s Urban Village strategy. The SAP program was implemented in three parts: developing concept-level station area recommendations to describe a vision for each station area and future actions to achieve
the vision; adopting a station area overlay district within a quarter-mile (walking distance) around proposed stations to address non-conformity issues; and targeted rezoning to address use mix, development standards, and street design. The region’s extensive transit system includes bus, trolley, and streetcar services provided by King County/Metro as well as the regional Sound Transit/RTA service, which includes commuter heavy rail, light rail, and regional express buses.

CONCLUSIONS
Zoning plays a pivotal role in the creation of TOD, with ordinance text and map each addressing different aspects of implementation unique to TOD. The ordinance text specifies the land-use mix and design features that together create active, walkable streets and appropriate development intensities. The mapping of TOD zoning can help create a network of transit-oriented places corresponding to an existing or planned transit system. Ideally, both text and map are strengthened by links to the policies and diagrams of the local comprehensive plan.

Decisions about both text and map should be informed by a comprehensive set of objectives for TOD and an understanding of research findings related to transportation and land-use interaction. Sustained application of these data should yield the widest array of benefits associated with TOD.

NEWS BRIEFS
INGLEWOOD VOTERS SAY NO TO WAL-MART
By Rebecca Retzlaff, AICP
Voters in Inglewood, California, said no to April ballot initiative 04-A, sponsored by retailing giant Wal-Mart, to construct a new Wal-Mart store and commercial development on 60 acres of vacant land. The measure would have bypassed the usual public hearings and review processes normally required for developments of this size. More than 60 percent of Inglewood voters opposed the measure.

Wal-Mart officials opted for the ballot initiative after the Inglewood city council passed an ordinance banning new retail stores larger than 155,000 square feet that sell 20,000 or more food items. The ordinance was later repealed when Wal-Mart threatened a lawsuit.

The initiative was put to California voters under a state law that allows construction projects to bypass regular municipal review processes and be submitted to voters as a ballot initiative. Wal-Mart supporters gathered the necessary 6,500 signatures to put the measure on the ballot. The company spent more than $1 million trying to win over Inglewood voters.

Numerous elected officials, citizens, churches, business owners, community groups, political groups, and labor unions came together to oppose the ballot initiative.

Local chapters of the United Food and Commercial Workers Union and the Hotel and Restaurant Employees Union joined forces with the coalition against it. Wal-Mart employees are not unionized.

According to Lizette Hernandez, a lead organizer with Los Angeles Alliance for a New Economy, the initiative would have set a dangerous precedent by allowing a corporation to circumvent the California Environmental Quality Act (CEQA) and would help Wal-Mart build other super centers in California. The company’s super centers include the usual line of Wal-Mart retail merchandise plus a full line of grocery items. The 75-page initiative required a simple majority vote to pass, although it required a two-thirds majority vote to invalidate or make any changes to the plan.

According to Hernandez, the initiative would have removed elected officials and the public from the decision-making process. “Basically they were creating their own plan and cutting out the community from any input into that plan,” she says. Hernandez also says that, while Wal-Mart was aware of city codes in the plan for the store, there was still concern about environmentally sensitive land, stormwater runoff, traffic, and noise. Wal-Mart believed that the new store would be an easy sell to the community. “I think that they were banking on the community choosing low prices over smart choice and smart growth,” she said.

Bob McAdam, vice president of State and Local Government Relations for Wal-Mart, said that the company is “disappointed that a small group of Inglewood leaders together with representatives of outside special interests were able to convince a majority of Inglewood voters that they don’t deserve the job opportunities and shopping choices that others in the LA area enjoy.”

With plans to build 40 super centers in California, the Inglewood ballot initiative could be the first of many fierce battles between the retail giant and communities across the state. Consequently, some California communities have taken an offensive position. Oakland enacted an ordinance that prohibits large combined retail and grocery commercial uses. Contra Costa County planners drafted an ordinance that would

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A CHURCH BY ANY OTHER NAME

By Lora Lucero, AICP

The Third Circuit Court of Appeals recently cited APA’s Glossary of Zoning, Development and Planning Terms (Planning Advisory Service Report No. 491/492) when it pondered what constitutes an “assembly hall” (Lighthouse Institute for Evangelism, Inc. v. City of Long Branch, Third Circuit Court of Appeals, Decided May 28, 2004, ___ ___.). Does a church qualify as an assembly hall in a community that allows the assembly hall as a permitted use in the C-1 zone, but not the church? Such conundrums confront communities everyday, highlighting the importance of providing clear definitions in the zoning ordinance.

When Lighthouse Mission applied for a zoning permit to operate a church on property in the C-1 zone, the city of Long Branch, New Jersey, denied the request and advised the church it would have to seek a use variance, a site plan approval, and a parking variance. Rather than pursue the variance or any other administrative relief, Lighthouse Mission went directly to court to challenge the zoning ordinance both as written and as applied to the church.

The church argued that the city’s denial was wrong because the church is similar to an assembly hall. If an assembly hall is a permitted use, then a church should be too. Since the city’s zoning ordinance did not define assembly hall, the church pointed to APA’s Glossary to support its contention because each definition for assembly hall includes religious assemblies (see sidebar).

Co-editors Michael Davidson and Fay Dolnick reviewed zoning ordinances from around the country to find the most commonly accepted definitions for terms planners use every day.

The court noted that the term “church” may encompass a range of activities that might extend beyond the concept of an assembly hall. Denial of the application for a church, the court concluded, does not establish what action the city might have taken on an application by Lighthouse Mission for an assembly hall. Furthermore, Lighthouse Mission made no attempt to associate its proposed use with the assembly hall category, and nothing in the record showed that only secular assembly halls are allowed, as the church contended.

The court concluded that Lighthouse Mission failed to show it had a reasonable likelihood of succeeding on its First Amendment and RLUIPA claims, so the request for a preliminary injunction was properly dismissed. The court affirmed the district court’s denial of the church’s request for injunctive relief; the case now proceeds back to the district court on the facial claims. Although the opinion has no precedential value, it demonstrates the importance of clearly defining the zoning, planning, and development terms found in development codes. Success or failure in the courtroom may very well hinge on a single term.

Laura Lucero is a land-use attorney in Albuquerque, N.M. The Lighthouse brief is available to Zoning Practice subscribers by contacting Michael Davidson, Editor, Zoning Practice, American Planning Association, 122 South Michigan Avenue, Suite 1600, Chicago, IL 60603, or send an e-mail to mdavidson@planning.org.
or poorly designed commercial space. Where zoning requires a building’s ground floor to contain commercial space, the ceilings of the commercial area must be at least 13 feet high, and the commercial interior must typically be at least 800 square feet — tall enough and spacious enough to suit business purposes. In recent years, some developers responding to the intense demand for housing had erected buildings whose ground floors contained low-ceilinged or ill-configured commercial space, which "would just sit vacant," according to Bishop.

With help from Chicago-based Farr Associates, the writers of the new code identified 30 pedestrian-oriented neighborhood shopping streets and eight six-corner intersections (where diagonal streets cross the rectangular street grid) to be protected. Those 38 areas will be classified as "pedestrian streets" (P streets), safeguarding them from intrusions such as front parking lots, driveways, and drive-through windows. On P streets, buildings must come within five feet of the sidewalk, have entrances facing the street, and have much of their ground-floor facades composed of "clear, nonreflective windows that allow views of indoor commercial space or product display areas." That portion of the code should help preserve six-corner intersections with their distinctive flatiron-shaped buildings.

Most areas of the city will automatically convert to the new zoning classifications. But the city must also carry out a mapping process, lasting perhaps two years, to decide where some of the new categories will apply. To pare down the 600 to 700 miles of street frontage that were filled with retailers during the streetcar era but now have a hard time competing with larger shopping centers, the new code introduces "Business-2" districts, where owners are permitted to convert ground-floor commercial space to residential use. Peter Skosey, vice president of the Metropolitan Planning Council, a business-backed regional planning group, says B-2 zoning is an important innovation that "lets the market decide" the fate of much commercial street frontage.

Larry Lund of Real Estate Planning Group, a retail consulting organization, says that with the new code, Chicago "starts to address some of the New Urbanist concerns about form," such as "having buildings hold the corners in the commercial areas, eliminating setbacks, and maintaining the street line." In the downtown, which continues expanding beyond the Loop and now is home to an estimated 100,000 residents, the new code authorizes mixed use almost everywhere. The code authorizes downtown office developers to build higher if they contribute to the city’s stock of affordable housing or provide other benefits. Says Jack Swenson, Chicago’s deputy commissioner of planning and development: "We’re very proud of the fact that we brought a lot of innovative ideas into the code and that we accomplished it in a four-year period."

The code is online at www.cityofchicago.org/Mayor/Zoning/. Philip Longdon is the senior editor of New Urban News.

Cover photo of transit-oriented development in Portland, Oregon, provided by G. B. Arrington.

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