TOD LINE
LAND USE LAW CENTER
PACE LAW SCHOOL
WINTER 2013

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

Issue Overview

Welcome to the second issue of the TOD Line. The newsletter begins with a look at the critical role that TOD is playing on Long Island to aid communities there to meet the Island's significant need for multi-family housing. TOD will be a major factor in the success of Long Island's housing future if local leaders continue to champion its use and there is a regional commitment to fund infrastructure improvements that are supportive of growth in transit- centered locations. The issue then provides updates on two projects where public transit serves as a central element of their success: the mixed-use Hudson Park project in Yonkers, NY, and the new Barclays Center Arena in Prospect Heights, Brooklyn. The remainder of the newsletter looks at tools and resources that will assist communities in their efforts to promote, establish and support TOD, including a discussion about the Tri-State Transportation Campaign's Transit-Centered Development Grant program and an interview with Bob Paley, Director of Transit-Oriented Development for the MTA.

Using TOD to Transform Long Island's Housing Stock to meet 21st Century Demands

Jan Wells, Former Associate Director, Permanent Citizens Advisory Committee to MTA

THE PROBLEM

Long Island, once the paragon of the American Dream – homeownership, quality education and a well-paying job – is now struggling to maintain that prestige. Powerful demographic, economic, and governance forces have reduced the once robust Long Island housing market of the 1950s and 1960s to a trickle. The baby boom birth cohort (1946–1964) is aging, shedding their McMansions and seeking more manageable dwellings; the once job-rich aircraft and defense industry is now gone; and the myriad layers of governmental entities (counties, towns, cities, incorporated villages, and hundreds of special districts and authorities) not only make development approvals complicated, they have (along with education costs) driven taxes well above the rate of inflation over the last decade.

Long Island is losing out to the other New York City suburban areas and the City itself.

From a peak of 11,500 permits in 1986 to a mere 1,500 in 2010, Long Island is losing out to the other New York City suburban areas and the City itself. According to the Long Island Index, in the 2000–2010 decade Long Island issued 16 residential building permits per 1000 residents, compared to 25 in southwestern Connecticut, 27 in the Hudson Valley, and 31 in northern New Jersey

Moreover, not only has the volume of housing units dropped, but the composition of new housing stock remains dominated by single-family detached units. In the 2000–2010 decade only 21

Continued on page 10

TOD LINE *Calendar*

12th Annual New Partners for Smart Growth Conference: Building Safe, Healthy, Equitable and Prosperous Communities, **February 7–9, 2013**, Kansas City Convention Center, Kansas City, MO. The conference will explore practical strategies for identifying and overcoming barriers to more sustainable development in the Midwest and the rest of the nation. TOD panels include: *Building Capacity for Equitable Transit-Oriented Development in Diverse Communities* and *How Local Governments Can Support Mixed-Income Transit-Oriented Development*. For more information, please visit http://www.newpartners.org/

High Speed Rail Summit sponsored by the US High Speed Rail Association, **February 11-13, 2013**, Washington, DC. Catch up on the latest trends in real estate development at rail stations and hear from the leaders in the industry. Successful developers will present projects and concepts. Industry executives, designers, and leading thinkers in TOD will be part of this event. For more information, please visit http://www.ushsr.com/conferenceregistration.html

NYSTEA 2nd Annual Transportation Equity Conference sponsored by New York State Transportation Equity Alliance, **March 4-5, 2013**, Albany, NY. NYSTEA works to ensure that transportation policy at the state and federal level takes into account the mobility needs of various constituencies such as seniors, children, low income individuals, the disabled community, and people of color. For more information, please visit http://www.empirestatefuture.org/geography/state/register-for-the-2nd-annual-nystea-conference/

Sixth Annual Transportation & Infrastructure Convention, **March 5-7, 2013**, Washington, D.C. The Regional Plan Association is co-hosting the convention, which will bring together the leading transportation and infrastructure officials from the Obama administration, Congress and state legislatures, providing an opportunity to interact with those who have a direct influence on future policy decisions. The purpose of the convention is to educate policy makers concerning current transportation issues at the local, state and national levels. For more information, contact Trudy Hester at 214-750-0123 or thester@dean.net.

Regional Plan Association's Assembly**, April 19, 2013**, Waldorf-Astoria, New York, NY. Each spring, the Regional Assembly brings together close to 1,000 civic and business leaders from around the U.S. to discuss major issues affecting the prosperity and quality of life in the New York-New Jersey-Connecticut region. Sessions and panel discussions provide an opportunity for participants to debate approaches to economic development, transportation, housing, land use and the environment. More details about the 2013 event will be announced soon. For more information, please visit www.regionalassembly.org.

CNU 21: Living Community Conference sponsored by Congress for the New Urbanism, **May 29–June 1, 2013**, Salt Lake City, UT. One of the conference's tracks will focus on transportation. Living cities require a balanced transportation system that serves all users by providing accommodation and choice. The multi-dimensional focus of this track at CNU 21 will allow for thinking outside the box and avoid traditional stereotyping of modes, while addressing current problems and barriers to creating truly successful multi-modal systems. For more information, please visit http://www.cnu21.org/

TOD LINE Winter 2013

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

TOD DEVELOPMENTS

Hudson Park, Yonkers, NY

The City of Yonkers struggled for years to jump-start its downtown and adjacent industrial waterfront on the Hudson River, an area that is served by four commuter train stations less than a half hour trip from Midtown Manhattan. This effort included a number of amendments to its waterfront urban renewal plan during the past two decades along with other activities. However, with the establishment of a public/private partnership, the private market began to respond in the early part of this decade.

Hudson Park is a dramatic TOD example that resulted from these efforts. Immediately adjacent to the Yonkers Metro-North Railroad/ Amtrak station on the Hudson Line, the project's initial phase was the first multi-family residential development in downtown Yonkers in 30 years. The designated redeveloper Collins Enterprises LLC completed Hudson Park's first phase in 2003, which included 266 apartments with building amenities and 15,500 square feet of professional offices, retail, and restaurant space. Collins finished the second phase with an additional 294 apartments in 2008. With direct access to Grand Central Terminal in 28 minutes via express train, Hudson Park has achieved a 96 percent occupancy rate by attracting "echo boomers," those born between 1982 and 1995, who can find few comparable products in Manhattan. The project's third phase will commence in 2013 with the construction of another building containing 220 apartments. Upon completion, Hudson Park will top out at 780 rental apartments and command rents averaging $2.50 per square foot.

In addition to immediate access to the Yonkers train station through carefully designed walkways and entrances that provide security to residents, other critical amenities underlie this project. These include public pedestrian access to a renovated Hudson River waterfront, office and retail space, a 9-11 Memorial Park, street furniture, public art, and restaurants such as the world class X2O.

The most recent amenity to the neighborhood is the daylighted Saw Mill River. Cascading through a new urban park immediately to the east of Hudson Park, the river ducks under the train station and re-emerges as it enters the Hudson River. This project, led by the Saw Mill River Coalition, its parent organization Groundwork Hudson Valley, and Scenic Hudson, opened up a portion of the river in downtown Yonkers that had been buried by the U.S. Army Corps of Engineers in the 1920s for sanitation purposes. The park includes pedestrian walkways, benches, and an interpretive exhibit concerning the American eel, a species that will greatly benefit from this urban river restoration.

Hudson Park, NY

The project is the result of a private/public partnership that demonstrates how transit station area planning and creative zoning, environmental review, and site plan approval can work to provide needed housing in an aging but revitalizing downtown. The partners include the redeveloper Collins Enterprises LLC, the City of Yonkers, Metro-North Railroad, Westchester County, private equity and debt investors, the New York Brownfield Tax Credit Program, and environmental organizations such as Scenic Hudson. For its part, the City of Yonkers invested $150 million in downtown capital infrastructure improvements, while Metro-North restored the adjacent Yonkers station and tracks at a cost of $43 million.

In support of the development, the City used numerous zoning and land use techniques. It adopted a highly detailed master plan for the waterfront area that contained certain specifications regarding the types of development the City wanted on available vacant land in the area. The City enacted the Master Plan Zone – an innovative zoning technique – to provide as-of-right status for developments that conform to the design standards contained in the master plan. The Zone waives compliance with New York State's onerous environmental review requirements for such projects, since the impacts of development contemplated by the master plan had already been studied and mitigation provided. Additionally, the City reduced the parking requirements for the project by 50 percent compared to that required by traditional urban zoning, saving the redeveloper $25,000 in development costs for each parking space not constructed.

Barclays Center on the Right Track

Kevin Dwarka, Ph.D.

Fear about traffic impacts has been one of the most contentious issues surrounding the Barclays Center, the 18,000 seat sports and entertainment facility that opened at the end of September 2012 in Prospect Heights, Brooklyn. During the arena's planning and construction phase, community residents voiced concern that the project, even without the much broader and longer-term redevelopment plan for the Atlantic Yards area, would unleash a traffic nightmare on the surrounding local street network. The project's developer Forest City Ratner, in concert with Sam Schwartz Engineering, responded by crafting a transportation demand management (TDM) program aimed at minimizing the number of auto trips generated by the project.

Barclays Center (courtesy New York MTA)

Although there has been only a short interval since the project opened and it is premature to make definitive quantitative assessments about the arena's transportation impacts, preliminary observations broadly suggest that so far the worst-case traffic scenarios have not materialized. On the contrary, anecdotal evidence suggests that the overwhelming majority of attendees of Barclays Center events are not arriving by automobile. Transit utilization has been high for the Brooklyn Nets basketball games, as well as concerts. Meanwhile, the on-site parking facility, accommodating fewer than 550 parking spaces, has never reached capacity even during sold-out events. Spillover traffic impacts on surrounding streets appear to be minimal. New York City Department of Transportation's Downtown Brooklyn Transportation Coordinator Christopher Hrones states that "so far we have not seen any major congestion issues directly related to traffic generated by the arena."

The most obvious explanation for Barclays Center's low levels of auto utilization is its advantageous location directly on top of 11 subway lines, the Long Island Rail Road, and 11 bus lines. Barclays Center also offers 400 free on-site bicycle parking spaces.

Larry Gould, a Senior Director at New York City Transit, notes, "The arena is built on top of multiple networks – streets, bus lines, the subway, and the pedestrian network." Its design reinforces its blending with its urban environment; Barclays Center is built to the street edge and fronted by a pedestrianized plaza leading directly into a new subway station entrance paid for by the developer. Gould suggests that "the placement of an arena in the context of all these networks is what makes this project different from Citi Field." In contrast, Citi Field stadium is located in a somewhat isolated area accessible to several major highways, is ringed by surface parking, and is reached by only one subway line and one Long Island Rail Road line.

Infrastructure, however, only partially explains the project's success in minimizing automobile trips. Both New York City Transit and Long Island Rail Road have modified their service schedules to accommodate the arena's event schedule. Jacob Balter, a Manager at Long Island Rail Road, notes that the enhanced LIRR eastbound service now offers departures every 15 to 25 minutes following evening events at Barclays Center.

Terence Kelly, Barclays Center's Community Affairs Manager, also credits the high level of coordination between the developer, the City's Department of Transportation, New York City Transit, Long Island Rail Road, and the 78th Precinct of the New York City Police Department. As a result of the service improvements and interagency coordination, event attendees have learned quickly that driving to the arena just doesn't make sense. Kelly states, "What we are seeing is a general trend where the public understands that public transportation is the only way to get to the arena."

Even though worst-case traffic scenarios have not yet occurred, there are lingering community concerns about the sufficiency of transit service in both the short- and long-term, the future traffic impacts of the fully built-out Atlantic Yards redevelopment project, and the City's approach to managing on-street vehicular and pedestrian flow. Daniel Schack, an Associate at Sam Schwartz Engineering, notes that the developer, in coordination with City agencies, will be performing a variety of transportation impact studies in the early part of 2013. These studies will help assess the effectiveness of the TDM program and document the ways that people are accessing the arena.

Adding to the review will be a new community based plan, the Brooklyn Gateway Vision Plan, that was released at the end of 2012. Developed by the Tri-State Transportation Campaign, Prospect Heights Neighborhood Development Council, Park Slope Civic Council, Boerum Hill Association, and the Office of New York City Council Member Letitia James, the plan offers recommendations to address Central Brooklyn's congested roadways and parking policies, inadequate transit infrastructure, and unsafe biking and walking infrastructure in response to the area's new and ongoing development.

All Aboard

Bob Paley

Robert (Bob) Paley is Director of Transit-Oriented Development at the Metropolitan Transportation Authority where he manages development of MTA properties and works with regional and local entities to promote TOD and coordinate local land use policies and transit. Previously, Bob was Senior Development Director for AvalonBay Communities. At AvalonBay he coordinated a number of regional TOD projects, including the construction of residential buildings near the Metro North train stations in New Rochelle and White Plains, NY, and the mixed use projects known as Avalon Chrystie Place located on Houston Street in Manhattan adjacent to the Second Avenue station on the F line.

According to Bob, developers are adapting to changes in the residential real estate market that support more urban and transit-centered development. "We are ending a fifty year period of development based on the needs of automobiles where single use buildings are separated by parking lots. We understand that growth can no longer be based on this idea. Regional viability, not to mention the global environment, requires a model that puts communities at the center of design and which puts transit at the center of economic development." To meet this need Bob explains that the real estate development industry is retooling itself to satisfy the growing demand for multi-use communities of housing, work places, and shopping that are easily accessible to transit. He notes that this is a long-term trend based on demographics and changing consumer preferences. "As the real estate industry continues to strengthen and sources of financing come back, I think this will ultimately be reflected in a growing public desire to reshape land use regulations to accommodate this market demand."

Bob's private sector development experience brings an important perspective to his work at the MTA. As he notes, promoting better relationships between land uses and transportation throughout a system as large as the

Robert Paley

MTA's requires different approaches and tools in differing settings. It also requires the agency to get involved in a broad range of planning, zoning, real estate, and investment issues. Consequently, Bob recognizes that developers provide the entrepreneurial push and the investment capital that are critical to TOD. He explains, "Our office wants developers to know they can pick up the phone and have someone help with complications that arise when development and transit come together. We take a problem-solving approach whether it is a New York City zoning bonus project or a suburban development where we may have property included in a TOD project."

During his time at MTA, Bob has overseen a number of critical projects for the transit agency, including developing the first plan to build over MTA's West Side Rail Yard in Manhattan and establishing the retail mall and entrance pavilion for the Long Island Rail Road Atlantic Terminal in Brooklyn. He also managed the negotiations with Vornado Realty Trust to develop 15 Penn Plaza, a proposed office tower that would replace the Hotel Pennsylvania on Seventh Avenue between 32nd and 33rd streets in Manhattan and would result in transit improvements, including reopening the Gimbels Passageway that connects Herald Square and Penn Station.

Because the transit system operated by the MTA is large with over 700 stations, there are many opportunities to undertake TOD projects around these areas. One example is Long Island Rail Road's Wyandanch station located on the Ronkonkoma Branch, which serves 3,500 riders daily. The Town of Babylon recognized that the station's excellent service – soon to be improved with investment in a second running track – will drive demand for their planned TOD, Wyandanch Rising. (See Jan Well's article here for more information.) That project is a major community revitalization initiative led by Babylon that seeks to transform an economically distressed downtown area into a transit-oriented, pedestrian friendly, environmentally sustainable community.

Despite the transit network's maturity, Bob notes that there are some limited but important opportunities to add stations. For example, MTA is studying the potential for new Metro North stations in the eastern Bronx and a new LIRR Republic Airport station. Should new stations be located in these areas, substantial TOD opportunities may exist.

As part of his responsibilities at MTA, Bob also coordinates the agency's involvement with the New York-Connecticut Sustainable Communities Consortium (SCC), a collaborative of

Continued on page 6

municipal and county governments and planning entities seeking to promote development around MTA's commuter rail and subway networks. Bob explains that the studies being conducted by the SCC, while addressing unique local issues, will reinforce the potential for the MTA system to serve as the backbone for regional growth, which will boost the already huge dividends the region earns from investment in its transportation system.

Outside of his work at the MTA, Bob is an adjunct assistant professor of real estate development at Columbia University, is a member of the TOD Council of the Urban Land Institute, and serves on the Ardsley, New York Planning Board. Fortunately for the TOD Line, Bob also serves as an editorial board member.

Bob believes that the TOD Line fills a void in the region. As he notes, "national perspectives on TOD are now readily available, particularly concerning development around new or significantly expanding systems such as that in Denver, Colorado or Salt Lake City, Utah. Yet, these national perspectives don't really fit for a system as mature as the New York metro area's." To him, this region's issues will require solutions uniquely tailored for its communities. "The TOD Line will play a vital role in providing information and resources to the many people and groups who will craft these solutions – elected officials, citizen volunteers, government employees, developers, and advocates."

TOOLS FOR GETTING TOD DONE

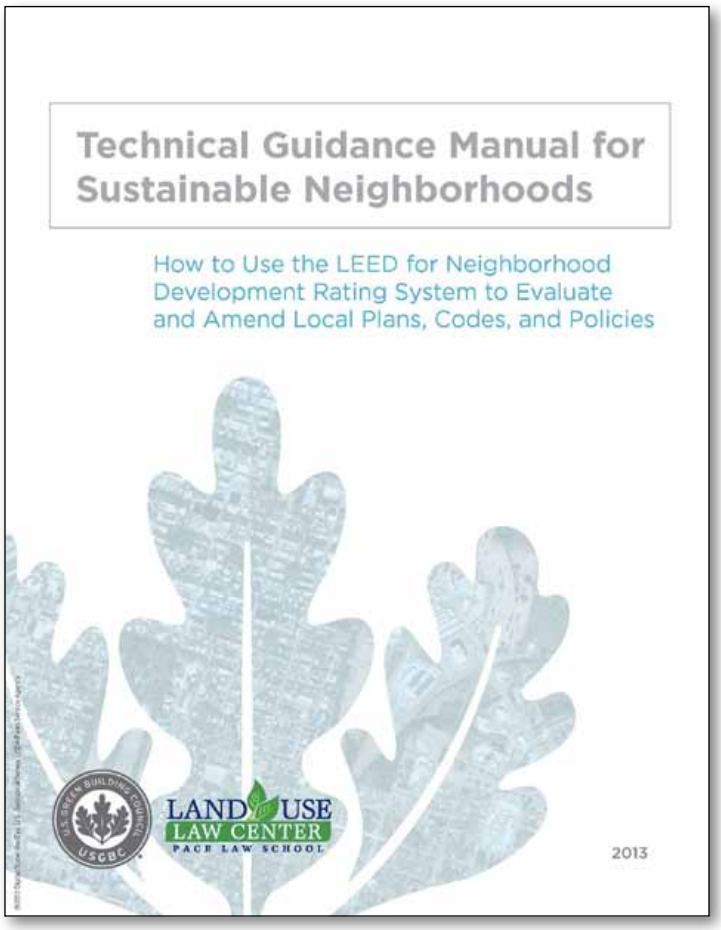
Technical Guidance Manual for Sustainable Neighborhoods – A Tool for Facilitating Sustainable Development near Transit

The Leadership in Energy and Environmental Design (LEED) for Neighborhood Development (LEED-ND) rating system is a voluntary program that provides substantial guidance for developers who wish to develop projects in smart locations that are designed to create connected neighborhoods constituted by green buildings and infrastructure. The LEED-ND rating system, jointly developed by the U.S. Green Building Council (USGBC), Congress for the New Urbanism (CNU), and the Natural Resources Defense Council (NRDC), expands the definition of "green building" to include projects at a neighborhood or district scale, with greater consideration for project location.

As a national standard for green neighborhood planning and design, the LEED-ND rating system emphasizes site selection, design, and construction elements to bring buildings and infrastructure together and relate the neighborhood to its local and regional context. The LEED-ND rating system is divided into three credit categories: Smart Location and Linkage (SLL), Neighborhood Pattern and Design (NPD), and Green Infrastructure and Buildings (GIB). The SLL category emphasizes project location on connected and previously developed sites with existing infrastructure, near transit, and away from important natural resources. NPD recognizes compact, walkable, vibrant, mixed-use neighborhoods with good connections to nearby communities. Finally, GIB recognizes building and infrastructure performance that reduces energy and water use, encourages historic preservation, and minimizes waste.

To help local governments leverage the LEED-ND rating system as a sustainability tool, the Land Use Law Center at Pace Law School, in collaboration with USGBC, has authored the **Technical Guidance Manual for Sustainable Neighborhoods** and a **Neighborhood Development Floating Zone**. Generous funding for the research, writing, and production of these resources was provided by the Fund for the Environment and Urban Life of The Oram Foundation, Inc., with additional support from the Natural Resources Defense Council.

The manual assists communities and their professionals by guiding them through the process of using LEED-ND to evaluate local plans, codes, and policies to incentivize sustainable growth and eliminate barriers to sustainable development projects. The manual aids this evaluation process because it breaks apart the standards contained within LEED-ND's prerequisites and credits and redistributes them into the structure of a typical local plan and code. Communities may use the manual simply to assess and amend existing codes and policies or to undertake a comprehensive overhaul to create an entirely new land development plan and implementing regulations. Municipalities also may use the manual to identify neighborhoods within a



community that are appropriate for sustainable development and apply strategies solely to those target areas through a special area plan, new zoning district, or some other mechanism, such as flexible zoning.

The sections of the manual are designed to parallel a typical municipality's land development plans, regulations, and related policies. It begins by presenting strategies to integrate LEED-ND criteria into local planning policies as expressed in comprehensive plans and special area plans. It then presents strategies for incorporating LEED-ND criteria into traditional zoning code sections, site plan and subdivision regulations, and other land use development standards, including building and related codes. Finally, it introduces strategies for including LEED-ND criteria in non-regulatory initiatives, streamlining the project review and approval process, and providing incentives and assistance for sustainable neighborhood development. Each section references the prerequisites and credits of the 2009 LEED-ND rating system and presents local best practice examples and illustrative case studies.

The example below illustrates how the manual may be used. Ensuring that both residential and commercial development is located within easy walking distances of public transit is critical to establishing livable, location-efficient areas. To site future development in sustainable locations, the manual suggests incorporating the following goals and planning actions into a community's comprehensive plan or special area plans to form the basis for later local code amendments:

GOALS

Encourage redevelopment of existing communities with infrastructure, reduce vehicle trips, increase walking and bicycling, reduce adverse environmental and public health effects, and conserve natural and financial resources.

ACTIONS

- Locate future development within sites served by existing water and wastewater infrastructure or within a legally adopted, publicly owned, planned water and wastewater service area.
- Locate future development on:
  - ❖ Infill sites bordered almost entirely by previously developed sites altered through paving, construction, or land use that requires regulatory permitting,
  - ❖ Previously developed sites,
  - ❖ Sites adjacent to existing street connectivity,
  - ❖ Sites near transit with high transit service, and
  - ❖ Sites near many existing neighborhood uses (see LEED-ND Diverse Use Appendix).
- Prioritize public infrastructure repairs, improvements and enhancements in existing neighborhoods with additional development capacity.
- Incentivize private infill development.

RELATED LEED-ND PREREQUISITE AND CREDIT:

- *SLL Prerequisite 1, Smart Location*
- *SLL Credit 1, Preferred Locations*

By using the list above, a local government can review its comprehensive plan to determine whether it allows or hinders the elements that create sustainable locations. If the comprehensive plan does prohibit such elements, then the local government may amend the comprehensive plan to incorporate these important goals to promote location efficient areas with public transit at their center.

Augmenting the manual, the Neighborhood Development Floating Zone is a model ordinance to help local governments foster green community development using the LEED-ND rating system. The Floating Zone is offered as a cost-effective and efficient tool that can be used by local governments hoping to incentivize the private sector to follow green neighborhood development principles when the more extensive zoning update process detailed in the manual is not an option.

Transit-Centered Development Grants – Moving TOD Forward

Veronica Vanterpool, Executive Director, Tri-State Transportation Campaign

Towns, villages, and cities throughout New York and Connecticut are brimming with ideas to create thriving communities around bus and rail stations. One impediment to bringing these ideas to fruition is funding, which is why Tri-State Transportation Campaign (TSTC), with the support of the One Region Funders Group, created a transit-centered development (TCD) grant program in 2009. In the absence of a state sponsored transit-oriented development grant program, municipalities actively have been seeking funds that allow them to move their TOD plans forward. In its second cycle of grant giving this past May, TSTC awarded $145,000 in grants to four municipalities eager to advance affordable housing, walkable communities, and neighborhood revitalization around one of their greatest assets: transit.

The Village of Mamaroneck in Westchester County, New York, a 2012 TCD grant recipient, has been looking to maximize development around the Metro-North Railroad station in the Village for a long time. With over 2,500 average daily trips taken from its platforms, the Mamaroneck Train Station is one of the busiest on

Mamaroneck, NY

the New York section of the New Haven Line. While the Village has implemented successful affordable housing projects over the past 20 years, including construction of 215 affordable units since 1990, additional development is hampered by periodic flooding and outdated zoning. With its grant, the Village is collaborating with the Washingtonville Housing Alliance (WHA) to develop a TOD Zoning Study that will include an inventory of land around the train station, input from several community planning groups, and an analysis of existing zoning.

One of the strongest components of Mamaroneck's proposal is its collaboration with WHA, which has an established and successful legacy of improving housing options for low and moderate income individuals living in the Village of Mamaroneck. Washingtonville, the area within a half-mile radius around the train station, is a low and moderate income area. More than half of its residents are Hispanic. Formed in 1980, WHA builds housing, provides resources to existing and new home buyers, and leverages fiscal resources for housing in this community.

Significant progress has been made since the grant was awarded in May. Over the summer, initial information was gathered from a meeting, walking tour, planning board conversations, and research that culminated in a preliminary study area and the appointment of a 15-member Steering Committee. The Committee members represent business, community, non-profits, elected officials, and Village staff. Public outreach regarding the study is underway. Materials have been distributed in both English and Spanish via social media, flyer distribution, and the Village's website.

Visualization is integral to the zoning study, and the Village team worked with various mapping specialists to inventory the land uses throughout the study area. This thorough analysis was shared in a community visioning process in September, known as a charrette, where ideas, concerns, and challenges were shared by the community at-large. Two

Mamaroneck, NY

additional charrettes were held in October and November. The Village is steadily incorporating the feedback from these community meetings into its land use analysis, which is the blueprint for the draft transit-oriented development zoning ordinance. Draft TOD zoning amendments are expected early 2013. These will help guide the Village's future development around the train station.

With two TCD grant cycles underway, some clear lessons are emerging. Modest investments go a long way towards transforming communities. With a total sum of $335,000 in grants, the TCD program has been the catalyst to move TOD from the conceptual to the actual in 11 communities, including Peekskill, Mount Vernon, the Town of Babylon (Long Island), Brookhaven (Long Island), Newark, and Trenton. Also, the most successful projects are rooted in broad community outreach/planning and have strong buy-in from local leadership. Lastly, state policies are lagging behind municipal innovation and demand. The interest in the Tri-State/One Region TCD program and the demand for funds has far outstripped available resources. This suggests that both New York and Connecticut can do more to support momentum at the local level. Doing so would translate into economic, health, environmental, and mobility benefits for both states.

Supporting TOD with Complete Streets

Nadine Lemmon, Tri-State Transportation Campaign

For transit-oriented development to work as planned its residents need to be able to get to where they need to go without a car. That means having a safe and pleasant walking environment along with biking linkages between where they live, where they catch a train or bus, and where they shop and use other services. These are the results sought in "Complete Streets" policies, and local advocates can realistically seek their achievement.

Complete Streets policies include a number of elements that together seek to safely and comfortably accommodate all users of roadways, including pedestrians, cyclists, and public transit riders. These elements include the goals of establishing a comprehensive, integrated, connected network for all modes of transportation, including encouraging street connectivity. Complete Streets policies are also meant to include the latest and best street design criteria and guidelines while being context sensitive and flexible. Taken together, these elements direct transportation planners and engineers to design and operate the entire right of way to enable safe access for all users, regardless of age, ability, or mode of transportation.

Achieving the vision of Complete Streets has not been easy in many places on Long Island and in the Hudson Valley, where 50 years of car-oriented development has changed the landscape radically. But it is precisely in these communities that leadership in Complete Streets has emerged. On Long Island the communities of Babylon (2010), Brookhaven (2010), Hempstead (2012), Islip (2010), North Hempstead (2011), and Southampton (2012) have passed local Complete Streets policies or resolutions, while in the Hudson Valley the municipalities of Dobbs Ferry (2012), Kingston (2010), Lewisboro (2011), and New Rochelle (2012) have implemented resolutions. In early December 2012, Suffolk County adopted the first county-wide Complete Streets policy for the downstate New York region.

At the state level, the State Legislature followed the direction of local governments. The initial effort to pass Complete Streets legislation failed in 2010 under the hue and cry—from legislators and highway officials alike—that Complete Streets was an unfunded mandate. However, when advocates came back to Albany the following year, they had the perfect foil to the arguments—

Long Island communities were adopting local Complete Street policies with gusto. Recognizing the connection between walking, biking, smart growth, and economic development, towns like Babylon helped demonstrate to Albany that safer streets are not an "amenity." The statewide bill, passed in 2011 with unanimous votes in both houses, requires all state, county and local transportation projects undertaken by the State Department of Transportation or projects that receive both federal and state funding and that are subject to State DOT oversight to consider "complete streets" designs.

With 50 years of design philosophy to upend, there is still ample work to do. Since the New York State law does not apply to all New York roads, advocates are at work again, helping more communities pass policies. Recently, in conjunction with local partners, Tri-State Transportation Campaign released "Complete Streets in a Box" tool kits for Long Island, the Hudson Valley, and Connecticut. The kits include a power point on Complete Streets, draft policies and resolutions, informational factsheets and videos, and a primer on liability issues (an oft-cited concern of local legislators)—tools that any advocate or legislator can use to help build momentum.

Change does cost money, and unfortunately, both federal and state funds for pedestrian and bicycling infrastructure are shrinking. However, communities should remember that making streets safer often can happen with very small, inexpensive changes, especially compared to other transportation investments. Changing the timing of pedestrian count-down clocks can give seniors more time to cross the road. Narrowing car travel lanes from 12' to 11' or 10' packs the double-punch of slowing cars down and providing extra space at the side of the road for bicyclists. Cross-walks that are painted with brighter paint can help both cars and pedestrians share the road. And, putting brighter lights in dimly lit areas helps everyone feel safer.

If Long Island and the Hudson Valley are to achieve sustainable and equitable TOD, local leaders must recognize that one of the most important building blocks to doing so is the creation of bikeable and walkable streets.

Using TOD to Transform Long Island's

Continued from page 1

percent of permits issued on Long Island were for multifamily units, contrasted with 29 percent in Connecticut and 44 percent in New Jersey. The shortage of rental apartments on Long Island is critical: only 21 percent of the stock is rental. In comparison, 35 percent of the stock is rental in Westchester and southwestern Connecticut, while in New Jersey rental units comprise 37 percent. For Long Island to be competitive with the region, it needs nearly 175,000 additional rental units. This shortage in rental supply, in turn, has raised prices, severely impacting affordability. Nearly half of the Long Island households who rented units spent more than 35 percent of income on housing in 2010.

The repercussions of this lopsided housing distribution are far reaching. The key markets for available rental units are young adults and seniors, both of which find the supply unaffordable and poorly located for walkability and bikeability. As a result, the 25–34 age group, individuals in their prime work years, has been leaving the Island. During 2000-2010, Long Island lost 12 percent of its young adults. This is well above the levels for southwest Connecticut (-7 percent) and the Hudson Valley (-8 percent) and twice that of New Jersey (-6 percent).

2000-2010	Long Island	Hudson Valley Valley	North New Jersey	Southwet Connecticut
Building Permits per 1000 residents	16	27	31	25
Building Permits per 1000 residents	3.5	8.2	13.8	7.2
Rental units in housing stock	21%	35%	37%	35%
Loss of 25-34 age group	-12%	-8%	-6%	-7%

Long Island Rail Road (courtesy New York MTA)

THE COMING OF TOD TO LONG ISLAND

Over the last five years, making Long Island residents aware of the TOD concept and its effect on the area's housing supply imbalance has been something akin to turning a battleship 180° — slow and laborious. While the villages and towns hosting Long Island Rail Road (LIRR) stations started as walkable transit villages in the 19th and early 20th centuries, the rampant post-war, single-family home suburban development, car usage, and shopping malls soon made the old walkable village model archaic. Original commercial areas with housing units above stores near stations were often replaced with large commuter parking lots or hulking parking decks. But Long Island's elected officials and residents finally have begun to acknowledge the dramatic population shift and resultant housing shortfalls. In response, housing and smart growth planners at Vision Long Island and other local community and business groups are advancing TOD, potentially leveraging the LIRR's extensive system and 35 stations as a way to address the imbalance in the Island's built environment.

Current TOD efforts on Long Island fall into four categories: (1) completed projects; (2) approved projects close to the start of construction; (3) proposals for development that are waiting in need of zoning changes and/or site plan approvals or investment in infrastructure (sewers, roads, etc.); and (4) small infill projects.

ALREADY THERE

The **Village of Patchogue** in Suffolk County is well ahead in TOD efforts. Since 2004, current Patchogue Mayor Paul Pontieri has moved the town forward on many fronts to revitalize Main Street and bring needed housing to the downtown area within walking distance of the Village's LIRR station. Projects built within the TOD area over the last 10 years have established Patchogue as a leading example of how TOD can produce needed housing. Copper Beach, an 80-unit, for-sale condominium project, is 50 percent affordable. The Artspace development contains 45 affordably priced rental units for artists. Riverwalk includes 163 owner-occupied townhomes with four workforce

units, and the recently begun New Village, an impressive mixed-use project in the heart of downtown, will feature 291 apartments, of which 67 units (23 percent) will be affordable. In total, Patchogue will have added nearly 600 new units in its TOD when New Village is completed.

Artspace – street level galleries and 45 live/work units (Patchogue)

Westbury Village in Nassau County is another prominent example of local efforts fostering TOD projects. A recent visit there revealed over 800 units built within its TOD area in the last few years. These units range from a large assisted living facility directly across from the LIRR Westbury station parking lot to upscale condos directly across from the station entrance to townhomes, condominiums, and large rental complexes, all within walking distance of the station.

Other towns that have notable TOD projects include the **Village of West Hempstead** in Nassau County with 150 market-rate rental units under construction next to the West Hempstead LIRR station and the hamlet of **Bayshore** in Suffolk County where 26 rental units have been constructed adjacent to the Bayshore station parking lot with many more units approved in the neighboring downtown area.

COMING SOON

In the **Village of Farmingdale** in Suffolk County, a long-stalled, community-driven plan is finally moving forward. The Village has approved the construction of a TOD project across from the Farmingdale LIRR station that will include a mixed-use complex with 115 apartment units and ground floor retail space. Twelve of the units, representing nearly 10 percent of the total units, will be set aside as affordable housing. In addition, the Village has approved a number of other TOD projects with more on the way based upon the community's comprehensive master planning effort of the last five years.

The **City of Glen Cove** in Nassau County recently approved a large-scale, waterfront redevelopment known as Glen Isle that is located along Glen Cove Creek and that will utilize 56 acres of former industrial land. With help from federal, state, and county funds, an extensive brownfield remediation is nearly complete, and construction on this billion dollar project is about to begin. The first phase of this project features the construction of a new ferry terminal, which will provide ferry service to and from Manhattan, and 250 rental units in the eastern section of the site near the City's downtown. Of these initial apartments, 50 percent of the units will be affordable. Ultimately, there will be another 600 residential units constructed, both rental and for-sale, along with waterfront esplanades and parks. Also recently approved in downtown Glen Cove is the mixed-use Piazza with 142 rental units. Approximately half of these units will be marketed to nearby college students. These and other approvals are based on a master plan that was approved in 2009. At a minimum, Glen Cove will be looking to add 1,000 multi-family or attached housing units in the next five to ten years.

Wyandanch Rising is a community revitalization plan to resuscitate the **Wyandanch** hamlet in the Town of Babylon, Suffolk County. This hamlet has been deemed the most economically distressed community on Long Island. The plan calls for new pedestrian amenities; improved public space around the Wyandanch LIRR station with the creation of a new intermodal plaza; improvement of local green space; and the creation of structured parking on an old industrial site. To date, a master developer has been designated to implement a new urban design plan featuring 240 units of housing and 50,000 square feet of retail, Babylon has acquired the property for redevelopment, and sewer installation has been completed.

The **Village of Mineola** in Nassau County has approved a number of TOD projects based upon their master planning effort over the last five years. The first of the four TOD projects will contain 275 up-scale apartments in five stories and replace several vacant offices on Old Country Road, while the second project will be a smaller, four-story structure with 36 apartments for seniors.

WAITING

The **Village of Hempstead** in Nassau County has named a master developer to redevelop its Main Street area focused around the LIRR Hempstead station. The two billion dollar project will include condominiums, co-ops, and rental apartments to accommodate various income levels. It will also include a hotel, retail establishments, open space, parking, and entertainment and is expected to take about a decade to complete. Nearly 3,500 new housing units are projected, with 10 percent of the units being affordable. These units will be located throughout the

project. There is, however, a need for funding for new sewer and water capacity, as well as structured parking. An agreement on public benefits through the State Environmental Quality Review Act (SEQRA) process is being negotiated in advance of final approvals.

The Horizon mixed-use project across from the LIRR Westbury station

The Ronkonkoma Hub, centered around the LIRR Ronkonkoma station and the nearby MacArthur Airport in the Towns of **Brookhaven** and **Islip**, Suffolk County is a project of regional significance. The extensive project is unique because it involves two towns, Brookhaven and Islip, that have executed an intermunicipal agreement to seek funding for the Ronkonkoma Hub. As envisioned, the project would transform the acreage of blighted commercial and industrial land into shops, restaurants, office space, and housing units targeted at a young demographic market. A market analysis prepared for Brookhaven suggests that the site could accommodate 600 to 800 housing units with a projected build out over ten years. To service the proposed development, a five-acre sewage treatment plant needs to be built. Additionally, the primary developer does not have site control; not all of the property owners are on board yet.

The largest TOD project planned for Long Island, by far, is the Heartland Town Square development located in **Brentwood** in the **Town of Islip**, Suffolk County. It is a four billion dollar redevelopment of 476 acres of decommissioned land of the former Pilgrim State Psychiatric Hospital. The project site is located close to the LIRR Deer Park station and the junction of the Long Island Expressway and the Sagtikos Parkway. The developer is proposing to build a new downtown community with more than 9,000 apartments and has agreed to make 23 percent of the units affordable. Future residents need to be patient, however. Necessary approvals are being sought still and the estimated build out will take 15 to 20 years.

OUTLOOK

Vision Long Island estimates that there are nearly 7,000 units of TOD housing approved over the last six years with another 14,000 in the planning stages. And, while these projects are moving Long Island in the right direction and should be praised due to the support of local municipal officials, small business groups, community organizations, and the smart growth movement, the numbers still fall short of the need and the urgency. These projects, if completed as proposed, only represent a small percentage of the estimated 175,000 rentals needed.

What is needed to increase the pace of TOD projects on the Island is a regional commitment to infrastructure funding that will provide transportation, energy, and wastewater resources to incentivize these local communities to grow. The NYS Smart Growth Public Infrastructure Act is serving as a guide to prioritize these infrastructure investments towards TOD areas on Long Island.

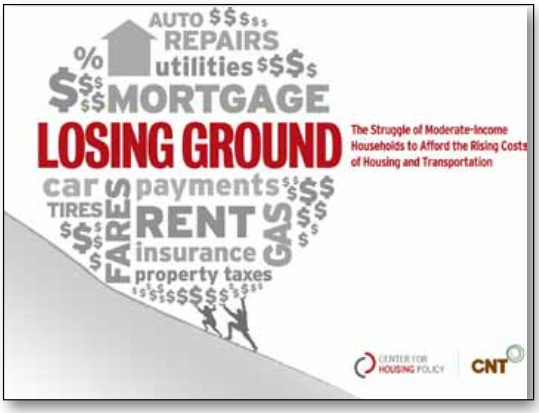
The good news is that the public is now on board. Vision Long Island and the State University of New York at Stony Brook released a poll that found a market preference for downtown living among 41 percent of Long Islanders and a majority of baby boomers. This demand will fuel the multifamily and downtown housing market for a number of years into the future.

Redevelopment of the West Hempstead Courtesy Hotel site with LIRR station at left

Without a doubt, TOD will be a major factor in the success of Long Island's housing future, but much more must to be done to foster the needed zoning changes, affordability, and improvement in the approval process. Long Island has to keep moving to meet its 21st Century housing demand.

WORTH READING

Losing Ground: The Struggle of Moderate-Income Households to Afford the Rising Costs of Housing and Transportation



In 2006, the Center for Housing Policy (CHP) and the Center for Neighborhood Technology (CNT) released their report, *A Heavy Load: The Combined Housing and Transportation Burdens of Working Families*. This report demonstrated that, to truly understand housing affordability, the costs of travel to daily destinations also must be considered. Combining housing and transportation expenditures reveal the true "costs of place."

CHP and CNT have updated their report using the latest five-year data from the American Communities Survey and a more robust methodology. The new report, *Losing Ground: The Struggle of Moderate-Income Households to Afford the Rising Costs of Housing and Transportation*, shows that while income gains have occurred over the last decade in the nation's 25 largest metro areas, those gains have been outpaced by the combined cost burden of housing and transportation. More significantly, these costs are consuming an ever-larger share of household income.

The study focused on households earning between 50 and 100 percent of each metropolitan area's median income and included both renters and homeowners. For homeowners, the study examined housing costs such as mortgage payments, property taxes, home insurance, utilities, and, where applicable, condo fees, while for renters it assessed rent and utilities costs. With respect to transportation costs, the study looked at all trips made by a household in its daily routine, including commuting and errands. For transit riders, transportation costs included the cost of the fare. Transportation costs for car owners included gas, insurance, car payments, and maintenance.

While not unexpected, the results of the study are alarming:

- Housing and transportation costs grew faster than income during the 2000s, increasing the burden that these costs place on already stretched budgets;
- For the examined households, nearly three-fifths (59 percent) of income goes to housing and transportation costs leaving little in the monthly budget for expenses such as food, education, and health care;
- The combined cost burden of housing and transportation is most significant where costs are out of sync with local incomes; and
- Transportation costs continue to have a substantial impact on the overall affordability of metro areas.

To combat these circumstances, the report recommends pursuing a number of strategies that may help reduce the "costs of place." Among others, these approaches include:

- Preserving existing affordable homes near job centers, public transit stations, and other places where transportation costs are low ("location-efficient areas");
- Adopting regulatory reforms that reduce the cost of creating new housing in location-efficient areas;
- Offering incentives or requirements to include affordable housing within new development in location-efficient areas;
- Providing land acquisition assistance to facilitate the development of affordable homes in location-efficient areas;
- Implementing mechanisms for ensuring long-term affordability;
- Adopting policies that capture a portion of the value generated by public investments in location-efficiency to support affordable homes in these areas; and
- Making improvements to transit service and walkability for compact areas where housing prices are already relatively affordable so residents can rely less on autos.

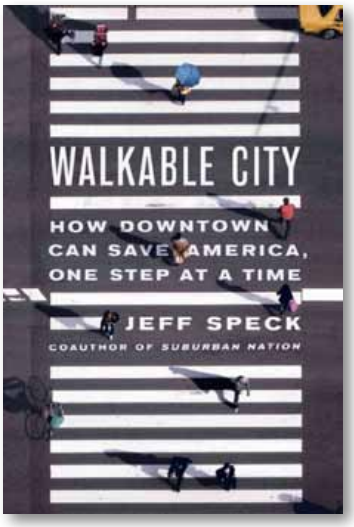
As suggested by the approaches highlighted above, TOD will be a critical strategy to help decrease the "costs of place" in the years to come. For TOD to be a truly effective tool, however, housing that meets the needs of all income levels will have to be integrated into such projects. Future issues of the TOD Line will examine some of the tools that local governments, developers and transit agencies may use to ensure that this objective is met.

For more information on the Losing Ground report, please visit: http://www.nhc.org/media/Losing-Ground-2012-Release.html.

Walkable City: How Downtown Can Save America, One Step at a Time

Jeff Speck's newest commentary on urbanism indicts "the twin gods of Smooth Traffic and Ample Parking" as the enemies of vibrant downtowns. Following his previous critiques of suburban sprawl, Speck champions ten urban design interventions that will promote walkability and save the American city from the worst effects of auto-dependency.

One of Speck's most impassioned recommendations is to "put cars in their place." He rejects the traffic engineer's ritualized obsession with traffic flow optimization and champions the new generation of traffic experts who acknowledge that new road infrastructure induces demand for ever more road capacity. Speck endorses a reforming of city zoning codes that will not only facilitate mixed use neighborhoods but allow for the development of housing in downtown city centers. Synthesizing the insights of noted parking scholar Donald Shoup, Speck presents the true costs of



providing urban parking.

Improving mass transit service is another of Speck's key recommendations. The author's embrace of transit, however, is tempered by sobering observations of transit's failure to capture riders in the absence of a transit-supportive neighborhood structure. Alongside proposed changes to transportation policy and land use planning, Speck offers examples of cities improving walkability through the conversion of one-way street networks to two-way, investments in bikeway infrastructure, and the planting of street trees.

Much of what Speck writes is consistent with the new urbanist gospel, and yet *Walkable City* manages not to preach to the choir because of its style. What distinguishes Speck's work from other best practice guides to sustainable urbanism is the fast-moving rhythm of his prose peppered with personal and professional anecdotes in first-person narration. By celebrating walkability as a stream of stories rather than wonkish policy analysis, Speck's work is less a primer on new urbanism and more of a journalistic accounting of city life. Moving deftly between his own observations and the experiences of other cities, *Walkable City* will make for animated reading, even for a traffic engineer.

TOD ONLINE RESOURCES

New Rochelle's Sustainability Plan: GreeNR Supporting TOD

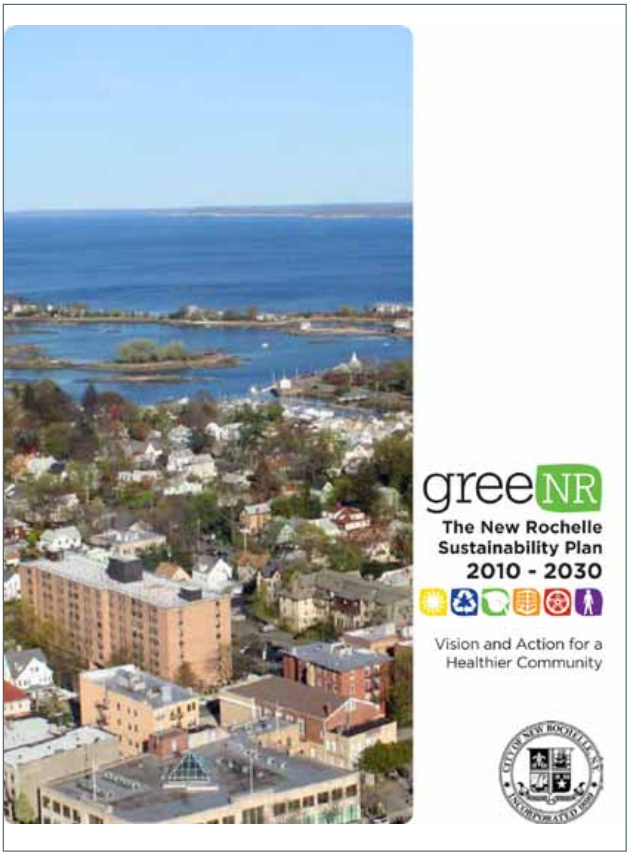
Home to over 77,000 residents, New Rochelle is nestled along the northwest coast of Long Island Sound. The City is transected by Metro-North Railroad's New Haven Line, on which Amtrak also operates. At the heart of its downtown lies the multi-modal New Rochelle Transit Center, the busiest New Haven Line station in Westchester County with more than 4,000 riders daily.

Adopted in 2011, GreeNR, the City of New Rochelle's sustainability plan, integrates transit-oriented development as a significant component of the community's movement towards a more economically, environmentally, and socially sound future. It contains an impressive commitment to TOD: one of plan's principal goals, by 2030, is to **"site at least 95% of new housing units within walking distance of mass transit, including at least 65% of new housing units within 1/2 mile of the New Rochelle Transit Center."** This goal builds upon a number of existing TOD projects that have resulted in almost 1,500 new housing units constructed near the Transit Center since 1999.

To augment this significant TOD commitment, GreeNR also strives to achieve other transportation goals that will aid the City's efforts to increase its livability and reduce greenhouse gas emissions. These goals include:

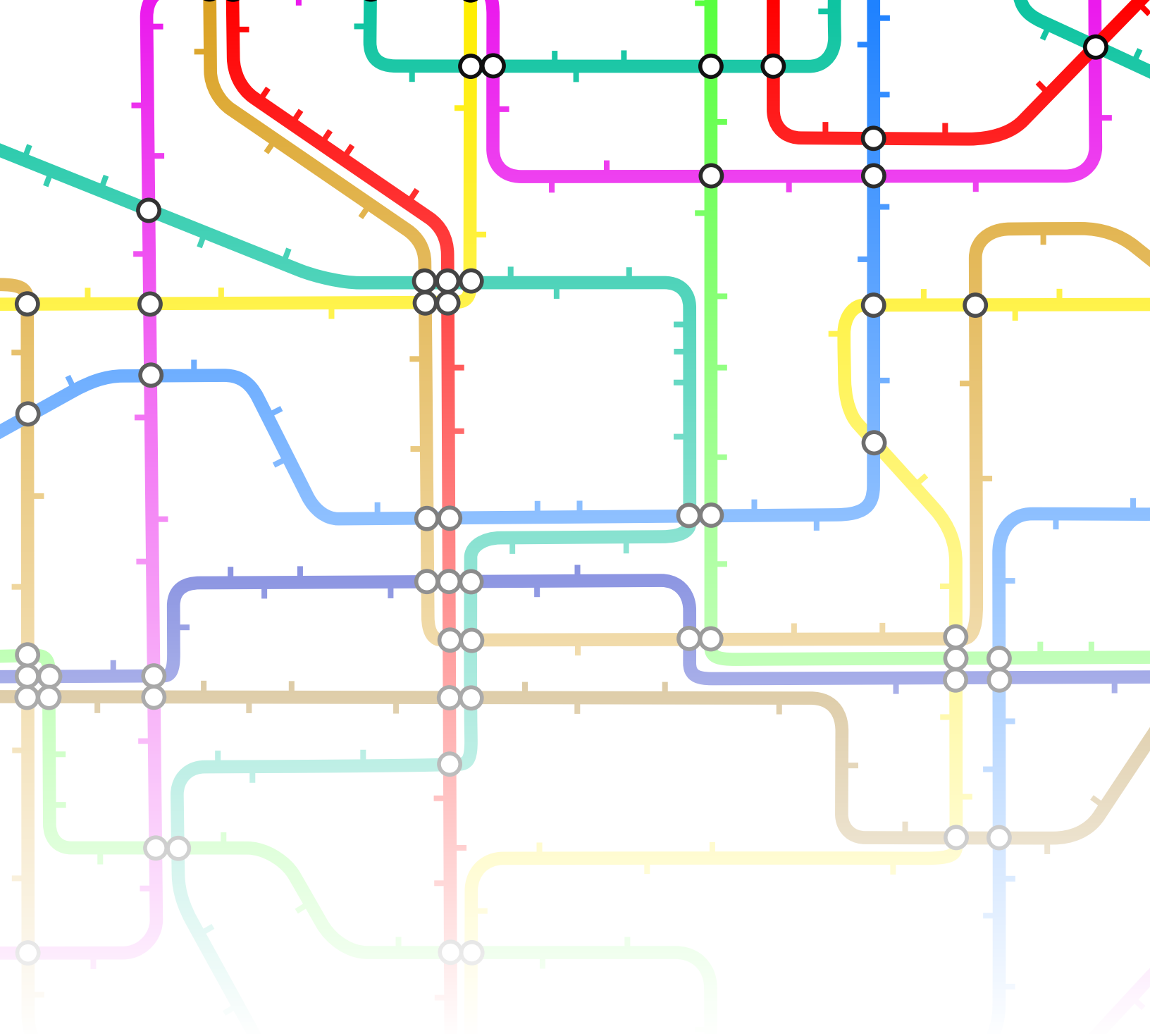
- Achieving at least a 50 percent increase in the number of commuters who walk or bike, from 3,300 to 5,000;
- Increasing the miles of local sidewalk in good repair from 136 to at least 195;
- Establishing at least 350 bicycle parking spaces along at least 30 miles of designated bicycle routes;
- Cutting by 25 percent the peak hour travel time from Eastchester Road to Huguenot Street, from 4 minutes to 3 minutes; and
- Reducing the rate of single-vehicle occupancy commutes to City Hall by at least 15 percent, from 96 percent to 81 percent.

The adoption of GreeNR, which serves as a general statement of City policy, has coincided with the initiation of the redraft of the City's Comprehensive Plan. The community's Mobility and Infrastructure subcommittee is reviewing these goals and, in conjunction with the regional Sustainable Communities Consortium (discussed previously in Issue 1), is working to incorporate them into the official plan for the community. Through this incorporation, New Rochelle will shape and direct its land use regulations and development decisions in the coming years with an even greater emphasis on TOD.



New Rochelle Mayor Noam Bramson provided the inspired and consistent leadership for GreeNR that led to its adoption. However, he credits the City Council and the dozens of technical advisors and hundreds of citizens who contributed to this blueprint for the future development of the "Queen City on the Sound." In Mayor Bramson's words, "GreeNR is far more than an abstract philosophical document. Contained within these pages are scores of specific, achievable recommendations, aimed at improving the environmental, economic, and social health of New Rochelle during the next twenty years and beyond." With Mayor Bramson's continued guidance, GreeNR's TOD and transportation-related goals are likely to become reality and may serve as a model for other communities seeking to encourage TOD.

For more information on New Rochelle's sustainability plan, GreeNR, please visit: http://www.newrochelleny.com/index.aspx?nid=346.



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