

Land Development

NATIONAL ASSOCIATION OF HOME BUILDERS

VOL. 23, NO. 3, SUMMER 2010



Negotiating the Challenges of Transit Oriented Development

Plus:

BALA Awards

3 Ds of TOD

The Growing,
Graying Population



Published by the National
Association of Home Builders
www.nahb.org

Negotiating the Challenges of Transit Oriented Development

BY NEAL I. PAYTON, AIA, LEED-AP

High density does not have to translate into monolithic buildings or even mono-cultural neighborhoods.

MOST OF THE NATION'S PLANNERS consider Transit Oriented Development (TOD), which is characterized by equal parts Density, Diversity and Design, to be a growing trend. All but the most skeptical would also agree such development is likely to impact more locales in more cities as the momentum for transit continues to increase. However, TOD should not be an end in itself, but rather a means to a set of ends.



The Columbia Heights metro is now both a vital destination for outsiders and a new home for local tenants. A plaza with splash fountain surrounded by cafés serves as the heart of the redeveloped district.



The project shown on this plan added three new buildings at the Columbia Heights Metro Station in Washington, D.C. They contain apartments, condos and subsidized senior housing, all with ground floor retail.



What are these “ends?” One is to bring people and businesses close enough to transportation to make that transit vital, i.e., to create a situation in which transit is used to get folks from home to work, to school, to shops, and even to recreational opportunities. Each trip made this way is one less automobile on the road. Another “end” is to create a tool to catalyze urbanism at its most intimate locations. In other words, to build or encourage great public spaces surrounded by elegant, but dense buildings that provide ample opportunity to sustain public life. And those spaces also need great sidewalks and great streets because here is where most of urban life takes place.

While the benefits of TOD have been written about extensively, the challenges of accomplishing it have received far less attention. Many of these challenges relate to the “three Ds” cited in the first paragraph. Alas, many great TOD proposals remain on the drawing board, not because of any inherent defect, but because of a set of unanticipated or insurmountable forces affecting one or several of those “Ds.” For example, many developers have been thwarted repeatedly in their attempts to build density by existing zoning regulations, bureaucratic inertia and well-organized groups of NIMBYs masquerading as environmentalists. At the other end of the spectrum, local transit agencies’ inflated land values or unrealistically high density expectations make it difficult for TOD developers to pencil in anything but highly subsidized pro forma. This article provides some tactics for negotiating the challenges that prospective developers will face in tackling TOD.

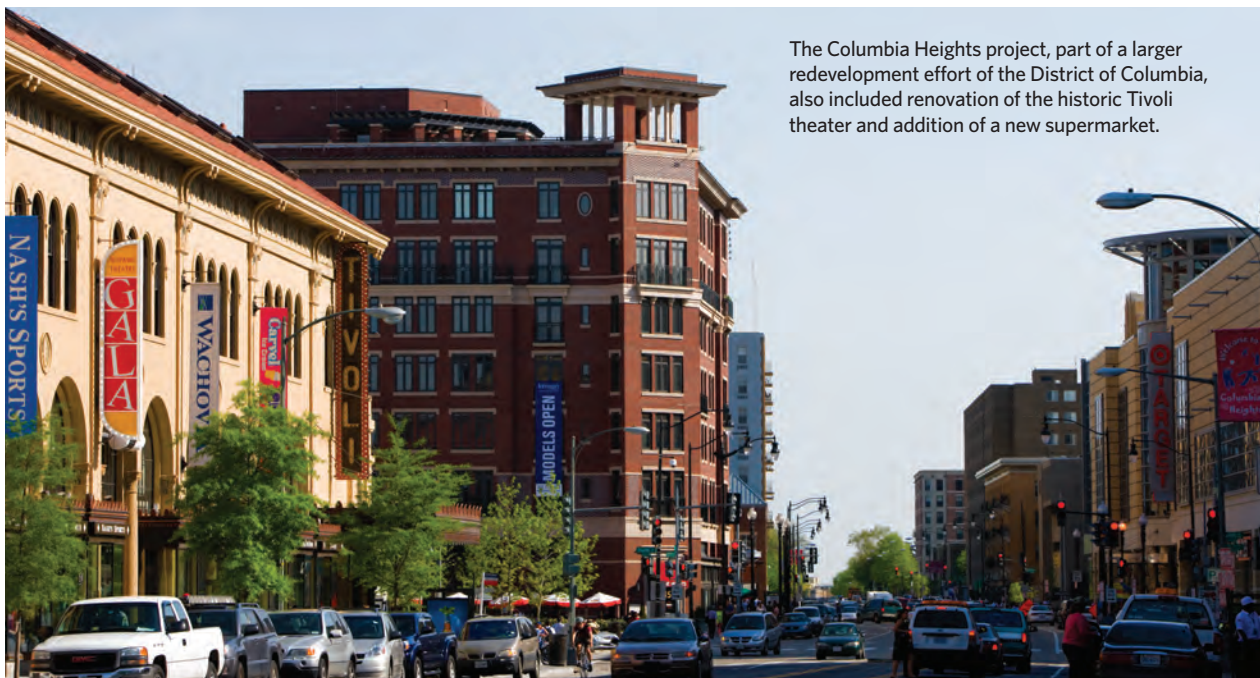
Challenge 1: Negotiating the Density

In an ideal world, the prospective TOD developer could select sites where entitlements for density are in place and where local transit or other municipal authorities have a realistic view

of the current market and are willing to be flexible in the long term. Typically, none of this is the case, and often developers are caught within these forces.

Transit authorities generally have two prongs of interest. First are operational interests, which are the folks who maintain and run the equipment. Second are real estate interests, those parties who acquire, plan and sell adjoining land. The latter folks, in turn, have two motivations: 1) maximizing ridership by getting the highest level possible of transit users living, working, shopping or going to school near the stations, and 2) maximizing land values to provide a steady stream of income through ground rents for the authority in perpetuity. Remember, transit agencies occasionally trade properties, but they almost never, ever sell it.

As a result of these motivations, authorities often have density expectations well beyond what makes any individual developer comfortable. This is particularly true in regards to parking, since parking is really the driver of density. One impediment in many markets today is an authority that asks developers to provide unsubsidized parking structures to support high-density development. An appropriate response is to create a program of graduated densities that allow less expensive products, (e.g., townhomes and plex units) located further from transit stations to be constructed first, thereby preserving closer-in land for later use. A caveat with that strategy, however, is facing the issue of who has ownership of the land. The developer needs to



The Columbia Heights project, part of a larger redevelopment effort of the District of Columbia, also included renovation of the historic Tivoli theater and addition of a new supermarket.

be able to sell some units to create enough product diversity. If the transit authority owns the land used for this purpose, some accommodation with the authority must be negotiated either through direct purchase or land swaps to provide appropriate ownership diversity.

At the other end of the equation are the NIMBYs who live within a couple blocks of a transit station but prefer nothing denser than single family houses and who claim “smart growth” is just a Trojan horse with traffic congestion hiding inside. While many of these naysayers can never be won over, others are merely worried that the scale of new development will overwhelm them and diminish the quality of the public realm. Based on the results of some new developments, who can blame them?

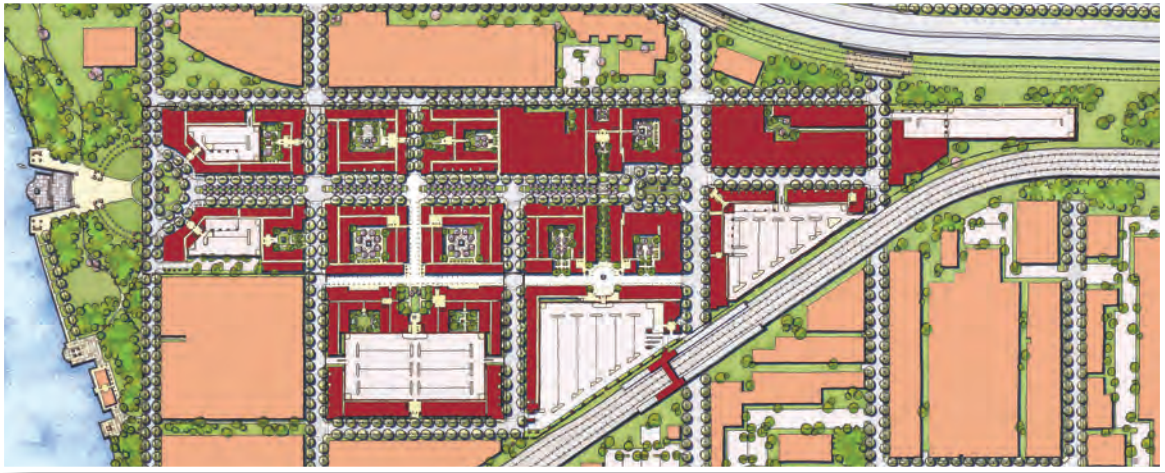
“High density” development too often appears monolithic, insular and just plain inhumane when separated from its context. When not put in perspective, it can appear to have dropped from the sky. Such projects may even come with lush landscapes or carefully placed solar panels, which hint of progressive development. However, such mitigation does not in itself render the density any less blunt to surrounding neighbors and planning commission members whose conversations will still focus on number of stories, dwelling units, acres or floor area ratio. Thus, even as developers are negotiating flexible and market-sensitive approaches to density with transit authorities and local planning agencies, they must find creative density solutions that are specific to individual tastes and needs, are site specific, and are pedestrian friendly. In this regard, a robust and finely grained mix of uses that supports vibrant sub-neighborhoods and even specific blocks should be considered. On any given block, buildings or even parts of buildings might be thought of as having individual densities, some high and some low, that when aggregated create a blended density consistent with pro-

forma expectations without looking monolithic. This blended density is not a simple solution. It tends to add cost, which also tends to add value. The impact of such cost premiums must also be factored into any requirement for affordable housing at the site; however, the impacts are likely minimal as affordability is usually secured through some form of subsidy, not through substantially reduced construction costs.

Challenge 2: Negotiating the Diversity

Paradoxically, while the design of individual blocks or buildings should be focused down in a finely grained manner, the planning of TODs must be considered in terms of the neighborhood as a whole, where the entire ensemble contains a robust mix of uses and price points. While local governments need to be encouraged to adopt more flexible zoning rules that allow for that diversity to emerge, they rightfully need to be vigilant about allowing the formation of “mono-cultures”—neighborhoods containing only one land use or one or two product types under the guise of “market forces.” Diverse development provides a more round-the-clock set of experiences. A benefit is that it also spreads out the traffic and uses resources more efficiently, while allowing people to live, work, shop and play within a walkable area. The developer who only does housing, for example, will need partners to develop other product types to create or sustain that diversity.

At the same time, because TODs do not sit in isolation, any program of development on a site should take into account an existing pattern of uses in the area and augment—not repeat—them. Diversity comes from a cross-section of the entire geographic area regardless of who owns the land or how or when it is developed. This latter point is important to bring out in meetings with the transit authority’s planning staff. This is be-



In Harrison, New Jersey, this brownfield site, which is across the river from Newark, is being built on the PATH train line. The project, which had to be set on a traditional urban grid, will include a county-built garage as well as a major commuter garage with loft units.

cause staff members, who are conversant in the latest planning literature, are likely to be enthusiastic proponents of making every building mixed use.

These same folks often will encourage a plethora of ground floor retail uses. While ground floor retail serving local needs (dry cleaners, coffee shop, etc.) around a transit station is an important amenity, development beyond that needs to meet the design standards of any retail or mixed-used development today. In other words, do not expect the transit station, per se, to create a substantial retail demand, over and above what the added density would naturally bring. To create a substantial retail-focused ground floor experience, the project will need to be positioned as creatively as any non-TOD mixed-use project would be. In other words, it needs visibility and accessibility to the site and a mix of parking and tenants.

One reality that needs to be kept in mind in considering diversity of an area is that, as distance from transit station to any given site increases, the value of that site decreases, but this is not equal for all land uses. Research has shown that folks will walk further from their homes to a transit station than from a transit station to their workplaces, for example. That doesn't suggest that, assuming market support, the transit station should be surrounded with offices. That would make for yet another monoculture, something that TOD is meant to avoid. However, it does suggest that careful attention needs to be given to the nuances of programming and location unique to this type of development.

Challenge 3: Negotiating the Design

TOD planning is urban design. As such, it requires heavy emphasis on the spatial experience of the street in general and the sidewalk in particular. The goal here is not merely to make a project that supports transit, but to provide the envelop within which a community may flourish. Achieving such a noble goal is no easy task, especially when the developer must also confront the ballet of buses that dominate every transit station. (No one wants to sit at a café overlooking a beautiful square only to be

confronted by an idling transit bus). Having “park and riders” get out of their vehicles and onto the transit platform in a seamless, weather-proof manner is antithetical to good TOD design, where browsing and lingering are favored activities.

The following are good points to keep in mind when confronting the myriad of design challenges facing TOD developers:

- The transit stations should be visible, meaning that, while not all roads lead to those stations, some significant ones do. As an anchor in the ensemble and as a gateway to the community, the transit station should act as a gateway. Plan for it accordingly.
- The transit station design itself should fit seamlessly into surrounding development. In TODs, the era of the “park-n-ride” and “kiss-n-ride,” gives way to the “live-n-ride,” “work-n-ride,” and “play-n-ride.” Busy roads and/or bus waiting areas, should not separate the station from the adjacent neighborhood. By thinking of the transit stations and associated public spaces as centers of community as opposed to stations on the way to somewhere else, adjacent spaces are seen as an extension or pathway to the station.
- Create streets, public spaces, plazas and parks that add to the feeling of community. In this spirit, adequate space should be given to the sidewalk with buildings and landscapes gently embracing those walkways. These buildings should not be monolithic in height or façade, but rather deferential to neighbors. Instead of being icons themselves, buildings are part of the fabric that frames a great street
- Put parking in its place. Regardless of who pays for the parking, it should never be a visually dominant element. Where possible, hide it, wrap it, or otherwise render it innocuous. Parking does not contribute to urban vitality, so think of it the way one would a clothes closet. It's necessary for organization, but probably not something to put out on display. At the same time, parking used by transit riders should be convenient (but not too convenient.) Most authorities have begun to recognize that getting the park-n-rider to engage with the life of the street encourages patronage at the retail locations they forced the developer to accommodate.

To create a substantial retail-focused ground floor experience, the project will need to be positioned as creatively as any non-TOD mixed-use project would be. In other words, it needs visibility and accessibility to the site and a mix of parking and tenants.

At the Twinbrook Metro stop in Rockville, Maryland, a former park 'n ride surface parking lot has been replaced by a new town green. The Twinbrook project is a high density, mixed-use development with multiple partners.



■ Pay careful attention to product innovations, differentiation of those products and location. As in any complex development, a range of product types not only buffers the developer from vagaries of the market, it also aids absorption and sales velocity. In this case, it also helps to create the vitality and response to NIMBYs objections. A range of product creates a more organic response to pedestrian frontages, i.e., it creates streets where pedestrians enjoy walking. Finally, diversity allows for a range of block sizes. For example, direct access townhomes require very different pads than wrapped, or “donut” type multi-family buildings. Since the grain and size of blocks also affects the walkability, product and locational decisions affect more than pro forma—they affect the sense of place.

Putting it Together

Transit oriented development requires what might be thought of as a symphony of complex “negotiations” over density, diversity and design. The result of these negotiations, however, is not only a three-part theoretical construct on how to build great places, but also lessons on how to successfully navigate the regulatory, political and transactional challenges. Anticipating and preparing for these challenges and recognizing the interrelatedness of the “three Ds” is the most proactive method for achieving successful implementation of profitable TODs. **LD**

NEAL PAYTON, AIA, LEED-AP is a principal at Torti Gallas and Partners, Inc. where he directs the firm’s west coast office in Los Angeles. The firm has planned successful TOD projects throughout the nation. Payton can be reached at npayton@tortigallas.com.



CONTINUING THE CELEBRATION OF OUR SUCCESS



Washington, DC | Los Angeles | Istanbul
301.588.4800 | www.tortigallas.com

TORTI GALLAS AND PARTNERS
Architects of Sustainable Community

