

A Planners' Glossary

Understanding Raleigh's New Development Code, The Diagnostics & Approach Report

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Truth

“[O]ne ought to recognize that the present political chaos is connected with the decay of language Political language ... is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind.”

George Orwell, “Politics and the English Language,” 1946

“They [city planners] are all in the same stage of elaborately learned superstition as medical science was early in the last century. ... As in the pseudoscience of blood-letting, just so in the pseudoscience of city rebuilding and planning, years of learning and a plethora of subtle dogma have arisen on a foundation of nonsense. The tools of technique have steadily been perfected. Naturally, in time, forceful and able men, admired administrators, having swallowed the initial fallacies and having been provisioned with tools and with public confidence, go on logically to the greatest destructive excesses, which prudence or mercy might previously have forbade.”

Jane Jacobs, *The Death and Life of Great American Cities*, 1961

Introduction

This glossary defines and explains terms used in the consultants’ report “Diagnostic & Approach Report” (DAR), which contains recommendations for implementing Raleigh’s newly approved 2030 Comprehensive Plan.¹

The John Locke Foundation provides this glossary as a public service because one is lacking in the DAR, which is written in a highly euphemistic language that could just as well be called “PlanningSpeak.” The planners not only use the technical jargon of their profession, but also they intentionally distort language to serve a political end. That is, they use language to cover the reality that their recommendations reduce basic individual freedoms.

Specifically, the recommendations in the DAR, if they are approved and become city ordinances, would transfer many of the most important decisions about the use of private property from the rightful owners to the political process, dominated by planners and the city’s most powerful and vocal special-interest groups. With such important freedoms at stake, this glossary is necessary to help Raleigh’s citizens decipher the fog of obscure terms and Orwellian language in the “Diagnostic & Approach Report.”

1. The Raleigh city council recently approved the 2030 Comprehensive Plan. The next step is to implement the plan by converting its broad goals into specific ordinances that would have the force of law. As an intermediary step, the city hired the Austin, Texas, consulting firm Code Studio along with five other firms to evaluate existing land-use ordinances and provide recommendations on how existing ordinances should be changed to be consistent with the new Comprehensive Plan. The final result will be a Unified Development Ordinance (UDO). This glossary applies to the Code Studio report for Raleigh, the “Diagnostic & Approach Report” (DAR).

Planners' Glossary

<p>affordable housing</p>	<p><i>An extortion scheme to force homebuilders to sell their houses at below market prices (see density bonus system).</i></p> <p>The political demand for affordable housing is created by restrictive land-use policies, such as those recommended by the DAR, that would drive up prices. These governmentally created (not market-driven) high prices would effectively force low-income families out of the housing market. Were it not for excessive land-use policies, housing in all price ranges would be available.²</p> <p>2. See Dr. Michael Sanera and Abby Alger, "Un-Affordable Housing: Cities keep low- and middle-income families from home ownership," John Locke Foundation Regional Brief, April 2008, http://johnlocke.org/policy_reports/display_story.html?id=168.</p>
<p>auto-dependent</p>	<p><i>People who prefer to drive automobiles and communities that fit their preferences.</i></p> <p>Auto-dependent is a derogatory term invented by planners to hide the fact that planners who have dominated urban land-use decisions since the early 1900s used "best practices" that required the separation of uses: residential, commercial, and industrial. This legally required separation of uses led to the increase in the use of automobiles. In other words, planners' "best practices" prohibited mixed-use developments. Instead of repealing restrictive zoning and allowing mixed use in locations and quantities desired by consumers, the DAR recommends that the city require highly regulated mixed use at locations that they have selected; e.g., "growth takes the right form and occurs in the right locations" (DAR p. 2). (Also see mixed use, best practices, and fine-grained control.)</p>
<p>best practices (also national best practices)</p>	<p><i>Whatever are the latest planning fads.</i></p> <p>City planning, as Jane Jacobs noted almost 50 years ago in <i>The Death and Life of Great American Cities</i>, is a pseudoscience similar to the state of medicine when medieval doctors practiced blood-letting. Resorting to the phrase "best practices" is an attempt to give legitimacy to planners' land-use policy preferences. The DAR generally uses the term when the authors want to reinforce their policy preferences (see, e.g., "Current best practices in urban design focus on knitting neighborhoods together, including commercial and residential portions," p. 28), in an attempt to justify the use of governmental force to require those preferences. Also note that the "best practice" in urban design since the early 1900s has been to use governmental force through zoning codes to keep commercial and residential areas separate.</p>

<p>community</p>	<p><i>Depending upon the use, either (a) a narrow set of citizens, special-interest groups, and city planners, (b) only city planners, or (c) a vision based in nostalgia.</i></p> <p>Planners use “community” to mask the reality that they along with the most active special-interest groups actually control land-use policies in the city. While Raleigh’s planners like to boast that the new Comprehensive Plan was formulated with widespread public input, the reality is that only a narrow segment of the population even knew it was being considered. A plan affecting the entire community should be put to a vote of the public, after a more vigorous and extended public debate.</p> <p>A second way planners use “community” is as a euphemism for themselves, to put a positive spin on their control over private property in the city. If the DAR recommendations were adopted as city ordinances, the “community” would control where new development takes place, the form of that development, the requirements for buffers, the architectural style of building facades, the transportation used by citizens, etc.</p> <p>Planners also use “community” in terms of a nostalgia-based social experiment to bring about an early 1900s utopian ideal of community (front-porch sitting, back-fence conversing, a feeling of belonging). Planners fail to notice that modern families are part of many different communities often not associated with geographic proximity. At the turn of the last century, communities existed around geographic proximity because most people had no other options — they were not rich enough to own a car, so they were not as mobile as we are now. Today we are part of a churches, schools, youth sports, work, and civic associations that form our communities, and these communities are not geography- or location-specific. Instead they depend, for the most part, on autos for members to gain access to these communities. Thus on one hand planners want to use urban design to force us into communities based on geography, and on the other prevent us from participating in communities of our own choosing by implementing anti-auto policies that decrease our mobility.</p>
<p>compact development</p>	<p><i>Congested, crowded housing conditions (see p. 21 of the DAR).</i></p> <p>The 2030 Comprehensive Plan has designated where compact development (apartment complexes and similar high-density housing developments) would be located throughout Raleigh. When those compact developments are built, the adjoining neighborhoods would be affected by increased traffic congestion. Planners require these regardless of consumer demand. Currently roughly 80 percent of the population desires a single-family house with a yard. Adopting the development ordinances recommended by the DAR that not only ignore those desires, but actively frustrate them, would be an unjust use of governmental power. The most likely consequence of this policy would be homebuyers moving out of Raleigh in search of the housing that they desire, which would increase traffic congestion and pollution both in the urban and suburban areas.³</p> <p>3. As happened when Portland, Oregon adopted similar policies. Portland homebuyers bought houses instead in Salem, Oregon and Vancouver, Washington.</p>

<p>density bonus system (also incentive system)</p>	<p><i>Legal extortion schemes operated by the city to secure funds from homebuyers to pay for politically determined (rather than market determined) “amenities.”</i></p> <p>Density bonus and incentive systems are recommended throughout the DAR. These systems offer developers an increase in the number of units per acre if they voluntarily agree to pay for certain public amenities such as public art, open space, affordable housing, etc.</p> <p>The DAR spells out in detail how this legal extortion racket operates (p. 15). First planners set the density (the number of houses, apartments or condos per acre) below what the market would dictate. For example, if the market is four houses per acre, the planners would arbitrarily lower the density to one house per acre. That would “ensure there is an economic incentive to acquire additional density and therefore achieve [extort money to pay for] the desired public amenities” (p. 15). Market conditions would indicate that the homebuilder could not make money at one house per acre, so he would have to agree to the planners’ extortion. Planners want the builder to pay for open space, public art, affordable housing, etc. In some cases, planners grant developers “payment in lieu” of providing the “public amenities” directly. The homebuilder agrees to the offer he cannot refuse, and the planners give him a “density bonus” by raising the density to four houses per acre, where it should have been in the first place.</p> <p>Importantly, the homebuilder’s cost for the public amenities would increase home prices above the price he would have set without the extortion. The artificially increased home prices open the door to another legal extortion scheme called affordable housing (see p. 30 and prior entry).</p> <p>Planners are cautioned not to get too greedy here, however, because developers have other options. They could use the base density (one house per acre in this example), or they could just build outside Raleigh, contributing to the “sprawl” that the planners hate.</p>
<p>fine-grained control</p>	<p><i>Detailed, area-specific control of private property by planners.</i></p> <p>Current land-use controls allow flexibility for landowners to build on their property in ways that planners dislike. The “fine-grained controls” they advocate would not only give them more control to enforce their preferences, but also they provide greater power to special-interest groups. Fine-grained control increases the ability of planners to exercise detailed control of private property in each area in the city, rural, suburban, urban, center city, etc. (p. 15). For example, the DAR states, “Once established, each context area [rural, suburban, urban, center city, etc.] would have its own set of zoning districts, street types, block standards, parking provisions and landscaping requirements. This allows for more fine-grained control over subtle differences...” (p. 75).</p>

<p>form-based code</p>	<p><i>A way to give planners control over not only the use, but also the visual aesthetics of a building as well.</i></p> <p>Not satisfied with controlling where certain uses would be allowed, planners use form-based codes (FBCs) to play architect and dictate the physical appearance of buildings, too. Planners argue that FBCs place more emphasis on the form of a building rather than the use of the building.</p> <p>One expert called the FBC movement an attempt “to re-create the city of the past”⁴ because planners will use FBCs to force an urban design that resembles cities that developed in the early 1900s. Planners ignore the fact that, as Jane Jacobs pointed out, those designs were spontaneous and self-generated forms. FBCs would also produce a sterile, homogeneous city without architectural diversity.⁵ For example, see page 11 of the DAR for the form-based requirements for a downtown building, which specifies the distances between entry doors and windows.</p> <p>4. Lolita Buckner Inniss, “Back to the Future: Is Form-Based Code an Efficacious Tool for Shaping Modern Civic Life,” Cleveland-Marshall College of Law Research Paper 07-135, February 2007, p. 2.</p> <p>5. For a discussion of how FBC produce a sterile “look-alike” architectural environment, see Dr. Michael Sanera, “Chatham County’s Land Grab: A selfish elite is trying to take over 23,000 acres for their personal benefit,” John Locke Foundation Regional Brief, November 2008, p. 9, http://johnlocke.org/policy_reports/display_story.html?id=190.</p>
<p>growth</p>	<p><i>City development the satisfies to the whims of planners and special interests.</i></p> <p>The DAR recommends that “growth takes the right form and occurs in the right locations” (p. 12). By “right” the authors mean, of course, correct according to their tastes. In other words, Raleigh city government would use governmental force to require the “correct” form of development at the “correct” locations (see form-based codes). Such an approach would represent an arrogant presumption of knowledge. Who in city government knows the “correct” form and location?</p> <p>In reality this approach to “growth” would amount to planners and powerful special-interest groups imposing their values on the rest of the community. Once this politically determined plan were approved, the city would use force to impose it over the thousands of other, individual plans. City residents who have invested and saved in order to implement their personal plans for their properties, based on their own values and desires, would find that their plans and values have been superceded by the values of planners and special-interest groups.</p> <p>Make no mistake; this plan is not about the “right form” and the “right locations.” It is about a small minority using governmental force to impose its values on the rest of the community.</p>
<p>incentives</p>	<p><i>Legal extortion systems operated by the city (see density bonus system).</i></p>

<p>mixed use</p>	<p><i>A combination of commercial, residential and other uses in the same area.</i></p> <p>An example of mixed use would be retail shops on ground floor and apartments or condos on upper floors. For most of the last century, this practice was prohibited by zoning “best practices” that required the separation of residential, commercial, and industrial uses. Now planners are dissatisfied with repealing these zoning restrictions, but they are loath to let consumers and producers determine the placement, quantity, and quality of future mixed uses. Planners believe they know best and are willing to use governmental force to implement their preferences.</p> <p>For example, the DAR states that “simply permitting a broad range of uses ... without any sort of additional regulation” would not be enough to create a “vibrant mixed use area” (p. 10). In other words, if left free, people would not choose to live in the manner that planners want. And what are their preferences? “[B]uildings are pulled up to the street, ground floor windows are transparent, parking is structured or to the rear of buildings, sidewalks are wide, and streets are narrow” (p. 11). Their preferences, their “best practices,” are really nostalgia-based attempts to recreate the an idealized past with no considerations for the changing, evolving desires of modern consumers (see best practices, form-based code).</p>
<p>open space</p>	<p><i>A requirement that homebuilders provide more land than homebuyers desire.</i></p> <p>The DAR argues that “people are willing to pay a larger amount for a property located close to open space than for a home that does not offer this amenity” (p. 24). Planners make open-space requirements even though nearly 88 percent of North Carolina is open space.</p> <p>Open-space requirements misuse economics in order to justify more government control over land use. By recognizing that homebuyers will pay more for land near open space, as demonstrated by the market, planners acknowledge that current market conditions supply the appropriate amount and type of open space. Therefore, there is no need for government planners to override the market and use government to force producers to produce and consumers to consume more open space than they already are of their own volition and preferences. But inexplicitly planners jump to the opposite conclusion. Planners recommend that the city require developers to provide more open space by expanding the current open-space requirements to “all residential subdivisions above a certain size” (p. 26). As the entire document shows, planners believe that they know what is best and are willing to use government to force their vision on the rest of us.</p>
<p>public realm <i>(also high quality public realm)</i></p>	<p><i>Anything that can be seen from a street.</i></p> <p>Planners use the term “public realm” to justify extending their control over anything visible from a street. They justify form-based codes that dictate the façade features of buildings because those features contribute to the aesthetics of the public realm (p. 21). They also justify ordinances that control trees on private property using the public-realm argument: “Current street yard protective requirements require trees to be saved or planted in a landscaped area adjacent to the street right-of-way” (p. 36).</p>

<p>stakeholders</p>	<p><i>Special-interest groups consulted in the development of land-use plans and regulations.</i></p> <p>They do not include the general public, nor do they consider the broader public interest, market economics, and constitutional rights. If the special interests agree, the planners and the city council will implement plans with wide-ranging impacts on the groups not represented. For example, they rarely consider views and interests of low-income residents and racial minorities (for the narrow set of “stakeholders” consulted, see p. 127). As one critic of the public input process concluded, “planning has been, and continues to be in a number of cases, a tool of social oppression. This is frequently true because planning projects are driven by elites.”⁶</p> <p>6. Lolita Buckner Inniss, “Back to the Future: Is Form-Based Code an Efficacious Tool for Shaping Modern Civic Life,” Cleveland-Marshall College of Law Research Paper 07-135, February 2007, p. 29.</p>
<p>subdivisions (also cookie-cutter subdivisions and monotonous subdivisions)</p>	<p><i>The revealed consumer preferences in neighborhoods, which planners dislike intensely.</i></p> <p>This dislike leads planners to resort to derogatory terms to characterize subdivisions in order to justify the substitution of planner values for consumer desires. The DAR readily admits that Raleigh’s current land-use regulations contribute to current subdivision patterns, already diminishing diversity of style, size and physical layout (p. 24). But instead of repealing those restrictions and allowing builders to satisfy homebuyer desires, the DAR substitutes planner desires. For example, the current open-space requirement for large planned residential developments should be applied to “all residential subdivisions above a certain size” (p. 26) (see open space).</p>
<p>sustainability</p>	<p><i>Absurd idea that without government planning, builders would create developments that fail to meet people’s needs.</i></p> <p>Sustainability is one of the guiding principles of the city’s newly approved 2030 Comprehensive Plan (p. 2). There is no stand-alone section on sustainability in the DAR, but “the concept of sustainability ... is woven through this report [DAR], and should continue to serve as an over-arching philosophy in support of regulatory changes” (p. 6).</p>

	<p>For some reason, the DAR fails to define “sustainability” or specify what that philosophy is. This failure is most likely intentional; any meaningful definition reveals the absurdity of the term. For example, the term is often defined as “development that meets the needs of the present without compromising the ability of future generations to meet their needs.” This definition ignores the principles of resource economics and assumes that we can know today the needs of future generations. Imagine the generation of the 1950s — or even the 1980s — trying to anticipate the present generation’s desire for WiFi. Sustainability is most often used as a political weapon by those who want to control development based on their personal ideological preferences.⁷</p> <p>7. See “Sustainable Growth: Principles and Policies,” John Locke Foundation, The Macon Series, May 2008, http://johnlocke.org/policy_reports/display_story.html?id=170.</p>
<p>trees (also tree protection ordinance, Champion tree, Heritage tree)</p>	<p><i>A valuable natural resource that planners (1) assume benefits everyone, (2) want planted and protected for everyone’s benefit, and (3) want the costs of the forced planting and protecting borne solely by the affected landowners.</i></p> <p>The DAR recommends that “street trees should be required along all streets” (p. 45), with special protection given to large trees called Heritage (24” diameter) and Champion trees (36” diameter). The DAR notes that trees mitigate the urban heat island, clean the air, and provide shade. In addition, the DAR states that “roadway corridors with deeper buffers” would enhance “the economic value of the entire community” (p. 35). The question, however, is who should pay for those benefits?</p> <p>The tree protection policies recommended by the consultants are clear. All residents would gain benefits, but the costs of these benefits would be borne only by property owners. Landscape tree buffers cost money. If all residents benefit, then all residents should pay through taxes. This principle of costs and benefits is ignored here and throughout the entire DAR report. It is patently unjust to force property owners to incur costs for benefits that go to all of the residents.⁸</p> <p>8. Similar requirements are in a proposed Chatham County development plan. See the added costs of a hypothetical small shopping center on page 6 of Dr. Michael Sanera, “Chatham County’s Land Grab: A selfish elite is trying to take over 23,000 acres for their personal benefit,” John Locke Foundation Regional Brief, November 2008, http://johnlocke.org/policy_reports/display_story.html?id=190.</p>

<p>walkability (also bikeability)</p>	<p><i>Designed to discourage driving.</i></p> <p>DAR recommends that the city change the physical shape of the city in order to “get individuals out of their motorcars” (p. 46). Instead, planners want people to walk, use bikes and mass transit. One tactic is to make auto lanes narrower in order to increase traffic congestion. (p. 43) Another is to prohibit subdivisions with cul-de-sacs, and require houses be built on roadway grids (p. 47). Homebuyers, especially families with small children, like cul-de-sacs because they are safer for their children. But planners ignore this consumer desire because they believe they know best. The DAR authors also recommend expanding bike parking requirements to a “citywide bicycle accommodation system” (p. 47). In other words, regardless of demand, developments will be required to install, at their own expense, bicycle parking facilities (p. 47). Instead of trying to accommodate the desires of Raleigh’s citizens for mobility, the planners do the opposite. They penalizes their hated mode of travel, auto, and use governmental policies to change the physical shape of the city to support their ideologically driven preferences, walking and bicycles.</p>
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