

Is Smart Growth About the Public Trust and Land?

Presented by Tim Pringle

It is a pleasure to join you today. I appreciate the opportunity to participate in your annual conference and to share observations about the Real Estate Foundation's strategy as a grant-maker committed to addressing sustainable land use concerns. As the title of my presentation suggests, I will offer the Foundation's experience grappling with the "smart growth" perspective on land use and community change.

My presentation is in two parts. The first bravely attempts to cover some of the underlying reasons that periodically intensify public discourse about land use and the public trust in North America. Perhaps now is such a time for our communities.

In the second part I will attempt to define "smart growth" and reflect on the interests of North American foundations in the subject. I will cover some examples of how the Real Estate Foundation deals with the kinds of land use-related concerns that are included in the smart growth concept and movement, if it is one.

At the Real Estate Foundation, we are particularly interested in sustainable land use outcomes. For us, this means a reasonable balance of environmental, social and economic interests. This trinity is a more qualitative expression of the classic economic theorem that land, labour and capital are exploited to produce wealth. North America's land use and conservation culture (can I say ethic?) has been an ambivalent courtship of private property and public trust interests since colonial times.

Harvey Jacobs, in his essay, "State Property Rights Laws", published in 1999 by the Lincoln Institute, provides history notes of the debate about property rights when the 5th Amendment to the U.S. Constitution was before government in 1788-89. Benjamin Franklin viewed "private property as a creature of society, that is subject to the calls of that society whenever necessities require it, even to the last farthing." James Madison asserted, "Government is instituted no less for the protection of property than of the persons of individuals". John Adam's position was similar: "Property must be secured or liberty cannot exist".

While Canada's tradition regarding property rights is couched in the context of peace, order and good government, a similar friction exists between private property interests and those of the public trust as represented by levels of government and the non-profit sector. The priority of individual property rights vs. the needs of the public trust often conflict. The volume of provincial and municipal legislation that affects landowners probably reflects the degree of friction.

Jacobs suggests that in the U.S. this enduring tension is reflected in the rise of the private property rights movement. In both countries organizations such as the Urban Land institute and the Urban Development Institute argue in recent research and studies that local and regional ordinances may be unduly restrictive of the owner's property rights. Their findings suggest that levies on the land owner/developer for infrastructure and amenity costs make housing and other development overly expensive: that other means of paying for these public services should be devised.

My point is that the roots of the issues that shape and reshape our settlement and natural areas have not changed much since colonial times. The expression of the issues does change. Consider that slavery was accepted as part of the land, labour, capital equation to build wealth in colonial America. In the U.S. and Canada, as late as 1914, we still had homestead laws to deliver land to immigrants for agriculture and to build community and individual wealth.

I have one more observation to make about our private and public expectations of the land. We know that our rural antecedents have changed in favour of agribusiness and still-increasing urbanization. We now know much more about some of the cumulative impacts of our land use and conservation practices. In October 2002 the Harvard University Graduate School of Design produced the symposium, *Building Nature's Ruin? -Realities, Illusions, and Efficacy of Nature-Sustaining Design*. Several excellent essays by presenters at the symposium are published in the spring/summer 2003 edition of *Harvard Design Magazine*. It is worth getting a copy.

William Saunders, Editor, in the introduction to the issue wrote:

"No one is predicting an end to humanity during this century. But more diseases borne by arthropods such as ticks and mosquitoes. More violent storms, more drought, higher oceans, and loss of at least a third of all plant and animal species are clearly foreseeable. Worldwide buildings and their appliances are responsible for over forty percent of the gases that produce climate change. Existing strategies can make buildings generate at least fifty percent less. Yet these strategies are far from normative, especially in the United States. This omission falls neatly in line with institutional America's nearly universal concern with short-term interests instead of long term needs."

The presenters at the symposium covered provocative ground in their observations and noted a wide range of facts, many disconcerting and, obviously, good sound bytes for the media. For example:

"In 1998, the oil and gas industries spent \$58 million lobbying the U.S. Congress. Environmental groups spent \$4.7 million on all issues combined...U.S. businesses spend an estimated \$1 billion a year on the services of anti-environmental PR professionals and on 'greenwashing' their corporate image" (sources: Trust Us, We're Experts, 2002, and Toxic Sludge Is Good For You, 1995, by John Stauber and Sheldon Rampton).

I call this kind of information, "angst data". We all receive it through the media. Groups with a focus on the public trust and land wonder how they can do more, helping to find solutions. It

seems to me that smart growth, as a possible movement about land use and community change, is responding to cumulative "angst data".

And that leads me back to the second part of my presentation. How and why are foundations getting involved in funding initiatives related to smart growth. How do they define smart Growth? What is the Real Estate Foundation's position?

I have searched for a way to define smart growth and a joke comes to mind. A librarian told this to me, truly.

Three librarians are taking a professional development course two evenings per week. One night they come out from their class onto the street--dimly lit by the overhead light. The location is a shabby part of their city. Along the curb they observe several women soliciting.

One of the librarians says to her companions, "Tonight we studied collective terms. How would you describe this street scene using pluralism? One companion smiled and replied: "I would call it a half dozen tarts." The second companion replied: "a covey of call girls".

"And you they asked?" Their colleague answered: "an anthology of prose".

Smart growth is a collective term. It has many perspectives. For some agencies it is a qualitative and almost moralistic concept. For agencies more experienced in dealing with land use issues the term often is more technical, more about implementation strategies and practices.

It seems to me that smart growth is partially interchangeable with other popular concepts such as "new urbanism", "neo-traditional development" and "livable communities".

You can imagine that the term smart growth is not very popular with planners who seem to reject the implied polarity. But many smart growth proponents don't like the term either.

In early April I attended the Annual Conference of the Funders Network for Smart Growth and Livable Communities. About 140 registrants attended; most represented foundations, including a strong representation of the largest foundations in the United States. The Funders' Network Management Board includes representatives from the Ford, McKnight, Robert Wood Johnson, William and Flora Hewlett, Foundations and so on. The Vancouver Foundation also is on the Management Board.

As the conference proceeded, I found that not many of the foundations like the term smart growth. The concept of "livable communities" is more acceptable. Their approaches to funding initiatives for livable communities vary greatly. Some focus on environmental concerns, others seek to address energy consumption and encourage green buildings; affordable and accessible housing is a big issue. For all of them, the collective nature of the "smart growth and livable communities" approach is compelling. It leads to alliances and partnerships.

One of the key tenets of smart growth literature is that sprawl is a dirty word. Low densities and segregated land uses are seen as inefficient and antithetical to achieving livable community objectives.

The Funders' Network was pleased to see the April 22nd edition of *USA Today* feature an article titled, "City, suburban designs could be bad for your health". The author notes that "Many experts on public health say the way neighbourhoods are built is to blame for Americans' physical inactivity - and the resulting epidemic of obesity." The article reports that the Robert Wood Johnson Foundation in New Jersey, the country's largest health care philanthropy, is spending \$70 million over 5 years on studies and programs to make it easier for people to walk in suburbs, cities and towns."

The conference offered several examples of foundations' support of smart growth strategies.

The McKnight Foundation of Minneapolis helped to establish the Lowertown Redevelopment Corporation to revitalize an area on the Mississippi River in St. Paul. The area is similar to Vancouver's Yaletown. Starting in 1978, the Foundation invested \$10 million of seed capital (repayable, no interest loans) to launch the corporation in the first years. The results are \$400 million of investment by 2001, a vital community with services, housing, great public spaces and St. Paul's fastest growing neighbourhood.

William A. Johnson, Mayor of the City of Rochester, New York spoke about his city's struggle to revitalize a downtown that was abandoned by the middle class and wasted to monoculture of poor people. Real estate wealth evaporated. Poor people can't buy homes and can't travel where public transit is not available, so they stay put. In his words, "If there is to be a sense of community, there has to be a institutional basis to it." He sees private and public land use needs as part of that basis.

With the help of the Rochester Area Community Foundation, the City has worked with partners to establish the Common Good Planning Centre. The Centre is working with smart growth principles to attract real estate development to the core area of Rochester.

Smart growth initiatives also are alive and well in Canada. On Tuesday and Wednesday this week, Smart Growth BC hosted a meeting of Canadian organizations involved in smart growth to consider forming a national organization of some kind. The meeting was here in this building and at SFU Harbour Centre across the street. I suspect some kind of network may be formed, rather than an organization with its own staff.

Now I would like to briefly turn to the Real Estate Foundation's involvement in smart growth issues.

We see smart growth as a collective term for strategies that impact land use and conservation. The motivation of the strategies is to enhance the public trust values of land use and conservation.

The smart growth movement, if you call it that, doesn't have its own expertise, although some is being developed. In reality, smart growth strategies borrow from other sectors: housing, transportation, planning, development industry, the environmental field and so on.

Smart growth is about process and joint ventures. It is about tools: technical implementation, policies, reshaped by-laws, and so on.

The Real Estate Foundation has funded a series of projects involving the James Taylor Chair in Landscape and Liveable Environments, the Greater Vancouver Regional District, City of Surrey and other partners, depending on the project. In 1996 we were the lead funders of the Surrey Sustainable Design Charrette, followed in 1998 by the Brentwood Design Charrette. The first was primarily a greenfield site, the latter a redevelopment site. These efforts took academic approaches and modified them into sustainable design principles based on existing land regulation and policy.

The next project was the Alternative Development Standards Workshop, which involved an audience of practitioners in engineering, planning, development, real estate, and the environment. The sustainable development principles that emerged from the charrettes were quantified in terms of potential savings for the housing and other development that might be built. The analysis suggested that savings of 20% or more could be achieved. A key to the savings was the green infrastructure planning and the handling of storm water on the surface rather than underground.

This expertise led to the East Clayton Neighbourhood Sustainable Development demonstration project. This 500-acre site was designed in a neighbourhood concept plan using the sustainable development principles. Currently the site is being built out. The first 50-acre parcel began development a year ago. I heard this week that about three quarters of the developable sites have been optioned.

The Foundation has just committed to a three-year venture with the James Taylor Chair, the Real Estate Institute of British Columbia, and Smart Growth BC to work with one municipality per year to facilitate production of an area plan based on sustainable development principles. The District of Maple Ridge is the first municipal partner.

The Foundation has a strong focus on reaching land use practitioners with the technological information that will enable them to move from traditional to new practices related to managing storm water and other matters. We recently funded a very innovative project called the Water Balance Model. The Intergovernmental Partnership, a subgroup of the BC Water and Wastewater Association, is managing the project. The model will allow practitioners to calculate and preview the site performance of plans for handling storm water on the surface and returning 90% or more to the soil as infiltration.

I hope that my review helps you to reflect on the culture of the smart growth and livable communities movement. I feel that the credibility of foundations as institutions in our North American communities may, for a time, enhance the attention that is directed to livable communities.