

Getting It Done

Aligning Long Island's Development Processes with
Sustainable Economic Growth

Report Prepared by Regional Plan Association

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LONG ISLAND
INDEX



Good information, presented in a neutral manner, can move policy

Getting It Done

NEW REALITIES REQUIRE NEW PLANNING TOOLS

As Long Island begins to emerge from recession, it faces questions on how it will be able to sustain sufficient economic vitality to maintain the Island's quality of life. Even before the downturn, there were signs that the long period of growth that began after World War II was running its course. Average wages were stagnating, while escalating taxes and housing costs were causing many, especially young adults, to leave. Housing production was declining as the amount of land available for new single-family housing dwindled. Businesses complained of a shortage of available workers and the high cost of new development.

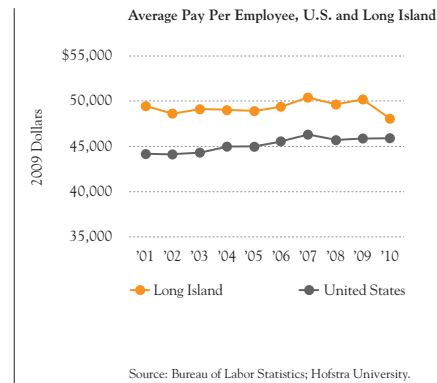
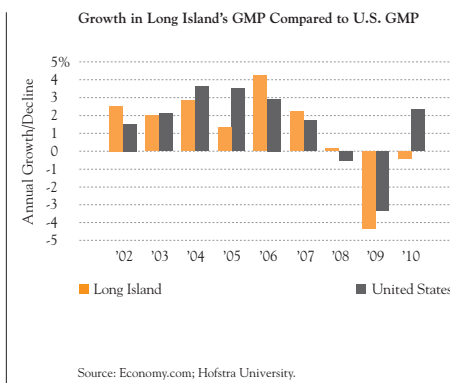
Like many suburban areas across the country, Long Island is grappling with the difficult challenge of how to maintain its high quality suburban lifestyle while adapting to new economic, demographic and environmental realities. The transformation of bedroom communities into dynamic, high-wage economies is stalling in many regions as cities have solidified their role as the economic engines of the global economy, and as suburban employers confront higher costs for labor, real estate and taxes, increasing congestion, and increasing resistance to new development. Decades of seemingly insatiable demand for larger and larger single-family

homes have given way to a new demographic reality in which later marriages, smaller families and more “empty-nesters” have increased demand for smaller houses and apartments that are closer to work, school, shopping and services. And the clean air, water and open spaces that have always drawn people to the suburbs are no longer a given as more land is developed and more cars are on the road.

Since its inception, the Long Island Index has documented how these new realities have played out in Nassau and Suffolk Counties. A few highlights from the 2011 Index show how these trends have progressed in last decade:

- Over the last decade, private sector jobs have declined by 27,000 as job losses between 2007 and 2010 negated all of the gains from earlier in the decade.
- Average pay per employee is at a 10-year low, down 3% from 2000. Over the same period, average wages in the United States have grown by 4%.
- In 2009, there were 15% fewer 25-to-34-year-olds than there were in 2000, a larger decline than in any other part of the New York metropolitan region and in contrast to a 5% gain for the nation.

Long Island Index 2011 Indicators



- Households paying more than 35% of their income for housing rose from 27% of all households in 2000 to 38% in 2009.
- From 2000 to 2009, Long Island issued new permits for only 15 housing units per year for each 1,000 residents, compared to 25 for other suburban areas of the New York region.

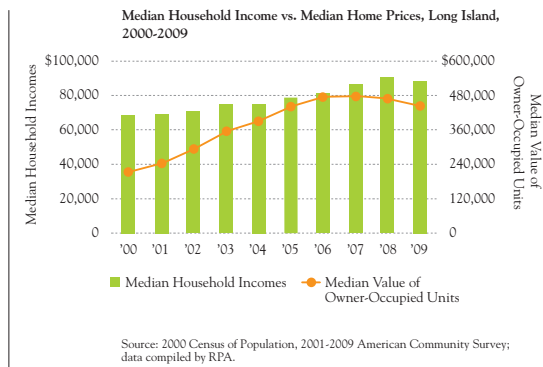
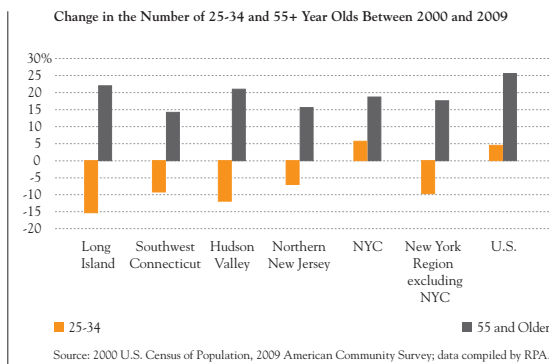
In spite of these trends, most residents still find Long Island a desirable place to live and raise a family. However, they are increasingly worried about how they can maintain this lifestyle. This contrast can be seen by comparing two findings from the Index’s 2010 public opinion survey conducted by the Stony Brook Center for Survey Research. **While 78% of residents rate Long Island as a good or excellent place to live, only 36% think things in Nassau and Suffolk are headed in the right direction**, compared to 44% who think it is headed in the wrong direction. While part of this is undoubtedly a reaction to the national recession, this contrast between liking what we have and concern for the future is consistent with concern over housing prices, taxes and people leaving that have been expressed in this and previous polls as well.

Housing prices have risen considerably across the country in the past ten years and have begun to drop only in the last two years. On Long Island, an affordable home—defined here as a home costing no more than 2.5 times the median income for the region—has become a rare commodity. The lack of affordable homes is further exacerbated by the low number of rentals or other housing options (town houses, garden apartments, and the like).

For the last several years, the Index has been examining one potentially potent strategy for revitalizing Long Island’s economy while maintaining its essential character and way of life. **Long Island’s downtowns, linked by one of the nation’s most extensive suburban transit networks, can provide most of the housing and jobs that Long Island needs, helping to hold down property taxes with minimal changes to the Island’s existing single-family neighborhoods and open spaces.** To that end, the Index has analyzed the essential factors that are needed to fully utilize our town and village centers.

- The initial question is whether Long Island’s downtowns have the *capacity* to accommodate the next generation of people and jobs. Reports completed by Regional Plan Association for the Index in 2008 and 2010 documented that these places have sufficient land and redevelopment capacity to address these needs while generating a wider range of housing types and prices to meet diverse needs. In particular, the 2010 “Places to Grow” report found 8,300 acres of undeveloped land and surface parking lots within a half mile of downtown centers and Long Island Rail Road (LIRR) stations, enough to provide 90,000 new housing units with a range of town houses, garden apartments and mid-size apartment buildings.
- Even if there is capacity, is there sufficient *demand* for housing and commercial development in these centers? By all indications, there is a large amount of latent demand that can be realized under the right economic and regulatory conditions. Many downtown centers around the country have tapped into this demand. Close to home, places like Stamford, CT,

Long Island Index 2011 Indicators



White Plains, NY and New Brunswick, NJ have revitalized their downtowns with new housing, offices and stores. On Long Island, there is no shortage of development proposals and a growing number of places where downtown redevelopment has been successful. And polling indicates that, while the majority of Long Islanders still prefer single-family neighborhoods, there are many more that would be willing to live in downtown neighborhoods than live there currently.

- Is there the *vision and political will* for well-designed downtown redevelopment to proceed? This is a more difficult question to answer, and something that has always been an impediment to change. However, there are growing signs that this is changing. Community and municipal leaders are implementing visions of mixed-use downtown centers in places such as Mineola, Wyandanch and Patchogue. Meanwhile, the Build a Better Burb competition sponsored by the Index generated several innovative concepts for sustainable development on Long Island, ideas that will hopefully generate additional support and direction for newly designed downtowns.

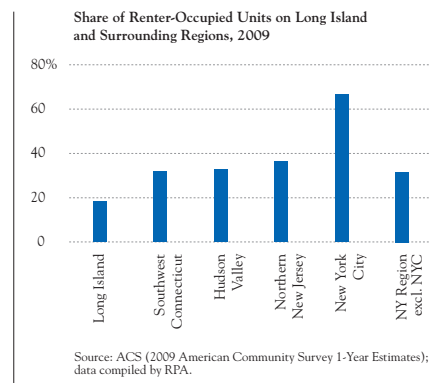
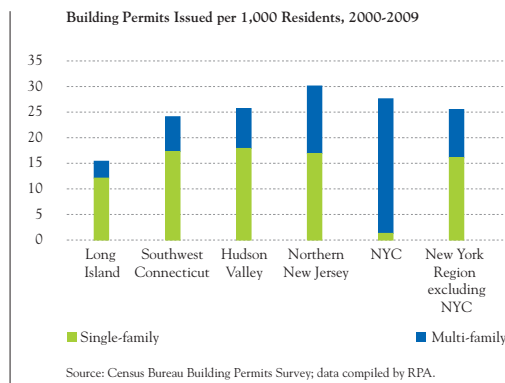
This year's Index focuses on the remaining piece of the puzzle, the *planning and development review processes* that should reflect community needs and facilitate appropriate development to meet these needs. These processes are necessary to provide clear rules and protect the public interest. Too often, however, they can thwart change even when

there is an alignment of capacity, demand, vision and political will. Regulations and review practices typically lag change in market demand and public needs, not only on Long Island but in most jurisdictions. Long Island's challenge is complicated by the number of jurisdictions and layers of review required.

These processes are little understood outside of a small circle of planning professionals and developers. Even among these interested players, the complexity of the processes can be mind-boggling, and few have a picture of how all of the different municipal systems operate as a whole. To benchmark how planning and review practices in Long Island's towns, cities and villages align with the goal of developing more vibrant, mixed-use downtowns, the Index commissioned two surveys of municipal officials by national experts in planning and downtown redevelopment. The first, by Zucker Systems, focused on the permit review process and compared Long Island to national standards and best practices. The second, by the Weaver Research and Consulting Group, examined how Long Island planning practices compare to practices that are considered supportive of well-designed downtown and transit-oriented development (TOD).

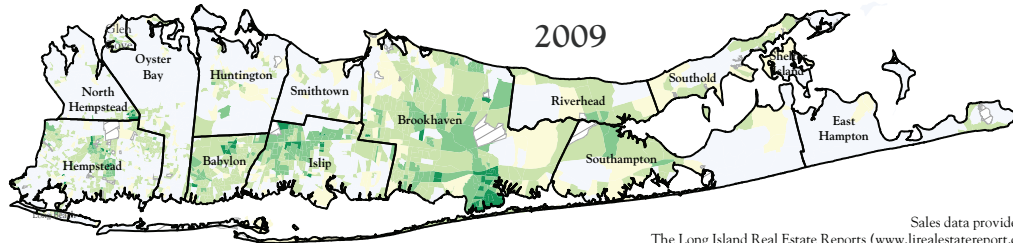
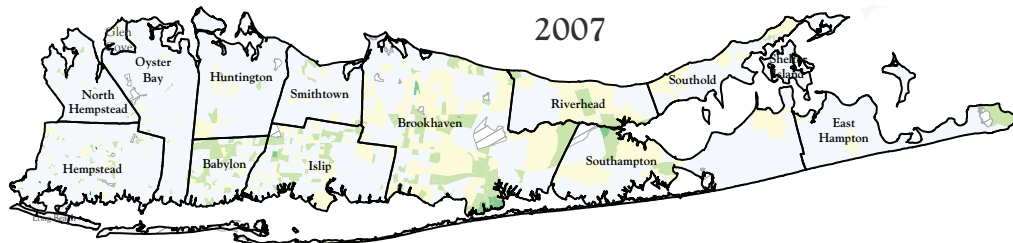
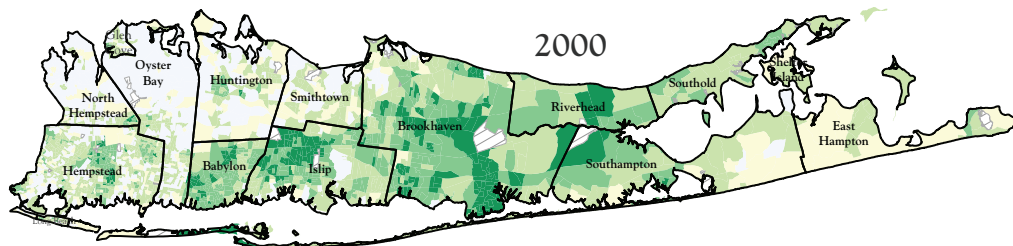
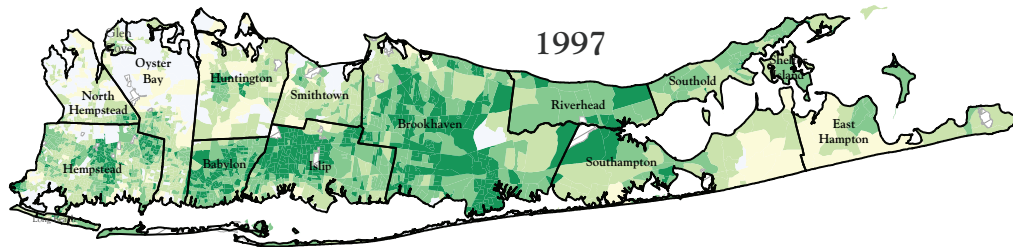
These studies, along with case studies of successful downtown redevelopment strategies, past studies by the Index, and this year's indicators and public opinion poll, are the basis for the findings and recommendations that follow.

Long Island Index 2011 Indicators



Affordable Home Sales: 1997, 2000, 2007, 2009

Percent of homes sold in each Census Block Group that sold for less than 2.5 times the LI median family income
(2.5x LI median family income = \$171,250 in 1997 • \$191,250 in 2000 • \$234,500 in 2007 • \$254,500 in 2009)



Sales data provided by
The Long Island Real Estate Reports (www.lirealestatereport.com)
and LI Profiles (www.liprofiles.com).
Special thanks to The Long Island Real Estate Reports for their generous support of our work.

Home prices began rising dramatically in the early 2000s and continued until the housing bubble burst in 2008. Prior to the rise in prices, a much-used rule of thumb was to spend no more than 2.5 times the purchaser's annual household income. As prices rose and mortgage rates declined, this standard rose and today on Long Island, the norm is to spend upwards of 5 times one's household income on the purchase of a home. These maps look at four key time periods: 1997 (before the rise in home prices), 2000 (when price rises began to accelerate), 2007 (the height of the boom), and 2009 (after the housing bubble). The color shading on the maps shows the percent of homes in each neighborhood that sold for less than 2.5 times the Long Island median family income (\$171,250 in 1997, \$191,250 in 2000, \$234,500 in 2007, and \$254,500 in 2009).

IS LONG ISLAND READY FOR CHANGE?

As described above, there is a tension between Long Islanders' high regard for their quality of life and their perception of problems that threaten the viability of this lifestyle. This contrast is more acute on Long Island than in other suburban areas of the New York metropolitan region. A closer look at the data indicates that Long Island residents are looking for the types of changes that can be addressed by providing more housing choices and commercial development in our downtowns and around our train stations. Over 6 in 10 say that lack of affordable housing is a very or extremely serious problem, and 50% say that they have trouble paying their rent or mortgage. 81% consider high property taxes to be an extremely or very serious problem, and three-quarters fear that young people will need to move from Long Island because of the high cost of living. **For all of these indicators, more Long Islanders see these as problems than residents of northern New Jersey and other New York and Connecticut suburban counties, usually by a substantial margin.**

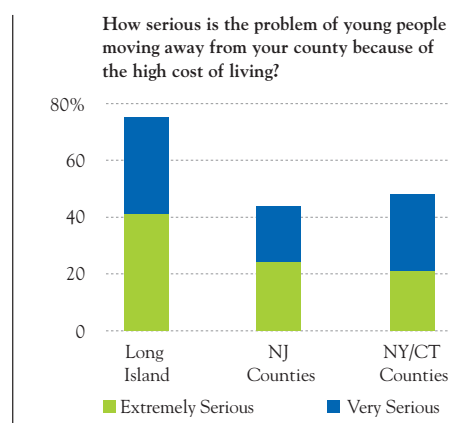
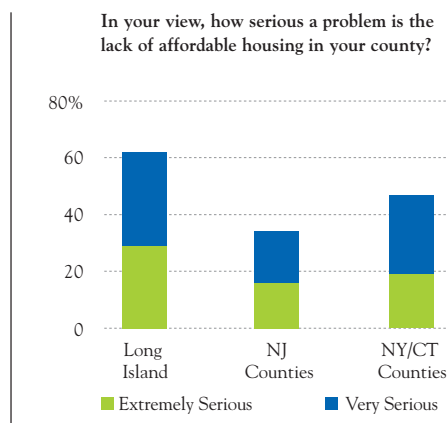
How Long Islanders see their downtowns, and whether they would consider living there, is a mixed picture. Three-quarters of Nassau and Suffolk residents rated their downtowns as very or somewhat vibrant and active. However, the percentages that rated them as very active are lower than in other parts of the New York region. In part, this likely reflects the fact that other parts of the region have cities with larger downtowns, including Newark, Jersey City, New Brunswick, Yonkers, White Plains, Stamford and Bridgeport. However, until recently, few of these downtowns would have been considered vibrant by most observers.

When it comes to actually living in a downtown, only 31% of Long Island residents could imagine themselves living in an apartment, condo or town house in a downtown, about the same as the share of New Jersey, New York or Connecticut suburban residents who expressed that opinion. This is not surprising considering that most people who live in the suburbs chose to move or stay there to live in residential neighborhoods predominated by single-family homes. However, **the share of residents who say that they would live in a downtown is substantially higher than those who actually do.** Using an expansive definition of downtowns that includes many low-density neighborhoods (areas within half a mile of a downtown center or train station), only 20% of Long Islanders lived in downtown neighborhoods in 2000.

In general, residents have mixed support for the type of changes that would be necessary to create more housing and jobs in downtown. 44% support increasing building heights in downtowns while 48% oppose it. 51% support new multi-level parking garages while 46% are opposed. There is also support for measures to expand the supply of rental housing, including 61% who support making it easier to install legal rental apartments in single-family homes.

Of course, supporting or opposing a change for Long Island as a whole does not necessarily translate into support or opposition to a change in a particular place. The tendency to support the general concept of new development while opposing it in one's own community has long been noted. However, many places have also welcomed new housing, stores and public spaces when designed and presented in a way that addresses local needs and desires.

What People in the Region Are Saying



10: No two municipalities function the same.

There is tremendous variability between Long Island's municipalities—different rules, different processes, different staffing levels. This is a result of the complex structure of incorporated and unincorporated villages, towns, cities and counties that we have on Long Island.

9: Technology? What's that?

We provide little to no technology either to manage the process or accept payments. Only three of the surveyed municipalities accepted online applications. And over 80% of Long Island jurisdictions accept only cash or check for fees—no credit cards. Only one jurisdiction accepts payments online.

8: How long will it take to move through the process? Who knows?

70% of jurisdictions surveyed do not set target dates for when planning reviews will be conducted. No one knows how long it takes to complete an approval process. Three-quarters of jurisdictions do not track review times by staff.

7: We build our downtowns for cars.

Almost 75% of the jurisdictions surveyed said that their on-site parking requirements were one of the biggest impediments to downtown development. Yet communities off Long Island that have successfully re-energized their downtowns have limited parking rather than maximized it. The goal was to encourage walkability thus increasing the likelihood of retail success and creating a greater sense of place and identity.

6: We add to the cost of construction.

Less than 50% of villages and only one town offer next-day building inspections. Once construction begins, timely inspections are essential to keep projects on schedule and reduce construction costs.

5: Up-to-date comprehensive plans are essential. Unfortunately, we don't have many of them.

On Long Island, almost 50% of villages don't have a comprehensive plan at all and 50% of the towns and cities have an outdated plan. Comprehensive plans are essential to planners and government officials seeking to define what type of development a community wants. Without them, it's nearly impossible to plan for the future of a community.

4: Up-to-date zoning codes go hand-in-hand with updated comprehensive plans. We could use more of them.

Nearly 50% of the jurisdictions surveyed have not comprehensively updated their zoning codes in at least ten years. Our communities are changing—through demographic shifts, economic tides, the emergence of new building practices. Without updated zoning codes, it is harder to plan for the impact of change on the community.

3: Long Island has the lowest rate of rentals in our region. No surprise since our codes make it hard or downright impossible to build them.

In 45% of the villages, rental units cannot be built without a special permit or cannot be built at all. In 70% of the villages, accessory housing is not allowed.

2: On Long Island, we worry that we'll build too much. But we should be worrying that we don't build enough.

We use density caps to focus on "how much is too much" but fail to recognize that without setting minimums of what we must have, we fail to achieve what we set out to create. Minimums and maximums need to be defined. Retail will not flourish in a downtown if you don't have a large enough population to utilize those services. Not determining the minimum requirement means jeopardizing the vibrancy and economic success that you are striving for.

1: With a little here and a little there, we will realize only a fraction of the potential of our downtowns.

On Long Island, we tend to do things in a piecemeal fashion. Individual projects don't relate to each other, and can't reach the critical mass of housing and jobs that Long Island needs. We need a concerted, integrated plan that considers the needs of the community from a variety of perspectives—residents' wishes, needs for future generations, creating an economically viable region. Without that, we're going to end up with a new apartment building here, a new business over there, and parking everywhere.

STRENGTHS AND SHORTCOMINGS OF LONG ISLAND'S CURRENT PLANNING AND PROJECT REVIEW PRACTICES

Realizing regional goals, community interests and market demand is a balancing act that is shaped by regulations governing land use, zoning and building codes. Before any project can proceed, it must obtain the approval of the local jurisdiction or, in some cases, multiple jurisdictions. This can be relatively straightforward or extremely complex, depending on the specific regulations and practices of each place and the nature of the project. Even after a project is approved, construction codes and building inspections can make development comparatively easier or harder. If zoning, building codes and permit reviews are too lenient, then private development can overwhelm a community. If they are too stringent, then there will be an insufficient supply of new jobs, housing, stores, services and public spaces to meet community and regional needs. And when regulations and processes are ambiguous, uncertain or inefficient, then places can get the worst of both worlds—poorly designed projects that can slip through the cracks while good projects are discouraged.

On Long Island, planning and review practices have evolved over several decades, often with new layers of approval being added to existing ones. Often, regulations that might have made sense in a previous era remain unchanged in spite of new conditions and needs. For any proposed development, and particularly for more complex or innovative mixed-use projects, these practices can be an imposing hurdle that makes their implementation more costly and less likely.

These issues are not unique to Nassau and Suffolk. In fact, they are a constant challenge for most places. However, the contrast between Long Island and some places that have a simpler planning structure can be striking. One picture is worth a thousand words, and the charts on the following page illustrate the differences between the process for a complex project in a typical Long Island incorporated village and the City of Fairfax, VA, which is one of the few incorporated areas in Fairfax County. The important distinction is this—in Long Island, developers need to work with multiple agencies of county and the local government. In Fairfax County, developers work with one entity—either the economic development agency of the incorporated city or the economic development agency of the county for unincorporated areas.

To make this comparison, the Center for Governmental Research contacted the responsible agencies in each place

to find out what approvals would be needed for hypothetical but identical projects. In contrast to the City of Fairfax, an incorporated area of Fairfax County, where a single agency was the point of contact for information, forms and approvals, a typical Long Island incorporated village was a maze of multiple village, county and regional agencies that was difficult and confusing to navigate.¹

To see how Long Island as a whole stacks up, both against other places and against the goal of creating more vibrant downtowns, the Index sent surveys to planning and building officials in 44 municipalities. These included all 13 Nassau and Suffolk towns and both Nassau cities, as well as 29 out of Long Island's 100 incorporated villages. The villages were selected based on characteristics that indicated they had the greatest potential for downtown or transit-oriented development.² All but one town and seven villages returned the surveys (the town of Oyster Bay did not respond to the questionnaire and the Suffolk villages of Northport, Quogue, and Sag Harbor plus the Nassau villages of Great Neck Village, Malverne, Manorhaven, and Rockville Centre did not respond).

The survey was designed, and the results were analyzed, by two different researchers. Paul Zucker, an expert in development review processes, examined responses related to permit reviews. Susan Weaver, an expert in downtown development, examined planning practices and developed three national case studies to compare how Long Island encourages or discourages “smart growth” in its downtowns.

Together, their analyses paint a revealing portrait of Long Island's complex system. Not surprisingly, planning practices and development review processes vary greatly across jurisdictions, making it difficult to make broad generalizations. The very factors that make Long Island systems difficult to understand—a large number of zoning and planning authorities with different sets of rules and different contexts—also make it all but certain that places will have a wide range of practices and different strengths and weaknesses. Even with this caveat, several key findings emerged:

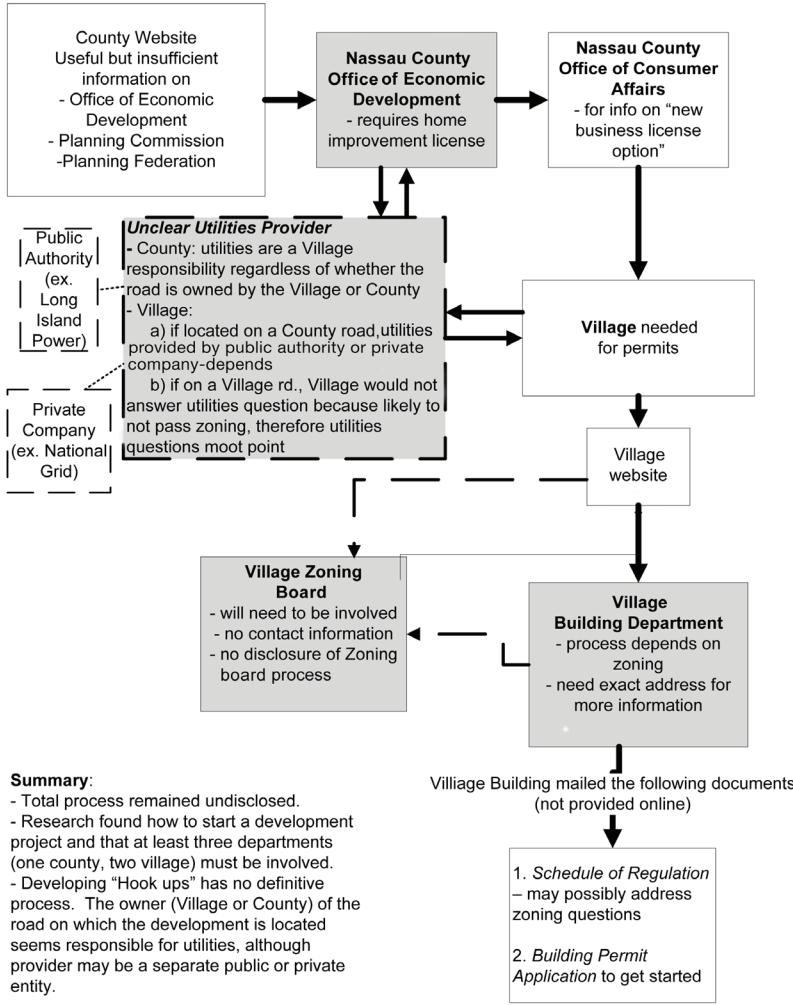
As a whole, very few places have the combination of attributes that are conducive to well-designed, mixed-use downtown development and renewal. While there were no single, overriding barriers that would prevent new activity in downtowns, and while many communities have applied

1. Populations are roughly similar in these two examples. The City of Fairfax has a population of 25,000; the Nassau County village profiled here has a population of 19,000.

2. See “Places to Grow,” Regional Plan Association for the Long Island Index, 2010, for methodology and places with high potential for transit-oriented, mixed-use development.

Results of Phone Calls and Internet Searches to Clarify Approval Process for a Downtown Revitalization Project

Example from Village in Nassau County



Summary:
 - Total process remained undisclosed.
 - Research found how to start a development project and that at least three departments (one county, two village) must be involved.
 - Developing "Hook ups" has no definitive process. The owner (Village or County) of the road on which the development is located seems responsible for utilities, although provider may be a separate public or private entity.

From City of Fairfax, Fairfax County, VA

City of Fairfax Economic Development Authority

- Economic Development Office supports Economic Development Authority to promote development and redevelopment in the City of Fairfax.

Summary:
 City of Fairfax website provides developers with process details and all the appropriate forms.
 The City's EDA provides developers with information and assistance throughout the development process.

some principles conducive to attractive, vibrant downtowns, few have adopted enough of these principles to allow Long Island to reach a critical mass of centers that can sustainably provide for Long Island's housing and job needs.

The surveys revealed some positive attributes of Long Island's planning and review practices. Long Island exceeded or was close to the national norm in several practices that are considered important to an efficient review process:

- On the whole, towns and cities had more of what are generally considered to be best practices, but villages were more likely to have fewer layers of review. For example, 78% of villages combine building plan review and planning functions in one department, allowing for good integration of service and project reviews, while this was true in only 43% of towns and cities.
- In 86% of towns, cities and villages, all development review staff are located in the same building or within close proximity, providing easier access for citizens and project applicants.
- 100% of towns and cities and 95% of villages provide applicants with an option to hold pre-application meetings, and many survey respondents indicated that these meetings generally work well and are important to meeting community needs and preventing misunderstandings and delays.
- A growing number of places are innovating and implementing exemplary practices. The Towns of Babylon, Brookhaven, Islip and Riverhead, and the villages of Amityville, Mineola, Freeport, Patchogue and Westbury are communities that planned, and in some cases built, downtown or transit-oriented development projects that provide new multi-family housing, attractive buildings and public spaces and walkable streets.

Uneven adoption of comprehensive plans and zoning codes makes it difficult to evaluate projects against community needs and values, gives developers little guidance in what is acceptable, and results in haphazard development patterns. Comprehensive plans represent the vision of the community and the policies that guide development over time. Without an up-to-date road map, it is difficult to evaluate whether particular proposals are in the best long-term interests of a community. Zoning codes are the specific regulations that tell project applicants what is allowed and citizens what to expect. If these are outdated or not in sync with the comprehensive plan then projects are far less

likely to reflect community priorities. In many Long Island communities, these tools are either nonexistent or out of date:

- On Long Island, 48% of villages don't have a comprehensive plan at all. Only 19% of villages had comprehensive plans that have been updated in the last ten years. While all of the towns/cities had comprehensive plans, a few were never adopted, and only 50% had comprehensive plans that have been updated in the last ten years.
- Of those municipalities with comprehensive plans, only two-thirds have zoning codes that are fully consistent with the plan; 29% have codes that are partially consistent, and 4% are inconsistent.
- Many municipalities use zoning code types that are too rigid to allow many types of mixed-use development or a variety of housing types, or have other features that provide a disincentive to well-planned district-wide development. However, increasing numbers of municipalities appear to be in the process of adopting more flexible codes.

Timelines for project approvals and building reviews are indefinite and variable, resulting in uncertainty and costly delays that impede even the most well-designed projects. Predictability is one of the most important factors in holding down costs of development, allowing projects to succeed, and limiting blight and lengthy construction periods. However, a large majority of Long Island municipalities do not provide predictable or expeditious timelines for project and building reviews:

- More than three-fourths of municipalities have not established a system to track review times, meaning that there is no way to evaluate whether review times are reasonable.
- 70% of municipalities (57% of towns and cities and 80% of surveyed villages) do not set target dates for planning review, so neither applicants nor citizens have a clear sense of how long the approval process will take.
- 93% of all towns and cities had an expedited review process for priority projects, but only 25% of villages had this option.
- For most types of building reviews, nearly half or more of municipalities did not meet standards published in 2001 Municipal Benchmark.³ For example, 50% of cities and towns met 20-day building plan review standards for multi-family and small commercial buildings, but only 30% met standards for reviewing new mixed-use projects within 30 days. Villages performed better, with a range of 47%–71% meeting the benchmark for five different categories.

3. Ammons, David, *Municipal Benchmarks: Assessing Local Performance and Establishing Community Service Standards*, (Feb. 15, 2001) Sage Publications.

- One glaring deficiency is that only one town or city and only 43% of villages met a day-of or next-day standard for inspection of projects once construction is underway. This means that construction crews and equipment stand idle, adding significantly to the cost and time of construction.

Staffing levels and organization varied considerably across jurisdictions, implying that service levels and the quality and timeliness of project reviews span a broad range.

Staffing levels are only one indication of how well municipalities provide service to applicants, residents and businesses. For example, some places make heavier use of consultants than others. However, the range of staffing levels, even taking size of population into account, is striking. While six jurisdictions had less than 1,000 people for each planner, building official and engineer, eight had more than 10,000 people for each staff person.

The survey also found that approval authority is often delegated to elected officials including legislative bodies. While this is a common practice across the country, studies have found that when the approval authority for actions such as

architectural plans and special permits is delegated to staff or other boards or commissions (rather than elected officials), the process is often more efficient and less politicized.

Most municipalities make little use of technology in the review process. Digital technology and the Internet provide a number of opportunities for towns, cities and villages to make the permit process more user-friendly and efficient. In most instances, however, technology use is limited to allowing applicants to download forms. Only three of the surveyed communities accepted any plans electronically. Only one town accepted payment by credit card over the Internet, and only 17% of the communities accepted credit card payment in any form.

While this is not uncommon across the country (for example, only a few cities and counties have electronic plan submittal), full integration of technology into the review process is expected to become the norm in the next five to ten years. With planning professionals and applicants geographically dispersed, this will be a major service and productivity enhancement. By contrast, a lag in technology adaptation could further inhibit proposals or raise their cost.

Available Acres of Undeveloped Land and Surface Parking Lots



Orange areas on map and yellow areas in inserts indicate the available 8,300 acres of undeveloped land and surface parking lots within a half mile of downtown centers and LIRR stations.

IMPLICATIONS FOR LONG ISLAND'S DOWNTOWNS, JOB GROWTH AND HOUSING

The development practices described above affect all types of applications and proposals, from simple remodeling of existing buildings to large-scale, multi-phase development projects. However, they can put particular barriers in the way of mixed-use, transit-oriented and downtown development. These projects tend to be more complex and are often in conflict with regulations that were designed to support low-density, auto-oriented growth.

While it has several different labels—smart growth, sustainable development, transit-oriented development (TOD), downtown renewal—the type of development that is most likely to address the concerns expressed by opinion surveys and achieve the goals expressed by numerous community and regional vision and planning initiatives has a number of characteristics. It provides a range of housing types at different price points. It encourages walking, biking and transit use. It integrates the historic fabric of the community with new buildings and public spaces. It provides new job opportunities, retail options and services. As documented in the local government survey and case studies, each of these characteristics often faces an uphill battle in overcoming local land use and building regulations and practices. In fact, rather than threatening adjacent single-family neighborhoods, growth directed to TODs can strengthen them by limiting growth pressures in existing neighborhoods. Encouraging a variety of commercial uses and housing types can also broaden the property tax base and help keep property taxes low.

Restrictions on multi-family and accessory units inhibit the development of workforce housing and mixed-use downtowns. These restrictions take a number of forms, but add up to an environment in which multi-family and rental housing often have a more difficult time clearing the approval process than single-family subdivisions. On the one hand, over 80% of both towns/cities and villages have at least some zones where multi-family units can be built by right, and these tend to be in more developed downtown areas. However, many of these are zoned for relatively low density levels, making it difficult to finance many projects or to generate the critical mass of residents needed to activate a walkable, mixed-use downtown.

Every jurisdiction in the survey either placed a cap on the amount of allowable residential density in the downtown or did not regulate density. Most often, density restrictions are accomplished through height limitations, setback requirements and by limiting the amount of floor space that is permitted relative to the area of the parcel being developed.

While these are appropriate tools for controlling development, many communities set thresholds too low to allow any appreciable amount of multi-family or workforce housing, or they prohibit housing in commercial areas. One innovation that is not in use on the Island is the establishment of both minimum and maximum density thresholds. This can be particularly useful in encouraging mixed-use districts with active retail uses. Because retail requires a minimum number of shoppers, and because local residents are a primary source of patrons, housing and retail development often need to go hand-in-hand.

Rental housing is particularly important, both for Long Island as a whole and for the vibrancy of downtowns. With rental units making up only 20% of its housing stock, Long Island has less rental housing than any other part of the metropolitan region. For young adults or low- and moderate-income workers without the savings or income to own a home, this is a major impediment to living here. For downtowns, rental units provide for greater diversity and more flexibility in designing economically viable development.

In spite of this need, many communities place more restrictions on rental than owner-occupied housing. Ten percent of villages allow for no new rental building. Another third of villages permit rentals only by special permit. Towns and cities tend to have fewer restrictions. Accessory units in areas zoned for single-family homes face even stronger restrictions. More than two-thirds of villages, but only 15% of towns and cities, do not allow accessory dwelling units. Where they are allowed, construction, occupancy and location are usually highly regulated.

Parking requirements often conflict with the goals of creating walkable downtowns and transit-oriented development (TOD). Parking regulations encapsulate the clash between the needs of an auto-oriented culture and the desire for pedestrian-friendly business and mixed-use districts. As shown in the “Places to Grow” report, surface parking lots consume large amounts of space in Long Island’s downtowns and near its rail stations. This spreads and separates stores, offices and homes, discourages walking, and uses land that can be in prime locations for shops, homes and parks. Surface parking lots also disrupt the visual continuity of streetscapes and induce even more driving to get to and from one store to another. Adequate amounts of parking are obviously necessary for residents, workers and customers, but requirements often exceed demand and make it difficult to design, construct and retrofit buildings in a compact district.

Case Study

ARLINGTON HEIGHTS—USING WELL-DESIGNED, HIGH-DENSITY HOUSING AND RETAIL TO REINVENT A DOWNTOWN



Village Green and Train Station from Northwest Highway looking south

Image courtesy of Village of Arlington Heights

Arlington Heights, a suburb of Chicago with a population of 72,000, provides a study of how a comprehensive, transit-oriented development strategy resulted in an award-winning revitalization strategy. While there were many components to its success, developing a critical mass of downtown residents was essential to revitalizing its retail uses.

In the story of how downtown Arlington Heights was transformed from a down-at-the-heels district into a vibrant urban center, transit certainly played a starring role. But fundamentally, it was the human elements that provided Arlington Heights with a happy ending.

It was strong and consistent leadership by the Village Board,⁴ a willingness to take risks, commitment of public resources, perseverance despite criticism, and continuity and dedication of staff in implementing a plan that made it happen.

The renaissance in the Village of Arlington Heights transformed a downtown filled with vacant storefronts and suffering from bland curb appeal into a dynamic destination filled with urban vitality and synergy. The downtown was reinvented into a pedestrian-friendly, attractive and unique destination. A variety of factors including strategic location, changing demographics, the new retail and business environment, aesthetically pleasing architecture of new and old buildings, and a variety of exciting downtown housing options led to the success now being enjoyed. **But increasing allowable density and adding residential properties were key to the redevelopment. The downtown now offers distinctive shopping experiences with national chains, specialty retailers, upscale boutiques, fine dining and casual restaurants, a performing arts centre, movie theaters, entertainment activities, night clubs, and special events.**

Deepak Bahl and Susan Weaver, from "System Case Study of Chicago's Metra Union Pacific-Northwest Line: Transit as a Catalyst for Redevelopment."

4. The Board members are elected at large on a non-partisan basis, and they serve as the community's decision-makers. The Village Board members are composed of eight trustees, and one Village President, Mayor Arlene J. Mulder, elected to the Board in 1991 and Mayor since 1993.

Almost two-thirds of the communities surveyed require new downtown development to provide parking spaces. The amount of parking required is frequently (73%) set by formulas tied to the use of the building. The parking ratios are often decades-old and relate to the few days per year when parking is at its peak.

When the parking requirement for each building project is determined on its own, there is no accounting for the cumulative impacts of parking created for buildings over time. This often results in an over-supply of parking and additional costs to development, both inhibiting downtown redevelopment. Only a few of the jurisdictions that require downtown development to provide on-site parking set both a minimum and a maximum number of spaces. In other areas of the country, communities that have reduced parking requirements—by as much as 50% from standard codes in transit-oriented districts—have found that there is still ample parking.

There are numerous ways to more successfully balance parking requirements with actual demand and the design of pedestrian-friendly districts. Pricing is an efficient way of allocating scarce resources from airline tickets to electricity,

and can be used to allocate parking as well. Metered parking can discourage cruising for free spaces, driving to places that are within walking distances and staying in an on-street space longer than needed. However, only 23% of cities and towns and only 50% of villages use metered parking. Providing parking variances or waivers when there is parking or transit nearby is another method. Only 7% of surveyed municipalities provide variances for being close to transit or for providing bicycle parking or amenities. One-third of municipalities allow reductions in on-site parking requirements if on-street parking is available and 47% allow reductions for proximity to municipal parking lots or structures.

In spite of having the most heavily used commuter rail system in the nation, few communities make use of Long Island's transit infrastructure when regulating development in their downtowns. Whether at village stations or at major hubs such as Hicksville or Ronkonkoma, the opportunity to develop around Nassau and Suffolk's 99 rail stations is seldom realized. The emphasis instead is on providing parking spaces for those who drive to the train station. The ubiquitous image of an isolated station in a sea of parking is far more common than the station anchoring an active commercial or mixed-use district.

Long Island Index Interactive Map



Long Island Index interactive map indicating the large number of surface parking lots that dot the downtown areas.

Of the 36 jurisdictions surveyed, only one town made use of a transit-oriented district to encourage development near downtown train stations. A few communities, such as Mineola, have constructed multi-story parking garages and encouraged new development through rezonings or specific project approvals. Many commuter rail stations also lack connections and support services, such as bus connections, van service and park & ride. 38% of villages and 23% of towns/cities do not have any of these services in their communities.

The potential to take advantage of Long Island's transit infrastructure will dramatically increase when the East Side Access project connects the Long Island Rail Road to Grand Central Terminal on the east side of Manhattan. Scheduled for completion in 2018, it will expand the LIRR's service into Manhattan and shorten trip times by an average of 44 minutes per day. This direct access to the employment hub around Grand Central will push the LIRR's commuter boundary east—potentially attracting new residents and jobs to dozens more Long Island communities receiving improved commuter service. Further, rail service improvements have been shown to dramatically drive up property values of homes within walking distance of rail stations and can drive economic growth in these communities.

Relatively few Long Island communities use design standards or related tools to preserve and enhance their attractiveness. Quality design can make all the difference in making a community distinctive and attractive to existing residents, newcomers and visitors. The same density requirements, zoning guidelines and building codes can result in a vast range of styles, utility and appearances. Many of Long Island's downtowns have appealing historic or physical characteristics that can provide the foundation for thoughtful redevelopment. Historic districts are found in the downtowns of only 31% of towns/cities and 40% of villages. Only approximately one-third of towns/cities and three-fifths of villages require developers of downtown projects to address

public spaces—streets, building facades, parks, public squares, etc.—in any way, such as by providing street trees, open space, benches or other amenities. Almost half of the surveyed jurisdictions have not adopted architectural design guidelines for their downtowns. Only 22% of jurisdictions offer incentives for preserving or adapting historic or architecturally significant downtown buildings to modern uses.

None of these tools are necessarily appropriate in every community, but their limited application across the Island indicates an underutilized potential to shape development in a way that reinforces livability, iconic features and high-quality design. Of course, adoption of these tools can also raise the cost of development and create additional layers of review. Overly stringent requirements can limit design innovation or impede otherwise worthwhile projects, but well-constructed guidelines provide incentives for downtown redevelopment.

From the perspective of the entire region, the whole is less than the sum of its parts. The survey of Long Island municipalities provides a statistical picture of how these jurisdictions are applying different regulations and practices. However, how Long Island communities function as a network of places is as important as how they function individually. This understanding cannot be gleaned from the survey results since it encompasses how these places interact with one another—either reinforcing or conflicting with one another. The multiplicity of systems leads to greater complexity, more time required to learn about and understand application processes, greater risk of duplicative activities, and a greater need for coordination.

Not only is there little cooperation in planning for new development among Long Island's jurisdictions, there are also instances where they actually have impeded one another. For example, based on Nassau County's Charter (Section 1610), any municipality within 300 feet of a proposed subdivision has the ability to accept or reject the application. In one instance, the Village of Garden City

objected to a proposed condominium development in the neighboring Village of Mineola. Although Mineola was able to circumvent the action by converting the project to a rental, the case illustrates that inter-jurisdictional authority, which is rarely exercised, is more likely to be used to prevent something from happening than to collaborate on a project that could benefit both communities.

Long Island does have regional entities that can help guide the planning and development process. Nassau and Suffolk Counties can and do develop county-wide master plans, provide infrastructure and services, and implement incentive programs that influence where and how development takes place. The Long Island Regional Planning Council (LIRPC) provides a forum for integrating planning activities across counties and municipalities. However, neither counties nor council can override local land use decisions.

The potential of a more unified regulatory structure, particularly for downtown redevelopment, can be observed in Arlington County, VA, a place where land use authority rests with the County. The county has implemented an ambitious TOD strategy for the Rosslyn-Ballston Corridor along a route of the Washington, DC, Metro system. Rather than plan for each community along the corridor separately, the County planned for five distinct but mutually reinforcing transit-development districts that built on the existing strengths and potential of each place. Five train stations within a 2.5-mile span were each designed to serve different

functions, accommodate different densities and support different activities:

- Clarendon, the traditional commercial center, was reinforced with a mix of uses that included the corridor's highest concentration of retail and new residential development, and was designed as an urban village to retain its distinctive character.
- The Courthouse area retained its identity as the governmental center.
- Rosslyn was planned as a sophisticated urban environment with high concentrations of both office and residential.
- Virginia Square was identified and developed as the corridor's educational and cultural center.
- Ballston became a major office hub and science and technology center, with over 2 million square feet of new office development since 2002.

As a whole, the corridor functions as an integrated metropolis with specialized but mutually reinforcing districts. By contrast, Long Island centers are smaller, less robust and too often characterized by their similarities rather than their distinctions. It is difficult to imagine a process or result similar to what occurred in Arlington without an overriding planning and implementation authority.

Case Study

ZoSo—BLENDING DENSITIES TO CREATE A SUCCESSFUL TRANSIT-ORIENTED DISTRICT



View from single-family neighborhood
WHA Architecture and Planning, P.C.

A mixed-use project in Arlington County, VA, ZoSo abuts a 10-story mixed-use building on one side and a single-family residential neighborhood on the other. It fits in with both neighborhoods through an innovative design that respects the character of the adjacent low-density residential neighborhood. The development review process also demonstrates that how project planning and review are conducted can be as important as the regulations themselves.

Though Arlington is considered by developers to be a difficult municipality in which to get project approval, the process went smoothly for ZoSo according to [the designer]. He credits this to the community meetings held by the developer prior to the

official site plan review process. During these meetings, neighborhood concerns were aired and addressed. Residents of the adjacent neighborhood were anxious to know that the project would conform to the requirements of the Clarendon Sector Plan [Arlington County's plan for the Clarendon station area] and how parking would be handled. They were eager to have the retail within walking distance of their homes. While there were minor questions about some of the architectural details, because of the community's staunch support for the Clarendon Sector Plan, there was no opposition to the design or density of the project.

The hearings for ZoSo's approval before the Site Plan Review Committee and the Board of Supervisors went smoothly, largely because the adjoining neighborhood supported the project, but also because the developer had worked with neighbors early in the process and had a good reputation for building quality projects in Arlington. Though developers may regard Arlington as a difficult place to win project approval, the process—which may take as long as a year in some cases—is what gives citizens control over not just individual projects but the shape and character of the community as a whole.

Susan Weaver, from "Large Community Case Study: Rosslyn-Ballston Corridor, Arlington, Virginia."

Case Study

SOUTH PASADENA—USING ARCHITECTURAL GUIDELINES TO PRESERVE A SMALL-TOWN CHARACTER



Bungalow court multi-family residential complex that reflects the characteristics of surrounding single-family neighborhoods.

Image courtesy of City of South Pasadena

A city with 25,000 residents in Southern California, South Pasadena is a prime example of how good design can overcome fears of higher density.

That South Pasadena retains a small town feel even with a high percentage of multi-family units is due

largely to the architectural standards the City has maintained through the decades... While South Pasadena residents cherish their small town atmosphere, they also recognize that change is necessary to sustain the City's economic vitality. The key to success as they see it is to encourage the development of vacant parcels and redevelopment of aging properties while ensuring that it does not detract from the City's historic character. In addition to the policies established by the City's General Plan and the standards established by the zoning ordinance, South Pasadena has adopted the Mission Street Specific Plan to guide development along the Mission Street commercial corridor and adjoining neighborhoods. With the reintroduction of commuter rail to the area, the Specific Plan places an emphasis on TOD by identifying bonus sites that are eligible for density bonuses if developed as mixed-use or residential properties.

Susan Weaver and Deepak Bahl, from "Small Community Case Study: Mission Street Revitalization, South Pasadena, California."

PRIORITIES FOR CHANGE

The reports by Zucker Systems and Weaver Research and Consulting Group provide more detailed findings as well as recommendations for improving Long Island's planning and review practices, which individual jurisdictions can pursue. From these analyses, a few Island-wide goals could help the region as a whole adopt new development patterns that emphasize well-designed downtown and transit-oriented development. While there is no overriding authority to drive these changes, there are several regional institutions that can facilitate their implementation as described below.

Goal #1: All jurisdictions should undertake reviews of development practices every five to ten years.

Less than a fourth of surveyed jurisdictions had completed any type of development review process improvement. Given changes in the economy, technology, best planning practices and Long Island's population and development patterns, towns, cities and villages should undertake periodic studies to evaluate how well their review processes are working and how they should be improved.

Goal #2: Both counties, the LIRPC, and the town and village associations should establish a mechanism to synchronize practices and review processes.

Many planning practices, such as parking regulations, or review processes, such as application requirements, would benefit from greater coordination across municipal boundaries. Any or all of the entities above could facilitate a process that would lead to information sharing, coordination and, where appropriate, standardization of approaches. It is significant to note that Suffolk County's Unified Permit Portal initiative, currently underway, aims to synchronize review processes throughout the county's ten towns. The long-term goal is to include Suffolk villages in the effort as well.

Goal #3: Establish timelines and tracking systems for review process.

A major flaw in Long Island's development system is the lack of information or incentives that would lead to timely review and decisions on project applications. In most towns/cities and villages, neither citizens nor applicants know when decisions are coming, how long that should take, or the repercussions of delay. Establishing target dates for decisions and a system for tracking projects are minimum baselines. It is worth considering a process similar to New York City's Uniform Land Use and Review Process (ULURP). Once an

application is filed with Department of City Planning, a seven-month clock begins with specified time frames for review by community boards, borough presidents, the city planning commission and the city council. While the specific provisions and timelines may not work in some Long Island jurisdictions, the concept of establishing clear time frames with adequate provision for community input would be a major step forward for Long Island.

Goal #4: Get ahead of the curve on technological productivity and service improvements, including appropriate management reforms and staff training to make best use of technology.

Adoption of digital technology provides an opportunity for Long Island to leap ahead of most regions, or risk falling behind as other places implement electronic filing of plans and applications, processing credit card payments online, and other actions. This involves more than purchasing new software and equipment. It also requires a cultural shift among both employees and users, and new training and management practices to ensure that it is implemented well.

Goal #5: Develop an Island-wide TOD strategy with participation from MTA, LIRR, counties, towns, cities, key villages, and NYS agencies.

Long Island can build on the experience of New Jersey and other places to implement regional TOD strategies. A coordinated strategy would target priority TOD districts and develop differentiated strategies as Arlington County did for the Rosslyn-Ballston Corridor. To some extent, this is happening in selected places, with coordination between LIRR and municipalities in Ronkonkoma and along the Route 110 corridor. However, a scaled-up effort would result in an Island-wide strategy. One focus could be opportunities from reduced commuting times resulting from the East Side Access project.

Goal #6: NYS should provide incentives for municipalities to reform housing, parking, density and other restrictions that impede well-designed downtown development.

While it is generally in a municipality's interest to implement these reforms on its own, progress would be greatly accelerated if the state provided incentives in the form of planning grants, expedited environmental reviews or other actions. The Smart Growth Cabinet convened by the Department of State is one possible vehicle for these actions.