Tactical Urbanism v2: Dynamic Land Use Regulation and Partnership Tools Regenerating First Suburbs

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TACTICAL URBANISM V2: DYNAMIC LAND USE REGULATION AND PARTNERSHIP TOOLS REGENERATING FIRST SUBURBS

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ABSTRACT

Land use regulation typically is viewed as passive; projects proceed when criteria established under ordinances are satisfied, but are delayed or scuttled when parameters of codes are unmet. Insufficient attention is directed by local governments to the economic ramifications of those events. How should land use regulators perform when their communities are economically deprived – or their employment opportunities have been compromised? The current employment and productivity perils of inner-ring suburbs, those often-dismissed earliest ‘outskirts’ of metropolitan areas, begs the question whether expanding economic opportunity for every community citizen should dominate conversations among zoning administrators and their municipal constituents. Too many first suburbs are in decline, their citizens dismayed or angered about their futures. This paper describes how their local land use administrations, partnering with developers and citizens, must refocus on revitalizing inner-ring neighborhoods physically to grow job opportunities, in that process deploying familiar and novel land use governing and related collaborative strategies. The paper addresses how those controlling planning regimes can catalyze jobs creation in partnership with the private sector without sacrificing land use’s primary goal to keep communities livable and peaceful places. In the process, decision-makers in land use can enhance development quality, adopting and enforcing dynamic development conventions toward a new future for ‘tactical urbanism.’
I. INTRODUCTION

City planners, elected and appointed, too frequently neglect first suburbs\(^1\) in early 21st Century America. These enclaves\(^2\) display those remains of “community development Passover.” Governments focus upon (a) restoring or creating new commercial opportunities and quality of consumer life in the central business districts, seeking younger affluent professionals in the knowledge economy and (b) enhancing opportunities for newer fringe suburbs (sometimes characterized as “edge cities” or “secondary cities” such as Columbia, Maryland or Tyson’s Corner, Virginia) that have become major employment centers, at the expense of first suburbs. Buildings in these suburbs are dilapidated or outmoded and many are abandoned. Vandalism and crime are rampant, as is unemployment\(^4\) and, in many cases, poverty.\(^5\) Meanwhile, physical

\(^1\) There are myriad synonyms for “first suburbs” and various definitions to accompany each of them, but for purposes of this paper, I use those \textit{census tracts} located (a) outside places with a population exceeding 100 thousand persons in the 2000 census (central cities), but (b) lying within a county boundary at the time of that census, thus “suburban” instead of urban, exurban or rural, \textit{see} Katrin B. Anacker, \textit{Shaky Places? Analyzing Property Values and their Appreciation in Minority First Suburbs}, 36 \textit{Int. J. Urb. Reg’l Res.} 791, 796 (2012). Conventional synonyms include “first ring suburb” or “inner suburb.” Features distinguishing first suburbs from other outlying areas include that these inner-ring suburbs immediately adjoin the historical city limits and buffer the intensely urbanized area from outer suburbs, resulting in no expansion room, frequently-unmet infrastructure maintenance needs (including employment infrastructure) because reinvestment is slow to occur, and substantially older housing stock than more-removed suburban neighbors. \textit{See, e.g.,} Bernadette Hanlon, \textit{Once the American Dream: Inner-Ring Suburbs of the Metropolitan United States}, 31-38, 47-49, 110-14 (2010).

\(^2\) Although not all are in crisis, to be sure, \textit{see} Bernadette Hanlon, John Rennie Short and Thomas J. Vicino, \textit{Cities and Suburbs: New Metropolitan Realities in the U.S.}, 180-86 (2010), because certain first suburbs today, such as Highland Park in metropolitan Dallas, remain intentional enclaves of wealth and status characterized by stable residential populations with community centers, gathering places and housing consistent with the needs and preferences of higher-income residents. \textit{Id.} Other first suburbs, while declining at some point, were gentrified during urban renewal periods, \textit{see id.} at 8, 65-9, 192-3. Proximity and ease of access to the central business district of the core city (often by public transportation in a planned network of routes) tends to make these locations desirable to those that can afford mortgage payments, insurance premiums and taxes to support often high-end public service amenities.

\(^3\) \textit{See} Alan Ehrenhalt, \textit{The Great Inversion and the Future of the American City} 20, 184 (2012), and \textit{see} Hanlon, \textit{supra} note 1, at 9-10, Chapter 4; Hanlon, Short and Vicino, \textit{supra} note 2, at 183, in each case at the expense of these aging inner-ring enclaves.

retailing in centrally-located urban centers, where it survives, is dying by degrees, \(^6\) victimized initially by the generation of big box retailers like Wal-Mart and Costco on community edges and lately by online giants Amazon.com, Overstock.com and even farther afield by Alibaba and Jingdong to the east. \(^7\) Retail centers in urban cores, like the first suburbs of metropolitan regions, cannot alone sustain municipal productivity; these centers cannot sustainably impact jobs creation, while the cores lack essential in-migration of self-supporting working populations. Moreover, employment in the service retail sector’s physical realm is under attack from armies of technology and automation. \(^8\)


\(^6\) The dominance of a player like Amazon.com is well-illustrated by Telsey Advisory Group, Special Report: The Future of Amazon.com, Sept. 23, 2013, available at https://www.law.uconn.edu/sites/default/files/in_the_media/Pomp.Telsey.Amazon.09.23.13.pdf. While no sensible person believes that Amazon’s business model will be disrupted, much less overwhelmed, by product fulfillment centers close to an urban core physical retailers, a first suburb’s opportunity to enhance the CBD retail experience in a manner addressing place-making and public interactivity, while simultaneously creating jobs in the first suburbs, makes the initiative compelling irrespective of market-share capture.

\(^7\) With few current incentives to remain loyal to impersonal Web presence, online shoppers gravitate to vendors featuring low-price goods, free or inexpensive shipping, a liberal returns policy and easy-to-navigate websites. To be sure, brick and mortar merchants aren’t abandoning the fight, but are joining the mega-retailers, creating omni-channel marketing empires. For example, Shoprunner.com is an online storefront for established brick-and-mortar retailers seeking access to online customers without making the types of concessions required of Amazon’s partner stores, see https://www.shoprunner.com/non_member/home/.

\(^8\) See Timothy Aeppel, Jobs and the Clever Robot, WALL ST. J. Feb. 25, 2015, A1, A10 (as it becomes easier to substitute machines for human labor such as clerical work); Ian Marriott, Gianluca Tramacere, Frances Karamouzis, Rob McMillan and Claudio Da Rold, Digital Business and Disruptive Technologies will Increase Global Unemployment, GARTNER, Inc., Oct. 15, 2014, available at https://www.gartner.com/doc/2875117/digital-business-disruptive-technologies-increase (smart machine technologies will convert labor-based models to direct digital processes, requiring IT and other business leaders to face resulting job losses).
This paper ruminates on reversing that condition, restoring physical retail to downtowns and other central business districts\textsuperscript{9} without further despoiling first suburbs. Enabling the latter to rebuild neighborhoods and grow employment by repurposing unused buildings as fulfillment centers for retailers in densely populated areas illustrates one tactic for restoring prosperity. By first suburbs repurposing buildings to serve as major cities’ goods – distribution hubs (fulfillment centers), along with implementing job and advancement training institutes, these enclaves may resume economic growth. This initiative calls for recycling buildings such as abandoned churches, theaters and schools, smack-dab in the middle of residentially-zoned neighborhoods, or in strip centers fringing these residential enclaves, allowing such facilities’ operators to incubate employment opportunity. The remainder of this paper explains why cities should energize their first suburbs this way, and proposes land use and related regulatory tools-deployment to achieving that end.

II. FIRST SUBURBS’ ECONOMIC GROWTH DILEMMAS

A. Brief History of First Suburbs and their Current Direction

Erected adjacent to, and often surrounding, downtown business districts were rich and diverse mosaics of older neighborhoods, often created by 19\textsuperscript{th} century immigrants to America seeking familiarity and preserving ethnic traditions while defusing tensions between social classes caused both by overcrowding and the public health risks posed by nearby industrial plants.\textsuperscript{10} These so called “first suburbs” consisted of villages and town sites established just beyond the historical limits of the core city.\textsuperscript{11} The latter half of the 20\textsuperscript{th} Century too frequently was unkind to these older neighborhoods. Trends in consumer tastes, “progress” signaled by

\textsuperscript{10} See \textit{HANLON}, supra note 1, at 2.
\textsuperscript{11} \textit{Id.} at 5, 47-49.
newer suburbs affording dwellers garages and private back yards, and municipal policies (or city participation in state or federal initiatives) together resulted in first suburb disinvestment concurrently with hinterlands suburbanization, sapping vitality from many of these original neighborhoods and communities of common culture. For instance, freeways and major arterial street improvements projects, planned and executed ignoring neighborhood or community impacts, ruptured neighborhoods and ethnic communities. The relentless march of the upwardly mobile to remoter suburbs until the recession capping the first decade of the 21st Century drained and depleted these increasingly-abandoned communities of stable residents, a process accelerated by the deteriorating conditions in central cities. In some cases, first suburb neighborhoods fell to the wrecking ball of urban renewal projects occurring a decade or two

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12 See id. at 2.
13 See Thomas J. Vicino, New Boundaries of Urban Governance: An Analysis of Philadelphia's University City Improvement District, 3 DREXEL L. REV. 339, 348 (2010); Thomas J. Vicino, The Political History of a Postwar Suburban Society Revisited, 6 HIST. COMPASS 364, 364-88 (2008). Among those policies were federally guaranteed mortgages which made purchasing one’s home more affordable than renting in the urban core, see Hanlon, supra note 1, at 3. Another was building the Interstate Highway System to facilitate long distance driving at high speeds. See Nathaniel Baum-Snow, Did Highways Cause Suburbanization? 122 Q’tly. J. Econ. 775 (2007); but see Wendell Cox, Peter Gordon and Christian L. Redfearn, Highway Penetration of Central Cities: Not a Major Cause of Suburbanization, 5 ECON. J. WATCH 32, 34, 37 (2008) (interstate highway system facilitated suburb-to-suburb commuting, but was not a major causal factor in loss of center city population generally). See also Puentes and Warren, supra note 5, at 6 (state and federal policies served to address fast growth on the suburban fringe without responding to first suburbs’ growth and development needs, as these suburbs already have “sprawled” to their maximum extent).
16 Id. at 63-66.
following adjacent core cities “renewal.” Meanwhile, prosperity carried citizens ever farther from city centers, lured by the possibilities of larger residences, estate lots, big garages and greater open spaces.\(^\text{17}\)

Industrialization placed close-in suburban villages and towns at the periphery of urban cores under the economic dominance of the central city, rendering them highly dependent upon those fates and fortunes of their core cities neighbors. With growing urbanization and increasing incomes came “housing filtration”; here, families sought to improve the size and quality of their dwellings by progressively moving “upward and outward.”\(^\text{18}\) In any case, resulting deterioration of neighborhoods diminished their quality of life, as middle-class family departures from these enclaves distanced the tax base to support decaying first suburb infrastructure from local government capacity to fund these public requirements.\(^\text{19}\) This gap is rooted in these first suburbs’ drop in local income levels\(^\text{20}\) and property values,\(^\text{21}\) and sometimes in population decreases,\(^\text{22}\) all weakening the tax base. As the tax base shrunk, increased service provision costs


\(^{18}\) Frank S. Kristof, Federal Housing Policies: Subsidized Production, Filtration and Objectives: Part I, 48 LAND ECON. 309, 317-8 (1972). This filtering produces blight, via substandard residences left behind. Id.

\(^{19}\) Part of the reason for this growing gap between upgrading requirements and tax revenue is the growing numbers of suburban poor, see LEIGH GALLAGHER, THE END OF THE SUBURBS: WHERE THE AMERICAN DREAM IS MOVING 16-17, 177-79, 202-3 (2013). Alan Ehrenhalt argues that young people of means should resume occupying the first suburbs to the degree downtown housing opportunities become cost-prohibitive and where transit opportunities connect first suburbs with downtowns; but unless these young workers become owners, one doubts they will engage with first suburbs’ goals to become employment generators, see EHRENHALT, supra note 3, at 124.

\(^{20}\) HANLON, supra note 1, at 18-19. Of course, income levels for Americans constituting the middle 60% of the population (by income) have stagnated during the period from 2007 to 2013, rising less than 0.5%, according to the Wall Street Journal, see Ryan Knutson and Theo Francis, Basic Costs Squeeze Families, WALL ST. J. Dec. 2, 2014 at A2, available at http://online.wsj.com/articles/americans-reallocate-their-dollars-1417746499?KEYWORDS=Knutson+Squeeze.

\(^{21}\) See HANLON, supra note 1, at 5-6.

\(^{22}\) Id. at 55-68, 166-78. The ageing of the population in these enclaves also reduces the tax base, especially when single family housing is the fundamental property tax source, see Robbie Whelan, Home is Where the Mall Is, WALL ST. J. Oct. 14, 2014 at A3, available at http://online.wsj.com/articles/minneapolis-suburb-puts-
confronted the suburbs due to increased numbers of their low-income residents. The response of local governments, raising tax rates, coupled with poor-quality services and deteriorating schools, remain “push factors,” gradually driving away those remaining higher-income families to remoter suburban areas.

Such economic, social and spatial conditions, and what they augur for the future of communities these inner enclaves ring, are instrumental. Robert Fishman’s survey of U.S. urban scholars in 2000 ranked deteriorating first suburbs as one of the most likely influences on America’s metropolitan areas through 2050. Since first suburbs are underrepresented at the federal and state levels, they rarely receive needed attention of legislatures and agencies. Local administrations must lead in rescuing failing first suburbs by advancing the causes of economic opportunity and social justice for residents of these undervalued, diverse areas.

B. Underutilization of Real Property Assets in First Suburbs

Strip malls, like their big cousin traditional malls, have failed in staggering proportions in first suburbs. Substituting originally for walkable Main Streets featuring places to pause, visit and regenerate, the shopping store-front blocks massed along the

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inner suburban arterial street wane as free-standing gathering places.\textsuperscript{27} A shopping district has little opportunity for success within the current planning “vision” of live-work-play in one venue,\textsuperscript{28} a view supported by sustainability interests and popular outcry against escalating costs of vehicular fuels. To maintain customer attraction, retail development must become part of a larger, thriving (however artificial-feeling) neighborhood.\textsuperscript{29} Strip malls are fast-dying,\textsuperscript{30} uncompetitive today with denser mixed-use developments (live-work-play) in the nearby urban cores. These malls offer neither fresh air, natural lighting nor any other enlivening element\textsuperscript{31} supporting their upkeep or repurposing.

Unused churches, schools and factories share one characteristic with strip malls—separation, by parking fields and other-purposed open areas, from other human activity. Other than a few architecturally significant churches of yesteryear, the brutish functionality and outdated infrastructures of these structures, coupled with their lifeless surroundings, underwhelm the senses. As aging infrastructure refurbishment needs mount in semi-occupied or fully abandoned neighborhoods, financial resources spiral downwards. Taxes must rise to fix streets, parks and schools and to maintain police presence, trash pickup and other services.\textsuperscript{32} But as taxes rise, middle-class residents move farther from the urban core, taking jobs and skills sets with them.\textsuperscript{33} As middle-class residents escape these environments, businesses and their upwardly-mobile employment

\textsuperscript{27} See ELLEN DUNHAM-JONES, JUNE WILLIAMSON, RETROFITTING SUBURBIA: URBAN DESIGN SOLUTIONS FOR REDESIGNING SUBURBS 63-6 (2009).
\textsuperscript{28} See id. at 67-70.
\textsuperscript{29} See Gallagher, supra note 19, at 180-81 (2013).
\textsuperscript{30} STEPHEN VERDERBER, SPRAWLING CITIES AND OUR ENDANGERED PUBLIC HEALTH 6 (2012).
\textsuperscript{31} See id., at 15, 17; Merrick, supra note 24.
\textsuperscript{32} See Gallagher, supra note 19, at 58-59.
\textsuperscript{33} See Steve Berg, Policies that Built First-Ring Suburbs in 1950s Now Foster their Decline, MINNPOST CITYSCAPE, Apr. 1, 2011.
opportunities follow. Unmaintained, abandoned parking lots and rental house advertisements appear next, reflecting steadily shrinking tax bases as government budgets shrink to subsistence levels and political influence promotes remoter suburbs competing for regional or state funding with first suburbs.\textsuperscript{34} Of equal importance is a growing imbalance of emphases on housing, transit, jobs and economic development, joined to outdated municipal planning policies, together impeding infill development where critically needed. Many of these anachronistic policies (such as bloated residential street design standards and prohibitions on accessory dwelling units\textsuperscript{35}) respond to bygone conditions in first suburbs, leading to unintended and unwelcome consequences -- especially jobs losses. Unless reliable sources of decent incomes and opportunities for advancement for high school graduates of inner suburbs exist, these enclaves continue stagnating, keeping away potential employers.

\textit{C. Vanishing Employment Opportunities}

Apart from workers with sufficient talent, skills-sets or moxie to become an independent contractor curated through an agency or service-on-demand business models like TaskRabbit, Thumbtack or AirTasker,\textsuperscript{36} upward mobility begins by “plugging in” to career-path work environments. For those lacking micro-entrepreneur skills, the entry-level job enables learning one’s way to successive promotions while building capacity for increased personal responsibility and oversight functions. Entry level jobs appear on the lower rungs of two ladders – the high school (primarily blue collar or repetitive-function

\textsuperscript{34} See id.
\textsuperscript{35} See Gallagher, supra note 19, at 156 (granny flats).
work) leaver and the professional (or white collar) ladder, for workers in the knowledge economy.\footnote{See, e.g., Lauren Weber and Melissa Korn, Where Did All the Entry-Level Jobs Go? WALL ST. J., Aug. 6, 2014 B6, available at http://online.wsj.com/articles/want-an-entry-level-job-youll-need-lots-of-experience-1407267498 (entry level positions now have “thinking roles,” eschewing performance by task checklist).} Bottom-rung jobs on either ladder are increasingly scarce\footnote{See, e.g., id. (employers are raising experience requirements for traditionally regarded entry-level work, and are reducing training budgets, mandating prior internship or other experience in the workforce for increased hireability). Meanwhile, internship opportunities are stagnant, see Douglas Belkin, Internship Numbers Stuck in Neutral, WALL ST. J. Nov. 13, 2014 at A6, available at http://online.wsj.com/articles/numbers-of-students-taking-internships-rises-only-slightly-1415854867?KEYWORDS=internship+Belkin.} and, in the case of the white collar ladder, more often are concentrated in CBDs or edge cities beyond the first suburbs’ realm. In any case, the widespread trend toward occupational licensing erects barriers to entry for occupations that traditionally required little training for new workers, necessitating more on-the-job training of hires within the workplace.\footnote{See Fluid Dynamics, ECONOMIST FREE EXCHANGE BLOG, Aug. 30, 2014, http://www.economist.com/news/finance-and-economics/21614159-americas-famously-flexible-labour-market-becoming-less-so-fluid-dynamics. “Middle-skilled jobs,” which require more than high school but less than college educations could constitute half of future U.S. jobs, see Tamar Jacoby, This Way Up: Mobility in America, WALL ST. J. Jul. 19, 2014, at C1, available at http://online.wsj.com/articles/this-way-up-mobility-in-america-1405710779. But the first requirement of upward job mobility is an entry-level opportunity, increasingly requiring training directed to specific job placement. Id. Middle-skilled job training in turn requires industry partners devoting resources to attract a permanent workforce through training programs. Id. at C2.}

First suburbs typically have underfunded school districts and higher high school and postsecondary dropout rates; their populations accordingly suffer higher unemployment rates.\footnote{The Labor Department reports that high school dropouts have higher unemployment rates compared to graduates, while high school “diplomats” with no further education credentials have a higher unemployment rate when compared to the overall national unemployment rate. These numbers move monthly with updated reporting by BLS; the standard chart appears on the Bureau of Labor Statistics’ website, see, e.g., Bureau of Labor Statistics, Economic News Release, Table A-4. Employment status of the civilian population 25 years and over by educational attainment, http://www.bls.gov/news.release/empsit.t04.htm.} Without a stable job base and constricted workplace fluidity for the young and least educated,\footnote{See STEVEN J. DAVIS AND JOHN HALTIWANGER, LABOR MARKET FLUIDITY AND ECONOMIC PERFORMANCE (Sept. 1, 2014) http://www.kc.frb.org/publicat/sypos/2014/083014-1.pdf (last visited Oct. 2, 2014).} inner ring enclaves cannot lure investment in their revivals, and residents lack attachments to or roots within the community.\footnote{See EHRENHALT, supra note 3, at 145-6.} Any
neighborhood whose most influential residents are gang leaders is doomed. Ultimately, it enters a vortex of negative reciprocity, where scant private economic development is matched by minimal public investment in enclave infrastructure. The public realm’s lack of ambition for such a first suburb impairs potential private investment. Accordingly, these suburbs cannot spur interest in transit opportunities, new public amenities or retrofitting development to attract a critical mass of persons having personal attachments to form new communities building neighborhood identity and unique character. The following section describes an environment in densely populated centers affording city planners a means to disrupt this inner suburb downward spiral.

III. CENTER-CITY BUSINESS DISTRICT RETAILING DILEMMAS

A. Shopper Flight from Physical Retailers

Investing in fulfillment centers near city cores presents the first suburb with remarkable employment training and jobs-growth opportunities. Several factors contribute to the utility of such initiatives. Consider “shopper flight” from physical retail

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43 See id. at 154.
44 See id. at 216.
45 See Sheila Vertino, The Distribution/Fulfillment Center of the Future, Development Mag. Special Insert 3, (Winter 2013), available at https://www.naiop.org/~/~media/BA25BB951E3748829A989C517220C138.ashx; see also the presentations by the NAIOP’s Building of the Future Design Competition’s winners at the Development ’13 Conference in October, 2013, available at http://www.naiop.org/en/E-Library/Development/The-Distribution-Fulfillment-Center-of-the-Future-Development-2013.aspx. The three consistent characteristics of fulfillment centers will be that they are closer to CBDs and other population centers, they are green, and they are agile, with the last concept meaning they are convertible to other uses, id. at 3-4. The need for proximity is evident in competition with omni-channel marketers and Amazon; however, higher land costs to locate these centers in urbanized centers mandate smaller footprints, id. at 4. A particular demand for such centers’ locations will be sites near rail spurs, see Mark B. Solomon, “Siding” Up to Intermodal, DC Velocity Transportation Report, available at http://www.dcvelocity.com/articles/20140106-siding-up-to-intermodal/.
units in urban cores, a seemingly irreversible trend.\textsuperscript{46} Other than during the month of April, 2014, shopper visits to brick and mortar stores have fallen by five percent or more, year on year, monthly for the past two years.\textsuperscript{47} Meanwhile, online sales now constitute more than six percent of all American retail sales; these Internet sales have grown by more than 15\% every calendar quarter for those same two previous years.\textsuperscript{48} Major retailers aggressively are closing physical locations or reducing the size and opening of new stores.\textsuperscript{49} Another retailing reality is the mash-up of Internet and physical store functions, where shoppers are encouraged to purchase online but receive their goods at a nearby outlet.\textsuperscript{50} Flows of goods to consumers speed up as a result, and current materials handling practices fail to ensure physical retailers’ meeting next-day delivery models of rival Internet retailers.\textsuperscript{51} The preferred solution is transitioning metropolitan distribution via inefficient vehicle travel progressively nearer to urban centers; this “focused distribution” model moves product storage ever-closer to consumer delivery points.\textsuperscript{52}

Several causes underlie customers avoiding physical retailers in urban centers. Parking impediments to shopping in most “downtowns” and similar urban cores feature stalls that are inconveniently located, unattractively priced or difficult to access compared

\textsuperscript{46} See Niraj Shah, \textit{A New Rule for Shopping: Painlessness}, WALL ST. J. Nov. 25, 2014, B4 \textit{available at }\textit{____} (Millennials are 2.5 times more likely than Baby Boomers to shop online; people looking to be inspired by purchases are browsing online to Websites and social media sites).


\textsuperscript{49} Id.


\textsuperscript{51} Vertino, \textit{supra} note 42, at 4.

\textsuperscript{52} Id.
to ordering goods online or shopping at the peripherally-located mall with abundant free parking near storefront entrances. Curbside parking in central business districts remains scarce or is being heavily tariffed.\(^5^3\) Second, compared to the catalog of goods available online or in mall large-box retail locations, the typical retailer in a CBD cannot accommodate the volume of goods available at their online or mall-occupant competitors’ “places of business,” despite mall tenants increasingly downsizing store footprints.\(^5^4\) Third, for consumers living in newer (outer) suburbs, their distance from central business districts is off-putting from commuting time and vehicle fuel cost standpoints.\(^5^5\) Add to these factors the 24-hour availability of online shopping and shedding store-interior child supervision that Internet retailing affords, and you create the formula for massive physical store shopper avoidance of downtowns.\(^5^6\)

**B. Design for a New Physical-Retailing Reality**

Physical store retailers brave enough to operate in urban cores\(^5^7\) obsessively re-evaluate needs for sales and storage areas, often reducing inventory “rooms” to a quarter

\(^5^3\) *See* Dustin Gardiner, *Phoenix Hikes Downtown Parking-Meter Rates*, ARIZ. REP. Jun. 19, 2014, available at http://www.azcentral.com/story/news/local/phoenix/2014/06/19/phoenix-leaders-increase-downtown-parking-meter-rates/10832401/ ($4 per hour, 7-day weekly parking rates are intended to increase parking turnover and reduce traffic by encouraging more people to ride mass transit, bike or walk – perhaps not the best situation for retailing if larger volumes of sales are desired).


\(^5^5\) *See* Shah, *supra* note 46.

\(^5^6\) *See* Widener, *supra* note 9, at ___.

\(^5^7\) *See* EHRENHALT, *supra* note 3, at 192 (retailers are “pioneers,” even in resurgent downtowns). *But see* Arian Campo-Flores and Robbie Whelan, *Miami Signals Urban Shift*, WALL ST. J. Oct. 29, 2014 at C10, available at http://online.wsj.com/articles/a-bet-on-miami-signals-luxury-retails-urban-shift-1414515119?tesla=y&mod=dnemRealEstate_h&mg=reno64-wsj (Luxury brands covet center-city high-street marketplaces with “urban storefronts”; mall owner General Growth Properties Inc. contemplates substantially increasing percentage of company’s assets in urban property.) A gradual shift to urban retailing engaging traditional mall owners signals that fulfillment center development in first suburbs will be sustainable.
to a third of floor area previously committed to such functions. In addition to the high cost of space in crowded CBDs, stores increasingly focus on in-person shopper experiences. Lately, this commitment causes stores to resemble showrooms or otherwise to promote interactivity, engaging customer spaces, eliminating tables, racks and shelves of goods when prudent. The result of reducing merchandise displays is fewer copies of goods available in-store, increasing chances that retailers will run out of product (in the demanded size, color or style), paradoxically diminishing the customer’s experience – unless, of course, the store assures the customer that her or his items rapidly will be delivered to their residences or workplaces, or can be picked up by the customer at a mutually convenient site. This last strategy, availability assurance, mandates increased numbers of fulfillment centers close at hand, using urban infill warehouse sites where possible. The closer fulfillment locations are to their urban retail customers’

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58 Shearin and Lackey, supra note 54, at 36. See also Suzanne Kapner, Forever 21’s Cavernous Stores, Nov. 20, 2014 at B1, available at http://online.wsj.com/articles/cavernous-stores-wear-on-forever-21-1416441611?tesla=y&utm=reno64-wsj&url=http://online.wsj.com/article/SB11008785394923453828404580286933140383758.html&fpid=2,7,1 21,122,201,401,641,1009 (seeking to capture greater market share, Forever 21 bought other retailers’ leases, pushing into giant stores while many other retailers were scaling back; but people familiar with the company say it has not paid off as planned, measured by consumer-share metrics, and that the retailer could sell the same volume with stores half the size of its bigger “boxes”).

59 See Rajeev Sharma, Stores Won’t Go Away, but They Must Change, WALL ST. J. Nov. 25, 2014, at B4, available at ___(successful retailers are “investing in creating a better customer experience so that the visit is more distinct and memorable”).


61 But see Everything You Know About Supply Chain Management is About to Change, APTRICITY May 8, 2014, 6:15 a.m. (some stores’ interiors will be devoted to “fulfillment” purposes, as stores are viewed as both a destination and a source of inventory); but this merely describes these stores’ intention to allow goods pick-up by consumers who have ordered product online or by telephone – one doubts whether urban core physical retailers intend to devote considerable square footage to “customer pick-up” in stores with high per square footage rental rates. This appears more like “omni-channel retailer marketing” trendiness, not a sustainable logistics strategy, unless rents spiral downward for commercial space in CBDs.

outlets, the more frequently deliveries can be received around store-opening hours, enabling stores to eliminate loading docks and platforms, substituting smaller delivery vehicles accessing retailers’ front or side doors, freeing up space for enhancing a customer’s store “experience.” First suburbs possess vital assets for fulfillment of goods and delivery promises for CBD retailers. Using appropriate planning and collaboration processes, mini-distribution hubs may be staged quickly for temporary fulfillment use or strategically planned as longer-term joint distribution and education facilities.

IV. REPURPOSING FIRST SUBURB BUILDINGS

Local governments have few viable alternatives for the future of first suburbs’ outmoded buildings lacking occupants and missing or most of their realistic, “as-designed” original function. Crumbling infrastructure, added to inutility of the increasing inventory of private buildings, churches and schools, adds to the dismay of residents witnessing their neighborhoods’ vanishing economic opportunities.

*Mothballing:* The owners of the structure can choose to maintain, but not use, the building, awaiting a future use or its ultimate sale or lease. No tax base increase for the first suburb, and no increase in sustainability, results from this election.

*Dereliction:* If a structure is not maintained, it suffers ravages of time, vandalism and decay, becoming a derelict eyesore in the community where it stands. Crumbling, deteriorating buildings are haunting reminders of former prosperity and currently undesirable economic, demographic and social changes in their communities. These structures “drag” on the enclave’s residents’ optimism and ambitions to improve their

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and United Parcel Service hubs, and reasonable proximity to Interstate highways and to an ample supply of seasonal or “surge” temporary labor.)
neighborhoods. This alternative is not sustainability-neutral; neglected tracts gather weeds and junk and attract graffiti that must be managed and disposed of frequently until the structure is demolished and the scrap carried to the landfill. Manpower and non-renewable resources are marshaled repeatedly to address recurring problems.

**Destruction:** Many structures eluding functionality eventually are demolished to clear the land for other uses or to save *ad valorem* taxes; these landmarks and their heritage and cultural identity are lost through dereliction and later destruction, usually when the land on which the structure stands and its location invite development opportunities. The land may have greater market value without a structure in place, since demolition costs will not be passed on and visualizing future opportunity is enhanced. Demolition is a preferred alternative when tax savings loom based on the newly-“unimproved” status of the parcel. No net gain in sustainability results from this alternative; a vacant lot attracts most of the same vandalism and waste issues as a derelict tract.

**Adaptation:** Restoration launches a variety of potential economic development strategies featuring adaptive reuse construction approaches, although adaptation in stagnant neighborhoods can be quite controversial. Often, the local community values a structure not because of its original function or current opportunities, but as a significant landmark and symbol of community values. Surrounding dwellers and business operators become key stakeholders in an adaptation process, due to their voices in the decision-making process\(^\text{63}\) or (if marginalized by the deciders) due to community activism and confrontation. Commentary is almost universally directed to advocacy for adaptive

\(^{63}\) See part V. C. *infra.*
reuses addressing community needs, visions and goals, among them reinvestment in existing infrastructure and economic stimulus for dwindling neighborhoods.

Local administrators must act according to the alternative that makes the most economic sense for a first-ring suburb mired in the doldrums of stagnant jobs growth, considering how such alternatives affect neighborhood sustainability and historic assets preservation.

Sustainability has several dimensions, and among those not quickly grasped is that older-aged spaces offer affordable space for entrepreneurs and minority-owned businesses, attracting creative firms and industries offering knowledge-economy jobs. Rents intuitively are more modest at ordinary older buildings than newly-constructed architectural masterpieces. The small entrepreneur has a better survival path focusing his or her expenses on branding, marketing and employing innovative talent than on making monthly rent installments. Measured by affordability, historic former church and school assets have substantial “upside” potential, even in decaying areas.

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64 See, e.g., DEVIN CLARK, ESTABLISHING A FRAMEWORK FOR INNER-RING SUBURB SUSTAINABILITY IN WINNIPEG, Jan. 2012, available at http://mspace.lib.umanitoba.ca/handle/1993/13693 [click on .pdf] (thesis targeting first suburbs through the lens of sustainable development, which is, according to the Brundtland Commission, development meeting the needs of the present human generation without compromising future generations’ needs-fulfillment).


68 See ADVISORY COMMITTEE FOR SCHOOL REPURPOSING AND COMMUNITY DEVELOPMENT, REPORT Feb. 2014, available at http://www.cps.edu/SiteCollectionDocuments/CommitteeReport.pdf; Dan Emerson, Repurposing old schools: From condos to churches, developers find ways to convert, FINANCE & COMMERCE BLOG, Sept. 18, 2012 10:00 a.m.,
Schools are the ideal setting for distribution hubs, exceeding church property and former theaters or factories in their potential. However outmoded, schools have large open spaces (former cafeterias, gymnasiums, libraries) convertible to shelving and racks for inventory storage. Some schools have preexisting loading docks or overhead doors for pallet jacks, forklifts and heavy vehicular usage. All have classrooms of different configurations for instructional purposes of all instruction delivery types, whether group lectures, demonstrations and workshops or media presentations.

V. CITY GOVERNMENT TOOL-WIELDERS’ REGULATORY TECHNIQUES

First suburbs need an intense infusion of tactical urbanism69 from the land use realm. With most new urban developments, lengthy planning, architectural design, funding, community engagement and implementation processes extend for years, trying the patience of citizens, city workers and developers. Frustrated by delays and mounting expenses of prosecuting their

69 “Tactical urbanism” is a term first coined by Mike Lydon with the Streets Plan Collaborative in New York City, see MIKE LYDON AND ANTHONY GARCIA, TACTICAL URBANISM: SHORT-TERM ACTION FOR LONG-TERM CHANGE 2-4 (2015); Allen C. Breed, Tactical Urbanism: Citizen Projects Go Mainstream, ASSOCIATED PRESS THE BIG STORY BLOG May 1, 2014 at 10:45 a.m., http://www.cbsnews.com/news/tactical-urbanism-citizen-projects-go-mainstream/; In this paper, I employ the phrase, adding “v2” to the title of this paper only, indicating strategic land use plans involving local government inputs or joinder, implementing short-term or temporary projects demonstrating the potential for longer-term developments. Here’s an illustration of the author’s application: In July, 2014, Sweden decided to allow landowners to build, without further “planning permission,” rental cottages of no more than 270 square feet upon already-improved residential lots to address housing deficits, see Choosing the Right Pin, ECONOMIST 83-4, Aug. 30, 2014; and in 2015, local councils in towns in Sydney’s exurbs are considering easing building restrictions, in the interest of increasing the supply of affordable housing, to allow “granny flats” dwellings to be erected in homeowners’ front yards, see Rebecca Thurlow, Australia’s Granny Flats, WALL ST. J. Feb. 11, 2015 at C6. While a fulfillment center bears greater risk and financial commitment than a guest house or a conventional “pop-up” shop, the interior physical improvements required for these hubs, especially in a vacant structure not yet entirely deteriorated, requires a smaller investment magnitude than to remodel a retail center or an office building. Since the ideal location for a fulfillment center will be the result of some trial and error, it makes sense for early initiatives in establishing such hubs to be deliberately conservative – not from the angle of community commitment to jobs growth but in the permanence of their improvements. In some circles, this type of initiative may be called “strategic placemaking,” see, e.g., MARK A. WYCKOFF, DEFINITION OF PLACEMAKING 4-5 (Jan. 2014), available at www.landpolicy.msu.edu/modules.php?name=Documents&op.
project, many developers take their ideas and their funding to more nimble jurisdictions. Temporary tactical urban development projects should be planned and implemented in a few weeks or months. A retail distribution hub, coupled with skills and advancement training center infrastructure to teach local workers the importance of promptness, hard work and dedication to the job, affords a viable and valuable transitional use of an outmoded building while permanent projects are vetted by lenders, neighbors and local bureaucracies. Since many landowners prefer simply to lease, sell or develop property in a single burst, some will work only reluctantly with short-term, transitional-use partners. Certain prejudices detrimental to first suburb economic development can be overcome by the community’s shedding regulations stymieing, for instance,


71 This initiative represents a novel application of an existing concept that stems from Amazon’s Career Choice Program, an incentive program to encourage Amazon’s full-time hourly associates to enroll and complete technical and vocational training [not degree-oriented] programs, primarily in fields not related to procurement, logistics or transportation (although the latter two subjects are underwritten programs). See AMAZON, AMAZON CAREER CHOICE PROGRAM FAQs, http://www.amazon.com/gp/help/customer/display.html?nodeId=200979350&view-type=stand-alone. Amazon will pay up to 95% of the tuition, textbook and associated fees incurred by its associates, up to a maximum of $3,000 per year for four years of study, whether live or online instruction. Id. What I advocate in this paper is unique because it requires “in-house training” in the facilities where work is being performed by employees of the distribution hub. The concept is to make integrate learning both geographically (i.e., in the first suburb’s boundaries) and experientially (i.e., relating the instruction to experiences within the center’s work functions, whether clerical, administrative or logistical in the fulfillment center). Learning is understood to be more “sticky” when abstract-concepts instruction is applied immediately in the workplace. See, e.g., Jonathan House, Factory Helps Teens Get Diplomas, WALL ST. J. Aug. 8, 2014 B1, B6, available at http://online.wsj.com/news/articles/SB20001424052702304521404580051744102171062. Further, it has greater credibility if it is delivered by persons in the work environment. While Amazon’s program may induce its employees to remain in the community after their training, by delivering the training within the distribution hub’s walls, learning occurs in the workplace, more likely near to where the pupil and her peers live. This further promotes a sense of a “community of learning” as well as of working. In Carrollton, Georgia, Southwire’s factory, working with the local high school, devised a curriculum for students called “12 for Life,” complementing what students learn in the classroom with four-hour per day factory floor positions, where they learn machine operation, logistics, product and reel assembly, shipping, quality assurance and data entry. Some additional instruction takes place in the manufacturing area during the work-shift, see Southwire, 12 FOR LIFE, http://www.southwire.com/ourcompany/sustainability/12-for-life.htm (last visited March 2, 2015). The result is that 77% of the Southwire student “workforce” members graduate from high school; and 40% of these students pursue higher education while about 18% take full-time jobs at Southwire, see House, supra, at B6.
joint occupancy by multiple retailers or related businesses.\textsuperscript{72} Spreading costs of the vocational training among the developer and multiple retailers and wholesalers in first suburb distribution centers, or with a local community college system,\textsuperscript{73} can be facilitated by a community’s participation in public-private partnerships like Arlington’s Clarendon Alliance.\textsuperscript{74}

A first suburb’s land use administration can facilitate a transitional project like a temporary distribution hub incorporating skills and advancement training without completely overhauling its land use code, such as occurs when moving towards form-based zoning. The subparts below illustrate some tactical moves for amplifying jobs growth.

\textbf{A. General or Comprehensive Plan Alterations}

\textsuperscript{72} New ideas diffuse more quickly when firms are located close to one another, because employees can exchange ideas more readily and employees will share ideas, as will their managers. See ALFRED MARSHALL, PRINCIPLES OF ECONOMICS 271 (8th ed. 1920). Marshall notes such proximity also breeds “subsidiaries” that are vendors to the enclave of the industries. See id.; see also Morten T. Hansen, Nitin Nohria and Thomas J. Tierney, What’s Your Strategy for Managing Knowledge? HARV. BUS. REV. 106-116 Mar.-Apr. 1999, available at https://hbr.org/1999/03/whats-your-strategy-for-managing-knowledge/ar/1 (extols face to face encounters among colleagues).

\textsuperscript{73} See, e.g., Olive-Harvey College Press Release, available at http://www.ccc.edu/news/Pages/Construction-to-Begin-on-$45-Million-TDL-Center-at-Olive-Harvey-College-That-Will-Create-150-Jobs.aspx. The Transportation, Distribution and Logistics Center project at Olive-Harvey College (under construction in late 2013 and scheduled to open in the fall of 2015 (see FGM Architects Webpage, available at http://www.fgmarchitects.com/practice-areas/projects/higher-education/ccc-olive-harvey-college-transportation-distribution-and-logistics-building-on-site-observation/), will give students hands-on training in the transportation, distribution and logistics industry. The TDL facility will feature a high-tech central store warehouse environment acting as a supply chain hub provisioning office supplies to Chicago City Colleges’ seven campuses, six satellites and District Office. See Olive-Harvey Press Release, supra. This warehouse will provide a practical training ground for students by integrating operations into the curriculum, teaching students how to take orders and to fill them timely. See id. The TDL pathway begins with an adult education bridge program and includes “stackable” basic and advanced certificates and an associate’s degree; the college intends for the program to articulate to bachelor degree-level programs. See id. The funds to build the TDL Center came approximately 70% from the state and the balance from City Colleges of Chicago.

\textsuperscript{74} See the mission statement of the Alliance: “The Clarendon Alliance is a partnership of residents, business people, property owners and interested parties working together to increase the liveability and vitality of the Clarendon district in Arlington County. The Alliance advocates for a vibrant business environment in order to facilitate the development of an urban village serving the needs of its members and the neighboring communities.” Clarendon Alliance FY 2014 Workplan, available at http://clarendon.org/about-the-clarendon-alliance/fy-2015-workplan/. Clarendon is a first suburb of Arlington, Virginia, the second-largest principal city of metropolitan Washington, D.C.; its transformation into a vibrant urban village has become a model of revitalization for older suburbs. See EHRENHALT, supra note 3, at 128-32.
First suburbs’ general plans (sometimes known as a comprehensive plan or a master plan) need amending, in many instances, before implementing more directed land use tools. A general plan is a community’s “tone piece,” guiding the community’s goals for improving the quality of life of its citizens. In order for the proposed mini-distribution hub initiative to gain traction in a community, general plan modifications must incorporate most, if not all, of the following goals:

Initially, the general plan’s economic development component must endorse skills training and job advancement education and counseling programs operating nearby workers’ housing, so that persons with transportation challenges can get to these work opportunities located nearby local schools as students complete their secondary-level work. Second, in the transportation element, the general plan must endorse sustainable transportation in residential neighborhoods in the forms of smaller trucks and other lower-emissions vehicles, encouraging distribution hub deliveries using electric vehicles operating battery-life range. Parking regulations permitting curbside and off-street parking in compact stalls designed for smaller passenger vehicles should be standard general plan text. The public health and environmental quality element of the general plan must acknowledge that since healthier cities have fewer tail-pipe emissions, delivery vehicles with a smaller wheel radii and “cargo capacities” are encouraged, along with transit use and community investment in transit infrastructure to accelerate participation by younger commuters in sustainable travel modes.


76 In many communities with substantial public input, the “plan” or “land use” element of the general plan tends to allow a “wisdom of crowds” input as to where so-called enterprise zones (for greater mixed uses like those contemplated here) ought to locate these types of mini-distribution hubs. Widener, supra note 66, at 32 (2013). For diversity optimization, given the target worker/student population of these hubs, ideally they will locate near transit nodes where the underemployed and unemployed have means to commute, minimizing the need for walking or reliance on less-affordable transportation.

77 Demand for wide streets with larger “turnaround radius” requirements are reduced when small vehicles are encouraged, so additional street improvement needs are minimized.
A novel general plan element endorsing “the sharing economy” should be added, recognizing the permanency of entrepreneurs and “producers” in this growing informal sector, elevating their business models above “black or grey market” status. Specific to the fulfillment centers proposed, mini-distribution hubs should be operated in concert with site-based instruction in job skills, and sharing economy entrepreneurs will aid in accomplishing several community goals. Periodic distribution hub inventory-analysis and “surplus” product acquisition by collaborative consumption sellers allows unused brick and mortar store inventory to be re-priced and distributed through the informal economy’s sharing (through rental or lending) channels, making goods more accessible and affordable to first suburb dwellers. The nearby availability of such channels of commerce will make the first suburb neighborhood more desirable to persons seeking to consume through such collaborative processes. Many such persons will be part of the “creative class” that communities target for residency and enrollment in their tax bases.

78 The sharing economy, emphasizing the longevity of consumer goods and services via joint ownership, leasing and lending of physical objects has increasing numbers of adherents among the unemployed, underemployed and retired populations. This is not as much a movement as a philosophy, and its fundamental precepts are nicely summarized in Anne-Sophie Novel, Is Sharing More Sustainable? The Environmental Promises of the Sharing Economy, in JEAN-YVES GROSCLAUDE, RAJENDRA K. PACHAURI, LAURENCE TUBIANA, EDS., INNOVATION FOR SUSTAINABLE DEVELOPMENT 139-42 (2014); see also Danielle Sacks, The Sharing Economy, FAST COMPANY 88-93, 130-1 (May, 2011).

79 See, e.g., Michael Hu, Raj Kumar & Sunit Chandra, Best Practices in Strategic Multichannel Fulfillment, IVEY BUS. J. ONLINE 1 (2014), available at http://iveybusinessjournal.com/topics/strategy/best-practices-in-strategic-multichannel-fulfillment#U_5jy8J0wiQ (to fulfill lower-velocity SKUs (such as non-traditional-sized apparel), retailers are complementing store-based fulfillment with several strategically located distribution centers that will enable next- and two-day customer deliveries).


81 This socioeconomic class identified by American economist and social scientist Richard Florida, composed in large part of scientists and engineers, university professors, poets and architects but also those in design, education, arts, music and entertainment, whose economic function is to create new ideas, new technology and creative content is a group believed to bring economic growth to communities that can attract and retain its
B. Land Use Code Revisions

Municipal agencies revise their Euclidean-based zoning codes too slowly to address rapid contemporary change, but through “overlay districts,” code amendments under traditional processes of “staff suggestions followed by committee report, followed by planning commission recommendation, followed by policy-making body approval hearing” are avoidable to a degree. Overlay districts tailor regulations to specific properties and sectors to meet specific community goals, can be less politically controversial and may help communities meet stated goals or address specific inequities, such as employment growth where little stable economic activity exists. A first suburb can adopt an “Enterprise Zone” overlay district, allowing temporary zoning to establish fixed-term mini-distribution hubs in first suburbs with waning tax bases and

members and has become the subject of considerable inter-city competition, see RICHARD FLORIDA, THE RISE OF THE CREATIVE CLASS-REVISITED: REVISED AND EXPANDED, 8, 188, 272 (2014). The underlying assumption in a municipality’s drive to attract this “class” is that in a 21st Century knowledge economy, youthful persons with special talent and exceptional education create wealth, more higher-wage jobs and greater disposable income due to their superior cognitive skills, see SHARI GARMISE, PEOPLE AND THE COMPETITIVE ADVANTAGE OF PLACE: BUILDING A WORKFORCE FOR THE 21ST CENTURY 45, 87 (2006); see generally, Heiner Rindermann and James Thompson, Cognitive capitalism: The effect of cognitive ability on wealth, as mediated through scientific achievement and economic freedom, 22 PSYCH. SCI. 754-63 (2011). A current illustration of initiatives to entice these workers and creative force participants is Michigan’s “Cool Cities” movement, see http://www.coolcities.com/. Among Cool Cities attributes, urban planning advantages are paramount; such communities are walkable, feature mixed-use development and foster business development and historic preservation along with arts and cultural amenities, see MICHIGAN COOL CITIES INITIATIVE 10


82 See Roger K. Lewis, Traditional Zoning Can’t Meet the Challenge of Modern Development, WASH. POST SHAPING THE CITY BLOG Jul. 24, 2004 at F4, available at http://www.washingtonpost.com/wp-dyn/articles/A9505-2004Jul23.html?nav=rss_business/columns/realestate/lewisrogerk. First suburbs could show agility by adopting, as part of their land use codes, a version of the Model Mixed-Use Zoning District Ordinance (a portion of the Model Smart Land Development Regulations promulgated by the American Planning Association in March, 2006), see https://www.planning.org/research/smartgrowth/pdf/section41.pdf, as have Denver, Fort Worth and Salt Lake City; but the district ought to encourage mixed uses in residential neighborhoods in addition to focusing on a village’s main street or in pre-existing commercial areas, see id.

outmoded building stock, and permanent zoning for owners assembling sufficient land to build a permanent project of prescribed quality creating minimum adverse neighborhood impacts. The community can entrust the Zoning Administrator to authorize temporary overlay standards to apply for a limited period of years, subject to renewal or permanent status “conversion” only upon approval through the local legislative process. This district’s regulations can allow the Zoning Administrator to dictate specific conditions like operating hours for temporary facilities, accommodating needs of surrounding neighbors for quiet during certain hours and CBD retailers’ needs to restock during off-peak shopping hours.

This district’s regulations further can enable repurposing structurally sound historic properties for mini-distribution hubs, maintaining their facades to the greatest degree feasible. Historic properties have built-in sustainability features, among them that they tap relatively little exterior building materials made from non-renewable substances. Since soft goods made of non-perishable components do not require extensive climate control, historic buildings need just enough warmth and cooling for their occupant workers to be comfortable and dry. Legacy assets like churches and early public schools may require retrofitting to secure access points for preventing theft. However, these assets often require less remodeling (and code compliance expense) than were they to resume public occupancy purposes. Building codes for the storage portions of these properties need not require complete updating as would public assembly venues

84 See text at notes 86-94, infra, for discussion of incentive zoning initiatives. Such an overlay district may sometimes be described as a “legal neighborhood” structure, see, e.g., Stephen R. Miller, Legal Neighborhoods, 37 HARV. ENVTL. L. REV. 105, 149-161 (2013) (describes a neighborhood-specific zoning device to preserve or enhance characteristics of a particular neighborhood).

85 See NATIONAL COOPERATIVE FREIGHT RESEARCH PROGRAM, GUIDEBOOK FOR UNDERSTANDING URBAN GOODS MOVEMENT (hereinafter “NCFRP REPORT 14”) 41-7 (2012) available at http://onlinepubs.trb.org/onlinepubs/ncfrp/ncfrp_rpt_014.pdf. Zoning adjustment potentially can reduce retail shops’ minimum parking requirements when stores are located near transit nodes, see EHRENHALT, supra note 3, at 131.

86 See Widener, supra note 67, at ___.
for health and safety concerns. A further incentive to encourage repurposing is to slacken the strict code compliance demanded of newly-built projects; first suburbs ought to avoid fuss about less consequential design review matters like minimum yard setbacks, outdoor storage and landscaping buffers, so long as these revival projects maintain their original positions and designs.

Another way of addressing “anomalous neighbor” fulfillment center implementation is by employing a floating zone.\(^87\) This zoning district delineates conditions to be met before the zoning is approved for a specific piece of land.\(^88\) Rather than being fixed on the zoning map as traditional zones are, the floating zone is indicated as an amendment to the zoning ordinance awaiting implementation.\(^89\) The zone "floats" until a development application is approved, when the zone is then appended to the approved site on the official zoning map.\(^90\) Floating zones are employed to plan for future land uses anticipated or desired by the community without being confirmed; implementing the use upon application of the owner follows officials’ approving innovative projects like a first suburb distribution hub with education center.\(^91\)

A further municipal land use strategy deploys incentive zoning to secure (in this example) a private developer’s financial commitments to the education and jobs training components of a first suburb mini-distribution hub. Incentive zoning enables a developer to proceed in a way that ordinarily would not be permitted but for the public benefits that otherwise could not be imposed without eminent domain implications.\(^92\) Often imbedded in a zoning ordinance, incentive zoning allows the city to leverage variations in zoning standards in

\(^87\) See Widener, supra note 83, at 433-7.
\(^88\) See APA Zoning Flex, supra note 77.
\(^89\) See Widener, supra note 83, at 434.
\(^90\) See APA Zoning Flex, supra note 77.
\(^91\) See id.
\(^92\) See id.
exchange for obtaining specific public goods. Accordingly, a developer providing education facilities or job training space in addition to the buildings housing the distribution hub may be allowed greater building height, floor area ratio, reduced setbacks or parking requirements or other “flex” development parameters in its project in return for increasing its investment in the local community.

While not conventionally highly-nimble enterprises on the policy front, municipalities seeking jobs growth must investigate advantages of Smart Growth-related policies inspiring development of infill sites closer to the urban core versus the outer metropolitan fringes. A flexible, form-based ordinance focusing on place-making, urban form and infrastructure augmentation gives a community enough agility to address market-based changes in a sufficiently brief time, if not in “real time,” to remain competitive. Preparation for the coming trend of mixed-use infill projects built on new urbanism principles ought to be a first suburb’s priority. A city with form-based zoning likewise can allow additional building height in a parcel’s existing zone, like the so-called “Urban Center” zone, or can re-classify the site into a Transect zone permitting greater density.

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93 Id.
94 See Anthony Downs, What Does Smart Growth Really Mean? 67 PLANNING 20, 21-2 (2001), available at http://www2.sunysuffolk.edu/formans/WhatDoesSmartGrowthMean.htm. Downs identifies fourteen potential smart growth elements, chief among them open space conservation; growth boundaries; compact, mixed-use developments enabling walking and transit opportunities; revitalizing older downtowns and inner-ring suburbs; public transit alternatives to automobile dependence; regional planning coordination; and equitable sharing of fiscal resources and financing burdens within greater metropolitan regions. Id.
96 Id.
98 Id. at 268-9.
99 Id. at 269.
100 See id.; Donald Shoup, Graduated Density Zoning, 28 J. PLAN. ED. & RES. 161, 166 (2008).
An intriguing form of incentive zoning is graduated-density zoning, a community tool most effectively deployable where redevelopment is severely needed. Redevelopment in first suburbs of a mixed-use fulfillment center and education complex requires a fairly large parcel of land, scarce in these enclaves, where land ownership often is deeply fractionalized. Redevelopment here pivots on assembly of several tracts, no mean feat when its transaction costs makes the assemblage prohibitively expensive. The primary challenge in such assemblies is the intransigent owner, seeking to claim the “crucial piece” lottery, where zoning regulations require a redevelopment’s threshold parcel size. The “key lot” owner wants the developer to hurdle the minimum-size requirement with his tract’s acquisition, increasing his premium for that key lot. This owner thrives in communities reluctant to exercise eminent domain power for private development when facing state legislation prohibiting such acts following the U.S. Supreme Court’s 2005 decision in Kelo v. City of New London.

By inducing the holdout owner to participate in an assemblage by allowing higher densities for larger parcels, the community enables the project to proceed and its developer sufficient economic gain to manage assembly acquisition costs. Granting greater density for a larger redevelopment parcel induces multiple lot owners to cooperate because each will share in a larger capital gain; in contrast, if some owners “hold out,” uncertainty looms about their parcels’ inclusion in any finally assembled redevelopment tract. As Donald Shoup explains,

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101 See id. at 161-62.
102 See id. at 163; Gideon Parchomovsky and Peter Siegelman, Cities, Property and Positive Externalities, 54 WM. & MARY L. REV. 211, 250 (2012).
105 Shoup, supra note 100, at 166, 168.
the technique for minimizing holding-out is replacing the city’s requirement for a minimum-acreage assemblage with a sliding scale of increasing density allowances. An established density “gradient” allows a smaller redevelopment project to proceed; yet through reducing (or eliminating) any single owner’s reward for holding out, doubt about the benefits of “defection” creeps in, particularly if the hold-out owns a site unsuitable for adding to a later-in-time land assembly. As Shoup notes, community incentives for larger-tract redevelopment have other beneficial effects, among them reducing neighbor opposition to such projects, since the larger the tract’s acreage, the more likely the redevelopment will adjoin public streets instead of uses incompatible with the redevelopment project and reduce off-street parking demand, where transit-oriented development (typically awarding density “bonuses”) encourages a project’s incorporating elements like bus bays and shelters or transit stops.

C. Houston, We Have a Solution

Can a general plan be amended to rid a first suburb altogether of zoning district restrictions, without resulting havoc? Houston’s resurgence without a zoning code suggests economic opportunities trump the wisdom of categorizing uses in rigid ranks. As Alan

106 Id. at 167.
107 Id. at 168.
108 Id. at 170.
109 See id. at 170-71.
110 See Ryan Holeywell, Houston: The Surprising Contender in America’s Urban Revival, GOVERNING Oct. 2013, available at http://www.governing.com/topics/urban/gov-houston-urban-revival.html; Bill Schadewald, ‘Form-based’ Zoning Appears to Take Shape, HOUSTON BUSINESS JOURNAL, Apr. 29, 2007 11:00 p.m. CDT (Houston is the only major American city without a zoning code; the described form-based ordinance proposal itself failed).
111 Hold up, pardner; Houston is hardly a land-development “free for all.” Development is regulated there through three different processes. Initially, the city regulates development through an approval process that focuses mainly on the impact of land development on public services. New developments must conform to performance criteria for public services such as sewer and road capacity. Houston’s regulations, which address off-street parking, tree and shrub requirements, setbacks and access, are found at http://www.houstontx.gov/planning/DevelopRegs/dev_ord.html. Indeed, some view Houston’s development regulatory scheme as oppressive to free markets, see Teddy M. Kapur, Land Use Regulation in Houston
Ehrenhalt argues, a city without formal zoning is more agile responding to market demand, whether through infill parcel remodeling or new development. Individual enclaves within the suburb may “crowd-source” preferences for development inside neighborhoods according to perceived risks and rewards of introducing mixed use warehousing projects within their boundaries. This may be accomplished in a formal way by implementing a Community Benefits Agreement between a developer and the project’s neighbors. A Community Benefits Agreement (“CBA”) commits both sides to agree to what forms of physical and financial mitigation are appropriate, anticipating the disruption attending the development. For instance, the CBA may require the developer to secure additional off-street parking by building a structure, leasing additional off-street stalls elsewhere, reaching an agreement for “piggybacking” on public land for parking or, better still, solving anticipated neighborhood traffic increases without acquiring additional capacity.


See EHRENHALT, supra note 3, at 172-3.


See, e.g., National Municipal Policy Network and Partnership for Working Families, Economic Development with Real Community Benefit: Land Development in the Public Interest, available at http://www.forworkingfamilies.org/resources/policy-tools-community-benefits-agreements-and-policies (primer on essential ingredients of private CBAs). Municipalities also can be parties to these agreements, at times even driving certain developer covenants in the role of “public trustee” for the affected citizens. For instance, Allen Park, Michigan’s appointed emergency manager sold the former home of Unity Studios to Time Equities concurrently with reaching a CBA under which the developer must devote use of a portion of one building in its project of up to 1,500 square feet for employment training and job placement for local residents, to be run by Michigan Works and Wayne County. See Allen Park Sells Unity Studios Property for $12 Million, DETROIT FREE PRESS Aug. 27, 2014, 11:47 a.m., available at http://www.freep.com/article/20140827/NEWS05/308270165/allen-park-property-sale.


See id. at 194. While not an essay on parking, the author notes that local government should play a role in determining true parking requirements by sharing parking data with the CBA stakeholders, to the end of promoting eliminating parking minimums. This concept has been adopted by São Paulo, Brazil in deciding
employee capacity or any other ingredient in the proposed development are open to CBA negotiation. In this fluid, mediated environment, accountable developers and producing entrepreneurs will flourish.

Are negotiation and self-governance suitable tools for sustained salutary community development outcomes? Increasing research in the area of collaborative environmental management suggests that involving stakeholders in the self-determination of priorities-setting and in planning, implementing and evaluating solutions succeeds both in the resolving conflicts and advancing shared visions. Americans habitually have relied on a decentralized marketplace to aggregate disparate information unknown to any one individual (like a planning manager) or expert body (like a planning commission). Why, therefore, give officials having little community of interest with the residents ultimate authority to determine the best interests of first suburb dwellers who will live with the consequences of their decisions?

D. Partnership Strategies

Community-based economic revival requires marshaling many tools. While citizens may benefit from taking some matters into their own hands independently of applying land use master


See id. at 213-6.


See THOMAS SOWELL, INTELLECTUALS AND SOCIETY 15-30 (2009) (describes ‘elites’ prescriptions imposed at decision-points where such persons lack consequential knowledge, and the lost opportunity from ignoring the consequential knowledge possessed by everyday citizens in smaller individual quantities that, in toto, constitutes greater understanding than that possessed by a handful of “subject matter experts”).
plans and codes, municipalities with the authority to do so have several direct-action roles to play in first suburb renewal, especially through the convention of the public-private partnership.\footnote{122}{Public private partnerships take myriad shapes. While business improvement districts funding through mandatory \textit{ad valorem} taxes is a common structure, another is a special services district funded through voluntary contributions from stakeholders. \textit{See Marvin D. Feit and David Feehan, Making Business Districts Work: Leadership and Management of Downtown, Main Street, Business District, and Community Development Organizations} 97-103 (2006). In the latter instance, the city does not require control of the organization by appointing the organizations’ board members, \textit{see} Vicino, \textit{supra} note 12, at 345. Illustrations of this structure, which usually takes the form of a non-profit corporation, are the University City District in Philadelphia (distinctly a first suburb) and the New Haven special services district in Connecticut, \textit{see id}. SSDs are more limited in function than business improvement districts supported by involuntary contributions because they have revenue streams that are not guaranteed, \textit{see id}. Yet another “partnership” structure is the community development organization, like the West Philadelphia Partnership, \textit{see id}.}

One role deploys the municipality’s bonding capacity to finance a project or use of tax increment financing.\footnote{123}{Tax increment financing exploits future tax gains to finance current urban improvements, \textit{see}, e.g., Jonathan M. Davidson, \textit{Tax Increment Financing as a Tool for Community Redevelopment}, 56 U. Det. J. Urb. L. 405, 405-06 (1978-1979). Like issuance of municipal bonds, TIF financing is a local borrowing technique that relies on future collection of taxes for repayment.}

Another role is that of donor or lessor of public lands or buildings on reasonable terms to developers for projects like a local distribution hub, positioned to repay the community by growing employment and tax base opportunities.\footnote{124}{The velocity of these types of arrangements between municipalities and developers may be slowed by the U.S. Supreme Court decision in \textit{Koontz v. St. John’s River Water Management District}, 568 U.S. ____ 133 S. Ct. 2586, 186 L. Ed. 2d 697 (2013), to the degree regulators fear bargaining for project development to be laden with risk if a municipal “exaction” from the developer involves payment of money, \textit{cf. id.}, 133 S.Ct. at 2603. One strategy for donating land is for the community to retain its ownership until a developer’s vertical improvements commence, to save the developer carried land costs like taxes, insurance and mortgage payments. This device allows development of the parcel to await market demand, phased to meet interest, opposed to a new owner’s racing to open an “unripened” project, \textit{cf. Rusin, Slater and Call, supra} note 68.}

A third role facilitates and accelerates entitlements and permitting for such projects, where the community advocates “fast-tracking.”

Fourth is a community’s participation in or advocacy for Community Development Block Grants directly through federal auspices (if an “entitlement community”) or through state involvement (in the instance of the Small Cities CDBG program).\footnote{125}{The CDBG entitlement program includes opportunities to expand economic opportunities, principally for low- and moderate-income persons, in cities. \textit{See U.S. Department of Housing and Urban Development Community Development Block Grant Entitlement Communities Grants, available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/entitlement#eligibleactivities; among these activities are the conversion of school buildings for eligible
One illustration of a fulfillment center combining public and private resources is the Sustainable Distribution Centre in Southampton, Hampshire, England, an enterprise funded in part by Britain’s Local Sustainable Transport Fund (with monies secured and administered through the Southampton City Council) and operated by Meachers Global Logistics. Through freight consolidation, entailing grouping discreet deliveries destined for the same vicinity, large-vehicle transport trips are less numerous and more efficient, reducing carbon emissions and cost. Public-private partnerships are being promoted across the European Union to address urban freight transport policies, through which many urban freight stakeholders achieve sustainability in urban freight movement. This tool invites consultation and stakeholder dialogue in public decision-making about logistics, addressing complexities of environmental sustainability issues, among others. Resolving the dilemma of “last mile dispatch” requires purposes and affording “assistance to profit-motivated businesses to carry out economic development and job creation/retention activities,” see id. One illustration of such community participation activities is the Yonkers, New York Empowerment Zone, located adjacent to the Metro North Commuter Railroad System, see http://www.hud.gov/offices/cpd/economicdevelopment/programs/rc/tour/ny/yonkers/appsummary.pdf. Smaller towns face a more convoluted process for these grants, and here is an example from the author’s community. Maricopa County and the Town of Buckeye, Arizona, currently function under a 3-year Cooperative Agreement guaranteeing the Town’s consideration for CDBG funds under the County’s entitlement from HUD. The County is responsible for reviewing the Town's CDBG application for eligible activities and making a recommendation to the CDAC (Community Development Advisory Committee) for funding. Buckeye’s project proposals are considered eligible if they comply with requirements under a long-range plan being continuously updated by the CDAC. Smaller projects for CDCs include roadway improvements, see FEIT AND FREEHAN, supra note 122, at 86.


The intention, using a single vehicle servicing multiple logistics customers on each trip, is to reduce city center traffic congestion and attending air pollution, see id. at 4.


coalitions innovating for “hub and spoke” dispatch systems, consolidation centers, vehicular management outside peak hours to speed delivery times, escalating electric vehicle delivery volumes, and other initiatives.  

Public partnerships between and among local jurisdictions are imperative where regional transportation is implicated, such as in freight consolidation and delivery. As ailing first suburbs share problems resembling those in the central cities they ring, political coalitions form to arrest infrastructure decline and reduce wasteful competition over shrinking tax revenues and mounting socioeconomic problems. Likewise, regional cooperation in logistics and transportation planning, and implementation of initiatives, is mission-critical to restoring infrastructure and capacity while spreading the costs of execution among stakeholders.


132 Cf. Puente and Warren, supra note 5, at 12 (first suburbs comprise dozens of local jurisdictions that have distinct land use, zoning and taxation powers and compete for favored commercial, industrial and residential activities but concurrently have limited individual capacity to grapple with major community problems in this fragmented condition or to organize for betterment of their collective interests).


134 Peter Dreier, John Mollenkopf and Todd Swanstrom, Place Matters: Metropolitics for the Twenty First Century 236-37, 269, 275-9, 325-9 (2014). A unique solution to zoning and related conflicts
Factory jobs are returning to certain portions of America; and the products of those workers will be warehoused for delivery to first suburbs and the cities they ring. No initiatives impacting intermodal transportation logistics to inner cities preclude participation by multiple jurisdictions, including most first suburbs. Consider these future opportunities responding to just-in-time delivery requirements:

a. Heavy rail linkages between manufacturing facilities (spur tracks) and center cities;

b. “Freight” cars piggybacking on light rail trains for lightweight package delivery;

c. Cargo “pods” installed inside street cars and electric busses operating during passenger off-peak hours;

d. Commercial jitney services to fulfill “last mile” deliveries from modes listed in a.-c. above;

e. Dedicated lanes for freight vehicles, using transportation equipment operating electrically or otherwise in non-petroleum “hybrid” modes, shared with alt-fuels

among stakeholders, known as an “urban consolidation center/freight village,” is described in NCFRP REPORT 14, supra note 85, at 61 (2012). This may be a particularly good opportunity for reuse of brownfields sites. 135 See, e.g., Cameron McWhirter, James R. Hagerty and Tom McGinty, Factory-Job Rebound Produces Winners, Losers, WALL ST. J. May 29, 2014, http://online.wsj.com/articles/factory-job-rebound-produces-winners-losers-1401415993 (U.S. has added about 650,000 factory jobs since their numbers rebounded after the recession, putting manufacturing workers at 12.1 million and reversing a long decline in such jobs); but see James R. Hagerty, John W. Miller and Bob Tita, U.S. Factories Keep Losing Ground to Global Rivals, WALL ST. J. Aug. 26, 2014 at B1, available at http://online.wsj.com/articles/u-s-factories-keep-losing-ground-to-global-rivals-1409009731. 136 Tony Streeter, Dresden: Innovation is Born from Experience, 72 Tramways & Urban Transit 176-7 (May 2009) (old trams have been converted to carry dedicated freight containers in Dresden; Neil Anderson, Freight by Tram – is there a Case for it? 72 TRAMWAYS & URB. TRANSIT 63-6 (2009).

137 A jitney is a combination of taxi and bus, see Matthew Mitchell and Michael Farren, If You Like Uber, You Would’ve Loved the Jitney, L.A. TIMES Jul. 12, 2014, 5:00 a.m. available at http://www.latimes.com/opinion/op-ed/la-oe-mitchell-jitneys-uber-ride-share-20140713-story.html. As to passengers, that transit space also is occupied by Uber and Lyft; but for “last mile” deliveries, there is opportunity for businesses specializing in moving merchandise from the baggage compartments of trains and trams to the store-fronts by conveyances such as freight tricycles or electric-assisted trikes, see, e.g., Chawalit Tipagomwong, Miguel Figiolzzi, An Analysis of the Competitiveness of Freight Tricycle Delivery Services in Urban Areas, Trans. Res. Bd. 93rd Annual Meeting Compendium of Papers (2014). 138 Sudar Damodaran, Mauricio Alamillo, Integrated Passenger and Commercial Vehicle Model for Assessing the Benefits of Dedicated Truck-Only Lanes on the Freeways, 2012 Conference and Exhibition of the
passenger vehicles along major arterials or collector-sized streets outside “rush hour”
days and times\textsuperscript{139}; \hfill
\hfill f. Segregated “cargo transit” road lanes (whether “toll” or “taxpayer – based) exclusively to
be used by robotically-controlled (self-driving) delivery vehicles during business
hours\textsuperscript{140}, and
\begin{itemize}
\item[g.] Drones for aerial deliveries to inner-city businesses.\textsuperscript{141}
\end{itemize}

All such transportation modes, including watercourse freight carriage, will require
cooperation of multiple jurisdictions\textsuperscript{142} if for no other reason to establish the needed consistency
of regulations to reduce traffic hazards and quell public confusion about rights of way. More

\textsuperscript{140} See, e.g., National Cooperative Highway Research Program Report 649, \textit{Separation of Vehicles – CMV-Only Lanes}, 1-4 (2010) (real world applications of this concept are few in number; Chapter 5.2 of the treatise contains recommendations for truck-only lanes in urban corridors, \textit{see id.} at 84-92).
\textsuperscript{142} See NCFRP REPORT 14, \textit{supra} note 85, at 64-6; M\textit{ISSouri DEPARTMENT OF TRANSPORTATION, M\textit{ISSouri STATEWIDE FREIGHT STUDY EXECUTIVE SUMMARY 16-7} (Oct. 2005), https://www.jeffcitymo.org/campo/documents/MoDOTFreightStudyExecutiveSummary.pdf.
strategically, bringing together stakeholders as collaborators accelerates completing regional projects and affords an opportunity to improve “public realm” quality through sensitive pedestrian, cycling and other linkages to the vehicular infrastructure together with enhanced lighting, signage, street furniture and landscaping upgrading residents’ environments.\textsuperscript{143}

Optimally effective public-private partnerships will be those that are most broadly inclusive of neighborhoods. With increasing entrepreneurial drive to locate in downtowns, leaders must ensure that people and their resources spread outward from the city core into first suburbs.\textsuperscript{144} Detroit will attempt to “share the wealth” of reawakening its downtown through joint initiatives such as its new light rail line, the M-1 Rail, moving people from downtown along Woodward Avenue to suburbs like North End, a beleaguered first suburb about 3.5 miles from downtown.\textsuperscript{145} Quicken Loans, General Motors and Penske donated much of the development cost of this new transit line.\textsuperscript{146} Another initiative, Venture for America Detroit, is a nonprofit agency “seeding” urban areas with would-be entrepreneurs wanting to establish themselves in neighborhoods as pioneer dwellers.\textsuperscript{147} Young technologically savvy dwellers doubtlessly are lynchpins in redevelopment. Yet Detroit’s boundaries are full of poorer, older small businesspersons hobbled by expensive regulatory and fee-based structures and rigid enforcement of seemingly inconsequential rules.\textsuperscript{148} Operation Compliance Initiative, passed in 2012 during


\textsuperscript{145} See \textit{id}.

\textsuperscript{146} See \textit{id}.

\textsuperscript{147} See \textsc{Venture for America} http://ventureforamerica.org/where-we-are/detroit/.

the Bing city administration, focused on small, essentially unlicensed, home-based businesses in poor areas of the city.\textsuperscript{149} These businesses, many operated by financially struggling families, frequently feature sharing-economy business models like in-house dining.\textsuperscript{150} Hundreds of these businesses were shut down during 2012-13 for minor infractions such as operating in the incorrect zoning district.\textsuperscript{151} Enforcement of zoning regulations without affording recourse for these underground economy owners through (minimally) a zoning adjustment process or inexpensive temporary permitting diverts scarce city resources from Detroit's myriad failed public services like police protection, garbage collection and substandard mass transit operations.\textsuperscript{152} Do-it-yourself commercial activities in first suburbs cannot flout community regulations like basic sanitation and public safety.\textsuperscript{153} But cities must discover new ways (other than lockouts and fines) to encourage public-private partnerships with the smallest business owners, thereby maintaining a diversity of neighborhood commercial activities and continuing investment in neighborhoods,\textsuperscript{154} especially minority neighborhoods with dwellers of less robust financial circumstances who contribute to variety and authenticity of first suburb living experiences.

Finally, first-tier suburbs have established consortia in a variety of Midwestern metropolitan areas from Cleveland to Kansas City.\textsuperscript{155} These coalitions seek funding for transit

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\textsuperscript{150} See Beyer, supra note 148.
\textsuperscript{152} See Beyer, supra note 148. Some of these dysfunctional city services are addressed in the City’s Emergency Manager’s FINANCIAL AND OPERATING PLAN, May 12, 2013, \textit{available at} http://archive.freep.com/assets/freep/pdf/C4205233512.PDF.
\textsuperscript{154} See id. at 3, 12-13.
\textsuperscript{155} Robert Puentes, The State of Organizing in Midwestern First Suburbs, 2 OPOLIS 53, 55-6 (2006), \textit{available at} http://escholarship.org/uc/item/3s42g697#page-5. Illustrating freight transportation and logistics is the
\end{flushleft}
projects to directly address the needs of their communities’ residents, among other local
government funding-assistance priorities. Lobbying for regional tax base-sharing or additional
state or federal funding must be core objectives of these consortia to overcome official resistance
undergirded by concern that prosperous outer suburbs subsidize declining first suburbs. Inter-
municipal consortia can succeed in increasing workforce numbers and improved community

VI. CONCLUSION

The intimate connection among sound local land use policies, employment opportunity
and neighborhood prosperity is well understood, as William Galston recently reminds us:

\[\text{Employment is more than an economic good . . . it helps organize our}
\]
\[\text{lives. It provides structure and purpose. It is a key source of self-confidence and}
\]
\[\text{social respect. It promotes stronger, more stable families and healthier}
\]
\[\text{communities. . . . [W]e know all too well the consequences of long-term}
\]
unemployment: diminished self-respect, increased strife within families . . . blighted neighborhoods and, worst of all, a corrosive sense of helplessness.\textsuperscript{157}

Implementing tools in the land use toolbox to the end of enabling dependable jobs with decent wages, reversing the “hollowing out” of America’s middle class workforce, has lingering challenges. First, states must commit to policies of reinvestment focusing on infill development within first-ring suburbs while retracting policies endorsing new development on the hinterlands of metropolitan regions.\textsuperscript{158} Next, first suburb leadership needs to adopt bold plans to remake physical landscapes of infrastructure and networks while celebrating first suburban virtues like design and quality, centrality and convenience.\textsuperscript{159} Central to this planning exercise is first suburbs’ jointly lobbying for reforms at their state capitals, operating in formal, cross-municipal networks to advocate for regional economic development and transportation corridor reconnections to urban cores.\textsuperscript{160} Equally important is recognizing regionally the virtue of scaled development featuring greatly increased densities and transit nodes attracting young, technologically-advanced workforce members while preserving quality of life for current community dwellers through augmenting open space, parks and similar, urban-oriented amenities.\textsuperscript{161} Local governments must encourage employers to establish workplaces in areas with

\textsuperscript{158} See PUENTES AND WARREN, supra note 5, at 16.
\textsuperscript{159} See id.
\textsuperscript{160} See id. at 17. The Economist Free Exchange Blog, supra note 23, notes that a typical American city dweller reaches only thirty percent of urban jobs via public transportation in 90 minutes or under, see id.
\textsuperscript{161} See id. at 16. See, e.g., EUROPEAN INNOVATION PARTNERSHIP ON SMART CITIES AND COMMUNITIES, STRATEGIC IMPLEMENTATION PLAN 21-22 (2013), available at http://ec.europa.eu/eip/smartcities/files/sip_final_en.pdf (cities need to work across administrative boundaries and increase collaboration, including by setting up cross-agency integrated planning boards and creating innovation zones/incubators to address common solutions that will deliver scale and greater certainty; these ventures will reduce risk and help attract investment).
high unemployment, and especially firms that hire unskilled workers but that need to be closer to customers and suppliers.  

Elected local leaders count votes and curry favor with developers seeking optimal advantages for lowest costs. At the other pole, resistance to tactical urbanism of the sort proposed here surfaces from two sources. Anxious, vulnerable citizens in first suburbs may believe that tactical urbanism, no matter how temporarily implemented, threatens a familiar social ecosystem undergirding their survival patterns and defining their neighborhood’s status. These citizens will erect barriers to tactical urbanism initiatives like a distribution hub-education and training center proposed here, based upon legitimate disdain of prior projects promising public goods (like better security or improved health) without their delivery. The second source is chronically self-absorbed residents oblivious to any landscape larger than the narrative of their lives. It will take time to teach these dwellers civic responsibility, defining their roles in shaping “what comes next” and persuading them to invest in something greater in scope than earning enough to move to the edgier urban core. Youth engagement in planning policy results in more inclusive community planning; and it ought to result in greater stakeholder monitoring to see that development promises are fulfilled. In any case, regeneration of first suburbs requires an infusion of younger dwellers committed to active participation in local civic

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162 See ECONOMIST FREE EXCHANGE BLOG, supra note 23. These workplaces are an absolute imperative for communities seeking to remain economically competitive; without jobs training, a large cadre of persons will develop that, no matter how intense their desire to work, will be unable to find work, see Aeppel, supra note 8, at A1 (quoting economist Erik Brynjolfsson who expresses concern about loss of jobs even requiring human judgment and dexterity to automation).


164 See id.

affairs. Community education must persuade all these stakeholders that, without injections of redevelopment initiatives adaptively rescuing outmoded property assets to increase jobs and grow employment readiness, disuse or gentrification of housing stock eventually renders first suburb life in many locations less affordable, less diverse and less satisfying as community. The community must grasp that a town’s growth management relates to other places and times in socio-economic and cultural terms, and at multiple spatial levels.

Neighborhood revival pivots upon a community of interest through like-minded individuals passionate about establishing a character or unique identity, together with a full-time employment base, for their suburb. Dwellers disinvested in their neighborhood’s outcomes lack capacity to sustain their first suburb’s revival, whether through exchanging ideas or integrated action. Those who are working, learning and teaching in first suburb distribution hubs must, therefore, live nearby, observed by others identifying with economic conditions

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166 Cf. Whelan, supra note 22 (mixed use projects involving malls, offices and multifamily housing target younger residents seeking walkability and close-by shopping and dining).
167 See Puente & Warren, supra note 5, at 13 (affordability gap already is growing, exacerbated by recent federal actions regarding affordable housing); but see Bring on the Hipsters, The Economist Gentrification 29, Feb. 21, 2015, http://www.economist.com/news/united-states/21644164-gentrification-good-poor-bring-hipsters (addressing lack of evidence that gentrification per se displaces the poor, and that rising home prices can generate more subsidized housing and will increase property tax revenue helping improve neighborhood services).
168 See Jonathan Manns, Some Thoughts on Future Development, in Manns, supra note 165, at 246.
169 See id.
170 Full time employment opportunities are especially elusive in the current economic and employer-mandated health-care circumstances, given the higher costs of hiring full-time workers, see Nick Timiraos, Many Face New Normal: Part-Time Pay, Full-Time Bills, Wall St. J. Nov. 13, 2014 at A1, video report available at http://www.wsj.com/video/is-high-part-time-employment-the-new-normal/57FA23DD-E5C3-4B03-B707-1448598161F5.html?KEYWORDS=timiraos+part+time (given the U.S. economy’s recovery circumstances, while full time jobs have been added in 2014, they are still short of jobs numbers in 2007 when America’s recession commenced, see id. at A2). Timiraos speculates that part-time employment will replace full-time work, but cannot prove this theory given falling part-time U.S. jobs numbers at his date of publication, see id.
171 See Fwa, supra note 129, at 46-7 (regarding distribution hubs inside cities). The author suffers no monomania over small retail distribution hubs as jobs and training incubators; these opportunities illustrate one among myriad initiatives spurring employment growth and addressing first suburbs’ community redevelopment dilemmas. Here’s another example: the Baltimore Food Hub, an East Baltimore-based campus for food-related businesses and jobs training, see Andrew Zaleski, Baltimore Food Hub, Technical.ly Baltimore, http://technical.ly/baltimore/2013/02/19/baltimore-food-hub-development-plans/ Any jobs-
generally and their neighbors’ circumstances particularly. Community of interest ensures many dwellers will remain invested for the “duration,” undergirding prosperity and citizenship. The commercial developer’s commitment to build a project spurring management-level occupancy of local neighborhood housing is a dynamic undertaking requiring allies who are not politicians. Important change-agents include local employees committed to train and develop themselves and others, ultimately building a junior management class of permanent neighborhood residents with adaptable midlevel skills and steady incomes.\(^{172}\) The inherent sustainability of a first suburb essentially rests upon its residents’ ability to function independently while the community partners with other suburbs and commercial centers (and with the private sector) to achieve coordinated solutions to the challenges of improved transportation, education and public health systems and optimal jobs creation.\(^{173}\)

Diminishing quality-of-life cycles in first suburbs must be disrupted; progress accelerates when innovative, short- and long-term land use policies enable residents’ upwardly-mobile trajectories while building urban experiences inculcating authentic community interaction.\(^{174}\) Local and regional government structures, in the interest of competitiveness, must lead by disregarding fictions such as that growth of the tax base and increasing wage opportunities for service workers cannot dominate land use decision-making, or that mixed-use development augmenting jobs creation must be planned incrementally, well in advance of implementation.

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\(^{173}\) See Jonathan Manns, supra note 168, at 249.

Delivering sustainable development requires local leadership’s listening to their constituents’ specific concerns, educating citizens to react on non-visceral levels, and seeking solutions to explicit concerns while promoting a longer-term community vision allowing all workers to prosper in the knowledge economy.\textsuperscript{175}

\textsuperscript{175} See Jonathan Manns, \textit{supra} note 168, at 251.