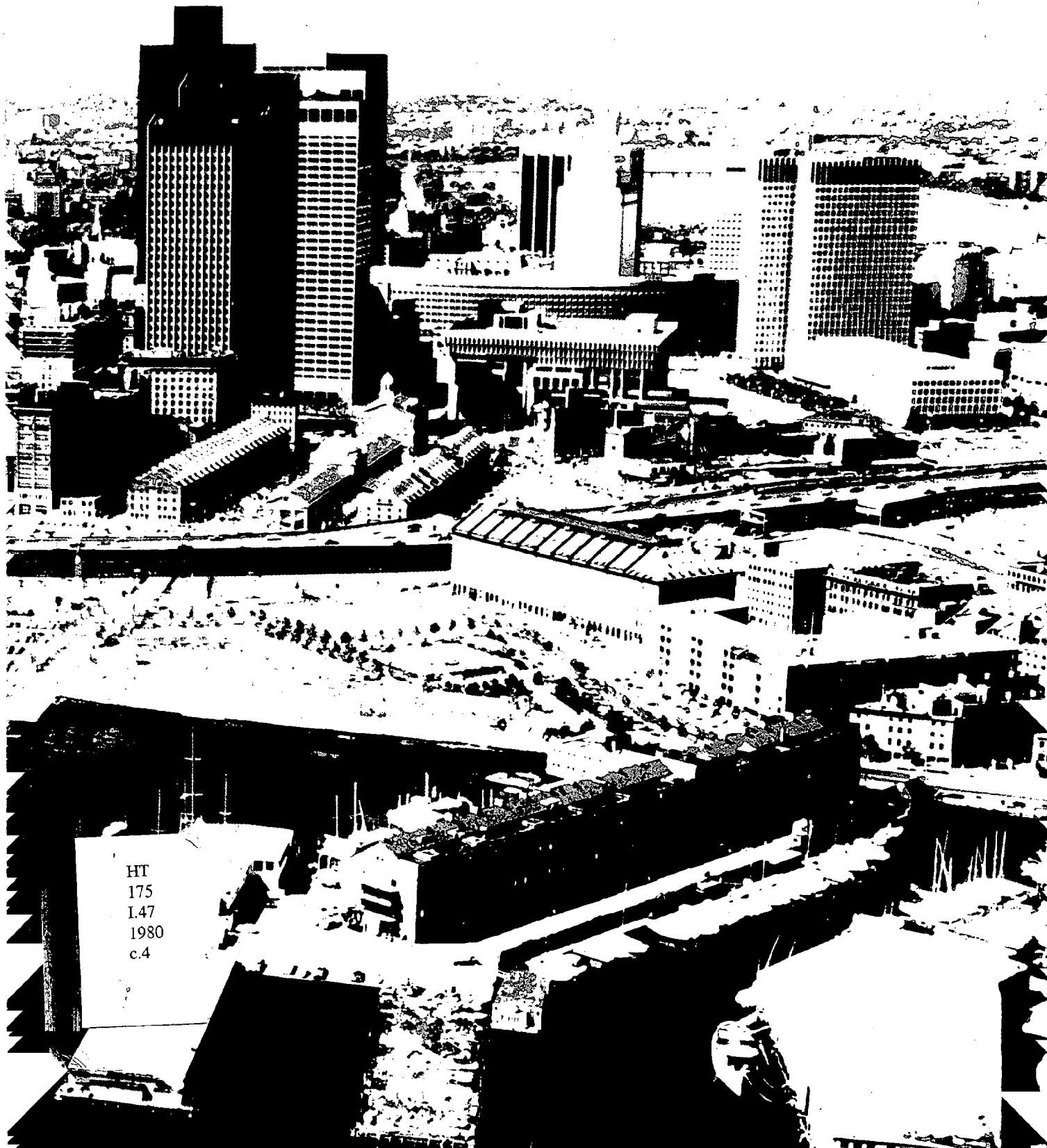


# Improving Your Waterfront: A Practical Guide

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U.S. Department of Commerce  
National Oceanic and Atmospheric Administration C4



Cover photo:  
Aerial view of Boston wa-  
terfront with Quincy Market-  
Faneuil Hall shopping area in  
the right center, warehouses  
converted to residences and  
shops in the foreground.

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U.S. National Oceanic & Atmospheric Administration  
Office of Coastal Zone Management

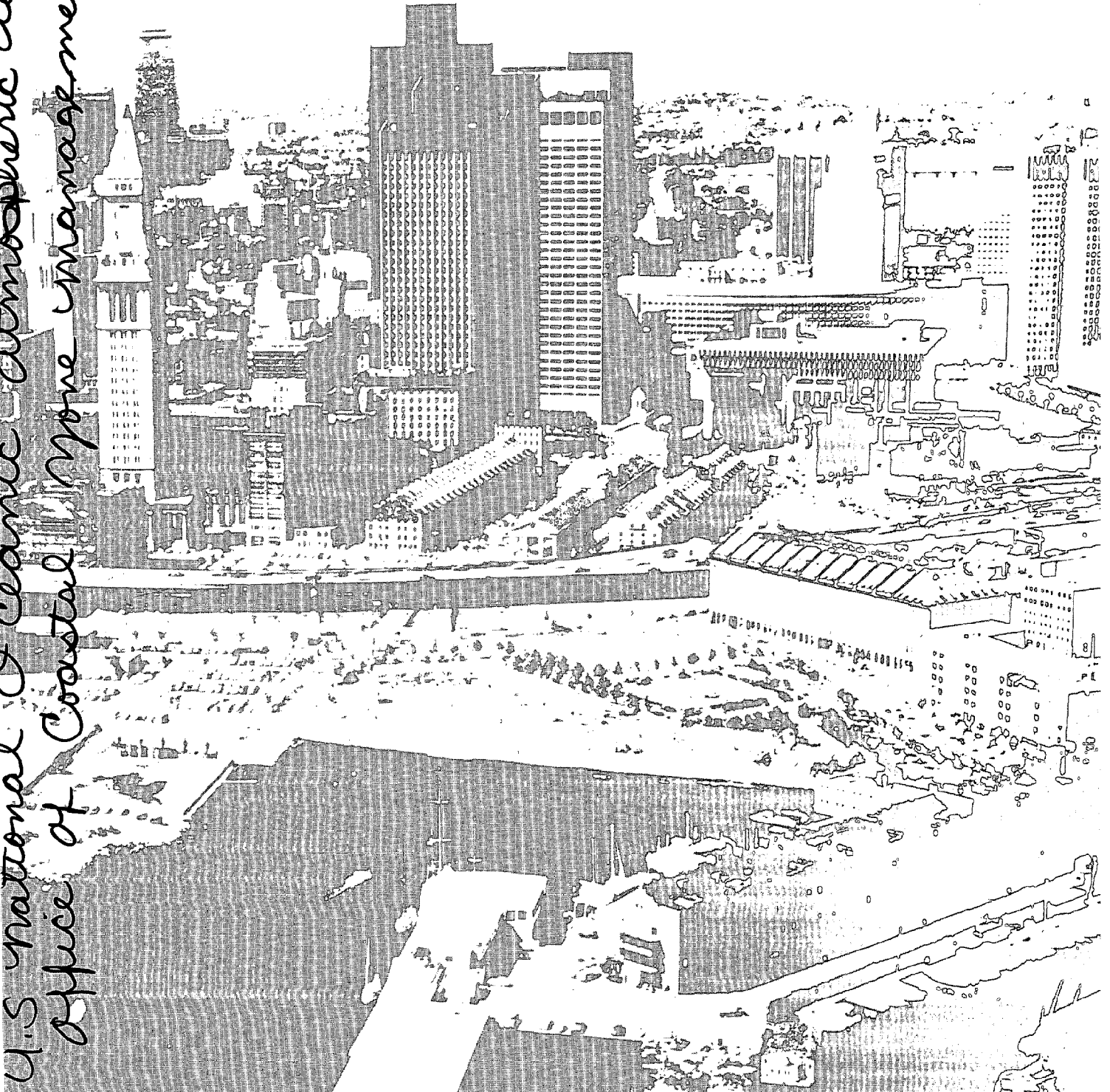
# Improving Your Waterfront: A Practical Guide



Prepared by  
U.S. Department of Commerce  
National Oceanic and Atmospheric  
Administration  
Office of Coastal Zone  
Management

In cooperation with  
U.S. Department of the Interior  
Heritage Conservation and Recreation  
Service

1980



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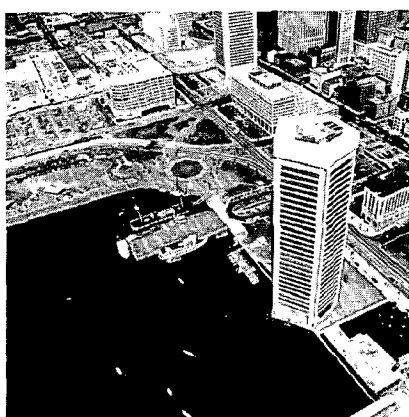
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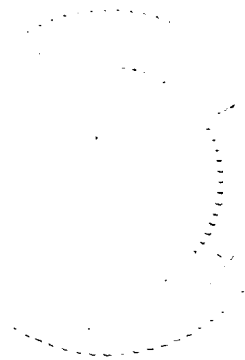


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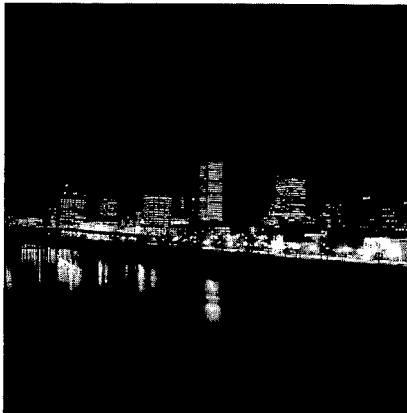
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
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# Preface

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The Office of Coastal Zone Management, with the cooperation of the Heritage Conservation and Recreation Service, is pleased to present this guide in the hope that it encourages communities to take a new look at their waterfronts.

Waterfront space has the potential for serving varied uses in settings made attractive by their proximity to water. Housing, shops, parks, and museums, for example, all can prosper on waterfronts as can port facilities and industry.

A number of national interests are served by current waterfront redevelopment around the country. In addition to providing expanded recreational sites, waterfronts can also be the locations for new jobs, revitalized neighborhoods, and the preservation of historic structures.

The emphasis in the guide is on the desirability of teamwork among private developers, citizens, and public officials in waterfront projects for the maximum public benefit. In addition, our agencies are particularly interested in encouraging, wherever feasible, the maximum amount of public access to the shore.

Because waterfronts have great attractions for varied uses, both public and private, the task of selecting the best possible mixture of uses of these areas is complicated and often controversial. Good faith efforts by all concerned will be necessary to achieve new, lively waterfront areas in our communities. It is toward that end that we have written this guide, containing what we hope are concrete, practical suggestions on how to bring this about.

Michael Glazer  
Office of Coastal Zone Management  
National Oceanic and  
Atmospheric Administration  
U.S. Department of Commerce

Chris Therral Delaporte  
Heritage Conservation and  
Recreation Service  
U.S. Department of the Interior

## Background

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Until recently, urban waterfront areas were one of America's most neglected resources. Once thriving, they fell into disuse and disrepair as economic and technological changes occurred.

Waterfronts have been identified in a number of studies over the years as areas with great redevelopment potential. Among these reports (see bibliography for complete listing) are:

- "Waterfront Renewal," Wisconsin Department of Resource Development, 1966;
- Arthur Cotton Moore, "Bright Breathing Edges of City Life—Planning for Amenity Benefits of Urban Water Resources," Department of the Interior, 1971.

Recent publications include:

- "Urban Waterfronts," entire issue, *Progressive Architecture*, June 1975;
- "Reviving the Urban Waterfront," Partners for Livable Places (with the Office of Coastal Zone Management and National Endowment for the Arts), fall, 1979;
- "On the Waterfront," *Planning*, November, 1979;
- "Urban Waterfront Revitalization: The Role of Recreation and Heritage," Volumes One and Two, Heritage Conservation and Recreation Service, Department of the Interior, November 1979; and
- "Small Seaports," The Conservation Foundation, December 1979.

The National Oceanic and Atmospheric Administration's Office of Coastal Zone Management, Department of Commerce; and the Heritage Conservation and Recreation Service (HCRS) of the Department of the Interior both recognize the potential of urban waterfronts.

During 1978, HCRS began a study of waterfront projects around the country, with a particular emphasis on those with potential for recreational use or historic preservation. This study was a followup of an earlier report on urban recreation by the Interior Department that identified waterfronts as one of the key areas for providing enhanced recreational opportunities for city dwellers. A partial summary of the waterfront study is included as Appendix C.

In 1978 NOAA's Coastal Zone Management Program selected waterfront redevelopment as one of four general areas to receive emphasis in its funding of states with approved coastal zone management programs. Prior to this, the office had experimented with demonstration grants to 35 cities and towns for waterfront planning and engineering studies.

Both the Heritage Conservation and Recreation Service and the Office of Coastal Zone Management have sponsored and participated in several meetings on waterfront redevelopment to make their programs as responsive as possible to waterfront initiatives.

A working-level interagency Urban Waterfront Action Group was formed in mid-1979 by representatives of 10 federal agencies plus the National Trust for Historic Preservation, Partners for Livable Places, National League of Cities, and the U.S. Conference of Mayors. A list of participants who serve as initial points of contact for their agencies is included as Appendix D. The group's role is to provide information on and facilitate the delivery of federal assistance to communities. The group will also examine programs to see if more effective ways of delivering federal services can be put into practice.

## How to Use the Guide

The focus of the guide is on implementation—translating a plan into action—rather than on formulating or designing waterfront renewal.

The key decision that must be made by both private interests and public bodies is what the character of the waterfront should be. Hard bargaining may well occur over the amount and kind of commercial or industrial activity that will take place, or how much valuable property will be given to residential or recreational uses. The assumption is that these decisions will be made as part of the local planning process, subject to a variety of political considerations.

The guide does not presume to advise a community what mix of uses is appropriate for its waterfront. It is intended instead to help city officials, leaders of citizen groups, and private developers who want to bring about change in their community's waterfront. The language is nontechnical.

One of its major purposes is to convey ideas about the wide range of developments that can comprise waterfront renewal projects, and the varied sources of governmental aid that might be used.

The guide is organized to cover the different management structures that could be employed by a city, the mixture of zoning and districting techniques that can be used, land acquisition methods, incentives to involve private interests, and a discussion of the types of federal assistance that are available.

The selected case studies used throughout the guide are illustrative and are not intended to suggest the full range of possible waterfront projects.

Waterfront redevelopment will and should reflect the special cultural, geographic, political, and economic situation of each city or town. The tools outlined in this guide will naturally have to be adapted to reflect these factors. The reader should consider which of these tools is most appropriate for his or her particular situation, and will then use the cited references to obtain additional information.

## Acknowledgments

The authors are indebted to a large number of persons who have contributed to this guide.

In each of the case study communities there was at least one person who gave time to provide material and then to check the draft manuscript for accuracy. Reviewers of the document are numerous. Many persons responded to a proposed outline of the report circulated in the summer of 1979. A first draft of the guide was distributed in the fall and was commented on by a number, some in great detail. A final draft went to yet another group of reviewers in December.

To all who took time to comment by phone or letter, we are deeply appreciative. Major sections of the guide have been rewritten, a different organization is provided, and new segments are included as a result of the comments received.

Of all the persons assisting with this report, we wish to give special thanks to one individual, Robert W. Knecht. As the Assistant Administrator of the National Oceanic and Atmospheric Administration for Coastal Zone Management until January 1, 1980, and the leader of the program since its inception, he was a strong backer of communities interested in their waterfronts. He saw this as a fertile area in which the coastal zone program together with other federal agencies could make significant contributions to the well-being of many people. He was the original supporter of this publication and was the key person responsible for its inception.

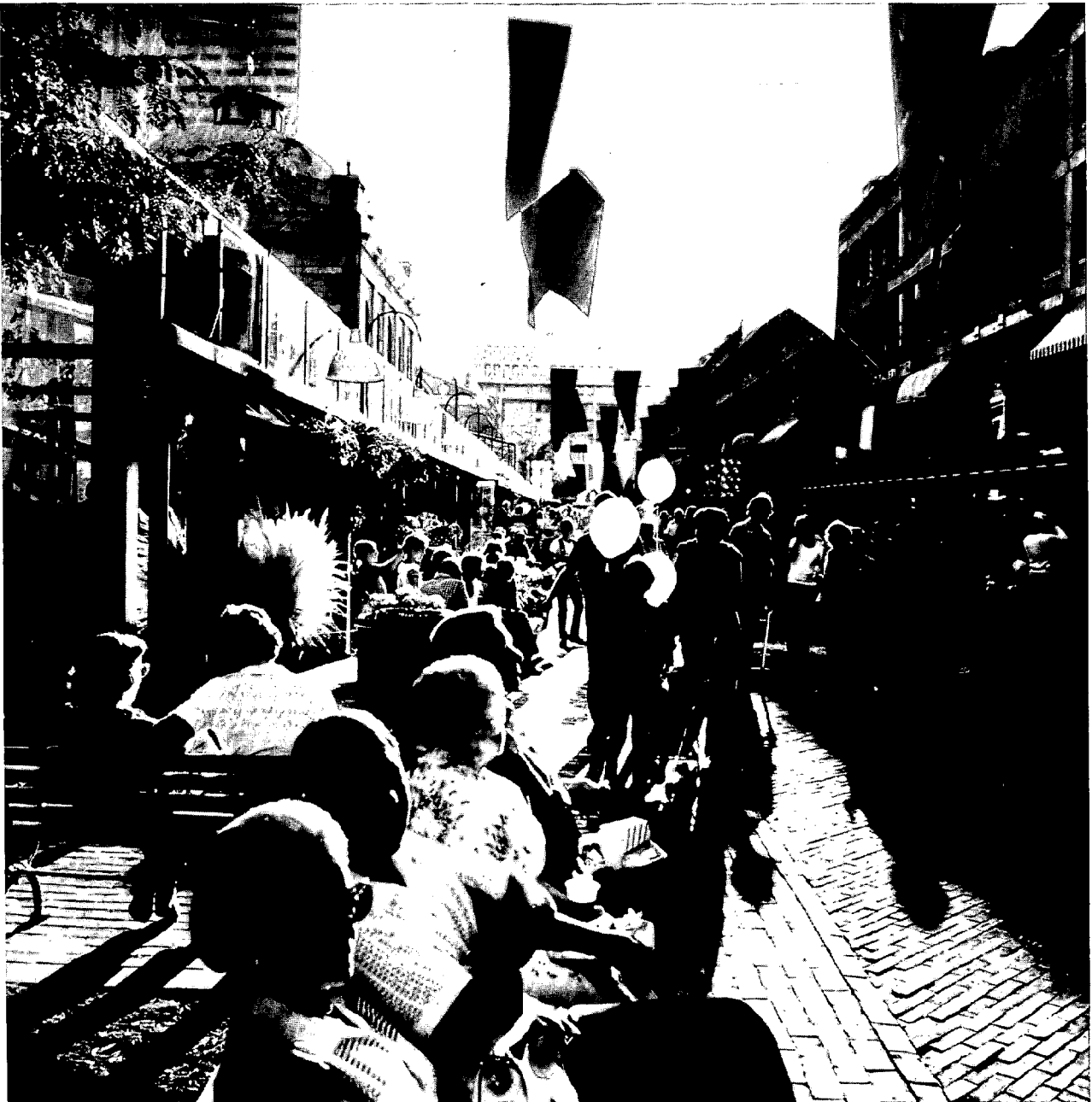
Ann Breen Cowey  
Robert Kaye  
Richard O'Connor  
Richard Rigby

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## Chapter I

# Waterfronts Today

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Rouse Co.

## Waterfront Potential

A number of factors came together in the late 1970s to spur urban waterfront revitalization. The nation's effort to clean up its waterways, begun in earnest in the mid-1970s, is beginning to pay off. The success means that once fetid waterfront areas are becoming cleaner and land along the water's edge is suddenly more usable.

In addition, tax benefits for structures placed on the National Register of Historic Places have helped encourage creative reuse of old buildings. Likewise, the rising costs of new construction make conversion of existing structures economically attractive. Waterfronts often possess unique opportunities to reuse older structures. Perhaps best-known is the Ghirardelli Square project in San Francisco. At a cost of approximately \$10 million, a turn-of-the-century chocolate factory was transformed into a shopping and restaurant complex. The Faneuil Hall/Quincy Market restoration in Boston, adjoining the waterfront, is a more recent example.

Coinciding with the increasing attractiveness of "adaptive reuse" or preservation of older structures is the "back-to-the-city" movement, intensified by gasoline shortages in the 1970s. The trend toward in-city living has attracted young people, retired people, and others interested in the amenities and convenience of city living. Waterfront locations are prime attractions for new or converted residences and offices near city and town centers.

Competing with such uses of waterfront property is the recognized need for expanded recreational opportunities for city residents. This point was acknowledged by Congress in 1976, when it ordered a study of urban recreation needs. Presently, there is an increasing emphasis in federal, state, and city recreation programs to use available land, such as waterfronts, to provide open space and parks where people live.

Enjoying the new Quincy Market on the Boston waterfront.

## Waterfront Features

Customarily the term "urban waterfront" is taken to mean the port areas of large metropolitan regions on the nation's coast or major rivers. San Francisco, Long Beach, St. Louis, Detroit, Boston, New Orleans, and Baltimore come to mind. In fact, however, the term "urban waterfronts" is much more inclusive. Small resort towns with busy harbors, commercial fishing towns, many medium-sized cities, as well as communities located on bays or channels miles from the ocean, should be included.

In this guide, the term "urban waterfront" will be used broadly. Communities with populations well under 50,000 are considered because the problems of and potentials for waterfront revitalization exist here as well as in larger urban areas.

Waterfronts vary enormously in type and character as well as in size and age. Some port cities such as Charleston, S.C., and Savannah, Ga., owe much of their current attractiveness to the restored beauty of their early days in American history. Other ports such as Oakland, Cal., are big, bustling, and brand new.

Among the many factors that contribute to the unique character of each waterfront and which must be taken into account when examining redevelopment possibilities are:

### Geographic Location

- Waterfronts are located on coasts, along rivers, at the terminus of shipping channels, or alongside bays leading inland from the ocean. While an obvious geographic fact, the difference between a river and an ocean site will affect engineering, design, and type of construction in new projects. (Coastal sites have to take into account ocean storms and the corrosive effect of salt water, for instance).

## Size

- Differences in size affect strategies of urban waterfront revitalization. Waterfront sections can be compact, neatly carved out of one section of a city or town, as in Alexandria, Va., or they can sprawl for miles along two or more rivers that form the principal geographic feature of an area, as in Wilmington, Del., and Charleston, S.C.

## Scale

- Projects will also differ vastly in scale. They can be as small as the replacement of rotting pilings with a single, boat-launching ramp—from this small beginning the City of Baltimore plans to begin redevelopment of its Middle Branch area—or as large as its well-known Inner Harbor site. At Grand Street in Brooklyn, N.Y., a former ferry landing—turned junkyard was reclaimed and turned into a small neighborhood park.

## Heritage

- Many waterfronts contain historic structures or uses. This can enhance the attractiveness for investors, given the possible tax breaks on designated historic buildings, and help develop tourism. The maritime heritage of old seaports and ships has sparked renewed public interest, as witnessed by the crowds visiting the "tall ships" during the Bicentennial. Furthermore, the possible tax breaks on designated historical buildings rehabilitated for income-producing uses makes such renovation attractive to investors.

## Use

- Many waterfronts are heavily industrialized, reflecting either current activity or the past port-related functions. Other waterfronts, however, may be exclusively resort communities with harbors for pleasure craft and perhaps commercial fishing vessels. More commonly, waterfronts reflect a mixture of uses. The pattern of existing land uses on a waterfront is important in determining future redevelopment. That pattern can easily pose problems. For example, historic use in a high-density industrial area makes conversion to residential and commercial uses a complex task, especially if the area has an unsavory reputation.



In the foreground, the Pier 39 marina and shops, a major tourist attraction on San Francisco's waterfront.

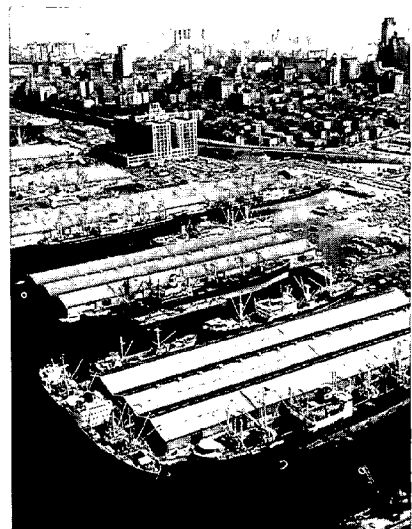
## Recreation

- Recreational opportunities abound along waterfronts, whether they are now industrial, mixed use, or abandoned. With the prospect of cleaner waters in many areas, due to recent public investments in pollution control facilities, the public's stake in using and protecting waterfronts is high.

## Development

- Underused waterfront areas represent major community assets. Their disposition, therefore, can be expected to be of major interest to private investors, public officials, citizen groups, and the general public. Projects of whatever dimension will have to balance the various interests that are sure to influence plans to improve or bring about waterfront redevelopment.

Increased interest in waterfronts is often accompanied by higher property values along the rivers and shores of the country and increased competition for their use. This means most suggestions for renewal, redevelopment, or other investment in waterfronts may run into controversy. Public interest groups will want greater access and more space for recreation of one sort or another. Private property owners will naturally want to maximize return on an investment they might contemplate, arguing that this will increase tax revenues for the community. These objectives are not incompatible; they suggest divergent views that have to be considered.



Ships unloading in New York Harbor.

New York Port Authority



## Redevelopment Difficulties

While there are examples of successful waterfront development projects in all sections of the country, some of which date back to the 1930s, there should be no illusion about the ease of beginning or expanding similar efforts elsewhere. Boston's Quincy Market renewal and waterfront revival took 15 years to complete. Baltimore began in the late 1950s with a central city urban renewal that then spread to its waterfront. It is years away from completion. Seattle is still grappling with how to tie its waterfront to a revived downtown.

Beyond the inherent difficulties of any major public-private city renewal or redevelopment project, waterfronts present several problems what are unique or serve to compound problems elsewhere.

### Finance

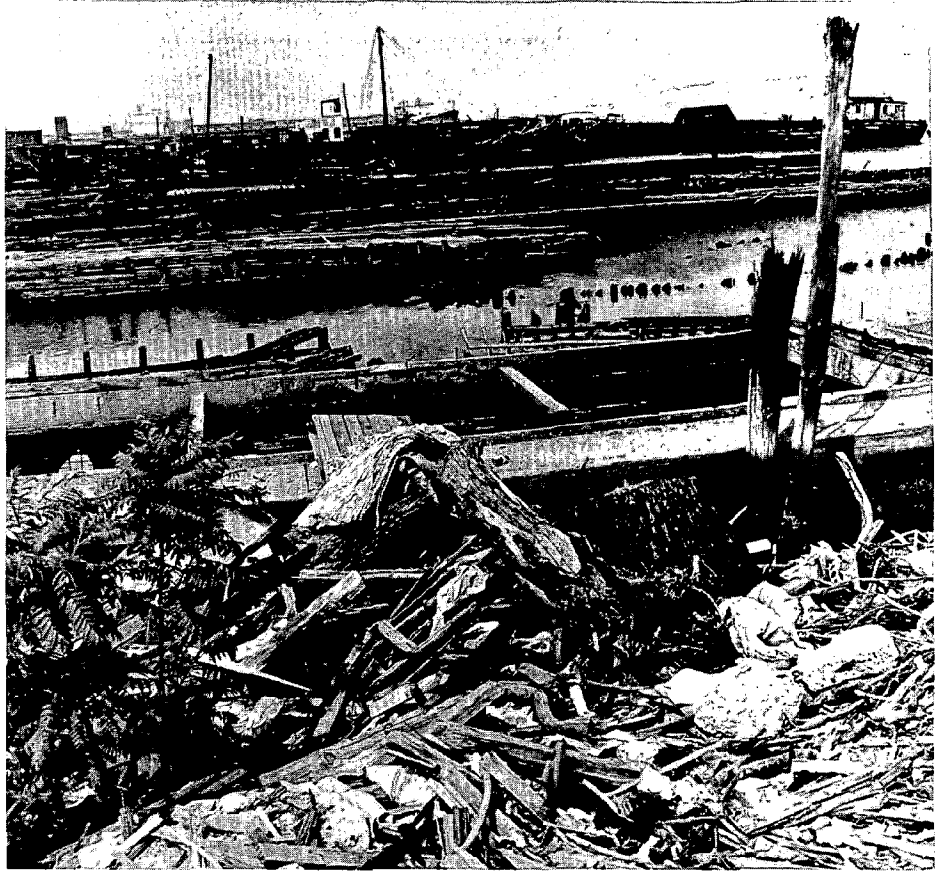
- Financing waterfront projects, whether small, single-purpose efforts or major, multi-acre redevelopments, poses special difficulties. Private investors may be reluctant to risk a venture because the area may have an unsavory reputation or be in an especially deteriorated condition. City officials likewise may be hesitant to spend major sums for improved services and facilities in unproven sections.

### Conflicts

- Conflicts among varying interests over what use to make of waterfronts can be intense, perhaps more so than in other areas of a city. Industrial users may resist efforts to recast waterfront sections into shopping and residential areas. Residents may be disturbed at the thought of higher-priced restored housing, fearing displacement of older, often poorer, residents by the more affluent.

### Underutilization

- Waterfronts currently serve many cities and towns as convenient dumping grounds. Refuse, staging areas for overseas shipment, tank farms, lumber yards, and city lots for towed cars all have found waterfront areas convenient. Redevelopment means new locations will have to be found for such uses.



Derelict piers in North Bergen, N.J.

### Government Jurisdictions

- Government jurisdictions in waterfronts are more complicated than elsewhere, because the presence of water introduces additional and overlapping government agencies and regulations. For instance, in Baltimore Harbor there are 30 state, local, and federal government agencies involved in various aspects of decisions about that area.

### Age

- The rundown condition of buildings and municipal facilities in many older waterfronts is made worse by problems with bulkheading along the shore or with rotting piers and pilings. These conditions present expenses and hazards unique to the waterfront. Piers have been rebuilt and converted, at major cost, to provide such attractions as Pier 39 in San Francisco, and Seattle's waterfront park/aquarium site. Competition among cities for public funds to repair bulkheads or install shore protection devices is intense.

### Pollution

- Despite the trend toward cleaner water in general, pollution problems remain. The difficulty of dealing with runoff from construction and other non-point sources of pollution complicates efforts to clean up waterways.

### Ownership

- Ownership of waterfront land may be more tangled than in other sections of a community. Waterfronts generally are in older sections, creating title problems, and the presence of railroad and utility rights of way adds further complications. Sometimes there is difficulty in determining the demarcation between public and private property, especially if the shoreline has shifted over the years. Alexandria, Va., has a long-standing dispute with the federal government over ownership of the waterfront along the Potomac River.



Robert Kaye

Seattle's Central Waterfront Park, central business district to the left.

## Public Access— A Special Issue

The complicated question of the public's right to have ready access to the water deserves special attention as a key issue in waterfront redevelopment. The advent of generally cleaner waters, at public expense, raises a basic question: Who should reap the benefits of these improved waterways, private development interests, the public at large, or some mixture of the two? If a decision is made favoring widespread public use of the water's edge, the question quickly becomes one of how that use is to be financed, since public holdings of waterfront territory are limited.

States have different laws affecting the line near the water's edge where private ownership stops and public ownership begins. These laws are often in flux, subject to legislative action or court rulings.

A number of compromise solutions seem to be winning increasing favor in various jurisdictions. Many communities are using their zoning (or landfill) permit authority to win concessions from developers of waterfront lands to allow public access. In Wilmington, Del., for example, it is proposed that 20-foot strips along the Brandywine and Christina Rivers be obtained from industries locating there. In San Francisco, the Bay Conservation and Development Commission has for years used its

permitting authority to require provision of direct public access to the bay waters. The shoreline management program developed by Seattle uses permits to preserve visual access throughout the city.

The growing trend is toward multiple-use projects, where more than one major type of land use occurs in a specific area. Often these projects include activities previously considered incompatible. Ways are being found, for instance, to provide the public with opportunities to view cargo-handling operations in a harbor, as at the Port of Seattle.



The nation's premier lakefront park: Chicago.

Some waterfront sections combine older industrial activities with newer public attractions. Baltimore's new aquarium is located beside a former generating plant that will be converted to a hotel, which in turn is located near traditional port facilities.

Complicated legal questions are involved in deciding about providing access. The shore may be in public ownership, but only up to a certain point, such as the normal high tide mark. This means that the territory in public ownership will be under water twice a day in coastal areas, effectively limiting the public's access. Owners of private property adjacent to public shorelines often

object to having the general public stream across their land to the shore. In many cities and towns there are frequent cases of trespass as citizens cross whatever property is in their way to get to the waterfront.

Even in communities where the shore is "public," there are questions of access: Should "outsiders" be allowed to use the facilities, should they pay, and should residents be given preference?

Waterfront redevelopment has a major obligation to meet the public's need for increased recreational opportunities in cities and towns. As new projects are developed, access can be built into the design. The projects can also provide the occasion for clarifying public ownership of shoreside territory. In return for public investment in support of redevelopment projects, parks, public piers, or marina facilities can be incorporated into approved private ventures. Or, a local permit requirement can be made contingent on private provision of access to what is unmistakably in the public ownership, the water of the nation's rivers and coasts. As always, care must be taken so that there is no "taking" of private property without compensation.

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## Chapter II

# Management Structures

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Rouse Co.

Some of the most difficult problems in urban waterfront revitalization result from complicated and fragmented institutional arrangements. Urban waterfronts are subject to multiple jurisdictions and overlapping governmental responsibilities, more so than other areas. For example, an independent port authority may control shipping operations and associated land based support facilities on the waterfront. The state may own and control submerged lands offshore, while the city planning department may include the port areas as part of its comprehensive plan. The U.S. Army Corps of Engineers controls permits for dredging, and the Environmental Protection Agency has extensive regulatory influence on coastal and riverine development. State coastal zone management programs may add regulatory control and permit approval requirements.

Apart from problems with governmental jurisdiction, local development agencies and private investors may encounter a number of other difficulties in implementing waterfront projects. Obtaining sufficient investment capital to finance an entire project is a major obstacle. Waterfront redevelopment often requires unique, high initial capital outlays for bulkheads or pier improvements. Local governments may have difficulty raising the necessary funds and face stiff competition in acquiring federal aid.

Because of the need to work closely with investors and because of high costs involved, some communities have selected alternative organizational structures to implement and manage their waterfront projects. These management structures can be more efficient than traditional local government approaches of working with private financial and development interests.

This chapter examines some of the alternative management structures that have been used successfully to bring about waterfront redevelopment more efficiently. Case studies will show how alternative management structures can be used, under the proper circumstances, to facilitate both large- and small-scale waterfront projects.

Each of these management structures has certain advantages and disadvantages that will apply differently according to the local situation. A key factor in establishing a different governmental apparatus is whether sufficient political leadership and support exist, since a transfer of some power and responsibility will probably be involved in creating the new structures. Widespread appreciation for the waterfront and its potential will have to exist before such a major change is possible. Local officials, in selectively tailoring the tools to fit their situation, will need to investigate thoroughly the positive and negative implications of each approach.

## Waterfront Management Councils (Commissions)

Waterfront councils are special purpose government bodies formed specifically for the purpose of dealing with coastal areas. This type of management structure is created when circumstances arise that require a separate government body, in addition to and independent of existing agencies.

Councils may be regional, encompassing multi-county or multi-township areas, or they may be limited to a single municipality or district. State enabling legislation is usually required.

Waterfront councils are empowered to control land use and development within their zones of jurisdiction. Land use planning studies, environmental assessments, shoreline access plans, and waterfront development proposals are common examples of planning functions frequently assumed by these councils.

Councils also assume a regulatory function as part of their management responsibilities. This is usually in the form of a permit that is required before a land owner can significantly alter shorefront property. The permit mechanism provides the council with a powerful tool for guiding development in the coastal zone.

Some of the most successful councils and commissions, as in Rhode Island, have utilized a mixture of representatives from all levels of government, private business, and citizen groups. The approach of including a broad cross section of interests allows a council to avoid charges of elitism or special interest dominance. The San Francisco Bay Conservation and Development Commission is perhaps the best example of this type of structure.

Girls at play in waterfront park at Baltimore's Inner Harbor adjoining the downtown business and financial district.



Baltimore's new Inner Harbor dominated by the World Trade Center on right. Two shopping plazas have been added in the center since this aerial shot was taken.



## Case Study

# San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) is a prime example of a regional waterfront commission that has helped protect the natural resources of waterfront areas and assure that developers provide public access. The commission maintains substantial control over land uses along the shoreline, including much of the bay area's wetlands and salt marshes. In addition, the commission has developed a comprehensive planning process aimed at maximizing public access to the shoreline and wetland areas where appropriate.

While unique to San Francisco Bay, the commission has elements that could be employed elsewhere, although the political difficulty of establishing effective waterfront commissions such as BCDC should not be underestimated.

## Background

BCDC was created in the 1960s by the efforts of a well organized citizens group intent on stopping the filling of San Francisco Bay. A study published in 1959 by the U.S. Army Corps of Engineers showed a high rate of fill, as well as a chronic access problem. Less than one percent of the 1,000 miles of bay shoreline was open to the public. A grassroots citizens' movement called the Save San Francisco Bay Association was formed to publicize the problem to bay area residents. A study commission was created by the state legislature to investigate the problems of the bay and make recommendation for their solution. In 1965, the study group proposed the establishment of a commission to prepare and implement a plan for the protection of the bay. Later that year, BCDC was formally created by the legislature.



Music in the foreground against the background of boats in San Francisco's waterfront.

In 1969, after study and review, the Bay Plan and associated legislation gave BCDC permanent status and control over land use and development around San Francisco Bay.

## Organization

BCDC is a 27-member commission comprised of members with a broad range of backgrounds, affiliations, and interests. The commission consists of a representative from each of the nine counties surrounding the bay, which includes the City of San Francisco; five state agencies; seven members from the general public; and four from the Association of Bay Area Governments. Two federal representatives also serve on the commission, but do not vote on permit applications.

The focus of BCDC's effort to date has been in administering permit applications for bay shoreline developments. This is a direct procedure involving application by a developer, review by the staff and commission, a public hearing, and finally a vote by the full commission. The permit from the commission is in addition to whatever other permits may be required.



## Case Study

### Results

The permit process has allowed BCDC to greatly control filling of San Francisco Bay. The average annual rate has dropped from 1,500 acres a year in 1940 to the current rate of about 30 acres a year. Some permits require developers to reclaim wetlands and marshes as a tradeoff for allowing landfill. These "mitigating measures" have resulted in a net increase of 4.6 acres of wetlands and marshes and 21.4 acres of public access land.

Each permit application also is reviewed by the commission to determine the amount of public access that can be included in a development proposal. The commission has the power to require access to the actual permit site, or it can substitute a requirement for provision of access at another location that is better suited to the public's needs. In addition to the permit process, a mechanism called Special Area Plans has been created so that BCDC and individual local governments can jointly plan for special waterfront areas.

#### Contact:

San Francisco Bay Conservation and Development Commission  
30 Van Ness Ave., Room 2011  
San Francisco, Ca. 94102  
(415) 557-3686

#### References:

"The BCDC Experience as a Coastal Manager," Alan R. Pendleton and Charles R. Roberts. *Coastal Zone '78*. American Society of Civil Engineers, 1978

"A Public Access Plan for San Francisco Bay," Kent E. Watson. *Coastal Zone '78*. American Society of Civil Engineers, 1978.

## Rhode Island Coastal Resources Management Council

The Rhode Island Coastal Resources Management Council is a 17-member citizens council established in 1973 by the state legislature to manage the state's coastal lands and waters.

The council has direct authority over all activities between the mean high water mark and the three-mile limit of the state's territorial sea, plus coastal wetlands, physiographic features, and all directly related contiguous areas. Council permits are required for coastal activities after all other state and local permits have been given. The council also reviews permits for other coastal activities: power generation, desalination plants, chemical or petroleum processing, mineral extraction, shoreline protection facilities, sewage treatment plants, and solid waste disposal including private septic systems.

The council's mandate is to "preserve, protect, develop, and where possible restore the coastal resources of the state for this and succeeding generations through comprehensive and coordinated long range planning and management."

The 17 members are appointed for varying terms. Seven are private citizens; eight are from local and state governments. The directors of the state departments of natural resources and health serve ex-officio. The council currently processes 125 to 150 permits a year. Since 1977, more than one-third of all applications have been for the construction of docks, piers, boat ramps, or floats.

One of the council's most difficult and controversial decisions involved the building of homes on barrier beaches. The council's original regulations prohibited all building on barrier beaches in the state, but the law was struck down in court. A revised version of the law permitted construction on already developed barrier beaches, but prohibited expansion to beaches that were undeveloped in 1974—about one-half of the state's beaches. The revised regulations restricted all forms of development on the beach face, as well as on dunes and wetlands.

Because the state is small, there is often considerable exchange between applicants and the regulatory body as a proposed project is drawn up and a permit application prepared. If a project is clearly inconsistent with council policies and regulations, the applicant is urged to abandon or reconsider the proposal without going through the permit process. The conditions attached to permits vary depending on the type of project. Common conditions stipulate when and how dredge materials should be disposed and require that wetlands not be damaged. All structures must be placed above mean high water and no wastes can be discharged into tidal waters.

#### Contact:

Rhode Island Coastal Resources Management Council  
80 Park Street  
Providence, R.I. 02907  
(401) 277-2476



## Quasi-Public (Non-Profit) Development Corporation

The quasi-public organization has proven successful where traditional public efforts to guide development have not worked satisfactorily. Its primary purpose is to create a flexible organization that operates separately from a public redevelopment agency, but under the general guidance of local government. In some cases, such an organization can accommodate the special interests of local governments, the private sector, and various community groups more easily than can a traditional department of local government. Also, private corporation status allows a management group to assume an unaligned, third party role in negotiations between local officials and developers. In this way, differences in goals and policies can be negotiated while projects continue to be managed with a minimum of confusion, conflict, and delay.

Development corporations must register with a state corporation commission in the same way that groups legally incorporate. Non-profit status provides tax benefits. After the corporation is approved, it may execute a contract with a local government in which planning and management responsibilities are defined. The degree of autonomy granted the private corporation will vary depending on the nature of the project and state's enabling statutes. Frequently, the corporation will assume all responsibilities that are commonly performed by a local community development agency. An example of a non-profit, quasi-public development corporation is Charles Center-Inner Harbor Management in Baltimore.



## Case Study

### Charles Center-Inner Harbor Management, Inc.: Baltimore, Maryland



Baltimore's Inner Harbor playground.

Charles Center was the first in a series of urban revitalization proposals that have been implemented by the City of Baltimore in the past 20 years. In all, over \$700 million in public and private investment have been committed for one of the most successful urban renewal efforts in the nation. A broad spectrum of facilities is represented, including office buildings, shops, restaurants, hotels, theatres, apartments, parks, a community college, federal courthouse, nursing center, housing for the elderly, a convention center, science museum, and marina.

Beginning in 1959 with the 33-acre Charles Center downtown development project, the City of Baltimore began a massive \$180 million renewal effort in the heart of the city. Charles Center was one of the first experiments in mixed-use urban development, bringing together a variety of commercial enterprises, office space, entertainment facilities, hotel accommodations, and parking in one planned development package. The project has been the prototype for many similar efforts.



Six years later, the second phase of the overall downtown redevelopment proposal began in Baltimore's central waterfront, at the site known as the Inner Harbor. This portion of the renewal effort is a multi-stage program for revitalization of the entire downtown waterfront. The inner harbor adjoins and will be connected to Charles Center through a system of pedestrian overpasses.

Several projects have been completed, including the World Trade Center designed by I.M. Pei, a waterfront promenade, playing fields, a park and playground area, a marina, and a science center designed by Edward Durell Stone. Nearby are three major office buildings and a variety of other commercial, residential, and industrial land uses. Under construction are an aquarium, a 500-room Hyatt Regency hotel, an \$18 million marketplace of restaurants and shops, the first of 250 townhouses, a 300-room hotel recycled from an old electric generating plant, and housing on two piers.

### Management History

The Charles Center project was originally controlled by the Charles Center Management Office, an independent management group established in 1959 to oversee construction of the downtown project. The office was run by an influential, retired department store executive on a dollar-a-year personal services contract, with a skeleton administrative staff for aid in planning and legal assistance. Much of the planning was accomplished by the management office, subject to approval by the local planning council.

### Inner Harbor Development

As proposals for the Inner Harbor surfaced in the 1960s, public officials decided to capitalize on the benefits offered by a private management group as demonstrated with Charles Center. The Charles Center Management Office was expanded to become Charles Center-Inner Harbor Management, Inc., a private, non-profit organization.

Charles Center-Inner Harbor Management operates on a contract with the City of Baltimore that allows it considerable freedom in planning and management for development around the Inner Harbor. However, the corporation takes all policy direction from and is officially responsible to the commissioner of the Department of Housing and Community Development. The management corporation works closely with public and private agencies, including



U.S.S. Constellation in the background, visitors enjoying one of the Baltimore waterfront's ubiquitous summer festivals.

Rouse Co.



Taking a rest along Baltimore's waterfront park.

the city planning department, the Offstreet Parking Commission, the Department of Transit and Traffic, the Baltimore Economic Development Corporation, and other community groups.

One of the most useful functions of the corporation is selecting developers and facilitating the operation of public and private construction in the Inner Harbor. As a private intermediary group, the corporation acts as a liaison between city officials and private contractors to expedite construction and keep projects on schedule. In addition, the chairman of the corporation is a prominent leader in the business community. This has resulted in a high degree of cooperation with local financial institutions and other private interests.

## Results

By the mid 1980s, the Inner Harbor will be substantially redeveloped, with an exciting mix of commercial, industrial, residential, and recreational uses in a picturesque setting. Thousands of jobs have been created, millions of dollars in tax revenues generated, and significant amounts of housing and public access made available. The quasi-public approach was used successfully to stimulate confidence in the value of inner city reinvestment by the private sector. This, in turn, has promoted private interest in other nearby areas of the central city, such as Federal Hill and Fells Point, now entering the first stages of redevelopment.

### Contact:

Charles Center-Inner Harbor Management, Inc.  
1444 World Trade Center  
Baltimore, Md.  
(301) 837-0862

### References:

*Briefings on Development—An Action Guide*, P.A.C.E., Inc.  
Cambridge, Mass.

*Coordinated Urban Economic Development* National Council for Urban Economic Development  
Washington, D.C. 1978

## Joint Public-Private Development Venture

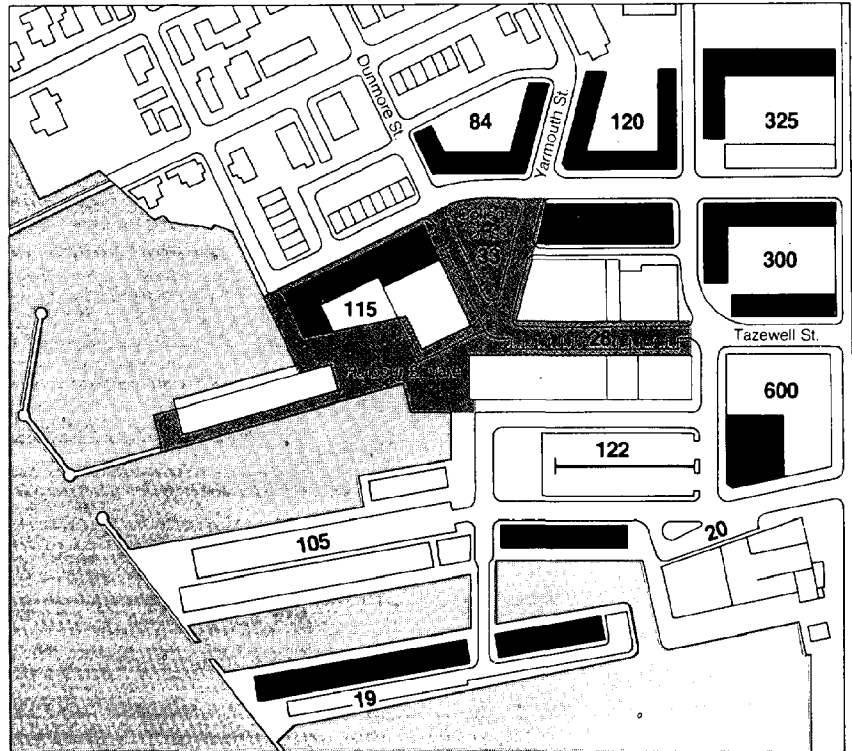
In many cases, neither local governments nor the private sector, acting independently, will have sufficient financial resources to turn a proposed development into a completed project. A joint public-private venture is an alternative that can be used.

Public and private groups work as partners, under a contractual agreement, to contribute different portions of a proposed development. Freemason Harbour in Norfolk, Va., is a prime example of how the public and private sectors can work together to accomplish mutually advantageous social and economic goals.



## Case Study

### Freemason Harbour: Norfolk, Virginia



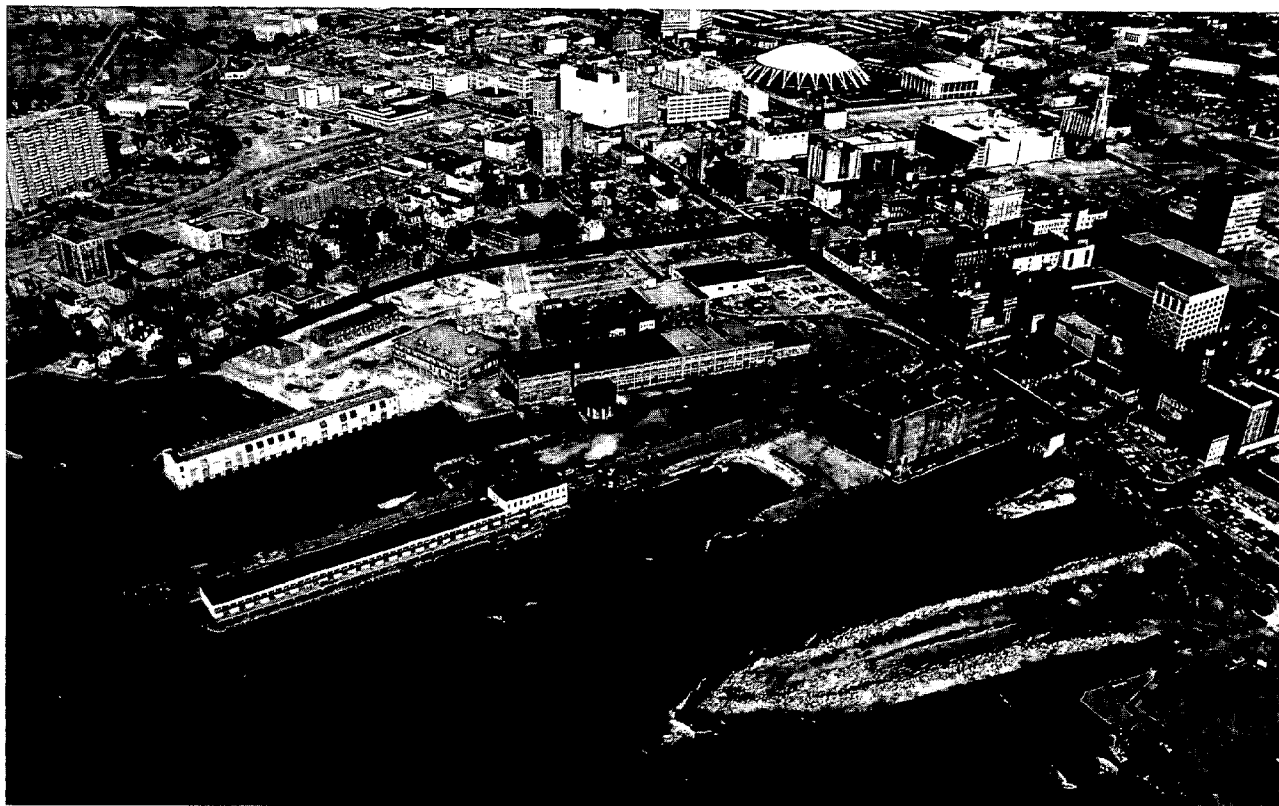
Map showing the Harbour Square redevelopment area in Norfolk. Shaded areas are the streets and sidewalks to be improved during the first phase of renewal. Numbers refer to parking spaces. Structures are dark blue. Public access is provided around the project's waterfront edge.

Norfolk's urban waterfront revitalization efforts have centered around Freemason Harbour, a multiple-use waterfront project that is a joint venture developed by the Norfolk Redevelopment and Housing Authority, the Oliver T. Carr Co., and Chessie Resources, Inc.

The 25-acre downtown waterfront site has been abandoned since the late 1960s. It is bound on the north by the West Freemason Street Historic District and on the east by the downtown Granby Mall, a commercial revitalization project. The site includes eight buildings originally used for mercantile warehousing, three piers, and a large molasses storage tank.

### Freemason Harbour Associates

The Freemason Harbour project began in 1973, when the Norfolk Redevelopment and Housing Authority (NRHA) announced plans for a neighborhood development program that included portions of the central city waterfront. At that time, representatives from Chessie Resources, a subsidiary of the Chessie railroad, expressed interest in redeveloping its waterfront properties that formed a large portion of the area under consideration.



Norfolk Redevelopment and Housing Authority

Aerial view of Norfolk's central waterfront with the redevelopment project area outlined in blue.



Norfolk Redevelopment and Housing Authority

The first townhouses, part of the plans to transform a portion of Norfolk's underused waterfront.

Originally, Chessie wanted to develop the site on its own, but realized that the massive costs involved in providing the necessary public facilities, principally parking, street improvements, and bulkheading, made it advantageous to work with NRHA. The authority, on the other hand, at first wanted to purchase the property from the railroad for its own development, but also realized that the combined cost of land construction made this goal unreachable. The parties agreed that a combined effort represented a better course of action.

The authority and the railroad decided to proceed as a joint venture, and divided the cost of a preliminary planning study with 65 percent borne by the authority. In August 1975, Arthur Cotton Moore Associates completed the initial plan for the site,

which involved an elaborate eight-phase proposal. Local financial interests expressed concern over several elements of the plan, and there was disagreement over the accuracy of the market analysis.

Oliver T. Carr Co., a large Washington, D.C., development firm, contracted in 1975 to conduct further marketing studies. Following the collaboration of Carr and the project coordinator, Barton Meyers Associates, the public and private aspects of the plan were redefined. A new land use concept was developed without the originally proposed large marina, with less housing, commercial space, and parking, and with greater public access to the waterfront.

In 1976, the city, Carr, and Chessie signed an agreement forming Freemason Harbour Associates to implement the new proposal, the Freemason Harbour/Harbour Square master development plan. In a separate, more specific agreement with NRHA, Freemason Harbour Associates agreed to finance its portion of the project from private sources; the redevelopment authority uses a variety of sources including Community Development Block Grant money, other federal funds from the Department of Housing and Urban Development's Urban Development Action Grant Program, and revenue bonds. The authority agreed to purchase 19 acres of land owned by Chessie Resources, combine it with its own six acres, and lease it back to Freemason Harbour Associates. This arrangement requires the private developers to obtain financing only for construction of the buildings on the site. The city benefits because it collects rent directly from the leases. Previously, the owners paid property taxes that went to the state.

A synopsis of the most important aspects of phase two of the agreement follows. The complete agreement is included as Appendix E.

- Norfolk Redevelopment and Housing Authority will provide street improvements, utility relocation and installation, landscaping, bulkheading and related marine work, and park and beautification work.
- Freemason Harbour Associates agreed to construct and/or rehabilitate a 195,113-square-foot residential condominium project, consisting of 7,800 square feet of accessory retail space and 94 residential units. Total cost is estimated at \$6.9 million.
- NRHA will construct an enclosed, 104-space parking garage at an estimated cost of \$772,500. Ownership of the garage will be retained by NRHA, but spaces will be leased to owners of the condominium units.
- NRHA retains a 60-year renewable ground lease for site improvements on the developed parcels and will collect a monthly payment from each of the condominium owners.

### Financing

The total cost of the project is estimated to be \$120 million of which \$93 million will come from private sources and \$27 million is public. Private costs are for 842 condominiums and apartments and 193,960 square feet of commercial space. The estimated total public cost includes \$5.5 million in streets and utilities, \$3.7 million in land acquisition, \$9.5 million in parking facilities, \$5.1 million in marine work, and \$3.2 million in various related activities such as planning, demolition, dredging, relocation, and landscaping.

### Results

As of December 1979, phase one of the master plan was completed. Twenty townhouses ranging in price from \$82,000 to \$130,000 are occupied and the supporting site improvements completed. Progress on phase two has begun with bulkhead improvements to one pier, as well as street and utility improvements. Rehabilitation of the warehouses into condominiums and commercial space is slated for early 1980.

In April 1979, the Norfolk Redevelopment and Housing Authority received a \$1.06 million Urban Development Action Grant from the Department of Housing and Urban Development to provide street improvements, landscaping, detailed engineering work, and utility installation.

#### Contact:

Norfolk Redevelopment and Housing Authority  
Box 968  
Norfolk, Va. 23501  
(804) 623-1111

#### Reference:

*Freemason Harbour/Harbour Square Master Development Plan*, Norfolk Redevelopment and Housing Authority, Oliver T. Carr Co. and Barton Meyers Associates.

## Port Authorities

Port Authorities are an established management structure common in commercial harbors throughout the nation. In most cases, these are special-purpose public agencies specifically created to manage local port operations. Port authorities normally have broad legal powers, including bonding authority and eminent domain, and often function as entities separate from local government. They are created either by state legislation as state-level departments or as independent special authorities.

A port authority serves as an overall management structure, with responsibility for publicly-owned port terminals, as well as regulatory control over privately-owned operations. In addition, a port will have land use planning authority for properties within its jurisdiction.

The importance of port authorities in waterfront redevelopment has increased in recent years, because they have expanded their jurisdictions to include activities outside the traditional water-borne transportation emphasis, including airports, bridges and office buildings. These investments often endow a port authority with major financial resources. Many ports now control vast acreages along coastal and riverine waterfronts. The combination of broad legal authority, fiscal strength, and substantial political influence gives port authorities significant resources for urban waterfront redevelopment.

Ports traditionally have been limited to heavy industrial land uses, such as cargo handling and manufacturing, while retail, commercial and recreational uses, and general public access traditionally have been viewed as inappropriate in port areas. Until recently, there has been little thought given to the potential for varied uses of the abandoned or underutilized land owned by a port authority.

However, port authorities in Baltimore, New York-New Jersey, Seattle, Oakland, and Boston are taking steps to expand their focus to include some multiple-use elements. An ambitious example of a mixed-use waterfront redevelopment proposed by a port authority is at the Commonwealth Pier Five/Boston Fish Pier in Boston Harbor.

Looking out at the Newport, R.I., waterfront.



Ann Breen Cowey



## Case Study

### Massachusetts Port Authority: Commonwealth Pier Five/Boston Fish Pier

The Massachusetts Port Authority (Massport) is an independent special-purpose governmental unit established by the Commonwealth of Massachusetts in 1956. The port authority has management control over cargo transfer throughout Boston Harbor. Massport also manages Logan International Airport, operates several bridges, and is a major landowner in the area. The state enabling charter granted Massport broad government powers, including bonding authority, land-use controls, and power to establish user charges, such as landing fees, docking fees, and tolls.

The port authority charter authorizes Massport to engage in mixed-use development. Currently, Massport has two major proposals in the South Boston harbor area.

#### Development Proposals

Urban waterfront redevelopment already has occurred in Boston Harbor, including the nearby Fanueil Hall/Quincy Market complex and the Waterfront Park. The emphasis there and in the adjacent neighborhood is on commercial and residential use. The more industrialized areas of the waterfront have, until recently, been overlooked.

In the fall of 1978, Massport embarked on an ambitious campaign to provide some types of mixed-use development that would be different from the previous retail/residential projects on two deteriorating piers. Massport secured a \$6.5 million grant from the Department of Commerce's Economic Development Administration, which will be augmented by \$2.5 million from the port, for the renovation of the Boston Fish Pier. The goal is to improve the commercial fleet and enhance local economic conditions. The project is under construction, and when completed will include a renovated fresh fish processing pier, office space, and leased retail space for lobster dealers and other merchants.

In conjunction with the Fish Pier operation, Massport has a proposal for the redevelopment of the adjacent Commonwealth Pier Five. The huge 750,000-square-foot pier presents a tremendous challenge to the port. The proposal includes substantial restoration and rehabilitation of the covered pier. Improvements are planned for the wooden pilings that support the pier, as well as the pier itself. This will provide substantial public access. Renovation work will also occur at the pier entrance, known as the Head House, which is listed on the National Register of Historic Places, and will be converted to a visitors' center.



The Quincy Market in Boston—a successful retail enterprise on the waterfront that many cities seek to emulate.



Quincy Market in the right foreground, Boston's harbor stretches out in the background. Pier Five and the Boston Fish Pier are located in the area to the right of the photograph.

Plans include docking facilities for charter fishing boats, water taxi service, and excursion boats to nearby ports. Plans for the interior call for a center where various high-technology industries (electronics, data processing, transportation, and navigational instruments, for example) would operate a year-round trade mart for sales, service, and information exchange. Other uses include restaurants and retail commercial space, as well as 1400 parking spaces on the pier's lower level. Total estimated cost is \$50 million.

The significance of this project is that the development is being done by a state port authority using its own funds to encourage other public and private investment capital. Massport hopes to prove that obsolete port facilities can be rejuvenated and integrated into the general community as publicly-used commercial and recreational areas.

**Contact:**

Massachusetts Port Authority  
99 High Street  
Boston, Mass. 02110  
(617) 482-2930

**References:**

*Commonwealth Pier Five Study*  
Massport, 1979.

Hershman, Marc, et al. *Under New Management—Port Growth and Emerging Coastal Management Programs*. Washington Sea Grant Publication, University of Washington, Seattle, Wash. 1979



## Private (Profit-making) Development Corporation

Special private development corporations have been used in many cities to expedite urban redevelopment projects. The intent is to provide developers with the legal means of implementing all phases of revitalization proposals by granting them powers normally assumed by local governments. Typically, private corporations of this sort control plan preparation, land acquisition (including acquisition by eminent domain in some cases), clearance, and site improvement. All actions are subject to supervision and approval by the local government.

The assumption is that a private group, operating outside the traditional urban renewal process, may be able to manage a redevelopment project more smoothly, and will have greater flexibility in acquiring the necessary capital than would a public development agency.

The procedure for establishing such a corporation will vary somewhat from community to community, depending on existing statutes, but it is likely that legal authority must be granted to the local government through special enabling legislation. Missouri, for example, used its Urban Corporation Law (Chapter 353 Missouri Code) at Crown Center in Kansas City and various locations in St. Louis to encourage private investment in urban redevelopment. Once the legal basis is achieved, a special development corporation can be formed between private developers and financial interests as a profit-making entity. The area or district is then defined, and the private development corporation can begin action as a redevelopment agency. Planning studies are done, public opinion is solicited, designs finished, and financing acquired. The final proposal is then reviewed by government agencies and public hearings are held.

The use of private development corporations in the planning and implementation of large-scale developments can be controversial, because some interests may feel that this allows too much control by private interests in projects that affect the whole community. Such difficulties can be overcome by making these private ventures part of a formal public review process, where opinion can be solicited from a broad range of interests.

There are several private development corporations currently engaged in urban waterfront redevelopment. These include:

- Retail commercial development in Baltimore's Inner Harbor—Rouse Co., Columbia, Md.
- Housing projects at Freemason Harbour in Norfolk, Va.—O.T. Carr Co., Washington, D.C.
- Crown Center, Kansas City, Mo.—Crown Center Redevelopment Corporation, Kansas City.
- Laclede's Landing, St. Louis, Mo.—Laclede's Land Redevelopment Corporation, St. Louis.



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## Chapter III

# Zoning and Districting

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NOAA

The traditional use of waterfronts has been for shipping, manufacturing, and associated land-based transportation and storage facilities. Many older waterfronts are no longer used as intensively for such activities. Communities are realizing the potential of the vacant lots, abandoned buildings, and deteriorating piers for a variety of uses, including different types of manufacturing, retail and commercial operations, marinas, museums, parks, and promenades. The problem comes in attempting to fit today's multiple use developments into yesterday's buildings, codes, and zoning categories.

A number of coastal and riverine communities are coming to grips with this problem by using special purpose zones and districts. These alternative tools provide local governments with the legal authority for innovative land use controls. Such authority can encourage waterfront redevelopment, when simple rezoning of waterfront parcels is not enough to accommodate special requirements of waterfront activities, such as mixed-use commercial developments, historic preservation, and recreation. In addition, conventional zoning often fails to provide the essential flexibility required to respond to the changing market conditions that occur as areas become redeveloped.

This part of the guide describes several innovative districting and zoning techniques. The purpose is to show how communities can employ alternative approaches to land-use planning. The examples listed here do not represent all techniques, but provide an overview of what has been done in several waterfront communities.

## Zoning

### Waterfront Zones

A city agency or developer with a mixed-use waterfront project in mind is often deterred by an obsolete or restrictive zoning code. Some cities are taking measures to change this pattern and are zoning their waterfronts as unique areas able to accommodate a variety of creative and compatible uses.

There are several approaches to recognizing the waterfront as a unique area of the city that requires special treatment:

- designating a special waterfront planning area and recognizing it as such in the city or town master plan,
- adopting a waterfront zone as part of the existing zoning ordinance,
- developing criteria and performance standards that pertain to waterfronts.

It makes a substantive difference to include the waterfront area in an adopted master plan, because it provides legal standing as part of a standard zoning ordinance.

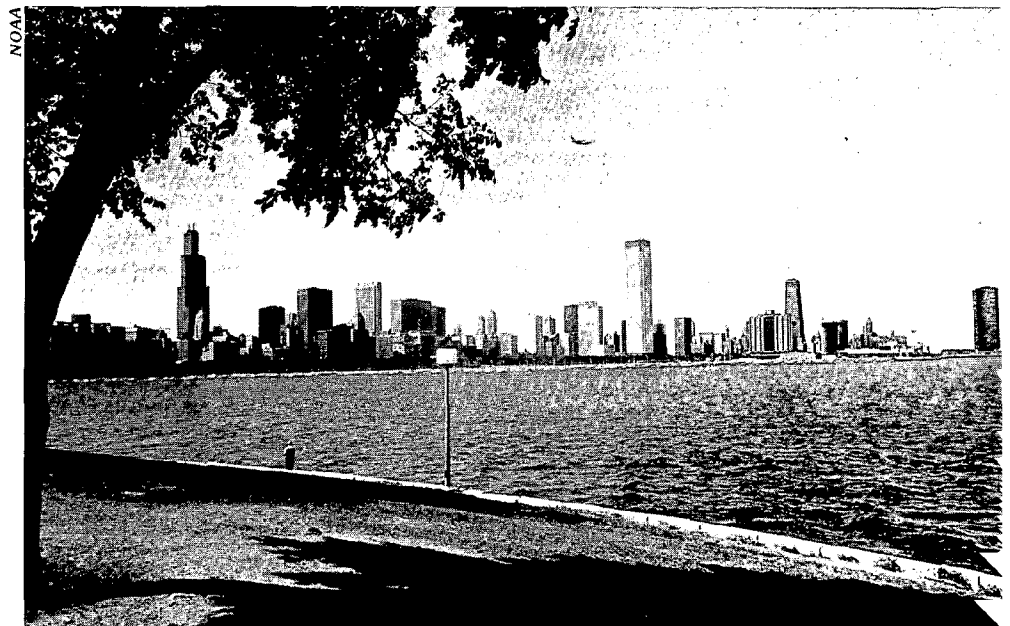
Calling attention to the waterfront through special area plans is an important first step. Even without a site-specific zoning designation, the goals and objectives articulated in a special area plan can be the basis for community action.

Chicago, Hoboken, N.J., Portland, Me., and Plymouth, Mass., all have taken one or more of these approaches to waterfront redevelopment.

### Chicago Lakefront Plan

The first city to recognize the waterfront as a unique and special place was Chicago. In 1901, Daniel Burnham, in his *Plan for Chicago*, placed waterfront enhancement foremost in the planning effort. Today, 24 miles of the city's 30-mile shoreline is publicly owned.

The most recent *Lakefront Plan*, adopted in 1974, divides the shoreline into several general zones. A "water zone" extends from the shoreline to approximately the 25-foot depth line in Lake Michigan; here is where many improvements are allowed. The "park zone" varies from a mile wide to a very narrow area and consists of the individual parks that comprise the present and future public park area within the city limits. The "community zone" is comprised of the private and public lands adjacent to the lake, most of which are in residential use. Fourteen basic policies are set forth, most of which center around and reinforce the park-like, aesthetic, and recreational aspects of the lakefront:



Chicago's lakefront.

- Complete the publicly owned and locally-controlled park system along the entire Chicago lakefront.

- Maintain and enhance the predominantly landscaped, spacious, and continuous character of the lakeshore parks.

- Continue to improve the water quality and ecological balance of Lake Michigan.

- Preserve the cultural, historical, and recreational heritage of the lakeshore parks.

- Maintain and improve the formal character and open water vista of Grant Park with no new above-ground structures permitted.

- Increase the diversity of recreational opportunities while emphasizing lake-oriented leisure time activities.

- Protect and develop natural lakeshore park and water areas for wildlife habitation.

- Increase personal safety.

- Design all lake edge and lake construction to prevent erosion.

- Ensure a harmonious relationship between the lakeshore parks and the community edge, but in no instance will further private development be permitted east of Lake Shore Drive.

- Improve access to the lakeshore parks and reduce through-vehicular traffic on secondary park roads.

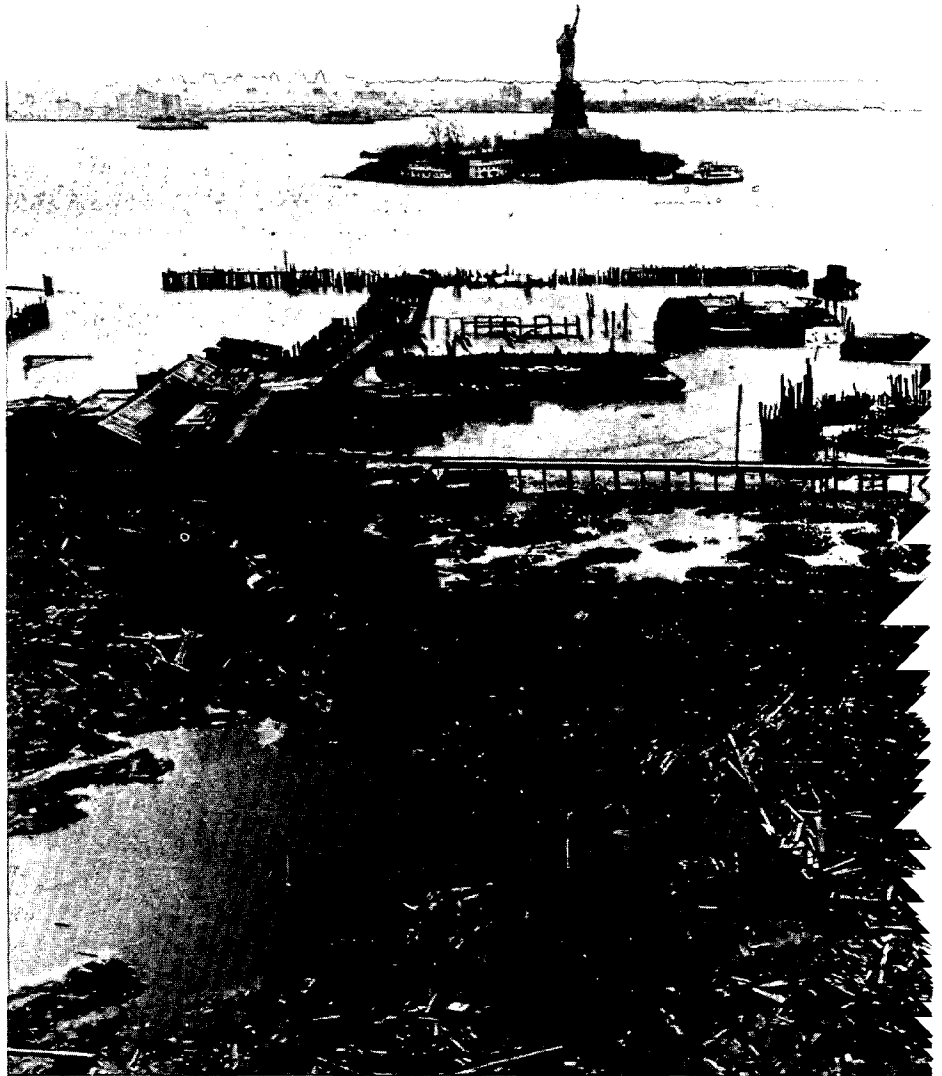
- Strengthen the parkway characteristics of Lake Shore Drive and prohibit any roadway of expressway standards.

- Ensure that all port, water supply, and public facilities are designed to enhance lakefront character.

- Coordinate all public and private development within the water, park, and community zones.

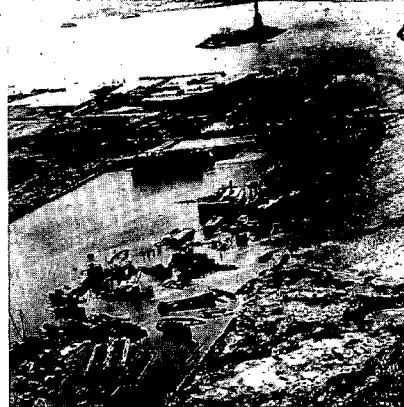
\*These goals are extracted from City Planning Commission, *The Lakefront Plan*, 1974.

New York Port Authority



The Statue of Liberty in New York Harbor, as seen from the New Jersey shore. Liberty State Park will reclaim some of the abandoned waterfront area for a major new public facility near New York.

New York Port Authority



The Liberty Harbor area near Jersey City, N.J., with the famed statute at center, top.

New York Port Authority



Abandoned waterfront at Jersey City, N.J.



New York Port Authority



Along the Hudson River near Edgewater, N.J.

### Hoboken, New Jersey

Hoboken, with assistance from the Department of Housing and Urban Development, spent two years studying and planning for its waterfront. The resulting report recommended that an Urban Waterfront Planning Control System be established and that the waterfront be divided into zones similar to those used in Chicago:

**A Water Zone**—Extending from the shoreline property to the pier head line, a possible area for future filling in. Controls over this area would protect other water and land uses.

**A Park/Commercial/Research Zone**—This zone would allow for uses compatible with a park setting while encouraging multiple uses of the land. Access for the public to the river's edge would be a basic requirement in this zone.

**A Community Zone**—This area should include all of the sections not mentioned in the Park and Water Zones. It would control development that could degrade the waterfront area.

The report recommended the following:

- Special attention should be given to underused and unsightly areas of the waterfront.
- Consideration should be given to filling certain portions of the waterfront in order to create additional space.
- Waterfront recreational facilities should be added wherever possible.
- Where feasible, community facilities should be placed on the waterfront; it is a natural congregating spot.
- Planning review and permits must make certain that private facilities provide for some areas of public access.

- The waterfront should be beautiful. When this happens the full potential of the waterfront will be realized. Attractive use of land increases the values of surrounding properties and improves the reputation of the city as a whole. The waterfront should be viewed as one of the finest amenities in a municipality.

- Housing should not be placed close to the water.

- Maintenance is one of the most important features in any waterfront plan. Maintenance methods should be required as part of a facility prior to approval.

#### Contact:

Fred Bado  
Community Development Agency  
84 Washington Street  
Hoboken, N.J. 07030

### Portland, Maine

In 1975, Portland, with assistance from a National Endowment for the Arts grant, undertook a waterfront improvement program. Along with proposals for transportation and publicly-funded improvements such as fish processing facilities, the city's planning department recommended the creation of a special waterfront zone designed for greater flexibility of uses than is currently allowed. The special zone could include a variety of specified uses such as shipyards, restaurants, seafood plants, and museums.

#### Contact:

Brian Nickerson  
Planning Department  
Portland, Me. 04103  
(207) 775-5451

## **Plymouth, Massachusetts**

Plymouth enacted a waterfront zoning bylaw in 1973, which creates a waterfront district as part of the project design review procedure. (See appendix F for the entire ordinance.)

The waterfront district is designed to encourage the development of marine, historic, and tourist uses along Plymouth's central waterfront. The zoning bylaw established three categories: allowed waterfront land uses; special permit uses, which must meet specified environmental design conditions and review procedures; and prohibited uses.

The intent of the special permit uses is to require for certain types of development the coordination of site plans, pedestrian circulation, and compatibility with the adjacent historic area. Allowed waterfront land uses include boat sales, service, rentals, ramps and docks; commercial sightseeing or ferrying; marine railways, repair yards, storage yards, marine supply outlets; and commercial fishing and seafood wholesale or retail outlets and related outlets. Special permit uses include restaurants, recreation, motel, specialty shopping, and similar compatible facilities that complement and strengthen the function of the waterfront area, and multi-family and single-family attached dwellings.

Special permit uses are subject to review by the board of appeals, the planning board, and the design review board. The administration of the environmental design conditions may involve, in addition to these three boards, the building inspector, conservation commission, town engineer, public safety commission, board of water commissioners, and board of sewer commissioners. Detailed site plans, and plans showing the relationship to adjacent properties, must be submitted for review. General and specific conditions and standards upon which plans will be reviewed are defined in the zoning bylaw.

## **Contact:**

City of Plymouth  
Planning Department  
11 Lincoln Street  
Plymouth, Mass. 02360  
(617) 747-1620

## **Overlay Zoning**

The use of "overlay," "floating," or interim zones sidesteps the static nature of traditional zoning fixed to particular tracts of land. Instead, overlay zones "float" over the community and are placed in specific locations when and where they are deemed most appropriate by the local government. An overlay zone may contain regulatory provisions concerning use, height, and bulk as in a standard zoning ordinance, or it may have unique features that are incorporated into the language of the ordinance for a specific purpose, such as an industrial park or mixed-use commercial development.

Overlay zones can also be used as a type of interim development control. This technique is often applied by local governments in undeveloped areas of a community that are receiving intense pressure for new construction, or where redevelopment is already occurring at a rapid rate. In these cases, a temporary zoning jurisdiction is established that freezes existing land uses and prohibits further development until a new strategy or revised zoning ordinance can be implemented. The overlay zone allows the local community additional time to assess the implications of newly proposed developments.

Unless created and implemented properly and cautiously, overlay zoning ordinances are in danger of being struck down as being beyond the legal authority of local governments, depending on state enabling laws. An overlay zone has been successfully implemented in Toledo, Ohio.



## **Case Study**

## **Maumee Riverfront**

The Maumee Riverfront Overlay District (MR-O) was incorporated into the Toledo Municipal Code in 1979 (see appendix G). In general, the special zoning classification will be used to provide public amenities and facilitate development of a wide variety of compatible land uses along the riverfront. Specifically, the ordinance calls for increased public access to the water, improved scenic and aesthetic controls, improved transportation, and better coordination of recreational, commercial, and industrial land uses. In addition, several locations are identified as prime residential, park, and water-oriented recreation sites. These areas are to have a "superior level of public access, convenience, comfort, and amenity."

## **Background**

After the completion of the Great Lakes-St. Lawrence Seaway System in 1959, ports on the Great Lakes, such as Toledo, came to play a major role in the nation's waterborne transportation system. There was a substantial increase in the number and size of vessels calling on the ports, and demands increased on waterfront sites for container facilities, warehouses, processing plants, and transportation links.

In Toledo, this expansion began to cause conflicts with other waterfront activities, such as pleasure boating and other types of recreation. It also began to cause adverse impacts from dredging and filling for harbor improvements. Through the 1960s and early '70s, dredging, loss of wildlife habitat, and lack of public access to the waterfront became important issues in the community.

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## Overlay District: Toledo, Ohio

In 1975, citizens and planners took the first steps toward creating a better balance among land uses along Toledo's waterfront. A study prepared by the city's Department of Natural Resources, "Toledo Looks to the River," outlined an ambitious program for riverfront parks and associated mixed-use development. Since then, the study has come to be viewed as somewhat unrealistic, but its broad goal of a balanced, multiple-use waterfront has public support.

Impetus for the overlay zoning began in 1977 when two major developments were proposed for the riverfront area that dramatized Toledo's problems of conflicting waterfront land uses. The first called for construction of a bulk cargo facility near an established residential neighborhood on the river. The second was a master plan for revitalization of the central business district that included substantial new public open space along the riverfront. These developments vividly illustrated the problem of land use conflicts, and the increased public support for additional planning and land use control in the area.

As a result, the Toledo-Lucas County planning commission passed the Maumee Riverfront Overlay District Ordinance. This zoning measure was designed to increase public control over land use decisions within the district until a revised zoning ordinance could be developed and basic decisions made about what the community wanted to see along the river.

The current overall planning effort in Toledo is to "provide a detailed analysis of the urban waterfront coastal area in terms of suitability and capability for various types of land uses and activities." Emphasis will be on determining the potential for water-oriented commercial, industrial, residential, and recreational development.

The role of the special interim zone in this process is two-fold. First, it acts as a measure that protects the existing properties within the district's boundaries from conversion to land uses that are inconsistent with the city's goals for the waterfront district. Second, the ordinance provides a mechanism by which specific land use regulations and provisions can be included in the redevelopment of the Maumee riverfront.

The shared (multiple-use) portions of the district encourage coordination of all types of land uses. Developments in the Maumee River Overlay District are to be designed with an "open character" allowing views to the riverfront and providing pedestrian circulation.

A permanent management plan will be created for the area, so that decisions about land use patterns, ownership, public access, and multiple use in the district will be based on a publicly-adopted plan.

### Results

During 1978, the special overlay zone was successful in increasing public control over much of the development along the riverfront. The existence of the overlay zone, and the associated site plan review procedure, gave local officials a tool that has been used to encourage design quality and increase the amount of public access included in private developments.

### Contact:

Toledo/Lucas County Planning Commission  
415 North St. Clair Street  
Toledo, Ohio 43604  
(419) 247-6287

### References:

*Toledo Looks to the River*, City of Toledo, Department of Natural Resources, 1975.

"Land Use Planning for the Toledo Harbor Area," Barry F. Hersh and David Hanselman, Toledo/Lucas County Planning Commission, 1978.

## Incentive Zoning

Incentive zoning is a method frequently used to overcome the strict site regulations and separation of land uses characteristic of conventional zoning. Its primary purpose is to prevent zoning from stifling innovative land uses and creative urban design. Zoning incentives may be applied in a variety of ways, but in nearly all cases they are used as a means of securing public benefits in exchange for some sort of design concession given to a developer.

The most common type of incentive is known as "bonus zoning." In this procedure, additional densities or increased floor areas, beyond those specified in the local zoning ordinance, are given in exchange for some type of public benefit, such as dedication of open space or provision for public access.

Incentive zoning has been widely used in cities throughout the nation. San Francisco offers a 20 percent density increase in exchange for direct access to a transit platform. New York City offers bonuses for a variety of public amenities, including provision for a legitimate theatre as part of a new office building in the Broadway Special District. Arlington, Va., and Prince Georges County, Md., have used incentive zoning for many years to control development.

The use of incentive zoning increases flexibility, but only to the degree stipulated in the zoning code. The amount of private incentives and public benefits available for bargaining must be clearly established in the local zoning ordinance, providing a fixed amount of potential trade-off. Table 1 lists examples of public benefits and private incentives that often are used as trade-offs in incentive zoning.

**Table 1**  
**Types of Benefits and Incentives**

<i>Public Benefits</i>	<i>Incentives</i>
<ul style="list-style-type: none"> <li>• Parkland</li> <li>• Preservation of historic structures</li> <li>• Waterfront access</li> <li>• Open space/special landscaping</li> <li>• Fees in lieu of dedication</li> </ul>	<ul style="list-style-type: none"> <li>• Increased floor area ratio (of building capacity to lot size)</li> <li>• Increased residential units per acre</li> <li>• Street improvements</li> <li>• Unit size increases/additional use types</li> </ul>

### References:

*Innovative Zoning: A Local Official's Guidebook*, U.S. Department of Housing and Urban Development, Office of Policy Development and Research. Washington, D.C. 1977.

Meshenberg, Michael J., "The Administration of Flexible Zoning Techniques." American Society of Planning Officials. 1976.



## Case Study

### Salem, Massachusetts

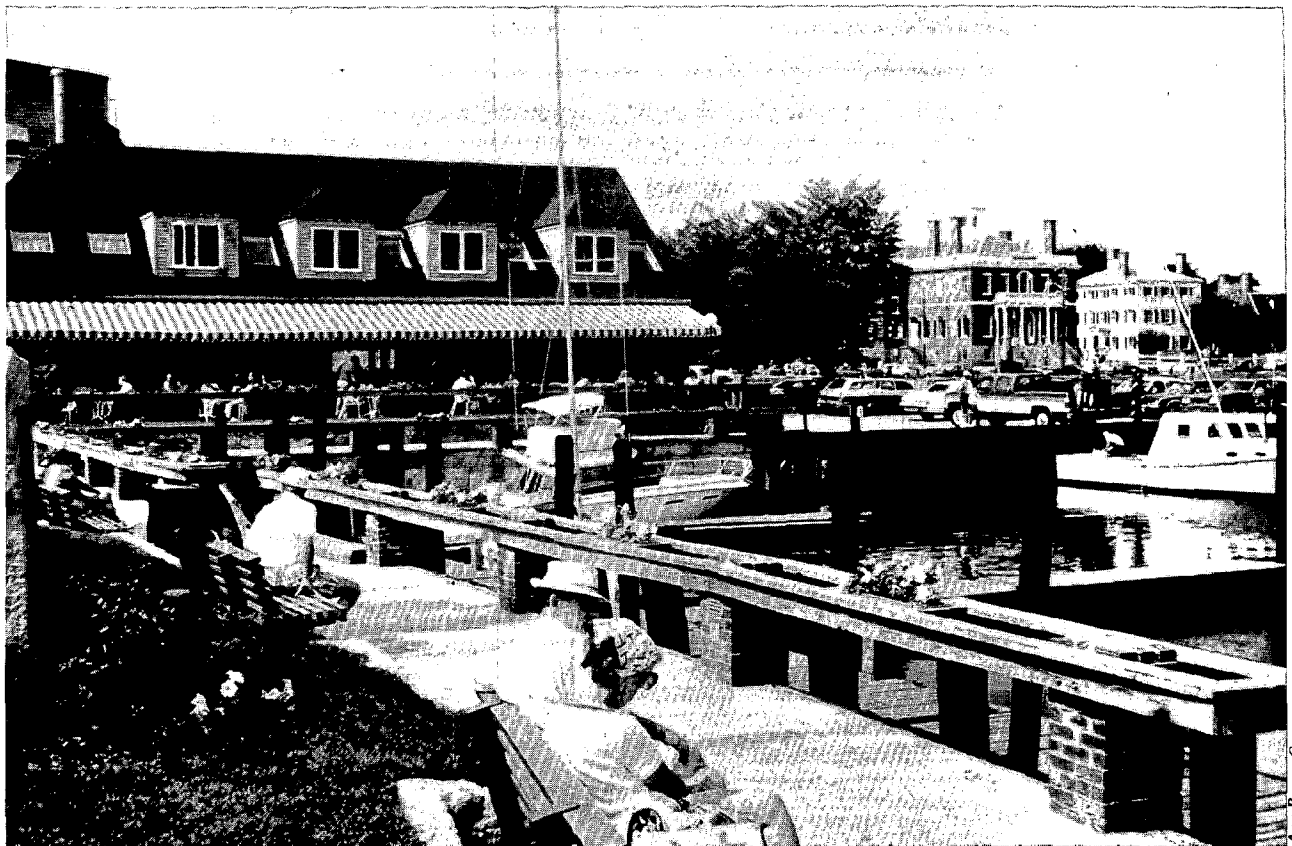
Salem's urban waterfront program developed from the city's long involvement in urban revitalization. Presently, there are two main waterfront revitalization projects. The first is Pickering Wharf, a 4.7-acre, mixed-use development incorporating residential, commercial, and recreational facilities with public access to the waterfront. Second is Nathaniel Bowditch Park, a proposal that will link six community economic development projects with a mixed-use recreational, commercial, and educational facility. These projects, combined with the existing Salem National Maritime Historic Site, comprise about six percent of Salem's urban waterfront, and provide the public with major new vantage points for enjoying Salem's harbor.

#### Pickering Wharf

Pickering Wharf is directly adjacent to the National Maritime Historic Site being developed by the Department of the Interior. The site consisted of eleven abandoned oil storage tanks, a one-story block storage building in poor condition, and 1,000 feet of deteriorating bulkhead. The wharf had been used for administrative purposes since 1974, when an oil distribution center was abandoned.

The Pickering Wharf redevelopment and planning process began in 1974, when the Pickering Oil and Heating Company petitioned the city to construct a new oil distribution facility one-half mile from the present site. The city, through the city solicitor and the planning department, began negotiations with the oil company to utilize its old site for a mixed-use redevelopment. Because the oil company needed a city





Ann Breen Couey

Pickering Wharf, a redeveloped section of the Salem, Mass., waterfront.

permit to move its storage facilities, the city was able to negotiate a trade-off, granting a change in zoning for an option on the waterfront site.

An agreement was reached between the city and Pickering Oil in which the city was given an option to buy the old property and resell it to a private developer. The sale price of the land was set at one-half the appraised value with the oil company paying for the appraisal. The Pickering Oil Company also donated \$25,000 for the appraisal, a soil test, and a development prospectus outlining four alternatives for potential developers. The city's initial intent was to develop the site as a hotel mixed-use complex, but market analysis suggested this approach was questionable.



Ann Breen Couey

Salem, Mass., officials hope to be able to redevelop this section of waterfront, combining continued industrial use with a park and public walkways.

On May 29, 1976 the city entered into an agreement with a development group consisting of Heritage Trust, the Salem Five Cent Savings Bank, and local enterprises to develop the site as a multi-use commercial zone. Construction began early in 1977 and by the end of 1979, 90 percent of the project had been completed.

The incentives that the city used in its negotiations with the oil company and the private developers included:

1. Pickering Oil Company received a re-zoning of its new facility in exchange for an option from the city to purchase the property at a favorable rate and turn around and sell it to a private developer,
2. The city required that the developer include certain provisions in the development, such as public access to the waterfront for the entire site, and architectural and street design requirements that would blend into the maritime character of the area.

In addition, density zoning was provided so the developer could create a village atmosphere instead of the traditional zoning approach in this area of the city.

The site consists of a 45-slip marina, 54 condominiums ranging in price from \$60,000 to \$125,000, four restaurants, 2,000 square feet of office space, and 70,000 square feet of commercial space. The project is expected to cost \$6 million when completed. One major feature of the project is the provision of over 1,000 feet of public access along the water's edge, an extensive addition to the city's shoreside accessibility. A village atmosphere has been created by requiring landscaped walkways, low profile buildings near the water's edge, and design scale that is compatible with the surrounding neighborhood.

**Contact:**

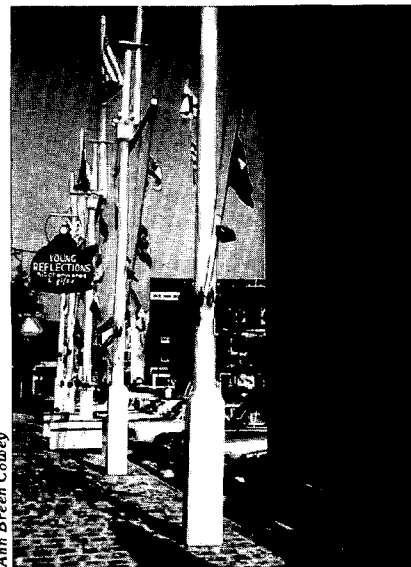
Salem Planning Department  
One Salem Green  
Salem, Massachusetts 01970  
(617) 744-4580

**References:**

*History of Pickering Wharf*  
Salem Planning Department, 1976

*Nathaniel Bowditch Park Plan*  
Salem Planning Department, 1976

In the background at Salem, Mass., historic houses overlook the renewed waterfront. A view of the Pickering Wharf area of shops and restaurants.



Ann Breen Covey

## Water or Harbor Area Management Zones

Water use management has not received from any level of government the kind of study and regulation that has been bestowed on land, despite the widespread and often conflicting uses taking place. Just as on land, commercial, industrial, recreational, transportation, and occasionally even residential uses vie for limited space in harbors. A mix of local, state, and federal controls are exercised, sometimes with conflicting objectives.

Navigational requirements, water quality regulations pertaining to boats, and speed limitations are typical of the current methods of control. These powers usually apply statewide and therefore do not focus on the particular problems and potential of a specific harbor setting.

Comprehensive management systems for water areas are nonexistent, although interest is being generated in the topic. Some of the alternatives for managing the surface water zones include:

**Fixed-area zoning** restricts uses to specified areas. Some examples include restricting swimming to an area within 200 feet of the shore (boats would be prohibited from this area except for slow ingress and egress) and restricting water skiing or surfing to specified areas. Buoys can also be used to mark swimming areas, surfing areas, traffic lanes, pier fishing areas, or water skiing courses. Areas may be designated by general description, by maps, by signs, or by buoys.

**Time-area zoning** is a kind of fixed area zoning where particular uses are prohibited in certain areas at specific times. For example, to avoid conflicts with fishing, water skiing or surfing might be prohibited in early morning and late evening hours.

**Separation-distance zoning** establishes a buffer area between uses similar to that now in place in merchant shipping lanes. Such zoning could, for example, separate moving boats from anchored or trolling fishing boats to avoid interference or wake impact.

# Districting

## Special Districts

Special districts are sub-units of local government that are created to provide goods or services to a particular area within a community. They are usually formed when the needs of an area cannot be met sufficiently by the standard type of municipal government. Special districts have specific, geographically defined boundaries, and the powers given to the appointed or elected officials of the district apply only within those boundaries. Prior to implementation, state enabling legislation is usually required to grant local governments the power to create special districts. This establishes a legal basis for action by the municipality.

There are many types of special districts. Some are formed to provide essential utilities, such as water and electricity, others to protect the public interest in land allocation decisions and the design of the urban landscapes. In general, special districts can be divided into two categories: special service districts and special development districts.

## Special Service Districts

For many years, local governments used this tool to provide a variety of public services, including water, sewer, fire protection, hospitals, and sanitation. These districts are identified by distinct boundaries and have varying levels of political autonomy. Some districts have broad powers within their jurisdictions, including the authority to establish user rates, issue bonds, and levy taxes. Others may serve only to provide a service to a specific area, such as a fire district.

Service districts have had a pronounced influence on waterfront projects, especially in cases where the provision of public utilities presents an unusual problem for developers, either for financial or physical reasons.

## Special Development Districts

In recent years, the concept of special districting has been expanded to address specific goals of local governments: improving social and economic conditions, preserving the character of historic areas, or improving the business climate for new private investment. Special development districts operate much like special service districts in that they have clearly delineated boundaries and may retain governmental powers. These districts are tied more directly to community redevelopment issues, however, and could apply in a variety of ways to urban waterfront revitalization.

In addition to having a broader purpose, special development districts differ from service districts in that they often have more extensive governmental powers, such as eminent domain, urban renewal authority, taxation powers, and controls over planning, management, and urban design.

Three major types of special development districts are economic redevelopment, historic preservation, and mixed-use.

## Economic Redevelopment Districts

This technique involves the creation of special districts in deteriorated areas of local communities for the specific purpose of economic redevelopment. The concept originated during the "urban renewal" era of the 1950s and '60s when "model cities" programs and housing oriented urban renewal districts were present in nearly every major city in the United States. Under these programs, certain areas within a municipality were designated as urban renewal districts. The land in these districts was then condemned, cleared, and new buildings were constructed under an assortment of federal grant and loan programs.

The focus in federally funded urban redevelopment has shifted from wholesale bulldozing to spot clearance and restoration. Special districts, however, remain a viable concept, and variations of this procedure have been implemented by local communities throughout the nation.

In most cases, economic redevelopment districts are established by a local ordinance on the basis of recommendations from the city planning office, a local planning commission, or a special study group. Specific boundaries for the district are delineated, and an overall development program is created. This may include a variety of public and private projects for commercial, residential, industrial, and recreational development.

The primary advantage of economic redevelopment districts is that they allow local governments to obtain more extensive powers over land use in the district, including condemnation, special zoning, and design standards. In addition, the special district creates a planning mechanism that can be integrated more easily with other tools and techniques of redevelopment, such as tax deferrals, tax increment financing, and less-than-fee-simple land acquisition.

The Special South Street Seaport District along New York City's Lower Manhattan waterfront provides an example of a special district that has economic redevelopment of an urban waterfront as one of its chief goals.



## Case Study

# Special South Street Seaport District: New York City

South Street Seaport is a mixed-use commercial/historical area located immediately south of the Brooklyn Bridge along Manhattan's East River waterfront. In December 1973, the special district boundaries were established from Pier 15 northeast to Peck Slip, and inland to Water and Pearl Streets. The district was designed to implement the Brooklyn Bridge Southeast Urban Renewal Plan, part of a broader proposal of Lower Manhattan waterfront development. This plan covers a large portion of the riverfront from Battery Park at the tip of Manhattan, north to the Manhattan Bridge, and includes a variety of measures for residential, commercial, and recreational development.

The primary purpose of the Special South Street Seaport District is to encourage the preservation, restoration, and in certain cases redevelopment of properties and buildings in the Brooklyn Bridge Southeast Urban Renewal Area into a South Street Seaport Museum. Such a "museum," which is an area of the city rather than a building—per se, has special cultural, recreational, and retail activities.

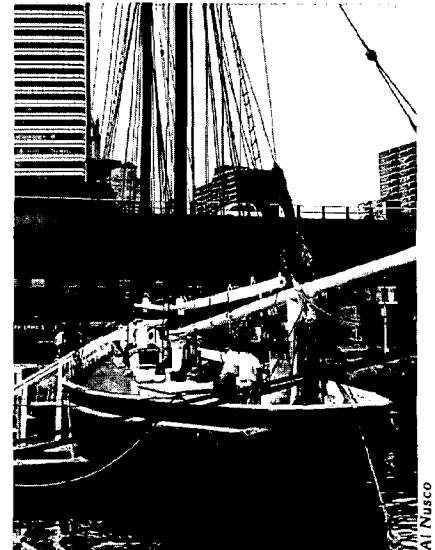
## Background

The wharfs and piers around South Street Seaport were the focus of New York City's vast shipping industry during the late 19th and much of the early 20th centuries. During this time, the city became the country's chief cargo transit point, and the entire area became a center of commerce and port-related business activities.

Gradually, new technologies developed that transferred shipping to other waterways, such as the Hudson River, and allowed construction of the giant office buildings which now characterize Lower Manhattan's skyline. The East River docks fell into a slow decline, and with the advent of containerization in the 1950s, pier activity virtually came to a standstill in Lower Manhattan.

In the early 1960s, a private group formed that was interested in preservation of several historic structures located near Pier 16 at the foot of Fulton Street. By 1967, the group was successful in creating the South Street Seaport Museum, a private, non-profit corporation officially controlled by New York University. The following year, the area was included in the Brooklyn Bridge Southeast Urban Renewal Area, an unassisted urban renewal district created by the city. Since that time, the Seaport has expanded to a membership of over 10,000 and the area is listed on the National Register of Historic Places.

Currently, the Special South Street District, including the Seaport Museum, is engaged in many activities, including historic preservation, recreation, and economic development. Since the district is included as part of an umbrella-like urban renewal area, it has broad authority over land use decisions made within the district and is eligible for a variety of economic assistance programs.

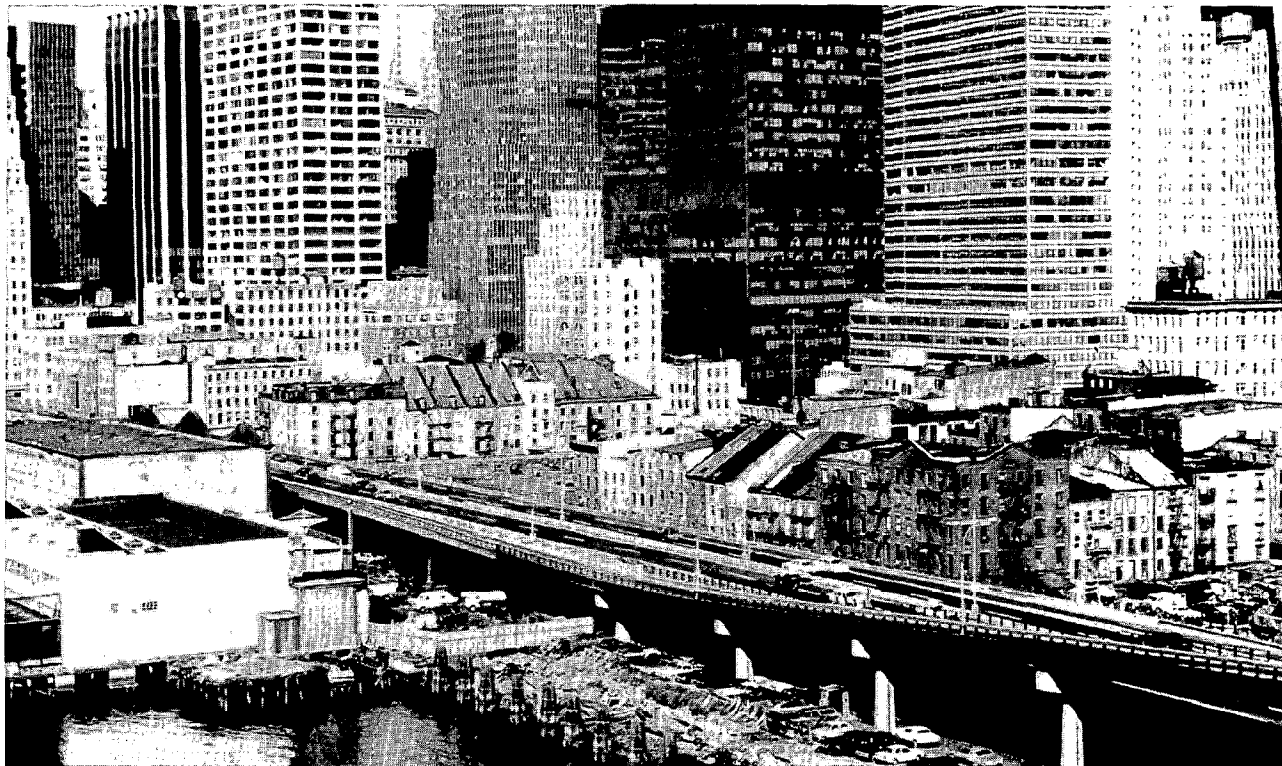


South Street Seaport Museum, near Wall Street in New York City.

## Economic Development

Although the district was not created solely for economic development purposes, improving economic conditions, along with historic preservation and recreational and cultural activities, are high priority goals for revitalization of the waterfront. Some of the specific project goals are:

- Realization of the Seaport's full economic, cultural, and historical potential to strengthen tourism in New York City;
- Diversification of Lower Manhattan's narrow economic base;
- Revitalization of the local neighborhood and support of its growth into a viable community;
- Protection and assurance of the future prosperity of the Fulton Fish Market, and
- Preservation and protection of the historic character of the district by generating sufficient revenue to rehabilitate its unique buildings and support its education programs.



Richard Rigby

From the Brooklyn Bridge, a look at the South Street Seaport area.

A number of projects have been completed at the Seaport that relate specifically to these goals, and several others will soon be finished. Piers 15 and 16 have been refurbished, and five historic vessels are permanently moored there. Two museums are located in the district, the Seaport Museum and the State Maritime Museum in the Schermerhorn Row Block.

The Fulton Fish Market, New York's major fish market, is being improved rather than being relocated. Plans call for extensive redesign of the production system and extensive improvements to the structures, piers, and mechanical systems they contain. Substantial commercial redevelopment has already taken place at the market, and several

galleries, a book and chart store, a restaurant, and other enterprises are in operation. In addition, considerable office space has been provided to adjacent properties through a transfer of development rights begun in 1974.

Millions of dollars in federal, state, and local grants have been spent at the Seaport, including \$8 million from the city's budget, \$5.4 million from the Economic Development Administration's Federal Public Works Program, \$5 million in Urban Development Action Grants from HUD, and \$6.3 million from the state for the Maritime Museum. In the future, private investment by the Rouse Company will include more than 200,000 square feet for various retail and office purposes. The estimated cost of this project is about \$60 million.

A recent development is the reopening of the Fulton Street Ferry. The ferry will serve commuters and tourists between South Street Seaport and Fulton Ferry Landing on the Brooklyn side of the East River at the base of the Brooklyn Bridge.

#### **Contacts:**

South Street Seaport Museum  
203 Front Street  
New York, N.Y. 10038  
(212) 766-9020

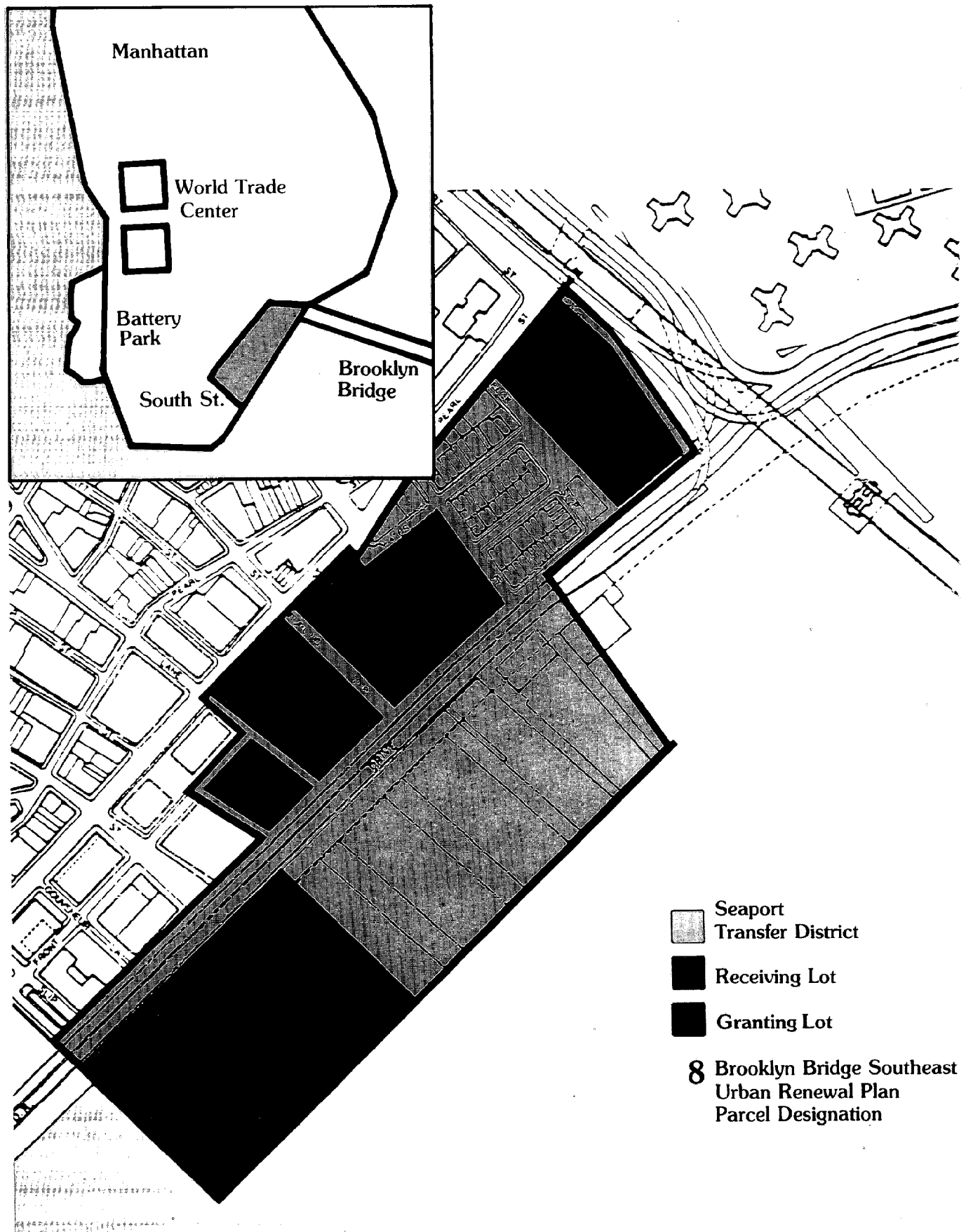
Director, City of New York Office of Development  
225 Broadway  
New York, N.Y. 10007  
(212) 566-7441

#### **References:**

*Lower Manhattan Waterfront.*  
City of New York. Office of Economic Development, 1975.

*South Street Seaport Redevelopment.* City of New York.  
Office of Economic Development.

# Transfer of Development Rights



## Transfer of Development Rights

Transfer of development rights can protect special sites on which development is deemed inappropriate by state and local governments. Most often it has been used to preserve historic buildings, agricultural lands, or open spaces from encroaching or undesirable development.

A transfer system breaks the traditional link between a particular parcel of land and its development potential. This separation allows the development rights to be transferred from the site to another area in the community where development is not objectionable. The actual ownership is not affected. Only the right to develop is sold. This system is seen as a more equitable land use control than traditional zoning, because the loss of development potential due to governmental action does not result in an economic loss

to the owner. Instead, the landowner is able to recoup the economic value from the lost development rights by selling them to a landowner in another location, where the additional development rights can be applied without significant negative impacts.

Transfer of development rights can be used in waterfront areas to preserve structures of historic significance, protect physical and visual access, and provide recreational and economic opportunities for local citizens. The implementation of a transfer system requires the clear identification of the resource to be protected.

One option is to create dual zones: the first, a preservation district in which development will be restricted; the second, a transfer district where the development rights will be used.

An alternative to this approach is to allow the development rights from each preserved structure to be transferred to specified properties adjacent to the site. This alternative works well when the areas to be preserved are scattered and could not be zoned easily as a single preservation district. It allows greater control over the exact location of the transferred development rights, and is most useful when a local government wishes to tightly control the placement of additional activities and people in the area.

A transfer ordinance must clearly state the standards for designating the preserved land, and define the restrictions to be placed on those properties whose development rights are sold. Most ordinances require a covenant attached to the property deed that binds future owners.

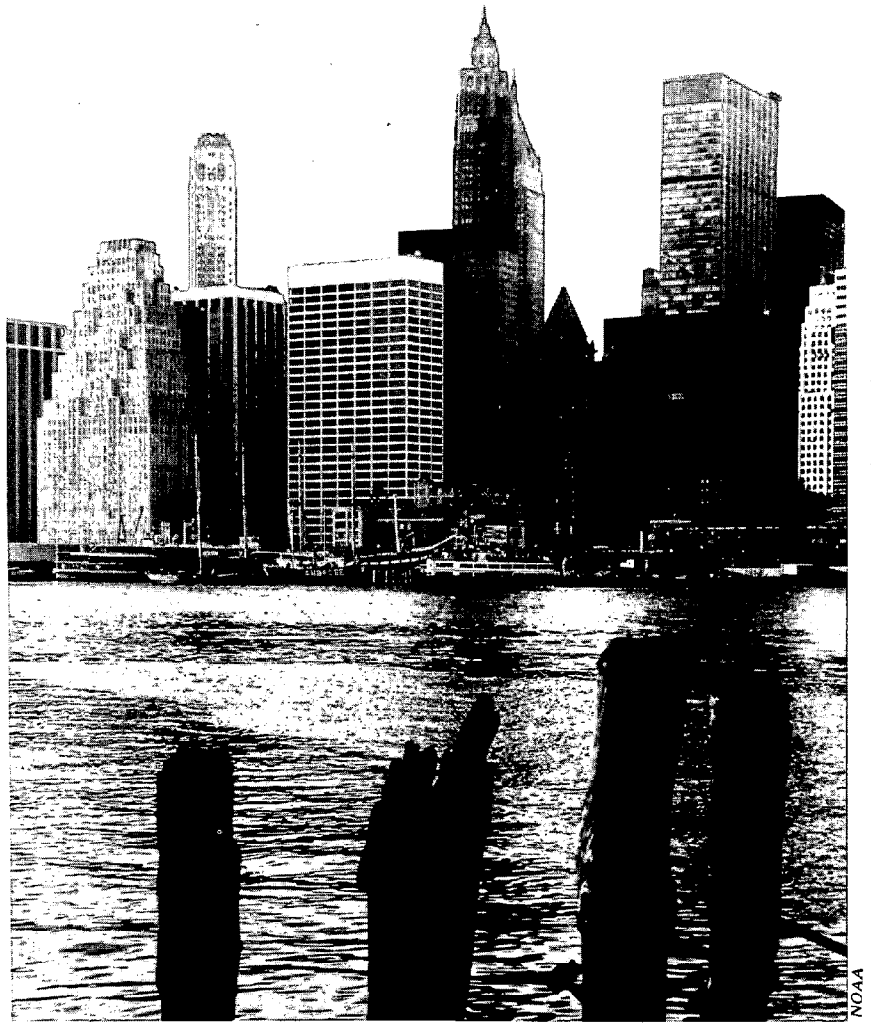
The South Street Seaport Museum area, shown in the inset in its relation to lower Manhattan. Numbered parcels are those involved in the transfer of development rights that was instrumental in the South Street project, showing those that gained and those that retained their present development level.

## Transfer Development Rights at South Street Seaport

To preserve the existing low-density historic structures of the South Street Seaport area without penalizing land owners in the area whose property contained a much greater development potential for office space, the city used the technique known as transfer development rights.

An overall special district was established where development rights above 45 feet could be transferred from individual properties to other lots (within the district boundaries) that could accommodate additional densities. In addition, the ordinance made provisions for closing several of the district's streets, and included the air space above the streets in the total amount of development rights that were sold. Limitations were placed on the total amount of development rights transferred.

A consortium of banks, headed by Chase Manhattan, purchased the development rights from designated granting parcels. The rights were then to be sold to land owners on nearby receiving parcels. A portion of the rights were used to construct nearby office buildings, but in 1974, the development market was in a depression, and a large portion of the development rights were not immediately sold.



Lower Manhattan as seen from Brooklyn.

Recently, an insurance corporation announced plans to construct a high-rise office building a few blocks from the Seaport District at an estimated cost of \$65 million. It plans to use a significant amount of the remaining development rights for this project.

### Results

To date, the transfer of development rights has been a successful approach in protecting many of the historic structures at South Street Seaport. In addition, the Fulton Fish Market and adjacent restaurants are functioning and many shops now occupy rehabilitated buildings on Front and Water Streets. The state Maritime Museum also occupies a portion of the district.

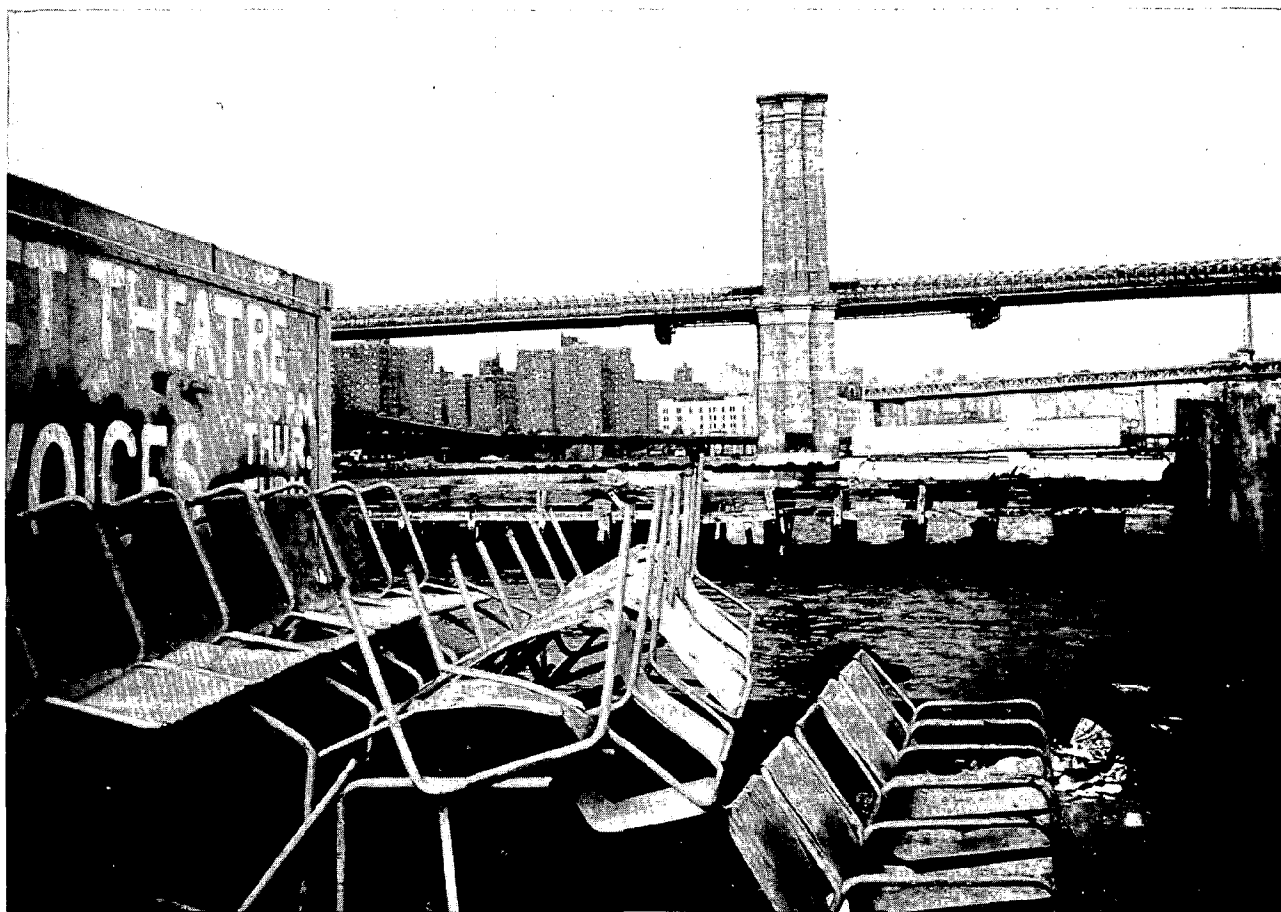
The experience of city officials has shown development rights transfer to be a useful planning tool, effective in preserving the nature of historic neighborhoods. They caution, however, that the mechanism should be used on a site-specific basis, with the local government exercising a high degree of control over the location and amount of development rights that are transferred.

### References:

The Future of Transferable Development Rights, *Environmental Comment*. Urban Land Institute. Washington, D.C. 1978.

Chavoosian, Bud, et al., *Urban Land* 34 (1), January 1975. (Entire issue)





Ann Breen Cowley

A pier near South Street used as a theatre.

## Historic Districts

Many communities have preserved the unique character and aesthetic quality of their historic areas and have upgraded their community's economy using special historic preservation designations.

There are several common elements in any plan for historic preservation. The first step is to decide whether to establish the historic district at the federal, state, or local level.

It may be possible to set up a National Register Historic District that would qualify property owners for special grants and loans from the Interior Department's Heritage Conservation and Recreation Service or the National Trust for Historic Preservation. While the register is a valuable tool, especially in providing

tax incentives to owners of historic buildings, such a designation carries with it strict regulations governing the use of federal funds within the district.

Many states have provisions for establishing local historic districts. Once such a district is created, it can make it easier for a state to establish a National Register Historic District.

Such districts are usually set up by a city ordinance that designates special zoning or performance standards. Tax incentive programs may also be included to preserve existing structures.

In many cases, local preservation groups can guide the redevelopment of the historic district. The group may be private non-profit, public, quasi-public, or some other arrangement. Usually, the organization obtains funds for restoration projects in the district, either by directly financing projects or by facilitating loans and conducting fund drives. The Historic Savannah Foundation in Savannah, Ga., and the Historic Charleston Foundation in Charleston, S.C., are two successful examples of these organizations.

### Reference:

*The Contribution of Historic Preservation to Urban Revitalization.* Advisory Council on Historic Preservation. U.S. Government Printing Office, Washington D.C. 1976.



## Case Study

# Historic Preservation: New Bedford, Massachusetts

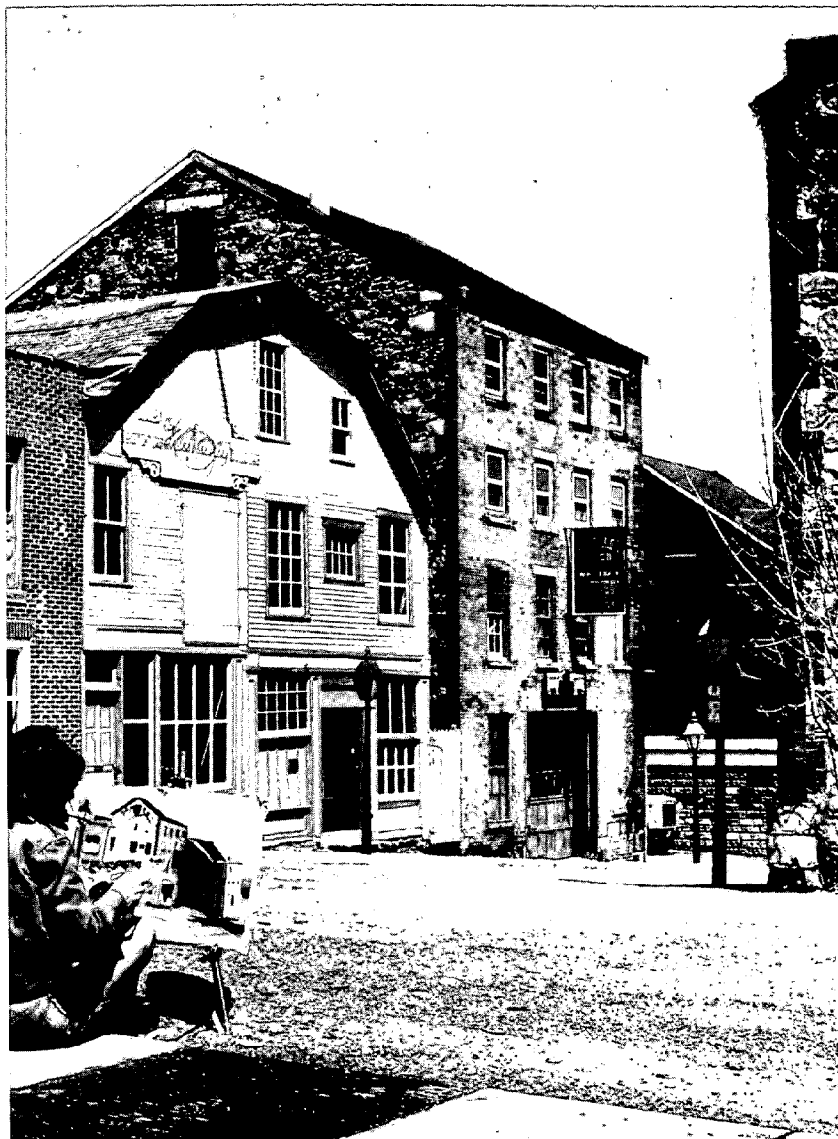
New Bedford has been committed to preserving its rich maritime heritage for many years. Most of the effort has occurred in the historic waterfront district, which occupies approximately 15 acres between the central business district and the city wharfs. This area was once the focus of a flourishing whaling industry, and in subsequent years housed textile manufacturing and a variety of other commercial activities.

There are three major aspects of the historic preservation effort in the city that are of importance for this guide. First is the New Bedford Historic District itself, which is included on the National Register of Historic Places and is a local historic district as well. Second is the importance of public and private cooperation in the planning and management of the district. Third is the emphasis placed on combining historic preservation with economic revitalization in the waterfront area.

## New Bedford Historic District

With the passing of the whaling industry, New Bedford's waterfront area slowly began to decline. Manufacturing took over for a number of years, but it too faded under the pressures of suburbanization and changing technologies. By the early 1960s, the city's urban renewal agency began making plans to raze major sections of the historic area.

At this time, the Waterfront Historic Area League (WHALE) was formed as a private, non-profit corporation to help protect the historic character of the waterfront. This group was a spin-off of the Old Dartmouth Historical Society, which has operated a popular Whaling Museum since 1903.



Sketching some of the charm of restored New Bedford, Mass.

Waterfront Historic Area League



Bernard Brandt

In 1963, WHALE acquired financing for a survey of the historic area, and three years later gained approval for the district's inclusion on the National Register.

### Organization

After several years it became clear that the economic situation in New Bedford was not sufficient to keep the historic structures occupied and properly maintained. In 1970, WHALE began purchasing property using a revolving fund, and soon became the largest landowner in the district. Other significant landowners are the Old Dartmouth Historical Society, Bedford Landing Taxpayers Association, and the New Bedford Redevelopment Authority.

Together, these private and public groups have played a guiding role in the redevelopment of the waterfront historic district. In 1972 the city established an historic District Commission to regulate structural design changes. Guidelines for redevelopment have been established to provide direction for changes of building facades and structures. In 1974, the Old Dartmouth Historical Society, the Taxpayer's Association, and WHALE, formed a coalition named the "Ten Acre Revival." The goals of this organization are to influence planning, coordination, and economic revitalization in the New Bedford Historic District. Soon after the agreement, Ten Acre began a program of attracting public and private investment to the district. The organization represents 85 percent of the district's residents, and the group has been very successful in working with the New Bedford Redevelopment Authority to change the area.

### Economic Development

One aspect of New Bedford's historic preservation effort is its emphasis on active commercial use of the historic district. From the outset, members of the community felt strongly that preservation was compatible with existing industries, such as New Bedford's large fishing fleet.

The city and private groups launched a major revitalization program. In 1975, public improvements for streets, sidewalks, utilities, and landscaping were begun with a grant from the Housing and Urban Development's Community Development Block Grant program. Since that initial investment, more than \$5 million in public and private funds have been invested in the district. Many structures have been rehabilitated, piers refurbished, gardens planted, and a variety of commercial enterprises, such as hotels, restaurants, shops, a candleworks, and a glass museum have appeared.

Improvements just underway are expected to push the private investment figure toward \$4 million. Also important are the 200-plus permanent jobs that have been created. Property values have increased over 40 percent since 1974.

#### Contact:

New Bedford Waterfront  
Historic Area League (WHALE)  
13 Centre Street  
New Bedford, Mass. 02740  
(617) 996-6912

#### Reference:

*The Revolving Fund Handbook*. The Architectural Conservation Trust. Boston, Mass. September 1979.

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## National Historic Preservation Act of 1966

Since passage of the 1966 National Historic Preservation Act, a nationwide program of matching grants-in-aid has been established for preservation, acquisition, and development of National Register properties.

Applications for grants to establish historic districts and preserve individual historic properties must be made to each state historic preservation officer, who, in turn, submits the application to the National Register of Historic Places, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243. This office publishes a variety of documents to help in the application process. For a complete "how to" guide that discusses all aspects of the federal program and includes several case studies, consult "Historic Preservation and Federal Projects," by Harbridge House, Inc., for the Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005.

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### Mixed-Use Development Districts

Mixed-use development is a relatively new approach offering private developers and public officials advantages in planning and implementing revitalization proposals. This technique marks a significant change from the parcel-by-parcel pattern of development that has characterized urban growth in American cities. Mixed-use development provides an opportunity to combine a variety of land uses in one, master-planned unit that allows greater control by both government officials and the developer over the nature and location of various project elements. Well-known prototypes of such developments are Rockefeller Center in New York, the Charles Center-Inner Harbor in Baltimore, and Century City in Los Angeles.

The Urban Land Institute defines mixed-use development as relatively large-scale real estate projects characterized by:

- three or more significant revenue-producing uses (such as retail, office, residential, hotel/motel, recreation) that are mutually supportive in well-planned projects;
- significant functional and physical integration of project components (and thus a highly intensive use of land) including uninterrupted pedestrian connections; and
- development in conformance with a coherent plan (which frequently stipulates the type and scale of uses, permitted densities, and related items).

One of the primary applications of the mixed-use development concept has been in revitalization of inner-city areas in both large metropolitan centers and medium-sized communities. Its use allows coordinated, appropriately scaled, and innovative urban designs that can be used to overcome public perceptions about the blighted, decaying central city. In addition, projects of this nature often have spill-over effects that encourage further redevelopment in surrounding areas.

Urban waterfronts are prime candidates for mixed-use development projects because of the substantial amenities offered by the waterfront and the diverse nature of the activities that can be accommodated there. Several of the case studies presented in this guide, such as Freemason Harbour and South Street Seaport, are good examples of mixed-use development. For details, including over 20 individual case examples, as well as an in-depth examination of the entire concept, the following publication is recommended:

*Mixed-Use Developments: New Ways of Land Use*  
Urban Land Institute  
1200 Eighteenth Street, N.W.  
Washington, D.C. 20036  
(202) 331-8500

## **Planned Unit Development (PUD)**

The interest in mixed-use development has encouraged local officials to consider new legal structures that can accommodate the integrated land uses and unique designs that are characteristic of such projects.

One approach is planned-unit development or PUD, in which the subdivision and zoning regulations of a residential development apply to an entire project area rather than to its individual lots. Because densities are calculated based on the whole project, PUD allows for a variety of development options such as cluster housing, and increased open space.

Although planned unit development ordinances have traditionally been tailored to residential projects, the concept could be easily applied as a means of increasing flexibility in the use of land in mixed-use development projects. Some state laws on planned unit developments do not permit mixed uses and would render this approach useless for mixed development. Mixed-use zoning, a technique that allows a variety of uses that traditionally have been considered incompatible, is another means of encouraging non-traditional projects.

Cities such as Washington, D.C., Pittsburgh, and Detroit all have incorporated a version of mixed-use zoning into their municipal codes.

### **References:**

*Planned Unit Development Ordinances.* American Society of Planning Officials, Report No. 291, Planners Advisory Service, 1973.

*The Planned Unit Development Handbook: A Complete Guide to Planning, Processing, and Developing the Successful PUD.* Associated Homebuilders of the Eastbay, Inc., Berkeley, Calif. 1970.

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## **Preservation and Tax Reform Act of 1976\***

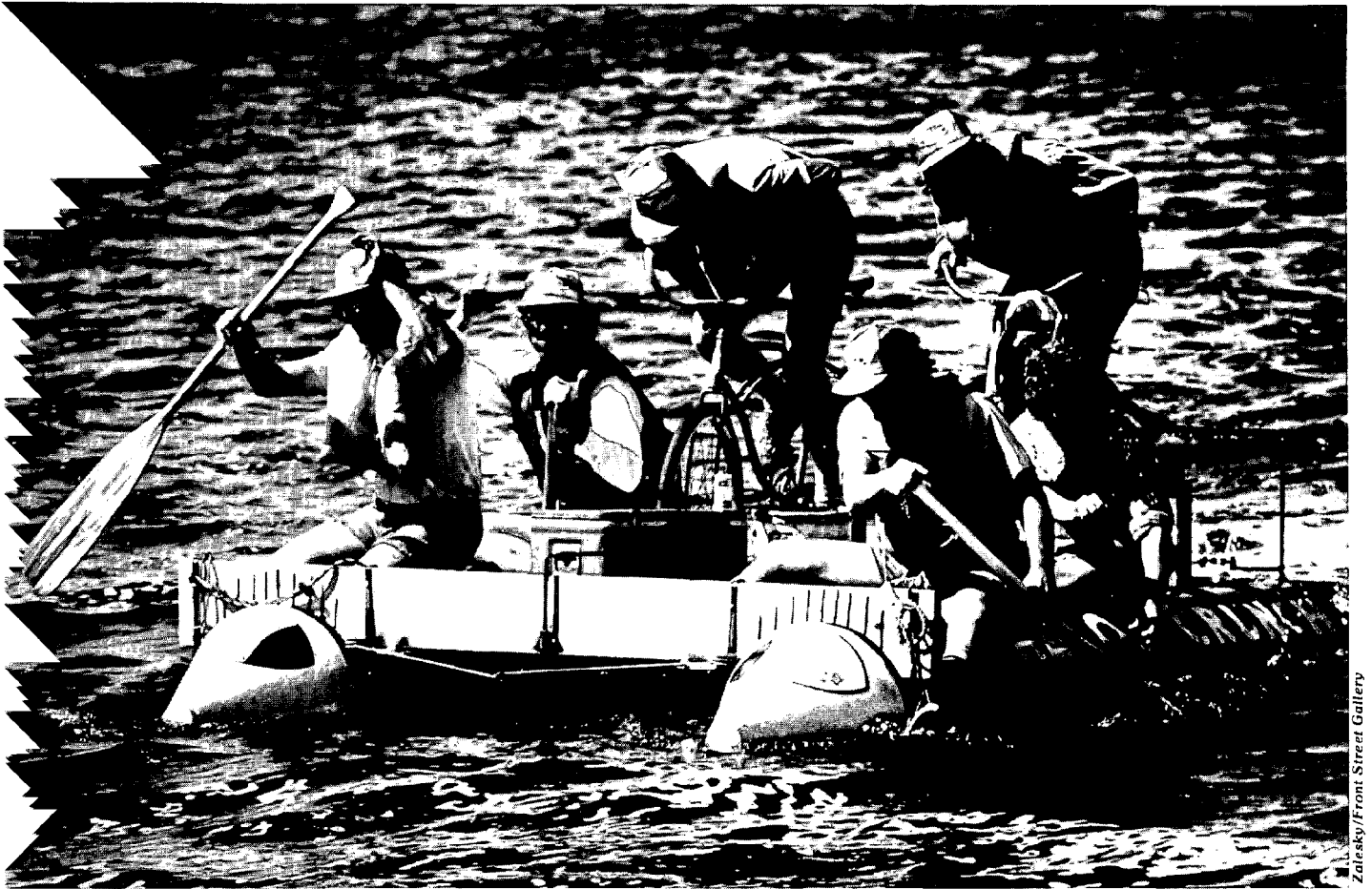
The Tax Reform Act of 1976 established important tax incentives for the preservation and rehabilitation of "certified" historic, income-producing buildings that are listed in the National Register of Historic Places. The act contains provisions designed to stimulate rehabilitation of historic buildings and to encourage donations of partial interests, such as facade easements, in significant properties.

Section 2124 of the Tax Reform Act provides major tax incentives for rehabilitation by owners of commercial or income-producing historic structures, and tax penalties for those who demolish such historic structures and replace them with new construction. The act allows an owner of a "certified historic structure" to deduct for federal income tax purposes over a 60-month period most of the costs of "certified rehabilitation."

The Revenue Act of 1978 offers a 10-percent investment tax credit to encourage the rehabilitation of older buildings. This new incentive applies to buildings in use for 20 years or more that will have 75 percent or more of the external walls remaining after rehabilitation. If the tax credit is to be used for a property on the National Register, or is certified as contributing to an historic district under the Tax Reform Act of 1976, the taxpayer must have the rehabilitation certified by the Department of the Interior.

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\*Portions of this discussion are excerpted from "A Preservation News Supplement," National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, D.C. 20036.



One of the entries in Wilmington's Riverfest '79.

## Community Action

Community action takes many forms in dealing with waterfront issues. Illustrating this range are the two examples given here: a grassroots cleanup drive along the Bronx River in New York City, and a communitywide riverfront festival in Wilmington, N.C.

The examples point up the great potential resource outside government in nonprofit citizens' organizations. These independent groups can be a catalyst for a waterfront project and can be instrumental in working with local government. Many waterfront redevelopment success stories feature to one degree or another the activity of a citizens' group.

### Wilmington, North Carolina

The Cape Fear River in Wilmington forms one boundary of the downtown business area. A major port lies to the south, making the downtown waterfront the site of only nominal commercial and industrial activity. A major new hotel is the dominant feature of the waterfront.

In 1976, leaders in Wilmington recognized the need to revive the deteriorating downtown business and shopping district. A large shopping center five miles away forced the leading department stores to close their downtown installations and many buildings there became vacant or were converted to temporary uses.

Recommendations from a task force formed by the mayor in 1976 led to creation of the Downtown Area Revitalization Effort (DARE), whose

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mission it is to breathe life back into the city's traditional downtown. It is financed by the city (40 percent), county (20 percent), and private interests (40 percent).

Leaders of DARE and another organization came to recognize that the city's riverfront constituted a neglected resource for the community in general and the downtown in particular.

In 1979, the community relations director of DARE agreed with the executive director of the Lower Cape Fear Arts Council on the need for an event. The latter group, concerned with promoting appreciation of and participation in a broad range of art activities, had been thinking of a street festival.

What Mary Gornto of DARE and Jan Strohl of the arts council came up with was the idea of some sort of celebration to be held in the downtown at the river. Fall was settled on as the time of year.

In February 1979, the two organization leaders wrote the groups they thought might be interested in a downtown event. No advance preparations were made, the two simply called a meeting. Invited were the chamber of commerce, city administration, police department, a historic foundation, a neighborhood group of downtown residents, and three merchants' associations (the traditional main street merchants plus those associated with two new sections of shops).

The initial meeting produced a positive reaction to the idea of an event and October was selected. Next came more detailed planning as to number of days, types of events, and additional participants. Operations at this stage were underwritten by DARE. Ultimately the bulk of the support for Riverfest '79, as the event was named, came from local merchants. The eventual chairmen of the festival were downtown merchants.

Additional participation came from the city recreation department, fire department, the U.S. Coast Guard, an advertising agency, an arts and crafts organizer, and two historic museums. Assistance from outside was limited; the arts council leader attended a conference on street festivals and learned of some of the pitfalls, and leaders in Galveston, Tex., were contacted about their "Dickens-on-the-Strand" annual Christmas event.

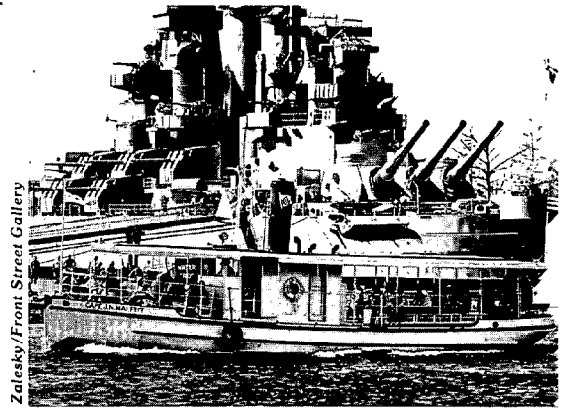
The outcome of the volunteer labor during the spring and summer months was the first annual Riverfest on October 5-7, 1979. The originators, Mary Gornto and Jan Strohl, had hoped that 5,000 or perhaps 6,000 persons would attend. More than 30,000 showed up to watch or take part in concerts, dance performances, rides, a dog show, water skiing, sky diving, bike racing, arts and crafts displays, art and photography exhibits, antique displays, African and Caribbean imports, juggling, chess and dart tournaments, clowns, and storytellers. The event culminated with a raft race on the river.

The Riverfest brought people downtown and demonstrated to them the potential attractiveness of their riverfront. The fledgling downtown revitalization effort in the community received a major boost.

**Contact:**

Mary Gornto  
DARE Inc.  
118 E. Princess Street  
Wilmington, N.C. 28401  
(919) 763-7349

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A cruise ship passes the U.S.S. North Carolina during Riverfest '79 in Wilmington.

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## Bronx River Restoration (BXRR)

The Bronx River Restoration is a community-based redevelopment effort aimed at cleaning up and revitalizing a 10-mile stretch of the waterfront from the Bronx Zoo to the East River.

The project began in 1974, when Police Chief Anthony Bouza and community activist Ruth Anderberg (now executive director of the BXRR) organized a group of volunteers to remove tons of junk and trash from a section of the river. Anderberg solicited help from local businesses, city agencies, utility companies, residents, and the National Guard in an extensive effort that cleared 40 years of accumulated junk from the river in just two months.

After the initial clean-up project, the organization operated on donations and volunteer help until its first \$20,000 from the Robert Sterling Clark Foundation in 1975. Several other small grants followed, including \$36,000 from the Youth Conservation Corps program. In 1976, Axel Horn joined the staff as director of long range planning. He began searching for more substantial sources of assistance, and in 1977, the BXRR received a \$60,000 grant from the New York State Legislature to develop a master plan for the Bronx River.

### Bronx River Master Plan

This ambitious plan calls for a major redevelopment of the river, with substantial recreational opportunity, public access, and commercial development. The river will become a major urban accessway for walking, jogging, bicycling, and boating. Several activity centers will locate along the way, including theaters, museums, craft shops, playgrounds, and picnic areas. The model for the Bronx River Plan is San Antonio's Riverwalk, which turned a junk-filled canal into the city's major commercial attraction. The Bronx Plan has the support of city officials, state and federal elected representatives, and a variety of community groups active in the Bronx.

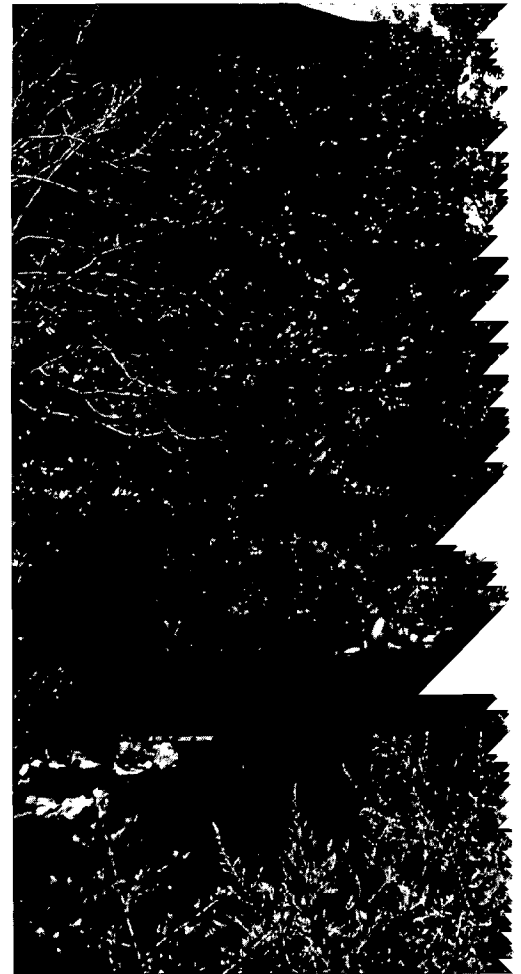
The project has already shown significant results. Youth Conservation Corps workers have stabilized a portion of the riverbank and constructed a path on one side of the river. The workers have also begun restoration of the BXRR headquarters building that when finished will contain a complete crafts studio, darkroom facilities, and a workshop where residents will make their own park furniture. The largest single accomplishment to date is a mini-park at Tremont Avenue built with \$100,000 from the city.

Future developments include an amphitheater/environmental arts building and a watermill located a short distance from the BXRR building, development of Soundview Park, and construction of a continuous pathway along the river that will connect the Bronx Zoo, Botanical Gardens, and Westchester Bikeway. Plans call for a six-phase construction program with an estimated completion date in 1984.

### Contact:

Bronx River Restoration  
375 E. Fordham Rd.  
Bronx, N.Y. 10458  
(202) 933-4079/9292

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The Bronx River in New York.





Robert Kays

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## Chapter IV

# Land Acquisition

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New York Port Authority

In addition to rapidly increasing costs there are other serious problems involved with the purchase of urban land for waterfront redevelopment. These include fragmented ownership of properties, restricted property rights, such as easements and deed restrictions, and problems identifying and locating the actual owners. Moreover, waterfront locations have traditionally been used heavily for railroad, utility, and highway rights-of-way, which severely complicates attempts to assemble land. In addition, special waterfront features such as eroding shorelines, and legal questions regarding ownership of submerged lands and riparian water rights may present additional obstacles.

The purpose of this chapter is to describe some of the land acquisition techniques commonly used by governments, private interests, and non-profit organizations in obtaining land for urban waterfront redevelopment projects. Most of the acquisition techniques described below are standard.

Detailed information on acquisition is readily available from a variety of technical publications, and through local governments, realtors, or development companies.

## Fee-Simple Acquisition

Purchase of fee-simple title is the most direct means of obtaining property, because all that is involved is the outright purchase of land by state or local governments or private interests. This tool involves acquisition of complete ownership in property, the "fee-interest," by outright purchase, gift, condemnation, or purchase with donated funds.

Ownership is, however, restricted by government regulation. It is also the most expensive method of obtaining land, and this often becomes a limiting factor in acquiring necessary properties for urban redevelopment.

Because of tax considerations, land is sometimes donated to a community, or sold below the fair market value. Donations or "bargain sales" of land by private groups, both non-profit and profit, have been important in many redevelopment projects. For non-profit groups such as land conservancies, charitable donations of land to local governments have been used as a means of insuring that the donated property will be developed in a manner that maximizes public benefit. For private, profit-making groups, a gift or sale below the estimated market value (a bargain sale) will result in substantial reductions in the need for initial investment capital.

### Reference:

*The Use of Less Than Fee-Simple Acquisition as a Land Use Management Tool for Coastal Programs.* National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, Va. 22161

## Leaseback

A fee-simple technique that has often been used both to encourage redevelopment projects and control the manner in which they are implemented, is the purchase/leaseback arrangement. Under this procedure, a local government purchases property for rehabilitating existing structures or creating new development. The property is then leased back to private interests under a standard lessor/lessee agreement.

Leaseback is an incentive for redevelopment, because the local government may lease the property at a relatively low rate, creating a desirable climate for private investment. Additional public benefits can be obtained if the local government chooses to attach restrictions or covenants to the deed, including public access, setbacks, landscaping, etc.

Leaseback arrangements are beneficial to both public and private interests for several reasons. For the local government, high acquisition costs can be defrayed by revenues from the lease-back arrangement. Also, much of the upkeep and improvement costs are assumed by the private, tax-paying, developers. Benefits for private interests are in avoiding high initial capital outlay, and the advantage of deducting rent from taxes as a business expense. Mission Bay in San Diego has used such a leaseback system.



## Case Study

### San Diego

#### Mission Bay Park

Mission Bay Park is a 4,000-acre mixed use recreation facility comprising over seven square miles of the city of San Diego including 1,800 acres of usable land and 2,200 acres of water.

The park provides a variety of recreational activities along with a mix of commercial uses under a leaseback arrangement from the park authority. Nine hundred and ninety acres have been developed for public water-oriented recreation and over 19 miles of developed beach exist. Private and commercial leases are restricted to 25 percent of the park land area and total 369 acres. Leased land includes hotels, guest houses, marinas, non-profit groups, a golf course, information center, restaurant, and marine life exhibit.

Initial development in the Mission Bay area dates back to 1921 with the establishment of the Belmont Park Amusement Center. The park was acquired from the state in 1945 and work began in 1948 on dredging to improve the channel for the San Diego River. Major dredging operations continued until 1961 with over 25 million cubic yards of material deposited within the park.

A series of public bonding authorizations has paid for construction of the park. These include: 1945, \$2 million; 1956, \$5 million and 1966, \$7.4 million. In 1958, the city council adopted a Mission Bay Land and Water Use Plan which governed development of the park. In 1978, a new Mission Bay Park Master Plan was adopted by the city council to conform with the policies and programs of the California Coastal Zone Management Program.



Revenues from leasees during fiscal years 1970 to 1975 averaged \$1.2 million per year. During fiscal 1976, revenues totaled \$1.8 million or a return of approximately 12 cents per square foot of leased land. Total public operating expenses for the park during this time amounted to \$2.3 million.

The private leases range in size from 0.75 acres up to 99 acres and expire from 1986 through 2027. Each lease is bound by stringent height limitations and zoning regulations. City policies give priority to future leases that include low- and moderate-cost public recreational and visitor-oriented facilities. New leases stipulate that public access for pedestrians and bicyclists be provided as a condition of the lease.



Rouse Co.

## Inverse Leaseback

A unique variation of the leaseback arrangement has recently been instituted by Baltimore City. This program, probably the first of its kind to be applied in a major metropolitan area, uses a three-pronged contractual arrangement between the city, a newly-formed Industrial Development Authority, and private interests. The goal is to entice commercial and industrial operations back into the city.

The basic procedure involves the city's selling newly renovated buildings to private investors, and leasing the property back from them at relatively low rates. Lease payments are set at levels according to the owner's costs for items such as taxes, debt amortization, and investment premiums. The Industrial Development Authority's role is in financing the initial purchase of the property by private investors. Because of its special legal status as a quasi-public, non-profit corporation, it can borrow money at tax-exempt rates and in turn loan it to private investors at low interest rates. This allows the private party to borrow at a low interest rate from the IDA, purchase usable property from the city, and lease it back to the city at a rate that just covers the debt service on the loan and some other expenses.

The main advantages of the program are that private interests can quickly obtain large amounts of capital to purchase space at low cost and relatively small risk. In addition, investors will be able to deduct building depreciation from their taxes, because technically they are the owners of the buildings and property. Eventually, all properties will revert to the city. The primary advantages for Baltimore are that inner city revitalization becomes feasible without increasing the city debt, issuing municipal bonds, or providing tax incentives to individual owners.

## Land Writedowns

Land writedowns have been widely used by local governments as an incentive for private investment in urban renewal projects. This procedure involves purchase of blighted properties by the local government, clearance of any dilapidated structures at public expense, and resale of the land to private development interests. The incentive for redevelopment of these properties occurs because the land is sold by the local government either below the purchase price, or at a level below the appraised land value after clearance.

Land writedowns reduce the amount of capital needed by developers to finance local redevelopment projects. This in turn reduces their equity requirement and amount of debt service on loans. In addition, sale of property at an attractive price may allow the local government leverage with the developer in providing amenities, such as public access, open space, or other provisions that can be included as restrictive covenants attached to the land transaction. The theory is that the tax revenues generated by the new development will eventually cover the public's investment expense.

## Conservation Easements

Conservation easements are restrictions that land owners place on property voluntarily or for payment. They can involve such things as allowing the public to cross a property to reach the shore, restricting building height to protect a view, or agreeing to maintain a garden or planting that is a community amenity. When the owner places a conservation easement on a parcel of land, certain rights specified in the easement document are relinquished. As a matter of form, the rights are transferred to a recipient (such as a conservation organization or governmental body) in a legal document. When the document is properly drawn, signed, and recorded, the owner and future owners of the property can no longer exercise those rights given up in the easement document.

An easement holder, such as a local government, has the right to ensure that the restrictions on the land are observed. The easement does not automatically allow public access to the land unless that is specifically provided in the easement document. The owner of the property retains all other rights. Unless the easement document provides otherwise, the owner can, for example, sell the property, live on it, or bequeath it. Also, taxes must still be paid, but often a consideration will be given in return for the easement restrictions.

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## Obtaining Business Support

The business community—financial institutions, retail stores, organizations such as the Chamber of Commerce—has directly supported urban waterfront revitalization in a number of ways: through donations of money, land, materials, equipment; of time and expertise; and by various promotional activities. These actions obviously have a sound public relations value for businesses and also reflect a community spirit and belief in the project's value. To get this kind of support, it is important for waterfront project sponsors to make the business community aware of their goals and, ideally, to encourage business involvement during the project's conceptualization and planning.

**Illustrative of the role business can play is the experience in Tulsa of the River Parks project.**

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## Land Banking

Land banking has been suggested as a means of directing the nature and timing of urban development in local communities by keeping land out of the open marketplace. In this approach, land is purchased by a local government and held in reserve until such time as conditions are right for its resale and subsequent development.

Land banking provides local decisionmakers with a tool to control or forestall development within a community to accomplish goals such as containing sprawl or providing open space.

Land banks may operate on a large or small scale. Historically, these programs have not been implemented in American cities because they require initial capital outlays that are excessive for most municipal budgets. Large-scale land banks are usually long-term programs (20 years or more) that serve to control much of local land use decisionmaking. Indirectly, they influence land values, location, and timing of development on privately owned lands. Large-scale land banking is often a politically unsatisfactory approach, because public opinion tends to run against government taking full control of land ownership and use.

Small-scale land banking programs, however, are less expensive, and generally more politically acceptable. These are usually labeled "advance acquisition programs" and are implemented by local governments as a hedge against inflation in land values or to obtain optimal locations for future public facilities. This technique is used in Maryland, for example, to preserve space for energy installations.

Short-term land banks can be especially useful in redevelopment of blighted areas. In these cases, land banking consists of purchasing existing dilapidated structures, possibly rehabilitating them and then disposing of the property at a rate that best meets the goals of the community at the particular time. With this degree of control over land disposition, local governments can integrate other incentives, such as provision of public facilities, in timely fashion.

### Reference:

*Land Banking: Public Policy Alternatives and Dilemmas.* Sylvia Kamm, Urban Institute, Washington, D.C. 1970.

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## River Parks: Tulsa, Oklahoma

Cooperation among public agencies, private citizens, and the business community has created Tulsa's River Parks—138 acres on both sides of the Arkansas River with picnic areas, hike and bike trails, playgrounds, an exercise trail and other attractions. The three-phase development program, when completed in 1990, will include a two-mile long lake, a science-aerospace-petroleum museum, a planetarium, a marina, and a variety of commercial ventures. Tulsa's River Parks Authority anticipates the project will create 150 new jobs with an annual payroll of \$2.4 million, and generate at least six million annual visitor days. The cost for completing the River Parks project is estimated to be between \$30-to-\$40 million in public and private investments.

Tulsa began its waterfront revitalization with a number of recreation components and has used these to attract support for the additional, more expensive development. Recognizing that simply providing facilities was not enough, a series of activities was planned to heighten public awareness of the city's waterfront and to build the support necessary to implement the overall plan.

The business community played a key role in this process. Local radio stations support two popular annual events. Two businesses teamed up with the local chapter of the American Institute of Architects to sponsor the annual Sand Castle contest at a riverside sandbar. These are only a few of the annual "River Romp" events, initiated by the Chamber of Commerce and now sponsored by a number of public agencies, businesses, and non-profit organizations. These activities include a Christmas tree lighting, oktoberfests, kite flites, square dances, bike rides, footraces, and fireworks.

The business sector's role in the River Parks has not been limited to support building. When a link between the east and west bank developments along the river was needed, the Missouri-Pacific Railroad donated a railroad bridge to the city. Twenty thousand dollars was raised when Tulsans were given the opportunity to "purchase" an inch of the bridge for \$5.50. The *Tulsa Tribune* was instrumental in encouraging support for the bridge's conversion.

The McMichael Concrete Company has agreed to donate approximately four acres of prime riverfront property, valued at \$40,000, to the city. Use of additional waterfront land for the project has been obtained from the Public Service Company of Oklahoma—10 acres—and Texaco—41 acres—which have leased these key parcels to the city at no cost.

A large volume of soil was needed to reshape the riverbank. Three hundred and eighty thousand cubic yards from downtown construction sites were given for this purpose. Students from a vocational school then moved one half million cubic yards for \$300,000. A contract for the same work ordinarily would have cost twice this amount. Under the leadership of a community organization, private nurseries donated approximately 500 plants and trees valued at \$5,000 to help with the landscaping.

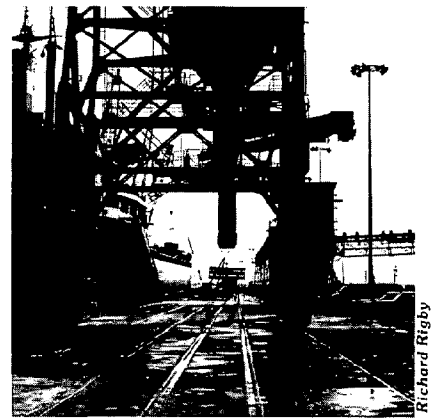
**Contact:**  
River Parks Authority  
411 South Denver  
Tulsa, Okla. 74103.

The experience in Tulsa is far from unique. The business community in many other cities has responded to the idea of revitalizing waterfronts.

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Quincy Market in Boston.



## Land Exchange

Land exchange is a technique commonly used by local governments to acquire properties from private interests or from other government agencies in situations when outright purchase would be too costly. In this approach, the local government trades public properties for private lands of equal value.

The goals of land exchange are varied. Lands are frequently exchanged to preserve open space, wetlands, or provide public access. They are also used to consolidate properties for development. On urban waterfronts, private owners of land zoned for industrial uses or other types of business may want to exchange their waterfront parcels for other city-owned lands that are better located or have easier access to transportation facilities.

Land exchange can be divided into the following categories:

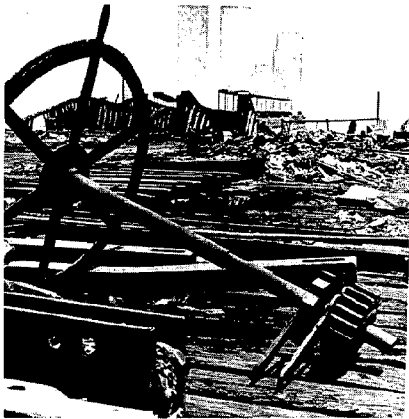
- From one governmental agency to another. For example, the Massachusetts Port Authority transferred title of all non-airport related natural areas (salt marsh and tidal flats in East Boston) to the Metropolitan District Commission for conservation and recreation purposes.

## Denver

The Platte River Greenway in Denver, 17 miles of riverfront that runs through the heart of the city, was given a boost when a local bank, First of Denver, started a promotional campaign for the project. It provided a tree for each new savings account opened or every \$200 deposited in an existing account. Contributions from three private foundations, Pepsi Cola, and individuals provided an additional \$1,164,000—some of which was earmarked for specific purposes—for the Greenway.

**Contact:**  
**Robert Searns**  
**Urban Edges**  
**1421 Court Pl.**  
**Denver, Co. 80202.**





The World Trade Center towers in New York are in the center background; an abandoned pier awaits redevelopment.

- Properties held by governmental agencies because of tax delinquency or foreclosure. Again in Boston, the Real Property Department has agreed to transfer certain properties; the Boston Conservation Commission will manage them and the Public Facilities Department will process and facilitate each transfer.
- Gaining control of surplus property. When a governmental agency, such as the Department of Defense, no longer needs an installation or base, the property is declared surplus and is transferred to the General Services Administration. Many park areas have been acquired by state and local governments through this means.
- Land consolidation, or exchanging one piece of property for another in a different location. This technique has been used successfully to preserve open space and access in the Middlegrounds area of Toledo's waterfront and at Detroit's Renaissance Center. This can be an exchange between public and private interests.

#### Reference:

*Urban Growth Management Systems: An Evaluation of Policy Related Research*, Planning Advisory Service  
Report nos. 309, 310.  
American Society of Planning Officials, Chicago, Ill. 1976.

## Little Rock

One of the major contributions that the business sector has made to urban waterfront redevelopment efforts is direct, formal participation in a project's conceptualization and planning, often taking a leadership role. Events in Little Rock are illustrative.

In 1977 Little Rock Unlimited Progress (LRUP), an organization of local business interests, along with architects and city planners, began research on urban waterfront development possibilities in direct conjunction with public acquisition of 17 acres along the Arkansas River. Through the International Downtown Executives Association they gathered information on other waterfront projects throughout the country. On the basis of this information a decision was made to combine recreation with a variety of commercial activities along Little Rock's waterfront. The Chamber of Commerce donated \$10,000 towards the matching requirement for a HUD 701 planning grant to the city. LRUP then put together a 20-member public-private waterfront advisory committee to help shape the overall waterfront plan, which has recently crystallized. (See Volume II of the HCRS report, *Urban Waterfront Revitalization: The Role of Recreation and Heritage*, for a detailed description of this plan.)

Little Rock's waterfront, as in many cities, is lined by rail and highway corridors which effectively block public access to the water's edge. Initial plans had called for costly pedestrian bridges linking the central business district to the revitalized waterfront, which would span these barriers but the possibility of eliminating these pedestrian bridges was discussed in an effort to reduce project costs. However, the chairman of Union National Bank in Little Rock has stated that his bank is willing to provide interim and, if necessary, permanent financing for a proposed convention center on the condition that these overhead walkways—for which the bank would also provide financing—be retained.

## Pittsburgh

Cooperation between the city and a private firm in Pittsburgh resulted in a mutually satisfactory arrangement. Davison Sand and Gravel Company needed a permit from the Corps of Engineers to expand its barge-loading facilities on the Monongehela River. At the same time the city had been exploring ways to develop a badly needed waterfront community park on property adjacent to this site.

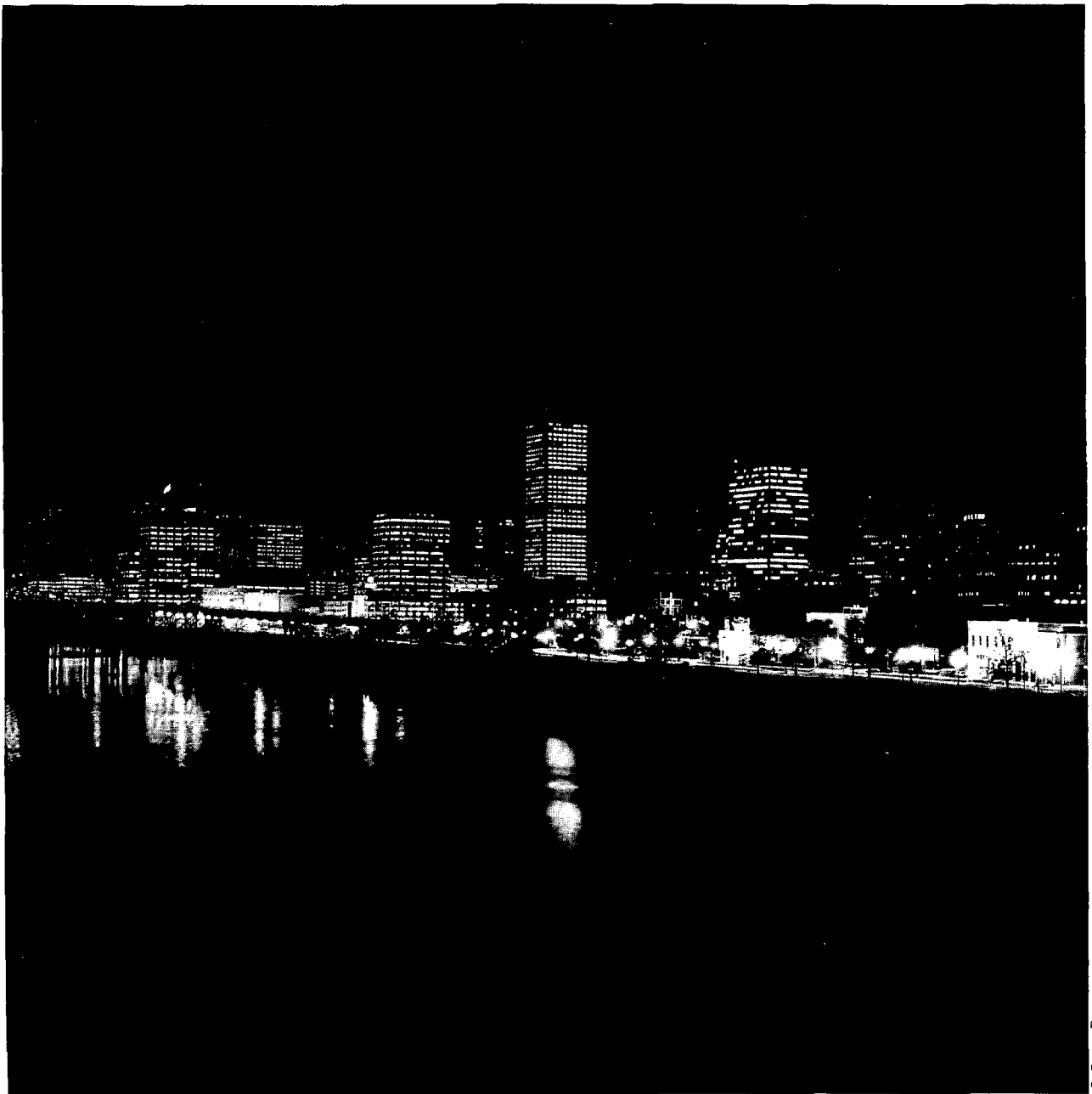
The city's Department of Parks and Recreation agreed not to object to the permit application if the company would provide a public easement on its land for a bikeway and other developments. Davison not only met these provisions but went further, promising to do some additional landscaping, build overlooks near the river, and improve the aesthetic quality of its own operation.

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## **Chapter V**

# **Incentives to Private Developers**

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C. Bruce Forster

This chapter will examine some of the incentives local governments can use to encourage urban waterfront redevelopment. It includes several approaches successfully used to bring urban waterfront revitalization proposals to fruition.

Private developers are among the primary participants in most urban waterfront redevelopment proposals, with profit as the major incentive. Government can serve as a catalyst for private action as well as perform regulatory functions to protect the public interest. Government private sector partnership is especially needed if the proposal is large-scale, requires detailed market analysis or long-term capital investment, or has significant social or environmental impacts.

In recent years, participation by government as part of joint public/private ventures has broadened the nature of developments to include in addition to the profit motive social objectives such as providing jobs, improving the local tax base, or creating recreation opportunities. Even in such joint ventures, the consideration of the potential return on the private investment remains the governing factor. Waterfront redevelopment projects, above all else, have to make sense in economic terms in order to attract private capital.

In addition to direct financial contributions, communities have other means of encouraging private investment, including special tax programs and zoning incentives. These considerations frequently involve negotiations between local governments and private interests as part of the complex real estate development process, which includes detailed analyses of interest rates, cash flows, tax advantages, and land assembly methods. The incentives described below suggest various approaches that might be used to encourage private action.

## Local Tax Incentives

Tax incentives can stimulate private development on the urban waterfront. Although tax incentives may reduce revenues in the short run, local governments can realize long-term economic benefits that far outweigh the temporary losses. Four methods of tax reduction are:

### Abatement

Taxes are either partially reduced or totally eliminated for a specific period of time.

### Exemption

Property is eliminated from the tax rolls by a special action of local government.

### Exclusion

Property is placed in a classification outside of the definition of taxable property.

### Income Assessment

Taxes are based on the income of the redevelopment project and not on the value of the property itself.

The most common tax incentive for local governments is property tax reduction. This technique is useful, because it is relatively easy to administer, and has broad application and attraction to landowners throughout the community. Property taxes can be a significant factor in an owner's decision to redevelop a site. This is particularly true if the property values have risen as a result of nearby development or real estate speculation.

The actual tax reduction program will vary from community to community, depending on the local economy and the provisions of the enabling statutes. Missouri's law, for example, permits removal of all taxes on site improvements for 10 years, and then increases them to 50 percent of assessed value for the next 15 years. Michigan's law exempts property taxes for the first 15 years of the project, and requires payment in lieu of taxes equal to the prior tax assessment on the improved property.

Another type of tax incentive is the separation of the tax assessment from actual property value, making the tax owed dependent on the amount of revenue actually produced by the redevelopment activity. This approach gives pioneering businesses a tax break during the initial investment years when profits may be lower, and allows upward adjustment by the local government as the redevelopment project catches on and begins to produce more revenue.

The optimal method of tax reduction will differ for each project depending on a variety of factors. These include: the overall economic health of the community, goals of the local government, condition of the property and the surrounding area, method of tax collection, and degree of enforcement. A tax reduction program should be designed so that the amount of overall investment and public benefit produced by the redevelopment project is greater than the amount of tax revenue lost to the local government.

Tax incentives to the private sector can have a widely varying impact on a local community, depending on the nature of the program and the characteristics of the community involved. Incentives can provide a means of stimulating private development that does not require additional public investments, and they can be targeted to achieve specific economic development goals and objectives, such as increasing employment in low income areas. In addition, tax incentives can be used to insure that public benefits, such as access to the shore, are included in projects.

If not structured properly, tax reduction programs can have negative effects on a community. Conflicts with other established policies of the local government may occur, such as transportation plans, or other economic development programs. They can begin competing for a fixed amount of investment dollars and distort local development patterns to the long-range detriment of the community. In some cases, tax reductions may provide a windfall to developers who would have implemented the redevelopment project regardless of the tax incentive.

St. Louis, Mo., has been successful in stimulating private investment in the downtown area using property tax incentives and other techniques under the Missouri Urban Redevelopment Corporations Law.



## Case Study

### Laclede's Landing: St. Louis, Missouri

Downtown St. Louis is undergoing a major revitalization that includes a convention center, the Jefferson National Expansion Memorial, and several other attractions along the city's Mississippi riverfront. Laclede's Landing is an important part of this redevelopment, representing an expansion into the city's extensive urban waterfront.

Laclede's Landing encompasses nine square blocks adjacent to the central business district not far from the giant Gateway Arch. The landing contains over 30 historically significant structures that have survived the changing functions along the Mississippi River over the last 150 years.

#### Laclede's Landing Redevelopment Plan

Since the 1830s, the primary use of the area has been for warehousing and manufacturing, but by 1975, over 75 percent of the buildings were vacant, and only a few companies remained.

In November 1974, an effort was begun to improve the economic situation in the area when local business interests, property owners, and government officials decided to use a public/private development corporation approach to redevelopment.

Early in 1975, the interested parties formed and sold stock in the Laclede's Landing Redevelopment Corporation under Chapter 353 of the Missouri Urban Redevelopment Law. By utilizing this statute, the corporation assumes the role of a local redevelopment agency and is empowered to grant property tax relief over a 25-year period to individual property owners in the landing district.

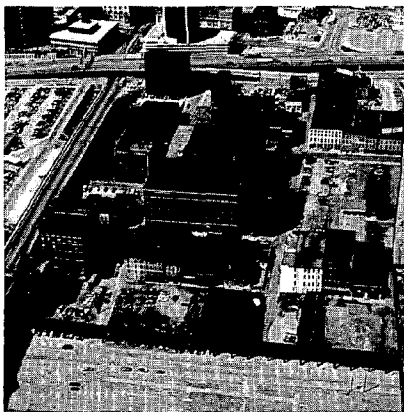
By September 1975, a redevelopment plan was completed and submitted for review by the St. Louis Community Development Agency and the Board of Aldermen. In January of the following year, an approved plan was initiated that provided for rehabilitation of approximately 45 structures, amounting to nearly one million square feet, as well as control over the uses allowed in the district and provisions for pedestrian and vehicular circulation. The plan also included a commitment by the City of St. Louis to provide \$1 million for new lighting, streets, curbs, and landscaping.

#### Property Tax Incentives

In addition to the property tax incentives offered by the Missouri Corporations Law, the Redevelopment Corporation took steps to provide tax advantages to property owners who rehabilitate structures at Laclede's Landing. In August 1976, the area was included on the National Register of Historic Places. As mentioned in the section on historic districts, this designation qualifies property owners for direct grants, accelerated depreciation, and other tax advantages under the Tax Reform Act of 1976. Since that time, six individual projects have received grants-in-aid, and ten have used accelerated depreciation as part of their redevelopment.



Aerial view of the Mississippi riverfront in St. Louis, the Gateway Arch to the left, Laclede's Landing area between the bridges, center.



Closeup aerial view of Laclede's Landing.

## Parcel Development Agreement

One of the most important aspects of the Redevelopment Corporation is the Parcel Development Agreement, which is signed between the corporation and individual property owners in the area. This legal contract obligates the property owners to complete the agreed-upon improvements within a specified time period in order to obtain tax benefits. The Parcel Development Agreement also offers the corporation an added measure of control over the types of development allowed in the district and the design of individual projects through an official set of urban design guidelines that were adopted simultaneously with the Parcel Agreement provisions.

## Results

Redevelopment is now established at Laclede's Landing. Since 1976, substantial amounts of office, residential, entertainment, and commercial uses have appeared. Lighting, cobblestone street renovation, curbs, and landscaping have been provided by the city, and private developers have invested over \$25 million in major rehabilitation projects in the area, totaling over 450,000 square feet. In addition, over 500,000 square feet of new construction is planned.

A wide variety of new tenants have located in the area. Design studios, promotion and marketing firms, a theater, offices for architects and lawyers, a furniture store, restaurants, and assorted retailers now occupy the once abandoned site.

### Contact:

Laclede's Landing Redevelopment Corporation  
717 North First  
St. Louis, Mo. 63102  
(313) 274-1841

### References:

*Development Plan of Laclede's Landing Redevelopment Corporation*, Laclede's Landing Redevelopment Corporation, 1976.

"A Development Memorandum on Laclede's Landing, St. Louis, Missouri." Laclede's Landing Redevelopment Corporation.

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## Missouri Urban Redevelopment Corporations Law Chapter 353-Missouri State Code

Under the urban corporations law of Missouri private developers and local financial interests may form a private, profit-making, redevelopment corporation that has all powers normally assumed by a public agency, including the power of eminent domain. The establishment of the corporation is subject to approval by the local government.

The redevelopment corporation then submits a request to local officials for the area of the proposed redevelopment to be declared blighted and subject to redevelopment. If this status is granted, then the project qualifies for certain property tax advantages:

- During the first 10 years, the corporation pays taxes on the value of the property at the time of acquisition. No additional taxes are paid on improvements made to the site during that time.
- In the next 15 years, the land and improvements made on the site are taxed at 50 percent of the assessed value.
- After 25 years, the corporation pays full taxes on the property.

The tax incentive program, especially when implemented on a large scale, can provide substantial financial incentive to private investment. In addition to these monetary advantages, the private development corporation approach provides other types of advantages that may facilitate project implementation.

- The private corporation approach allows developers to react better to changing economic conditions, such as interest rates and materials costs.
- The review process is simplified, because the local government deals with a private corporation operating under both a "Parcel Development Agreement" and a set of design guidelines that clearly defines the obligations and limitations placed on both parties.
- The power of eminent domain allows the private development corporation to overcome problems of land acquisition. This significantly reduces the developer's risk in project implementation.

The primary negative aspect of the Missouri law is that it is useful only for large-scale projects that have solid financial backing. Substantial preliminary costs for plan preparation, land acquisition, and project administration tend to limit use of the law to relatively large corporations.

Another shortcoming is the relatively limited potential in this scheme for inclusion of housing in redevelopment proposals. Traditionally, housing is a low-return investment compared with commercial or industrial land development. Under high-interest loan conditions, it may be difficult to include housing as part of mixed-use development proposals.

## Special Tax Districts

Many states have adopted legislation that allows local governments to establish special taxation districts. This approach institutionalizes the tax incentive mechanism and allows it to cover a broad area. The goal is usually to stimulate private investment in specific areas of the community by reducing the tax burden on existing properties in the district. In this way, the tax district serves as an incentive for private investors to locate new enterprises in the area, or improve and expand existing structures.

Most special tax districts are established by local governments according to specific criteria that are outlined in enabling legislation. An example is the Michigan Plant Rehabilitation and Industrial Districts Act of 1974, which requires a city to make a determination that 50 percent of the property in the district is "obsolete" before special status is granted. In some cases, property owners in a proposed area may petition the local government for special tax district status. When this occurs, a majority of the landowners must be in agreement, and the area must meet the established criteria in order to qualify. Once a special taxation district is proposed, a formal review is mandatory, which includes public hearings where all property owners in the district can testify. The local government will then approve or disapprove the application.

Special tax districts can be implemented in a variety of ways, but each has the common purpose of encouraging private investment in areas targeted for development. The most common type of district is one that reduces property taxes for specific time periods. The assumption is that a lower tax rate will be an incentive for new businesses to locate in the area. Another approach, which primarily effects existing developments, is to exclude the value of improvements made to a site from the overall tax assessment.

The use of tax districting can result in an effective and equitable stimulus to the private sector, since all owners within a district are treated alike, and spillover effects from public improvements or new private investment have the same impact on all property owners.

## **Tax Increment Financing**

Urban redevelopment projects often result in substantial increases in local property values, both on the actual site, and in the surrounding area. Depending on the local laws, these higher assessments can generate greater property tax revenues for local governments, and tax increment financing is a method of temporarily using these increased assessed values to provide funds for redevelopment projects.

Tax increment financing establishes a method of financing urban redevelopment projects outside the general fund of a local government, which is derived principally from property taxes. This technique isolates the additional property tax revenues produced by redeveloping and upgrading deteriorated properties, and uses these revenues to repay the costs, including retirement of the municipal bonds that were sold to finance construction of the public's share in the project. A general description of the procedure follows; state laws differ in some details.

- A local government adopts a plan for a redevelopment area and sells special tax increment bonds to finance the necessary capital outlay for facilities such as streets, bulkheading, parking, or land acquisition.

- A redevelopment district is established in which the property values of all parcels within the district are considered to be "influenced" by one or more of the projects. In other words, property values within these boundaries are expected to rise as a direct result of the project. The total value of the property in the area is assessed and this becomes the "tax base" for the district.

- Each year, the additional tax revenue generated by higher assessed property values in the redevelopment district (the amount above the base level) is collected separately from other taxes, and is used specifically to retire the bonds issued to help finance the redevelopment project or to directly pay some of the project costs.

- When all outstanding debt is repaid, the tax increment process ceases. Thereafter, the increased assessed value from the project creates additional tax revenues for the local government or results in a lowering of general property tax rates.

Tax increment financing has proven most useful in projects where relatively high-value business activities dominate. Industrial and commercial office buildings and shopping centers are the most common applications, although housing can also be integrated into these development proposals. These types of land uses must be included so that a sufficiently large tax increment will be insured and the outstanding debt will be retired within a reasonable time.

There are many positive implications for local governments that choose to use this technique. Tax increment projects are designed to enhance the economic vitality of depressed central city commercial areas. They can be especially useful for revitalizing deteriorating waterfronts situated near older commercial and industrial enterprises with a high potential for adaptive reuse.

In addition, this approach requires that those who benefit directly from public investment in urban redevelopment pay the majority of the initial costs involved. This is a more equitable arrangement than funding by general obligation bonds where all taxpayers bear the expense equally. This technique may provide a new source of revenue that a community can use without the need for special bond elections. In times of tight budgets and anti-taxation sentiments, this can be critical for local governments.

The long-term nature of the increment bonds demonstrates a commitment on the part of local governments to revitalize urban areas. This can be an important factor in attracting other investments to the area. In addition, these projects normally produce immediate and highly visible results, where returns on investment are realized soon after occupancy of the new structures.

There are also some negative aspects of tax increment financing. It may not be possible to integrate such programs with other tax incentive proposals that encourage private investment. In addition, projects funded in this manner must clearly obtain land uses that are reasonably certain to produce sufficient tax revenues to meet debt repayment schedules. This tends to limit the range of elements that can be included in redevelopment proposals.

The need to convince potential bond investors that the development needed to repay the bonds will, in fact, occur also discourages the use of tax increment bonds to finance initial or "up front" costs. Investors in bonds prefer to have the development completed or at least substantially underway before the bonds are sold. Consequently, other sources of money are sometimes necessary to finance initial costs.

It is sometimes necessary to wait for private development to occur. The increased taxes from this development then can be used to finance the project's public costs. Finally, tax increment financing may require special legislation that specifically grants local governments the power to use this technique.

Portland, Ore., has recently used tax increment financing as part of its plans for renewal of the downtown business area and adjacent waterfront.



## Case Study

# Portland Downtown Urban Waterfront Renewal Plan

The Portland Development Commission is the city's designated urban renewal and development agency. It is responsible for implementing Portland's Downtown Waterfront Urban Renewal Plan, which includes approximately 300 acres on the west bank of the Willamette River. The project contains 35 acres of linear waterfront park, part of a nearby railroad yard, and much of the eastern portion of the central business district (see map).

### Background

Portland's current downtown redevelopment effort began in December 1972 when the city council adopted the "Downtown Plan," which included goals and guidelines for the entire downtown area. The plan contained suggestions to develop a Waterfront Park.

Prior to this, Portland had begun downtown revitalization through the Auditorium Urban Renewal Project to revitalize an area not far from the waterfront. Included in the renewal were a civic auditorium, pedestrian malls, a new office and housing development, and a noted fountain designed by Lawrence Halprin. The success of these projects, and the subsequent tax revenues that were generated, created a positive atmosphere for more extensive redevelopment and encouraged the city to take broader steps towards revitalizing other parts of its downtown, including proposals for the nearby Willamette riverfront.

Encouraged by the previous successes, and guided by the overall direction established by the downtown plan, two additional plans were developed that combined downtown redevelopment with provisions for recreation and access along the urban waterfront. The first was the Downtown Waterfront Urban Renewal Plan, and the second was the Waterfront Park Plan.

### Tax Increment Bonds

In April 1974, the city council adopted the Downtown Waterfront Urban Renewal Plan, which designated a large portion of the waterfront and surrounding commercial district as a redevelopment area. The plan was general in nature, recognizing that details would be filled in as the planning process continued. Later that year, the citizens of Portland voted to remove the legal restrictions that limited the use of tax increment financing and opened the way for its use in the combined central business district and waterfront program.

In 1975, a completed master plan for the waterfront was officially adopted by the city council, along with a plan for downtown transportation and parking. The plan called for a series of public improvements that would encourage private investment in the downtown area, such as replacing a four-lane highway with a mile-long waterfront park, providing free bus service in the downtown, and constructing short-term parking garages to serve downtown patrons. The added revenues from the private development could then be used to fund community improvements and a portion of the waterfront park.

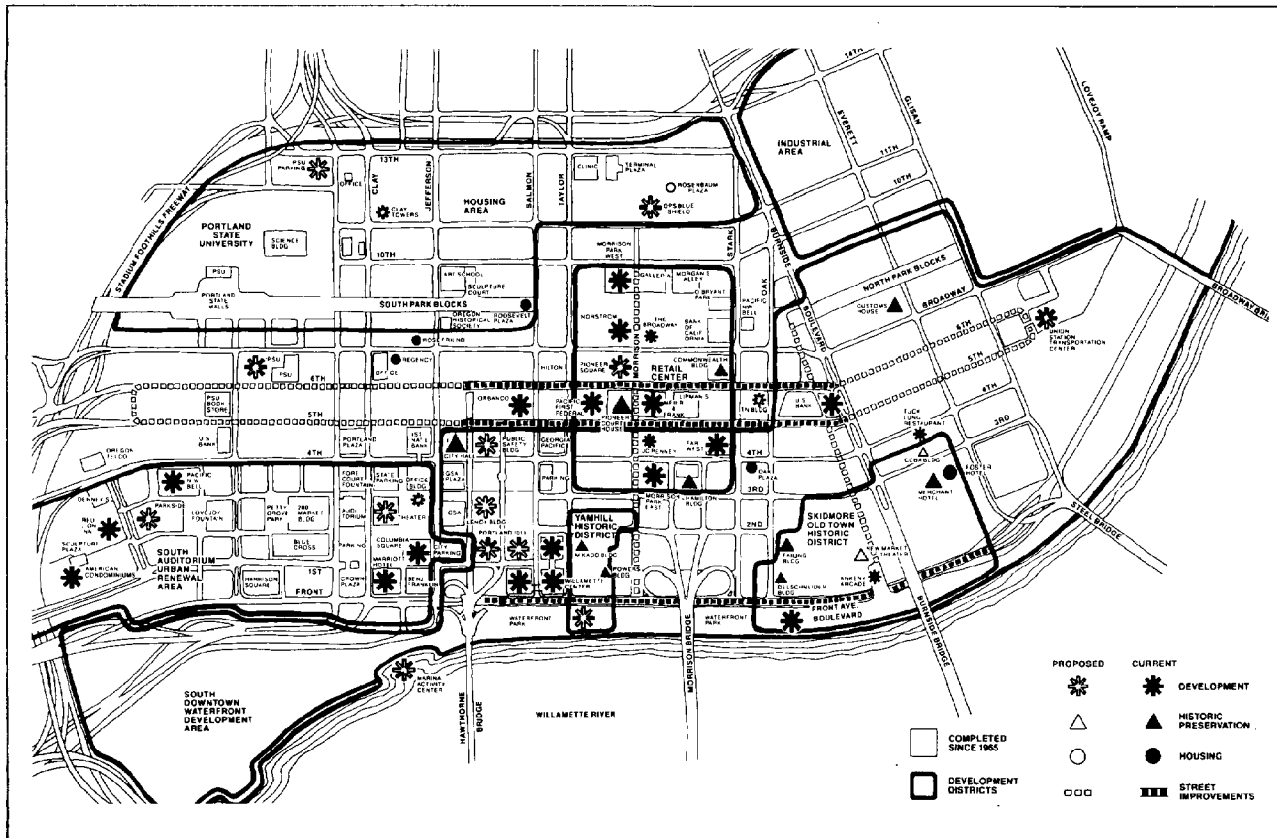
With these developments underway and more anticipated, Portland sold \$10 million in urban renewal tax increment bonds during 1976, and another \$15 million in 1978. These funds were used to finance the first two phases of the Waterfront Park, preservation and improvements in two historic districts within the urban renewal area, land acquisition for a parking structure, and other related actions.

### Results

Major private development began shortly thereafter. The U.S. National Bank of Oregon and a federal office building built for and leased by the General Services Administration added \$23 million to the assessed valuation of the area by 1977. Far West Federal Savings and Loan Association and Portland General Electric constructed facilities valued at \$60 million. These projects alone have generated nearly \$2 million a year in added tax revenues for the city.

The initial phases of the Waterfront Park have recently been completed, and the third phase is under construction. The park is scheduled for development over another three- to five-year period and will eventually include an esplanade on the riverfront, plazas, extensive open grassed areas, a public boat facility, community activity centers, and a larger center suitable for restaurants, retail activities, and entertainment.





The Portland, Ore., waterfront redevelopment project in relation to the central city and Willamette River.

**Contact:**

Portland Development Commission  
1500 S.W. First Avenue  
Portland, Ore. 97201  
(503) 248-4800

**References:**

*Completing the 2nd Decade—A Progress Report from the City of Portland Development Commission, City of Portland Development Commission, 1979.*

*Downtown Waterfront Urban Renewal Plan, City of Portland Development Commission, 1978.*

Waterfront Park in Portland allows citizens to enjoy the cleaned Willamette River.



C. Bruce Foster

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## San Diego County

In recent years, private developers in Southern California have been creating new urban designs that no longer fit the standard zoning classification used in most communities. Many of these designs include clusters of different residential densities integrated with various retail and commercial activities on the same site.

County planners, supportive of the innovative ideas, were frustrated by the failure of traditional zoning to accommodate the unusual siting requirements of these new designs. They set out to revamp their zoning system to make it more flexible and sensitive to current market pressures.

In November 1978, the San Diego Board of Supervisors approved a revised zoning format that utilizes the basic categories of traditional zoning, but packages them in a system referred to as the "building block approach." The basic goal of the building block approach is to provide the necessary flexibility required to accommodate multi-use developments, while retaining a measure of stability and accountability in the regulation of urban land use. The system sets up three major types of zoning units: use units, development units, and special area units.

A zoning "unit" defines the basic type of land use that will be permitted, such as residential, commercial, or agricultural. The amount of flexibility in combining various land uses increases with each type of unit. Use units are the most restrictive, allowing only one type of use per zone. Development units are more inclusive, allowing different types of land uses within a zone with height, bulk, density, and open space specifications. About ten different groupings are possible for each development zone.

The final category is the "special area unit," which is similar to the floating or overlay zones described in the section on alternative zoning techniques. Special area units are designed for unique areas, such as beaches, floodplains, scenic areas, and planned development areas. They allow developers and community officials a high degree of discretion in land use development decisions in the zone.

Building block zoning has proven to be an effective approach in San Diego, because of the flexibility that the system allows in responding to private development interests. It allows a simple, direct format and is not difficult or expensive to adopt. Recently, Orange and Fresno Counties have begun a review of their zoning ordinances with an eye towards the San Diego example.

### References:

*Thirteen Perspectives on Regulatory Simplification*, Urban Land Institute, Research Report 29. Washington, D.C. 1979.

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## Regulatory Simplification

The regulatory patchwork that accelerated during the late 1960s and early 1970s was, in part, a response to environmental concerns and a public desire for greater participation in local land-use decisionmaking. In urbanized areas, these additional regulatory measures were placed on top of existing zoning ordinances, building codes, and other requirements. In many jurisdictions, the result has been a complex maze of overlapping, and sometimes contradictory, regulatory specifications and permit requirements from various levels of government.

Urban waterfronts are directly affected by these additional regulations, especially in cases where dredging, filling, or construction in floodplains is included in project proposals. The Army Corps of Engineers, Fish and Wildlife Service, Environmental Protection Agency, and Coast Guard, as well as state resource management agencies and local governments have an interest in dredging and filling activities near urban waterfronts throughout the nation. These interests are often not the same. The result is a system of permit requirements and regulatory controls that can take months or years to pursue. Cumbersome regulatory procedures can therefore obstruct implementation of urban waterfront projects.

There are ways in which the regulatory system can be streamlined or otherwise improved as a means of encouraging waterfront redevelopment. Examples of innovative regulatory systems already exist. These cases should be used as references on which to base regulatory reform rather than as models that can be reproduced in all situations. The nature of permits and regulations is such that each system must be adapted to a particular set of circumstances, must be adapted to a particular set of circumstances.

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## **The Michigan Experience**

The State Division of Land Resource Programs is the lead agency in Michigan for dredge and fill permit applications. In recent years, the number of applications has grown to nearly 2,500 per year. This volume, combined with increased public participation in the review process, resulted in an inefficient regulatory system. In 1977, the state began to take steps to alleviate the problem by consolidating some permits, and improving the permit information network.

The first step was creation of a joint application process between the Army Corps of Engineers and Michigan's Department of Natural Resources. This eliminated duplicative paperwork for an applicant, and improved coordination between state and federal officials. The Division of Land Resources Programs also took steps to improve efficiency by increasing its permit processing and field enforcement staff.

In addition to improving the permit mechanism, the state wished to expand the information network that accompanies the permit process, in order to further improve decisionmaking and enforcement of state statutes relating to shorelines. In March 1977, the Michigan Coastal Zone Management Program financed development of the Coastal and Inland Waters Permit Information System. This computerized system has four basic functions:

- It supports permit processing by identifying all necessary application procedures for specific county, section, range, and township, as well as primary attributes of location, such as geographic area, body of water, and project type.
- It tracks applications that are being processed and provides comprehensive information on the status of all applications, permits, and conveyances that have been granted.
- It provides information regarding workload in regional offices and Department of Natural Resources headquarters.
- It meets external reporting requirements, such as a list of new permit applications, and responds to inquiries from public, state, and local agencies.

The system will also identify special areas of concern, such as erosion-prone sites, wetlands, unique habitats, or spawning areas, and the agencies that make decisions about these areas.

Implementation of this system with the Corps of Engineers-state permit process, expanded state staff, and use of the computer has reduced processing time from 90-120 days to approximately 20 days for most applications.

**Contact:**

**Michigan Coastal Management Program  
Land Resource Programs Division  
Department of Natural Resources  
Steven T. Mason Building  
Lansing, Mich. 48926  
(517) 373-1950**

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## Public Facilities

Areas targeted for urban redevelopment are usually in the older, deteriorated parts of a community, characterized by outdated and faulty public facilities. Improving these dilapidated streets and poor quality utilities is a major part of the overall expense in an urban redevelopment project.

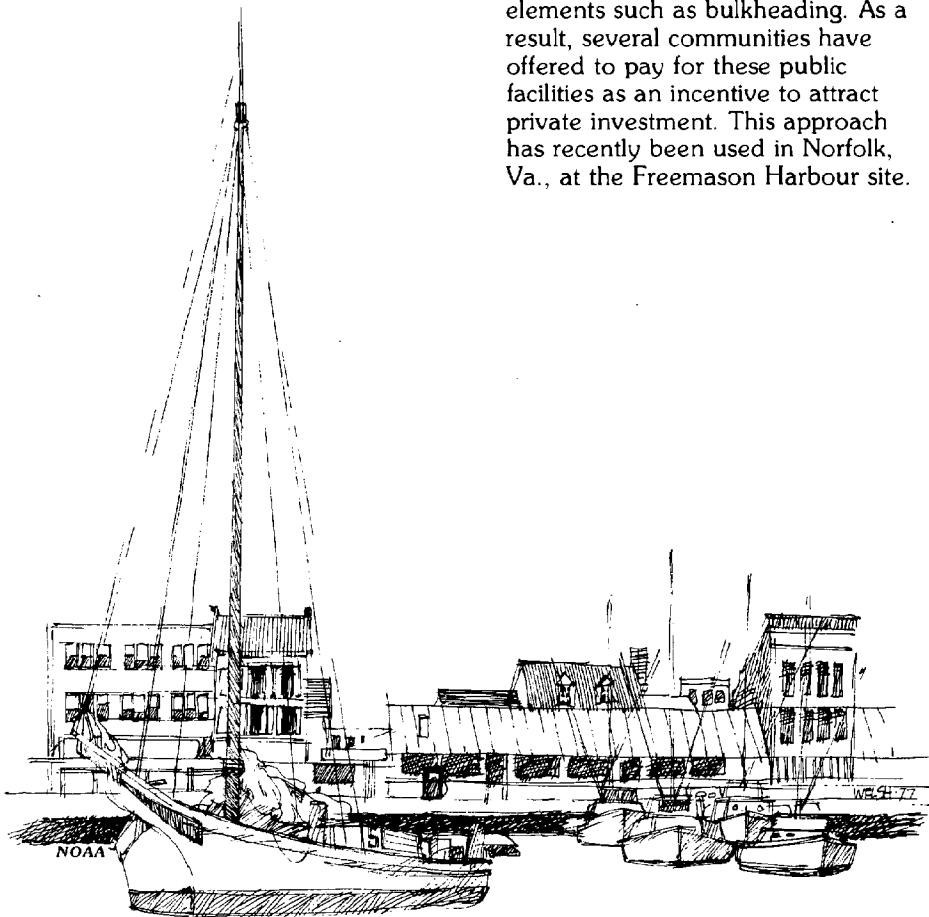
Urban waterfronts frequently have problems involving such public facilities, but waterfronts also have unique requirements, including bulkheading and pier reconstruction, that result in additional expenses for urban waterfront redevelopment. In many cases, the additional costs are so high that they make the venture unprofitable or scare off the investor, and the proposal is never implemented.

City planners are beginning to realize that financing the majority of urban redevelopment projects is beyond the means of local budgets, especially if they include waterfront elements such as bulkheading. As a result, several communities have offered to pay for these public facilities as an incentive to attract private investment. This approach has recently been used in Norfolk, Va., at the Freemason Harbour site.

As part of a development agreement with Chessie Resources, Inc. and Oliver T. Carr Co., the Norfolk Redevelopment and Housing Authority is providing a series of public improvements using \$20 million in community block grant money from the Department of Housing and Urban Development. The improvements include streets, walkways, utilities, drainage, and landscaping, as well as bulkheading at the harbor to protect against erosion and tidal flooding. Also included are two 100-car parking garages that will serve the harbor project and the nearby Granby Mall downtown revitalization project.

The projected investment for public facilities represents one-quarter of the \$120 million cost of the project. This is a substantial incentive to the private developer, and illustrates the enormous costs that can accrue when major public improvements are required in urban waterfront projects. The private incentive arrangement was a key element of the project proposal and has led to the implementation of an urban waterfront project that eventually will provide substantial increases in the local tax base, a number of jobs, and increased pedestrian access to the waterfront.

Other communities have provided public facilities as a means of encouraging private redevelopment. New York City, for example, will provide major utility improvements at South Street Seaport; St. Louis has spent over \$1 million at Laclede's Landing for public facilities; and Portland, Me., has spent public funds to improve its passenger ferry landing.



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## **The Water Tower — John's Landing: Portland, Oregon**

Private interests have awakened to profit possibilities in older urban sections, including waterfronts. The following description was prepared by a mortgage banking firm and is adapted from a publication of the Mortgage Bankers Association of America titled *Urban Revitalization Handbook* (Washington, D.C., Urban Investment Committee, Mortgage Bankers Association, 1125 15th Street, N.W., Washington, D.C. 20005, 148 pages).

In March 1976, United California Mortgage Company arranged permanent financing of \$2.3 million for the first phase of a 75-acre private riverfront redevelopment project known as John's Landing in Portland, Ore. Master planning began in 1969 with the initial purchase of land. Special attention was given to minimize the relocation of families living in the area.

The developers conceived Johns Landing as an experiment similar to San Francisco's Ghirardelli Square. The first phase involved an old three-story furniture factory built in 1904 that was renamed the Water Tower. It was renovated to provide a nostalgic setting for offices, shops, pubs, and restaurants. To further modernize the facility, the developers constructed a two-level concrete parking garage and built an outside glass elevator shaft etched with early Portland scenes that provides a panoramic view of the complete Johns Landing project. It was completed in March 1976.

A Village Center consisting of additional waterfront restaurants and a motor inn is planned. Residential units—both condominium and rental—comprise a portion of Johns Landing. The housing offers an alternative to suburbia without resorting to high-rise buildings. Recreational facilities include a platform tennis court and pathways for biking. Construction of additional office and commercial space is underway.

### **Economic Analysis**

At the time of loan the Water Tower was entirely leased, with additional retailers on a waiting list. Rents averaged \$6 a square foot. The market strategy was to lease space at reasonable minimums to generate and maintain activity. Retail leases in the Water Tower call for an annual adjustment based on the movement in the Portland area price index, and increased utility costs are immediately passed on to all building tenants.

It is estimated that in about ten years the building should have a net worth of \$100-\$120 million.

Included in Johns Landing are esplanades and bike and pedestrian ways close to the water, boat landings, new restaurants, and other facilities that have already guaranteed the survival of the nearby neighborhoods.

#### **Additional Information:**

John C. Opperman, President  
United California Mortgage Company  
Suite 2401  
One Embarcadero Center  
San Francisco, Calif. 94111

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## Chapter VI Federal Financial Assistance

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Robert Koye

For those not familiar with federal procedures, the process of obtaining a federal grant can be confusing and time-consuming. Efforts have been made in recent years to cut out some of the paper work, but the fact remains that dealing with federal agencies requires some knowledge of their language and their procedures.

This chapter will provide the project manager, community leader, and citizen activist with an introduction to federal assistance programs that can be used to develop urban waterfront projects. Aid is available for a variety of projects, whether large or small, and of whatever design.

In some circumstances, private investors are able to proceed without federal aid. Detroit's Renaissance Center, for example, was planned entirely through private sources. However, most cities have used one or more sources of federal financial assistance in their waterfront redevelopment projects.

For city officials and others familiar with the major sources of federal funds, for example, the programs of the Department of Housing and Urban Development, the guide may help identify additional sources that may be used. For leaders of citizens organizations just starting out, this section will identify which programs might help in the critical early planning stages, and the points of contact for finding out about them. For developers interested in a possible waterfront investment, the section will serve to advise what kinds of aid can be obtained to provide the public facilities that might be necessary to make a redevelopment project feasible.

General discussions of public and private investment in urban areas have been presented in two publications that would be helpful to any group considering an urban, mixed-use waterfront project.

- *The Planners' Guide to Private Sector Reinvestment*, Planning Advisory Service Report No. 840, American Planning Association, 1313 E. 60th Street, Chicago, Ill., 60637. A publication on private loan and finance arrangements for neighborhood investment and revitalization.

- *Mixed-Use Developments—New Ways of Land Use*, Technical Bulletin No. 71, Urban Land Institute, Washington, D.C., 1976. A book on large-scale, mixed-use development finance and land assembly.

Some federal agencies, such as the Department of Housing and Urban Development, the Economic Development Administration, and the Small Business Administration, contract with the National Development Council, a private consultant group in Washington, D.C., to help local governments through the various steps in the grant process. The services of this group are paid by the federal agency through which the services are solicited.

The National Development Council has participated in revitalization of small- and medium-sized cities through its Washington headquarters and offices in six other major urban centers. For further information, contact:

National Development Council  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20014  
(202) 333-5142

## Funding Case Studies

One of the realities of community development is that there are no longer federal categorical grant programs that will fund entire urban redevelopment projects. In most cases, federal agencies are spending their money on projects that will be combined with or stimulate investment by the private sector. As a result, it is difficult to obtain sufficient capital from a single agency that will cover today's high capital investment costs. Increasingly, cities are looking to piece together smaller sums from a wide variety of sources.

The purpose of this section is to illustrate how two communities, Seattle, Wash., and Portland, Me., were able to combine funds from federal, state, and local sources for their urban waterfront redevelopment projects.

Following the case studies is a matrix showing 28 federal grant-in-aid programs. This matrix illustrates what each grant program can be used for, total funding in fiscal year 1979, and the percentage of local government matching funds required.

The programs chosen for brief description include the principal sources of aid for virtually any aspect of waterfront redevelopment.

Following the matrix is a description of each federal program and a list of key publications for further reference (beginning at Appendix A).



## Case Study

### Seattle

The primary concentration of Seattle's waterfront revitalization has been along its central waterfront area, a few blocks west of the central business district. Four of these projects have received substantial assistance from governmental agencies in addition to private investment: Central Waterfront Park, Seattle Aquarium, Pike Market Urban Renewal Project, and Pier 66 Redevelopment Project.

#### Central Waterfront Park

The Central Waterfront Park is a 22-acre mixed-land use area that includes Piers 57 and 59 along Seattle's Elliot Bay on Puget Sound. The park was constructed between 1973 and 1975 to provide public open space at the water's edge and encourage public and private redevelopment in the surrounding area. The park provides approximately 1,500 linear feet of continuous public access and is used for a variety of recreational activities, including fishing, picnicking, and sightseeing. There are retail stores on both Piers 57 and 59, and the aquarium and related educational facilities are located within the park (see photo).

#### Background

The central waterfront was the focus of Seattle's commercial activity since the first wharfs were constructed in the 1850s. The area expanded rapidly until 1889, when the Great Fire destroyed all of the waterfront structures. Despite public concern about the waterfront's future and preparation of several plans for the area, the waterfront was rebuilt on a piecemeal basis.

The idea of including a park on the central waterfront dates back to 1911, when the city's Municipal Plans Commission included a park as part of a \$17.5 million redevelopment proposal for the waterfront area. Although the total plan was turned down by city voters, the idea of a public open space on the working waterfront remained alive.

During the 1940s, use of the central waterfront as a deepwater port declined, and many of the narrow piers, most of them privately owned, were used as parking lots and warehouses, or were demolished or abandoned.

In 1957, the city adopted its first comprehensive plan, which contained a special waterfront element. A waterfront advisory committee was formed by the mayor, and detailed studies were undertaken. Between 1958 and 1965 several proposals were made for a waterfront park, but funding needed for pier acquisition and construction was not available.

In 1966 and 1967, local officials assembled a countywide \$118 million parks and recreation bond proposal called "Forward Thrust." Included in this bond package was \$5 million for development of a Central Waterfront Park. In February 1968, the park was approved by the voters, and construction plans were begun.

The city purchased property running from Piers 57 to 61 in the early 1970s for the waterfront park. Construction took place through 1975, when the park was officially dedicated. Rehabilitation of Pier 57 is now complete, and a variety of shops and restaurants are leased to private businesses. Access to the water is provided around the periphery of the pier. The tip of Pier 57 is a popular spot for fishing and picnicking. Pier 59 contains retail shops, office space, a book store, and a movie theater.

#### Financing

The original bond proposal called for allocation of \$5 million for acquisition and development of approximately 15 acres of public park and recreational facilities in the area of Piers 50 to 63.

Community leaders, however, realized that the money would not be enough to completely revitalize this large area. Funding for the park was seen as seed money to attract other public and private funds in the nearby area.

The strategy was to implement the waterfront park plan in several phases. The first was the nucleus of the park itself, which includes a large open space with a fountain and a spectacular view of Puget Sound and the Olympic Mountains. Second was the reconstruction of Piers 57 and 59 to provide some revenue from lease agreements with private concessionaires at an early point in the project's development.



A primary goal was to provide commercial activities that would enhance the recreational environment. In addition to the \$5 million in bonds, \$1 million was added from interest and supplemental funding sources. Another \$400,000 in community block grant funds from the Department of Housing and Urban Development was added for pier rehabilitation, and \$367,000 from the State Interagency Committee for Outdoor Recreation was obtained through the state. Smaller grants were also obtained from local groups such as the Jaycees, which contributed \$4,000 for picnic tables. In 1978, the city received \$300,000 from the Commerce Department's Economic Development Administration for parking facilities and for traffic improvements.

**Table 2**  
**Financial Summary—Waterfront Park**

King County Bond Issue	\$5,000,000
Interest	1,076,000
Community Development Block Grant (HUD)	400,000
State Interagency Committee for Outdoor Recreation	367,000
Economic Development Administration (Commerce)	300,000
	<hr/>
	\$7,143,000



Elliot Bay Park in Seattle is beside a grain terminal.

Robert Kaye

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## Seattle Aquarium

The Seattle Aquarium is a major entertainment and educational facility for both tourists and local residents. Its unique design places the visitor "under the sea" as the various ocean specimens swim around and overhead. The aquarium is one of the waterfront's major attractions, drawing over 700,000 visitors in 1979.

Development of the aquarium was a highly controversial issue between 1966, when it was authorized by \$3 million in Forward Thrust Bonds, and 1977, when it was actually constructed. The controversy was over location. Many influential persons wanted the aquarium far to the north of the Central Business District, at a park named Golden Gardens. In 1971, they were supported by a city council vote, but in October of that year, a citizens' initiative prohibited construction at Golden Gardens. The alternative selected by the council was to incorporate the aquarium into the downtown waterfront area.

The aquarium now occupies the site of Pier 60. It has exhibits in the center of Pier 59. Exhibits include a working fish hatchery and walk-through interpretive displays of the marine coastal environment. A major goal of the aquarium is to teach people about the marine life of the Northwest and Puget Sound, and the roles these seagoing inhabitants play in the environment.

Construction of the aquarium over the water greatly increased development costs, and the project was allocated an additional \$2.5 million in bond interest for completion of the \$5.5 million project.

## Pike Place Market Urban Renewal Project

The Pike Place Market is a 22-acre mixed-use development located directly above the Waterfront Park/Aquarium site. It is connected to the waterfront by means of a block-long landscaped pedestrian walkway. The site provides a superb panorama of Elliot Bay, Puget Sound, and the Olympic Mountains.

In 1974, the city began a major federally-assisted urban renewal effort at the market, including substantial renovation and rehabilitation of existing structures. Within the project area is the Pike Market Historic District, a seven-acre block of historic structures which was placed on the National Register of Historic Places in 1971. The accompanying maps show the relationship of the Historic District to the overall Pike Place Urban Renewal Project area and waterfront.

## Background

The Market has been a Seattle institution since 1907 when local farmers first brought their wagons full of fresh fruits and vegetables to the corner of Pike Street and Western for sale directly to consumers. From those early years, the Market evolved into a series of multi-level structures containing a variety of retail shops, arcades, rental stalls for crafts and produce, restaurants, and fish markets.



Robert Kaye

Pike Street Market, a Seattle landmark. Port of Seattle Park.

The height of activity at the market occurred during the years just before World War II, when over 500 vendor permits were issued annually. The war seriously interrupted business, and the Market never fully recovered. During the 1950s, the Market became a losing enterprise for the city, and in 1957, the city council voted to suspend funds for maintenance and upkeep. Throughout the 1960s, the buildings at Pike

Place continued to deteriorate and several proposals surfaced to demolish the structures and replace them with apartment buildings and parking lots. These plans were met with strong opposition by community leaders and were never implemented. In 1965, city planners began considerations for an urban renewal program for the Market.

### **Pike Place Market Financing**

By 1969, an urban renewal plan that would have significantly changed the character of the area was adopted by the city council and was funded by HUD, but plans were interrupted by the passage of an historic district initiative in 1971. This citizen action changed the nature of the planning effort, and emphasized the goal of economic revitalization compatible with preservation of the historic character of the Market.

In April 1974, a revised plan that incorporated the goals of the historic district ordinance was approved by the city council and urban renewal was begun. The HUD grant made available \$21 million for major structural rehabilitation, historic preservation, relocation, and land acquisition. The city matched this with \$7 million in Community Development Block Grant funds, also from HUD.

When HUD categorical grant programs were reduced in the early 1970s, the federal agency provided "closing grants" for the completion of ongoing HUD projects. The Pike Market received another \$7 million in 1973. Recently, the city applied for a \$7 million Urban Development Action Grant to complete work in the Historic District.

The city also used a \$1.5 million grant from the Commerce Department's Economic Development Administration, through its Local Public Works Program, to construct the Pike Market Hill Climb. This landscaped pedestrian walkway provides attractive access to the Waterfront Park and aquarium.

**Table 3  
Pike Market Fact Sheet**

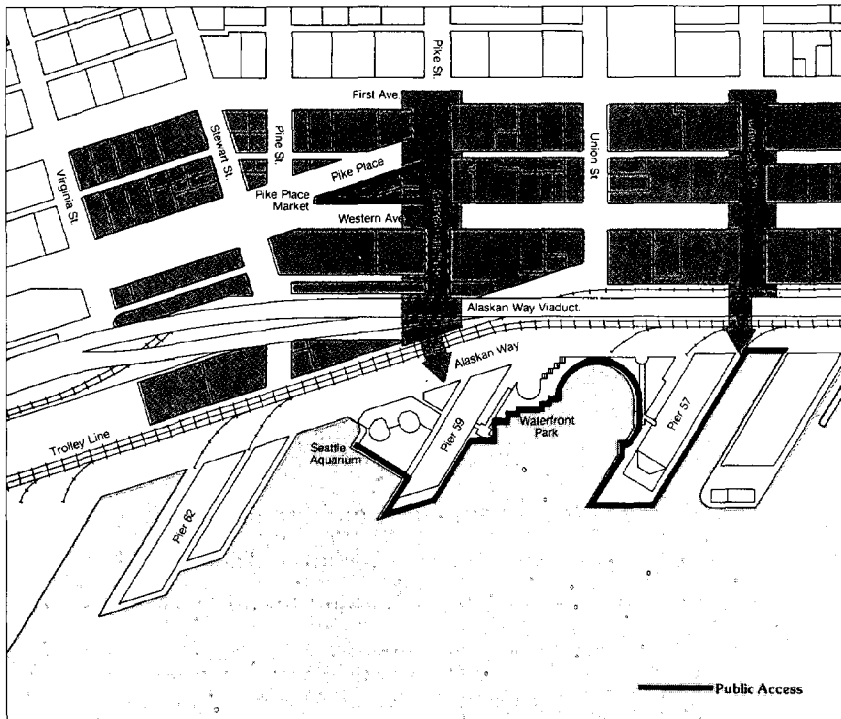
<b>Public Investment</b>	
<b>Residential Area</b>	<b>350-400 units</b>
<b>Mixed-Commercial Area</b>	<b>136,000 square feet</b>
<b>Mixed-Commercial Historic</b>	
<b>Rehabilitation/Replacement Area</b>	<b>106,800 square feet</b>
<b>Parking/Commercial Area (1050 spaces)</b>	<b>106,200 square feet</b>
<b>Park</b>	<b>30,000 square feet</b>
<b>Funding Sources</b>	
<b>HUD Urban Renewal Grant</b>	<b>\$21.0 million</b>
<b>City of Seattle—Community Development Block Grant</b>	<b>\$7.0 million</b>
<b>EDA—Local Public Works</b>	<b>\$1.5 million</b>
<b>State Historic Preservation Grant</b>	<b>\$0.1 million</b>
<b>SBA—Section 502 loans</b>	<b>\$2.0 million</b>
<b>HUD—Section 312 loans</b>	<b>\$0.5 million</b>
	<b>\$33.0 million</b>
<b>Private Investment</b>	<b>\$75.0 million</b>

As part of the historic area rehabilitation, the city obtained \$500,000 in loans from the Small Business Administration that allowed local property owners to finance their own construction at low interest rates. Commercial loans of \$2 million were also obtained from SBA for first mortgage financing. These were matched 50/50 by the businesses themselves.

HUD low-income housing grants were also obtained for 386 units. Private developers have constructed 700 moderate- to high-income units which makes the Market area a substantial urban neighborhood. Total private investment in the Market redevelopment is estimated at \$75 million, primarily for rehabilitation and new commercial and residential development.

## Other Sources

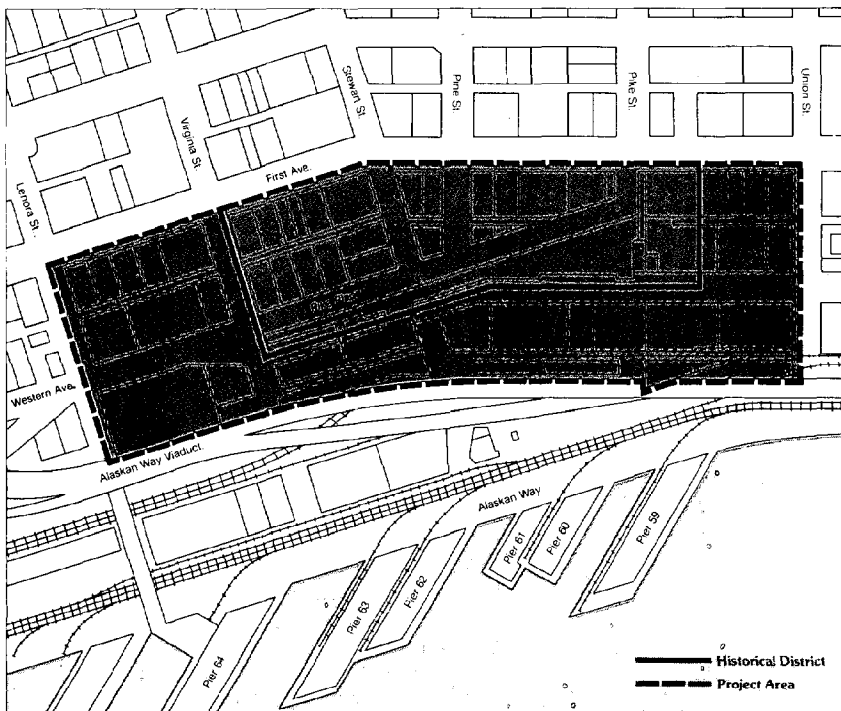
In addition to acquiring funds for project development from a wide variety of public and private sources, the city has also obtained grants for related activities that will complement the waterfront's new vitality. In 1979, the city obtained a \$1 million grant from the Transportation Department's Urban Mass Transportation Authority (UMTA), for conversion of approximately one-and-one-half miles of railroad track, and inclusion of a streetcar system that will shuttle people along the waterfront between Pier 48 and Pier 70. Track improvements and construction of the trolley stops are being designed, and the system is expected to be in operation in 1980.



## Pier 66 Redevelopment

A short distance north of the aquarium, the Port of Seattle is developing Pier 66 into a major mixed-use commercial facility. The project includes rehabilitation of the port offices, retail space, a restaurant, a public viewing terrace, and an apron around the front of the pier providing 14,000 square feet of public access.

The project is intended to maintain the existing turn-of-the-century architecture, while blending it with new styling that will attract visitors to the site. The pier was constructed in 1913 as the first publicly-owned wharf in the city. The primary purpose of the pier was to provide small shippers with docking and warehouse space. The building was used for cold storage for many years and has been the main office for the Port of Seattle since its construction. In 1929, an automobile viaduct was constructed across the railroad tracks and the Alaskan Way Highway to provide access to Lenora Street and the port-owned properties in the Denny Regrade area above.



Two maps of Seattle's waterfront, showing public access in blue along the piers and the two major entry ways from the central downtown business district to the waterfront. The detailed map shows the relationship of the Pike Place Market area (center) to the waterfront. The Alaska Way Viaduct and Alaskan Way form major barriers between the waterfront piers and the downtown.

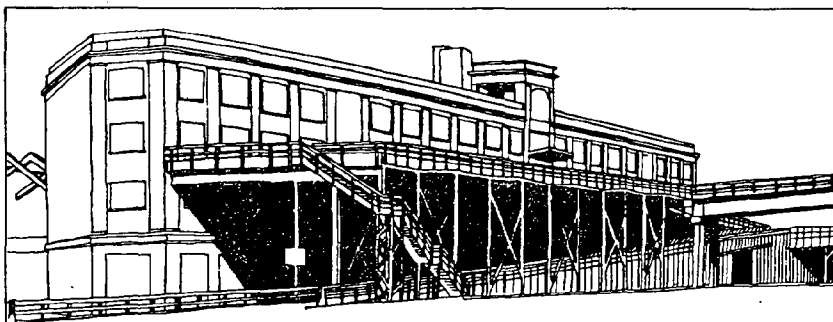
The port estimates improvements to the pier and pilings will cost \$2 million; an additional sum will be required for building facade and office improvements. The port investment will be matched by \$15 million in private funds by the Pier 66 Redevelopment Corp. for rehabilitation and construction on both sides of Alaskan Way. The spaces will then be leased to various private businesses. The improved pier will be available for cruise ships, fishing boats, historic vessels, tour boats, and passenger ferries. The project is expected to be completed in 1982.

A major aspect of the project is the participation of the Pier 66 Redevelopment Corp. This is a private development corporation working in conjunction with the Port Authority to implement the redevelopment project. Detailed plans are still being negotiated, but the port has begun the major repair and renovation of the pier. The Pier 66 Corp. will lease some renovated properties from the port, and will purchase others on the east side of Alaskan Way. These upland areas will be redeveloped by both parties under a three- to four-year phased program.

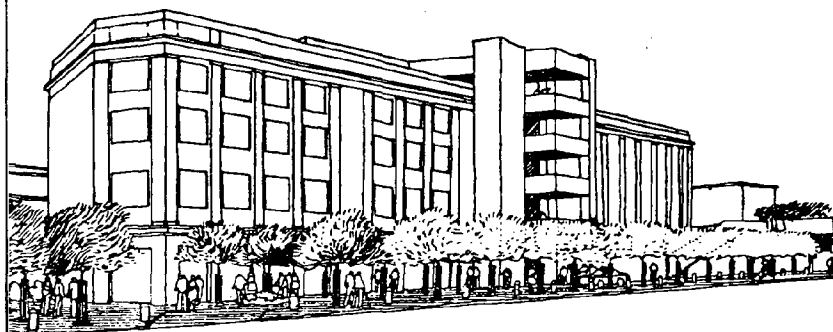
The city has also proposed to build a "people mover" to help pedestrians get up and down the steep hill between the waterfront and downtown along Marion Street. A proposal has been made to UMTA for \$1 million.

**Contact:**

City of Seattle Department  
of Community Development  
Downtown Projects Division  
400 Yesler Building  
Seattle, Wash. 98104  
(206) 625-4496



Port of Seattle Building—Existing Situation



Port of Seattle Building—Proposed Renovation

**References:**

*Seattle Central Waterfront 1968-1971*, Seattle Parks and Recreation Department, 1968.

*Pike Place Urban Renewal Plan*, City of Seattle Department of Community Development, 1974.

*Draft E.I.S.—Pier 66 Redevelopment Corporation*, Pier 66 Redevelopment Corporation, 1978.



Pier 61 in Seattle—off limits.

Robert Koye



## Case Study

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### Portland, Maine Waterfront

The Portland waterfront area runs east-west along the northern side of the Fore River and is bound by the river on the south and Commercial Street on the north. The waterfront lies between the Maine State Pier and the Portland/South Portland Bridge (Million Dollar Bridge).

The area between Commercial Street and the Fore River is devoted to a mix of marine and general industrial activities such as fishery operations, the Maine pier (the area's major general cargo terminal), the Naval Reserve Training Center, the International Ferry Terminal (passenger, auto, and truck service to Nova Scotia), the Casco Bay Ferry terminal (serving the many outlying islands), waterfront restaurants and a new marina. Most of the waterfront property is in use; much of the industrial, warehousing and distributional uses are not marine-related. Recent developments in the New England fisheries industry have led to increased use of the waterfront by the fishing industry.

In 1975, Portland published "City Edges: Waterfront Improvement Program." This report was prepared by the Portland Planning Department and a consulting firm, Anderson Notter Associates, Inc., with funds provided by the National Endowment for the Arts.

As a result of the City Edges report, a variety of projects have been instituted. A recommendation for zoning changes in the waterfront resulted in approval of the W-1 waterfront zone.

The recommendation to adopt a waterfront rehabilitation code resulted in the city using funds from the Office of Coastal Zone Management to develop a "waterfront standards" code.

Relocation of Portland's privately-operated island ferry service to modern facilities was another of the City Edges' recommendations. The city has submitted an application to the Department of Transportation's Urban Mass Transportation Administration for \$2.8 million, to be combined with state and local funds to provide a \$3.6 million facility for the island ferry service. The city is also investigating Federal Highway Administration funds for this project.

Coastal Zone Management funds were used during 1978 and 1979 to study potential sites for a public landing on the waterfront. Six sites were identified and it was recommended that the site selection be postponed until relocation patterns, caused by other major developments, are established.

## Private Development

During the mid-1970s, a traditional marine commercial center adjacent to the Port Exchange and filled with historically interesting Victorian structures underwent a revitalization into a retail/commercial center that has become a tourist attraction and a vital link between Portland's downtown and its waterfront. The result of the private investment in the Old Port area has begun to spread directly into the waterfront. A new 100-boat marina, several restaurants, and residences have been attracted to the harbor area.

Still other private investment has been attracted to the waterfront for different reasons. Changes in national fisheries policies in 1976 resulted in increased fish landings. This, in turn, resulted in an upswing in investment in Portland's fishing industry.

## Public Projects

The largest public project on the Portland waterfront is the development of the Fish Pier complex. Initiated in 1975 by a group of local fishermen, the project has grown to a \$20 million investment, including \$14.4 million in public funds.

At the beginning of the project it became evident that the lack of berthing was only one problem facing a fragmented and inefficient fishing industry. It was also evident that a proper analysis of the situation was beyond the scope of the city. The city applied for and received a technical assistance grant from the Commerce Department's Economic Development Administration to study the economic feasibility of public improvements to aid Portland's fishing industry. The study indicated that construction of modern facilities at a competitive cost to the fisherman would require a massive dose of public money.

The result, the Portland Fish Pier Project, is in its final stages. The city has obtained a \$5 million commitment from the Economic Development Administration and a \$5.4 million commitment from the state which, when coupled with \$3.4 million of city money and \$6.6 of private investment, totals \$20 million for the Fish Pier complex.

The oldest publicly-funded activity on Portland's waterfront is the Maine State Pier. Traditionally, this facility served the cargo handling needs of the port. The past decade saw a decline in general cargo shipments in Portland, but recent market changes and a possible change to containerized handling has led the state to allocate \$950,000 for improvements to the pier.

At the opposite end of the waterfront is the city-owned International Ferry Terminal. This facility serves two ferries running between Portland and Yarmouth, Nova Scotia. In 1976 the city purchased, with Department of Housing and Urban Development funds, the eastern end of the International Ferry Terminal for a proposed hotel. While this project did not reach fruition, the property has interested several potential purchasers. The Army Corps of Engineers is starting maintenance dredging along the entire Fore River.

Portland has a keen interest in the development of its waterfront. The increased activity in the fishing industry, renewed interest in container-port facilities, the commuter needs of the island population, and the general increase in public awareness of waterfront problems and needs have led the city to seek out solutions to costly and complex problems.

The use of Coastal Zone Management and Economic Development Administration technical assistance funds for planning and investigation has led to capital grant requests from the Urban Mass Transportation Administration and the Economic Development Administration.



## Federal Grant-in-Aid Matrix

The primary sources of federal funds for waterfront redevelopment projects have been from the Department of Housing and Urban Development's Community Development Block Grant and Urban Development Action Grant programs, the Commerce Department's Public Works Assistance program of the Economic Development Administration, and the Interior Department's Land and Water Conservation Fund from its Heritage Conservation and Recreation Service. In fiscal year 1979, total funding available from these three programs was \$3.5 billion.

Other less obvious sources are also available to a project manager or community leader.

Putting together multiple-use projects to meet the often conflicting objectives or timetables of different federal programs poses a major problem for communities. Waterfronts are especially challenging, because the opportunity for varied activities is great and the involvement of federal entities frequently cumbersome.

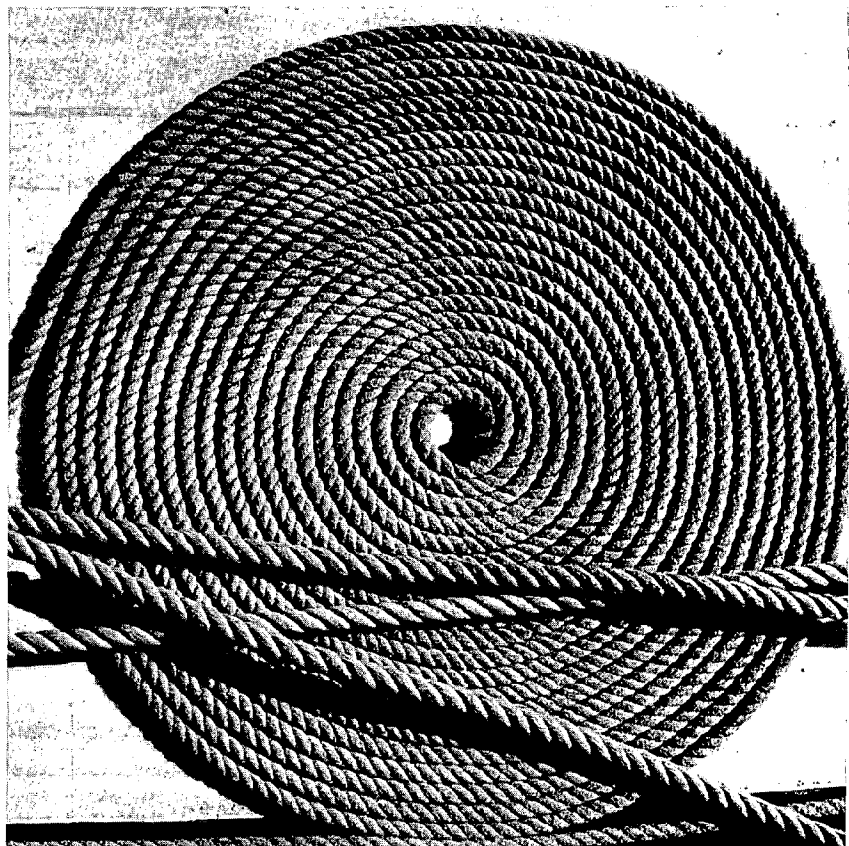
The matrix examines each program in terms of the amount of assistance available and the purposes for which the money can be used.

### Explanation of the Matrix

- The program numbers across the top of the matrix refer to the programs listed on pages 86-91.
- Agency refers to the federal department or office responsible for administration of the program.
- Eligibility for aid (who may apply)
  1. state government agency
  2. state and local agency
  3. local government
  4. state and local governments or private interests
  5. state and local governments or public non-profit organizations
  6. individuals
  7. individuals, corporations, and Indian tribes
  8. state and local governments, private and public non-profit organizations, and individuals
- Match requirements means the percentage of federal and non-federal funds required.
- Funding is in millions.

### Project Components (costs eligible for federal funds)

- **Planning**—data acquisition and research, site specific (only on site for specific project) or comprehensive plans.
- **Preliminary engineering.**
- **Architectural design**—sketches and initial design.
- **Final engineering and architectural design**—detailed engineering drawings, blueprints, and design specifications.
- **Legal and administrative**—legal consultation, administrative costs of program.
- **Land and building acquisition**—fee simple acquisition.
- **Construction equipment**—rental, purchase, or lease.
- **Personnel**—part-time, fulltime, wage and benefit packages.
- **Improvement and rehabilitation**—conversion or adaptive reuse of existing structures.
- **Maintenance**—general upkeep.



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# Appendix A

## Federal Grant-in-Aid Program Summaries

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The following are summaries of the 28 federal programs listed in the matrix. The identifying numbers correspond to the program in the matrix.

### 1 Public Works and Development Facilities Grant Program

**Agency**

Economic Development Administration  
Department of Commerce

**Purpose**

For construction of public facilities to encourage long-term economic growth in designated areas

**Type of Assistance**

Grants, direct loans

**Contact and addresses:**

Director, Office of Public Investment  
Economic Development Administration  
Department of Commerce  
Washington, D.C. 20230

**Authorization**

Public Works and Economic Development Act of 1965; Public Law 89-136, amended; 42 U.S.C. 3131, 3135

**Key Publications**

Building Communities with Jobs, EDA; Grants and Loans for Public Works and Development Facilities, EDA; Title 13, Code of Federal Regulations, Chapter III, "Qualified Areas under the Public Works and Economic Development Act of 1965;" Guided for Overall Economic Development Programs, Directory of Approved Projects.

### 2 Business Development Loans and Guarantees

**Agency**

Economic Development Administration  
Department of Commerce

**Purpose**

To encourage industrial and commercial expansion in designated areas by providing financial assistance to business for projects that cannot be financed through banks

**Type of Assistance**

Direct loans, guaranteed insured loans

**Contact and Address**

Director, Private Sector Investments  
Economic Development Administration  
Department of Commerce  
Washington, D.C. 20230

**Authorization**

Public Works and Economic Development Act of 1965; Public Law 89-136, as amended; 42 U.S.C. 3142, 3171

**Key Publications**

EDA Business Development Loans—Who Can Borrow—How to Apply

### 3 Planning Assistance

**Agency**

Economic Development Administration  
Department of Commerce

**Purpose**

Multi-county district economic planning

**Contact and Address**

Director, Office of Technical Assistance  
Economic Development Administration  
Department of Commerce  
Washington, D.C. 20235

**Authorization**

Public Works and Economic Development Act of 1965; Public Law 89-136, as amended; 42 U.S.C. 3151, 3152

**Key Publications**

Leaflet—EDA Technical Assistance, What Is It, How to Apply

### 4 Economic Development and Adjustment Assistance Program

**Agency**

Economic Development Administration  
Department of Commerce

**Purpose**

Special economic assistance to help areas meet needs arising from sudden and severe dislocation

**Type of Assistance**

Grants

**Contact and Address**

Director, Office of Special Adjustment Assistance  
Economic Development Administration  
Secretary of Economic Development Operations  
Department of Commerce  
Washington, D.C. 20230

**Authorization**

Public Works and Economic Development Act of 1965, Public Law 89-136, as amended; 42 U.S.C. 3241, 3243, and 3245

## **5 Supplemental and Basic Funding of Titles, I, II, III, IV and IX Activities (304 Grants)**

### **Agency**

Department of Commerce  
Economic Development Administration

### **Purpose**

To provide funds which enable Governors to select projects to assist in the construction of public facilities and other projects which meet the criteria of Titles I, II, III, IV and IX in areas of their state where economic growth is lagging

### **Type of Assistance:**

Project Grants, Direct Loans

### **Contact and Address:**

Economic Development Administration  
Department of Commerce  
Washington, D.C. 20230

### **Authorization**

Public Works and Economic Development Act of 1965, Public Law 89-136; as amended; 42 U.S.C. 3131, 3132, 3141, 3142, 3153

### **Key Publications**

Code of Federal Regulations, Title 13, Chapter III, Part 312 (published also in the Federal Register, Vol. 39, No. 220, November 13, 1974); "EDA Grants for Public Works and Development Facilities," "EDA Business Development Loans—Who Can Borrow—How to Apply"

## **6 Coastal Zone Management Program Administration (306)**

### **Agency**

Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration  
Department of Commerce

### **Purpose**

To assist states administering a coastal zone management program approved by the Secretary of Commerce. State coastal zone grants can be used to support planning for urban waterfront programs

### **Type of Assistance**

Grants

### **Contact and Addresses**

Assistant Administrator  
Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration

3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

### **Authorization**

Coastal Zone Management Act of 1972; Public Law 92-583, Section 306

### **Key Publication**

List of urban waterfront grants funded under Section 306 funds

## **7a Coastal Energy Impact Program—Formula Grants**

### **Agency**

Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration  
Department of Commerce

### **Purpose**

Financial assistance to states and local governments for impacts from Outer Continental Shelf energy activity

### **Type of Assistance**

Grants

### **Contact and Address**

Assistant Administrator  
Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

### **Authorization**

Coastal Zone Management Amendments of 1976, Section 308(b) Public Law 94-370

### **Key Publications**

Coastal Energy Impact Program brochure; 15 Code of Federal Regulations Part 931, May 21, 1979

## **7b Coastal Energy Impact Program—Planning Grants/Loans and Guarantees**

### **Agency**

Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration  
Department of Commerce

### **Purpose**

To assist state and local governments to plan for the consequences of new energy facilities in the coast, financial assistance for public facilities to support new or expanded coastal energy activity

### **Type of Assistance**

Projected Grants, loans

### **Contact and Address**

Assistant Administrator  
Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

### **Authorization**

Coastal Zone Management Act Amendments of 1976, Section 308(c), 308(d)(1) loans and 308(d)(2) bond guarantees, Public Law 94-370

### **Key Publication**

Coastal Energy Impact Program brochure; 15 CFR Part 931, May 21, 1979

## **8a Coastal Energy Impact—Formula Grants**

### **Agency**

Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration  
Department of Commerce

### **Purpose**

Financial assistance to states and local governments for impacts from Outer Continental Shelf energy activity

### **Type of Assistance**

Grants

### **Contact and Address**

Assistant Administrator  
Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

### **Authorization**

Coastal Zone Management Act Amendments of 1976, Section 308(b), Public Law 94-370

### **Key Publications**

Coastal Energy Impact Program brochure; 15 Code of Federal Regulations (CFR) Part 931, May 21, 1979

## **8b Coastal Energy Impact Program—Planning Grants/Loans and Guarantees**

### **Agency**

Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration  
Department of Commerce

### **Purpose**

To assist state and local governments to plan for the consequences of new energy facilities in the coast, financial assistance for public facilities to support new or expanded coastal energy activity

### **Type of Assistance**

Project Grants, loans

### **Contact and Address**

Assistant Administrator  
Office of Coastal Zone Management  
National Oceanic and Atmospheric Administration  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

### **Authorization**

Coastal Zone Management Act Amendments of 1976, Section 308(c) 308(d)(1) loans and 308(d)(2) bond guarantees, Public Law 94-370

### **Key Publication**

Coastal Energy Impact Program brochure; 15 CFR Part 931, May 21, 1979

## **9 Port Planning Studies**

### **Agency**

Maritime Administration  
Department of Commerce

### **Purpose**

To plan for development and utilization of ports and port facilities, and to provide technical advice

### **Type of Assistance**

Port planning studies, technical information

### **Contact and Address**

Director, Office of Port and Intermodal Development  
Maritime Administration  
Department of Commerce  
Washington, D.C. 20230

### **Authorization**

Section 8, Merchant Marine Act 1920

### **Key Publications**

Cooperative Port Planning Studies, Highlights of MarAd Port Activities

## **10 Maritime Preservation Grants**

### **Agency**

National Trust for Historic Preservation

### **Purpose**

Preservation of maritime heritage with significant community impact grants

### **Contact and Address**

Director, Maritime Preservation  
National Trust for Historic Preservation  
740-748 Jackson Pl., N.W.  
Washington, D.C. 20006

### **Authorization**

National Historic Preservation Act of 1966 (PL 89-665)

### **Key Publication**

"Maritime Preservation," in *Preservation News*, special pullout Dec. 1978

## **11 Land and Water Conservation Fund—Acquisition, Development and Planning**

### **Agency**

Heritage Conservation and Recreation Service  
Department of the Interior

### **Purpose**

To acquire and develop outdoor recreation facilities

### **Type of Assistance**

Grants

### **Contact and Address**

Heritage Conservation and Recreation Service  
Department of the Interior  
Washington, D.C. 20243

### **Authorization**

15 U.S.C. 1-4 *et seq.* Land and Water Conservation Fund Act of 1965; Public Law 88-578; 78 Stat. 897; as amended by Public Law 90-401 (82 Stat. 354); Public Law 91-485 (84 Stat. 1084); Public Law 91-308 (84 Stat. 410); Public Law 92-437 (86 Stat. 460); Public Law 93-81 (87 Stat. 178); Public Law 94-422 (90 Stat. 1313); and Public Law 95-42 (91 Stat. 210)

## **12 Urban Park and Recreation Recovery Program**

### **Agency**

Heritage Conservation and Recreation Service  
Department of the Interior

### **Purpose**

To assist hard-pressed communities in the rehabilitation of critically needed recreation areas and development of improved recreation programs

### **Type of Assistance**

Grants

### **Contact and Address**

Heritage Conservation and Recreation Service  
Department of the Interior  
Washington, D.C. 20243

### **Authorization**

Urban Parks and Recreation Recovery Act of 1978, Title X (P.L. 95-625)

### **Key Publication**

Handbook for Recreation Planning and Action

### **13 Historic Preservation Fund**

#### **Agency**

Heritage Conservation and Recreation Service  
Department of the Interior

#### **Purpose**

To identify, acquire, and preserve historic properties.

#### **Type of Assistance** Grants

#### **Contact and Address**

State Historic Preservation Offices  
Heritage Conservation and Recreation Service  
Department of the Interior  
Washington, D.C. 20243

#### **Authorization**

Historic Preservation Act of 1966 (P.L. 89-665, as amended)

#### **Key Publications**

The Secretary of the Interior's Standards for Acquisition and Development Projects, Secretary of the Interior's Standards for Historic Preservation Projects, Historic Preservation Grants-in-Aid

### **14 Comprehensive Planning Assistance (701)**

#### **Agency**

Department of Housing and Urban Development  
Office of Community Planning and Development

#### **Purpose**

To strengthen comprehensive planning functions to state, regional, areawide and local entities

#### **Type of Assistance** Grants

#### **Contact and Address**

Office of Community Planning and Development (HUD)  
451 7th Street, S.W.  
Washington, D.C. 20410

#### **Authorization**

National Housing Act of 1954 as amended, P.L. 83-560 40 U.S.C. 461

#### **Key Publication**

Administrative Regulations for Comprehensive Planning Assistance Grants 24 CFR 600

### **15 Community Development Block Grants—Entitlement Grants**

#### **Agency**

Department of Housing and Urban Development  
Community Planning and Development Office

#### **Purpose**

Federal aid to promote sound community development through projects that principally help low and moderate income people or prevent or eliminate slums and blight or meet urgent community development needs

#### **Type of Assistance** Grants

#### **Authorization**

Title I of the Housing and Community Development Act of 1974, Public Law 93-383, 42 USC, 5301-5317

#### **Key Publication**

Administrative Regulations for Community Development Block Grants, 24 CFR 570

### **16 Community Development Block Grants/Discretionary Grants (Small Cities)**

#### **Agency**

Department of Housing and Urban Development  
Community Planning and Development Office

#### **Purpose**

To assist small communities in furthering community development in addressing the activities and needs of low and moderate income persons

#### **Type of Assistance**

Grants to units of general local governments

#### **Contact and Address**

Community Planning and Development (HUD)  
451 7th Street, S.W.  
Washington, D.C. 20410

#### **Authorization**

Title I of the Housing and Community Development Act of 1974, Public Law 93-383, 42 U.S.C. 5301-5317

#### **Key Publication**

Administrative Regulations for Community Development Block Grants, 24 CFR 570

### **17 Housing Rehabilitation Loans (312)**

#### **Agency**

Department of Housing and Urban Development  
Community Planning and Development Office

#### **Purpose**

To provide low interest loans for rehabilitation of residential and to a limited extent commercial properties

#### **Type of Assistance**

Direct Loans

#### **Contact and Address**

Community Planning and Development  
Department of Housing and Urban Development  
451 7th Street, S.W.  
Washington, D.C. 20410

#### **Authorization**

Housing Act of 1964, as amended, Section 312; Public Law 88-560; 42 U.S.C. 1452 B

#### **Key Publication**

Handbook 7475.1 "Rehabilitation Financing Handbook"

### **18 Urban Development Action Grants**

#### **Agency**

Department of Housing and Urban Development  
Office of Urban Development Action Grants

#### **Purpose**

To encourage private investments in residential, industrial or commercial projects in distressed cities

**Type of assistance**

Grants to units of general local government

**Contact and Address**

Office of Urban Development Action Grants

Community Planning and Development (HUD)

451 7th Street, S.W.

Washington, D.C. 20410

**Authorization**

Title I of the Housing and Community Development Act of 1974, Public Law 93-383, 42 U.S.C. 5301-5317, as amended by Title I of the Housing and Community Development Act of 1977, Section 110, Public Law 93-128, 42 U.S.C. 5304

**Key Publication**

Administrative Regulations for Urban Development Action Grants 24 CFR 570.450

**19 National Flood Insurance Program****Agency**

Federal Emergency Management Agency

**Purpose**

Flood Insurance and technical assistance on flood hazard mitigation

**Contact and Address**

Federal Emergency Management Agency

451 7th Street, S.W.

Washington, D.C. 20410

**Authorization**

Housing and Urban Development Act of 1968; Title XIII, Public Law 90-448, 82 Stat. 476,572 as amended, 42 U.S.C. 4011, 4127, 83 Stat. 39, 42 U.S.C. 4056; 83 Stat. 479, 42 U.S.C. 4021, and Flood Disaster Protection Act of 1973, Public Law 93-234

**Key Publications**

44 CFR 59, et seq. (formerly Regulation 24 CFR 1909, et seq.); Publication "Questions and Answers on the National Flood Insurance Program," "Mandatory Purchase of Flood Insurance Guidelines"; "How to Read a Flood Hazard Boundary Map," "How to Read a Flood Insurance Rate Map," Community Assistance Series Publications (4 publications), Elevated Residential Structures Manual for Construction of Basements

**20 Design Arts Program****Agency**

National Endowment for the Arts

**Purpose**

To encourage communities to introduce exemplary design as an integral part of their planning processes; to encourage arts activities in communities by assisting in design and planning of cultural activities

**Type of Assistance**

Grant

**Contact and Address**

Director, Design Arts Program  
National Endowment for the Arts  
2401 E Street, N.W.  
Washington, D.C. 20506

**Authorization**

National Foundation of the Arts and the Humanities Act of 1965, Public Law 89-209 as amended by Public Law 90-3, Public Law 91-346, Public Law 93-133, and Public Law 94-462; 20 U.S.C. 951 et seq.

**Key Publications**

"National Endowment for the Arts, Guide to Programs" and "Design Arts Program Application and Guidelines"

**21 Harbor Cleanup, Drift Removal Program****Agency**

Department of the Army  
Office of the Chief of Engineers

**Purpose**

To improve channels for purposes of navigation

**Contact and Address**

U.S. Army District Engineer or Director of Civil Works

DAEN-CWO-M

Office of the Chief of Engineers  
Department of the Army  
Washington, D.C. 20314

**Authorization**

Section 3 of the 1945 River and Harbor Act; Public Law 79-14; 33 U.S.C. 603a

**Key Publications**

Engineer Regulations 1165-2-101 and 1165-2-4 and sheets describing this program are available from nearest District Engineer

**22 Urban Mass Transit Authority****Capital Improvement****Agency**

Department of Transportation  
Federal Highway Administration

**Purpose**

Mass Transit Projects

**Type of Assistance**

Grant

**Contact and Address**

State Highway Commission Located in State Capital or  
Associate Administrator,  
Office of Transit Assistance,  
Urban Mass Transit Administration  
400 7th Street, S.W.  
Washington, D.C. 20590

**Authorization**

Urban Mass Transportation Act of 1964; Public Law 99-365, as amended through February 5, 1976; 49 U.S.C. 1601 et seq.

**Key Publications**

49 CFR 601.2; "Program information for Capital Grants and Technical Studies Grants," "Guidelines for Project Administration"



## **23 Urban Mass Transit Authority**

### **Agency**

Department of Transportation  
Federal Highway Administration  
Urban Mass Transit Administration

### **Purpose**

Mass Transit Projects

### **Type of Assistance**

Grant

### **Contact and Address**

State Highway Commission located in State Capital, or  
Associate Administrator  
Office of Transit Assistance  
Urban Mass Transit Administration  
400 7th Street, S.W.  
Washington, D.C. 20590

### **Authorization**

Urban Mass Transportation Act of 1964; Public Law 99-365, as amended through February 5, 1976; 49 U.S.C. 1601 et seq.

## **24 Section 208 of the Federal Water Pollution Control Act—State and Areawide Water Quality Planning**

### **Agency**

Environmental Protection Agency

### **Purpose**

To encourage and facilitate the development and implementation of water quality management plans by areawide agencies.

### **Type of Assistance**

Grants

### **Contact and Address**

Water Planning Division,  
EPA  
Washington, D.C. 20460

### **Authorization**

Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251 et seq.

### **Key Publications**

State and Local Assistance (40 CFR Part 35) General Grant Regulations and Procedures, (40 CFR Part 30); Procedures for Providing Grants to State and Areawide Planning Agencies, (40 CFR Part 130). "Federal Assistance Programs of the Environmental Protection Agency"

## **25 Section 201 of the Federal Water Pollution Control Act—Wastewater Treatment Facilities**

### **Agency**

Environmental Protection Agency

### **Purpose**

Purpose

Treatment of wastewater

### **Type of Assistance**

Project Grants Contact Address  
State Water Pollution Control

Agency or

Municipal Construction Division  
Environmental Protection Agency  
Washington, D.C. 20460

### **Authorization**

Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251 et seq.

### **Key Publications**

Final Construction Grant Regulation, Environmental Protection Agency, (40 CFR Part 35, Subpart E). General Grant Regulations and Procedures, EPA, (40 CFR Part 30). "Federal Assistance Programs of the Environmental Protection Agency," "Grants Administration Manual," available from the National Technical Information Services, Department of Commerce, Springfield, Va. 22161 on a subscription basis for \$60 for two years. "How Wastewater Treatment Works"

## **26 Office of Real Property—Disposal of Federal Surplus Real Property**

### **Agency**

General Services Administration

### **Purpose**

Donates excess Federal Government property to be developed for the benefit of the area

### **Type of Assistance**

Land

### **Contact and Address**

Assistant Commissioner, Office of Real Property  
Public Buildings Service  
General Services Administration  
Washington, D.C. 20405

### **Key Publications**

"Disposal of Surplus Real Property," 41 CFR 101-47, Utilization and Disposal of Real Property

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# Appendix B

## Federal Loan Programs

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In addition to grant-in-aid programs, there are other sources of federal assistance to local governments, developers, and private citizens for urban redevelopment projects. Aid is usually in the form of low interest loans, rent subsidies, or guaranteed mortgages. The primary source of assistance is the Department of Housing and Urban Development, although the Economic Development Administration and the Small Business Administration also have some loan programs.

The following is a description of the programs offered by HUD, EDA, and SBA that might be applicable to urban waterfront revitalization. This is not a complete list of loan programs, and it is recommended that interested persons contact the local offices given with each program for more detailed information.

This part of the compendium of federal assistance programs is excerpted from a larger list of loan programs prepared by the Mortgage Bankers Association of America in its publication, "Urban Revitalization Handbook." Further information on the role of mortgage banking in community development can be obtained from:

Mortgage Bankers Association of America  
1125 15th Street, N.W.  
Washington, D.C. 20005  
(202) 785-8333

### Program

#### **Government National Mortgage Association Special Assistance Mortgage Purchases ("Tandem")**

A secondary mortgage market created by GNMA purchases mortgages from private lenders to expand and facilitate investment in housing.

### Description

GNMA was originally established as a secondary market for federally-insured residential mortgages not readily saleable in the private market. These mortgages generally finance housing for groups or in areas with special needs.

More recently, GNMA was authorized to purchase both federally-insured and conventional mortgages at below-market interest rates to stimulate lagging housing production. These mortgages are then resold at current market prices with the government absorbing the loss as a subsidy.

Twenty-five special assistance programs have been implemented since 1954. GNMA is currently purchasing mortgages under the following programs: program 17 (Section 236 and 221(d)(3) rent supplement projects); program 21 (unsubsidized multifamily projects); program 23 (HUD-insured multifamily project mortgages).

### Eligibility

FHA-approved mortgages may apply to sell federally underwritten mortgages to GNMA. Lenders approved by the Federal National Mortgage Association or by the Federal Home Loan Mortgage Corporation to participate in their conventional mortgage purchase programs may apply to sell conventional loans to GNMA.

### Information Source

Regional offices of the Federal National Mortgage Association in Atlanta, Chicago, Dallas, Los Angeles, and Philadelphia. The National Office is at 451 7th St. SW, Washington, D.C. (202) 755-5926

### Program

**Rehabilitation Loans, U.S. Department of Housing and Urban Development (Section 312).** Section numbers refer to a particular section of the Housing Act 1964 as amended.

Loans to assist rehabilitation in federally-aided Community Development Block Grant, Urban Homesteading (Section 810), Urban Renewal, and Code Enforcement areas.

## Description

Direct federal loans finance rehabilitation of residential, mixed use, and nonresidential properties certified by the local government. By financing rehabilitation to bring the property up to applicable code, project, or plan standards, the loans prevent unnecessary demolition of basically sound structures. A loan may provide insulation and installing weatherization equipment.

## Eligibility

Property owners and business tenants of such property whose leases have at least as long to run as the terms of the loan. The applicant must demonstrate the capacity to repay the loan and be unable to secure necessary financing from other sources on comparable terms and conditions. Preference is given to low- and moderate-income applicants.

## Information Source

Assistant Secretary for Community Planning and Development  
Department of Housing and Urban Development  
Washington, D.C. 20410

HUD regional offices and area offices, and housing and community development agencies of local governments can provide information also.

## Program

**One- To Four-Family Home Mortgage Insurance** Section 203 (b) and (i) U.S. Department of Housing and Urban Development

Federal mortgage insurance to facilitate homeownership and the construction and financing of housing.

## Description

By insuring commercial lenders against loss, HUD encourages them to invest capital in the home mortgage market. HUD insures loans made by private financial institutions for up to 97 percent of the property value and for terms of up to 30 years. The loans may finance homes in both urban and rural areas (except farm homes). Less rigid construction standards are permitted in rural areas.

## Eligibility

Any person able to make the cash investment and the mortgage payments.

## Information Source

Assistant Secretary for Housing  
Federal Housing Commissioner  
Department of Housing and Urban Development  
Washington, D.C. 20410, and all HUD area offices

## Program

**Homeownership Assistance for Low- and Moderate-Income Families** (Section 235 loans) U.S. Department of Housing and Urban Development

Mortgage insurance and interest subsidy for low- and moderate-income home buyers.

## Description

To enable eligible families to afford new homes that meet HUD standards. HUD insures mortgages and makes monthly payments to lenders to reduce interest to as low as 4 percent. The homeowners must contribute 20 percent of adjusted income to monthly mortgage payments and must make a down payment of 3 percent of the cost of acquisition. There are dollar limits on loans and sales prices.

## Information source

Assistant Secretary for Housing  
Federal Housing Commissioner  
Department of Housing and Urban Development,  
Washington, D.C. 20410, and all HUD area offices

## Program

**Special Credit Risks** (Section 237) U.S. Department of Housing and Urban Development

Mortgage insurance and homeownership counseling for low- and moderate-income families with a credit history that does not qualify them for insurance under normal standards.

## Description

HUD insures lenders against loss on home mortgage loans to low- and moderate-income families that are marginal credit risks. HUD is also authorized to provide budget, debt-management, and related counseling services to these families when needed. These services are performed by local HUD-approved organizations. Applicants may seek credit assistance under most FHA home mortgage insurance programs.

## Eligibility

Low- and moderate-income households with credit records indicating ability to manage their financial and other affairs successfully if given budget, debt-management, and related counseling.

## Information Source

Assistant Secretary for Housing  
Federal Housing Commissioner  
Department of Housing and Urban Development,  
Washington, D.C. 20410, and all HUD area offices

## **Program**

**Urban Homesteading** (Section 810) U.S. Department of Housing and Urban Development

A national demonstration program transferring HUD properties to local governments to revitalize declining neighborhoods and reduce the federal inventory of defaulted mortgages.

## **Description**

Vacant HUD-held properties are transferred to local governments that have developed home plans approved by HUD. Each city has to devise a plan ensuring the availability of rehabilitation financing, technical assistance to homesteaders, and all essential municipal services to the target neighborhoods.

The local governments selected for the program then "sell" these properties for a token sum (as low as one dollar) to individuals or families called "homesteaders." The homesteader must make repairs to meet minimum health and safety standards, then occupy the property as a principal residence for at least three years. Within 18 months of occupying the property, it must be brought up to local code standards. When all these requirements have been met, the homesteader receives full title to the property.

## **Eligibility**

Homesteaders must be equitably selected by each participating city. Cities are chosen as demonstration sites by HUD after submitting acceptable homesteading plans.

## **Information Source**

Assistant Secretary for Policy Development and Research  
Urban Homesteading Demonstration Program  
Department of Housing and Urban Development  
Washington, D.C. 20410

## **Program**

**Lower Income Rental Assistance** (Section 8) U.S. Department of Housing and Urban Development

A rent subsidy for lower-income families to help them afford decent housing in the private market.

## **Description**

HUD makes up the difference between what a lower-income household can afford and the fair market rent for an adequate housing unit. No eligible tenant need pay more than 25 percent of adjusted income toward rent. Housing subsidized by HUD must meet certain standards of safety and sanitation, and rents for these units must fall within the range of fair market rents as determined by HUD. This rental assistance may be used in existing housing, in new construction, or in substantially rehabilitated units. Different procedures apply in each case.

Local public housing agencies administer the existing housing program, certifying eligible tenants, inspecting the units proposed for subsidy, and contracting with approved landlords for payment. (Tenants execute separate leases with landlords to pay their share of rent.)

Nonprofit and profit-motivated developers, alone or together with public housing agencies, submit proposals for substantial rehabilitation or new construction in response to invitations from HUD; or they may apply to their respective state housing finance agency. On approval of the proposals, HUD contracts to subsidize units to be occupied by eligible families.

## **Eligibility**

Tenants must be lower-income households with incomes amounting to 80 percent of the area median income or less. Project sponsors may be private owners, profit motivated and non-profit or cooperative organizations, public housing agencies, or state housing finance agencies.

## **Information Source**

Assistant Secretary for Housing  
Federal Housing Commissioner  
Department of Housing and Urban Development  
Washington, D.C. 20410

## **Program**

**Multifamily Rental Housing for Low- and Moderate-Income Families** Section 221(d) (3) and (4), U.S. Department of Housing and Urban Development

Mortgage insurance to finance rental or cooperative multifamily housing for low- and moderate-income households.

## **Description**

To help finance construction or substantial rehabilitation of multifamily (five or more units) rental or cooperative housing for low- and moderate-income families, HUD conducts two related programs. Both insure project mortgages at the FHA ceiling interest rate. Projects in both cases may consist of detached, semi-detached, row, walk-up, or elevator structures. The insured mortgage amounts are controlled by statutory dollar limits per unit that are intended to assure moderate construction costs. Units financed under both programs may qualify for assistance under Section 8 if occupied by eligible low-income families.

## **Eligibility**

Section 221(d)(3) mortgages may be obtained by public agencies; nonprofit, limited-dividend, or cooperative organizations; and private builders or investors who sell completed projects to such organizations. Section 221(d) (4) mortgages are limited to profit motivated sponsors except in the case of tenants receiving subsidies.

## **Information Source**

Assistant Secretary for Housing  
Federal Housing Commissioner  
Department of Housing and Urban  
Development  
Washington, D.C. 20410, and all  
HUD area offices.

## **Program**

**Condominium Housing** (Section 234), U.S. Department of Housing and Urban Development (single family)

Federal mortgage insurance to finance ownership of individual units in multifamily housing projects.

## **Description**

HUD insures mortgages made by private lending institutions for the purchase of individual family units in multifamily housing projects under Section 234(c). Sponsors may also obtain FHA-insured mortgages to finance the construction or rehabilitation of housing projects that they intend to sell as individual condominium units under Section 234(d). A project must contain at least four dwelling units; they must be in detached, semi-detached, row, walk-up, or elevator structures.

A condominium is defined as joint ownership of common areas and facilities by the separate owners of single dwelling units in the project.

## **Eligibility**

Any qualified profit-motivated or nonprofit sponsor may apply for a blanket mortgage covering the project after conferring with his or her local FHA insuring office; any creditworthy person may apply for a mortgage on individual units in a project.

## **Information Source**

Assistant Secretary for Housing  
Federal Housing Commissioner  
Department of Housing and Urban  
Development  
Washington, D.C. 20410, and all  
HUD area offices.

## **Program**

**Cooperative Housing** (Section 213), U.S. Department of Housing and Urban Development—Federal mortgage insurance to finance cooperative housing projects.

## **Description**

HUD insures mortgages made by private lending institutions on cooperative housing projects of five or more dwelling units to be occupied by members of nonprofit cooperative ownership housing corporations. These loans may finance new construction; rehabilitation; acquisition; improvement or repair of a project already owned, and resale of individual memberships; construction of projects composed of individual family dwellings to be bought by individual members with separate insured mortgages; and construction or rehabilitation of projects that the owners intend to sell to nonprofit cooperatives.

## **Eligibility**

Nonprofit corporations or trusts organized to construct homes for members of the corporation or beneficiaries of the trust, and qualified sponsors who intend to sell the project to a nonprofit corporation or trust.

## **Information Source**

Assistant Secretary for Housing  
Federal Housing Commissioner  
Department of Housing and Urban  
Development  
Washington, D.C. 20410, and all  
HUD area offices.

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# Appendix C

## Urban Waterfront Revitalization — The Role of Recreation and Heritage

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What follows is an excerpt from *Urban Waterfront Revitalization: The Role of Recreation and Heritage*, issued in November 1979 by the Heritage Conservation and Recreation Service. In addition, there is volume one, containing conclusions and analysis, and volume two, discussions of 18 case study cities that form the basis of the report. The reports are available from the Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243.

This is a summary of Volume 1 covering key factors, needs, and goals.

“Benefits:

Urban waterfronts have helped communities in many ways:

### **To Meet Recreation Needs**

- Active use of facilities—recreational and commercial—by people of all ages and income levels have been increased.
- Inner city young people can enjoy and understand the need for natural resource conservation and recreation experiences.

### **To Gain From Their Water Quality Investment**

- Public access to the water’s edge has been provided which capitalizes on the public’s investment to improve water quality.

### **To Protect Heritage Resources**

- There has been renewed pride and interest in the activities and accomplishments of previous generations.

### **To Encourage Energy Conservation**

- Energy saving by an increasing number of people looking for ‘at home’ recreation opportunities in, on or near the water has been made possible, existing structures have been ‘recycled.’

### **To Support Economic Development Goals**

- Tax revenues for cities have increased as real estate values rise in waterfront and adjacent areas.
- Jobs lost through waterfront deterioration have been recovered and more jobs created as new commercial establishments thrive.

### **To Reduce the Impact of Natural Hazards**

- Wise land use has reduced the impact of floods and hurricanes.

### **To Enhance Environmental Quality**

- Overall urban environmental quality improvement has been substantial.

### **Findings: Factors Facilitating Successful Projects**

These factors were typically associated with successful projects during their conceptualization, planning and implementation.

- A determination to succeed.
- Support building.
- Private sector involvement.
- Coordination with other waterfront programs and projects.
- Wise planning.
- Reduction of land acquisition costs.
- A visible accomplishment within one year.

The sponsors of projects which never got off the ground or became bogged down often did not understand the importance of or know how to go about pursuing one or more of these factors. While there are no guarantees of success, there is every indication that good luck is more often on the side of cities following this general pattern than those which do not.

## Critical Needs in Urban Waterfront Projects

(The) report has established background information essential to the development of sound national policy on the role of recreation and heritage resources in urban waterfront revitalization. The identification and understanding of factors contributing to successful projects are an important part of this policy background, so that ways to institutionalize these factors can be explored. It is equally important to the policy process to identify and understand factors which have delayed or prevented the completion of waterfront projects so they can be avoided or their impact reduced.

Despite the documented record of achievement, critical needs have been identified which must be met if the interest in and the potential benefits of urban waterfront revitalization are to be optimally realized.

- Increased public understanding of waterfront revitalization goals, benefits and methods.
- Improved project planning and design, especially in the following areas:

Enhancing unique qualities;

- Water resistant designs and construction;
- Project staging;
- Small scale projects;
- Water dependent activities;
- Recreational opportunities for everyone;
- Comprehensive planning.
- Resolution of highway and railroad problems.
- Provision of timely technical assistance in essential areas.
- Resolution of funding constraints.
- Development of private sector incentives to provide public access.
- Improvement of Federal cooperation and coordination.

Short and long term goals which respond to these needs should be established and actively pursued by all levels of government and the private sector.

Based on an analysis of the needs described above, the following goals have been identified.

- The coordination of Federal decisionmaking in projects using Federal resources or requiring Federal approval should be supported. Such programs are related to Federal policies on urban community and economic development, energy, hazard mitigation, water quality, environmental planning and design, and recreation and heritage resources.
- Knowledge about and skills for making the most of opportunities for and environmental, social and economic benefits of urban recreation, open space and heritage resources should be increased.
- The planning and design of urban waterfront projects having public access, recreation, open space and heritage; and the relationship of these projects to the total waterfront needs improvement.
- The benefits of urban waterfront revitalization activities and the clean water investment need to be available to people now lacking such opportunities; those whose income is below the national average, minorities, the elderly and the young.

- Public opportunities for visual and physical access to urban waterfronts need to be increased by:

Providing appropriate public access in all urban waterfront projects, especially those which are Federal, federally supported or require a Federal permit;

— Encouraging the private sector to provide and permit public access;

— Seeking solutions to public access problems caused by railroads and highways.

These goals will only be met by a commitment on the part of decisionmakers at all levels, but especially those in urban areas. Without this strong local role the complex problems associated with waterfront revitalization cannot be solved. Success will be determined by clarity of policy, support provided by for it by city leaders, and constant oversight on their part to ensure that program and projects are completed.

During Fiscal Year 1980, the Heritage Conservation and Recreation Service, in cooperation with federal, state and local agencies and organizations, will work toward the achievement of these goals."

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# Appendix D

## Urban Waterfront Action Group

### Directory of Participants

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#### Federal Agencies

##### United States Army Corps of Engineers

###### Regulatory Branch

Headquarters Dept. of the Army  
Office of the Chief of Engineers  
Washington, D.C. 20314  
Attn: DAEN-CWO-N  
Ralph Eppard  
Phone: (202) 272-0200

Authorizes permits for activities in the waters of the United States.

##### Department of Commerce

###### Office of the Secretary Regional Action Planning Commission

14th & Constitution Avenue, N.W.  
Washington, D.C. 20230  
Frances Phipps  
Phone: (202) 377-4556

Provides assistance in gaining access to the planning, technical, and financial resources and services for local urban waterfront projects available from multi-state Regional Action Planning Commissions.

###### Office of the Secretary Office of State and Local Government Assistance

14th and Constitution Avenue, N.W.  
Washington, D.C. 20230  
Room 5893  
Carolyn Tieger  
Phone: (202) 377-4556

The central point of contact for state and local government officials interested in gaining access to and coordinating Department of Commerce resources and services for urban waterfront projects.

##### Economic Development Administration (EDA)

14th and Constitution Avenue, N.W.  
Washington, D.C. 20230  
Al Gunther  
Phone: (202) 377-3027

CEDS is a new approach to helping communities plan and implement economic revitalization activity. In the CEDS process, communities develop investment strategies in which they identify local needs, set development priorities, and establish specific ways of addressing those priorities. Through this process, communities are able to better link investments by federal, state, and local agencies, and to stimulate increased private sector participation in economic development and job creation.

##### Office of Coastal Zone Management

Office of Policy and Evaluation  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235  
Ann Breen Cowey  
Phone: (202) 634-4245

OCZM funds urban waterfront and harbor planning projects through state CZM grant programs. In addition, the office conducts research and offers advice and technical assistance pertaining to urban coastal issues.

##### Maritime Administration

###### Office of Port and Intermodal Development

14th & Constitution Avenue, N.W.  
Washington, D.C. 20230  
John Pisani  
Phone: (202) 377-3350

Responsible for port promotion, planning, and development on national, regional, state, and local levels. The office sponsors: cost-shared comprehensive port planning studies which provide needs projections through the year 2000 and commercial port impact on urban waterfront development; computerized port facilities inventory which provides physical and operational characteristics of all U.S. public and private terminals; and technical assistance on local site development issues.

##### Department of Housing and Urban Development

###### Office of Environmental Quality

451 7th Street, S.W.  
Washington, D.C. 20410  
Andy Euston  
Phone: (202) 755-8909

Responsible for ensuring department compliance with the National Environmental Policy Act (NEPA), as well as overseeing HUD concerns relating to the physical, social, and economic environment.



**Office of Policy Development and Research**

451 7th Street, S.W.  
Room 8146  
Washington, D.C. 20410  
Joel Friedman  
Phone: (202) 755-7335

Provides support services in the areas of long-range policy development, program evaluation, and research for the program offices within the Department.

**Office of Community Planning and Development**

451 7th Street, S.W.  
Room 7224  
Washington, D.C. 20410  
Peter Hahn  
Phone: (202) 755-6240

Provides funding for local governments through Community Development Block Grants, Urban Development Action Grants, Section 312 Rehabilitation programs. Also provides Section 701 Comprehensive Planning Assistance.

**Department of the Interior**

**Heritage Conservation and Recreation Service**

**Technical Preservation Services (Maritime Heritage Program)**

440 G Street, N.W.  
Room 230A  
Washington, D.C. 20243  
Gary Hume, Dale Lanzone  
Phone: (202) 343-7217

This office administers a \$5 million maritime preservation grants-in-aid program to the states and to the National Trust for Historic Preservation. Categories include urban waterfront development, planning, engineering and architectural services, historic vessels, and maritime educational programs.

**Heritage Conservation and Recreation Service**

**Water Resources Section**

440 G Street, N.W.  
Room 312  
Washington, D.C. 20243  
Irene Murphy, Bill Honore  
Phone: (202) 343-5571

The Water Resources Section conducts studies, reviews projects and plans, and provides a variety of technical assistance to communities interested in urban waterfront revitalization.

**National Park Service  
Office of Park Planning and Environmental Quality**

18th & C Street, N.W.  
Washington, D.C. 20240  
Luther Burnett  
Phone: (202) 343-5625

This office interested in the relationship of urban waterfront projects to existing parks or proposed park sites.

**Department of Transportation**

**Office of the Secretary  
Office of Intergovernmental Affairs, I-23**

400 7th Street, S.W.  
Room 10405  
Washington, D.C. 20590  
Leroy E. Johnson  
Phone: (202) 426-0163

Coordinates the development of transportation systems as they impact upon urban and rural areas.

**Environmental Protection Agency**

**Clean Lakes Program  
Criteria and Standards Division (WH-585)**

401 M Street, S.W.  
Room 2812M  
Washington, D.C. 20460  
Bob Johnson  
Phone: (202) 472-3400

Provides technical and financial assistance to restore and protect the water quality and usability of publicly owned freshwater lakes. EPA has recently announced an urban lakes initiative which will provide an additional focus for the program on urban lakes.

**National Workforce Development Staff**

401 M Street, S.W.  
Washington, D.C. 20460  
John Gerba  
Phone: (202) 426-8882

Coordinates the EPA Urban Work Group, which was established by EPA to deal with urban-specific problems and to carry out EPA's portion of the current administration's urban policy.

**Federal Insurance Administration, Federal Emergency Management Agency**

**Program Analysis and Evaluation Division**

451 7th Street, S.W.  
Room 5264  
Doug Lash.  
Phone: (202) 426-1891

The National Flood Insurance Program, administered by the Federal Insurance Administration, enables persons to purchase insurance against losses from damage or destruction of real or personal property caused by floods or flood-caused erosion, and to promote wise floodplain management practices in the nation's flood prone areas.

**National Endowment for the Arts**

**Design Arts**

2401 E Street, N.W.  
Washington, D.C. 20506  
Geri Bachman  
Phone: (202) 634-4286

Small grants (maximum of \$30,000) are awarded to non-profit organizations, including local governments, for planning and design work. The grants can be used for the conceptualization necessary to initiate waterfront revitalization. The grant awards must be matched 50/50 by the organization.

### **National Endowment for the Humanities**

Special Assistant to the Chairman  
806 15th Street, N.W.  
Mail Stop 302  
Washington, D.C. 20506  
Leonard P. Oliver  
Phone: (202) 724-0297

The Endowment supports waterfront projects in the humanities including historic documentation and preservation, media projects, exhibits, research, and issue discussion at the national and state levels.

### **Non-Federal Organizations**

#### **National Trust for Historic Preservation**

**Maritime Preservation Office**  
1785 Massachusetts Avenue, N.W.  
Washington, D.C. 20036  
Capt. Harry Allendorfer  
Phone: (202) 673-4127

This office encourages and assists public agencies and private organizations to include maritime heritage focus in urban waterfront revitalization projects through adaptive use of historic maritime resources ashore and afloat. Provides technical and advisory services and financial assistance through maritime heritage preservation grants program.

#### **United States Conference of Mayors**

##### **Railroad and Revitalization Program**

1620 I Street, N.W.  
Suite 510  
Washington, D.C. 20006  
Jeffrey A. Parker  
Phone: (202) 293-6910

This Department of Commerce-funded program provides technical assistance to cities and railroads to relocate railroad facilities and to help overcome barriers to the redevelopment of railroad properties in cities. Many ports and waterfront areas are encumbered by rail facilities which act as barriers to reuse. This program can advise public and private agencies as to how these barriers can be overcome.

#### **National League of Cities**

##### **Urban Environmental Design Project**

1620 I Street, N.W., 2nd Floor  
Washington, D.C. 20006  
Trudy Gayer Moloney  
Phone: (202) 293-6795

The National League of Cities represents over 800 cities directly and over 15,000 through their state municipal leagues in Washington. The League provides its members with technical assistance in a variety of subject areas, one of which is urban environmental design. NLC's Urban Environmental Design Project assists cities to improve the design management and quality in their development processes.

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# Appendix E

## Contract for the Implementation of the Freemason Harbour Urban Development Action Grant No. B-79-AA-51-0111

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THIS AGREEMENT, entered into as of the \_\_\_\_\_ day of 1979, between the NORFOLK REDEVELOPMENT AND HOUSING AUTHORITY (hereinafter referred to as the "Authority"), CHESSIE RESOURCES, INC., a Virginia Corporation (hereinafter referred to as "CRI") and FREEMASON HARBOUR ASSOCIATES, a partnership composed of Oliver T. Carr, Jr., individually, Oliver T. Carr Management, Inc., and Chessie Resources, Inc., (hereinafter referred to as the "Developer");

### WITNESSETH THAT:

WHEREAS, the Authority has agreed to cause the construction of certain public improvements and the Developer has agreed to make certain private improvements; and

WHEREAS, the Authority has prepared and received preliminary approval of an application for federal funds under the Urban Development Action Grant (UDAG) program which will enable the Authority and the Developer to accelerate and intensify their development activities; and

WHEREAS, the parties desire to define and detail the scope and description of the improvements which the parties now desire to have completed by the public and private sector in conjunction with the development of Parcels 6, 7, and 8 of the Freemason Harbour project;

NOW, THEREFORE, in consideration of the premises and of the promises mutually exchanged herein, the parties do agree as follows:

### 1. Public Site Improvements:

The Authority will proceed to do all those things necessary to complete the public work involved in street improvement, utility relocation and installation, landscaping, bulkheading and related marine work, and park and beautification work in those public spaces known as College Place, College Cross, Dunmore Street, Yarmouth Street, Tazewell Street and Harbour Square. The general nature, amount and cost of such work is described in Exhibit B and Exhibit C of the Department of Housing and Urban Development, Urban Development Action Grant Agreement, No. 3-79-AA-51-0111, for the Freemason Harbour project (Grant Agreement) which is attached hereto as Exhibit 1. Continuing to recognize the need to have the public improvements completed prior to completion of the private improvements, the Authority agrees to complete the foregoing in a timely fashion consistent with the schedule set out in Exhibit F of the Grant Agreement.

### 2. Private Development:

The Developer agrees to construct and/or rehabilitate on Parcels 6, 7, and 8 of the Freemason Harbour project a 195,113 gross square foot residential condominium project consisting of 94 residential condominium units and 7,800 square feet of accessory retail space. Construction of these improvements is scheduled to begin in October of 1979 and to be completed in December of 1980. The total cost of these improvements is estimated to be \$6,868,339. A site plan giving the location, shape and size of these parcels, prepared by McGaughy, Marshall and McMillan, is attached hereto as Exhibit 2.

### 3. Public Garage:

The Authority shall construct or cause to be constructed on Parcel 6 an enclosed garage containing 104 parking spaces at an estimated cost of \$722,500.00. Such construction is to be begun and completed in accordance with the schedule set out in Exhibit F of the Grant Agreement.

### 4. Lease of Garage:

Ownership of the parking garage will be retained by the Authority but leased to a Condominium Association made up of purchasers of the condominium units as a monthly rental of not less than \$26.50 for each parking space. The Developer, in establishing this condominium regime agrees to incorporate provisions for the aforementioned lease agreement as a part of the purchase contract for the sale of the condominium units.

**5. Ground Lease for Condominium Units:**

The Authority agrees to execute a ground lease for 60 years, renewable for another 60 year term, for the site of the private improvements to be constructed on Parcels 6, 7, and 8 calling for the payment of not less than \$42.94 monthly for each of the 94 condominium units. The existence of the underlying ground lease will be recognized in the Developer's sales documents for the condominium units.

**6. Payment of Taxes:**

Developer agrees to include in its sale documents a provision imposing upon the condominium association or the individual condominium unit owner the obligation of paying to the City of Norfolk the annual real estate taxes due on the condominium units and common elements, which taxes are estimated to aggregate the sum of \$92,356 annually.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

ATTEST:  
NORFOLK REDEVELOPMENT AND HOUSING AUTHORITY

\_\_\_\_\_  
Executive Director Date

Approved as to form and correctness:

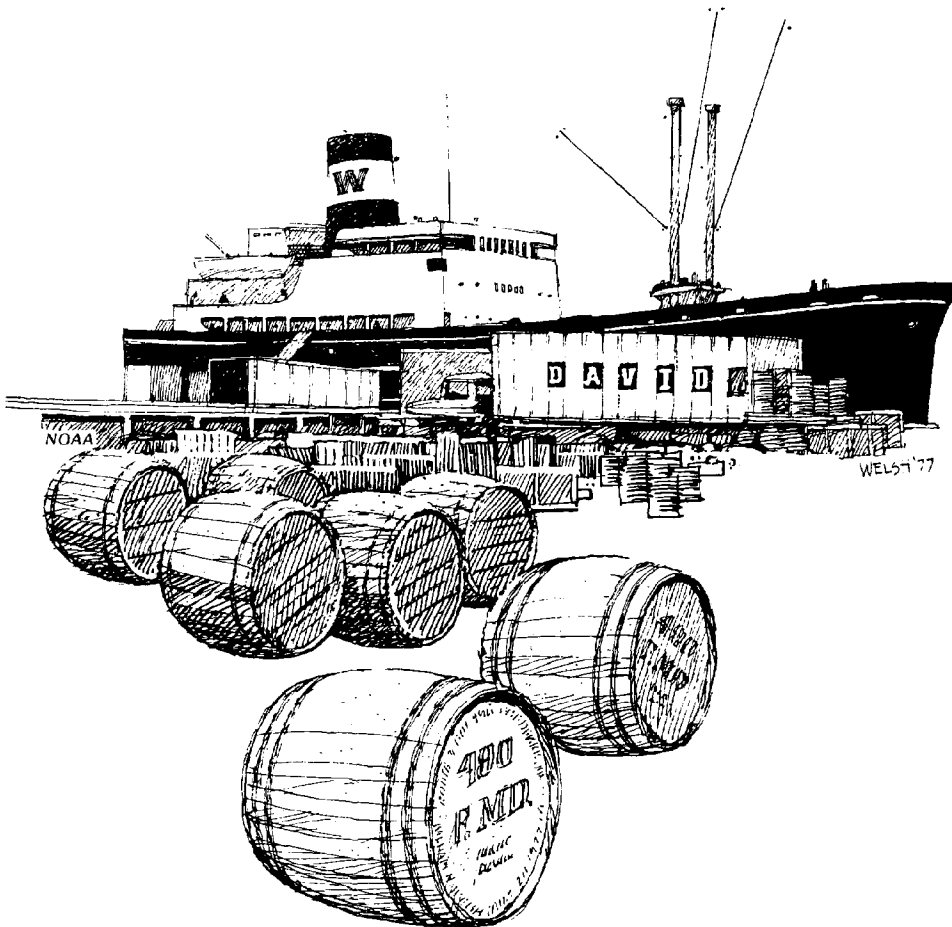
\_\_\_\_\_  
NRHA, Counsel Date

ATTEST:  
CHESSIE RESOURCES, INC.

\_\_\_\_\_  
Approved as to form and correctness:

ATTEST:  
FREEMASON HARBOUR ASSOCIATES

\_\_\_\_\_  
Approved as to form and correctness:



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# Appendix F

## Zoning Bylaw, Section 401.09, Town of Plymouth, Massachusetts, July 18, 1973

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### 401.09 Waterfront

#### A. Intent.

To encourage the development of marine, history or tourism land uses and activities which take advantage of the peculiar characteristics of the waterfront as well as its central location in Plymouth Center and its proximity to the historic area.

To aid in revitalization of the central area by encouraging uses which attract people into the area and generate pedestrian-oriented activity.

To complement the seasonal nature of the waterfront and tourist areas by establishing uses of year-round activity and vitality.

To require special Environmental Design Conditions for special permit uses to insure, among other purposes, proper emphasis on a pedestrian environment, adequate pedestrian links between the proposed development and surrounding properties, high standards of site planning, architectural design which is compatible with the adjoining historic area.

#### B. Allowed uses.

1. Boat sales, service, rentals, ramps and docks; commercial sightseeing or ferrying;
2. Marine railways, repair yards, storage yards, marine supply outlets;
3. Commercial fishing and seafood wholesale or retail outlets and related uses.

#### C. Special Permit Uses Subject to Environmental Design Conditions.

1. Restaurants and outdoor eating facilities;
2. Recreational, social, or cultural facilities such as theater, playhouse, bandshell, outdoor pavilion, night club, community center;
3. Hotel, motel, or other tourist related facility;
4. Speciality shopping facilities such as art galleries, gift shops, antique shops, import shops, leather and natural goods stores, as part of a pedestrian-oriented shopping arcade or center; and including uses of a more general commercial nature which do not detract from the purposes of the waterfront and which are necessary to the economic viability of such a complex;

5. Multi-family and single family attached residential provided such complexes are designed not to preclude public access to and along the shoreline.

#### D. Prohibited Uses.

1. Industrial uses;
2. General commercial uses not related to any of the stated purposes or activities of the waterfront which would not make appropriate use of its unique potential.

#### E. Dimensional and other Requirements.

1. All uses, premises, and structures should be designed to allow all pedestrian access to and along the shore for a minimum distance of ten (10) feet inland from the mean high water mark;
2. Minimum setback of major structures from mean high water mark shall be twenty-five (25) feet, unless the wetlands designation and regulations of Section 401.02 apply.

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# Appendix G

## Toledo Municipal Code

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### Article XXVI

#### Maumee Riverfront Overlay District

##### SECTION 9-26-1 Creation of District

##### SECTION 9-26-2 Effect of District

##### SECTION 9-26-3 Purpose and Intent

##### SECTION 9-26-4 Variation of Zoning District

##### Regulations

- A. Variation of Regulations
- B. Zoning Map Notation
- C. Prohibition of Change
- D. Limited Exemption from Review

##### SECTION 9-26-5 Review Procedure and Guidelines

##### A. Procedure

- 1. Submission of Plans
- 2. Administrative Review
- 3. Plan Commission Review
- 4. General

##### B. Guidelines

- 1. General Sources
- 2. Specific Items
- 3. Uses

##### SECTION 9-26-6 Effective and Expiration Dates

### Article XXVI

#### Maumee Riverfront Overlay District

##### SECTION 9-26-1 Creation of District

The Maumee Riverfront Overlay District, which may be referred to as the MR-O, is hereby created as an overlay district to be applied to such lands related to and adjacent to the Maumee River and Maumee Bay as

the Council of the City of Toledo may designate by ordinance. The MR-O District boundary, after designation by Council, shall be shown on the zoning map as an overlay so that the underlying zoning district will remain legible.

##### SECTION 9-26-2 Effect of District

The MR-O Riverfront District is of special and substantial public interest because of its location along the visual, environmental and transportation resource affecting substantial portions of the City of Toledo including many neighborhoods, the Central Business District, numerous parks, and several areas designated or with the potential for redevelopment. It is the general purpose and intent of these regulations to provide for maximum public benefit from the further development of the riverfront area, through a combination and sharing of land uses. It is further the intent of this ordinance to provide for public access to the waterfront, eliminate or minimize negative environmental impact, improved scenic and aesthetic controls, improved transportation coordination and capability, and the beneficial coordination of residential, recreational, commercial, and industrial land uses.

It is further the purpose and intent of this ordinance.

a) To promote within areas designated principally for residentially, park and water-oriented recreation uses a superior level of public access, convenience, comfort, and amenity; to encourage safe and effi-

cient pedestrian and vehicular access, to provide adequate parking, to preserve and enhance principal vistas and visual relationships, and to promote a beneficial relationship between the waterfront area and adjoining areas. Such designated areas located within the MR-O District, are:

1. Downriver from the Craig (I-280) Bridge on the northwesterly side of the river; excluding the area fronting on the easterly side of Summit Street, Troy Street and the Toledo Terminal Railroad tracks northeasterly of Suder Avenue to a depth of 200 feet, more or less, easterly from Summit Street to and including the ConRail Railroad siding running generally parallel to Summit Street.

2. Upriver on the westerly side of the Maumee River from the centerline of Maumee Avenue extended southerly in a straight line to the river.

b) To encourage and foster within areas designated principally for commerce and industry, water-oriented commerce and industry and to consolidate and unify such development in locations with adequate land area and access capabilities.

Such designated areas, within the MR-O District, are:

1. Downriver from the Craig (I-280) Bridge on the east side of the river, except within 100 feet of Consaul Street between Front Street and the Maumee River, and within 50 feet of Front Street between Esther Street and York Street.

2. On the westerly side of the river between the Penn Central (formerly New York Central) Railroad Bridge and main right-of-way into and through the middlegrounds and the I-75 Bridge, and between said Penn Central Bridge and main right-of-way into and through the middlegrounds and the I-75 Bridge, and between said Penn Central Bridge and main right-of-way and a straight line bearing due east to the Maumee River from the intersection of Emerald Avenue with the centerline of Morris Street.

3. On the easterly side of the Maumee River from the centerline of Fassett Street to the I-75 Bridge.

c) With respect to those areas indicated for shared use, being those located within the MR-O District not included in the areas designated in paragraphs a and b of this section, to encourage the beneficial coordination of residential, park, recreational, commercial, and appropriate industrial uses. To these ends, development shall be designed to establish through the spacing height and bulk of structures, an open character with respect to principal views of the river. Pedestrian circulation systems wherever feasible shall form a convenient landscaped network to extensive areas of shoreline. It is further intended that adverse visual influences be prohibited or minimized to preserve and enhance unusual visual qualities.

#### **SECTION 9-26-4 Variation of Zoning District Regulations**

A. Variation of Regulations  
Variations may be required or permitted from a regulation or regulations applying generally within the underlying district upon finding in a particular case that such variations are necessary to achieve the public purposes set forth for the MR-O District or for public protection or protection of particular buildings and their environs, or undeveloped areas of public interest, or to ease the transition from one zoning district or type of use to another. Such variations may require or permit such change as:

1. Buffering and screening, modification of yards or other open space generally required, changes in signs, and changes of height.

2. Elimination of or limitation on specific uses otherwise permitted. Determination of any such elimination or limitation of a specific use may be requested without plan review in order to reduce the time and expense of review in those cases where the Commission finds it can feasibly determine such limitation independently or a review of detailed site and development or operational plans.

#### **B. Zoning Map Notation**

Notation concerning required or permitted variations shall be made on the official zoning map, by appropriate identification and date, and a copy of the variation shall be filed in the office of the Zoning Administrator for future guidance and as a public record. As appropriate to the circumstances of the case, a copy may also be recorded with the County Recorder.

#### **C. Prohibition of Change**

No person shall make a change as defined below before such change is approved unless it has been exempted under the terms of this ordinance or is for emergency work. Emergency work may be commenced concurrent with an application for review when there is imminent danger of personal injury or material damage to property. Plans for emergency change shall be filed for review as soon as possible and not later than the first working day after repairs have commenced. No building, occupancy, health department or other permit or license shall be issued for a change required to be reviewed under this ordinance unless the change has been approved or is proceeding as emergency work under concurrent review.

For the purposes of the MR-O District, change shall mean:

1. Construction or alteration of a structure; but not replacement of industrial machinery or fixtures which do not involve a structural alteration as defined in Section 9-26-1 of the Toledo Municipal Code.

2. Occupancy of vacant premises.

3. Commencement of a different land use.

4. Filling, grading, or excavating of land.

#### **D. Limited Exemption from Review**

1. Proposed changes by existing industrial uses which involve a total projected expenditure of less than \$100,000 or 25 percent of the appraised value of the premises as listed by the Lucas County Auditor whichever is the lesser, shall be exempt from review provided:

a. They do not involve a change in land use, or the external configuration of a main structure, external oriented signing or substantial change in the grade of the land or access thereto.

b. The cumulative total of said expenditures, over any three-year period, on the same structure or project is not reasonably expected to, and does not exceed the lesser amount specified above.

2. Review of proposed changes by industrial uses not otherwise exempt, located within the portion of the MR-O District designated by Section 9-26-3 (b) as principally for commerce and industry, and in accordance with the underlying zoning, shall be limited to the following site plan review items:

a. Location, height, and bulk of buildings

b. Traffic access, roadways, parking

c. Buffering, screening, site grading, and erosion

d. Signage

e. Provision for public access.

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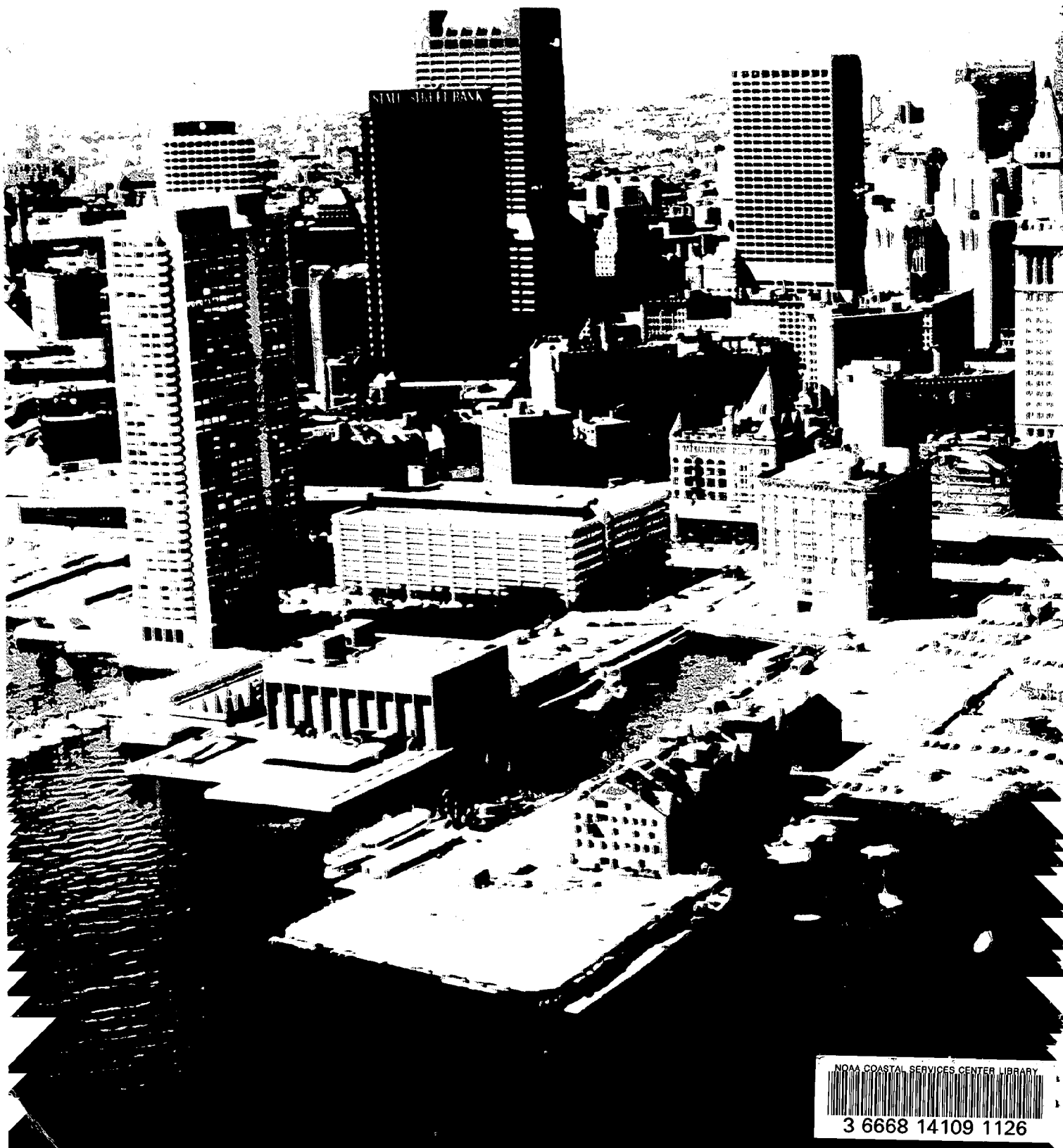
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