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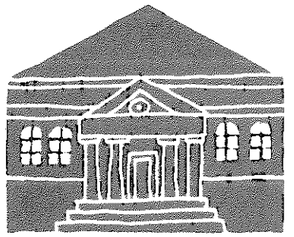


Land Use and Litigation

by Herbert M. Franklin

On January 5, 1973, the Administration announced a termination of federal housing subsidy programs. Although this decision was described as a "suspension" or "moratorium"—implying that the existing programs might be reinstated—it is apparent that there is no present intention of implementing federal housing legislation in its present form, particularly in the case of the subsidized mortgage insurance programs.

No replacement for these programs has yet been proposed. It has been widely assumed, however, that any Administration proposal would contemplate a major role for state governments in any future housing subsidy program.

This article examines some recent court decisions in the housing area which may shed light on the Administration's decision to terminate federal subsidies for lower-income housing construction. These decisions also may prove instructive for state officials who may be required to assume a burden of decision-making if there is to be any direct or indirect public subsidy of housing construction for needy households in the United States.

Housing decisions by federal courts, in the words of a recent opinion, hold that:

> "any municipal conduct which has the purpose or effect of discriminating against Negroes or perpetuating racial concentration or segregation in housing is violative of the civil rights of Negroes and a denial of equal protection, absent a showing by the municipality of a supervening and compelling necessity."

This principle, in sum, means that it is not possible to separate issues of racial polarization in metropolitan areas from "housing production" in the area of lower-income subsidies.

Court decisions dealing with housing and land use policy are groping toward a standard of equity in guiding metropolitan growth and development. A review of the salient decisions may provide benchmarks for the role of states in subsidized housing for lower-income households. State agencies, usually with federal financial assistance, have already stimulated almost 200,000 units of such housing in recent years.

First, a brief history. Federal subsidies of newly constructed lower-income housing increased enormously after the passage of the 1968 Housing Act. Since 1934 around 2.3 million units of housing have been subsidized by the federal government, but almost 1.5 million—or about two-thirds of that volume—have been subsidized in the last four to five years alone. The 1968 Civil Rights Act was also enacted at the beginning of this new level of federal involvement. Title VIII of that Act requires HUD "to administer the programs relating to housing and urban development in a manner affirmatively to further the policies" of fair housing.

It was not long before the politically sensitive question of site selection and racial concentrations rose to plague construction stimulated under the 1968 Act. Indeed, even before the large volume of housing under the Act, earlier site selection criteria in the public housing program had produced significant state and federal court decisions that stalled the program in some communities. Under the authority of Title VII of the Civil Rights Act of 1964, HUD had announced in August 1968 a public housing site policy declaring that "any proposal to locate housing in areas of racial concentration will be *prima facie* unacceptable. . . ." A year later a number of court decisions were interpreting that policy to prevent further construction of public housing in areas of racial concentration. At that time, however, no comparable policy existed for privately sponsored housing under the FHA subsidized mortgage insurance programs.

In 1969 and 1970 efforts began within HUD to expand site selection criteria to these privately sponsored projects. At the same time, decentralization of the Department was in effect merging, in newly created area offices, staffs that previously had separately reviewed either public housing or subsidized mortgage insurance projects.

In December 1970, HUD's in-house consideration of a broader policy to avoid racial concentrations was made more urgent by the decision of the U.S. Court of Appeals for the Third Circuit in *Shannon v. HUD*. The Court held in that case that HUD

> "must utilize some institutionalized method whereby, in considering site selection or type selection [i.e., housing densities], it has before it the relevant racial and socio-economic information necessary for compliance with its duties under the 1964 and 1968 Civil Rights Act."

The Court left open the possibility that in a "pressing" case HUD might finance projects in a ghetto area where "the need for physical rehabilitation or additional minority housing at the site in question clearly outweighs the disadvantage of increasing or perpetuating racial concentration." The project challenged in the *Shannon* case was ruled to be an illegal exercise of HUD's discretion because of the absence of the foregoing standards.

Within six months of this decision, further decisions by federal courts, along with the President's lengthy statement on federal policies in this area, left no doubt that federal administrators had a very thorny issue thrust into their hands: the role of the federal housing programs in overcoming increasing racial concentrations in metropolitan areas. The Project Selection Criteria for subsidized housing, the affirmative marketing requirements, and a HUD/GSA agreement with regard to the location of federal facilities were announced in June 1971, all as "institutionalized" answers to the problem. The Project Selection Criteria were ultimately refined and made final in February 1972.

Besides *Shannon*, five key cases led up to these administrative standards. In each of them, federal courts found local or federal officials in violation of civil rights laws or the Constitution in the location (or nonlocation) of subsidized housing. In the *Lackawanna* case, a mayor was ordered to take steps to finance and install sewers to permit a black nonprofit organization to develop single-family houses in a predominantly white part of a city. In the *Crow* case, county officials were restrained from obstructing the issuance of building permits for two "turnkey" low-income public housing developments outside Atlanta, Georgia. Moreover, the court ordered local officials to identify future sites for such housing in Fulton County.

The discriminatory effect of a zoning referendum was set aside in the *SASSO* case, and city officials were ordered to devise a housing plan to meet the needs of its residents. Nonresidential potential occupants were enabled to challenge the official exclusion of a proposed integrated Section 236 apartment project in the *Black Jack* case. And in the famous *Gautreaux* case, federal courts found that the Chicago Housing Authority and HUD each independently denied low-income blacks equal protection of the law by financing and developing public housing solely in black areas of that city.

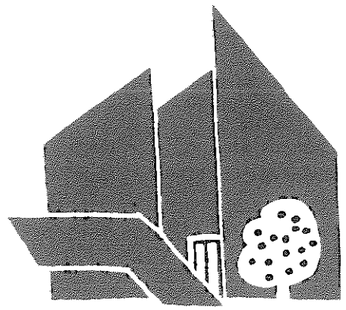
In addition to builders and developers, governors and other state officials, who may become the chosen vehicle for subsidized housing production, should be aware of this history. A close reading of the cases, and century-old civil rights laws that apply to state rather than federal action, suggests that state officials would be confronted with the same kind of sensitive question—where to locate subsidized housing to be occupied at least in part by minority households.

In this connection, courts are trying to overcome local resistance to new housing just when resistance appears to be increasing. Thus, judicial rulings on subsidized housing have developed in the context of broader controversies that may affect public and private investment decisions in metropolitan areas over the next decade.

In urbanizing areas, rapid residential expansion has produced three sources of concern: 1. housing that has been developed without adequate community facilities, such as roads and schools, which have become overcrowded as a result; 2. financing of these facilities has occasioned a rapid increase in real property taxation, particularly for earlier arrivals to the community; and 3. failure to provide some facilities, such as sewers and waste treatment plants, has contributed to deterioration of the quality of ground water or nearby streams, lakes, or other surface water.

"Slow growth" or "no growth" policies are therefore being adopted or considered with increasing frequency to reduce the volume of housing and public facilities in many localities that have experienced or fear rapid population growth. These policies take various forms. "Moratoriums" on residential building permits, sewer hookups, or new sewer construction are commonly employed.

Other policies sometimes purport to place specific numerical limits on the ultimate population in a locality without any plan for more efficient use of resources. More conventional policies, such as underzoning of land for residential use in general or apartments in particular, or limiting the number of bedrooms in an apartment (so-called fiscal zoning) have, of course, been common for years. In addition, transfer of costs for sewage, drainage, roads, or recreation from municipalities to residential developers can provide a means to assure that more expensive housing, or less housing altogether, will result.



Although there often is a valid temporary health and safety basis for some local policies—avoiding pollution of the ground water, for example—many localities may use newly popular ecological reasons for "slow growth" or "no growth" policies that in reality are intended to serve fiscal purposes. Increases in local real estate taxes can be forestalled in the short run by limiting entry into the community of new residents, particularly low or moderate-income residents with school-age children, or limiting entry of any new residents who may use community facilities.

Where localities have permitted rapid development but have not made the necessary public investment in facilities to support urban growth, serious environmental "overloads" have undoubtedly occurred. The failure of public planning to manage urban growth has thus made private developers visible political targets of a populace aroused by rising taxes and the influx of new people placing demands on inadequate community facilities.

Consequently, certain "moratoriums" aimed at ecological problems appear politically attractive even though their remedial effect on the environment will be minimal compared to their potential economic and social effects. For example, existing sewage effluent in a sanitary district or locality may fall well below acceptable water quality standards, and affected surface water may be badly polluted. A common official reaction to this situation is to ban "temporarily" the connection of more housing units to sewers. Such a ban, however, may do little to improve water quality, because increased pollution resulting from increased urbanization is trivial in relation to the total problem facing inadequate sewage treatment capacity.

A ban in such circumstances may therefore have a depressant effect on the availability of housing out of reasonable proportion to its remedial effect on environmental quality. Once water quality has badly deteriorated, the most reasonable solution may unfortunately be the most costly one: rapid and substantial upgrading of treatment facilities. It may be more expedient, however, to declare a moratorium on urbanization than to confront the difficult question of paying for such facilities.

If the existing processes of land development produce environmental problems, they also contribute to a serious social problem: the increasing separation of people by income and race in metropolitan areas. Quite apart from covert or overt racial discrimination, the increase in the cost of newly constructed houses is forming a pattern of economic separation that will persist for many years. With the median price of new conventionally built housing approaching $30,000 in many metropolitan areas, and the minimum monthly rental seldom below $175, most households are priced out of the new, or relatively new, housing market.

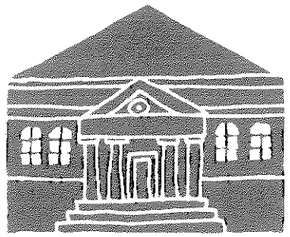
Any level of government that subsidizes newly constructed housing cannot avoid the question of a growing "anti-growth" mood, together with economic and racial exclusion that is well accepted public policy in many localities. The new ground rules are emerging from court decisions creating new risks for such programs that do not develop administrative locational criteria to deal with this problem.

One major decision was announced even after the federal moratorium on public housing. Late in February, a federal district court in Cleveland called into question whether suburbs in that area may any longer decline to accept public housing in light of the effect of suburban exclusion of such housing on the central city. The court observed in *Mahaley v. Cuyahoga Metropolitan Housing Authority* that:

> "suburban defendants offer no compelling reason to justify their failure to sign a Cooperation Agreement. . . . They offered only allegations of no need for low-income housing and their fear of a property tax loss. Neither reason was supported by the evidence, and the latter should not be considered adequate or compelling even if proof had been offered."

The court's statement that protection of the tax base is not a compelling interest to justify the exclusion of subsidized housing may prove to be of great significance.

In New Jersey, the Supreme Court of that state has under consideration two consolidated cases in which lower courts struck down local land use control ordinances because of their failure to take regional housing needs into consideration.



These two cases involve zoning policies of the townships of Madison and Mount Laurel. In 1970, Madison, while pursuing a policy to "curb" its population growth and "stabilize" tax rates, rezoned 55 percent of its land area into one and two-acre minimum lots and greatly restricted multifamily developments. Suit was brought by two landowners and six low-income nonresidents, and the revised ordinance was declared invalid in its entirety by the lower court. The court observed:

> "In pursuing the valid zoning purpose of a balanced community, a municipality must not ignore housing needs, that is, its fair proportion of the obligation to meet the housing needs of its own population and of the region. . . . Large areas of vacant and developable land should not be zoned, as Madison Township has, into such minimum lot sizes and with such other restrictions that regional as well as local housing needs are shunted aside."

In the Mount Laurel case, a lower New Jersey court declared the township's zoning invalid because zoning practices under it "exhibited economic discrimination." The court ordered the township to determine existing housing needs of lower-income residents and employees working in the jurisdiction and to develop an affirmative program to meet those needs. The requirement of affirmative local action is the most novel and different aspect of these appeals.

It remains to be seen whether the New Jersey court will follow precedents in Pennsylvania where the state's highest court has clearly expressed its disapproval of exclusionary zoning. The Pennsylvania court's attitude is summed up in a widely quoted excerpt from a case that held invalid a town's total exclusion of multifamily housing:

> "It is not for any given township to say who may or may not live within its confines, while disregarding the interests of the entire area. If Concord is successful in unnaturally limiting its population growth through the use of exclusive zoning regulation, the people who would normally live there will inevitably have to live in another community, and the requirement that they do so is not a decision that Concord Township should alone be able to make."

The Pennsylvania cases did not deal with federally subsidized housing as such. They represent efforts by landowners and developers to free their land of unreasonable restraints. Indeed, there are some observers who believe there is no assurance that freeing up controls on apartments as such will benefit anyone but developers and occupants of relatively high-priced units that would consequently be allowed. Nevertheless, federal and state courts are showing less inclination than ever before to blandly accept land use controls that are exclusionary in motive or effect.

One exception to this trend should be noticed. Development timing controls, which attempt to enable public investment to guide private development instead of the other way around, have recently been upheld by the New York Court of Appeals in *Golden v. Ramapo*. This case may be hailed as a great boon to the planning profession because it gives a capital improvement plan the force of law on the deferral of building permits. The opinion is replete with strong condemnation of exclusionary zoning and approval of the locality's acceptance of a modicum of public housing, but Ramapo's plan on closer analysis looks like a highly sophisticated form of fiscal zoning.

In summary, federal courts have construed federal civil rights laws and constitutional guaranty of equal protection of the law to prohibit federal housing programs from reinforcing residential racial concentrations. And state courts are beginning to interpret state land use control laws in a way that will place curbs on the right of a locality to exclude unwanted people. Over the next few years efforts may be made to spur the momentum of the state court re-evaluation of zoning laws by "pattern and practice" lawsuits that challenge the pattern of land use controls in an entire jurisdiction or, perhaps, in an entire region.

In the last analysis, however, litigation is only the forerunner for administrative and legislative reforms that will permit greater residential choice for those who are becoming "housing poor" as the median cost of new housing spirals upward, with the cost of nearly new housing not far behind. These reforms involve questions of subsidies for new construction and the role of land use controls to guide equitable urban growth.

What are the implications for the redesign or re-evaluation of federal housing programs? First, it seems clear that few federal officials are very comfortable dealing with these issues. In this connection, it should be observed that Congress has shown an interesting, and perhaps typical, ambivalence on the matter. When the House Banking and Currency Committee approved 1972 housing legislation last year, it proposed a new local approval requirement for any FHA-subsidized project with eight units or more. The House Committee report, however, contained the following admonition:

> "It is *not* the intent of the committee, however, that local jurisdictions use this authority as a tool to discriminate against federally-assisted housing by excluding such housing from the jurisdiction altogether. . . . [T]he committee intends to pay particular attention to the actions of local communities in exercising their responsibilities in this regard."

Insertion of this "local option" provision was a major reason for the failure of the House Rules Committee to clear the bill for floor action in the waning days of the 92nd Congress. The Committee declined to permit House consideration after a combination of developer, civil rights, and labor interests withdrew their support of the bill. The less federally assisted, privately sponsored housing there is, of course, the less abrasive the issue becomes.

If the Administration were to propose transferring responsibility for approving particular subsidized housing projects to the states, federal court decisions on site selection would clearly apply to state action to the extent the equal protection doctrine was involved (the constitutional clause in the Fourteenth Amendment literally applies to state action). Depending on the facts, governors rather than the Secretary of HUD would wind up as defendants, and governors rather than HUD would have to develop a policy with respect to suburban exclusion of lower-income groups.

Technically, even a local housing authority is a state agency because it is created under state law. But because states have played a nonexistent or passive role in the operations of such authorities, state government has not been required through litigation or otherwise to concern itself with patterns of metropolitan housing development. (A proposal last year to encourage designation by states of metropolitan housing agencies did not get approval of the full House Banking and Currency Committee.)

Were the states to take on the function of reviewing and approving publicly or privately sponsored housing for lower-income households, however, state action would become more visible and legally subject, not only to fourteenth amendment constitutional standards of equal protection, but also to century-old civil rights laws that were originally addressed to state action along with the Fourteenth Amendment. For example, an 1871 civil rights act applies to those acting under "color of state law" to deprive others of civil rights under the Constitution and laws of the United States.

The President has stated that under his proposed special revenue sharing bill for community development "under no circumstances could funds . . . be used for purposes that would violate the civil rights of any person." Congress, if it enacts a block grant or special revenue sharing program, will have to consider the role of housing. If housing for displaced persons, for example, cannot be financed through funds used for local urban renewal activities—and no other housing subsidy funds are available—a number of federal courts have held that the civil rights of displaced minority people are violated if there is inadequate relocation housing. Thus the design of housing programs, and their relationship to community development, is another question that flows from judicial policy in this area.

Additional questions are raised by a substitute housing policy employing housing allowances or leasing subsidies in existing housing and tax incentives to stimulate increased supply of lower-priced newly constructed housing. To function efficiently, a housing allowance or leased housing programs must be free to operate in a metropolitan housing market unfettered by local approval requirements. Therefore, overcoming official restrictions on the residential mobility of lower-income people becomes more rather than less important under a housing allowance policy.

A new construction program stimulated by tax incentives would seem to have little attraction as tax preferences come under new scrutiny; but it, too, would operate inefficiently unless the spiraling cost of land and local discrimination against lower-priced housing is reduced. To do so will require confrontation with the broader anti-growth movement in metropolitan areas.

If housing subsidy programs cannot ignore this issue, neither can land use policy. Washington State's Senator Henry M. Jackson has introduced a Land Use Policy and Planning Assistance Act of 1973. This bill, which passed the Senate last year, would assist states to develop land use programs for critical areas and uses of more than local concern. Under this bill the state would be required to produce a land use program dealing with 1. areas of critical environmental concern, such as beaches and wetlands; 2. key facilities, including major airports and power plants; 3. development and land use of regional benefit, such as waste disposal facilities; and 4. large-scale development—industrial parks, major subdivisions, or new communities.

Prime movers of such legislation have tended to be interests that wish to prevent rather than to encourage urban development, particularly housing. Others who support the bill assert, however, that it is intended to provide incentives for state action that is "balanced." This means action that not only protects the environment but assures the provision of essential economic activities—reliable energy systems, housing, and industrial plants.

Under the bill, states would be encouraged to prevent certain developments that are "inconsistent with the requirements of the State land use program." At the same time, an administrative appeals procedure would be created to review local or state determinations that are inconsistent with the state policy.

The pattern of this legislation would probably require a state land use policy for subsidized housing, as well as large-scale residential development. Controversies over these issues would tend to be brought to the level of state government for resolution.

In this connection, it should be noted that in March the Massachusetts Supreme Judicial Court unanimously upheld that the state's zoning appeals law intended to promote construction of low and moderate-income housing even though the affected towns objected. This decision may suggest the general pattern for other states under the Jackson Bill, although whether many will follow remains doubtful.

Indeed, if federal policy regards the question of housing exclusion to be suitable for resolution only at the local level, will the states view the matter differently?

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During the last few months, it has become increasingly evident that many people in California and elsewhere in the U.S. do not completely understand what is meant or intended by an Environmental Impact Statement. The objective of this article, therefore, is to provide a preliminary working answer to the question:

Just what is an Environmental Impact Statement?

by James A. Roberts

To answer this question, it is necessary to examine the purpose of an Environmental Impact Statement (EIS)* and its relation to the use of land; the national, state, and local legislation that has lead to the present requirements for an EIS; and a set of suggestions for an EIS and their application by land users.

The real answer to the question lies in understanding the environment of a project and using that understanding to plan its use. Furthermore, there is convincing evidence that good environmental planning makes good economic sense.

An EIS and the Development Process

The purpose of an EIS is to report the potential impact of a proposed change in land use. That is to say, the objective in preparing an EIS is to document the possible effects of changing a use of the land to another use *before* the change is made.

To meet this objective within the land use community, an EIS can best be prepared as part of the planning process. If we recognize that the planning process requires two primary steps—identification of present land use and development of alternatives—the logical point for preparation of an EIS is immediately after completion of these two steps but before a decision is made on a specific alternative. Done at this time, an EIS can become a tool for planning, not merely a device to be used against a proposed plan; for example, it can be used in concert with economic, engineering, and esthetic factors to determine the overall feasibility of a project.

For further clarification it might be useful to take a brief look at the fundamentals of the planning process. As stated, the initial step identifies the conditions of a given parcel prior to development and the second step develops a set of alternative land uses.

* Environmental Impact Report (EIR) is sometimes used as an alternate term for EIS.

As illustrated in Table 1, the first step takes inventory of the resources found on or affecting the property. The resource inventory assesses and summarizes the natural and cultural conditions of the site. Physical conditions include geology, soils, vegetation, hydrology, groundwater, climate, and wildlife; cultural conditions include present use of the land, transportation systems, recreation facilities, agriculture, historic factors, and utilities.

Another cultural factor is the community goals for the given parcel. Such goals usually take the form of a master plan but may be no more than a loosely defined expression of what the people feel their community is or ought to be. Needless to say, these less well defined attitudes are what motivate many individuals to speak (shout?) their piece before a local planning commission. But whether defined in the form of an adopted plan or simply in the form of people's ideas, the community goals for a parcel of land are an integral part of what the land user must consider in his inventory of the resources of his potential development.

Most land users have a set of uses in mind before they fix their sights on a given parcel of land. However, within certain bounds they usually are open to evaluation of alternative uses for the parcel. These alternatives are developed from the resource inventory, community goals, and the developer's financial, professional, or personal objectives. In essence then, the alternatives are developed from all the available facts coupled with economic reality.

Once a set of alternatives has been developed, it is possible to evaluate their effects on the natural and cultural environments and determine if they fit with the community goals. The results of this evaluation can be prepared as a set of Environmental Impact Statements on the alternative uses.

Finally, after the environmental, engineering, esthetic, and economic aspects of each alternative have been weighed, a recommended land use can be selected for formal presentation to the regulatory bodies. As part of this presentation a specific "Draft EIS" on the proposed land use can (and in California, *must*) be provided.

Environmental Impact Legislation

National Environmental Policy Act

The National Environmental Policy Act (Public Law 91-190 NEPA), passed in 1970, provided the first definition of an EIS. According to the Act, the purpose of an EIS was to identify and evaluate environmental impacts of proposed actions of federal agencies, or other agencies using federal funds, that "significantly affect the quality of the human environment." Section 102 of this Act requires that Environmental Impact Statements include these specifics:

1. The environmental impact of the proposed action.
2. Any adverse environmental effects which cannot be avoided should the proposal be implemented.
3. Alternatives to the proposed action.
4. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
5. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

State Environmental Quality Acts

On the state level, California passed an act known as the "California Environmental Quality Act" (CEQA) in 1971. This Act, patterned after the federal Act, requires that the same questions be answered for state projects. Many states now have taken similar action related to state-supported projects.

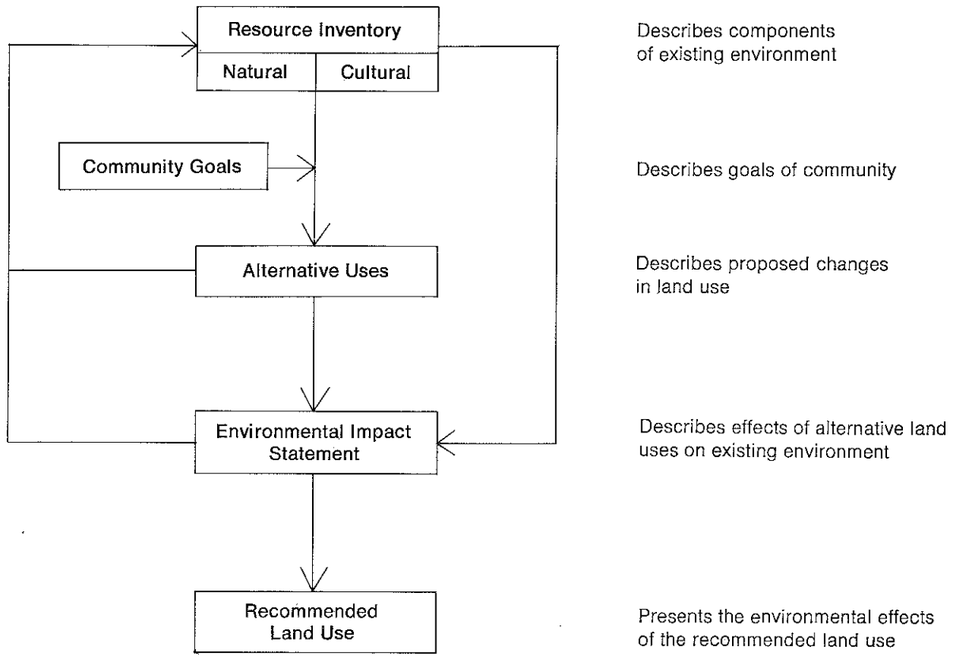
Local Environmental Impact Statement Authorities

In March 1972, a series of bills that specifically relate the EIS to individual developers became effective in California (AB 1300, 1301, and 1302 passed in 1971 and effective March 4, 1972). The bills provide a basis on which local authorities can prepare or require an EIS for developments. The series specifies the terms under which land projects can be approved or disapproved. One of the bills (California AB 1301) provides that:

> No city or county shall approve a final subdivision map for any "land project" unless:
>
> a. The city or county has adopted a specific plan covering the area proposed to be included within the land project.

Table 1

Role of Environmental Impact Statements in the Development Planning Process



b. The city or county finds that the proposed land project, together with the provisions for its design and improvement, is consistent with the specific plan for the area.

A governing body of a city or county shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

a. That the proposed map is not consistent with applicable general and specific plans.
b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
c. That the site is not physically suitable for the type of development.
d. That the site is not physically suitable for the proposed density of development.
e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

Another of the bills (California AB 1302) indicates that an EIS shall be submitted to a state office for review by appropriate state agencies on the following basis:

1. Discretionary submittal by planning commissions of any tentative subdivision to the Office of Intergovernmental Management (OIM) for dissemination to State department for environmental review, and
2. Mandatory submittal of land projects in Section 11000.5 of the California Business and Professions Code, to OIM for review.

The California Business and Professions Code (Section 11000.5) provides the following definition of a "land project":

A "land project" is a subdivision or subdivided lands within this state which satisfies all of the following conditions:

a. The subdivision or subdivided lands contain 50 or more parcels of which any 50 are both
   1. Not improved with residential, industrial, commercial, or institutional buildings and
   2. Offered for sale, lease, or financing for purposes other than industrial, commercial, institutional, or commercial agricultural uses.
b. The subdivision or subdivided lands are located in an area in which reside less than 1,500 registered voters within the subdivision or within two miles of the boundaries of the property described in the final public report.
c. Not constituting a community apartment project as defined in Section 11004, a project consisting of condominiums as defined in Section 783 of the Civil Code, or a stock cooperative as defined in Section 11003.2.

The latest legislation in this area, California AB 889 which went into effect on December 4, 1972, makes it necessary for these same questions to be asked in virtually every "discretionary act" of local government including zoning, tentative and final map approvals, and building permits. All land use decisions which may affect the quality of the environment in California are now covered by some form of EIS.

These recent bills provide the means for cities and counties in California to require developers to submit an EIS on virtually all of their proposals. Furthermore, since California has adopted such a statewide policy, it is very likely that many other states will develop their own similar or related programs.

O.K.; but just what is an EIS?

An Environmental Impact Statement

As stated previously, an EIS is a report on the potential effects of a proposed land use. Now it is necessary to examine the criteria requiring an EIS, the form and content of an EIS, and the stages in the development process at which an EIS should be done.

Criteria

In California there is little confusion about when an EIS is required. According to the recent bills an EIS will be required for any "discretionary act of local government." But what about other areas? Until each state has defined specific criteria it is recommended that an EIS be prepared for any project that may be a potential nuisance to continuous or contiguous land uses.

It seems likely, however, that the good developers will work to establish uniform criteria for all land projects and thereby lead in the establishment of the criteria not just react to criteria laid on them.

Form and Content

Table 2 presents an outline of the contents of an EIS now required by the State of California based on Guidelines for Implementation of the California Environmental Quality Act of 1970, February 3, 1973.

Table 2

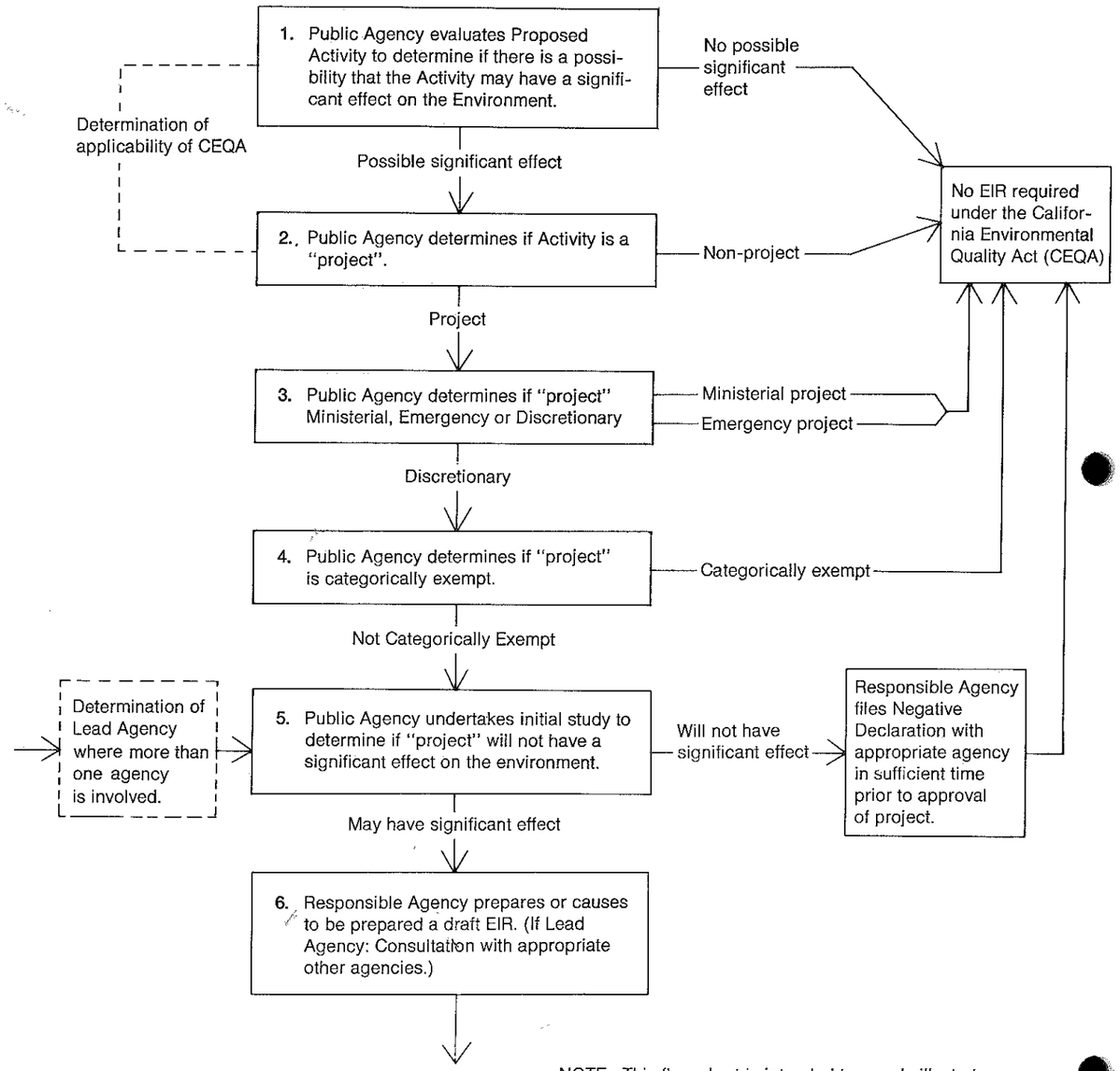
Contents of a "Draft EIS"[1]

1.0 Description of the project [15141][2]
  1.1 Description
  1.2 Purpose
  1.3 Legal description
2.0 Description of the environmental setting (15142)
  2.1 General location
  2.2 Present uses
3.0 Environmental impacts [15143][3]
  3.1 The environmental impacts of the proposed action on the natural environment [15143 (a) and (c)]
    A. Soils and geology
      Impact
      Mitigation
    B. Hydrology
      Impact
      Mitigation
    C. Meteorology and climatology
      Impact
      Mitigation
    D. Vegetation
      Impact
      Mitigation
    E. Wildlife/fisheries
      Impact
      Mitigation
    F. Areas of unique interest or beauty
      Impact
      Mitigation
    G. Visual and esthetic elements
      Impact
      Mitigation
    H. Noise elements
      Impact
      Mitigation
  3.2 The environmental impacts of the proposed action on the human environment [15143 (a) and (c)]
    A. Demographic factors
      Impact
      Mitigation
    B. Socioeconomic factors
      Impact
      Mitigation
    C. Municipal services and utilities
      Impact
      Mitigation
    D. Existing or potential land uses
      Impact
      Mitigation
    E. Transportation factors
      Impact
      Mitigation
4.0 Adverse environmental effects which cannot be avoided if the proposal is implemented [15143 (b)]
  4.1 Natural environment
  4.2 Cultural environment
5.0 Alternatives to the proposed action [15143 (d)]
6.0 The relationship between local short-term uses of man's environment and the maintenance and the enhancement of long-term productivity [15143 (e)]
7.0 Irreversible environmental changes [15143 (f)]
8.0 Growth-inducing factors [15143 (g)]
9.0 Summary of impacts[4]
  9.1 Natural impacts
    A. Adverse impacts
    B. Beneficial impacts
  9.2 Human impacts
    A. Adverse impacts
    B. Beneficial impacts
10.0 Recommended environmental monitoring programs[5]
11.0 Bibliography[6]
12.0 Preparation staff
13.0 Organizations and persons consulted (15144)[7]
14.0 Water quality aspects [15145]
15.0 Additional items for Final EIS [15146]
  15.1 Comments received through the consultation process
  15.2 Responses thereto by the responsible agency

1 Items 1.0 - 8.0 list those items that are required for a Draft EIS by the state.
2 Numbers in brackets after each section title (e.g. [15141]) refer to the comparable section of the California Administrative Code.
3 Item 3.0 includes the mitigation measures together with a standardized list of environmental impact elements. Items 3.1 and 3.2 are suggestions for adequate compliance, not specific requirements.
4 Item 9.0 (Summary of Impacts) is recommended for ease of use of the Draft EIS.
5 Item 10.0 (Recommended Environmental Monitoring Programs) is recommended for meaningful land management.
6 Item 11.0 (Bibliography) and Item 12.0 (Preparation Staff) are necessary to identify in part the "Organizations and Persons Consulted" as required by the Code (Section 15144) for inclusion in the Final EIS.
7 Items 13.0 through 15.0 list those additional items required for a Final EIS.

Table 3

Flow Chart
Environmental Impact Report Process



NOTE: This flow chart is intended to merely illustrate the EIR process contemplated by these Guidelines.

For those users who may not be familiar with the State's recommended EIS procedure, the flow chart (Table 3), reprinted from the Guidelines, may be useful.

When Should an EIS be Done?

The EIS can be a viable part of the development process, not simply a requirement for submittal. In all planning, the land user must go through a process ranging from site selection and prepurchase feasibility studies to final map preparation and marketing strategy planning. We conclude, therefore, that an EIS and the related analysis can be useful aspects of the land use process at each of the following stages:

Site Selection Studies: Evaluate the different regional environmental constraints to land use of the area under consideration, with particular emphasis on your operation in relation to the identifiable community goals.

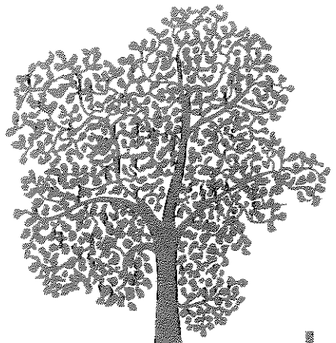
Prepurchase Planning: Evaluate the general environmental constraints for land use of the specific parcel under consideration, particularly during the "option phase" of financial commitments to the property.

Project Planning: Evaluate the specific environmental constraints for land use, assess the impacts of the various alternatives, and prepare specific EIS for submittal on the recommended land use plan.

Market Strategy Planning: Assist in the preparation and presentation of plans to agencies, prepare copy for publications, and assist in the development of internal information programs, particularly for training of sales or land management personnel.

Finally, if the EIS is made a regular part of the land use process, we believe that in the future the answer to the question "What is an Environmental Impact Statement?" will include the comment: "One of the ways to make a profit from land use."

Dr. James A. Roberts is president and founder of James A. Roberts Associates, Inc., a California land use planning and consulting firm. Dr. Roberts received his M.A. and Ph.D. degrees in Geography from U.C.L.A. and has taught at several schools in California and at the University of Virginia. He has written numerous papers and is a frequent contributor to professional journals.



ecology legislation

by Hunter Moss

Most developers have been faced with the environmental issue at some point. If you live in an ocean or gulf front community that does not have 90 percent treatment of its sewage, you are faced with no additional permits for any type of housing until the sewage problem is rectified. If you are involved with a piece of land that requires a dredge and fill permit to extend the land area to a bulkhead line, you are faced with an almost insurmountable problem of a multitude of permits and endless delay in acquiring them.

If you are involved in a development that in any way requires a public hearing, you can almost be assured of emotional harassment on the part of citizens who can never be criticized for their good intentions but are often lacking in a true understanding of growth requirements. Building moratoriums are being sought to stop development rather than to postpone it until adequate planning can be developed. Density figures are being challenged on every front, floor area ratios lowered, parking requirements increased with the result that developers are having an increasingly harder time justifying the upward spiral in land cost.

The moratoriums, strict pollution control laws that currently pertain primarily to sewage, lowering of density requirements, and stricter permitting on waterfront land are either singly or together making a drastic change in the real estate development pattern and in land values. Land value depends upon use and if use is denied or restrained, values will decrease.

Builders do not buy apartment land on a per acreage basis—they buy it on a per unit basis. They will obviously pay more for a piece of land on which 20 units to the acre can be constructed than on land that can only accommodate half that number of units. If the present trend is to reduce density, values will decrease accordingly.

If stricter pollution control measures must be carried out by individual communities, they will have to increase taxes in order to pay for the corrective measures. Increased taxes, especially on income-producing real estate, will result in lower over-all values. If the permitting procedure to dredge and fill results in uncertainty as well as an endless number of months or years of waiting, developers will become discouraged and land values will hold or turn down. If every public hearing results in an agonizing and endless conflict with vocal and often emotional citizen supporters of environmental issues, developers will give up the struggle at the advice of their public relations advisors even if not their attorneys.

What of the future? In spite of the efforts of those interested in Zero Population Growth and in spite of our present low rate of increase of approximately 1 percent per annum, our population in the U.S. is estimated to double in 70 years. We need housing and recreation and communities to contain them. We must husband our precious land resources, and the avarice so often attributed to developers must share a total awareness of a multitude of needs—needs of individual people, needs of people as neighbors living together, needs of total communities, needs of the land, and needs of the total environment.

Will developers meet the challenge? Will they accept a position as contributors to a solution of the problem? I believe they will. Will developers be able to work in harmony with the environmentalists that have so completely captured the public's fancy? Again, I believe they will.

In 1968 there was a rare study undertaken under the auspices of The Conservation Foundation of Washington, D.C. then headed by Russell E. Train. The purpose of this study was to determine if a profit-oriented development of a 15,000-acre tract surrounding the 4,000-acre Rookery Bay National Audubon Society Sanctuary in Collier County, Florida, adjacent to the Everglades National Park, could be compatible with sound conservation principles. The collection of disciplines working on the study had perhaps never attempted to work out a solution to this kind of question before. On the team were an urban consultant, a fisheries ecologist, a terrestrial ecologist, consulting engineers, a botanist, an attorney, and a real estate consultant. I was fortunate to be asked to fill this last spot, and felt sure that I was hired to be the devil's advocate. But as the weeks of work unfolded, we found a common interest in each other's problems and a desire to reach a mutually satisfactory solution, acceptable to all.

The final report is a landmark in cooperation and understanding between the conservationists and the developer.

The report states that "the area can be profitably developed by private owners and at the same time the sanctuary can be safe-guarded by proper planning and development. In fact, protection and enhancement of the sanctuary are basic to profitable quality development of the surrounding area and will enhance the economic self interest of the developers."

At Rookery Bay it was felt that proper planning and development leading to protection of the sanctuary would in turn insure the developers of an all important profit. And it was felt that development carried out with special regard for an area's natural values and appearance would capitalize on the area's inherent scenic values.

It is my feeling that Rookery Bay represented a breakthrough. It is now four years later and, unfortunately, there is no dramatic follow-up story that would make this an "and they lived happily ever after" story. But to me the main ingredient was the fact the environmentalists and developers learned to understand each other and work together. I am now on the board of The Conservation Foundation, and I am, therefore, the rare combination which could probably be given the title of Environmental Developer.

I am not alone, and I am pleased with the change that is taking place. Over the last two years my company has twice undertaken a market and feasibility study of a proposed 2,400-acre development fronting on Tampa Bay known as Bay Port Colony. In the first study approximately one-half of the land was below the mean high water mark although inside of the property line. This wet land area was

designated for a bulkheaded dredge and fill operation, but the hue and cry in the Tampa area against the proposal has resulted in a complete change in which the wet land area has been set aside as a buffer and an additional 1,200 acres has been acquired in the upland area on which golf courses will be constructed.

The most recent land plan has been carried out with full regard for environmental considerations. A large stand of cypress has been left in its native state, small ponds have likewise been left in their present condition, and the final result will be a development of great beauty and charm. It is also to the credit of Intervest, Inc., the developer, that the original density of 25,800 units has been reduced to 10,500 units. As the one who made the analysis of the two development proposals, it is my feeling that higher prices per unit will be achieved in the less dense development and the return on total investment will be higher.

As we look back at the solid wall of apartment houses along Miami Beach, it is unfortunate that a short-sighted approach to the immediate dollar produced by high density and poor zoning has resulted in diminishing long-term value growth. Other areas developed under principles of open space planning, full recreation facilities, and luxurious landscaping are taking the play away from Miami Beach as "the place to winter".

As we developers look back sadly at our mistakes and applaud our meager successes, there is a maturing within the state and the country in which the former battle between developers plugging for growth, and those fighting for no change, is giving way to real land use reform. And this reform will require the cooperation of all interests. Water management will have to be carefully regulated. Development and construction work will have to be modified in certain ways to limit dredging, for example. Agreement will be needed to be reached on density. Fortunately, the benefits from these steps will flow both ways, for not only will the sanctuaries be safeguarded, but the value of surrounding land will be enhanced by the guarantee of their continued presence.

Many states have formulated a land use policy. Hawaii has been at it since 1961 and they have followed an interesting course in which the land is divided into four sharply designated areas—urban, suburban, rural, and public.

In 1970 Vermont, suffering from an inundation of recreation-seeking New Yorkers, came up with a state-wide land use plan in which larger subdivisions only are permitted.

Maine, faced with a possibility of a coastal oil terminal, has come up with shoreline zoning and complete environmental reorganization.

Washington State has developed its Shorelands Act in which there is mandatory shoreline zoning and a state review by their Department of Ecology.

Colorado has a mandatory subdivision control ordinance and Wisconsin, Michigan, Virginia, Texas and Nevada are all studying the land use management problem.

However, no state has the unique features of Florida, and our Environmental Land Management and Resources Act is therefore tailored to our special environmental problems, needs, and opportunities. This bill, approved by Governor Askew on April 24, 1972, has as its purpose the protection of the natural resources and environment of the state. It seeks to insure a water management system that will reverse the deterioration of water quality and provide optimum utilization of our limited water resources. It hopes to facilitate orderly and well planned development and to protect the health, welfare, safety and quality of life for the residents of the state.

Those are heavy objectives, and it was recognized by the legislators that it would be necessary for the state to establish land and water management policies to guide and coordinate local decisions relating to growth and development, and that such state land and water management policies should to the maximum possible extent be implemented by local government. Companion legislative pieces to carry out these objectives are the Land Conservation Act of 1972, the Florida State Comprehensive Planning Act of 1972, and the Florida Water Resources Act of 1972.

In order to carry out the objectives stated above, the Florida State Division of Planning is to designate, subject to the approval of the Governor and his cabinet, "Areas of Critical State Concern". These areas are not to exceed 5 percent of the total area of the state. An area of critical state concern is one such as Rookery Bay with environmental significance; another is Castillo de San Marcos at St. Augustine with historical significance; another is the Everglades with natural significance; and still others are areas with archeological significance. These are examples only and not on any acquisition list.

In addition, land surrounding a major public facility, such as a super jet port, could be considered an area of critical state concern as well as lands surrounding a new town. The State Planning Division will study the areas but before being presented to the cabinet for approval the designated areas would be reviewed with recommendations by the Environmental Land Management Study Committee appointed by the Governor. This 15-member committee is headed by Allan Milledge, a lawyer from Miami and includes among its members developers and planners who are especially tuned to the real estate and development world.

A second major technique used in the Management Act is the designation of "Developments of Regional Impact". The Act authorizes the state planning agency to submit to the next session of the Florida Legislature regulations defining categories of development that have regional impact and that should, therefore, be subject to review at the state level. General guidelines are to be set forth for determining what development has regional impact. In particular, the Act refers to developments that have a substantial impact beyond the boundaries of any single county.

Decisions regarding proposals to undertake developments of regional impact, or to undertake any development in areas of critical state concern, will continue to be made by local government authorities in the same manner as before, but the State Division of Planning takes appeals from those local decisions to the Governor and his cabinet sitting as an adjudicatory commission.

The history of development of Florida has come down a long and somewhat rocky path. We have made mistakes, we have wasted our land, we have polluted our waters and environment, and we have too often built for the present without thinking of the needs of the future. Economic self interest has too often been the prime objective and local zoning and appeals boards, as well as city and county commissions, have gone along with spot zoning and heavier densities, for example, in order to help out the developer who paid too much for his land.

The environmentalists have made a great contribution in espousing the rights of all people for the use of the land and the legislators have paid attention. The recognition that areas of critical state concern and developments of regional impact should be lifted to the state level is progress.

And what is the impact on real estate and real estate values? Temporarily there will be adjustments, some losses and some gains. In our attempt to rectify all of the ills of the past 50 years in particular many patterns of use and value will be upset. Land that cannot be sewered will hold at present values or decline. Land that is sewered and has zoning should move upward rapidly in value. The old law of supply and demand is still at work. If we reduce the supply of buildable land by our environmental controls, the remaining available land suitable for development should move upward in price. Likewise, improved properties should be helped by the environmental legislation since there will undoubtedly be a turn down in the number of competing units that can be constructed.

It is a troubled and uncertain time, especially since old patterns are being destroyed as the rules of the game are being changed. It has been easy in the past for those of us in the development and real estate world to understand the effect on real estate of population growth, numbers of tourists, traffic count on our highways, and other significant factors that directly relate to the real estate picture. But the environmental issues stemming from building moratoriums, from rules set by the Pollution Control Board, and from acts of the Legislature protecting our land resources have made it a brand new ball game.

Hunter Moss is president of a real estate consulting company bearing his own name, which is a subsidiary of IC Industries, Inc. The company specializes in market and feasibility studies and cash flow analyses on all types of properties throughout Florida, the Caribbean, and Latin America. A trustee of ULI, Moss served as Chairman of the Central City Council and was President of the Institute from 1966 to 1968.

This article is based on a speech Mr. Moss delivered at a session sponsored by the Florida Chapter of the Society of Industrial Realtors at the Convention of the Florida Association of Realtors in Orlando October 14, 1972. The speech appeared in slightly different form in the January 1973 issue of SIR News published by the Society of Industrial Realtors.

ULI Research Activities

Recreational Land Development

The ULI, American Society of Planning Officials, and Conservation Foundation study of Recreation and Second Home Development sponsored by the Council on Environmental Quality and the Department of Housing and Urban Development, discussed fully in February 1973 *Urban Land*, is now underway. ULI has primary responsibility for investigating the economic consequences of leisure development and will focus research on:

- Municipal Cost-Revenue
- Recreation Land Values
- Community Income Generated by Recreational Development

Additionally, the Institute Research Division is preparing a survey of recreational developments jointly with Dr. Richard Ragatz, a noted recreational market consultant. The survey is intended to provide a complete profile of the current market and the economics of recreational land development and is modeled on ULI's biennial survey of shopping centers.

Members are asked to submit copies of Recreational Development Economic Impact Studies and comments on this subject to the ULI Research Division.

Current Research Program

During the past two months, the ULI Research Division has actively defined the specifics of the coming year's research program. Discussions have been held with numerous public and private funding agencies about the program. The program is also being reviewed by the ULI Research Committee chaired by ULI trustee Cyril C. Herrmann.

During the period 1973-1974, ULI-the Urban Land Institute will concentrate its principal research activities on the resolution of major urban land use issues that are presently the subject of significant concern and debate.

The issues to receive priority attention within the context of ULI's planned program of research are as follows:

- A national urban growth policy
- Benefits and costs of alternative urban growth patterns
- Environmental planning and evaluation techniques
- Future directions for central city revitalization

ULI-the Urban Land Institute plans to undertake four specific projects which will constitute the core of its research program during 1973-1974.

Each is designed to contribute substantively toward a constructive resolution of the issue selected for research investigation.

Subjects of the four projects are:

1. State Planning Procedures and Land Use Development Controls

An upsurge in state land use planning and the imposition of controls by states on certain "critical land areas" are imminent developments. The experience of the states, however, in land use planning is limited. Types of land areas and uses of statewide concern, for example, are vaguely defined. Techniques for guiding development in such areas are largely rudimentary.

ULI's research in this area will be directed toward:

- Issuance of a preliminary report defining the "state of the art" and subject areas appropriate for detailed research by ULI.
- Preparation of technical papers specifying desirable statewide land use planning procedures and development control techniques.

Research outlook:

Controls imposed by states should encourage well-planned development. Such controls should neither inadvertently discourage all development nor divert development to inappropriate areas.

The difficulties frequently associated with local zoning regulations offer lessons that should be taken into account in determining related controls at the state level.

ULI's long experience in this field represents a useful asset in the development of innovative and workable approaches to the problem.

2. Assessing the Impact of Alternative Growth Patterns

Cost/benefit debates relevant to land development alternatives are current at all levels of government, particularly the local level. Lacking, however, is information derived from any reliable or systematic analysis of the alternatives.

While numerous techniques have been devised for this purpose, they are little known and often difficult to apply in specific situations.

Accordingly, ULI will conduct pertinent research in this subject area as follows:

- The evaluation of existing techniques for assessing the full range of impacts resulting from alternative growth patterns
- The preparation of a guidebook incorporating the most promising techniques for use by local officials
- An analysis of the impact of strict "no-growth" policies in large urban areas.

Research outlook:

The research results are intended to serve as recommendations for consideration by local officials, particularly in cases where the imposition of strict "no-growth" controls is a serious option. Specific recommendations regarding appropriate federal and state roles in such cases are seen as additional outcomes of these studies.

3. Evaluation Techniques for Environmental Planning

In making wiser use of land, the inclusion of environmental considerations in land use planning has become increasingly essential. Yet at present, there is little precedent for the specific analytical and planning actions required by pollution controls and environmental impact statements.

To remedy the situation, ULI will conduct a sequence of research investigations aimed at providing developers and public officials with sound techniques for analyzing problems and planning procedures relevant to environmental conditions.

In conducting the research, a "case study" approach will be utilized emphasizing innovations in environmental planning, particularly in the area of new community development.

4. New Approaches to Central City Revitalization

Federal involvement in central city affairs has reached a turning point. Many federal programs have not been effectively used and will be terminated. Special revenue sharing suggests an increasing shift in decision-making affecting central city revitalization from the national to the local level.

Meanwhile, Congress and the present administration continue to seek new approaches to the problem. Already, some new ideas in this area appear promising.

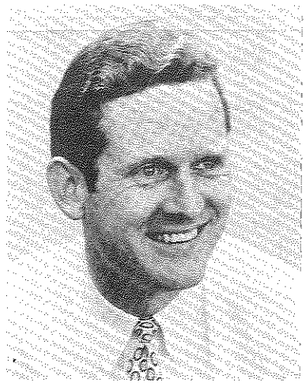
ULI intends to remain in the forefront of this activity by embarking on a research project that will draw on the expertise of ULI members in an effort to identify new directions that can be taken by both the private sector and public agencies.

The research will involve background papers prepared by ULI staff and participation of ULI membership through study panels and other appropriate means.

Within the framework of the project, subjects to be addressed include:

- Neighborhood stabilization
- Central city economic development
- Commercial resurgence
- New town-in-town development

David E. Stahl New ULI Chief



The appointment of David E. Stahl, formerly Comptroller of the City of Chicago, as Executive Vice President of ULI-the Urban Land Institute, has been announced by Roy P. Drachman, ULI President.

Stahl, who assumed his responsibilities at the Institute on April 16, is 39 years old, and a native of Chicago. During his career, Stahl has also been active with private mortgage and development companies. As Comptroller he was the chief financial and fiscal officer for the City of Chicago. In 1961 he became the first Director of Land Disposition for Chicago's Department of Urban Renewal, organizing a new work force, dealing with potential and prospective developers, and helping to facilitate urban renewal in Chicago.

Subsequently, Stahl became Executive Vice President of Republic Realty Mortgage Corporation, Chicago, where for three years he handled the financing of a variety of office, commercial, industrial, and residential developments.

From 1966 to 1970 Stahl served as The Mayor's Administrative Officer and Special Assistant for Housing. In 1970 he became Vice President of the First Chicago Corporation, a holding company for the First National Bank of Chicago and other related subsidiaries. Stahl was primarily responsible for real estate financing, including equity participations. The following year he assumed his position as Chicago's chief financial officer, which he held until resigning to assume the ULI position.

A graduate of Miami University, Ohio, Stahl served in the U.S. Air Force for three years after receiving his B.S. degree in 1956. He has been active in an executive capacity with a number of civic organizations, including Council of Governments, Cook County, Illinois; Chicago Committee on Foreign and Domestic Affairs; National Association of Housing and Redevelopment Officials; National Housing Conference; and Metropolitan Housing and Planning Council of Chicago. In 1968 he received the Junior Chamber of Commerce award as one of the outstanding 10 young men of the year.

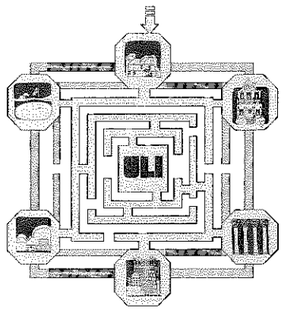
Stahl is married to the former Carol Downs of Chicago. They have four children: Stephen, 14; Michael, 13; Kurt, 11; and Thomas, 10.

"The Developer & Governmental Land Use Policies"

Register now!
may 14-16, 1973
radisson south hotel
minneapolis, minnesota

Governmental land use policies
Regionalism
Critical environmental concerns
Environmental impact statements
Where is it all leading?

ULI's six Councils explore the maze



"Between now and the year 2000, we must build again all that we have built before. In the past, land use decisions were made too often by those whose interests were . . . short-term and private. In the future —in the face of these immense pressures on our limited land resource— these decisions must be long-term and public."—Senator Henry M. Jackson (D—Wash.)

"One of the most important concerns for the future is that all of us must work with the good of not only the community, but also the region, in mind."—Roy P. Drachman, President, ULI.

Register now for the 1973 Spring Meeting in Minneapolis, where ULI will explore the hottest issue on the land use and development horizon today: the impact and implications of governmental land use policies.

Also featured will be ULI's popular Mobile Workshops—all-day, close-up project inspections with seminar-type workshops held on site, as detailed below:

Industrial Council

Workshops
- Do company-owned and operated recreational facilities have an application within an industrial park environment?
- Industry in New Communities—A Marriage or An Arrangement?

Bus Tour
- Area industrial parks, including Jonathan.

Residential Council/ Recreational Development Council

Bus and Walking Tour of Southwest Minneapolis Development
- PUD/Condo/Townhouse/Recreational Facilities

Walking Tour
- Jonathan

Workshop
- Do's and Don'ts of Residential Development

Commercial and Office Development Council

Workshop
- Southdale—Now! Detailed update on the present status of the first enclosed double-decker mall in the U.S.

Bus Tour
- Jonathan

Urban Redevelopment Council

Workshop
- The story of Hopkins, Minnesota, and its decision to construct a serpentine mall through the downtown area. The renewal spin-off throughout the community, involving 236 and tax increment financing, is of pertinent interest.

Bus Tour
- Jonathan

New Communities Council

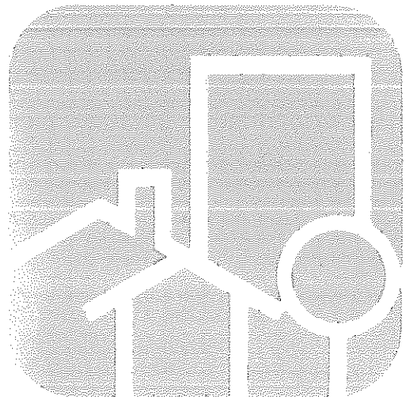
Bus and Walking Tour
- Jonathan . . . All Around the New Town

Workshops
- Partners in Progress: New Communities and HUD
- Jonathan . . . The Whole Thing, Ralph

Other features are:
- Nicollet Mall Adventure: An evening along downtown Minneapolis' vital and exciting serpentine mall shopping area, with an opportunity to explore the second-level enclosed skyway system.
- An Evening at Cedar-Riverside: An opportunity to explore the first Title VII new-town-in-town in an intriguing "street scene" atmosphere, enlivened by roving musicians.

In addition, an expanded ladies program will be offered on the subject of Historic Preservation and Townhouse Restoration.

We look forward to seeing you this month in Minneapolis—the city that has something for everyone. Explore the IDS Center (city on the Mall) with its exciting eight-story Crystal Court enclosed by a canopy of glass, steel, and plastic pyramids; the entire revitalized downtown area; the close-in lake system and Minnehaha Falls; Walker Art Center; Tyrone Guthrie Repertory Theatre; outstanding examples of PUD's and quads; and much, much more.



Federally Assisted New Communities:

New Dimensions in Urban Development

Federally Assisted New Communities: New Dimensions in Urban Development provides the latest information on new towns, focusing on government assistance—a comprehensive, knowledgeable guide through the mazes of local, state, and federal rules and regulations. This new ULI Special Report will be invaluable to developers, builders, architects, planners, investors, lending institutions, and others interested in community development programs.

Written by Hugh Mields, Jr., leading U.S. authority on new towns, this 288-page book includes: Title IV and Title VII program provisions; complete application process; detailed descriptions of new towns in the USA; new towns economics and financing; HUD suggested format for Title VII cash flow analysis; sample agreements, and valuable appendix.

Order now for early June delivery.
Price for ULI members is $12;
for nonmembers, $16.00.

publications

The following ULI publications are scheduled for release in the near future.

Special Report

Federally Assisted New Communities: New Dimensions in Urban Development

by Hugh Mields, Jr.

Special Report

Townhouses and Condominiums Resident's Likes & Dislikes

by Dr. Carl Norcross

urban land

Cost Benefit Analysis
of PUDs

meetings

May 14-16, 1973
Radisson South Hotel
Minneapolis, Minnesota

October 15-17, 1973
Fairmont Hotel and Tower
San Francisco, California

April 23-25, 1974
Walt Disney World
Orlando, Florida