

Urban Waterfronts

Awash with Controversy

The effective reuse of waterfront sites, buildings, and piers, both for economic development and recreational and cultural activities, is occurring in several cities. Baltimore, Boston, Seattle, and other cities are discovering new uses for their abandoned or deteriorating waterfronts, and in the process attracting people and revenue to the revitalized harbors.

Successful redevelopment varies widely, but there are several development issues that are common to all waterfront projects: handling regulations and permits, deciding on the appropriate use of the waterfront, providing public access, and ensuring citizen participation.

Regulations and Permits

One of the most controversial aspects of waterfront development is the regulatory requirements imposed on waterfront lands. As a result, waterfront development is subject to a multitude of governmental regulations and permit requirements. To the private developer, the jurisdictional structures guiding the development process is difficult and counterproductive. The range of development opportunities is limited by restrictions pertaining to use, density, design, and access. Also, the review and approval process is time consuming and laborious. The result is an elongated if not indefinite development time frame that is stretched to the point of undermining the project's feasibility.

The impact of the regulatory process is manifested in several ways. Regulations add to development costs and thus the risk of the project. The developer responds to the risk by either abandoning the project or changing certain aspects of the project such as focusing on a higher income market or increasing the intensity of development. When regulations are oppressively complex and stringent, developers are overly cautious. This undercurrent of concern stifles creativity, and projects are predictably bland.

The developer has a vested interest in the immediate and long-term success of a project and given the chance would only develop an economically sensible project without serious environmental degradation. Thus, his argument is that many regulations are not necessary and the process is unresponsive to waterfront development efforts.

On the other hand, many lawmakers, regulators and citizens embrace a different viewpoint. From their perspective, regulations are more complex and abundant for waterfront lands because shorelines are limited, fragile resources of tremendous public value. It is in the public interest to control and manage this resource. The permitting process serves as a mechanism to coordinate the disjointed and incremental decisions affecting urban waterfronts and as a means of safeguarding against the pursuit of immediate financial rewards at the expense of long-term environmental or community degradation. This view holds that if a development proposal is truly meritorious it will sail through the regulatory process without a scratch.



Baltimore's Inner Harbor redevelopment program combines water-dependent and conventional uses.

Government agencies on all levels have a clear public interest responsibility to protect waterfront resources. This purpose must be satisfied, however, in a way that does not penalize the development industry. Just as it is in the public interest to manage shorelines for future productivity and enjoyment, it is also in the public interest for cities to realize economic development opportunities.

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Review periods need to be shortened and redundancies that are a result of jurisdictional overlaps removed. One effective remedy available to city governments is to assign one staff member to a waterfront development proposal for the expressed purpose of guiding it through the permitting and approval process. In Tacoma, Washington, for example, the city appointed a waterfront development manager to ensure that the City Waterway project was successfully implemented. Improvements could also be made if all regulations were written in a clear, concise manner. Furthermore, whenever possible, performance standards should be used instead of design standards.

While regulatory changes are certainly in order, private developers must also take steps to improve existing circumstances. Developers should acknowledge that waterfronts are unique urban resources that require special treatment. They should take advantage of information sources and study the jurisdictional policies and regulations pertaining to shoreline development. The wheels of the regulatory process should also be lubricated with cooperation and good faith.

Deciding on Appropriate Use

The appropriate use of waterfront land is an issue that commonly paralyzes the redevelopment of urban shorelines. The controversy centers on deciding among water-dependent uses, water-related uses, and uses that are not dependent on or have any relationship to the water.

The argument made in support of a very restrictive policy is that given a finite amount of waterfront land, it is in the public interest to reserve it for uses that need a shoreline site to exist. Uses such as cargo shipping terminals, ferry and passenger terminals, marine construction and repair facilities, marinas and moorage facilities, and tug and barge companies should not have to compete with residential, retail and office uses for waterfront sites since competition from these uses can drive up land values to the point of making water-dependent uses obsolete. Therefore, these uses should be given preferential treatment in order to capitalize on the full potential of the water resource and to safeguard its future as a site capable of supporting such water-dependent uses.

A less restrictive policy is to allow water related uses in addition to uses absolutely dependent on a shoreline location. Thus, single-user terminals, seafood plants, petroleum processing plants, waterfront parks, public resorts, aquariums, and restaurants are permitted uses. This approach offers more flexibility; it encourages traditional waterfront uses while allowing functional changes to occur. Conserva-



tionists feel that this policy provides for the full use of waterfront lands and strengthens the functional attachment of the city to the water resource.

Most private developers do not see the need for excluding primary urban uses from city waterfronts. From their perspective, the highest and best use of waterfront land should be determined by site characteristics and market forces. Developers point out that because of technological innovations many water-dependent uses are no longer economically viable in central city locations. Consequently, use restrictions perpetuate the underutilization and deterioration of urban waterfronts. In support of this belief, developers point to cities such as Boston, Baltimore, and San Diego where the lack of restrictions did not produce exclusively non-water-related development. In some cases, office, retail, and residential uses generate enough revenue to cover the cost of developing secondary water-related uses that otherwise would not be feasible.

It is difficult to make blanket statements regarding the appropriate use of urban waterfronts because each city has a unique set of conditions and circumstances that must be taken into account. In general terms, a use is only appropriate if it reflects the special characteristics of a waterfront site and responds adequately to community needs.

Certainly in cities where competition for waterfront sites threatens the continued existence of valuable water-dependent uses, intervention is clearly justifiable. However, while use limitations may discourage real estate speculation and land development, these restrictions will not guarantee the continued viability of



Public access was an important objective in the development of Harbourfront in Toronto.

the allowable water-related uses. There are other public sector initiatives such as tax incentives and public improvements that work better than land use restrictions in preserving maritime uses along urban shorelines.

Portland, Maine is an excellent example of a city that has devised a waterfront management strategy to protect existing maritime uses while allowing new urban development to take place. The city's waterfront area consists of approximately 250 acres, much of it vastly underutilized and occupied by transportation and warehousing/wholesaling uses.

Despite this underutilization, the area has begun a transformation. The ongoing construction of a \$25 million fishing pier complex has reversed a longstanding trend of diminishing marine-related activity. The \$46 million expansion of the Bath Iron Works ship overhaul and repair operation on the Portland waterfront has provided additional momentum to the resurgence of the area. At the same time, the vast development and redevelopment opportunities of the waterfront are beginning to be identified and pursued.

Faced with parallel efforts to both reindustrialize and redevelop its waterfront lands, the city formulated a strategy that would encourage commercial, retail, and residential development without jeopardizing any of the existing or proposed maritime uses. The city's waterfront management strategy is centered around new zoning recommendations.

The major recommendation is the creation of a new waterfront zone (W-2). This zone would be a specialty zone, specifically designed for the unique nature and needs of waterfront uses. Designed as a marine and marine-related use zone, its intent is to reserve a substantial portion of the waterfront for uses where waterfront access/location is critical and to protect waterfront dependent uses from other competing but noncompatible uses of the waterfront. Waterfront access for waterfront dependent uses would be guaranteed through the adoption of the W-2 zone, and noncompatible uses such as professional offices, hotels, convention centers, and residences would be prohibited.

The second major zoning recommendation is a change in text and boundary of the existing W-1 zone. The intent of the revised W-1 zone is to permit a diversity of uses which can coexist. It is a mixed-use zone that would permit all of the marine and fishing uses of the W-2 zone plus a variety of commercial, industrial, and residential uses.

Portland's strategy is exemplary because it acknowledges both water dependency and economic viability as desirable features of waterfront development. The zoning recommendations reflect the city's view of the waterfront as not just an industrial area supporting maritime uses, but also as a catalyst for urban redevelopment, economic growth, and community enhancement. It is the type of approach that other cities might find beneficial.

Providing Public Access

The issue of the public's right to have direct access to the water's edge is another controversial aspect of waterfront development. Improvements in water quality have significantly enhanced the potential waterfront lands for both private development and public use. While many local governments support the widespread public use of the water's edge, few can afford to finance it since public holdings of waterfront lands are limited. At the same time, there has been public opposition to private development projects that would restrict either physical or visual access to the shoreline.

The prevailing opinion among city officials, government agency representatives, and urban residents is that public access to the water's edge should not be limited by the private development of waterfront lands. This viewpoint is based on the premise that an urban shoreline is a public resource and should be managed to benefit the greatest number of people in the best way possible. Under this policy, private developers are encouraged to enhance the public use and enjoyment of urban shorelines by providing access to the water's edge.

Visual access to the water's edge is just as important as physical access. Waterways are special visual amenities with the potential to greatly enhance the appearance of urban environments. It is in the public interest to make sure that views to and from the shoreline are not blocked by unbroken masses of large structures.

either existing environmental variations or differences in the type or intensity of proposed project uses. They maintain that the need for providing public access should not overshadow the rights of private property owners. Local governments have to reconcile the need for access with the need for personal security and property protection.

The maintenance and management of public access areas within a waterfront development project also concerns private developers. For shoreline projects that combine various uses within public and private areas, formal written agreements should clearly define which party will be responsible for management, maintenance, and costs of each portion of the project. Jurisdictions that impose access provisions on private development projects should be prepared to provide support for maintenance and management functions.

The conclusion reached by most private developers is that public access to the water's edge can be provided in many different ways depending on factors such as the site characteristics, type of uses, and public funding. Therefore, regulations should be flexible enough to accommodate a broad range of waterfront development opportunities and to balance the public's right for access with the property rights of private landowners.

For example, instead of incorporating mandatory public access provisions into the development approval process, a better approach might be to impose access requirements that vary in



Zoning regulations required the provision of public walkways along the shoreline at Palmer Point in Greenwich, Connecticut.

Although most private developers agree that public access to the water's edge is a worthwhile objective, they take issue with having mandatory requirements for the provision of access incorporated into the development approval process. Developers point out that rigid demands for access do not take into consideration

relationship to existing conditions, proposed uses, and public sector goals. One criterion that should be used to determine the requirement is the existing public accessibility of the shoreline. In this respect, it seems reasonable to maintain the level of public access that exists prior to site development and to offer

incentives to encourage developers to provide public access in locations where it does not.

Attention should also be given to the quality of public access provided by developers. Depending on the circumstances, it may be better for a city to have a limited number of shoreline access points that are tastefully landscaped and complete with boat docks, parking areas, and observation decks than to have continuous access to the shoreline in the form of a pathway that lacks other basic amenities.

The public sector's desire for unobstructed access to the shoreline and the private sector's desire to develop waterfront projects are not mutually exclusive. As new projects are developed, access can be incorporated into the design and public ownership of shoreside territory clarified. In return for public investment of development projects, parks, public piers, or marina facilities can be incorporated into approved private ventures.

Citizen Participation

The role of citizen groups in the waterfront development process is another controversial issue that often generates a great deal of controversy. Shoreline development projects are usually the concern of a diverse collection of fishing interests, conservation groups, recreational boating organizations and groups such as neighborhood associations and historic preservation societies that are typically associated with urban development.

Public officials and representatives view citizen participation as an important ingredient of the waterfront development process. They argue that if private development activities are to be compatible with community values and objectives, then it is logical and appropriate to give citizens a voice in the decision-making process. The fact that shoreline development affects the condition and use of a publicly owned water resource magnifies the importance of citizen involvement. Furthermore, from the viewpoint of local government, citizen involvement in urban waterfront projects helps to enhance the quality of development.

Local governments use a variety of methods to encourage citizen involvement. Surveys, meetings, and public hearings are techniques commonly used to solicit participation. When there is strong citizen reaction to a project proposal most local governments make it the responsibility of the private developer to respond. The reasoning behind this policy is simple: the private developer is initiating an action that could have significant community impact and is therefore responsible for addressing citizen concerns. If a dispute occurs over some aspect of the proposal, it is reasonable to re-

quire the developer to have a special impact assessment prepared showing that the objection is unfounded and inconsequential or explaining how the project proposal can be revised to eliminate the cause of the objection.

Most private developers recognize the potentially mutual benefits of working closely with citizens and public interest groups. From their viewpoint, however, the potential benefits cannot be gained unless there is an orderly and systematic process to facilitate public participation. Once community input has been solicit-

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ed, a reasonable approach should be used to refine the project proposal. The recommendations and objections voiced by citizen groups should be evaluated in terms of their validity and feasibility. A degree of flexibility must be maintained during this process so that a developer can explore alternative solutions to the problems identified by citizens.

Developers contend that there must be some control over the time frame allocated for citizen involvement. The public participation process must be synchronized with the overall development process. Otherwise, delays and scheduling conflicts will significantly damage project feasibility.

Private developers and investors look to local government officials and representatives for the leadership necessary to manage citizen involvement in waterfront development. Without the commitment of local governments to work with the private sector, waterfront development is extremely difficult. The public and private sectors must work together to foster community involvement respectful of both public objectives and private property rights. Communication must be the key element of this process. All too often a misunderstanding the developer's intentions creates misguided community opposition.

It is clear that local governments and private developers share the responsibility for facilitating community involvement in the development of urban waterfronts. The process used to encourage public participation should be structured to minimize delays and uncertainty, while retaining the flexibility necessary for a developer to respond to the dynamic factors influencing shoreline development. While this balanced approach may be difficult to maintain, it is certainly worth the effort.

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