

B.M.R. COMMENT



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Suite 406, 4 Richmond St. E., Toronto 1, phone 363-9265

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CONTROL OF URBAN GROWTH

INTRODUCTION

In this Comment we shall present a general summary of efforts by various levels of government on both sides of the Atlantic Ocean to come to grips with the problems associated with urban growth. By reviewing the experiences in Canada, the United States and Europe we hope to gain insight into the methods being used to redirect and/or control urban growth as well as many of the problems associated with these tactics.

Governments are being called upon to slow total population growth, insure adequate supplies of valuable natural resources, and provide a fair distribution of economic wealth. On top of these demands they are being pressed to steadfastly protect the environment while at the same time create urban, suburban and rural forms to perpetuate this harmonious state of social, economic and physical well being.

The task is Herculean at least and the goals may be unattainable but public officials have taken measures to cope with them and they have enjoyed varying degrees of success. This survey will review these attempts while a subsequent study will take a more in depth look at the prospects for the ultimate success of controlling urban growth.

CHANGING ATTITUDES ABOUT URBAN GROWTH

A recent article entitled "Dissecting the Opposition to Growth" seems to place our present-day dilemma with urban development into perspective.

"The current rediscovery of 'growth' as a key regional issue hardly seems revolutionary. A statement made by the Lord Mayor of London toward the end of the reign of Queen Elizabeth I sounds quite contemporary. He spoke of 'the vast increase of new buildings and number of inhabitants within the city and suburbs of London, chiefly occasioned by the great resort of people from all parts of the Kingdom to settle here'."¹

1. Michael Seelig and Julie Seelig, "Dissecting the Opposition to Growth" in ASPO, June 1973, p. 15

Just as perplexed as the Lord Mayor of London was over this phenomenal magnetism which his urban centre possessed, so are modern-day mayors anxious to understand how to deal with the problems associated with uncontrolled growth. While the population of urban core areas has generally stabilized or actually declined over the past few decades, the development of the suburbs has continued at an advanced pace. The result has been an unrelenting pressure on the core areas to provide office space, cultural amenities, transportation, and many other services to a growing population, while at the same time usually not experiencing a corresponding increase in the tax base.¹

While many of the urban problems experienced by cities around the world are similar, they may be occurring for totally different reasons. Certainly the urban centralization of a London, Paris, Moscow, or Tokyo brought on primarily by geographical and economic factors cannot be confused with the socially-oriented struggles which are now affecting the growth patterns of most American cities. The comparison of Canadian urban centres also suffers in this regard because they are expanding at this time, for economic reasons to be sure, but also due to an influx of immigrants, as did many American cities in the past. In terms of defining what constitutes the quality of life for urban dwellers in Canada, both now and in the future, a comparison with foreign cities must certainly be carefully weighed.

Toronto may be one of the very few cities still in a position to decide what values will help to shape its ultimate economic, social and physical form. It is a late-developing urban area with a legacy of concerned and involved citizens as well as an impressive list of public officials who have often taken bold and imaginative steps in attempting to reorder priorities and maximize the potential which the community possesses.

It is natural that Toronto's citizens, as well as those in other communities around the world, should wish to provide the best possible environment in which to live. The good life, until recently, was thought to be analogous with economic growth which also implied population growth. To say that this premise has been challenged is stating the case rather lightly. As a speaker at a recent forum on growth at Guelph University advised:

"Advocates of growth base their arguments on a false belief in economic growth as the sole reliable means to our future happiness. They usually forget to stipulate the by-products; more pollution, more respiratory diseases, more bans on swimming, more rapid depletion of non-renewable resources, and more managers with ulcers. Beyond a certain size, a city threatens its residents with anonymity and impersonality. It gets harder for politicians to keep in touch with things. Professor Settle believes the source of social problems is not growth as such but the belief that growth is an absolute panacea."²

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1. Metropolitan Toronto's gross expenditures increased 59% from 1969 to 1973 while real property assessment increased by 22%; City proper assessment by 8%.
 2. "Guelph Forum on Growth", in Ontario Division Newsletter CPAC, December 1973, p. 1.

Perhaps the attitude prevailing in many communities was best expressed in a summary of citizens' comments in Vancouver, British Columbia

"Others might say the outcry against growth is not really against growth as much as it is for the preservation of whatever amenities the community enjoys and does not want to give up. Communities are uncertain about the future and are very skeptical about the role which they will be allowed to play in determining the destiny of their areas. Since growth implies change and most changes are perceived as undesirable, many communities are strongly opposing further growth."¹

The responsibility for determining where certain types of growth, commercial, industrial and residential will occur within a community, has been traditionally vested in two groups of people; planners and public officials. To be sure, business and other special interests exert considerable pressure but the decision in the public's eye rests squarely with these two groups. Planners have generally been concerned with ensuring a consistent quality of life within the context of existing growth rates. Faced with rapidly changing circumstances, they generally have tried simply to control urban sprawl through the use of delaying tactics. They have been concerned with open space and optional town centre theories, but when the time for action has come, elegant theories of "new towns in town", economic relocations, and satellite cities have had little impact on actual policy.

If the pressure of urban growth demands more of the existing system than it is prepared to provide there may be reactions similar to those now being experienced in Toronto. "Growth is pushed to smaller communities beyond Toronto's border who are even less prepared to deal with the problems of urban sprawl and the price of land and housing begins to increase at astronomical rates. The supply of serviced buildable land has not kept up with urban growth in many areas. Environmental concerns, leading to stricter controls, have limited the supply of housing land as has the slowness of planning procedures and regulations."²

Since growth is a phenomenon which affects an entire economic region comprised of several municipalities, it is natural that growth control should emanate from some higher level of government. "Since a national growth policy to control migration within Canada and to slow immigration does not seem to be a prospect for the near-term future, the next best step is to determine what action can be taken at the regional level."³ In 1970 the Province of Ontario introduced the Toronto Centered

1. Seelig, op.cit. p. 15

2. Report, Advisory Task Force on Housing Policy, (Queen's Printer, Ontario: 1973), p. 2

3. Seelig, op. cit., p. 16

Region Design for Development with the intention of indicating where future growth should occur in the Province.

Unfortunately this forward-thinking concept was not followed by an acceptable set of planning tools for implementation. The pressure continued on the local municipalities and eventually forced Toronto to act as some other communities have and take legislative action aimed at reducing or at least controlling core area growth. "Aside from the isolated attempts to place direct limits on population size, most cities seem to have concentrated on limiting the area taken up by urban development and on discouraging sprawl-type development. In addition to the stop-gap measure of halting the issue of building permits, other ad hoc measures have been used essentially to buy time. In other words, they are measures which represent a quick response to changing circumstances rather than tools for implementing carefully thought out policies."¹ This is the category in which Toronto's 45' height limit would undoubtedly be placed. The height limit was also a mechanism utilized in San Francisco, California and Washington, D.C. in the United States, although the intention in these American cities was actually to insure an aesthetic quality, rather than to provide a review procedure as is the case in Toronto. Other countries and certain individual communities have been more forceful in their attempts to redirect urban growth, as evidenced by the following examples of development control policies.

POLICY DEVELOPMENTS IN CANADA, EUROPE AND THE UNITED STATES

CANADA

Toronto and Ontario seem to be in the forefront with Vancouver and British Columbia as far as attempts to deal with the problems of urban growth and the need to redirect development away from rapid growth centres to slower developing communities. Apparently the Province's Toronto Centered Region Plan was not moving fast enough in this regard and the "reform" City Council in Toronto passed a holding by-law which limited the height of buildings in the Central Business District (CBD) to 45' or 40,000 square feet of floor space. The by-law had the immediate effect of providing the City Council with a review process which would allow refusal of building permits to projects that they felt would create a hardship on municipal services or were not designed in such a way as to be in harmony with the existing downtown area and its overall needs. The Province of Ontario, in the meantime, is moving to develop legislation which would advance the TCR beyond the conceptual stage and provide the necessary incentives and disincentives to start the effective redirection of growth.²

1. Seelig, op.cit. p. 17

2. An inter-Ministry planning group, COLUC - Central Ontario Lakeshore Urban Complex - established in October, 1973 has set a deadline of May, 1974 to publish a report on the practical implications of pursuing the Toronto Centered Region Design for Development.

VANCOUVER

A few years ago the Greater Vancouver Regional District began to discuss a concern for maintaining and improving the liveability of the region. Several meetings were held with a cross-section of groups from within the region in an attempt to more clearly define liveability. Three concerns were expressed in almost all of the discussions:

- a resistance to further rapid growth and a concern for personal liveability
- a desire to participate in community decisions
- a wish to see action

The term "growth" seemed to summarize all the unpleasant changes in the environment whether it be high rise buildings, traffic congestion, increased crime or pollution. The planning agency was urged to move swiftly in the developing of policies for land banking, downtown traffic control, development of Regional Town Centres outside downtown, stopping freeway construction, balancing intercommunities tax base discrepancies, and improving the possibility of people to live near to their place of employment. Many of these changes are not within the power of the Greater Vancouver Regional Planning Commission but lie with the Province or local municipalities.

In this regard, the City of Vancouver had undertaken a study beginning in 1968 which indicated that because of the unique situation of the area - i.e. virtually an island - development could not continue to occur at an ever increasing pace. The study established a figure of 120,000 for the downtown work force, beyond which congestion and intolerable conditions would result unless extremely costly measures were taken. The City therefore adopted on September 11, 1973, an amendment to the zoning and development by-law which establishes very low basic development heights in the downtown and provides general guidelines for attaining more extensive building area. These limits are assisted with the provision of amenity features to make downtown a place where people like to be. All of the building permits which have been issued since the effective date of the amendment to the by-law had development application dates prior to the law. Twelve development proposals for new construction have been made since that time but as yet no building permits have been issued for them.

BRITISH COLUMBIA

Perhaps one of the most dramatic actions by a provincial level of government was taken by the British Columbia Land Commission a year or so ago when it announced a freeze on all agricultural land in the Province. It is now in the process of developing the criteria by which the seven classifications of agricultural land will or will not be released for development.

MONTREAL

Although Montreal has not experienced the rapid growth of Toronto or Vancouver, there has been and continues to be a concern for the form of urban growth occurring in the city. With an established population in the city proper of more than one million people and two million people in the metropolitan area, a strong centralizing of services in the downtown core has developed in the past ten to fifteen years. The city recently passed a law which established "zones excluded from immediate development"; it did not exclude types of development but rather set the conditions under which development might occur. These conditions are specifically aimed at limiting the need to build additional roads, sewers, and other physical improvements and insuring that developments are sufficient in size to include such services as recreation in order not to place a strain on existing facilities. Planners in the city are arguing for stricter controls especially on the density of certain developments and have proposed the development of east and west core areas to serve as downtowns away from the existing core area.

EUROPE

For the purpose of summarizing the European experience as regards growth control policies, we rely on a recent publication which analyzes the policies adopted by France, the United Kingdom, Sweden, Finland, Poland and Hungary.

"In no country was the goal of further national economic growth in question. Economic growth was viewed as the basic means to achieve social objectives such as improved income, housing, education, health, welfare, recreation, and so on. European growth policies are intended to ameliorate disparities in income and welfare between regions of the country and to a lesser extent to minimize deleterious effects of economic growth on the natural environment. The goals and objectives of urban growth policies in these six countries naturally vary from country to country, but to some degree all are aimed at:

Balanced welfare - Achieving a more 'balanced' distribution of income and social well-being among the various regions of the country.

Centralization/decentralization - Establishing a linked set of local and national public institutions which make it possible to develop at the national level overall growth strategies, policies, and objectives integrated with regional or metropolitan planning and implementation that is partly a product of a reformed local governmental system and is directly accountable to local officials and the affected constituency.

Environmental protection - Channeling future growth away from areas suffering from environmental overload or which possess qualities worthy of special protection and towards areas where disruption of the environment can be minimized.

Metropolitan development - Promoting more satisfactory patterns of metropolitan development through the development of new areawide governmental bodies and the use of special land use controls, new towns, housing construction, new transportation systems, and tax incentives and disincentives.

Non-metropolitan development - Diverting present growth into hitherto by-passed regions of the country by developing 'growth centres' in presently non-metropolitan regions, constructing new transportation links between such regions and centres of economic activity, using various incentives and disincentives to encourage or compel location of economic activity in such areas, and forcibly relocating certain government activities into them. The success of such approaches is mixed, but instructive.

Generally, European growth policies vary in scope and effectiveness, but in every country a political consensus has been reached that the national settlement pattern is of such importance from many standpoints - economic efficiency, public service costs, amenity of living, environmental consequences of concentration - that it is an appropriate matter to be governed by conscious national policy. Where a clear national growth policy has not yet been adopted, it is in the process of formulation."¹.

UNITED STATES

The Federal government has passed two Acts providing for federal assistance to states to develop means for regulating those uses of land which are of regional or state-wide concern. The government has put teeth into these measures by providing for sanctions by the withdrawal of certain federal funds from other programmes, if States do not comply by sending their land-use plans into the Department of Interior for approval. The government seems primarily concerned with large scale projects in such areas as airport development, highway development, and land and water conservation.

Various state governments have been even more aggressive than the Federal government in adopting policies for regulating land use. In 1970 the State of Vermont adopted a comprehensive environmental control law requiring developments of a certain size to obtain a permit from the State Environmental Board. Florida also recently enacted a State Land Use Control Statute which puts the State in a position to exercise a

1. "Urban Growth Policies in Six European Countries", Office of International Affairs, U S. Department of Housing and Urban Development, November, 1972.

limited degree of control over the growth and development of the State especially in those cases where there will be a substantial impact outside the jurisdiction of the single local government unit in which the land is located.

While the federal and state governments have not set forth any definitive plans for controlling the rate or extent of growth that will occur in a specific area, there have been cases of individual communities taking this kind of action. The following examples indicate the various forms which this control legislation has taken.

Perhaps the boldest action taken thus far by an American city occurred in Boca Raton, Florida, where citizens approved a referendum which set specific limits to the total number of housing units which could be built. The total number approved was 40,000. There are presently 25,000 housing units in Boca Raton and it is estimated that 40,000 units will be reached by 1980. The community is very homogeneous and the effect outside Boca Raton will not be known for some years. There is, however, already development pressure to some extent being felt in neighbouring communities.

Boulder, Colorado has passed a building height limitation law and approved a resolution creating a Growth Commission which, among other things, is charged with setting an optimum growth level for the area. In 1967 voters passed one of the United States' first locally-financed green belt programs and established a "blue line" beyond which the city furnishes no water for development.

Fairfax County, Virginia hopes to bring development virtually to a halt by 1975. To accomplish this they have, among other things, clamped moratoria on sewer connections for almost the entire county, and sharply increased its refusals of land re-zoning that call for higher density.

In Ramapo, New York, the city has prohibited new construction unless the builder himself provides adequate sewers, parks, roads and other services.

While many attempts at controlling growth in the United States have been successful and have withstood court tests of their legality, a recent court decision in California may reverse this precedent. A provision established by the City of Petaluma which limited new residential construction to 500 units a year has been held as unconstitutional on the basis that "no city can regulate its population growth numerically, so as to preclude residents of any other area from travelling into the region and establishing residence therein."¹ The case will undoubtedly be challenged in a higher court and may provide an interesting comparison to the Supreme Court ruling which upheld the constitutionality of the Ramapo, New York plan.

1. Construction Industry Association of Sonoma County v. City of Petaluma, No. C-73-0663-LHB January 17, 1974.

GROWTH AND THE FUTURE - SOME CONCLUSIONS

Ultimately, the preservation of mankind in an acceptable state of harmony, socially, economically and physically, will probably be determined by four basic criteria.

- 1) population control (total numbers as opposed to mere redistribution)
- 2) natural resource preservation (energy and raw materials)
- 3) income redistribution (resources and development as opposed to direct monetary aid)
- 4) compatible urban forms

URBAN FORM

As we can appreciate, these global concerns about population, natural resources, and income redistribution have serious localized implications for the form which Canada's urban centres will take. Attempts to control or manage urban growth may not be successfully implemented at the micro level and there are serious doubts as to whether a real measure of control can be accomplished at even the macro level. While several studies have been undertaken in an attempt to quantify the problems of growth upon urban form, one in particular has stated "the infringements on human freedom and material wellbeing brought by strict no-growth policies enforced by government edict and government bureaucracy would probably be overwhelming, in spite of any attempts at amelioration".¹ However, while there may be some credibility in such statements, it is important to remember that "modern city planning has always implied choices in allocating governmental resources and in redistributing costs and benefits through interference in the market. In order to achieve better results, the system must develop mechanisms and incentives for influencing the important variables rather than acting as a negative constraint. More information about attitudes, preferences, effects of decisions, and true costs must be obtained."²

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1. U.S. Department of Health, Education and Welfare, A Report on Measurement and the Quality of Life and the Implications for Government Action on the Limits to Growth, Washington: U.S. Printing Office, January, 1973, p. 18
 2. M.L. Harris on, "Development Control: The Influence of Political, Legal and Ideological Factors" in Town Planning Review, Liverpool University Press, Vol. 43, No. 3, July, 1972

Studies to date indicate that a cessation of growth could be costly in terms of employment and real net income because of growth opportunities foregone, but this would have much more serious impact on poorer members of society, on minority groups and younger families, than it would on the middle and upper-middle classes. In effect, stopping growth tends to have a selective impact, excluding new residents in inverse proportion to their family income and their social class.¹ A decision to control or otherwise limit growth in an attempt to protect the urban form has enormous implications for the composition of future society and should not be dealt with in a vacuum.

The existing processes and patterns of development on the urban fringes in Canada are both environmentally and socially irresponsible. Development or growth controls can represent another valuable tool in the armory of public control over the use of land. They can be badly applied or they can become the basis for a more equitable and environmentally sensitive management of urban growth.

But, the determining factor may not be how well the local municipalities planned to meet their problems but rather the extent to which the federal and provincial governments provide meaningful policies to encourage the management of growth. This would seem to require, as well, a bit of re-thinking concerning the current economic system which encourages centralization, a lopsided distribution of wealth and a market place in terms of goods and services which are oriented towards production per se instead of the needs of the consumer.

SOME REACTIONS TO ATTEMPTS TO CONTROL GROWTH

AN OUTSIDE VIEW

A special report by the real estate industry on the impact of the "anti-growth" movement establishes in their opinion a definite dichotomy between existing policy trends and the future needs of society.

"Despite reduction in population growth rates, we will still experience a substantial rise in population. These additional people will have to live, work, shop, and vacation somewhere. Most will join the vast majority who live in or within commuting distance of a metropolitan area. In addition to facilities required to accommodate this growing population, development will be needed to meet the demands of migrating persons and businesses and to update obsolete housing units and other structures".²

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1. C. Gruen et al, The Impacts of Growth: An Analytical Framework & Fiscal Example, Berkeley: California Better Housing Foundation Inc., 1972, p. 183
 2. Report, Nature and Likely Impacts of "Anti-Growth" Movement, Canadian Real Estate Research Corporation Ltd., February 1974, Volume 2, issue 7, p. 2

The report goes on to identify what the practical effects of greater public regulation will have on the development process. In their opinion:

- the cost of development will rise significantly
- price differentials will increase between new and existing developments
- middle-sized developments will suffer because of start-up delays
- urban development will slow down, especially in housing
- central-city development could become more attractive
- pressure for lowered moderate-income housing in all developments could increase
- property values will vary more between land zoned for development and land with development restrictions
- power and control over development will shift from economically motivated developers to politically motivated public agencies

It is interesting to note, however, that the report closes by indicating that in the long run, if anti-growth actions are sufficiently tempered to meet population needs there is potential for greatly improving the quality of our residential, employment and recreation environment.

AS THE BUREAU SEES IT

Growth and anti-growth sentiments can be categorized in the context of global, domestic, or local manifestations. Within the framework of global and domestic discussions, growth usually refers to natural resources, gross national product, population growth and a variety of other devices which propose to measure the economic system. Locally the issue becomes urban form as determined by the use of land, and a list of physical and social characteristics. Just how much of the current wave of anti-growth sentiment is aimed at global as opposed to local problems is uncertain. What is certain is that people have become aware of the quality of life which they lead and are beginning to ask serious questions about the very system that for many has meant undreamed of economic prosperity. Defining quality of life would certainly require several important questions to be answered, some of which have been posed in a recent article.

"At what population level is there likely to be the greatest concern for the humanity of each inhabitant? Is it better that people live close together or far apart? That they walk to work, drive, be carried by mass transit, or perhaps by elevator within a futuristic megastructure? How much social contact should we aim for among people of different temperments, incomes, races and ethnic backgrounds?"¹.

This same source goes on to say that no consensus exists on these issues, and none is likely to be forthcoming soon. A consensus may someday arise, most likely from a better understanding of the natural constraints on development imposed by pollution, resource limitations, and the innate need of human beings and societies, but for the foreseeable future, the decisions that create and shape our communities and regions will continue to be made without ideal development patterns, social or physical.².

The quest for "quality development" which respects human values is made difficult by the absence of agreements about what constitutes quality. Rather, the broadest possible range of individual choices and lifestyles must be accommodated. But we must also remember that with rapidly changing values and technology, individual choices may change drastically. While many ideals can be stated as absolute - clean air, pure water, and unspoiled wilderness, we must determine how much we can afford at any given time. Any program to achieve such goals must be prepared to recognize trade-offs and that while the distance between the ideal and reality can be measured, this doesn't necessarily mean that the ideal can be achieved.

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Charles K. Bens,
Executive Director

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1. William K. Reilly ed., The Use of Land: A Citizen's Policy Guide to Urban Growth, New York; Thomas & Cromwell Co., 1973, p. 178
 2. Ibid, p. 178