

**CITYWIDE  
IMPLEMENTATION  
STRATEGIES:  
THE  
DRAFT  
COMPREHENSIVE  
PLAN**

The City of St. Louis, Missouri  
(Ref: TM 6B, 3/75)

Including PREFACE of 2/76  
and BIBLIOGRAPHY

**Team  
Four  
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## PREFACE

In 1973, Team Four inc. was contracted to assist the St. Louis City Planning Commission and its staff in undertaking a city-wide comprehensive planning study, the result of which would be subjected to citizen review and debate. This joint effort was designed to lead to the drafting by the Commission of a comprehensive plan for the future physical development of the City. As part of its consultant input, Team Four submitted, over a two year period, twelve separate but interrelated technical memoranda to the Commission. (These memoranda are summarized in the following bibliography).

Team Four's role in submitting these products was not to prepare a master plan for the City but rather to suggest alternative strategies and provide an analytical framework for the plan that the City would prepare. Technical Memorandum 6B entitled Citywide Implementation Strategies: The Draft Comprehensive Plan, illustrates both this approach and the consultant's role. It has also become a focal point for emotional responses to a misunderstood planning process.

This individual memorandum, submitted in final form in March, 1975 (and in draft form in March, 1974) sought to provide a framework for the implementation of concepts embodied in the balance of our Technical Memoranda and Appendixes submitted to the St. Louis Community Development Commission. This memo proposed "a series of ideas representative of the types of considerations that must be dealt with in the process of adopting, staging, budgeting and ultimately implementing the Comprehensive Plan". It was Team Four's intention to encourage considerable thought and public discussion regarding realistic implementation strategies as part of the process that ultimately would lead to a publically understood and endorsed plan.

In the year since its submission, the Citywide Implementation Strategies memo has been subjected to extensive publicity and often confused debate; debate that is not based upon the concepts that appeared in the Citywide Implementation Strategies memo. The focal point of the debate has become a self-perpetuated product of major misunderstandings and serious distortions. We recognize that it sparked highly legitimate concerns about the future of the City of St. Louis and public strategies available to its leadership at a time that difficult choices face all major cities such as St. Louis. However, misconceptions about the memorandum and its purpose have almost totally prevented meaningful discussion of the possible implementation strategies that were, in fact, posed in our report and which we believe cannot be ignored merely because they pose difficult choices. Our position regarding such issues as code enforcement, land banking and the provision of city services and facilities is, we believe, succinctly stated in the Citywide Implementation Strategies memo. It represents what we believed deserved debate a year ago; it represents what we believe today still must be addressed. Unfortunately at the time these issues emerged, we were unable to comment or provide clarification since the Strategies memo had not been officially released by the City.

We now would like to list and comment on the principal points of misunderstanding which have emerged in meetings of the Community Development Commission and of various neighborhood organizations and which in turn were fostered by the original press coverage of that one report prior to its official release.

1. Team Four's Depletion Area policies were designed to be applied throughout the northwest sector of the City.

This misunderstanding has been fundamental to the understandably defensive response of the Black community to the Strategies memorandum. The basic cause for misunderstanding was confusion between our definition of three purely generic area types and a totally different concept of three geographic area types described in the City's previously published Development Program (text page 105-111, map on 104, St. Louis Development Program, 1973). While we feel in retrospect that we should have foreseen the possibility of such confusion and moved to avoid it, there was and is, in fact, no relationship between our definition of Depletion, Redevelopment and Conservation area types and the Development Program's system of Redevelopment and Rehabilitation, Maintenance and Improvement, and Conservation areas.

No one would advocate the application of our Depletion Area and/or the Redevelopment Area policies throughout the areas shown in blue on the "Diagram of Citywide Strategy" in the Development Program. Because of the need to consider the more basic public policies involved, we explicitly avoided any attempt to map our three area types. It is, in fact, quite clear that the Depletion Areas described in our memo are limited pockets of extreme blight and abandonment and not complete neighborhoods or vast segments of the community. As the report stated:

Unfortunately there are sectors of the City which are actually being abandoned rather than simply not being developed, as is the case in outlying suburban areas. These are the Depletion Areas. They are areas of spotty City services and red lining - where large numbers of the unemployed, the elderly and the recipients of welfare are left to wait for assistance which does not seem to be forthcoming. The forces causing this phenomenon are extremely complex, but the immediate impact is clear - blocks pockmarked with abandoned buildings, vacant lots and economic collapse.

The same selectivity was intended in defining Redevelopment areas as those "sectors of the City where the Section 353 Development Incentive Program is now being and should be applied", and further as: "those places that are at a critical point between progress and decay...", where "...the future holds either the promise of reinvestment or the spectre of continued waivering and inevitable deterioration."

The important point is that Team Four's Depletion and Redevelopment policies, if accepted, would be applicable only in selected areas comprising a relatively small portion of the total city. They further are proposed in an effort simply to assist the long term viability of larger areas of the city, which otherwise will certainly be subjected to the slow process of neglect, deterioration and abandonment. The process of urban decay will continue unchecked absent strong public policy and leadership, especially in a time of fiscal crisis.

2. Team Four proposed and advocated a policy of "benign neglect" of the Black community.

This accusation is simply untrue. As stated on page 15 of our memo:

"Simply stated, the City cannot abandon those trapped in Depletion Areas, nor can it ignore the eventual need for complete redevelopment of these areas." "A program must be developed which accomplishes the goals of clearance and land banking without further burdening those who are trapped within these areas during the holding period. This is the challenge of Depletion Areas. To not face the challenge will only weaken the entire City's chances for survival."

To not face the challenge would, in fact, be a policy of benign neglect of those left to live in these severely deteriorated areas. This is all too easy a policy to accept by default. It is one which silently places the greatest burden on the poor, many of whom are black. We, however, have

proposed addressing the basic service needs of those areas while forthrightly preparing for the eventual reconstruction of these areas.

3. The Team Four plan advocated the withdrawal or minimizing of public services within certain areas as part of a "no growth" policy.

This accusation, too, is wholly unjustified as indicated by the following statement on the subject (Page 16 of the Strategies report):

As previously noted, the City must continue to walk a tightrope with public services in Depletion Areas. Efforts must be made to adjust services and public investments so as to provide for those who are remaining in these areas. Yet these efforts should be pursued without encouraging new investment until the City determines that Redevelopment can and should begin. Continual reassessment of service needs and marketability will be required. This will supplement interim non-physical solutions such as school busing and special bus services to health clinics and libraries. Police, fire and sanitation service cannot be curtailed prematurely, as has been the case, according to critics, in these areas. In addition, there must be a clear linkage of public services and investments to the approval of development projects. This linkage, as discussed below, has as its foundation a clearly articulated capital improvement and program which are responsive to the City's Comprehensive Plan.

We thus recognized the rights of all citizens regardless of the physical condition of their neighborhood to receive an adequate level of essential public services - in particular, police and fire protection, education, health and sanitation services. On the other hand, we did call for the deferral of major capital investments (new streets, major replacements of utility systems, new schools, recreation or community centers, and even housing) until linked with a broad public commitment to the rebuilding of any selected area. We therefore called for a "No growth policy until firm market and adequate public resources are available." (p. 15). The objective here is to avoid piecemeal and ineffectual investments. "What is needed, then, is a means of rationally marshalling limited resources to effectively guide growth within Depletion Areas of the City..." (p. 15). The many vacant

and abandoned houses funded under the FHA 235 program stand as monuments to the kind of policy to be avoided in the future of too little, too late, and too scattered to serve as a catalyst for the rebuilding of deteriorating neighborhoods. This certainly is a tough policy choice, yet one which we believe is a realistic one at a time of fiscal uncertainty in many sectors, decreasing financial resources - Federal, local and private - and the escalating human needs of those trapped within our cities.

4. Team Four proposed using housing code enforcement to drive people from their neighborhoods.

This again represents a gross misunderstanding and distortion. We, in fact, advocated the exact opposite approach. As pointed out on page 19 of the Strategies memo:

Of all the public services which can negatively impact upon Depletion Areas, none is greater than code enforcement. With or without an occupancy permit system in Depletion Areas, strict code enforcement can and will accelerate abandonment. The market and financial resources needed to comply with enforcement demands simply are not present at this time. This result, although beneficial in terms of the land banking program, is not acceptable. It is not acceptable for humanitarian reasons since enforcement churns the market and places the burden of re-investment and relocation upon those least able to bear it. It is not acceptable for businesses either. Those located in Depletion Areas are already experiencing severe difficulties. To push harder on these people will only lead to their leaving the area, thus adding further impetus to the deterioration and abandonment cycle.

As indicated, we advocated the need for a policy of code enforcement sensitive to localized, neighborhood housing markets. To do otherwise would be both inhumane and unproductive.

Difficult times force difficult decisions. Yet such decisions must be made if the times are to be surmounted. Working on the St. Louis Comprehensive Plan presented a challenge which we accepted, knowing both the problems and the potentials within the community. We hoped to achieve in this undertaking a clear, broad understanding of the City's present and future options. Notwithstanding a period of some confusion, we remain optimistic that our past and future efforts will, in fact, lead to the healthy open debate and action that are the true signs of a vital community. We welcome the opportunity to further discuss the efforts of Team Four on behalf of the City of St. Louis and all of its residents.

## BIBLIOGRAPHY

The following is an annotated listing of Technical Memoranda and Appendixes which were prepared in fulfillment of Team Four's contract for consulting services with the City of St. Louis. The documents were submitted in final or draft form prior to July 1, 1974. Several were refined and subsequently finalized as indicated by their dates of completion.

### Technical Memoranda

T.M.1. Guiding Policies for the Interim Comprehensive Plan (March 4, 1974)

A general framework of goals, objectives, and broad policies for addressing salient planning issues facing the City including population decline in relation to the need for economic stabilization, opportunities for land use change and redevelopment, and public transit improvement.

T.M.2. Land Use Element (March 4, 1974)

Suggestions of possible change of land use in various areas of the City in response to transit development impacts, major public and visual amenities, residential decline, or economic development opportunities.

T.M.3. Transportation Element (March 4, 1974)

A general framework for rationalizing the City's system of streets and highways and for accommodating the then official regional rapid transit system (since dropped by the regional planning agency) as well as improved bike and pedestrian ways.

T.M.4. Public Community Facilities (March 4, 1974)

An overview of opportunities for improving the interrelationships between various public facilities such as schools, parks, and community centers toward the end of achieving more effective and

T.M.5. Alternative Futures (July, 1975)

An array of possible directions for the City based largely upon the relationship between the size and composition of the City's population and the level of economic activity maintained in the City.

Four scenarios were selected, described in greater detail and evaluated as possible directions to be pursued in planning, leading to the definition of a single preferred alternative for the long range future of the City.

T.M.6A Downtown Implementation Strategies (June 12, 1974)

A detailed technical review of the various legal and fiscal techniques available for guiding development activity in the central business district, including incentive zoning, design review procedures, transfer of development rights, and refinements of the Missouri (353) Redevelopment process.

T.M.6B Citywide Implementation Strategies (draft March 4, 1974, final March 31, 1975)

An in-depth analysis of the various tools for implementing City wide planning and development policies, together with a suggested framework for tailoring legal and fiscal tools to the various dominant types of neighborhood conditions experienced in the City, including: Depletion Areas which are scattered pockets of severe residential deterioration and abandonment that threaten the stability and viability of surrounding neighborhoods but which are not yet the subject of formal public commitment to redevelopment or rehabilitation; Redevelopment Areas which are those areas where the City has formally committed its powers and resources to the effectuation of redevelopment or rehabilitation activities (Urban Renewal, 353 Redevelopment, and PIE areas), and the Con-

## I. AREA STRATEGIES

### CONSERVATION AREAS - KEY: RETAIN INVESTMENT

Throughout the City there are numerous scattered residential, commercial and industrial areas which are functioning well and remain economically viable. Under the public strategy proposed in this memorandum, these sectors would be classified as Conservation Areas. The major factor which all Conservation Areas exhibit, and which affects the implementation program, is their ability to attract continued private reinvestment. This reinvestment varies from simple home repairs to more massive expenditures associated with the renovation of industrial properties or new commercial investments. In these areas the private and public sectors are working well together. Here families and businesses alike renew their commitments as does the City. Here are the jobs and the employed.

It comes as no surprise that it is these areas in which the City, in its continuing efforts to stem blight and investment loss, has already concentrated its resources and services. Garbage collection, schools, street paving and police protection parallel insurance, banking and personal commitments.

The implementation strategy recommends that the Conservation Areas be the base upon which the rejuvenation of the City be built. The Conservation Areas are ones in which the physical and social fabric is firmest. In these areas few major land use changes are either anticipated or desired. The Comprehensive Plan recommendations reflect this point. If these areas are lost, no plan or program can hope to save the City or renew what is left. Thus, the City's primary public responsibility for the future of the entire community is to buttress and then build upon these critical areas. The public action recommendations which follow are keyed to this fundamental policy.

#### Public Services

As stated at the outset of this memorandum, the City of St. Louis has and will have extremely limited financial resources absent a major shift in national and local policies. The new Federal Housing and Community Development Act, discussed in more detail in a later section of this memorandum, will provide needed supplementary funding. For the most part, however, these resources will be siphoned off to keep the City operating. Federal and State aid cannot be wasted. The City must carefully husband its resources and reap the greatest impact from its services and capital improvements. This process must involve the evaluation of staffing, service delivery and improvements budgeting. Regardless of the area type the returns expected on the investment of public funds must be calculated and then monitored.

Public investment in all three area types is critical. However, its withdrawal from Conservation Areas could be fatal. The Conservation Areas cannot experience continued investment and attraction without continued high level public services. Many argue that the most critical of these services directly related to residential areas is the public schools. The Board of Education has attempted to provide quality services and to innovate but cannot even hold its own without solving its financial plight. The

Board must develop voter confidence in order to successfully secure a tax increase. Such an increase, while admittedly difficult, would today put the City only on a par with average suburban districts. In some cases, we should note, both residential and non-residential city residents have reacted to the City's overall problems. They have augmented City services with private schools, police protection and street maintenance, thus allowing the City's limited funds to be re-allocated. Yet the quality and quantity of basic City services remain of paramount importance to Conservation Areas. Any reduction in these essential services will, in time, surely precipitate a corresponding private disinvestment. The City must, therefore, give top priority to a continued clear commitment to public services for the Conservation Areas of the City. Only in this way can these areas be retained as a sound foundation for overall City revitalization. Without this base there will be nothing - no dollars, no jobs and ultimately no people.

We further recommend that whenever possible, the City encourage the private sector to assist it by assuming some of the service responsibilities and costs on a fee basis. Trash collection and code enforcement are but two service examples. This practice has successfully been instituted in a number of local municipalities which have realized that taxes alone cannot do the job. In residential sections within Conservation Areas, the City should assist in the establishment of private neighborhood associations which can help finance and operate particular improvements and services at an economic scale. Such a system could be tailored to each neighborhood's desires, needs and financial strength. This idea would build upon the City's traditionally strong neighborhood building blocks. While of possibly broader application, this concept should first be tested in Conservation Areas where the greatest chances for success exist.

In non residential areas a parallel approach is recommended. The model here is the privately developed and managed suburban industrial parks and shopping centers. Again, efforts to augment public services by the retail and business owners must be encouraged by the City. The City has already seeded this concept on an experimental basis and it should be nurtured as a means to meet competition as well as relieve the City of its burdens. We recognize that areas faced with outmoded facilities and declining markets are not suited for such treatment. However, in Conservation Areas the more viable businesses must join together if they are to survive in a metropolitan market where City services alone can never be totally adequate.

### Zoning

A review of the City's present zoning code and the breadth of issues it must deal with clearly demonstrates the need to totally revamp this most traditional of implementation devices. (More will be said about this need in Part II of the memorandum). Speaking specifically of the Conservation Areas, a zoning system must be devised to preserve prevailing residential and commercial land use patterns. Strong, yet varied neighborhood housing districts, interspersed with service commercial uses, bind the areas together. Similarly, viable commercial zones supported by well located businesses with adequate access, parking and butterming do exist. A primary goal must be to use zoning to help insure the future of these areas.

A second important goal of a new land development code for Conservation Areas is to guide the sensible development of the undeveloped or reclaimed lots. Although few such parcels exist in Conservation Areas, their efficient future use must be provided for. Where new uses can be developed, the zoning regulations can require consistency with existing development. At times the need to accommodate expansion, to enhance existing uses or to deal with broader neighborhood concerns such as vest pocket parks or off-street parking should take precedence. A number of cities have devoted considerable research to these questions and specific investigation of the applicability of their "infill" approach should be used to fashion a St. Louis program.

### Code Enforcement

In addition to schools and police protection, building code enforcement is of great concern to the maintenance of established residential neighborhoods. Code enforcement similarly affects non-residential districts and their viability. We recommend that the City enact and enforce stricter ordinances to control the quality of the existing environment for both use types in Conservation Areas.

The City of St. Louis presently has in force both residential and non-residential minimum standards. The function of these regulations is to prevent buildings from being overcrowded, to keep buildings repaired, to maintain property in sanitary condition, and to insure that heating, plumbing and other major systems are in good working order.

In a fully developed City like St. Louis, code rules must continually be applied to older existing buildings and, as a result, the rules are most difficult to enforce. Enforcement becomes a never-ending task which increases proportionately as buildings and neighborhoods age. In St. Louis today the process is agonizingly slow and compliance difficult or impossible to obtain. The enforcement game is also an escalating one, expanding from polite request to judicial coercion. Sitting in court as violations are dealt with, one must wonder how effective code enforcement is and can be for buildings that because of their original construction or design are undesirable, given changing social and investment patterns.

Regardless of the regulations, the key to the problem does indeed lie in effectively yet equitably enforcing the code. If the code is effectively enforced now in Conservation Areas (and in Redevelopment Areas as new investments are made) it can greatly increase the City's ability to stem blight. Code enforcement, linked with such devices as the Federal Home Loan Bank insurance guarantee program, must therefore be emphasized.

We recommend specifically for Conservation Areas that a new occupancy permit based enforcement program be instituted. We believe that with proper neighborhood education, private sector response in these areas will be favorable and that the program itself will justify the public effort required. Surely this added level of enforcement will require some additional cost. However, by using a fee system coupled with allocation for Community Development funds this burden should not be too great.

### Tax Policy

Noted above in the discussion of public services was the idea of enlisting private involvement in the provision of needed services. The City under the Special Business District Act, has the authority in the Downtown area, as well as outside the CBD, to utilize this recommendation now. Surely an unprecedented degree of private business concurrence would be required to launch such an undertaking. However, by using the special district approach in selected neighborhoods in Conservation Areas (and potentially in Redevelopment Areas as well), private groups could work to collect the kind of improvement funds which are available as a matter of course in competing suburban shopping centers and home association subdivisions. The critical factor in this approach would be the initial willingness of existing owners to be reassessed and the development then, with the aid of City staff, of the services and improvements to be provided by the tax. The special districting law does provide for an advisory group and is a tool worth discussing with businesses in selected key city areas. The first step would most likely be taken in the Downtown area under the auspices of Downtown Inc.

### Rapid Transit and its Impact

The East-West Gateway Coordinating Council has recently embarked upon the development of a new regional mass transit improvement plan. Regardless of its final determinations, this project will have major impact upon the City of St. Louis - the regional hub. Therefore, some albeit brief discussion of transit impact is an important piece of this implementation-strategy. Improved transit service must be used to encourage the continued stability of Conservation Areas within the transit impact zones. However, special care must be required in Conservation Areas to avoid the negative impacts of transit, especially if a fixed guideway system is developed.

We recommend that in drafting a new zoning code, new regulations be devised to prevent the introduction of any transit induced development which will be detrimental to the existing community fabric within the Conservation Areas. Beyond this basic goal, additional attention to the location, design and buffering of the transit system and its accessory facilities must be paramount. Surely the environmental impact of the system must, and will, be taken into account in the design phases but additionally the spin-off effects of parking and access to any stations must also be carefully reviewed by the City. Although it appears that BiState will be charged with the transit development task, the details of how it will implement the improvement programs are unknown. The City, given careful analysis on its own, should thereby be able to use transit as a tool to help its residential and commercial areas. However, the City must now vigorously participate in the new transit study if it is to reap both improved transit service as well as its spin-off development impacts. The City cannot sit passively on the sidelines while East-West and BiState determine the future mode and implementation status for a transportation system which so greatly impacts upon the City. St. Louis must make known early its needs and capabilities as to transit location, system type, financing and a host of other issues.

REDEVELOPMENT AREAS - KEY: INDUCE ON A PHASED BASIS CONCENTRATED AND COORDINATED PRIVATE INVESTMENT

We have identified within the City, areas which have both the desire and potential for redevelopment but which must garner major public investment and leadership if the goals of long term revitalization are to be achieved. Redevelopment Areas, as we have classified them, currently lack the kind of long-range economic and communal strength which can guarantee their continued growth and vitality. These areas do not correspond solely with designated urban renewal areas, nor are they clearance areas. Generally, they are sectors of the City where the Section 353 Development Incentive Program is now being and should be applied.

Redevelopment Areas are those places that are at a critical point between progress and decay; the future holds either the promise of reinvestment or the spectre of continued waivering and inevitable deterioration. Securing long-term private sector investments is the key. For example, the Washington University Medical Center Redevelopment Project area could develop into a significant residential and commercial section of St. Louis if present plans materialize. Should the plans not be implemented, however, physical and social conditions in the Medical Center area will worsen, threatening the future of the entire complex and the region's health care foundation. The discussion below develops a strategy to increase the chances for success in Redevelopment Areas.

Public Services

Redevelopment Areas cannot rely upon private sector action alone to bring about major change. There is simply not enough sustained private sector interest presently in these areas to justify such reliance. Redevelopment Areas must also be able to look to the public sector for needed assistance and guidance. But the greatest public challenges lie in coordinating private investment and safeguarding the rights of present residents. The City must be prepared to take the lead in channeling the private investor into controlled planning and, more importantly, into action programs. The City must take certain steps to accomplish this task. Some of the steps listed below have already been taken but need to be reaffirmed:

1. Determine which Redevelopment Areas have the greatest potential for positive change.
2. Publicly identify these areas as Redevelopment Areas.
3. Draft an initial yet detailed list of priorities and goals for the desired development of each of these areas.
4. Select and implement those public sector tools which are most likely to strengthen the areas' market potential, such as 353 designation.
5. Allocate public sector services and capital improvements on a phased priority basis and not haphazardly city wide.
6. Draft specific guidelines to channel private investment, noting such factors as required public facilities, types of uses, landscaping standards, etc.

7. Enforce controls necessary to sustain the area, such as a code enforcement-occupancy permit system.

The City must demonstrate the capacity to assure a high quality concentration of development, consistent with desirable and economically feasible goals. This will require a major emphasis on planning, particularly on the kind of benchmark planning that can coordinate existing and induced private investment with needed public expenditures. Staff analyses must include market, physical and social impacts on selected Redevelopment Areas. Only in this way can such detailed planning be possible. Only in this way can the City know which development tools are required for a specific area.

### The 353 Program

As already stated, Redevelopment Areas require, above all else, increased investments. The City must therefore make increased use of 353. It is its most effective incentive to encourage greater private sector involvement both in new developments and in rehabilitation efforts. The proposed charter amendment which would have extended 353 benefits to small businesses and homeowners who reinvest in their own properties was an excellent idea, worthy of further consideration. Certainly 353 has played a major role in renewing developer interest in the CBD. However, as the Downtown Technical Implementation Memorandum prepared by Team Four indicates, the full potential of this statutory tool remains unrealized. Outside the CBD, 353 has not in the past been successful in inducing development. A number of recent proposals do, however, show promise.

Although the City has attempted to expand the reach of 353 beyond the Downtown area, it has yet to undertake a truly coordinated campaign of encouraging private investment in Redevelopment Areas. The 353 bonuses -- transferring of eminent domain power and long-term tax abatements -- are exactly the kinds of significant inducements needed to attract the private investor. Yet, particularly in Redevelopment Areas, the City must also emphasize its willingness to project its city wide growth and investment strategy to mesh with that of the private sector. The City has, in the past, avoided the difficult task of developing a rational growth policy that is both linked with its capital improvement program and is legally enforceable. We believe that unless the City begins, on a programmed basis, to allocate its own public funds in order to increase its control over development activity, no amount of public persuasion or 353 bonuses will assure the type and quality of investment necessary to assure long-term stability. A proper mixture of public and private monies can be successful in revitalizing Redevelopment Areas so long as the City keeps a firm grip on the development process.

Because of a weak market, the City must have a definite plan for each Redevelopment Area in which it seeks the support of private investment. 353 can and must be administered in accordance with realistic benchmark plans. These plans must be based upon economic impact analysis and arrive at allocations of improvement costs divided between the public and private sectors.

Most importantly, the City must be selective in choosing redevelopment projects. Let us assume, for example, that the City is convinced, on the basis of its City-wide strategy, that a particular Redevelopment Area cannot be revitalized at that particular time due to market competition in another 353 area or that

successful redevelopment cannot happen unless certain specified uses are provided in a project. Despite the understandable urge not to turn away any 353 project, the City must carefully allocate 353 benefits. It must reject some proposals and see to it that approval of submissions rests upon their conformance with the City's overall strategy and area specific benchmark plans.

### Tax Policy

Proper administration of the 353 program as part of a City growth strategy also relates to tax policy. It should allow the City to leverage definite demands on private developers who are encouraged to invest in Redevelopment Areas. 353 bonuses notwithstanding, however, the City cannot realistically expect the private sector to provide all the improvements which will be desirable in a given project area. The idea of offering tax abatements in a Redevelopment Area, while concurrently providing that area with increased public services, may not seem a very appealing prospect for the City. A possible solution, which the City and potential developers should seriously consider is the creation of carefully designed special benefit tax districts that would be created along with redevelopment projects.

As redevelopment begins to take shape, private investment and community identity will increase. It is this anticipated sense of area identity which the City and Developer can enlarge upon through special districting. As any Redevelopment Area begins to regenerate, certain amenities and improvements may still be beyond the reach of the private sector to provide at the front end. The area's new look, including attractive new housing and increased retail uses will need to be supplemented, just as in a suburban planned unit development, with special services, recreation facilities, improved street furniture, and new landscaping. Who will pay for these added features? The City cannot absorb the cost and neither can the Developer. Therefore, the City and the developers should consider declaring the project area a special district. In exchange for the "special" improvements the City would provide, it would have a special property tax assessment for those within the district (as is the case with homeowners' assessments in suburbia).

An increase in taxes is, of course, rarely welcomed by those who are affected, especially when 353 reduces a Developer's taxes. The special districting technique therefore must obviously be used with discretion. This technique may be essential, however, if dissipated Redevelopment Areas are to achieve their full potential. In a sense, it will allow not only those in the private sector who build up Redevelopment Areas, but also those who profit from their growth, to reimburse the City over time for those special services and improvements allocated to a project area. The special benefit tax district could represent the ideal union of private and public action needed to turn Redevelopment Areas into established self-sustaining areas.

### Planned Industrial Expansion

Planned Industrial Expansion (P.I.E.), a program formulated by way of State statute, offers the City perhaps its greatest opportunity to accept a truly active public

sector role in limited Redevelopment Areas. 353 and special districting, as we have suggested, could ideally create private/public sector partnerships in certain Redevelopment Areas. P.I.E., on the other hand, acknowledges that it may not always be possible for the City to rely on the private sector to equally share the burden. A Redevelopment Area may, for example, have little promise in the way of commercial or residential improvement if private sector initiative is required. Amid general deterioration, however, there may be sufficient existing industries to justify the belief that an area's industrial uses could be improved and increased and the area ultimately revitalized. Yet, to revitalize such an area, land may have to be acquired and cleared, streets and sewers installed or reconstructed.

The P.I.E. statute recognizes that the City should determine the possibility of various industrial expansions and, through a public agency (the Planned Industrial Expansion Authority), carry out the measures noted above. Although the Authority may accept a plan submitted by a private entity, the statute clearly allows the public agency to finance and effectuate its own projects.

Although a P.I.E. Authority has been in existence for some time, its ability to function had been limited by challenges to the constitutionality of the enabling statute. Particularly at issue was the legality of the Authority's power to issue bonds on behalf of the City to pay for prospective P.I.E. projects. The Authority's bonding capacity is, of course, crucial if the public sector is, in fact, going to accept the full mantle of leadership by investing its own resources.

Recently the Missouri Supreme Court affirmed the constitutionality of the P.I.E. Statute. P.I.E. now can become a most effective means of facing up to the problems of particular Redevelopment Areas. It should be noted that P.I.E. need not be limited to areas which are currently industrial. For example, most of the areas that has been used for the Pruitt-Igoe housing project might be far better used in the future for industrial rather than residential development. The Authority may find this true of some blighted areas as well. In any case, plans for industrial expansion may hold the key to progress in selected Redevelopment Areas. Regardless of whether such plans are ultimately funded totally through public bonds, the role of the public sector in P.I.E. programs will be substantial. A strong P.I.E. Authority can also be particularly important to those Redevelopment Areas which are currently under the aegis of the Land Clearance for Redevelopment Authority (LCRA). The LCRA, the City's urban renewal agency, was created to initiate, plan and administer federally-assisted urban renewal projects. Many of the areas which have received urban renewal designation also fall under the heading of Redevelopment Areas. This fact is especially significant in light of the continuing uncertainty regarding funding for numerous, former Federal categorical grant programs, including urban renewal. Rather than allow Urban Renewal/Redevelopment Areas to stagnate, the P.I.E. Authority should consider filling the breach by working with the LCRA or by initiating its own projects in these areas. As with 353 projects, strong municipal backing of P.I.E. will require an overall staging plan and rational process for City investments. Such a measure would not only strengthen P.I.E. in Redevelopment Areas, but will also lead the way in restructuring the City's overall program for financing, planning and implementing future development projects, as well as in stimulating private investment.

## Zoning

A restructured use of zoning power can help induce and then maintain a high quality concentration of public and private investment in Redevelopment Areas. To elicit development in such areas, new zoning regulations must not be so rigid that they discourage the potential investor. The zoning code must rather provide some degree of flexibility, while at the same time maintain certain definitive performance standards. A good example of the approach that should be built upon is suggested by the City's "Planned Residential Development" (PRD) and "Community Unit Plan" (CUP) ordinances.

Upon submission of an acceptable plan, the Board of Aldermen may designate a tract of land as a PRD project. Such designation allows a developer to obtain a building permit even though the planned use, height and location of a planned residential structure do not necessarily conform to all the normal restrictions imposed in that zoning district. The flexibility of the PRD provision is balanced by the rigid requirements which must be satisfied in the PRD development plan, including the need for a detailed site plan and a restrictive covenant pertaining to maintenance obligations. In addition, the ordinance does set out certain basic limitations including restrictions on use, signage and height.

The PRD approach is especially suited to Redevelopment Areas which are undeveloped or are occupied by buildings either scheduled to be razed or which are prime for substantial rehabilitation. This process allows the public sector to make definite decisions as to the type and size of units which would be most desirable in selected areas. By using PRD as a type of trade-off system, the City can induce private development to respond to publicly approved plans in exchange for the promise of PRD's bonuses.

Similarly, Chapter 915 of the current Municipal Code allows developers of so-called "community units" to be exempted by the Board of Public Service from conformance with normal use and location restrictions. Exceptions to the zoning law are permitted, however, only when a community unit plan has been approved by the Development Commission. Although the plan must meet both general and specific requirements, the Commission has considerable discretion in making its decision.

Used together, these flexible approaches could serve as the focal points around which the City can strengthen Redevelopment Areas. Such concepts would not only allow the City to offer exceptions to zoning limits, but also to induce the provision by the private sector developer of particular kinds of uses like retail outlets, row housing and industrial parks. We recommend that the City actively pursue a campaign to make zoning tools as discussed above readily available for all Redevelopment Areas.

The new zoning system discussed in detail in Part II of this memorandum is particularly directed to assist in such an effort. The degree of control and influence that the City exercise over development should increase with the intensity of development. Site plan review offers the greatest opportunity for such additional incremental control. A new zoning system could allow certain uses and intensities of use to occur as a matter of right under the normal zoning procedure and without additional review. However, to have development exceed this "threshold", a development site plan would have to be submitted for administrative review and legislative approval. The rationale behind this review and approval approach is that the development allowed is of such intensity and complexity that (1) its impact on the site and its surroundings as well as on City services should be

assessed individually and in depth by the City and (2) fulfillment of certain qualitative development criteria cannot be quantified because design standards must be assessed with respect to the proposed site plan. Development exceeding the established "threshold" and requiring site plan approval would, of course, be required to be below a certain intensity ceiling established by design criteria for such development. In addition, a new zoning system's division of density and development standards could accommodate both rehabilitation and in-fill development activity in Redevelopment Areas.

Particularly, if used concurrently with the 353 Development Incentive program, flexible yet controlled zoning concepts offer the City a process by which a public plan and performance standards can be responsive to redevelopment. Recent enactment of an amendment to the zoning code regarding row houses further reflects the notion that the code is no staid document, an idea that must be actively pursued by the City. The time to reassess the entire code has come. Continual patchwork is not enough.

#### Code Enforcement

As Redevelopment Areas progress, it will be essential that the City guarantee that adequate maintenance of new, existing and rehabilitated structures be provided. The City must vigorously enforce its regulations in Redevelopment Areas if this renewal is to avoid being a pyrrhic victory. In designated Redevelopment Areas, special emphasis must be placed on maintenance of commercial and residential uses as soon as redevelopment is announced. The enforcement process must be selectively linked to the redevelopment plan.

As stated earlier, the Downtown Plan Implementation Memorandum suggests that a new City-wide ordinance (modelled after City of Clayton Ordinance #3565) dealing with commercial occupancy would be especially beneficial. For slightly different reasons, a new municipal ordinance would greatly enhance commercial maintenance in Redevelopment Areas. Given an unstable base from which to initiate development, the typical existing investor in a Redevelopment Area may be wary of making major expenditures to assure his property's upkeep. The City must accept the burden of setting high maintenance standards and seeing to their enforcement, or new investment and deterioration may simultaneously occur in Redevelopment Areas. The proposed commercial use ordinance provides for such a program.

Although the current municipal code does provide for more detailed regulation of residential use, a stronger emphasis on enforcement must be pursued there as well. As already noted, further consideration should be given to approving the proposed occupancy permit ordinance. Such an ordinance would greatly help Redevelopment Areas by requiring a certificate of residency issued by the Building Commissioner before any existing or new dwelling unit could be occupied. Since the permit could not be issued unless minimum housing standards were met, passage of the ordinance would greatly aid the City in securing the long-term effects of redevelopment.

#### Citizen Participation - Community Groups

In making use of the development tools which we have discussed above, the City cannot afford to neglect the interests of those who are now in Redevelopment Areas.

In particular, those people who have struggled to keep their neighborhoods or businesses alive through individual or group action must be consulted in the planning and implementing of redevelopment projects. The various public agencies which will be focusing their attention on these areas must seek the input of both neighborhood leaders and residents at large. The Development Commission must keep in touch through neighborhood meetings and public hearings. The LCRA and P.I.E. Authority must solicit citizen response and approval. Also, all 353 projects must be subjected to close public inspection. Although citizen participation in Redevelopment Areas will not be easy to utilize effectively, it is absolutely essential in achieving harmonious results. Within each Redevelopment Area a citizens' advisory group should be established to work with the City and redevelopment interests. It must, however, be realized that the problems of accommodating City-wide desires for redevelopment with local challenges and fears of change, regardless of the procedure established by the City, will not be easy to solve.

### Transit Impact

The benefits to Redevelopment Areas of transit are obvious and are discussed at length in the Draft Plan itself. The planning, development and operation of the transit system will not be totally controlled by the City, although, as already recommended, the City can and must make its demands known as far as the system's design. Regardless of the system chosen, articulating and winning its demands regarding route and station locations, and improvement allocations must be of top priority for the City as planning for the system progresses. Once the regional system and improvement budget is adopted by BiState, it will be too late. The City's desires may become the City's own financial burden. This is the major lesson gleaned from other cities' experiences to date.

However, the City, because it remains the regional transportation focus, can control the development which occurs in response to the improved system. Critical to that control will not only be the zoning regulations but also the City's own capital improvement program. This is especially true in Redevelopment Areas where coordinated public and private sector action is paramount. If a fixed guideway system is adopted, such a transit system will not only generate development challenges and opportunities but also needs for additional capital improvements. For example, improvement of roads providing access to transit stops will involve City expenditures possibly with Federal help under the 1973 Federal Highway Act and the recently amended Urban Mass Transportation Act. The priority of such off-site expenditures within the City budget and means of financing such improvements will, in turn, affect the attractiveness of particular Redevelopment Areas for new private investment. In short, the capital improvement budget priorities and the financing approach for transit related improvements will greatly affect the development opportunities and desirability of transit related areas. It is clear that, in regard to transit impact and improvements, City policy is a critical development control device.

Unlike many other cities that are contemplating or building transit systems, St. Louis already has a battery of legal tools which can be of great benefit in transit impact Redevelopment Areas. For example, by overlaying 353 and special tax districts, the City will be able to overcome some major development hurdles in the transit impact areas.

If a fixed guideway system is chosen we recommended that the City draft special zoning density bonuses for developments which relate to and utilize transit. Out-

side the CBD, density bonuses for improved design, direct transit access from developments via pedestrian tunnels, bridges, escalators, as well as proximity to transit, should and can be easily instituted within a new zoning system.

The following chart summarizes some of the basic implementation tools which ought to be carefully considered for Redevelopment Areas. These tools can be used to overcome problems that have occurred in similar areas in other major cities.

<u>Problem</u>	<u>Tool</u>
1. Reduce development costs.	353 Tax Abatement
2. Overcome fragmented land parcelization.	353 Eminent Domain
3. Finance special improvements such as parking garages, pedestrian bridges, special amenities.	Special Tax District Assessment.
4. Public acquisition of land.	CDA P.I.E. L.R.A. (Land Reutilization Authority)
5. Hold existing area investments.	Code Enforcement - Occupancy System

DEPLETION AREAS - KEY: NO GROWTH POLICY UNTIL FIRM MARKET AND ADEQUATE PUBLIC RESOURCES ARE AVAILABLE

Unfortunately there are sectors of the City which are actually being abandoned rather than simply not being developed, as is the case in outlying suburban areas. These are the Depletion Areas. They are areas of spotty City services and red lining - where large numbers of the unemployed, the elderly and the recipients of welfare are left to wait for assistance which does not seem to be forthcoming. The forces causing this phenomenon are extremely complex, but the immediate impact is clear - blocks pockmarked with abandoned buildings, vacant lots and economic collapse.

The abandonment and disinvestment process presents those planning the City's future with two most difficult and conflicting implementation questions:

1. What measures can the City institute while disinvestment is occurring in order to serve the residents and businesses of these areas?
2. What actions can the City take to encourage substantial investment in such areas?

To answer one question with a public policy decision immediately causes a conflict with the other. For example, proceeding with building demolition and assembly of vacant parcels for redevelopment results in a neighborhood dotted with rubble-filled lots and boarded up buildings. Such neighborhoods do not induce new investment. On the other hand, to expend public funds on new streets, libraries, schools or code enforcement in an area designated for total renewal doesn't make sense either.

Simply stated, the City cannot abandon those trapped in Depletion Areas, nor can it ignore the eventual need for complete redevelopment of these areas. Given the political problems which accompany the policy deliberations, the City has attempted to go both ways at once. With its limited resources, it has tried to serve these areas while moving toward their redevelopment. This is an impossible stance, but one often argued to be humane. Even if necessary, we question whether this fence straddling approach is either in the best interest of those who are being "protected" or is practical for the City.

If the City wants redevelopment to occur, with long-term viability and beneficial economic impact in the soft real estate market which now exists, it must be patient. Allowing or encouraging scattered, uncoordinated investments within Depletion Areas will only sap the City's too limited fiscal resources. As with developing suburban areas, the demand for police protection, schools, streets and parks cannot be denied. New investors, even if their investment is premature or smaller than desired, require public services and will demand them.

What is needed, then, is a means of rationally marshalling limited resources to effectively guide growth within Depletion Areas of the City, just as suburban communities are attempting to do on the fringes of development. This requires a City-wide strategy. A program must be developed which accomplishes the goals of clearance and land banking without further burdening those who are trapped within these areas during the holding period. This is the challenge of Depletion Areas. To not face the challenge will only weaken the entire City's chances for survival.

### Public Services

As previously noted, the City must continue to walk a tightrope with public services in Depletion Areas. Efforts must be made to adjust services and public investments so as to provide for those who are remaining in these areas. Yet these efforts should be pursued without encouraging new investment until the City determines that Redevelopment can and should begin. Continual reassessment of service needs and marketability will be required. This will supplement interim non-physical solutions such as school busing and special bus services to health clinics and libraries. Police, fire and sanitation service cannot be curtailed prematurely, as has been the case, according to critics, in these areas. In addition, there must be a clear linkage of public services and investments to the approval of development projects. This linkage, as discussed below, has as its foundation a clearly articulated capital improvement budget and program which are responsive to the City Comprehensive Plan.

### Zoning

A landmark court decision regarding land use controls was delivered in the case of Golden v. Township of Ramapo. This New York high court decision approved residential growth control through zoning - a revolutionary precedent having long been sought after. Now, across the country, suburban communities have looked to Ramapo as the legal basis for linking development approval to the availability of public services.

The City of St. Louis needs to evaluate the feasibility of rationalizing its revitalization with a Ramapo or phased growth approach. Redevelopment and new development are really not that dissimilar. In fact, the services needed for urban revitalization parallel the suburban Ramapo model. Isn't it true that both City and suburban areas are faced with the problem of managing their land and capital resources? The only significant difference between the two is that in the City of St. Louis the tax base is not expanding and that some basic utility services are already available. The fundamental issue, however, is the same. Premature suburban development cripples a suburban area's financial ability to create a desirable community and spreads the market across the land in a wasteful pattern. We argue that premature urban redevelopment has the same result.

The City should consider drafting, as part of its new land use development system, a growth and redevelopment strategy which can meet the judicial tests of Ramapo and the subsequent growth control cases (Petaluma, etc.). The basic requirement of the New York court in Ramapo was the adoption of a city master plan linked directly to the City's capital budget and program. The court found the master plan/budget linkage was essential to establish that restrictions on development would be matched by obligations on the City.

Ramapo is a small growing suburban bedroom municipality, able to chart a capital improvement program which did, within the foreseeable future, provide for City-wide services. Thus, no property was left hanging without a fixed commitment for services and development rights were therefore not unreasonably confiscated. While

certainly more difficult for St. Louis to achieve, such a capital improvement strategy or adequate public facilities test should be attempted if the Depletion Areas are ever to move into a redevelopment mode. First, the development approval threshold for service standards -- local schools, police, transit, health care, parks, streets, etc. -- must be developed. Secondly, the capital improvement budget and program must be linked into the new plan to provide a staging program for public investment. Thirdly, a provision must be enacted within both the zoning and 353 ordinances requiring that standards set by a Ramapo-like point system be met before development can be approved. Finally, the City must, if challenged on the program, not back away from a legal test of its ability to stage redevelopment.

### Tax Policy -- Land Banking

The inadequacy of the City's current financial resources has been stressed in this memorandum. While there are many factors involved, a major contributor to this problem is the inability of the City to gain sufficient funding from a major source of municipal revenue -- real estate property taxation. Added to the need for increased taxes, the collection of present property taxes, especially in Depletion Areas, has been extremely ineffective. This is particularly so for those properties with abandoned buildings. In 1971 there were approximately 3200 abandoned buildings in the City, and virtually all of these were located in Depletion Areas.

The City lacked a method to effectively sanction owners for non-payment of taxes. The City legally has the power to gain an administrative foreclosure on delinquent property and convey title to a buyer willing to pay off back taxes. Yet, serious administrative difficulties prevented such tax sales from occurring. To cope with this dilemma, the City, in December 1971, enacted an enabling ordinance making applicable to St. Louis the Municipal Land Reutilization Law which the Missouri legislature had enacted earlier that year. The law was created to return land which had been in a non-revenue generating, non-tax producing status to effective utilization in order to provide housing, new industry and jobs, as well as new City tax revenues. The Land Reutilization Law (modelled after the Land Tax Collection Law used with success in Kansas City) eliminates both the title problems and the administrative hang-ups which had plagued earlier legislation. Since this new law has become operational, the Land Reutilization Authority (LRA), which the law created, has filed consolidated suits against over 10,000 parcels of land\*. Tax collections are up significantly because property owners are now aware that non-payment of taxes will eventually lead to the loss of their property. Many property owners are now, in fact, entering into contracts with the Collector of Revenue for deferred payment of real estate property taxes. Thus, by its very existence the LRA has improved the tax enforcement capabilities of the City.

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\*For administrative simplicity, suits are filed "in rem" (directly against the land) rather than against the property owner.

Nonetheless, as suggested by the number of suits filed by the LRA, this new agency is gaining title to a considerable number of tax delinquent parcels (an estimated 6,000 in Spring, 1975). Pursuant to its enabling ordinance, the LRA may classify such parcels as (1) suitable for private use, (2) suitable for public use, and (3) not suitable in present condition and held as public land reserve. The LRA has had some success at selling at full market price properties which have been slated for private use. Some have become the fore-runners of a small scale urban homesteading program. There are, however, serious considerations which have prevented many properties, particularly in Depletion Areas, from being sold. First, much of the available land is not currently economically desirable. Secondly, to the considerable extent that development in Depletion Areas is dependent upon federal assistance, the phasing out of various urban programs has been highly discouraging to prospective investors.

Our research leads us to believe that, consistent with both these facts and our overall recommendations for Depletion Areas, the real strength of LRA rests neither in its short-term ability to increase the City's property tax revenues nor in the homestead approach, but rather in LRA's long-term capacity to assemble a large inventory of property available for future significant development. Through lawsuits, gifts and transfers, the LRA has acquired many tracts of land which the agency has had cleared of vacant and vandalized buildings. We recommend that, at least in Depletion Areas, the LRA enlarge its role as a land bank. This action would require classifying all of LRA's available properties as "unsuitable" for present development, thus holding them as public reserves. Such a step might encourage challenges to the constitutionality of the Municipal Land Reutilization Law. Judicial affirmation of the law to date is, however, found in the decision of the Supreme Court of Missouri to uphold Kansas City's Land Tax Collection Law. The Court, by approving the operation, pursuant to that law, of a local Kansas City authority called "The Land Trust," offers the St. Louis LRA a strong legal precedent.

As St. Louis' Land Trust, the LRA would continue to assemble and hold properties in Depletion Areas until these areas can receive the kind of full scale support which they must have from all levels of the public sector and meet the growth control test discussed in the previous section. Given that major governmental as well as private funds are clearly unavailable or otherwise allocated at the present and may remain so for some time, a policy of land banking in Depletion Areas seems only logical.

Rather than shift the role of LRA entirely to that of a land assembling agency, the City might also wish to consider the creation of a separate Land Bank Authority. This action would allow the LRA to devote itself entirely to acquiring and then selling selected tax delinquent properties. The City could then benefit from the increased revenues brought in from renewed payments of real estate tax while assisting, through its Land Bank, a no growth or planned growth policy in Depletion Areas. However, the formation of a separate land banking entity would face definite legal and financial obstacles, including the necessity of new state enabling legislation.

We recommend, therefore, that LRA use its staff to pursue the land banking function in Depletion Areas. In addition, the City should consider means of increasing the financial capability of LRA specifically for land banking. This might be

done with public funds including federal Community Development monies. In addition, if the linkage between LRA and P.I.E. can legally and administratively be expanded, the bonding capacity of P.I.E. might be utilized as well.

The use of tax anticipation bonding (i.e. tax increment financing) should especially be considered since it provides a means of acquiring property and reaping the benefits of its increased value over time. While Missouri cities have chosen 353-tax abatement as their major development incentive, other communities have used tax increment financing. This technique has been used extensively in California to publicly finance major revitalization efforts. Launching such a program is a complex issue -- beyond the scope of this memorandum. Nevertheless it appears that applicable state and municipal laws contain no bar to the implementation of a tax increment financing program for the City of St. Louis. This is a subject which bears further research.

In summary, the future of Depletion Areas lies in the City's ability to perceive and make full use of the potential of the LRA, not only to increase tax revenues, but to control investment timing as well as land use decisions. All City land acquisition functions should be coordinated. This is not being done today. The LRA should become the land bank for the City of St. Louis. When the City determines that banked land should be recycled, the LRA should then sell or lease this property. However, this withdrawal process again must be coordinated with efforts of the Plan Commission, LCRA, MBDC and P.I.E., as well as the public facilities/zoning test already discussed. Simply stated, growth and land banking strategies are necessary now to focus investment in Depletion Areas.

### Code Enforcement

Of all the public services which can negatively impact upon Depletion Areas, none is greater than code enforcement. With or without an occupancy permit system in Depletion Areas, strict code enforcement can and will accelerate abandonment. The market and financial resources needed to comply with enforcement demands simply are not present at this time. This result, although beneficial in terms of the land banking program, is not acceptable. It is not acceptable for humanitarian reasons since enforcement churns the market and places the burden of re-investment and relocation upon those least able to bear it. It is not acceptable for businesses either. Those located in Depletion Areas are already experiencing severe difficulties. To push harder on these people will only lead to their leaving the area, thus adding further impetus to the deterioration and abandonment cycle. Finally, it appears that strict code enforcement in Depletion Areas may not be acceptable in Missouri's Courts. As suggested by the recent Brune decision, the Missouri Supreme Court feels that it is simply unreasonable to require certain properties to be maintained according to City-wide code standards. The Court in Brune agreed that the defendant-landlord's failure to provide two of his buildings with a functioning shower or tub was a clear violation of the City's minimum housing code law. Yet because of the economic deterioration of the buildings, the Court found that to enforce the law would be so unreasonable as to be "unconstitutional as applied."

Although perhaps not its intent, the Brune decision may give further credence to the more flexible standards for code enforcement we are recommending. We believe

that strict code enforcement be given priority only where reinvestment can accompany it. Thus, we have emphasized within Conservation Areas code enforcement linked with such devices as the Federal Home Loan Bank insurance guarantee program. In Depletion Areas, however, the enforcement should be more superficial, aimed at a generally lesser standard of compliance, although still preventing the harm which results from dangerous abuses.

Simply stated, the standards and enforcement procedures should reflect the market and capabilities of the Depletion Area and not be a mechanism to help the land banking action. This will unfortunately be the natural consequence for these areas of the City as population and investment relocate over time to other areas.

## II. CITY-WIDE ISSUES

In Part I of this memorandum we developed a broad analytical approach to dealing with the specific problems of three area types within the City of St. Louis. To illustrate the varying responsive strategies that need to be developed for each area type, we analyzed common issues (e.g., public services and code enforcement) and proposed specific strategies for dealing with these issues within each area. Thus our emphasis was not so much on the issues themselves but rather on the way in which these issues dictate area-specific implementation approaches. However, because many of the issues are City-wide in their impact, they merit broader analysis. In addition, there are a variety of issues and concepts which do not particularly lend themselves to the format of area-type discussion used in Part I. Part II deals with these "City-Wide Issues".

### THE 1974 HOUSING & COMMUNITY DEVELOPMENT ACT

The rules regarding Federal aid have once again changed. The 1974 Federal legislation replaces all past federal categorical grant programs. Instead of the familiar yet decried grantsmanship game, a \$8.6 billion block grant community development program has been created. A prime purpose of the new law is to give localities greater control over how the federal money they receive is to be spent. Although the funding formula contained in the Act may decrease St. Louis' share of federal dollars, the law will have a substantial effect on the City's future. The internal allocation and citizen participation decisions which the Act will force St. Louis to make will have an impact certain to be felt City-wide.

It should be noted that the Act has broad program discretion. The programs that qualify for funding under the Community Development Act include: land acquisition, public works, code enforcement, slum clearance, relocation, disposition of acquired properties, improvements in public services and facilities, and urban redevelopment. Clearly all of these programs are crucial to the development or maintenance of the City's Conservation, Redevelopment, and Depletion Areas. One need only review the strategies in Part I to see the potential of the Act.

In the discussion of the area types particularly appropriate public action implementation strategies have been recommended. While these strategies can and will ultimately revolve around local implementation tools, the City must and will look to the Federal Community Development Act as an essential funding source. The future effectiveness of various local services and programs may in fact depend on the extent to which they are allowed to share in the City's block grant.

The Housing & Community Development Act in many ways, comes at an ideal time for the City of St. Louis. Not only has the City's departmental reorganization been

initiated but also the City-wide strategy framework we have recommended for adoption would be extremely compatible with the Act. Once a system of City-wide area specific priorities has been firmly established the City can sensibly allocate its pool of available funding, be it local, state or federal, in a way that will best serve the needs of all its citizens. However, if that is not done, the City's limited resources will be wasted.

#### ZONING - CITY-WIDE

The analysis of the City Zoning Code, albeit preliminary, has demonstrated that the time has come for a complete revision of the existing Code and maps. The myriad insertions, exceptions and additions to the present code, which was drafted after the War when St. Louis was still developing, is proof of some problems. It is true that the City generally has been able to bend and augment the Zoning Code, when necessary, and that the high costs of developing an entirely new code and map do discourage sweeping change. Yet it is undeniable that the code and zoning map do not meet today's standards or more importantly satisfy St. Louis' needs for the future. This is illustrated, for example, by three simple examples:

1. Vast areas of the City have zoning designations bearing no relationship to their marketability;
2. Viable residential areas, fearful of a negative zoning impact, have sought historic district designation for protection, and
3. Fast food operations have spread throughout the City.

In parallel with the refinement of a final comprehensive plan, the City should initiate preparation of a new zoning code and map. If this is not undertaken, the current code and map will have to be redesigned regardless to conform with the new plan. Either effort could be structured to build upon that which exists while adding the benefits of recodification and new zoning concepts to the code. The development of a new map would bring planning and zoning into rational congruence. This would require publicly initiated rezoning in appropriate sections of the City. Such a comprehensive rezoning of city sectors would probably best coincide with the 70 neighborhood planning areas noted in the CRP.

Because of zoning's implementation role, we have devoted a considerable amount of analysis and discussion to its future potential in the City of St. Louis. In dealing in the past with the problems of zoning in fully developed cities such as St. Louis, we have devised a unique zoning system for residential areas which should be considered in the drafting of a new St. Louis City Zoning Code. The St. Louis code, as it now stands, confuses housing density controls, regulations governing various housing types, and regulations governing the bulk and placement of buildings. The system proposed would remedy these problems.

It must first be noted that beyond the general distinction among land uses -- residential, commercial, or industrial -- zoning provides a means of controlling and distributing the density levels at which such uses occur. On the

other hand, there is no reason for discrete zoning districts to be created for individual and separate housing types, i.e. a townhouse district. The critical factor concerning these separate housing types logically should be the relationship of individual building types or groups of these buildings to each other, to the building site, and to property lines. Such site planning concerns are largely independent of the control of housing density and therefore should be applied wherever a housing type may be located, regardless of the allowable density.

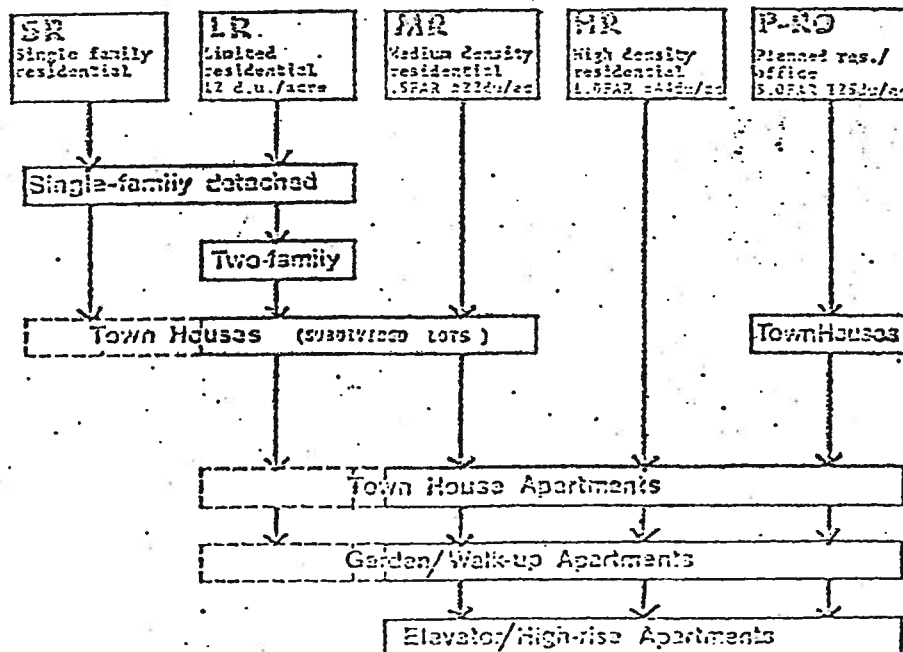
The system of residential zoning we recommend for consideration provides a set of districts distinguished primarily by a maximum density at which various residential uses may occur. This system would apply in all three general area types discussed in Part I. Within the density zones, various combinations of compatible residential building types would be permitted, each type in accordance with specific site development standards.

Thus, there would be two sets of regulations interacting to control residential land use: first, density standards, which are incorporated into what are designated as Use Regulations for each of several residential districts and, secondly, Housing Development Standards which, since they are applied in various districts, "float" among the several density districts. The Housing Development Standards would deal with such items as: lot area and width, project size and groupings of attached buildings, the setback of buildings from public rights-of-way and property lines, and the distance between buildings. As already stated, the Use Regulations would deal primarily with residential density.

The accompanying diagram describes the relationship between these two control systems which would operate in the generic areas. Across the top are listed

### ZONING FOR RESIDENTIAL USE

(USE REGULATIONS PROVIDED PRIMARILY TO GOVERN DENSITY)



HOUSING TYPES PERMITTED IN ACCORDANCE WITH  
DEVELOPMENT STANDARDS PROVIDED

----- Permitted by site plan approval

five basic residential districts which were developed for another community similar to St. Louis . Each of these districts provide density controls corresponding roughly to a dominant type of existing residential development. The system bears thought for St. Louis.

The horizontal bars below the district categories represent Development Standards for each of six general types of residential construction or housing -- single-family detached residences, two-family houses, sale townhouses, rental townhouses, garden apartments, and elevator apartment buildings. The spread of the horizontal bars indicates the districts in which each of the housing types was permitted, thus graphically showing how the Development Standards for housing types "float" among the residential districts.

Additional flexibility could be introduced into such a regulating system in two instances. First, the basic housing types could be permitted by site plan review in certain occasions where they otherwise are excluded. For instance, town or row houses sited on subdivided lots or sold as condominiums could be permitted, as a condition of site plan approval, in the same district as detached single-family residences. The reason is that these housing types, when predominantly owner-occupied, are single-family homes too. Secondly, these standards can act as a guide for, rather than a limitation on, innovative site planning, especially at higher densities. To do so, these controls could be varied by means of technical staff site plan review procedures, so long as the density and parking standards established as Use Regulations for the district would not be exceeded.

It is important to have a better understanding of the context for zoning as summarized by the community housing objectives which we have recognized. The parallel regulation concept evolved primarily in response to specific urban objectives for housing in Conservation and Redevelopment areas. Five major objectives have been distilled from our analysis and incorporated in the system.

1. An initial objective has been to maintain in Conservation Areas the prevailing pattern of residential land use and building types. Although instances inevitably arise in which this concern would conflict directly with other development goals, a responsible zoning policy would seek, wherever possible, to respect this important community asset -- strong yet diverse neighborhood housing areas.
2. A second objective has been to establish the means whereby the few remaining scattered vacant lots and tracts in the Conservation Areas could be developed without damaging or conflicting with existing surrounding development.
3. The third goal has been to facilitate in Redevelopment Areas the rational development toward a higher intensity of residential use in those areas which are being recycled or which have particularly unique environmental design qualities.
4. Fourth, it also has been necessary to recognize and accommodate in the Redevelopment Areas desirable emerging trends in residential building activity, both locally and nationally, such as the mixed residential-office project and townhouses for lease and sale.

5. The final objective has been and must be to discourage housing development in Depletion Areas without the existence of strong and united public and private sector commitments to the particular project proposed.

### Residential Districts

To attain the above noted objectives, we would recommend that a set of five residential use districts be considered, each corresponding roughly to the density range produced by basic types of residential construction. Previously established regulations are by definition, an inflexible and often unrealistic means of controlling site planning for residential construction. Therefore, in the concept suggested, procedures for site plan review and approval would also be incorporated throughout the residential districts. In addition, a growth control process would be incorporated.

In some instances the site plan review process would be the mechanism for granting certain development incentive bonuses within a given district. In return for the bonuses, the final development would have to comply with the approved site development plan and possibly with additional conditions which the City would impose. In other instances, the site plan process could simply facilitate the administrative determination that the project complies with prior regulations. With this site plan review procedure and the objectives stated earlier in mind, each of the five residential districts concepts is next discussed in greater detail.

(1) SR (Single-Family Residential) District - The Use Regulations for this district to be used most extensively in Conservation Areas where in-fill is the major concern, would first establish absolute minimum development standards for lot size and setback for single-family houses. However, because of the many fine-grained differences which occur in the City on a block-by-block basis, the system would allow the averaging of adjacent property standards to provide for compatible "infill" development. Thus, a system would be provided whereby the existing pattern of development surrounding a given lot sets the lot size, setback, and yard requirements, as long as they are in excess of stipulated minimum standards. Substantial deviations from the prevailing height, bulk, and architectural style of adjacent homes would not have to be inhibited. Such development, if desired, would require staff site plan review and legislative approval. This overall approach is preferable to efforts to create historic districts for viable residential areas of the City where infill development is desired to compliment existing development.

The relevancy of distinguishing "detached" from "attached" single-family residences in a zone such as the proposed "SR" zone merits discussion at this point. A basic zoning assumption is that certain uses and certain buildings, forms, or relationships tend to cast "externalities" on other uses or building types. Yet, the real nature, sources, or extent of these "externalities" has rarely been substantiated. For instance, no one yet has proved conclusively that -- all other factors being equal -- the simple factor of building height exerts any

negative influence on adjacent properties of a lower height. However, citizens, when faced with the prospect of a high-rise building nearby, will object primarily to the height differential and not to the impact of increased (or decreased) density on the neighborhood. On examination, it is difficult to detect what negative effect the simple physical fact of attachment might have on adjacent detached housing.

Nevertheless, the system proposed recognizes public attitudes and suggests dealing collectively with the several types of attached single-family residences that lend themselves physically to individual home ownership and owner occupancy -- the two-family dwelling, and the townhouse or row house. The justification for this distinction really lies in the anticipated life style differences of the St. Louis market for "attached housing" versus "detached housing": older couples whose children have left home and who are not attracted to apartment living and younger families who find townhouse living within their means while combining some of the advantages of suburban living (access to private open space and privacy with a greater feeling of urbanity). The fact that the City finally has enacted a row house ordinance to encourage townhouse development is a good step pending discussion and evaluation of the adoption of a new zoning code. The proposed code system would allow townhouse or row house development in the SR district with site plan approval.

(2) LR (Limited Residential) District - The LR district recognizes the duplex unit as falling within the genus of the attached single family home. This district anticipates and would hope to encourage the development of for sale townhouses. Use Regulations would be specifically tailored to encourage the construction of sale townhouses, which utilize the economies of clustering and attachment while providing commonly accessible and usable open space. Smaller rental townhouses are governed by separate development standards, although they, too, are a permitted use in this district but only with site plan review. This approach would negate the need for the separate townhouse ordinance which we have previously proposed.

(3)&(4) MR & HR (Medium Rise and High Rise) Districts - Two additional zoning classifications would be provided in the system suggested primarily for multiple-family housing with each classification based on different residential densities. As in the other zones, Development Standards related to the principal building types would also be provided. Thus, townhouse, garden, and elevator apartment Development Standards for such things as lot area, project size, right-of-way setback, and distance between clusters would be necessary. These Development Standards would float between these two intensity districts.

(5) PR-0 (Planned Residential-Office) District - The final district would be a PR-0, planned residential-office zone, a hybrid for mixed uses that could be tailored to govern specific projects. This system would be especially useful in Redevelopment Areas. As before, the Housing Development Standards would control the basic design features of the housing types allowed in this planned district.

## Commercial and Industrial Uses

If a new code were to be drafted, the zoning strategy suggested for commercial and industrial areas of the City should have two broad objectives:

1. To conserve certain desirable aspects of the existing development pattern, and;
2. To stimulate certain required changes in this pattern.

Neighborhood centers, whenever possible, should be reinforced and strengthened. Industrial uses should be tightly controlled so as to be compatible with the surrounding community, yet they should also be encouraged in new planned industrial areas. Community shopping facilities should cluster rather than be strung out along the City's arterial streets. At the same time the need for certain uses to occupy highly accessible and visible commercial "strips" should be frankly recognized and accommodated rationally in the new code.

Therefore, Use Regulations and Limitations, along with performance standards should be developed to regulate but not discourage needed commercial and industrial activities. To help stimulate discussion on this subject, a proposed system for these regulations has been outlined below.

Permitted Uses - The listing of permitted uses should be typical or representative rather than all-inclusive as is presently the case. The City should have the administrative discretion to determine whether an unlisted use is identical or sufficiently similar to any of their listed uses. Also, staff should determine if such use complies with the stated "Intent and Purpose," and "Use Regulations and Limitations" for the district. A limited number of Conditional Uses could be listed for each district and specifically Prohibited Uses should be noted in a new code.

Use Regulations - These regulations would deal with specific and quantifiable building bulk or siting conditions. Included should be regulations for:

1. Minimum zoning lots: area, width, depth.
2. Building bulk; height, coverage, floor area ratio.
3. Yard and setback; with special regulations for "transitional yards" adjacent to residential districts and for tall buildings.

Use Limitations - These controls should be drafted to delimit or emphasize the desired nature and quality of the uses permitted, including such items as: the type of sales activity permitted, requirements for enclosure of activity or storage, etc.

Performance Standards - As a "last resort" mechanism for the control of a nuisance industrial or commercial activity, performance standards should be devised. In most cases, they would restate in the zoning code other regulations

which the City had enacted to control the negative environmental effects of industrial development.

The objectives of the commercial and industrial zoning categories could be expanded:

1. To maintain and encourage the continued viability of selected neighborhood shopping centers which must be accessible to and compatible with adjacent or nearby residential areas. The City has numerous small neighborhood shopping centers, many of which are suffering today. These uses should be carefully protected from incompatible highway-oriented uses. Likewise such areas should be prevented from conflicting with adjacent residential uses.
2. To enforce and strengthen over time the natural clustering tendencies of retail facilities at points of high accessibility, such as at transit stations. The City must evaluate the choice between boldly rezoning land in contiguous parcels to encourage the development of such areas, or timidly continuing to dissipate commercial demand into narrow "strips" of commercial zoning. New convenience, shoppers goods, and personal services should be encouraged to locate in nodes or clusters in response to transit rather than be allowed to continue to line the City's arterial streets.
3. To allow, in selected locations, the continuation of linear or "strip" type commercial development to accommodate those uses which typically depend on visibility to moving traffic rather than on nearness to other retail uses, or uses which are otherwise incompatible with clustered convenience or retail shopping activity. Automobile service stations, drive-in or carry-out restaurants, and car washes are here to stay. Yet, such uses should not be allowed to occur in all commercial districts. Certain areas should be set aside and planned for such uses. Recently enacted City Ordinance 56443, which places definite restrictions on auto-oriented uses in commercial areas, is a step in the right direction. Other conflicting retail activities should be encouraged to locate in shopping centers or nodes where they can benefit from mutual support and interdependence.
4. To maintain and encourage industrial development in the City, while carefully avoiding, by means of performance standards and specific Use Limitations, any negative impact on the City. One of the major objectives for the City is the improvement of its employment and tax base while maintaining its population. While certain traditional areas for industrial development are to be improved, the City also hopes to expand its industrial base through the development of a series of in-town industrial parks.

### Non-Residential Districts

In seeking to attain these objectives, a set of four types of commercial districts and two types of industrial districts naturally emerges as a starting point, each district corresponding roughly to a basic type and level of sales or production activity:

1. Convenience shopping and personal services at the neighborhood level (NB, Neighborhood Business).
2. Shoppers goods (clothing, furniture, appliances, etc.) as well as convenience goods and services at a community or City-wide scale (CB, Community Business).
3. High density community shopping facilities by site plan approval, allowing mixed residential and office development. (PB, Planned Business).
4. Arterial or highway oriented businesses requiring high visibility and locational independence (AB, Arterial Business).
5. Light manufacturing and warehousing for the production and storage of goods (LM, Light Manufacturing).
6. Heavy manufacturing for industrial production facilities (HM, Heavy Manufacturing).

The major provisions of each of the four commercial districts and of the two industrial districts to be considered might be summarized as follows:

(1) NB - Neighborhood Business District - This zone would seek to maintain a scale and intensity of retail activity and associated automobile movement which is compatible with a predominantly residential environment. Typically, the major tenant(s) would be a grocery store and/or a drug store. New residential uses would be excluded, except by site plan approval. Only retail uses would be permitted. There would have to be complete enclosure of business activity. Drive-in establishments, including service stations would be prohibited. Exterior lighting would have to be shaded from adjoining residences and compliance with performance standards would be required.

(2) CB - Community Business District - This district would accommodate a wide range of retail establishments serving a larger community market, including so-called "shoppers goods" or soft lines (apparel), hard lines (hardware and appliances) as well as convenience goods and personal services (NB uses). Typically the major tenant in this district would be a variety or junior department store. As in the neighborhood district, no residential uses would be permitted. The zone would also require enclosure of all activity and storage areas including service or filling stations. No drive-in establishments would be allowed other than satellite banking facilities.

(3) PB - Planned Business District - A district of this type should be established to allow specialized mixed-use development for particular redevelopment sites. This zone would require site plan approval for all projects.

(4) AB - Arterial Business District - An AB district would accommodate retail uses which function relatively independently of each other and which depend on attracting customers from automobile traffic. Automobile service stations, drive-in restaurants and car washes would conditionally be permitted. (Recently enacted City Ordinance 56443 does in fact bar most auto oriented uses from the Local Business District. Yet, although the ordinance itself does not provide for conditional use exceptions, the City has already recognized such exceptions in administering the ordinance.) This zone should seek to exclude most convenience goods, personal service and shoppers goods establishments that conflict with highway oriented businesses. The general use limitation would follow the rules established elsewhere.

(5) LM - Light Manufacturing District - Intended to accommodate existing facilities as well as possible future ones, this zone would be geared to encourage and protect light warehousing and manufacturing activities. Conflicting retail uses would be excluded except as conditional uses. Since such areas are scattered throughout the City, this zone should seek to maintain such activities at a scale and intensity of use that is compatible with surrounding areas of the City. Certain more obnoxious uses or potential nuisances would be specifically prohibited and encouraged, instead, in the HM District.

(6) HM - Heavy Manufacturing District - Intended to accommodate the users presently allowed in the K unrestricted district, the HM District is aimed at retaining these uses within the City. Special permits would be required for certain industrial uses of a dangerous or obnoxious type and performance standards, as contained in other City ordinances, would be cited in this section of the zoning code.

#### Non-Conforming Uses

Amortization is a zoning technique used to terminate after a fixed period of permitted non-conformity, a use which does not comply with existing zoning regulations. Because of Missouri's unique legal posture and the problem of non-conformities, this zoning technique deserves discussion. The technique has received a great deal of judicial and law review examination since it was first adopted. In many states amortization has received judicial sanction as a proper use of the police power, although the courts do give close scrutiny to whether a particular period of grace is sufficient as applied to a specific non-conformity. In addition, decisions often have hinged upon the relationship between the amortization period and the value of the non-conformity. Unfortunately, Missouri case law has made it virtually impossible to eliminate major non-conforming uses through amortization techniques.

Due to the Hoffman opinion in 1965, it appears that the City of St. Louis cannot attempt to provide for amortization of "true" non-conforming uses. However, the 1967 Dively opinion would subject non-conforming signs to amortization. It should be noted that Sections 903.050, .060 and .070 of the City Code used to govern nonconforming uses, are extremely loose. For example, a discontinued use grace period of 10 years was unnecessarily long (Section .060) and only recently shortened to 2 years. Section .070, which deals with damage to buildings, is also generous. We recommend that notwithstanding the development of a new code, all these provisions be made more restrictive to at least make possible the removal of some non-conforming uses.

The City Building Code also affects this problem. Some would argue its purpose of bringing buildings "up to code" retards reinvestment in older non-conforming buildings. The code may, however, also encourage the abatement of those uses which negatively affect Conservation Areas unless their owners agree to substantial improvements. This is a complex issue but generally, in both Conservation and Redevelopment Areas, non-conforming uses should be either removed or not designated as non-conformities on the zoning map.

## CODE ENFORCEMENT - CITY WIDE - (OCCUPANCY PERMIT SYSTEM)

Experience in St. Louis and across the county has shown that punitive code enforcement in some areas of a City can prove ineffective and, in fact, so detrimental that it leads in many cases to abandonment or individual hardship. It was this very result that the Missouri Supreme Court said it wished to avoid in its 1974 Brune decision. The Court opinion (which was discussed in greater detail in the Depletion Area section) stated that enforcement of minimum housing standards as applied in certainly particularly deteriorated properties was so unreasonable as to be unconstitutional. Although the Court carefully limited its holding to the two apartment buildings in question, Brune suggests further that if City-wide code enforcement is to be successful, it must not be focused on an individual problem property. It must be undertaken on a systematic neighborhood basis in cooperation with other public and private activities and with the full support of residents in the area.

### Residential Areas

One method of code enforcement which we propose for the City of St. Louis, and which is now in effect in a number of cities in the region, is the requirement of an occupancy permit. Instead of inspections on a general City-wide basis, or merely looking to complaints to discover code violations, the occupancy permit system (which was developed in University City) would require a certificate issued by the Building Commissioner before any person could occupy an existing or new addition to a dwelling unit. The permit could not be issued until the minimum housing standards in the code had been met. The ordinance would not be retroactively applied. Also, the ordinance we propose would authorize selective neighborhood enforcement so as to allow the system to have maximum enforcement in specific Conservation and Redevelopment Areas. The Building Commissioner would be authorized to exempt designated areas of the City where enforcement of the occupancy permit system would not be beneficial because the buildings were generally so deteriorated as to be unworthy of repair. Clearly Depletion Areas would be exempt. The designation of exempted areas would be reviewable by the Board of Aldermen. A residency certificate would be required for the rest of the City.

Inspections would occur at the change of occupancy, a most logical time for such an activity. It would enable the City to inspect a vacant unit, thus not violating any person's privacy or causing inconvenience if repairs should be required. Compliance without legal action would be more likely since units which did not meet code standards could not be occupied. Owners faced with a vacant rental unit or a home into which they cannot move are less likely to delay reinvestment, especially in Conservation or Redevelopment areas where markets are stronger due to continued private investment.

Density control could be made possible by the coordination of the inspection and the tenancy permit. Data acquired during the application process would also provide the City with a means of gathering information about its citizens and their needs on an ongoing basis. Such data would improve the City's ability to plan for public services.

When a committee of the Board of Aldermen failed to report out an ordinance which follows the above format, the apparent reason was the added cost of the system to the City. We expect that even the selective program we recommend would require an increase in the Building Commissioner's budget. Available figures from Clayton (15,000 population) and University City (50,000 population) are useful for purposes of comparison.

Clayton, which combines its building and housing inspections, spent approximately \$80,000 on its program in 1972. The breakdown was as follows:

3 inspectors @ \$720/month/man	\$26,000
1 man for tenancy inspections alone @ \$720/month	8,600
1 man for plumbing and electrical @ \$720/month	8,600
1 supervisor for building and housing @ \$853/month	10,000
Part-time administrative supervision	5,000
1 secretary, full time	7,000
Normal fringe benefits and cars for inspection with gasoline	16,000
	<u>±\$80,000</u>

University City in fiscal 1973 spent nearly \$100,000 on its housing program alone, while receiving \$20,000 for housing permits. (This figure does not include court and City Attorney's costs.)

4 full time inspectors	\$32,000
1 supervisor	12,000
3 clerks	20,000
25% Director of Planning	4,500
50% Director of Planning Assistant	4,500
Evening inspectors	5,000
Overhead, including car allowance, 25% of salary	18,500
	<u>±\$96,000</u>

We suggest every effort be made to reconsider the adoption of such a permit program (at least on a test basis) in selected Conservation Areas, as well as some Redevelopment Areas, since it is these areas which need and would benefit most from this program.

Opposition to this type of ordinance had led its aldermanic proponents to offer a "watered-down" version of the proposal, modeled on an ordinance recently enacted in Cincinnati. This ordinance also requires an occupancy permit. However, permits are granted so long as: 1) a City housing inspection is agreed to by the prospective seller and 2) a prospective buyer has been informed of the results of the inspection i.e. either that the house meets building code standards or the specific reasons why it does not. Significantly, the Cincinnati ordinance does not require the seller to himself bring his home up to code standards before making the sale. In addition, this ordinance (and the version of it proposed before St. Louis' Board of Aldermen) does not include lease agreements.

Although passage of this version of an occupancy permit system might be considered a "foot in the door", its deficiencies are obvious.

We believe therefore that only a stronger code enforcement law can lead to stronger City-wide areas.

We also recommend that a variety of services and incentives be used by the City to achieve a high degree of voluntary compliance with a minimum of law enforcement in these areas, including:

1. Secure initial endorsement for the program from existing residents, property owners and banking institutions;
2. Establishment of a neighborhood office (if possible the community's own office) for services being rendered under the program;
3. Use of the existing community organization for information services to keep residents and owners involved in and informed about all aspects of the program;
4. Provide in the field technical advice and assistance to property owners on rehabilitation and mortgage financing;
5. Coordinate concentrated social services for homeowners and tenants who are found in need via inspections;
6. Commit publicly at the outset, specifically allocated municipal improvements and services to upgrade the neighborhood and inspire confidence in it.

Regardless of the public activity which encourages or forces compliance, the entire effort will fail without owner access to improvement capital. Once the individual decision to comply with the code is made, financing repairs may be too costly for the owner, or even totally unavailable. The City, therefore, may have to assist some owners in coping with home improvement costs. As the Mayor recently suggested, every effort must be made to both educate the financial institutions as to the City's program and to guarantee their support. In addition, neighborhood financial institutions, which are more directly affected, must be given special attention and encouragement. However, the City should anticipate the need to establish a loan guarantee and high risk fund for qualifying homeowners in Conservation Areas.

An excellent opportunity for the City, as well as lending institutions, to assist with and, in fact, guarantee home improvement loans has been offered by the Federal Home Loan Bank Board. The program would combine loan commitments from the local banking industry with municipal and Federal funding. The program would ideally offer all the capital needed to assure code compliance. If used in a concentrated way, such assistance, which is essential if the burden of satisfying code standards is to be met, would prove to be a wise investment since code compliance can be expected to increase the market value and stability of the Conservation Areas. It will not succeed City-wide or in Depletion Areas.

### Non-Residential Areas

The City should also institute a separate commercial occupancy permit system to govern the detailed maintenance of non-residential uses. The present City regulation contained in Section 2104 of the Building Code is much too general. Proper enforcement of regulations governing interior and exterior conditions, beyond those on safety, should be a City goal. However, it must be recognized here too that to regulate does not mean that compliance is assured. As with the residential program discussed above, this is a difficult and costly process. We therefore recommend that the system, as described above, be used only in the Conservation and Redevelopment Areas of the City. A local example of such an ordinance is that used in the City of Clayton.

## HISTORIC AREAS AND STRUCTURES

Historic preservation can and has been an important St. Louis movement. To conserve and protect those special areas of the City which are classified as truly "historic" must be a continued City goal. A well-developed preservation program can offer benefits to property owners as well as to the City and community in general. Preserving and restoring old structures or converting them to contemporary uses can provide useable recycled space. Across the country "back to the City" movements are growing. St. Louis has the resources to join the list. In addition, such efforts also create tourist attractions which are good for the entire community. Most importantly, a program of restoration and recycling can have the important effect of creating an area of prestige addresses for businesses or residences, which then stimulates further preservation and investment activity. Old buildings remain in private use, and the improvements are reflected in maintained or increased property values and taxes. These increases, in turn, are beneficial in that they influence conservation and improvement in surrounding neighborhoods.

The City of St. Louis presently has two specific tools for implementing a policy of historic preservation. If one isolated structure or site is of historical, cultural or natural significance, it can be designated as a landmark by the Landmarks and Urban Design Commission and the Board of Aldermen. These designations allow for flexibility as they are not uniform throughout the City.

On the other hand, if a whole area or a group of buildings is of historic or cultural significance, the historic district method can be used. This method involves a rezoning of the area. This procedure is longer and more complex than landmark designation.

There are definite and realistic drawbacks in the historic preservation tools currently available to the City. For example, the Landmark Commission only reviews plans for demolition or modification of a landmark and then can merely delay and advise against a proposed action. It cannot prohibit such action. Another problem is that, although landmarks or structures within a historic district are subject to review for changes in exterior appearance, there does not seem to be any review for modifications of the interior of a significant structure. The City, at present, does not seem to have the authority to acquire a structure merely to save it, unless possibly if an urban renewal type technique is used.

There are other means of historic preservation that might be used in St. Louis. One possible tool is the scenic easement as used in Pittsburgh. Its purpose is to prevent exterior alterations that might be detrimental to the original architectural design. This tool would entail a public agency such as the renewal authority acquiring through purchase, condemnation or donation a negative easement over the facade of a building, that is, a legal tool prohibiting an owner from altering the exterior of the building without the approval of the designated agency. This approach keeps the building in private ownership and productive use while insuring architectural integrity. It should be coupled with public restoration of the facade, and if possible loans or grants to residents to complete total restoration.

There is also a need for bringing together in a comprehensive format the survey and inventory materials on historic sites identifying those sites or entire areas that are of critical importance and must be saved, those that should be preserved if possible, and those that should be redeveloped. It is important that this survey material be realistic and practical. Development plans for an area should include clearly defined architectural standards as well as a reasonable indication of the kinds of development that will be allowed and prohibited. Without definite standards for historic areas and a survey of historic sites, the preservation effort will be no more than a series of stopgap efforts trying to preserve buildings that are about to be altered or demolished.

In order to have a successful program, public incentives to encourage preservation of privately owned historic structures and areas are necessary. One solution would be expanded use of tax incentives, like Section 353. This approach could encourage rehabilitation and restoration of historic buildings by off-setting the expenses of the improvements with tax relief. This might also be done with a rate or assessment reduction, a rate freeze, a temporary tax exemption or a refund while the restoration effort is underway. This approach must not violate uniform taxation restrictions and would require special state legislation. It could also require a binding agreement to insure that a building will not later be demolished or altered without public permission.

A second public incentive to be considered is a system allowing transfers of development rights. This concept while of limited potential in St. Louis has received much national discussion of late. Under this plan the unused development rights in the given area of a historic building or cluster of buildings may be transferred for use on other sites, enabling development there to exceed normal height and area maximums:

Thus the concept is simple. Picture the bulk envelope permitted under existing zoning. Subtract the portion occupied by the existing landmark or not desiring preservation, and the resulting development potential is the 'right' which development rights transfer provisions manipulate. (John Costonis)

The transfer may take place when an owner controls two lots and he may do any of the following: (a) transfer the rights from one property to the other, (b) sell them directly or through middlemen, or (c) hold the rights for a future transfer. Clearly this tool can only work in special cases as an incentive for historic preservation. An owner might be encouraged to sell his transfer rights and preserve a landmark rather than demolish or alter the property in order to take advantage of its full development potential or most intensive use. The owner could also expect a real estate tax reduction reflecting the reduced value of his property. Programs like this are being considered in New York and Chicago. However, they appear to be of little help in St. Louis since there does not exist the same concentration of historic properties in areas of major development potential. Such a program would have to be carefully examined for acceptability under Missouri law. In any case, further incentives to encourage historic preservation of private buildings are needed.

Of equal or possibly greater importance to the improvement of implementation tools is the need for the City to realize the ultimate limitations of historical preservation as a City-wide development approach. Historical preservation is simply not the answer to the problems of areas such as the Central West End. There must not only be public priorities as to historical landmarks and districts, but also a firm sense of discretion in designating areas under the historic district ordinance. If wisely used, historical preservation can add greatly to the overall future enhancement of the City of St. Louis. However, merely blanketing areas with historic district designation will not do the job. The critical variable in historic revival or area revival is the availability of money. The City should use some block grant funding to create a loan fund for rehabilitation as in New Orleans, Pittsburgh and Seattle. Additional private matching resources must and can be attracted to this fund given proof that it makes good business sense and preserves the City. With such a concerted effort St. Louis can be among those communities that have reaped the benefits of urban historical revival.

## ENVIRONMENTAL CONTROLS

Although we have not been asked to offer specific recommendations regarding environmental controls or ordinances, we feel that a general awareness of these limitations, their use and their potential impact upon future development is necessary at this stage of the planning process.

### Air Quality Standards

In accordance with the 1970 Clean Air Act Amendments, the Federal Environmental Protection Agency (EPA) established national ambient air quality standards defining the maximum tolerance levels of pollutants acceptable to protect the general health (primary standards) and welfare (secondary standards) and required the adoption and enforcement of these standards through state implementation plans. Drawing upon enabling legislation which has previously created a State Air Conservation Commission, Missouri complied with Clean Air Act requirements by developing an implementation plan to achieve Federal standards. Consistent with this plan, the Missouri Air Conservation Law limits emissions from stationary sources (primarily industrial) and grants the Commission broad enforcement powers.

On the basis of its Air Pollution Ordinances, the City of St. Louis earned and still maintains a "certificate of exemption" from the Commission allowing the City internal control of air pollution problems. The St. Louis Division of Air Pollution Control (DAPC) must be able to assure the State Commission that strict compliance with local ordinances is being achieved. The Commission, in turn, is answerable to the regional office of the EPA in Kansas City.

The St. Louis DAPC has successfully used its power to seek court imposed fines as well as its ability to offer "short-term" variances in order to bring industrial emissions in line with Federal standards by 1975. The DAPC has been less successful, however, in controlling those pollutants related to automobile emissions. In fact, DAPC has been asked by the State to submit a report to be integrated into a Transportation Control Strategy required of Missouri by the EPA. The Strategy, the required completion date of which is May 31, 1975, is to offer alternative plans for the reduction of automobile traffic in the State. DAPC stated recently that it will probably be unable to meet the 1975 deadline.

In addition, the EPA has proposed regulations to control the impact of "complex sources" (facilities like shopping centers and convention complexes which, by generating heavy vehicular traffic, may indirectly violate air quality standards). The Attorney General of Missouri has officially expressed the opinion that the State, if required to enforce such regulations, does not have the legislative authority to do so. Under the Clear Air Act, however, the EPA may require a state to enforce Federally promulgated regulations where equivalent State legislation has not been provided. If "complex source" control becomes a duty of the State Commission, then the DAPC, in order to maintain its local autonomy, must follow suit. This result seems unlikely at this

time, however, since Congress is currently unwilling to fund EPA enforcement of the "complex source" regulations.

The enforcement of Federal air quality standards relating to industrial pollution has, to date, not placed an undue burden on the State of Missouri or the City of St. Louis, nor should such regulation be a serious hardship for existing industry in the future. Control of auto emissions, however, could have a significant impact on future development. The extent of the impact is now contingent on the plan of attack which the EPA elects to pursue and the earnestness with which EPA seeks State compliance with that plan. In making its decision, the EPA must consider not only the call for strict compliance with the Clean Air Act which recent Federal court cases have seemingly dictated but also the need for economic "trade-offs" in light of the continuing energy shortage. Although this conflict may produce some short-term compromises, the EPA, in order to sustain its own mandate, will ultimately have to require cities like St. Louis to develop new means to limit both direct and indirect sources of auto emissions.

### Water Quality Standards

By its 1972 Amendments of the Water Pollution Control Act, Congress required the Federal Government to play a greater role in eliminating discharge of pollutants into United States waters. The responsibility of setting minimum water quality standards through effluent limitations was shifted to the Federal Environment Protection Agency (EPA), with the states being required to enact comparable legislation (the so-called 2-permit system). The 1972 Amendments also require the EPA to administer Nation-wide enforcement of the standards sharing with the appropriate state agency the concurrent responsibility of reviewing requests to discharge pollutants and issuing permits only to those industries able to assure both agencies of compliance with the effluent limitations.

The Missouri Clean Water Commission, under the State's Clean Water Law, is administering the "two-permit" system which the Federal Amendments require. The Commission anticipates, however, that later this year the EPA will recognize the sufficiency of Missouri's water quality plan and, in accordance with the Amendments, will suspend operation of the Federal permit system in the State.

Industry seeking to discharge pollutants into any water course within the City limits of St. Louis can deal directly with the permit requirements of the Metropolitan St. Louis Sewer District (MSD). Although the MSD must file monthly reports with the Clean Water Commission, the State and EPA do not review permit requests so long as the potential discharge does not go beyond the local sewer system. (Any discharge into the Mississippi River would, by contrast, be subject to the "two-permit" system).

The EPA, State Commission and MSD all retain the power not only to revoke discharge permits and to heavily fine violators but also to allow variances where appropriate. Both the MSD and Commission report good progress in using

these tools to gain industrial compliance with water quality laws, and both agencies anticipate that Federal target dates in 1975 and 1977 for reduction of effluent levels can be met.

The prospects for water quality in the area are further enhanced by the Metro Study being currently undertaken by the St. Louis District Corps of Engineers. The study should enable the region to make a strong bid for Federal funding (75% of construction costs) of new waste water facilities.

Despite the past impoundment of some Federal funds slated to assist in water pollution projects, the EPA is likely to move forward in this area. The State of Missouri appears to be keeping pace with the Federal law, and Missouri's position will be further enhanced if the EPA turns exclusive control of the permit system over to the State. Reasonable compliance with water pollution laws should assure that future development of the City of St. Louis can proceed without any major limitations being imposed.

### Noise Pollution

Noise pollution is not specifically detailed in either the current City of St. Louis Code or Revised Missouri Statutes. Indications are, however, that controls on noise at the state and local levels are forthcoming.

Proposed legislation centers on the premise that excessive noise is not only a hazard in terms of internal working conditions (an area regulated by the Occupational Safety and Hazard Act) but is also a threat to ambient air quality. Consequently, the Missouri Legislature appears ready to expand the jurisdictional powers of the State Air Conservation Commission to include noise control. The Commission would propose and enforce maximum tolerance levels for noise just as the Commission currently does for other emissions.

Amendment of the St. Louis Air Pollution Ordinances to include consideration of noise is also being suggested. It is proposed that all potential polluters required to register with the DAPC include an assessment of the amounts of noise their operations are likely to create. The DAPC would then include consideration of this factor in determining whether to offer its approval, without which the Building Commission cannot issue a building permit.

Noise pollution may well have to be a part of any St. Louis developmental plan in the future.

### Flood Management

Because annual flood losses nationally reach \$1 billion a year, national and state policy on flood management has shifted from a primary emphasis on structural controls (reservoirs, flood walls & levees) to a balance between structural and regulatory controls (e.g., in areas most susceptible to flood losses, zoning out certain uses). This shift in policy is illustrated both by suggested Federal legislation as well as by a bill proposed for adoption by Missouri legislators.

Senator Jackson's proposed national legislative bill would have required all states to satisfactorily designate all potential flood plains and implement legislation to minimize future losses in those areas. A new Missouri law would require the State to step in where local jurisdictions have failed either to provide structural protection for flood plain areas or to have limited, through zoning ordinances, the possible uses of such areas.

The City of St. Louis is not likely to be affected greatly by any new legislation regarding flood plains. The City has a well developed system of flood walls, levees and gates in those parts of the City susceptible to flooding. One exception, however, is the River Des Peres area which is currently under study by the Army Corps of Engineers as part of the general investigation of the region's water resources with which the Corps has been involved. It is anticipated that the interim report on the River Des Peres area will, among other alternatives, suggest limiting its future use (perhaps eliminating all residential and most industrial uses). Given the trend away from sole reliance on structural controls, development of the City of St. Louis, at least that part bordering on the River Des Peres, may be limited by flood plain legislation.

## SIGN CONTROL

The present method of regulating signs and billboards throughout St. Louis is inadequate. The Municipal Code offers no comprehensive regulation of outdoor advertising. The regulations that do exist are inflexible in what they regulate and notable for what they fail to include. The City's regulations are essentially focused on the prohibition of certain types of advertising in certain areas, but there is little control over those signs that are allowed. The only regulation of billboards in districts where they are permitted is imposed by the Building Code as to size, construction materials, type of illumination, etc. Signs incidental to permitted commercial or industrial uses are similarly regulated only by the Building Code. The absence of other regulations implies that any commercial or industrial use in the City may include by permit any incidental outdoor advertising.

An ordinance had been proposed to amend the Zoning Code. It would have established a comprehensive scheme of sign regulation, controlling the size, type, number and character of signs of all kinds, including general outdoor advertising devices (billboards). The ordinance (which was modeled after the Boston Sign Code) did offer, from a legal standpoint, at least some improvement over present regulations. The new ordinance would have been comprehensive in that it would control all types of outdoor advertising in all of the zoning districts. The ordinance would have governed and controlled the erection, remodelling, enlarging, moving, operation and maintenance of all signs by conforming uses within all zoning districts. A limited class of signs in all districts would have been allowed without a permit (signs of danger or caution, etc.). For each zoning district, the ordinance proposed regulating the contents of signs (limiting signs to identification of name, use, hours, services offered and events), sign types, number of signs permitted, maximum sign area, height, location, illumination, animation and controls on temporary signs. Such an ordinance would certainly have been an improvement over the existing regulations.

The proposed ordinance was also more specific on the erection of billboards than are present controls. The new ordinance allowed certain areas, notwithstanding their present zoning district designation, to be deemed unsuitable for the location of billboards. The Plan Commission would have designated those areas unfit for outdoor general advertising. The ordinance would have regulated signs incident to non-conforming uses and provided for their termination or amortization.

The adoption of the proposed ordinance would have allowed the City much greater control of outdoor advertising than it presently has. The regulation of signs is almost universally accepted as within the broad police power of a municipality. Yet, it is still questionable whether the specific size, type and area regulations that were proposed in the recent bill would have had a significant impact on the design and aesthetic value of outdoor advertising in St. Louis. The proposed ordinance did not significantly regulate the design or aesthetic value of the sign or its conformity with the surrounding area. These factors can and should be of concern to the City. There seems to be no need to control signs if the aesthetic value of an area will not be maintained or improved, since safety factors are dealt with in the Building Code.

There are other methods of sign control warranting St. Louis' consideration which do take into account design and aesthetic factors. One such approach which our research leads us to recommend for consideration is a concept known as "street graphics." This system relates to design and aesthetics as well as contents, size, area, etc. The basis of this new approach commissioned by the American Society of Landscape Architects is the assumption that street graphics can be controlled more effectively on the basis of performance standards than under the traditional "square-foot-of-sign-per-running-foot-of-footage-combined-with random prohibitions" approach.

The street graphics system not only controls traditional elements of sign control, but attempts to insure that determinants of good street graphics will be considered. In addition, it provides special graphic regulations for officially designated architectural, historic or scenic areas.

The legality of this system is somewhat unclear since it does restrict the property owner more than the traditional approach already proposed for St. Louis. The difference is, however, merely one of degree. The traditional approach, as embodied in the proposed ordinance, limits signs to an identification of the premises, the activity or the service offered and its time of operation. The new approach places limits (by restricting items of information) on how this same message can be communicated. The street graphics is more than sign control under traditional police power notions; it is regulation for the sake of aesthetics.

Surely the proposed ordinance for St. Louis was an improvement over the present situation but as pointed out earlier, it did not do enough for a design or aesthetic point of view. Assuming that the purpose of amending the sign control regulations in St. Louis is to improve the design of City-wide outdoor advertising and to maintain or improve the appearance of St. Louis business districts and neighborhoods, the City should seriously study the street graphics system and consider its adoption before moving ahead on the proposed ordinance. Similarly, the City should consider the adoption of a City-wide landscape and lighting plan which relates directly to the finalization of an overall urban design plan for St. Louis.

## ORGANIZATIONAL STRUCTURE

An important factor in implementing the comprehensive plan, or any part of it, is the organizational structure of those City departments or agencies with the responsibilities for planning and implementation. In St. Louis, planning and implementation have traditionally been structured as separate functions, organized outside the executive hierarchy of the Mayor's office. Recently, there has been a move in St. Louis toward centralization, as in many other cities. Across the country, planning and implementation functions have been combined into executive departments or brought into the Mayor's office. Urban renewal in some cities has been moved from an independent authority to an executive department because of its influence on other municipal activities. Departments of community development have often been created as executive departments that take urban development as their baseline for organization, combining development-oriented operations with traditional planning agency functions. The reason for consolidation, prior to the new Federal Community Development Act seemed to be the belief that an integration of planning and implementation functions would be more efficient, would allow for a pooling of technical manpower, and would strengthen the planning function by allying to it implementation powers.

The formation of a Community Development Agency for St. Louis has now been effectuated. Whereas previously the planning function was separate from development activities in St. Louis, this new agency and system will attempt to tighten and consolidate the governmental structure. There will be less overlap and duplication of functions because the Agency Director will administer one agency that does the work previously done by many.

### What of the Experiences of Other Cities?

A brief study of cities that have attempted to combine planning and development activities reveals certain characteristics that result from the creation of new departments. The majority of the positions in these new departments are non-planning jobs. They involve operational positions dealing with code enforcement, renewal, public housing, etc. The planner has become an intimate participant in development projects, with planning clearly identified as an integral component of development processes. Thus, planning becomes a necessary procedural exercise directed to the ends of specific development programs. At the same time, planning is asked to perform its traditional tasks of providing central long-range direction in matters related to the physical environment.

In these cities the planning departments' relations with other departments have improved because of their exposure to "real world" problems through work on specific projects. There is also more coordination between zoning administration and enforcement. Municipal executives regard it as an advantage that there is only one reporting subordinate instead of many. The Director can more directly influence the Mayor or the legislative body because of his position as the head of one integrated department. In some instances, however, it seems that the fine-grained administrative work that a Community Development Department must devote to immediate projects detracts from long-range policy planning.

In some other cities the Community Development Department does more than just coordinate activities. In Milwaukee, for example, the Development Department

is responsible for general plan preparation, capital programming, zoning administration, subdivision control, project planning for renewal, redevelopment, land acquisition, conservation, rehabilitation, relocation and public housing. The Trenton, New Jersey, agency performs most of these functions plus zoning enforcement, housing code enforcement and building code enforcement. These cities truly combine planning and development. The St. Louis reorganization does not go as far as these cities have gone. It creates a department similar to that of Kansas City where various activities are coordinated by the Development Department. This distinction between coordination and more action oriented departments may be minor if activities are well coordinated by the Kansas City type department and the City Executive is kept well informed by the Director of Community Development.

The new St. Louis plan, however, does not even go as far as its Kansas City counterpart. The Kansas City Department of Planning and Development administers the City's relocation program, and certain federally funded code enforcement programs, and guides the Jackson County Land Trust (the model for the St. Louis L.R.A.) in its disposition and use of property. However, like the St. Louis plan, the one in Kansas City does not go as far as Milwaukee or Trenton to administer clearance, land acquisition, public housing or zoning enforcement, although it does review and coordinate those programs.

The major problem with the St. Louis approach is that despite reorganization, the new Community Development Agency in St. Louis will have no more implementation power than the former City Plan Commission. There are three other drawbacks with the new St. Louis model. First, it does not go far enough in forcing consolidation. The Land Clearance Authority (LCRA) and Planned Industrial Expansion Authority must be consolidated if the new agency is to be successful. Secondly, the citizen input into the new agency must be expanded. By filling the majority of the directorships with City staff, the citizen aspects of planning are reduced in importance. This relates to the third problem in that the thrust of the plan is so "physical development" oriented that one can only wonder about the software planning for health jobs, welfare, education, etc., which is so badly needed in the policy planning for the City. Where do these come into the plan? Surely a great staff can overcome some of these problems but our fear is that this half way measure does not give St. Louis the agency that it needs to plan and implement the best policies for its future.

#### Development Commission's Design Review Authority

Related to the organization problems of the new Community Development Agency which we discussed above is the question of that agency's ability to review the future design specifications of new development projects throughout the City. As previously noted, the 353 program offers the City an excellent opportunity to review design plans and require their conformance with publicly conceived goals. Yet, in cases where 353 is not applicable (and at present this includes many projects outside the Downtown area) design review rests solely upon the ability of the Building and Plan Commissions to exercise such authority under §903.100 of the Zoning Code.

This code section was enacted in 1971 to repeal and replace an earlier ordinance dealing with minimum exterior appearance standards. The section makes Building & Plan Commission approval of exterior design plans a prerequisite to issuance of a building permit. Unlike the law it replaced, this 1971 ordinance goes into some detail in discussing the standards to be used by the Plan Commission in evaluating the merits of a design plan. Unfortunately, despite its increased detail, §903.100 still leaves room for considerable ambiguity.

A problem interpreting this law arose recently following a decision by the Building Commissioner to issue a permit despite the opposition of the Plan Commission. The Plan Commission had refused to approve a commercial use application until certain changes regarding set-back, landscaping and traffic egress were agreed to. In overriding the Plan Commission's objections, the Building Commissioner relied on an opinion from the City Counselor's office. The opinion suggested that the Plan Commission had gone beyond the scope of its statutory authority in conditioning approval upon factors which were not strictly limited to "...the design of the proposed structure itself." The Counselor conceded that, in principle, the Plan Commission could block the issuance of a building permit if Commission-requested changes were not agreed to. However, the opinion argued that neither the law on its face nor its legislative history would justify an interpretation which would extend the Plan Commission's jurisdiction to include ancillary structures, landscaping or traffic related considerations.

The City Counselor's legal opinion in this matter is reasonable, yet another interpretation could have resulted. The minimum exterior ordinance does speak strictly in terms of reviewing plans for proposed structures. Yet, the standards set forth require that "...appearance and design ...be generally compatible with the style and design of surrounding structures and conducive to the proper development of the community." In order to assure compliance with these standards, the Plan Commission felt it had to take into account not only the building being proposed but also its immediate surroundings. The vagueness of these standards does arguably lend itself to different interpretations. Particularly in light of the Missouri Supreme Court's decision in the Stoyanoff case, the Plan Commission's action in this matter seems defensible.

In Stoyanoff, the Court upheld the broad application of similarly vague language in affirming the denial of a building permit by the Ladue Architectural Review Board. By inference, the decision supports a broad reading of §903.100 by the Plan Commission. In addition to Stoyanoff, further confusion is created by the City's Building Code (§2200) which distinguishes the terms "building" and "structure." The code implies that structure is by far the broader in meaning of two words since a "structure" can, by definition, encompass not only a building but also, among other things, fences and display signs.

Since the City of St. Louis has reorganized its development and planning divisions, it is particularly important that the agencies which are evolving be totally aware of their responsibilities and powers. The new Community Development Commission must be clear as to its authority to act under §903.100.

We recommend that the Board of Alderman re-examine this law in light of the confusion which has arisen. We believe that the Development Commission, in reviewing design plans, should be allowed to consider new development in terms of the entire project involved rather than merely the proposed building itself. Nonetheless, this decision must be made, if at all, by the Board and can only be accomplished by amending the minimum exterior ordinance so that it clearly states aldermanic intent. Until such action is taken, the scope of the Development Commission's design review authority will remain too circumscribed.

### 353 IMPACT ANALYSIS

We have recommended at a number of junctures in this memorandum that the full potential of 353 as a controlled development and inducement tool must not be overlooked. 353 has, in fact, inspired legislation such as Ohio's recently enacted "impacted cities" legislation which features tax abatement provision for private developers. We must emphasize, however, that because 353 requires the City to offer significant tax abatements to private developers the impact of an expanded 353 program on City revenue must be carefully studied. An independent research group offered results last spring of an economic survey it had taken of 31 cities. Although the survey may not have sufficiently taken into consideration special local conditions, its finding that St. Louis ranked twenty-eighth in terms of economic health is certainly reason for concern. The report, while certainly not conclusive, does strongly suggest that development programs like 353 require on-going analyses. Study of 353 would enable the Development Commission and the Board of Aldermen to decide in which areas of the City 353 projects should be strongly encouraged. It would allow the City to use 353 with discretion and only where it is appropriate. It may then be possible to project the extent of the strain which 353 will impose on the City's budget, allowing the City to plan accordingly.

### FUNDING AND STAFFING FOR PLANNING

We believe that if the modern public management approaches to the City of St. Louis discussed in this memorandum are to be achieved, the City must recognize the necessity for an increase in the financing of planning as an on-going municipal function. In the 1973 annual report of the American Society of Planning Officials (ASPO) it was revealed that of fourteen metropolitan areas with approximately the same population as St. Louis, only two cities spent less money per capita on its public planning efforts. Despite its overall limited budget the City must increase its financial support of planning efforts. In this regard, St. Louis should seek funding assistance from the new Community Development Act. It provides possible funding not only for the preparation of comprehensive community development plans but also for planning management.

The new organization recently adopted in St. Louis will be an integral part of any effective planning efforts for the City. The governmental structure itself, however, provides only a framework. The substance of the agency must consist of a qualified technical staff, with a knowledge of planning as well as a familiarity with the parameters of the needs for St. Louis. This is essential to the City's future and vital to the solution of present-day problems. Without adequate funding, of course, none of this can happen.

## CONCLUSION

This memorandum, in proposing public policy guidelines and strategies for implementing the draft Comprehensive Plan has stressed the need for effective utilization of the legislatively enabled techniques now at the disposal of the City of St. Louis. As the draft plan is reviewed by citizens and public officials, it will be essential to have a framework for effectively evaluating alternative programs. We believe that this memorandum can serve as a vital part of that framework.

Essential to the analytical approach adopted in this memorandum is the concept that each potential implementation technique must be tailored to meet the specific attributes of highly diverse subsectors of the City of St. Louis. Part I of this memorandum has explored this concept by dividing the city into three generic area types (Conservation, Redevelopment, and Depletion Areas - distinguished according to their special opportunities and problems) and then devoting a separate section to each of the area types and to an analysis of specific implementation devices as they apply to these individual areas.

## CONSERVATION AREAS

The key to the public action strategy for Conservation Areas was identified as the need to retain investment in these sectors of the city which generally are functioning well and remain economically viable. The recommended area-specific implementation strategy reflects the general intent of the draft Comprehensive Plan to build the city's future upon these critical Conservation Areas. The specific public action recommendations included the need to:

1. Maintain a high level of public services while encouraging the private sector to assume some of the service responsibilities and costs on a fee basis. (This policy must be pursued both for residential and non-residential sectors).
2. Use a proposed new zoning/land development code to preserve prevailing residential and commercial land use patterns.
3. Enact and enforce a stricter housing code program with new emphasis on an occupancy permit based enforcement policy.
4. Use the existing Special Business District Act as a springboard for expanded use of special districting as an implementation tool in selected neighborhoods within Conservation Areas.
5. Use improved transit service to encourage continued stability and avoid the negative impacts of transit. Draft new regulations to prevent the introduction of any transit induced development which would be detrimental to the existing community fabric. Offer special attention to location, design and buffering of transit system and accessory facilities.

## REDEVELOPMENT AREAS

The action area strategy for Redevelopment Areas was keyed to the need in these areas to induce on a phased basis concentrated and coordinated private investment. The discussion of these areas stresses that, despite their desire and potential for redevelopment, this area type must garner major public investment and leadership if the goal of long-term revitalization is to be achieved. Although the area strategy emphasizes the primary importance of the Section 353 Development Incentive Program as the major implementation tool for Redevelopment Areas, a number of other recommendations are offered. The recommendations include:

1. Publicly identifying Redevelopment Areas and drafting a detailed list of priorities and goals for the desired development of each of these areas.
2. Allocating public sector services and capital improvements to these areas on a phased priority basis.
3. Drafting specific guidelines to channel private investment into these areas.
4. Expanding the use of 353 program in accordance with realistic benchmark plans based on economic impact analysis and improvement cost allocations.
5. Using special districting or special assessment to help allocate cost of improved services and facilities.
6. Making full use of the Planned Industrial Expansion Authority's ability to initiate projects.
7. Expanding the use of existing zoning approaches such as the CUP or PRD to produce more flexible yet controlled zoning techniques. Create similar innovative zoning districts as part of the proposed new land use code.
8. Collectively linking commercial and residential code enforcement to redevelopment plans.
9. Using zoning regulations as well as the City's capital improvement program to make transit impact a development opportunity generator. Use new zoning system to offer density bonuses in exchange for provision of various transit related amenities.

## DEPLETION AREAS

A no growth policy was seen as the key to Depletion Areas until a firm market and adequate public resources are available to deal with these generally abandoned areas of spotty city services, red lining, and economic collapse. The memorandum offered a number of recommendations which constitute the strategy for this area type. Among the recommendations are:

1. Rationally marshalling limited resources so as to provide for those living in these areas without encouraging new investment until the City determines that full-scale redevelopment can and should begin. Approval

of development projects must be based on definite linkage to public services and investments determined through clearly articulated capital improvement budget and City Comprehensive Plan.

2. Designing a development approval threshold for service standards linked to capital improvement program and thus providing a staging program for public investment. Enforce this program through a Ramapo-like point system adopted as part of the zoning and 353 ordinances.
3. Expanding on the current experience of the LRA to increase the land banking ability of the City. Encourage the LRA or a new Land Bank Authority to pursue a land banking function in Depletion Areas.
4. Explore the possible use of tax anticipation bonding (tax increment financing) as a means for publicly financing major revitalization efforts.
5. Avoid strict code enforcement except where there is genuine potential for reinvestment.

## CITY-WIDE ISSUES

Since our emphasis in Part I of this memorandum was on identifying area types within the City of St. Louis and illustrating the varying responsive public strategies needed for each area type, many major issues of city-wide impact were narrowly rather than broadly analyzed. These issues together with a number of matters which did not particularly lend themselves to the analytical approach of Part I were dealt with in "City-Wide Issues," Part II of the memorandum. A number of these major issues and accompanying recommendations are outlined below:

1. The importance of the 1974 Housing and Community Development Act is stressed both in terms of the Act's funding potential and the internal allocation decisions which it forces the City to make. The City must firmly establish a system of city-wide, area specific priorities and then sensibly allocate its pool of available funding under the Act.
2. The need for an entirely new zoning code and map is discussed at length. An example of such a proposed land use/zoning code is offered, replete with detailed description of new residential, commercial, and industrial districts. Heavy emphasis would be on concepts such as site plan review, bonus zoning and floating zones used to control housing development standards.
3. Code enforcement is examined in depth, with particular emphasis on the costs and mechanics of developing an occupancy permit system to improve the city's ability to enforce its housing and commercial codes.
4. The current approach to historic areas and structures is analyzed and new programs worthy of investigation are recommended. These programs

include TDR (Transfer of Development Rights) and the overlaying of 353 designation on historic areas.

5. The impact of environmental controls on the City of St. Louis is examined in terms of air, water, and noise quality as well as flood management.
6. A separate section of the Part II "City-Wide Issues" discussion is devoted to sign control. Current sign regulations in the city are investigated and analyzed as is a signing ordinance proposed in 1974 which failed to gain the approval of the Board of Aldermen. The memorandum suggests as part of its city-wide strategy, the introduction of a new approach to signing known as "street graphics".
7. The memorandum analyzes the organizational restructuring which has gone on in the City's planning and implementation departments and agencies. The reorganization plan is compared with the experiences of other cities. Various recommendations are made to respond to a number of the shortcomings of the reorganization. A related problem, although not a result of reorganization, is the limited design review authority of the new Community Development Agency. An amendment to the minimum exterior ordinance is recommended to remedy this problem.
8. The memorandum suggests the need for a broad 353 impact analysis to determine the future viability and application of this program.
9. The discussion concludes with the recommendation that if the modern public management approaches discussed in the memorandum are to be achieved, the city must recognize the necessity for an increase in the financing of planning as an ongoing municipal function.

In summary, this memorandum proposes public policy guidelines and strategies for implementing the draft Comprehensive Plan. It offers a series of ideas representative of the types of considerations that must be dealt with in the process of adopting, staging, budgeting and ultimately implementing the Comprehensive Plan. The City of St. Louis has potential. Yet it must take great care at this point in time in deciding the course to be pursued in the coming years. The course decided upon by the City of St. Louis in implementing the Comprehensive Plan may well determine the region's future.