

Fostering the Creative Class

Creating opportunities for social engagement



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Introduction

As Richard Sennett writes, "Today's city is big, filled with migrants and ethnic diversities, in which people belong to many different kinds of community at the same time...For cities like London and New York becoming global in scale, the problem of citizen participation is how people can feel connected to others, when, necessarily, they cannot know them. Democratic space means creating a forum for these strangers to interact." The creative region is available for everyone's use and adaptable to people's needs. How can this public space attract and unite neighborhoods and become a place for promoting creativity and economic growth? For Atlanta, we must find ways to implement and weave these ideas into existing urban fabric.

Atlanta: what is this place; this "non-city", city that has grown like weeds in an abandoned field over the recent past? Atlanta's past is so recent. Thus began the fastest growing urban agglomeration of our time: a city that commanded no great harbor, that never launched a thousand ships, was never the seat of any great empire, and never produced a great religion nor political theory. In fact, Atlanta is worth studying precisely because of that: it is a city that was seldom fettered by any great plan at all. city still has a historical aspect that reminds us of what the city once was and what it could be, again. As the city has grown, residential blocks gave way to commercial and institutional uses. No provision for parks, or any other kind of public space was made. Public transportation took a back seat to the emergence of the automobile.

At the heart of this effort is recognition of the vital role that art and culture play in enhancing economic development, and ultimately, defining a "creative community" —one that exploits the vital linkages between art, culture and commerce, and in the process consciously invests in human and financial resources to prepare its citizens to meet the challenges of the

rapidly evolving post-industrial, knowledge-based economy and society. Cities of the future are “creative communities” in the sense that they recognize that art and culture are vital not only to a region’s livability, but also to the preparedness of its work force. They understand that art-infused education is critical to producing the next generation of leaders and workers for the knowledge economy.

Cities + The Creative Class:

The new economy’s demand for creativity has manifested itself in the emergence of what author Richard Florida has termed “the Creative Class.” He reports that some 38 million Americans, or 30 percent of the national work force, now belong to this class. Florida uses a broad definition of the Creative Class, considering a member anyone whose work function is to produce new ideas, new technology and/or new creative content. Hence, the Creative Class includes people in engineering and science, architecture and design, education, music, arts and entertainment. This class of creative individuals, Florida says, share a common creative ethos that emphasizes individuality, creativity, difference and merit. As far as the members of the Creative Class are concerned, every aspect and manifestation of creativity, cultural, technological and economic, is inextricably linked. The core of the Creative Class is surrounded by a broader group of what Florida calls “creative professionals” who work in business and finance, health care, law and other related fields. These individuals engage in complicated problem solving that is characterized by a great deal of independent judgment and that requires high levels of education or intellectual capital.

What makes someone creative? Can the community, through public art or cultural offerings, enhance the creativity of its citizens? And if the new economy so desperately demands the creative worker and leader, what do we need to do to prepare the next generation of creative people? In short, what do we need to do to ensure that the arts, once again, are given the place in

our lives that will enable a second great American century?

The civic formula for encouraging economic development used to be simple: Send out representatives to persuade a few big companies by pointing out cheap labor, low taxes and convenient transportation options, then sit back and watch the investment capital flow in. But in the updated language of economic development, the keys to producing desirable growth are things like eclectic coffeehouses, a thriving local music landscape, large immigrant populations and bustling urban parks.

It has become clear that young, talented people want to reside in a place with a healthy and vibrant cultural life, avoiding the strip malls and fast food restaurants that dominate. While many of the straight and staid cities of the manufacturing age atrophy, the areas placing a premium on cultural, ethnic and artistic diversity will likely burst with entrepreneurial fervor.

Some communities are more aggressive than others in promoting public art, developing community-wide arts programs and targeting the need for educational reform. While investing in the arts is a business in itself — a \$134 billion industry, according to the Washington, D.C.-based advocacy organization Americans for the Arts — the real benefits, according to the National Governors Association (NGA), is that they are “a potent source for economic development.”

They will favor cities that have myriad possibilities for outdoor recreation rather than just professional spectator sports. The premium placed on authenticity, real and historic neighborhoods and natural settings, will continue to grow. In general, strong growth of high-tech infrastructure and industry has been characteristic of cities that embrace and promote all manner of artistic expression and cultural diversity.

Richard Florida has authored books about the “creative class.” He provides unique, data-driven insight into the social, economic and demographic factors that drive the 21st century world economy. His ideas look at the forces reshaping our economy and how companies, communities

and people can survive and prosper in uncertain times. It gives us a provocative new way to think about why we live as we do today – and where we might be headed. Weaving storytelling with reams of cutting-edge research, Florida traces the fundamental theme that runs through a host of seemingly unrelated changes in American society: the growing role of creativity in our economy.

Comprising doctors, lawyers, scientists, engineers, entrepreneurs and computer programmers -- almost everyone, in short, who is paid to think for a living -- the creative class now accounts for nearly 30 percent of the workforce, Mr. Florida writes in his new book, "The Rise of the Creative Class: And How It's Transforming Work, Leisure, Community and Everyday Life." "Creativity has come to be valued," Mr. Florida writes, "because new technologies, new industries, new wealth and all other good economic things flow from it." The most successful places are the ones that combine tolerance, talent and technology. Augment Human Capital! Urbanization! Cities can be lifestyle and entertainment districts. Community is key. Exclusion is out.

Atlanta is now in the top 10 most creative American cities. It has the potential thanks to its boom in the technological realm. Now it just needs to consider the environment in its advances. Georgia tech and Georgia State just might be the cities weapons of choice for economic growth.

Really Richard Florida is just restating ideas that have been around for centuries. Sienna, Italy, its formation, is a historical example of what public space can become. Its economic successes have been endless. It has created democracy and provided social organization.

The European City in the middle ages was an agrarian based economy, with the feudal lord, or even an ecclesiastical foundation such as an abbey at the head. As the trade associations arose, they became powerful enough to reorder this economic structure. Through trade in their skills, they created an urban or service economy. This represented a shift of power of the middle

class known as the Bourgeois. Wealth was now derived from control of goods through trade association, and more importantly, through banking.

Siena develops as a synoecism of three medieval hill towns in close proximity to one another who join together as a single political entity. This allowed for the creation of a leisure class. A political space was created to tie the three towns together, each contributing to the economy equally, establishing infrastructure, law, banking, and opportunity-- opportunity for creativity. The answers to creating successful economic and urban growth are already in front of us. Cities in the United States are making a strong effort to tie these ideas of the past with the advances of technology.

The United States

Cities and region are constantly trying to reinvent themselves to become more attractive areas to live. Often the incentives to achieve regional success and economic growth come in the form of physical amenities and economic stimulus packages. Richard Florida suggests, that the successful cities and regions of the 21st century will be those areas that attract creative and bright people that generate new ideas and products and the finance and marketing plans that will support them (Eger, 2002). These creative people will be attracted to areas that put a premium on cultural, ethnic, and artist diversity. Richard Florida writes;

“The key to economic growth lies not just in the ability to attract the creative class, but to translate that underlying advantage into creative economic outcomes in the form of new ideas, new high-tech businesses and regional growth” (Florida, 2002).

Cities around the United States are paying attention to these ideas and have begun to plan their future as one that will endorse and encourage these features. I have chosen three examples of areas that have done so. Each has become cultural melting pots, with the advancement of arts and concentration of economic innovations. The examples range from broad regions such as Austin and Seattle to a single project that has transformed a community, Project Row House.

Austin, Texas

The atmosphere and environment shaped by Austin’s creative class defines Austin, as well as serves to attract businesses and people to the region. Creative industries in Austin include businesses that range from

museums, theaters, advertising companies, and a large amount of technology based companies. The region is home to 2,813 arts-related businesses that employ 14,337 people, Americans for the Arts rated it 10th for artist related business per capita (Americans for the Arts, April 1, 2008). Austin's official slogan is "The Live Music Capitol of the World," but recently some have adopted the slogan "Keep Austin Weird," which refers to the progressive lifestyles promoted by their culture ("Austin", April 8th, 2008). It is believed that this extensive creative community is what has built and sustained their economic vibrancy. In 2002 Austin was rated number two on Richard Florida creativity ranking (Florida, 2002).

Mayor Kirk Watson is said to be responsible for Austin's jump start into a creative region. Initially elected in 1997 and re-elected in 2000 by an overwhelming number of 84 percent of the vote, he is responsible for "powerful and progressive strategies" that aimed to capitalize on the three T's (Technology, Talent, and Tolerance) (Clark-Madison, November 23, 2001). Mayor Watson has been credited with solving many of Austin's problems. He promoted Smart Growth that stimulated major employers to locate in the city center, enliven the downtown area into a 24 hour district with a mix of quality business; housing, retail and night life, and he negotiated a \$100 million water-rights deal with the Lower Colorado River Authority (Clark-Madison, November 23, 2001). These issues and many more were all problems Austin had been plagued with for years, but had gone unsolved.

Richard Florida identifies the three T's as the tools that have transformed Austin into a creative region. Austin experienced the beginning of their economic boom in the 1980s and 1990s when their technology base exploded; some refer to the region as "Silicon Hills" ("Austin", 2008). Jobs began to grow faster than workers were available. The city then began to invest their efforts into building up the University of Texas. The university is now one of the best in the country and fosters individuals that contribute to Austin's creative community. The university recently built the Blanton

Museum of Arts; the museum is the leading university art museum in the country, and has the largest and most comprehensive collection of art in Central Texas (Blanton, January 2007).

Austin has also made a huge investment in the lifestyle and music scene. An annual festival known as South by Southwest is celebrated every year. The festival is one of the largest music festivals in the United States and features over 1,400 performances that play at different venues throughout Austin (Collier, March 19, 2007). The festival also features a film element, which has become one of the world's premiere film festivals. The Festival generates around \$38 million for the city, according to the Austin Convention and Visitors Bureau (Collier, March 19, 2007). In early April 2007 Texas House of Representatives passed a state bill to create a state-funded incentive program for the film and television industries. The state will put aside \$20 million to attract film and TV producers to Texas (Spencer, April 19, 2007). The region has also used revenue bonds to create new nonprofits such as a new State Theater and George Washington Carver Museum and Cultural Center; as well as uses a hotel tax to raise 3.5\$ million annually for cultural events in the city (Eger, 2002).

A new development, Villa Muse, is expected to enhance Austin's presence in the world's film making and production industry as well as bring huge amounts of economic gain to the region. The development is expected to take up 681 acres and cost 1.5 billion dollars incorporating a mix of uses including residential, retail, and commercial (Spencer, April 19, 2007). Villa Muse is going to be a "self-sufficient creative-industry village that'll consist of some of the world's largest and most advanced advertising, film, gaming, music and television production and postproduction facilities in the world" (Spencer, April 19, 2007). Built around the complex will be innovative housing units geared toward the creative professionals working in the compound. The residential area will be supplemented with recreational areas, a park, and even a school. The complex will also include an

amphitheater with the capacity to hold 700,000 people. An aerial view of the Villa Muse construction plan is illustrated below (Spencer, April 19, 2007).

Seattle, Washington

Within the last 10- 20 years Seattle has been identified as a metro region that has the ability to lure companies and high-wage educated workers into their city, largely because of the cultural advantages that are offered. The city has become an excellent example of a city's whose leadership has promoted the development of a creative region (Eger, 2002). Seattle's culture has been boosted about for their variety of creativity, from ballet to Avant Garde Theater. The evolution of diversity has overwritten the past-preconceived notion of a "white bread" city. The Americans for the Arts released a report, Creative Industries 2008, confirming that "Seattle ranks first in the nation in the number of arts related businesses per capita"; the industry employs 21, 025 people encompassed in 4,065 arts related businesses (Seattle Government, 2008).

Former mayor Paul Schell aimed to make the city into a creative region and did so through innovative ideas and progressive strategies; he believed Seattle could be a "platform for the creative experience" (Henton, 2002). He encouraged the merging of the high tech industries, music, architecture and art (Henton, 2002). A key to the creative expansion was the growth of the Seattle Arts Commission. Schell made it possible for the Commission to receive 20 percent of City admissions tax revenues annually, which would amount to about 1\$ million a year, giving the agency a \$3.3 million budget a year (City of Seattle Legislative Services, 2000). The tax money allowed the commission to undertake three initiatives: *Artist*, increase funding for individual artist and small organization as well as provide resources; *neighborhood*, offer grants for implementation of the arts component of neighborhood plans and technical assistance for other public

art projects; and *next generation*, offer school arts opportunities for youth (City of Seattle Legislative Services, 2000). Paul Schell knew that success lied in "creating a place where the creative experience can flourish" (Florida, 2002).

The cities latest efforts to contribute to their creative atmosphere is a partnership between government agencies and private companies to reconstruct the design and construction of building throughout the city, projects range from downtown buildings to residential neighborhoods. The initiative is beginning called "Restorative Redevelopment"; currently thirty eight neighborhood plans are in various stages of implementation and most call for capitol invest such as parks, libraries, sidewalks and street improvements, and community centers (Eger, 2002). The city wants to incorporate new technologies into their building strategies (Eger, 2002). The newly built Seattle Justice Center is a LEED certified green building that will feature a green roof, which will reduce the cost of cooling and heating, and the flow of storm water runoff (Llona, 2003). The building also has a 13 story glass façade that allows heat to penetrate the building, but prevents it from actually heating the building, lessening the need for air-conditioning (Llona, 2003). In addition there is a water capturing system, which captures runoff and uses it for other purposes throughout the building (Llona, 2003).

A recent development, Rainier Court, is an excellent example of the new and innovative development that is taking place across Seattle. Rainer Court is a new 400 unit affordable housing community with 15,000 square feet of commercial and retail built on a brownfield site (cook, 2006). The brownfield site was a health hazard, containing leaking underground storage tanks, abandoned cars, and illegal dumping (cook, 2006). The development has recently been named the most innovative redevelopment by the EPA (cook, 2006). Tim Brincefield of EPA Region 10 said, "Rainier Court was the most complex brownfield project ever undertaken and successfully completed in our region" (cook, 2006). The public and private partnership that took

place helped the development obtain innovative tax credits and low interest rates, as well as accelerated the permit process and funding (cook, 2006).

Project Row House

Project row house (PRH) is an operation that has altered a dilapidated community. It has been referred to as the “most impressive and visionary public art program in the country” (Row House Community Development Organization, 2006). PRH is a community organization located in Houston’s Third Ward; the organization functions under the mission to “create community through the celebration of art and African American history and culture” (Row House Community Development Organization, 2006). Rich Lowe, founder of Project Row House, was inspired by African-American Artist, Dr. John Biggers, who believed in the power of art to change as well as celebrated shotgun housing community in his paintings that were first built by the slaves in the 1930s (Row House Community Development Organization, 2006). The project incorporated issues of arts and culture, neighborhood revitalization, low-income housing, education, and historic preservation (Row House Community Development Organization, 2006). Initial funding for the renovation of 22 shotgun homes came from National Endowment of Arts. Volunteers, artist, and community members came to together to renovate the shotgun homes; ten of the homes are dedicated to arts and literacy (Row House Community Development Organization, 2006). An artist is assigned a home to convert into an expression of history and cultural issues relevant to the African American community through paintings, photography, or literacy (Row House Community Development Organization, 2006).

The success of this project brought economic investment to the community in the form of community facilities and services. The district was created in 1993; it is 73 acres small-scale neighborhood, that is supported by a hospital, middle and elementary school, small retail shops, churches, and

parks, each integrated with indigenous musical heritage (Row House Community Development Organization, 2006). The community has a mix of housing that is pieced together through streetscapes and pedestrian paths that reinforce the historic and artistic character. The area has been threaten by gentrification; in 2003 the Row House Community Development Corporation (Row House CDC) was created as an organization dedicated solely to housing issues (Row House Community Development Organization, 2006).

Row House CDC mission is to develop housing for low-to-moderate income residence. Among there goals is to create innovative public space and preserve the historic character of the Third Ward (Row House Community Development Organization, 2006). Through this organization many projects have been created within the area, which are all apart of the district. The different projects include; Project Hannah, sixteen housing units that will be affordable to women headed working families; Project Rehab, 38 units have been renovate and permitted for renting; Project Duplex, developed four duplexes encompassing eight rental units (Row House Community Development Organization, 2006).

Universities

Universities are unarguably a well spring of creativity and innovation. Their constant penchant to produce new achievements and advancements in science and technology occur for several reasons. For one, "artists, scientist, and other creative thinkers benefit from thriving communities in environments that value their contributions (Randall, 2007, p. 28)." One only has to think of the Renaissance, where great people such as Leonardo and Michelangelo resided together in communities that appreciated the arts, to see that such a statement is true. Living together in an appreciative environment not only encourages bold thinking but also reduces the transaction cost of information and facilitates the exchange of ideas. Universities eliminate these barriers to information because they are a place in which creative thinkers can interact and build upon each others' ideas instantaneously via a face-to-face forum. But it is not just the ease of access to information that makes universities successful creative incubators. The ability of arts programs to create an 'innovative habitat' contributes greatly to quality of life and is a crucial device in luring creative thinkers for today's knowledge-based economy to the university region (Eger, 2003). This section will take a look at how three institutions implement these ideas to corner the knowledge-based market and become the front-runners in the race for a most successful creative region.

Georgia Institute Of Technology

The Georgia Institute of Technology traces its roots to the Georgia School of Technology, founded as a trade school in 1888. Through the first half of its history Georgia Tech was a vocational school where practical skills in trade and industry could be acquired. As a trade school the school's main focus was to train workers to enter the nascent industrial revolution taking

place in the South. The primary goal was one of necessities - learn the basic industrial tenets that had made the North so successful. Consequently, the school based its teaching models on technical institutes in the North - Worcester Polytechnic Institute and Massachusetts Institute of Technology (Brittain, James E.; Robert C. McMath, Jr., 1977) and little innovation was taking place. In 1948 the school changed its name to Georgia Institute of Technology, indicating a new focus on advanced technologies. Over the years academic teaching and research on emerging technologies have become a central tenet of the institute. However, the school has still remained true to its historic mission of teaching its students technical and vocational skills through cooperative education programs. Through the co-op program the Division of Professional Practice places students in companies to work as full-time employees. This is an opportunity for students to apply cutting edge theoretical, innovative solutions learned in the classroom to the real working environment. The alternating semester schedule between full-time student and full-time employee allows students to continually challenge their seasoned, career professional colleagues with new and innovative ways to approach their work. Georgia Tech's co-op program expands innovation beyond the embryonic stages and abstract concepts of laboratory research and classroom into the real, industrial world.

Georgia Tech also funds and supports innovation through the comprehensive Enterprise Innovation Institute (EII), home to many sub-institutes, centers, and services devoted to helping both university and non-university affiliated groups tap into innovation for success. The EII is composed of four sectors: commercialization services, industry services, entrepreneur services, and community policy & research services. Commercialization moves the research developed by faculty, post-docs, and graduate students out of the lab and into the marketplace. Entrepreneurship paves the way for the innovators to connect with the entrepreneurs. Within this section is Georgia Tech's incubator which establishes a network between

budding companies and state leaders, academic and business experts and government organizations, along with services to locate federal research and development funds. Industry offers services specifically tailored to help start-ups become more efficient businesses and succeed in the market. Community policy and research is similar to industry and offers services to communities seeking to succeed in today's global knowledge- and innovation-based economy. The new division of policy, essentially a thinktank, was created in 2006 with the intent of making science and technology a key component of emerging regional innovation clusters in Georgia.

Georgia Tech also has a plethora of arts attractions at its disposal. On campus is the one-thousand-seat-plus Ferst Center for the Arts. International acts perform here throughout the school year all at an admission price of only ten dollars for students. Across the freeway in Midtown is the Fox Theatre, which also has touring musicals, plays, and other theatrical acts and concerts. Down the street from the Fox is the Woodruff Arts Center, home of the Atlanta Symphony and High Art Museum, the preeminent art museum of the Southeast. The wide variety of art programs to choose from in the immediate area around campus enhances recreational opportunities and improves quality of life, making Tech an attractive place for creative thinkers to reside.

University of California, Merced

The University of California, Merced is the first public American research university built in the 21st century. Merced was chosen because of its location in the San Joaquin Valley, the fastest-growing region in California, characterized by unemployment and poverty rates above the state average and a UC freshman matriculation rate less than half the rates of other regions. UCM will act as a generator of innovation and creativity and will play a vital role in aiding the underserved and growing needs of the region.

The physical layout of the campus is designed in such a way to foster creativity and innovation. The campus can be categorized into two main components: teaching and research, and residential. Teaching and research can be further specialized as the academic neighborhoods consisting of the Social Sciences, Humanities, and Arts; Engineering and Natural Sciences; and professional schools and institutes. A grid of blocks will define this academic neighborhood approximately 320 feet by 400 feet. As the Social Sciences, Humanities, and Arts will experience the most intensive use, with faculty, undergraduates, graduates, and other staff using these facilities all throughout the day, SSHA will be located at the center of the grid. Surrounding the core will be the Engineering and Natural Sciences, whose users will mainly be of the same type. Nonetheless all the academic buildings regardless of discipline will still be within a five-minute walk of each other. Furthermore, the grid brings endless possibilities in route choice between buildings that increases the likelihood of running into students and friends in other majors.

The grid greatly increases from chance occasion to common occurrence the possibility of people from different disciplines meeting together and provides a forum where discussion across academic fields can take place. UCM has furthered the idea of cross-faculty work and cooperation by not creating any departments within the three schools. Thus, the School of Engineering is not split up into separate departments of mechanical engineering, electrical engineering, civil engineering and so on. This academic and collegiate experience leads to the mingling of people from different fields, backgrounds and academic training and characterizes "creative tension" (Brown, J. B. & Duguid, P., 2000). This creative tension is the impetus for people to work beyond their natural abilities and comfort zones and breaks down the barriers to innovation.

As the school grows the grid will extend southward connecting the school to the city of Merced. Professional schools and institutes are located at

the periphery of the academic core straddling the border between the town and university. The ease of access to external public roads and close proximity to town will facilitate constant innovation between the university and local community. Student housing will be in contained three areas of which two will lie situated adjacent to Merced. This will allow students to easily mingle between town and campus and it is hoped that this will inspire students from outside the region to connect with the town and draw inspiration from the local community and apply this innovatively into their school projects.

Although Merced is a new school UCM is not letting its fledgling status deter it from promoting the campus and attracting undergraduates to the school. In fact, the staff at UCM is using its small size as a staple point in its recruiting campaigns. The school has the characteristics of a small, liberal arts college with all the funding and logistical support networks of a large, research university. All the classes are small with a student to faculty ratio of 15:1. The small class environment fosters learning as students have more chances to ask questions and engage in discussion. Furthermore, the small class size enables professors to know each of their students on an individual level. This relationship developed from the small and intimate learning environment enables many undergraduates to participate in their professors' research, projects that are usually reserved for graduate students.

Sustainability is one of the four cornerstone themes the university is built upon. As such, many of the research projects undergraduates and graduates alike are participating in are related to this topic. Renewable energy, specifically, is one of the largest research groups on campus. Faculty are investigating the electron transfer process during energy conversion so that they can control the properties of semiconductor nano-particles. Plainly speaking this will lead to the design of materials that more efficiently capture light energy and solar rays. This is just one of the many innovative projects currently taking place at UCM.

One-North, Singapore

The One-north development in Singapore is a 200-hectare mixed-use site of commercial, industrial and residential units. Biopolis, the first phase already completed, is a biomedical research and development hub. Biopolis is not a single building, but rather the overarching name given to describe all the institutes and facilities located across the 7-building, 2 million square feet floor site. In contrast Fusionopolis, the second phase due for completion this year, contains information-communications technology, media, physical sciences and engineering related industries in a single building with a floor area of 1.3 million square feet. Besides these research facilities, Fusionopolis is also the perfect place to live with apartments, a clubhouse, supermarket, food court, and specialty retail shops. The third main component at One-north is the 17-hectare Vista Xchange. Vista Xchange contains office and retail space, hotels, some hi-end residential bungalows and is an inter-modal site with connections to train and bus lines. Finally, 16- hectare acres of green space intertwine the entire development and open plazas and parks are strategically located at path junctures to promote lengthier conversations when chance encounters with coworkers occur along the path. The green space acts a place where one can retreat, reflect and contemplate, and also receive inspiration from others.

Although not a university itself the " 'learn' strategy of one-north aims to promote the culture of learning and cross-sharing...to support growth and sustainability of each of One-north's industry clusters (One-North, 2008)." As such, One-north is within walking distance of the National University of Singapore and National University Hospital, top rate institutions in the whole of Southeast Asia. Several local polytechnic and college extensions are also located on-site. Furthermore, One-north is the home of the Swiss Embassy's global network of science, education, art, research centers, one of only four such sites across the world. One-north also has research and

training partnerships with the University of Washington, Johns Hopkins and the Massachusetts Institute of Technology. Through this program of exchange, research data is openly shared between the institutes and scholars can go on exchange to work at either location, fostering a collaboration of international biomedical techniques.

The location of One-north makes it an attractive permanent residence for creative thinkers with families. It is the perfect place to raise a family; one essentially would never have to leave the development as it provides everything that one might need: housing, grocery store, movie theater, shopping mall, business services, restaurants, an international school for ages 3 – 18, and abundant green space for children to roam around. In a study conducted by the Center for the Neurobiology of Learning and Memory at the University of California, Irvine, researchers found that exposure to sounds and playing musical instruments in pre-school children stimulates the brain and enhances learning (Eger, 1993). The learn strategy at One-north has captured this research and installed it into its playgrounds. Among the facilities are interactive playground equipment upon which children can produce different sounds, like parabolic dishes and telephone tubes, demonstrating the role of acoustics and physics. The greens at One-north not only provide a place of for exercise and activity but also offer children an enjoyable learning experience at the same time. This environment makes One-north for not just creative thinkers but creative thinkers with families.

GEORGIA

City Of Alpharetta

Up until the past few decades, people tended to move to communities that offered an abundance of employment opportunities. This trend prompted municipalities to offer a bevy of incentives aimed at attracting businesses to locate within their jurisdiction. However, in today's world, the opposite is steadily becoming reality: people don't follow jobs—jobs follow people. People are more mobile than at any other time in human history and, as a result, must be lured using modern techniques. This concept framed the context of an interview with Diana Wheeler, Community Development Director of the City of Alpharetta, Georgia.

Ms. Wheeler has been in her position for 15 years, so she has witnessed first hand the rapid changes her city has undergone over the past two decades. During the dot com boom of the 1990s, the city began to attract businesses in the high-tech industry at a rapid rate—more than any other area in the region. However, the reason for this insurgence was not immediately understood by city staff and elected officials at the time. When asked her opinion of why this boom occurred, Diana stated that in the 90s Alpharetta had two key ingredients to attracting people—a quality housing stock and an excellent public school system. She went on to explain that these are crucial aspects to CEOs when they make decisions about office locations. These are essentially quality of life standards deemed essential by the educated labor pool that CEOs look to hire.

At this critical juncture in time, City officials realized that tax incentives were not the way to attractive businesses to their city. Building on their inherent strengths, over the next two decades, the City of Alpharetta embarked on a mission of strengthening their quality of life amenities to continue to attract an educated and creative class of residents. The city

directed more attention to expanding educational opportunities beyond grade school by encouraging Georgia State to locate their North Metro campus in the city. A 6-mile recreational "Big Creek" Greenway was constructed in '95 along with new park and recreation facilities. Today money is being invested in the revitalization of their downtown area and new cultural and entertainment venues are being planned, including a new amphitheatre. In addition, the city has encouraged MARTA to construct two park and ride lots to service their rail system, with a third planned. Overall the goal is to just keep adding to the list of amenities offered to the residents of Alpharetta.

When asked how the city is different from the other large municipalities in the northern metro region, Ms. Wheeler stated that this agenda of providing community amenities over issuing tax incentives is the key difference. When comparing her city to nearby Gwinnett County, which also experience phenomenal growth over the same period, Diana said that a difference in visual quality is apparent. Gwinnett has neglected to invest in quality of life improvements, opting instead to lure businesses with tax incentives at the expense of building a livable environment.

She went on to explain that, unlike Alpharetta, neighboring cities such as Marietta and Roswell have historic downtown cores. As a result, they have benefited economically from the adaptive reuse of the buildings in these areas. Alpharetta, on the other hand, has few buildings of any such historical character so they have been constructing a downtown from scratch. This tremendous undertaking exhibits the high level of initiative taken by the city to provide a more diverse environment for its citizens. The success of the downtown area combined with that of North Point Mall has positioned the city to attract a "creative class" of people who desire shopping at both large chain stores in addition to downtown boutiques. It is this element of choice that Richard Florida, author of "The Rise of the Creative Class," would likely argue is attractive.

The success of the city's quality of life enhancement programs can be most readily viewed in the impressive demographic statistics Alpharetta has demonstrated over the past two decades. To begin, the population of the city has tripled to over 50,000 residents in 2007. Along with this influx of new residents, the median value of a home has soared by almost 150% over the same period, reaching just under \$300,000 by 2007. The average household income has also increased by about 40%. In addition, over 77% of Alpharetta residents are employed in professional, managerial, technical, sales and administrative positions rather than the traditional manufacturing and service sectors. It is true that the entire Atlanta region has been experiencing impressive growth over the past two decades, but the fact that such a tremendous number of high-income, educated people chose Alpharetta as their home speaks highly of the attractiveness of this city.

Along with the economic success of the city, the city staff is also attempting to provide their residents with more affordable housing options. This goal of permitting a diversity of people to live in Alpharetta is another concept that would be supported by Florida, as creative people are attracted to diversity. To support this initiative, the city has explicitly stated in their comprehensive plan that a ratio of 2/3 single family to 1/3 multifamily shall be maintained through restrictions on the issuance of building permits. In addition, the first complete Habitat for Humanity subdivision was constructed with the support of city staff and the elected officials.

When asked how she thinks Alpharetta has managed to pull all of this off, Ms. Wheeler attributed success to a few key arguments. Primarily, she said that her staff has been given a great deal of support for their decisions from both the elected officials and the public because, frankly, times have been good in Alpharetta (see median home value increases above). Additionally, the fact that the present mayor served on city council during the past two decades has given him the institutional knowledge necessary to successfully implement long term planning initiatives. Given its current

trajectory at this juncture in history, in the decades to come the City of Alpharetta should be poised to develop into one of the more livable cities in the southeast.

Midtown, Atlanta

The neighborhood of midtown Atlanta has had a developmental experience that is quite different from that of the City of Alpharetta. Rather than having a city staff working on behalf of the neighborhood, midtown has relied on the guidance of a locally funded Business Improvement District (BID) by the name of "Midtown Alliance." The Alliance was established 30 years ago to invigorate reinvestment into the community that had fallen into disrepair. The neighborhood had become a red light district frequented by prostitutes and criminals alike.

Following the Olympics in 1996, midtown was not showing many encouraging signs of revitalization as expected by the Alliance and the neighborhood. Taking matters into their own hands, the Alliance embarked on a community engagement process to create a fresh vision for midtown. The result of the process was the "Blueprint Midtown" report that envisioned a neighborhood that was urban yet green. However, this document simply formed a set of goals for the community so a partnership with the City of Atlanta was formed around 2001 aimed at implementation. Working together, the Alliance worked as liaison between Atlanta city staff and local developers, business owners and residents to create a new set of zoning codes. These codes rezoned most of the area under a common classification—repairing a cumbersome patchwork of existing designations. In addition, a set of fundamental urban design principals was codified allowing for a mix of uses, increased density, a relation of the buildings to the street—creating the framework for a livable, walkable midtown.

The Alliance was able to utilize their new Blueprint Midtown plan to encourage developers to take a fresh look at midtown. The neighborhood was

now zoned in a logical and development-friendly manner and was filled with residents with the desire to densify. As a result, over the last couple decades, midtown has experience unprecedented growth. From 1997 to 2007 alone over eight million square feet of commercial space and almost 8,000 residential units were constructed with that number expected to double with projects that are planned or under construction today. To put it mildly, the program worked. In an interview with Will Herbig, Director of Urban Design for Midtown Alliance, I discovered that a great deal of the success of midtown comes from the foundation it had to begin with. Citing a prominent theory of Richard Florida, author of "The Rise of the Create Class," midtown, even in its period of decline, had multiple cultural institutions including the Fox Theatre and the High Museum of Art—aspects that made the neighborhood unique. Though midtown was not handed an economic windfall like the high tech industry in Alpharetta, both communities share a common thread—they had inherent, unique aspects from the beginning.

The Alliance has been building on this cultural strength along with adopting some new strategies to increase the attractiveness of midtown while differentiating it from neighboring Buckhead and Downtown. Rather than focusing on building new sporting venues like Downtown, the Alliance is encouraging the development of high-density residential condo developments that allow resident to live close to neighborhood amenities. Rather than developing mega suburban-style shopping centers such as Phipps Plaza or Lennox Mall, the Alliance has directed their efforts toward creating a pedestrian oriented public environment with a mix of retail opportunities. Other amenities such as the expanding Piedmont Park and an ambitious street-scaping program have also contributed to the creation of a unique midtown.

The Alliance is also trying to encourage a diversity of inhabitants along with aesthetic and cultural amenities. Despite fears that the revitalization of midtown would lead to the exclusion of the resident gay

population, today gays constitute a majority of the condo buyers in the new glimmering high rise condo developments. To paraphrase the words of Mr. Herbig, "in a sense, in the 1970s and 80s midtown was not diverse—it was essentially a gay ghetto." Today, as a midtown resident himself, he sees a variety of diverse people inhabiting his neighborhood. Furthermore, the Alliance tries to include a gambit of people of all ethnicities in their marketing materials. Whenever someone picks up a brochure or visit their website, the Alliance wants them to think "that looks like a place for me."

Unlike Richard Florida would presuppose, the goal of the alliance is not specifically to attract the "creative class" but rather, as Will put it: "to simply build places for people." To him, someone opening a new restaurant or even Steve Selig (developer of the mixed use 1010 Peachtree development) should be included in a "creative class" because they too are innovators in this city. They all create unique places and situations for people to thrive—this is something that humanity has been ignoring for a long time.

When asked what he thought midtown would have looked like today without the support of the Alliance, Will said that midtown would probably have looked like a cross between Downtown and Buckhead. The environment would be auto-dominated like Buckhead, a city designed to move people efficiently from hermetic parking deck to hermetic parking deck, and the buildings would have not been engaged with street, creating dead public realms such as around the Campinelle building or Colony Square in Downtown.

Will also explained that there would definitely be less residential development overall, as the steady commitment of the Alliance has substantially reduced the risks. After Blueprint Midtown and the resulting rezoning of the district, one owner's property became worth the same as their neighbor's and both were held to the same high standard. The Alliance helps manage the design review process for developments along with City of Atlanta staff. The Alliance also manages a number of additional bodies,

including Midtown Blue that augments the security activities of the Atlanta Police Department. To paraphrase Will: “we can't require the installation of stoops along the street level of residential developments if the neighborhood isn't safe.”

In today's world, people have an incredible array of places that they can choose to live in. Though midtown was not handed an economic windfall like the high tech industry migration into Alpharetta, both communities share a common thread—they had inherent, unique aspects from the beginning. It is the job of organizations such as Midtown Alliance and the staff at the City of Alpharetta to make sure their community's offer unique and fresh ideas moving forward.

Legal & Social Implications

The creative class, as defined by Richard Florida in his book, "The Rise of the Creative Class"ⁱ, is a new socio-economic class of individuals who make a living by accessing and cultivating their bestowed creative talents. This class, which consists of a third of the workers in advanced industrial nations, is comprised primarily of scientists, engineers, artists, musicians, designers, and knowledge based professionals.ⁱⁱ Many American cities, still trying to rebound from the white-flight of the 1950's and 60's, are trying to attract members of the creative class, as the creative class is believed to create and maintain a rich and healthy economy by spurring new innovation and ideas through use of their creative talents. According to Florida, urbanization must encompass technology, talent, and tolerance to spur innovation, productivity growth, and hence, creativity within a city.ⁱⁱⁱ Those in the creative class are drawn to places where there is openness, diversity, and tolerance – places open to immigrants, artists, gays, and racial integration. According to Florida, "these are the kinds of places that, by allowing people to be themselves and to validate their distinct identities, mobilize and attract the creative energy that bubbles up naturally from all walks of life".^{iv} These are the places that, by harnessing their creative energy, gain an economic advantage by encouraging and sustaining the free flow of creative human capital.

Florida notes that the creative centers of our days are not thriving for traditional reasons such as access to natural resources or transportation per se, but rather because creative people want to live there.^v The companies follow the people, or are actually started by them. What creative people are looking for are not sports stadiums, freeways, malls, or theme parks, but rather, places encompassing high-quality experiences, an openness to

diversity of all kinds, and the ability to validate their identities as creative people.^{vi}

The Need For Urban Redevelopment

Many U.S. cities experienced a downward spiral in the 1950's and 60's; this decline was marked by the "white flight" of the 1950's and 60's, passage of the Interstate Highway Act of 1956 that enabled long commutes, and development of tax policies that encouraged development in suburban areas.^{vii} These cities are now playing catch up as the trend is reversing and people are moving into cities in search of a sense of place outside the monotony of suburban developments, Euclidean zoning, and long work commutes. In fact, "inner cities", once classified as poor, dangerous, and off-limits to anyone of affluence are now becoming open territories for investment speculators, redevelopment agencies, and affluent professionals, who reject the suburban style of living and now seek luxury residential, commercial retail, and entertainment amenities a hop, skip, and a jump from their front door. ^{viii}

One undeniable aspect of this new trend is the need for redevelopment. And with redevelopment, new issues certainly arise. Because of the overburdened tax base of many older, more dilapidated cities, cities realize that public funding to revamp an entire city cannot cut it. Thus, the cornerstone of current economic development strategies of virtually all U.S. cities has been the public-private partnership (PPP).^{ix}

Cities aid in redevelopment by entering into PPPs to secure land acquisition and development costs by using regulatory freezes and its eminent domain power, and by incentivizing businesses that are willing to relocate and participate in residential and commercial development projects.^x In some instances, the business community first comes together for purposes of economic revitalization and rallies the support of the local government; this occurs frequently in the case of business improvement districts (BIDs),

discussed in further detail below. More commonly, local governments lure attractive businesses to set up shop with geographically targeted commercial tax incentives such as enterprise zones, creative financing techniques such as tax increment financing, favorable taxing policies, or waiver of taxes through payments-in-lieu-of-taxes (PILOTS).^{xi} One commonality between various public-private partnerships is that redevelopment projects are accomplished by the “joint development of real estate by business and government, where the public sector assumes risks and costs normally borne by private developers”.^{xii}

To form a PPP, public authorities and private entities increasingly form nonprofit, tax-exempt quasi-public development entities that will shepherd the redevelopment project.^{xiii} Responsibilities of quasi-public development entities include guiding the local government through the development process, acting as project manager, and contracting with private developers.^{xiv} Midtown Alliance is an example; it is a non-profit, tax-exempt entity that acts as a liaison between the local government and the business and property owners that make up the Midtown business improvement district.^{xv} Quasi-public development agencies are known to be more efficient and innovative than their purely public counterparts with their professionally trained staff, semi-independence from city government, flexibility, and allocation of financial risk, but because of their unclear public/private nature, accountability issues arise.^{xvi} Critics of quasi-public development agencies argue that because these organizations operate outside of political and public control, their development decisions typically favor business interests.^{xvii} Thus, residents that do not own property are left out of the process and become marginalized within their own community. Furthermore, some critics note concern that these entities' roles in the decision-making process, which is typically behind closed doors, undermines the public's right to be informed.^{xviii}

Advocates of redevelopment claim that benefits realized through urban revitalization would not be possible without PPPs.^{xix} PPPs certainly have some distinct advantages. For one, the free market does not always successfully revitalize blighted and contaminated areas on its own. PPPs, having the distinct power of private incentive and greater resource capacity, with the power of eminent domain, can revitalize these areas by attracting businesses that bring with them creative talent, housing, and infrastructure.^{xx} Secondly, redevelopment can effectively combat sprawl, by allowing communities to grow inward, rather than outward, and can avoid exploiting undeveloped land and natural resources. In turn, long commutes to work can be minimized, reducing pollution, and placing central shopping districts within walking distance. Finally, land is too difficult to assemble through simple negotiation because of the common occurrence of a single or a few landowners refusing to sell or demanding unrealistic prices that make the project economically unfeasible. Redevelopment, as some supporters contend, can stand against the tyranny of a few landowners and prevent the ability of those few to thwart economic revitalization plans that would benefit the public and surrounding environment as a whole.^{xxi}

The disadvantages of PPPs are readily apparent as well. Critics of PPPs contend that many redevelopment projects have not created the promised economic growth and development of revitalized communities, housing, and jobs.^{xxii} These projects rather benefit businesses and the more affluent, while displacing primarily poor minority communities who can no longer afford to live in the area. PPPs, as these critics argue, foster gentrification as affordable housing becomes scarce and the poor are obliged to move into the fringes of the area, away from the new economic 'promise' land. In fact, there are an increasing number of families in urban centers who are finding themselves physically excluded and economically marginalized from their long-time residences and communities due to urban renewal.^{xxiii} Other displacement has occurred where those who have unequal bargaining

power with the city and developers are forced to sell their property below fair market value.^{xxiv} Barbara Bezdek argues that redevelopment policy and practice in the U.S. does not just naturally result in displacement, but rather actually relies upon the massive relocation of poor people and destruction of the neighborhoods inhabited by the poor.^{xxv} For those who can withstand the forces of relocation, they nonetheless must face increasing rents and a new face to their neighborhood.^{xxvi}

Cities seeking to attract the creative class must take heed that the need for racial and socio-economic diversity cannot be understated. The essential requirement for a creative city that can respond to market changes and succeed in today's new economy is the presence of a diverse population with knowledge and social skills to support whatever turns out to be the next growth sector. A city must provide the possibility for human interactivity, which fosters the exchange of information, ideas and innovation.^{xxvii} Thus, a city's plan to revitalize the area must be a tolerant one that does not cater solely to affluent people sought after as bringing business and government attention and improved services to their neighborhoods.^{xxviii} According to Audrey McFarlane, the redevelopment strategies employed by cities has been just that; "Cities have come to a common conclusion that they need residents with financial resources. Accordingly, urban development policies have sought to draw educated, preferably affluent professional back to the city".^{xxix} McFarlane characterizes city redevelopment plans as "affluence-based attraction strategies" in which the city aspires to improve its fiscal condition by increasing the number of those who contribute more to the tax base and presumably drain less in services. Furthermore, cities believe when the middle and upper class are present, retail services increase and neighborhood character changes to suit their needs, thereby creating an appealing city that is a pleasant place to live. Accordingly, urban redevelopment continues to emphasize the needs and interests of the upper-income household whilst leaving the lower class citizenry by the wayside.^{xxx}

To maintain the proper conditions for a 'creative class' as defined by Richard Florida, the mix of citizenry must be diverse – with that diversity, there must be room for the lower class in the form of affordable housing and a community culture that not only accepts those with lower income but embraces them. But policy makers will not mandate diversity as an urban redevelopment goal until they are convinced that diversity will foster its primary goals of economic revitalization. Policy makers and PPPs must understand that diversity makes a solid contribution to urban vitality.^{xxxix} Diversity creates the conditions that spur cultural vitality because of the enhanced possibilities of exchange. Urban centers mixing the rich and poor have a greater sense of possibility created by the mix of artists, ethnic foods, performances, and affluent consumers, and have become sites of artistic innovation.^{xxxix} Second, these neighborhoods attract members of the creative class and thus have an edge in the global competition for “high human capital” workers.^{xxxix} Furthermore, a city that provides affordable housing in desirable neighborhoods will make the urban polity appear more just, a value that will further attract members of the creative class that serve as the engine of economic vitality.^{xxxix}

Business Improvement Districts

One type of PPP and relatively new mechanism for city redevelopment designed to lure the “creative class” is the Business Improvement District (BID). There are more than one thousand BIDs in the United States.^{xxxix} One BID in the state of Georgia that is worth noting as it highlights both the advantages and disadvantages of PPPs, is the Midtown Improvement District (MID), discussed below.

Consistent with today's general redevelopment schemes taking place in American cities, the trend of BIDs has been towards the privatization of the public sector. BIDs are not wholly private entities, but rather a quasi public entity which focuses primarily on private business entities to accomplish the

city's public goals and means. BIDs are ultimately subject to municipal control and provide the financial resources for struggling cities to attract creative citizenry by offering sanitation, social services, infrastructure improvements and business recruitment and retention.^{xxxvi} One important concern with BIDs, however, is whether the distribution of local services is an equitable one. BIDs provide for a high degree of neighborhood decision-making, but involve only the businesses and landowners, while leaving residents, those not contributing heavily to the revenue pot, on the backburner. These residents, nonetheless, enjoy most of its rewards without the burden of increased taxes.

There is no one definition for a BID. Most states laws and local ordinances take different approaches as to district formation, functions, finances, and governments.^{xxxvii} However, most BIDs share a few common characteristics. Basically a BID is a territorial subdivision of a city in which property owners or businesses are subject to additional taxes. The revenues generated by taxes imposed are reserved to fund services and improvements within the district and pay for administrative costs of BID operation.^{xxxviii} Many functions of BID are those that cater directly to the creative class. For example, besides providing basic local amenities such as trash collection and street maintenance, many BIDs engage in landscaping, security patrol, park maintenance, street furniture, and engage in direct efforts to attract shoppers, tourists and businesses.^{xxxix}

The Midtown Improvement District (MID) is a self-taxing district created by Midtown commercial property owners to fund large-scale, local public improvement programs.^{xi} Midtown contains a mix of residential, recreational, institutional and commercial uses, most within amazingly close proximity. In addition to the area's distinct stylistic office buildings, over 20,000 residents live in housing units of all types.^{xii} The MID, created in 2000 and reauthorized for another six year term in 2006, is funded through a special assessment paid on commercial property.^{xiii} The creation of the MID

was endorsed by stakeholders comprising 75% of the property value in the district and a majority of the property owners. The Atlanta City Council unanimously approved it.^{xliii}

The multi-million dollar program spawned from the creation of the MID has used its funding to pursue ways to leverage taxpayer dollars with other additional federal funds. With this money the Midtown Alliance, a non-profit liaison between private sector and public life that facilitates the MID, is transforming ten major Midtown corridors into “safe, pedestrian-friendly passages and is creating urban parks and green spaces”^{xliv}; this is precisely the kind of public space the creative class is attracted to.

Midtown Alliance uses the taxes allocated from the MID to set forth the goals set out in its comprehensive master plan, called the ‘Blueprint Midtown’, which serves as a guide for the district.^{xlv} Through the Blueprint, the Midtown Alliance focuses on issues that “promote economic development and enrich community life – public safety, a cleaner environment, better pedestrian passageways, less traffic and more green space”. The Midtown Alliance specifically seeks to merge new and existing retail into an “authentic, cosmopolitan, shopping district” that will feature “a diverse mix of national brands and local boutiques”.^{xlvi}

The Blueprint is backed by zoning law, and sustained by the MID.^{xlvii} The MID is comprised of board members that represent the city and the property owners within the district.^{xlviii} All Board members of the MID are elected based on state guidelines. All voting board members represent major property owners with the exception of the board member appointed by the Chair of the City Finance Committee.^{xlix} These private/publicly backed initiatives are precisely those programs and ideals that cater to the creative class, albeit, a creative class comprised of upper-class citizens, with its commitment to provide essentially high-priced retail and luxury living.

A great advantage of BIDs is that they provide a means of funding city services and improvements without raising taxes that burden the general

citizenry. Generally the local business come together initially with the plan in mind to form a BID and the local government then approves. Although the businesses are the taxed entities, they benefit by being able to control what the taxes are used for. The local government benefits because it is a low cost method of providing public safety and street maintenance, and gives the local government a means for encouraging sought after investment, development and marketing to create a great public place.

One potential downside of BIDs is the inherently undemocratic process of leaving out local residents in the decision making process of the allocation of the special tax fund.ⁱ Moreover, BIDs use the local government in the delivery of the local services but deliver services with its contributing tax members in mind, essentially creating wealth-based inequities in the distribution of local resources.ⁱⁱ David Fowler, in a paper titled, "Midtown Atlanta, Privatized Planning in an Urban Neighborhood", theorizes that the privatized planning mechanism underlying Midtown's planning process has strong potential to affect the equity of municipal service delivery within Midtown and the surrounding city.ⁱⁱⁱ

In Midtown, as a result of the Alliance's urban development strategies, the local office and residential market has strengthened, increasing prices for pre-existing rental units and spurring the conversion of many rental units to high-priced condominiums. This trend, along with the demolition of older houses and buildings, has distressed the less affluent renter as the area shifts and caters to a higher income mix.ⁱⁱⁱⁱ Some residents have expressed concern over the potential "yuppification" of Midtown and the potential demise of its openly gay and racially diverse populace.^{liv}

Constitutional Issues

Legality issues over public/private partnerships naturally surface when residents are left out of the political process that shapes public policy. However, the ultimate authority over redevelopment issues, even when

heavily backed by private interests, are with the public planning commissioners who are essentially voted into the district. Residents adversely affected by redevelopment policies cannot do much to stand against market forces or unseat those put into office to effectuate planning issues for the district. Perhaps the greatest legal impediment to redevelopment involves eminent domain issues - Specifically, when the local government backed by heavy-handed private entities, chooses to condemn land for the sake of urban redevelopment intended to lure the more affluent into the city.

Although eminent domain power is not directly cited in the Constitution, the government's power of expropriation comes from the Taking Clause of the Fifth Amendment, which requires that the government pay "just compensation" in exchange for taking land.^{lv} In 1875 the Supreme Court, clarifying the power of states to condemn land, held that the use of eminent domain was limited to "forts, armories, and arsenals, for navy-yards and light-houses, for custom-houses, post-offices, - and court-houses"^{lvi}; essentially these condemnations involved taking land specifically for use by the public. Thus, during this time period, if there were no actual use by the public of the property taken, the condemnation would likely not pass muster.^{lvii}

The Supreme Court has long recognized the government's ability to delegate the power of eminent domain to take private property for another private entity, but only so long as the property so acquired would be open for "public use".^{lviii} But a purely private taking of land from A and giving it to B would serve no legitimate purpose and would be a violation of the 'public use' clause.^{lix}

This interpretation of the 'public use' requirement stood for over a half-century until the case of Berman v. Parker came before the Supreme Court in 1954.^{lx} Here the Court held that "public use" for purposes of the Fifth Amendment did not require that land be open to the public but rather simply required that the action of the government have a "public purpose".^{lxi} Here

eminent domain power could be used to redevelop slums and blighted areas and land could be sold to private developers so long as the 'public purpose' was a valid exercise of the police power. The petitioners in this case were private commercial property owners whose property was not dilapidated, but whose property was nonetheless located on the fringes of an area ridden with blight. The Court highlighted the expansive powers of the legislative branch in the exercise of its police powers and noted that its own role in second-guessing legislative actions was a narrow one. The Court held:

The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislative to determine that the community be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.^{lxii}

The Supreme Court again followed its interpretation of the public use/public purpose doctrine in Hawaii Housing Authority v. Midkiff, where it found socially undesirable conditions in a centuries old oligopoly of land ownership.^{lxiii} The Court held that the government may condemn private land to break up a land ownership oligopoly in order to reestablish a free market.^{lxiv} Justice O'Connor noted the Court's role in providing deference to a state's use of the police power, and found that the "public use" requirement is coterminous with the scope of the sovereign's police powers". Essentially, where there is a 'public purpose', the 'public use' requirement is satisfied. Although the Court found a public purpose in this case, it must be noted that in dictum Justice O'Connor concluded her opinion by clarifying that the "Constitution forbids even a compensated taking of property when executed for no reason other than to confer a private benefit on a particular private party. A purely private taking could not withstand the scrutiny of the public use requirement; it would serve no legitimate purpose of government and would thus be void".^{lxv}

This dictum was just that, and apparently had little force in the weighing of possibly the most controversial takings case to date - the recent 2005 Supreme Court case of Kelo v. City of New London.^{lxvi} Here a divided Supreme Court held 5 to 4 that a city's comprehensive redevelopment plan, designed to economically revise the area of New London, qualified as a permissible "public use" for purpose of the Fifth and Fourteenth Amendment. The Court held the city could take privately owned property in furtherance of its redevelopment plan and lease the land to private companies, land that would not be open to the general public. Furthermore, the Court granted the city use of its eminent domain powers, notwithstanding the determination that the area was not suffering from blight and the property taken was actually a quaint 1893 cottage.^{lxvii} Kelo expanded the public purpose requirement, permitting the taking of private properties for economic revitalization absent any showing of blight.^{lxviii} Unlike slum clearance or blight elimination that lay a claim to the health, safety, and betterment of the community, the taking in Kelo involved turning an economically depressed area into a revitalized one.^{lxix} The rationale that sufficiently met the 'public use' requirement was that new development would benefit the community in the form of increased tax revenues and wages, although the real benefit was blatantly being handed to private developers.^{lxx} According to Gideon Kanner, "Kelo's promise is that any property may be forcibly taken for any purpose deemed by redevelopers to be more lucrative than the existing one"^{lxxi} Presumably, the dissenters in Kelo would not disagree.

The majority in Kelo specifically noted that it's decision did not limit the states from placing greater restrictions on the power of eminent domain and that many states had already done so.^{lxxii} Many of those states without such restrictions have certainly reacted, through ballot initiatives, legislative proposals, and judicial decisions immediately following the decision in Kelo.^{lxxiii}

There have been a few basic categories of anti-Kelo legislation. States such as Alaska have taken a direct approach and adopted laws directly prohibiting the use of eminent domain for economic development purposes or for the transfer of land from one private property owner to another.^{lxxiv} States such as Indiana and Georgia have refined the terms “public use” and “blight” to emphasize “use” for the “public” and enact greater, more concrete guidelines that define the conditions necessary to meet “blight”.^{lxxv} In Ohio, Maryland, and Missouri, the legislatures placed moratoria on the use of eminent domain for economic development, established task forces to evaluate the issue, and appointed eminent domain ombudsmen.^{lxxvi}

Georgia’s Reaction to Kelo

In reaction to Kelo, the Georgia Legislature enacted the “The Landowner’s Bill of Rights and Private Property Protection Act” in 2006, which seriously limited the use of the power of eminent domain for economic development purposes. The Assembly revised the eminent domain law by maintaining that economic development shall not constitute a public use.^{lxxvii} It defined ‘public use’ as:

- (i) The possession, occupation, or use of the land by the general public or by state or local governmental entities;
- (ii) The use of land for the creation or functioning of public utilities;
- (iii) The opening of roads, the construction of defenses, or the providing of channels of trade or travel;
- (iv) The acquisition of property where title is clouded due to the inability to identify or locate all owners of the property;
- (v) The acquisition of property where unanimous consent is received from each person with a legal claim that has been identified and found; or
- (vi) The remedy of blight.^{lxxviii}

The remedy of blight is still a proper purpose for the exercise of the power of eminent domain.^{lxxxix} The new definition of 'blight' is a more stringent standard, however, and clearly encapsulates a standard encompassing proper police power roles serving valid public ideals of welfare, health, and safety; the new law specifically mandates that the property shall not be blighted because of aesthetic conditions.^{lxxx}

O.C.G.A. § 22-2-1 defines economic development as any means of economic activity to increase tax revenue, tax base, or employment or improve general economic health, when the activity does not result in: (A) Transfer of land to public ownership; (B) Transfer of property to a private entity that is a public utility; (C) Lease of property to private entities that occupy an incidental area within a public project; or (D) The remedy of blight.^{lxxx}

The Assembly also amended powers relating to the powers of development authorities, previously granted eminent domain powers under Georgia's Urban Redevelopment Act of 1955 (Ga. Laws 1955 at p. 354; O.C.G.A. §§36-61-1 et seq.); under O.C.G.A. §36-62-6 and O.C.G.A §36-42-8, the law now provides that nothing in the Code Section shall be construed as granting authority to exercise the power of eminent domain for development authorities. O.C.G.A §36-42-8.1 was also repealed so that the eminent domain power was specifically taken away from the downtown development authority. A redevelopment agency's ability to delegate the power of eminent domain has also been repealed.^{lxxxii}

Georgia's Urban Redevelopment Law now holds that a governing municipality or county shall not exercise its domain powers until after its local governing body has adopted a resolution finding that:

(1) One or more slum areas exist in such municipality or county; and

(2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality or county.^{lxxxiii}

OCGA § 36-61-7 maintains that (a) A municipality or county shall not approve an urban redevelopment plan for an urban redevelopment area unless the governing body, by resolution, has determined such area to be a slum area and designated such area as appropriate for an urban redevelopment project. The ordinance urges redevelopment agencies not to approve use of eminent domain unless:

- (1) A feasible method exists for the relocation of families who will be displaced from the urban redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
- (2) The urban redevelopment plan conforms to the general plan of the municipality or county as a whole; and
- (3) The urban redevelopment plan will afford maximum opportunity, consistent with the sound needs of the municipality or county as a whole, for the rehabilitation or redevelopment of the urban redevelopment area by private enterprise.^{lxxxiv}

Georgia does allow municipalities that have condemned property to sell the land to private entities so long as its property is used in accordance with the urban redevelopment plan.^{lxxxv}

Present Georgia law more closely resembles the state of takings law under Berman v. Parker, and rejects the use of eminent domain power deemed valid in Kelo. Local governments in Georgia may still condemn land and transfer it to private developers but only so long as there are conditions

of blight, which serves a clear 'public purpose' of protecting public health, welfare, and safety, or generally so long as land is taken for 'public use' as traditionally defined by the Court before Berman v. Parker, whereas takings were valid where the property would be open to the public.

Other Solutions

Michele Alexandre suggests that, as stated in Berman, public purpose should represent values that are 'spiritual as well as physical'; thus, equity-based redevelopment that takes into account social capital aspects such as collective cooperation, shared goals, and shared values to help prevent the displacement and future exclusion of the disadvantaged poor should be part of the equation in redevelopment schemes.^{lxxxvi} She argues that the definition of 'public purpose' should make paramount the nondisplacement of poor residents.^{lxxxvii} Nondisplacement can be achieved by offering incentives for developers and city officials to work together to craft protections for vulnerable members of society.

Grass-roots organizations, or community advisory committees, that put pressure on city officials to include the community's interests in their negotiations with developers is another possible solution.^{lxxxviii} Community development corporations (CDC) are also a strong force against gentrification as they work with private developers to provide affordable housing and strengthen community-building amongst lower-income residents. For example, the Reynoldstown Revitalization Corporation (RRC) in Atlanta, Georgia rehabilitates homes in areas undergoing gentrification, helps build affordable single-family and multi-unit rental housing projects, offers individual development account (IDA) programs, works to reduce crime, and puts on yearly festivals.^{lxxxix} By partnering up with Bank of America, RRC has been able to build thirty affordable rental units and has rehabilitated forty-three single-family homes. They are planning to build more affordable rental and homeownership units in the area.^{xc} RRC has also partnered up

with John Wieland Homes, a private development company, to create a joint venture partnership with a 50-50 split for a project to build rental and homeownership units on 3.7 acres of subdivided property. Approximately half of the new and rehabilitated homes will be affordable compared to the neighboring market-rate units.^{xcvi}

A taskforce such as that enacted by the Maryland Legislature, can be an effective equity-based redevelopment tool. A state-based taskforce in Maryland was created to study the effects of eminent domain on small businesses and develop policies to protect these businesses from arbitrary use of the eminent domain power.^{xcvii} The city of Atlanta created two task forces on affordable housing to tackle gentrification.^{xcviii} The Atlanta city council convened the Gentrification Task Force in September 2001 which included residents, members from surrounding universities and local government agencies.^{xcix} As a result of the taskforce, the city council adopted some of the taskforce's recommendations to assist in affordable housing and ensure that very low income families were targeted for subsidies.^{xc} The second task force, known as the Affordable Housing Task Force, convened in 2002, focused on "workforce housing" – notably housing to support those middle-class professions, such as police officers, teachers, and firefighters, who make up an integral part of society but were nonetheless suffering from the rise in housing prices.^{xcvi}

Patience Crowder suggests that open meetings acts requiring governing bodies of identified public entities to hold certain meetings and deliberations in public should include quasi-public entities, such as BIDs, generally masked as private entities to circumvent the acts' requirements.^{xcvii} She notes that the current structure of open meetings acts is inherently flawed in that these acts do not include the informal deal-making process between public governments and private entities, and politicians and business elite, which in reality drives redevelopment projects in inner-city communities.^{xcviii} Crowder suggests that a proper balance of both formal and

informal meetings involving quasi-public entities over development negotiations should be open to the public to bring affected citizens into the decision-making process.

J. Peter Byrne and Michael Diamond make the case that affordable housing within desirable neighborhoods of the city, through state and local subsidies and innovative flexible housing programs, can directly thwart the possibility of gentrification in urban centers undergoing redevelopment.^{xcix} Subsidized housing within the city, and not on the fringes in more dilapidated areas, as commonly employed, can permit long-time residents to preserve some of the social structure that sustained them before gentrification began. This in turn would support the market by allowing lower income residents easier access to employment within more affluent areas, and by forestalling the damaging effects of market or demographic change.^c

Finally, Professor Audrey McFarlane stresses that a meaningful mechanism for citizen participation must come to fruition. This requires inclusion of the community early in the decision-making process, an enforcement mechanism that acts as either a sanction for failure to obtain community participation or a guarantee of the community's ability to influence the decision-making process, and sufficient time for the affected citizens to become familiar with the details of the development.^{ci}

Democratic participation by citizens in civic affairs is what defines American society. Society is a better one when its citizens are involved; that involvement must not be confined to submitting a ballot on Election Day, but must extend to participation in the way communities are revised, rebuilt, and sustained. A thriving democratic society with a booming market and fulfilled citizenry provide the foundation for a great public place.

Notwithstanding the influx of state legislation to tone down the Court's endorsement of the use of eminent domain for purposes of private

development, PPPs will have much power and influence over the course of urban revitalization for years to come, as perhaps they should. On one hand, if cities are to catch up from the hardship created in the 1950's and 60s, it is imperative that creative solutions and those with financial capacity to effectuate innovation, efficiency, and revitalization allow that to happen. On the other hand, it is also imperative that the general citizenry and those vulnerable to redevelopment are seriously taken into account. For purposes of the general welfare, cities desiring to be great public places must maintain diversity and ideals of tolerance and openness to be true incubators of human creativity and democracy.

City planners, land use attorneys, and policy makers must remember that a great public place is an economically thriving center encompassing technology, talent, and tolerance – tolerance to all socio-economic classes, races, and ethnic backgrounds and tolerance to those with different sexual preferences, tastes, cultures, and ideals; It is these places that attract and support the creative class, who in turn support the city with knowledge, innovative ideas, and a never-ending flow of creative human capital.

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