

## **PlaniTulsa needs to have a respect for property rights**

by Randy Bright <http://www.tulsabeacon.com/?p=4988>

Those who watched or participated in the PlaniTulsa comprehensive planning process are aware that there were a number of workshops held to solicit public opinion about what was being planned.

It is a process I believe to be flawed, because it is prone to favoring one idea over another and as such, can produce outcomes that were planned in advance.

Apparently Andres Duany agrees, but not for the same reason. He popularized the concept of the charette, or workshop in our case, but now is promoting a new concept that he calls subsidiarity. In an article in Architect (The Magazine of the American Institute of Architects), the author's byline was "Andres Duany is souring on what he sees as excessive, obstructionist community engagement in urban planning."

In that article, entitled "Control the Masses," Duany was quoted saying that subsidiarity is "the design of decisions: what issue, by which people, and when... The smallest group at the latest point in time that can competently make a decision ...thus we're evolving participatory planning towards a more intelligent democracy."

A recent article written by urban planner Della Rucker on the NewGeography.com website took issue with Duany, stating her belief that leaving the public out of urban planning decisions was a mistake.

To demonstrate her point, she cited the example of the inventor of the downtown mall concept, Victor Gruen, an urban planner who did much of his work in the 50s and 60s. At that time, many cities were experiencing the same trend, that of the loss of downtown businesses to the suburbs. Gruen believed the answer was to separate vehicles from pedestrians, and that the way to accomplish this was to close downtown streets to vehicular traffic.

Rucker gives the example of Green Bay, Wisconsin, which built the first downtown mall, Port Plaza Mall. She wrote, "by the time it opened in 1977, the new Port Plaza Mall and associated parking lots and garages had obliterated acres of downtown buildings, dislocated a hundred residents...It sent dozens of buildings to liquidation or to the far edges of the newly-sprawling city where many of them are located today."

Tulsa was only one of many other cities who bought the downtown mall concept and closed their downtown streets. This had already been done by the time I moved to Tulsa in 1982, but like many other cities who realized what a poor idea this was, the streets have since been reopened. The consequence of this mistake was that Tulsa spent a lot of money putting the mall in and a lot of money taking it back out.

Rucker makes a very valid point that urban planning decisions today do not take into account the real and consequential impact of decisions that are largely based on theory and ideals, and that average citizens seem to be more perceptive in knowing what the real outcome will be than the professional planners.

She wrote, “Gruen’s mall failed because he envisioned and sold an ideal solution without giving any attention to economic realities, and without consideration of the myriad of unforeseen factors and unintended consequences that could, and did, develop. Gruen stood at the beginning of an era, and there was no way anyone could anticipate how the world would change in a few decades.”

But both Duany and Rucker are missing the same component in urban planning - one that most all urban planners miss. They either ignore or dismiss the role that property rights should play. This is necessary because if property rights are given valid consideration, most urban plans won’t work because they require the subtraction or alteration of certain elements in order to make the plan work at an overall city scale. Unfortunately, what that leads to is the loss of homes, businesses and churches in the name of “community” development.

Admittedly, this is not an easy problem to solve. There are times when eminent domain is needed for roads or public utilities. There are times when buildings become so dilapidated that they are unhealthy and dangerous to live in, and something must be done for the health, safety and welfare of the public. But when we otherwise consider violating individual and corporate property rights in the name of creating a subjective, even experimental, ideal, we are setting ourselves up for failure at the expense of those among us who are least able to bear its cost.

As for the public participation process, it is important for the public to be able to protect the use of their property, but it is equally important that property owners be able to develop their property as they see fit without undue interference. Any urban plan that does not begin with a proper respect to property rights is simply one that is doomed to fail.

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This entry was posted on Wednesday, February 23rd, 2011 and is filed under [Columns](#).