

BUILDER AND DEVELOPER

New Urbanism — Will it Bring the Next Wave of Defect Litigation?

Fast Facts

- The construction risks associated with new urbanism are different from those found in traditional settings.
- Infill sites are constrained for storage and movement of construction materials and service vehicles.
- Edge conditions and land use interfaces warrant more in-depth study and require conflict resolution.
- Reciprocal parking agreements will become vogue.
- The major risks of construction defect litigation will include a re-ranked list encompassing water intrusion, acoustical, mechanical, electrical, plumbing, common wall and occupancy, and/or ownership separation issues.

By Don Neff

We find ourselves in a new world of lifestyle choices and development opportunities, and the concept of New Urbanism means different things to different people. It is really just smart growth — creating diverse, walkable and compact communities with mixed-use elements, with housing, jobs, shops and recreational opportunities integrated into the urban fabric. Studies have suggested this represents the preferred lifestyle choice of “Gen X-ers” and empty nesters alike, in contrast to the perceived blandness of suburban homogeneity that has dominated the latter part of the 20th century.

The reinvention of yesterday

In selected communities around the nation, the leading examples for urban living can be found in Copley Place, The North End, Back Bay and Beacon Hill. All are older models of established Boston neighborhoods that have evolved over the years into well-designed and integrated mixed-use communities, vibrant with activity and rich in heritage.

In Denver’s downtown core, known as Larimer Square, the historic district of old brick buildings is being regenerated into lofts for living and working, including pedestrian corridors and public, light-rail transit connections to major sports venues, shopping districts, the regional hinterlands, the Rocky Mountains and beyond.

In Seattle, the same pattern has emerged around Pioneer Square and Pike Place Market. Here we find residential lofts, bed-and-breakfasts, offices, a bustling marketplace of vendors and craftsmen, and truck farmers merchandising their produce.

In Southern California, the newest such neighborhoods have just started to evolve and blossom and will continue to do so for coming generations. Examples found in Southern California are the Platinum Triangle in Anaheim and Park Place in Irvine. In San Diego, they include the East Village, Harbor Front and Little Italy.

Good planning requires good construction

The construction risks associated with new

urbanism are different. Infill sites are constrained for storage and movement of construction materials and service vehicles. Edge conditions and land use interfaces warrant more in-depth study and require conflict resolution. Reciprocal parking agreements will become vogue. The major risks of construction defect litigation will include a re-ranked list encompassing water intrusion, acoustical, mechanical, electrical, plumbing, common wall and occupancy and/or ownership separation issues.

These are all much more critical concerns for both residential occupants and retail tenants. Type I and II — concrete and steel — buildings require more exacting standards of performance than Type V, non-rated wood-framed homes. The assemblies need to be well designed, executed in the field and tested for performance. Buildings will not just be “turned over;” they will need to be commissioned with the HVAC equipment, fire protection systems and elevator conveyances programmed, tested, adjusted, proven and maintained.

Using the past to build the future

The projects will blend the best of commercial and residential designs. The heat-island effect of higher densities requires offsetting applications of LEED-rated, “green” designed and constructed building systems: living roofs, photovoltaic building skins, light tables and awnings, operable windows, radiant barriers, etc. Linked common areas to buffer otherwise incompatible urban uses include water sculptures, public art, neighborhood museums, tiny urban pocket parks with regional trail connections, and integrated transit nodes.

To achieve these results, we need only to reach back into the past and bring forward those successful ideas to share with the future. One hundred years ago, a famous urban landscape architect, Frederick Law Olmstead, mastered these concepts with great effectiveness for the benefit of Boston and New York. We have such a rich heritage upon which to draw as we develop and construct alternative lifestyle choices throughout the West, embodied by New Urbanism.



Don Neff is president of La Jolla Pacific, Ltd., of Irvine, Calif., a leading provider of third-party peer-review and quality assurance services. He may be reached via e-mail at drneff@lajollapacificltd.com.

