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## BOOK REVIEW

### THE WAY WE LIVE

DAVID L. POWELL\*

Witold Rybczynski, *Last Harvest*, 309 pages (Scribner 2007)

Over the years, the architect and author Witold Rybczynski has written a number of books to explain how we live in America today and to recount the sometimes-hidden history of our built environment: *City Life*, a history of urban development in America; *Home: The Short History of an Idea*, about cultural notions of domestic comfort; *A Clearing in the Distance*, the life of Frederick Law Olmstead and his nineteenth century achievements in urban landscape architecture; and others. Rybczynski now gives us *Last Harvest*, a tale that, while not exactly a page-turner, has many of the elements of a good thriller. There is high-minded idealism and a touch of calculated lawlessness, collegial collaboration and hard-nosed determination, clockwork efficiency and sloth-like bureaucracy, and the public interest and private gain.

It is, in short, the story of a real estate development in modern America, from its inception by a developer to move-in by the first home buyers. For the uninitiated, it will take much of the mystery out of the land development business. It is a practical examination of how and why we live as we do in much of America, and how and why some developers, planners, and government officials are trying to do better.

Rybczynski, a professor at the University of Pennsylvania, chose as his subject the 125-lot subdivision of New Daleville in Londonderry Township, Chester County, Pennsylvania. By many standards, New Daleville is relatively small, and yet Rybczynski's story is not. The arc of his narrative crosses almost five years, from project planning, to regulatory review, to negotiations with lenders, to haggling with homebuilders, to marketing the community, to finishing the punch list on the first buyer's home. Through it all, Rybczynski skillfully weaves together the public aspects of his story with a behind-the-curtains look at the myriad of economic and political forces which the developer must manage as he tries to create a new community on ninety acres of Pennsylvania farm-

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land.

That focus on the practical aspects of creating New Daleville is one of the features of *Last Harvest* that distinguishes it in the growing catalog of books about the new urbanism. In the last twenty-five years, we have seen a proliferation of books decrying how “we continue to build – and live in – vast tracts of undifferentiated development that form neither neighborhoods, towns, or cities.”<sup>1</sup> Typically, these books argue for a better way of designing communities so they more closely resemble neighborhoods that, in many cases, pre-date the Automobile Age. The more insistent of these commentators delve into minutiae on everything from the Standard State Zoning Enabling Act to the AASHTO “Green Book”, from Federal Housing Administration and Veterans Administration home loan programs to the turning radii of modern fire trucks.

Make no mistake: these books have made a valuable contribution to the public discourse on development in this country through their dissection of the many technical factors that influence development patterns, but they too rarely focus on the real people who are in the trenches, struggling over the creation of a new development in a complex political and regulatory process, and the real world of homebuilders and home-buyers. Rybczynski’s book provides that human context.

The whole cast of characters typically involved in a new development walks through the pages of this book. There is the land seller who wants to cash out part of the family farm on the “frontier” of Chester County.<sup>2</sup> There is the town planner devoted to new urbanism as a better way to design communities than the typical, post-World War II subdivisions. There are go-slow local officials who want to micro-manage the project down to the details of individual houses, fearing that New Daleville will be one more wretched development that scars the countryside. There is the project manager who handles a thousand details and keeps a running total of cost and revenue projections on his *pro formas* to make sure the project pencils out. There are nationally prominent architectural consultants who try to give New Daleville design guidelines that reflect the local architectural vernacular. There is the national production homebuilder who buys lots in New Daleville, and then, disregarding the local architectural vernacular, seeks to preserve the economic efficiencies of its operation by using

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1. Alex Krieger, *Since (and Before) Seaside*, in ANDRES DUANY & ELIZABETH PLATER ZYBERK: *TOWNS AND TOWN-MAKING PRINCIPLES* 9, 9 (Alex Krieger & William Lennertz eds., 1991).

2. WITOLD RYBCZYNSKI, *LAST HARVEST* 235 (2007).

the standard housing models it builds from South Carolina to New England. Finally, there are the neighbors who moved to the urban fringe because they wanted large-lot, residential neighborhoods and feared the small-lot, new urbanist design of New Daleville.

The protagonist of *Last Harvest* is Joe Duckworth, a principal in the Arcadia Land Company. Duckworth, Robert S. Davis, and Christopher B. Leinberger created Arcadia as a vehicle to undertake new urbanist developments like the one that Davis popularized in the 1980s at Seaside, his trail-blazing coastal resort in northwest Florida's Walton County. For all the people who figure into Rybczynski's narrative, this is Duckworth's story, and Rybczynski sums up his role very well: "Developers tread a delicate path. They are agents of change, operating between the regulations – and desires – of local jurisdictions and the demands of the marketplace, and they must satisfy both. That isn't always easy, and it's rarely popular."<sup>3</sup> Like all good developers, one measure of Duckworth's success is that, by the end of the process, so many stakeholders are invested in making his vision become reality that his own role is "largely invisible."<sup>4</sup>

Rybczynski gives us an inside look at the land development process, which Duckworth aptly describes with some oversimplification as "spending money buying and subdividing land, and making money selling the lots."<sup>5</sup> The author depicts the iterative planning process for the new community, with the changes, refinements, and compromises that take place at every turn. He also shows some of the techniques that the savvy developer uses to persuade the community to buy into his vision. Anyone who has shepherded a development project through the public process will nod in recognition at Rybczynski's accounts of the seemingly endless hearings, the obstinate neighbors, and the indecisive politicians that Duckworth and his colleagues must overcome.

Rybczynski shifts back and forth adeptly between the seemingly small story about New Daleville and the larger story of how we create new communities in America. The backdrop of his narrative sweeps from the colonial land schemes that enriched speculators like George Washington to Robert Davis' creation of Seaside, the story of which is now almost as much a part of American lore as Lana Turner being discovered at Schwab's Drugstore on Sunset Boulevard. The supporting cast of the backdrop is generously sprinkled with thinkers and doers—Lewis Mumford and Charles

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3. *Id.* at 280.

4. *Id.* at 263.

5. *Id.* at 187.

Fraser, Le Corbusier and William Penn, Andres Duany and Elizabeth Plater-Zyberk, John Nolen and Frank Lloyd Wright.

Rybczynski does not argue arcane issues of urban design. Nowhere in this book will you catch him engaging in the polemics that so often characterize works by devotees of the new urbanism. Rybczynski lets his characters make the case for a new way of organizing American communities. He leavens those arguments with real-world considerations like the professional skepticism of developers and lenders, the deep-seated wishes of home buyers who see a large lot detached home as their rightful share of the American Dream, and the vagaries of the cyclical real estate market. Rybczynski is so passive that he does not even acknowledge the irony that the first home buyers who end his book purchased a lot on that bane of new urbanists, a cul-de-sac.

The regulatory process through which Arcadia must travel to win governmental approval for New Daleville is quite a bit different from the Florida experience. There is no local government comprehensive plan to provide a "constitution" for the land use decisions of Londonderry Township,<sup>6</sup> so there is both more latitude for the decision makers to act arbitrarily and less certainty for everyone. Nor is there review by a state land planning agency to ensure that the development pattern for New Daleville complies with state-imposed norms.<sup>7</sup> Yet many steps in the regulatory review of New Daleville are similar to what is experienced in Florida every time a proposed development goes through the official process.<sup>8</sup> For example, New Daleville and Florida share the unexpected adversity of a real estate market caught in a slump, a phenomenon that Rybczynski describes in terms befitting a force of nature.<sup>9</sup> Also similar are the attitudes of the various stakeholders, all too well reflecting the Florida experience.

Perhaps most disconcerting is the skepticism and resistance to new urbanist planning principles that Rybczynski documents in

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6. *Machado v. Musgrove*, 519 So. 2d 629, 632 (Fla. 3d DCA 1987). The *Machado* court provided one of the better judicial discussions on the distinction between a comprehensive plan as the legislative policy basis for controlling land use and zoning as an implementation measure that "involves the exercise of discretionary powers within limits imposed by the plan." *Id.*

7. See FLA. STAT. § 163.3184 (2007).

8. Rybczynski refers to Florida in a number of contexts – as birthplace of the new urbanism at the panhandle resort of Seaside, Rybczynski, *supra* note 2, at 17-23; as the setting for Disney's Celebration, which popularized these planning principles in the context of a primary residential community, *id.* at 21; and as one of the few states with a state-directed land use regulatory system. *Id.* at 32. For some Florida practitioners, his only false note about the state will be his characterization of Florida as one of the few states to "embrace development." *Id.* at 51. While that attitude may prevail in some parts of Florida, the days are long past when it holds true everywhere in this diverse state.

9. See *id.* at 225-32.

Londonderry Township. There is a growing body of evidence that multi-use developments with smaller lots, interconnected streets, varied types of housing, and walk-to shopping and employment opportunities represent a development pattern with fewer environmental and public facility impacts coupled with a greater sense of community for residents. And yet the township's decision makers have a hard time embracing this vision by simply amending their zoning code to include a Traditional Neighborhood Development ordinance. Rybczynski describes their epiphany coming when they are finally nudged into doing the right thing by someone in the audience telling them: "We've been doing conventional development and we hate it . . . Why don't we try something new, and if we don't like it we won't do it anymore."<sup>10</sup>

If the decision makers' reluctance to embrace new urbanism planning principles is disconcerting, so is the resistance of neighbors and home buyers. Rybczynski explains that "[s]ingle-use zoning has proved to be notably unsuccessful in organizing the environment, since it does not address the three-dimensional nature of our physical surroundings and instead reduces everything to a crude technical measure. No wonder the popular idea of planning is simplistic: high density bad, low density good."<sup>11</sup> Home buyers are no more immune to this fallacious reasoning than the neighbors, as Rybczynski makes clear when he discusses the consumer desires that motivate New Daleville's buyers: "Despite the sensible arguments in favor of small lots, narrow streets, walkability, and density, buying a house is not, for most people, about ideology."<sup>12</sup>

On the other hand, while Rybczynski documents the resistance to new development patterns, it is impossible to read *Last Harvest* without sensing the unhappiness that permeates officialdom and homeowners alike over the conventional development patterns that have shaped the places where so much of America lives. He presents the paradox very well: while we are largely dissatisfied with the built environment derived from post-World War II subdivisions, we are reluctant to plunge into the brave world of new urbanism.<sup>13</sup> Addressing this paradox is the central challenge that confronts anyone who wants to see more liveable communities in modern America. Unfortunately, Rybczynski does not suggest a way out of this conundrum.

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10. *Id.* at 63.

11. *Id.* at 40.

12. *Id.* at 260.

13. *See, e.g., id.* at 161-63 (contrasting the benefits and downsides of urban and suburban living).

Anyone steeped in the land use business will be disappointed with some aspects of *Last Harvest*, chiefly the parts of the story that are given short shrift. For example, Rybczynski does not tell the beginning-to-end story about the exactions that Duckworth must negotiate, and ultimately pay, for his project before he passes them along for eventual payment by end-users. Early in his narrative, Rybczynski discusses a looming dispute between the developer and the township over the cost of improvements to a park that Arcadia will dedicate at New Daleville. He writes that "Arcadia has no intention of covering the entire cost of a park," but he never tells us the resolution of the dispute over the park exaction.<sup>14</sup> Similarly, he tells us about the township's demands for road improvements to address traffic congestion and even goes so far as to let us know that Pennsylvania's state road agency wants the township to press Arcadia for even more money. But, he does not tell us the resolution of that issue, which Florida practitioners will recognize as typically the biggest cost item for any land development in this state.

A more serious shortcoming is that Rybczynski focuses only on the residential component of New Daleville and ignores the separate but equally important commercial component. If there is one imperative of new urbanism that its proponents have pounded into the public consciousness over the years, it is that land developments in America should mix uses to achieve a greater efficiency in land use. Rybczynski tells us early in the narrative that the plan includes up to 12,500 square feet of non-residential development for retail or office uses like a convenience store or a professional office.<sup>15</sup> Alas, we never hear what happens to this part of the project; the last time we hear about the commercial site is when Rybczynski tells us that two sales trailers have been located on it as the residential marketing effort ramps up.<sup>16</sup>

The apparent disappearance of the commercial part of New Daleville may reflect the economics of the developer's *pro forma* and the demands of retailers who want an adequate traffic count to justify a location, but it does not reflect the bedrock principles of new urbanism. In any event, Rybczynski does not tell us. Nor does Rybczynski address one of the more critical issues that a developer must keep in mind when mixing uses in a new develop-

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14. *Id.* at 108.

15. *Id.* at 75.

16. As of this writing, the commercial component remains a mystery. Neither Arcadia Land Company's website nor the website for New Daleville mentions commercial development at New Daleville. See Arcadia Land Co., <http://www.arcadialand.com> (last visited Dec. 3, 2007); New Daleville, <http://www.newdaleville.com> (last visited Dec. 3, 2007).

ment, namely, that the market requires the rooftops to come before the commercial uses that will enable a homeowner to make one of the promised fifteen minute walks to buy that proverbial loaf of bread or carton of milk.

And yet there is much that is right about this book. Rybczynski's chapter on urban sprawl is a concise masterpiece. What it lacks in the technical nuances found in measures like the Florida Department of Community Affairs' urban sprawl rule<sup>17</sup> is more than compensated for by its dispassionate, plain-language analysis. Part of the difficulty in dealing with sprawl, Rybczynski writes, "is that there is no widely agreed-upon definition."<sup>18</sup> It is a landscape shaped by many social forces which result in a "state of perpetual upheaval" in much of America, he argues.<sup>19</sup> "That's probably why sprawl has become a whipping boy for so many of the things we don't like about modern life: traffic jams, over-crowding, instability, change itself."<sup>20</sup>

Rybczynski acknowledges the consumer desires of American home buyers who vote with their pocketbooks for large-lot subdivisions on the developing fringe despite the admonitions of thinkers, planners, environmentalists, and developers. He goes so far as to debunk the myths about sprawling developments on the fringe causing the decline of center cities and amounting to the injudicious use of land resources. "Environmentalists make sprawl sound like a voracious monster," he says.<sup>21</sup> "Yet America is not running out of land."<sup>22</sup> Rybczynski exhibits a refreshing sense of skepticism about the current planning fashion, "smart growth," which he describes as "a slippery concept, not least because it is

17. FLA. ADMIN. CODE ANN. r. 9J-5.006(5) (2003). Without the benefit of a fully developed set of facts, Florida practitioners will enjoy puzzling through the issue of how many of the thirteen primary indicators of urban sprawl identified in the Florida rule would be implicated by New Daleville. To this author, the project appears likely to be deemed urban sprawl under the rule.

18. Rybczynski, *supra* note 2, at 82.

The Florida urban sprawl rule takes the sensible position of prescribing a method of analysis for making professional judgments about whether a specific development pattern in a specific situation should be considered urban sprawl when the State determines whether a local comprehensive plan or plan amendment is "in compliance" for purposes of section 163.3184(1)(b), Florida Statutes. Prior to adoption of that rule in 1992, Florida courts accepted the working definition of urban sprawl as "the extension of urban-type development into rural, agricultural, or other undeveloped or sparsely developed lands in a haphazard development pattern in which land uses are not functionally related to each other." *Home Builders & Contractors Ass'n of Brevard, Inc. v. Dep't of Comty. Aff.*, 585 So. 2d 965, 968 (Fla. 1st DCA 1991). New Daleville would probably be deemed urban sprawl under this judicial definition as well.

19. Rybczynski, *supra* note 2, at 85.

20. *Id.*

21. *Id.* at 82.

22. *Id.*



espoused by anti-growth environmentalists as well as pro-growth developers," each for their own reasons.<sup>23</sup> He buttresses these arguments by referring back to the classic mid-twentieth century sociological study by Herbert J. Gans, *The Levittowners*, which argued that suburban homeowners at Levittown, New Jersey, were happy despite the sneers of the elites because "Levittown is a good place to live."<sup>24</sup>

And what of New Daleville? What do we think of it? In many ways, it represents the trade-offs that are made everyday in every development, through the complex interaction of government officials, private developers and interested parties. "Since Londonderry has no real master plan, merely zoning districts, the development, however well-designed, will remain an isolated residential island," he writes.<sup>25</sup> There is no real village center at New Daleville, and not enough density for public transportation, so residents will be automobile-dependent.<sup>26</sup> Nor is there affordable housing. Yet fifty-two of the ninety acres will be preserved as open space, and residents will have walkable neighborhoods. They stand a far better chance of knowing their neighbors than residents in the typical one-acre lot suburban tracts. And unlike other subdivisions in Londonderry Township, New Daleville is served by on-site central wastewater treatment rather than septic tanks. So it is incrementally better than most of what is being built there today. That is how change usually comes, at the margins.

In sum, Rybczynski has written an accessible and worldly account of how the American landscape is shaped into what many of us see each day during our morning and evening commutes. For anyone who wants a non-technical rendering of how we make new communities in America, written for a mass audience, this book covers the basics, and it provides a welcome window into that complex entrepreneurial process. It is a story populated throughout by well-intentioned people who are working within the American private economy, regulated by governmental agencies and mindful of the fears of neighbors who can always get a politician's ear. The story is one of modest hope that what we create in the future will be better than what we created in the recent past.

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23. *Id.* at 88.

24. *Id.* at 162-63.

25. *Id.* at 89.

26. *Id.*