Rethinking zoning

Jenny Schuetz
Brookings Institution
Presentation overview

- Overview of land use regulations
  - Examples of zoning codes, historic & today
  - Economic and political rationales
- Impacts on housing markets
  - Quantity, type, and location of new housing
  - Affordability concerns
- Current trends in zoning/land use regulation
  - State & local land use reforms
  - Federal engagement with land use
What are common types/forms of land use regulations? What do they do?

- Zoning
  - Type of allowed uses
  - Height, density, other physical dimensions
  - Procedural requirements
- Besides standard zoning, local governments can adopt a variety of land use plans, environmental regulations, infrastructure requirements, subdivision standards, building codes, etc.

In general, larger cities have more – and more complicated – regulations. But they also tend to allow greater height and density.
CITY OF NEW YORK
BOARD OF ESTIMATE AND APPORTIONMENT

BUILDING ZONE RESOLUTION
(Adopted July 25, 1916.)

A Resolution regulating and limiting the height and bulk of buildings hereafter erected and regulating and determining the area of yards, courts and other open spaces, and regulating and restricting the location of trades and industries and the location of buildings designed for specified uses and establishing the boundaries of districts for the said purposes.

Be it resolved by the Board of Estimate and Apportionment of The City of New York:

ARTICLE I - DEFINITIONS

NYC’s 1916 Zoning Resolution fits on 14 pages.
Zoning Regulations of 2016 (Unofficial Version) - Technical Corrections

Reference: CB-66L.

The following PDF documents are the Subtitle that comprise the new Zoning Regulations of 2016, as amended through 02/17/17 which includes corrections made through Case No. DR-064X. Please note this is a courtesy "unofficial" version of the Zoning Regulations of 2016, as amended. The Official version of the Zoning Regulations of 2016, as amended, can be found on the website of the Office of Documents and Administrative issuances at dcregs.dc.gov.

Attachment(s):
- Title 11 Subtitle A - Authority and Applicability - 540.7 KB (pdf)
- Title 11 Subtitle B - Definitions, Rules of Measurement, and Use Categories - 655.5 KB (pdf)
- Title 11 Subtitle C - General Rules - 973.9 KB (pdf)
- Title 11 Subtitle D - Residential House (R) Zones - 746.8 KB (pdf)
- Title 11 Subtitle E - Residential Flat (F) Zones - 553.3 KB (pdf)
- Title 11 Subtitle F - Residential Apartment (RA) Zones - 624.4 KB (pdf)
- Title 11 Subtitle G - Mixed Use (NU) Zones - 958.2 KB (pdf)
- Title 11 Subtitle H - Neighborhood Mixed Use (NC) Zones - 931.0 KB (pdf)
- Title 11 Subtitle I - Downtown (D) Zones - 4.8 MB (pdf)
- Title 11 Subtitle J - Production, Distribution, and Repair (PDR) Zones - 545.2 KB (pdf)
- Title 11 Subtitle K - Special Purpose Zones - 2.8 MB (pdf)
- Title 11 Subtitle U - Use Permissions - 306.4 KB (pdf)
- Title 11 Subtitle W - Specific Zone Boundaries - 297.7 KB (pdf)
- Title 11 Subtitle X - General Procedures - 574.9 KB (pdf)
- Title 11 Subtitle Y - Board of Zoning Adjustment Rules of Practice and Procedure - 777.1 KB (pdf)
- Title 11 Subtitle Z - Zoning Commission Rules of Practice and Procedure - 768.0 KB (pdf)
- Title 11 DOKR 2016 Zoning Regulations - 9.7 MB (pdf)
# GENERALIZED SUMMARY OF ZONING REGULATIONS
## CITY OF LOS ANGELES

<table>
<thead>
<tr>
<th>Zone</th>
<th>Use</th>
<th>Maximum Height</th>
<th>Required yards</th>
<th>Minimum Area</th>
<th>Min. Lot Width</th>
<th>Parking Req'd</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Stories</td>
<td>Feet</td>
<td>Front</td>
<td>Side</td>
<td>Rear</td>
</tr>
<tr>
<td>Multiple Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R2</td>
<td>Two Family Dwellings</td>
<td>Unlimited</td>
<td>45 or (6)(7),(8)</td>
<td>15 ft.</td>
<td>5,000 sq. ft.</td>
<td>2,500 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>HT Utes; Home Occupations</td>
<td>20% lot depth; 20 ft. max., but not less than prevailing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RD1.5</td>
<td>Restricted Density Multiple Dwelling</td>
<td>10% lot width &lt; 50 ft.; 5 ft.; 3 ft. min.; + 1 ft. for each story over 2nd</td>
<td>15 ft.</td>
<td>5,000 sq. ft.</td>
<td>1,500 sq. ft.</td>
<td></td>
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<tr>
<td></td>
<td>One-Family Dwellings; Two-Family Dwellings; Apartment Houses; Multiple Dwellings; Home Occupations</td>
<td>Limited</td>
<td>(6)(7),(8)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RD2</td>
<td>Restricted Density Multiple Dwelling</td>
<td>Unlimited</td>
<td>10% lot width, 10 ft. max.; 5 ft. min.; (6)</td>
<td>15 ft.</td>
<td>8,000 sq. ft.</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>RD3</td>
<td>Restricted Density Multiple Dwelling</td>
<td>Unlimited</td>
<td>10% lot width, 10 ft. max.; 5 ft. min.; (6)</td>
<td>15 ft.</td>
<td>8,000 sq. ft.</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>RD4</td>
<td>Restricted Density Multiple Dwelling</td>
<td>Unlimited</td>
<td>10% lot width, 10 ft. max.; 5 ft. min.; (6)</td>
<td>15 ft.</td>
<td>8,000 sq. ft.</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>RD5</td>
<td>Restricted Density Multiple Dwelling</td>
<td>Unlimited</td>
<td>10% lot width, 10 ft. max.; 5 ft. min.; (6)</td>
<td>15 ft.</td>
<td>8,000 sq. ft.</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>RD6</td>
<td>Restricted Density Multiple Dwelling</td>
<td>Unlimited</td>
<td>10% lot width, 10 ft. max.; 5 ft. min.; (6)</td>
<td>15 ft.</td>
<td>8,000 sq. ft.</td>
<td>3,000 sq. ft.</td>
</tr>
</tbody>
</table>

Source: City of Los Angeles, Department of City Planning
LIST NO. 1 OF USES PERMITTED IN VARIOUS ZONES IN THE CITY OF LOS ANGELES

(Breakdown by Different Zones)

Uses listed in black are permitted by-right in the indicated zone. Uses colored red require a conditional use permit (CUP) in the indicated zone. Uses colored green may be permitted as a public benefit in the indicated zone.

OS OPEN SPACE ZONE

AQUARIUM, according to Section 12.24 U. 19. (f).

ARENA, according to Section 12.24 U. 2.

ATHLETIC FIELD.

AUDITORIUM, according to Section 12.24 U. 2.

AUTOMOBILE PARKING, under the provisions of Section 12.21 A. 4.

BASEBALL FIELD.

BINGO (subject to the provisions of Section 12.21 A. 13).

CEMETERY, performance standards, according to Section 14.00 A. 1.

CHILD CARE FACILITY.

GEOLOGICAL CORE HOLE DRILLING and TESTING, temporary, according to Section 12.24 W. 47.

GOLF COURSE.

GOVERNMENTAL ENTERPRISE, performance standards, according to Section 14.00 A. 3.

HIGH VOLTAGE TRANSMISSION LINES and TOWERS, according to Section 12.24 U. 19. (g).

HISTORICAL VEHICLE COLLECTION (accessory), according to Section 12.24 X. 29.

LAND RECLAMATION PROJECT, according to Section 12.24 U. 13.

LIBRARY, public, according to Section 12.24 U. 19. (a).

MARINE PRESERVES, sanctuaries, and habitat protection sites.

MUSEUM, nonprofit, performance standards, according to Section 12.24 U. 19. (c).
Rationales for zoning

• Reduce negative impacts of development on neighbors
  • What are some negative impacts?
  • What specific zoning terms reduce these impacts?

• Fiscal impacts of development on local government/taxpayers
  • In what ways does new development “cost” existing taxpayers?
  • What zoning mechanisms alleviate these costs?
  • What are the implications of fiscal zoning?

• Political & social rationales for zoning
  • Preferences over who can move into a community/sorting
Impacts on housing markets

• How does zoning impact:
  • What type of structures get built
  • Where structures get built
  • Size/density of buildings, number of houses
  • Prices/rents of new and existing houses
  • Developer profits

• We want to think about these impacts at several geographic levels
  • Project/parcel
  • City and region
Parcel-level: Allowing “gentle density”

Source: https://www.brookings.edu/research/gentle-density-can-save-our-neighborhoods/
If zoning restricts new development across a city/region, how does that affect:

- Number of houses built
- Size, quality, & price of houses built
- Long run price of new and existing housing

Research suggests that zoning has limited supply & increased prices in large metropolitan areas

- Particularly Northeast corridor (DC-Boston) and West Coast
- Largest impact on young households, renters and first-time homebuyers
- Regionally, can impact labor market efficiency.
Most regulatory barriers to housing are local
- Zoning limits land where apartments are legal
- Lengthy, complex, expensive development process
- Discretionary approval process empowers NIMBY residents

Federal, state & local governments are exploring new ways to reduce barriers
- Minneapolis 2040, Oregon HB 2001, California SB50
- Proposals from Democratic presidential candidates
- White House Council on reducing barriers to affordable housing

Effective policy solutions face steep political opposition
- Changing specific zoning components on paper may not increase housing growth
- Would need strong financial incentives (penalties) to change behavior of most exclusionary places
• Examples of zoning texts:
  • NYC 1916 zoning:
  • DC 2016 zoning:
    https://dcoz.dc.gov/zrr/zr16
• Recent articles:
  • https://www.nytimes.com/2017/09/06/opinion/housing-regulations-us-economy.html
  • Schuetz. 2019. Is zoning a useful tool or a regulatory barrier?
  • Murray and Schuetz. 2019. Is California’s Apartment Market Broken?
Comments & questions welcome!

jschuetz@brookings.edu

@jenny_schuetz
Rethinking Zoning
July 1, 2020
Karen L. Black, Esq.
May 8 Consulting Principal
University of Pennsylvania Lecturer
Healthy Rowhouse Project Co-Founder
Drexel University Lindy Institute for Urban Innovation Senior Research Fellow
Zoning is a Civil Rights Issue

- Exclusionary zoning based upon minimum lot size or type of use
  - Lack of zoning protections for less affluent culturally rich neighborhoods
  - Environmental justice — location of noxious uses
Rezoning Philadelphia

- 50-year old Zoning Code
- Over 600 pages long
- 55 Zoning designations
- 33 overlay districts
- Little as-of-right development
Philadelphia’s Zoning Code Failed the American Planning Association’s Test

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning decisions are regularly appealed or adjudicated</td>
<td>✔️</td>
</tr>
<tr>
<td>Code is subject to different interpretations.</td>
<td>✔️</td>
</tr>
<tr>
<td>Code is not administered in an evenhanded and consistent manner</td>
<td>✔️</td>
</tr>
<tr>
<td>Excessive number of zoning districts (Over 15 suggests a problem)</td>
<td>✔️</td>
</tr>
<tr>
<td>Standards not in keeping with modern development practices</td>
<td>✔️</td>
</tr>
<tr>
<td>Inconsistent writing styles (differing terms used interchangeably)</td>
<td>✔️</td>
</tr>
<tr>
<td>Archaic terms, legalese, confusing language</td>
<td>✔️</td>
</tr>
<tr>
<td>Code is too voluminous (May be a problem if code exceeds 300 pages)</td>
<td>✔️</td>
</tr>
</tbody>
</table>
Developers wanted transparency and consistency

- 14 review agencies for review of construction or rehab projects
- Community approval - important factor
- Councilmanic prerogative and ZBA
- Inconsistent codes and regulations
Huge consistency and transparency gains
Half of neighborhoods remapped
Variances still largely granted
Continuing amendments to Code
Monticello, NY - no residential apartments over Main Street retail
Chicago, IL - downzones dense neighborhoods near transit and de-converts houses
Upzoning – Will it Increase Affordable Housing Supply?

• Fairfax County – Taller, bigger buildings near metro – floor area ratio

• Seattle’s Grand Bargain – upzoning in 27 neighborhoods if build affordable housing

• 2019 Chicago Upzoning study - didn’t increase housing supply but did increase land values
Minneapolis 2040 Master Plan (Oct 2019)

- Allows duplexes and triplexes in all single-family neighborhoods
- Permits 5 & 10-story buildings along transit corridors
Accessory Dwelling Units on Same Lot
NYC seeks to legalize basement apartments with:
- Multiple egress
- 50% of window above grade
- Proper ventilation
- 7 ft ceiling
Can double rental income while providing more units

- LA – rent up to 5 rooms in home
- Cleveland – lease must cover > 30 days
- NYC -must not exceed occupancy requirements
Zoning for Student Housing

- Student housing increases rental prices
- Can student housing be separately regulated in your state?
- Occupancy limits (3 student max)
- Minimum distance requirements
- Prohibition in certain areas
- Design overlay for higher density on commercial corridor
Zone and make available publicly owned land to developer through RFP process for affordable housing

2019 – California makes excess state land available for affordable housing
Discussion

ROC Local
Zoning Incentives

- Density bonuses
- Streamlined process
- Parking minimums eliminated or reduced
- Zoning variances
- Fee reduction