

TRANSCRIPT

Untangling Zoning Impacts Event

July 24, 2024

Christina: Good morning my name is Christina Harris and I'm a senior director at the Metropolitan planning Council thank you for joining us for today's event, "Untangling Zoning Impacts and Promoting Equity through Reform", This moderated panel discussion will feature three thought leaders whose work has focused on determining the impacts of zoning on people's lives to help make changes to benefit communities before we get started I'd like to thank our event sponsors this event is part of the yearlong celebration for MPC's 90th anniversary which is leading up to our annual event on October 23rd.

Thank you to the premier sponsors: Crown Family Philanthropies and champion sponsors: BMO, Capri Investment Group, Nicor Gas, US Bank and Wintrust Bank and all other supporters who make our work possible. If you believe in our mission and want to support our work, consider sponsoring. Without the support of sponsors this event would not have been possible in addition to sponsors I would also like to recognize all of the elected officials who are joining us today both in person and virtually. Thank you all for attending this morning's event is going to have three parts first I'm going to introduce the Metropolitan Planning Council which is the organization hosting today's event and provide a general outline of the logistics. Second, I'm going to provide a quick introduction to zoning and land use so that we are all starting with the same baseline information to lead into the panel. Third, we are going to have a very engaging and Lively discussion about zoning with three esteemed panelists led by our knowledgeable moderator Morgan Malone and finally we will have some brief closing remarks to end of the event. Let's get started!

The Metropolitan Planning Council is an independent nonprofit planning and policy organization that addresses built environment issues through a racial and economic Justice lens by collaborating with communities businesses and government Partners to develop and advanced policies that lead to systemic changes and shape a more equitable and sustainable Chicago region. Our work focuses on the key areas of Transportation, Housing, and Community Development, Water Resources and Land Use and Planning. This panel today will delve into land use and planning by focusing on zoning equity and reform, but the topic really touches all of our core areas. Today's moderated panel discussion will run a little over an hour and we're going to try something new instead of saving audience questions until the end we are going to integrate questions from you all throughout the discussion at key moments. We will pause and ask and answer some questions from audience members. We will also be monitoring the chat for folks joining virtually via the live stream and we'll provide those questions to the moderator as well. I would like to note that we will probably not get to all the questions that are submitted but we will do our best to answer all the questions received today as a follow-up after the event. I also want to let you all know that we have folks from City Bureau's Chicago Documenters program here reporting on this meeting City bureau's documenters attend public meetings like City Council meetings provide notes live tweet threads and multimedia reports on what happened and the decisions that are made it's an amazing public service and you can find all of this information about different meetings they've covered by going to City Bureau's website. Before we get to our panel I want to set the stage for the conversation and make sure we all have some basic understanding about the topic we will be discussing we're going to start off with some definitions about what land use zoning are why they matter and why MPC is hosting this event and then we'll jump into the panel. First, we'll start with land use broadly. Land use is how we experience a place it's everything you see around you when you walk outside is how different types of activities are spatially arranged in your neighborhoods and how these spaces are used by people. So it's the park that's nearby the house that's next to the road you have to cross and the store you go to examples of types of land use labels used in planning include categories like open space, residential, and commercial. This is similar to the categories used for zoning. The diagram on the slide shows how different types of uses can be next to each other. You can have different requirements for how the land is treated you can see this in the sizes of the buildings and the amount of space taken up on the parcel. However, these requirements



are ultimately determined by zoning. Which we'll move to now - zoning tells us what can be built and where it can be built. It includes a set of rules and regulations that sets the location of land uses in neighborhoods through the designation of zoning districts which as mentioned are similar categories to land uses like residential, commercial, industrial, open space, etc. Zoning says whether a location can be a park, business, home or other type of use. Zoning also controls the characteristics and aspects of development in the different districts. Districts like residential or commercial have requirements for things like the height of the building, the setback, the amount of lot area, the building can occupy and more. It prescribes the volume, shape and ultimately how dense a building can be. Density requirements are often included as the amount of floor area a building can have related to its parcel size. Building can have different numbers of stories and occupy a different amount of area but still be permitted so there is flexibility built into the standards. For example taken all together, this means that zoning determines the size of your house and the house next door whether the house can only have one family lived there or multiple families, whether there's parking and how much of it there is or as I'd like to think about it zoning equals the permitted land use plus the district's development characteristics plus density so when we talk about zoning we're not just talking about one thing but actually three different things.

Zoning includes the zoning code or ordinance, the zoning map and the zoning process. The zoning code is a set of written instructions that describe the different zoning districts and then the requirements for each one for example there are multiple residential districts which allow land uses that are housing related the code. It provides the district description the allow uses, size, and density standards and character standards. The zoning map is a spatial depiction. Literally it's a map of where the different districts and allowed land uses are located across a municipality. As you can see the districts are adjacent to each other and it's these spatial arrangements of uses that build the feeling of a neighborhood. The zoning process is comprised of the requirements for zoning policymaking and the people who make decisions and participate this policy. It includes things like proposing zoning changes to the code and map as well as the process for how and if community input is included in the decision-making for these changes, as well as who has the authority to make the decisions.

So let's say you are interested in opening a new pizza shop in a particular location. First you need to consult the zoning code to see what type of zoning district the pizza shop would fall in - probably either a business or a commercial district. Once you have that information you can check the map to see if the location you have in mind already includes that type of zoning. If not, then you would have a couple of options you could choose a different location that has the type of zoning or request to change the zoning. Changing the zoning would require you to start moving through the zoning process which can be different depending on the type of project and change that you are seeking. All in all the zoning would impact whether you could locate the pizza shop in your ideal location whether you could include residential on top of that pizza shop, how close your shop would come to the street, how much parking you would include, and, generally, the overall feel of what your shop would be like on the block. As you can see zoning and land use matter because combined, they shape people's everyday experience. It shapes the type of home you live in and what you live by. It can be the difference between living near other housing, a park, or places to go shopping. There are of course other aspects that impact people's neighborhoods and the built environment as a whole which include things like neighborhood and City level planning, market demand, and financing for development building, permitting and licensing and the enforcement of regulations that govern all of these things but zoning is one of the most direct ways that policy makers have to influence what gets built where and ultimately what neighborhoods look and feel like and the types of opportunities you can access. All of this is why MPC believes that zoning matters and why we started an initiative to take a step back and consider the impact that zoning is having on neighborhoods and people's lives through outcomes related to equity, sustainability and public health. Right now, it's unclear how much zoning itself is separately influencing these three priorities in the city of Chicago so MPC working with the Urban Institute to assess these impacts with the goal of developing recommendations for more Equitable Planning and Development processes with definitions for each of these priorities that were determined by stakeholders and partners who are helping to guide this assessment. We know that zoning was not created with equity in mind. At its core, zoning is a way of separating zoning laws that are often considered race neutral but were developed during a time period when zoning was viewed as a legal policy mechanism separate types of buildings and uses like keeping industrial uses separated from residential buildings but was also used as a way to segregate people by race, immigration status, and income following in the development of discriminatory policies like restrictive covenants and the passage of the Glavin Law that authorized municipalities to develop piecemeal zoning ordinances if property owners agreed. The first zoning code adopted in Chicago in was in 1923 used race and immigrant status as a key factor in how



parts of the code were created. Specifically, research suggests increased density and industrial uses were in black and immigrant communities with discrimination built into the code. From the beginning there really hasn't been a comprehensive understanding of if and how that is still playing out in Chicago. Questions also remain about how changes that have been made over time to zoning have altered these racist underpinnings.

The goal of MPC's research is to determine the public health, equity, and environmental impacts produced by Chicago zoning and related land practices and how outcomes differ across the city this brings us to why we were having this discussion today. As part of this work MPC wants to talk with fellow researchers and others who have spent a lot of time thinking about current zoning structures and impact on people cities states and other localities to consider what is working and what is not we're hoping that this conversation as well as others will inform our work and help to advance recommendations on how changes to zoning can be used to build more equitable, sustainable, and healthy communities. With that grounding - to our main event!

Today's discussion will feature Sara Bronin, Yonah Freemark, and Nolan Gray and will be moderated by Morgan Malone. Morgan is a social change leader and the executive director of City Bureau. I will let Morgan introduce herself formally along with the rest of the panel. Thank you!

MM: I'll be moderating today's conversation and I'm also the executive director of City Bureau. For anyone unfamiliar with City Bureau, we are a national civic information, civic journalism and democracy organization based in Bronzeville with affiliates across the country. Nineteen other cities we run a few programs in town. The Chi Documenters is the most prevalent where folks know that one where we go to public meetings and do government accountability and transparency and take notes so everyday citizens are building the public record and holding government accountable even at zoning meetings. We also do civic education through our public newsroom, seminars and we do journalism through our sustained impact newsroom and so super, super excited to be here with you all today and give the room for the other panelists to introduce themselves. When you introduce yourself if you could share a little bit more about the city you call home and how zoning has shaped your city.

YF: Well thank you so much for having me here today. My name is Yonah Freemark and I'm a researcher at an organization called the Urban Institute. It's a nonprofit nonpartisan research organization based in Washington DC and the work that I do at Urban is really focused on the intersection of land use policy and transportation policy. I try to find ways to integrate those two while thinking about advancing social and racial equity in our society so as Christina pointed out, I am working with MPC right now on a project related to zoning in Chicago and hopefully we'll be able to talk about some of those issues later today but you asked. You know how zoning influences perhaps the city where I live so I do live in Washington DC and you all might know Washington DC is sort of one of the most planned cities in America obviously was designed by Lon Pier Lon but zoning is continuing to play a very important role in the way the city builds for its future so I wanted to give one example which is caddy corner for my house on U Street for those who know the area there is a large very old police and fire station that's sort of a one-story building with a parking deck and over the past few years there's been a tremendous amount of community dialogue debate sometimes virulent disagreement about what to do with that fire in police station and a lot of that has involved a rezoning and I think that's an interesting example of how we can use zoning to have disagreements and perhaps advance a better society as we wish and actually just last week the zoning was changed for that site for a very large apartment building that's going to bring a lot more housing to my neighborhood.

SB: I'm Sara Bronin and I am so honored to be here with these two smart people - three smart people - who are going to enlighten you all about zoning and I'm really here to tag along. I'm a professor at Cornell University. I'm joined today by my colleague Dejon Williams who is a Geospatial Analyst at a project that I started called the National Zoning Atlas which aims to digitize and document zoning codes all over the country. If you haven't seen it, it's at zoningatlas.org and you'll see a giant hole where Chicago is supposed to be because we haven't started that project yet although we'd hope to. I grew up in Houston, Texas which is the largest - the only large city - in America at least so far that we found that does not have zoning. Just drawing from Christina's presentation as well, she noted that in the early days of zoning in Chicago, industrial uses were cited by areas where there were low-income and minority community members and the same is true in Houston in practice where I grew up a neighborhood called Galveston. I lived in an apartment multi-family housing complex that was right across the street, at least today, it is I'm sure it was back then gas station, a self-storage facility, a nightclub and you can bet



that those kinds of uses are as exciting as the nightclub might have been not necessarily located in the higher income areas in Houston which tended to use covenants and other land use controls to keep those kinds of things out in an unzoned city. The ability for that kind of sighting to occur was most - I guess you consider it an environmental justice community – the negative impacts of *no* zoning were most felt on those communities so I became interested in zoning having been around Houston endlessly and my parents Suburban because that's the only cars people drive in Houston. Going through architecture school and learning more about the rules that control our lives. I realized, wow this is really important so I'm glad you guys are all here today and I know the workshops this afternoon are going to be great too.

NG: Good morning. Thank you. Thanks so much to MPC for having me. It's a pleasure to be here with all of you. I think Sara and I basically have a road show at this point. This is the second panel we've been on in a few months. I'm Nolan Gray. I'm coming from California YIMBY, that's Yes In My Backyard. We're a state level housing advocacy group that's focused on making California an affordable place to live work and raise a family. I'm the Research Director over there. I also previously was a professional city planner. I'm coming from Los Angeles which is famously affordable and walkable. Of course in reality it's the opposite of those things and in many ways this is the result of a century of policies designed to impose one particular vision of what a city can and should look like and as a result I think Los Angeles was at the forefront of dealing with a lot of zoning issues that many other cities are now increasingly reckoning with. So it's an exciting urban laboratory to be in but I think it's also an example of some exciting solutions that are coming down the pipe that we'll talk about later on - so thank you.

MM: Thank you all! Prior to my time in City Bureau, I've spent the last 10 years in Economic Development and most recently as a commercial real estate developer with Michael Reese Hospital redevelopment. For those of you who live in Chicago and are aware. Some fun facts about Chicago, Chicago is 250 square miles. Two-thirds of the city is below Roosevelt [Rd] so when we think about people when people say the south side of the Chicago or the west side of Chicago that's basically *all* of Chicago 3/4 of the city is not getting things and so when we look at the two-thirds that are below Rosevelt Rd. The southeast side was where black people settled during the Great Migration. It is the only portion of the city east of the Dan Ryan and south of 21st St where the north/south thoroughfares are not commercial in mixed use with the exception of pockets of Cottage Grove and State Street. Everywhere else in the city – Ashland, Damen, Milwaukee - all of those are mixed use and commercial. Our mixed use and commercial opportunities are relegated to smaller east/west thoroughfares that also have much less density and zoning to ensure that the level of work. A level of commercial opportunity, is also really only amendable to small businesses. It can be really challenging to find parcels and pockets on the southside that allow for massive commercial redevelopment without also restructuring where we have housing - which obviously you all understand the impacts of that. So those are some of the things where we're still dealing with the impacts of zoning from 60 years ago 70 years ago 100 years ago and what that's really meant for today's ability that even make strides in quality of life and Commercial Redevelopment. So we're going to do a quick lightning round. When you all think about zoning, what are the outcomes you all believe we should be trying to achieve quickly?

YF: I think the outcomes I want to see from zoning are the same as the outcomes I want to see for every sort of public policy, which is advancing a more racially and socially, equitable society as I mentioned before. Also one where we have a more environmentally sustainable place

SB: I'll second that and double down on the environmental sustainability components. So if you think about how zoning. You just mentioned mixed land uses that in and of itself cuts down on our ability to - our need to rely on cars. Zoning for public transit, zoning for stormwater infrastructure/green infrastructure, zoning for trees - all of these different components. Zoning in Arizona: no Lawns or allowing rocks in yards and sand, you know there's a lot of course. Climate conditions that have to be taken into account but I think one area that's understudied in zoning is that area that intersects with environmental sustainability, I'll also say and I'm sure Nolan will say the same thing is that zoning needs to get to a point where housing is as of right where we negotiate all the rules before. Before an application gets to the table and we don't have public hearings when there's an application for housing. Housing needs to be facilitated through zoning.

NG: I agree with all that. I would say our priority is housing abundance and choice. Housing is the number one budget line item for basically every family. It's the single decision that can affect where you live, what sorts of opportunities you have, where your children can go to school, and so making sure that everybody has access to decent and affordable housing in the neighborhood where they would like to live.



MM: Nolan, I'm gonna bring it back to you we're talking about where we want to go but can you tell us more about the history of zoning and where we've been what should people understand about this work?

NG: Sure, yeah, so a quick crash course here and a very long history of which my co-panelists have written amazing stuff. So cities have been doing line use regulation basically since humankind started settling down - sometimes informally, many cases formally. So of course, before the rise of modern zoning we had rules about specific nuisance uses, slaughterhouses, tanneries, things like that. We have rules for height limits or setbacks, having to do with fire abatement but in the 20th century the way we approach these problems radically changes. I think there were two movements that ultimately merged to form modern zoning but first were folks who were concerned about just establishing some basic order in cities so making sure that you don't have these industrial or nuisance uses entering into certain neighborhoods and making sure that you had infrastructure to accommodate density. So in early 20th century Manhattan of course subway overcrowding is a very severe issue that requires a planning intervention. That's how you get ordinances like LA's 1908 kind of protozoning ordinance where they said we're going to establish exclusively residential districts and exclusively industrial districts. But another group you have is folks who are explicitly trying to segregate cities initially on the basis of race so cities like Louisville, Baltimore, and St Louis adopt explicitly racist zoning codes saying that whites can live here and Blacks can live. There and they claim that it's you know race neutral because the whites can't move into a black neighborhood or vice versa. In a rare moment of clarity on these issues the Supreme Court in 1917 said this is a bit too far. You can't actually explicitly segregate our cities. But in the aftermath of that what you get is a push to segregate cities not necessarily based on race, but on class, which of course has effectively the same outcome. That gets you, in many cases, the modern zoning rules that we have today. These two groups merge and that gives us modern zoning which is what we call Euclidian Zoning in the 19s and 20s. This system persists, and I would say just to cap off the story an important element of it is the postwar (post World War II) period a lot of these rules become a lot stricter. Many cases, more projects, become discretionary or they become politicized requiring extended reviews where city council is potentially approving them or not approving them. I think now we're at the endgame of a century of uh in some cases well-intentioned and some cases, malicious policies, that I think are not achieving the outcomes that we need and I think this is why this policy conversation is so, so important.

MM: Thank you. Now we always said we were trying something a little different with audience questions in the middle so we have a few. I'm going to start with a pre-event question: how can zoning be used to protect a community? Whoever would like to start.

YF: Well I think we should begin by asking what it means to protect a community. You know there are a lot of people out there who have a certain vision of the neighborhood that they moved into and want to maintain that vision and therefore will get in the way of change. You know I gave that example of that fire station in my neighborhood in DC and a lot of folks, a lot of my neighbors, actually came out in opposition to redevelopment of that fire station. Because they said our neighborhood is primarily a neighborhood of two to four story buildings and they don't want to see a 12 story or 16 story apartment building on a main street. From their opinion, protecting a community meant not allowing more housing to be built in that space. But other folks in the neighborhood, including myself, see protecting a community meaning allowing a diversity of people to live in there and maintaining the community as a place where people from all walks of life can actually be. And so I think this is actually a very weighted question because the idea of protecting a community is one that everyone brings up in conversations about zoning change and conversations about new development. And so we should be very careful to question what it means to protect a community before allowing people to get away with outcomes that may actually be unfair in terms of all allowing diversity and other positive outcomes to occur in your community.

NG: Yeah that's a that's a really good question. Just to add on that I think a trap that we fall into a lot certainly where I'm coming from in Los Angeles. We have this idea of protecting community character and we think of that in terms of the buildings and then of course as Sara can speak to in certain outstanding neighborhoods that's perfectly appropriate but I think actually what many people have in mind when they talk about protecting the community character is the actual people who can live there and so the trap that we've fallen into in a place like LA is we've kept the built environment exactly as it was. But, of course, if you do that in a context of rapidly increasing housing demand, the character the meaningful character the people who can live and work in that neighborhood is radically, radically changing so all across places like the coastal California we have



neighborhoods that haven't changed in 70 years but have become far wealthier become far less diverse and become not nearly the engines of opportunity that they once were. So that's one frame I would add to this I think that's important is that community is the people and not necessarily always the existing housing stock.

SB: Just on that word "character" I'll mention this coalition in Connecticut (Desegregate Connecticut) that pushed for zoning reforms and continues to do so. One of the things that they prioritize in a state law that passed was addressing this term character and the role in zoning decisions so check out that legislation HB 6107 that passed three years ago now Connecticut – do more.

YF: I'd actually like to just add one other thing which is that it is worth pointing out that of course there are some aspects of protecting a community that we should be advocating for. For example exposure to environmental injustice is a major concern in many communities of color, in many of our cities, throughout this country we have a disproportionate rate of people who are of color being exposed to toxic air pollution, toxic water pollution, etc. so if we can use zoning in a way to make sure that communities housing is not being exposed to those outcomes, I think you know that's an important policy objective to also be looking for.

MM: As we think about what it means to protect a community, for many people they talk about what does it mean to create diversity in housing stock, what does it mean to ensure that I'm protected based on affordable housing, but also we're hearing competing conversations around what it means to live in a live/work/play community. What does it mean to have diversity and assets in your neighborhood or 15-minute walkable community? And so one of the questions we've received is given the economic benefits of industrial and manufacturing benefits in terms of job creation and wealth building, how do we use zoning to protect industries as well as residents?

NG: That's an interesting question. So as some of you might know, Berkeley, abolished single family zoning yesterday. Berkeley is famous as being the first city to actually adopt single family zoning but an interesting quirk of the Berkeley case is that part of the reason why they adopted zoning was they were dealing with residential encroachment into industrial areas. Industries were as big of a nuisance to residents as residents were to industries because residents have a way of complaining. I think zoning at its best and what we're actually trying to achieve with land use regulation is to say okay there are genuinely some uses that are not compatible. And you have to have rules to separate them. And you have to have rules that don't get into a situation where every single issue has to be litigated on a complaint basis. And so you know, I think that that's an area where it can be perfectly reasonable now. It's a tough balance right? because I was a city planner in New York and in many cases New York had reserved huge portions of the city for a classic style of heavy industry that simply was not coming back to the city. And in many cases, it's taking transit-rich neighborhoods offline for mixed income multifamily and an office infill so you know it's unlike some of the things we're going to talk about here. That's actually a very case-based and nuanced conversation that it's going to be based on the local context and the local economic conditions.

SB: I'd think post-industrial cities in New England in particular are also grappling with rezoning these large tracks of heavy industry. Hartford, where I spent seven years as the Planning Commission chair, grappled with that. What we did there as you were just saying New York should do and it's in the process of doing some places maybe was rezoned. Most of those heavy industrial areas to allow for a broader mix of uses and to use a form base code one that influences building heights and sizes to try to create infill in those areas that matched or exceeded that that kind of density.

YF: You know it's interesting we're living through a fascinating period of American cities. We've seen a dramatic change in the way people work just over the course of all of our last five years you know. It's been remarkable to watch. That suggests that we need to rethink what it means to have separate spaces for work and for living. I think we you know it's interesting there's the obviously this very famous book by Jane Jacobs's [The Death and Life of Great American Cities](#) she has this whole section about non-noxious industrial uses in neighborhoods. She's talking about, I think, soap production or something of that sort. There's actually a lot of manufacturing - small scale manufacturing uses - like cooking, maybe producing soap, etc. that we should be thinking about as allowed in our residential neighborhoods. Obviously we need to be careful we shouldn't be allowing you know smoke belching into people's homes. But we should also be allowing people to have a little workshop if they want to have one.



SB: In Hartford we called that the craftsman industrial uses and so we define these and put them everywhere except for what would be considered a single-family type zoning so that craftsman industrial concept has to catch on more because people should be able to make things in cities.

MM: Thank you all for your audience questions. I have a ton of them so we're going to try to get through as many as we can today. I want to circle back to some other questions that we have prepared what does the research suggest with how zoning presents challenges and moving us towards equity, particularly with housing affordability.

SB: I'll start with that one and just mention a few things that we've learned so far in the National Zoning Atlas where we've done about 4,400 of the country's 30,000 zoning jurisdictions. Many of the those 4,400 are areas where we've identified that don't have zoning so like Houston. There's lots in New Mexico that doesn't have zoning. Hundreds of communities in Pennsylvania that don't have zoning. What does that say about land use regulations there? Actually comparing New Mexico to Arizona which is essentially a 100% zoned, why did that come about? It's that in and of itself is an interesting question. We're also finding though because of our methods which go district. Zoning district by zoning district and extract regulatory characteristics about housing units that are allowed, about minimum lot sizes, minimum parking requirements, heights, minimum unit sizes. This whole array of characteristics we've started to analyze metro areas. We had done Connecticut. The Connecticut Zoning Atlas was the first. It was completed in 2021 to inform the advocacy of that group (Desegregate Connecticut) but we've also done Phoenix, Jacksonville, New Orleans and sort of all these very interesting places but I want to call out one. Which is Denver, we just wrapped up the Denver Atlas. Denver metro area which is I don't know how many jurisdictions. Dejon, do you remember off the top of your head right now? We have three analysts on Denver and you know maybe it was let call it 80 or 100 jurisdictions. Across those jurisdictions in the Denver region we found that 96% of land in the metro area has 2-acre minimum zoning so I thought Connecticut was bad. Connecticut has 50% of residential land in the state with 2-acre minimum zoning that's more than a football field per house so if you think about that from an environmental perspective, from a cost perspective, and then in Denver you would think - oh these guys are so environmentally friendly. But we actually double checked all of that data to make sure that that was correct, it's alarming that we have communities like this and I think as we continue to research how zoning actually operates on the ground tied to the geospatial - you know this sort of the maps - themselves I think we're going to continue to learn a lot. But I thought those couple stats might be interesting and alarming.

YF: You know I actually want to bring up the work that we did together, Sara, looking at the zoning conditions across the state of Connecticut and going into the work which was essentially analyzing the relationship between zoning districts all across that state and the demographics of the neighborhood. I wasn't sure what to expect. I didn't know exactly what the outcomes would be but what we found was striking. Essentially all across the state, in the cities and the suburbs, there are extreme divergence between the demographics of neighborhoods where single-family houses are the only thing that's allowed. In neighborhoods, where you can build multifamily housing units those where multifamily housing units are allowed are far more diverse both from a race and a class perspective than those where only single-family housing units are allowed. What's interesting is that that occurs both at the statewide level and actually within cities themselves. So in a city like New Haven for example the single-family neighborhoods are considerably less diverse than those that allow for multifamily housing units to be built. So if we're worried about creating more integrated communities, places where people of all different backgrounds can live together, the structure of requiring enormous minimum lot sizes, requiring single family homes seems to be worsening matters.

SB: I'll just add that as other secondary research so that research focused on racial economic and social and household factors. The Zoning Atlas data is also being used right now for a project with the Regional Plan Association on sea level rise in the New York City metro area, a project with the Urban Institute. Some of your colleagues in Mobile, Alabama which is coming up and a project with the Federal Reserve board which will look more nationally at some of these issues. We are mining the data even as we're collecting it. I think we're going to continue to be alarmed or not, but I have to say, I kind of thought that what we found would be what we found - with having lived in Connecticut.

NG: I'll just say I think the research is fairly clear and becoming clear thanks to work by folks on this panel. The ability to decide what gets built where is the ability to determine who gets to live where. It's as simple as that and so if you have large portions of our city is off limits to apartments as your work has shown 75% of your typical American metro area all together illegal to build apartments. Or in some of the work I've done where in huge portions of even a relatively liberal land use contexts like Texas where you have large minimum lot sizes, you see clustering right at the minimum so we might have had smaller lot sizes that would have allowed for more moderate or lower income families to potentially move into those communities. That's your low hanging fruit and something that needs to be said at some point on this panel is zoning is necessary but not sufficient. There are a whole bunch of other factors that are shaping equity outcomes in our communities, but this is the lever that local governments can pull and they can remove these rules that by law say if you can't afford a home of at least this price you're not allowed to live here.

MM: Yeah and I think it's important to also tack on that while we're thinking about affordability and density the key here is: you can never get to this place of diversified income if you do not have density because you won't be able to attract the commercial investments to work in your community and so as you're consistently thinking a lot about like what does it mean to build equity and affordability? We want mixed income mixed use housing we need that level of density in order to do reinvestment in communities especially South and West here in Chicago and so as these conversations continue to arise on in Chicago on the South and West sides one of the critical conversations people are always asking is well what happens to the community? What happens to the people who are here that make this community desirable? Add to the culture which in a lot of ways is a commodity that we don't have zoning for people who want to engage with and what are we really thinking critically about when it comes to gentrification and community participation? Where are those touch points for community to be not just informed but engaged and involved in the process for design, the zoning, and community planning? What does the practice look like across the country? In my experience, here in Chicago, when you take the Michael Reese Hospital development and partnership with the Michael Reese Advisory Council which was about 30 people who were selected out of a pool of 280. We met three times a week with the city and the development team for eight months to design all of the zoning uses on the site, the design elements, the materials of the buildings, all of the where the alleys were, where the parking was. That is an anomaly not just for Chicago, but everywhere to be that intimately involved as basically a third-party negotiator with the developer and the city and having these meetings multiple times a week with experts from the City, experts from this Council and experts from the development team hashing out every detail. This was also a situation where outside of just engaging with the community for zoning. The community benefits were codified in the redevelopment agreement. There was no Community Benefits Agreement because the Redevelopment Agreement and the ability to use the parcels purchase the parcels at all were defined and governed by our ability to do community work. City Bureau has also put out a guide and the zine for communities on will that development benefit your community? It'll be helping people even navigate what is the information necessary to even know what a development process is, who's involved, and where are the potential touch points for community involvement. As we think about community participation and zoning we'd love to hear some more examples from you all in your experiences of what should zoning policy look like in partnership with community?

NG: Yeah, so, my view on community input and I think a lot of other planners are coming around to this is it's not a question of if but when and how. So the way we do community input today is often we sit around waiting for a developer to propose something. We have a public hearing at Tuesday at 10: a.m. Everybody comes and takes turns yelling and then the project either lives or dies based on political considerations. I would contend that that is *not planning*. A good friend of mine, Rick Cole, was on the Pasadena Planning Commission he introduced a resolution to rename it to the Reacting Commission. I don't think it passed in any case the places where I've seen public input be most productive is when it happens that the general plan or the comprehensive plan stage or the neighborhood plan stage - when you can actually take a big picture view you can put in the work you can get folks who don't normally come out to these public hearings. We know that the typical project based public hearing is disproportionately wealthy disproportionately white, disproportionately homeowner, you're not actually getting the full view of the community but when you do this work at the general plan of the comprehensive plan stage, you can do intercept surveys at the supermarket. You can do focus groups. You can actually pay people to come and sit and share their views. You can provide childcare and food and drinks. In places like Minneapolis for example where they made history by being the first first city to abolish single family zoning a few years ago. They achieved that by doing this work at the general plan stage and going out and getting a consensus and then subsequently



when projects came that complied with that vision you didn't have a big fight over every single project. In my mind that's a good vision of where we could go. Another example that I would flag for you is in many cities we have neighborhood councils or community councils. Sometimes they're public, sometimes they're private, but recognized by the city. In LA we have neighborhood councils but in New York City, we have community boards and in many cases we know that these committees are extremely unrepresentative of the communities that they claim to represent but they are given enormous difference and so what Raleigh did in recent years was they said hey we've got this exact problem of people are claiming to speak for our community but they're very unique slice of our community that's not representative. Let's take the money that we're giving to essentially NIMBY organizing committees and put that into genuine public process. Put that into reaching the average Raleigh resident and what they've seen is they found that actually views on what sorts of development and change people want to see in their community are quite different. I think in many cases much more sustainable and equitable.

SB: Just to add, I think the point about when the public engagement happens is important. I think California focuses a lot on plans and plans that lead to zoning regulations. I would also argue that the zoning reform process itself is an opportunity to do that identifying how maybe you rely on plans. Connecticut plans are pretty weak. They happen every 10 years and they're really sort of box checking exercises, but I do think that a zoning reform process too can help to say set the ground rules. Setting really with a goal of eliminating project by project public engagement. That said in those in those planning slash zoning sort of overall visioning and implementation meetings, I agree with the idea of paying a core of community members for their time and/or providing childcare and/or providing food at meetings. That is something that Minneapolis actually did pretty successfully and it provides a good road map for more involvement. I'll just mention a book called [Neighborhood Defenders](#) which documents the wealthiness, the whiteness, the maleness of land use decision-making bodies. Just from a numbers perspective they went through Massachusetts jurisdictions, I'm sure that holds true in many other communities around the country though.

YF: This is one of the hardest issues to deal with frankly in our communities. We can't tell people they can't be involved in the process of how the future of their community is going to look. Ee can't say you know we've already made the decision so you know this I was talking to this guy works for the alderman's office in the city and you know you're always going to have the neighbors calling up and saying hey why are you allowing this to be built? That that's probably okay. I think I generally agree with my panelists but I would add two separate things. One is I think we need a better culture in the United States of people running for office with a platform about how they want their community to change or stay at the same, in some cases. I think we need folks who are running for city council, running for mayor, etc. to say this is my vision for the community and when you vote for me this is the vision that I'm going to try to get done on this city council. This is something that we have a really hard time doing in the US I think in part because we have a really low turnout in our local elections and folks' platforms are not always as clearly described as they maybe should be. I've done a lot of research in France and one of the key cleavages between people running for office is often issues of Urban Development and I would love to see that in the US too because I think it could help get citizens involved in having a conversation about the future they want to see. The second thing I would say is you know in in Chicago, the vast majority of large projects go through the Planned Development process in part because it's often required for large buildings. This plan development process essentially requires community engagement as part of it. This has been sort of decided over the years by planning staff by alderpeople, etc. that this is just the way we do it. That if there's going to be a big project we're going to do a plan development process and it's going to be essentially a zoning change that involves public review and this is very cumbersome for the reason that my co-panelists have discussed. That said, I think there are other models to do these sorts of large developments so you pointed to one that I was really intrigued by learning more about at the Michael Reese Hospital site. I recently completed some research in Germany and was looking at large urban developments in the cities of Berlin, Frankfurt, and Munich and one of the things that they're doing there in Germany which I think is super cool is they're developing panels of experts to make, to essentially hold a jury about the type of urban development that will occur in the community. This panel includes members of the community and what they do is they bring in three teams of urban designers and then have them run a process of redesign three times for large urban development sites. What that process does is it allows a continuous dialogue over the course of a few months to say how do we want to see this site change over time and it allows iterations it allows conversations about what you want to see. I would love to see more experimentation with large urban development site planning and getting communities engaged in that process.



NG: As a white male who likes to speak too much of public hearings, I have one more comment to make there are two people who by definition will never have a voice in a lot of these public conversations: the person who was forced out of the community maybe because they were priced out or their home was taken from them and the person who doesn't yet live in the community but might like to in the future. I would say speaking to a room full of planners, I think those are the people who we have an extra ethical obligation to consider in our work and to speak for in our capacity as the experts in the room. The folks who by definition cannot be there but in many ways have a right to be there.

SB: Plus kids. Kids who don't drive. Kids who have a stake in the future of a community. One of the things that I really enjoyed doing as the Planning Commission chair was having conversations with kids. I've visited my kids classrooms with zoning maps. It's awful being my child but actually kids intuitively understand when you start talking to them about hey there's these rules like what happens in your neighborhood? Do you have to drive everywhere? They understand. Kids don't have a voice and you know I always keep that top of mind when I'm thinking about how do we think about our communities and the decisions that we're making now. That again you know Christina talked about affecting decades, decades into the future.

MM: Now on the flip side what happens when people disagree? You know as we think about zoning and communities the idea of what a community even is also means we're often not homogeneous in our thought patterns. So many of the design choices we're making day-to-day whether you're working in a department or you're living in a community we're designing our way into this world and we're designing our way into new solutions and those design choices are also informed by our personal biases. And so what happens when you want an equitable solution and people don't agree? In Chicago you get voted out good example of this for anyone who members his Alderman Arena. He attempted veterans housing at the six corners and affordable housing and his constituency followed him from meeting to meeting, fundraiser to fundraiser. They were waiting outside his home, everywhere he went and basically we're like we don't want this to be another Cabrini Green. We don't believe that the affordable housing you're doing for veterans is actually going to not bring crime or not bring any of these other adverse impacts that we believe. You voted out next time so when people don't agree to your equitable solutions, there also are real impacts on your ability to implement other equitable solutions. For you all: what happens if people don't agree with policy and planning that's equitable?

YF: Well you know I mean I personally think it's okay to be voted out, number one. You know that may not be the outcome that you or I would like to see but in my view that also suggests that that alder could have done a better job making the argument slash the community needs to be more informed about why affordability matters. That said I do think there are certain minimum standards we should require of communities that perhaps can be enforced by higher levels of government. So for example, if you have a situation where a certain community in the city of Chicago has no access to affordable housing - just because the members of that community don't want affordable housing doesn't necessarily mean that they should win out. For, you know, the reasons that Nolan and Sara both pointed out. That doesn't include a lot of people who might want to live in the community. It doesn't include youth in the community, etc. So from that perspective I think we should be asking our state governments perhaps city administrations in some case to determine what sort of policy goals they have in this case - achieving affordable housing. Then require communities to show how they're going to achieve that goal so in that area perhaps he should have been voted out if the community didn't want it, but the next Alderman should have to show how they're going to provide the affordable housing that their community needs to provide.

NG: I'll just reinforce something that I said previously which is the way we do public process right now centers and reinforces disagreement. Everybody taking their turns walking up to the microphone yelling at a commissioner or a planner. It's not how you achieve consensus and I think that many of the jurisdictions that I see making progress on this are exploring things like focus groups, surveys, stakeholder meetings where the goal is actually how do we get to a consensus, how do we get to yes, and not this ad hoc case by case what's everything wrong with this individual project?

SB: When wealthy people disagree with an outcome they go to court. As a law professor I teach land use property and historic preservation law. I also co-author this land use treatise that is this big on my shelf full of just actually citations two cases. Not even the cases themselves and it's this big. So in zoning the appeals process for a decision is often everywhere, in every state a court of law and there's a huge amount of



zoning litigation. I think that's probably a problem I mean just makes our treatise longer as more cases come out but in every state there's a state supreme court decision on zoning plus all the Superior Court Lower Court decisions so there are a ton of zoning cases. My professor Bob Ellixson called them garden variety zoning disputes, just because there's so many of the same kinds of disputes. I do think that's a problem too.

YF: Can I quickly ask you know as a lawyer how do we reduce the volume of that case load?

SB: Well actually there are a couple of places including Massachusetts that have land courts that have judges board to the land board of appeals have judges or administrative processes that are more informed about zoning than some of this general purpose judicial officials who are often deciding zoning cases. They might be deciding zoning on day and they might be deciding contracts the next day. There's dedicated appeals boards or courts might be a better way to go. Then also limiting the kinds of disputes that might go to court so right now any aggrieved in many cases - an aggrieved property owner or an aggrieved person that definition of aggrieved is defined very broadly. Well that's exactly how the Minneapolis lawsuit against the reforms that Nolan just talked about came about. People were aggrieved and they have passed the threshold for that and their court cases proceeding.

MM: I want to take us back to a few more audience questions. As we think about community participation of course for a lot of folks that brings up development without displacement and gentrification and so one of the questions we've received in a few different ways is gentrification inevitable? How can zoning be used to prevent displacement and a follow-up to that is how can we balance our desire to oppose segregation by race/class with our desire to encourage and preserve ethnic enclaves?

NG: Yeah that's a good question - you know our approach in California has been that part of the reason why there's so much housing pressure in our marginalized communities is that our wealthy, privileged, high opportunity communities have built basically no housing and part of rectifying that in addition to building deed restricted housing and affordable housing it's simply building more housing in those high opportunity neighborhoods so our most marginalized neighborhoods do not have to bear the full brunt of housing production. It's not an issue that we've solved in California but to my mind that's it's that's our end goal and that's our north star and that's what we're working toward.

SB: Some of the conversation about gentrification has involved a push back against the idea that Nolan just mentioned which is that more housing actually reduces pressures and for those of you in this room who are skeptical about that too. I encourage you to look at Vicky Beans's research Supply Skepticism and Supply Skepticism Revisited that just came out. It really aggregates a lot of the data that shows that that more housing just literally more housing units can actually help to ensure that rents remain low. People can stay in place. It's not the only thing but it is one thing that has been well researched and that needs to be set straight in conversations about gentrification.

YF: This is this is a huge issue for a lot of communities. I should say before I even respond about gentrification, you know in terms of neighborhood change many scholars have documented that impoverishment is actually a much greater problem in most American cities than gentrification which should raise alarm bells. It suggests that we're actually doing a bad job in a lot of communities giving people the ability to actually enjoy life in their community, to be able to live in their community. Some of the reasons that you described at the beginning of your conversation but I do think gentrification is something that we should be talking about and is something that we should come up with solutions to, though it is clear that it is hard to do so I agree that more housing and neighborhoods can play an important role. But I do want to be honest with this group which is that my personal assessment is that more housing in a neighborhood is not going to fully prevent gentrification from occurring in communities that are experiencing very high levels of gentrification. Neighborhoods that are experiencing that change and again this is not the majority of neighborhoods this is a certain small number of neighborhoods but those that are experiencing that that high level of change need other supports that can come in a variety of different forms so I can name a few. One is for example, protection for older apartment buildings from demolition so in some cases you have neighborhoods that have a zoning change. For example that allows for a large building to be built that gives developers the sort of incentive to buy smaller scale older apartment buildings demolish them and replace them with new units that can result in the direct displacement of people so I think we



need to be talking about are there protections for certain types of building stock that have units for very marginalized people. The second is are we ensuring that we have the funding and you know literal dollar support for folks who are most likely to be displaced if a gentrification process occurs. I think this can occur in many different ways. One is providing additional vouchers for people to afford housing in their neighborhoods. Another is the direct construction of subsidized affordable housing. Third is rent stabilization programs of a variety of different sorts. These can be undertaken in a variety of different ways but in gentrifying neighborhoods I think we should be thinking of those as complementary to zoning changes that can allow for additional housing to be built.

SB: As a preservationist, I'm delighted that you mentioned the preservation of existing affordable housing. Historic preservation much aligned sometimes - has some really important tools like that can be brought to this conversation including exactly that, when applied to affordable housing stock. I'll mention too there's a there's talk sometimes about inclusionary zoning which is the mandate that developers provide a certain number of affordable units. That has worked in some cities that has not always worked in other cities. Claudia Ager just did a summary of that and another NYU paper of how those work so if you're interested in that topic, I encourage you to check out that. I just like a research bot here. If you're interested, if you're out there online, you can you can Google this stuff and you pull it up for some future reading - light reading.

MM: Y'all gonna get me on a soap box. Y'all so I'm gonna try not to but I think there's a couple of things one just a nomenclature. Clarity for folks when you think about new construction and you hear people say Class A. That's literally what that means. Class B and anything else; it is what's already here. Class A is new construction so some says they're building Class A office space or they're building new or they're building new residential that is inherently going to be more expensive and so we really do need strong apparatuses within zoning for preservation to ensure that we're making renovations to what we already have versus tearing down what we already have to build something more expensive and new that claims a higher price. The other thing that I would add around gentrification is New Orleans is a very good example when people are talking about zoning. It's not just that it's not just how housing, it's also culture as a commodity. Everybody knows New Orleans nationwide. People love the music. They love the culture. They love the arts. They love the architecture. They love the colors and that was built on the backs of and with the design of the community that's currently there. So we don't currently have policies that think about what is the net return to communities for the building of culture that makes a place attractive to live and then how are we being critical about how we retain them? We should also thinking about that. And finally when we think about gentrification, the other piece that we're not talking about is cost of living. If there's anything I could ask you all to do today it is to go back to your elected official and talk about cost of living. Everyone talks about affordability and they're only talking about housing but the comprehensive expenses that a household has to pay to live all add up. Some people are paying the same that they're paying on housing for childcare or double and so when we really think about the cost of healthcare expenses, healthcare debt, student loans, credit cards, etc. we're talking about cost of living. If we do not have interventions for cost of living, it does not matter what zoning and housing interventions we have because people will not be able to afford to live there. We need to be having very critical conversations about affordability. A follow-up question for you all though is how do we get from NIMBY to YIMBY and how do you talk to your family and social networks about zoning and its impacts?

NG: Talking to your family? I'm gonna kick that one over to Sara. I mean I think this conversation to a certain extent is warped by the selection effect something we were getting at earlier is that a very small subset of population today is engaged in these conversations so like we say you go to a public hearing and you exclusively hear negativity but when we actually do opinion surveys and polls and we ask people hey would you be comfortable with more small scale, missing middle in your neighborhood? Would you be comfortable with more apartments over shops on your major corridors or around transit? It's pretty consistently if not a super majority popularity a clear majority popular with of course many people as usual saying "I don't know. Why are you asking me these weird questions?" but so one thing we can do is to just bring more people into the conversation, I think that's part of what's happened with the YIMBY movement was of course it starts with young professionals in a place like the Bay Area who for the first time in history are dealing with housing affordability problems that have been challenging for a variety of communities for decades but then I think better connecting with the range of different people who are negatively affected by the status quo and mobilizing coalitions, finding environmentalists who are like infill housing is good for the environment, finding racial equity groups who recognize that our zoning rules are rooted and attempts to segregate our cities, finding the actual affordable housing builders and the

market rate builders who are mission driven who are going to build a good product and who can actually be the professionals in the room and then of course the planners who can speak on this issue with authority so I would say you know convincing people is hard. I think in many cases when you're talking to people about these issues, you're talking to them about it for the first time one thing I found is effective is when I'm talking to folks I don't talk in terms of FAR, setbacks or PUDS that freaks people out understandably so or they have to go refill their drink or use the bathroom right when you're talking about zoning reform. Talk in terms of examples of forms of development that already exists in your community. Almost every city in America already has a mixed-use mixed-income neighborhood that was built before zoning would be illegal to build today that in many cases is cherished and in some cases in a historic district. We preserve it to the extent that it exists but then we say "but if you want to build new townhouses or if you want to build an apartment over shops today well we're going to put you through this long process." I think when you can take an elected official or a new commissioner or somebody engaging with these issues for the first time and show them - this is what we're talking about it's not scary something we did for hundreds of years and it's actually really nice and desirable then I think the gears start turning.

SB: Listen I mean talking to your family that's a tough one. As I mentioned I do talk to kids - sometimes my own kids - other kids. I actually use the Zoning Atlas too "you know you're from here we you can pull it up on my phone" it's not that successfully actually we need a better phone interface but you can do it and I actually wrote a book that's coming out in October that is actually aimed towards that lay person audience - What is zoning? Why does it matter to you? I'm hoping that's my way through the Zoning Atlas. through writing, through trying to communicate because there's so many ideas in my head it's hard to put it all out there. You know you have to ease into the setbacks. You have to ease into the plan development conversations. But once people understand, wow, there's this incredibly important invisible force that nobody interrogates in the vast majority of communities around the country. Chicago is an exception. You're all constantly having zoning conversations but that is not the case in most places around the country and

I hope that you know again Nolan's written a book too. It's called Arbitrary Lines. You should buy that book. I think all of us are trying to have those conversations on social media. Both Yonah and Nolan are extremely active in trying to communicate these zoning concepts in 180 characters - which you do very successfully. I think there's a lot of different strategies. I think the three of us are are trying to figure that out how to communicate about zoning to make people understand how important it is so that they can go and impact it. I also just say when we find and locate zoning codes all over the country. I mean you have a nightmare job finding GIS data and digitized data, we can't even find the text of the code sometimes. Sometimes they only give us paper copies. There are many jurisdictions around the country that have zoning codes dating back decades that have never been changed and never been looked at. In some cases that might be fine because are small towns, maybe rural towns with low population but in other cases especially suburbs in metro areas. We can definitely do better.

YF: You know I would just say quickly that Americans favorite tourist sites are Disney World and Disneyland which in my view are like walkable mixed-use, dense neighborhoods.

SF: It's in my book!

YF: I haven't gotten there yet. I didn't take it from you. I promise. You know I think that's there's an argument to make right - why do Americans love visiting those places? People clearly like those neighborhoods.

SB: The largest public transportation fleet in the country and it has gondolas and like all kinds of things right?

YF: And ferries and monorails and trains! It's wonderful.

MM: Thank you, thank you. I want to move on a little bit more to zoning reform. Can you all share some more examples of how zoning reform has played out in other cities/states/countries that we can learn from? Learn from including what's gone well and what has not.

YF: I can start. I think this is an area that I conduct a lot of research in trying to understand how effective zoning reform can be. I think the reality is we get a large range of outcomes based on the specifics of zoning change. The outcomes defer based on neighborhoods and based on cities that are affected by those changes. It would be dishonest to say something like we're passing a zoning change we're going to do an upzoning and we're going to



have a lot more housing construction and it's going to be affordable. That might happen in some places but that's not a universal outcome so the thing I like to say is that we need to think about zoning reform as something that is differentiated in terms of outcomes across different types of neighborhoods and that needs to be thought of as part of larger ecosystem of - for example housing affordability so I mentioned some of those other issues we discussed but fundamentally things like how much income do you have, often are more important in terms of whether you can afford a house than you know whether you change the zoning in my view. I'm not answering your question but I do think that being nuanced on this question is really important.

NG: I'll say a couple things on this I'd say first the ball begins in the court of local government. The way we've structured our system very unique actually internationally is local governments have extremely wide latitude in the zoning rules on the books and they can and should change these. A couple of exciting examples I would point to, in recent years cities like Minneapolis and Austin have undertaken a lot of zoning reform to allow for a lot more mid-rise multifamily on corridors in your transit. Incidentally those are two cities that relative to peers are actually seeing prices fall much more rapidly than some of their peer cities in part because of a big boom in housing production. Another example, I like and it's from Houston which doesn't have zoning but has a lot of zoning-like things in 1998 they lowered their citywide minimum lot size from 5,000 to 1,400 square feet and this has facilitated the construction of many tens of thousands of new townhouses and small lot homes that are I think a major factor in why Houston remains one of the most affordable cities purely on the affordability metric. There are a lot of good examples here and there - more and more every day. The second thing, I'll say though is California YIMBY particular our view is a lot of this has to happen at the state level. So something I see more and more across the country is you have great center cities that are doing a really positive reform but they only cover maybe 50 to 65% of their metro area and they're surrounded by dozens of other suburbs in the case of LA - 192 other jurisdictions other than LA proper and they're doing little to nothing except for in California what the state is requiring them to do. In many cases those very wealthy homogeneous jurisdictions they might never have a politics of zoning reform in a way that a city like Chicago or a city like Salt Lake City or a city like San Diego might. Our philosophy at California has been that we have to do some of this at the state level, not taking away zoning powers from local governments but putting guard rails around how they're administered. A couple successful things that we've done: I'll talk about some other states. Probably one of the most successful things we did in California was we established a Statewide Framework for Accessory Dwelling Units (ADUs). A lot of people don't know this but in 1982 California first tried to legalize ADUs statewide but they said okay every local government, you can write your own code whatever rules you like and if you really don't want to allow ADUs just write a book report about why your jurisdiction is special. Does anybody want to guess how many ADUs were built in a typical year in California? We're talking single digits to dozens in a bumper crop year. In 2017 the state said okay we're establishing a clear workable statewide framework to where our small local ADU builders and operators can build the same ADU in any jurisdiction in the state and what you've had is we're now approaching something like 100,000 ADUs built since 2017. That's a number in my opinion don't mean a lot. But that's 100,000 households that might now be able to have their aging parent or the young adult children live near them. That's 100,000 households that can rent out part of their home and collect income and maybe age in place. That's 100,000 people that households that potentially have a place to live so very important. I would look at that and I would flag too: it wasn't one bill that was passed and then we entered the promised land. It was we passed the law. We then played whackamole with jurisdictions trying to find ways to never allow an ADU - getting rid of things like minimum lot sizes, high parking requirements, owner occupancy mandates so zoning reform has been a process but you can get there. One in four homes built in Los Angeles in 2022 was an ADU, I mean that's pretty meaningful and of course we need to be building a lot more of all types of housing but that was state preemption done well. Now to Yonah's point exactly. They don't always work. We've also tried to legalize duplexes in small lot home statewide we didn't have it nearly as tightened and thought through as I think we'd hoped and that's not been successful but it's okay reform is a process. Another thing I would flag on this is I think one of the beautiful things about this issue at least at the state level where we have to have bipartisan coalitions is this issue still is not very partisan or polarized along ideological lines. You know I like the line - there's no Republican or Democratic way to pick up trash; there's something of a consensus now that we have a housing shortage. Republicans might talk about reform in terms of property rights and deregulation and Democrats might talk about reform in terms of equity and sustainability. What we've seen is States like California and Montana pursuing broadly the same policies uh and achieving outstanding results so another reform that's made a lot of progress has been the Live Local Act in Florida in a very, very radically different political context where they said okay you can build residential in all commercial areas as long as a portion of it is workforce housing and you get extra density and height relief.



They're already seeing many tens of thousands of new units come online. One last thing, I promise I've talked a lot about the substance of the rules here but equally important in California and other states has been reforming the process. It's all well and good to say that housing is legal but if it takes two years or six months and an environmental report and an endless litigation to get your permit it might as well not be legal. Some of the lowest hanging fruit here is to just establish shot clocks, have a predictable permitting process. If you've decided that a certain form of housing is good for your community when somebody comes in with a proposal permit it promptly and fairly and predictably. That's especially important for the small local builders who are building things like ADUs and permits where they might not have the money to have a planning consultant and an attorney on staff to help them navigate a difficult process. In places like San Jose California for example they have same day ADU permits. You come in with a pre-approved plan you can build an ADU in potentially weeks

MM: Nolan, you just really quickly you gave a couple of examples that the audience had follow-up questions on. I just want to quickly get to those. One of the questions is about ADUs specifically Chicago is considering special use approval for ADUs in some areas. Special use approval is for uses that have distinct and unusual adverse impacts what possible adverse impacts can at ADU have? And then directly related to Houston, if zoning reform is not the solution - what is the solution to equitable development and what lessons does this hold for cities with zoning for folks who are still struggling with affordability in communities of color. So Houston and ADUs.

NG: The second question is long and complex so I'm going to set that aside for a minute. ADUs first - I mean I think this is to be perfectly honest with you not to sound polyamorous about it but the sky has not fallen. I mean like I said we have ADUs basically being built everywhere in California. It's not every single home in California building an ADU. It's usually at most maybe one, maybe two on every block. We know that in many cases when ADUs don't provide off street parking, they almost always provide off street parking if it's feasible on the site but when they don't typically it's for a household that may be an aging senior or a student who doesn't have a car. I would say of course, I think when people get concerned about ADUs in many cases they might be concerned about short-term rentals and absentee landlords who are not maybe dealing with problem tenants. In California we reserve the right for local governments to regulate short-term rentals or ban them all together however they like. In jurisdictions where that's perceived to be a problem they retain the power to regulate that. I think that's a reasonable compromise.

YF: Can I actually jump in really quick on just the ADU question? We're just getting started on ADUs. ADUs may be the most successful zoning reform concept we have in the United States. I absolutely agree with Nolan they have been incredibly successful not just in California but also in cities like Portland, Seattle where you've seen this this go out. We've started to get some evidence collected about the impacts of these laws on their communities and frankly it's kind of a nothingburger, in a good way. Which is to say ADUs do not appear to increase the cost of housing in those neighborhoods. They don't increase the amount of traffic in the neighborhoods. They don't cause problems with parking and the density that is experienced in those areas appears to be positive for the communities so in my view ADUs if you're looking for an easy reform that can have really positive impacts at least based on the evidence we've seen so far. This is a great idea for Chicago.

SB: And it's good for historic preservation too. It helps people stay in their homes. I think there are a lot of equity benefits as well. I think the sort of different factors that the ADU debate has brought up in California - the lot size, minimum parking requirements, all these wack-a-mole things that that you looked at. I've called that "zoning by a thousand cuts". The same is true for duplexes and higher - any type of multifamily housing. That's why I shy away from this phrase "abolishing single family zoning" because that does not do it all. The number of units is just one part of the story and that's what we've been uncovering with the Zoning Atlas. A key part of the story is height caps - three stories for example is the average across Connecticut. Another big part of the story of course is minimum lot sizes because if you can only build one house in every two acres instead of 100 houses on those two acres that lot size necessarily limits the number of places that can be within a community. So I'll just you tag on to that I I'm happy to come back to the zoning reform strategy question if there's enough time for that.

MM: Yeah before we hop to the lightning round, I wanted to ask you to answer the question most specifically what are the most important types of reform strategies to pursue based on what we've learned and then if you have any other examples of what's gone well and what's not?



SB: Sure. So all the cuts. The sort of other factors - just pursue them. All of it and see where you can get. I just wanted go on the sort of strategies that worked or have worked I think or are working. I want to point folks to the Desegregate Connecticut website. I'm not involved with that organization. I handed it off a few years ago but one of the things that they've done I think very successfully is developed playbooks which are maybe 15-20 pages. One for elected officials and Zoning Board Representatives, one for advocates, one for applicants or maybe people who want to build housing. If you look at those playbooks I told folks when I was leading that group just plagiarize it cut and paste make it in your own format. You can use the Zoning Atlas outside of Connecticut and insert your own graphics. Those playbooks were really thought of in light of the messaging that needs to be done in at the local level, to make change that can also be applied to the state level but as Nolan pointed out there the state conversations at California YIMBY and Desegregate Connecticut which I have been involved in. They have to be complemented with local work so I encourage folk to check those out as literal playbooks for how to talk about certain things. Words to use, things to advocate for, I think that those still hold up pretty well. Unfortunately, there still a work in progress because reform is slow.

MM: Thank you Sara. In our lightning round, if you all could share what strategies should government pursue in tandem with reform and please also share examples of local policies that are currently in place to promote equity. I know that's a lot for a lightning but lightning for real.

NG: As an understudy of the great Donald Shoop, normally I would say parking reform but as I understand that's a sore subject in Chicago. You know price share on street parking, people manage it, do permits. So instead, I'll say building code. We've started to scratch the surface on zoning reform but we have a lot of building code rules that just don't allow us to build the infill that we need or that make it so costly that it never actually happens by that I mean requirements for second egress above three stories, requirements for extremely large elevators, that mean that many people just don't get an elevator at all, rules that require extreme amounts of fire abatement for projects that already are using materials that are fire abated, rules that force triplexes and fourplexes to be built to the same standards as large apartment buildings. There's a lot of material and building codes where we can make progress. Actually look at the science, learn from other countries and bring cost down.

SB: I would say transportation infrastructure policy. I think transportation is this next to zoning is the single biggest factor affecting our quality of life and how we interact with each other and how we interact with communities. We need to make it much harder to build highways and large roads. We need to make it much easier to invest in public transportation and sidewalks and biking and micromobility infrastructure. I have another job that I'm working on right now where I'm seeing just how much the federal government allows for and enables highways and our DOT is working really hard to reverse that (but at the state DOT level). At the federal level that the sort of like the impetus is really pushing towards car infrastructure and we need for people as people who care about our communities, we need to really identify all of the levers that we possibly can at all levels of government to try to figure out how to radically change that.

YF: Amen to that. I completely agree. I mean this is a huge issue in our society but if I would add one thing to the ideas that you all have both given which I agree with wholeheartedly it would be about the way we treat subsidized housing. I think we have an opportunity to give developers and owners of subsidized housing the ability to circumvent the zoning code. For example, some states allow that to a small degree but if we want to allow people with very low incomes or moderate incomes to live in communities all across our city. One option is to simply say if you are building a new project that is all or mostly subsidized housing for people in those income classes and it's going to be in a neighborhood of high opportunity, high incomes for example they should simply be able to ignore the zoning code and build that apartment building for people of low and moderate incomes. I think there's an opportunity. There it's an idea and I think it could radically change basically the integration of our neighborhoods across different income classes.

MM: Thank you, I'm sure you all have seen that I have like a hundred questions and so we're gonna get to these audience questions. I'm going to do my best to actually go through them so that way I can ask each of you couple of combo questions so we can try to get through it. I'm gonna start with Sara. Sara, how do you make maintain all those zoning codes keeping them up to date must be a challenge?



SB: Oh, luckily, we don't have to do any of that. We just take it at a date and time, at a point in time and we integrate it into the map. Local governments do have their own process for maintaining and updating the codes. We would like to have a process and we're working a bit with the American Planning Association to explore the possibility of them taking a role in helping us. We would like to have a process to have planners be able to update changes after we've done the baseline for their communities, that happen in their communities and we're also looking at technological means including web scraping and otherwise to get updates, which as you might infer from my comments about the lack of availability of zoning codes will be a tremendous challenge. So we're going to have to figure out how to crowdsource updates but first we have to in using our team of 21 people who work full-time at the National Zoning Atlas. First we have to get the baseline and we have to get that done right and so that's what we're working on now.

MM: One additional one: how do we use land and zoning to benefit our young people especially students who've been cheated out of good facilities?

SB: It sounds like a school district question and the intersection of zoning and schools. At the very core of that question is that many high performing schools are located in communities with exclusionary zoning. That is the hypothesis no one has really proven that yet. Using data like we have at the National Zoning Atlas but other research that I'm working on right now with the Cornell colleague Peter Rich will overlay school districts and zoning in probably a number of states and communities around the country to try to figure out zonings links to school quality. I think, like I said, if I was to make these predictions, I was thinking about our paper. You know my prediction is that we'll see exclusionary zoning large-lot-single-family-only zoning will correlate with the highest quality schools.

MM: Thank you. Nolan, what does oversight look like in cities that don't have zoning codes and are there ways to hold developers accountable?

NG: Yeah that's a really good question. We don't actually have too many examples. I think we have one which is Houston which is outstanding example. As I understand it looks a lot more like specific nuisance uses. So, for example, buffer requirements for specific problem uses so not having liquor serving businesses within so many feet of a school or residences adult oriented businesses. There are still many unincorporated parts of the country where you have these rules and rules for certain heavy uses as well. You know I think another thing that has sort of gone wrong with the way we approach land use planning is we try to regulate nuisances through the proxy of uses. I think folks say okay well, I wouldn't mind maybe a corner bar, a little corner neighborhood bar of course very common and popular in Chicago but I don't want this to turn into the nightclub that's doing trash and cigarettes butts all along my street and is blasting music until 3:00 a.m. I think that's a perfectly valid concern and I don't think most people are going to get bought into having mixed use communities again if they can't be confident that some of the nuisances that can come with certain uses aren't going to be abated. I think you know depending on how radical your reform vision is, I think we all agree that we have to do a better job of addressing the actual nuisances and issues that affect communities when they are mixed use and especially marginalized communities where complaints might just be ignored.

MM: Then one more question for you when we think about zoning issues in dense communities like Chicago, how do those differ from zoning in Lance areas like suburbs and rural areas? you gave a bunch of examples of places earlier but folks are asking for some clarity by geography.

NG: Yeah that's a really good question. I think this is where the reform agenda is going to vary a lot um so you know one way to think about this is to look at what are the things that folks are trying to build that would make a positive contribution to your community? What are the issues on which you're getting tons and tons of variances? In many suburban and rural communities for example it might be the case that your local builders can build a lot more homes on smaller lots that are going to be more affordable and use the land more efficiently. That's going to be the way that you add a lot more inherently affordable housing in suburbs and rural areas whereas in cities of course where everything's mostly built out. Your big opportunities are going to be larger scale multifamily developments on large commercial sites or on the occasional underdeveloped site so the strategy is going to vary a lot. I would say you know one of the things that we try to talk about is comps for cities, find the good comps, look at what other cities that are similarly situated to Chicago are doing and a happy fact about this issue is that



now there's these conversations happening all across the country. So there's a lot of case studies that I would suggest drawing from you know I know that of course similar conversations are happening in a place like New York which is very similar and that it's already fully built out and the question is how do we build up in a place that's already intensively developed and I think that's another exciting place to look but ideally I can go to New York next year and say "look at all the amazing stuff Chicago did you should be learning from them."

MM: Thank you and now you I'm going to start with you for our final question for today. What do you wish more people knew or understood about zoning? Do you have any literature or books that you've published that you'd like to share or any recommendations for what people should read well?

YF: I should say first of all unlike my colleagues I have not published a book maybe it's a sign I should publish a book as well. You know I think at Urban Institute (urban.org). We have mountains and mountains of research on this issue. I recommend you all visit our website, urban.org, where you can find out more about these policies and one particular feature that we developed is about zoning specifically. It's about learning about the way that zoning processes, zoning districts, etc. work and that may be helpful for folks who don't know as much about zoning as they maybe should.

SB: Well I guess I already mentioned my book and Nolan's book. I second the Urban Institute research pages, NYU Firman Center has great research I mentioned a few authors. There is a lot of really great zoning research out there right now. I'm very excited about the scholarly community that's developing around this. As well as the institutions that are investing in research so you know at the same time National Zoning Atlas. Oh gosh that's really you're really taking us out here.

MM: You guys are looking for more of a club vibe, you just had to say so.

SB: I mean I think there's a lot of really great publications out there but also the local journalists by the way who follow news stories in DC in zoning stories in DC it's greater Washington. I kind of applaud those journalists who take the time to really dig into zoning issues and keep the public informed so while not research technically that is often the beat of the community.

NG: There's one thing you take away from this talk you have to buy my book and Sara's book. That's the most important. Now in all seriousness, I think those are all great resources so I'll say you know just takeaway here. These moments come and go these windows for reform come and go. 10 years ago nobody was having a conversation about zoning and 10 years from now we might not be having a conversation about zoning. This is a window where dedicated professionals and activists can really move the ball and really make positive changes. I would say you know get connected up if you're a planning practitioner or developer. Find the communities that are advocating for the change and help them be the expert that in many cases they rely on to make effective requests or be the resource for your local elected official or your commissioner. In many cases they're overwhelmed and they rely on your expertise. This is an issue where again I just want to reiterate this is so important you know when I went to planning school, my planning law professor the great Stuart Mack made a joke that only two things are going to survive the apocalypse: cockroaches and single-family zoning. The idea that we would ever be reforming single family zoning or parking requirements was totally unthinkable and now it's almost like a matter of time when those issues are going to change so the discourse can change rapidly and the more work that you put in on this issue the more progress we can make. I hope folks will this room energized and ready to be leaders.

MM: I want to thank all of you for being here today and our esteemed panelists for sharing all this wisdom and being generous with their time. Let's give them a round of applause and now for the next step in our program, I'm going to turn it over to Kendra Freeman. Welcome!

KF: Thanks Morgan that was a really great discussion. I have so many things floating through my head right now. I also want to thank our panelists Sara and Nolan. Thanks for sharing your expertise and special shout out to Yonah who I had the pleasure of working with when I first started at MPC. We're super delighted to continue to work with the Urban Institute on this zoning assessment project. I think it is such an important issue and has such a profound impact on our cities and our communities as we learn this morning.



I'm Kendra Freeman and I am the vice president of programs and strategy for the Metropolitan Planning Council and as Christina mentioned earlier zoning and land use certainly impact how we experience the places that we live, the places that we work, and the places where we play. Zoning policy and policy making in general reflect our values for how we want to live how we access opportunities and have better voice in the process and to do so it's critical to understand how the type the type of zoning that we actually have in place and how that impacts health and sustainability and most importantly equity and there was just a few things that I wanted to share that I was taking away from today's conversation the first thing is that we need more responsive models of engagement to incorporate a broad range of voices especially people who are not typically at the table. Secondly we need to be proactive when proactive planning and participatory planning that pairs experts with lived experience of residents to build a shared vision and to iterate on models for implementation we also need cover at the city and the state level that holds city leaders accountable for standards of affordability for environmental safety to make sure we're balancing compatible uses but also support economic development for all neighborhoods. Finally, reform is not a magic bullet we also need to align transportation and housing policy and other policies with our vision for change so NPC's initiative is examining seven priority outcomes to determine the influence of zoning and we going to be making specific recommendations to help promote better planning and policy and we're excited about continuing that that journey over the next year or so with most of you in this room quite honestly and so most of you may also know there's an afternoon session that we're having so if you're staying for the afternoon session we have some specific instructions for what you need to do next. For those who are going to join us in the work session you should have a dot on your name tag so check your name tag if you register for the work session you'll have a dot there. You'll know you're going after we dismissed, you're going to proceed to the 11th floor there's some elevators out in the hallway and NPC staff will help direct you to those elevators we go up to the 11 we're going to be in room 11:15 am and you can check with MPC. Check in with MPC staff outside the room and they'll provide you with the materials needed for the workshop and give you directions for lunch so finally I just want to thank everyone for coming thanks for spending your morning with us again it was a great conversation thanks to all of us who joined our line if you want to continue to stay engaged with us around this work there is a QR code on screen.