

# Forbes

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I spot and scrutinize trends in urban policy.

[Washington](#)

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- The Downzoning Uprising and the Fight

Two years ago, in the neighborhoods just east of Flushing, Queens, a vocal chunk of city council voters had one issue on their minds: zoning. Downtown Flushing, one of the most [heavily trafficked](#) sections of the city, was booming, mostly with Chinese-American development. And the neighboring residential streets—the region where the city quietly stretches into Long Island—had begun to see a surge in businesses, mostly Korean. In response, many voters took up a staunch opposition to new development.

I thought of this anecdote when I saw this [good post](#) from Timothy Lee. In yet another entry in the urban density debate, Lee responds to Randal O’Toole, a policy analyst at the Cato Institute, and lists the merits of loosening zoning restrictions and tightening pro-density planning. O’Toole has long been [concerned](#) that any growth policies, smart or slow, are a form of cryptic government imposition.

But evidence from several cities suggests that, when it comes to zoning, urban residents do just the opposite—they wield government regulations to insulate themselves from urban densification. And city politicians, in setting policies, are often chained to anachronistic zoning codes.

The Flushing dispute has been raging for years, with the anti-development camp central to what the *Times* [called](#) a “downzoning uprising,” in 2005. For the residential, albeit incredibly diverse—it is Queens, after all—community, this is a fight to maintain its status as a bedroom community by capping building heights and restricting commercial space. A planning consultant, working then for a city councilman, framed the movement to the *Times* with strong language: “A very quiet, nontraditional type of revolution. I think it has changed the way that City Planning operates.”



## Flushing, Queens

(Pivotal to the Flushing ordeal was the spread of Korean churches, busy and untaxed plots of land, in the neighborhood. In fact, a great deal of urban land use disputes revolve around faith spaces: Opponents of the infamous “Ground Zero Mosque” hinged their [strategy](#) on the historic preservation of the proposed site. Zoning rules have been used to halt mosque developments [outside of Chicago](#) and in a [host of other cities and suburbs](#). Last year, I [reported](#) on the controversy of a new ultra-Orthodox development in central Brooklyn centered, ostensibly, around upzoning.)

Similar resistance has emerged across the entire city, where Mayor Bloomberg has aggressively rezoned [more than a fifth of its land](#). Last week, the city council [voted unanimously](#) to downzone a swath of Boerum Hill, Brooklyn. Prompted by the sting of the Atlantic Yards development, the neighborhood turned to downzoning, becoming the eighth brownstone Brooklyn pocket to do so in recent years. It was a move, the neighborhood association leader [told the \*Brooklyn Paper\*](#), “to keep Boerum Hill feeling like a small neighborhood.”

In many cities, residents lean on decades-old zoning codes to stave off market movements toward density. Lee’s home of Philadelphia is a prime example of a major city [clamoring to change its antiquated regulations](#):

In 2007, voters overwhelmingly approved a ballot measure calling on the city to rewrite the code. This led to the creation of the Zoning Code Commission, which has worked since to write a code that is less baffling and less political.

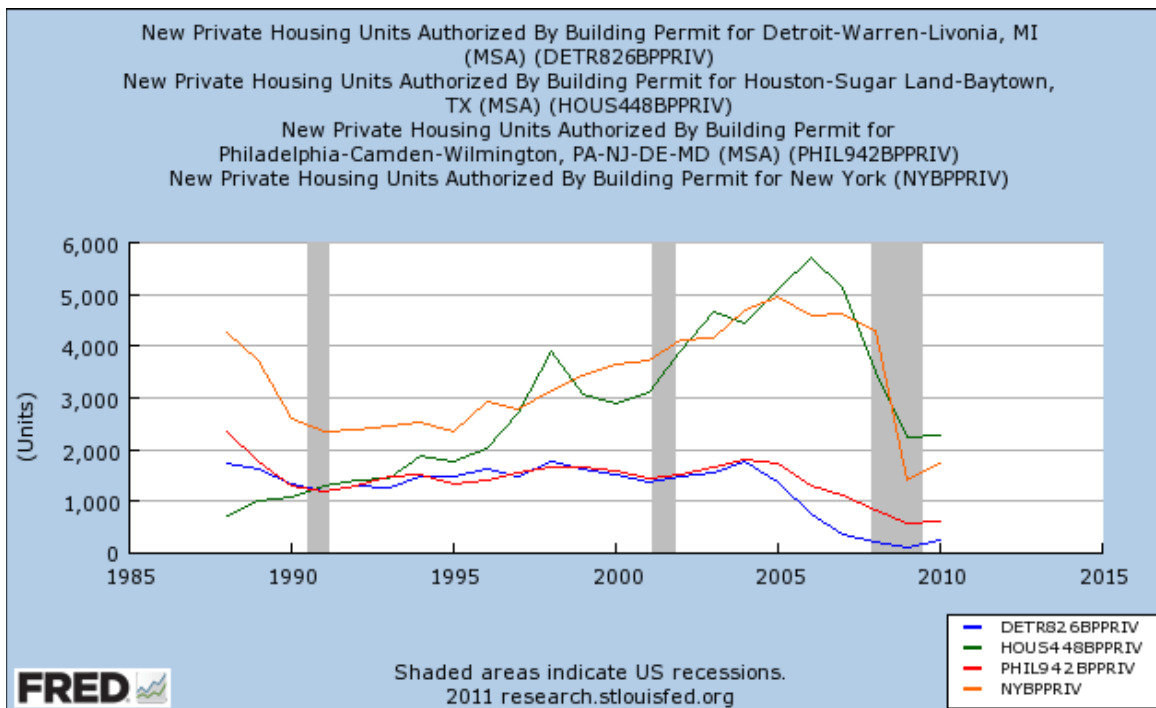
Council has been debating the new code and could vote on it this fall. But it could also delay the decision, possibly for years, laying waste to the thousands of hours of work

from the public and the commission. Getting special permission for development would then remain a major stumbling block to bringing new business to the city.

...The code has stymied developments that could have benefited the city. For example: Parts of Germantown, Fishtown and Kensington are still zoned “industrial,” though the industry there is long gone.

Four years later, the overhaul remains [uncertain](#). And a major obstacle to rewriting the code, which hasn’t changed significantly since 1962, is the benefit the status quo has for Philadelphia lawmakers. “Today’s zoning code has too many variances,” Alexander Balloon, a historic preservation consultant in the city told me, “leaving for a lot of dealmaking”

Economic figures suggest that inflexible zoning, while certainly not the only factor, did hold the city back. Below is the trend in permitted housing units, [a leading business cycle indicator](#), for the Philadelphia, Houston, New York and Detroit metro regions. The figures are presented annually:



In metro region populations, Philadelphia (5.7 million) is a notch below Houston (5.9 million), yet the Pennsylvania metro (the red line) was down with metro Detroit, a smaller, more economically disadvantaged region, in authorized housing permits.

Detroit has tried, rather infamously, to orchestrate density on of its underpopulated, dilapidated sprawl. It has, unsurprisingly, [met fierce resistance](#) from residents unwilling to relocate. The city may be an exemplar of O’Toole’s biggest fear—government forcing

people to live an undesirable way. But Detroit is the urban exemption, not the rule. And this concern, as Lee points out, baldly ignores the long history of government [strong-arming for suburban America](#).

It also ignores evidence emerging from cities. The land use measures that O'Toole opposes may, in fact, accelerate the kind of free market policies that he proposes. To fix traffic congestion, O'Toole [advocates](#) congestion pricing, a policy mechanism he has [supported](#) on [several occasions](#). New research, from the NYU planning researcher Zhan Guo, [discovers](#) that congestion pricing can work more efficiently in certain places.

And the cities where it would work best? Those with land-use planning to encourage density.

*Photo: [cc/minwoo](#)*