

As Challenges Mount For Cities, Localities Step Up Rezoning Efforts

By Dees Stribling

As intractable, existential problems like climate change and housing affordability worsen across the country, localities are deploying a tool that is both a building block of city planning and a flashpoint with a penchant for starting municipal spats.

Zoning reform is gaining popularity among cities large and small, even being floated and incentivized on state and federal levels. And although these efforts progress slowly and can be difficult to pass through legislative channels, they're increasingly viewed as a way to address the growing list of ingrained problems faced by American cities.

"One of the things that is very visible now is that we've been underproducing housing for a long time," Terwilliger Center for Housing Manager Fabiola Yurcisin said. "When we think about inclusivity and equitable access to opportunity, housing is at the center of that. That's why zoning is so important. Now it's being used to address a need that is visible in every single city."

Some places are undertaking comprehensive overhauls of decades-old zoning codes, while others are rewriting zoning piecemeal, making such changes as legalizing granny flats, dispensing with parking mandates for new development and allowing and encouraging higher density multifamily.

Zoning creates a framework for what can happen, Yurcisin said — about what is possible, and the range of what is possible through zoning has been expanding in recent years.

So far this year, 32 zoning reform efforts have been introduced in U.S. municipalities, according to the Zoning Reform Tracker, compiled by Berkeley University's Othering & Belonging Institute. Twenty-three such efforts were introduced in both 2020 and 2021 following a slow ramp-up that began in 2016.

And although data can't capture the motivations behind these efforts, anecdotal evidence suggests that they are pushing toward greater balance in a community, whether that means boosting housing affordability or protecting vulnerable populations from the effects of climate change.

"Some of the current approaches to zoning have created harmful effects, and those policies are slowly being overwritten by newer, more inclusive policies in a lot of jurisdictions across the country," Urban Land Institute Senior Manager, Urban Resilience Li Plass said.

"The ideas aren't always new, but they have trickled down into the public discourse," Plass said. "At public meetings — and this is me speaking from my experiences working with local government — people are using words like 'equitable' or 'equity,' terms that weren't in the public vernacular of zoning before."

One of those people is Colorado Gov. Jared Polis.

“Housing policy is economic policy. Housing policy is transportation policy. Housing policy is water policy. Housing policy is public health and equity policy,” Polis said during his State of the State address in January. “This means we need more flexible zoning to allow more housing, streamlined regulations that cut through red tape, expedited approval processes for projects like modular housing, sustainable development and more building in transit-oriented communities.”

Shortly after that speech Polis introduced what he called “the most ambitious land use policy changes in Colorado in about 40 years.” As part of the proposed overhaul, large cities like Denver, Colorado Springs and Boulder would have been subject to zoning reform with the goal of increasing density in the state’s most overtaxed housing markets.

Polis’ effort was eventually allowed to fizzle out as the legislative session ended, due in part to complaints from city-level politicians about state overreach into local affairs. But some of Colorado’s cities have enacted their own zoning reforms that also aim to improve housing access.

“We got to add a full floor to our project as a result of zoning changes,” Denver-based Urban Ventures President Susan Powers told Bisnow, referring to a recent collaboration with Warren Village to develop affordable housing.

“We were able to add an extra 15 units to a 100% affordable project,” Powers said. “I’m sure there are plenty of people who may not be too happy with the new zoning policy, but in terms of addressing a really critical need in the city, it’s the right public policy.”

Housing costs have inflated over more than a decade in Denver, with a report last month showing apartment rents in the city at \$1,899 per month, \$190 above the national average. Partially or entirely income-restricted housing projects are leased up immediately, with months-long waiting lists. Developers say that city policies are a big hurdle to timely construction completion and therefore keeping rents affordable.

One of the main benefits of the new policy, at least for developers, Powers said, is cutting approval and permitting times.

“We were one of their first test cases, got through rezoning in six months,” she said. “I’d like it to have been three months, but six is better than 18.”

Colorado isn’t alone in its quest to fix what ails it through zoning. Washington, North Carolina and Minnesota also have a host of rezoning efforts underway, according to Berkeley’s tracker.

And although housing regulation is usually considered a local issue, the federal government is also urging reconsideration of zoning regulations. The Biden administration’s 2022 Housing Supply Action Plan includes incentives for land use and zoning reform, rewarding jurisdictions with higher scores in several federal grant processes for making certain zoning updates.

The common thread seems to be modernizing outdated ideas of how cities should be structured and how to meet the challenges they face.

Zoning has never been a static concept, but it is also true that some zoning codes have changed little over the decades, solidifying older ideas of what a city should be, and making it more difficult to address the pressing challenges of affordability, sustainability and other 21st century issues.

Current zoning requirements promote development patterns that increase traffic congestion, contribute to air pollution, raise housing costs and prevent walkability, among other problems, the ULI report says.

Zoning often includes provisions such as minimum lot size requirements or square footage requirements, outright prohibitions on multifamily homes and limits on the height of buildings, many of which discourage density.

About three-quarters of land zoned for housing in major U.S. cities restricts development to single-family homes, according to ULI, a relic of city planning ideals past. Sprawling, low-density development contributes not only to rising housing costs, but to climate change as well.

“In the Bay Area, the average annual household carbon emissions for sprawling single-family development are 21 metric tons, but just 10 metric tons for compact, mixed-use multifamily development,” the report states.

Cambridge, Massachusetts, is among those cities looking to reduce emissions through zoning reform. The city has rules requiring certain developments to address “expected vulnerability of the development to the effects of climate change, including increased precipitation, flood risk, temperature, and urban heat island effect, and strategies to promote resiliency within individual building sites,” notes the ULI report.

Norfolk, Virginia, undertook a comprehensive zoning reform that “considered the risks of sea-level rise on the built environment, prioritizing flood risk mitigation as well as design flexibility to meet those challenges.” Under its new code, development must meet a “resilience quotient” that encompasses risk reduction, stormwater management and energy resilience.

U.S. Chamber of Commerce Chief Economist Curtis Dubay said the nationwide office space crisis is now a factor in zoning changes as well. For example, San Francisco Mayor London Breed proposed zoning rule changes earlier this year seeking to ease transitions from office to laboratory space.

“There's a growing realization that there will need to be changes in zoning and permitting regulations to allow cities to evolve,” Dubay said.