

## Research You Can Use

No one has done more to document and publicize the downside of ample free parking than UCLA professor Donald Shoup, FAICP (starting in 1978 and culminating in 2005 with his best-selling APA book, *The High Cost of Free Parking*). There aren't many planners who have fashioned a new state law as Shoup has done. He is the intellectual force behind California's parking cash-out program, which requires certain employers who subsidize parking for their workers to offer cash allowances in lieu of parking spaces. There are even fewer planners (one, to be exact) who have been called a "parking rock star" in media reports.

Now Shoup has applied his considerable analytic ability and writing skill to an entirely different subject: a zoning technique that allows higher density on larger sites. His article, "Graduated Density Zoning," appears in the September 2008 issue of the *Journal of Planning Education and Research*. (It's available on the web at [www.its.ucla.edu/shoup/GraduatedDensityZoning.pdf](http://www.its.ucla.edu/shoup/GraduatedDensityZoning.pdf).)

Shoup's case for graduated density zoning is based on the following logic. The first three points are undeniably true. The fourth may or may not be.

- In the wake of the Supreme Court's decision in *Kelo v. City of New London*, the exercise of eminent domain is dangerous politically or limited statutorily.
- Absent eminent domain, holdouts can thwart land assembly by large-scale developers.
- Graduated density zoning creates an incentive for property owners to sell their land voluntarily, since more square footage may be built on consolidated sites.
- Site consolidation leads to better development.

The article cites one example of graduated density zoning, in California's Simi Valley. In this case, zero lot line houses were built at a higher density than would have been allowed without land assembly. The development in question is pretty run-of-the-mill, leading me to wonder whether something more should be expected of developers in return for

## Graduated Density Zoning—The Danger of Generalizing from a Sample of One



Howard County used mixed use overlay zoning to develop the new urbanist community of Maple Lawn Farms (above). In Montgomery County, developers who provide additional amenities and infrastructure qualify for density bonuses. Shown below: the main retail spine of the Woodmont Triangle Area.



a density bonus. Shoup himself opens the door to additional conditions when he notes that the land value created by the bonus might be "more than enough to finance new infrastructure."

### Checking it out

I had heard that two counties in Maryland also promoted site assembly through their land development codes. So I decided to get the scoop from three planners: Uri Avin, FAICP, regional growth practice leader for PB PlaceMaking and former planning and zoning director of Howard County; Marsha McLaughlin, Howard County's current planning and zoning director; and John Carter, chief of community-based planning for Montgomery County.

It turns out that the site assembly-density bonus picture is much more complicated than I realized. Howard County has adopted corridor activity center zoning to promote redevelopment along U.S. Route 1. The zoning permits dense housing (25 units per acre), which is in high demand on sites of two acres or more. This is one incentive to consolidate parcels. But the zoning also requires 300 square feet of retail uses for every dwelling unit. This is another incentive

to consolidate, since it is difficult to mix uses on a small site. Zoning is a fundamental but crude tool when it comes to development design, so it's worth noting that the county has also established a design advisory panel made up of design professionals to review all corridor activity center projects for pedestrian-friendliness.

Howard County also encourages site assembly through another mechanism: mixed use development zoning. Using this system, developers can prepare plans for their own and neighboring sites. It's complicated, but it provides some incentive for neighbors to sell. In one example, the developer of the 500-acre new urbanist community of Maple Lawn Farms bought out the owners of two adjacent parcels, totalling 100 acres. But again, the end goal was mixed use development, not site assembly per se.

### Tit for tat

Until recently, Montgomery County was using incentive zoning to encourage the assembly of small lots in central business districts. The allowable floor area ratio was doubled so long as developments met a minimum lot size requirement of 22,000 square feet. Now, however, the county is lowering the requirement or eliminating it altogether. Any developer who is willing to provide additional amenities and infrastructure qualifies for a density bonus.

This generosity is in the spirit of Jane Jacobs, Allan Jacobs, and Donald Appleyard, who taught the planning profession that small-scale redevelopment is often preferable to large-scale urban renewal.

Now I'm left wondering whether bigger is necessarily better, and whether graduated density zoning by itself is such a good idea. It may take an added Howard County-like twist or a Montgomery County-inspired tweak to ensure the high-quality development Don Shoup posits.

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