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Smart Growth-Oriented Density and Parking Regulations

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When we talk about sprawl and smart growth, we usually talk about two separate issues: where we grow (that is, in suburbs or in cities) and how we grow (that is, through automobile dependent development or more pedestrian and transit friendly development). Let me start off by making it clear what this paper is primarily about: how we grow- that is, what can be done to make cities and suburbs more friendly to nondrivers.

Commentators who have written about how we grow have focused on government regulation that facilitates automobile-oriented sprawl. Historically, regulation has made America vehicle-dependent by separating houses from commerce, reducing density below what a free market would provide, and by forcing businesses to build seas of parking. Each of these regulations make Americans more automobile dependent. For example, zoning codes that restrict density reduce the number of people who can live on any given block, which in turn reduces the number of people who can live within walking distance of any given destination. Minimum parking requirements mean that to get to most apartments or shops, you have to walk across a sea of parking, thus making walking less convenient. So one logical way of achieving smarter growth (that is, more pedestrian friendly development) is to eliminate those regulations- to allow landowners to build less spread out neighborhoods with smaller parking lots, so that people can walk to stores and jobs more easily.

But this paper is NOT about such deregulation. Instead, it is about a few cities that have tried to regulate their way to smarter growth. In particular, the paper focuses on two types of regulations: maximum parking requirements and minimum density requirements.

First I'd like to discuss maximum parking requirements. But first let me give you a little background on parking minimums. Nearly every city requires minimum amounts of parking for most land uses. These regulations have a variety of impacts. First, they force landowners to subsidize driving by requiring them to spend money building parking spaces. These costs are usually not passed on to drivers, because these regulations artificially increase the supply of parking, bringing the market price down to zero. So instead we all pay an invisible parking sales tax which supports parking spaces for drivers. Second, these regulations reduce population density because land used for parking cannot be used for housing, shops or offices. As I mentioned earlier, regulations that reduce density reduce walkability; in addition, they reduce economic activity because land that is used for parking can't be used for more productive activities. Third, minimum parking requirements can degrade pedestrian environments because landowners often place required parking in front of buildings, which means you have to walk through a sea of parking to get anywhere in most of the United States.

Despite the drumbeat of scholarly criticism of these regulations, no city has completely abolished minimum parking requirements yet. However, a few cities have abolished them for a few zones of the city here and there (mostly near downtown).

Some cities have chosen to actually impose MAXIMUM parking requirements, rather than letting the market govern parking. This paper is about parking maxiumums. First, the paper discusses the frequency of such parking caps: how often do cities adopt them? Second, the paper discusses the pros and cons of these regulations.

In ascertaining how frequently cities create maximum parking requirements, I chose a sample of every city with a population of between half a million and a million: 24 cities in all. 15 of them have some sort of parking maximum: more than I expected. However, only three of them (Louisville, Fort Worth, and

San Francisco) have maximums for every part of a city. The first two, Louisville and Fort Worth, are car oriented cities where the maximums are only slightly less than the minimums. San Francisco is a more transit oriented city, and its regulations are too complex to summarize in a sound bite. 7 more cities impose maximums for some or all commercial uses; the rest impose parking maximums in only a few districts, usually near downtown or near transit stations, in places where one might expect fewer people to drive. In sum, maximum parking requirements are not all that rare, even though they are far from universal: the majority of cities impose them only for downtowns or not at all, but a healthy minority of cities impose them for a fairly wide range of commercial uses.

So are these regulations good or bad? On the positive side, these regulations may, by making parking less convenient, reduce driving; thus, they reduce the pollution and congestion associated with driving. On the other hand, if reducing the supply of parking is sufficiently successful, drivers may avoid the city and do their business in suburbs where parking is more plentiful and cheap. Which effect is more common? I am not sure; this is one possible avenue for further research. I have contacted planning staff in some cities with broad based parking maxima; my sense from a few emails here and there is that these requirements have not been particularly controversial, perhaps because they were not particularly strict. But in theory, there is still a possibility that a parking cap could be strict enough to have significant effects for good or ill.

The second type of regulation I'd like to talk about is density regulation. As I mentioned, nearly every city imposes minimum density regulations. These regulations harm walkability by limiting the amount of housing within walking distance of jobs, shops etc.

Smart growth opponents argue that the smart growth movement seeks to force Americans into higher density lifestyles. But in fact, minimum density laws are exceedingly rare. Of the 24 cities surveyed, only two have any sort of minimum density regulation.

San Jose, California has a wide variety of residential zones, and each zone has both a minimum density and a maximum density. However, these regulations are so lenient as to have little effect on urban form. In the city's single-family residential zone, San Jose allows between one and eight units per acre. Since most commentators say at least eight units per acre is necessary for regular bus service to be economical, San Jose is hardly forcing people into more urban lifestyles.

Portland, Oregon also has minimum and maximum densities for each zone; in most zones, minimum densities are two-thirds the amount of maximum densities. But Portland too has very low density zones; for example, the city has one zone where the maximum density is one house every two acres, and the minimum density is even less- hardly mandatory urbanism.

If cities did have stricter minimum density requirements, would that be a good thing? On the one hand, more density means more compact development, which means less driving and thus less pollution. In addition, more density (at least up to a point) might mean less expensive public services, because if a city sprawls, more infrastructure must be built.

On the other hand, if a city requires more density than landowners are in fact willing to build, nothing will get built, as development moves to more permissive suburbs – obviously an absurd result. Given the permissive of regulation in San Jose and Portland, it seems unlikely that this has occurred- but it could occur in theory.

Some commentators argue that Oregon law increases density in a different way, through urban growth boundaries limiting development of exurban land. These regulations are controversial for different reasons; many commentators argue that they have increased housing prices. However, their impact on density is quite limited: the city of Portland has about 5000 people per square mile, about one-third the density of San Francisco and one-fifteenth that of Manhattan.

In sum, cities in theory can mandate smart growth through limiting parking and increasing density: it is pretty clear that they have done some of the former and not very much of the latter. Whether these policies have been successful is an issue for further research.