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How City Hall Causes Sprawl - A Case Study

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Books Reviewed

***189** HOW CITY HALL CAUSES SPRAWL: A CASE STUDY –
A REVIEW ESSAY BY **MICHAEL LEWYN** OF
ATLANTA: RACE, CLASS AND URBAN EXPANSION BY LARRY KEATING: TEMPLE
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Michael Lewyn [\[FN1\]](#)

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INTRODUCTION: SEGREGATION AND POLLUTION IN SPRAWL CITY

Journalists and scholars have repeatedly termed Atlanta "sprawl's poster child," [\[FN1\]](#) because the inequality, [\[FN2\]](#) urban decay, [\[FN3\]](#) and air pollution [\[FN4\]](#) commonly associated with suburban sprawl [\[FN5\]](#) have reached extreme forms in Atlanta. For example:

- While Atlanta's suburbs have grown explosively, the city of Atlanta has actually lost population in recent decades. ***190** Metropolitan Atlanta's population grew by over 80% between 1980 and 2000, [\[FN6\]](#) but the city of Atlanta is actually less populated than it was in 1980, [\[FN7\]](#) and it has lost over half its 1960 white population. [\[FN8\]](#) The city's depopulation has been accompanied by poverty: while only 6.7% of the region's households earn less than \$10,000 per year, [\[FN9\]](#) 17% of city households do so. [\[FN10\]](#)
- As jobs have followed people to suburbia, Atlanta's central business district has stagnated while its suburban employment centers have grown. In 1966, downtown Atlanta contained more than two-thirds of public, corporate and private office space in the Atlanta region. [\[FN11\]](#) By 1997, just 13.3% of regional private office space was located in downtown Atlanta. [\[FN12\]](#) The predominantly white [\[FN13\]](#) northern suburbs contain all but one of the region's suburban office submarkets, 65.9% of regional research-and-development office space, and 52% of regional employment. [\[FN14\]](#) In recent decades, much of downtown Atlanta has been virtually empty at night: [\[FN15\]](#) in the words of travel ***191** writer Arthur Frommer, "a graveyard, a scene of death and desolation, a nullity." [\[FN16\]](#)
- The dominance of suburbia has, in turn, increased automobile dependency, because suburban office buildings are often spaced so far apart that walking between them (or between the office buildings and any other form of land use) is extremely difficult. [\[FN17\]](#) For example, one suburban commercial district, the Roswell/Alpharetta submarket, spreads less than a fifth as much office space as is contained in Atlanta's central business district over a linear distance seven times as great. [\[FN18\]](#)
- The suburban job market is inaccessible to the predominantly African-American, non-driving poor of the inner city. Because Atlanta-area jobs have moved to suburbs, [\[FN19\]](#) where public transit is minimal, [\[FN20\]](#) they are virtually inaccessible to non-drivers. Thirty-nine percent of all black households in Atlanta do not have access to cars, [\[FN21\]](#) and in 2000, only 34% of the region's jobs were within a one-hour public transit ride of low-income urban neighborhoods. [\[FN22\]](#) Income inequality between white and black neighborhoods has exploded: in 1950, the median family income for predominantly white census tracts was just over twice the figure for black census tracts, while the white census tract/black census tract income ratio had increased to 5.28 in 1990. [\[FN23\]](#)
- Atlantans drive further distances than most other Americans, causing pollution that substantially endangers public health. In ***192** 2000, the average Atlantan drove 33.8

miles per day, about 50% more than the national average for residents of large metropolitan areas. [FN24] Atlanta's auto dependency has contributed to the region's air pollution. In both 2000 and 2001, Greater Atlanta had higher levels of ozone (a pollutant partially caused by automobile fumes) [FN25] than all but five other American metropolitan areas. [FN26] Between 1998 and 2000, metropolitan Atlanta's most polluted county experienced 86 days on which ozone levels were at levels unhealthy for groups especially sensitive to pollution [FN27] (such as "children, the elderly, and those with chronic lung disease" [FN28]), and 31 days on which the air was unhealthy for the community as a whole. [FN29]

Some commentators have blamed suburban sprawl on decisions made by federal and state governments, [FN30] while others assert that sprawl merely expresses consumer preferences. [FN31] But in Atlanta: Race, Class and *193 Urban Expansion, Larry Keating, a professor of city planning at the Georgia Institute of Technology, [FN32] focuses on a third factor: municipal incompetence. This essay generally endorses Keating's view that local governments have contributed to Atlanta's problems, [FN33] but suggests that Keating has insufficiently described the relationship between zoning laws and Atlanta's sprawl, and has failed to fully discuss some effects of this sprawl, such as crime and inferior public education.

I. ATLANTA'S REIGN OF ERROR

Keating focuses his analysis on the city of Atlanta's highway policies, on ill-conceived mass transit and zoning policies, and on the city's imprudent urban renewal policies.

A. The Highway Fiasco

Throughout America, state and federal governments have accelerated suburban sprawl by building highways in rural areas and suburbs. [FN34] Highways facilitate access to suburban and rural land, thus making such land more appealing to developers and prospective residents. [FN35] As Keating points out, Atlanta politicians have been just as enthusiastic about sprawl-creating highways as their state and federal counterparts. As early as 1946, consultants hired by Atlanta's business leaders issued a report that urged the area's local governments to finance *194 a network of expressways radiating outward from downtown Atlanta to its suburbs. [FN36] Business leaders believed that the highways would make downtown Atlanta more prosperous by facilitating access to downtown from the suburbs and from the city's outskirts. [FN37] With the support of Atlanta politicians including Mayor William Hartsfield, the highways opened in the late 1950s. [FN38]

As early as the 1960s, this first generation of expressways facilitated massive "white flight" [FN39] to suburbia: the city lost over 60,000 whites between 1960 and 1970. [FN40] Emigrants to suburbia also followed the expressways, moving up I-75 (one of the city's north-south expressways) and I-85 (the other north-south expressway) [FN41] to Cobb, DeKalb and Gwinnett Counties. [FN42] Keating points out that, additionally, at this time the city lost industrial jobs to suburban areas along the expressways. [FN43] In 1961 Hartsfield retired [FN44] and was replaced by Ivan Allen Jr., a prominent member of Atlanta's downtown business elite. [FN45] Before starting his campaign for mayor, Allen pledged that continued highway construction would be one of the city's major redevelopment objectives. [FN46] As promised, I-285 (known to most Atlantans as "the Perimeter"), a *195 highway encircling the city, opened in 1969. [FN47] Like Atlanta's first generation of expressways, I-285 dispersed Atlantans to suburbia. [FN48] By 1995, almost 38 million square feet of office space had sprung up on and beyond the Perimeter, more than twice the amount remaining in downtown Atlanta. [FN49] Three of metropolitan Atlanta's major commercial districts are along the Perimeter. [FN50] By the 1980s, expressway-generated sprawl had eviscerated Atlanta's core. Between 1970 and 1980, the city of Atlanta lost 70,000 people, [FN51] as both people and jobs moved to the suburbs along I-75, I-85 and I-285. [FN52] In addition to luring the middle class to suburbia, the expressways had turned downtown Atlanta into a wasteland of parking lots and off-ramps. According to one estimate, 50% of downtown land was

engulfed by a tidal wave of expressways, streets and parking, and "hundreds of acres were consumed by interchanges" on the fringes of downtown. [FN53] Despite these emerging problems, city politicians refused to change course. Keating describes how, in the 1980s, business interests in Buckhead (a commercial district six miles north of downtown and within the city limits) [FN54] lobbied for Georgia 400, [FN55] an expressway that would link Buckhead with a suburban highway of the same name [FN56] and with I-285. [FN57] Just as Atlanta's downtown elite had once believed that highways would facilitate downtown commerce by making downtown more accessible *196 from Atlanta's suburbs, [FN58] Buckhead businesspeople believed that highways would aid Buckhead's commerce by making Buckhead more accessible to suburbanites. [FN59] Some business leaders also admitted that such "highways to the suburbs made them less dependent on an increasingly black city-workforce." [FN60] Nevertheless, the Atlanta City Council approved the highway in 1989, [FN61] and the Georgia 400 extension opened in 1993. [FN62] Keating asserts that, like earlier highways, the Georgia 400 extension appears to have created a new generation of sprawl: the Roswell/Alpharetta suburban office submarket, built entirely during the 1990s, now encompasses more than 9 million square feet of office space along 10 miles of Georgia 400. [FN63] Suburbs served by Georgia 400 experienced enormous residential growth as well: between 1990 and 2000, Roswell's population increased by nearly 60%, and Alpharetta's population nearly tripled, [FN64] while the city of Atlanta's population increased by just 5%, [FN65] only partially reversing the city's losses in the 1970s and 1980s. [FN66] For over 50 years, Atlanta's politicians, with business support, followed the same strategy: build road after road after road to link city and suburb. [FN67] Keating points out that instead of encouraging suburbanites to work in the city, these roads encouraged urbanites to move their businesses and families to the suburbs, turning Atlanta into (in the words *197 of one local newspaper columnist) "the incredible shrinking city" [FN68] with a "largely vacant" [FN69] downtown. The highways also reduced transit ridership and increased Atlantans' dependence on automobiles, by encouraging Atlantans to move to suburbs with minimal or nonexistent public transit. [FN70]

B. The Transit and Zoning Debacles

Keating next discusses the ways in which Atlanta's local government leaders' development of a mass transit system and related zoning regulations further contributed to sprawl. Although Atlanta's business and political leaders favored highways, they also sought to expand public transit. As early as 1954, a regional planning commission suggested that the city would need an expanded public transit system "within a few years." [FN71] In 1960, Ivan Allen, who was president of the Atlanta Chamber of Commerce at that time, announced that a rapid transit system would be part of his redevelopment program. [FN72] In 1961, a regional planning commission recommended a fixed-rail system that would connect the city with five suburban counties (Fulton, [FN73] DeKalb, [FN74] Cobb, Gwinnett, and Clayton). [FN75] Two counties (Fulton and DeKalb Counties) approved construction in a 1971 referendum, [FN76] and construction of the rail system began shortly thereafter. [FN77]

The Metropolitan Atlanta Rapid Transit Authority ("MARTA") has been only a qualified success. On the positive side, transit plays a significant role in downtown commuting: 28.6% of downtown work trips involve public transit. [FN78] But service to Atlanta's suburbs has been a *198 tougher nut to crack. Of the five suburban counties that were originally slated for MARTA service (Fulton, DeKalb, Cobb, Gwinnett and Clayton), three (Cobb, Gwinnett, and Clayton) refused MARTA service, [FN79] and until 2001 two of the five (Clayton and Gwinnett) still had no public transit whatsoever. [FN80] Not surprisingly, only 4% of commuters in the Atlanta region use public transit to get to work. [FN81] In other words, MARTA adequately serves downtown Atlanta but is of little value in most of Atlanta's suburbs.

Keating suggests that rapid rail was doomed to fail because of Atlanta's low population density. [FN82] He reasons: "only where there are significant concentrations of both

residences and jobs does a rail system attract enough riders to justify the initial investment Atlanta, having experienced most of its growth during the automobile era, is a low-density city with widely dispersed residences and jobs." [\[FN83\]](#) Although MARTA planners were aware of this problem, they argued that Atlanta and its suburbs could create density (and thus increase rail ridership) by using zoning regulations to encourage development within walking distance of its stations and rail lines. [\[FN84\]](#) Shortly after the passage of the *199 1971 referendum authorizing rail service, the city hired consultants to rewrite the city's zoning ordinance to shift high-density development to areas immediately surrounding rail stations. [\[FN85\]](#) But Atlanta's business community (which, ironically, had supported creation of the rail system), [\[FN86\]](#) sabotaged that system by mounting an intensive campaign to defeat the proposed zoning changes, eventually persuading the City Council to pass a watered-down ordinance which permitted high-density development in areas far from rail stations. [\[FN87\]](#) As a result of these anti-transit zoning policies, the rail system has not attracted as much compact development around stations as it could have. Because fewer people live or work within walking distance of MARTA stations than would have been the case had zoning codes been more favorable, ridership is lower than it could have been, which, in turn, means that Atlanta continues to be an automobile-oriented city. [\[FN88\]](#) Keating describes the way in which this pattern was repeated in Atlanta's northern suburbs. In the late 1980s, MARTA directors decided to extend its rail service into the northern suburbs, especially the commercial district in the north-central section of I-285. [\[FN89\]](#) Charles Loudermilk, chairman of the MARTA Board of Directors, endorsed the new rail line on the ground that "we need to get the unemployed people in the city's core out to where the jobs are" [\[FN90\]](#)-an argument that would have made sense had suburban jobs been concentrated near rail stations. However, suburban municipalities made the same mistake that the city of Atlanta made a few years earlier: they were willing to throw taxpayers' money at a rail line, but were unwilling to concentrate commerce or housing along the rail corridors. [\[FN91\]](#) As a result, suburban MARTA stations are miles away from most office buildings. [\[FN92\]](#) Thus, MARTA's ability to bring city residents to suburban jobs is quite limited. [\[FN93\]](#)

***200** C. The Redevelopment Fiasco(s)

The Atlanta city government has repeatedly sought to revitalize the city through a variety of "redevelopment" schemes, including expressways, a civic center, and a convention center. These projects have failed to stem downtown's long-term decline, [\[FN94\]](#) and, as Keating points out, have in fact been counterproductive, spurring white flight from the city of Atlanta while failing to revitalize the city's central business district.

1. Destruction of Urban Neighborhoods

Some of Atlanta's redevelopment projects have been highly disruptive to neighborhoods surrounding downtown Atlanta, particularly impacting low-income, minority communities. For example, when consultants hired at the behest of Atlanta business leaders planned the first Atlanta-area expressways in the 1940s, they could have minimized highway-related neighborhood destruction by routing the highways through industrial districts. [\[FN95\]](#) Instead, they proposed that the city raze portions of several low-income, mostly African-American, neighborhoods. [\[FN96\]](#) For example, the city's north-south expressway cut through the middle of Auburn Avenue, historically the city's major black commercial district. [\[FN97\]](#) According to Keating, business leaders wished to "remove as many poor blacks from the downtown area as possible . . . [and] create a buffer between the [central business district] and the remaining portions of those neighborhoods." [\[FN98\]](#) After the first expressways were built, the city used federal "urban renewal" [\[FN99\]](#) funds to clear land for redevelopment on both sides of the city's north-south expressway. [\[FN100\]](#) The combination of highway construction and urban *201 renewal eliminated half of one low-income white neighborhood and portions of several poor black neighborhoods. [\[FN101\]](#) Similarly, in the early 1960s, the city spent \$9 million [\[FN102\]](#) to raze Buttermilk

Bottoms (a low-income neighborhood northeast of downtown) [FN103] in order to build a civic center. [FN104]

A further example of this racially-motivated destruction of neighborhoods was a late 1960's initiative to make Atlanta a major destination for conventions. Downtown business leaders persuaded the state government to subsidize a convention center [FN105] on the western edge of downtown. [FN106] In order to isolate conventioners from low-income blacks, the city destroyed low-income neighborhoods surrounding the site of the convention center. [FN107] Indeed, Atlanta politicians may have been too successful at isolating conventioners: Keating points out that because the convention center is at the western edge of downtown Atlanta, conventioners do not find it tremendously convenient to walk from the center to the heart of the central business district, thus making downtown Atlanta even more vacant than it would otherwise be. [FN108]

2. How Urban Renewal Caused "White Flight"

Atlanta's urban renewal and expressway programs displaced about 67,000- 75,000 people [FN109] in about 20,000 households, [FN110] which is over 20% of the city's 1950 population [FN111] and includes more than half the city's black population. [FN112] Yet the city's housing authority only built 4,762 *202 potential replacement housing units. Thus, between 14,000 and 17,000 households were forced to move but did not receive replacement housing. [FN113] Instead of moving to housing projects on the city's fringes, Keating observes, displaced low-income blacks quickly moved into other areas near downtown, [FN114] spurring "white flight" from those neighborhoods. [FN115] In the words of former city planning director Leon Eplan: "A neighborhood was redeveloped and its residents moved to an adjoining neighborhood and then those people moved to the next All social organization was destroyed." [FN116]

By the 1970s, after decades of "redevelopment" designed to displace blacks from downtown Atlanta and nearby neighborhoods, downtown Atlanta was nevertheless ringed by black neighborhoods. [FN117] The same pattern exists today: according to the 2000 Census, the neighborhoods closest to Atlanta's central business district are three-quarters black [FN118] and are generally low-income. [FN119] The city's program of ethnic cleansing was thus as fruitless as it was racist. Indeed, the city's policies appear to have spurred white flight to suburbia by displacing low-income blacks, and thus encouraging them to move into then-white neighborhoods.

II. UNADDRESSED ISSUES

Although Keating has correctly identified some of the major causes of Atlanta's sprawl-induced decline, he neglected to discuss other important factors. Most importantly, although Keating emphasizes that Atlanta and its suburbs did not effectively use their zoning codes to increase transit ridership, he could have devoted more attention to the municipal zoning codes that actually reduced transit ridership by lowering *203 population densities. Keating does mention that rather than trusting the free market, some Atlanta suburbs have used their zoning codes to dictate low density. For example, Cobb County prohibits apartments with over 12 units per acre, even though garden apartments in other areas typically have densities as high as 20 units per acre. [FN120] Similar zoning restrictions increase the size of single-family homes. Even within the city of Atlanta, zoning laws require homes in some areas to be on two acres of land. [FN121] Fulton County has established a minimum lot size of two acres for portions of the county, and Cobb County has followed suit. [FN122] Such restrictions appear to have limited the supply of small-lot housing: the average lot size of a single family home in metro Atlanta is 0.78 acres, more than three times that of Dallas, Houston, Phoenix or Tampa. [FN123] Keating points out that such zoning restrictions raise the cost of housing and thus enforce racial and class segregation by keeping inexpensive housing out of affluent neighborhoods, [FN124] but he fails to point out that Atlanta-area zoning laws, by reducing density, also reduce the number of people who live near streets served by bus and rail stops, which in turn reduces transit ridership. [FN125] Such restrictions are not limited to neighborhoods with minimal transit service. For example, the area near

MARTA's Indian Creek rail station in DeKalb County is zoned solely for single-family homes. [\[FN126\]](#) Similarly, Sandy Springs, an unincorporated area bordering Atlanta, [\[FN127\]](#) has three MARTA rail ***204** stations [\[FN128\]](#) - yet Fulton County policy generally bans new apartments in Sandy Springs. [\[FN129\]](#) Even office space near MARTA stations can be controversial. For example, in 2001 a developer asked Fulton County to rezone land across the street from a Sandy Springs MARTA station for offices and retail space. In response to anti-density complaints from nearby homeowners, the county ordered the developer to reduce the amount of office space involved by two-thirds. [\[FN130\]](#) Keating's analysis of Atlanta local government's failed policies would have been strengthened by a discussion of how these anti-density policies further exacerbated the effects of sprawl. Furthermore, because Keating focuses on a few key issues, he gives relatively short shrift to urban problems that are less obviously related to redevelopment policy, such as Atlanta's "disturbingly high crime rate" [\[FN131\]](#) and its "inferior public school system." [\[FN132\]](#) These problems, however, have been at least partially caused by the blunders discussed above. By encouraging middle-class flight to suburbia, the city's highway and urban renewal policies caused the city of Atlanta to become poorer than its suburban neighbors. [\[FN133\]](#) Low-income cities and neighborhoods tend to have more street crime. [\[FN134\]](#) Such areas also have less prestigious schools, because children from low-income households tend to be less prepared for school and thus less likely to achieve academically. [\[FN135\]](#) Moreover, low-income cities also have smaller tax bases, which may affect their ***205** educational systems. [\[FN136\]](#) So by encouraging middle-class migration to suburbia, Atlanta's mistakes also led to high crime and inferior schools.

CONCLUSION

All too often, cities have been viewed as helpless victims of sprawl or as obsolete institutions unable to withstand market forces. Keating shows that in metropolitan Atlanta, local governments' own decisions contributed to auto-dependent suburban sprawl, through municipal support for sprawl-creating highways, ineffective public transit and zoning policies, and redevelopment policies that destabilized urban neighborhoods and spurred migration to suburbia. It has been argued that "[g]overnment had tried to control the pattern of development in metropolitan Atlanta, and for the most part, it had failed." [\[FN137\]](#) In fact, Atlanta-area governments have tried to control the pattern of development, by mandating anti-density, anti-transit land use rules--and have in fact succeeded in dictating that pattern of development.

Although Keating does not set out a comprehensive reform agenda, his book nevertheless gives guidance to the next generation of municipal leaders, both in Atlanta and in other cities wishing to avoid Atlanta's problems. If Atlantans dislike the status quo, they must reverse course: they must fight sprawl-producing highways, allow (or even encourage) developers to concentrate residences and jobs in areas served by public transit, and avoid civic projects that disrupt and displace urban communities.

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[\[FN1\]](#). Robert D. Bullard et al. The [Costs and Consequences of Suburban Sprawl: The Case of Metro Atlanta](#), 17 Ga. St. U. L. Rev. 935, 942 (2001) (terming metropolitan Atlanta "The Sprawl Poster Child"); Arthur C. Nelson, [New Kid in Town: the Georgia Regional Transportation Authority and its Role in Managing Growth in Metropolitan Georgia](#), 35 Wake Forest L. Rev. 625, 626 (2000) ("Metropolitan Atlanta has become the 'poster child' for urban sprawl"); Brad Smith, Housing Study Criticizes Movement to Limit Sprawl, Tampa Trib., July 8, 2001, at 1; cf. George Galster et al., Wrestling Sprawl To The Ground: Defining and Measuring an Elusive Concept, 12 Housing Pol'y Debate 681, 706 (2001) (using numerous quantitative measurements to show that Atlanta is in fact more "sprawling" than other metropolitan areas).

[FN2]. Larry Keating, Atlanta: Race, Class and Urban Expansion 34 (2001) (asserting that the "suburbanization of jobs aggravated black unemployment"); **Michael Lewyn, Suburban Sprawl: Not Just An Environmental Issue**, 84 Marq. L. Rev. 301, 364-65 (2000) (asserting that growth of auto-dominant suburbs increases welfare dependency among carless poor).

[FN3]. Lewyn, *supra* note 2, at 301 (noting that "[s]ome central cities have been devastated by sprawl").

[FN4]. Roberta F. Mann, The (Not So) Little House on the Prairie: The Hidden Costs of the Home Mortgage Interest Deduction, 32 Ariz. St. L.J. 1347, 1373-74 (2000) (sprawl causes air pollution and congestion by increasing car use and thus emissions of pollutants from cars).

[FN5]. See William W. Buzbee, Sprawl's Dynamics: A Comparative Institutional Analysis Critique, 35 Wake Forest L. Rev. 509, 510 (2000) (defining sprawl as a "dispersed, low-density, metropolitan area form, where the metropolitan area's growth occurs principally on the urban periphery...Sprawling urban forms typically are car dependent and include dispersed single family homes and substantial distances between residential, business and retail areas").

[FN6]. U.S. Census Bureau, U.S. Commerce Dep't., Statistical Abstract of the United States 31 (121st ed. 2001.), <http://www.census.gov/prod/www/statistical-abstract-01.html> [hereinafter 2001 Abstract] (area had just over 2.2 million residents in 1980 approximately over 4.1 million in 2000).

[FN7]. *Id.* at 35 (city had 495,000 residents in 1970, 425,000 in 1980, and 416,000 in 2000). However, the latter figure is an improvement over the city's 1990 nadir of 394,000 residents. *Id.*

[FN8]. The city of Atlanta had just over 300,000 white residents in 1960, and only 138,400 whites in 2000. See Bureau of the Census, U.S. Census of Population and Housing: 1960 at 14 (1962) (city of Atlanta included 266,186 whites in Fulton County and 34,449 in DeKalb County, for total of 300,635); 2001 Abstract, *supra* note 7, at 38 (2000 statistics). Since 1970, blacks have begun to move to Atlanta's suburbs as well. See Sheryll D. Cashin, Middle-Class Black Suburbs and the State of Integration: A Post-Integrationist Vision for Metropolitan America, 860 Cornell L. Rev. 729, 741-42 (2001) (in 1990, 64% of Atlanta-area blacks lived in suburbs, as opposed to 25% in 1970).

[FN9]. U.S. Census Bureau, U.S. Commerce Dep't., Census 2000 Demographic Profiles, Atlanta, GA MSA, 3, at <http://censtats.census.gov/data/GA/390130520.pdf> [hereinafter Metro Profile].

[FN10]. U.S. Census Bureau, U.S. Commerce Dep't., Census 2000 Demographic Profiles, Atlanta, GA, 3, at <http://censtats.census.gov/data/GA/1601304000.pdf> [hereinafter City Profile].

[FN11]. See Keating, *supra* note 2, at 15.

[FN12]. *Id.* The rest of the city suffered from sprawl too: in 1980, 40% of the region's jobs were within the city of Atlanta-but in 1997, less than 20% of the region's jobs were located within the city limits. See Bullard et al. *supra* note 1, at 945.

[FN13]. See Perspective, The Dynamics of Change, Atlanta J. Const., Sept. 19, 1993, at

G3 (northern suburbs contain 18% of region's black population and 70% of whites, while southern suburbs contain only 28% of whites and 43% of blacks).

[FN14]. See Keating, *supra* note 2, at 24.

[FN15]. *Id.* at 89, 109. Downtown Atlanta rebounded to some extent in the 1990s. For example, downtown's residential population increased by over 20% during the 1990s, to a still-anemic 0.6% of regional population. See Rebecca R. Sohmer & Robert E. Lang, *Downtown Rebound*, Fannie Mae Foundation Census Note, 5-6 (2001), <http://www.brookings.edu/dybdocroot/es/urban/census/downtownrebound.pdf>.

[FN16]. Frederick Allen, *Atlanta Rising* 231 (1996).

[FN17]. See Keating, *supra* note 2, at 21.

[FN18]. See Keating, *supra* note 2, at 22. Residential densities are also extremely low in suburban Atlanta. See Wendell Cox, *Demographia: U.S. Urbanized Areas*, at <http://www.demographia.com/dm-uas.htm> (last visited Dec. 20, 2002) (suburban Atlanta has only 1754 people per square mile, 36.2% below U.S. metropolitan area average). Atlanta's low density makes jobs less accessible to nondrivers because as residences and businesses "are spread farther apart, fewer people can walk short distances to bus and train stops." **Michael Lewyn**, [*Campaign of Sabotage: Big Government's War Against Public Transportation*](#), 26 *Colum. J. Envtl. L.* 259, 285 (2001).

[FN19]. See Bullard et al., *supra* note 1 at 945 (less than 20% of region's jobs in city of Atlanta).

[FN20]. See Keating, *supra* note 2, at 8 ("Adequate public transportation does not extend to the northern suburbs, so many poor blacks who do not own cars find it difficult to reach jobs in these outlying districts"); Lewyn, *supra* note 2, at 348 (noting that as of 2000, Gwinnett County, an Atlanta suburb with over half a million residents, had no public transit whatsoever).

[FN21]. See Keating, *supra* note 2, at 8.

[FN22]. Wendell Cox, *A Common-Sense Approach to Transportation in the Atlanta Region* Ch. 2, at <http://www.gppf.org/pubs/projects/transportation/transportation.htm> (last updated April 11, 2002).

[FN23]. See Keating, *supra* note 2, at 39.

[FN24]. Fed. Highway Admin., U.S. Dep't. of Transp. Highway Statistics Table HM-72 (2000), at <http://www.fhwa.dot.gov/ohim/hs00/hm72r2.htm> (last visited Dec. 20, 2002) (national average for metro areas over 500,000 persons was 22.8 miles per day). Only three large metropolitan areas (Houston, Nashville, and Birmingham) had more vehicle miles traveled per person than Atlanta. *Id.*

[FN25]. See Bullard et al. *supra* note 1, at 971 n.192 (ozone caused by volatile organic compounds and nitrogen oxide, common components of car exhaust).

[FN26]. See American Lung Association, *State of the Air 2002 Report* 7 (2002), <http://www.lungusa.org/air2001> [hereinafter *State of the Air*] (metropolitan Atlanta had the sixth worst ozone air pollution in America in both 2002 and 2001).

[FN27]. *Id.* Tables 4, 5 (labeling such days "Orange" days).

[FN28]. Id. at 1. Ozone causes asthma attacks and other respiratory illnesses in children, id. at 19, and increases the susceptibility of the elderly to influenza, pneumonia, and other infections. Id. at 20. Atlanta's air quality improvements during the 1996 Olympics suggest that Atlanta's high ozone levels are closely related to auto use: during the 1996 Summer Olympics, motor vehicle use declined, transit use increased, and emergency room visits by children for asthma dropped by more than forty percent. See Oliver A. Pollard, [Smart Growth & Sustainable Transportation: Can We Get There From Here?](#), 29 *Fordham Urb. L.J.* 1529, 1556 (2002).

[FN29]. State of the Air, supra note 26, Tables 4, 5 (labeling such days "Red" and "Purple" days). "Red" days are "unhealthy" for the general public, and "Purple" days are "very unhealthy." Id. at 20. In 1998-2000, Fulton County had 22 "Red" days and 9 "Purple" days. Id. at 8-9.

[FN30]. See, e.g., Kevin J. Klesh, [Urban Sprawl: Can The "Transportation Equity" Movement And Federal Transportation Policy Break Down Barriers To Regional Solutions?](#), 7 *Env'tl. Law.* 649, 656 (2001) (federal General Accounting Office has "highlighted" federal policies causing sprawl, including highway-oriented transportation policies); Lewyn, supra note 2, at 305-29 (discussing pro-sprawl federal policies, but also emphasizing state pro-sprawl policies; for example, state education laws encouraged middle-class families to move to suburbs by requiring children to attend school in locality of residence).

[FN31]. See, e.g., Mark S. Davies, [Understanding Sprawl: Lessons from Architecture for Legal Scholars](#), 99 *Mich. L. Rev.* 1520, 1525-26 (2001) (reviewing Andres Duany et al., *Suburban Nation, the Rise of Sprawl and the Decline of the American Dream* (2000)) ("the desire to live in a [suburban] home has overcome the well-known disadvantages caused by sprawl's reliance on the car"); Michael J. Stewart, [Growth and Its Implications: An Evaluation of Tennessee's Growth Management Plan](#), 67 *Tenn. L. Rev.* 983, 994 (2000) ("defenders of sprawl assert that sprawl is a result of people's preferences: Suburban sprawl exists because Americans want to live in these types of developments.").

[FN32]. Walter F. Roche, Jr., *Federal Program Has Caused Angst Amid Hope*, Balt. Sun, Sept. 24, 2001, at 4A (describing Keating's credentials, and quoting his views on public housing); David Goldberg, *Boom & Doom*, Atlanta J. Const., Jan. 20, 2002 at F1 (describing Keating's credentials, and quoting his views on *The City In Mind*, by James Howard Kunstler).

[FN33]. This is not to deny, however, that state and federal government policies have also contributed to suburban sprawl and urban decline. See Lewyn, supra note 2, at 305-29 (focusing on state and federal pro-sprawl policies, including massive highway spending, educational policies that contributed to urban schools' unpopularity with middle-class families, and housing policies that encouraged sprawl); Allen, supra note 16, at 143-44 (suggesting that city's compliance with federal desegregation requirements spurred white flight from city of Atlanta); Keating, supra note 2, at 195-96 (describing Georgia Department of Transportation as "the single entity with the most far-reaching power and influence" over Georgia development, because "its constant expansions of the region's highway system disperse new development and...largely determine where that development will occur.")

[FN34]. See supra note 33, infra note 35.

[FN35]. See Mann, supra note 4, at 1378 n.185 (federal General Accounting Office admits that "interstate highways improved access to developable land on the edge of metropolitan areas, supporting [suburban] sprawl development"); Klesh, supra note 30,

at 656 (quoting General Accounting Office, Rep. No. GAO/RCED -99-87, Community Development: Extent of Federal Influence on "Urban Sprawl" is Unclear 10 (1999).) ("experts and much of the research agree that federal spending by the Department of Transportation and for the Interstate Highway System...supported the expansion of metropolitan areas by increasing access to suburban locations").

[FN36]. See Keating, *supra* note 2, at 91; Clarence N. Stone, *Regime Politics: Governing Atlanta, 1946-88* 32-33 (University Press of Kansas 1989).

[FN37]. See Keating, *supra* note 2, at 91 (transportation plan intended "to improve access to the city's central business district"); Stone, *supra* note 36, at 32 (to "preserve the central business district as a hub of economic activity...business leaders concluded, it would be necessary to link downtown with the suburbs by means of expressways").

[FN38]. See Allen, *supra* note 16, at 32-33, 69.

[FN39]. I use the term "white flight" because in the 1960s Atlantans who moved to suburbia were in fact disproportionately white. See Stone, *supra* note 36, at 77 (city lost whites during 1960s); Allen, *supra* note 16, at 163 (city gained blacks while losing whites during 1960s). But in recent decades, blacks have followed suit. See Cashin, *supra* note 8, at 741-42.

[FN40]. See Stone, *supra* note 36, at 77 (statistics re loss of whites); cf. Kelly Simmons & Dan Chapman, *Sentenced to Commute*, *Atlanta J. Const.*, July 5, 2000 at D1 ("shopping centers and commuters followed new roads, particularly the interstates, starting in the 1950s"). Because the city of Atlanta was so heavily black by 1970, additional annexations were politically impossible: white suburbanites successfully fought any proposals to annex additional suburbs to the city. See Allen, *supra* note 16, at 147 (in 1966, voters in Sandy Springs, an unincorporated suburb, rejected annexation by Atlanta by 3-1 margin).

[FN41]. See *supra* note 38.

[FN42]. See Allen, *supra* note 16, at 199 (migrants followed I-75 to Cobb County, and I-85 to other two counties). Although metropolitan Atlanta contains twenty counties, the majority of the region's residents live in these three counties and in Fulton County (which contains the city of Atlanta and numerous suburbs). See 2001 Abstract, *supra* note 6, at 896 (listing county populations); *infra* note 73 (just under half of Fulton County population within city of Atlanta).

[FN43]. See Keating, *supra* note 2, at 23 (construction of highways during 1950s and 1960s accelerated dispersal of industry to suburbs, causing "serious decline in the market for industrial space in and around the downtown area").

[FN44]. Alfred R. Light, [Bush v. Gore- Georgia Lived it Before: Pickrick and the Warren Court](#), 18 Ga. St. U. L. Rev. 449, 467-68 (2001) (discussing 1961 Atlanta mayoral election).

[FN45]. See Keating, *supra* note 2, at 69. Before Allen was mayor, he was president of the Atlanta Chamber of Commerce. *Id.* at 88.

[FN46]. *Id.* at 88.

[FN47]. Jim Auchmutey, *The Perimeter at 25 Years: The Road We Love to Hate*, *Atlanta J. Const.*, May 9, 1995, at E1. Plans for I-285 were first unveiled in the mid-1950s. See Allen, *supra* note 16, at 69.

[FN48]. See David Beasley, Northlake/I-285 Area Has Matured Gracefully, Atlanta J. Const., Nov. 17, 1997, at E10, (describing one suburban office submarket as follows: "A new perimeter highway opened in 1969, transforming the LaVista Road intersection from sleepy suburbia to major retail center"); Hannah Kamenetsky, Trying to Save Clogged "Strip": Architect Must Please Residents and Retailers with Revitalization Plan, Atlanta J. Const., July 24, 1994, at G1 (suburban Sandy Springs "was woods and farmhouses until the 1960s, when I-285 opened it up to commercial development").

[FN49]. See Auchmutey, supra note 47.

[FN50]. See Keating, supra note 2, at 14, 18-19 (describing districts).

[FN51]. See Stone, supra note 36, at 250.

[FN52]. See Allen, supra note 16, at 199.

[FN53]. See Stone, supra note 36, at 82 (citation omitted).

[FN54]. See Keating, supra note 2, at 19-20 (describing Buckhead), 14 (map showing Buckhead's location vis-a-vis downtown and suburbs).

[FN55]. Although the Buckhead expressway was built to link Buckhead with a suburban road known as Georgia 400, the extension of this highway through Buckhead was sometimes colloquially referred to as "Georgia 400 extension." See, e.g., Stone, supra note 36, at 123 (using term); Keating, supra note 2, at 85 (highway would in fact link Buckhead with Georgia 400). Before the new highway was built, Georgia 400 ended at I-285 and did not extend into the city of Atlanta. See Stone, supra note 37, at 124 (Georgia 400 "connect[ed] the Buckhead area with the perimeter highway to the north").

[FN56]. See Stone, supra note 37, at 124.

[FN57]. See Stone, supra note 36, at 124 (noting that Georgia 400 would link Buckhead with I-285, and predicting that highway would stimulate development in northern suburbs).

[FN58]. Id. at 32.

[FN59]. See Stone, supra note 36, at 124 (report by Georgia Power Company asserted that highway would link Buckhead with northern suburbs).

[FN60]. Id. at 122 (admission "off the record").

[FN61]. Jim Newton, City Vote Clears Way for Work on Georgia 400: Opponents of Extension Vow to Continue Battle in Court, Atlanta J. Const., May 16, 1989, at A01. Cf. Keating, supra note 2, at 85 (noting that City Council approval required for highway to open).

[FN62]. Mike Morris, "Essential" Traffic Corridor was 41 Years in the Making, Atlanta J. Const., July 2, 1993, at F5.

[FN63]. See Keating, supra note 2, at 19; see also Tony Wilbert, UPS Unit Joins Corporate Exodus to Alpharetta, Atlanta J. Const., Feb. 14, 2001, at E1 (because of "easy access to Georgia 400", a "string of companies [moved] to Alpharetta from areas such as Buckhead" because executives "moved their offices close[r] to their homes").

[FN64]. William A. McGeveran Jr., ed., *The World Almanac and Book of Facts 2002* at 397 (Roswell grew from 47,986 people to 79,334; Alpharetta grew from 13,002 people to 34,854).

[FN65]. See 2001 Abstract, *supra* note 6, at 35 (city population increased from 394,000 to 416,000 during 1990s).

[FN66]. *Id.* (city's 2000 population was lower than its pre-1980s population).

[FN67]. See Stone, *supra* note 36, at 133 ("the city's governing coalition has used public authority to connect the central business district with a growing and spreading hinterland"). Georgia's state government followed similar policies. See Keating, *supra* note 2, at 196 (Department of Transportation responded to traffic congestion with "constant expansions of the region's highway system").

[FN68]. Dick Williams, *Other Voices: Part-Time Pay For Full-Time Government*, *Atlanta J. Const.*, May 4, 1996, at A10.

[FN69]. Keating, *supra* note 2, at 109. See *supra* notes 17-20 and accompanying text (describing weakness of downtown Atlanta as commercial center and after-dark destination)

[FN70]. See *supra* notes 20-22 and accompanying text (discussing absence of public transit in Atlanta suburbs).

[FN71]. See Keating, *supra* note 2, at 115 (citation omitted). At that time, Atlanta had bus service provided by a private company, but no intracity rail service. *Id.* at 218 n. 3.

[FN72]. *Id.* at 88.

[FN73]. Fulton County is both urban and suburban. About 381,000 of the county's 816,000 residents live in the city of Atlanta, and the rest live in surrounding suburbs. See McGeveran, *supra* note 64, at 425 (Fulton County had just over 816,000 residents in 2000, and Atlanta is its county seat); 2001 Abstract, *supra* note 6, at 35 (city of Atlanta had 416,000 residents in 2000); Stacy Shelton & Julie B. Hairston, *City Folks Want Either Out or In Taxes spur cry to bolt Atlanta or link to Fulton*, *June 3, 2001*, at F1 (35,000 City of Atlanta live in DeKalb County rather than in Fulton County).

[FN74]. Shelton & Julie B. Hairston, *supra* note 74 (35,000 City of Atlanta live in DeKalb County); McGeveran, *supra* note 65, at 425 (DeKalb County has just over 665,000 residents).

[FN75]. See Keating, *supra* note 2, at 115.

[FN76]. *Id.* at 127.

[FN77]. *Id.* at 113.

[FN78]. See Cox, *supra* note 22, at Ch. 1.

[FN79]. See Keating, *supra* note 2, at 115 (describing system first proposed by regional planning commission), 118, 128 (Gwinnett, Clayton and Cobb Counties rejected MARTA service); see also Sheryll D. Cashin, Survey, [City Making: Building Communities Without Building Walls](#), *by Gerald E. Frug*, 98 *Mich. L. Rev.* 1704, 1722 (2000) ("the predominantly white outer counties long opposed expansion of MARTA, Atlanta's rail transport system, because of their fear of a connection to the predominantly black central

city"); Orlyn O. Lockard, III, [Solving the "Tragedy": Transportation, Pollution and Regionalism in Atlanta](#), 19 Va. Env'tl. L.J. 161, 179-80 (2000) ("MARTA has not been extended from Fulton and DeKalb, counties with large minority populations, into other counties.... It has been repeatedly argued that suburban residents' desires to prevent minority residents from the urban core from gaining access to the suburban counties are to blame for the lack of a coherent, regional transportation planning system in Atlanta").

[FN80]. Cobb County began to operate a separate bus system in 1989, and Gwinnett and Clayton's bus systems (which are also separate from MARTA) opened in 2001. See Staff, County's Transit System Rolls Today, Atlanta J. Const., Nov. 5, 2001 at JJ1 (noting that Cobb County's system had opened 12 years earlier, Clayton County's system was a month old, and that Gwinnett launched system on day of story). The suburban bus systems are quite small: for example, Clayton County's system began with two bus routes, and Gwinnett County's with only three--despite the fact that Clayton County has over 200,000 inhabitants and Gwinnett over half a million. See McGeveran, *supra* note 64, at 425 (population figures); Joey Ledford, Piece By Piece, Regional Transit Becomes a Reality, Atlanta J. Const., October 28, 2001 at E5 (noting number of routes).

[FN81]. Kelly Simmons, Census Finds Metro Area In A Jam, Atlanta J. Const., Nov. 21, 2001, at A1 (citing Census Bureau estimate that 4% of metro Atlanta commuters use public transit).

[FN82]. See Keating, *supra* note 2, at 123; see also Stone, *supra* note 36, at 101 (population density lower in Atlanta than in most other cities with intracity rail); 2001 Abstract, *supra* note 6, at 35-37 (Atlanta had only 3161 people per square mile in 2000, less than majority of cities with over 400,000 people); Cox, *supra* note 18 (Atlanta suburbs also less densely populated than those of other cities).

[FN83]. Keating, *supra* note 2, at 123.

[FN84]. *Id.* at 124.

[FN85]. *Id.* at 129.

[FN86]. *Id.* at 125 (MARTA's initial financing scheme drafted by biracial group of business leaders); see also Stone, *supra* note 36, at 101 ("Atlanta's business elite remained centrally involved in promoting MARTA").

[FN87]. See Keating, *supra* note 2, at 114, 129.

[FN88]. *Id.* at 129-30; see also David Pendered, MARTA Aims to Help Shape Development, Atlanta J. Const., Oct. 19, 1998 at E1 (study underwritten by Georgia State University showed that "MARTA had no significant impact in the 1980s on the way the Atlanta region had grown...developers chose to build in areas close to highways the state Department of Transportation widened").

[FN89]. See Keating, *supra* note 2, at 131.

[FN90]. *Id.* at 133.

[FN91]. *Id.* at 132.

[FN92]. *Id.* at 22.

[FN93]. See *supra* note 22 and accompanying text (most suburban jobs inaccessible to transit-dependent city poor).

[FN94]. See supra notes 11-12, 15-16 and accompanying text. But cf. Sohmer & Lang, supra note 15, at 5-6 (noting that downtown regained population in 1990s).

[FN95]. See Keating, supra note 2, at 91.

[FN96]. Id. at 91-92.

[FN97]. Id. at 92.

[FN98]. Id. at 91; see also Lisa A. Kelly, [Race and Place: Geographic and Transcendent Community in the Post-Shaw Era](#), 49 Vand. L. Rev. 227, 294 n. 217 (1996) ("In Atlanta, urban policy planners used highway design and construction to regulate black mobility and residential patterns").

[FN99]. See Stone, supra note 36, at 38 (defining "urban renewal" as "federal financial assistance for locally planned and executed redevelopment projects" under which land was often acquired by cities through eminent domain and sold to developers); cf. Lewyn, supra note 2, at 310-11 (describing history of federal urban renewal program). Although urban renewal was a nationwide program, id., Atlanta displaced residents more readily than (for example) the city of Baltimore. See Stone, supra note 36, at 162, 176.

[FN100]. See Keating, supra note 2, at 92. The city has two north-south expressways (I-75 and I-85) but near downtown they merge into one highway. Id. at 90.

[FN101]. Id. at 92.

[FN102]. See Allen, supra note 16, at 131 (in 1963 Atlanta voters approved bond referendum allocating \$9 million for new civic center).

[FN103]. See Keating, supra note 2, at 103-05.

[FN104]. Id. at 104.

[FN105]. Id. at 107.

[FN106]. Id. at 109.

[FN107]. Id. at 108. Even outside downtown, the city sometimes sought to move blacks away from white areas. Id. at 44-45, 46-48 (describing numerous examples of elimination of black neighborhoods by city and county governments).

[FN108]. Id. at 109.

[FN109]. See Keating, supra note 2, at 93 (estimating that 68,000 Atlantans were displaced by highways and urban renewal); see also Stone, supra note 36, at 202 (estimating 67,000 Atlantans displaced); Allen, supra note 16, at 162 ("By one calculation, some 75,000 black Atlantans had been swept out of their homes").

[FN110]. See Keating, supra note 2, at 93 (estimating that between 19,000 and 22,000 households displaced).

[FN111]. See Stone, supra note 36, at 250 (city had 331,000 residents in 1950).

[FN112]. About 95% of the people displaced by redevelopment and highways, or at least 63,000 people, were black. See Keating, supra note 2, at 93. In 1950, 121,295 Atlantans

were black. Bureau of the Census, Census of Population: 1950, Characteristics of the Population: Part 11, Georgia at 11-64 (1952) (city had 54,905 black males, and 66,380 black females). Thus, at least 51.9% of Atlanta's blacks (63,000 of 121,295) were displaced by urban renewal - and perhaps over 60% if one accepts Allen's higher estimate of the number of blacks displaced. Allen, *supra* note 16, at 162 (75,000 black Atlantans displaced).

[FN113]. See Keating, *supra* note 2, at 93.

[FN114]. *Id.* at 104 (Mayor Allen knew that after Buttermilk Bottoms was razed, its "displaced black families would be seeking housing in nearby white neighborhoods"); Allen, *supra* note 16, at 93 (blacks moved into white neighborhoods because "[u]rban renewal was wiping out slums and displacing thousands of families without providing replacement homes" and "[n]ew highways were cutting through parts of existing black neighborhoods").

[FN115]. Allen, *supra* note 16, at 199 (noting Atlanta whites' desire to move away from blacks); see also Stone, *supra* note 37, at 41 ("Nonaffluent whites on the southside and, as displacement mounted, on the eastside paid the main social costs of rapid racial turnover"). In fact, Mayor Hartsfield appointed a "housing coordinator" to regulate which neighborhoods would stay white and which would undergo a "conversion to black." Allen, *supra* note 16, at 92.

[FN116]. See Stone, *supra* note 36, at 86-87 (emphasis in original).

[FN117]. See Allen, *supra* note 16, at 198 ("Blacks now lived to the west, south and east of downtown Atlanta, as if holding the central business district in a cupped hand.").

[FN118]. See Sohmer & Lang, *supra* note 15, at 8.

[FN119]. Carrie Teegardin, Poor Areas Rich in Tickets, *Atlanta J. Const.*, July 18, 1993 at D1 (30303 is downtown zip code); See Haines & Company, Criss Cross Haines 2001 Directory: Atlanta, Georgia City at 1 (zip code 30303 has third lowest household income, and second highest percentage of households earning under \$10,000, among 25 Atlanta zip codes); *id.* at 675, 787-89 (same zip code includes many of state's governmental offices and law firms);

[FN120]. See Keating, *supra* note 2, at 52. Other municipalities require that individual apartments be unusually large. *Id.* at 51 (some suburban cities prohibit apartments with under 1000 square feet).

[FN121]. H.M. Cauley, Neighborhood of the Week, *Atlanta J. Const.*, March 2, 1997, at H8, ("two-acre zoning" common in Buckhead); H.M. Cauley, New Home Communities: Close-in Communities Command Top Dollar, *Atlanta J. Const.*, February 23, 1997 at H26 ("30327 area of Buckhead north of West Paces Ferry Road...[is] a neighborhood where two-acre zoning can support high-priced homes.").

[FN122]. See Keating, *supra* note 2, at 52. In fact, some Atlanta-area counties have 3- and 5-acre minimum lot sizes. *Id.*

[FN123]. Arthur C. Nelson, [*Exclusionary Practices and Urban Sprawl in Metropolitan Atlanta*](#), 17 *Ga. St. U. L. Rev.* 1087, 1089 (2001).

[FN124]. See Keating, *supra* note 2, at 51-53 (suggesting that racial and economic exclusion is, in fact, the purpose of low-density zoning). Because Atlanta-area blacks are poorer than whites, *id.* at 37-40, zoning laws that exclude low-income renters and buyers

disproportionately affect blacks. See Rolf Pendall, Local Land Use Regulation and the Chain of Exclusion, 66 J. Am. Plan. Ass'n 125142 (2000) (surveying localities in 25 largest U.S. metropolitan areas and finding that "low-density-only zoning, which restricts residential densities to fewer than eight dwelling units per acre, consistently reduced rental housing; this, in turn, limited the number of Black and Hispanic residents"); Nelson, *supra* note 114, at 1096.

[FN125]. Nelson, *supra* note 124, at 1095 ("low density housing is normally associated with greater dependency on the automobile"); see also Lewyn, *supra* note 18, at 285 (same).

[FN126]. John McCosh, Atlanta Building a New Approach, Atlanta J. Const., May 15, 2000, at E1 (making point, and noting that "[p]lanners point to the area surrounding this station as falling far short of its development potential").

[FN127]. See Allen, *supra* note 16, at 147 (describing Sandy Springs as an "unincorporated white enclave just north of Atlanta").

[FN128]. See Committee for Sandy Springs, Sandy Springs - Our Future City, <http://www.sandysprings.net/city.html> (last visited Dec. 20, 2002); Tony Wilbert, Mass Transit Draws IRS to Sandy Springs, Atlanta J. Const., May 31, 2001 at G1.

[FN129]. See Cheryl Crabb, "Smart Growth" Plans Near MARTA Stations Draw Opposition, Atlanta J. Const., August 19, 1999, at JH1.

[FN130]. See Tinah Saunders, Plan For Towers at North Springs Still in Dispute, Atlanta J. Const., July 5, 2001 at JH1 (developer originally proposed "850,000 square feet of space"); Sandy Eckstein, Sandy Springs Project OK'ed, Atlanta J. Const., August 2, 2001 at F3 (county approved "210,000 square feet of office space; 56,000 square feet of retail"). Cf. McCosh, *supra* note 126 (other transit-oriented developments have inspired opposition from neighbors).

[FN131]. Keating, *supra* note 2, at 210.

[FN132]. *Id.*

[FN133]. See *supra* notes 9-10 and accompanying text.

[FN134]. See Lewyn, *supra* note 2, at 339 n.283.

[FN135]. See [Reed v. Rhodes, 1 F. Supp. 2d 705, 738 \(N.D. Ohio 1998\)](#) ("children reared in lower socioeconomic status [households] tend to be less prepared for school which ultimately impacts on the child's achievements"); Lewyn, *supra* note 2, at 322-25 (discussing relationship between poverty and "bad schools" in more detail). Atlanta's school-related white flight has also been caused by factors beyond the control of local government, such as the federal courts' desegregation orders. See **Michael Lewyn**, The Courts v. The Cities, 25 Urb. Law 453 (1993) (describing Supreme Court desegregation doctrine); Allen, *supra* note 16, at 143-44 (describing white flight that resulted from Atlanta school desegregation plan; for example, one school had 470 white children on the last Friday of January 1965, and after school board announced that school would be integrated, only 7 white children present on following Monday).

[FN136]. See Lewyn, *supra* note 2, at 336 n.260 (citations omitted).

[FN137]. Allen, *supra* note 16, at 224.

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