



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Agenda Planning Commission Regular Meeting

Tuesday, October 12, 2021

12:00 PM

Assembly Chambers

1. Call to Order

2. Roll Call

3. Acceptance of Agenda

4. Approval of Minutes

- [1.](#) Meeting minutes 9/14/2021

5. Public Comments

Public comments are welcome on matters not appearing on the Public Hearing or Consent Calendar but are within the Borough's jurisdiction. Persons wishing to speak should come forward and state their name and address. Issues raised may be referred to staff and, if action by the Commission is needed, may be scheduled for a future meeting.

6. Consent Calendar

7. Public Hearing Items

- [1.](#) Consideration of an application from Curt & Kristi Birchell for a minor subdivision at 696 Mitkof Highway (PID: 01-173-015).

8. Non-Agenda Items

1. Commissioner Comments
2. Staff Comments
3. The next regularly scheduled meeting is November 9, 2021, at 12:00 PM
- [4.](#) Copy of *Zoning Practice* attached

9. Adjournment



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Minutes Planning Commission Regular Meeting

Tuesday, September 14, 2021

12:00 PM

Assembly Chambers

1. Call to Order

The meeting was called to order at 12:00pm.

2. Roll Call

PRESENT

Commission Chair Chris Fry
Commission Secretary Sally Dwyer
Commissioner Nancy Strand
Commissioner Heather O'Neil
Commissioner Jim Floyd

ABSENT

Commission Vice-Chair Richard Burke

3. Acceptance of Agenda

The motion to accept the agenda as presented passed unanimously.

Motion made by Commissioner O'Neil, Seconded by Commission Secretary Dwyer.
Voting Yea: Commission Chair Fry, Commission Secretary Dwyer, Commissioner Strand,
Commissioner O'Neil, Commissioner Floyd

4. Approval of Minutes

The meeting minutes from 8/10/2021 were unanimously approved.

Motion made by Commissioner Strand, Seconded by Commission Secretary Dwyer.
Voting Yea: Commission Chair Fry, Commission Secretary Dwyer, Commissioner Strand,
Commissioner O'Neil, Commissioner Floyd

5. Public Comments

None.

6. Consent Calendar

None.

7. Public Hearing Items

Consideration of an application from Dave Ohmer for a conditional use permit for a rock quarry/borrow operation at 521 Mitkof Hwy (PID: 01-114-500).

The motion to approve the conditional use permit for a rock quarry/borrow operation at 521 Mitkof Hwy (PID: 01-114-500) from Dave Ohmer, as amended with the condition that there is no blasting allowed passed unanimously.

Motion made by Commissioner Strand, Seconded by Commissioner Floyd.
Voting Yea: Commission Chair Fry, Commission Secretary Dwyer, Commissioner Strand, Commissioner O'Neil, Commissioner Floyd

8. Non-Agenda Items

a) Commissioner Comments

Commissioner Dwyer asked when the Borough map website would be back up. Director Cabrera stated there has been an issue with the software and the software provider is working on it.

b) Staff Comments

Director Cabrera gave an update on the Hogue Alley situation, stating that Mr. Miller would be interested in entering into a voluntary correction agreement which basically gives them a little more extra time and they agree to take care of the situation which is that shed structure by a certain date. The agreement was sent to him a few weeks ago and have heard nothing back. A reminder letter saying if he doesn't enter into this agreement, a notice of order of abatement will begin, with fines and such. There's sporadic communication from him so if we don't hear from him by the end of the month, we will have to proceed with the notice of order of abatement. Discussion.

The ordinance to count members remotely as part of the quorum has passed in the second reading at the Assembly level. Discussion.

c) The next regularly scheduled meeting is October 12, 2021 at 12:00PM

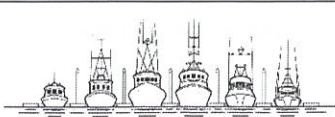
9. Adjournment

The meeting was adjourned.

Motion made by Commission Secretary Dwyer, Seconded by Commissioner O'Neil.
Voting Yea: Commission Chair Fry, Commission Secretary Dwyer, Commissioner Strand, Commissioner O'Neil, Commissioner Floyd

Chris Fry, Commission Chair

Date:



PETERSBURG BOROUGH LAND USE APPLICATION

CODE TO:	110.000.404110
BASE FEE:	\$115
PUBLIC NOTICE FEE:	\$70.00
TOTAL:	\$185
CHECK NO. or CC:	CK # 1251

DATE RECEIVED: 9/9/21 RECEIVED BY: shannon

APPLICANT/AGENT	LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME Rick Braun	NAME Curt & Kristi Birchell
MAILING ADDRESS P.O. Box 211	MAILING ADDRESS P.O. Box 12
CITY/STATE/ZIP Petersburg, AK 99833	CITY/STATE/ZIP Petersburg, AK 99833
PHONE 907-518-1889	PHONE 907-518-1449
EMAIL rickgbraun@gmail.com	EMAIL kcsalesseif@gmail.com

PROPERTY INFORMATION

PHYSICAL ADDRESS or LEGAL DESCRIPTION:
696 Mitkof Highway, Lot 3BAB Rikka's Point Subd. Plat No. 2020-10

PARCEL ID: 01173015	ZONE: Industrial	OVERLAY:
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CURRENT USE OF PROPERTY: warehouse, fishing gear storage and vacant land	LOT SIZE: see plat
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PROPOSED USE OF PROPERTY (IF DIFFERENT):
industrial, residential

SEPTIC SYSTEM: Is there a septic system on the property? YES NO
What is current or planned system? Municipal DEC-approved on-site system

WATER SOURCE: Municipal Cistern/Roof Collection Well

LEGAL ACCESS TO LOT(S) (Street Name):
Mitkof Highway and private access easement

TYPE OF APPLICATION & BASE FEE

- 19.84 Zoning Change (\$100)
- 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)
- 18.20 Minor Subdivision/18.24 Preliminary Plat (\$75 + \$10 per lot)
- 18.24 Final Plat (\$25 per lot)

SUBMITTALS:

For Zoning Change, please submit letter stating the new zoning and explaining the need for the change.
For Subdivision approvals, please submit a prepared plat map as required by borough code.

SIGNATURE(S):

I hereby affirm all of the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner(s) or authorized agent thereof for the property subject herein.

Applicant(s): Curtis W Birchell Date: 9-9-21

Owner: _____ Date: _____

Owner: _____ Date: _____

Owner: _____ Date: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT.

CURTIS W. BIRCHELL _____ DATE _____
 KRISTI A. BIRCHELL _____ DATE _____

NOTARY'S ACKNOWLEDGMENT

STATE OF ALASKA
 THIS IS TO CERTIFY THAT, BEFORE ME, THE UNDERSIGNED, _____, A NOTARY PUBLIC, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED _____

ON THIS _____ DAY OF _____, 20____, TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND THEY ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED. AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING BY ME, THE NOTARY PUBLIC, ON THE _____ DAY AND YEAR IN THIS CERTIFICATE FIRST HEREBY WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL BY THE PLATING BOARD

I, HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF PETERSBURG, AND THAT SAID REGULATIONS NO. APPROVED DATED _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING BY ME, THE CITY CLERK, PETERSBURG, ALASKA.

DATE _____ CHAIRMAN, PETERSBURG PLATING BOARD
 ATTEST _____ CLERK, PETERSBURG PLATING BOARD

CERTIFICATE OF PAYMENT OF TAXES

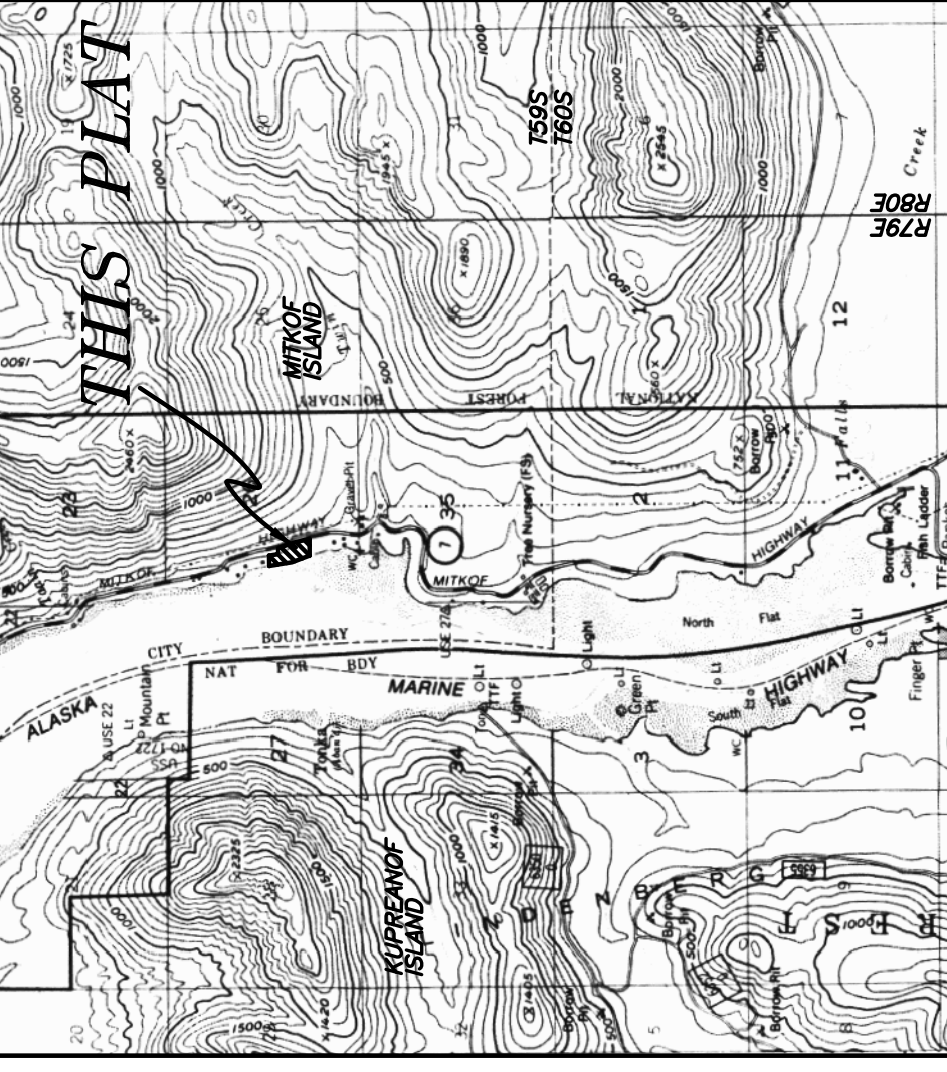
STATE OF ALASKA } ss.
 FIRST JUDICIAL DISTRICT }
 I, THE UNDERSIGNED, BEING DULY APPOINTED AND SWORN, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY OF PETERSBURG, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF: _____

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY OF PETERSBURG ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR _____ WILL BE DUE ON OR BEFORE _____ DAY OF _____, 2020 AT PETERSBURG, ALASKA.

TREASURER - CITY OF PETERSBURG

GENERAL NOTES

1. THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN THE ALUMINUM ROD OR REBAR MONUMENTS AT THE CORNERS OF THE OTHERS-EWERT SUBDIVISION. THE ACCEPTED BEARING FROM THE OTHERS-EWERT SUBDIVISION IS N 89°52'00"W.
2. THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:10,000.
3. ALL BEARINGS SHOWN ARE TRUE BEARINGS AND ARE ORIENTED TO THE BASIS-OF-BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
4. DATUM FOR THIS SURVEY: MEAN LOWER LOW WATER = 0.00 FEET.
5. THE PROJECT BENCHMARK FOR THIS SURVEY IS NOAA/NOS TIDAL BENCH MARK 1439A 1978 AT THE NORTHWEST CORNER OF THE WELLS FARGO BANK IN PETERSBURG. ELEVATION = 25.82 FEET ABOVE MLLW.
6. WHEN RECORD COURSES (BEARINGS AND DISTANCES) DIFFER FROM MEASURED COURSES, RECORD COURSES ARE SHOWN IN PARENTHESES.
7. THE NATURAL MEANDERS OF THE MEAN HIGH WATER LINE FORMS THE TRUE BOUNDARY OF THE BIRCHELL SUBDIVISION. COMPUTATIONS OF MEAN BIRCHELL SUBDIVISION CORNERS BEING ON THE EXTENSION OF THE SIDELINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
8. WHEN RECORD COURSES (BEARINGS AND DISTANCES), RECORD COURSES ARE SHOWN IN PARENTHESES FOLLOWED BY THE SOURCES OF THE RECORD. (R1) LIGHTHOUSE BEACH SUBDIVISION, PLAT No. 2005-11 (R2) LIGHTHOUSE BEACH SUBDIVISION, PLAT No. 2007-14 (R3) A.D.O.T. & P.F. MITKOF HIGHWAY RIGHT OF WAY MAP, PLAT No. 96-30. (R4) OTHERS-EWERT SUBDIVISION, PLAT No. 2019-6 (R5) RIKKA'S POINT SUBDIVISION, PLAT No. 2020-10.

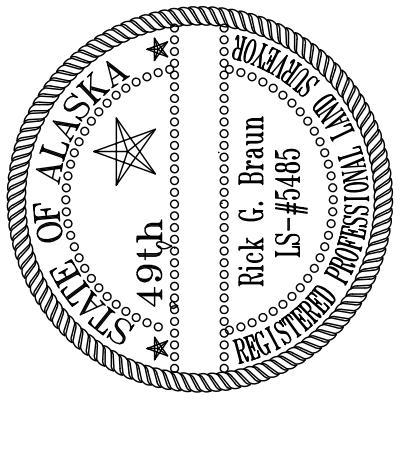


VICINITY MAP
 SOURCE: USGS QUADRANGLE PETERSBURG (C3)
 DATE: 1986
 SCALE: 1 INCH = 1 MILE

SURVEYOR'S CERTIFICATE

I, RICK G. BRAUN, L.S., CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ALASKA, THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY, AND THAT ALL PERMANENT EXTERIOR CONTROL MONUMENTS, ALL OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND SHOWN.

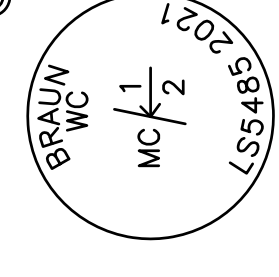
DATE _____
 REGISTRATION NO. LS 5485
 RICK G. BRAUN, L.S.
 REGISTERED LAND SURVEYOR



LEGEND

- ⊗ GLO MONUMENT RECOVERED - 2 1/2" DIA. BRASS CAP ON IRON PIPE
- SECONDARY MONUMENT RECOVERED - 1.5" DIA. ALUMINUM CAP ON 5/8" REBAR, LS5485
- SECONDARY MONUMENT RECOVERED - 2" DIA. ALUMINUM CAP ON 5/8" REBAR, LS5485
- ⊙ PRIMARY MONUMENT RECOVERED - 2 1/2" DIA. ALUMINUM CAP ON ALUMINUM ROD IN BENCH MARK ACCESS COVER
- ⊙ D.O.T.P. & F. R.O.W. SHOULDER MONUMENT
- ⊙ SECONDARY MONUMENT SET THIS SURVEY - SET DETAIL BELOW
- ⊙ 1/2" IRON PIPE MONUMENT RECOVERED - WAYNE BRICKEY, JR. 3425

TYPICAL SECONDARY MONUMENT SET THIS SURVEY
 5/8" x 36" REBAR WITH 2" ALUMINUM CAP

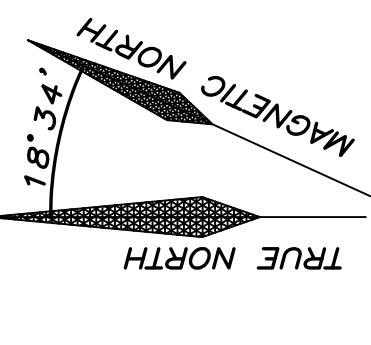
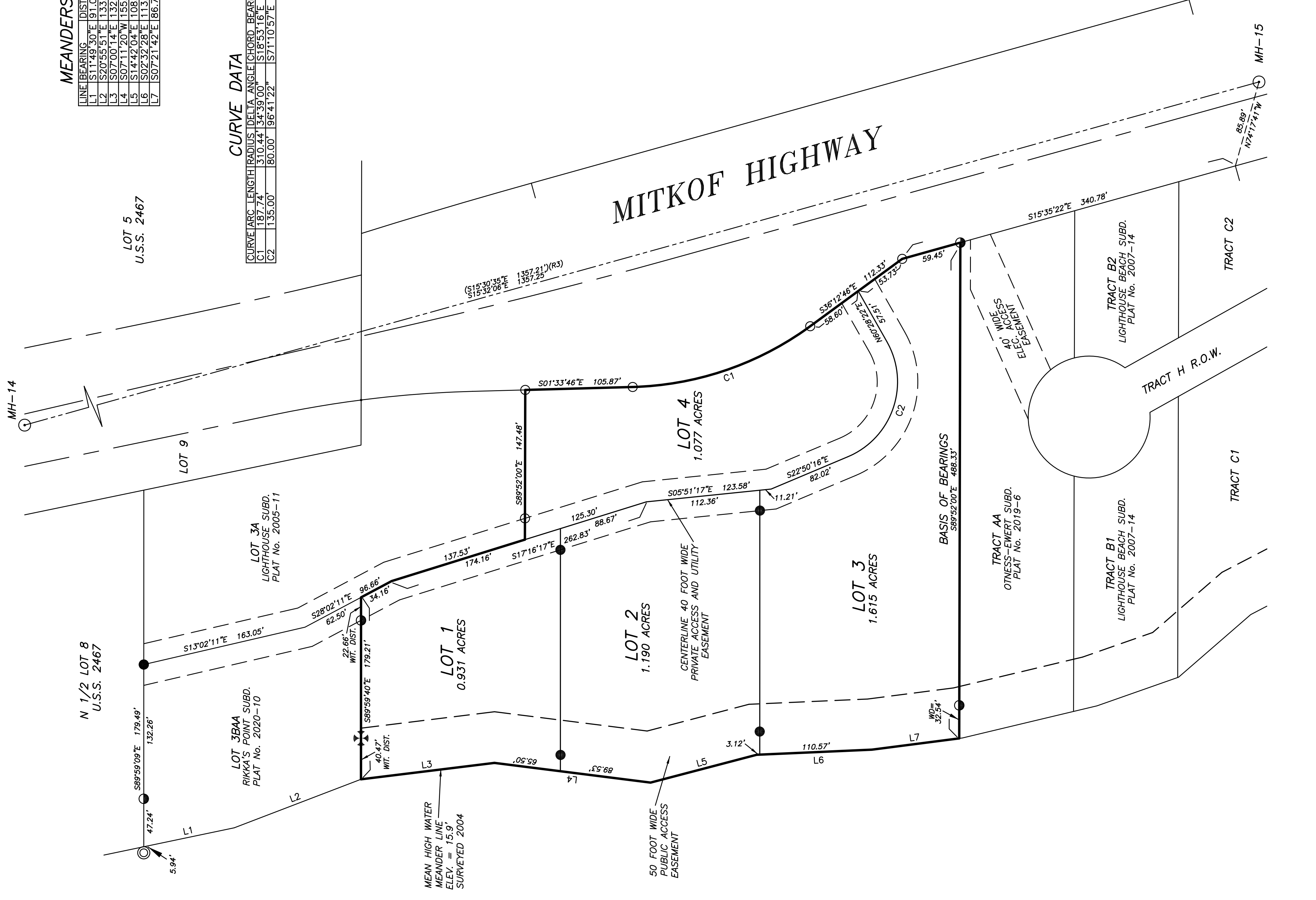


MEANDERS

LINE	BEARING	DISTANCE
L1	S11°48'30"E	91.05'
L2	S07°00'14"E	132.74'
L3	S07°00'14"E	132.74'
L4	S07°11'20"W	155.02'
L5	S14°42'04"E	108.05'
L6	S02°32'28"E	113.69'
L7	S07°21'42"E	86.71'

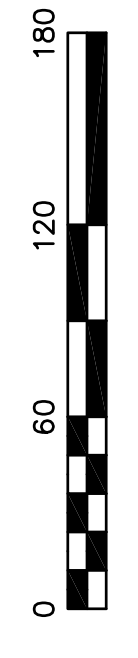
CURVE DATA

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD	BEARING	CHORD LENGTH
C1	187.74'	310.44'	34°39'00"	S18°53'16"E	184.89'	
C2	135.00'	80.00'	96°41'22"	S71°10'57"E	119.55'	



NOAA NATIONAL GEOPHYSICAL DATA CENTER
 GEOMAGNETIC CALCULATOR
 8/7/20

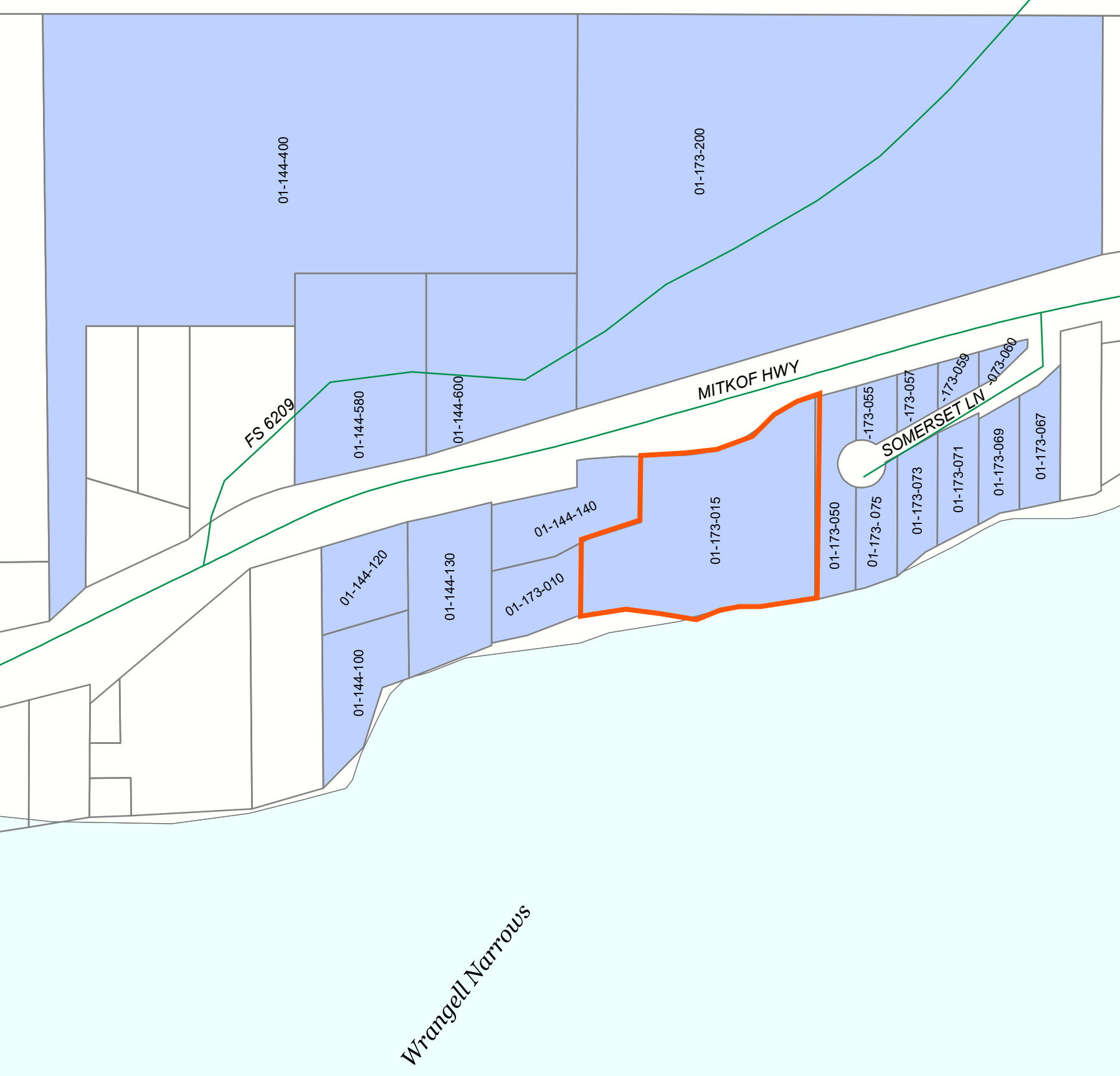
WRANGELL NARROWS



CLIENT: CURT AND KRISTI BIRCHELL
 P.O. BOX 120
 PETERSBURG, AK 99833

SURVEYOR
RICK G. BRAUN, L.S.
 P.O. BOX 211, PETERSBURG AK 99833
 PH (907) 518-1889
 DRAWING COMPLETED 9/3/21
 DRAWN BY RGB
 DRAWING No. B11421

*Birchell Property
696 Mitkof Highway
01-173-015*



ZONING PRACTICE

AUGUST 2021



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 8

PRACTICE ULTRALOCAL UPZONING



Smarter Zoning by Street and by Block

By John Myers

Many planners and other policymakers want more housing and other development, but political obstacles frustrate planning staff trying to achieve those goals. Residents often fight against change if they fear it may put their community at risk.

Building on various precedents from parking reform, business improvement districts, and minimum lot size reform, a coalition of advocates for better housing and planning has developed ideas to enable more infill development and improve equity at smaller scales. The concept is to allow a supplementary process that may enable infill in some places where traditional upzoning has so far proven too challenging.

We suggest that a local government could designate appropriate areas where a menu of different zoning options, each allowing more development than the current applicable zoning, is made available to residents on a street-by-street or block-by-block basis. If a sufficient qualified majority of residents on a street or block supports one of those options, they could apply for their street or block to be converted to that new zoning designation, with rules to reduce spillover effects on other residents. The goal is to make it easier to find win-win ways to enable more infill growth with less controversy.

POLITICAL OBSTACLES TO DEVELOPMENT ARE HURTING GROWTH AND EQUITY

Over time, housing has become much less affordable in many successful cities. Housing supply has become less responsive to prices, as zoning rules have increasingly constrained what can be built. One study estimated that 40 percent of the buildings in Manhattan could not legally be rebuilt today because of tighter zoning rules (Bui et al. 2016). In many parts of the U.S., house prices have risen far above the minimum level at which building more housing would be profitable in the absence of tight legal constraints. In such cases, restrictive

applicable zoning is often a major reason for the low supply of new homes (Glaeser and Gyourko 2018).

Efforts by planners and politicians to increase housing supply often meet fierce political resistance. Homeowners worry about changes to their neighborhoods and about their most expensive asset: their home (Fischel 2005). They worry about congestion, disruption, and crime, and they fear that they will lose daylight, parking, beauty, and peace and quiet. The traditional process whereby a city changes its zoning plan attempts to mitigate some of those concerns but is not designed to address all of them.

Often, proposed upzonings—changes to the zoning code that allow for a greater density of residences in a given area—would not benefit most affected residents. That may be because the upzoning is proposed over a wide area that might reduce property values overall. Sometimes the upzoning is not ambitious enough to make it economical to demolish and redevelop most existing buildings, meaning that only some of the property owners in the area would benefit. Some owners may be subject to historic preservation requirements or private covenants that stop them from building more, leaving them with nothing but inconvenience. Apartment owners or rent-controlled tenants may also see disadvantages rather than benefits in an upzoning. In other cases, residents are concerned that rapid change will damage local amenities. Each voter who perceives a potential harm, rather than a benefit, from upzoning increases the political resistance.

ULTRALOCAL ZONING MAY HELP TO ENABLE MORE INFILL

If broad upzoning often fails because the area across which the decision is made encompasses enough people who will likely not benefit from it, one solution could be to allow upzoning to be done by smaller areas. Under “street votes,” cities would allow the

registered voters resident on each single length of street between two intersections (a “face block”) to choose more intensive zoning by supermajority vote—perhaps 60 percent. “Block votes” would do the same for residents on each single city block (surrounded by streets). Different jurisdictions might choose different rules regarding who is eligible to participate in the street or block vote. That will give those residents a way to negotiate to share the benefits of new development and ensure that it will suit them. To reduce spillover effects on residents of other blocks or streets, the city can restrict the range of available options by setting maximum allowable heights and other limits.

Street and block votes would be a minor supplement to existing zoning procedures, requiring minimal amendments to local law. The goal is to make change as easy and as popular as possible. This proposal may be put forward by planners, beyond the realm of politics, but it should ideally receive political support and, indeed, is structured to maximize political upside.

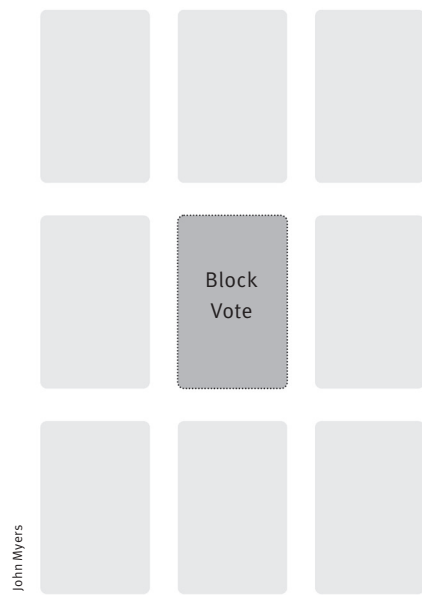
For certain defined areas, each government would simply set out a narrow range of zoning changes from which resident eligible voters who wish to upzone their street block or city block could collectively choose. That choice could be made by verified petition or by referendum using normal ballot processes. That process might be a way of meeting housing obligations under state law, in places where they exist.

The menu given to the residents might include simply reducing the minimum lot size for single-family homes or allowing one or more “granny flats” or accessory dwelling units (ADUs) per parcel. More ambitious options might allow town houses or multifamily housing. Residents who fear deterioration of the neighborhood’s character can choose a more reassuring option, such as town houses rather than apartment blocks. And residents who wish to avoid



John Myers

➡ Diagram of the lots affected by a street vote.



John Myers

➡ Diagram of the lots affected by a block vote.

changes altogether can choose to adopt none of the proposals.

Even with street and block votes, governments would still retain full power over zoning because they would control the options (if any) from which local residents could choose. The benefit of such ultralocal zoning is that the city need not choose a single zoning rule for each area, as at present. That will let residents choose win-win outcomes, in order to solve the political obstacles to more intensive zoning. Street and block votes will simply supplement current mechanisms to upzone, which will remain otherwise unchanged. Trials of these bottom-up procedures would not interfere with existing processes to upzone. Any resulting upzoning will be purely additive.

UPZONING SPRINGFIELD

To see how this would work in practice, consider the fictional town of Springfield, which is frustrated by slow growth and budget challenges. Average wages are healthy, but renters complain about the cost of living and employers grumble that high costs prevent expansion. The mayor would like to

allow more development to address those problems and increase property-tax receipts, but she faces too much political resistance. When zoning changes do allow construction, renters and community groups complain about disruption and gentrification.

Owners of single-family homes, concerned about effects on schools, traffic, and parking, have successfully blocked growth in their areas.

The city’s planning staff identifies four areas of single-family homes adjacent to downtown that would be suitable for gentle densification if the political obstacles could be overcome. They estimate that the typical property value could be increased by 75 percent by allowing three additional ADUs, replacement town houses, duplexes, or triplexes on each lot. City attorneys advise that Springfield has power under state law to allow street votes.

The mayor publishes a proposal to allow street votes in each of those low-density residential areas. The residents can select one or more options via such street votes: halving the minimum lot size; allowing up to three additional ADUs per lot; or allowing

replacement town houses, duplexes, or triplexes. They can also opt to halve the existing setback rule from the street. The city publishes a supplemental report illustrating how much value homeowners can add to their properties through each option.

The proposal has safeguards to protect other residents. Each of the pilot residential areas would become a controlled parking district, with free parking stickers for residents and short-term stickers for their guests. When each street votes to upzone, it becomes its own separate parking district, with stickers valid only on that street, so more housing on that street will not affect parking on other streets.

Development on each upzoned street will be subject to height restrictions to ensure that homeowners on other streets have access to sunlight. Each lot would remain subject to a setback rule, which could be waived by the adjacent homeowner to allow traditional town houses that would add more value for each owner. Parcels on street corners would remain subject to the old zoning limits until both streets opt to upzone.

The zoning amendment provides that the residents of each block can opt to upzone by filing a verified petition with signatures of 60 percent of the resident registered voters on that face block. Because design is a concern for some residents, they can add an optional design code to their petition, which new construction would be required to meet. To address concerns from homeowners about jumps in property taxes immediately after upzoning, the city agrees to assess each property’s value based on the original zoning, until more housing is built, or for a maximum of 10 years.

The first pilot area sees three street votes within the first year. The residents of the first street opt to allow duplexes plus an ADU in the backyards. They choose a design code for the fronts facing the street to ensure good urbanism. After five years, many of the original homes remain—considerably increased in value by the potential for adding more housing—but the new duplexes blend well into the neighborhood. Property-tax receipts from the street have risen, without the need for major road or sewer upgrades. More professionals have moved

to Springfield’s growing economy, and local schools are not harmed by the organic increase in numbers. Some residents sold after upzoning and used part of their profits to move to another low-density residential part of Springfield. Many of the new residents are opting to commute downtown with taxi pooling or scooters and bicycles, so no one has noticed an increase in congestion.

The newly reelected mayor decides to push to allow street votes in more low-density residential areas of Springfield and to give a few areas adjacent to downtown the additional option of five-story apartment buildings, if they wish.

ADDRESSING RESIDENTS’ CONCERNS

Residents can have reasonable concerns about adverse change to their area. Development has spillover effects, and not all of them are good. Care should be taken to minimize effects on residents outside the street or block. Street votes will require careful rules, as suggested above for Springfield, to address parking, traffic, and other effects. Block votes could be coupled with a requirement that existing building fronts onto the surrounding streets should be retained so that residents on the surrounding blocks will be unaffected. Light planes could be set to rise at an angle from the surrounding streets, limiting the height of new buildings within the block.

More ambitiously, a developer who negatively affects an adjoining landowner could be required to pay compensation in a limited range of cases, both for loss of property value and for inconvenience. But such votes will pass only where there is a broad consensus among residents that such upzoning will benefit them. Homeowners will each gain from the increased value of their property because of the upzoning, so compensation may not be needed.

Other spillover effects might be addressed with impact fees, tax increment local transfers, community benefit agreements, and other methods, such as auctions—all of which are meant to share any financial benefits from upzonings with relevant neighbors, with an eye toward engendering their support (Elmendorf and Shanske 2019). Some localities might allow

the upzoning to create transferable development rights, so that homeowners who do not wish to develop could sell some of their additional permitted floor area to another owner on the block; inter-street transfers might also be permitted.

Many residents will not want to leave the area immediately after upzoning, if ever, so it will be hard to assemble a sufficient majority for a proposal that would damage the neighborhood. If a proposal seems risky, 60 percent of residents are unlikely to agree to it, given how much homeowners worry about change. To win a street vote, the advocates will have to pick options and possibly a design code that will clearly make the street better in the eyes of existing residents. Winning proposals will tend to improve their areas.

EASIER DECISIONS AT STREET WAND BLOCK LEVEL

The economic benefits from upzoning can be enormous, but current mechanisms to upzone make it all but impossible for residents to negotiate changes that would benefit most of them.

Although residents often fear upzoning, upzoning just a small area of houses will often substantially increase the values of those properties. Opposition arises because current zoning proposals often leave many homeowners with a risky and unattractive choice. Faced with a different set of options, many might choose to allow controlled change. The adoption of rules allowing ADUs in California; Minneapolis; Portland, Oregon; Seattle; and elsewhere shows how aligning interests of residents with those who want more housing density can make change much easier. Political resistance to ADUs is lower because homeowners can see the benefits of adding them on their own lots. Homeowners and existing renters may have different views: the former can capture the value of upzoning, but renters may be concerned about short-term displacement.

Given the choice, many individual landowners would choose to upzone their own lot without changing the zoning of nearby properties, even if more housing might only be added by a subsequent buyer, many years later. Otherwise, there would be no need

for zoning rules. The same is true for many groups of a few landowners. But at the scale of hundreds or thousands of landowners—the scale at which zoning decisions are often made—negotiation and agreement become much more difficult. Agreeing to upzone, like anything else, gets harder as more people are involved: the costs of reaching agreement substantially increase. As we have seen, that leads to highly restrictive zoning and political near-gridlock in many places where politicians face thousands or millions of voters. The known phenomenon of “blame avoidance” means that it is difficult for officials and politicians to make decisions that might be controversial. A modicum of direct democracy may provide a way to bypass those problems.

It is not always necessary to impose upzoning on homeowners. Given the powers to do so easily in small groups, it is likely that a proportion will negotiate among themselves to find upzonings that will suit them so they may enjoy the resulting economic benefits.

Various commentators have suggested devolution of zoning powers to smaller scales, in order to ease the negotiation of win-win outcomes. Robert Nelson, for example, suggested devolving zoning and other powers to individual neighborhoods (Nelson 2005). Instead of devolving to neighborhoods, another option is to allow opt-ins at even smaller scales: street segments or single blocks, following proposals from zoning scholars Robert Ellickson (1998) and George Liebmann (1993).

Street votes and block votes are gaining ground in the U.K.: in August 2020, a government white paper supported the concept (MHCLG 2020), after trials of “microdemocracy” were endorsed by the U.K.’s Royal Town Planning Institute (Kenny and Harris 2020) and Centre for Cities (Breach and Magrini 2020), among others.

Streets and blocks have two main advantages over neighborhoods: they have clear, natural boundaries; and they are smaller.

There is often little consensus over the boundaries of a “neighborhood,” particularly for residents who live near a proposed boundary. The process of precisely

demarcating the boundaries of a given neighborhood, in order to allow that neighborhood to vote on zoning proposals, will itself be politically contentious and would only add more friction to the process.

Furthermore, residents are most affected by activities on their own face block. Changes on other streets tend to affect them less. That makes face blocks a natural candidate for modest reforms where the spillover effects are mainly contained within that length of street. They are a natural unit for housing upkeep and for control of crime (Oakerson and Clifton 2017). The intersections create two natural endpoints to each segment of street. Similarly, if the street frontages of the buildings around all four edges of a city block are preserved unchanged, new development within a city block mainly affects residents within that city block, and not residents of other blocks—particularly if congestion effects are controlled. The streets bordering the block form another natural boundary.

PLACES WHERE ULTRALOCAL ZONING MAY HELP

Edward Glaeser and others have suggested that residents resist upzoning because of concerns about their house price, but owners of houses in metropolitan areas ranging from Seattle and Los Angeles to Miami and Boston would see large financial benefits if a small area, including their own lot, were upzoned (Glaeser and Gottlieb 2008). If apartment blocks four or five floors high are permitted instead of single-family homes, that may increase the value of the current property by a factor of three times or more.

Street or block votes for upzoning are more likely to succeed in any place where large benefits will accrue to homeowners—that is, wherever restrictive zoning has substantially raised the price of land. Where existing upzoning procedures are already working well, there may be no need for such votes.

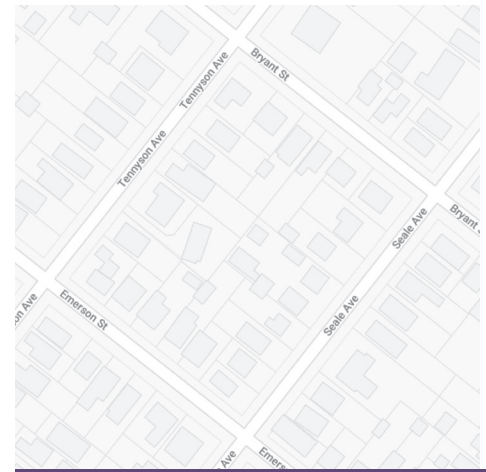
Recently, Joe Gyourko and Jacob Krimmel listed various metropolitan areas where land costs are high due to restrictive land-use rules (Gyourko and Krimmel 2020). In addition to metro areas well known for restrictive zoning such as Los Angeles, San

Francisco, Seattle, and New York City, they include a wide range of cities where restrictive rules have increased land costs within 15 miles of the urban core: Atlanta; Boston; Chicago; Dallas; Miami; Minneapolis; Philadelphia; Phoenix, Arizona; Portland, Oregon; Riverside–San Bernardino, California; San Jose, California; and Washington, D.C. In Boston, Chicago, Miami, New York City, Philadelphia, and San Jose, they estimate that land costs are still elevated at up to 30 miles from the urban core.

In large portions of those metropolitan areas, attractive infill growth would be highly profitable. There are also likely to be many smaller cities and towns outside those metropolitan areas, not analyzed by Gyourko and Krimmel, where a university, hospital, corporate headquarters, or other factors have increased housing demand but political obstacles have stopped zoning rules from being updated—Princeton, New Jersey, for example. Street votes and block votes should also help growth in those places.

Cities that are in decline or facing economic distress may have expensive areas that could drive growth through street and block votes. In areas where house prices are not significantly elevated above build costs, other street-by-street methods for regeneration may be helpful. Street and block votes as proposed here may be less likely to work in areas of existing apartment blocks—where there are already many more residents with widely differing interests, density is already higher, and coordination is more difficult.

THERE ARE VARIOUS PRECEDENTS Although the precise idea of street and block votes has not yet been implemented, a wide range of precedents indicate that street votes and block votes should be feasible and desirable.



Plot use in Palo Alto, California, showing considerable scope for densification and infill.



Plot use in Philadelphia, illustrating a denser urban form.

Parking Reform

There are many examples of street-level demand for reform in the field of parking, dating back to the first parking meters. In 1976, San Francisco neighborhoods were given an option to petition to restrict parking time for nonresidents but allow residents to buy a sticker for unlimited right to park. It

was so popular that before the department had implemented it in the first neighborhood that petitioned for it, another nine neighborhoods had also filed petitions (Fulton and Weimer 1980). David Weimer explains: “The Planning Department set criteria and adapted the existing process for establishing two-hour zones, applying them so that neighborhoods could self-select for participation. This facilitated smooth implementation by allowing the most enthusiastic and best organized neighborhoods to elect for early participation” (1992).

If structured to provide significant benefits to those who make the decisions, opt-ins can be a powerful way to encourage voters to do the work of convincing one another that a reform is good and to achieve widespread adoption. This can be seen, for example, in the opt-in process for the adoption of parking benefit districts in Austin, Texas (Shoup 2018). In parking benefit districts, a city installs parking meters and ensures that some or all of the revenue from those meters is spent on public services in the metered area. By allowing residents of an area the option to become a parking benefit district, cities ensure that residents themselves do the hard work of persuading their neighbors.

Business Improvement Districts

Business Improvement Districts are often set up in already established areas to provide services such as street cleaning, security, parking facilities, street furniture, signage, and public relations. They may have the power to place small additional levies on each business within the BID (Heller and Hills 2008). By contrast, street and block votes would have no power of compulsion. People who do not want to change their property will not be forced to do so.

Minimum Lot Sizes in Houston

Houston already gives some power over land use to individual blocks or face blocks. Although Houston does not have zoning, it has land-use ordinances governing minimum lot sizes. When the city attempted to lower the minimum lot size in some places, in order to allow more housing, it also allowed owners within individual blocks, face blocks,

or other areas to opt via qualified or simple majority for larger minimum lot sizes (§42-197 et seq.). Unlike the street and block votes proposed in this article, which would allow residents to opt in to more intensive zoning, Houston required residents to opt out. M. Nolan Gray and Adam Millsap argue that this opt-out power made reform easier because dissenting voters knew that they could avoid its effects if they wished (Gray and Millsap 2020).

HOAs and Condominiums

The Uniform Common Interests Act regulating condominium and HOAs requires an 80 percent supermajority to terminate an association, which would allow for redevelopment.

Israel, Japan, Australia, Hong Kong, Singapore, and Canada, for example, have laws allowing the redevelopment of an apartment block on approval of a supermajority of the owners. That involves the power to force dissenting residents to sell and move out, a much more drastic provision than street and block votes. Such laws have led to many new homes in places such as Tel Aviv under the applicable “Pinui Binui” and Tama 38 provisions.

Neighborhood Conservation Districts

In some ways, these proposals are simply an inversion of an already widespread technique: neighborhood conservation districts. Rather than allowing a sublocal decision to increase restrictions, as happens with neighborhood conservation districts, street or block votes allow a sublocal decision to allow more housing.

SMARTER ZONING MAY HELP YOUR CITY

The first step for a city planner interested in ultralocal upzoning is to ask an attorney to determine how to do it under state law. We would suggest that the framework rules should be designed so that a successful street vote automatically results in an upzoning, without the need for anything more than a ministerial decision, to avoid political controversy, delay, and expense. Alternatively, upzonings could be implemented through subsequent discretionary city decisions after each street vote, but that will be much less ideal. Decisions might

be made based on a ballot of residents or, subject to legal constraints, by a petition of homeowners.

The next step is for planners to identify low-density residential areas adjacent to downtown or with good transport links that would be suitable for gentle densification if political obstacles can be overcome. Planning staff can prepare a proposal with upzoning options and safeguarding rules. The example of Springfield above illustrates the mechanism and various options that the city can offer residents. Planners should select among those and other options appropriate for each place.

The city can then invite each of those areas to compete to be the first to pilot the street votes approach, by opting in through a petition of, say, 10 percent of residents in each area, or by less formal means. Homeowners in the first area will see the largest gains in the value of their property, as they start to meet the demand for more homes.

After the pilot areas, additional areas can be included, with additional options and perhaps additional safeguards to ensure that any resident concerns and spillover effects discovered in the pilot areas are kept to an absolute minimum. The tremendous economic potential means that it should be possible to design upzoning packages to achieve broad consensus.

Street votes and block votes could be a new way to reduce some of the political obstacles to infill growth, in a wide range of towns and metropolitan areas across the U.S., through smarter zoning that will improve equity and opportunity.

Note: This paper is based on Myers (2021), by kind permission of the Manhattan Institute.

ABOUT THE AUTHOR

John Myers is an attorney and housing campaigner based in London, England. He co-founded the London YIMBY and YIMBY Alliance campaigns, which seek to increase the supply and quality of housing with the support of local people. He previously worked in finance and in private legal practice.

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COULD ULTRALOCAL UPZONING HELP SOLVE THE HOUSING CRISIS?

