

PLANNING TOOLS | LAW | BEST PRACTICES | RESOURCES

Let the Count Begin

THIS MONTH MARKS THE BEGINNING of the countdown to the 2020 Census. It's the time when the Census Bureau heightens its search for some 500,000 temporary staffers to work door-to-door. But some of those workers will have a different job than in the past. Census expert Chris Williamson, AICP, says we can expect that some two-thirds of the population will respond online.

Census workers hitting the streets still play an important role, though.

Williamson is busy this time of the year helping local officials—and planners—solve the problems that make the final count so difficult. A host of problems can result in an undercount on the census. The key issues include the perennial undercount of children under five; the fears of local residents, especially those without citizenship; language barriers that may discourage participation; and the difficulty of finding addresses, particularly in areas with many vacancies and poorly marked buildings or temporary housing. All these things can leave important demographic groups underfunded and threaten access to resources, Williamson says.

The hope is that people will respond by April 30. When they don't, the Census Bureau tries again in person.

The major difficulty is addressing housing vacancies. Williamson notes that local planners count on the census to profile their housing stock. When the numbers aren't available to feed into their projections, everything is skewed.

A changing census

The decennial census has been the federal and local governments' best source of data since 1790, when the Constitution made it a requirement. The content and format of Census 2020 largely dates from 1980, when the Voting Rights Act was passed. Williamson says the act responded to a Supreme Court decision requiring electoral districts to have equal populations.

In another decision this past June, the Court voted five to four to turn down the Trump administration's request to add a question about citizenship.



A U.S. Census Bureau field service employee approaches a resident's door to verify address data for the 2020 Census.

The 1990 census marked the beginning of digital mapping (and of the GIS boom, Williamson says). It was also the beginning of the Complete Count Committees, which are in place in almost every state. "The Census Bureau encourages the committees, even creating 'complete count contests' and passing out prize money to the winners," says Williamson. "The message is clear: For every person missed in the count, your community loses funds."

A count that matters

Why should planners and commissioners care about the census?

"Almost every community has districts—for schools, elections, and so on. The census provides the official

data used to draw up these districts. The result could matter a lot," says Williamson. "Also, the census is almost the only way to get an accurate demographic profile of your community. The population might not have changed much, but the census will suggest change that might be coming."

He cites the baby boom generation as an example. "The population of your area might seem stable at the moment, but what about kids that move away—or retirees? Those changes could affect the housing you will need in the future—and services you may be asked to provide. Your total population may not change much, but the population characteristics definitely do."

For planners, it's the long-form data that is most useful, he says. In 1960, one out of six addresses got the long form, which asked a broad variety of questions. In the late 1990s, a new version appeared, the American Community Survey. The ACS is now sent to some two million addresses each year.

"Some of the data produced by the ACS is better than others," Williamson says. "In some cases, there is a pretty large margin of error. And sometimes planners are the only people who understand the statistical results."

The big question is how to get people to participate. "The Census Bureau spends a couple million dollars on advertising, but that's not enough," says Williamson. "So some states do more." There is also concern about the census taking place next year in the midst of a political campaign. "There's fear that it will be overwhelmed," he says.

Williamson is a rare animal: a planning PhD with a BS in geography. He has been both a planning practitioner and a professor—and a 10-year veteran of the Census Bureau. He sees city planners as the best sources of census information; they know where the homeless are, for instance.

"They're the ones who make sure everyone gets counted." ■

—Ruth Eckdish Knack, FAICP
Knack is a former executive editor of *Planning*.



Among the sticky legal issues planning commissioners have to tackle are regulations for short-term rentals, rules governing the size and placement of signs, and where tattoo parlors can set up shop.

Commissioners Have to be Quick Studies

PLANNING BOARD members face complicated issues, whether they serve a large city, a rural county, or someplace in between. So they have to do their homework.

Short-term rentals

The STR business—notably Airbnb and VRBO—seems to have snuck up on us, just as ride sharing has. No real plans and certainly no regulations were in place for either phenomenon, yet both dramatically affect land use. New York City recently brought a \$21 million lawsuit against a group of real estate brokers accused of illegally operating STRs in 35 buildings in Manhattan; they used 18 corporate entities to convert 130 apartments and then rent them to 75,000 guests.

There is no one-size-fits-all approach to planning and regulating STRs. Whole neighborhoods have lost their social fabric when owners essentially abandoned their single-family homes for the greater return from short-term rentals. It's up to commissioners to draw the line between the elderly widow who rents out a back bedroom a few days a month and the

deep-pocketed commercial operator with hundreds of units for rent.

New Orleans has done a good job addressing these issues, from prohibiting STRs in the Vieux Carré to enabling them in commercial areas. To see its program, go to nola.gov/short-term-rentals.

Tattoos and the First Amendment

As commissioners, you must protect the civil rights of all, even in areas you never imagined would get your help. Adult businesses—strip clubs, for instance—are protected by the First Amendment. You may roll your eyes, but as a commissioner you know that the right to adult entertainment falls under the broad umbrella of protected speech, and that you are obligated to protect it.

And that includes zoning to allow tattoo parlors. The case law is clear: Tattooing is protected expression. As the Ninth Circuit put it in the 2010 case of *Anderson v. Hermosa Beach*, it doesn't matter whether the protected expression is a pen-and-ink drawing or a tattoo. The takeaway is that you will be hard pressed to totally prohibit a tattoo establishment

in your community—although of course you can regulate its location.

Window signs

Commissioners regulate kinds of signs with great care, and then drive by the local grocery to see the ground-to-ceiling windows plastered with this week's loss-leader. What happened?

The answer lies in the U.S. Supreme Court's 2016 decision in *Reed v. Gilbert*. It makes it nearly impossible to regulate sign content. You can limit, however, the area of the sign—say not more than 30 percent of the window area and not blocking the view to the cashier (as St. Paul, Minnesota's regulations stipulate). You can also distinguish between temporary and permanent signs (as Park Ridge, Illinois, does).

Finally, you may wish to include the window sign area in an aggregation of all kinds of signs and limit the total to some measure like four square feet for each foot of street frontage (Los Angeles). ■

—Dwight Merriam, FAICP
Merriam, a past president of the American Institute of Certified Planners, is a planner-lawyer in private practice. Visit dwrightmerriam.com.



Brian Williams attends Riverfest in Columbus, Ohio, where he was once employed as a full-time reporter and is now a member of the University Area Commission.

Perspectives on Zoning

JOURNALISM SCHOOL DIDN'T TRAIN ME for city council shouting matches about curb cuts, floor-area ratios, or parking lot lighting. Instead, I learned on the job at several newspapers, listening to residents and public officials talk past each other in public hearings.

It turns out that my 25 years of newspaper experience was excellent preparation for my current role as a member of the University Area Commission in Columbus, Ohio.

From reporter...

In 1979, a few weeks into my first newspaper job in an urbanizing township 20 miles from Cleveland, I recall driving home from a hearing confused by the angry cries of "spot zoning!" In fact, the small market that residents vehemently opposed struck me as a good fit for the community.

Within a few years, I was covering zoning battles in the Chicago suburbs. When people complained that an apartment building or convenience store would lower property values, it seemed to me—a renter in the city—that they were more interested in profiting from the community than investing in it for the long term.

Soon I was jaded enough that I could

almost write my stories before the hearings because I knew that the same people would trot out the same arguments: Too much traffic. Unsafe for kids. School overcrowding. Not enough parking. Reduced home values. Density too high.

Later, writing editorials and columns in Rochester, Minnesota, I began to consider planning and zoning as policy rather than the clash of the week. Why, for example, in code-compliant subdivisions, are single-family houses laid out in a fashion accessible only by car? Why does a community oppose a new apartment complex or fast-food joint?

It was obvious to me that the motivations behind these reactions—racial or economic bias, preserving property values and neighborhood character, or maybe simple fear of change—were generally less clear.

But one thing was certain: Zoning codes had become tools to oppose development rather than rules for development. And zoning disputes had less to do with shaping a city's growth and more to do with parking, density, signage, floor-area ratio, height limits, parking minimums, and the number of bedrooms or barstools per parking space.

In 2004, after covering rural and urban land-use issues for the *Columbus Dispatch*, I left journalism to become an advocate for the things I cared most about: land-use planning, farmland preservation, urban revitalization, public transportation.

... to commissioner

Three years ago, I became a member of the University Area Commission, the group that, among other things, makes recommendations on zoning variances to the city council and the board of zoning adjustment. The commission's jurisdiction covers the neighborhoods adjacent to—but not including—The Ohio State University campus.

My appointment came at a time of rapid, large-scale redevelopment on the High Street campus strip and other neighborhoods near OSU. The biggest

debate was over a plan to raze a block of century-old brick foursquare houses to build an 11-story mixed-use development.

Central Ohio foresees as many as a million new residents by 2050. As baby boomers retire, seniors are expected to become one of the fastest-growing demographics. The other will be millennials, who are still joining the workforce and starting families in great numbers. Both cohorts are drawn to walkable, mixed-use neighborhoods. As demand grows for apartments, condominiums, and small, detached houses, the interest in large suburban homes is shrinking. That means neighborhoods like the University District are likely to become a hot commodity.

Meanwhile, many local residents have a visceral dislike of “density.” They voice their opposition in terms of height limits, floor-area ratio, and parking spaces—figures that don’t necessarily reflect population per square mile. In fact, the university district has more residents per square mile than any other place in Ohio.

As a reporter, I observed as public officials, developers, lawyers, and residents talked without listening. Now I serve with or represent neighbors who can recite arcane, arbitrary numbers in the zoning code but have no idea how to create or maintain a vibrant, viable neighborhood. I’m increasingly convinced that solutions do not lie in the zoning code, and that the neighbors’ fears are really about design and change.

Our zoning committee has experimented in recent months with a less adversarial approach, asking developers to come to us early in their planning process for a conceptual review. We encourage them to meet with residents and civic groups—a process that in some cases results in compromise and design changes that satisfy both sides. It’s not perfect, but it takes the focus away from formulas and figures.

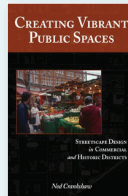
After all, numbers can be deceiving. A good community is more than the sum of its parts. ■

—Brian Williams

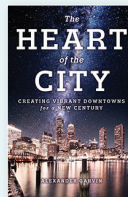
Williams is a freelance writer and member of the University Area Commission in Columbus.

COMMISSIONERS’ BOOKSHELF

These five books are of particular value to planning commissioners, zoning board members, and historic preservationists:



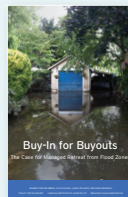
Creating Vibrant Public Spaces (2009) by landscape architect Ned Crankshaw offers a straightforward, thorough, and congenial account that can help decision makers ask good questions. If you can read only one book in this bunch, make it this. One thought: “Each circulation pattern is a continuum that converts auto drivers to pedestrians and then back again. The point of conversion from driver to pedestrian is a significant change in the experience.”



The Heart of the City: Creating Vibrant Downtowns for a New Century (2019) by Alexander Garvin is a magisterial view from someone who seems to have been everywhere and seen everything—and who is concerned that environmental impact statements and organized objectors unduly hamper (re)development.



Advancing Equity Planning Now (2018) is edited by Norman Krumholz and Kathryn Wertheim Hexter. Contributors emphasize that planning leaders can help those least able to help themselves by asking two simple questions: “Who benefits?” and “Who pays?” The book includes many examples, not all successes for Team Equity.



Buy-ins for Buyouts: The Case for Managed Retreat from Flood Zones (2016) by Robert Freudenberg, Ellis Calvin, and Laura Tolkoff (Regional Plan Association), and Dare Brawley (Columbia University) addresses a chronic, difficult, and divisive planning issue using examples from two recent Atlantic hurricanes. The best answer, when possible, is to start early.



Historic Preservation: An Introduction to Its History, Principles, and Practice (third edition 2018) by Norman Tyler FAICP, Ilene R. Tyler, and Ted J. Ligibel, is a weighty and authoritative tome that still manages to inform with practical and unanticipated insights. The authors make a sustainability case for reusing the massive stock of post-World War II buildings, sometimes despite their

quality issues (more on this in Planners Library).

—Harold Henderson

—Henderson is *Planning's* regular book reviewer.