

Resolution to Adopt Form-Based Codes

WHEREAS, Form-based codes are a type of development regulation that focuses on the physical form and design of buildings and public spaces rather than land use zoning. They provide guidelines and standards for the physical characteristics of buildings, streets, and public spaces within a given area.

WHEREAS, Exclusionary zoning is classist and historically a racist tactic. Form-based codes allow complete integration through equitable development: “where no matter where you live, or who you are, you can enjoy living in a place that is healthy, prosperous, and resilient. Living in a neighborhood that is beautiful, affordable, and accessible shouldn’t be the luxury of a lucky few. It should be a lifestyle that’s attainable by all.”¹

WHEREAS, According to an overview of the literature by New York University’s Furman Center, “often the benefits secured by regulatory restrictions are enjoyed by a relatively small number of existing property owners and/or existing residents, whereas costs are borne by a larger set of households who either rent or would like to live in the area.”²

WHEREAS, Form-based codes have the following features and advantages:

- **Predictable and streamlined development process:** By providing clear guidelines and standards, form-based codes offer developers and property owners a more predictable development process. This reduces uncertainty, speeds up the approval process, and facilitates investment in the community.
- **Sustainability:** Use-based codes separate workplaces and daily destinations from residential areas and require extensive travel between different uses. By contrast, form-based codes focus on integrating uses into compact neighborhoods that require less travel to daily destinations.
- **Promote walkability and mixed-use development:** Form-based codes encourage walkability by promoting compact, pedestrian-friendly neighborhoods. “A walkable neighborhood [requires destinations to walk to](#), not just sidewalks and shade trees. A walkable neighborhood is a [15-minute neighborhood](#): one where you can meet your needs on foot within a close distance of home. A form-based code makes it much, much easier to achieve such a neighborhood, because it allows a diversity of services and businesses to coexist in all neighborhoods.”³
- **Promote independence for our children, students, the elderly, disabled, and low-income residents:** accessible human-scale neighborhoods make this possible.

¹ Smart Growth America, “Form-based codes: A means to equity in a compassionate city,” June 13, 2019, <https://smartgrowthamerica.org/form-based-codes-a-means-to-equity-in-a-compassionate-city/>.

² Vicki Been, Ingrid Gould Ellen, and Katherine O’Regan, Supply Skepticism: Housing Supply and Affordability, New York University Furman Center, August 20, 2018, https://furmancenter.org/files/Supply_Skepticism_-_Final.pdf.

³ Daniel Herges, “6 Reasons Your City Needs a Form-Based Code,” *Strong Towns*, June 8, 2020, <https://www.strongtowns.org/journal/2020/6/8/6-reasons-your-city-needs-a-form-based-code>.

- **Boost business and employment:** “A walkable street ensures that people can safely cross from a clothing store to a coffee shop and spend money at both. It means that people who live in the neighborhood can grab groceries and other necessities easily, so they’ll probably visit nearby establishments more often. Perhaps most importantly, a walkable street is one in which many businesses occupy the bulk of the land, meaning that dozens of destinations can be accessed in a matter of minutes on foot, and that every inch of land is put to economically productive use — not squandered in empty parking lots or unnecessary landscaping.”⁴
- **Healthy public finances:** The experts at [Urban3](#) “spend much of their time visiting cities and towns across the nation to analyze their tax productivity, comparing how much tax revenue is produced per acre in different areas. What they’ve consistently found is that compact, walkable places produce far more tax value per acre than auto-oriented places —and that holds true in communities across America.”⁵
- **Creation of public spaces:** Form-based codes pay particular attention to the design of public spaces. They often include guidelines for the layout and design of streets, parks, plazas, and other public areas to ensure they are visually appealing, accessible, pedestrian friendly, and conducive to social interaction.
- **Design-oriented flexibility:** Form-based codes allow for flexibility in design and architectural styles while still maintaining control over the overall form and character of the built environment. This enables creativity and innovation in design while ensuring that development aligns with the desired community vision.
- **Context-sensitive approach:** Form-based codes take into account the existing context and character of a neighborhood or district. They seek to create development regulations that are sensitive to the unique qualities and identity of the area, encouraging the creation of harmonious and contextually appropriate built environments.
- **Improved visual and aesthetic quality:** Optionally, form-based codes can incorporate architectural design standards that create a distinctive community style (for example downtown Santa Barbara, CA and Taos, NM), resulting in more aesthetically pleasing buildings and public spaces.
- **Preferred by buyers and renters:** Form-based codes often result in development that is so much more desirable than everything around it that units sell for a premium relative to the surrounding market. This is a supply and demand problem. There is a surplus of housing in sprawl neighborhoods and a severe shortage of housing in compact communities. The solution is to implement form-based codes **in all neighborhoods** and build more accessible walkable communities.

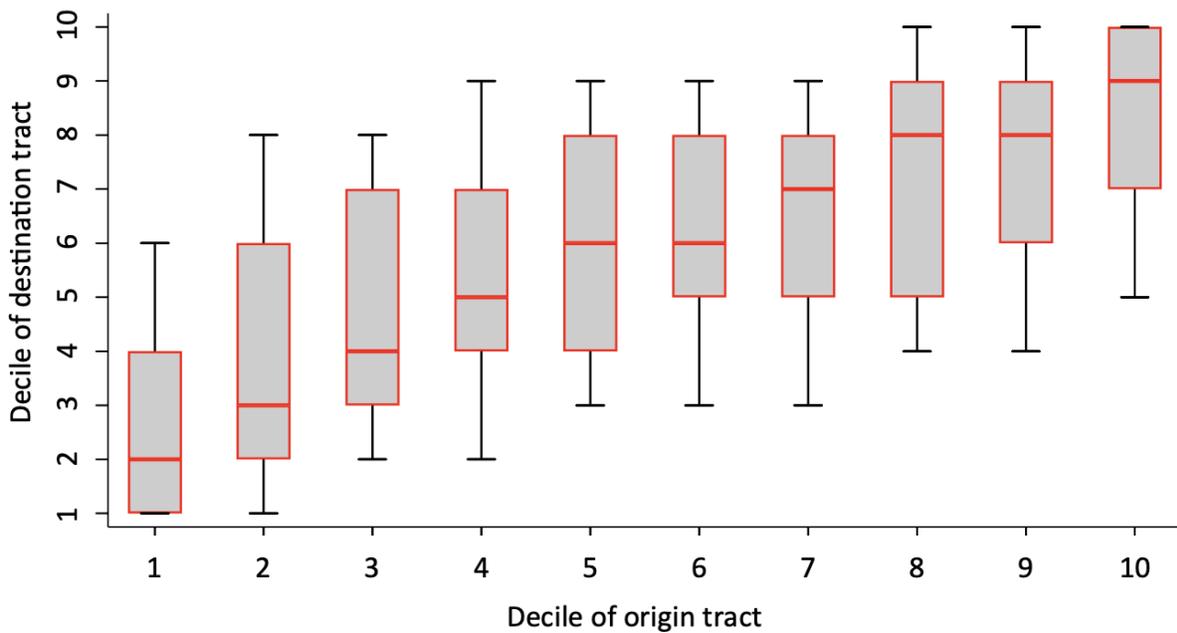
WHEREAS, **building market-rate housing substantially eases the crunch on lower cost (“affordable”) housing**, if you divide the housing market into deciles (tenths), with the upper tenth being the 10th decile and the lowest the first decile, a shortage of units in any of the upper deciles has a cascading effect on the deciles below. Potential buyers in those deciles are forced

⁴ Rachel Quednau, “Why Walkable Streets are More Economically Productive,” Strong Towns, Jan. 18, 2018, <https://www.strongtowns.org/journal/2018/1/16/why-walkable-streets-are-more-economically-productive>

⁵ Ibid.

by rising prices to purchase into the next lower decile, driving prices up there as well. This cascades all the way down to where those in the second decile are driven into purchasing units or renting in the first decile, raising those prices as well and driving residents who rely on the bottom of the market into homelessness. Using data for migration between neighborhoods with different income levels in the Chicago metropolitan area, a recent study estimates 100 new market-rate units create 70 available units in neighborhoods with household incomes below the metro area median, and 39 in neighborhoods with household incomes from the bottom fifth.⁶ In other words, market-rate construction is a necessary component of a balanced solution including construction of permanently affordable housing.

Figure 1 Migration between Neighborhoods with Different Income Levels



NOTE: The figure shows the relationship between origin and destination neighborhood income of movers within the Chicago metropolitan area. Neighborhood income is ranked and grouped into tenths, or deciles. Each box represents the middle 50 percent of movers from a given origin neighborhood income decile, with the horizontal black line in the box representing the median mover; the whiskers represent the bottom and top tenths of movers from the neighborhood income decile.

SOURCE: Author’s calculations using data from Infutor Data Solutions and the U.S. Census Bureau.

WHEREAS, an overview of the literature by New York University’s Furman Center concludes, “the preponderance of evidence suggests that easing barriers to new construction will moderate price increases and therefore make housing more affordable to low and moderate income

⁶ Evan Mast, The Effect of New Market-Rate Housing Construction on the Low-Income Housing Market, W.E. Upjohn Institute for Employment Research, July 23, 2019, https://research.upjohn.org/up_policybriefs/13/.

families. Moreover, supply restrictions inhibit the ability of workers to move to areas with growing job opportunities.”⁷

WHEREAS, U.S. overall median rent rose 31% between February 2017 and February 2023. But a study of four cities that enabled missing middle construction recently reported much smaller median rent increases – 7% in New Rochelle, NY; 4% in Tysons, VA; 2% in Portland, OR; and 1% in Minneapolis.⁸

WHEREAS, a study comparing four form-based code areas (Arlington Co, VA, Cincinnati, OH, Fort Worth, TX, Palm Beach Co., FL) with matched standardly zoned areas saw a 34% greater increase in construction activity, particularly in multi-family development, in the form-based code areas. “Average rent in multi-family developments grew at a slower pace in places with form-based codes than in the comparison areas (8.7 percent increase vs 16.6 percent). This is because there are more housing options for a wider range of household incomes in the form-based code areas, making it possible for folks and families of different backgrounds to share the prosperity of their community. ... There was no statistically significant change in the racial make-up of areas with form-based codes, which reinforces the fact that form-based codes are not a catalyst for gentrification and displacement”⁹

WHEREAS, a study of 11 major U.S. cities (Atlanta, Austin, Chicago, Denver, Los Angeles, New York City, Philadelphia, Portland, San Francisco, Seattle, and Washington, D.C.) concluded, “The average new building lowers nearby rents by 5 to 7 percent relative to trend, translating into a savings of \$100–\$159 per month. ... In addition, we find that new buildings increase low-income in-migration, implying that this improved affordability can foster more integrated, economically diverse neighborhoods that may provide low-income residents with greater economic mobility. The mechanism underlying these results appears to be a simple story of supply and demand. If high-income households like a particular neighborhood, preventing the construction of new housing in those neighborhoods does not prevent them from moving to that neighborhood. Instead, it simply leads them to outbid lower-income households for whatever housing is already available in that neighborhood. This raises rents for everyone and lowers the ability of low-income residents to stay in or move to the area. By contrast, if new housing is built, many high-income households will choose this option instead of a nearby existing unit, reducing rent and out-migration pressures in the area. Increasing housing supply

⁷ Vicki Been, Ingrid Gould Ellen, and Katherine O'Regan, Supply Skepticism: Housing Supply and Affordability, New York University Furman Center, August 20, 2018, https://furmancenter.org/files/Supply_Skepticism_-_Final.pdf.

⁸ Alex Horowitz & Ryan Canavan, “More Flexible Zoning Helps Contain Rising Rents: New data from 4 jurisdictions that are allowing more housing shows sharply slowed rent growth,” Pew, April 17, 2023, <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/04/17/more-flexible-zoning-helps-contain-rising-rents>.

⁹ “ZONED IN: Economic Benefits & Shared Prosperity with Form-Based Codes,” FBCI and Smart Growth America, Sept. 2021, <https://smartgrowthamerica.org/wp-content/uploads/2021/09/Economic-Benefits-of-FBCs-sRGB.pdf>, 6.

should therefore be an important part of any solution to the present affordability crisis. One way to do so is to relax regulations that make it difficult to build in many cities”¹⁰

WHEREAS, form-based codes would vastly expand our access to federal housing programs. Most subsidized units are in multi-family buildings, which would be allowed in all neighborhoods providing they conform to the approved forms. The effect of existing zoning is that people who do not make enough money to afford market rate housing are being excluded from living in vast swaths of our cities. It limits their choices as well as the public services available to them, such as schools and health care.¹¹

WHEREAS, Overall, form-based codes offer a more holistic and design-oriented approach to zoning and development regulations, focusing on creating well-designed and vibrant communities accessible to all who walk, bike, roll, and use transit. By integrating land uses, prioritizing physical form, and promoting public spaces, they help foster sustainable, attractive, and livable environments.

WHEREAS, the development and implementation of these code forms are created through a collaborative process involving local planning experts, builders, non-profit organizations, and the public.

THEREFORE BE IT RESOLVED, that Whatcom Democrats calls on Whatcom County to adopt form-based codes within the urban growth areas.

THEREFORE BE IT FURTHER RESOLVED, that Whatcom Democrats calls on Whatcom cities, starting with the City of Bellingham, to replace existing zoning citywide with form-based codes.

Adopted by a vote of 58-1 at the July 22, 2023 Central Committee (General Membership) Meeting.

¹⁰ Brian J. Asquith, Evan Mast, Davin Reed, “Supply Shock Versus Demand Shock: The Local Effects of New Housing in Low-Income Areas,” Working Paper 20-07, Research Department, Federal Reserve Bank of Philadelphia, February 2020, <https://www.philadelphiafed.org/-/media/frbp/assets/working-papers/2020/wp20-07.pdf>.

¹¹ Laurel Demkovich, “How local laws restrict the location of subsidized housing,” InvestigateWest, July 8, 2023, <https://www.invw.org/2023/07/08/how-local-laws-restrict-the-location-of-subsidized-housing/>.