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Gentrification and Control: An Analysis of New Urbanism, Form Based Code, and Kingston's Rezoning Process

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Gentrification and Control: An Analysis of New Urbanism, Form Based Code, and Kingston's
Rezoning Process

Senior Project submitted to
The Division of Social Studies
of Bard College

by
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Annandale-on-Hudson, New York

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This project is dedicated to my family. Thank you Mom, Dad, Carly, and Ellen for your unwavering support, stability, and thoughtful advice. I hope to always make you proud.

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Introduction

In the early 1970s, successful developer Robert Davis inherited 80 acres of land on the coast of the Florida panhandle from his grandfather, acreage that is now known as Seaside, FL. Though most American developers and planners of his time were continuing to create post World War II suburban cul-de-sac developments, Davis wanted to do something radically different. To do so, he enlisted the help of the Boca Raton based husband-wife architectural team, Andres Duany and Elizabeth Plater-Zyberk, as well as Leon Krier, a well known figure in the British community architecture movement. Davis, Duany, and Plater-Zyberk were seeking an alternative to the urbanism that came out of urban renewal, a remedy for “the crowding, the noxious traffic, the terrifying crime, the anomie, and the endemic placelessness”¹ that New Deal urban renewal programs had plagued the country with. This remedy became known as the New Urbanism movement, a planning and development approach consisting of neotraditional planning ideology and methods. The New Urbanism is concerned with applying the diversity, pedestrianism, public space, and bounded neighborhoods of urbanism to entire metropolitan areas, including the suburbs and new growth areas, and with designing entire regions based on similar urban principles.²

Duany and Davis toured the South of the United States in a red convertible in search of desirable cities and towns to emulate, finding what they liked in Charleston, North Carolina and Natchez, Mississippi, among others. With an appreciation for Southern historical charm, a strong sense of community, and pedestrianism, the group settled on “(re)making a small 19th-century

¹ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 349-50.

² Peter Calthorpe, “The Region,” in *The New Urbanism: Toward an Architecture of Community*, ed. Peter Katz (McGraw Hill, 1994): xi.

American town”³ with Southern quaintness and charm on Davis’ 80 acres in Florida. Marking the beginning of the New Urbanism movement, they aimed to emulate neighborhood patterns of the early 20th century⁴ through zoning practices and urban code.

Zoning is a tool used by cities, counties, and municipalities to regulate uses, building size, and how buildings relate to other buildings, open spaces, and the street in a particular area or district.⁵ Zoning influences how people live, work, shop, play, and engage with their neighbors and community. Historically, zoning in the United States has been used primarily to separate uses by district, by designating manufacturing, residential, recreational, industrial, agricultural, and commercial zones,⁶ a tool known as traditional or Euclidean Zoning. Euclidean Zoning is generally regarded as a major contribution to suburban expansion after the Second World War, and has negative connotations about its impact on social, economic, and environmental variables. Zoning also regulates size limitations for buildings and lots, what animals are permitted in a particular area, density of development, natural resource extraction, and provides space for schools, parks, hospitals, and historic sites.⁷ Zoning code is supposed to be revisited and redrawn every five years, but this process is often neglected, leaving cities and towns with outdated zones and regulations that no longer match the needs of the city.

Critique of traditional Euclidean zoning from planners and architects in the New Urbanism movement made way for alternative planning tools, like the introduction of neotraditional zoning and form based code. Form based code (FBC), sometimes referred to as Smart Code, focuses on the physical form of structures rather than use type to organize code

³ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 349-50.

⁴ Cliff Ellis, “The New Urbanism: Critiques and Rebuttals,” *Journal of Urban Design* 7, no. 3 (2002): 261.

⁵ “What is Zoning?” *City of Santa Monica Community Development Department*, accessed October 2021, <https://www.smgov.net/departments/pcd/zoning/what-is-zoning/>.

⁶ Ingolf Vogeler, “What is Zoning?” *People’s Pages: University of Wisconsin Eau Claire*, accessed October 2021. https://people.uwec.edu/ivogeler/w270/what_is_zoning.htm.

⁷ *ibid.*

regulations.⁸ In an effort to diversify housing types, diversify size or type of household in a community, improve people's proximity to work and shopping, and improve transportation,⁹ cities in recent years have worked with private planning firms to develop a form based code, which increases mixed use street and building types, regulates number of floors, and specifies percentage of built site frontage rather than regulating district by use.¹⁰

Kingston, a small city in upstate New York, is currently experiencing a housing crisis in the midst of a massive real estate market boom, and an update to their zoning law is long overdue. In 2018, the city began the process, hiring New Urbanist planning firm Dover Kohl & Partners to develop a brand new form based zoning code. My project began as an analysis of this rezoning process, and developed into a critique of New Urbanism, with Kingston serving as an ethnographic case study. This project outlines the history of the development of neotraditional planning and form based code, and the implications that the code type and planning ideology may have on gentrification, the structure of urban spaces, and the regulation of human behavior.

The first chapter begins with a history of urban renewal. Beginning in the post World War II era of 1946 to 1968, I discuss geographer Neil Smith's analysis of the construction of the urban frontier as a modern continuation of settler colonialism's conception of the American frontier as justification for Western expansion and the removal and fragmentation of indigenous civilizations. I argue that this construction of the urban frontier, in conjunction with the FHA's racialized redlining of urban neighborhoods, allowed for the creation of New Deal urban renewal programs that, under the guise of economic development and improvement of urban spaces, demolished entire low income and minority neighborhoods in the urban American sphere.

⁸ "Form Based Code Defined," *Form Based Codes Institute*, accessed October 2021, <https://formbasedcodes.org/definition/>.

⁹ "What is Zoning?" *City of Santa Monica Community Development Department*, accessed October 2021, <https://www.smgov.net/departments/pcd/zoning/what-is-zoning/>.

¹⁰ "Form Based Code Defined," *Form Based Codes Institute*, accessed October 2021, <https://formbasedcodes.org/definition/>

Though New Deal programs were intended to prevent (sub)urban sprawl and revitalize the American city, in reality urban renewal displaced long-term residents of cities across the country and heightened the political and public perception that the city was dangerous, out of control, and needed to be taken back from the “undesirables” of society, meaning poor people, black and brown people, and the homeless.

Because the urban renewal era left minority communities more impoverished and in disarray than before, the era was a primer for the mass gentrification of these cities from the 1970s to today. This gentrification was facilitated by the “tough on crime” policies of the seventies and eighties that effectively removed and imprisoned hundreds of thousands of urban residents. I use New York City’s Tompkins Square Park as a case study of the use of brutal policing, oppressive legislation, and the carceral state to control and regulate an urban population. To this day, this phenomenon is often referred to positively, as a cleaning up of the streets of New York City, Chicago, and other urban areas. What is often ignored is that these residents, however “unsavory” their activities may have been, had a right to occupy space, had a right to exist.

While the New Urbanism movement imagines itself as a remedy to urban renewal destruction, I argue that it is actually a neoliberal continuation of it. New Urbanism, like urban renewal programs in the second half of their existence, relies on the private development sector to “fix” the city. This raises the issue of the prioritization of economic development over affordable housing. I also discuss their use of the theory of environmental determinism, which at its core is deeply racist and imperialist.

In my second chapter, I use theory from geographer Karen Falconer al-Hindi and analysis of Peter Weir’s 1998 film *The Truman Show*, which is filmed in a real-life Florida town with a

form based code, to discuss the authoritative nature of neotraditional planning and the hyper-control of the public sphere. New Urbanists call for a reimagining of the public sphere that does not accommodate societally unacceptable or unconventional uses, nor does it imagine what safety looks like or means for an entire urban population. I discuss the controlling nature of zoning codes as a concept, and how this applies specifically to New Urbanist planning. Neotraditional planning attempts to predict and control the built environment through prescriptive and regulatory practices, with planners and architects assuming a hierarchical authoritative knowledge, as experts, over what American cities need for success in the modern era.

My third chapter uses Kingston, NY's current rezoning process to explore the realities of community input and engagement, an element of New Urbanist planning that is highly emphasized. A Swedish study on the pitfalls of community input in planning highlights the authoritative nature of community input in legislative processes like rezoning, suggesting that it is often tokenistic. I analyze a website called Imagine Kingston, which is dedicated to updating and informing the Kingston community on the rezoning process, and my own experiences throughout the city's charrette week to explain the tokenistic and neoliberal nature of this kind of community engagement in the neotraditional planning process and in Kingston's rezoning process in particular.

In my fourth and final chapter, I introduce my own study of form based code and its impact on rise in rent and access to affordable housing, both of which I believe are indicators of gentrification. This study developed out of a skepticism of the limited studies publicly available, which are funded and produced entirely by New Urbanist and form based code advocacy organizations like The Center for the New Urbanism (CNU) and the Form Based Codes Institute

(FBCI). Because of the insular nature of these studies, and the way in which FBC advocacy organizations skewed the results of the studies' finding, I felt obligated to compile my own set of data that looked at multiple variables, including and primarily change in rent as percentage of income in areas with form based code compared to areas with conventional zoning.

Zoning is an inherently prescriptive and regulatory process that dictates and organizes how land may be used. Though New Urbanist planners and architects market themselves as an emancipatory movement that reintroduces authentic local urbanism and community self-determination, I argue that New Urbanism and form based code prioritizes private enterprise and economic development over the needs of community, and is equally as oppressive and restrictive to the individual as traditional zoning.

Chapter 1 | Urban Renewal: From Urban Wilderness to Urban Frontier

In 1934, the urban-focused New Deal developed the Federal Housing Administration (FHA), and from 1934 to 1968, the FHA supported racialized redlining by identifying predominantly Black neighborhoods as “hazardous” on maps. Now illegal, redlining allowed banks and insurers to concentrate Black and other minority homeowners within specific neighborhoods by denying loans and insurance services to minority applicants based on where they attempted to buy homes. This made it nearly impossible for Black homeowners to purchase property outside of urban slums, where homes were often neglected and badly maintained. Redlining allowed for developers to specifically target Black neighborhoods for demolition in urban renewal programs. The classifying of neighborhoods as “hazardous” also contributed to the narrative that housing project neighborhoods were a dark spot on urban centers and beyond repair, which made the demolition of these neighborhoods morally justifiable, at least in white public opinion. New Deal housing programs were hijacked by private entrepreneurs, and these private developers used the guise of economic development and the supposed moral interest of improving the housing conditions of the poor to demolish low income and minority urban neighborhoods, regardless of their actual condition.¹¹

Urban historian Karen Ferguson uses New Deal urban renewal in Atlanta to highlight the pattern of urban reorganization across the country, calling it “a template for radicalized urban development that would endure for decades to come.”¹² Urban renewal has a history of deceptively supporting better housing for the poor,¹³ though historically the result has been the

¹¹ Rhonda Y. Williams, “Hijacking Public Housing: A Review of *New Deal Ruins*,” *Southern Spaces*, March 2015, <https://southernspaces.org/2015/hijacking-public-housing-review-new-deal-ruins/>.

¹² Karen Ferguson, *Black Politics in New Deal Atlanta* (North Carolina: University of North Carolina Press, 2002): 166.

¹³ Brent Cebul, *Supply-Side Liberalism: Fiscal Crisis, Post-Industrial Policy, and the Rise of the New Democrats* (Cambridge University Press, 2019): 146.

opposite. While the programs originally consisted of government funding for low income housing redevelopment projects, they actually paved the way for predominantly white business leaders to take advantage of “millions of federal slum-clearance and low-cost-housing dollars”¹⁴ and “pursue their own vision of community development.”¹⁵

In Atlanta, New Deal housing programs initially resulted in “more public housing per capita than any other American city”¹⁶ by the end of World War II, but this was followed by an urban renewal process that demolished entire neighborhoods and uprooted a fifth of Black Atlantans from their homes.¹⁷ These programs had a vested interest in maintaining and improving cities’ downtowns and business districts, which resulted in the use of public and federal funds to remove poor people of color from neighborhoods that surrounded or were within the city centers. Majority white business leaders were able to “reconfigure the racial geography of American cities... and play a crucial role in the marginalization of minority city dwellers economically and politically in the second half of the twentieth century”¹⁸ by pretending to provide public-welfare and economic benefits through the demolition of poor and underserved neighborhoods.

The same thing was happening in other cities. In Illinois, the Metropolitan Housing and Planning Council (MHPC) drafted the Blighted Areas Redevelopment Act in 1947, with “blight” being a thinly veiled code word for Black and brown residents, low income residents, and homeless people. The act created a public agency called the Land Clearance Commission. This agency would “acquire land in ‘blighted’ areas, demolish existing structures, and then sell the

¹⁴ Karen Ferguson, *Black Politics in New Deal Atlanta* (North Carolina: University of North Carolina Press, 2002): 166.

¹⁵ *ibid.*

¹⁶ Karen Ferguson, *Black Politics in New Deal Atlanta* (North Carolina: University of North Carolina Press, 2002): 168.

¹⁷ *ibid.*

¹⁸ Karen Ferguson, *Black Politics in New Deal Atlanta* (North Carolina: University of North Carolina Press, 2002): 167.

land at a huge discount to private investors who promised to build new, more profitable structures on the site.”¹⁹ This act, alongside the political narrative that poor urban neighborhoods were a “blight” of the city and beyond repair, facilitated the federal subsidizing of private development. Though urban renewal programs like this one supposedly targeted slum areas, this often was not the case. In 1946, Black homeowners made the case to Chicago’s City Council that urban renewal in Chicago “ignore[d] actual slum areas completely and plan[ned] ‘the demolition of a well-kept Negro area where the bulk of property is resident owned, its taxes paid, and its maintenance above par.’”²⁰ The Blighted Areas Redevelopment Act was paired with the Illinois Relocation Act, but, as in other cities, federal funding was allocated to public housing for only 15 percent of Chicago residents displaced by urban renewal,²¹ leaving many in less stable housing conditions than before.

The razing of neighborhoods by developers is reminiscent of the settler colonialism and Western expansion of the 18th and 19th centuries, as developers imagined themselves as pioneers of a new “frontier.” In the settler colonial narrative, the West was pure wilderness, a savage and not socially habited frontier. The existence of Native Americans was recognized, but not as humans or long term residents of the land. To white settlers, they were a part of the environment, a part of the wilderness that was supposedly theirs for the taking. Similarly, Smith argues, “contemporary urban frontier imagery treats the present inner-city population as a natural element of their physical surroundings.”²² The conception of the urban frontier required for the urban working class to be seen as “less than social, a part of the physical environment”²³ that

¹⁹ Beryl Satter, *Family Properties: How the Struggle Over Race and Real Estate Transformed Chicago and Urban America* (London: Picador, 2010): 47.

²⁰ Beryl Satter, *Family Properties: How the Struggle Over Race and Real Estate Transformed Chicago and Urban America* (London: Picador, 2010): 48.

²¹ *ibid.*

²² Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996): preface.

²³ *ibid.*

needed to be tamed, managed, and, if possible, removed. Just as Native Americans were seen as a “blight” on early white settler development that needed to be dealt with, the working class inner-city population was a “blight” on urban development in the 20th century that private enterprises were determined to remove.

After federally funded urban renewal, cities experienced a second demolition, continuing the construction of an urban frontier ripe for development. While the initial taming of the city consisted of neighborhood demolition throughout the forties, fifties, and sixties, it continued into the next to decades with the emergence of urban crime control as a major political issue. The need to “get tough” on crime dominated national political discourse. Between 1960 and 1970, violent crime rate in the United States increased by 126 percent, and by 64 percent between 1970 and 1980.²⁴ In 1971, President Richard Nixon gave name to the War on Drugs, declaring drug abuse to be “public enemy number one,”²⁵ and in 1974, Attorney General William Saxbe condemned the growing prison reform movement and what he perceived to be lenient judges, calling for harsher sentencing.²⁶ That same year, sociologist Robert Martinson published a study in the spring volume of *Public Interest* that reported “no post-program effect on the recidivism of participants”²⁷ in prisoner rehabilitation programs. Martinson’s report was well received, and laws for harsher sentencing, less opportunity for parole, and punishment-focused carceral legislation was passed across the country throughout the 1970s. The US prison population

²⁴ Lauren-Brooke Eisen, “America’s Faulty Perception of Crime Rates,” *Brennan Center for Justice*, March 2015, <https://www.brennancenter.org/our-work/analysis-opinion/americas-faulty-perception-crime-rates>.

²⁵ Richard Nixon, “President Nixon Declares Drug Abuse ‘Public Enemy Number One,’” Youtube video, 4:37, posted by *The Richard Nixon Foundation*, April 29 2016, <https://www.youtube.com/watch?v=y8TGLLQ1D9M>.

²⁶ Judith Greene, “Getting Tough on Crime: The History and Political Context of Sentencing Reform Developments Leading to the Passage of the 1994 Crime Act,” *Sentencing and Society: International Perspectives* (England: Ashgate Publishing Limited, 2002): 5, <https://justicestrategies.org/sites/default/files/Judy/GettingToughOnCrime.pdf>

²⁷ *ibid.*

skyrocketed, reaching 283,000 by 1977.²⁸ By 1985, mandatory sentencing laws existed in all fifty states.²⁹

Mid-1980s prison reform legislation was especially focused on the “Crack Crisis,” specifically targeting and incarcerating people in poor and Black inner city neighborhoods. Throughout the 1980s, cities like New York City implemented broken windows policing, which operates under the theoretical framework that civil disorder (like homeless encampments), visible signs of crime (like broken windows), and antisocial behavior (like swearing or public drunkenness) creates an urban environment that encourages crime. Broken window policing meant a crackdown on vandalism, public drug use, public drinking, homelessness, loitering, and petty crime, in turn raising incarceration rates. The mid-1980s experienced a spike in arrests for drug related crimes, ranging from crack-cocaine to marijuana. “Three Strikes And You’re Out” laws emerged in 21 states in the 1990s, which require life sentences for third time offenders.³⁰ While tough on crime policies did lower the crime rate, they also created mass incarceration, with carceral rates increasing at a steady rate until 2002. The “tough on crime” policies of the eighties and nineties effectively removed a significant portion of “undesirable” citizens from the urban public sphere and into incarceration, while also largely obliterating rehabilitation programs within the carceral system.

The construction of the urban frontier, urban renewal neighborhood clearance, tough on crime policies, and an expanded carceral system set the stage for the large-scale urban

²⁸ Judith Greene, “Getting Tough on Crime: The History and Political Context of Sentencing Reform Developments Leading to the Passage of the 1994 Crime Act,” *Sentencing and Society: International Perspectives* (England: Ashgate Publishing Limited, 2002): 8, <https://justicestrategies.org/sites/default/files/Judy/GettingToughOnCrime.pdf>

²⁹ Judith Greene, “Getting Tough on Crime: The History and Political Context of Sentencing Reform Developments Leading to the Passage of the 1994 Crime Act,” *Sentencing and Society: International Perspectives* (England: Ashgate Publishing Limited, 2002): 9, <https://justicestrategies.org/sites/default/files/Judy/GettingToughOnCrime.pdf>

³⁰ Judith Greene, “Getting Tough on Crime: The History and Political Context of Sentencing Reform Developments Leading to the Passage of the 1994 Crime Act,” *Sentencing and Society: International Perspectives* (England: Ashgate Publishing Limited, 2002): 21, <https://justicestrategies.org/sites/default/files/Judy/GettingToughOnCrime.pdf>.

gentrification of the late eighties and nineties. Gentrification, which is the process of transforming a neighborhood through the influx of more affluent residents and businesses and the relocation of original residents, is one of the primary issues facing the American urban sphere. Urban renewal projects of the 1960s that destroyed entire sections of downtown New York City turned the Lower East Side into a “dark spot” of the city, under the guise of revitalization. The programs intended to remove “blight” and increase car traffic in the downtown area, but it failed terribly, with homelessness and poverty increasing after the demolition commenced.³¹ The city all but abandoned this area after 1966, relinquishing it to the poor and unemployed³² until the late eighties, accompanied by the emergence of the New Urbanist movement. The movement revived the framing of the city as a wild urban “frontier,” ignoring the existence of a community of the homeless and other marginalized people that had developed out of the area’s abandonment. The Lower East Side’s Tompkins Square Park, which Smith describes as “the site of the most militant anti-gentrification struggle in the United States,” became “perversely profitable”³³ as a “symbol of a new urbanism being etched on the urban ‘frontier.’”³⁴ The East Village was walkable, well-connected to the city’s transit system, and had opportunities for mixed use development and economic growth. The only problem with the area was the people who inhabited it. Smith argues that New Urbanism’s revival of the urban “frontier” invited a repolarization of the city “along political, economic, cultural, and geographical lines,”³⁵ and gentrification was a part of that process.

³¹ Bev Sandalack and Jim Dewald, “Urban planners created the ‘blight’ of East Village,” *Calgary Herald*, June 25 2006.

³² Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996): 6.

³³ *ibid.*

³⁴ *ibid.*

³⁵ *ibid.*

Just as urban renewal neighborhood demolition prioritized economic development over the livelihoods of existing marginalized residents, the urban revitalization of the eighties did the same, this time with a surplus of crime management policies and tactics at municipal governments' disposal. The Tompkins Square riot of 1988 provides anecdotal evidence of a city's use of tough on crime policies and increased brutal policing to facilitate gentrification. That summer, the city enacted a 1:00 AM curfew in public parks in an effort to eradicate the "growing numbers of homeless people living or sleeping there, kids playing boom boxes late into the night, [and] buyers and sellers of drugs using it for business."³⁶ Prior to the riot, more than fifty homeless people had been using Tompkins Square Park as a place to sleep, and the Lower East Side's anti-gentrification and squatters' movements used the park to connect with other local housing justice groups.³⁷ After the curfew was authorized, local residents joined together in protest, and 450 police officers with concealed badges incited a riot on August 6, 1988 that resulted in 121 reports of police brutality.³⁸ An article in the *Village Voice* described the cops' behavior as "bizarrely out of control, levitating with... hatred... The policemen were radiating with hysteria."³⁹ In spite of the brutality reports and video footage from local video artist Clayton Patterson, not a single officer was convicted.⁴⁰ In December of 1989, the park's entire homeless population was evicted with no provisions for alternative housing and their belongings thrown in the trash.⁴¹

³⁶ Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996): 3.

³⁷ Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996): 4-5.

³⁸ Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996): 4.

³⁹ Cynthia Carr, "Night clubbing: reports from the Tompkins Square Police Riot," *Village Voice* (New York, NY), August 16 1988.

⁴⁰ Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996): 4.

⁴¹ Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996): 5.

Though New Urbanists frame their movement as a remedial response to the sprawl and displacement caused by urban renewal, in many ways they move forward with much of the same ideological framework as public actors in the New Deal era. New Urbanist planning firms have abandoned the term renewal, instead describing their endeavors as revitalization projects. Unlike urban renewal, New Urbanist revitalization does not engage in the razing of neighborhoods, instead promoting the development of infill sites or development in areas that are previously entirely undeveloped, like Seaside. However, because New Urbanism emerged out of Duany and Plater-Zyberk's desire to create urban utopias that have the benefits of urbanism without the crime, anonymity, disorder, and undesirable behaviors that are also a part of urban (dis)organization, it is difficult to separate it from urban renewal. Albeit a failed attempt, urban renewal attempted to create urban utopias as well. The failure of urban renewal reproduced the concept of "urban wilderness... [a] habitat of disease and disorder, crime and corruption, drugs and danger."⁴² New Urbanism plays on this concept, and covertly promotes the reclaiming of the city from "undesirables," a revanchism of the urban elite's supposed lost territory. The movement expresses a desire to revitalize the public sphere, but not for everyone. I will further discuss New Urbanism's hyper-regulation of the public sphere and public human behavior in my second chapter. At its core, New Urbanist planning is contingent upon the reimagining of an urban wilderness in need of taming; a restructuring that produces the utopic urban quaintness of Seaside in cities and towns across America.

Another similarity between urban renewal and New Urbanism's revitalization is the reliance on zoning regulations and the private development sector. The FHA and private developers in the New Deal era were overtly racist and classist in a way that New Urbanists are

⁴² Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996): preface.

not, but they, too, depend on the private development sector to combine state and corporate interests in the shaping of urban areas. Like urban renewal, New Urbanist city and town planning risks the potential prioritization of economic development over affordable housing and the livelihoods of existing communities, even if the firms promise to promote social equity. In fact, New Urbanism relies on private enterprises to change the structure of urban areas even more than postwar urban renewal programs, relying not just on the private development sector, but on the increasingly privatized planning sector, as well. As mentioned previously, urban renewal programs abandoned the development of affordable housing because it was at odds with the private sector's interest in economic development. Cities and towns with New Urbanist form based code projects are largely in their infancy, but this history gives reason to believe that this prioritization could plague New Urbanist development and revitalization as well.

New Urbanist planning also distinguishes itself from its predecessors by its emphasis on community engagement, but New Deal urban renewal programs were also intended to facilitate public action. City planners and government officials like Philadelphia's city planner and government official Paul Ylvisaker assumed that urban renewal programs would encourage "discussion, debate, and participation."⁴³ Debate and discussion did happen, but not in the way he wanted. Ylvisaker had a particular idea for who and how people should feel about renewal programs, and was especially disdainful of the "widespread and organized African American activism against urban renewal."⁴⁴ Rather than responding to the complaints of Black communities accordingly, Ylvisaker condemned what he called the "confrontational 'new black'" rather than the "racist behavior of white proponents of slum clearance and

⁴³ Karen Ferguson, *Top Down: The Ford Foundation, Black Power, and the Reinvention of Racial Liberalism* (University of Pennsylvania Press, 2013): 57.

⁴⁴ Karen Ferguson, *Top Down: The Ford Foundation, Black Power, and the Reinvention of Racial Liberalism* (University of Pennsylvania Press, 2013): 60.

redevelopment.”⁴⁵ New Urbanist planners and their collegial government officials could easily absorb themselves in the same issue of selective community engagement.

Though the inclusion of community engagement in New Urbanist planning is starkly different from the Master Architect approach of a single author of a master plan, I argue that the claim that New Urbanist plans are created by the community is hyperbolic. Form based code master plans are typically produced through one or two week long charrettes, which are described as “intensive, collaborative workshop[s].”⁴⁶ Charrette week events are attended by the design team, consultants, interested neighbors, city staff, and elected officials to reach the result of “consensus and compromise.”⁴⁷ In a study published in *European Planning Studies*, researchers observed various initiatives to involve citizens in the planning process and found that “the planners involved had a hard time explaining how the input was handled once gathered.”⁴⁸

The attempt to involve citizens is a positive step toward democratizing planning, but can also be tokenistic and neoliberal, falsely legitimizing authority while ignoring the actual needs of the community. While planners and government officials in 2022 are less likely to outwardly condemn Black people for being “confrontational” like Yvislaker, the decisive power remains in the hands of corporate actors, and not with citizens. Furthermore, the community input aspect of charrettes consists of opinion surveys, dialogue meetings, panels, open labs, and public drafting sessions, and while that can be useful for collecting public opinion, the end goal to reach consensus “can limit expressions of conflicting opinions, conceal power imbalances and maintain the status quo.”⁴⁹

⁴⁵ Karen Ferguson, *Top Down: The Ford Foundation, Black Power, and the Reinvention of Racial Liberalism* (University of Pennsylvania Press, 2013): 57.

⁴⁶ John A. Dutton, *New American Urbanism: Re-forming the Suburban Metropolis* (Italy: Skira editore, 2000): 37.

⁴⁷ *ibid.*

⁴⁸ Erik Eriksson, Amira Fredriksson, and Josefina Syssner, “Opening the black box of participatory planning: a study of how planners handle citizens’ input,” *European Planning Studies* (March 2021): 2.

⁴⁹ Erik Eriksson, Amira Fredriksson & Josefina Syssner, “Opening the black box of participatory planning: a study of how planners handle citizens’ input,” *European Planning Studies* (March 2021): 4.

Moreover, the increasing use of email and online questionnaires raises the issue of accessibility. The technological structure of receiving input ignores the opinions of many elderly people and anyone without consistent access to a computer. The collection of citizen input and its subsequent sorting, weighing, sifting, categorizing, and grouping of opinions is also contingent upon subjective judgment,⁵⁰ as the act of sorting information means that someone from the planning firm decides what is relevant, and the power of decision making remains in the hands of the planners and architects. I will expand on my criticism of the legitimacy of community input in New Urbanist planning in chapter four, using my experience of public engagement in Kingston's form based code rezoning process as a case study.

Though New Urbanist planners, architects, and advocates may be well intended, their movement is influenced by a history of public policy and the private development sector that conspired against "minorities, working people, the poor and homeless people."⁵¹ Though New Urbanists portray their approach as a remedy to urban renewal destruction, the movement has reverberations of the very programs they claim to rectify. The movement engages in a reimagining of an urban wilderness in need of taming; a restructuring that produces the utopic urban quaintness of Seaside in cities across America. The next chapter will discuss this urban quaintness in the context of Seaside, and the implications this has on the regulation and synchronization of the urban public sphere.

⁵⁰ Erik Eriksson, Amira Fredriksson & Josefina Syssner, "Opening the black box of participatory planning: a study of how planners handle citizens' input," *European Planning Studies* (March 2021): 8.

⁵¹ Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996): preface.

Chapter 2 | Seaside, FL: The Emergence of New Urbanism & the Regulation of Human Behavior

Seaside, Florida is the birthplace of New Urbanism and form based code. In contrast to the country-city dichotomy that was so popular after the Second World War, Duany and Plater-Zyberk were focused in the late eighties on transforming the conception “of communities and suburbs as small towns in their own right, and not merely as appendages to large urban agglomerations,”⁵² and romanticized the spatial form of early 20th century American Southern towns, painting them effectively as perfect. This ideology discredits the modernist comprehensive or Euclidean planning style that emphasizes function, instead focusing on form and style, and harps on the belief that this new focus will “mitigate against the negative aspects of urban modernity and augur in a new era of revitalised public sphere activity and social harmony.”⁵³

At first glance, Seaside has achieved exactly that. It is a charming, strollable beachfront town centered around the aptly named Central Square, where most of the community’s retailing and administrative functions are located (see fig. 1). Nearby is Ruskin Place, a higher density development zone with both residences and businesses (see fig. 2). Development in this part of Seaside is almost entirely mixed-use, with galleries, shops, and workshops on street level, visible to passersby, and housing on the floors above. Ruskin Place was designed with the intention that artists in Seaside would live close to where they work. The town is self-described as “inspiring

⁵² Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 356

⁵³ *ibid.*

livable communities,”⁵⁴ and all development is approved by the Seaside Community Development Corporation (SCDC).



Figure 1. *Seaside, FL's Public Square*. Source unknown, accessed from SoWal community site.



Figure 2. *Seaside, FL's Ruskin Place*. Source unknown, accessed from The Seaside Research Portal, Library at the University of Notre Dame, Notre Dame, Indiana.

⁵⁴ “Inspiring livable communities,” *Seaside Institute*, accessed November 2021, seasideinstitute.org.

Since its conception in 1982, Seaside, Florida has become a symbol of the “future of community planning in America,”⁵⁵ with supporters calling it “the most celebrated small town in the world.”⁵⁶ In 2003, Duany and Plater-Zyberk released the Smart Code zoning model, based off of the code enacted in Seaside.⁵⁷ Since then, many cities and towns have replaced their traditional zoning code with FBCs, including Azusa, California and Leander, Texas in 2005, and Gulfport, Mississippi in 2007.⁵⁸ In the past decade, implementation has increased, developing in cities Miami, Florida in 2010, El Paso, Texas in 2012, Cincinnati, Ohio in 2013, Hartford, Connecticut in 2016, and Buffalo, NY in 2017⁵⁹ in the hopes of cultivating social harmony, local democracy, and sustainable economic development. Planning firms that focus specifically on developing form based codes have since been founded, like Dover-Kohl & Partners and Duany and Plater-Zyberk’s own DPZ CoDesign. And yet, New Urbanism and neotraditional planning has received a skeptical and controversial reception from planning and architecture journals since the 1970s. Seaside’s form based code is not exempt.

Seaside’s town website reads like a resort page, with aerial view shots of residents walking on the beach, riding bicycles on shell-lined pathways, and a clean and bustling town center full of people eating happily in restaurants (see fig. 4). They advertise beach-themed Seaside merchandise (see fig. 3), post flyers for musical events and performances, and link site patrons to available properties and local real estate brokers. The town’s marketing makes sense; Seaside, Florida was built on undeveloped land, meticulously designed to be visually appealing and aesthetically beautiful, but the architectural critique of the town is generally not in protest of

⁵⁵ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 349.

⁵⁶ SCDC, Promotional brochure, *Seaside Community Development Corporation*, 1993.

⁵⁷ Ben Leshner, “Exploring Form Based Codes,” *UNC School of Government*, April 2015, <https://ced.sog.unc.edu/exploring-form-based-codes/>.

⁵⁸ “Library of Codes,” *Form Based Codes Institute*, accessed September 2021, <https://formbasedcodes.org/codes/>.

⁵⁹ *ibid.*

aesthetics (though some architects do find New Urbanist architecture to be aesthetically unattractive).⁶⁰ According to geographer Karen Falconer al-Hindi, “the problem begins when the claim is made by architect-planners such as Duany, Plater-Zyberk, and others, that these manufactured spaces are actually reconstructions of a ‘Golden Age’ of American urbanism.”⁶¹

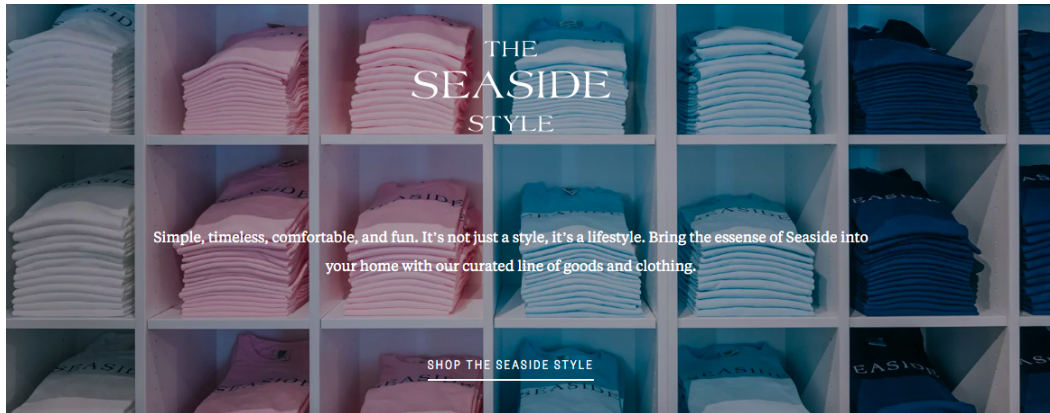


Figure 3. Screenshot of Seaside, FL's merchandise section of their official website, featuring hats, t-shirts, and sweatshirts with the Seaside logo. Photo by Gem Sorenson, April 2022.

⁶⁰ “Why Do You Hate New Urbanism?” *Archinect* Discussion Forum, 2010, <https://archinect.com/forum/thread/95097/why-do-you-hate-new-urbanism>. This forum is composed of architects, and much of their criticism stems from a disdain for the New Urbanist aesthetic, which contributors to this forum describe as “constrained,” “rigid,” “ugly,” and “fake.”

⁶¹ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 368.



Figure 4. Screenshot stills of Seaside, FL's animated home page, from left to right (descending): scenic Public Square, uniform blue beach umbrellas at the waterfront of Public Square, a family walking to the beachfront, a young couple in Seaside sweatshirts walking along the beach, a wide shot of Seaside's beachfront development and shoreline. Photographs accessed from the Seaside, FL official website.

The argument that the renewal of turn-of-the-century style community living will lead to the era's supposed utopic social relations is flawed, at best. First, it relies on environmental determinism, an ideology that was popularized by German geographer Freidrich Ratzel in the

late 19th century but was discredited in the social sciences over fifty years ago⁶² for originating in deeply racist, imperialist, and colonial thought. The term refers to the belief that the way that societies have developed throughout history is directly shaped by the surrounding environment, including geological features, landforms (ie. mountains, valleys), and climate. This is true to an extent; Mesopotamia grew alongside the Tigris-Euphrates river and allowed for a sustainable community of people because of the resources it provided for cooking, drinking water, agriculture, fishing, transportation, and trade. Similarly, some argue that London's soft clay dirt composition allowed for the first underground transportation system in the world.

But it is the deterministic nature of this concept that is troubling, as the environment was used to explain everything from culture, language, political organization, and the rise and fall of civilizations.⁶³ Among Western geographers, environmental determinism was used to explain the thesis that Northern Europeans, due to "ideal" climate and environment, were "energetic, provident, serious, thoughtful rather than emotional, tious rather than impulsive."⁶⁴ This allowed for the application of environmental determinism during the construction of the Panama Canal: Panamaians had not constructed the canal before North American intervention because they were a "tropical type of people"⁶⁵ with a culture, brain formation, and set of behaviors predisposed by their environment. To put it simply, environmental determinism was used to justify racist claims that Panamaians and others living in Central America were lazy and unintelligent.

Thomas Jefferson also used environmental determinism to justify African colonization and enslavement with the argument that tropical climates made people more uncivilized. Hitler used the same logic to justify Aryan supremacy and Nazism, arguing that people with Nordic

⁶² *ibid.*

⁶³ Stephen Frenkel, "Geography, Empire, and Environmental Determinism," *Geographical Review* 82, no. 2 (April 1992): 3.

⁶⁴ E. C. Semple, *Influences of the Geographic Environment* (New York: Henry Holt, 1911): 620.

⁶⁵ Stephen Frenkel, "Geography, Empire, and Environmental Determinism," *Geographical Review* 82, no. 2 (April 1992): 145.

ancestry evolved from humans who historically lived in higher altitudes and faced more variety in weather conditions, therefore instilling stronger work ethics than other ethnicities and races. And yet, “environmental determinism has returned as the dynamic engine of the neotraditional urban movement.”⁶⁶

The New Urbanism also romanticizes the industrialization and social structure of the Progressive Era, which was rampant with racial and social inequity. The claims that neotraditional planning and design will “resurrect authentic public action and civil society”⁶⁷ through community based planning and the affirmation of social diversity actually bolsters “existing structures of class, gender, and racial domination.”⁶⁸

A second critique from engineering and design researcher John Delafons is that the neotraditional planning approach is “prescriptive”⁶⁹ and “regulatory,”⁷⁰ and that New Urbanists are “keen on hierarchies.”⁷¹ This is contradictory to their rejection of traditional zoning systems and perceived radical approach, as they maintain a legislative focus on small details and dimensional regulation, even if they have abandoned use-class zoning division. Duany and Plater-Zyberk do not differ from traditional planners and architects in that they continue to assume that they and other New Urbanist planners are the experts,⁷² and the creation of a neotraditional urban code makes their viewpoint a legislative fact. al-Hindi also critiques the New Urbanist focus on standards and regulation, and her critique is a postmodern one; New

⁶⁶ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 368.

⁶⁷ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 364.

⁶⁸ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 350.

⁶⁹ John Delafons, “*The New Urbanism: Toward an Architecture of Community*: Peter Katz McGraw-Hill New York” (review), *Cities* 11, no. 5 (1994): 342.

⁷⁰ *ibid.*

⁷¹ *ibid.*

⁷² John A. Dutton, *New American Urbanism: Re-forming the Suburban Metropolis* (Italy: Skira editore, 2000): 29.

Urbanism and the creation of generally applicable Smart Code guidelines imagines a universal Truth of human experience, rather than an understanding of a truth with multiple subjectivities. Planners like Duany and Plater-Zyberk assume, based on their own experiences, that all Americans want what New Urbanism hopes to produce, when a true “‘postmodernism of resistance’ would... attempt to destabilise the architectonic impulses of the code; to preserve the tactical possibilities for subversion and resistance... and... subvert the very possibility of the code itself.”⁷³ The New Urbanism movement, and by proxy, the adaptation of form based code, provides a false notion of emancipation from postmodern power relations while still maintaining an authoritative hierarchy over spatial organization through legislative codification.

Neotraditionalist planners are also concerned with professional competence, which is another explanation for the regulatory, authoritative nature of form based code: “Duany has claimed that the codes are sufficiently strict that even a ‘horribly incompetent’ architect could not do much damage to the integrity of the whole.”⁷⁴ And while neotraditional planning and New Urbanists have emphasized the importance of community input and decentralized planning through charette meetings and public forums, the authoritative nature of creating codes that “assert themselves as laws of spatial organization”⁷⁵ still exists. The omission of power relations in writing and ideological presentation does not make them cease to exist, and Duany’s assurance that the structure of form based code ensures adherence to his original regulations indicates that. The strict code of New Urbanism highlights an attempt to “define, control, and

⁷³ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 358.

⁷⁴ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 356.

⁷⁵ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 358.

channel”⁷⁶ a refiguration of urban spaces through regulatory and legislative means, without relinquishing any more control than Euclidean architects and planners.

Though the New Urbanist movement presents itself as “an emancipatory recovery of authentic forms of local urbanism,”⁷⁷ the development of a widely applicable urban code (like Duany and Plater-Zyberk’s Smart Code) is totalising, authoritative, and attempts to speak for the postmodern subject. Neotraditional planning discourse uses the authorial eye to determine “who is enabled to see the landscape, to represent it, to speak for it, and, conversely, who is able to read it, to interpret it, [and] to hear its message.”⁷⁸

The vision for Seaside, Florida was also based in a desire to cultivate, through meticulous regulation, what neotraditionalists consider to be the “true public sphere”⁷⁹ that attracted the “right kinds of people.”⁸⁰ Under the guise of revitalizing the romanticized utopic societal organization of the early 20th century, neotraditional planning “seeks to reassert only a highly restricted sense of public space.”⁸¹ Though the requirement for all housing structures to have a front or side porch and the prohibition of large front lawns is intended to bring recreational activities that became increasingly privatized in the mid-20th century back into the public sphere may be a well-intended design attempt to emphasize public over private space,⁸² the emphasis on an individual’s visibility to the public also comes from the desire to regulate and control unsatisfactory human behaviors.

⁷⁶ *ibid.*

⁷⁷ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 369.

⁷⁸ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 358.

⁷⁹ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 364.

⁸⁰ *ibid.*

⁸¹ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 365.

⁸² Peter Katz, *The New Urbanism: Toward an Architecture of Community* (New York: McGraw Hill, 1994): 4.

In Seaside, there are no large fences, guard posts, or private security troops, but that is because the activities and behaviors of individuals are intentionally made public and visible. People are allowed to walk along the beach, but are confronted with subtle surveillance by the community. The beaches are public access, but are owned and restricted by the SCDC, making people subject to a code of conduct that prohibits drug use, public drinking, and other “unsavory” activities. Pedestrianism is highly encouraged and accounted for in form based code, but the hypervisibility only allows for socially acceptable versions of it. The regulation of social organization through zoning code allows for the surveillance of leisure, and makes a distinction between leisure and loitering because of the “inherent equation between commodity fetishism and public sphere activity.”⁸³ Pedestrians on a leisurely walk are potential consumers, loiterers are not.

The concept of the public sphere is explored in director Peter Weir’s 1998 science fiction film *The Truman Show*. The film features Truman Burbank, a worry-free insurance salesman living in his hometown of Seahaven, Florida, where he knows all his neighbors and everything is safe, clean, and beautiful. Unbeknownst to him, the town is actually Hollywood’s largest constructed set, and he has been filmed and broadcast to the public twenty four hours, seven days a week since his first day of life via 5,000 hidden cameras, controlled by showrunner and God figure, Christof, who watches over Seahaven from a control tower in a false moon 210 stories above the town. At the end of the film, when Truman discovers the truth about his life, Christof speaks to him in an attempt to persuade him to stay: “In my world, you have nothing to fear.”⁸⁴

⁸³ Karen Falconer al-Hindi, “The hidden histories and geographies of neotraditional town planning: the case of Seaside, Florida,” *Environment and Planning D: Society and Space* 15, no. 3 (1997): 365.

⁸⁴ *The Truman Show*, directed by Peter Weir (1999; United States: Paramount Pictures): 01:33:18, Hulu.

Safe in Utopia, Truman will “never have to confront the unpredictable, often dangerous ‘outside’ world”⁸⁵ that viewers inhabit.

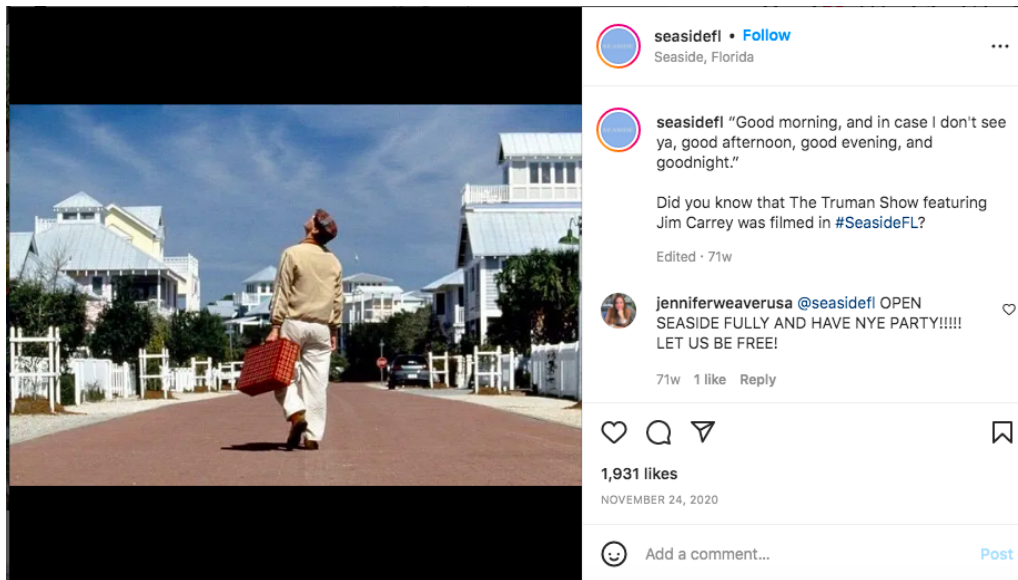


Figure 5. Still from *The Truman Show*, posted on Seaside, FL’s instagram account. Photograph from *The Truman Show*.

Seahaven, in reality, is Seaside, Florida, chosen by Weir because the town “looked fake,”⁸⁶ and although Seaside advertises their relationship to the movie in their own promotional media (see fig. 5), the relationship between Truman’s surveilled, controlled lifestyle is eerily comparable to an apocalyptic version of New Urbanist ideals. In contrast to the way Seaside designers Duany and Plater-Zyberk describe the town, urban researcher Samuel Nunn describes the place as “an antiseptic, over-designed, ultra-high income suburban pastiche of yesteryears’ fictional neighborhoods that never were.”⁸⁷ He interprets Seaside to be the perfect setting for *The Truman Show* because of the architect duo’s “very real restrictive covenants and architectural

⁸⁵ Ronald Kates, “New Urbanism Meets Cinematic Fantasyland: Seaside, ‘The Truman Show’, and New Utopias,” *Studies in Popular Culture* 23, no. 2 (October 2000): 94.

⁸⁶ Ronald Kates, “New Urbanism Meets Cinematic Fantasyland: Seaside, ‘The Truman Show’, and New Utopias,” *Studies in Popular Culture* 23, no. 2 (October 2000): 93.

⁸⁷ Samuel Nunn, “Designing the Solipsistic City: Themes of Urban Planning and Control in The Matrix, Dark City, and The Truman Show,” *University of Victoria C Theory* (February 2001).

design constraints that had explicit behavioral control objectives,”⁸⁸ designed to control where residents gathered, what they did, and how they lived. In this way, the architects operate much like Christof does, having cultivated a “complete and unquestioned control over their urban inhabitants, a control invisible and all-pervasive.”⁸⁹

This comparison suggests a fine line between one who governs, and one who dictates.⁹⁰ The very nature of urban planning is inextricably linked to control over perceived chaos and disorder, and the “history of planning is rooted in systematic efforts to control sanitary conditions, human behavior, physical appearance, and economic development.”⁹¹ What is displayed in *The Truman Show* is that this attempt is futile, even oppressive. What happens when an individual or group rebels against the idea of complete control, when people are fed up with the inability to shape their own surroundings? In *The Truman Show*, everything begins to fall apart. This is a pitfall for any form of urban planning, but is exacerbated by the New Urbanist assumption that planners and architects can imitate, using code and regulations, the benefits of a community that structures itself over time. For Nunn, “a continuing irony of planning is that the more authorities attempt to control, the more disorder is likely to emerge.”⁹²

The Truman Show also explores what it means to blur the lines between public and private life, something that New Urbanist planning does unintentionally. Architectural theorist Michael Brill explains this phenomenon as a misunderstanding of the distinctions between public life, community life, and private life, arguing that New Urbanists incorrectly understand public and community life to be the same thing. Community life includes neighbors, familiar

⁸⁸ *ibid.*

⁸⁹ *ibid.*

⁹⁰ Ronald Kates, “New Urbanism Meets Cinematic Fantasyland: Seaside, ‘The Truman Show’, and New Utopias,” *Studies in Popular Culture* 23, no. 2 (October 2000): 95.

⁹¹ Samuel Nunn, “Designing the Solipsistic City: Themes of Urban Planning and Control in The Matrix, Dark City, and The Truman Show,” *University of Victoria C Theory* (February 2001).

⁹² *ibid.*

shopkeepers and other workers who engage in small talk when one frequents their establishment, the mail person who passes by on a daily basis, and friends. Public life involves strangers,⁹³ something that New Urbanism is not interested in. This push away from true public life likely has origins in the desire for crime control that emerged out of the seventies and eighties, as described in chapter one. For developers, public life is “too troublesome, too fractious, not always safe or comfortable, too much a problem... too possible to have in-your-face difference to make everybody happy.”⁹⁴ New Urbanism seems to assume that private and parochial realms are morally superior, because they are devoid of the “‘unholy and the unwashed’ stranger; indiscriminate and inappropriate mixing of classes, genders, and races; and excessive frivolity.”⁹⁵

The Truman Show conflates all three: private, community, *and* public life. “For me there is no difference between a private life and a public life,”⁹⁶ says Hannah Gill, who plays Truman’s wife, Meryl, on the reality show. His private life is, of course, made public, but so is his public life. Because of the nature of his community, which is arguably the way it is because of the New Urbanist transformation of American public life, his public life *is* his community life⁹⁷, and there is no distinction. The utopian, predictable nature of the way he lives is supposed to be unsettling, and begins to unsettle him, as well, because actual public life must be “engaged in the diversity and unpredictable drama of unregulated daily commerce and chaos.”⁹⁸

Furthermore, much of urban planning imagines the public sphere in a way that is inconsistent with reality. America has a problem of empty or underutilized public spaces, which Brill believes is because planners and architects have designed for what “America doesn’t have:

⁹³ Michael Brill, “Mistaking Community Life for Public Life,” *Places* 14, no. 2 (November 2001): 48.

⁹⁴ Michael Brill, “Mistaking Community Life for Public Life,” *Places* 14, no. 2 (November 2001): 52.

⁹⁵ *ibid.*

⁹⁶ *The Truman Show*, directed by Peter Weir (1999; United States: Paramount Pictures): 00:01:33, Hulu.

⁹⁷ Michael Brill, “Mistaking Community Life for Public Life,” *Places* 14, no. 2 (November 2001): 48.

⁹⁸ Samuel Nunn, “Designing the Solipsistic City: Themes of Urban Planning and Control in *The Matrix*, *Dark City*, and *The Truman Show*,” *University of Victoria C Theory* (February 2001).

a diverse, democratic and classless public.”⁹⁹ Instead, American society and public life is “segmented, pluralistic, and stratified.”¹⁰⁰ New Urbanist design builds public space for a particular urban subgroup, which can be imagined as families with children who want safe playgrounds, recreational bikers who want miles-long bike paths, music enthusiasts who want spaces for “tame” live outdoor concerts, and wellness-focused individuals seeking outdoor exercise classes and events. Conversely, it ignores many urban subcultures that are also a part of public life. Brill considers “punks... skateboarders...[and] goths,”¹⁰¹ to which I add BMX bikers, drug users, music enthusiasts who want spaces for outdoor concerts with loud, more rambunctious music, young couples, and high school and middle school students looking for places to socialize after dark. The activities that these various groups of people engage in can be perceived as unsafe or unsavory by some. Rather than attempt to make public space for things that people are going to do regardless of societal approval, urban planners, and in this case, New Urbanist planners, attempt to codify these behaviors out of existence.

This is not to say that the New Urbanist desire to revitalize community life is bad. “Local neighborhood life, community, a world of neighbors and friends”¹⁰² is a good thing. But when we lose public life, we lose a factor in the growth of individuals in an increasingly individualistic culture. When applied to urban planning, the overemphasis on community life attempts to classify behaviors and activities that are already present in public spaces but are typically more hidden because of legality, as nonexistent. For Drill, it offers “an even narrower band of social relationships than we have now.”¹⁰³ It allows people to assume that band shells in public parks can not host both drill music performances and classical music performances, that pedestrians

⁹⁹ Michael Brill, “Mistaking Community Life for Public Life,” *Places* 14, no. 2 (November 2001): 52.

¹⁰⁰ *ibid.*

¹⁰¹ Michael Brill, “Mistaking Community Life for Public Life,” *Places* 14, no. 2 (November 2001): 53.

¹⁰² *ibid.*

¹⁰³ Michael Brill, “Mistaking Community Life for Public Life,” *Places* 14, no. 2 (November 2001): 55.

playing music from speakers can not walk through a park that hosts a yoga class, that homeless people taking a nap and businesspeople on their lunch break can not share a bench, that drug users and families with children can not inhabit the same outdoor spaces. This creates a hierarchy of behaviors. While not exclusive to New Urbanism, the movement certainly does not attempt to deconstruct the hierarchy.

The allowance for diversity of behavior is virtually nonexistent in American public policy, and heightened surveillance of the public sphere often garners the perception of increased safety. Using intervention based on the criminal psychology Broken Windows Theory (BWT) and Routine Activity Theory (RAT), researchers created “simulations from photographs of existing urban alley conditions”¹⁰⁴ with digital adjustments made regarding cleanliness, vegetation, and urban functions to measure perceived safety in urban alleys in Hong Kong. Findings show that the addition of both vegetation and urban functions like cycling, parks, or cafes yields the highest increase in perceived safety of alleyways (in Hong Kong). Urban functions facilitate activities, which invite “more vigorous formal supervision, and discourage social incivilities.”¹⁰⁵ Vegetation allows for the assumption that the alleyway is well cared for,¹⁰⁶ also implying that there is supervision of the space. In the scenario where the alleyway is cleaned of trash and debris, but no other changes are made, the perceived safety increases, but not as much. The researchers believe this is because it does not add the perception of increased supervision, which they believe is crucial to a significant increase in perceived safety.¹⁰⁷

Furthermore, geometric vegetation scenarios were generally perceived as safer than naturalistic

¹⁰⁴ Bin Jiang et al., “From Broken Windows to Perceived Routine Activities: Examining Impacts of Environmental Intervention on Perceived Safety of Urban Alleys,” *Frontiers in Psychology* 9 (December 2018): 13.

¹⁰⁵ Bin Jiang et al., “From Broken Windows to Perceived Routine Activities: Examining Impacts of Environmental Intervention on Perceived Safety of Urban Alleys,” *Frontiers in Psychology* 9 (December 2018): 11.

¹⁰⁶ *ibid.*

¹⁰⁷ Bin Jiang et al., “From Broken Windows to Perceived Routine Activities: Examining Impacts of Environmental Intervention on Perceived Safety of Urban Alleys,” *Frontiers in Psychology* 9 (December 2018): 12.

vegetation scenarios. The researchers use both BWT and RAT to explain this phenomenon: geometric design signals “orderliness”¹⁰⁸ and “the presence of human stewardship,”¹⁰⁹ which in turn may imply “surveillance by local residents, community, and public sectors.”¹¹⁰ The results of the study reinforce both theories’ claims that an increase in perceived surveillance yields an increase in perceived safety, and by proxy, a decrease in “unsavory” behaviors.

Neotraditionalist planning, and specifically in Seaside, employs a lot of the same theoretical framework with the codifying of open space, pedestrian walkways, and centrality. Neotraditionalist urban design puts public activities in full view of windows and other citizens, ensuring safety and making it harder for “unwanted” people to sneak, hide, and engage in socially corrupt behaviors. Through this framework, New Urbanism taps into people’s fears around a closed, dark city that is too big to see or know everyone, driving them away from traditional urban living and into the arms of form based code developers.

¹⁰⁸ Bin Jiang et al., “From Broken Windows to Perceived Routine Activities: Examining Impacts of Environmental Intervention on Perceived Safety of Urban Alleys,” *Frontiers in Psychology* 9 (December 2018): 13.

¹⁰⁹ *ibid.*

¹¹⁰ *ibid.*

Chapter 3 | Kingston's Rezoning Process

Following in the footsteps of many other midsize American cities, Kingston, NY is making the shift from traditional zoning to a new form based code. In 2017, Kingston revisited their Comprehensive Plan, which has been in place since 1961, grossly exceeding the five year redraft mark. However, the replacement plan, Kingston 2025, was overly comparable to the 1961 Comprehensive Plan and used the same planning firm, Shuster-Turner Planning Consultants, and the community felt that public input was not reflected in the changes made.¹¹¹ Because of this, a new group called the Kingston Zoning Task Force was developed in 2019. This group wanted significant change in the city layout and zoning regulations for Kingston, and appointed planning firm Dover Kohl & Partners to craft a new code.¹¹² The city's government allocated \$500,000 worth of funds to update the zoning law,¹¹³ a budget five times larger than the amount allocated for Kingston 2025. The COVID-19 pandemic threw a wrench in their planning, but by 2021, Kingston and the planning firm were ready to move forward with discussion and development.

Due to my initial lack of familiarity with form based code, my preliminary research was focused on the Form Based Codes Institute, a non-profit FBC advocacy organization, planning firm Dover Kohl & Partners, and members of Kingston's Zoning Task Force. Dover Kohl & Partners is a New Urbanist city and town planning firm with a staff of 26 people founded in 1987, specializing in form based codes with an emphasis on smart growth and sustainable town and city planning. They claim that their "expertise lies in balancing the visionary 'civic art' of planning with the practical consensus building needed to make projects succeed."¹¹⁴ The firm's

¹¹¹ Tanya Garment, "Form Based Code Is What Kingston Needs," *Kingston Citizens*, April 2021, <https://www.kingstoncitizens.org/2021/04/form-based-code-is-what-kingston-needs/>.

¹¹² *ibid.*

¹¹³ Ariel Zangla, "Kingston panel endorses \$500,000 plan to update city zoning law," *Daily Freeman*, March 14 2020, <https://www.dailyfreeman.com/2020/03/14/kingston-panel-endorses-500000-plan-to-update-city-zoning-law/>.

¹¹⁴ "The Firm," *Dover Kohl & Partners*, accessed October 2021, <https://www.doverkohl.com/the-firm>.

ethos is based on the belief that “there does not have to be a trade-off between livability, economic prosperity, and environmental concerns,”¹¹⁵ and they market form based code as the solution. Victor Dover, one of the heads of the firm, served on the LEED for Neighborhood Development Core Committee and the Congress for the New Urbanism Board, which are talking points the firm uses to highlight their credibility and environmental legitimacy.¹¹⁶

Dover Kohl & Partners have implemented form based code in various American cities and towns, including El Paso, Texas; Crystal River, Florida; Charleston, South Carolina; and Buffalo, NY.¹¹⁷ They’ve also developed form based code plans internationally in Curridabat, Costa Rica; Jeddah, Saudi Arabia; San Salvador, El Salvador; Antigua Guatemala, Guatemala; Port of Spain, Trinidad; Roatan, Honduras; and Tegucigalpa, Honduras.¹¹⁸ Some of their projects are limited to one or a few city blocks, like Clematis Street in West Palm Beach, Florida.¹¹⁹ Other plans cover areas that are hundreds or thousands of square miles, like Panama City’s Neighborhoods Plan and El Paso, Texas’ Plan El Paso.¹²⁰ Their partnership in Kingston advanced with the intention to develop a master plan called Kingston Forward, which is a city-wide plan that would cover 8.77 square miles.

¹¹⁵ *ibid.*

¹¹⁶ *ibid.*

¹¹⁷ “Portfolio of Work,” *Dover Kohl & Partners*, accessed October 2021, <https://www.doverkohl.com/all-projects>.

¹¹⁸ *ibid.*

¹¹⁹ “Reinventing Corridors.” *Dover Kohl & Partners*, accessed October 2021, <https://www.doverkohl.com/reinventing-corridors>.

¹²⁰ “Planning Cities and Regions.” *Dover Kohl & Partners*, accessed October 2021, <https://www.doverkohl.com/planning-cities-regions>.

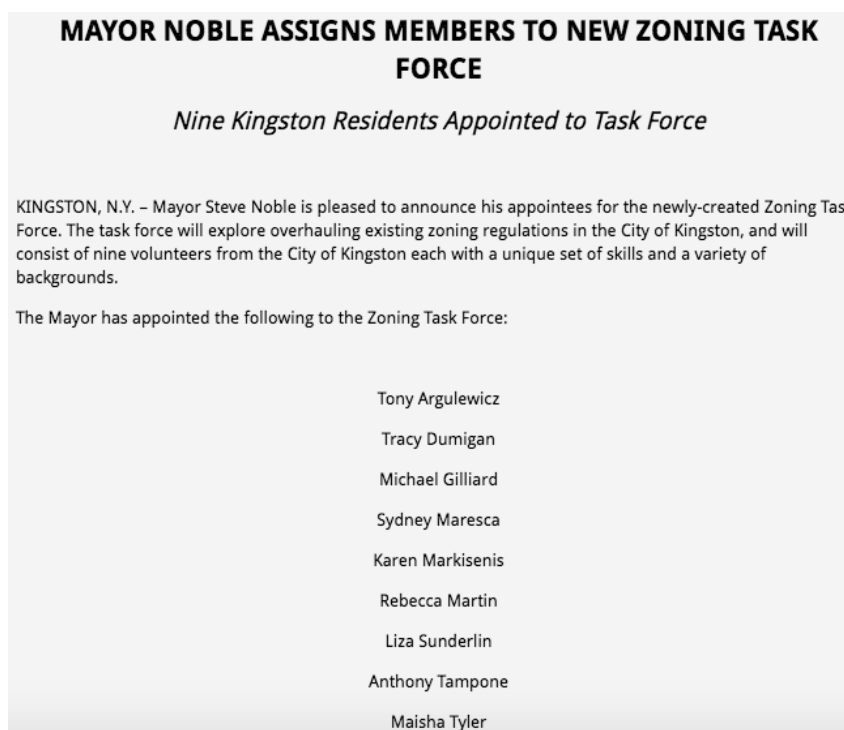


Figure 6. *Screengrab of Kingston's Zoning Task Force announcement.*
Photo by Gem Sorenson, October 2021.

The Zoning Task Force was announced on February 7, 2019 on the municipality's website, set for immediate release (see fig. 6). Ten Kingston residents were appointed to the Task Force by Mayor Noble; Tony Argulewicz, Tracy Dumigan, Michael Gilliard, Sydney Maresca, Karen Markisenis, Rebecca Martin, Liza Sunderlin, Anthony Tampone, and Maisha Tyler.¹²¹ Tanya Garment is also a member of the Task Force, though not included on this list due to later induction. I began researching each of the Task Force members, looking for information on occupation, age, race, home ownership, previous involvement and connection to the city of Kingston, and possible stakes in real estate development. Five of the ten members of the Task Force own property in Kingston; Gilliard, Maresca, Markisenis, Tampone, and Garment.¹²² Tampone and Garment both own parcels of vacant, undeveloped land.¹²³ Three members are

¹²¹ "Mayor Noble assigns members to new Zoning Task Force," *The City of Kingston, NY*, February 2 2019, <https://kingston-ny.gov/news/?FeedID=861>.

¹²² Ulster County Parcel Viewer, accessed March 2022, <https://ulstercountyny.gov/maps/parcel-viewer/>.

¹²³ *ibid.*

landlords; Markisenis, Tampone, and Garment.¹²⁴ Two members, Gilliard and Tyler, work in Kingston real estate. Gilliard is a real estate development consultant and is the founder of the New York Development Advisory Group.¹²⁵ Tyler is a real estate agent for Real Broker LLC and sells homes in Fallsburg, Kingston, New Paltz, Newburgh, Poughkeepsie, and Woodstock.¹²⁶ She is the only non-white member of the Task Force. That is, almost all of them are white, and half of the citizen actors with the most influence on Dover Kohl and the Kingston government's zoning decisions are middle and upper middle class homeowners and landlords with an opportunity for financial gain in Kingston's real estate market. In Kingston, this market is only getting more expensive for renters and prospective homeowners.

As outlined in chapter one, white real estate developers, operating as profiteering enterprises, were the major actors responsible for the destruction of neighborhoods during the New Deal urban renewal era. Landlords looking to increase profits also contributed to the razing of entire neighborhoods through unjust evictions. There are only two home renters on the Task Force. This factor, along with the inclusion of multiple real estate agents and developers, suggests that the Task Force may concern themselves with an urban renewal focus on economic gain in the private real estate sector as opposed to finding solutions to Kingston's affordable housing crisis.

Conversely, some members of the Task Force have histories with housing justice activism in the city. Tony Argulewicz is Chairman of Kingston's Building Safety and Zoning Enforcement Zoning Board of Appeals, and has served as Chairman since before 2018.¹²⁷ Rebecca Martin, one of the few renters on the Task Force, co-founded KingstonCitizens.org in

¹²⁴ *ibid.*

¹²⁵ "Michael Gilliard," accessed November 2021, LinkedIn, <https://www.linkedin.com/in/gilliard/>.

¹²⁶ "Maisha Tyler," *Real Broker LLC*, accessed November 2021, <https://www.joinreal.com/maisha-tyler>.

¹²⁷ "Building Safety & Zoning Enforcement," *The City of Kingston, NY*, accessed November 2021, <https://www.kingston-ny.gov/content/8399/8469/8471/default.aspx>.

2006 shortly after moving from New York City, which was created to “understand the inner workings of her new hometown’s local government and to create a platform for citizen engagement,”¹²⁸ and was named “Best Activist in the Hudson Valley” by Hudson Valley Magazine’s annual readers’ poll in 2015.¹²⁹ She also previously served as the Executive Director of the Kingston Land Trust from 2010 to 2012,¹³⁰ which is a non-profit organization that aims to provide safe, non-congregate housing for Kingston residents that are homeless or at risk of homelessness.¹³¹ Though he is a real estate developer, Gilliard currently holds the same title.¹³² Tyler is currently a member of the Fair Housing & Diversity Committee Member for the Hudson Gateway Association for Realtors, Inc.¹³³

Garment, who moved to Kingston in 2016, is co-founder of the Friends of Kingston Public Transit Riders group, which is a community group dedicated to “advocating for a strong, effective and accessible public transit system in Kingston, NY.”¹³⁴ Garment has also published multiple articles for Kingston Citizens that update readers on meetings, progress reports, and decisions during this rezoning process. In these articles, she has provided video links to recordings of city council meetings and .pdf links to amendments and official city zoning plans, suggesting that she is genuinely interested in informing the community about this process. Tampone was born and raised in Kingston, and in an interview with photographer Doug Menez for his project Wild Place, he calls himself “a housing provider and community advocate in the

¹²⁸ “Rebecca Martin,” *Kingston Citizens*, accessed November 2021, <https://www.kingstoncitizens.org/rebecca-martin/>.

¹²⁹ *ibid.*

¹³⁰ *ibid.*

¹³¹ “The Kingston Land Trust,” accessed April 2022, Facebook, <https://www.facebook.com/KingstonLandTrust/>

¹³² “Michael Gilliard,” accessed November 2021, LinkedIn, <https://www.linkedin.com/in/gilliard/>.

¹³³ “Maisha Tyler,” *USC Lusk Center for Real Estate*, <https://lusk.usc.edu/membership/people/maisha-tyler>

¹³⁴ “Friends of Kingston Public Transit Riders Group,” accessed April 2022, Facebook, <https://www.facebook.com/groups/friendsofktowntransitriders/>.

city of Kingston, New York,”¹³⁵ and talked about his desire for the city to be more engaged with the community. He also actively supports Kingston’s Good Cause Eviction legislation,¹³⁶ which provides protection for renters against unreasonable eviction and large rent increases. Tampone, like Garment, is an outspoken form based code advocate with a recorded interest in community engagement. He also developed the website [imaginekingston.org](https://www.imaginekingston.org) in response to his sentiment that [engagekingston.com](https://www.engagekingston.com), the website that the city relied on, was not updated frequently enough and was hard to navigate.

Imagine Kingston is a community based website he developed in conjunction with the Kingston municipal government and Dover Kohl & Partners. According to Tampone, the website was intended to update citizens on the inner workings of the code development, as well as bring awareness to the rezoning process in general. To better understand the process myself, I observed and analyzed the website in detail.

The website’s front page features a blue banner in front of a background image of the historic village of Kingston, with changing headlines that say “Be heard,” “Imagine a building framework for our City made by the whole community,” “Take Action,” and “Make a difference.”¹³⁷ These headlines imply that Imagine Kingston wants people in the community to have input in the city’s current code development process. However, taking action is limited to community input on what to include in the already proposed form based code. The opportunity to suggest alternative plans or planning firms is no longer on the table.

The terminology employed on the website is pointed and in line with the typical marketing of New Urbanist planning projects. As of December 2021, the word “community” was

¹³⁵ “Wild Place,” *Doug Menez: Photographer, Director, Visual Storyteller*, accessed November 2021, <https://menez.com/wild-place>.

¹³⁶ Ariel Zangla, “Dozens speak out on Kingston’s Good Cause Eviction legislation,” *Daily Freeman*, October 21, 2021, <https://www.dailyfreeman.com/2021/10/21/good-cause-eviction-hearing/>.

¹³⁷ “Home,” *Imagine Kingston*, accessed October 2021, <https://www.imaginekingston.org/>.

used thirteen times on the front page, ten times on the Resources & Information page, nineteen times on the Process page, and five times on the Events page. “Input” was used five times on the front page, fourteen times on the Process page, once on the Events page, and once on the Submit your comments page. The words “grow” and “growth” appeared three times on the front page, three times on the Resources & Information page, and twice on the Events page.¹³⁸

On the home page is their website title “Imagine Kingston - Build Community,” links to Kingston’s official website and the Dover Kohl & Partners website, and the opportunity to subscribe to updates via email. I subscribed in early September of 2021, and did not receive any correspondence until two days before the charette week in mid-November. The opportunity to sign up for email updates, without actually receiving any, provides a false illusion of transparency, currency, and community engagement. Regardless of whether this is intentional or due to a lack of organization, the inactivity pokes holes in their claims for transparency and collaboration. Furthermore, Dover Kohl, the Kingston government, and members of the Task Force have an obligation to be organized if they intend to be transparent and communicative about the rezoning process.

A Submit Your Comments section asks for submissions on the following topics: what is currently great about the city, what needs to be changed, what is missing, what new buildings should look like or be, what new development and redevelopment should look like, and what new housing should look like if it were to be proposed on a surveyee’s block. According to the site, the opportunity to submit should have been available in the first week of October; a survey was instead posted for submissions on October 17th. This, like the lack of email correspondence, highlights the disorganization and failures of the Task Force in the communication of information throughout this process. When posted, the survey asked people to answer whether

¹³⁸ *Imagine Kingston*, accessed December 2021, <https://www.imaginekingston.org/>.

they live or work in Kingston and for how long, what they think Kingston needs more of (ie. housing, shops, parks, artisan spaces), where apartments and mixed-use buildings should be built, opinions and requests for transportation methods, opinions on parking availability, and opinions on what should be allowed in residential neighborhoods (ie. accessory dwelling units, duplexes, and triplexes). A survey like this, with high community engagement, would be an effective way of collecting preliminary community input data in any city, but only if engagement is high. In November, during a charrette week meeting I will discuss later in this chapter, I learned that engagement was low— less than 1% of the Kingston population took the survey.

As of April 2022, the survey is no longer accessible online. Instead, two links to surveys on Engage Kingston’s website are posted: a Hurley and Albany Avenue survey and a Rondout Waterfront survey. Neither are accessible without an Engage Kingston account, which requires an email account and is generally another barrier that will certainly limit the amount of surveyees even further. I created an account and attempted to access the surveys in March of 2022, and was denied access for unknown reasons (see fig. 7).

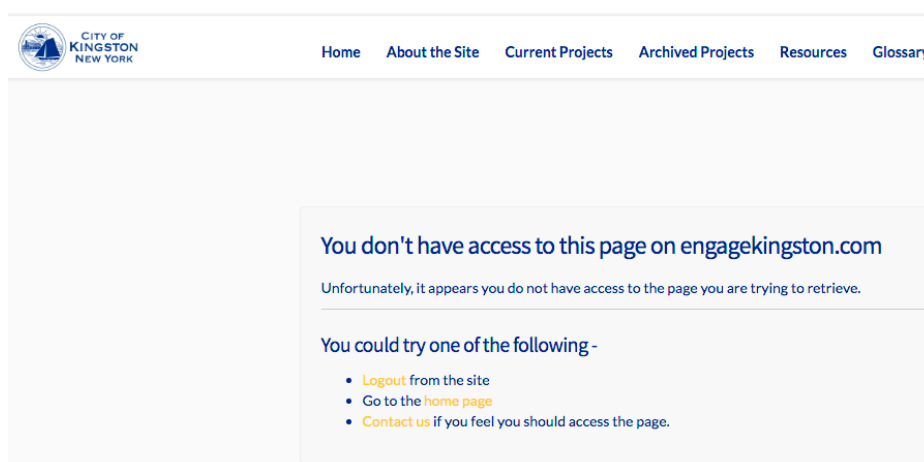


Figure 7. Screenshot of denied access page to the City of Kingston’s Rondout Waterfront survey. Photo by Gem Sorenson, April 2022.

In the website's About section is a paragraph of writing that provides their definition of zoning codes and explains that Kingston is undergoing an update to their current zoning plan. The importance of community engagement in this process is emphasized, calling the website a "source of transparent information about the process, and a means to connect and give input."¹³⁹ The opportunity to give input is only legitimate if people from the community are actually tapped into this website, and if survey engagement is any indicator, they are not. On this page, an article is pulled directly from an April 2021 Kingston Citizens article published by Tanya Garment. Garment explains the history of Kingston's rezoning process from 1961 to present, including the creation of the Zoning Task Force, again emphasizing the importance of community engagement. Though I believe the article is earnest, it is disorganized, long-winded, and hard to follow.¹⁴⁰ The history of Kingston's zoning would be better explained using shorter sentences framed as a timeline of events. This section also makes no effort to define form based or mixed use code, nor does it mention New Urbanism. In fact, no effort is made to explain that Imagine Kingston is advocating for and aiding in the development of a form based code proposal at all— they just call it an update and an opportunity for community input on the structure of the city. Articles linked elsewhere on the site as supportive documents clearly discuss form based code, but these come from form based code advocacy organizations like The Congress for the New Urbanism, the Form Based Codes Institute, and Strong Towns. The hesitancy to call it exactly that in the website's own text suggests a falsity in their self-proclaimed transparency.

¹³⁹ "About," *Imagine Kingston*, accessed October 2021, <https://www.imaginekingston.org/about>.

¹⁴⁰ *ibid*; As an example of long-winded and confusing passages, Garment writes: "Uses are separated, and there are many restrictions as to what can be done or built. Accessibility, inclusion, and efficiency suffer. And, used based codes don't even get a predictable result. Much sprawl results, and cars are prioritized over housing." Another sentence I found confusing is as follows: "In the search for qualified planners to rewrite Kingston's zoning code as a form-based code four proposals were submitted, after careful consideration the task force chose Dover Kohl and Partners." Sentences are fragmented and sometimes poorly written, obviously biased, and she makes claims with no base. This is likely unintentional, but does not make the process any easier to understand. The font is also hard to read; small, white and displayed against a tinted-purple background image of a sidewalk.

Though the omission of the term may be in an attempt to simplify and clarify information, it also reduces a viewer’s ability to establish their own opinions about form based code without reading a plethora of supportive articles from insular, interconnected FBC advocacy organizations with a strong bias.

A Resources & Information section, which hosts most of the links to the published works of FBC advocacy organizations, is formatted with a two column layout (see fig. 8). On one side of the page is a bulleted list of “things influenced by land use planning.” Imagine Kingston defines these “things” as where people live, where people work, where people play, where people move, how people interact, how people feel, social justice issues, and affordability, but there is no data or references to support any of these “things.”

The screenshot shows the 'Imagine Kingston - Build Community' website. The navigation bar includes links for 'About', 'Resources and Information', 'The process', 'Events', 'Submit your comments', 'Lets Chat', and 'More'. The main content area is split into two columns. The left column is titled 'Things influenced by land use planning:' and contains a bulleted list of questions and concerns. The right column features three article links with brief descriptions and dates.

Imagine Kingston - Build Community
 1 with [Kingston-Forward](#) [About](#) [Resources and Information](#) [The process](#) [Events](#) [Submit your comments](#) [Lets Chat](#) [More](#)

Things influenced by land use planning:

- Where people live
 - How, where and for whom housing exists is entirely regulated by land use planning. Determines if a property is a single family home, multi-family, mixed commercial/residential or apartment building, group or transitional home, accessory dwelling unit. Outlines how large or small each of these structures can be and what they look like, (how big a yard is required to be, etc.) is all regulated by planning code.
- Where people work
 - How/when/where commercial use of any kind is allowed is highly regulated by planning code. Examples: Home office, small consulting operation, retail storefront, large manufacturing or warehousing, building trinkets in your garage. Where and if these operations are allowed is regulated by planning code. Included in this is if any of these operations can co-exist with other uses to form live/work situations.
- Where people play
 - Is there a yard where you live? Is there a park nearby?
 - Is there a restaurant or bar placed in a space where you want it to be?
 - Is there a performance venue or other entertainment that is or is not accessible?
 - Is your street a place where your children can play?
- How people move
 - How easy are your daily/weekly travels? Is there work nearby where you live?
 - How do you get to your job? How could it be better?
 - Do you or could you walk or bike to these places? What would need to happen to make this easier?

[Form-based codes boost tax revenue and construction, don't catalyze gentrification](#)
 New report aligns with other recent research that form-based codes have not translated to gentrification.
 ROBERT STEUTEVILLE SEP. 23, 2021

[Zoned In: Economic Benefits & Shared Prosperity with Form-Based Codes](#)
 Measuring the impact of form-based codes to encourage smart growth
 September 2021 Joint report from Smart Growth America and one of its programs, the [Form-Based Codes Institute](#).

[6 Reasons Your City Needs a Form-Based Code](#)
 strongtowns.org Daniel Herriges June 8, 2020

[Public Participation, Part I: Let's Fix What's Not Working](#)
 placemakers.com Ben Brown May 13, 2020

Figure 8. Screenshot of a section of Imagine Kingston’s Resources and Information page. Photo by Gem Sorenson, April 2022.

On the right side of the page are articles, documents, films, videos, and podcasts that speak positively about form based code. The top article is titled “Form-based codes boost tax revenue and construction, don’t catalyze gentrification,” which is a Center of New Urbanism (CNU) report on a study by the Form Based Codes Institute and Smart Growth America, published in the CNU journal *Public Square*. In the report, editor Robert Steutville claims that

the study determined that “form-based codes generate economic benefits without significantly altering the racial makeup of communities—and while keeping rent increases down.”¹⁴¹ The study compared four geographical areas in the United States with form based code to four similar areas with traditional Euclidean zoning, and found that in the places with form based code, average rent in multi-family developments grew at a slower rate than in areas with traditional zoning.¹⁴² Steuteville explained this phenomenon as a result of there being “more housing options for a wider range of household incomes in the form-based code areas, making it possible for people of different backgrounds to share the prosperity of their community.”¹⁴³ The report also found no significant change in the racial demographics of the areas with form based code, which Steuteville argues “reinforces the fact that form based codes are not a catalyst for gentrification and displacement.”¹⁴⁴ What Steuteville does not consider, however, is that this study only looks at four instances of form based code implementation, which is an incredibly small field of study. Analysis of four geographical locations does not provide enough evidence to make a claim one way or the other.

Furthermore, because this study comes from Smart Growth America and is endorsed by the CNU, I was skeptical that the analysis of the data would be overly complimentary of form based code. I used Social Explorer mapping software and US Census American Community Survey (ACS) data to explore the accuracy of the report’s claims for each of these comparative

¹⁴¹ Robert Steuteville, “Form-based codes boost tax revenue and construction, don’t catalyze gentrification,” *Public Square*, September 2021, <https://www.cnu.org/publicsquare/2021/09/23/form-based-codes-boost-economy-don%E2%80%99t-catalyze-gentrification>.

¹⁴² “Zoned In: Economic Benefits & Shared Prosperity with Form-Based Codes,” *Form Based Codes Institute* and *Smart Growth America*, September 2021, https://smartgrowthamerica.org/wp-content/uploads/2021/09/ZonedIn_EconomicBenefitsandSharedProsperity.pdf.

¹⁴³ Robert Steuteville, “Form-based codes boost tax revenue and construction, don’t catalyze gentrification,” *Public Square*, September 2021, <https://www.cnu.org/publicsquare/2021/09/23/form-based-codes-boost-economy-don%E2%80%99t-catalyze-gentrification>.

¹⁴⁴ *ibid.*

case studies. Though I have points of skepticism for claims made about all four geographical locations, I will only discuss my findings for form based code community Delray Beach, Florida and its comparative community Boynton Beach, Florida, as I have the most accurate and specific data for these areas with the software and data available to me.

The report compares data from 2009 to 2019 for these two communities. In 2007, Delray Beach implemented an initial form based code, but the plan only covered a few blocks of the community. The plan was expanded to cover the entire community in 2016, which is when I begin the comparative analysis between the two areas in my own study, detailed in chapter four. However, for the sake of comparing my analysis of findings to the analysis in this study, I will also compare data beginning in 2009. The report found that “multi-family rents in downtown Delray Beach increased 7.1 percent, a slower rate than in Boynton Beach, 17.6 percent, suggesting housing for a wider range of household incomes.”¹⁴⁵ The data available from ACS does not include multi-family rent prices, so instead I will analyze the change in median gross rent for all rental units. In Delray Beach, median gross rent in 2009 was \$1,222, and rose by \$358 to \$1,580 in 2019.¹⁴⁶ In Boynton Beach, median gross rent in 2009 was \$1,184, and rose by \$317 to \$1,501 in 2019.¹⁴⁷ Though not directly comparable to the findings in the study, this shows that Delray Beach experienced a faster rate of rent increase than Boynton Beach, which indicates a correlation between form based code and a faster rate of rental price increase.

The report also found that both communities “experienced similar increases in White population and decreases in Black population. Delray Beach also experienced an increase in its

¹⁴⁵ “Zoned In: Economic Benefits & Shared Prosperity with Form-Based Codes,” *Form Based Codes Institute and Smart Growth America*, September 2021, p. 31, https://smartgrowthamerica.org/wp-content/uploads/2021/09/ZonedIn_EconomicBenefitsandSharedProsperity.pdf.

¹⁴⁶ “Social Explorer Tables: ACS 2009 (5-Year Estimates) - Median Gross Rent,” and “Social Explorer Tables: ACS 2019 (5-Year Estimates) - Median Gross Rent,” *Social Explorer ACS 2009 (5-Year Estimates) Table* and *Social Explorer ACS 2019 (5-Year Estimates) Table*, accessed March 2022, socialexplorer.com.

¹⁴⁷ *ibid.*

Latino population.”¹⁴⁸ Though this statement is not false, the analysis of the data is overly generous toward Delray Beach. From 2009 to 2019, Delray Beach experienced a 5.48% decrease in its white population, a 2.79% increase in its Black population, a 1.19% in its Latino population, and a 0.25% increase in its Asian population.¹⁴⁹ Boynton Beach experienced an 8.63% decrease in its white population, a 2.72% increase in its Black population, a 3.71% increase in its Latino population, and a 0.35% increase in its Asian population.¹⁵⁰ Boynton Beach, which does not have form based code, experienced more of a decrease in its white population than Delray Beach, and experienced more of an increase in its Latino and Asian populations than Delray Beach as well. Delray Beach did experience a slightly higher increase in its Black population, but the difference is in the minutia, at 0.07%. The statement made in the report ignores the fact that Boynton Beach also experienced an increase in its Latino population, and a greater increase at that. It also fails to mention that although the change in racial demographics is very similar, Boynton Beach generally experienced a greater increase in racial diversity.

The discrepancies between the data analysis in the study and my own leads me to believe that Smart Growth America and the CNU analyze data with an unfair bias in favor of form based code. This bias is not addressed in the study or in the CNU’s study report, suggesting that the organizations generate and publish inaccurate reports on the impacts of form based code under the guise of fair, unbiased scientific analysis.

¹⁴⁸ Zoned In: Economic Benefits & Shared Prosperity with Form-Based Codes,” *Form Based Codes Institute and Smart Growth America*, September 2021, p. 31,

https://smartgrowthamerica.org/wp-content/uploads/2021/09/ZonedIn_EconomicBenefitsandSharedProsperity.pdf.

¹⁴⁹ “Social Explorer Tables: ACS 2009 (5-Year Estimates) - Race,” and “Social Explorer Tables: ACS 2019 (5-Year Estimates) - Race,” *Social Explorer ACS 2009 (5-Year Estimates) Table* and *Social Explorer ACS 2019 (5-Year Estimates) Table*, accessed March 2022, socialexplorer.com.

¹⁵⁰ *ibid.*

Another study highlighted on Imagine Kingston's Resources and Information section is urban planner Emily Talen's "The socio-economic context of form-based codes," also endorsed by the CNU's *Public Square*. Though this study produced inconclusive results on whether form based codes catalyze gentrification, Steutville chooses to title CNU's report on the study "Form-based codes haven't translated to gentrification, study reports."¹⁵¹ This is blatant dishonesty on the analysis of Talen's data, which looks specifically at whether there is evidence that FBC tracts are becoming denser and more socially diverse. Though she does not conclude that FBCs are a precursor to gentrification, she also does not conclude that they are not. Talen's article also points out that FBC development typically neglects lower income and non-white communities in the planning process, which can lead to feelings of displacement or actual displacement,¹⁵² something that Steuteville fails to mention in his report. She does conclude that there is no indication that FBCs are associated with affluence, and that in suburban locations, where there is lower land use intensity, FBC tracts are in fact becoming less white, more Black, and have more children and seniors.¹⁵³ To my knowledge, Talen has conducted the most extensive study on areas with form based codes, comparing 1,079 US Census tracts that are partly regulated by FBCs and 36,685 non-FBC tracts,¹⁵⁴ and still, she maintains that much of the results are inconclusive, contrary to what Steuteville claims in his report. Imagine Kingston's inclusion of a study report that is this inaccurate and biased does not legitimize their claims of transparency in any sense.

¹⁵¹ Robert Steuteville, "Form-based codes haven't translated to gentrification, study reports," *Public Square*, July 2021,

<https://www.cnu.org/publicsquare/2021/07/19/form-based-codes-havent-translated-gentrification-study-reports>.

¹⁵² Emily Talen, "The socio-economic context of form-based codes," *Landscape and Urban Planning 214 (2021)*: 2.

¹⁵³ Emily Talen, "The socio-economic context of form-based codes," *Landscape and Urban Planning 214 (2021)*: 9-10.

¹⁵⁴ Emily Talen, "The socio-economic context of form-based codes," *Landscape and Urban Planning 214 (2021)*: 4.

In a section of Imagine Kingston's website titled The Process, the site provides an explanation of Kingston's zoning reform process. The information, while detailed, is dense and unclear. The website describes project initiation as task one, which began with a kick-off meeting on August 19, 2021. Task two includes the Charrette week, which is a six day meeting event involving city staff, planners, the Zoning Task Force, elected officials, key stakeholders, and members of the public. The week consisted of a kick-off event & hands on design session, an open design studio, walking tours of various Kingston neighborhoods, and a community meeting. At the end of the Charrette week, the firm produced an executive summary of their findings that was presented at Kingston Council, and was supposed to be open to the public (it was not, which I will discuss later in this chapter). Task four is the drafting of the code and its integration, which is indicated to occur from month three to seven. With the information provided, the layout of this page as a timeline of events does not make sense. The website provides a concrete date for some tasks, a general month or vague temporal indicator for others, and lacks a time frame entirely for the rest (see fig. 9, 10, and 11). Furthermore, the website still cites the Charrette Week as being currently in progress in April 2022, which is entirely false. In this way, the website does not improve transparency and communication for Kingston citizens in the slightest.

TASK 2.5 INITIAL SITE VISIT & STAKEHOLDER INTERVIEWS

(September 20 & 21)

Representatives from the consultant team will conduct a 2-day initial site visit for meetings and interviews as well as on-site analysis. While on-site, the team will conduct Synoptic Surveys to document existing conditions and identify the unique elements of the City's "DNA" that can serve as a model for new development (see Task 2.3). The team will also conduct interviews with key stakeholders during the initial site visit to acquire local intelligence about the development climate, any obstacles to project objectives, community and business concerns. The interviews will be conducted one-on-one or in small focus groups with those who know or feel comfortable speaking in front of each other to provide the most reliable and confidential perspectives. (Additional meetings/interviews may be scheduled in the pre-charrette period, facilitated by local members of the Consultant team).

TASK 3: PUBLIC DESIGN PROCESS

(Currently in process; Nov. 4th - Nov. 10th 2021)

Figure 9. Screenshot of *Imagine Kingston's The Process* page, Task 2.5 and Task 3 with specific dates. Photo by Gem Sorenson, April 2022.

TASK 4: DRAFTING THE FORM-BASED CODE

(TIMELINE: MONTH 3 TO 7)

Based on input received during the Design Charrette, the consultant team will create a draft Form-Based Code. The Code will be user-friendly, highly visual, and will serve to encourage future redevelopment in an organized manner and further the goals and vision established during the charrette. Our team will work closely with the City in determining the format and an outline of components to be included in the new Form-Based Code. Dover-Kohl's code-writing portfolio stands apart for its fluency with a full range of code formats, from street-type codes, building-type codes, and SmartCode calibration. The codes have been used in mandatory, parallel and floating-zone applications. Our range of experience allows us to identify the appropriate type of code for our clients and craft it to best meet their needs. Key components of the Code will likely include an Overview, Regulating Plan, Building Form Standards, Street Standards, Open Space/Landscape Standards, General Standards, and Architectural Standards, as described on the following pages.

Figure 10. Screenshot of *Imagine Kingston's The Process* page, Task 4 with a general timeframe. Photo by Gem Sorenson, April 2022.

TASK 4.2 CODE INTEGRATION

The consultant team will provide assistance with integration of the Form-Based Code to the existing regulatory framework. This will include a review of the existing zoning and land development regulations, and input from meetings with City staff. Based on this work and the analysis conducted in Task 2.2, the Legal team will consult on needed amendments to local land use regulations, review and approval processes, and any waivers or exemptions or other changes in local law needed to implement the Regulating Plan and associated standards. The team will work closely with the City to draft the administrative procedures of the Code, ensure the Code meshes with state and local legal requirements, provide input as to the applicability or need for changes to other existing regulations, and assist with determining an appropriate integration strategy. The team will also work closely with the City to develop a local Type 2 list, as permitted under the State Environmental Quality Review Act, to aid in the project approval process.

Figure 11. Screenshot of *Imagine Kingston's The Process* page, Task 4.2 with no indication of timeframe. Photo by Gem Sorenson, April 2022.

Under Events, there were three time and location to-be-determined events as of October 2021. The first was the community charrette. The second was a screening of a film called "Lost Rondout: A Story of Urban Renewal," and the third was a community discussion about how zoning affects everyone, both of which never happened. In February of 2022, community

engagement events were posted for February 23, 24, and 26. These were walking tours and virtual public meetings to discuss Hurley and Albany Avenue and the Rondout Waterfront. The walking tours were postponed due to weather conditions, and were never rescheduled.

Community engagement is reliant on in-person opportunities to engage with the planning firm and other authorial actors in the rezoning process. The fact that multiple public events were canceled without rescheduling or failed to ever come to fruition makes the emphasis on community engagement largely tokenistic.

The Dover Kohl & Partners and Kingston charrette week took place from November 4 to November 10, 2021 as an opportunity for the public to participate in the zoning process. I attended the virtual kick-off meeting and hands-on input session hosted by Dover Kohl & Partners on November 4, 2021. The meeting plan, as outlined on the Engage Kingston website, would include “an introductory presentation about the project, followed by an opportunity to participate in small group discussions with other community members and the planning team.”¹⁵⁵

The kick-off meeting was accessible by registrants via a Zoom link sent in an email and started promptly at 6:00 PM. There were 69 participants on the call, around 14 of whom were representatives of Dover Kohl & Partners. Because the meeting took place over Zoom, most participants had their cameras off, and for that reason I can make virtually no commentary on the racial or gender makeup of participants. The facilitators left the public comment section on to allow participants to chime in and ask questions. Victor Dover, co-head of the firm, was in attendance and led the introductory part of the meeting. Steve Noble, mayor of Kingston, was also in attendance. Other participants included members of the Kingston Zoning Task Force Tanya Garment, Kevin Corte, and Anthony Tampone.

¹⁵⁵ “Charrette Week Schedule.” *Engage Kingston*, accessed October 2021, <https://engagekingston.com/kingston-forward>.

Victor Dover began the meeting with an explanation of zoning code, defined his company as a form based code planning firm, and then began to provide a history behind form based code. Dover referenced early Santa Fe, New Mexico urban design from the 1600s as an example of how the public realm used form based logic before zoning regulations existed in the United States. He also referenced zoning rules in New York City from the late 1910s and early 20s, when “zoning ordinance was all about form.”¹⁵⁶ Dover argued that the ordinance shift from form to use began in the 1940s, when war-based industry was exploding. He explained that city planners and developers originally made this shift to separate industry from home, but later used Euclidean Zoning and policies from the Department of Housing and Urban Development (HUD) to exclude multi-family homes from various neighborhoods, a tactic used by developers to engage in covert and overt practices of racism and classism. Advancements in technology increased the use of cars, he explained, and zoning ordinance began to reflect and accommodate that, ultimately contributing to suburban sprawl. The public realm was reimagined for cars and the nuclear family, and zoning followed suit, Dover argued. Urban renewal, which Dover called urban removal, was heavily influenced by the shift from form to use based zoning regulations. The Rondout area of Kingston, he claimed, experienced this phenomenon, and is an example of how zoning can be used as an instrument of oppression.

Dover’s overview of American zoning history was used to bolster his firm’s claim that form based code is good for cities. Though Dover tells a similar, less specific history of urban renewal to the one detailed in my first chapter, he does not make the connection between the pitfalls of urban renewal and the New Urbanist approach to urban revitalization. What he and his

¹⁵⁶ Victor Dover, “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

firm do not do is recognize the New Urbanist acceptance of the urban landscape as a “frontier”— a chaotic space, uncivilized by its inhabitants; a space that needs to be tamed.

After providing historical context, Dover began an overview of what the firm had already completed as part of their development process. In September of 2021, staff made an initial site visit and performed an urban analysis called a synoptic survey. Synoptic surveys extract the “DNA” of a city, which means surveyors collect data on existing and historical metrics and types for buildings and form like spatial width, parking lanes, moving lanes, curb type and radius, public frontage type, private frontage type, bikeway type and width, planter type and width, tree type, lot width and depth, front, side and rear setback, average lot dimension, average lot size, and average trees per acre. Synoptic surveys help planners see what the form of a city currently looks like and what can be improved upon.

As mentioned previously, the initial community input survey was posted in October of 2021, and closed on November 10th. As of November 6, only 144 responses were recorded,¹⁵⁷ less than 1% of the population of Kingston. In the chat box of the Zoom meeting, there was a lot of commentary from participants regarding this survey. One participant asked, “How are you recruiting people to participate in the survey?”¹⁵⁸ Eric Pate, a planner and urban designer for Dover Kohl, responded: “The City and community volunteers have been distributing flyers and surveys at community events and throughout Kingston’s neighborhoods. If you have a community event and would like paper copies of surveys or flyers to help spread awareness and gather input, please contact kcorte@kingston-ny.gov.”¹⁵⁹ The community events were not specified, even when participants asked where these flyers had been handed out.

¹⁵⁷ *ibid.*

¹⁵⁸ Anonymous participant, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

¹⁵⁹ Eric Pate, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

There was much confusion about how to access the survey. One participant commented: “folks have to REGISTER at EngageKingston to access the survey. Access should not require that extra step. Perhaps improve accessibility, and response, by putting it in the wild on social media.”¹⁶⁰ Another suggested a mailing campaign, and others seconded that. Yet another participant commented about a mailing campaign as well: “Many do not have access to social media or go online to attend some of the community events. The city has the tax roll. Why was a mailing not sent to all property owners about this, it's the future of the city!”¹⁶¹ Though the team did not respond to the mailing campaign suggestion, Eric Pate clarified the registration issue, and some other points of access: “Like Victor mentioned the survey is live and can be shared with others via https://engagekingston.com/kingston-forward/survey_tools/brief-survey. In addition, paper copies of the survey are available at Kingston Library.”¹⁶² Of course, to request a paper copy from the library, one would have to know about the online survey in the first place.

There was clear concern from participants about the validity of the community input process. The following suggestion was made by a participant: “In terms of the desire for community input: What about having a committee formed from a representative group in the community who can be an integral part of every step of this planning rather than relying solely on one-off/drop-in community events?”¹⁶³ This comment emphasizes that, despite the emphasis on community engagement, community members do not feel adequately updated or informed on this process. The Kingston Zoning Task Force is meant to serve this purpose, but this question

¹⁶⁰ Anonymous participant, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

¹⁶¹ Anonymous participant, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

¹⁶² Eric Pate, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

¹⁶³ Anonymous participant, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

suggests that a majority of participants at this meeting were unaware of their existence. Task Force members in attendance also did not make themselves known when this question came up.

The meeting did not pause to address written comments, but Dover Kohl & Partners staff and Kevin Corte did respond to questions in the chat box. While the chat was engaging in conversation, Victor Dover continued his presentation. He explained that there would be another input meeting in-person the next day, and that the firm would host open design studio hours for community members to come in and talk to planners and designers about the process and look at maps or visuals that had been created. In December, there would be a vision executive summary at the Common Council, which, as mentioned previously, was supposed to be open to the public. The executive summary meeting, in actuality, was not public, but was broadcast live on YouTube. I attempted to watch the meeting, but the audio and visual was unintelligible and therefore useless in conveying information to anyone not invited and in attendance.

After this introduction, all participants were split into breakout groups with about five participants and one Dover Kohl facilitator each. Each group was tasked with coming up with three things we would like to see addressed in the zoning code. I was placed in a virtual Zoom room with a Dover Kohl facilitator and four other participants, including Tanya Garment and Seaside, FL architect Rick Hall.

The facilitator asked Tanya to offer her suggestions first. Tanya brought up accessory dwelling units, suggesting that she would like the ability to build one on her property to be reflected in the code. She believes that Kingston has a bias against renters, and that the pushback against accessory dwelling units is based on fear of lack of supervision causing problems with renter behavior. She used the following example to make this claim: If a homeowner rents a house to one person and a renovated garage to another person, but lives in Poughkeepsie, there is

no supervision. She disagrees with this being a problem, but feels that this sentiment impairs Kingston homeowner flexibility. She had other concerns regarding homeowner regulations, like the ability to rent out individual rooms: “If you own a house, you can’t rent out a room.”¹⁶⁴

Another participant in our group introduced herself as originally from Trinidad, but she grew up in Kingston. She has lived in Kingston as an adult since 2009 and been a homeowner since 2014 in central Kingston. She explained that her area of Kingston is racially segregated and split in half by Washington Avenue. She is one of few black homeowners on her side of the avenue, where her neighbors are friendly, there are lots of families and children, there are lots of front porches and trees, and most homes are single-family dwellings, while the other side of Washington Avenue has a lot more multi-family dwellings. She also said she has an interest in learning about how these new codes will affect her as a homeowner, and how it will affect her neighborhood.

Another member of our group agreed with her analysis of the divide between Washington Avenue. This participant grew up in Kingston, moved to New York City for twenty years, and moved back to Kingston seven years ago in 2015. She is a property manager in Kingston real estate, and primarily manages multi-family dwellings. She lives in a single-family dwelling zoned neighborhood called Roosevelt Park, which is walkable and has lots of trees and public outdoor amenities, but said that the environment changes after a few blocks in every direction. Once she reaches the edge of her neighborhood, the walkability decreases, and the scenery is limited to buildings that host businesses like McDonald’s and QuickChek. She expressed interest in improving the walkability and pedestrianism of Kingston, and as a property manager, was interested in how the code might affect Kingston’s real estate sector.

¹⁶⁴ Tanya Garment, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting breakout session, Zoom, November 4 2021).

Rick Hall has owned his own firm, Hall Planning and Engineering for over twenty years, and is a self-described friend of Dover Kohl & Partners. He is not a Kingston resident, but has been highly interested in walkability since 1984 when he worked on the planning of Seaside, Florida, a project he looks back on with pride. As an engineer, he said he was primarily focused on how his “engineering buddies”¹⁶⁵ could improve walkability and bikeability in towns.

The group generally agreed that transportation and traffic were important elements to address in the new code. We talked for a while about freeways, thruways, and roundabouts, focusing on a roundabout in Kingston that is the only one in America where you can exit from the middle lane. All Kingston residents in the group agreed that it was unsafe. Tanya definitely dominated the group’s conversation, and was then tasked with sharing our main points with the larger group when we reconvened. She said that we discussed what areas and neighborhoods in Kingston used to look like, traffic and roundabouts, walkability and pedestrianism versus car accommodation, and where diversity of dwelling units currently exists in the city. She also briefly touched on our conversation about Washington Avenue.

Other groups had similar main points, and also brought up concerns regarding historic preservation, public transportation, and multi-dwelling units. Most groups brought up the desire for walkability and non-hazardous sidewalks, as well as an improvement on the safety and accessibility of Kingston’s public transportation systems. One group suggested jitneys or small shuttles to travel shorter distances around the city, while another wanted a good shuttle bus running along the corridor with good turn around times, saying that it was “critical up the

¹⁶⁵ Rick Hall, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting breakout session, Zoom, November 4 2021).

corridor to connect all of our free downtowns.”¹⁶⁶ Many groups hope that the code will support local community based businesses, specifically those south of Broadway.

Affordable housing was also a concern for many participants; accessory dwelling units were discussed positively, and one participant commented that “the city has an interest in good rentals... keep them affordable and well kept.”¹⁶⁷ A couple of groups brought up the historic preservation of the bluestone, which much of Kingston’s sidewalk is made of. Participants also generally agreed that they were unhappy with the empty storefronts and offices in the Stockade district, and were in agreement that dwelling units above businesses and storefronts, namely Kingston Plaza, were a good idea. One group expressed their disdain for the Kingstonian, a large mixed-use development under construction in the Stockade district. The group, like most others, supported a variety of housing types and mixed-use development in residential neighborhoods, but at a more manageable size. Participants also wanted support of “green use,” which included bike lanes, improved access to the Rondout trail and creek, maintaining tree canopy, and more parks and green space in Midtown.

As the meeting was wrapping up, the comments section picked up again. People were concerned about interference with useful community engagement. One participant commented that “it’s too bad there is no studio planned for an evening. Many people can not attend during a business day.”¹⁶⁸ Victor Dover addressed her comment, saying that there were two meetings that were held in the evenings, from 4:30 to 6:00 PM. She responded, “4:30-6 pm is not evening... that is afternoon and many folks work til 5-6 pm.”¹⁶⁹ Others agreed. There was no response to the

¹⁶⁶ Anonymous participant, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

¹⁶⁷ Anonymous participant, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

¹⁶⁸ Anonymous participant, November 4 2021, “comment on,” “Virtual Kick-off Meeting” (Kingston Forward charette week kick-off meeting, Zoom, November 4 2021).

¹⁶⁹ *ibid.*

follow-up comment. Shortly after these comments, the meeting was adjourned at 8:00 PM. Overall, the input meeting was heavily structured and designed to yield a particular type of feedback, with no opportunity for general commentary. The efforts to obtain community engagement during the meeting were sorely inadequate, to the point that there is reason to believe they are intentionally making it hard to engage.

After the Charrette Week in November, correspondence from Imagine Kingston came to a halt until February 21, 2022, when I received an email invitation for a Hurley and Albany Avenue Virtual Public Meeting on February 23 at 6:30 PM, accessible via zoom link and an Albany Avenue area walking tour on February 28 at noon.¹⁷⁰ The events were described as a “great opportunity to [sic] meet the consultants & City representatives, discuss how you feel about the neighborhood and share your thoughts on how it can and should grow.”¹⁷¹ These events were postponed and never rescheduled. On February 24, an email invitation was sent out for a Rondout Waterfront Virtual Public Meeting happening that night at 6:30 PM.¹⁷² This is the last correspondence sent out from Imagine Kingston to date. A draft zoning code is expected to be released in mid-May of 2022, paired with virtual and in-person meetings for additional feedback. The final code is set to be released in July.

My experience with the charrette week and other engagement efforts by Imagine Kingston reinforces the pitfalls of the black box of participatory planning.¹⁷³ The emphasis on community input in Kingston’s rezoning process is neoliberal and primarily tokenistic, with little evidence that the input has been used to influence Dover Kohl’s decisions. The goal was to reach consensus, and that goal limited the expression of conflicting opinions. Furthermore, the goal of

¹⁷⁰ Imagine Kingston, “Kingston, could you imagine a better Albany Avenue?,” Email, February 21 2022.

¹⁷¹ *ibid.*

¹⁷² Imagine Kingston, “Kingston, help imagine a new waterfront tonight @ 6:30pm,” Email, February 24 2022.

¹⁷³ Erik Eriksson, Amira Fredriksson, and Josefina Syssner, “Opening the black box of participatory planning: a study of how planners handle citizens’ input,” *European Planning Studies* (March 2021): 1.

transparency was not achieved. The summary meeting at the end of the charrette week was unintelligible, Imagine Kingston's email updates came to a complete standstill for three months, and the community has been left largely in the dark in regards to what is next. The charrette week, which was poorly advertised, gave an appearance of transparency that is false. Most input has come from the Zoning Task Force, a small group of Kingston citizens who are mostly homeowners, real estate agents and developers, none of whom are working class. Contrary to what Imagine Kingston has suggested, the new zoning plan will not be created by and for the community, but rather, by a small group of actors. In many ways, this is no different from the conventional zoning process.

Chapter 4 | A Study of Form Based Code's Impact on Gentrification and Affordable Housing

Most support, evidence, and advocacy for form based code tracks back to Smart Growth America, or more specifically, the Form Based Codes Institute (FBCI), by way of board members, funding for studies, or connected organizations. The FBCI's Steering Committee, which consists of 21 volunteer members, has one Black member, one Latino Education Committee chair, and two Asian members.¹⁷⁴ Other than that, the Committee is overwhelmingly white and of European descent. The Institute also offers a variety of courses and certification programs related to form based code, and lists 58 instructors on their website. Of these instructors, 52 are white and of European descent.¹⁷⁵ Because gentrification in America is understood as being the moving of more affluent, often white people into a neighborhood and the displacement of less affluent, often non-white residents,¹⁷⁶ it is significant to note that the FBCI is a largely white organization.

The breadth of studies is limited, and there is a closed circuit approach to proving the FBCI's claims about the code type. Because of this, I was skeptical of the claims that form based code is inherently good for preventing gentrification and slowing the increase in rent, sparking an interest in developing my own dataset for analysis. The data I collected was designed to compare rent change over time between American cities that had implemented form based code and nearby cities that had not. Organizations like the FBCI and Strong Towns, and form based code planning firms and developers frequently use buzzwords like economic development, cultural diversity, affordable housing, financially productive, sustainable, and revitalization on

¹⁷⁴ "Steering Committee," *Form Based Codes Institute*, accessed February 2022, <https://formbasedcodes.org/steering-committee/>.

¹⁷⁵ "Instructors," *Form Based Codes Institute*, accessed February 2022, <https://formbasedcodes.org/instructors/>.

¹⁷⁶ Elizabeth Kirkland, "What's Race Got to Do With it? Looking for the Racial Dimensions of Gentrification," *The Western Journal of Black Studies* 32, no. 2 (2008): 2.

their websites and in educational material to associate FBCs with equity and populism while also marketing it as a tool for economic growth and urban revitalization. And yet, these organizations have virtually no definitive evidence to support these claims.

The consistent unsubstantiated claim made by FBC advocates that FBCs foster economic growth, thereby reducing poverty and increasing incomes within a neighborhood or city does not address the variety of reasons why income may increase or poverty may decrease in an area. While it may be a result of improved quality of life, proximity to jobs, and affordable housing as facilitated by FBCs, it may also be the result of a shift in neighborhood demographics, meaning that low income households may have moved out because of the code's catalyzing of rent hikes and increased cost of living. For this reason, rent as a percentage of income became a key variable to consider in my own data collection and analysis. This variable takes into account a change in rent and the level of financial strain that rent places on households, which can indicate that the cost of rent is either on par with, above, or below most residents' ability to continue to afford living in the area. An increase in rent as a percentage of income suggests that rents are rising at a rate that current residents can not afford.

As outlined in the previous chapter, my skepticism of the FBCI's and CNU's claims that form based code is not a precursor to gentrification and that form based code promotes racial, social, and class diversity while also facilitating sustainable economic development led me to my research questions: What impact does form based code have on people's access to housing? What is the correlation, if any, between form based code and people's access to affordable housing in an area? Results were predicted to show a correlation between the implementation of form based code and a trend of accelerated rent increase after code implementation, in comparison to similar areas with conventional zoning regulation (non-FBC locations).

I collected data on 28 locations that have implemented a city, county, or town wide form based code, including year of code implementation, median rent and median household income before FBC implementation and in 2018 (after FBC implementation but before COVID-19), median gross rent as a percentage of income before implementation and in 2018, annual percent change in rent since the year of FBC implementation, population and population density before implementation and in 2018, percentage of total population as white before implementation and in 2018, number of total housing units, vacant units, and occupied units before implementation and in 2018. The locations examined are as follows: Clark County, Washington; Tehachapi, California; Livermore, California; Azusa, California; Santa Ana, California; Denver, Colorado; Flagstaff, Arizona; El Paso, Texas; Laredo, Texas; Leander, Texas; Rowlett, Texas; Gulfport, Mississippi; Cincinnati, Ohio; Woodford County, Kentucky; Bellevue, Kentucky; Raleigh, North Carolina; Beaufort County, South Carolina; Jefferson County, Alabama; Lee, Florida; Delray Beach, Florida; Fort Myers Beach, Florida; Sarasota County, Florida; St. Lucie County, Florida; Bradenton, Florida; Miami, Florida; Narberth, Pennsylvania; Buffalo, New York; and Hartford, Connecticut (see Table 1).

28 corresponding non-FBC locations were chosen based on geographic proximity and similarity in population size and area of the FBC locations, and collected the same data as the FBC locations to compare. The comparative locations examined are as follows, respectively: Thurston County, Washington; Arvin, California; Pleasanton, California; Irvine, California; Aurora, Colorado; Prescott Valley, Arizona; Corpus Christi, Texas; McAllen, Texas; Cedar Park, Texas; Sachse, Texas; Biloxi, Mississippi; Dayton, Ohio; Anderson County, Kentucky; Dayton, Kentucky; Durham, North Carolina; Jasper County, Alabama; Aucilla, Florida; Boynton Beach, Florida; Punta Rassa, Florida; Manatee County, Florida; Martin County, Florida; South

Bradenton, Florida; Hialeah, Florida; Penn Wynne, Pennsylvania; Cheektowaga, New York; and West Hartford, Connecticut (see table 1).

Social Explorer mapping software was used to collect data from American Community Survey (ACS) 1-, 3-, and 5-year estimates, depending on the data available. 1-year estimates were used for all cities with a population greater than 60,000, as recommended by the ACS. 5-year estimates were used for all other geographical location comparisons. For data on counties, the geography level County was used, and for all other locations, such as cities and towns, the geography level Census Place was used. Subcategories gross median rent, rent as a percentage of household income, total units, vacant units, and occupied units were located under the category Housing. Gross median household income was located under the category Income. Population and population density were accessed under the category Population. Percent change per year in gross median rent was calculated using the formula for annual percent change.¹⁷⁷

The American Census Bureau began collecting annual data in 2006, and before that collected data every five years. For this reason, it is important to note that data from the 2000 American Census is used for locations that implemented form based code before 2006 and their corresponding non-FBC locations. These locations are Fort Myers Beach, FL, Azusa, CA, Leander, TX, Punta Rassa, FL, Glendora, CA, and Cedar Park, TX. However, all locations have annual data pertaining to population size, population density and racial demographics. Because Aucilla, FL does not have Census data on median rent or rent as percentage of income in 2018, Lee and Aucilla are not included in my analysis of form based codes impact on rent change or change in rent as percentage of income.

¹⁷⁷ socialexplorer.com; data for this study originated from Social Explorer ACS 1-year and 5-year estimate tables for gross median rent, rent as a percentage of household income, total units, vacant units, occupied units, gross median income, population, and population density. However, the analysis and reconfiguration of these data points in conversation with form based code implementation dates, is unique to this study.

FBC advocates, planners and architects commonly assert that FBCs help to mitigate (sub)urban sprawl, and an increase in population density is a variable that can indicate the validity of this claim. Areas with and without FBC implementation have experienced a general increase in population density during the same timeframe, but more non-FBC locations have experienced an increase in population density than FBC locations. 64.3% of FBC locations in this study have experienced an increase in population density, compared to 78.6% of non-FBC locations. Furthermore, only 7.1% of FBC locations experienced an increase in population density when their comparable non-FBC locations did not, but 21.4% of non-FBC locations experienced an increase when their comparable FBC locations did not (see table 2). This data suggests that more locations with FBCs actually experience less mitigation of (sub)urban sprawl than locations with traditional zoning code.

18 of the 28 locations that implemented FBCs became less white after implementation, compared to 16 of the 28 locations that do not have FBCs during the same timeframe. Of these, 7 FBC locations became less white when their corresponding non-FBC locations did not become less white. 5 non-FBC locations became less white when their corresponding FBC locations did not. Both FBC and non-FBC locations exhibited a partial trend of becoming less white, as 64.3% of FBC locations have become less white since FBC implementation, and 57.1% of corresponding non-FBC locations have become less white within the same timeframe. 35.7% of FBC locations became more white after FBC implementation. 25% of FBC locations became less white when their comparable non-FBC locations did not, and 17.9% of non-FBC locations became less white when their comparable FBC locations did not (see Table 3). Gentrification is commonly associated with a location becoming more white, and this data suggests that FBCs may be slightly better at curbing gentrification than traditional zoning codes. However, there is

not enough data to confidently support this claim. Due to the similarity in percentage, coupled with the small size and time frame of the study (28 locations over 18 years, with some locations having only a year or two of data available for analysis), I can not assert that places with FBCs are better at curbing gentrification, nor can I assert that they do not contribute to the expulsion of non-white people from locations.

14 of the 27 locations that implemented FBCs experienced a rise in rent as percentage of income after implementation, compared to 17 of the 27 comparable non-FBC locations. Of the locations observed (excluding Lee, FL and Aucilla, FL), 51.9% of FBC locations experienced a rise in rent as percentage of income, compared to 63% of non-FBC locations. 3.7% of FBC locations experienced a rise in rent as percentage of income when their comparable non-FBC locations did not, and 22.2% of non-FBC locations experienced a rise in rent as percentage of income when their comparable FBC locations did not (see tables 4 and 5). Rise in rent as percentage of income indicates that housing is becoming more expensive without equal rise in residents' income. Over time, this can lead to gentrification through the influx of more affluent residents due to original residents' inability to afford housing in the area. This data shows a higher frequency of rise in rent as percentage of income for non-FBC locations than FBC locations, which may suggest a correlation between traditional zoning code and a rise in rent in percentage of income. However, considering the size and timeframe of this study, I can not assert that traditional zoning code generally facilitates a rise in rent as percentage of income and gentrification than form based code does.

13 of the 27 locations that implemented FBCs and 10 of the 27 comparable non-FBC locations experienced a drop in rent as percentage of income. Of the locations observed, 48.2% of FBC locations experienced a drop in rent as percentage of income, compared to 37% of

non-FBC locations. 22% of FBC locations experienced a drop in rent as percentage of income when their comparable non-FBC locations did not, and 11.1% of non-FBC locations experienced a drop in rent as percentage of income when their comparable FBC locations did not (see Table 5). This data suggests that locations with FBCs exhibit a greater trend of decrease in rent as a percentage of income than locations with traditional zoning, which is an indicator of curbing gentrification. Again, because of the size and timeframe of this study, I can not assert that FBCs curb gentrification based on this data.

Overall, this study shows two trends: that locations with FBCs are worse at mitigating urban sprawl than locations with traditional zoning code, and that FBCs regulate the influx of whiter, more affluent residents slightly better than traditional zoning code. However, the difference is not significant enough, considering the limited breadth of the study, to make the claim that FBCs effectively prevent the process of gentrification and the loss of affordable housing in an area. Though results are inconclusive, my findings are significant when compared to the analysis produced from form based code advocates, who claim conclusively that form based code promotes racial, social, and class diversity without facilitating gentrification. Almost all US locations with form based codes implemented the code type less than twenty years ago, and tracking trends in neighborhood demographic change is more accurate over a longer period of time.

New Urbanist journals and publications frame the results of their research studies to bolster their claims without admitting a similar inconclusiveness. As I have discussed previously, *Public Square* has reported on two of Emily Talen's research studies that produce inconclusive results on whether FBCs cause gentrification. She never says that they do, but she also never says that they do not. And yet, the journal frames and discusses her data analysis to make FBCs

look good rather than admitting that the data on this simply is not extensive enough to make a claim one way or another. And if a claim can not be made with adequate supporting evidence, FBC advocates should not be making such claims in the first place.

Further work for this study will continue at a geospatial technologies conference in Budapest, Hungary in July 2022. The study will be visually represented with a GIS map, using Esri GIS mapping software.

Table 1.

<i>FBC locations</i>	<i>Date of implementation¹⁷</i> 8	<i>Comparative non-FBC locations</i>
Woodford County, KY	2000	Anderson County, KY
Fort Myers Beach, FL	2003	Punta Rassa, FL
Azusa, CA	2005	Glendora, CA
Leander, TX	2005	Cedar Park, TX
St. Lucie County, FL	2006	Martin County, FL
Gulfport, MS	2007	Biloxi, MS
Sarasota County, FL	2007	Manatee County, FL
Jefferson County, AL	2008	Tuscaloosa County, AL
Raleigh, NC	2009	Durham, NC
Lee, FL	2010	Aucilla, FL
Santa Ana, CA	2010	Irvine, CA
Clark County, WA	2010	Thurston County, WA
Livermore, CA	2010	Pleasanton, CA
Miami, FL	2010	Hialeah, FL
Denver, CO	2010	Aurora, CO
Flagstaff, AZ	2011	Prescott Valley, AZ
Bellevue, KY	2011	Dayton, KY
Bradenton, FL	2011	South Bradenton, FL
El Paso, TX	2012	Corpus Christi, TX
Cincinnati, OH	2013	Dayton, OH
Tehachapi, CA	2014	Arvin, CA
Rowlett, TX	2014	Sachse, TX
Delray Beach, FL	2016	Boynton Beach, FL

¹⁷⁸ "Library of Codes," *Form Based Codes Institute*, accessed September 2021, <https://formbasedcodes.org/codes/>.

Hartford, CT	2016	West Hartford, CT
Narberth, PA	2016	Penn Wynne, PA
Buffalo, NY	2017	Cheektowaga, NY
Beaufort County, SC	2017	Jasper County, SC
Laredo, TX	2017	Mcallen, TX

Table 2.¹⁷⁹

<i>FBC locations that became more densely populated after implementation</i>	<i>non-FBC locations that became more densely populated during the same timeframe</i>
Woodford County, KY Fort Myers Beach, FL Azusa, CA Leander, TX St. Lucie County, FL Gulfport, MS Sarasota County, FL Clark County, WA Livermore, CA Miami, FL Denver, CO Flagstaff, AZ Bradenton, FL El Paso, TX Cincinnati, OH Rowlett, TX Delray Beach, FL Beaufort County, SC (18)	Anderson County, KY Punta Rassa, FL Glendora, CA Cedar Park, TX Martin County, FL Manatee County, FL Tuscaloosa County, AL Durham, NC Irvine, CA Thurston County, WA Pleasanton, CA Hialeah, FL Aurora, CO Prescott Valley, AZ South Bradenton, FL Corpus Christi, TX Arvin, CA Sachse, TX Boynton Beach, FL Penn Wynne, PA Cheektowaga, NY Jasper County, SC (22)

¹⁷⁹ See note above.

<i>FBC locations that became more densely populated after implementation when corresponding non-FBC location did not</i>	<i>non-FBC locations that became more densely populated in the same timeframe when corresponding FBC location did not</i>
Gulfport, MS Cincinnati, OH (2)	Tuscaloosa County, AL Durham, NC Irvine, CA Arvin, CA Penn Wynne, PA Cheektowaga, NY (6)

Table 3.¹⁸⁰

<i>FBC locations that became less white after implementation</i>	<i>non-FBC locations that became less white during the same timeframe</i>
Woodford County, KY Fort Myers Beach, FL Azusa, CA St. Lucie County, FL Jefferson County, AL Raleigh, NC Clark County, WA Livermore, CA Bellevue, KY Bradenton, FL El Paso, TX Cincinnati, OH Tehachapi, CA Rowlett, TX Delray Beach, FL Hartford, CT Narberth, PA Buffalo, NY (18)	Anderson County, KY Punta Rassa, FL Glendora, CA Cedar Park, TX Martin County, FL Biloxi, MS Tuscaloosa County, AL Irvine, CA Thurston County, WA Pleasanton, CA Aurora, CO Sachse, TX Boynton Beach, FL West Hartford, CT Cheektowaga, NY McAllen, TX (16)

¹⁸⁰ *ibid.*

<i>FBC locations that became less white when corresponding nonFBC location did not</i>	<i>non-FBC places that became less white when corresponding FBC location did not</i>
Raleigh, NC Bellevue, KY Bradenton, FL El Paso, TX Cincinnati, OH Tehachapi, CA Narberth, PA (7)	Cedar Park, TX Biloxi, MS Irvine, CA Aurora, CO McAllen, TX (5)

Table 4.¹⁸¹

<i>FBC locations that experienced a rise in rent as percentage of income</i>	<i>non-FBC locations that experienced a rise in rent as percentage of income</i>
Woodford County, KY Woodford County, KY Fort Myers Beach, FL Azusa, CA Leander, TX Gulfport, MS Jefferson County, AL Santa Ana, CA Livermore, CA Bellevue, KY Rowlett, TX Narberth, PA Buffalo, NY Beaufort County, SC (14)	Anderson County, KY Punta Rassa, FL Glendora, CA Cedar Park, TX Biloxi, MS Manatee County, FL Durham, NC Irvine, CA Thurston County, WA Pleasanton, CA Hialeah, FL Dayton, KY Arvin, CA Penn Wynne, PA Cheektowaga, NY Jasper County, SC McAllen, TX (17)

¹⁸¹ *ibid.*

<i>FBC locations that experienced a rise in rent as % of income when corresponding non-FBC location did not</i>	<i>non-FBC locations that experienced a rise in rent as % of income when corresponding FBC location did not</i>
Jefferson County, AL (1)	Manatee County, FL Durham, NC Thurston County, WA Hialeah, FL Arvin, CA McAllen, TX (6)

Table 5.¹⁸²

<i>FBC places that experienced a drop in rent as percentage of income</i>	<i>nonFBC places that experienced a drop in rent as percentage of income</i>
St. Lucie County, FL Sarasota County, FL Raleigh, NC Clark County, WA Miami, FL Denver, CO Flagstaff, AZ Bradenton, FL El Paso, TX Cincinnati, OH Tehachapi, CA Hartford, CT Laredo, TX (13)	Martin County, FL Tuscaloosa County, AL Aurora, CO Prescott Valley, AZ South Bradenton, FL Corpus Christi, TX Dayton, OH Sachse, TX Boynton Beach, FL West Hartford, CT (10)
<i>FBC locations that experienced a drop in rent as percentage of income when corresponding non-FBC location did not</i>	<i>non-FBC locations that experienced a drop in rent as percentage of income when corresponding FBC location did not</i>
Sarasota County, FL Raleigh, NC	Sachse, TX Tuscaloosa County, AL

¹⁸² *ibid.*

Clark County, WA Miami, FL Tehachapi, CA Laredo, TX (6)	Boynton Beach, FL (3)
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Conclusion

Well-meaning actors in both the private and public sectors can make decisions or introduce processes of development that can contribute to administrative violence. The creators of Seaside, Florida, the Form Based Codes Institute, and neotraditional planning firms and architects believe that New Urbanist form based code planning is the key to revitalizing neighborhoods and cities while promoting social equity, economic development, and stronger communities. However, the attempt to recreate sustainable communities through zoning ordinances and code is a neoliberal and authoritative approach to fixing a problem that does not work.

This project originated as a general analysis of Kingston's rezoning process, with no expectation that it would become a critique of New Urbanist ideology and planning. I began the project with an interest in urban planning, and while I've maintained that interest, I can no longer confidently say that I believe planning should be the primary method for dismantling the structures that make urban spaces expensive, unsustainable, and oppressive.

Zoning practices attempt to control human behavior, and New Urbanist zoning practices are no different. In many ways, New Urbanists create code that is even more prescriptive, regulatory, restrictive, and limiting than their predecessors. The belief that there is a formulaic solution to every community design project oversimplifies the complexities of the urban sphere, and in attempting to codify the construction of enjoyment for normative populations, New Urbanists create an "other" whose conditions are left unaffected or worse.¹⁸³

¹⁸³ Ted Rutland, "Enjoyable life: Planning, amenity, and the contested terrain of urban biopolitics," *Environment and Planning D: Society and Space* 33, no. 5 (2015): 1.

New Urbanism is trying to save cities, but wants to avoid the ugliness of seventies and eighties revanchism. This is futile; the prospect of saving cities from their “ugly” parts is impossible within the constraints of capitalism and American democracy. Strong communities can not be created in a couple of years through legislation. Instead, they develop over years of engagement, conflict, successes, and failures. We can not legislate utopia into existence.

New Urbanists, though well intended, have lost sight of their original vision. The meticulously constructed image of the movement has circumvented the reality of the ideologies in practice. New Urbanist organizations lie about form based codes' ability to construct utopias of racially and socially diverse communities with upward economic development through the slighted analysis of scientific studies and the neoliberal repackaging of community input in planning decisions. Neotraditional planning, like zoning practices before it, maintains the assumption that planners and architects are the experts. Zoning is a generally oppressive system of organization, and New Urbanist zoning practices offer no more than a neoliberal, romanticized construction of the same system.

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Figures

Figure 1. *Seaside, FL's Public Square*. Source unknown, SoWal community website. Accessed April 2022.

Figure 2. *Seaside, FL's Ruskin Place*. Source unknown, The Seaside Research Portal, Library at the University of Notre Dame, Notre Dame, Indiana. Accessed April 2022.

Figure 3. *Screengrab of Seaside, FL's merchandise section of their official website, featuring hats, t-shirts, and sweatshirts with the Seaside logo*. Photo by Gem Sorenson. April 2022.

Figure 4. *Screengrab stills of Seaside, FL's animated home page, from left to right (descending): scenic Public Square, uniform blue beach umbrellas at the waterfront of Public Square, a family walking to the beachfront, a young couple in Seaside sweatshirts walking along the beach, a wide shot of Seaside's beachfront development and shoreline*. Source unknown, Seaside, FL official website. Accessed May 2022.

Figure 5. *Still from The Truman Show, posted on Seaside, FL's instagram account*. Photograph from @seasidefl Instagram account. Accessed March 2022.

Figure 6. *Screengrab of Kingston's Zoning Task Force announcement*. Photo by Gem Sorenson October 2021.

Figure 7. *Screengrab of denied access page to the City of Kingston's Rondout Waterfront survey*. Photo by Gem Sorenson. April 2022.

Figure 8. *Screengrab of a section of Imagine Kingston's Resources and Information page*. Photo by Gem Sorenson. April 2022.

Figure 9. *Screengrab of Imagine Kingston's The Process page, Task 2.5 and Task 3 with specific dates*. Photo by Gem Sorenson. April 2022.

Figure 10. *Screengrab of Imagine Kingston's The Process page, Task 4 with a general timeframe*. Photo by Gem Sorenson. April 2022.

Figure 11. *Screengrab of Imagine Kingston's The Process page, Task 4.2 with no indication of timeframe*. Photo by Gem Sorenson. April 2022.