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QUIET REVOLUTION FOR WHOM?*

RICHARD A. WALKER AND MICHAEL K. HEIMAN

ABSTRACT. Land use control reform has been a staple of liberal thought in the U.S. over the last two decades. The need to accommodate larger developments and to secure state or regional review of local government decisions is now widely accepted as inevitable, rational, and in the public interest. This opinion did not gain its popularity by chance, however; it has been promoted vigorously by a small group of people closely associated with large developers and the business-backed regional planning movement. The reforms they advocate are best understood in terms of the obstacles presented to capital accumulation by three historical changes. First, increases in the scale and changes in the design of residential projects after World War II made prewar zoning practices obsolete. Second, popular movements began to oppose unrestricted urban growth in the 1960s. Third, the post-war property boom of 1968–1973 gave way to recession. Moreover, contrary to the reformers' claims, large-scale residential developments are not demonstrably more efficient, equitable or environmentally sound than small ones. Similarly, state or regional intervention is, depending on political forces, as likely to suppress popular democracy and valid public goals as to serve them.

TEN years ago Fred Bosselman and David Callies proclaimed a "quiet revolution in land use control." As described by these authors, the quiet revolution is a unified movement with two goals: adaptation of land use regulations to accommodate large-scale developments, and preemption of local control by state or regional authorities in cases of regional concern. These reforms are portrayed as historically inevitable, rational, and in the public interest because local politics are feudal, inefficient, and antithetical to such public goals as environmental quality and fair housing.¹ This can be consid-

ered the basic "liberal" position on land use control reform.² Thanks to the efforts of Bosselman, Callies, and their associates, that position has become the conventional wisdom, widely accepted among geographers and planners.³ A critique of the "quiet revolution" ideology is therefore well overdue. We propose to fill the gap with a brief history of the liberal reform movement led by men such as Bosselman, an alternative explanation of the quiet revolution, and a rebuttal of the public interest claims made by proponents of the liberal reforms.

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* We express our thanks to Marc Weiss and Dennis Keating, Institute of Urban and Regional Development, University of California, Berkeley, for their comments.

¹ Fred Bosselman and David Callies, *The Quiet Revolution in Land Use Control*, prepared for the U.S. Council on Environmental Quality (Washington, D.C.: U.S. Government Printing Office, 1971); Fred Bosselman, *Alternatives to Urban Sprawl: Legal Guidelines for Governmental Action*, prepared for the National Commission on Urban Problems, Technical Report No. 15 (Washington, D.C.: U.S. Government Printing Office, 1968); Richard Babcock and David Callies, "Ecology and Housing, Virtues in Conflict," in M. Clawson, ed., *Modernizing Urban Land Policy*, published for Resources for the Future (Baltimore: The Johns Hopkins University Press, 1973); Fred Bosselman, "Town of Ramapo: Binding the Whole World?" in R. Scott, ed., *Management and Control of Growth*,

Vol. II (Washington, D.C.: The Urban Land Institute, 1975a), pp. 102–19; idem, "The Right to Move," in R. Scott, ed., op. cit., pp. 271–79; and Fred Bosselman, David Callies, and John Banta, *The Taking Issue* (Washington, D.C.: U.S. Council on Environmental Quality, 1973).

² To avoid confusion, the term "reform" will refer to the liberal mainstream position, not to all ideas about, or changes in, land use controls; the "liberal" position may be distinguished from a "conservative" one that eschews all regulation, and a "populist" one that favors whatever regulations communities and popular social movements succeed in imposing.

³ Especially the notion of a geographic dichotomy between local parochialism and regional public goals of environmental quality and social welfare. See Robert McNee, "Regional Planning, Bureaucracy and Geography," *Economic Geography* Vol. 46 (1970), pp. 190–98; Marion Clawson and Peter Hall, *Urban Planning: An Anglo-American Comparison*, prepared for Resources for the Future (Baltimore: The Johns Hopkins University Press, 1973); and Rutherford Platt, Book Review of William Reilly, ed., *The Use of Land* (1973), *Geographical Review* Vol. 65, No. 3 (1975), pp. 410–11; and idem, *Land Use Control: Interface of Law and Geography*, Resource Paper 75-1 (Washington, D.C.: Association of American Geographers, 1976).

Genesis of the Reform Movement

Since the 1920s land use control in the United States has consisted largely of local zoning.⁴ Zoning typically separates uses, limits densities, and demands case-by-case review. Under grants of power by the states, municipal and county governments have passed zoning ordinances and made the day-to-day regulatory decisions. These governments, along with numerous special districts and public authorities, also have influenced land use through the provision of basic public services and property taxation. Overall, local zoning has been favorable to rapid land development.⁵

The call for zoning reform to permit higher-density, mixed uses, larger size, and preplanned communities arose during World War II in relation to government-sponsored, wartime housing projects.⁶ In the late 1940s, innovations such as the floating zone and contract zone began to increase the flexibility of zoning in dealing with

larger and less traditional developments. The most important new device was the Planned Unit Development (PUD), introduced by a handful of cities in the late 1950s.⁷ In 1965, after a decade of research, the Urban Land Institute (ULI), with assistance from the National Association of Home Builders, issued a Model State Enabling Act for PUDs that was widely copied by state legislatures.⁸ By 1976 over two thousand local PUDs ordinances were in existence.⁹ Some developments were too large for PUDs, and required "new community" ordinances.¹⁰ By the mid-1960s, zoning reform to ease the way for large-scale developments was already widespread.

Regional preemption of local government powers has a history reaching back past the turn of the century and has by no means always been associated with land use question.¹¹ Criticism of

⁴ On the origins of zoning, see Robert A. Walker, *The Planning Function in Urban Government*, second edition (originally published 1941) (Chicago: University of Chicago Press, 1950); Seymour Toll, *Zoned American* (New York: Grossman, 1969); and S. J. Makielski, *The Politics of Zoning* (New York: Columbia University Press, 1966).

⁵ Clawson and Hall, op. cit., footnote 3; Leonard Downie, *Mortgage on America* (New York: Praeger Publishers, 1974); Mason Gaffney, "Tax Reform to Release Land," in M. Clawson, ed., *Modernizing Urban Land Policy*, prepared for Resources for the Future (Baltimore: The Johns Hopkins University Press, 1973), pp. 115-152; Max Neutze, *The Suburban Apartment Boom* (Baltimore: The Johns Hopkins University Press, 1968); Marion Clawson, *Suburban Land Conversion in the United States*, prepared for Resources for the Future (Baltimore: The Johns Hopkins University Press, 1971); and Mark Gottdeiner, *Planned Sprawl* (Beverly Hills: Sage Publications, 1977). Overzoning and liberal variances have been the rule, master plans rarely drawn and little used, and capital investment extended liberally, independent of planning and zoning. Critics have amply documented the manipulations of developers in all this. One must consider other elements of the postwar growth coalition however. Although they usually did not participate directly, large corporations seeking industrial sites and housing for employees generally favored local control because the system dominated by small business and property interests served them well enough. Finally, there was widespread acquiescence by the mass of residents to business control because developers were delivering housing at reasonable prices.

⁶ Fred Tuemmler, "Zoning for the Planned Community," *Urban Land*, Vol. 13, No. 4 (1954), pp. 3-8.

⁷ PUDs typically exceed 1,000 acres and have a population large enough to support a high school and shopping center (around 10,000). The PUD is both floating in location and discretionary in approval on a one-time basis. It waives fixed restrictions on lot-size, housing type, density, and mixing of residential and nonresidential uses. The developer is subject only to an overall density limit and approval of a general plan submitted to local authorities. Urban Land Institute (ULI), *Aspects of Planned Unit Development with Suggested Legislation*, Technical Bulletin No. 52 (Washington, D.C.: The Urban Land Institute, 1965); idem, *Large-Scale Development: Benefits, Constraints, and State and Local Policy Incentives* (Washington, D.C.: The Urban Land Institute, 1977a), pp. 8-9; and American Law Institute (ALI), *A Model Land Development Code* (Washington, D.C.: The American Law Institute, 1976), pp. 60-61.

⁸ Tuemmler, op. cit., footnote 6; Eli Goldston and James Scheuer, "Zoning of Planned Residential Development," *Urban Land*, Vol. 19, No. 3 (1960), pp. 1, 3-8; ULI, *New Approaches to Residential Land Development*, Technical Bulletin No. 10 (Washington, D.C.: The Urban Land Institute, 1961); and idem, op. cit., footnote 7.

⁹ Nathaniel Ross, "Housing America," *National Association of Home Builders Journal-Scope*, Vol. 5, No. 27 (1976), pp. 26-29.

¹⁰ New communities usually have a projected population over 10,000 residents (frequently over 100,000) and include a mix of housing types and community facilities. Ideally, development should be large enough to provide local employment opportunities, thus approaching a new town in scale. Advisory Commission on Intergovernmental Relations (ACIR), *Urban and Rural America: Policies for Future Growth* (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 63-64.

¹¹ See generally, John Bollens and Henry Schmandt, *The Metropolis: Its Peoples, Politics, and Economic*

"balkanized" metropolitan areas was revived in the 1950s, as exemplified by Robert Wood's widely read study, *1400 Governments*.¹² The "centralist" approach to reform called for a drastic reduction in the number of local jurisdictions, preferably consolidation into a single metropolitan government. For example, the Committee on Economic Development recommended that the number of governments be reduced by "at least eighty percent."¹³ This proposal proved to be politically unacceptable. Far more successful was the "two-tier" or "federal" strategy of transferring select tasks to state agencies, regional public authorities, or special district governments. These politically insulated bodies flourished in the postwar period. A third, "polycentrist," approach to regional coordination arose in response to the others, because of local fears of eroding power. During the 1960s local governments began cooperating voluntarily in planning and service provision, particularly through Councils of Governments (COGs). Heavily promoted by the federal government, COGs now exist in most major metropolitan areas.¹⁴

Around 1960 the land use control reform

movement dovetailed with the concerns of regionalists who were interested in the role of the zoning system in urban growth and land use patterns. A key step in this merger was a study undertaken in 1961 by Richard Babcock for the American Society of Planning Officials, later published as *The Zoning Game*. Calling zoning archaic, inflexible, and chaotic, Babcock surveyed the trend toward greater flexibility and praised accommodation of larger, planned developments. He declared that urban municipalities were too parochial and that the general welfare could better be served by selective delegation of regulatory power to higher levels of government, with state legislative standards and agency review.¹⁵ On the strength of Babcock's report, the American Law Institute (ALI) began in 1964 to prepare a new Model Land Development Code to guide state action toward a more active role in local land use controls, especially in cases of large developments.¹⁶

Thus the two pillars of reform—promotion of large-scale development and state or regional intervention in local decisions—were firmly established in the 1950s and 1960s, years before the land use control issue caught the public eye. These principles were incorporated into the documents of the 1968–1974 period that marks the pinnacle of the liberal reform movement: the ALI model code (1968–76); the Douglas Commission report (1968);¹⁷ Bosselman and Callies' report on the quiet revolution (1971); the Rockefeller Task Force Report on Land Use and Ur-

Life, third edition (New York: Harper and Row, 1975), pp. 238–61; Jack Teaford, *City and Suburb* (Baltimore: The Johns Hopkins University Press, 1979); Robert Bish and Vincent Ostrom, *Understanding Urban Government: Metropolitan Reform Reconsidered* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1973); and Annmarie Walsh, *The People's Business: The Politics and Practices of Government Corporations* (Cambridge: M.I.T. Press, 1978).

¹² Robert Wood, *1400 Governments: The Political Economy of the New York Metropolitan Region*, prepared for the Regional Plan Association of New York (Cambridge: Harvard University Press, 1961).

¹³ Committee for Economic Development (CED), *Modernizing Local Government* (New York: Committee for Economic Development, 1966). See also, CED, *Guiding Metropolitan Growth* (New York: Committee for Economic Development, 1965).

¹⁴ On federal aid to COGs and regional review of local programs receiving federal aid, see Advisory Commission on Intergovernmental Relations (ACIR), *Regional District Making: New Strategies for Substate Districts*, Volume I of *Substate Regionalism and the Federal System*, six volumes (Washington, D.C.: U.S. Government Printing Office, 1973), pp. 70–75. By 1977, over 32 different federal grant programs required a regional planning process for eligibility. ACIR, "The Federal Role in Regionalism," in Kent Mathewson, ed., *The Regionalist Papers*, second edition (Southfield, Michigan: The Metropolitan Fund, Inc., 1978).

¹⁵ Richard Babcock, *The Zoning Game* (Madison: University of Wisconsin Press, 1966), pp. 11–16, 153–54, 177 et passim.

¹⁶ ALI, op. cit., footnote 7, p. 5. Drafts of the code first appeared in 1968. Among the major concepts of the code are three in accordance with the liberal reform movement: 1) a consolidated hearing procedure when developers must secure a permit from two or more agencies (Article 2 part 4); 2) a procedure to supersede local policy in developments of regional or state significance, such as the siting of power plants, transmission lines, and large-scale housing projects (Article 7 part 3); and 3) designation of "Areas of Critical State Concern" requiring state intervention, including: areas around major public facilities; areas of historical, natural, and environmental importance; the site of a new community; and any land not covered by a local development ordinance (Article 7 part 2).

¹⁷ National Commission on Urban Problems, *Building the American City* (Washington, D.C.: U.S. Government Printing Office, 1968). This study was requested by Congress in 1965 specifically to survey land use controls; its mandate was expanded after the riots.

ban Growth (1973);¹⁸ and policy papers of such groups as the Advisory Commission on Intergovernmental Relations (ACIR) and the American Institute of Planners.¹⁹ The Florida Environmental Land and Water Management Act of 1972 and the narrowly defeated National Land Use Policy and Planning Act (1974) are other examples.²⁰ A score of other acts at the state

level incorporated these ideas in specific legislation.²¹

The Quiet Revolution in Residential Development

Why was local zoning regarded as obsolete by the early 1960s? The answer lies in altered economic circumstances and class interests. Housing has remained on a small-scale, handicraft production basis much longer than most industries. After the Second World War, however, a "quiet revolution" took place in residential development.

The first new breed of developer to emerge was the "merchant builder." Merchant builders brought land purchase, site improvement, construction, and merchandising together in a single firm. They also operated in volume (over 100 units per year) and achieved a measure of standardization and mass production.²² Merchant builders, such as Levitt in the East and Eichler in the West, were leaders in postwar suburbanization. In Northern California, for example, they accounted for less than one-third of all homes built in 1950, but over three-fourths by 1960.²³

After merchant builders came the "new community" developers, who were so large they frequently employed merchant builders for home

¹⁸ William Reilly, ed., *The Use of Land: A Citizen's Policy Guide to Urban Growth*, a Task Force Report by the Task Force on Land Use and Urban Growth, sponsored by the Rockefeller Brothers Fund (New York: Thomas Y. Crowell Co., 1973). This report was the most influential reform document of the 1970s, since it tried to deal with the environmental and no-growth movements of the time (see "Political and Economic Obstacles"). Its themes resurface in most subsequent publications of the movement, such as ULI, op. cit. (1977a), footnote 7; Randall Scott, ed., *Management and Control of Growth*, three volumes (Washington, D.C.: The Urban Land Institute, 1975); Robert Healy, *Environmentalists and Developers: Can They Agree on Anything?* (Washington, D.C.: Conservation Foundation, 1977); Lawrence Burrows, *Growth Management: Issues, Techniques and Policy Implications* (New Brunswick, New Jersey: Center for Urban Policy Research, Rutgers University, 1978); John Noble, John Banta, and John Rosenberg, *Groping Through the Maze* (Washington, D.C.: Conservation Foundation, 1977); George Sternlieb, Robert Burchell, and James Hughes, "The Future of Housing and Urban Development," in Robert Burchell and D. Listokin, eds., *Future Land Use* (New Brunswick: Center for Urban Policy Research, Rutgers University, 1975); California Land Use Task Force, *The California Land: Planning for the People*, sponsored by the California Planning and Conservation Foundation (Los Altos, California: William Kaufman, Inc., 1975); and Malcolm Rivkin, *Negotiated Development: A Breakthrough in Environmental Controversies* (Washington, D.C.: Conservation Foundation, 1977).

¹⁹ ACIR, op. cit., footnote 10; and American Institute of Planners (AIP), *New Communities*, Background Paper No. 2 (Washington, D.C.: American Institute of Planners, 1968). The ACIR has been especially influential in shaping federal policy since its creation in 1959 (ACIR, op. cit. (1973), footnote 14; and idem, op. cit. (1978), footnote 14).

²⁰ On the efforts behind this act, see Robert Healy, *Land Use and the States*, prepared for Resources for the Future (Baltimore: The Johns Hopkins University Press, 1976), p. 225; Daniel Mandelker, "Critical Area Controls: A New Dimension in American Land Development Regulation," *Journal of the American Institute of Planners*, Vol. 41, No. 1 (1975), pp. 21-31. It was supported by an impressive spectrum of interests, including the Sierra Club, ULI, New York Times, Wall Street Journal, AFL-CIO, and the American Petroleum Institute. Opposition came from local government officials, the extractive industries, and conservative Republicans in the House speaking for small property interests. Although it passed the Senate

four times, the bill lost narrowly in the House owing to 1974 impeachment politics. Congressional Quarterly, Inc., *Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1974) Vol. 30, p. 1047; idem, Vol. 31, p. 1009; idem, "Land Use Bills Caught in Budget Squeeze," *Christian Science Monitor*, March 13, 1975, p. 3a, Cols. 1-4; Albert Selhsted, Jr., "Land Use Bill Dies in House," *Baltimore Sun*, June 12, 1974, p. A1, Col. 1; and Anon., "Land Use Bill, Once Backed by Nixon," *Christian Science Monitor*, June 16, 1977.

²¹ For a review of state legislation, see Healy, op. cit., footnote 20; and Robert Healy and John Rosenberg, *Land Use and the States*, second edition, prepared for Resources for the Future (Baltimore: The Johns Hopkins University Press, 1979).

²² Clawson, op. cit., footnote 5; Edward Eichler and Marshall Kaplan, *The Community Builders* (Berkeley: University of California Press, 1967), p. 145; John Herzog, *The Dynamics of Large-Scale Housebuilding Research*, Report No. 22, Institute of Business and Economic Development (Berkeley: University of California, 1963); and Barry Checkoway, "Large Builders, Federal Housing Programs and Post-War Suburbanization," *International Journal of Urban and Regional Research*, Vol. 41, No. 1 (1980), pp. 21-46.

²³ Herzog, op. cit., footnote 22.

construction.²⁴ New community projects proliferated after 1960. Along with the revolution of scale of organization and of projects, developers introduced new forms of development that featured mixed housing types, clustering, and other design innovations that combined residential, commercial, and recreational activities.

Most of the expansion in scale until the late 1960s occurred within existing home building firms. Then large industrial corporations from outside the industry began acquiring established firms, as typified by International Telephone and Telegraph's purchase of Levitt and Sons, the second largest home builder.²⁵ By 1970, subsidiaries of giants such as Boise Cascade, Alcoa, Westinghouse, and Penn Central were among the largest volume housing producers. Other corporations, such as Standard Oil of California, Ford, and Connecticut General, became major lenders to property investors or developed their own properties. At the peak of corporate involvement in 1972, five of the twenty largest U.S. corporations were building and marketing homes and another five were engaged in land development. At the same time, several of the most successful independent construction and development firms, including Kaufman and Broad, Centrex, and National Homes, increased their scale of operation by going public and by backward integration to building supply companies.

By jumping on the property boom bandwagon corporations anticipated economies of mass production and hoped that managerial expertise would open new vistas for cost savings and sales expansion. "Push" factors also were operating, such as the search for profitable outlets for surplus capital, product diversification, tax benefits, and the use of surplus land. Large-scale development, in particular, absorbed large blocks of capital, allowed internalization of profitable

neighborhood effects, and promised monopoly control over local housing markets. Thus new communities attracted Kaiser Aluminum (Rancho, California), Goodyear (Litchfield, Arizona), Gulf Oil (Reston, Virginia), and Humble Oil (Clear Lake City, Texas).

These economic changes gave rise to the political demand for zoning reform. "The greatest single impetus of the 'quiet revolution' generation of land use controls was undoubtedly the sheer size of the development projects that were being proposed."²⁶ Traditional zoning and subdivision regulations with their piecemeal approval, density limits, and fixed-use districts were not in accordance with the new scale and design of major projects. The Urban Land Institute (ULI) is the research and policy-generating arm of the big developers.²⁷ It took the lead in pressing for zoning reform.²⁸ An early ULI publication acknowledges which groups

²⁶ Healy and Rosenberg, op. cit., footnote 21, p. 26. Alas, they bury this cogent observation and give the matter a very different interpretation from ours, equating larger size with greater environmental impact, and hence public scrutiny.

²⁷ ULI, op. cit., footnote 8; idem, op. cit. (1965), footnote 7; idem, op. cit. (1977a), footnote 7; and idem, *Management and Control of Growth, Volume IV: Techniques in Application* (Washington, D.C.: The Urban Land Institute, 1978). Also, Bosselman, op. cit. (1968), footnote 1; AIP, op. cit., footnote 19; ACIR, op. cit., footnote 10; Reilly, op. cit., footnote 18; and National Commission on Urban Problems, op. cit., footnote 17.

²⁸ Additional obstacles to large-scale development also received attention, leading to auxiliary reform proposals. These included government assistance for land assembly; low-interest loans and grants to defray carrying costs (which were embodied in the Federal New Communities Acts of 1966 and 1970); and better public service provision, including direct state and federal financial aid for public improvements, comprehensive planning, use of special multijurisdictional districts, and restrictions on passing costs on the developers. See ULI, op. cit. (1965), footnote 7; idem, op. cit. (1977a), footnote 7, pp. 11-12; Babcock, op. cit., footnote 15; ACIR, op. cit., footnote 10; AIP, op. cit., footnote 19; Bosselman, op. cit. (1968), footnote 1; idem, op. cit. (1975a), footnote 1; idem, op. cit. (1975b), footnote 1; National Commission on Urban Problems, op. cit., footnote 17; Reilly, op. cit., footnote 18, pp. 15, 255; Eli Goldston and James Scheuer, op. cit., footnote 8, pp. 1, 3-8; Carter Burgess and Sidney Freidburg, "NHP—A New Opportunity for Housing," *The George Washington Law Review*, Vol. 39, Pt. 2, No. 4 (1971), pp. 870-99; and Richard Babcock and Duane Feuer, "Land as a Commodity Affected with a 'Public Interest,'" *Urban Land*, Vol. 36, No. 10 (1977), pp. 7-12.

²⁴ Eichler and Kaplan, op. cit., footnote 22. See also Robert Sigafoos, *Corporate Real Estate Development* (Lexington, Massachusetts: Lexington Books, 1976); and William Keating, *Emerging Patterns of Corporate Entry into Housing*, Special Report No. 8, Center for Real Estate and Urban Economics, Institute of Urban and Regional Development (Berkeley: University of California, 1973).

²⁵ The following discussion relies on Keating, op. cit., footnote 24; Sigafoos, op. cit., footnote 24; Downie, op. cit., footnote 5; and Leo Grebler, *Large-Scale Housing and Real Estate Firms* (New York: Praeger, 1973).

were behind planned unit development and new community zoning ordinances:²⁹

Broadening the concept of zoning to meet the needs of large new communities and redevelopment projects is an exercise on a high level. Its participants are found in planning bodies, redevelopment authorities, large corporations and foundations and those qualified to engage in large-scale developments. Although representing an increasing volume of new housing and community construction, the field in which they operate is in a different "league" from the small builder or even the tract developer.

State and regional intervention also suited the new generation of developers, for three reasons. First, big business is better able to influence decisions at higher levels of government than either the general public or small competitors.³⁰ Second, large businesses operate at a geographic scale that makes standardization of regulations (if there must be regulations) more attractive than a scatter of local standards.³¹ Third, intervention can steer development away from obstreperous municipalities and those critical environmental areas that cause the greatest public outcry, giving developers some certainty that a project can go forward.³²

Reformers, such as the zoning lawyers Babcock and Bosselman, were well aware that local regulations could jeopardize large developments. Babcock acknowledged the forces at work:³³

²⁹ ULI, op. cit., footnote 8, p. 59.

³⁰ Several observers have commented on the reduction in local political power which the reforms imply: Ira Michael Heyman, "Legal Assaults on Municipal Land Use Regulation," *The Urban Lawyer*, Vol. 5, No. 1 (1973), pp. 1-24; Frank Popper, "Land Use Reform: Illusion or Reality?" *Planning*, Vol. 40, No. 8 (1974), pp. 14-19; John Friedmann, "The Future of Comprehensive Urban Planning: A Critique," *Public Administration Review*, Vol. 31, No. 3 (1971), pp. 315-26; and Earl Finkler, William Toner, and Frank Popper, *Urban Nongrowth: City Planning for People* (New York: Praeger, 1976).

³¹ Bosselman has this insight: "I am struck by the similarity between the position of the development industry today and the position of the public utilities at the beginning of this century. The utilities were beginning to feel the wrath of a public annoyed at the various abuses that had taken place. This wrath was expressed in the form of a wide variety of controls which made operation difficult. The utilities responded by seeking a single statewide system of regulation which would preempt the regulatory powers of local government." Bosselman, op. cit. (1975b), footnote 1, p. 277.

³² See footnote 52.

³³ Richard Babcock, "The Courts Enter the Land

Scarcely a week goes by without some corporation, national in scope, immense in capital, and diversified in market ambitions, announcing its entry into the housing field by acquisition or by internal expansion . . . [for] profit-oriented reasons. . . . These sophisticated aggregates are chagrined to discover that village codes often are a major barrier to marketing their dwelling-related products. . . . The capital aggregates now entering the housing market have resources to counter the municipal gambit, they have intimate access to policymakers at other levels of government, and above all they can invoke the litany of democratic ideals and social justice which underlie demands for greater opportunities in housing without being charged with being do-gooders. . . . In short, there are powerful and conservative commercial forces that would welcome an erosion of local land-use control.

Large industrial corporations backed reform most strongly because they had the least experience with, or use for, localism.³⁴

Neither regionalism nor zoning reform were solely concerns of residential developers. Because metropolitan growth as a whole was involved, a wider range of capitalists took an interest in these issues. We cannot address the postwar urban revolution in this paper, but the political marriage of regional planning and land use control reform can be indicated.

The main impetus for metropolitan reorganization and planning came from big business interests organized into private civic groups such

Development Marketplace," *City*, Vol. 5, No. 1 (1971), pp. 58-64.

³⁴ Small developers, on the other hand, have been conspicuous by their lack of enthusiasm for liberal reform goals. First, they have little need for innovative zoning and assistance for large-scale development and, second, they have had experience and considerable success in influencing local politics (see footnote 5). This divergence between developer interests can easily be seen by comparing statements by Roy Drachman (a former president of the ULI) and Duane Searles (counsel to the National Association of Home Builders, which represents the small and medium size builders) in Scott, op. cit., footnote 18. Small developers and local bankers also did not support the federal new communities program and attempts to encourage major corporate investment in industrialized housing productions. Keating, op. cit., footnote 24; Sigafos, op. cit., footnote 24; William Hengst, "The Federally Assisted New Communities Program: 1964-1976," in J. Keene, ed., *The Role of the Federal Government in Land Development*, Papers in Urban Problems, Department of City and Regional Planning (Philadelphia: University of Pennsylvania, 1977), pp. 95-174; and Craig Noren, *New Towns of the United States* (Washington, D.C.: National Association of Home Builders, mimeo, 1965).

as the Regional Plan Association of New York (RPA), the Bay Area Council in San Francisco, the Metropolitan Fund, Inc., in Detroit, and the (national) Committee for Economic Development. Many businessmen, as they observed the growth and restructuring of the cities after World War II, believed that reform of government instruments for urban management was needed. The postwar regionalist movement's biggest effort was the RPA's study of New York, launched in 1956.³⁵ While research was chiefly concerned with the economic basis of the city and its land use patterns, the project included Robert Wood's diatribe against government fragmentation and spurred widespread interest in zoning reform and land use patterns. In 1957, for example, a blue-ribbon roundtable called by *Fortune* and *Architectural Forum* to consider the problem of urban sprawl produced the first critical scrutiny of the land use control system by representatives of big business other than developers.³⁶

More studies and more criticism of local zoning soon followed.³⁷ Most notably, the Ford Foundation funded the RPA project, Babcock's zoning critique, and the American Law Institute

(ALI) Model Code, with Babcock in charge.³⁸ Meanwhile, Babcock was coauthoring a Model Code for Planned Unit Developments for the Urban Land Institute. Babcock thus personifies the intersection of the regional planning and land use control reform movements. It is not surprising, therefore, that he was also the first to join zoning reform and regional intervention into a single package. Fred Bosselman and others immediately took up the new reform gospel, with the backing of large developers, other big capitalists, and the federal government.

Political and Economic Upheavals: New Opportunities, New Obstacles

In the mid-1960s, political upheavals from race riots to environmental battles began to affect the course of the newly consolidated land use control reform movement. On one hand, popular dissatisfaction with urban growth focused greater attention on the zoning system and won new adherents for change. On the other, it created new obstacles for large developers such as pollution regulations and slow-growth ordinances.³⁹ The reform issue came to a head in the intersection of top-down and bottom-up initiatives during the property boom of 1968 to 1973. Liberal reformers took their message to the public, declaring the "quiet revolution" on their own terms, in order to rally support behind their program.⁴⁰ They came close to carrying the day,

³⁵ The final report was published in Edgar Hoover and Raymond Vernon, *Anatomy of a Metropolis*, prepared for the Regional Plan Association of New York (Cambridge: Harvard University Press, 1959). Eight other reports, books in their own right, accompanied. See also Robert Fitch, "Planning New York," in R. Alcala and D. Mermelstein, eds., *The Fiscal Crisis of American Cities: Essays on the Political Economy of Urban America with Special Reference to New York* (New York: Vintage Books, 1977), pp. 246-84.

³⁶ The group included Henry Fagin, Director of the RPA, the cream of the planning profession, and representatives from The Brookings Institution, Resources for the Future, and the Institute of Public Administration, all Ford Foundation funded; Editors of *Fortune* in *The Exploding Metropolis* (Garden City, New York: Doubleday, 1958). William Whyte, editor of *Fortune* and director of the conference, made the initial criticism of sprawl and land use controls and then went on to write on the virtues of clustering (William Whyte, "Suburban Sprawl," in *The Exploding Metropolis*; and idem, *Cluster Development* (Washington, D.C.: Conservation Foundation, 1964).

³⁷ Marion Clawson, "Suburban Land Development Districts: A Proposal for Better Urban Growth," *Journal of the American Institute of Planners*, Vol. 26, No. 2 (1960), pp. 69-83; John Delafons, *Land Use Controls in the United States*, second edition (originally published in 1961) (Cambridge: M.I.T. Press, 1969); and John W. Reps, "Zoning," *Zoning Digest*, Vol. 10, No. 2 (1964), pp. 33-39 and continued in Vol. 10, No. 3 (1964), pp. 57-63.

³⁸ Ford Foundation grants were also important in creating regional reform groups in cities other than New York, *Metropolis* (New York: Ford Foundation, 1959; and Kent Mathewson, *The Regionalist Papers*, second edition (Southfield, Michigan: The Metropolitan Fund, Inc., 1978).

³⁹ While regulations affect all projects, the big ones suffer most because of their visibility, up-front carrying costs, and need to comply with regulations not affecting their smaller brethren, e.g. writing environmental impact statements and meeting air quality new-source standards.

⁴⁰ The call for alliance between developers and proponents of environmental quality, social equity, and growth control surfaces repeatedly in the reform literature: see Scott, op. cit., footnote 18; ULI, op. cit. (1977a), footnote 7; Reilly, op. cit., footnote 18; Noble, Banta and Rosenberg, op. cit., footnote 18; Babcock, op. cit., footnote 33; Heyman, op. cit., footnote 30; California Land Use Task Force, op. cit., footnote 18; Healy, op. cit., footnote 18; Rivkin, op. cit., footnote 18; Fred Bosselman, Duane Feurer, and Charles Siemon, *The Permit Explosion: Coordination of the Proliferation* (Washington, D.C.: The Urban Land Institute, 1976); and Richard Babcock and Fred Bosselman, "The Contest for Public Control Over Land De-

until economic crisis and political intransigence forced a tactical retreat.

The Social Justice Movement

A major response of Great Society liberals to the black and poor people's movements of the 1960s was to attack suburban exclusion as the cause of lack of access to jobs and housing.⁴¹ The social and land use control reform movements thus coincided in a program to "open up the suburbs." All of the major government reports tied urban problems directly to land use controls. The Kerner Commission attacked exclusionary zoning as the cause of inner-city ghettos; the Kaiser Committee recommended relaxing land use regulation to increase housing construction; and the Douglas Commission called for the reform package of large-scale zoning and regional intervention.⁴²

The same sentiments influenced the 1968 and 1970 housing acts. Titles IV (1968) and VII (1970) granted federal assistance to new community developers who promised racial and income integration.⁴³ Sections 235/236 (1968) provided subsidized low-income housing that was

used as a tool for opening the suburbs.⁴⁴ Legal remedies were also pursued, and hopes were raised when the New Jersey Supreme Court ruled in Mount Laurel that municipalities had to provide their fair share of regional low-income housing.⁴⁵ Another promising innovation was New York State's Urban Development Corporation (UDC), which was designed to construct industrial, commercial, and residential projects, including new communities and low-income housing. It had authority to issue bonds, override local zoning, and seek federal new communities aid.⁴⁶

All of these liberal initiatives, strongly opposed by suburban residents, came to an untimely end. President Nixon cut the housing programs in 1973; subsequent court decisions, such as the Supreme Court ruling in *Belle Terre*, left local zoning powers largely intact; and the UDC collapsed in the New York fiscal crisis of 1974.⁴⁷

The Environmental Movement

The environmental movement won the National Environmental Policy Act (1969), Clean Air Act Amendments (1970), and Federal Water

velopment: A Rough Intergovernmental Game for the Seventies," Regents Lecture presented at the University of California, Los Angeles, April 16, 1970.

⁴¹ John Kain, "The Distribution and Movement of Jobs and Industry," in James P. Wilson, ed., *The Metropolitan Enigma* (Cambridge: Harvard University Press, 1968); Anthony Downs, *Opening Up the Suburbs* (New Haven: Yale University Press, 1973); Michael Danielson, *The Politics of Exclusion* (New York: Columbia University Press, 1976); and Mary Brooks, *Housing Equity and Environmental Protection: The Needless Conflict* (Washington, D.C.: The American Institute of Planners, 1976).

⁴² National Commission on Urban Problems, op. cit., footnote 17; National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders* (Washington, D.C.: U.S. Government Printing Office, 1968). Cf. ACIR, op. cit., footnote 10; and AIP, op. cit., footnote 19. An unreleased report on suburban growth in 1968 called for state land development corporations and an urban development bank: Charles Haar, *Final Report of the President's Task Force on Suburban Problems* (Cambridge, Mass.: reprinted by Ballinger, n.d.), pp. 18, 58-59. Charles Haar, who chaired the body, was chief reporter for the American Law Institute's Model Land Development Code from 1964 until he was appointed Assistant Secretary of Housing and Urban Development in 1966.

⁴³ Hengst, op. cit., footnote 34; and Eric Stower and John Rehfuss, "Federal New Towns Policy: 'Muddling Through' at the Local Level," *Public Administration Review*, Vol. 35, No. 3 (1975), pp. 222-28.

⁴⁴ *Newsweek* Magazine, "The Battle of the Suburbs," November 15 (1971), pp. 61-70; U.S. Department of Housing and Urban Development, *Housing in the 70s* (Washington, D.C.: U.S. Government Printing Office, 1975).

⁴⁵ See e.g., David Listokin, *Fair Share Housing* (New Brunswick: Center for Urban Policy Research, Rutgers University, 1976); and Norman Williams, Jr., "Commentary," in J. Rose and R. Rothman, eds., *After Mount Laurel: The New Suburban Zoning* (New Brunswick: Center for Urban Policy Research, Rutgers University, 1978).

⁴⁶ Walsh, op. cit., footnote 11; Louis Lowenstein, "The New York State Urban Development Corporation: A Forgotten Failure or a Precursor of the Future?" *Journal of the American Institute of Planners*, Vol. 44, No. 4 (1978), pp. 262-73; and Eleanor Brilliant, *The Urban Development Corporation* (Lexington, Mass.: Lexington Books, 1975). New Jersey's Hackensack Development District is a similar effort at large-scale development assistance that still survives (it was not tied to low-income housing, however) (ULI, op. cit. (1977a), footnote 7; and Michael Teitz and Marc Weiss, *Urban Impacts of Development of the Hackensack Meadowlands*, a report to the U.S. Department of Housing and Urban Development, Deputy Assistant Secretary for National Urban Housing Policy No. HUD-5173-79 (Washington, D.C.: Department of Housing and Urban Development, 1979).

⁴⁷ Brooks, op. cit., footnote 41; Danielson, op. cit., footnote 41; Listokin, op. cit., footnote 45; and Leonard Rubinowitz, *Low Income Housing Strategies* (Cambridge, Mass.: Ballinger, 1974).

Pollution Control Act Amendments (1972) in quick succession, and many states enacted complementary legislation. Land use reformers initially welcomed environmentalists as allies because the environmental movement invoked use of state police powers to control local land use and favored planned developments which promised more open space and amenities.⁴⁸ Environmental groups were strong backers of the national land use planning bills from 1970 to 1974, the Coastal Zone Management Act of 1972, the Florida Environmental Land and Water Management Act of 1972, and various state measures.⁴⁹

On the other hand, many environmental initiatives, such as pollution controls, stood in opposition to developer interests.⁵⁰ These included, ironically, the major experiments in state intervention in local land use decisions, such as the San Francisco Bay Conservation and Development Commission (1965), Wisconsin's Shoreline Protection Act (1966), Vermont's Environmental Control Act (1970), and California's coastal initiative (1972).⁵¹ Although claimed for "the quiet revolution" by Bosselman and Callies, these acts were passed without help from mainstream reformers. The latter disapproved of protecting critical environmental areas without balancing this with the power to override local restraints on development elsewhere.⁵²

Therefore, the initial love affair with the environmental movement had soured, leading developers and their liberal allies to criticize "uncoordinated proliferation" of regulations and to deprecate environmental "elitism."

The No-Growth Movement

The no-growth movement arose after 1970 as a set of local initiatives against suburban expansion. It addressed concerns about the physical environment, racial and class segregation, fiscal pressures, and political structures dominated by developers. In California, Florida, Washington, D.C., and New York citizens demonstrated their discontent by electing no-growth advocates to local government, by taking legal action, and by directly confronting large developments. Responsive municipalities have tried to manage growth by means of large-lot zoning, phased provision of services, "cap" rates on housing permits, downzoning, and moratoria on sewer and water hookups.⁵³ The no-growth movement is now giving way to the "Great Property Tax Rebellion," but the sources of anger are largely the same.

No-growth has only worsened the situation of local obstructionism that the land-use reformers have been trying to ameliorate.⁵⁴ Although no-

⁴⁸ Reilly, op. cit., footnote 18; California Land Use Task Force, op. cit., footnote 18; and references cited in footnote 40.

⁴⁹ Healy, op. cit., footnote 20, pp. 110 et passim.

⁵⁰ See e.g., Richard Walker and Michael Storper, "Erosion of the Clean Air Act of 1970: A Study in the Failure of Government Regulation and Planning," *Boston College Environmental Affairs Law Review*, Vol. 7, No. 2 (1978), pp. 189-257.

⁵¹ For a description of these laws and agencies, see Bosselman and Callies, op. cit., footnote 1; Healy, op. cit., footnote 20; Healy and Rosenberg, op. cit., footnote 21; and Michael Heiman, *An Evaluation of Land Use Planning and Development Control in the Adirondacks*, Technical Report No. 93 (Ithaca: Cornell University Water Resources and Marine Sciences Center, 1975).

⁵² See Reilly, op. cit., footnote 18, pp. 26-27; Bosselman, Feurer and Siemon, op. cit., footnote 40; Bosselman, op. cit. (1975b), footnote 1, pp. 278-79; Healy, op. cit., footnote 18, pp. 6-10; Rivkin, op. cit., footnote 18; and ULI, op. cit. (1977a), footnote 7. Bosselman and Callies (op. cit. (1971), footnote 1) call for a more balanced regulatory system. The Rockefeller Task Force proposes a tradeoff plan under which "disapproval of one development proposal must be accommodated, in the same proceeding, by approval

of an alternative. . . . Just as state governments are intervening to provide more protection in some areas, so must they intervene for more development, particularly the sort that local governments often exclude." They also speak highly of powerplant siting laws that have the state pick the best site among several choices, insuring the utility of an acceptable location (Reilly, op. cit., footnote 18, pp. 26-27, 205).

⁵³ The best overview of growth management strategies is the Urban Land Institute collection in four volumes: Scott, op. cit., footnote 18; and ULI, op. cit., footnote 27.

⁵⁴ Liberals and conservatives believe that restrictive growth policies raise house prices by limiting the supply of land and service and through delays and uncertainty in securing permits. We believe this view to be seriously flawed, but a critique is beyond this paper. On supply limitation see Reilly, op. cit., footnote 18, p. 261; Bosselman op. cit. (1975a), footnote 1; Brooks, op. cit., footnote 41; Listokin, op. cit., footnote 45; Richard Babcock and Fred Bosselman, "Ecology and Housing, Virtues in Conflict," in M. Clawson, ed., *Modernizing Urban Land Policy*, published for Resources for the Future (Baltimore: The Johns Hopkins University Press, 1973); and Claude Gruen, "The Economics of Petaluma: Unconstitutional Regional Socio-Economic Impacts," in Randall Scott, ed., *Management and Control of Growth* Vol. II (Washington, D.C.: The Urban Land Institute, 1975). On delay and uncertainty, see Bosselman, Feurer and Sie-

growthism provides the fewest opportunities of the three popular movements for ideological co-optation and political alliance, the liberal impulse has once again been to harness discontent to the cart of mainstream reform.⁵⁵ A more conservative tactic is to argue that growth management is a cover for exclusion of the masses from the benefits enjoyed by an elite.⁵⁶ Legal assault on the new regulations offers one means of reducing local power over growth, regionalism another.⁵⁷ The former failed when the courts upheld stringent growth controls in Ramapo, N.Y., Petaluma, Calif., and Boulder, Colo.⁵⁸

New Directions

The crisis of 1974–75 brought the property boom to a halt and left developers chastened.⁵⁹ Corporate investment was particularly hard hit, leading to the withdrawal of most industrial firms from housing.⁶⁰ Virtually all plans for new, large-scale projects were shelved temporarily.⁶¹ Recovery since then has not been robust, despite rapidly inflating house prices.

The collapse of the housing market, cutback in large developments, and the hasty retreat of industrial capital decreased the pressure for reform, as well as the intensity of popular oppo-

mon, op. cit., footnote 40, pp. v–vi; Healy, op. cit., footnote 18; and Noble, Banta, and Rosenberg, op. cit., footnote 18, pp. 16–19. Researchers at the Urban Land Institute and elsewhere have tried to support these contentions with empirical studies: Daniel Richardson, *The Cost of Environmental Protection: Regulating Housing in the Coastal Zone* (New Brunswick: Center for Urban Policy Research, Rutgers University, 1976); Stephen Seidel, *Housing Costs and Governmental Regulations: Confronting the Regulatory Maze* (New Brunswick: Center for Urban Policy Research, Rutgers University, 1978); and Gruen, Gruen, and Associates, *Effects of Regulation on Housing Costs: Two Case Studies* (Washington, D.C.: The Urban Land Institute, 1977).

⁵⁵ Reilly, op. cit., footnote 18, pp. 17–18. "[T]his new mood is the most hopeful protest we see. Although it expresses a range of anxieties and discontents, it can be used as a lever to achieve the changes in land-use planning and control that will make possible a qualitatively different future for us and for American generations to follow."

⁵⁶ Reilly, op. cit., footnote 18, p. 42; Babcock and Bosselman, op. cit., footnote 54; Babcock and Callies, op. cit., footnote 1; Bosselman, op. cit. (1975a), footnote 1; Brooks, op. cit., footnote 41; Robert Ellickson, "Suburban Growth Controls: An Economic and Legal Analysis," *The Yale Law Journal*, Vol. 86, No. 3 (1977), pp. 385–511; and Bernard Frieden, "The New Regulation Comes to Suburbia," *The Public Interest*, Vol. 55 (1979b), pp. 15–27.

⁵⁷ Regarding regionalism, William Sprague, economist for the Real Estate Research Corporation states: "A fundamental change in strategy seems called for to replace the lost political base at the local level with a broader constituency having a favorable attitude toward real estate development. . . . It would seem, then, that regionalization of land-use planning would not only be in the general interest, but would provide the real estate industry with a political context within which there would be a potential for far more effective support for reasonable development." William Sprague, "The Case for Regional Land Use Planning," *The Real Estate Review*, Vol. 5, No. 2 (1975), pp. 40–45.

⁵⁸ Scott, op. cit., footnote 18; and ULI, op. cit., footnote 27.

⁵⁹ On postwar growth and stagnation, see Ernst Mandel, *Late Capitalism* (London: New Left Books, 1975); David Mermelstein, ed., *The Economic Crisis Reader* (New York: Vintage Books, 1975); and Union for Radical Political Economics, *U.S. Capitalism in Crisis* (New York: Union for Radical Political Economics, 1978). On the history of real estate cycles, see Homer Hoyt, *One Hundred Years of Land Values in Chicago* (Chicago: University of Chicago Press, 1933); and Manuel Gottlieb, *Long Swings in Urban Development* (New York: National Bureau of Economic Research, 1976).

⁶⁰ The classic case was Boise-Cascade, which wrote off \$278 million in 1971–72 on recreational land and urban housing ventures (Sigafos, op. cit., footnote 24, p. 162). Nonetheless, a few industrial corporations including Gulf, Kaiser-Aetna, Exxon, Mobil, and Alcoa are still active and most of the large independent builders survived. Thousands of small ones did not, however, so concentration in the industry continues. John McMahan, "The Future of the Real Estate Industry: New Directions and New Roles," *The Real Estate Review*, Vol. 7, No. 2 (1977), pp. 91–96; "Annual Report of Housing's Giants," *Professional Builder*, Vol. 41, No. 7 (1976), pp. 62 et passim; and "Annual Report of Housing's Giants," *Professional Builder*, Vol. 43, No. 7 (1978), pp. 160 et passim.

⁶¹ While opinion differs widely on the optimum scale of operation, projects on the scale of planned unit developments appear to be viable again. McMahan, op. cit., footnote 60; Healy, op. cit., footnote 20, p. 174; Tod Zimmerman, "PUDs Become Viable Again," *Multi-Housing News*, September (1978), pp. 1, 11–12; and Richard Wasserman, "Structuring for Change," *Urban Land*, March (1976). Nonetheless, the Urban Land Institute still despairs of continuing political obstacles: "the private sector simply will not initiate many large-scale projects in the future, if present public policies are continued. . . . Current constraints on development due to market uncertainties will be overcome and development will resume. The uncertainties and related cost impacts of new public policies, however, are problems of an entirely different magnitude, and the industry has no apparent way to adjust except to reduce other risks by undertaking only smaller projects of very short duration." ULI, op. cit. (1977a), footnote 7, p. 3.

sition.⁶² In addition, defeat of comprehensive state and federal land use proposals and adverse court decisions blunted the political momentum of the reform movement. Many state laws were already in place, however, especially the large-scale zoning ordinances.⁶³ A period of reassessment and repositioning was thus called for.

New conditions demanded new strategies. First, reform energies turned to more pragmatic efforts to modify existing law and practice. Comprehensive regionalism has been downgraded as a goal, while selective intervention has been favored.⁶⁴ Second, developers attempted to influence policy through participation in and modification of regional bodies.⁶⁵ Third, catching the winds of the deregulation movement sweeping American business, reformers argued for "streamlining" the regulatory system in response to an alleged "permit explosion."⁶⁶ Finally, political discourse has been shifting to the right. In place of the liberal impulse to offer something for everyone, exemplified by the Rockefeller Task Force Report, has come direct assault on those who oppose development, ex-

emplified by Bernard Friedan's ill-tempered critique, *The Environmental Protection Hustle*.⁶⁷

The rules of the game in property development continue to be uncertain because the economy is deeply unsettled and political differences are unresolved. Given the state of "chaos" that faces property capitalists, the need remains for "reform" that allows development to proceed as in the past. Whether the new land use control system takes a liberal, conservative, or populist bent, however, depends on economic conditions and political struggle in the 1980s.

The Reform Network

The theory and politics of the mainstream reform movement have been dominated by a small number of people, such as Richard Babcock, Fred Bosselman, David Callies, Charles Haar, and William Reilly. They are associated with a handful of institutions, including the Chicago law firm of Hardies, O'Keefe, Babcock and Parsons, the Urban Land Institute (ULI), the Conservation Foundation, the Real Estate Research Corporation, and the American Law Institute (ALI). For example,

Richard Babcock undertook the research on zoning that led to the ALI model code, for which he was chairman of the advisory committee. Babcock was also president of the American Society of Planning Officials, and a co-author of the Planned Unit Development model code issued by the ULI; he designed the innovative zoning used by the Hackensack Meadowlands Commission, and he coauthored a report on exclusionary zoning for the Department of Housing and Urban Development (HUD).⁶⁸

Fred Bosselman, a member of Babcock's law firm, assisted in the preparation of Babcock's book, *The Zoning Game*, and was associate reporter for the ALI model code. He served as consultant to the Douglas Commission and was chief architect of Florida's Environmental Land and Water Management Act. He coauthored *The Quiet Revolution* and *The Taking Issue* for the Council on Environmental Quality, *Exclu-*

⁶² Healy comments: "The sharp downturn in building removed much of the immediate pressure for state legislation—many of the existing state land laws, one should recall, were enacted at the height of a growth boom." Healy, op. cit., footnote 20, p. 217.

⁶³ Healy and Rosenberg, op. cit., footnote 21; ULI, op. cit., footnote 27; and Nelson Rosenbaum, *Land Use and the Legislature: The Politics of State Intervention* (Washington, D.C.: The Urban Institute, 1976). Healy also noted: "[L]and use controls have shown little erosion. There has been almost no weakening or repeal of such programs in states that had enacted them. . . . Legislatures have filled the loopholes in laws while resisting most temptation to create new ones." Healy, op. cit., footnote 20, p. 218.

⁶⁴ See ULI, op. cit., footnote 27; Healy, op. cit., footnote 20; and Rosenbaum, op. cit., footnote 63.

⁶⁵ For example, the Bay Area Council had a major influence on the recent Environmental Management plan of the Association of Bay Area Governments and funded a joint economic study of the Bay Area (Walker and Storper, op. cit., footnote 50; Association of Bay Area Governments and the Bay Area Council, *San Francisco Bay Area: Economic Profile* (Berkeley, Calif.: Association of Bay Area Governments, 1979).

⁶⁶ Bosselman, Feurer, and Siemon, op. cit., footnote 40; Noble, Banta, and Rosenberg, op. cit., footnote 18; Healy, op. cit., footnote 20; Rivkin, op. cit., footnote 18; ULI, op. cit. (1977a), footnote 7; Paul O'Mara, "Regulation: Where Do We Go From Here?" in ULI (1978) op. cit., footnote 27; and Annette Kolis, "Regulation: Where Do We Go From Here? Part II," *Urban Land*, Vol. 38, No. 2 (1979), pp. 4-8.

⁶⁷ Bernard Friedan, *The Environmental Protection Hustle* (Cambridge, Massachusetts: M.I.T. Press, 1979).

⁶⁸ Babcock, op. cit., footnote 15; idem, op. cit., footnote 33; Babcock and Bosselman, op. cit., footnote 40; idem, op. cit., footnote 54; Babcock and Callies, op. cit., footnote 1; Babcock and Feurer, op. cit., footnote 28. Also, ALI, op. cit., footnote 7; and ULI, op. cit. (1965), footnote 7.

sionary Zoning for HUD, and *The Permit Explosion* for ULI. Bosselman assisted the Rockefeller Task Force and he testified before the California Land Use Task Force.⁶⁹ He also served as a member of the ULI Advisory Committee on Large-Scale Development.⁷⁰

William Reilly served on the staff of the Council on Environmental Quality, where he assisted the Bosselman and Callies studies and helped prepare the national land use policy legislation. He next served as executive director of the Rockefeller Task Force and currently, he is President of the Rockefeller-supported Conservation Foundation. Reilly has also been a member of the Hudson Basin Project (a land use regulation research effort sponsored by the Rockefeller Foundation), a consultant to the California Land Use Task Force, and an advisor to the ULI.⁷¹

The *Urban Land Institute* (ULI) was founded in 1936 to promote an urban renewal program favorable to developers—an effort that was successful in 1949.⁷² The Institute apparently took an interest in land use control reform as a part of urban renewal, later broadening its horizons to encompass all large developments. Big capital with property interests dominates the Board of Directors: e.g. Southern Pacific Land Company,

Westinghouse Electric Corporation, and Prudential Life Insurance. The membership includes large developers and a variety of professionals tied to the former by research contracts, grants, and employment. The ULI advises large developers through its technical publications and journal, *Urban Land*, and openly advocates public policy on their behalf. It has sponsored Babcock's Model Code for Planned Unit Developments and such studies of land use controls as Scott's *Management and Control of Growth* and Bosselman's *The Permit Explosion*.⁷³

The *Rockefeller Family* has also played a pivotal role in the movement. The Rockefeller Brothers Fund backed the New York Regional Plan Association (RPA) study. When Nelson Rockefeller became Governor of New York in 1959, he tried to follow RPA guidelines in transit and housing policy.⁷⁴ Earlier, under his chairmanship and sponsorship, the Government Affairs Foundation funded the Conference on Metropolitan Area Problems, which was influential in promoting regionalism from 1957 to 1962.⁷⁵ As governor, he established the Urban Development Corporation. Brother Laurence chaired and funded (through the Rockefeller Brothers Fund) the Rockefeller Task Force on Land Use and Urban Development.⁷⁶ He also founded the Conservation Foundation, which has sponsored several land use control studies.⁷⁷

This finding that a select group has directed the mainstream reform movement is consistent with other research on power structures and pol-

⁶⁹ The California Land Use Task Force brought together developers, industrialists, and environmentalists. It called for more centralized decision-making and firmer commitments to development. California Land Use Task Force, op. cit., footnote 18.

⁷⁰ Bosselman, op. cit. (1968), footnote 1; idem, op. cit. (1975a), footnote 1; idem, op. cit. (1975b), footnote 1; Bosselman and Callies, op. cit., footnote 1; Babcock and Bosselman, op. cit., footnote 40; idem, op. cit., footnote 54; Bosselman, Callies, and Banta, op. cit., footnote 1; and Bosselman, Feurer, and Siemon, op. cit., footnote 40. See also Babcock, op. cit., footnote 15; Healy, op. cit., footnote 20, pp. 110–11; Reilly, op. cit., footnote 18; ULI, op. cit. (1977a), footnote 7; and Kolis, op. cit., footnote 66.

⁷¹ Reilly, op. cit., footnote 18. See also Bosselman and Callies, op. cit., footnote 1; ULI, op. cit. (1977a), footnote 7; O'Mara, op. cit., footnote 66; Conservation Foundation, *A Report for the Thirtieth Year—1978* (Washington, D.C.: Conservation Foundation, 1979); and Michael Zisser, "The National Land Use Policy Acts: The Evolution and Analysis of a Reasonable Idea," in Keene, ed., *The Role of the Federal Government in Land Development*, Papers in Urban Problems, Department of City and Regional Planning (Philadelphia: University of Pennsylvania, 1977), pp. 175–205.

⁷² Marc Weiss, *The Origins and Legacy of Urban Renewal*, Department of City and Regional Planning, (Berkeley: University of California, 1979).

⁷³ ULI, op. cit., footnote 8; idem, op. cit. (1965), footnote 7; ULI, op. cit. (1977a), footnote 7; idem, op. cit., footnote 27; and idem, *Membership Roster* (Washington, D.C.: The Urban Land Institute, 1977b). See also Scott, op. cit., footnote 18; Tuemmler, op. cit., footnote 6; Goldston and Scheuer, op. cit., footnote 28; O'Mara, op. cit., footnote 66; and Kolis, op. cit., footnote 66.

⁷⁴ Fitch, op. cit., footnote 35.

⁷⁵ Conference on Metropolitan Area Problems, *Metropolitan Area Problems: News and Digest*, Vol. 1, No. 1 (1957), pp. 1–2.

⁷⁶ Reilly, op. cit., footnote 18. The claim of the Task Force to be a citizens committee is rather weak. It was created in 1972 by the Federal government's Citizen's Advisory Committee on Environmental Quality, a business-dominated body chaired by Paul Ylvisaker, a former director of the Ford Foundation's Public Affairs Program (which helped found many regional councils and studies) and research associate with the Committee for Economic Development.

⁷⁷ Whyte, op. cit. (1964), footnote 36; Healy, op. cit., footnote 18; Noble, Banta, and Rosenberg, op. cit., footnote 18; and Rivkin, op. cit., footnote 18.

icy formation.⁷⁸ Given this small network, with its links to large developers and other big capitalists, it would be naive to suppose that the liberal reform package represents "the public interest." We do not claim, however, that within the reform movement either businessmen and intellectuals, or ideas and interests, are identical. For example, because those who write about reform suggest policies that chiefly serve the interests of business (or a branch of business) as if in the general interest, they tend to transform pragmatic, short-run goals of capitalists into universal principles. This may be intentional or the inadvertent result of searching for reasonable justifications for actions they approve of. But principles take on a life of their own. This happened in the case of land use control reform, once promotion of the quiet revolution began in earnest. "Regionalism" became a universal panacea and the social benefits of large-scale development were greatly exaggerated.

Critique of Large-scale Development

Ingenious arguments have been offered for the ability of large-scale development to further the social goals of racial integration (equity), lower cost housing (efficiency), and environmental quality.⁷⁹ Although an unfavorable comparison is made with the fragmented, disorderly, and socially irresponsible growth brought by small developers, evidence does not bear out these claims.⁸⁰

⁷⁸ William Domhoff, *The Powers That Be* (Santa Monica, California: Goodyear Publishing Co., 1979). As in many liberal reform movements, land use control reform has been spearheaded by organizations created and/or directed by prominent businessmen. The process is quite institutionalized today, involving foundations, research institutes, trade associations, and government advisory committees. But committee members and boards of directors, as well as funding, still come from the business class. Professional staffs are drawn from a limited circle, frequently from major universities. For instructive comparison, see Fitch, op. cit., footnote 35; Weiss, op. cit., footnote 72; William Domhoff, *Who Really Rules?* (Santa Monica, California: Goodyear Publishing Co., 1978); Irvine Alpert and Ann Markusen, "The Professional Production of Policy Ideology and Plans: An Examination of Brookings and Resources for the Future," in W. Domhoff, ed., *Power Structure Research* (Beverly Hills: Sage Publications, 1980); and sources cited in footnote 110.

⁷⁹ Similar arguments made for regional intervention and permit facilitation cannot be reviewed here.

⁸⁰ Reilly, op. cit., footnote 18, pp. 6, 13–15, 17–18,

Efficiency

Large-scale development is supposed to deliver more housing at lower cost.⁸¹ Cost savings come from economies of scale in production, including service provision, and from avoiding the inefficiency of sprawl. Commuting costs are thought to be lowered by mixing residential and nonresidential activities.⁸²

In fact, for planned new communities and towns, median trip time, distance traveled, and mode (automobile) are virtually identical to nearby conventional suburbs.⁸³ Internal employment is usually minor or else involves outside commuters because of the poor match of workers to housing.⁸⁴

Cost data for housing and services are not available. Nonetheless, overall neighborhood densities are comparable to conventional sub-

148–54, 248–49; ACIR, op. cit., footnote 10, pp. 130–31; National Commission on Urban Problems, op. cit., footnote 17, pp. 227–28; and ULI, op. cit. (1977a), footnote 7, pp. 25–27.

⁸¹ ULI, op. cit. (1965), footnote 7; idem, op. cit. (1977a), footnote 7, pp. 10–11, 37–45; ACIR, op. cit., footnote 10, pp. 99–100; Reilly, op. cit., footnote 18, pp. 248–50.

⁸² Bosselman, op. cit. (1968), footnote 1; Reilly, op. cit., footnote 18, pp. 250–51. These views got a big boost from the Real Estate Research Corporation, (*The Costs of Sprawl*, two volumes plus summary, prepared for the Council on Environmental Quality, Department of Housing and Urban Development and the Environmental Protection Agency [Washington, D.C.: U.S. Government Printing Office, 1974]). Although based on hypothetical prototypes rather than actual community research, the Urban Land Institute called it "the most effective analysis of suburban development forms available" and found "no reason to dispute the findings." Yet the same publication notes that there have been very few empirical studies comparing the cost efficiency of alternative forms of suburban development. ULI, op. cit. (1977a), footnote 7, pp. 38, 45, 78.

⁸³ Eichler and Kaplan, op. cit., footnote 22, pp. 166–71; and Raymond Burby III and Shirley Weiss, *New Communities U.S.A.* (Lexington, Mass.: Lexington Books, 1976), pp. xxvii, 5, 28.

⁸⁴ Houses and rentals are typically beyond the means of most employees at the industrial parks and commercial establishments associated with large developments. Furthermore, because the search for large tracts of land appropriate to new communities and PUDs typically forces these developments to locate at a considerable distance from urban centers, it appears that such projects exacerbate, rather than solve, the overall problem of urban hypertension. Eichler and Kaplan, op. cit., footnote 22, pp. 167–68; Downie, op. cit., footnote 5, pp. 161, 168, 201–02; and Burby and Weiss, op. cit., footnote 83, pp. 194–95.

urban developments so that economies of clustering are unlikely to be attained.⁸⁵ Even if cost savings are granted, they do not show up in lower housing prices. New communities "have tended to price housing within the means of middle- and upper middle-income consumers, and to ignore the low- and moderate-income segments of the housing market."⁸⁶

Equity

Large-scale planned developments are believed to offer "a better means of achieving voluntary racial and economic integration in suburban areas" because only they can provide a mixture of low and high price housing, nearby job-creating activities to support the poor in the suburbs, and a preintegrated housing scheme from which local authorities cannot exclude undesirables.⁸⁷ In other words, they circumvent restrictive zoning practices that raise the cost of housing, keep out industry, and exclude minorities.⁸⁸ In addition, the greater efficiency of large developments is a boon to the poor and to minorities who could not otherwise afford suburban homes.

In fact, large projects are not providing any more low-priced housing or racial integration than conventional developments.⁸⁹ Market forces

determine that middle- and upper-income whites simply end up with superior enclaves. To the buyer, class image and investment potential are enhanced by well-planned communities.⁹⁰ To the developer whose front-end costs are large, critical mass must be attained quickly; low income housing means lower revenues, while integration may hurt overall sales.⁹¹ Columbia and Reston are noteworthy for their minority populations, but these are older communities where some filtering has occurred and where integration appears to have been a major concern of the founders.⁹² On the other hand, Irvine, California, the largest and most highly regarded new community, has virtually no low- and moderate-income housing nor racial minorities, while at nearby Laguna Niguel, the developer joined with the Orange County Board of Supervisors to defeat a proposal for several hundred units of moderate-income housing.⁹³

Environmental Quality

Reformers hold that large-scale projects have the most potential for environmentally superior development. Big developers have an incentive to maintain environmental quality because they can capture neighborhood effects. The high visibility of their projects also forces them to maintain high standards and their planning capability allows big developers to offer better environ-

⁸⁵ Burby and Weiss, op. cit., footnote 83, pp. 194-95.

⁸⁶ Burby and Weiss, op. cit., footnote 83, pp. 192-93. Cost savings may show up as higher profits, but this, while explaining developers' enthusiasm for large-scale, would not satisfy the ideological claim of lower prices to consumers.

⁸⁷ ULI, op. cit. (1977a), footnote 7, p. 11; Reilly, op. cit., footnote 18, pp. 241, 251; and Bosselman, op. cit. (1968), footnote 1, p. 13. Burby and Weiss comment: "One of the most persistent elements of the new community concept has been the belief that new communities, as microcosms of large cities, will promote social diversity, including class and racial integration." Burby and Weiss, op. cit., footnote 83, p. 99.

⁸⁸ Brooks, op. cit., footnote 41; Ellickson, op. cit., footnote 56; and Frieden, op. cit., footnote 67. See also sources cited in footnote 41. The premises of the liberal argument are extremely shaky. Historically, suburban dispersal of minority and working-class people has not resulted either in better integration or improved employment percentages for the whole population; new minority and low-income concentrations have simply reappeared in the suburbs. Bennett Harrison, *Metropolitan Suburbanization and Minority Economic Opportunity* (Washington, D.C.: The Urban Institute, 1973).

⁸⁹ Eichler and Kaplan, op. cit., footnote 22, pp. 106, 172; Burby and Weiss, op. cit., footnote 83, pp. 19, 106, 192; Downie, op. cit., footnote 5; Hugh Mields,

Jr., "The Federal New Community Program: Prospects for the Future," in H. Perloff and N. Sandberg, eds., *New Towns: Why and For Whom?* (New York: Praeger, 1973), p. 81; and Herbert Gans, "The Possibilities of Class and Racial Integration in American New Towns: A Policy Oriented Analysis," in Perloff and Sandberg, pp. 137-155.

⁹⁰ Carl Werthman, Jerry Mandel, and Ted Dienstfrey, *Planning and the Purchase Decision: Why People Buy in Planned Communities*, Institute of Urban and Regional Development (Berkeley: University of California, 1965).

⁹¹ Burby and Weiss, op. cit., footnote 83, pp. 53, 108; Downie, op. cit., footnote 5; and Gans, op. cit., footnote 89.

⁹² Burby and Weiss, op. cit., footnote 83, pp. 106-11. Yet even there, subsidized housing was a means for newly-formed households and the elderly to remain in the community and a "way station" toward more expensive homes, not a means of class and racial integration. Burby and Weiss, op. cit., footnote 83, pp. 109-11. In 1977, when Gulf Oil took over financially-troubled Reston, affirmative-action housing programs were terminated in an attempt to attract higher-income buyers. Gans, op. cit., footnote 89, p. 138; and Downie, op. cit., footnote 5, p. 172.

⁹³ Burby and Weiss, op. cit., footnote 83, p. 115.

mental design.⁹⁴ The literature especially stresses higher *internal* environmental quality.

Many large-scale developments do have good designs and a park-like atmosphere. Nonetheless, these benefits accrue almost entirely to the residents and the developers.⁹⁵ On the other hand, these projects are by no means exemplary in terms of *overall* impact. For example, the biggest projects in the San Francisco Bay area, such as Foster City, Bay Farm Island, and Redwood Shores, all involved substantial filling of tidelands and were thus major stimulants for creating the Bay Conservation and Development Commission.⁹⁶ Furthermore, danger from earthquakes on loose fill makes even the internal amenities of these developments problematic.⁹⁷ Irvine Ranch has been a major factor in the disappearance of open space, loss of agricultural land, and spread of air pollution in Orange County.⁹⁸ Large developments destroyed more coastal wetlands in Florida and desert areas in the Southwest than small ones, prompting several state protective measures.⁹⁹ The federally assisted new community of San Antonio Ranch was challenged in court because the project was located over San Antonio's aquifer recharge area.¹⁰⁰

The Need for Federal Support

Large-scale developments cannot live up to the claims made for them by advocates of liberal land use control reform. This is revealed in another fashion by the reformers' contradictory demand for government assistance to these projects, which is justified by the extra cost of providing a quality product.¹⁰¹ Worse yet, when a federal new communities program was created to promote integration, low-cost housing, and environmental quality, few developers joined because the incentives were insufficient to offset the costs of meeting public review, affirmative action, and environmental standards.¹⁰²

Critique of State/Regional Intervention

The principal justification for state and regional intervention is that "the public interest" emerges at a regional level while local governments represent parochial concerns.¹⁰³ The argument goes as follows. Regional growth is for the good of all.¹⁰⁴ Local governments stand in the way of growth because they are slow, cumbersome, and notoriously exclusionary. In addition, they are bad protectors of environments of regional significance and not well suited to dealing with socially beneficial, large-scale developments. Hence they are to blame for social

⁹⁴ Reilly, op. cit., footnote 18, pp. 248-49. Cf., ULI, op. cit. (1977a), footnote 7; Real Estate Corporation, op. cit., footnote 82; Healy, op. cit., footnote 20; and Noble, Banta, and Rosenberg, op. cit., footnote 18.

⁹⁵ Burby and Weiss, op. cit., footnote 83, pp. 217, 486-87; and Downie, op. cit., footnote 5, pp. 184-85, 187.

⁹⁶ Rice Odell, *The Saving of San Francisco Bay* (Washington, D.C.: Conservation Foundation, 1972).

⁹⁷ Downie, op. cit., footnote 5, p. 165.

⁹⁸ Downie, op. cit., footnote 5, pp. 192-93; and David Currie, "Irvine: The Case for a New Kind of Planning," *Cry California*, Vol. 6. No. 1 (1971), pp. 18-40. Plans by the Irvine Company to build a recreational harbor in one of Southern California's few remaining estuaries was stopped by the Coastal Commission. Nathaniel Griffin, *Irvine: The Genesis of a New Community* (Washington, D.C.: The Urban Land Institute, 1974).

⁹⁹ Downie, op. cit., footnote 5; Leslie Allen, Beryl Kuder, and Sarah Oakes, *Promised Lands: Volume I, Subdivisions in Deserts and Mountains* (New York: INFORM, 1976); and idem, *Promised Lands: Volume II, Subdivisions in Florida's Wetlands* (New York: INFORM, 1977).

¹⁰⁰ Babcock and Callies, op. cit., footnote 1; Brooks, op. cit., footnote 41; and Robert and Way Watterson, *The Politics of New Communities: A Case Study of San Antonio Ranch* (New York: Praeger, 1975).

¹⁰¹ ACIR, op. cit., footnote 10, pp. 105, 151-56; National Commission on Urban Problems, op. cit., footnote 17, pp. 235, 236, 247; Reilly, op. cit., footnote 18, pp. 256-61; ULI, op. cit. (1977a), footnote 7, pp. 11-21, 126-27; See also footnote 28. What none of the advocates of subsidy ever considers is the comparable effect of aid to conventional, small-scale developers.

¹⁰² Burby and Weiss, op. cit., footnote 83, pp. 61, 435; Sigafos, op. cit., footnote 24, p. 84; and Hengst, op. cit., footnote 34, p. 134.

¹⁰³ See e.g., Babcock, op. cit., footnote 15, pp. 149-50; idem, op. cit., footnote 33; Reilly, op. cit., footnote 18, p. 15; Bosselman, op. cit. (1975b), footnote 1, pp. 277-79; Scott, op. cit., footnote 18, pp. 12, 23; Bosselman, Feurer, and Siemon, op. cit., footnote 40, pp. 4, 81; and Babcock and Feurer, op. cit., footnote 28.

¹⁰⁴ Bosselman, op. cit. (1975b), footnote 1, p. 277; Gruen, op. cit., footnote 54; and Babcock, op. cit., footnote 15, p. 49. The Rockefeller Task Force poses the problem thus: "How shall we organize, control and coordinate the process of urban development so as to protect what we most value in the environmental, cultural and aesthetic characteristics of the land while meeting the essential needs of the changing U.S. population for new housing, roads, power plants, shopping centers, parks, businesses and industrial facilities?" Reilly, op. cit., footnote 18, p. 14. This is classic capitalist ideology equating the needs of business with that of the populace.

problems such as segregation, housing shortages, and environmental degradation.¹⁰⁵

The geographical scale of regulation is thus presented as the essence of social conflict. Rebuttal of this position could proceed by arguing that the capitalist growth process is the real source of various social ills. But the reformers' position misrepresents the struggles over development and land use controls in a much simpler way. It assumes that opposition to growth has been uniquely associated with local government, when, in fact, popular movements have readily seized on all levels of government to further their ends.¹⁰⁶ Conversely, large developers often find local control quite conducive to growth.¹⁰⁷

¹⁰⁵ See footnotes 1, 41, 54 and 103 for references. The attack on local government can be quite straightforward: "Local government cannot be improved very much because [it] continues to use the most time-consuming procedures, such as employing a lay planning commission. These people generally resist change and react to new development concepts in very critical ways. When confronted with change, they take a long time to make up their minds because they are worried that they themselves are threatened Moreover, we are in an era when the citizen and his or her advocates require time to be heard. If you want to simplify things, you are going to have to prevent those people from speaking or have them say what they want to say in a shorter time." Frank So, Deputy Director of the American Society of Planning Officials, quoted in O'Mara, op. cit., footnote 66, p. 194.

¹⁰⁶ As a perusal of Healy, op. cit., footnote 18, or Healy and Rosenberg, op. cit., footnote 21, or any environmentalist publications, such as the Sierra Club's *Sierra* or Friends of the Earth's *Not Man Apart*, will show. Indeed, with increasing frequency, local environmental, labor and business interests are joining forces to challenge national and multi-national economic concerns that are relying upon the states and the federal government to overcome local opposition to their projects. See Ann R. Markusen, "Class Rent and Sectoral Conflict: Uneven Development in Western U.S. Boomtowns," *The Review of Radical Political Economics*, Vol. 10, No. 3 (1978), pp. 117-29; Richard Grover, "People Power: It Can Make a Difference," *Planning News*, Vol. 42, No. 2 (1978), pp. 1, 6, published for the New York State Planning Federation; and Richard Walker, Michael Storper, and Ellen Gersh, "The Limits of Environmental Control: The Saga of Dow in the Delta," *Antipode*, Vol. 11, No. 32 (1979), pp. 48-60.

¹⁰⁷ Walker, Storper, and Gersh, op. cit., footnote 106. See also footnote 5. Indeed, developers may attempt to open up a dialogue with local government again. Observes the Urban Land Institute: "The absence of any potential for dramatic solutions at the federal and state levels necessitates a long overdue consideration of the role of local government in the development process in general, and in the development of large-scale projects in particular. There is

In other words, government jurisdiction is incidental to the real issue, which is not the form of regulation but its substance: the effects of growth, on one hand, and the accessibility and behavior of the regulators, on the other.

The level of government is chiefly a tactical and technical question for a political movement, depending on the issue and the interests at stake. One favors the level of government through which one's interests have the best chance of prevailing. Regionalism is thus a pragmatic strategy in a situation of intense conflict, in which the class interest of large developers is opposed to that of large numbers of the citizenry. There is no self-evident "public interest": that is precisely the problem. Pretending that one exists only serves as an ideological screen for pursuit on one group's interest over another.¹⁰⁸

Conclusion

We are not advocating a conspiratorial view of history. Social change is not directed by a small portion of the ruling class and its henchmen. As evidence, many, if not most, of the innovations in land use regulation over the last decade have circumvented the mainline reformers and opposed developers' interests. This is a complex period of upheaval and transition in the institutions of property development, as in many other areas of American life. Nonetheless, there is order born of class structure and economic logic behind the apparent complexity. That order does not come from natural evolution, as the forces of progress shed the worthless cocoon of the past. A quiet revolution in land use controls has been occurring because a small group of liberal reformers, closely associated with large development capital, have been systematically urging adoption of a land use control system suitable to the changing needs of capital. And behind these political actors stand economic forces unleashed by the logic of capital accumulation.

We are also not arguing for the status quo ante. The old system of local zoning and small-

great potential for improvement in this area of policy making." ULI, op. cit. (1977a), p. 4.

¹⁰⁸ Harmony of interests is a long-standing capitalist notion. Contradictions are due to malfunctions, not the logic of social organization; hence all social ills have purely technical solutions that represent the public interest.

scale development has many pernicious features in terms of democratic control and urban outcomes. Large-scale development may well mean better planning, more efficiency, and better living environments under the right circumstances. Yet no progressive today believes that bigger is always better. Similarly, local governance is no answer to many of the problems facing city dwellers; the wisest course often will be to seek higher-level decision-making. Yet political decentralization has value in terms of citizen access to and control over government under both capitalism and socialism.

The implications of the mainstream reforms for democracy are not good. State and regional government can be less accessible to the average citizen than municipal government, while functional districts are highly insulated.¹⁰⁹ The liberal program's bias toward big business and managerial professionals is reminiscent of Progressive-era municipal reforms.¹¹⁰ Large-scale developments also have a record of discouraging participation in community governance.¹¹¹ We find it disturbing that citizen participation should be subverted precisely as it is beginning to be exercised after years of quiescence.¹¹²

¹⁰⁹ Walker, Storper, and Gersh, op. cit., footnote 106; and Walsh, op. cit., footnote 11. On the intent to limit participation in municipal planning, note the discussion among Richard Babcock, Bernard Frieden, John Banta, Robert Burchell, Randall Scott, Paul O'Mara, Frank So and others, recorded in O'Mara, op. cit., footnote 66, p. 195.

¹¹⁰ Samuel Hays, *Conservation and the Gospel of Efficiency* (Cambridge: Harvard University Press, 1959); Gabriel Kolko, *Railroads and Regulation, 1877-1916* (Princeton: Princeton University Press, 1965); John Allswang, *Bosses, Machines, and Urban Voters* (Port Washington, New York: Kennikat Press, 1976); James Weinstein, *The Corporate Ideal in the Liberal State* (Boston: Beacon Press, 1968); and Roy Lubove, *The Progressives and the Slums* (Pittsburgh: University of Pittsburgh Press, 1962).

¹¹¹ Burby and Weiss, op. cit., footnote 83, p. 173. New community developers carefully minimize participation through deed restrictions and covenants until the major building phase is over. Reilly, op. cit., footnote 18, pp. 255-57; and David Godschalk, "New Communities or Company Towns? An Analysis of Resident Participation in New Towns," in Perloff and Sandberg op. cit., footnote 89, pp. 148-220.

¹¹² Cf. Finkler, Toner and Popper, op. cit., footnote 30.

Furthermore, popular protest movements have raised important criticisms of capitalist society. Despite the obvious limitations of their analysis and the objectionable motives of many people, one cannot simply write them off as racists or elitists. The liberal critique falsely assumes that urban conflicts are simply between poor and rich or white and black, as if their relations to each other were not heavily mediated by capital, especially property capital.¹¹³ In fact, popular struggles are commonly directed against both the quality of life generated by capital accumulation and the power of capitalists to define the contours of urban life. Certain environmental regulations, for example, are of benefit to all people and even parochial no-growth ordinances can help insure that growth benefits those who experience it.¹¹⁴

Ideology is never transparent, because it contains an element of truth. Therefore, many people whose interests diverge from those of big developers—including some of those most frustrated with capitalist growth—are taken in by the apparent logic of liberal arguments for large-scale development and centralized/streamlined government. We hope this paper will help such people penetrate the illusions of liberal ideology, moving debate from the obsolescence of zoning and small-scale development to the obsolescence of organizing social life around class inequality and the accumulation of capital.

¹¹³ Cf. David Harvey, "Labor, Capital and Class Struggle Around the Built Environment in Advanced Capitalist Societies," *Politics and Society*, Vol. 6, (1976), pp. 265-95, reprinted in K. Cox, ed., *Urbanization and Conflict in Advanced Capitalist Societies* (Chicago: Maaroufa Press, 1978), pp. 9-38; and Richard Walker, "A Theory of Suburbanization," in Allen Scott and Michael Dear, eds., *Urbanization and Urban Planning in Capitalist Society* (New York: Methuen, 1981).

¹¹⁴ Finkler, Toner, and Popper, op. cit., footnote 30, p. 212. For example, it is easy to say that no one wants a power plant but everyone wants electricity, therefore someone must be forced to accept a plant. This ignores the whole structure of energy production and consumption leaving no scope for conservation or alternative power sources. In other words, people opposing local power plants may be socially correct in doing so.