

Common Tactics: An Approach to Attainable Infill Housing

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Despite the impending threats of the ever-worsening climate crisis and the obvious need for an increase in the country's housing stock, the ability for architects and developers to construct denser, more sustainable, and more diverse forms of housing remains incredibly elusive. Whether as the result of racist, outdated municipal zoning policies or the political influence of NIMBY detractors, it remains difficult to realize alternate forms of infill housing in jurisdictions across the United States. The purpose of this paper is to consider the architect's role in the face of these regulatory restrictions and to present a framework for realizing alternative models of housing through a tactical subversion of local zoning ordinances. Using a housing project proposal developed within an undergraduate design studio, the paper illustrates how architectural students and practitioners might leverage a critical reading of local zoning ordinances to realize dense, in-fill housing projects even within otherwise highly-conservative policy environments.

Using Michel de Certeau's conceptualization of tactics as an initial framework, this paper considers how architects might work against the negative constraints of particular zoning policies not from a position of autonomy or strength, but from a place of contingency and weakness. While architects have little control over the broader zoning and regulatory policies that inform their work, embracing the role of tactician can allow the architect to explore the "cracks" that exist within such regulatory frameworks and to achieve "surprises" that might have previously seemed unattainable. In response to recent calls to expand the discipline's boundaries and to mine its edges for greater cultural relevance and social impact, the work presented here illustrates how a tactical engagement with zoning policy might allow the discipline to have a broader and more immediate impact on the built environment. And while the results of this work remain provisional and highly contingent, the projects nevertheless demonstrate the ability of the architect or architectural student to operate pragmatically, engaging the realities of regulatory frameworks and public zoning policy to realize immediate, if incremental progress within the culture of housing.

INTRODUCTION

Despite the clear environmental and economic benefits that denser forms of housing offer, the ability to construct anything other than a single-family house remains surprisingly elusive within established neighborhoods across the United States. Zoning policies structured to protect the low-density enclaves of the homeownership class and political pressures from local coalitions of anti-density NIMBYs make the construction of dense infill housing a near impossibility in jurisdictions across the country, from New York to Las Angeles. In the face of such resistance, what are we, as architects and designers of the built environment, to do? What actual influence can architects have on the broader implementation of settlement patterns that contribute to a more sustainable and equitable future? And perhaps most importantly, given the urgent threats imposed by a rapidly changing climate and the apparent lack of political will within many municipal jurisdictions across the United States, what avenues exist to help us realize broader implementation of denser forms of housing—not in five or ten years—but *now*?

This paper attempts to address some of these questions by outlining an alternative model for architectural practice and education that focuses on direct engagement with municipal zoning policies as a means for realizing denser forms of housing, even when operating within highly constrained or conservative policy environments. Through the analysis of an infill housing proposal for a parcel in the center of Lincoln, Nebraska, this paper details how architects and architectural students alike might develop greater agency in the design and construction of the built environment by engaging directly with the contingencies of municipal zoning ordinances, operating tactically to enact previously unforeseen possibilities within the existing legal and juridical frameworks of regulatory policies.

DRAWING BOUNDARIES

In their analysis of the history of settlement form, Pier Vittorio Aureli and Maria Shéhérazade Giudici place the concept of property at the center of some of contemporary society's most pressing issues, including the ever-worsening climate crisis and expanding levels of economic inequality. They write:

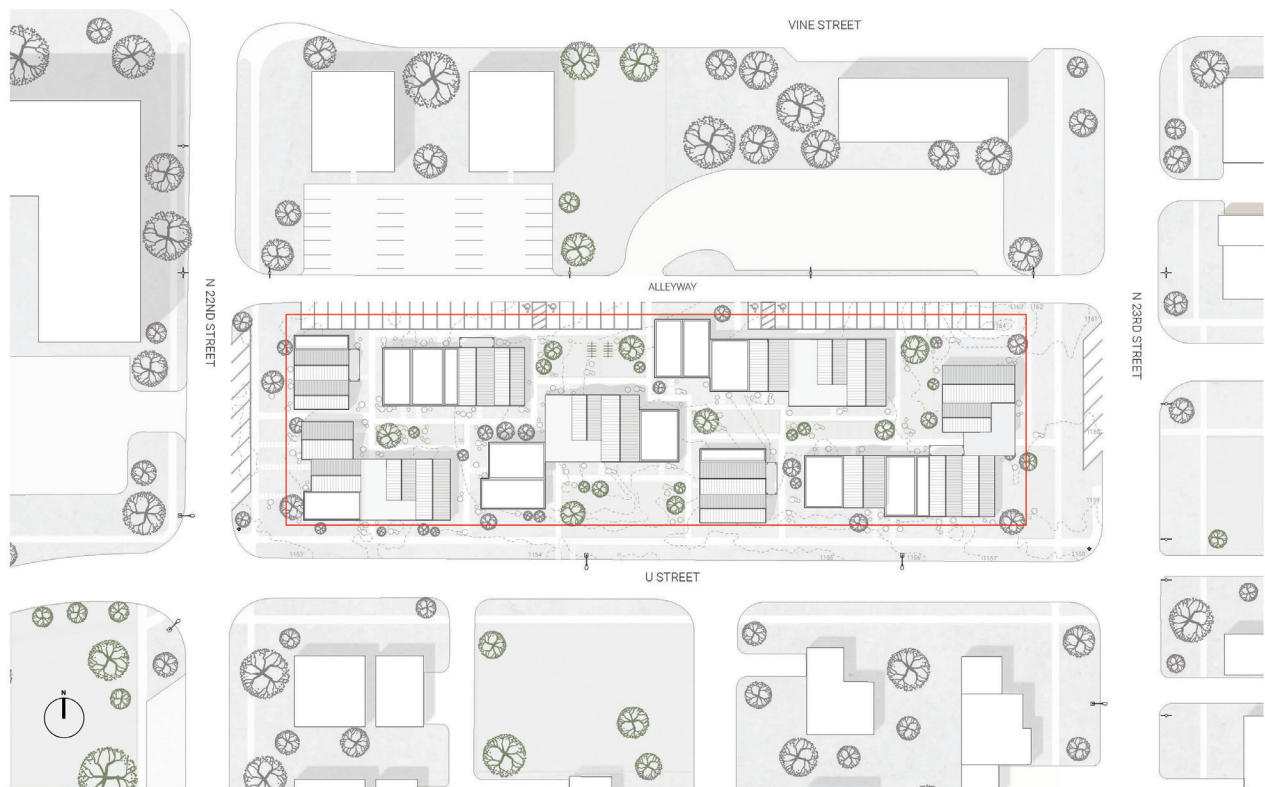


Figure 1. The student proposal occupies a 1.5 acre infill site within an existing neighborhood in Lincoln, Nebraska and attempts to disguise its overall density through a deliberate decentralization of unit massing - i.e. rather than one or two large masses, the project distributes dwelling units into a series of smaller, disconnected masses that merge more seamlessly with the surrounding context. Work by Haley Herman and Luryn Hendrickson.

At the very root of the current climate crisis lies the concept of property: a pervasive apparatus of governance that, for centuries, has dispossessed communities of their sources of sustenance, supplanting the ethos of care with one based on exploitation. By property we mean above all land holdings, which, under a juridical framework, have reduced existence to a commodity. Within the logic of this apparatus, land is no longer a place to inhabit but a resource, a “standing-reserve,” to plunder for the sake of profit.¹

Through a careful examination of settlement practices and their relationship to the land, the authors trace the gradual transition from early settlement forms governed by an ethos of commoning or care to more recent models governed largely by exploitation and individual wealth generation. As this history makes clear, a necessary first step in this transformation is the codification of the concept of property through the literal drawing of boundaries.

In defining property, Aureli writes, “Property is defined by a legal apparatus enforced by the state that gives people the right to use or benefit from something they own ... to enclose it and regulate its use and the life that unfolds upon it.”² Yet, as this

definition suggests, enjoying the use rights of a particular property first requires that the extents or boundaries of the property be clearly established. The formation of boundaries through processes of enclosure or surveying provide a legible geometry to which ownership rights can subsequently be applied. Without this drawing of boundaries, the use rights of property and the economic value associated with these rights cannot be established. For this reason, Aureli notes that “geometry is the crucial link between land and money.”³ Inscribed through geometry, the boundary of a particular property ultimately defines its use value and transforms an otherwise inert piece of land into an economic asset or commodity. Yet, this transformation of land into a commodity does not provide sufficient explanation of how property operates as a source of exploitation. To understand this, it is important to clarify property’s relationship to the law and the juridical frameworks that enforce and preserve its dictums.

While acknowledging that property is not “appropriation *sic et simpliciter*,”⁴ Aureli suggests that property has nevertheless served as a mechanism of exclusion and exploitation for centuries. In tracing the historical development of this conceptualization of property, Aureli notes that “the modern concept of property emerged from colonial models of appropriation.”⁵ Focusing specifically on the colonization of the western United States during the 19th century, Aureli notes that the surveying

and legal creation of distinct parcels of land was used as justification for the theft of indigenous lands, a process he categorizes as “lawfare.”⁶ Throughout history, the act of defining and securing one’s own bounded parcel of land has served as a legally justified means of dislocation, exclusion, exploitation, and colonization.

Unfortunately, similar practices remain in place today, as the financial and juridical mechanisms surrounding homeownership within the United States make the ownership of private property one of the most common ways of accumulating private wealth, which is subsequently protected through the carefully codified exclusion and segregation of “others” enacted through municipal zoning policies. This tendency to employ legal boundaries as a mechanism for exclusion suggests that, without substantial policy reform, contemporary zoning ordinances will continue to reinforce exploitative practices and “will always function as a tool of segregation.”⁷

Yet, despite this bleak outlook, it is important to point out that zoning policies and other juridical frameworks that contribute to the creation of property are not intrinsically exploitative. In short, things could be otherwise. In her recent analysis of the formation of capital and land ownership, Katharina Pistor notes

that the same zoning policies that have supported segregation, exclusion, and exploitation over the past century “might be used for purposes other than private wealth maximization” and that the juridical frameworks of property rights “might just as well be used to protect collective use rights and sustainable practices.”⁸ This basic observation of the contingent quality of zoning policies and other legal frameworks of property ownership sets the groundwork for a reconsideration of the architect’s role within the design of the built environment. Ultimately, it calls for a shift from a sole focus on the physical artifact of the building to a more critical examination of the broader policies and practices that govern the design of buildings.

Such a call might initially be seen as a total recasting of architectural practice, but this conceptualization of architecture actually reflects the existing realities of professional practice. As Sam Jacob points out:

[Architecture] may well be a physical thing, but it’s also the place where investment, communications, marketing and media all come together, where these issues congeal into built form. For example, the distance between a developer, the investment they need, the architecture they



Figure 2. The student team developed four different unit types designed to address a specific population in Lincoln, focusing on the need to provide a diversity of housing options that accommodate different lifestyles and definitions of the family unit. Work by Haley Herman and Luryn Hendrickson.

commission, the public permissions and partnerships they require, the vision they create, the publicity they generate, the buy-in of a community, and the market they seek are intrinsically linked - one is nested within the other. Trying to separate “architecture” out of these processes, as a traditional definition of architecture might do, is to defuse architecture’s potential to engage in the very real politics, vision and social possibility embedded in these relationships. It’s in the interweaving of these concerns where value - social as well as economic - is created, where architecture really happens.⁹

Architects must be willing to engage with and operate within these diffuse networks of competing interests and regulatory systems. As Jesús Vassallo suggests in a recent essay, “so many of the ills of our current time [inequality, segregation, resource depletion, environmental degradation] are encoded and can be measured in the physical reality of the built environment that surrounds us.”¹⁰ The tendency within the architectural profession is to address these ills solely through the design and specification of the physical artifacts that make up the built environment. While valuable, this approach remains woefully limited in scope, applying only to the small percentage of buildings that architects have direct influence over, and it does little to challenge the biases embedded within and reaffirmed through normative settlement forms. If the profession is to become a “force for change”¹¹ as Vassallo suggests, architects must expand their expertise beyond the building and develop a means of engaging with the underlying codes, policies, and juridical frameworks that stipulate what can and cannot be built. In other words, if the profession is to realize its full value within society, it must participate in a critical examination of the local regulatory and zoning policies, financial frameworks, and juridical structures that perpetuate systems of segregation, economic inequality, and environmental degradation within the built environment.

A PRACTICE OF THE WEAK

Rather than relying on the autonomy of the architectural profession, this alternative method of practice operates from a place of contingency, uncertainty, and weakness. Not operating from a place of power, architects engaged in the creative interpretation or hacking of municipal regulatory policy must instead operate opportunistically, or tactically. Distinct from traditional modes of architectural practice, this approach is perhaps best conceptualized through an examination of the writing of Michel de Certeau and his formulation of strategies and tactics.

Certeau defines strategies as “the calculation (or manipulation) of power relationships that becomes possible as soon as a subject with will and power (a business, an army, a city, a scientific institution) can be isolated.”¹² He suggests that strategic rationalization involves “A Cartesian attitude, if you wish: it is an effort to delimit one’s own place in a world bewitched by the invisible powers of the Other. It is also the typical attitude of modern science, politics, and military strategy.”¹³ This definition of

strategies should be familiar to many architects, and its emphasis on an isolated position of power should recall the profession’s continual insistence on autonomy and disciplinary expertise. Yet, when facing the juridical powers of municipal zoning districts and development reviewers, the temptation to retreat to an autonomous field of expertise results in a direct loss of agency within the design process. Without gaining the ability to influence earlier steps within the design process, architects lose out on the ability to have a more meaningful impact on the built environment, one that transcends individual buildings. This is where Certeau’s conceptualization of tactics becomes helpful.

Tactics, according to Certeau, are never enacted with the autonomy or distance associated with strategies. Always deployed within hostile territory, tactics require one to operate more opportunistically and through incremental action and, as a result, are described as “an art of the weak.”¹⁴ A tactic is able to “vigorously make use of the cracks that particular conjunctions open in the surveillance of the proprietary powers. It poaches them. It creates surprises in them. It can be where it is least expected. It is a guileful ruse.”¹⁵ In the case of infill housing development, the proprietary powers take the form of local zoning ordinances and the various juridical processes that enforce them. Only by vigilantly engaging with zoning policy are architects able to uncover and ultimately take advantage of opportunities to realize alternative models of building and living. Architecture becomes an act of legal reinterpretation, a subversive act of projective storytelling that opens up new possibilities within a system designed to limit them. While never able to deconstruct the system in which it operates, a tactical approach nevertheless allows for immediate, if incremental results that can serve as a foothold for further exploration.

COMMON TACTICS IN THE DESIGN STUDIO

In an attempt to explore these ideas further and to provide architectural students with the opportunity to engage with these issues, I ran an undergraduate design studio within the University of Nebraska-Lincoln’s College of Architecture focused specifically on infill housing development and the critical evaluation or positive exploitation of regulatory frameworks. The studio asked students to design an infill housing development within an existing neighborhood, using their initial analysis of the regulatory constraints of the project to develop a strategy for increasing the density and diversity of housing units within the proposed development. Working in teams of two students, each group achieved varying degrees of success, with one group in particular developing a proposal that embodies a tactical approach to zoning and infill housing development.

The site for the studio was a one-and-a-half acre parcel of land within Lincoln’s Malone Neighborhood. Located just east of the city’s downtown core and the University of Nebraska-Lincoln’s main city campus, the site sits within a transition zone between the higher density fabric of the central business district to the west and the neighborhoods of low-density, single-family

housing stock to the east. The site currently hosts two small rental houses along with two larger, university-owned apartment buildings that are planned to be decommissioned in the next few years. With the site having immediate access to multiple bus lines and close connection to an extensive network of bike lanes and trail networks, the site offers an opportunity for urban connectivity and accessibility that does not necessitate a reliance on the private automobile, and its proximity to a nearby park and green space make it a compelling site to use for exploring alternative forms of housing development.

In addition to examining the site's connection to the surrounding infrastructure and urban fabric, students first analyzed the development potential of the site under the site's existing zoning requirements in order to establish a baseline or point of comparison for further design investigation. Set within a medium density residential zoning district (R-6), the full site can accommodate only nine detached single-family homes or approximately twenty-two attached townhouse units. These figures are primarily determined by the R-6 zoning district's minimum lot area requirements and minimum lot width requirements. For example, the local municipal code requires a minimum area of 4,000 square feet and a minimum lot width of fifty feet for each detached single-family housing unit. While the minimum lot area requirement alone would allow for the development of up

to sixteen single-family units, the minimum lot width actually functions as the more restrictive requirement in this instance, reducing the maximum development density of the site to just nine single-family units or roughly four units per acre.

Alternatively, students determined it would be possible to achieve higher development densities on the site through the introduction of multi-family apartment buildings. Utilizing this more compact building typology, which carries a minimum lot area requirement of only 1,100 square feet per dwelling unit, the site could potentially accommodate up to sixty individual housing units. However, this figure drops to just forty units once the accompanying requirements for off-street parking are taken into account, which stipulate the need to provide 1.75 off-street parking stalls for each dwelling unit within the R-6 residential zoning district. As a result, nearly one-third of the site's area would be required to be given over to surface parking to accommodate approximately seventy private automobiles, with almost none of the site area left over to be utilized as open green space. Ultimately, in this scenario, the site would reach an overall development density of approximately seventeen dwelling units per acre.

After briefly analyzing the existing zoning restrictions and establishing preliminary baselines for the site's potential development

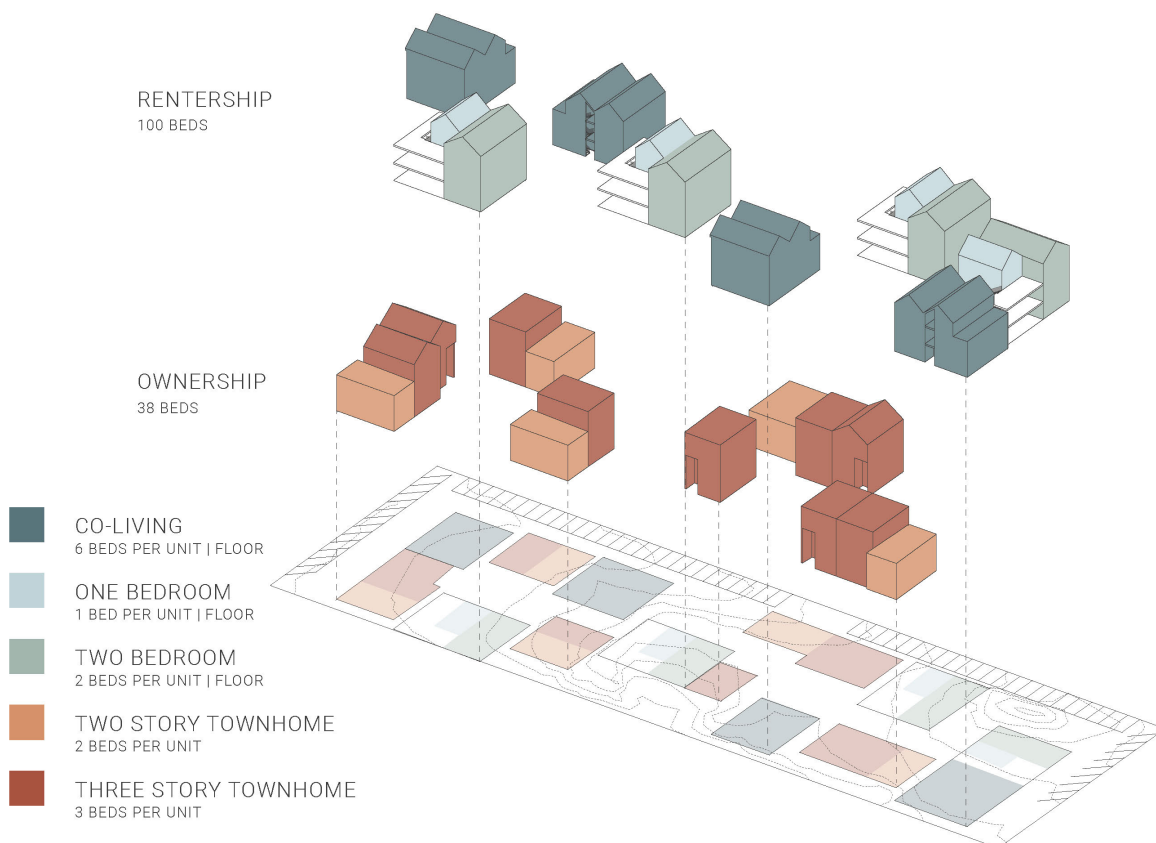


Figure 3. The student proposal contains a diverse mixture of both owner-occupied and rental units, with different unit types interspersed evenly across the site and distributed around internal commons areas. Work by: Haley Herman and Luryn Hendrickson.

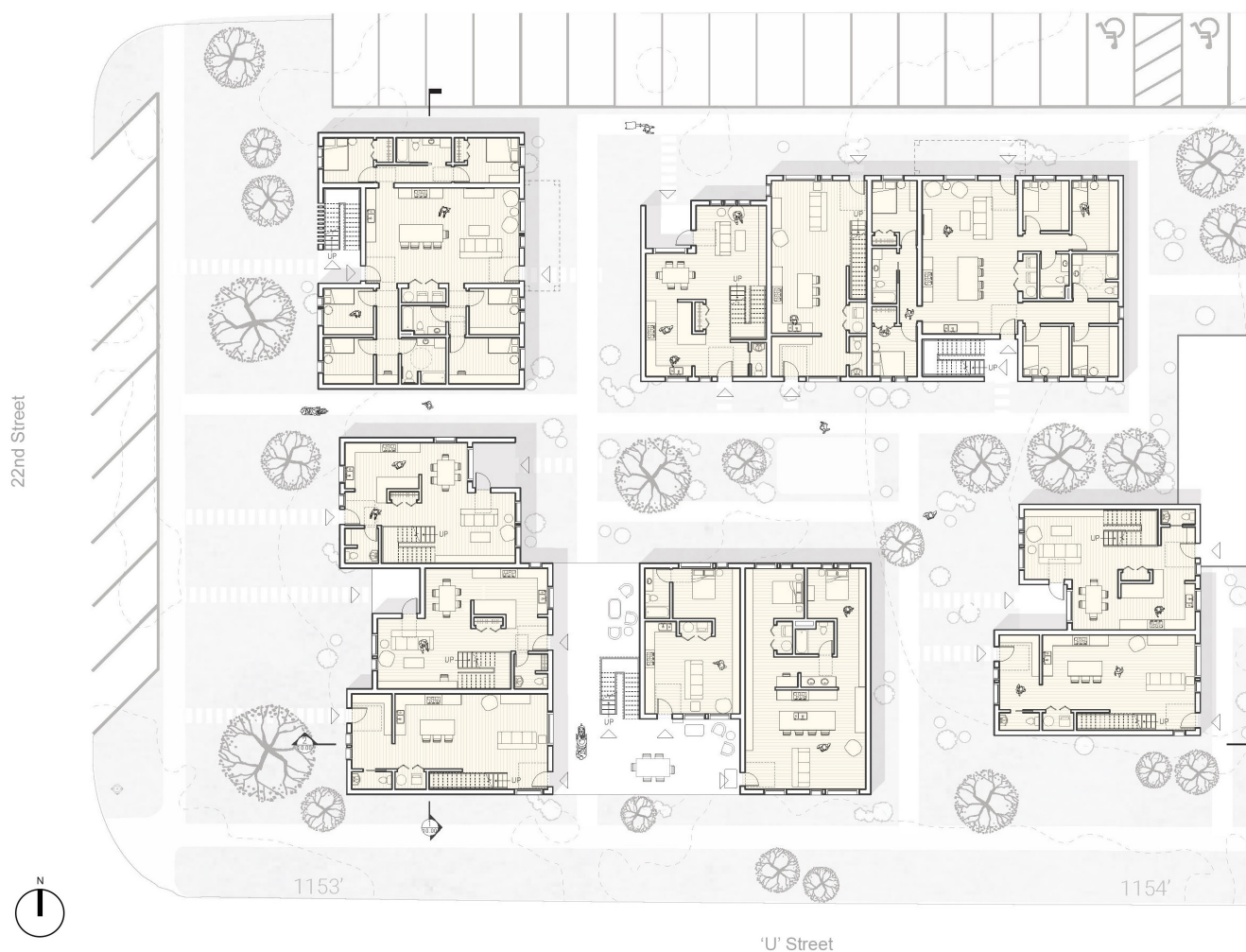


Figure 4. The partial ground floor plan included above illustrates the configuration of the units around an internal commons area that can be utilized for shared or public programming or retained as a green space for resident use. Work by Haley Herman and Luryn Hendrickson.

density, students were encouraged to explore ways to achieve higher levels of overall density on the site without compromising the positive experiential characteristics of their overall design proposals. Working in groups of two, teams were tasked with closely examining the details of the Lincoln Municipal Code to identify existing policy mechanisms within the zoning ordinance to achieve these ends. Ultimately, one of the most successful teams within the studio identified two specific mechanisms that served as the site for critical exploration of alternative, attainable housing forms: the Community Unit Plan (CUP) and the Community Land Trust (CLT).

The Community Unit Plan, or CUP, is an existing mechanism defined within the Lincoln Municipal Code (LMC) that functions as an overlay zoning district. The creation of a CUP allows for greater flexibility in the design of development proposals, but establishing a CUP requires a minimum contiguous area of at least one acre. Once the boundary of a CUP has been established, developers can propose revisions to all existing zoning requirements

of the underlying zoning district in order to achieve specific development goals within the bounds of the CUP. Returning to Certeau's terminology of tactics, the CUP can be understood as a regulatory "crack" that allows for a subversion of normative zoning policies and an opportunity for designers to have a greater influence on the underlying regulatory structure of the built environment. Through the application of a Community Unit Plan overlay, the student team in question were able to propose an alternative parking ratio of just one parking stall per dwelling unit (compared to the standard 1.75 parking stalls per dwelling unit) and to locate these parking spaces along the outside edge of the development, within the public right-of-way. The team were also able to relax the setback requirements for the parcel, allowing the buildings to be set closer to the public right-of-way in an attempt to establish a stronger and more consistent urban edge and threshold between the public face of the development and its shared internal courtyards. Finally, the inclusion of the CUP also permitted a reduction in the minimum lot area per unit, allowing the site to support a greater density of housing units.

Yet, despite the benefits of the CUP, the student team felt that it alone failed to provide enough flexibility with regard to unit type and ownership type. The team hoped to propose the development of a mixed-income housing project that included affordable or subsidized housing alongside market rate housing and to intersperse rental units with owner-occupied units. While the CUP provided the opportunity for increased density, it did not offer the legal or juridical framework to support this alternative settlement form.

To address this, the student team proposed the creation of the CUP alongside the simultaneous implementation of a Community Land Trust (CLT) that would retain ownership of the entire 1.5 acre parcel of land, leasing the land back to each of the individual building owners as a part of their respective mortgage or rent payments. Not only does this legal structure allow for common ownership of the proposal's distributed green spaces, but it also eliminates the need to subdivide the larger parcel into individual lots, effectively eliminating the requirement for all private lots to have frontage along a public street or right-of-way. This opens up the opportunity for an alternative formal arrangement of the units and buildings on the site, allowing the units to be evenly distributed not only along the edges of the parcel abutting the public right-of-way, but also set back and nested into the center of the parcel. By eliminating individual private ownership of land, the design proposal is able to further increase density while also introducing the ability to own and manage the land (and the units) in a unique way. The development proposal still provides the opportunity for traditional "homeowners" to build equity

through home ownership, but this ownership is limited to the structure of the home itself. Furthermore, through the creation of deed restrictions and resale formulas, the CLT is able to dictate the long-term affordability of any units that are sold or rented at an affordable or below-market rate. In short, the creation of this hybrid CUP and CLT overlay district established a regulatory island that alters residents' relationship to the land and to each other, shifting the development's emphasis away from private ownership toward notions of shared ownership and common resource management.

In the end, the project ultimately proposes fifteen owner-occupied dwelling units containing a total of thirty-eight beds as well as eight small apartment buildings containing thirty-six separate dwelling units with a total of 100 beds. This results in an overall development density of approximately twenty-two dwelling units per acre, which is roughly thirty percent higher than that allowed under normative zoning restrictions. Yet, perhaps more importantly than density alone, the project establishes a unique settlement form that, while distinct from its context in a regulatory and ownership sense, remains quite compatible with its immediate context. As mentioned above, the project's use of the CLT allows for a distribution of a diversity of units across the entire site that establishes an urban edge along the south property boundary but also locates units back, away from the street. This nested approach allows the site to achieve higher levels of density while still retaining individual building masses that feel responsive to their context. With no buildings taller than three stories and none containing more than three units, the proposed



Figure 5. The image above illustrates the final project's public face or western elevation along 22nd Street. Work by Haley Herman and Luryn Hendrickson.

development fits quite seamlessly into its suburban context, effectively disguising its density. While this represents a secondary goal of the project, its smaller scale and more granular approach to unit massing can be understood as a formal response to the constant threat of NIMBYism – a response that reinforces and extends the tactical regulatory position of the project.

In combination, the hybridization of a Community Unit Plan and a Community Land Trust establishes a regulatory island that allows for the development of a relatively dense and diverse housing proposal that stands in contrast to the normative settlement forms around it. The project attempts to embody the characteristics of a settlement island as defined by Aureli. The project represents a “a project of commoning, a practice that emerges out of the effort of a community to pool its resources and share them equitably,” and seeks to offer the community an opportunity to “not only share but also to govern common resources in a way that ensures their reproduction or renewal.”¹⁶ The proposal ultimately offers a means of creating a form of housing whose sole function is not the private accumulation of wealth but the shared, responsible management of land and affordable housing as a public good.

CONCLUSION

Ultimately, the studio encouraged students to challenge the ubiquity and apparent naturalness of normative settlement forms and, through critical engagement with the underlying regulatory framework of the project context, to develop realistic alternatives that might subvert expectations. Students were encouraged to engage with municipal zoning in both a critical and creative manner in order to exploit its synthetic or constructed character. In broadening the scope of the project and asking students to explore the regulatory framework of their proposals as well as their ultimate tectonic resolution, students were encouraged to understand architecture as a complex act that involves both the tangible and the intangible. As Sam Jacob notes, “architecture is fundamentally unnatural ... constructed conceptually just as it is constructed physically. It is an entirely synthetic invention with no intrinsic core other than one that we might invent.”¹⁷ If nothing else, the final design proposal shared here serves as a reminder of this synthetic quality of the built environment and the need for architects and architecture students to play an expanded and more meaningful role in its continual reinvention and reimagining.

Perhaps most importantly, however, while the design proposal presented here does not necessarily offer any formal, typological, or material innovation, it does nevertheless serve to illustrate the fact that alternative settlement forms are immediately attainable—that “it is possible to live otherwise.”¹⁸ While radically different from its immediate context in terms of its conceptualization of property and community resources, the design proposal shared here could, in fact, be built without the need to enact large scale policy reform. Students operated as architectural tacticians, ultimately identifying a way to realize

an alternative future for residents living in Lincoln. As Timothy Love notes, regaining architectural agency in this way requires “a conscious decision to trade the radical but typically unrealizable position of the new avant-garde for the ability to effect real if incremental innovation within conventional culture.”¹⁹ In the end, the hope is that the project presented here illustrates one possible incremental innovation in attainable infill housing.

ENDNOTES

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