

# Learning From German Publicly Led Development Strategies to Create Mixed-Income, Mixed-Use Development Projects

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## Abstract

*This article explores several key tools German cities use to undertake large development projects featuring thousands of new housing units apiece. Evidence from Berlin, Frankfurt, and Munich shows how these cities leverage federal rules that freeze land costs, publicly owned land, and neighborhood-scale master planning integrated with transportation investments to make way for projects. These tools enable cities to ensure a mix of development uses—spanning schools, transportation, and housing—through a unified urban design. This form of publicly led development has helped each of these cities respond to their respective housing needs.*

## Introduction

Communities across the United States and Europe face a housing crisis, both in affordability and supply. Even as housing costs have increased as a share of income, construction levels have declined (Wetzstein, 2017). Despite the broad agreement among policymakers at many governmental levels about the need to address this problem, successful approaches to resolving the challenge during the long term remain largely theoretical. Although evidence shows that additional housing supply can help reduce costs (Been, Ellen, and O'Regan, 2023), macroeconomic conditions like migration and investment trends (Rodríguez-Pose and Storper, 2020) influence housing costs for families with low incomes, and generating more housing is easier said than done, especially within already developed neighborhoods.

The causes of the housing crisis are multifarious. One problem is that many local governments have enforced strict local regulations that make it difficult to build new housing, such as rules preventing anything larger than single-family homes from being built. Building and fire codes—sometimes implemented by city, state, and national governments in the interest of promoting safety and well-being—also play a role in hindering construction because they can increase housing costs if they are needlessly complicated (Listokin and Hattis, 2005; McFarlane, Li, and Hollar, 2021).

These rules often constrain development most in sought-after areas where costs are already high, and local policymakers have used exclusionary tactics to prevent lower-income residents from moving in (Freemark, Lo, and Bronin, 2023; Freemark and Steil, 2022; Monkkonen, Lens, and Manville, 2020; Quigley and Raphael, 2005). Although such rules rarely ban publicly subsidized or other affordable housing explicitly, they often have the de facto effect of preventing their construction. Competition for a limited number of units increases over time, further boosting housing costs (Kendall and Tulip, 2018; Zabel and Dalton, 2011).

Some U.S. cities and states have become more accommodating of new construction in recent years, suggesting a shift on this measure of late (Manji et al., 2023; Pendall, Lo, and Wegmann, 2022). Evidence suggests that during the long term, more accommodating zoning could result in increasing housing construction and a reduction in housing prices (Freemark, 2023; Freemark et al., 2023; Wassmer and Williams, 2021), but the effects of rezoning to encourage construction could take years to manifest, and such reforms may have only marginal benefits in terms of reduced housing costs (Stacy et al., 2023).

Moreover, a second problem is that regulatory policies like zoning are only one part of the complicated equation of city building. The pace of privately financed construction largely reflects whether the private sector demands new investment in the first place. Many poor communities throughout the United States failed to increase their housing stock at all during the past 2 decades, not because of exclusionary zoning but because they simply cannot attract investors that want to undertake new projects therein (Freemark, 2022). Furthermore, federal support for housing affordable to households with low incomes has declined in recent decades (Vale and Freemark, 2012).

Finally, localities face systemic barriers related to building resident support for new development, maintaining political commitment to the cause in the face of continuous electoral pressure, and assembling resources across governmental levels. They also struggle to fund housing affordable for families with low and moderate incomes. Together, these obstacles reinforce the overall housing crisis.

## **An Opportunity to Expand Access to Housing Through Publicly Led Development**

Public management of large projects was common throughout many Western democracies in the postwar period, often in the form of urban renewal. This trend typically meant demolishing existing neighborhoods and replacing them with modernist new construction—in some cases, with embedded affordable housing. This approach declined in popularity in the face of public

resistance, reductions in public funding, and a broader neoliberal turn in favor of regulation over direct management of urbanism (Klemek, 2011; Teaford, 2000). As such, the planning function of local governments—especially in the United States—took on a reduced role, shifting the focus to regulating private-sector investments on individual parcels, although public management of district planning never fully disappeared and public engagement is a key element of the planning process (Slotterback and Lauria, 2019).

However, the aforementioned housing crisis has demonstrated the inadequacies of this planning approach. Some local governments are now reviving interest in directly managing development through land ownership, financing, and detailed planning across whole districts, although these approaches also involve private-sector investment. American cities like Atlanta have recently created new development corporations designed to support publicly led projects on public land, but these approaches remain nascent. German cities have had greater experience leading projects of this sort. As such, this article focuses on case studies from Germany, with the goal of identifying what approaches may be most useful in encouraging successful publicly led projects that prioritize housing supply and affordability.

## **Methods**

Interested in promoting transatlantic learning and exchange, staff at the German Marshall Fund (GMF) and its partners in Germany—including the Federal Ministry for Housing, Urban Development and Building, and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)—sought out cities in the United States and Germany with active efforts to manage publicly led projects. They identified six case-study cities: Berlin, Frankfurt am Main (hereafter referred to as Frankfurt), and Munich in Germany and Atlanta, St. Louis, and Seattle in the United States. These cities each face challenges of access to and availability of affordable housing, have a strong commitment by city leadership to address the problem, and had interest in participating in an international research project. Staff from those cities selected development sites for evaluation (GMF refers to these as “living lab” sites). GMF also assembled a team from each city that included the local public-sector affordable housing lead, another person working in the city government, and a cross-sector partner not working for the city government.

This article details findings about German strategies to promote mixed-income, mixed-use publicly led projects, but it is one element of a larger research program designed to identify the major impediments and potential best practices for public entities to add housing supply, particularly units affordable for families with low and moderate incomes (Freemark, 2024). Although this project’s broader program of transatlantic cooperation involved investigating several themes, the research in this article focuses on city developments because they prioritize housing investment, integrate housing development into broader community programming (such as access to transit and parks), and are led by local governments, rather than private investors.

Project data and site plan information about each case study were collected, and the general conditions of both the cities and project sites were assessed. Two dozen interviews were conducted with individuals participating in the program. These interviews were open-ended in character and covered several themes, including general development goals, the relationship between federal and

local governments on housing policy, and the potential for housing development integrated with other needs, like transportation and social services. The group conducted site visits of projects in Atlanta, Berlin, and Frankfurt. These visits aligned with all-day convenings in each city organized by GMF and GIZ, which provided formal and informal opportunities to learn about approaches officials are taking to publicly led projects. The U.S. work, led by one of this article's authors, was associated with the research a separate but collaborative German team led involving consulting group Thomas Stellmach Planning and Architecture (TSPA) and Stefan Heinig. They produced a series of reports reflecting their findings that further inform conditions in the German cities.

The authors used an iterative approach to developing findings for this article. By bringing together the variety of data sources, reviewing scholarship, and coding interviews and learnings from the convenings, the authors describe recent development efforts in Germany and identify some of the best practices cities use to surmount the housing crisis.

This work is limited in several ways. The cities and their projects are not necessarily representative of their respective countries. They were preselected in the context of developing a transatlantic process and may not fully reflect current barriers and opportunities in housing development. Further research, moreover, is necessary to understand the private sector's approach to projects. Private developers continue to develop most new housing in the United States and Germany on parcels not part of a broader publicly led planning process. These private entities likely face other difficulties and opportunities than the public sector.

Finally, although leveraging learnings from Germany can inform potential best practices in the United States, the two countries differ tremendously. Germany and the United States have vastly different histories, economies, and politics, all which inform the implementation of projects in the two countries. Translating policies from one country to the next may be difficult or even impossible.

Despite these limitations, this research offers new insight into how urban development works in Germany. Stakeholders from each city in this article—like many of their peers globally—share the goal of providing more housing and ensuring that housing is affordable. This comparison can help provide new examples for stakeholders to consider as they undertake projects.

## **The German Development Environment**

Local German governments manage land-use policy much like their U.S. counterparts. They do so through a required land-use plan (known as an FNP) similar to a comprehensive plan in the United States. The FNP establishes the zones intended for development and is designed to apply during the course of 10 to 15 years. The FNP must follow rules established in the federal Spatial Planning Act, which coordinates planning and development policy across the country (Enssle, Martens-Neumann, and Heinig, 2023). The FNP is nested within regional, state, and national plans, which set aside guiding principles (Enssle et al., 2023). The FNP, in turn, is associated with a binding urban land use plan—similar, but not identical to, form-based zoning—for individual sites (B-Plan) that must follow rules established by the federal government (Hirt, 2012).

In their planning approaches, local governments in Germany must follow the national building code, BauGB, and the German Land Use Ordinance, BauNVO (Enssle et al., 2023). The building code explicitly provides local governments a set of legally binding policies to advance projects. It includes specific provisions for localities to designate mixed and urban areas, for example, within land-use plans. By comparison, the U.S. Government has no standard zoning requirements (although some states do). The fact that Germany does have standard zoning rules may ease the ability of developers to invest in new housing projects, although this question is not assessed as it is outside the scope of this research.

## **The Publicly Led Case-Study Projects**

All the case-study projects profiled in this article share key characteristics: (1) the projects prioritize housing development, particularly affordable housing, as a key goal; (2) city agencies lead their development, which involves a considerable share of publicly owned land; and (3) they attempt to integrate the new housing into broader urban development plans. The following sections profile three German case studies.

### **Berlin's Buch Am Sandhaus**

This 57-hectare site, on the north side of Berlin, encompasses an abandoned state security (secret service) hospital and forested areas, all proximate to a regional rail station. The city's development plan proposes the construction of up to 3,000 new housing units (including the conversion of the former hospital into homes), daycare centers, and schools surrounded by maintained forested areas. The city's planners propose that buildings be arrayed along a major new street oriented toward public transport biking and walking paths and replete with retail, restaurants, and other venues (Entwicklungsstadt Berlin, 2023).

Berlin's project has met some resistance. A group of nearby residents argue that it would reduce access to green space and require the destruction of large sections of forested areas in which endangered species now live. They argue that the federally required land compensation plan for the project—which mandates that land to be reserved for natural uses in exchange for the development of this land (Baganz and Baganz, 2023)—is inadequate.

### **Frankfurt Northwest**

Frankfurt is proposing development in its Northwest quadrant, land on the city's border with suburban jurisdictions that is currently mainly used for agricultural purposes (Stadtplanungsamt—Frankfurt am Main, 2023). The project will involve the development of two sub-zones, keeping the remainder of the surrounding site primarily agricultural. The development zones are large enough to accommodate up to 6,800 housing units, of which at least 30 percent would be affordable under German social housing rules, and up to 7,000 jobs (McCarthy, 2019). The project would also include parks, schools, shops, and leisure uses.

The project is being planned for an area adjacent to a neighborhood mostly developed in the postwar period, Northweststadt. This neighborhood has a high share of immigrant households and

a general lack of access to effective public services, according to local planners. The new project is associated with an extension of the city's U7 light rail line and the S-Bahn regional rail service. Project planners have had to work closely with the national government in project development because it involves plans to move a major electric power line and negotiations about the future of the motorway to ensure the development project and road can coexist.

### **Munich's Werksviertel-Mitte**

Munich's 39-acre Werksviertel-Mitte is near the city center and includes the former site of a Pfanni food production factory. It is within several blocks of the Ostbahnhof rail station, which hundreds of intercity and regional trains serve a day, and frequent subway and light rail service. The district was underused, and its former industrial buildings were partly abandoned for several years, leading to the area becoming known for its dancing clubs and other nightlife uses. Although the site remains largely privately owned, the city has led planning and investment in a redevelopment of the community. The project is expected to produce 1,150 housing units (of which about 30 percent will be social housing) and up to 7,000 jobs, and it will incorporate a mix of lofts, art studios, restaurants, and green spaces (Werksviertel-Mitte, 2023).

The city government conceptualizes the neighborhood as an active, vibrant area, not simply a residential community. This approach matches the project's location near relatively high-density areas. Unlike the other case-study projects profiled here, the Munich project is at an advanced stage of development. Much of the project planning was completed about a decade ago.

## **Germany's Suite of Housing-Promoting Development Mechanisms**

To undertake their publicly led development projects, the three German cities were able to command a series of mechanisms to encourage the construction of ample and affordable housing that stand apart from those available to most U.S. localities. The following examples show how these approaches have been used.

### **Effective Regulatory Tools**

The Urban Development Measure (§ 165-171 BauGB) allows German cities to define specific districts, whether currently built up or not, for publicly led development. This measure, which German city staff describe as the "sharpest sword" in their toolkit, immediately freezes land prices at their assessed level once cities define the district, assuming that the city government can demonstrate that the project is in the public interest. This action prevents private investors from taking advantage of planned zoning changes or land purchasing plans by increasing how much they will charge to sell their land. Thus, the city can expropriate the land for public use at a more reasonable cost.

The Urban Development Contract (§ 11 BauGB) tool allows German cities to enforce a binding contract on private landowners through a site-by-site negotiation over project elements and funding. In some cases, landowners sign agreements that two-thirds of increased land values

produced by changes to zoning requirements are redirected to infrastructure, which can be implemented by public or private entities. Cities or city-chartered agencies can use these tools to act as master developers, leveraging long-term ground leases with private investors on individual lots. Profits from development can then be used to finance the project's infrastructure and social elements like daycares, schools, and green spaces.

Frankfurt's project is being developed under BauGB and the Urban Development Measure and Contract, which enables the city to use eminent domain for land assembly at reasonable costs. The city can then sell or lease land to private entities once plans have been finalized and infrastructure improvements have been made. These sales and leases provide the funds to support investment in the social infrastructure that accompanies the project, including schools and daycare facilities.

### **Leveraging Publicly Owned Land**

Publicly owned land can reduce housing development costs and allow housing to be integrated with other land uses—from retail to schools, parks, social service centers, and employment (Théry et al., 2016). Even so, assembling and using publicly owned land may be difficult because of limited public resources and competition with private market investors. Interviewees in each community engaged in this research project emphasized repeatedly that they see public land as an opportunity not to be necessarily sold off, but rather to generate leverage over development plans, create equity to support future projects, and increase opportunities for housing affordability.

In Germany, the case-study cities leverage public land continuously as the preferred approach to undertake new housing projects. Using regulatory tools that the national government has provided, especially the Urban Development Measure, cities identify key land they plan to develop and then expropriate it at prices that speculation has not inflated, before leasing it to private entities. In Berlin, the city has focused “not only on housing and social housing, but a mixed social situation,” according to an attendee at a project convening. This is made possible by integrating the city's social housing developer into plans and ensuring that they develop some of the project sites, made feasible because of the low-cost public land. City staff work to ensure that projects include a full mix of neighborhood amenities, such as grocery stores and green space, within an easily walkable distance.

In Munich, the city's Sozialgerechte Bodennutzung, or SoBoN, policy requires developers constructing on city-owned land to provide a minimum share of new units as affordable. Developers respond to city invitations to present project ideas and then are judged based on the quality of their proposals before they are chosen to engage in a long-term ground lease (projects that better meet public goals through the planned provision of public amenities are more likely to win). Private developers involved in projects on public land also contribute to the costs of infrastructure in the neighborhood, further enabling new construction.

### **Competitive Urban Design Planning Process**

In Germany, the B-Plans local governments develop must incorporate public participation, with the processes determined by federal law. In some cases, development proposals incite significant resident protest, occasionally resulting in project cancellation (Enssle et al., 2023). In recent years, projects in German cities have begun to engage residents more concretely through co-creation of

development plans. This multistep process may ease the process of housing development by better integrating residents into policymaking.

Berlin's plan was developed through a multi-month public engagement process in which the city paid three teams of urban designers to offer ideas for the site. These designers presented their proposals to a city-hired jury of urban planning experts and one representative of the community. The jury provided feedback to each team, which then refined plans two more times before the final plan was selected for implementation. The city plans to develop the project through long-term leases after it has implemented basic infrastructure, such as the east-west street at the center of the project. Developers—including both private real-estate investors and the city public housing agency—will have to follow city-determined development principles (such as affordable housing and design requirements). Despite this process, it is worth noting that some local resistance to the project remains. Even so, local planners say it helped them build more of a consensus about project planning overall.

As in Berlin, Frankfurt's project was also developed using a three-stage resident engagement process and an eight-member appointed jury that provided technical feedback about the project's elements. This panel helped refine project elements, specifically improving the links between the existing nearby neighborhood and the green spaces planned for the heart of the new development.

### **Integrating Financing and Development Planning for Housing, Transit, and Other Investments Simultaneously**

Transit-oriented development has come to dominate as a mechanism to plan for future development in both German and U.S. cities because it can encourage neighborhoods that support lower resident transportation costs, less use of greenfield land for new construction, and lower pollution (Ibraeva et al., 2020). Simultaneously, cities have expanded interest in transit investment. Frankfurt has approved an expansion of its light rail network, and Berlin's government plans new subway lines in the coming decades. These investments offer an opportunity for integrated planning linking transportation access with new housing-rich neighborhoods (Pojani and Stead, 2018).

Building housing in a way that capitalizes on transit can be difficult, in part because of the differing timelines between the two types of investments. Transit projects can take decades from idea to completion, whereas new housing may be built far more quickly. Conducting joint planning between the two requires intentional collaboration across municipal agencies. The focus on linking housing construction with transportation investments is particularly a factor in Germany.

In Berlin and Munich, officials chose a site for redevelopment adjacent to existing, high-quality transit services. Residents of the case-study project sites will be able to travel throughout the region quickly thanks to these connections. Berlin is also planning a frequent, dedicated bus rapid transit line linking the regional rail line to the full breadth of the new district. This project is being implemented along the major east-west corridor that will cross the neighborhood at the same time as the new housing is being built. Profits from the new development will help finance the bus line. As such, the project will be fully accessible by public transportation from the start.



In Frankfurt, the new Northwest neighborhood is being explicitly linked with the extension of transit options to serve the site. City council policies that fund both projects simultaneously have enabled this extension. Thus, the city government is ensuring that the thousands of new residents at the development will get transit access as the housing comes online. These joint investments will guarantee that the neighborhood meets the city's goal of adding housing density without adding street traffic.

### **Limitations to the Success of German Cities in Housing Development**

Highly vocal and sometimes politically influential residents often oppose change in their communities—sometimes because of worries about disrupting the status quo, sometimes because of concerns about hurting the local environment, and sometimes because of conflicts about appropriate land uses for specific sites. Such opposition can delay project implementation because of long review periods and changes in project design that sometimes reduce density. Both Berlin and Frankfurt's projects have struggled with local opposition despite their efforts at community engagement, which has resulted in project scope being reduced over time.

Moreover, although each of the German cities is promoting new housing construction through their case-study projects, they likely will need additional types of housing investment to address their overall housing goals. German planners shared that development continued to be a challenge in other neighborhoods in each of their respective cities, in part because of difficulties acquiring land for public ownership, important to reduce costs to make way for affordable housing. Cities are increasingly competing with private investors for limited urban land. Furthermore, in Germany, as in the United States, subsidies for housing affordable to families with low and moderate incomes remain limited.

### **Learning From German Cities in Promoting Publicly Led Housing Development**

Faced with decades of inadequate housing supply and high housing costs, cities across the United States are now developing new approaches to encouraging housing investment. Beyond just regulatory approaches, such as upzonings to spur higher-density new construction, several cities are now considering the potential for publicly led development districts. These projects can concentrate hundreds of thousands of new housing units in small areas and include high levels of housing affordability. However, they are only now taking the first steps in this direction.

The German case studies in this article offer potential best practices for U.S. cities to consider as they pursue publicly led development schemes. Several key mechanisms that Berlin, Frankfurt, and Munich have used may be particularly useful.

First, those cities are strategically leveraging publicly owned land to reduce the cost of providing affordable housing and to plan for a mix of uses from the start of project development. Public land can reduce development costs and provide local government stakeholders with the ability to plan in the public's interest. One approach both Berlin and Frankfurt used and now being considered in cities like Atlanta is signing long-term leases of such land in exchange for permanent affordable housing guarantees.

Second, German cities have expertly integrated housing and transportation investments from the start of project planning. With the right level of coordination between local policymakers—such as practitioners working in both the housing and transportation departments—cities can integrate financing and development planning for housing, transit, and other public investments simultaneously. Rather than approaching projects from only one perspective, cities can co-plan to create more vibrant, connected communities, which can ensure, for example, that new community residents also have access to excellent public transportation from the start. The federal government can play a key role as a partner here by encouraging recipients of federal transit expansion funds to plan for affordable housing on surrounding land.

Third, U.S. cities may consider adopting the type of multistage resident engagement processes that German cities have recently undertaken. These approaches may help enable plans to meet resident expectations. Rather than subject new development plans to years of attempts to garner public buy-in through endless review processes, cities can call on a well-defined, competitive planning process that, from the start, identifies public priorities related to not just housing but fully integrated projects and leverages those priorities throughout the development timeline.

Finally, states may consider broadening the legal authority U.S. local governments hold in promoting publicly led projects. The German cities, in particular, leveraged federally authorized policy that allowed them to freeze land prices once an area was identified for development. Although this type of sweeping approach may be difficult to implement in the U.S. context, it has been extremely effective in creating the groundwork for the major new projects this article profiles.

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