

R-I ZONING

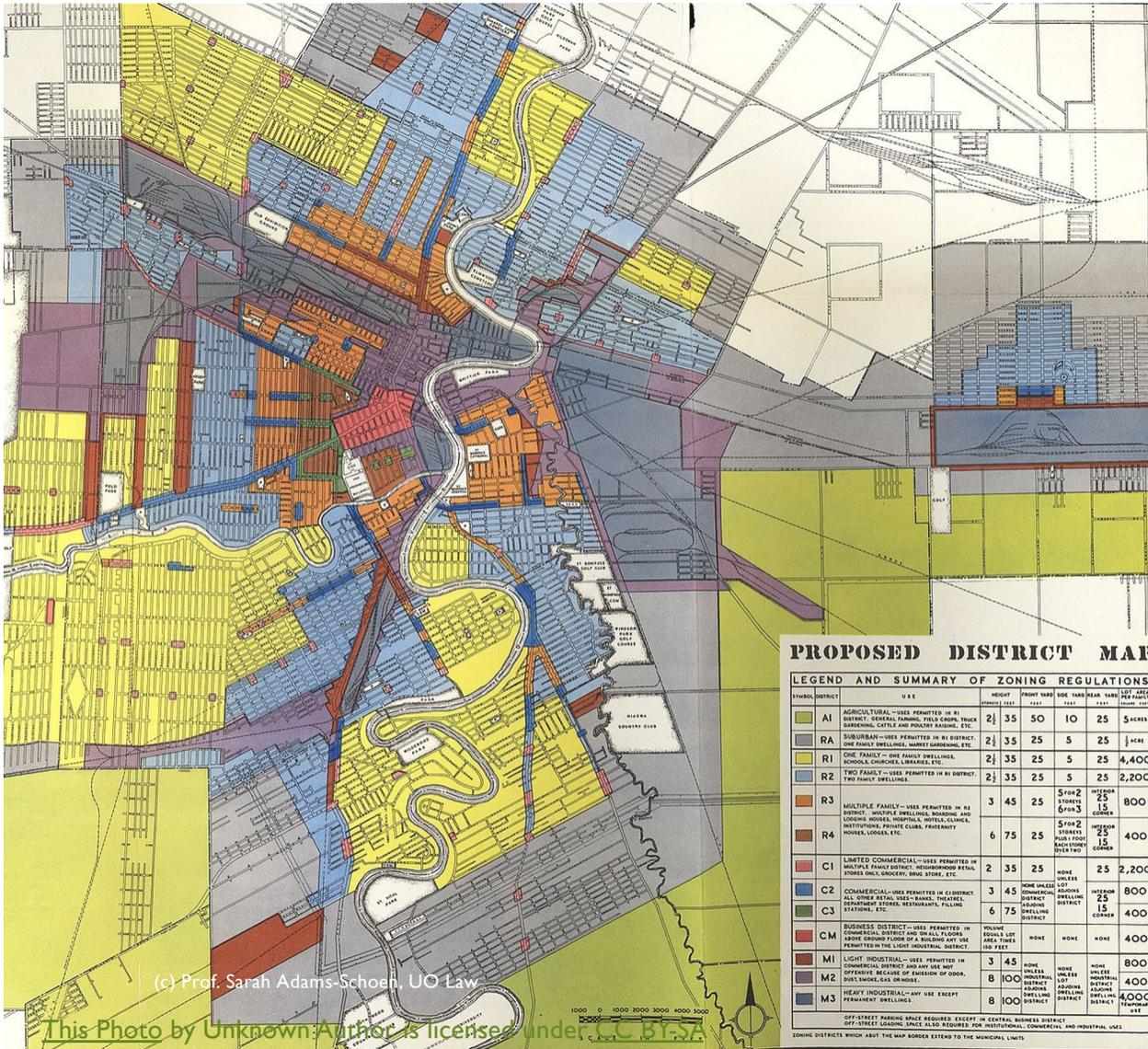
Sarah J. Adams-Schoen
Assistant Professor of Law
University of Oregon School of Law

ZONING LAW

Segregationist History

Clustering “Compatible”
Land Uses

“Missing” Middle
Housing



(c) Prof. Sarah Adams-Schoen, UO Law

This Photo by Unknown Author is licensed under CC BY-SA

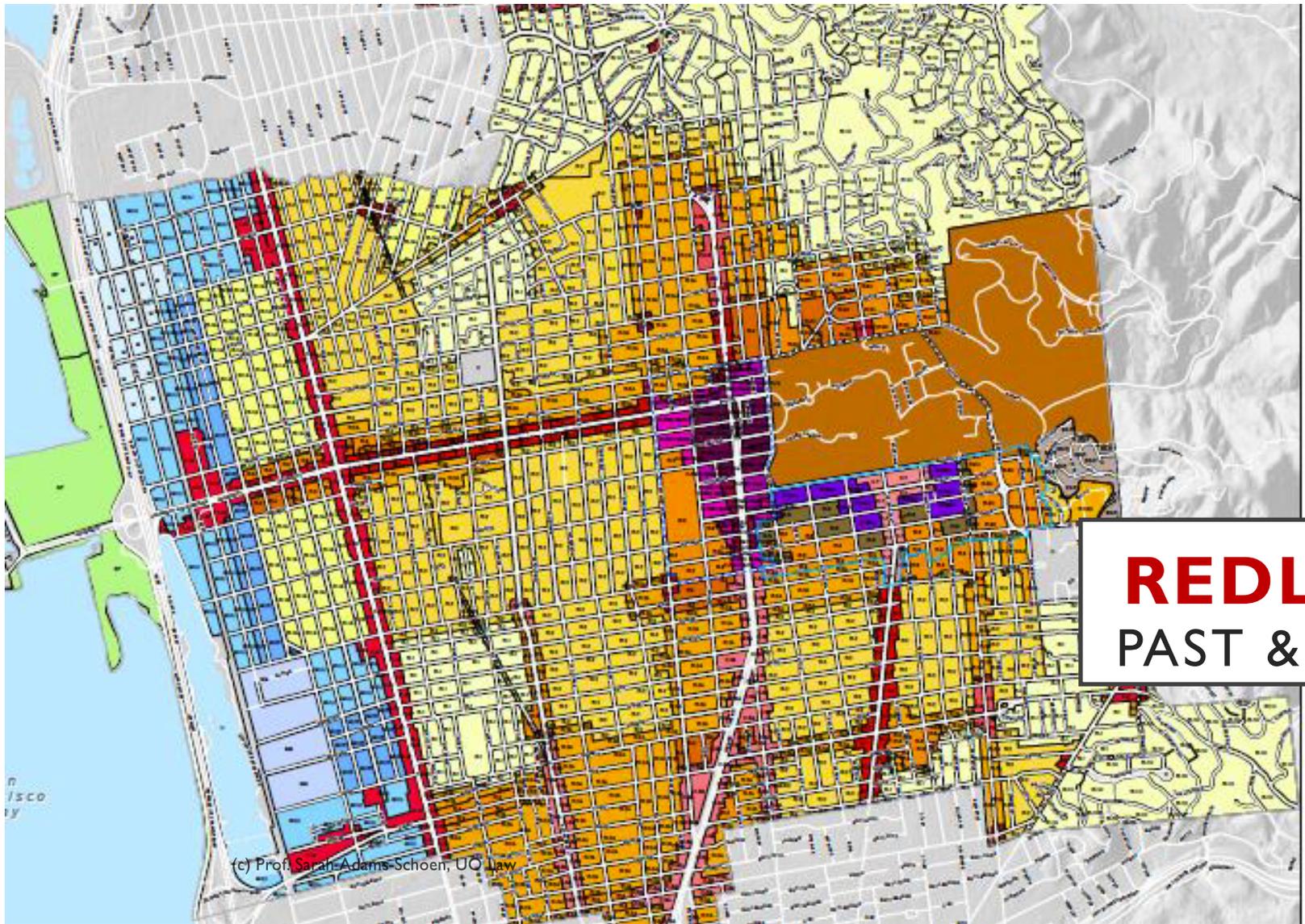
Zoning

The division of a municipality into districts (zones) and assignment of permitted uses to each district

SEGREGATIONIST HISTORY

1. Express racial zoning
2. Low-density residential zoning as *Buchanan v. Warley* (1917) work-around
3. Racially restrictive covenants
4. Federal mortgage programs promote home ownership for White families and create barriers to home ownership for families of color

- Two programs under the New Deal helped middle-class families buy and retain their ownership interest in single-family houses—one program helped families who were at risk of foreclosure refinance under favorable terms and the other program helped first-time buyers.
- Both programs were available to white families only because federal underwriting policies classified Black mortgagors as poor risks, favored mortgages for houses in areas where White residents were separated from Black residents by natural or artificial barriers, and classified mortgage lending in neighborhoods with integrated schools as risky.
- For more than 25 years, federal underwriting policies prevented banks from issuing mortgages to middle-class Black purchasers with good credit ratings or to White purchasers deemed likely to rent to Black people.



	C-DMU Core
	C-DMU Outer Core
	C-DMU Corridor
	C-DMU Buffer
	General Commercial
	Elmwood Commercial
	Neighborhood Commercial
	North Shattuck Commercial
	South Area Commercial
	Solano Avenue Commercial
	Telegraph Avenue Commercial
	West Berkeley Commercial
	Manufacturing
	Mixed Manufacturing
	Mixed Use-Light Industrial
	Mixed Use-Residential
	Specific Plan
	Unclassified

ZONING OVERLAYS	
	Hillside Overlay Boundary
	Arts District Overlay
	Southside Plan

REDLINING PAST & PRESENT

(c) Prof. Sarah Adams-Schoen, UO Law

Disclaimer:
 The sole purpose of this map is to indicate the location of the zoning districts in the City of Berkeley. The map should not be relied upon to determine the zoning district to which any specific parcel lies. The map as published may contain technical inaccuracies or geographical errors, which will be corrected from time to time. The City of Berkeley may also make important policy changes to the map that do not change the boundary zoning districts. It is the user's responsibility to check the map for accuracy and site information against the City's geographic information database, the site information of parcel ownership, and the map will be revised.

Zoning Map (Including Hillside Overlay) - Ordinance No. 84730, adopted March 18, 1999
Arts District Overlay - Ordinance No. 8814, adopted December 18, 1999

Redlining of two parcels between Hillside Overlay and Southside Plan - Ordinance No. 8814, adopted December 18, 1999
University Avenue Specific Plan Overlay - Ordinance No. 8802, adopted January 6, 2008
Zoning Districts C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-18, C-19, C-20, C-21, C-22, C-23, C-24, C-25, C-26, C-27, C-28, C-29, C-30, C-31, C-32, C-33, C-34, C-35, C-36, C-37, C-38, C-39, C-40, C-41, C-42, C-43, C-44, C-45, C-46, C-47, C-48, C-49, C-50, C-51, C-52, C-53, C-54, C-55, C-56, C-57, C-58, C-59, C-60, C-61, C-62, C-63, C-64, C-65, C-66, C-67, C-68, C-69, C-70, C-71, C-72, C-73, C-74, C-75, C-76, C-77, C-78, C-79, C-80, C-81, C-82, C-83, C-84, C-85, C-86, C-87, C-88, C-89, C-90, C-91, C-92, C-93, C-94, C-95, C-96, C-97, C-98, C-99, C-100, C-101, C-102, C-103, C-104, C-105, C-106, C-107, C-108, C-109, C-110, C-111, C-112, C-113, C-114, C-115, C-116, C-117, C-118, C-119, C-120, C-121, C-122, C-123, C-124, C-125, C-126, C-127, C-128, C-129, C-130, C-131, C-132, C-133, C-134, C-135, C-136, C-137, C-138, C-139, C-140, C-141, C-142, C-143, C-144, C-145, C-146, C-147, C-148, C-149, C-150, C-151, C-152, C-153, C-154, C-155, C-156, C-157, C-158, C-159, C-160, C-161, C-162, C-163, C-164, C-165, C-166, C-167, C-168, C-169, C-170, C-171, C-172, C-173, C-174, C-175, C-176, C-177, C-178, C-179, C-180, C-181, C-182, C-183, C-184, C-185, C-186, C-187, C-188, C-189, C-190, C-191, C-192, C-193, C-194, C-195, C-196, C-197, C-198, C-199, C-200, C-201, C-202, C-203, C-204, C-205, C-206, C-207, C-208, C-209, C-210, C-211, C-212, C-213, C-214, C-215, C-216, C-217, C-218, C-219, C-220, C-221, C-222, C-223, C-224, C-225, C-226, C-227, C-228, C-229, C-230, C-231, C-232, C-233, C-234, C-235, C-236, C-237, C-238, C-239, C-240, C-241, C-242, C-243, C-244, C-245, C-246, C-247, C-248, C-249, C-250, C-251, C-252, C-253, C-254, C-255, C-256, C-257, C-258, C-259, C-260, C-261, C-262, C-263, C-264, C-265, C-266, C-267, C-268, C-269, C-270, C-271, C-272, C-273, C-274, C-275, C-276, C-277, C-278, C-279, C-280, C-281, C-282, C-283, C-284, C-285, C-286, C-287, C-288, C-289, C-290, C-291, C-292, C-293, C-294, C-295, C-296, C-297, C-298, C-299, C-300, C-301, C-302, C-303, C-304, C-305, C-306, C-307, C-308, C-309, C-310, C-311, C-312, C-313, C-314, C-315, C-316, C-317, C-318, C-319, C-320, C-321, C-322, C-323, C-324, C-325, C-326, C-327, C-328, C-329, C-330, C-331, C-332, C-333, C-334, C-335, C-336, C-337, C-338, C-339, C-340, C-341, C-342, C-343, C-344, C-345, C-346, C-347, C-348, C-349, C-350, C-351, C-352, C-353, C-354, C-355, C-356, C-357, C-358, C-359, C-360, C-361, C-362, C-363, C-364, C-365, C-366, C-367, C-368, C-369, C-370, C-371, C-372, C-373, C-374, C-375, C-376, C-377, C-378, C-379, C-380, C-381, C-382, C-383, C-384, C-385, C-386, C-387, C-388, C-389, C-390, C-391, C-392, C-393, C-394, C-395, C-396, C-397, C-398, C-399, C-400, C-401, C-402, C-403, C-404, C-405, C-406, C-407, C-408, C-409, C-410, C-411, C-412, C-413, C-414, C-415, C-416, C-417, C-418, C-419, C-420, C-421, C-422, C-423, C-424, C-425, C-426, C-427, C-428, C-429, C-430, C-431, C-432, C-433, C-434, C-435, C-436, C-437, C-438, C-439, C-440, C-441, C-442, C-443, C-444, C-445, C-446, C-447, C-448, C-449, C-450, C-451, C-452, C-453, C-454, C-455, C-456, C-457, C-458, C-459, C-460, C-461, C-462, C-463, C-464, C-465, C-466, C-467, C-468, C-469, C-470, C-471, C-472, C-473, C-474, C-475, C-476, C-477, C-478, C-479, C-480, C-481, C-482, C-483, C-484, C-485, C-486, C-487, C-488, C-489, C-490, C-491, C-492, C-493, C-494, C-495, C-496, C-497, C-498, C-499, C-500, C-501, C-502, C-503, C-504, C-505, C-506, C-507, C-508, C-509, C-510, C-511, C-512, C-513, C-514, C-515, C-516, C-517, C-518, C-519, C-520, C-521, C-522, C-523, C-524, C-525, C-526, C-527, C-528, C-529, C-530, C-531, C-532, C-533, C-534, C-535, C-536, C-537, C-538, C-539, C-540, C-541, C-542, C-543, C-544, C-545, C-546, C-547, C-548, C-549, C-550, C-551, C-552, C-553, C-554, C-555, C-556, C-557, C-558, C-559, C-560, C-561, C-562, C-563, C-564, C-565, C-566, C-567, C-568, C-569, C-570, C-571, C-572, C-573, C-574, C-575, C-576, C-577, C-578, C-579, C-580, C-581, C-582, C-583, C-584, C-585, C-586, C-587, C-588, C-589, C-590, C-591, C-592, C-593, C-594, C-595, C-596, C-597, C-598, C-599, C-600, C-601, C-602, C-603, C-604, C-605, C-606, C-607, C-608, C-609, C-610, C-611, C-612, C-613, C-614, C-615, C-616, C-617, C-618, C-619, C-620, C-621, C-622, C-623, C-624, C-625, C-626, C-627, C-628, C-629, C-630, C-631, C-632, C-633, C-634, C-635, C-636, C-637, C-638, C-639, C-640, C-641, C-642, C-643, C-644, C-645, C-646, C-647, C-648, C-649, C-650, C-651, C-652, C-653, C-654, C-655, C-656, C-657, C-658, C-659, C-660, C-661, C-662, C-663, C-664, C-665, C-666, C-667, C-668, C-669, C-670, C-671, C-672, C-673, C-674, C-675, C-676, C-677, C-678, C-679, C-680, C-681, C-682, C-683, C-684, C-685, C-686, C-687, C-688, C-689, C-690, C-691, C-692, C-693, C-694, C-695, C-696, C-697, C-698, C-699, C-700, C-701, C-702, C-703, C-704, C-705, C-706, C-707, C-708, C-709, C-710, C-711, C-712, C-713, C-714, C-715, C-716, C-717, C-718, C-719, C-720, C-721, C-722, C-723, C-724, C-725, C-726, C-727, C-728, C-729, C-730, C-731, C-732, C-733, C-734, C-735, C-736, C-737, C-738, C-739, C-740, C-741, C-742, C-743, C-744, C-745, C-746, C-747, C-748, C-749, C-750, C-751, C-752, C-753, C-754, C-755, C-756, C-757, C-758, C-759, C-760, C-761, C-762, C-763, C-764, C-765, C-766, C-767, C-768, C-769, C-770, C-771, C-772, C-773, C-774, C-775, C-776, C-777, C-778, C-779, C-780, C-781, C-782, C-783, C-784, C-785, C-786, C-787, C-788, C-789, C-790, C-791, C-792, C-793, C-794, C-795, C-796, C-797, C-798, C-799, C-800, C-801, C-802, C-803, C-804, C-805, C-806, C-807, C-808, C-809, C-810, C-811, C-812, C-813, C-814, C-815, C-816, C-817, C-818, C-819, C-820, C-821, C-822, C-823, C-824, C-825, C-826, C-827, C-828, C-829, C-830, C-831, C-832, C-833, C-834, C-835, C-836, C-837, C-838, C-839, C-840, C-841, C-842, C-843, C-844, C-845, C-846, C-847, C-848, C-849, C-850, C-851, C-852, C-853, C-854, C-855, C-856, C-857, C-858, C-859, C-860, C-861, C-862, C-863, C-864, C-865, C-866, C-867, C-868, C-869, C-870, C-871, C-872, C-873, C-874, C-875, C-876, C-877, C-878, C-879, C-880, C-881, C-882, C-883, C-884, C-885, C-886, C-887, C-888, C-889, C-890, C-891, C-892, C-893, C-894, C-895, C-896, C-897, C-898, C-899, C-900, C-901, C-902, C-903, C-904, C-905, C-906, C-907, C-908, C-909, C-910, C-911, C-912, C-913, C-914, C-915, C-916, C-917, C-918, C-919, C-920, C-921, C-922, C-923, C-924, C-925, C-926, C-927, C-928, C-929, C-930, C-931, C-932, C-933, C-934, C-935, C-936, C-937, C-938, C-939, C-940, C-941, C-942, C-943, C-944, C-945, C-946, C-947, C-948, C-949, C-950, C-951, C-952, C-953, C-954, C-955, C-956, C-957, C-958, C-959, C-960, C-961, C-962, C-963, C-964, C-965, C-966, C-967, C-968, C-969, C-970, C-971, C-972, C-973, C-974, C-975, C-976, C-977, C-978, C-979, C-980, C-981, C-982, C-983, C-984, C-985, C-986, C-987, C-988, C-989, C-990, C-991, C-992, C-993, C-994, C-995, C-996, C-997, C-998, C-999, C-1000, C-1001, C-1002, C-1003, C-1004, C-1005, C-1006, C-1007, C-1008, C-1009, C-1010, C-1011, C-1012, C-1013, C-1014, C-1015, C-1016, C-1017, C-1018, C-1019, C-1020, C-1021, C-1022, C-1023, C-1024, C-1025, C-1026, C-1027, C-1028, C-1029, C-1030, C-1031, C-1032, C-1033, C-1034, C-1035, C-1036, C-1037, C-1038, C-1039, C-1040, C-1041, C-1042, C-1043, C-1044, C-1045, C-1046, C-1047, C-1048, C-1049, C-1050, C-1051, C-1052, C-1053, C-1054, C-1055, C-1056, C-1057, C-1058, C-1059, C-1060, C-1061, C-1062, C-1063, C-1064, C-1065, C-1066, C-1067, C-1068, C-1069, C-1070, C-1071, C-1072, C-1073, C-1074, C-1075, C-1076, C-1077, C-1078, C-1079, C-1080, C-1081, C-1082, C-1083, C-1084, C-1085, C-1086, C-1087, C-1088, C-1089, C-1090, C-1091, C-1092, C-1093, C-1094, C-1095, C-1096, C-1097, C-1098, C-1099, C-1100, C-1101, C-1102, C-1103, C-1104, C-1105, C-1106, C-1107, C-1108, C-1109, C-1110, C-1111, C-1112, C-1113, C-1114, C-1115, C-1116, C-1117, C-1118, C-1119, C-1120, C-1121, C-1122, C-1123, C-1124, C-1125, C-1126, C-1127, C-1128, C-1129, C-1130, C-1131, C-1132, C-1133, C-1134, C-1135, C-1136, C-1137, C-1138, C-1139, C-1140, C-1141, C-1142, C-1143, C-1144, C-1145, C-1146, C-1147, C-1148, C-1149, C-1150, C-1151, C-1152, C-1153, C-1154, C-1155, C-1156, C-1157, C-1158, C-1159, C-1160, C-1161, C-1162, C-1163, C-1164, C-1165, C-1166, C-1167, C-1168, C-1169, C-1170, C-1171, C-1172, C-1173, C-1174, C-1175, C-1176, C-1177, C-1178, C-1179, C-1180, C-1181, C-1182, C-1183, C-1184, C-1185, C-1186, C-1187, C-1188, C-1189, C-1190, C-1191, C-1192, C-1193, C-1194, C-1195, C-1196, C-1197, C-1198, C-1199, C-1200, C-1201, C-1202, C-1203, C-1204, C-1205, C-1206, C-1207, C-1208, C-1209, C-1210, C-1211, C-1212, C-1213, C-1214, C-1215, C-1216, C-1217, C-1218, C-1219, C-1220, C-1221, C-1222, C-1223, C-1224, C-1225, C-1226, C-1227, C-1228, C-1229, C-1230, C-1231, C-1232, C-1233, C-1234, C-1235, C-1236, C-1237, C-1238, C-1239, C-1240, C-1241, C-1242, C-1243, C-1244, C-1245, C-1246, C-1247, C-1248, C-1249, C-1250, C-1251, C-1252, C-1253, C-1254, C-1255, C-1256, C-1257, C-1258, C-1259, C-1260, C-1261, C-1262, C-1263, C-1264, C-1265, C-1266, C-1267, C-1268, C-1269, C-1270, C-1271, C-1272, C-1273, C-1274, C-1275, C-1276, C-1277, C-1278, C-1279, C-1280, C-1281, C-1282, C-1283, C-1284, C-1285, C-1286, C-1287, C-1288, C-1289, C-1290, C-1291, C-1292, C-1293, C-1294, C-1295, C-1296, C-1297, C-1298, C-1299, C-1300, C-1301, C-1302, C-1303, C-1304, C-1305, C-1306, C-1307, C-1308, C-1309, C-1310, C-1311, C-1312, C-1313, C-1314, C-1315, C-1316, C-1317, C-1318, C-1319, C-1320, C-1321, C-1322, C-1323, C-1324, C-1325, C-1326, C-1327, C-1328, C-1329, C-1330, C-1331, C-1332, C-1333, C-1334, C-1335, C-1336, C-1337, C-1338, C-1339, C-1340, C-1341, C-1342, C-1343, C-1344, C-1345, C-1346, C-1347, C-1348, C-1349, C-1350, C-1351, C-1352, C-1353, C-1354, C-1355, C-1356, C-1357, C-1358, C-1359, C-1360, C-1361, C-1362, C-1363, C-1364, C-1365, C-1366, C-1367, C-1368, C-1369, C-1370, C-1371, C-1372, C-1373, C-1374, C-1375, C-1376, C-1377, C-1378, C-1379, C-1380, C-1381, C-1382, C-1383, C-1384, C-1385, C-1386, C-1387, C-1388, C-1389, C-1390, C-1391, C-1392, C-1393, C-1394, C-1395, C-1396, C-1397, C-1398, C-1399, C-1400, C-1401, C-1402, C-1403, C-1404, C-1405, C-1406, C-1407, C-1408, C-1409, C-1410, C-1411, C-1412, C-1413, C-1414, C-1415, C-1416, C-1417, C-1418, C-1419, C-1420, C-1421, C-1422, C-1423, C-1424, C-1425, C-1426, C-1427, C-1428, C-1429, C-1430, C-1431, C-1432, C-1433, C-1434, C-1435, C-1436, C-1437, C-1438, C-1439, C-1440, C-1441, C-1442, C-1443, C-1444, C-1445, C-1446, C-1447, C-1448, C-1449, C-1450, C-1451, C-1452, C-1453, C-1454, C-1455, C-1456, C-1457, C-1458, C-1459, C-1460, C-1461, C-1462, C-1463, C-1464, C-1465, C-1466, C-1467, C-1468, C-1469, C-1470, C-1471, C-1472, C-1473, C-1474, C-1475, C-1476, C-1477, C-1478, C-1479, C-1480, C-1481, C-1482, C-1483, C-1484, C-1485, C-1486, C-1487, C-1488, C-1489, C-1490, C-1491, C-1492, C-1493, C-1494, C-1495, C-1496, C-1497, C-1498, C-1499, C-1500, C-1501, C-1502, C-1503, C-1504, C-1505, C-1506, C-1507, C-1508, C-1509, C-1510, C-1511, C-1512, C-1513, C-1514, C-1515, C-1516, C-1517, C-1518, C-1519, C-1520, C-1521, C-1522, C-1523, C-1524, C-1525, C-1526, C-1527, C-1528, C-1529, C-1530, C-1531, C-1532, C-1533, C-1534, C-1535, C-1536, C-1537, C-1538, C-1539, C-1540, C-1541, C-1542, C-1543, C-1544, C-1545, C-1546, C-1547, C-1548, C-1549, C-1550, C-1551, C-1552, C-1553, C-1554, C-1555, C-1556, C-1557, C-1558, C-1559, C-1560, C-1561, C-1562, C-1563, C-1564, C-1565, C-1566, C-1567, C-1568, C-1569, C-1570, C-1571, C-1572, C-1573, C-1574, C-1575, C-1576, C-1577, C-1578, C-1579, C-1580, C-1581, C-1582, C-1583, C-1584, C-1585, C-1586, C-1587, C-1588, C-1589, C-1590, C-1591, C-1592, C-1593, C-1594, C-1595, C-1596, C-1597, C-1598, C-1599, C-1600, C-1601, C-1602, C-1603, C-1604, C-1605, C-1606, C-1607, C-1608, C-1609, C-1610, C-1611, C-1612, C-1613, C-1614, C-1615, C-1616, C-1617, C-1618, C-1619, C-1620, C-1621, C-1622, C-1623, C-1624, C-1625, C-1626, C-1627, C-1628, C-1629, C-1630, C-1631, C-1632, C-1633, C-1634, C-1635, C-1636, C-1637, C-1638, C-1639, C-1640, C-1641, C-1642, C-1643, C-1644, C-1645, C-1646, C-1647, C-1648, C-1649, C-1650, C-1651, C-1652, C-1653, C-1654, C-1655, C-1656, C-1657, C-1658, C-1659, C-1660, C-1661, C-1662, C-1663, C-1664, C-1665, C-1666, C-1667, C-1668, C-1669, C-1670, C-1671, C-1672, C-1673, C-1674, C-1675, C-1676, C-1677, C-1678, C-1679, C-1680, C-1681, C-1682, C-1683, C-1684, C-1685, C-1686, C-1687, C-1688, C-1689, C-1690, C-1691, C-1692, C-1693, C-1694, C-1695, C-1696, C-1697, C-1698, C-1699, C-1700, C-1701, C-1702, C-1703, C-1704, C-1705, C-1706, C-1707, C-1708, C-1709, C-1710, C-1711, C-1712, C-1713, C-1714, C-1715, C-1716, C-1717, C-1718, C-1719, C-1720, C-1721, C-1722, C-1723, C-1724, C-1725, C-1726, C-1727, C-1728, C-1729, C-1730, C-1731, C-1732, C-1733, C-1734, C-1735, C-1736, C-1737, C-1738, C-1739, C-1740, C-1741, C-1742, C-1743, C-1744, C-1745, C-1746, C-1747, C-1748, C-1749, C-1750, C-1751, C-1752, C-1753, C-1754, C

CLUSTERING COMPATIBLE LAND USES

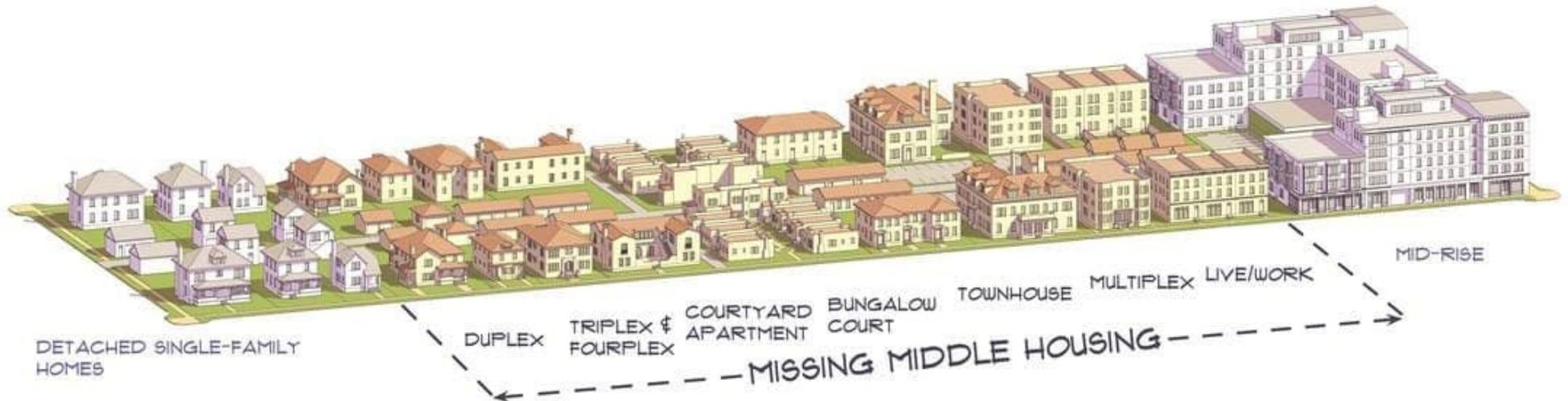
- Zoning's focus → “Compatible land uses”
- Clustering of nuisance or undesirable land uses
- **Multi-family residential land uses have been equated with nuisances & clustered**

Euclid v. Ambler Realty Co. (US 1926)

Multi-family residences are like “mere **parasite[s]**” that, in a residential neighborhood, “come very near to being **nuisances.**”

“Separation of residential, business (including apartments), and industrial land uses promotes the public welfare, by amongst other things preserving “the **residential character of neighborhood[s]** and [their] desirability as a place of **detached residences.**”

“Missing middle” housing



MissingMiddleHousing.com is powered by Opticos Design.
Illustration © 2015 Opticos Design, Inc.



- Where housing demand is high, R1 inflates home values
- Higher property values for owners mean higher rents for tenants
- Increase homeowner wealth
- Reduce renter real incomes
- Increase existing wealth gaps
- Shifts housing demand to urban fringe



ONLY 13 HOMES FOR SALE AT OR
BELOW PRICE MEDIAN VALUE ... ALL
CONDOMINIUMS

OCTOBER 20, 2017





<https://missingmiddlehousing.com/>

THANK YOU

Sarah J.Adams-Schoen
Assistant Professor
University of Oregon School of Law