



R-I ZONING

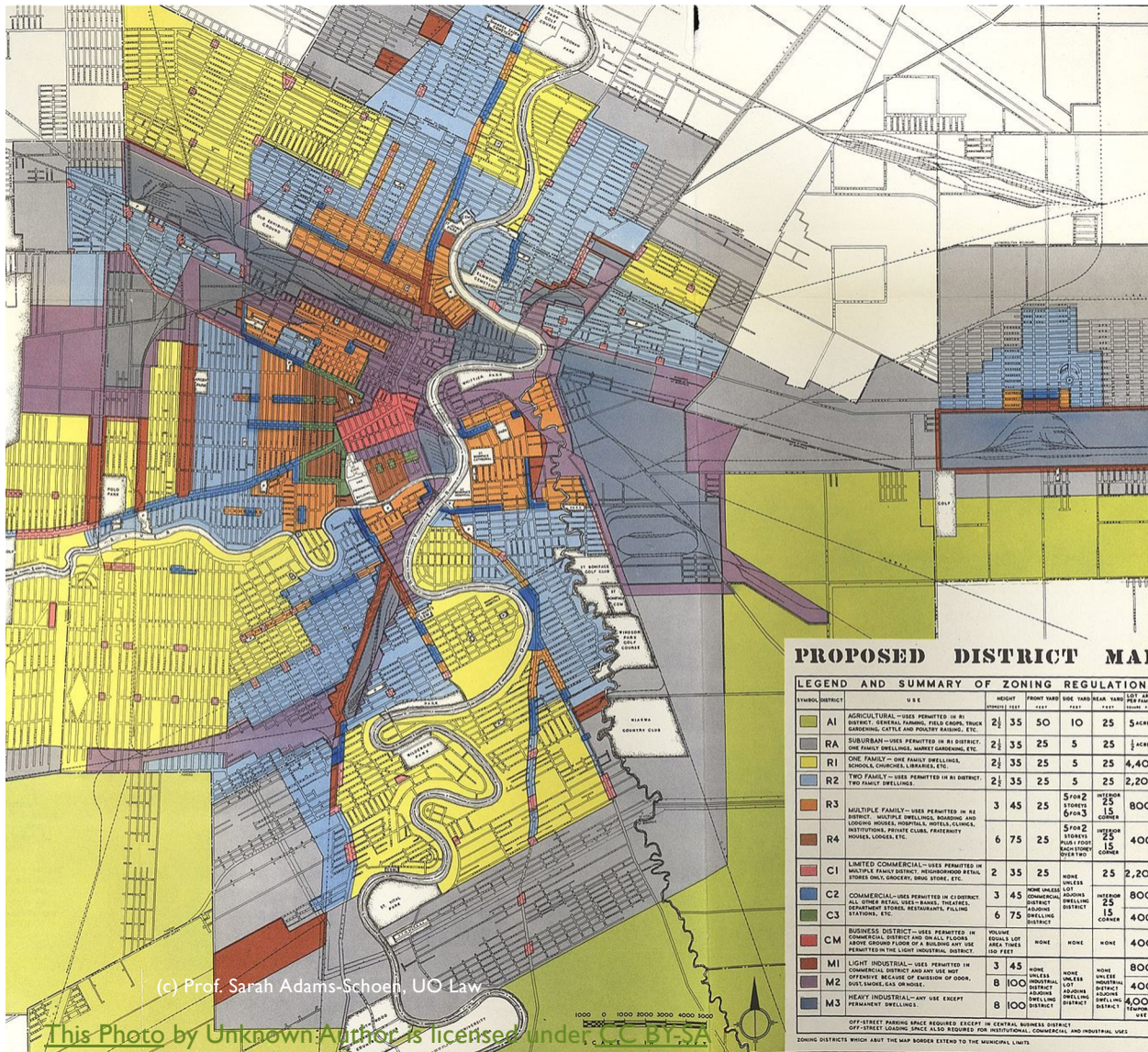
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ZONING LAW

Segregationist History

Clustering “Compatible”
Land Uses

“Missing” Middle
Housing



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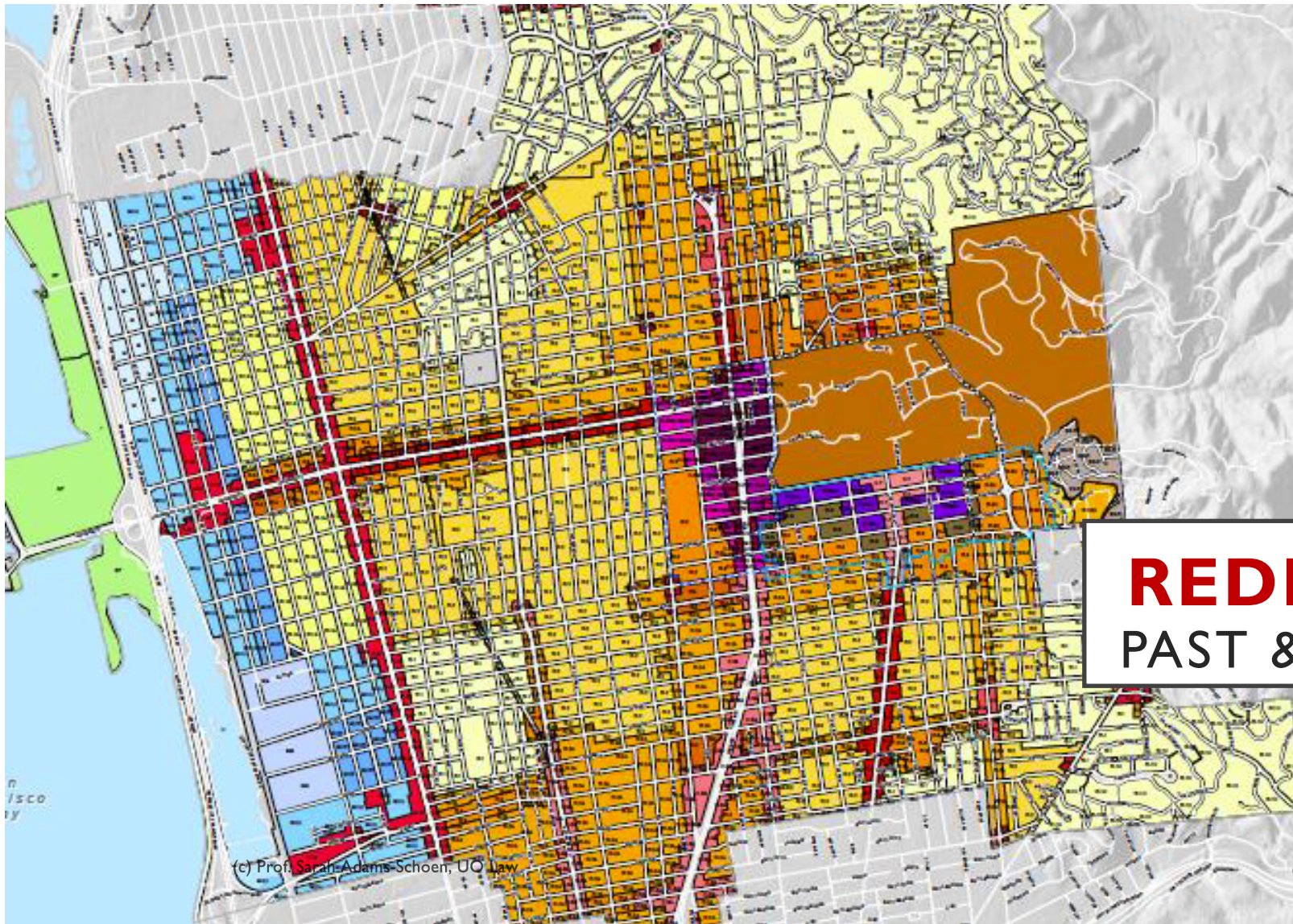
Zoning

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

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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 typographical errors, which will be corrected from time to time. The City of Berkeley may determine to implement and/or changes to the map that do not change the underlying zoning districts. In this event, a discrepancy between the map as published and the information contained in the City's geographic information database, the information in the database will prevail over the map, and the map will be corrected.

Zoning Map (including Hillside Overlay): Ordinance No. 84730, adopted March 18, 1999.
Arts District Overlay: Ordinance No. 88140, adopted December 18, 1999.

Redlining of two parcels between Hillside Overlay and Arts District: Ordinance No. 88914, adopted April 18, 2000.
University Avenue Specific Plan Overlay: Ordinance No. 88020, adopted January 6, 2000.
Zoning Districts 6.5, 6.2, 6.1 (Hillside Plan): Ordinance No. 7211, adopted November 18, 2010.
Zoning Districts 2, 2.5, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100: Ordinance No. 75333, adopted May 6, 2015.
Repeal of 8.750 and 8.751 in City of Berkeley: Ordinance No. 75333, adopted May 6, 2015.
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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



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- 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



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THANK YOU

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