

# POLICY BRIEF

## Encouraging diverse missing-middle housing near transit

2019 | Mark Vallianatos and Madeline Brozen

### KEY TAKEAWAYS

This brief explores why and how jurisdictions in the Los Angeles region should zone for more diverse-types of low-rise housing, especially near transit. The paper argues that:

- Too many properties close to transit stations and stops are zoned to only allow one home.
- Single-family-only zoning originated to exclude apartments and lower-income and non-white residents
- Neighborhoods with a mix of small apartments and single-unit homes used to be common, but policy changes enacted in the mid-20th century banned these diverse communities;
- Removing barriers to diverse, low-rise housing could bring benefits for housing choice and affordability, equity, sustainability, and transit-ridership.

This brief is an extension of the Transit-Oriented Los Angeles report<sup>1</sup> that examined land uses close to seven Los Angeles Metro stations and analyzed how a suite of zoning changes could expand station-area housing capacity. The report recommended allowing more small apartments and townhomes in these areas, especially given the benefits of more people living nearby these public investments. For close to a century, single-family zoning - rules banning building types and uses other than one home on many properties - has been a cornerstone of land use in the United States. Now cities across the county are re-examining their plans and zoning to allow and encourage more diverse housing options. Transit adjacent communities are great places to start diversifying the housing stock in order to expand housing choice and to allow more people to live close to - and conveniently access and ride - transit.

### SINGLE FAMILY ZONING NEAR TRANSIT

When we analyzed existing land uses and regulations near seven Los Angeles Metro stations for the Transit Oriented Los Angeles report, we discovered that significant amounts of land were either zoned to ban residential uses, or to only allow a single home on each lot. At four of the seven stations we studied (Leimert Park, Paramount/ Rosecrans, Fillmore and Van Nuys), between twenty and fifty percent of the land area within one-half mile of the transit station was zoned just for one home on each parcel. At a fifth station - Culver City- there was very little one-unit zoning near the station,

but nearly 30 percent of land was zoned for duplexes, and therefore limited to one or two units.<sup>2</sup> While there is nothing wrong with single family homes, and many people enjoy living in them, it is problematic when zoning mandates that only single family homes are permitted close to a transit station. Our report identified a number of benefits for individuals and for society as a whole from allowing at least moderate residential density close to transit. For example, people living close to transit are more likely to ride it. As a corollary, when residential density passes certain thresholds, transit systems experience higher use and achieve greater returns on investment. More homes in high-demand areas close to transit can also moderate housing cost increases or even reduce costs, and seem to reduce displacement of existing residents. Moderate levels of residential density can also support more local businesses, increase walking and decrease driving and energy use.<sup>3</sup>

Banning small multifamily housing types close to transit through one-unit-only zoning makes it harder for people who want to live close to transit to do so. Single-family zoning also undermines the social and environmental benefits of allowing more people to live close to frequent transit. With large-scale investments in new transit and transit improvements being made in Los Angeles County, jurisdictions should consider adjusting single family zones near transit stations to allow a more diverse range of low-rise housing types.



## THE ORIGINS OF SINGLE-FAMILY ZONING

Single family zoning arose and evolved rapidly in the early 20th century. In 1908, Los Angeles established residential districts that mostly banned industrial and some commercial uses. In 1913, Minnesota authorized cities to create districts where only single family and two-family residences were allowed. Minneapolis adopted its first single and duplex zone that same year. In 1916, the City of Berkeley adopted a policy allowing property owners to petition for districts with just single-family houses. In 1918, St. Louis adopted a zoning plan with a few upper-income areas zoned just for single family homes. Palo Alto in 1918 and Alameda in 1919 adopted zone plans where significant portions of the cities were zoned for single-family residences. In 1921, Los Angeles included a single-family zone in its new zoning ordinance, and was the first large city to apply single family zoning widely.<sup>4</sup>

The justification for these zones was the idea that single family houses needed to be protected from apartment building and apartment residents. In 1915, for example, the Berkeley City Attorney wrote,

*"Apartment houses are the bane of the owner of the single family dwelling. They shut off light and air and completely change the character of the neighborhood."*

The consultant drafting Berkeley's zoning system stressed that,

*"[The] great principle of protecting the home against the intrusion of the less desirable and floating renter class."<sup>5</sup>*

Legal authority for single family zoning rules evolved from two regulatory traditions: nuisance laws regulating economic activity and building codes. Both of these systems established "districting" power by which cities could set different rules for buildings and economic activity in different parts of a jurisdiction.

Early single family zoning also borrowed goals and regulatory strategies from existing private deed restrictions.<sup>6</sup> These restrictions and covenants originated in the 19th century to establish minimum setbacks, restrict activities considered incompatible with homes, and require minimum construction costs for new homes.<sup>7</sup> By the early 20th century, deed restrictions often included limits on the race of residents and on the type of housing allowed. Residential segregation laws in place in cities in the U.S. South<sup>8</sup> and the zoning system in use in German cities also influenced early single family zoning.<sup>9</sup>

Because zoning was a new type of regulation, the legality of single-family zones was uncertain when the first local zoning codes were passed. But in 1926, the U.S. Supreme Court ruled in favor of single family zoning in an ordinance from Euclid, Ohio. The majority opinion written by Justice Sutherland accepted the argument that it was acceptable to ban apartments in some residential areas.

*"Very often the apartment house is a mere parasite.. [and] the coming of one apartment house is followed by others.. until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed."<sup>10</sup>*

Combined with private deed restrictions and subsequent discriminatory practices in mortgage rating and lending, the spread of single family zoning encouraged segregation by race and income. This residential segregation caused impacts that we still see today in household wealth and access to jobs, high performing schools, parks and other assets.<sup>11</sup>

As the Metro rail system expands to more parts of the County, especially to affluent portions of West Los Angeles, the lingering impacts of single-family zoning and redlining affect people's ability to live close to transit. For example, 1939s maps from the Home Owners Loan Corporation show large amounts of blue areas (the second highest rating, considered "still desirable") and some green ("best") areas surrounding the route of three new purple line subway stations under construction in the City of L.A. and in Beverly Hills.<sup>12</sup> The purpose of these maps was to influence where the federal government would guarantee private mortgages. Areas without "subversive" (non-white)

racers and with both single family zoning and private deed-restrictions tended to receive the highest ratings. Fast forward 80 years and most of the highest-rated neighborhoods still tend to be more expensive and are more likely to have single family zoning. Long-standing single-family zones have tended to exclude less affluent and non-white residents. When these zones are close to transit, they also block people without the resources to buy a detached house from living within easy access of stations.

## WHAT HAPPENED TO L.A.'S OLDER, DIVERSE, LOW-RISE HOUSING TYPES?

Los Angeles's older residential neighborhoods, including parts of Koreatown, Westlake and Mid-City near the Metro Purple Line and its planned extension; in Hollywood near the Metro Red Line; in Northeast L.A. close to the Metro Gold Line, and parts of South L.A. near the Metro Expo, Blue and planned Crenshaw/LAX Lines, include a mix of single family houses and small apartments. While some of these buildings have more homes than others, from the street there scale is similar, because most are one or two stories tall.

A single block might include a mix of the following housing types on similar sized lots:

- detached single-family houses
- one-story, side-by-side duplexes
- two-story top-down duplexes
- fourplexes with two units on top and two on bottom
- bungalow courts with between 6-20 homes arranged in two lines or a u-shape surrounding a central, landscaped courtyard
- two-story courtyard apartments enclosing one or more courtyards or gardens
- "dingbats" - small two-story apartments with parking tucked-under the front or rear of the building

How were these neighborhoods built with a diversity of housing types? And why is such a mix rarer in newer communities? Many of these homes were developed when Los Angeles had the most extensive system of electric streetcars in the world.<sup>13</sup> L.A.'s regional red line and centrally-located yellow line systems allowed residents to travel throughout the region. The streetcar companies often had affiliates that developed land, creating a feedback loop between transit and new homes.

Zoning was also more flexible during the 1920s boom era. When the central portion of the City of L.A. was zoned based on its 1921 zoning code, for example, 60 percent of land was put in the "B" zone which allowed



all types of residential buildings. As a result, many small apartments were built to meet the demand for homes. Just over 20,000 duplexes (over 40,000 homes) were built in the City of Los Angeles between 1921 and 1930.<sup>14</sup> And in 1924, more than 23,000 dwelling units in the City of Los Angeles - over 7 percent of the total housing supply - were in bungalow courts.<sup>15</sup> Some of these new homes included on-site garages, usually one per units, but many others had no parking spaces. While vehicle registration rose rapidly during the 1920s,<sup>16</sup> it was also possible to travel by streetcar to work, shop and recreate.

The onset of the great depression temporarily reduced the number of homes permitted and build. When the housing market recovered in the latter half of the 30s, two policy changes had made it much harder to build bungalow courts, courtyard apartments and multi-story masonry apartments. A 1931 City of L.A. ordinance required one parking space per apartment for buildings with 20 or more apartments. Before this date, developers could choose whether to include parking. In 1934, this requirement was extended to all residential buildings with two or more units. Also in 1934, a yard ordinance mandated front, rear and side yards for all residential building. The combination of mandatory parking and yard requirements made it extremely difficult to construct many previously popular housing types- because there wasn't space on the lot for the homes plus parking for every unit plus required yards.<sup>17</sup>

It was still possible to build duplexes and fourplexes with space for yards and parking. And after World War II, developers learned to "work backwards" from minimum parking requirements to build car-oriented building designs like dingbats and larger apartments with underground parking lots.<sup>18</sup>

However, postwar planning favored a pattern of single-family zoned communities surrounded by narrow strips

of multi-family or commercial zoning along major streets. The combination of more single-family only zoning, of density restrictions on multi-family lots, and of higher minimum parking requirements largely eliminated the possibility for diverse mixes of housing types.

## RE-IMAGINING LOW-RISE ZONING

Single family zoning has been a cornerstone of planning in the U.S. for a century. But some cities and states are beginning to rethink how to zone low-rise areas. Allowing small apartments - what is sometimes called "missing middle" housing - in neighborhoods with single-family-only zoning is seen as an opportunity to remove barriers that have encouraged residential segregation, while simultaneously advancing goals of housing affordability and action on climate change. In late 2018, the City of Minneapolis adopted a comprehensive plan that, if and when approved by a regional authority, will eliminate single-family zoning citywide, and allow up to three homes on lots where only one was permitted.<sup>19</sup> Portland and Seattle are considering similar moves for portions of their single family zoned areas.<sup>20</sup> A proposed state law in California would legalize low-and-mid-rise apartments in single family areas close to transit and proposed legislation in Oregon would require cities with more than 10,000 residents to allow triplexes, fourplexes and cottage courts (the equivalent of L.A.'s historic bungalow courts) on most single family lots.<sup>21</sup>

Minneapolis' action has also inspired local calls for more diverse zoning in Los Angeles.<sup>22</sup> In the recently adopted Expo Corridor Neighborhood Transit Plan, the City of L.A. did rezone a few hundred single-family properties to allow between 4-6 homes per lot.<sup>23</sup>

Zoning for diverse low-rise housing can be done by increasing unit density restrictions to one home per 1000 or 1250 square feet. This would allow triplexes or fourplexes on many standard sized lots. It could also be done by legalizing specific housing typologies, such as 2-4 homes in a single structure; up to 4 attached row houses; up to 6 homes in a court arrangement, etc. In either case, parking requirements would need to be reduced to allow small apartment and townhome style developments.

Allowing diverse, low-rise housing in more areas can bring a range of benefits:

- Expands housing supply and affordability. Adding a small number of homes on many single family zoned lots is a way to add housing supply through incremental, infill growth. Because it costs less to build small wood-frame apartments (or to subdivide

existing larger single family houses) than to build mid or high-rise apartments or new large single family homes, new townhomes, fourplexes, and courts would also be lower-cost than other new homes. A study of Portland's proposal to legalize triplexes and fourplexes finds that these new units could be 56% less expensive than single family houses.<sup>24</sup>

- Addresses harms of segregation. Allowing more rental and lower-cost ownership homes in single-family zoned areas close to good jobs, transit and parks can expand opportunities for minorities and lower-income residents. These groups were historically blocked from these communities by explicit discrimination, including lending barriers, or by the high cost of detached houses in these neighborhoods. Allowing small apartments in high-opportunity areas close to transit would legalize more diverse market rate housing plus affordable housing developments and small mixed-income developments in these communities. In its 2040 plan goals that led to rezoning, for example, the City of Minneapolis pledged to "work to undo the legacy that remains from racially discriminatory housing policies by increasing access to opportunity through a greater diversity of housing types, especially in areas that lack housing options as a result of discriminatory housing policy."<sup>25</sup>
- Expands housing choice. Residents deserve a choice of where and how to live. Zoning much of the region- including areas close to some transit stations- just for single family houses, excludes households who cannot afford detached homes. It also reduces choices for people who might prefer townhomes or small apartments to a detached house. Allowing 'missing middle' type dwellings would therefore provide more options for people of different incomes, household types and stages of life.<sup>26</sup>
- Advances sustainability and transit use. Residents in neighborhoods with less parking and more diversity of building types tend to drive less and ride transit more. Plus multi-family homes are usually more energy and water efficient than single family dwellings.
- Respects Los Angeles' past and promotes an equitable future. Allowing more types of low-rise housing respects the region's architectural past by removing barriers to buildings that were once common and are still loved today. Past eras of growth in transit and housing were marred by racism and exclusion. Encouraging diverse housing, abundant transit and civil rights for all as we approach the 2020s can make space for diverse Angelenos to live in and help shape the region.

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