

Spatial Justice Planning Program¹

Zoning has long been used as a tool to oppress Black, Indigenous, and people of color while benefiting white people, and Portland is no exception. It has been used to fuel speculation and extract wealth from Black and indigenous households resulting in displacement and wealth disparities. It is also used to exclude and to segregate communities, sequestering wealth and whiteness in a few stable and homogenous neighborhoods. The legacy of slavery, colonialism, private speculation and municipal disinvestment in Black and indigenous communities is enshrined in our current legal, political, and economic systems, including the banking, insurance, and private real estate industries.

The purpose of the Spatial Justice Zoning Program is to use zoning and other related planning tools to correct past harms and injuries to Black and indigenous communities created by systemic racist policies and practices. We are looking to achieve systemic change by using our planning tools and public policy processes as instruments to change larger public and private systems. Zoning is a systemic tool that is used to create, distribute or protect entitlement, and it is an instrument that coordinates the actions of many different agencies.

The program is a next step in response to the bureau's 2019 [Historical Context of Racist Planning](#) report, a reaction to the events of 2020 and the Black Lives Matter movement which further reminds us that systemic racism still exists, and a response to direction from City Council earlier this year with the Expanding Opportunities for Affordable Housing zoning project:

“Direct BPS to initiate a future mapping project that identifies, with community members, properties where a zoning change could create community benefits, centering on anti-displacement strategies, equitable wealth generation, addressing past harms, and furthering fair housing.”

Advancing existing Black and Indigenous community-led plans is the best way to do this. [The Peoples Plan](#), [Reimagine Oregon](#), and [State of Black Oregon](#) have already identified actions the Bureau could take on. We will work with Black and Indigenous communities to take on actions aligned with these plans.

This program is proposed as an ongoing practice that would collaborate with Black and indigenous communities and allies to manage a series of projects over several years. The program incorporates the bureau's Racial and Equity Policy, our Anti Displacement Action Plan project and our efforts to improve engagement with Black communities and prioritization of their recommendations.

The program will consider projects that focus on Black and Indigenous communities, as well as projects that expand housing choice and access to high opportunity and functionally exclusive neighborhoods. While zoning and land use tools are often geographically based, the program will also recognize that Black and Indigenous people have been displaced, and impacted people, households and businesses may be in many different geographies.

¹ Spatial (in) justice refers to an intentional and focused emphasis on the spatial or geographical aspects of (in) justice and justice, Edward W. Soja in the essay *The City and Spatial Justice*, 1/2009 <https://www.jssj.org/wp-content/uploads/2012/12/JSSJ1-1en4.pdf>

The program will focus on Black and Indigenous communities, specifically addressing Portland’s harmful history with these communities. This focus is intentional, in order to ensure the program has a focused impact. The broader term “people of color” (POC) or “Black, Indigenous and people of color” (BIPOC) encompass people of diverse ethnic and cultural backgrounds. We acknowledge and think actively about how each of these individual communities distinctly experience racism: Asian, Black, Hispanic/Latinx, Indigenous, Middle Eastern, Pacific Islander, and multiracial. A focus on Black and Indigenous communities will create structural change that benefits broader groups of people while ensuring that we improve conditions for those currently experiencing the worst outcomes in Portland². When the Americans with Disabilities Act in 1991 created curb cuts in sidewalks across the United States, it also benefited people with strollers and carts, elders, and others³.

The program will initially emphasize actions that the Bureau of Planning and Sustainability has the power to directly impact, but we hope to build partnerships over time to impact systems managed by other agencies and the private sector. We will prioritize projects that address historic root causes and more recent drivers of inequity, rather than treating symptoms⁴. Finally, while the law requires that the administration of zoning be done in a race-neutral way, the program will take on actions targeted at Black and indigenous populations to correct past harms and work to end ongoing systemic racism. There will be instances where the existing law is a barrier to justice or is perpetuating ongoing harm. The program will coordinate closely with the City Attorney and the Office of Government relations to identify complementary changes to state law.

Some Historic Drivers of Inequitable Growth (source: Race Forward, 2020)

1. A history of ownership of land restricted to white communities for generations
2. Land as part of speculative economy concentrating white wealth
3. Tax system and subsidies investing in white homeowners disproportionately
4. Localities heavy reliance on property taxes and rising land values to meet budget
5. Heavy public investment to attract wealthy residents to neighborhoods.
6. Lack of public and private investment in Black and brown neighborhoods
7. Public infrastructure projects and discriminatory code enforcement target displacement in Black and brown neighborhoods
8. A biased private finance system privileging white people and rewarding speculation
9. Zoning that sequesters wealth and whiteness in exclusive neighborhoods and fuels speculation in Black and brown communities
10. Government decision makers power relations with developers and landowners and the civic structures that support them

Potential Projects

These project ideas were derived from a series of staff and partner agency meetings and from community plans (the Peoples Plan, Reimagine Oregon, and State of Black Oregon). Staff would work with Black and indigenous communities to prioritize 2-3 of these ideas for action in FY 21/22:

² Targeted Universalism: A Policy Primer, John Powell, 2019, <https://belonging.berkeley.edu/targeteduniversalism>

³ “The Curb Cut Effect”, PolicyLink, 2019, <https://www.policylink.org/resources-tools/curb-cut-effect>

⁴ We embrace the Race Forward five equitable process principles for Racially Equitable Policy Platforms: <https://www.raceforward.org/practice/tools/principles-racially-equitable-policy-platforms>

Zoning projects where BPS has actionable power

1. Furthering fair housing by identifying locations for new nodes of inclusive multi-dwelling zoning in neighborhoods that are exclusively low density, high cost, and white.
2. Technical land use assistance to Black- and indigenous-owned small business. Target businesses that are non-conforming or have been impacted by down-zoning in the past and help them re-establish appropriate zoning.
3. Continue the Anti-Displacement Action Plan (ADAP), to update the anti-displacement toolbox, application of displacement risk analysis and support anti-displacement collaboration with the ADAP Coalition, including using accountability measures and structures in partnership with OEHR
4. Evaluate home occupation regulations and consider ways it could better meet the needs of Black and indigenous home-based businesses.
5. Add more zoning incentives and requirements to preserve existing unregulated affordable multi-dwelling housing.
6. Package rezoning proposals to benefit CDCs working with Black and indigenous communities.
7. Partner with community based organizations, CDCs, and local banks to create pathways to enable Black and indigenous households to benefit from the recently-adopted Residential Infill middle housing regulations. Target areas identified as having high displacement risk.
8. Evaluate the feasibility of health or racial equity overlay zones for at-risk communities to capture economic value created by increased desirability and market strength to create public benefits tied to this project's goals.
9. Expanded support for historic inventories and listings of buildings or districts with cultural importance to Black and indigenous communities.

Capacity and community building projects

10. Partner with community based organizations and OEHR to produce data documenting racial disparities and support their efforts to use data to educate the public and hold the City accountable.
11. Capacity building to train a new generation of civic leaders in Black and indigenous communities including knowledge of real estate development and land use processes.
12. Fund and support a higher level training and preparation of Black and indigenous people to serve on boards and commissions. Institute a system of per-diem compensation.
13. Asset mapping, and technical support to community based organizations undertaking economic development activities in Black and indigenous communities.
14. Support civic engagement in low-income communities including the East Portland community to refresh the East Portland Action Plan and work with supporting organizations to better incorporate Black and indigenous voices.
15. Leverage BPS's Age Friendly program to address specific housing and childcare needs of older adults, families with children, and people with disabilities in Black and indigenous communities.
16. Partner with Office of Civic and Community Life and OEHR to disseminate the curriculum for the "Historical Context of Racist Planning" to community groups and partner agencies.

Projects with partner agencies

17. Partner with OGR to develop a more targeted set of changes to state law that would advance racial equity as it relates to land use and real estate development, including tax law, predatory lending, renter protections, and laws that impact access to capital in the land development process. This could also include a new Oregon Land Use Goal for Racial Equity to provide a clear mandate for planners to plan for racially equitable development outcomes.
18. There are several other project ideas involving collaboration with BDS, PBOT, TriMet, Prosper Portland, and Portland Parks. BPS staff have not completed the process of vetting those ideas with those potential partners prior to this PSC meeting, but they will be added as that consultation progresses.

Key Comprehensive Plan Policies Underlying Spatial Justice

Policy 2.4 Eliminate burdens. Ensure plans and investments eliminate associated disproportionate burdens (e.g. adverse environmental, economic, or community impacts) for communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision. 2.4.a. Minimize or mitigate disproportionate burdens in cases where they cannot be eliminated. 2.4.b. Use plans and investments to address disproportionate burdens of previous decisions.

Policy 3.3 Equitable development. Guide development, growth, and public facility investment to reduce disparities; encourage equitable access to opportunities, mitigate the impacts of development on income disparity, displacement and housing affordability; and produce positive outcomes for all Portlanders.

- a. Anticipate, avoid, reduce, and mitigate negative public facility and development impacts, especially where those impacts inequitably burden communities of color, under-served and under-represented communities, and other vulnerable populations.
- b. Make needed investments in areas that are deficient in public facilities to reduce disparities and increase equity. Accompany these investments with proactive measures to avoid displacement and increase affordable housing.
- c. Encourage use of plans, agreements, incentives, and other tools to promote equitable outcomes from development projects that benefit from public financial assistance.
- d. Incorporate requirements into the Zoning Code to provide public and community benefits as a condition for development projects to receive increased development allowances.
- e. When private property value is increased by public plans and investments, require development to address or mitigate displacement impacts and impacts on housing affordability, in ways that are related and roughly proportional to these impacts.
- f. Coordinate housing, economic development, and public facility plans and investments to create an integrated community development approach to restore communities impacted by past decisions.

g. Encourage developers to engage directly with a broad range of impacted communities to identify potential impacts of private development projects, develop mitigation measures, and provide community benefits to address adverse impacts.

Policy 5.18 Rebuild communities. Coordinate plans and investments with programs that enable communities impacted by involuntary displacement to maintain social and cultural connections, and re-establish a stable presence and participation in the impacted neighborhoods.

Policy 5.10 Coordinate with fair housing programs. Foster inclusive communities, overcome disparities in access to community assets, and enhance housing choice for people in protected classes throughout the city by coordinating plans and investments to affirmatively further fair housing.

Policy 5.14 Preserve communities. Encourage plans and investments to protect and/or restore the socioeconomic diversity and cultural stability of established communities.

Policy 8.32 Community benefits. Encourage providing additional community benefits with large public facility projects as appropriate to address environmental justice policies in Chapter 2: Community Involvement.