



MEMO

DATE: November 8, 2016

TO: Planning and Sustainability Commission

FROM: Rachael Hoy

CC: Susan Anderson, Director; Joe Zehnder, Chief Planner; Sallie Edmunds, Central City Planning Manager

SUBJECT: Attachment for Decision Table I: Miscellaneous Code and Map Amendments, Part 1

This memorandum contains BPS staff-recommended revisions to various Zoning Code sections in the Proposed Draft Central City 2035 Plan. Specific changes include the following items described in Decision Packet I: Miscellaneous Code and Map Amendments, Part 1; changes from the proposed draft are highlighted:

1. **13: 33.510.200.A:** The purpose statement for the floor area ratios section is amended to clarify that the regulations control building bulk, not the intensity of uses that occur within a building.

33.510.200 Floor Area Ratios

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs work with the height, setback, and building coverage standards to control the overall bulk of development. Generally, the highest FARs in Portland are applied in the Central City plan district to support its role as the region's premier center for jobs, health and human services, and urban living. The minimum FARs required in the Central City plan district are intended to ensure a minimum level of density for new development, ensure that not all development potential is transferred off a site, and ensure redevelopment of under-utilized sites. The maximum FARs allowed in the Central City plan district balance multiple objectives of the Central City 2035 Plan including: [...]

2. **I4: 33.510.220.B:** The ground floor windows regulations are amended to exclude display windows as elements that meet the window requirements and to clarify that windows into parking, mechanical and utility areas do not qualify.

33.510.220 Ground Floor Windows

- A. [no change]
- B. **Ground floor windows. Major remodeling projects.** ~~In the RX, CX, and EX zones, all major remodeling projects must also meet the ground floor window standard of the base zone, or the option below.~~ The following ground floor window standards apply to new development and major remodels in the RX, CX and EX zones. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances, or be display windows set into the wall. Windows into storage, vehicle or bicycle parking, garbage and recycling, mechanical and utility areas, and display cases attached to outside walls, do not qualify. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade: [...]

3. **I5: 33.510.225:** The ground floor active use area regulations are amended to: 1) clarify that storage, vehicle and bicycle parking, garbage and recycling, and mechanical and utility areas do not qualify as active use areas and, 2) state that the active use areas need to be developed at the time of construction.

33.510.225 Ground Floor Active Uses

- A. **Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards are also intended to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. The standards are also intended to encourage a transit-supportive and pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office, but do not include storage, vehicle and bicycle parking, garbage and recycling, or mechanical and utility areas.
- B. **Sites and development subject to the ground floor active use standards.** ~~The Gground floor active use standards apply to new development and major remodels on sites with frontage on a street areas are shown on Map 510-9.7 at the end of this chapter. On identified sites, all new development and all major remodeling projects must meet the standard below.~~
- C. **Ground floor active use standards.**
1. Dwelling units are prohibited on the ground floor.
 2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these uses may must be

developed at the time of construction, ~~or may be designed for later conversion to active uses.~~ This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards:

- ~~1a.~~ The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- ~~2b.~~ The area must be at least 25 feet deep, measured from the street-facing facade;
- ~~3c.~~ The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
- ~~4d.~~ The street-facing facade must include windows and doors, ~~or be structurally designed so doors and windows can be added when the space is converted to active building uses.~~

4. **16: 33.510.252.A:** The industrial use disclosure statement provisions for the Central Eastside are amended to clarify that the statement is required for alterations to existing development as well as new development.

33.510.252. Additional Standards in the Central Eastside Subdistrict

The following additional standards apply in the Central Eastside subdistrict.

A. Industrial impacts disclosure statement.

1. Purpose. This requirement is intended to ensure that people who choose to live or work in the ~~industrial sanctuary in the~~ Central Eastside subdistrict are aware of the potential impacts, such as noise, vibration, odors, glare, and heavy truck traffic that stem from industrial and employment uses.
2. Disclosure statement required. Prior to the issuance of a building permit for ~~new~~ development, ~~or alterations to existing development,~~ that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the development is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

5. **I8:** 33.258.070.D.2.b.(3): The nonconforming development regulations are amended to correct references to proposed Map 510-10.

33.258.070 Nonconforming Development

A - C [no change]

D. Development that must be brought into conformance. The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.

1. [no change]

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., below, the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.

a. [no change]

b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.

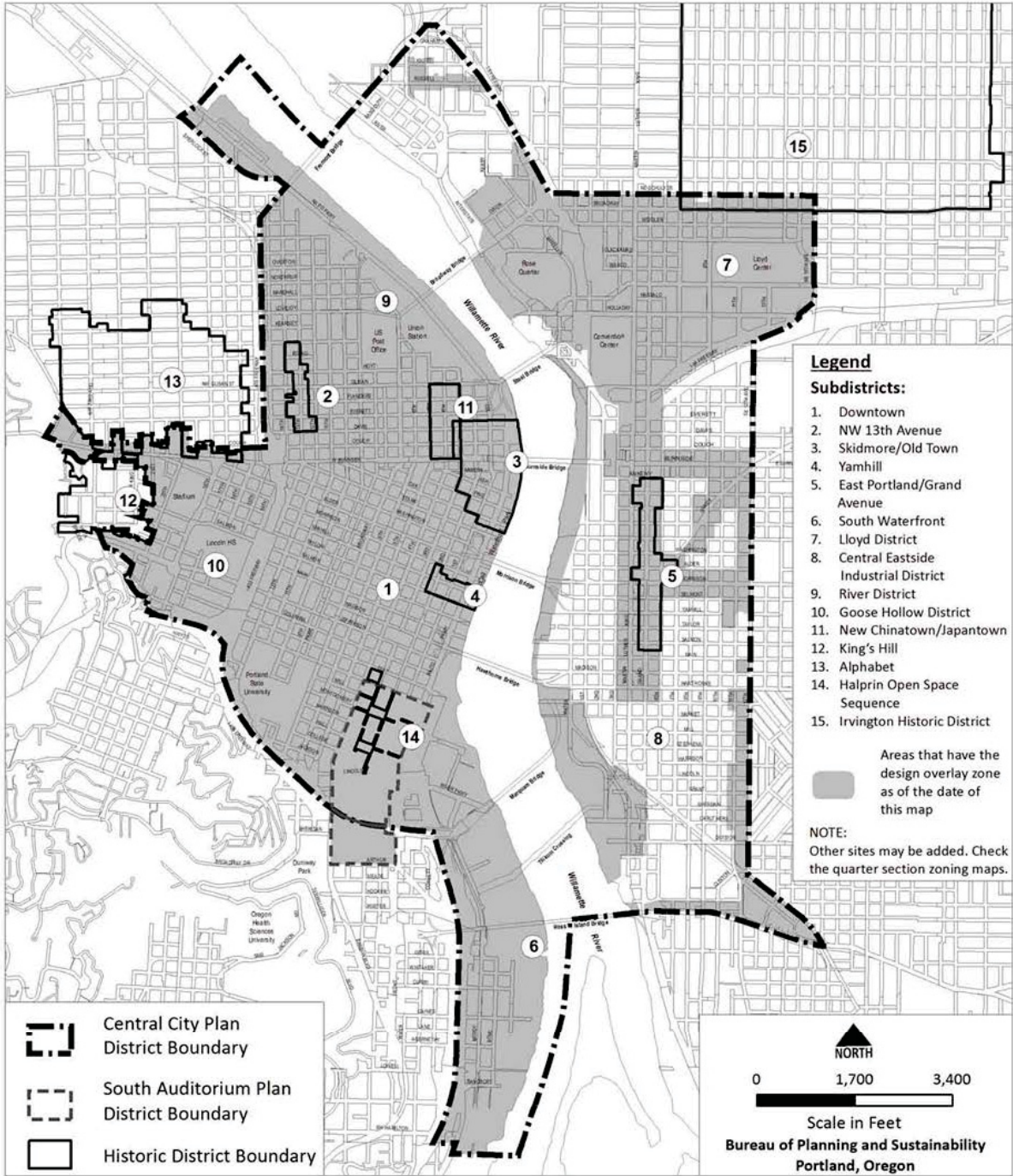
(1) – (2) [no change]

(3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.220, Bicycle Parking. Sites that do not have accessory surface parking or are inside **the Central City Core Area or Lloyd District parking sectors 2 or 4**, as shown on Map 510-810, are not required to meet this standard for long-term bicycle parking, but are required to meet this standard for short-term bicycle parking; [...]

6. **I9: Map 420-1 Design Distircts and Subdistricts in the Central City:** Update map to show the revised Central City plan district and d overlay zone boundaries.

Proposed Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts Map 420-1

Map Revised Xxxxx X, 201X



Decision Table 1: Miscellaneous Code and Map Amendments Part 1

Contents of Decision Packet 1:

- Decision Table 1
- Memo for Decision Table 1: Miscellaneous Code and Map Amendments, Part 1

This table contains some of the miscellaneous code amendments that were identified by the Bureau of Development Services and the Bureau of Planning and Sustainability.

Ref #	Comment	Commenter(s)	Topic	Proposed draft	Request(s)	Staff recommendation	Staff rationale	Discuss?	PSC decision
11	20324	BDS Staff	Vehicle Repair and Vehicle Sales or Leasing	<p>1. Vehicle Repair and Vehicle Sales or Leasing uses are prohibited in areas shown on Map 510-17.</p> <p>2. Map 510-17, showing the area where Vehicle Repair and Vehicle Sales or Leasing is prohibited, does not align with rights-of-way, making implementation difficult.</p> <p>Reference: Volume 2A; Part 1 Central City Plan District, 33.510.100, p. 9 and Map 510-17, p. 380-383</p>	<p>1. Confirm that vehicle sales, such as a car or boat show, are allowed as temporary activities in the convention center.</p> <p>2. Please make sure Map 510-17 lines up with rights-of-way so some sites are not bisected and planners do not have to scale shaded areas on the map to give information about what is allowed.</p>	<p>Proposed Amendments:</p> <p>1. Amend 33.510.100 to clarify that car and boat shows, which are temporary use activities, are allowed. Temporary use activities noted in 33.296 will also be updated to include car and boat shows.</p> <p>2. Amend Map 510-17 to align with rights of way.</p>	<p>1. Car and boat shows are yearly events at the Convention Center in the Lloyd district. Staff believes that these temporary activities should be allowed to continue.</p> <p>2. Map 510-17 will be updated to align with rights of way to make implementation of the standard easier.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
12	20324	BDS Staff	Retail Sales and Service and Office Uses in the RX Zone	<p>Retail Sales and Office uses are allowed in the RX zone in certain situations, including existing development that has previously been in non-residential use.</p> <p>Reference: Volume 2A; Part 1 Central City Plan District, p. 33 33.510.117.D.2.b(2)</p>	<p>Just to confirm, is the cited "non-residential use" intended to include Conditional Uses? Can 100% of a Conditional Use be converted to office or retail?</p>	<p>Proposed Amendment:</p> <p>Amend commentary to clarify that the provision applies to non-residential conditional uses and that 100% of a conditional use may be converted to office or retail.</p>	<p>Staff does not believe the code needs to be amended, but the intent can be reinforced in the commentary.</p> <p>The provision is intended to reduce redevelopment pressures on older non-residential buildings, many of which are not well suited for residential uses and are at risk of demolition.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other

Ref #	Comment	Commenter(s)	Topic	Proposed draft	Request(s)	Staff recommendation	Staff rationale	Discuss?	PSC decision
13 and Memo I	20324	BDS Staff	Floor Area Ratio	Proposed subsection 33.510.200.A describes the purposes for regulating floor area in the Central City. Reference: Volume 2A: Part 1 Central City Plan District, p. 47 33.510.200.A.	The purpose statement for FAR talks about the potential amount/intensity of uses, but these standards should be regulating <i>bulk</i> and offering additional bulk when there is a public benefit.	Proposed Amendment: Remove the first two sentences in purpose statement for Floor Area Ratio 33.510.200.A. See Memo I: Miscellaneous Code and Map Amendments, Part 1.	The amendment clarifies that the regulations control building bulk, not the amount or intensity of uses that occur within a building.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
14 and Memo I	20324	BDS Staff	Ground Floor Windows	Ground floor windows are required in the Central City. Generally, 40% to 60% of the ground level wall area on street-facing facades must be glazed. Reference: Volume 2A: Part 1 Central City Plan District, p. 139 33.510.220.B.	1. Remove display window as acceptable elements to meet Ground Floor Window standard. An applicant may still request a display case and it could be considered through a Modification but should not be allowed outright. 2. Add mechanical rooms and bicycle parking to list of uses that do not qualify behind Ground Floor Windows.	Proposed Amendment: 1. Remove "display windows set into the wall" from the first paragraph. 2. Add mechanical rooms and bicycle parking to the list of items that do not qualify behind ground floor windows. See Memo I: Miscellaneous Code and Map Amendments, Part 1.	1. The ground floor window standard currently states that windows must allow views into work areas or lobbies, be windows in pedestrian entrances, or be display windows set into the wall. Staff believes that display windows often result in minimal activation of the ground floor. To ensure that they activate the ground floor, staff would prefer that these situations be reviewed through a modification. 2. Staff believes the list of elements that do not qualify for uses behind a window should be expanded to include mechanical and utility areas and bike and vehicle parking. These are not truly active spaces and BDS has indicated that these elements are often requested.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other

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15 and Memo 1	20324	BDS Staff	Ground Floor Active Uses	New development and major remodels are required to have ground floors of buildings constructed such that they can accommodate active uses, e.g. lobbies, retail, and offices. Reference: Volume 2A: Part 1 Central City Plan District, p. 147 33.510.225	<ol style="list-style-type: none"> 1. Add language from ground floor windows standard clarifying which uses are NOT allowed in these active use areas [e.g. storage, utility room, parking, etc.] 2. Ground Floor Active Use requirement must be built now, not designed for later. Strike "or may be designed for later conversation to active uses" in section 33.510.225 C2. 	<p>Proposed Amendment:</p> <ol style="list-style-type: none"> 1. Amend the purpose statement to clarify that storage, vehicle and bicycle parking, garbage and recycling, and mechanical and utility areas do not qualify as active use areas. 2. Require active use areas to be developed at the time of construction. <p>See Memo 1: Miscellaneous Code and Map Amendments, Part 1.</p>	<ol style="list-style-type: none"> 1. Staff proposes to amend the purpose statement of the ground floor active use standard because the statement talks about allowed uses. The active use standard itself provides the required dimensions for the space. 2. In the standard, BPS staff agrees that spaces must be built to meet specifications at the time of development. See attached memo for proposed code edits. 	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
16 and Memo 1	20324	BDS and BPS Staff	Additional Standards in the Central Eastside.	Applicants are required to sign and record a statement acknowledging that the development is located in an industrial area and signifying awareness of attendant noises, odors and light levels. Reference: Volume 2A: Part 1 Central City Plan District, p. 167 33.510.252.A.2.	<p>Clarify trigger for industrial impacts disclosure, since permit for "development" leaves questions. Is it only for "new development"?</p> <p>Does it apply when new floor area is added? Does it apply to existing uses which come in for additional permits in an already legally-occupied tenant space?</p>	<p>Proposed Amendment:</p> <ol style="list-style-type: none"> 1. Delete the reference to the industrial sanctuary. 2. Amend 33.510.252.A.2 to clarify that the standard applies to new development and alterations to existing development. <p>See Memo 1: Miscellaneous Code and Map Amendments, Part 1.</p>	<ol style="list-style-type: none"> 1. The disclosure statement applies to household living, retail sales and service, or office uses throughout the Central Eastside subdistrict, not just the industrial sanctuary. 2. The amendment clarifies that both new development and alterations to existing development need to complete the disclosure form. The goal of this standard is to make owners and tenants of new and existing buildings aware of the industrial character of the district and thus reduce the potential for future land use conflicts. 	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other

Ref #	Comment	Commenter(s)	Topic	Proposed draft	Request(s)	Staff recommendation	Staff rationale	Discuss?	PSC decision
17	20324	BDS Staff	Definition of Traditional and Industrial Office uses	Section 33.920.240 describes the characteristics of Traditional and Industrial Office uses and provides lists of examples to help in implementation. Reference: Volume 2A: Part 1 Central City Plan District, p. 460 33.920.240.A.1 and 2	The new definition puts a lot of weight on customers or clients visiting the site, to the point of being a primary distinction between industrial and traditional office (versus the current definitions). If an architecture or software firm has frequent customers and clients visiting, and we get complaints or comments during a zoning process that this is the case, should we re-classify the architect or tech office as traditional office? If it's ok for design/software firms to have as many customer or client visitors as a regular office, it might be helpful to say that (to prevent problems with contesting office use sub-categories in the Central Eastside during permitting).	Retain Proposed Draft version: This list of examples has been established based on discussions with Central Eastside stakeholders and permitting staff. One factor in the decision to include an example under Industrial Office was that it does not regularly require customers to visit the site. This is generally true for architect and software offices, so staff do not foresee there being new parking issues related to customers. Industrial Office uses are expected to increase the number of employees in the district. Management of parking from increased employees is being addressed as part of CC2035 through updates to the Parking Code and Transportation System Plan.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other	
18 and Memo I	NA	BPS Staff	References to Central City plan district in Nonconforming Situations chapter, 33.258	33.258.070.D.2.b.(3) contains incorrect references to Central City parking sector map number and names.		Proposed Amendment: Correct map number and parking sector names. See Memo I: Miscellaneous Code and Map Amendments, Part 1.	Updated references were inadvertently omitted from the Proposed Draft.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
19 and Memo I	NA	BPS Staff	Map 420-1, Design Districts and Subdistricts in the Central City	NA		Proposed Amendment: Replace Map 420-1 to show new Central City boundary, new d overlay zone areas and Irvington HD boundary. See Memo I: Miscellaneous Code and Map Amendments, Part 1.	This corrects an omission from the Proposed Draft.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other