

Item 1414 Comp Plan
MOTIONS ADOPTED DECEMBER 14, 2016

S-1414 **TIME CERTAIN: 2:00 PM** - Amend the Official City Zoning Map, Planning and Zoning Code and Transportation System Plan to carry out Portland's 2035 Comprehensive Plan; establish a new Community Involvement Program and Committee; amend related codes, the 2035 Comprehensive Plan and Plan Map to coordinate policies and programs (Previous Agenda 1293; Ordinance introduced by Mayor Hales; amend Code Titles 3, 17, 33 and Ordinance Nos. 165851, 177028, 187832) 1 hour requested for items 1414-1415

Motion to accept the substitute ordinance: Moved by Hales and seconded by Fritz. (Y-4; Saltzman absent)

Motion to accept corrected wording in exhibit H, Community Involvement Committee appointment process to have Council confirm the appointments: Moved by Fritz and seconded by Hales. (Y-4; Saltzman absent.)

Note: On December 14th, Council held the first reading of the substitute ordinance and findings for adoption of various measures to implement the new 2035 Comprehensive Plan (as amended). The Council has already received testimony regarding the PSC-recommendation, and Council amendments. Public testimony was limited to the content of the revised ordinance. The evidentiary record is closed and no new evidence may be submitted. The final vote is expected on December 21st.

**SUBSTITUTE
PASSED TO
SECOND READING
AS AMENDED
DECEMBER 21, 2016
AT 2:00 PM
TIME CERTAIN**

Exhibit O scrivener correction recognized: Property address is corrected to 506 NE Thompson.

Item 1293 Comp Plan Implementation Amendments

November 22, 2016

Errata Memos

1. **Motion to adopt the amendments identified on the three staff “errata memos” dated September 30, 2016; October 13, 2016; and November 17, 2016:** Moved by Fish and seconded by Fritz. (Y-4; Novick absent)

Description: This includes correcting a number of mapping errors identified by staff, correcting a few omissions to the code document, and making some stylistic changes to recommended Title 17 language to comport with the Auditor’s Office recommendations.

Minor/Technical

2. **Motion to adopt the amendments identified on the two staff “minor/technical amendment” memos dated November 4, 2016 and November 14, 2016, but without item #2e:** Moved by Fish and seconded by Fritz. (Y-4; Novick absent)

Description: This includes 10 minor mapping changes, and 9 minor changes to the recommended code. Many of the code changes are clarifications requested by BDS. Staff recommends pulling item 2e (SE Reynolds) based on testimony received on 11/17.

General Lists

3. **3a. Motion to adopt zoning map amendments 5, 6, 7, 8, 10, 15, 17, 20 and 24 from the amendments memo dated November 4, 2016:** Moved by Fish and seconded by Fritz. (Y-4; Novick absent)

3b. Motion to adopt zoning map amendments 16 from the amendments memo dated November 4, 2016: Moved by Fish and seconded by Fritz.

3c. Motion to adopt zoning map amendments 22 from the amendments memo dated November 4, 2016: Moved by Fish and seconded by Fritz.
(Y-3 Fish, Saltzman, Hales. N-1 Fritz. Novick absent.)

Description: These are a collection of zoning map amendments that BPS staff have identified for a single vote because they appear to be non-controversial and supported by most Council offices. Note that amendment #18 (related to parcels on SE 102nd) was pulled from this package and withdrawn from consideration based on testimony supporting amendment #30 instead.

4. **Motion to adopt zoning code amendments 26, 27, 29, 31, 32, 33, and 35 from the amendments memo dated November 4, 2016. Add business associations to school district notification to 26:** Moved by Saltzman and seconded by Fish. (Y-4; Novick absent)

Description: These are a collection of zoning code amendments that BPS staff have identified for a single vote because they appear to be non-controversial and supported by most Council offices.

Trails

5. **Motion to adopt amendments 40, 43, 44, 45, 47 and 49 from the amendments memo dated November 4, 2016:** Moved by Fish and seconded by Fritz. (Y-4; Novick absent)

Description: This includes adjustment of the Columbia Steel trail alignment, relocation of a trail on Dosch Park Lane to SW 27th, relocation of a trail on Marine Drive, removal of a trail near SW 64th, addition of a trail near I-405, and a new Gateway green connection on both the TSP bike classifications map and major public trails map.

6. **Motion to relocate the trail segment 82 on Marquam Hill to follow SW Campus Drive:** Moved by Saltzman and seconded by Fish. (Y-4; Novick absent)

Description: This is a modified version of amendment # 46.

7. **Motion to remove major public trail amendment 48 from the amendments memo dated November 4, 2016:** Moved by Hales and seconded by Fish. (Y-4; Novick absent)

Description: Trail segments on Saltzman Rd. west of Skyline.

Individual Code Amendments

8. **Motion to adopt code amendment 36, as modified by the Commissioner Fritz memo dated November 15, 2016:** Moved by Fritz and seconded by Hales. (Y-4; Novick absent)

Description: This section of Title 3 establishes the Community Involvement Committee. This is included in Title 3 rather than Title 33 because the Community Involvement Committee will not make land use decisions. As described in the staff report, the process of chartering the committee and selecting members will begin after the Comprehensive Plan is adopted. The Bureau of Planning and Sustainability will work in collaboration with the Office of Neighborhood Involvement, the Office of Equity and Human Rights, and the Public Involvement Advisory Council to charter, recruit and select members for the Community Involvement Committee. The Commissioner-proposed changes provide more specificity about membership, meetings, and appointments.

9. Motion to adopt zoning code amendment 37 from the amendments memo dated November 4, 2016: Moved by Fritz and seconded by Fish. (Y-4; Novick absent)

Description: Metro Title 1 requires cities to codify minimum residential densities in designated centers and corridors, and once established, those requirements cannot be reduced. Portland established minimum residential densities in the 1990's. Commercial/mixed use zones do not currently have any residential densities in Portland's zoning code. The recommended zoning map includes a number of parcels that will change from residential to commercial mixed use zoning. Some residential parcels are also being down-zoned. The result is that the overall regulated minimum residential density in Portland's centers and corridors is being reduced by the 36 recommended zoning map, even though total residential capacity is being increased. In order to maintain compliance with Metro Title 1, staff recommends adding minimum residential densities in commercial/mixed use zones, when residential or mixed use development is built. About ¾ of all development in commercial/mixed use zones over the past decade has included a residential component. These new requirements would not apply to projects that do not have a residential component.

10. Motion to adopt zoning code amendment 30 from the amendments memo dated November 4, 2016: Moved by Saltzman and seconded by Fish. (Y-4; Novick absent)

Description: Allows housing on campuses with CI2 zoning. Without this amendment campus housing would be limited to student and faculty housing.

11. This amendment, related to FAR in the Alphabet District:

Motion to adopt zoning code amendment 25b from the amendments memo dated November 4, 2016 (Motion B): Moved by Saltzman and seconded by Fish. (Y-3: Fish, Saltzman, Novick. N-2: Fritz and Hales)

Description: Reject the PSC-recommended 2:1 FAR in the northern Alphabet District, retaining 4:1 everywhere where is it currently mapped.

12. This amendment, related to drive-through regulations:

Motion to adopt zoning code amendment 28b from the amendments memo dated November 4, 2016 (motion B): Moved by Saltzman and seconded by Hales. (Y-2: Fish, Saltzman. N-3: Fritz, Novick, Hales) **Motion failed.**

Description: Option B reflects staff's August 2016 recommendation to the Planning and Sustainability Commission. It would allow new drive-through facilities and Quick Vehicle Servicing uses only in the auto-accommodating CE zone (the zoning map proposes a limited amount of CE zoning citywide). It would allow exiting facilities in the CM1, CM2, and CM3 zones

to be expanded or rebuilt. They would be prohibited in the Central City and in the new main street overlay, where existing facilities would be treated as 26 nonconforming development.

Motion to adopt zoning code amendment 28c from the amendments memo dated November 4, 2016 (motion C): Moved by Fritz and seconded by Hales. (Y-5)

Description: This option would prohibit new drive through facilities in all Commercial/Mixed Use zones, not just east of 80th Ave. An exception would be made for new quick vehicle servicing uses (gas stations, oil change businesses, and car washes), which would be allowed in the CE zone citywide. It would allow existing drive-through facilities to be expanded and rebuilt in CM1, CM2, CM3, and CE. All drive through facilities would be prohibited in the Central City and in the new main street overlay, where existing facilities would be treated as nonconforming development.

Individual Map Amendments

13. Motion to adopt zoning map amendment 21 from the amendments memo dated November 4, 2016: Moved by Fish and seconded by Hales. (Y-4; N-1 Fritz)

Description: Changes the zoning at PCC Sylvania from CI1 to CI2. CI2 is a denser more urban campus designation.

14. Motion to adopt zoning map amendment 3 from the amendments memo dated November 4, 2016: Moved by Novick and seconded by Saltzman. (Y-2: Saltzman, Novick. N-3: Fritz, Fish, Hales) **Motion failed.**

Description: Changes a property on Hayden Island (1225 Jantzen) from CM1 to CE

15. Motion to adopt zoning map amendment 4 from the amendments memo dated November 4, 2016: Moved by Fish and seconded by Saltzman. (Y-3 Fish, Saltzman, Novick; N-2 Fritz and Hales)

Description: Changes 6454 N Greeley from CM1 to CE.

16. Motion to adopt zoning map amendment 9 from the amendments memo dated November 4, 2016, but modifying it to extend the CM2 to 50th: Moved by Saltzman and seconded by Fritz. (Y-5)

Description: Changes multiple properties on the North side of NE Freemont from NE 46th to 48th from CM1 to CM2. A further extension of the CM2 to 50th was requested in testimony on 11/17.

17. Motion to adopt zoning map amendment 11 from the amendments memo dated November 4, 2016: Moved by Fish and seconded by Fritz. (Y-5)

Description: Changes multiple properties on the west side of SE Cesar E. Chavez Blvd between SE Division St and SE Sherman St from R1 to CM2 with a “d” overlay.

18. Motion to adopt zoning map amendments 12 and 13 from the amendments memo dated November 4, 2016: Moved by Fritz and seconded by Hales. (Y-5)

Description: Change 5000-5018 SE Hawthorne Blvd from CM1 to CM2, and add the “d” overlay to this parcel and the CM1 parcels on Hawthorne east of 49th.

19. Motion to adopt zoning map amendment 14 from the amendments memo dated November 4, 2016: Moved by Novick and seconded by Saltzman. (Y-5)

Description: Change several parcels at the corner of 60th and Belmont from CM1 to CM2.

20. Motion to adopt zoning map amendment 23 from the amendments memo dated November 4, 2016: Moved by Fish and seconded by Saltzman. (Y-4; N-1 Fritz)

Description: Change 6141 SW Canyon Ct from R20 to R5.

21. Motion to adopt zoning map amendment #19 from the amendments memo dated November 4, 2016, with further modifications to add property between Woodstock and SE Martins, from 48th to 49th; AND to add properties facing the west side of 42nd, between Woodstock and Martins: Moved by Saltzman and seconded by Fish. (Y-5)

Description: Change 5105 SE Woodstock Blvd, 5115 SE Woodstock Blvd, 5112 SE Woodstock Blvd, 6028 SE 51st Ave, and 5119 SE Martins St from R2.5 and R1 to CM2. An additional modification adds parcels associated with The Joinery and Otto's.

22. Motion to change 3844 NE 82nd Avenue from R1 to CE zoning: Moved by Saltzman and seconded by Fish. (Y-5)

Description: Change 3844 NE 82nd Ave from R1 to CE. This was not in any of the memos distributed earlier, but is based on testimony given on 11/17.

Transportation Amendments

23. Motion to adopt amendment 50 from the amendments memo dated November 4, 2016: Moved by Hales and seconded by Saltzman. (Y-5)

Description: Direct PBOT staff to prepare an ordinance that provides further guidance on the application of existing street connectivity requirements when redevelopment occurs in designated centers the Eastern Neighborhoods pattern area.

24. Related to parking and TDM

Motion A to adopt directive 51 (as amended by staff 11-22-16 memo), without amendment 34:

Moved by Fritz and seconded by Fish. (Y-1 Fritz; N-4) **Motion failed.**

Amendment #51 would direct PBOT to take the further actions regarding Transportation & Parking Demand Management. A staff-recommended modification to Directive #51 also clarifies that further changes to the off-street parking requirements will be considered with the Phase 2 TDM recommendations.

Motion C to adopt a modified version of zoning code amendment 34, and the modified directive 51 (copies of both provided staff 11-22-16 memo): Moved by Fish and seconded by Fritz. (Y-5)

Description: This modified version of amendment #34 would change the recommended draft to remove minimum off-street parking requirements for buildings close to frequent transit, only if they include affordable housing approved through voluntary mixed use bonuses or under future mandatory inclusionary housing requirements. This has a similar effect as Motion A, but requires a more specific exemption to enable a site-by-site quantification of the incentive. All sites that are subject to off-street parking requirements are also subject to inclusionary housing.

Amendment #51 would direct PBOT to take the following further actions regarding Transportation & Parking Demand Management. A staff-recommended modification to Directive #51 also clarifies that further changes to the off-street parking requirements will be considered with the Phase 2 TDM recommendations.

25. Motion to adopt amendment 54, as modified by the memo from Commissioner Fritz dated November 15, 2016 and 11-22-16 handout: Moved by Fritz and seconded by Novick. (Y-5)

Description: The amendment links the proposed Street Vacation Code more clearly with adopted Comprehensive Plan policies on Public rights-of-way (policies 8.39-8.52, pp.GP8-16 and GP8-17 of the adopted June 2016 Comprehensive Plan).

26. Motion to adopt amendment 41 from the amendments memo dated November 4, 2016. This amendment is conditional on a related resolution supporting the new street plan being adopted by Council before December 14th, 2016: Moved by Fish and seconded by Fritz. (Y-5)

Description: Replace the South Waterfront Street Plan map and narrative in the TSP with revised text and map to reflect recommended changes at the South Portal, which were presented to City Council on November 16th.

27. Motion to adopt amendment 42 from the amendments memo dated November 4, 2016: Moved by Fritz and seconded by Fish. (Y-5)

Description: Move Policy 9.50.b. from page GP9-16 of the adopted 2035 Comprehensive Plan to replace TSP Objective 9.26.a., and move Figure 9-4 from page GP9-23 to the TSP as new Table 9.2.

Figure 9-4 was placed in Chapter 9 of the Comprehensive Plan because the TSP objectives were still being developed at the time the Plan was being developed. The City is required to have identified service standards for urban services in its Comprehensive Plan, and they must be consistent with those adopted by Metro. These are characterized as interim standards because the intent expressed in Policy 9.49 and 9.50 is to replace these standards with multimodal performance measures in the future. This evaluation standard and table are more appropriately located in the TSP, which contains similar performance and evaluation measures.

28. This amendment, related to Hayden Island Bike Classifications.

Motion to (a) adopt amendment 38 from the amendments memo dated November 4, 2016 and (b) also remove the City Bikeway segment that passes through the manufactured Home Park on the north shore of the island: Moved by Hales and seconded by Saltzman.

Description: Remove the City Bikeway classification from Hayden Bay.

Description: This additional change (b) was request in testimony on 11/17.

29. Motion to move to adopt amendment 39 from the amendments memo dated November 4, 2016: Moved by Fritz and seconded by Fish. (Y-5)

Description: Direct PBOT to retain flexibility on the location of a Major City Bikeway on either NE 7th or NE 9th until more specific project design options are developed and more outreach is completed. Classify both streets as a Major City Bikeway until the decision is made.

Other Directives

30. Motion to adopt amendment 52 from the amendments memo dated November 4, 2016: Moved by Fritz and seconded by Saltzman. (Y-5)

Description: Direct BPS to study the "F" overlay area along Skyline to determine if the overlay is still necessary, and if it should be retained, modified, or removed. Bring recommendations back to Council in 2018.

31. Motion to adopt amendment 53 from the amendments memo dated November 4, 2016, with the additional sites recommended by staff 11-22-16 memo: Moved by Fritz and seconded by Fish. (Y-5)

Description: Direct BPS to study the comp plan designation and zoning on the following sites, and others if appropriate, and return with recommendations for any appropriate post-acknowledgment amendments in 2018: a. 7008 SW Capital Hill Rd (Hales, Saltzman) b. 9808 N Edison St (Fish) c. Strong property - 4931 – 4947 N Williams Ave (Hales) d. Marquam Hill mixed use node (Novick) 52 e. 4836 SE Powell Blvd (Staff) f. 310 NW 23rd Ave (Saltzman) g. 4337 NE Prescott St (Hales) h. 4543 SE Harney Dr (Fish) i. 5727 SE 136th (Saltzman) j. 505 NE Thompson (Fritz). These are sites where commissioners have expressed interest in exploring further revisions to the Comprehensive Plan map, as a Post-Acknowledgement amendment in 2018. Staff recommended adding several additional sites based on testimony from Allison Reynolds. This includes: 25 N Fargo Street, 3138 W/N Vancouver Avenue, and 2525 NW Lovejoy Street and several abutting lots in medical office use.

#24

11-22-16
Staff

188177

Direct PBOT to take the following further actions regarding Transportation & Parking Demand Management policy in Title 17 ~~prior to effective date of the 2035 Comp Plan and associated early implementation actions:~~

- A. Prior to effective date of the 2035 Comp Plan and associated early implementation actions, Clarify/clarify administrative process for TDM requirements in the CI Zone and Commercial/Mixed Use Zones sufficient to facilitate the approval process in development review and to ensure adequate administration of new program requirements, including:
- Evaluation guidance for Campus Institutional zone mode split trends
 - Evaluation guidance for evaluating “current practices” in existing local Campus Institutional zone TDM plans to assist in adaptation
 - Administrative procedures for implementation of the Commercial/Mixed Use zone TDM requirement
 - Guidelines or standards for the required education/information materials in Commercial/Mixed Use zones
 - Procedures for administration of surveys in mixed use zones, including distribution and monitoring
- B. Develop and bring to Council for further consideration by July 1, 2018 an expanded (Phase 2) TDM policy for private development. ~~Develop an expanded (Phase 2) TDM policy for private development and bring to Council for further consideration.~~ This expanded policy should be developed with input from stakeholders representing development, transportation service providers and advocates, business groups, neighborhood associations, as well as other Portland bureaus, including BPS and BDS. The expanded policy should address the following:
- Appropriate strategies in the Central City
 - Approaches to maintaining on-going obligations for TDM incentives (beyond the one-year requirement being adopted initially for commerical/mixed use development)
 - Relationship to on-site parking supply and management
 - Relationship to on-street parking management, including the Parking Management Toolkit and proposed residential permit programs for high growth mixed use centers and corridors
 - Opportunities to expand TDM program to engage existing development
- C. In tandem with a Phase 2 TDM policy, bring recommendations to Council for the following:
- Further changes to Zoning Code Chapter 33.266 (Parking, Loading and Transportation Depend Management), including recommendations to increase or decrease the minimum or maximum number of required off-street parking spaces, as appropriate

pl

11-22-16
Staff

188177

#24

Option B for amendment 34 (Commissioner Fish).

C. add to Cpl.

33.266.110.D.8

8. Parking is not required for dwelling units in buildings that meet the following standards:
 - a. The building is on a site is located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service; and
 - b. The building includes:
 - (1) Affordable housing units built under the provisions of Subsection 33.130.212.C., Affordable housing bonus;
 - (2) Affordable housing units built under the provisions of Subsection 33.130.212.G., Planned Development bonus; or
 - (3) Affordable housing units built under a mandatory or voluntary inclusionary housing regulations adopted in conformance with ORS 197.309.
9. Parking is not required for affordable dwelling units built under the provisions of Subsections 33.130.212.C., Affordable housing bonus, or Subsection 33.130.212.G., Planned Development bonus.

P2

#25

Fritz

11-22-16

188177

1. The area proposed to be vacated is not presently needed presently and is not **identified in any adopted plan** needed in the future, for public services, transportation functions, utility functions, stormwater functions, view corridors and/or viewpoints, tree planting/retention, pedestrian amenities, or ~~Consider temporary~~ community or commercial uses.

17.84.025



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

MEMO

DATE: November 21, 2016

TO: Task 5 File

FROM: Steve Kountz (BPS), Barry Manning (BPS), Marty Stockton (BPS), Joan Frederiksen (BPS)

CC: Eric Engstrom

SUBJECT: Response to Perkins Coie testimony

This memo is a follow up response to testimony submitted by Perkins Coie on behalf of multiple property owners, including Killian Pacific, Oregon Racing, Broadmoor Inc., SolTerra, and WREH Lloyd Plaza in response to requests to address the impacts the Recommended Draft will have on their client's properties. Individual property and specific issues heard in testimony are in bold, followed by BPS staff information and responses.

1. Oregon Racing (1001 N Schmeer Road)

Issues: New Prime Industrial ("I") overlay prohibits Oregon Racing's current use (outdoor recreation and major event entertainment).

Requested City Council Action: Adopt Early Implementation Amendment to prohibit only "new" outdoor recreation and major entertainment uses in the "I" overlay to prevent use from becoming non-conforming.

Staff does not support the requested code change. Protection of industrial development capacity on large sites such as this one is important for Goal 9 compliance of the 2035 Comprehensive Plan to meet industrial land needs. This approximately 95-acre site is currently zoned as IG2 General Industrial and EG2 General Employment. The requested code change would allow the existing Major Event Entertainment use (a horse racetrack) to be replaced with another Major Event Entertainment use. The 2035 Comprehensive Plan relies primarily on "industrial land intensification" to meet the industrial land shortfall of the previous plan for the Harbor and Airport Districts geography. Industrial reuse of the site would be one of the largest site opportunities for industrial land intensification in Portland.



2. Broadmoor Golf Course (3509 NE Columbia Boulevard)

Issues: New Prime Industrial (“I”) overlay renders current golf course (open space) use non-conforming because property is zoned for industrial use.

Requested City Council Action: prohibit only “new” open space uses in the “I” overlay to prevent use from becoming non-conforming.

Staff does not support the requested code change. Protection of industrial development capacity on sites such as this one is important for Goal 9 compliance to meet industrial land needs. The Broadmoor Golf Course is one of two large sites where an Industrial map designation was added in the 2035 Comprehensive Plan to meet forecast industrial land needs. The PSC recommended applying IG2 zoning at this site at the property owner’s request, facilitating potential industrial redevelopment. Given the base zone change, staff recommends concurrent application of the Prime Industrial overlay zone. The non-conforming status of the overlay would limit future golf clubhouse expansion at the site, subject to approval of a non-conforming situation review.

3. SolTerra Woods (25 N Fargo Street)

Issues: Proposed rezone from RX to RH will make ground floor commercial a non-conforming use.

Requested City Council Action: Allow existing ground floor commercial uses on formerly RX-zoned sites to remain conforming uses.

Staff supports future consider consideration of this property and inclusion within Amendment 53. At this time a map amendment is worth further exploration, but not a zoning code amendment as requested above.

4. WREH Lloyd Plaza (1425-1435 NE Irving Street).

Issues: Planned Development Height Bonus for CX zone maximum height of 120 feet does not allow heights needed for redevelopment or desired urban form.

Requested City Council Action: Adjust maximum height to 160 feet for Planned Developments in the CX zone outside of plan districts, an amendment that impacts very few properties.

This site is currently zoned CX. The height limit is currently 75’ and no bonus height is available. It, along with other CX and EX zoned properties outside of Central City and Gateway was proposed to be zoned CM3 which has a 65’ height limit; 75’ limit with bonus; 120’ through a planned development bonus. The planned development bonus would require design approval.

A nearby property with CX zoning requested to remain CX rather than be rezoned CM3 - this was granted by Council as part of the Comp Plan proceedings and the WREH property was included, as it is similar in location and characteristics. Since these properties were



once considered to become CM3, the 120' planned development bonus height limit was also proposed for CX. The requested 160' planned development bonus height limit is 100% more than allowed by the base zone and 33% more than proposed with the current bonus.

The property representatives were encouraged to work with Central City team to consider bringing this and the adjacent CX property into the Central City, where extra height can be applied through a plan district. However, the process did not allow for this at the time.

Due to a location adjacent to the Banfield, additional height would likely have minimal shadow impacts to the north, but could have impacts to the east or west. Additional height should only be allowed through a discretionary design review process.

Staff recommendation: Ideally, the CX and EX zoned areas immediately south of the Banfield should be further studied for inclusion in the Central City Plan District, where additional height may be allowed and other provisions may apply. If City Council chooses to grant this request now, the 160' planned development bonus height limit should be available to all the CX zoned areas outside of the Central City and Gateway.

5. Killian Pacific - Hawthorne (4511 SE Hawthorne Street)

Issues: Proposed CM2 zoning makes redevelopment unlikely due to economic constraints.

Requested City Council Action: Future rezoning to CM3.

Staff does not support legislative rezoning the requested property to CM3. Following the 2018 effective date of the 2035 Comprehensive Plan, the property owner may elect to go through a quasi-judicial zoning map amendment to CM3 to allow neighborhood notification and public comment. Other items to note:

- This property currently has a split-designation (UC and R2.5) and zoning (CS and R2.5) of commercial and residential. To support redevelopment of the site,
 - the Comprehensive Plan Map was changed to Mixed Use-Urban Center for the full site in the adoption of the 2035 Comprehensive Plan, and
 - the Recommended Zoning Map was changed to CM2 for the full site, currently before City Council.
- The recommended CM2, using both the FAR and height bonus, has increased development potential paired with the community benefit of affordable housing compared to the existing CS and R2.5 zoning.

6. SolTerra Strata (3138 WI/N Vancouver Avenue)

Issues: Proposed R1 zoning (down-zone from RX) makes brand new project a non-conforming development and ground floor commercial a non-conforming use.

Requested City Council Action: Future rezoning and Comprehensive Plan consideration by BPS staff to prevent development from becoming non-conforming.



Staff supports future consider consideration of this property and inclusion within Amendment 53. Recent land use history and building permits could be taken into consideration as part of a future comprehensive plan map refinement.

7. Killian Pacific - Lovejoy Medical (2525 NW Lovejoy Street)

Issues: Existing medical office building is a non-conforming use and development under the property's current and proposed RH zoning.

Requested City Council Action: Future rezoning and Comprehensive Plan consideration by BPS staff to bring current office use into conformance.

Staff supports future consideration of this property within Amendment #53 given the long standing medical offices in this location. However, staff would note the following:

- This is not the only non-conforming and/or Conditional Use at this intersection (25th & Lovejoy). There are two other medical/office buildings in the RH zone and a synagogue in the R1 across the street, so consideration of any changes here may include additional properties.
- This location is on the outer edges of the Northwest District Town Center, so staff would consider the Mixed Use - Dispersed comprehensive plan map designation and CM1 zoning here, regardless of the existing height at 2525 NW Lovejoy. The other structures in the RH are 1 to 2 stories. NW Lovejoy is a neighborhood collector. NW 25th is a neighborhood collector until NW Lovejoy, north of which it is a local service street.
- Neighborhood outreach and feedback are needed. The site (2525 NW Lovejoy Street) has been RH since 1983, and one non-conforming property that is now in RH was R1 prior to the 2003 NW District Plan.

8. Killian Pacific - Pottery Barn (310 NW 23rd Avenue)

Issues: This property is currently split-zoned CS and RH. The Recommended Draft retains the split zone (CM2 and RH); commercial uses on the RH portion of the property are non-conforming (partly approved through a conditional use review in 1965).

Requested City Council Action: Future rezoning and Comprehensive Plan consideration by BPS staff of RH portion of site to bring current commercial use into conformance.

Staff is open to exploring this change, however from the outset has more reservations. Specifically, it is staff's understanding that the NWDA in conversations with other property owners requesting Comprehensive Plan and Zoning map requests on this block expressed a desire to maintain NW Everett as a predominantly residential street in keeping with the RH zoning and the historic residential apartment buildings that are prevalent along this stretch. (This came up in the case of the Flanders Medical building - northeast of site - which requested mixed use zoning for their existing medical office building and parking area. The NWDA supported the change to MU/CM2 for the site that the building was on (fronting NW Flanders) but not in the case of the surface parking areas that front on NW Everett. NWDA noted the desire to maintain the character along Everett as residential. The adopted Comp Plan reflects this nuanced zoning here.)



Neighborhood outreach and feedback are needed. The RH zoning predates the current development, which was built and added to an existing structure in 1995. The RH zoning was not changed with the NW District Plan adopted in 2003.





Parsons, Susan

From: Engstrom, Eric
Sent: Friday, November 18, 2016 3:34 PM
To: Grumm, Matt; Shriver, Katie; Adamsick, Claire; Dunphy, Jamie; Elmore-Trummer, Camille
Cc: Parsons, Susan; Klonoski, Zach; Zehnder, Joe; Anderson, Susan; Stockton, Marty
Subject: Staff notes from testimony

All,

I want to convey staff's take on several things that came up yesterday in the Comp Plan Implementation Amendment Hearing. Sue, please put this in the record, along with the attached and linked memos.


- 1) Grocery Stores (Retail Task Force) . Testimony from the RTP asserted that grocery stores would become nonconforming unless they receive CE zoning. The primary difference between the new CE and the new CM zones is the treatment of drive-through facilities, and quick-vehicle servicing. Other standards, such as front window requirements, main entrance locations, and setbacks are the same for all proposed commercial/mixed use zones. There is also an alternate option for large sites, with large format stores. This is outlined in an attached memo. The reality is that many of these stores are already nonconforming, and getting the CE or CM zones will not change that status. The viability of new groceries in Portland is a function of lot patterns, and scarcity of large sites, not a function of how much CE zoning we have. Grocery stores are allowed in all of the

ATT 1 -  large lots in CMU zones.docx  - ATT 2 RTF assertions and responses.d...

commercial mixed use zones.

- 2) Parking and IH.

See attached staff response to the questions raised..

 - ATT 3
 IH and
 Parking_JBZ.DO...

- 3) Directive #51. Several commissioners have expressed a desire to link amendments #34 and #51 together. We discussed this with the City Attorney this week, and the best option may be to add a new clause to #51 directing us to re-review parking requirements in chapter 33.266 at the same time we bring back the next iteration of TDM and on-street parking management (while still passing #34 in the meantime). Based on testimony yesterday, I'd also like to beef up the references to on-street management tools in the directive. I will meet with PBOT on Monday to discuss, and may have additional suggestions at that time.
- 4) University of Portland. Based on testimony from University park, staff has dropped our opposition to amendment #31. UP also requested the ability to allow deferred application of the CI zone to several properties, to go into effect in the future after they acquire them. We are checking with the City Attorney about options to address this, and may have more ideas Tuesday. It might not be legal, but we are looking into it.
- 5) Staff supports adding the Joinery properties to amendment #19, near 50th/Woodstock.
- 6) Staff supports a request to modify amendment #9, and extend the CM2 zoning on Fremont to 50th.

- 7) SE Reynolds. You heard from several people on this street. This is amendment #2e (in the staff minor/technical memo dated 11/4). Staff supports pulling that item from the amendment #2 bundle.
- 8) 102nd (amendment #18 and 30). This property owner owns a residential parcel inside the Adventist medical center campus, and requested residential zoning (amendment #18). We received testimony that he would be willing to keep campus zoning if amendment #30 passes. That amendment would allow housing in the C12 zone. We recommend pulling item #18 until we see if #30 passes.
- 9) Hayden Island Manufactured Home Park. The issue is, I think, a misunderstanding about what it means to be a line on the bike classification map. The classification map does not mean we are going to condemn land and build a trail. In the absence of major redevelopment, or a major TSP project, we don't implement this map in that way. The sole purpose of the designation of a bike path here, on the classification map, is to preserve the option if major redevelopment were to occur. PBOT will try to clarify this Tuesday, but there is no intention to displace manufactured home residents as a result of this trail. We support retaining the affordable housing here. But if unforeseen circumstances cause the site to be redeveloped, we want to obtain public access along the shore.

FROM PBOT:

There are seven different street classifications within the Transportation System Plan, including bicycle classifications. The classification descriptions and designations are used to determine the appropriateness of transportation improvements and describe the modes that should be emphasized. Classification descriptions describe the aspirational future network and the desired function of routes for each mode, not necessarily how they are functioning at present. Street classifications are considered when development occurs (along with other plans, code and guidelines) to determine what improvements are required of the developer.

Without a project identified in an adopted plan, there is no basis for PBOT to build a path through private property prior to redevelopment, so retaining the bicycle classification will not result in any displacement of housing. PBOT has no intention of using eminent domain or acquiring an easement that would displace homes. PBOT would not have the opportunity to require any property dedication or an easement unless the property owner voluntarily chose to redevelop.

- 10) Allison Reynolds testified about several additional properties that the Council may wish to add to the directive #53 list. We will evaluate and bring suggestions Tuesday.

She also testified, as did several others, suggesting we avoid creating nonconforming situations. In response to this testimony Council could add a directive suggesting we return in 2019 with an assessment of the impact of this new code and map, as it relates to nonconforming situations. Did the code and map increase or decrease the number of nonconforming situations being handled by BDS? This is something we would be happy to report back on in a few years if the Council wishes to add a directive (#55).

- 11) There was testimony that you change 3844 NE 82ND AVE to CE – This would be a new amendment, but staff supports.
- ATT. 4 12) Please note that Commissioner Fritz released a memo suggesting some refinement of amendments #36 and #54. <https://www.portlandoregon.gov/bps/article/618105>
- ATT. 5 13) Staff also released an additional memo yesterday AM with one more error we discovered: <https://www.portlandoregon.gov/bps/article/618516>

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188177

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ATT. 1

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MEMO

DATE: November 16, 2016
TO: Task 5 File
FROM: Barry Manning (BPS)
CC: Eric Engstrom, Al Burns (BPS)
SUBJECT: Large Lots in Commercial/Mixed Use Zones

This memo includes information about the quantity, size and location of large lots in Commercial/Mixed Use zones in Portland. The availability of large lots is a factor for development of large format and auto-accommodating retail uses, as well as the location for opportunity to use the Planned Development Bonus (33.130.212.E). The majority of large lots are located in the East and North planning districts. Large lots are somewhat distributed in the East district, however the majority of large lots in the North district are concentrated on Hayden Island, which is the location of a regional retail complex. The Northeast, Southeast and West districts have significantly fewer large lots, which is likely attributed to development and parcelization patterns that were set in the early 20th Century.

District	Lot Size (acres)	Zone	Number of Lots	Total Acres
EAST	2 - 9.9	CE	33	155.6
EAST	2 - 9.9	CM1	7	21.2
EAST	2 - 9.9	CM2	16	66.7
EAST	2 - 9.9	CM3	11	43.7
EAST	2 - 9.9	CX	13	46.1
EAST	10 - 14.9	CE	2	23.0
EAST	10 - 14.9	CM2	1	11.3
EAST	10 - 14.9	CX	3	37.1
EAST	15 - 19.9	CE	1	18.1
EAST	20+	CX	1	21.9

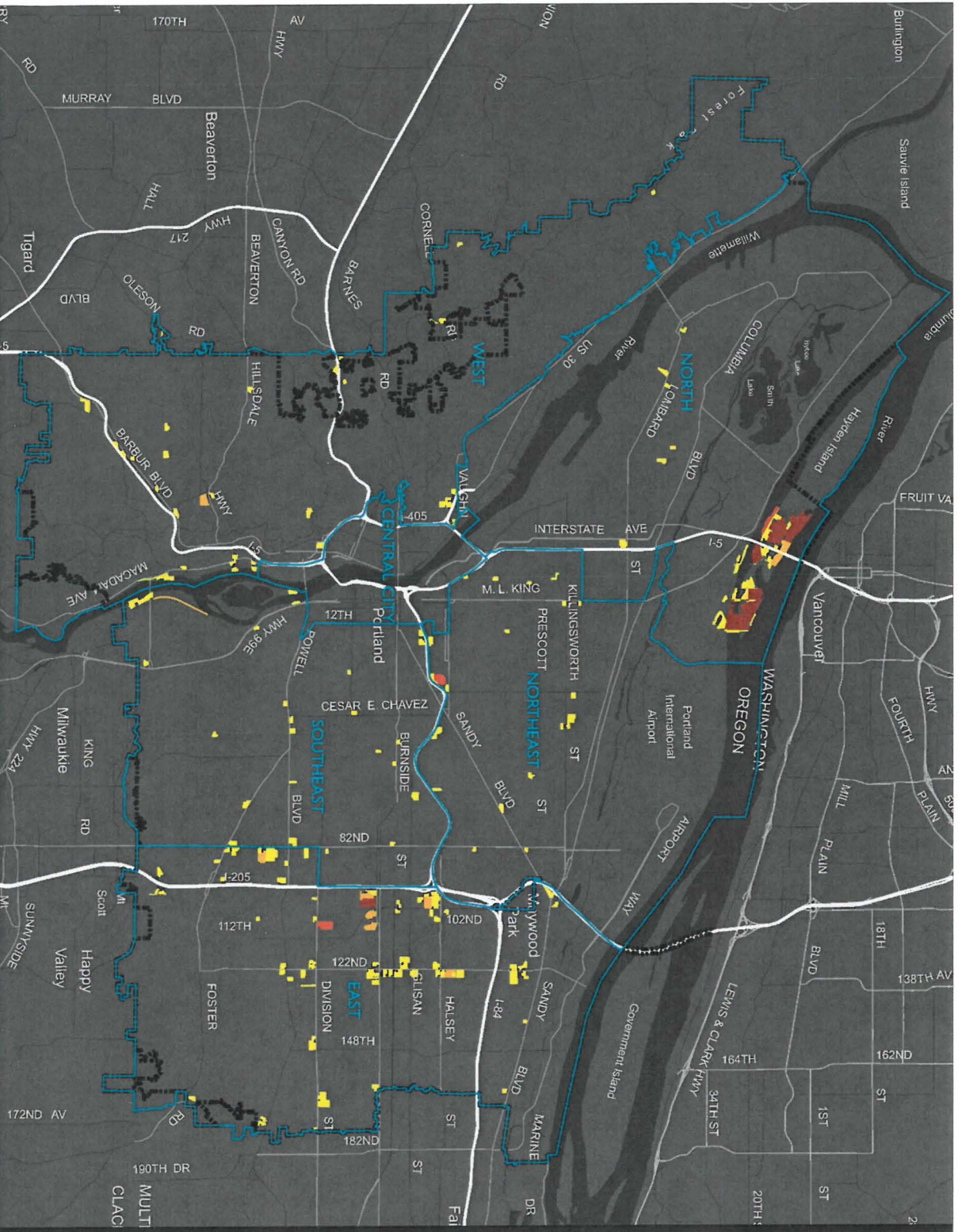


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District	Lot Size (acres)	Zone	Number of Lots	Total Acres
EAST TOTAL				444.9
NORTH	2 - 9.9	CE	21	91.8
NORTH	2 - 9.9	CM1	6	24.9
NORTH	2 - 9.9	CM2	5	16.7
NORTH	2 - 9.9	CM3	1	8.7
NORTH	10 - 14.9	CE	2	27.4
NORTH	15 - 19.9	CE	1	17.9
NORTH	20+	CE	7	279.8
NORTH TOTAL				467.1
NORTHEAST	2 - 9.9	CE	1	2.5
NORTHEAST	2 - 9.9	CM1	4	12.9
NORTHEAST	2 - 9.9	CM2	10	38.4
NORTHEAST	2 - 9.9	CM3	6	21.0
NORTHEAST	2 - 9.9	CX	1	4.5
NORTHEAST	15 - 19.9	CM2	1	15.4
NORTHEAST TOTAL				94.8
SOUTHEAST	2 - 9.9	CE	4	15.9
SOUTHEAST	2 - 9.9	CM1	6	18.9
SOUTHEAST	2 - 9.9	CM2	15	54.2
SOUTHEAST	2 - 9.9	CM3	1	6.0
SOUTHEAST	2 - 9.9	CX	3	9.5
SOUTHEAST	10 - 14.9	CM2	1	11.5
SOUTHEAST TOTAL				115.9
WEST	2 - 9.9	CE	9	33.3
WEST	2 - 9.9	CM1	5	15.6
WEST	2 - 9.9	CM2	16	57.0
WEST	2 - 9.9	CM3	9	23.1
WEST	10 - 14.9	CM2	1	12.6
WEST TOTAL				141.7
PORTLAND TOTAL				1,264.4

A map showing the location of these lots is attached.



November 17, 2016
 City of Portland, Oregon
 Bureau of Planning & Sustainability
 Geographic Information System

Commercial/ Mixed Use Large Lots

Legend

Commercial/Mixed Use Large Lots

- 2 - 9.9 acres
- 10 - 14.9 acres
- 15 - 19.9 acres
- 20+ acres

Liaison districts
 City boundary



The data featured on this map was derived from City of Portland GIS data. The City of Portland is not responsible for any errors or omissions or for any consequences arising from the use of the information. The City of Portland cannot accept any responsibility for errors, omissions or for any consequences arising from the use of the information.



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City of Portland, Oregon
 Cheryl Hulse, Mayor - Steve Anderson, Director



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ATT. 2

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MEMO

DATE: November 15, 2016
TO: Task 5 File
FROM: Barry Manning (BPS)
CC: Eric Engstrom, Al Burns (BPS)
SUBJECT: Response to RTF and other testimony

This memo is a follow up response to testimony submitted by the Retail Task Force and others in response to allowances for auto-accommodating uses in the recommended Commercial/Mixed Use zones, and the mapping and application of the CE zone. Themes heard in testimony are in bold, followed by BPS staff information and responses.

1. The MUZ zones do not accommodate the auto - they make vertical mixed use the preferred development format.

The Commercial/Mixed Use zones replace the existing Commercial zones and accommodate a variety of development options. In addition to the Commercial Employment (CE) zone, the other Commercial/Mixed Use zones include Commercial Residential (CR), Commercial Mixed Use 1, 2 and 3 (CM1, CM2, CM3), and Central Commercial (CX). The CX zone is primarily reserved for the central city. The CM1-3 zones replace many of the existing Commercial zones outside the Central City. The CE zone replaces much of the existing CG zone outside the central city. The CR zone is applied in limited areas in the context of single dwelling zoned areas.

All of the Commercial/Mixed Use zones allow Retail Sales and Service and other Commercial uses - including those that accommodate autos - to varying degrees. The development standards of the zones provide a wide array of development options.

The 2015 Comprehensive Plan calls for focused growth in Centers and Corridors, hence vertical mixed use development is a preferred option. However, the development standards of the zones do not require this type of development.



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While the CE zone is characterized as an auto-accommodating zone, none of the proposed Commercial/Mixed Use base zones contain a required minimum lot or building coverage standard - this is a departure from the current zoning code, in which the CS and CM zones have minimum requirements. The lack of required minimum building coverage provides the opportunity for ample parking on site and opportunity for development with low FAR, typical of auto-accommodating land uses, where appropriate. I

A summary of the primary Commercial use allowance and a summary of selected development standards are below.

Use Categories	CR	CM1	CM2	CM3	CE	CX
Commercial Categories						
Retail Sales And Service	L [2]	L [2]	Y	Y	Y	Y
Office	L [2]	L [2]	Y	Y	Y	Y
Quick Vehicle Servicing	N	L [2]	L [2]	L [2]	Y	N
Vehicle Repair	N	N	Y	Y	Y	L [5]
Commercial Parking	N	N	L [9]	L [9]	Y	CU [9]
Self-Service Storage	N	N	N	L [4]	Y	L [4]
Commercial Outdoor Recreation	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	CU	CU	CU	Y

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Standards	CR	CM1	CM2	CM3	CE	CX
Maximum FAR (see 33.130.205 and 33.130.212)	1 to 1 [1]	1.5 to 1	2.5 to 1	3 to 1	2.5 to 1	4 to 1
Base Height (see 33.130.210.B.1)	30 ft.	35 ft.	45 ft.	65 ft.	45 ft.	75 ft.
Max. Building Setbacks (see 33.130.215.C)						
- Street Lot Line	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line Abutting Selected Civic Corridors	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Max. Building Coverage (% of site area)						
- Inner Pattern Area	85%	85%	100%	100%	85%	100%
- Eastern, Western, and River Pattern Areas (see 33.130.220)	75%	75%	85%	85%	75%	100%
Min. Landscaped Area (% of site area) (see 33.130.225)	15%	15%	15%	15%	15%	None
Ground Floor Window Standards (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes



In addition, the proposed zoning code includes a provision for an “Alternative maximum building setback for large retailers” (33.130.215.E) that provides additional flexibility for large retail and auto accommodating uses. As proposed, the provision sets the threshold size of buildings that are eligible to use this provision at 60,000 SF, which is substantially lower than the 100,000 SF threshold currently required by zoning. In this regard, the new regulations provide more flexibility for large scale auto-accommodating retailers than the current zoning code.

2. The existing CG general commercial zone has no counterpart in the new codes.

The CG zone is generally replaced by the CE zone in the new zoning framework. It is applied on over 60% of the current CG zoned land area citywide. The CG and CE zones are similar in many regards. The development standards of the CG zone allow for auto-accommodating uses such as Quick Vehicle Servicing uses and auto accommodating development formats such as Drive Through facilities. The new CE zone would also allow Quick Vehicle Servicing uses and auto accommodating development formats such as Drive Through facilities. The current CG zone development standards require a pedestrian/transit-friendly building orientation, with limitations on setbacks, and minimum amounts of ground floor window coverage, as do the new CE zone development standards.

3. Existing auto accommodating developments all become nonconforming, as they do not meet preferred development format.

BPS disagrees with the assertion that existing auto-accommodating developments will become nonconforming. The developments may or may not become nonconforming, depending on their uses and site development characteristics. Note, there is a distinction between nonconforming uses and nonconforming development. Because of the broad use allowances in the Commercial Mixed Use zones, creation of nonconforming uses is expected to be minimal.

The new zoning features new development standards that may render some existing developments, whether auto-accommodating or not, as nonconforming development. This is not different from the current situation, in which many developments are nonconforming in some aspect of development. The Portland Zoning Code includes Chapter 33.258, Nonconforming Situations, which provides a method to review and limit nonconforming situations when changes are proposed. The intent is to protect the character of an area while assuring that uses and development may continue and that zoning regulations will not cause unnecessary burdens.

4. Some parts of Portland are “walkable” while some parts are “drivable” and development regulations should respond to these characteristics.

The 2035 Portland Comprehensive Plan calls for a significant amount of new development to be focused in centers and corridors located throughout the city. The Comprehensive



Plan calls for these places to become more pedestrian-oriented over time with development that enhances the pedestrian experience; see Policies 4.5 and 4.6, below:

Policy 4.5, Pedestrian-oriented design. Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.

Policy 4.6, Street orientation. Promote building and site designs that enhance the pedestrian experience with windows, entrances, pathways, and other features that provide connections to the street environment.

Application of pedestrian-oriented development standards is generally consistent with and supportive of Comprehensive Plan policies.

5. The CE zone lacks real auto-accommodating development standards as described in the current definition of Auto Accommodating development.

The current definition of Auto-Accommodating development supports the current Comprehensive Plan and implementation approach; the definition is proposed for amendment to be consistent with the 2035 Comprehensive Plan. The amended definition of Auto-Accommodating Development, shown below, supports and implements the new 2035 Comprehensive Plan. The development standards of the CE zone, which include allowances for a variety of uses including Quick Vehicle Servicing and Vehicle Repair, and development standards that allow for parking areas and drive through facilities, responds to the amended definition of Auto-Accommodating Development, shown below.

Auto-Accommodating Development. Development which is designed ~~with an emphasis onto accommodate~~ customers who use autos to travel to the site, ~~rather than those which have an emphasis on pedestrian customers.~~ This type of development usually has more than the minimum required number of parking spaces. ~~The main~~Buildings feature entrances is oriented providing convenient access to the parking areas. In many cases, the building will have parking between ~~the street~~secondary streets and the building. Other typical characteristics are ~~blank walls along much of the facade~~drive-through facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics.

6. The CE zone is the only zone in which an auto-accommodating use may redevelop and avoid nonconformity.

While the CE zone provides the most flexibility for auto-accommodating development, other Commercial Mixed Use zones provide varying degrees of auto accommodation. None of the Commercial/Mixed Use base zones require a minimum amount of lot coverage, compared to the current CS and CM zones which require that 50% of a site be covered by a building. This provides significant flexibility for on-site parking, which is a major component of auto accommodating development. The CE zone is the only zone that allows

4



new drive through facilities and Quick Vehicle Servicing uses. However, in recognition of existing development that could potentially be limited, zoning provisions have been developed for the CM1, CM2, and CM3 zones to allow flexibility for drive through facilities and Quick Vehicle Servicing uses to be remodeled, demolished and rebuilt.

As is the case with current zoning, other aspects of development may be or become nonconforming with new zoning. The Nonconforming Situations chapter of the Portland Zoning Code provides for continuation of these uses and development as well as some degree of change to such developments.

7. The CE zone is the only auto accommodating zone, and supermarkets need CE zoning.

All of the Commercial/Mixed Use zones allow retail use, which includes grocery stores and supermarkets. The small scale CR and CM1 zones limit the size of retail (except on large lots in CM1), but the larger scale CM2 and CM3 zones do not limit size. The CM2 and CM3 zones, as well as the CE zone, are applied broadly throughout Portland.

While the allowances of the CE zone are the most auto accommodating, other zones also allow retail uses and have development standards that facilitate autos, such as providing opportunity for parking areas. Under the current zoning, supermarkets have successfully been developed in zones that are both auto accommodating (CG) and zones that are primarily pedestrian oriented (CX, CS, CM, EX). Examples of supermarkets that have been developed in Portland's current pedestrian oriented zones include: 2800 SE Hawthorne (CS); 2340 W Burnside (CX); 6400 N Interstate (EX); 5320 NE 33rd (CS). It is expected that the replacement CM2 and CM3 zones will continue to facilitate this type of development.

8. The CE zone should be applied more broadly to address the issue of "food deserts" which are primarily located in Portland's eastern neighborhoods, to provide affordable healthy food choices.

The CE zone is applied throughout Portland. It is applied more extensively in areas outside of planned centers, along high traffic civic corridors, and in parts of Portland where auto-accommodating development patterns are still prevalent. This includes extensive mapping of the CE zone in North Portland on Hayden Island, which is the location of a large-scale regional commercial center with access only via freeway, and in Portland east of approximately 82nd Avenue, which is the location of many so called "food deserts" identified in testimony.

Overall, about 25% of the total Commercial Mixed Use acreage citywide is zoned CE. The Central City, which constitutes 16% of the citywide total contains no CE zoning. Outside of the Central City, CE comprises about 29% of the total acreage. In East Portland, the CE zone comprises 33% of the total Commercial/Mixed Use zoned acreage. Below is the percentage of CE zoning by planning district.

North: 59%
East: 33%
West: 20%



Southeast: 16%
Northeast: 7%

The CE zone has been applied most extensively in areas that depend on autos for access and in areas where an auto-accommodating development form remains most prevalent. Zones such as CM2 and CM3, which include auto-accommodating features such as flexibility for parking, have been strategically applied in designated centers in Eastern neighborhoods, to facilitate future development that better responds to Comprehensive Plan policies for pedestrian oriented development in centers.

- 9. The Centers Main Street Overlay Zone (CMSO) makes it difficult to develop and should not be applied in areas that do not have 15-minute transit and a 50/50 mode split. Application of CMSO should be deferred.**

The Centers Main Street Overlay Zone (CMSO - 33.415) promotes hubs of community activity, a continuous area of shops and services and pedestrian friendly design by requiring active ground floor uses, minimum floor areas, and pedestrian-oriented design features. It minimizes conflicts with these goals by restricting drive through facilities and quick vehicle servicing type of uses. The bulk of the CMSO regulations generally apply to the area within 100-200 feet of a transit street in the core of designated centers.

The CMSO is applied primarily to centers where frequent transit service is currently available. A transit/non-auto mode split of 50/50 is an ambitious target, however is not an appropriate target for determining when to apply this zoning overlay. Many of Portland's most transit-oriented places do not currently achieve a 50/50 mode split, yet are successfully developed in a pedestrian oriented manner.

- 10. Designate more sites as CE in order to facilitate transition in areas that are not yet ready for more intense development.**

The Comprehensive Plan calls for a built environment that emphasizes pedestrian orientation and focuses commercial, and residential development into mixed use centers and corridors. It would be inconsistent with the 2035 Comprehensive Plan to apply zoning that facilitates auto-accommodation more extensively. However, the 2015 plan does anticipate the need for future flexibility to accommodate changing needs in development by making the CE zone an allowed zoning option in any of the Mixed Use Comprehensive Plan designations. The CE zone may be requested as a quasi-judicial zone change by property interests if needed to provide for additional development flexibility.

- 11. Eastern neighborhoods have comparatively low rents \$13/sf (20% below citywide average) and relatively high vacancy (6% - 50% above average). City's food deserts are areas where building rents are sub-par, which makes it difficult for investing in new development that provides affordable goods and services. A change to CE zoning is warranted to address this.**



There is no supporting evidence that suggests that development in the CE zone will be significantly more economical than development in the similarly-scaled CM2 zone.

12. Lack of CE zoning will increase VMT, as shown in Costco example.

A lack of CE zoning does not limit development of large scale retailers. A large scale retailer, could locate in the CM2 or CM3 zones, and in the CM1 zone on large sites. The ability to locate a large scale retail use serving a large market area is a function of available sites as well as zoning.

Large scale retailers such as Costco, which was used as an example in testimony, need large sites and parking areas. Costco stores typically average 144,000 square feet. In the Portland region, these stores are located on sites ranging from 12.7 acres to over 20 acres. Assuming a building of 144,000 SF, the resulting sites have FARs ranging from 0.16:1 to 0.26:1 - a very low FAR. However, while the Centers Main Street Overlay zone and specific plan districts may specify minimum FAR, there is no minimum density or lot coverage requirement for Commercial uses as part of the development standards of the Commercial/Mixed Use base zones. The availability of CE zoning is not a prerequisite for retail development on large site or with low FAR. A lack of available large sites in a built-up urban area may be a more of a hurdle than zoning and development standards. An increase in VMT cannot be directly attributed to the amount of CE zoning.



Yesterday in the hearing for Comp Plan Implementation the question came up whether parking minimums should be eliminated as proposed in amendments #34 and #51 OR whether they should be retained and used as part of Inclusionary Housing incentives.

The combination of parking requirements for projects of 30 or more units and the Inclusionary Housing (IH) Program requirement for projects of 20 units or more may be a significant barrier to using the land and FAR most efficiently.

Removing minimum parking requirements increases the likelihood that projects will reach 20 units or more and provide needed affordable housing.

# DU	# Req Parking Spaces	Cost to develop required spaces	Savings if no parking required for affordable units	
			20%@80	10%@60
25	0	\$0	\$0	\$0
35	7	\$70,000	\$10,000	\$10,000
45	11	\$110,000	\$20,000	\$10,000
55	18	\$450,000	\$100,000	\$41,250
80	26	\$650,000	\$132,000	\$66,000

1. In general, the waiving parking requirements for all units reduces development costs to the point that less IH incentive is needed per affordable unit.

Waiving the parking for the only the affordable units does not solve the problem because the biggest cost is the added parking associated with the market rate units made possible by the added FAR.

2. Parking minimums make it less likely that bonus floor area will be used. The reason is that projects reach a size where the required parking will only fit on a lot if underground. The cost to develop underground parking exceeds the value of the additional FAR. This means projects will build less units and less affordable units.
3. Waiving parking only for projects subject to IH is of no benefit since parking requirements only apply to buildings with 30 or more units. All of these projects are already subject to IH.
4. Removing the parking requirement also increases the viability of mixed use buildings, and increases the number of units built overall, which increases supply and helps keep market prices lower than they might otherwise be. We are not suggesting that buildings without parking will be less expensive, or more affordable. They won't, because process are set by the overall supply/demand balance. But without parking the overall supply will be higher, which keeps overall prices down.



CITY OF

PORTLAND, OREGON**Amanda Fritz, Commissioner**

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November 15, 2016

To: City Council

From: Commissioner Fritz

CC: Joe Zehnder, Chief Planner; Eric Engstrom, Principal Planner; Susan Anderson, Director

RE: Agenda #1292 – Comprehensive Plan Amendments

Since publication of the “2035 Comprehensive Plan Early Implementation Council Amendments” memo dated November 4, 2016, I have identified refinements to two amendments in that document. I request that these refinements be considered at the upcoming City Council public hearing on November 17, 2016 and the subsequent Council Special Session on Tuesday, November 22, 2016.

1. Refinement to Amendment #36 -- Title 3 Amendments

This refinement, providing consistency with Goal 1 requirements and reflecting concerns raised by the testimony of the Multnomah Neighborhood Association, adds geographic diversity to the considerations of membership in the Community Involvement Committee:

- Remove the text “Members shall be appointed to provide representation from a reasonably broad spectrum of lived experience, striving to include representation from under-served and under-represented communities.”
- Replace the removed text with “The appointed membership shall be broadly representative of geographic areas and interests and from a reasonably broad spectrum of lived experience, particularly in under-served and under-represented communities.”

Please see the attached Word document which reflects my full amendments to Code section 3.132, with the above refinement highlighted.

2. Refinement to Amendment #54 – Street Vacation Code

I am proposing the following language to link the proposed Street Vacation Code more clearly with adopted Comprehensive Plan policies on Public rights-of-way (policies 8.39-8.52, pp.GP8-16 and GP8-17 of the adopted June 2016 Comprehensive Plan). My staff and I are working in collaboration with PBOT, the City Attorney and Commissioner Novick’s office to make potential additional refinements to this language as appropriate.

My proposed changes are highlighted in grey below (underlined text reflects the previously proposed changes to existing code):

17.84.020 Fees

A. (no change)

B. (no change)

C. The Council, upon hearing the petition, may grant the same in whole or in part or deny it in whole or in part, and may make reservations or conditions as appear to be in the public interest. The reservations or conditions may pertain to:

1. The maintenance and use of underground public utilities or service facilities in the portion vacated;
2. Limitations on use of the area above and adjacent to underground utilities or service facilities;
3. Moving at petitioner's expense of utility or service facilities either below, on or above the surface;
4. Construction, extension or relocation of sidewalks and curbs;
- 5.5. Grading or pavement extensions;
6. Dedication for street use or other area in lieu of the area to be vacated;
7. Replat;
8. The approval criteria and considerations in 17.84.025; and
9. Any other matter of like or different nature relating to the vacated area and remaining or relocated street area adjacent to petitioner's property, or area dedicated in lieu of the vacation.

17.84.025 Approval Criteria and Conditions for Vacating Streets

A. In considering whether the vacation will prejudice the public interest, the Council will consider the following factors as relevant. The approval criteria are as follows:

1. The area proposed to be vacated is not presently needed presently and is not identified in any adopted plan needed in the future, for public services, transportation functions, utility functions, stormwater functions, view corridors and/or viewpoints, tree planting/retention, pedestrian amenities, or Consider temporary community or commercial uses.
2. The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or view points. Consider temporary community uses.
3. Public services, transportation functions, replacement of or mitigation for City Trees as defined in PCC 11.080.020 or utilities can be extended in an orderly and efficient manner in an alternate location;
4. The vacation does not impede the future best use, development of, or access to abutting property consistent with the applicable zoning or impede access to abutting property;
5. The area of the vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in section 17.88.040 Through Streets.



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ATT. 5

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MEMO

DATE: November 17, 2016
TO: City Council
FROM: Eric Engstrom, Bureau of Planning and Sustainability, Principal Planner
CC: Susan Anderson, Bureau of Planning and Sustainability, Director
Joe Zehnder, Bureau of Planning and Sustainability, Chief Planner
SUBJECT: 2035 Comprehensive Plan Early Implementation
Zoning Map Amendments, Recommended Draft Errata Sheet #3

ZONING MAP ERRATA:

District	Neighborhood	Address	Taxlots(s)	Errata Description
North	University Park	5706 Willamette Boulevard	R248439	Change from R5 zone to CI zone to recognize inclusion in University of Portland campus
North	University Park	5516 N Willamette Boulevard	R248427	Change from CI1 zone to R5 zone to recognize exclusion from University of Portland campus



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November 15, 2016

To: City Council

From: Commissioner Fritz

CC: Joe Zehnder, Chief Planner; Eric Engstrom, Principal Planner; Susan Anderson, Director

RE: Agenda #1292 – Comprehensive Plan Amendments

Since publication of the “2035 Comprehensive Plan Early Implementation Council Amendments” memo dated November 4, 2016, I have identified refinements to two amendments in that document. I request that these refinements be considered at the upcoming City Council public hearing on November 17, 2016 and the subsequent Council Special Session on Tuesday, November 22, 2016.

1. Refinement to Amendment #36 -- Title 3 Amendments

This refinement, providing consistency with Goal 1 requirements and reflecting concerns raised by the testimony of the Multnomah Neighborhood Association, adds geographic diversity to the considerations of membership in the Community Involvement Committee:

- Remove the text “Members shall be appointed to provide representation from a reasonably broad spectrum of lived experience, striving to include representation from under-served and under-represented communities.”
- Replace the removed text with “The appointed membership shall be broadly representative of geographic areas and interests and from a reasonably broad spectrum of lived experience, particularly in under-served and under-represented communities.”

Please see the attached Word document which reflects my full amendments to Code section 3.132, with the above refinement highlighted.

2. Refinement to Amendment #54 – Street Vacation Code

I am proposing the following language to link the proposed Street Vacation Code more clearly with adopted Comprehensive Plan policies on Public rights-of-way (policies 8.39-8.52, pp.GP8-16 and GP8-17 of the adopted June 2016 Comprehensive Plan). My staff and I are working in collaboration with PBOT, the City Attorney and Commissioner Novick’s office to make potential additional refinements to this language as appropriate.

My proposed changes are highlighted in grey below (underlined text reflects the previously proposed changes to existing code):

17.84.020 Fees

- A. (no change)

B. (no change)

C. The Council, upon hearing the petition, may grant the same in whole or in part or deny it in whole or in part, and may make reservations or conditions as appear to be in the public interest. The reservations or conditions may pertain to:

1. The maintenance and use of underground public utilities or service facilities in the portion vacated;
2. Limitations on use of the area above and adjacent to underground utilities or service facilities;
3. Moving at petitioner's expense of utility or service facilities either below, on or above the surface;
4. Construction, extension or relocation of sidewalks and curbs;
- 5.5. Grading or pavement extensions;
6. Dedication for street use or other area in lieu of the area to be vacated;
7. Replat;
8. The approval criteria and considerations in 17.84.025; and
9. Any other matter of like or different nature relating to the vacated area and remaining or relocated street area adjacent to petitioner's property, or area dedicated in lieu of the vacation.

17.84.025 Approval Criteria and Conditions for Vacating Streets

A. In considering whether the vacation will prejudice the public interest, the Council will consider the following factors as relevant. The approval criteria are as follows:

1. The area proposed to be vacated is not presently needed presently and is not identified in any adopted plan needed in the future, for public services, transportation functions, utility functions, stormwater functions, view corridors and/or viewpoints, tree planting/retention, pedestrian amenities, or .Consider temporary community or commercial uses.
2. The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or view points. Consider temporary community uses.
3. Public services, transportation functions, replacement of or mitigation for City Trees as defined in PCC 11.080.020 or utilities can be extended in an orderly and efficient manner in an alternate location;
4. The vacation does not impede the future best use, development of, or access to abutting property consistent with the applicable zoning or impede access to abutting property;
5. The area of the vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in section 17.88.040 Through Streets.

Commentary

This change to Title 3 establishes the Community Involvement Committee. This is included in Title 3 rather than Title 33 because the Community Involvement Committee will not make land use decisions.

As described above, the process of chartering the committee and selecting members will begin after the Comprehensive Plan is adopted. ~~The committee will be chartered, recruited and selected through a process guided by~~ The Bureau of Planning and Sustainability will work in collaboration with the Office of Neighborhood Involvement, with consultation with the Office of Equity and Human Rights and the Public Involvement Advisory Council to charter, recruit and select members for the Community Involvement Committee.

City Code Chapter 3.132 amended by **adding** a new section as follows:

3.132 Community Involvement Committee- for legislative projects under the Comprehensive Plan.

3.132.010 Purpose. The Community Involvement Committee (CIC), an independent advisory body, is charged with reviewing, commenting and advising City staff on the community involvement elements of legislative projects ~~under~~ that implement Portland's Comprehensive Plan. The Committee will:

- A. Recommend changes to and assessments of ongoing and project-specific community involvement practices to bring them closer into alignment with the Comprehensive Plan Community Involvement goals and policies.
- B. Approve and update the Community Engagement Manual over time to reflect emerging best practices.

3.132.020 Membership, Meetings, and Organization. The Community Involvement Committee members shall be appointed by the Commissioner-in-Charge of the Bureau of Planning and Sustainability ~~and confirmed by the City Council.~~ The Committee will consist of at least 5 and no more than 12 members. The appointed membership shall be broadly representative of geographic areas and interests and from a reasonably broad spectrum of lived experience, particularly in under-served and under-represented communities. Members must live, work, worship or be enrolled in school within the city of Portland and/or volunteer for a nonprofit within the City of Portland.

- A. **Appointments and Terms.** The Commissioner-in-Charge of the Bureau of Planning and Sustainability shall appoint members of the Community Involvement Committee. Appointment to the Community Involvement Committee shall be for a ~~two~~ three-year term, renewable for a second term. If a position is vacated during a term, ~~it shall be filled for the Commissioner-in-Charge of the Bureau~~ shall appoint a member to serve for the unexpired term. Terms shall be staggered. Members appointed to the Community Involvement Committee serve at the pleasure of the Commissioner-in-Charge of the Bureau of Planning and Sustainability. Members of the Committee may be dismissed at the discretion of the Commissioner-in-Charge.
- B. **Meetings, Officers, and Subcommittees.**
 - 1. The Community Involvement Committee shall meet at least ~~four~~ five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with ~~adopted rules of procedure~~ bylaws adopted by the Director of the Bureau of Planning and Sustainability.
 - 2. The Community Involvement Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose, such as gathering information.

- C. **Attendance.** Members of the Community Involvement Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from ~~three~~ two or more consecutive meetings or more than 50 percent of the meetings in any year.
- D. **Compensation.** Community Involvement Committee members shall serve without compensation.

Commentary

This change to Title 3 adds the Community Involvement Committee as a responsibility of the Bureau of Planning and Sustainability.

3.33.030 Functions**030**

3.33.030 Functions

(Amended by Ordinance No. 184046, effective September 10, 2010.) The Bureau of Planning and Sustainability is responsible for planning, implementing, and managing complex programs and projects related to sustainability, urban design, land use, and long range planning.

The Bureau of Planning and Sustainability:

- A) Works with the City Council, Planning and Sustainability Commission, and the community to define shared values and develop a cohesive vision for the future of Portland;
- B) Maintains, modifies, and updates a Comprehensive Plan to guide the development and redevelopment of the city;
- C) Ensures that City policies, implementation tools, and zoning designations are consistent with the Comprehensive Plan, the Metro Functional Plan, Statewide Planning Goals, and other requirements. Implementation tools include Title 33, Planning and Zoning, portions of other City Titles, and a range of programs and policies;
- D) Maintains, modifies, and updates Title 33, Planning and Zoning, and the City Zoning Map;
- E) Develops, modifies and updates city sustainability principles, climate protection strategies, and green building and other sustainability policies and programs including sustainable government, renewable energy, energy efficiency, sustainable industries, and sustainable food systems; and evaluates the implementation and effectiveness of these policies and programs;
- F) Develops, modifies and updates economic, environmental, housing, historic preservation, and community development policies and programs; updates demographic data; advocates for and advances quality sustainable urban design; works to ensure natural resource enhancement; and supports thriving neighborhoods and business communities; and evaluates the implementation and effectiveness of these policies and programs;
- G) Convenes meetings of the Planning and Development Directors to coordinate planning and development activities of the City of Portland;
- H) Provides City input into and coordination with regional and statewide planning and development activities;
- I) Administers the City's solid waste and recycling rules and programs;
- J) Provides support for:
 - 1. The activities of the Planning and Sustainability Commission;
 - 2. The legislative activities of the Portland Historic Landmarks Commission and the Portland Design Commission.
 - 3. The activities of the Community Involvement Committee.
- K) Carries out other tasks and functions as required by the City Council or Commissioner in Charge



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

MEMO

DATE: November 14, 2016

TO: City Council

FROM: Eric Engstrom, Bureau of Planning and Sustainability, Principal Planner

CC: Susan Anderson, Bureau of Planning and Sustainability, Director
Joe Zehnder, Bureau of Planning and Sustainability, Chief Planner

SUBJECT: 2035 Comprehensive Plan Early Implementation
Supplemental Minor/Technical Amendments #2

INTRODUCTION

On August 23rd the Planning and Sustainability Commission recommended measures to implement the new 2035 Comprehensive Plan. The recommendation included Zoning Map amendments, Zoning Code amendments, changes to the Transportation System Plan, changes to Major Public Trails map, and a new Community Involvement Program.

On November 4 Planning and Sustainability staff submitted a memo with several recommended minor zoning map and code change. The purpose of this memo is to identify an additional staff-recommended minor zoning map change and one staff-recommended minor zoning code change.

DRAFT ZONING MAP AMENDMENT:

Amendment #2t: Multiple Mixed Use - Urban Center Comprehensive Plan Map designated and commercial/mixed use zoned properties without the Design "d" overlay zone

Related testimony (for or against): none as this is BPS staff sponsored.



Amendment: Add the “d” overlay to adopted Mixed Use - Urban Center Comprehensive Plan Map designed and recommended commercial/mixed use zoned properties.

Neighborhoods: Multiple neighborhoods in NE and SE Portland

Comprehensive Plan Map designation: Mixed Use - Urban Center

DRAFT ZONING CODE AMENDMENT:

Changes to code are shown using either an underline/~~strikeout~~, or shading. Shading is used to highlight changes to new chapters which are not otherwise shown in underline in the recommended draft.

Amendment #2u: Amend 33.510.114.C.3.b(2) (pg. 361) to change the term “gross building area” to “net building area” so that the measurement of the allowed uses are consistent:

33.510 Central City Plan District

510

33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone

- A. Generally. [No change]
- B. Historic resources. [No change]
- C. ~~Employment Opportunity Subarea~~**Central Eastside Subdistrict.**
 - 1. Purpose. The regulations of this subsection are intended to broaden the mix of employment uses in the Central Eastside Industrial District in a manner that increases the vitality of the district without negatively impacting the viability of industrial uses and development. The additional uses allowed by the regulations are uses that build on the economic strengths, locational advantages and urban character of the Central Eastside~~promote the preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for a broad and diverse mix of employment uses that are compatible with industrial activities and that build on the economic strengths, locational advantages and urban character of the Central Eastside.~~
 - 2. Where these regulations apply. The regulations of this subsection apply to sites zoned in the IG1 Zone in the Employment Opportunity Subarea of the Central Eastside Subdistrict that are not subject to Subsection B.
 - 3. Allowed uses.

2



a. Retail Sales And Service and Traditional Office uses.

(1) Sites up to 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are 40,000 square feet or less in size:

- Up to 5,000 square feet of the net building area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More than 5,000 square feet in Retail Sales And Service use on a site is prohibited.
- ~~b. Traditional Office.~~ Up to 5,000 square feet of net building area on a site may be in Traditional Office use. More than 5,000 square feet in Traditional Office use on a site is prohibited.

(2) Sites over 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are more than 40,000 square feet in size:

- Retail Sales and Service uses on a site are allowed but net building area plus exterior display and storage is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Retail Sales And Service use is prohibited.
- Traditional Office uses on a site are allowed but net building area is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Traditional Office use is prohibited.

e-b. Industrial Office.

(1) Generally, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to up to an amount equal to three times the square footage of the site. Unless allowed by one of the exceptions below, Industrial Office use in excess of three times the square footage of the site is prohibited.

(2) Exceptions.

- If the site is 20,000 square feet or less in size, up to 60,000 square feet of net building area may be in an Industrial Office use. More than 60,000 square feet per site is prohibited.
- Industrial Office uses are allowed in buildings that existed on [insert adoption date]. In this case, 100 percent of the net building area may be in an Industrial Office use including floor area added inside of the building as it existed on [insert adoption date]. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on [insert adoption date] can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.

~~Up to 60,000 square feet of the floor area on a site may be in Industrial Office use.~~

~~4. Conditional uses.~~



- a. ~~More than 5,000 square feet in Traditional Office use on a site is a conditional use. More than 60,000 square feet in Traditional Office use on a site is prohibited.~~
- b. ~~More than 60,000 square feet in Industrial office use on a site is a conditional use.~~





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MEMO

DATE: November 4, 2016

TO: City Council

FROM: Eric Engstrom, Bureau of Planning and Sustainability, Principal Planner

CC: Susan Anderson, Bureau of Planning and Sustainability, Director
Joe Zehnder, Bureau of Planning and Sustainability, Chief Planner

SUBJECT: 2035 Comprehensive Plan Early Implementation
Council Amendments

On October 6th and 13th City Council held hearings to gather feedback on the PSC-recommended measure to implement the new 2035 Comprehensive Plan. Since that time each Council office has identified potential amendments you may be interested in making. BPS has compiled that information into this memo. The memo includes Zoning Map amendments, Zoning Code amendments, changes to the Transportation System Plan, changes to Major Public Trails map, and several possible directives for future staff work.

A City Council hearing has been scheduled on November 17th at 2pm to consider these changes to the recommended package. Staff have mailed a notice of the map amendments to impacted property owners.



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portlandoregon.gov/bps
1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

How to Testify:

Use the **Map App** online to comment on zoning map changes:

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=rz>

By Email: cputestimony@portlandoregon.gov

By US Mail: Portland City Council, 1221 SW 4th Ave. Room 130, Portland, OR 97204

In person, at the public hearing:

Thursday, November 17, 2016, 2 p.m.

City Hall Council Chambers

1221 SW 4th Avenue

To confirm dates and times, please check the City Council calendar:

<https://www.portlandoregon.gov/auditor/26997>

If you need special accommodation, translation, or interpretation, please call 503-823-4086 at least 48 hours before the hearing.

Questions? Call the Comprehensive Plan helpline at 503-823-0195.

PROPOSED COUNCIL AMENDMENTS

These amendments have been offered by commissioners for discussion only. By identifying a possible change, the sponsoring commissioner is expressing an interest in further discussion, and has not yet committed to vote for the change.

MINOR AND TECHNICAL:

1. **Errata.** Errata identified by staff in memos dated September 30, 2016 and October 13, 2016. This includes both zoning map and zoning code changes.

<https://www.portlandoregon.gov/bps/article/595733>

<https://www.portlandoregon.gov/bps/article/595732>



2. **Minor/Technical.** Minor technical amendments identified by staff in a memo dated November 4, 2016. This includes both zoning map and zoning code changes.

<https://www.portlandoregon.gov/bps/article/596986>

ZONING MAP:

These amendments can be viewed in context on the zoning map using the online Map App:

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=rz>

3. **1225 N Jantzen Drive (R323513)**

Requested by: Novick

Related testimony (for or against): property owner

Neighborhood: Hayden Island

Amendment: Change from CM1 to CE

Comprehensive Plan designation: Mixed Use - Neighborhood

Staff recommendation: Oppose. Staff would like Council to consider and apply a consistent set of criteria to determine when CM1 should be changed to CE. The site is currently zoned CN2, a small scale zone. The recommended CM1 accommodates rebuilding and expansion of drive-through facilities, which addresses the current use and facility on site.

4. **6454 N Greeley Ave (R306665)**

Requested by: Novick

Related testimony (for or against): property owner

Neighborhood: Arbor Lodge

Amendment: Change from CM1 to CE

Comprehensive Plan designation: Mixed Use - Dispersed



Staff recommendation: Staff would like Council to consider and apply a consistent set of criteria to determine when CM1 should be changed to CE. The site is currently zoned CN1; the proposed CM1 is the closest equivalent zone. The proposed CM1 accommodates rebuilding and expansion of drive-through facilities, however this type of facility is not currently on the property and the small size of the site may not be appropriate for a new facility. If council elects to up-zone property, staff recommends retaining zoning for adjacent CM1 properties.

5. **705 N Fremont St (R131286)**

Requested by: Hales, Saltzman

Related testimony (for or against): PCRI (property owner)

Neighborhood: Boise

Amendment: Change from R2 to CM2

Comprehensive Plan designation: Mixed Use – Urban Center

Staff recommendation: Support.

6. **815 N Fremont St (R223833)**

Requested by: Hales, Saltzman

Related testimony (for or against): property owner

Neighborhood: Boise

Amendment: Change from R2 to CM2

Comprehensive Plan designation: Mixed Use – Urban Center

Staff recommendation: Support.

7. **3300 and 3306 N Williams Ave (R308644, R308643, R308646)**

Requested by: Hales

Related testimony (for or against): property owner, BES Brownfield Program

Neighborhood: Eliot



Amendment: Change from R1 to CM2

Staff recommendation: Support. Brownfield site. Change of zoning could make re-use of the site more viable.

8. Riverside Golf and Country Club "I" overlay
(R280037, R280066, R280067, R280039, 280064, R280041, R280042)

Requested by: Hales

Related testimony (for or against): property owner

Neighborhood: Sunderland

Amendment: Remove recommended "I" overlay from this Open Space zoned site

Comprehensive Plan designation: Industrial Sanctuary

Staff recommendation: Support. The "I" overlay is not intended for Open Space zoned site. The "I" would be applied upon conversion to industrial zoning (see related code change in amendment #35).

9. North side of NE Fremont St, NE 46th Ave to NE 48th Ave (multiple properties)

Requested by: Hales, Saltzman

Related testimony (for or against): several property owners, Beaumont-Wilshire Neighborhood Association Land Use Committee

Neighborhood: Beaumont-Wilshire and Cully

Amendment: Change from CM1 to CM2

Comprehensive Plan designation: Mixed Use - Neighborhood

Staff recommendation: Support. These properties are currently zoned CS. The CM1 zone would be a down-zone. The site is in a relatively opportunity-rich location.

10. 4020-4040 NE Fremont St, 4100-4120 NE Fremont St, 3422 NE 41st Ave and 4130 NE Fremont St (R112578, R112577, R112576, R112565)

Requested by: Hales, Saltzman



Related testimony (for or against): property owner, Beaumont-Wilshire Neighborhood Association Land Use Committee

Neighborhood: Beaumont-Wilshire

Amendment: Change from CM1 to CM2

Comprehensive Plan designation: Mixed Use - Neighborhood

Staff recommendation: Support. These properties are close to frequent transit, and at a prominent intersection.

11. West side of SE Cesar E. Chavez Blvd between SE Division St and SE Sherman St – 2301 to 2347 (R100848, R100850, R100852, R100853, R100854)

Requested by: Hales

Related testimony (for or against): several individuals

Neighborhood: Richmond

Amendment: Change from R1 to CM2, with a “d” overlay

Comprehensive Plan designation: Mixed Use – Urban Center

Staff recommendation: Support. A similar change was made by the PSC near SE Hawthorne Blvd and SE Cesar E. Chavez Blvd. This site is close to frequent transit, and is an opportunity-rich location.

12. 5000-5018 SE Hawthorne Blvd (R177069)

Requested by: Novick

Related testimony (for or against): Mt. Tabor Neighborhood Association, property owner, several individuals

Neighborhood: Mt. Tabor Neighborhood Association

Amendment: Change from CM1 to CM2

Comprehensive Plan designation: Mixed Use - Neighborhood



Staff recommendation: Support. This site is at a prominent intersection, is well served by frequent transit, and does not abut any single family zoning (CM1 is to the east, and R1 is to the south).

13. Design “d” overlay on SE Hawthorne Blvd east of SE 50th (multiple properties)

Requested by: Hales, Fritz

Related testimony (for or against): Mt. Tabor Neighborhood Association, individuals

Neighborhood: Mt. Tabor

Amendment: Add “d” overlay to the small node of mixed use zoning east of SE 50th.

Comprehensive Plan designation: Mixed Use - Neighborhood

Staff recommendation: Support. This is the only section on Hawthorne without a recommended “d” overlay.

14. SE 60th Ave and SE Belmont St

(R332710, R332709, R332852, R332777, R221948, R221947, R221946, R221945)

Requested by: Novick

Related testimony (for or against): Mt. Tabor Neighborhood Association, property owner, individuals

Neighborhood: Mt. Tabor

Amendment: Change from CM1 to CM2

Comprehensive Plan designation: Mixed Use - Neighborhood

Staff recommendation: Support. This location is well served by transit, and there are existing multi-story buildings on the SE corner of this intersection. Staff notes that while there is a 60th Avenue Corridor Improvement (Project # 70006) identified within the Transportation System Plan, it is on the unconstrained list.



15. Sellwood-Moreland Design “d” overlay (multiple properties)

Requested by: Hales, Fritz, Saltzman

Related testimony (for or against): Sellwood-Moreland Improvement League (SMILE), Sellwood-Moreland Business Association, several individuals

Neighborhood: Sellwood-Moreland

Amendment: Add Design “d” overlay to mixed use zoning in Sellwood-Moreland

Comprehensive Plan designation: Mixed Use - Neighborhood

Staff recommendation: Support. This neighborhood is experiencing significant growth within the mixed use zoned area. The Sellwood-Moreland Neighborhood received the ‘d’ overlay on R2.5 and higher residential zones in 1998, so this overlay is an existing zoning tool within this geography.

16. South side of SE Powell west of SE 17th Ave (multiple properties)

Requested by: Hales

Related testimony (for or against): property owner, several individuals

Neighborhood: Brooklyn

Amendment: Change from CE to CM2

Comprehensive Plan designation: Mixed Use – Civic Corridor

Staff recommendation: Support. The north side of the street is zoned EX, which is a Central City designation. The area is close to both the Clinton/SE 12th Ave and SE 17th and Rhine MAX stations. The CM2 zone serves as a step-down between the EX and the R2.5 to the south.

17. 2900 SE 122nd Ave (R334026)

Requested by: Hales

Related testimony (for or against): David Douglas School District

Neighborhood: Powellhurst-Gilbert

Amendment: Change from CM2 to CE



Comprehensive Plan designation: Mixed Use – Urban Center

Staff recommendation: Support. The site is used as a bus garage for the David Douglas School District. CE zoning better accommodates that use.

18. 1004 and 1040 SE 102nd Ave, SE Yamhill St (R149793, R149785, R149787, R149788)

Requested by: Hales, Fritz

Related testimony (for or against): property owner

Neighborhood: Hazelwood

Amendment: Change from CI2 to R1

Comprehensive Plan designation: Institutional Campus

Staff recommendation: Support. This is a private parcel within the boundaries of the Adventist Medical Center. Allowing residential zoning is consistent with how other similar situations have been handled.

19. 5105 SE Woodstock Blvd, 5115 SE Woodstock Blvd, 5112 SE Woodstock Blvd, 6028 SE 51st Ave, 5119 SE Martins St (R261435 R261436, R208745, R208747, R208748)

Requested by: Hales, Novick

Related testimony (for or against): property owner

Neighborhood: Woodstock

Amendment: Change from R2.5 and R1 to CM2

Comprehensive Plan designation: Mixed Use - Neighborhood

Staff recommendation: Support.

20. 4543 SE Harney Dr (R158235)

Requested by: Fish

Related testimony (for or against): Bureau of Environmental Services (BES)

Neighborhood: Brentwood-Darlington



Amendment: Change from R2a to OS

Comprehensive Plan designation: Residential 2,000 (OS is an allowed zone in that designation)

Staff recommendation: Support. The site is owned by the Bureau of Environmental Services.

21. PCC Sylvania Campus (multiple parcels)

Requested by: Hales

Related testimony (for or against): PCC request

Neighborhood: Far Southwest

Amendment: Change from CI1 to CI2

Comprehensive Plan designation: Institutional Campus

Staff recommendation: Support. The campus will receive improved transit access with the Southwest Corridor light rail project. The change will facilitate additional on-campus activity and wider range of uses. Note the related amendment to allow housing in the CI2 zone (Amendment #30). Staff recommends limiting the FAR on this campus to 0.75:1, in order to keep scale from overwhelming abutting neighborhoods. This could be accomplished by an additional note associated with Table 150-2 (see Amendment #29). A 0.75:1 FAR would still provide significant expansion opportunities above what is built currently. This is below the standard CI2 zone FAR of 3:1, but higher than the 0.5:1 CI1 zone FAR.

22. 1434 and 1512 SW 58th Ave (R326912, R326911)

Requested by: Hales, Novick, Saltzman

Related testimony (for or against): property owner

Neighborhood: Sylvan-Highlands

Amendment: Change from R20 to R2

Comprehensive Plan designation: Residential 2,000



Staff recommendation: Oppose. Staff would be more comfortable requiring a quasi-judicial zone change in this case, to ensure adequate transportation analysis. The site does not have good transit access or walkable access to a wide range of commercial services.

23. 6141 SW Canyon Ct (R326896)

Requested by: Saltzman

Related testimony (for or against): property owner

Neighborhood: Sylvan-Highlands

Amendment: Change from R20 to R5

Comprehensive Plan designation: Residential 5,000

Staff recommendation: Oppose. Staff would be more comfortable requiring a quasi-judicial zone change in this case, to ensure adequate transportation analysis. The site does not have good transit access.

24. 2580 NW Upshur St (R227144, R227145)

Requested by: Novick

Related testimony (for or against): property owner

Neighborhood: Northwest

Amendment: Change from CM1 to CM2

Comprehensive Plan designation: Mixed Use - Neighborhood

Staff recommendation: Support. The site does not abut single-dwelling sites, and is an opportunity-rich location with good transit service.

CODE AMENDMENTS:

Changes to code are shown using either an underline/~~strikeout~~, or shading. Shading is used to highlight changes to new chapters which are not otherwise shown in underline in the recommended draft.



25.a FAR in Alphabet District - Option A

Code section: Map 120-7 (page 67 of Zoning Code Amendments)

Requested by: None (PSC recommendation)

Explanation: Uphold the PSC changes to the FAR in the Alphabet District, which retained the 4:1 FAR in the southern portion of the historic district, limited FAR to 2:1 elsewhere.

Related testimony (for or against): NWDA, Oregon Opportunity Network, Portland Coalition for Historic Resources, Oregon LOCUS, 1000 Friends of Oregon, Housing Land Advocates NW Pilot Project, NW Housing Alternatives, Restore Oregon, Landmarks Commission, other individuals.

Amendment text: None.

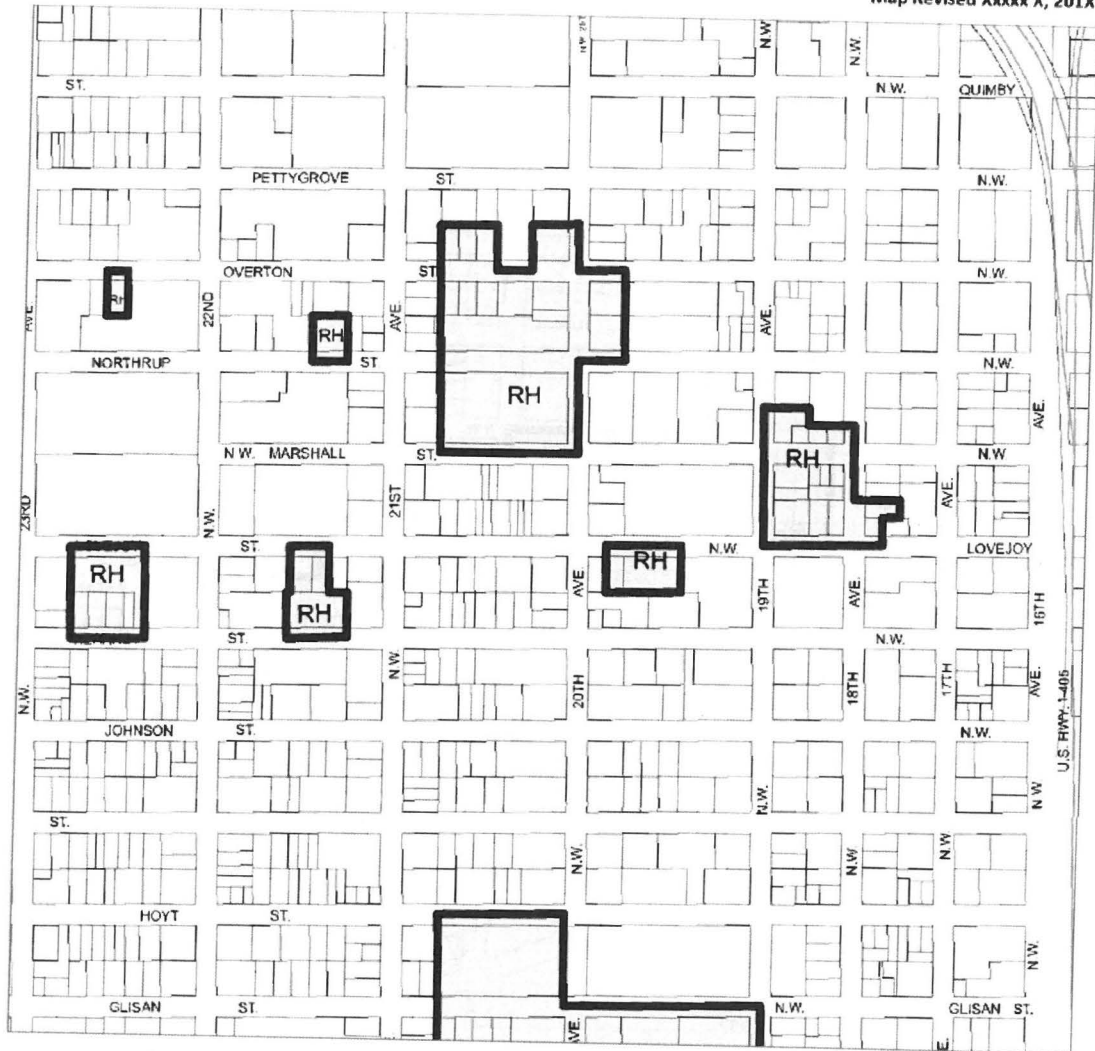
Staff recommendation: Staff supports either Option A or Option C. This recommendation included retaining 4:1 FAR in the southern portion of the District, which is closer to the MAX station, where buildings are higher, and where the bulk of the additional development capacity is.



RH Areas with Maximum FAR of 4:1

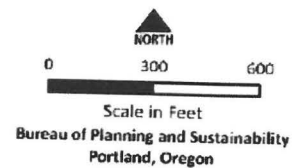
Map 120-7

Map Revised XXXXX X, 201X



----- City Boundary
 □ Boundary of Existing/Potential RH - Zoned Area

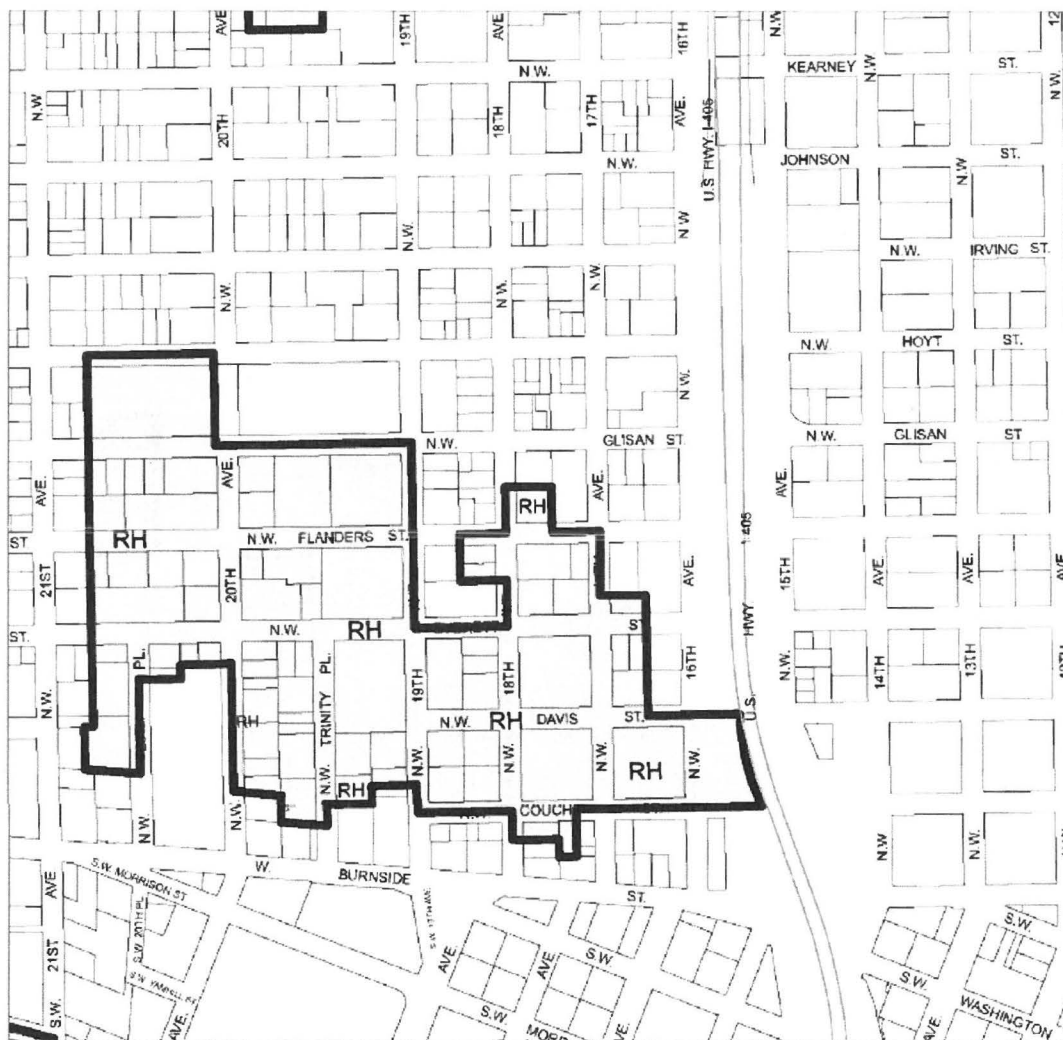
Quarter Section(s): 2927, 2928, 3027, 3028



RH Areas with Maximum FAR of 4:1

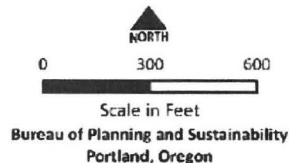
Map 120-8

Map Revised XXXX X, 201X



- City Boundary
- Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028



25.b FAR in Alphabet District – Option B

Code section: Map 120-7 (page 67 of Zoning Code Amendments)

Requested by: Saltzman

Explanation: Rejects the PSC recommended 2:1 FAR in the northern Alphabet District, retaining 4:1 where is it currently mapped.

Related testimony (for or against): NWDA, Oregon Opportunity Network, Portland Coalition for Historic Resources, Oregon LOCUS, 1000 Friends of Oregon, Housing Land Advocates NW Pilot Project, NW Housing Alternatives, Restore Oregon, Landmarks Commission, other individuals.

Amendment text: Revert the map to the original staff recommendation – with an FAR of 4:1 on most RH parcels in the Alphabet District.

Staff recommendation: Oppose. The Council adopted policies with the new Comprehensive Plan suggesting that zoning entitlements should respond to historic designations. The PSC recommendation does that. The FAR is subject to review by the Landmarks Commission, which has generally rejected 4:1 in this area. Historic districts represent a relatively small portion of the City's housing capacity.




RH Areas with Maximum FAR of 4:1

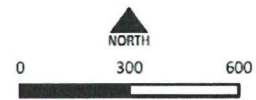
Map 120-7

Map Revised Xxxxx X, 201X



- City Boundary
-  Boundary of Existing/Potential RH-Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028



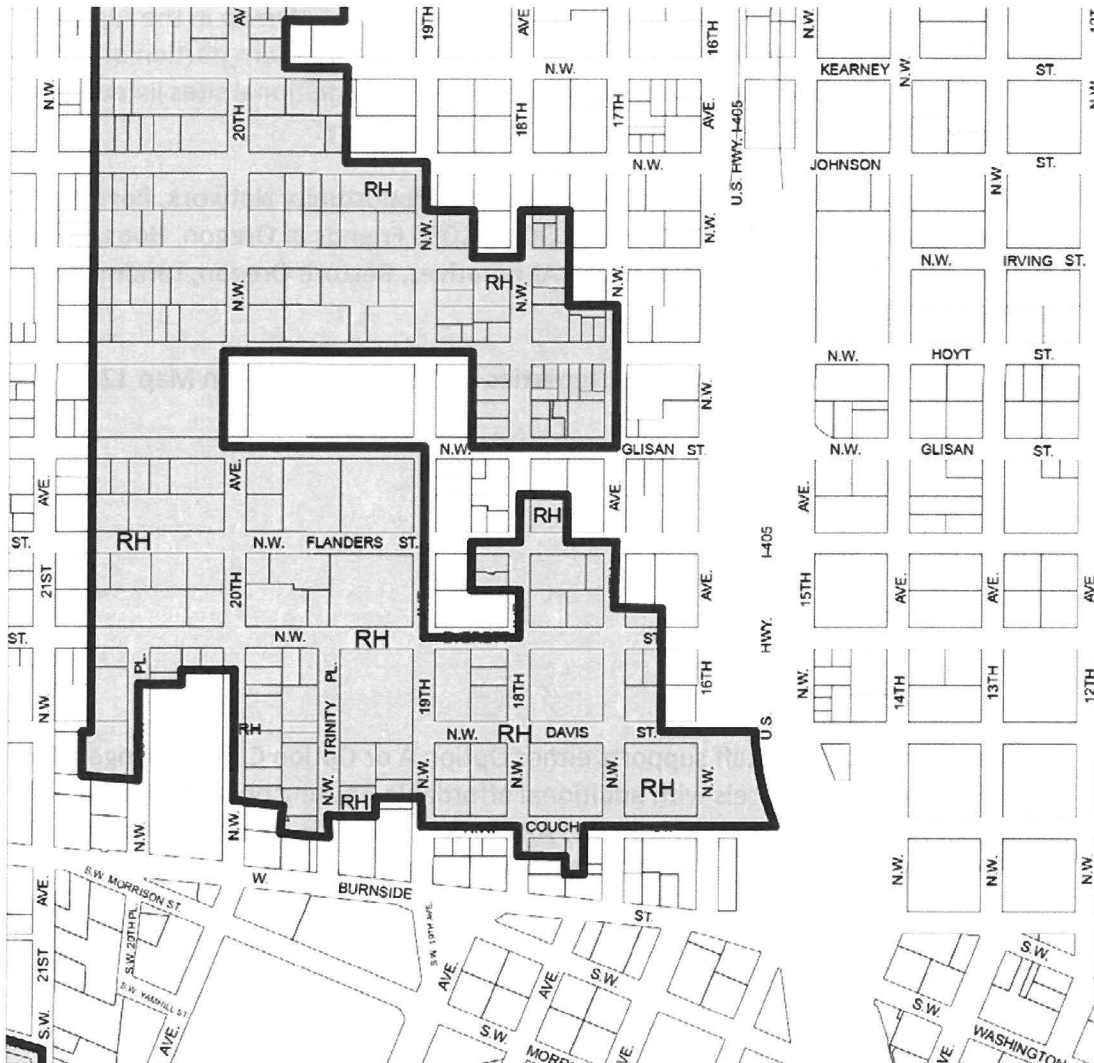
Scale in Feet
 Bureau of Planning and Sustainability
 Portland, Oregon




RH Areas with Maximum FAR of 4:1

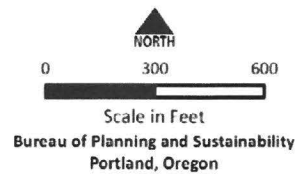
Map 120-8

Map Revised Xxxxx X, 201X



- City Boundary
-  Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028



25.c FAR in Alphabet District - Option C

Code section: Map 120-7 (page 67 of Zoning Code Amendments)

Requested by: Hales

Explanation: Uphold the PSC-recommended changes to the FAR map in the Alphabet District. Like Option A, this would retain the 4:1 FAR in the southern portion of the historic district. In addition, this option would return four additional sites listed below to the mapped 4:1 area. FAR would be limited to 2:1 elsewhere.

Related testimony (for or against): NWDA, Oregon Opportunity Network, Portland Coalition for Historic Resources, Oregon LOCUS, 1000 Friends of Oregon, Housing Land Advocates NW Pilot Project, NW Housing Alternatives, Restore Oregon, Landmarks Commission, other individuals.

Amendment text: Add the following properties to the 4:1 FAR area on Map 120-7 and 120-8:

- a. 624 NW 18th Ave
- b. 1727 NW Hoyt St
- c. 1806-1816 NW Irving St
- d. 777 NW 19th Ave

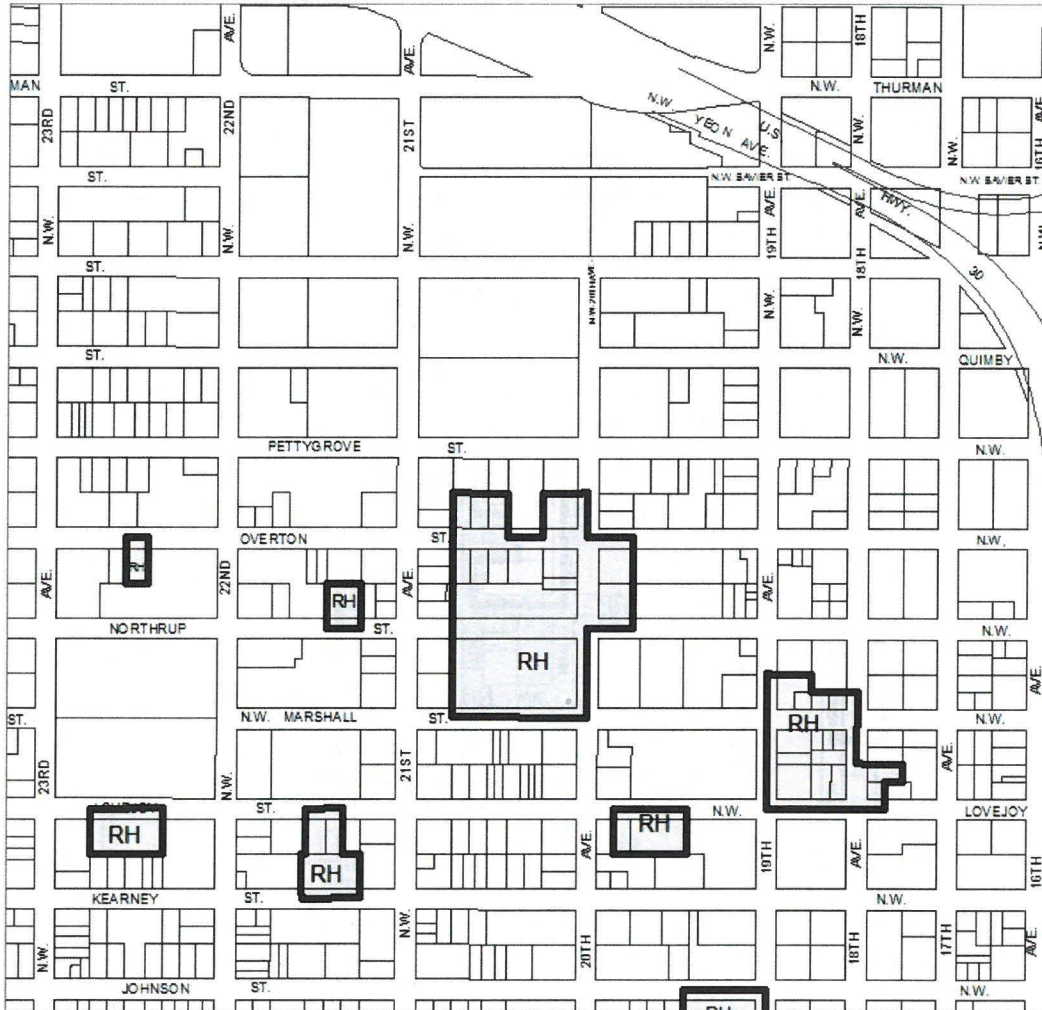
Staff recommendation: Staff supports either Option A or Option C. This change allocates higher FAR to several parcels with additional affordable housing opportunity, and a parcel that is already developed with an FAR above 2:1. This is consistent with the PSC recommendation, but addresses several specific opportunity sites.




RH Areas with Maximum FAR of 4:1

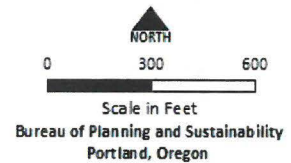
Map 120-7

Map Revised XXXXX X, 201X



- City Boundary
-  Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028



RH Areas with Maximum FAR of 4:1

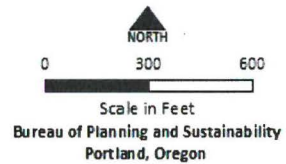
Map 120-8

Map Revised Xxxxx X, 201X



----- City Boundary
 □ Boundary of Existing/Potential
 RH - Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028



26. School District Notification

Code section: 33.700.025

Requested by: Fritz

Explanation: Adds schools to the neighborhood contact requirement.

Related testimony (for or against): David Douglas School District.

Amendment text:

33.700.025 Neighborhood Contact

- A. Purpose.** The Neighborhood Contact process provides a setting for an applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early in the quasi-judicial or permit process, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts before the proposal has progressed far into the quasi-judicial or permit process.

Where the proposal is for a land division, the focus of the meeting should be on the proposed configuration of lots, tracts, and streets. Where the proposal involves design review or historic resource review, the focus of the meeting should be the design of the proposal and not whether the proposal will be built. Where the proposal is for a use or development that is allowed by the zoning, the focus of the meeting should be on the proposal and not on whether it will be built. The discussion at the meeting is advisory only and is not binding on the applicant.

- B. When Neighborhood Contact is required.** Neighborhood Contact is required before applying for certain building permits or land use reviews, as specified in this Title. Applicants may also choose to follow the process voluntarily when it is not required.
- C. Requirements.** The requirements for Neighborhood Contact are:
1. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. A copy of this request must also be sent by registered or certified mail to the district neighborhood coalition and the school district within whose boundaries the proposal is located. Meeting request forms are available at the Development Services Center. Applicants are encouraged to include conceptual site plans, building elevations, and any other information that supports their proposal. The request letter must summarize the proposed development, the purpose of the meeting, and describe the following timelines.

The neighborhood association should reply to the applicant within 14 days and hold a meeting within 45 days of the date of mailing the request. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may request a land use review or building permit without further delay. If



the neighborhood requests the meeting within the time frame, the applicant must attend the meeting. The applicant may attend additional meetings on a voluntary basis. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

2. After the meeting and before applying for the land use review or building permit, the applicant must send a letter by registered or certified mail, to the neighborhood association, ~~and~~ district neighborhood coalition, and school district. The letter will explain changes, if any, the applicant is making to the proposal.
3. Copies of letters required by this subsection, and registered or certified mail receipts, must be submitted with the application for land use review or building permit.
4. The application must be submitted within one year from the date of sending the initial letter required in paragraph C.1., or the neighborhood contact process must be restarted.

Staff recommendation: Support. This is consistent with recently adopted Comp Plan policy.

27. Façade articulation standard in commercial/mixed use and campus institutional zones

Code section: 33.130.222.C.2 and 33.150.255.C.2

Requested by: Novick

Explanation: This would remove a change recommended by the PSC to allow bay windows that project over the right of way to meet the recommended façade articulation standard. The articulation standard limits the size of undifferentiated flat building facades, and requires some recesses or projections on front facades over a certain size.

Related testimony (for or against): PBOT Staff

Amendment text:

33.130.222 Building Length and Façade Articulation

- A. [No change]
- B. [No change]
- C. **Facade articulation.**
 1. [No change]
 2. The standard. At least 25 percent of the facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Façade area used to meet the façade articulation standard may be recessed behind,



or project out from, the primary façade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 130-9.

33.150.255 Building Length and Facade Articulation

- A. [No change]
- B. [No change]
- C. **Building Facade articulation in the CI2 Zone.**
 - 1. [No change]
 - 2. The standard. At least 25 percent of each facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 150-10

Staff recommendation: Support. Without the amendment, the PSC-recommended provision may create significant pressure for PBOT to approve bay windows that overhang the right of way. Bay windows would still be allowed with or without the proposed amendment, subject to PBOT approval.

28.a Drive-through facilities – Option A

Code section: 33.130.260

Requested by: None (PSC recommendation)

Explanation: This option retains the PSC recommendation and clarifies one aspect of that code language related to Quick Vehicle Servicing uses. This option would prohibit drive-through facilities, and correlated Quick Vehicle Servicing uses, east of 80th Avenue. West of 80th, it would allow new drive-through facilities and Quick Vehicle Servicing uses only in the auto-accommodating CE zone. West of 80th it would allow rebuilding and expansion of existing facilities in CM1, CM2, and CM3 zones.

Related testimony (for or against): Retail Task Force, EPAP, US Business Leadership Network, National Association of Mutual Insurance Companies, Bicycle Transportation Alliance, several businesses, individuals

Amendment text:

33.130.100 Primary Uses

- A. **Allowed uses.** [No change to Recommended Draft]



- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.
1. [No change to Recommended Draft]
 2. Commercial limitations. These regulations apply to all parts of Table 130-1 that have a [2].
 - a. In the CR and CM1 zones, each individual Retail Sales and Service and Office use is limited to 5,000 square feet of net building area, except that in the CM1 zone on sites that are over 40,000 square feet in size and are located on a Neighborhood Collector or higher classification traffic street, each individual Retail Sales and Service or Office use is limited to 40,000 square feet of net building area; and
 - b. In the CR zone, in addition to the size limitation specified in B.2.a., the hours when Retail Sales And Service uses can be open to the public are limited to 6:00 AM to 11:00 PM.
 - c. Quick Vehicle Servicing in CM1, CM2, CM3 and CE zones:
 - (1) Quick Vehicle Servicing uses are prohibited in the area east of 80th Avenue shown on Map 130-3.
 - (2) In the CE zone, Quick Vehicle Servicing uses are allowed outside the area east of 80th Avenue shown on Map 130-3.
 - (3) In the CM1, CM2, and CM3 zones outside the area east of 80th Avenue shown on Map 130-3, new Quick Vehicle Servicing uses are prohibited, but Quick Vehicle Servicing uses that existed on [insert effective date] are allowed. If a Quick Vehicle Servicing use that existed on [insert effective date] is discontinued for 3 continuous years, reestablishment of the use is prohibited. If the Quick Vehicle Servicing use ceases operations, even if the structure or materials related to the use remain, the use as been discontinued. If the Quick Vehicle Servicing use changes to another use without obtaining all building, land use, and development permits that would have been required at the time of the change, the use has been discontinued.

Table 130-1 Commercial/Mixed Use Zone Primary Uses						
Use Categories	CR	CM1	CM2	CM3	CE	CX
Quick Vehicle Servicing	N	L [2]	L [2]	L [2]	L [2]	N

33.130.260 Drive-Through Facilities

- A. Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones by clarifying where drive-through facilities are allowed, and by limiting the impacts from drive-through facilities. The regulations:



- Prohibit drive-through facilities in certain zones and in parts of Portland where a pedestrian oriented development pattern is emphasized;
 - Allow for the continuation and improvement of existing drive-through facilities in selected zones and locations; and
 - Limit the impacts from drive-through facilities on adjacent residential zones, such as noise and air pollution from idling cars.
- B. CR and CX zones.** Drive-through facilities are prohibited in the CR and CX zones.
- C. CM1, CM2, and CM3 zones.** The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones:
1. Drive-through facilities are prohibited in the area east of 80th Avenue shown on Map 130-3.
 2. Drive-through facilities outside the area shown on Map 130-3:
 - a. New drive-through facilities are prohibited; and
 - b. Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If an existing drive-through facility is unused for 3 continuous years, reestablishment of the drive-through facility is prohibited.
- D. CE zone.**
1. Drive-through facilities are prohibited in the area east of 80th Avenue shown on Map 130-3.
 2. Drive-through facilities are allowed outside the area shown on Map 130-3, except that drive-through facilities are not allowed within 25 feet of a lot line that abuts a residential zone. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

Staff recommendation: Oppose. Staff believes this would create many nonconforming situations. The distinction between east and west of 80th is not clear.

28.b Drive-through facilities – Option B

Code section: 33.130.260

Requested by: Saltzman

Explanation: Option B reflects staff's August 2016 recommendation to the Planning and Sustainability Commission. It would allow new drive-through facilities and Quick Vehicle Servicing uses only in the auto-accommodating CE zone (the zoning map proposes a limited amount of CE zoning citywide). It would allow exiting facilities in the CM1, CM2, and CM3 zones to be expanded or rebuilt. They would be prohibited in the Central City and in the new main street overlay, where existing facilities would be treated as

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nonconforming development. Like options A and C, this would also clarify the difference between adding a new and expanding and existing drive-through facility.

Related testimony (for or against): Retail Task Force, EPAP, US Business Leadership Network, National Association of Mutual Insurance Companies, Bicycle Transportation Alliance, several businesses, individuals

Amendment text:

33.130.260 Drive-Through Facilities

- A. **Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones that are intended to be pedestrian-oriented, while allowing the continuation and improvement of existing drive-through facilities in some of these zones. In zones intended for auto-accommodating development, these regulations allow for drive-through facilities, while limiting the impacts from drive-through facilities on adjacent residential zones, such as noise and air pollution from idling cars.
- B. **CR and CX zones.** Drive-through facilities are prohibited in the CR and CX zones.
- C. **CM1, CM2, and CM3 zones.** The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones:
 - 1. Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If an existing drive-through facility is unused for 3 continuous years, reestablishment of the drive-through facility is prohibited.
 - 2. New drive-through facilities are prohibited.
- D. **CE zone.** Drive-through facilities are allowed in the CE zone, except that drive-through facilities are not allowed within 25 feet of a lot line that abuts a residential zone. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

Staff recommendation: Staff supports either Option B or C.

28.c Drive-through facilities – Option C

Code section: 33.130.260

Requested by: Hales

Explanation: This option would prohibit new drive through facilities in all Commerical/Mixed Use zones, not just east of 80th Ave. An exception would be made for new quick vehicle servicing uses (gas stations, oil change businesses, and car washes), which would be allowed in the CE zone. It would allow existing drive-through facilities to be expanded and rebuilt in CM1, CM2, CM3, and CE. All drive through facilities would be

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prohibited in the Central City and in the new main street overlay, where existing facilities would be treated as nonconforming development.

Related testimony (for or against): Retail Task Force, EPAP, US Business Leadership Network, National Association of Mutual Insurance Companies, Bicycle Transportation Alliance, several businesses, individuals

Amendment text:

33.130.260 Drive-Through Facilities

- A. **Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones that are intended to be pedestrian-oriented, while allowing the continuation and improvement of existing drive-through facilities in some of these zones. In zones intended for auto-accommodating development, these regulations allow for drive-through facilities, while limiting the impacts from drive-through facilities on adjacent residential zones, such as noise and air pollution from idling cars.
- B. CR and CX zones. Drive-through facilities are prohibited in the CR and CX zones.
- C. CM1, CM2, and CM3 zones. The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones:
 - 1 New drive-through facilities are prohibited; and
 - 2 Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If an existing drive-through facility is unused for 3 continuous years, reestablishment of the drive-through facility is prohibited.
- D. CE zone.
 - 1 New drive-through facilities are prohibited except for drive-through facilities associated with Quick Vehicle Servicing uses. Drive-through facilities are not allowed within 25 feet of a lot line that abuts a residential zone. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.; and
 - 2 Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If an existing drive-through facility is unused for 3 continuous years, reestablishment of the drive-through facility is prohibited.

Staff recommendation: Staff supports either Option B or C.



29. Good Samaritan Hospital**Code section:** Table 150-2**Requested by:** Hales**Explanation:** Changes the FAR at Legacy Good Samaritan Hospital to 3.7:1**Related testimony (for or against):** Legacy**Amendment text:**

Table 150-2 Summary of Development Standards in Campus Institutional Zones			
Standard	CI1	CI2	IR
Maximum FAR [1] (see 33.150.205)	0.5 to 1	3 to 1 [2]	2 to 1
Maximum Height (see 33.150.210)	75 ft. [3]	150 ft. [3]	75 ft.

Notes:

[1] For Colleges and Medical Centers, the entire CI zone is treated as one site regardless of ownership. In this case, FAR is calculated based on the total square footage of the parcels within the zone rather than for each individual parcel, and setbacks, building length, facade articulation, ground floor windows and transit street main entrance regulations are measured from, or only apply to, the perimeter of the zone.

[2] Maximum FAR within the Legacy Good Samaritan Hospital and Health Center campus boundary shown on Map 150-3 is 3.7 to 1.

[3] Heights reduced on sites that are across the street from, or adjacent to, certain zones. See 33.150.210.C.

Staff recommendation: Support. This is consistent with the current master plan.**30. Housing in CI2 zone****Code section:** Table 150-1**Requested by:** Hales**Explanation:** Allows housing on campuses with CI2 zoning. Without this amendment campus housing would be limited to student and faculty housing.**Related testimony (for or against):** PCC**Amendment text:**

Table 150-1 Campus Institutional Zone Primary Uses			
Use Categories	CI1	CI2	IR
Residential Categories			
Household Living	N	Y	Y
Group Living	N	Y	Y [9]

Staff recommendation: Support. The amendment would enable more flexible consideration of other on-campus housing, such as Senior housing, or affordable housing.

31. University of Portland – change in front setback

Code section: Map 150-2

Requested by: Hales

Explanation: This would change the street setback on a portion of the University of Portland Campus from 200 feet to zero.

Related testimony (for or against): University of Portland

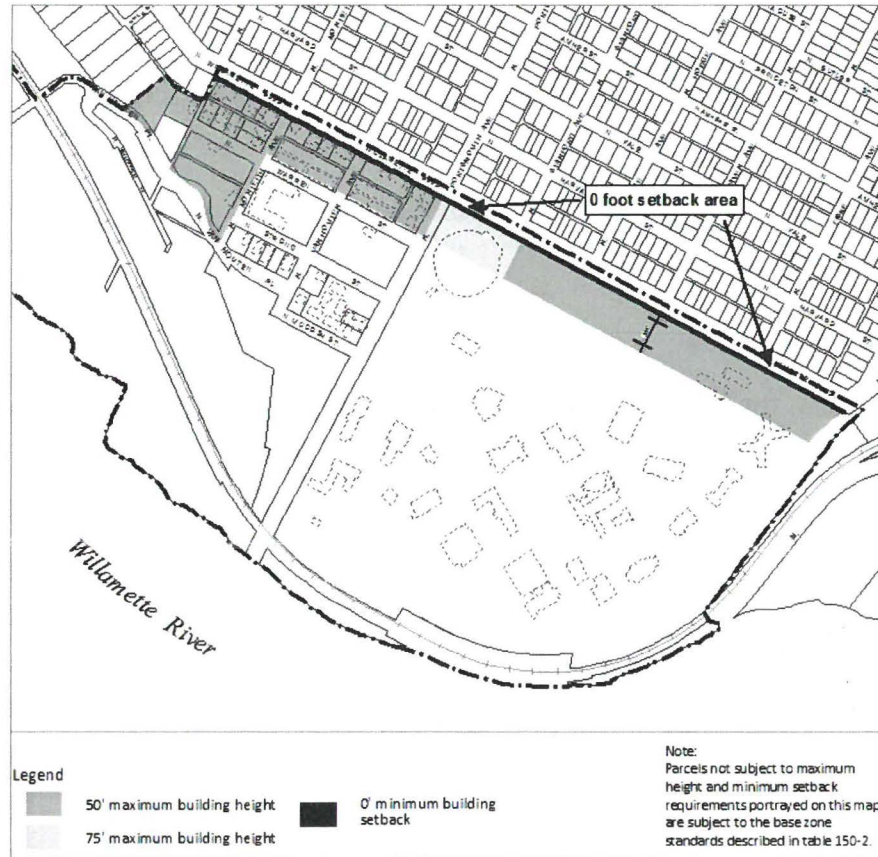
Amendment text:



Maximum Heights and Minimum Setbacks University of Portland

Map 150-2

Map Revised Xxxxx X, 2015



Staff recommendation: Oppose. The setback was established as part of a master plan process. A change should be considered but after a more complete public involvement process.



32. Emanuel Hospital

Code section: Map 150-3

Requested by: Hales

Related testimony (for or against):

Amendment text: Delete Map 150-3 (Legacy Emanuel Hospital and Health Center Maximum Heights and Minimum Setbacks) because Legacy Emanuel does not have site specific heights and setbacks. Renumber Maps 150-4 and 150-5 to be 150-3 and 150-4.

Staff recommendation: Support. Recommended CI2 building stepback and height standards are equal to or greater than building height and stepback standards included in the Legacy Emanuel Impact Mitigation Plan.

33. Modify the CI1 building length standard

Code section: 33.150.235

Requested by: Hales

Explanation: This amendment would change the maximum building length for buildings in the CI1 zone, when the buildings are close to the street. The maximum length would change from 110 to 200 feet.

Related testimony (for or against): University of Portland

Amendment text:

33.150.235 Building Length in the CI1 Zone

- A. **Purpose.** The maximum building length standard, along with the height and setback standard, limits the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.
- B. **Maximum building length.** In the CI1 Zone, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site.

Staff recommendation: Support. This is consistent with similar standards recommended for the mixed use zone.



34. Removal of minimum off-street parking requirements

Code section: 33.266.110

Requested by: Hales

Explanation: This amendment would change the recommended draft to remove minimum off-street parking requirements from sites close to frequent transit. This would undo a 2012 code change that imposed minimum requirements for developments of more than 30 units.

Related testimony (for or against): Portlanders for Parking Reform, Oregon Walks, Hawthorne Boulevard Business Association, Hosford Abernathy Neighborhood Development, Bicycle Transportation Alliance; Portland for Everyone, UPNA, Rose City Park, several individuals

Amendment text:

33.266.110 Minimum Required Parking Spaces

- A. [No change to Recommended Draft]
- B. **Minimum number of required parking spaces ~~required~~.**
 - 1. Minimum for sites located close to transit. There is no minimum parking requirement for sites located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service.
 - 2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service, the minimum number of parking spaces required is stated in Table 266-1.
 - ~~1. The minimum number of parking spaces for all zones is stated in Table 266-1. Table 266-2 states the required number of spaces for use categories. The standards of Tables 266-1 and 266-2 apply unless specifically superseded by other portions of the City Code.~~
 - ~~23.~~ Joint use parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed only if the uses and housing types to which the parking is accessory are allowed in the zone where the parking is located. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to BDS as part of a building or zoning permit application or land use review:
 - a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - b. The location and number of parking spaces that are being shared;

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- c. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 - d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- C. [No change to Recommended Draft]
- D. [No change to Recommended Draft]

Staff recommendation: Support. Economic analysis related to the proposed inclusionary housing code has raised concerns about the impact of parking costs on affordable housing. This recommendation is in tandem with recommending expanded Transportation Demand Management requirements, and new on-street parking management tools.

35. "I" overlay application on Golf Courses

Code section: 33.475 and 33.565

Requested by: Hales

Explanation: This clarifies that the "I" overlay will be added to the Riverside Golf and Country Club if the zoning on that site is ever changed to IG2 in the future (it is currently zoned OS, but the adopted 2035 Comprehensive Plan allows IG2). This relates to Amendment #8, which removes the "I" overlay from that site while it is still zoned OS.

Related testimony (for or against): Riverside Golf and Country Club, Broadmoor Golf Course

Amendment text:

33.475.030 Applying the Prime Industrial overlay zone

The Prime Industrial overlay zone is to be applied to all land designated as Prime Industrial in the Comprehensive Plan except for land that is zoned Open Space.

33.565.400 Zoning Map Amendments

The IG2 zone is the only zone that can be requested during a Zoning Map Amendment on the Golf Course/IG2 Transition Area sites shown on Map 565-4. Requesting a zone other than IG2 is prohibited. In addition, the Prime Industrial overlay zone must be applied in conjunction with the zone change to IG2.

Staff recommendation: Support. The "I" overlay is not intended for Open Space zoned sites. The "I" would be applied upon conversion to industrial zoning (see related map change in amendment #6).



36. Title 3 Amendments

Code section: 3.132

Requested by: Fritz

Explanation: This section of Title 3 establishes the Community Involvement Committee. This is included in Title 3 rather than Title 33 because the Community Involvement Committee will not make land use decisions. As described in the staff report, the process of chartering the committee and selecting members will begin after the Comprehensive Plan is adopted. The Bureau of Planning and Sustainability will work in collaboration with the Office of Neighborhood Involvement, the Office of Equity and Human Rights, and the Public Involvement Advisory Council to charter, recruit and select members for the Community Involvement Committee.

The Commissioner-proposed changes provide more specificity about membership, meetings, and appointments.

Related testimony (for or against): PIAC, Multnomah Neighborhood Association, several individuals

Amendment text:

3.132 Community Involvement Committee, for legislative projects under the Comprehensive Plan.

3.132.010 Purpose. The Community Involvement Committee (CIC), an independent advisory body, is charged with reviewing, commenting and advising City staff on the community involvement elements of legislative projects ~~under~~ that implement Portland's Comprehensive Plan. The Committee will:

- A. Recommend changes to and assessments of ongoing and project-specific community involvement practices to bring them closer into alignment with the Comprehensive Plan Community Involvement goals and policies.
- B. Approve and update the Community Engagement Manual over time to reflect emerging best practices.

3.132.020 Membership, Meetings, and Organization. The Community Involvement Committee members shall be appointed by the Commissioner-in-Charge of the Bureau of Planning and Sustainability ~~and confirmed by the City Council.~~ The Committee will consist of at least 5 and no more than 12 members. Members shall be appointed to provide representation from a reasonably broad spectrum of lived experience, striving to include representation from under-served and under-represented communities. Members must live, work, worship or be enrolled in school within the city of Portland and/or volunteer for a nonprofit within the City of Portland.



- A. **Appointments and Terms.** The Commissioner-in-Charge of the Bureau of Planning and Sustainability shall appoint members of the Community Involvement Committee. Appointment to the Community Involvement Committee shall be for a ~~two~~ three-year term, renewable for a second term. If a position is vacated during a term, ~~it shall be filled for~~ the Commissioner-in-Charge of the Bureau shall appoint a member to serve for the unexpired term. ~~Terms shall be staggered.~~ Members appointed to the Community Involvement Committee serve at the pleasure of the Commissioner-in-Charge of the Bureau of Planning and Sustainability. Members of the Committee may be dismissed at the discretion of the Commissioner-in-Charge.
- B. **Meetings, Officers, and Subcommittees.**
1. The Community Involvement Committee shall meet at least ~~four~~ five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with ~~adopted rules of procedure~~ bylaws adopted by the Director of the Bureau of Planning and Sustainability.
 2. The Community Involvement Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose, such as gathering information.
- C. **Attendance.** Members of the Community Involvement Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from ~~three~~ two or more consecutive meetings or more than 50 percent of the meetings in any year.
- D. **Compensation.** Community Involvement Committee members shall serve without compensation.

Staff recommendation: Support. The changes help clarify intent.

37. Minimum density in commercial/mixed use zones

Code section: 33.130.207

Requested by: BPS Staff

Explanation: Metro Title 1 requires cities to codify minimum residential densities in designated centers and corridors, and once established, those requirements cannot be reduced. Portland established minimum residential densities in the 1990's. Commercial/mixed use zones do not currently have any residential densities in Portland's zoning code. The recommended zoning map includes a number of parcels that will change from residential to commercial mixed use zoning. Some residential parcels are also being down-zoned. The result is that the overall regulated minimum residential density in Portland's centers and corridors is being reduced by the



recommended zoning map, even though total residential capacity is being increased. In order to maintain compliance with Metro Title 1, staff recommends adding minimum residential densities in commercial/mixed use zones, when residential or mixed use development is built. About ¾ of all development in commercial/mixed use zones over the past decade has included a residential component. These new requirements would not apply to projects that do not have a residential component.

Related testimony (for or against): None

Amendment text:

33.130.207 Minimum Density

- A. Purpose.** The minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.
- B. Minimum Density.** The minimum density requirements for the CM2 and CM3 zones are stated in Table 130-2. Minimum density applies to new development when at least one dwelling unit is proposed. Land within an Environmental zone may be subtracted from the calculation of minimum density.

Table 130-2 Summary of Development Standards in Commercial/Mixed Use Zones						
Standards	CR	CM1	CM2	CM3	CE	CX
Maximum FAR (see 33.130.205 and 33.130.212)	1 to 1 [1]	1.5 to 1	2.5 to 1	3 to 1	2.5 to 1	4 to 1
Minimum Density	NA	NA	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	NA	NA

Staff recommendation: Support. This may be necessary to maintain compliance with Metro Title 1.



TRANSPORTATION SYSTEM PLAN

38. Hayden Bay Trail Bike Classification

Street Segment #: TP01-0039442, 0039443, 0039444, 0039445, 0039446, 0039447, 0039448, 0039437.

Requested by: Hales, Novick

Related testimony (for or against): property owners, individuals

Amendment: Remove the City Bikeway classification from Hayden Bay:

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=tspBike>

SEARCH: 190 N HAYDEN BAY DR

Staff recommendation: Support. This is consistent with the adopted Hayden Island Plan.

39. NE 7th and 9th Bikeway Classification

Street Segment #: multiple – all of NE 7th and NE 9th from Sumner to Schuyler.

Requested by: Hales, Fritz

Related testimony (for or against): several individuals

Amendment: Direct PBOT to retain flexibility on the location of a Major City Bikeway on either NE 7th or NE 9th until more specific project design options are developed and more outreach is completed. Classify both streets as a Major City Bikeway until the decision is made.

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=tspBike>

SEARCH: NE 7th AVE AND NE FREMONT ST

Staff recommendation: Support. This is consistent with the Council's treatment of this potential bikeway on the adopted CSP project list.

40. Gateway Green connection

Street Segment #: NEW

Requested by: Novick



Related testimony (for or against): none

Amendment: Add a link connecting the I-205 path and Gateway Green to the surrounding street network.

Staff recommendation: Support.



41. South Waterfront Street Plan

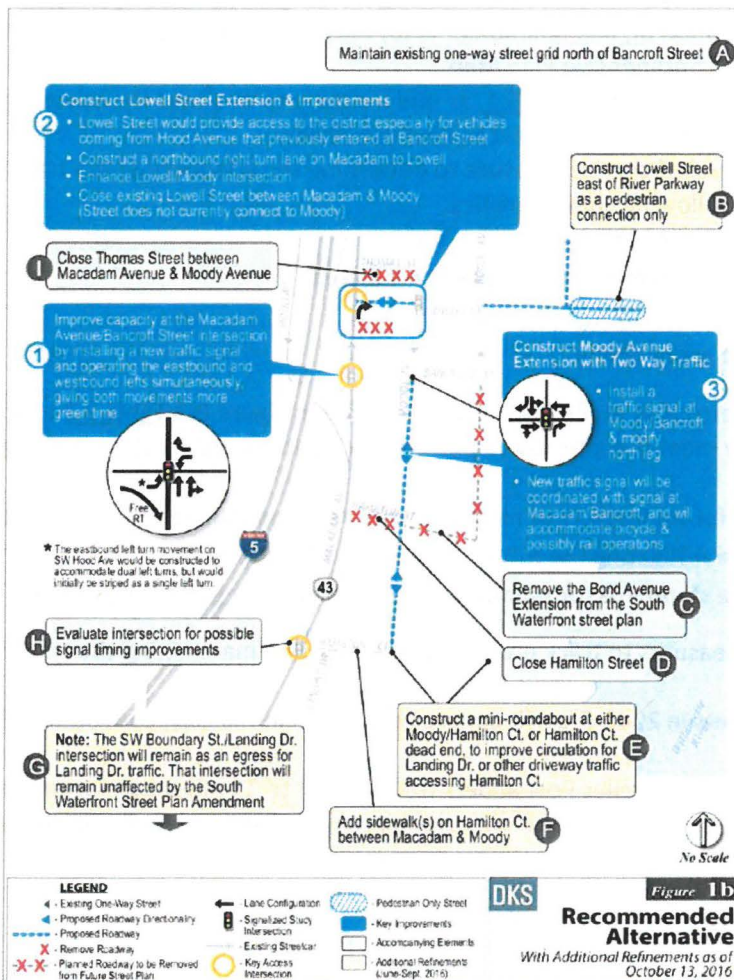
TSP Section: Section 9, pages 15-27

Requested by: Novick

Related testimony (for or against): none

Amendment: Replace the South Waterfront Street Plan map and narrative on these pages with revised text and map to reflect recommended changes at the South Portal, which are being presented to City Council on November 16th.

Staff recommendation: Support. This is the result of a local negotiation with property owners, which was not complete at the time of the PSC recommendation.



42. Performance measures relocation to TSP**TSP Section:** Section 10**Requested by:** Hales, Novick**Related testimony (for or against):** none**Amendment:** Move Policy 9.50.b. from page GP9-16 of the adopted 2035 Comprehensive Plan to replace TSP Objective 9.26.a., and move Figure 9-4 from page GP9-23 to the TSP as new Table 9.2.**Objective 9.26 Performance Measures (formerly Objective 11.13)****9.26.a.** Maintain acceptable levels of performance on state facilities and the regional arterial and thoroughway network ~~transportation system~~, consistent with ~~Figure 9-4~~ the interim standards in Table 9.2, in the development and adoption of, and amendments to, the Transportation System Plan and in legislative amendments to the Comprehensive Plan Map.**9.26.b.** Use level-of-service, consistent with Table 9.1, as one measure to evaluate the adequacy of transportation facilities in the vicinity of sites subject to land use review.**9.26.c.** Use alternatives to the level-of-service measure to determine the adequacy of the transportation system in areas that exhibit the following characteristics:

- A mix of land uses, including residential
- A mode split consistent with targets established for the area
- Maximum parking ratios
- Adequate existing street connectivity

9.26.d. In areas identified by Metro that exceed the level-of-service in ~~Figure 9-4~~ Table 9.2 and are planned to, but do not currently meet the alternative performance criteria, establish an action plan that does the following:

- Anticipates growth and future impacts of motor vehicle traffic on multimodal travel in the area
- Establishes strategies for mitigating the future impacts of motor vehicles
- Establishes performance standards for monitoring and implementing the action plan

9.26.e. Develop performance measures to track progress in creating and maintaining the transportation system.**9.26.f.** Establish mode split targets in 2040 Growth Concept areas within the City, consistent with Metro's targets for these areas.**9.26.g.** By 2035, reduce the number of miles Portlanders travel by car to 11 miles per day on average and 70 percent of commuters walk, bike, take transit, carpool, or work from home at approximately the following rates:

- Walk 7.5%
- Bicycle 25%
- Transit 25%



- Carpool 10%

9.26.h. By 2035, increase the mode share of daily non-drive alone trips to 70% citywide and to the following in the five pattern areas:

- Central City 87%
- Inner Neighborhoods 71%
- Western Neighborhoods 65%
- Eastern Neighborhoods 65%
- Industrial and River 55%

9.26.i. By 2035, reduce Portland’s transportation-related carbon emissions to 50% below 1990 levels, at approximately 934,000 metric tons.

9.26.j. By 2025, increase the percentage of new mixed use zone building households not owning an automobile from approximately 13% (2014) to 25%, and reduce the percentage of households owning two automobiles from approximately 24% to 10%.

**Table 9.1
Performance Measures for Regionally Significant Streets
Deficiency Thresholds and Operating Standards**

Location	Mid-Day One-Hour Peak			A.M./P.M. Two-Hour Peak					
	Preferred Operating Standard	Acceptable Operating Standard	Exceeds Deficiency Threshold	Preferred Operating Standard		Acceptable Operating Standards		Exceeds Deficiency Threshold	
				1 st hour	2 nd hour	1 st hour	2 nd hour	1 st hour	2 nd hour
Central City, Gateway regional center, town centers, main streets, station communities	C	E	F	E	E	F	E	F	F
Corridors, industrial areas, intermodal facilities, employment areas, neighborhoods	C	D	E	E	D	E	E	F	E
Banfield Freeway (from I-5 to I-205) [Note 1]	E	E	F	E	E	F	E	F	F
I-5 North (from Marquam Bridge to Interstate Bridge) [Note 1]	C	E	F	E	E	F	E	F	F
Highway 99E (from the Central City to Highway 224 interchange) [Note 1]	C	E	F	E	E	F	E	F	F
Stadium Freeway (from I-5 South to I-5 North) [Note 1]	C	E	F	E	E	F	E	F	F
Sunset Highway (from I-405 to Sylvan interchange) [Note 1]	C	E	F	E	E	F	E	F	F
Other principal arterial routes [Note 2]	C	D	E	E	D	E	E	F	E
Areas of special concern [Note 3]	Areas with this Metro designation are planned for mixed-use development, but are also characterized by physical, environmental, or other constraints that limit the range of acceptable transportation solutions for addressing a level-of-service need and have other streets that are available for circulation and access.								

Note 1: Thresholds shown are interim; Metro will undertake refinement plans for these corridors, in conjunction with affected jurisdictions. The refinement plans will include performance measures for each corridor.

Note 2: Principal arterials are identified in the Metro RTP. This is not a City of Portland designation.

Note 3: Areas of Special Concern are shown in the Metro RTP. This is not a City of Portland designation.



Table 9.2 Interim Deficiency Thresholds and Operating Standards

[NEW - relocated from Figure 9-4 in the 2035 Comp Plan]

Location	Standards		
	Mid-Day One-Hour Peak*	PM 2-Hour Peak*	
		1 st Hour	2 nd Hour
Central City, Gateway, Town Centers, Neighborhood Centers, Station Areas	.99	1.1	.99
I-84 (from I-5 to I-205), I-5 North (from Marquam Bridge to Interstate Bridge, OR 99-E (from Lincoln St. to OR 224), US 26 (from I-405 to Sylvan Interchange), I-405	.99	1.1	.99
Other Principal Arterial Routes	.90	.99	.99

*The demand-to-capacity ratios in the table are for the highest two consecutive hours of the weekday traffic volumes. The mid-day peak hour is the highest 60-minute period between the hours of 9 a.m. and 3 p.m. The 2nd hour is defined as the single 60-minute period, either before or after the peak 60-minute period, whichever is highest.

Staff recommendation: Support. Figure 9-4 was placed in Chapter 9 of the Comprehensive Plan because the TSP objectives were still being developed at the time the Plan was being developed. The City is required to have identified service standards for urban services in its Comprehensive Plan, and they must be consistent with those adopted by Metro. These are characterized as interim standards because the intent expressed in Policy 9.49 and 9.50 is to replace these standards with multimodal performance measures in the future. This evaluation standard and table are more appropriately located in the TSP, which contains similar performance and evaluation measures.



MAJOR PUBLIC TRAILS

43. Columbia Steel Castings Trail

Trail segment #: 835

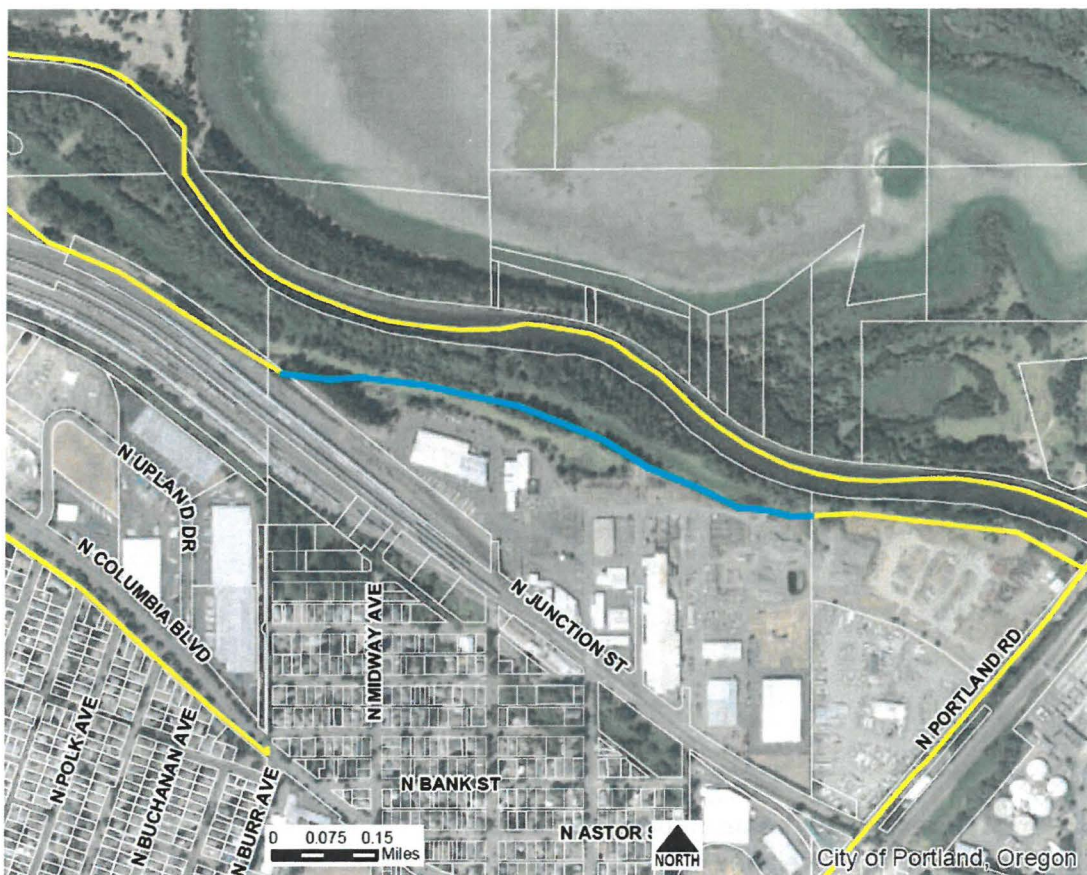
Requested by: Hales

Related testimony (for or against): Columbia Steel Castings (property owner)

Amendment: Re-align trail on this property consistent with the map below.

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

SEARCH: 10425 N Bloss Ave



Staff recommendation: Support. The modified alignment is more compatible with the industrial use of the site.

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44. SW Dosch Park Lane Trail

Trail segment #: 277

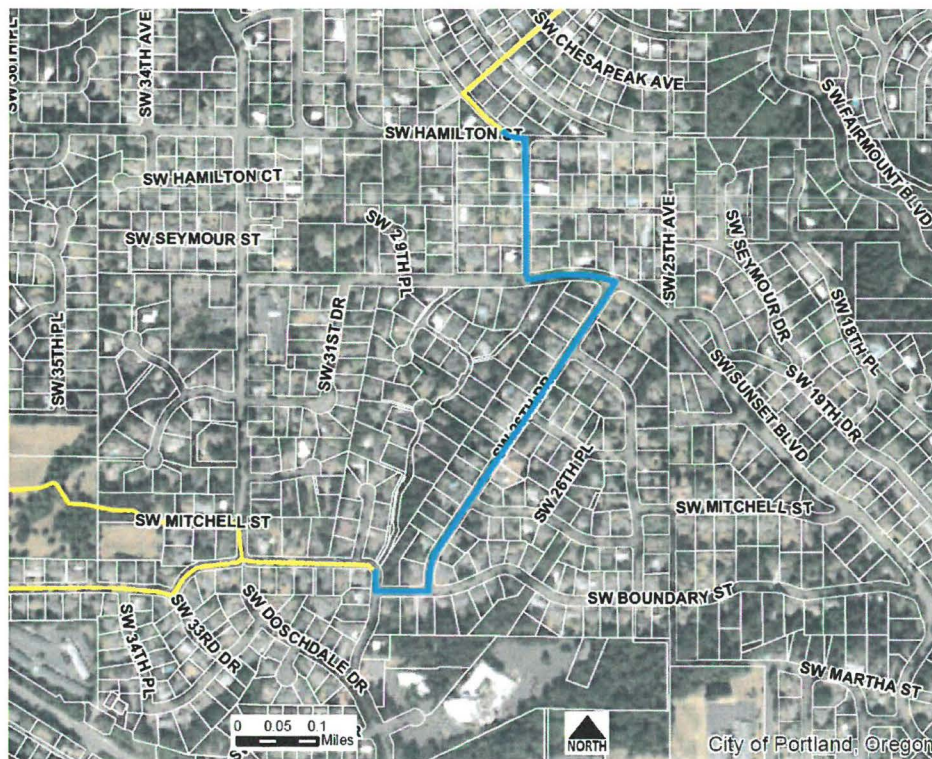
Requested by: Hales, Fritz

Related testimony (for or against): property owners and HOA, SW Trails

Amendment: Remove the trail designation from SW Dosch Park Lane, and relocate it to follow SW 26th Drive to SW Hamilton via SW Sunset and SW 27th. This route would be consistent with the recommended City Bikeway street classification map in the TSP.

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

SEARCH: 4833 SW Dosch Park Ln



Staff recommendation: Support. Because most of the lots on this private street are already fully developed, it is unlikely that a trail could be obtained here through the development review process.



45. SW 64th Trail

Trail segment #: 48, 241

Requested by: Hales, Fritz

Related testimony (for or against): Woods Creek HOA, property owners

Amendment: Because most of the lots on this street are already fully developed, it is unlikely that a trail could be obtained here through the development review process. There are other routes to access Hideaway Park.

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

SEARCH: 7335 Southwest 64th Place

Staff recommendation: Support.

46. OHSU Marquam Hill

Trail segment #: 82

Requested by: Hales, Novick

Related testimony (for or against): OHSU

Amendment: Reclassify the link between Campus Drive and Gibbs as being on private property, and/or add a link that follows SW Campus Drive in the public right of way.

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

SEARCH: 808 SW Campus Dr

Staff recommendation: Support. The precise location of a trail improvement in this area would be determined through the development review process at some point in the future. The trail designation on the zoning map triggers a negotiation of trail location, and possible easements, but does not dictate the precise route. A more significant pedestrian facility is being considered in this location as part of the SW Corridor light rail line – to provide access from a possible station on Barbur or Naito to OHSU. A public trail easement, if acquired, might follow the alignment of those future improvements.



47. I-405 and Marine Drive Trails (Metro Map Consistency)

Trail segment #: NEW, connected to 432, plus 149, 720, 721

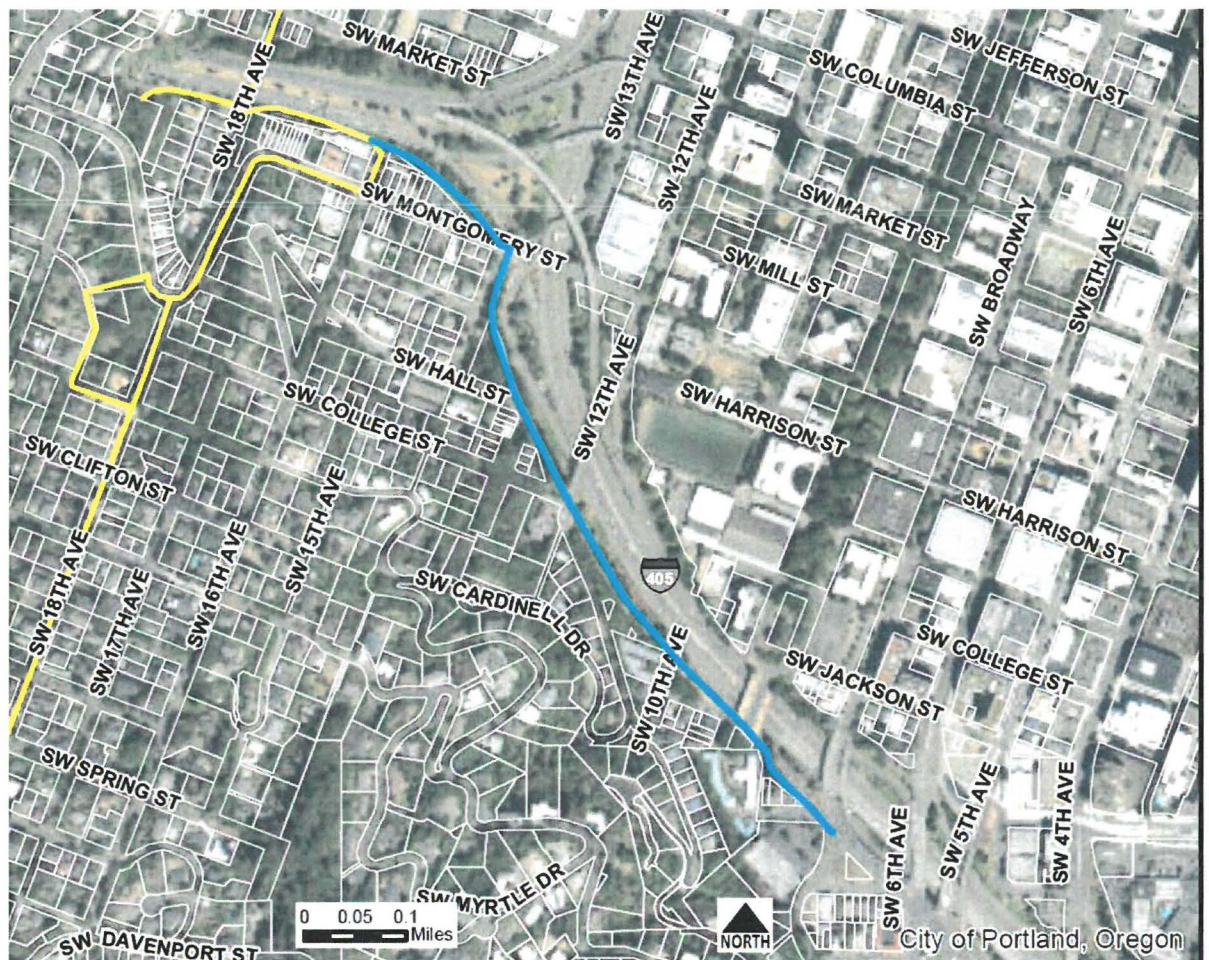
Requested by: Staff

Related testimony (for or against): none

Amendment: Add the I-405 trail from SW 16th to Broadway, on the south side of Hwy 26 and I-405. Also, move the alignment along Marine Drive from NE 112th and 122nd to the North side of the road, to align with Metro easements.

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

SEARCH: 1449 Southwest Montgomery Street



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<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

SEARCH: 11633 Northeast Glenn Widing Drive



Staff recommendation: Support. This would be consistent with the Metro Regional Trail Map.

48. Saltzman Rd W. of Skyline

Trail segment #: 147, 859

Requested by: Hales, Fritz

Related testimony (for or against): property owners, HOA



Amendment: Remove this trail segment west of Skyline.

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

SEARCH: 11100 NW Saltzman Rd

Staff recommendation: Oppose. This is a public right of way, and would connect to a planned Washington County trail.

49. Gateway Green connection

Trail segment #: NEW

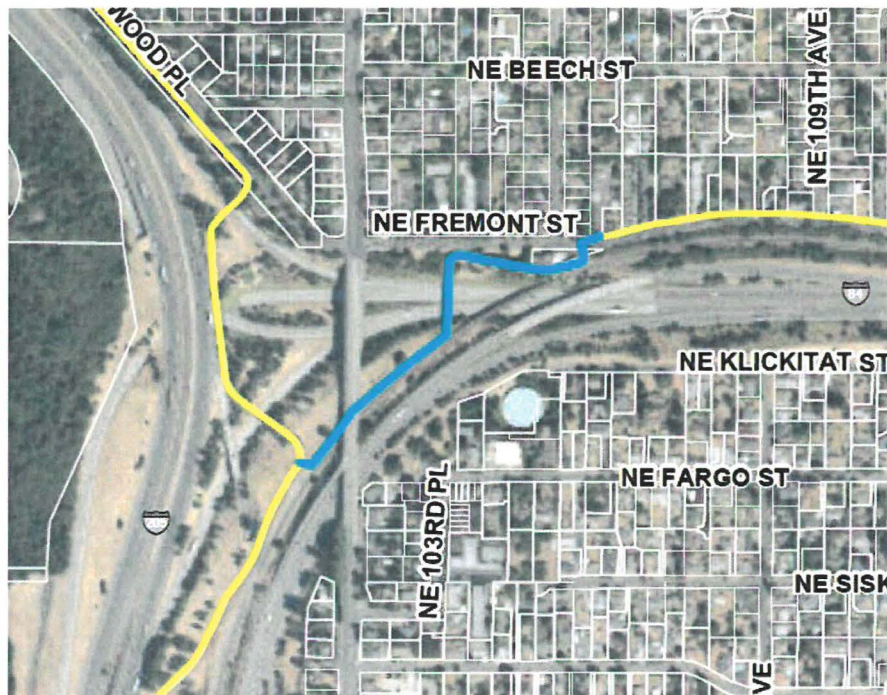
Requested by: Novick

Related testimony (for or against): individuals

Amendment: Add a trail connecting the I-205 path and Gateway Green to the surrounding street network.

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=majorTrails>

SEARCH: 10511 NE Fremont



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Staff recommendation: Support.

OTHER DIRECTIVES

50. Street connectivity

Requested by: Hales

Related testimony (for or against): None

Amendment: Direct PBOT staff to prepare an ordinance that provides further guidance on the application of existing street connectivity requirements when redevelopment occurs in designated centers the Eastern Neighborhoods pattern area. The draft PBOT memo is available at the link below:

<https://www.portlandoregon.gov/transportation/71958>

Staff recommendation: Support.



51. Transportation demand management and on-street parking management

Requested by: Hales

Related testimony (for or against): Portlanders for Parking Reform, Legacy Good Samaritan; Providence, Reed College, Rose City Park Neighborhood Association, other individuals

Amendment: Direct PBOT to take the following further actions regarding Transportation & Parking Demand Management policy in Title 17 prior to effective date of the 2035 Comp Plan and associated early implementation actions:

- A. Clarify administrative process for TDM requirements in the CI Zone and Mixed Use Zone sufficient to facilitate the approval process in development review and to ensure adequate administration of new program requirements, including:
 - a. Evaluation guidance for Campus Institutional zone mode split trends
 - b. Evaluation guidance for evaluating “current practices” in existing local Campus Institutional zone TDM plans to assist in adaptation
 - c. Administrative procedures for implementation of the Commercial/Mixed Use zone TDM requirement
 - d. Guidelines or standards for the required education/information materials in Commercial/Mixed Use zones
 - e. Procedures for administration of surveys in mixed use zones, including distribution and monitoring

- B. Develop an expanded (Phase 2) TDM policy for private development and bring to Council for further consideration. This expanded policy should be developed with input from stakeholders representing development, transportation service providers and advocates, business groups, neighborhood associations, as well as other Portland bureaus, including BPS and BDS. The expanded policy should address the following
 - a. Appropriate strategies in the Central City
 - b. Approaches to maintaining on-going obligations for TDM incentives (beyond the one-year requirement being adopted for mixed use development)
 - c. Relationship to on-site parking supply and management
 - d. Relationship to on-street parking management, including proposed permit programs for high growth mixed use centers and corridors
 - e. Opportunities to expand TDM program to engage existing development



Staff recommendation: Support. On-street parking management, off-street parking regulations, and TDM should be integrated. This is consistent with actions taken by other major West Coast cities.

52. Future of the “f” overlay

Requested by: Saltzman

Related testimony (for or against): property owner

Amendment: Direct BPS to study the “f” overlay area along Skyline to determine if the overlay is still necessary, and if it should be retained, modified, or removed. Bring recommendations back to Council in 2018.

Staff recommendation: Support. The “f” overlay is necessary to fulfill requirements in Goal 14 and OAR 660-04-0040. It establishes a 20-acre minimum lot size for this area, which is outside the UGB. This ensures that this land retains a rural character. It also ensures that large parcels are retained, to make future urbanization more feasible, if the area were ever brought into the UGB. Pending a final decision on Metro’s urban reserves, there may be reasons to modify this overlay, and consider smaller lot sizes (down to two acres). Staff would want to evaluate the environmental and water quality impacts of allowing smaller lot sizes here, because any development would be served by septic systems. The City previously determined that a sewer extension would be infeasible here – and not legal under Goal 14.

53. Comprehensive Plan Map refinement.

Requested by: See below

Related testimony (for or against): Multiple

Amendment: Direct BPS to study the comp plan designation and zoning on the following sites, and others if appropriate, and return with recommendations for any appropriate post-acknowledgment amendments in 2018:

- a. 7008 SW Capital Hill Rd (Hales, Saltzman)
- b. 9808 N Edison St (Fish)
- c. Strong property - 4931 – 4947 N Williams Ave (Hales)
- d. Marquam Hill mixed use node (Novick)



- e. 4836 SE Powell Blvd (Staff)
- f. 310 NW 23rd Ave (Saltzman)
- g. 4337 NE Prescott St (Hales)
- h. 4543 SE Harney Dr (Fish)
- i. 5727 SE 136th (Saltzman)
- j. 505 NE Thompson (Fritz)

Staff recommendation: Support. These are sites where commissioners have expressed interest in exploring further revisions to the Comprehensive Plan map, as a Post-Acknowledgement amendment in 2018.

54. Street Vacation Code

Code section: 17.84.025

Requested by: Fritz

Related testimony (for or against): None

Amendment: Direct PBOT and BPS staff to link Street Vacation Code more clearly with adopted Comprehensive Plan policies on Public rights-of-way (policies 8.39-8.52, pp. GP8-16 and GP8-17 of the adopted June 2016 Comprehensive Plan).

Staff recommendation: Support.





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MEMO

DATE: November 4, 2016

TO: City Council

FROM: Eric Engstrom, Bureau of Planning and Sustainability, Principal Planner

CC: Susan Anderson, Bureau of Planning and Sustainability, Director
Joe Zehnder, Bureau of Planning and Sustainability, Chief Planner

SUBJECT: 2035 Comprehensive Plan Early Implementation
Minor/Technical Amendments

INTRODUCTION

On August 23rd the Planning and Sustainability Commission recommended measures to implement the new 2035 Comprehensive Plan. The recommendation included Zoning Map amendments, Zoning Code amendments, changes to the Transportation System Plan, changes to Major Public Trails map, and a new Community Involvement Program.

The purpose of this memo is to identify several additional staff-recommended minor zoning map and code changes. These are generally minor and technical in nature, including:

- Responses to BDS requests for additional code clarification;
- Correcting split zoning that came to our attention after the PSC recommendation;
- Addressing minor oversights or testimony prompted changes in mapping



ZONING MAP AMENDMENTS:

These amendments can be viewed in context on the zoning map using the online Map App:

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=rz>

Amendment #2a: 4125-4149 NE 82nd Ave (R220307)

Related testimony (for or against): individual

Neighborhood: Roseway

Amendment: Change R2 to CM2 on portion of a split-zoned site.

Comprehensive Plan Map designation: Mixed Use - Civic Corridor

Amendment #2b: 517 NE Roth St and abutting parcels on NE 5th Ave

Related testimony (for or against): none, as this is BPS staff sponsored

Neighborhood: Bridgeton

Amendment: Apply Design "d" overlay. Previous map line error excluded area that should have been mixed use.

Comprehensive Plan Map designation: Mixed Use - Neighborhood

Amendment #2c: 5540 NE Sandy Blvd and 2537 NE 56th Ave (R259619, R259620)

Related testimony (for or against): property owner

Neighborhood: Rose City Park

Amendment: Change R1 to CM2

Comprehensive Plan Map designation: Mixed Use - Civic Corridor

Amendment #2d: 1208 SE Boise St, 4214 SE 12th Ave and 4207 SE Milwaukie Ave (R172011, R172010 and R172002)



Related testimony (for or against): business owner

Neighborhood: Brooklyn

Amendment: Realign CM1 and CE portions of the site to provide a transition between the CE zone and residential portions to the west of the property

Comprehensive Plan Map designation: Mixed Use - Neighborhood

Amendment #2e: 1126 and 1138 SE Reynolds St (R253932, R253931)

Related testimony (for or against): Brooklyn Action Corps (BAC)

Neighborhood: Brooklyn

Amendment: Change Recommended CE and retain existing R2.5 zone

Comprehensive Plan Map designation: Mixed Use - Neighborhood

Amendment #2f: 3353 SE 115th Ave (R215180)

Related testimony (for or against): property owner

Neighborhood: Powellhurst-Gilbert

Amendment: Retain R2 (don't change to R5), property has recently been developed at R2 density

Comprehensive Plan Map designation: Multi-Dwelling R,200

Amendment #2g: 04 and 018 SW Hamilton St (R247595, R247587)

Related testimony (for or against): property owners

Neighborhood: South Portland

Amendment: Change R2 to CM2

Comprehensive Plan Map designation: Mixed Use - Civic Corridor



Amendment #2h: 4606 SW Corbett Ave (R247555)

Related testimony (for or against): property owner

Neighborhood: South Portland

Amendment: Change R2 to CM2

Comprehensive Plan Map designation: Mixed Use - Civic Corridor

Amendment #2i: Multiple OS properties with the Alternative Design Density “a” overlay zone

Related testimony (for or against): none as this is BPS staff sponsored.

Amendment: Remove “a” overlay from recommended OS zoned properties

Neighborhoods: Multiple neighborhoods in SE and East Portland that were part of the Outer-Southeast Community Plan.

Comprehensive Plan Map designation: Open Space

DRAFT ZONING CODE AMENDMENTS:

Changes to code are shown using either an underline/~~strikeout~~, or shading. Shading is used to highlight changes to new chapters which are not otherwise shown in underline in the recommended draft.

Amendment #2j: Amend 33.130.030.A (pg. 95) to clarify that the CR zone is intended to be applied in limited situations on local streets and neighborhood collectors in area that are predominately zoned single-dwelling residential rather than predominately residential in character:

33.130.030 Characteristics of the Zones

- A. Commercial Residential zone.** The Commercial Residential (CR) zone is a low-intensity zone for small and isolated sites in residential neighborhoods. The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately zoned single-dwelling residential. The zone encourages the provision of small scale retail and service uses for surrounding residential areas. Uses are restricted in size to promote a local

4



orientation, and to limit adverse impacts on surrounding residential areas. Where commercial uses are not present, residential density is limited to provide compatibility with surrounding residential areas. Development is intended to be pedestrian-oriented and building height is intended to be compatible with the scale of surrounding residentially zoned areas.

Amendment #2k: Improve the clarity of 33.130.100.B.3 (pg. 103) by deleting the words “in addition” from the third sentence.

33.130.100 Primary Uses

- A. Allowed uses.** [No change]
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.
1. Group Living. [No change to Recommended Draft]
 2. Commercial limitations. [No change to Recommended Draft]
 3. Industrial use and size limitations. These regulations apply to all parts of Table 130-1 that have a [3]. Utility Scale Energy Production and Industrial Service are conditional uses. All industrial uses are limited in size as follows. Amounts in excess of the limits are prohibited:
 - a. In the CM1 zone, each individual Industrial use is limited to 5,000 square feet of net building area;
 - b. In the CM2 and CX zones, each individual Industrial use is limited to 15,000 square feet of net building area;
 - c. In the CM3 zone, Industrial uses are limited to a total FAR of 1 to 1 per site; and
 - d. In the CE zone, each individual Industrial use is limited to 40,000 square feet of net building area.

Amendments #2l: Amend 33.130.215.B.3 (page 137) to allow balconies to fully extend into the street setback in the commercial/mixed use zones:

33.130.215 Setbacks

- A.** [No change]
- B. Minimum building setbacks.** Minimum required building setbacks are listed below and summarized in Table 130-2. Unless otherwise specified in this section, the minimum required



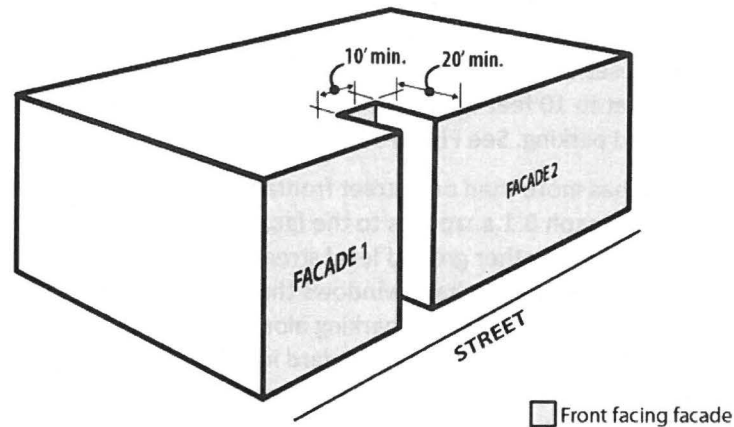
setbacks apply to all buildings and structures on a site. Setbacks for exterior development are stated in 33.130.245, and setbacks for parking areas are stated in Chapter 33.266, Parking, Loading and Transportation and Parking Demand Management.

1. [No change]
2. [No change]
3. Extensions into required building setbacks and buffering requirements of Table 130-2.
 - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves and stormwater planters, they may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;
 - (2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and
 - (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RH zoned lot, and also must meet the following requirements:
 - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
 - Bays and bay windows must cantilever beyond the foundation of the building; and
 - The bay may not include any doors.
 - b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
 - (1) Uncovered decks, stairways, and wheelchair ramps with surfaces that are no more than 2-1/2 feet above the ground;
 - (2) On lots that slope down from the street, vehicular and pedestrian entry bridges with surfaces that are no more than 2-1/2 feet above the average sidewalk elevation; and
 - (3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.
 - c. Uncovered decks are allowed to fully extend into required street setbacks.



Amendment #2m: Add a new drawing (Figure 130-9) to better illustrate the façade articulation standards in 33.130.222 (pg. 153). Renumber the existing 130-9 through 130-17 to be 130-10 through 130-18.

Figure 130-9
Façade Articulation



Amendment #2n: Amend 33.130.230.B.2 (pg. 161) to add an exemption for nonresidential ground floor wall area that is less than 250 square feet in size. This will alleviate the problem created when mostly residential ground floors have some small wall area associated with a garage opening or a mechanical room. The wall area triggers the nonresidential window standard (40% windows), but windows into these spaces does not count toward meeting the standard. In addition, clarify which standards apply to ground floor dwelling units.

33.130.230 Ground Floor Windows

- A. Purpose.** In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
 - Encourage continuity of retail and service uses;

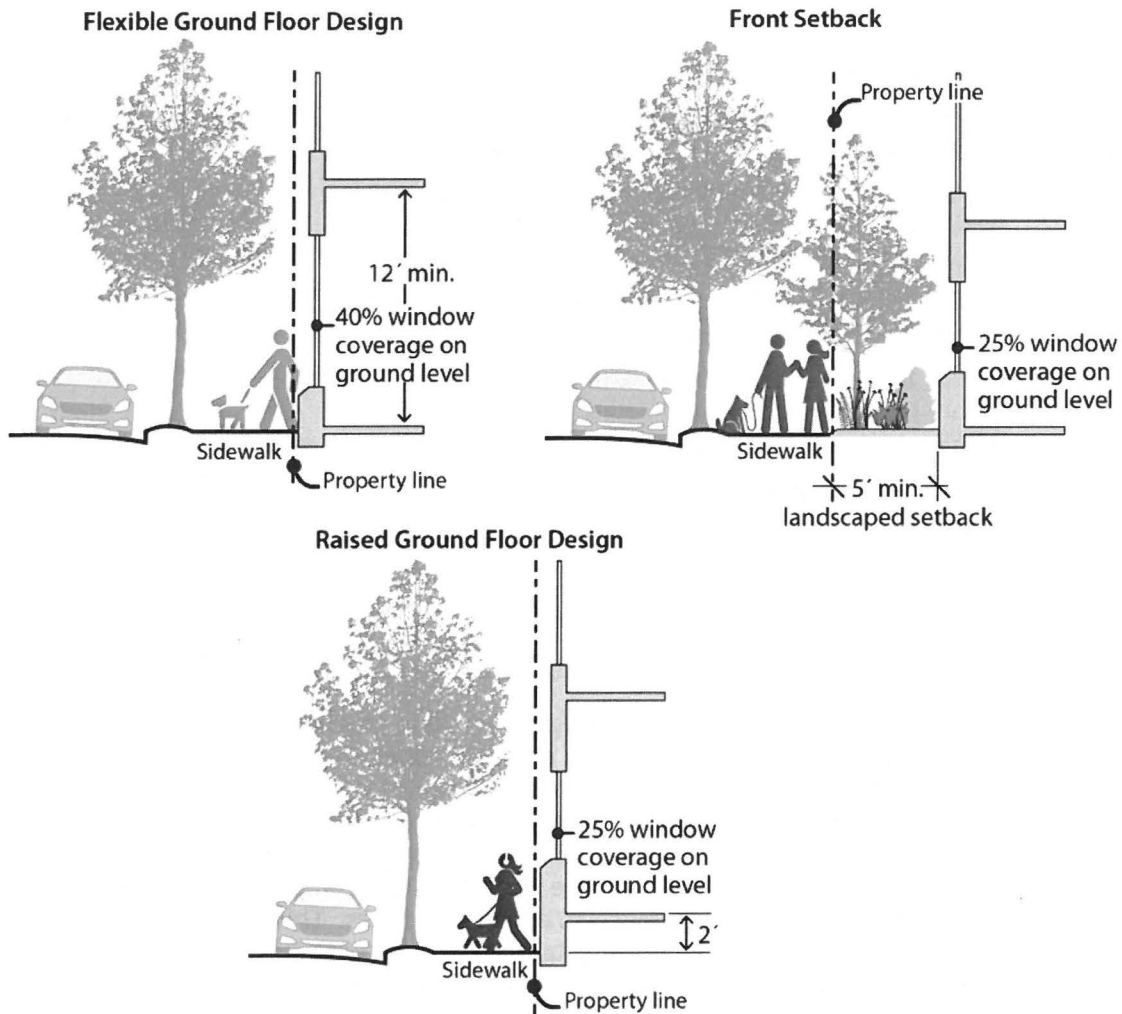


- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- B. Ground floor window standard for wall area that is not the wall of a dwelling unit.** The following standards apply to the portions of a ground floor wall of a street-facing façade that is not the wall of a dwelling unit:
1. General standard.
 - a. Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-10.
 - b. If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those street to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.
 2. Exemptions:
 - a. Houses, attached houses, manufactured homes, and duplexes are exempt from this Section;
 - b. Ground floor street-facing walls of dwelling units must meet the standards in Subsection D; and
 - c. If the portion of the ground floor wall area that is not a dwelling unit is less than 250 square feet in area, then it is exempt from this Section.
- C. Qualifying window features.** [No change to Recommended Draft]
- D. Ground floor window and frontage standards for dwelling units.** [No change to Recommended Draft]



Amendment #2o: Fix figure 130-11(pg. 165) to show the property line in the right place

Figure 130-11
Ground Floor Window Options for Dwelling Units



Amendment #2p: Delete 33.130.250.E, Permit-ready houses, because BDS no longer implements the permit-ready houses program (pg. 187).



Amendment #2q: Amend 33.150.215.C, the CI2 maximum building setback (page 239), to provide more site layout flexibility for large campus institutions that have multiple buildings both close to and far from a transit street. Prevent a situation where all new building must be close to a transit street:

33.150.215 Setbacks

- A. [No change]
- B. [No change]
- C. **Maximum building setbacks in the CI2 zone.**
 - 1. Where the building is within 100 feet a transit street or street lot line within a pedestrian district, the maximum the building can be set back is 10 feet. Where an existing building is being altered, the standard applies to the portion of the building being altered. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose which streets to apply the standard.
 - 2. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standard.

Delete Figures 150-3, 150-4, 150-5 and 150-6.

Re-number Figures 150-7 through 150-11 to be 150-3 through 150-7.
- D. [No change]

Amendment #2r: Amend 33.218.140.E (no page; new code amendment) to require buildings over 55 feet tall in the CM2 and CM3 zones to go through design review rather than meet the community design standards. Currently, tall buildings in the EX zone must go through design review rather than meet the community design standards. Some properties currently zoned EX will shift to CM2 or CM3 with the update to the Comprehensive Plan and the creation of the commercial/mixed use zones. This amendment ensures that buildings over 55 feet tall on parcels that were zoned EX but will be zoned CM2 or CM3 continue to require design review.

33.218.140 Standards for All Structures in the RH, RX, C and E Zones

The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.



Applicants for development of new structures on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.110. Applicants for exterior alterations on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.130.

A. – D. [No change to Recommended Draft]

E. Building height.

1. Maximum height in RH, RX, and E zones.
 - a. Generally. Structures in the RH, RX CM2, CM3 and E zones may be up to 55 feet in height;
 - b. Where a site zoned RH, RX or E abuts or is across a street from an RF through R2 zone, the maximum height is reduced as specified in Subsection D, above;
 - c. New and replacement antennas are exempt from this standard if the antennas are located on an existing monopole, and the antennas do not project above the height of the monopole.
2. Minimum height. In C and E zones, primary buildings must be at least 16 feet in height.

Amendment #2s: Clarify in 33.224.030 (add to page 279; new code amendment) that it is the 5 foot drive-through setback that must be landscaped, not other base zone setback areas:

33.224.030 Setbacks and Landscaping

All drive-through facilities must provide the setbacks and landscaping stated below.

- A. **Abutting an R zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines which abut R zones. The 5 foot setback must be landscaped to at least the L3 standard.
- B. **Abutting a C, E, or I zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines which abut C, E, or I zones. The 5 foot setback must be landscaped to at least the L2 standard.
- C. **Abutting a street.** Where allowed by Chapter 33.266, Parking and Loading, service areas and stacking lanes must be setback 5 feet from all street lot lines. The 5 foot setback must be landscaped to at least the L2 standard.





Bureau of Planning and Sustainability
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MEMO

DATE: October 13, 2016

TO: City Council

FROM: Eric Engstrom, Bureau of Planning and Sustainability, Principal Planner

CC: Susan Anderson, Bureau of Planning and Sustainability, Director
Joe Zehnder, Bureau of Planning and Sustainability, Chief Planner

SUBJECT: 2035 Comprehensive Plan Early Implementation
Zoning Map Amendments, Zoning Code Amendments and Title 17 —
Recommended Draft Errata Sheet #2

ZONING MAP ERRATA:

District	Neighborhood	Address	Taxlots(s)	Errata Description
East	Hazelwood	Multiple (within Map Change Area #278)	R184490, R184492, R184493, R206565, R206567, R206599, R206601, R206602, R206603, R206604, R206605, R206606, R206607, R206608, R250763, R250764, R250767, R250769, R250772, R250774, R250776, R250777, R250780, R250781, R250783, R250784, R250786, R250787, R250788, R250789, R250790, R250790,	Remove the Design 'd' Overlay from these properties changing from EX to EG.



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District	Neighborhood	Address	Taxlots(s)	Errata Description
			R250791, R250792, R250793, R250794, R250795, R250796, R250797, R250798, R250799, R250800, R250801, R250802, R250803, R250804, R250805, R250806, R250807, R250808, R250809, R250810, R250811, R250812, R250813, R250814, R250815, R250816, R250817, R250818, R250819, R250820, R250821, R250826, R250827, R250828, R250830, R250831, R250832, R250833, R250834, R250835, R250836, R250837, R250383, R250839, R250840, R258868, R258870, R258871, R263224, R319453, R319498, R319503, R319505, R319506, R319507, R319508, R319509, R319577, R319580, R319590, R319591, R319592, R319593, R319594, R319595, R319596, R319597, R319608, R319633, R319650, R319656, R319674, R527082, R606637	
East	Hazelwood	NE COUCH ST, 9648 NE COUCH ST, 9648 WI/ NE COUCH ST, 17 WI/ NE 97TH AVE, 17 NE 97TH AVE	R263225, R263226, R263227, R263228, R263230	Remove the Design 'd' Overlay from these properties changing from RX to EG.



ZONING CODE ERRATA:

1. Fix missing strike-through and underline:

33.740.020 Commission Review

- A. Hearing required. A Commission must hold at least one public hearing before recommending action on a legislative matter.
- B. Public notice for the hearing.
 - 1. Notice area. The notice must be ~~mailed~~provided to the regional transit agency, Metro, Multnomah County, the Oregon Department of Transportation, the Department of Land Conservation and Development, all recognized organizations within the subject area, all recognized organizations, counties and municipalities within 1000 feet of the subject area, affected bureaus, special service districts, and school district, and interested persons who have requested such notice. Notice must also be published in a recognized newspaper.
 - 2. Notice time frame. The notice must be ~~mailed~~provided at least ~~350~~ days prior to the first public hearing.
 - 3. Notice content. The notice must contain the date, time and location of the first hearing, a summary of the legislative matter subject to the hearing, a map or description of the area affected by the legislative matter, and instructions on how to obtain a copy of the staff proposal and how to testify.

2. Correct step-down heights in Table 130-2:

Table 130-2 Summary of Development Standards in Commercial/Mixed Use Zones						
Standards	CR	CM1	CM2	CM3	CE	CX
Step-down Height (see 33.130.210.B.2)	NA					
- within 25 ft. of lot line abutting RF-R 2.5 zones		35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 25 ft. of lot line abutting R3, R2, R1 Zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Within 15 ft. of lot line across a local service street from RF – R2.5 Zones	NA	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 15 ft. of lot line across a local service street from R3, R2, R1 Zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.



3. Correct Chapter 33.415 table of contents—delete 33.415.400 because that section does not appear in the chapter:

33.415 Centers Main Street Overlay Zone

415

Sections:

General

- 33.415.010 Purpose
- 33.415.020 Short Name and Map Symbol
- 33.415.030 Where These Regulations Apply

Use Regulations

- 33.415.100 Prohibited Uses
- 33.415.200 Required Ground Floor Active Use

Development Regulations

- 33.415.300 Prohibited Development
- 33.415.310 Minimum Floor Area Ratio
- 33.415.320 Maximum Building Setbacks
- 33.415.330 Location of Vehicle Areas
- 33.415.340 Ground Floor Windows
- 33.415.350 Entrances
- 33.415.410 Additional Use and Development Standards in the CM1 Zone





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MEMO

DATE: September 30, 2016

TO: City Council

FROM: Eric Engstrom, Bureau of Planning and Sustainability, Principal Planner

CC: Susan Anderson, Bureau of Planning and Sustainability, Director
Joe Zehnder, Bureau of Planning and Sustainability, Chief Planner

SUBJECT: 2035 Comprehensive Plan Early Implementation
Zoning Map Amendments, Zoning Code Amendments and Title 17 —
Recommended Draft Errata Sheet

INTRODUCTION

In August the Recommended Draft of the Comprehensive Plan Early Implementation Package was published for your consideration, along with several supporting documents. This package includes zoning map amendments, zoning code amendments, Transportation System Plan amendments and appendices, the Community Involvement Program and the Community Involvement Committee (CIC) letter. Also, included in this package are the staff reports for the mixed use zoning, employment zoning, campus institutional zoning, residential and open space zoning and miscellaneous zoning amendments.

Since initial publication of these documents, several minor errors or “errata” have been discovered that should be corrected before public hearings begin on October 6. These are instances where the Planning and Sustainability Commission direction was clear, but staff incorrectly implemented their direction in the September Recommended Plan document. This memo identifies errata within the zoning map, zoning code and Title 17.



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In addition, staff has identified a few code provisions that should be amended based on the Planning and Sustainability Commission's (PSC) Recommended Draft to make the zoning code clearer and more internally consistent for development review. This includes the Purpose statement for Drive Through Facilities (33.130.260.A) and clarification about where Quick Vehicle Servicing uses are allowed, based on their relationship to drive through facilities (33.130.100). Staff anticipates testimony on topics that relate to these code amendments, and will present clarifying code amendments to City Council at a later time based on Council's direction on this topic.

ZONING MAP ERRATA:

District	Neighborhood	Address	Taxlots(s)	Errata Description
East	Hazelwood, Mill Park, Powellhurst-Gilbert	Multiple	35BDTRA, R122724, R122725, R122728, R122729, R122730, R122731, R122732, R122733, R122734, R122741, R122742, R122743, R122745, R122746, R122747, R122750, R122751, R135199, R135200, R158290, R178122, R178124, R187190, R201982, R201983, R201984, R207787, R215025, R215180, R215200, R215201, R215202, R223870, R224842, R237234, R238712, R239617, R253204, R319722, R319868, R320033, R320104, R331923, R331924, R331925, R334011, R334252, R334310, R481263, R617740	Remove Design 'd' Overlay from new R5 zoned area within the David Douglas School District (DDSD).
East	Pleasant Valley	6251 SE 136TH AVE	R201411	Retain R2 zone as site is developed as a mobile home park.



District	Neighborhood	Address	Taxlots(s)	Errata Description
North	Bridgeton	716 NE MARINE DR	R314250	Remove Design 'd' Overlay from new OS zoned area.
North	Bridgeton	BES- NE MARINE DR	R314271	Remove Design 'd' Overlay from new OS zoned area.
North	Bridgeton	BES- NE BRIDGETON RD	R314339	Remove Design 'd' Overlay from new OS zoned area.
North	Bridgeton	BES- N MARINE DR	R314405	Remove Design 'd' Overlay from new OS zoned area.
North	Kenton	BES- 11415 N FORCE AVE	R314519	Remove Design 'd' Overlay from new OS zoned area.
North	Cathedral Park	BES- 8845 N DECATUR ST	R191876	Remove Design 'd' Overlay from new OS zoned area.
North	Cathedral Park	BES- DECATUR & N ALTA AVE	R191864	Remove Design 'd' Overlay from new OS zoned area.
North	Piedmont	309 NE HOLLAND ST	R209282	Remove Design 'd' Overlay from new R5 zoned area.
North	St. Johns	6840 N MARINE DR	R325198	Remove Prime Industrial 'I' Overlay from new OS zoned area.
Northeast	Boise	825 N COOK ST	R139435	Remove Design 'd' Overlay from new EG1 zoned area.
Northeast	Eliot	16 NE IVY ST, 18-20 NE IVY ST,	R308638, R308639	Remove Design 'd' Overlay from new R2 zoned area.
Northeast	Concordia	6700 NE 29th AVE	R279890, R279897	Remove Design 'd' Overlay from new R5 zoned area.



District	Neighborhood	Address	Taxlots(s)	Errata Description
Northeast	Eliot	426, 432 and 438 NE TILLAMOOK ST	R101798, R101799, R101800	Remove Design 'd' Overlay from new R2.5 zoned area.
Northeast	Eliot	431 NE COOK ST, 435 NE COOK ST, 439 NE COOK ST	R539663, R539664, R539665	Remove Design 'd' Overlay from new R2 zoned area.
Northeast	Eliot	66 NE SAN RAFAEL ST, 69 NE HANCOCK ST	R102323, R102321	Remove Design 'd' Overlay from new R2.5 zoned area.
Southeast	Brooklyn	3717 SE 17TH AVE, 4235 SE 17TH AVE	R162559, R117932	Retain Buffer 'b' Overlay from EG1 zoned area.
Southeast	Montavilla	7931 NE HALSEY ST, 7805 NE HALSEY ST, 7815-7817 NE HALSEY ST	R170398, R194029, R194028, R194026, R194033, R194031, R194032	Remove Design 'd' Overlay from new EG1 zoned area.
Southeast	Montavilla	8240 NE PACIFIC ST, 8250 NE PACIFIC ST, 8260 NE PACIFIC ST, 8304 NE PACIFIC ST, 8314 NE PACIFIC ST	R234026, R234027, R234028, R234029, R234030	Remove Design 'd' Overlay from new R5 zoned area.
Southeast	Montavilla	8815 N/ NE GLISAN ST	R319649, R319659	Remove Design 'd' Overlay from new R2 zoned area.
Southeast	Montavilla	530 NE 87TH AVE, 8805 NE GLISAN ST	R319439, R319520	Remove Design 'd' Overlay from new R2 zoned area.
Southeast	Sellwood-Moreland	2210 SE SHERRETT ST	R268003, R268000, R267999, R528132	Remove Design 'd' Overlay from new OS zoned area.
Southeast	Sellwood-Moreland	8265 SE MCLOUGHLIN BLVD	R262215	Remove Design 'd' Overlay from new CE zoned area.
Southeast	Sellwood-Moreland	8825 SE 11TH AVE, 926 W/ SE LINN ST	R268246, R662266	Remove Design 'd' Overlay from new EG1 zoned area.



District	Neighborhood	Address	Taxlots(s)	Errata Description
Southeast	Sellwood-Moreland	SPRINGWATER CORRIDOR	R528128, R528129	Remove Design 'd' Overlay from new OS zoned area.
Southeast	Sellwood-Moreland	8802 SE 14TH AVE, 8826 SE 14TH AVE, 8846 SE 15TH AVE	R268121, R268122, R268123, R268124, R268125, R268126, R268127, R268128, R268129, R268130, R268131, R268132, R268133, R268134, R268135, R268136, R268137, R268138, R268139	Remove Design 'd' Overlay from new EG2 zoned area.
Southeast	Hosford-Abernethy	2624 SE DIVISION ST, 2636 SE DIVISION ST	R150680, R150681	Add Design 'd' Overlay to new CM2 zoned area.
Southeast	Richmond	1524 SE 38TH AVE, 1534 SE 38TH AVE, 1604 SE 38TH AVE, 3829 SE MARKET ST, 1621-1627 SE CESAR E CHAVEZ BLVD, 1613 SE CESAR E CHAVEZ BLVD, 1605 SE CESAR E CHAVEZ BLVD, 1535 SE CESAR E CHAVEZ BLVD, 1523 SE CESAR E CHAVEZ BLVD, 1600-1604 SE CESAR E CHAVEZ BLVD	R229489, R229488, R229487, R229484, R229483, R229482, R229481, R229480, R229479, R326481	Add Design 'd' Overlay to new CM2 zoned area.
Southeast	Sunnyside	3905 SE MAIN ST, 3915 SE MAIN ST	R281214, R281215	Add Design 'd' Overlay to new CM1 zoned area.
West	Hillsdale	SW California ST & SW 26 th AVE	R330008	Remove Design 'd' Overlay from new OS zoned area.
West	Northwest District	NW Nicolai ST	R316379	Remove Design 'd' Overlay from newly EG2 zoned area.
West	Collins View	SW Terwilliger BLVD	R212362, R330717, R212389, R330695, R330696, R330680	Remove Design 'd' Overlay from newly R20 zoned area.



District	Neighborhood	Address	Taxlots(s)	Errata Description
West	Collins View	SW Terwilliger BLVD	R330717	Remove Design 'd' Overlay from new OS zoned area.
West	Multnomah Co. Unclaimed #11	SW RIVERSIDE DR	R330575, R330592	Remove Design 'd' Overlay from newly R20 zoned area.
West	South Portland	049 SW PORTER ST	R128823, R128823, R128802, R128798, R128819, R128793, R128820, R128799, R128800, R128801, R128809, R128810, R128811, R128827, R128825, R128808	Change CI1 Zone to CI2 Zone
West	Hayhurst	6426 SW BEAVERTON HILLSDALE HWY, 6406 SW BEAVERTON HILLSDALE HWY, 6332-6366 SW BEAVERTON HILLSDALE HWY, 6330 SW BEAVERTON HILLSDALE HWY, 6310-6316 SW BEAVERTON HILLSDALE HWY	R329077, R329224, R329098, R329225, R329260	Correct minor line map registration error.

ZONING CODE ERRATA:

- 1. Maximum FAR in the CR zone has a footnote in Table 130-2; footnote [1].** The text of the footnote should show up at the bottom of Table 130-2 but was inadvertently deleted as a result of formatting the Recommended Draft report. Add the following text on page 121:

Notes:

- [1] On sites that do not have a Retail Sales And Service or Office use, maximum density for Household Living is 1 unit per 2,500 square feet of site area.

- 2. Add strike-through and underline to Table 140-1 on page 207.** The strikethrough and underline should indicate that Household Living and Group Living use are prohibited (N) in the EG1 and EG2 zones. Both uses are currently conditional uses (CU). The strike-through and underline was inadvertently lost during the formatting of the Recommended Draft report:



Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU N	CU N	Y	CU [1]	CU [1]	CU [1]
Group Living	CU N	CU N	L/CU [2]	N	N	N

3. **Fix a Section numbering error on page 215.** The Neighborhood Contact and Outreach section should be numbered 33.150.060 rather than 33.150.050:

33.150.060 Neighborhood Contact and Outreach

4. **Fix two technical errors in Table 150-2.**

Standard	CI1	CI2	IR
Maximum FAR [1] (see 33.150.205)	0.5 to 1	3 to 1	2 to 1
Maximum Height (see 33.150.210)	75 ft. [2].	150 ft. [2]	75 ft.
Minimum Building Setbacks [1] (see 33.150.215)			
- Lot line abutting or across the street from an OS, RF-R2.5 zoned lot	15 ft.	10 ft.	1 ft. for every 2 ft. of building height but not less than 10 ft.
- Lot line abutting or across the street from an R2-RX, IR zoned lot	10 ft.	10 ft.	
- Lot line abutting or across the street from a C, CI, E, or I zoned lot	0 ft.	0 ft.	
Maximum Building Setbacks Street Lot Line, Transit Street or Pedestrian District (See 33.150.215)	None	10 ft.	10 ft.
Maximum Building Coverage [1] (see 33.150.225)	50% of site area	85% of site area	70% of site area



Maximum Building Length [1] (see 33.150.235 and 33.150.255)	100 ft.	200 ft.	None
Minimum Landscaped Area (see 33.150.240)	25% of site area	15% of site area	20% of site area
Landscaping Abutting an R zoned lot (see 33.150.240.C)	10 ft. @ L3	5 ft. @ L3	10 ft. @L3
Landscaping across the street from an R zoned lot (see 33.150.240.C)	10 ft. @ L1	5 ft. @ L1	10 ft. @L1
Building Facade Articulation [1] (see 33.150.255)	No	Yes	No
Ground Floor Window Standards [1] (see 33.150.250)	No	Yes	Yes
Transit Street Main Entrance [1] (See 33.150.265)	No	Yes	No

Notes:

[1] For Colleges and Medical Centers, the entire CI zone is treated as one site regardless of ownership. In this case, FAR is calculated based on the total square footage of the parcels within the zone rather than for each individual parcel, and setbacks, building length, facade articulation, ground floor windows and transit street main entrance regulations are measured from, or only apply to, the perimeter of the zone.

[2] Heights reduced on sites that are across the street from, or adjacent to, certain zones. See 33.150.210.C.

5. **Amend 33.150.235.B on page 245 so that the maximum building length in the CI1 zone is 100 feet not 110 feet.** The commentary on page 244 states that the standard is intended to match a similar standard in the multi-dwelling zones. The standard in the multi-dwelling zones is 100 feet not 110 feet:

33.150.235 Building Length in the CI1 Zone

- A. Purpose.** The maximum building length standard, along with the height and setback standard, limits the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.
- B. Maximum building length.** In the CI1 Zone, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 100 feet. The portions



of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site.

6. **Delete map 150-3, Maximum Heights and Maximum Setbacks—Legacy Emanuel Hospital and Health Center.** Specific campus height and setback maps are provided where development entitlements included in an approved conditional use master plan or impact mitigation plan exceed development standards included in base campus zone. Map 150-3 pertaining to Legacy Emmanuel Hospital, initially included in the recommended code section incorrectly relied on an exhibit provided in conjunction with the Randall Children’s Tower approved development permit to document height and setback standards on the Legacy Emanuel Campus. Subsequent review of the approved impact mitigation plan and referenced design standards document that the proposed C12 Zone standards are equal to or greater than provided for in the IMP. Therefore, no specific map is needed
7. **Renumber the Prime Industrial Overlay Zone chapter, and all references to it, to 33.471 from 33.475.** This will allow the new River Overlay Zones chapter that is proposed as part of the Central City 2035 plan to be numbered 33.475 and keep the overlay zone chapters in alphabetical order.

TITLE 17 ERRATA:

Amend Title 17 Amendments contained in Section 14 (Transportation and Parking Demand Management) on pages 3, 5 and 7 to replace the code number (17.107) and apply consistent formatting to the code language. Renumber any Title 33 references to this code.

17.106107 Transportation and Parking Demand Management

17.106107.010 Purpose

The purpose of this chapter is to describe the required elements of a Transportation and Parking Demand Management Plan, and the circumstances under which a pre-approved TDM plan may be submitted.

TDM plans provide residents, employees, and visitors with information and incentives to use transportation methods other than single occupancy vehicles in order to achieve the City’s transportation goals, including reduced reliance on single occupancy vehicles, reduced vehicle miles travelled. Requiring transportation and parking demand management (TDM) is intended to prevent, reduce, and mitigate the impacts of development on the transportation system,



neighborhood livability, safety, and the environment while reducing transportation system costs.

17.106107.020 Required Elements of a Transportation and Parking Demand Management Plan

A TDM Plan shall include, at a minimum, the following elements:

- A. Description of proposed development, including trip generation estimates and proposed auto and bicycle parking. The description may include development anticipated to occur for a period of up to 10 years;
- B. Description of existing land uses, traffic conditions, and multimodal facilities in the area within ¼ mile of the site, including (if applicable) any current employee mode split data from the most recent Employee Commute Options (ECO) report submitted to the Oregon Department of Environmental Quality;
- C. Performance Targets:
 1. Mode split goals shall be based on the performance targets from Objective 9.28.h in the Transportation System Plan;
 2. An ECO survey submitted in Subsection B shall serve as the baseline mode split, when available. If an ECO survey is not available, census data may be used, or the applicant may submit an independent survey from a professional traffic engineer;
 3. Interim performance targets may be determined as a straight line projection from the base year to 2035;
 4. Alternate performance targets may be proposed based on the following factors:
 - a. The relative availability of bicycle, transit, bike share, and car share infrastructure and services;
 - b. Current TDM strategies that have been implemented by the applicant;
 - c. Travel characteristics, including schedules, of employees, residents, and visitors;
 - d. Best practices and performance of comparable sites in Portland and comparable cities;
- D. If a site has a TDM Plan approved through a previous land use review, and the applicant is in compliance with the provisions of that Plan, then the TDM Plan may serve as the basis of any subsequent updates. The submittal for a TDM Plan update should include:
 1. Demonstration of compliance with neighborhood engagement obligations;
 2. Demonstration of compliance with mode split reporting obligations;
 3. Evaluation of mode split trends based relative to the performance target;
- E. Strategies likely to achieve the identified mode split and parking management performance targets. ~~1-~~ Strategies may include but are not limited to:
 - ~~a-~~ 1. Supply, management, and pricing of on-site employee, resident, and student parking;



- ~~b-2.~~ Dissemination of information about alternatives to single-occupant vehicle commuting;
 - ~~c-3.~~ Identification of a site or campus TDM coordinator;
 - ~~d-4.~~ Financial incentives offered to employees for carpool, car-sharing, transit, bicycling, and walking;
 - ~~e-5.~~ For nonresidential uses, strategies to reduce total trips such as telework and/or compressed work week scheduling or on-site housing;
 - ~~f-6.~~ For nonresidential uses, the availability of end-of-trip facilities, such as bicycle lockers, showers, and secured bicycle parking.
- F. For colleges and hospitals in the Campus Institutional Zone, a neighborhood engagement plan;
 - G. Reporting as required by ~~Subsection~~ Section 17.107.045, including any Performance Monitoring plans proposed by the applicant that exceed the ECO reporting requirements detailed in Section 17.107.045;
 - H. Ongoing Participation and Adaptive Management plan, specifying what additional actions not detailed in ~~Subsection~~ Section 17.107.020(D) may be utilized to achieve the 2035 performance targets specified in ~~Subsection~~ Section 17.107.020(C).

~~17.106~~107.030 Transportation and Parking Demand Management Requirements and Procedures

- A. Requirement for Colleges and Medical Centers.** Title 33 requires College and Medical Center uses in the campus institutional zones to conform to an approved Transportation Impact review. The application requirements for the Transportation Impact review require the applicant to provide a Transportation and Parking Demand Management Plan that has all the elements required by this Chapter. Approval of the TDM plan is subject to the criteria described in Chapter 33.852.
- B. Requirement for Residential Uses.** Title 33 requires development in a commercial/mixed use zone that includes more than 10 new dwelling units to have a TDM Plan at the time of development permit issuance. Development subject to this requirement may utilize the pre-approved multimodal incentive described in section ~~17.106~~107.035, or develop a custom plan approved through Transportation Impact Review, as described in Chapter 33.852.



17.106107.035 Pre-Approved Multimodal Incentives for Residential and Mixed Use Development

As an alternative to preparing a custom TDM plan subject to Sections 17.106107.020 through 17.106107.030, and Chapter 33.852, mixed use and residential development may agree to provide a pre-approved multimodal incentive, including the following:

- A. Distribution of transportation options information approved or provided by the Portland Bureau of Transportation for the first ~~four (4)~~ years of building occupancy, offered to residents, employees, and visitors;
- B. Multimodal financial incentives equal to the value of a one-year ~~TriMet~~ TriMet pass per residential unit, for the first ~~one (1)~~ year of building occupancy. This obligation will pay for a menu of incentives that will be offered to residents of the site to increase the use of transit, bicycling, walking, and other alternatives to driving alone;
- C. Participation in an annual travel survey of residents and employees for the first four (4) years of building occupancy;
- D. Acknowledgment of the enforcement provisions in ~~Title-Section~~ Section 17.106107.050.

17.106107.045 Required Reporting

Employers on sites subject to an approved TDM Plan shall submit Employee Commute Options surveys to the Portland Bureau of Transportation a minimum of every ~~two (2)~~ years after initial approval. On residential properties subject to a pre-approved TDM Plan under Section 17.106107.035, the building owner or manager is required to actively participate in an annual City travel survey of residents and employees for the first ~~four (4)~~ years of building occupancy.

17.106107.050 Enforcement and Penalties

It shall be a violation of this Chapter for any entity or person to fail to comply with the requirements of this Chapter or to misrepresent any material fact in a document required to be prepared or disclosed by this Chapter. Any building owner, employer, tenant, property manager, or person who fails, omits, neglects, or refuses to comply with the provisions of this Chapter shall be subject to a civil penalty of up to \$1,000 for every 7 day period during which the violation continues. If an entity or person is fully implementing all other elements of this Chapter, failing to meet performance targets alone shall not be an enforcement violation. The Bureau of Transportation shall seek voluntary compliance for a period of at least 1 month before resorting to penalties.



17. ~~106~~107.060**Administrative Rule Authority**

The Director of Transportation shall adopt administrative rules necessary to achieve the purpose of this Chapter.

17. ~~106~~107.070**Fees**

The City may charge fees for Transportation and Parking Demand Management goods and services provided, including but not limited to application review, incentives and education, performance monitoring, adaptive management, and compliance and enforcement.



188177



AUDITOR 11/09/16 PM 5:46

DATE: November 8, 2016

TO: Karla Moore-Love, Council Clerk

FROM: Commissioner Nick Fish

SUBJECT: Request a special meeting of the Portland City Council on November 22nd, 2016 from 9:00am to 1:30pm

With the support of the Council Commissioners listed below, I am writing to request a special meeting of the Portland City Council set for November 22nd, 2016 from 9:00am to 1:30pm in Council Chambers, pursuant to City Code 3.02.020.

The purpose of this meeting will be to vote on amendments to the Early Implementation of the Comprehensive Plan.

Sincerely,

Nick Fish
Commissioner

Charlie Hales
Mayor of Portland

Dan Saltzman
Commissioner

Amanda Fritz
Commissioner

Steve Novick
Commissioner

IMPACT STATEMENT

Legislation title: Amend the *Official City Zoning Map* and the *Planning and Zoning Code* to carry out Portland's *2035 Comprehensive Plan*, establish new a Community Involvement Program and Committee, amend Titles 3, 17, and 33 of the City Code, amend the *2035 Comprehensive Plan* and the Plan Map, amend Ordinance Nos. 165851, 177028 and 187832 (Ordinance).

Contact name: Eric Engstrom, Principal Planner, Bureau of Planning and Sustainability

Contact phone: 503-823-3329

Presenter name: Eric Engstrom

Purpose of proposed legislation and background information:

This ordinance competes the fifth task of a five-task state planning mandate called "periodic review." The fourth task was completed on June 15, 2016 when Council adopted a new comprehensive plan and plan map. Task Five requires the City to adopt measures needed to carry out the new plan. The bulk of these measures are zoning code and zone map amendments, but other important measures include an updated community involvement program and updates to parts of the City's *Transportation System Plan*. The ordinance also makes minor updates and corrections to the plan and plan map.

Financial and budgetary impacts:

This ordinance does not amend the budget, or make any changes to appropriations.

This ordinance generally implements policies and land use changes already adopted by the Council with the 2035 Comprehensive Plan. The impact statement filed with that earlier June 2016 action (Ord. 187832) provides a broader discussion of those impacts. Broadly speaking, the underlying premise of comprehensive planning and growth management is to identify future needs related to job and household growth (needed sewer and water systems, transportation, etc.), and provide a mechanism to plan ahead for those needs. The enforcement of an orderly planned pattern of growth through zoning maps and codes can reduce public costs by enabling coordinated investment before growth occurs, rather than reactive spending to fix problems after the fact.

Fiscal impacts more specifically attributable to this implementation ordinance could include:

- The cost of administering the new zoning code provisions compared to the costs of administering the provisions they replace;
- The impact that the different zoning codes and maps may have on private and public sector development activity, which may impact city costs and City tax revenues; and
- The impact of implementing a significantly updated Community Involvement Program related to the City's land use decisions.

These potential fiscal impacts are described below.

Cost of Development Review

Zoning Code implementation costs are largely supported by development review fee revenue rather than general funds. The new code contains fewer base zone categories than the code it replaces, but some of the replacement zones are carried out by more detailed regulations than the zones they replace. Increased detail does not necessarily correlate to increased costs of administration, because a greater number of clear and objective standards can be applied with less cost than a fewer number of discretionary standards. This is so because application discretionary standards involve more procedural costs in the form of notices and public hearings.

One notable change that could have an impact on city costs is the expansion of the Design Overlay zone, the administration of which historically has been subsidized by the general fund to varying degrees. Expanding the Design Overlay may create a need for additional Design Review staff in BDS. The Council will need to consider these costs in setting development fees in 2017/18. The City is currently examining how the Design Overlay is administered through the separate “DOZA” project, which will bring recommendations to Council before the effective date of this ordinance.

Another notable change is the recommended commercial/mixed use zoning code. The new commercial/mixed use zoning regulations include a provision for bonus density if certain affordable housing or affordable commercial space program goals are met. These new bonuses are dependent on new programs in the Housing Bureau and PDC to administer them. These administrative costs are similar in nature to the costs associated with the current affordable housing tax incentive programs – which include the need to determine project eligibility, certify project compliance, and longer term enforcement. BPS has worked with Housing and PDC to identify the general administrative issues surrounding these potential new programs, and has outlined work that would need to be complete before implementation. Some of these costs may be funded by fees charged to program users, but some general fund cost is likely. If the Council adopts pending Inclusionary Housing legislation, administration of the affordable housing bonus would be combined with that program.

Because this ordinance includes changes to zoning maps, including some down-zoning, there is a possibility that impacted property owners could file a “Measure 49 Claim” under ORS 197, requesting financial compensation for lost property value. The City has an established process for handling such claims (City Code Section 5.75), and the process includes an option to waive the regulation rather than paying compensation. Processing such claims may involve some staff time in BPS, BDS, and the City Attorney’s Office.

The ordinance has a delayed effective date of January 1, 2018, which allows more time for staff needs and training, and time to set up administrative details and budget form the programmatic elements noted above.

Impact on Development Activity

The new commercial/mixed use zoning designations adopted with the ordinance may have an impact on the distribution and type of commercial and mixed use development in the City. These changes could impact future property tax revenue, over the long run, either positively or negatively. The recommended zoning changes increase entitlements in some areas, and decrease them in others.

Recommended provisions to protect the supply of employment land place new limits on location of new parks in the industrial sanctuary. These changes will impact Portland Parks, potentially increasing the cost of parks acquisition in some areas.

The recommended Transportation System Plan changes are designed to decrease reliance on single-occupant vehicles, and reduce vehicle miles traveled in the City. Over the long term this shift may reduce gas tax revenues.

Community Involvement Program

This ordinance updates Portland's state-mandated community involvement program for land use decisions. The intent of the change is to broaden community engagement to better involve communities of color, renters, immigrants, low income people, and other traditionally under-represented communities. BPS implementation of some of these practices in recent years has increased our costs related to translation, child care at community events, and printing of more targeted culturally specific informational materials.

One element of this recommendation is the chartering of a new Community Involvement Committee (CIC), to provide more oversight over community involvement practices for land use decisions. Administering this new advisory body will have costs. BPS estimates the need for one additional Community Involvement and Outreach Coordinator position, to be charged with administering the new CIC, and maintaining outreach best practices for the bureau.

Community impacts and community involvement:

As Comprehensive Plan implementing measures, the regulations and programs adopted by this ordinance carry out Portland Plan goals related to prosperity, equity, health and education within the context of built and natural environments. In particular, the ordinance fulfills Portland Plan actions # 6, 41, 68, 69, 70, 74, 92, 96, and 137.

The measures adopted with this ordinance will protect and advance community livability by directing and shaping urban growth to designated places within the City, consistent with the strategic direction and policies in the Portland Plan and Comprehensive Plan.

The development of these measures benefited from eight years of public outreach and community involvement, initially as part of the Portland Plan and later the Comprehensive Plan Update. These efforts are described in detail in a state-mandated report from the project's designated Community Involvement Committee, which is attached as Exhibit I of the ordinance. In addition, the reports for each component of the plan implementing measures (Exhibits H, J, K, L, M and N) contain a section describing the public involvement for that component. All components also benefited from online engagement through the City's "MapApp," and by access to a designated call center, and from project advisory committees.

For the Council hearing the City mailed 1,459 legislative notices to persons that participated before an advisory committee or the Planning and Sustainability Commission; communicated by mail, email, MapApp, or telephone; or asked to be kept informed of project progress. An additional 36,811 notices of the Council hearing were sent to owners of property that were proposed for re-zoning or that might be affected by a new or amended land use regulation.

Budgetary Impact Worksheet**Does this action change appropriations?**

- YES:** Please complete the information below.
 NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

