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

MEMO

DATE: March 21, 2018

TO: Mayor Ted Wheeler

FROM: Barry Manning, Project Manager

CC: Susan Anderson, Joe Zehnder, Eric Engstrom, BPS

SUBJECT: Code Reconciliation Project – Additional Amendments

Portland City Council will consider the Code Reconciliation Project – Recommended Draft at a public hearing on March 21, 2018. The project contains amendments to Title 11, Trees; Title 18, Noise; Title 32 Sign and Related Regulations; and Title 33, the Zoning Code. While largely technical changes, some of these amendments will affect development allowances and the Council should expect testimony on a variety of issues.

In addition to the amendments in the Code Reconciliation Project - Recommended Draft, staff have identified several additional amendment items that we believe are necessary or beneficial to consider in the package. These are included in this memo. Some of the amendments are proposed by BPS, and others stem form subsequent conversations with BDS, PBOT and other bureau stakeholders. BPS supports these amendments and requests that the Mayor sponsor them for City Council consideration.

For ease of understanding, these additional amendments are formatted in a way that is consistent with the Code Reconciliation Project – Recommended Draft, by use of strikethrough and underlining. A summary of the additional amendments is included in the table on the following page, followed by the amendments.

Summary of Additional Amendments

Title/Code Chapter	Requested By	Amendments Summary	Policy or Development Implication
33.120.255	BPS	• Clarifies type of pedestrian connections.	
33.130.240	BPS	• Clarifies type of pedestrian connections.	
33.130.260	BDS, BPS	• Clarifies when a drive through in the CE zone is considered discontinued.	
33.130.292	BPS, BDS	• Moves large site pedestrian connections standards to different section and clarifies type and purpose of connection.	**X**
33.140.240	BPS	• Clarifies type of pedestrian connections.	
33.266.110	BPS	• Revise section for consistency with parking exceptions adopted with Inclusionary Housing.	**X**
33.266.410	BPS, PBOT	• Corrects code reference to Title 17.	
33.270.200	BPS	• Clarifies that Community Design standards may be used in Planned Developments when buildings meet size and use limits.	**X**
33.420.060	BPS	• Corrects code reference to new zoning.	
Map 526-1 thru Map 526-5	BPS	• Corrects map boundary due to zone changes.	
Map 540-1	BPS	• Corrects map boundary due to zone changes.	
33.562.230	BPS	• Amends section regarding bonuses to clarify that maximum of all bonuses is 3:1 FAR.	**X**
Map 575-1	BPS	• Corrects map title.	
33.852.105	BPS, PBOT	• Amends section to make application requirements consistent with approval criteria. • Corrects Title 17 code reference.	
33.910	BDS, BPS	• Amends definition of Floor Area Ratio to sync-up definition with practical measurement techniques (requested by BDS).	**X**

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Commentary

33.120.255.B.1 Pedestrian Standards

These amendments clarify the pedestrian circulation system standards to ensure that they do not conflict with the definition of pedestrian connection in 33.910.

33.120 Multi-Dwelling Zones

120

33.120.255 Pedestrian Standards

A. [No change]

B. **The standards.** The standards of this section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.

1. Connections. ~~Pedestrian~~The on-site pedestrian circulation system must provide connections ~~are required~~ as specified below:

   a.-b. [No change]

2.-3. [No change]

Commentary

33.130.240.B.1 Pedestrian Standards
These amendments clarify the pedestrian circulation system standards to ensure that they do not conflict with the definition of pedestrian connection in 33.910.

33.130.240.B.1.c Pedestrian Standards
Moving this standard to the street and pedestrian connections section (33.130.292) and revising for more effective implementation.

33.130 Commercial Zones

130

33.130.240 Pedestrian Standards

A. [No change]

B. **The standards.** The standards of this Section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this Subsection.

1. Connections. ~~Pedestrian~~The on-site pedestrian circulation system must provide connections ~~are required~~ as specified below:

   a.-b. [No change]

   ~~c. Large site pedestrian connectivity. Sites that are 5 acres or more in size must provide pedestrian connections through the site that are no further apart than 330 feet as measured from the centerline of each connection. Pedestrian connections must provide connectivity to all streets that abut the site. Portions of sites that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, have existing large buildings that prevent this standard from being met, or have slopes with an average slope of 20 percent or greater are exempt from this standard.~~

2.-3. [No change]

Commentary

33.130.260.D Drive-Through Facilities

Added language to CE zone similar to CM1-CM3 zones to better clarify when a drive through is considered discontinued.

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 or relocated on the site. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If ~~an existing drive-through facility is unused~~ the use with the drive-through facility is discontinued for 3 continuous years, reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. A list of the standard evidence that can be provided to prove that the use has been maintained over time can be found in Subsection 33.258.038.B. If the applicant provides standard evidence from the list, the Director of BDS will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed, a Determination of Legal Nonconforming Status is required.

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 or relocated on the site. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If ~~an existing drive-through facility is unused~~ the use with the drive-through facility is discontinued for 3 continuous years, reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. A list of the standard evidence that can be provided to prove that the use has been maintained over time can be found in Subsection 33.258.038.B. If the applicant provides standard evidence from the list, the Director of BDS will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed, a Determination of Legal Nonconforming Status is required.

Commentary

33.130.292 Street and Pedestrian Connections

Moving the standard from 33.130.240 and revising to clarify the purpose and parameters for which pedestrian connections are required. The intent is to require public pedestrian connections on large site (over 5 acres) but allow some flexibility for the location of such connections. Sites in the Central City Plan District, or parts of sites with environmental overlay zones or steep slopes are exempt from the requirement.

33.130.292 Street and Pedestrian Connections

A. Large site pedestrian connectivity.

1. Purpose. The large site pedestrian connectivity standard implements regional pedestrian and bicycle connectivity standards. The standard enhances direct movement by pedestrians and bicycles between destinations and increases the convenience of travelling by foot or bike. The standard also protects public health and safety by ensuring safe movement and access through a large site. The standard provides flexibility for locating the pedestrian connection in a manner that addresses site constraints such as existing development.

2. When does the standard apply. The large site pedestrian connectivity standard applies to new development and major remodeling on sites that are more than 5 acres in size.

3. Standard. If the site does not have pedestrian connections at least every 330 feet as measured from the centerline of each connection, then dedication of ROW for pedestrian connections is required.

4. Exemptions. Dedication of right-of-way for pedestrian connections is not required in:

   a. The Central City plan district; and

   b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.

5. Pedestrian connection alignment, width and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the width of, and configuration of element within, the pedestrian connections.

B. Additional ~~R~~requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

Commentary

33.140.240.B.1 Pedestrian Standards

These amendments clarify the pedestrian circulation system standards to ensure that they do not conflict with the definition of pedestrian connection in 33.910.

33.140 Employment and Industrial Zones

140

33.140.240 Pedestrian Standards

A. [No change]

B. **The standards.** The standards of this section apply to all development in the EG1, EG2, and EX zones except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.

1. Connections. ~~Pedestrian~~The on-site pedestrian circulation system must provide connections ~~are required~~ as specified below:

   a.-b. [No change]

2.-3. [No change]

Commentary

33.266.110.D Exceptions to the minimum number of parking spaces

These amendments align the exceptions to the minimum parking requirements with the amendments that were made as part of the IH project. Those amendments (and a follow-up clarification) were adopted by City Council after the Task 5 Code Amendments project was adopted in December 2016. Without these amendments, the code will revert to what was adopted in December 2016. No changes are being made to the code itself—this is purely a technical amendment.

CHAPTER 33.266 PARKING, LOADING, AND TRANSPORTATION AND PARKING DEMAND MANAGEMENT

266

33.266.110 Minimum Required Parking Spaces

A.-C. [No change]

D. Exceptions to the minimum number of parking spaces. The minimum number of required parking spaces may be reduced as follows:

1. Affordable housing exceptions:

   a. Exception for sites close to transit. The minimum number of required parking may be reduced to zero when the following are met:

      (1) The 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

      (2) The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus. This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.

   b. Exception for sites far from transit. Affordable dwelling units are not counted toward the total number of dwelling units when calculating the number of required parking spaces when the following are met:

      (1) The site is located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service; and

      (2) The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus. This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.

33.266.110.D Exceptions to the minimum number of parking spaces

Continued

2~~1~~. Other exceptions. The minimum number of required parking spaces may not be reduced by more than 50 percent through the exceptions of this Paragraph~~Subsection~~. The 50 percent limit applies cumulatively to all exceptions in this Paragraph:~~subsection.~~

a~~2~~. Exceptions for sites where trees are preserved. Minimum parking may be reduced by one parking space for each tree 12 inches in diameter and larger that is preserved. A maximum of 2 parking spaces or 10 percent of the total required may be reduced, whichever is greater. However, required parking may not be reduced below 4 parking spaces under this provision.

b~~3~~. Bicycle parking may substitute for up to 25 percent of required parking. For every 5~~five~~ non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

c~~4~~. A transit-supportive plaza may substitute for up to 10 percent of the required parking on sites where at least 20 parking spaces are required, and where at least one street lot line abuts a transit. Existing parking areas may be converted to take advantage of these provisions. The plaza must meet the following regulations. Adjustments to the regulations of this Subparagraph are prohibited:

(1)~~a.~~ The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop;

(2)~~b.~~ The plaza must be at least 300 square feet in area and be shaped so that a 10 foot x 10 foot square will fit entirely in the plaza;

(3)~~c.~~ The plaza must be open to the public. The owner must record a public access easement that allows public access to the plaza; and

(4)~~d.~~ The plaza must include all of the following elements:

- A bench or other sitting area with at least 5 linear feet of seating;
- A shelter or other weather protection that covers at least 20 square feet. If the plaza is adjacent to the bus stop, TriMet must approve the shelter; and
- Landscaping. At least 10 percent, but not more than 25 percent of the transit-supportive plaza must be landscaped to the L1 standard of Chapter 33.248, Landscaping and Screening. This landscaping is in addition to any other landscaping or screening required for parking areas by the Zoning Code.

d~~5~~. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.

33.266.110.D Exceptions to the minimum number of parking spaces

Continued

e~~6~~. Car-sharing parking spaces may substitute for required parking if all of the following are met:

(1)~~a.~~ For every car-sharing parking space that is provided, the motor vehicle parking requirement is reduced by 2~~two~~ spaces, up to a maximum of 25 percent of the required parking spaces;

(2)~~b.~~ The car-sharing parking spaces must be shown on the building plans; and

(3)~~c.~~ A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.

f~~7~~. City of Portland bike-sharing stations may substitute for required parking if all of the following are met:

(1)~~a.~~ A City of Portland bike-sharing station providing 15 docks and 10 shared bicycles reduces the motor vehicle parking requirement by 3 spaces. The provision of each addition of 4 docks and 2 shared bicycles reduces the motor vehicle parking requirement by an additional space, up to a maximum of 25 percent of the required parking spaces;

(2)~~b.~~ The bike-sharing station must be adjacent to, and visible from the street, and must be publicly accessible;

(3)~~c.~~ The bike-sharing station must be shown on the building plans; and

(4)~~d.~~ A copy of the signed agreement between the property owner and the Portland Bureau of Transportation must be submitted before the building permit is approved.

~~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.E., Planned Development bonus; or~~

~~(3) Affordable housing units built under 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.~~

Commentary

33.266.410.B.2 Transportation and Parking Demand Management

This corrects a reference to the standards in Title 17.

33.266.410 Transportation and Parking Demand Management

A. [No Change]

B. Transportation and parking demand management in the commercial/mixed use zones. In the commercial/mixed use zones, a TDM plan is required when new development includes more than 10 dwelling units, or an alteration to existing development includes the addition of more than 10 dwelling units. Sites in the Central City plan district, and sites that are located far from transit, as described in Paragraph 33.266.110.B.2, are exempt from this requirement. To meet the TDM standard, the applicant must choose one of the following:

1. Go through the Transportation Impact review process set out in chapter 33.852; or
2. Meet the objective standards of Title 17.10~~6~~7 as verified by the Portland Bureau of Transportation.

Commentary

33.270.200.D Additional Requirements for Planned Developments in the Commercial/Mixed Use Zones

This amendment clarifies that some types of development in a planned development may be eligible to use the objective Community Design Standards of 33.218, rather than be approved through Design Review. Projects of this scale and type would be eligible to use design standard if they were not in a planned development. Larger projects, or those that otherwise may not be eligible to use standards, must be approved through design review.

33.270 Planned Development

33.270.200 Additional Requirements for Planned Developments in the Commercial/Mixed Use Zones

Planned Developments in the CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts, that are using the Planned Development bonus, must met all of the following requirements:

A.-C. [No change]

D. Design Review. All development within the Planned Development site must be approved through Design Review~~.~~ or meet the Community Design Standards as follows. Development associated with a plaza or park required by Subsection B must go through Design Review and is not eligible to use the Community Design Standards:

1. The Community Design Standards provide an alternative process to design review for some proposals. Proposals that are within the maximum limits stated in Table 270-1 are allowed to use the objective standards of Chapter 33.218, Community Design Standards. The applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, if more flexibility than provided by the standards is desired.

Table 270-1
Maximum Limits for Use of the Community Design Standards [1]

	Maximum Limit
New Floor Area	20,000 sq. ft. of floor area
Exterior Alterations	• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the façade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential use.

2. Proposals that are not allowed to use the Community Design Standards, or do not meet the Community Design Standards, must go through the design review process.

Commentary

33.420.060.H When Community Design Standards May Not Be Used
This amendment corrects a reference to a zone in St. Johns. The CM3 zone replaces the EX zone in an area of St. Johns to which this regulation applies.

33.420 Design Overlay Zone

420

33.420.060 When Community Design Standards May Not Be Used
The Community Design Standards may not be used as an alternative to design review as follows:

A-G. [No Change]

H. In the ~~EX~~CM3 zone within the St. Johns plan district, structures more than 45 feet in height; and

I-J. [No change]

Commentary

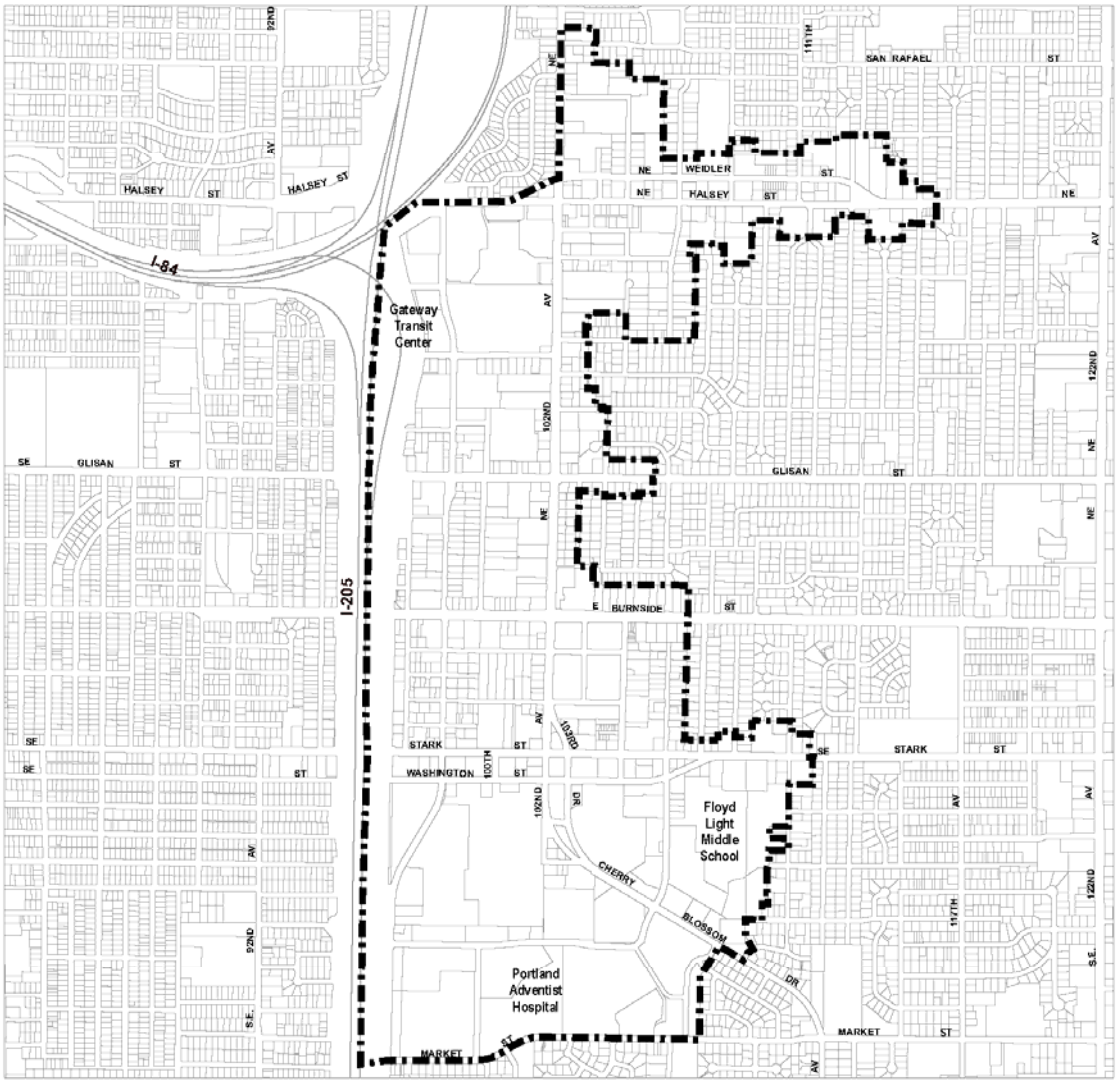
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the current map.

Gateway Plan District

Map 526-1

Map Revised February 13, 2015



Plan District Boundary

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

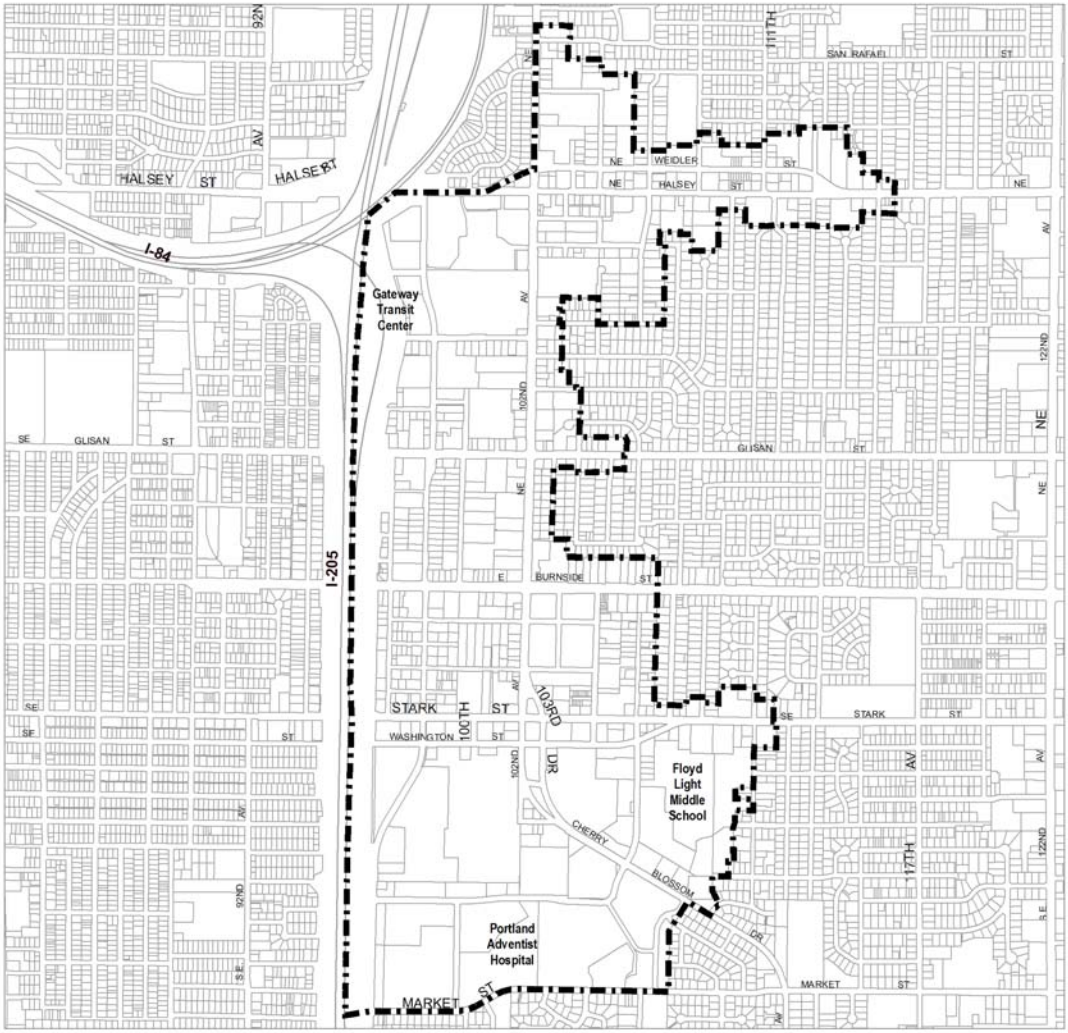
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the new map 526-1.

Gateway Plan District

Map 526-1

Map Revised xxxx, 201x



Plan District Boundary

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

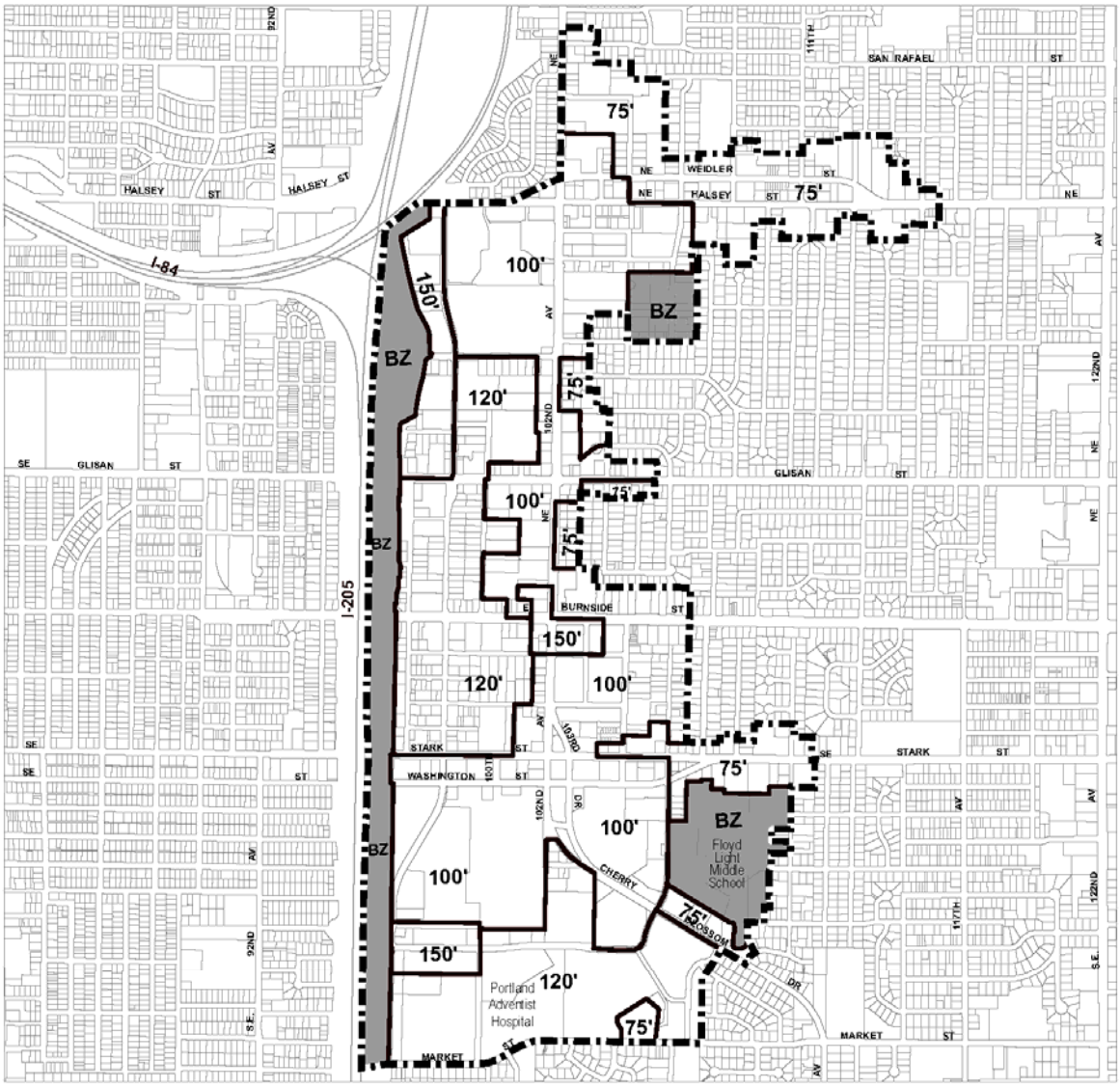
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the current map.

Gateway Plan District Maximum Heights

Map 526-2

Map Revised February 13, 2015



Plan District Boundary

Maximum building height boundary

x' Maximum building height

Area where base zone heights apply

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

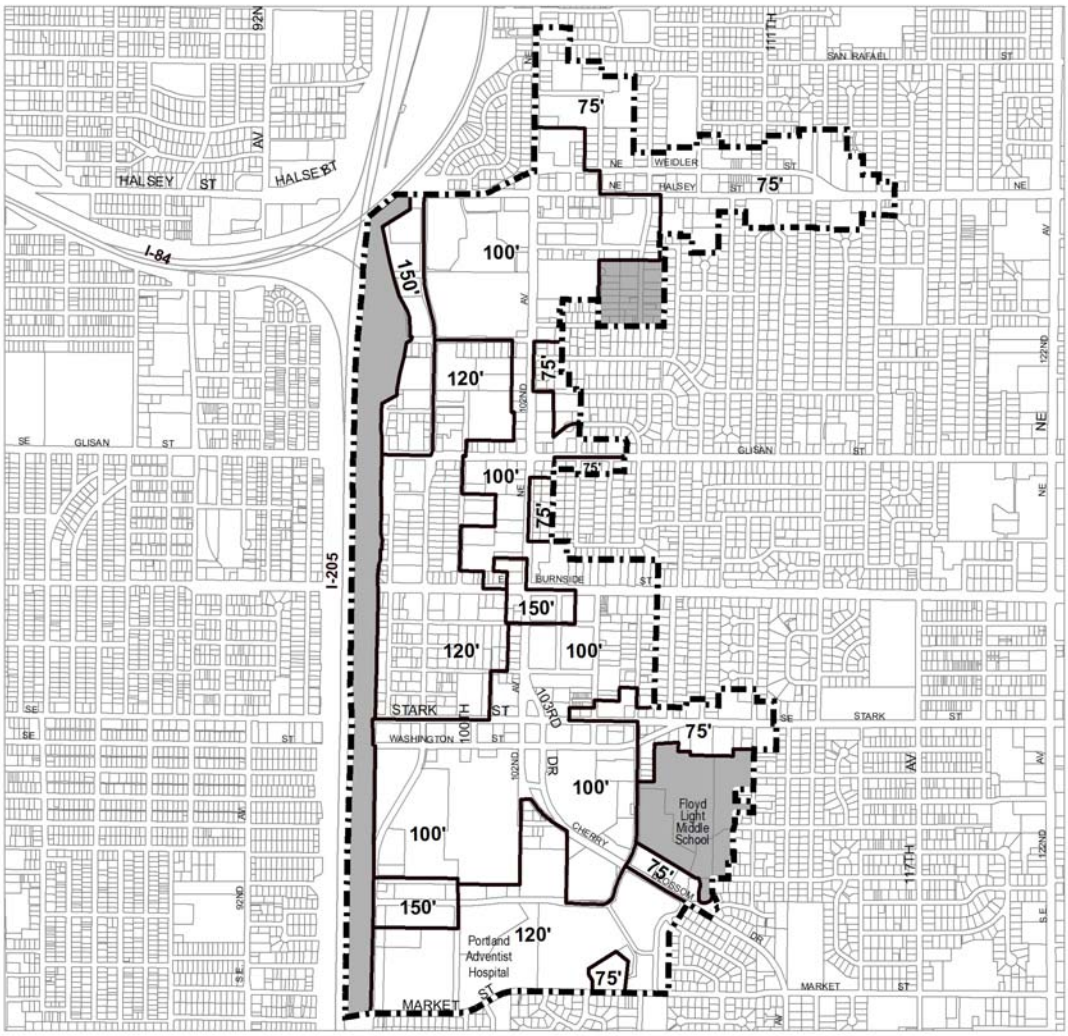
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the new map 526-2.

Gateway Plan District Maximum Heights

Map 526-2

Map Revised xxxx, 201x



Plan District Boundary

Maximum building height boundary

x' Maximum building height

Base Zone Maximum Height Areas

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

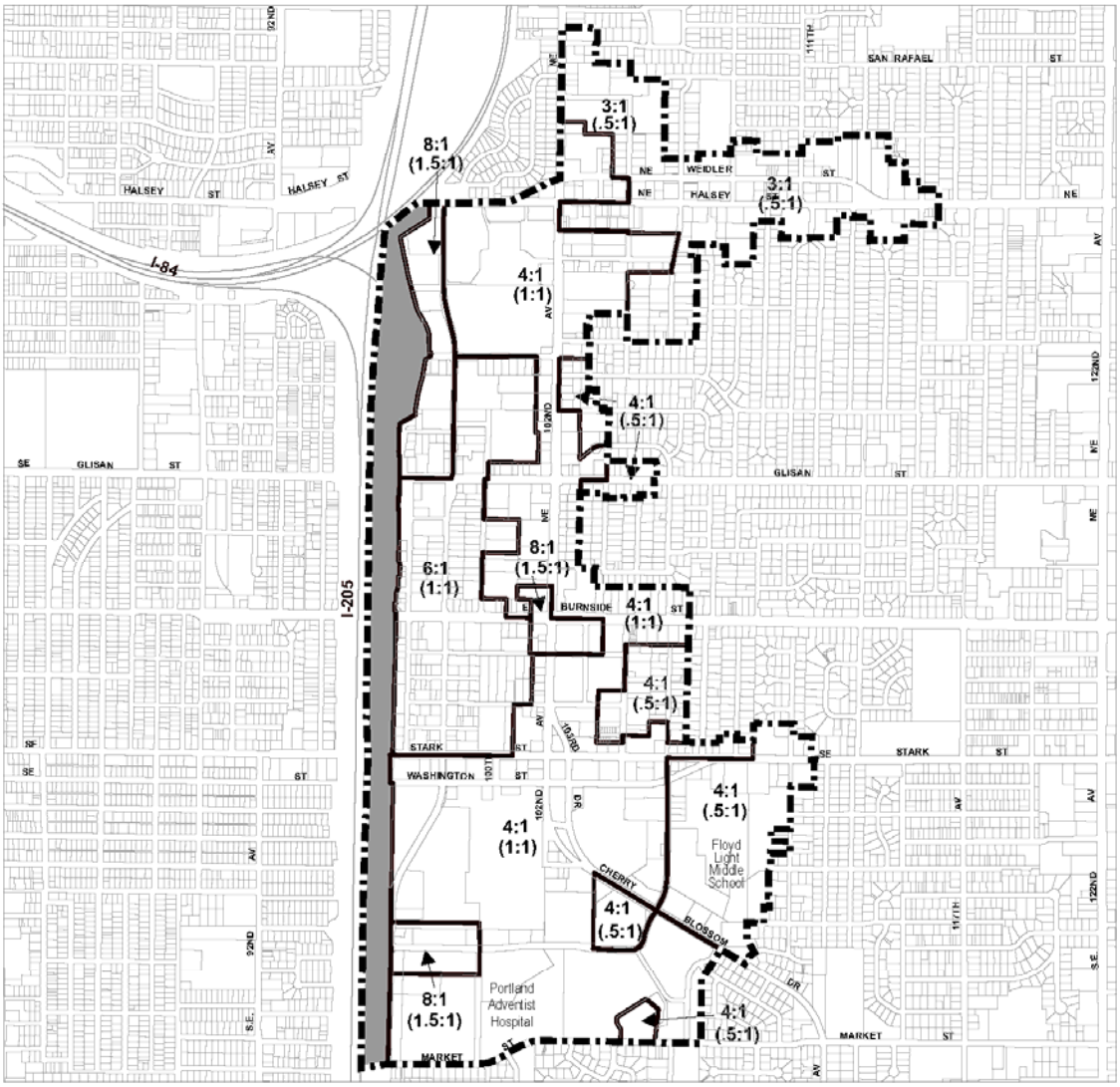
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the current map.

Gateway Plan District Floor Area Ratios (FAR)

Map 526-3

Map Revised February 13, 2015



Plan District Boundary

FAR Boundary

Area where FAR is determined by the Base Zone

X = Gross square Foot of building

Y = Square foot of site

X:Y Maximum FAR

(X:Y) Minimum FAR

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

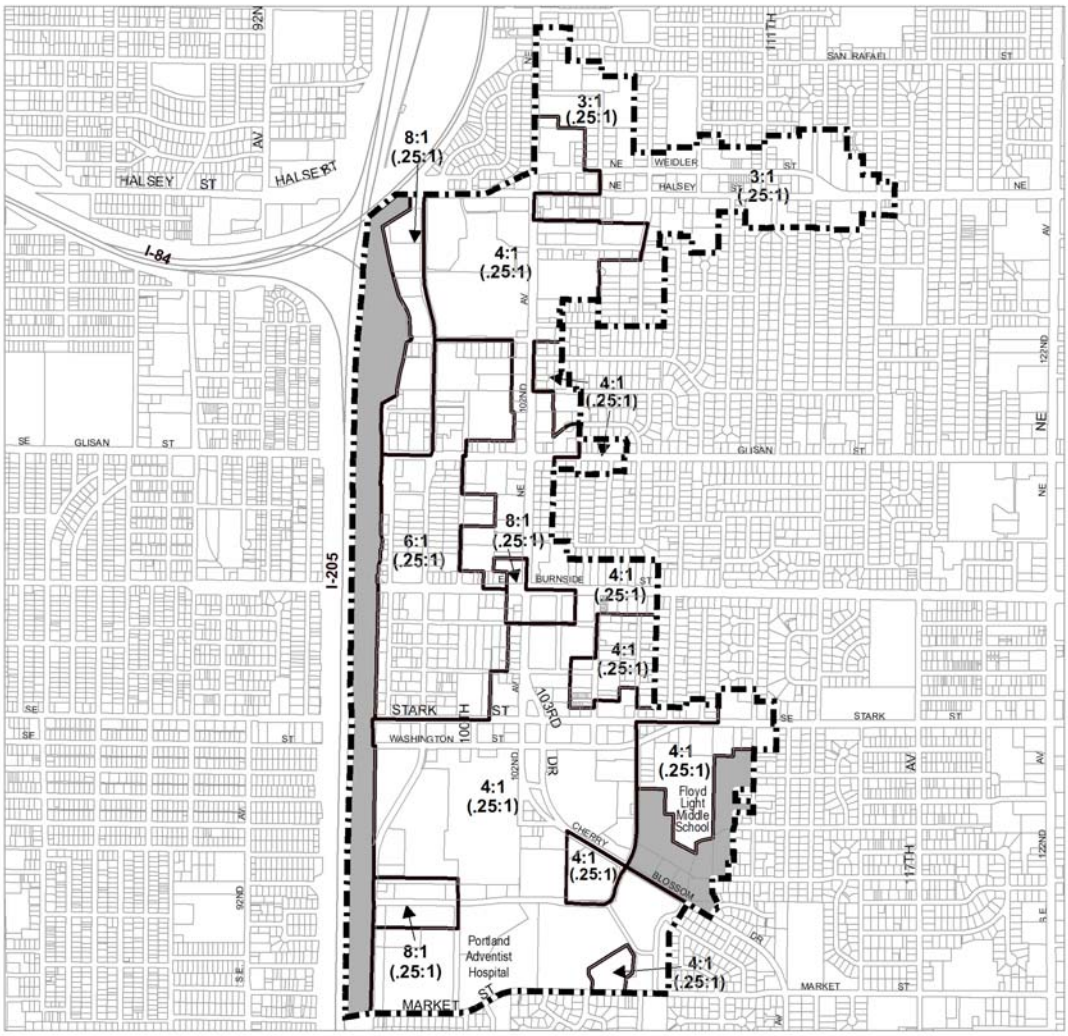
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the new map 526-3.

Draft Gateway Plan District Floor Area Ratios (FAR)

Map 526-3

Map Revised xxxx, 201x



Plan District Boundary

FAR Boundary

Area where FAR determined by the base zone

X:Y Maximum FAR

X = Gross square Foot of building

Y = Square foot of site

(X:Y) Minimum FAR

Commentary

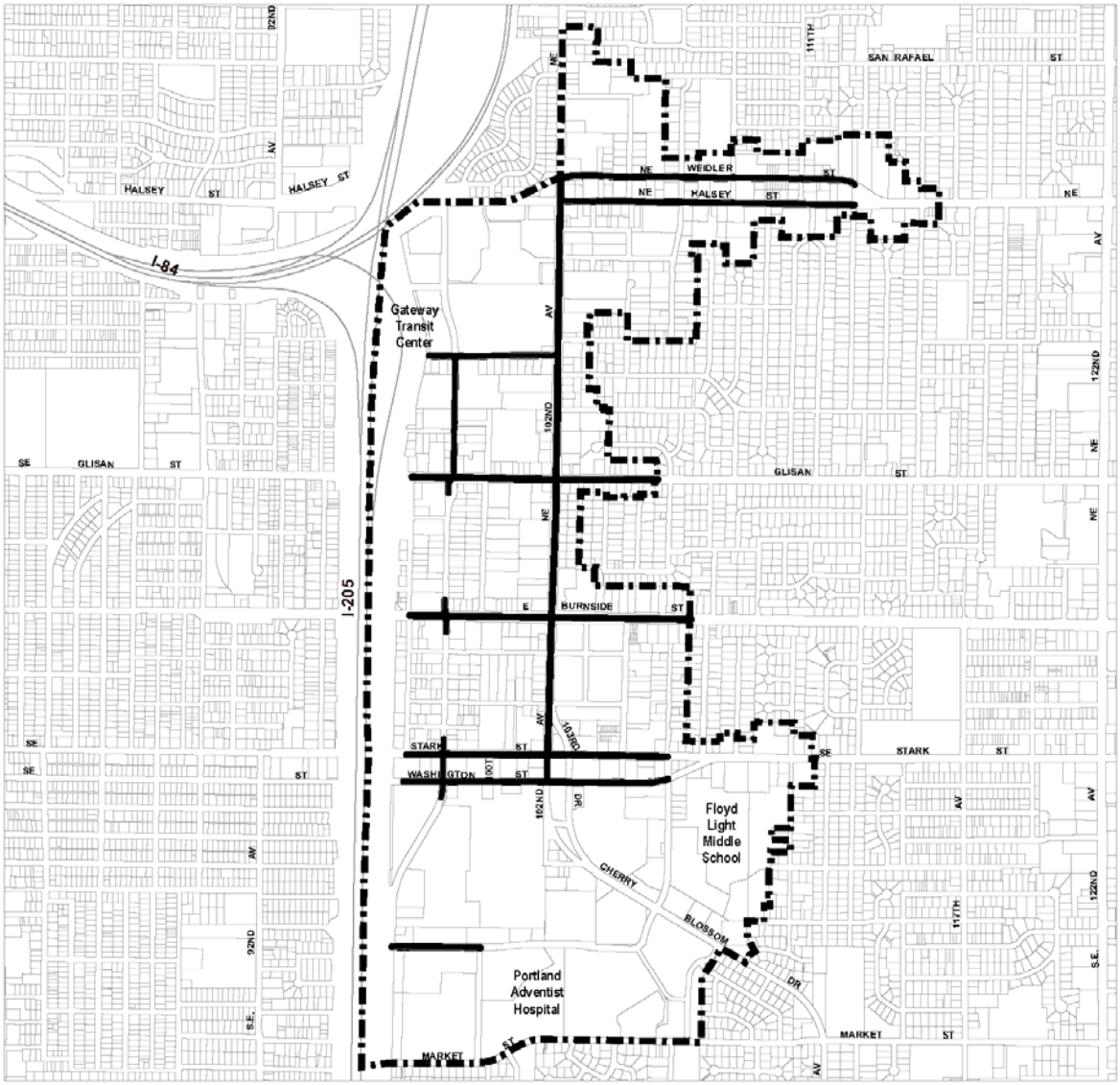
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the current map.

Gateway Plan District
Enhanced Pedestrian Streets

Map 526-4

Map Revised February 13, 2015



Plan District Boundary

Enhanced Pedestrian Streets

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

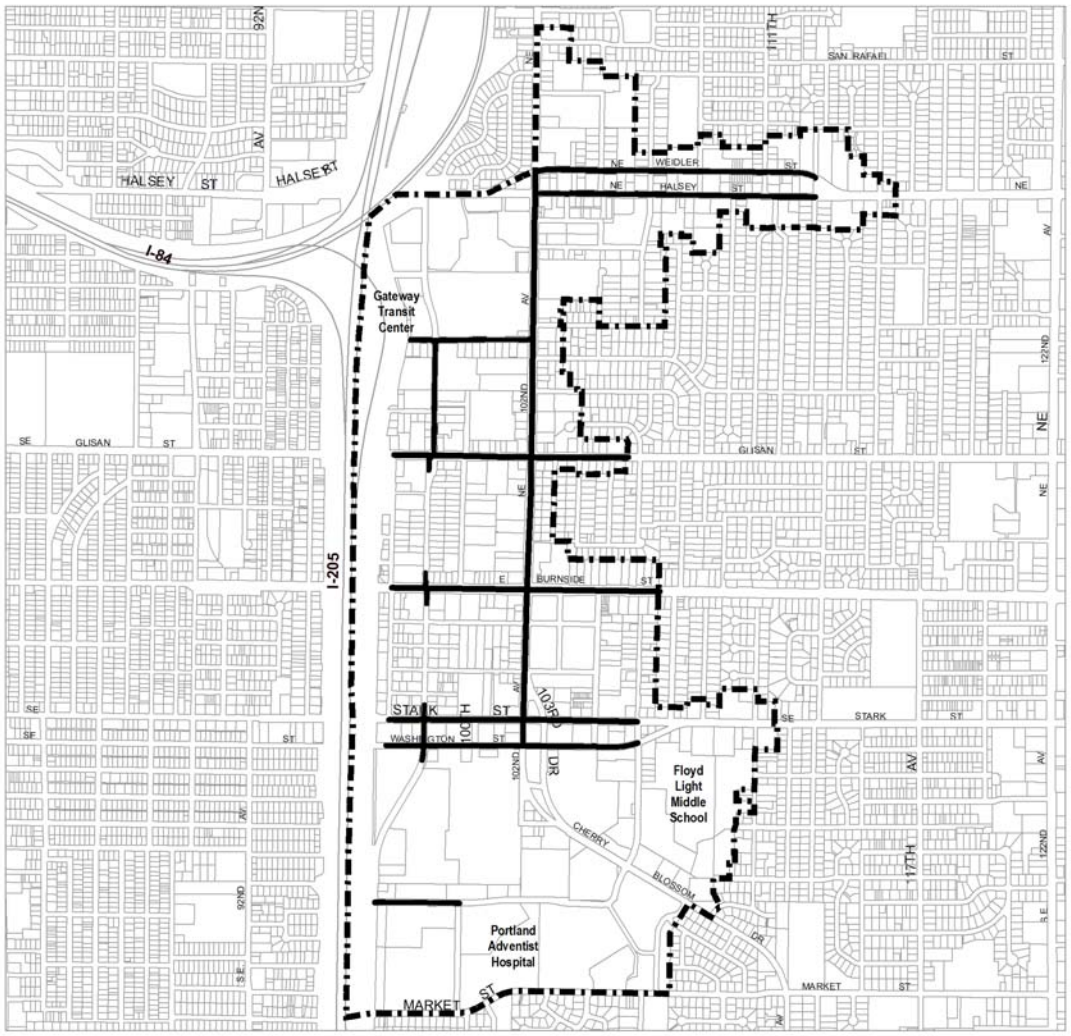
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the new map 526-4.

Gateway Plan District
Enhanced Pedestrian Streets

Map 526-4

Map Revised xxxx, 201x



Plan District Boundary

Enhanced Pedestrian Streets

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

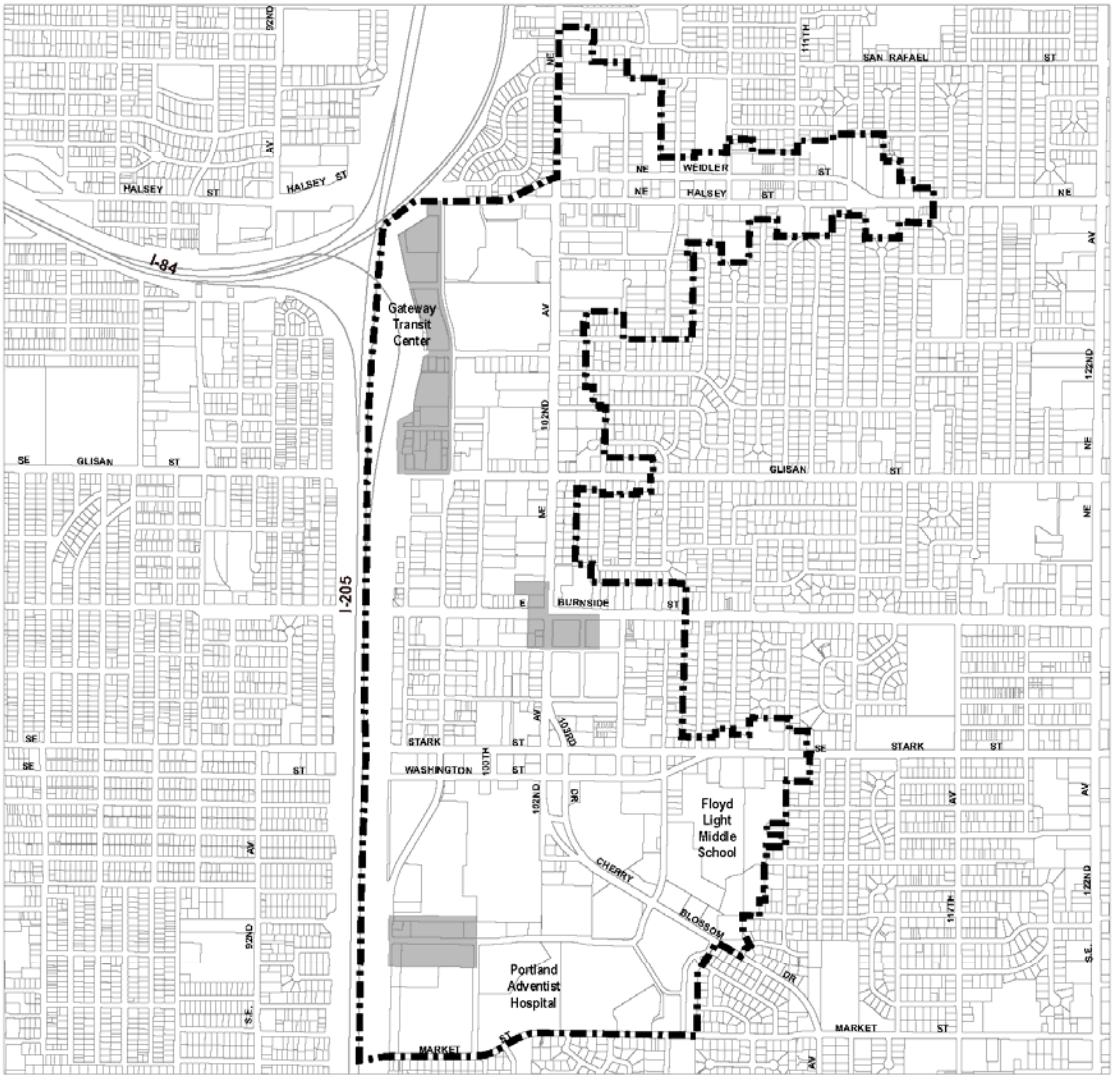
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the current map.

Gateway Plan District Bonus Option Areas

Map 526-5

Map Revised February 13, 2015



Plan District Boundary

Areas eligible for bonus height and FAR

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

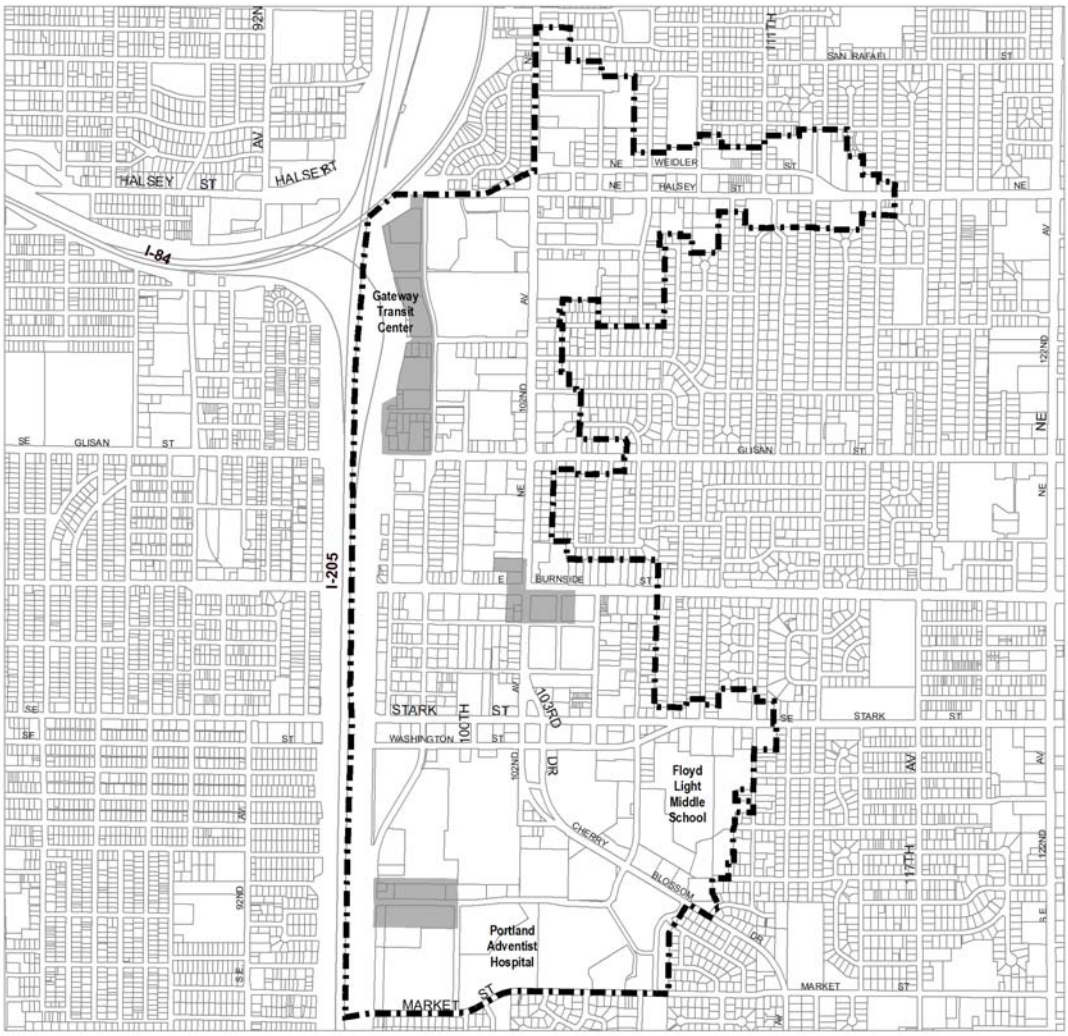
Map 526 1-5
All of the Gateway plan district maps are being revised because the boundary of the plan district was amended with the Map Refinement Project.

This is the new map 526-5.

Gateway Plan District Bonus Option Areas

Map 526-5

Map Revised xxxx, 201x



Plan District Boundary

Areas eligible for bonus height and FAR

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 540-1

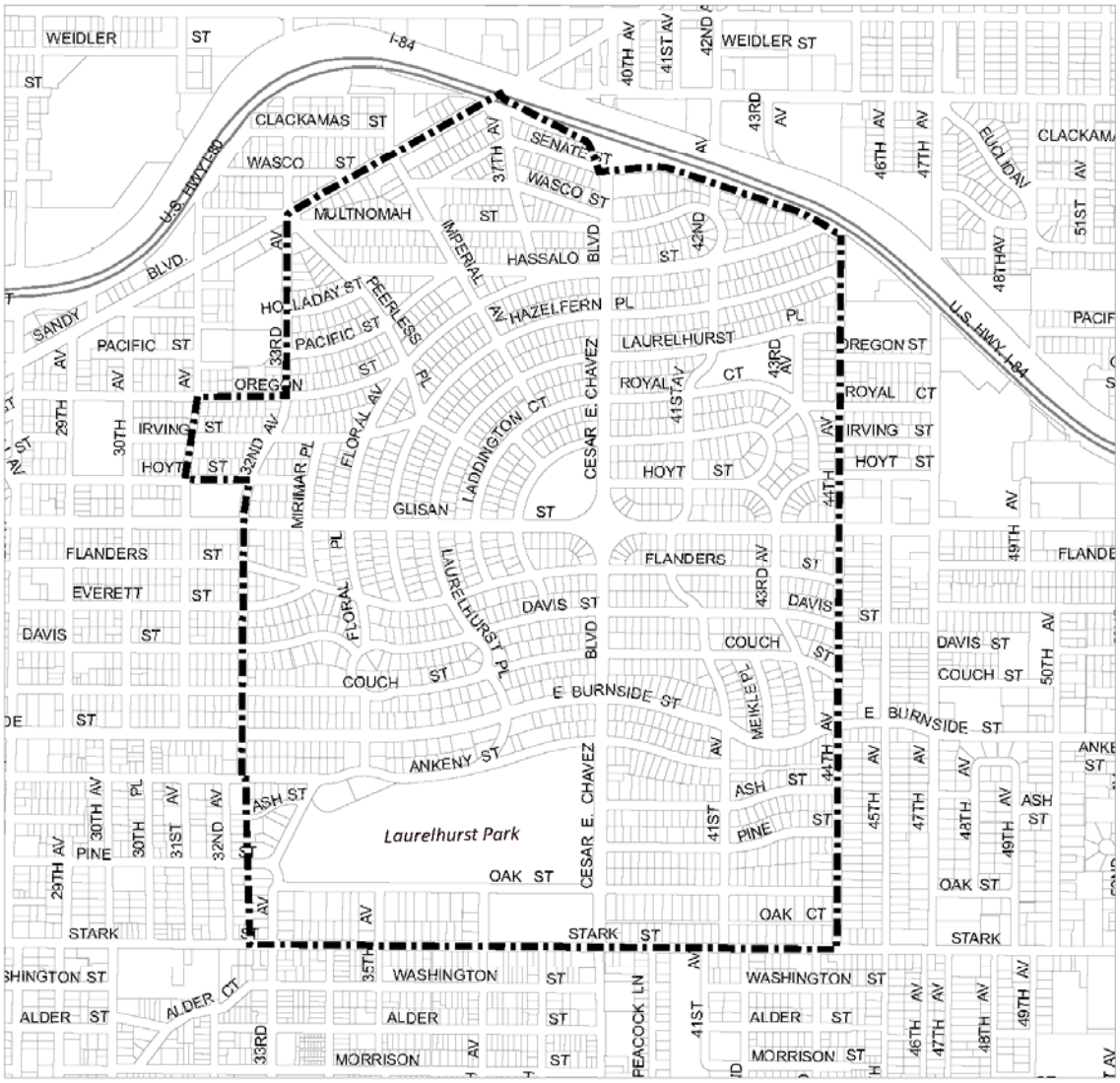
Map 540-1 is being replaced with a new image that shows the correct boundary of the Laurelhurst Plan District. The plan district boundary was amended due to changes in zones.

This is the existing map.

Laurelhurst Plan District

Map 540-1

Map Revised July 8, 2016



Plan District Boundary

NORTH

0 750 1,500

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 540-1

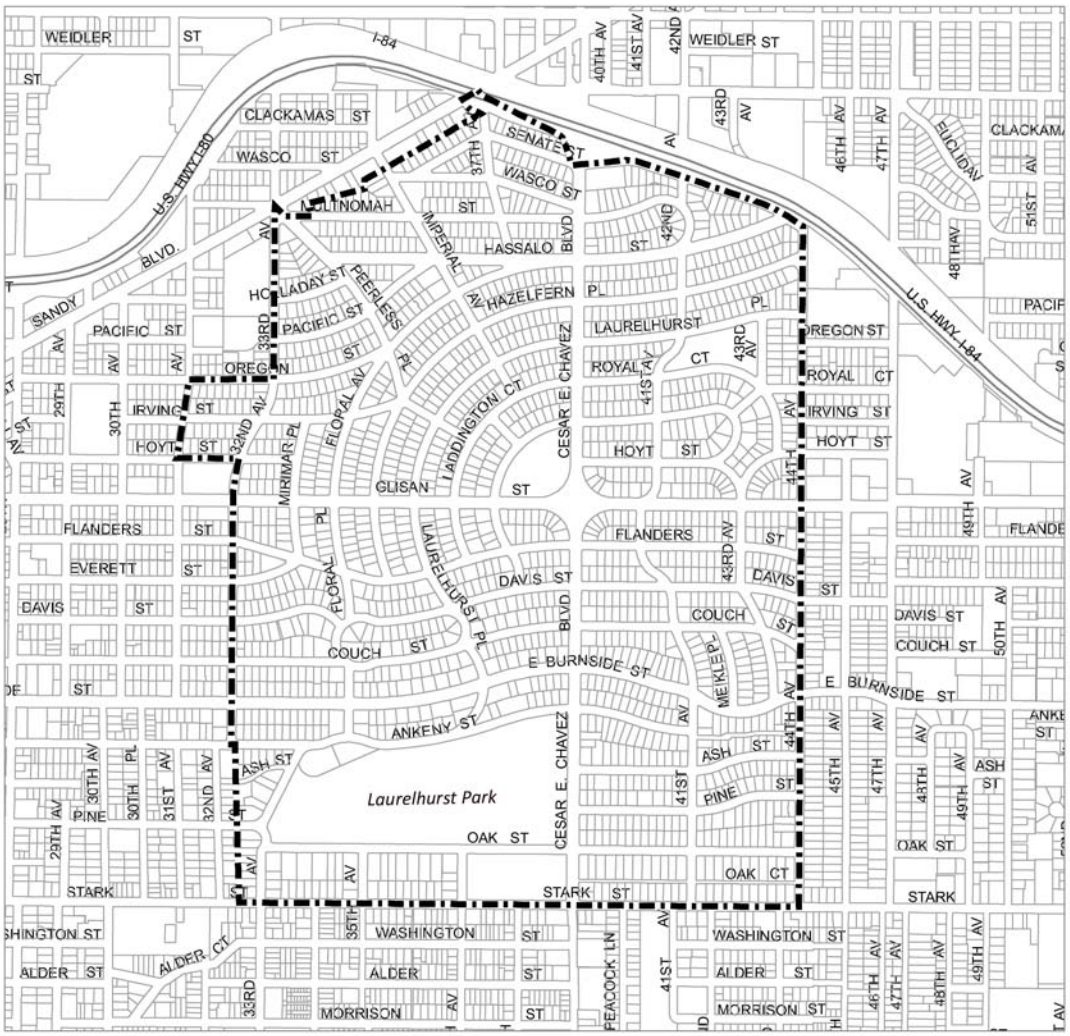
Map 540-1 is being replaced with a new image that shows the correct boundary of the Laurelhurst Plan District. The plan district boundary was amended due to changes in zones.

This is the new map.

Laurelhurst Plan District

Map 540-1

Map Revised Xxxx XX, 201X



Plan District Boundary

NORTH

0 750 1,500

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

33.562.230.B.2 Bonus Options

This amendment clarifies that the maximum amount of bonus floor area that can be earned is 3 to 1. The change is needed because the new base zones in this area include bonus opportunity and they previously did not. Without this change, it would have been possible to earn more bonus FAR than intended overall in this area.

33.562 Northwest Plan District

33.562.230 Bonus Options

A. Purpose. Bonus options encourage certain uses and types of development that are desired within portions of the Northwest plan district and that implement the Northwest District Plan. The various bonus options encourage residential development, including housing affordable to a range of households; provide incentives for underground parking; and allow taller buildings to screen raised portions of the I-405 freeway.

B. General regulations.

1. More than one bonus allowed. More than one bonus option may be used.

2. Maximum bonus floor area allowed. The maximum bonus floor area increase that may be earned on a site through the bonus options ~~of this section~~ is 3 to 1.

C-F. [No Change to Recommended Draft]

Commentary

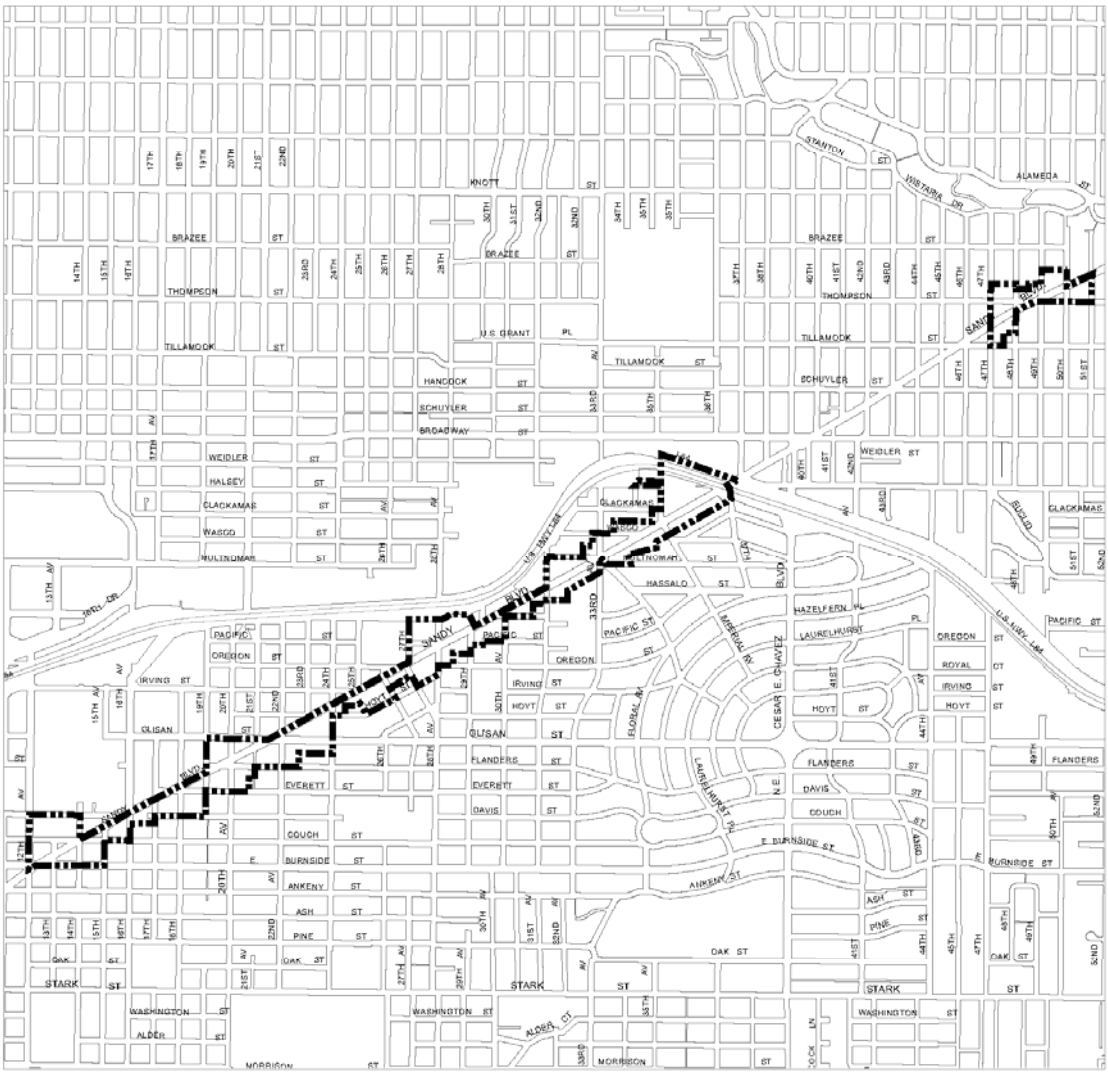
Map 575-1
Map 575-1 is being replaced with a new map of the Sandy Boulevard Plan District. The map was amended because there are no longer subdistricts.

This is the existing map.

Sandy Boulevard Plan District and Subdistricts

Map 575-1

Map Revised January 1, 2018



Plan District boundary

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

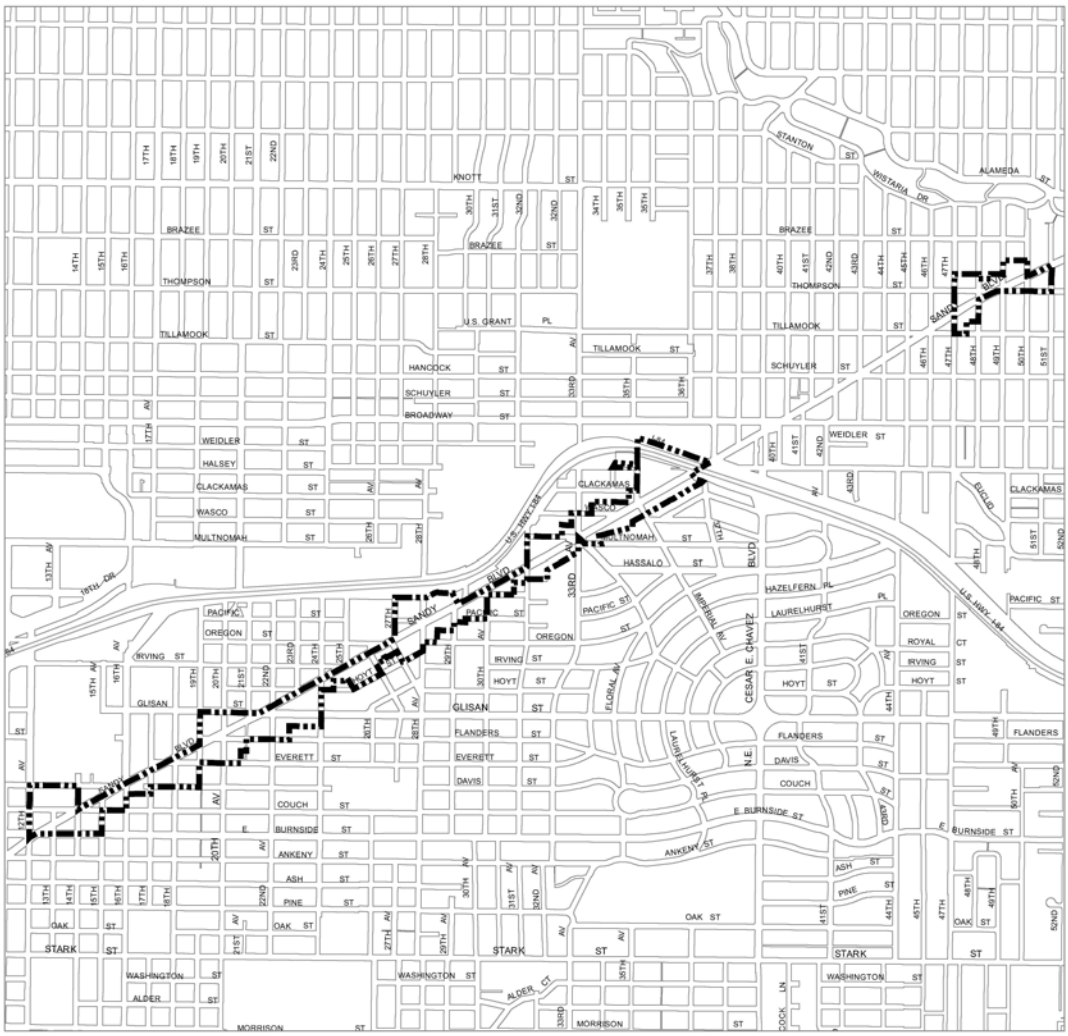
Map 575-1
Map 575-1 is being replaced with a new map of the Sandy Boulevard Plan District. The map was amended because there are no longer subdistricts.

This is the new map

Sandy Boulevard Plan District

Map 575-1

Map Revised Xxxx XX, 201X



Plan District boundary

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

33.852.105 Supplemental Application Requirements

This amendment changes the application requirements for a Transportation Impact Review that is designed to address TDM components only. This change aligns the application requirements with the review criteria. A corrected reference to Title 17 standards is also proposed.

33.852 Transportation Impact Review

852

33.852.105 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, an application for Transportation Impact Review must include the following~~:~~. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only supplemental application requirement H is required.

A-G. [No Change]

H. Transportation and parking demand management plan that has all the elements required by Chapter 17.10~~6~~7; and

I. [No Change]

Commentary

33.910 Floor Area Definition

This amendment better aligns the definition of floor area with the practical application of the measurement. It also clarifies some specific building elements that are considered floor area for the purpose of calculations.

33.910 Definitions

910

Floor Area. The total area of all floors~~the portion~~ of a building. ~~that is above ground.~~ Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking ~~that is above ground level~~. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the ~~lowest elevation of an~~ adjacent right-of way**;**
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height~~,~~ for 75 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

Commentary

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MEMO

DATE: March 21, 2018

TO: Portland City Council

FROM: Steve Kountz, Barry Manning, Marty Stockton

CC: Eric Engstrom, Joe Zehnder, Susan Anderson

SUBJECT: Residential-buffering code amendments and Buffer Overlay map amendments

The purpose of this memo is to summarize the combined approach taken in the Code Reconciliation Project and Map Refinement Project concerning code amendments on Residential buffering and Buffer Overlay map amendments. An overview explanation is provided on the following topics:

- Overview of draft map and code changes
- Expanded map area of updated residential buffering standards;
- Summary of development standards in the Buffer overlay zone;
- Proposed setback and outdoor use standards in the I and EG zones abutting R zones; and
- Willamette Heights testimony and issues.

Overview of the draft map and code changes

The draft zoning code and map amendments would update residential buffering standards in the industrial and general employment zones, following the approach and direction recently set for residential buffering in commercial zones. The Mixed-Use Zones project, adopted in December 2016, updated development standards for building setbacks, landscaping, access, and exterior activities adjacent to residential zones and removed the Buffer (b) overlay zones from all commercial base zones. The current proposal is to extend this updated residential buffering approach to the industrial and general employment zones.

Most of the residential buffering requirements in the industrial zones already exceed those in commercial zones. The code changes proposed now would expand minimum building setbacks in industrial and general employment zones to 10 feet adjacent to residentially zoned lots for buildings

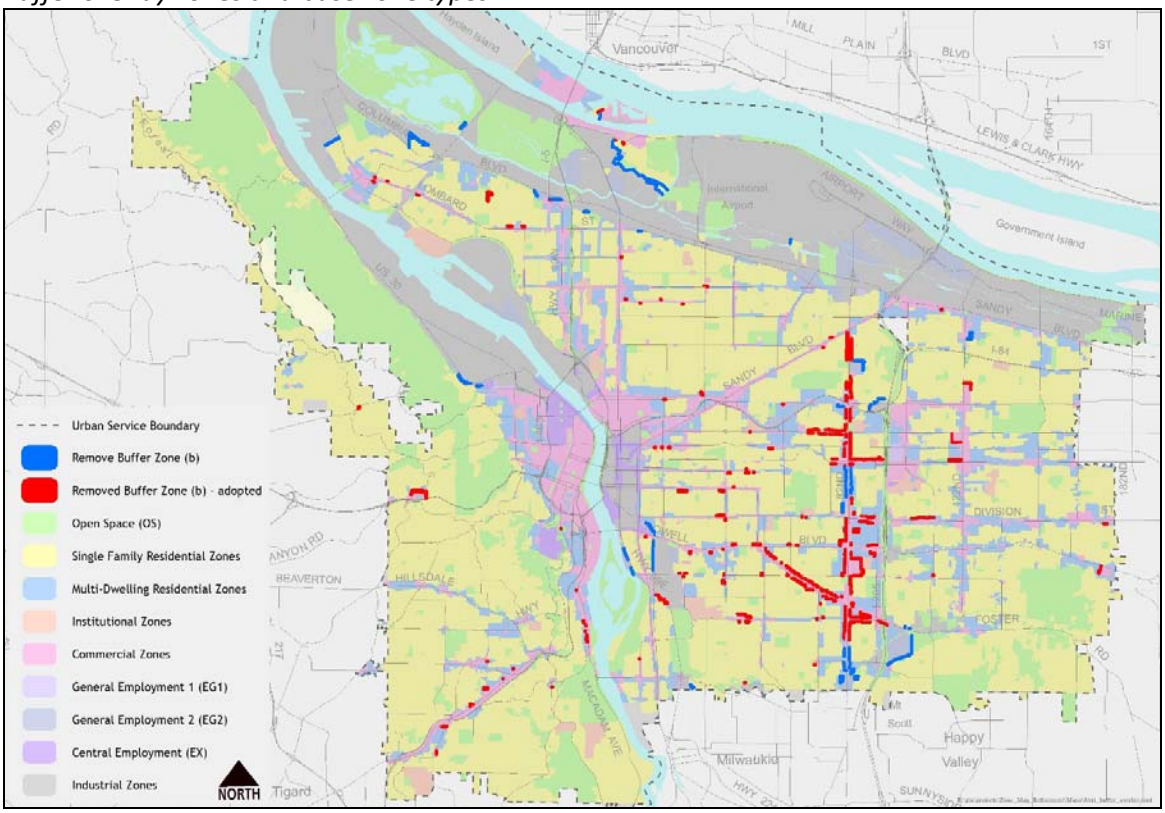
exceeding 15 feet height, and expand landscaped setbacks for exterior work activities to 25 feet, consistent with these updated standards in commercial zones.

The primary intent of these code and map changes is for code consistency and simplification. The b-overlay is sparsely applied; it has inconsistent widths ranging from 25 to over 300 feet; and most of its requirements are now redundant with other sections of the zoning code. In contrast, buffering standards in the base zones have the advantage of a more consistent, citywide approach. The updated standards also tailor objectives for residential buffering to the base zones, accommodating efficient use of land and fitting the expected types of development in different base zones.

Expanded map area of updated residential buffering standards

The Mixed Use Zones Project took a citywide approach to residential buffering standards. As shown in the maps below, the former Buffer overlays in commercial zones (shown in red) were sparsely applied, concentrated particularly along 82nd Avenue and SE Foster, while not applied to most of the interface between commercial (pink) and residential (yellow and blue) zones. Similarly, Buffer Overlays are only applied to 24% of the linear interface where residential zones abut industrial or general employment zones.

Buffer overlay zones and base zone types



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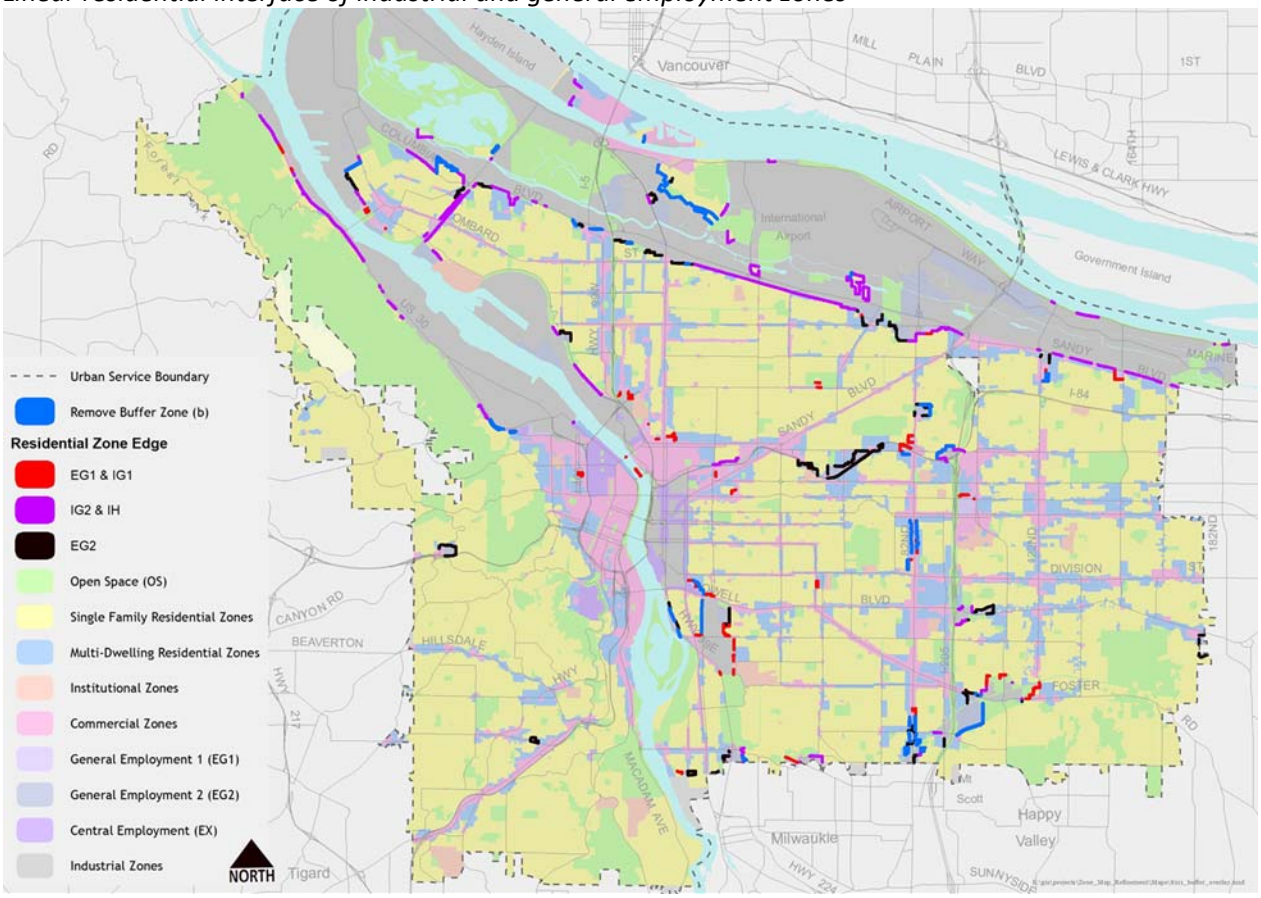
The residential buffering standards were updated citywide in the commercial base zones, rather than expanding the Buffer overlays to some or all residential-interface areas and creating a need to incrementally amend the Buffer overlay map when base zones change. Approximately 114,300 linear feet of Buffer overlays were removed from the commercial zones in the Mixed Use Zones Project. Similarly, the current proposal would update residential buffering standards citywide in industrial and employment zones and remove the remaining third (56,700 linear feet) of Buffer overlays in industrial and employment zones.

Linear residential interface of industrial and general employment zones



Summary of development standards in the Buffer Overlay zone

The Buffer (b) overlay requires buffering between residential and non-residential zones in five areas, shown in the table below: building setbacks and landscaping; setbacks of exterior display, storage and work activity; restricted driveway access through setbacks; radio frequency transmission facilities; and off-site impacts. The table compares these residential buffering standards among the Buffer (b) overlay, Commercial Employment (CE), General Employment (EG) and Industrial (I) zones. The table also shows the draft amendments to current buffering standards proposed now in the Code Reconciliation Project.

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The CE zone buffering standards are generally an apt example for comparison to the changes proposed now in EG and I zones, because CE zones allow medium-scale manufacturing and warehousing uses (up to 40,000 sf per site) in addition to large-scale commercial uses (such as shopping centers or car lots). Also, the existing b-overlay zones are concentrated primarily in the former General Commercial (CG) zone, which has been replaced by the Commercial Employment (CE) zone. Most of the buffering standards in the I and EG base zones already exceed those in the CE zone. For clarification, the landscaping requirements in the setback (specified here) are shown as L3 and L4. L3 means a 6 feet high vegetative screen (such as a hedge), and L4 means a 6 feet high masonry wall.

Summary comparison of residential buffering standards in the Buffer (b) overlay, Commercial Employment (CE), General Employment (EG), and General Industrial (IG) and Heavy Industrial (IH) zones

Types of buffering standards			Draft changes in Code Reconciliation Project are highlighed:				
applied in the b-overlay	**b-overlay**	**CE**	**EG1**	**EG2**	**IG1**	**IG2**	**IH**
Minimum building setback (in feet) and landscaping* abutting a Residential (R) zone							
Lot line abutting street	10/L3 in C zones, 20'/L3 or 10'/L4 in E and I zones	local streets: 10'/ L1; non-local: 0'	5'	25'	0'	25'	5'
Other lot line with building wall 15' high or less		0'	5'/L3 on side, 0' on rear	15' setback, 10' of L3	5'/L3 on side, 0' on rear	15' setback, 10' of L3	15' setback, 10' of L3
Other lot line with building wall 16' or higher		10'/L3	~~8' 14'~~ 10' setback, 5' of L3	15'/10'@L3	~~8' 14'~~ 10' setback, 5' of L3	15'/10'@L3	15'/10'@L3
Minimum setback (in feet) and landscaping* for exterior display, storage, and work activity abutting a Residential (R) zone							
Exterior display	Prohibited in bldg. setback (10'-20')	5'/L1	5'/L3	10'/L3	5'/L3	10'/L3	10'/L3
Exterior storage		10'/L3	5'/L4 or 10'/L3	10'/L4 or 25'/L3	5'/L4 or 10'/L3	10'/L4 or 25'/L3	10'/L4 or 25'/L3
Exterior work activity	Prohibited in overlay (width varies)	25' setback from R zone	Prohibited	Prohibited	5'/L4 or 10'/L3	~~10'/L4 or~~ 25'/L3	~~10'/L4 or~~ 25'/L3
Minimum setback and landscaping for parking and driveway access abutting or across the street from a Residential (R) zone							
Parking & driveway access abutting R zone	Prohibited in bldg. setback (10'-20')	5'/L2	5'/L3	10'/L3	5'/L3	10'/L3	5'/L3
Access through setback across street from R zone		Allowed if only street frontage	Allowed	Allowed	Allowed	Allowed	Allowed
Radio Frequency Transmission Facilities							
Use allowance**	Prohibited in overlay	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Off-Site Impacts							
Comply with 33.262	Yes	Yes	Yes	Yes	Yes	Yes	Yes

* Landscaping requirements in the setback are shown as L1, L3, and L4. L1 means general landscaping (groundcover, shrubs and trees). L3 means a 6' high vegetative screen (such as a hedge). And L4 means a 6' high masonry wall and general landscaping.

** L means the use is allowed with special limitations. CU means that conditional use review is required for specified uses.

A variety of other residential buffering tools also apply in the industrial and employment zones. In Portland, perimeter buffering of entire industrial districts substantially reduces residential interface and compatibility impacts. Unlike many large cities in the Midwest and East Coast with several small industrial districts surrounded by neighborhoods, over 90% of Portland's industrial land is in one contiguous river plateau area, where residential zones are generally separated by high, wooded slopes (harbor districts) or wide arterial roads and railroads (Columbia Corridor). Industrial zones are also commonly buffered from residential zones by transitional employment (EG) zones that anticipate

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smaller-scale facilities and limit outdoor activities. Additionally, Portland's industrial zones have not allowed residential uses since the 1950s, although a few small, preexisting residential areas are located in industrial districts, particularly along the Columbia Slough.

Air quality and safety impacts are also moderated by evolving technology and management approaches. The common smokestacks and contaminated dumping areas of industrial areas in the early- and mid-20th Century are mostly gone or now specifically managed. Federal environmental and worker protection regulations, cleaner and safer technologies, and internalized health and safety procedures have substantially reduced off-site impacts in industrial districts. Heavy equipment and hazardous materials are still handled on a large scale in industrial districts, but health and safety impacts are regulated and managed.

Objectionable off-site impacts of industrial facilities from noise, odor, trucks, appearance, and other causes are primarily associated with outdoor activity. Buildings substantially contain off-site impacts. Portland's industrial and general employment zones require setbacks and landscaped screening of outdoor storage, display and work activity adjacent to residential zones. In the EG zones that are more commonly applied in a residential context outside of industrial districts, outdoor work activity is not allowed, and outdoor storage and display is limited in the small-site EG1 zones to match the commercial standards in CE zones. Off-site nuisance impacts are also specifically limited in the Zoning Code across all zones.

Proposed setback and outdoor use standards in I and EG zones abutting R zones

The Code Reconciliation Project proposes amendments to two types of residential buffering standards in the industrial and general employment zones:

- In the EG1 and IG1 zones, the current minimum building setback abutting residentially zoned lots varies by building height from 8 to 14 feet for buildings higher than 16 feet. The proposed setback would be simplified to a consistent standard of 10 feet, matching the approach adopted in the commercial zones.
- In the IG2 and IH zones, the proposed draft would require a 25-foot setback and L3 landscaping (vertical screen) for exterior work activities abutting residential zoned lots, deleting the current option for a 10-foot setback and L4 landscaping (6-foot high masonry wall). This change also matches the approach recently adopted in the commercial zones.

These code changes are intended to improve residential compatibility in the industrial and general employment zones, applying the recently updated standards applied in the commercial zones. In particular, the 25-foot landscaped setback for exterior work activity is expected to provide a significant residential benefit, applying the standard used in commercial zones.

The code amendments also provide a balanced approach to residential buffering that is not expected to reduce the relatively tight 20-year land supply for forecast job growth in the industrial and general employment zones. Industrial area job growth moderates the diverging wage distribution of most job growth in commercial zones. The draft 10-foot building setback in EG1 and IGI zones (replacing the current 8-14 foot sliding standard based on building height) could provide a slight gain in developable

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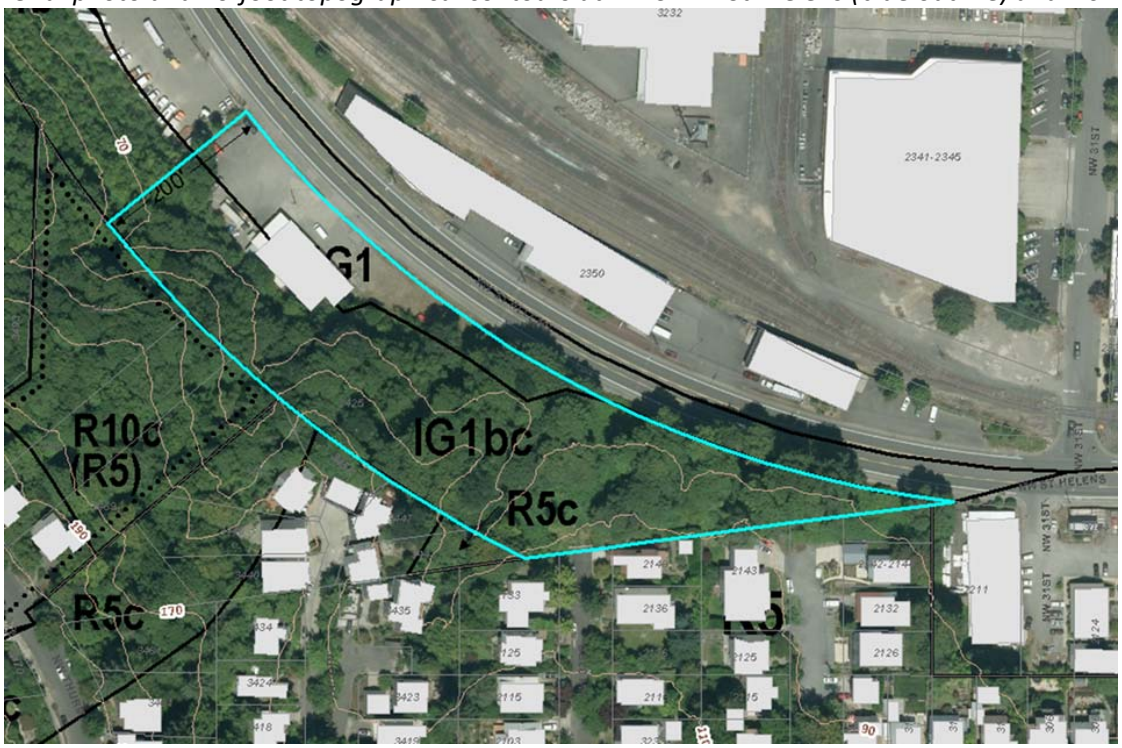
area for property owners who choose to maximize building height, although one-story buildings are the market standard for industrial development. The proposed 25-foot setback for exterior work activity would not affect allowable building density nor overall development capacity. In IG2 zones, the setback of outdoor work area can typically be met within the required 15% landscaped area of the site. In IH zones, no existing lots were found to abut residentially zoned lots.

Willamette Heights testimony and issues

The Planning and Sustainability Commission and City Council received testimony from several residential neighbors in Willamette Heights objecting to removal of the Buffer overlay zone at 2425 NW St. Helens Road. Most of this site, occupied by a small metals manufacturer, is a very steep, forested slope abutting a residential neighborhood above it, as shown on the first map below. Neighborhood testimony and concerns cited that the trees on this slope provide a valued ecological buffer that screens noise and air pollution, stabilizes the hillside, and protects three underground streams that cross the site. They also pointed out that the Buffer overlay was applied and zoning was changed from Heavy Industrial (IH) to General Industrial 1 for small lots (IG1) in 1991, in response to neighborhood objections to a proposed truck stop. An Environmental Conservation (c) overlay zone was also applied in 1993, overlapping the b-overlay, as shown on the second map below.

Aerial photo and 20-foot topographical contours at 2425 NW St. Helens (blue outline) and vicinity



While a b-overlay on a forested slope may create an impression or expectation that it protects the underlying area as open space, it does not. The b-overlay, which is approximately 100 feet wide behind the existing building at the site, sets a 10-20-feet building setback from the back of the site (10-20% of

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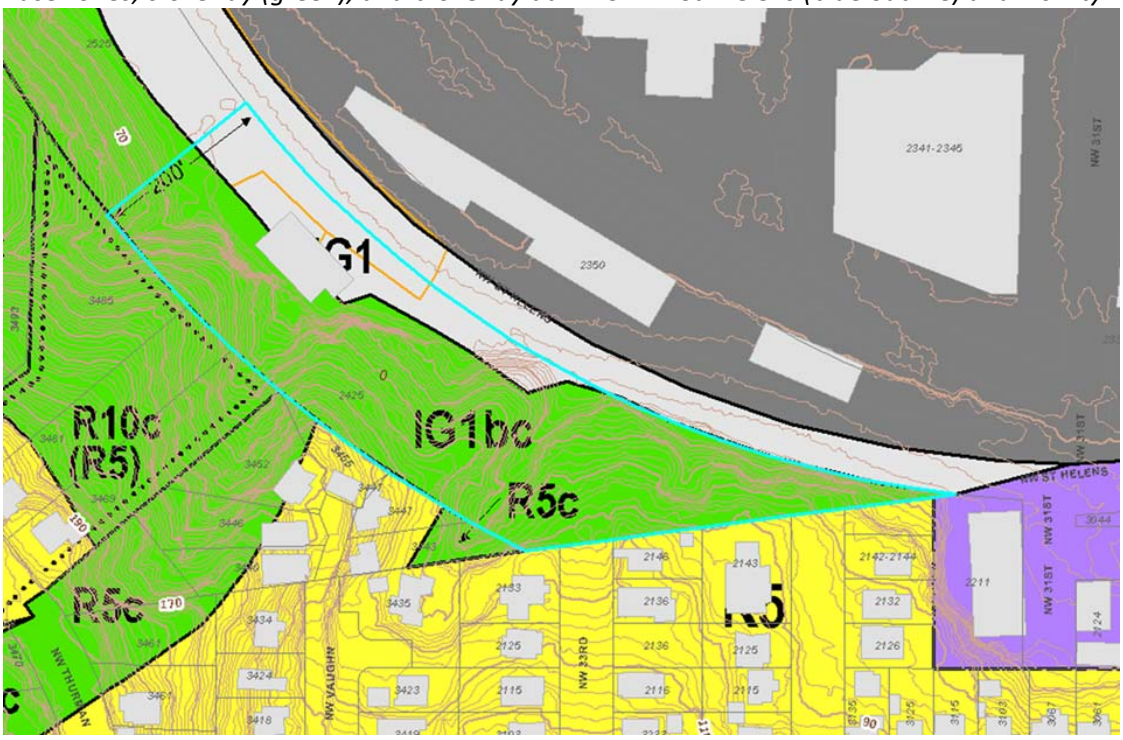
the b-overlay width behind the building), and it does not limit grading or removal of trees. In contrast, the overlapping c-overlay generally does address the ecological buffer role of the steep slope. The c-overlay requires environmental review for development, grading or removal of native trees outside of a transition zone (potentially 25 feet wide), implementing discretionary criteria to avoid, minimize and mitigate impacts on natural resources. The c-overlay is widely applied on the steep, residentially or industrially zoned slopes in this area. A primary limiting effect of b-overlay width on this site is in not allowing exterior work activities, but the underlying c-overlay also does not allow exterior work activities.

Base zones, c-overlay (green), and b-overlay at 2425 NW St. Helens (blue outline) and vicinity



Generally, sites exceeding a gentle 6% slope are considered undevelopable for industrial facilities, because steeper slopes impede truck access and efficient freight movement. In contrast, most of the b-overlay portion of this site has about 40% slopes and a 50-60-feet rise. Thus, the market potential for industrial development on the very steep slopes of this site is unlikely.

After reviewing these site maps and zoning context, the Planning and Sustainability Commission recommended approval of the staff recommendation to remove the b-overlay citywide, including this site. Last month, BPS staff requested a meeting attended by about 10 residents from Willamette Heights neighborhood to explain and answer questions about this context of existing and proposed zoning requirements, including handouts on zoning requirements and these site maps.

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MEMO

DATE: April 3, 2018

TO: Mayor Wheeler and Portland City Council

FROM: Barry Manning, Project Manager

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

SUBJECT: Code Reconciliation Project – summary of testimony and preliminary staff recommendations for amendments

On Wednesday, March 21, 2018 the Portland City Council held a public hearing on the Recommended Draft of the Code Reconciliation Project. Council extended the deadline for written testimony until 5:00 p.m. on Friday, March 23, 2018. Nine people testified in person; over 50 more testified directly in writing or signed a petition regarding a specific topic. Testimony had been entered in the BPS testimony database and is available to view here: https://www.portlandmaps.com/bps/testimony/#proposal=crp. This memo provides Portland City Council with a summary of that testimony organized by theme/topic, and staff's preliminary recommendations on potential responses to testimony.

City Council deliberation on the Code Reconciliation Project is scheduled for Wednesday, April 11, 2018 at 3:30 p.m. The Mayor has requested that Commissioners propose any known amendments by April 4, 2018. A final vote on the Code Reconciliation Project is anticipated on May 24, 2018. The changes will go into effect on May 24, 2018.

Staff will look for any amendments from Commissioners this week, and then prepare another memo that outlines the Commissioner-proposed amendments along with staff recommendations on them. In addition, staff will be proposing a few additional technical amendments that have arisen as a result of the PSC briefing on the Affordable Commercial Space bonus, and subsequent meetings with staff from other bureaus.

Testimony on the Recommended Draft received through March 23, 2018

The following is a summary review of the key issues that City Council received testimony on. The issue is discussed, followed by preliminary staff recommendations.

1. **Do Not Remove Buffer Overlay Zone on 2425 NW St. Helens Road.**
   Who Testified: Multiple parties, both orally and in writing.

   City Council received a substantial amount of oral and written testimony on this topic; much of it focused specifically on removal of the buffer overlay as applied to 2425 NW St Helens Road. Council also received a significant amount of testimony on this same topic as part of the Map Refinement Project at that hearing on March 14, 2018.

   The recommended zoning code amendments would update residential buffering standards in the Industrial and Employment zones, generally following the approach and direction set for residential buffering in the new Commercial/Mixed Use (C/MU) zones. The 2035 Comprehensive Plan Early Implementation Amendments, adopted in December 2016, updated development standards for building setbacks, landscaping, access, and exterior activities in C/MU zones adjacent to residential zones and removed the Buffer (b) overlay zones from all Commercial-Residential zone interfaces. The current proposal is to extend this updated residential buffering approach to the Industrial and Employment zones. As part of the Code Reconciliation Project recommendations, the Buffer overlay zone (33.410) is proposed to be removed from the zoning code. Concurrent with this, the Buffer overlay zone (b) is proposed to be removed from the zoning map as part of the Map Refinement Project.

   The Buffer overlay zone provides enhanced setback and landscaping standards along with limitations on exterior activities and access restrictions where applied. The current proposal replaces the buffer overlay zone with base zone setback and landscaping standards that would apply uniformly to all Employment and Industrial zone interfaces with adjacent Residential zones. This offers more protection to a broader array of properties where this interface occurs. However, the new standards do not mirror the existing buffer overlay zone standards, and change the standards in some areas. They are also somewhat different than the standards recently adopted for the new Commercial/Mixed Use zones.

   Staff supports maintaining the recommended base zone changes to the Employment and Industrial zones, which provide transitioning standards more uniformly to all situations. However, the testimony to City Council suggests that more work needs to be done to fully explore the issues associated with the buffer overlay as it is applied in some Employment and Industrial interface situations, and to better communicate the tradeoffs to stakeholders.

   Staff Recommendation: Amend the proposal. Retain the Buffer overlay zone in the zoning code. Return to City Council with recommendations for any potential changes to the Buffer overlay zone over the next 12-18 months.

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2. **Change FAR on 2525 NW Lovejoy to 4:1.**
Who Testified: Dana Krawczuk; Alison Reynolds.

City Council received testimony requesting that zoning code maps that show areas where the RH zone has a maximum FAR of 4:1 be amended to reflect 4:1 FAR on this property. This property was also the subject of testimony in the Map Refinement Project. This site is currently developed with a 90,000-square foot medical office building operating with a long standing nonconforming status. The existing RH designation in this node acknowledges existing multi dwelling development in the area and is intended to signify an eventual future transition towards residential for the entire node. Because it is a small area located between a low density single family zoning to the west and medium density multi-dwelling to the north, south and east, higher development capacity, via higher FAR (4:1) and height, has not been applied in this location. Higher FAR and height is generally reserved for areas adjacent to commercially-zoned areas or areas very near transit or commercial services.

Staff Recommendation: No change. The impacts of additional development capacity have not been studied, and mitigation measures have not been fully considered at this time.

3. **Amend the Parking Code.**
Who Testified: Barry Smith

Council received a request to:

a. Change the distances for parking exemptions (33.266.110.B.1) to 2000 feet from a transit station and 1000 feet from a transit street; and
b. Change the required number of spaces in Table 266-2 from 1 per unit to 0.06 (we interpret to mean 0.6) per unit.

The current parking recommendations were the result of deliberations and Council decisions on the 2035 Comprehensive Plan and the Inclusionary Housing project.

Staff Recommendation: No change. Changes to the parking requirements would require more in-depth study to understand impacts and should be considered in a follow up study.

4. **Allow use of Design Standards for projects using 5-foot height allowance for tall first floor.**
Who Testified: Joseph Bradford

The new Commercial/Mixed Use base zones allow up to five feet of additional overall height when the ground floor of a development has high ceilings. In the CM2 zone, the maximum height of 55 feet would be increased to 60 feet with this provision. The proposed Community Design Standards 33.218.140.E limit the use of design standards to buildings 55 feet or less in height when a Design

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overlay zone is applied. The 55-foot height limit is an existing code regulation that applies to the EX zone and is being extended to the new replacement CM3 zone, as well as other Commercial/Mixed Use zones. This is consistent with the direction from City Council and PSC as part of the 2035 Comprehensive Plan Early Implementation Amendments adopted in December 2016.

Staff Recommendation: **No change.** The Design Overlay Zone Assessment (DOZA) Project is currently reexamining the design review process, including changes to design standards and thresholds. It would be more appropriate to consider changes in the context of that project.

5. **Reduce the Residential buffer.**
   Who Testified: Joseph Bradford

   Council received testimony requesting changes to required "buffers" between Commercial/Mixed Use and Residential zones. Staff interprets this as a request to change setback standards in the Commercial/Mixed Use (C/MU) zones. The changes made to C/MU base zone setback standards were reviewed and adopted as part of the 2035 Comprehensive Plan. No setback is required for buildings 15 feet or less in height (generally 1-story), but setbacks do apply to taller buildings. Further, a reference to 33.218.140.D regarding "Residential buffers" in the Community Design Standards was also cited. The recommended changes to this code section are intended to make this section of the Community Design standards consistent with the approach adopted by Council as part of the 2035 Comprehensive Plan Early Implementation Amendments adopted in December 2016.

   Staff Recommendation: **No change.** Any changes to the standards should be considered in a follow up process. Regarding 33.218.140.D, the Design Overlay Zone Assessment (DOZA) Project is currently reexamining the design review process, including changes to design standards and thresholds. It would be more appropriate to consider changes to this section of code in the context of that project.

6. **Support of Self-Service Storage amendments.**
   Who Testified: UPNA (Tom Karwaki) and STNA (John Carr)

   Council received testimony from two neighborhood associations supporting the proposed approach to addressing Self-Service Storage uses and providing active ground-floor uses in key pedestrian and transit-oriented places.

   Staff Recommendation: **No change.**

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Bureau of Planning and Sustainability
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Portland Planning and Sustainability Commission

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April 5, 2018

Mayor Ted Wheeler and Members of Portland City Council
Portland City Hall
1221 SW Fourth Ave
Portland, OR 97204

Dear Mayor and Commissioners:

This is a follow up to the Planning and Sustainability Commission's recommendations on the Code Reconciliation Project, which were forwarded to City Council in February of this year.

In our February 19, 2018 transmittal letter to Council, the PSC expressed some ongoing questions about the proposed bonus for affordable commercial space in Commercial/Mixed Use zones. This bonus offers additional floor area and height for projects that provide a portion of their commercial space with enhanced affordability. It would also provide an additional tool for Prosper Portland to support smaller businesses in parts of the city where tax increment funding is not available. This is an innovative concept that helps provide much needed affordable space in areas of significant development and change, but it is a model that does not have precedent in other cities and may be challenging to implement.

At the time of our recommendations, staff from Prosper Portland and BPS were in the process of developing the program's administrative rules. The proposed zoning code gives discretion to Prosper to administer the program through these rules. But since the rules had not been fully drafted, the PSC asked Prosper Portland to return to PSC with more details and clarity about the program.

Prosper Portland and BPS staff returned to PSC on March 27, 2018 to brief the PSC on rule-making progress. The draft rules outline the parameters for on-site development of affordable commercial; space ("hot shell" tenant improvements, targeted local tenants, leasing parameters, etc.) and a fee-in-lieu option. While the rules are not yet final, a majority of the PSC believes that the program is on track for implementation.

We also wanted to share with City Council the questions considered in reaching this conclusion:

1) The zoning code anticipated that the affordable commercial space bonus would be a voluntary option for developers that would boost allowable floor area in exchange for providing affordable space on-site. The proposed rules also include a fee in-lieu option, effectively allowing developers to 'buy' additional floor area without providing any affordable commercial space. These in-lieu funds would go to Prosper Portland for program-related activities. This is similar to how the Inclusionary Housing (IH) program works on projects where enrollment is optional. In those instances, in-lieu funds would go

to the Portland Housing Bureau — which was shared with the PSC as a possible (and appropriate) outcome during the IH discussion.

2) Some PSC members were uncomfortable with the idea of making in-lieu payments available as an option for *voluntary* programs to boost FAR. They questioned why funds raised in this manner (based on an in-lieu payment) would be sole sourced to a particular City bureau, when there might be alternative uses for such funds that would more directly mitigate impacts of the additionally allowed floor area in new development (e.g. parking management programs, street trees).

3) Value of the floor area: Preliminary information provided by Prosper Portland staff showed that the value of the bonus floor area may be close to the cost of providing the required on-site "hot shell" tenant improvements. This may limit on-site utilization. We recommend monitoring the program to determine if any adjustments may be needed.

4) Implementation cost: Based on an estimate provided by Prosper Portland's economic consultant that this program might yield around 14,000 square feet of "hot shell" commercial space citywide, there was some concern that the staff costs of designing, implementing and monitoring this program could be large compared with its benefits.

5) Annual reporting: Given the innovative nature of this program and some of the uncertainty about its effectiveness, we suggest an annual report to the PSC and City Council.

Recommendations
The PSC supports an effective affordable commercial space bonus program that provides community benefits; one that helps address displacement as neighborhoods change, and provides opportunities for businesses and entrepreneurs that may need assistance. The Affordable Commercial Space bonus adds another tool to the kit, and would be the only program for access to affordable retail space that would be available outside of Portland's urban renewal districts.

The PSC recommends that City Council adopt the affordable commercial space bonus amendments included in the *Code Reconciliation Project — Recommended Draft*. We also recommend that you further review and work with staff to amend the code and administrative rules to better address the concerns outlined above.

Thank you for the opportunity to participate in the review of this project and for considering our recommendations.

Sincerely,

Katherine Schultz, Chair

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

MEMO

DATE: April 10, 2018

TO: Mayor Wheeler and City Commissioners

FROM: Barry Manning, Project Manager

CC: Susan Anderson, Joe Zehnder, Eric Engstrom, BPS

SUBJECT: Code Reconciliation Project – Additional Amendments resulting from Testimony and Staff Proposals

On April 11, 2018 Portland City Council will deliberate on the Code Reconciliation Project – Recommended Draft. The following are supplemental amendments to the Planning and Sustainability Commission's *Recommended Draft* and the additional amendments proposed by staff in a memo dated March 21, 2018.

This memo identifies amendments that are anticipated to be sponsored by Commissioners in response to public testimony. These relate to retention of the Buffer overlay zone (33.410) and related Sign code regulations (32.34.020.A).

In addition, there are several staff-proposed amendments that address additional issues that have arisen from discussions with bureau partners regarding implementation. These include:

1. Changes to 33.130 regarding how the Affordable Commercial Space bonus will work, and how it will work in relation to voluntary Inclusionary Housing. The proposed code directs certain types of projects – all commercial or small mixed-use projects – to seek additional floor area via the affordable commercial bonus first, before accessing additional floor area via the affordable housing bonus. This direction is a result of ongoing work by Prosper Portland and BPS to develop administrative rules for program implementation. It is BPS staff's understanding that Prosper Portland and the Portland Housing Bureau have had conversations about this, and the approach to bonus allocation is generally supported by both Prosper Portland and the Portland Housing Bureau.

2. Changes to 33.854 regarding transportation requirements for Planned Developments using the bonus in the Commercial/Mixed Use zones. These changes are the result of discussions with PBOT and BDS about clarifying the requirements and eliminating redundancy in code.
3. Changes to several zoning code maps to reflect RH zone changes, and changes made to plan district boundaries.
4. Changes to Drive-Through facility allowances in the Hayden Island Plan District (33.532) that reflect the intent of the plan district applied to the new zoning adopted in the 2035 Comprehensive Plan.

For ease of understanding, these additional amendments are formatted in a way that is consistent with the Code Reconciliation Project – Recommended Draft, by use of strikethrough and underlining. Changes new in this document are highlighted. A summary of the additional amendments is included in the table on the following page, followed by the amendments.

Summary of Additional Amendments

Item	Title/Code Chapter	Proposed By	Amendments Summary	Policy or Development Implication
Commissioner-Proposed Amendments				
1	33.410 (not shown in this memo)	Commissioner Fritz	• Amend the recommendation – remove the deletion of 33.410, and retain the Buffer overlay zone in the zoning code.	**X**
2	32.34.020.A	Commissioner Fritz	• Amend the recommendation – remove the deletion, and retain the related Buffer overlay regulations in Title 32, and renumber the section as shown.	**X**
Staff-Proposed Amendments				
3	Map 120-6	BPS	• Code map changed to correspond to zoning map changes.	
4	Map 120-7	BPS	• Code map changed to correspond to zoning map changes.	
5	Map 120-8	BPS	• Code map changed to correspond to zoning map changes.	
6	Map 120-10	BPS	• Code map changed to correspond to zoning map changes.	
7	33.130.212.B.3	BPS; Prosper Portland	• Implements the direction identified by Prosper Portland for Affordable Commercial Space (ACS) Administrative Rule. Provides direction and clarity for using bonuses or paying for incremental amounts of floor area <u>for projects that do not trigger mandatory Inclusionary Housing (IH)</u>: ○ 100% residential projects may gain bonus floor area by voluntary compliance with IH, per 33.245 ○ Non-residential projects may gain bonus floor area by building on-site affordable commercial space, or by first paying into the Affordable Commercial Space Fund before purchasing from the housing fund. ○ Mixed Use projects may gain bonus floor area by building affordable housing units, by building on-site affordable commercial space, or by first paying into the Affordable Commercial Space Fund before purchasing from the housing fund.	**X**

Item	Title/Code Chapter	Proposed By	Amendments Summary	Policy or Development Implication
			○ Projects may use the Affordable Commercial Space Fund, up to the bonus floor area limits of the zone (50% of the total allowed bonus area). Additional floor area beyond the ACS bonus limits may be gained through payment to the payment to Affordable Housing Fund.	
8	33.130.212.D	BPS; Prosper Portland	• Clarifies use of the ACS Bonus. For space built on-site, two (2) square feet of bonus floor area is earned for one (1) square foot of qualifying affordable commercial space provided.	
9	Map 420-6	BPS	• Code map changed to correspond to zoning map changes.	
10	33.532.270.B	BPS	• Changes a zoning reference that was overlooked in the *Code Reconciliation Project – Recommended Draft*. Allows Drive Through facilities in the CM1 zone, which replaced CN2. Maintains intent of the Hayden Island Plan and related code.	**X**
11	33.854.250	BPS; PBOT; BDS	• Deletes application requirement regarding a transportation impact study for projects using a planned development in the Commercial/Mixed Use zones using a planned development bonus. No approval criteria relate to this study.	**X**
12	33.854.310	BPS; PBOT; BDS	• Removes reference to connectivity requirements in this subsection because the city has connectivity requirements in other relevant codes and thus this reference was unclear.	
13	33.854.320	BPS	• This is a clarification of the regulation.	

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Commentary

32.34.020 Additional Standards in Overlay Zones.

The new amendments introduced in this document are highlighted.

This amendment rejects the recommended draft amendment. It restores the sign code regulations related to the Buffer overlay zone.

32.34.020 Additional Standards in Overlay Zones.
(Amended by Ordinance Nos. 176469, 178172, 179092 and 185915, effective May 1, 2013.) Overlay zones are shown on the Official Zoning Maps.

A. Buffer Overlay Zone

1. Where this regulation applies. The regulation of this subsection applies to signs within the Buffer Overlay Zone.

2. Regulation. Signs are prohibited in the Buffer Overlay Zone.

B.-D. [Renumber only – no change to Recommended Draft]

Commentary

Map 120-6

This is the map that was adopted in the 2035 Comprehensive Plan and is being replaced with a new Map 120-6.

RH Areas with Maximum FAR of 4:1

Map 120-6

Map Revised Xxxxx X, 201X

City Boundary

Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2730, 2731

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 120-6

This is the replacement map.

Proposed RH Areas with Maximum FAR of 4:1

Map 120-6

Map Revised Xxxx xx, 2018

City Boundary

Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2730, 2731

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 120-7

This is the map that was adopted in the 2035 Comprehensive Plan and is being replaced by a new Map 120-7.

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

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 120-7

This is the replacement map.

Proposed RH Areas with Maximum FAR of 4:1

Map 120-7

Map Revised Xxxx xx, 2018

City Boundary

Boundary of Existing/Potential RH - Zoned Area

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

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

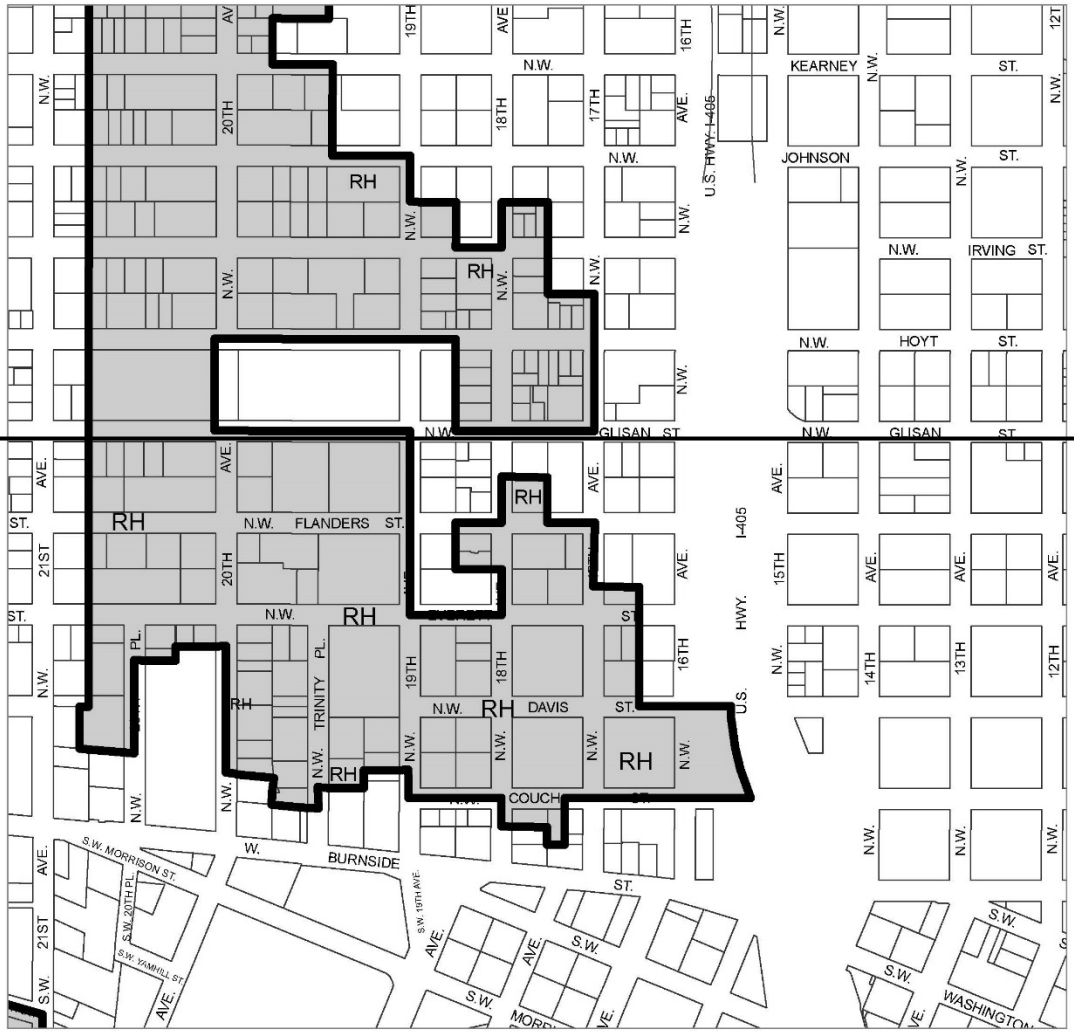
Map 120-8

This is the map that was adopted in the 2035 Comprehensive Plan and is being replaced by a new Map 120-8.

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

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

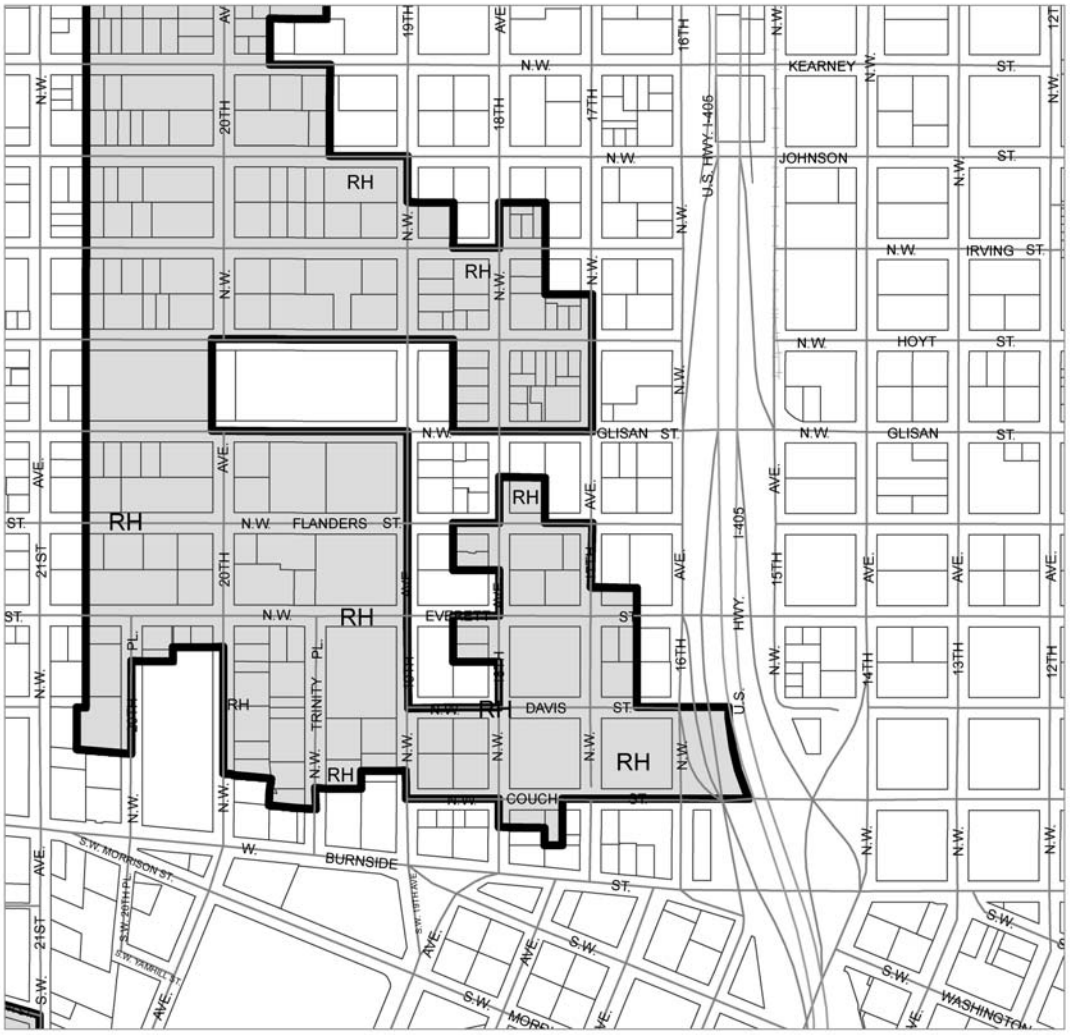
Map 120-8

This is the replacement map.

Proposed RH Areas with Maximum FAR of 4:1

Map 120-8

Map Revised Xxxx xx, 2018



City Boundary

Boundary of Existing/Potential RH - Zoned Area

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

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

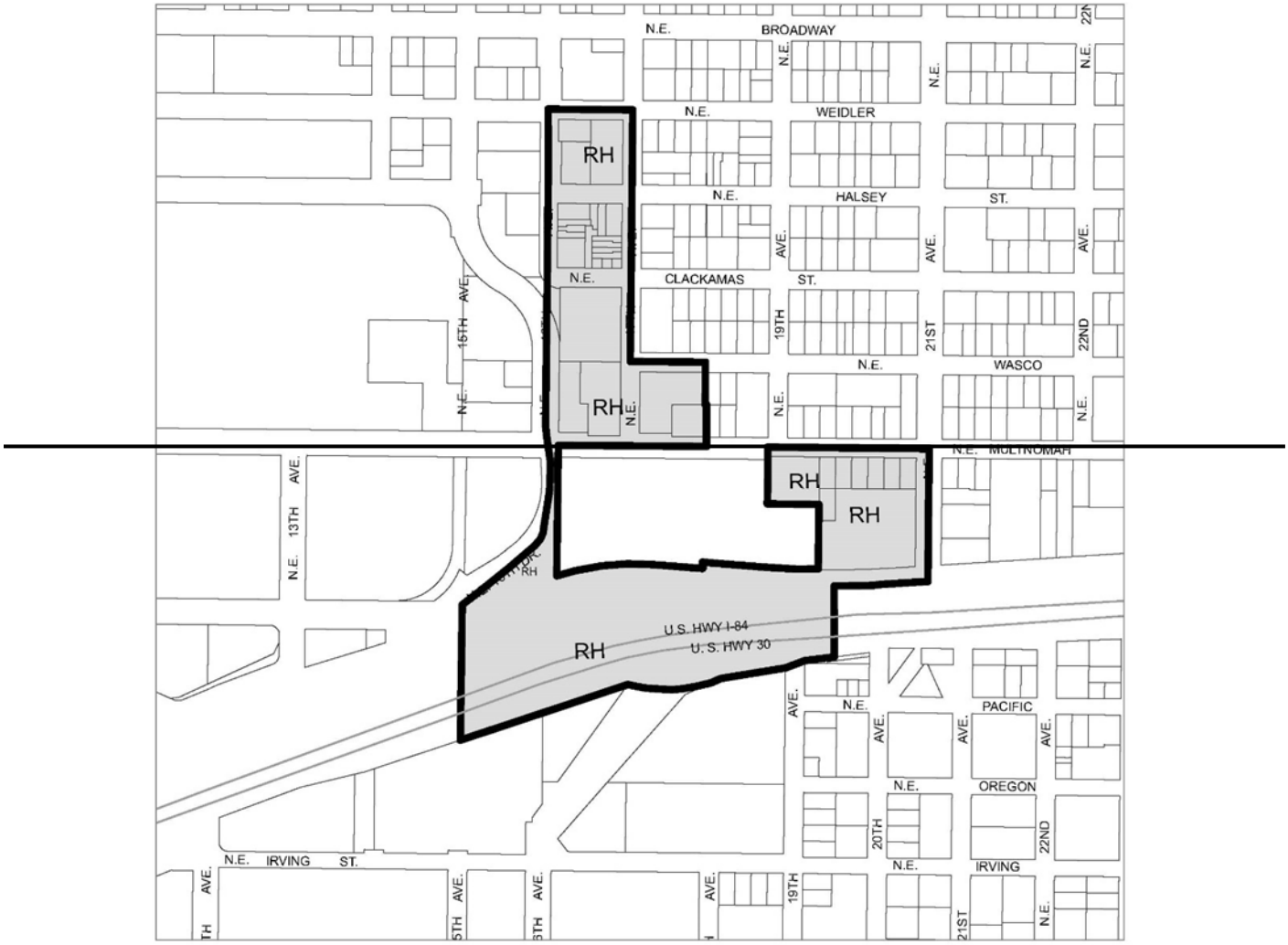
Map 120-10

This is the map that was adopted in the 2035 Comprehensive Plan and is being replaced by a new Map 120-10.

RH Areas with Maximum FAR of 4:1

Map 120-10

Map Revised Xxxxx X, 201X



City Boundary

Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2832, 2932

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

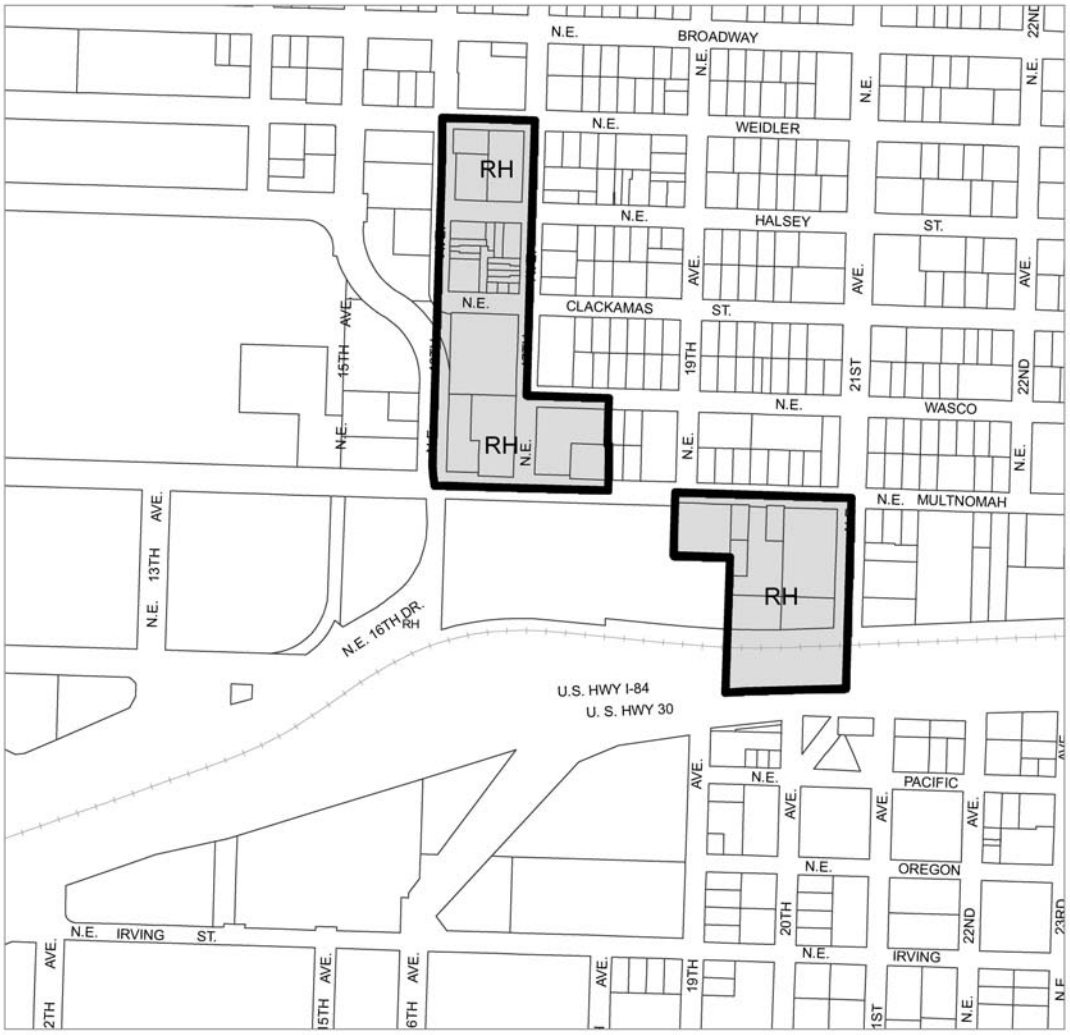
Map 120-10

This is the replacement map.

Proposed RH Areas with Maximum FAR of 4:1

Map 120-10

Map Revised Xxxx xx, 2018



City Boundary

Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2832, 2932

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

33.130.212.B.3 General floor area and height bonus option regulations.

The new amendments introduced in this document are highlighted.

This amendment is intended to implement the direction identified by Prosper Portland in development of the Affordable Commercial Space Administrative Rule. The purpose is to provide direction and clarity for approach to using bonuses or paying for incremental amounts of floor area for projects that do not trigger mandatory Inclusionary Housing (IH).

- Projects that are 100% residential, but do not trigger IH, may gain bonus floor area by voluntary compliance with 33.245, which allows construction of units or payment to Affordable Housing Fund.
- Projects that include no residential units may gain bonus floor area by building on-site affordable commercial space, or by paying into the Affordable Commercial Space Fund, up to the bonus floor area limits of the zone (this is 50% of the total allowed bonus floor area). Additional floor area beyond the affordable Commercial Space bonus limits may be gained through payment to the payment to Affordable Housing Fund.
- Projects that include less than 20 dwelling units and a mix of land uses may gain bonus floor area by building affordable housing units, by building on-site affordable commercial space, or by paying into the Affordable Commercial Space Fund, up to the bonus floor area limits of the zone (this is 50% of the total allowed bonus floor area). Additional floor area beyond the affordable Commercial Space bonus limits may be gained through payment to the payment to Affordable Housing Fund.

Bonus Approach for Projects that do not Trigger Mandatory Inclusionary Housing

	Affordable Housing On-site	**Affordable Housing Payment**	**Affordable Commercial On-site**	**Affordable Commercial Payment**
100% Residential	Priority Up to 100% of FAR	Priority Up to 100% of FAR	N/A	N/A
Non-Residential	N/A	Option Up to 50% of FAR	Priority Up to 50% of FAR	Priority Up to 50% of FAR
Mixed Use	Priority Up to 100% of FAR	Option Up to 50% of FAR	Priority Up to 50% of FAR	Priority Up to 50% of FAR

33.130 Commercial/Mixed Use Zones

130

33.130.212 Floor Area and Height Bonus Options

A. Purpose. The bonus options allow additional floor area and an increase in height as an incentive for development that provides a public or community benefit. The bonus can be gained in exchange for providing affordable housing or affordable commercial space in conjunction with new development.

B. General floor area and height bonus option regulations.

1. Unless specified below, the bonus options in this section are allowed only in the CM1, CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts. Sites located within Historic or Conservation districts are not eligible to use bonus options.

2. The bonus options refer to an administrative agency or qualified administrator. The administrative and reporting requirements of each bonus must be met to the satisfaction of the named agency or administrator. The named agencies are authorized to publish administrative rules with clear and objective administrative requirements.

3. More than one bonus option may be used up to the overall maximums per site stated in Table 130-3. For development without any residential use, and for mixed use development that proposes fewer than 20 dwelling units and does not voluntarily provide units on site per the standards of 33.245.040.A, the affordable commercial space bonus option must be used up to the maximum increment allowed for the zone before any other bonus is allowed. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.

4. The increment of additional floor area ratio allowed per bonus is stated in Table 130-3 and described in Subsections C though E.

5. The increment of additional height allowed per bonus is stated in Table 130-3, except as follows:

   a. Additional height is not allowed where the step-down height limits of 33.130.210.B.2 apply.

   b. In the CM2 zone, increasing maximum height through a bonus is allowed only on sites that:

      (1) Are within the Design Overlay Zone; and

      (2) Have a Comprehensive Plan Map designation of Mixed Use – Urban Center or Mixed Use – Civic Corridor.

Commentary

C. **~~Affordable~~Inclusionary housing bonus.** ~~Proposals that include affordable housing may increase m~~Maximum height and FAR may be increased as stated in Table 130-3 if one~~all~~ of the following is~~are~~ met:

1. Mandatory inclusionary housing. Bonus height and FAR is allowed for the development triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or ~~Proposals using this bonus must include at least 25 percent of the increased floor area as housing affordable to those earning no more than 80 percent of the area median family income;~~

2. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 130-3 when one of the following voluntary bonus options is met:

   a. Bonus height and FAR is allowed for projects the voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

   b. Bonus height and FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

~~2. The applicant must provide a letter from the Portland Housing Bureau certifying that the development will meet the standards of this subsection and any administrative requirements have been met;~~

~~3. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that dwelling units created using this bonus will remain affordable to households meeting the income restrictions and meet the reporting requirements of the Portland Housing Bureau or qualified administrator.~~

Commentary

33.130.212.D. Affordable commercial space bonus.

The new amendments introduced in this document are highlighted.

The amendments clarify use of the Affordable Commercial Space Bonus as administered by Prosper Portland. For space built on-site, two (2) square feet of bonus floor area is earned for one (1) square foot of qualifying affordable commercial space provided. For purchase of additional floor area, floor area may be increased by 1 square foot for each square foot purchased through the Affordable Commercial Space Fund. For both options, bonus space may be earned up to the maximum stated in Table 130-3. The limit for bonus floor area using the Affordable Commercial Space bonus is 50% of the maximum allowed. The full allowed bonus floor area may be earned through compliance with Inclusionary Housing when additional area is desired.

Table 130-3 Summary of Bonus FAR and Height						
		CM1	**CM2**	**CM3**	**CE**	**CX**
Overall Maximums Per Zone						
Maximum FAR with bonus		2.5 to 1	4 to 1	5 to 1	~~3~~4 to 1	6 to 1
Maximum height with bonus		35 ft.	55 ft. [1] 75 ft. [2]	75 ft. 120 ft. [2]	45 ft.	85 ft. 120 ft. [2]
Increment of Additional FAR and Height Per Bonus						
~~Affordable~~Inclusionary Housing (see 33.130.212.C)	FAR Height	1 to 1 none	1.5 to 1 10 ft.	2 to 1 10 ft.	~~none~~1 to 1 none	2 to 1 10 ft.
Affordable Commercial Space (see 33.130.212.D)	FAR Height	0.5 to 1 none	0.75 to 1 10 ft.	1 to 1 10 ft.	0.5 to 1 none	1 to 1 10 ft.
Planned Development (see 33.130.212.E)	FAR Height	none none	1.5 to 1 up to 30 ft.	2 to 1 up to 55 ft.	1.5 to 1 up to 30 ft.	2 to 1 up to 45 ft.

[1] Bonus height in the CM2 zone is only allowed on sites that are within the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor.
[2] This larger overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review.

D. Affordable commercial space bonus. Proposals that provide on-site affordable commercial space or pay into the Affordable Commercial Space Fund, may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of on-site affordable commercial space provided, up to the maximum stated in Table 130-3. Floor area may be increased by 1 square foot for each square foot purchased through the Affordable Commercial Space Fund, up to the maximum stated in Table 130-3:

~~1. A long term leasing agreement with Portland Development Commission must be executed. The leasing agreement must ensure that the commercial space will be rented for 25 percent less than prevailing market rates to qualified businesses that meet program requirements, including locally-owned, minority- or woman-owned businesses;~~

1~~2~~. The applicant must submit with the development application a letter from the Portland Development Commission certifying that ~~commercial leasing agreements are in place to meet the standards of this subsection, and that~~ any program administrative requirements have been met; and

2~~3~~. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the ~~leasing and reporting~~ administrative requirements of the Portland Development Commission or qualified administrator.

E. Planned Development bonus. [No change]

Commentary

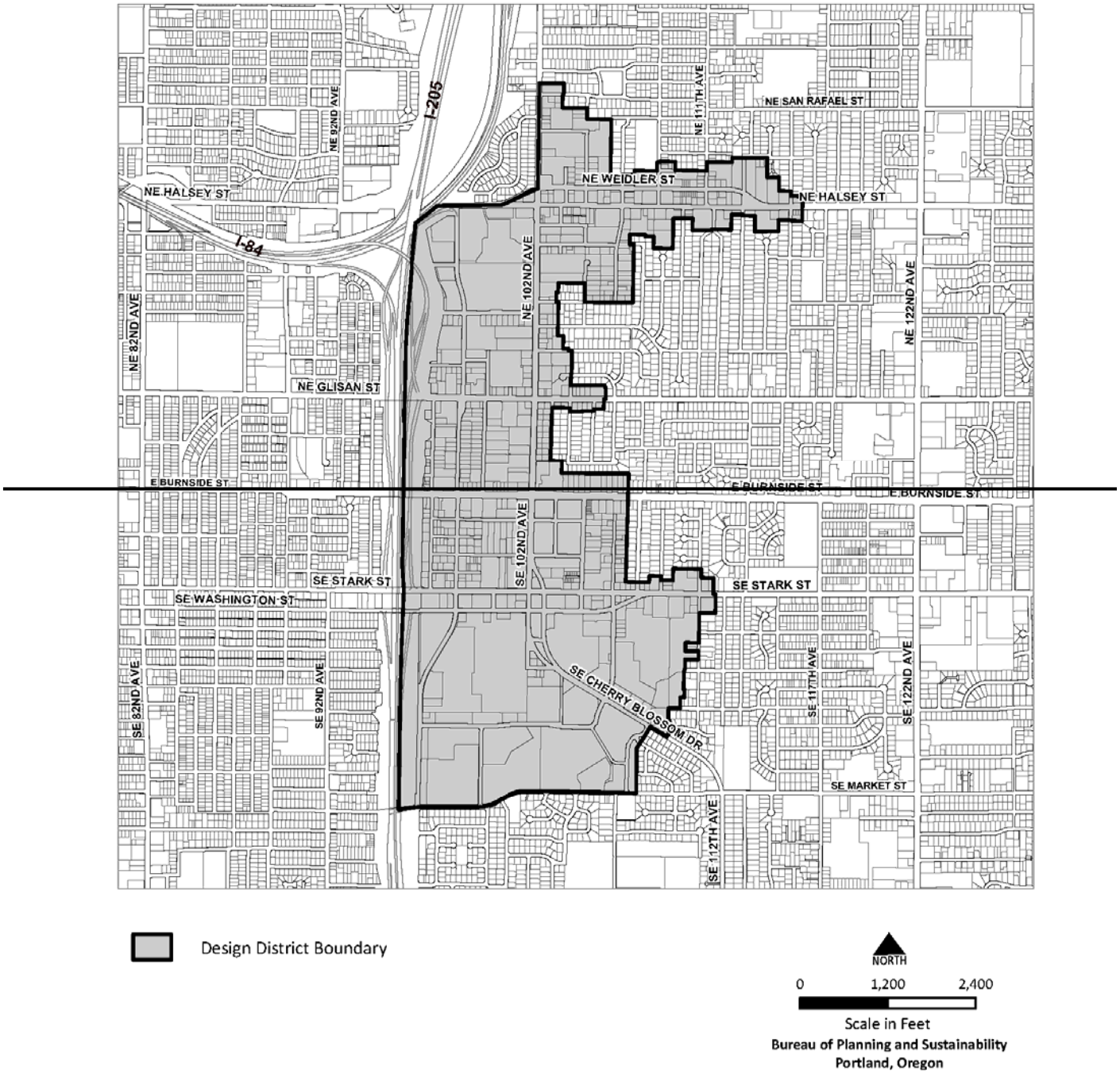
Map 420-6

This is the map that was adopted in the 2035 Comprehensive Plan and is being replaced by a new Map 420-6.

Gateway Design District

Map 420-6

Map Revised July 24, 2015



Commentary

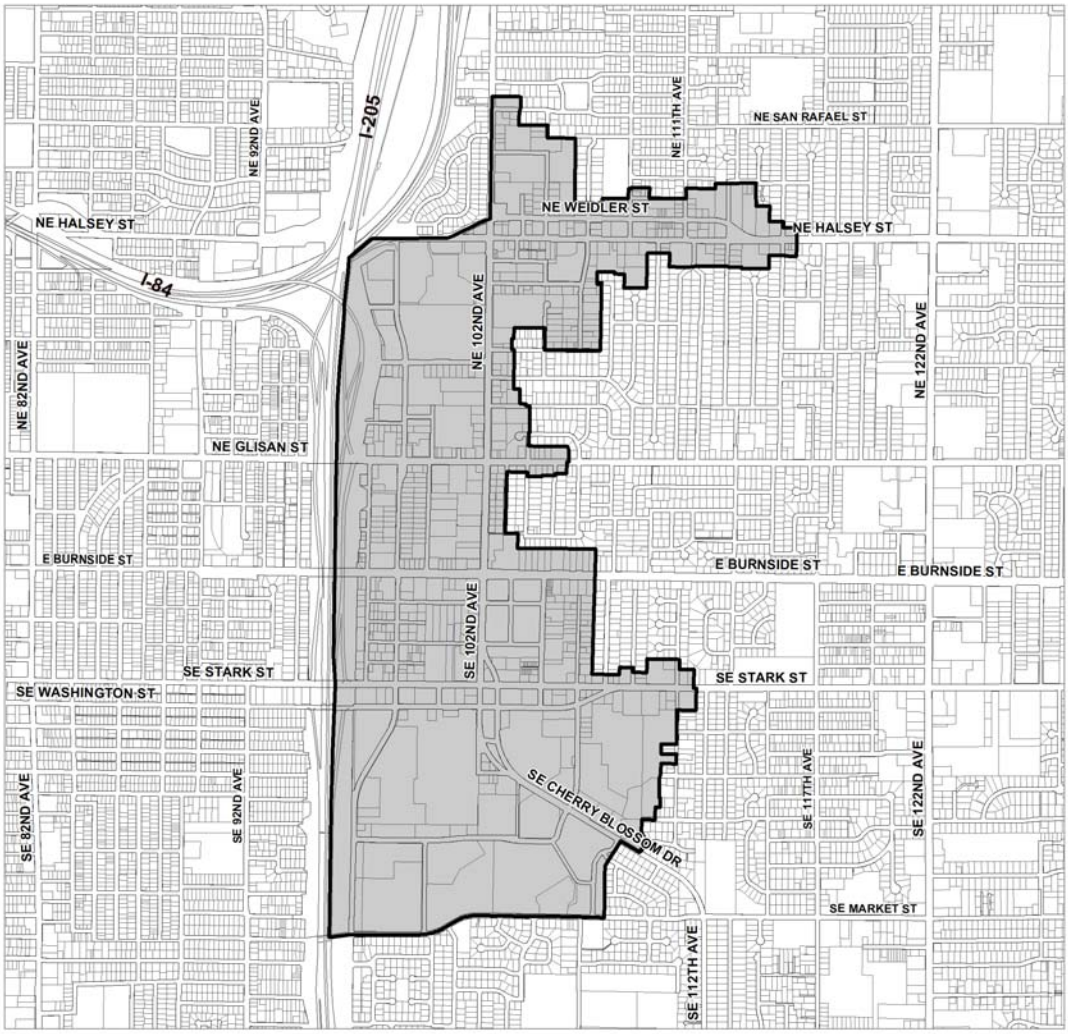
Map 420-6

This is the replacement map.

Gateway Design District

Map 420-6

Map Revised Xxxx xx, 2018



Design District Boundary

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

33.532.270.B Drive-Through Facilities

This amendment changes a zoning reference in a plan district that was overlooked in the Code Reconciliation Project – Recommended Draft. The Hayden Island Plan was adopted in 2009 as the result of a planning study. The implementing Hayden Island Plan District code includes an allowance for Drive Through facilities in the CN2 zone, a zone in which they are not generally allowed outright. The 2035 Comprehensive Plan changed the zoning on this site to the new CM1 zone, which is the closest equivalent zone, but also does not allow drive through facilities. Consistent with the Code Reconciliation Project approach to base zoning and plan districts, this code section is amended to reflect the original intent of the plan district, which made allowances for drive through facilities in this location.

33.532 Hayden Island Plan District

532

33.532.270 Drive-Through Facilities

A. Purpose.

1. In the area west of Center Avenue which is designated as a pedestrian district, these regulations discourage development that adversely affects the pedestrian environment, and limits auto-oriented uses.

2. The area east of Center Avenue is not designated as a pedestrian district and is appropriate for auto-oriented uses, based on the current uses and the proximity to the bridge; these uses serve both those in autos and those on foot. These regulations preserve the ability of existing and future businesses to have drive-through facilities.

B. Regulation.

1. West of Center Avenue, drive-through facilities are prohibited on the portion of a site within a pedestrian district. This prohibition includes curb cuts and driveways used for access to the drive-through facility, stacking lanes for queuing vehicles, and the facility itself, such as the drive-up window or gas pump island.

2. East of Center Avenue, drive-through facilities are allowed on the portion of a site within a ~~CN2~~ CM1 zone. Access must be from N. Jantzen Drive, but location is not otherwise limited to particular streets.

Commentary

The new amendments introduced in this document are highlighted.

33.854.250.4 Supplemental Application Requirements
The application requirement regarding a transportation impact study for projects using a planned development in the Commercial/Mixed Use zones using a planned development bonus is being deleted to be consistent with the requirements for other planned developments. Also, there are no approval criteria related to such a study, therefore the application requirement is not appropriate.

The Planned Development Bonus available in the Commercial/Mixed Use zones does not offer additional floor area or flexibility for a broader array of uses. The bonus generally offers additional height, which may result in better utilization of the already-allowed floor area.

Other application requirements and approval criteria exist in the planned development chapter to address transportation connectivity and design issues.

33.854.310.B. Transportation system

This amendment removes reference to connectivity requirements in this subsection because the city has connectivity requirements in other relevant codes, and thus this reference was unclear.

33.854.320 Additional Approval Criteria for Modifications of Site-Related Development Standards
This amendment is a clarification of this subsection.

33.854 Planned Development Review

854

33.854.250 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060.D, the following information is required for a Planned Development application:

A. Supplemental application requirements for Planned Developments in commercial/mixed use zones that proposing additional height or FAR through the Planned Development bonus (See 33.270.100.I):

1.-3. [No change]

~~4. If required, a multi-modal transportation impact study that follows the guidelines of the Portland Bureau of Transportation, and includes assessment of traffic impacts on the streets surrounding the master plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element;~~

5.-9. [Renumber 4 through 8]

B. [No change]

33.854.310 Approval Criteria for Planned Developments in All Zones

Criteria A through F apply to proposals for additional height or FAR in the CM2, CM3, CE, and CX zones that are taking advantage of 33.270.100.I. If the Planned Development is not proposing additional height or FAR as allowed by 33.270.100.I, then only criteria E and F apply.

A. [No change]

B. **Transportation system.** The transportation and circulation system provides multimodal connections that support the development of the site, and limit impacts to adjacent neighborhoods~~, and meet the connectivity requirements of the City of Portland~~.

C.-F. [No change]

33.854.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. Modifications to development standards for which adjustments are prohibited may not be considered. The modification will be approved if the following approval criteria are met:

A. **Better meets approval criteria.** The resulting development will better meet the applicable approval criteria of Section 33.854.310~~ for sites using the commercial/mixed use zones Planned Development bonus, or 33.854.310 for all other Planned Developments~~; and

B. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

Commentary