

# Narrow Lots – PSC Work Session on 8/14/18

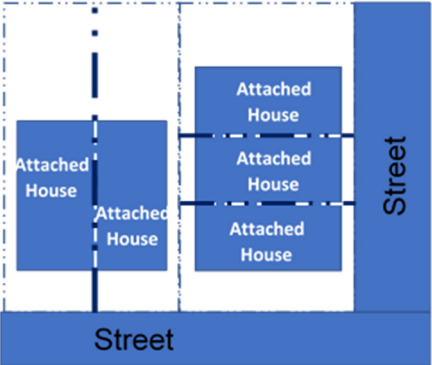
Proposal	Potential Amendments Identified by PSC	Comments received from PSC
<b>8. Cottage Clusters</b>		
.	These amendments replace those in 6/26 worksheet proposed by Comm. Schultz.	
<p>8.1 Allow for an ADU to be built with each house on a cottage cluster site.</p>	<p><b>Density.</b></p> <ul style="list-style-type: none"> <li>Allow up to twice the base zone density, provided the units do not exceed 1,200 sf. each.</li> <li>Allow 1 ADU for each primary unit. For example, a 25,000 sf R5 lot could have 5x2=10 individual houses + 10 ADUs</li> </ul> <p><b>Staff Response:</b> Staff supports doubling the density by allowing an ADU with every detached single dwelling unit. Staff does not support doubling the base zone density AND allowing an ADU with each primary dwelling unit. That would effectively quadruple the base zone density.</p> <p>Staff is concerned that 4x the density will decrease options for fitting successfully all the units on the site while also meeting the goals to provide pedestrian-oriented development, open area, and integrate the new development into neighborhood fabric.</p>	
<p>8.2 Require at least half of the units to be oriented around a common open space.</p>	<p><b>Open Area.</b></p> <ul style="list-style-type: none"> <li>Require adequate open area, but remove criteria for “common” open area and unit orientation i.e. strike “50% of units oriented toward common open area”</li> </ul> <p><b>Staff Response:</b> Staff can support this.</p>	
<p>8.3 Reduce the procedure type for some cottage cluster reviews from Type III to Type IIx.</p>	<p><b>Review process.</b></p> <ul style="list-style-type: none"> <li>Review as a Type IIx, up to 10 units (not counting ADUs),</li> <li>Review as a Type III when the total number of units exceeds 20 (including ADUs).</li> </ul> <p><b>Staff Response:</b> Staff supports this concept but believes an amendment is not necessary. The proposed threshold for a Type III is 11 or more units (not counting ADUs).</p> <p>Ten single-unit detached structures plus 10 ADUs (20 total units) would be Type IIx review. 11 single unit detached structures plus 11 ADUs (22 total units) will be a Type III.</p>	

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	<p><b>Building coverage.</b></p> <ul style="list-style-type: none"> <li>Allow building coverage limits that would be more consistent with typical subdivided lot sizes in the zone. Cap building coverage at the greater of Table 110-4 or 35% of site area.</li> </ul> <table border="1" data-bbox="733 395 1379 681"> <thead> <tr> <th>Lot size</th> <th>Building Coverage Allowance (based on Table 110-4)</th> </tr> </thead> <tbody> <tr> <td>2,500 sq ft</td> <td>50%</td> </tr> <tr> <td>5,000 sq ft</td> <td>45%</td> </tr> <tr> <td>7,000 sq ft</td> <td>35%</td> </tr> <tr> <td>10,000 sq ft</td> <td>25%</td> </tr> <tr> <td>20,000 sq ft</td> <td>22%</td> </tr> <tr> <td>1 acre</td> <td>15%</td> </tr> </tbody> </table> <p><b>Staff Response:</b> Staff can support this.</p>	Lot size	Building Coverage Allowance (based on Table 110-4)	2,500 sq ft	50%	5,000 sq ft	45%	7,000 sq ft	35%	10,000 sq ft	25%	20,000 sq ft	22%	1 acre	15%	
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<p><b>9. Rezone some historically narrow lots from R5 to R2.5.</b></p>		
<p>9.1 In the new 'a' overlay, rezone historically narrow lots to R2.5 for lots with the highest access to amenities from R5 to R2.5.</p>	<p><b>Options:</b></p> <ol style="list-style-type: none"> <li>Staff's proposal: Rezone historically narrow lots within 2-3 blocks from center and corridors (~7000 tax lots)</li> <li>Rezone historical narrow lots only where <u>adjacent to corridors</u> (more objective application of rezone rationale). (fewer than 7000 tax lots) (Bortolazzo)</li> <li>Rezone all historically narrow lots to R2.5, unless in a natural hazard area (~14,000 tax lots) (Spevak)</li> </ol> <p><b>Staff response:</b></p> <p>Staff does not support option #3 (rezoning all historically narrow lots). The staff proposal (option #1) balances the project goal to increase housing choice with the recognition that the pace and concentration of change can be alarming to community members. The staff proposal rezones HNLs in areas with the most convenient access to services and does not disproportionately affect one racial or ethnic group more than another. In addition, on the west side of the city, in the West Portland Park subdivision half of the HNLs in the newly defined a-overlay are zoned R7 and half are zoned R5. Rezoning to R2.5 indicates that services, including streets, are available or planned for the anticipated density. That is not the case in West Portland Park. There are severe service constraints in the area and many of the streets in West Portland Park are either unpaved or impassable.</p> <p>As an alternative, PSC could consider changing the comprehensive plan designation to R2.5 rather than going all the way to rezoning all of the HNLs. The Comp Plan designation path would ensure that additional development would occur when street and other services can be provided.</p>	<p>Should the R2.5 zone and regulation of skinny lots be shifted to the upcoming BHD process? (Bachrach)</p> <p>I'm not convinced yet that we have the balance on skinny lot zoning correct yet. I agree that rezoning to R2.5 is the correct transparent way to do this, but I'm not I'm fully convinced that the subset of lots where we've chosen to do this is correct. (Smith)</p> <p>I want to hear more about part of city testifiers have said City Council recently rejected rezoning. (Rudd)</p> <p>I would like more information on City Councils decision that was repeatedly mentioned in testimony with regards to R5 and R2.5 lots. (Schultz)</p> <p>Keep current R5 designation for historically narrow lots that are not adjacent to nodes &amp; corridors. (Bortolazzo)</p> <p>Should all skinny lots in the R5 zone be rezoned to R2.5? The current draft proposes to rezone only about half of the approximately 14,000 skinny lots, and no development would then be allowed on the lots that were not rezoned. (Bachrach)</p>
<p>9.2 For the remaining historically narrow lots zoned R5 citywide, do not allow development unless the lot meets the minimum dimension standards for the R5 zone – 3,000 square feet and 36 feet wide</p>	<ul style="list-style-type: none"> <li><b>Continue to allow corner lot PLAs that involve swiveling property lines.</b> (Spevak)</li> </ul> <p><b>Staff Response:</b></p> <p>Staff supports the amendment if the proposal is taking advantage of the attached house on corner provisions of 33.110.270.</p>	<p>To achieve this, leave language intact (rather than striking out this section) (Spevak)</p>

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<b>10. Improve building design for all narrow lots (lots less than 32 feet wide).</b>		
<p>10.3 Require attached houses on lots 25 feet wide or narrower.</p>		<p>Should the proposed new restrictions on the development of skinny lots be removed in order to maintain flexibility and preserve opportunities for development? Some of the new restrictions that various parties have recommended for deletion include:</p> <ol style="list-style-type: none"> <li>1. Changes to Property Line Adjustments;</li> <li>2. The requirement that only attached housing is allowed; and,</li> <li>3. Increases to the minimum lot size for development. (I'm not clear if the current draft would increase minimum lot sizes in the R-2.5 or other zones? Can staff address this concern?) (Bachrach)</li> </ol> <p><b>Staff response to issue #3:</b></p> <p>The Proposed Draft does two things regarding lot size in the R2.5 zone.</p> <p>First, in a land division the proposal will allow lots that are less than 36 feet wide by-right. Current code requires discretion in determining whether to approve lots that are less than 36 feet wide.</p> <p>Second, the proposal increases minimum lot width for lots with detached houses in R5 and R2.5 from a minimum of 25 feet to a minimum of 26 feet. This increase makes code for creating lots and code for developing lots with detached houses consistent.</p>
<p>10.1 Limit height of a detached house to 1½ times its width.</p>		
<p>10.2 Prohibit parking and driveways between the building and a street. Continue to allow parking behind the building.</p>		

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<b>11. Revise rules for the R2.5 zone.</b>		
<p>11.1 Require at least two units when new development is proposed on a 5,000-square-foot lot or larger.</p>	<ul style="list-style-type: none"> <li>Require two dwelling units on R5 sites that are 10,000 square feet or larger and for R7 sites that are 14,000 square feet or larger. (Spevak)</li> </ul> <p><b>Staff Response:</b> Staff can support this; however, data show that this is not much of a problem. Only 2.2% of NSFRs built between 2012 and 2016 were built on oversized lots in R5 and R7. Also, the requirement will be for a house and ADU because duplexes are not allowed, except on corners, outside of the a-overlay.</p>	<p>RIP requires two dwellings on R2.5 sites that are 5,000 square feet or larger to make sure such sites achieve minimum densities. This amendment would extend that same logic to larger sites with lower density zoning. (recognizing that ADUs may be allowed to count towards these minimums) (Spevak)</p>
<p>11.2 For land divisions, reduce the minimum lot width from 36 to 25 feet for perimeter lots and 20 feet for interior lots.</p>	<ul style="list-style-type: none"> <li>Reduce minimum lot width for attached homes for lots to 16' or 18'. (Spevak)</li> </ul> <p><b>Staff Response:</b> Staff can support 16 feet for interior lots, and 21 feet for perimeter lots.</p>	<p>Those are pretty reasonable widths for affordable row-homes. For reference, I'm building a community of 16' wide townhomes (built to the 2-hr standard) right now and although the width is a little less roomy than Portland normal, they're just fine - and wider than lots of townhomes in east coast cities. (Spevak)</p>
<p>11.3 Allow property lines to be adjusted to create a small flag lot (less than 3,000 square feet) when a house is retained.</p>		
<p>11.4 Create rules for small flag lots that restrict the size of the new house to 1,000 square feet and the height to 20 feet and require exterior design elements.</p>	<ul style="list-style-type: none"> <li>Remove height limits on flag lot homes where base density allows 2 homes (Spevak)</li> </ul> <p><b>Staff Response:</b> The intent of the small flag lot provisions is to allow a detached ADU on its own lot. Therefore, staff does not support this amendment.</p>	
<p>11.- Landscape standards</p>	<ul style="list-style-type: none"> <li>Drop front landscaping standards for R2.5. (Spevak)</li> <li>Drop "Promote open landscaped front yards and quality building materials for improved compatibility" unless such standards also apply to traditional single-family homes at the same location. (Spevak)</li> </ul> <p><b>Staff Response:</b> Staff does not support these amendments because landscape standards are often utilized to address impervious area on a site. Also, the PSC has raised concern that parking for 4 dwelling units will result in too much impervious surface. Maybe the standard should be applied to all lots rather than just lots that are less than 32 feet wide.</p>	<p>Don't add extra regulations on housing that meets city policy goals by providing relatively inexpensive choices. There are no front landscaping standards elsewhere in the single dwelling code. By proposing front yard landscaping standards for R2.5, the Proposed Draft singles out a particular housing type and zone for additional regulation. Such standards, if required, should apply to all homes in SD zones. (Spevak)</p> <p><b>Staff clarification:</b> The landscape standard is proposed for all lots that are less than 32 feet wide (not just lots in R2.5), and the proposed standard currently applies to attached house developments in the single-dwelling zones.</p>

Other topics	Potential Amendments Identified by PSC	Comments received from PSC
<b>Other potential amendments (outside the scope of the Proposed Draft)</b>		
<p><b>1. Tree code</b></p>	<ul style="list-style-type: none"> <li>Remove the tree code exemption (at 11.50.040.A) on sites less than 5,000 square feet in area. Require all sites that are 2,500 square feet and larger to comply with the tree preservation standards. (Houck)</li> </ul> <p><b>Staff Response:</b> Staff does not support this amendment. It is a substantial change that has not been evaluated or discussed with property owners or stakeholders.</p>	<p>I understand that Title 11 is not part of the RIP proposal but it's been demonstrated that Title 11 needs to be revisited in light of the RIP project. (Houck)</p>
<p><b>2. Where to draw the line between single-dwelling and multi-dwelling zones?</b></p>	<ul style="list-style-type: none"> <li>Shift R2.5 into multifamily zoning/Better Housing by Design project. (Bortolazzo)</li> </ul> <p><b>Staff Response:</b> Staff does not support this change as part of RIP. Staff will work with the Better Housing by Design project team to align the proposals and share that alignment with the PSC at a later date.</p>	
<p><b>3. Land Division: Allow lots to be split for duplexes/triplexes.</b></p> <p><b>Fee simple units</b> There is no proposal for dividing duplexes or triplexes into attached houses. Currently corner lot duplexes may be divided as follows:</p> <ol style="list-style-type: none"> <li>Lots in the R5 – R20 zones must meet the minimum lot dimension standards of the R2.5 zone (i.e. 1,600 sq. ft.)</li> <li>Lots in the R2.5 Zone have no minimum lot dimension standards for the new lots.</li> </ol>	<ul style="list-style-type: none"> <li>Allow duplexes on internal lots and triplexes on corner lots to be divided to create individual lots for attached units. (Spevak)</li> </ul> <p><b>6 PSC members supported directing staff to study and develop proposals for allowing these land divisions. (at 6/26 meeting)</b></p>  <p><b>BPS and BDS staff do not support this amendment.</b></p> <ol style="list-style-type: none"> <li><u>Allowing land divisions will undo the balance that allows RIP to both increase housing options and preserve character.</u> The motivation for RIP was concern about loss of the physical development character of single-dwelling zones (demos and big replacement houses) and about the loss of smaller housing options that used to be possible in those same zones (duplexes, triplexes multiple ADUs). The proposed approach is to apply RIP widely, in part, to better ensure its impacts are incremental, distributed and positive.  The RIP policies that reduce house scale and increase housing options work together to protect, reset, diversify and add resiliency to expectations for</li> </ol>	<p>Comments RE: allowing land divisions for smaller minimum lot sizes and more fee simple ownership :</p> <ul style="list-style-type: none"> <li>While this may convert R5 to R2.5 in terms of lot size, they are different because R2.5 allows larger buildings [staff note: this is yet to be determined with scale discussion]</li> <li>Condos are less desirable, this provides fee simple options</li> <li>Whether rental units in one building, condos or fee simple, all are potentially available as rental. This just increases the range of ownership options</li> <li>Don't want to encourage demolitions and remove naturally occurring affordable housing</li> </ul>

	<p>the character of single-dwelling areas. Widely opening the ability to create smaller fee-simple lots in these neighborhoods undoes part of the economic incentive to preserve and reuse existing houses. It could open more speculative and rapid change in a way that is inconsistent with RIP’s objectives as well as with the Land Division code stated purpose for density standards (Quoted below).</p> <p>“<b>33.610.100 Density Standards.</b> A. Purpose. Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services...”</p> <ol style="list-style-type: none"> <li>2. <u>Increasing the proportion of Portland’s land supply in small lots reduces long range flexibility for future evolution of development, density and built form.</u></li> <li>3. <u>Placing lot line in an already built structure can be difficult.</u> BDS staff have seen LDs that require the foundations and walls of the structure to be retrofitted to be attached houses rather than townhouses, and the number of service and development standard issues that come up with that type of sequencing are not easy to deal with.</li> <li>4. <u>Land divisions can result in unnecessary additional development cost and housing expense.</u> <ol style="list-style-type: none"> <li>a. Water and sewer service can be shared on a lot that has more than one dwelling unit. Providing services to each individual lot can be more costly and difficult due to site size constraints.</li> <li>b. Condo projects can be more cost effective than a LD, and condo projects provide homeownership opportunities.</li> </ol> </li> </ol>	
<p><b>4. Land Division: How to calculate density.</b></p>	<p><b>1. Calculate density <i>before</i> right-of-way dedication.</b> (Spevak)</p> <p><b>Staff Response:</b></p> <p>There are 2 types of ROW dedication—adding ROW to widen an existing street, and dedication to create a new street. Currently, density is calculated <i>before</i> right-of-way dedication unless the land division requires a new street. To go further than current practice right now is a substantial change that needs more consideration and analysis than can be provide today.</p> <p>For example, this change could affect other land division standards such as minimum lot size and minimum density.</p> <p>In some cases, the amount of area dedicated for ROW could make it difficult for the site to accommodate the minimum number of lots required at the minimum lot area required.</p>	<p>Consider providing a density bonus in situations where the developer has to physically construct streets or other improvements in the ROW dedication area as a condition of development to help off-set that cost. Especially in parts of the city with poor street connectivity or narrow existing ROW, developers are required to dedicate land area to the city.</p> <p>Under current regulations, the number of units that can be built on the property is calculated based on the site area <i>after</i> the dedication. Then developers sometimes also have to pay for physical ROW improvements (sidewalks, curbs, asphalt...), to be turned over to city ownership following completion. This is a double-whammy for builders, making it significantly less likely for them to develop properties that would trigger street network improvements – hence such sites often get skipped over for development and the street never gets built. (Spevak)</p>

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<p><b>5. Floodplain.</b></p>	<ol style="list-style-type: none"> <li><b>1. Measure building height from 100-year floodplain (as opposed to lowest point) (Schultz)</b></li> <li><b>2. Exclude above-ground basement area in flood plains. (Schultz)</b></li> </ol> <p><b>Staff Response:</b>  Staff does not support amendments that might result in larger or more development in the floodplain until the issue/code changes related to the BiOP are resolved.</p> <p>In addition, home owners are not typically digging down for tuck-under garages in the floodplain. That means the change to measuring height from highest point to lowest point might not present an issue in the floodplain.</p> <p>Initial discussion with BDS also indicates that measuring height from the floodplain will require the applicant to provide a lot more information than is currently required for a building permit.</p>	
<p><b>6. Items to include in City Council correspondence (outside zoning scope).</b></p>	<ol style="list-style-type: none"> <li><b>1. Advocate for parking permit program support (restrict permits for sites with off street parking) (see parking subcommittee report)</b></li> <li><b>2. Develop a curb cut fee/tax proposal (see parking subcommittee report)</b></li> <li><b>3. Pursue a local exception to State building code to allow Portland to require visitability on all new single dwellings.</b></li> <li><b>4. Recommend a maximum limit on SDC waivers to 2 ADUs.</b></li> </ol> <p><b>Staff Response:</b>  Staff recommends the PSC propose SDC waivers in relation to number of units on a site rather than whether the unit is called an ADU by the zoning code. The building code defines duplex, triplex and other multi-dwelling structures i.e.a house with 2 internal ADUs is a triplex in the building code; and, two ADUs in one detached structure is a duplex.</p> <p>For example, the Commission could recommend that City Council waive SDCs for internal conversions of existing single-dwelling or duplex structures to 2, 3 or 4 units. This additional waiver would apply in addition to the existing waiver for ADUs (which will apply to 1 internal and 1 external ADU).</p>	