

Better Housing by Design: Worksheet for PSC Work Session on November 13, 2018

Topics: Historic district provisions (continued) and visitability standards

ITEM	PROPOSED DRAFT PROPOSAL	POTENTIAL AMENDMENTS	PSC AND STAFF COMMENTS
1	<p>Historic districts – allowances for development bonuses and FAR transfers.</p> <p>During the September 25th PSC work session, the commission provided initial direction to amend the BHD proposals to not exclude historic districts from any of the proposed development bonus or FAR transfer allowances. These changes would:</p> <ul style="list-style-type: none"> • Allow FAR transfers to sites located in historic/conservation districts. • Allow the deeper housing affordability bonus (providing 100% additional FAR and greater building height and coverage) in historic/conservation districts. • The above would be in addition to the proposals to allow FAR bonuses for inclusionary housing and moderate-income 3-bedroom units in historic/conservation districts. <p><i>See Map A showing multi-dwelling zoning in relationship to historic and conservation districts.</i></p>	<p>Option 1: Retain as-is PSC’s proposed changes to allow all development bonus and FAR transfer options in historic districts. In the RM4 zone, the deeper housing affordability bonus would allow building height to be increased from 75 feet to 85 feet. There would be no requirement that this additional height be visually mitigated.</p> <p>Option 2: Provide all development bonus and FAR transfer options in historic districts, but in the RM4 zone require building height above the base allowance of 75 feet to be setback 10 feet from roof edges.</p> <p>This requirement would ensure that additional height provided by bonuses in the RM4 zone (85 feet) would not appear any taller when viewed from the street than a building built to the base height allowance of 75 feet.</p> <p>Next steps: Staff recommend continued discussion with the joint Landmarks-PSC work group to consider other potential regulatory approaches related to multi-dwelling zones in historic districts.</p> <p>This discussion would also involve outreach to the broader community, especially areas with historic districts, and would take place from December 2018 through March 2019. Staff would return to the PSC with suggestions for additional approaches by the April 9th PSC work session.</p>	<p><u>Staff Comments:</u></p> <ul style="list-style-type: none"> • See attached notes from the October 16th joint meeting of the Landmarks-PSC work group. During this meeting, Historic Landmarks commissioners expressed concern about the compatibility of the development scale that would be allowed in higher-density multi-dwelling zones, especially the RM4 zone, which would apply in large portions of the King’s Hill and Alphet historic districts. • Staff’s proposals for stepping back additional building height provided by the deeper housing affordability bonus in the RM4 zone, when located in historic districts, is intended to help mitigate the visual appearance of this additional height. Staff will present graphics illustrating this approach during the November 13th work session.
2	<p>100’ building height in the RM4 zone.</p> <p>During the September 25th PSC work session, the commission provided direction to expand the RM4 100-foot building height allowance to apply to properties within 500-feet of streets with frequent transit service (20-minute peak hour service), excluding historic/conservation districts.</p> <p>Staff would like clarity from the PSC as to whether PSC’s intent was to also exclude historic districts from the RM4 zone 100-foot building height allowance that currently applies within 1000 feet of transit stations (light rail).</p>	<p><i>Note: both the following options incorporate PSC’s direction to expand the RM4 zone allowances for 100-foot building height to properties close to streets with frequent transit service, but differ as to whether the additional height would apply in historic districts close to transit stations.</i></p> <p>Option 1: Exclude historic districts from the RM4 zone 100-foot building height allowance, including locations within 1000 feet of transit stations.</p> <p>This option would allow 100-feet of building height within 1000 feet of transit stations and within 500 feet of streets with frequent transit service, but would not allow this additional height for either situation for properties located within historic districts. This option would apply to 68 acres of land with RM4 zoning.</p> <p>Option 2: Same as Option 1, but allow 100-feet of building height in historic districts for properties within 1000 feet of transit stations. Require that building height above the base allowance of 75 feet be setback 10 feet from roof edges.</p> <p>This would preserve the existing RH zone 100-foot building height allowance, currently allowed in historic districts close to transit stations. City Council decided to retain this allowance during their deliberations on zoning amendments that followed from the 2035 Comprehensive Plan Update (Fall 2016). The requirement for building height exceeding 75 feet to be set back would ensure that additional height (approximately two stories) would not appear substantially taller when viewed from the street than a building built to the 75-foot building height limit that would otherwise apply.</p>	<p><u>Staff Comments:</u></p> <ul style="list-style-type: none"> • Staff supports Option 2, as this would respect the decision made by City Council (as part of zoning amendments related to the Comprehensive Plan Update) to continue the 100-foot building height allowance in the RH zone close to transit stations. • Allowing this building height in historic districts close to light rail stations, but not along transit streets served only by buses, reflect policies that prioritize light rail stations as locations for higher-density, larger scale development. 10 acres of land in historic districts would be subject to this 100’ height allowance (primarily in the Alphet Historic District, but also small amounts of land in the King’s Hill Historic District).

<p>3</p>	<p>Consistency in historic district provisions between multi-dwelling zone and commercial/mixed use zone regulations.</p> <p>In the commercial/mixed use zones (Chapter 33.130), no development bonuses (including for inclusionary housing) or FAR transfers are allowed in historic or conservation districts.</p> <p>PSC direction to allow for such allowances in the multi-dwelling zones raises the question as to whether there should be corresponding allowances in the commercial/mixed use zones to provide regulatory consistency.</p> <p><i>See Map B showing commercial/mixed use zoning in relationship to historic and conservation districts.</i></p>	<p>Option 1: Bring consistency between the multi-dwelling and commercial/mixed use zones in how development bonuses and transfers are regulated in historic districts:</p> <p>A. Amend the commercial/mixed use zones regulations to allow for development bonuses and FAR transfers to be used in historic districts and conservation districts. This would bring consistency with the approach proposed for the multi-dwelling zones. 90 acres of land with commercial/mixed use zoning is located in historic/conservation districts (a larger amount of land in historic districts – 229 acres – has multi-dwelling zoning).</p> <p>B. Allow for FAR to be transferred citywide in the commercial/mixed use zones, as is proposed for the multi-dwelling zones. This would be a change from the two-mile maximum transfer distance that currently applies in the commercial/mixed use zones (transfers in these zones are only allowed from properties with historic resources). The change to an allowance for citywide transfers is intended to increase the feasibility of FAR transfers by expanding the number of potential receiving sites. Receiving sites will primarily be smaller projects, since larger projects receiving bonuses through mandatory inclusionary housing cannot receive additional FAR through transfers.</p> <p>Option 2: Do not change regulations in the Commercial/Mixed Use Zones This would continue existing regulations that apply to these zones outside the Central City, which do not allow for any properties in historic/conservation districts to use development bonuses or FAR transfers. The intent of excluding historic districts from bonus and transfer allowances in these zones was to prevent development that may be out of scale with the historic context. This option would also not expand the FAR transfer distance from the existing two-mile limit.</p>	<p>Staff Comments:</p> <ul style="list-style-type: none"> • Staff supports Option 1, as this would provide regulatory consistency between regulations in the multi-dwelling and commercial/mixed use zones, which allow similar types and scales of multi-dwelling development. • The two primary types of development bonuses available to most properties in the commercial/mixed use zones are for inclusionary housing and for providing affordable commercial space. Currently, buildings in these zones with 20 or more units are subject to mandatory inclusionary housing, but in historic districts they are not eligible for the inclusionary housing development bonuses that would otherwise be available. • The predominant commercial/mixed use zone in historic districts is the CM2 zone (75 acres), which generally allows 45-feet of building height. Development bonuses in the CM2 zone would allow an increase in FAR (up to 4 to 1, instead of the base FAR of 2.5 to 1), but would not allow for additional bonus height in historic districts. A smaller amount of land in historic districts has CM3 zoning (12 acres), in which development bonuses allow for both additional FAR (5 to 1, instead of the base FAR of 3 to 1) and additional building height (75 feet, instead of 65 feet). • FAR transfers in the commercial/mixed use zones allow additional FAR on receiving sites (amount of additional FAR varies by zone, but is never more than a 1 to 1 FAR), but this does not provide additional building height.
<p>4</p>	<p>Visitability standards.</p> <p>The Proposed Draft includes requirements for visitable units that would apply to projects with densities exceeding one unit per 2,000 square feet of site area (the current R2 density limit). For projects exceeding this density (this would apply to projects with 3 or more units on a 5,000 sq. ft. site), at least 20 percent of units must have ground levels with no-step access, wider hallways and doors (at least 34 inches wide), and living space and a bathroom with specific dimensions wide enough for wheelchairs.</p> <p>An issue, however, is that the City Attorney’s Office has determined that requiring visitable units would conflict with state law that disallows local pre-emption of state building code requirements (in the RM2, RM3, and RM4 zones, the visitability requirements would essentially be mandatory,</p>	<p>Option 1: No change. Retain the visitability standards as proposed. Implementation of these visitability standards in the multi-dwelling zones, however, would be contingent on Portland receiving a local exception to the state building code.</p> <p>Option 2: Replace the visitability standards with requirements for “barrier-free entrances.” If this is PSC’s preferred direction, <u>staff recommends using this regulatory approach for both the BHD and RIP projects to provide regulatory consistency.</u></p> <p>This approach would focus on providing no-step access to some units (20% of units in the multi-dwelling zones). In not stating specific dimensional requirements (for doorways, hallways, and bathrooms), this would avoid conflicts with the state building code and simplify administration, while reducing physical barriers to accessing units (compared to units that must be accessed with steps). This barrier-free entrance approach has two sub-options that regulations can be designed to achieve:</p> <p>A. Only require barrier-free entrance to units, with no standards related to unit interiors. This “light touch” approach would not include any requirements for what the entrance provides access to within the unit. While allowing for simple regulation, this could allow for no step access to an interior stairway, with no ground-floor living space.</p> <p>B. Include basic requirements for the no-step entrance to provide access to living space. This could include requirements that the entrance provide access to a minimum amount</p>	<p>Staff Comments:</p> <ul style="list-style-type: none"> • Staff supports Option 2. This would avoid conflicts with the state building code, simplify administration, while reducing barriers to accessing units. • The no-step access approach of Option 2 would make access easier for people with many types of mobility limitations (a large proportion of people with mobility limitations can walk, sometimes with the use canes or walkers, but have difficulty with stairs). However, this option would not ensure that interiors of units are designed to accommodate people with wheeled mobility devices, such as wheelchairs or scooters, once inside the unit. • For complete code language and commentary on the proposed visitability standards, see BHD Proposed Draft Volume 2, pages 104 – 107.

	<p>because their minimum required densities would trigger the visitability requirements). The visitability standards require specific dimensions for interior features that are the domain of building code regulations.</p> <p>Implementation of the proposed multi-dwelling zone visitability standards, as written, would be contingent on Portland receiving a local exception to the state building code. City building code officials indicated that there is substantial uncertainty regarding successfully obtaining a local exception to allow for mandatory visitability requirements.</p> <p><i>See PSC Questions and Staff Responses document for more information.</i></p>	<p>of ground-floor living space, or limit how much of the ground-level of the unit could be garage, or potentially require a bathroom (without stating specific dimensions to avoid conflicts with the state building code).</p> <p>Next steps: Staff recommends that the City advocate for changes to the state building code to allow for visitability standards to be required for residential code buildings.</p> <p>If achieved, this would allow for visitability standards to be administered under the building code, which would simplify administration. Including visitability requirements as zoning code standards makes any departures from the standards land use decisions, adding time and costs to projects (departures from building code requirements involve building code appeals that are significantly less costly and time consuming than is the case with discretionary land use procedures). There are existing model building code standards for visitable units (“Type C” units as per ICC A117.1), but the state building code does not include these as requirements.</p>	
5	<p>Visitability – maximum ramp slope.</p> <p>The proposed visitability standards require a maximum ramp slope of 1:10 (10 percent) – which requires 10 feet of ramp length for each 1 foot of rise. However, building code requirements require a maximum slope of 1:12 in many cases (12 feet of ramp length of each 1 foot of rise).</p>	<p>Option 1: No change from current proposal. Keep the maximum ramp slope at 1:10. In some cases, however the building code will require the ramp to be built with a maximum 1:12 slope.</p> <p>Option 2: Change the maximum ramp slope to 1:12, to bring consistency with building code standards. If this is PSC’s preferred direction, <u>staff recommends changing the standard for both the BHD and RIP projects to provide regulatory consistency.</u></p> <p>This would require lengthier ramps (a 3-foot elevation would require a 36-foot long ramp, instead of 30 feet), but would bring greater regulatory consistency and predictability.</p>	<p>Staff Comments:</p> <ul style="list-style-type: none"> • Staff supports Option 2 in order to bring closer alignment between zoning code and building code regulations.
6	<p>Visitability - exemption for raised lots.</p> <p>The proposed visitability standards provide an exception for very steeply sloped lots (with an average slope of 20 percent or greater). PCRI provided testimony also requesting exceptions for lots raised above sidewalk level, as they indicate that providing ramp access to housing on lots raised above sidewalk level would have significant impacts on the feasibility of their affordable housing projects, especially when the height is enough to require a ramp switch back.</p>	<p>Option 1: No change from current proposal. Do not provide an exemption from the visitability standards for sites raised above sidewalk level. Projects on sites raised substantially above sidewalk level would need to provide ramping to provide barrier-free access, or could excavate the front of the site to lower the level of unit(s) so that entrances are at sidewalk level.</p> <p>Option 2: Provide an exemption from the visitability requirements for small sites (up to 10,000 sq. ft.) that are raised more than 3 feet above sidewalk level. If this is PSC’s preferred direction, <u>staff recommends using this regulatory approach for both the BHD and RIP projects to provide regulatory consistency.</u></p> <p>Up to a 3 foot elevation difference allows for a ramp to be located across the front of a 50-foot wide lot without needing a ramp switchback, which can result in the loss of a unit (a site raised 3-feet above sidewalk level would require a 36-foot ramp, a 3-foot landing pad on each end of the ramp, plus a 3- to 5-foot wide stairway for direct access to other units [total length of 47 feet]).</p>	<p>Staff Comments:</p> <ul style="list-style-type: none"> • Staff supports Option 2, providing an exemption for small sites raised more than 3 feet above sidewalk level. This would be responsive to the challenges and costs of providing barrier-free, ramp access on raised sites. • The exemption is limited to small sites, as larger sites with greater numbers of units can more easily absorb the costs of providing ramp access. • See attached Visitability Prototypes Study for modeling and cost estimates of providing ramp access on a small site.