



Bureau of Planning and Sustainability

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MEMO

DATE: March 25, 2019

TO: Planning and Sustainability Commission

FROM: Bill Cunningham, Project Manager

CC: Joe Zehnder, Tom Armstrong

SUBJECT: Better Housing by Design Project - Revised Proposed Draft

We look forward to continuing the Better Housing by Design Project work sessions at the Planning and Sustainability Commission (PSC) meeting on April 9, 2019.

Staff will present the *Revised Proposed Draft*, which reflects the initial direction given by the Commission through a series of “straw polls” last year. The direction given reflected general agreement from the PSC on changes to staff’s proposal, not a formal recommendation.

The attached *Revised Proposed Draft* includes the following updated deliverables:

Volume 1: Staff Report

Volume 2: Zoning Code Amendments

Volume 3: Additional Zoning Code Amendments

The *Revised Proposed Draft* also includes a series of seven appendices, mostly unchanged from the Proposed Draft. The appendices documents will be provided prior to the April 9th work session.

During the upcoming work session, besides providing an overview of the changes included in the *Revised Proposed Draft*, staff will report on two additional items:

- A PSC-requested analysis related to the proposed Eastern Portland minimum site frontage requirements assessing how many properties would be affected by the regulations and whether there are enough to merit the regulations.
- A staff proposal exploring possible zoning approaches for the high-density zones (RM3 and RM4) in the Alphabet and King’s Hill historic districts. The approaches are intended to balance policy objectives for encouraging the development of affordable housing with polices that call for preserving the characteristics of historic districts.



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Staff will provide material to the PSC on the above two items during the week prior to the April 9th work session.

Revisions

The attached volumes of the *Revised Proposed Draft* include the following revisions requested by the PSC:

- Allow all FAR bonuses and transfer allowances to be used in historic and conservation districts, in both multi-dwelling and commercial/mixed use zones. Also change the mixed use zone regulations to allow FAR transfers citywide (instead of the current two-mile maximum distance), for consistency with the multi-dwelling zone amendments.
- Change the visitability standards into a bonus (instead of a requirement) providing 25 percent additional FAR when at least 25 percent of units meet visitability standards.
- Expand the 100-foot building height allowance in the RM4 zone to also apply within 500 feet of frequent transit lines, and retain the 100-foot height allowance within 1,000 feet of transit station.
- In the RM2, RM3, RM4, CM2, and CM3 zones, change the step-down height across local service streets from single dwelling zones to 45 feet (instead of 35 feet). Also, eliminate requirements for height step downs in the CM3 zone in locations adjacent to the RM2 zone.
- Allow for zero side setbacks in multi-dwelling zones along major corridors when abutting mixed use zoning or other multi-dwelling zone properties.
- Increase the small site threshold from 7,500 square feet to 10,000 square feet. Applies to regulations for setback landscaping, requirements for alley access, as well as to exceptions to minimum parking requirements in the multi-dwelling and mixed use zones.
- Allow detached accessory structures in required setbacks, regardless of housing type or site size.
- Modify the garage and structured parking limitation standards to be similar to the single-dwelling zone (RIP) standards.
- Modify the commercial/mixed use zones parking standards to require 1 space for every 2 units for larger sites outside frequent transit buffers (consistent with the proposal for multi-dwelling zones).

These and other code revisions are listed in the two tables on the following pages. While revising the proposal to reflect the PSC's direction, staff deemed other changes to the proposed code necessary. The following tables summarize the substantive changes included in the *Revised Proposed Draft*:

Table 1 - The first table includes the PSC's requested changes to the *Proposed Draft*, organized by the project's key proposals. Staff will provide an overview of these changes during the work session.

Table 2 - The second table includes other changes, often technical, initiated by staff. Staff does not intend on walking the Commission through these changes, but would be happy to answer any questions about them.

Staff asks that commissioners identify any additional code revisions they would like to request by Tuesday, April 16th. This will provide staff enough time to develop code language based on these requests in time to bring any additional revisions back to the PSC prior to final discussion on the amendments on April 30th.

Schedule

The upcoming schedule for the PSC's remaining review of the Better Housing by Design proposals is as follows:

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| April 9 | Discussion on final staff analysis items Staff briefing on the <i>Revised Proposed Draft</i> Initial PSC identification of potential additional amendments |
| April 16 | Commissioners' deadline for potential amendments to staff |
| April 30 | PSC deliberation on additional amendment and recommendation |

Again, we look forward to our upcoming work session.

Table 1: PSC Requested Changes to Proposed Draft

Page numbers are for Volume 2, unless indicated as Volume 3 (v.3)

| | Revisions | Code Section | Page |
|---|--|--|----------------------------------|
| | Diverse Housing Options and Affordability (FAR, bonuses, transfers, commercial uses) | | |
| 1 | Allow all FAR bonuses and transfer allowances to be used in historic/conservation districts, in both multi-dwelling and commercial/mixed use zones (deleted code language excluding historic districts). Also change the Chapter 33.130 standards to allow FAR transfers citywide (instead of current 2-mile maximum distance), consistent with the multi-dwelling zones. | 33.120.211 33.130.205 33.130.212 | 57, 61 9 (v.3) 21 (v.3) |
| 2 | Change the visitability standards into a bonus (instead of a requirement) providing 25% additional FAR when at least 25% of units meet visitability standards. Staff revised the visitability regulations to reference building code standards (Type C and Type A units), instead of using zoning code regulations, per BDS request. | 33.120.211.C.4 Table 120-5 | 65 61 |
| 3 | Modify the minimum density requirements to reduce the minimum required density by 2 units when an existing residential structure is being preserved. | 33.120.213.B.1 | 69 |
| | Outdoor Spaces and Green Elements (also parking and other site design elements) | | |
| 4 | Provide a tiered approach to pedestrian circulation system width, based on number of units served. Also amend pedestrian standards so that the minimum width requirements do not apply to connections not required by this section (such as ramps providing visible/accessible access, when other connections provide required connections). | 33.120.255.B.2 | 129 |
| 5 | Increase the small site threshold from 7,500 SF to 10,000 SF. Applies to regulations for setback landscaping, requirements for alley access, as well as to exceptions to minimum parking requirements in the multi-dwelling and mixed use zones. | Chapters 33.120 and 33.266. | 119 203 209 |
| 6 | Allow detached accessory structures in required setbacks, regardless of housing type or site size. | 33.120.280 | 157-165 |
| 7 | Modify the commercial/mixed use zones parking standards to require 1 space for every 2 units for larger sites outside frequent transit buffers (consistent with proposal for multi-dwelling zones). | 33.266 (Table 266-2) | 205 |
| | Building Design and Scale (including building height, setbacks, garages, etc.) | | |
| 8 | Expand the 100' building height allowance in the RM4 zone to also apply within 500' of frequent transit lines, and retain the 100' height allowance within 1000' of transit station. Allow this height in historic/conservation districts within 1000' of transit stations, but not if only close to frequent transit lines. | 33.120.215.B | 79 |
| 9 | In the RM2, RM3, RM4, CM2, and CM3 zones, change the step down height across local service streets from single dwelling zones to 45' (instead of 35'). Staff revisions: amend the requirement for height step down across a local service street to not apply within 100' of a transit street (consistent with MUZ) and add alleys to where the height step down applies (per BDS request regarding need for clarity). | 33.120.215.B.2.b Table 120-3 33.130.210.B.2.b Table 130-2 | 79 55 15 (v.3) 17 (v.3) |

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| 10 | Eliminate requirements for height step downs in the CM3 zone in locations adjacent to the RM2 (R1) zone. | 33.130.210.B.2. Table 130-2a | 11 (v.3) 17 (v.3) |
| 11 | Allow for zero side setbacks in the RM2-RM4 multi-dwelling zones along corridors when abutting mixed use zoning or other multi-dwelling zone properties. Apply this along corridors that have a mix of multi-dwelling and mixed use zoning. Draft code amendments reflect staff's recommendation to apply this allowance along Civic and Neighborhood corridors in the Inner Pattern Area, which has an established pattern of traditional main streets with little or no side setbacks between buildings. Staff also analyzed 3 alternative scenarios based on: (1) TSP-designated main streets, (2) applying only to blocks that include both multi-dwelling and mixed use zones, and (3) applying to corridors in Comprehensive Plan designated centers using an overlay zone. Staff's recommended approach applies to a similar amount of multi-dwelling land as the other options, while allowing for simpler implementation. | 33.120.220.B.3.j | 87-89 |
| 12 | Amend mixed use zone regulations so that a 10' setback is not required on portions of sites abutting multi-zone properties along corridors. Staff proposal is that this allowance apply to Civic and Neighborhood corridors in the Inner Pattern Area, which has an established pattern of traditional main streets with little or no side setbacks between buildings. | 33.130.215.B.2.b New Map 130-3 | 25 (v.3) 49 (v.3) |
| 13 | Require 40% window coverage for ground floor commercial within 5' of a street lot line (25% window coverage when further than the street than 5'). | 33.120.232.D | 115-117 |
| 14 | Modify the garage and structured parking limitation standards to be similar to the single-dwelling zone (RIP) standards. This includes a provision for attached houses indicating that the 50% limit applies to each individual façade, or can be calculated based on the combined façade width of attached houses (in order to allow regulations to apply similarly to attached houses and townhouses on undivided lots). | 33.120.283.D Figure 120-13 | 169-171 177 |
| 15 | Change the parking location limitation preventing any parking between buildings and streets to only apply to small sites (up to 10,000 SF). Larger sites will still be subject to existing transit street limitations and regulations that limit vehicle areas to 40% of street frontages. | 33.266 (Table 266-3) | 211 |

Table 2: Technical Changes to Proposed Draft

Page numbers are for Volume 2, unless indicated as Volume 3 (v.3)

| | Revisions | Code Section | Page |
|----|--|--------------------------------------|-------------|
| | Diverse Housing Options and Affordability (FAR, bonuses, transfers, commercial uses) | | |
| 1 | Amend existing accessory commercial use allowance to be based on FAR and a maximum size of each commercial use (no more than 2 commercial uses, each no larger than 1,000 SF), per BDS request. | 33.120.100.B.2.a (was 33.120.110) | 33 |
| 2 | Add exception to FAR limits to allow for an addition of up to 250 sq. ft. once every 5 years, per BDS request and for consistency with RIP code amendments. | 33.120.210.B | 57 |
| 3 | Add language clarifying that if a tree covered by FAR transfer covenant is removed, Tree Review is required (per BDS request). | 33.120.210.D.5.b | 59 |
| 4 | Modify three-bedroom bonus to add language: “...and any administrative requirements of the Portland Housing Bureau.” | 33.120.211.C.3 | 65 |
| 5 | Retain the Maximum Density section (previously proposed for deletion) because the RMP zone will retain a maximum density standard. The existing RMP zone density bonus and transfer provisions have been relocated within this code section. | 33.120.212 | 67 |
| 6 | Delete allowance for reduce minimum density for small sites in the R1 (RM2) zone. | 33.120.213.B.1 | 69 |
| 7 | Modify nonconforming density allowances to extend the ADU exception to duplexes. Also, provide flexibility in the RMP zone for incremental additions of manufactured homes. | 33.258.060.A.1.b | 201 |
| | Outdoor Spaces and Green Elements (also parking and other site design elements) | | |
| 8 | Amend text in Landscaped Areas section so that raised stormwater planters are subject to L1 standards, per BDS request. | 33.120.235.B.1.b | 117 |
| 9 | Allow required outdoor space to extend into required front setbacks when: <ul style="list-style-type: none"> a. Separated from street by a 3’ landscaped buffer, or b. Raised at least 2’ above sidewalk level. | 33.120.240.C.1 | 121 |
| 10 | Require outdoor seating for commercial uses to be screened with L3 landscaping (high screen) instead of L2 landscaping (low screen), per BDS request. This would be consistent with mixed use zones screening standards adjacent to residential zones. | 33.120.250.D | 125 |
| | Building Design and Scale (including building height, setbacks, garages, parking, etc.) | | |
| 11 | Modify courtyard exception to allow zero setbacks on any street frontage, not just for the front setback. Modify language for clarity (courtyard exception to front setback standards – length of street-facing façade that must be set behind landscaped courtyard). Also correct code paragraph numbering. | 33.120.220.B.3.c | 87 |
| 12 | Modify ground floor commercial reduced setback allowance to apply to the <u>street</u> setback (not just “front”), and to apply when at least 50% of the building ground floor is in commercial uses or is indoor community space. | 33.120.220.B.3.d | 87 |

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| 13 | Allow awnings/canopies to extend up to 5’ into a required street setback (aligns with draft DOZA standards), and also provides flexibility given increased front setbacks in some multi-dwelling zones. | 33.120.220.D.3 | 101 |
| 14 | Provide an exemption from the requirement for entrances to be within 4’ of grade for properties in flood hazard areas, providing consistency with RIP code amendments. | 33.120.231 | 107 |
| 15 | Modify the street lot line setback standards so that the limitations on garages extending in front of the rest of the building also apply to structured parking. | 33.120.283.E | 173 |
| 16 | Amend Chapter 33.140 to apply the 50% garage limitation to attached houses, consistent with the other base zones. | 33.140.265.F | 53 (v.3) |
| 17 | Delete the amendments to the parking area Development Standards for Houses and Duplexes section, as the RIP project is making all changes to this section. | 33.266.120 | NA |
| East Portland Standards and Street Connections | | | |
| 18 | Minimum Required Site Frontage for Development. Provide additional exception, when abutting sites are already developed with multi-dwelling structures or multi-dwelling development, in response to BDS comments regarding the difficulty in determining if adjacent lots meet minimum density standards (latter exception is being kept to provide an exception for other situations – such as when the adjacent properties are multiple lots resulting from a land division). | 33.120.206.C.2 | 53 |
| 19 | Change Eastern Portland deep rear setback exemption to being for sites “up to 100’ deep,” instead of “less than 100’ deep (per Commissioner Spevak request). | 33.120.220.B.2 | 85 |
| Other Regulations | | | |
| 20 | Attached houses building setback and coverage standards – modify to be consistent with regulations in single-dwelling zones. | 33.120.270.C | 139-141 |
| 21 | Reduced setbacks for detached houses - minor text amendment (change “must be approved” to “must be shown on preliminary land division plans”), per BDS request. | 33.120.270.D | 141 |
| 22 | Modify Fences standards for greater clarity and simplicity, and reorganize per BDS request. Also, modify so that fences for attached duplexes are regulated the same way as duplexes and attached houses. | 33.120.285.C | 183-185 |
| 23 | Correct the Chapter 33.120 and Chapter 33.130 Pattern Area maps to show the Central City Pattern Area boundaries corresponding entirely with the Central City Plan District boundaries. | Map 120-3 Map 130-2 | 195 45 (v.3) |
| 24 | Add “attached duplex” and “fourplex” to code sections with base zone design standards for small housing types. Change the titles for these sections and paragraphs to refer to “small housing types,” instead of listing all seven housing types in the titles. | Chapters 33.130 and 33.140 | 35, 39, 41, 51, 53, 59 (all in v.3) |
| 25 | Retain the Albina Community Plan District, keeping only the Attached Residential Infill on Vacant Lots in R5 Zoned Areas section (instead of deleting chapter, as was proposed in Proposed Draft). | Chapter 33.505 | 109-117 (v.3) |
| 26 | Add amendments to the Central City Plan District (Chapter 33.510) with updated multi-dwelling zone names and Chapter 33.120 code references. | Chapter 33.510 | 119-121 (v.3) |

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| 27 | Modify the list of bonus density housing types in the Johnson Creek Basin Plan District to include housing types that have at least 2 units in each structure. Current language specifies “attached residential development,” for which there is no zoning code definition. | 33.537.120.D | 141 (v. 3) |
| 28 | Remove text reference to minimum density in Chapter 33.150 (CI zones), as these zones do not have minimum residential density requirements (BDS request). | 33.612.100.A | 227 |
| 29 | Add Chapter 33.910 definition for “local service street,” per BDS request. | 33.910 | 231 |