

HISTORY OF ZONING IN PORTLAND

1918 TO 1959

Lloyd T. Keefe

PORTLAND BUREAU OF PLANNING
LIBRARY COPY

This is the first of a two-part monograph dealing with zoning in Portland--the second part will examine the changes in the pattern of Portland's zoning since 1959, when the present Zoning Code was adopted.

Printed in August, 1975

CONTENTS

	<u>Page</u>
History of Zoning in Portland 1918 to 1959	i
Overzoning Experience in Portland	31
Upgrading from Less Restricted to More Restricted Zones Since Enactment of 1959 Code	49
Improvements to Zoning Code and Map	55
Appendix of Cases	64

HISTORY OF ZONING IN PORTLAND 1918 to 1959

Portland was first zoned 50 years ago. This means that the majority of existing development has occurred since zoning has been in effect.

Portland voters enacted a zoning code and map at the election of November 4th, 1924. The Portland code may be unique in that it was adopted by a vote of the people rather than an action by the City Council. It is doubtful that in any other major city zoning was enacted by popular vote; although, it became customary after World War II that only the electorate could enact zoning in counties.

Pre-zoning Period

Surprisingly Portland had partial zoning even before 1924. The Building Code contained a section which did not allow certain uses and buildings to be located just anywhere in the City that an owner chose. It was not possible to obtain a permit to erect or alter a building for any of the uses listed below without first securing the approval of the City Council.

- Apartment houses
- Shack buildings
- Tents with board floors used as residences
- Hospitals
- Building for treatment of insane or feeble minded
- Amusement parks
- Public dance halls
- Roller skating rinks
- Dog pounds
- Blacksmith or horse shoeing shops
- Stables containing over two animals
- Garages containing more than two machines
- Oil storage or sales buildings containing over 1,000 gallons not including oil stored in tanks underground
- Oil tanks outside of buildings containing over 15,000 gallons
- Gas plants or tanks with a capacity of over 5,000 cubic feet of gas
- Dry cleaning establishments
- Lumber yards
- Fuel yards, wood or coal
- Junk or rag shops or junk or rag storage yards
- Acid works
- Boiler shops and sheet metal working shops
- Brick, tile or terra cotta factories
- Canneries

- Creameries employing over 5 persons
- Hide and skin warehouses
- Laundries
- Packing houses or plants
- Paint mixing or grinding plants or factories
- Planning mills
- Powder factories
- Saddle factories
- Soap, candle or chemical factories
- Stoneware or earthenware factories
- Woodworking plants employing over ten persons
- Wool pulleries

The Council held a public hearing on each request. Property owners within 200 feet were notified. The Council could deny the requested permit: "Wherever it appears that the granting of the same is or may be detrimental to public health or safety, or detrimental to the welfare and growth of the City."

Restricting these uses was introduced into the Building Code on March 13, 1918. In effect, it became the forerunner of the present Conditional Use procedure. In fact, up until the 1959 Zoning Code was enacted, the term Council Approvals was used in the previous zoning code rather than the term Conditional Uses.

These Building Code use restrictions were challenged in court in the case of Kroner and Michels v. the City of Portland 116 Oregon 141. The case involved a request to build a creamery, employing more than five persons at SE 13th and Pine Street. The case was filed prior to the vote on the 1924 Zoning Code, and it went to the State Supreme Court, which however, did not make a finding until March of 1925. The Supreme Court voided the case; however, a most extensive opinion was written on this Kroner case comprising 187 pages, which, in effect, declared the Portland Zoning Ordinance constitutional.

Also, heights of buildings were controlled in the Portland Building Code: The original Building Code was enacted in 1890, but building heights were first limited in a major revision to the Building Code effective January 1, 1911. The maximum height permitted depended on the type of construction. Frame buildings were limited to two stories or forty-two feet; ordinary construction was limited to four stories, or sixty feet; semi fire-proof buildings were limited to six stories or eighty-five feet; and absolutely fire-proof buildings were limited to 12 stories or 160 feet. A height of 15 stories was added later to the Building Code and was the maximum until 1956.

First Effort Defeated

The City Planning Commission was created by Ordinance 34870, passed by the City Council on December 26, 1918. The Planning

Commission held its first meeting January 29, 1919. At that meeting it was agreed informally that work to zone the City should be pushed ahead as fast as possible; however, Mr. Charles Cheney, a Planning Consultant from Berkeley, California, was present at that first meeting and he did present a parallel work program intended to arrive at an over-all City plan, including at least housing, industrial development, reopening the park blocks, and a major street plan, to be finished by the end of 1919. Mr. Cheney was already employed by the City serving a previously formed Housing and City Planning Survey Committee.

The City Council immediately started referring all requests for Council Approvals as required under the Building Code to the City Planning Commission for a study, report and recommendations. The minutes of the Planning Commission indicate that numerous such requests were acted upon by the Commission during its first and succeeding years until the 1924 Zoning Ordinance was passed.

A bill was introduced in the 1919 State Legislature to permit Oregon cities to have city planning commissions. It passed in February, 1919. One of the provisions of the bill was to require that subdivision of land be approved by city planning commissions inside a city as well as six miles outside the city limits. The City Planning Commission in Portland, the only city in the State that took advantage of the enabling legislation, immediately started acting upon subdivision plats in accordance with the state law.

In preparing a zoning map for the City, Mr. Cheney would hold a neighborhood meeting on each request for Council Approval. At the same time, he would get neighborhood opinions on how the area should be zoned. He would then take these opinions and add them to the zoning map which he was compiling. Mr. Cheney submitted his completed zoning map and ordinance to the City Planning Commission on October 25th, 1919. The Planning Commission held three evening public hearings on November 17th, 18th and 19th, to receive comments and objections to the classification of land on the zoning map.

The Planning Commission continued to make adjustments on the zoning map, and on March 17, 1920, the City Planning Commission submitted its proposed zoning map and ordinance to the City Council. Quoting from the letter of transmittal: "This right of neighborhoods to be consulted, before a public garage, apartment house, or any one of 35 other kinds of businesses, is granted a permit to go in, is a well-recognized, and, in some cases, long-established principle of justice in Portland, under the Building Code."

On March 31, 1920, the City Council passed an ordinance unanimously adopting the proposed Zoning Code and map for the City of Portland; however, at the same meeting, the Council passed another ordinance by a 3-2 vote referring the Zoning Ordinance to the electorate. The election was held November 2, 1920. The Zoning Ordinance was narrowly defeated by 556 votes out of almost 61,000 cast. The exact voting was 30,085 for, and 30,631 against.

Second Effort Successful

About a year after zoning was defeated at the polls, the Realty Board suggested to the City Council that a joint committee of the Planning Commission and the Realty Board consider again the zoning of the City. The Joint Committee was formed in the Spring of 1922, but active work was postponed until funds were made available in the 1923 budget of the City Planning Commission.

After considerable discussion and study it was decided to have four classifications or zones. The zoning map was prepared by C. A. McClure, the first Planning Commission staff head, and checked again in the field by subcommittees of the Joint Committee. Each subcommittee was responsible for a particular district and included at least two persons specifically acquainted with that district. There were 13 subcommittees, 8 covering the east side and 5 for the west side.

"The basic rule agreed upon when outlining the various zones was that all streets, upon which main or through street car lines were located, were zoned business. All other locations were zoned as existing conditions indicated." (1)

Mr. H. E. Plummer, who was a member of the City Planning Commission but also head of the Bureau of Buildings, prepared the text of the proposed zoning code. By that time, the services of Charles Cheney, planning consultant, had been dispensed with.

The proposed zoning map was published in the Sunday editions of August 5, 1923, of both the Oregonian and the Journal. About New Year's, 1924, an additional 1,000 copies were printed and distributed to all interested persons.

Beginning in August, 1923, the Joint Zoning Committee visited various community clubs throughout the City displaying a big wall map and explaining the proposed zoning ordinance. The Joint Committee's basic policy was, "Zoning Committee" always did feel that the people in a community or district would know better what was necessary or desirable for their district or section than could be determined by the committee. It has been their policy to grant the requested changes if

(1) Quoted from the City Planning Commission's Secretary's notes in 1923.

the request was backed up by a petition of the district, action of the Community Club, or some other action that would indicate approval on majority of property owners in the district affected."

On December 27, 1923, the report and final zoning ordinance maps were presented by the Joint Committee to the Planning Commission who adopted the proposed plan. The report of the Planning Commission was presented to the City Council on February 13, 1924. From that time, the Joint Committee continued to consider requests for amendments, which were referred to it by the City Council. On May 9, 1924, the City Attorney was asked for an opinion as to the validity of the proposed zoning ordinance if passed by the Council or by a vote of the people. On May 14th, the City Attorney reported that it did not make any difference whether the Council passed the ordinance or whether the people voted. His opinion was that the constitutionality could still be questioned. The first and second readings of the proposed zoning ordinance occurred on August 20th. On September 3rd, the Zoning Code passed by the Council by unanimous vote of the four members who happened to be present at the meeting. On September 24th, the Council repassed the ordinance because of some errors which had been detected in the first draft, and at that same meeting they passed resolution 14207 referring ordinance 45614 to the vote of the people. On October 8th, the Planning Commission asked the Council to have the ordinance published, but the Council denied that request.

At the election, November 4, 1924, the people of Portland voted favorably 41,897 for zoning, and 28,182 against -- a margin of 13,715 votes out of some 70,000 cast.

Features of the 1924 Zoning Code

The zoning code as passed by the voters of Portland was strictly a Use Code; there were no regulations governing heights of buildings, yard dimensions, or population density. It had only four zones:

- Zone I Single Family
- Zone II Multi-family
- Zone III Business-manufacturing
- Zone IV Unrestricted

Although Zone III was ordinarily spoken as a business zone, in fact, it allowed almost all types of manufacturing uses except the more obnoxious, hazardous, and those employing power driven hammers or riveters.

As time went on, two additional zones were added to the original four. A Zone I Special for duplexes was enacted during World War II. Zone II Temporary Residence apparently

was enacted during the depression of the early 1930's, as the purpose of this zone was to allow residential structures not up to the housing code standard. The only requirement was City water but no sink or toilet was required if the City Health Officer approved.

Required approval of the City Council before building permits could be issued for certain uses was continued in the first zoning code for Portland. Schools, churches and hospitals were required Council Approvals in the Zone I district. There were even certain Council Approvals in Zone III such as, fuel yards and rock crushers.

Another device included in the 1924 code was Local Option. By this method various uses, prohibited in a zone, were allowed automatic permission provided the applicant could get the approval on a petition of 75% of the property within a 200 ft. radius. Among the Local Option uses permitted in Zone I were fire stations, old people's homes, public parks, enlargement of nonconforming uses, and home occupations, and certain types of identification signs. Local options permitted in Zone II included hotels, filling stations, utility substations, interior commercial uses in apartments and hotels, and places of detention. Local option uses in Zone III were bowling alleys, dance halls, stove polish manufacturing, lumber mills, raw skin warehouses, shooting galleries, soap manufacturing, stables and a number of other hazardous or nuisance uses.

The local option procedure seems to be an outgrowth of the practice which developed during the preparation of the zoning code of getting a preliminary screening by the immediate neighborhood prior to making a decision on Council Approval uses. Doubtless this was favored by the elected officials as a means of minimizing the political risk of making zoning decisions without, in effect, having a popular vote. The 1924 code procedure for changing of the zoning map also required as a first step that the applicant get at least 50% of the property in the vicinity signed to a petition favoring the change, and this method was carried over into the 1959 code.

The policies followed in determining the zoning map certainly can be described as liberal. All street car line streets were placed in Zone III business and manufacturing. All vacant sections of the City, areas where there was just a scattering of development, and most all other residential areas, other than those of the highest quality, were placed in the apartment zone, Zone II. It is surprising that the vast Forest Park area, practically all of the southeast section of the City, around Mt. Tabor, and much of the southwest area were placed in the multi-family zone. Another policy was to map all of the river frontage and for some distance back in Zone III and Zone IV, manufacturing and unrestricted. Both banks from Sellwood past the downtown district, past St.

Johns to the northern City limits, every foot, was so zoned. All of the South Portland Lair Hill Park, Corbett and Terwilliger districts to the base of the hills were placed in Zone III. All of the Sellwood River frontage and Oaks Park area were placed in Zone III. Ross Island, Hardtack and the other islands were zoned Unrestricted.

No doubt this generous policy of overzoning reflected the great optimism of the times concerning prospects for growth. In that regard, the Bennett Plan prepared in 1912 was based on the assumption that Portland would have a population of two million people by 1940. In reality the entire metropolitan area only had 500,000 in 1940. The Cheney Plan forecast that Portland would have 650,000 in 1940 and Multnomah County 750,000. The County is still 200,000 shy of that mark and the City is almost 300,000 less than the Cheney projection. But it was a period of rapid growth. There had been a great influx of shipyard workers into the community in World War I. The City itself was gaining at a rate of 5,000 population per year.

The metropolitan area, from 1910 to 1930 averaged 7,000 population increase per year. The City limits encompassed about 60 square miles of land. However, only about 1/4 of the land was actually occupied. Yet almost all of the city was subdivided, and even through the vast stretches of vacant land street car lines were operating. So "The Manhattan of the West" did not appear to be such a far fetched dream.

Court Tests

There were several important court tests of Portland's 1924 Zoning Code. One which established precedent on Council Approvals (and Conditional Uses) was the Archbishop of Oregon vs. Baker, 140 Oregon 600. This case concerned building of All Saints School in the Laurelhurst district. There was neighborhood opposition. The City Council denied the school and the Catholic Church took the City to court. The Supreme Court ruled that it was an infringement of the freedom of religion for the City to deny a parochial school or church in a residential zone. However, the Supreme Court did say that the City had the right to specify the conditions and standards under which such a school or church could be located and built.

The bellweather court test on spot zoning was the Page case at NE 33rd and Knott. On the northeast corner Safeway wished to build a store in Zone I. City Council changed the zoning and the neighborhood took the case to court. The Supreme Court ruled against the zone change on the basis of a spot

zone, although katty-corner was an existing nonconforming drug store and grocery store. The case of Page vs. City of Portland was decided May 28, 1946 and is reported in 178 Oregon 632.

A dozen years after the Page case was decided this same property came up for a change to Zone III Special Clinics and Professional offices for a doctor's clinic. The north-east corner of 33rd and Knott had lain vacant in the intervening years. This time the Planning Commission recommended approval and the council agreed and the neighborhood again took the matter to court. However, in this particular case the court ruled in favor of the applicant, primarily because of the vast difference in uses permitted in the wide open Zone III and the Zone III Special C and PO, comparable to the present C5 zone. The citation is Sharp vs. City of Portland, Multnomah County Circuit Court 247-830.

Safeway was involved in another alleged spot zoning case at the northeast corner of NE 47th and Burnside. Unlike the Page case there was a conforming filling station on the west side of 47th. The Planning Commission recommended against zone change on the basis of a spot zone even though a portion of the site was already in Zone III, occupied by a tire shop and a grocery store. The Council overruled the Planning Commission and granted the change. The owner of the apartment immediately to the east took the matter to court. In this instance, Safeway won the case and the store was established. However, in recent years it has been discontinued and that building is now occupied by the City-County Data Processing Center. This case was Duncan vs. Safeway, Multnomah County Circuit Court 222-078.

The most unusual zoning court case in Portland was the Southern Pacific Railroad request to get Zone III between McLoughlin Boulevard and Eastmoreland Golf Course for the extension of the Brooklyn Yards. In March, 1924, prior to zoning in Portland, Oregon and California Railroad (predecessor to SP) filed a condemnation suit to acquire that strip of land to build a railroad yard. In May, 1924 the residents in the vicinity filed for an injunction. The condemnation suit was dropped, but the railroad bought the strip in 1927. In 1929 SP succeeded O and C and assured the residents that Brooklyn Yards would not be extended. Thus assured the residents dropped their suit.

However, in 1952 Southern Pacific requested a zone change to expand its yards. The Council denied the request. The situation resulted in a 3-way Donnybrook. The neighborhood took the railroad to court because it had laid some temporary tracks in the Zone I strip before getting the zone change. The railroad took the City to court in refusing to make the map change,

and the City in turn took the railroad to court to condemn land for an interchange between McLoughlin and Bybee Boulevards. The result was that the railroad lost all three of the cases. (Civil Order 6662, US District Court, Oregon, 1956.)

The railroad tried for a zone change again in 1968, but finally withdrew when a financing arrangement, quite favorable to the Southern Pacific, for the construction of the Powell Blvd. underpass was worked out by the City Council.

Both Southern Pacific cases certainly demonstrate the great strength of zoning when backed by a neighborhood of talent and influence.

In a case significant to reclassification from a lower to higher zone, the Planning Commission decided to prevent Barbur Boulevard from becoming another strip business development south of Hamilton Street. The land on which Barbur was constructed was a railroad right-of-way and had been included in the Corbett-Terwilliger vast Zone III area. At the time, the Planning Commission was particularly concerned about billboards lining this new highway entrance to the City. The Planning Commission initiated this rezoning along with changing much of the southwest area from Zone II Apartment to single family in 1935. The City was taken to court on the matter but won the case. As is most evident today, Barbur Blvd. between Hamilton and Terwilliger unlike most of the other arterial streets in Portland, never became a strip business development. How fortunate this was in this particular natural setting, with its marvelous views over the City and river, and toward Mt. Hood. Subsequently, the State Highway Commission declared Barbur Blvd. a limited access thoroughfare to hold the line with zoning to prevent business strip development. The particular court case involved the intersection of Slavin and Barbur. The citation is Corbett vs. Carson, Multnomah County Circuit Court 117-930.

Area and Height Regulations

Previous to the enactment of zoning in Portland, the City Council passed a housing code on January 22, 1919. In addition to the usual standards for structure and sanitation the housing code included yard dimensions and lot coverage regulations as well as height limits on residential structures, not only single-family houses, but apartments, convalescent homes, hospitals, hotels, orphanages, etc. In the first housing code the lot coverage provisions were most generous allowing 75% coverage on interior lots and 85% on corner lots. There was no required front yard. The rear yard was set at 12% of the lot depth, and there was no minimum lot sizes

required. These provisions remained much the same until a major revision was enacted in 1933. Lot coverage in Zone I was reduced to 35% for two-story buildings and 45% for one-story buildings. Zone II coverage was 45% for interior and 55% for corner lots for buildings two stories and over, and 55% for interior lots and 65% on corner lots for a one-story building. Still no front yards were required either in single-family or apartment zones. The width of the side yards was made dependent on the depth of rooms adjacent and varied from 4 to 14 feet. No minimum lot sizes were required even as late as 1933.

It was not until July 1, 1945, that any regulation of minimum lot sizes in residential zones was enacted in Portland. The minimum of 5,000 square feet was set for one and two family structures located in Zone I and Zone I Special. There were no minimum lot size or other density requirements established in Zone II. In later years, in the early 1950's, when Bridle Mile was annexed to the City, minimum lot sizes in that area were raised to 10,000 sq. ft. and in other annexed areas in the Southwest to 7,000 sq. ft. as residential property owners were adamant against lot sizes as small as 5,000 sq. ft. in their neighborhoods.

Dissatisfaction with the 1924 Code

The records do not reveal exactly when dissatisfaction set in concerning the looseness of the zoning map and the small number of zones provided in the 1924 code. Several large areas in the 1930's and 1940's were taken out of either Zone III and Zone II and put in the single-family zone. For example, Fulton Park, or what is now known as the Terwilliger area, was changed from Zone III to Zone I from the frontage on Macadam Avenue to the base of the hill. The change was made on January 14, 1936. Areas around Mt. Tabor were initiated by property owners for change from Zone II Apartment to Zone I Single-Family. The West Green and Chief Joseph neighborhoods in the Peninsula District from Portland Boulevard to Lombard Street and from Interstate Avenue westward to Willamette Blvd. were taken out of Zone II and placed in Zone I. Additional zones were added to the basic four but the real change in this respect didn't come until the 1950's after the proposed 1959 code had been under study for a number of years.

On January 17, 1944, the City Planning Commission passed a resolution of intent to revise the zoning ordinance correcting such defects as no housing density regulations and no front yards. On June 23, 1944, the Zoning Committee of the Planning Commission started meetings as the Ordinance Revision Committee. This committee met regularly into the next year and by October, 1945 had evolved a new zoning text for the City. Seven zones were proposed: a single-family, a two-family, a multi-family, two commercial zones, a light industrial

zone, and a heavy industrial zone. Minimum lot size, yards, lot coverage, and heights were specified as found in a typical zoning code. However, at that same time the Planning Commission decided not to proceed further with a new zoning map and text for the City. Instead, it addressed a letter to the Council on October 23, 1945, as follows: "For some months a special committee of the Planning Commission has been working over the 1924 zoning ordinance with the hope that important changes indicated by the experience of the past twenty years here and in other cities might be incorporated in a new ordinance. While it is clear that many modifications should be made and the Commission's sub-committee has agreed upon a number of policy changes, the Commission hesitates to try to bring the redraft to final form without special technical aid. The wording for such ordinances calls for specialized legal knowledge that no member of the commission or staff possesses. It also calls for technical information concerning zoning practices and experience in cities of practical size which is difficult to obtain from literature. It is the feeling of the Commission that the revised draft would be much more likely to meet the City's needs accurately and well if a specialist in this phase of city planning were employed on a temporary consulting basis to help put the tentative draft in the final shape. We are advised that Mr. Earl Mills of St. Louis is a qualified specialist and he would be available as a consultant. We respectfully request the negotiations for his services be authorized." This request was received favorably by the City Council and Mr. Mills, who was formerly a partner in the Bartholomew firm of city planning consultants, was employed to prepare a new zoning code for Portland in January, 1946. That was the beginning of the movement which finally resulted in an entirely new zoning code and map for Portland which was enacted some 13 years later in 1959.

The Mills Code

Mr. Mills, together with the staff of the Planning Commission under Mr. Theron Howser, head of the staff whose title was Chief Planning Engineer, prepared much basic information on land use, building heights, and lot sizes prior to the drafting of a new code. The Planning Commission met regularly going over draft after draft of a proposed ordinance. Members examined every section of the City in detail. Mr. Mills modeled his proposed code for Portland after the one he prepared for Los Angeles. The Los Angeles ordinance was passed in 1946.

The Planning Commission met with many special interest groups and held many public meetings on the various drafts of the proposed code. In May, 1951, 5,000 copies were published in the Daily Journal of Commerce. Shortly thereafter, each

community club in the City was contacted and requested to sponsor a public meeting in which the proposed new ordinance could be explained. Very few clubs followed through on this suggestion. Many of these clubs had been quite active in promoting the 1936 Park Plan, but by the early part of the 1950's interest had waned in the community clubs and few of them had more than a skeleton of an organization. It became clear that these clubs were not exactly the vehicle for promoting the new zoning code. But a period of a year and a half was allowed for public discussion and education of the proposed code. Close to 150 public presentations were made by the Planning Director to all sorts of civic groups, service clubs and business organizations throughout the City. During that time the code as published was reviewed by special committees of the American Institute of Architects, The City Club, The Oregon Building Congress, The Chamber of Commerce, and the Realty Board. Each of these organizations published an analyses and recommendations concerning the proposed new code.

For the most part, concerns about a new zoning system for the City were directed toward changes in the zoning map. Very few comments were directed toward the zoning text. The AIA, for example, was most concerned about the continuation of a manufacturing zone for all of the river frontage on the west side of the river south of the downtown district to the Sellwood Bridge. The AIA was highly critical of the Planning Commission for not rezoning the Macadam Avenue industrial district to residential use.

The effort by the Mills Code to reduce the amount of strip business zoning led to many bitter protests, even though a very significant percentage of such property had not yet been utilized for business. Owners in these strips not only were opposed to being rezoned to apartment, they were highly incensed over the nonconforming use provisions in the Mills Code. A schedule was set requiring the removal of nonconforming uses varying over a period of 15 to 60 years, depending on the class of construction. These two features when applied to streets like Interstate Avenue, Division Street, Powell Blvd. east of 52nd Avenue, Williams Avenue, Alberta Street and Killingsworth, were basically the means for holding up the enactment of a new zoning code for Portland for many of the 13 years which elapsed from the employment of Mr. Mills to the final passage on June 30, 1959. Of course there were other protests over reducing individual Zone III parcels, primarily to apartment zones, in areas scattered throughout the City such as N. Greeley, NE 30th, and SE 13th in Sellwood.

There were some protests to changing certain properties from Zone II back to Zone I, but considering the vast area of Portland in Zone II the number of protests seemed relatively few.

All protests and map changes were reviewed and many adjustments were made. In the latter part of 1953, the Zoning Committee of the City Planning Commission transmitted its several recommended revisions on the proposed code to the Planning Commission. In 1954, in May, the Planning Commission transmitted the proposed revised ordinance to the City Council. The City Council then directed the Planning Commission to hold public hearings in eight different sections of the City. These were preceded by sending over 5,000 notices to every property which was in Zone III or Zone IV proposed to be upgraded to a residential classification.

About 1,000 people attended these eight hearings, slightly over 600 protests were filed. Better than 95% of these protests concerned the map. Very few suggestions were received on the text and the basic structure of the proposed ordinance. Following these hearings the Zoning Committee reviewed every single protest and adjusted the map to satisfy by far the large majority. In December, 1954, the Zoning Committee resubmitted its map revisions to the Planning Commission. On January 19, 1955, the Commissioner of Public Works, Mr. William A. Bowes, to whom the Planning Commission reported at that time decided that the new zoning code was too far reaching and he proposed to the Council that a Citizen's Advisory Committee on the new zoning code be formed.

1959 Code

Throughout 1955 the Citizen's Advisory Committee met for a half day every week. The Committee went over every single word of the proposed Mills Code. It decided on 93 different amendments. Some involved only one word, others involved a complete restructuring of the code. In the early part of the 1950's the County Planning Commission was formed and Multnomah County was zoned. It was decided between the two staffs that it would be highly desirable to have common zoning symbols and similar regulations between the City and the County. Also a large special zoning district in eastern Washington County decided to adopt the common set of symbols. In the early part of 1956, an entirely new code, although embodying many of the features of the Mills Code, had been created by the planning staff and the Citizen's Advisory Committee and was approved by the Planning Commission. The code was then submitted to the City Attorney's Office for review and recommendations. About 75 changes and amendments came out of that review, which resulted in a complete retyping and renumbering the sections of the code. Finally, in the early part of 1958, it was decided to republish the code and have a series of public hearings throughout the City. The proposed new code was printed on July 8, 1958 in the Daily Journal of Commerce.

Over 5,000 copies were distributed at the hearings and far and wide throughout the community. This time the hearings were held by the City Council for different districts, both during the daytime and during the evening. These hearings were terminated on September 24, 1958.

A careful record was made of all protests which came in during this series of hearings and then a three-month period was allowed for written protests to be received. During that time the Planning Director went over every single protest, both map and text, and prepared recommendations for the Planning Commission's Zoning Committee. The Zoning Committee in turn reviewed every protest and sent a recommendation to the City Council. The City Council then met informally through the early part of 1959 and made decisions on all protests. Then the Council scheduled another series of public hearings in the Council chamber basically in the evening so that each protestant could be heard and the Council could communicate its decisions. Again, more protests were received, more changes were reviewed and recommendations made. On May 30, 1959, the Council finally resolved all matters and enacted the new zoning code for the entire City to become effective on July 1, 1959.

In the preceding year, the City Planning Commission had adopted a comprehensive plan for Portland. The School District had adopted the school proposals made in the plan. The voters had voted funds and authority for urban renewal. Together with a new zoning code, Portland had gained important tools for improving and guiding the development of the City.

What was Wrong with the 1924 Code?

Over the years, several large areas originally in Zone II, Multi-Family were changed on petition of neighborhood residents to Zone I, Single Family. Also, amendments were made to the text of the code and as late as 1956 and 1957, three additional zones were added. These were: Zone II Restricted, somewhat comparable to A2.5, but with no density regulations; Zone III Special, a strictly retail business zone, the forerunner of the present C4; and Zone III Special, Clinics and Professional Offices, the forerunner of the present C5 zone. Even so, right up to the time the 1959 Code replaced the 1924 Code there were still many serious shortcomings in the 1924 Code. Specifically these were:

1. Greatly overzoned for multi-family development

By measurement made in 1951 of the land area in the City devoted to residential use 95% was occupied by single-family houses, 3% by duplexes, and 4% by apartments

containing three or more units. Yet, 50% of the land in the City devoted to residential occupancy was still in Zone II. Large sections in all sectors of the City except the southwest area were available for apartment construction. Surprisingly, in the southeast and north sectors much of the Zone II was at the outer fringes of the City, and as to be expected almost all of the residential area inside a boundary on the east side from Holgate and 39th and Killingsworth, excepting the Irvington and Alameda districts was Zone II.

2. There was a Maldistribution of Zone III

Some areas like Lair Hill and the Corbett districts, which certainly never had a potential for manufacturing use and possibly not for business, were still in Zone III. Also others, such as NE 30th Avenue which had lost its prospect for business use with the passing of the street car were in Zone III. On the other hand, 82nd Avenue was a series of spot zones from one end to the other with much Zone II in between.

3. The Need to Consolidate Hundreds of Lot by Lot Changes into a Consolidated Zoning Pattern of Equity as well as Stability

From the enactment of the 1924 Code to its repeal on June 30, 1959, 1,615 map changes were approved. After World War II map changes accelerated to about an average of 100 per year. A large percentage of these changes were necessitated merely because previous zone changes in the vicinity were done on a lot basis rather than on an area basis.

4. Possibly the Most Serious Deficiency was the Absence of Population Density Regulations

In Zone II no limit was placed on the number of families which could be housed on a given lot. There were no regulations to control obstructions to light and air for adjoining properties. Neither front nor rear yards were required. There was no check on the overcrowding of people on the land.

5. There Were too Few Zones

Zone I with minimum lot size of 5,000 square feet was not adequate for the larger lot subdivisions in the southwest section of the City. There was no distinction between areas for tall apartments or low-rise apartments. Zone III was a wide open catchall zone. Breweries, foundries, machine shops and warehouses could intermingle with

beauty parlors, dress shops, offices or motels. There were just no commercial zones whatsoever. An extreme case, which all will remember who had anything to do with the South Auditorium Urban Renewal Project, was the Blue Mountain Hide and Wool Company located in Zone III on SW First Avenue. This company handled raw hides and blood literally ran in the streets. Raw hide and raw skin warehouses were a permitted local option use in Zone III.

6. To get around the shortcomings in the 1924 ordinance, "conditions" were attached to each map change

In effect, a new, different zoning classification was created with each change governing the amount of off-street parking, set-backs, limitations on uses, etc. The practice of invoking conditions involved at least two risks. There was the possibility of inconsistency in the conditions on very similar zone changes but occurring several months or years apart. There was also a question that these conditional uses could be sustained in court. Zoning must be uniform in its application to like properties similarly situated. Neither the granting of special privileges nor the withholding of rights afforded others in the same class are a just use of the police power. Another disadvantage was the large amount of extra work necessary and the chances of error occurring when conditions were made a part of zone change. The Planning Commission and City Attorney's Offices were more or less constantly involved in time-consuming negotiations with petitioners and sometimes remonstrators. The volume of detail necessary to keep zoning maps and records correct became quite burdensome on all offices concerned; the Auditor, City Attorney, Bureau of Buildings, and Planning Commission. The sheer number of special conditions applying to hundreds of properties throughout the City caused complexities most difficult for the Bureau of Buildings to cope within the day-to-day administration and enforcement of the Zoning Code.

7. The 1924 Code left too many situations open to doubt

Amendments had not kept up with changes in the mode of property development, transportation and the urban way of life. There were many types of industrial processes, social institutions, entertainment facilities which were not mentioned as being permitted in any zone. These omissions caused difficulties in administration, impeded

development and created poor public relations. There were discrepancies that made the code vulnerable legally. The State enabling act on city planning and the Portland Zoning Code were in conflict, and there was certainly reasonable doubt that the local option procedure was constitutional.

Impact of the New Code

With the advent of the 1959 Code, zoning regulations and the zoning map were upgraded by a wide, wide margin in Portland. For the most part, the old code was well below the level of development in the City. The new code provided a vehicle for continuing and bettering the quality of development typical of Portland.

Population density control both in single-family and apartment zones were instituted for the first time. Four single-family residential zones reflecting the varying lots sizes in the different sections of the City were created. Zone II, Apartment was divided into three different zones to take care of duplexes and garden apartments, low rise but more dense apartment development, and tall apartments in the central part of the City. For the first time commercial zones were separated from industrial. Four of these were enacted. The commercial office-clinic-park like zone (C5), a small neighborhood store retail zone (C4), a general commercial zone (C2), and a special zone for the central business district (C1). Two high-grade manufacturing zones, which didn't exist in the old code were provided: the M4 Industrial Park zone, requiring exceptionally high standards and large open spaces to separate industrial plants from bordering residential properties, and the M3 Light Manufacturing zone. Replacing the old Zone III is the present M2 General Manufacturing zone. M1, Heavy Manufacturing zone is more restrictive than the old Zone IV, which was honestly called "Unrestricted." Provision was made for blurring the fine line separating zones by instituting step-down building heights, transitional uses, and the special Buffer zone. Planned unit developments were provided for even at that early date of 1959, some ten years in advance of their general popularity. Design review was extended. Another aspect of the visual disorder was attacked by setting termination dates for billboards.

But possibly the most significant changes had to do with the general upgrading of the zoning map. Wide spread Zone II districts were greatly reduced to reflect the predominant one-family development which had occurred over the years in these apartment zoned areas.* Not only was the Zone III pattern

* In 1947 when work got underway to revise the 1924 code, more than 24 sq. miles was provided for apartments but the land area occupied by all the apartment buildings in the City

reduced in area but most of it was greatly upgraded from the general manufacturing category to general commercial. Even in those portions which remained in M3 Light Manufacturing ceilings were placed on the expansion of manufacturing processes and traffic generation in those areas quite closely associated with adjoining residential use. The device utilized was to set limits to the floor space devoted to manufacturing and wholesaling uses.

The more important map changes are next described.

MAJOR ZONING MAP CHANGES MADE
WHEN 1959 CODE REPLACED 1924 CODE

ZONE II (Multi-Family) UPGRADING

St. Johns

On the 1924 map* all of the St. Johns west of the railroad cut was in Zone II with exception of the area around Sitton School. Zone II was changed to R5 except the A1 area south and east of the business district and the A2.5 area where the Fir Court War Housing project was located east of Roosevelt High School.

Portsmouth

Everything north of Lombard Street was in Zone II with exception of the Zone I frontage on Portsmouth Avenue which peculiarly is an arterial street. The 1959 map changed the whole area north of Lombard to R5 except Columbia Villa Housing Project, an area west of Wall Street bordering the railroad cut, and the University Homes War Housing Project which was mapped R7.

Kenton

The area north of Willis Boulevard and east of Wabash was remapped from Zone II to R5.

Southern Woodlawn

The 1924 map had all of the area south of Dekum St. east to 19th, with exception of the frontage on Ainsworth St. in Zone II. The 1959 map placed that portion of Southern Woodlawn south of Dekum and east of 9th in R5 except the frontage on Jarrett Street and the area south of Jarrett from 14th to the west was mapped A2.5

*The expression "1924 map" when used means what the zoning was when the old ordinance was repealed in 1959 and not necessarily what the original zoning was in 1924.

King-Vernon-Sabin

All of the area south of Alberta Street in Zone II was placed on the 1959 map in R5. The area so changed is bounded on the south by Fremont, Union on the west, Alberta on north, 33rd on the east, to Prescott Street and then westerly along Prescott to 15th returning south to Fremont.

Cascade College

The blocks immediately south of Peninsula Park to Killingsworth including blocks occupied by Cascade College were in Zone II but these were placed in R5 on the 1959 map. (This should be checked because the 600-scale zoning wall map shows that area in A2.5 by the letter symbol, but the ziptone color shows it in R5.)

Albina

All of the Albina area south of Killingsworth from Interstate Avenue to Union down to Knott Street was in Zone II. Originally the Mills Ordinance proposed what now is A1 for Albina but adjustments were made in the early part of the 1950's placing this large area in A2.5 with exception of several blocks immediately east of Interstate and north of Going Street which were put in A1. However, most of those blocks were taken by the Minnesota Freeway. The other areas remaining in A1 are immediately east of Jefferson High School, north of Alberta to Williams Avenue. The area bounded by Alberta, Union, Killingsworth and Williams in the Walnut Park residential subdivision was in Zone I Special, a duplex zone, was mapped in the successor zone A2.5. The area south of Russell to Broadway between Williams and Union was in Zone II, proposed for A0 originally, was changed in the early part of the 1950's to A1.

Normandale

The area on both sides of Normandale Park south of Halsey Street to the industrial zoning along Sullivans Gulch was in Zone II. This area extended to 63rd. All of that area was zoned R5 on the 1959 map.

Wilcox Neighborhood

All of Wilcox north of Glisan to the Banfield Freeway east of 60th across 82nd Avenue to the City limits in the vicinity of Multnomah Bible School was in Zone II with exception of three blocks immediately south of the County Juvenile Retention Home. All of that area was changed to R5 except an A2.5 step-down district adjoining the Banfield Freeway north of Halsey Street.

Vestal Neighborhood

The area north of Burnside, Thorburn and Stark from 60th east to 80th which was in Zone II was zoned R5 on the 1959 map except the frontage on Burnside Street to the Thorburn intersection and the frontage for an existing large apartment project on both sides of 73rd between Thorburn and Burnside was mapped A2.5.

Columbia Bible School

A Zone II area east of 87th between Stark and Glisan was changed to R5.

Glenhaven

The district east of the Rose City Golf Course north of Tillamook north to Fremont, including the area around Glenhaven Park and blocks not occupied by Madison High School, were in Zone II. These were placed in R5.

Lee Neighborhood

There was a Zone II section between Sacramento and Siskiyou from 82nd to the City limits, including the gravel pit. That was rezoned to R5 except the gravel pit was placed in R7 on the 1959 zoning map.

Bridger Neighborhood

Practically all of the Bridger neighborhood with exception of the area from Main Street to Alder west of 76th was in Zone II on the 1924 map. All of Bridger was rezoned R5.

Clark Neighborhood

The area south of Taylor Street from 82nd to the City limits and south to the City limits at Binnsmead School was all in Zone II on the 1924 map. All of that area was zoned R5 on the 1959 map.

Richmond Neighborhood

The area from 40th to 52nd north of Division to Lincoln which was in Zone II was placed in R5.

Waverleigh

All of the section south of Division east to 41st north of Powell to the Southern Pacific tracks, including the area south of Ladds Addition in the Waverleigh neighborhood was in Zone II. Most of this was left in an apartment zone, A2.5, with exception of the blocks from Brooklyn to Haight Street from 28th to 41st were rezoned to R5.

Atkinson-Youngson

All of the area between Division and Powell east of 52nd to the City limits on 82nd Avenue with exception of blocks bounded by 71st, Woodward, 82nd and Powell were in Zone II. This solid single-family area was placed in R5 except the blocks north of Woodward between 50th and Franklin High School were put in A2.5 and A1. In the early 1950's few people in this large Atkinson-Youngson area, all of whom live in single-family houses, realized that the entire area was zoned for apartments.

Reed Neighborhood

The area south of Holgate from 28th to 39th north of Steele Street was in Zone II except the Bonebrake property. Most of this area was vacant land up to the middle 1950's. It was rezoned R5 except Reed College Heights and the new residential subdivisions east of Bonebrake and including all of Bonebrake was placed in R7.

Arleta-Lents

The greatest change from Zone II to R5 on the new zoning map occurred in this section of Portland. It exceeded in area the wide sweeping change in St. Johns and the Peninsula District. Everything south of Powell east of 52nd to the City limits at 102nd was in Zone II. All of that area was rezoned R5 with the exception of the transitional A2.5 on both sides of Foster Road, frontage on Woodstock Blvd., and the triangle bounded by Foster, Woodstock and 82nd.

Sellwood-Westmoreland

Practically all of the area west of Milwaukie-17th Avenue south of Duke Street was in Zone II in the Sellwood District; and all area east of 17th to Westmoreland Park south of Malden Street was in Zone II. South of Tacoma was mapped A2.5. All Zone II north of Tacoma Street in Sellwood-Westmoreland District was rezoned R5 except the frontage on Milwaukie Avenue was placed in A1 in locations where there were no businesses. All of the Milwaukie-17th arterial frontage south of Yukon was Zone III on a 1924 map, as was all of 13th south of Bybee.

Linnton

All of Linnton and the entire Forest Park area south to the old City limits at Willamette Heights was in Zone II. The 1959 map zoned the developed area of Linnton proper in A2.5 and placed the rest of the residentially occupied area from there to the St. Johns Bridge in R7. All of Forest Park was placed in R10.

Northwest

The division between apartment and single-family in the northwest area was left largely undisturbed except just south of Wallace Park and Chapman School on the 1924 map there was only one block in Zone I. That was increased to about 6 blocks from 25th to Cornell between Pettygrove Street and Marshall. The drastic change made in Northwest was to invoke density controls. Under the old Zone II, which had no limit, this had become by far the densest developed area in the City. The A0 zone between 19th and 23rd does allow density considerably over that now existing, but the area west of 23rd was placed in A1 in line with the policy of keeping down building heights at the base of the West Hills so as not to obstruct views from R zoned residential areas above.

Vista-St. Clair

It is worth mentioning that the original drafts of the 1959 map did attempt to put the single-family district south of Park Place from Washington Park to 21st north of Jefferson Street in an A0 zone. The occupants of those large fine houses made the most vigorous protest of any section of the City. So on the new map that area was put in R5 because it was Zone I on the 1924 map.

ZONE I (Single-Family) CHANGES

Portland Heights-Marquam Hill-Council Crest-Southwest

Except for a few small business (Zone III) areas, all of the southwestern section of the City on and around the west hills, including the Terwilliger Neighborhood, was in Zone I. The major upgrading was the rezoning of most of the area to either R7 or R10 because existing development was on lots considerably larger than 5,000 sq. ft. The only significant areas left in R5 were a portion of Portland Heights, the small area between Terwilliger Blvd. and Barbur Blvd. immediately north of Hamilton Street, the south part of the Terwilliger neighborhood, and South Burlingame. Probably a closer examination of South Burlingame might reveal that most of the houses are on lots larger than R5.

Changes from Single-Family to Apartment Zones

There were a few instances where property in Zone I on the 1924 map was placed in an apartment zone on the 1959 map. As an example, the frontage on Albina Street between Portland Blvd. and Lombard Street was changed to A2.5, although one block of this south of Dekum was originally in Zone III and was also changed to A2.5.

Another example is the frontage on Portland Blvd. between Greeley and Interstate. That was in Zone I and it was put in A1 on the 1959 map. The frontage also on Portland Blvd. east of Williams to Union was in Zone I and that was placed in A2.5. The frontage on Portland from Interstate to Vancouver and on Vancouver north of Portland to Lombard Street was already in Zone II and that was continued as A1 on the 1959 map, with the exception of the frontage on Vancouver north of Bryant Street was put in A2.5.

Another instance of downgrading is the frontage on Killingsworth from 33rd to 42nd. It was changed from Zone I to A2.5. All of the transition A2.5 zones on both sides of Sandy Blvd. eastward of Hollywood were in Zone I except a few blocks of Zone II in the triangle north of Beech Street from Sandy to 82nd.

The A2.5 areas in the Terwilliger District and the small area in A1 just south of Baldock Freeway on Corbett Street, including the area now occupied by Rasmussen's Village, were Zone I. Thus the northern half of the Terwilliger District was downgraded from single family to apartments.

Likewise a fairly sizeable area along Beaverton-Hillsdale Highway, Capitol Highway and Barbur Blvd. around Fred Meyer's Burlingame store, which are now occupied by A2.5 apartments, were in Zone I prior to the 1959 code.

In northern Westmoreland the triangular area bounded by Reedway, Milwaukie and McLoughlin Boulevard was in Zone I and was placed in A2.5. Reed College was changed from Zone I to A2.5 on the 1959 map.

ZONE I SPECIAL (Duplexes)

All of Brooklyn District was put in a Zone I Special duplex zone at some time after 1924. Originally it was in Zone II. The 1959 map changed the Brooklyn area to A2.5 zone. Since 1959 the northern part of Brooklyn has been successively spot zoned to A1. This is a policy the Planning Commission is following, which, however, does not have universal support in the Brooklyn district.

ZONE III (Manufacturing) UPGRADING

The old Zone III corresponded quite closely to the new M2 General Manufacturing Zone. Zone III permitted a wide range of manufacturing uses. There has thus been a drastic upgrading of the strip-zoned streets all over the City by placing them in C2, General Commercial zone. And there has been considerable upgrading by placing Foster Road, Powell Blvd., and portions of Glisan, East Burnside, and Sandy Blvd. in M3, Light Industrial Zone because the uses permitted are much more restrictive than Zone III and floor area limits also prevent manufacturing and wholesaling from expanding into large plants along these streets closely bordered by residential districts.

St. Johns

The important upgrading of the Zone III strips in St. Johns was changing some of the frontage on Fessenden, St. Louis and Lombard Street (old Jersey Street) to A1 zone. Actually the St. Johns business district was enlarged by placing more area in C2 than was formerly in Zone III, while the slopes of the hill which were in Zone III down to the Union Pacific Railroad were mapped M2 and some of that Zone III was placed in A1 along Burlington and Leavitt Avenues.

Portsmouth

All of the frontage on Fessenden from Exeter Avenue to the railroad cut and all of Wall Avenue (a street car line street) from Fessenden to Lombard were Zone III strips. These were mapped R5 except the north side of Fessenden across from Clarendon Park and the west side of Wall Avenue from Fessenden to Hudson were put in A2.5.

Mocks Crest

One of the major controversies was over rezoning a portion of the frontage on Lombard Street from Fowler to Wabash from Zone III to A1 on the north side and R5 on the south side.

Interstate Avenue

The greatest controversy, which continued for seven years and even produced a champion who ran twice for City Council was over the zoning of Interstate Avenue. All of the frontage was in Zone III and the Mills draft of the map converted sizable portions from business apartment zoning. These portions were not at the time occupied by business, in fact they were occupied primarily by single-family houses. However, Interstate Avenue was the main Pacific Coast Highway, U.S. 99W.

There were some small manufacturing plants along Interstate but the predominate uses were filling stations and motels.

There was great pressure put upon the Planning Commission and the Council to keep it in business zoning, particularly since the Mills draft also had an amortization schedule to retire nonconforming uses. On the one hand the Mills map made several businesses nonconforming and on the other put them on notice that they must go out of business at dates certain in the future. This bold effort at stopping the age old problem of strip zoning was just more than the property owners on Interstate Avenue could swallow. In the end all of the frontage on Interstate Avenue was mapped C2 with the exception of Kandle Sweater Company, which is now Testor Knitting Mill, and the Asthma Nephirin plant, now a bowling alley, across from Oakley Green School were placed in M3.

Northeast 30th

From Alberta Street to Ainsworth Street NE 30th used to be a street car line. The 1924 map placed this half mile distance in Zone III. All of frontage was residential except the intersections of Killingsworth and Ainsworth which were zoned C2 and C4 respectively.

Fremont Street

An instance of an attempted enlargement of a strip zone by the Mills map was the south side of Fremont between 42nd and Rose City Cemetery. The frontage on the north side of Fremont in this area was in Zone III but as it turned out the frontage on the south side was restricted to single family development by deed covenants and could not be converted to C2 General Commercial.

Morrison Street

On the East side, Morrison and parts of Belmont were in Zone III. On request of owners of apartments on these streets portions of Morrison east of 16th were kept in A1 zone although the original draft of the map had them in M2. Likewise frontage on Belmont was kept in an A1 zone, although originally zoned for M3 as an expression of the old Zone III strip.

Northeast 28th

A two-block Zone III section on 28th between Sandy and Glisan was placed in A1.

Southeast Stark

A strip in Zone III on the south side of Stark Street from 45th to 51st, across from the Reid House seems to have had little excuse for being as it contained only a widely separated utility substation and a small store, since converted to a small church. An effort was made to rezone

to apartments and single family, but it failed on the 1959 map.

82nd Avenue

An example of reversion from Zone II to M3, primarily, and some C2 is 82nd Avenue. Originally 82nd Avenue was all in Zone II. However, as it was a State highway and the only through north-south arterial from Union-McLoughlin Blvd. out to 122nd Avenue it attracted more and more traffic and more and more zone changes were granted. In fact, it was so spotted with Zone III by the time the 1959 ordinance was enacted that the entire length was placed in M3 except north of Burnside Street it was zoned C2 and north of Fremont Street was kept in A2.5 zone. Otherwise, 82nd Street was left wide open for strip development and it has certainly lived up to those expectations.

Southeast 80th

Between Glisan and Stark, 80th was a streetcar line street. Some business is scattered along that street, so little north of Stark, however, that it was changed from Zone III to R5.

Glisan Street

All of Glisan from 47th to 82nd was in Zone III. The blocks from 60th to 57th was taken out of Zone III and put in A1. This included frontage now occupied by Fred Meyers Store. The land which the store now occupies was considerably below the level of Glisan Street but it was filled by material excavated during the construction of the Banfield Freeway. When the level was made even with Glisan, Fred Meyer was able to get a change to C2. Similar operations by Fred Meyer in the southwest district initiated the concept of requiring all cuts and fills in the City to be conditional uses to prevent the process known as "Zoning by the Blade", meaning the bulldozer blade.

39th Avenue

In contrast to 82nd, residential zoning has been held on 39th. Shortly after World War II, 39th was widened and has attracted heavy traffic. The 1924 zoning map had very little of 39th in the business zone, and the 1959 map did not vary from that policy. Although, at such locations as the Fred Meyer store at Hawthorne and around Holgate Street there has been some expansion of business zoning. One of the major controversies in this respect has been the intersection of Woodstock and 39th. That was in Zone I on the 1924 map and R5 has been kept, although there have been repeated petitions to change to commercial and apartment.

Division Street

Division was a Zone III strip from 12th to 50th. From 16th to 30th the frontage was changed to A2.5 in 1959. However, there have been numerous petitions to rezone to commercial even blocks basically residential. The Planning Commission has gradually started to return to strip zoning by rezoning the gaps to C2 and M3.

Clinton Street

On the other hand, all of Clinton, a street-car line, was also in Zone III from the SP railroad tracks to 26th. The frontage was placed in A2.5 on the 1959 map and has been retained so except where zoned C2 at 26th.

Gladstone

Gladstone was another wide street-car line street with frontage from 28th to 42nd in Zone III. That was all placed in A2.5 except the intersections at 28th and 39th. There was a gap in Zone III on Gladstone from about 34th to 36th, where the south side was in Zone I and the north side was in Zone II. Likewise, the frontage on 28th, also a streetcar line, was in Zone III between Powell and Gladstone. That was put in A2.5.

72nd Avenue

Streetcar lines diverged from Foster Road onto 72nd down to Woodstock and then eastward on Woodstock to the Lents District and beyond. It may have been an interurban line. From Harold to 82nd the frontage was changed from Zone III, except for the intersection of Woodstock and 72nd, to A1 and A2.5. From 82nd to 92nd the frontage of Woodstock is still in C2. Very little demand for business development has been shown on that part of Woodstock since 1959 however.

Sellwood District

All of the frontage on Milwaukie Avenue and 17th Avenue from Yukon Street south was a Zone III strip, as was all of 13th from Duke Street south to Ochoco. Sizeable portions of those two streets were placed in A1 in the case of Milwaukie Avenue, and R5 and A2.5 in the case of 13th.

Portland Traction Railroad line to Oregon City

The Oaks Bottom Area, Oaks Park and frontage on both sides of this electric railway south of Tacoma Street through the Sellwood District were all in Zone III. The draft of the zoning map, approved by the Zoning Committee in 1955, put all of this river frontage into an R5 zone, anticipating

the acquisition for park purposes. However, property owners including the Portland Traction Company and the Oaks Amusement Park, some absentee owners in California, and Portland General Electric Company were able to convince the Council that most of it had to be in a business zone. Most of it was put in a C2 zone. There was quite a controversy where the Rogers Ice Cream Company was located off the railroad track on a spur line on SE 9th. The result was a spot zone just for the Ice Cream Company on the new map, while the vicinity over to and including the river frontage was put in A2.5.

Willamette Park

All of the west bank of the river was in Zone IV down to the Sellwood Bridge. From that point south to the City limits was in Zone III. The strip south of the Sellwood Bridge is, of course, Powers Marine Park, and that was taken out of Zone III and put in R10.

West Side

There are four instances of rather drastic reduction in Zone III on the west side of the river. These are the areas south of Market Street occupied by Portland State University, all of the Lair-Hill-Corbett district between Arthur Street and Hamilton Street, and the Riverview Abbey property. In fact it was customary to put cemetery property in Zone III as well as hospitals and other institutions. All of the Marquam Hill area owned by the University of Oregon Medical and Dental Schools, and the Veterans Hospital was in Zone III. That was placed in A1 zone in order to have conditional use control. However the University has been unhappy about it ever since.

Sullivan's Gulch

Some of the parcels along the Union Pacific tracks through Sullivan's Gulch were upgraded from Zone III to Apartment and R5, but little of this occurred.

An attempt to use zoning to keep open the route of a planned freeway failed prior to 1950 in Laurelhurst. Between 44th and 47th was a vacant tract, the northern part of which had already been designated as a line for the Banfield Freeway.

The Planning Commission upon hearing that Fred Meyer wanted to build a warehouse there initiated a change to Zone II so that expensive construction wouldn't block the freeway right-of-way. Despite strong neighborhood pleas, who didn't want the warehouse either, the Council would not change the zoning

and the warehouse was constructed. In less than five years the State Highway Department had to pay \$750,000 for the entire warehouse. It cut off the northern portion needed for the freeway, sold the remainder to Bemis Bag Company for \$250,000, being a loss of a half a million dollars to the public which could have been easily prevented. Fred Meyer left the area and built his warehouse on Swan Island, a better location for everyone concerned.

Barbur Blvd.

On the other hand, Barbur illustrates how zoning can have an exceptional influence on preserving the best in a city. From SW 13th to Duniway Park was placed in Zone III in 1924 even though this part of Barbur, in fact, was almost a wilderness. The Planning Commission initiated a change of all the frontage on Barbur to Zone I in 1935. The case was taken to court by property owners who wanted it in Zone III. But the City won, so that portion of Barbur in-town from the crossing of Terwilliger Blvd. has been saved from strip development. How unfortunate it would have been if this scenic drive with the wonderful view over the river and City to Mt. Hood had been cluttered up with shoestring business drive-ins as were built where unzoned in the County along Barbur.

(It should be remembered that a considerable area in the southwest section of the County has annexed to the City since the 1959 map was enacted. This statement does not compare in detail the previous County zoning to the what it has become in the City as basically it has been zoned in the City the same as it was zoned in the County. Until 1956, of course, this part of the county was not zoned at all, although an interim zoning went into effect in 1953.)

UPGRADING ZONE IV

On the 1924 map all of the harbor area of the City including Guilds Lake and Mocks Bottom was in Zone IV. All of the west bank of the river south of the Hawthorne Bridge, including Ross Island, Hartack Island, and the other islands were in Zone IV. The 1959 map did upgrade some of the Zone IV area. Everything south of the Hawthorne Bridge except at Zidell and Alaska Junk was placed in M2. An effort was made to keep Ross Island and Hartack Island out of M1 Heavy Industrial zoning. It was zoned M3 because there was a rumor abroad at that time that the Southern Pacific Railroad was going to buy these islands, fill them in and build a railroad yard to

replace the inadequate Brooklyn Yard. However, after the code was enacted in 1959, the Ross Island Sand and Gravel Company was able to convince the Council that its holdings should be changed back to M1, even adjacent to McLoughlin Blvd. where the Company was a nonconforming use in Zone I Special, under the old code.

Because of action initiated by property owners on Mocks Crest, the Port of Portland did request that most of Swan Island and Mocks Bottom be changed to M2 Zone from Zone IV rather than stay in M1. However, the ship repair facility at the tip end of Swan Island, together with some of the other properties there which were part of the ship yard operation during the war were put in M1. Another instance of reduction of old Zone IV was in the vacant area north of Barns Yard between the Union Pacific Railroad and Smith Lake, which was put in M2. The Dwyer Lumber Company Mill in the far southeast section of the City was in Zone IV. The upland area was placed in R7, while the area between Johnson Creek and the Portland Traction Railroad, on both sides of 92nd, was formerly in Zone II, was zoned M2 on the 1959 map. In that location developed the first controversy over the requirement that no new dwelling units would be permitted in M2 or M1. Along Flavel Street was a nursery with a good single-family house owned by Mrs. Oswald, and one other single-family house on the north side of Flavel. Although they were between the railroad, the creek and adjacent to warehouses and the lumber mill, the two owners didn't like the idea that no new dwelling units could be built on those properties. They requested and got R5 instead of M2.

LTK:bn
4/22/75

OVERZONING EXPERIENCE IN PORTLAND

The first Zoning Code for Portland enacted in 1924 greatly overzoned the City. Two extensive efforts were made to reduce the overzoning, particularly from Zone II apartments to single family.

The extent of the overzoning ten years after the City was zoned is shown by the following table:

<u>1934 Land Use Survey</u>			
Use	Area Used acres*	Area Zoned acres*	Overzoned
One family	8879	6195	
Apartments & duplexes	529	15440	29.2 times
Commercial & light industrial	1278	5146	4.0 times
Heavy indus. & railroad	2204	3963	1.8 times

* Street area not included.

Roughly 7 1/2 square miles were changed prior to 1959 resulting in a reduction of apartment overzoning down to about 10 times the area so used. With the enactment of the 1959 Code roughly 6 3/4 square miles more of Zone II apartments were converted to R5, R7 or R10 further reducing apartment overzoning to about 6 times the area so used.

During the depression years in the 1930's the City Planning Commission started what was known as the district rezoning projects. One of the strong motivations was to insure that homeowners and purchasers could obtain FHA insured loans without penalty. It was the practice of the FHA to reduce the size of a mortgage made on a single-family house in an apartment zone.

Minutes of the Planning Commission of October 27, 1933, record that Commissioner Ormond Bean, who was Commissioner of Public Works at that time and in charge of the Planning Commission, requested the Planning Commission to appoint a committee to

study the revision of the zoning ordinance. The so called district rezoning project was proposed by the Zoning Committee and acted upon by the Planning Commission on January 14, 1936.

The district rezoning project was an on-going function of the Planning Commission for several years. A detailed survey of each district and a report was made to the Zoning Committee by Harry Freeman, Technical Director. The Planning Commission would initiate the rezoning of these large districts. In the beginning, this was mostly done without a petition from property owners. After World War II, almost all of the district rezoning was done on petition of property owners. Although there is no evidence in the Planning Commission or Council minutes, that the Zoning Committee or the Planning Commission or the Staff held neighborhood meetings in the districts which were up for rezoning, a conversation with Harry Freeman reveals that numerous contacts and meetings were held -- in fact over several months in each area. All property owners within the district proposed for rezoning were notified by mail of the hearing before the City Council and the technical report prepared by the staff was mailed along with the hearing notice. These technical reports were quite detailed. The amount of land use as compared to zoning was always given along with many other facts and a statement of principles to illuminate the advantages of rezoning, and what the consequences would be without rezoning.

At the Council hearing customarily any remonstrances, whatever nature, were referred back to the Planning Commission for reexamination and report. Most remonstrances were granted. It is clear that they did not result in isolated spot zoning within the large districts. Apparently either a whole section would be taken out of the rezoning proposal or such remonstrances were on the border so it was easy to make adjustments without creating spot zones. Seldom did the City Council ask for those favoring rezoning to say anything at the hearing. It is impossible to determine from the Council minutes how many appeared and what was the solidity of support behind the district rezoning.

A total of 52 rezoning projects were accomplished, starting in 1935 in Burlingame and ending in 1954 on the north slope of Mt. Tabor. However, it must be said that most of the district rezoning was done during the last half of the 1930's and the early part of the 1940's. After the comprehensive rezoning effort got underway, with employment of planning consultant Earl O. Mills, district rezoning was sidelined in anticipation of a new zoning code and map.

Each of the 52 district rezoning projects is here recorded in some detail to save another effort in the future of laborious

searching through the microfilms, zoning files, old zoning atlases, old zoning log books and through the Planning Commission and City Council minutes.

Unfortunately not all of the past Planning Commission zoning files were microfilmed, and where the comments are rather sparse, usually this is due to unavailability of microfilmed files.

Map No. 1

PC 759

Location: Burlingame district, and
between Barbur and Ter-
williger Blvds.

Change: III to I, and II to I

Date: March 7, 1935

Ordinance: 66774

This was the first of the district rezoning projects which the Planning Commission initiated to reduce the overzoning of the City for apartments and excessive business and manufacturing zoning.

Barbur Boulevard was just being opened to traffic as the new westside highway entrance into the City from the south, and property owners along this new highway looked forward to selling their holdings at increased prices for business development. The Planning Commission was worried about the prospect of billboards and strip development. Another complication was that the triangular area between Bertha and Barbur was tax delinquent and the county commissioners had the opportunity to dispose of this property to Fred Meyer for a supermarket.

On May 19, 1934, Dr. Charles McKinley, President of the City Planning Commission, made a motion requesting that the staff make studies and surveys of Barbur Boulevard with the view to possible rezoning. The study proceeded and was displayed to the Planning Commission on June 22, 1934. On July 19, 1934, a property owners list was ordered and a communication sent to all owners in the entire district which were to be affected by the proposed rezoning. On October 24, 1934, the Planning Commission voted to rezone the entire area. A public hearing was held on January 10, 1935, for all property owners to present their views to the Planning Commission. As a result of this hearing, the Planning Commission voted to recommend its previous conclusion that the entire district be rezoned. There was a vigorous protest particularly by owners of property at Barbur and Slavin and also by the County Commissioners, but the Council voted the rezoning on March 7, 1935. This action resulted in the City being taken to court over the intersection of Slavin and Barbur. This was the case of Corbett vs. Carson, Multnomah

County Circuit Court 117-930. The City won that case and the district was rezoned as originally recommended by the Planning Commission. There is no evidence in the minutes of the Council, or in the Planning Commission, or in the Planning Commission file, that this rezoning was on a petition of property owners.

Map No. 2

PC 827

Location: Terwilliger neighborhood

Change: IV to III and III to I

Ordinance: 69617

Date: May 27, 1937

This was the second of the large district rezoning projects initiated by the City Planning Commission. It was first acted upon by the Zoning Committee on January 14, 1936, but it was not passed by the Council until more than a year later. An extensive report was prepared by Technical Director Freeman which was adopted by the Planning Commission in March of 1937.

The very large Zone III area, which extended southward from the downtown district along Macadam and Corbett Avenues, being bordered on the west by Barbur Boulevard all the way to SW Nevada Street, was occupied primarily by single-family houses and obviously inappropriately zoned.

According to the Council minutes of February 25, 1937: "In October, 1936 notices were sent to all property owners effected by this proposal for rezoning in Southern Portland and vicinity. Many homeowners have called the office of the Planning Commission to express their approval on the project. Some written approvals have been received. Two owners have written remonstrances against the proposed change of certain property from Zone III to Zone I. A few owners requested verbally that the present Zone III be reduced more than was shown on the original plan for rezoning.

One communication received by the Planning Commission in response to notices was signed by 33 homeowners who wish to be on record as approving the entire rezoning project."

This rezoning project took all of the Zone III land eastward to the Oregon Electric Railroad (now Baldock Freeway) and placed it in Zone I. The Zone IV property east of Virginia Street, south of Carolina, was placed in Zone I except the west frontage of Macadam which was placed in Zone III. Likewise that part of Zone IV, which was north of Carolina, was placed in Zone III.

This rezoning, PC 827, together with PC 759, completed the conversion of the vast Zone II and Zone III overzoning on the southwest side to primarily Zone I and this pattern has been maintained until the present day. Except in the 1959 Code, the Zone I area north and west of Barbur Blvd. was put in R7.

Map No. 3

PC 838

Location: N. Lombard, Vancouver
Buffalo, Congress

Change: II to I

Ordinance: 69803

Date: July 15, 1937

The Planning Commission initiated this fairly small rezoning project on both sides of Lombard Street. There is no evidence of a property owner's petition.

Map No. 4

PC 840

Location: Brooklyn and northern
Westmoreland

Change: III to I special
and II to I special

Ordinance: 70207

Date: November 12, 1937

The northern part of Westmoreland was in Zone II, the rest of Westmoreland was in Zone I. Also all of Brooklyn except the frontage along Milwaukie Avenue and certain blocks along McLoughlin Blvd. were in Zone II. This rezoning changed all of the frontage along McLoughlin as well as the large area west from McLoughlin down the bluff to the Portland Traction Railroad from Zone III to Zone I special, which was a duplex zone. Also, the Zone III frontage on Milwaukie Avenue between Yukon and Harold was put in Zone I special.

This was a Planning Commission initiation as no evidence is found of a property owner's petition. At the Council hearing August 26, 1937, only one parcel in the entire rezoning project had its zoning adjusted from the Planning Commission's recommendation.

Map No. 5

PC 842

Location: North Greeley, Lombard
Interstate and Killingsworth

Change: III to I and II to I

Ordinance: 69997

Date: September 9, 1937

This rezoning encompassed about 400 acres. There was a petition of 102 property owners on Denver Avenue alone requesting that their properties be taken out of Zone III and placed in Zone I.

This was a Planning Commission initiation without a petition from owners, although as was usual all property owners in the entire area were notified by mail. Approximately 300 acres were rezoned, taking in the entire single-family district between 42nd and 52nd north of Woodstock to Powell Blvd. There were 5 remonstrators on Francis Street at the Council hearing. These were referred to the Planning Commission for restudy and were subsequently left in Zone II.

Map No. 9

PC 859

Location: Eastmoreland Heights

Change: II to I

Ordinance: 70703

Date: March 24, 1938

This large change, approximating 400 acres, took in all of the area south of Woodstock and east of Eastmoreland from Duke Street to the southern City limits including the area east of McLoughlin Blvd. and south of the Portland Traction Railroad Line along Willsburg Rd. This was a Planning Commission initiation.

Map 10

PC 863

Location: between Barbur and
Terwilliger north of
Hamilton St. to Pennoyer

Change: II to I

Ordinance: 71008

Date: June 2, 1938

This was initiated by the Planning Commission after receiving a petition from 39 property owners. One remonstrator was able to delay this rezoning project for 3 months. However, in the end all Councilmen except one congratulated the petitioners on their wisdom in changing from Zone III to Zone I.

Map No. 11

PC 864

Location: south of Fremont between
82nd and Rocky Butte
(Military Heights)

Change: III to I and
II to I

Ordinance: 70369

Date: December 16, 1937.

This change was initiated by the Commission on receipt of a property owners petition. Included were owners along 82nd Avenue who wished to be changed from Zone III to Zone I and that was done.

Map No. 12

PC 869

Location: from Halsey to Rose City
Park School between 57th
and 65th

Change: II to I

Ordinance: 70944

Date: May 19, 1938

This was initiated by the Planning Commission.

Map No. 13

PC 872

Location: Gregory Heights

Change: II to I

Ordinance: 70900

Date: May 12, 1938

An initiation by the Planning Commission.

Map No. 14

PC 873

Location: between Stark and
Burnside, 50th to 55th
(Reid home area)

Change: II to I

Ordinance: 70756

Date: April 7, 1938

An initiation of the Planning Commission.

Map No. 15

PC 880

Location: S.E. 71st to 82nd
from Powell to Woodward
(Youngson neighborhood)

Change: II to I

Ordinance: 70633

Date: March 10, 1938

This was a petition by property owners who wished to become eligible for FHA mortgage loans to build single-family houses.

Map No. 16

PC 892

Location: Fremont to Prescott,
62nd to 82nd (Scott
neighborhood)

Change: II to I

Ordinance: 71190

Date: July 21, 1938

This very large district change, about 300 acres, included the far northeast corner of the City in the Harvey Scott School neighborhood north of Sandy Blvd. This change was initiated by the Planning Commission.

Map No. 17

PC 894

Location: between Going and Killingsworth from Greeley to Interstate (Beach School Neighborhood) Change: IV to I and II to I

Ordinance: 71819

Date: December 22, 1938.

This change was initiated by the Planning Commission, and included the bluff area overlooking Swan Island where Madrona Park and Kaiser Hospital are located today. This side slope area was in Zone IV and was changed to Zone I.

Map No: 18

PC 895

Location: Astor neighborhood Change: III to I and II to I

Ordinance: 72609

Date: July 6, 1939.

This was a Planning Commission initiation changing to Zone I from Zone II, including the railroad cut. Also frontage on Wall Avenue was changed from Zone III to Zone I.

Map No. 20

PC 900

Location: Portland Blvd. to Lombard between Interstate and Congress Change: III to I and II to I

Ordinance: 71637

Date: November 10, 1938.

Planning Commission initiated this change after receiving a petition of 51 property owners. Not only was a large Zone II area placed in Zone I, but also the Zone III frontage on Albina Avenue was changed to Zone I.

Map No. 21

PC 904

Location: Fern Hill Park Neighborhood Change: II to I

Ordinance: 71782

Date: December 15, 1938.

At the time this area was largely vacant. The technical report indicated there were a total of 1454 lots of which 1,044 were still vacant. Rezoning was initiated by the Planning Commission without a petition of the property owners. However, at the Council hearings, it developed there was a considerable misunderstanding about the purpose of rezoning and also many questions about taxes, sidewalks, and sewers were raised by remonstrators. It was necessary for Commissioner Bean to address a letter clearing up all these items to each property owner in this large rezoning area of about 200 acres.

Map No. 23

PC 939

Location: opposite Providence
Hospital

Change: II to I

Ordinance: 72427

Date: May 25, 1939.

This small area just east of Laurelhurst was initiated by the Planning Commission.

Map No. 24

PC 953

Location: west of old Forestry Bldg.

Change: III to I and
III to II

Ordinance: 72264

Date: April 20, 1939.

This rezoning was initiated by the Planning Commission at the request of 43 property owners who owned 58 lots in the area or about 30 percent of the total. Even in this older area of the City, according to the technical report, more than one half of the lots were still vacant, 87 out of a total of 156. There was only one remonstrator at the Council hearing who actually wanted more upgrading, desiring Zone I Special to the south side of Thurman instead of Zone II, but the Council declined to make the change.

Map No. 25

PC 954

Location: An L-shaped area from
Congress to Union, north
of Portland Blvd., to
Union Pacific RailroadChange: III to I and
and II to I

Ordinance: 73641

Date: March 28, 1940

This fairly large area on both sides of Vancouver Avenue north of Portland Blvd. was initiated by the Planning Commission. Zone III frontage on Vancouver north of Lombard Street was changed to Zone I.

Map No. 26

PC 959

Location: Interstate to Kerby north
of Lombard to Union Pacific
Railroad

Change: II to I

Ordinance: 73386

Date: January 25, 1940.

This was a Planning Commission initiation.

Map No. 27

PC 993

Location: Woodlawn

Change: III to I and
II to I

Ordinance: 74609

Date: November 22, 1940.

In addition to changing the residential area of single-family homes from Zone II to I, included was the frontage along Dekum Street which was in Zone III from Union Avenue to NE 27th. The part west of Durham was left in Zone III as was the intersection of Dekum and 13th. The remainder was placed in Zone I.

Map No. 28

PC 1005

Location: Cardinell Heights

Change: II to I

Ordinance: 74776

Date: January 2, 1941.

Rezoning of the hill at the end of the South Park Blocks formerly known as Robinson's Hill was initiated by the Planning Commission at the request of Milo McIver, Commerce Investment Company, and three others who owned most of this vacant hillside. The technical report said that of the total of 493 lots, 54 contained one family housing or 439 were still vacant. At the Council hearing there were several remonstrators at the bottom of the hill who wished to remain in Zone II apartment. These adjustments were subsequently made and remain in apartment zoning to this day.

Map No. 29

PC 1007

Location: north of Holman Street
east of 18th, vicinity of
Concordia College

Change: III to I
and II to I

Ordinance: 76063

Date: October 9, 1941.

The rezoning of this area was initiated by the Planning Commission without a petition from the property owners. Some 536 lots were still vacant in this area totaling 800 lots. All of the area was changed to Zone I including the frontage on Dekum Street which was in Zone III from 18th to 27th. An exception to the change was an area which had previously been acquired or was in the process of being acquired for the Dekum Courts Public Housing project. This was left in Zone II.

Map No. 30

PC 1027

Location: SE 76th & Lincoln

Change: II to I

Ordinance: 73671

Date: April 4, 1940.

Planning Commission initiated this rezone on petition of 100% of the property owners. There were no remonstrances at the Council hearing for this 4-block area.

Map No. 31

PC 1094

Location: south of Multnomah
County Juvenile
Detention Home

Change: II to I

Ordinance: 74781

Date: January 9, 1941

Owners in this 2 1/2 block area wanted to get FHA loans. Apparently there was a 100% petition and the Planning Commission initiated the change. At the hearing no objectors appeared.

Map No. 32

PC 1107

Location: Willbridge

Change: II to I

Ordinance: 76004

Date: September 25, 1941

Planning Commission initiated this change at the request of a "rather large number of property owners in the area." About 80% of the land in the proposed change area was vacant. Apparently some or all of the frontage on Willbridge Road which was in Zone III was also included in the requested change. At the Council hearing many remonstrators appeared including some of the original petitioners. More than one hearing was held before the Council before a compromise was reached which restricted the change to the area south and west of Willbridge Road.

Map No. 33

PC 1125

Location: SE 35th and Gladstone

Change: III to I and
II to I

Ordinance: 75257

Date: April 17, 1941.

This was a petition by a single owner to place about 5 acres into Zone I. Frontage on the south side of Gladstone was in Zone III and that was requested to be included in the change. That frontage was developed by single-family houses but the remainder of the property to the south remained undeveloped into the 1950's. At that time a request was made to rezone it back to Zone II. This was done and duplexes and small apartments mixed with some single-family houses were built.

Map No. 34

PC 1133

Location: 15th to 24th between
Shaver and Prescott

Change: II to I

Ordinance: 75652

Date: July 17, 1941

This change in the vicinity of Sabin School was initiated by the Planning Commission. There was no petition from property owners. About one quarter of the area was still vacant at the time of the zone change. At the Council hearing there were no objectors.

Map No. 35

PC 1170

Location: between Stark and Glisan
83rd to 87th

Change: II to I

Ordinance: 76688

Date: February 5, 1942

A petition of 75% of all property and 93% of all property occupied by residences was filed and the Planning Commission initiated the requested change. There was a high percentage of tax delinquency in the area numbering some 86 lots. This area originally had deed restrictions that expired in 1932. The residents did not become concerned until an extension to one house was built so the owner could go into the rug manufacturing business. At the time of the initiation the residents were also opposing the construction of a 7th Day Adventist Church in the area. At the Council hearing no remonstrances had been filed and no one appeared to talk against the zone change.

Map No. 36

PC 1208

Location: Sitton School vicinity

Change: II to I

Ordinance: 77814

Date: Sept. 10, 1942

This was a Planning Commission initiation on petition of Harry Herzog, an architect. At the Council hearing Mr. Herzog said that the change was requested by the Federal Housing Authority. He pointed out the advantage to the City because about 100 lots in the area had become tax delinquent and were City owned.

The original petition included a large area west of N. Lombard. However, there was a heavy remonstrance against the change in that area which would have included not only Zone II but also Zone III. With the cut down area there were no objectors that appeared before the Council.

Map No. 37

PC 1552

Location: Burnside to Thorburn,
between 70th and 72nd

Change: II to I

Ordinance: 83064

Date: July 11, 1946.

This change was requested by petition of property owners.

Map No. 38

PC 1597

Location: frontage both sides
of Milwaukie Avenue
between Harold and
Yukon

Change: III to II

Ordinance: 83659

Date: September 26, 1946

File on this change not microfilmed.

Map No. 39

PC 1684

Location: north shoulder of
Mt. Tabor (Asbahr Heights)

Change: II to I

Ordinance: 85485

Date: July 17, 1947

This was a Planning Commission initiation. No evidence was found in the files of a petition by property owners. However, this land subsequently was subdivided as Asbahr Heights

and it must have been under one ownership. This outstanding view property, which one would expect to have been zoned for single-family originally, had been placed in Zone II in 1924 with the expectation that it would be developed by an educational institution.

Map No. 40

PC 1763

Location: south of Fremont between Interstate and Mississippi Change: III to II

Ordinance: 87205

Date: May 13, 1948

Property owners in this area became alarmed over the possibility of invasion by manufacturing and other business uses. A petition was presented to the Planning Commission who initiated the change. A recent change in ownership in the area had resulted in an unsightly corrugated iron fence being erected. At the Council hearing the petitioners were most concerned about that property and a recent permit reported to have been issued on Minnesota Avenue for manufacturing use.

This particular area had been placed in Zone III in 1924 in anticipation of a new Fremont Bridge.

Map No. 41

PC 1797

Location: Burnside to Stark, between 61st and 63rd Change: II to I

Ordinance: 87555

Date: July 15, 1948

This change was initiated by the Planning Commission at the request of a majority of the property owners who understood that there was a likelihood of an apartment being constructed in the area. Frontage on the north side of Stark Street was taken out of the zone change area at the hearing.

Map No. 42

PC 1808

Location: Division to Powell between 41st and 50th Change: II to I

Ordinance: 87558

Date: July 15, 1948

At the request of a large number of property owners in the area, the Planning Commission initiated this change. The Planning Commission also said such a change had already been

recommended on the new zoning map being prepared by Mr. Mills, consultant. At the Council hearing 8 appeared in favor, 6 opposed. Of those opposed, 4 were left in Zone II. These were at the far NE corner of the area, just back of the frontage on 50th and Division.

Map No. 43

PC 1814

Location: Alder to Main between
71st and 76th

Change: II to I

Ordinance: 87559

Date: July 15, 1948

This rezoning was requested by a petition of property owners.

Map No. 44

PC 1841

Location: 63rd, Thorburn, Gilham,
Burnside

Change: II to I

Ordinance: 89126

Date: April 14, 1949

On request of a substantial number of property owners in the area the Planning Commission initiated this change. It had also been classified as R1 single family on the proposed Mills zoning map.

Map No. 45

PC 1951

Location: SW Lane, Macadam, Bancroft
Corbett

Change: III to II

Ordinance: 90011

Date: July 17, 1949

This was an initiation by the City Council at the request of the Oregon Electric Railroad. The property was no longer being used for railroad purposes and the company wished to change to Zone II because it was in a residential district. The Council also enacted by resolution a directive to the Bureau of Buildings not to issue any Zone III permits on the property pending the zone change process. The change was supported by residents in the area although it became an enclave surrounded by Zone III on the uphill side and Zone IV below Macadam.

Map No. 46

PC 2040

Location: 77th to 82nd between
Beach and Fremont

Change: II to I

Ordinance: 90927

Date: Dec. 30, 1949

At the request of property owners the Planning Commission initiated this change. At the Council hearing one remonstrator appeared who had two one-family houses, but he wanted to build duplexes in the area.

Map No. 47

PC 2046

Location: between Willamette Blvd.
and the river at the
railroad cut

Change: IV to I

Ordinance: 91610

Date: May 4, 1950

Property owners in the Harbor View subdivision requested this change which the Planning Commission initiated. This was vacant land on the plateau bordering houses on the south side of Willamette Blvd., which had been placed in Zone IV but was 100 or more feet above the level of the river and the railroad tracks. Apparently this was an oversight on the original zoning map.

Map No. 48

PC 2114

Location: NE 74th and 82nd between
Tillamook and Union
Pacific Railroad

Change: II to I

Ordinance: 91795

Date: June 8, 1950

This change was initiated by the Planning Commission at the request of property owners.

Map No. 49

PC 2119

Location: 67th to 71st between
Pine and Stark

Change: II to I

Ordinance: 91948

Date: June 29, 1950

The Planning Commission initiated this change on request of property owners. The Council exempted one lot for which plans were under preparation for a duplex and another lot which would have been made nonconforming, being a conversion of a one-family house into 3 apartments.

Map No. 50

PC 2253

Location: 65th to 71st between
Burnside and Thorburn

Change: II to I

Ordinance: 94256

Date: May 25, 1951

This change was made on petition of property owners.

Map No. 51

PC 2694

Location: between Pine and Gilham

Change: II to I

Ordinance: 100780

Date: July 28, 1954

At the request of 100% of the property owners in this area, numbering 20 all together, the Planning Commission initiated this change. This was the last of 8 separate petitions by property owners on the north and northeast sides of Mt. Tabor to change from Zone II to Zone I.

Map No. 52

PC

Location: 82nd to 92nd between
Sacramento and Halsey

Change: II to I

Ordinance: 73851

Date: May 23, 1940

This change is out of sequence, as no other information was found in the files.

UPGRADING FROM LESS RESTRICTED TO MORE RESTRICTED
ZONES SINCE ENACTMENT OF 1959 CODE

The number of instances where the zoning has been upgraded since the 1959 Code became effective are few relative to the large areas changed by the 1959 Code to correct overzoning for apartments and previously by the district rezoning projects of the 1930's and the 1940's. Also the upgrading since 1959 has been for a variety of reasons. There have been only two examples of upgrading to correct apartment overzoning.

From Apartment Zones to Single Family

Both cases occurred in the Irvington-Fernwood area. One was initiated by the Irvington Community Association, the other by a large majority of resident owners.

From A1 and A2.5 to R5, Irvington PC 5480 (1969)

The southern part of Irvington had been zoned for apartments from the very beginning of zoning in 1924. The 1959 Code placed it in A1. However, there had been practically no apartment development in this large area for more than 30 years. The Irvington Community Association, in conjunction with the Irvington Community Improvement Plan, a study prepared for the Association by the Planning Commission, decided the best future for the area lay with a return to single-family zoning creating an incentive for present owners to maintain their properties rather than let them deteriorate in anticipation that a developer would some day buy for apartment construction.

Excellent staff work was done by Mr. O'Hiser. His report to the City Council is in the appendix, and goes into the considerations leading up to this rezoning in clear detail. This upgrading primarily from A1 to R5 did not come easily. There were several community meetings and many round table discussions with affected property owners and speculators. However, since the rezoning has occurred there have been no attempts to break down the R5.

From A2.5 to R5 NE Hancock eastward of 24th to 32nd
PC 5920 (1971)

This area, which involved primarily the frontage on NE Hancock Street and the north frontage on NE Schuyler, was in Zone I, single family in 1924 Code, although 3 or 4 spot zones had been granted for apartments. Mills recommended that this area be placed in A2.5 in accordance with the principle of mapping apartment transition zones between commercial and single family. The more prominent examples are on both sides of Sandy Blvd. and Foster Road. Reversion back to R5 was a recommendation in the Irvington Community Improvement Program. Then in 1970 another apartment invasion was threatened. The property owners on Hancock and Schuyler took the initiative to request an upgrading of their area from A2.5 to R5. A fuller description is given by the Planning Commission report to the City Council, including a map, in the appendix.

From Commercial and Industrial to Residential

From C2 to A2.5 Vancouver Avenue PC 5133 (1967)

Like the Hancock Street case this one represents a readjustment of the 1959 map back to zoning similar to the 1924 Code. Two blocks on both sides of N. Vancouver Avenue from Beech to Shaver were changed from Zone II to C2, general commercial, by the 1959 Code. The reason being the busy traffic street and rezoning on the corner of Shaver Street to Zone III business and manufacturing. Also the entire block between Beech and Fremont was already in Zone III. The move to upgrade the zoning to apartment was instigated primarily by an influential resident on Vancouver Avenue who was active in the Albina Rehabilitation Project. The Development Commission took the initiative requesting the Planning Commission to rezone 3 blocks from Fremont to Shaver. The City Council in 1966 had rezoned one block to A1 to accommodate a rent subsidy multi-family project. In the final decision the west frontage on Vancouver was zoned for apartment A1 and A2.5, but the east frontage was placed in C2B for expansion of businesses fronting on Williams Avenue. In the appendix is the letter to the City Council from the Planning Commission recommending this upgrading.

From M3 to R5 Columbia Blvd. Buffer Strip PC 5390 (1968)

One of the important reasons for proposing and implementing the open space buffer area on the south side of Columbia Blvd. was to prevent Columbia Blvd. from being lined with businesses and industries which might have a ripple effect southward into the residential area. Thus when the Council made the decision to acquire the buffer strip, the Planning Commission initiated the procedure to rezone from light industrial to R5 single family to correspond to the residential zoning to the south. So this upgrading resulted from a governmental action and was a rezoning of publicly owned property rather than privately owned. Also in the appendix is the rezoning letter to the City Council and a map.

General Manufacturing to Light Manufacturing

There are three instances of upgrading from general manufacturing to light manufacturing, not for any purposes of creating a higher grade industrial development, but to get around the prohibition of new residential construction in the general industrial zone. The rationale for excluding residential use is that industrial land is scarce in the City and should be reserved for manufacturing uses, and moreover, certainly the heavy and general manufacturing zones are poor environment for residential use, either apartment or single-family.

From M2 to M3 Conquerors Bible College PC 5694 (1970)

In reality the zoning wasn't changed but a waiver was made to permit the college to expand. The M2 regulations not only do not permit new residential construction but also prohibit schools, colleges, churches, and other institutions which are intended primarily to serve residential areas. The Conquerors Bible College acquired a former school building serving the Parkside Homes warehousing project. The staff recommended against changing the zoning because of the unfavorable environment in which to operate a college. However, this is not a large or wealthy college with resources for moving to another location. Included in the appendix is the Planning Commission letter and map to the City Council.

It is interesting that the land on which the college is located was in Zone IV Unrestricted. One of the district rezoning projects proposed that it be rezoned to apartments, but this was vigorously opposed by the property owners at the time.

From M2 and M1 to M3 Port Center PC 5800 (1971)

It is the desire of the Port of Portland to have apartments eventually as part of the Port Center development. Thus it was necessary to change the general and heavy manufacturing zoning to light manufacturing, to permit residential use. The Port Center is primarily located on filled land. There was a notch in the shore line between Swan Island and the area occupied by the Union Pacific's Albina railroad yards. The harbor line followed that notch. The Port of Portland was successful in getting the harbor line changed in order to fill that part of the river for the Port Center development. The navigable area under federal jurisdiction outside the harbor line, as was the custom in 1959, was not zoned. Upgrading the zoning took place as part of establishing zoning for the first time for this filled land. The Planning Commission letter to the City Council explaining this in more detail is in the appendix.

From M2 to M3 John's Landing PC 6323 (1974)

The site of John's Landing was a long time industrial area, formerly occupied by the large lumber mill (Jones Lumber Company) which burned in the early part of the 1960's and also by a foundry, which was required to cease operations because it violated the air pollution standards. The objective of the developer of John's Landing was to convert from industrial to residential use as per the proposal on the comprehensive plan to retire industrial in this area, taking advantage of the river, for recreational and residential use. So the upgrading of the zoning to permit residential use, which is not permitted in M2, was in accordance with the comprehensive plan. The letter to City Council explaining this rezoning in more detail is in the appendix.

From Light Manufacturing to CommercialM3 to C1 Enlargement of C1 to South PC 5593

The original intent of the C1 Central Commercial Zone was to provide for a central market place where travel would be primarily on foot. Accordingly, the regulations were directed toward a discouragement of off-street parking in the smaller, high density retail and office building heart of the downtown district. To insure that there would, however, be parking to service the downtown area, the M3 zone which requires off-street parking was mapped surrounding the smaller C1 zone. When the South Auditorium Urban Renewal Project expanded northward, it was the desire of the Development Commission and prospective purchasers to have the C1 zone rather than M3, primarily, to avoid creating so much off-street parking space. For example, if the First National Bank had

been left in M3, it would have had to provide 2800 feet off-street parking spaces. Had this all been done at ground level the First National Bank would have been located in a desert of 28 asphalt-paved parking blocks. The developers of the Portland Commons area also requested C1 zoning instead of M3 and likewise it was desired by the US Government for the new Federal office building in the Lownsdale Civic Center area.

Upgrading by Rezoning for Superimposed Zones

Certainly, the addition to the D Design Control and the extensions of the Signboard Control Zones along with the several superimpositions of the B Buffer Zones represent quite an upgrading of the zoning of the properties affected. The only D Zone which has been added since enactment of the 1959 Code, is the Skidmore Fountain Village area. Although the Planning Commission staff instigated this addition to the D Zone, it was not done until a series of public meetings were held with the property owners and actually a majority of the property owners favored inclusion in the design zone.

The Planning Commission decided on the D Zone for this area when some of the owners began rehabilitation of the older buildings, considerably upgrading them to higher rental uses and improving the appearance of these unique cast iron buildings and historic structures in the City. The additions of two areas in this part of the City to the new landmarks district also represents an upgrading of the zoning.

Six additional S Zones have been enacted since the 1959 Code. These encompass fairly large areas of the City and they exceed in territory by a large amount all of the other upgrading of the zoning since 1959. In 1961, billboard control was enacted along the East Bank Freeway; in 1963 along the Minnesota Freeway; in 1965 along Harbor-Front-Barbur Blvd. from Hamilton Street northward plus an expansion of a previously enacted S Zone as part of the 1959 Code for Front and Harbor Drive only. This expansion was to the west and expanded on the bridgeheads also. In 1966 the Stadium Freeway was included in the S Zone. In 1968, McLoughlin Blvd. was added, and in 1974, I205 Freeway was approved by the City Council, but the ordinance has not yet been written by the Bureau of Planning and resubmitted to the Council for enactment.

Other examples of upgrading include the several superimpositions of the B Buffer Zones in many rezoning cases throughout the City. No attempt has been made to research all of these as it would be a fairly time consuming process. In reality, most of these rezonings were downgrading from

apartment or single family to commercial zone, in themselves, but the B represents an upgrading from the C zones. Certainly the B zone is considerably more restrictive than an outright C2 General Commercial or M3 Light Industrial to which most of these B zones are attached.

Upgrading Through Annexation

At the time of annexation county zoning is terminated and City zoning replaces it. Inasmuch as the county zones are not always comparable to City zones as to regulations, there have been instances of upgrading. For example: A2 apartment zone in the County, can be a more densely developed zone than A2.5 in the City. Seldom, however, on annexation County A2 was changed to City A1. Mostly it was mapped City A2.5. There were also some instances where County R7 was placed in City R10.

There has been some downgrading of zoning at the time of annexation. The City Code has no C3 retail commercial, so customarily County C3 has been placed in City C2. Likewise, for several years the City did not have a Farm and Forest Zone so these areas were placed in R10 or R20 when annexed to the City. Possibly, it is debatable as to whether going from R10 and R20 to the FF Zone, as done in the far northwest part of the City really represents an upgrading. Certainly it does from a standpoint of density of development, but from the standpoint of use it is a downgrading.

The above represent the significant instances of upgrading since the enactment of the 1959 Code. They may not include all of the cases. However, a visual inspection was made of every atlas page. It is evident that there have been few cases of upgrading since 1959. On the other hand, there have been numerous examples of rezoning from a higher to a lesser restrictive zone. In fact, since the enactment of the 1959 zone, the City Planning Commission has handled more than 3,000 petitions for rezoning. Since the numbering system was changed in the early part of the 1960's, some of these 3,000 do represent home occupation, conditional use, and revocable permit requests. But it is certainly safe to say that upwards of 2,500 rezoning petitions have been processed and altogether no more than 40 or 50 of these have represented an upgrading. The 1959 zoning map now represents a fairly realistic zoning pattern relative to land use. The City is still overzoned for apartment and what to do about that situation is included in the next section.

IMPROVEMENTS TO ZONING CODE AND MAP

Most of the changes and new devices introduced in the 1959 Code have been effective. The community is no longer vulnerable to the widespread and wide open uses permitted in the old Zone III Manufacturing Zone. Further invasion of nuisance industries, used car lots, and over-the-road truck service stations onto streets like Hawthorne, Barbur, NE Broadway and Lombard has been halted and with the maximum floor area limits imposed in the M3 Zone expansions of existing industries are under control along Foster and Union Avenues.

Residential neighborhoods in the City which were basically single-family are no longer liable to intrusion by apartment developments because of the drastic reduction in overzoning of Portland for Zone II Multi-family.

However, there are still some problems that need attention and some additions required to the 1959 Code. The purpose of this statement is not to attempt a comprehensive revision, but to address a few important improvements needed to influence the quality and appearance of structures and land development in the City.

Quality of Apartments

It is possible to design satisfactory small apartments within the regulations of the A2.5 and A1 zones. There are several good examples in various sections of the City. But for the most part, apartments which are being built are both disappointing and destructive of the single-family environment into which they are intruding. Areas zoned A2.5 and A1 are still basically single-family in appearance with green open space surrounding buildings. Unfortunately, most of the new apartments can only be described as "barracks in asphalt." Land on the site not occupied by the building is practically all paved, particularly front yards. These are filled with parked automobiles, and many are used as service yards, frequently containing cast off moving cartons and sometimes garbage cans and other litter. These intrusions of a drastically different standard of development and maintenance are destroying the character of the single-family areas in the City and are giving apartments a bad name.

Remedies which seem to be necessary are these:

1. Minimum Site Size

It is evident that it is difficult to build a presentable two-family or more units in a one-story building on a 50 x 100 ft. lot without covering the site with

automobiles, paved areas, and the apartment building. Minimum site size of 10,000 sq. ft. seems a must for A2.5 and probably should be as much as 15,000 sq. ft. for the A1 zone.

2. To insure that there will be some open space on each site not paved for automobile parking the Maximum Lot Coverage provisions should be amended to read: "The area covered by all buildings, including accessory buildings and space allocated to parking and driveways thereto shall not exceed 40% of the lot area." On minimum sites, required yards will take about 30%; so another 30% of unpaved space will be provided for tenant use and enjoyment and neighborhood amenity.

The same language is recommended for A1 with the coverage being 45%.

If adopted, this should loosen the density of development in both A2.5 and A1 because it will be difficult on small sites to build as many units as permitted by the schedules below unless parking is provided in basements or otherwise underneath living units. And that will be all to the good, serving to decrease and discourage open lot parking, in carports, and in garages separate from the apartment building.

3. It is customary to use the front yard for parking and to locate the building to the rear. A regulation increasing the minimum rear yard to thirty feet combined with a restriction that no parking can be permitted between an apartment building and the street should force parking to the rear of the site and the building to the front.
4. The density regulation could be stated in terms of required lot area per bedroom rather than dwelling unit. Past experience with public housing projects which contain units of three, four and even five bedrooms have demonstrated the weakness of the present custom.

	<u>Minimum Site</u>	<u>Bedrooms per Dwelling Unit</u>	<u>Minimum Lot Area Per Dwelling Unit</u>
Proposed A2.5	10,000 sq. ft.	0 and 1	2,500
		2	3,000
		3	4,000
		4	5,000
Proposed A1 1,2,& 3 stories	15,000 sq. ft.	0 and 1	1,000
		2	2,000
		3	3,000
		4	4,000
Proposed A1 4 stories and up	15,000 sq. ft.	0 and 1	500
		2	1,000
		3	1,500
		4	2,000

A1 was also intended to provide for modest height elevator apartments. But such hasn't happened, probably because the density requirements are too stringent relative to land and greater construction costs for multi-story fire-proof buildings. Such buildings of better quality and lower lot coverage, should be better appearing and perhaps more acceptable than the "asphalt and frame" projects now so prevalent.

- Before any of these remedies are enacted it is necessary to have detailed architectural and site studies made of various sized projects to test out the application of the density and coverage proposals. The guiding approach to these studies should be to develop designs which do not exceed the minimum regulations. This is the attitude that the ordinary developer takes. The minimum standards specified in the Code become the normals of development. Practically no apartment project has been built in Portland since the 1959 Code was enacted which provides fewer dwelling units than is permitted by the Code.

The thrust of these proposed changes is to correct the abuses in A1 on all projects and in A2.5 on minimum sites of one, two or just a few lots. Further architectural analyses should be made in applying the proposed A2.5 schedule to large scale developments. Binford, which is of satisfactory design and density, has an average of 2600 sq. ft. of net site area per dwelling unit with only 20% of the apartments being one-bedroom. Two-bedroom units comprise 70% and 10% are three-bedroom apartments.

6. Despite various dimensional regulations, experience shows that they in themselves are no guarantee of a well-designed nicely appearing apartment. Although there are exceptions, generally, most of the apartments being built in Portland which are low-rise have a cheap appearance. In fact, many are not designed by professional architects. The experience of our suburban neighbors is the same, and some of them have started the design review process for all apartment buildings. The process is demonstrating improvement in the appearance of buildings. It is necessary that Portland also consider not whether to go into design review for apartments, but how best it can be done. This is later discussed in this statement, covering not only design review for apartments, but also all commercial and industrial buildings as well.

Proliferation of A2.5 Spot Zones

Several areas formerly in Zone II where generally the housing is old and some poorly maintained and some nonconforming apartments are present, the Planning Commission is following the practice of granting spot A2.5 zone changes. Typical are the areas both north and south of Holgate Blvd., between 39th and 42nd Avenue, the area between Belmont and Stark, west of Glencoe School, and the areas both to the north and south of NE Glisan Street from about 72nd to 79th. Spotting of A1 in the A2.5 zone in the Brooklyn district is being done also.

The remedy suggested for this A2.5 spotting is not to consolidate these areas into several blocks of A2.5 zones, but to amend the Code to permit the construction of duplexes as a conditional use in R5 zones. However, the minimum lot size for a duplex definitely should be larger than 5,000 sq. ft. Suggested is 7,500 sq. ft. As a conditional use, the surrounding neighborhood would be notified, detailed plans would be reviewed for appearance and size of units, and in effect the design review process brought to bear. Conditional use conversion of large houses different from the surrounding houses, which is presently in the Code, should be continued. A survey will show that most of these large houses that can be converted are on lots larger than 5,000 sq. ft. This conversion clause is seldom used because little of the single-family housing in Portland is adaptable to conversion. Most units in the R5 zones, are one story and many are no more than two bedrooms.

To allow new duplexes in the deteriorating areas should assist the gradual replacement of the old housing stock. The general objective of the conditional use procedure should be to get duplexes to look like large one-family houses,

and certainly the regulations have to be written and enforced to absolutely avoid the barracks-with-parking-in-front kind of duplexes that now occur in the A2.5 zones.

Another problem is the bootleg mother-in-law unit in the R7, R10 and R20 zones. That is not to say that there might be a place for the mother-in-law unit in the larger, more expensive housing, but if done as a conditional use it would be out in the open and it could be controlled.

A1 and A2.5 Map Changes

All things considered, the A1 zone has not been satisfactory. It is shocking to contemplate that all of the Sunnyside District for example, which is zoned A1, would be filled up block after block with the kind of apartment developments which are being built in accordance with the present A1 regulations. Sunnyside, like the other broad area A1 zones is still basically a one-family area, particularly in appearance. It is recommended that most of the broad area A1 zones be changed to A2.5.

Likewise, even the 1959 zoning map was guilty of overzoning for A2.5. If there is the prospect of permitting duplexes as conditional uses in R5, then Sellwood, Grout School neighborhood, Waverleigh and Ladds addition could well be changed from A2.5 back to R5. Other neighborhoods would be the Richmond area and most of the strip between Alberta Street and Killingsworth. Examination in the field reveals that the dozens of blocks placed in A2.5 as a transitional zone between Sandy Blvd. and bordering one-family areas ought to be changed back to R5. The housing, certainly east of 60th, in these transitional zones is in good condition. Demand for apartments is yet to be expressed. One wonders whether the owners of these good single-family houses really realize they are vulnerable to intrusion by apartments. The transitional lot provisions in the R5 zones allow apartments immediately adjacent to the business buildings along Sandy Blvd. and provide a desirable step down. Also, if enacted, provision would be made for conversion and for new duplexes in these transitional areas. Along Foster Road there is similar kind of transitional zoning. However, most of that probably should be left in A2.5. Deterioration of housing is far along and change of some type seems in prospect. New, well designed apartments both north and south of Foster should be an advantage in the revitalization of these bordering neighborhoods of housing cheaper than is found in the Sandy Blvd. area.

Offices in A0 Zone

The A0 regulations have proved to be satisfactory except in one instance. It was the intention in permitting offices as conditional uses in A0 to provide some economic means of utilizing large old houses prior to their removal for high-rise apartment construction. Although a number of these houses have been so utilized as offices, conditional use approval was not limited to existing buildings and many new buildings have been constructed purely for use as offices in A0 zone. More and more of the land available for A0 type of apartments is now being used for small offices instead. In 1969 a study was made and a report published recommending that no longer should new office buildings be permitted as conditional uses in the A0 zone. This is job number 6827. Unfortunately at the time the Council hesitated about making such an amendment to the Code. During its consideration before the Council there was a change in the membership of the Planning Commission and subsequently a majority of the Planning Commission also remained unconvinced that this amendment should be made in A0. The problem is becoming particularly evident in the areas between NW 19th, 21st and 23rd as well as in the Corbett district. If the goal of getting more living units close in to the central part of the City is to be achieved, usurping of A0 land for offices should be halted.

C3 Retail Commercial Zone

There is still the need for a C3 zone to be added to the Portland Zoning Code, not only to take care of such zones being annexed and to finally resolve the Sylvan situation but also to promote quality business center development. The C2 general commercial zone allows the mixing of retail lumber yards, secondhand stores, printing plants, trailer storage and servicing, cabinet shops and other uses unwanted in a first-class business district.

Improving the quality of business development in the City is just as serious as uplifting apartment development. Although it cannot be expected that C3 would have widespread application immediately, there are some existing business centers like Hillside, Westmoreland, perhaps even part of the Hollywood district that would qualify for the standards envisioned for C3. Businessmen in these areas might desire such a strictly retail, higher grade commercial zoning.

The C3 zone regulations have all been worked out and were approved by the Planning Commission and submitted to the City Council several years ago. This submission happened at

the same time the Council was wrestling with changes in the billboard regulations when the ten year grace period was ending on the freeways and the bridge approaches. The billboard interests vigorously opposed the C3 zone as billboards were not to be permitted. The City Council referred the matter to our Sign Review Committee which didn't actually exist at that time but even when it was formed the Committee never did settle on standards for billboards outside the S zones and has never considered the identification sign regulations. So the C3 zone has lain dormant.

Identification Sign Regulations

Although Portland can be justly proud of many residential areas, outside of the downtown district there are few business structures and scenes which are actually acceptable visually. A great profusion and confusion of signs is one of the troubles. Anyone who drives streets like 82nd Avenue can't help but conclude that control of identification signs is a necessity. The identification sign regulations have long been written and agreed to by a special committee who made a study over several years. The sign industry people are committed to accepting these regulations. Although their application may not raise sign quality to the level that talented designers could create, certainly they should tone down the present unfortunate abuses. The longer the regulations are put off the more difficult the job will be of correcting the present situation. These regulations should be returned to the Council at this time for enactment.

Design Review

To overcome the standardization of designs by chain corporations, to make an inroad into visual chaos and to improve the poor quality of many of Portland's business and apartment structures, an expansion of design review from the D Zones to all apartment zones, commercial zones and manufacturing zones seems unavoidable. Our suburban neighbors have done this and certainly some of the results are beginning to show in Beaverton and Lake Oswego. One only need look to the excellent results obtained by our own design control committee not only in the D Zones, but in other locations where their expertise has been sought. An example is the Shell Filling Station on Portland Heights at the intersection of Dosch and Patton Roads.

The difficulty, of course, is the volume of work that would be necessitated if every apartment, business and industrial building were submitted for design review. To avoid this overload, a procedure recommended is that if a building has not been designed by a "qualified" architect, then such

structures must be submitted for design review prior to issuance of a permit. This should not only be the means of upgrading the business structures visually, but should be the means of convincing developers that engaging the services of competent and concerned architects would be to their best interests in terms of time and cost. Not all architect-designed buildings are going to be acceptable, but the chances are that a significant improvement in design will be shown over the large number of buildings not now having the benefit of design talent. Many of these buildings are not small, insignificant structures. They are sizable apartments, business buildings and industrial establishments.

How to qualify architects will be a key to the success of this review program. Graduation in architecture, membership in A.I.A., or even registration may not be sufficient tests. The process needs to be highly selective to insure that only good talent gets on the qualified list. The Design Committee presumably would be the logical agency to make these judgments.

This proposed extension of design review to the entire City should not supplant the present D zones and Historic Districts. These should continue as is in these very special areas where all buildings, signs, landscaping, painting, etc. regardless of the designer would be reviewed by the Design Control Committee.

Riverfront Zoning

All of the M1 and M2 zoning south of the Hawthorne Bridge should be reviewed and probably removed. The risk continues of disrupting the long sought conversion of this part of the river to a greenway. Uses which would become nonconforming would not be especially affected, but new investments, prohibitively expensive to remove in the future, would be prevented. Ross Island, the Zidell operation, and the former Inman-Poulsen area, each in M1, not only should be upgraded for purposes of the greenway but if continued in Heavy Industrial status, could make a large surrounding area vulnerable to visual and probably air and noise pollution as well. Sizable intensive M1 and M2 uses could spoil the recreational use of this part of the Willamette and might seriously injure and reverse residential use prospects over a wide area.

Upgrading the zoning alone cannot accomplish the greenway, but it can help.

Zoning Compliance

The Bureau of Buildings is responsible for the administration and enforcement of many different City codes. By necessity, the inspectors are concerned primarily with new construction.

However, many of the control features in the Zoning Code have to do with continuing maintenance. Unless complaints are received, violations of the standards of the Zoning Code can go on for years without correction. It is evident that many requirements in the B Buffer Zones, the P Parking Zones, and many of the conditions attached to conditional use permits, particularly landscaping and screening, are being ignored. Although vegetation may have once been planted, it hasn't been taken care of; it is now dead and deplorable.

There are also continuing violations in the C2 zone because of the carryover in the minds of the business community, of permitted uses in the old Zone III. The U-Rent businesses are examples. Actually some of these are providing contractors with construction equipment and storing other equipment, which is not even permitted in the M3 Zone.

Another area of neglect is the enforcement of the nonconforming use of land provisions in the Code. Regulations are stated in Section 33.94.050. Nonconforming uses of land were supposed to be terminated in 1969. Although billboards, which came under this category, have been taken down, contractors' storage yards, other illegal outside storage, abandoned uses car lots, and other activities which qualify as a non-conforming use of land have continued without any systematic program toward enforcement.

A special zoning compliance section should be created and assigned either to the Bureau of Buildings or to the Planning Commission.

Conditional Use Standards

One structural change in the text of the Code is recommended. It is proposed that tables of conditional use standards be provided in the Code rather than these standards being listed in the text in each different zone. This would take considerably less verbiage, and at the same time should make for an easier understanding of all the parking, yards, heights and area regulations which are specified for the many types of conditional uses. As time goes on, more uses are being transferred to the conditional use class, so the present method of presenting the regulations will become more complex. Tables would simplify and assist conception of the regulations.

Lloyd T. Keefe

File: