

EXPANDING OPPORTUNITIES FOR AFFORDABLE HOUSING

Amendments to the Comprehensive Plan Map, Zoning Map, and Zoning Code



PROPOSED DRAFT
January 2020



For more information ...

Visit the project website: <https://portland.gov/ah-grant>

Contact City staff: Nan Stark, 503-823-3986 or expandingopps@portlandoregon.gov

Testimony on the Proposed Draft is due on February 11, 2020.

How to Testify

The *Expanding Opportunities for Affordable Housing Proposed Draft* will be considered by the Portland Planning and Sustainability Commission (PSC). The public is invited to submit formal comments (public testimony) to the PSC in writing, in person at a public hearing, or online via the Map App. Testimony on the Proposed Draft is directed to the PSC, which may amend the proposal and subsequently vote to recommend the changes to Portland City Council. This is called the Recommended Draft, and the public will have an opportunity to testify on that draft when it is reviewed by City Council.

Testify in person at the Planning and sustainability Commission (PSC) public hearing	Testify in writing between now and Tuesday, February 11, 2020
Tuesday, February 11, 2020 at 12:30 pm 1900 SW 4 th Ave, Room 2500 Portland, Oregon	Map App: www.portlandoregon.gov/bps/mapapp Select Expanding Opportunities for AH and click on the “Testify” button.
To confirm the date, time and location, check the PSC calendar at https://www.portlandoregon.gov/bps/76925	US Mail: You must provide your full name and mailing address. Portland Planning and Sustainability Commission Expanding Opportunities Testimony 1900 SW 4th Ave, Suite 7100 Portland, OR 97201

Next Steps

The next draft of the proposal – the Recommended Draft – will incorporate the changes the PSC makes to the Proposed Draft. The Recommended Draft will be forwarded to City Council for additional public testimony and hearings, deliberations, possible amendments and vote. The public hearing for the Recommended Draft will be in Spring 2020.

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use City TTY 503-823-6868, or Oregon Relay Service 711. Traducción o interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译 | Письменный или устный перевод | Traducere sau Interpretare | Письмовий або усний переклад | 翻訳または通訳 | Turjumida ama Fasiraadda | ການແປພາສາ ຫຼື ການອະທິບາຍ | الترجمة التحريرية أو الشفهية | 503-823-7700 | www.portlandoregon.gov/bps/71701

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Section I: Introduction

Project Summary

This report contains proposed amendments to the Zoning Code that will facilitate development of housing, including affordable housing, on land in the ownership of community-based organizations. The proposed amendments address regulatory barriers that institutions such as faith institutions, fraternal organizations and other organizations face because they are conditional uses in residential zones.

This proposal also includes Zoning Map and Comprehensive Plan Map amendments on sites where community development projects, including affordable housing developments, are planned; most of those sites are in the ownership of community-based organizations.

The major components of the proposed amendments include the following:

- Allow the following alterations to an existing conditional use site without a new conditional use review:
 - Development of housing in compliance with base zone allowances and standards.
 - Removal of up to 50 percent of the existing parking spaces for the development of housing on sites close to frequent transit.
 - Reduction to the conditional use site area when all standards and conditions of approval met.
 - Additions of up to 2,000 square feet of floor area or exterior improvement area; currently up to 1,500 square feet is allowed.
- Reduce the conditional use review procedure type for some alterations to an existing conditional use.
- Minor changes to the Schools and School Sites and Conditional Use Master Plan chapters (33.281 and 33.820) to reflect the change from 1,500 to 2,000 square feet of additional floor area or exterior improvement area allowed without conditional use review.
- Comprehensive Plan Map and Zoning map amendments for a small number of community-based sites and properties adjacent to them.

Commentary describing each amendment can be found on the facing pages next to the zoning code amendments in this report.

Evolution of this proposal

The Discussion Draft served as the first opportunity for the public to review and comment on the draft zoning code and zoning map amendments. The public review period for the Discussion Draft was open from October 28 through December 2, 2019. In the Discussion Draft, the conditional use review exemption was tied to a housing affordability level. In other words, the only housing that would have been exempt based on the Discussion Draft proposal was housing that met an affordability level. The proposal also included a requirement that the Portland

Housing Bureau manage the affordable housing on the Conditional Use site.

Staff received a total of 27 emails and 34 written letters commenting on the proposed amendments. All the public comments received were in support of the proposal. Several individuals specifically commented in support of the exemption's tie to affordable housing.

Staff also received comments from the Bureau of Environmental Services (BES), Portland Housing Bureau (PHB), and Bureau of Development Services (BDS). The most significant change between the Discussion and Proposed drafts is the elimination of the affordability requirement in the conditional use review exemption. The change reflects Bureau comments, and subsequent discussions with PHB and BDS. The primary concerns raised by the two bureaus were related to process.

First, PHB expressed concerns about taking on the role of documenting and enforcing affordability over the long term – particularly if affordability was being achieved by using non-City resources. Traditionally PHB has taken this administrative role on only when a project is utilizing PHB programs and resources to support the affordable housing. The conditional use exemption could potentially be used by projects financed and operated outside of those programs, and that expanded role would stretch PHB resources.

Second, BDS noted that the conditional use criteria are the same whether housing is affordable or not. And, housing is allowed in residential zones by right regardless of whether the housing is affordable or market rate. The conditional use review is focused on the use that is allowed conditionally in a residential zone and should not be used as a tool to determine whether an allowed use should be approved or not.

BDS also noted that with the affordability requirement, they would need to create a new process to document how an organization would guarantee that the units would be affordable. This additional process would potentially be another barrier faced by organizations hoping to avoid the conditional use review.

The goal of this project is to streamline the path for approving housing in zones where housing is allowed and on sites where community-based organizations have expressed a desire to build housing, including affordable housing. The current zoning code regulations present time and cost barriers in the form of a conditional use review for housing that would be allowed outright on other sites in the zone. Consequently, by exempting housing from Conditional Use review, the code will better reflect that residential uses are allowed by right in Residential zones.

It is the assumption that most mission-based organizations that are conditional uses will be motivated to develop housing that is affordable. Without further restrictions set out in the Zoning code on levels of affordability, organizations will be less hindered by regulations while still benefiting from the conditional use exemption. Organizations will still be able to apply for financial support and incentives from the City that help to reduce the cost of development, but they will not be subject to specific requirements that could potentially limit or affect the ultimate project in ways not anticipated or desired (for example, an organization may wish to develop a project providing home ownership opportunities that may not meet Zoning code limits).

In addition to the comments by PHB and BDS, the Bureau of Environmental Services expressed that without a conditional use review, applicants will not receive information in advance of permit submittal about potential infrastructure requirements that will be made. While this is true, it can be assumed that most or all projects of this type will be done in partnership with developers who will seek this information from BES and the other infrastructure bureaus in advance of permit submittal.

The Proposed Draft will be presented to the Portland Planning and Sustainability Commission, which will hold a public hearing and consider public testimony on the Proposed Draft code amendments. The Commission's final recommendations will be incorporated into a Recommended Draft, which will be considered by Portland City Council in Spring 2020.

Addressing equity and housing affordability

In creating the concepts on which this report is based, staff reached out to mission-driven community-based organizations (CBOs) through partnerships created by the Metro grant that was the inception for this project. Many of these groups want to utilize their land, or support organizations that have available land, to develop affordable housing. This work helped identify regulatory and other barriers commonly faced by CBOs, particularly those that are conditional uses on residentially zoned land.

The mobilizing efforts of these CBOs continues to grow as they focus on addressing the housing affordability crisis that disproportionately affects people of color, most of whom are renters. By removing zoning-related barriers to the development of housing on conditional use sites, this proposal can help capture the momentum and potentially expand development opportunities through community-based partnerships.

Section II: Zoning Code Amendments

This section presents staff proposed zoning code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striethrough~~

Commentary

33.281.050.A.

These amendments streamline the review process for expanding development on a school site. Establishing a school requires a conditional use review, and expanding development on a school site requires an additional conditional use when the expansion adds more than 1,500 square feet of net building area (net building area is defined as +all floor area above and below grade minus parking areas). These amendments will allow a school to tear down and replace up to 25% of its existing net building area and/or add up to 2,000 square feet of new net building area to the site without a conditional use review. These amendments primarily address the type of development that the Portland Public School District has conducted over the past few years. PPS often adds portable classrooms to expand use of an existing school. A portable classroom is roughly 1,700 square feet in size. Increasing the threshold for new building area to 2,000 square feet will address this need.

PPS is also going through a process of rebuilding many of the high schools in Portland. The rebuilding often involves tearing down and rebuilding a portion of an existing building, and in some cases, expanding beyond the existing square footage. This amendment will allow PPS to tear down and replace up to 25% of an existing building without a conditional use review. If more than 25% of the existing structure is removed, or more than 2,000 square feet of new building is added to the site, a conditional use review will be required.

33.281 Schools and School Sites

281

33.281.050 Review Thresholds for Development

This section states when development related to schools and on school sites in the OS, R, and IR zones is allowed, when a conditional use review is required, and the type of procedure used. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

- A. Allowed.** Alterations to the site that meet all of the following are allowed without a conditional use review.
1. The addition of new outdoor recreation areas, or changes to existing outdoor recreation areas;
 2. The demolition and replacement of up to 25 percent of the existing net building area on the site;
 - ~~3.~~ The addition of up to ~~1,500~~2,000 square feet of new net building area to the site;
 - ~~34.~~ Increases of exterior improvement areas up to ~~1,500~~2,000 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, Community Gardens, Market Gardens, and increases allowed by Paragraphs A.5 and A.8 are exempt from this limitation;
 - ~~45.~~ Changes that do not result in a net gain or loss of site area;
 - ~~56.~~ The alteration will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
 - a. On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review;
 - b. Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and
 - c. Any cumulative loss or gain of parking allowed in A.5.a or A.5.b is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.
 - ~~67.~~ The alteration meets one of the following:
 - a. Complies with the development standards of this Title; or
 - b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
 - ~~78.~~ The alteration complies with all previous conditions of approval;
 - ~~89.~~ The addition of roof-mounted solar panels that meet the requirements of the base zone, and ground mounted solar panels.

Commentary

33.281.050.B.2.

This amendment reduces the review procedure type from a Type III to a Type II review when reducing site area that takes the site out of conformance or further out of conformance with a development standard. This change mirrors those proposed to the Conditional Use and Conditional Use Master Plans chapters on the following pages. The Type II review procedure still provides notice to neighbors, an opportunity to comment, and the ability to appeal the decision.

33.281.050.B.4-6

This amendment increases the amount of change that can occur on a conditional use site through a Type II conditional use review rather than a Type III review. Increasing the percentage threshold aligns this chapter with amendments proposed for the Conditional Use and Conditional Use Master Plan chapters on the following pages.

- B. Type II.** A Type II review is required when the following individual or cumulative alterations are proposed. The increases in paragraphs B.3 through B.6, are measured from the time the use became a conditional use or the last conditional use review of the use, whichever is most recent, to the present.
1. When proposed alterations to the site will not violate any conditions of approval;
 2. When there will be a net loss in site area ~~that will not take the site out of conformance, or further out of conformance, with a development standard;~~
 3. When there will be an increase or decrease in the net number of parking spaces by up to 2 spaces or up to 10 percent of the total number of parking spaces, whichever is greater;
 4. When the alterations will not increase the net building area on the site by more than 1025 percent, up to a maximum of 25,000 square feet;
 5. When the alterations will not increase the exterior improvement area on the site by more than 1025 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 are exempt from this limitation; or
 6. When the alterations will not increase the net building area and the exterior improvement area on the site by more than 1025 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 are exempt from this limitation.
- C. Type III.** All other alterations to development on the site, including alterations not allowed by Subsections A. and B. are reviewed through a Type III procedure.

Commentary

33.815.040.B.1

The amendments to this Paragraph streamline the review process for conditional uses such as religious institutions and fraternal organizations, in three ways:

1. First, the amendments allow an existing conditional use to change its site boundary without a conditional use review when the change does not affect or alter the remaining conditional use and the boundary change follows existing legal lot lines. In some cases, portions of a conditional use site remain unused. Requiring a review to sell part of an ownership has limited purpose. When the lot in question is unused, there are no impacts to the remaining conditional use site or the surrounding lots. The review is just a costly barrier to selling the lot for development that is allowed by the base zone. Creating a legal lot line will continue to require a Land Division.
2. Second, the amendments increase the square footage threshold for a conditional use. Currently, adding more than 1,500 square feet of floor area or exterior improvement area to a site with a conditional use triggers a new conditional use review. This amendment provides a little more flexibility for conditional uses by increasing the thresholds to 2,000 square feet. The new thresholds comport with the size of several conditional use expansions on park and school sites that have occurred over the past 2-3 years.

This amendment also allows an institution to tear down and replace up to 25% of an existing building without a conditional use review. The redevelopment often involves tearing down and rebuilding a portion of an existing building, and in some cases, expanding beyond the existing square footage. If more than 25% of the existing structure is removed, or more than 2,000 square feet of new building is added to the site, a conditional use review will be required.

3. Third, the amendments eliminate the threshold entirely for expansions of floor area that include housing. With this change, a conditional use can add any amount of square footage (within the allowances provided by the base zone such as allowed housing type and maximum FAR) without triggering a conditional use review if the additional floor area is for housing. This amendment is intended to remove a major barrier that institutions face when utilizing their land for residential use.

Currently, housing proposed on a conditional use site requires the conditional use review. Consequently, by exempting all housing from conditional use review, this code change will better reflect that housing is a use allowed by right in Residential zones.

33.815 Conditional Uses

815

33.815.040 Review Procedures

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development or reduce the conditional use site boundary. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

- A. [No change]
- B. **Proposals that alter the development of an existing conditional use.** Alterations to the development on a site with an existing conditional use and reducing the boundary of a conditional use site may be allowed, require an adjustment, modification, or require a conditional use review, as follows:
 - 1. Conditional use review not required. A conditional use review is not required for alterations to the site and reductions to the conditional use site boundary that comply with Subparagraphs a through g. All other alterations and boundary changes are subject to Paragraph 2, below. Alterations to development and reductions to the site boundary are allowed by right provided the proposal:
 - a. Complies with all conditions of approval;
 - b. Meets one of the following:
 - (1) Complies with the development standards of this Title, or
 - (2) Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
 - c. Either maintains the exiting conditional use site boundary or reduces the conditional use site boundary along a lot line. If the proposal reduces the conditional use site boundary along a lot line, the boundary reduction must not eliminate the availability of services to the properties and the properties must not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management;
 - d. Does not demolish and replace more than 25 percent of the existing floor area on the site;
 - e. Does not add more than 2,00 square feet of new floor area excluding floor area for a residential use that is allowed by right; increase the floor area by more than 1,500 square feet;

Commentary

33.815.040.B.1.g(1)

This amendment allows the removal of up to 50% of the existing parking spaces on sites that are near frequent transit when housing will be developed. Many conditional use sites have parking areas that are underutilized and were created when there was a greater number of users, and/or standards for number of spaces needed do not reflect today's standards.

33.815.040.B.2.a(2) and (3)

These amendments reduce the review procedure type from a Type III to a Type II review when altering the boundary of a conditional use causes the development on the conditional use site to be out of conformance with a development standard and when alterations to the site cause a reduction in parking spaces. A Type III review is costly and can present a barrier to adding development allowed by the base zone. The Type II review procedure still provides notice to neighbors, an opportunity to comment, and the ability to appeal the decision.

33.815.040.B.2.a(4) and (5)

These amendments ensure that in the event a conditional use review is required in order to develop housing on a site (e.g. when the proposal will affect a condition of approval of the existing CU), the review will be processed as a Type II rather than a Type III procedure.

The proposed change from a limit of 10 percent to 25 percent of floor area better reflects the urban, compact nature of many conditional use sites, where an increase in floor area for expansions or additions can easily exceed both the 2,000 square-foot maximum for an exemption from review, and the 10 percent exemption. By increasing the allowance to 25 percent, smaller sites are less likely to be penalized with the higher level review for what is often a minor expansion relative to expansions on larger sites that would still meet the Type II threshold due to the allowance by percentage - thus providing more parity between smaller and larger sites.

- ~~fd.~~ Does not increase the exterior improvement area by more than ~~1,500~~2,000 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems, ground mounted solar panels, Community Gardens, Market Gardens, and parking space increases allowed by 33.815.040.B.1.f, below, are exempt from this limitation;
- ~~ge.~~ Will not result in a net gain ~~or loss~~ of site area; and
- ~~hf.~~ Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
- (1) Removing parking spaces is allowed as follows:
- On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; ~~however, the removal of more than 5 spaces requires a conditional use review; or~~
 - On sites within 500 feet or less of a transit street with 20-minute peak hour service or 1500 feet or less of a transit station, up to 50 percent of the total number of existing parking spaces may be removed when the removal is for adding floor area for a residential use that is allowed by right;
- (2) Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and
- (3) Any cumulative loss or gain of parking allowed in (1) or (2) above is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.
2. Conditional use required. Conditional use review is required for the following:
- a. Minor alterations. Except as provided in Paragraph B.1 above, conditional use review through a Type II procedure is required for the following:
- (1) When proposed alterations to the site will not violate any conditions of approval;
- (2) ~~When there will be a net loss in site area that will not take the site out of conformance, or further out of conformance, with a development standard.~~
- (3) When there will be an increase or decrease in the net number of parking spaces ~~by up to 2 spaces or up to 10 percent of the total number of parking spaces, whichever is greater;~~
- (4) When there will be additional floor area on the site and the floor area is for a residential use;
- (5) When the individual or cumulative alterations will not increase the floor area on the site by more than ~~10~~25 percent, up to a maximum of 25,000 square feet. Floor area for a residential use is exempt from this limitation;

Commentary

33.815.040.B.2.a(6)

The proposed change from a limit of 10 percent to 25 percent of exterior improvement area better reflects the urban, compact nature of many Conditional Use sites, where an increase in improvement area for expansions can easily exceed both the 2,000 square-foot maximum for an exemption from review, and the 10 percent exemption. By increasing the allowance to 25 percent, there will be fewer sites falling under the Type III threshold, and smaller sites will not be as likely to be penalized with the higher level review for what is often a relatively minor expansion compared to larger expansions on larger sites that would still meet the Type II threshold due to the allowance by percentage.

33.815.040.B.2.a(7)

This amendment ensures that in the event a conditional use review is required in order to add housing to the site (e.g. when the proposal will affect a condition of approval of the existing CU), the review will be processed as a Type II rather than a Type III procedure.

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- (~~65~~) When the individual or cumulative alterations will not increase the exterior improvement area on the site by more than ~~10~~25 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by 33.815.040.B.2.a.(3) are exempt from this limitation;
 - (~~76~~) When the individual or cumulative alterations will not increase the floor area and the exterior improvement area on the site by more than ~~10~~25 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by 33.815.040.B.2.a (3) and floor area for a residential use are exempt from this limitation; or
 - (~~87~~) The increases in subparagraphs 3 through ~~76~~, above, are measured from the time the use became a conditional use, the effective date of this ordinance, or the last Type III conditional use review of the use, whichever is most recent, to the present.
- b. Major alterations. All other alterations to the site will be reviewed through a Type III procedure.

Commentary

Proposed changes to this chapter mirror those of Chapter 33.815, Conditional Uses, and are included to also apply to 33.820, Conditional Use Master Plans.

33.820.080 B.

The amendments to this Paragraph streamline the permitting process for conditional uses. Refer to page 12 for more detailed comments.

33.820 Conditional Use Master Plans

820

33.820.080 Implementation

- A. Conforming to the plan.** Uses and development that are in conformance with detailed aspects of the plan are not required to go through another conditional use review. Uses and development subject to less detailed parts of the plan are subject to the level of conditional use review stated in the master plan. They will be approved if they are found to comply with the master plan. Other required land use reviews must still be completed unless they were also approved as part of the master plan.
- B. Not conforming to the plan.** Uses that are not in conformance with the master plan require an amendment to the plan. Development that is not in conformance with the plan and does not meet the following requires an amendment to the plan. Development that is not in conformance with the plan and does meet all of the following is allowed:
1. All conditions of approval must be met;
 2. One of the following must be met:
 - a. Complies with the development standards of this Title, or
 - b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
 3. Either maintains the existing site boundary or reduces the site boundary along a lot line. If the proposal reduces the conditional use site boundary along a lot line, the boundary reduction will not eliminate the availability of services to the properties and the properties will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management;
 4. Does not demolish and replace more than 25 percent of the existing floor area on the site;
 - ~~35.~~ Does not add more than 2,000 square feet of new floor area excluding floor area for a residential use increase the floor area by more than 1,500 square feet;
 - ~~46.~~ Does not increase the exterior improvement area by more than ~~1,500~~2,000 square feet, except that fences, handicap access ramps, on-site pedestrian circulation systems, ground mounted solar panels, and parking space increases allowed by 33.820.080.B.6 below, are exempt from this limitation;
 - ~~57.~~ Will not result in a net gain ~~or loss~~ of site area;

Commentary

33.820.080 B.9.a(2)

This amendment allows the removal of up to 50% of the existing parking spaces on sites that are near frequent transit, when housing will be provided. Many conditional use sites have parking areas that were created when there was a greater number of users and are now underutilized, and/or standards for number of spaces needed do not reflect today's standards.

33.820.090.A.3

These amendments reduce the review procedure from a Type III to a Type II review when altering the boundary of a conditional use causes the development on the conditional use site to be out of conformance with a development standard and when alterations to the site cause a reduction in parking spaces. A Type III review is costly and can present a barrier to adding development allowed by the base zone. The Type II review procedure still provides notice to neighbors, an opportunity to comment, and the ability to appeal the decision.

33.820.090.A.6

This amendment ensures that in the event a conditional use review is required in order to add housing to the site (e.g. when the proposal will affect a condition of approval of the existing CU), the review will be processed as a Type II rather than a Type III procedure.

- ~~68.~~ Will not increase the net number of parking spaces by more than 1 space or 4 percent of the total number of parking spaces, whichever is greater. However, the individual or cumulative addition of more than 5 parking spaces is not allowed without an amendment to the plan; and
9. Will not result in a net loss in the number of parking spaces except as follows:
- a. Sites may decrease the number of spaces as follows:
- (1) No reduction in shared parking spaces is allowed;
 - (2) On sites within 500 feet or less of a transit street with 20-minute peak hour service or 1500 feet or less of a transit station, up to 50 percent of the total number of existing parking spaces may be removed when the removal is for housing;
 - ~~(3) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; and~~
 - ~~(3) An individual or cumulative removal of parking spaces in excess of 5 spaces is not allowed without an amendment to the plan. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.~~
 - (4) Removal of parking from sites with 4 or fewer required spaces is not allowed without an amendment to the plan.
- b. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.

33.820.090 Amendments to Master Plans

Amendments to the master plan are required for any use or development that is not in conformance with the plan, except as stated in 33.820.080, above. The approval criteria of 33.820.050 apply. The thresholds and procedures for amendments are stated below.

- A. Type III procedure.** Unless the master plan specifically provides differently, amendments to a master plan that require a Type III procedure are:
1. Any proposed development on the site that is within 400 feet of the master plan boundaries, unless a greater distance is stated in the master plan;
 2. A proposed expansion of the approved boundary;
 - ~~3. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard.~~
 4. Proposals that increase the amount, frequency, or scale of a use over 10 percent of what was approved (Examples include the number of students, patients, or members; the number of helicopter flights; number or size of special events.);
 5. New uses not covered in the plan which will draw more people to the site, except for those which are replacing another use so that there is no net increase;

Commentary

33.820.090.A.6

The proposed change from a limit of 10 percent to 25 percent better reflects the urban, compact nature of many Conditional Use sites, where an increase in floor area for expansions or additions will easily exceed both the 2,000 square-foot maximum for an exemption from review, and the 10 percent of total floor area exemption. By increasing the allowance to 25 percent, there will be fewer sites falling under the Type III threshold, and smaller sites will not be as likely to be penalized with the higher level review for what is often a fairly minor expansion relative to larger expansions on larger sites that would still meet the Type II threshold due to the allowance by percentage.

33.820.090.A.7

This amendment ensures that in the event a conditional use review is required in order to add housing to the site (e.g. when the proposal will affect a condition of approval of the existing CU), the review will be processed as a Type II rather than a Type III procedure.

The proposed limit from 10 percent to 25 percent better reflects the urban, compact nature of many Conditional Use sites, and the increasing use of transportation alternatives for all uses. By increasing the allowance to 25 percent, there will be fewer sites falling under the Type III threshold, which is more costly in time and money than the Type II review, with generally the same outcome.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

6. Increases in the overall floor area of development on the site over ~~10~~25 percent. Floor area for a residential use is exempt from this limitation;
 7. Increases or decreases greater than ~~10~~25 percent in the amount of approved or required parking. Decreases for a residential use are exempt from this limitation; and
 8. Proposed uses or development which were reviewed, but were denied because they were found to not be in conformance with the plan.
- B. Type II procedure.** Unless the master plan specifically provides differently, amendments to a master plan not specifically stated in Subsection A. above are processed through a Type II procedure.

Section III: Comprehensive Plan Map and Zoning Map Amendments

This section presents staff proposed Comprehensive Plan Map and Zoning Map amendments. The section is formatted to facilitate readability by showing draft map amendments on the right-hand pages and related commentary on the facing left-hand pages.

The changes proposed on the following maps originate from work of the BPS district liaison program, and district liaison work on the Expanding Opportunities for Affordable Housing Project, which was funded by a Metro grant. The proposed Comprehensive Plan Map and Zoning Map changes fall into one or more of these categories:

- The site is adjacent to the zoning that is proposed, or the proposed zone matches the sites underlying Comprehensive Plan map designation;
- The site is on a corridor or TSP-designated collector.
- The change rectifies a nonconforming use or split-zoning situation.
- The site is in the ownership of an institution or community-based organization.
- The change creates a pathway for providing community benefits.

The Comprehensive Plan and Zoning Map changes are primarily on land in the ownership of community-based organizations seeking to utilize some of their land for community benefits, specifically affordable housing. Addressing zoning-related barriers to the development of affordable housing will expand opportunities for such development.

Commentary

Property information:

Owner: Bethel AME Economic Development Corp
Address: 802 and 814 NE Jarrett St
Tax Account #: R136487 and R136486

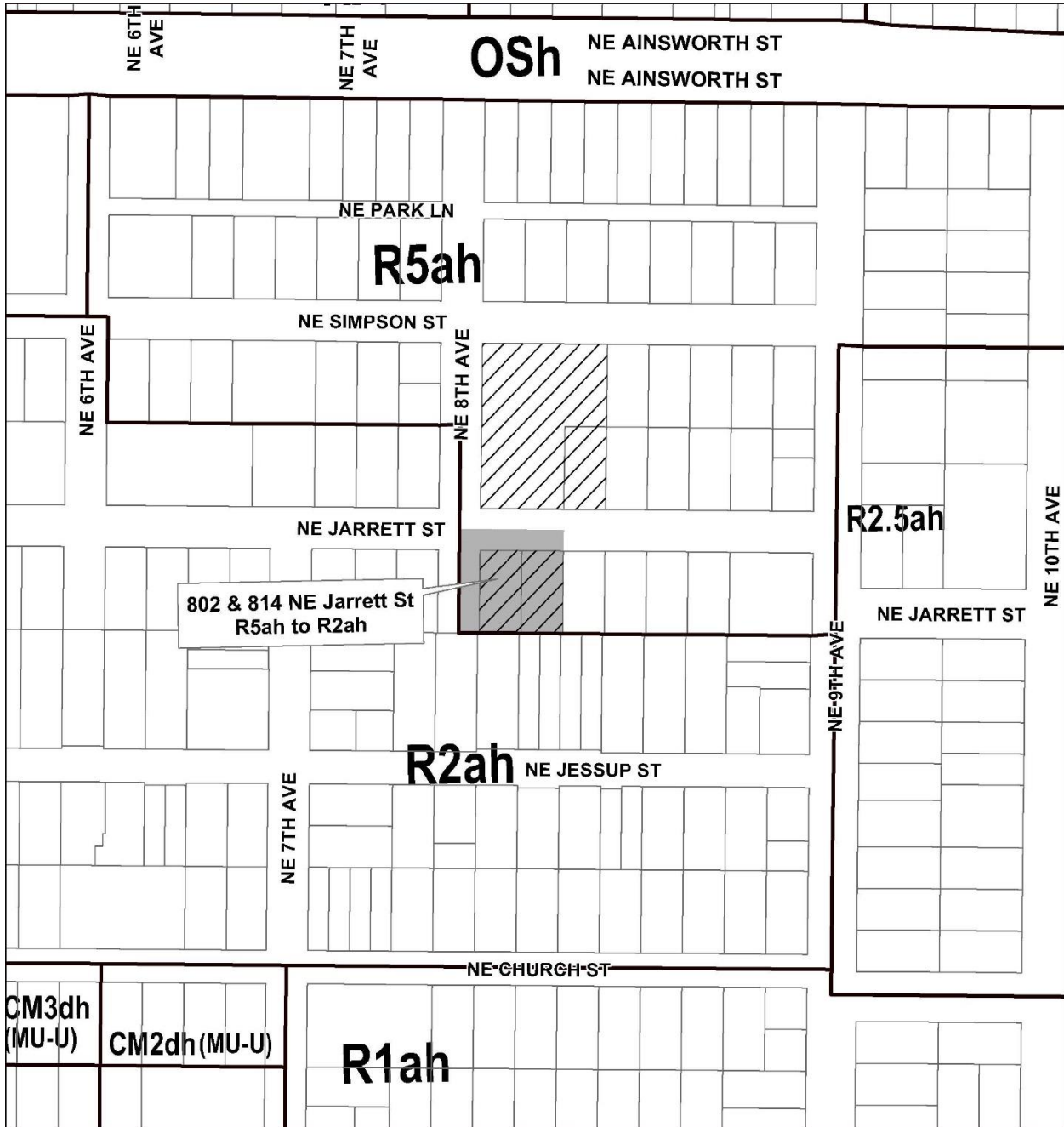
Proposed change:

Comprehensive Plan Map amendment:
from Single-Dwelling 5,000 to Multi-Dwelling 2,000

Zone Map amendment:

from R5ah to R2ah

Bethel AME EDC owns these two tax lots on the south side of Jarrett St, which they anticipate using to develop affordable housing and community service uses. Their adjacent property on the north side of Jarrett St contains worship and community service spaces, where no change to the current zoning is proposed. NE Jarrett St is a Local Service Street in the Transportation System Plan (TSP).






Proposed Draft - Expanding Opportunities for Affordable Housing

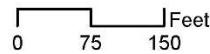
Map 1: Bethel AME

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Legend

-  Existing Zoning
-  Proposed Change Area
-  Common Ownership



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Commentary

Property information:

Owner: Trinity Lutheran

Address: 5606 NE Killingsworth and 5555 NE Sumner

Tax Account #: R317953, R317692

Proposed change:

Comprehensive Plan Map amendment:

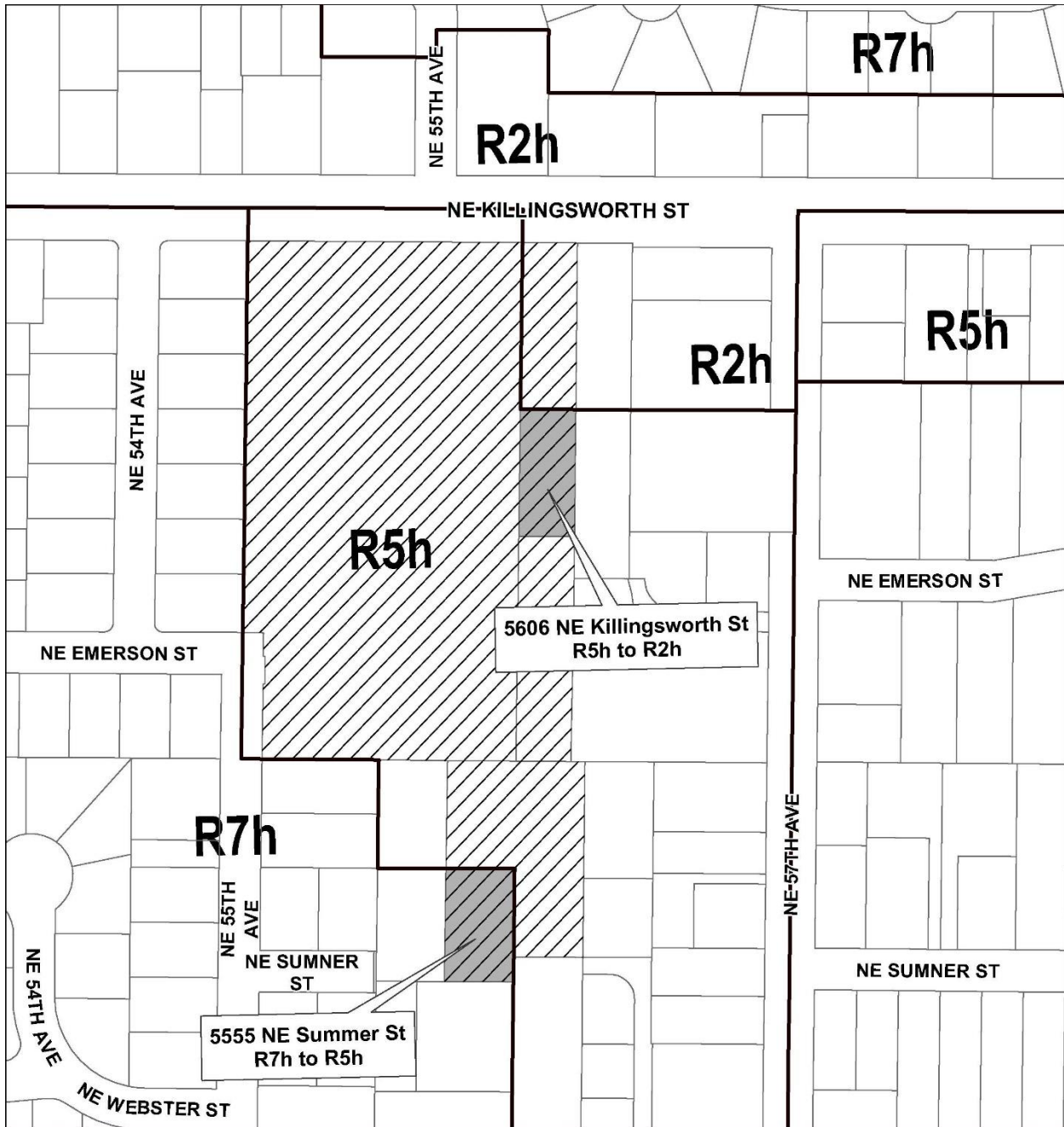
5555 NE Sumner—from Single-dwelling 7,000 to Single-Dwelling 5,000

Zoning Map amendment:

5555 NE Sumner—from R7h to R5h

5606 NE Killingsworth—from R5h to R2h

Trinity Lutheran owns several tax lots that make up the site on which their worship, community service spaces and school are located. They anticipate using a portion of vacant land for the development of affordable housing. The site is currently in three zones. This amendment will rectify the split zoning for the lot at the northeast portion of the site, currently R5 and R2, and split zoning on the south portion, currently R7 and R5. Eliminating split zoning on the lots will remove potential regulatory barriers during the development review process. NE Killingsworth St at this site is a designated District Collector street in the TSP, and NE Sumner St is a Local Service street.






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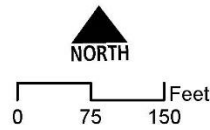
Map 2: Trinity Lutheran

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Legend

-  Existing Zoning
-  Proposed Change Area
-  Common Ownership



Commentary

Property information:

Owner: Zion AME

Address: 4304 N Vancouver and remainder of block currently zoned R2.5 (individual property owners): 4318-4322, 4324, 4406, 4418, 4424 N Vancouver

Proposed change:

Comprehensive Plan Map amendment:

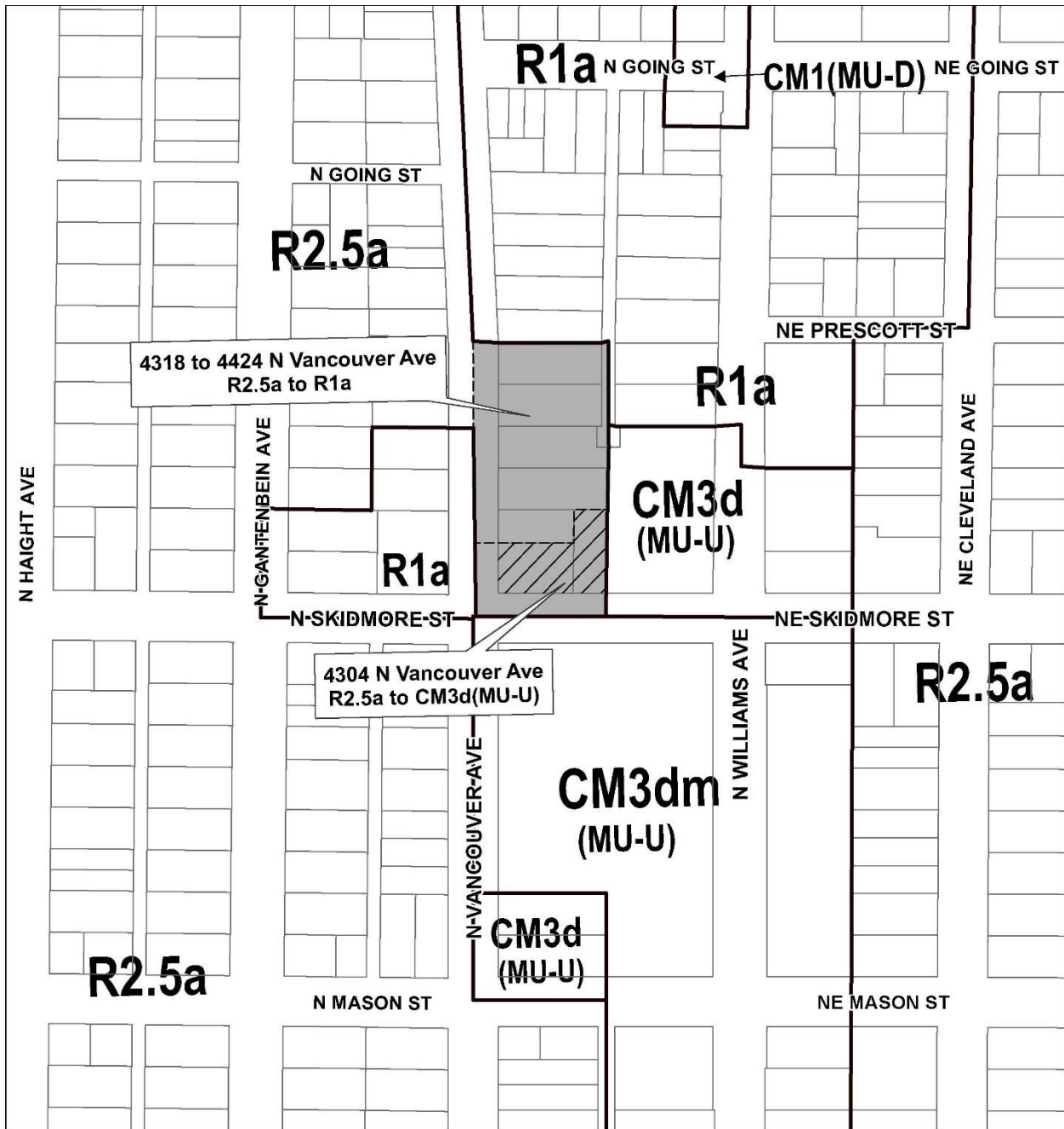
- Parcels R102895 and R102897 from Single-Dwelling 2,500 to Commercial Mixed-Use Urban Center (Zion AME lots)
- Parcels R102889, R102890, R102891, R102894, R102896 from Single-Dwelling 2,500 to Multi-Dwelling 1,000 (5 lots owned by individual property owners)

Zoning Map amendment:

- Parcels R102895 and R102897 from R2.5a to CM3d
- Parcels R102889, R102890, R102891, R102894, R102896 from R2.5a to R1a

Zion AME plans to redevelop their site in the future, and requests this change to match the zoning on the abutting and adjacent properties on Williams and Vancouver Ave. The change will allow for greater development options and a wider range of allowed uses for this site.

The five residentially developed lots to the north of Zion AME are proposed to change to R1 to match the zoning on the remainder of the block, along the Vancouver corridor. N Vancouver Ave at this site is a designated District Collector street in the TSP, and N Skidmore St is a designated Neighborhood Collector street.






Proposed Draft - Expanding Opportunities for Affordable Housing

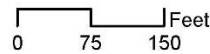
Map 3: Zion AME

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Legend

-  Existing Zoning
-  Proposed Change Area
-  Common Ownership



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Commentary

Property information:

Owner: First Orthodox Presbyterian
Address: 8245 NE Fremont St
Tax Account #: R261007 and R261008

Proposed change:

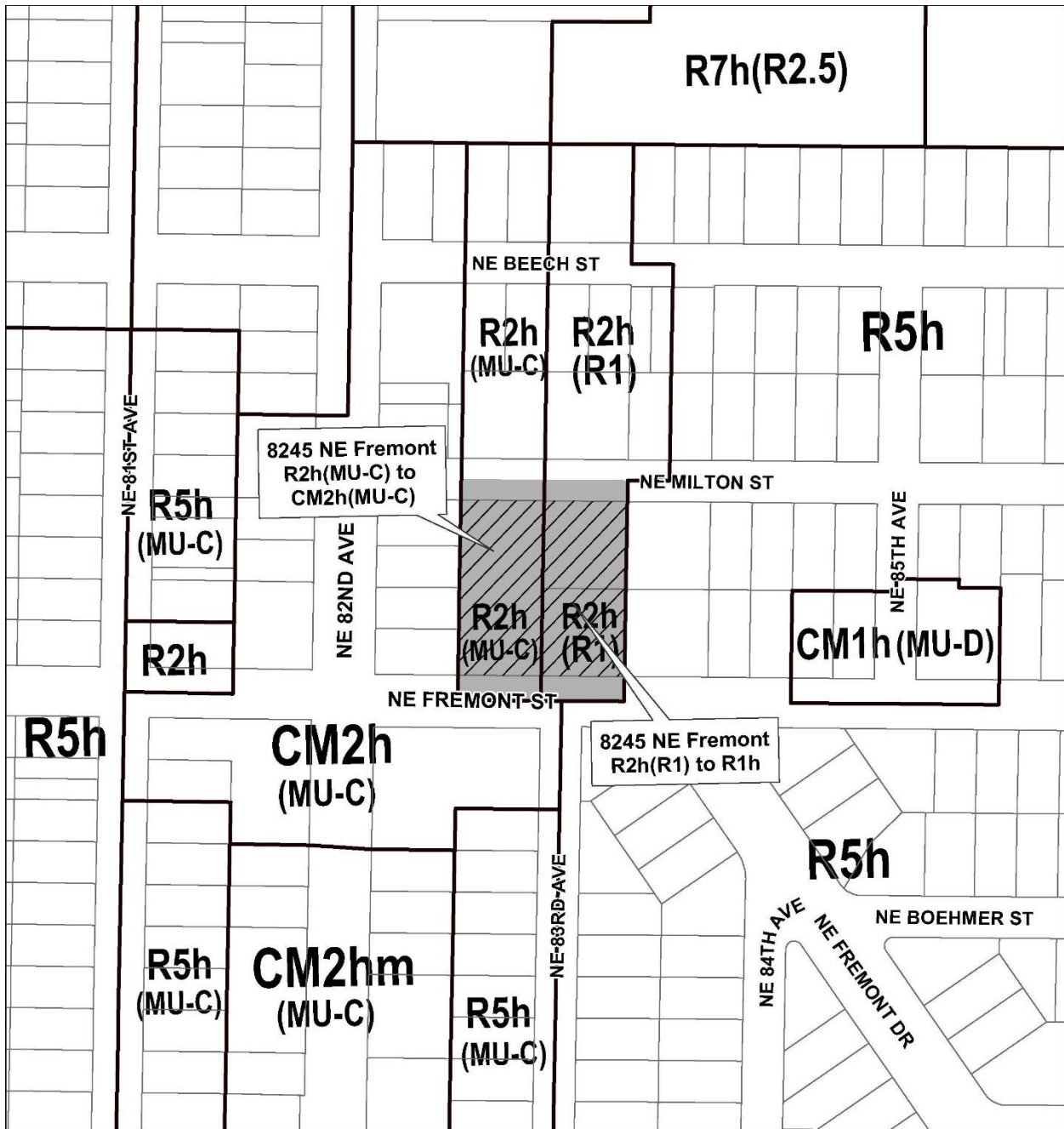
Comprehensive Plan Map amendment:

- East portion of R261007: no change necessary; this portion of the site currently has a Comprehensive Plan designation of *Commercial Mixed-Use Civic Corridor*
- West portion of R261007 and R261008: no change necessary; this portion of the site currently has a Comprehensive Plan designation of *Multi-Dwelling 1,000*

Zoning Map amendment:

- East portion of R261007 from R2h to CM2h
- West portion of R261007 and R261008 from R2h to R1h

The proposed map changes will bring the zoning in conformance with the Comprehensive Plan map. The changes to CM2h and R1h will provide greater flexibility and development options on the undeveloped portions of the site. NE 82nd Ave is designated a Major City Traffic street in the TSP, and NE Fremont St at this site is designated a Neighborhood Collector.






Proposed Draft - Expanding Opportunities for Affordable Housing

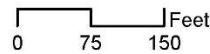
Map 4: First Orthodox Presbyterian

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Legend

-  Existing Zoning
-  Proposed Change Area
-  Common Ownership



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Commentary

Property information:

Owner: Terry Emmert; potential buyer: Hacienda CDC

Address: 7250 NE Killingsworth St, 5400-5404 NE 72nd Ave, 5401 NE 73rd Ave

Tax Account #: R209993, R209994, R210001

Proposed change:

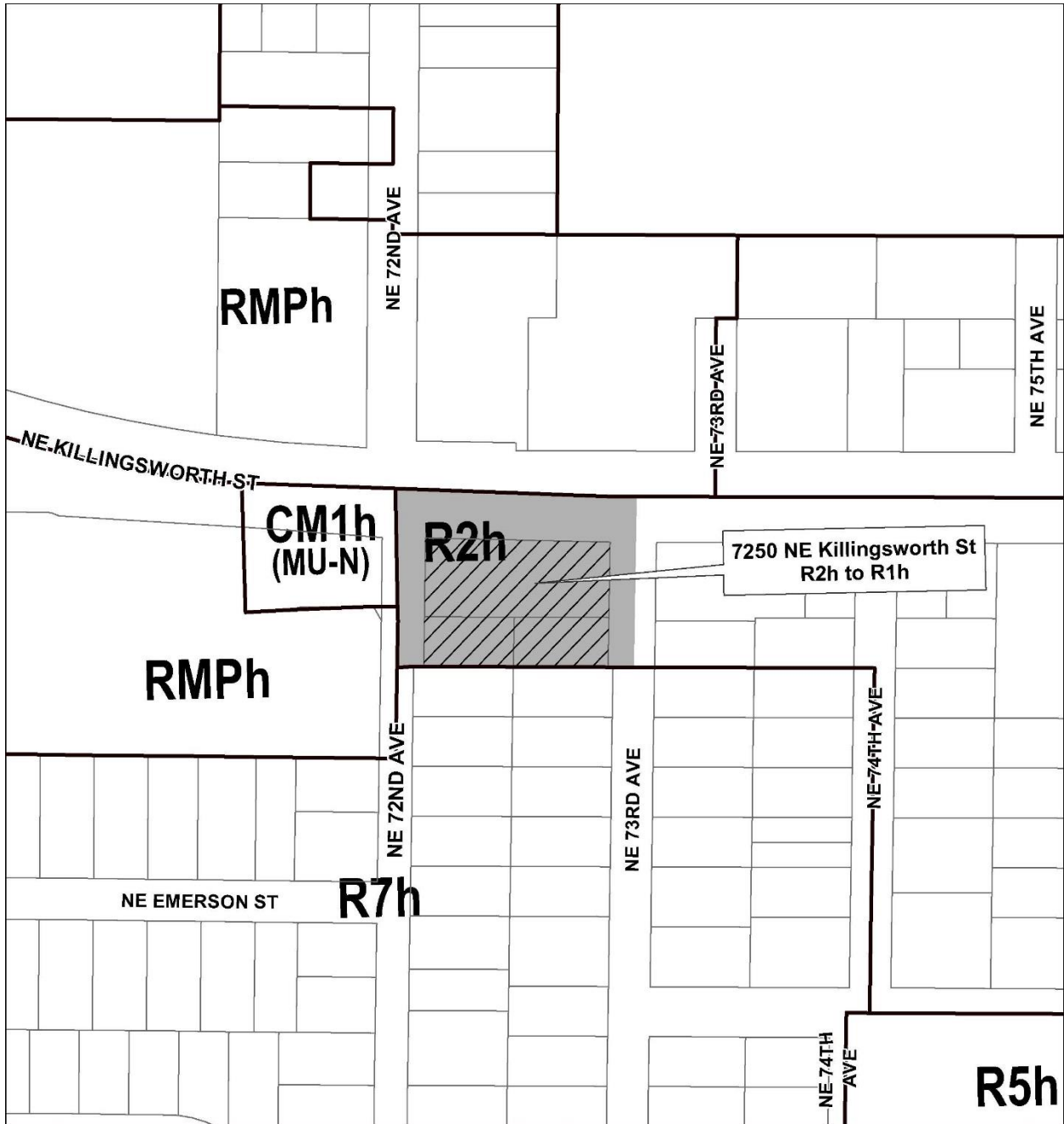
Comprehensive Plan Map amendment:

from Multi-dwelling 2,000 to Multi-Dwelling 1,000

Zoning Map amendment:

from R2h to R1h

Hacienda CDC requests this change to allow for greater density on this site, which they hope to purchase for development of affordable housing. NE Killingsworth St at this site is designated a Major City Traffic street in the TSP.






Proposed Draft - Expanding Opportunities for Affordable Housing

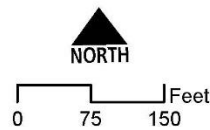
Map 5: Hacienda

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Legend

-  Existing Zoning
-  Proposed Change Area
-  Common Ownership



Commentary

Property information:

Owner: Self-Enhancement Inc

Address: 4511 N Williams Ave (Gordly house)

Tax Account #: R211701

Owner: Overstreet Memorial Powerhouse Temple

Address: 4525 N Williams Ave

Tax Account #: R211700

Proposed change:

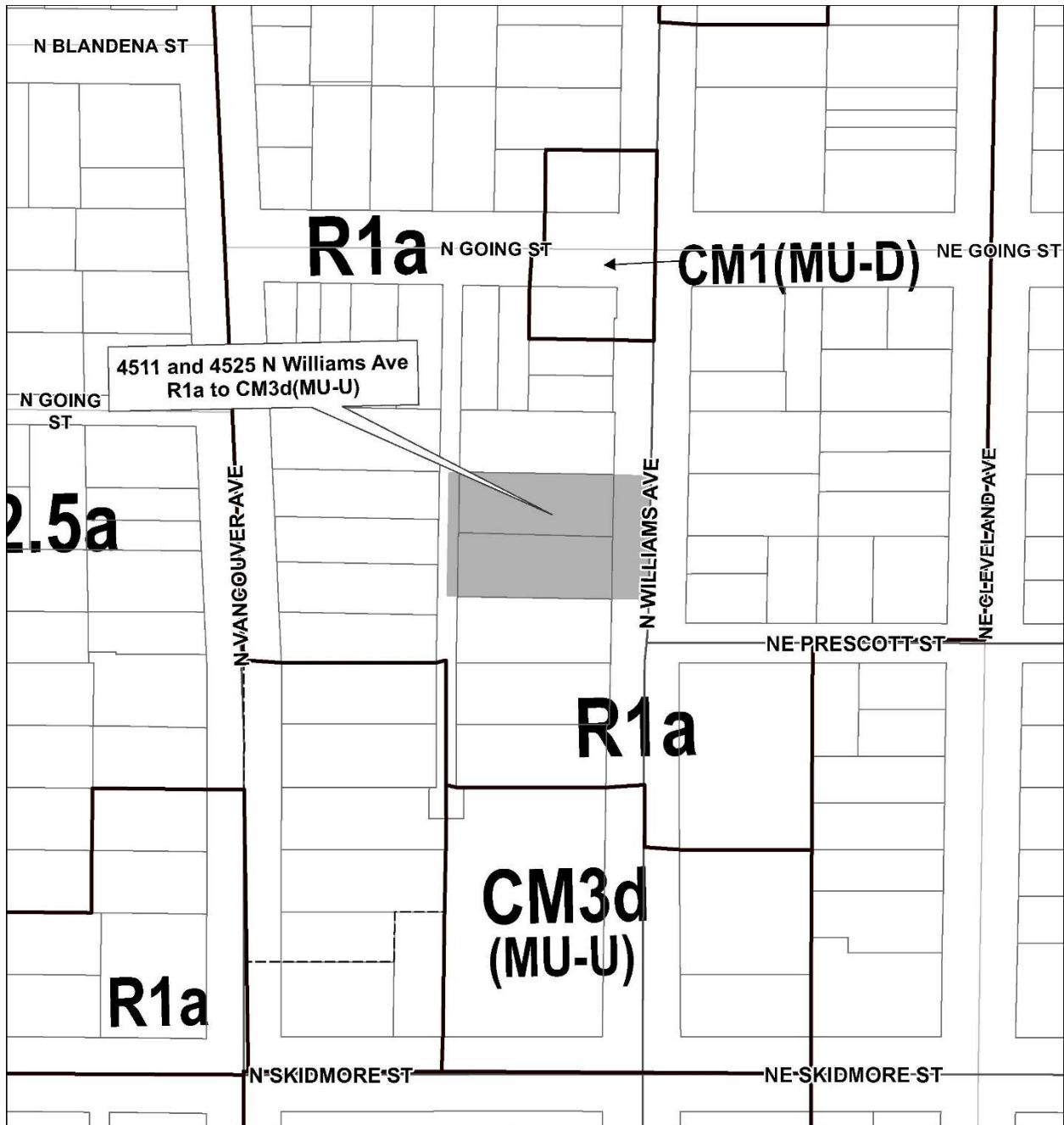
Comprehensive Plan Map amendment:

from Multi-Dwelling 1,000 to Commercial Mixed-Use Urban Center

Zoning Map amendment:

from R1a to CM3d

Portland African American Leadership Forum (PAALF) requests this change to allow for greater development options and a wider range of allowed uses for this site. The change to CM3 is consistent with much of the zoning along the Williams and Vancouver corridors. N Williams Ave at this site is a designated District Collector street in the TSP.





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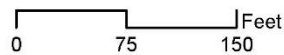
Map 6: Gordly House

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Legend

-  Existing Zoning
-  Draft Change Area



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Commentary

Property information:

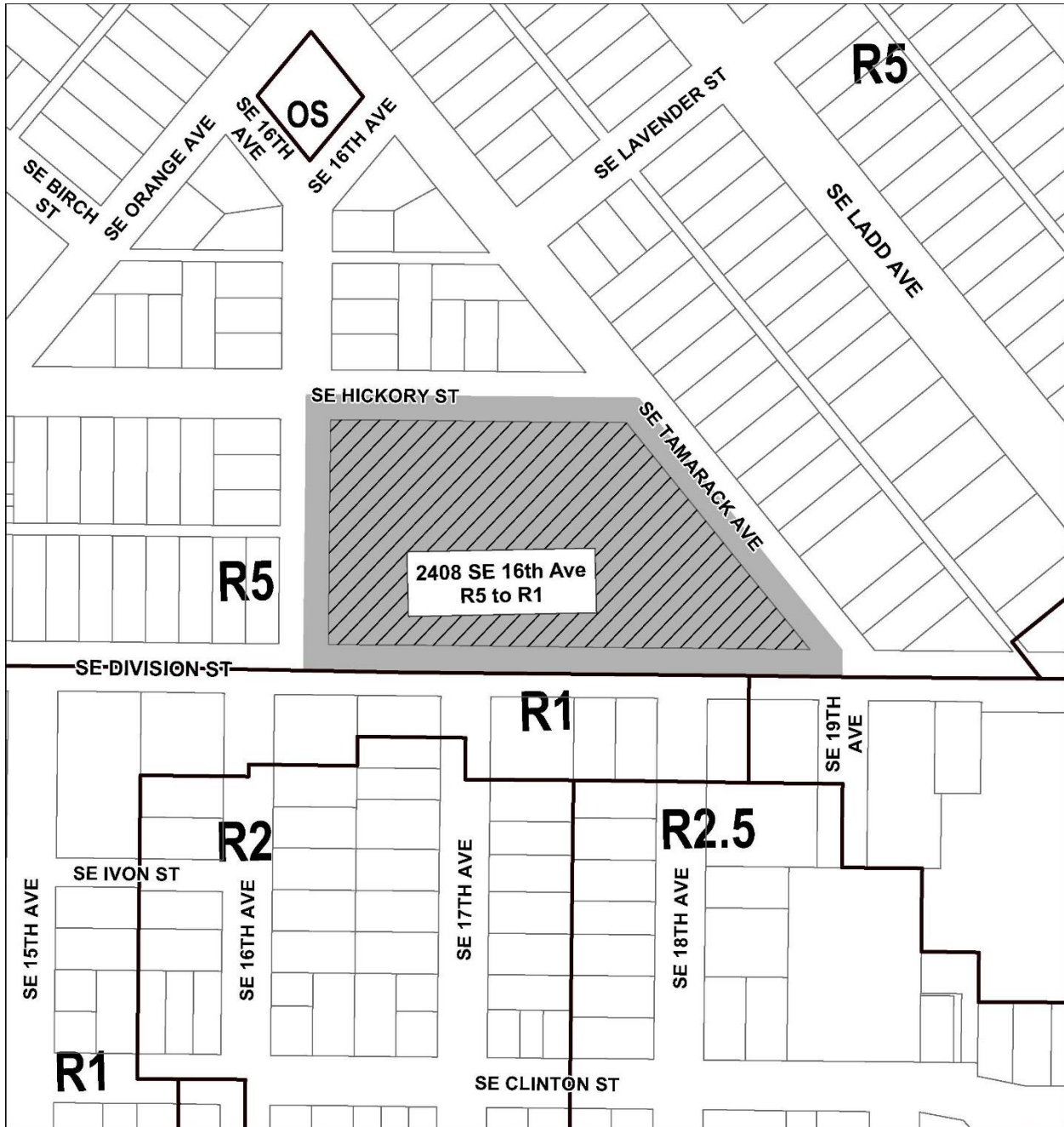
Owner: St Philip Neri
Address: 2408 SE 16th Ave
Tax Account #: R200722

Proposed change:

Comprehensive Plan Map amendment:
from Single-Dwelling 5,000 to Multi-Dwelling 1,000

Zoning Map amendment:
from R5 to R1

St Philip Neri and Catholic Charities request this change to allow for greater flexibility in redeveloping portions of their site for affordable housing. The change to R1 zoning is consistent with adjacent zoning along the Division St corridor. SE Division St at this site is a designated District Collector street in the TSP.






Proposed Draft - Expanding Opportunities for Affordable Housing

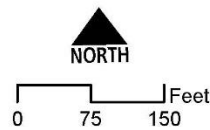
Map 7: St. Philip Neri

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Legend

-  Existing Zoning
-  Proposed Change Area
-  Common Ownership



Commentary

Property information:

Owner: Unity of Portland
Address: 4525 SE Stark St
Tax Account #: R111533, R319386

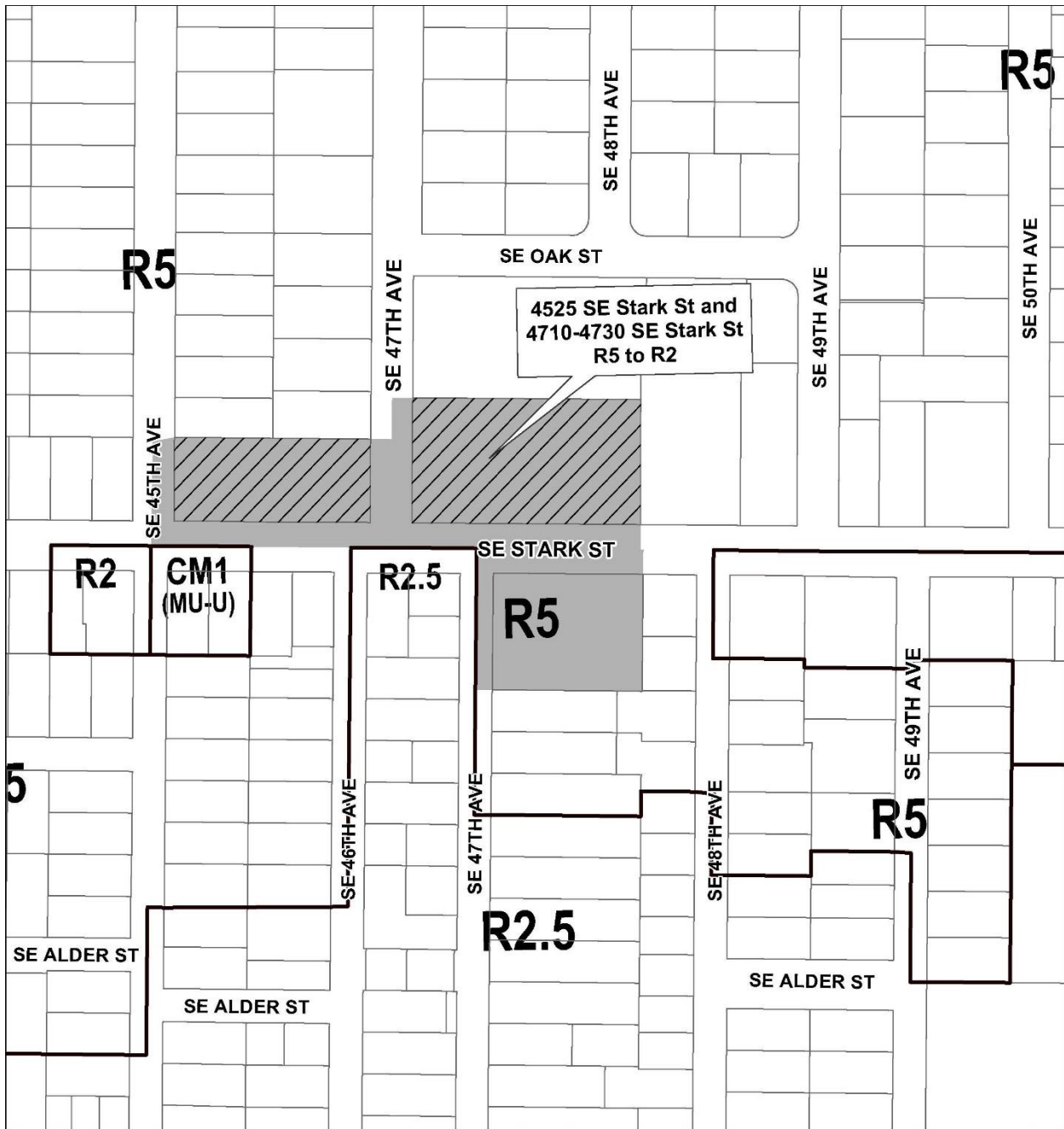
Owner: Stark Street LLC
Address: 4710-4730 SE Stark St (nonconforming multi-plex)
Tax Account #: R149801

Proposed change:

Comprehensive Plan Map amendment:
from Single-Dwelling 5,000 to Multi-Dwelling 2,000

Zoning Map amendment:
from R5 to R2

The proposed map change on the Unity site will allow for greater flexibility in redeveloping portions of their site for housing. The proposed map change on the adjacent property on the south side of Stark St rectifies a nonconforming multi-dwelling development in the current single-dwelling zone. The change to R2 zoning is consistent with nearby zoning along the Stark St corridor. SE Stark St and SE 47th Ave at this site are designated Neighborhood Collector streets in the TSP.






Proposed Draft - Expanding Opportunities for Affordable Housing

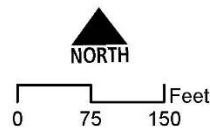
Map 8: Unity

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Legend

-  Existing Zoning
-  Draft Change Area
-  Common Ownership



Commentary

Property information:

Owner: Ascension

Address: 743 SE 76th

Tax Account #: R332502, R332590, R332589

Owner: Sisters Adorers of the Holy Cross

Address: 7408 SE Alder

Tax Account #: R220211, R220212, R220213

Proposed change:

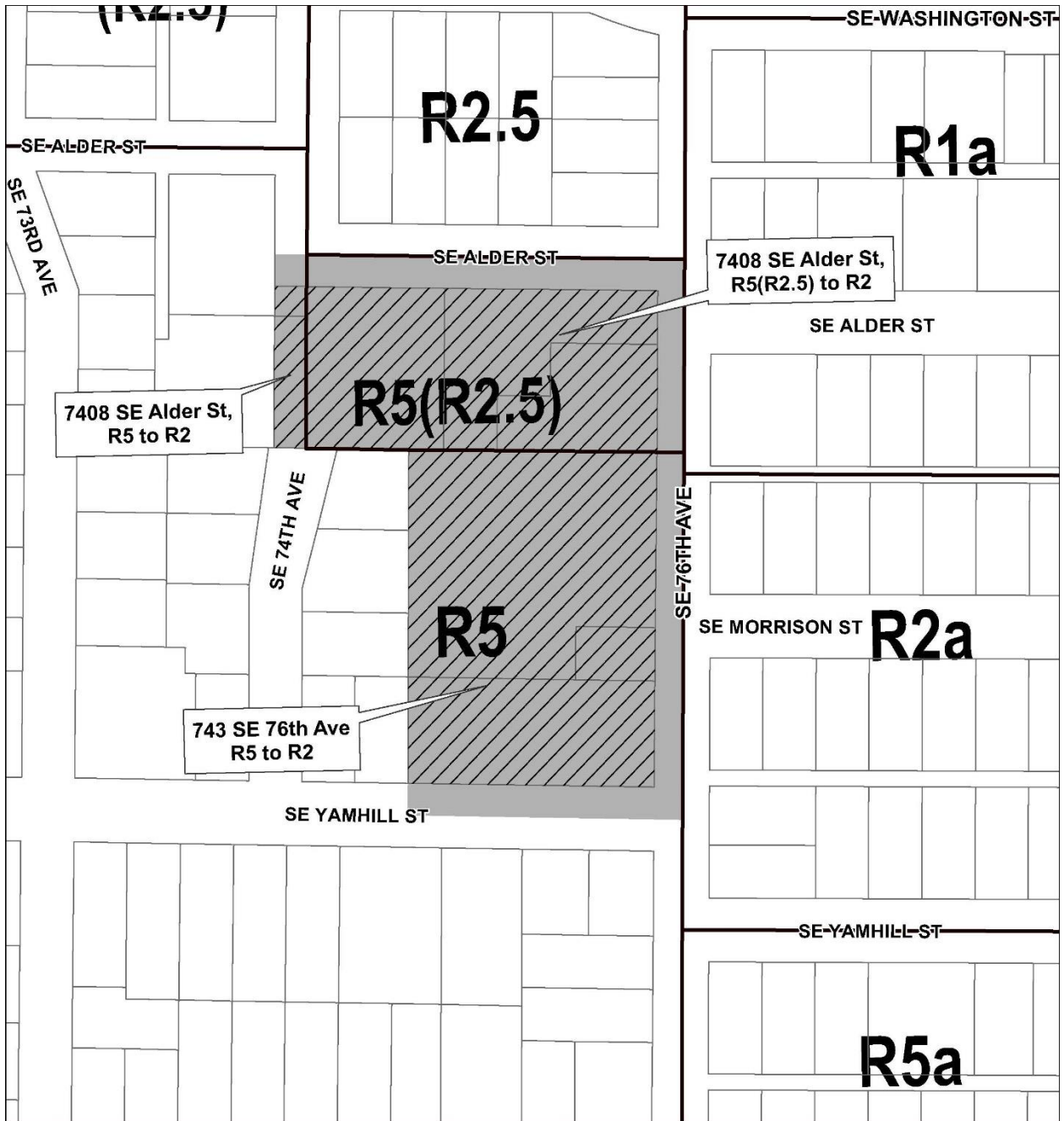
Comprehensive Plan Map amendment:

- R220211, R220212, and a portion of R220213—from Single-Dwelling 2,500 to Multi-Dwelling 2,000
- R332502, R332590, R332589—from Single-Dwelling 5,000 to Multi-Dwelling 2,000

Zoning Map amendment:

from R5 to R2

Catholic Charities requests this change on the Ascension site to allow for greater flexibility in redeveloping portions of their site for affordable housing. The change to R2 zoning is consistent with nearby zoning along SE 76th Ave. SE 76th Ave at this site is a designated Neighborhood Collector street in the TSP.






Proposed Draft - Expanding Opportunities for Affordable Housing

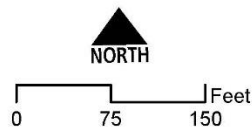
Map 9: Ascension

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Legend

-  Existing Zoning
-  Draft Change Area
-  Common Ownership



Commentary

Property information:

Owner: West Portland United Methodist

Address: 4729 SW Taylors Ferry Rd.

Tax Account #: R302018, R302026, R302025

Proposed change:

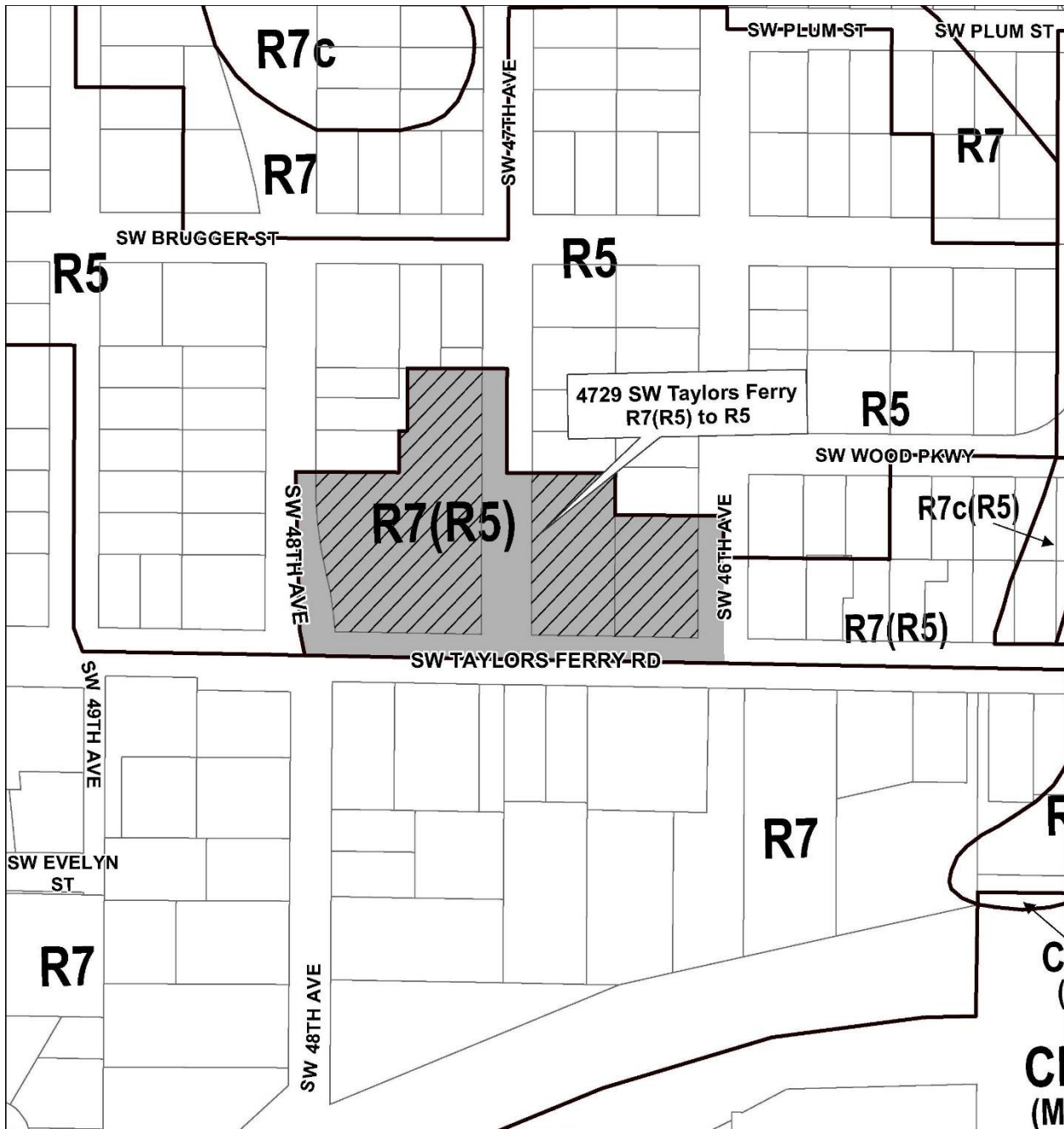
Comprehensive Plan Map amendment:

No change necessary; current Comprehensive Plan designation is Single-Dwelling 5,000

Zoning Map amendment:

from R7 to R5

The proposed map change will allow for slightly greater density if portions of the site are developed with housing. The change to the R5 zone matches the Comprehensive Plan map designation and is consistent with the abutting R5 zoning to the north. SW Taylors Ferry Rd and SW 48th Ave at this site are designated Neighborhood Collector streets in the TSP.






Proposed Draft - Expanding Opportunities for Affordable Housing

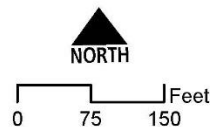
Map 10: West Portland United Methodist

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Legend

-  Existing Zoning
-  Draft Change Area
-  Common Ownership



Commentary

Property information:

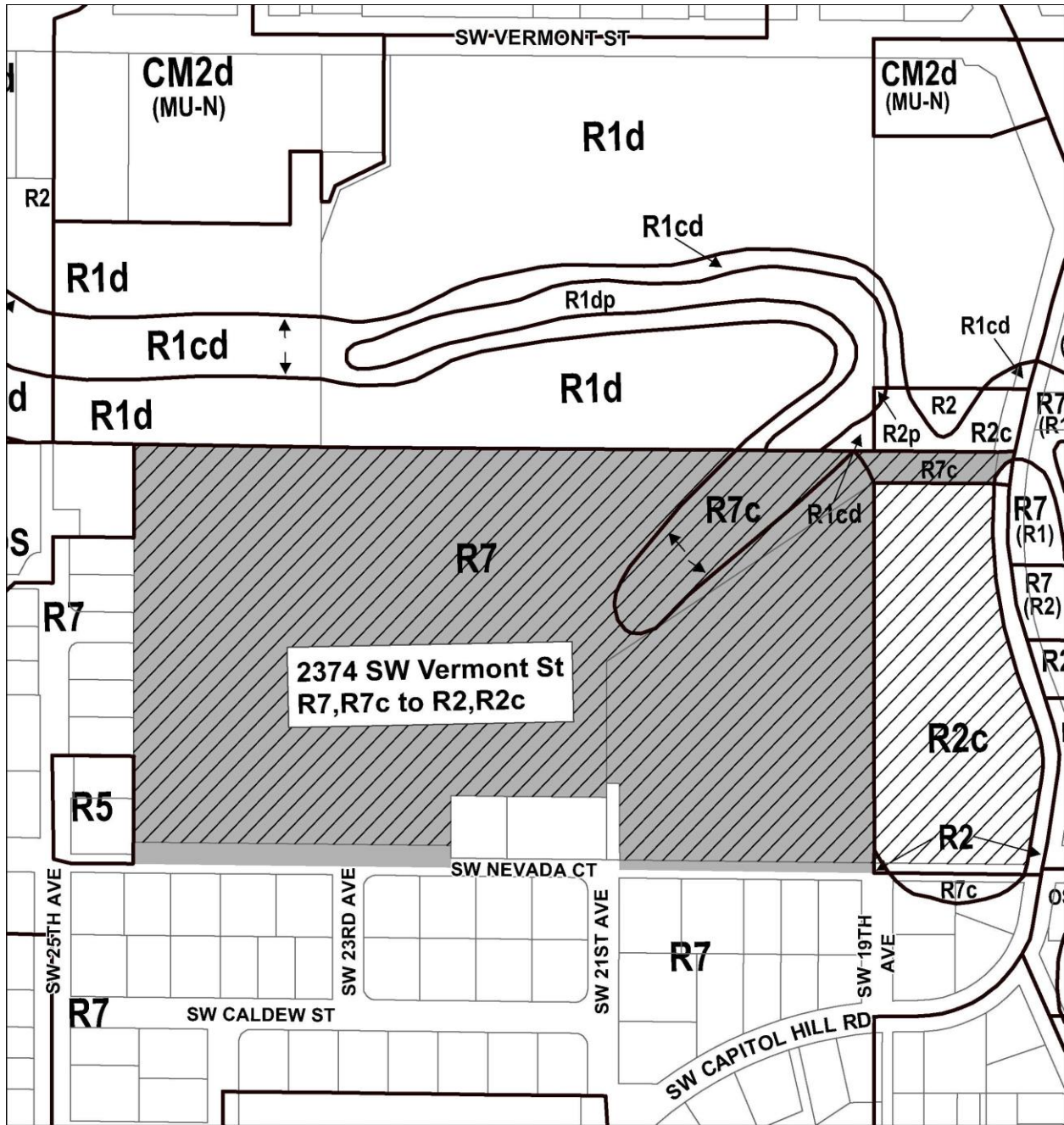
Owner: Greater Portland Bible
Developer: Habitat for Humanity
Address: 2374 SW Vermont
Tax Account #: R330070, R330267

Proposed change:

Comprehensive Plan Map amendment:
from Single-Dwelling 7,000 to Multi-Dwelling 2,000

Zoning Map amendment:
from R7 and R7c to R2 and R2c

Habitat for Humanity requests this change to allow for greater density on portions of the site planned for development of affordable housing, and to streamline the regulatory process by rectifying the current split zoning on the site. The change to the R2 zone matches the abutting R2 zoning on the east portion of the site. SW Capitol Hill Rd at this site is designated a Neighborhood Collector street in the TSP.






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Map 11: Habitat/Greater Portland Bible

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Legend

-  Existing Zoning
-  Draft Change Area
-  Common Ownership

