

Expanding Opportunities for Affordable Housing
PSC Discussion Guide – 3/10/20

1. Mapping Decisions

Maps of these sites were provided in the presentation shown on 2/11/20.

Initial sites proposed by staff

a. Consent List

	Site	Address	Recommended Zoning and Comp Plan
1	Bethel AME	802, 814 NE Jarrett	R2 (RM1) Multi-dwelling 2,000 CP
2	First AME Zion + 5 adjacent pvt. properties	4304 N Vancouver, 4318-4424 N Vancouver	CM3d, R1 (RM2) Multi-dwelling 1,000 CP
3	First F. Orthodox Presbyterian	8245 NE Fremont	CM2, R1 (RM2) Multi-dwelling 1,000 CP
4	St. Philip Neri	2408 SE 16 th Ave	R1 (RM2) Multi-dwelling 1,000 CP
5	Unity of Portland + adjacent nonconforming apartment	4525, 4710-4730 SE Stark	R2 (RM1) Multi-dwelling 2,000 CP
6	Ascension	7408 SE Alder, 743 SE 76 th Ave	R2 (RM1) Multi-dwelling 2,000 CP
7	W. Portland U. Methodist	4729 SW Taylors Ferry Rd	R5 Single-dwelling 5,000 CP
8	Portland Bible	2375 SW Vermont	R2 (RM1) Multi-dwelling 2,000 CP
9	Gordly/PAALF	4511 and 4525 N Williams	CM3d Mixed Use UC CP

- b. Trinity Lutheran** (5606 and 5555 NE Sumner St). From R5 to R2 (RM1) with a Multi-dwelling 2,000 Comprehensive Plan designation, and R7 to R5 with a Residential 5,000 Comprehensive Plan designation as shown on the map.

Subtractions

- c. **Hacienda Site.** Staff recommends removing the site at 7250 NE Killingsworth, 5400-5404 NE 72nd, and 5401 NE 73rd Ave from the recommendation because it is not in the control of a community-based organization, which was one of the project scope parameters. A sale had been in progress, but it is not proceeding.

Additions

- d. **Consent list.** Staff recommends all of these amendments.

	Site	Address	Recommended Zoning
1	Emmanuel Temple	1033 Sumner	CM2 Mixed Use UC CP
2	Grace Memorial	1535 NE 17 th Ave	CM3d Mixed Use UC CP
3	Evergreen Community/Tillamook Preschool	935 NE 33 rd Ave	R2 (RM1) Multi-dwelling 2,000 CP
4	Mt. Tabor Presbyterian	5441 SE Belmont	R2 (RM1) Multi-dwelling 2,000 CP
5	Chinese Christian	7407-7415, 7435 SE Foster; 5008, 5016 SE 74th	CM2 Mixed Use CC CP
6	St. Andrews	3228 SW Sunset Blvd	R2 (RM1) Multi-dwelling 2,000 CP
7	Williams/Russell	Williams/Russell	CM3dm Mixed Use UC CP
8	Robison Jewish Home	E of 6140 SW Boundary	R2 (RM1) Multi-dwelling 2,000 CP
19	Habitat for Humanity	2401 Taylors Ferry Rd.	R5 Single-dwelling 5,000 CP

- e. **Mt. Scott COG** (10603 SE Henderson St). R10 to R7, Single-dwelling 7,000 CP. Staff recommends this change.
- f. **Clay Property** (4505 and 4515 N Mississippi) from R2.5 to R1 (RM2), Multi-dwelling 1,000 CP. Staff does not recommend this change because examining Individually owned sites was outside the scope of the project.

2. Code Amendments

- a. **BDS Technical.** Make several technical amendments recommended by BDS to clarify parking may be removed for ADA parking, remove potentially confusing “allowed by right” language, and clarify the relationship between code and conditions of approval. This impacts Chapter 33.281 (Schools and School Sites), 33.815 (Conditional Uses) and 33.820 (Conditional use Master Plans).

BPS staff recommends these amendments.

ADA Parking

Amendment:

33.281.050.A.6.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. Parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation;

Language Clarity

Proposed Draft:

33.815.040.B.1.e. Does not add more than 2,000 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.~~

Revised:

33.815.040.B.1.e. 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.~~

Conditions of Approval

Amendment:

33.815.040.B.1.a. Complies with all conditions of approval except as allowed by Subparagraphs B.1.d through B.1.h;

33.820.080.B.1. All conditions of approval must be met except as allowed by Subparagraphs B.4 through B.8;

- b. Parking.** Select one of the parking options when housing is being added to a Conditional Use site. This impacts Chapters 33.815 (Conditional Uses) and 33.820 (Conditional Use Master Plans). Language consistent Amendment 2.a is also incorporated into each.

Staff recommends Option A.

	Allow removal of 50% of the parking	Allow removal of 100% of the parking
Near Transit	Option A	Option B
Anywhere	Option C	Option D
	Options B+C = Option E 100% removal near transit and 50% anywhere else	

Proposed Draft:

33.815.040.B.1.h. 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 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.

33.820.080.B.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 1,500 feet or less of a transit station, up to 50 percent of the total number of existing spaces may be removed when the removal is for adding floor area 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.

Revised Option A (Proposed + Consistency w. BDS Technical Amendment 2.a):

33.815.040.B.1.h. 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;~~ parking spaces removed to create accessible spaces as specified in the Oregon Specialty Code are exempt from this limitation;-or
- On sites within 500 feet or less of a transit street with 20-minute peak hour service or 1,500 feet or less of a transit station, up to 50 percent of the total

number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(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.

~~33.820.080.B.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 Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:~~

~~B.7 a.~~ 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 1,500 feet or less of a transit station, up to 50 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(3) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; however, parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation; 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. 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

- c. The cumulative loss or gain 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.

Revised Option B (100% removal near transit):

33.815.040.B.1.h. 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; parking spaces removed to create accessible spaces as specified in the Oregon Specialty Code are exempt from this limitation;-or
- On sites within 500 feet or less of a transit street with 20-minute peak hour service or 1,500 feet or less of a transit station, up to 100 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(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.

~~33.820.080.B.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~~ Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:

~~B.7~~ a. 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 1,500 feet or less of a transit station, up to 100 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(3) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; however, parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation; 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. 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

c. The cumulative loss or gain 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.

Revised Option C (50% removal anywhere):

33.815.040.B.1.h. 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;~~ parking spaces removed to create accessible spaces as specified in the Oregon Specialty Code are exempt from this

limitation;-or

- Up to 50 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(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.

~~33.820.080.B.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 Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:~~

~~B.7 a.~~ 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) Up to 50 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(3) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; however, parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation; 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. 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

- c. The cumulative loss or gain 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.

Revised Option D (100% removal anywhere):

33.815.040.B.1.h. 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; parking spaces removed to create accessible spaces as specified in the Oregon Specialty Code are exempt from this limitation;-or
- Up to 100 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(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.

~~33.820.080.B.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 Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:~~

~~B.7 a.~~ 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) Up to 100 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;
 - (3) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; however, parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation; 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. 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
 - c. The cumulative loss or gain 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.

Revised Option E (100% removal near transit and 50% anywhere else):

33.815.040.B.1.h. 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;~~ parking spaces removed to create accessible spaces as specified in the Oregon Specialty Code are exempt from this limitation;-or
 - Up to 50 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

- On sites within 500 feet or less of a transit street with 20-minute peak hour service or 1,500 feet or less of a transit station, up to 100 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(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.

~~33.820.080.B.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 Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:~~

~~B.7 a.~~ 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) Up to 50 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(3) On sites within 500 feet or less of a transit street with 20-minute peak hour service or 1,500 feet or less of a transit station, up to 100 percent of the total number of existing spaces may be removed when the removal is for adding floor area for a residential use;

(4) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; however, parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation; 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. 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
- c. The cumulative loss or gain 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.

c. Property Line Adjustments.

- i. **Regular lot lines.** Exempt institutional uses from the standard that governs the length of adjusted lot lines.

Amendment:

33.667.300.B. Regular Lot Lines. In the R10 through RH, and RMP zones, the adjusted property line must be a straight line or up to 20 percent shorter or 20 percent longer than the existing lot line. Lines that are adjusted to follow an established zoning line or the boundary of the special flood hazard area or floodway are exempt from this requirement. In addition, if both properties are part of a site with an institutional use on it, this standard does not apply.

- ii. **Maximum Lot size.** Exempt institutional uses from the maximum lot size standards.

Amendment:

33.667.300.A.2. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard;

3. If one property is already out of conformance with maximum lot area standards, it is exempt from the maximum lot area standard;

4. Lots with an institutional use are exempt from maximum lot size standards; and

[renumber subsequent sections]

iii. Legislative approval of the Mt. Scott COG PLA (10603 SE Henderson St).

See testimony from Dana L. Krawczuk for Mt. Scott COG. If adopted by Council this would be part of the ordinance, not the Zoning Code. Staff does not recommend this. Regardless of what ORS 92 may allow the City to do, the City cannot process a PLA through a legislative procedure because the zoning code only specifies that a PLA can be processed through an administrative procedure. The zoning code specifies procedure type for reviewing and determining whether an application meets standards or approval criteria. Unless the zoning code were amended to allow a PLA to be processed through a legislative procedure (in addition to an administrative procedure), it would be a violation of the zoning code to process this PLA as requested. There is no mechanism for “conditioning” a legislative land use decision.

- d. Expedited future zone changes or Comp Plan amendments.** The PSC discussed recommending an expedited path for zone changes and Comprehensive Plan amendments similar to those advanced with this project. Staff does not recommend this. Under state land use law, a zoning map or Comprehensive Plan Map requires analysis to document conformance with land use goals and policies – not just local policies but also regional growth plans. Many of the relevant state, local and regional policies address adequacy of public facilities and services. This takes time and amendment requires coordination with numerous different agencies. State land use law also requires public notice of these actions, and an opportunity for a hearing.

Given the constraints of law, a better way to accomplish this would be for the City to reduce fees for such requests, or for BPS to periodically take on housekeeping map amendment projects and bundle proposals together legislatively as we have done with this project. Both options are budget considerations that Council would have to weigh. Currently BDS review procedures are entirely fee supported. The PSC could include ideas in the transmittal letter, but a decision would need to occur within the annual Council budget process.

3. Housekeeping

- a. Better Housing by Design designations.** Acknowledge that some of the multi-dwelling zoning designations have been altered by the recently adopted Better Housing by Design Project and authorize staff to make the necessary translation. Recommendations for R2 would become RM1. Recommendations for R1 would become RM2.
- b. Page 2 edits.** Acknowledge that staff made Housing Bureau requested refinements to the page 2 description of changes made after the Discussion

Draft.

- c. **Commentary.** Authorize staff to update the report and commentary to reflect our discussion.

Recommended Motion:

I move we recommend the Expanding Opportunities for Affordable Housing project, as we have amended it today, authoring BPS to update the report and commentary to reflect our discussion, and translate the multifamily designations to the recently adopted Better Housing by Design Nomenclature.