

City of Portland Group Living Code Audit



To: City of Portland Group Living Technical Advisory Committee (TAC)
From: Cathy Corliss and Jamin Kimmell, APG
Date: May 30, 2019
Re: Final Draft Code Update Report (Task 3)

INTRODUCTION

Portland’s 2035 Comprehensive Plan is carried out, in part, by land use regulations contained in the City’s Zoning Code (Title 33 of the City Code of the City of Portland, Oregon (Planning and Zoning)). This Code provides a continuum of allowed housing and shelter types that accommodate the needs of Portlanders at risk for homelessness, but despite a sufficient land supply and explicit Code allowances, an adequate supply of housing needed by very low-income Portlanders is not being produced. While market factors and insufficient resources for public subsidies are probably the most important factors responsible for this underproduction, Title 33 provisions may also be playing a part. APG reviewed the provisions of Title 33 to identify those provisions which might be hindering the production or retention of:

- Single room occupancy housing (SROs) and micro-apartment housing (as Group Living use)
- Single room occupancy housing (SROs) and micro-apartment housing (as Household Living use)
- Shelters and transitional housing (as Community Service use)
- Transitional housing (as Retail Sales And Service use)

The Task 2 final draft of the Code Audit reflects the direction provided by the project’s Technical Advisory Committee (TAC) at its meeting on February 19, 2019 and in subsequent emails from the TAC.

Based on comments received on the Code Audit prepared in Task 2, APG prepared an initial draft of recommended code update language (dated April 1, 2019) that could address the identified impediments. Input was provided by the TAC at its April 15th meeting and subsequently in the “Reconciled Summary of Comments from Various TAC Members.” This final draft (dated May 21, 2019) reflects these comments. While these updates are more than conceptual and observe the organization and structure of the city zoning code, as directed in the scope of work they are not presented in exact “strikethrough or italics as deleted” and “underlined or bold as added” language.

This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.

The recommendations contained herein are the product of the consultant and resulted from technical assistance provided by the Oregon Department of Land Conservation and Development (DLCD) to review City code provisions regulating Group Living, Single Room Occupancy Living, Short Term Living and Mass Shelters. The recommendations are not a final determination, legal opinion or evaluation of these code provisions by DLCD. The recommendations have not been adopted by and are not a final decision of the City. The City is not obligated to initiate legislative action to adopt the recommendations; that any forthcoming code revisions are subject to the City’s legislative procedures.

DEFINITIONS (33.910)

Current Code Language	Draft Revised Code Language
<p>Household. <i>One or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.</i></p>	<p>Household. One person or a group of people who live together in one dwelling unit. The maximum number of people that can be defined as one household is:</p> <ol style="list-style-type: none"> 1. Six or fewer persons; or, 2. Any number of persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons; or, 3. Any number of handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons.
<p>Commentary: The reference to “dwelling unit” has been retained in the definition as it seems integral to the definition of household (i.e., you can have a non-household living in a dwelling unit (e.g., too many people), but can you have a household that doesn’t live in a dwelling unit?)</p> <p>The Fair Housing Act uses the term “handicap” instead of “disability.” Therefore, this term has been retained in the definition.</p>	
<p>Dwelling Unit. <i>A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Kitchen facilities for cooking are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.</i></p>	<p>Dwelling Unit. A building, or a portion of a building, that is certified for residential occupancy and provides facilities to allow for the independent living of a household. For the purposes of Title 33, each dwelling unit must provide:</p> <ol style="list-style-type: none"> 1. The ability to secure the dwelling unit from access by non-occupants; 2. Access to the exterior of the building that does not require the occupant to pass through another dwelling unit; 3. An enclosed bathroom with a toilet, sink, and either a shower or bathtub that is solely for the use of the occupants; 4. A food preparation area with a sink that is separate from the bathroom and is solely for the use of the occupants; and 5. At least one habitable room with not less than 120 square feet of floor area. The floor area occupied by storage, bathrooms, cabinets, closets, appliances, and structural features is not included in calculating the net floor area.
<p>Commentary: The definition of dwelling unit has been expanded to include micro apartments and SDUs that have private bathrooms even if they don’t have “full” kitchens. Some of these concepts are from the City of Seattle’s</p>	

Current Code Language	Draft Revised Code Language
<p>definition of a dwelling. Criteria 1 and 2 are included to prevent internal living area (e.g., basement with a bar) from being defined as a dwelling unit.</p> <p>The 120 square foot minimum size in Criteria 5 is from the City of Seattle’s requirements for habitable buildings (Section 22.206.020). Should it be included here?</p> <p>The intent of the revised definition is that: “if it lives like a dwelling unit, it should be regulated like a dwelling unit.” Adding an amenity like a shared kitchen should not cause a unit to no longer be a dwelling unit.</p>	
<p>Mass Shelter. <i>A structure that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, or bunks. Individual sleeping rooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, on a daily basis.</i></p>	<p>Mass Shelter. A structure or structures that contains one or more open sleeping areas furnished with cots, floor mats, or bunks which is managed by a public or non-profit agency to provide shelter. The sleeping areas, which typically accommodate more than six persons, are open or divided only by nonpermanent partitions. Individual sleeping rooms are not provided. Lodging may be provided on a drop-in basis.</p>
<p>Commentary: The revised definition provides more specificity regarding open sleeping areas vs individual sleeping rooms. Is a 6-person threshold reasonable? It also clarifies that this definition is only allowed as a Community Service use. The phrase “on a daily basis” was dropped. Per the TAC’s input regarding daily “check-out” requirements, it sounds like it might not be appropriate.</p>	
<p>Short Term Housing. <i>A structure that contains one or more individual sleeping rooms, and where tenancy of all rooms may be arranged for periods of less than one month. The short term housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide short term housing, with or without a fee. Examples include transitional housing, and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.</i></p>	<p>Transitional Shelter. A structure or structures containing one or more individual sleeping rooms or units which is managed by a public or non-profit agency to provide non-permanent shelter to clients. Arrangements for stays are made on a reservation or referral basis, not a drop-in basis. While clients typically stay for fewer than 30 days, longer stay are possible. Examples include transitional housing, and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.</p>
<p>Commentary: Since length of tenancy would no longer be an aspect of this type of housing, the name has been changed to “transitional shelter” in the revised definition. The text has been changed to note that short- or long-term stays are possible. Should a maximum capacity of 6 or fewer persons (or adults?) be added to clarify what is meant by individual sleeping rooms?</p>	
<p>Single Room Occupancy Housing (SRO). <i>A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.</i></p>	<p>Replace SRO with the following three separate definitions:</p> <p>Congregate Living Facilities. A structure or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities. Congregate Living Facilities include structures commonly called residential hotels, single room occupancy housing and rooming houses.</p>

Current Code Language	Draft Revised Code Language
	<p>Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities (but not both sanitation and kitchen facilities). Such rooms and spaces that are also part of a dwelling unit are not sleeping units.</p> <p>Efficiency Studio – A dwelling unit with no more than 400 square feet of total floor area.</p>
<p>Commentary: The revised language would delete SROs but add three separate definitions. Housing that is currently defined as SRO housing would become “congregate living facilities” if units don’t meet the revised definition of “dwelling unit” or “efficiency studio” if the units do meet the definition of “dwelling unit.” The first two definitions (“Congregate Living Facilities” and “Sleeping Unit”) are from the 2014 Oregon Structural Specialty Code.</p> <ul style="list-style-type: none"> • Congregate Living Facilities. The definition of “congregate living facilities” is more inclusive than SRO and is more consistent with the uses in Group Living. The second sentence, which is not from the Specialty Code, could be deleted. If retained, it could be expanded to include dormitories, etc. If the City does not feel it necessary to be consistent with the Oregon Structural Specialty Code, the definition could be revised as follows as suggested by the TAC: “Group Living Structure. A structure or part of a structure where residents rely on shared spaces for sanitation or food preparation.” However, this proposed definition could create ambiguity as the term “shared spaces” is not defined. This definition also relies on the term “residents” to establish that the structure is intended for living. • Sleeping Unit. If the City does not feel it necessary to be consistent with the Oregon Structural Specialty Code, the definition of “sleeping unit” could be revised as follows as suggested by the TAC: “Sleeping Room. A securable area that provides for sleeping; and may also provide for sanitation or food preparation, but not both.” However, this proposed definition could create ambiguity as the term “securable” is not defined. The element of the Specialty Code definition that states that “Such rooms and spaces that are also part of a dwelling unit are not sleeping units” is necessary to avoid confusion and should be retained in any case. • Efficiency Studio. Currently there is no size limit on square footage of an SRO unit. Austin defines an efficiency unit as 400 sf or smaller. The definition of “efficiency studio” could be used in the Code where the City wishes to continue to provide special exemptions to certain standards that are currently provided to SROs (e.g., parking). 	

DESCRIPTION OF USE CATEGORIES (33.920)

Current Code Language	Draft Revised Code Language
<p>33.920.100 Group Living</p> <p><i>A. Characteristics. Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered</i></p>	<p>33.920.100 Group Living</p> <p>A. Characteristics. Group Living is characterized by the residential occupancy of a structure or part thereof in a manner that does not meet the characteristics of Household Living. Uses are arranged on a month-to-month basis, or for a longer period. Uses where stays are arranged for a shorter period are not considered residential. Group Living uses typically have a common</p>

Current Code Language	Draft Revised Code Language
<p><i>residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions).</i></p> <p><i>B. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, parking of vehicles for the facility, and food membership distribution.</i></p> <p><i>C. Examples. Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically disabled, mentally retarded, or emotionally disturbed; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.</i></p> <p><i>D. Exceptions.</i></p> <p><i>1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing or mass shelters.</i></p> <p><i>2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.</i></p> <p><i>3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.</i></p>	<p>eating area for residents or other shared facilities. Care, training, or treatment may be provided to individuals while they are residents. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions).</p> <p>B. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, parking of vehicles for the facility, and food membership distribution. Accessory services such as food service, dining rooms, and housekeeping may be provided to residents.</p> <p>C. Examples. Examples include congregate living facilities, dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for people with physical, cognitive or developmental disabilities, or mental health conditions; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.</p> <p>D. Exceptions.</p> <p>1. Except as provided in (2) below, structures where more than one-third of the units or accommodations are retained on a short-term basis (i.e., less than month-to-month) are considered a hotel or motel use and classified in the Retail Sales And Service category.</p> <p>2. In certain situations, lodging may be defined as a transitional shelter or mass shelter and classified as a Community Service use.</p> <p>4. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.</p>
<p>Commentary: The current description of Group Living characteristics, instead of just simply stating that any residential use that doesn't meet the definition of Household Living is Group Living, creates ambiguity by the phrase "...residential occupancy of a structure by a group of people who do not meet the definition of Household Living..." Also, exception #2 is inconsistent with the Household Living characteristics and does not cover SROs as they do not meet the definition of Household nor does it correctly consider short-term housing that might be for longer than a month.</p> <p>The revised description establishes a clear binary relationship with Household Living so that there is no ambiguity (or orphaned uses). All residential uses require long-term occupancy to be the primary activity (although not all long-term occupancies are residential, some can be Community Service). If a residential use doesn't meet the characteristics of Household Living, it must be Group Living. Household Living requires both a "household" and a "dwelling unit."</p>	

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<p>Therefore, groups that are larger than a household are considered Group Living (even if they are in a dwelling unit) as is any residential occupancy in something other than a dwelling unit (regardless of it is by a household).</p> <p>The description has been streamlined. Elements of the description that confuse the issue (e.g., the size of the group) have been deleted. Also, references to other non-residential lodging are only addressed in the exceptions not in the characteristics. Reference to accessory services such as food service has been moved to accessory uses.</p> <p>Congregate living facilities, which is now a defined term, is listed as an example.</p> <p>The exceptions have been clarified. Exception #1 includes the concept from the current exception in Household Living that relates to a percentage of the units triggering a change in classification. A new exception for transitional shelters and mass shelters has been added that is “tenure-neutral.”</p>	
<p>33.920.110 Household Living</p> <p><i>A. Characteristics. Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy housing (SROs), that do not have totally self-contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential homes as defined by the State of Oregon are included in the Household Living category (see Chapter 33.910, Definitions).</i></p> <p><i>B. Accessory Uses. Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, accessory short-term rentals, and food membership distribution are accessory uses that are subject to additional regulations.</i></p> <p><i>C. Examples. Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other structures with self-contained dwelling units. Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.</i></p> <p><i>D. Exceptions.</i></p>	<p>33.920.110 Household Living</p> <p>A. Characteristics. Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy is arranged for a shorter period are not considered residential. In addition, residential homes as defined by the State of Oregon are included in the Household Living category (see Chapter 33.910, Definitions).</p> <p>B. Accessory Uses. Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, accessory short-term rentals, and food membership distribution are accessory uses that are subject to additional regulations. Accessory services such as food service, dining rooms, and housekeeping may be provided to residents.</p> <p>C. Examples. Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, efficiency studios, houseboats and other structures with dwelling units.</p> <p>D. Exceptions.</p> <p>1. Except as provided in (2) below, structures where more than one-third of the units or accommodations are retained on a short-term basis (i.e., less than month-to-month) are considered a hotel or motel use and classified in the Retail Sales And Service category.</p> <p>2. In certain situations, lodging may be defined as a transitional shelter or mass shelter and classified as a Community Service use.</p>

Current Code Language	Draft Revised Code Language
<p>1. Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales And Service category.</p> <p>2. SROs that contain programs which include common dining are classified as Group Living.</p> <p>3. Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.</p> <p>4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.</p>	
<p>Commentary: The current description of household living is extremely confusing when it comes to SROs. A building that shares some kitchen facilities but has private bathrooms has been considered a group living structure and use, while the inclusion of “some sort of shared bath/toilet” has turned that same building into an SRO structure; and thus, a Household Living use. Per the TAC, the revised approach deletes the definition of SRO.</p> <p>The revised use classification for household living keeps it as residential occupancy of a dwelling unit by a household. However, the definition of dwelling unit has been expanded to include units that don’t have “full” kitchens so some SROs and micro-apartments will now meet the definition of Household Living. The description has been simplified to focus on the key elements. Elements of the current description that relate to other non-residential lodging are only addressed in the exceptions. Reference to accessory services such as food service has been moved to accessory uses.</p> <p>The current exception prohibiting guest houses that contain kitchen facilities as accessory to Household Living uses was deleted as this seemed in conflict with the City’s ADU standards. Since a guest house with a kitchen is an ADU which is allowed as an accessory use. Should accessory dwelling units be added to the list of examples, or would doing so imply that an ADU could have its own ADU (ad infinitum)?</p>	
<p>33.920.420 Community Services</p> <p>A. Characteristics. Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.</p>	<p>33.920.420 Community Services</p> <p>A. Characteristics. Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or transitional shelter when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.</p> <p>B. Accessory uses. Accessory uses may include offices, meeting areas, food preparation areas, food membership</p>

Current Code Language	Draft Revised Code Language
<p><i>B. Accessory uses. Accessory uses may include offices, meeting areas, food preparation areas, food membership distribution, parking, health and therapy areas, daycare uses, and athletic facilities.</i></p> <p><i>C. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, crematoriums, columbariums, mausoleums, soup kitchens, park-and-ride facilities for mass transit, and surplus food distribution centers.</i></p> <p><i>D. Exceptions.</i></p> <ol style="list-style-type: none"> <i>1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service.</i> <i>2. Parks are in Parks And Open Areas.</i> <i>3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.</i> <i>4. Public safety facilities are classified as Basic Utilities.</i> 	<p>distribution, parking, health and therapy areas, daycare uses, and athletic facilities.</p> <p>C. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or transitional shelters when operated by a public or non-profit agency, vocational training for people with physical, cognitive or developmental disabilities, crematoria, columbaria, mausoleums, soup kitchens, park-and-ride facilities for mass transit, and surplus food distribution centers.</p> <p>D. Exceptions.</p> <ol style="list-style-type: none"> 1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service. 2. Parks are in Parks And Open Areas. 3. Public safety facilities are classified as Basic Utilities.
<p>Commentary: The revised use description changes “short term housing” to “transitional shelter” for consistency with the revised definition.</p> <p>Exemption #3 “Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living” has been deleted in the revised version. Since the universe of all possible tenancies (short and long) are now included, there is no longer a need for an exception.</p>	

SINGLE-DWELLING ZONES (33.110)

Current Code Language	Draft Revised Code Language
<p>33.110.100.B.1. Community Service Uses. <i>This regulation applies to all parts of Table 110-1 that have note [1]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters have additional regulations in Chapter 33.285, Short Term Housing and Mass Shelters.</i></p>	<p>33.110.100.B.1. Community Service Uses. This regulation applies to all parts of Table 110-1 that have note [1]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Community service housing and mass shelters have additional regulations in Chapter 33.285, Community Service Housing and Mass Shelters</p>

Current Code Language	Draft Revised Code Language
<p>Commentary: Updates to change “short term housing” to “community service housing” which are shown here in the revised text would need to be made various code sections.</p>	
<p>Table 110-1 Single-Dwelling Zone Primary Uses</p> <ul style="list-style-type: none"> • Household Living allowed in all zones • Group Living conditional in all zones. 	<p>Table 110-1 Single-Dwelling Zone Primary Uses</p> <p>No changes to Table 110-1 Single-Dwelling Zone Primary Uses</p>
<p>Commentary: No change to the table are proposed; however, the revised definition of dwelling units will make some micro apartments and SROs “dwelling units” and therefore part of the standard description of “household living.” Thus, they will become an allowed use even if they don’t have a “full” kitchen. SROs are currently a prohibited housing type. However, multi-dwelling structures are only allowed in Planned Developments, so the impact of the change is not likely to be significant.</p>	
<p>Table 110-2 Housing Types Allowed In The Single-Dwelling Zones</p> <ul style="list-style-type: none"> • SRO units - not allowed in any zone • Group structure - Only when in conjunction with an approved conditional use. • Multi-dwelling structure Only in Planned Developments, See Chapter 33.270 	<p>Table 110-2 Housing Types Allowed In The Single-Dwelling Zones</p> <ul style="list-style-type: none"> • Delete reference to SRO units • Group structure – no change • Multi-dwelling structure - no change
<p>Commentary: Revised code language deletes all reference to SROs. Units either meet the new (expanded) definition of “dwelling unit” or they don’t.</p>	
<p>33.110.245 Institutional Development Standards</p> <p><i>B. Use categories to which these standards apply. The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.</i></p>	<p>33.110.245 Institutional Development Standards</p> <p>B. Use categories to which these standards apply.</p> <ol style="list-style-type: none"> 1. Except for the uses listed in subsections (2) and (3), the standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. 2. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports. 3. Transitional shelters are subject to Chapter 33.285, Community Service Housing and Mass Shelters.
<p>Commentary: Community Services uses are in the Institutional category; however, the institutional development standards are designed to address the scale and massing impacts of schools and similar uses. They may not be a good fit for transitional shelters which may be (or resemble) residential dwellings. As subsection B.1 and subsection B.1.3 have been drafted, the institutional use standards in 33.110.245 would not apply to transitional shelters. Instead, transitional shelters would be subject to the standards in 33.285.</p>	

MULTI-DWELLING ZONES (33.120)

Current Code Language	Draft Revised Code Language
<p>33.120.100.B.1. Group Living. <i>This regulation applies to all parts of Table 120-1 that have a [1].</i></p> <p><i>a. General regulations. All Group Living uses in R3, R2, R1, RH, and RX zones, except for alternative or post incarceration facilities, are regulated as follows:</i></p> <p><i>(1) Seven to 15 residents. Group Living uses for 7 to 15 residents are allowed by right subject to the regulations of Chapter 33.239, Group Living.</i></p> <p><i>(2) More than 15 residents. Group Living facilities for more than 15 residents are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.</i></p> <p><i>(3) Exception. Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in (1) and (2) above. The only exception is residential facilities licensed by or under the authority of the state Department of Human Resources under ORS 443.400 to 443.460. In these cases, staff persons are not counted as residents to determine whether the facility meets the 15 resident cutoff, above which a conditional use is required.</i></p> <p><i>b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size. They are also subject to the regulations of Chapter 33.239, Group Living.</i></p>	<p>33.120.100.B.1. Group Living. This regulation applies to all parts of Table 120-1 that have a [1].</p> <p>a. General regulations. All Group Living uses in R3, R2, R1, RH, and RX zones, except for alternative or post incarceration facilities, are regulated as follows:</p> <p>(1) R3-R1, and RMP zones.</p> <p>(a) Seven to 15 residents. Group Living uses for 7 to 15 residents are allowed by right subject to the regulations of Chapter 33.239, Group Living.</p> <p>(b) More than 15 residents. Group Living facilities for more than 15 residents are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.</p> <p>(1) RX and RH zones.</p> <p>(a) Seven to 50 residents. Group Living uses for 7 to 50 residents are allowed by right subject to the regulations of Chapter 33.239, Group Living.</p> <p>(b) More than 50 residents. Group Living facilities for more than 50 residents are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.</p> <p>(3) Exception. Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in (1) and (2) above. The only exception is residential facilities licensed by or under the authority of the state Department of Human Resources under ORS 443.400 to 443.460. In these cases, staff persons are not counted as residents to determine whether the facility meets the resident cutoff, above which a conditional use is required.</p> <p>b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size. They are also subject to the regulations of Chapter 33.239, Group Living.</p>

Current Code Language	Draft Revised Code Language
<p>Commentary: The revised language would increase the number of residents permitted as an allowed use from 15 to 50 people in the RX and RH zones. This would be consistent with the number of beds allowed outright in a mass shelter in those zones.</p>	
<p>Table 110-1 Single-Dwelling Zone Primary Uses</p> <ul style="list-style-type: none"> Household Living allowed in all zones Group Living conditional/limited in all zones. 	<p>Table 110-1 Single-Dwelling Zone Primary Uses</p> <p>No changes to Table 110-1 Single-Dwelling Zone Primary Uses</p>
<p>Commentary: No changes to the table are proposed; however, the revised definition of dwelling units will make some micro apartments and SROs “dwelling units” and therefore part of the standard description of “household living.” Thus, they will become an allowed use even if they don’t have a “full” kitchen. SROs are currently a prohibited housing type in R3 and R2. Multi-dwelling structures are allowed in these zones, so there may be an impact from this change.</p>	
<p>Table 120-2 Housing Types Allowed In The Multi-Dwelling Zones</p> <ul style="list-style-type: none"> Multi-Dwelling Structure - allowed in all zones except RMP Multi-Dwelling Dev. - allowed in all zones except RMP (SRO) units - allowed in all zones except R3, R2 or RMP Group Structures - Only when in conjunction with an approved conditional use. See also Chapter 33.239. 	<p>Table 120-2 Housing Types Allowed In The Multi-Dwelling Zones</p> <ul style="list-style-type: none"> Multi-Dwelling Structure - allowed in all zones except RMP Multi-Dwelling Dev. - allowed in all zones except RMP Group Living Structures – may be an allowed, limited or conditional use; see Chapter 33.239.
<p>Commentary: The revised language deletes SRO units and notes that Group Living Structures may be an allowed, limited or conditional use depending on the number of residents. Group Living is an allowed use (up to the threshold of 15 residents) in all zones.</p>	
<p>33.120.275.B. Use categories to which these standards apply. The standards of this section apply to uses in the institutional group of use categories in the R3 through RX zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.</p>	<p>33.120.275.B. Use categories to which these standards apply.</p> <ol style="list-style-type: none"> Except for the uses listed in subsections (2) and (3), the standards of this section apply to uses in the institutional group of use categories in the R3 through RX zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports. Transitional shelters are subject to Chapter 33.285, Community Service Housing and Mass Shelters.
<p>Commentary: Community Services uses are in the Institutional category and thus subject to these standards; however, the institutional development standards are designed to address the scale and massing impacts of schools and similar</p>	

Current Code Language	Draft Revised Code Language
<p>uses. They may not be a good fit for transitional shelters which may be (or resemble) residential dwellings. As subsection B.1 and subsection B.1.3 have been drafted, the institutional use standards in 33.120.275 would not apply to transitional shelters. Instead, transitional shelters would be subject to the standards in 33.285.</p>	

COMMERCIAL/MIXED USE ZONES (33.130)

Current Code Language	Draft Revised Code Language
<p>Table 110-1 Single-Dwelling Zone Primary Uses</p> <ul style="list-style-type: none"> • Household Living allowed in all zones • Group Living conditional/limited in all zones. 	<p>Table 110-1 Single-Dwelling Zone Primary Uses</p> <p>No changes to Table 110-1 Single-Dwelling Zone Primary Uses</p>
<p>Commentary: No changes to the table are proposed; however, the revised definition of dwelling units will make some micro apartments and SROs “dwelling units” and therefore part of the standard description of “Household Living.” Thus, they will become an allowed use even if they don’t have a “full” kitchen. However, both Household Living and Group Living (with the exception of alternative or post incarceration facilities) are allowed, so this change will have no impact.</p>	

CAMPUS INSTITUTIONAL ZONES (33.150)

Current Code Language	Draft Revised Code Language
<p>Table 150-1 Campus Institutional Zone Primary Uses</p> <ul style="list-style-type: none"> • Household Living – not allowed in CI1, allowed in CI2 and IR • Group Living – not allowed in CI1, allowed in CI2 and allowed in IR subject to Note #9 <p>9. Group Living in the IR Zone. This regulation applies to all parts of table 150-1 that have a note [9]. Group Living facilities in the IR zone are regulated as follows:</p> <p>a. Group Living facilities must be included in the mission statement of the campus’s impact mitigation plan;</p> <p>b. The impact mitigation plan’s implemented mitigation measures must accommodate the impacts the Group Living facility will create; and</p> <p>c. A facility located less than 150 feet from another residential zone must meet the standards for Group Living in that zone. Where two or more residential zones are</p>	<p>Table 150-1 Campus Institutional Zone Primary Uses</p> <p>No changes to Table 150-1 Campus Institutional Zone Primary Uses</p>

Current Code Language	Draft Revised Code Language
<i>within 150 feet of the Group Living development, the controlling regulations are those of the lower density zone.</i>	
<p>Commentary: No change to the table are proposed; however, the revised definition of dwelling units will make some micro apartments and SROs “dwelling units” and therefore part of the standard description of “Household Living.” Thus, they will become an allowed use even if they don’t have a “full” kitchen. This does not impact CI1 or CI2 as both Household Living and Group Living are treated the same in those zones. However, in the IR zone, Group Living is subject to additional restrictions (in Note #9); those restrictions would no longer apply to some units.</p>	

GROUP LIVING (33.239)

Current Code Language	Draft Revised Code Language												
<p>33.239.030.A. Resident Density.</p> <p>1. Purpose. Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.</p> <p>2. Description of residents. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.</p> <p>3. Density standard. Group Living uses are limited to the following number of residents per square foot of site area:</p> <table border="1" data-bbox="168 1293 784 1451"> <thead> <tr> <th>Zone</th> <th>Number of Residents</th> </tr> </thead> <tbody> <tr> <td>RF through R5 zones</td> <td>1.5 residents per 1,000 square feet</td> </tr> <tr> <td>R3 and R2.5 zones</td> <td>2 residents per 1,000 square feet</td> </tr> <tr> <td>R2 zone</td> <td>2.5 residents per 1,000 square feet</td> </tr> <tr> <td>R1 zone</td> <td>3 residents per 1,000 square feet</td> </tr> <tr> <td>RH, RX, IR, CI2, C, and E zones</td> <td>Not limited (must comply with the building or housing code, and the FAR of the base zone)</td> </tr> </tbody> </table>	Zone	Number of Residents	RF through R5 zones	1.5 residents per 1,000 square feet	R3 and R2.5 zones	2 residents per 1,000 square feet	R2 zone	2.5 residents per 1,000 square feet	R1 zone	3 residents per 1,000 square feet	RH, RX, IR, CI2, C, and E zones	Not limited (must comply with the building or housing code, and the FAR of the base zone)	<p>33.239.030.A. Resident Density.</p> <p>1. Purpose. Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.</p> <p>2. Description of residents. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.</p> <p>3. Density standard. Group Living uses are limited to the following number of residents per site:</p> <ul style="list-style-type: none"> RF through R5 zones – 1.5 residents per 1000 square feet of site area R3, R2.5, R2, and R1 zones – 6 residents for each primary dwelling unit that could be permitted RH, RX, IR CI2, C and E zones – Not limited (must comply with the building or housing code, and the FAR of the base zone)
Zone	Number of Residents												
RF through R5 zones	1.5 residents per 1,000 square feet												
R3 and R2.5 zones	2 residents per 1,000 square feet												
R2 zone	2.5 residents per 1,000 square feet												
R1 zone	3 residents per 1,000 square feet												
RH, RX, IR, CI2, C, and E zones	Not limited (must comply with the building or housing code, and the FAR of the base zone)												
<p>Commentary: There is an inverse relationship between the density of the zone and the number of individuals allowed in a Group Living facility. R3 has a 3000 sf/unit density. Group living would allow 6 residents on a 3,000 sf lot, which is potentially more than would live in a typical dwelling unit. R1 has a 1000 sf/unit density. Group living would only allow 3 residents, which is potentially less than would live in a typical dwelling unit. The current system works relatively well in the lower density zones, but less well in higher density zones where multi-story residential structures are the norm.</p> <p>For R3, R2.5, R2, and R1 zones, the revised code language would base the number of residents on the number of units that could be permitted on the site. The number of residents per unit is based on 6 unrelated persons per household, which is consistent with the definition of household.</p>													

Current Code Language	Draft Revised Code Language																				
<p>For example, the revisions would have the following affect on a 10,000 sf site:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Zone</th> <th>Current Stnd.</th> <th>Dwelling Units</th> <th>Revised (Residents)</th> </tr> </thead> <tbody> <tr> <td>R3</td> <td>20 residents</td> <td>3 du</td> <td>18 residents</td> </tr> <tr> <td>R2.5</td> <td>20 residents</td> <td>4 du</td> <td>24 residents</td> </tr> <tr> <td>R2</td> <td>25 residents</td> <td>5 du</td> <td>30 residents</td> </tr> <tr> <td>R1</td> <td>30 residents</td> <td>10 du</td> <td>60 residents</td> </tr> </tbody> </table> <p>As shown above the revision would have a significant impact on the number of residents permitted within the R1 zone, but the impact on the other zones would relatively minor.</p>		Zone	Current Stnd.	Dwelling Units	Revised (Residents)	R3	20 residents	3 du	18 residents	R2.5	20 residents	4 du	24 residents	R2	25 residents	5 du	30 residents	R1	30 residents	10 du	60 residents
Zone	Current Stnd.	Dwelling Units	Revised (Residents)																		
R3	20 residents	3 du	18 residents																		
R2.5	20 residents	4 du	24 residents																		
R2	25 residents	5 du	30 residents																		
R1	30 residents	10 du	60 residents																		
<p>33.239.030.B. Minimum Spacing</p> <p>1. <i>Purpose. The minimum spacing standards assure that large Group Living uses do not unduly affect the character of residential and commercial areas.</i></p> <p>2. <i>Spacing standards. Group living facilities that are conditional uses must be at least 600 feet from a site with any other group living facility that is also a conditional use.</i></p>	<p>33.239.030.B. Minimum Spacing</p> <p>No change to Minimum Spacing</p>																				
<p>Commentary: The revised language would increase the number of residents permitted as an allowed use from 15 to 50 people in the RX and RH zones. Reducing the number of Group Living facilities that require conditional use review will, in turn, reduce the number that are subject to the spacing standards.</p>																					
<p>33.239.030.C. Required outdoor area. <i>The requirement for outdoor areas applies in all residential zones except RH and RX. Larger areas may be required as part of a conditional use review. The outdoor area requirement is 48 square feet for every 3 residents, with a minimum dimension of 6 feet by 6 feet. Individual outdoor areas may be combined. The minimum size of a combined area is 500 square feet and the minimum dimension is 15 by 15 feet.</i></p>	<p>33.239.030.C. Required outdoor area. <i>The requirement for outdoor areas applies in all residential zones except RH and RX. Larger areas may be required as part of a conditional use review. The outdoor area requirement is 48 square feet for every 6 residents with a minimum dimension of 6 feet by 6 feet.</i></p>																				
<p>Commentary: The minimum requirement for dwelling units is 48 sf of outdoor area is required for each dwelling unit on the site. A dwelling unit can house up to 6 unrelated people as Household Living. For parity, the revised code language changes the outdoor area requirement from 48 sf for every 3 residents to 48 sf for every 6 residents. Given the nature of group living uses, the concept of combining individual open space seems irrelevant. Presumably it will always be “combined” since it’s not assigned to a dwelling unit. The 500 sf minimum size for a combined area would require more than double the open space requirement for a 15 resident facility (15/3 x 48sf = 240sf) under the current standard. The minimum dimension of 15 by 15 feet would preclude the use of balconies or in some cases the yards of existing dwellings.</p>																					

INCLUSIONARY HOUSING (33.245)

Current Code Language	Draft Revised Code Language
33.245.020 Where These Regulations Apply	33.245.020 Where These Regulations Apply

Current Code Language	Draft Revised Code Language
<p><i>The regulations of this chapter apply to the following:</i></p> <p>A. <i>New buildings with 20 or more dwelling units; and</i></p> <p>B. <i>Alterations to existing buildings that add 20 or more dwelling units.</i></p>	<p>No change to 33.245.020</p>
<p>Commentary: No change to the applicability is proposed; however, the revised definition of dwelling units will make some micro apartments and SROs “dwelling units” and therefore subject to inclusionary housing. By virtue of their small size these units may be affordable and thus compliance with these requirements may not create an additional burden. However, an exemption for the newly defined “efficiency studio” could be provided (see Exemptions below).</p>	
<p>33.245.030 Exemption</p> <p><i>This chapter does not apply to Group Living, Medical Center, and College uses.</i></p>	<p>33.245.030 Exemption</p> <p>No change to 33.245.030</p>
<p>Commentary: No changes are proposed to this section. The revised definition of dwelling units will make some micro apartments and SROs “dwelling units” and therefore subject to inclusionary housing. If the City wished to retain an exemption for these units, it could include an exemption for the newly defined “efficiency studio.”</p>	

PARKING, LOADING, AND TRANSPORTATION AND PARKING DEMAND MANAGEMENT (33.266)

Current Code Language	Draft Revised Code Language
<p>Table 266-1 Minimum Required and Maximum Allowed Parking Spaces By Zone</p> <p><i>EX - No minimum except for Household Living, which has the following minimums: 0 for 1 to 3 units; 1 per 2 units for four+ units; and SROs are exempt.</i></p>	<p>Table 266-1 Minimum Required and Maximum Allowed Parking Spaces By Zone</p> <p>EX - No minimum except for Household Living, which has the following minimums: 0 for 1 to 3 units; 1 per 2 units for four+ units; and efficiency studios are exempt.</p>
<p>Commentary: The revised language includes an exemption for the newly defined “efficiency studio” as a replacement for the SRO exemption.</p>	
<p>Table 266-2 Parking Spaces by Use</p> <p><i>Standard A</i></p> <p><i>Household Living - 1 per unit, except SROs exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + unit</i></p>	<p>Table 266-2 Parking Spaces by Use</p> <p>Standard A</p> <p>Household Living - 1 per unit, except efficiency studios are exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + unit</p>
<p>Commentary: The revised language includes an exemption for the newly defined “efficiency studio” as a replacement for the SRO exemption.</p>	

SHORT TERM HOUSING AND MASS SHELTERS (33.285)

Current Code Language	Draft Revised Code Language
<p>SHORT TERM HOUSING AND MASS SHELTERS</p> <p>33.285.010 Purpose</p> <p><i>This chapter provides regulations for Community Service uses that provide short term housing or mass shelter. These regulations recognize that it is in the public interest to provide short term housing and shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that short term housing and mass shelters have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.</i></p>	<p>TRANSITIONAL SHELTERS AND MASS SHELTERS</p> <p>33.285.010 Purpose</p> <p>This chapter provides regulations for Community Service uses that provide community service housing or mass shelter. These regulations recognize that it is in the public interest to provide housing and shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that transitional shelters and mass shelters have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.</p>
<p>Commentary: As noted above, the revised language renames “short term housing” as “transitional shelters” to clarify the point that longer stays are possible, but that the use is not providing residential housing.</p>	
<p>33.285.020 Description</p> <p><i>Short term housing and mass shelters are defined in Chapter 33.910, Definitions. Both are Community Service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings.</i></p> <p><i>In zones where Retail Sales and Services uses are allowed, limited, or conditional uses, the applicant may choose to classify a short term housing facility as a hotel, which is included in the Retail Sales and Services category.</i></p>	<p>33.285.020 Description</p> <p>Transitional shelters and mass shelters are defined in Chapter 33.910, Definitions. Both are Community Service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings.</p> <p>The operator of a transitional shelter may allow clients to stay for periods greater thirty-days, and such longer stays are not considered Household Living or Group Living uses.</p> <p>In zones where Retail Sales and Services uses are allowed, limited, or conditional uses, the applicant may choose to classify a transitional shelter facility as a hotel, which is included in the Retail Sales and Services category.</p>
<p>Commentary: By allowing longer stays, Transitional Shelters may overlap with Group Living which (as revised) would allow for up to 1/3 short term occupancies. Revised language clarifies that longer term stays in shelters does not make the use Household Living or Group Living.</p> <p>Revised definitions are provided below for ease of reference:</p> <p>Mass Shelter. A structure or structures that contains one or more open sleeping areas furnished with cots, floor mats, or bunks which is managed by a public or non-profit agency to provide shelter. The sleeping areas, which typically accommodate more than six persons, are open or divided only by nonpermanent partitions. Individual sleeping rooms are not provided. Lodging may be provided on a drop-in basis.</p>	

Current Code Language	Draft Revised Code Language
<p>Transitional Shelter. A structure or structures containing one or more individual sleeping rooms or units which is managed by a public or non-profit agency to provide non-permanent shelter to clients. Arrangements for stays are made on a reservation or referral basis, not a drop-in basis. While clients typically stay for fewer than 30 days, longer stay are possible. Examples include transitional housing, and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.</p>	
<p>33.285.030 Where These Regulations Apply</p> <p><i>The regulations of Sections 33.285.040 through 33.258.050 apply to short term housing and mass shelters in all zones.</i></p>	<p>33.285.030 Where These Regulations Apply</p> <p>A. The regulations of Sections 33.285.040 through 33.258.050 apply to transitional shelters and mass shelters in all zones.</p>
<p>Commentary: As noted above, the revised language renames “short term housing” as “transitional shelters” to clarify the point that longer stays are possible, but that the use is not providing residential housing.</p>	
<p>33.285.040.A. Short term housing.</p> <p><i>1. R and IR zones. New short term housing, an expansion of net building area, or an increase in the number of occupants in existing short term housing in R and IR zones is subject to the following regulations:</i></p> <p><i>a. Allowed use. New short term housing and alterations to existing short term housing is allowed if it meets one of the following:</i></p> <p><i>(1) Short term housing for up to 15 beds is an allowed use in the R3 – RMP and IR zones if it is provided on the site of an existing Institutional Use and meets the standards of 33.285.050.</i></p> <p><i>(2) An alteration or expansion that does not increase net building area of the short term housing by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</i></p> <p><i>b. Conditional use. If the short term housing does not meet Subparagraph A.1.a, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term Housing and Mass Shelters in R Zones. The short term housing must also meet the standards of 33.285.050:</i></p> <p><i>(1) If the short term housing is provided in an existing structure, or is on the site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.</i></p>	<p>33.285.040.A. Transitional Shelters.</p> <p>1. R and IR zones. New transitional shelters, an expansion of net building area, or an increase in the number of occupants in existing transitional shelters in R and IR zones are subject to the following regulations:</p> <p>a. Allowed use. New transitional shelters and alterations to existing transitional shelters are allowed if they meet one of the following:</p> <p>(1) A transitional shelter for up to 15 beds is an allowed use in the R3 – RMP and IR zones if it is provided on the site of an existing Institutional Use and meets the standards of 33.285.050.</p> <p>(2) An alteration or expansion that does not increase net building area of the transitional shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</p> <p>(3) Transitional shelters that exclusively serves victims of sexual or domestic violence are allowed in R and IR zones if they meet the standards of 33.285.050.</p> <p>b. Conditional use. If the transitional shelter does not meet Subparagraph A.1.a, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Transitional Shelters and Mass Shelters in R Zones. The transitional shelter must also meet the standards of 33.285.050:</p> <p>(1) If the transitional shelter is provided in an existing structure, or is on the site of an existing Institutional Use, the conditional use is reviewed through a Type II</p>

Current Code Language	Draft Revised Code Language
<p><i>(2) All other short term housing proposals are reviewed through a Type III procedure.</i></p> <p><i>2. C, E, and CI zones. Short term housing is allowed in C, E, and CI zones if it meets the standards in Section 33.285.050. Expansion of net building area or increase in the number of occupants in an existing short term housing facility is allowed if it meets the standards in Section 33.285.050.</i></p> <p><i>3. OS and I zones. Short term housing is prohibited in OS and I zones.</i></p> <p><i>4. Exemption. Short term housing that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, E, CI, and IR zones if it meets the size limitations for Group Living uses.</i></p>	<p>procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.</p> <p>(2) All other transitional shelter proposals are reviewed through a Type III procedure.</p> <p>2. C, E, and CI zones. transitional shelters are allowed in C, E, and CI zones if they meet the standards in Section 33.285.050. Expansion of net building area or increase in the number of occupants in an existing transitional shelter facility is allowed if it meets the standards in Section 33.285.050.</p> <p>3. OS and I zones. Transitional shelters are prohibited in OS and I zones.</p>
<p>Commentary: The revised language renames “short term housing” as “transitional shelters” and moves the “exemption” for transitional shelters that exclusively serves victims of sexual or domestic violence to allowed uses which is a more logical location and clarified that it is subject to the standards of 33.285.050. There is no need to mention the group living density requirements as they are covered by 33.285.050.</p> <p>The existing language states that if the transitional shelter is provided in an existing structure or is on the site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. The code goes on to define what constitutes an existing structure but does not explain what constitutes an existing use. Should it?</p>	
<p>33.285.040.B. Mass shelters.</p> <p><i>1. RF through R2.5 zones. Generally, new mass shelters, expansions of net building area and increases in the number of occupants in existing mass shelters in RF through R2.5 zones are a conditional use and are, reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.1.b. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.</i></p> <p><i>a. New mass shelters. The following procedures apply to new mass shelters and alterations to mass shelters that do not meet subparagraph B.1.b. The approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R and IR Zones:</i></p> <p><i>(1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.</i></p>	<p>33.285.040.B. Mass shelters.</p> <p>1. RF through R2.5 zones. Generally, new mass shelters, expansions of net building area and increases in the number of occupants in existing mass shelters in RF through R2.5 zones are a conditional use and are, reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.1.b. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.</p> <p>a. New mass shelters. The following procedures apply to new mass shelters and alterations to mass shelters that do not meet subparagraph B.1.b. The approval criteria are in Section 33.815.107, Transitional Shelters and Mass Shelters in R and IR Zones:</p> <p>(1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.</p>

Current Code Language	Draft Revised Code Language
<p><i>(2) All other mass shelters are reviewed through a Type III procedure.</i></p> <p><i>b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</i></p> <p><i>2. R3, R2, R1, RMP and IR zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in R3, R2, R1, RMP and IR zones may choose to be an allowed use or a conditional use, as stated below.</i></p> <p><i>a. Allowed use. A new mass shelter and alteration of an existing mass shelter is allowed if it meets one of the following:</i></p> <p><i>(1) A mass shelter that meets the standards of Section 33.285.050 is an allowed use.</i></p> <p><i>(2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</i></p> <p><i>b. Conditional use. If the mass shelter does not meet Subparagraph B.2.a, it is a conditional use as follows. The approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R and IR Zones. The standards of Section 33.285.050 do not apply to a mass shelter reviewed as a conditional use.</i></p> <p><i>(1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.</i></p> <p><i>(2) All other mass shelters are reviewed through a Type III procedure.</i></p> <p><i>3. RH and RX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RH and RX zones may choose to be an allowed use or a conditional use, as stated below.</i></p>	<p>(2) All other mass shelters are reviewed through a Type III procedure.</p> <p>b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</p> <p>2. R3, R2, R1, RMP, IR, RH, RX C, EX, and CI zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in R3, R2, R1, RMP, IR, RH, RX C, EX, and CI zones may choose to be an allowed use or a conditional use, as stated below.</p> <p>a. Allowed use. A new mass shelter and alteration of an existing mass shelter is allowed if it meets one of the following:</p> <p>(1) A mass shelter that meets the standards of Section 33.285.050 is an allowed use.</p> <p>(2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</p> <p>b. Conditional use. If the mass shelter does not meet Subparagraph B.2.a, it is a conditional use as follows. The approval criteria for mass shelters in R3, R2, R1, RMP, IR, RH and RX zones are in Section 33.815.107, Transitional Shelters and Mass Shelters in R and IR Zones. The approval criteria for mass shelters in C, EX, and CI zones are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C, E and CI zones. The standards of Section 33.285.050 do not apply to a mass shelter reviewed as a conditional use.</p> <p>(1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.</p> <p>(2) All other mass shelters are reviewed through a Type III procedure.</p>

Current Code Language	Draft Revised Code Language
<p><i>a. Allowed use. A new mass shelter, or alteration of an existing mass shelter, is allowed if it meets one of the following:</i></p> <p><i>(1) A mass shelter that meets the standards of Section 33.285.050 is an allowed use.</i></p> <p><i>(2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</i></p> <p><i>b. Conditional use. If the mass shelter does not meet Subparagraph B.3.a, it is a conditional use as follows. Approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R and IR Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.</i></p> <p><i>(1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.</i></p> <p><i>(2) All other mass shelters are reviewed through a Type III procedure.</i></p> <p><i>4. C, EX, and CI zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in C, EX, and CI zones may choose to be an allowed use or a conditional use, as stated below.</i></p> <p><i>a. Allowed use. A new mass shelter, or alteration of an existing mass shelter is allowed if it meets one of the following:</i></p> <p><i>(1) A mass shelters that meets the standards of Section 33.285.050 is an allowed use.</i></p> <p><i>(2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</i></p> <p><i>b. Conditional use. If the mass shelter does not meet the standards of 33.285.050, it is a conditional use, as follows.</i></p>	

Current Code Language	Draft Revised Code Language
<p><i>Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C, E and CI zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.</i></p> <p><i>(1) If the mass shelter is provided within an existing structure, or on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.</i></p> <p><i>(2) All other mass shelters are reviewed through a Type III procedure.</i></p> <p><i>5. EG zones. Generally, mass shelters in EG zones are a conditional use, reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.5.b. Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C, EX, and CI zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.</i></p> <p><i>a. The following procedures apply to new mass shelters and alterations of mass shelters that do not meet Subparagraph B.5.b:</i></p> <p><i>(1) If the mass shelter is provided within an existing structure, or on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.</i></p> <p><i>(2) All other mass shelters are reviewed through a Type III procedure.</i></p> <p><i>b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</i></p> <p><i>6. OS and I zones. Mass shelters in OS and I zones are prohibited.</i></p> <p><i>7. Exemption. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, E, CI, and IR zones if it meets the size limitations for Group Living uses.</i></p>	<p>3. EG zones. Generally, mass shelters in EG zones are a conditional use, reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.5.b. Approval criteria are in Section 33.815.140, Mass Shelters, Transitional Shelters, And Specified Group Living Uses in the C, EX, and CI zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.</p> <p>a. The following procedures apply to new mass shelters and alterations of mass shelters that do not meet Subparagraph B.5.b:</p> <p>(1) If the mass shelter is provided within an existing structure, or on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.</p> <p>(2) All other mass shelters are reviewed through a Type III procedure.</p> <p>b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.</p> <p>4. OS and I zones. Mass shelters in OS and I zones are prohibited.</p>

Current Code Language	Draft Revised Code Language
<p>Commentary: The revised language renames “short term housing” as “community service housing.” The language for the R3, R2, R1, RMP, IR, RH, RX C, EX, and CI zones appears to be identical except for the reference to the CU approval criteria. This distinction can be easily made which allows these sections to be consolidated.</p> <p>The exemption for mass shelters that exclusively serves victims of sexual or domestic violence has been deleted. Per the TAC’s direction, shelter for these clients requires anonymity and privacy and would thus be provided in Transitional Shelters, not Mass Shelters.</p>	
<p>33.285.050A. Short term housing.</p> <p>1. Existing structures and additions to existing structures. Short term housing provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.</p> <p>2. New structures. Short term housing provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.</p> <p>3. Density. The density standards for Group Living in Section 33.239.030.A must be met.</p> <p>4. Hours of operation. The facility must be open 24 hours a day.</p> <p>5. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.</p> <p>6. Parking. No parking is required.</p>	<p>33.285.050A. Transitional Shelters.</p> <p>1. Existing structures and additions to existing structures. Transitional shelters provided in existing structures are subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.</p> <p>2. New structures. Transitional shelters provided in new structures are subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.</p> <p>3. Density. The density standards for Group Living in Section 33.239.030.A must be met.</p> <p>4. Hours of operation. The facility must be available for use by the occupants 24 hours a day.</p> <p>5. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.</p> <p>6. Parking. No parking is required.</p>
<p>Commentary: The revised language renames “short term housing” as “transitional shelters” and makes a minor change to standard #4 to clarify what is meant by open 24 hours a day.</p> <p>Transitional shelters provided in new structures are subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. However, because it’s a non-residential use, presumably it’s still subject to 33.262 Off-Site Impacts. This could be a barrier and an opportunity for opposition to appeal.</p>	
<p>33.285.050.B. Mass shelters.</p> <p>1. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.</p>	<p>33.285.050.B. Mass shelters.</p> <p>1. Existing structures and additions to existing structures. A mass shelter provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan</p>

Current Code Language	Draft Revised Code Language																								
<p>2. <i>Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility and within 600 feet of the facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.</i></p> <table border="1" data-bbox="170 426 789 659"> <caption>Table 285-1 Maximum Number of Shelter Beds for Mass Shelters</caption> <thead> <tr> <th>Zone of Site</th> <th>Maximum Number of Shelter Beds</th> </tr> </thead> <tbody> <tr> <td>EX, CX, CM3, and CE</td> <td>200</td> </tr> <tr> <td>CM2 and CI2</td> <td>75</td> </tr> <tr> <td>CR, CM1, and CI1</td> <td>25</td> </tr> <tr> <td>RX and RH</td> <td>50</td> </tr> <tr> <td>R3-R1, RMP, IR [1]</td> <td>15</td> </tr> </tbody> </table> <p>Notes: [1] The mass shelter must be operated on the site of an existing Institutional Use.</p> <p>3. <i>Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.</i></p> <p>4. <i>Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.</i></p> <p>5. <i>Supervision. On-site supervision must be provided at all times.</i></p> <p>6. <i>Toilets. At least one toilet must be provided for every 15 shelter beds.</i></p> <p>7. <i>Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.</i></p> <p>8. <i>Parking. No parking is required.</i></p>	Zone of Site	Maximum Number of Shelter Beds	EX, CX, CM3, and CE	200	CM2 and CI2	75	CR, CM1, and CI1	25	RX and RH	50	R3-R1, RMP, IR [1]	15	<p>district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.</p> <p>2. <i>New structures. A mass shelter provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.</i></p> <p>3. <i>Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.</i></p> <p>4. <i>Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility and within 600 feet of the facility. If the site has split zoning, the larger number applies. Adjustments to this standard are prohibited.</i></p> <table border="1" data-bbox="836 961 1463 1325"> <caption>Table 285-1 Maximum Number of Shelter Beds for Mass Shelters</caption> <thead> <tr> <th>Zone of Site</th> <th>Maximum Number of Shelter Beds</th> </tr> </thead> <tbody> <tr> <td>EX, CX, CM3, and CE</td> <td>200</td> </tr> <tr> <td>CM2 and CI2</td> <td>125</td> </tr> <tr> <td>CR, CM1, and CI1</td> <td>25</td> </tr> <tr> <td>RX and RH</td> <td>50</td> </tr> <tr> <td>R3-R1, RMP, IR [1]</td> <td>15</td> </tr> </tbody> </table> <p>Notes: [1] The mass shelter must be operated on the site on an existing Institutional Use.</p> <p>5. <i>Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.</i></p> <p>6. <i>Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.</i></p>	Zone of Site	Maximum Number of Shelter Beds	EX, CX, CM3, and CE	200	CM2 and CI2	125	CR, CM1, and CI1	25	RX and RH	50	R3-R1, RMP, IR [1]	15
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Current Code Language	Draft Revised Code Language
	<p>7. Supervision. On-site supervision must be provided at all times by an employee, contractor, or client designated by the public agency or non-profit.</p> <p>8. Parking. No parking is required.</p>
<p>Commentary: The revised language includes new standards #1 and #2 which are the same as those for short term housing and which replace the current standard #7.</p> <p>The density standard is confusing – what if a site has split zoning where the use isn’t permitted (e.g., OS). The wording is also ambiguous. Does the use of word “and” in the phrase: “the maximum number of shelter beds allowed within a facility and within 600 feet of the facility” mean both get the amount of beds listed in the table or does the table represent the total for both?</p> <p>The phrase “on-site supervision must be provided at all times” has been clarified with regard to who can provide the supervision.</p> <p>The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection. However, because mass shelters are a non-residential use, presumably they are still subject to 33.262 Off-Site Impacts. This could be a barrier and an opportunity for opposition to appeal. Also, the standards in 33.262 have some discretion. It’s not clear how these would be applied to an allowed use.</p>	

CONDITIONAL USES (33.815)

Current Code Language	Draft Revised Code Language
<p>33.815.107 Short Term Housing and Mass Shelters in R and IR Zones</p>	<p>33.815.107 Transitional Shelters and Mass Shelters in R and IR Zones</p>
<p>Commentary: The revised title renames “short term housing” as “transitional shelters.” Similar changes to the text of the code would also be required.</p>	
<p>33.815.140 Specified Mass Shelters, Short Term Housing, And Group Living Uses in the C, E, and CI Zones</p>	<p>33.815.140 Specified Mass Shelters, Transitional Shelters, And Group Living Uses in the C, E, and CI Zones</p>
<p>Commentary: The revised title renames “short term housing” as “transitional shelters.” Similar changes to the text of the code would also be required.</p>	