

ORDINANCE No. 190313 As Amended

*Waive Portland Zoning Code requirements for the ground floor/first floor of buildings located in the Design Overlay Zone for the installation of lighting and security gates on exterior facades during COVID-19 emergency (Ordinance; waive Code Chapter 33.420)

The City of Portland ordains:

Section 1. The Council finds:

1. Mayor Ted Wheeler executed a Declaration of Emergency for the City of Portland on March 12, 2020 due to the continued spread of the COVID-19 virus, which creates an extreme risk to public health, government and business continuity, and the local economy of the City of Portland and across the entire City. The Declaration of Emergency has since been extended every two weeks.
2. The purpose of the Portland Zoning Code is to implement Portland's Comprehensive Plan and related land use plans in a manner which protects the health, safety and general welfare of Portlanders (PZC 33.10.010).
3. The COVID-19 pandemic has had an adverse effect on the health, safety and general welfare of Portlanders, including establishments in commercial districts. In many cases, businesses have been impacted by required temporary closings, significant reductions in customers, decreased pedestrian activity and operational modifications to address the public health crisis.
4. Vandalism in Portland's commercial districts increased 47 percent from March 2020 to November 2020 according to a report from the Oregonian based on Portland Police Bureau statistics. Burglaries increased 32 percent during the same time period. Vandalism is not limited to downtown Portland. Mass vandalism events have been reported in almost all commercial districts including SE Hawthorne Avenue, NE Alberta Avenue, NE Martin Luther King Jr. Boulevard, and the Hollywood District. Boarded up street-facing facades are now a common sight in Portland. These commercial districts, as well as most in Portland, contain the Design Overlay Zone.
5. Pedestrian counts in downtown Portland declined 82 percent between the December 2019 and December 2020 counts according to figures released by the Portland Business Alliance and the Downtown Portland Clean & Safe District. Declines in pedestrian activity in other Portland commercial districts have been reported as well.
6. Repair costs associated with vandalism, reduced pedestrian activity (and therefore revenue), and burglaries are among the many issues impacting Portland's businesses during the COVID-19 emergency. Significant increases in insurance premiums resulting from claims associated with vandalism are also reported, leaving

businesses, many of which are already under financial distress, even more burdened.

7. The City of Portland has adopted policy, design guidelines and Portland Zoning Code regulations related to creating and maintaining a positive pedestrian environment in Portland. The City of Portland has adopted policy related to crime-preventive design (2035 Comprehensive Plan, Policy 4.13). This policy encourages building, site, and public infrastructure design approaches that help prevent crime.
8. The City of Portland has adopted policy related to the pedestrian environment (2035 Comprehensive Plan, Policy 4.21). This policy is in part accomplished through Portland Zoning Code regulations limiting blank walls on the ground floor/first floor of buildings and requiring a percentage of storefront windows on street-facing facades in order to provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas.
9. The Central City Fundamental Design Guidelines includes a Protect the Pedestrian guideline to “develop integrated identification, sign, and sidewalk oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian” (Central City Plan Fundamental Design Guidelines, B2). The Community Design Guidelines include a Crime Prevention guideline which is in part accomplished by providing a lighting system that includes pedestrians (Community Design Guidelines, D5).
10. The Portland Zoning Code implements the Comprehensive Plan and includes development standards to provide “a more pleasant pedestrian environment by preventing large expanses of blank facades along streets” (PZC 33.130.230). The zoning code also includes regulations related to ground floor active uses (PZC 33.415.200) and the pedestrian environment (PZC 33.130.240).
11. Best practices exist with regards to the design and application of safety measures so that they do not detract from the pedestrian environment or negatively impact those working, living or staying above the ground floor/first floor, such as directing exterior lighting to illuminate the sidewalk rather than the surrounding vicinity and grille-style security gates, rather than solid panel security gates, to provide transparency and avoid blank building facades or surfaces for graffiti. Sensible exterior building modifications to improve safety and security are those that achieve objectives while maintaining a positive pedestrian experience.
12. To protect and secure persons and property by allowing the installation of lighting, and security gates on the exterior of buildings at business entrance(s) in an expedited manner, the City Council must waive provisions of the Portland Zoning Code that require Design Review approval for exterior alterations within the Design Overlay Zone (PZC 33.420.025). The City Charter authorizes the Council (2-101), acting on behalf of the City, to take actions necessary or appropriate to secure the protection of persons and property and to provide for the health, peace and good order of the City (2-105(a)(2)), to regulate the use of buildings and structures for the

better protection of the lives and health of the public (2-105(a)(35)) and to regulate uses of land and structures within the City (2-105(a)(36)). Further, the Mayor has authority to order such other measures as may be necessary to protect life, safety and health of persons and property. Code Section 15.08.020.B.11. As discussed in these findings, expedited allowance of security features in the City's commercial districts is necessary and appropriate to protect and secure persons and property and to maintain the health and good order of the City during the COVID emergency.

NOW, THEREFORE, the Council directs:

- a) The regulations of PZC 33.420 which require Design Review for lighting, and security gates on the ground floor/first floor exterior of buildings in the Design Overlay Zone, are waived to allow businesses more expeditious installation of needed security during the COVID-19 emergency, provided the conditions outlined below are met.
- b) Permit and inspection requirements of the Bureau of Development Services and all other requirements of City Bureaus must be met.
- c) Exterior lighting must be directed downward toward the sidewalk, parking area or other exterior area. Appropriate fixtures include gooseneck lights and sconces. No flashing lights or lights that project above the ground floor/first floor are allowed.
- d) Exterior security gates must be of the open-grille variety and at least 70% transparent. Security gates may only be located on the portions of building facades that contain entrances intended for pedestrian use and any windows associated with the entry portion of the building facade. Allowances of this ordinance do not include solid-panel security gates.
- e) Gateboxes that house security gates when not in use must be hidden behind an awning or if no awning is located on the ground floor/first floor building facade, the gatebox must be painted to match the building.
- f) Allowances of this ordinance do not apply to designated Historic Landmarks or to contributing structures in Historic Districts.
- g) Allowances of this ordinance expire when the Declaration of Emergency for the City of Portland first issued on March 12, 2020 is no longer in effect. Improvements made during the duration of this ordinance will be considered Nonconforming Development subject to the requirements of 33.258 Nonconforming Situations once the allowances of this ordinance expire.
- h) In order to promote expeditious issuance of building permits associated with the allowances of this ordinance, Nonconforming Development regulations of PZC 33.258.070.D.2 do not apply.

Section 2. The Council declares that an emergency exists because businesses need urgent relief from the costs and time involved in seeking Design Review approval as they try to secure their property, promote safety and security, and stay in business through the economic crisis associated with the COVID-19 emergency, and while the State of Emergency, declared by Mayor Ted Wheeler on March 12, 2020 is in effect. Therefore, this ordinance shall be immediately effective upon its passage by Council.

Passed by the Council: March 3, 2021

Mayor Ted Wheeler &
Commissioner Dan Ryan
Prepared by: Matt Wickstrom, BDS
Date Prepared: February 17, 2021

Mary Hull Caballero

Auditor of the City of Portland

By

Megan Lehman

Deputy

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Agenda No.
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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Wheeler & Comm. Ryan</p>	<p>CLERK USE: DATE FILED <u>February 23, 2021</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p>
<p>Mayor—Finance & Administration - Wheeler <small>Digitally signed by Ted Wheeler Date: 2021.02.23 11:09:55 -08'00'</small></p>	<p>By: <u>Keelan McClymont</u> <small>Digitally signed by Keelan McClymont Date: 2021.02.25 12:29:45 -08'00'</small> Deputy</p>
<p>Position 1/Utilities - Rubio</p>	<p>ACTION TAKEN:</p>
<p>Position 2/Works - Ryan <small>Digitally signed by Yessica L. Canillo Date: 2021.02.23 11:09:55 -08'00'</small></p>	
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Mapps</p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: Development Services Bureau Head: <u>Rebecca Esau</u> <small>Digitally signed by Rebecca Esau Date: 2021.02.23 08:43:14 -08'00'</small></p>	
<p>Prepared by: <u>Matt Wickstrom</u> Date Prepared: <u>2/23/2021</u></p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <small>Digitally signed by Lily Rees Date: 2021.02.23 07:40:49 -08'00'</small></p>	
<p>Council Meeting Date <u>March 3, 2021</u></p>	

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>30 minutes</u> (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Rubio</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>2. Ryan</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>4. Mapps</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Rubio	✓		2. Ryan	✓		3. Hardesty	✓		4. Mapps	✓		Wheeler	✓	
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