

S2H Zoning Code Issues – Amanda Fritz Testimony 3/16/21

33.296.030 H specifies Mass Shelters and Temporary Uses may be for a maximum of 180 days in a calendar year. This means the first year, they could open on July 1, 2021 and remain for an entire year. If Council really wants to take over parks and natural areas for even six months, the Code should be amended to state no more than 180 consecutive days and no more than 180 days in a calendar year.

I don't find any standards for Temporary Outdoor Shelters other than these for ongoing ones:

C. Outdoor shelters.

1. An outdoor shelter is prohibited in: a. Environmental overlay zones; b. Scenic overlay zones; and c. The special flood hazard area.
2. Minimum and maximum site size.
 - a. The minimum required site size for an outdoor shelter is 5,000 square feet. Institutional uses are exempt from this standard. Adjustments are prohibited.
 - b. In I zones, the maximum site size for an outdoor shelter is 2 acres. Adjustments are prohibited.
3. The facility must operate 24 hours a day.
4. The facility must have a designated supervisor.
5. All development associated with the outdoor shelter must be setback at least 5 feet from street lot lines and at least 25 feet from the lot line of any abutting R zoned property that is not part of the outdoor shelter site.
6. The outdoor shelter site must be screened from the street and any adjacent properties. Screening from the street must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, with the exception that a fence can be a minimum of 3-feet high. Screening from adjacent properties must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
7. The outdoor shelter is exempt from all pedestrian standards required by other chapters in this code.
8. No motor vehicle parking is required.

It is utterly ridiculous if there are limits on the size of outdoor shelters in Industrial zones but none that I can find as a "temporary" (i.e., one year) use in parks and natural areas. The standards don't address what is needed to allow Temporary Outdoor Shelters in OS zones, except for C 1. It's not even clear whether the permanent standards apply for Temporary Uses.

The commentary says on p. 100 of Volume 2,

<<33.285.050.C.2.a All shelters require some degree of support from government or non-profit agencies; a minimum shelter size would prevent the proliferation of mini outdoor shelters and thus provide realistic economies of scale for onsite operators and supporting agencies. >>

2 a doesn't do that. It says site size minimum of 5,000 sf, not shelter size. There should be a minimum and a maximum number of people living in any given shelter in the OS zone, even temporarily. Otherwise, small groups of people could camp in parks and claim the "site" i.e., the park is over 5,000 sf.

I'm also wondering about the 5,000 sf minimum size. That is an entire R5 lot. It seems some shelters in areas smaller than 5,000 sf, such as parking lots, could be useful and viable. We looked at an area of Parks' Lot J on Naito Parkway (where PWB is now doing the Willamette River Crossing) for R2DToo that was less than 5,000 sf, and indeed the site chosen for R2DToo is less than 5,000 sf.

Other issues in the Recommended Draft

33.110.265 Residential Infill Options and 33.205.040 Accessory Dwelling Units

Adds requirement that at least one unit on the lot be visitable – for access, bathroom, living area and doors.

b. Visitable unit standards. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet all of the following visitability standards: the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features ... etc.)

It's not clear to me whether this was already changed in the Code and I missed it, as the Zoning Code that I can find online by Googling and the one Portland.gov sends me to has the 2016 version of the ADU regulations in 33.205. This project's information doesn't include Subparagraph E.3.c so I don't know what the exemptions are.

If we assume many/most existing Portland homes don't meet this standard, this means almost all ADUs and internal conversions must meet it – thereby prohibiting new ADUs on an upper level such as over a garage, or in a yard on a slope (entrance can't be more than 1:8 slope from street which takes out many lots in the hills) and most internal conversions of larger older homes.

I appreciate and supported that the standard was added for new primary units per RIP. Adding it for ADUs and other existing development would restrict the opportunity for many affordable small ADU homes in Portland, including internal conversions which was one of the few improvements in RIP. It would likely have prohibited the ADUs on upper floors of the two added to existing homes near me. Does the City really mean to

require all ADUs to be visitable if the main home is not, either in this rewrite or whatever was done in RIP? Has an analysis been done of how many ADUs permitted in the past few years would not have been allowed if this standard had been adopted previously?

If the Council is going to add this, it seems that Adjustments to the visitable entrance standard should be prohibited since Adjustments to the other visitability elements are prohibited (the Adjustment process allows applicants to ask not to have to meet the standard). There's no point in requiring visitable bathrooms, living area and doorways if a person using a mobility device can't get in the door.

33.205.040 Development Standards

A.-B. [No change]

C. Requirements for accessory dwelling units. Accessory dwelling units must meet the following:

1.-4. [No change]

5. Visitability. a-b. [No change]

c. Visitable unit standards. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet the following visitability standards: the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type C standards are retained for the life of the dwelling unit.

(1) Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8. *Adjustments currently not prohibited.*

(2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 205-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. *Adjustments are prohibited;*

(3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. *Adjustments are prohibited;* and

(4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. *Adjustments are prohibited.*