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## MEMO

**DATE:** January 10, 2019  
**TO:** Katherine Schultz, Eli Spevak  
**FROM:** Bill Cunningham, Better Housing by Design Project Manager  
**SUBJECT:** Consistency in regulations for residential projects of various types and scale

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The purpose of this memo is to provide a response to a question raised by commissioners Spevak and Schultz during the December 11<sup>th</sup> PSC work session on the Better Housing by Design (BHD) proposals. The question was:

*Are we regulating larger multi-dwelling development in similar ways to small-scale housing types (duplexes, triplexes, attached houses, etc.)? Or, does creating regulatory consistency between the small-scale housing types in BHD and RIP result in more differences with regulations for larger multi-dwelling development?*

### Staff Response

The question was raised in the context of discussion on bringing consistency between regulations for small-scale housing types proposed for multi-dwelling zones (BHD) and in the single-dwelling zones (Residential Infill Project [RIP]). The combination of the BHD proposals and the refinements to the RIP proposals will bring greater consistency in how regulations are applied to different types of residential development at a variety of densities and site sizes (especially in comparison to existing zoning code regulations). Project staff aimed to achieve code consistency, unless there were good reasons for different approaches. The following summarizes proposed regulatory approaches as they apply to different types of housing, highlighting how they are similar or differ.

#### 1. Front garages and structured parking

**Consistency.** The proposals bring consistency between how garages (associated with small-scale structures) and structured parking (associated with multi-dwelling structures) are regulated. Regardless of housing type, the proposed regulations limit garages and structured parking from occupying more than half of the ground-floor frontage of residential buildings. This brings much greater consistency compared to current regulations. While front garage limitations currently apply



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to most housing types in the single-dwelling zones, there are almost no limits on front garages or structured parking for development in the multi-dwelling zones.

**Differences.** One difference in the proposals is that in the multi-dwelling zones, structured parking for multi-dwelling buildings does not count toward maximum FAR calculations (up to a maximum FAR of .5 to 1), while individual garages are counted in FAR calculations for houses, attached houses, and other small-scale housing types. This approach for structured parking brings consistency with regulations in the mixed use zones (Chapter 33.130) and is intended to encourage structured parking instead of surface parking, and so that structured parking does not reduce the amount of building area that can be housing (individual garages are not proposed for the same approach, since including the garages of houses and attached houses in FAR calculations has more of an impact on the size of units, rather than numbers of units).

## 2. Front entrances

**Consistency.** The proposals bring greater consistency in regulations for front entrances for all housing types. All housing types, when located close to streets, would need to have front entrances oriented to the street, regardless of zone. This brings greater consistency compared to current regulations, which include requirements for street-oriented entrances for small-scale housing types on individual lots, but do not require street-oriented entrances for multi-dwelling development in the multi-dwelling zones.

*Multi-dwelling zone development (multiple houses on a shared lot) with no entrances or pedestrian connections to the adjacent street. Proposed BHD amendments will require all housing types to have street-oriented entrances and connections when located close to streets. Multi-dwelling development would also be subject to limits on front garages, as currently applies to houses on individual lots.*



**Differences.** Both the BHD and RIP proposals require the main entrances of houses, attached houses, duplexes and other small plexes to be raised no more than four feet above the adjacent grade. However, the BHD proposals do not apply this standard to multi-dwelling development as it would be problematic for some types of multi-dwelling buildings that have exterior entrances for upper level units (stacked above ground-level units).

The BHD proposal also differs in that it provides an option for multi-dwelling structures to have entrances that front onto a courtyard connected to a street (instead of being located close to the street). This is intended to allow for the continuation of Portland courtyard apartment arrangements that feature entrances accessed from the courtyard, rather than being located on the ends of building wings close to the street.

Another difference is that the RIP proposals do not allow exterior stairs or fires escapes providing access to an upper level to be located on a street-facing façade. The BHD proposals do not include this limitation, as disallowing exterior stairs from accessing upper levels would be problematic for some stacked-unit multi-dwelling housing types, especially on corner lots.



### 3. Setbacks and accessory structures

**Consistency.** The proposals bring greater consistency in regulations for side and rear setbacks for all types of housing, regardless of zone. The BHD proposals standardize side and rear setbacks to a 5-foot depth, consistent with setback standards in the single-dwelling zones. The BHD proposals are a change from current regulations, which require setbacks ranging from 5 to 14 feet (depending on the size of the building wall).

The BHD proposals, as requested for refinement by PSC, would also bring consistency in how small accessory structures are regulated. The proposed BHD amendments would allow small accessory structures in required side and rear setbacks, regardless of housing type or site size, which brings consistency with allowances that currently apply to houses, duplexes, and other small-scale housing types. This is a change from current regulations, which do not allow accessory structures associated with multi-dwelling development to be located in any required setbacks.

**Differences.** A difference between the RIP and BHD proposals is that detached accessory structures in the single-dwelling zones can only be located in a required side setback when located at least 40 feet from a street lot line. The BHD proposals allow for an accessory structure to be located in side setbacks as long as it is at least 10 feet from the street lot line (or no closer to the street than the primary building). This difference reflects that the multi-dwelling zone allowances apply to locations that are intended to be more urban and built up, while the single-dwelling zone allowances are intended to continue existing single-dwelling neighborhood patterns, where accessory structures (such as detached garages) are traditionally set back from the street, often to the rear of the primary house.

### 4. Other standards

- **Front parking.** Both the BHD and RIP proposals limit vehicle areas (surface parking and driveways) from occupying more than 40 percent of site frontages, regardless of housing type. The BHD proposal is a change from existing regulations, which allow 50 percent of site frontages of multi-dwelling development to be vehicle area. PSC, during the December 11<sup>th</sup> work session, also provided direction to provide consistency between the two zones in limiting parking spaces between buildings and the street. In both types of zones, surface parking would not be allowed between the building and the street for fourplexes and for multi-dwelling development on small sites (in the multi-dwelling zones).
- **Parking ratios.** The RIP proposals would not require off-street parking, while the BHD proposals would not require parking on small sites up to 10,000 square feet in size (off-street parking is also not required for sites close to frequent transit). These standards would apply regardless of housing type.
- **Required outdoor areas.** With the BHD proposals, all residential development will be subject to requirements for outdoor areas for residents, as is the case in the single-dwelling zones, although the required outdoor area ratios are less in the multi-dwelling zones. Currently the higher-density RH multi-dwelling zone has no requirements for outdoor space (the proposed amendments have similar outdoor space requirements as currently apply in the mixed use zones).



- **Landscaping.** The multi-dwelling zones require a percentage of site area to be landscaped (varies by zone) and limits surface vehicle areas to 30 percent of site area. Landscaping and the percentage of site that can be paved for vehicle areas are not regulated in the single dwelling zones (although Title 11 does include requirements for trees). Including these requirements in the multi-dwelling zones reflect the greater demands on site area associated with higher-density development, ensuring that landscaping or other green elements are included. Small sites in the multi-dwelling zones (up to 10,000 square feet) have more flexible landscaping requirements are proposed to have more flexible landscaping requirements (e.g., trees are not required in side/rear setbacks), regardless of housing type to accommodate compact development on small sites and to be more consistent with regulations for single-dwelling housing.
- **Pedestrian standards.** The multi-dwelling zones chapter has requirements that multi-dwelling development include pedestrian connections, while the single-dwelling zones and small-scale housing types in the multi-dwelling zones do not (although there are building code standards for pedestrian connections). The multi-dwelling zone requirements for pedestrian connections ensure that apartment complexes have adequate pedestrian systems and reflect the greater need for pedestrian facilities associated with larger numbers of units and residents.

