

## Potential BHD Amendments Requested by City Commissioners


## Major Amendments – Zoning Code and Related

	Potential Amendment	Rationale	Staff Notes
1a	<p><b>Deeper Housing Affordability Bonus – Zoning Code:</b></p> <p>Amend the Deeper Housing Affordability Bonus so that units are affordable to those earning no more than 60 percent of area median family income, <u>or alternatively meet an affordability level established in Title 30. (see below)</u></p> <p><i>Sponsor: Mayor Wheeler</i></p>	<p>This amendment would provide flexibility to use this bonus to help address the need for affordable ownership housing, for which the 60% of area median income affordability level is not practical (households typically need to earn more than this to qualify for ownership housing programs).</p>	<ul style="list-style-type: none"> <li>The amendment would retain the requirement for at least 50 percent of units to meet affordability requirements (a much higher percentage than required by inclusionary housing – 20 percent or 10 percent, depending on affordability level).</li> </ul>
1b	<p><b>Deeper Housing Affordability Bonus – Title 30:</b></p> <p>Amend Title 30 (Affordable Housing) to provide standards and administrative approaches to implement the Deeper Housing Affordability Bonus. Include rules specific to rental units (must be affordable at 60 percent of area median income for a 99 -year period) and to ownership units (would need to be affordable at 80 percent of area median income for at least a 10-year period).</p> <p><i>Sponsor: Mayor Wheeler</i></p>	<p>The new Title 30 section is needed to implement the deeper housing affordability bonus and to provide options for the bonus to be used to promote affordable home ownership opportunities.</p>	<ul style="list-style-type: none"> <li>The affordability level for ownership housing will be set at 80 percent of area median income, while rental housing would need to meet the 60 percent of area median income affordable level indicated in the zoning code Deeper Housing Affordability provision.</li> <li>The rental and ownership housing affordability levels align with existing Housing Bureau programs for affordable housing (SDC waivers, tax exemptions, etc.)</li> <li>The shorter term of affordability for ownership housing allows for households to gain equity through ownership, especially since an objective of some ownership housing programs is to provide the benefits of ownership to communities that had not always had access to such opportunities in the past due to discriminatory practices.</li> </ul>
2	<p><b>Affordable housing parking exception:</b></p> <p>Amend the Chapter 33.266 affordable housing parking exception so that the exemption from minimum parking requirements for projects providing inclusionary housing units applies regardless of location. The</p>	<p>The intent of this amendment is to reduce costs and support the economic feasibility of projects that provide affordable housing units by making parking optional, instead of required.</p>	<ul style="list-style-type: none"> <li>This amendment would affect projects providing affordable units through inclusionary housing provisions, primarily in the multi-dwelling and mixed-use zones, as well as the proposed Deeper Housing Affordability Bonus.</li> <li>Currently, projects utilizing inclusionary housing bonuses are exempt from minimum parking requirements when located within 500 feet of frequent-service transit lines or within 1,500 feet of light rail stations (applies to 73% of multi-dwelling zone properties). Outside</li> </ul>

	<p>amendment also adds projects using the Deeper Housing Affordability Bonus to the types of affordable housing that can use this exception.</p> <p><i>Sponsor: Mayor Wheeler</i></p>		<p>of these distances, minimum parking requirements apply although affordable units are subtracted from the minimum parking calculations.</p> <ul style="list-style-type: none"> <li>• 95% percent of multi-dwelling and mixed use zone properties are located within 1,500 feet (just over a quarter mile) of frequent-service transit, meaning that most development is within walking distance of frequent transit.</li> <li>• A feasibility analysis (see Recommended Draft Appendix C – Part 2) indicated that options to not include parking are critical to the economic feasibility of projects with inclusionary housing units on compact sites (structured parking typically costs around \$40,000 per parking space and takes up building area that could be used for housing units).</li> </ul>
3	<p><b>Development bonuses and demolition of historic resources:</b></p> <p>Disallow development bonuses or FAR transfers from being used on sites where a historic building has been demolished.</p> <p><i>Sponsor: Commissioner Fritz</i></p>	<p>Prevent the additional development scale provided by bonuses and FAR transfers from serving as an incentive for the demolition of historic buildings.</p>	<ul style="list-style-type: none"> <li>• There are 229 acres of multi-dwelling zoning in historic/conservation districts – 4% of all such zoning. In the commercial/mixed use zones there are 90 acres in historic/conservation districts (2% of zoning).</li> <li>• Demolition of contributing structures in historic districts (such as the Alphabet and King’s Hill historic districts) and individually-designated landmarks on the National Register of Historic Places are subject to City Council approval (through a Type IV demolition review). As a result, there have been very few such demolitions, with no demolition of a contributing structure in the Alphabet Historic District in the past 20 years, despite the district’s high-density zoning.</li> <li>• This issue was discussed by PSC commissioners, who felt that if there was compelling reason to allow a demolition, there should be an opportunity for the replacement building to utilize development bonuses, such as for inclusionary housing.</li> <li>• For locally-designated historic resources, including contributing structures in conservation districts (such as the Mississippi Avenue conservation district), there is only a demolition delay procedure, which limits the ability to prevent demolitions. These resources would be more vulnerable to redevelopment. However, the Historic Resources Code Project is considering requiring demolition review in conservation districts and for locally-designated historic landmarks.</li> </ul>
4	<p><b>Development bonuses in areas not close to frequent-service transit:</b></p> <p>Disallow development bonuses from being used in locations that are more</p>	<p>This will help limit adding larger numbers of residents and associated traffic to areas that are not well-served by transit.</p>	<ul style="list-style-type: none"> <li>• 95% of multi-dwelling and mixed use zoned properties are within 1,500 feet of frequent-service transit, so this amendment would only apply to around 5% of properties in these zones.</li> </ul>

	<p>than 1,500 feet from frequent-service transit.</p> <p>The details of where this would apply are still under discussion.</p> <p><i>Sponsor: Commissioner Fritz</i></p>		
5	<p><b>100-foot height in historic districts:</b></p> <p>In historic districts, remove the allowance for 100-foot building height within 1,000 feet of light rail stations in the RM4 zone.</p> <p><i>Sponsor: Commissioner Fritz</i></p>	<p>Prevent new buildings from being out-of-scale with the scale of historic districts, which have very few historic buildings that exceed the base RM4 height limit of 75 feet.</p>	<ul style="list-style-type: none"> <li>• This is an existing allowance that City Council decided to retain as part of Comprehensive Plan Update code amendments in 2018.</li> <li>• The PSC's rationale for retaining this allowance was to rely on the Historic Landmarks Commission to determine appropriate building height, as they have the discretion to determine this based on context.</li> <li>• No projects have utilized this height allowance in historic districts.</li> </ul>
6	<p><b>Requirements for indoor community space for large sites:</b></p> <p>Require that large sites (more than 20,000 square feet) include indoor common areas, such as community rooms, in addition to the proposed requirements for outdoor common areas.</p> <p><i>Sponsor: Commissioner Fritz</i></p>	<p>This will respond to testimony regarding the importance of indoor or covered community space to help reduce social isolation during times of the year when outdoor activity is limited.</p>	<ul style="list-style-type: none"> <li>• This amendment would require that large sites include an indoor common area of at least 300 square feet as part of the requirement for common area that the Recommended Draft will apply to large sites. The amendment will allow for indoor common area to comprise up to 25% of the total amount of required common area (the rest would need to be outdoor common areas such as courtyards or play areas).</li> <li>• The BHD Recommended Draft proposed to allow indoor community space (such as recreation rooms) as an <i>option</i> to meet outdoor/common area requirements. This is a change from current regulations, which provide no credit to indoor community space, such as recreation room, for meeting such requirements.</li> <li>• The Recommended Draft large site requirement for common area (equivalent in size to 10% of site area) allows for up to half of this to be provided as indoor common area. The amendment would make indoor community space a requirement, rather than an option.</li> </ul>

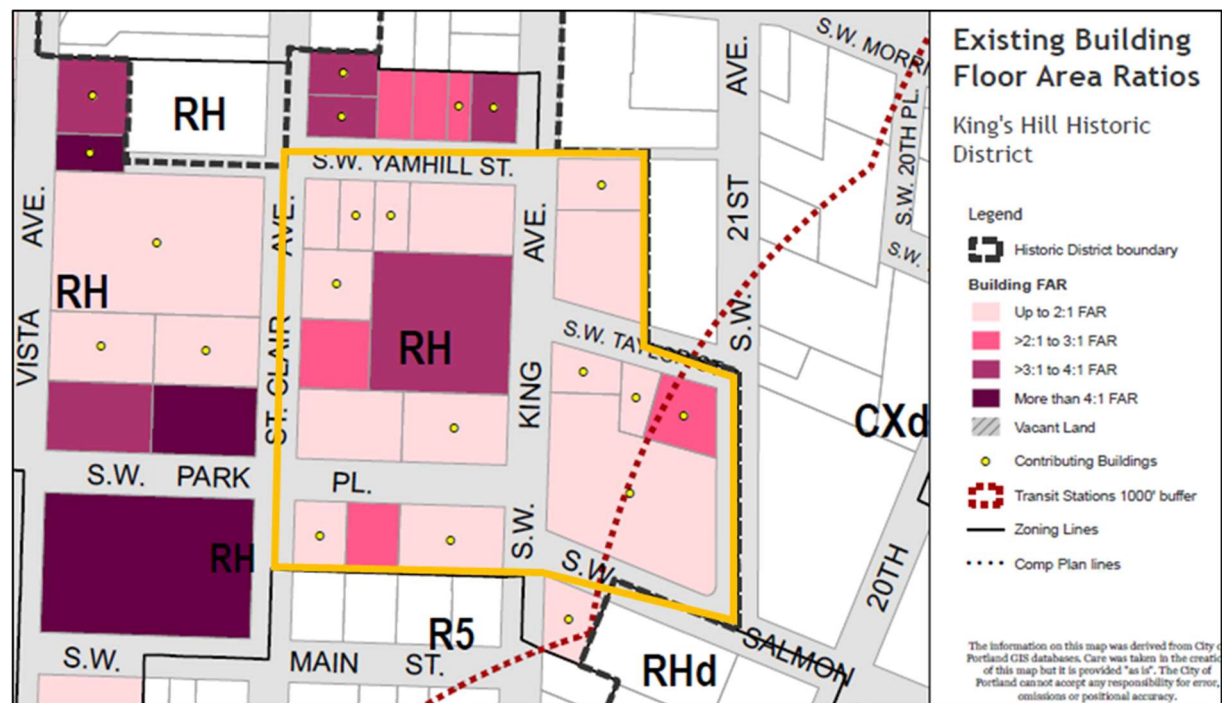
## Major Amendments – Map Changes

	Potential Amendment	Rationale	Staff Notes
1	<p><b>Anna Mann House rezoning:</b></p> <p>Change the zoning of the Anna Mann House (1021 NE 33<sup>rd</sup>) from single-dwelling <b>R5</b> to multi-dwelling <b>RM1</b>. Change the Comprehensive Plan Map designation to the corresponding <b>Multi-Dwelling – Neighborhood</b> designation.</p> <p><i>Sponsor: Mayor Wheeler</i></p>	<p>This zone change would support the use of this historic property for affordable multi-dwelling housing and help accommodate its preservation.</p>	<ul style="list-style-type: none"> <li>The Anna Mann House is on a site with over three acres and is on the National Register of Historic Places.</li> <li>The property, to be rehabilitated by Innovative Housing, Inc., is one of Portland's Affordable Housing Bond Projects and is proposed for 88 low-income units for families and households experiencing homelessness.</li> <li>The structure was originally built as an "old peoples home" and was never a single-family house, although it is located in the R5 single-dwelling zone. The R5 zone is intended for houses on 5,000 square foot lots and is not suited to the historic or anticipated characteristics of this property.</li> <li>Applying the RM1 multi-dwelling zone to this property would provide flexibility for expansion of the multi-dwelling uses of this property and would be more in keeping with the historic use of the Anna Mann House as a multi-dwelling structure. Any additions to the property will require Historic Resource Review, which will help ensure the compatibility of any additions to the property.</li> <li>The property is located close to Sandy Boulevard (portions of the property are located within 50 feet of this corridor), which has frequent transit service and is designated in the Comprehensive Plan as a "Civic Corridor," where higher-density housing is appropriate.</li> <li>The BHD project was not scoped to expand the mapping of multi-dwelling zoning; this rezoning would be a departure from this.</li> </ul>
2	<p><b>5631 SE Belmont zoning line shift:</b></p> <p>For a property at 5631 SE Belmont (currently seeking historic status) rezone the back 20 feet of the lot from <b>R5</b> to <b>RM1</b> so that the entire house is in the same zone.</p> <p><i>Sponsor: Commissioner Fritz</i></p>	<p>Shifting the zoning line on this property will put the entire house into the same zone (RM1), which will reduce barriers to the use of this structure that are currently limited due to the split zoning.</p>	<ul style="list-style-type: none"> <li>No major issues, except that the BHD project was not scoped to expand the mapping of multi-dwelling zoning.</li> <li>Suggested shift in zoning (move zoning line to dashed line):</li> </ul> 

3	<p><b>King's Hill Historic District zone changes:</b></p> <p>In the King's Hill Historic District, downzone from RM4 to RM3 (reduces FAR from 3:1 to 2:1) four full/partial blocks where half or more of the buildings are small-scale historic structures.</p> <p><i>(Requested in testimony from Goose Hollow Foothills League, Architectural Heritage Center, others).</i></p> <p>The boundaries of this map change are still under discussion.</p> <p><i>Sponsor: Commissioner Fritz</i></p>	<p>Reduce the allowed scale of new development to better match the scale of the small-scale historic buildings on these blocks.</p>	<ul style="list-style-type: none"> <li>• Current RH zoning on these blocks allow for a base FAR of 4:1. The BHD proposal for the new RM4 zone reduces the base FAR to 3:1 on these blocks (bonus FAR of 4.5:1), which corresponds to the scale of larger historic buildings in the King's Hill Historic District. This amendment would reduce the base FAR to 2:1.</li> <li>• The predominant scale of historic buildings on these blocks is 2 to 3 stories, with FARs generally under 2:1 (see map below), although some nearby historic buildings (including across SW Yamhill Street) are larger, with FARs that exceed 3:1.</li> <li>• On two of the blocks that are requested to be rezoned to RM3, less than half of the area of the blocks consist of historic properties, and the larger of these two blocks includes a diverse range of building scale (including the non-contributing, 12-story Cielo Apartments).</li> <li>• All new development in the historic district is subject to discretionary Historic Resources Review, which allows the Historic Landmarks Commissions to limit the scale of development based on context. Recently-approved projects in the historic district have FARs of about 2.5:1 (about 3 stories), even though the RH zoning has a base FAR of 4:1.</li> </ul>
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Area requested for change from RM4 to RM3 zoning outlined in orange.

Dark tones show larger buildings. Dots show historic buildings.



## Minor or Technical Amendments *(identified by staff and sponsored by Mayor Wheeler)*

	Potential Amendment	Rationale
1	Amend regulations for minimum lot dimensions in the multi-dwelling zones (Chapter 33.612) to: 1. Add “triplexes” and “fourplexes” to the same minimum lot dimensions that now apply to duplexes. 2. Shift “duplexes” to the same lot dimension standards that apply to detached houses.	<ul style="list-style-type: none"> <li>• Triplexes and Fourplexes are currently considered to be “multi-dwelling structures,” which in most of the multi-dwelling zones currently require a minimum lots size of 10,000 square feet.</li> <li>• The BHD and RIP projects are redefining triplexes and fourplexes as distinct structure types appropriate for small residential lots, and are proposing to regulate these similarly to other “middle housing” types, such as duplexes and attached houses. The amendments to Chapter 33.612 would allow triplexes and fourplexes on small lots, as is currently the case with duplexes.</li> <li>• Allowing duplexes on the same size lots as detached houses is necessary to comply with House Bill 2001, which requires duplexes to be allowed on each lot zoned for residential uses that allows for the development of detached single-family dwellings.</li> </ul>
2	Amend the affordable housing exceptions from minimum parking requirements (Chapter 33.266) to apply to projects using the deeper housing affordability bonus.	<ul style="list-style-type: none"> <li>• The existing affordable housing exceptions from minimum parking requirements currently apply to projects using the inclusionary housing bonus and is intended to facilitate development that includes affordable housing.</li> <li>• For the same purpose of facilitating affordable housing, the amendments would add projects using the deeper housing affordability bonus to the affordable housing parking exceptions (such projects will typically exceed inclusionary housing requirements for numbers of affordable units ).</li> </ul>
3	For the Retail Sales and Service and Office uses limited use allowance (33.120.100.B.2.a), add language clarifying when different types of these limited use allowances can be utilized.	This is a technical correction to clarify the application of the regulation.
4	Amend tree preservation FAR transfer provision so that the amount of FAR that can be transferred from a site cannot exceed the difference between the amount of building FAR existing or proposed on the site and the total amount of base FAR allowed on the site.	<ul style="list-style-type: none"> <li>• This amendment brings consistency with other FAR transfer allowances, which generally limit the amount of FAR that can be transferred to the amount of unutilized FAR on a site.</li> <li>• As written, this transfer allowance could allow more FAR to be transferred from a site than is allowed on the site, which was not the intent of the regulation.</li> </ul>
5	For regulations related to tree health, delete reference to “diseased” and replace with “dying” (33.120.210.D.1.b and 4.b; and 33.120.213).	Correction
6	Extensions into required building setbacks (33.120.220.D.1 b and c: correct reference to Paragraph D.2 to instead be D.4 (D.2 has been changed to D.4).	Correction