



Memo

Date: November 27, 2024

To: Mayor and City Commissioners

From: Patricia Diefenderfer, Chief Planner, Bureau of Planning and Sustainability (BPS)
Ryan Singer, Principal Planner, BPS

CC: Donnie Oliveira, Deputy City Administrator, Community and Economic Development Service Area
Eric Engstrom, Director, BPS

Re: Montgomery Park Area Plan – Amendments

This memo presents amendments to the Montgomery Park Area Plan (MPAP) to be considered by City Council on December 4, 2024. Amendments 1 through 8 were previously published in a BPS Memo dated November 6, 2024, but have been renumbered to group amendments by the Sponsor. Amendments 9.a through 9.p were introduced at the Council meeting on November 13, 2024. All the amendments were introduced and seconded during the City Council hearing on the Plan on November 13, 2024. The amendments include changes to Volume 1, changes to the zoning code language in Volume 2, and changes to the Comprehensive Plan map designation and zoning map designation on two parcels.

Amendments 2 and 3 are technical fixes to the MPAP, and its related zoning regulations, including clarifying the intent of some regulations. Amendments 1 and 4 through 8 are in response to testimony and community feedback. To align the zoning and code with plan objectives, amendments 9.a through 9.o change the Comprehensive Plan and zoning maps and the zoning code regulations affecting the Montgomery Park and American Can properties because the properties are not participating in the related Montgomery Park Public Benefits Agreement. Amendment 9.p updates references to terms and participants of the Public Benefits Agreement for accuracy.

A summary table of the amendments is below, followed by descriptions and detailed amendment language. For amendments to Volume 2, gray shaded text indicates where the Recommended Draft code language would change to address the amendment.

#	Amendment	Sponsor
1 <i>(formerly #3)</i>	Volume 1 and 2: Change the name and number of the new plan district.	Commissioner Rubio

#	Amendment	Sponsor
2 <i>(formerly #1)</i>	Technical Amendments to Volume 1 and Comprehensive Plan: <ul style="list-style-type: none"> a) Replace “Lewis and Clark Expedition” with “Corps of Discovery Expedition” in MPAP documents. b) Revise distance to existing parks text in MPAP Volume 1. c) Amend Comprehensive Plan Figure 3-1 and 3-8, to reclassify the area within the plan district boundary to the “Inner Neighborhoods” pattern area from the “Rivers” pattern area. 	Mayor Wheeler
3 <i>(formerly #2)</i>	Technical Amendments to Volume 2: Clarify code language for Urban Green Features.	Mayor Wheeler
4	Volume 2: Clarification of nonconforming nonresidential use rights.	Mayor Wheeler
5	Volume 2: Allow required nonresidential use to be transferred from Subdistrict F to Subdistrict D.	Mayor Wheeler
6	Volume 2: Provide more specificity in references to the provisions of the public benefits agreement (improve cross-referencing with the plan district).	Mayor Wheeler
7	Volume 2: Allow floor area to be transferred from Subdistrict F to Subdistrict D.	Mayor Wheeler
8	Volume 2: Increase step-down height on NW Vaughn from 45’ to 55’.	Mayor Wheeler
9	Amendments to the Plan, related to the Montgomery Park and American Can properties, to change the recommended map (retaining the current Comprehensive Plan designations and zoning), align proposed zoning code with map changes and plan objectives, and update details and references related to the public benefits agreement: <ul style="list-style-type: none"> a) Volume 1: Amend the recommended Comprehensive Plan designation and base zoning on tax lots R316491 and R316509 (a portion of the American Can site). b) Volume 2: Align Subdistricts B and C with the underlying zoning and amend Zoning Code Map 590-1 to reflect this change. c) Volume 2: Ensure the additional prohibited use regulation applies with the realigned Subdistricts. d) Volume 2: Ensure that the required ground floor active use standard applies in Subdistrict C. e) Volume 2: Align the FAR and height maximums and bonuses with existing zoning allowances for Subdistricts B and C. f) Volume 2: Ensure the minimum required floor area ratio standard applies in Subdistrict C. 	Mayor Wheeler

	<ul style="list-style-type: none">g) Volume 2: Remove the provision allowing transfer of floor area into Subdistrict B.h) Volume 2: Clarify bonus height allowances in the EG zones; remove height bonus in Subdistrict C.i) Volume 2: Align FAR and height bonus options with existing allowances in Subdistricts B and C.j) Volume 2: Ensure that the affordable commercial space requirement applies in Subdistrict C.k) Volume 2: Ensure that the main street standards apply in Subdistrict C.l) Volume 2: Ensure urban green features are required in Subdistrict C.m) Volume 2: Eliminate the option to reduce the required outdoor area in Subdistricts B and C.n) Volume 2: Ensure that the parking standards apply in Subdistrict C.o) Volume 2: Remove Subdistrict C from the Residential-Employment Buffer Standard.p) Volumes 1 through 4: Amend all references in the plan related to the public benefits agreement to reflect the most updated terms, including number of middle wage jobs and participants in the agreement (now solely “the owners of the former ESCO Steel site”).	
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COUNCIL PROPOSED AMENDMENTS:

Amendment #1 – Plan District Name Change

Explanation of the amendment: The plan area was in the general location of the Lewis and Clark Expedition Centennial Expo. York, William Clark’s enslaved servant, made significant contributions to the success of the Lewis and Clark Expedition, also known as the Corps of Discovery, and was the first known Black person in Oregon. Further, in 2002 City Council named NW York Street in this area in honor of York (due to the efforts of Ron Craig). This proposed plan district name change further acknowledges the significant contributions of York, and Black history in the area.

Change the name and numbering of the plan district from Vaughn-Nicolai Plan District (33.590) to York Plan District (33.597) wherever the name and number appears in the MPAP Recommended Draft.

Amendment #2 – Technical Amendments to Volume 1 and Comprehensive Plan

2a: Replace “Lewis and Clark Expedition” with “Corps of Discovery Expedition” in MPAP documents

Explanation of the amendment: The term Lewis and Clark Expedition is cited several times within Volume 1 of the MPAP. The Lewis and Clark Expedition has also been referred to as the Corps of Discovery Expedition. After the Planning Commission decision, community members expressed a desire to use the term Corps of Discovery Expedition. Staff supports this change which responds to community requests.

2b: Revise distance to existing parks text in MPAP Volume 1, page 64

Explanation of the amendment: Revise text of Volume 1 to better reflect proximity of existing parks.

Proposed text amendment: Parks in the ~~general~~ vicinity, such as The Fields Park, Wallace Park, and Couch Park, are ~~well~~ generally beyond the ½ mile target proximity, and all three are already heavily used and at capacity for serving existing residents living closer to those parks.

2c: Amend Comprehensive Plan Figure 3-1, Urban Design Framework; and 3-8, Pattern Areas

Explanation of the amendment: The Comprehensive Plan identifies several “pattern areas” within the city that denote the different characteristics of the landscape and development features within Portland. These are shown on Figure 3-1 and 3-8 of the Comprehensive Plan. The MPAP area is currently within “Rivers” Pattern Area which includes significant industrial areas near the Willamette and Columbia rivers. The proposed change in land use designations in the MPAP area will allow a broader array of uses in a more intense, transit-oriented from that is more appropriately included in the “Inner Neighborhoods” pattern area. Staff supports an amendment to change the designation.

Amendment #3 – Technical Amendment, Volume 2; 33.590.260.C.1

Explanation of the amendment: This amendment clarifies language in the option to remove confusion between landscaping required by other standards in this title and the requirements for meeting this option.

1. Landscaped area. A minimum of 15 percent of a site area must be landscaped. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of landscaping required for this option. Sites developed with a house, attached house or duplex are exempt from the landscaped area option. The following apply:
 - a. Landscaped areas must be at ground level and comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. Up to one-third of the landscaped area may be improved for active or passive recreational use. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
 - b. Landscaped areas raised above ground level may be used to meet the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches.
 - c. Up to 50 percent of the landscaped area may be improved for pedestrian use, such as walkways and plazas, if the area is surfaced with pervious pavement approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual. If this provision is used, no impervious surfaces can be counted toward meeting the minimum landscaped area standard.

Amendment #4 – Required Nonresidential Use; 33.590.135.B

Explanation of the amendment: This amendment adds a Subsection to the regulations to clarify how nonconforming use regulations will apply to existing sites that become nonconforming with the required nonresidential use regulations when the plan district goes into effect. As with all nonconforming uses, the nonconforming situation may continue. This amendment clarifies what happens when additional floor area is added to a site that is nonconforming with this regulation:

- *If the new floor area that is added to the site will be used entirely for a nonresidential use, then the site can simply move closer to conformance with the regulations rather than having to come all the way into conformance. This will ensure that additions can be made to existing buildings without requiring the property owner to build more floor area than necessary for the planned expansion.*
- *However, if any of the new floor area will be in a residential use, then the site must come fully into conformance with the nonresidential use regulation. This will ensure that as residential uses are built in the plan district, the MPAP policies related to ensuring employment opportunities and jobs are met.*

B. When this regulation applies.

1. Generally. The required nonresidential use regulations apply to new development and alterations to existing development. Lots with houses are exempt from the required nonresidential use requirement.
2. Nonconforming situations. For sites that are nonconforming with the required nonresidential use regulations, meaning the site does not have the required amount of floor area in a nonresidential use, the following apply:
 - a. The nonconforming situation may continue;
 - b. There may not be a net decrease in the total amount of floor area on the site in a nonresidential use;
 - c. When additional floor area is added to the site the following apply:
 - (1) If all of the additional floor area will be in a nonresidential use, the site can move closer to compliance with the nonresidential use requirement but is not required to come fully into compliance;
 - (2) If any of the additional floor area will be in a residential use, the site must be brought into compliance with the required nonresidential use regulations of Paragraphs C.1., C.2., or C.3.

Reletter B through D to C through E

**Amendment #5 – Allow nonresidential use to be transferred from subdistrict F to subdistrict D;
33.590.135.D.3.c(1)**

Explanation of the amendment: Some properties in Subdistricts F and D are currently owned by the same entity. This amendment will allow required nonresidential use requirements to be transferred between the subdistricts and allow more flexibility to achieve desired plan employment goals.

- c. Transfer of nonresidential use requirement. Some or all of the required nonresidential use can be transferred from one site to another site, or can be consolidated in another building on the same site, when the following are met:
 - (1) Receiving site:
 - If the sending site is in Subdistrict E, the receiving site must be in Subdistrict E;
 - If the sending site is in Subdistrict F, the receiving site can be in Subdistrict F or Subdistrict D.
 - (2) The property owner must execute a covenant with the City that:
 - Meets the requirements of Section 33.700.060, Covenants with the City;
 - Is attached to and recorded with the deed of the site transferring and the site receiving the required nonresidential use;
 - Ensures the receiving site complies with its own nonresidential use requirement, if applicable, and the transferred nonresidential use requirement; and

- Reflects the respective decrease and increase of nonresidential use requirement on each site, or when the transfer is to another building within the site, the states that the consolidated nonresidential requirement will be included in the next building to be built on the site.

Amendment #6 – Provide more specificity in references to the adopted public benefits agreement; 33.590.135.D.1.b(1); 33.590.135.D.2.b(1); 33.590.210.D.1.b

Explanation of the amendment: This amendment clarifies which specific provisions of the public benefits agreement are being referenced rather than referring to the more general “applicable provisions”.

33.590.135.D.1

b. Exceptions.

- (1) Public benefits agreement. The nonresidential use requirement is reduced to zero when the property is subject to, and in compliance with, Section 2: Middle Wage Jobs of the Montgomery Park Area Plan Public Benefits Agreement that as adopted by Portland City Council on [INSERT DATE OF ADOPTION]. To qualify for this exception the applicant must provide a letter from the Portland Bureau of Planning and Sustainability certifying that the property is subject to and in compliance with the public benefits agreement.

33.590.135.D.2

b. Exceptions.

- (1) Public benefits agreement. The nonresidential use requirement is reduced to 0.25 square feet for each one square foot of site area when the property is subject to, and is in compliance with, Section 2: Middle Wage Jobs of the Montgomery Park Area Plan Public Benefits Agreement that was adopted by Portland City Council on [INSERT DATE OF ADOPTION]. To qualify for the exception the applicant must provide a letter from the Portland Bureau of Planning and Sustainability certifying that the property is subject to and in compliance with public benefits agreement.

33.590.210.D.1

- b. A site, or a portion of a site, that is provided for a publicly accessible park or open space. To qualify for this transfer, the applicant must provide a letter from Portland Parks and Recreation (PP&R) verifying that the location of the park or open space has been approved by PP&R, and that the applicant is in compliance with Section 4: Park of the Montgomery Park Area Plan Public Benefits Agreement that was adopted by Portland City Council on [INSERT DATE OF ADOPTION].

Amendment #7 – Allow floor area to be transferred from subdistrict F to subdistrict D; 33.590.210.D.2

Explanation of the amendment: Some properties in Subdistrict F and D are currently owned by the same entity. This amendment will allow floor area to be transferred between the subdistricts and allow more flexibility to achieve desired plan height and bulk goals. NOTE: Paragraph D.2, shown below is further amended by Amendment 9.g.

2. Receiving site.
 - a. Except as specified in Subparagraph D.2.b., the receiving site of a transfer from a site that is zoned EX can be:
 - (1) A site in Subdistrict B; or
 - (2) If the sending site is in Subdistrict F, the receiving site can be a site in Subdistrict D.
 - b. The receiving site of a transfer from a site, or portion of a site, that has been provided for a publicly accessible park or opens space in compliance with Subparagraph D.1.b, can be to a site zoned EX.

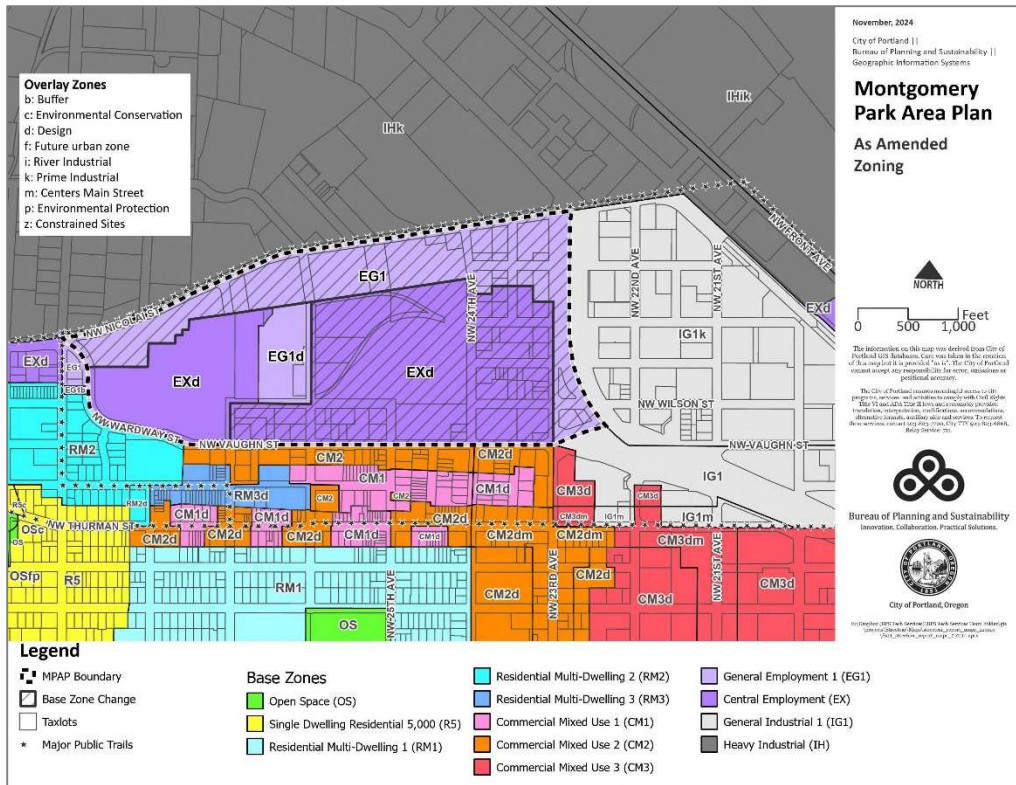
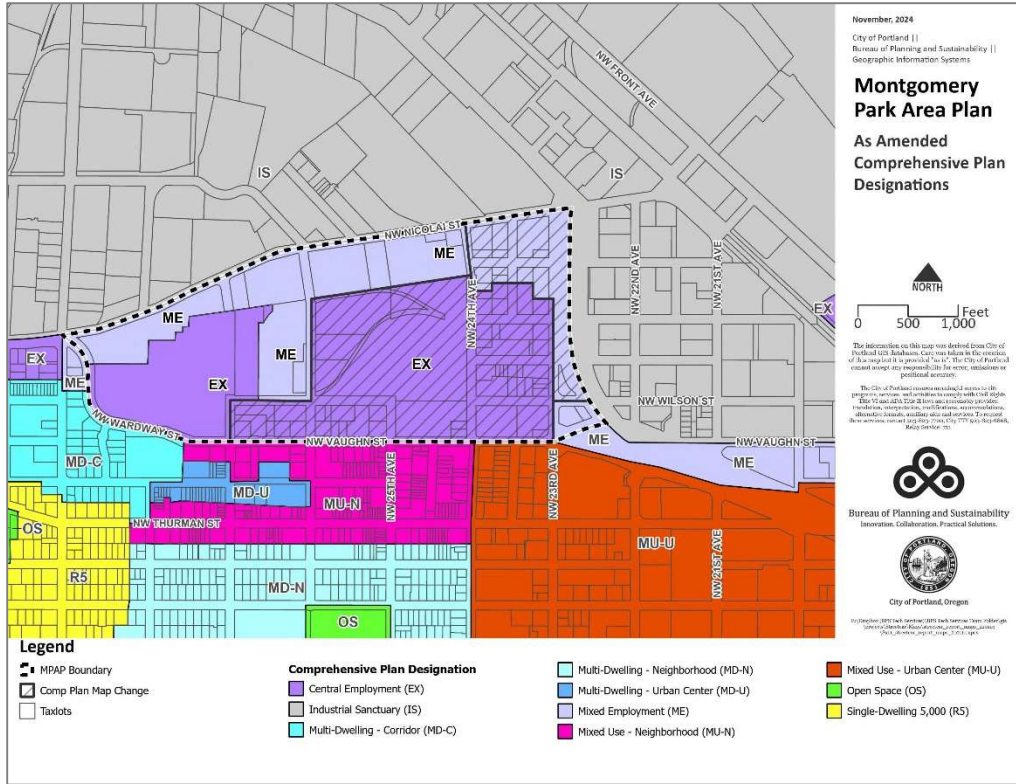
Amendment #8 – Increase step-down height on NW Vaughn from 45’ to 55’; 33.590.220.C.2

Explanation of the amendment: This amendment increases the allowed step-down height along the north side of NW Vaughn Street to match the allowed height in some CM2d zoned areas to the south. Much of the neighborhood to the south is designated as mixed-use urban center with a 55-foot height limit. This change better reflects the adjacent regulations.

- C. EX zone.** In the EX zone:
1. Except as stated in Paragraph C.2., the maximum height allowed in the EX zone is the base zone maximum. Additional height may be allowed through the bonus options described in 33.590.230. Adjustments are prohibited;
 2. Within subdistricts B and F, the maximum height allowed within 20 feet of NW Vaughn is 55 feet. Adjustments to this are prohibited, however modifications may be requested through design review.

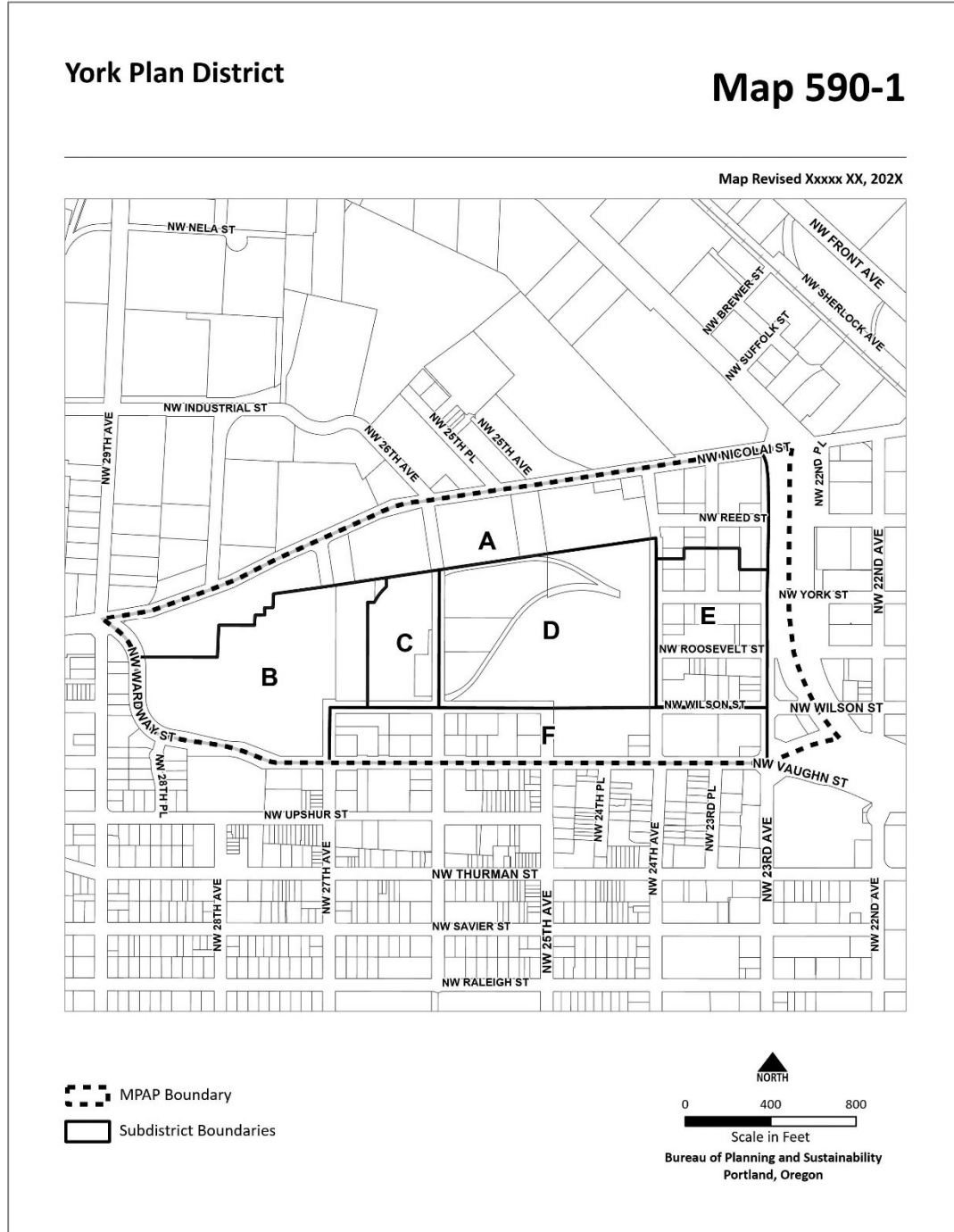
Amendment #9.a – Amend the recommended Comprehensive Plan designation and base zoning on tax lots R316491 and R316509 (a portion of the American Can site).

Explanation of the amendment: This amendment retains the current Mixed Employment (ME) Comprehensive Plan map designation and EG1 base zoning on the portion of the American Can site that is currently zoned EG1 (tax lots R316491 and R316509). The Comprehensive Plan and zoning maps are shown below.



Amendment #9.b – Align Subdistricts B and C with the underlying zoning and amend Zoning Code Map 590-1 to reflect this change

Explanation of the amendment: This amendment moves the boundary between Subdistricts B and C to align the districts with the underlying base zoning. Shown on zoning code Map 590-1, below.



Amendment #9.c –Ensure the additional prohibited use regulation applies with the realigned Subdistricts; 33.590.110

Explanation of the amendment: This amendment ensures that with the changes to base zoning, the additional prohibited uses regulation continues to apply in Subdistrict C, consistent with plan objectives. The regulation previously applied only in the EX zone.

33.590.110 Additional Prohibited Uses

The following uses are prohibited in Subdistricts B, C, D, E, and F:

- A. Vehicle Repair;
 - B. Self-Service Storage;
 - C. Commercial Outdoor Recreation; and
 - D. Agriculture.
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Amendment #9.d – Ensure that the required ground floor active use standard applies in Subdistrict C; 33.590.130

Explanation of the amendment: This amendment ensures that the required ground floor active use standard continues to apply in Subdistrict C, consistent with the plan objectives. The regulation previously applied only in the EX zone.

33.590.130 Required Ground Floor Active Use

In Subdistricts B, C, D, E, and F, on sites with frontage on a main street shown on Map 590-2, at least 25 percent of the ground level floor area located within 100 feet of the main street must be in one or more of the following active uses. Development that includes a residential use is exempt from this standard until January 1, 2029. Only uses allowed in the base zone may be chosen:

- A. Retail Sales and Service;
 - B. Office;
 - C. Manufacturing and Production;
 - D. Community Service;
 - E. Daycare;
 - F. Religious Institutions;
 - G. Schools;
 - H. Colleges; and
 - I. Medical Centers.
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Amendment #9.e – Align the maximum FAR, overall maximum FAR, overall maximum height, and FAR bonus provisions with the existing allowances in Subdistricts B and C; Table 590-1

Explanation of the amendment: This amendment generally aligns the floor area ratio maximums and the maximum heights in Subdistricts B and C with current allowances in the existing EX and EG1 zones, while continuing to meet plan objectives for affordable housing and employment uses. This amendment affects both the zoning code that will apply on the effective date (Volume 2, Section II), and the future zoning code that will apply when conditions of the PBA are met (Volume 2, Section IV). Note: FAR allowances for Subdistrict C in Table 590-1 below differ from that shown to Council on 11/13/14; they provide bonus FAR for meeting plan goals for employment and affordable housing.

Below is the table in SECTION II with amendments (effective upon plan adoption):

Table 590-1 Summary of Maximum and Bonus FAR and Height							
		Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
Maximums							
Maximum FAR		3 to 1	3 to 1	2 to 1	2 to 1	2 to 1	2 to 1
Overall Maximum FAR with bonus		5 to 1	5 to 1	3 to 1	6 to 1	5 to 1	5 to 1
Overall Maximum Height with bonus		85 ft.	65 ft.	65 ft.	85 ft.	85 ft.	75 ft.
Maximum Increment of Additional FAR and Height Per Bonus							
Inclusionary Housing (see 33.590.230.C)	FAR Height	1 to 1 20 ft.	1 to 1 none	1 to 1 none	1 to 1 20 ft.	2 to 1 20 ft.	2 to 1 10 ft.
Additional Affordable Housing (see 33.590.230.D)	FAR Height	n/a n/a	1 to 1 none	n/a n/a	1 to 1 none	1 to 1 none	1 to 1 none
Employment Opportunity (see 33.590.230.E)	FAR Height	1 to 1 20 ft.	n/a n/a	1 to 1 none	1 to 1 20 ft.	1 to 1 20 ft.	n/a n/a
Transportation Adequacy (see 33.852)	FAR Height	n/a n/a	n/a n/a	n/a n/a	1 to 1 none	n/a n/a	n/a n/a

Below is the table in SECTION IV with amendments (effective in the future, upon compliance with public benefits agreement):

Table 590-1 Summary of Maximum and Bonus FAR and Height							
		Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
Maximums							
Maximum FAR		3 to 1	3 to 1	2 to 1	2.3 to 1	2 to 1	2 to 1
Overall Maximum FAR with bonus		5 to 1	5 to 1	3 to 1	6 to 1	5 to 1	5 to 1
Overall Maximum Height with bonus		85 ft.	65 ft.	65 ft.	85 ft.	85 ft.	75 ft.
Maximum Increment of Additional FAR and Height Per Bonus							
Inclusionary Housing (see 33.590.230.C)	FAR Height	1 to 1 20 ft.	1 to 1 none	1 to 1 none	1.2 to 1 20 ft.	2 to 1 20 ft.	2 to 1 10 ft.
Additional Affordable Housing (see 33.590.230.D)	FAR Height	n/a n/a	1 to 1 none	n/a n/a	1 to 1 None n/a	1 to 1 none	1 to 1 None
Employment Opportunity (see 33.590.230.E)	FAR Height	1 to 1 20 ft.	n/a n/a	1 to 1 none	1 to 1 20 ft. n/a	1 to 1 20 ft.	n/a n/a
Transportation Adequacy (see 33.852)	FAR Height	n/a n/a	n/a n/a	n/a n/a	1 to 1 none	n/a n/a	n/a n/a

Amendment #9.f – Ensure the minimum floor area ratio applies in Subdistrict C; 33.590.210.C

Explanation of the amendment: This amendment ensures that the minimum floor area ratio continues to apply in Subdistrict C, consistent with plan objectives. The regulation previously applied only in the EX zone.

- C. Minimum floor area ratio.** In Subdistricts C, D, E, and F, on the portion of a site within 100 feet of a streetcar alignment shown on Map 590-2, the minimum required floor area ratio is 1 to 1.

Amendment #9.g – Remove Subdistrict B as an FAR transfer receiving site; 33.590.210.D

Explanation of the amendment: The opportunity for FAR transfer in the plan was linked to plan provisions and height allowances which will no longer apply to the Montgomery Park site in Subdistrict B, therefore the FAR transfer provision for Subdistrict B is being removed.

- D. Transfer of floor area.** Floor area may be transferred in the plan district as follows. Transfer of floor area into the plan district from sites outside of the district is prohibited:
1. Sending site. FAR may be transferred from:
 - a. A site in Subdistrict F. The sending site must retain at least 1 to 1 FAR; or

- b. A site, or a portion of a site, that is provided for a publicly accessible park or open space. To qualify for this transfer, the applicant must provide a letter from Portland Parks and Recreation (PP&R) verifying that the location of the park or open space has been approved by PP&R, and that the applicant is in compliance with the applicable provisions of the Montgomery Park Area Plan Public Benefits Agreement that was adopted by Portland City Council on [INSERT DATE OF ADOPTION].
2. Receiving site.
- a. Except as specified in Subparagraph D.2.b., the receiving site of a transfer from a site in Subdistrict F can be a site in Subdistrict D.
 - b. The receiving site of a transfer from a site, or portion of a site, that has been provided for a publicly accessible park or opens space in compliance with Subparagraph D.1.b, can be to a site zoned EX.

Amendment #9.h – Clarify bonus height allowances in the EG zones; remove height bonus in Subdistrict C; 33.590.220.B

Explanation of the amendment: This amendment clarifies that bonus height is only allowed in the EG1 zones in Subdistrict A. The amendment removes bonus height options in Subdistrict C to better reflect the current EG1 zoning allowance, which does not offer height bonuses.

- B. EG zones.** In the EG zones, the maximum height allowed is 65 feet. Additional height may be allowed in Subdistrict A through the bonus options described in 33.590.230. Adjustments are prohibited.

Amendment #9.i – Align FAR and height bonus options with existing allowances in Subdistrict B and C; 33.590.230

Explanation of the amendment: This amendment relates to changes in Subdistricts B and C (Montgomery Park and American Can sites) and affects both the zoning code that will apply on the effective date shown in Volume 2, Section II, and the future zoning code shown in Volume 2, Section IV. This amendment realigns the Floor Area and Height Bonus Options in Subdistricts B and C to better reflect existing zoning use allowances, while achieving other plan objectives such as affordable housing and employment.

SECTION II

33.590.230 Floor Area and Height Bonus Options

- A. Purpose.** The following bonus options allow additional FAR and height and promote desired benefits such as affordable housing and employment. They also provide the opportunity for additional floor area in some locations when the transportation system can accommodate additional development.
- B. General floor area and height bonus options regulations.**
 - 1. More than one bonus option may be used up to the overall maximum FAR and height stated in Table 590-1.

2. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.
 3. The increment of additional floor area ratio allowed per bonus is stated in Table 590-1 and described in Subsections C through F.
- C. Inclusionary housing bonus.** Maximum FAR and height may be increased as stated in Table 590-1 if one of the following is met:
1. Mandatory inclusionary housing. Bonus height and FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 590-1. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or
 2. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 590-1, when one of the following voluntary bonus options is met:
 - a. Bonus height and FAR is allowed for projects the voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 590-1. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Bonus height and FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
- D. Additional affordable housing bonus.** A bonus is provided when additional affordable housing is provided.
1. In Subdistricts B and D, maximum height and FAR may be increased as stated in Table 590-1 when at least 15 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
 2. In Subdistricts E and F, maximum height and FAR may be increased as stated in Table 590-1 when at least 12 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income.

To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.

- E. Employment opportunity bonus.** In subdistricts A, C, D and E, proposals that provide floor area for employment uses may increase maximum height and FAR up to the maximum stated in Table 590-1. Floor area may be increased by one square foot for every one square foot of floor area provided in one or more of the following use categories: Manufacturing and Production; Wholesale Sales; Industrial Office; Industrial Service; or any use in the Institutional category. Floor area provided to meet 33.590.135, Required Nonresidential Use, does not count toward this bonus.
- F. Transportation adequacy bonus.** In Subdistrict D, maximum FAR may be increased as stated in Table 590-1 when approved through Transportation Impact Review. See Chapter 33.852.

SECTION IV

33.590.230 Floor Area and Height Bonus Options

A-C. [No change]

- D. Additional affordable housing bonus.** A bonus is provided when additional affordable housing is provided.
 1. In Subdistricts B and D, maximum height and FAR may be increased as stated in Table 590-1 when at least 15 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
 2. In Subdistricts E and F, maximum height and FAR may be increased as stated in Table 590-1 when at least 12 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
- E. Employment opportunity bonus.** In subdistricts A, C, D and E, proposals that provide floor area for employment uses may increase maximum height and FAR up to the maximum stated in Table 590-1. Floor area may be increased by one square foot for every one square foot of floor area provided in one or more of the following use categories: Manufacturing and Production; Wholesale Sales; Industrial Office; Industrial Service; or any use in the Institutional category. Floor area provided to meet 33.590.135, Required Nonresidential Use, does not count toward this bonus.

F. [No Change]

Amendment #9.j – Ensure that the affordable commercial space requirement applies in Subdistrict C; 33.590.240.B

Explanation of the amendment: This amendment ensures that the required affordable commercial space standard continues to apply in Subdistrict C, consistent with plan objectives. The regulation previously applied only in the EX zone.

- B. Where this standard applies.** The required affordable commercial space standard applies to sites in Subdistricts B, C, D, E, and F.
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Amendment #9.k – Ensure that the main street standards apply in Subdistrict C; 33.590.250.B

Explanation of the amendment: This amendment ensures that the standards that apply on the main street continue to apply in Subdistrict C, consistent with plan objectives. The regulation previously applied only in the EX zone.

- B. Where these regulations apply.** These regulations apply to sites in Subdistricts B, C, D, E, and F with frontage on the main street shown on Map 590-2.
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Amendment #9.l – Ensure that the urban green features standards apply in Subdistrict C; 33.590.260.B

Explanation of the amendment: This amendment ensures that the urban green features standard continues to apply in Subdistrict C, consistent with plan objectives. The regulation previously applied only in the EX zone.

- B. Where these options apply.** The standard applies to new development and alterations to development in Subdistricts B, C, D, E, and F when more than 10,000 square feet of floor area will be added to a site.
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Amendment #9.m – Eliminate the option to reduce the amount of required outdoor area in Subdistricts B and C; 33.590.265.B.1

Explanation of the amendment: This amendment changes which Subdistricts may utilize a code provision that allows reduction of on-site outdoor area for residential uses when a public park is provided, as called for in a related public benefits agreement. The reduction related to the public park would no longer apply in Subdistricts B and C, which are no longer participating in the agreement, and would only apply to Subdistrict D. Subdistrict B would continue to be eligible for reductions in required outdoor area, when other forms of publicly accessible outdoor area are provided.

B. Requirements.

1. Amount required:

- a. Generally. Except as stated in Subparagraph B.1.b., outdoor area is required as follows:
 - (1) Except in Subdistricts B and D, on sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
 - (2) For sites that are more than 20,000 square feet in total area, and for all sites in Subdistricts B and D, at least 48 square feet of outdoor area is required for each dwelling unit on the site.
- b. Exceptions.
 - (1) In Subdistrict D, the outdoor area requirement is reduced to 24 square feet for each dwelling unit on the site when a 40,000 square foot site is dedicated for a publicly accessible park or open space. This exception only applies to the first 2,000 dwelling units constructed in Subdistrict D. To qualify, the applicant must:
 - Provide a letter from the Portland Bureau of Planning and Sustainability verifying that the Montgomery Park Area Plan Public Benefits Agreement specifying provision of a publicly accessible park or open space was adopted by Portland City Council on [INSERT ADOPTION DATE];
 - Provide a letter from Portland Parks and Recreation verifying that the site and terms of future development of a publicly accessible park or open space has been approved by Portland Parks and Recreation; and
 - Provide a letter from the Portland Bureau of Planning and Sustainability verifying that 2,000 housing units or fewer have been built in Subdistrict D.
 - (2) When a publicly accessible outdoor area that meets requirements of 33.590.265.B.2.c. is provided, each one square foot of publicly accessible outdoor area counts as two feet toward the total amount of required outdoor area.

Amendment #9.n – Ensure that the parking standards apply in Subdistrict C; 33.590.290.B

Explanation of the amendment: This amendment ensures that the parking standards that apply to EX zone in the plan district continue to apply in Subdistrict C, consistent with plan objectives. The regulation previously applied only in the EX zone.

- B. Where these regulations apply.** The regulations of this section apply to sites in Subdistricts B, C, D, E, and F.

Amendment #9.o – Remove Subdistrict C from the Residential-Employment Buffer Standard; 33.590.245.C

Explanation of the amendment: This amendment removes Subdistrict C (American Can site) from the areas where the Residential-Employment buffer standard would be applied, as the base zone will remain EG1. Further, Subdistrict C is not included in the EG areas that would trigger the landscaping requirement

in adjacent EX zones, because it is a historic structure, and any employment impacts are expected to be minimal.

C. Setbacks and landscaping.

1. In Subdistricts B and D, the following setback and landscaping standards apply:
 - a. On EX zoned lots that have lot lines that abut lots in Subdistrict A that are zoned EG1 or EG2, a 20 foot setback landscaped to at least the L1 standard is required along all lots lines that abut the EG1 or EG2 zones. Only the L1 medium tree standard and large tree standard may be used to meet this standard.
 - b. Within the EX portion of split zoned lots that are split between EX and EG1, a 20 foot setback landscaped to at least the L1 standard is required along the zone line splitting EX and EG1. Only the L1 medium tree standard and large tree standard may be used to meet this standard.
 2. In Subdistrict E, a 10 foot setback landscaped to at least the L1 standard is required along all lots lines that abut the EG1 or EG2 zones when a residential use is proposed on a lot.
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Amendment #9.p - Volumes 1 through 4: Amend all references in the plan related to the public benefits agreement to reflect the most updated terms, including number of middle wage jobs and participants in the agreement (now solely “the owners of the former ESCO Steel site”).