

Northwest Parking Update Project



Proposed Draft - February 2016



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How can I provide feedback to decision-makers?

Testimony may be submitted in person on **March 8, 2016**, or in advance to:

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A digital copy of this report and additional project background information can be found on the project website at: <http://www.portlandoregon.gov/bps/68136>

Next Steps

Planning and Sustainability Commission (PSC) Hearing: The PSC will consider and take public testimony on the Proposed Draft of the NW Parking Update Project on **March 8, 2016**. Portlanders are invited to submit public testimony to the PSC in writing or in person, at this public hearing. The Commission may amend the proposal and will subsequently vote to recommend the changes and draft proposal to Portland City Council. That draft proposal is called the *Recommended Draft*.

Recommended Draft: City Council will hold additional public hearings and take formal public testimony on the Recommended Draft. The City Council may amend the Recommended Draft before they vote to adopt the proposal. This will likely occur in April or May 2016.

For more information or questions about the Northwest Parking Update Project please contact Joan Frederiksen at 503-823-3111 or joan.frederiksen@portlandoregon.gov.

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I. Introduction and Background

Project Summary

The Northwest Parking Update Project proposes to amend two sections of the City's Zoning Code under the Northwest Plan District (NWPD) in order to:

1) *Apply citywide minimum residential parking requirements to the NW Plan District*

Changes to Zoning Code *Section 33.562.280 – Parking* – are proposed to add minimum parking requirements for multi-dwelling development with over 30 units in the district.

The NW Plan District (NWPD) area exhibits the same or greater development pressures and on-street parking shortages that prompted City Council to apply minimum residential parking requirements elsewhere in the city in 2013. The proposed change would more closely align the district with the minimum parking requirements applicable to the majority of the city.

2) *Allow more flexibility for shared use of existing parking spaces*

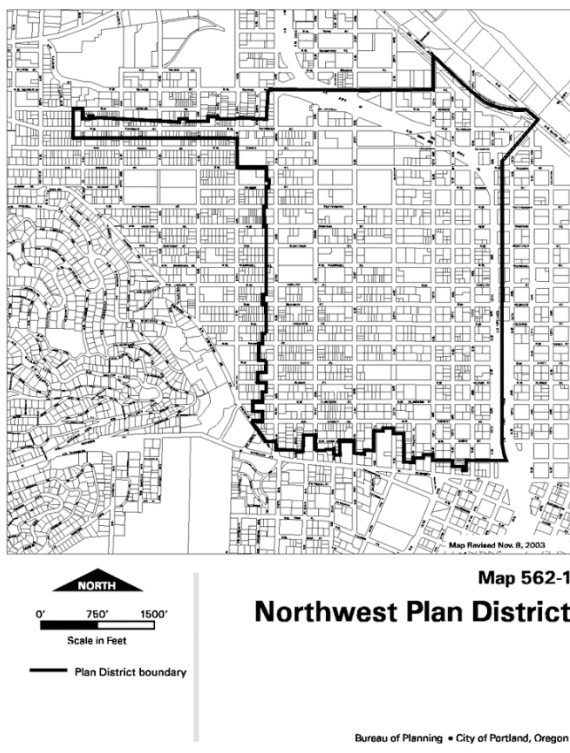
Changes to Zoning Code *Section 33.562.290 - Use of Accessory Parking for Commercial Parking* – are proposed in order to expand the allowed users and parameters under which the provisions can be utilized.

The NWPD reflects early thinking and innovation around best use of scarce parking resources. The NWPD zoning code includes provisions that allow accessory parking facilities to be used as commercial parking in limited circumstances. In other words, it allows facilities with excess off-hour parking spaces to rent them to or share them with other users in the area.

This proposal has considered the recent and ongoing work associated with the *Citywide Parking Strategy* and the *Mixed Use Zones Project*.

Background

In 2003 the Northwest Plan District (NWPDP) was adopted for a large close-in section of NW Portland – see map opposite page. Policies and zoning code language from that Plan District intentionally limited the requirement for off-street parking based on the premise that the provision of fewer off-street parking options would create a reduction in vehicle trips, and congestion, in this densely populated area. The Plan District also recognized the need for creating additional options beyond what the base zone allowed for commercial parking. Among the variety of regulatory tools acknowledging this need were provisions allowing commercial use of accessory parking lots, including those in the High Density Residential and Central Employment zones, where commercial parking was prohibited under normal circumstances.



The limited amount of parking resources – both on and off-street - in this area is a longstanding issue. It stems largely from the history of development in the area as many early 20th century apartment buildings and other development were developed without off-street (on-site) parking.

As one of the most vibrant areas of the city, the Northwest Plan District (NWPDP) area is experiencing significant development activity. It was also one of the few areas of the city that saw continued development during the recent recession.

Parking demand has not waned in the years since the NWPDP was adopted in 2003, even as the growth of nearby commercial services, expansion of bike facilities and shared vehicle programs have made it easier to not own a car in the district. Stakeholders and community members have worked on the issue for many years and more recently with the Portland Bureau of Transportation (PBOT) to develop a

Northwest Parking Management Plan (NWPMP), adopted in 2013, to address on-street parking management. As part of the NWPMP, new parking meters and an expanded permit parking program were implemented in 2015.

Elsewhere in the city, as the economy recovered and a construction boom began in 2012, the availability of on-street parking became an issue for people living near, working in or visiting commercial districts. In response, the City adopted new regulations in 2013 to establish minimum on-site parking requirements for new multi-dwelling development. However, the 2013 on-site parking regulation change did not apply to areas covered by plan districts (where zoning provisions are specifically tailored to particular places)

Thus the zoning code amendments adopted in 2013 to alleviate community concerns related to the impacts of new development without parking did not apply to the NW Plan District.

Who will be affected by this proposal?

The proposal amends the zoning code for minimum parking requirements and certain commercial provisions in the Northwest Plan District. New minimum parking requirements will affect any new residential development with 30 or more units as well as new commercial, office or mixed use developments beyond 500 feet of frequent transit. New minimum parking requirements may affect residents and businesses in the direct vicinity of certain new development. The additional flexibility for the use of existing accessory parking lots/spaces will create more efficient use of existing and future parking resources. Both changes will make more parking options available - whether by adding new off-street spaces or expanding use of existing parking lots - therein providing relief in an area of high on-street parking demand.

What have we heard leading up to this project?

- Parking supply in the Northwest Plan District area has been very tight for many years.** The rate of development in the NWPD area has been fairly high and consistent over the past 5 years. New development has brought a mix of businesses that support a vibrant urban neighborhood. In addition, the evolution of car share opportunities and bike lanes has continued to bring new opportunities for living car-free in the area. However, a number of factors have sustained a dynamic where residents continue to own cars, and some customers and employees continue to access the district by private vehicle. This has led to requests from business owners and residents to consider some minimum parking standards for the district.
- Citywide update to residential parking minimums in 2013 left out plan districts.** The citywide zoning code amendments adopted to address community concerns regarding impact of new multi-dwelling buildings without parking did not delve into individual plan districts, making the new standards not applicable to plan districts like NWPD. The Neighborhood and Business associations in the NWPD area ask for consideration of similar code provisions for their area.
- Pressure on existing parking lots caused by illegal parking due to new on-street parking restrictions.** The NW Parking Management Plan created new restrictions for on-street parking spaces in the form of an expanded Area Permit Parking program and metered parking area, including new hours of operation. Owners of existing parking lots expressed concern about potential impacts to their parking operations. They requested more flexibility be added to the existing zoning code provisions that allow accessory parking lots in the residential and central

How much parking is being provided in new development?

A review of residential building permits in the NWDP area, submitted between 2006 and 2015, was conducted to understand the number of parking spaces being provided with new development. The assessment showed that in this district, for development with 10 units or more units, the average number of parking spaces for all residential development was .48 spaces per unit. About 30%, did not include parking. Amongst those residential projects (with 10 or more units) that provided parking, the average ratio was .58 per unit. That parking was provided, though none was required, is in part an acknowledgement that on-site parking is a valuable amenity in this constrained on-street parking environment.

In 2012 BPS also examined parking ratios for residential multi-dwelling developments citywide. That research found that, of developments that provided parking, between 2006 and 2008 the ratio was almost 1:1, and between 2010 and 2013 the ratio was .6 spaces per unit.

employment zones to be used for commercial parking. This would provide income that could in turn be used to pay attendants to monitor and control the parking lots.

Opportunities for Involvement

NW Parking Management Plan – Stakeholder Advisory Committee – The Northwest Parking Management Plan - Stakeholder Advisory Committee (NWPMP-SAC) was formed in 2014 to advise and help the city carry out the Parking Management Plan, starting in 2015. The SAC meets monthly to review Management Plan matters and discuss other parking related issues or concerns. The SAC is composed of representatives of the Nob Hill Business Association, the Northwest District Association (neighborhood), and at large community members. The meetings are open to the public.

Staff has attended numerous SAC meetings throughout 2015 to discuss and get input on the proposed zoning code changes.

Public Open House – February/March 2016

Staff will advertise and host an Open House in the NWPDP area to provide information and answer questions on the proposal.

Planning and Sustainability Commission Public Hearing (March 8, 2016)

The PSC will hold a public hearing on the staff proposal, tentatively scheduled for March 8, 2016. The public will be welcome to attend the hearing and or submit testimony. At the conclusion of the hearing, the PSC will make their recommendation to the Portland City Council. The *Recommended Draft* will be published for public review and consideration by the City Council.

City Council Public Hearing (April/May 2016 – tentative)

Portland City Council will hold a public hearing on the Planning and Sustainability's recommendations before making a final decision. The notice of this hearing will be mailed to those who request notice and posted on the bureau's website.

II. AMENDMENTS TO THE ZONING CODE

The language of the amendments of the Zoning Code is in this section of the report.

- Commentary that explains the code language is on the left-hand pages
- Code language is shown on the right-hand pages. Code language to be added is underlined. Code language to be deleted is shown in ~~striethrough~~.

Commentary

Citywide, as the economy recovered and a construction boom began in 2012, the availability of on-street parking became an issue for people living near, working in or visiting commercial districts. This concern was strongest in areas where larger scale multi-dwelling development was being built without parking minimums along many of the city's commercial corridors and nodes. In response, the City adopted new regulations in 2013 to establish minimum parking requirements for new multi-dwelling development. However, plan districts which had their own more specific parking regulations were exempt from the new rules. Thus the 2013 zoning code amendments did not apply to the Northwest Plan District (NWPD).

The NWPD area is experiencing significant development activity, but parking inventory for both on-street and off-street spaces continues to be very constrained. Introducing minimum parking requirements for multi-dwelling development with over 30 units will assure continued modest increases to the off-street parking supply in the district over time.

The new standards largely align with the minimum multi-dwelling development standards citywide. However, reflecting the district's proximity to the Central City, the standards deviate from the citywide standards in that they require less than a 1 to 1 parking ratio for multi-dwelling development on sites further than 500 feet from a transit line with frequent peak-hour service or 1500 feet from a transit station. In other words, the new minimums apply regardless of proximity to transit in this district.

The changes also clarify that Section 33.266.110.E, Exceptions to minimum number of parking spaces, would apply to the district as well. This will help continue to promote alternatives to the automobile as well as match what applies elsewhere in the city where the multi-dwelling minimums apply.

33.562.280 Parking

- A. Purpose.** These regulations foster development that contributes to the desired pedestrian- and transit-oriented character of the plan district, promote alternatives to the automobile, and encourage efficient use of urban land.
- B. Minimum parking.** There are no minimum parking requirements- except for:
1. Household Living uses. The minimum number of parking spaces required for sites with Household Living uses is:
 - a. Where there are up to 30 units on the site, no parking is required;
 - b. Where there are 31 to 40 units on the site, the minimum number of parking spaces required is 0.20 spaces per unit;
 - c. Where there are 41 to 50 units on the site, the minimum number of parking spaces required is 0.25 spaces per unit; and
 - d. Where there are 51 or more units on the site, the minimum number of parking spaces required is 0.33 spaces per unit.
- C. Exceptions to the minimum number of parking spaces.** The provisions of 33.266.110.E apply.
- DC. Maximum surface parking area.** No more than 20,000 square feet of surface parking is allowed on a site.

Commentary

The current NWPDP code includes provisions that allow accessory parking facilities in the Residential (R) - typically multi-dwelling buildings - and Central Employment (EX) zones to be used as commercial parking in limited circumstances. In other words, it allows parking facilities with excess off-hour parking spaces to rent them to or share them with other users in the area. This type of arrangement is also sometimes called "shared parking."

In creating the current provisions the vision of the NWPDP was to strategically make the best use of scarce parking resources in the area. However, since the implementation of the NWPDP in 2003 few sites have taken advantage of these provisions.

After 2003 the conversation about parking solutions for the district continued under a number of efforts. In 2012 those efforts led to the adoption of a NW Parking Management Plan (NWPMP). The NWPMP expands and updates the Area Permit Parking program in the area as well as institutes new and updated metered parking areas and hours. The 2012 NWPMP also created a permanent Stakeholder Advisory Committee to help guide decisions in the district.

The limited use of existing provisions, along with the new on-street parking program changes, brought to the fore a need to update the zoning regulations for commercial use of accessory parking in the district. The changes provide additional flexibility by expanding the allowed users and simplifying the parameters under which the provision can be used. At the same time, the Bureau of Transportation will also adopt a set of Administrative Rules to guide the application, evaluation and monitoring aspects of proposals seeking to use these provisions. The proposed Administrative Rules are included in this report as an Appendix. The Administrative Rules will be administered by PBOT in consultation with the NWPMP Stakeholder Advisory Committee - which is comprised of neighborhood association, business association and at-large community representatives.

No changes are proposed to the purpose or where these regulations apply section.

33.562.290 Use of Accessory Parking for Commercial Parking

- A. Purpose.** This section encourages efficient use of accessory parking by allowing greater flexibility for use during times when accessory parking is typically underutilized. This section includes limitations to minimize negative impacts on nearby residents.
- B. Where these regulations apply.** These regulations apply to accessory parking in the Northwest plan district as follows:
1. On sites in an R or EX zone, the regulations of this section apply to the entire site;
 2. On sites that are in both an R or EX zone and a commercial zone, if any of the accessory parking is in the R or EX zone, the regulations of this section apply to the entire site;
 3. On sites that are in both an R or EX zone and a CS zone, if all of the accessory parking is in the CS zone, and none is in the R or EX zone, the regulations of this section do not apply to the site. The parking is subject to the regulations of the base zone;
 4. On sites that are in the CS zone, the regulations of this section do not apply. The parking is subject to the regulations of the base zone.

Commentary

See also commentary on page 9.

The existing code provisions adopted in 2003 anticipated the creation of a Transportation Management Association, which was never created, to oversee the provisions of this code section. Reference to a Transportation Management Association is replaced with the name of the current committee fulfilling that role, the NWPMP Stakeholder Advisory Committee. Flexibility is also added for any future changes where there might be another PBOT recognized body in that role.

Updated language replaces C.1 and C.2 that references code provisions applicable between 2003 and 2005. The reference to map 562-8 which applied in that timeframe, is also eliminated.

Language is added to clarify that if there is no advisory body recognized by PBOT to fulfill the oversight role the provisions cannot be used.

A minimum number of five (5) eligible parking spaces is established for parking lots to be eligible to use these provisions. This number of spaces is intended to help manage the volume of permits, and prevent having to review and monitor very small parking areas. It was also considered as a way to curtail motivation to rent out parking associated with single family or small multi-dwelling residences (sometimes added ad-hoc to sites and difficult to monitor) which could have a greater impact on adjacent or nearby residents.

The language limiting the type of rental arrangements is removed, while clarifying that short term and monthly rental arrangements are allowed.

C. Regulations.

- ~~1. Between December 20, 2003 and December 20, 2005, accessory parking on the sites shown on Map 562-8 may be operated as Commercial Parking. Parking on these sites must comply with Paragraph C.3, below, but is exempt from the requirements of Paragraphs C.2 and C.4. Commercial Parking allowed under this provision does not establish a nonconforming use. After December 20, 2005, Paragraphs C.2 through C.4 must be met on all sites that continue to operate accessory parking as Commercial Parking.~~
- ~~21. After December 20, 2005, a~~Accessory parking may be operated as Commercial Parking when licensed permitted and monitored by a local transportation management association the Northwest Parking Management Plan Stakeholder Advisory Committee (NWPMP-SAC), or a review body recognized by PBOT, under the provisions of PBOT Administrative Rules. If this advisory body is no longer active or able to fulfill this role then these provisions cannot be used. The commercial parking must comply with the requirements of Paragraphs C.3 2 and C.43, below.
- ~~32. When a~~Accessory parking is operated as Commercial Parking, Commercial parking on sites with at least 5 eligible parking spaces is allowed, including short term and monthly rental arrangements. long term daily (four or more hours) and short term parking is prohibited; and parking is limited to monthly arrangements for the following:
 - ~~a. Parking by residents of the Northwest plan district;~~
 - ~~b. Parking by employees of businesses in the Northwest plan district; or~~
 - ~~c. Valet parking for businesses or institutions in the Northwest plan district.~~

Commentary

See also commentary on page 9.

The revisions to this section simplify the information that needs to be documented for the Bureau of Development Services as part of the NWPMP-SAC and PBOT permitting process for use of these provisions.

43. Commercial parking approval. The applicant must submit a NW Plan District Commercial Parking Recommendation Letter to the Director of the Bureau of Development Services from the NWPMP-SAC or a review body recognized by PBOT ~~transportation management association~~ that includes the following information:
- a. Identification of the site;
 - b. ~~A statement that the transportation management association has approved the site for participation in the Accessory Parking Used As Commercial Parking Program;~~
 - eb. The number of spaces that have been approved ~~by the transportation management association~~ for use under the program;
 - ~~d.~~ ~~The type of use that will be served by the parking that has been approved under the program;~~
 - ec. The hours of the day that the accessory parking will be used as Commercial Parking;
 - fd. Any conditions imposed as part of the NW Plan District Commercial Parking Recommendation Letter ~~by the transportation management association~~; and
 - ge. A statement that the owner or owners of the site have agreed to manage the parking approved under the program so that adequate parking for the primary use as served by the accessory parking is maintained.

Commentary

Eliminate Map 562-8 in conjunction with elimination of code language that references it in 33.562.290.

APPENDIX

TRN X.XX – Northwest Plan District Commercial Use of Accessory Parking

Administrative Rules Adopted by City Council

PURPOSE

As authorized by City Code Section 33.562.290, commercial use of accessory parking facilities is allowed within the Northwest Plan District. The purpose of this Administrative Rule is to outline the application process, the minimum requirements needed to obtain a permit, and enforcement and compliance associated with these requirements.

DEFINITIONS

Bureau Director: The Portland Bureau of Transportation Director

NW Parking Management Plan – Stakeholder Advisory Committee (NWPMP-SAC): The stakeholder advisory committee for the NW District has a mission to advise the City on transportation and parking issues in NW District and support a full range of transportation options within the context of neighborhood livability and economic vitality with the goal of efficiently managing parking and reducing reliance on the single-occupancy automobile.

Accessory Parking: a parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory

Commercial Parking: parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

Residential Parking: parking that is accessory to a residential use. A fee may or may not be charged.

Primary Use: a use or activity which is a subordinate part of an accessory use and which is clearly incidental to an accessory use on a site.

APPLICATION SUBMISSION

The Northwest Parking Management Plan Stakeholder Advisory Committee (NWPMP-SAC) will provide an application for all applicants to complete. Information required on the application will include:

1. Name and contact information for applicant
2. Name/location of property and parking facility
3. Map showing location of the parking facility
4. Name and contact information of the parking facility manager/coordinator/monitor
5. Primary use(s) of property
6. Number of total parking spaces in facility
7. Number of current primary users
8. Number of parking spaces occupied by primary users
9. Number of parking spaces proposed for commercial use of accessory parking

10. Details of the proposed hours and days of operation, including whether offered monthly or hourly, for the proposed commercial use of accessory parking
11. Statement of non-displacement

The applicant must submit a completed application to the Northwest Parking Management Plan Stakeholder Advisory Committee (NWPMP-SAC) for review and recommendation.

APPLICATION REVIEW

After the application has been submitted, the NWPMP-SAC will evaluate the application requirements listed in Section 3, as well as the following minimum requirements:

1. The parking facility must have at least five (5) spaces available for commercial use beyond the primary use spaces needed.
2. The parking spaces proposed for commercial use of accessory parking must be in a legal issued accessory parking facility.
3. The application must have a statement of non-displacement, stating that the owner(s) of the site have agreed to manage the parking approved under the permit so that parking for the primary use as served by the accessory parking is maintained.

After review of the application the NWPMP-SAC will make a formal recommendation to the Bureau Director in a NW Plan District Commercial Parking Recommendation Letter. The three possible recommendations are:

Application Approved

If the NWPMP-SAC approves the application, the application and the NW Plan District Commercial Parking Recommendation Letter will be submitted to the Bureau Director for final review and approval.

Application Approved with Conditions

If the NWPMP-SAC approves the application, but with conditions, the application will be returned to the applicant to review the conditions. Potential conditions include, but are not limited to: limiting hours or days of operation, limiting the duration of the permit, and limiting future Area Parking permits. If the applicant agrees to the conditions, the application and NW Plan District Commercial Parking Recommendation Letter will be submitted to the Bureau Director for final review and approval. If the application does not agree to the conditions the application will be considered denied.

Application Denied

If the NWPMP-SAC denies the application, a copy of the application and NW Plan District Commercial Parking Recommendation Letter will be submitted back to the applicant with an explanation of why it was denied. A copy of the application and explanation letter will also be sent to the Bureau Director for notification purposes.

For applications that were denied, or approved with conditions, the applicant will have the ability to appeal the final recommendation to PBOT.

If all criteria of the application are met, the application will be automatically approved by the NWPMP-SAC without the need for further supporting documents.

PERMIT ISSUANCE

Upon application approval from both the NWPMP-SAC and the Bureau Director, the Bureau Director will review the application and sign the NW Plan District Commercial Parking Recommendation Letter, which will act as the official, revocable permit for the parking facility. A copy of the permit will be returned to the applicant to keep on site. An additional copy of the NW Plan District Commercial Parking Recommendation Letter will be sent to the Director of the Bureau of Developmental Services. The permit application process should take no more than 60 days from time of application submission to final recommendation.

The first permit issued to allow commercial use of an accessory parking facility will be valid for one (1) year. Subsequent permits will be valid for three (3) years, unless otherwise determined at the time of permit issuance. If the parking demand for the primary use changes, the shared commercial parking provided may need to be adjusted.

ROLES & RESPONSIBILITIES

The Portland Bureau of Transportation shall:

- Act as the first point of contact for applicants interested in applying for a commercial use of accessory parking permit and provide application materials to interested parties.
- Review submitted applications for completeness and relay the application to the NWPMP-SAC for recommendation.
- Oversee final review of application and issue official permit.
- Have the authority to limit the total number of parking facility permits issued within the NW Plan District during any given year.

The Bureau of Developmental Services shall:

- Act in their capacity as administrator of Title 33, including any enforcement actions, as related to provisions for commercial use of accessory parking in the Northwest Plan District.

The NW Parking Management Plan Stakeholder Advisory Committee shall:

- Review all applications and provide a recommendation to the Bureau Director
- Act as the initial point of contact for any permit violations that occur, and work with operators of parking facilities to address concerns

The Facility Owner shall:

- Provide all information in their application as correct truthful to the best of their knowledge

- Notify PBOT and the NWPMP-SAC of any major changes that occur in their operation of their accessory parking and commercial parking that may impact their ability to adhere to the requirements of their permit

REVISION OF APPLICATION PROCESS

The Bureau Director will have the ability to formally revise the administrative rules governing the issuance of a permit for commercial use of accessory parking facilities in the Northwest Plan District at any time after notifying and seeking comments from the NWPMP-SAC.