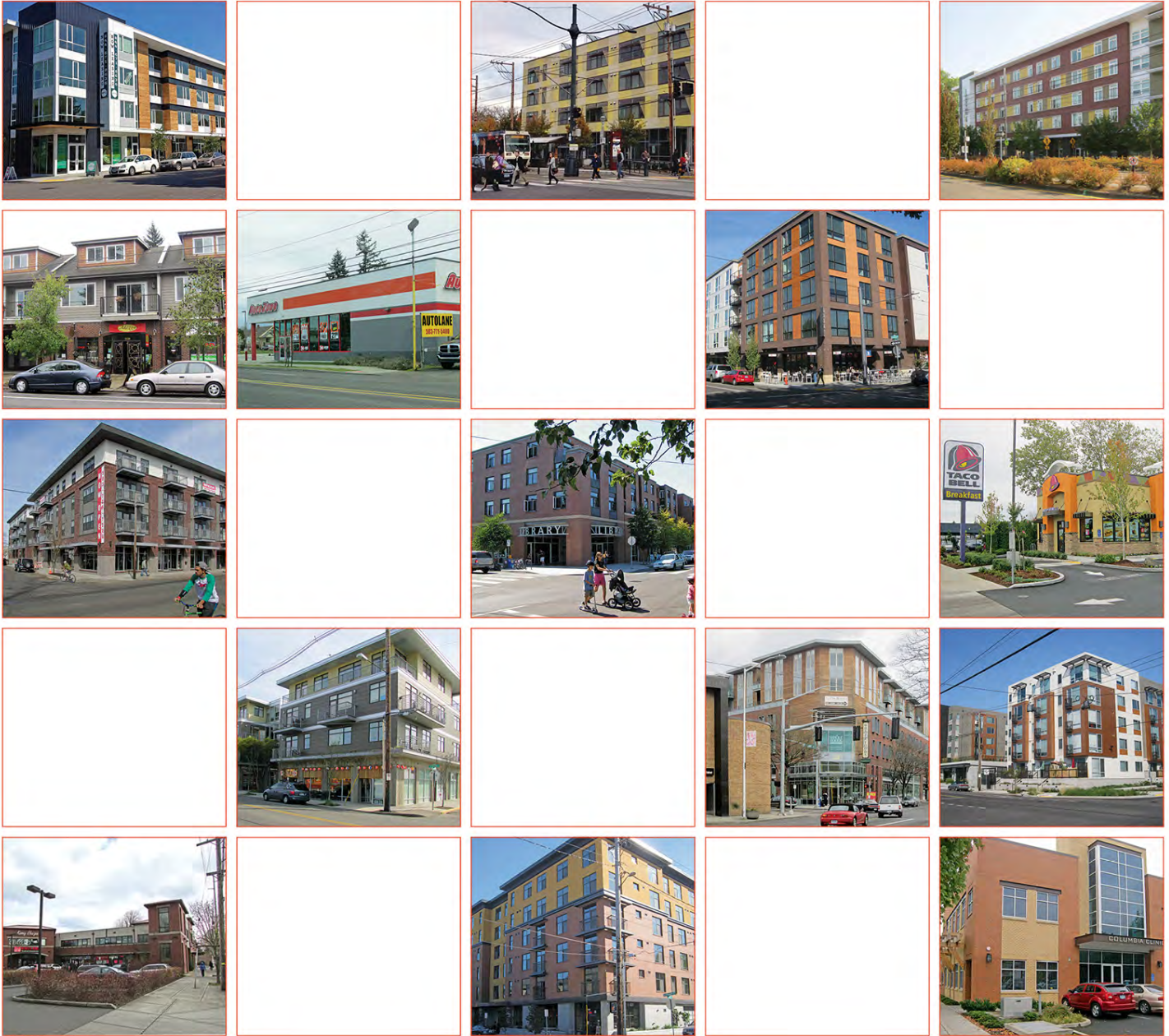


# Mixed Use Zones Project

EARLY IMPLEMENTATION OF THE 2035 COMPREHENSIVE PLAN

PROPOSED DRAFT - MARCH 2016



Planning and Sustainability Commission  
Public Hearings May 10 and May 17, 2016



March 2016  
[www.portlandoregon.gov/bps/mixeduse](http://www.portlandoregon.gov/bps/mixeduse)



Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.

City of Portland, Oregon  
Charlie Hales, Mayor • Susan Anderson, Director



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## ***Mixed Use Zones Project***

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The Bureau of Planning and Sustainability is committed to providing equal access to information and hearings. If you need special accommodation, please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 1-800-735-2900.

# How can I provide feedback to decision-makers?

**You may testify about proposed changes to the Planning and Sustainability Commission (PSC) in the following ways:**

**1. Testify in person at the PSC public hearing.**

You speak for 2 minutes to the Commission, and your testimony will be in the public record.

**PSC Mixed Use Zones Project Public Hearings**

Tuesday, May 10, 2016; 1900 SW 4th Avenue, Room 2500, Portland, OR

Tuesday, May 17, 2016; an additional hearing date is scheduled for May 17, time and location to be posted at a later date.

To confirm the time and dates of the public hearings, check the PSC calendar at [www.portlandoregon.gov/bps/35452](http://www.portlandoregon.gov/bps/35452)

**2. Testify in writing between now and May 10, 2016.**

Please provide your full name and mailing address.

- Email: [psc@portlandoregon.gov](mailto:psc@portlandoregon.gov) with subject line "PSC Mixed Use Zones Testimony"
- U.S. Mail: Portland Planning and Sustainability Commission, Mixed Use Zones Testimony, 1900 SW 4th Ave., Suite 7100, Portland OR 97201
- Map App: [www.portlandmaps.com/bps/mapapp](http://www.portlandmaps.com/bps/mapapp), click on the "comments" form and provide your testimony

**For information about the Mixed Use Zones Project please visit the web.**

A copy of this report and additional project background information can be found at:

[www.portlandoregon.gov/bps/muzwelcome](http://www.portlandoregon.gov/bps/muzwelcome)

[www.portlandoregon.gov/bps/mixeduse](http://www.portlandoregon.gov/bps/mixeduse)

**For questions or additional information, contact:**

**BPS Help Line: 503-823-0195; E-mail: [pdxcompplan@portlandoregon.gov](mailto:pdxcompplan@portlandoregon.gov)**

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# Acknowledgements

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Nick Fish, *Commissioner*

Amanda Fritz, *Commissioner*

Steve Novick, *Commissioner*

Dan Saltzman, *Commissioner*

## Portland Planning and Sustainability Commission

Katherine Schultz (Chair); André Baugh (Vice Chair); Chris Smith (Vice Chair); Jeff Bachrach, Mike Houck; Katie Larsell; Gary Oxman; Michelle Rudd; Eli Spevak; Teresa St. Martin; Margaret Tallmadge

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# Section I: Introduction

## Project Summary

The Mixed Use Zones Project (MUZ) is an initiative to develop new mixed use zoning designations to implement Portland’s new Comprehensive Plan. Portland’s new Comprehensive Plan calls for managing growth and creating healthy, vibrant neighborhoods in part by focusing new housing, shops, and services into a network of centers and corridors located throughout Portland. These areas will serve as the anchors of neighborhoods and accommodate new residents. They will continue to evolve as places that meet the daily needs of nearby residents and are well served by shops, services, transit and other public services.

The Mixed Use Zones Project revises Portland’s zoning codes applied in centers and corridors outside of the Central City. The current array of zones applied in these areas (CN1, CN2, CO1, CO2, CM, CS, CG, CX, EX) was created over 20 years ago when auto-oriented and low intensity commercial uses were common. The project addresses issues that arise with new more intensive mixed use buildings, such as massing and design, transitions and step-downs, and ground floor uses. It also addresses other opportunities to realize Comprehensive Plan goals and policies through regulations and incentives in the development process. Specific issues the new zones address through incentives include affordability of housing and commercial space. In addition to developing new zoning codes, the project also proposes a new zoning map using the new zoning designations. These map designations, which can be found in Section VII and on the Portland Map App (<https://www.portlandmaps.com/bps/mapapp>), specify which zones apply to specific properties.



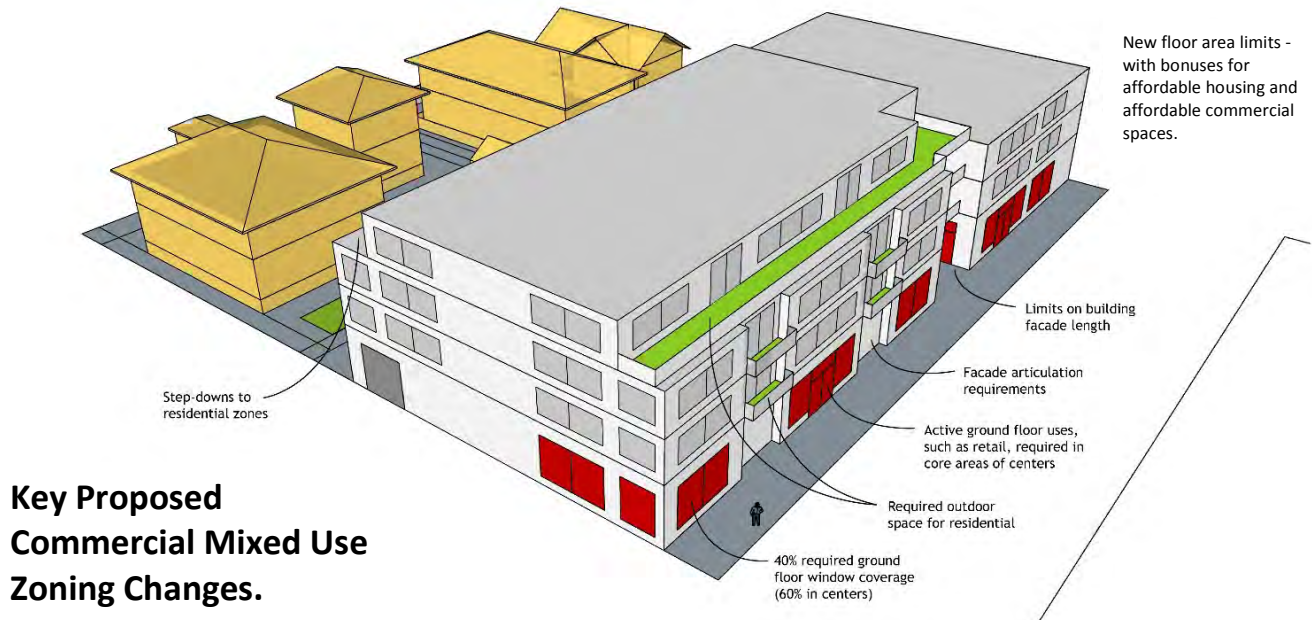
*As Portland grows, development in the commercial /mixed use zones will meet an increasing share of the city’s housing and employment needs.*

A description of the proposed zones is included in this report (Section I) along with a summary of the concept proposal with information on new development and design tools (Section IV), an overview of implementation tools (Section V), proposed amendments to the Zoning Code (Section VI), and proposed amendments to the Zoning Map (Section VII). Details of the Comprehensive Plan policies that form the basis for zoning directions can be found in Sections II of this report, and the Public Involvement process is described in Section III.

Below is a summary of fundamental changes to the Commercial Mixed Use zones:

- Creates new zones with varying scales: CM1, small-scale, 3 stories, 35'; CM2 and CE, medium-scale, 4-5 stories, 45'-55'; and CM3, large-scale, 6-7 stories, 65'-75';
- Manages bulk of development by setting new Floor Area Ratios (FAR) for each of the zones;
- Provides incentives for public benefits through bonuses that earn additional floor area;
- Reduces building mass by articulating large façades and limiting building length;
- Enhances street-level environment by increasing ground-floor window requirements;
- Requires outdoor area for new residential units;
- Improves transition to neighboring residential areas through a height "step down";
- Sets building coverage and landscaping standards by place types ("pattern areas");
- Provides flexible street setbacks to allow for gathering spaces;
- Addresses commercial-residential conflicts through landscaping and setbacks;
- Ensures active ground floor uses such as retail in the core commercial areas of centers;
- Allows added height and development flexibility on large sites via a planned development review; and
- Requires neighborhood notification of most new development.

The diagram below depicts many of the features of the new zones.



Overall, the Mixed Use Zones Project proposal includes the following major elements:

- New Commercial/Mixed Use zones to replace existing Commercial zones (33.130);
- Rewrite of the Commercial chapter of zoning code (33.130);
- Creation of a new Zoning Map with new base zones;
- Expansion of Design Overlay Zone (33.420);
- Application of new Centers Main Street Overlay Zone (33.415); and
- New requirements for Transportation Demand Management for residential projects.

## **Why is this important?**

Portland is expected to grow significantly over the next 20 years – in both new households and new jobs. The development produced by this growth, if located and designed correctly, will support and enhance the qualities that help make Portland an attractive place. As Portland’s population grows, its households will also change. In the next two decades the size of households is expected to decrease, and more Portlanders will live alone, and live longer. Accommodating this need, roughly 80% of new housing built over the next 20 years is expected to be multifamily development, much of it in centers and corridors within the mixed use zones.

## **What is in the report?**

This report contains:

- A summary of the proposed zoning framework and evolution of the proposal from Assessment to the Proposed Draft (Section I).
- A summary of the Proposed Comprehensive Plan goals and policies and other policy documents that prompted the Mixed Use Zones Project work program (Section II).
- A review of key public involvement components of the Mixed Use Zones Project and related policy efforts (Section III).
- A general description of the Mixed Use Zones Concept and Proposal (Section IV).
- An overview of implementation tools, including Zoning Code and Zoning Map Amendments; information on the approach to the proposed bonuses; additional information on transportation changes and programs; zoning code issues for subsequent amendments; and potential changes to other city Titles (Section V).
- Proposed Zoning Code (Title 33) amendments with accompanying commentary that helps explain the proposed text (Section VI).
- Proposed Zoning Maps that identify the proposed application of the new zones (Section VII).

A description of the proposed Commercial Mixed Use zones follows. An overview of development standards is in Section IV and implementing amendments to the zoning code are in Section V.



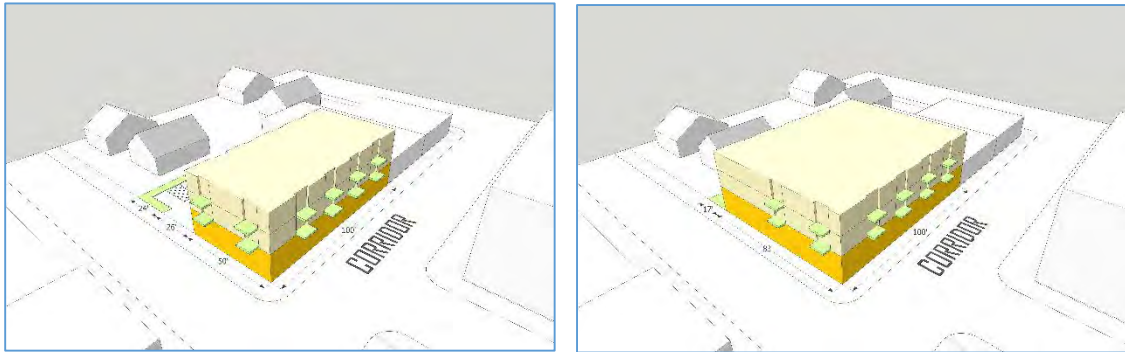
## **A New Commercial Mixed-Use Zoning Framework**

The project creates a new framework that reduces the number of zones that will be applied to centers and corridors outside Portland's Central City. It creates four new zones: three new Commercial/Mixed Use zones (CM1, CM2, CM3) that vary by the scale of development allowed and one medium-scale Commercial Employment (CE) zone with a commercial and employment emphasis that is typically applied outside designated centers. The existing Central Commercial (CX) zone is retained for application in the Central City and the Gateway Regional Center. The zoning code for the new zones includes new development and design standards. These zones will replace the existing zones applied outside of Portland's Central City. The new zones are applied based on a methodology that began with conversion to the most similar new zone, with subsequent refinement. This approach is described in Section VII.

The new zones update development and design standards in a variety of ways to meet the goals of the Comprehensive Plan, respond to different development and locational contexts, and address the needs and desires of a variety of community stakeholders. The new standards include approaches that incentivize development that provides public benefits and address other aspects of design in context. Details about the new development standards are included in Section IV.

The proposed zones are described on the following pages along with massing models of the zones and photos of existing development that is of the type and scale that could be developed in the respective zones.

**Commercial Mixed-Use 1 (CM1)** This small-scale commercial mixed use zone is intended for sites in smaller mixed use nodes within lower density residential areas, as well as on neighborhood corridors, and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate for key areas within neighborhood centers that have low-rise storefront character and where this scale is intended to be maintained. This zone allows a mix of commercial and residential uses. Buildings in this zone are generally expected to be up to three stories. Development is intended to be pedestrian-oriented and generally compatible with the scale of surrounding residentially zoned areas.

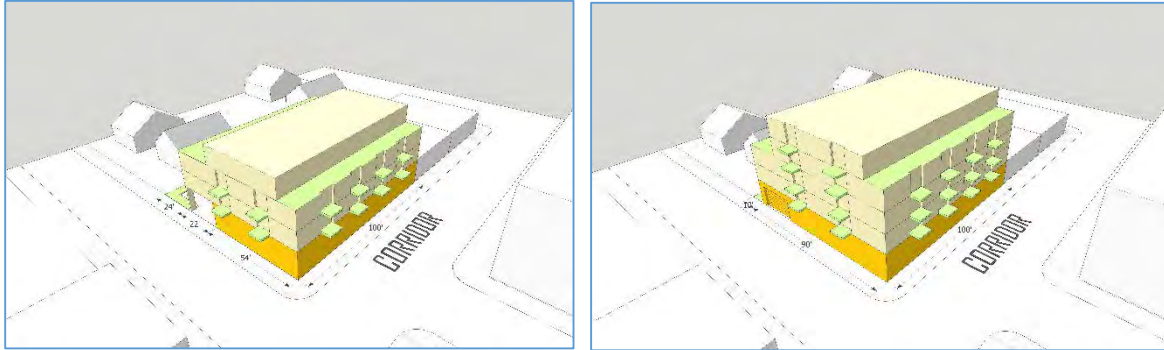


*The diagrams above show an example of the massing of development allowances in the CM1 zone. The left diagram shows the maximum base development allowance; the right diagram shows the maximum allowance with bonus.*

**Below are examples of the type and scale of development that could be allowed in the CM1 zone.**



**Commercial Mixed-Use 2 (CM2)** This medium-scale commercial mixed use zone is intended for sites in a variety of centers and corridors, and in smaller mixed use areas that are well served by frequent transit or within a larger area zoned for multi-dwelling development. The zone allows a mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zones are generally expected to be up to four stories, unless height and floor area bonuses are used to provide additional public benefits. Development is intended to be pedestrian-oriented and complement the scale of surrounding residentially zoned areas.



*The diagrams above show an example of the massing of development allowances in the CM2 zone. The left diagram shows the maximum base development allowance; the right diagram shows the maximum allowance with bonus.*

**Below are examples of the type and scale of development that could be allowed in the CM2 zone.**





**Commercial Mixed-Use 3 (CM3)** This large-scale commercial mixed use zone is intended for sites close to the Central City, in high-capacity transit station areas, town centers, and on Civic Corridors. The zone allows a wide mix of commercial and residential uses, as well as other employment uses that have limited off-site impacts. Buildings in this zone are generally expected to be up to six stories, unless height and floor area bonuses are used to provide additional public benefits or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, but buildings may be larger than those allowed in lower intensity mixed use and residential zones. Design review is required in this zone.



The diagrams above show an example of the massing of development allowances in the CM3 zone. The left diagram shows the maximum base development allowance; the right diagram shows the maximum allowance with bonus.

Below are examples of the type and scale of development that could be allowed in the CM3 zone.



**Commercial Employment (CE)** This medium-scale commercial employment zone is intended for sites along corridors in areas between designated centers, especially along Civic Corridors that are also Major Truck Streets or Priority Truck Streets. The zone is generally not expected to be applied in major centers. The zone allows a mix of commercial uses, some light manufacturing and distribution/employment uses that have few off-site impacts, and housing. This zone will allow drive-through developments and quick vehicle servicing uses. Buildings in this zone are generally expected to be up to four stories, and bonuses are more limited than in other zones. Development is intended to be pedestrian-oriented, as well as auto accommodating, and complement the scale of surrounding areas.



*The diagram above shows an example of the massing of development allowances in the CE zone. The left diagram shows the maximum base development allowance; the right diagram shows the maximum allowance with bonus.*

**Below are examples of the type and scale of development that could be allowed in the CE zone.**





## Steps to Publication of the Proposed Draft

The Mixed Use Zones Project builds on the goals and policies of the Comprehensive Plan update. A Project Advisory Committee (PAC) was recruited in early 2014 and began monthly meetings. Seven community walks were conducted in spring 2014 to build on Comprehensive Plan outreach and further identify community aspirations, issues and concerns around mixed use development. In addition, in summer 2014 roundtable discussions were held with developers, architects/designers, affordable housing providers/advocates and the small business community to gain their perspectives on development issues. The mixed use zones concept builds on this feedback.

A [Mixed Use Zones Project Assessment Report](#) was published in fall 2014. This background report includes information and data on Portland policy directives, zoning approaches, and development issues. It is augmented by the [Case Studies in Zoning for Mixed Use Development: Best Practices from Peer Cities](#) report by Dyett and Bhatia, which assesses national best practices for zoning. These reports culminated in a set of recommendations to consolidate Portland's current array of nine commercial and employment mixed use zones in to fewer zones. They also identified new development design directions and standards to explore.

A [Preliminary Zoning Concept](#) was developed and released in November 2014. The preliminary concept outlined a new zoning framework for commercial/mixed use zones, and several development design standards and approaches to policy objectives to test and model. Since then, building form prototype models were developed based on the preliminary concept, to better understand the urban form, economic, and development implications of the preliminary standards. Visual and economic models of "base" regulations and "performance bonuses" were developed. For this modeling, prototypes using bonus area were assumed to include a percentage of "affordable" residential units to meet the bonus. The results of that architectural and economic testing and modeling are included in the [Mixed Use Building form Prototypes and Financial Analysis](#) report by project consultants Dyett & Bhatia (included in *Code Concepts Report - Appendix*).

The results of the initial modeling were reviewed with the Project Advisory Committee, Technical Advisory Group, and city staff. Information was also shared with the public. Feedback about the physical form of the prototype models and the cost implications of the development standards led to further staff revision to features such as step backs, step downs, setbacks, lot coverage, and façade articulation. Floor area ratio recommendations were also refined in response to Advisory Committee comments and economic analysis.

A [Mixed Use Zones Project Code Concepts Report](#) was published in May 2015. The Code Concepts Report builds on the *Preliminary Zoning Concept* and added detailed information about conceptual development and design standards, a structure of performance bonuses, and other information about the proposed approach to applying the new zones. The Code Concepts report is the basis for zoning code provisions designed to implement the concepts.

A [Discussion Draft](#) was released for public feedback in September 2015. The *Discussion Draft* was the first public draft of new zoning code regulations and a Zoning Map designed to implement the zoning structure, development allowances, design features and standards and other components of the Mixed Use Zones Project outlined in the concept report. The code was developed by staff from the city of Portland Bureau of Planning and Sustainability in consultation with other bureau stakeholders and was informed by previous Mixed Use zones project feedback, assessments and

research. Public and stakeholder comments received on the *Discussion Draft* informed staff in the development of a *Proposed Draft*. A summary of the major changes to this *Proposed Draft* from the *Discussion Draft* is in Section IV.

This *Proposed Draft* will be presented to the Portland Planning and Sustainability Commission (PSC) in May 2016. Public testimony on the *Proposed Draft* will be considered by the Planning and Sustainability Commission. The Commission's final recommendations will be incorporated into a *Recommended Draft* that is scheduled to be considered by Portland City Council in late 2016.

## **Planning and Sustainability Commission Review, Public Testimony, and Next Steps**

The Portland Planning and Sustainability Commission (PSC) will review the *Proposed Draft*, consider public testimony from public hearings and written testimony, and develop a *Recommended Draft* that will be presented to City Council for their review and adoption.

City Council is tentatively scheduled to hold additional public hearings and take formal public testimony on the *Recommended Draft* in late 2016.

# Section II: Relationship to the Comprehensive Plan

The Mixed Use Zones Project is one of eight early implementation projects as part of the City's [Comprehensive Plan Update](#). It implements proposed Comprehensive Plan Guiding Principles and Policies to help provide adequate growth capacity in Portland's centers and corridors for about one-half of the approximately 123,000 new households and 142,000 new jobs which are projected by 2035.

## Comprehensive Plan Guiding Principals

The Mixed Use Zones Project helps implement the following guiding principles of the City of Portland Comprehensive Plan.

**Economic Prosperity.** Support a low-carbon economy and foster employment growth, competitiveness, and equitably-distributed household prosperity.

**Human Health.** Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

**Environmental Health.** Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water, and land.

**Equity.** Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address, and prevent repetition of the injustices suffered by communities of color throughout Portland's history.

**Resilience.** Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

The Mixed Use Zones Project supports these guiding principles in the following ways:

**Economic Prosperity** - by accommodating the projected job growth in retail and service sectors and providing locations for neighborhood business opportunities.

**Human and Environmental health** – by creating zones that are intended to increase access to services for residents, provide for on-site open areas for residents, and include provisions for landscaped areas or other green/vegetated elements.

**Equity** – by designing incentives for provision of affordable housing and commercial spaces, and creating regulations for development that recognize the differences among the different geographies of the city.

**Resilience** – by providing additional opportunities for compact development at the neighborhood level, and by providing incentives for “green” features that reduce energy consumption in buildings, manage stormwater, create on-site green space, and help to address urban heat island effects and other climate challenges.

## **Goals and Policies**

The proposed Comprehensive Plan Update includes goals and policy language designed to support and further the guiding principles. The Mixed Use Zones Project is primarily aimed at supporting the Urban Form policies of Chapter 3, which call for creating a city that better serves Portlanders by focusing growth, investment and development in centers and corridors throughout the city. The Mixed Use Zones Project also supports other goals and policies that are closely linked with development in centers and corridors. These span the breadth of the Comprehensive Plan, but most clearly relate to goals and policies of the following chapters of the Comprehensive Plan: Chapter 4, Design and Development; Chapter 5, Housing; Chapter 6, Economic Development.

Key Comprehensive Plan Goal and Policies supported by the MUZ project are listed below.

### ***Urban Form***

#### ***GOAL 3.A: A city designed for people***

*Portland’s built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development, redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.*

#### ***GOAL 3.B: A climate and hazard resilient urban form***

*Portland’s compact urban form, sustainable building development practices, green infrastructure, and active transportation system reduce carbon emissions, reduce natural hazard risks and impacts, and improve resilience to the effects of climate change.*

#### ***GOAL 3.C: Focused growth***

*Household and employment growth is focused in the Central City and other centers, corridors, and transit station areas, creating compact urban development in areas with a high level of service and amenities, while allowing the relative stability of lower-density single-family residential areas.*

#### ***GOAL 3.D: A system of centers and corridors***

*Portland’s interconnected system of centers and corridors provides diverse housing options and employment opportunities, robust multimodal transportation connections, access to local services and amenities, and supports low-carbon complete, healthy, and equitable communities.*

**GOAL 3.E: Connected public realm and open spaces**

*A network of parks, streets, City Greenways, and other public spaces supports community interaction; connects neighborhoods, districts, and destinations; and improves air, water, land quality, and environmental health.*

**GOAL 3.F: Employment districts**

*Portland supports job growth in a variety of employment districts to maintain a diverse economy.*

**Policy 3.1**      **Urban Design Framework.** *Use the Urban Design Framework (UDF) as a guide to create inclusive and enduring places, while providing flexibility for implementation at the local scale to meet the needs of local communities.*

**Policy 3.2**      **Growth and stability.** *Direct the majority of growth and change to centers, corridors, and transit station areas, allowing the continuation of the scale and characteristics of Portland’s residential neighborhoods.*

**Policy 3.3**      **Equitable development.** *Guide development, growth, and public facility investment to reduce disparities, ensure equitable access to opportunities, and produce positive outcomes for all Portlanders.*

**3.3.a.** *Anticipate, avoid, reduce, and mitigate negative public facility and development impacts, especially where those impacts inequitably burden communities of color, under-served and under-represented communities, and other vulnerable populations.*

**3.3.b.** *Make needed investments in areas that are deficient in public facilities to reduce disparities and increase equity. Accompany these investments with proactive measures to avoid displacement and increase affordable housing.*

**3.3.c.** *Encourage use of community benefit agreements to ensure equitable outcomes from development projects that benefit from public facility investments, increased development allowances, or public financial assistance. Consider community benefit agreements as a tool to mitigate displacement and housing affordability impacts.*

**3.3.d.** *Consider use of exactions imposed on development and other tools to capture value created by plans and investments, as a means to reduce or mitigate displacement and housing affordability impacts.*

**Policy 3.4**      **All ages and abilities.** *Strive for a built environment that provides a safe, healthful, and attractive environment for people of all ages and abilities.*

**Policy 3.5**      **Energy and resource efficiency.** *Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.*

**Policy 3.6**      **Land efficiency.** *Provide strategic investments and incentives to leverage infill, redevelopment, and promote intensification of scarce urban land while protecting environmental quality.*

**Policy 3.7**      **Integrate nature.** *Integrate nature and use green infrastructure throughout Portland.*

**Policy 3.8**      **Leadership and innovation in design.** *Encourage high-performance design and*



*development that demonstrates Portland’s leadership in the design of the built environment, commitment to a more equitable city, and ability to experiment and generate innovative design solutions.*

- Policy 3.13** ***Role of centers.** Enhance centers as anchors of complete neighborhoods that include concentrations of commercial and public services, housing, employment, gathering places, and green spaces.*
- Policy 3.14** ***Variety of centers.** Plan for a range of centers across the city to enhance local, equitable access to services, and expand housing opportunities.*
- Policy 3.15** ***Housing in centers.** Provide housing capacity for enough population to support a broad range of commercial services, focusing higher-density housing within a half-mile of the center core.*
- Policy 3.19** ***Accessibility.** Design centers to be compact, safe, attractive, and accessible places, where the street environment makes access by transit, walking, biking, and mobility devices such as wheelchairs, safe and attractive for people of all ages and abilities.*
- Policy 3.32** ***Role of Town Centers.** Enhance Town Centers as successful places that serve the needs of surrounding neighborhoods as well as a wider area, and contain higher concentrations of employment, institutions, commercial and community services, and a wide range of housing options.*
- Policy 3.33** ***Housing.** Provide for a wide range of housing types in Town Centers, which are intended to generally be larger in scale than the surrounding residential areas. There should be sufficient zoning within a half-mile walking distance of a Town Center to accommodate 7,000 households.*
- Policy 3.36** ***Role of Neighborhood Centers.** Enhance Neighborhood Centers as successful places that serve the needs of surrounding neighborhoods. In Neighborhood Centers, provide for higher concentrations of development, employment, commercial and community services, and a wider range of housing options than the surrounding neighborhoods.*
- Policy 3.37** ***Housing.** Provide for a wide range of housing types in Neighborhood Centers, which are intended to generally be larger in scale than the surrounding residential areas, but smaller than Town Centers. There should be sufficient zoning within a half-mile walking distance of a Neighborhood Center to accommodate 3,500 households.*
- Policy 3.40** ***Growth.** Expand the range of housing and employment opportunities in the Inner Ring Districts. Emphasize growth that replaces gaps in the historic urban fabric, such as redevelopment of surface parking lots and 20th century auto-oriented development.*
- Policy 3.41** ***Corridors.** Guide growth in corridors to transition to mid-rise scale close to the Central City, especially along Civic Corridors.*
- Policy 3.42** ***Distinct identities.** Maintain and enhance the distinct identities of the Inner Ring Districts and their corridors. Use historic preservation and design review tools to accommodate growth in ways that preserve historic resources and enhance the distinctive characteristics of the Inner Ring Districts, especially in areas experiencing significant development.*

- Policy 3.53** ***Neighborhood Corridors.** Enhance Neighborhood Corridors as important places that support vibrant neighborhood business districts with quality multi-family housing, while providing transportation connections that link neighborhoods.*
- Policy 3.54** ***Transit-oriented development.** Encourage transit-oriented development and transit-supportive concentrations of housing and jobs, and multimodal connections at and adjacent to high-capacity transit stations.*
- Policy 3.57** ***Center stations.** Encourage transit stations in centers to provide high density concentrations of housing and commercial uses that maximize the ability of residents to live close to both high-quality transit and commercial services.*
- Policy 3.59** ***Transit neighborhood stations.** Encourage concentrations of mixed-income residential development and supportive commercial services close to transit neighborhood stations. Transit neighborhood stations serve mixed-use areas that are not in major centers.*
- Policy 3.89** ***Inner Neighborhoods main streets.** Maintain and enhance the Streetcar Era pattern of street-oriented buildings along Civic and Neighborhood corridors.*
- Policy 3.97** ***Eastern Neighborhoods corridor landscaping.** Encourage landscaped building setbacks along residential corridors on major streets.*
- Policy 3.99** ***Western Neighborhoods village character.** Enhance the village character of the Western Neighborhoods' small commercial districts and increase opportunities for more people to live within walking distance of these neighborhood anchors.*

## **Design and Development**

### **Goal 4.A: Context-sensitive design and development**

*New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.*

### **Goal 4.B: Historic and cultural resources**

*Historic and cultural resources are integral parts of an urban environment that continue to evolve and are preserved.*

### **Goal 4.C: Human and environmental health**

*Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.*

### **Goal 4.D: Urban resilience**

*Buildings, streets, and open spaces are designed to ensure long-term resilience and to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.*

- Policy 4.1** ***Pattern areas.** Encourage building and site designs that respect the unique built natural, historic, and cultural characteristics of Portland's five pattern areas described in Chapter 3: Urban Form.*

- Policy 4.3** ***Site and context.** Encourage development that responds to and enhances the positive qualities of site and context — the neighborhood, the block, the public realm, and natural features.*
- Policy 4.4** ***Natural features and green infrastructure.** Integrate natural and green infrastructure such as trees, green spaces, ecoroofs, gardens, green walls, and vegetated stormwater management systems, into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces, especially in centers and corridors.*
- Policy 4.5** ***Pedestrian-oriented design.** Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.*
- Policy 4.6** ***Street orientation.** Promote building and site designs that enhance the pedestrian experience with windows, entrances, pathways, and other features that provide connections to the street environment.*
- Policy 4.7** ***Development and public spaces.** Guide development to help create high-quality public places and street environments while considering the role of adjacent development in framing, shaping, and activating the public space of streets and urban parks.*
- Policy 4.10** ***Design for active living.** Encourage development and building and site design that promotes a healthy level of physical activity in daily life.*
- Policy 4.11** ***Access to light and air.** Provide for public access to light and air by managing and shaping the height and mass of buildings while accommodating urban-scale development.*
- Policy 4.12** ***Privacy and solar access.** Encourage building and site designs that consider privacy and solar access for residents and neighbors while accommodating urban-scale development.*
- Policy 4.13** ***Crime-preventive design.** Encourage building, site, and public infrastructure design approaches that help prevent crime.*
- Policy 4.20** ***Walkable scale.** Focus services and higher-density housing in the core of centers to support a critical mass of demand for commercial services and more walkable access for customers.*
- Policy 4.21** ***Street environment.** Encourage development in centers and corridors to include amenities that create a pedestrian-oriented environment and provide places for people to sit, spend time, and gather.*
- Policy 4.22** ***Relationship between building height and street size.** Encourage development in centers and corridors that is responsive to street space width, thus allowing taller buildings on wider streets.*
- Policy 4.24** ***Residential uses on busy streets.** Improve the livability of places and streets with high motor vehicle volumes. Encourage landscaped front setbacks, street trees, and other design approaches to buffer residents from street traffic.*
- Policy 4.25** ***Active gathering places.** Locate public squares, plazas, and other gathering places in centers and corridors to provide places for community activity and social*

connections. Encourage location of businesses, services, and arts adjacent to these spaces that relate to and promote the use of the space.

- Policy 4.27** **Historic buildings in centers and corridors.** Protect and encourage the restoration and improvement of historic resources in centers and corridors.
- Policy 4.28** **Public art.** Encourage new development and public places to include design elements and public art that contribute to the distinct identities of centers and corridors, and that highlight the history and diverse cultures of neighborhoods.
- Policy 4.29** **Scale transitions.** Create transitions in building scale in locations where higher-density and higher-intensity development is adjacent to smaller-scale single-dwelling zoning. Ensure that new high-density and large-scale infill development adjacent to single dwelling zones incorporates design elements that soften transitions in scale and limit light and privacy impacts on adjacent residents.
- Policy 4.30** **Land use transitions.** Improve the interface between non-residential uses and residential uses in areas where commercial or employment uses are adjacent to residentially-zoned land.
- Policy 4.33** **Auto-oriented facilities, uses, and exterior displays.** Minimize the adverse impacts of highways, auto-oriented uses, vehicle areas, drive-through areas, signage, and exterior display and storage areas on adjacent residential uses.
- Policy 4.45** **Historic and cultural resource protection.** Protect and encourage the restoration of historic buildings, places, and districts that contribute to the distinctive character and history of Portland's evolving urban environment.
- Policy 4.46** **Continuity with established patterns.** Encourage development that fills in vacant and underutilized gaps within the established urban fabric, while preserving and complementing historic resources.
- Policy 4.63** **Energy efficiency.** Encourage and promote energy efficiency significantly beyond the Statewide Building Code and the use of solar and other renewable resources in individual buildings and at a district scale.
- Policy 4.66** **Energy-producing development.** Encourage and promote development that uses renewable resources, such as solar, wind, and water to generate power on-site and to contribute to the energy grid.
- Policy 4.77** **Urban heat islands.** Encourage development, building, landscaping, and infrastructure design that reduce urban heat island effects.

## **Housing**

### **Goal 5.B: Equitable access to housing**

Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.

**Goal 5.C: Healthy connected city**

*Portlanders live in safe, healthy housing that provides convenient access to jobs and to goods and services that meet daily needs. This housing is connected to the rest of the city and region by safe, convenient, and affordable multimodal transportation.*

**Goal 5.D: Affordable housing**

*Portland has an adequate supply of affordable housing units to meet the needs of residents vulnerable to increasing housing costs.*

- Policy 5.1**      **Housing supply.** *Maintain sufficient residential development capacity to accommodate Portland’s projected share of regional household growth.*
- Policy 5.2**      **Housing growth.** *Strive to capture at least 25 percent of the seven-county region’s residential growth.*
- Policy 5.3**      **Housing potential.** *Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households, and identify opportunities to meet future demand.*
- Policy 5.5**      **Housing in centers.** *Apply zoning in and around centers that allows for and supports a diversity of housing that can accommodate a broad range of households, including multi-dwelling and family-friendly housing options.*
- Policy 5.14**     **Gentrification/displacement risk.** *Evaluate plans and investments, significant new infrastructure, and significant new development for the potential to increase housing costs for, or cause displacement of communities of color, low- and moderate-income households, and renters. Identify and implement strategies to mitigate the anticipated impacts.*
- Policy 5.15**     **Involuntary displacement.** *When plans and investments are expected to create neighborhood change, limit the involuntary displacement of those who are under-served and under-represented. Use public investments and programs, and coordinate with nonprofit housing organizations (such as land trusts and housing providers) to create permanently-affordable housing and to mitigate the impacts of market pressures that cause involuntary displacement.*
- Policy 5.21**     **New development in opportunity areas.** *Locate new affordable housing in areas that have high/medium levels of opportunity in terms of access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities.*
- Policy 5.22**     **Higher-density housing.** *Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities.*
- Policy 5.25**     **Regulated affordable housing target.** *Strive to produce at least 10,000 new regulated affordable housing units citywide by 2035 that will be affordable to households in the 0-80 percent MFI bracket.*
- Policy 5.31**     **Affordable housing in centers.** *Encourage income diversity in and around centers by allowing a mix of housing types and tenures.*



**Policy 5.34** ***Inclusionary housing.** Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing.*

**Policy 5.35** ***Impact of regulations on affordability.** Evaluate how existing and new regulations affect private development of affordable housing, and minimize negative impacts where possible. Avoid regulations that facilitate economically-exclusive neighborhoods.*

## **Economic Development**

### **Goal 6.C: Business district vitality**

*Portland implements land use policy and investments to:*

- *Ensure that commercial, institutional, and industrial districts support business retention and expansion.*
- *Encourage the growth of districts that support productive and creative synergies among local businesses.*
- *Provide convenient access to goods, services, and markets.*
- *Take advantage of our location and quality of life advantages as a gateway to world-class natural landscapes in Northwest Oregon, Southwest Washington, and the Columbia River Basin, and a robust interconnected system of natural landscapes within the region's Urban Growth Boundary.*

**Policy 6.17** ***Regulatory climate.** Improve development review processes and regulations to encourage predictability and support local and equitable employment growth and encourage business retention, including:*

***6.17.b.** Promote certainty for new development through appropriate allowed uses and "clear and objective" standards to permit typical development types without a discretionary review.*

***6.17.c.** Allow discretionary-review as a way to facilitate flexible and innovative approaches to meet requirements.*

**Policy 6.61** ***Neighborhood business districts.** Provide for the growth, economic equity, and vitality of neighborhood business districts.*

**Policy 6.65** ***Neighborhood-serving business.** Provide for neighborhood business districts and small commercial nodes in areas between centers to expand local access to goods and services. Allow nodes of small-scale neighborhood-serving commercial uses in large planned developments and as a ground floor use in high density residential areas.*

**Policy 6.67** ***Non-conforming neighborhood business uses.** Limit non-conforming uses to reduce adverse impacts on nearby residential uses while avoiding displacement of existing neighborhood businesses.*

**Policy 6.68** ***Involuntary commercial displacement.** Evaluate plans and investments for their impact on existing businesses.*

**6.68.a.** Limit involuntary commercial displacement in areas at risk of gentrification, and incorporate tools to reduce the cost burden of rapid neighborhood change on small business owners vulnerable to displacement.

**6.68.b.** Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners.

**Policy 6.71** **Centers.** Encourage concentrations of commercial services and employment opportunities in centers.

**6.71.a.** Encourage a broad range of neighborhood commercial services in centers to help residents and others in the area meet daily needs and/or serve as neighborhood gathering places.

**6.71.d.** Require ground-level building spaces in core areas of centers accommodate commercial or other street-activating uses and services.

## **Transportation**

### **Goal 9.B: Multiple goals**

Portland's transportation system is funded and maintained to achieve multiple goals and measureable outcomes for people and the environment. The transportation system is safe, complete, interconnected, multimodal, and fulfills daily needs for people and businesses.

**Policy 9.53** **New development.** Create and maintain TDM regulations and services that prevent and reduce traffic and parking impacts from new development and redevelopment. Encourage coordinated area-wide delivery of TDM programs. Monitor and improve the performance of private-sector TDM programs.

**Policy 9.54** **Parking management.** Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability.

**Policy 9.56** **On-street parking.** Manage parking and loading demand, supply, and operations in the public right of way to achieve mode share objectives, and to encourage safety, economic vitality, and livability. Use transportation demand management and pricing of parking in areas with high parking demand.

**Policy 9.57** **Off-street parking.** Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand.

**Policy 9.58** **Share space and resources.** Encourage the shared use of parking and vehicles to maximize the efficient use of limited urban space.

## **Land Use Designations and Zoning**

### **Goal 10.A: Land use designations and zoning**

*Effectively and efficiently carry out the goals and policies of the Comprehensive Plan through the land use designations, Zoning Map, and the Zoning Code*

**Policy 10.1 Land use designations.** *Apply a land use designation to all land and water within the City's Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.*

**13. Mixed Use — Dispersed.** *This designation allows mixed use, multi-dwelling, or commercial development that is small in scale, has little impact, and provides services for the nearby residential areas. Development will be similar in scale to nearby residential development to promote compatibility with the surrounding area. This designation is intended for areas where urban public services are available or planned. Areas within this designation are generally small nodes rather than large areas or corridors. The corresponding zones are Commercial Mixed Use 1 (CM1) and Commercial Employment (CE).*

**14. Mixed Use — Neighborhood.** *This designation promotes mixed-use development in neighborhood centers and along neighborhood corridors to preserve or cultivate locally serving commercial areas with a storefront character. This designation is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned, and development constraints do not exist. Areas within this designation are generally pedestrian-oriented and are predominantly built at low- to mid-rise scale, often with buildings close to and oriented towards the sidewalk. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Mixed Use 2 (CM2), and Commercial Employment (CE).*

**15. Mixed Use — Civic Corridor.** *This designation allows for transit-supportive densities of commercial, residential, and employment uses, including a full range of housing, retail, and service businesses with a local or regional market. This designation is intended for areas along major corridors where urban public services are available or planned including access to high-capacity transit, frequent bus service, or streetcar service. The Civic Corridor designation is applied along some of the City's busiest, widest, and most prominent streets. As the city grows, these corridors also need to become places that can succeed as attractive locations for more intense, mixed-use development. They need to become places that are attractive and safe for pedestrians while continuing to play a major role in the City's transportation system. Civic Corridors, as redevelopment occurs, are also expected to achieve a high level of environmental performance and design. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Mixed Use 2 (CM2), Commercial Mixed Use 3 (CM3), Commercial Employment (CE).*

**16. Mixed Use — Urban Center.** *This designation is intended for areas that are close to the Central City and within Town Centers where urban public services are available or planned including access to high-capacity transit, very frequent bus service, or streetcar service. The designation allows a broad range of commercial and employment uses, public services, and a wide range of housing options. Areas within this designation are generally mixed-use and very urban in character. Development will be pedestrian-oriented with a strong emphasis on design*

*and street level activity, and will range from low- to mid-rise in scale. The range of zones and development scale associated with this designation are intended to allow for more intense development in core areas of centers and corridors and near transit stations, while providing transitions to adjacent residential areas. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Mixed Use 2 (CM2), Commercial Mixed Use 3 (CM3), and Commercial Employment (CE).*

# Section III: Public Involvement

The Mixed Use Zones Project conducted public involvement specific to the project beginning in early 2014, but also built on outreach efforts begun as early as VisionPDX. Early public involvement was furthered during policy development in the Portland Plan and later in conjunction with the Centers and Corridors Policy Expert Group undertaken during the Comprehensive Plan Update process.

## VisionPDX

The [VisionPDX](#) process engaged thousands of Portlanders in a process to determine Portlanders' priorities for the future. The foundational ideas for building healthy and complete neighborhoods around key hubs of activity, for incorporating diverse viewpoints and priorities, and for advancing resiliency and equity issues arose from this effort.

## Portland Plan

The [Portland Plan](#) is the result of more than two years of research, dozens of workshops and fairs, hundreds of meetings with community groups, and 20,000 comments from residents, businesses and nonprofits. The plan's three integrated strategies and framework for advancing equity were designed to help realize the vision of a prosperous, educated, healthy and equitable Portland.

The Healthy Connected City integrated strategy is another foundational element of the Comprehensive Plan and Mixed Use Zones Project. The strategy contains a goal to:

"Improve human health and environmental health by creating safe and complete neighborhood centers linked by a network of city greenways that connect Portlanders with each other. Encourage active transportation, integrate nature into neighborhoods, enhance watershed health and provide access to services and destinations, locally and across the city."

The Portland Plan established a number of Guiding Policies and a 5-Year Action Plan around the topic of "Vibrant Neighborhood Centers" to help achieve the goals. Selected Guiding Policies and Action Items are called out below.

***Guiding policy H-7:*** *Preserve the distinctive characteristics and history of Portland's neighborhoods and districts when making decisions regarding growth, urban design and the design of improvements.*

***Guiding policy H-9:*** *Use investments, incentives and other policy tools to minimize or mitigate involuntary displacement resulting from new development and economic change in established communities.*

***Guiding policy H-16:*** *Encourage development of high-quality, well designed housing in and around neighborhood centers and near transit – at a variety of sizes and cost ranges.*

***Guiding policy H-19:*** *Integrate parks, plazas or other gathering places into neighborhood centers to provide places for community activity and social connections.*

**Guiding Policy H-23:** *Invest in underserved areas with disadvantaged populations, incorporating tools to reduce displacement.*

**Action 106: Quality Affordable Housing:** *Complete the citywide housing strategy and use it as a basis for regulations, location policies, incentives and public-private partnerships that help locate new well-designed, energy efficient, affordable housing in service-rich, transit accessible locations in and around neighborhood hubs.*

## **Comprehensive Plan Update**

As part of its [Comprehensive Plan Update](#), the City assembled a Neighborhood Centers Policy Expert Group (PEG) that met from June 2012 through September 2013 to advise on policy and possible Comprehensive Plan map changes relevant to the Equity Framework and Centers and Corridors development strategies of the Portland Plan. Issues related to development in neighborhood and town centers and development along Portland's neighborhood and civic corridors were the primary focus of this group. Interest in the Urban Form, Design and Development, and Housing policy areas has remained strong throughout the Comprehensive Plan process, and the city has received thousands of comments on these issues.

In July 2015 the Portland Planning and Sustainability Commission finalized deliberations on the Comprehensive Plan and sent its Recommended Comprehensive Plan to Portland City Council for consideration in late 2015. Portland City Council took public testimony, and is amending the plan for adoption.

## **Mixed Use Zoning Project**

BPS initiated the [Mixed Use Zones Project](#) in late 2013 to develop zoning amendments designed to address Comprehensive Plan goals and policies, as well as to respond to other community stakeholder concerns. The project is partially funded by a Metro Construction Excise Tax grant.

## **Project Advisory Committee**

A Project Advisory Committee (PAC) comprised of professionals and neighborhood stakeholders with expertise and interest in Portland's mixed use and commercial development issues was formed. Twenty-eight members representing a broad array of perspective were initially invited to serve on the committee from a pool of over 100 applicants. The PAC began meeting in February 2014 and has continued to meet at key points through release of the Proposed Draft. The group provided feedback and advice on key development issues throughout the process and brought a variety of perspectives to the table. The group was not formed as a decision-making body, and while there was agreement on some issues among members, consensus among members was not sought for development of the final proposal. Agendas, meeting notes and materials from these meetings are available on the project webpage at: <http://www.portlandoregon.gov/bps/63621>.

## **Public Outreach and Feedback**

The Mixed Use Zones Project conducted significant public outreach in the development of zoning code concepts. This included regular meetings with a Project Advisory Committee (PAC); public walks and roundtables during the assessment phase; and public workshops, information sessions and other group presentations during the concept development phase.

In the assessment phase of the project, the project team conducted seven community walks and several roundtable conversations with developers, designers, affordable housing specialists and local businesspeople. Those comments are documented thoroughly in the *Mixed Use Zones Project Assessment Report*, and summarized below.

### **Assessment Phase**

Seven community walkabouts were conducted in spring 2014 to gather information and feedback from the community on mixed use and development issues through a local lens. About 170 folks participated in these events. A full report is under separate cover. A summary of the key issues heard on the Community Walk follows.

#### **1. Address building scale/articulation: height and mass/length**

- Scale/height was especially important in locations adjacent to lower-density residential areas, with larger buildings more acceptable in other locations.
- Variation, especially building in height, helps add character, and avoids the “canyon” feeling some neighbors are concerned about.
- Higher density around transit stops may be appropriate.

#### **2. Provide scale transition to low density residential zoned areas**

- Step downs and setbacks are key tools in helping transition to residential neighborhoods, and should be employed more frequently.
- Generally, attempting to focus growth and density along corridors is a good strategy, rather than pushing this development by default back into neighborhoods.

#### **3. Encourage continuity of retail in centers and corridors**

- Activate streets and ground floors; storefronts close to sidewalks can help with continuity and cohesion of commercial areas; Small businesses tend to do better together in nodes.
- Don't try and force outcomes/retail that the market won't support.



*Participants discuss new development in Hollywood on the April 26, 2014 walk.*

#### **4. Preserve or protect significant buildings and key places**

- Make concerted effort to keep and support what's already working; preserve key shops/services that serve local residents and places that serve as hubs for communities.



- Find ways to keep beautiful and older structures - this provides benefits such as lower rent rates and variation along the street.

#### **5. Provide incentives for open space/plazas that are open to the public**

- Consider development allowances such as a height allowance for a courtyard or open space.
- Spaces need to remain truly public, not just be outdoor extensions of private businesses.

#### **6. Improve the design of buildings and sites; use quality materials**

- Pedestrian-friendly design is important at ground level.
- Incorporate desirable characteristics of other streets, like setbacks and irregularity.
- Design review and/or standards are critical for neighborhoods experiencing rapid growth.
- Features to improve buildings: façade articulation; varied roof lines; open spaces.
- Features to avoid: Inexpensive-looking materials; dark/ non-transparent windows; ill-defined front entrances; small balconies; large blank walls.

#### **7. Encourage housing for a range of household types and incomes**

- Accommodating families, seniors, and others is very different than singles/couples – consider broader needs of community.

#### **8. Promote affordability – for housing and commercial space**

- Affordability is a goal – explore FAR/ height bonuses, other incentives in exchange for provision of affordable housing units.
- Consider whether an area will continue to be affordable for long-standing residents. Allow people to be able to “age in place”.
- Concern over increasing rents for long-standing small businesses along many corridors, which have been providing critical neighborhood services.

#### **9. Address parking issues: on-site; shared; management**

- Parking is an ongoing challenge for some neighborhoods, commercial area parking and traffic can spill back into residential neighborhoods.
- Consider creative parking solutions, including: mid-level, rooftop, and underground parking; car sharing services; metered parking; permits; shared parking.
- Prioritize transit and access to closer employment opportunities; transit service/access can affect how well density in centers and corridors works.

#### **10. Consider allowing more intensity on large opportunity sites**

- Potentially allow more intensity/height on key opportunity sites, but carefully consider transitions to the surrounding neighborhood.
- Concentrate higher scale in the center so that the edges can step down in scale.

Roundtables were held with groups of developers, architects and designers, affordable housing developers/providers, and representatives of the neighborhood business community. About 70 folks participated in these sessions. A full report is under separate cover. A summary of the key issues heard during the Roundtables follows.

### **Developers**

- Strive for certainty, flexibility, and code simplicity.
- Public goods such as affordability, open area/plaza, etc. should be encouraged with additional height or floor area, fee waivers, or reduced permit times.
- Code should be sensitive towards size of lots.
- Requiring only retail/commercial uses at ground floor is problematic; prefer “active use” which allows flexibility throughout life of building.
- Design system does not work well now, and needs to be more predictable.
- City requirements sometimes conflict with zoning standards - need for better alignment.

### **Architects/Designers**

- Be clear about what is allowed vs what is negotiable.
- Issues such as material choices and on-site open areas should be left to market.
- Provide more flexibility to allow taller building heights - strict height limits result in blocky buildings and make it difficult to create good ground-floor spaces.
- FAR and height can work together to help sculpt buildings.
- Consider “setback budget” or a flexible build-to line that allows for articulation, recesses and areas for people to pause or gather.
- Design system needs overhaul; community design standards are not appropriate/workable.

### **Affordable Housing Developers**

- Strive for certainty, flexibility, and code simplicity.
- Program determined by funding – does not respond to incentives same as private for-profit.
- Bonuses and incentives such as additional height or FAR may work for private developers to provide affordable housing.
- Concerned about costs of expanding design review and requiring outdoor spaces – use incentives and simple, flexible regulations to achieve desired outcomes.
- Requiring ground floor commercial uses add costs - BOLI wage regulations apply for commercial development.

### **Neighborhood Businesses**

- Parking concerns; adding households is good, but people often frequent business by car.
- Explore shared, public or other community parking resource.
- Design and context is important to many districts – some support regulations that encourage compatibility, including design review.
- Not every place is a pedestrian/mixed-use district – some places will/should remain flexible for auto-oriented uses.
- Concerned about loss of affordable commercial space.
- Desire for commercial/active ground floor uses in key places.

### **Concept Phase**

During the concept development phase, additional public outreach was conducted, and monthly meetings were held with the Mixed Use Zones Project Advisory Committee. This led to development of a revised zoning concept.

The Preliminary Zoning Concept was released in November 2014 and coincided with two citywide public meetings on November 5, 2014 and November 6, 2014. In summary, attendees supported many of the proposed mixed use concept features, with an emphasis on the following issues:

- Pedestrian-friendly street frontages
- Building articulation and massing
- Accommodate ground-floor active use and roofline variety
- Relate building height to street width
- Height transitions and buffering
- Bonus for community benefits

During fall 2014 the MUZ project team worked with the project consultants to refine draft code parameters for development, as well as a structure for performance bonus incentives. This entailed the development and analysis of prototype models for “base” and “bonus” levels of development in each of the proposed zones. This work is detailed in the *Mixed Use Building Form Prototypes and Financial Analysis* report. Initial prototype models and financial feasibility information was shared with the PAC in December 2014. Additional prototypes were developed and refinements were made; these were presented to the PAC in January. Initial PAC feedback on the prototypes was mixed, with questions and concerns expressed about:

- the relative small scale of development under base allowances in CM1 and CM2 zones;
- the development costs as a result of form-shaping requirements (step downs; open area);
- the capacity trade-offs for step downs to corridors and residential areas;
- the bonus structure, particularly the financial viability of the affordable housing bonus;
- the ability to accommodate growth forecast under scenarios that limit floor area ratios;
- the impact of bonus-scale development on community livability in different contexts.

Based on PAC feedback, the project team conducted further exploration of approaches to form-shaping development standards and development floor area allowances. The team also worked with Johnson Economics on further analysis of base and bonus floor area ratio relationships to better understand the implications on residual land values/development feasibility and to establish base and bonus floor area limits that would enhance the feasibility of bonus utilization, particularly in scenarios providing affordable housing. Based on PAC comments and further analysis, revisions were made to the concept.

Public outreach was conducted between February and April 2015 to share information and gather feedback on the Revised Zoning Concept. Public Information sessions were held on February 25 and 26, 2015 with about 80 people attending. A public open house was also held on March 10, 2015. Surveys were distributed to attendees and available online. The results of that survey showed general support for most of the revised concepts.

Additionally, the project team presented the revised concept to a number of community and stakeholder groups, including the following:

- Venture Portland
- Northeast Coalition of Neighborhoods
- Central Northeast Neighbors
- Southeast Uplift
- Multnomah Neighborhood Association
- Southwest Neighbors, Inc.

- Northwest District Association
- Neighbors West/Northwest
- North/Northeast Business Association
- Hollywood Boosters
- Division Design Initiative
- Hollywood Neighborhood Association
- Richmond Neighborhood Association
- 82<sup>nd</sup> Avenue Improvement Coalition
- Beaumont Business Association
- Representatives from: Coalition for a Livable Future; Upstream Public Health; 1000 Friends of Oregon; Living Cully; Audubon Society of Portland

Resident and shopper surveys were also conducted in April 2015 to better understand how mixed use areas are working. The Bureau of Planning and Sustainability contracted with Angelo Planning and DHM Research to conduct surveys of shoppers and residential tenants in five mixed use study areas – SE Division, NE 28<sup>th</sup>, Hollywood, N. Mississippi, and St. Johns. Shoppers were reached through an intercept survey, and asked questions their purpose in the district, travel mode, and parking. Apartment and condominium residents were surveyed through an online survey mechanism, and asked questions about car ownership, commuting, building amenities, shopping patterns, and design preferences. Follow-up informational meetings were held to get qualitative feedback from people who have direct experience living in buildings developed under the City’s commercial/mixed use zoning codes. The results of this work are found in the [Mixed-Use Center and Corridors Livability and Parking Analysis Final Report](#).

### **City Bureaus**

Portland’s development and service bureaus support development code options that achieve policy goals and are straightforward to administer. Members of bureaus have been involved as Technical Advisors on the zoning project and have commented on drafts of the proposal. A summary of ongoing bureau work and feedback follows.

**Portland Bureau of Transportation:** The Portland Bureau of Transportation (PBOT) is interested in better managing transportation system impacts and addressing the need for parking on-site and on public streets. PBOT has conducted a [Centers and Corridors Parking Strategy](#) to determine appropriate ways to address and manage on-street parking demand. In addition, PBOT is proposing that many types of new development, including residential development in mixed use zones, be required to develop Transportation Demand Management plans to address vehicle trips and parking issue. More information on these topics is in Section V.

**Bureau of Environmental Services:** The Portland Bureau of Environmental Services (BES) oversees environmental issues, specifically sanitary and stormwater management. The BES supports solutions and approaches to stormwater management that generally uses natural materials and approaches rather than highly engineered solutions. Feedback from BES supported features to reduce stormwater impacts, including lot coverage standards that address building coverage, and innovative solutions such as eco-roofs, green walls, and other features to better manage on-site stormwater.

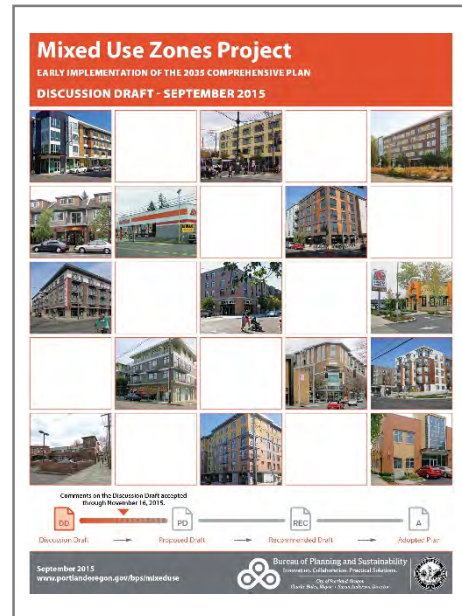
Portland Development Commission: The Portland Development Commission (PDC) is interested in supporting economic and small business development in Portland. They provided feedback on the bonus structure and will engage with BPS in further exploration of the bonus for affordable commercial space.

Bureau of Development Services: The Portland Bureau of Development Services (BDS) is the agency that permits development in Portland and administers the Zoning Code. Code clarity and consistent application of code are of key importance to BPS. The bureau provided extensive commentary on the codification of the concept and amendments to current code. BDS also staffs the Portland Design Commission and Portland Historic Landmarks Commission. BDS staff, the Portland Design Commission, and the Portland Landmarks Commission all provided feedback on the project.

Portland Housing Bureau: The Portland Housing Bureau (PHB) is engaged in the housing needs of the city, and specifically addresses programs that work to provide affordable housing for Portlanders. The PHB has been extensively involved in the development of the bonus for affordable housing both in the Mixed Use Zones project and in a parallel effort for the Central City.

### Discussion Draft

The Mixed Use Zones Project *Discussion Draft* was released in September 2015. Public feedback on the draft was submitted to project staff through November 2015. Written comments were received from over 60 individuals and organizations, some of which represented dozens of individual stakeholders, as well as from city commissions and partner agencies. A copy of the written comments is compiled in a document: [Comments on the September 2015 Discussion Draft](http://www.portlandoregon.gov/bps/article/555495). In addition, several outreach events were held in fall 2015 to coincide with release of the *Discussion Draft* to provide information and take community and stakeholder input. A summary document captures highlights of the events: <http://www.portlandoregon.gov/bps/article/555495>. Public and stakeholder comments on the Discussion Draft, and subsequent economic modeling and testing of the bonus incentive program, led to several changes in the Proposed Draft. The major changes are summarized in Section IV.



# Section IV: Concept and Proposal

The Mixed Use Zones Project establishes a new framework of Commercial Mixed Use Zones designed to help implement the varied goals and policies of the Portland Comprehensive Plan. Roughly 50 percent of Portland’s future household growth is expected to occur in commercial mixed use zones located outside of the Central City. Recent development trends show that this is already happening in some of the areas currently zoned for commercial use. The current commercial zones have been successful in accommodating development. However they can be improved to better realize the goals and policies of the new Comprehensive Plan. These include goals for affordability, context sensitive design, and the desire for creating community services in key locations.

As part of the Mixed Use Zones Project, BPS staff is proposing a new Commercial Mixed Use zoning framework coupled with changes to development and design standards to address Comprehensive Plan objectives identified in Section III.

Key elements of the proposed changes are described below along with a brief analysis where appropriate. The relevant zoning code sections found in Section VI of this report are listed.

## **A. New Zoning Framework (33.130.010 – 33.130.210)**

The Mixed Use Zones Project would change the basic framework for commercial zones:

- The array of Commercial Mixed Use zones applied outside the Central City would be reduced from nine to five.
- Four new mixed use zones would be added - three Commercial/Mixed Use zones that vary by the scale of development allowed (CM1, CM2, CM3) and one medium-scale Commercial Employment (CE) zone focused primarily on commercial and employment uses located outside of centers.
- New and revised development and design standards would be added.
- The maximum amount of housing and mixed use development on a site would be regulated differently.

This change in the framework creates a simpler array of Commercial Mixed Use base zones and results in zones that better implement the Comprehensive Plan’s *Urban Design Framework* and *Mixed Use Designations*. Each new Comprehensive Plan mixed use *designation* allows more than one zone, which allows for future zone changes if appropriate. The new zones feature statements about the characteristics of the zones and their appropriate contextual application to provide guidance for legislative projects and quasi-judicial zone change land use review situations.

A significant change with the proposed zoning approach is the way the size of housing and mixed use development is measured. Today, in commercial zones, the amount of *commercial* development possible on a site is limited by a maximum floor area ratio (FAR). However, the amount of *residential* development is currently limited only by the height and bulk limits allowed by

the zone. Hence, development with residential units may exceed the stated floor areas of the existing commercial zones.

Under the proposed mixed use code, the amount of development for all uses – commercial and residential - will be controlled by the maximum floor area (FAR) allowed on site. The size and form of the building will also be shaped by the maximum height limit and other base zone development standards. The inclusion of floor area for residential uses in the allowed FAR provides greater control and certainty about development intensity. It also allows for use of a FAR bonus system that allows projects that provide public benefits focused on affordability to gain greater floor area and height.

The proposed floor area ratios are the result of significant feedback from the mixed use zones project advisory committee, the public, and the results of economic modeling and architectural analysis. Details of this approach are included in Section VI and information on analyses can be found in the Appendix documents.



*The Mixed Use Zones Project proposes development standards such as building “step-downs” to help the transition to lower-density zones.*

## **B. Development Bonuses - Incentives to provide public benefits (33.130.212)**

A goal of the Comprehensive Plan is to achieve community objectives through public and private investments, including through the development process. To support this, the new mixed use zones include opportunities for bonuses that provide additional amounts of development above zoning entitlements when the developments include key public and community benefits, focusing on affordability in housing and commercial spaces. The bonuses allow additional floor area, and in some cases additional height, in return for meeting affordability performance standards. Bonuses are proposed for provision of affordable housing and affordable commercial space. In addition, additional floor area may be gained through a transfer of floor area from historic resources in commercial mixed use zones. The amount of bonus varies by the type and priority of public benefit provided. Affordable housing is given the highest priority.

For each Commercial Mixed Use zone, there is an allowed maximum floor area ratio (FAR) and height limit without using the bonus. Projects using bonuses may earn up to the maximum allowed FAR and height limit with bonus. Affordable housing is eligible to earn 100% of the maximum bonus FAR allowed. Other bonuses are allowed to earn up to 50% of the maximum FAR each, but bonuses

can be combined up to the maximum as shown in Table IV-1: Summary of Commercial/Mixed Use Development Standards. The proposed bonus parameters are:

- Affordable Housing: Earn up to 100% of bonus floor area when 25% of floor area in excess of base floor area allowance is housing affordable to households earning less than 80% of the area Median Family Income (MFI).
- Affordable Commercial Space: Earn up to 50% of bonus floor area when commercial space is provided at below-market rents. Two square feet is earned for each square foot provided.
- Transfer of Floor. Allow up to 50% of bonus floor area when floor area is transferred from historic resources.

**Table IV-1: Summary of Key Commercial/Mixed Use Development Standards**

	<b>CM1</b>	<b>CM2</b>	<b>CM3</b>	<b>CE</b>
Base Height Limit (stories)	35' (3)	45' (4)	65' (6)	45' (4)
Base FAR	1.5:1	2.5:1	3:1	2.5:1
Maximum Height Limit with Bonus (stories)	35' (3)	55' (5)*	75' (7)	45' (4)
Maximum FAR with Bonus	2.5:1	4:1	5:1	3:1
Maximum Building Coverage % Inner/East/West Pattern Area	85/75/75	100/85/85	100/85/85	85/75/75
Required Landscaping** % Inner/East/West Pattern Area	15/15/15	15/15/15	15/15/15	15/15/15

\* The 55' height limit is allowed only in areas with a Mixed Use – Urban Center Comprehensive Plan designation and in areas with the Mixed Use – Civic Corridor Comprehensive Plan designation where the Design overlay zone is applied.

\*\* In “Inner Neighborhood” pattern areas, required landscaping may be met by choosing among options.

The development bonus structure will be administered by the Bureau of Development Services (BDS), with significant participation from partner agencies potentially including the Portland Housing Bureau (affordable housing) and Portland Development Commission (affordable commercial). The complete details of the parameters of the bonus program standards and administration are currently under development but will be finalized prior to the effective date of the regulations.

More information on the bonus proposal is included in Section V.



**C. Planned Development Bonus with public benefits (33.130.212; 33.270; 33.855)**



The Proposed Draft includes an additional height and floor area bonus available only on large sites (over 2 acres) when approved through a planned development review - see proposed zoning code in Section VI. Development projects in CM2, CM3, and CE zones on sites over two acres in size may seek this bonus. The bonus allows significant increases in height and increases in floor area for projects that meet a set of prescribed public benefit requirements and are approved through a Type III land use review process. The planned development review would include a site design and transitions review component be conducted by the Portland Design Commission.

The allowable FAR and height are shown in Table IV-2 below.

**Table IV-2: Planned Development Bonus**

	<b>CM2</b>	<b>CM3</b>	<b>CE</b>
Base Height Limit (stories)	45' (4)	65' (6)	45' (4)
Base FAR	2.5:1	3:1	2.5:1
Maximum Height Limit with Planned Development Bonus (stories)	75' (7)	120' (10-12)	75' (7)
Maximum FAR with Planned Development Bonus	4:1	5:1	4:1

A project seeking this bonus must meet the following public benefit requirements:

- 1) Meet the affordable housing bonus target (25% of bonus floor area at 80% MFI);
- 2) Provide 15 percent of site area as a publicly accessible plaza or park; and
- 3) Meet a Low-Carbon/LEED Gold building standard.

In addition to the site plan design review and meeting the bonus requirements above, subsequent to the review, all buildings on-site would be subject to the design overlay zone.

Development prototype modeling revealed that it may be difficult to achieve allowed or bonus floor area ratios on large sites due to parking requirements, circulation, and other features inherent in larger scale development. Additional height is needed to achieve the allowed floor areas. During neighborhood walks, community members expressed possible acceptance of larger buildings on large opportunity sites, provided 1) that the developments provide some benefit to the public and community, 2) the impacts of added height can be mitigated through thoughtful site design and transitions, and 3) that any additional impacts (transportation, infrastructure, etc.) of the development can be addressed. The Planned Development Bonus with public benefits addresses these issues by allowing additional height and floor area when the development includes a prescribed set of public benefits, and is approved through a quasi-judicial land use review with a public hearing.

## D. Development Design Standards

New development and design standards are proposed to address Comprehensive Plan goals and policies and address issues raised by community stakeholders. Detailed information about the concepts is available in the *Mixed Use Zones Project - Code Concepts Report*. Specific information about proposed development standards is found in the Code and Commentary of Section VI of this report. The following is a list of the key features being addressed.

### 1. Relate Building Height to Street Scale/Transit Function (33.130.210)



Establish the allowed heights for the front street wall of buildings based on street width. Generally, taller building street walls are most appropriate along wider streets. Where CM3 zoning is applied along narrower streets, such as in central locations and close to high-capacity transit stations, reduce maximum allowed street wall heights to five-stories along the corridor frontages.

### 2. Allow limited height increases to encourage architectural variety in rooflines (33.130.210)

In addition to height exceptions for building projections (flag poles, chimneys, vents, etc.), allow up to 42-inches of additional building height to allow for parapets and roof railings to provide for architectural variety in rooflines.

### 3. Building Articulation/Massing (33.130.222)



Create standards that promote building form and massing that better fits into and enhances the character of centers and corridors. This includes requirements for façade articulation, and limits on overall building length.

### 4. Height Transitions and Buffering (33.130.210)



Apply setbacks, height transitions and buffering for mixed use zones adjacent to lower density residential zones to foster more gradual transitions. This would require buildings in the commercial/mixed-use zones to “step down” to the allowed heights of adjacent lower-scale residential zones and provide building setbacks.

**5. Full-Block Zoning Transitions (33.130.210; 33.130.215)**

Apply building height transitions and landscaping standards to mixed-use areas that are located off of corridors and have street frontage adjacent to residential zones. The standards encourage residential development as part of this interface.

**6. Ground Floor Windows (33.130.230; 33.415)**



Strengthen design-related standards that address the relationship of buildings to public street frontages by requiring more ground floor window coverage, especially in the core commercial areas of centers. Window coverage requirements on key streets are 40% of ground floor area generally; 60% of ground floor area in areas with the new Centers Main Street overlay zone.

**7. Ground Floor Residential Development (33.130.230)**



Provide setback and design options for residential uses, while supporting cohesive commercial areas, ensuring appropriate urban density, and addressing the interface between ground-level residences and public streets. Allow landscaped setbacks or raised ground floors as alternatives to the required 40% ground-floor window coverage outside of the centers main street overlay zone area.

**8. Main Entrances (33.130.242; 33.415)**

Strengthen design-related standards that address the relationship of buildings to public street frontages by establishing requirements for a minimum frequency of front entrances.

**9. Street Setbacks and Parking Location (33.130.215; 33.415)**

Simplify maximum setback regulations and offer more flexibility for providing outdoor spaces and landscaping. In most cases, relax requirements that require 100 percent of street-facing façades to be located within required maximum setbacks. Except for large-scale retail uses over 60,000 square feet, generally prevent parking areas from being located between buildings and streets to foster a pedestrian-friendly sidewalk environment.

**10. Outdoor Space (33.130.228)**



Require 48 square feet per unit of private or shared outdoor space for residents to be provided in conjunction with mixed use or residential development.

**11. Residential Window Setbacks (33.130.215)**

Ensure that residential windows have separation from interior property lines, providing access to light and air.

**12. Pattern Area Standards (33.130.215; 33.130.220; 33.130.225; 33.415)**

Create design-related standards specific to the three major neighborhood pattern areas (Inner, Eastern and Western neighborhoods), such as variations on building lot coverage, setbacks, landscaping, and required development intensity.

**13. Neighborhood Contact Requirements (33.130.050)**

Expand requirements for neighborhood notification of new development in mixed use zones and encourage dialogue between developers and the community.

**14. Exterior Display (33.130.245)**

Allow more flexibility for exterior display of merchandise.

**15. Shared Parking (33.130.100.B.9)**

Provide more flexibility for commercial and shared parking to manage parking demand.

**16. Green Options. (33.130.225)**



Landscaping has not traditionally been a required element of development in Portland’s most urban commercial zones, because the zones allow high degrees of lot coverage. The mixed use zones proposal responds to the Comprehensive Plan call for integrating green elements into the urban environment by requiring landscaping but allowing a flexible array of landscape options in the urban CM2 and CM3 zones while continuing to allow a high degree of lot coverage.

The proposed development and design standards are intended to better address contextual compatibility of development while achieving multiple Comprehensive Plan goals. The height limits which decrease adjacent to residential zones will create better transitions to these areas; height limitations in CM3 zones on narrow streets address street width proportions; setback standards allow for flexibility to create public/private spaces along key corridors; outdoor area requirements provide more amenity for residents in residential and mixed use building; building coverage and landscaping standards address the differences within Portland’s development pattern areas; and features such as neighborhood contact will help to inform the community about development and encourage dialog. See commentary in Section VI for more detailed analysis and rationale related to specific code amendments.

**E. Other Tools to Enhance Places and Address Issues**

**Centers Main Street Overlay Zone (33.415)**

A new overlay zone has been developed to enhance key places within centers. The overlay zone calls for active land uses, a more continuous commercial main street, minimum amounts of

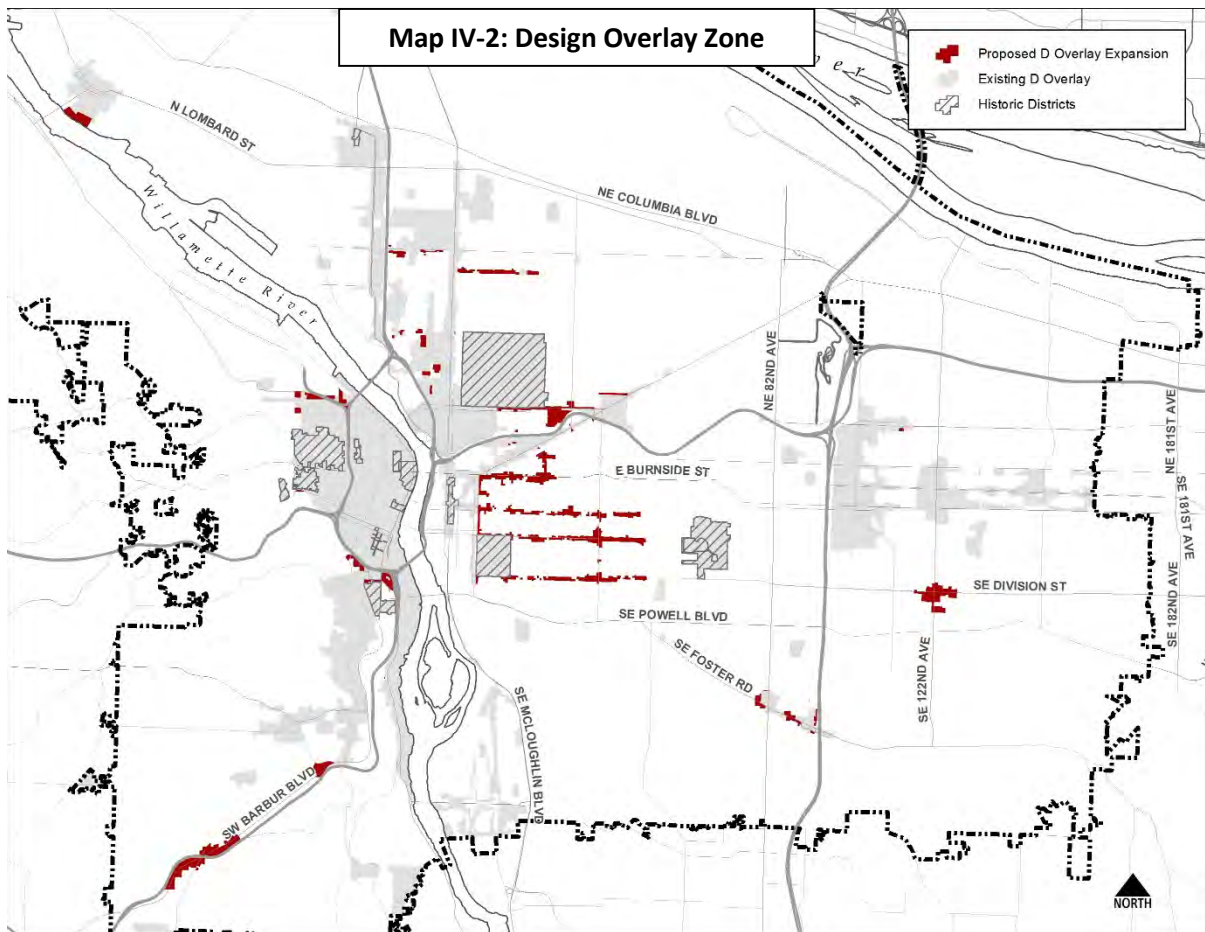






These areas are expected to see the greatest amount of development and change, and warrant additional design oversight.

The Design Overlay Zone is currently applied to most of the area designated as Mixed Use - Urban Center. The zone will be retained where it is currently applied, and will be extended to areas where it is currently not applied, including areas in inner Southeast Portland and other locations. Areas where the design overlay zone will be added are shown on Map IV-2: Design Overlay Zone. In addition, in keeping with current practice of applying the design overlay to zones that allow large scale or tall buildings, the design overlay zone will be applied to all sites zoned CM3, which replaces the CXd and EXd zones outside of central Portland.



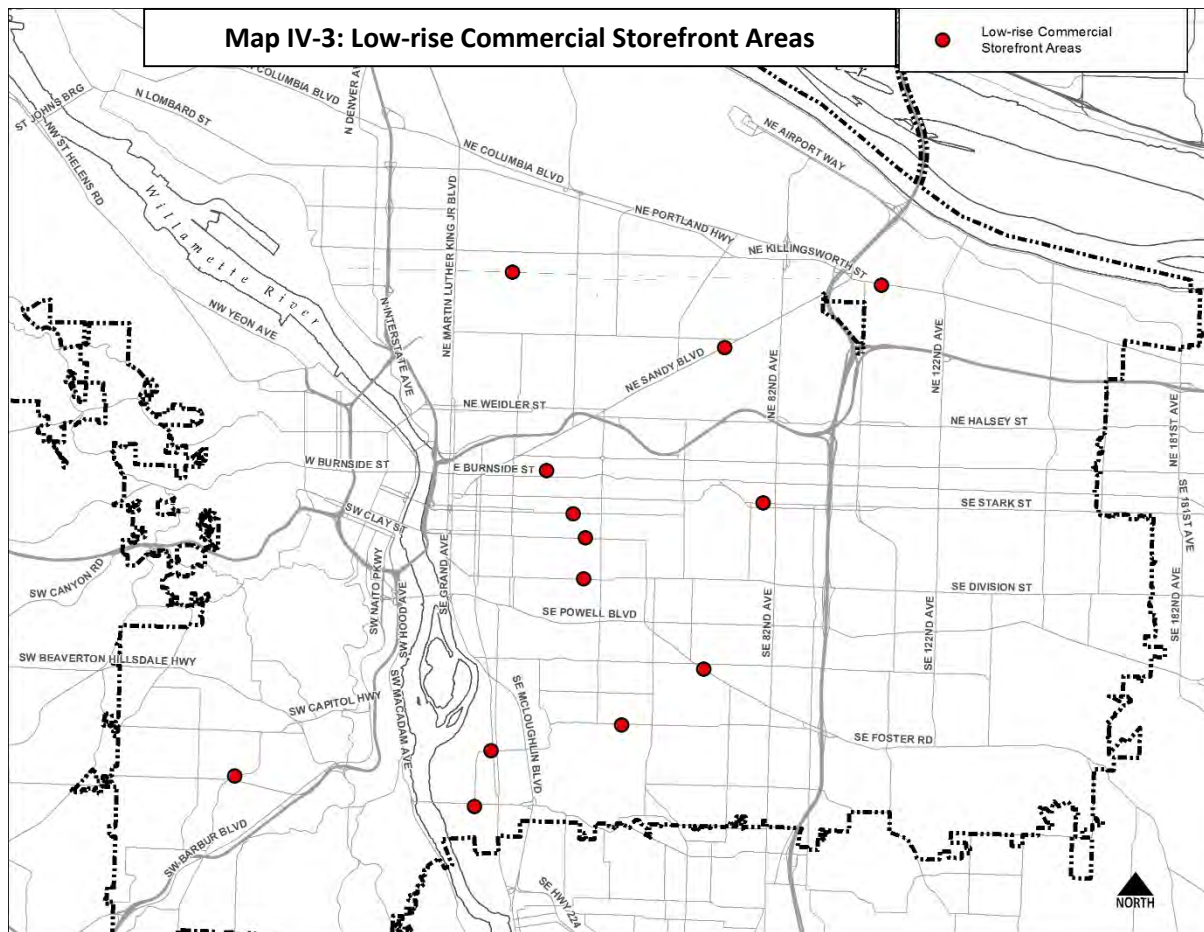
### **Transfer of Floor Area for Historic Resources (33.130.205)**

The new approach to regulation of floor area described in the zoning framework provides an opportunity for transfer of floor area from historic resources as well as floor area bonuses for public benefits. This tool has been available in commercial zones to date, but because of the current approach to regulation of residential floor area, there is little incentive to use the transfer. Recalibration of the allowed FAR combined with allowances for a bonus floor area will allow better utilization of this existing tool.

### Low-rise Commercial Storefront Areas (33.415 and Zoning Map)

The proposed draft includes new mapping and Zoning Code regulations intended to continue the scale and characteristics of older main street areas where low-rise (1 to 2 story) Streetcar Era storefront buildings are predominant. This responds to community interest in preserving the character of these areas, which are often the historic commercial cores of centers, while being applied strategically to retain ample capacity for growth in the majority of mixed use areas. Areas mapped for the new low-rise commercial storefront zoning approach are locations with contiguous concentrations of low-rise Streetcar Era storefront buildings extending for at least a 2-block or 400' length of corridor, and are located in neighborhoods centers, which are intended to have less of an emphasis on growth than larger centers. The approximate locations are shown on Map IV-3: Low-rise Commercial Storefront Areas. They are located on portions of the following streets: NE Alberta; NE Sandy; NE 28<sup>th</sup>; SE Stark; SE Belmont; SE Hawthorne; SE Division; SE Foster; SE Woodstock; SE Milwaukie; SE 13<sup>th</sup>; and SW Capitol. The exact parcel locations are shown in the Centers Main Street overlay zone maps in section VII and on the map app.

Staff proposes to zone these areas to CM1 (limiting building height to 35-38’), with Centers Main Street overlay regulations that continue these areas’ characteristics through allowances for 2 to 1 FAR, full lot coverage and no landscaping, and greater allowances for retail and commercial uses than usually allowed in the CM1 zone to reflect their roles as core commercial areas that are anchors to complete communities.



### **Transportation Demand Management (33.266.430)**

The management of travel demand and parking is an issue of growing importance throughout the City as growth and development brings increased density to mixed use centers and corridors and increases trips and the demand for existing on-street parking. Transportation demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective transportation demand management also incorporates management of parking supply and demand.

As part of the Mixed Use Zones Project, the Portland Bureau of Transportation is proposing to expand and standardize requirements for a performance-based TDM Plan for new development over certain impact thresholds. The proposal, currently under development, will include clear and objective performance-based TDM measures for larger multi-dwelling and residential mixed use buildings in the Commercial Mixed Use zones. See Amendments to Zoning Code Chapter 33.266 in Section VI; for additional information about TDM proposals see Section V.

### **F. Significant Changes from the Discussion Draft**

The *Proposed Draft* of the Mixed Use Zones project has changed significantly from the *Discussion Draft* based on Project Advisory Committee feedback, public comments, feedback from the Portland Design Commission, Portland Historic Landmarks Commission, technical advisors from City of Portland bureaus and partner agencies, and internal Bureau of Planning and Sustainability review of the proposal. Major changes in the proposal are generally in response to 1) bonus and development incentive issues; 2) building scale issues; and 3) auto-accommodating development issues.

***Bonus and Development Incentive Issues.*** Comments were submitted requesting a greater emphasis on affordable housing goals in the bonus/incentive program, and the need for additional modeling and testing of the program to optimize outcomes. Additional economic analysis was conducted on the bonuses by EcoNW, a consulting firm, to optimize for a result that prioritized the incentive for affordable housing and includes an incentive for affordable commercial space. Initial results from the modeling indicated that utilization of the bonus is most feasible in areas with higher than average rents where additional floor area would be an incentive for providing a public benefit. Given current development market conditions (rent, construction cost, etc.), take up of bonuses may be limited, but this will vary over time. Furthermore, the bonus for plazas was identified as a greater incentive than other bonuses, yet may not provide clear public benefits. Floor area in exchange for green buildings was not seen as an incentive. The bonus program has been modified to optimize on the public benefit of affordability.

***Building Scale Issues.*** Comments were submitted regarding the scale (height, bulk) of allowed development in commercial mixed use areas. The proposal seeks to balance community concerns about scale with growth management and community development goals, and the realities of building construction and finance. In some cases the proposed zones reduce the allowed scale of development compared to the existing zones through inclusion of residential uses in floor area calculations, limits on overall floor area, and through setback and height standards that shape building envelopes to a greater degree than current zones. Additional density and increased building scale can be achieved only by using bonus floor area and bonus height by providing public

benefits which focus on affordability issues in this proposal. In response to comments, in some areas, such as the Low-rise Commercial Storefront areas, staff proposes to reduce overall scale by applying zones with lower height limits than proposed in the Discussion Draft.

**Auto-Accommodation Issues.** Comments were submitted regarding the need to better accommodate autos and traditional auto-oriented developments in the Portland landscape. Specifically, comments addressed problems of large-scale retailers, including grocery stores, with proposed pedestrian- and transit-oriented building setback standards. Comments stated the need to allow flexibility for deep building setbacks to provide convenient and accessible parking areas, and flexibility for drive through developments, for this type of retail. In general, the proposal seeks to balance goals for pedestrian- and transit-orientation and urban design, with the need to accommodate large and auto-accommodating uses. Changes to better address these concerns include allowing more flexibility to rebuild drive through uses and reducing the square footage threshold for alternative setbacks for large retail uses.

A summary of major concept/code changes follows.

**Bonuses and Development Incentives.** The proposal emphasizes bonuses that address affordability goals. Additional economic analysis showed that the bonus for publicly accessible plazas was likely to compete with the affordability provisions, and less affordable housing would be produced. Landscaping and green element requirements are now proposed for all zones in response to comments on the *Discussion Draft*. Given this, the high-performance green features bonus was modified to include only green buildings, dropping the landscape elements. Economic modeling of the bonus program found no incentive for green buildings. Also, for both plazas and green buildings, the benefits may be both private and public. For these reasons, the provisions for plazas and green buildings were dropped from the proposal.

**Parking Exception for Affordable Bonus Units.** Modeling revealed that additional required parking may limit utilization of the affordable housing bonus due to the high cost of providing structured or underground parking. To help address this issue, affordable housing units allowed in bonus floor area would not be counted in required parking calculations. In addition, modeling showed that the technology of “stacked” or mechanized parking may also be a cost effective and feasible solution to address required parking in some situations.

**Planned Development Bonus with Public Benefits.** The Large Site Master Plan Bonus has been recast as a Planned Development Bonus and new code sections are proposed to implement the review. The bonus still provides for increases in allowed height and floor area on sites over two acres in size when public benefits of affordable housing, a public plaza/open space and green building features are provided. Because of the scale of development proposed to be allowed (up to 75 feet in CM2 and CE; up to 120 feet in CM3), a Type III land use review with public comments is warranted. The design and layout of the site and location of buildings is critical to make transitions to adjoining lower-scale neighborhood areas; a public review of the planned development by the Portland Design Commission is proposed as the most appropriate body to review this type of quasi-judicial land use request. This is a change from the Discussion Draft in which a review by the Hearings Officer was proposed.

**Bonuses and Floor Area Transfers in Historic Districts.** The proposal would restrict the use of bonuses and floor area transfers in Historic and Conservation districts. This limits the potential conflicts posed between existing historic character and larger buildings allowed through bonuses and transfers.

**CM1 Zone in Low-rise Commercial Areas.** Comments were submitted regarding the scale of allowed development in commercial mixed use areas, specifically about potential development in areas of special character, which often include many intact, low-rise streetcar-era commercial buildings. To address this issues, staff analyzed locations where low-rise (1 to 2 story) Streetcar Era storefront buildings are predominant, and proposes to apply the CM1 zone with a 35' height limit in a selected set of these older main street areas within the Centers Main Street overlay zone. See Low-rise Commercial Storefront Areas discussion on page 40.

**Green Options Landscaping in Inner Pattern Area.** In the *Discussion Draft*, 100% lot coverage was allowed and no landscaping was required in the CM2 and CM3 zones in the Inner Neighborhoods pattern areas (continuing the existing approach in the CS, EX and CX zones). Based on new *Comprehensive Plan* policies on integrating green elements into the urban environment and community feedback about the need for greening of urban spaces in inner pattern areas, staff is proposing a landscape requirement in all mixed use zones outside the Central City and Gateway. The proposal continues to allow lot coverage up to 100% in the Inner Neighborhood CM2 and CM3 zones. Given this, staff proposes that the landscape requirement be met through flexible options that include 1) traditional in-ground landscape features; 2) an eco-roof; 3) reduced landscape percentage for planting large trees; 4) use of raised landscape areas; and 5) substitution of pervious pavers for a percentage of the required landscape area.

**Building Length and Façade Articulation.** Feedback from design professionals prompted further review of the Discussion Draft proposal on building length and façade articulation. The maximum building length standards in the Proposed Draft are changed to work in conjunction with façade articulation to prevent large facades without articulation, and to limit building length. The maximum building length in the Discussion Draft was 110 feet, which responded to some situations, but also created issues for other developments that require larger floor plates. The maximum length was increased to 200 feet, in keeping with Portland's traditional block sizes.

**Setbacks for Large Retailers.** Feedback from retail and shopping center representatives highlighted difficulties in meeting transit-oriented setback standards and parking location requirements for larger-scale retail uses, including large-format grocery-stores. To address this issue, the size threshold for triggering alternative setback standards for large retail uses is reduced from 100,000 square feet to 60,000 square feet to better accommodate a variety of large-scale retail uses.

**Parking Location Flexibility on Large Sites.** Parking location standards in 33.266 have been changed to provide greater flexibility in parking arrangements and locations on large sites in the CM zones. For large sites (over two acres), the standards of the CE zone will apply, providing greater flexibility to provide parking locations between a building and a street, and better address situations with multiple building on a site, typical with larger sites.

**Drive-Through Facilities.** Drive-through facilities will be allowed in the CE zone. New drive through facilities will be prohibited in the CM1, CM2 and CM3 zones. In addition to changes allowed through the Non-Conforming Situations code (33.258), the proposal allows additional flexibility to rebuild

existing drive through facilities in the CM2 and CM3 zones to accommodate needs for modernization and upgrades. In the CM3 zone, the rebuilt drive through must be part of a development with a minimum floor area ration of 1:1.

**Minimum Floor Area in Centers.** Sites in the Centers Main Street overlay zone were proposed to have a minimum floor area ratio of 0.5:1. This minimum is retained for overlay zone areas in the Inner pattern area where development is more urban. The minimum is reduced to 0.25:1 in Eastern and Western pattern areas in recognition of existing lower-density development patterns and the anticipated desire for more parking in these areas.

**Vehicle Areas in Centers.** Sites in the Centers Main Street overlay zone were limited to no more than 50% the street frontage of a site dedicated to vehicle and exterior display areas. This standard is retained in Eastern and Western pattern areas, but the vehicle area is reduced to 30% of frontage in inner pattern areas in recognition of the more urban setting desired in this pattern area.

**Transportation Demand Management Thresholds.** In conjunction with the Portland Bureau of Transportation, further review and analysis of Transportation Demand Management goals and objectives led to a lower threshold for triggering the TDM program for mixed use developments. The threshold is reduced from 20 units to 10 units.



# Section V. Implementation Tools

The primary tools to implement the Mixed Use Zones Project are amendments to the Portland Zoning Code and Zoning Map. Amendments to the Portland Zoning Code (Title 33) are detailed in Section VI. Amendments to the Zoning Map are detailed in Section VII.

Additional tools for implementation of the project, anticipated subsequent amendment to the Zoning Code, and expected amendments to other city Titles are described in this section.

## Development Incentives/Bonuses

A key goal of the Comprehensive Plan is to achieve many community objectives through public and private investments, including through the development process. To aid in realizing these goals, the new mixed use zones include opportunities for performance bonuses: additional amounts of development above basic zoning entitlements, when the developments include key public benefits. These bonuses allow additional floor area, and in some cases additional height, in return for meeting design and other performance standards. Bonuses are proposed for provision of affordable housing and affordable commercial space. In addition, floor area transfers from historic resources can be added to receiving sites, up to a portion of the bonus floor area allowed. The amount (or weight) of the bonus varies by the type and priority of public benefit provided. Affordable housing is given the highest priority.

### Additional Details of the Bonuses - Administration

Proposals using the bonuses would be reviewed and approved by the Bureau of Development services, with significant administrative participation from bureau partner agencies including the Portland Housing Bureau (affordable housing) and the Portland Development Commission (affordable commercial). The partner agencies will, prior to the effective date of the zoning regulations, create affordability bonus programs with administrative procedures to review projects seeking to gain additional development through bonus use.

### Implications of the New Inclusionary Zoning Legislation – Senate Bill 1533

Oregon legislators recently passed legislation allowing jurisdictions to require affordability in new multifamily structures of over 20 units. The legislation allows for the affordable housing requirement, but also calls for jurisdictions to provide development incentives for affordable housing. Given recent passage of the law, staff has not had an opportunity to fully reconcile the provisions of SB 1533 with development incentives and allowances proposed in the Mixed Use Zones Project. Additional analysis will be forthcoming that may result in changes to the mixed use incentive/bonus proposal.

Conceptually, an applicant seeking a bonus would contact the appropriate partner agency to learn about program parameters, enroll in the affordability program, submit plans and other documents to indicate how they meet the performance targets of the bonus, and execute needed covenants, restrictions or other program documents to ensure that the project conforms with program requirements. Upon completion of these components, the agency will issue a certificate of compliance indicating that the development meets the requirements of the incentive program, and certification of the amount of additional floor area to which the development is entitled. The certification documentation would be submitted to Bureau of Development Services by the applicant along with building plans for review and approval.

The details of the exact parameters of the bonus program standards and administration are being further developed. BPS expects to continue work on the bonuses with partner agencies to develop the administrative procedures during the code review process over the next several months.

In most cases there will be a need for ongoing administration to monitor projects that use bonuses, to ensure ongoing compliance. The details of the administration will also be worked out over the coming months as the code continues through the legislative process.

The next steps and timeframes for further work are:

- Develop administrative process: summer/fall 2016
- Finalize administrative rules: early 2017

A more detailed description of bonuses and a list of items needing further work follows.

### **Affordable Housing Bonus**

**Description/Intent:** Housing affordability is an increasing concern in Portland. Much of Portland's new housing to accommodate growth is expected in centers and corridors. However, new housing is often not affordable to a large segment of Portlanders. This bonus works toward addressing that issue through a market incentive to construct and set-aside a portion of units at affordable levels. Inclusionary zoning was recently approved in Oregon, but has not yet been implemented. Voluntary incentives like this have been used in other situations. With recent passage of inclusionary zoning legislation, the administrative and other aspects of this incentive program could be modified, and potentially applied to a broader program.

This bonus will allow additional floor area and in some cases additional height for developments when a proposal includes a required amount of floor area for residential units that are targeted to be affordable.

**What is Required and Allowed:** A development proposal seeking this bonus could earn up to 100% of the total bonus. To earn bonus area, projects are required to construct 25 percent of all floor area in excess of base zone regulations as housing that is affordable to households at an income target established by Portland Housing Bureau and set forth in an administrative rule. The affordability target is 80% of median family income (MFI), however this target is subject to change based on development of the administrative rule. The term of affordability is expected to be 60 years.

**Proposed Partner Agency:** Portland Housing Bureau (PHB)

**Administration:** PHB will establish a program to evaluate projects, issue a certificate of compliance to an applicant that has enrolled in the program, record a use agreement, and track units to ensure affordability.

#### **Next Steps:**

Coordinate with Central City plan team and Portland Housing Bureau to develop affordable housing incentive program administration details including intake system, approval thresholds and ongoing monitoring requirements.

- Explore the Portland response and approach to SB 1533 – make adjustments to the mixed use zones proposal as appropriate to adapt to the new legislation.
- Determine in-lieu fee and set threshold/parameters for use of in-lieu fee (number of units).
- Establish requirements for program approval including required documentation.
- Develop parameters for projects that utilize other affordable housing development incentives such as the MULTE tax abatement program.
- Establish parameters for unit count and proportionality requirements in buildings that are consistent with the floor area bonus parameters.
- Develop details of a program that would apply to ownership units as well as rental units.
- Determine PHB role in creating a database of prospective qualifying tenants.

### **Affordable Commercial Bonus**

**Description/Intent:** As new development occurs, the opportunity for small businesses to locate in older buildings with more affordable rents could decrease. Because of the costs associated with new mixed use construction and the opportunity to attract tenants, rents levels in newer building are often higher than in existing buildings within those markets. This makes the spaces unaffordable to business startups, and existing local businesses. Because residential rents are often a more certain source of income for developers than commercial space, a bonus of additional floor area for residential use may be more valuable than commercial space in mixed use building. This bonus is intended to address this by offering a floor area bonus when a project builds commercial space that will be leased at affordable, below market rates.

**What is Required and Allowed:** A development proposal seeking this bonus could earn up to 50% of the total bonus floor area. Projects would earn two square feet of additional/bonus floor area for each square foot of commercial space that is made available at “affordable” rates. Commercial space priced at a rate of 25% below market is being targeted. However, specific rates, affordability targets, and qualifying business types will be further studied and described in an administrative rule to be administered by a partner agency or entity. The term of affordability is expected to be 20 years.

**Proposed Partner Agency:** Portland Development Commission (PDC)

**Administration:** The Portland Development Commission, or other appointed agency, would establish a program to evaluate development projects, issue a certificate of compliance to an applicant that has enrolled in the program, determine business eligibility for the enrolled space, and institute a mechanism to track and ensure affordability over time.

#### **Next Steps:**

Coordinate with the Portland Development Commission to develop affordable commercial space incentive program administration details including intake system, approval thresholds and ongoing monitoring requirements.

- Develop criteria for eligible users of the bonus space.
- Develop program details including: types of qualifying businesses; income or other qualifying requirements of applicants.
- Determine whether and in-lieu fee directed at an affordable commercial space fund is a practical approach.
- Establish documentation requirements for program approval.
- Develop parameters for projects that utilize other financial resources.
- Determine PDC role in creating a database of prospective qualifying tenants.
- Determine rules to address the situations when businesses become successful in rent-discounted locations.

### Related City Codes for Subsequent Amendments

Because of base zone changes, subsequent amendments to the Zoning Code will be necessary to address varied code references and other situations that require policy decisions. These amendments are not included in this report but will be presented in a subsequent code amendment package after review and approval of the initial changes proposed to the Planning and Sustainability Commission.

The proposed base zones will operate within a larger regulatory zoning structure that will continue to influence how development occurs. Minor references to Commercial Zones as well as code references with more significant policy and planning implications driven by base zone changes are located throughout the zoning code and will require minor amendments. However, more substantive issues requiring reconciliation are in *Plan Districts, Overlay Zones and Additional Use and Development Regulations*. In most cases, allowances for height and uses provided in these plan districts and overlay zones are expected to be maintained as prescribed in the current code. However, some plan districts and overlay zones will require additional policy discussion to determine how provisions of the plan district can be reconciled with the new base zone FAR and bonus structure and other development standards. These policy decisions are expected to occur after there is greater certainty about the base zone regulatory framework.

A preliminary list of the potentially affected code sections is listed below. See Appendix for additional details.

**Table VII-1: Title 33 Code Chapters Requiring Future Amendments**

Chapter	Title	Issues to Address
33.10	Organization of Title 33	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.110	Single-Dwelling Zones	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.120	Multi-Dwelling Zones	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.140	Employment and Industrial Zones	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>

33.218	Community Design Standards	Major amendments: <ul style="list-style-type: none"> <li>• DOZA project to assess/revise Community Design Standards</li> </ul>
33.224	Drive Through Facilities	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.229	Elderly and Disabled	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.237	Food Production and Distribution	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.239	Group Living	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.243	Helicopter and Landing Facilities	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.251	Manufactured Homes & Dwelling Parks	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.254	Mining & Waste-Related Uses	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.258	Nonconforming Situations	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.262	Off-Site Impacts	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.266	Parking and Loading	Major amendments: <ul style="list-style-type: none"> <li>• proposal included with mixed use zones package</li> </ul>
33.274	Radio Frequency Transmission Facilities	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.278	Permit-Ready Houses	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.281	Schools and School Sites	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.284	Self-Service Storage	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.285	Short Term Housing and Mass Shelters	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.293	Superblocks	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.296	Temporary Activities	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.299	Wind Turbines	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.400	Aircraft Landing Zone	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.405	Alternative Design Density Overlay Zone	Minor amendments: <ul style="list-style-type: none"> <li>• reconcile text with new zones</li> </ul>
33.410	Buffer Zone	Major amendments: <ul style="list-style-type: none"> <li>• Proposal to remove in mixed use zones amendments</li> </ul>
33.420	Design Overlay Zone	Major amendments: <ul style="list-style-type: none"> <li>• DOZA project to assess/revise Design Overlay</li> </ul>

33.430	Environmental Zones	Minor amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>
33.440	Greenway Overlay Zones	Minor amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>
33.445	Historic Resource Overlay Zone	Minor amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>
33.450	Light Rail Transit Station Zone	Minor amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>
33.455	Main Street Node Overlay Zone	Major amendments: <ul style="list-style-type: none"> <li>Proposal to remove in mixed use zones amendments</li> </ul>
33.460	Main Street Corridor Overlay Zone	Major amendments: <ul style="list-style-type: none"> <li>Proposal to remove in mixed use zones amendments</li> </ul>
33.470	Portland Int'l Airport Noise Impact Zone	Minor amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>
33.480	Scenic Resource Zone	Minor amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>
33.521	East Corridor	Major amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> <li>reconcile PD FAR with new bonus structure</li> </ul>
33.526	Gateway	Minor amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>
33.532	Hayden Island	Major amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> <li>reconcile PD FAR with new bonus structure</li> </ul>
33.534	Hillsdale	Major amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>
33.536	Hollywood	Major amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> <li>reconcile PD FAR with new bonus structure</li> <li>reconcile PD bonus options with new bonus structure</li> </ul>
33.537	Johnson Creek	Minor amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>
33.538	Kenton	Major amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> <li>reconcile PD FAR with new bonus structure</li> </ul>
33.550	Macadam	Major amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> <li>reconcile PD FAR with new bonus structure</li> </ul>
33.555	Marquam Hill	Minor amendments: reconcile text with new zones
33.561	North Interstate	Major amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> <li>reconcile PD FAR with new bonus structure</li> <li>reconcile with development design standards</li> </ul>
33.562	Northwest	Major amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> </ul>



		<ul style="list-style-type: none"> <li>reconcile PD FAR with new bonus structure</li> <li>reconcile PD bonus options with new bonus structure</li> </ul>
33.583	St Johns	Major amendments: <ul style="list-style-type: none"> <li>reconcile text with new zones</li> <li>reconcile PD FAR with new bonus structure</li> <li>reconcile PD bonus options with new bonus structure</li> </ul>
33.613	Commercial Zones	Minor amendments: reconcile text with new zones
33.630	Tree Preservation	Minor amendments: reconcile text with new zones
33.631	Flood Hazard Areas	Minor amendments: reconcile text with new zones
33.638	Planned Development	Minor amendments: reconcile text with new zones
33.654	Rights of Way	Minor amendments: reconcile text with new zones
33.662	Land Divisions in C, E and I Zones	Minor amendments: reconcile text with new zones
33.665	Planned Development Review	Minor amendments: reconcile text with new zones
33.700	Administration and Enforcement	Minor amendments: reconcile text with new zones
33.850	Statewide Planning Goal Exceptions	Minor amendments: Renumber to 33.870
33.851	South Waterfront Greenway Review	Minor amendments: Renumber to 33.872
33.853	Tree Review	Minor amendments: Renumber to 33.855
33.855	Zoning Map Amendments	Minor amendments: Renumber to 33.890

### Other City Titles for Amendment

Other city codes may require technical or more substantive amendments to align them with new zones and standards of the Mixed Use Zones Project. These include but are not limited to:

- Title 11, Trees: Edits to clarify or establish which commercial/mixed use zones in the new framework must meet tree preservation requirements.
- Title 17, Public Improvements: Edits to clarify or establish when development in the commercial/mixed use zones must conform to adopted street plans or meet street or pedestrian/bicycle connectivity standards.
- Title 18, Noise Control: Edits to reconcile text with new zones.
- Title 32, Signs and Related Regulations: Edits to reconcile text with new zones.

## **Expanded Transportation Demand Management (TDM) Requirements**

TDM encompasses a variety of strategies to encourage more efficient use of the existing transportation system and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective transportation demand management also incorporates management of parking supply and demand.

As part of the Mixed Use Zones Project, PBOT will consider expanding and standardizing requirements for an approved, performance-based TDM Plan, for new development over certain impact thresholds. Several specific changes may occur:

- New requirements for clear and objective performance-based TDM measures for larger mixed use apartment buildings and, perhaps, office buildings;
- Better integration of TDM and parking management; and
- Revitalized TDM program monitoring.

Implementation of these concepts will involve changes to the Zoning Code (in Chapter 33.266), and to Title 17. In Chapter 33.266, the staff proposal includes renaming that chapter to Parking and Transportation Demand Management, in recognition of this shift. Title 17 changes will address minimum requirements for TDM plans, fees, and enforcement. Title 17 may also authorize PBOT to publish administrative rules that will contain the specific prescriptive measures available to meet these requirements, as well as providing more specific forms and monitoring requirements. These rules would be finalized in 2016 or early 2017.

The intent of administrative rules would be to create a menu of approaches that can be selected by the permit applicant, and assembled into a TDM plan. Approval of the TDM plan would be an administrative action involving non-discretionary standards, handled during a building permit, and not a land use review. Non-standard TDM plans could be requested through a land use review (Proposed Zoning Code Chapter 33.852, which was also included with the Institutional Campus Zoning Project).

## **On Street Parking Management – Centers and Corridors Parking Project**

The management of parking is an issue of growing importance throughout the City as growth and development brings increased density to mixed use centers and corridors and increases the demand for existing on-street parking. The Portland Bureau of Transportation (PBOT) has developed new on-street parking management tools for high-growth centers and corridors outside of the Central City. This parking management “tool kit” describes the suite of policies and programs available to manage on-street parking.

To inform this work, in 2015 PBOT studied parking demand in five case study areas that best represent the type and intensity of development Portland is seeing and can expect in the future. The findings, toolkit, and other information are available online:

<http://www.portlandoregon.gov/transportation/63980>

Goals of the PBOT parking toolkit project are:

- More efficient use of parking and management of curbside space.
- Greater ease in implementation and operation of parking management tools as areas change.
- Meet growth management and economic development goals.
- Meet goals of the City's Comprehensive Plan, including encouraging walking, cycling, transit and carpool trips over drive-alone trips.

### **Residential Permit Parking Areas**

Working with the project Stakeholder Advisory Committee, PBOT staff developed recommendations for a new residential parking permit program. The new program would enable neighborhoods to elect to create a residential parking permit area in residentially-zoned areas surrounding high density mixed use corridors. This is different than the current permit program, which focuses specifically on commuter parking near the Central City. The concept is intended to reduce the parking impact on residential neighborhoods generated from new development in nearby mixed-use areas, encourage better utilization of existing off-street parking, encourage managers of low-parking buildings to market to car-free tenants, encourage developers to build an amount of parking consistent with the demand created by new development.

Key aspects of this program would include:

- New permit districts would be created by a local vote.
- The number of permits issued would be tied to the actual supply of on-street parking, eliminating the oversubscription problems seen in NW Portland and the Central Eastside.
- Residents of permit areas will have priority access to permits. Employees and residents of nearby mixed use areas would also have access to permits.
- Short-term parking for visitors to nearby commercial areas would be allowed, but permit holders would be able to park beyond the posted time limits (e.g., 2 hour *except by permit*)
- The permit fee structure will include Transportation Demand Management measures intended to reduce the overall demand for on-street parking.

The project Stakeholder Advisory Committee endorsed the permit concept at their December 2015 meeting. PBOT staff will bring the proposal to City Council in spring 2016.

### **Transportation System Improvements**

The Transportation System Plan identifies more than \$1 billion dollars in transportation infrastructure projects on streets or in areas with mixed use zoning. As the City and region secures funding for transportation improvements, that money is spent on projects identified in the TSP. Funding is not guaranteed for these identified projects. Fees collected from development helps pay for some of these improvements. A small sample of these projects are listed below. For a full list of recommended transportation investments, see the TSP:

<http://www.portlandoregon.gov/transportation/63710>

**Table VII-3: Sample TSP Projects**

Street or Area	Project	Description	Cost
Barbur Blvd	SW Corridor High Capacity Transit	Capital construction of High Capacity Transit project between Portland and Tualatin via Tigard.	\$1b+
Powell-Division	Powell-Division High Capacity Transit	Project Development through ROW acquisition/early construction for High Capacity Transit project between Portland and Gresham.	\$75m
Gateway	99th Ave Streetscape improvements	Construct streetscape improvements including wider sidewalks, lighting, street trees, center turn lane, bike lanes and new signals.	\$26m
Capital Highway	Capital Hwy Corridor improvements	Improve SW Capital Hwy from Multnomah Blvd. to SW Taylors Ferry Rd to include sidewalks, crossings, and bicycle access.	\$12m
Lents	Lents Town center Improvements	Implement Lents Town Center Business District transportation Plan.	\$11.5m
NE Broadway	NE Broadway Corridor Improvements, Phase 1	Design and implement a protected bikeway and improve pedestrian/bicycle crossings.	\$8.9m
West Portland Town Center	West Portland Town Center Pedestrian Improvements	Improve sidewalks, lighting, crossings, bus shelters and benches on Barbur, Capital Hwy, and surrounding neighborhood streets.	\$7m
122 <sup>nd</sup> Ave	122 <sup>nd</sup> Ave Corridor improvements	Design and Implement multimodal improvements to sidewalks to sidewalks, crossings, transit stops, striping and signals to enhance ped/bike safety, access to transit, and transit operations.	\$8m
82 <sup>nd</sup> Ave	82 <sup>nd</sup> Ave Corridor improvements	Design and Implement multimodal improvements to sidewalks to sidewalks, crossings, transit stops, striping and signals to enhance ped/bike safety, access to transit, and transit operations.	\$5m

### Transit Service - TriMet Letter of Intent

The Region 2040 Growth Concept calls for housing and employment growth to be focused into more active, mixed use, pedestrian-friendly activity centers that are connected by high-frequency or high-capacity transit corridors. One of the key ingredients to success for these activity centers is providing a multi-modal transportation system that ensures transportation choices and the continued mobility of people and goods throughout the region.

Under Oregon law, there are legal mechanisms to ensure that Transportation System Plans and Land Use Plans are coordinated. Transportation System Plans, however, traditionally focus on capital investment plans, *not ongoing transit operations*. The City and TriMet are seeking an additional mechanism to more clearly express and acknowledge that land use, capital investments, and ongoing operations are bound together. For purposes of the Mixed Use Zoning Project, this helps build confidence that transit operations will continue and will improve over time and reduces the need to own and use a personal vehicle. This will build on current TriMet Service Enhancement planning already underway (see <http://future.trimet.org> for more information).

The City of Portland and TriMet have signed a letter of intent to work in partnership to identify the transit service and supporting land use, community development and transportation policies, programs and projects needed to support planned growth, consistent with the region's 2040 adopted vision and plans.

More specifically, through this letter of intent, the City and TriMet are committing to a joint work plan. This work plan will inform the development and adoption of a service agreement or Memorandum of Understanding (MOU) showing how the City and TriMet will continue to coordinate on transit service in the City. The Parties intend to complete this by the end of 2016 to coincide with the City's completion of the new Comprehensive Plan.

This agreement would strengthen coordination of three mutually-reinforcing responsibilities:

- Adoption of transit-supportive land use plans (City, Bureau of Planning and Sustainability)
- Investments that provide transit-supportive infrastructure, such as sidewalks and safe crossings, and programs, such as transit signal priority, and transportation and parking demand management (City, Bureau of Transportation, Portland Development Commission)
- Transit operations, vehicles and infrastructure (TriMet)

A copy of the initial letter of agreement is included in the appendix.

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# VI. Amendments to the Zoning Code

The primary implementing mechanism for the Mixed Use Zones Project concepts and proposals described in this report is revision of the Portland Zoning Code (Title 33). Amendments to the Zoning Code needed to implement the concept proposal are included in this Section of the report.

The following chapters of the Zoning Code regulate development in the Commercial Mixed Use zones citywide, and also address specific elements of development and situations.

- 33.130 Commercial Mixed Use Zones
- 33.270 Planned Development
- 33.266 Parking and Loading and Transportation Demand Management
- 33.415 Centers Main Street Overlay Zone
- 33.855 Planned Development Review

Many of the changes to Chapter 33.130 and 33.415 replicate or render redundant other sections of the Zoning Code, primarily found in Plan Districts and Overlay Zones. As a result, revisions are needed to several chapters of the code, including the following.

- 33.455 Main Street Node overlay zone – repeal chapter, not included herein
- 33.460 Main Street Corridor overlay zone – repeal chapter, not included herein
- 33.520 Division Street Plan District
- 33.545 Lombard Street Plan District
- 33.575 Sandy Boulevard Plan District

In addition, other Chapters require amendments because they contain substantive changes to either the standards or the procedural requirements of the code. Proposed amendments to the following chapters are the result of these types of changes:

- 33.505 Cascade Station/PIC Plan District
- 33.730 Quasi Judicial Procedures
- 33.852 Transportation Impact Review
- 33.910 Definitions

Amendments to the Chapters are presented in this section of the report in their numerical order.

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### **33.130 Commercial/Mixed Use Zones**

Commentary on draft Chapter 33.130 code amendments is in summary form. For more detail on the concepts and research related to the draft code amendments, see the *Mixed Use Zones Project Code Concepts Report* and its appendices.

Note: This is a substantial rewrite of an existing code chapter. For readability, ~~striketrough~~ and underline is not used. The use of **shading** indicates blocks of code text with no substantive changes.

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## Commentary

## 33.130 Commercial/Mixed Use Zones

# 130

### Sections:

#### **General**

- 33.130.010 Purpose
- 33.130.020 List of the Commercial/Mixed Use Zones
- 33.130.030 Characteristics of the Zones
- 33.130.040 Other Zoning Regulations
- 33.130.050 Neighborhood Contact

#### **Use Regulations**

- 33.130.100 Primary Uses
- 33.130.110 Accessory Uses
- 33.130.130 Nuisance-Related Impacts

#### **Development Standards**

- 33.130.200 Lot Size
- 33.130.205 Floor Area Ratio
- 33.130.210 Height
- 33.130.212 Floor Area and Height Bonus Options
- 33.130.215 Setbacks
- 33.130.220 Building Coverage
- 33.130.222 Building Length and Façade Articulation
- 33.130.225 Landscaped Areas
- 33.130.227 Trees
- 33.130.228 Required Outdoor Areas
- 33.130.230 Ground Floor Windows
- 33.130.235 Screening
- 33.130.240 Pedestrian Standards
- 33.130.242 Transit Street Main Entrance
- 33.130.245 Exterior Display, Storage, and Work Activities
- 33.130.250 General Requirements for Residential and Mixed-Use Developments
- 33.130.255 Trucks and Equipment
- 33.130.260 Drive-Through Facilities
- 33.130.265 Detached Accessory Structures
- 33.130.270 Fences
- 33.130.275 Demolitions
- 33.130.285 Nonconforming Development
- 33.130.290 Parking, Loading, and Transportation Demand Management
- 33.130.292 Street and Pedestrian Connections
- 33.130.295 Signs
- 33.130.305 Superblock Requirements
- 33.130.310 Recycling Areas

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## Commentary

### 33.130.010 Purpose

The purpose statement for the Commercial/Mixed Use Zones is recast to capture their role in meeting Comprehensive Plan goals and policies, which include allowing commercial and mixed use development as key components of complete neighborhoods, as well as related goals for place making and creating innovative, high quality development.

### 33.130.020 List of the Commercial/Mixed Use Zones

The number of zones is reduced from eight to five: CM1, CM2, CM3, CE, and CX. The CM1 is small scale (35'), replacing CN1/2 and CO1; the CM2 is medium scale (45'), replacing CS, CM, CO2, and in some locations CG; the CM3 is large scale (65'), replacing CX and EX as applied outside of the Central City and Gateway; the CE is medium scale (45'), with more auto-oriented and employment allowances.

### 33.130.030 Characteristics of the Zones

The new Comprehensive Plan changes the Comprehensive Plan designation-to-zoning relationship from a nearly one-to-one relationship to a one-to-many relationship. Several new mixed use Comprehensive Plan Map designations will be associated with more than one zone (see table below), so more guidance is needed for when it is appropriate to apply one zone versus another. This is particularly true for quasi-judicial zone changes in conformance with the Comprehensive Plan Map designation. To help inform decisions regarding the appropriate mapping of zones, the Characteristics of the Zones paragraphs now include more detail about the types of places and situations in which they are appropriate to be used. These paragraphs will be used in conjunction with the approval criteria for base zone changes.

New Comprehensive Plan Designation	Corresponding Allowed Zones
Mixed-Use Dispersed	CM1, CE
Mixed-Use Neighborhood	CM1, CM2, CE
Mixed-Use Civic Corridor	CM1, CM2, CM3, CE
Mixed-Use Urban Center	CM1, CM2, CM3
Central Commercial	CX



## General

### 33.130.010 Purpose

The commercial/mixed use zones are intended for commercial and mixed use areas of the City as designated on the Comprehensive Plan map. These zones implement the vision, guiding principles, and goals and policies of the Comprehensive Plan, and encourage economic prosperity, human health, environmental health, equity, and resilience. These zones are primarily distinguished by the uses allowed and the intensity of development allowed. The zones allow a mix of commercial activities, housing, and employment uses that reflect the different types of centers and corridors described in the Urban Design chapter of the Comprehensive Plan.

The commercial/mixed use zones are intended to serve local neighborhood areas, larger districts, as well as broader citywide or regional markets. The regulations promote uses and development that support healthy complete neighborhoods—places where people of all ages and abilities have safe and convenient access to the goods and services they need in their daily life, and where people have the opportunity to live active lifestyles. The zones encourage quality and innovative design, and facilitate creation of great places and great streets.

The development standards are designed to allow development flexibility, within parameters, that supports the intent of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

### 33.130.020 List of the Commercial/Mixed Use Zones

The full and short names of the commercial/mixed use zones and their map symbols are listed below. When this Title refers to the commercial/mixed use zones, it is referring to the zones listed here.

Full Name	Short Name / Map Symbol
Commercial/Mixed Use 1	CM1
Commercial/Mixed Use 2	CM2
Commercial/Mixed Use 3	CM3
Commercial Employment	CE
Central Commercial	CX

### 33.130.030 Characteristics of the Zones

- A. Commercial/Mixed Use 1 zone.** The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed use nodes within lower density residential areas, as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant. This zone allows a mix of commercial and residential uses. The size of commercial uses and hours of operation are limited in some locations to minimize impacts on adjacent residential uses. Buildings in this zone will generally be up to three stories tall. Development is intended to be pedestrian-oriented, generally compatible with the scale of adjacent residentially zoned areas or low-rise commercial areas, and include landscaping that integrates with the characteristics of residential areas.

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## Commentary

### 33.130.030 Characteristics of the Zones (continued)

See previous commentary.

- B. Commercial/Mixed Use 2 zone.** The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zones will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.
- C. Commercial/Mixed Use 3 zone.** The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.
- D. Commercial Employment zone.** The Commercial Employment (CE) zone is a medium-scale zone intended for sites along corridors with a Neighborhood Collector or higher traffic classification, especially along civic corridors that are also Major Truck Streets or Priority Truck Streets. This zone is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and urban scale development is not economically feasible. The zone allows a mix of commercial uses, as well as some light manufacturing and distribution uses that have few off-site impacts. The zone allows drive-through uses and is appropriate for sites of sufficient size to provide transitions to areas with residential zoning. The emphasis of this zone is on commercial and employment uses, but residential uses are also allowed. Buildings in this zone will generally be up to four stories tall. Development is intended to be pedestrian-oriented, as well as auto-accommodating, and complement the scale of surrounding areas.
- E. Central Commercial zone.** The Central Commercial (CX) zone is intended to provide for commercial and mixed use development within Portland's most urban and intense areas, specifically the Central City and Gateway Regional Center areas. A broad range of uses are allowed to reflect Portland's role as a commercial, cultural, residential, and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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## Commentary

### **33.130.040 Other Zoning Regulations**

No change.

### **33.130.050 Neighborhood Contact**

A significant amount of new housing, commercial and other development is anticipated in the mixed use zones. Because of the allowed scale and magnitude of many new developments, community members have raised concerns about the need for better notification of new development in the C/MU zones and the desirability of providing opportunities for dialogue between developers and the community. Many plan districts and most multi-dwelling zone residential developments require neighborhood contact, but this is lacking in C/MU zones. This provision adds the requirement to larger development projects in this zone. BPS staff have received comments relating to concerns about the effectiveness of the existing contact requirement process (33.700.025) from internal and external stakeholders. BPS may pursue an update of this provision as part of implementation of the Comprehensive Plan Update.

Draft code language is similar to existing language in Chapter 33.120. It utilizes the same dwelling unit threshold (5 units) as applies in the multi-dwelling zones, but also includes a 10,000 square foot threshold (new net building area) to include larger non-residential projects.

**33.130.040 Other Zoning Regulations**

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

**33.130.050 Neighborhood Contact**

- A. Purpose.** Neighborhood contact is required for larger projects in the commercial/mixed use zones because of the impacts that large projects can have on the surrounding community. The neighborhood contact requirement provides an opportunity for community input on the design of these projects by providing a setting for the applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts.
- B. Neighborhood contact requirement.** Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in Section 33.700.025, Neighborhood Contact. All of the steps in 33.700.025 must be completed before a building permit is requested:
1. The proposed development has not been subject to a land use review; and
  2. The proposed development will add at least 10,000 square feet of net building area on the site, or will create five or more new dwelling units. Dwelling units are created:
    - a. As part of new development;
    - b. By adding net building area to existing development that increases the number of dwelling units; or
    - c. By conversion of existing net building area from non-residential to residential uses.

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## Commentary

### **33.130.100.A. Allowed uses**

The approach with the new zones is, to the extent possible, to retain and match the use allowances of the zones being replaced. There are some notable exceptions, for instance quick vehicle servicing - allowed in some CN2 situations - is not allowed in CM1, and the CM1 zone allows a broad array of uses beyond office in places where it replaces CO1.

### **33.130.100.B. Limited uses**

Similar to allowed uses, the approach with the new zones was, to the extent possible, to retain and match the use limitations of the zones being replaced. Adjustments were made in some cases to respond to zones that had differing limitations, but which are now being combined into new zones (such as CN1 and CN2, to be combined into CM1).

Commercial size limitations in the CM1 zone correspond in part to current limitation in the CN1 zone (such as the 5,000 square foot Retail Sales and Service limit), but provide allowances for larger sites on major streets (Neighborhood Collector streets or higher classification). These allowances for somewhat larger Commercial uses accommodate the fact that the CN2 zone (which did not have size limits) is being folded into the new CM1 zone. Overall, the CM1 Commercial size limitations are intended to allow some Commercial uses in the dispersed locations where this zone is typically located, while encouraging larger uses to be located in centers and corridors where polices call for focusing commercial services.

Small sites in the CM1 zone that are surrounded by single-dwelling residential zoning have limitations on hours of operation to limit conflicts. This also responds to community concerns related to the rezoning of non-conforming commercial uses on some dispersed sites to CM1 zoning, which had sometimes operated under limitations on hours of operation as part of mitigation requirements related to their nonconforming status within residential zones.



## Use Regulations

### 33.130.100 Primary Uses

- A. Allowed uses.** Uses allowed in the commercial/mixed use zones are listed in Table 130-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.
1. Group Living. This regulation applies to all parts of Table 130-1 that have a [1].
    - a. General regulations. All Group Living uses, except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.
    - b. Alternative or post incarceration facilities. Group Living uses that consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.
  2. Commercial limitation. This regulation applies to all parts of Table 130-1 that have a [2].
    - a. Generally:
      - (1) Each individual Retail Sales and Service use is limited to 5,000 square feet of net building area, and
      - (2) Each individual Office use is limited to 5,000 square feet of net building area.
    - b. On sites over 40,000 square feet in size located on a Neighborhood Collector or higher classification traffic street, each individual Retail Sales and Service or Office use is limited to 40,000 square feet of net building area.
    - c. On sites 7,500 square feet or less in size where all abutting properties are in single-dwelling zoning, the hours of operation for Retail Sales and Service uses are limited to 6:00 AM to 11:00 PM.

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## Commentary

### **33.130.100.B. Limited uses (continued)**

The industrial size limitations include some expanded allowances for smaller industrial uses in CM2, CM3 and CE zones, responding in part to Portland's need for employment land. In the case of current EX zoned properties, which outside the Central City will become CM3, industrial uses will be more limited in size than what is currently allowed; although the CM3 zone will allow larger industrial uses [up to 1 to 1 FAR] than the other commercial/mixed use zones.

No changes to the other limitations on this page.

3. Industrial size limitation. This regulation applies to all parts of Table 130-1 that have a [3]. Utility Scale Energy Production is a conditional use. Uses that have an “L” are allowed by right up to the limits below, and uses beyond the limits are prohibited. Uses that have a “CU” are conditional uses and are subject to the limits below.
  - a. In the CM1 zone, each individual Industrial use is limited to 5,000 square feet of net building area;
  - b. In the CM2 zone, each individual Industrial use is limited to 15,000 square feet of net building area;
  - c. In the CM3 zone, Industrial uses are limited to a total FAR of 1 to 1 per site; and
  - d. In the CE zone, each individual Industrial use is limited to 40,000 square feet of net building area.
4. Self-Service Storage limitation. This regulation applies to all parts of Table 130-1 that have a [4]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.
5. Exterior development limitation. This regulation applies to all parts of Table 130-1 that have a [5]. Exterior display or storage of industrial equipment, such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.
6. Community Services. This regulation applies to all parts of Table 130-1 that have a [6]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.
7. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 130-1 that have a [7]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
8. Basic Utilities. This regulation applies to all parts of Table 130-1 that have note [8].
  - a. Public safety facilities that include Radio Frequency Transmission Facilities are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.
  - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. However, it is only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; plus not more than 10 tons per week of biological material or byproducts from other sites. Installations that sell power they generate — at retail (net metered) or wholesale — are included.
  - c. All other Basic Utilities are allowed.

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## Commentary

### **33.130.100.B. Limited uses (continued)**

See earlier commentary.

Note 9: This provides limited allowances for Commercial Parking in the CM2 and CM3 zones. Commercial Parking includes "shared parking," such as when the parking area is designated for use by the customers or tenants of multiple nearby business or residential buildings. Shared parking was identified by many community members as a parking approach that should be included in mixed used centers and corridors to help meet parking demand. This regulations generally requires that new Commercial Parking must generally be in parking structures to provide for efficient use of land. This also includes new allowances for parking originally approved as accessory parking to be used as Commercial Parking, when this parking is in excess of minimum parking requirements and within the maximum parking ratios of the associated uses (see Chapter 33.266 for minimum and maximum parking ratios).

### **33.130.100.C. Conditional uses**

No change to text.

### **33.130.100.D. Prohibited uses**

No change to text.

9. Commercial Parking. This regulation applies to all parts of Table 130-1 that have note [9]. Commercial Parking is a conditional use in the CX zone except when superseded by plan district regulations. In the CM2 and CM3 zones, Commercial Parking is allowed as follows:
- a. Commercial Parking is allowed by right in structured parking.
  - b. Commercial Parking is allowed by right on a surface parking lot legally constructed on or before [insert date code goes into effect].
  - c. Commercial Parking is allowed by right on a surface parking lot legally constructed after [insert effective date] when all of the following are met:
    - (1) The surface parking lot was constructed as accessory parking for other primary uses on the site;
    - (2) The total number of parking spaces on the site does not exceed the maximum number of parking spaces allowed for the other primary uses on the site; and
    - (3) Only non-required parking spaces are used as Commercial Parking.

10. Agriculture in the CM1 zone. This regulation applies to all parts of Table 130-1 that have note [10]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.

11. Agriculture in the CM2, CM3, CX, and CE zones. This regulation applies to all parts of Table 130-1 that have note [11]. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.

**C. Conditional uses.** Uses that are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

**D. Prohibited uses.** Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

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## Commentary

### **33.130.110 Accessory Uses**

No change.

### **33.130.130 Nuisance-Related Impacts**

No change.



**33.130.110 Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

**33.130.130 Nuisance-Related Impacts**

- A. Off-site impacts.** All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

## Commentary

**Table 130-1 (Commercial/Mixed Use Zone Primary Uses)**

As noted previously, the approach with the new zones is, to the extent possible, to retain and match the use allowances of the new zones to the respective types of zones being replaced. The following tables provide a comparison between the new zones (shaded) and comparable existing zones regarding the status of some of the use categories.

### Comparison of small-scale zones

	CM1	CN1	CN2	CO1
Commercial				
Retail Sales And Service	L	L	Y	N
Office	L	L	Y	Y
Quick Vehicle Servicing	N	N	L	N
Vehicle Repair	N	N	N	N
Commercial Parking	N	N	N	N
Self-Service Storage	N	N	N	N
Residential	Y	Y	Y	Y
Industrial	L	L	L	N

### Comparison of medium-scale zones

	CM2	CE	CO2	CM	CS	CG
Commercial						
Retail Sales And Service	Y	Y	L	L	Y	Y
Office	Y	Y	Y	L	Y	Y
Quick Vehicle Servicing	N	Y	N	N	N	Y
Vehicle Repair	Y	Y	N	N	Y	Y
Commercial Parking	L	Y	N	N	Y	CU
Self-Service Storage	N	Y	N	N	N	L
Residential	Y	Y	Y	Y	Y	Y
Industrial	L	L	N	L	L	L

### Comparison of large-scale zones

	CM3	EX	CX
Commercial			
Retail Sales And Service	Y	Y	Y
Office	Y	Y	Y
Quick Vehicle Servicing	N	N	L
Vehicle Repair	Y	Y	L
Commercial Parking	L	CU	CU
Self-Service Storage	L	L	L
Residential	Y	Y	Y
Industrial	L	Y	L

**Table Notes:**

Y = Yes, allowed; N = No, not allowed;  
L = Limited; CU = Conditional Use

**Table 130-1  
Commercial/Mixed Use Zone Primary Uses**

Use Categories	CM1	CM2	CM3	CX	CE
<b>Residential Categories</b>					
Household Living	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
<b>Commercial Categories</b>					
Retail Sales And Service	L [2]	Y	Y	Y	Y
Office	L [2]	Y	Y	Y	Y
Quick Vehicle Servicing	N	N	N	N	Y
Vehicle Repair	N	Y	Y	L [5]	Y
Commercial Parking	N	L [9]	L [9]	CU [9]	Y
Self-Service Storage	N	N	L [4]	L [4]	Y
Commercial Outdoor Recreation	N	Y	Y	Y	Y
Major Event Entertainment	N	CU	CU	Y	CU
<b>Industrial Categories</b>					
Manufacturing and Production	L [3,5]	L [3,5]	L [3,5]	L [3,5]	L [3,5]
Warehouse and Freight Movement	N	N	L [3,5]	N	L [3,5]
Wholesale Sales	N	L [3,5]	L [3,5]	L [3,5]	L [3,5]
Industrial Service	N	CU [3,5]	CU [3,5]	CU [3,5]	CU [3,5]
Railroad Yards	N	N	N	N	N
Waste-Related	N	N	N	N	N
<b>Institutional Categories</b>					
Basic Utilities	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]
Community Service	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
Parks and Open Areas	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y
Colleges	Y	Y	Y	Y	Y
Medical Centers	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y
<b>Other Categories</b>					
Agriculture	L [10]	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]
Aviation and Surface Passenger Terminals	N	N	N	CU	CU
Detention Facilities	N	N	CU	CU	CU
Mining	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

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## Commentary

### 33.130.200 Lot Size

No change.

### 33.130.205 Floor Area Ratio

The approach to floor area ratios in the new zones is a significant change from current practice. The new zones set new FAR standards for each zone. All uses, including residential, are counted in floor area, which is a change from current practice which excludes residential from the calculation. The base allowed FARs of the new zones are as follows (see page 30 for a comparison of the allowed FARs of the new and existing zones):

CM1: 1.5:1	CE: 2.5:1
CM2: 2.5:1	CX: 4.0:1
CM3: 3.0:1	

The new FAR approach would allow accessory structured parking to not be included in maximum FAR calculations, up to a maximum FAR of 0.5 to 1, to reduce disincentives to accommodating parking in structures versus surface parking (which does not count as floor area) and to facilitate higher-density projects that are required to include parking. Adjustments to the maximum FARs are prohibited in order to prioritize bonuses as the means to increasing FAR. Bonus FAR is available when development includes specified community benefits (described in 33.130.212, Floor Area and Height Bonus Options).

#### 33.130.205.C. Transfer of floor area from Historic Resources.

The new approach of including residential in FAR calculations provides an opportunity to add FAR to development through bonuses (33.130.212) and also provides an opportunity for FAR to be transferred from historic resources to receiving C/MU zoned sites. The latter is possible currently, but is often moot because residential uses are allowed beyond the FAR limits, which limits the attractiveness and need for a transfer. Also, allowances for transfers of FAR from giving sites are being extended beyond the current applicability to individual landmarks to also be applicable to contributing resources in Historic and Conservation districts. The new code's treatment of FAR calculations should increase the utility of density transfers. The maximum distance of the FAR transfer is being reduced from two miles to one mile in order to have both the benefit of preservation and the additional development scale resulting from the transfer take place in the same local area. Each zone has a different maximum density transfer to receiving sites, and has been calibrating in conjunction with the bonuses in section 33.130.212, which provides the greatest additional development allowances to projects that include affordable housing.

## Development Standards

### 33.130.200 Lot Size

There is no required minimum lot size for development of land in commercial/mixed use zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial/Mixed Use Zones.

### 33.130.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The maximum floor area ratios are stated in Table 130-2 and apply to all uses and development. Additional floor area may be allowed through bonus options, as described in Section 33.130.212, or transferred from historic resources per Subsection C. Floor area for accessory parking, up to a maximum FAR of 0.5 to 1, is not calculated as part of the FAR for the site. Adjustments to the maximum floor area ratios are prohibited.
- C. Transfer of floor area from Historic Resources.** Floor area ratios may be transferred from a site that contains a historic resource, as follows:
1. Sending sites. Sites eligible to transfer floor area must contain:
    - a. A Historic or Conservation landmark; or
    - b. A contributing resource in a Historic District or a Conservation District.
  2. Maximum increase in FAR. In the CM1, CM2, CM3, and CE zones, the total FAR on the receiving site may not exceed the maximum FAR with bonuses identified on Table 130-3. This total FAR includes FAR transferred from historic resources, and any additional FAR allowed at the receiving site from bonus options, or from other transfers. In addition, an increase on the receiving site of more than the following due to a historic resource transfer is prohibited:
    - a. 0.5 to 1 in the CM1 zone;
    - b. 0.75 to 1 in the CM2 zone;
    - c. 1 to 1 in the CM3 zone;
    - d. 0.5 to 1 in the CE zone.

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## Commentary

### **33.130.205.C. Transfer of floor area from Historic Resources (continued).**

The new code limits transfer of floor area to within one mile of the sending site (compared to the current allowance for a two mile distance). This responds to community interest in keeping transfers within the same local area so that both the benefits (preservation) and the perceived burdens (greater building scale) occur in the same general area. The new code also does not allow transfer of floor area into Historic or Conservation districts in order to avoid providing additional building scale that may not be appropriate in the context of the established scale of these districts. These transfer of floor area regulations do not apply within the Central City plan district, which has its own regulatory provisions for transfer of floor area.

### **33.130.210 Height**

The purpose statement has been modified to reflect the new structure of commercial/mixed use zones and to reflect new requirements limiting height adjacent to residential zones and along narrower streets, as well as allowances that provide additional flexibility for building height in certain situations.

3. Maximum increase in FAR in the CX zone. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
4. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by paragraphs C.2 and C.3 above;
5. Receiving site. The receiving site must be within the same recognized neighborhood as the sending site, or within one mile of the transfer site, and must not be within a Historic or Conservation District.
6. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the historic resource transferring the density must meet the requirements of 33.445.610.D, Covenant.

### **33.130.210 Height**

- A. Purpose.** The height limits are intended to control the overall scale of buildings. The height limits in the CM1 zone allow buildings that are in scale with low rise residential areas. The height limits in the CM2 and CE zones allow for a greater building height at a scale that can accommodate the growth intended for centers and corridors, while relating to the low- to mid-rise scale of neighborhood residential areas. The CM3 zone allows the tallest buildings outside the Central City and Gateway plan districts, consistent with its intended role in accommodating higher-density development in areas well served by transit and other services. The CX zone allows the tallest buildings in the commercial/mixed use zones, consistent with its intended role in accommodating high-density development in the Central City and the Gateway plan districts.

In some situations, step downs in maximum height provide a transition in scale to adjacent lower-scale residential areas. Limited height along narrower streets in the CM3 zone fosters building façade height that relates to the width of street space and manages solar access impacts. Exceptions to height limit standards accommodate minor projections that do not significantly increase the visual scale of buildings, and provide flexibility in the height of parapets and railings to accommodate rooftop outdoor spaces and equipment screening.



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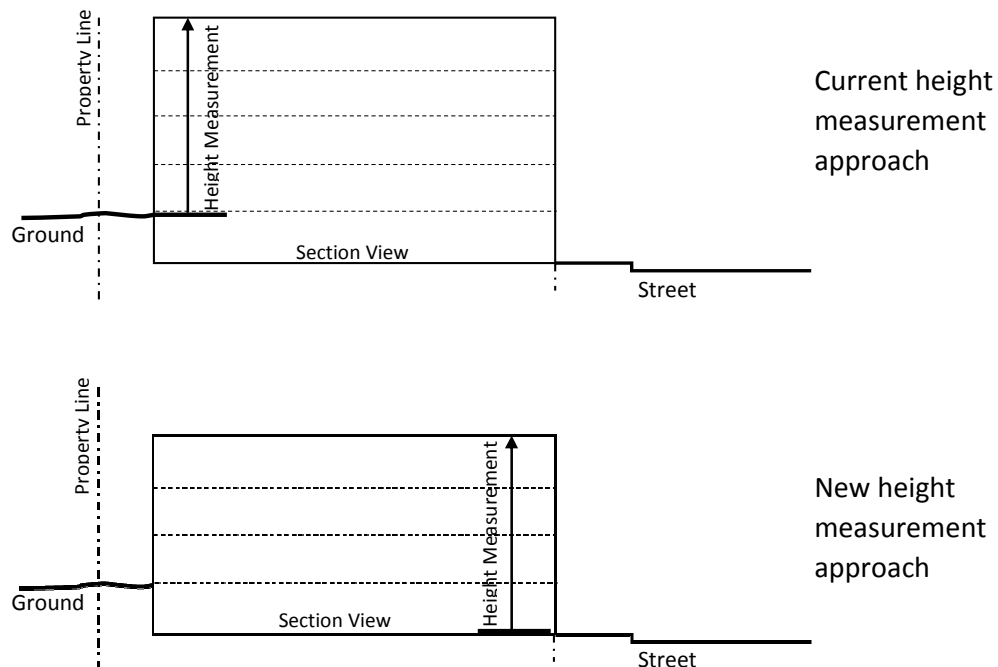
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## Commentary

### 33.130.210.B. Height standards

The height standards are stated in Table 130-2. This section prohibits adjustments to the height standards beyond an increase of 10 percent in order to prioritize bonuses as the means of obtaining additional building height.

**Measuring height.** The method for measuring height is being amended for development in the commercial/mixed use zones. Using the existing approach to measuring height (Section 33.930.050 Measuring Height), the base point measurement can be taken from the elevation of a raised lot, instead of from sidewalk level. Because of the high level of building coverage allowed in the commercial/mixed use zones (up to 100 percent in some zones), the existing grade is sometimes largely removed as part of redevelopment and the sidewalk level visually becomes the new ground level, especially given regulatory standards that encourage sidewalk-oriented buildings in these zones. Existing regulations have resulted, for example, in five-story buildings in zones where maximum building heights of 45 feet normally result in four-story buildings. The amendments to this section would require that buildings close to street lot lines (within 20 feet) have their base point measurements taken from adjoining sidewalks. Buildings located further away from street lot lines, such as those on larger sites with sloping topography, would continue to have their measurement base points taken from nearby ground surfaces (as allowed for in Section 33.930.050).



Step-down height. See next commentary page.

**B. Measuring height.** Where any portion of a building is within 20 feet of a street lot line, the base point from which the height of that building is measured is the highest elevation of the sidewalk within 25 feet of the building, when the highest elevation of the sidewalk is not more than 10 feet above the lowest elevation of the sidewalk within this area. When the highest elevation of the sidewalk within 25 feet of the building is more than 10 feet higher than the lowest elevation of the sidewalk in this area, the base point from which the height of the building is measured is a point 10 feet above the lowest elevation of the sidewalk within 25 feet of the building. For all other buildings or if no sidewalk exists or is proposed within 25 feet of the building, height is measured using the base points described in Paragraphs 33.930.050.A.1. and A.2.

**C. Height standard.**

1. Base height.

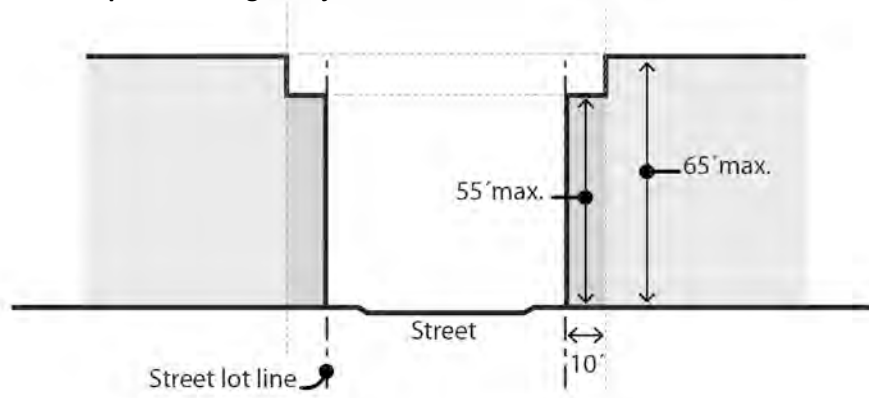
- a. The base height standards for all structures, except detached accessory structures, are stated in Table 130-2. The height standards for detached accessory structures are stated in 33.130.265, Detached Accessory Structures.
- b. Adjustments to the base height standards that would result in an increase in height of more than 10 percent are prohibited.

2. Step-down height. In the following situations, the base height is reduced, or stepped-down:

- a. Step-down adjacent to a narrow street. For the purposes of this standard, a narrow street is a street that is less than 70 feet wide. In the CM3 zone, the step-down height limit is 55 feet within 10 feet of a street lot line that is adjacent to a narrow street. See Figure 130-1. This standard does not apply if the site has any frontage on a street that is 70 feet wide or wider. If the site has two or more street lot lines adjacent to narrow streets, then this standard only applies to the street with the highest transit street classification. If the site is adjacent to multiple narrow streets that also have the same transit classification, then the standard applies to the longest street frontage. If the site is adjacent to multiple narrow streets that have the same transit classification, and the street frontage lengths are equal, the applicant may choose which street frontage to apply the step-down height standard.

**Figure 130-1**

**Step-Down Height Adjacent to a Narrow Street in the CM3 Zone**



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## Commentary

### 33.130.210.C.2. Height standards - Step-down height

**Paragraph “a” (Step-down adjacent to narrow street, previous page)** applies in the CM3 zone and implements the concept of relating building scale to street width. Along standard narrower streets (typically 60 feet wide, including sidewalks and other right-of-way components), the 55-foot height limit in the CM3 zone is intended to allow a five-story building street wall height. It is based in part on concepts of a street width-to-building height ratio of 1 to 1 providing an appropriate balance of street space enclosure and views of the sky, and responds to community interest in limiting building scale along narrower streets.

This decreased maximum height only applies within 10-feet of the street lot line on one frontage, allowing the full height allowed in the CM3 and by bonuses for other portions of buildings. When sites have more than one street frontage, the standard applies along the street with the higher transit street classification in order to focus the standard on primary transit corridor frontages. This is intended to prevent the potential of lengthy stretches of overly tall buildings along transit corridors, where most CM zoning is located. The reduced street frontage height is not required along secondary streets to avoid the building costs and design outcomes that would result from upper-level step backs along all street frontages, and because the commercial/mixed use zoning is less continuous along secondary streets. The 70-foot threshold for street width is intended to accommodate the potential for some right-of-way dedication/expansion that may take place in conjunction with new development along streets originally with 60-feet of right-of-way.

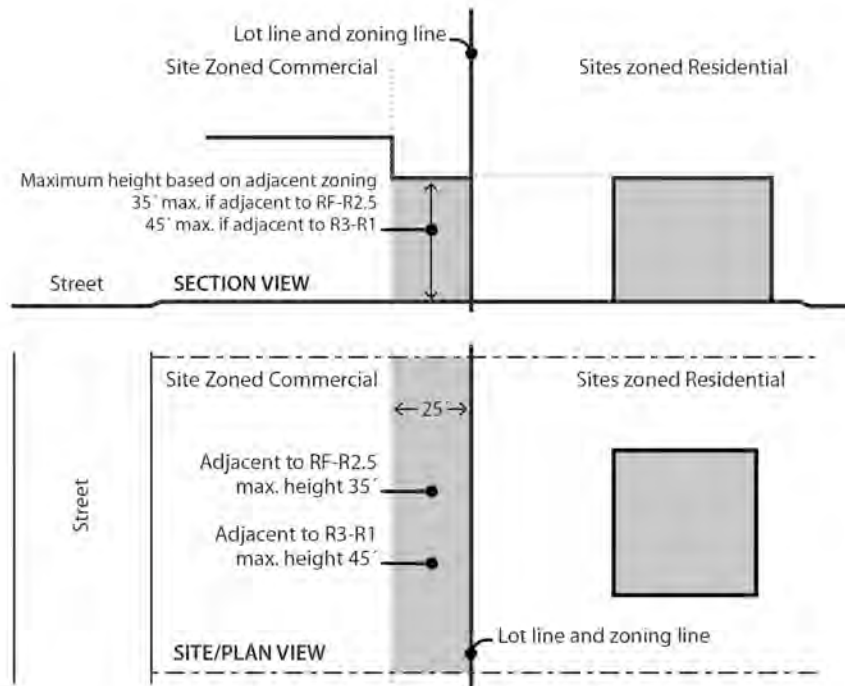
**Paragraphs “b” and “c”.** These regulation responds to community interest in providing transitions in scale between higher-density mixed use areas and lower-density residential areas. It uses an approach used in some plan district and Zoning Code overlay areas, which require building height step-downs to the allowed height of lower-scale residential zoning and landscaped buffers. Instead of previous approaches, which link the decreased height to the maximum height of adjacent residential zone, this regulation generalizes the decreased height to 35 feet for all single-dwelling zones, and 45 feet for the R3, R2, and R1 multi-dwelling zones (see also code and commentary for 33.130.215.B.1.b).

*Example of a mixed use building stepping down in height to adjacent residential zoning.*



- b. Step-down adjacent to residential zones. The following step-down height limits apply within 25 feet of sites zoned residential.
  - (1) On the portion of a site within 25 feet of a site zoned RF through R2.5, the step-down height limit is 35 feet. See Figure 130-2.
  - (2) On the portion of a site within 25 feet of a site zoned R3 - R1, the step-down height limit is 45 feet. See Figure 130-2.

**Figure 130-2  
Step-Down Height Adjacent to Residential Zones**



- c. Step-down across a local service street from an RF through R1 zone. In the CM2, CM3, CX, and CE zones the following step-down height limits apply. The limits do not apply to portions of buildings within 100 feet of a transit street:
  - (1) On the portion of the site within 15 feet of a lot line that is across a local service street from a site zoned RF through R2.5, the step-down height limit is 35 feet. See figure 130-3.
  - (2) On the portion of the site within 15 feet of a lot line that is across a local service street from a size zoned R3 through R1, the step-down height limit is 45 feet. See Figure 130-3.
- 3. Bonus height. The base height limits can be increased through options described in Section 33.130.212. When a bonus option allowed by 33.130.212 is used to increase the base height, the step-down height limits do not increase.

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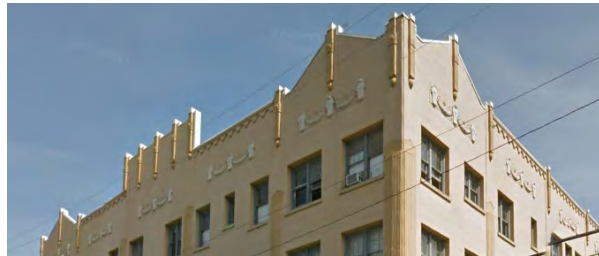
## Commentary

### 33.130.210.D. Exceptions

Most current exceptions to the maximum height standards are continued without substantive change to existing regulations or to amendments proposed as part of the Accessory Structures Zoning Code Update. New exceptions include the following:

Paragraph 2. Allowances for parapets to exceed building height limits responds to community interest (as well as input from designers and developers) in promoting a more varied roofline along mixed-use corridors. The current regulatory approach of including such features within the building height limits, such as the 45' maximum building height allowed in many areas with commercial zoning, results in many projects built up to this maximum height with little variation. The parapet exemption also facilitates the use of parapets to screen rooftop equipment.

*Historic example of parapets providing roofline variety.*



The exemption for roof top deck railings to exceed maximum heights is intended to facilitate roof top outdoor spaces, including decks adjacent to upper-level building areas fronting onto roof area resulting from height step downs adjacent to residential zones and narrower streets. The 3.5 foot dimension corresponds to building code minimum railing height requirements.

Paragraph 3. Exceptions for privacy walls to exceed maximum heights are intended to facilitate roof top outdoor spaces, especially decks adjacent to upper-level building areas with height step downs adjacent to residential zones and narrower streets. Privacy wall exceeding height limits are not allowed within 4 feet of roof edges in order to limit their visual impact. This regulation has been adapted from Main Street Corridor Overlay standards applicable to SE Division Street.

**D. Exceptions.** Exceptions to the base height, step-down height, and bonus height limits are stated below:

1. Projections allowed. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limits, or 5 feet above the highest point of the roof, whichever is greater. If the item is greater than 5 feet in width, depth, or diameter, it is subject to the base, step-down, and bonus height limits.
2. Parapets and railings. In the CM1, CM2, CM3, and CE zones, parapets and rooftop railings may rise 3.5 feet above the height limits.
3. Walls or fences located between individual roof-top decks may extend 6 feet above the height limits if the visual screen is set back at least 4 feet from the edges of the roof.
4. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limits as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
  - a. Elevator mechanical equipment may extend up to 16 feet above the height limits; and
  - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limits.
5. Antennas, utility power poles, and public safety facilities are exempt from the height limits.
6. Small wind turbines are subject to the standards of Chapter 33.299.
7. Roof mounted solar panels are not included in height calculations and may exceed the maximum height limits if the following are met:
  - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
  - b. For pitched, shed, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

## Commentary

### Table 130-2 Summary of Development Standards in Commercial/Mixed Use Zones

See commentary for specific development standard sections. The tables below compare the FAR and height limits of the new zones (shaded) with existing comparable zones.

#### Comparison of small-scale zones

	CM1	CN1	CN2	CO1
Height - Base (feet)	35'	30'	30'	30'
Height - Bonus	35'	n/a	n/a	n/a
FAR – Base	1.5:1	.75:1 <sup>+</sup>	.75:1 <sup>+</sup>	.75:1 <sup>+</sup>
FAR - Bonus	2.5:1	n/a	n/a	n/a

#### Comparison of medium-scale zones

	CM2	CE	CO2	CM	CS	CG
Height - Base (feet)	45'	45'	45'	45'	45'	45'
Height - Bonus	55' <sup>*</sup>	45'	n/a	n/a	n/a	n/a
FAR – Base	2.5:1	2.5:1	2:1 <sup>+</sup>	1:1 <sup>+</sup>	3:1 <sup>+</sup>	3:1 <sup>+</sup>
FAR - Bonus	4:1	3:1	n/a	n/a	n/a	n/a

#### Comparison of large-scale zones

	CM3	EX	CX
Height - Base (feet)	65'	65'	75'
Height - Bonus	75'	n/a	n/a
FAR - Base	3:1	3:1	4:1 <sup>+</sup>
FAR - Bonus	5:1	n/a	n/a

#### Table Notes:

<sup>+</sup> Residential floor area is not regulated by FAR, and is allowed to height and setback limits of the zone.

<sup>\*</sup> 55' bonus height in CM2 applies to some areas with the design review (d) overlay.

<b>Standards</b>	<b>CM1</b>	<b>CM2</b>	<b>CM3</b>	<b>CX</b>	<b>CE</b>
Maximum FAR (see 33.130.205, and 33.130.212 [bonus FAR])	1.5 to 1	2.5 to 1	3 to 1	4 to 1	2.5 to 1
Base Height (see 33.130.210.B.1)	35 ft.	45 ft.	65 ft.	75 ft.	45 ft.
Step-down Height (see 33.130.210.B.2)	NA	NA	55 ft.	NA	NA
- Within 10 ft. of street lot line adjacent to street < 70 ft. wide	NA	NA	55 ft.	NA	NA
- Within 25 ft. of lot line abutting RF - R2.5 Zones	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 25 ft. of lot line abutting R3, R2, R1 Zones	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Within 15 ft. of lot line across a local service street from RF – R2.5 Zones	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 15 ft. of lot line across a local service street from R3, R2, R1 Zones	NA	45 ft.	45 ft.	45 ft.	45 ft.
Bonus Height (see 33.130.212)	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Min. Building Setbacks					
- Street Lot Line	none	none	none	none	none
- Street Lot Line abutting selected Civic Corridors	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line across a local street from an RF - R1 Zone	none	5 or 15 ft.	5 or 15 ft.	5 or 15 ft.	5 or 15 ft.
- (see 33.130.215.B)					
Min. Building Setbacks					
- Lot Line Abutting OS, RX, C, E, or I Zoned Lot	none	none	none	none	none
- Lot Line Abutting RF - RH Zoned Lot (see 33.130.215.B)	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Max. Building Setbacks					
- Street Lot Line	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line Abutting Selected Civic Corridors (see 33.130.215.C)	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Max. Building Coverage (% of site area)					
- Inner Pattern Area	85%	100%	100%	100%	85%
- Eastern, Western, and River Pattern Areas (see 33.130.220)	75%	85%	85%	100%	75%
Min. Landscaped Area (% of site area) (see 33.130.225)	15%	15%	15%	none	15%
Landscape Buffer Abutting an RF - RH Zoned Lot (see 33.130.215.B)	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3
Required Residential Outdoor Area (see 33.130.228)	Yes	Yes	Yes	No	Yes
Ground Floor Window Standards (see 33.130.230)	Yes	Yes	Yes	Yes	Yes



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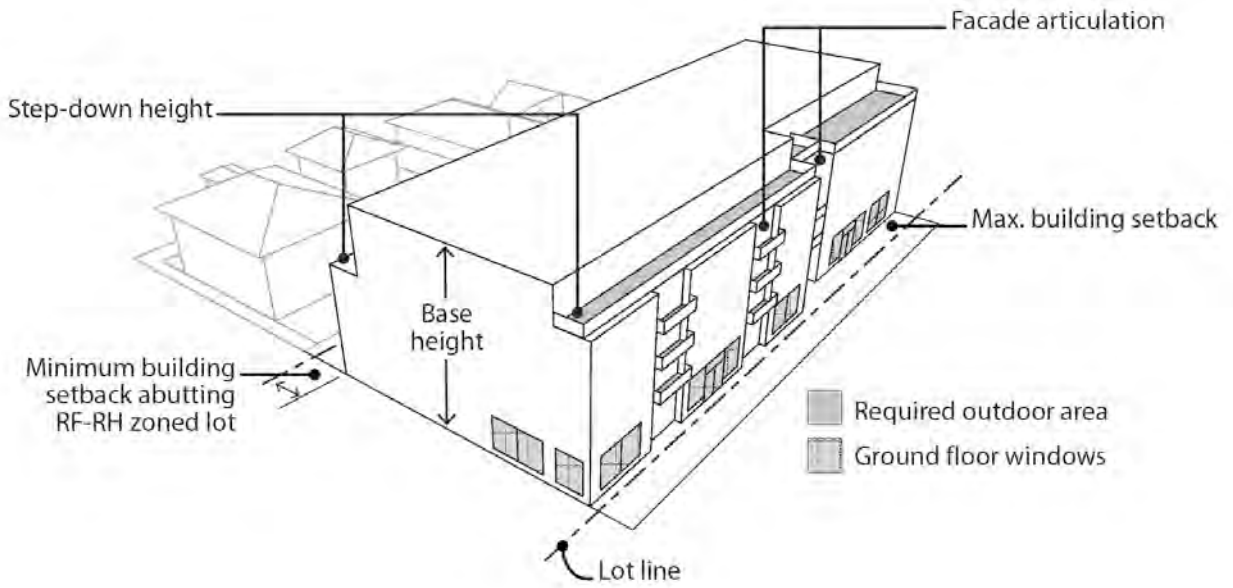
## Commentary

### **Example Illustration:**

#### **Some building form and setback development standards**

To help clarify the roles of various key development standards, this provides an illustrative summary of some of the types of development standards that together shape the form and location of development in the commercial/mixed use zones. It is illustrative only and is not intended to indicate specific development allowances.

**Example Illustration:  
Some building form and setback development standards**



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## Commentary

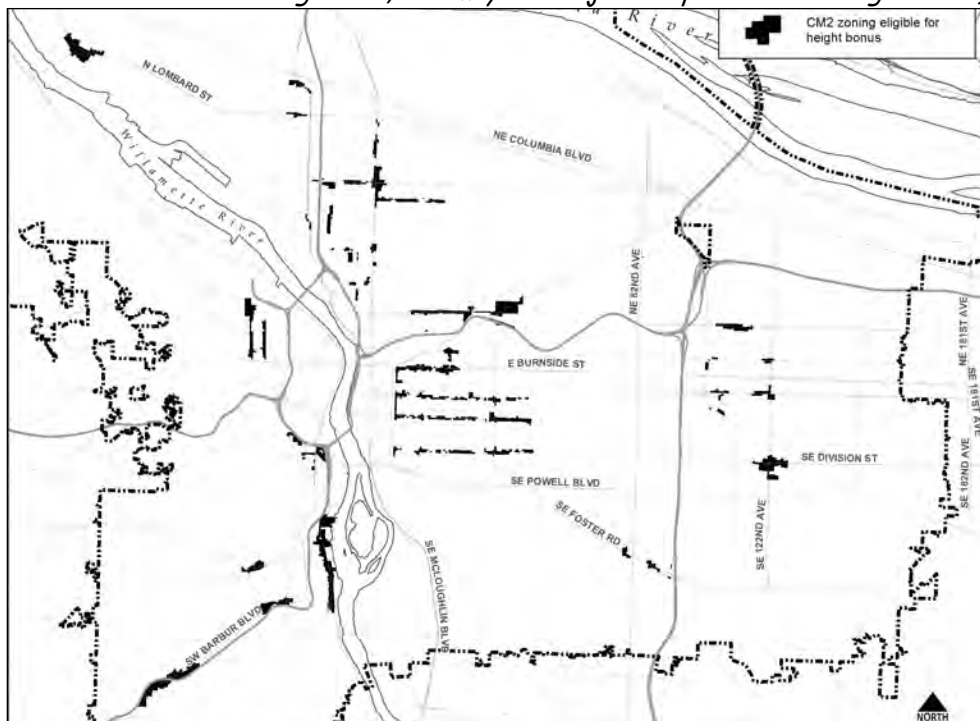
### 33.130.212.B General floor area and height bonus option regulations

There are two primary bonus-eligible elements: Affordable Housing and Affordable Commercial Space. The affordable housing bonus is given the greater priority and can earn the maximum amount of FAR and additional height. The total amount of bonus, together with any transfer of development rights from historic resources, cannot exceed the overall maximum per zone indicated in Table 130-3. In addition, for large sites over two acres, a Planned Development bonus is available when a project provides a combination of affordable housing, publicly accessible park or plaza, energy efficient buildings, and is approved through a Planned Development Review. The bonuses will not be available within Historic or Conservation districts in order to avoid providing additional building scale that may not be appropriate in the context of the established scale of these districts. See Section VII for more details related to the bonuses, including a summary of administrative issues.

Paragraph 5. Additional height gained from bonus options will be required to be setback from one street frontage to minimize the perception of additional scale.

The additional bonus height in the CM2 zone (up to 55 feet, compared to the usual maximum height of 45 feet) will only be allowed in areas that have the Design Review Overlay and that have Comprehensive Plan Map designations of Mixed Use - Urban Center or Mixed Use - Civic Corridor (these will primarily include properties in designated Town Centers and along corridors close to the Central City).

*Map of areas eligible for CM2 height bonus (assumes expansion of the d-overlay to areas with Mixed Use - Urban Center designation, and may be subject to plan district regulations)*



### 33.130.212 Floor Area and Height Bonus Options

- A. Purpose.** The bonus options allow additional floor area and an increase in height as an incentive for development that provides a public or community benefit. The bonus can be gained in exchange for providing affordable housing or affordable commercial space in conjunction with new development.
- B. General floor area and height bonus option regulations.**
1. Unless specified below, the bonus options in this section are allowed only in the CM1, CM2, CM3, and CE zones. Sites located within Historic or Conservation districts are not eligible to use bonus options.
  2. The bonus options refer to an administrative agency or qualified administrator. The administrative and reporting requirements of each bonus must be met to the satisfaction of the named agency or administrator. The named agencies are authorized to publish administrative rules with clear and objective administrative requirements.
  3. More than one bonus option may be used up to the overall maximums stated in Table 130-3. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.
  4. The increment of additional floor area ratio allowed per bonus is stated in Table 130-3 and described in Subsections C through E.
  5. The increment of additional height allowed per bonus is stated in Table 130-3, except as follows:
    - a. Additional height is not allowed where the step-down height limits of 33.130.210.C.2 apply.
    - b. Additional height is not allowed within 10 feet of a street lot line. In the case of sites with two or more street lot lines, this limitation only applies to the street lot line adjacent to the highest transit street classification. If the site is adjacent to multiple streets that have the same highest classification, the limitation applies to the longest street frontage. If multiple adjacent streets have the same transit classification, and the street frontage lengths are equal, the applicant may choose which street frontage to apply this limitation.
    - b. In the CM2 zone, increasing maximum height through a bonus is allowed only on sites that:
      - (1) Are within the Design Overlay Zone; and
      - (2) Have a Comprehensive Plan Map designation of Mixed Use – Urban Center or Mixed Use – Civic Corridor.

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## Commentary

### **33.130.212.C. Affordable housing bonus**

Proposals that include affordable housing may increase maximum height and FAR as stated in Table 130-3 if at least 25 percent of the increased floor area is housing affordable to those earning no more than 80 percent of the area median family income.

The affordability target and amount of floor area that must be used for affordable housing reflect analysis undertaken to determine their market feasibility, and has been developed in conjunction with the Central City affordable housing bonus program currently under development, and discussions with the Portland Housing Bureau. Additional detail regarding bonus option requirements will be part of administrative rules, which will include details regarding items such as the term of required affordability, potential allowances for payment into an affordable housing fund in lieu of providing affordable housing on site, administrative and reporting requirements, any tenancing requirements, and enforcement. See Section V (Implementation Tools) for more information on administrative rules for this bonus and next steps that will be necessary before it can be implemented.

The applicability of this and the other bonuses to existing plan districts that have their own systems of floor areas allowances and bonuses, such as the Hollywood and Northwest plan districts, will be subject to future consideration.

Table 130-3 Summary of Bonus FAR and Height					
		CM1	CM2	CM3	CE
<b>Overall Maximums Per Zone</b>					
Maximum FAR with bonus		2.5 to 1	4 to 1	5 to 1	3 to 1
Maximum height with bonus		35 ft.	55 ft. 75 ft.[1]	75 ft. 120 ft.[1]	45 ft.
<b>Increment of Additional FAR and Height Per Bonus</b>					
Affordable Housing (see 33.130.212.C)	FAR Height	1 to 1 none	1.5 to 1 10 ft.	2 to 1 10 ft.	none none
Affordable Commercial Space (see 33.130.212.D)	FAR Height	0.5 to 1 none	0.75 to 1 10 ft.	1 to 1 10 ft.	0.5 to 1 none
Large Site Master Plan (see 33.130.212.E)	FAR Height	none none	1.5 to 1 up to 30 ft.	2 to 1 up to 55 ft.	1.5 to 1 up to 30 ft.

[1]This larger overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review.

- C. Affordable housing bonus.** Proposals that include affordable housing may increase maximum height and FAR as stated in Table 130-3 if all of the following are met:
1. Proposals using this bonus must include at least 25 percent of the increased floor area as housing affordable to those earning no more than 80 percent of the area median family income;
  2. The applicant must provide a letter from the Portland Housing Bureau certifying that the development will meet the standards of this subsection and any administrative requirements have been met;
  3. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that dwelling units created using this bonus will remain affordable to households meeting the income restrictions and meet the reporting requirements of the Portland Housing Bureau or qualified administrator.

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## Commentary

### **33.130.212.D. Affordable commercial space bonus**

Affordable commercial space was identified in the new Comprehensive Plan as an important part of centers and corridors, responding to community interest in minimizing commercial displacement and providing opportunities for a variety of neighborhood businesses and services. The details of the implementation of this bonus will be subject to further discussions with the Portland Development Commission and others. Additional detail on bonus option requirements will be included in administrative rules, including requirements for the term of affordability (preliminary concept is that the affordability period will be for a minimum of 15 years), required levels of affordability, any tenanting requirements, and other administrative and enforcement details. See Section V (Implementation Tools) for more information on administrative rules for this bonus and next steps that will be necessary before it can be implemented.

### **33.130.212.E. Planned Development bonus**

The concept for this bonus option responds to community input received during the Comprehensive Plan Update process and during Mixed Use Zones Project events. Many community members were open to allowing development on large sites to be larger in scale than the four-story scale usually allowed in most areas with commercial/mixed use zoning, especially if there is enough space for a transition in scale to lower-density areas and proposals were subject to design review. It also responds to community interest in linking the provision of additional development potential to the provision of public benefits, especially affordable housing. The Planned Development bonus allows for additional FAR and height (in excess of the other bonus provisions) in exchange for the provision affordable housing, public open space, energy efficient buildings, and a public review process that includes Planned Development Review and design review. See Chapter 33.270 and Chapter 33.855 code and commentary for more information.

- D. Affordable commercial space bonus.** Proposals that provide affordable commercial space may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of affordable commercial space provided, up to the maximum stated in Table 130-3:
1. A long term leasing agreement with Portland Development Commission must be executed. The leasing agreement must ensure that the commercial space will be rented for 25 percent less than prevailing market rates;
  2. The applicant must submit with the development application a letter from the Portland Development Commission certifying that commercial leasing agreements are in place to meet the standards of this subsection, and that any administrative requirements have been met; and
  3. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the leasing and reporting requirements of the Portland Development Commission or qualified administrator.
- E. Planned Development bonus.** Proposals that provide a combination of affordable housing, a publicly accessible plaza or park, and energy efficient buildings may increase maximum height and FAR when approved through a Planned Development Review (see Chapter 33.270 and Chapter 33.855). The site must be at least two acres in size to be eligible for this bonus.



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## Commentary

### Building Setbacks

#### 33.130.215.B.1.a. Required setbacks from a street lot line.

In most situations along transit street frontages, no minimum building setbacks will be required from street lot lines, as is currently the case. A minimum 10 foot setback will be required along Civic Corridors (which are typically wide multi-lane arterial streets) in the Eastern and Western pattern areas (see Map 130-1). These Civic Corridors include streets such as SW Barbur Boulevard, 122<sup>nd</sup> Avenue, and outer SE Division Street. The intent of this setback is to provide opportunities for landscaping and extensions of the pedestrian space of sidewalks, helping to provide a buffer between buildings and the heavy traffic of these corridors.



*Example of a front setback along a wide Civic Corridor, providing additional space for pedestrians and trees.*

See next commentary page for notes on subparagraph 33.130.215.B.1.b

### 33.130.215 Setbacks

- A. Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/mixed use zones. The setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial/mixed use development that will maintain light, air, and the potential for privacy for adjacent residential zones.

The front setback requirements for Civic Corridors in Eastern and Western pattern areas provide opportunities for additional pedestrian space and separation from the vehicle traffic along these major streets to create an environment for building users and pedestrians that is less impacted by close proximity to traffic, and provide opportunities for front landscaping reflective of the vegetated characteristics of these neighborhood pattern areas.

The minimum building setbacks along local service streets adjacent to residential zones work together with requirements for step downs in building height (33.130.210.C.2.c.) to ensure that there is a transition in street frontage characteristics to lower scale residential zones. In these situations, the building setback regulations promote street frontages with landscaping and residential uses to provide a transition and a cohesive street environment with similar street frontage characteristics on both sides of the street, and limit exterior display and storage to minimize impacts to nearby residentially-zoned areas.

- B. Minimum building setbacks.** Minimum required building setbacks are listed below and summarized in Table 130-2. Unless otherwise specified in this section, the minimum required setbacks apply to all buildings and structures on a site. Setbacks for exterior development are stated in 33.130.245, and setbacks for parking areas are stated in Chapter 33.266, Parking, Loading and Transportation Demand Management.

1. Required setbacks from a street lot line. Unless as specified below, there is no required setback from a street lot line:
  - a. The minimum setback required from a street lot line adjacent to a Civic Corridor shown on Map 130-1 is 10 feet.
  - b. The following minimum setbacks are required from a street lot line that is across a local service street from an RF through R1 zone. The standards do not apply in the CM1 zone, or within 100 feet of a transit street:
    - (1) Buildings that are entirely in a residential use, and portions of buildings with dwelling units on the ground floor, must be setback 5 feet from a street lot line facing an RF through R1 zone. The setback must be landscaped to at least the L2 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Bicycle and pedestrian access is allowed through the setback. Exterior display and storage is not allowed within the setback.

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## Commentary

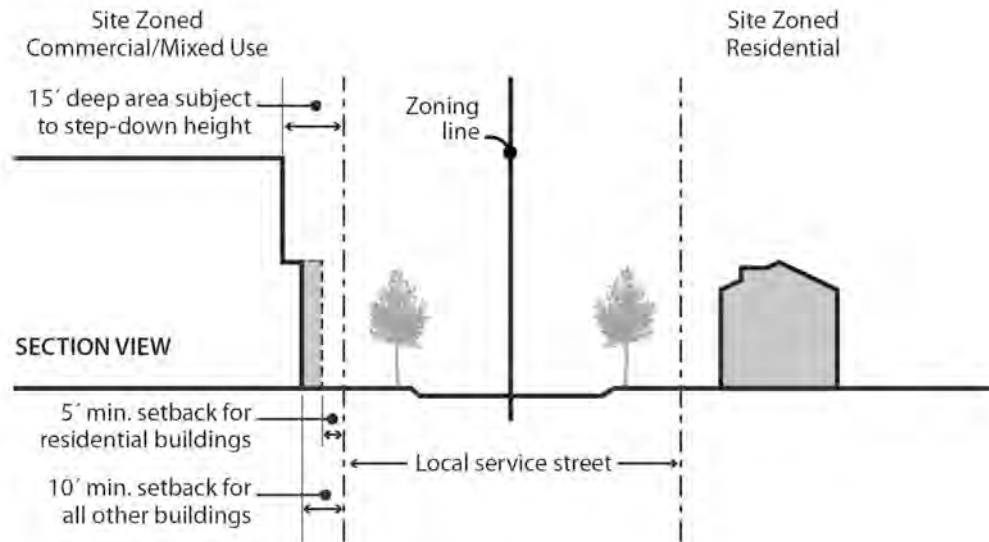
### **33.130.215.B.1.b Required setbacks from a street lot line (continued)**

In situations in which street lot lines are across a local service street from most residential zones, these standards provide a transition in scale and street frontage characteristics from commercial/mixed use zoning to lower-scale residential zoning, particularly in locations that are not on primary corridor frontages. The concept limits development within 10' of these secondary street frontages to residential uses as a component of this transition. Residential buildings can be as close as 5' to the street lot line, while other types of buildings would need to be setback at least 10'. This standard functions in conjunction with step-down height limits (see 33.130.210.C.2.c) to provide transitions in building heights, setbacks, and uses to residential zones.

This approach is based in part on residential buffer requirements that are part of Community Design Standards (Chapter 33.218) that apply within the Design Overlay zone, and similar requirements that apply in some plan districts. The CM1 zone would be exempted from these requirements due to its small scale and often dispersed locations within residential areas.

- (2) All other buildings must be setback 10 feet from a street lot line facing an RF through R1 zone. The setback must be landscaped to at least the L2 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Bicycle and pedestrian access is allowed through the setback. Exterior display and storage is not allowed within the setback. See Figure 130-3.
- c. See 33.130.250.E for the required garage entrance setback for a garage that are accessory to a house, attached house, manufactured home, or duplex.
- d. Structured parking that does not allow exiting in a forward motion must be setback 18 feet from the street lot line. See 33.266.130.C.

**Figure 130-3**  
**Building Setbacks and Step-Down Height Across a Local Service Street from Residential Zones**



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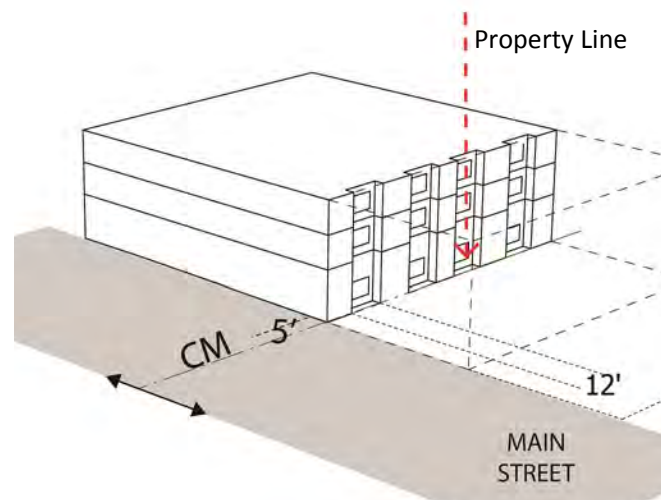
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## Commentary

### 33.130.215.B.2. Required setbacks from a lot line that is not a street lot line

Subparagraph b. A 10-foot setback will generally be required for buildings adjacent to residentially-zoned lots. This setback must include landscape screening and will work in conjunction with building height step downs to provide a transition between more intense development in the commercial/mixed use zones and adjacent residential zoning. The new approach, including the 10-foot setback, replaces the current approach of different setbacks based on the height of the building wall. The new regulations continue an allowance for no building setback in the case of buildings that are 15-feet high or less.

Subparagraph c. This section includes a requirement for residential windows to be set back a minimum of 5 feet from property lines that are not along streets. This requirement responds to the fact that the commercial/mixed use zones allow development to be built up to the property lines of adjoining properties with similar zoning. This is not a problem when buildings are built shoulder-to-shoulder, with windows facing the street or to mid-block open areas. It can be more of a problem for the livability of residential units if their primary windows are located close to interior property lines, up to which future neighboring buildings can be built. The building code allows window openings as close as 3 feet from property lines, which, since future buildings can be built up to these property lines, means that residential units can end up having only a 3 foot gap as their primary access to natural light and air. This concept will require that a minimum 5-foot setback be provided adjacent to interior property lines in order to provide better access to light and air. It will not apply to the walls of corner residential units that have windows along street frontages or that face rear setbacks or other dedicated open space.



2. Required setbacks from a lot line that is not a street lot line:
  - a. There is no minimum setback required from a lot line that abuts an OS, RX, C, E or I zone. And, no setback is required from an internal lot line that is also a zoning line on sites with split zoning.
  - b. The required minimum setback from a lot line that abuts an RF through RH zone is 10 feet. The required setback area must be landscaped to the L3 standard. Buildings that are up to 15 feet tall and fully enclosed are exempt from the required setback, however any setback provided must be landscaped to at least the L3 standard for a distance of up to 10 feet.
  - c. Windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts a C, E, or I zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.

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## Commentary

### 33.130.215.B. Minimum building setbacks (continued)

Projections into minimum building setbacks. Substantive changes from existing regulations in this section are:

1. Decks (higher than 2-1/2 feet above ground), uncovered balconies, and bays and bay windows will not be allowed to extend into the required 10-foot setback adjacent to a lot line abutting an RF - RH zoned lot in order to limit privacy impacts. Eliminating these allowances for setback extensions also responds to the fact that the depth of required setbacks abutting residential zones is being reduced in some situations.
2. The un-shaded text in Subparagraph B.3.b.(3), regarding extensions into street setbacks, was deleted in RICAP 7 due to the lack of street setback requirements. It is now being brought back because of code amendments that will require minimum street setbacks in some situations (such as minimum setbacks along Civic Corridors in the Eastern and Western pattern areas).

3. Extensions into required building setbacks and buffering requirements of Table 130-2.
  - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves, they may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
    - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;
    - (2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and
    - (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RH zoned lot, and also must meet the following requirements:
      - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;
      - At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
      - Bays and bay windows must cantilever beyond the foundation of the building; and
      - The bay may not include any doors.
  - b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
    - (1) Uncovered decks, stairways, and wheelchair ramps that are no more than 2-1/2 feet above the ground;
    - (2) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation; and
    - (3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.
4. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of Section 33.120.280. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below.



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## Commentary

### 33.130.215.C. Maximum building setbacks

The maximum building setbacks that currently apply in the CS zone and along transit streets for some other zones will be applied to all zones in most situations, except in CE zones that are not located in Pedestrian Districts. The code amendments simplify applicability of the maximum setback standard to conform to the existing CS standard (50 percent of the length of the street-facing facades of buildings).

In some situations in several commercial zones, current regulations require 100 percent of building frontages to be within 10' of a front property line. The code amendments will provide a more flexible approach for maximum building setbacks. The intent is to provide flexibility for a variety of desirable street frontage characteristics, while cultivating a street environment that is inviting to pedestrians. Community members have expressed interest in encouraging buildings with ground-floor windows and entrances close to sidewalks, while also providing opportunities for elements such as plazas, landscaping and other green elements along portions of street frontage.



*The maximum setback standards encourage buildings located close to sidewalks, while providing flexibility for portions of street frontage to include features such as pocket plazas or plantings.*

This subsection also includes a maximum building setback of 20 feet along certain Civic Corridors in the Eastern and Western pattern areas (see Map 130-1). This greater maximum setback relates to the minimum building setback of 10 feet that will apply along these corridors.

- C. Maximum building setbacks.** Except as stated in Subsection E., the maximum building setback standards are stated below.
1. Maximum setback standards. Unless otherwise specified, the maximum a building can be set back from a street lot line is 10 feet, except on Civic Corridors shown on Map 130-1, where the maximum set back is 20 feet. At least 50 percent of the length of the ground level street-facing façade of the building must meet the maximum setback standard.
  2. Applying the standard.
    - a. Where an existing building is being altered, the standards apply to the ground level, street-facing façade of the entire building. See Figures 130-4 and 130-5.
    - b. Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings. See Figures 130-6 and 130-7.
    - c. In the CM1, CM2, CM3, and CX zones, and in the CE zone within a Pedestrian District, if the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose which street or streets to apply the standard.
    - d. In the CE zone outside of pedestrian districts, the maximum setback standard only applies to transit streets unless the site does not have a street lot line on a transit street. If the site does not have a street lot line on a transit street, then the maximum setback standard applies to one street, and if there is more than one street, the applicant may choose which street to apply the standard. If the site has street lot lines on three or more transit streets, the maximum setback standard applies only to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit classification. If multiple transit streets have the same highest street classification, the applicant may choose which streets to apply the standard.
    - e. For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:
      - (1) For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
      - (2) The porch must have at least one entrance facing the street; and

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## Commentary

### **33.130.215.C. Maximum building setbacks (continued)**

Regarding the Exception paragraph, no change is proposed to existing regulations or to amendments proposed by the Accessory Structures Zoning Code Update (which is adding primary structures under 500 square feet to this exception, which previously exempted only detached accessory structures).

### **33.130.215.D. Area between a building and a street lot line.**

General standard. This is an existing regulation, but has been moved from the Pedestrian Standards section (33.130.240) to the Setbacks section, as it address requirements for setback areas between a building and a street.

Improvements within transit street maximum building setbacks. This new regulation will require that at least 50 percent of setback areas are improved for pedestrian use along transit streets in order to foster a pedestrian-oriented environment. It responds to community interest that building setbacks, including landscape features, not create significant barriers between buildings and sidewalks, particularly along transit streets. Purely residential buildings are exempt from this requirement to allow for landscape features that can contribute to residential privacy.

### **Figure 130-4 (former 130-1)**

No change.

(3) The porch must have a roof that is no more than 12 feet above the floor of the porch and at least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

3. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 130-6.

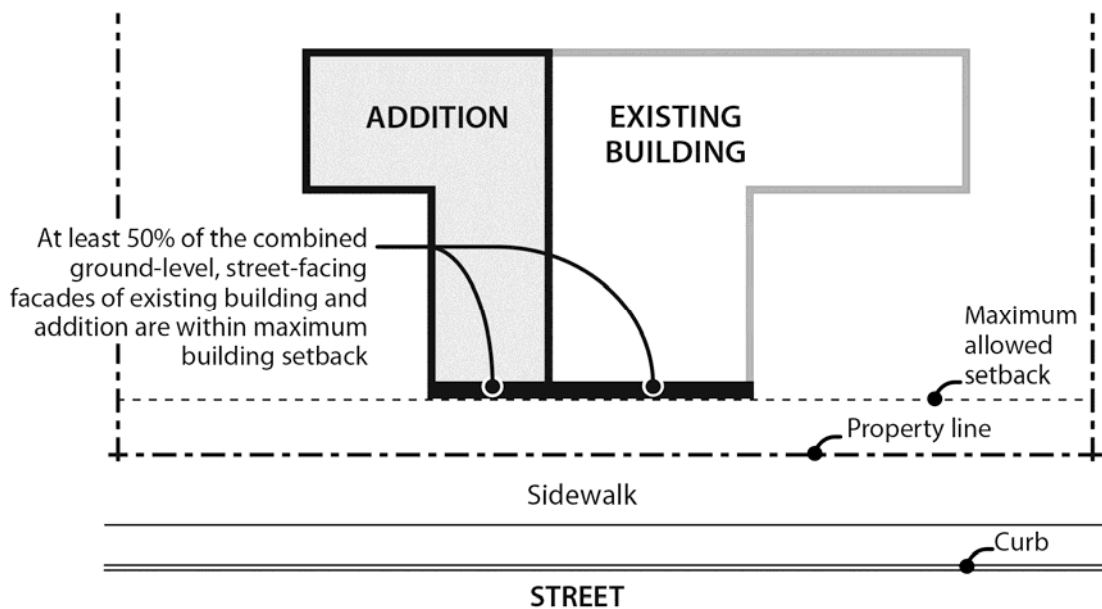
**D. Improvements in the setback area between a building and a street lot line.**

1. General standard. The land between any building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard surfaced.

2. Improvements within transit street maximum building setbacks. Along transit streets, at least 50 percent of the setback area between the street lot line and the portion of the building that complies with the maximum building setback must be hard surfaced for use by pedestrians. Residential buildings are exempt from this standard.

**Figure 130-4**

**Alteration to Existing Building in Conformance with Maximum Setback Standard**



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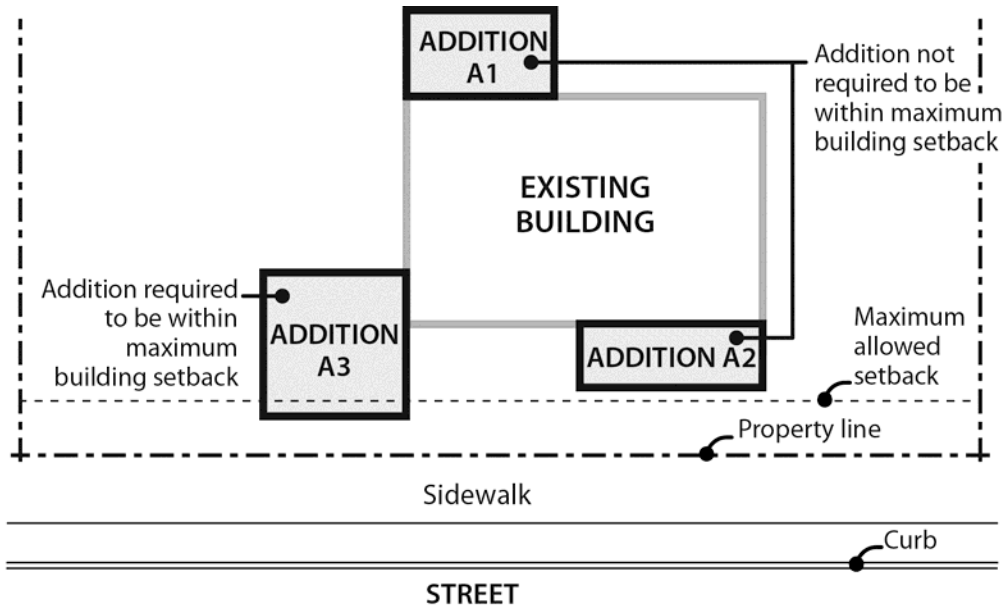
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## Commentary

**Figure 130-5** (former 130-2)  
No change.

**Figure 130-6** (former 130-3)  
No change.

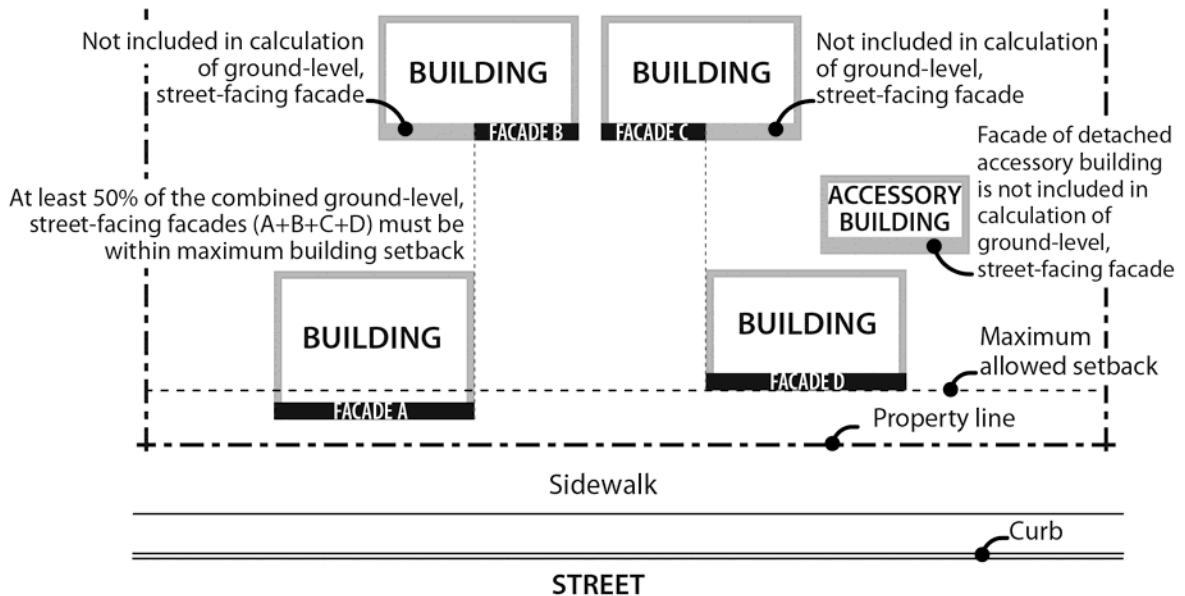
**Figure 130-5**  
**Alterations to Existing Building**



**Notes:**

- Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.
- Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.
- Addition A3. Because addition increases length of street facing facade, 100% of addition facade must be within maximum setback until maximum setback standard for entire building is met.

**Figure 130-6**  
**Calculating Maximum Building Setback When More Than One Building On Site**



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## Commentary

### Figure 130-7 (former 130-4)

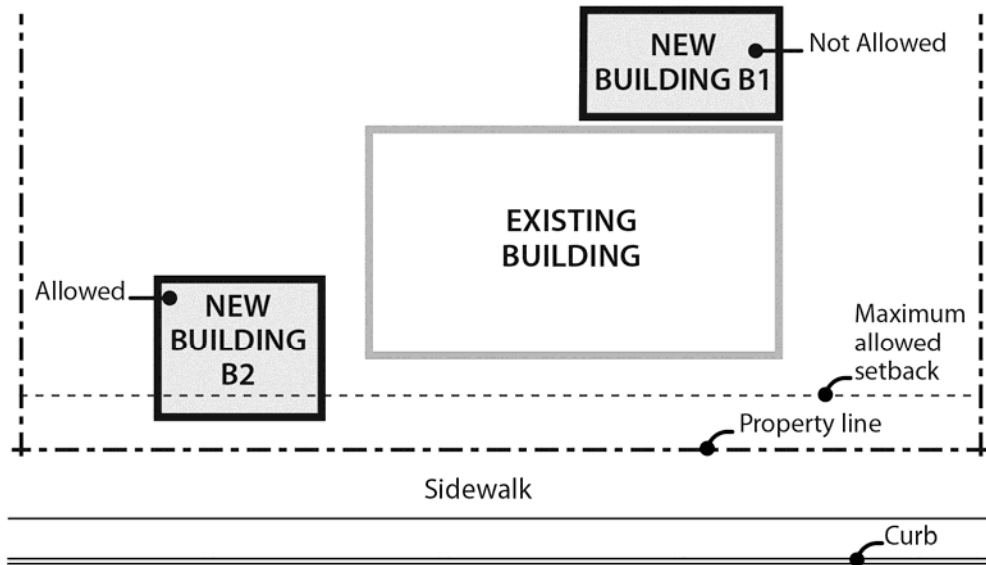
No change.

#### **33.130.215.F. Alternative maximum building setback for large retailers**

The only substantial change to this section is a reduction in the qualifying threshold from a building with 100,000 square feet down to 60,000 square feet. This change is intended to allow this provision to be used by a broader range of development anchored by supermarkets and other similarly-sized retailers, for which site design flexibility on large sites can be important to their feasibility. This flexibility is intended to increase possibilities for retail development in areas such as East Portland, which can benefit from greater local access to commercial services.

Figure 130-7

**New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback**



**Notes:**

- New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.
- New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

**E. Alternative maximum building setback for large retailers.**

1. Purpose. The intent of the regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller buildings close to the street and by creating an internal circulation system that is similar to streets in order to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.
2. Regulation. Sites with a building having at least 60,000 square feet of floor area in Retail Sales and Service use are exempt from the maximum setback requirement of Table 130-2 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.
  - a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;



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## Commentary

### **33.130.215.F. (continued)**

No change to the regulations on this page.

- b. Internal circulation system. An internal circulation system that meets the following standards must be provided:
- (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
  - (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;
  - (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides and one of the following must be met:
    - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
    - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.
  - (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;
  - (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-8, at the intersections of internal accessways that have parking; and
  - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for Commercial or Institutional use, or zoned C, E, or I. The system must connect the buildings on the site to these adjacent sites.

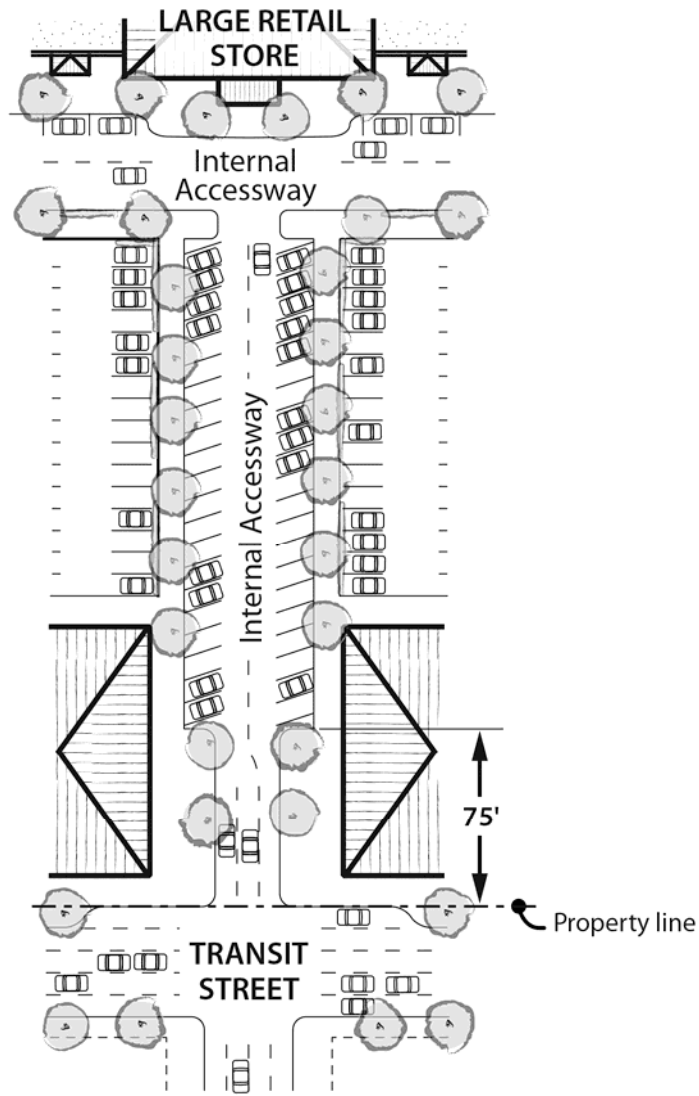
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## Commentary

**Figure 130-8** (former 130-5)  
No change.

**Figure 130-8**  
**Internal Circulation System**



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## Commentary

### **33.130.220 Building Coverage**

The building coverage standards provide differing requirements based on zone and pattern area location (see Table 130-2 and Map 130-2). Lower building coverage is allowed in areas outside the Inner pattern area to reflect their less intensely developed and more landscaped characteristics.

### **33.130.222 Building Length and Façade Articulation**

These new standards reflect community concerns about large buildings with monolithic massing that appear out of scale with the fine-grain patterns of many neighborhood commercial areas. The proposed standards are intended to promote buildings that fit better into the scale of neighborhood commercial corridors, but without dictating the architectural approach or style of new buildings. These standards require that the mass of large buildings be divided into smaller components.

B. Maximum building length. This requirement is derived from a standard that applies in some of the multi-dwelling zones. The maximum building length standard of 200 feet corresponds to traditional Portland block patterns. Outside of Portland's core, blocks can be 460 feet or greater in length, which has sometimes resulted in lengthy buildings whose scale has been of concern to community members. This building length limitation only applies within 20 feet of a street lot line, so that building volumes may be attached beyond this distance. This standard requires that the resulting building volumes, when located on the same site, be separated by a minimum of 20 feet in order to create a clear break in the building massing, which is also wide enough to potentially serve as a usable open space.

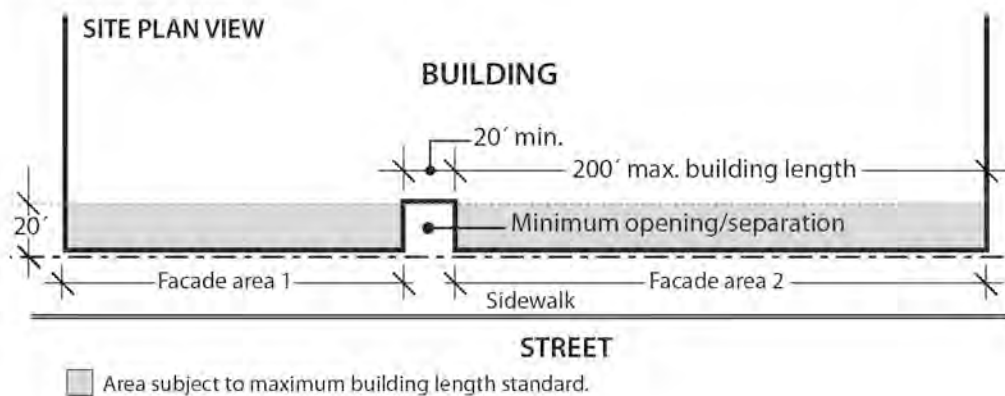
**33.130.220 Building Coverage**

- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. The standards allow a high degree of lot coverage in the Inner Neighborhoods pattern area to reflect the urban development patterns and continuous building frontages of the area. The standards for Eastern and Western pattern areas work in conjunction with landscaping requirements to respond to the less intensely developed characteristics of these areas.
- B. Building coverage standards.** The maximum building coverage standards are stated in Table 130-2, and the standards apply based on pattern area geography. Map 130-2 identifies the pattern areas. Maximum building coverage applies to all buildings and covered structures.

**33.130.222 Building Length and Façade Articulation**

- A. Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland’s commercial/mixed-use areas and add visual interest and variety to the street environment.
- B. Maximum building length.** In the CM1, CM2, CM3, and CE zones, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-9.

**Figure 130-9  
Maximum Building Length**



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## Commentary

### 33.130.222 Building Length and Façade Articulation (continued)

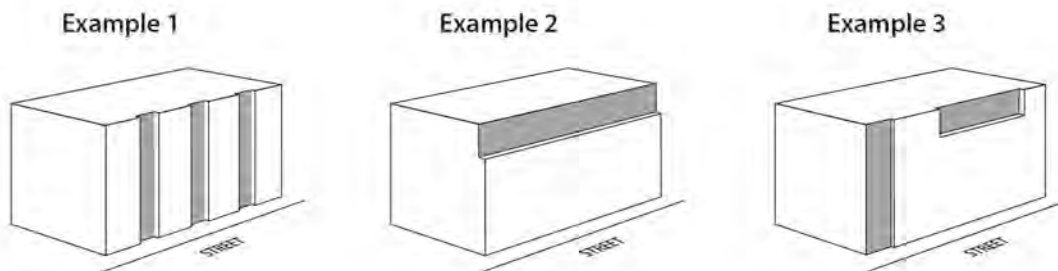
C. Façade articulation. This standard requires large building wall planes to be divided into smaller components. Projections into street right-of-way, such as projecting window bays, will not count toward meeting this standard, in response to community concerns about building features that can contribute to a perception of overly-constrained street space. Recessed areas of façade that include projecting features such as balconies can count toward meeting this requirement. This approach would allow stepping back the upper levels of facades (such as the fourth story of a building in the CM2 zone) as one option for meeting this standard.

Portions of building façade that are entirely separated from each other, such as by a courtyard, are considered to be separate façade areas for the purpose of determining the size of each façade area.

### C. Façade articulation.

1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows:
  - a. In the CM2 and CE zones, the standard applies to buildings more than 35 feet high that have façade areas of more than 3,500 square feet within 20 feet of a street property line.
  - b. In the CM3 zone, the standard applies to buildings more than 45 feet high that have façade areas of more than 4,500 square feet within 20 feet of a street property line.
  - c. Portions of building facades that are vertically separated by a gap of 10 feet or more extending at least 20 feet in depth from the street property line are considered to be separate facades areas for the purposes of the façade area measurements. See Figure 130-9.
2. The standard. At least 25 percent of the façade within 20 feet of a street lot line must be divided into façade planes that are off-set by at least 2 feet from the rest of the façade. Façade area used to meet the façade articulation standard may be recessed behind, or project out from, the primary façade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 130-10.

**Figure 130-10**  
**Façade Articulation**





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## Commentary

### 33.130.225 Landscaped Areas

The primary departure from existing landscape area regulations is a requirement for landscaping or alternative green options for commercial/mixed use zones that allow high lot coverage and do not currently have landscaping requirements (CM2 and CM3 in the Inner Pattern Area, whose comparable existing zones [CS, CM, CX, and EX] do not generally require landscaping).

This regulation responds to comments received regarding the need for green elements as part of development within centers and corridors in the Inner Pattern Area. Also, draft Comprehensive Plan policies call for integrating green/vegetated elements into the urban environment and reducing urban height island effects.

The proposed regulations apply a 15 percent landscaping requirement (as currently applies in most commercial/mixed use zones) to the CM2 and CM3 zones, but provide alternative options to meeting this requirement that preserve the ability to undertake development with high lot coverage (up to 100 percent). Some of these options are also intended to accommodate improvements to older buildings and the continuation of existing urban development patterns in older commercial districts that have high levels of building coverage.



*Example of a range of landscaping approaches integrated into urban development, including ecoroofs, raised landscaped areas, and stormwater planters.*

### 33.130.225 Landscaped Areas

- A. Purpose.** Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. As an alternative to conventional landscaping, a range of urban green options are provide in the CM2 and CM3 zones in the Inner Neighborhoods pattern area to reflect this area’s more urban development patterns and historic storefront commercial characteristics. Landscaping is required for all commercial/mixed use-zoned lands abutting R zoned lands and as screening for parking lots (see Chapter 33.216) to provide buffering and promote livability.
- B. Minimum landscaped area.** The minimum amount of required landscaped area is stated in Table 130-2. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The required landscape area must meet one of the following:
1. Unless allowed by Paragraph B.2., required landscaped areas must:
    - a. Be at ground level, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
    - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, however up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
  2. Urban green alternative landscaped area. In the CM2 and CM3 zones in the Inner pattern area shown on Map 130-2, one or more of the following may be used to meet the required landscape area:
    - a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.
    - b. Large trees. The minimum required landscaped area may be reduced to 10 percent of site area when the site includes an area with minimum dimensions of 30 feet by 30 feet planted with at least one large-canopy tree. An existing large-canopy tree can be used to meet this requirement, subject to the Tree Protection Specifications of Title 11 (Section 11.60.030). Large canopy trees are defined in Section 33.248.030, Plant Materials. At least 50 percent of the ground area within this space must be landscaped to at least the L1 standard and the remainder may be hard-surfaced for use by pedestrians.

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## Commentary

### 33.130.227 Trees

No change.

### 33.130.228 Required Outdoor Areas

Currently, no outdoor space is required for residential development in the commercial/mixed use zones. These standards would use the same 48 square feet per unit requirement that applies in multi-dwelling residential zones (R3, R2, and R1 zones). This new requirement responds to the fact that residential development has become a predominant type of development in the commercial/mixed use zones and would implement Comprehensive Plan policy direction on fostering housing that promotes healthy, active living and that provides access to outdoor space.

The primary difference between these standards and similar requirements in the multi-dwelling zones is an allowance for indoor common areas (such as community rooms, exercise rooms and other indoor recreation facilities) to be used as an option to meet the residential outdoor space requirements. Required residential outdoor areas can be provided in the form of private outdoor spaces, shared outdoor areas, indoor community or recreation spaces, or combinations of these.



*Examples of residential outdoor areas in the form of individual balconies (left) and shared outdoor space (right).*

- c. Raised landscaped areas. 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.
- d. Pervious pavement. Up to 50 percent of the required 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.

### **33.130.227 Trees**

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are specified in Title 11. See Chapter 11.50, Trees in Development Situations.

### **33.130.228 Required Outdoor Areas**

- A. Purpose.** The required outdoor areas standards ensure opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. Required outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor living opportunities, some options for outdoor privacy, and a healthy environment. These standards also allow for outdoor area requirements to be met by indoor community facilities that provide opportunities for recreation or gathering.
- B. Requirements.**
  - 1. Amount required. At least 48 square feet of outdoor area is required for each dwelling unit on the site.
  - 2. Size, location and configuration. Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared areas, such as outdoor courtyards and play areas, or indoor recreational facilities or community rooms. There also may be a combination of individual and common areas.
    - a. Individual unit areas. Where a separate outdoor area is provided for each individual unit, it must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. The outdoor area must be directly accessible to the unit. Balconies that extend over street right-of-way count towards meeting this standard. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting the required outdoor area. . If the area is at ground level it may extend up to 5 feet into a required front setback, and may extend into required side and rear setbacks as long as the area is not closer than 5 feet to a lot line abutting an RF through RH zoned lot.

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## Commentary

### **33.130.228 Required Outdoor Areas (continued)**

See previous commentary.

- b. Common areas. There are two types of common area:
    - (1) Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and so that a 20-foot x 20-foot square will fit entirely within it.
    - (2) Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities cannot be used to meet this requirement.
  - c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet Subparagraph B.2.a and each common area must meet B.2.b above, providing a total of at least 48 square feet of outdoor area for each dwelling unit served by the common area.
- 3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.
  - 4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

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## Commentary

### 33.130.230 Ground Floor Windows

Significant changes to ground floor window requirements include the following:

- Increase in the window coverage requirement on the primary ground level frontage from the current 25 percent to 40 percent.
- Increase in the secondary frontage window coverage requirement from 12-1/2 percent to 25 percent.
- Change in the window coverage measurement methodology. Current measurement of ground level wall area includes all wall area up to 9 feet above grade. The new measurement is based on wall area from 2 feet to 10 feet above grade.
- Change from the current exemption for parking structures. New regulations would require parking structures to meet ground floor window coverage requirements on at least one frontage.
- The walls of residential units are no longer exempt from ground floor window coverage requirements. Instead, ground floor residential units are provided several options for meeting ground floor window requirements (see subsection D).
- Change to the Exception for Public Art option, limiting the use of this provision to one half of the ground floor window coverage requirements.

Ground floor window requirements have been an important design-related regulatory standard in Portland's commercial zones, continuing traditions of storefront commercial development and contributing to an engaging, pedestrian-oriented street environment. The current minimum ground-floor window coverage requirement of 25 percent, however, sometimes results in sub-optimal window coverage, and includes exemptions for residences and parking garages that can compromise the street environment.

The increased ground-floor window coverage requirements (and related concepts for entrances) respond to interest from a wide-range of community members in focusing on improving the design of the ground-level frontages of buildings. This is where buildings are most directly experienced by pedestrians and can be important for maintaining the continuity of business districts. Regulations for a higher level of ground floor window coverage (60 percent) is applied to the core commercial areas of centers, as part of the proposed Centers Main Street Overlay, to reinforce the roles of these locations as pedestrian-oriented places that are a focus of commercial and community activity (see Chapter 33.415).

### 33.130.230 Ground Floor Windows

**A. Purpose.** In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

**B. Ground floor window standard.**

1. General standard.

- a. Windows must cover at least 40 percent of the ground level wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground level wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade. See Figure 130-11.
- b. If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the façade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those street to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.

2. Exemptions:

- a. Houses, attached houses, manufactured homes, and duplexes are exempt from this Section;
- b. Ground floor street-facing walls of dwelling units are exempt from Paragraph B.1., but the walls must meet one of the standards in Subsection D.; and
- c. The walls of structured parking that face a secondary street frontage are exempt from the 25 percent standard in Subparagraph B.1.b. if the façade is set back at least 5 feet and landscaped to the L2 standard.



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## Commentary

### 33.130.230 Ground Floor Windows (continued)

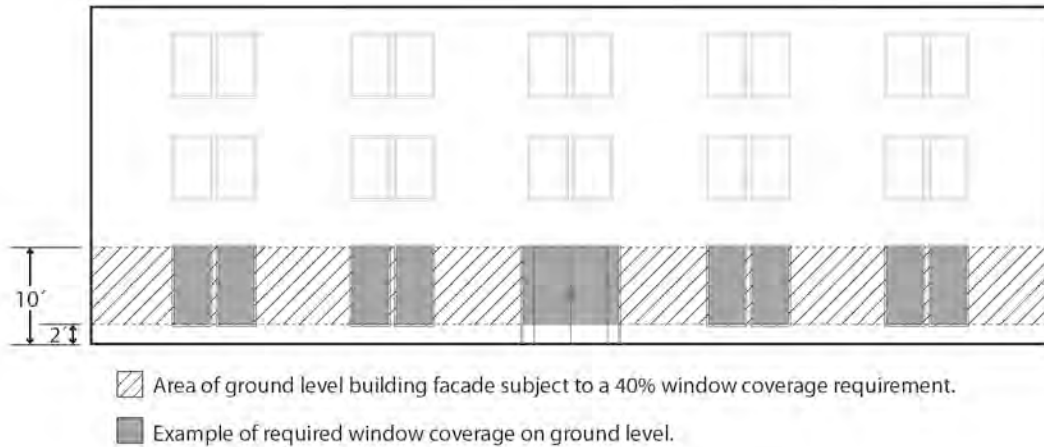
Portions of buildings with ground floor residential units will be required to meet one of three options:

- Design to accommodate future conversion to commercial or other active ground floor uses, with storefront-type windows and barrier-free entrances.
- Ground floor residential units set back from street lot lines.
- Ground floor residential units raised above grade.

This regulatory approach responds to concerns about residential development in centers and corridors when residential units are built at ground level close to sidewalks. Besides loss of commercial opportunities, this creates privacy issues for the residents of ground floor units close to sidewalks. This concept proposes a series of options that projects with ground floor residences could choose to follow, one option of which is for designing the spaces to be adaptable to commercial uses with 40 percent window coverage; and the other two options of which are for more residentially-oriented design, with units either setback from the street or raised above grade. These options will be required for development with ground-floor residential units along any street frontage. Besides ground-floor window coverage requirements, residential development in the commercial/mixed use zones will need to meet requirements (existing) for 15 percent overall window coverage for street-facing facades.

- C. Qualifying window features.** Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; pedestrian entrances; or display windows set into the wall. Windows into storage, parking, garbage and recycling areas, and display cases attached to outside walls, do not qualify.

**Figure 130-11  
Ground Floor Windows**



- D. Ground floor window standard for ground floor residential.** Ground floor street facing walls of dwelling units that are 20 feet or closer to a street lot line must meet at least one of the following standards:

1. Flexible ground floor design. The ground floor window standard of Subparagraph B.1.a. must be met, and the ground level of the building must be designed and constructed as follows:
  - a. The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
  - b. The area meeting this standard must be at least 25 feet deep, measured from the street-facing façade; and
  - c. Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.
2. Front setback.
  - a. The portions of the building with residential dwelling units on the ground-floor must be set back at least 8 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and
  - b. Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

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## Commentary

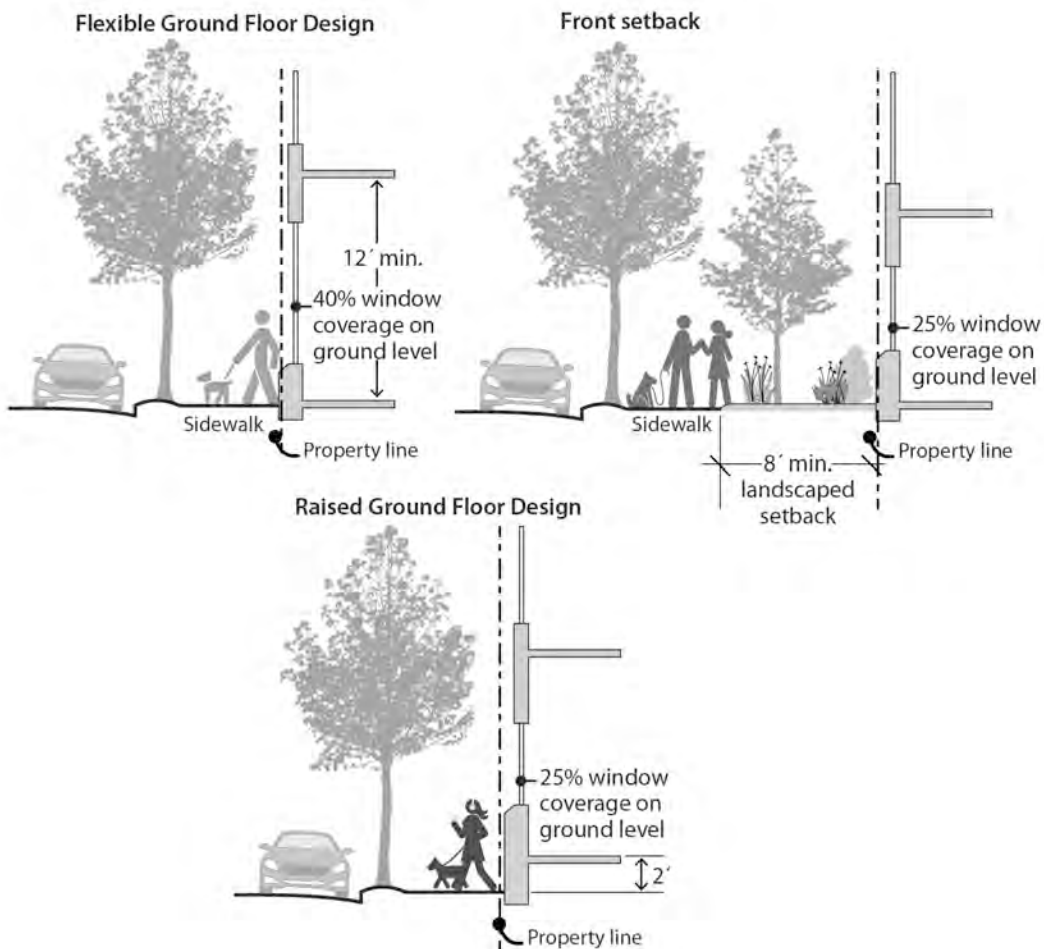
### **33.130.230 Ground Floor Windows (continued)**

See previous commentary on ground floor window requirements for ground floor residential.

E. Exception for Public Art. This existing subsection has been changed to limit the use of this provision to one half of the ground floor window coverage requirements in order to retain the intent of requiring windows to strengthen connections between buildings and sidewalks on a portion of ground floor frontages.

3. Raised ground floor.
  - a. The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.
  - b. Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

**Figure 130-12  
Ground Floor Window Options for Ground Floor Residential**



- E. **Exception for Public Art.** Outside the Central City, public art may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To qualify for this exception, documentation of approval by the Regional Arts and Culture Council must be provided prior to approval of the building permit.

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## Commentary

### **33.130.235 Screening**

No change.

**33.130.235 Screening**

- A. Purpose.** The screening standards address specific unsightly features which detract from the appearance of commercial/mixed use areas.
- B. Garbage and recycling collection areas.** All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
  2. A screen around the equipment that is as tall as the tallest part of the equipment; or
  3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
- D. Other screening requirements.** The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

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## Commentary

### **33.130.240 Pedestrian Standards**

No substantive changes to sections on this page.

### 33.130.240 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.
- B. The standards.** The standards of this Section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this Subsection.
1. Connections. Pedestrian connections are required as specified below:
    - a. Connection between streets and entrances.
      - (1) Sites with one street frontage.
        - Generally. There must be a connection between one main entrance of each building on the site and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
        - Household Living. Sites where all of the floor area is in Household Living uses are only required to provide a connection to one main entrance on the site. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
        - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.
      - (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
        - The standard of Subparagraph B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a connection meeting the standard of Subparagraph B.1.a(1) to one main entrance on the site;
        - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing façade is within 10 feet of the street, no connection is required to that street.



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## Commentary

### 33.130.240 Pedestrian Standards (continued)

Internal connections. Language has been added to this paragraph to allow public sidewalks to be used to meet requirements for internal connections for sidewalk-oriented buildings. This is intended to accommodate buildings located close to sidewalks, such as townhouse or storefront-type buildings with main entrances close to public sidewalks and insufficient setbacks to provide pedestrian connections that are separate from public sidewalks.

Large site pedestrian connectivity. This new paragraph calls for pedestrian connections no further apart than 330 feet, in alignment with regional pedestrian connectivity standards.

No changes to other paragraphs.

- b. Internal connections. The system must connect all main entrances on the site, and provide connections to other areas of the site used by building occupants, including parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. Pedestrian connections to public sidewalks may substitute for internal connections for main entrances that are within 10 feet of a public sidewalk.
- c. Large site pedestrian connectivity. Sites that are 5 acres or more in size must provide pedestrian connections through the site that are no further apart than 330 feet as measured from the centerline of each connection. Pedestrian connections must provide connectivity to all streets that abut the site. Portions of sites that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, have existing large buildings that prevent this standard from being met, or have slopes with an average slope of 20 percent or greater are exempt from this standard.

## 2. Materials.

- a. The circulation system must be hard-surfaced, and be at least 6 feet wide.
- b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
- c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

- 3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

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## Commentary

### 33.130.242 Transit Street Main Entrance

A significant change to this section is expansion of transit street main entrance requirements to multi-dwelling structures, in addition to its current applicability to non-residential uses. New requirements call for one main entrance to a multi-dwelling structure to meet transit street main entrance requirements. It also provides an additional option for multi-dwelling structures to have the required main entrance front a courtyard and be within 50 feet of the transit street (as an alternative to the current requirement for 25 feet). This courtyard option allows a continuation of a common type of Portland courtyard apartment building that features main entrances accessed from courtyards, instead of fronting directly onto public sidewalks.

D. Distance between entrances. This new standard requires a minimum of one entrance for every 200' of building frontage. While more frequent entrances than this would provide more active street frontages (and is currently required of multi-tenant buildings close to sidewalks), this standard is intended to accommodate the very broad range of development types built in the commercial/mixed-use zones. Some development types which can be important contributions to mixed-use corridors do not lend themselves to multiple entrances. These include supermarkets and other large format retail (which could incorporate smaller retail spaces to meet the standard), as well as office buildings and other employment-related development. The requirement for one entrance per 200' will be more than is currently required and will be particularly impactful along the lengthy blocks common along corridors in Eastern and Western parts of Portland and in some inner neighborhoods.

**33.130.242 Transit Street Main Entrance**

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Applicability.**
1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, or residential use in a multi-dwelling structure, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;
  2. Houses, attached houses, manufactured homes, and duplexes. Houses, attached houses, manufactured homes, and duplexes must meet the standards of 33.130.250.C, Residential Main Entrance, instead of the requirements of this section.
- C. Location.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:
1. Be within 25 feet of the transit street;
  2. Allow pedestrians to both enter and exit the building; and
  3. Meet one of the following:
    - a. Face the transit street;
    - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-13; or
    - c. If it is an entrance to a multi-dwelling structure:
      - (1) Face a courtyard that is adjacent to the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
      - (2) Be within 50 feet of the transit street.
- D. Distance between entrances.** For portions of a building with any nonresidential uses within the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.

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## Commentary

### **33.130.242 Transit Street Main Entrance (continued)**

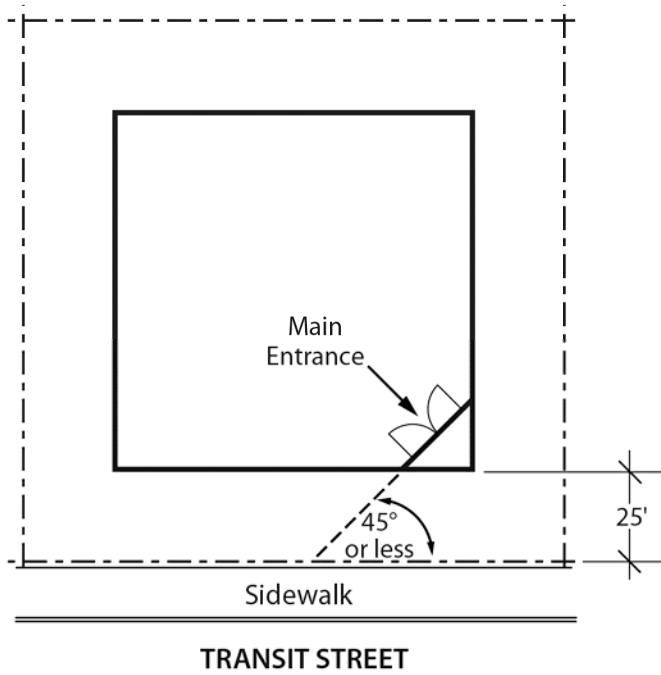
E. Unlocked during regular business hours. Language is added to indicate that this requirement only applies to nonresidential uses.

### **Figure 130-13 (former 130-6)**

No change.

- E. **Unlocked during regular business hours.** Each main entrance to nonresidential uses that meets the standards of Subsection C and D must be unlocked during regular business hours.

**Figure 130-13  
Transit Street Main Entrance**



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## Commentary

### 33.130.245 Exterior Display, Storage, and Work Activities

This section is being changed to expanded allowances for the exterior display of goods in commercial/mixed use zones. Exterior display of goods is currently limited in most commercial/mixed use zones. Most zones allow only display of plants and produce, while the CG allows exterior display of goods only if set behind landscaping. Flexibility for exterior display of merchandise can help contribute to vibrant pedestrian environments and support the vitality of businesses. Exterior merchandising such as vendor stalls and kiosks can also provide low-cost business opportunities, which can be particularly helpful for enabling lower-income people to establish retail businesses (much as food carts have reduced barriers for establishing food-related businesses). This concept primarily concerns exterior display on private property and any exterior display would need to preserve required clear areas on sidewalks for pedestrian passage. Along with expansion of allowances for the exterior display of goods, this section now includes requirements for five-foot deep landscaped screening along lot lines adjacent to residential zones.



*Exterior display of merchandise  
(historic example).*

The exterior work activities subsection is being amended to prohibit auto-oriented exterior work activities within 50-feet of lot lines abutting or across a local service street from a residential zone. This is derived from Buffer (b) Overlay provisions that apply in mapped areas adjacent to residentially-zoned areas, but would apply this prohibition whenever commercial/mixed use zoning is adjacent to residential zoning. Staff anticipates that this amendment, together with requirements in this and other Chapter 33-130 sections (such as requirements for screening landscaping and prohibition of drive-through facilities adjacent to residential zoning [see 33.130.260]), will replace the Buffer Overlay where it is mapped in the commercial/mixed use zones.

No substantial changes to other subsections, other than minor text edits in paragraph E (Other exterior activities), for which reference to plant nurseries has been deleted in conjunction with adding "propagation and sale of plants" to paragraph D.

**33.130.245 Exterior Display, Storage, and Work Activities**

**A. Purpose.** The standards of this section are intended to assure that exterior display, storage, and work activities:

- Will be consistent with the desired character of the zone;
- Will not be a detriment to the overall appearance of a commercial/mixed use area;
- Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- Will not have an adverse impact on the environment.

**B. Exterior display.**

1. CM1, CM2, CM3, and CX zones. Exterior display of goods is allowed except for the display of motor vehicles, motor vehicle parts and supplies, building materials, and uses in the Industrial categories.
2. CE zone. Exterior display of goods is allowed except for uses in the Industrial categories. Exterior display areas for motor vehicles and trailers must be set back at least 5 feet from street lot lines and be landscaped to at least the L1 standard.
3. Exterior display landscape screening abutting R zones. Exterior display areas must be set back at least 5 feet from lot lines abutting R zones and be landscaped to at least the L3 standard.

**C. Exterior storage.**

1. Exterior storage is not allowed in the CM1, CM2, CM3, and CX zones.
2. Exterior storage is allowed in the CE zone if the storage area complies with the standards of this paragraph. Exterior storage is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. All exterior storage areas must be set back 5 feet from nonstreet lot lines and 10 feet from street lot lines, with the setback area landscaped to at least the L3 standard.

**D. Exterior work activities.** Exterior work activities are prohibited in the commercial/mixed use zones except for the propagation and sale of plants, sales of motor vehicle fuels, and car washes, which are allowed. Exterior work activities related to sales of motor vehicle fuels and car washes are prohibited within 50 feet of a lot line that abuts a residential zone or a lot line that is across a local service street from a residential zone.

**E. Other exterior activities.** The following exterior activities are allowed in the commercial/mixed use zones: outdoor eating areas, entertainment and recreation activities that are commonly performed outside, and outdoor markets and vendor stalls.

**F. Paving.** All exterior display and storage areas, except for plant nurseries, must be paved.



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## **Commentary**

### **33.130.250 General Requirements for Residential and Mixed-Use Development**

No substantive changes to sections on this page, except that the order of the section paragraphs have been changed for clarity.

### 33.130.250 General Requirements for Residential and Mixed-Use Developments

**A. Generally.** Except as specified in this section, all development—residential, mixed-use, and nonresidential—must meet the other development standards for the zone such as height, setbacks, and building coverage.

**B. Street-facing facades.**

1. Purpose. This standard:

- Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. Where this standard applies. The standard of this subsection applies to the street-facing facades of buildings in commercial/mixed use zones where any of the floor area is in Residential uses. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

3. The standard. At least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and facing the street lot line.

4. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet the requirements of this subsection.

**C. Residential main entrance.**

1. Purpose. These standards:

- Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence;

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## Commentary

### **33.130.250 General Requirements for Residential and Mixed-Use Development (continued)**

No substantive changes to sections on this page, except that the order of the section paragraphs have been changed for clarity.

- Ensure a connection to the public realm for development of lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

2. Where these standards apply.

- The standards of this subsection apply to houses, attached houses, manufactured homes, and duplexes in the commercial/mixed use zones.
- Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.
- On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street lot line, the applicant may choose on which frontage to meet the standards.
- Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Location. At least one main entrance for each structure must:

- Be within 8 feet of the longest street-facing wall of the structure; and
- Either:
  - Face the street, See Figure 130-14;
  - Be at an angle of up to 45 degrees from the street; or
  - Open onto a porch. See Figure 130-15. The porch must:
    - Be at least 25 square feet in area;
    - Have at least one entrance facing the street; and
    - Have a roof that is:
      - No more than 12 feet above the floor of the porch; and
      - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.

4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

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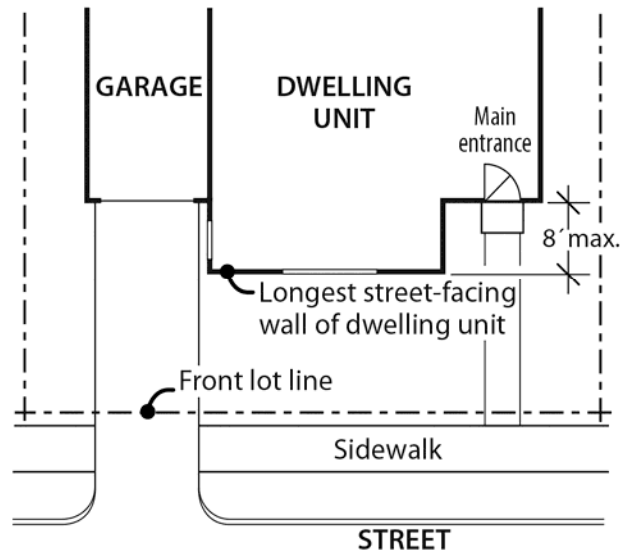
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## Commentary

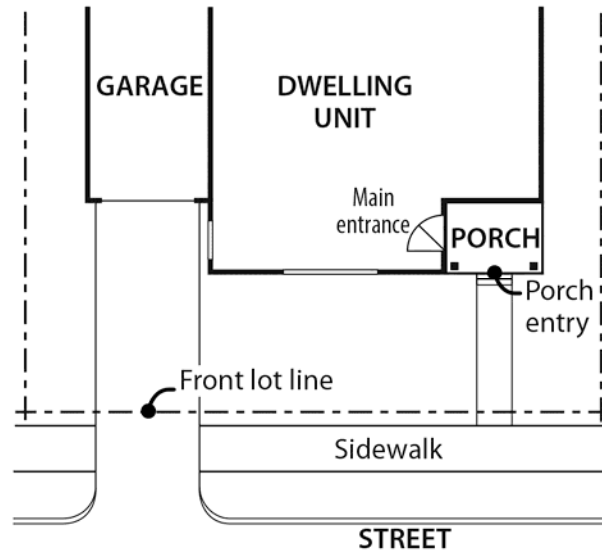
### **33.130.250 General Requirements for Residential and Mixed-Use Development (continued)**

No changes to figures on this page.

**Figure 130-14**  
**Main Entrance Facing the Street**



**Figure 130-15**  
**Main Entrance Opening Onto a Porch**



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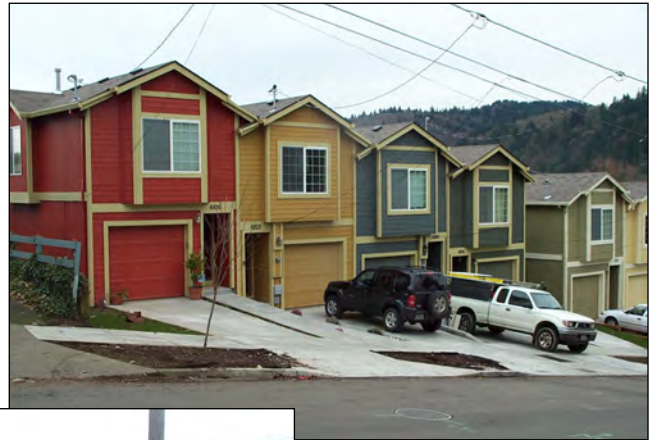
## Commentary

### 33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

D.3. Length of street-facing garage wall. This subparagraph is being changed to eliminate the exemption that currently allows narrow lots (less than 24 feet wide - such as for rowhouses and narrow-lot detached houses) to have street-facing garages. The new code language is based regulations that currently apply in the single-dwelling zones. The new regulations promote pedestrian-friendly street frontages and fewer front driveways, reflecting policies for fostering a strong pedestrian orientation in areas with commercial/mixed use zoning, such as centers and corridors.

No changes to other subparagraphs on this page.

*Code amendments would prevent front garages from being the predominant ground-level features of narrow detached or attached houses (as in example to right) to minimize disruptions to the pedestrian environment. Parking garages can be to the rear (as below), or in front if occupying no more than 50 percent of facades.*



**D. Garages.****1. Purpose. These standards:**

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk;
- Enhance public safety by preventing garages from blocking views of the street from inside the residence;
- Prevent cars from overhanging the street or sidewalk; and
- Provide for adequate visibility for a driver backing out of a garage.

**2. Where these standards apply. The requirements of Paragraphs D.3, D.4 and D.5, below, apply to houses, manufactured homes, and duplexes. The requirements of Paragraphs D.4 and D.5, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.**

**3. Length of street-facing garage wall.**

- a. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 130-16. For duplexes, this standard applies to the total length of the street-facing façades. For all other lots and structures, the standards apply to the street-facing façade of each unit.
- b. Where the street-facing façade is less than 22 feet long, an attached garage facing the street is not allowed as part of that façade.



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## Commentary

### **33.130.250 General Requirements for Residential and Mixed-Use Development (continued)**

No changes to this page, except that paragraph F has been moved from near the front of the section.

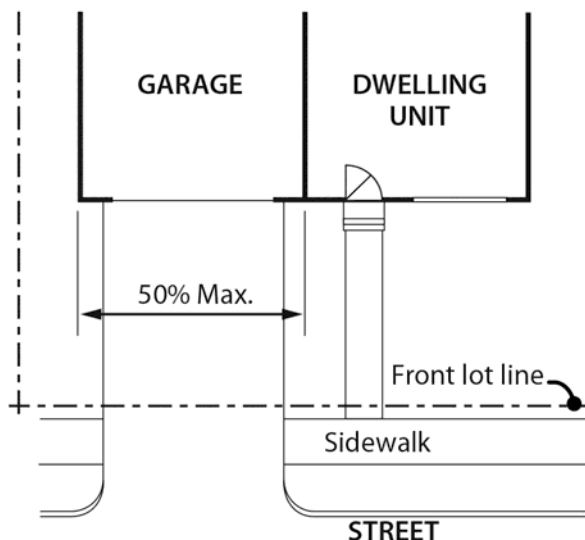
4. Street lot line setbacks.

- a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 130-17.
- b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
  - (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and
  - (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 130-18. The porch must meet the following:
    - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
    - The porch must have a solid roof; and
    - The roof may not be more than 12 feet above the floor of the porch.
- c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.

5. Garage entrance setback. The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

**E. Permit-Ready houses.** Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.

**Figure 130-16**  
**Length of Street Facing Garage Wall**



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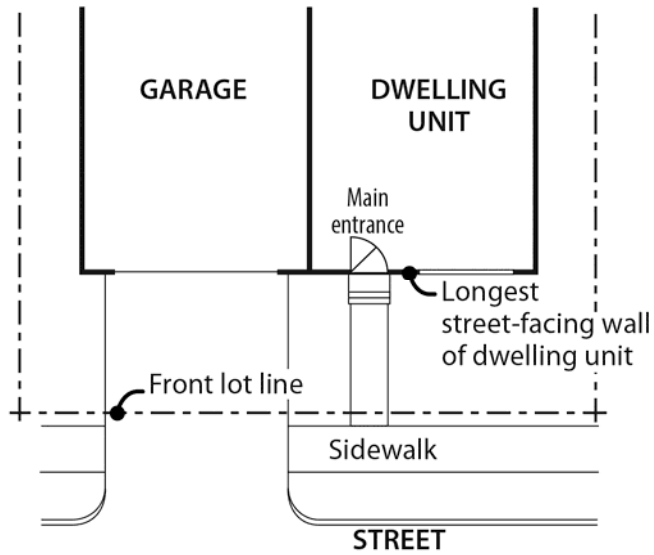
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## Commentary

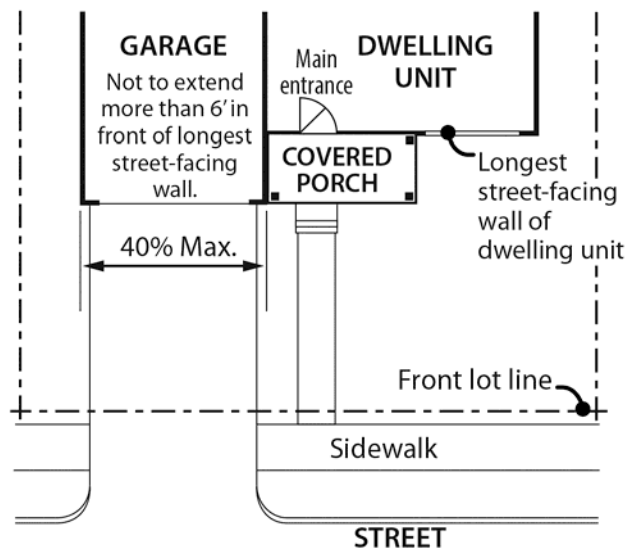
### **33.130.250 General Requirements for Residential and Mixed-Use Development (continued)**

No change to the figures on this page.

**Figure 130-17  
Street Lot Line Setback**



**Figure 130-18  
Garage Front Setback Exception**



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## Commentary

### **33.130.255 Trucks and Equipment**

No change.

**33.130.255 Trucks and Equipment**

- A. Purpose.** The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the commercial/mixed use zones and to limit adverse effects on adjacent residential lands.
- B. Truck and equipment parking standards.** The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site which occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.
1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all C zone areas that comply with the development standards for parking areas.
  2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all C zones. The parking of all other medium trucks and similar equipment is allowed only in the CE and CM3 zone. Truck parking areas must comply with the development standards for auto parking areas.
  3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any commercial zone.

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## Commentary

### 33.130.260 Drive-Through Facilities

This section is being changed to provide allow existing drive through facilities in the CM2 and CM3 zones to be rebuilt when located on major streets. New drive through facilities in the CM2 and CM3 zones, as well as in the CM1 would remain prohibited, as is currently the case in the comparable existing zones (CN1, CO1, CO2, CM, CS, and CX). This allowance for the rebuilding of existing drive through facilities is intended to allow for the improvement of existing development, which would otherwise be regulated as non-conforming development, limiting the ability to rebuild or update facilities with this status. Continuing to prohibit new drive through facilities in these zones supports the intent of these zones in fostering development that contributes to creating pedestrian-oriented places.

In the CM2 and CM3, when drive through facilities are rebuilt, they must meet the standards of Chapter 33.130 and Chapter 33.224. In the CM3 zone, drive-through facilities can only be rebuilt as part of urban-scale development (minimum FAR of 1:1) to respond to the intended urban scale of this zone. Currently, redevelopment would mean the loss of non-conforming drive-through facilities, which can be a disincentive to redevelopment in some situations. This regulatory approach is based on a current regulation in the Hollywood Plan District.

The CE zone will continue existing CG-zone allowances for drive-through facilities, except that such facilities will be prohibited within 50-feet of lot lines abutting or across a local service street from a residential zone. This prohibition would serve together with other Chapter 33.130 regulations as a replacement to Buffer (b) Overlay provisions that apply in some mapped areas adjacent to residentially-zoned areas. These new regulatory approaches will apply consistently whenever commercial/mixed use zoning is adjacent to residential zoning. Other new regulations providing a transition between commercial/mixed use zoning and residential zoning are requirements for:

- Height step downs (33.130.210.C.2),
- Landscaped setbacks (33.130.215.B.2.b),
- Required transition approaches across local service streets (33.130.215.B.1b), and
- Limitations on exterior display and work activities (33.130.245).

In conjunction with these amendments, staff anticipates that the Buffer Overlay will be removed from the commercial/mixed use zones.

### 33.130.265 Detached Accessory Structures

No change to the existing regulations on this page.

**33.130.260 Drive-Through Facilities**

Drive-through facilities are allowed in the zones which are intended for auto accommodating development. Existing facilities in other commercial/mixed use zones may be rebuilt when certain conditions are met or when they are part of a redevelopment that includes a significant amount of new floor area. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

- A. CM1, CM2, CM3, and CX zones.** Drive-through facilities are prohibited in the CM1, CM2, CM3, and CX zones. In the CM2 and CM3 zones, a nonconforming drive-through facility can be demolished and rebuilt when all of the following are met:
  1. The nonconforming drive-through facility operations have not been interrupted for more than a 2 year period;
  2. The site is adjacent to a Major City Traffic Street or District Collector as designated by the Transportation Element of the Comprehensive Plan; and
  3. In the CM3 zone, the rebuilt drive-through will be part of a development on the site that has a minimum FAR of 1 to 1.
- B. CE zone.** Drive-through facilities are allowed in the CE zone, except as follows:
  1. Drive-through facilities are prohibited within 50 feet of a lot line that abuts a residential zone; and
  2. Drive-through facilities are prohibited within 50 feet of a lot line that is across a local service street from a residential zone.

**33.130.265 Detached Accessory Structures**

- A. Purpose.** These standards are intended to maintain separation and privacy to abutting residential zoned lots from nonresidential development.
- B. General standards.**
  1. The regulations of this section apply only to detached accessory structures on sites with non-residential uses. For sites where all of the floor area is in residential use, detached accessory structures are subject to the standards of Section 33.120.280. Detached garages are also subject to the standards of 33.130.250, General Requirements for Residential and Mixed Use Developments.
  2. The height and building coverage standards of the base zone apply to detached accessory structures.



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## Commentary

### **33.130.265 Detached Accessory Structures (continued)**

The primary change to this section is removal of covered decks and recreation structures from the paragraph indicating that covered structures are subject to the setbacks for buildings. This responds to the fact that no setback is required for buildings up to 15 feet tall (see 33.130.215.B.2.b), but this exemption is only allowed for buildings that are fully enclosed. Covered detached decks (or similar unenclosed covered structures) will not be allowed within required setbacks, which in the commercial/mixed use zones apply primarily adjacent to residential zones to provide for landscaped screening as a buffer. This treats covered detached decks the same way as covered decks that are attached to buildings, which are not allowed within required setbacks. Uncovered decks (both attached and detached) are allowed within setbacks because their lesser visual impact, but not within 5 feet of a lot line abutting most residential zones to allow for some landscaped screening.

### **33.130.270 Fences**

No change.

**C. Setbacks.**

1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a required setback, but can be no closer than 5 feet to a lot line abutting an RF through RH zoned lot.
2. Covered structures.
  - a. Covered structures such as storage buildings, greenhouses, and work sheds are subject to the setbacks for buildings.
  - b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks for abutting a residential zone.
  - c. See Section 33.130.250, General Requirements for Residential and Mixed-Use Developments, for additional requirements for garages that are accessory to residential development.

**33.130.270 Fences**

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
  1. Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:
    - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
    - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
  2. Fences abutting other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.
  3. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 is the same as the regular height limits of the zone.
- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

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## Commentary

### **33.130.275 Demolitions**

No change.

### **33.130.285 Nonconforming Development**

No change.

### **33.130.290 Parking, Loading, and Transportation Demand Management**

Changed to include references to the new Transportation Demand Management (TDM) requirements proposed in 33.266. Development in Commercial Mixed Use zones that includes more than 10 residential units will be subject to TDM requirements.

### **33.130.292 Street and Pedestrian Connections**

This new sections provides a reference to Title 17 requirements for street and pedestrian/bicycle connections, which are administered by the Bureau of Transportation. Staff anticipates that a future project will strengthen Title 17 requirements for street connectivity and conformance with adopted street plans, which is of particular concern in centers in areas such as East Portland that lack good street and pedestrian connectivity.

### **33.130.295 Signs**

No change.

### **33.130.305 Superblock Requirements**

No substantive change.

### **33.130.310 Recycling Areas**

No change.

**33.130.275 Demolitions**

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.
- C. CX zone landscaping.** In the CX zone, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

**33.130.285 Nonconforming Development**

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

**33.130.290 Parking, Loading, and Transportation Demand Management**

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and landscaping, and requirements for transportation demand management are stated in Chapter 33.266, Parking, Loading, and Transportation Demand Management.

**33.130.292 Street and Pedestrian Connections**

Requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

**33.130.295 Signs**

The sign regulations are stated in Title 32, Signs and Related Regulations.

**33.130.305 Superblock Requirements**

Development in the CM2, CM3, CE, and CX zones which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

**33.130.310 Recycling Areas**

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

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## Commentary

### **Map 130-1**

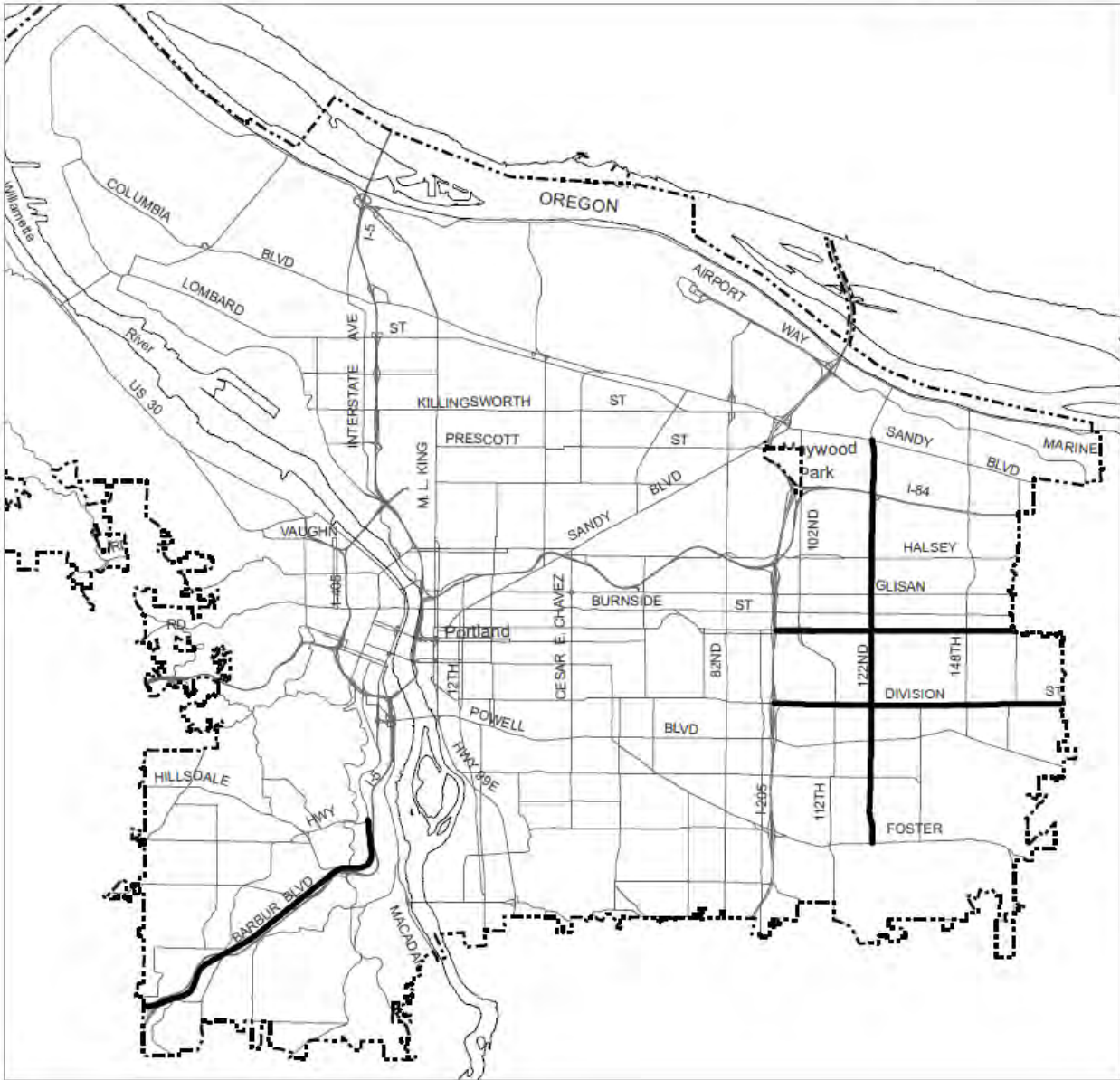
This map shows Civic Corridors where adjacent properties have a requirement for minimum 10-foot setbacks from street lot lines (see 33.130.215.B.1). This street setback requirement is applied to Civic Corridors in the Eastern and Western pattern areas (see Map 130-2).

# Civic Corridors with Required Setbacks

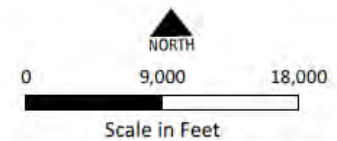
# DRAFT

# Map 130-1

Map Revised XXXX XX, XXXX



- City Boundary
- Civic Corridors where minimum 10-foot setbacks are required from street lot lines



Bureau of Planning and Sustainability  
Portland, Oregon

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## Commentary

### Map 130-2

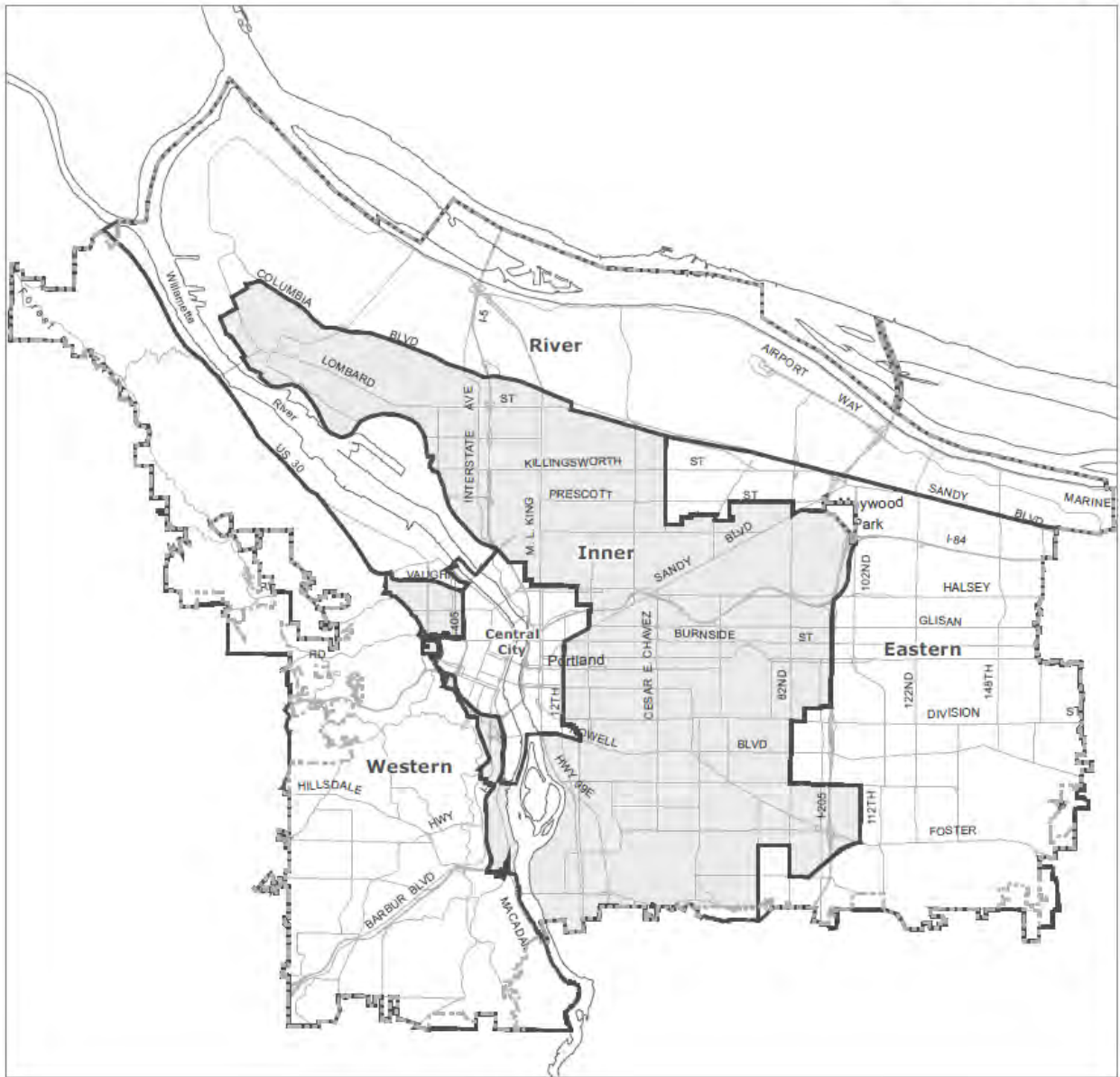
This map shows the location of the Inner, Eastern, Western, and River pattern areas. Building coverage and landscaped area requirements will vary based on pattern area (see Table 130-2). See the [Urban Form Background Report](#) for more on the neighborhood pattern areas, including information and mapping related to the lot and block patterns and other built and natural characteristics that distinguish the pattern areas.

# Pattern Areas

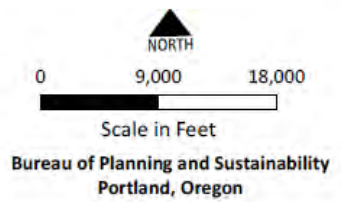
# DRAFT

# Map 130-2

Map Revised Xxxx xx, xxxx



----- City Boundary  
———— Pattern Area Boundaries





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## Commentary

### **33.266 Parking, Loading, and Transportation Demand Management**

This is an amendment to an existing code chapter. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

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## Commentary

### 33.266 PARKING, LOADING, AND TRANSPORTATION DEMAND MANAGEMENT

Chapter 33.266 is amended to reference the new Commercial/Mixed Use zones in the regulations and delete references to most existing Commercial zones. The chapter is further amended to include requirements for Transportation Demand Management.

#### **Sections:**

The changes add the new Transportation Demand Management requirements to the list of sections.

#### **33.266.010 Introduction**

The changes add text to include the new requirements for Transportation Demand Management plans.

## **CHAPTER 33.266 PARKING, AND LOADING, AND TRANSPORTATION DEMAND MANAGEMENT**

# 266

### Sections:

33.266.010 Introduction

### Motor Vehicle Parking

- 33.266.100 General Regulations
- 33.266.110 Minimum Required Parking Spaces
- 33.266.115 Maximum Allowed Parking Spaces
- 33.266.120 Development Standards for Houses and Duplexes
- 33.266.130 Development Standards for All Other Development
- 33.266.140 Stacked Parking Areas
- 33.266.150 Vehicles in Residential Zones

### Bicycle Parking

- 33.266.200 Purpose
- 33.266.210 Required Bicycle Parking
- 33.266.220 Bicycle Parking Standards

### Loading

- 33.266.310 Loading Standards

### Transportation and Parking Demand Management

- 33.266.410 Transportation and Parking Demand Management
- 33.266.420 Transportation Impact Review in the Campus Institutional Zones

### **33.266.010 Introduction**

This chapter establishes the standards for the amount, location, and development of motor vehicle parking, standards for bicycle parking, ~~and~~ standards for on-site loading areas, and requirements for transportation and parking demand management. Other titles of the City Code may regulate other aspects of parking and loading.

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## Commentary

### **33.266.100 General Regulations**

No change.

## Motor Vehicle Parking

### 33.266.100 General Regulations

- A. Where the regulations apply.** The regulations of this chapter apply to all parking areas in all zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride facility in the Community Services use category.
- B. Occupancy.** All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Chapter 33.248, Landscaping and Screening.
- C. Calculations of amounts of required and allowed parking.**
1. The number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.3., below. When there are two or more separate primary uses on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual primary uses. For joint use parking, see Paragraph 33.266.110.B., below.
  2. When more than 20 percent of the net building area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area. The required or allowed parking would be computed separately for the office and warehouse uses.
  3. If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.
  4. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.
- D. Use of required parking spaces.** Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. See 33.266.110.B. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

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## Commentary

### **33.266.100.E Proximity of parking to use**

This change is made to allow additional flexibility for the location of any required parking spaces.

- E. Proximity of parking to use.** Required parking spaces for residential uses must be located on the site of the use or within a shared court parking tract owned in common by all the owners of the properties that will use the tract. On-street parking within a private street-tract other than a shared court does not count towards this requirement. Required parking spaces for nonresidential uses must be located on the site of the use or in parking areas whose closest point is within 500 feet of the site.
- F. Stacked parking.** Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.
- G. Bureau of Transportation review.** The Bureau of Transportation reviews the layout of parking areas for compliance with the curb cut and access restrictions of Section 17.28.110, Driveways – Permits and Conditions.



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## Commentary

### **33.266.110. B Minimum number of required parking spaces.**

This section is being rewritten to be clearer about when parking is not required, and under what circumstances parking is required. The section identifies two basic groups of sites: 1) those close to transit, and 2) those far from transit.

**33.266.110.B.1** This section addresses sites close to transit. Close to transit is defined as sites located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak-hour service. For these sites parking is not required, except for developments with over 30 residential units. This regulation is the same as the current regulation for sites that are well-served by transit.

**33.266.110.B.2** This section addresses sites far from transit. Far from transit is defined as sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak-hour service. For these sites, parking is generally required as stated in Table 266-1 and at levels stated in Table 266-2. This is consistent with the current approach to parking. An exception is made to the parking requirements for development on small sites 7500 square feet or less in size in the CM1, CM2, CM3 and CE zones. These sites would be exempt from parking requirements, except for developments with over 30 residential units. See Table 266-1 and related commentary for additional information on this exception.

These new provisions provide clarity about the locations and types of sites where parking is required or exempted.

**33.266.110 Minimum Required Parking Spaces**

- A. Purpose.** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Multi-dwelling development that includes a large number of units may require some parking to support existing and future uses in the area and serve residents and guests, especially those with disabilities. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.
- B. Minimum number of required parking spaces ~~required~~.**
1. Minimum for sites located close to transit. For sites located 1500 feet or less from a transit station, or 500 feet or less than from a transit street with 20-minute peak hour service the following minimum parking requirements apply. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds:
    - a. Household Living uses. The minimum number of required parking spaces for sites with Household Living uses is:
      - (1) Where there are up to 30 dwelling units on the site, no parking is required;
      - (2) Where there are 31 to 40 dwelling units on the site, the minimum number of required parking spaces is 0.20 spaces per dwelling unit;
      - (3) Where there are 41 to 50 dwelling units on the site, the minimum number of required parking spaces is 0.25 spaces per dwelling unit; and
      - (4) Where there are 51 or more dwelling units on the site, the minimum number of required parking spaces is 0.33 spaces per dwelling unit.
    - b. All other uses. No parking is required for all other uses.
  2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service the minimum number of parking spaces required is stated in Table 266-1.

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## Commentary

**33.266.110.B Minimum number of required parking spaces - continued.**  
Continued

**33.266.110.C Required Carpool parking spaces.**  
Minor edit of this section.

- ~~1.~~ The minimum number of parking spaces for all zones is stated in Table 266-1. Table 266-2 states the required number of spaces for use categories. The standards of Tables 266-1 and 266-2 apply unless specifically superseded by other portions of the City Code.
- ~~23.~~ Joint use parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed only if the uses and housing types to which the parking is accessory are allowed in the zone where the parking is located. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to BDS as part of a building or zoning permit application or land use review:
- a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
  - b. The location and number of parking spaces that are being shared;
  - c. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
  - d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- C. **Required ~~C~~carpool parking spaces.** For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:
1. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.
  2. The spaces ~~must~~ will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.
  3. Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.

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## Commentary

### **33.266.110.D Minimum for sites well served by transit.**

This section is being replaced by the rewrite of this section and the provisions in sections 33.266.110.B.1 and B.2.

### **33.266.110.E**

Renumbered to 266.110.D. No substantive change.

~~D. Minimum for sites well served by transit.~~ For sites located less than 1500 feet from a transit station or less than 500 feet from a transit street with 20-minute peak hour service, the minimum parking requirement standards of this subsection apply. Applicants meeting these standards must provide a map identifying the site and TriMet schedules for all transit routes within 500 feet of the site. The minimum number of parking spaces is:

- ~~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.~~~~
- ~~2. All other uses. No parking is required for all other uses.~~

**DE. Exceptions to the minimum number of parking spaces.**

1. The minimum number of required parking spaces may not be reduced by more than 50 percent through the exceptions of this subsection. The 50 percent limit applies cumulatively to all exceptions in this subsection.
2. Exceptions for sites where trees are preserved. Minimum parking may be reduced by one parking space for each tree 12 inches in diameter and larger that is preserved. A maximum of 2 parking spaces or 10 percent of the total required may be reduced, whichever is greater. However, required parking may not be reduced below 4 parking spaces under this provision.
3. Bicycle parking may substitute for up to 25 percent of required parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.
4. Substitution of transit-supportive plazas for required parking. A transit-supportive plaza may substitute for up to 10 percent of the required parking on sites where at least 20 parking spaces are required, and where at least one street lot line abuts a transit street may substitute transit-supportive plazas for required parking, as follows. Existing parking areas may be converted to take advantage of these provisions. The plaza must meet the following regulations. Adjustments to the regulations of this paragraph are prohibited:
  - ~~a. Transit-supportive plazas may be substituted for up to 10 percent of the required parking spaces on the site;~~
  - a. The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop;
  - b. The plaza must be at least 300 square feet in area and be shaped so that a 10-foot x 10-foot square will fit entirely in the plaza;

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## Commentary

### **33.266.110.E.7**

These changes are requested by PBOT. This provision clarifies when a bike sharing station may substitute for required parking. The only bike-sharing system eligible to qualify for this parking reduction is operated by a firm sanctioned by the City of Portland. A development using this provision must provide an on-site docking station that is part of the system operated or sanctioned by the City of Portland.

- c. The plaza must be open to the public. The owner must record a public access easement that allows public access to the plaza; and
- d. The plaza must include all of the following elements:
- ~~(1) A plaza open to the public. The owner must record a public access easement that allows public access to the plaza;~~
  - (21) A bench or other sitting area with at least 5 linear feet of seating;
  - (32) A shelter or other weather protection ~~that. The shelter must covers~~ at least 20 square feet. If the plaza is adjacent to the bus stop, TriMet must approve the shelter; and
  - (43) Landscaping. At least 10 percent, but not more than 25 percent of the transit-supportive plaza must be landscaped to the L1 standard of Chapter 33.248, Landscaping and Screening. This landscaping is in addition to any other landscaping or screening required for parking areas by the Zoning Code.
5. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.
6. ~~Substitution of car-sharing spaces for required parking. Car-sharing parking spaces may substitute~~ Substitution of car-sharing spaces for required parking is allowed if all of the following are met:
- a. For every car-sharing parking space that is provided, the motor vehicle parking requirement is reduced by two spaces, up to a maximum of 25 percent of the required parking spaces;
  - b. The car-sharing parking spaces must be shown on the building plans; and
  - c. A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.
7. ~~Substitution of bike sharing facility for required parking. Substitution of a bike sharing facility~~ City of Portland bike-sharing stations may substitute for required parking is ~~allowed~~ if all of the following are met:
- a. A City of Portland bike-sharing station providing 15 docks and ~~eight~~10 shared bicycles reduces the motor vehicle parking requirement by ~~three~~3 spaces. The provision of each addition of ~~four~~4 docks and ~~two~~2 shared bicycles reduces the motor vehicle parking requirement by an additional space, up to a maximum of 25 percent of the required parking spaces;
  - b. The bike-sharing facility station must be adjacent to, and visible from the street, and must be publicly accessible;
  - c. The bike-sharing facility station must be shown on the building plans; and



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## Commentary

### **33.266.110.E.8**

Economic modeling indicated that required parking may have a negative effect on the provision of affordable housing through the incentive/bonus for public benefits. This provision exempts affordable housing units built on-site using the affordable housing bonus or planned development bonus from the required parking calculations. For example, if a development is allowed additional floor area that results in 16 additional units, and based on the bonus requirements 4 of the units must be affordable, then the parking requirements are based on 12 units. Affordable housing units built within the base floor area allowance would still be subject to standard parking calculations and requirements.

- d. ~~Bike sharing agreement.~~
- ~~(1) The property owner must have a bike sharing agreement with a bike sharing company;~~
  - ~~(2) The bike sharing agreement must be approved by the Portland Bureau of Transportation; and~~
  - ~~(3) A copy of the signed agreement between the property owner and the bike-sharing company, accompanied by a letter of approval from the Portland Bureau of Transportation, must be submitted before the building permit is approved.~~
8. Parking is not required for affordable dwelling units built under the provisions of Subsection 33.130.212.C., Affordable housing bonus, or Subsection 33.130.212.G., Planned Development bonus.

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## Commentary

### Table 266-1

Changes to this table reflect changes to the new Commercial Mixed Use zoning designations and indicate the applicable parking standards.

As noted previously in commentary for 33.266.110.B.2, for sites far from transit parking is required in the *CM1*, *CM2*, *CM3* and *CE* zones as required in Table 266-1 at the levels stated in Table 266-2.

However, an exception is made to the parking requirements for development on small sites or with a limited amount of floor area. Sites 7,500 square feet in size are proposed to be exempt from parking requirements, except for developments with over 30 residential units. The rationale for this is that parking can be difficult to provide on small sites with commercial uses; many sites of this size are zones *CS*, *CM*, *CN1* or *EX* and are currently developed without parking and would become non-conforming if parking were required. Currently, the zoning code exempts parking in zones such as *CN1*, *CS*, *CM*, *CX*, and *EX*, which are often applied in urban situations on small sites. The *CS*, *CM* and *CN1* parking exempt zones will no longer exist in the new zoning framework. The exemption covers many of the situations where parking would have been exempted by these zones.

<b>Table 266-1 Minimum Required and Maximum Allowed Parking Spaces By Zone [1], [2]</b>	
<b>Zone</b>	<b>Requirement</b>
OS, RF - RH, IR, <del>CN2, CO2,</del> <del>CG,</del> EG, I	Minimum is Standard A in Table 266-2.  Maximum is Standard B in Table 266-2.
<u>CM1, CM2, CM3, CE</u>	<u>Minimum for sites that are 7,500 square feet or less in size: No minimum except for Household Living, which has the following minimums:</u> <u>0 for 1 to 30 units;</u> <u>0.20 per unit for 31-40 units;</u> <u>0.25 per unit for 41-50 units; and</u> <u>0.33 per unit for 51+ units.</u> <u>Minimum for all other sites is Standard A in Table 266-2</u>  <u>Maximum is Standard B in Table 266-2.</u>
EX	<del>No Minimum—None, except for:</del> <u>Household Living, which has the following minimums: of</u> <u>0 for 1 to 3 units;</u> <u>1 per 2 units for four+ units;</u> and <u>SROs are exempt.</u>  Maximum is Standard A in Table 266-2, except: 1) Retail, personal service, repair-oriented - Maximum is 1 per 200 sq. ft. of net building area. 2) Restaurants and bars - Maximum is 1 per 75 sq. ft. of net building area. 3) General office – Maximum is 1 per 400 sq. ft. of net building area. 4) Medical/Dental office – Maximum is 1 per 330 sq. ft. of net building area.
<del>CN1</del>	<del>Minimum—None.</del> <del>Maximum of 1 space per 2,500 sq. ft. of site area.</del>
<del>CM, CS, RX, CX, CO1</del>	<del>No Minimum—None, except for:</del> <u>Household Living, which has the following minimums: of</u> <u>0 for 1 to 30 units;</u> <u>0.2 per unit for 31-40 units;</u> <u>0.25 per unit for 41-50 units;</u> and <u>0.33 per unit for 51+ units.</u>  Maximum is Standard B in Table 266-2.

[1] Regulations in a plan district or overlay zone may supersede the standards of this table.

[2] Uses subject to a Conditional Use or Impact Mitigation Plan review may establish different parking minimum and maximum requirements through the review.

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## Commentary

### Table 266-2

A maximum parking ratio standard for Household living uses is proposed for sites in the Commercial Mixed Use zones that are located close to transit. The purpose of the maximum is to prevent oversupply of surface parking for housing in mixed use areas and to establish an upper limit on the amount of parking that may be provided as Accessory Parking or Commercial Parking in new provisions of 33.130. Staff proposes to exempt houses, attached houses and duplexes from the maximum parking ratio so that garages and parking in driveways in front of garages is not eliminated as a possibility for those housing types.

The actual parking ratios for recent multi-dwelling developments in mixed use zones generally ranges from zero (for small projects in areas well served by transit) to roughly one space per unit, although there are exceptions where parking is provided at higher ratios (the average is 0.5:1). The 1.35 per unit ratio is similar to the maximums currently allowed in the Central City. Sites that are far from transit or in single dwelling or duplex uses would be exempt from this maximum.

**Table 266-2  
Parking Spaces by Use [2]  
(Refer to Table 266-1 to determine which standard applies.)**

Use Categories	Specific Uses	Standard A	Standard B
<b>Residential Categories</b>			
Household Living		1 per unit, except SROs exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units	None, <u>except 1.35 per unit on sites that are both in a commercial/mixed use zone and close to transit as described in 33.266.110.B.1.</u> Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 residents	None
<b>Commercial Categories</b>			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area	1 per 63 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area	1 per 185 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Office	General office	1 per 500 sq. ft. of net building area	1 per 294 sq. ft. of net building area
	Medical/Dental office	1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Commercial Parking		None	None
Self-Service Storage		1 per resident manager’s facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.	2 per resident manager’s facility, plus 5 per leasing office, plus 1 per 67 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats	1 per 5 seats

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## Commentary

### Table 266-2 continued

There are no changes to this part of Table 266-2.

**Table 266-2  
Parking Spaces by Use [2]  
(Refer to Table 266-1 to determine which standard applies.)**

Use Categories	Specific Uses	Standard A	Standard B
<b>Industrial Categories</b>			
Manufacturing And Production		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Warehouse And Freight Movement		1 per 750 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 3,500 sq. ft. of net building area thereafter [1]	1 per 500 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 2,500 sq. ft. of net building area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Waste-Related		See note [2]	See note [2]
<b>Institutional Categories</b>			
Basic Utilities		None	None
Community Service		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Parks And Open Areas		Per CU review for active areas	Per CU review for active areas
Schools	Grade, elementary, middle, junior high	1 per classroom	1.5 per classroom
	High school	7 per classroom	10.5 per classroom
Medical Centers		1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area
Colleges		1 per 600 sq. ft. of net building area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 400 sq. ft. of net building area exclusive of dormitories, plus 1 per 2.6 dorm rooms
Religious Institutions		1 per 100 sq. ft. of main assembly area	1 per 67 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of net building area	1 per 330 sq. ft. of net building area



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## Commentary

### Table 266-2 continued

There are no changes to this part of Table 266-2.

### 33.266.115 Maximum Allowed Parking Spaces

No change to code text.

<b>Table 266-2</b> <b>Parking Spaces by Use [2]</b> <b>(Refer to Table 266-1 to determine which standard applies.)</b>			
<b>Other Categories</b>			
Agriculture		None	None
Aviation		See note [2]	See note [2]
Detention Facilities		See note [2]	See note [2]
Mining		See note [2]	See note [2]
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None	None
	Radio or television broadcast facilities	2 per site	None
Rail Lines & Utility Corridors		None	None

Notes:

- [1] For uses in an EG or I zone, if the site size is 5,000 sq. ft. or less, no more than 4 spaces are required. Where the site size is between 5,001 and 10,000 sq. ft., no more than 7 spaces are required.
- [2] Uses subject to a Conditional Use or Impact Mitigation Plan review may establish parking minimum and maximum requirements through the review.

**33.266.115 Maximum Allowed Parking Spaces**

- A. Purpose.** Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.

The maximum ratios in this section vary with the use the parking is accessory to and with the location of the use. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use. Areas that are zoned for more intense development or are easily reached by alternative modes of transportation have lower maximums than areas where less intense development is anticipated or where transit service is less frequent. In particular, higher maximums are appropriate in areas that are more than a 1/4 mile walk from a frequently served bus stop or more than a 1/2 mile walk from a frequently served Transit Station.

- B. Maximum number of parking spaces allowed.** Regulations in a plan district or overlay zone may supersede the regulations in this subsection.
  1. Surface parking. Where more than 25 percent of the parking accessory to a use is on surface parking lots, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:
    - a. Generally. The maximum number of parking spaces allowed is stated in Tables 266-1 and 266-2, except as specified in subsection B.1.b. below;

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## Commentary

### **33.266.115 Maximum Allowed Parking Spaces - continued**

No change to code text.

### **33.266.120 Development Standards for Houses and Duplexes**

The text of this section is omitted for brevity because there are no changes to the text of the code.

### **33.266.130 Development Standards for All Other Uses**

There are no changes to code text on this page. Changes in this section are to 33.266.130.C.3.b.

- b. Exception for sites not well served by transit. For sites located more than 1/4 mile from a bus stop with 20-minute peak-hour service and more than 1/2 mile from a Transit Station with 20-minute peak-hour service, the maximum number of parking spaces allowed is 125 percent of the amount stated in Tables 266-1 and 266-2. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. Applicants requesting this exception must provide a map identifying the site and all bus stops and Transit Stations within 1/2 mile of the site and TriMet schedules for all transit routes within 1/2 mile of the site.
- 2. Structured parking. Where 75 percent or more of the parking accessory to a use is in structured parking, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:
  - a. Generally. There is no maximum number of parking spaces, except as provided in sSubparagraph B.2.b., below;
  - b. Parking accessory to Medical Centers and Colleges. The maximum parking allowed that is accessory to Medical Centers and Colleges is stated in Tables 266-1 and 266-2.
- 3. Exception in the EG and I zones. In the EG and I zones, there is no maximum number of accessory parking spaces for either structured or surface parking where both Subparagraphs B.3.a. and b. are met, and either Subparagraph B.3.c. or d. is met:
  - a. The site is at least eight acres in area;
  - b. The site is located more than 1/2 mile from a transit stop or station with 20-minute peak-hour light rail or streetcar service; and
  - c. At least 700 of the accessory parking spaces are in a structure; or
  - d. The structured parking is in a structure with at least three floors, and parking is on at least three floors of the structure.

### **33.266.120 Development Standards for Houses and Duplexes**

[No changes]

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## Commentary

### **33.266.130 Development Standards for All Other Uses**

The purpose statement is revised to clarify that the standards for location and limits on vehicle areas not only affect the amount of street frontage used for vehicle areas, but also have an influence on the locations of buildings along a street.

### 33.266.130 Development Standards for All Other Uses

- A. Purpose.** The development standards promote vehicle areas ~~which~~that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations~~restrictions~~ for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; ~~and~~
- Create an environment that is inviting to pedestrians and transit users;
- Create a strong relationship between buildings and the sidewalk; and
- Create a sense of enclosure on transit and pedestrian street frontages.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

- B. Where these standards apply.** The standards of this section apply to all vehicle areas whether required or excess parking, except for residential parking areas subject to the standards of 33.266.120.

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## Commentary

### **33.266.130.C.3.b Frontage limitation**

This change makes reference to the new array of commercial mixed use zones.  
No substantive change has been made to the regulation.

**C. On-site locations of vehicle areas.**

1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3.
2. Building setbacks for structures that contain vehicle areas.
  - a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.
  - b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.
  - c. Structured parking that does not allow exiting in a forward motion in C, E, or I Zones must be set back 18 feet from the street lot line.
3. Frontage limitation.
  - a. The standard of this subparagraph applies outside the Central City plan district in the R3, R2 and R1 zones. No more than 50 percent of the frontage on a street may be used for vehicle areas. On sites with more than one street frontage, this standard applies to the street with the highest transit designation. If two streets have the same highest transit classification, the applicant may choose on which street to meet the standard. Sites where there is less than 100 square feet of net building area are exempt from this standard.
  - b. The standard of this paragraph applies outside the Central City plan district in the RH, RX, IR, CM1, CM2, CM3, CE, ~~CN, CO, CG, CX~~, EG1, and EX zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.



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## Commentary

### Table 266-3

The table is amended to reflect applicability to the new array of zones.

In the *CM1*, *CM2*, and *CM3* zones on sites less than two acres, parking is not allowed between a building and a street. This is the same standard as in the current *CX* and *EX* zone, and is somewhat less stringent than the current standard in the existing *CS* and *CM* zones, where parking between a building and a street is completely prohibited. The intent is generally to not allow parking in front of buildings. However, the change in language that eliminates the prohibition provides an opportunity to consider special situations through the Adjustment review process if they arise. For sites in the *CE* zone, and larger sites in the *CM1*, *CM2*, and *CM3* zones, the parking location standard is the same as the current *CG* and *CN* zones. The intent is to provide a greater degree of flexibility for parking locations in zones that are intended to be more auto-accommodating (*CE*), and on large sites where there is a higher likelihood of multiple buildings on-site. Sites with multiple buildings may have greater difficulty with more restrictive parking locations.

**D. Improvements.**

1. Paving. In order to control dust and mud, all vehicle areas must be paved. However, some portions of individual parking spaces may be landscaped per the standards of Paragraph F.4, below.
2. Striping. All parking areas, except for stacked parking, must be striped in conformance with the parking dimension standards of Subsection F. below.
3. Protective curbs around landscaping. All perimeter and interior landscaped areas must have protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards, or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers.

<b>Table 266-3 Location of Vehicle Areas [1]</b>			
<b>Zone</b>	<b>General Standard</b>	<b>Exception for Through Lots and Sites with Three Frontages</b>	<b>Exception for Full-Block Sites</b>
<b>OS, RF-R5, R2.5, EG2, I</b>	No restrictions.		
<b>R3, R2, R1, RH, IR, <del>CE, CN, CO, CG</del>, EG1, <u>sites in CM1, CM2, and CM3 that are more than 2 acres in total area</u></b>	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
<b><del>CM, CS</del></b>	<del>Prohibited between a building and any street.</del> {2}	<del>May have vehicle areas between the building and one Local Service Transit Street.</del>	<del>May have vehicle areas between the building and two Local Service Transit Streets.</del>
<b><u>RX, CX, EX, sites in CM1, CM2, and CM3 that are 2 acres or less in total area</u></b>	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:

[1] Driveways that provide a straight-line connection between the street and a parking area inside a building are not subject to these regulations.

~~[2] Existing Development: Where the vehicle area exists, and an existing building is being expanded, the location of vehicle area between the building and any street is not allowed, rather than prohibited.~~

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## Commentary

**33.266.130.E-G Development Standards for All Other Uses**

**33.266.140 Stacked Parking Areas**

**33.266.150 Vehicles in Residential Zones**

**Bicycle Parking**

**33.266.200 Purpose**

**33.266.210 Required Bicycle Parking**

**33.266.220 Bicycle Parking Standards**

**Loading**

**33.266.310 Loading Standards**

No changes are proposed for the code sections on this page. The code has been removed from this draft for brevity.

- E. **Stormwater management.** [No changes]
- F. **Parking area layouts.** [No changes]
- G. **Parking area setbacks and landscaping.** [No changes]

**33.266.140 Stacked Parking Areas**

[No changes]

**33.266.150 Vehicles in Residential Zones**

[No changes]

**Bicycle Parking**

**33.266.200 Purpose**

[No changes]

**33.266.210 Required Bicycle Parking**

[No changes]

**33.266.220 Bicycle Parking Standards**

[No changes]

**Loading**

**33.266.310 Loading Standards**

[No changes]

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## Commentary

### 33.266.410 Purpose

The purpose statement describes the need and rationale for the Transportation and Parking Demand Management (TDM) requirements. TDM plans are intended to increase walking, bicycling, transit, working at home, and other actions to reduce traffic and parking impacts by single-occupant vehicles. TDM can also reduce the need for vehicle ownership and corollary parking demand.

### 33.266.410.B Transportation and parking demand management in the commercial/mixed use zones

These regulations explain the thresholds and procedure for a TDM plan for development in the Commercial/Mixed Use Zones. A TDM plan will be required of developments that include more than 10 residential units. The TDM requirements will allow an applicant/building manager to adopt a pre-approved "off the shelf" TDM plan. As an alternative, an applicant may choose to develop a custom TDM plan through a Transportation Impact Review (see 33.852).

Pre-approved plans and procedures will be adopted prior to the effective date of these regulations. More information about TDM can be found in Section VII of this Proposed Draft Report and the Section 14 of the Proposed Amendments to the Transportation System Plan. In general, pre-approved TDM plans are expected to consist of the following components:

- Education and Information: Education and information about walking, bicycling, and transit non-auto transportation options will be made available to building tenants and employees and displayed in building common areas.
- Multimodal Incentives: Building operators may be required to offer an incentive for transit, bicycling, and walking to tenants and employees; these could include low cost transit passes, car share memberships, bike/walk incentives, or other benefits that can shift travel behavior.
- Reporting: Building operators will be required to provide performance monitoring reports to determine how well strategies are working.

## **Transportation and Parking Demand Management**

### **33.266.410 Transportation and Parking Demand Management**

- A. Purpose.** Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.
- B. Transportation and parking demand management in the commercial/mixed use zones.** In the commercial/mixed use zones, a TDM plan is required when new development or an alteration to existing development results in more than 10 dwelling units on a site. To meet this standard, the applicant must choose one of the following:
1. Go through the Transportation Impact review process set out in chapter 33.852; or
  2. Meet the objective standards of Title 17.106 as verified by the Portland Bureau of Transportation.

### **33.266.420 Transportation Impact Review in the Campus Institutional Zones**

[Placeholder for requirements in Campus Institutional zones]

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## Commentary

## **33.270 Planned Development**

These are amendments to an existing code chapter—33.638, Planned Development. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

This chapter and Chapter 33.855 (Planned Development Review) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of planned development provisions for development proposals that do not involve land divisions. It includes planned development requirements for the Planned Development Bonus (see Chapter 33.130), which allows additional building height and floor area for projects that provide public benefits (affordable housing, publicly-accessible open space, and energy efficient buildings), when approved through a planned development review.



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## Commentary

This chapter and Chapter 33.855 (Planned Development Review) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of planned development provisions for development proposals that do not involve land divisions. It includes new regulations related to the Planned Development bonus, included in the Floor Area and Height Bonus Options in Chapter 33.130 (see 33.130.212.E).

This chapter works in conjunction with Chapter 33.855. This chapter states the regulatory parameters for planned developments (including the requirements for planned developments in the commercial/mixed use zones and additional allowed uses for planned developments other zones), while Chapter 33.855 states the planned development review procedures, supplemental application requirements, and review criteria.

Many of the amendments to this chapter, including changes to the Purpose section, relate to the Planned Development bonus in Chapter 33.130, which is available on large sites (2 or more acres) in some of the commercial/mixed use zones and responds to community input received during Mixed Use Zones Project events. Many community members were open to allowing development on large sites to be larger in scale than what is usually allowed in most areas with commercial/mixed use zoning, especially if there was enough space for a transition in scale to lower-density areas and proposals were subject to design review. It also responds to community interest in linking the provision of additional development potential to the provision of public benefits, especially affordable housing. The Planned Development bonus allows for additional FAR and height in exchange for the provision of affordable housing, public open space, low carbon buildings, and a public review process (for information on the review process and approval criteria, see the commentary and code for Chapter 33.855, Planned Development Review).

Also, in modeling of MUZ development prototypes, it was clear that levels of floor area allowed through commercial/mixed use zone bonuses are difficult to fully utilize on large sites due to circulation, parking, and other requirements that take up site area, in combination with the allowed height limits. The Planned Development bonus provides additional height allowances on large sites in commercial/mixed use zones to more fully utilize bonus floor area, when key bonus provisions that provide public benefits are met and the overall plan is approved through a public review process.

## 33.270638 Planned Development

# 270638

### Sections:

- 33.270638.010 Purpose
- 33.270638.020 Relationship to Other Regulations
- 33.270638.100 Additional Allowed Uses and Development in Single Dwelling Zones
- 33.270638.110 Limitations on Residential Uses and Development
- 33.270.200 Additional Requirements for Planned Developments in Commercial/Mixed Use Zones

### 33.270638.010 Purpose

The Planned Development regulations provide an opportunity for innovative and creative development, while assuring that the development will complement existing neighborhood character. Planned Development provides a master planning mechanism for allowing additional housing types and uses, the transfer of density and floor area to different portions of a site, and across internal zoning boundaries, and bonus floor area and increased height on large sites in commercial/mixed use zones. In this case, the flexibility is allowed when the development includes features that provide public benefits.

These regulations allow flexibility, and in some cases increased intensity of development, beyond that allowed by other chapters of this Title, if the proposed development is well-designed and can be successfully integrated into the neighborhood and provides public benefits. Overall, a Planned Development is intended to promote:

- High quality design that is integrated into the broader urban fabric, and complements existing character within the site and adjacent to the site;
- Development that is pedestrian-oriented, with a strong orientation towards transit and multimodal transportation alternatives;
- Building bulk, height, and orientation that ensures that light and air is accessible within the public realm, and that public view corridors are protected;
- A safe and vibrant public realm, with buildings and uses that are oriented to activate key public gathering spaces, be they public open space, transit stations, or the Willamette River;
- Open space areas that include gathering spaces and passive and/or active recreation opportunities;
- Affordable housing; and
- Energy efficiency development.

### 33.270638.020 Relationship to Other Regulations

- A. Flexibility.** Approval of a Planned Development allows certain kinds of flexibility for development in residential development zones and commercial/mixed use zones. Some of the flexibility allowed by Planned Developments may also be allowed under other provisions of this Title. Where such situations exist, the applicant may choose which provision to apply.

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## Commentary

### **33.270.100 Additional Allowed Uses and Development**

On sites over two acres in size in some commercial/mixed use zones, additional FAR and additional height allowed by 33.130.212, Floor Area and Bonus Options, may be requested in the Planned Development process. Planned Developments seeking this height and FAR bonus must complete a planned Development review (33.855) to be conducted by the Portland Design Commission. The new code language in paragraph "I" adds this allowance to the listing of other types of development that can currently be requested through Planned Development Review.

- B. Density and FAR.** Minimum residential density and minimum FAR requirements must be met in a Planned Development. Adjustments to minimum density or minimum FAR are prohibited. Where the density requirement is expressed as a number of lots, it can be met in the Planned Development by providing the same number of dwelling units. Maximum density requirements in Single-Dwelling zones are specified in 33.610.100 and 33.611.100. Maximum FAR requirements are specified in 33.130.205 and 33.510.200.
- C. Land Divisions.** A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required.

### **33.270638.100 Additional Allowed Uses and Development**

In addition to the housing types and uses allowed by other chapters of this Title, the following uses and development may be requested through Planned Development Review. More than one of these elements may be requested:

- A. Attached houses.** Attached houses may be requested in the RF through R5 zones;
- B. Duplexes.** Duplexes may be requested in the RF through R2.5 zones;
- C. Attached duplexes.** Attached duplexes may be requested in the RF through R2.5 zones;
- D. Multi-dwelling structures.** Multi-dwelling structures may be requested in the RF through R2.5 zones;
- E. Multi-dwelling development.** Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;
- F. Modification of site-related development standards.** Modification of site-related development standards may be requested through a Planned Development.
- G. Alternative residential dimensions.** Proposals for lots that do not meet the minimum lot area, minimum lot depth, or minimum front lot line standards may be requested in RF through R2.5 zones. Proposals for lots that do not meet the minimum lot size dimensions may be requested in the RH through R3 zones.
- H. Commercial uses.** Commercial uses that are allowed in the CM1~~CN1~~ zone may be requested in the RF through R1 zones;
- I. Additional height and FAR.** For sites in the CM2, CM3 and CE zones that are greater than 2 acres in size, additional height and FAR may be requested through a Planned Development as specified in 33.130.212, Floor Area and Height Bonus Options, and Table 130-3;
- U. Transfer of development within a site.** Transfer of development rights across zoning lines within the site may be proposed as follows:
  1. RF through R1 zones. If the site is located in more than one zone, and all the zones are RF through R1, the total number of units allowed on the site is calculated by adding up the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.

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## Commentary

### **33.270.110 Limitations on Residential Uses and Development**

The amended code language reflects changes made through the Employment Zoning Project that make residential uses a prohibited use in the EG1 and EG2 zones, and no longer eligible for approval through a Conditional Use Review.

2. RH and RX zones. If the site is located in more than one zone, and the zones are RH and RX, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
3. C, E, and I zones. If the site is located in more than one zone, and all the zones are C, E, and I zones, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
4. All zones. If the site is located in more than one zone, and at least one of the zones is RF through R1, and at least one of the zones is RH, RX, C, or EX, then the total number of dwelling units allowed on the site is calculated as follows:
  - a. The number of units allowed on the RF through R1 portion of the site is calculated in terms of dwelling units;
  - b. The number of units allowed on the other portion of the site is calculated in terms of floor area; The floor area calculation is converted to dwelling units at the rate of 1 dwelling unit per 1,000 square feet of floor area;
  - c. The two dwelling unit numbers are added together, and may be placed without regard to zone boundaries.

**JK. Transfer of development between sites.** Sites that are eligible to transfer development rights to another site are designated in other chapters of this Title. Where such transfers occur, both the sending and receiving sites must be part of a Planned Development.

### **33.270638.110 Limitations on Residential Uses and Development**

The following limitations apply to Planned Developments proposed in EG or I Zones:

- A. Industrial zones.** Residential uses and development are prohibited in industrial zones. Using floor area transferred from industrial zones for residential uses is prohibited in all zones.
- B. EG1 and EG2 zones.** ~~If a residential use is allowed in an EG1 or EG2 zone through a Conditional Use Review, then residential uses proposed for an EG1 or EG2 zone as a Planned Development must also go through a Conditional Use Review.~~ Residential uses and development are prohibited in EG1 and EG2 zones. Using floor area transferred from EG1 or EG2 zones for residential uses is prohibited in all zones.

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## Commentary

### **33.270.200 Additional Requirements for Planned Developments in the Commercial/Mixed Use Zones**

The Planned Development bonus allows for additional FAR and height in exchange for the provision of affordable housing, public open space, low carbon buildings, and a public review process (for information on the review process and approval criteria, see the commentary and code for Chapter 33.855, Planned Development Review). The public open space component of this bonus provides a potential mechanism for creating public gathering places in centers, helping to implement new Comprehensive Plan policy objectives for centers.

**Affordable Housing.** The requirement for at least 25 percent of the additional floor area to be developed as affordable housing (affordable to households earning no more than 80 percent of area median family income) is based on the affordable housing bonus in Chapter 33.130 (see 33.130.212.C). For projects not fully utilizing the additional floor area allowed through this Planned Development provision (when the base zone FAR maximum is not exceeded by at least 40%), the affordable housing requirement applies to 10 percent of the total floor area of the project. This is intended to ensure that projects are not awarded the additional building height of this provision with only a minimal affordable housing component (the 10 percent figure approximates the overall affordable housing component that would result from projects more fully utilizing the additional floor area bonus, where this additional increment of floor area would need to meet the 25 percent affordability requirement). Additional detail regarding bonus option requirements will be part of administrative rules, which will include details regarding items such as the term of required affordability, administrative and reporting requirements, any tenancing requirements, and enforcement. See Section V (Implementation Tools) for more information on administrative rules for the affordable housing bonus and next steps that will be necessary before it can be implemented.

**Energy Efficient Buildings.** This requirement helps implement new Comprehensive Plan policies calling for energy-efficient, low carbon development, and helps forward the objectives of Portland's Climate Action Plan. The details of this requirement and its administration will be part of administrative rules that will be created and administered by the Bureau of Planning and Sustainability. A preliminary concept is that a range of options for meeting this requirement would be provided, such as certifying at the gold level under the US Green Building Council's Leadership in Energy and Environmental Design (LEED) standards, certifying at the gold level under Earth Advantage's standards, or designing buildings to achieve net zero energy performance.

### **33.270.200 Additional Requirements for Planned Developments in the Commercial/Mixed Use Zones**

Planned Developments in the CM2, CM3, and CE zones must meet all of the following requirements:

- A. Affordable housing.** At least 25 percent of the additional floor area allowed by Subsection 33.270.100.I must be developed as housing affordable to those earning no more than 80 percent of the area median family income. If the total proposed floor area does not exceed the base zone maximum by at least 40 percent, then 10 percent of the total floor area on site (base and bonus) must be developed as housing affordable to those earning no more than 80 percent of the area median family income. To ensure that this requirement is met, the following apply:
1. The applicant must provide a letter from the Portland Housing Bureau certifying that the development will meet the standard of Paragraph A., and any administrative requirements;
  2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the dwelling units built as required by Paragraph A. will remain affordable to households meeting income restrictions for 60 years, and that the property owner will meet the reporting requirements of the Portland Housing Bureau or qualified administrator.
- B. Plaza or park.** At least 15 percent of the total Planned Development site area must be developed as a publicly accessible plaza or park. The proposed plaza or park must meet the following standards:
1. The plaza or park must be:
    - a. Located outside on the site;
    - b. Located adjacent to a public street; and
    - c. Open and accessible to the public from 7am to 9pm. The property owner must record an easement for the plaza or park that provides for unrestricted public access from 7am to 9pm;
  2. The plaza must have a minimum dimension of 50 feet by 50 feet;
  3. Open space used to meet required residential outdoor area standards cannot be used to meet this requirement;
  4. Building walls abutting the plaza or park must meet the ground floor window standard in 33.130.230.B.1.a, and there must be at least one building entrance facing the plaza or park; and
  5. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the plaza or park. The covenant must comply with the requirements of Section 33.700.060.
- C. Energy efficient buildings.** All buildings, except for accessory structures, within the Planned Development site, must meet the energy efficiency requirements of the Bureau of Planning and Sustainability.



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## Commentary

### **33.415 Centers Main Street Overlay Zone**

The Centers Main Street overlay zone is a new Chapter. The purpose of the overlay is to enhance the active pedestrian main street qualities of key streets within Comprehensive Plan designated centers. The overlay would be applied to a limited set of properties along a roadway within a center, and may not cover the full extent of many developed main streets (for example, this would be applied to the core commercial portion of a street like Alberta, not the full length). The tool is designed to be applied throughout the city in areas where these more specific pedestrian-oriented qualities, active uses, and minimum levels of development are desired. The existing main street overlays (33.455; 33.460) are being recast as Plan Districts (see 33.520; 33.545; 33.575) because the locations and streets where those regulations are applied typically have more unique features or desired regulatory approaches. An issue requiring future reconciliation is how this Centers Main Street overlay would interact/apply in other plan district areas.

A map of the specific areas where the overlay is proposed is included in this section and in Section VII, Zoning Map Amendments.

This is a new chapter. For readability, ~~strike through~~ and underline is not used.

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## Commentary

### 33.415.010 Purpose

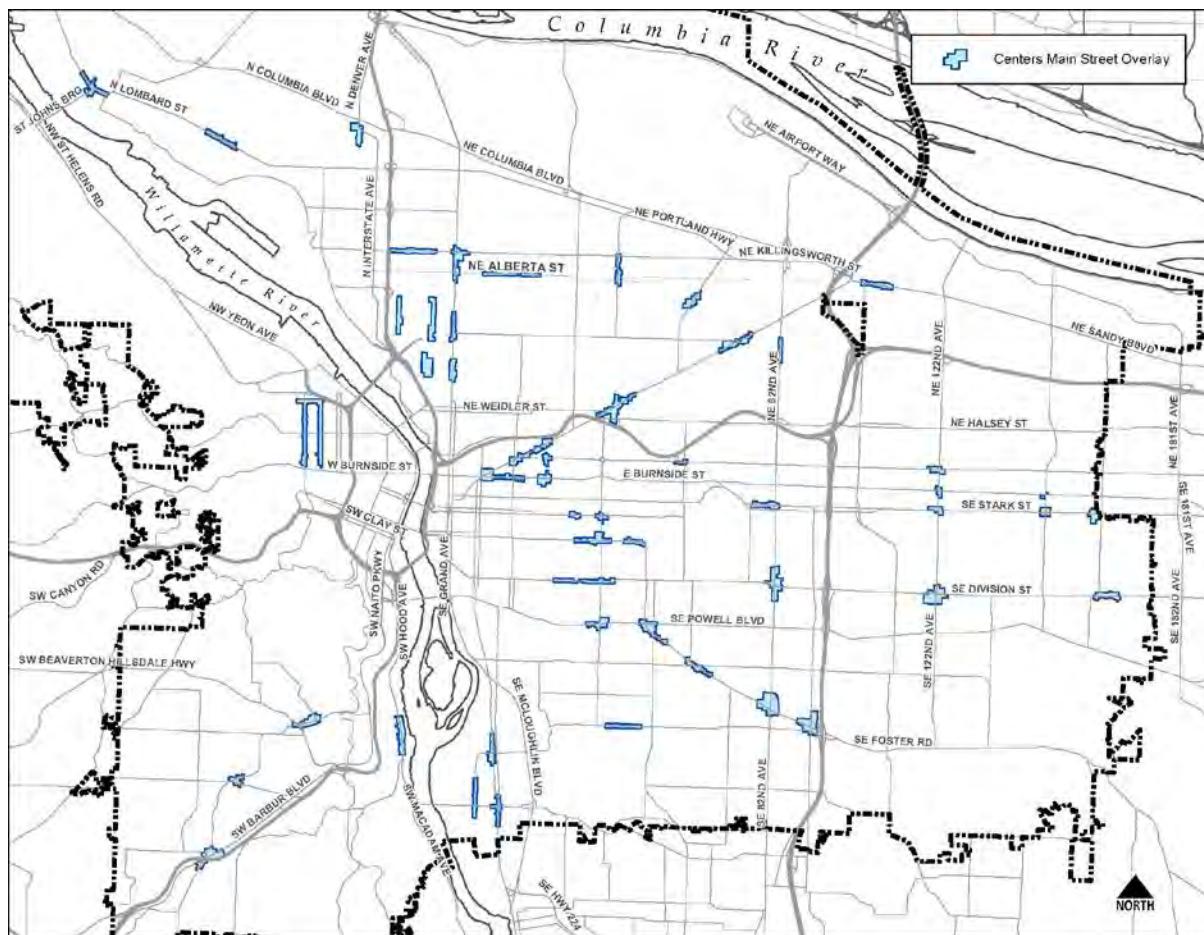
The Centers Main Street overlay zone is intended to encourage a mix of commercial, residential and employment opportunities on the key main streets within Comprehensive Plan identified town and neighborhood centers, and in other locations where pedestrian-oriented qualities, active uses, and minimum levels of development are desired. It will be mapped along specific sections of key streets within town and neighborhood centers identified in the Comprehensive Plan.

### 33.415.020 Short Name and Map Symbol

The Centers Main Street Overlay Zone is shown on the Official Zoning Maps with an "m" map symbol.

### 33.415.030 Where These Regulations Apply

The regulations of this chapter apply to sites in the Centers Main Street overlay zone. A citywide map of this overlay zones is below.



## 33.415 Centers Main Street Overlay Zone

# 415

### Sections:

#### General

- 33.415.010 Purpose
- 33.415.020 Short Name and Map Symbol
- 33.415.030 Where These Regulations Apply

#### Use Regulations

- 33.415.100 Prohibited Uses
- 33.415.200 Required Ground Floor Active Use

#### Development Regulations

- 33.415.300 Prohibited Development
- 33.415.310 Minimum Floor Area Ratio
- 33.415.320 Maximum Building Setbacks
- 33.415.330 Location of Vehicle Areas
- 33.415.340 Ground Floor Windows
- 33.415.350 Entrances
- 33.415.400 Building Height in the CM2 and CM3 Zones
- 33.415.410 Development Standards in the CM1 Zone

### General

#### **33.415.010 Purpose**

The Centers Main Street overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

#### **33.415.020 Short Name and Map Symbol**

The Centers Main Street overlay zone is shown on the Zoning Map with an "m" map symbol.

#### **33.415.030 Where These Regulations Apply**

The regulations of this chapter apply to sites in the Centers Main Street overlay zone.

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## Commentary

### **33.415.100 Prohibited Uses**

The listed uses are prohibited because they are non-active uses or are detrimental to creating an active, pedestrian oriented main street area.

### **33.415.200 Required Use**

Key uses are now required as part of the ground floor of developments. The list of uses is designed to create an active main street area in these key areas. In some cases, particular functions of larger, multi-function uses are specified.

### **33.415.300 Prohibited Development**

The listed types of development are prohibited because they are detrimental to creating an active, pedestrian oriented main street area or are inappropriate in terms of intensity.

## Use Regulations

### 33.415.100 Prohibited Uses

The following uses are prohibited within 100 feet of a transit street:

- A. Quick Vehicle Servicing; and
- B. Self-Service Storage.

### 33.415.200 Required Ground Floor Active Use

Within 100 feet of a transit street, at least 25 percent of the ground level floor area must be in one of the following active uses. Only uses allowed in the base zone may be chosen:

- A. Retail Sales and Service;
- B. Office;
- C. Industrial Service;
- D. Manufacturing and Production;
- E. Community Service;
- F. Daycare;
- G. Religious Institutions;
- H. Schools;
- I. Colleges. If a College use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; library; food service; theatre; meeting area; or
- J. Medical Centers. If a Medical Center use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; waiting room; food service; out-patient clinic.

## Development Regulations

### 33.415.300 Prohibited Development

The following development is prohibited within 100 feet of a transit street:

- A. Drive-through facilities; and
- B. Houses, attached houses, and duplexes.

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## Commentary

### **33.415.310 Minimum Floor Area Ratio**

A minimum floor area is required to provide a minimum level of intensity of development in these key main street storefront type areas. Minimum FAR is used because the new base zones do not require minimum density, and the minimum building coverage requirements of the current CS/CM zones (50% of site), which are broadly applied, are being eliminated in the new CM1, CM2, and CM3 base zones. Sites in the Inner Pattern Area shown on Map 415-1 have a minimum FAR of 0.5:1 to approximate the CM/CS zone lot coverage standard that resulted in a 0.5:1 minimum FAR. The required FAR is reduced in Eastern and Western Pattern Areas to reflect their less dense development pattern.

### **33.415.320 Maximum Building Setbacks**

This regulation is intended to provide a greater amount of building wall near the sidewalk/lot line than the base zone, without a required "build to" line. The regulation is applied to sites in Inner Pattern areas to reflect the existing urban development pattern of relatively small blocks and lots with high percentages of building coverage.

### **33.415.330 Location of Vehicle Areas**

The intent is to create a high-quality, pedestrian friendly environment particularly along transit street frontages. This regulation does this by limiting the on-site location of vehicle and parking areas. Development that is using the alternative setback for large retailers is exempt from this standard, as the alternative setback standard provision is intended to allow more flexibility in site design and setbacks for large-scale retail uses.

**33.415.310 Minimum Floor Area Ratio**

- A. In the Inner Pattern Area the minimum floor area ratio (FAR) for all new development is 0.5 to 1. Pattern areas are shown on Map 415-1.
- B. In the Eastern and Western Pattern Area the minimum floor area ratio (FAR) for all new development is 0.25 to 1. Pattern areas are shown on Map 415-1.

**33.415.320 Maximum Building Setback**

In the Inner Pattern Area, at least 70 percent of the length of the ground level street-facing façade of the building must meet the maximum building setback standard of the base zone. If the site has three or more block frontages, this standard only applies to two frontages. In the case of sites with three or more block frontages, the two frontages subject to this standard are those with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose on which streets to meet the standard. Pattern areas are shown on Map 415-1

**33.415.330 Location of Vehicle Areas**

- A. **Purpose.** The vehicle area regulations help minimize conflicts between vehicles and pedestrians on transit streets, and create a pleasant, pedestrian-oriented environment by limiting the areas where parking and vehicular activity may be located on site.
- B. **Location of vehicle area.** The following limitations apply on transit streets. Pattern areas are shown on Map 415-1:
  1. In the Inner Pattern area, no more than 30 percent of any transit street frontage may be used for vehicle areas; and
  2. In the Eastern and Western Pattern areas, no more than 50 percent of any transit street frontage may be used for vehicle areas.
- C. **Exemption.** Sites that meet all of the requirements of 33.130.215.E, Alternative maximum building setback for large retailers, are exempt from this standard.



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## Commentary

### **33.415.340 Ground Floor Windows**

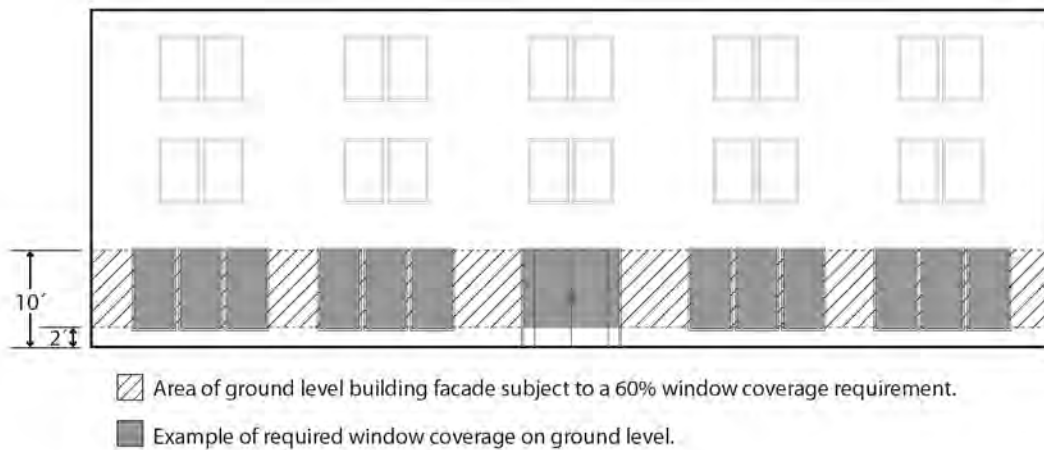
In order to create a high quality pedestrian oriented main street experience, a greater degree of ground floor window coverage (60%) is required than in the base zones (40%).

### **33.415.350 Entrances**

The proposed changes to the base zone (33.130) will require a minimum entrance frequency of 1 per 200 feet of frontage. Centers are intended to be more active pedestrian spaces, and a greater degree of entrance frequency is intended to support that goal. A minimum of 1 entry per 100 feet of frontage is required on transit streets in the Centers Main Street overlay area in order to help create a more active pedestrian environment.

**33.415.340 Ground Floor Windows**

The ground floor window standards of the base zones apply to all sites in the Centers Main Street overlay zone, except that for sites with frontage on a transit street the amount of ground level wall area of the street-facing façade that must be covered by windows is 60 percent rather than 40 percent. See Figure 415-1.



**33.415.350 Entrances**

- A. Purpose.** Building entrances provide convenient pedestrian access between the use and public sidewalks and transit facilities. They help promote an environment that supports retail facilities and pedestrian activity.
- B. Entrance frequency.** On transit streets, at least one entrance is required for every 100 feet of building length for buildings with any non-residential use located within the maximum street setback.
- C. Entrance Design.** Required entrances must be designed to meet the requirements of 33.130.242 Transit Street Main Entrance.

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## Commentary

### **33.415.400 Building Height in the CM2 and CM3 Zones**

Allowances for an additional 3 feet of building height are intended to help accommodate ground-level commercial spaces with high ceilings, which are important for providing quality spaces for many types of retail and community uses. This allowance responds to concerns raised that current height limits are too constraining, resulting in sub-optimal commercial spaces in mixed use developments. By improving the ability to accommodate ground-floor commercial spaces, this allowance also responds to community interest in having ground-floor commercial uses as part of development in centers and corridors. The height allowance is provided for CM2 and CM3 zones, where multi-story mixed use development is anticipated.

### **33.415.410 Development Standards in the CM1 Zone**

This provision is designed to address special situations within the *Centers Main Street* overlay zone that have a collection of existing, older low-rise storefront commercial type buildings. The regulations are intended to support existing development in these areas and allow compatible new development by encouraging a built-up, pedestrian oriented character with buildings of one to three stories.

**33.415.400 Building Height in the CM2 and CM3 Zones**

- A. Purpose.** Active ground floor uses such as retail, office, community services and institutions add to the vibrancy of an area. These uses often have high ceiling heights associated with them. This standard allows additional building height to accommodate such uses in multi-story mixed use developments.
- B. Building Height.** In the CM2 and CM3 zones, building height may be increased by 3 feet when the ground floor of a building meets the following:
  1. The distance from the finished floor to the bottom of the structure above must be at least 15 feet. The bottom of the structure above includes supporting beams; and
  2. At least 25 percent of the ground-floor area of the building must be in one of more of the following uses:
    - a. Retail Sales and Service;
    - b. Office;
    - c. Community Service;
    - d. Daycare;
    - e. Schools;
    - f. Colleges; or
    - g. Medical Centers.

**33.415.410 Development Standards in the CM1 Zone**

- A. Purpose.** Some locations in the Centers Main Street overlay zone are zoned CM1 and contain areas of continuous, older low-rise commercial storefront buildings that typically feature a concentration of retail uses, no landscaping, and are one to three stories in height. These additional regulations work in conjunction with regulations in the base zone, and the other standards of this section to support and protect the low-rise storefront scale and development features of these areas.
- B. Where these regulations apply.** The regulations in this Section apply to sites zoned CM1.
- C. Retail Sales And Service and Office use limitations.** Each individual Retail Sales And Service or Office use is limited to 40,000 square feet of net building area.
- D. Maximum floor area ratio.** The maximum floor area ratio is 2 to 1. Bonuses may be used if allowed by the base zone.
- E. Maximum building coverage.** The maximum building coverage allowed is 100 percent.
- F. Landscaping.** No landscaping is required.

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## Commentary

### **Map 415-1**

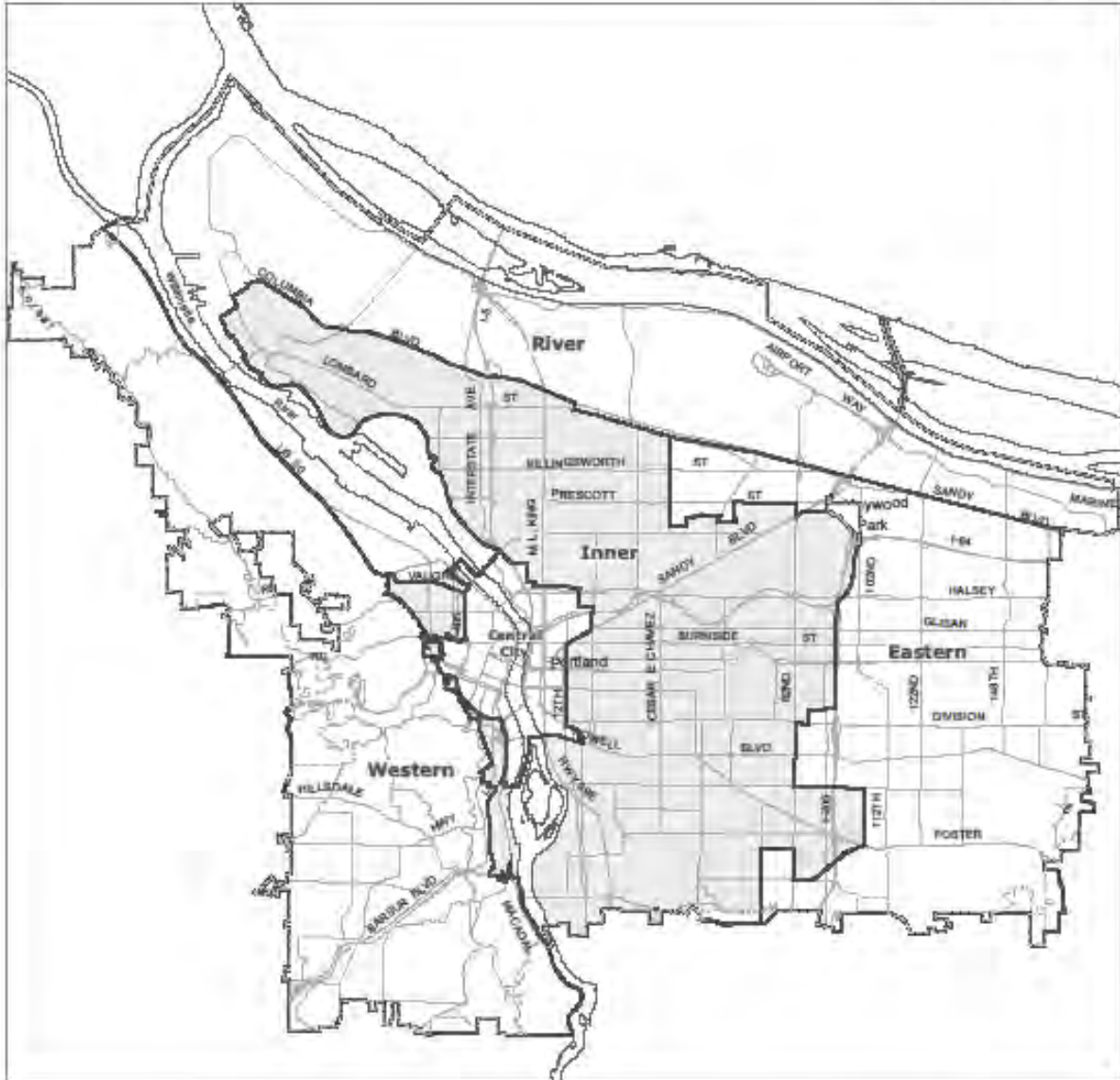
This map show the locations of different "Pattern Areas" within Portland. Specific development regulations relate to the different areas.

Pattern Areas

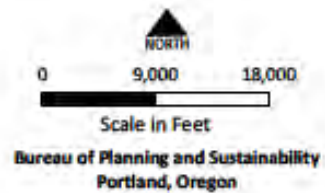
**DRAFT**

**Map 415-1**

Map Revised XXXX XX, XXXX



— City Boundary  
— Pattern Area Boundaries



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## Commentary

## **33.508 Cascade Station/Portland International Center Plan District**



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## Commentary

### **33.508 Cascade Station/Portland International Center Plan District**

#### **33.508.220 Maximum Development/Transportation Capacity**

A Transportation Impact Review (TIR) is allowed as an alternative to selecting a pre-determined TDM plan. The requirements for a TIR (33.852) are modeled on 33.508 and these regulations are being relocated from this code section to new code section 33 852. These standards are referenced in a number of code sections including 33.266.420.

## CHAPTER 33.508 Cascade Station/Portland International Center Plan District

# 508

### 33.508.220 Maximum Development/Transportation Capacity

- A. **Purpose.** [No change.]
- B. **Limitations on the amount of development allowed.** [No change.]
- C. **Cascade Station/Portland International Center Transportation Impact Analysis Review.**  
 An applicant may propose development that exceeds the allocation limits of Table 508-1 through a land use review that is based on a Transportation Impact Analysis (TIA). This approach allows an applicant more flexibility but is more complex to use. In addition to the application requirements of Section 33.730.060, the applicant must prepare a TIA that includes the elements and analysis listed in 33.852.105~~this subsection~~. The TIA may be used to exceed the maximum allocation limits in Table 508-1 or to establish lower trip generation rates. The TIA may not be used to exceed the total trips in Table 508-1.
  - ~~1.—Description of recommended development;~~
  - ~~2.—Delineation of the study area, and rationale for the delineation;~~
  - ~~3.—Description of existing uses and conditions in the study area;~~
    - ~~a.—The TIA must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;~~
    - ~~b.—Any approved TIA must be reflected in the BDS tracking report;~~
  - ~~4.—Traffic forecasts and distribution;~~
  - ~~5.—Primary traffic access routes to and from the study area;~~
  - ~~6.—Recommended mitigation measures, including transportation system management, transportation demand management, and needed roadway improvements on or for local roads and State highways; and~~
  - ~~7.—Evaluation of:~~
    - ~~a.—Impacts on street function, capacity and level of service;~~
    - ~~b.—Impacts on on-street parking;~~
    - ~~c.—Access requirements;~~
    - ~~d.—Impacts on transit operations and movements;~~
    - ~~e.—Impacts on pedestrian and bicycle routes and safety; and~~
    - ~~f.—Impacts on the immediate airport area and adjacent neighborhoods.~~

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## Commentary

## **33.520 Division Street Plan District**

This is a new chapter. For readability, ~~striethrough~~ and underline is not used.

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## Commentary

### **33.520 Division Street Plan District**

The Main Streets Corridor overlay zone (33.460) has provisions specific to Division Street. That overlay zone and the related Main Streets Node overlay zone (33.455) are being repealed. A new Centers Main Street overlay zone is proposed (33.415). Many of the overlay zone provisions of 33.460 relevant to Division are met through new base zone standards (33.130), through the new overlay (33.415) or through application of the design overlay zone. In some cases, existing overlay zone standards are no longer applicable or desired and are proposed to be removed. Provisions that are not covered by other code sections and continue to be relevant to Division Street are being recast in this plan district.

## 33.520 Division Street Plan District

# 520

Sections:

General

33.520.010 Purpose

33.520.020 Where These Regulations Apply

Development Standards

33.520.100 Reinforce the Corner

33.520.110 Exterior Finish Material

Map 520-1 Division Street Plan District

### General

#### 33.520.010 Purpose

The Division Street plan district promotes development that fosters a pedestrian- and transit-oriented main street. The plan district provisions ensure that development:

- Activates Division Street corners and enhances the pedestrian environment; and
- Is constructed with high quality materials in combinations that are visually interesting.

**33.520.020 Where These Regulations Apply.** The regulations of this chapter apply to the Division Street plan district. The boundaries of the plan district are shown on Map 520-1 at the end of this chapter, and on the Official Zoning Maps.

### Development Standards

#### 33.520.100 Reinforce the Corner

- A. Where the standards apply.** The following standards apply to sites where any of the floor area on the site is in a nonresidential use, and where a site abuts both Division Street and an intersecting street:
- B. Main entrance standard.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the following. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. The main entrance must:
1. Be within 5 feet of the façade facing Division Street; and

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## Commentary

2. Either:
  - a. Face Division Street; or
  - b. Be at an angle of up to 45 degrees from Division Street, measured from the street property line.
- C. Surface parking areas are not allowed within 40 feet of the corner.

### **33.520.110 Exterior Finish Materials**

- A. Where the standards applies.** The exterior finish materials standard applies in multi-dwelling residential zones.
- B. Exterior finish materials standard.** Plain concrete block, plain concrete, corrugated metal, plywood, and sheet pressboard may not be used as exterior finish material on any façade except as secondary finishes if they cover no more than 10 percent of each facade.



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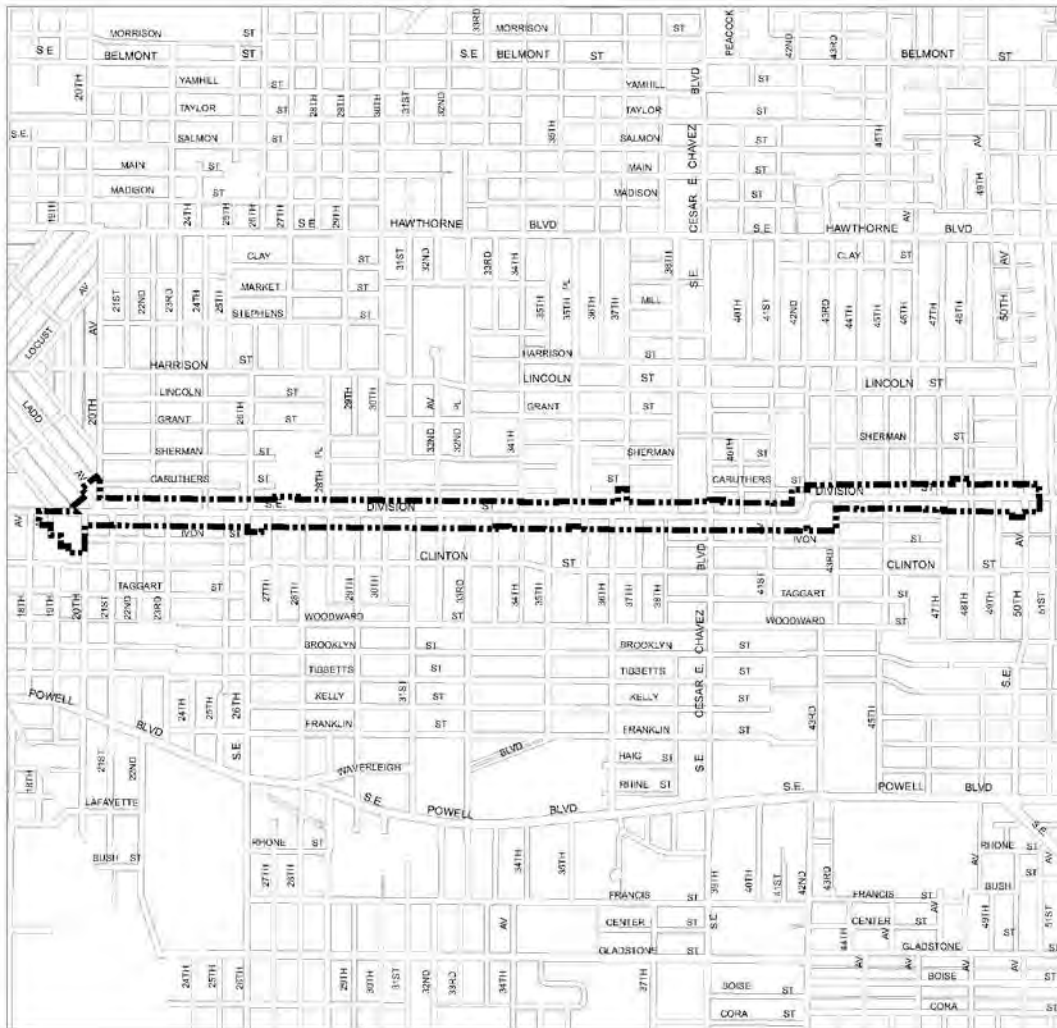
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## Commentary

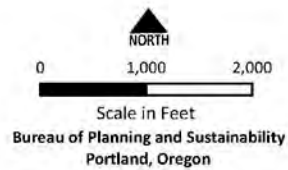
# Draft Division Street Plan District

# Map 520-1

Map Revised Xxxxx X, 2015



 Plan District boundary



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## Commentary

## **33.545 Lombard Street Plan District**

This is a new chapter. For readability, ~~striketrough~~ and underline is not used.

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## Commentary

### **33.545 Lombard Street Plan District**

The Main Streets Corridor overlay zone (33.460) and Main Streets Node overlay zone (33.455) have provisions specific to Lombard Street. These overlay zones are being repealed. A new Centers Main Street overlay zone is proposed (33.415). Many of the overlay zone provisions of 33.460 and 33.455 relevant to Lombard Street are now met through new base zone standards (33.130), or through the new Centers Main Street overlay zone (33.415). In some cases, existing overlay zone standards are no longer applicable and are proposed to be removed. Provisions that are not covered by other code sections and continue to be relevant to Lombard Street are being recast in this plan district.

## 33.545 Lombard Street Plan District

# 545

### Sections:

#### General

33.545.010 Purpose

33.545.020 Where These Regulations Apply

#### Development Standards

33.545.100 Standards for Community Corner

33.545.110 Additional Regulations in the CM1 Zone

33.545.120 Additional Standards in the R1 Zone

Map 545-1 Lombard Street Plan District

### General

#### 33.545.010 Purpose

The Lombard Street Plan District implements the Lombard Street nodes and corridors elements of the St Johns/Lombard Plan by promoting development that fosters a pedestrian- and transit-oriented main street in key places, and supports enhanced design for multi-dwelling residential developments.

**33.545.020 Where These Regulations Apply.** The regulations of this chapter apply to the Lombard Street plan district. The boundaries of the plan district are shown on Map 545-1 at the end of this chapter, and on the Official Zoning Maps.

### Development Standards

#### 33.545.100 Standards for Community Corners

- A. Purpose.** These standards create active use areas and community gathering places along major streets intersecting with North Lombard. These standards ensure that development at key intersections along North Lombard is oriented to enhance the pedestrian environment.
- B. Where the standards apply.** The following standards apply to Subdistrict B shown on Map 545-1.
- C. Standards.**
  1. The ground level street-facing facades of primary structures must be within 10 feet of both street lot lines.
  2. Surface parking areas are not allowed within 40 feet of the corner.

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## Commentary

**33.545.110 Additional Regulations in the CM1 Zone**

- A. Purpose.** These regulations encourage residential mixed use development and housing, in addition to small scale commercial development along sections of North Lombard Street to foster a transit-oriented main street environment. Size of uses are specified to promote commercial uses along the main street that serve a local market area, while limiting their potential impacts on residential uses.
- B. Where these regulations apply.** The following regulations apply to sites in Subdistrict A shown on Map 545-1 that are zoned CM1.
- C. Retail Sales And Service and Office uses.** Each individual Retail Sales And Service and Office use is limited to 10,000 square feet of floor area.
- D. Bonus height for housing.** Proposals that providing housing receive bonus height. The maximum building height when a proposal includes housing is 45 feet.
- E. Non-residential floor area.** The maximum FAR allowed for a non-residential use is 1:1. Adjustments are prohibited.



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## Commentary

**33.545.120 Additional Standards in the R1 Zone**

- A. Purpose.** These standards ensure that development of sites with the potential for medium density development along or adjacent to the main street:
- contributes positively to established neighborhoods and the area’s character;
  - creates a strong physical and visual connection between the living area and the street, and the main entrance and the street; and
  - improves the transition between development in the commercial and single-dwelling zone areas.
- B. Where these standards apply.** The following standards apply to duplexes, attached houses, and multi-dwelling structures on sites in Subdistrict A shown on Map 545-1 that are zoned R1.
- C. Standards.** Adjustments may be requested to these standards; they may not be modified through design review.
1. Large building elevations divided into smaller areas. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:
    - a. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;
    - b. A bay window that extends at least 2 feet; or
    - c. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.
  2. Location of main entrance. The main entrance of each primary structure must face the street lot line. The following are exceptions to this standard:
    - a. On corner lots the main entrance may face either of the streets or be oriented to the corner.
    - b. For buildings that have more than one main entrance, only one entrance must meet this requirement.
    - c. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.

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## Commentary

3. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:
  - a. The garage must not be more than 40 percent of the length of the building frontage or 12 feet long, whichever is greater;
  - b. The front of the garage can be no closer to front lot line than the front facade of the house;
  - c. Garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and
  - d. There may be no more than one garage door per 16 feet of building frontage.
4. Exterior finish materials. The standards of this subsection must be met on all building facades.
  - a. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material except as secondary finishes if they cover no more than 10 percent of each facade.
  - b. Composite boards manufactured from wood or other products, such as hardboard or hard plank, may be used when the board product is less than 6 inches wide.
5. Corner lots with alley access. If the site is a corner lot that is adjacent to an alley, access for motor vehicles must be from the alley.
6. On lots less than 10,000 square feet in the R1 zone, the minimum density is 1 unit per 2,250 square feet of site area. This standard does not apply on corner lots.

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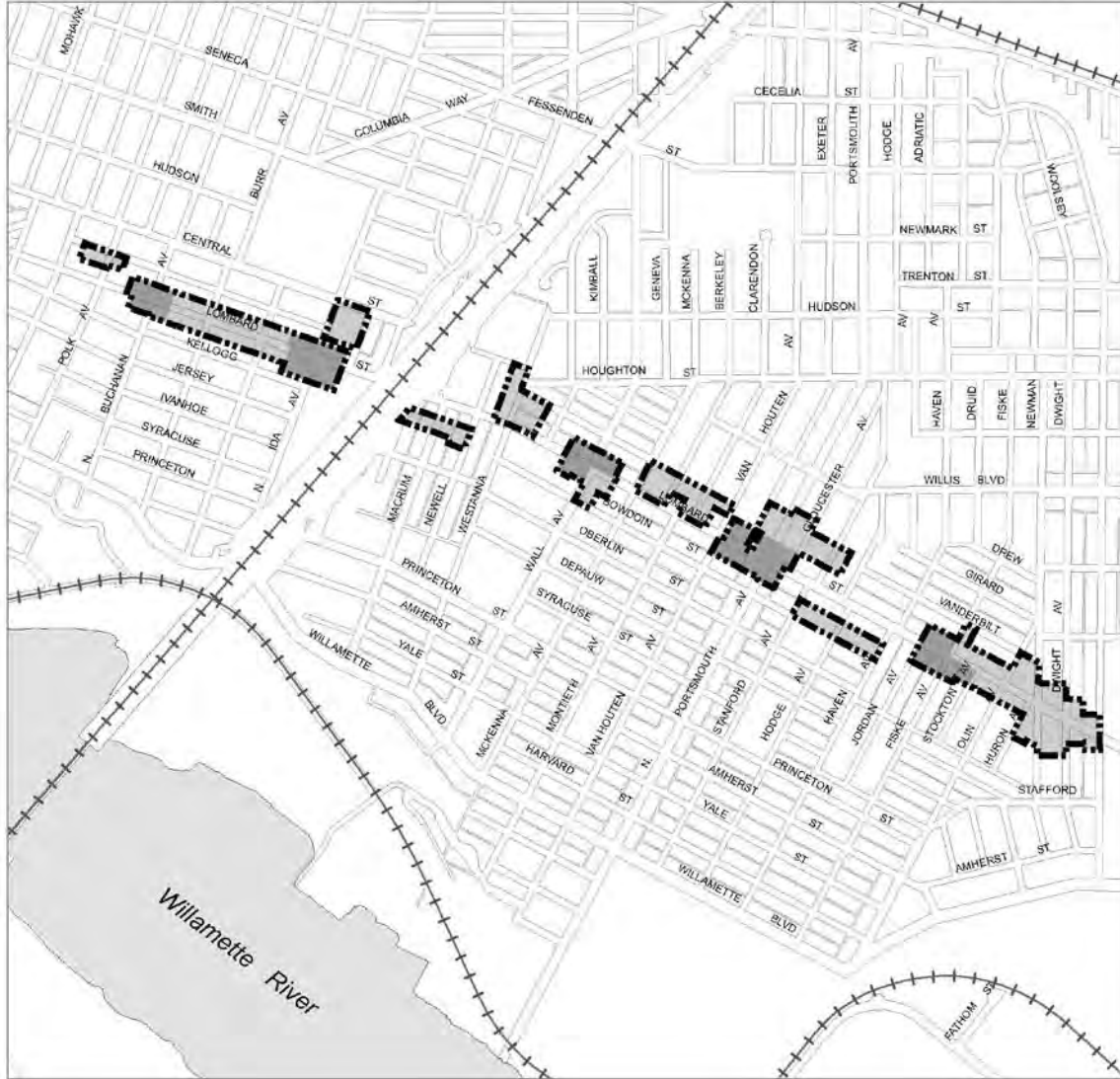
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## Commentary

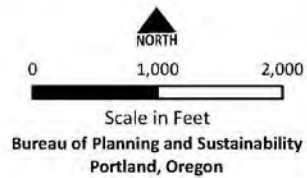
# Draft Lombard Street Plan District and Subdistricts

# Map 545-1

Map Revised Xxxxx X, 2015



-  Plan District boundary
-  Subdistrict A
-  Subdistrict B



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## Commentary

## **33.575 Sandy Boulevard Plan District**

This is a new chapter. For readability, ~~striketrough~~ and underline is not used.



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## Commentary

### **33.575 Sandy Boulevard Plan District**

The Main Streets Corridor overlay zone (33.460) and Main Streets Node overlay zone (33.455) have provisions specific to Sandy Boulevard. These overlay zones are being repealed. A new Centers Main Street overlay zone is proposed (33.415). Many of the overlay zone provisions of 33.460 and 33.455 relevant Sandy Boulevard are now met through new base zone standards (33.130), or through the new Centers Main Street overlay zone (33.415). In some cases, existing overlay zone standards are no longer applicable and are proposed to be removed. Provisions that are not covered by other code sections and continue to be relevant Sandy Boulevard are being recast in this plan district.

## 33.575 Sandy Boulevard Plan District

# 575

Sections:

General

33.575.010 Purpose

33.575.020 Where These Regulations Apply

Development Standards

33.575.100 Transition Between Residential and Commercial Zones

33.575.110 Building Facades Facing Sandy Boulevard

Map 575-1 Sandy Boulevard Plan District

### General

#### 33.575.010 Purpose

The Sandy Boulevard Plan District implements the Sandy Boulevard elements of the Hollywood and Sandy Plan through special height transitions and unique setback treatments.

**33.575.020 Where These Regulations Apply.** The regulations of this chapter apply to the Sandy Boulevard plan district. The boundaries of the plan district are shown on Map 575-1 at the end of this chapter, and on the Official Zoning Maps.

### Development Standards

#### 33.575.100 Transition Between Residential and Commercial Zones

- A. Purpose.** These regulations ensure a landscaping treatment along commercial lot lines that face, but are across the street from a single-dwelling residential zone. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites from across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.
- B. Where these regulations apply.** These regulations apply to sites on Map 575-1
- C. Height limits for sites abutting or across the street from a RF-R1 zones.** Sites in commercial zones abutting or across the street from RF through R1 zones have special height limits that create a transition to the residential zone. The height limits are as follows:
  1. Sites abutting RF - R1 zones. Sites abutting RF through R1 zones have height limits that decrease in two steps near the residential zone. See Figure 575-1. These height limits are:
    - a. On the portion of a site within 25 feet of a site zoned RF through R1, the maximum building height is the same as the abutting residential zone.
    - b. On the portion of a site that is more than 25 feet but within 50 feet of a site zoned RF through R1, the maximum building height is 45 feet.

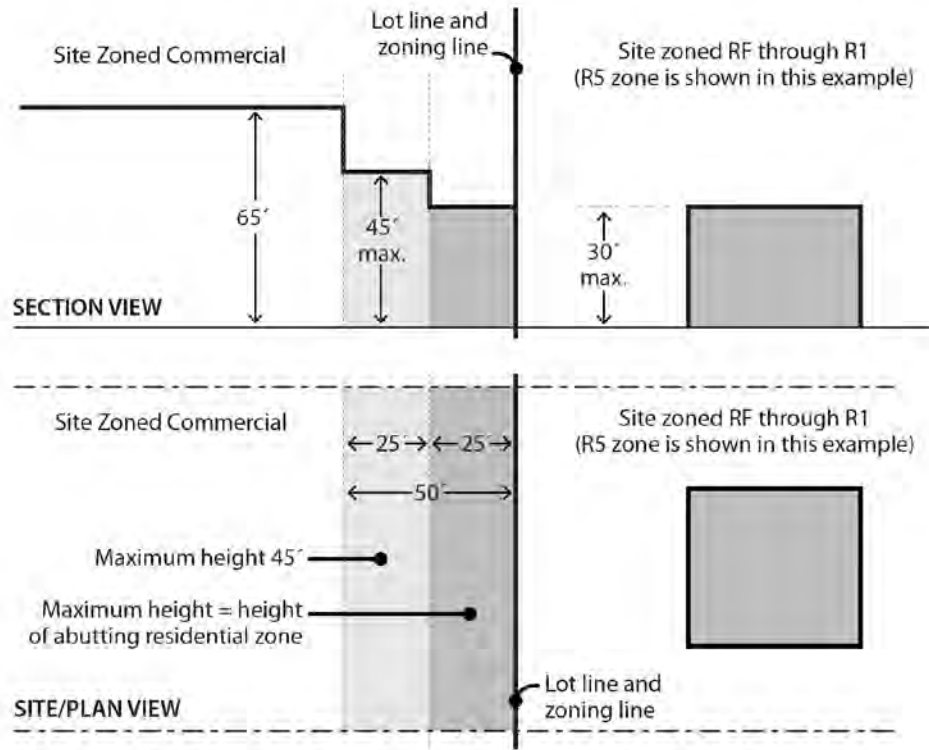
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## Commentary

2. Sites across a street from RF - R1 zones. Sites across a street from RF through R1 zones have height limits that decrease near the residential zone. On the portion of the site within 15 feet of the lot line across the street from a site zoned RF though R1, the maximum building height is the same as the residential zone. See Figure 575-2.

**Figure 575-1**  
**Height limits on sites abutting RF - R1 zones**

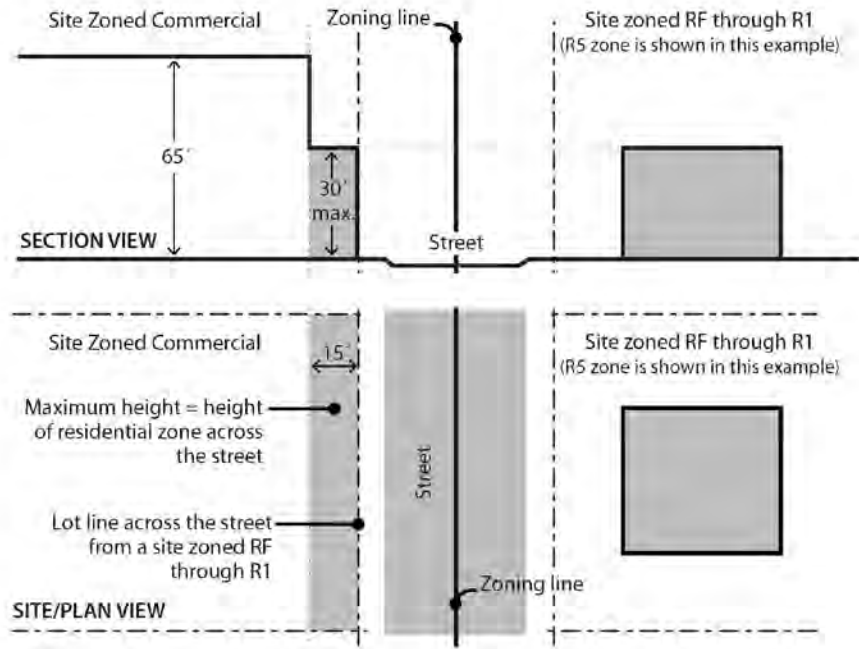


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## Commentary

**Figure 575-2**  
**Height limits on sites across a street from zones RF - R1 zones**



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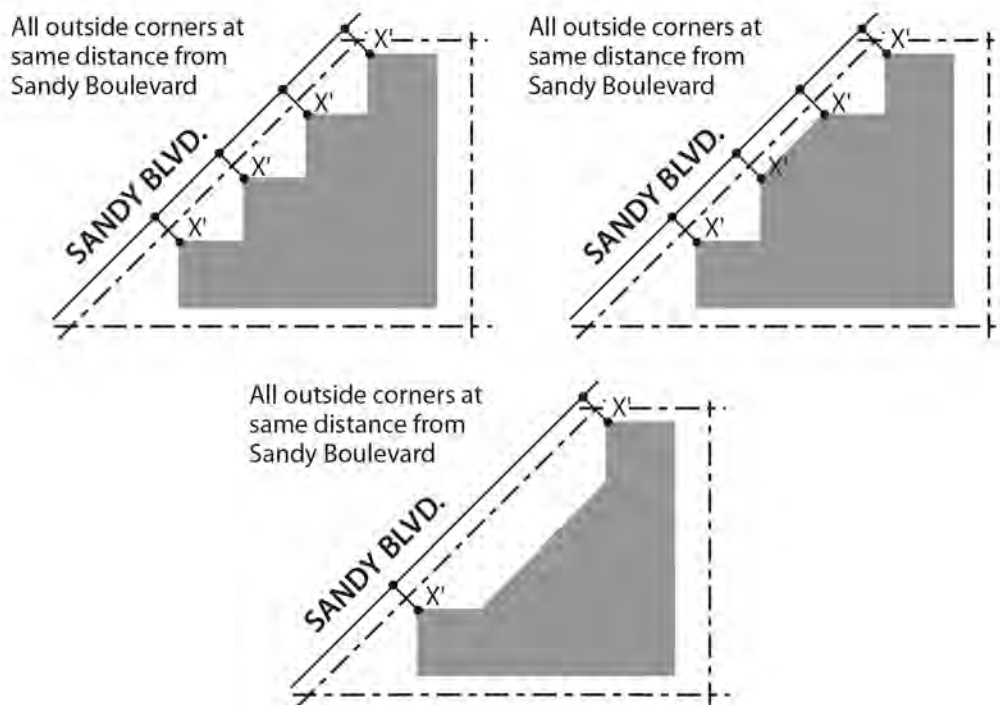
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## Commentary

**33.575.110 Building Facades Facing Sandy Boulevard**

- A. Purpose.** These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.
- B. Where these regulations apply.** These regulations apply to sites on Map 575-1 with frontage along Sandy Boulevard.
- C. Building facades facing Sandy Boulevard.** The exterior walls of the building that can be seen from the Sandy Boulevard lot line must be either:
  1. Parallel to Sandy Boulevard; or
  2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are the same distance from Sandy Boulevard, as shown in Figure 575-3.

**Figure 575-3**  
**Examples of building facades facing Sandy Boulevard**





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## Commentary



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## Commentary

## **33.700 Administration and Enforcement**

This is an amendment to an existing code chapter. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

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## Commentary

### **33.700.110.B.1 Prior Conditions of Land Use Approvals**

Updating to include reference to Commercial/Mixed Use zones.

### **33.700.110 Prior Conditions of Land Use Approvals**

This section addresses situations where a use, development, or land division was approved with conditions as part of a land use review under zoning or land division regulations that no longer apply to the site. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning or land division regulations. This may result from a change of the content of zoning or land division regulations or from legislative zone changes including annexation rezonings.

- A. Conditions of approval prior to 1981.** Conditions of approval for a land use review applied for prior to 1981 no longer apply to a site, except for conditions on all types of land divisions, Planned Unit Developments (PUD), or any other quasi-judicial review approved in association with a land division or PUD.
- B. Conditions of approval after 1981.** The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.
  - 1. **Zone changes.** If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping. The conditions of the original zone change do not apply if the site is rezoned to a noncomparable zone. Comparable zone changes are single-dwelling to single-dwelling, multi-dwelling to multi-dwelling, commercial to commercial or commercial/mixed use, employment to employment, and industrial or manufacturing to industrial zones. Also, changes from a City M3 or Multnomah County LM, M3, or M4 zone to a C, E, or I zone retain all conditions of approval on the site. Other zone changes are considered noncomparable.
  - 2. **Conditional uses.**
    - a. **An allowed conditional use.** If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.
    - b. **Use allowed by right.** If the use is now allowed by right, the conditions of approval no longer apply.
    - c. **Use no longer allowed.** If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and must continue to meet the conditions as well as the nonconforming use regulations. If the use was a conditional use with an expiration date and is no longer allowed, it is subject to the same regulations as revocable permits, as stated in Paragraph 120.C.1 below.

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## Commentary

3. Variances and adjustments. If the variance or adjustment was for development that is now allowed by right, and the development on the site conforms with the current regulations, then the prior conditions of approval no longer apply.
4. Other land use actions. If the use or development was approved with conditions under a review which is no longer in effect on the site (such as site review, design review, significant environmental concern review), the conditions no longer apply.



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## Commentary

## **33.730 Quasi-Judicial Procedures**

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## Commentary

### **33.730 Quasi-Judicial Procedures**

#### **33.730.130 Expiration of an Approval**

This section also references 33.852 where a ten year duration is assigned to Transportation Impact Reviews. Such a time limit is necessary to account for changes in the surrounding transportation network even if no changes occur on an institutional campus itself.

**CHAPTER 33.730 Quasi-Judicial Procedures****730****33.730.130 Expiration of an Approval**

- A. Expiration of unused land use approvals issued prior to 1979.** [No change]
- B. When approved decisions expire.**
  - 1. Land use approvals, except as otherwise specified in this section, expire if:
    - a. Generally.
      - (1) Within 3 years of the date of the final decision a City permit has not been issued for approved development; or
      - (2) Within 3 years of the date of the final decision the approved activity has not commenced.
    - b. Exception. Final decisions that became effective between May 27, 2006 and December 31, 2008 or between May 16, 2009 and June 30, 2011 expire if a City permit has not been issued for approved development or the approved activity has not commenced by June 30, 2014.
  - 2. Zoning map and Comprehensive Plan map amendments do not expire.
  - 3. Conditional Use Master Plans, ~~and~~ Impact Mitigation Plans, ~~and~~ Transportation Impact Reviews expire as specified in Chapters 33.820, ~~and~~ 33.848, and 33.852, or in the plans themselves.
  - 4. – 12. [No change]
- C. Deferral of the expiration period.** [No change]
- D. Expiration of adjustments approved prior to March 16, 2001.** [No change]

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## Commentary

### **33.852 Transportation Impact Review**

This is an amendment to an existing code chapter. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

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## Commentary

### **CHAPTER 33.852 Transportation Impact Review**

This new code section establishes the Purpose, Procedure and Approval Criteria for Transportation Impact Review and mitigation efforts. It is applied to both campus institutions and mixed use projects. This chapter works in conjunction with Chapter 33.266 to establish an ongoing process for addressing parking and multi-modal transportation needs for institutions and their surrounding neighborhoods. In the commercial/mixed use zones, for projects with 10 or more dwelling units, Transportation Impact Review is one option for meeting the Transportation and Parking Demand Management Requirements of Chapter 33.266 (see Section 33.266.410). The other option will be to allow an applicant to adopt a pre-approved "off the shelf" Transportation Demand Management Plan, with options that will be determined by the Portland Bureau of Transportation.

Note that Chapter 33.852 replaces existing code section 33.207 Cascade Station/Portland International Center Transportation Impact Analysis Review and expands the circumstances in which a Transportation Impact Review is required.

## CHAPTER 33.~~85207~~ ~~CASCADE STATION/PORTLAND INTERNATIONAL CENTER~~ TRANSPORTATION IMPACT ANALYSIS REVIEW

# 85207

### Sections:

- 33.85207.010 Purpose
- 33.85207.100 Procedure
- 33.852.105 Supplemental Application Requirements
- 33.85207.110 Approval Criteria
- 33.852.115 Duration of a Transportation Impact Review

### **33.85207.010 Purpose**

~~Cascade Station/Portland International Center Transportation Impact Analysis (TIA) Review allows additional flexibility for development in the CS/PIC Plan District, while ensuring that the roadway systems are capable of supporting the recommended development.~~ Transportation Impact Review provides a mechanism to evaluate whether the multimodal transportation system is capable of supporting proposed development. This evaluation includes a Transportation Impact Analysis, as well as consideration of recommended mitigation measures such as transportation and parking demand management. The development thresholds that trigger a Transportation Impact Review can be found in other chapters of this Title. Transportation Impact Review is intended to provide surrounding businesses, neighborhoods and the City with information about, and an opportunity to comment on, development that may impact the transportation system. Transportation Impact Review may be completed at various levels of detail. Generally, the more specific the proposal, the less review that will be required as future development is built.

### **33.85207.100 Procedure**

~~Cascade Station/Portland International Center Transportation Impact Analysis Reviews are processed through a Type II procedure.~~ An amendment to an existing Transportation Impact Review for a site in a commercial/mixed use zone is processed through a Type I procedure.



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## Commentary

### **33.852.105 Supplemental Application Requirements**

This section establishes the supplemental application material needed for Transportation Impact Review. The listing identifies the types of information needed to address the approval criteria in Section 33.852.110.

**33.852.105 Supplemental Application Requirements**

In addition to the application requirements of Section 33.730.060, a transportation impact analysis is required to determine compliance with the approval criteria. The transportation impact analysis must include:

- A. Description of proposed development;
- B. Delineation of the study area, and rationale for the delineation;
- C. Description of existing uses and conditions in the study area. If the application is for development in the Cascade Station/Portland International Center Plan District, the following are also required:
  - 1. The TIA must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;
  - 2. Any approved TIA must be reflected in the BDS tracking report;
- D. Traffic forecasts and distribution;
- E. Primary traffic access routes to and from the study area;
- F. Analysis of the proportional responsibility of the proposed development to mitigate forecasted impacts;
- G. Recommended mitigation measures including transportation system management and needed transportation improvements; and
- H. Transportation and parking demand management plan that has all the elements required by 17.106.020;
- I. Evaluation of:
  - 1. Impacts on street function, capacity and level of service;
  - 2. Impacts on on-street parking;
  - 3. Access requirements;
  - 4. Impacts on transit operations and movements;
  - 5. Impacts on pedestrian and bicycle routes and safety; and
  - 6. Impacts on the immediate area and adjacent neighborhoods.

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## Commentary

### 33.852.110 Approval Criteria

The approval criteria have been modified to accomplish several objectives:

- Further emphasis on evaluation factors, including availability of other modes, and clarification that the evaluation factors should be looked at on balance. Portions of the transportation system are already failing. In this case, the failure should not preclude additional development in the area, and the burden of fixing the system should not fall on the first development to be evaluated. If a portion of the system is failing and the failure is not caused by the development being proposed, then any additional impacts caused by the proposed development should be mitigated, but the development should not be denied.
- Consideration of how the Parking and Transportation Demand Management (TDM) plan will advance City mode split and auto ownership objectives (the options for objective TDM plans are under development and a specific Title 17 code citation is pending).
- Clarification that mitigation may occur in a variety of forms, including improvements that benefit other modes, or actions that manage demand. For example, if the development will create traffic that impacts a nearby street segment or intersection, causing it to not meet level of service standards; mitigation may include improvements to benefit other modes, or additional Parking and Transportation Demand Management actions to reduce reliance on the automobile. This provides more options for mitigation, and ensures that mitigation can be proportional to the scale of the impact.

### **33.85207.110 Approval Criteria for ~~Cascade Station/Portland International Center~~ Transportation Impact Analysis Reviews**

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met. If the applicant has chosen Transportation Impact review over meeting the objective standards of Title 17.XXX as allowed by 33.266.410 and 33.510.260, only approval criterion B applies:

- A. The transportation system is capable of supporting the recommended development in addition to the existing uses in the area, as shown by the TIA. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion C;
- B. A Proposed transportation and parking demand management actions are sufficient to achieve the relevant mode share and auto ownership targets established by the Transportation System Plan for the uses and development on the site plan is recommended that includes measures to reduce the number of trips made by single-occupant vehicles during the peak p.m. commuting hours;
- C. Adequate measures to mitigate on- and off-site transportation impacts are proposed recommended. Measures may include, but are not limited to, the following: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to fill in gaps in the local pedestrian and bicycle networks, and transit stop improvements; and
- D. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

### **33.852.115 Duration of a Transportation Impact Review**

The Transportation Impact review must include proposed development and possible future development that might be proposed for at least 3 years and up to 10 years. An approved Transportation Impact Review remains in effect until development allowed by the review has been completed or the review is amended or superseded.

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## Commentary

### **33.855 Planned Development Review**

These are amendments to an existing code chapter—33.665, Planned Development Review. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

This chapter and Chapter 33.270 (Planned Development) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of planned development provisions for development proposals that do not involve land divisions. It includes planned development review procedures and criteria for the Planned Development Bonus (see Chapter 33.130), which allows additional building height and floor area for projects that provide public benefits (affordable housing, publicly-accessible open space, and energy efficient buildings), when approved through a planned development review.

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## Commentary

This chapter and Chapter 33.270 (Planned Development) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of planned development provisions for development proposals that do not involve land divisions. It includes new regulations related to the Planned Development bonus, included in the Floor Area and Height Bonus Options in Chapter 33.130 (see 33.130.212.E).

This chapter works in conjunction with Chapter 33.270 (Planned Development). The latter states the regulatory parameters for planned developments (including the requirements for planned developments in the commercial/mixed use zones and additional allowed uses for planned developments other zones), while Chapter 33.855 states the planned development review procedures, supplemental application requirements, and review criteria.

Many of the amendments to this chapter relate to the Planned Development bonus in Chapter 33.130, which is available on large sites (2 or more acres) in some of the commercial/mixed use zones and responds to community input received during Mixed Use Zones Project events. Many community members were open to allowing development on large sites to be larger in scale than what is usually allowed in most areas with commercial/mixed use zoning, especially if there was enough space for a transition in scale to lower-density areas and proposals were subject to design review. It also responds to community interest in linking the provision of additional development potential to the provision of public benefits, especially affordable housing. The Planned Development bonus allows for additional FAR and height in exchange for the provision of affordable housing, public open space, low carbon buildings, and a public review process (see Section 33.270.200 for required public benefits).

### **33.855.200 Review Procedures**

Subparagraph B has been added to indicate that the commercial/mixed use zones Planned Development bonus will be reviewed through a Type III procedure, which is a discretionary review procedure that involves a public hearing. The Design Commission will be the designated review body for such proposals, because of the key role of design and scale in the approval criteria (see section 33.855.320). Chapter 33.720 (Assignment of Review Bodies) will be amended at a later date to indicate the role of the Design Commission as the review body.

The other subparagraphs of this section are substantially unchanged, except for a reference in subparagraph A, which allows for Design Review of individual buildings to take place after the Planned Development Review is processed for a site.

## 33.855665 Planned Development Review

# 855665

### Sections:

#### General

33.855665.010 Purpose

#### Review of Planned Development

33.855665.200 Review Procedures

33.855665.250 Supplemental Application Requirements

33.855665.300 Approval Criteria in General

33.855665.310 Approval Criteria for Planned Developments In All Zones

33.665.320 Additional Approval Criteria for Planned Developments in Commercial/Mixed Use Zones

33.665.325 Additional Approval Criteria for Planned Developments in the Central City Plan District

33.855665.3320 Additional Approval Criteria for Modifications of Development Standards

33.855665.3350 Commercial Uses in Residential Zones

33.855665.340 Proposals in the RF through R2.5 Zones Without a Land Division

#### Changes to an Approved Planned Development

33.855665.500 Types of Changes

33.855665.510 Review Procedure

33.855665.520 Approval Criteria

### General

#### 33.855665.010 Purpose

These regulations assign Planned Development Reviews to an appropriate procedure type. The approval criteria ensure that innovative and creative development is encouraged when it is well designed and integrated into the neighborhood.

### Review of Planned Development

#### 33.855665.200 Review Procedures

- A. **Concurrent reviews ~~required~~.** When land use reviews in addition to Planned Development Review are requested or required, all of the reviews must be processed concurrently, except for Design Review for buildings within a Planned Development site which may be processed after the Planned Development Review.
- B. **Review in a Commercial/Mixed Use zone or in a Design overlay zone.** Proposals in a commercial/mixed use zone or the Design overlay zone are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.



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## Commentary

### **33.855.250 Supplemental Application Requirements**

Subparagraph A is a list of the supplemental application material needed for review of a Planned Development proposal in the commercial/mixed use zones, including proposals seeking to utilize the Planned Development bonus. The listing identifies the types of information needed to address the approval criteria in Section 33.855.320.

**C. All other Planned Development Reviews**

1. Review in conjunction with a land division. When a Planned Development is requested in conjunction with a land division, the review will be processed as follows:
  - ~~a1.~~ Type III review. Proposals in the RF through R2.5 zones that include attached duplexes, multi-dwelling structures, or multi-dwelling development are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.
  - ~~b2.~~ Type Iix review. All other proposals are processed through the Type Iix procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.
- 2C. Review not in conjunction with a land division. When a Planned Development is not in conjunction with a land division, the review will be processed as follows:
  - ~~a1.~~ Type III. Planned Developments that include any of the following elements are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:
    - ~~(1)a-~~ Attached duplexes, multi-dwelling structures, or multi-dwelling development in the RF through R2.5 zones;
    - ~~(2)b-~~ Eleven or more units;
    - ~~(3)c-~~ Four or more units where any building location, utility, or service is proposed within a Potential Landslide Hazard Area;
    - ~~(4)d-~~ Environmental review;
    - ~~(5)e-~~ Any portion of the site is in an Open Space zone.
  - ~~b2.~~ Type Iix. All other proposals not assigned to a Type III in Subp~~Paragraph C.2.a.-1,~~ ~~above,~~ are processed through a Type Iix procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.

**33.855665.250 Supplemental Application Requirements**

In addition to the application requirements of Section 33.730.060.D, the following information is required for a Planned Development application:

- A. Supplemental application requirements for Planned Developments in commercial/mixed use zones:
  1. The boundaries of the area to be included in the Planned Development. The area must include all contiguous lots that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way;
  2. An urban design and development framework plan showing:
    - a. The location of existing and proposed structures;
    - b. Proposed land uses including areas with active ground floor uses;
    - c. A three dimensional massing diagram that identifies the maximum proposed building envelope for each building site, including maximum proposed building dimensions, height, and floor area allocations;

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## Commentary

### **33.855.250 Supplemental Application Requirements (continued)**

See previous commentary.

- d. Sections, sectional elevations, and perspectives that illustrate the relationship of existing and proposed development on the site to the urban form of the surrounding neighborhood in terms of building height and massing;
- e. The allocation of any required affordable housing if there will be more than one building;
- f. The location, design and programming of plazas, parks or open areas; and
- g. Relationships and transitions to adjacent properties and the neighborhood;
- 3. A transportation and circulation plan showing:
  - a. Proposed pedestrian, bicycle, and vehicle circulation system that meet City of Portland connectivity standards, including locations where the circulation system connects to public right-of-way outside of the site,
  - b. Transit service lines and stops within and immediately adjacent to the site;
  - c. Locations of right-of-way to be vacated or dedicated within the site; and
  - d. Vehicle and bicycle parking and any parking access points;
- 4. If required, a multi-modal transportation impact study that follows the guidelines of the Portland Bureau of Transportation, and includes assessment of traffic impacts on the streets surrounding the master plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element;
- 5. Transportation and parking demand management strategies;
- 6. If the proposed Planned Development involves the transfer of floor area, information about the location of the receiving and sending lots, the ownership of the lots, and amount of floor area to be transferred and retained at each lot must be included;
- 7. A stormwater management plan;
- 8. A phasing plan including proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development; and
- 9. A Project narrative describing how the proposal meets applicable design guidelines.
- B. Supplemental application requirements for all other Planned Developments:
  - 1. Photographs that show the characteristics of surrounding neighborhood; and
  - 2B. Either B.2.a.1 or B.2.b., below, must be submitted with the application:
    - a1. Proposed building elevations and locations with enough detail to show that all of the approval criteria are met; or

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## **Commentary**

**33.855.300 Approval Criteria in General**

**33.855.310 Approval Criteria for Planned Developments in All Zones Except for Commercial/Mixed Use Zones**

No substantial changes to the regulations on this page.

- b2. Proposed standards regulating setbacks, building coverage, landscaping, vehicle areas, materials, and design of structures. The proposed standards must be clear and objective, and specific enough to show how all of the approval criteria are met. Proposed standards may not conflict with the regulations of this Title, except where a modification is requested as part of the Planned Development application. If approved, the standards will apply, in addition to regulations of this Title to all development on the site.

### **33.855665.300 Approval Criteria in General**

The approval criteria for Planned Developments are stated below. Planned Developments in all zones except commercial/mixed use zones must meet the criteria in Section 33.855665.310.

Planned Developments in commercial/mixed use zones must meet the criteria in Section 33.855.320. Some proposals must also meet additional approval criteria, as follows:

- A. Proposals to modify site-related development standards must meet the criteria in Section 33.855665.3320.
- B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.855665.3430.
- C. Proposals that do not include a land division must meet the criteria in Section 33.855665.3540.

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the relevant approval criteria have been met.

### **33.855665.310 Approval Criteria for Planned Developments in All Zones Except Commercial/Mixed Use Zones**

Configure the site and design development to:

- A. Visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:
  1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;
  2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
  3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
  4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;
  5. Minimizing potential negative effects on surrounding residential uses; and
  6. Preservation of any City-designated scenic resources; and
- B. Provision of adequate open area on sites zoned RF through R2.5 where proposed development includes attached houses, duplexes, attached duplexes, or multi-dwelling structures. Open area does not include vehicle areas.

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## Commentary

### **33.855.320 Approval Criteria for Planned Developments in Commercial/Mixed Use Zones**

This section serves as the approval criteria for Planned Development proposals in the commercial/mixed use zones, including proposals seeking to utilize the Planned Development bonus provision of Chapter 33.130. It incorporates consideration of how proposed development scale and massing relate to the surrounding context, including consideration of how the project transitions to the scale of adjacent areas (which will typically be smaller in scale than the proposals seeking to utilize the Planned Development bonus). The criteria also address the arrangement of public open spaces, and of the transportation network and stormwater management facilities that can be expected to be components of development on the large sites (minimum of 2 acres) that will utilize the Planned Development bonus.

The review body for Planned Development bonus proposals in the commercial/mixed use zones will be the Design Commission, which will receive bureau recommendations on the transportation system and stormwater management facilities to inform decisions.

No substantial changes to the other regulations on this page.

**33.855.320 Approval Criteria for Planned Developments in Commercial/Mixed Use Zones****A. Urban design and development framework.**

1. The proposed overall scheme and site plan provide a framework for development that meets Community Design Guidelines and will result in development that complements the surrounding area;
2. Scale and massing of the development addresses the context of the area, including historic resources, and provides appropriate scale and massing transitions to the adjacent uses and development specifically at the edges of the Master Plan area;
3. Proposed plazas, parks, or open areas are well located to serve the site and public, and are designed to address safety and comfort of users; and
4. The site plan promotes active ground floor uses on key streets to serve the development and surrounding neighborhood; and

**B. Transportation system.** The transportation and circulation system provides multimodal connections that support the development of the site, limit impacts to adjacent neighborhoods, and meet the connectivity requirements of the City of Portland.

**C. Stormwater Management.** The master plan meets the requirements of the Stormwater Management Manual or describes a phased approach to meet the requirements.

**D. Phasing Plan.** The master plan establishes coordinated phasing of development that demonstrates how the site will be developed over time and how any required development elements will be met.

**33.855~~665~~.320 Additional Approval Criteria for Modifications of Site-Related Development Standards**

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. The modification will be approved if the following approval criteria are met:

- A. Better meets approval criteria.** The resulting development will better meet the approval criteria of Section 33.665.310 for sites in zones other than commercial/mixed use zones, or 33.855.320 for sites in commercial/mixed use zones,~~above~~; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

**33.855~~665~~.3430 Additional Approval Criteria for Commercial Uses in Residential Zones.**

The approval criteria of this section apply to proposals for commercial uses in Residential Zones. The approval criteria are:

- A.** The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;
- B.** The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and
- C.** The proposed commercial development and uses must be consistent with the purpose and regulations of the CN1 zone.



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## **Commentary**

### **33.855.350 Proposals in the RF Through R2.5 Zones Without a Land Division**

No substantial changes.

**33.855.3540 Proposals in the RF Through R2.5 Zones Without a Land Division**

The approval criteria of this section apply to Planned Developments in the RF through R2.5 zones that do not include a land division. The approval criteria are:

**A. Services.**

1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;
2. The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;
3. The standards of Section 33.651.020, Water Service Standards, must be met;
4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met; and,
5. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

**B. Tree preservation.** The proposal must meet the requirements of Chapter 33.630, Tree Preservation.**C. Flood hazard areas.**

1. RF through R2.5 zones. In the RF through R2.5 zones, all proposed building locations must be outside of the flood hazard area.
2. R1 through IR, C, E, and I zones. In the R1 through IR, C, E, and I zones, all proposed building locations must be outside of the flood hazard area where possible. Where it is not possible to have all building locations outside of the flood hazard area, all proposed building locations must be configured to reduce the impact of flooding and to provide the greatest protection for development from flooding. Proposed building locations must be clustered on the highest ground and near the highest point of access, and they must be configured in a manner that will minimize obstruction of floodwaters.

**D. Landslide hazard areas.** Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

**E. Clearing, grading, and land suitability.**

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;
2. Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;

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## Commentary

### 33.855.350 Proposals in the RF Through R2.5 Zones Without a Land Division (continued)

No changes.

3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Clearing and Grading Plan;
4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;
5. Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable;
6. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees shown to be retained on the tree preservation plan; and
7. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

**F. Streams, springs, and seeps.**

1. If there is a stream, spring, or seep outside of an Environmental Overlay Zone on the site, then the stream, spring, or seep must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, or seep. The edges of a seep or spring are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. If one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank where the edge of the stream, spring, or seep is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.
2. The following development, improvements, and activities are allowed in the easement:
  - a. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;
  - b. Removal of non-native invasive species with hand held equipment;
  - c. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
  - d. Erosion control measures allowed by Title 10 of Portland City Code;
  - e. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveway or service connections within the easement; and
  - f. Maintenance and repair of existing utilities, services, and driveways;
3. Public or private rights of way may cross the seep, spring, or stream easement if the following approval criteria are met:
  - a. There is no reasonable alternative location for the right-of-way;

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## Commentary

### 33.855.350 Proposals in the RF Through R2.5 Zones Without a Land Division (continued)

Paragraph G (Transportation impacts). The approval criteria for transportation impacts have been modified to accomplish several objectives:

1. Further emphasis on evaluation factors, including availability of other modes, and clarification that the evaluation factors should be looked at on balance. Portions of the transportation system are already failing. In this case, the failure should not preclude additional development in the area, and the burden of fixing the system should not fall on the first development to be evaluated. If a portion of the system is failing and the failure is not caused by the development being proposed, then any additional impacts caused by the proposed development should be mitigated, but the development should not be denied.
2. Consideration of how the Parking and Transportation Demand Management plan will advance City mode split and auto ownership objectives.
3. Clarification that mitigation may occur in a variety of forms, including improvements that benefit other modes, or actions that manage demand. For example, if the development will create traffic that impacts a nearby street segment or intersection, causing it to not meet level of service standards; mitigation may include improvements to benefit other modes, or additional Parking and Transportation Demand Management actions to reduce reliance on the automobile. This provides more options for mitigation, and ensures that mitigation can be proportional to the scale of the impact.

- b. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
  - (1) The street improvements will not impede the flow of the stream, spring, or seep;
  - (2) The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and
  - (3) The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
- 4. Minimum density is waived in order to better meet the standards of paragraphs F.1-F.3, above.

**G. Transportation impacts.**

- 1. The transportation system must be capable of ~~safely~~ supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2; and performance standards; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.
- 2. Adequate measures to mitigate on- and off-site transportation impacts are proposed. Measures may include: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to fill in gaps in the local pedestrian and bicycle networks, and transit stop improvements;
- 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
- 4. A Traffic Impact Study may be required by the City Engineer in order to determine if the criterion is met. In addition, mitigation measures approved by the City Engineer may be included in the proposal as a way to meet this criterion.

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## Commentary

### **33.855.500 Types of Changes**

Amendments to this section introduce a third type of change to a planned development: *Administrative Change*. This new category accommodates very minor changes that are not substantive, are consistent with conditions of approval and development standards, and which will not require a land use review. Other amendments clarify thresholds related to the different types of changes.

## Changes to an Approved Planned Development

### 33.855665.500 Types of Changes

There are ~~two~~three types of changes; major, ~~and~~ minor, and administrative.

**A. Major change.** A major change is one that will have significant impacts on the development in the PD, or on the site surrounding the PD. Major changes include:

- 1A. An increase in the site area of more than 5 percent;
2. Changes to the building heights or floor area allocations of more than 10 percent;
- 3B. In residential zones:
  - a. An increase in density, including the number of housing units;
  - b. ~~C.~~ In residential zones, a change in the mix of single-dwelling and multi-dwelling structures; and
  - d. An increase in the amount of land in nonresidential uses;
- 4.E. A reduction in the amount of open space;
5. In commercial/mixed use zones:
  - a. Changes to building locations or required plaza or park locations;
  - b. A decrease in the amount or location of required affordable housing; and
  - c. Changes to the location of additional height;
- 6.F. Deleting or changing the purpose of flood hazard or landslide hazard easements; or
- 7.G. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PD; or
8. Changes in the amount of parking by more than 20 percent.

**B. Minor Change.** A minor change is a change that is neither major nor administrative.

**C. Administrative Change.** An administrative change is a change to an element of a Planned Development that:

1. Is consistent with all conditions of the Planned Development approval and the conditions of any concurrent approval;
2. Meets all development standards not modified by the Planned Development; and
3. Does not change any quantity, dimension or area identified in the approved plans or narrative by more than 5 percent.



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## Commentary

### **33.855.510 Review Procedures**

This section is amended to establish the process for administrative changes to approved planned developments. Administrative changes will not require a land use review, and will be used to process minor changes that are consistent with conditions of approval and development standards, and result in only minor changes to development configurations (see 33.855.500.C).

**33.855665.510 Review Procedures**

Requests for changes to an approved PD are processed as follows:

- A. Major changes.** Major changes are processed as follows:
  - 1. If the original PD application was processed through a Type III procedure then the change is processed through a Type III procedure;
  - 2. If the original PD application was processed through a Type IIx procedure then the change is processed through a Type IIx procedure.
- B. Minor changes.** Minor changes are processed through a Type IIx procedure.
- C. Administrative changes.** Administrative changes are allowed without a land use review.

**33.855665.520 Approval Criteria**

The approval criteria for changes to a Planned Development are those used for approval of a Development Plan.

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## Commentary

### 33.910 Definitions

Amendments are proposed to the definition of Auto-Accommodating Development; to the definition of Floor Area as it applies to roofed outdoor spaces, such as balconies and porches; and to the related definition for Gross Building Area.

This is an amendment to an existing code chapter. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

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## Commentary

### Chapter 33.910 Definitions

#### **Auto-Accommodating Development**

The "Auto-Accommodating Development" definition is being revised to reflect current use of the term in the Zoning Code. The term is primarily used in the Commercial/Mixed Use Zones chapter (33.130), particularly in regards to the Commercial Employment (CE) zone and in reference to zones in which drive-through facilities are allowed. Most areas with Commercial/Mixed Use zoning are located adjacent or close to transit streets or are in centers that are intended to have a pedestrian and transit orientation. Following from this, the Commercial/Mixed Use development standards do not generally allow some of the features described in the definition of auto-accommodating development, such as large areas of blank walls along facades and building main entrances oriented solely to parking areas. Auto-accommodating development with features such as large parking areas and drive-through facilities continue to be allowed in some zones, particularly in the CE zone, but such development is also expected to include some features supportive of pedestrian-oriented street environments, such as ground-floor windows and entrances oriented to transit streets.

## 33.910 Definitions

# 910

### Development Types

- **Auto-Accommodating Development.** Development which is designed ~~with an emphasis onto accommodate customers who use autos to travel to the site, rather than those which have an emphasis on pedestrian customers.~~ This type of development usually has more than the minimum required number of parking spaces. ~~The main~~ Buildings feature entrances ~~is oriented~~ providing convenient access to the parking areas. In many cases, the building will have parking between ~~the street~~ secondary streets and the building. Other typical characteristics are ~~blank walls along much of the facade~~ drive-through facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics.  
See also Pedestrian-Oriented Development.
- **Pedestrian-Oriented Development.** Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.  
See also Auto-Accommodating Development.

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## Commentary

### **Floor Area**

This definition is being amended so that unenclosed outdoor spaces, such as porches and balconies, are excluded from floor area calculations when they are enclosed along no more than 75 of their perimeter, which is a change from the previous perimeter enclosure limit of 50 percent. This change accompanies new requirements that residential development in the Commercial/Mixed Use Zones provide residential outdoor space, such as balconies, and new requirements for including residential development in maximum floor area calculations. This increase in allowed outdoor space enclosure is intended to make these new requirements more practical. It also accommodates outdoor spaces, such as balconies, that provide more perimeter enclosure for residents; acknowledging that balconies with minimal perimeter enclosure (such as balconies that extend out from building facades) lack the protection from exposure to the elements that more enclosed balconies provide (such as those recessed into building facades and enclosed on three sides). This change in definition retains the general requirement that outdoor spaces must not be fully enclosed if they are not to count as floor area, so that these spaces are not part of the enclosed mass of buildings and do not contribute to the appearance of building bulk.

### **Gross Building Area**

This definition is being modified to correspond to the change in the Floor Area definition in regards to how outdoor spaces are considered in floor area calculations.

**Floor Area.** The total area of the portion of a building that is above ground. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes the area devoted to structured parking that is above ground level. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for ~~50~~75 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

**Gross Building Area.** The total area of all floors of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area includes structured parking but does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for ~~50~~75 percent or more of their perimeter.



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## Commentary

# VII. Zoning Map Amendments

Zoning Map amendments are being proposed in centers and along corridors citywide to implement the Mixed Use Zones Project. These are areas outside the Central City where the current Commercial and mixed-use Employment zones are now applied. The zoning map amendments have several proposed elements. The following Proposed Zoning maps are included in this report:

1. Commercial/Mixed Use Base Zones – page 322. This map shows the application of the new Commercial Mixed Use base zones. Double click this map to enlarge, or see Map App for details: [www.portlandmaps.com/bps/mapapp](http://www.portlandmaps.com/bps/mapapp).
2. Employment Base Zones – pages 323-325. These maps show areas where the Comprehensive Plan designation is Mixed Use, but an Employment zone is proposed. Most of these areas are currently zoned Central Employment (EX).
3. Centers Main Street Overlay Zones (m) – pages 326-355. These maps show details of where the proposed Centers Main Street Overlay Zone (33.415) would be applied.
4. Design Overlay Zone (d) – page 356. This map shows the areas where the Design Overlay Zone (33.420) is proposed for expansion.

In addition to the proposed overlay zones above, some overlay zones are being removed from the map:

5. Buffer Overlay Zone (33.410) – map shown on page 357
6. Main Street Corridor Overlay Zone (33.460) – not shown, replaced by plan districts
7. Main Street Node Overlay Zone (33.455) – not shown, replaced by plan districts

## 1. Proposed Commercial Mixed Use Base Zones

The foundations of the proposed Zoning Map are the existing Zoning Map and new Comprehensive Plan map. The Proposed Draft Zoning Map was developed based on this foundation in a three-step process.

**Step 1 – Conversion-Based Zoning Map.** The first iteration of a Zoning Map was generated by applying a conversion to new zones based on existing zones. Table VI-1: Zone Conversion Table (below) from the *Code Concepts Report* indicates the most appropriate Commercial Mixed Use zone to be applied to a parcel based on the existing Zoning Map and new Comprehensive Plan map designation. A Conversion-table based map was generated based on this approach for further refinement. The Conversion-Based Zoning Map that results from application of this conversion table is shown on page 321.

**Table VI-1: Zone Conversion Table**

Comp Plan Designation	Current Zone						
	CN1/2	CO1/2	CM	CS	CG	EX	CX
Mixed Use Dispersed	CM1	CM1	CM1	CM1	CM1 <sup>#</sup> CE <sup>#</sup>	CM1	n/a
Mixed Use Neighborhood	CM1	CM1 <sup>+</sup> CM2 <sup>+</sup>	CM2	CM2	CM2 <sup>#</sup> CE <sup>#</sup>	CM2	n/a
Mixed Use Civic Corridor	CM1	CM1 <sup>+</sup> CM2 <sup>+</sup>	CM2	CM2	CM2 <sup>#</sup> CE <sup>#</sup>	CM3	CM3
Mixed Use Urban Center	CM1	CM1 <sup>+</sup> CM2 <sup>+</sup>	CM2	CM2	CM2 <sup>#</sup> CE <sup>#</sup>	CM3	CM3

+ CM1 proposed for CO1 zones; CM2 proposed for CO2 zones

# CM zones proposed for Centers; CE zones proposed for Corridors.

**Step 2 – Discussion Draft Zoning Map.** The second iteration of the zoning map – the [Discussion Draft Zoning Map](#) – was developed by city staff by reviewing the conversion-based zoning map and making strategic adjustments that address specific situations and criteria. The adjustments were made to the zoning map in some areas to address the following situations:

- Better reflect the Urban Design Framework, based on the site’s location, amenities and availability of services.
- Match the surrounding zoning, in order to create a more uniform pattern.
- Attain development at a scale appropriate to surrounding development, informed by community input and Comprehensive Plan policies.
- Reflect a more pedestrian-oriented development pattern.
- Better reflect the original employment-based intent of the existing zoning.
- Retain current zoning until infrastructure is in place to support higher intensity of development.
- Retain current residential zone to acknowledge existing residences.
- Retain the current residential zone so that conditions attached to a Conditional Use or Nonconforming Use Review continue to be in effect.
- Retain the current industrial zone to acknowledge existing industry.
- Recognize a nonconforming situation or split zoned site.

**Step 3 – Proposed Draft Zoning Map.** The Proposed Zoning Map is the final step in development of the zoning map to date. Comments received on the *Discussion Draft* zoning map and code were reviewed by city staff; further adjustments and changes were made to the *Discussion Draft* zoning map and zoning code based on these comments, and further internal review of issues. Adjustments were made to the zoning map in some areas to address the following situations:

- Respond to development scale issues, and areas of special character, based on public feedback on the Discussion Draft and public testimony on the Recommended Comprehensive Plan. This resulted in identification of Low-rise Commercial Storefront areas located in core areas of several neighborhood centers. In addition, other areas of the zoning map were reviewed to reconcile zoning with availability of transit, proximity to low-density residential areas, proximity

to industrial areas, and other issues. Zoning in these areas generally changed from CM2 to CM1 in response to these issues.

- Respond to the Retail Task Force issues regarding 1) the need to accommodate large format retailers with parking arrangements suitable for these developments; 2) drive-thru facilities in parts of Portland that are not developed in a transit-oriented manner and are not well-served by transit; and 3) the need for more flexibility to accommodate retrofitting and make improvements to uses and development that would have become non-conforming in the Discussion Draft. This resulted in changes to base zoning in areas primarily located in eastern and western parts of Portland and liberalization of regulations regarding upgrades to existing auto-accommodating uses. Zoning generally changed from CM1 and CM2 to CE in response to these issues on selected site. Adjustments were also made to the Centers Main Street Overlay Zone maps.
- Respond to operational issues, such as truck movement and storage, associated with employment-oriented uses, and the presence of large existing or anticipated office developments. This resulted in changes to the base zoning for sites that have ongoing employment type uses, particularly where nonconforming situations combined with market forces may hasten a change in development patterns. Zoning generally changed from CM3 to EG1 or EG2 in response to these issues on selected sites. These changes are shown on maps on the pages following the Mixed Use Zones Project Proposed Zoning Map.

**The Mixed Use Zone Project Proposed Draft Zoning Map is shown on page 322**

**The proposed Zoning Map amendments may also be viewed on the Portland MapApp:**  
[www.portlandmaps.com/bps/mapapp](http://www.portlandmaps.com/bps/mapapp)

The Map App only shows where changes are proposed. If existing zoning (residential, employment, etc.) is retained, these properties are not shown.

A summary of the number of property and acreage changes from existing zoning to new zones is shown graphically in Figures VII-1 and VII-2.

## **2. Centers Main Street Overlay Zone**

Detailed maps showing application of the Centers Main Street Overlay Zone (33.415) are included following the citywide Commercial Mixed Use base zoning maps. The mapping for the Centers Main Street Overlay areas focused on the core commercial corridors of designated centers that have existing or planned concentrations of retail/commercial uses, or correspond to plan district areas with requirements for active ground floor uses. Corridor segments within the overlay were generally mapped to be no longer than a half mile in order to be strategic about application of the overlay and to correspond to a walkable distance. This overlay zone also encompasses areas of “Low-rise Commercial Storefront” areas that are proposed to be zoned CM1, with additional development regulations in the overlay zone that address retail size, floor area allowances, setbacks, lot coverage, and landscaping regulations.

### **3. Design Overlay Zone Map**

The areas subject to expansion of the Design Overlay Zone (33.420) are shown on the map on page 356. Expansion of the Design Overlay zone is proposed for sites that have a Mixed Use - Urban Center Comprehensive Plan designation.

### **4. Buffer Overlay Zone**

The Buffer Overlay Zone (33.410) is being removed from areas shown on the map on page 357. The Buffer Overlay Zone contains setbacks and other regulations to address compatibility between commercial and residential zones. The new Commercial Mixed Use base zones incorporate similar regulations which obviate the need for the overlay zone.

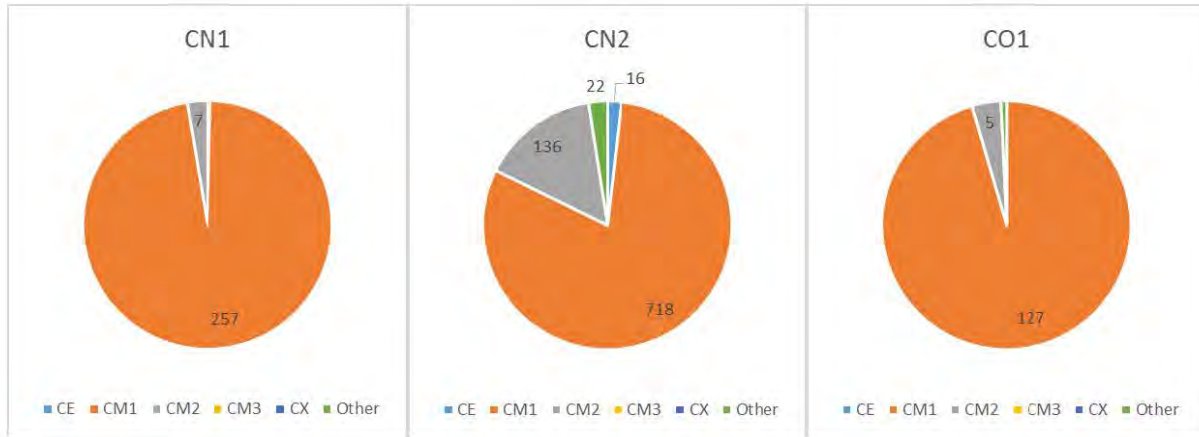
### **5. Main Street Node and Main Street Corridor Overlay Zones**

The areas subject to the Main Street Node (33.455) and Main Street Corridor (33.460) overlay zones are being replaced with plan districts as shown in Section VI of this report. These overlay zone designations will be removed from the zoning maps, but these overlay maps are not shown in this report.

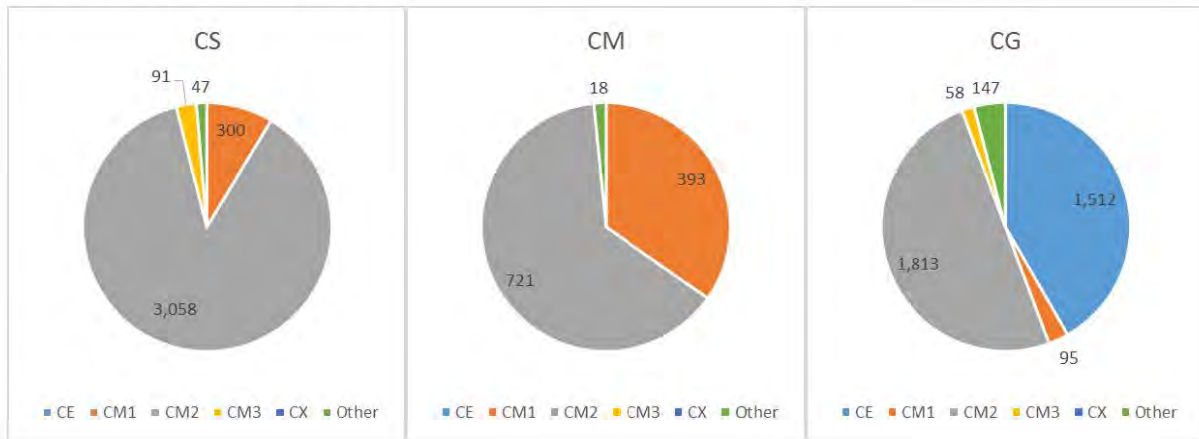
**Figure VII-1: Commercial/Mixed Use Rezoning Summary**

Number of properties assigned to each new zone, by old zones. Other = non Commercial/Mixed Use (EG1, EG2, R1, etc.)

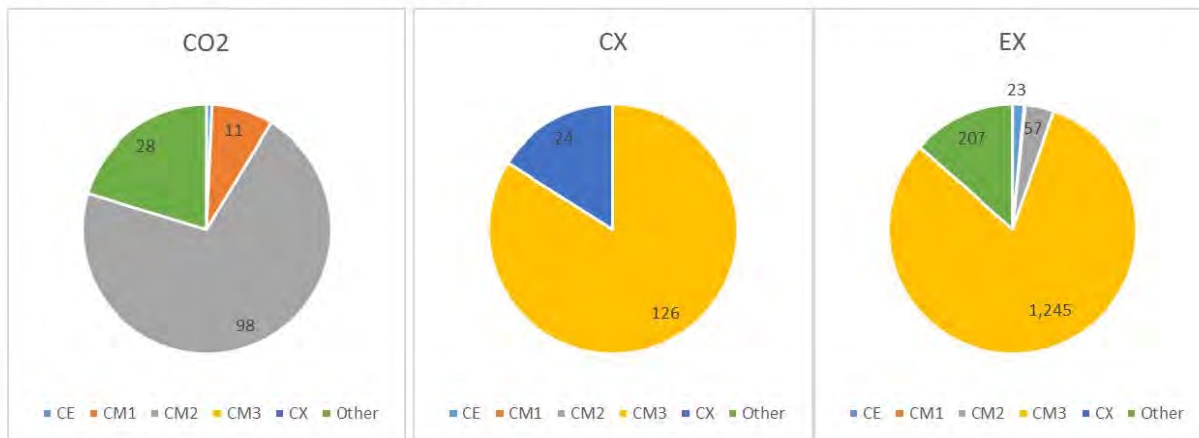
**Small scale commercial zones**



**Medium scale commercial zones**



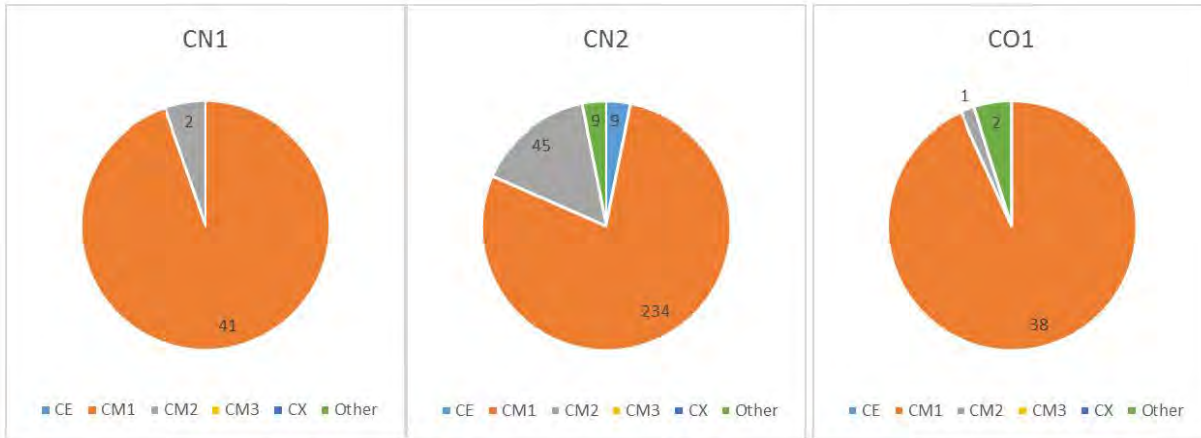
**Medium and large scale commercial zones**



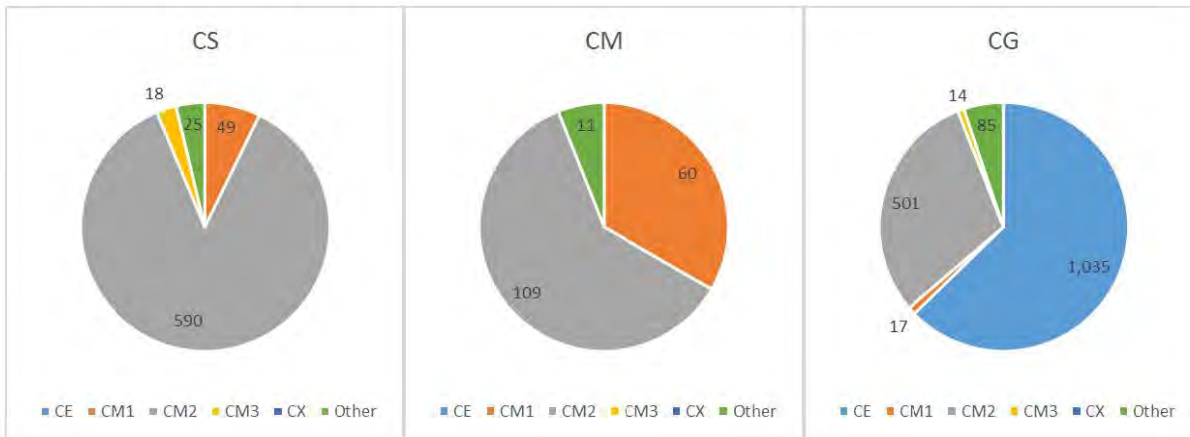
**Figure VII-2: Commercial/Mixed Use Rezoning Summary**

Number of acres assigned to each new zone, by old zones. Other = non Commercial/Mixed Use (EG1, EG2, R1, etc.)

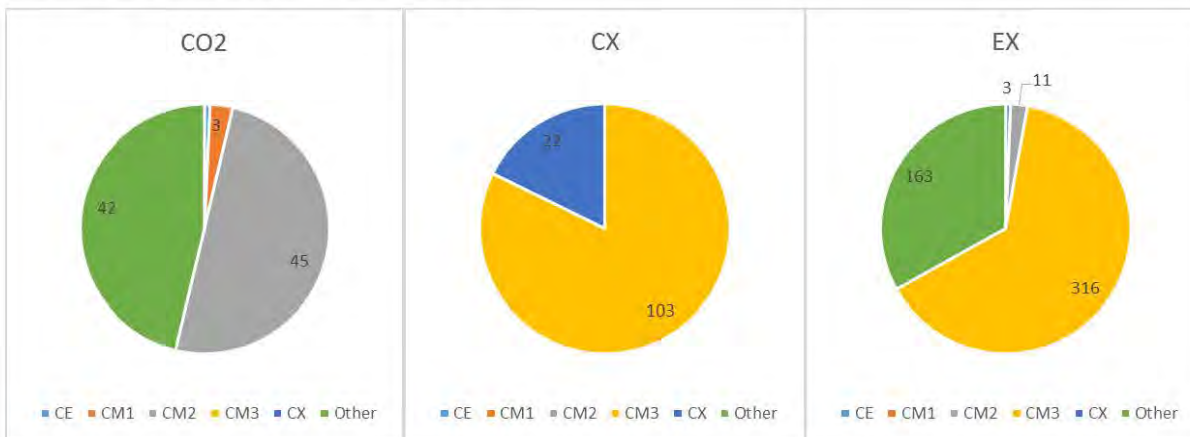
**Small scale commercial zones**



**Medium scale commercial zones**

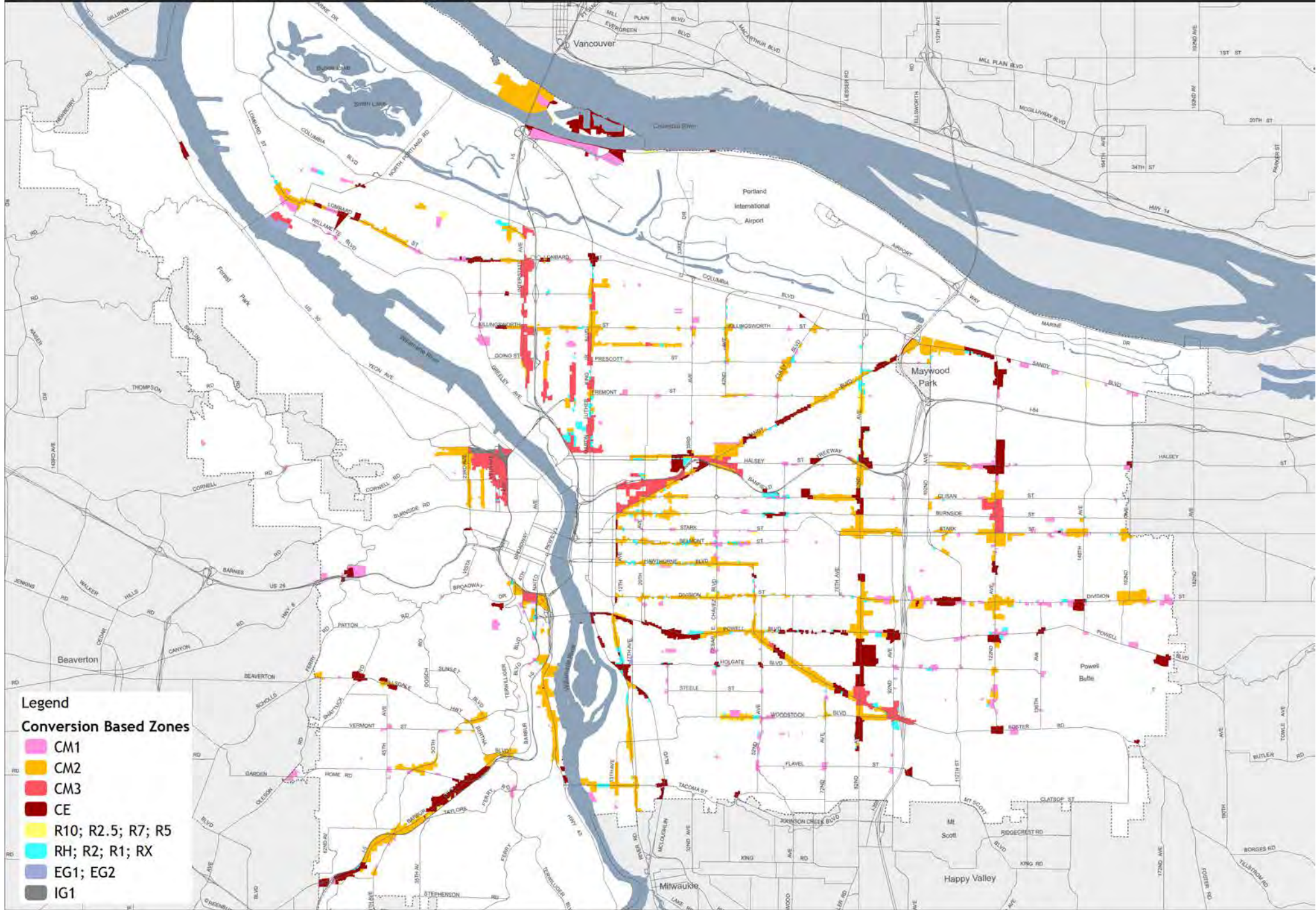


**Medium and large scale commercial zones**





# Mixed Use Zones Project - Conversion-Based Zoning Map



## Legend

### Conversion Based Zones

- CM1
- CM2
- CM3
- CE
- R10; R2.5; R7; R5
- RH; R2; R1; RX
- EG1; EG2
- IG1

March 11, 2016

City of Portland, Oregon // Bureau of Planning & Sustainability // Geographic Information System

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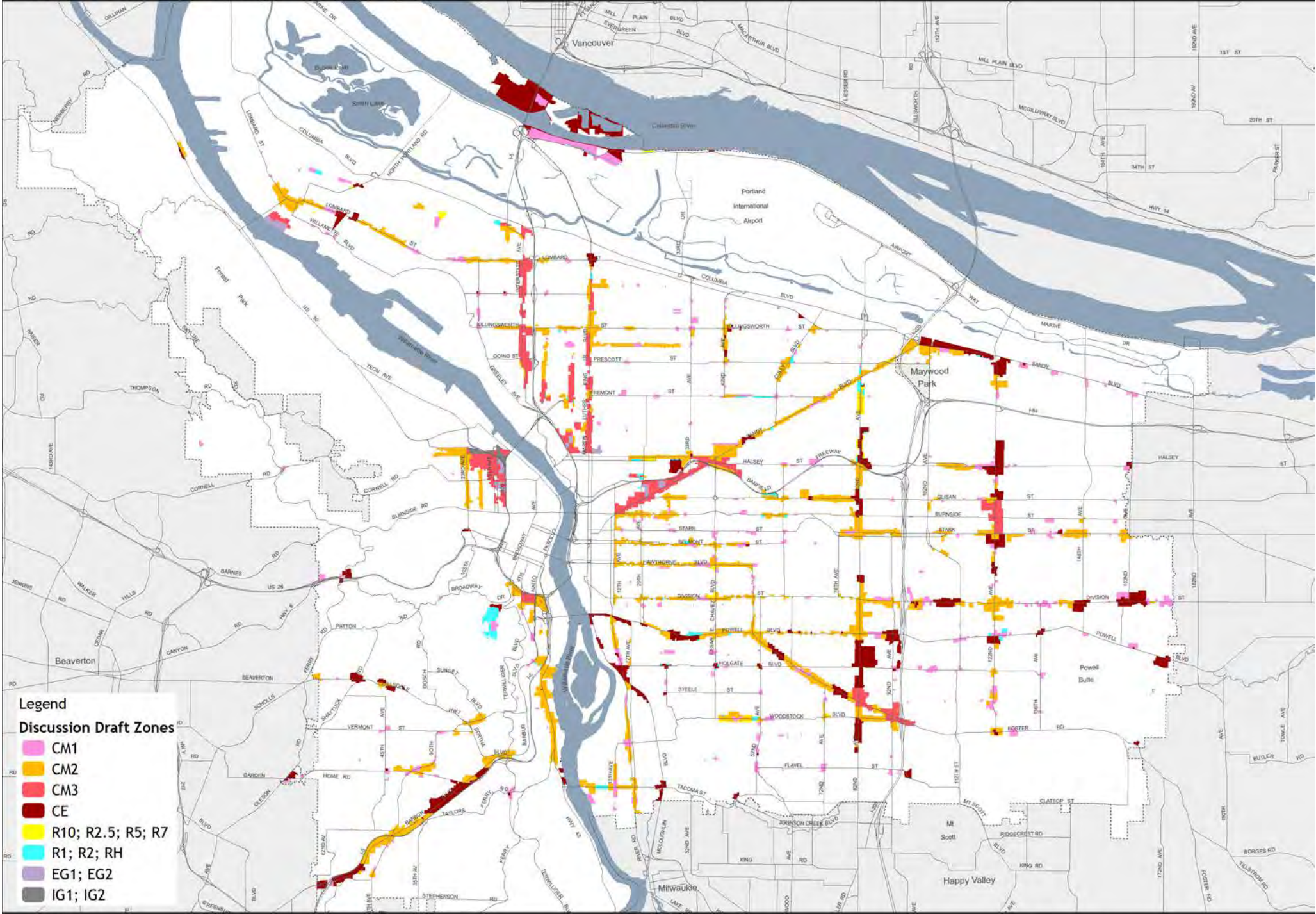
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# Mixed Use Zones Project - Proposed Zoning Map



- Legend**
- Discussion Draft Zones**
- CM1
  - CM2
  - CM3
  - CE
  - R10; R2.5; R5; R7
  - R1; R2; RH
  - EG1; EG2
  - IG1; IG2

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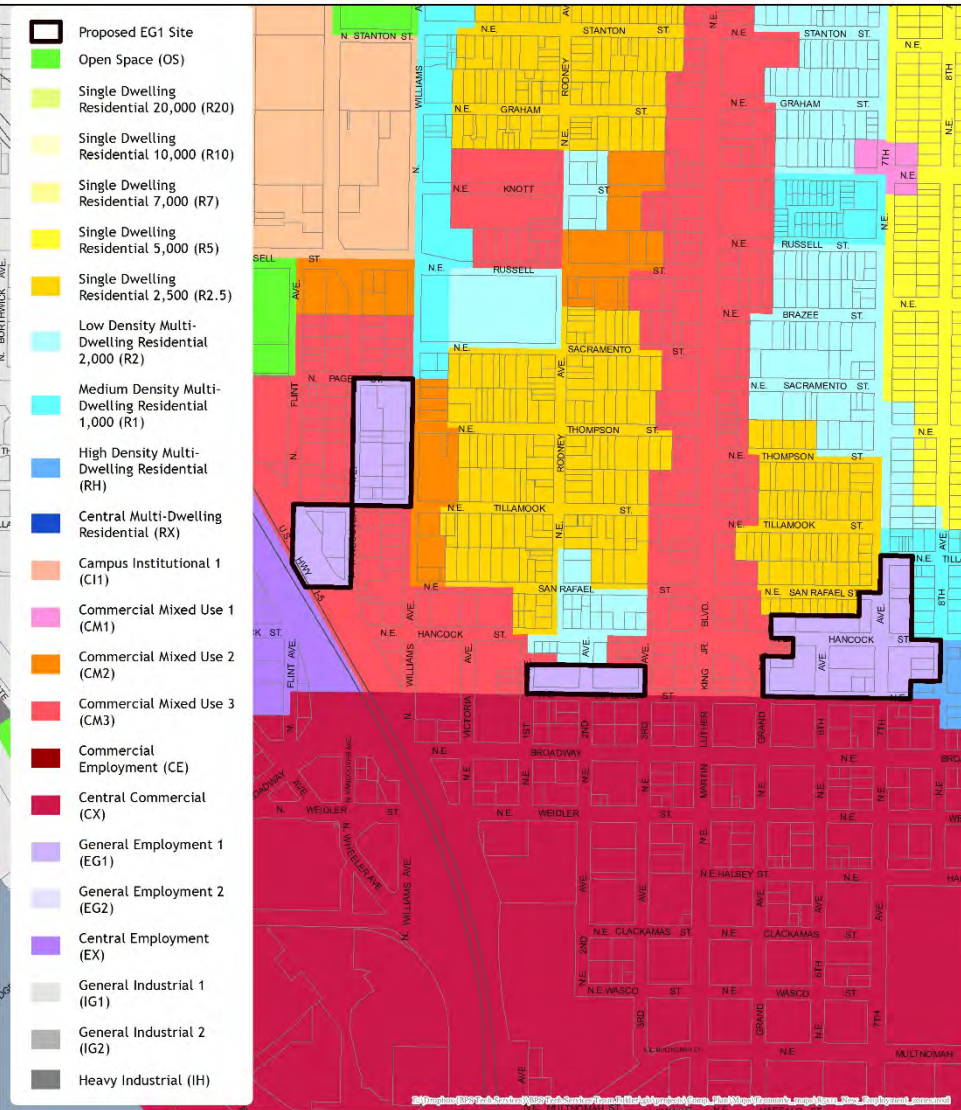


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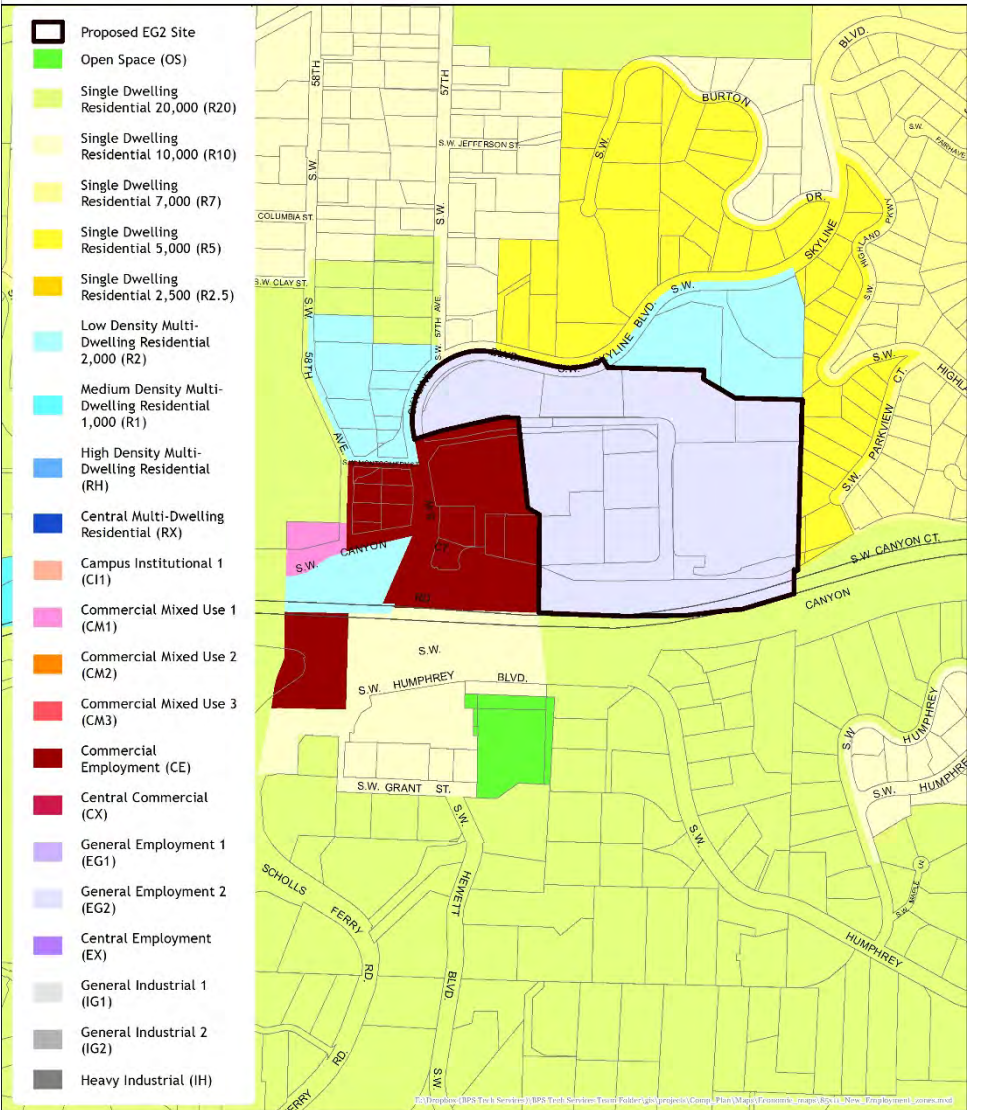




### North/Northeast Portland Sites

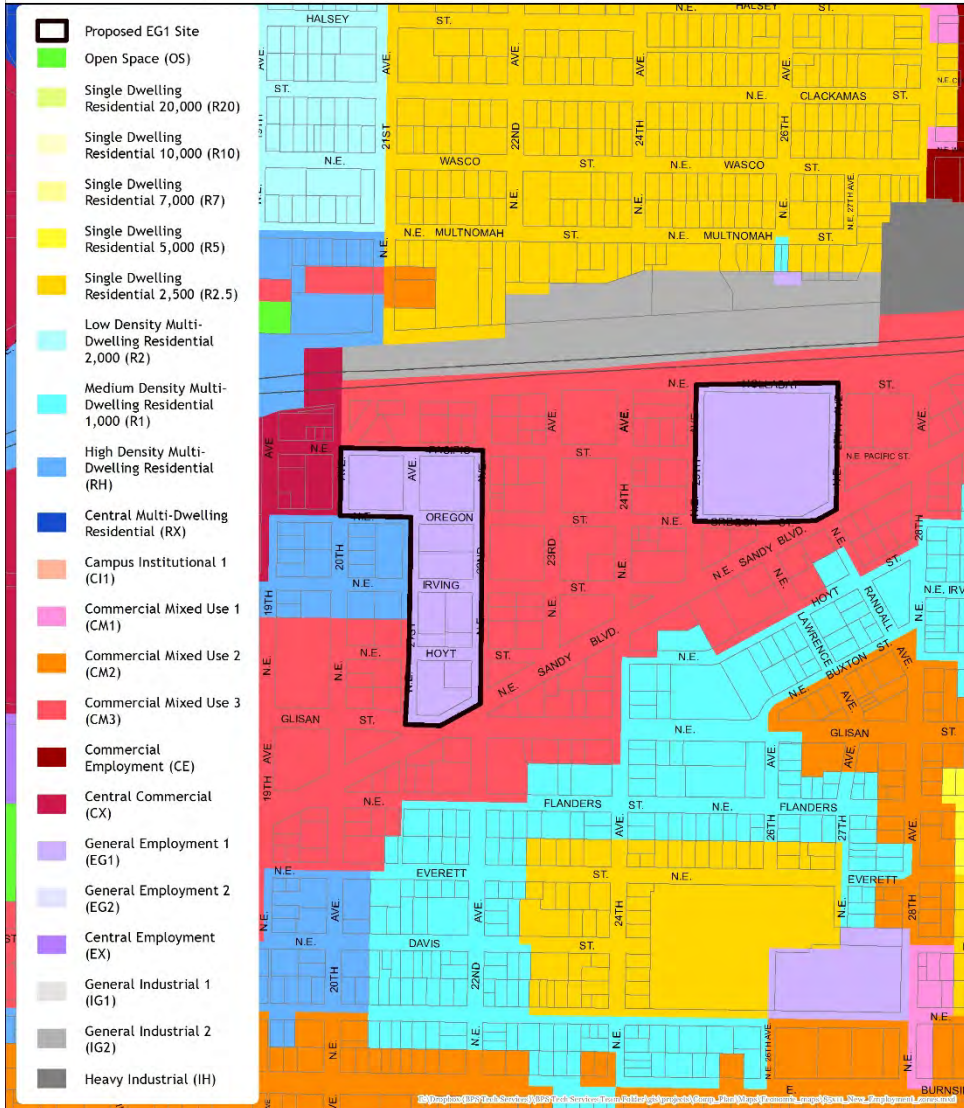


### Sylvan Site





### Northeast Sandy Boulevard Sites

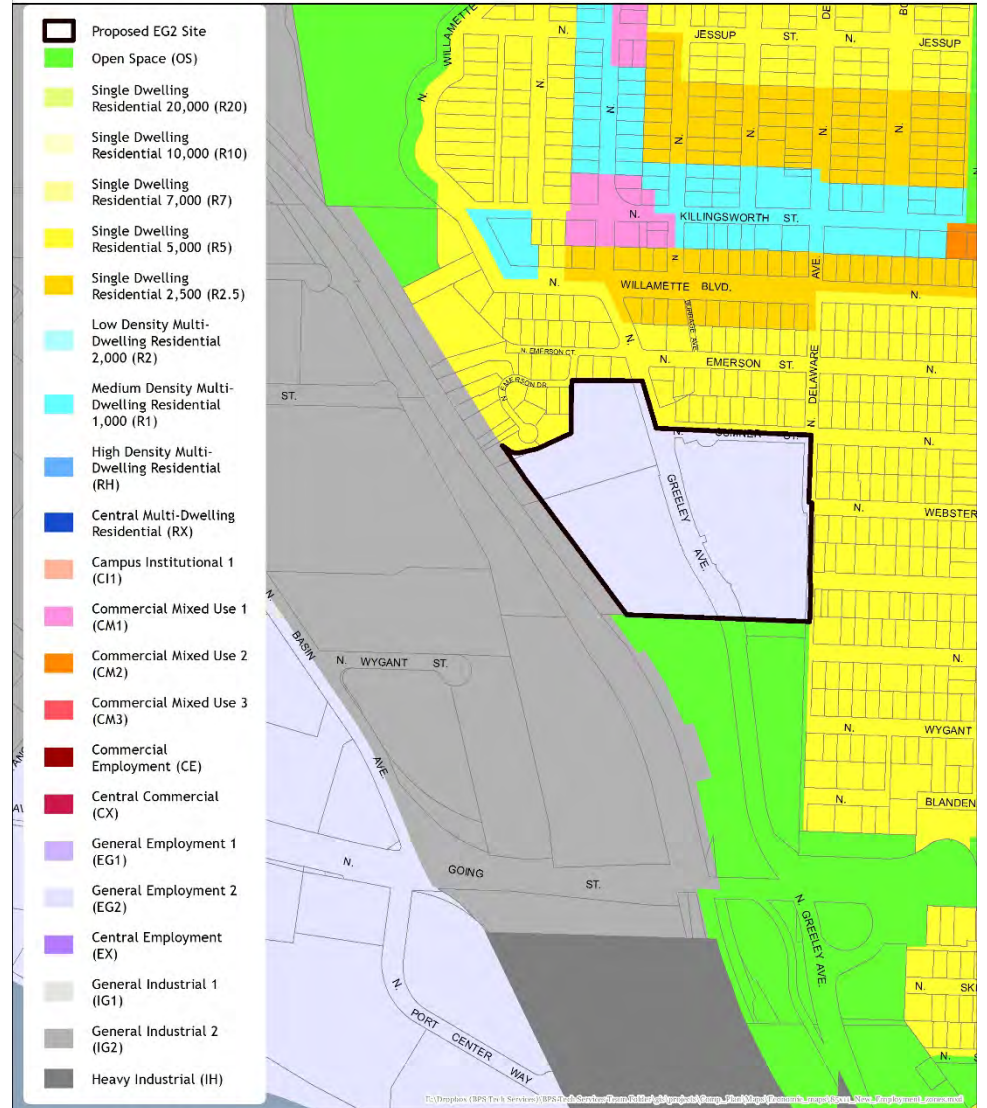


Proposed Employment Zones

March 11, 2016



### Adidas Site

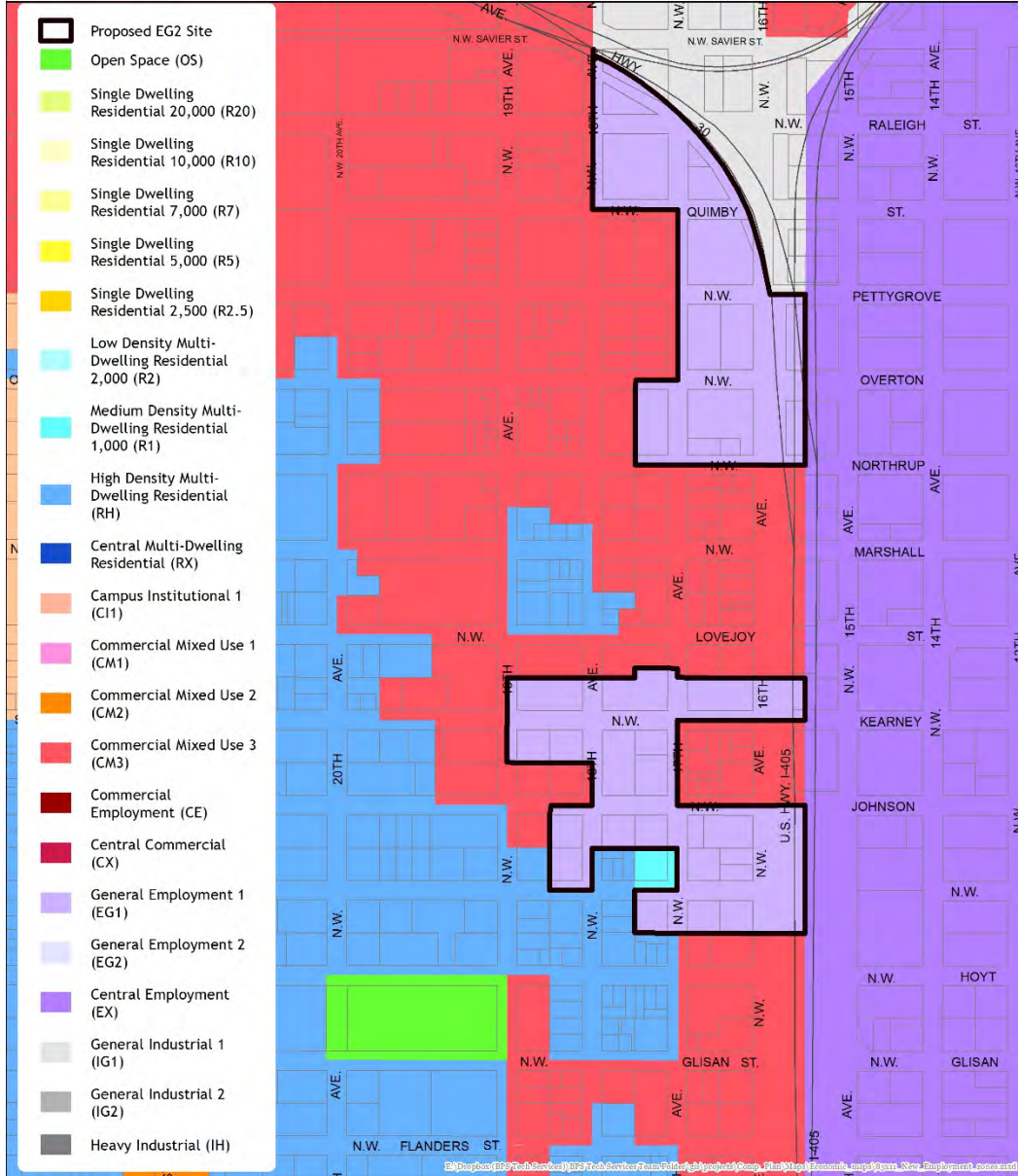


Proposed Employment Zones

March 11, 2016



# Northwest Portland Sites



## Proposed Employment Zones

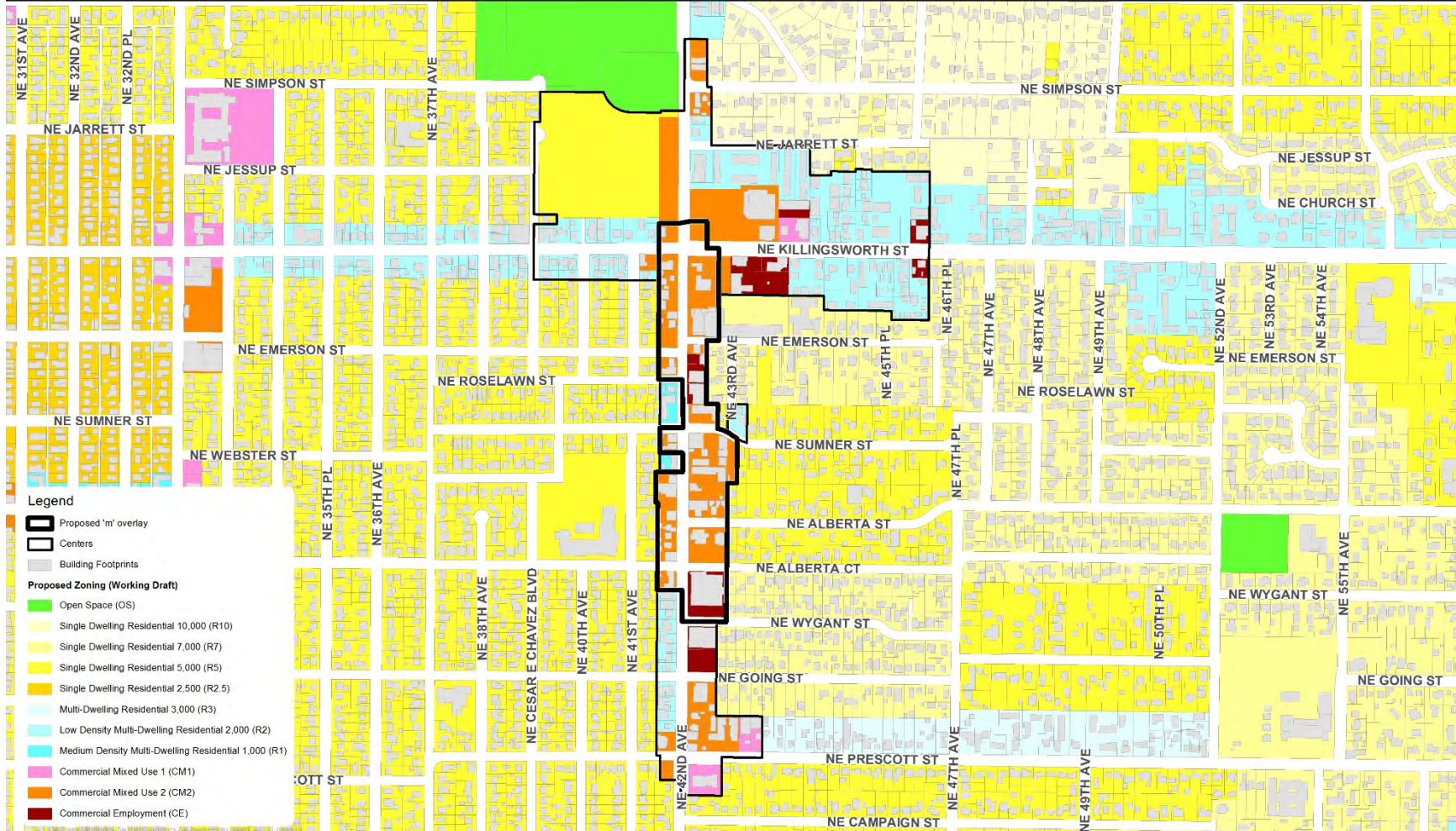
March 11, 2016





# Proposed Centers Main Street Overlay

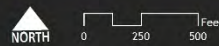
Neighborhood Center: 42nd/Killingsworth



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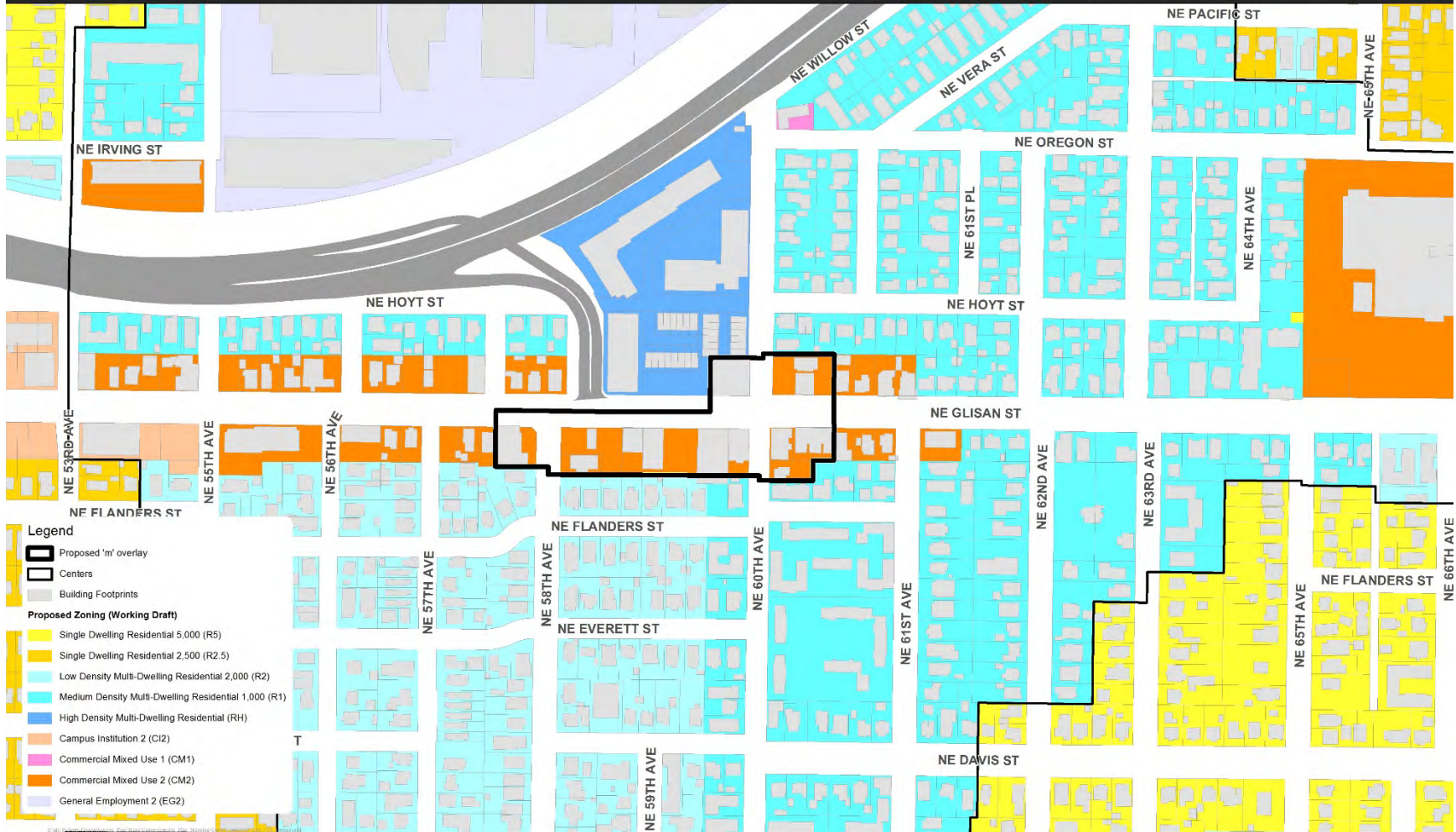
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# Proposed Centers Main Street Overlay

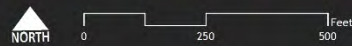
Neighborhood Center: NE 60th / North Tabor



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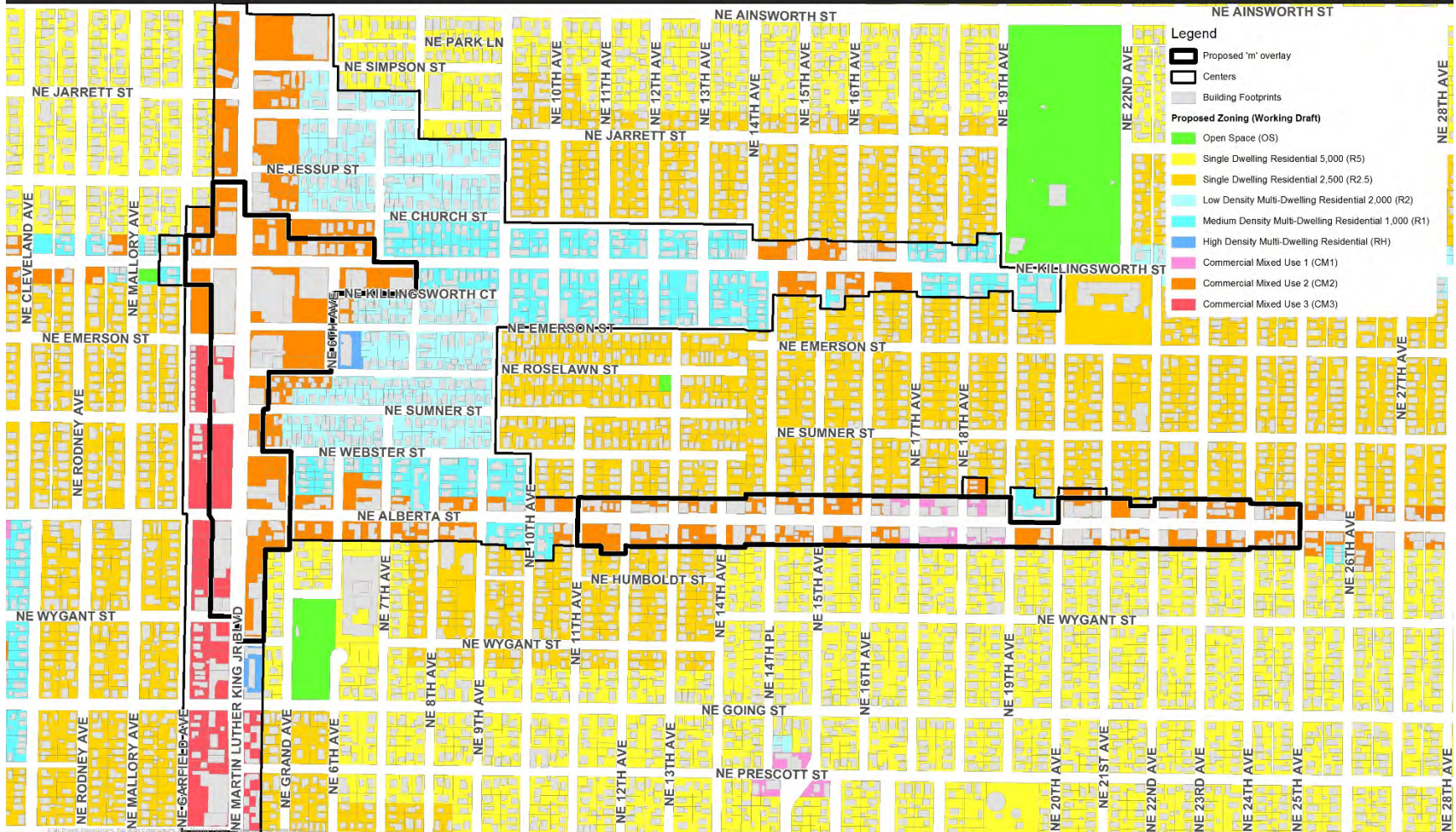






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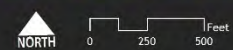
# Neighborhood Center: Alberta/MLK



**Legend**

- Proposed 'm' overlay
- Centers
- Building Footprints
- Proposed Zoning (Working Draft)**
  - Open Space (OS)
  - Single Dwelling Residential 5,000 (R5)
  - Single Dwelling Residential 2,500 (R2.5)
  - Low Density Multi-Dwelling Residential 2,000 (R2)
  - Medium Density Multi-Dwelling Residential 1,000 (R1)
  - High Density Multi-Dwelling Residential (RH)
  - Commercial Mixed Use 1 (CM1)
  - Commercial Mixed Use 2 (CM2)
  - Commercial Mixed Use 3 (CM3)

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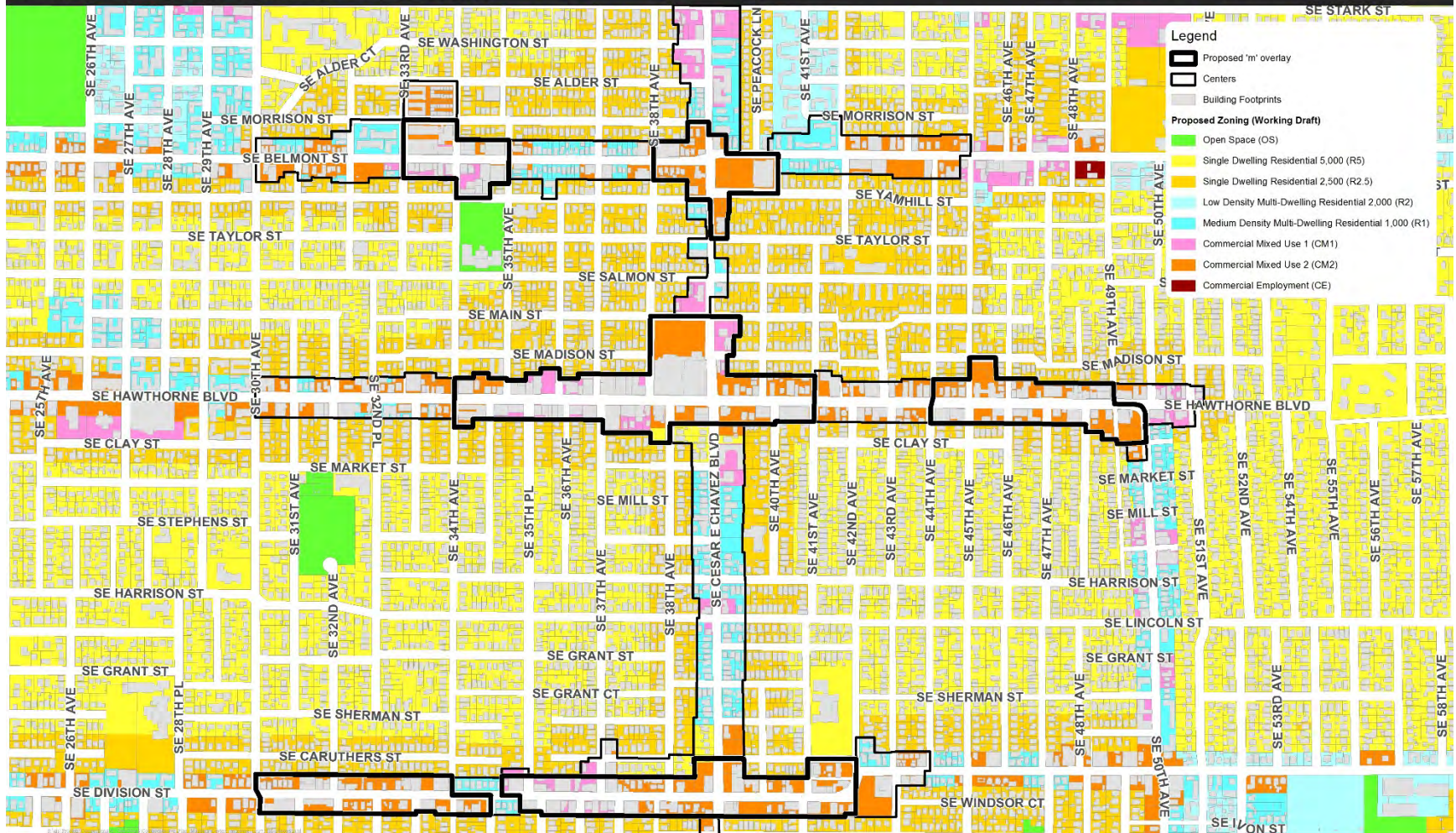


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# Proposed Centers Main Street Overlay

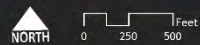
## Town Center: Belmont/Hawthorne/Division



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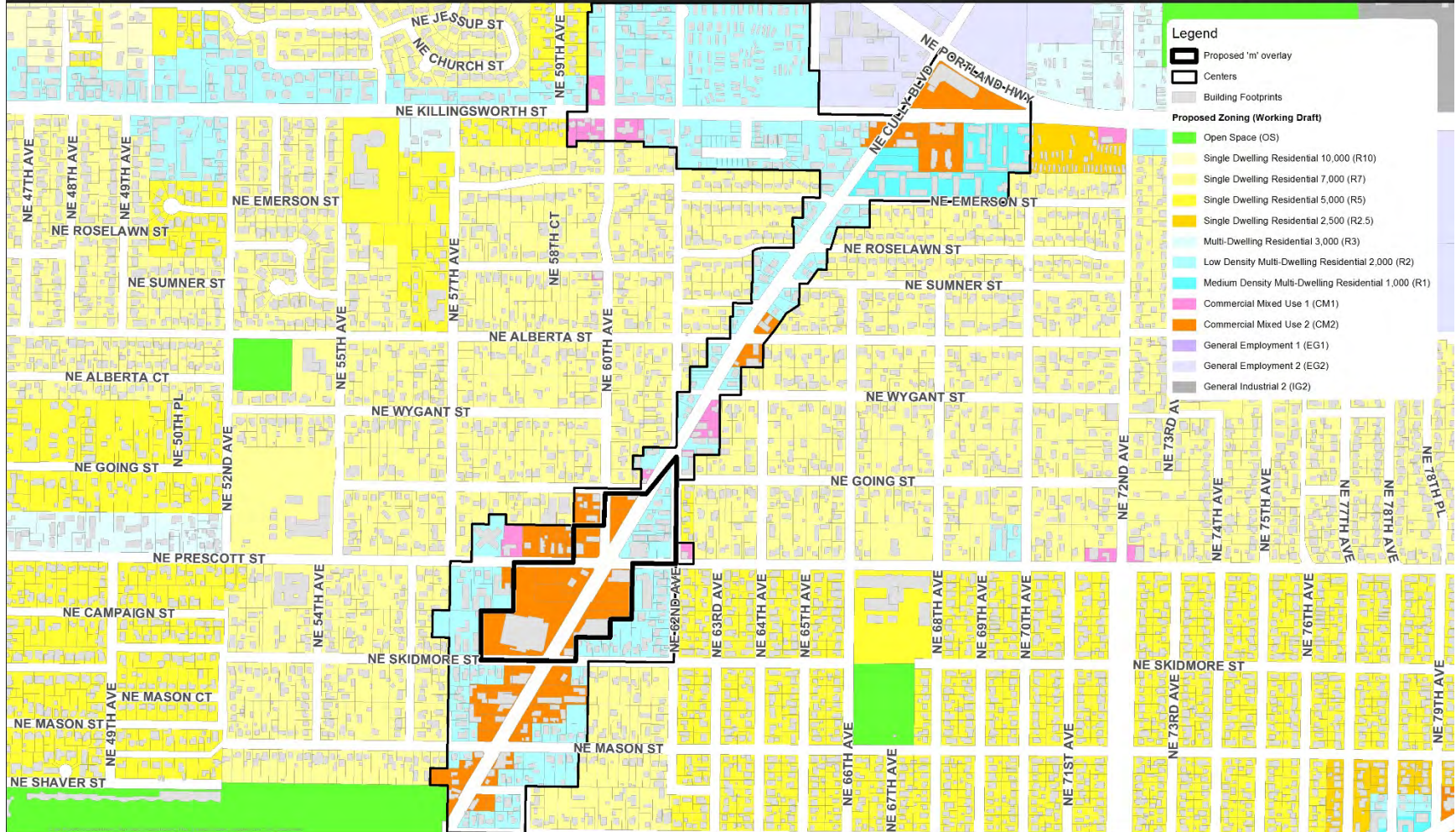
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# Proposed Centers Main Street Overlay

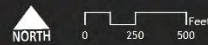
## Neighborhood Center: Cully



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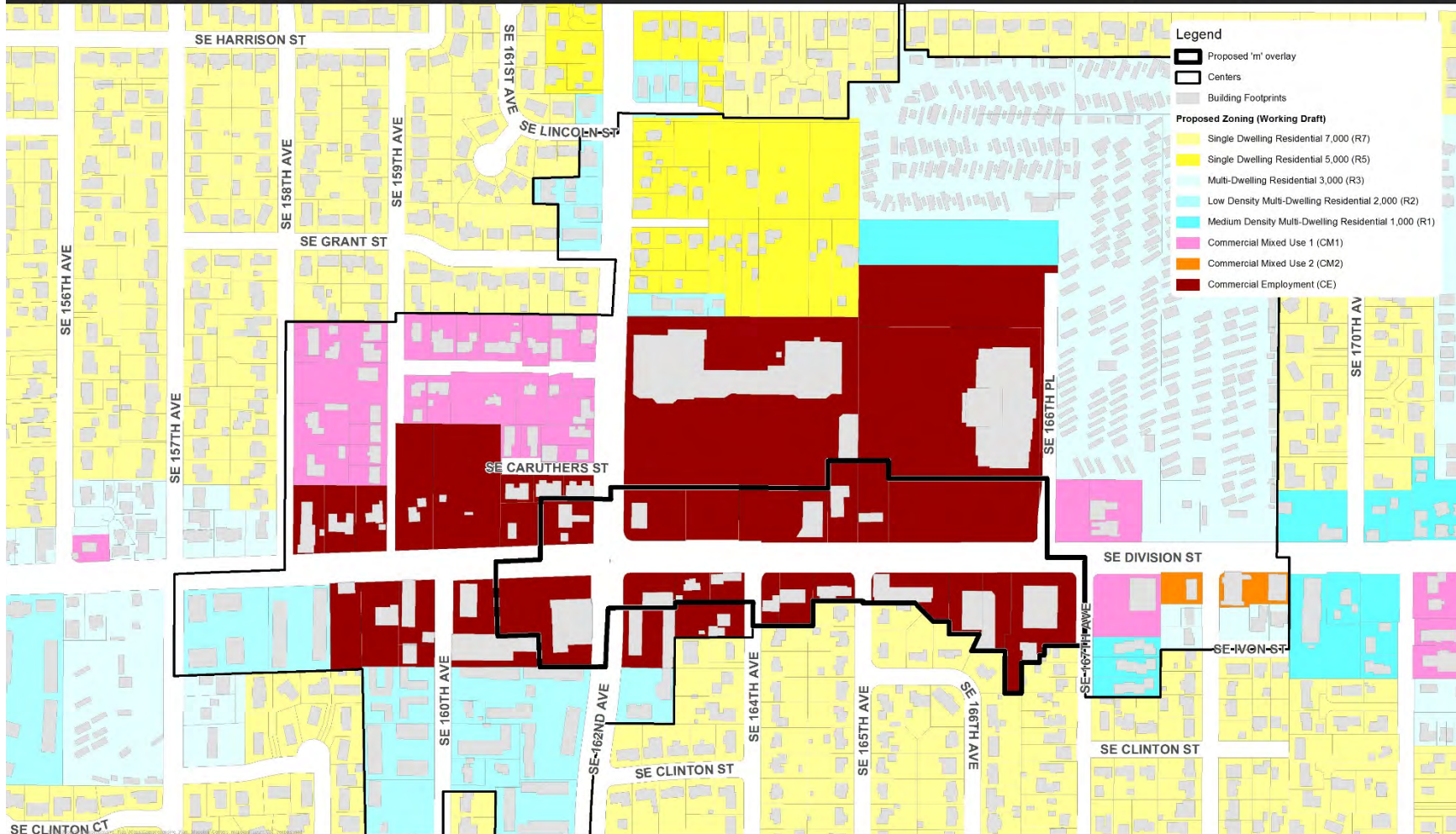
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# Proposed Centers Main Street Overlay

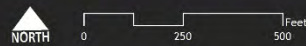
Neighborhood Center: Division/162nd



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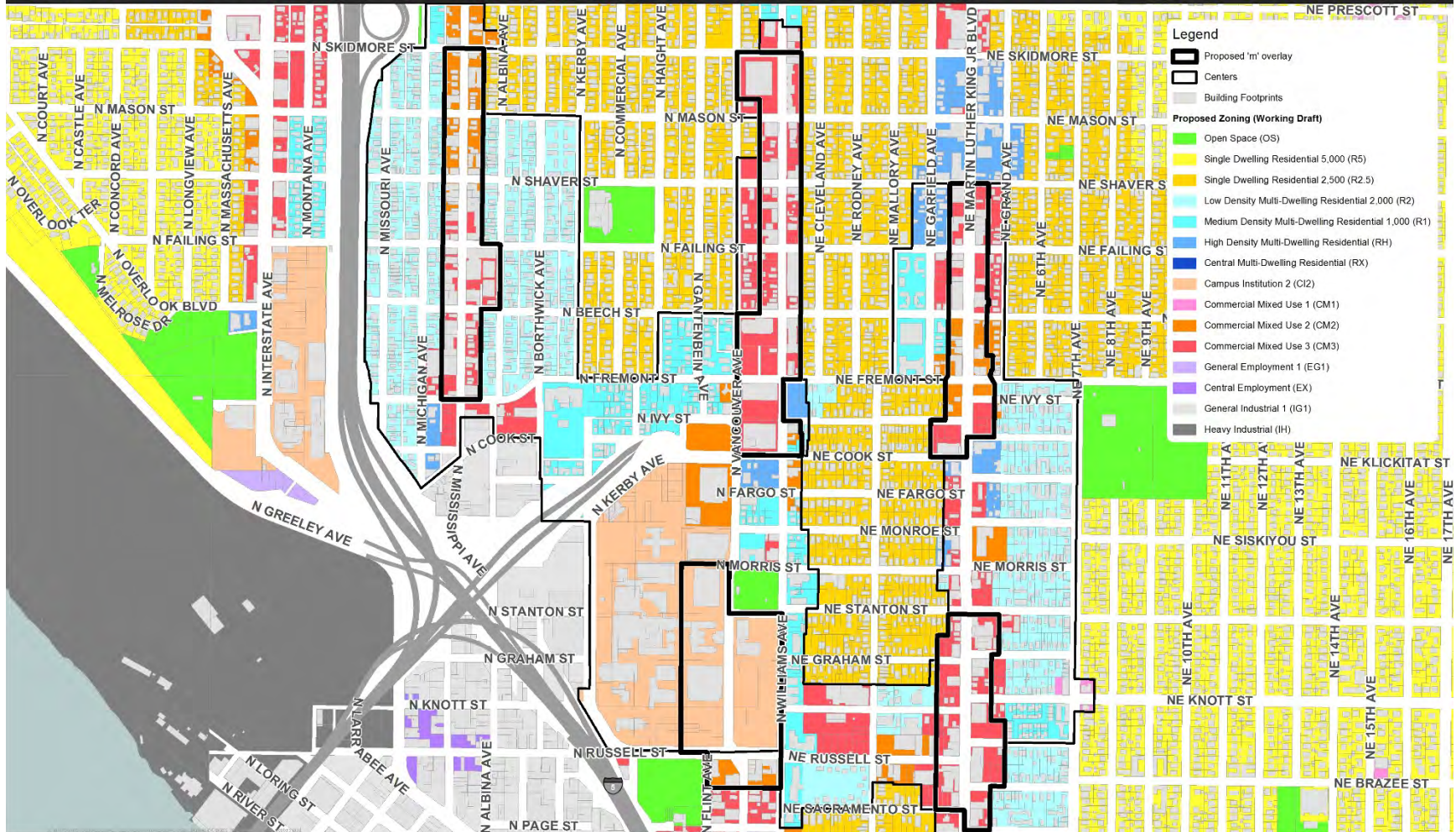
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# Proposed Centers Main Street Overlay

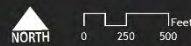
# Neighborhood Center: Fremont/Williams



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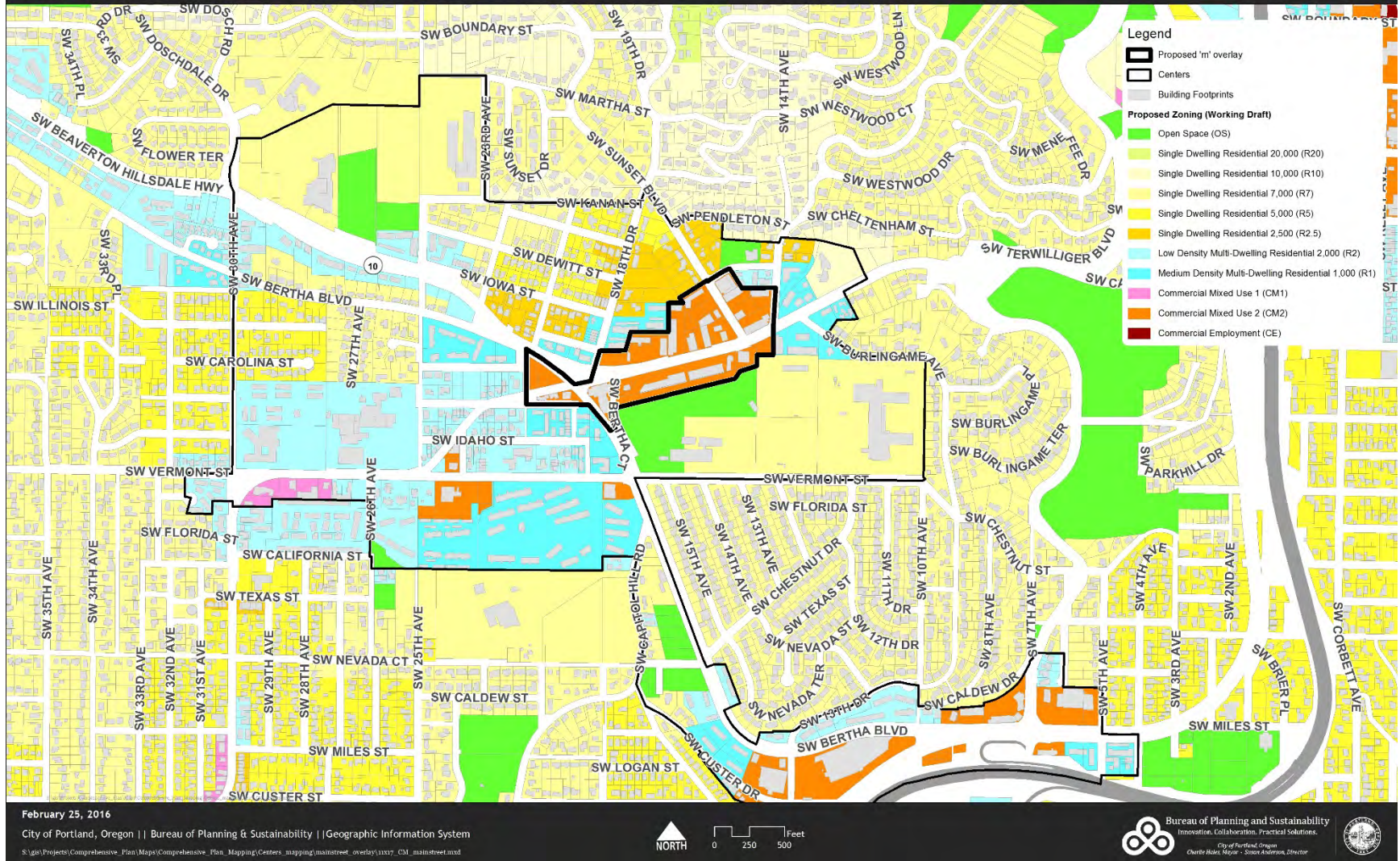






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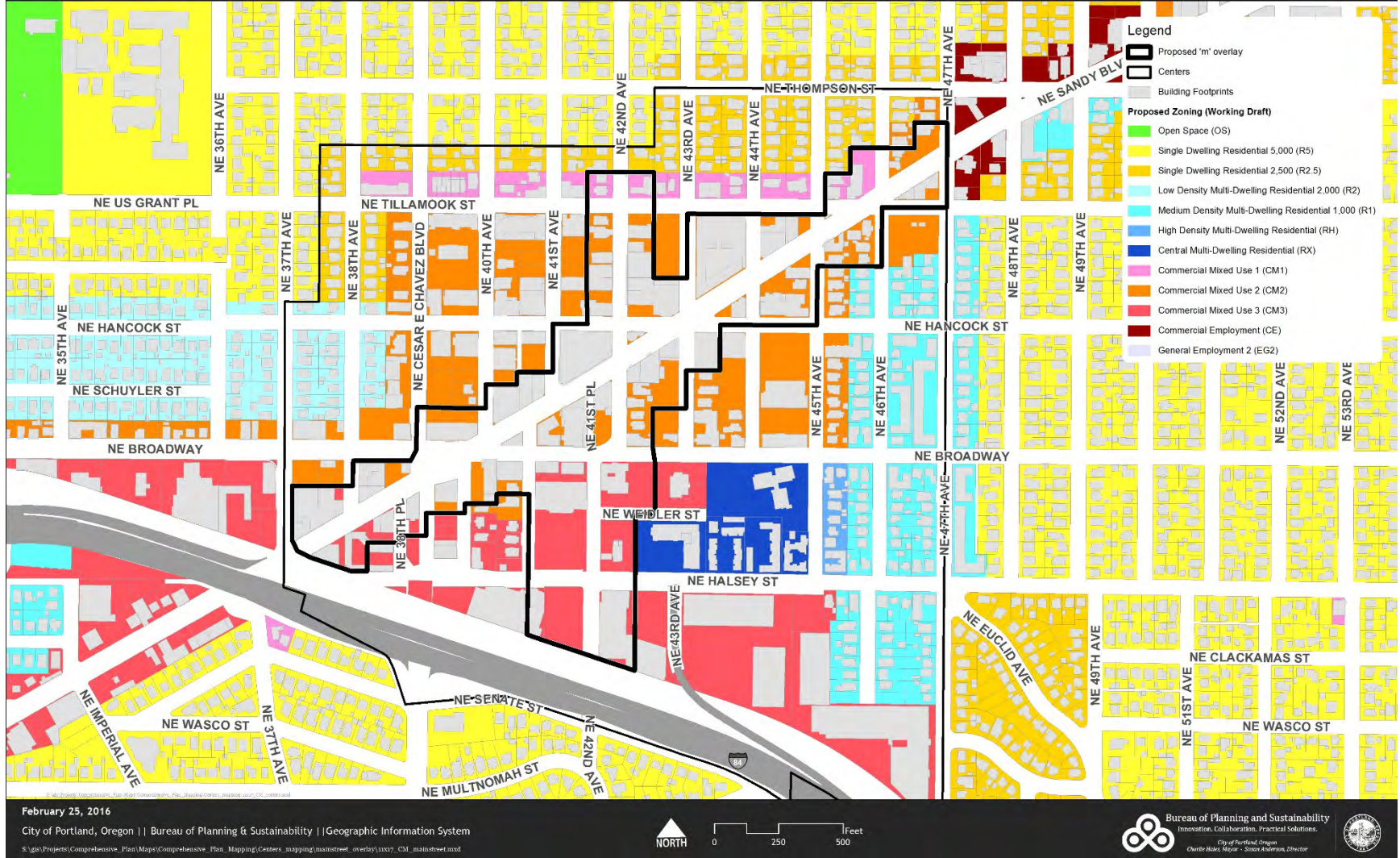
Town Center: Hillsdale





# Proposed Centers Main Street Overlay

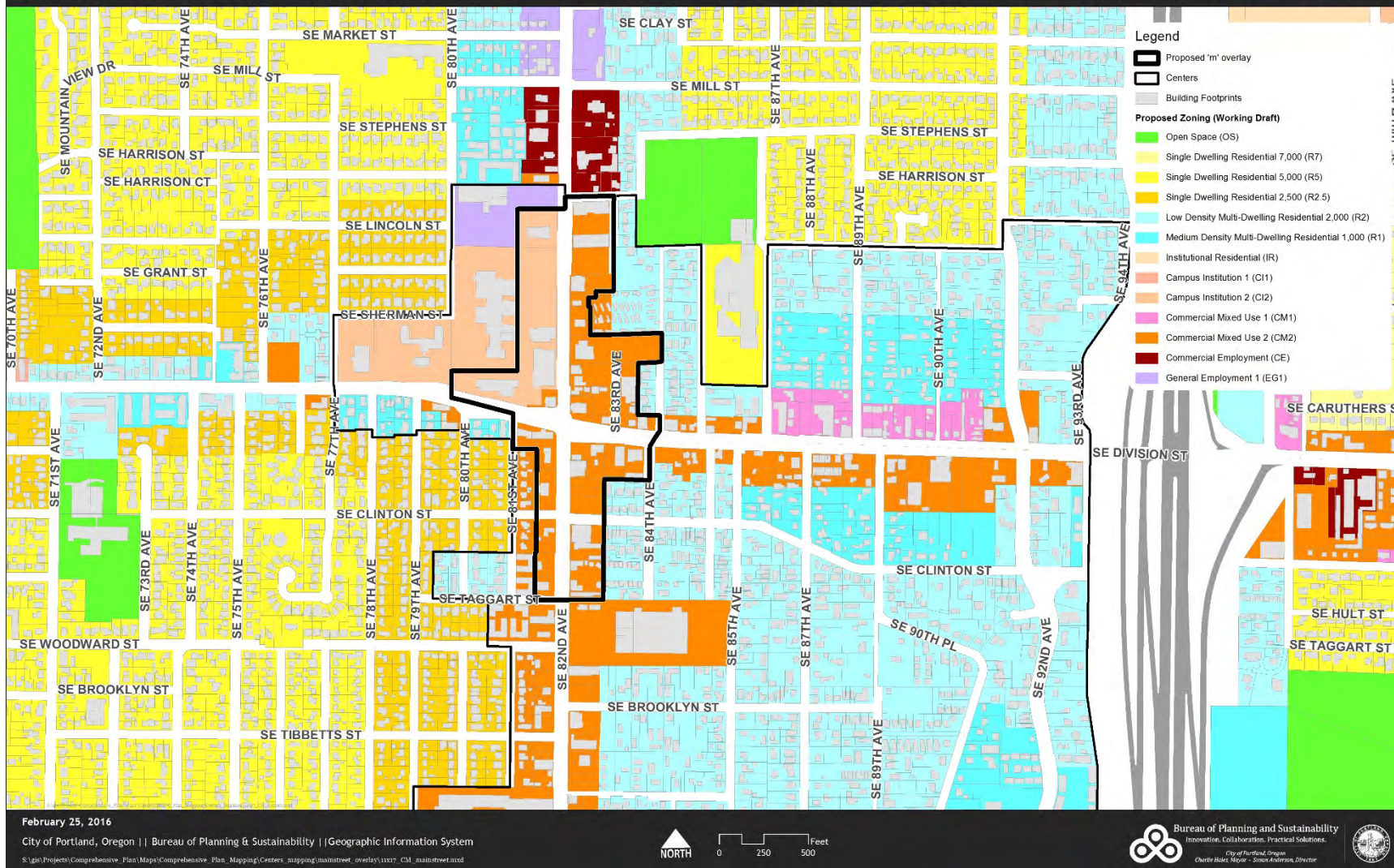
Town Center: Hollywood





# Proposed Centers Main Street Overlay

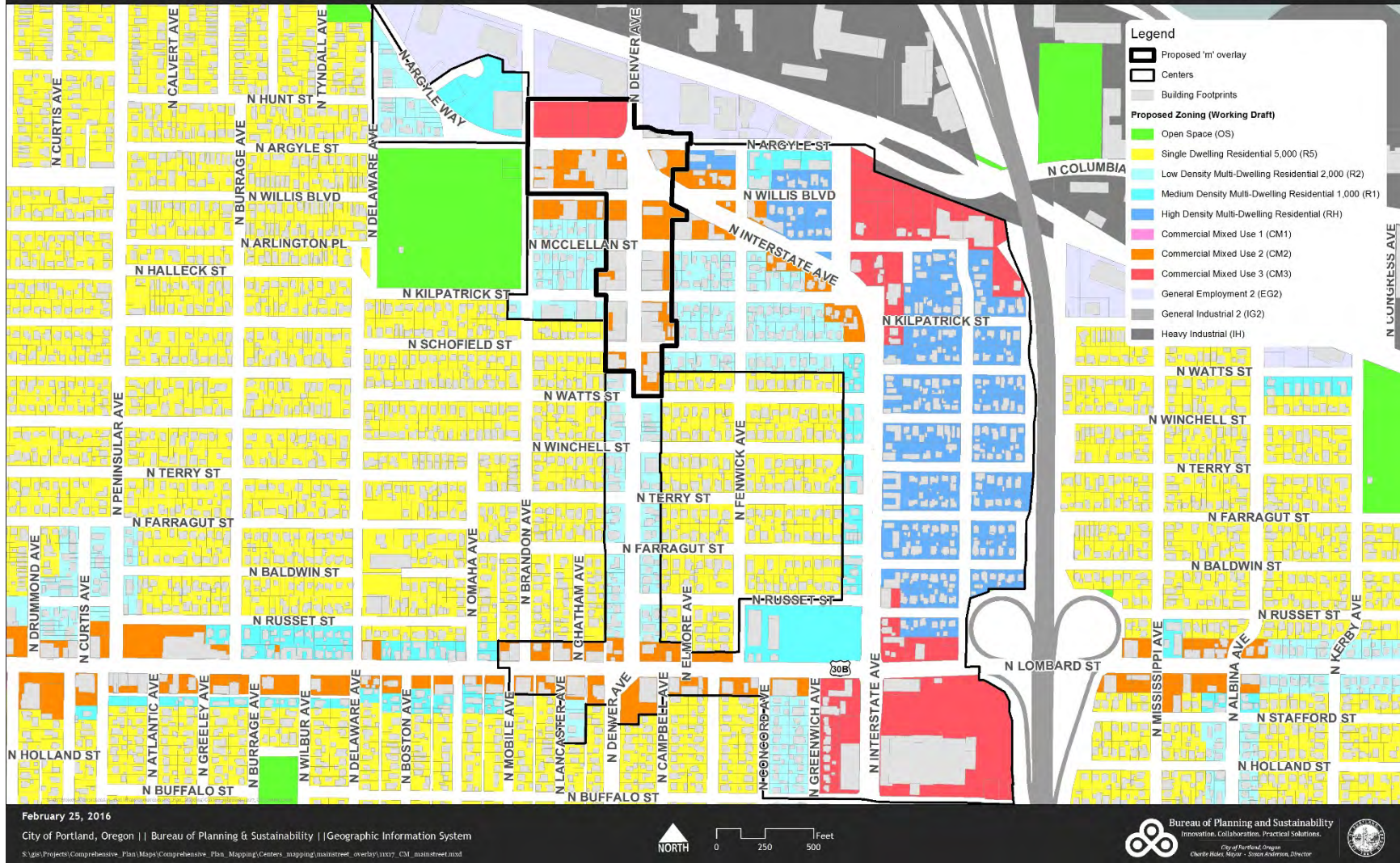
## Neighborhood Center: Jade District





# Proposed Centers Main Street Overlay

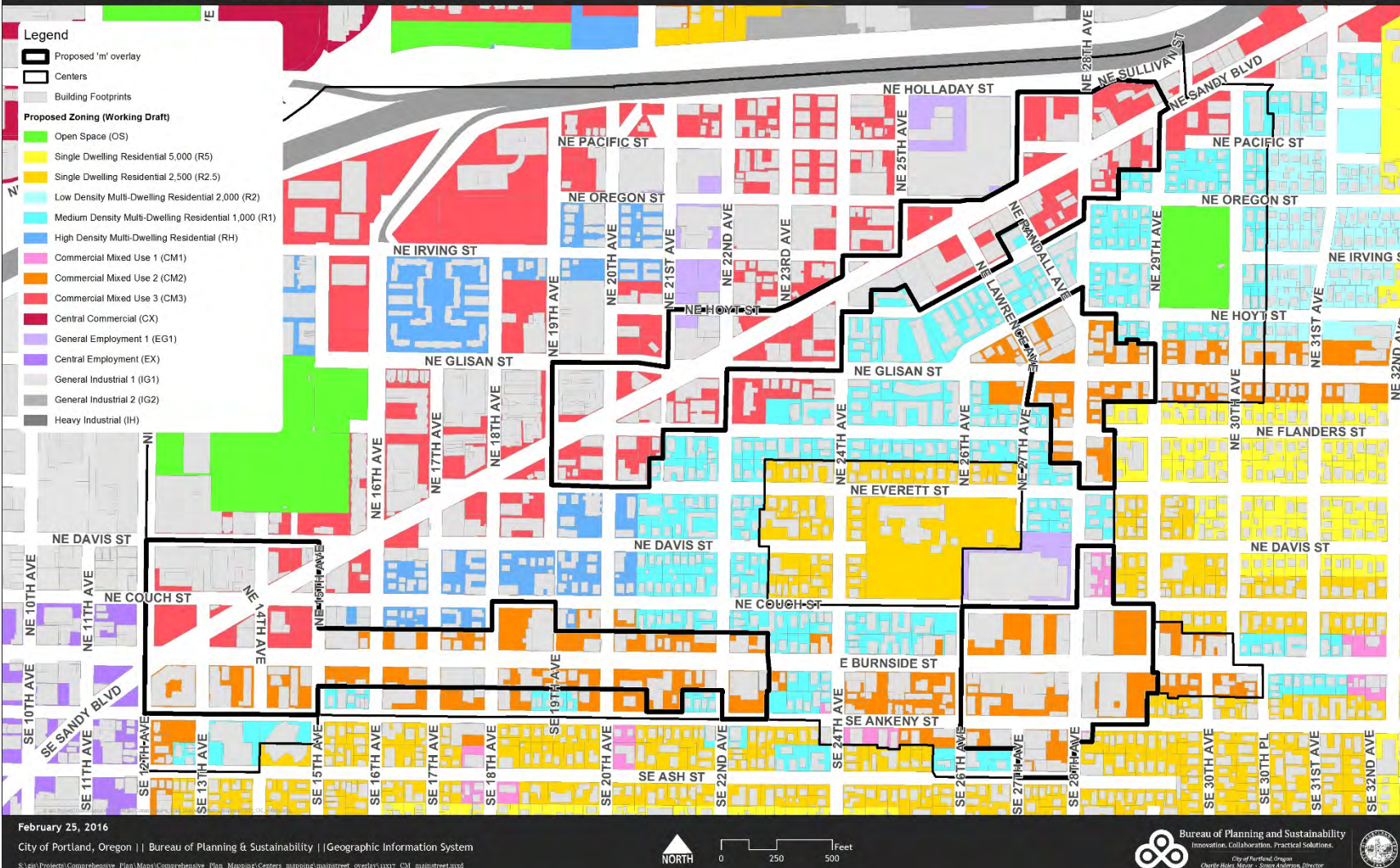
# Neighborhood Center: Kenton Lombard





# Proposed Centers Main Street Overlay

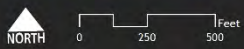
Neighborhood Center: Kerns



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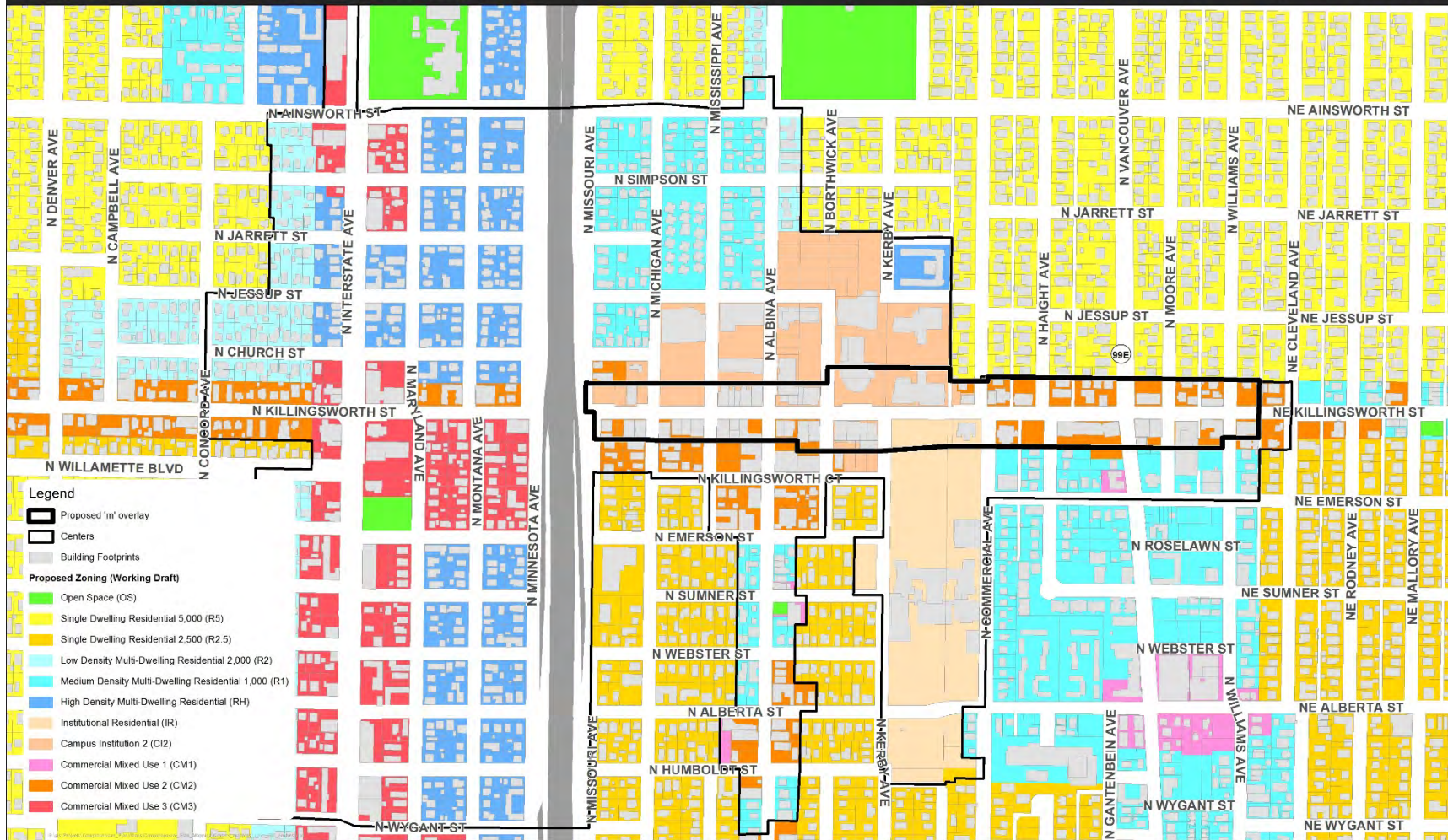
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# Proposed Centers Main Street Overlay

Town Center: Killingsworth/Interstate



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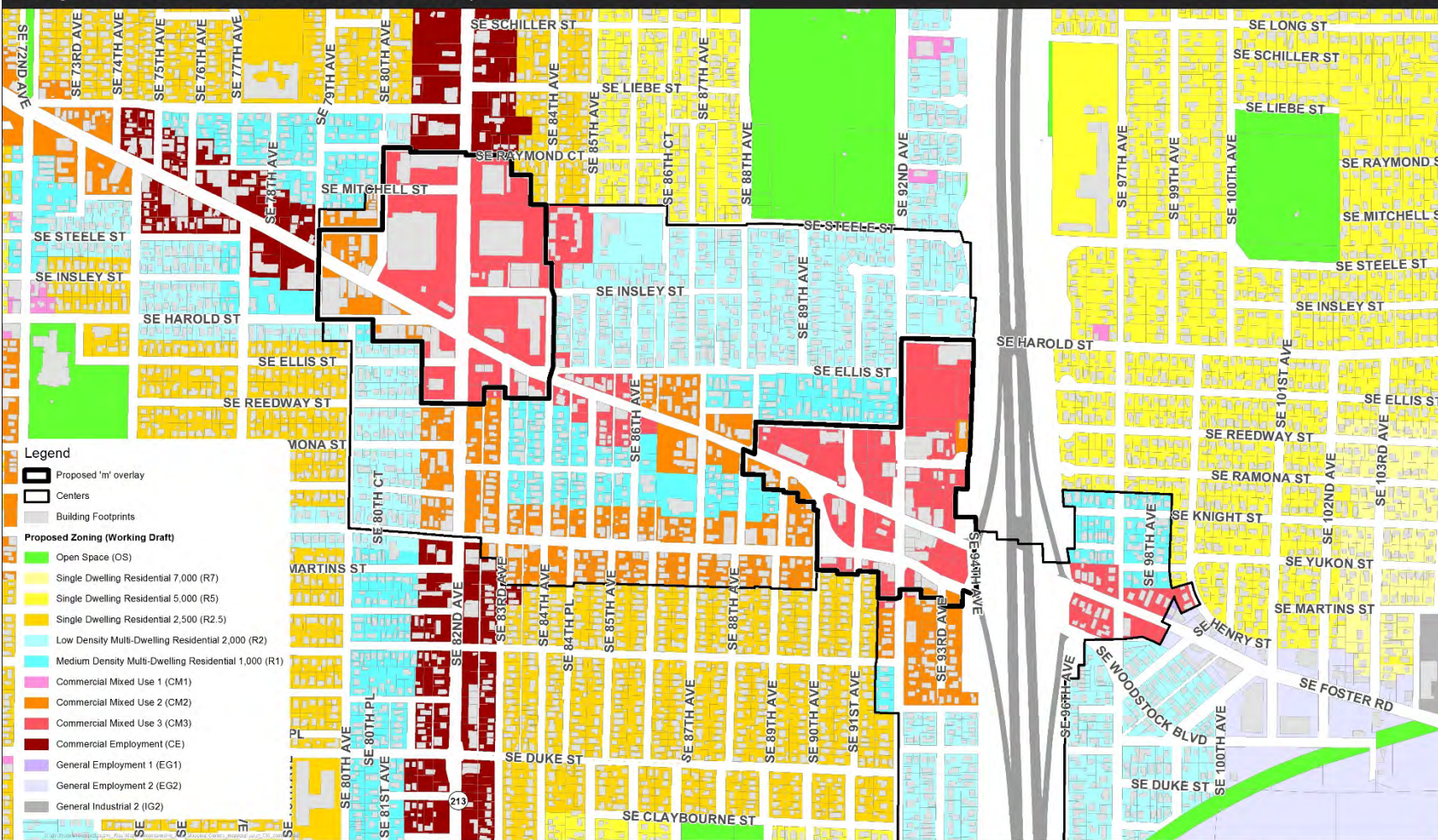
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# Proposed Centers Main Street Overlay

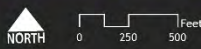
Town Center: Lents



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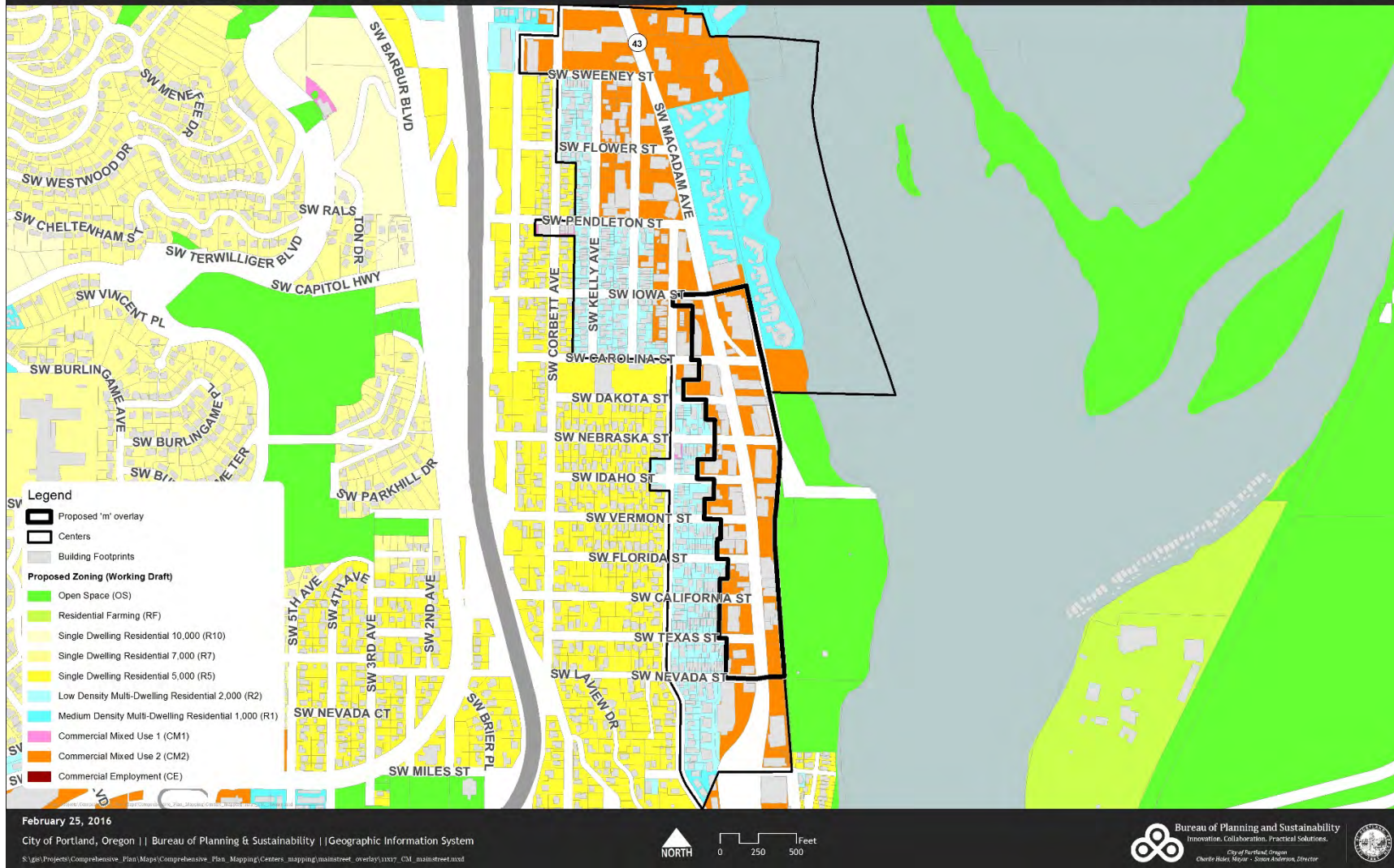
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# Proposed Centers Main Street Overlay

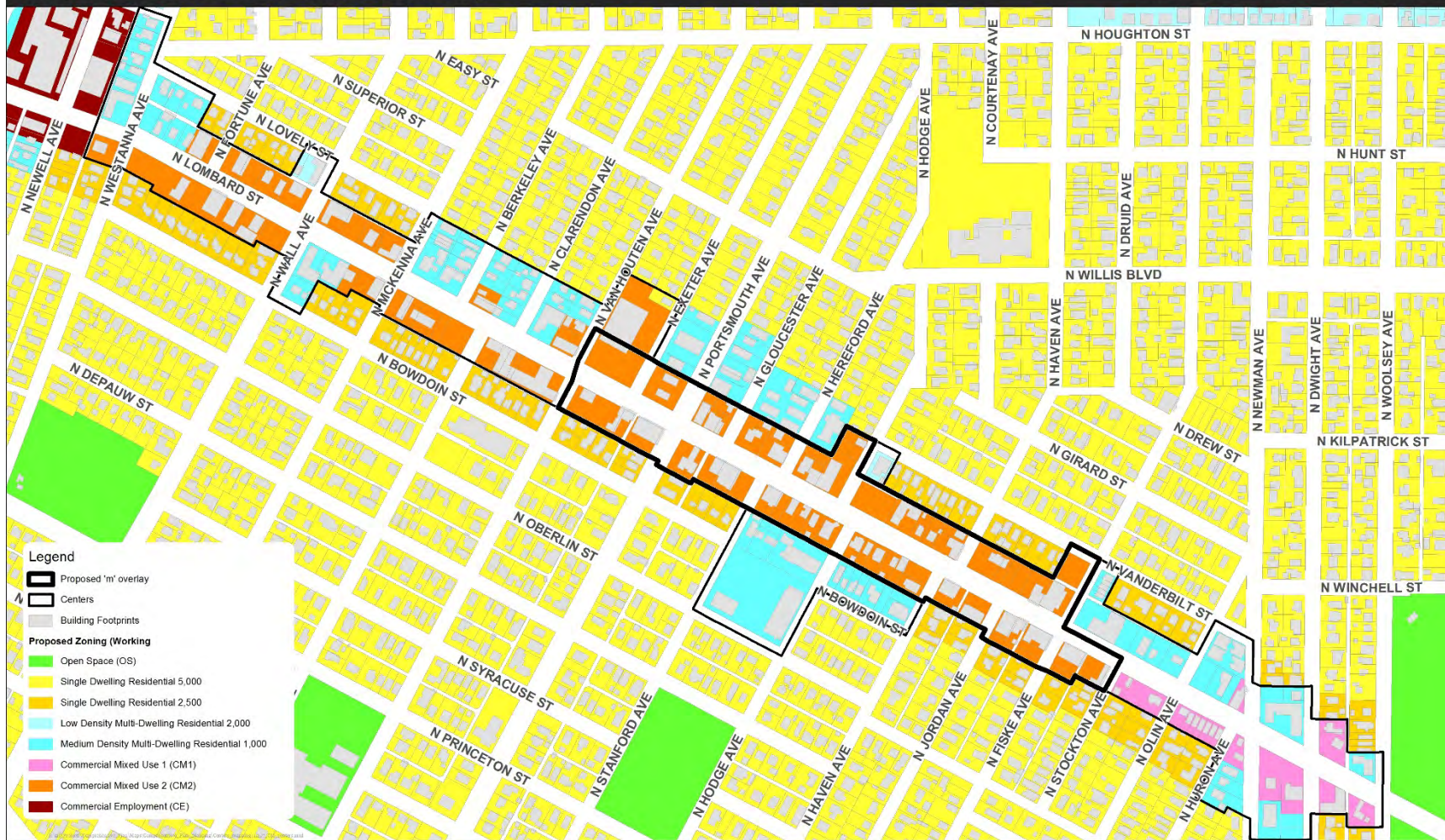
Neighborhood Center: Macadam





# Proposed Centers Main Street Overlay

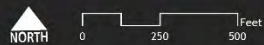
Neighborhood Center: Mid-Lombard



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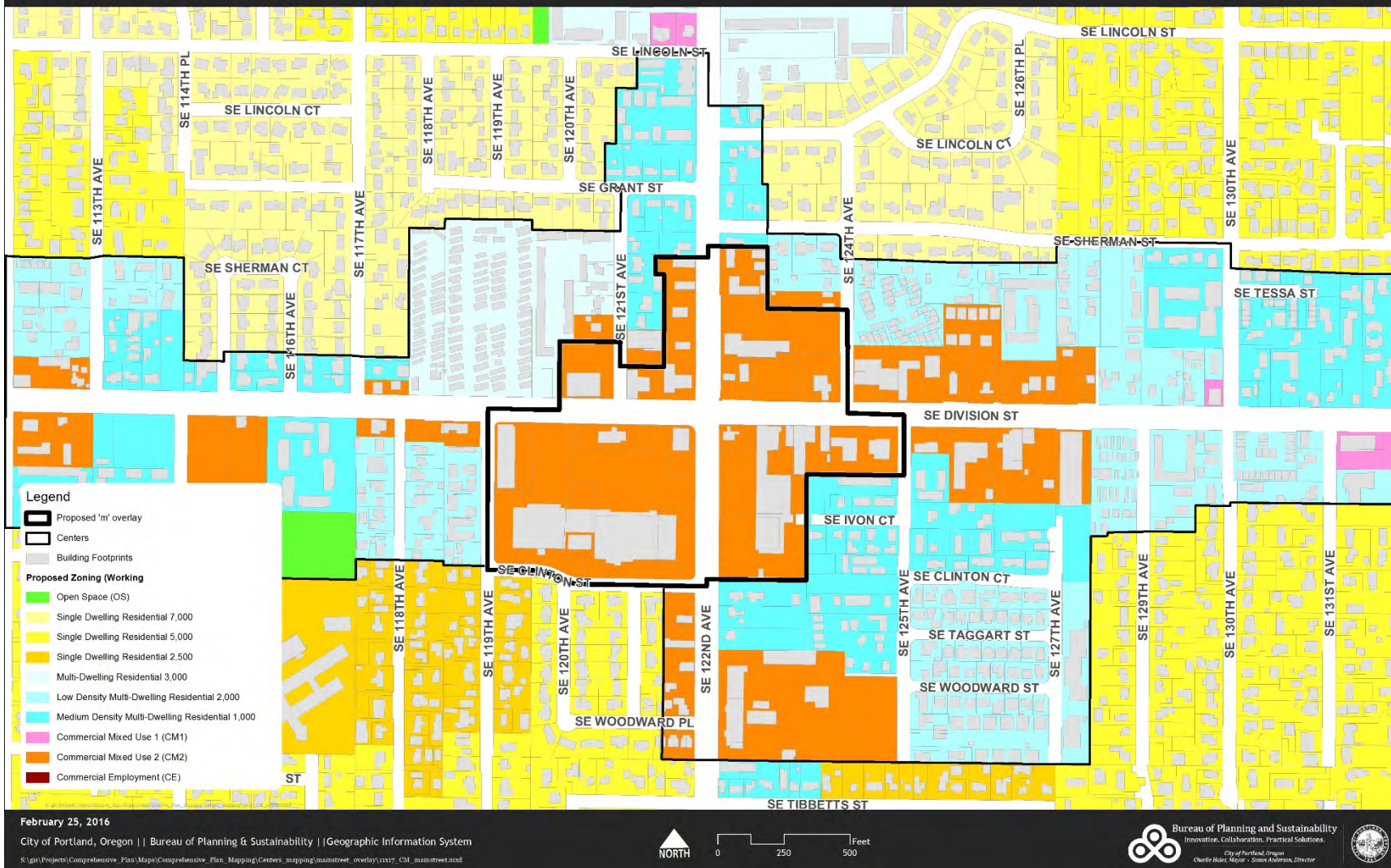
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# Proposed Centers Main Street Overlay

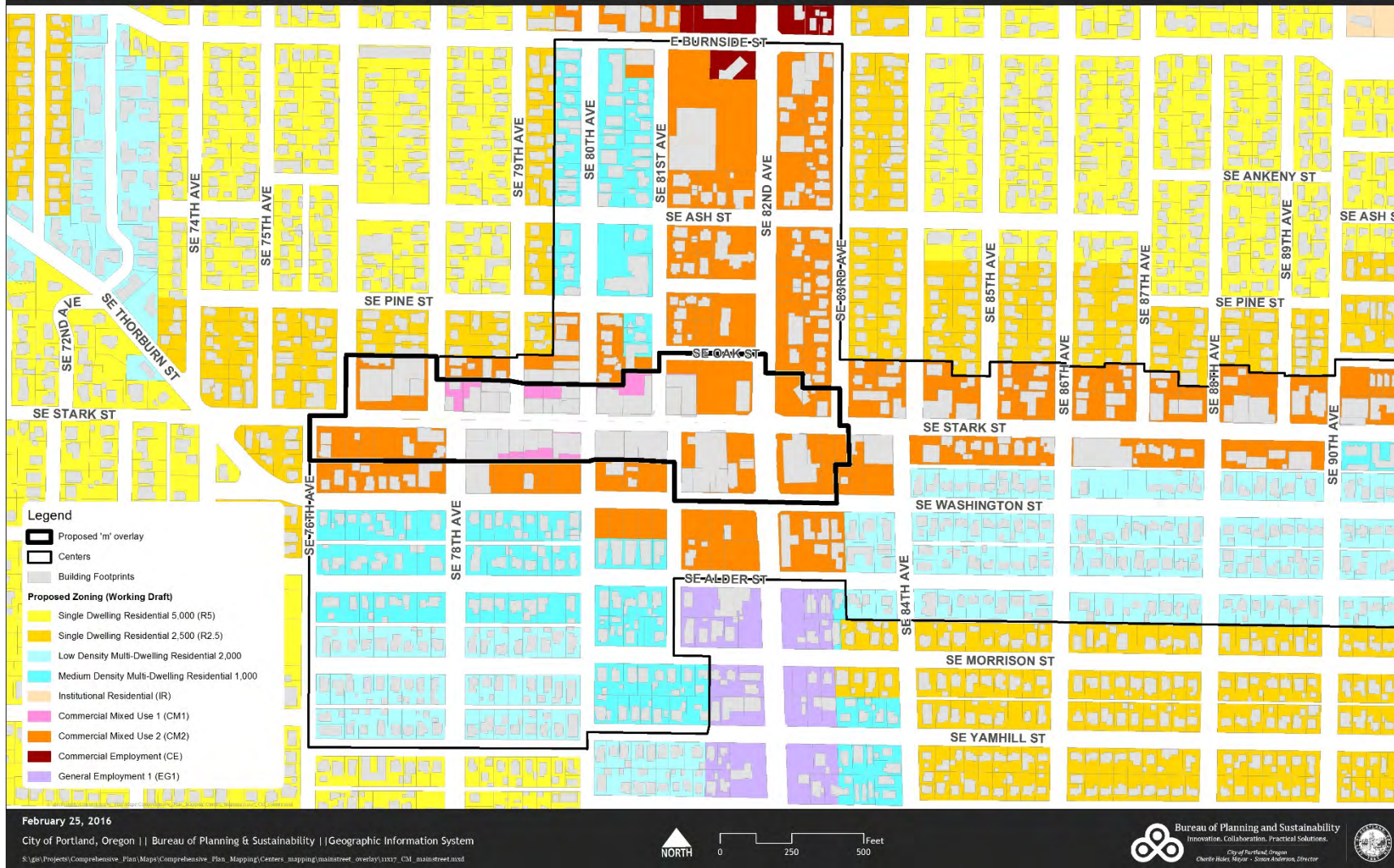
Town Center: Midway





# Proposed Centers Main Street Overlay

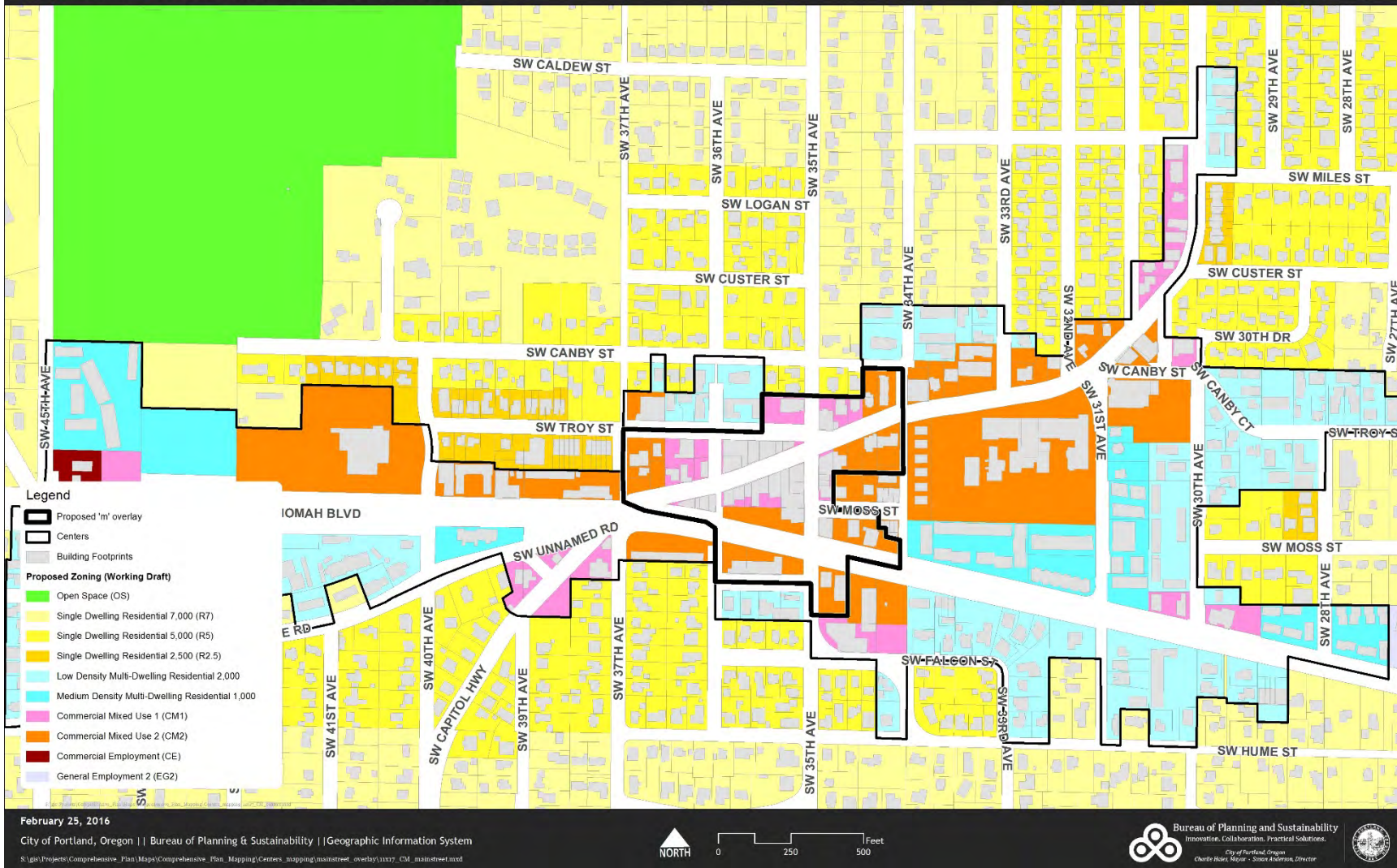
Neighborhood Center: Montavilla





# Proposed Centers Main Street Overlay

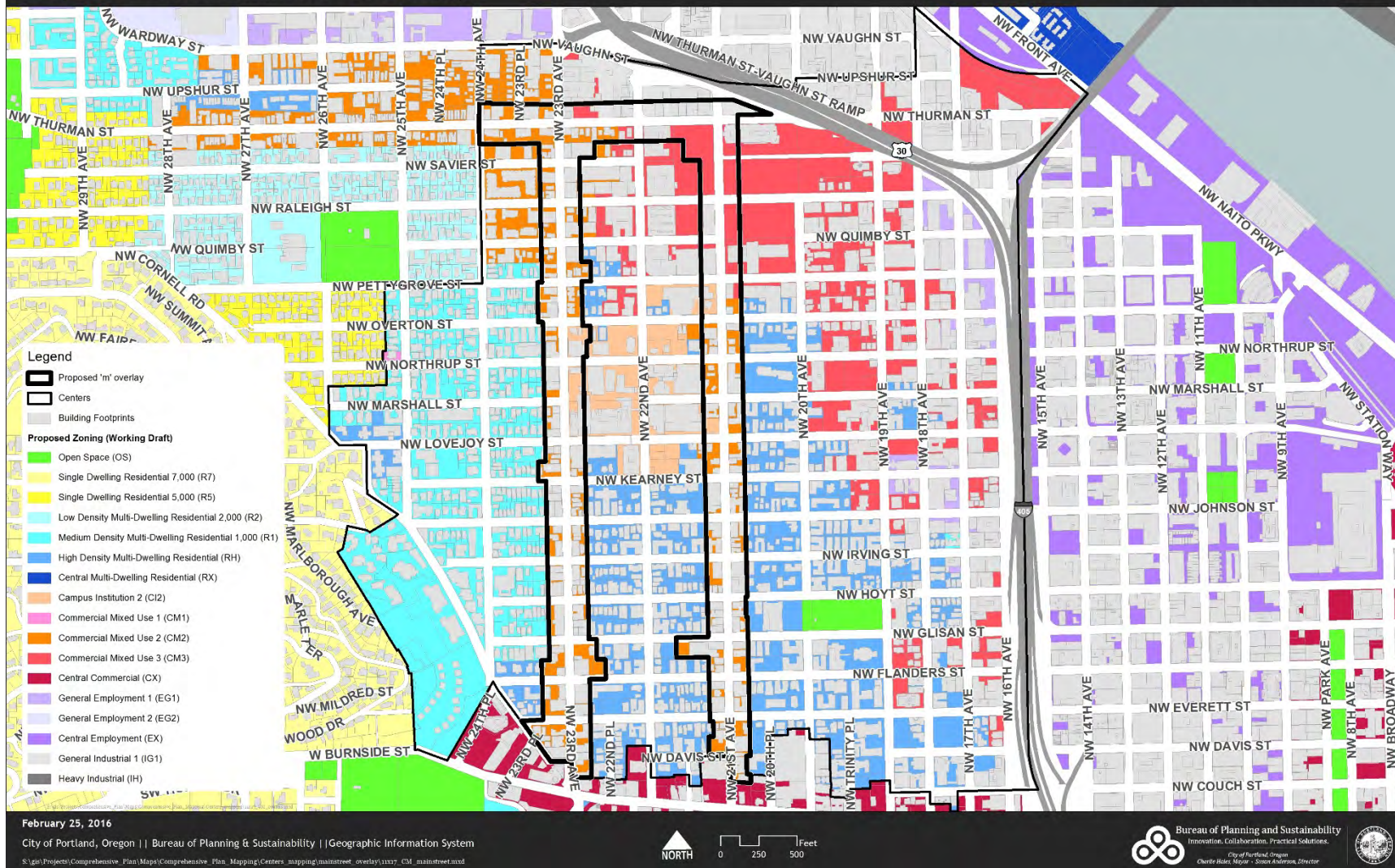
## Neighborhood Center: Multnomah Village





# Proposed Centers Main Street Overlay

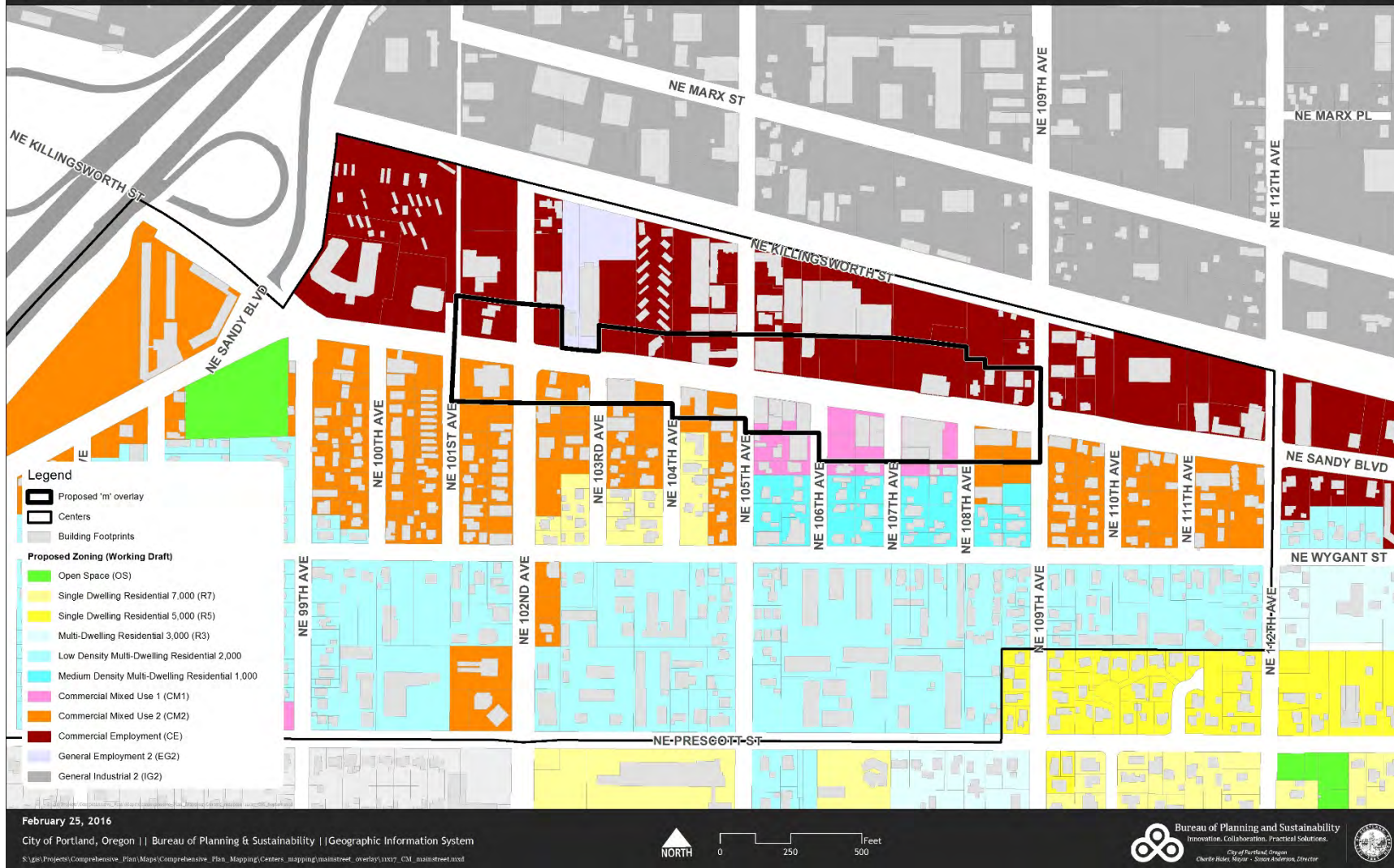
Town Center: Northwest District





# Proposed Centers Main Street Overlay

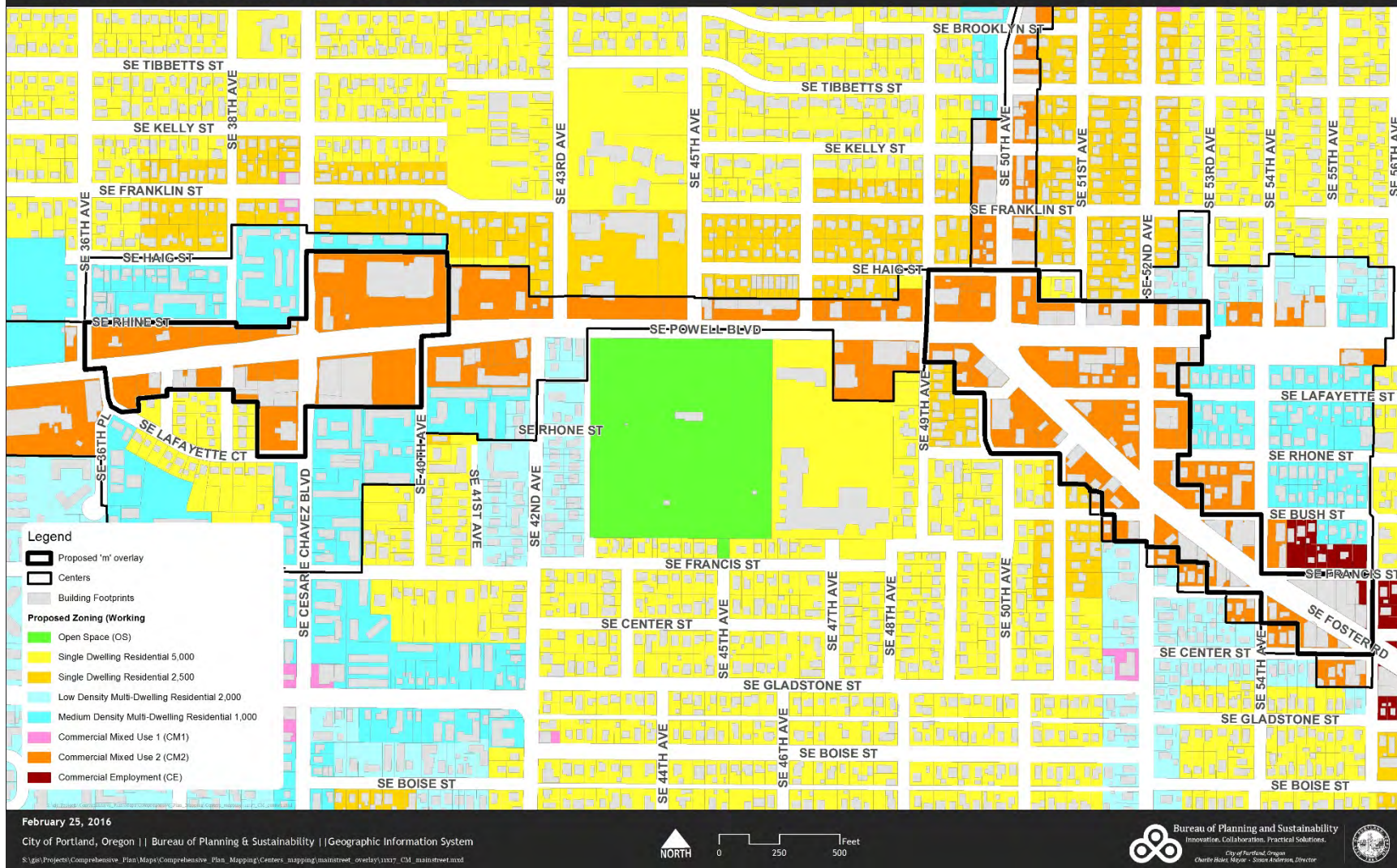
Neighborhood Center: Parkrose





# Proposed Centers Main Street Overlay

## Neighborhood Center: Powell/Creston



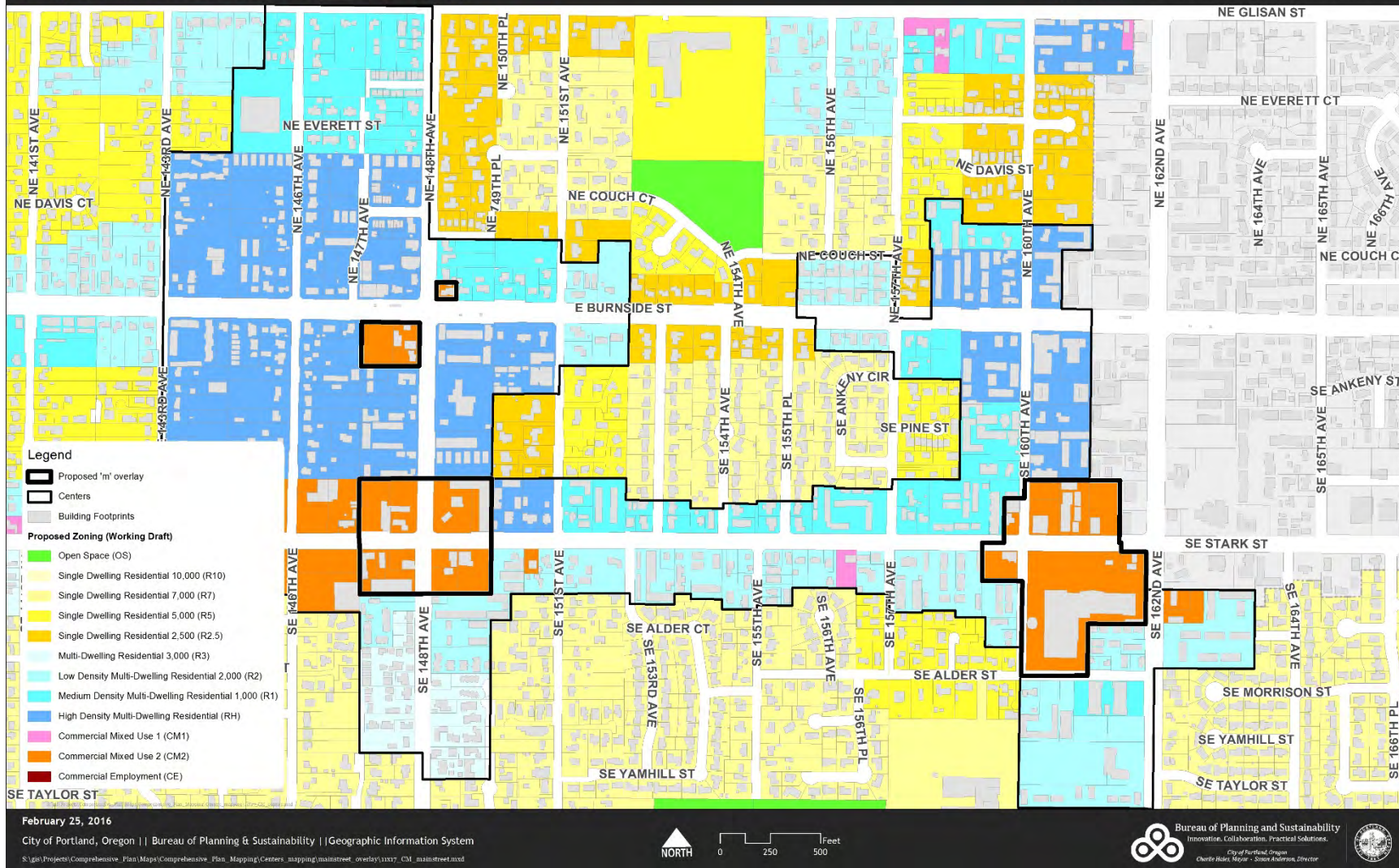






# Proposed Centers Main Street Overlay

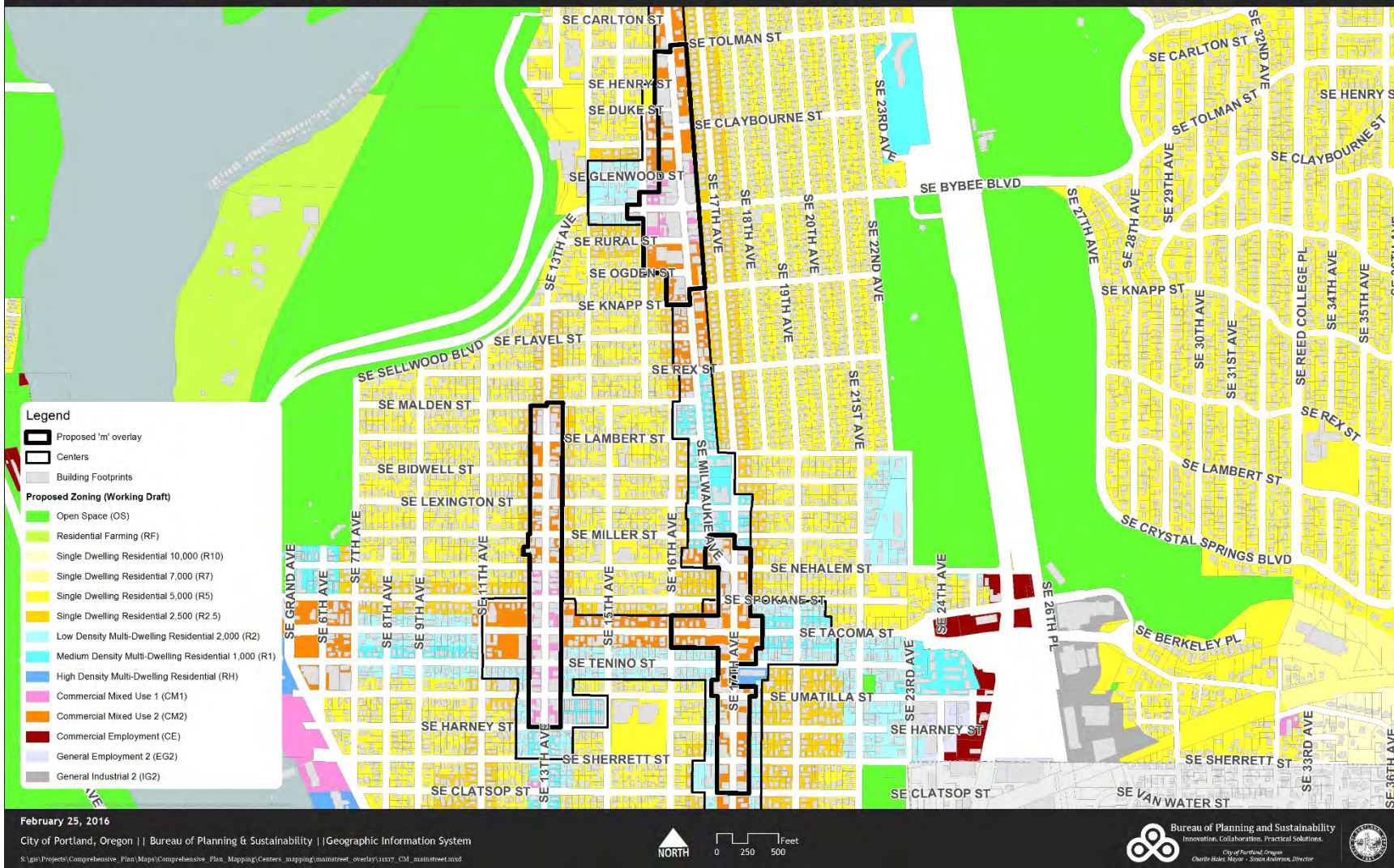
## Neighborhood Center: Rosewood/Glenfair





# Proposed Centers Main Street Overlay

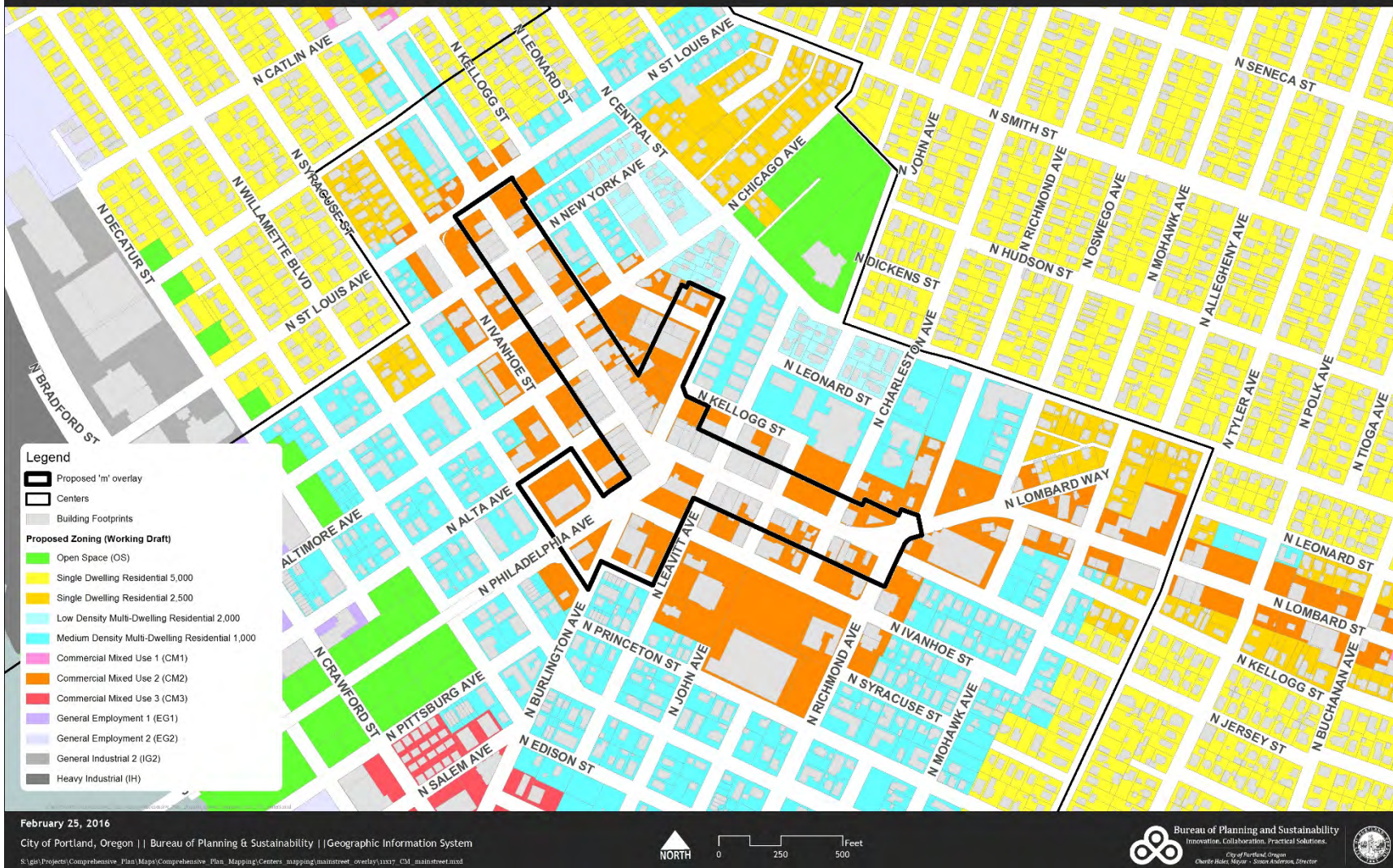
Neighborhood Center: Sellwood/Moreland





# Proposed Centers Main Street Overlay

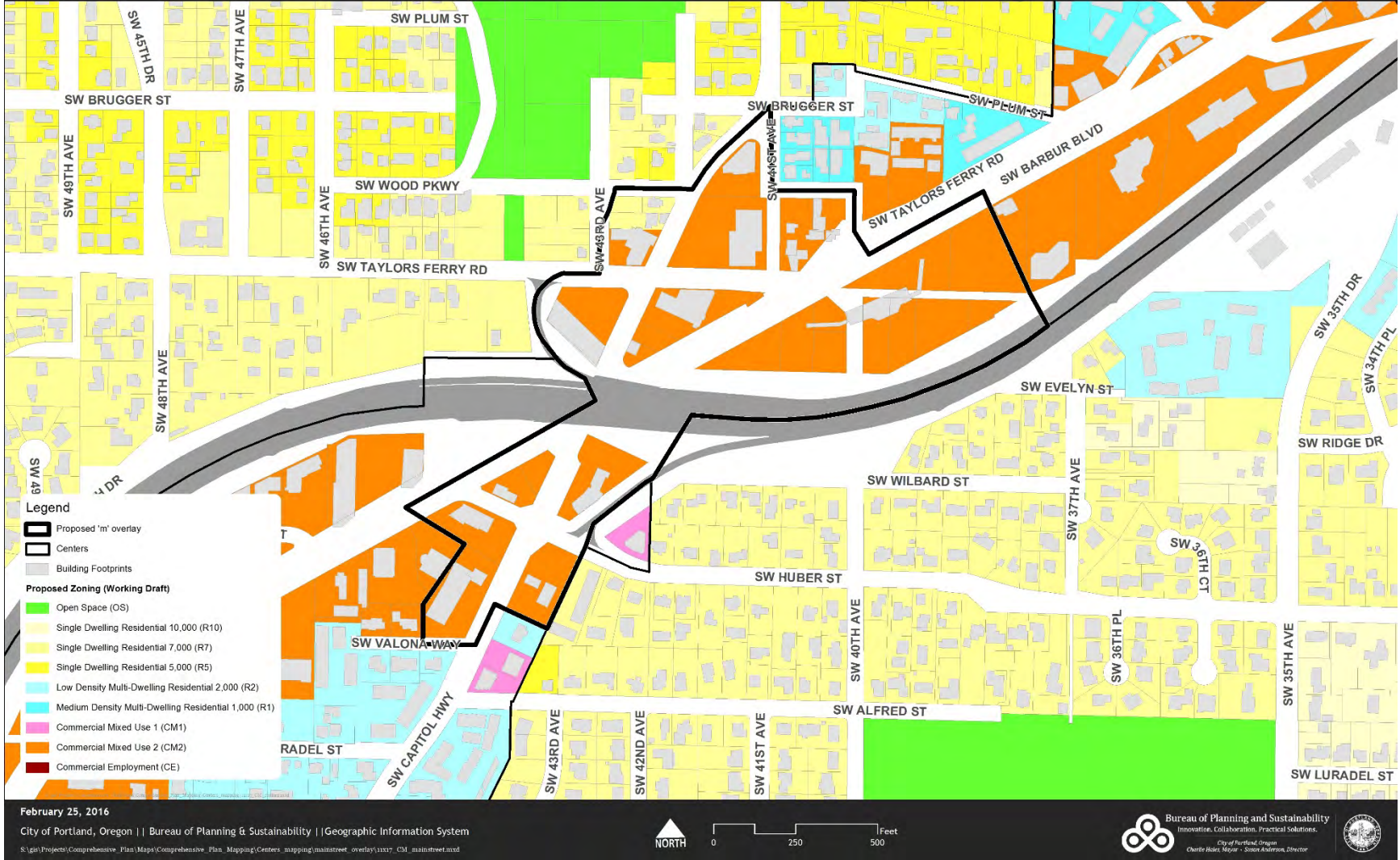
Town Center: St. Johns





# Proposed Centers Main Street Overlay

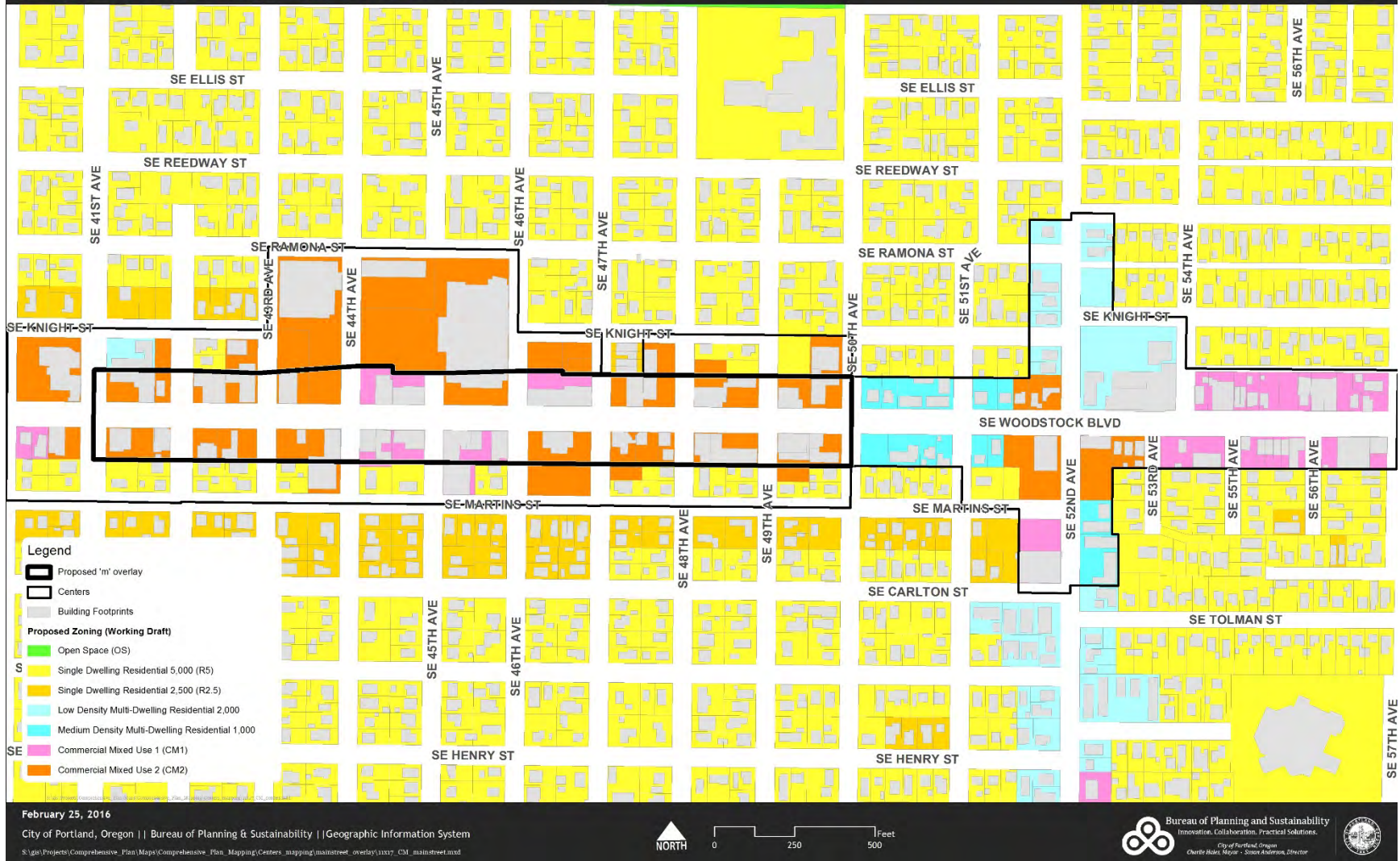
Town Center: West Portland

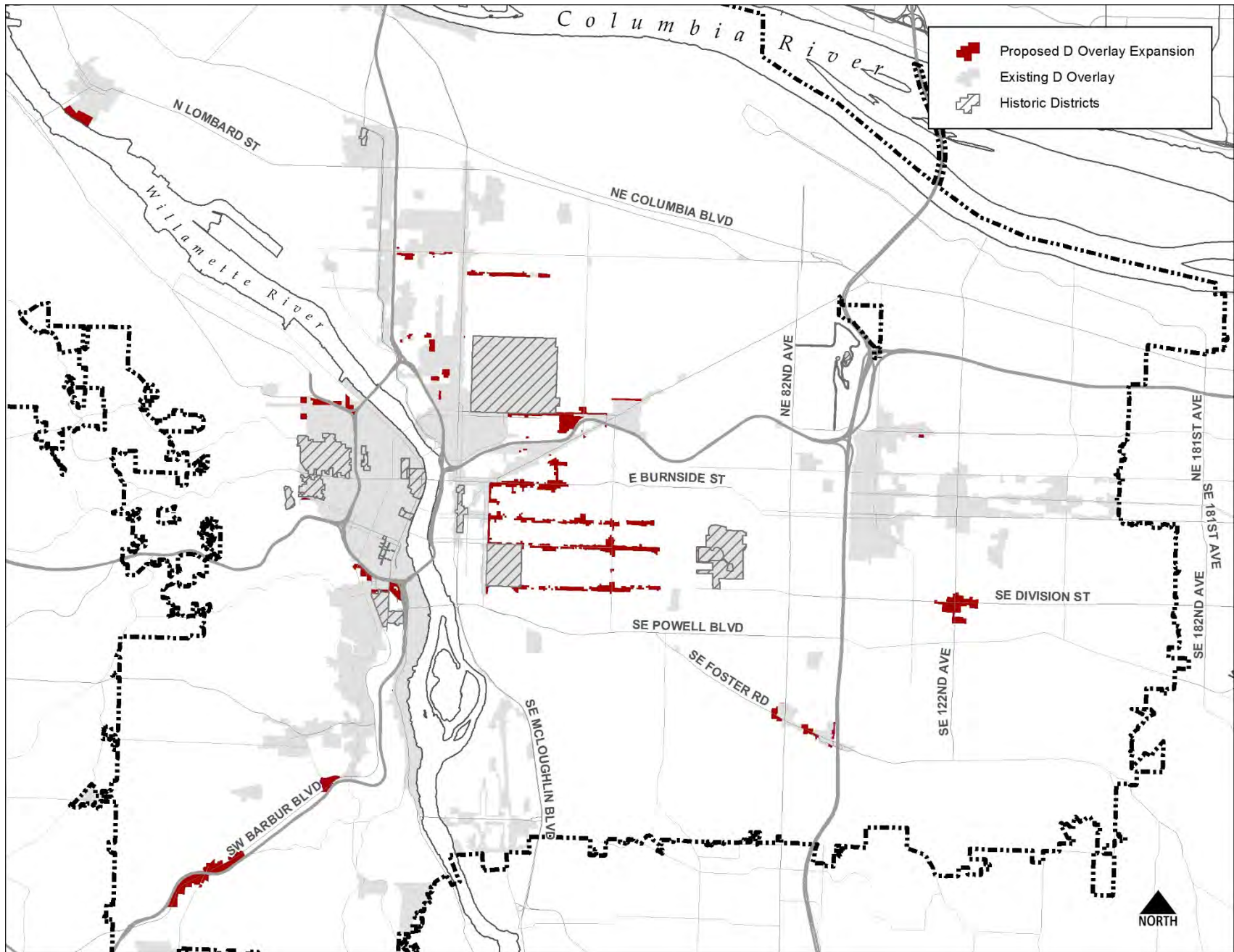




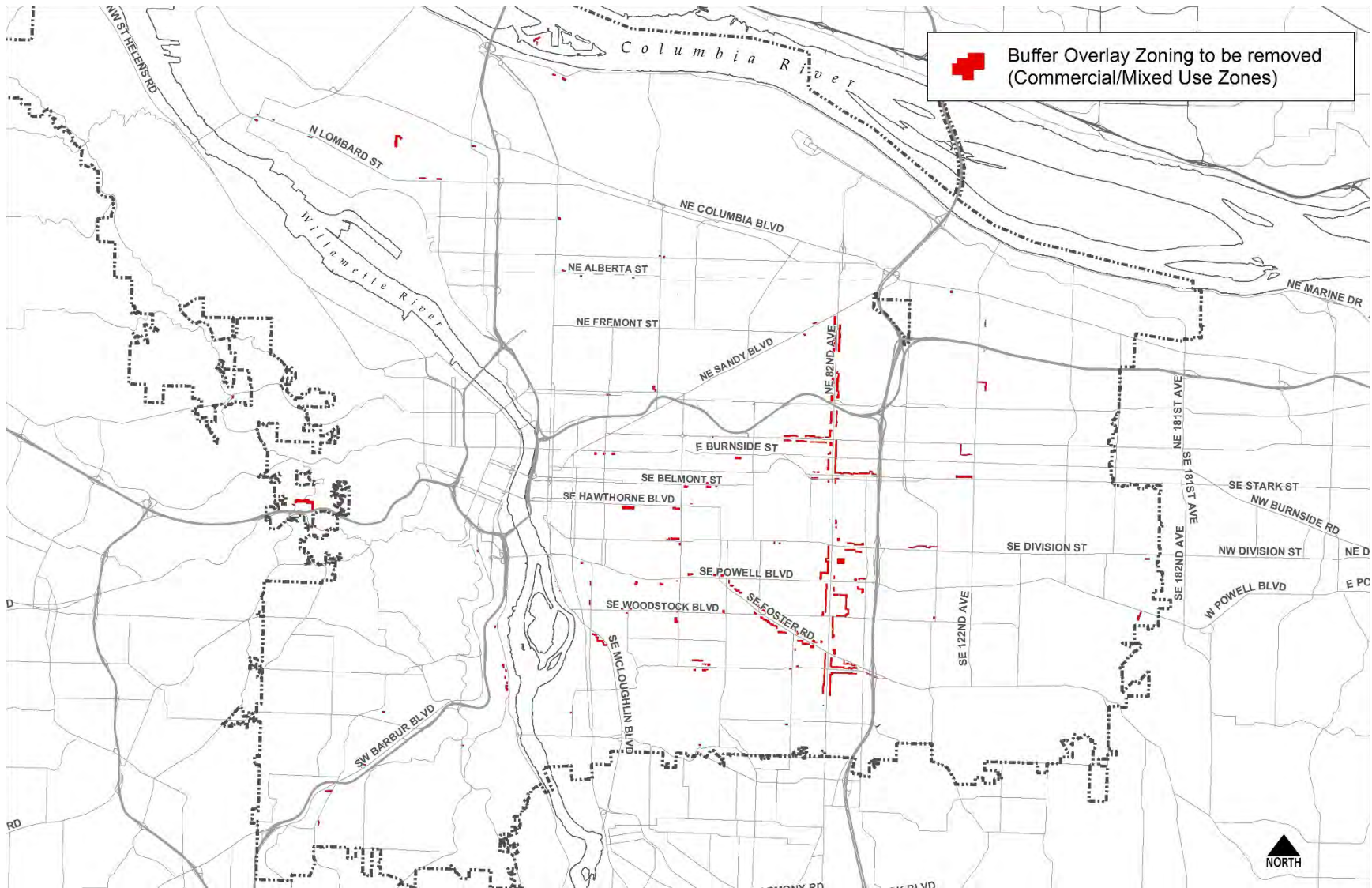
# Proposed Centers Main Street Overlay

## Neighborhood Center: Woodstock









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## VIII. Appendices

Appendix A: City of Portland/TriMet Letter of Intent

Appendix B: Preliminary List of Subsequent Amendments

Appendix C: [Mixed Use Zones Project – Assessment Report](#) (under separate cover)

Appendix D: [Mixed Use Zones Project – Code Concepts Report](#) (under separate cover)

Appendix E: EcoNW Density Bonus Evaluation (forthcoming - under separate cover)





# Letter of Intent



The City of Portland and TriMet have a shared intention to work in partnership to identify the transit service and supporting land use, community development and transportation policies, programs and projects needed to support planned growth, consistent with the region's 2040 adopted vision and plans.

The City of Portland is updating its Comprehensive Plan and Transportation System Plan (TSP), which will prioritize transit-oriented centers and corridors to accommodate expected population and employment growth while minimizing traffic growth. TriMet is also developing its Service Enhancement Plans to work with communities to create long-term visions for the future development of the transit system. These three planning efforts can lead to high-quality transit to areas identified for growing residential and employment land uses.

In order to help achieve the climate, health, environmental, housing, economic, and equity goals and objectives of regional and City plans, the City and TriMet are committing to a joint work plan to address areas where coordination is necessary for success, such as where City facilities are used by TriMet vehicles or where City plans call for intensified transit service to meet job and housing demands.

This work plan will inform the development and adoption of a service agreement or Memorandum of Understanding (MOU) showing how the City and TriMet will coordinate on transit service in the City. The Parties intend to complete this by the end of 2016 to coincide with the City's completion of Periodic Review.

This service agreement or MOU would strengthen coordination of three mutually-reinforcing responsibilities:

- Adoption of transit-supportive land use plans (City, Bureau of Planning and Sustainability)
- Investments that provide transit-supportive infrastructure, such as sidewalks and safe crossings, and programs, such as transit signal priority, and transportation and parking demand management (City, Bureau of Transportation, Portland Development Commission)
- Transit operations, vehicles and infrastructure (TriMet)

Additional background and details on proposed and supporting activities are provided in Attachment A.

  
 \_\_\_\_\_  
 Mayor Charlie Hales, Commissioner in Charge  
 Portland Bureau of Planning & Sustainability

Date: 7-26-15

  
 \_\_\_\_\_  
 Steve Novick, Commissioner in Charge  
 Portland Bureau of Transportation

Date: 8-26-15

  
 \_\_\_\_\_  
 Neil McFarlane, General Manager  
 TriMet

Date: 9/1/2015



## **Attachment A.**

### **Background**

A fundamental guiding policy behind this effort is the Region 2040 Growth Concept, which calls for housing and employment growth to be focused into more active, mixed use, pedestrian-friendly activity centers that are connected by high-frequency or high-capacity transit corridors. One of the key ingredients to success for these activity centers is providing a multi-modal transportation system that ensures transportation choices and the continued mobility of people and goods throughout the region.

Frequent, high quality transit service is essential to supporting strong job centers and healthy neighborhoods. The existing transit system has facilitated the growth of regional and neighborhood centers, in keeping with the regional vision. This has helped create vibrant downtowns and neighborhoods where employees, residents and visitors can meet many of their needs with transit, on foot, or by bike, thereby reducing congestion, cutting greenhouse gas emissions, and allowing more economic activity and population and employment growth in these areas at a lower cost than expanding state and local roadways.

Transit is an essential ladder of opportunity to help people reach economic security. Expanding high quality, frequent transit will improve low-cost access to daily needs, jobs, and education for all, especially those who have limited or no access to a private vehicle. In order to ensure greater fairness, an equity lens is, and will be, used to improve safe, reliable access to quality transit service in a way that is inclusive of all Portlanders. For this to be successful, the City and TriMet will need to engage with a variety of other partners to ensure that improving transit is part of a broader strategy to maintain and expand affordable housing and increase economic opportunity in a way that is inclusive and recognizes the risk of racial disparities.

The City of Portland desires to deliver on the 2040 vision and has expectations to capture a significant share of the region's projected population growth and to efficiently serve that growth long into the future without a major increase in highway or road capacity. The extent of existing infrastructure makes the City well poised to address its growth potential by increasing transportation capacity with a balanced, multimodal system based on transit, bicycles, and pedestrians. The transit portion of this system will be a seamless balance of bus, light rail, streetcars, ADA paratransit and related services.

Under Oregon law, there are legal mechanisms to ensure that Transportation System Plans and Land Use Plans are coordinated. Transportation System Plans, however, traditionally focus on capital investment plans, not ongoing transit operations. The City and TriMet are seeking a mechanism to more clearly express and acknowledge that land use, capital investments, and ongoing operations are bound together.

### **Proposed Activities**

The City of Portland and TriMet have a long history of partnership on the planning, funding, construction and operations of this integrated transit network. The City has been a major supporter and financial contributor to TriMet transit system expansions. TriMet has consistently invested in operating high-frequency service along Portland's main streets and through its centers. In addition, TriMet has supported the City's pursuit of developing the Streetcar system and has taken on a larger share of its operations.

It is in this spirit of continuing partnership that we now embark on this workplan to formalize understanding of our mutual commitments so that both parties have a promise of stability for future planning where transit service, land use plans and uses, infrastructure are all mutually dependent for success.

Transit and higher density zoning alone are not sufficient to produce the levels of development and transit use to meet regional goals. Without safe pedestrian and bicycle access to transit, high-quality transit

stops, fast and reliable transit operations, parking management, affordable transit-oriented development and effective demand management, the City, TriMet and the region are unlikely to meet their goals.

TriMet's future investment and improving and expanding the frequent transit network will be prioritized based on considerations that include the level of local access investments, transit-supportive policies and regulations, and priority treatments. TriMet and the City will work together to update corridors with transit-supportive investments to help support both frequent transit service and transit-oriented development that supports affordability and access to opportunity for all Portlanders.

With this understanding, the City and TriMet envision the following types of activities will be part of the workplan:

- Transit-supportive land use commitments by the City, reflective of Comprehensive Plan and Regional Growth Vision;
- Policy and program commitments by the City that support the use of transit, including parking and travel demand management (TDM);
- Operational and capital investments by the City and other partners that support the performance of transit in terms of safety, efficiency, reliability and accessibility, including:
  - Sidewalks, crossings and other treatments to make accessing transit safer and more desirable;
  - Transit signal priority, right of way and other system management treatments to improve speed and reliability;
- Service commitments by TriMet that support the City's plans, tied to designated land uses and prioritized in alignment with TriMet's Board-adopted Service Guidelines Policy, which emphasizes five priority considerations to provide the framework for service planning decision-making: Equity, Demand, Productivity, Connections and Growth.

These activities recognize the specialized roles played by the various parties involved in the work plan:

- Bureau of Planning & Sustainability – Land Use Planning and Policy
- Bureau of Transportation – Transportation Infrastructure, Operations, Programs, Planning and Policy
- TriMet – Transit Service, Infrastructure, Planning and Policy

In order to prepare residents and businesses to take advantage of opportunities for increased prosperity, the parties will work with PDC and the Housing Bureau develop a strategy to mitigate displacement and gentrification and to achieve equitable access to opportunity (e.g. workforce development and procurement practices that encourage the participation of disadvantaged business enterprises).

Achieving equitable outcomes will require concerted attention to demographic and other data and inclusive public participation. TriMet and the City will assess the capacity of the community to participate in the work plan and recommend specific implementing actions.

### **Supporting Activities**

TriMet and City agencies, including BPS, PBOT, Housing, and PDC, will implement the Powell-Division Action Plan, which will address displacement and housing issues, and will use the process to inform future high capacity transit corridor planning and implementation actions.

In order to inform the work in the areas above, TriMet is collaborating with the City on its "Growing Transit Communities" project funded by the Transportation and Growth Management (TGM) grant program administered by ODOT and DLCD. Over the next 12 months, this planning process will develop transit-supportive investment plans for 2 to 5 transit corridors. Tools for prioritizing

investments will be developed and applied in each corridor. The suite of tools will be developed with the intention of being replicable for use in other corridors and by other jurisdictions.

One place where this type of partnership approach is already being applied is prioritizing service improvements on SE 122<sup>nd</sup> Avenue to improve connections for nearby residents to concentrations of jobs (such as in the Columbia Corridor) and other activity centers:

- The City is providing transit-supportive land use designations and including necessary sidewalk and crossing safety improvements in its proposed Comprehensive Plan and TSP.
- TriMet is developing service improvement plans through its Service Enhancement Plan process and is implementing improvements on an annual basis as budget allows.

The City and TriMet have also collaborated and sought additional funding from the TGM grant program to develop an Enhanced Transit Corridors study, which would identify corridors where projected growth may require new and innovative service models be deployed to meet demand, combined with enhanced safety, access and operational treatments, travel and parking demand management, to help ensure the benefits of the new service model are fully realized.

More generally, moving forward, the City and TriMet will seek to jointly develop plans, projects and funding requests for federal, state and regional opportunities to advance the objectives described herein.

As a regional agency, TriMet has the responsibility to balance investments across all of the jurisdictions it serves in line with regional and agency policy. Nothing in this proposed workplan is designed to limit TriMet's ability to fulfill that responsibility. This working arrangement and agreements also can consciously serve as a template for other partnerships between TriMet and other jurisdictions it serves in the region.

Appendix B: Draft Preliminary List of Subsequent Code Amendments

<b>DRAFT - Preliminary List of Subsequent Code Amendments</b>			
<b>section</b>	<b>title</b>	<b>Issues</b>	<b>Reconciliation</b>
33.288	Special Street Setbacks	Setbacks must be landscaped to at least the L1 standard (no reference to allowances for pedestrian surfaces).	Consider deleting or modifying landscaped setback requirement, given 33.130 and M overlay requirements for a portion of transit street setback to be improved for pedestrian use.
33.410	Buffer zone	Applies to and references the C zones	Delete C zone provisions, given new 33.130 provisions that are similar.
33.480	Scenic Resources Zones	20' minimum street setback (C zones) – applies to a CM1 property in Garden Home.	Consider modifying to relate to the 10' maximum setback.
33.521	East Corridor	<ul style="list-style-type: none"> <li>• Building height (up to 100' in CM3)</li> <li>• FAR (4:1 in CM3 and some CM2, additional 2:1 FAR for residential development in one area).</li> <li>• Two-tier step down transitions.</li> <li>• Ground floor windows requirement references CX windows standard.</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially adjust base FARs and possibly building heights to align with 33.130 base/bonus approaches.</li> <li>• Consider deleting plan district step down transitions (since step downs included in 33.130).</li> <li>• Modify ground-floor windows requirement, reflecting 33.130 changes and application of M overlay.</li> </ul>
33.526	Gateway	<ul style="list-style-type: none"> <li>• Building height (up to 75' in CM2)</li> <li>• FAR (3:1 in CM2, with additional 2:1 FAR for residential development).</li> <li>• Two-tier step down transitions.</li> <li>• Ground floor windows requirement references CX windows standard.</li> <li>• Includes provisions for EX and IR zones, which may be eliminated in Gateway.</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially adjust CM2 base FARs and possibly building heights to align with 33.130 base/bonus approaches.</li> <li>• Consider deleting plan district step down transitions (since step downs included in 33.130).</li> <li>• Modify ground-floor windows requirement, reflecting 33.130 changes (no separate CX requirements).</li> <li>• Amend references to EX and IR zones.</li> </ul>
33.532	Hayden Island	<ul style="list-style-type: none"> <li>• Building height (base height of 50'/80' in some CE zoned areas)</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially adjust base building heights and residential bonus FARs to</li> </ul>

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<b>section</b>	<b>title</b>	<b>Issues</b>	<b>Reconciliation</b>
		<ul style="list-style-type: none"> <li>FAR bonuses (FAR for residential development can be up to 3.75:1 in some CE zoned areas)</li> <li>Step-down transitions to residential zones.</li> </ul>	<ul style="list-style-type: none"> <li>align with 33.130 base/bonus approaches.</li> <li>Consider deleting plan district step down transitions (since step downs included in 33.130).</li> </ul>
33.536	Hollywood	<ul style="list-style-type: none"> <li>Building height (up to 120' in some locations for buildings that include residential)</li> <li>FAR (floor area in residential or parking uses is not limited in some areas)</li> <li>Bonuses included for residential development and open space</li> <li>Two-tier step down transitions.</li> <li>Drive-through facilities allowed to be rebuilt as part of urban-scale development (Subdistrict B).</li> <li>15% landscape requirement for residential buildings in CS zone.</li> <li>Enhanced pedestrian street standards</li> </ul>	<ul style="list-style-type: none"> <li>Potentially adjust base FARs and possibly base heights to align with 33.130 base/bonus approaches.</li> <li>Consider if residential and open space bonuses should be deleted/modified, given 33.130 emphasis on affordable housing bonus and the plaza bonus.</li> <li>Consider deleting plan district step down transitions (since included in 33.130).</li> <li>Consider modifying urban drive-through allowance to align with similar 33.130 regulation.</li> <li>Consider deleting landscape requirement, given new 33.130 landscape requirements.</li> <li>Consider deleting enhanced pedestrian street standards (addressed by m-overlay).</li> </ul>
33.538	Kenton	<ul style="list-style-type: none"> <li>Building height (65' allowed in a CM2 location)</li> <li>FAR (6:1 allowed in a CM2 location)</li> <li>Active building use area Map 538-5</li> </ul>	<ul style="list-style-type: none"> <li>Potentially adjust base FARs and possibly base heights to align with 33.130 base/bonus approaches, or rezone to CM3</li> <li>Consider deleting active building use area requirement (addressed by m-overlay).</li> </ul>
33.550	Macadam	<ul style="list-style-type: none"> <li>FAR limited to 2:1 (all zones, including CM2 and CE)</li> </ul>	<ul style="list-style-type: none"> <li>Need to determine if 33.130 bonuses will be allowed or not in the plan district.</li> </ul>

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<b>section</b>	<b>title</b>	<b>Issues</b>	<b>Reconciliation</b>
33.561	North Interstate	<ul style="list-style-type: none"> <li>• Building height (up to 100' in some CM3 areas, and up to 125' in some locations through discretionary design review)</li> <li>• FAR (4:1 in some CM3 areas.</li> <li>• Height step downs abutting and across streets from RF-1 zones</li> <li>• Active building use required</li> <li>• Ground floor windows requirement references CX windows standard.</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially adjust base FARs and possibly base heights to align with 33.130 base/bonus approaches.</li> <li>• Consider deleting plan district step down transitions (since included in 33.130).</li> <li>• Consider modifying active building use requirement to align with similar m-overlay regulations.</li> <li>• Modify ground-floor windows requirement, reflecting 33.130 changes (no separate CX requirements).</li> </ul>
33.562	Northwest	<ul style="list-style-type: none"> <li>• Base building height (up to 75' in CM3 and future EG1)</li> <li>• Base FAR (up to 4:1 in some CM3 and future EG1 areas)</li> <li>• Bonus height and FAR (up to 120' bonus height in some locations, and various bonus FAR provisions, including for affordable housing)</li> <li>• Ground floor active use requirements</li> <li>• Use of accessory parking for commercial parking</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially adjust base FARs, base heights, and bonuses to align with 33.130 base/bonus approaches.</li> <li>• Consider whether or not EX plan district height and FAR allowances should continue for areas being rezoned to EG1.</li> <li>• Consider deleting ground floor active use requirements (addressed by m-overlay).</li> <li>• Consider whether changes are needed to allowances for accessory parking to be used as commercial parking, given new base zone regulations.</li> </ul>
33.567	Powell Boulevard	New residential uses prohibited in commercial zones.	Need to determine if affordable housing bonus, in the form in-lieu-of fees, can be used in the plan district
33.583	St Johns	<ul style="list-style-type: none"> <li>• Drive-through facilities allowed to be rebuilt as part of urban-scale development.</li> <li>• Exterior activities in EX (CM3) zone.</li> </ul>	<ul style="list-style-type: none"> <li>• Consider modifying urban drive-through allowance to align with similar 33.130 regulation.</li> <li>• Consider deleting allowances for specific exterior activities in the EX/CM3 zones now</li> </ul>

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<b>section</b>	<b>title</b>	<b>Issues</b>	<b>Reconciliation</b>
		<ul style="list-style-type: none"> <li>Bonus height and FAR for housing in a location with CN2/CM2 zoning (up to 55' height, and additional .25 FAR for non-residential component)</li> </ul>	<p>that they are allowed in the base zone.</p> <ul style="list-style-type: none"> <li>Consider modifying CN2/CM2 bonuses to align with 33.130 base/bonus approaches.</li> </ul>