



# CENTRALCITY 2035

## Volume 2A ZONING CODE & MAP AMENDMENTS

Part 1: Central City Plan District

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**Proposed Draft**  
June 20, 2016



Bureau of Planning and Sustainability  
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City of Portland, Oregon  
Charlie Hales, Mayor • Susan Anderson, Director



**Testify in person at the following Planning and Sustainability Commission Hearings:**

**Tuesday, July 26, 2016 at 4pm.**  
Portland Building, Room C  
1120 SW 5th Avenue, Portland, OR

**Tuesday, August 9, 2016 at 4pm.**  
Portland Building, Room C  
1120 SW 5th Avenue, Portland, OR

**Send written testimony by August 9th, 2016 via:**

*Email:* [psc@portlandoregon.gov](mailto:psc@portlandoregon.gov) with subject line "PSC Central City 2035 Plan Testimony"

*U.S. Mail:* Portland Planning and Sustainability Commission,  
Central City 2035 Plan Testimony  
1900 SW 4th Avenue, Suite 7100  
Portland, OR 97201

**Portland's Central City 2035 Plan proposes changes to create a prosperous, healthy, equitable and resilient urban core.**

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Visit the project website [www.portlandoregon.gov/bps/CC2035](http://www.portlandoregon.gov/bps/CC2035)

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Call the helpline 503-823-4286

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# ACKNOWLEDGEMENTS

This plan is the culmination of work over the past five years on the Central City Concept Plan, three quadrant plans (North/Northeast Quadrant Plan, West Quadrant Plan, Southeast Quadrant Plan), Natural and Scenic Resources inventories, and the Bonus and Transfer Study. Many thanks to the thousands of stakeholders who participated in those processes and whose contributions helped to shape this plan.

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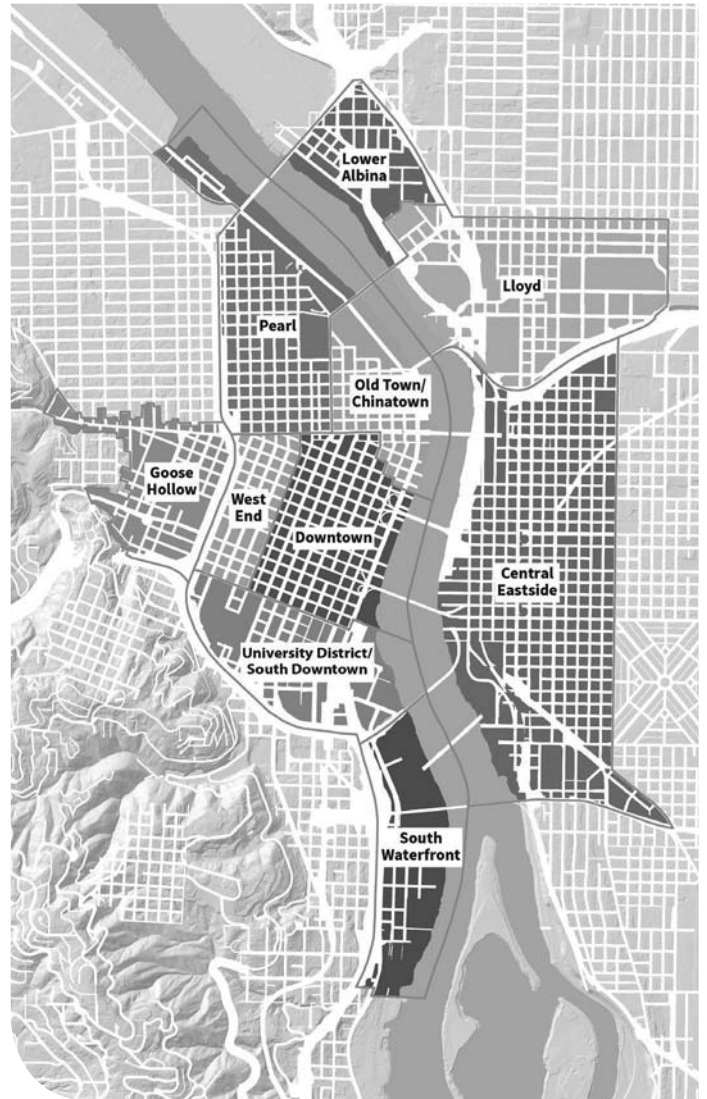
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## Consultants

Various consultants contributed to the development of the Central City Concept Plan, three quadrant plans (North/Northeast Quadrant Plan, West Quadrant Plan, Southeast Quadrant Plan), Natural and Scenic Resources inventories, and the Bonus and Transfer Study. We are grateful for their technical assistance and for helping facilitate our advisory committee and public events.

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## Introduction

This section contains the first part of the Zoning Code, Comprehensive Plan Map and Zoning Map amendments that staff is proposing to implement the policy framework of the proposed *Central City 2035 Plan*. Additional amendments related to the Willamette River, scenic resources and trails are included in Volume 2A Part 2. Commentary is provided to help clarify the intent of the code changes and expected implementation. The document is formatted to facilitate readability; showing proposed code changes on the right-hand pages and related commentary on the facing left-hand pages.

Language to be added is underlined. Language to be deleted is shown in ~~strike through~~.

### Summary of Amendments to Section 33.510 Central City Plan District

The Central City plan district was created to implement the policies of the Central City Plan in 1988. It has been amended on several occasions to implement various area plans including the River District, University District, South Waterfront, West End and North Pearl District plans. The Central City 2035 planning process provides the opportunity for a comprehensive update of the plan district regulations to reflect changes in the Central City since 1988 and integrate new public policy direction from efforts like the Climate Action Plan and the Portland Plan.

The plan district provisions have been extensively revised to support and implement the goals, policies and action items of the Central City 2035 Concept Plan and the three Central City quadrant plans.

Highlights of some of the proposed code revisions include:

- A comprehensive overhaul of the floor area (FAR) bonus and transfer system to reflect the prioritization of affordable housing and the preservation and seismic upgrade of historic resources;
- A new master plan tool for large sites that requires development to orient to transit and provide open space and public realm amenities;
- Flexible employment zones in the Central Eastside to accommodate high tech, light manufacturing, software development and creative industries;
- Flexibility in the Central Residential (RX) zone for additional retail and office uses, especially in existing buildings
- Refinement of the maximum building height pattern including: increased bonus height options along the south Transit Mall extension and at the bridgeheads; height limitations along public view corridors; and reduction of heights and removal of height bonus options in historic districts;
- Comprehensive overhaul and simplification of the parking regulations while promoting reduction of auto trips in the Central City;
- New tools that support active streetscapes including increased ground floor window requirements and provisions for extensions of the sidewalk, plazas and green areas;
- Requirements for ecoroofs, LEED Gold buildings, and bird safe exterior glazing;
- Prohibition of new drive-through facilities; and
- Expanded retail allowances in Gov. Tom McCall Waterfront Park and Holladay Park



### **Additional Zoning Code Amendments**

Related amendments to the following Zoning Code chapters follow the amendments to the Central City Plan District:

- 33.140 Employment and Industrial Zones
- 33.580 South Auditorium Plan District
- 33.720 Assignment of Review Bodies
- 33.808 Central City Parking Review
- 33.815 Conditional Uses
- 33.825 Design Review
- 33.846 Historic Resource Reviews
- 33.920 Descriptions of the Use Categories

### **Amendments to the Comprehensive Plan Map and Zoning Map**

The Zoning Code amendments are followed by proposed amendments to the Comprehensive Plan Map and to the base zones on the Zoning Map within the Central City. The existing maps are followed by maps showing the proposed changes.

Changes to overlay zones are shown on maps in Volume 2A Part 2.





## 33.510 Central City Plan District

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### Sections:

#### General

- 33.510.010 Purpose
- 33.510.020 Where the Regulations Apply
- 33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways

#### Use Regulations

- 33.510.100 Vehicle Repair and Vehicle Sales or Leasing Uses
- ~~33.510.105 Vehicle Sales or Leasing~~
- 33.510.110 Mixed Use Waterfront Development
- 33.510.112 Commercial Parking
- ~~33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone~~
- 33.510.114 Exemptions for Portland State University
- 33.510.115 Additional Uses Allowed in the Open Space Zone
- 33.510.116 Retail Sales And Service Uses for Specified Sites ~~in the CX and EX Zones~~
- 33.510.117 Retail Sales And Service and Office Uses in the RX Zone
- ~~33.510.118 Use Regulations for Specified Sites in the West End Subdistrict Subarea~~
- 33.510.118 Residential Uses in the EX zone
- 33.510.119 Retail Sales And Service and Office Uses in the IG1 Zone
- 33.510.120 ~~19~~ Retail Sales And Service and Office Uses in Specified Historic Resources in the ~~IG2~~ and IH Zones

#### Development Standards

- 33.510.200 Floor Area Ratios
- 33.510.205 ~~Height~~ Floor Area Bonus and Transfer Options
- 33.510.210 ~~Floor Area and Height Bonus Options~~ Height
- 33.510.215 Required Building Lines
- 33.510.220 Ground Floor Windows
- 33.510.221 ~~Required~~ Windows Above the Ground Floor
- 33.510.223 ~~Exterior Display and Storage~~ Bird-Safe Exterior Glazing
- ~~33.510.224 Mechanical Equipment along the Portland Streetcar Alignment~~
- 33.510.225 Ground Floor Active Uses
- ~~33.510.226 Minimum Active Floor Area~~
- 33.510.230 Required Residential Development Areas
- 33.510.240 Drive-Through Facilities
- 33.510.242 Demolitions
- 33.510.243 Ecoroofs
- 33.510.244 Low Carbon Buildings
- 33.510.250 ~~1~~ Additional Standards in the North Pearl Subarea
- 33.510.251 ~~2~~ Additional Standards in the South Waterfront Subdistrict
- 33.510.252 Additional Standard in the Central Eastside Subdistrict
- 33.510.253 Greenway Overlay Zone in the South Waterfront Subdistrict
- 33.510.255 Central City Master Plans

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## Commentary

**Commentary for potential new code provisions:** Commentary related to potential code provisions addressing Transportation and Parking Demand Management and Unbundling Parking has been added to the Proposed Draft. This commentary can be found after 33.510.263 Parking and loading access. There is no proposed code language for these concepts at this time.

33.510.256 Additional Standards for Sites Requiring Central City Master Plans

33.510.257 Signs for Additional Uses Allowed in the Open Space Zone

Parking and Access

33.510.261 Parking And Access Built after [insert effective date]

33.510.262 Parking Built before [insert effective date]

33.510.263 Parking and loading access

~~33.510.263 Parking in the Core Area~~

~~33.510.264 Parking in Lloyd District~~

~~33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2~~

~~33.510.267 Parking in the South Waterfront Subdistrict~~

510-1 Central City Plan District and Subdistricts

510-2 Maximum Floor Area Ratios

510-3 ~~Maximum Base~~ Heights

510-4 Bonus Heights

510-~~45~~ FAR Bonus Options Target Areas

~~510-5 Required Residential Development Areas~~ 510-6 Special Residential Use Areas

510-~~67~~ Options for Required Building Lines

510-8 Ground Floor Windows

510-~~79~~ Ground Floor Active Use Areas

510-~~810~~ Core and Parking Sectors

~~510-9~~ Parking Access Restricted Streets

510-~~1011~~ Areas Where Additional Uses are Allowed in the OS Zone

~~510-11~~ Special Areas 510-12 Retail Sales and Services Limited

510-~~1213~~ Streetcar Alignment

510-~~1314~~ South Park Blocks Frontages

~~510-14~~ Areas Where Additional Uses are Allowed in the RX Zone

510-15 South Waterfront Greenway Public Access ~~Map~~

510-16 North Pearl Height Opportunity Area / South Waterfront Height Opportunity Area

~~510-17~~ South Waterfront 2002 Top of Bank Line

510-~~1817~~ Area Where Vehicle Repair and Vehicle Sales and Leasing, and Exterior Display and Storage are Uses are Restricted

510-~~1918~~ North Pearl Subarea Special Building Height Corridor

~~510-20~~ Pearl Development Transfer Opportunity Area

~~510-21~~ Required Retail Sales and Service Use in South Waterfront

510-19 Required Master Plan Sites

510-20 View Corridor Areas

510-21 South Waterfront 2002 Top of Bank Line

510-22 Bird-Safe Exterior Glazing Standards

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## Commentary

**33.510.010 Purpose:** The purpose statement has been expanded and now references the Central City 2035 Plan, which will supersede the 1988 Central City Plan and the other plans mentioned.

## General

### 33.510.010 Purpose

The Central City plan district implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

### 33.510.020 Where the Regulations Apply

The regulations of this chapter apply to the Central City plan district. The boundaries of the plan district and its subdistricts are shown on Map 510-1 at the end of this chapter, and on the Official Zoning Maps. The plan district standards for uses, floor area ratio (FAR), height, FAR bonuses and transfers, required residential development, amount of parking, and Central City master plans control when in conflict with any base or overlay zone. For other regulations, in cases of conflict the most restrictive regulation controls. The information depicted on Maps 510-1 through ~~510-7~~510-22 is part of the plan district regulations and is subject to the same amendment procedures as amendments to the text of this chapter.

### 33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways

Where Maps 510-1 through 510-~~16~~22 identify a right-of-way as a “proposed right-of-way” or “proposed accessway,” the location of the right-of-way or accessway on the map represents only a conceptual location. When dedicated or improved, the location of the right-of-way or accessway may vary from the conceptual location shown on these maps. Regulations of this chapter that are based on the location of a proposed right-of-way or accessway apply as follows:

- A. If the right-of-way or accessway has been improved or dedicated, the regulation applies based on the actual location of the right-of-way, tract, or easement.
- B. If the right-of-way or accessway has not been improved or dedicated, the regulation applies based on the location of the facility as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Office of Transportation and is documented in the Transportation Element of Portland’s Comprehensive Plan.

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## Commentary

### 33.510.100 Vehicle Repair Uses

### 33.510.105 Vehicle Sales or Leasing

These two sections have been combined and staff is proposing to expand areas where the restriction of vehicle repair use, sales and leasing applies. Map 510-17 has been updated to reflect the areas where light rail line expansion has occurred. The intent of expanding the area where vehicle repair use, sales and leasing uses are restricted is to avoid vehicle and light rail conflicts along the light rail alignment.

Specifically, the identified area on the new map:

- a. reflects areas near MAX lines where high pedestrian volume exists or is anticipated
- b. continues to reflect the existing exclusion of the western tip of Goose Hollow;
- c. excludes areas where the MAX alignment is elevated or otherwise separated from the surface street system, presenting no potential conflicts with cars or pedestrians (e.g., elevated section between South Downtown/University and South Waterfront).
- d. excludes the predominately industrial Central Eastside and Lower Albina subdistricts.

## Use Regulations

### 33.510.100 Vehicle Repair and Vehicle Sales or Leasing

- A. Vehicle Repair uses are prohibited in the areas shown on Map 510-17.
- B. The sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles, is prohibited in the areas shown on Map 510-17, with the exception that offices for the sale or leasing of consumer vehicles where the vehicles are displayed or stored elsewhere are allowed.

### ~~33.510.100 Vehicle Repair Uses~~

~~Vehicle Repair uses are prohibited in the Downtown subdistrict, and in the Goose Hollow subdistrict on the portion of a site within 500 feet of a light rail alignment.~~

### ~~33.510.105 Vehicle Sales or Leasing~~

~~Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles, is prohibited in the portions of the Downtown and Goose Hollow subdistricts shown on Map 510-18. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.~~

### 33.510.110 Mixed Use Waterfront Development

- A. Purpose.** The Central City 2035 Plan area fronts on portions of the working harbor. The working harbor is the area downstream from the Broadway Bridge. Sites developed for mixed use projects in residential zones along the working harbor will better implement the Central City 2035 Plan, Willamette Greenway Plan, Lower Willamette River Management Plan, and Comprehensive Plan if compatible river-dependent industrial activities are allowed as part of mixed use projects.
- B. Where these regulations apply.** The regulations of this section apply to portions of sites in the RX zone that are next to the Willamette River, and are downstream from the Broadway Bridge.
- C. Additional uses allowed.** The following uses are allowed in the nonresidential portion of a mixed use development:
  - 1. Passenger ship docking facilities and accessory customs and cargo handling facilities; and
  - 2. Marinas.
- D. Minimum residential density.** Where there are any non-residential uses on the site, minimum residential densities are one dwelling unit for each 2,000 square feet of site area.

### 33.510.112 Commercial Parking

Commercial Parking is subject to special regulations in Sections 33.510.261 and 33.510.262 through 267. Visitor Parking and Undedicated General Parking, as described in Section 33.510.261 and 33.510.262, are Commercial Parking. The other types of parking are accessory parking although ~~they some of them~~ may operate as commercial parking according to 33.510.261 and 33.510.262.



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## Commentary

**33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone.** The provisions of this section are being moved to 33.510.119. Subparagraphs B. Historic Resources and C. Employment Opportunity Subarea have been updated.

### **33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone**

#### **A. Generally.**

1. ~~Where these regulations apply. The regulations of this subsection apply to sites in the IG1 Zone that are not subject to Subsections B and C, below.~~
2. ~~Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet.~~
3. ~~Conditional uses.~~
  - a. ~~More than one Retail Sales And Service or Office use on a site is a conditional use.~~
  - b. ~~Retail Sales And Service uses where the net building area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the net building area plus the exterior display and storage area is more than 25,000 square feet, or the square footage of the site area, whichever is less, are prohibited.~~
  - c. ~~Office uses where the net building area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Office uses where the net building area is more than 60,000 square feet or the square footage of the site area, whichever is less, are prohibited.~~

#### **B. Historic resources.**

1. ~~Where these regulations apply. The regulations of this subsection apply in the IG1 Zone to historic resources that are listed on the National Register of Historic Places or are identified as contributing to the historic significance of a Historic District or a Conservation District.~~
2. ~~Allowed uses. Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes net building area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.~~
3. ~~Conditional uses. More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.~~

#### **C. Employment Opportunity Subarea.**

1. ~~Purpose. The regulations of this subsection promote the preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for a broad and diverse mix of employment uses that are compatible with industrial activities and that build on the economic strengths, locational advantages and urban character of the Central Eastside.~~

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## Commentary

### **33.510.114 Exemptions for Portland State University**

During the West Quadrant Planning process, RX portions of these sites were proposed to be rezoned to CX to eliminate the need for this provision A. Provision B will remain.

### **33.510.115 Additional Uses Allowed in the Open Space Zone**

During the quadrant planning processes stakeholders discussed the need to activate the riverfront and develop multifunctional riverfront open spaces that would be a regional attraction. Portland Parks and Recreation also expressed an interest in increasing Retail Sales and service use allowances in the Central City.

Staff is proposing to increase retail sales and service use allowances for Governor Tom McCall Waterfront Park, Holladay Park and the OS zoned Eastbank Crescent area in the Central Eastside subdistrict. These sites have been added to Map 510-11, Areas Where Additional Uses are Allowed in the OS Zone. The number of uses is not limited but staff proposes that no single use have a net building area greater than 1,000 square feet. On sites of 5 acres or less, the total amount of Retail Sales And Service uses on the site can be no more than 5 percent of the total site area. On sites that are more than 5 acres, each Retail Sales And Service use may be up to 1,000 square feet, but the total amount on the site can be no more than 10,000 square feet. The provisions applicable to Providence Park are not changing.

~~2. Where these regulations apply, The regulations of this subsection apply to sites in the IG1 Zone in the Employment Opportunity Subarea of the Central Eastside Subdistrict that are not subject to Subsection B.~~

~~3. Allowed uses.~~

~~a. Retail Sales And Service. Up to 5,000 square feet of the net building area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More than 5,000 square feet in Retail Sales And Service use on a site is prohibited.~~

~~b. Traditional Office. Up to 5,000 square feet of net building area on a site may be in Traditional Office use.~~

~~c. Industrial Office. Up to 60,000 square feet of the net building area on a site may be in Industrial Office use.~~

~~4. Conditional uses.~~

~~a. More than 5,000 square feet in Traditional Office use on a site is a conditional use. More than 60,000 square feet in Traditional Office use on a site is prohibited.~~

~~b. More than 60,000 square feet in Industrial office use on a site is a conditional use.~~

#### **33.510.114 Exemptions for Portland State University**

~~A. Development by Portland State University within the University District, is exempt from the Conditional Use requirements of Section 33.815.070, Sites with Split Zoning;~~

~~B. Development by Portland State University within the University District/South Downtown subdistrict is exempt from the Conditional Use requirements of Chapter 33.815, Conditional Uses, in situations where a use would be allowed if it was not associated with the University. Instead, such development is subject only to the regulations of the base zone, overlay zone, and plan district.~~

#### **33.510.115 Additional Uses Allowed in the Open Space Zone**

**A. Purpose.** Additional uses are allowed on certain sites zoned OS within the Central City plan district in recognition of the diversity of functions that Central City open spaces provide to residents and visitors. The Central City's open spaces tend to be more urban than open spaces found outside the Central City. Plazas, parks, and other improved outdoor spaces found in the Central City may be designed for a more intensive use and some may be adjacent to the Willamette River, while others ~~and~~ may include little or no green space. In some cases, more intense activities are appropriate when the open space site is located near a Transit Station. These open spaces may contain buildings, benches, art, coffee shops or restaurants, or other small retail shops. These uses are encouraged in some urban parks in the Central City to help promote downtown as a regional attraction, enhance the Central City's role in culture and entertainment, provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near the open space.

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## Commentary

### **Continued 33.510.115 Additional Uses Allowed in the Open Space Zone**

Staff is also proposing that the River recreation "r" overlay zone be changed to River General overlay zone "g\*" for Governor Tom McCall Waterfront Park, to allow for retail sales and service uses as described without the recreation-only use requirements that come with the "r" overlay.

#### **B.3.b**

This provision is specifically intended to be applicable to Providence Park only, but a park as large as Governor Tom McCall Waterfront Park would also be eligible per current code. To avoid applying this provision to Governor Tom McCall Waterfront Park staff has added that sites within the River General Overlay (g\*) are not eligible.

**B. Additional uses allowed.** The following uses are allowed on sites in the OS zone that are also shown on Map 510-1011:

1. ~~One~~ Retail Sales and Service uses ~~such as flower, food and drink stands, and other similar pedestrian-oriented uses, per site is~~ are allowed as follows:
  - a. ~~On sites that are 5 acres or less in size, t~~The net building area of each Retail Sales And Service use may be up to 1,000~~2,500~~ square feet, but the total amount of all Retail Sales And Service uses on the site may not be more ~~no larger~~ than 5 percent of the total site area of the site.
  - b. ~~On sites that are more than 5 acres in size, the net building area of each Retail Sales And Service use may be up to 1,000 square feet, but the total amount of all Retail Sales And Service uses on the site may not be more than 10,000 square feet.~~
2. Parking that is totally below grade and existed as of February 9, 2000; and
3. The uses listed in Subparagraph B.3.a. are allowed on sites that meet the requirements of Subparagraph B.3.b. Adjustments to this paragraph are prohibited.
  - a. Uses allowed:
    - (1) Major Event Entertainment;
    - (2) Commercial Outdoor Recreation; and
    - (3) Up to 15,000 square feet of Office.
  - b. Requirements for sites where uses in Subparagraph B.3.a. are proposed:
    - (1) The site must be at least 5 acres in area;
    - (2) The site must be within 500 feet of a Transit Station;
    - (3) The site is not within the River General (g\*) overlay zone;
    - ~~(4)~~ The standards of Chapter 33.262, Off-Site Impacts, must be met;
    - ~~(5)~~ The site must have an unexpired Good Neighbor Agreement that is approved by City Council as described in 33.510.115.C, below;
    - ~~(6)~~ The site must have a Comprehensive Transportation Management Plan that is approved by City Council as described in 33.510.115.D, below; and
    - ~~(7)~~ If the site is not managed by the owner, the site must have an Operating Agreement that is approved by City Council.

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## Commentary

**C-D** - Clarification has been added that the lead city agencies on the Providence Park Good Neighbor Agreement and Comprehensive Transportation Management Plan are the Office of Management and Finance and the Portland Bureau of Transportation. This is a clarification of existing procedure, not a substantive change.



### C. Good Neighbor Agreement

1. Purpose. The Good Neighbor Agreement requirements provide an opportunity to consider the impacts of a Major Event Entertainment or Commercial Outdoor Recreation use on nearby residents and businesses. This is achieved by requiring owners or operators to meet with interested parties and by requiring the formulation of a written implementation program referred to as a "Good Neighbor Agreement" before a building permit is issued.
2. When a Good Neighbor Agreement is required. A Good Neighbor Agreement, approved by the City Council, is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use. The Good Neighbor Agreement does not have to be updated before each building permit is issued, but it must be current at the time of permit issuance.
3. Required process for development and approval of a Good Neighbor Agreement. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator.
  - a. Develop a Draft Good Neighbor Agreement. The applicant must develop a Draft Good Neighbor Agreement that includes all of the elements listed in Paragraph C.4., below.
  - b. Contact the neighbors. The applicant must contact neighboring property owners and organizations as described below:
    - (1) Schedule a meeting. The applicant must schedule a meeting to discuss the draft agreement;
    - (2) Mail notice of the meeting to neighbors. The applicant must mail written notice of the meeting, as specified below:
      - The notice must be mailed at least 14 days before the date of the meeting;
      - The notice must be mailed to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site; and
      - The notice must include the date, time, and place of the meeting, and a copy of the Draft Good Neighbor Agreement.
  - c. Hold the Good Neighbor Agreement meeting. Hold the meeting as described below:
    - (1) Purpose of meeting. The purpose of the meeting is to provide the opportunity for all interested parties to identify concerns that should be considered through the Good Neighbor Agreement. The anticipated outcome of the meeting is an agreement between the neighbors—including residents and businesses—and the applicant as to how each issue will be considered in the Good Neighbor Agreement. However, a consensus is not required;

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# Commentary

No Substantive Change

- (2) Attendance by City staff. City staff may attend the meetings to offer suggestions or information, identify potential problems with the Draft Good Neighbor Agreement, or to observe. Participation by City staff in the meeting is not required and does not indicate City approval of the Good Neighbor Agreement;
  - (3) Additional meetings. Additional meetings may be held.
- d. City Council hearing. The applicant must request a City Council hearing. The applicant must request City Council to consider both the Comprehensive Transportation Management Plan and the Good Neighbor Agreement at the same hearing. The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Good Neighbor Agreement required by Paragraph C.4. City staff from the Office of Management and Finance and the Bureau of Transportation will provide advice to City Council. The Council may approve, approve with modifications, or reject the Good Neighbor Agreement. At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:
- (1) A copy of the notice of the Good Neighbor Agreement meeting mailed to neighbors as required by C.3.b.(2), above;
  - (2) The names and addresses of all those to whom the notice of the Good Neighbor Agreement meeting was mailed;
  - (3) The names and addresses of those who attended the meeting;
  - (4) The Draft Good Neighbor Agreement and, if different, the version of the Good Neighbor Agreement that the applicant requests Council to approve;
  - (5) Any other versions of the Good Neighbor Agreement which were reviewed at the meeting;
  - (6) A copy of the notice of City Council hearing required by C.3.e.(1), below; and
  - (7) The names and addresses of all those to whom the notice of City Council hearing was mailed.
- e. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:
- (1) The notice must be mailed to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to those who attended the Good Neighbor Agreement meeting;
  - (2) The notice must also be published in a recognized newspaper;
  - (3) The notice must be mailed at least 14 days before the hearing; and

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# Commentary

No Substantive Change

- (4) The notice must contain at least the following information:
- The date, time, and place of the City Council hearing;
  - A copy of the Good Neighbor Agreement that is filed with the City Auditor's Office, as specified in C.3.d.(4);
  - The street address or other easily understood geographical reference to the property to be covered by the Good Neighbor Agreement;
  - A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.C.3. of the Zoning Code, and has included the elements in the Good Neighbor Agreement required by Paragraph 33.510.115.C.4. of the Zoning Code;
  - A statement that Council may approve, approve with modifications, or reject the Good Neighbor Agreement;
  - An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
  - An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
  - A statement that all information submitted by the applicant is available for review from the City Auditor, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
  - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.
- f. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.

4. Elements of a Good Neighbor Agreement. The Good Neighbor Agreement must consider all of the following items:
- a. Event schedules, including coordination with nearby facilities to minimize impacts on the neighborhood of concurrent events;
  - b. Event limitations;
  - c. Noise management;
  - d. Box Office hours of operation;
  - e. Litter management;
  - f. Lighting;

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# Commentary

No Substantive Change

- g. Communications, including a process for receiving, recording, and responding to community comments;
- h. Alcohol management;
- i. Security;
- j. Hours of operation including those for set-up and take-down;
- k. Community use of the site;
- l. Motorized events;
- m. Oversight committee;
- n. Enforcement of the Good Neighbor Agreement;
- o. Exceptions to the Good Neighbor Agreement;
- p. Process and requirements for updating, amending, or terminating the Good Neighbor Agreement; and
- q. Effective date, term of the agreement, and date of expiration.

**D. Comprehensive Transportation Management Plan**

1. Purpose. The Comprehensive Transportation Management Plan requirements provide an opportunity to consider the impacts of traffic and parking on nearby residents and businesses. This is achieved by requiring owners or operators to complete an analysis of traffic issues, suggest mitigation measures, and make the draft report available to the neighbors of the site.
2. When a Comprehensive Transportation Management Plan is required. A Comprehensive Transportation Management Plan is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use.
3. Required process for development and approval of a Comprehensive Transportation Management Plan. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, “applicant” means the owner or operator.
  - a. Develop a Draft Comprehensive Transportation Management Plan. The applicant must develop a Draft Comprehensive Transportation Management Plan that includes all of the elements listed in Paragraph D.4., below.
  - b. Notice of Draft Plan. The applicant must mail written notice to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site that the Draft Comprehensive Transportation Management Plan is available.



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**Commentary**

No Substantive Change

- c. City Council hearing. The applicant must request a City Council hearing. The Comprehensive Transportation Management Plan must be considered at a City Council hearing held to also consider the Good Neighbor Agreement. The hearing must be at least 14 days after the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by Subparagraph D.3.b., above, is mailed.

The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Comprehensive Transportation Management Plan required by Paragraph D.4. City staff from the Office of Management and Finance and the Bureau of Transportation will provide advice to City Council. The Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan.

At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

- (1) A copy of the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by D.3.b., above;
  - (2) The names and addresses of all those to whom notice that the Draft Comprehensive Transportation Management Plan is available was mailed;
  - (3) The Draft Comprehensive Transportation Management Plan that has been made available to the neighbors, and, if different, the version of the Comprehensive Transportation Management Plan that the applicant requests Council to approve;
  - (4) A copy of the notice of City Council hearing required by Subparagraph D.3.d., below; and
  - (5) The names and addresses of all those to whom the notice of City Council hearing was mailed.
- d. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:
- (1) The notice must be mailed to all property owners within 1,000 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site;
  - (2) The notice must also be published in a recognized newspaper;
  - (3) The notice must be mailed at least 14 days before the hearing; and
  - (4) The notice must contain at least the following information:
    - The date, time, and place of the City Council hearing;
    - A copy of the Comprehensive Transportation Management Plan requested to be approved by Council and filed with the City Auditor's Office, as specified in D.3.c.(3);
    - The street address or other easily understood geographical reference to property to be covered by the Comprehensive Transportation Management Plan;

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# Commentary

No Substantive Change

- A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.D.3. of the Zoning Code, and has included the elements in
  - the Comprehensive Transportation Management Plan required by Paragraph 33.510.115.D.4. of the Zoning Code;
  - A statement that Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan;
  - An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
  - An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
  - A statement that all information submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
  - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.
- e. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to all neighborhood associations and business associations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.
4. Elements of a Comprehensive Transportation Management Plan. The Comprehensive Transportation Management Plan must consider all of the following items:
- a. Existing conditions, including traffic counts, parking availability, attendee mode splits, and site access and circulation;
  - b. Impacts of anticipated Major Event Entertainment and Commercial Outdoor Recreation uses, including a parking demand analysis; and
  - c. Proposed mitigation measures.

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## Commentary

### **33.510.116 Retail Sales And Service Uses for Specified Sites ~~in the CX and EX Zones~~**

The amended provisions will continue to apply to specific sites in the Pearl subdistrict and South Waterfront subdistricts. The OMSI and Clinton Station Areas in the Central Eastside subdistrict have been added.

Although the original standards allowed Retail Sales and Service uses up to 60,000 sq. ft. in the South Waterfront subdistrict (CX zone) and up to 50,000 sq. ft. in the Pearl subdistrict (EX zone) as a conditional use, the new standard limits these uses to 50,000 sq. ft. on all sites identified on Map 510-12 to be consistent and to ensure that the development of commercial uses larger than a typical city block is not allowed by these provisions. The intent is to prevent large scale retail uses in the Central City that could be a regional draw and increase traffic as well as potentially increasing conflicts with the primary land use direction and character of the subdistricts.

### 33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones

- A. **Purpose.** Limits on the size of Retail Sales And Service uses promote neighborhood-serving commercial development and help reduce traffic congestion associated with large-scale retailers.
- B. **~~CX Zone Retail Sales And Service use limitation.~~** On sites ~~in the CX zone within the South Waterfront Subdistrict as shown on Map 510-112,~~ Retail Sales And Service uses are allowed up to 40,000 square feet of net building area for each use. Retail Sales And Service uses larger than 40,000 square feet for each use are a conditional use. Retail Sales And Service uses larger than ~~650,000~~ 50,000 square feet for each use are prohibited. This limitation does not apply to hotel uses.
- C. **~~EX Zone limitation.~~** On sites ~~in the EX zone within the area shown on Map 510-11,~~ Retail Sales And Service uses are allowed up to 40,000 square feet of net building area for each use. Retail Sales And Service uses larger than 40,000 square feet for each use are a conditional use. Retail Sales And Service uses larger than 50,000 square feet for each use are prohibited.

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## Commentary

### **33.510.117 Retail Sales And Service and Office uses in the RX zone.**

During the West Quadrant planning process, a desire was expressed to increase flexibility for a mix of uses in the RX zone, particularly to encourage ground floor commercial uses. This section has been amended to clarify and increase allowances for office and retail in the RX zone. If at least 50 percent of the ground floor is in retail sales and service or office, an additional, moderate amount of building square footage could be allowed to be in these uses - allowing for more mixed use development while maintaining residential as the dominant use and ensuring active uses on the ground floor.



### 33.510.117 Retail Sales And Service and Office Uses in the RX Zone

- A. Purpose.** The provisions of this section enhance the residential character of the RX zone , improve the economic viability of residential development and promote active streetscapes by allowing commercial uses. At the same time, commercial uses are regulated to assure that residential uses are the primary use in the zone.
- B. Where these regulations apply.** The regulations of this section apply to sites in the RX zone, ~~except in the area shown on Map 510-14, and supersede the regulations of the base zone. Sites in the area shown on Map 510-14 are subject to the regulations of Section 33.510.118, Use Regulations for Specified Sites in the West End Subarea, not those of this section.~~

The regulations of Paragraph D.2. apply to sites that are not on the Park Block frontages; the regulations of Paragraph D.3. apply to sites that are on the Park Block frontages. The Park Block frontages are shown on Map 510-134.

- C. Adjustments prohibited.** Adjustments to the regulations of this section are prohibited.
- D. Retail Sales And Service and Office uses in the RX zone.**
1. Outdoor activities on all sites. All commercial uses must be conducted entirely within fully enclosed buildings. Exterior display of goods and exterior storage are not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.
  2. Sites not on Park Block frontages. On sites that are not on the Park Block frontages, shown on Map 510-134, the following regulations apply:
    - a. New multi-dwelling development. Retail Sales And Service or Office uses are allowed as part of a new multi-dwelling development as follows:
      - (1) Limited uses. Up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office use; or
      - (2) Up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office use if at least 50 percent of the area of the ground floor contains Retail Sales And Service or Office uses.
        - ~~If all of the Retail Sales And Service or Office uses are on the ground floor, up to 40 percent of the net building area of a new multi dwelling development may be in Retail Sales And Service or Office uses;~~
        - ~~If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses.~~

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## Commentary

**D.2.a (2) Conditional Uses.** Conditional use provisions have been deleted.

The first conditional use is no longer necessary because of revisions to D.2.a.(1). With the elimination of the RX zone in the northern portion of the West End, the second conditional use provision would not apply to any RX areas in the Central City.

**D.2.b (1) Conversion of existing multi-dwelling development.** The RX Zone is intended to be primarily residential. The possibility of allowing up to 100 percent retail uses, rather than the existing 40 percent allowed today, was discussed as part of the West Quadrant process as a way to reduce development pressure on older residential buildings. Staff believes that this percentage is too high to maintain the intent of the zone. Sixty percent seems like a meaningful increase to maintain residential units in each building and support the desire for residential development in the zone. West End neighborhood representatives requested that the conversion of units above the ground floor also be allowed. While this is not common at this time, staff has drafted the code language to allow for this.

**D.2.b (2) Existing non-residential development.** During the West Quadrant Plan a desire was expressed to preserve older buildings that are not formally designated as historic, including non-residential buildings in the RX zone. This new provision allows existing non-residential buildings in the RX zone (e.g. meeting halls, churches, community centers and other special-purpose buildings) to be used for office and retail uses. Most of these buildings are not well suited to residential use and are at risk of demolition if their current non-residential use ends or is no longer feasible. Similar provisions already exists for designated historic resources in the RH and RX zones (see 33.445.610).

**3. Sites on Park Block frontages:** Retail allowances along the Park Blocks have been updated to increase the allowance for ground floor retail and office to be consist with CC 2035 plan policies to activate areas around the potential green loop. A conditional use review is required if any retail or office is located above the ground floor.

~~(2) Conditional uses.~~

- ~~• If any portion of the Retail Sales And Service or Office uses is not on the ground floor, more than 20 and up to 40 percent of the net building area of a new multi dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;~~
- ~~• If the entire site is within 500 feet of a Transit Station, more than 20 and up to 50 percent of the net building area of a new multi dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use.~~

b. Conversion of existing development.

(1) Up to 60 percent of net building area in a multi-dwelling development that existed on [insert effective date] may be converted to Retail Sales And Service and Office uses.

(2) Up to 100 percent of the net building area of any building may be converted to Retail Sales And Service or Office use if

- A legally-established non-residential use was operating in the building on [insert effective date]; and
- The development maintains the same number of dwelling units in the building after the conversion.

~~b. Conversion of multi dwelling development. Up to 40 percent of existing net building area in a multi dwelling development may be converted to Retail Sales And Service and Office uses, if the following are met:~~

~~(1) All of the Retail Sales And Service or Office uses must be on the ground floor; and~~

~~(2) The conversion may not result in a net loss of the square footage in residential use, or a net loss in the number of dwelling units in the development.~~

3. Sites on Park Block frontages. On sites that are on the Park Block frontages, shown on Map 510-134, the following regulations apply:

a. Up to 100 percent of the floor area of the ground floor of a building may be in Retail Sales And Service or Office use; and

b. Up to 20 percent of the net building area located somewhere other than the ground floor is allowed if approved through a Conditional Use review.

~~a. New multi dwelling development. Up to 20 percent of the net building area of a new multi dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;~~

~~b. Conversion of existing multi dwelling development. Conversion of existing multi dwelling development to Retail Sales And Service and Office uses is prohibited.~~

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## Commentary

### **Delete: 33.510.118 Use Regulations for Specified Sites in the West End Subarea**

The original *Downtown's West End Plan* (2002) created A, B, and C sites within a mapped area of the West End. The strategy for the area was to preserve RX zoning, but increase flexibility for a wider range of non-residential uses on some sites. Type C sites were the most restrictive in terms of allowances of other uses, but even these sites could accommodate a wider range of uses if certain criteria were met.

Since 2002 none of the Type C sites have redeveloped and the housing replacement provisions available for these sites have never been used. It's unclear whether this is a result of the zoning pattern or simply of the market.

Staff proposes to eliminate this code section. During the West Quadrant process there was interest in allowing more flexibility in this area for non-residential uses. Staff is proposing to update the zoning in the area to CX which will accommodate the non-residential uses, but also allow for residential uses.

### **33.510.118 Use Regulations for Specified Sites in the West End Subarea**

- A. Purpose.** Provisions within this section are intended to encourage an infill pattern of development in the portion of the West End Subarea shown on Map 510-14. This infill strategy preserves the Central Residential zone while encouraging a wider range of nonresidential uses. These provisions limit redevelopment pressure on existing housing.
- B. Where these regulations apply.** The regulations of this section apply to sites in the area shown on Map 510-14, and supersede the regulations of the base zone. Minimum residential densities must be met only where specified in this section. The regulations of Subsection D. apply to Type C sites. Where the site, or a portion of the site, occupies a full block, the regulations of Subsection E. apply to the full block portion of the site. Portions of the site that are not part of the full block must meet the regulations for sites that are less than a full block. The regulations of Subsections F., G., and H. apply where the site occupies less than one full block.
- C. Adjustments prohibited.** Adjustments to the regulations of this section are prohibited.
- D. Demolition on Type C sites.** Demolition on Type C sites as shown on Map 510-14, is subject to Subsection 33.510.242.C.
- E. Full block sites.** Where the site, or a portion of the site, occupies a full block, at least 50 percent of all net building area on the full block portion of the site must be in Household Living uses, and the minimum residential density requirement of the RX Zone must be met. The net building area that is not in Household Living uses is regulated as specified in Subsection F., with all percentages of allowed development based on the net building area in nonresidential use, not the net building area on the block.
- F. Type A sites.** On Type A sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:
1. Household Living, Retail Sales And Service, Office, Schools, Parks And Open Areas, Colleges, Medical Centers, Religious Institutions, and Daycare Uses. Up to 100 percent of the net building area may be in Household Living, Retail Sales And Service, Office, Schools, Parks And Open Areas, Colleges, Medical Centers, Religious Institutions, and Daycare uses;
  2. Group Living. Group Living for up to 15 residents is allowed. Group Living for more than 15 residents is a conditional use. See Chapter 33.239;
  3. Basic Utilities and Community Service uses:
    - a. Up to 20 percent of the net building area may be in Basic Utilities and Community Service uses; and
    - b. More than 20 percent of the net building area in Basic Utilities and Community Service uses is a conditional use;
  4. Radio Frequency Transmission Facilities. Some Radio Frequency Transmission Facilities are allowed by right, while others are conditional uses. See Chapter 33.274;
  5. Commercial Parking is subject to Central City Parking Review;
  6. Rail Lines And Utility Corridors are a conditional use;

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# Commentary

~~7. Uses and amounts of uses not specifically listed in this subsection are prohibited.~~

~~**G. Type B sites.** On Type B sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:~~

- ~~1. Household Living uses. Up to 100 percent of the net building area may be in Household Living uses;~~
- ~~2. Schools, Colleges, Medical Centers, Religious Institutions, Parks And Open Areas, and Daycare uses. Up to 100 percent of the net building area may be in Schools, Colleges, Medical Centers, Religious Institutions, Parks And Open Areas, and Daycare uses if the requirements of Subsection I. are met;~~
- ~~3. Group Living. Group Living for up to 15 residents is allowed. Group Living for more than 15 residents is a conditional use. See Chapter 33.239;~~
- ~~4. Retail Sales And Service and Office uses:
  - ~~a. Up to 125 percent of the net building area that existed on the site on January 1, 2002 may be in Retail Sales And Service or Office uses if the requirements of Paragraphs I.2. and 3. are met. The applicant must document the amount of net building area that existed on the site on January 1, 2002;~~
  - ~~b. More than 125 percent of the net building area that existed on the site on January 1, 2002 in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.122 and the requirements of Subsection I. Only the square footage above 125 percent is a conditional use, and only the square footage above 125 percent must meet the requirements of Paragraph I.1.~~~~
- ~~5. Basic Utilities and Community Service uses:
  - ~~a. Up to 20 percent of the net building area may be in Basic Utilities and Community Service uses; and~~
  - ~~b. More than 20 percent of the net building area in Basic Utilities and Community Service uses is a conditional use;~~~~
- ~~6. Radio Frequency Transmission Facilities. Some Radio Frequency Transmission Facilities are allowed by right, while others are conditional uses. See Chapter 33.274.~~
- ~~7. Commercial Parking is subject to Central City Parking Review.~~
- ~~8. Rail Lines And Utility Corridors are a conditional use;~~
- ~~9. Uses and amounts of uses not specifically listed in this subsection are prohibited.~~

~~**H. Type C sites.** On Type C sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:~~

- ~~1. Household Living, Parks And Open Areas, and Daycare uses. Up to 100 percent of the net building area may be in Household Living, Parks And Open Areas, and Daycare uses.~~
- ~~2. Group Living. Group Living for up to 15 residents is allowed. Group Living for more than 15 residents is a conditional use. See Chapter 33.239.~~
- ~~3. Retail Sales And Service and Office uses:~~

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# Commentary



- a. ~~Up to 20 percent of the net building area may be in Retail Sales And Service and Office uses;~~
  - b. ~~More than 20 percent and up to 40 percent of the net building area in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.110; and~~
  - c. ~~If all portions of the site are within 500 feet of a Transit Station, more than 20 percent and up to 50 percent of the net building area in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.110;~~
  - d. ~~Up to 100 percent of the net building area may be in Retail Sales And Service or Office uses if the requirements of Subsections I. and J. are met.~~
4. ~~Up to 100 percent of the net building area may be in College, Religious Institution, Medical Center, and School uses if the requirements of Subsections I. and J. are met.~~
5. ~~Basic Utilities and Community Service uses:~~
- a. ~~Up to 20 percent of the net building area may be in Basic Utilities and Community Service uses; and~~
  - b. ~~More than 20 percent of the net building area in Basic Utilities and Community Service uses is a conditional use;~~
6. ~~Radio Frequency Transmission Facilities. Some Radio Frequency Transmission Facilities are allowed by right, while others are conditional uses. See Chapter 33.274.~~
7. ~~Commercial Parking is subject to Central City Parking Review.~~
8. ~~Rail Lines And Utility Corridors are a conditional use;~~
9. ~~Uses and amounts of uses not specifically listed in this subsection are prohibited.~~
- I. ~~Development standards.~~** ~~The development standards of this subsection must be met when required by Subsections G. or H.~~
- 1. ~~Mixed use character. The following formula is used to determine the maximum square footage of nonresidential development allowed on the site:~~

~~(Residential net building area developed in the area shown on Map 510-14 since January 1, 2002) minus (Nonresidential net building area developed in the area shown on Map 510-14 since January 1, 2002) equals the maximum nonresidential net building area allowed on the site. Net building area is considered to be “developed” when an occupancy permit has been issued.~~

~~If the result of the calculation is zero or a negative number, no nonresidential net building area is allowed on the site;~~
  - 2. ~~No surface parking. Surface parking on the site is prohibited. All existing surface parking on the site must be removed as part of the proposal; and~~
  - 3. ~~Active ground floor uses. The proposed development must meet the requirements of Section 33.510.225, Ground Floor Active Uses. Parking is not allowed in portions of a building that are required to meet this standard.~~

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# Commentary

- ~~J. **Housing mitigation.** The standards of this subsection must be met when required by Subsection H. The applicant must mitigate for the lost housing using one of the three methods in this subsection:~~
- ~~1. **Method 1: Replace the housing as part of the proposed development, as follows:**~~
    - ~~a. The development proposed for the site must include at least the same number of dwelling units as existed on the site on January 1, 2002;~~
    - ~~b. The development proposed for the site must include at least the same amount of square footage in residential use as existed on the site on January 1, 2002; and~~
    - ~~c. There must be a covenant for the dwelling units and square footage used to meet this provision; the covenant must meet the requirements of Paragraph J.4.;~~
  - ~~2. **Method 2: Donate another site for residential development, as follows:**~~
    - ~~a. The donated site must be at least 5,000 square feet in area, or at least half the size of the area of the site proposed for development, whichever is larger;~~
    - ~~b. The donated site must be within the Central City plan district and west of the Willamette River; and~~
    - ~~c. The site must be donated to the Portland Development Commission (PDC). PDC will ensure that the donated site is developed to replace both the number of dwelling units and the residential square footage lost through the proposal. PDC will also ensure that the dwelling units will be affordable to households earning less than 60 percent of median family income for the region, and that the units will remain so for at least 60 years;~~
  - ~~3. **Method 3: Ensure preservation of existing affordable housing, as follows:**~~
    - ~~a. For each dwelling unit that existed on the site on January 1, 2002, two existing dwelling units must be preserved as specified in this paragraph;~~
    - ~~b. The units to be preserved must be in the West End subarea of the Downtown subdistrict; and~~
    - ~~c. There must be a covenant for the dwelling units used to meet this provision; the covenant must meet the requirements of Paragraph J.4.;~~
  - ~~4. **Dwelling unit preservation and affordability.** Where required by this subsection, the property owner must submit a letter from the Portland Development Commission (PDC) certifying the following. The letter must be included with the development application, except for situations described in Subsection 33.510.118.D., where the letter must be included with the application for a demolition permit.~~
    - ~~a. That the owner has executed a covenant with the City that complies with the requirements of Section 33.700.060;~~
    - ~~b. That the covenant ensures that:
 
      - ~~(1) The dwelling units will be affordable to households earning less than 60 percent of median family income for the region, and that the units will remain so for at least 60 years; and~~
      - ~~(2) The dwelling units will be preserved for at least 60 years.~~~~

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## Commentary

### **33.510.118 Residential Use Restrictions in the EX zone**

This is a new provision defining residential use restrictions in the EX zone in the Lower Albina and Central Eastside subdistricts where EX zoning exists or is proposed. The SE Quadrant Plan proposed EX zoning with residential uses prohibited for multiple areas and allowed residential uses only as a conditional use for others. This maintains the employment focus of this area. The N/NE Quadrant Plan proposed a zone change from IG1 to IG1 with an EX Comprehensive Plan designation in Lower Albina. If this area is rezoned to EX at a later date, housing will be prohibited. These restrictions reduce the chance for conflicts between residential uses and industrial employment uses.

Map 510-6 Special Residential Use Areas shows:

**1) Residential Uses Prohibited.**

Includes proposed IG1 (EX) land in Lower Albina and EX zoned land in the OMSI Station Area south of Caruthers and west of OR-99E, properties bounded by SE Woodward and Powell Streets to the north and south and OR-99E and SE Milwaukie Ave to the west and east.

**2) Residential Uses Allowed through a Central City Master Plan.**

This includes the OMSI Station Area bounded by SE Caruthers and SE Clay St to the south and north and Water Ave/Union Pacific Rail Line/OR-99E to the east.

**33.510.119 Retail Sales And Service and Office Uses in the IG1 Zone.** This section has been moved here (formerly 33.510.113) to keep the I zone Retail Sales And Service provisions together.

**B. Historic Resources:** This section has been revised to allow for 100% of the floor area of an eligible historic building to be in Industrial Office use (plus up to an additional 5,000 SF in a rooftop addition) in the IG1 zone. This aligns with the Employment Zoning Project proposed revisions to 113.C, ensuring that historic resources have the same allowances for Industrial offices as other existing buildings in the IG1 zone. This provision will apply in the IG1 zone in both the Central Eastside and Lower Albina.

### **33.510.118 Residential Uses in the EX zone**

**A. Purpose.** Residential uses are restricted in portions of the EX zone in Lower Albina and Central Eastside subdistricts in order to avoid conflicts between residential and industrial activities.

**B. Residential use restrictions.**

1. Residential uses are prohibited in the areas on Map 510-6 that are shown as Residential uses prohibited.
2. Residential uses are only allowed through Central City Master Plan in areas on Map 510-6 that are shown as Residential uses require a Central City Master Plan.

### **33.510.119 Retail Sales And Service and Office Uses in the IG1 Zone**

**A. Generally.**

1. Where these regulations apply. The regulations of this subsection apply to sites in the IG1 zone that are not subject to Subsections B. and C., below.
2. Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet.
3. Conditional uses.
  - a. More than one Retail Sales And Service or Office use on a site is a conditional use.
  - b. Retail Sales And Service uses where the net building area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the net building area plus the exterior display and storage area is more than 25,000 square feet, or the square footage of the site area, whichever is less, are prohibited.
  - c. Office uses where the net building area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Office uses where the net building area is more than 60,000 square feet or the square footage of the site area, whichever is less, are prohibited.

**B. Historic resources.**

1. Where these regulations apply. The regulations of this subsection apply in the IG1 Zone to historic resources that are listed on the National Register of Historic Places or are identified as contributing to the historic significance of a Historic District or a Conservation District.
2. Allowed uses.
  - a. Retail Sales And Service and Traditional Office. Up to 12,000 square feet on a site may be in Retail Sales And Service or Traditional Office use. The total amount of square footage includes net building area, exterior display, and storage area of all Retail Sales And Service and Traditional Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.

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## Commentary

### 33.510.119 Retail Sales and Service and Office Uses in the IG1 Zone

**C. Employment Opportunity Subarea:** This section is being updated as part of the Task 5 Employment Zoning Project. When this code is approved and becomes effective which will be the same time as the Central City 2035 code, it will be incorporated into 33.510, Central City plan district. The Employment Zone Recommended Draft contains the following draft code language:

#### **C. Central Eastside Subdistrict.**

*1. Purpose. The regulations of this subsection are intended to broaden the mix of employment uses in the Central Eastside Industrial District in a manner that increases the vitality of the district without negatively impacting the viability of industrial uses and development. The additional uses allowed by the regulations are uses that build on the economic strengths, locational advantages and urban character of the Central*

*Eastside promote the preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for a broad and diverse mix of employment uses that are compatible with industrial activities and that build on the economic strengths, locational advantages and urban character of the Central Eastside.*

*2. Where these regulations apply. The regulations of this subsection apply to sites zoned in the IG1 Zone in the Employment Opportunity Subarea of the Central Eastside Subdistrict that are not subject to Subsection B.*

*3. Allowed uses.*

*a. Retail Sales And Service and Traditional Office uses.*

*(1) Sites up to 40,000 square feet in size. The following regulations apply to Retail*

*Sales And Service and Traditional Office uses on sites that are 40,000 square feet or less in size:*

*\_ Up to 5,000 square feet of the net building area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More than 5,000 square feet in Retail Sales And Service use on a site is prohibited.*

*\_ b. Traditional Office. Up to 5,000 square feet of net building area on a site may be in Traditional Office use. More than 5,000 square feet in Traditional Office use on a site is prohibited.*

*(2) Sites over 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are more than 40,000 square feet in size:*

*\_ Retail Sales and Service uses on a site are allowed but net building area plus exterior display and storage is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Retail Sales And Service use is prohibited.*

b. Industrial Office. Up to 100 percent of the gross building area on a site may be in an Industrial Office use including gross building area added inside of the building as it existed on [insert effective date]. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on [insert effective date] can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.

3. Conditional uses. More than 12,000 square feet on a site may be in Traditional Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Traditional Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

c. *[Recommended code language can be found in the Employment Zoning Project.]*

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## Commentary

*Traditional Office uses on a site are allowed but net building area is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Traditional Office use is prohibited.*

*b. Industrial Office.*

*(1) Generally, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to up to an amount equal to three times the square footage of the site. Unless allowed by one of the exceptions below, Industrial Office use in excess of three times the square footage of the site is prohibited.*

*(2) Exceptions.*

*\_ If the site is 20,000 square feet or less in size, up to 60,000 square feet of gross building area may be in an Industrial Office use. More than 60,000 square feet per site is prohibited.*

*\_ Industrial Office uses are allowed in buildings that existed on [insert effective date]. In this case, 100 percent of the gross building area may be in an Industrial Office use including floor area added inside of the building as it existed on [insert adoption date]. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on [insert effective date] can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.*

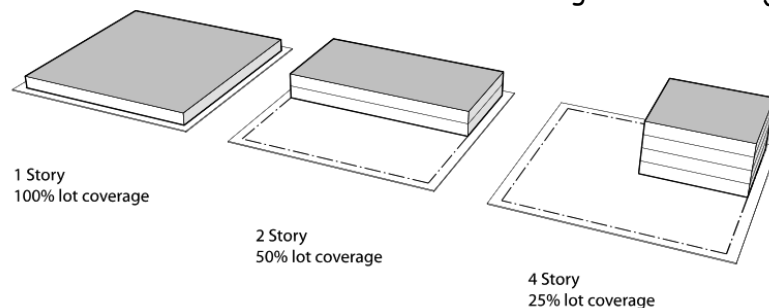
### **33.510.12019 Retail Sales And Service and Office Uses in Specified Historic**

**Resources in the IG2 and IH Zones:** This section has been amended to remove reference to the IG2 zone, which no longer exists in the Central City.

**33.510.200-210.** These sections have been reorganized as follows: **33.510.200 - Floor Area Ratios**, **22.510.205 - Floor Area bonuses and transfers**, **33.510.210 - Height**. Commentary explains new information and changes being proposed. Floor area bonuses and transfers have been overhauled with most of the bonuses and transfers proposed to be eliminated. On the strikethrough pages that follow the new proposed provisions, Staff provides an explanation for the elimination of bonuses and transfers.

### **33.510.200 Floor Area Ratios**

**A. Purpose.** The purpose statement has been amended to better align with the Central City 2035 Plan's policy framework and to clarify that maximum floor area ratios (FARs) are set based on a balancing of several different objectives that may vary in importance in different parts of the Central City. FAR is the relationship of buildable floor area (total amount of square feet) to a given site area (amount of land). FAR regulations tell you "how much" building you can create (see graphic below-FAR 1:1 ratio). This volume can be moved around and shaped to create taller narrower buildings or lower wider buildings. The maximum FARs and heights along the Transit Mall are typically high to promote higher density development. The maximum FAR and height allowance generally step down as sites come closer to the Willamette River and neighborhoods adjacent to the Central City.





### **33.510.14920 Retail Sales And Service and Office Uses in Specified Historic Resources in the IG2 and IH Zones**

- A. Where these regulations apply.** The regulations of this subsection apply in the IG2 and IH Zones to historic resources that are listed on the National Register of Historic Places or to structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District.
- B. Allowed uses.** Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes net building area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
- C. Conditional uses.** More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

### **Development Standards**

#### **33.510.200 Floor Area Ratios**

- 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 work with the height, setback, and building coverage standards to control the overall bulk of development. Generally, the highest FARs in Portland are applied in the Central City plan district to support its role as the region’s premier center for jobs, health and human services, and urban living. The minimum FARs required in the Central City plan district are intended to ensure a minimum level of density for new development, ensure that not all development potential is transferred off a site, and ensure redevelopment of under-utilized sites. The maximum FARs allowed in the Central City plan district balance multiple objectives of the Central City 2035 Plan including:
  - Locating the largest floor area ratios along the Transit Mall and high-capacity transit lines;
  - Varying building bulk across the Central City;
  - Generally, stepping down allowed building bulk to the Willamette River and neighborhoods adjacent to the Central City; and
  - Ensuring that building bulk is compatible within historic districts.
- B. Adjustments.** Adjustments to floor area ratio regulations are prohibited.

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## Commentary

### **C.2 Minimum floor area ratio.**

Minimum floor area ratios are being proposed across the Central City to retain acceptable density levels for new development and to promote the redevelopment of under-utilized sites, such as vacant lots, surface parking lots, and low density development with low site coverage. The minimum density required would vary depending on the maximum ratios set for a site as reflected on Map 510-2. For instance, sites with a maximum FAR allowance of 3 to 1 or less would be required to maintain and/or build to a ratio of at least 1 to 1. Sites with a maximum ratio of 9:1 or greater would be required to maintain and/or build to a ratio of at least 3 to 1.

### **D.1-4 Limits on additional FAR**

This section states that there is a 3 to 1 limit on the amount of bonus FAR a project can earn in most circumstances; however, transfers are unlimited, as long as the proposed development does not exceed maximum bonus heights shown on Map 510-4.

Sub paragraphs 1-4 apply to specific areas of the Central City Plan District that have different and unique FAR regulations, including the South Park Blocks, South Waterfront, and North Pearl. These regulations are generally unchanged, except in the West End. Staff is proposing to remove the West End special bonus target area which allowed an increase from the base FAR of 6:1 to 9:1 for residential development, with an option for an additional 3:1 through the use of bonuses, for a maximum of 12:1. Staff proposes instead to set the base entitlement to 8:1, similar to the surrounding areas to the south. This area, like most other areas in the Central City, will be eligible for up to 3:1 in bonuses and unlimited transfers up to the Bonus Height map, 510-4.

**C. Floor area ratio.**

1. Maximum floor area ratio. The maximum floor area ratio (FAR) for sites in the Central City plan district are shown on Map 510-2. Maximum FAR can be increased on a site if FAR is transferred or earned through a bonus as allowed by 33.510.205, Floor Area Bonus and Transfer Options. Increases in FAR on a site are limited as described in Subsection D.
2. Minimum floor area ratio. Minimum FAR is required as follows:
  - a. For sites where the maximum allowed FAR before bonuses and transfers is up to 4 to 1, the minimum FAR is 1 to 1;
  - b. For sites where the maximum allowed FAR before bonuses and transfers is between 5 to 1 and 8 to 1, the minimum FAR is 2 to 1; and
  - c. For sites where the maximum allowed FAR before bonuses and transfers is 9 to 1 or greater, the minimum FAR is 3 to 1.

**D. Limits on additional floor area. Maximum FAR can be increased on a site if FAR is transferred, or bonus FAR is earned as allowed by 33.510.205, Floor Area Bonus and Transfer Options. The following limits apply to increases in FAR:**

1. Unless otherwise specified in Paragraphs D.2. through D.4, the maximum amount of FAR that can be earned on a site through use of bonus options is 3 to 1. There is no limit on the amount of FAR that can be transferred to a site.
2. South Park Blocks frontages. Transferring floor area to sites, or portions of sites, zoned RX is prohibited within the area shown on Map 510-14.
3. South Waterfront subdistrict. In the South Waterfront subdistrict the following applies:
  - a. Except as allowed under Subparagraphs D.3.b. and c., no more than 2 to 1 FAR may be earned on a site through the use of bonus options. There is no maximum to the amount of floor area that may be transferred to a site. However, the total amount of floor area on a site, including bonus floor area and transferred floor area, must not be more than 9 to 1;
  - b. An FAR of more than 2 to 1 may be earned on a site through the use of bonuses if at least 1 to 1 FAR is earned on the site through the use of the open space bonus option, open space fund bonus option, or South Waterfront Willamette River Greenway bonus option. However, the total amount of floor area on a site, including bonus floor area and transferred floor area, must not be more than 9 to 1.

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## Commentary

**D.3.c.(2)** A clarification has been made on the timing of when the required dedication of greenway floor area is to be made. The portion of the South Waterfront Greenway Area that floor area is being transferred from must have been dedicated to the City ~~since~~ after September 1, 2002.

### **E. Exceptions.**

#### **1. Neighborhood facilities**

The provisions that exempt neighborhood facilities from the calculation of maximum FAR are being expanded beyond the North Pearl Subarea to Central City-wide to address the growing need of Central City residents to have access to essential public services such as public schools, community centers, libraries and daycare. As the population within Central City neighborhoods grows and diversifies, access to these types of services will be needed by residents of all ages. The location of these services in the Central City would also serve the needs of residents in close-in neighborhoods not adequately served by such uses. While the Day care bonus is proposed to be eliminated, staff proposes to use the language from the bonus provision that requires day care facilities to be open during normal business hours at least five days each week and fifty weeks each calendar year.

- c. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if all of the following are met:
  - (1) The floor area above the 9 to 1 ratio must be transferred from the South Waterfront Greenway Area; and
  - (2) The portion of the South Waterfront Greenway Area that floor area is being transferred from must have been dedicated to the City after September 1, 2002.
- 4. North Pearl subarea. The following applies in the North Pearl subarea bonus options target area shown on Map 510-5:
  - a. An FAR increase of more than 3 to 1 may be earned on a site through the following provisions. However, the total amount of floor area on a site must not be more than 9 to 1, except as allowed under Subparagraph D.4.b.:
    - (1) Floor area bonuses in subsection 33.510.205 C;
    - (2) Transfers from the site of an historic resource meeting 33.510.205 D
  - b. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if the floor area above the 9 to 1 ratio is transferred from the site of an historic resource as specified in Subsection D.1.

**E. Exemptions. The following are exempt from the regulations in Subsections C.:**

- 1. Neighborhood facilities.
  - a. Purpose. This regulation encourages creation of facilities to serve those who live and work in the Central City. These facilities are necessary elements of a complete neighborhood.
  - b. Standards. Floor area used for specified neighborhood facilities is not counted towards maximum FAR for the site. The specified neighborhood facilities are public schools, public community centers, daycare facilities for children, and public libraries. To qualify for this provision, the following requirements must be met:
    - (1) Schools. Floor area to be used for public schools does not count towards maximum FAR for the site if the school will be operated by or for a public school district.
    - (2) Daycare. Floor area to be used for daycare facilities for children does not count towards maximum FAR for the site. The facility must be open at least five days each week and fifty weeks each calendar year.
    - (3) Libraries. Floor area to be used for public libraries does not count towards maximum FAR for the site if the library will be operated by the Multnomah County Library or does not charge membership fees.
    - (4) Public community centers. Floor area to be used for community centers does not count towards maximum FAR for the site. Public community centers are not for exclusive use by residents of a site and their guests.

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## Commentary

### **33.510.205 Floor Area Bonus and Transfer Options**

Allowing increased development potential through the use of bonus and transfer options currently exists in the zoning code with 19 bonus options and five transfer provisions. Staff proposes to redesign the Central City bonus and transfer system to prioritize affordable housing and historic preservation. In addition, for properties along the Riverfront there is a bonus option to expand the river front open space. Bonus and transfer options will be available to residential, mixed-use and commercial developments. In addition, industrial office projects, that include ground floor industrial space in the IG1, in the Central Eastside subdistrict are eligible for a bonus.

The recently adopted Comprehensive Plan acknowledges the importance of providing public and community benefits when a project receives increased FAR allowances (Policy 3.3.d). The proposed reduction in the number of bonus and transfer options in the Central City has been done in an effort to streamline the available bonuses and transfers and align them with the current priorities of affordable housing and historic preservation.

### **33.510.205.B Priorities for the use of bonus and transfer options.**

The proposed FAR bonus and transfer provisions, applicable to most of the Central City, are proposed to focus on affordable housing and historic preservation. In addition, for properties along the riverfront there is a bonus promoting the creation of additional open space along the river's edge. Below is a summary of how the bonus and transfer system is proposed to be prioritized.

#### **Priority given to Affordable Housing Bonus:**

1. The maximum bonus FAR on most sites in the Central City is 3:1. Sites in South Waterfront and the North Pearl Subarea have the ability to bonus more than 3:1 FAR.
2. The first 2:1 bonus FAR earned must be earned through the affordable housing bonus. (with a few exceptions noted below).
3. The remaining 1:1 of bonus FAR can be earned through other bonuses or transfers.

#### **Note: Inclusionary Housing**

During the 2016 State Legislative Session, Senate Bill 1533 passed and was approved by the Governor, allowing the City of Portland to pursue comprehensive inclusionary housing programs with the intent of responding to the current shortage of affordable housing. Staff expects to propose more specific regulations in September 2016 after the Portland Housing Bureau releases its proposal for mandatory affordable housing and after the construction excise tax is better established.

(5) All facilities. All neighborhood facilities must meet the following:

- The floor area of the facility must be reserved for the exclusive use of the neighborhood facility for at least 10 years from the date a certificate of occupancy is issued for the qualifying floor area. No uses other than those listed in this subsection are allowed.
- The applicant must document that there is a binding agreement with an operator for each facility. This documentation must be submitted with the application for design review; and
- The property owner must execute a covenant with the City which is attached to and recorded with the deed of the site. The covenant must ensure that the owner will reserve the floor area as specified above. The covenant must comply with the requirements of Section 33.700.060.

2. South Waterfront subdistrict. In South Waterfront subdistrict, floor area used for automated parking is not counted towards maximum FAR for the site. The automated parking facility must rely on a mechanical system instead of a vehicle operator to transport vehicles to a storage space within the facility.

### **33.510.205 Floor Area Bonus and Transfer Options**

**A. Purpose.** Floor area bonus and transfer options allow additional floor area as an incentive for certain uses and types of development that provide a public or community benefit. The bonus floor area can be gained in exchange for affordable housing, or riverfront open space in new development. Transfer options can be used in exchange for historic preservation and transferring FAR within a subdistrict. In the South Waterfront subdistrict new development gains bonus floor area and height in exchange for creating open space and expanding the Willamette River Greenway within the subdistrict.

**B. Priorities for the use of bonus and transfer options.** Except in IG1, when FAR will be increased using bonuses or transfers, the following regulations specify which bonus and transfer options must be used before other bonus or transfer options:

1. Unless otherwise specified in Subparagraph B.2.a and b:

a. The first 2 to 1 of any increase in FAR on a site must be earned or gained through use of one of the following options:

(1) The affordable housing bonus option described in subparagraph C.2.a.;

(2) The affordable housing fund bonus option described in subparagraph C.2.b;

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## Commentary

### **Continuation: Priorities for the use of bonus and transfer options.**

There are a few options for an applicant to access bonus or transferred FAR prior to affordable housing:

1. An FAR transfer from historic resources in the Skidmore/Old Town historic district or the New Chinatown/Japantown historic district may be used first. These historic districts were identified in the West Quadrant process as key preservation priority areas.
2. The Riverfront open space bonus may be used first because there are so few remaining opportunities to step back from the river to provide space for natural resource protection and recreation.

**B.2 Exceptions to priorities for FAR bonuses and transfers:** There are three exceptions to the priorities for use of FAR bonuses and transfers:

- a. In the South Waterfront subdistrict, staff propose to continue existing rules which allow unlimited transferring in the district and a limit on the amount of bonus to be used unless at least 1 to 1 FAR of the existing South Waterfront bonuses for open space is used.
- b. An FAR transfer based on a covenant that was recorded prior to new code effective date may be used first for up to two years. After two years the affordable housing bonus must be used first.
- c. When a project has earned a bonus but has not used all of the bonus FAR, staff proposes that the unused FAR may still be used in the future. This provision also clarifies that if the unused FAR is from a bonus that no longer exists in the new code, it may still be used.



- (3) The historic resources transfer provisions described in Paragraph D.1. In this case, the sending site for the transfer must be in the Skidmore/Old Town historic district or the New Chinatown/Japantown historic district; or
- (4) The riverfront open space bonus described in Subparagraph C.2.c.
- b. The next 1 to 1 of any increase in FAR on a site must be earned or gained through the use of one of the following options:
  - (1) The affordable housing bonus option described in Subparagraph C.2.a.;
  - (2) The affordable housing fund bonus option described in Subparagraph C.2.b.;
  - (3) The historic resources transfer provisions described in Paragraph D.1.; or
- 2. Exceptions. The following exceptions apply to the bonus and transfer option priorities specified in Paragraph B.1:
  - a. The South Waterfront subdistrict is exempt from the priorities specified in Paragraph B.1., however within the Greenway bonus target area shown on Map 510-5, the South Waterfront Willamette River Greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the South Waterfront Willamette River Greenway bonus option must be earned before the project qualifies for other bonus options;
  - b. Floor area transferred legally through a covenant recorded prior to [INSERT EFFECTIVE OF THIS CODE] may be used to increase maximum FAR on a site before using one of the bonus or transfer options listed in Paragraph B.1 until [insert date that is 2 years from effective date];
  - c. Unused floor area earned through a bonus that no longer exists in the zoning code can be utilized on the site where it was earned before using one of the bonus or transfer options listed in Paragraph B.1.

**C. Floor area bonus options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2. The maximum amount of bonus floor area that a site may earn is 3:1:

- 1. General regulations.
  - a. The bonus options are only allowed in situations where stated. Adjustments to the requirements or to the amount of bonus floor area earned are prohibited.
  - b. Bonus FAR is only available to sites zoned RH, RX, CX, EX, or IG1 unless specifically stated otherwise.
  - c. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area, however in some cases, certain bonus options must be used before other bonus options can be used or transferring can occur. See Subsection B.
  - d. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.D.

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## Commentary

### Continued: 33.510.205.C Floor Area and Height Bonus Options

Staff proposes 7 bonuses for the new system. The new bonus system contains: an affordable housing bonus, affordable housing fund bonus, and a Riverfront open space bonus and an industrial space bonus. Three bonuses that have been used in South Waterfront are proposed to remain for this subdistrict including the open space bonus, open space fund, and the Willamette River Greenway bonus. Justification for eliminating the others is detailed on the pages showing the strikethrough of those bonuses.

**C.2.a NEW: Affordable housing bonus:** This bonus would be used for developments that want to build the affordable housing on site. Based on the Central City Bonus/Transfer study, conducted by BPS and PHB, this bonus remains economically feasible for a developer with 25% of the bonus floor area used for affordable housing at 80% MFI. The units must remain affordable for 60 years.

**C.2.b Revised: Affordable Housing Fund:** There is an existing affordable housing fund bonus which is being modified to reflect proposed fund regulations. A dollars per square foot fee for the bonus floor area will be determined. BPS and Portland Housing Bureau (PHB) staff are considering how frequently the fee/square foot should be updated. The consultant team that produced the Bonus and Transfer study have recommended between 1-3 years. Staff proposes that the fee update will be done through an Administrative rule at the Portland Housing Bureau (PHB). The Administrative rule and PHB Fund implementation guidelines will also detail out how the fund is used, for example for acquisition, rehabilitation, remodeling or construction, or a combination of all of these. In addition, the target level of affordability will be provided and where the funds can be used.

e. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.

2. Bonus floor area options:

a. Affordable housing bonus option. Proposals in the CX, EX, and RX zones that include affordable housing will receive bonus floor area. Up to 3 to 1 FAR can be earned if at least 25 percent of the increased floor area is dedicated to housing affordable to those earning no more than 80 percent of the area median family income. To qualify for this bonus option, the following requirements must be met:

(1) The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the standards of this Paragraph and any administrative requirements. The letter is required to be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review.

(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 affordable dwelling units created using this bonus will remain affordable to households meeting the income restrictions and meet the administrative requirements of the Portland Housing Bureau or qualified administrator for 60 years.

b. Affordable Housing Fund bonus option. Proposals in the CX, EX, and RX may contribute to the Affordable Housing Fund (AHF) receive bonus floor area. Up to 3 to 1 FAR can be earned by paying into the fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available in the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the Portland Housing Bureau documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

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## Commentary

**C.2.c NEW: Riverfront Open Space Bonus:** The Willamette Riverfront is the Central City's signature open space feature. To maximize its role as a recreational amenity and habitat for fish and other wildlife, a new bonus is proposed. This bonus is based on one in effect in the South Waterfront subdistrict today. The River Open Space bonus would only be available to properties within the River Overlay Zones that have River Setback on site. This is a small geography of the Central City, but critical in terms of open space. Most properties that are likely to redevelop in the Central City are actually located outside of the River Overlay Zones and would not be able to use this bonus. Therefore, the River Open Space bonus should not significantly reduce the use of the Affordable Housing Bonus.

Staff is recommending a River Setback of 50ft from top of bank. Through the Riverfront Bonus option an applicant could access an additional 3 square feet of bonus floor area for each square foot of dedication (outside of but adjacent to the river setback).

**C.2.c.(3)** The proposed hours of operation align with Portland Parks and Recreation hours of operation unless otherwise agreed upon by the terms of an easement with the city.

**C.2.d Existing: South Waterfront Willamette River Greenway bonus option.** Staff proposes to keep this bonus as it applies in the South Waterfront subdistrict. Minor edits to update code references are proposed.

- c. Riverfront open space bonus option. In the EX, CX, and RX zones the riverfront open space bonus provides an opportunity to expand publically accessible open space along the Willamette River. Proposals that provide open space adjacent to the river setback area will receive bonus floor area. For each square foot of open space provided, a bonus of three square feet of additional floor area is earned. To qualify for this bonus, the following requirements must be met:
- (1) Location. The open space must be located outside, but adjacent to the river or greenway setback;
  - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area. Each area must be designed so that a 25 foot by 25 foot square will fit entirely within it;
  - (3) Ownership and use. A public access easement must be provided that allows for unrestricted public access from 5 am to 12 am unless otherwise specified by the terms of the easement;
  - (4) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space.
- d. South Waterfront Willamette River Greenway bonus option. To complement and enhance the existing public corridor, projects along the Willamette River Greenway in the South Waterfront subdistrict that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of three square feet of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.e, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- (1) Location. The open space must abut the South Waterfront Greenway Area, as shown on Figure 510-2;
  - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;
  - (3) Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;
  - (4) Ownership and use. One of the following must be met:
    - The open space and pedestrian connection must be dedicated to the City; or
    - A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection.

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## Commentary

**C.2.e Existing: Open Space bonus (currently only applies in South Waterfront):**

Staff proposes to keep this bonus as it current applies to South Waterfront. Staff research found that this bonus has been used three times since 2003 generating approximately \$1.2 million for parks and open space projects in the subdistrict.

**C.2.f Existing: Open Space fund bonus (currently only applies to South Waterfront):**

Staff research found that this bonus has never been used. However, staff proposes to keep this bonus fund as it applies to South Waterfront.

- (5) Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space.
- (6) Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E. 5.a.(2) and E.5.f.(5) that apply to South Waterfront Greenway subarea 3;
- (7) Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
- (8) Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.
- e. Open Space bonus option. In the South Waterfront subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of one square foot of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.d., South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- (1) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;
- (2) Ownership and use. One of the following must be met:
- The open space must be dedicated to the City; or
  - The property owner must record a public access easement that has been attached to the deed for the open space and allows for public access to and use of all the open space;
- (3) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space.
- (4) Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and
- (5) The bonus floor area may be used only in the South Waterfront subdistrict.
- f. Open space fund bonus option. In the South Waterfront subdistrict, contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive bonus floor area. For each \$22.10 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:

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## Commentary

### **C.2.g. Central Eastside subdistrict Industrial space bonus**

The industrial space bonus provides an opportunity to create additional space for industrial office uses when ground floor space is created and dedicated for Manufacturing and Production, Warehouse and Freight Movement, and Industrial Service uses in the Central Eastside Subdistrict. This bonus is applicable only to IG1 zoned properties. It is intended to result in the creation of industrial flex space, space that can be used for manufacturing, warehouse and distribution, and industrial service uses, in exchange for the ability to create more industrial office space than would otherwise be allowed.

Specifically, an additional 1:1 FAR of industrial office space may be constructed above the 3:1 FAR maximum, when at least 33% of the ground floor of the building, but no less than 5,000 sq. ft., is dedicated to industrial use and meets certain development standards to accommodate industrial uses.

**33.510.205.D Floor Area Transfer Options:** Staff proposes to eliminate the SRO and Residential transfers and the transfer within a project provisions. The rationale for eliminating them can be found on the pages showing the strikethrough of those provisions.

Staff proposes, as a disincentive to maintaining surface parking lots in the Central City, that surface lots cannot be sending sites for FAR transfers. Surface parking lots may be receiving sites of FAR as part of a redevelopment project.

### **D.1 Transfer of floor area from a Historic Resource**

Existing subsection 33.510.200.H (Pearl district historic transfer) has been revised to create a Central City-wide historic resource FAR transfer provision. It allows landmarks and contributing resources in historic and conservation districts that meet seismic reinforcement standards to transfer FAR to other sites. Expanding the transfer provision throughout the Central City supports the historic preservation policies of the Central City 2035 Plan by reducing redevelopment pressure on historic resources. Requiring historic resources that send FAR to be seismically upgraded aligns with a City priority to address the public safety issues related to unreinforced masonry buildings.

The City, through the Portland Bureau of Emergency Management, Bureau of Development Services and Portland Development Commission, is conducting a public process to develop updated regulations and incentives to seismically retrofit unreinforced masonry (URM) buildings in the city. The City is looking at phased mandatory seismic upgrade standards for URMs based upon risk category, use, size and occupancy level. Many of Portland's historic landmarks and contributing resources are also URMs.



- (1) The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;
- (2) The bonus floor area may be used only in the South Waterfront subdistrict;
- (3) The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

g. Central Eastside subdistrict industrial space bonus. In the IG1 zone in the Central Eastside subdistrict, proposals that meet the following industrial space requirements earn an additional 1 to 1 FAR for Industrial Office use:

- (1) At least 33 percent or 5,000 square feet of floor area, whichever is more, of the ground floor of the building must be for Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, or Industrial Service uses;
- (2) The minimum floor to ceiling height on the ground floor must be 20 feet; and
- (2) The ground floor must include at least one loading door or entrance that serves the industrial space. If more than one industrial space is created then each space must have at least one loading door or entrance, or must have access to a shared loading door or entrance in a common area accessible from each industrial spaces located on the ground floor.

**D. Floor area transfer options.** Transferring floor area (from one site to another) is allowed as follows. The transferred floor area is in addition to the floor area allowed as shown on Map 510-2. There is no limit on the amount of floor area that can be transferred. Transferring floor area is only allowed in situations where stated. Adjustments to the requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain at least the minimum FAR required by 33.510.200.C.2. Surface parking lots are prohibited from being a sending site for an FAR transfer.

- 1. Transfer of floor area from a Historic Resource. The following regulations apply to transferring floor area from a Historic Resource:
  - a. Purpose. This transfer option improves public safety by encouraging seismic upgrades of historic resources, and encourages the preservation of historic resources by reducing redevelopment pressure.
  - b. Sites eligible to send floor area. In order to send floor area, including unused floor area and an additional 3 to 1 of FAR, the site must:
    - (1) Be in a RH, RX, CX or EX zone, and

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## Commentary

The proposed historic resource transfer is one tool that will encourage building owners to retrofit their buildings. In order to be eligible for the transfer provision, the building must be seismically updated, or the building owner may sign an agreement with the City to update their building in phases over a period of years. City staff is investigating enforcement mechanisms for the phased seismic agreements to ensure that the improvements occur in a timely manner.

**D.1.b** In addition to unused base entitlement, a building owner may transfer an additional 3:1 FAR. Allowing the transfer of an additional 3:1 on top of any unused FAR serves as an additional preservation and upgrade incentive and allows larger buildings that have used most of their base FAR (and that generally have higher seismic upgrade costs) to benefit from this provision.

**D.1.d.(2)**: The covenant for the sending site makes it subject to demolition review (locally designated landmarks and contributing properties in conservation districts are not ordinarily subject to demolition review).

**D.1.e.(1)**: This exception allows historic resources to continue to be able to transfer to sites outside of the Central City, by using the existing base zone transfer provisions.

**D.1.e.(2)**: This exception allows sites in the R1, R2 and R3 zones to continue to use the base zone provisions to transfer density.

### **D.2 Transfer of floor area within a subdistrict.**

Transfer of floor area within South Waterfront is being renamed to Transfer within a subdistrict. The separate transfer for South Waterfront is no longer necessary since staff proposes to apply this provision City-wide to all subdistricts. The transfer within a subdistrict language is identical to the existing provision that applies to South Waterfront with the exception that Historic and Conservation landmarks are not eligible to be sending sites. The intent of this exemption is to make sure historic resources use the historic resource transfer described in 33.510.205.D.1.

A project is eligible to use this transfer provision only after they have earned 3:1 FAR on their site by providing a public benefit, following the FAR increase priorities established in 33.510.205.B. Projects are still capped by their ultimate height limit on Map 510-4. Unlike the bonuses which add FAR to the overall pool of FAR available in the city, transfers allow a development to move FAR from one property to another, but overall there is no net increase of FAR within the subdistrict. Staff hopes that a benefit of this transfer is to provide flexibility and facilitate larger buildings in some areas of the subdistricts with high density mixed use development for housing, services and amenities that support a growing population and expand activities unique to the Central City.

(2) Contain a Historic or Conservation Landmark or a contributing resource in a Historic or Conservation district for which the Bureau of Development Services verifies that:

- Buildings classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, have been upgraded or shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
- Buildings classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, have been upgraded or shown to meet or exceed the ASCE41- BPOE improvement standard as defined in City of Portland Title 24.85; or
- The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.070.

c. Sites eligible to receive floor area. Sites eligible to receive floor area:

- (1) Must be zoned RH, RX, CX or EX; and
- (2) Must be within the Central City plan district.

d. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City. The covenant must meet the requirements of 33.700.060, and must be attached to and recorded with the deed. The covenants may not be revoked or rescinded. The covenants must include the following:

- (1) The covenant for each site must reflect the existing floor area on each site and the respective increase and decrease of potential floor area; and
- (2) The covenant for the sending site must state that the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review.

e. Exceptions.

- (1) Sites with eligible historic resources in a RH, RX, CX or EX zone may elect to transfer floor area to a receiving site outside of the Central City plan district if they meet the standards of 33.120.205.E, 33.130.205.C or 33.140.205.C.
- (2) Sites with eligible historic resources in the R1, R2 and R3 zones may transfer density if they meet the standards of 33.120.205.E.

f. Adjustments. Adjustments to these regulations are prohibited.

2. Transfer of floor area within a subdistrict. In the RX, CX, and EX zones, floor area, including bonus floor area and bonus floor area earned through a bonus that no longer exists in the zoning code, may be transferred between sites. The sites are not required to be abutting, however both the sending site and the receiving site must be located within the same subdistrict. Floor area transfers are subject to the following restrictions:

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## Commentary

### **D.3 Transfer of floor area between University District/South Downtown and Downtown Subdistrict.**

This new provision would allow the transfer of floor area between the Downtown and University District/South Downtown subdistricts. The University District/South Downtown is a new subdistrict composed of a portion of the previous Downtown subdistrict, including the former University subarea (see Map 510-1). Staff proposes to allow FAR transfers between these two subdistricts because of the large number of publically owned sites in the University District/South Downtown where unused FAR is anticipated to be reserved for future on-site development, making the pool of potentially transferable FAR within the district relatively small. In addition, University District/South Downtown and Downtown are both in the same parking sector (Map 510-10) and are modeled and evaluated for parking impacts by PBOT as one sector.

- a. The sending site must not be a Historic or Conservation landmark or a contributing resource in a historic district;
  - b. If bonus floor area is included in the transfer, the public benefit to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit on the receiving site taking advantage of the bonus floor area; and
  - c. The property owner(s) must execute a covenant for both lots. The covenants must comply with the regulations of 33.700.060, must be recorded with the deeds for each lot, and must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.
3. Transfer of floor area between subdistricts. Floor area, including bonus floor area and bonus floor area earned through a bonus that no longer exists in the zoning code, may be transferred between sites in the University District/South Downtown and the Downtown subdistricts. Floor area transfers are subject to the following restrictions:
- a. The sending site must not be a Historic or Conservation landmark or a contributing resource in a historic district;
  - b. If bonus floor area is included in the transfer, the public benefit to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit on the receiving site taking advantage of the bonus floor area; and
  - c. The property owner(s) must execute a covenant for both lots. The covenants must comply with the regulations of 33.700.060, must be recorded with the deeds for each lot, and must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.

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## Commentary

### 33.510.210 Height

**A. Purpose.** This statement has been modified to better align with the policy framework of the Central City 2035 Plan and to clarify that maximum heights are based on a balancing of several objectives that may vary in importance in different parts of the Central City. Map 510-3 Base Height shows maximum base heights and areas eligible for bonus height increases. Map 510-4 Bonus Height, is a new map which shows the ultimate height that could be reached on a site through bonuses and transfers.

**C. Base Height:** The base height standard has been updated to clarify the following:

- Map 510-3 shows base heights for buildings in the Central City. The maximum height achievable through the use of bonuses and transfers is shown on a new map 510-4—this is the ultimate allowed height. Building floor area and projections must not exceed the height on map 510-4. Adjustments are prohibited.
- Exceptions for projections above the heights shown on Map 510-3 are allowed, except in view corridors. A property owner can determine if they are in a view corridor by looking at Map 510-20. These view corridor properties will have the same height limit on Map 510-3 and Map 510-4. This will be the other indication that projections will not be allowed.
- Staff has added a few additional projections including railings, parapets, fences and walls and mechanical screening to the allowed projections list for the Central City.

### **33.510.210 Height**

**A. Purpose.** The building height standards are intended to implement and balance multiple objectives of the Central City 2035 Plan. Generally, the tallest heights in the Portland region are applied in the Central City to support its role as the region’s premier center for jobs, services, and urban living. Other objectives include:

- Locating the tallest building heights along the Transit Mall and high-capacity transit lines;
- Protecting designated public views;
- Varying building height across the Central City;
- Generally, stepping down height to the Willamette River and neighborhoods adjacent to the Central City;
- Emphasizing bridgehead locations with taller buildings;
- Limiting shadows on public open spaces; and
- Ensuring building height compatibility within historic districts.

**B. Adjustments.** Adjustments to the height standards in this section are prohibited.

**C. Base height.**

1. Base heights are shown on Map 510-3. Heights greater than shown on Map 510-3 are allowed through the bonus height or transfer options as specified in Subsections D. and E.
2. Exceptions. The following are allowed to extend above the base heights shown on Map 510-3 except in a view corridor shown on Map 510-20, and where the bonus height limit shown on Map 510-4 is the same as on Map 510-3. Small wind turbines area subject to the standards of Chapter 33.299:
  - a. Chimneys, vents, flag poles, satellite receiving dished, 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 base height limit, or 5 feet above the highest point of the roof, whichever is greater. If the item is greater than 5 feet wide, deep, or tall, it is subject to the height limit;
  - b. Parapets and railings. Parapets and rooftop railings may extend 3.5 feet above the base height limit;
  - c. Walls or fences located between individual rooftop decks may extend 6 feet above the base height limit if the visual screen is set back at least 4 feet from the edges of the roof;

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## Commentary

### D. Bonus height options

**D.1 Bonus height in South Waterfront subdistrict and D.2 South Waterfront height opportunity area:** There are no substantive changes to these two sections.



- d. Rooftop mechanical equipment and required screening and stairwell enclosures that provide rooftop access may extend above the base height limit as follows if the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
- (1) Elevator mechanical equipment may extend up to 16 feet above the base height limit; and
  - (2) 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 base height limit;
- e. Roof mounted solar panels may extend above the height limit as follows:
- (1) For flat roofs or the horizontal portion of mansard roofs, solar panels may extend up to 5 feet above the top of the highest point of the roof; and
  - (2) For pitched, shed, hipped or gambrel roofs, solar panels 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 measures from the upper side of the solar panel;
- g. Antennas, power poles and public safety facilities.

**D. Bonus height options.** Bonus height can be achieved through the following options:

1. Bonus height in the South Waterfront subdistrict. Within the South Waterfront subdistrict, buildings receive bonus height if they include bonus floor area or floor area transferred onto the site. Buildings that include any floor area achieved through bonuses or from transfers onto the site earn a height bonus of 125 feet, up to a maximum building height of 250 feet. The additional height may not be applied to any portion of a building within 150 feet of the top of bank-line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line. Projections above the bonus height limit are prohibited.
2. South Waterfront height opportunity area.
  - a. Purpose. In the core of the South Waterfront subdistrict, additional building heights may be appropriate to support the goals of the South Waterfront Plan. The regulations of this subsection are intended to:
    - Support the growth of an Innovation Quadrant in the Central City;
    - Provide diverse housing opportunities;
    - Support the density goals of the subdistrict while ensuring quality design;
    - Create additional opportunities for visual access through the subdistrict;
    - Promote the development of slender towers with an east-west orientation;
    - Develop an exceptional and varied skyline enhancing the district's setting against the Tualatin Hills to the west and the Cascade range to the east;
    - Establish and maintain a pedestrian environment with access to sunlight;

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# Commentary

- Contribute to the district’s urban variety, adding visual interest at the pedestrian level and from vantage points outside of the district;
  - Create an urban form that is visually permeable; and
  - Continue to maintain all protected public views and view corridors, on the east and west side of the Willamette River, as identified in adopted plans.
- b. Additional building height may be requested as a modification through design review as follows:
- (1) The site must be in the South Waterfront height opportunity area shown on Map 510-16;
  - (2) The maximum height that may be approved is 325 feet, including projections, roof top mechanical equipment, and any other structures that project above the roof of the building;
  - (3) One of the following must be met:
    - The average floor-to-floor height in the building is at least 16 feet and floors of the building above 75 feet are 25,000 square feet in area or less; or
    - Floors of the building above 75 feet are 10,000 square feet in area or less;
    - Adjustments to the standards of this subparagraph are prohibited; however, modifications through design review may be requested as follows:
      - A modification to the 25,000 square foot limitation in D.2.b(3) may be requested;
      - A modification to the 10,000 square foot limitation in D.2.b(3) may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;
  - (4) The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;

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## Commentary

**D.3 North Pearl Height Opportunity Area.** The North Pearl District Height Opportunity Area was originally adopted in 2008 to implement the North Pearl District Plan. These provisions are proposed to be amended to better address the original intent of the regulations and to further the new goals and policies of Central City 2035 and the Pearl Subdistrict.

Specifically, these regulations were intended to allow the development of taller buildings that included a mix of land uses and programming objectives. These uses include residential, commercial office, institutional, and retail uses. The regulations are intended to allow flexibility in the design of building massing, while assuring that views through and within the district are accommodated, and that the pedestrian realm will have access to light and air, and be framed by building massings that are not imposing upon the pedestrian environment.

The regulations provide that additional height beyond the maximums identified on Map 510-3 may be requested as a modification through design review. The basis for granting additional height will require findings that the proposed building meets the standards of these provisions, and granting height is consistent with the purpose statement of this section as well as relevant design guidelines.

(5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.

Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;

(6) The applicant must contribute \$10.80 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and

(7) The applicant must request advice from the Design Commission as described in 33.730.050.F. The design advice request must be submitted before the request for a pre-application conference. In providing their advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

3. North Pearl height opportunity area.

a. Purpose. In the North Pearl subarea, additional building height may be appropriate to support the goals of the Central City 2035 Plan. The regulations of this subsection:

- Encourage a varied and exceptional skyline that allows visual permeability through the district and light and air to penetrate down to the pedestrian environment;
- Allow for the development of tall buildings when they incorporate a mix of land uses and programming objectives;
- Encourage the use of development bonus provisions;

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## Commentary

**D.4 Bonus height earned through a bonus or transferred FAR.** The new bonus height provision is intended to require a public benefit in exchange for access to additional height beyond the base heights shown on Map 510-3 (the public benefits being affordable housing units, paying into an affordable housing fund and/or historic preservation). This provision will not be applicable to development in the South Waterfront subdistrict or North Pearl subarea as the maximum building heights and floor area bonus and transfer provisions in these areas are crafted to address unique conditions and purposes specific to those areas.

A new height map has been created, Map 510-4, Bonus Heights, which shows the ultimate height a project may earn in exchange for a public benefit. Projections (e.g. mechanical equipment, flag poles, etc.) above the height limits shown on Map 510-4 are prohibited. The maximum height pattern has been revised to support CC2035 policy concepts, including: increased heights along the south transit mall; increases east of SW 4<sup>th</sup> Avenue, but generally respecting a gradual step down in heights approaching the river; height increases at the bridgeheads to encourage signature developments at these locations; protection of existing and new view corridors; and reduced heights within historic districts.

The current incremental bonus height system ranges from 15-45 feet of height with a potential for as much as 75 feet for projects using the residential bonus option. (Staff proposes to eliminate the residential bonus option because the goal is to align access to bonus height with the new affordable housing FAR bonuses and historic resource FAR transfers). Map 510-4 provides the envelope for achieving a taller building through earned bonuses or transferred FAR.

To qualify for heights greater than those shown on Map 510-3 (up the maximum shown on Map 510-4), a project must earn at least 1 to 1 of bonus FAR, regardless of whether the FAR is used on site or not. In many cases, the earned 1 to 1 bonus FAR or transfer will not provide enough square footage to achieve the ultimate height on map 510-4. If a project would like to access more height, but needs more FAR in order to do so, they will need to bonus or transfer more as described in sections 33.510.205.C and 33.510.205.D.

If more than 75 feet of bonus height is proposed, the additional approval criteria of Subparagraph D.4.e must also be met. The only cases where the review body will need to consider if bonus height may be granted will be if sites are:

- impacting a view corridors (which are prohibited); and
- within 500 feet of residentially zoned land outside of the Central City

- b. When increased height is allowed. In the North Pearl Height Opportunity Area maximum height can be increased as described in Subparagraphs D.3.c. through D.3.e. if:
    - (1) The site is in the North Pearl height opportunity area shown on Map 510-16;
    - (2) The floor area of the building above the maximum height limit shown on Map 510-3 is:
      - Earned through bonus FAR provisions;
      - Transferred by a Central City Master Plan; or
      - Transferred from a Historic Resource in conformance with 33.510.205.D.1.
  - c. Review procedure. Additional height must be approved as a modification through design review.
  - d. Sites located between NW Naito Parkway and the Willamette River. The maximum height on sites located entirely between NW Naito Parkway and the Willamette River may be increased to 250 feet if the building façade facing NW Naito and the Willamette Greenway is not wider than 120 feet in length. Projections above the bonus height limit are prohibited.
  - e. All other sites in the North Pearl Height Opportunity Area. The building heights shown on Map 510-4 may be allowed on sites that are not located between NW Naito Parkway and the Willamette River. However, if the building is proposed to be more than 175 feet tall, the maximum floor area of all floors located above 100 feet is limited to 12,500 square feet.
4. Bonus height earned through a bonus or transferred FAR. Except for sites in the South Waterfront height opportunity area, and sites in the North Pearl height opportunity area, the bonus heights shown on Map 510-4 are allowed as follows. Projections above the height limits shown on Map 510-4 are prohibited:
- a. The site must be shown on Map 510-3 as eligible for a height increase;
  - b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options:
    - (1) The affordable housing bonus option of Subparagraph 33.510.205.C.2.a;
    - (2) The affordable housing fund bonus option of Subparagraph 33.510.205.C.2.b; or
    - (3) The historic resource transfer of Paragraph 33.510.205.D.1.
  - c. Proposals for more than 75 feet of bonus height must meet the additional approval criteria of Subparagraph D.4.e.; and

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## Commentary

### **D.4.d Required shadow study for sites adjacent to open spaces.**

This existing provision requires a shadow analysis if an applicant chooses to apply for additional height at designated properties south and west of open space programmed for public use, such as parks, playgrounds and plazas. Sites that require this study are shown on Map 510-4. Staff proposes to expand the days and times that the shadow analysis must be documented. The current requirement is one day of the year, April 21 at 3:00 PM. The Design Commission has stated that providing analysis for a single day is insufficient and has asked that the four dates throughout the year be chosen to gauge the potential impacts from shadows at different points of the year on public parks and open space features.

Thus, analysis will now be submitted for the Spring and Fall equinoxes and Summer and Winter solstices. These dates are commonly used by jurisdictions to conduct this type of analysis because the sun is at different positions at noon on each of these dates, a time of day when these spaces are most likely to be in use and when sunlight is most accessible on a clear day. Although it is certain that at certain times of the year, especially Winter, weather will likely be a greater factor in the ability for sunlight to penetrate into a park, the information this analysis will provide should be helpful in identifying the locations where light and warmth may be most desirable at noon, such as plazas, play grounds, and major gathering spaces, and areas where landscape features may be located that are less dependent on direct access to sunlight or light at a specific time of day.

### **E. Open space height transfers.**

This existing height transfer has been modified to remove reference to the 1988 Central City Plan map. While sites on that map are relevant today, the provision has been updated to require an applicant to go through the approval process for any open space site.

**Deleted provisions: An explanation for removing the following provisions can be found with the strikethrough pages for the old Height section, 33.510.205**

- Performance standard for sites adjacent to historic districts
- Height standard for housing on specified sites in the West End subarea



- d. Proposals for bonus height on sites shown on Map 510-4 as requiring a shadow study must provide a shadow study with the information described in (1) and (2):
  - (1) The shadow study must show the shadow cast by the proposed buildings or other structures every hour between sunrise and sunset on the 21<sup>st</sup> of March, June, September and December; and
  - (2) The shadow study must show that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and no more than 75 percent of the adjacent open space-at noon on the December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent also includes sites across a right-of-way from the site subject to the shadow study requirement.
- e. Approval criteria. The following additional approval criteria apply to proposals for more than 75 feet of bonus height. The bonus height will be approved if the review body finds that all of the following have been met:
  - (1) The increased height will not violate an established view corridor as shown on Map 510-20; and
  - (2) If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units on R zoned land.

**E. Open space height transfer.**

- 1. Purpose. These regulations provide an incentive for the creation and development of open space in the Central City plan district.
- 2. Requirements for open space areas eligible for the height transfer.
  - a. The proposed open space area must be in the Central City plan district outside of the South Waterfront subdistrict. The site is subject to the review requirements stated in Paragraph E.4.
  - b. The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.
  - c. All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a design review using the specific area's design guidelines.
- 3. Amount of height potential that can be transferred. The allowed height at the proposed open space site may be transferred within the Central City plan district consistent with the limits stated below.
  - a. The maximum amount of height that may be transferred is 100 feet. The transfer may only be to a site eligible for additional height as shown on Map 510-3. Increases in height that result in buildings greater than the maximum height shown on Map 510-4 are prohibited. The transferred height may not be used in addition to any bonus heights allowed by Paragraph D.4.

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# Commentary

b. The open space site must be dedicated to the City before the issuance of building permits for the building receiving the increased height.

4. Design Review.

a. Procedure. The review is processed with a Type III procedure. The Parks Bureau will provide advice to the Design Commission.

b. Approval criteria. The proposed open space site will be approved for the height transfer if the review body finds that the applicant has shown that all of the following approval criteria are met:

(1) The proposed site will help to alleviate an area's identified projected future open space deficiency. This determination is based on such things as proximity to parks, proximity to people living or working in the Central City plan district, and how the site relates to the Central City 2035 Plan's park and open space policies;

(2) The proposed improvements on the open space site are consistent with the design guidelines for the area; and

(3) The Parks Bureau approves of the site.

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**Commentary**

## Development Standards

### 33.510.200 Floor Area Ratios

**A. Purpose.** ~~The maximum floor area ratio (FAR) standards are intended to accomplish several purposes of the Central City Plan. These include coordinating private development with public investments in transportation systems and other infrastructure, limiting and stepping down building bulk to the Willamette River, residential neighborhoods, and historic districts. While consistent with these purposes, the floor area ratios are intended to be the largest in the Portland region.~~

#### **B. Floor area ratio standard.**

- ~~1. Generally. The maximum floor area ratios for all sites in the Central City plan district are shown on Map 510-2 at the end of this chapter. Floor area ratios greater than shown on Map 510-2 are prohibited unless allowed by Subsections C. through G., below, or by 33.510.210.~~
- ~~2. Goose Hollow. The minimum floor area ratio in the Goose Hollow subdistrict is 1 to 1.~~
- ~~3. Specified sites in the West End Subarea. In the area shown on Map 510-14, the following regulations apply:~~
  - ~~a. Maximum. The maximum floor area ratio is 6 to 1. If at least 33 percent of floor area is in residential use, the maximum floor area ratio is 9 to 1.~~
  - ~~b. Minimum. The minimum floor area ratio is 2 to 1.~~
- ~~4. South Waterfront Subdistrict. In the South Waterfront Subdistrict, floor area used for automated parking is not counted towards maximum FAR for the site. The automated parking facility must rely on a mechanical system instead of a vehicle operator to transport vehicles to a storage space within the facility.~~

#### **C. Limit on increased floor area.**

- ~~1. Generally. Except as provided under C.2. through C.5, below, increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited;~~
- ~~2. In the portion of the West End subarea that is not shown on Map 510-14, the following applies. There is no maximum to the amount of bonus floor area that may be earned. However, the total floor area on a site, including bonus floor area and transferred floor area, may not be more than 12 to 1. Adjustments are prohibited.~~
- ~~3. South Park Blocks frontages. Transfers of floor area to RX-zoned sites on the Park Block frontages shown on Map 510-13 are prohibited. This prohibition applies to all RX-zoned sites on the Park Block frontages, including those within the West End subarea.~~

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## Commentary

**Delete: Transfer of floor area within a project.**

In an effort to reduce transfer options and focus on the historic preservation transfer, staff proposes to eliminate this transfer. A new transfer within a subdistrict, 33.510.205.D.2 has been proposed which adds additional flexibility to transfer FAR within a subdistrict.

~~4. South Waterfront subdistrict. In the South Waterfront Subdistrict the following applies:~~

~~a. Generally. Except as allowed under Subparagraphs 4.b. and c., below, no more than 2:1 FAR may be earned on a site through the use of bonuses. There is no maximum to the amount of floor area that may be transferred to a site. However, the total floor area on a site, including bonus floor area and transferred floor area, may not be more than 9 to 1, except as allowed under C.4.c, below. Adjustments to the regulations of this paragraph are prohibited.~~

~~b. An FAR of more than 2 to 1 may be earned on a site through the use of bonuses if at least 1 to 1 FAR is earned on the site through the use of the open space bonus option, open space fund bonus option, or South Waterfront Willamette River Greenway bonus option. However, the total floor area on the site, including bonus floor area and transferred floor area, may not be more than 9 to 1.~~

~~c. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if all of the following are met:~~

~~(1) The floor area above the 9 to 1 ratio must be transferred from the South Waterfront Greenway Area; and~~

~~(2) The portion of the South Waterfront Greenway Area that floor area is being transferred from must have been dedicated to the City since September 1, 2002.~~

~~5. North Pearl Subarea. In the North Pearl Subarea bonus options target area, shown on Map 510-4, the following applies:~~

~~a. An FAR increase of more than 3 to 1 may be earned on a site through the following provisions. However, the total floor area on a site may not be more than 9 to 1, except as allowed under 5.b below. Adjustments to the regulations of this paragraph are prohibited:~~

~~(1) Floor area bonuses;~~

~~(2) Transfers from the site of an historic resource meeting Subsection H. below.~~

~~b. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if the floor area above the 9 to 1 ratio is transferred from the site of an historic resource as specified in Subsection H. below.~~

~~**D. Transfer of floor area within a project.** In the CX and EX zones, floor area, including bonus floor area, may be transferred between abutting lots within a site or sites being developed jointly. This also applies to lots within a site which would be abutting but for a right of way. Floor area transfers are subject to the following restrictions:~~

~~1. If the site is within the Downtown, South Downtown/University, or West End subdistricts as shown on Map 510-1, floor area may be transferred between abutting lots within a site or sites being developed jointly provided the lots are within the same~~

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## Commentary

### **Delete: SRO housing transfer of floor area**

Staff proposes to eliminate this transfer provision in an effort to reduce competition for the new affordable housing bonus. In the past the transfer provisions have competed with bonus options. However, staff research indicates that this bonus has only been used one time since 1988.

The original intent of this transfer provision was to allow the transfer of density from sites occupied by single room occupancy housing (SROs) to encourage the development of new SROs and reduce market pressure for removal of existing SROs, which often serve as a form of affordable market-rate housing. Portland Housing Bureau has indicated that existing SROs are already largely protected so there is no need for this provision.



~~block. Floor area transfers across rights of way are prohibited in the Downtown subdistrict.~~

- ~~2. Buildings on each site may not exceed the height limit established for that site by the regulations of this chapter;~~
- ~~3. If bonus floor area is included in the transfer, those facilities to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit for the other lot; and~~
- ~~4. The property owner(s) must execute a covenant with the City which is attached to and recorded with the deed of both the lot transferring and the lot receiving the floor area reflecting the respective increase and decrease of potential floor area. The covenant must meet the requirements of 33.700.060.~~

**E. ~~SRO housing transfer of floor area.~~**

- ~~1. Purpose. Transfer of floor area ratio potential from sites occupied by single room occupancy housing (SROs) is allowed in order to encourage the development of new SROs and reduce market pressure for removal of existing SROs.~~
- ~~2. Allowable floor area transfers.~~
  - ~~a. The owners of qualifying sites may sell the rights to their unused floor area potential. The rights to the floor area may be used anywhere in the Central City plan district.~~
  - ~~b. Floor area increases transferred to a site are limited to that allowed by Subsection C. above.~~
  - ~~c. The SRO property owner must execute a covenant with the City which reflects the decrease of potential floor area. The covenant must require future continuation and maintenance of the SRO housing in conformance with the standards of this subsection. The covenant must meet the requirements of 33.700.060.~~
- ~~3. Qualifying SRO projects and restrictions.~~
  - ~~a. Vacant, existing, and new SRO housing developments located in a CX or EX zone qualify for the floor area transfer. Vacant, existing, and new SRO housing developments located in the RX zone qualify for the floor area transfer if the sending and receiving sites are located in the RX zone, or if the sending site is within the RX zone and the receiving site is in the CX or EX zone. At least 60 percent of the floor area of the SRO structure must be used for housing.~~
  - ~~b. For existing SRO housing, the building must be in full compliance with the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State of Oregon) at the time of transfer of the development rights. If not, the structure must be brought into compliance before an occupancy permit is issued for a development using the transferred floor area.~~
  - ~~c. For proposed new SRO housing, the excess floor area rights may be transferred prior to construction if done as part of a development proposal to which the floor area is being transferred. The SRO units must receive an occupancy permit in advance of issuing an occupancy permit for any other part of the development.~~

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## Commentary

**Delete: Transfer of residential floor area.**

The original intent of this transfer provision was to preserve existing housing by reducing market pressure for removal of existing housing. The market is providing significant residential development and this provision is likely no longer needed. According to BDS staff this has not been used very much, if at all.

A big concern staff has heard expressed by the development community is to allow them to continue to use the residential floor area that they have already transferred. In response, a new provision states that if an applicant has a recorded covenant that shows this transfer took place prior to the effective date of this code then the use of this FAR is allowed for a period of two years. See new Subparagraph 33.510.205.B.2.b.

- d. ~~The SRO structure may not be demolished or converted to other uses unless the number of SRO units lost will be replaced either on the site or at another location in the Central City plan district. SRO units being provided at another site must receive an occupancy permit in advance of issuing an occupancy permit for a new use on the former SRO site or issuing a demolition permit for the site. In addition, the decreased floor area potential on the SRO site continues.~~

**F. ~~Transfer of residential floor area.~~**

1. ~~Purpose. Transfer of floor area ratio potential from sites occupied by residential development is allowed in order to reduce market pressure for removal of existing housing.~~
2. ~~Allowable floor area transfers.~~
  - a. ~~The owners of qualifying sites may transfer the rights to their unused floor area potential. The rights to the floor area may be used anywhere in the Central City plan district.~~
  - b. ~~Floor area transferred to a site is limited to that allowed by 33.510.200.C.~~
  - c. ~~The sending residential property owner must execute a covenant with the City that reflects the decrease of potential floor area. The covenant must require future continuation and maintenance of the housing in conformance with the standards of this subsection. The covenant must meet the requirements of 33.700.060.~~

**G. ~~Transfer of floor area within the South Waterfront Subdistrict.~~** ~~In the South Waterfront Subdistrict, floor area, including bonus floor area, may be transferred between sites. The sites are not required to be abutting; however, both the sending site and the receiving site must be located within the South Waterfront Subdistrict. Floor area transfers are subject to the following:~~

1. ~~Buildings on each site may not exceed the height limit established for that site by the regulations of this chapter;~~
2. ~~If bonus floor area is included in the transfer, those facilities to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit for buildings taking advantage of the bonus floor area; and~~
3. ~~The property owners must execute a covenant with the City that is attached to and recorded with the deed of both the sending and receiving sites reflecting the respective increase and decrease of potential floor area. The covenant must meet the requirements of 33.700.060.~~

**H. ~~Transfer of floor area from Historic Resources in specified areas.~~**

1. ~~Where these regulations apply. These regulations apply to sites located in the Pearl Development Transfer Opportunity Area on Map 510-20.~~
2. ~~Sites eligible to transfer floor area. Sites eligible to transfer floor area must be located within the area shown on Map 510-20 and must contain:~~
  - a. ~~A landmark;~~

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# Commentary

- b. ~~A contributing resource in an Historic District; or~~
- c. ~~A Rank I, II, or III resource listed in the City's Historic Resource Inventory.~~
- 3. ~~Sites eligible to receive floor area. A site within the area shown on Map 510-20 is eligible to receive floor area from the historic resources listed above in H.2.~~
- 4. ~~Covenants. The owners of both the sending and receiving sites must execute a covenant with the City that is attached to and recorded with the deed. The covenants may not be revoked or rescinded. The covenants must include the following:~~
  - a. ~~Both sites. The covenant for each site must reflect the respective increase and decrease of potential floor area. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.~~
  - b. ~~Sending site. The covenant for the sending site must state that the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review.~~
- 5. ~~Exception for Landmarks. Landmarks located in the Pearl Development Transfer Opportunity Area on Map 510-20 may elect to transfer floor area to a receiving site outside of the area on Map 510-20 if they meet the standards of 33.130.205.C or 33.140.205.C.~~
- 6. ~~Adjustments. Adjustments and modifications to these regulations are prohibited.~~

**I. ~~Neighborhood facilities within the North Pearl Subarea.~~**

- 1. ~~Purpose. This regulation encourages creation of facilities to serve those who live and work in the North Pearl Subarea. These facilities are necessary elements of a neighborhood.~~
- 2. ~~Standards. In the North Pearl Subarea, floor area used for specified neighborhood facilities is not counted towards maximum FAR for the site. The specified neighborhood facilities are public schools, public community centers, daycare facilities for children, and public libraries. To qualify for this provision, the following requirements must be met:~~
  - a. ~~Schools. Floor area to be used for public schools does not count towards maximum FAR for the site if the school will be operated by or for a public school district.~~
  - b. ~~Daycare. Floor area to be used for daycare facilities for children does not count towards maximum FAR for the site. Applicants may choose to either earn bonus FAR under 33.510.210.C.2, or to have the daycare not counted towards maximum FAR for the site under this subsection. Both provisions may not be used on a site.~~
  - c. ~~Libraries. Floor area to be used for public libraries does not count towards maximum FAR for the site if the library will be operated by the Multnomah County Library or does not charge membership fees.~~

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# Commentary

- d. ~~Public community centers. Floor area to be used for community centers does not count towards maximum FAR for the site. Public community centers are not for exclusive use by residents of a site and their guests.~~
- e. ~~All facilities. All neighborhood facilities must meet the following:~~
  - (1) ~~The floor area of the facility must be reserved for the exclusive use of the neighborhood facility for at least 10 years from the date a certificate of occupancy is issued for the qualifying floor area. No uses other than those listed in this subsection are allowed.~~
  - (2) ~~The applicant must document that there is a binding agreement with an operator for each facility. This documentation must be submitted with the application for design review; and~~
  - (3) ~~The property owner must execute a covenant with the City which is attached to and recorded with the deed of the site. The covenant must ensure that the owner will reserve the floor area as specified in 1.2.e(1). The covenant must comply with the requirements of Section 33.700.060.~~

### **33.510.205 Height**

- A. Purpose.** ~~The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on neighborhoods in and at the edges of the Central City.~~
- B. The height standard.** ~~The maximum building height for all sites in the Central City plan district is shown on Map 510-3 at the end of this chapter. Heights greater than shown on Map 510-3 are prohibited unless allowed by Subsections C. through E., G., below, or by 33.510.210.D. below.~~
- C. Performance standard for sites adjacent to designated open spaces.**
  - 1. ~~Eligible sites. Building heights to the south and/or west of certain areas designated Open Space on the Comprehensive Plan map may be increased above the limits specified on Map 510-3. Sites eligible for this standard are shown on Map 510-3.~~
  - 2. ~~The performance standard. Building heights may be increased if the amount of shadow cast by the proposed building on the adjacent open space will be less than or equal to the shadow that would result from an allowed building constructed to the maximum height shown on Map 510-3. The shadow from an allowed building is based on the shadow that would be cast by a structure covering the entire site at the height limit of Map 510-3. Shadows must be analyzed for noon and 3:00 p.m. on April 21 to determine compliance with this provision.~~
  - 3. ~~Limit on the height increase. Increases in height are prohibited in either of the following situations:~~
    - a. ~~The development projects into an established view corridor, or~~

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## Commentary

### **Delete: Performance standard for sites adjacent to historic districts**

This subsection has been deleted and Map 510-3 is amended to remove the area eligible for this provision, which allowed height increases adjacent to historic districts. BDS and applicants have found this code section very confusing and hard to implement.



- b. ~~The development does not project into an established view corridor, but results in buildings over 460 feet in height.~~

**D. Performance standard for sites adjacent to historic districts.** Building heights on blocks adjacent to the Yamhill and Skidmore Fountain/Old Town Historic Districts may be increased above the limits stated on Map 510-3. Requests for the increases are reviewed as part of the design review process.

1. The development proposal must comply with all of the following standards:
  - a. ~~The site encompasses a single block that is subject to two different height limits, and the block is adjacent to but not part of a historic district.~~
  - b. ~~The project does not include removal of any historical landmarks and no historical landmarks were cleared from the site during the 60 months prior to the date of application for the exception.~~
  - c. ~~Historical landmarks on the site are preserved and restored as part of the proposed project.~~
  - d. ~~A building wall, called the "street wall," must be constructed abutting the street lot line facing the historic district. Street walls must extend along the entire frontage facing the historic district. When the project's frontage on its block is larger than the historic district's frontage on the facing block, the street wall must extend 25 feet beyond the end of the historic district.~~
  - e. ~~The street wall must be at least 30 feet in height or equal to the distance of the horizontal encroachment into the area regulated by the lower height limit, whichever is more. However, portions of the building that front the historic district may not exceed 75 feet in height within 25 feet of the street lot line.~~
  - f. ~~The existing building wall of an historical landmark incorporated into the project is exempt from the requirements of Subparagraphs d. and e., above.~~
  - g. ~~Portions of the structure located behind the street wall must comply with the Ground Floor Active Use standard of 33.510.225;~~
  - h. ~~The project may not result in a building that exceeds a maximum height of 250 feet or the higher of the two height limits on the block, whichever is lower.~~
2. ~~Approval of a height increase based on this subsection in no way limits the ability of the review body conducting design review to require reconfiguration of the building's design, including lowering the height of the building or reducing the amount of the increase. The review body will base its review on application of both the general design guidelines applicable to the area, and the subdistrict guidelines applicable to the adjacent historic district.~~
3. ~~Adjustments to requirements and standards of this subsection are prohibited.~~

**E. Open space height transfers.**

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.

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# Commentary

2. ~~Requirements for open space areas eligible for the height transfer.~~
  - a. ~~The proposed open space area must be in the Central City plan district outside of the South Waterfront Subdistrict. If the open space is at a Proposed Open Space location, as shown on the Central City plan map, the site is eligible by right. If the site is not a Proposed Open Space location, the site is subject to the review requirements stated in Paragraph 4, below. Open space sites resulting from the North Pearl Subarea open area requirement are not eligible for the height transfer.~~
  - b. ~~The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.~~
  - c. ~~All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a major design review using the specific area's design guidelines. The Parks Bureau will provide advice to the Design Commission.~~
3. ~~Amount of height potential that can be transferred. The allowed height at the proposed open space site shown on Map 510-3 may be transferred within the Central City plan district consistent with the limits stated below.~~
  - a. ~~The maximum amount of height that may be transferred is 100 feet. The transfer may only be to a site eligible for a height bonus as shown on Map 510-3. Increases in height that result in buildings greater than 460 feet or which are higher than an established view corridor are prohibited. The transferred height may not be used in addition to any allowed bonus heights of 33.510.210.~~
  - b. ~~The open space improvements must be approved and the site dedicated to the City before the issuance of building permits for the building receiving the increased height.~~
4. ~~Reviews for sites not designated Proposed Open Space on the Central City plan map.~~
  - a. ~~Procedure. The review is processed with a Type III procedure.~~
  - b. ~~Approval criteria. The proposed open space site will be approved for the height transfer if the review body finds that the applicant has shown that all of the following approval criteria are met:~~
    - (1) ~~The proposed site will help to alleviate an area's identified projected future open space deficiency. This determination is based on such things as proximity to parks, proximity to people living or working in the Central City plan district, and how the site relates to the Central City Plan's park and open space system (covered in Policy 8 of the plan);~~
    - (2) ~~The proposed improvements on the open space site are consistent with the design guidelines for the area; and~~
    - (3) ~~The Parks Bureau approves of the site.~~

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## Commentary

**Delete: Height standard for housing on specified sites in the West End subarea**

This section incentivized residential development in the West End by granting additional height for residential development above the maximum height. However, this provision contains an outdated assumption that residential floors will occupy the top floors of a mixed use building. In recent years, the City has seen examples (i.e., Park Avenue West) of mixed use buildings with commercial floors above residential floors. While the desire to continue incenting residential development in this area remains, earning the bonus should not be tied to the location of that development within the building.

By removing this provision, the area will be subject to the same provisions for earning additional height as the rest of the Central City - provisions which are tied to affordable housing development and/or historic resource FAR transfers.

**F. Height standard for housing on specified sites in the West End subarea.** In the area shown on Map 510-14, building heights 175 feet higher than shown on Map 510-3 are allowed if all the floor area constructed above the limits shown on Map 510-3 is used exclusively for housing.

**G. South Waterfront height opportunity area.**

1. Purpose. In the core of the South Waterfront Subdistrict, additional building heights may be appropriate to support the goals of the South Waterfront Plan. The regulations of this subsection are intended to:

- Support the growth of a Science & Technology Quarter in the Central City;
- Provide diverse housing opportunities;
- Support the density goals of the subdistrict while ensuring quality design;
- Create additional opportunities for visual access through the subdistrict;
- Promote the development of slender towers with an east-west orientation;
- Develop an exceptional and varied skyline enhancing the district's setting against the Tualatin Hills to the west and the Cascade range to the east;
- Establish and maintain a pedestrian environment with access to sunlight;
- Contribute to the district's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the district;
- Create an urban form that is visually permeable; and
- Continue to maintain all protected public views and view corridors, on the east and west side of the Willamette River, as identified in adopted plans.

2. Additional building height may be requested as a modification through design review as follows:

a. The site must be in the height opportunity area shown on Map 510-16;

b. The maximum height that may be approved is 325 feet, including projections, roof top mechanical equipment, and any other structures that project above the roof of the building;

c. One of the following must be met:

(1) The average floor to floor height in the building is at least 16 feet and floors of the building above 75 feet are 25,000 square feet in area or less; or

(2) Floors of the building above 75 feet are 10,000 square feet in area or less;

(3) Adjustments to the standards of this subsubparagraph are prohibited; however, modifications through design review may be requested as follows:

- A modification to the 25,000 square foot limitation in G.2.c(1) may be requested;
- A modification to the 10,000 square foot limitation in G.2.c(2) may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.252.A.3.c. However, modifications to allow floors larger than 12,500 square feet are prohibited;

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# Commentary

- d. ~~The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;~~
- e. ~~Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.  
  
Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection.~~
- f. ~~The applicant must contribute \$10.80 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.210.C.18, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited.~~
- g. ~~The applicant must request advice from the Design Commission as described in 33.730.050.F. The design advice request must be submitted before the request for a pre-application conference. In providing their advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.~~

**H. ~~North Pearl Subarea height opportunity area:~~**

- 1. ~~Purpose. In the North Pearl Subarea, additional building height may be appropriate to support the goals of the North Pearl Plan. The regulations of this subsection:
 
  - ~~Promote the use of development bonus and transfer provisions to create and support a range of community amenities to serve the diversity of residents and employees in the Central City;~~~~

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# Commentary



- ~~Create a skyline and urban form that is visually permeable by providing visual access to locations within and beyond the subarea;~~
- ~~Encourage the development of taller buildings that may accommodate a range and diversity of land uses;~~
- ~~Result in a dynamic and varied skyline and urban form that contributes to the health, vibrancy, and livability of urban living;~~
- ~~Shape building massings that allow light and air to penetrate to the street level, enhance pedestrian scale, and create a pleasant, versatile, and active public realm; and~~
- ~~Provide flexibility to allow a range of uses and building types to be developed in a manner that fulfills the design objectives of this purpose statement.~~

~~Additionally, along the waterfront of the North Pearl Subarea the regulations of this subsection also:~~

- ~~Increase access to sunlight along the greenway and within public and private open space areas developed along the waterfront;~~
- ~~Develop a dense, active urban waterfront with a vibrant public realm;~~
- ~~Work with the open area and waterfront development provisions of the North Pearl Subarea in the creation of well designed public and private urban open space amenities;~~
- ~~Facilitate visual and physical access to and along the riverfront for all members of the public;~~
- ~~Create expanded opportunities for views of the river as viewed from Naito Parkway and Front Avenue, landward portions of the subarea, and locations west of the subdistrict; and~~
- ~~Ensure bonus height granted to sites adjacent to the Fremont Bridge does not significantly affect views of or diminish the aesthetic qualities of the bridge or its iconic stature in the Portland skyline.~~

~~2. Additional building height above the maximum height limits shown on Map 510-3 may be approved as a modification through design review if H.2.a and b are met, and either H.2.c or d. Except as specifically allowed, adjustments and modifications to this paragraph are prohibited.~~

~~a. The site must be in the height opportunity area shown on Map 510-16.~~

~~b. The floor area of the building above the maximum height limit shown on Map 510-3 must be:~~

- ~~(1) Earned through bonus FAR provisions;~~
- ~~(2) Transferred by a Central City Master Plan; or~~
- ~~(3) Transferred from an Historic Resource in conformance with 33.510.200.H, Transfer of floor area from a Historic Resource in specified areas.~~

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**Commentary**

- ~~c. The regulations of this subparagraph apply to sites northeast of SW Naito Parkway. Building heights may be increased to 175 feet in the height opportunity area if the following are met:~~
- ~~(1) The floors of the building above 100 feet are limited to 12,500 square feet in area or less; and~~
  - ~~(2) The length of any facade above 100 feet may not exceed 120 feet. However, a dimension of up to 150 feet may be requested as a modification through design review.~~
- ~~d. The regulations of this subparagraph apply to sites southwest of SW Naito Parkway. For sites in the height opportunity area where the maximum height allowed for the site by Map 510-3 is 100 feet, applicants may choose to increase height using one of the options of this subparagraph.~~
- ~~(1) Option One: The height may be increased to 175 feet if the length of any facade above 100 feet in height does not exceed 150 feet. However, a dimension of up to 180 feet may be requested as a modification through design review; or~~
  - ~~(2) Option Two: There is no maximum height limit if the following are met:~~
    - ~~• The floors of the building above 100 feet are limited to 12,500 square feet in area or less; and~~
    - ~~• The length of any facade above 100 feet may not exceed 120 feet. However, a dimension of up to 150 feet may be requested as a modification through design review.~~

### **33.510.210 Floor Area and Height Bonus Options**

**A. Purpose.** Floor area and height bonus options are offered as incentives to encourage facilities and amenities that implement the Central City Plan.

**B. General regulations.**

- ~~1. The bonus options are only allowed in situations where stated. Only new developments are eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.~~
- ~~2. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.~~
- ~~3. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.C.~~
- ~~4. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.~~
- ~~5. In residential bonus target areas, as shown on Map 510-4, the residential bonus option must be used before any other bonus. A bonus floor area ratio of at least 1.5 to 1 from the residential bonus option must be earned before the project qualifies for other bonus options.~~

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## Commentary

### 33.510.210.C: Bonus floor area options

**Delete:** Staff proposes removing the Residential floor area bonus.

This bonus was adopted in 1990 as a means to promote new residential development in the Central City. In the post war era following WWII, tens of thousands of residential units were lost in the city center due to large scale infrastructure and redevelopment projects, such as Interstate-405 and 5 construction and Memorial Coliseum and the Auditorium District. This combined with a national trend toward suburban development resulted in a disinvestment in existing and new residential projects downtown. These conditions also made speculative residential development a risky venture for developers and investors.

To encourage a return of residential develop in the city center, the Residential floor area bonus was developed. Although now viewed as a "give away" to those already proposing to develop a condo or apartment tower, in the 1990's this was a means to increase residential densities and provide a financial incentive for development whose success was uncertain at best.

This bonus has been used at least 51 times and has resulted not only in the creation of thousands of new units, but also the creation of new neighborhoods, such as the Pearl, but also encouraged new housing in older communities such as the West End and Goose Hollow.

As residential development in the Central City is now a common if not the predominate use being developed, there no longer exists a need to incent housing for the sake of housing alone. Thus, this bonus is proposed to be retired and new bonuses addressing the growing and significant need for affordable housing is proposed to take its place.

6. ~~If any portion of the site is in the Greenway bonus target area, as shown on Map 510-4, the South Waterfront Willamette River Greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the South Waterfront Willamette River Greenway bonus option must be earned before the project qualifies for other bonus options.~~

**C. Bonus floor area options.** ~~Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.~~

1. ~~Residential bonus option.~~

a. ~~In specified areas, proposals that include Residential uses receive bonus floor area. New development and alterations to existing development are eligible for this bonus.~~

(1) ~~In the CX and EX zones outside of the South Waterfront Subdistrict and the North Pearl Subarea, for each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 3 to 1. Sites in the required residential opportunity areas are eligible for this bonus.~~

(2) ~~In the CX and EX zones in the North Pearl Subarea, for each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 2 to 1.~~

b. ~~The additional floor area may be used entirely for housing or partially for nonresidential uses. Projects that include housing built under building permits issued prior to July 1, 1998 may commit up to 2/3 of the bonus floor area to nonresidential uses. Projects built under building permits issued after July 1, 1998 may commit up to 1/2 of their bonus floor area to nonresidential uses.~~

c. ~~Residential portions of mixed use projects using this bonus must be completed and receive an occupancy permit in advance or at the same time as an occupancy permit for any nonresidential portion of the project. The property owner must execute a covenant with the City ensuring continuation and maintenance of the housing by the property owner. The covenant must comply with the requirements of 33.700.060.~~

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## Commentary

**Delete: Day Care bonus option.** Staff proposes to eliminate this bonus. Designed to encourage more daycare providers in the Central City, it was thought that additional facilities would be beneficial in the employee recruitment process over places with more limited access. Though numerous day care facilities have been constructed in the Central City this bonus has only been utilized twice since 1988.

Staff has proposed to expand the existing Neighborhood Facilities within the North Pearl Subarea to apply across the entire Central City (see new Paragraph 33.510.200.E.1). This provision encourages the creation of facilities to serve those who live and work in the City. If this provision is expanded to the entire Central City as proposed, the floor area ratio that is used for daycare facilities for children does not count towards the maximum FAR for the site. This should serve as an incentive.

**Delete: Retail use bonus option.** Staff proposes to eliminate this bonus. The Downtown and Central City plans both expressed clear intentions to strengthen and concentrate the downtown retail core on the east-west corridor centered on SW Morrison Street. This bonus has been used four times since 1988. Active ground floor use, required building lines and ground floor window standards require similar, but not necessarily identical space. These standards are being updated. Given this information, and that staff is updating the code sections related to street and development character standards in the Central City to more clearly identify requirements in our retail core, this bonus is not be needed.

**Delete: Rooftop gardens bonus option.** Staff proposes to eliminate this bonus. This bonus was intended to limit urban heat island effect and stormwater runoff, as well as provide outdoor recreational space and air quality improvements. Staff research shows that it has been used three times since 1988. It is possible that it was competing with the eco-roof bonus which is less expensive and provides more bonus.

- ~~2. Day care bonus option. In the CX, EX, and RX zones outside of the South Waterfront Subdistrict, projects providing day care facilities for children receive bonus floor area. For each square foot of area developed and committed to exclusive use as a day care facility, a bonus of 3 square feet of additional floor area is earned. To qualify for this bonus, the day care facility must meet all of the following requirements:
  - ~~a. The day care facility must be used for the purpose of day care for the life of the building. The facility must be open during normal business hours at least five days each week and fifty weeks each calendar year.~~
  - ~~b. The day care facility must be maintained and kept in a good state of repair throughout the life of the building.~~
  - ~~c. The property owner must execute a covenant with the City ensuring continuation and maintenance of the day care facility by the property owner. The covenant must comply with the requirements of 33.700.060.~~~~
- ~~3. Retail use bonus option. In the retail use bonus target area, shown on Map 510-4, projects providing retail uses receive bonus floor area. To qualify for this bonus option, floor area equal to at least 1/2 of the site area must be committed to retail space. For each square foot of retail space over this amount, one additional square foot of floor area is earned. The property owner must execute a covenant with the City attached to the deed of the site ensuring continuation and maintenance of the qualifying retail spaces by the property owner. The covenant must comply with the requirements of 33.700.060.~~
- ~~4. Rooftop gardens option. In CX, EX, and RX zones outside of the South Waterfront Subdistrict, developments with rooftop gardens receive bonus floor area. For each square foot of rooftop garden area, a bonus of one square foot of additional floor area is earned. To qualify for this bonus option, rooftop gardens must meet all of the following requirements:
  - ~~a. The rooftop garden must cover at least 50 percent of the roof area of the building and at least 30 percent of the garden area must contain plants.~~
  - ~~b. The property owner must execute a covenant with the City ensuring continuation and maintenance of the rooftop garden by the property owner. The covenant must comply with the requirements of 33.700.060.~~~~

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## Commentary

**Delete: Theaters on Broadway bonus option.** Staff proposes to eliminate this bonus option. The Central City Plan adopted policy statements to create a bright lights district along SW Broadway. The bonus was intended to encourage the concentration of new entertainment venues along this historically important avenue. Staff research found that this bonus was used one time in 1998.

**Delete: Percent for Art bonus option.** Staff proposes to eliminate this bonus option. The original intent was to provide funding for the installation of public art in the Central City. Staff research indicates it has been used six times.

While it would not require approval by the Regional Arts and Culture Council (RACC), optional artwork is still part of the ground floor windows code provision which allows applicants to go through the adjustment process as part of design review to meet a portion of their ground floor window requirement.



5. ~~"Theaters on Broadway" bonus option. In the Broadway Theater bonus target area, projects providing theaters receive bonus floor area. For each square foot of floor area developed as theater, a bonus of 2 square feet of additional floor area is earned. Existing and new theaters qualify for this bonus. The Broadway Theater target area is shown on Map 510-4. To qualify for this bonus, a theater must meet all the following requirements:
  - a. ~~The theater facilities must provide seating for at least 150 people.~~
  - b. ~~The theater space must be used for the life of the building and at least 200 performances must be given each calendar year. Live theater performances and film exhibitions meet this requirement.~~
  - c. ~~The theater facilities must be maintained and kept in a good state of repair throughout the life of the building.~~
  - d. ~~The property owner must execute a covenant with the City ensuring compliance with these standards by the property owner. The covenant must comply with the requirements of 33.700.060.~~~~
6. ~~"Percent for Art" bonus option. In all zones outside of the South Waterfront Subdistrict, new development or alterations to existing development which commit funds to public art receive bonus floor area. Projects which commit 1 percent of their threshold value to public art earn additional floor area equal to the size of the site. Projects committing more than 1 percent to public art earn additional floor area equal to 0.1 of the site area for each additional 0.1 percent of the project's threshold value up to a maximum total floor area increase of 2 times the site area. **For new development**, threshold value is the sum of all construction costs shown on all building permits associated with the project, including site preparation. Where some or all of the bonus floor area is being transferred, this includes costs for both the lot transferring the bonus and the site receiving the transfer of floor area. **For alterations to existing development**, the threshold value is the sum of all construction costs as defined above plus the value of existing improvements to the property, as listed in the County Assessor's records. Where some or all of the bonus floor area is being transferred, this includes costs and values for both the lot transferring the bonus and the site receiving the transfer of floor area. To qualify for this bonus, the public art must meet the following requirements:
  - a. ~~At least 25 percent of the project's public art funds must be placed in a Central City Public Art Trust fund, maintained by the Regional Arts and Culture Council. The developer may place all of the public art funds in the trust fund. The Central City Public Art Trust Fund is used to purchase and install public art only in the Central City plan district.~~
  - b. ~~The process and budget for selecting the artist and for selecting and installing the specific works of art to be included in the project must be approved by the Regional Arts and Culture Council. The Regional Arts and Culture Council maintains and publishes guidelines and procedures for review, selection, installation, and payment for works of art included in a project.~~
  - c. ~~Works of art must be approved by the Regional Arts and Culture Council.~~~~

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## Commentary

**Delete: Water features or public fountains bonus option.** Staff proposes to eliminate this bonus option. The original intent of City Council was to reinforce fountains as a character-giving thematic element, building on and extending a civic tradition begun in the previous century. The bonus performs similarly to the percent for art bonus. Staff research indicates that this has been used two times. Further, outreach in the development of the Central City 2035 plan found support for incenting different public benefits such as affordable housing, historic preservation and the creation of open space.

- d. ~~Works of art must be placed on the outside of the building or at a location clearly visible and freely accessible to the public from the sidewalk during daylight hours. The location of each work of art will be approved by the Regional Arts and Culture Council. The Design Commission will recommend appropriate locations prior to the Regional Arts and Culture Council approval.~~
  - e. ~~The public art may not also be used to satisfy other requirements of City, State, or Federal Law.~~
  - f. ~~The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement if necessary of the public art. The covenant must comply with the requirements of 33.700.060.~~
7. ~~Water features or public fountains bonus option. In CX, EX, and RX zones, projects which provide water features or public fountains as part of the development receive bonus floor area. For each 0.1 percent of their threshold value that a project commits to development of water features or public fountains, an additional floor area equal to 0.1 of the site area is earned, up to a maximum of 0.5 of the site area. **For new development**, threshold value is the sum of all construction costs shown on all building permits associated with the project, including site preparation. Where some or all of the bonus floor area is being transferred, this includes costs for both the lot transferring the bonus and the site receiving the transfer of floor area. **For alterations to existing development**, the threshold value is the sum of all construction costs as defined above plus the value of existing improvements to the property, as listed in the County Assessor's records. Where some or all of the bonus floor area is being transferred, this includes costs and values for both the lot transferring the bonus and the site receiving the transfer of floor area. To qualify for this bonus, the water feature or public fountain must meet all of the following requirements:~~
- a. ~~The water feature or public fountain must be located outdoors on the site or abut the site in a right of way, unless another site is approved by the Design Commission. It must be visible and accessible by the public from the sidewalks that provide access to the project.~~
  - b. ~~The water feature or fountain must be designed to use water efficiently with a low water make up rate. A method of keeping the water clean must be provided.~~
  - c. ~~The design and location of the water feature or public fountain must be approved as part of the design review of the total project.~~
  - d. ~~Water features and public fountains may not be counted to meet both this bonus option and the "Percent for Art" bonus option at the same time.~~
  - e. ~~The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the water feature or public fountain by the property owner. The covenant must comply with the requirements of 33.700.060.~~

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## Commentary

**Delete: Locker Room bonus option.** Staff proposes to eliminate this bonus. This bonus was adopted as part of the 1996 Transportation Planning Rule Package to encourage bicycle commuting. The bonus has been used approximately nine times, and has resulted in creating a demand for such facilities in residential, office, and institutional projects. As such, there is now a reduced need to incent the development of these facilities as they are now common place in many projects.

- ~~8. Locker room bonus option. To encourage bicycling, projects in the CX and EX zones outside of the South Waterfront Subdistrict that provide locker room facilities and extra long term bicycle parking receive bonus floor area. For each square foot of area developed and committed to locker room facilities, a bonus of 40 square feet of additional floor area is earned. To qualify for the bonus, the following must be met:~~
- ~~a. The locker room facility must include showers, a dressing area, and lockers;~~
  - ~~b. All tenants of the building must be able to use the locker room facility; and~~
  - ~~c. At least 110 percent of the required long term bicycle parking for the site must be provided and must meet the standards of 33.266.220.B., Long term Bicycle Parking.~~
- ~~9. South Waterfront Willamette River Greenway bonus option. To complement and enhance the existing public corridor, projects along the Willamette River Greenway in the South Waterfront Subdistrict that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of three square feet of additional floor area is earned. Open space that will earn bonus floor area under 33.510.210.C.17, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:~~
- ~~a. Location. The open space must abut the South Waterfront Greenway Area, as shown on Figure 510-2;~~
  - ~~b. Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;~~
  - ~~c. Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;~~
  - ~~d. Ownership and use. One of the following must be met:
 
    - ~~(1) The open space and pedestrian connection must be dedicated to the City; or~~
    - ~~(2) A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection.~~~~
  - ~~e. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City;~~
  - ~~f. Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E.2. and E.7. that apply to South Waterfront Greenway subarea 3;~~
  - ~~g. Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and~~
  - ~~h. Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.~~

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## Commentary

**Delete: Ecoroof bonus option:** The bonus option for Ecoroofs is proposed to be eliminated and instead staff is proposing that ecoroofs become a requirement in the Central City. The bonus, created in 2001, was largely intended to meet the same policy objectives as the rooftop garden bonus. Ecoroofs provide stormwater runoff retention, building heating/cooling efficiencies and air filtering attributes superior to rooftop gardens. In the Central City many developments build lot line to lot line making stormwater management options limited and complex. Since 2001 staff research indicates that approximately 35 ecoroofs have been built in the Central City as part of new development. Seventeen of these used the bonus option.

**Delete: Large dwelling unit bonus option. (only applies to the West End Subarea shown previously on Map 510-14 which is also proposed for deletion)**

Staff proposes to eliminate this bonus option. This bonus was created in 2003 and staff research indicates that it has been used one time. It was created to encourage developers to create larger residential units within an area where smaller units would be more common. Larger residences, especially those with two or more bedrooms, are likely to find a market with larger households or households of middle incomes. This bonus was intended to foster two-bedroom housing units.

- ~~10. Eco roof bonus option. Eco roofs are encouraged in the Central City because they reduce stormwater run-off, counter the increased heat of urban areas, and provide habitat for birds. An eco roof is a rooftop stormwater facility that has been certified by the Bureau of Environmental Services (BES). Proposals that include eco roofs receive bonus floor area. A proposal may earn bonus floor area for both the eco roof option and the rooftop gardens option. However, the same square footage may not be counted towards both bonuses.~~
- ~~a. Bonus. Proposals that include eco roofs receive bonus floor area as follows:~~
- ~~(1) Where the total area of eco roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco roof earns one square foot of additional floor area.~~
- ~~(2) Where the total area of eco roof is at least 30 percent but less than 60 percent of the building's footprint, each square foot of eco roof earns two square feet of additional floor area.~~
- ~~(3) Where the total area of eco roof is at least 60 percent of the building's footprint, each square foot of eco roof earns three square feet of additional floor area.~~
- ~~b. Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco roof. The letter must also specify the area of the eco roof. Final plans and specifications must be submitted with building permit applications.~~
- ~~c. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco roof. The covenant must comply with the requirements of 33.700.060.~~
- ~~11. Large dwelling unit bonus option. In the West End subarea, new development with dwelling units larger than 750 square feet receive bonus floor area. Where a dwelling unit is larger than 750 square feet, each square foot over 750 square feet earns a bonus of one square foot. For example, if a building includes one 700 square foot unit, one 900 square foot unit, and one 950 square foot unit, a bonus of 350 square feet will be earned. To qualify for this bonus option, the property owner must execute a covenant with the City ensuring that the units used for bonuses will not be reduced in size. The covenant must comply with the requirements of Section 33.700.060.~~

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## Commentary

**Delete: Large household dwelling unit bonus option. (only applies in South Waterfront)** Staff proposes to eliminate this bonus option. The large dwelling unit bonus was created to encourage the development of larger dwelling units (3 or more bedrooms) in residential projects to support the desire to see a diversity of housing types within South Waterfront. While a diversity of housing types is needed in South Waterfront the current priority Citywide is to encourage the development of more affordable housing. Staff research indicates that this bonus has never been used.

**Delete: Middle income housing bonus option.** Staff proposes to eliminate this bonus option and prioritize the new affordable housing bonus and fund. This bonus was intended to encourage the development of housing affordable to households earning between 80 and 150 percent of Portland's median family income (MFI). In the Central City, this type of housing is not commonly provided by the market and households in this income bracket do not generally qualify for public housing subsidies. A moderate-income housing policy was included in an early draft of the West Quadrant Plan, but direction from PSC and City Council was that with limited resources, the focus of all tools available to the City should be affordability, at 80% or less. Staff research found that this bonus has never been used.



- ~~12. Large household dwelling unit bonus option. In the South Waterfront Subdistrict, new development that includes dwelling units with more than two bedrooms receives bonus floor area. To be counted towards this bonus, a bedroom must be at least 70 square feet in area, have at least one window that can be opened, have at least one closet, and be separated by walls and or doors from kitchen, bath, and garage. In addition, the bedroom may not provide the sole access to any other room except a bathroom. Each dwelling unit with more than two bedrooms receives floor area based on the number of bedrooms in excess of two bedrooms. Each additional bedroom earns 150 square feet of bonus floor area. To qualify for this bonus option, the property owner must execute a covenant with the City ensuring that the units used for bonuses will not be reduced in number of bedrooms. The covenant must comply with the requirements of Section 33.700.060.~~
- ~~13. Middle income housing bonus option. Housing for middle income residents receives bonus floor area. For each square foot of floor area certified by the Portland Development Commission, three square feet of bonus floor area is earned. To qualify for this bonus, the proposed development must meet all of the following requirements:~~
- ~~a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) certifying that at least 30 percent of new dwelling units in the proposed development will be affordable to those earning no more than 150 percent of the area median family income;~~
  - ~~b. The property owner must execute a covenant with the City that complies with the requirements of 33.700.060. This covenant must ensure that:
    - ~~(1) Rental units used for this bonus will remain affordable to those earning no more than 150 percent of the area median family income for at least 60 years after an occupancy permit is issued; and~~
    - ~~(2) Units for sale used for this bonus will be initially sold at a price that is affordable to those earning no more than 150 percent of area median family income.~~~~
  - ~~c. Residential portions of mixed use projects using this bonus must be completed and receive an occupancy permit in advance of or at the same time as an occupancy permit for any nonresidential portion of the project.~~

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## Commentary

**Delete: Small development site bonus option. (only applies in the West End)** Staff proposes to eliminate this bonus option. Originally adopted to encourage development on smaller sites in the West End. This was a response to the pattern of small parcels that are found within the blocks in this West End subarea where surface parking lots have been a dominant use on sites. This bonus has not been used. Going taller may be cost prohibitive as construction type changes and rents generated by the small floorplates can't off-set the increase. Staff found that this bonus has never been used.

**Modify: Affordable housing replacement fund.** This bonus has been modified, see proposed Subparagraph 33.510.205.C.2.b, affordable housing fund bonus option.

**Delete: Below grade parking bonus option (only applies to the West End).** Staff proposes to eliminate this bonus option. Staff research indicates that this provision has been used three times. The original intent was to promote the conversion of surface parking lots and other underutilized properties to residential, mixed-use and commercial development. The intent to see the transition of surface parking lots is still valid, however, staff believes that market conditions in the West End have changed to a point where surface lots are now more valuable as redevelopment sites.

~~14. Small development site option. In the West End subarea, developments on small development sites receive floor area bonuses. To qualify for this bonus, the development site must be 15,000 square feet or less. The development site is all of the lots, lots of record, and plots proposed for the development, including accessory uses. Lots, lots of record, and plots that are under the same ownership, and that are vacant or used for surface parking, and that abut those proposed for the development are included in the development site.~~

~~The amount of the bonus varies with the size of the development site, as follows:~~

- ~~a. Where the development site is up to 5,000 square feet, the FAR is increased by 1.5;~~
- ~~b. Where the development site is larger than 5,000 square feet and up to 10,000 square feet, the FAR is increased by 1.0;~~
- ~~c. Where the development site is larger than 10,000 square feet and up to 15,000 square feet, the FAR is increased by 0.5.~~

~~15. Affordable Housing Replacement Fund bonus option. Contributors to the Affordable Housing Replacement Fund (AHRF) receive floor area bonuses. For each \$22.10 contributed to the AHRF, one square foot of bonus floor area is earned, up to a maximum of two square feet per square foot of site area. To qualify for this bonus, the following requirements must be met:~~

- ~~a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) documenting the amount that has been contributed to the AHRF;~~
- ~~b. The bonus floor area may be used only in the Central City plan district.~~
- ~~c. The Affordable Housing Replacement Fund is to be collected and administered by the Portland Development Commission (PDC). The funds collected may be used only within the Central City plan district, either for acquisition, rehabilitation, remodeling or construction of housing affordable to those households earning no more than 60 percent of area median income.~~

~~16. Below grade parking bonus option. In the West End subarea, where parking on the site is located below grade, a bonus of two additional square feet of floor area is earned for each square foot of below grade parking. To qualify for this bonus, the following requirements must be met:~~

- ~~a. Except as allowed by Subparagraph C.15.c., all parking on the site must be below grade. This includes both commercial and accessory parking;~~
- ~~b. Where accessory parking is off site, it must be below grade; and~~
- ~~c. One parking space per 5,000 square feet of site area may be on the ground floor of the building if both the parking spaces and any vehicles parked there are completely screened from all adjacent rights of way. These spaces do not qualify for bonus floor area.~~

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## Commentary

**Moved: Open Space bonus option in South Waterfront. See 33.510.205.C.2.e.**

**Moved: Open space fund bonus option in South Waterfront. See 33.510.205.C.2.f.**

- ~~17. Open Space bonus option. In the South Waterfront Subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of one square foot of additional floor area is earned. Open space that will earn bonus floor area under 3.510.210.C.9, South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:~~
- ~~a. Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;~~
  - ~~b. Ownership and use. One of the following must be met:
    - ~~(1) The open space must be dedicated to the City; or~~
    - ~~(2) A public access easement must be provided that allows for public access to and use of all the open space;~~~~
  - ~~c. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City;~~
  - ~~d. Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and~~
  - ~~e. The bonus floor area may be used only in the South Waterfront Subdistrict.~~
- ~~18. Open space fund bonus option. Contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive floor area bonuses. For each \$22.10 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:~~
- ~~a. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;~~
  - ~~b. The bonus floor area may be used only in the South Waterfront Subdistrict;~~
  - ~~c. The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.~~

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## Commentary

**Delete: Efficient family size unit housing bonus. (only applies to the North Pearl Subarea).** Staff proposes to eliminate this bonus. The North Pearl District Plan developed the bonus to provide more diverse housing opportunities and a range of public amenities to serve the growing number of families with children that are emerging in the Pearl District. While this bonus has been used two times in the last few years, and a diversity of housing types is needed in the Pearl District, the current priority Citywide is to encourage the development of more affordable housing.

- ~~19. Efficient family size unit housing bonus option. In the North Pearl Subarea shown on Map 510-1, new development that is designed for family housing receives bonus floor area. Adjustments and modifications to these standards are prohibited.~~
- ~~a. Number of units. The proposal must include at least 20 efficient family size units.~~
  - ~~b. Size and bonus. The bonus earned varies with the size of the unit, as follows:
    - ~~(1) Units with three bedrooms that have no more than 1,200 square feet of floor area earn an additional 3 square feet of floor area for each square foot of area in the unit.~~
    - ~~(2) Units with two bedrooms that have no more than 1,000 square feet of floor area earn an additional 2 square feet of floor area for each square foot of area in the unit.~~~~
  - ~~c. Outdoor play area. The proposal must include an outdoor play area that is at least 1,400 square feet in area and is designed so that a 25-foot x 25-foot square will fit entirely within it. No portion of this area may be shared with any vehicle area. Outdoor play areas may be sited within plazas, courtyards, rooftop gardens, or similar open area features and may contain play equipment, sports courts, hard or soft surface areas, or other features that accommodate or facilitate play.~~
  - ~~d. Indoor common rooms. The proposal must include at least 400 square feet of indoor occupiable common space that is provided in one or more rooms that are not used for mechanical equipment or storage. These rooms must be accessible to all residents and each room must be at least 200 square feet in area.~~

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# Commentary



~~D. **General bonus heights.** Bonus height is also earned at certain locations in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 510-3. Qualifying areas, shown on Map 510-3, are located such that increased height will not violate established view corridors, the preservation of the character of historical districts, the protection of public open spaces from shadow, and the preservation of the City's visual focus on important buildings (such as the Union Station Clock Tower).~~

~~The height bonus allowed is based on the floor area bonuses and transfers listed in Paragraph D.1., below. The amount of bonus height awarded is specified in Paragraphs D.2. and D.3., below.~~

- ~~1. The height bonus allowed is based on the following:
  - a. The floor area bonus options of Subsection 33.510.210.C., above;
  - b. The transfer of floor area from sites occupied by SROs, as allowed by Subsection 33.510.200.E; and
  - c. The transfer of floor area from sites of Historic Landmarks, as allowed by the regulations of the base zones.~~
- ~~2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:
  - a. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.
  - b. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.
  - c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.~~
- ~~3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:
  - a. For achieving bonus floor area of at least 40,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.
  - b. For achieving bonus floor area of at least 80,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.
  - c. For achieving bonus floor area of 120,000 square feet or more, a height bonus of 45 feet is earned.~~

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## Commentary

**Delete: E. Bonus Height option for housing.** Staff proposes to eliminate the housing option because the goal is to align access to bonus height with the new bonus and transfer system proposed in 33.510.205.

**E.— Bonus height option for housing.**

- 1.— Generally, in the bonus height areas, building heights may be allowed to be greater than shown on Map 510-3 if the bonus height is for housing. Although this subsection allows the review body to approve bonus height, the review body may also require reconfiguration of the building, including reducing its height, and may approve all, some or none of the bonus height requested, based on application of the criteria in E.4, below.
- 2.— Standard. The maximum height bonus that may be allowed is 75 feet.
- 3.— Relationship to Subsection D.
  - a.— On sites shown on Map 510-3 as eligible for general and housing height bonuses, both the bonus height options of this subsection and Subsection D., above may be used. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D., above, must be used exclusively for housing, and may not be used to qualify for the residential floor area bonus option in Subsection C.1., above;
  - b.— On sites shown on Map 510-3 as eligible for housing height bonuses, only the housing height bonus of this subsection may be used.
- 4.— Approval Criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height may be approved if the review body finds that the applicant has shown that all of the following criteria have been met:
  - a.— The increased height will not violate an established view corridor;
  - b.— If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in R zoned lands;
  - c.— If the site is shown on Map 510-3 as eligible for the Open Space (OS) performance standard, the project must meet the performance standards of Subsection 33.510.205.E.;
  - d.— If the site is on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts, the project must meet the performance standards of Subsection 33.510.205.D.;
  - e.— The increased height will result in a project that better meets the applicable design guidelines; and
  - f.— Approval of the increased height is consistent with the purposes stated in Subsection 33.510.205.A.

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## Commentary

**Delete:** Bonus height option for high ceilings in the West End. Staff proposes to eliminate this section. It has not been used according to BDS and the goal is to align access to bonus height with the new affordable housing FAR bonuses and historic resource FAR transfers.

~~F. **Bonus height option for high ceilings in the West End.** In the West End subarea, proposals where any of the residential floor to ceiling heights exceed 8 feet receive bonus height. Each floor that has a ceiling height of more than 8 feet may receive up to four feet of bonus height; for each foot of floor to ceiling height over 8 feet, an additional foot of height is allowed above that shown on Map 510-3. To be eligible for this bonus, the floors where this bonus is earned must be in residential use, and at least 75 percent of ceiling square footage must qualify for the bonus that is being sought.~~

~~For example, the height bonus for a ten story, totally residential building where 3 floors have 10 foot ceilings (3x2=6), two floors have 12 foot ceilings (2x4=8), two floors have 14 foot ceilings (2x4=8) and three floors have 8 foot ceilings (3x0=0), the height bonus allowed would be 22 feet.~~

~~E. **Bonus height in the South Waterfront Subdistrict.** Within the South Waterfront Subdistrict, buildings receive bonus height if they include bonus floor area or floor area transferred onto the site. Buildings that include any floor area achieved through bonuses or from transfers onto the site earn a height bonus of 125 feet, up to a maximum building height of 250 feet. The additional height may not be applied to any portion of a building within 150 feet of the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line.~~

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## Commentary

### Required Building Lines

The Required Building Line standard has been updated to reflect the Street and Development Character concept from the CC2035 Plan. The intent of the "Street and Development Character" concept is to introduce a more intentional street hierarchy to the Central City's street network yielding a more diverse range of experiences. It acknowledges that the character of a street is part public right-of-way and streetscape, and part ground floor uses and design of adjacent buildings. The concept proposes three types of streets:

#### Retail Streets

These are busy, continuous streets with retail activity throughout the day, evenings and weekends. Ground-floor retail uses may be required or strongly encouraged.

#### Boulevard Streets

These streets can also be very busy - they can be the "second" street of a couplet pair or define a district edge - but they offer a greener, more landscaped character with fewer retail storefronts.

#### Flexible Streets

These streets, pathways and trails are part of the pedestrian and bicycle friendly system of routes that offer quieter and "lower stress" experiences. The forms and characters of these connections can vary considerably.

This hierarchy can be implemented with some updates to the zoning code including required building lines, ground floor active uses, and ground floor window standards. It is important to note that additional work will be done after the completion of Central City 2035 to update the Central City Fundamental Design Guidelines (2001) to reflect this concept. Issues related to the hierarchy addressed by the guidelines will include (but not be limited to) the design of adjacent building setbacks, the architectural features of the ground level of buildings and the arrangement of landscape materials in some setbacks.

**B.1** The existing required building line provisions are being applied on all streets in the Central City, except as described in B.2 below. In the event that an applicant would like to set back from the street lot line then the setback area needs to be an extension of the side walk committed to active uses.

**B.2** On these streets we want to require landscaping if a setback is provided. This aligns with the boulevard streets as defined in the concept. If an applicant chooses to set back their building, it must be setback at 6 feet or 12 feet and the area must be landscaped. Staff is proposing these two possible setbacks because a setback less than 6 feet does not provide a sufficient space for landscaping adjacent to the building. Staff is working with PBOT to add language to Title 17 to ensure that with a 6 foot setback, a larger street tree well will be provided to allow for a larger tree. A 12 foot setback will allow enough space for a tree and additional vegetation.

### 33.510.215 Required Building Lines

- A. Purpose.** Required building lines are intended to enhance the urban quality of the Central City plan district. Required building lines are intended to ensure that buildings in certain parts of the Central City are built to the sidewalk's edge unless landscaping or an extension of the sidewalk is provided. The standards help create diverse street character based on street hierarchy. The standards support the street and development character objectives of the Central City 2035 Plan by encouraging extensions of the sidewalk that promote active uses, pedestrian movement, and opportunities for stopping and gathering on some streets. Extensions of the sidewalk may incorporate trees, landscape planters, groundcover, and areas for stormwater management between the building and the sidewalk.
- B. Sites and development subject to the Required building line standards.** Sites subject to this standard are shown on Map 510-6 at the end of this chapter.
1. Unless otherwise specified in Paragraphs B.2. through B.4., new development and major remodels in the RX, CX and EX zones must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge:
    - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
    - b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."
  2. New development and major remodels with frontage on a street shown on Map 510-7 must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge:
    - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
    - b. The building must setback either 6 feet or 12 feet and must provide landscaping in the setback area as follows:
      - (1) Setback at 6 feet. At least 50 percent of the setback must be landscaped with ground cover plants and shrubs. All plants must be selected from the Portland Tree and Landscaping manual.
      - (2) Setback at 12 feet. At least 80 percent of the setback area must be landscaped as follows. All plants must be selected from the Portland Tree and Landscaping manual:
        - One tree per 400 square feet of setback area;
        - Ground cover plants and shrubs must fully cover the remainder of the setback area.

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## Commentary

### Continued: Required Building Lines

- B.3** These provisions apply to South Waterfront. No changes have been made to this section, but the restructuring of the section has moved some of the language around to create a parallel structure with the other sections.
- B.4** This is an existing provision which applies to West Burnside. The special building line provision has been moved here to keep all of the West Burnside building line provisions together.



3. In the South Waterfront subdistrict, new development and major remodels must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this section must be at least 15 feet high measured from the finished sidewalk at the building's edge:
- a. The building must extend to the street lot line along at least 75 percent of the lot line; or
  - b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line, and the space between the building and the street lot line must meet one of the following:
    - (1) Be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places;" or
    - (2) Be landscaped in one of the following ways:
      - The proposed landscaping meets the L2 standard;
      - The proposed landscaping meets the landscaping regulations of 33.510.253.E.7 for subarea 3 of the South Waterfront Greenway Area except that trees are not required; or
      - The applicant submits with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.
4. On sites with frontage on West Burnside between 10th and 21st Avenues, there is a required building line located 10 feet from the street lot line. Buildings must be built to this required building line along at least 75 percent of the length of the line. This standard applies to new development and major remodels. The space between the required building line and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places." Exterior walls of buildings designed to meet the requirements of this section must be at least 15 feet high measured from the finished sidewalk at the buildings edge.

~~C. **Special building lines.** On West Burnside between 10th and 21st Avenues, the special building line is 10 feet from the street lot line along West Burnside.~~

~~D. **Required building line standards.**~~

- ~~1. New development and major remodeling projects along a frontage containing a required buildings line must comply with either Subparagraphs a. or b. below , except where there is also a special building line. Exterior walls of buildings designed to meet the requirements of this paragraph must be at least 15 feet high.~~
  - ~~a. The building must extend to the street lot line along at least 75 percent of the lot line; or~~
  - ~~b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line. Except in the South Waterfront Subdistrict, the space between the building and the street lot line must be designed as an extension of the~~

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# Commentary

~~sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places." In the South Waterfront Subdistrict, the space between the building and the street lot line may contain landscaping if one of the following is met:~~

- ~~(1) The proposed landscaping must meet the L2 standard;~~
- ~~(2) The proposed landscaping must meet the landscaping regulations of 33.510.253.E.7. that apply to subarea 3 of the South Waterfront Greenway Area. However, trees are not required; or~~
- ~~(3) BES approval. The applicant must submit with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.~~

~~2. Where a site with frontage on a required building line street also has a special building line, new development or additions of floor area to the site must comply with either Subparagraphs a. or b. below. Exterior walls of buildings designed to meet the requirements of this paragraph must be at least 15 feet high.~~

- ~~a. The building must extend to the special building line along at least 75 percent of the street lot line; or~~
- ~~b. The building must extend to within 12 feet of the special building line for 75 percent of the street lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."~~

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## Commentary

### **33.510.220 Ground Floor Windows**

A new ground floor window map, 510-8, has been created to identify streets where 60% ground floor window coverage will be required. These streets are the Central City's core retail/commercial streets. The Street and Development Character concept, developed during the quadrant planning process, described these streets as busy, continuous streets with retail activity throughout the day, evenings and weekends. Ground-floor retail uses may be required or strongly encouraged.

All other street frontages will be subject to a 40% window coverage requirement. This is an increase over the 25% that currently exists in the Central City. Typically developments exceed this minimum and staff proposes to raise the minimum to 40%, which is more closely aligned with the Street and Development Character concept for downtown, supporting a more vibrant commercial and improving the pedestrian environment by increasing the transparency of ground floor building walls. Also, ground floor residential units are no longer exempt from ground floor window coverage requirements but the base zone provides several options for meeting these requirements.

### 33.510.220 Ground Floor Windows

- A. Purpose.** In the Central City plan district, 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;
  - Encourage continuity of retail and service uses;
  - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
  - Avoid a monotonous pedestrian environment.
- The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.
- B. Ground floor windows. Major remodeling projects.** ~~In the RX, CX, and EX zones, all major remodeling projects must also meet the ground floor window standard of the base zone, or the option below.~~ The following ground floor window standards apply to new development and major remodels in the RX, CX and EX zones. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, be windows in pedestrian entrances, or be display windows set into the wall. Windows into storage, parking, garbage and recycling areas, and display cases attached to outside walls, do not qualify. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:
1. Ground level, street-facing facades that face a street shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
  2. All other ground level, street-facing facades that are closer than 20 feet to a street lot line must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.D apply. The walls of a parking structure are exempt from this Paragraph if the façade is set back at least 5 feet and landscaped to the L2 standard. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
  3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

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## Commentary

### 33.510.221 ~~Required~~ Windows Above the Ground Floor

The standard is being updated to be consistent with Ground Floor Windows Standard, otherwise there are no substantive changes.

### 33.510.223 Exterior Display and Storage

This section is being deleted because the Mixed Use Zone Project has included an updated exterior display provision which will apply to the CX zone in the Central City. The Proposed Draft for the Mixed Use project contains the following code language:

***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.*

Staff is proposing a similar update to the EX base zone language. The proposed language for exterior display in the EX zone can be found in Volume 2, Minor Amendments section.

### **33.510.221 Required Windows Above the Ground Floor**

- A. Purpose.** Windows on building facades above the ground floor ensure opportunities for active uses, contribute to the skyline, and add interest to the built environment in the area near the streetcar alignment.
- B. Where this regulation applies.** The regulation of this section applies to sites near the streetcar alignment shown on Map 510-12.
  - 1. In the River Pearl District subdistrict, the regulation applies to the portion of a site within 200 feet of a streetcar alignment, if the site is in the EX zone.
  - 2. In the West End subdistrict, the regulation applies to the portion of a site within 200 feet of a streetcar alignment.
  - 3. In the South Waterfront S subdistrict, the regulation applies to the portion of a site within 200 feet of a streetcar alignment. The regulation also applies to the portion of a site within 200 feet of a proposed streetcar alignment, as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Office of Transportation.
- C. Standard.** Windows must cover at least 15 percent of the area of street-facing facades above the ground level wall areas. This requirement is in addition to any required ground floor windows. Ground level wall areas include all exterior wall areas up to 9<sup>10</sup> feet above the finished grade.

### **~~33.510.223 Exterior Display and Storage~~**

~~Exterior display of goods and exterior storage are not allowed in the portions of the Downtown, West End, Old Town/Chinatown and Goose Hollow subdistricts shown on Map 510-18. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.~~

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## Commentary

### **New: 33.510.223 Bird-Safe Exterior Glazing**

This new provision responds to City Council Resolution 37034 (Oct. 2, 2013) directing City bureaus to seek opportunities to incorporate bird-friendly building design into City plans and projects, including the Comprehensive Plan, Central City 2035, and the City's Green Building Policy.

- A. Purpose.** It is estimated that up to 1 billion birds die each year from collisions with buildings in the U.S. Birds do not see or perceive clear glass as a barrier. Bird strikes can occur anywhere there is exterior clear glass, and particularly near water or vegetated habitat areas or where exterior glazing reflects vegetation, such as street trees or sky. Bird strikes have been documented in the Central City, where much of the landscape is characterized by dense development with extensive exterior glazing. Future development is likely to increase both exterior glazing and street trees that will be reflected in the glass.
- B. Where the standards apply.** Map 510-22 shows the areas where the standards apply. The map was drawn to include areas that are more prone to bird strikes. These include areas within the River General overlay zone and areas within 200 feet of an area with contiguous tree canopy that is at least one acre in size. The map excludes industrial zones because industrial buildings typically have limited glazing and industrial land has relatively little tree canopy and vegetation. Exemptions recognize that non-multi-dwelling residential development is limited in the Central City, provide less stringent requirements for multi-dwelling structures with relatively little exterior glazing, and recognize design constraints associated with Historic and Conservation landmarks and districts.
- C. Bird-safe exterior glazing standards.** The highest incidence of bird-strikes occur from the ground floor up to 60 feet, and on portions of buildings adjacent to green roofs. The standards apply to the portions of buildings which typically pose highest risk of bird strikes.

The dimensions prescribed in the standards 1) reflect information from studies of different window treatment options and probability of bird strikes, and 2) are intended to accommodate a range of treatment options to meet the standards. Project applicants may demonstrate that they have met the standards by submitting product specification sheets or other appropriate documentation clearly showing how requirements are met.



### **33.510.223 Bird-Safe Exterior Glazing**

**A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions by reducing the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The standards address the portions of buildings that studies show are associated with the greatest occurrence of bird strikes within areas of the Central City where development is expected to incorporate substantial exterior glazing.

**B. Where and when the standards apply.** The bird-safe glazing standards apply as follows:

1. Unless exempt by Paragraph B.2., the bird-safe glazing standards in this section apply to new development on sites shown on Map 510-22, and to major remodels on sites shown on Map 510-22 that alter at least 75 percent of the building's façades;
2. Exemptions. The following are exempt from the bird-safe glazing standards:
  - a. Houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes and triplexes;
  - b. Multi-dwelling structures, group living structures, and single room occupancy housing where less than 30 percent of the building's façades are comprised of exterior glazed surfaces, except that the exemption does not apply to glazed balcony railings, sky bridges, atria, or free-standing glass walls; and
  - c. Development on sites containing a Historic or Conservation Landmark or a contributing resource in a Historic or Conservation district.

**C. Bird-safe exterior glazing standards.**

1. At least 90 percent of windows on the ground floor and the next 3 floors, windows on floors located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof, the glazed portions of balcony railings, sky bridges, atria, and glass walls must have a pattern on the outermost surface of the glazing that has:
  - a. Visible markers at least 1/8 inch wide, with a maximum spacing of 4 inches for vertical elements, or a maximum spacing of 2 inches for horizontal elements;
  - b. Visible markers at least 1/16 inch wide, with a maximum spacing of 2 inches in any direction; and
  - c. Spacing no more than 1/4 inch in any direction where visible marker are less than 1/8 inch wide;
  - d. Circular or square markers at least 1/4 inch in diameter.

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## Commentary

**Delete: 33.510.224 Mechanical Equipment along the Portland Streetcar Alignment**

This provision dates from when several telecom facilities were proposed in the then-industrial areas of the River District. It was put in place to prevent/limit at-grade diesel generators adjacent to sidewalks along the streetcar line. Staff proposes to eliminate this because it is outdated and no longer needed.

2. The pattern must be created by one of the following:

- a. Fritting;
- b. Etching;
- c. Netting;
- d. Permanent stencils or frosting;
- e. Screens, grilles or louvers;
- f. Films;
- g. Ultra-violet coating; or
- h. Mullions.

**33.510.224 Mechanical Equipment along the Portland Streetcar Alignment**

- A. Purpose.** ~~These regulations reduce the negative visual and noise impacts of mechanical equipment in areas that allow a mix of residential, commercial, and industrial uses to protect the residential livability, economic vitality, and appearance of these areas. They also minimize the impact of ground level mechanical equipment along streets and other public areas.~~
- B. Where these regulations apply.** ~~The regulations of this section apply to sites shown on Map 510 11.~~
- C. Screening and enclosure.**
- ~~1. If mechanical equipment is within nine feet of the grade of the adjacent sidewalk, it must be screened or enclosed as follows:
    - ~~a. If the area occupied by the mechanical equipment is less than 500 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or plants;~~
    - ~~b. If the area occupied by the mechanical equipment is less than 3 percent of the site area, but it is not larger than 1,000 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or plants; or~~
    - ~~c. All other mechanical equipment must be within a building that is completely enclosed on all sides;~~~~
  - ~~2. If mechanical equipment is more than nine feet above the grade of the adjacent sidewalk, the equipment must be completely screened from the sidewalk by walls, fences, or plants.~~
- D. Noise.** ~~The Portland Noise Control Office regulates noise. Noise control regulations can be found in other Titles of the Portland City Code.~~

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## Commentary

### 33.510.225 Ground Floor Active Uses

**B-C.** Residential dwelling units are being deleted from the list of active uses in the purpose statement, but residential lobbies are ok. A standard is being added that prohibits residential dwelling units on the ground floor within the mapped area. Everywhere outside the mapped area reverts to base zone requirements for ground floor residential.

Along retail streets, the intent is to create and support retail sales and service uses with non-residential ground floor edges. Retail uses work best when they are generally continuous and are unbroken by other types of ground floor uses, most notably individual residential unit entries. Ground floor residential units would be accommodated and encouraged on the boulevard and flexible street types.

### 33.510.225 Ground Floor Active Uses

- A. Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards are also intended to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. The standards are also intended to encourage a transit-supportive and pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies, retail, ~~residential~~, commercial, and office.
- B. Sites and development subject to the ground floor active use standards.** ~~The G~~ground floor active use standards apply to new development and major remodels on sites with frontage on a street ~~areas are shown on Map 510-9.7 at the end of this chapter. On identified sites, all new development and all major remodeling projects must meet the standard below.~~

**C. Ground floor active use standards.**

1. Dwelling units are prohibited on the ground floor.
2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A., ~~above.~~ Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards:

- ~~1~~a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- ~~2~~b. The area must be at least 25 feet deep, measured from the street-facing facade;
- ~~3~~c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
- ~~4~~d. The street-facing facade must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses.

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## Commentary

### **D. Parking restriction in the South Waterfront Subdistrict.**

This section is proposed to be deleted. This provision means that to create access to off-street parking facilities in South Waterfront, an applicant must first seek a modification through the Type III design review process. Although such modifications are typically granted, this process can add time, cost, and unpredictability to the design review process for a programming element that is in support of district goals.

Further, this regulation predates the South Waterfront Plan and actually was designed to address the street and block pattern that had been adopted for the area prior to the creation of the South Waterfront Plan. At that time, the area was called the North Macadam subdistrict and the street plan proposed much larger blocks than were eventually developed within the South Waterfront subdistrict. Since the street plan developed in South Waterfront is more like the rest of the Central City than the street plan adopted for the North Macadam subdistrict, it is recommended that this regulation be deleted.

### **E. Parking restriction near a streetcar alignment.**

The parking restriction near the streetcar alignment in the West End and Pearl District is being retained.

**D.— Parking restriction in the South Waterfront Subdistrict.**

- 1.— Purpose. The South Waterfront Subdistrict is intended to be a multi-modal, mixed-use, pedestrian-oriented neighborhood. Developments are anticipated to include larger site areas than in other parts of the Central City where ground floor active uses are applied. These larger sites afford greater flexibility in the planning and design of ground level uses. Also, due to the larger block size, the potential impact of less active uses, such as structured parking, along expanses of street-facing facades is greater. Disallowing parking in ground floor active use areas lessens this impact. It also encourages either the provision of active building uses at the time of initial construction or a quicker transition from less active to more active uses. This provision will encourage and maintain a pedestrian-oriented street environment of exceptional quality that is safe, active with uses, and comfortable for residents, visitors, and others moving through the subdistrict.
- 2.— Regulation. In the South Waterfront Subdistrict, vehicle areas are not allowed in the portions of a building that are required to meet the ground floor active building uses standard of Subsection C., above.

**E.— Parking restriction near a streetcar alignment.**

- 1.— Purpose. This provision is intended to encourage a transit-supportive, pedestrian-oriented environment adjacent to a streetcar that is safe, active with uses, and comfortable for residents, visitors, and others.
23. Regulation. In the River District and in the West End subarea, In the Pearl District and West End subdistricts, on the portion of a site within 100 feet of a streetcar alignment (shown on Map 510-132), parking is not allowed in the portions of a building that are required to meet the ground floor active use standard of Paragraph C.2 Subsection C., above.

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## Commentary

### 33.510.226 Minimum Active Floor Area

This section is being deleted because the new street and development character concept has bolstered the following other standards:

- Ground floor Active Uses (33.510.225) this standard is being applied and mapped to a much larger area downtown and now encompasses the mapped area for minimum active floor area.
- Ground Floor Windows (33.510.220)
- Required Building Lines (33.510.215)

While the Ground floor Active Uses standard does not list all of the active uses that this provision does, the new standard does list a few options, but is not limited to those listed.

Also, this provision dates from when several telecom facilities were being proposed in the then-industrial areas of the River District. It was put in place to prevent/limit at-grade diesel generators and window-less facades that were proposed adjacent to sidewalks along the soon-to-open streetcar line. This is outdated and no longer needed and as noted above is redundant with the updates to other provisions that are being proposed.



### **33.510.226 Minimum Active Floor Area**

- A. Purpose.** This requirement ensures that development within one block of a streetcar alignment supports City goals to decrease reliance on automobile travel and increase opportunities for housing and employment, by requiring a transit supportive level of activity and intensity.
- B. Where this regulation applies.** The regulations of this section apply to sites shown on Map 510-7 at the end of this chapter.
- C. Standard.** On the portion of a site within 200 feet of a streetcar alignment, at least 50 percent of floor area in each building must be in one or more of the active uses listed below, where allowed by the base zone. Parking areas, both accessory and commercial, are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area. Only those balconies that serve only residential uses and are at least 48 square feet in area and at least 6 feet long and 6 feet wide are included in active floor area. The active uses are:
1. Household or Group Living;
  2. Retail Sales And Service;
  3. Office;
  4. Manufacturing And Production;
  5. Industrial Service;
  6. Community Service;
  7. Schools;
  8. Colleges;
  9. Medical Centers;
  10. Religious Institutions; and
  11. Daycare.

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## Commentary

### 33.510.230 Required Residential Development Areas

C. This section has been revised to remove reference to the floor area bonus of 33.510.210.C.1, which has been deleted. Staff proposes to reduce the number of sites subject to this required residential provision. Map 510-6 Special Residential Use Areas, has been updated to reflect this.

D. The last sentence of this section has been deleted because none of the remaining required residential areas overlap with a required master plan site.

### 33.510.240 Drive-Through Facilities

The existing provision prohibits the creation of drive-through facilities in specific subdistricts of the Central City (Downtown, Goose Hollow and South Waterfront subdistricts) while continuing to allow them in the Pearl, Old Town/Chinatown, Lloyd, Lower Albina, and Central Eastside subdistricts. In these latter districts the prohibition extends only to sites within 100 feet of light rail, and 200 feet of street car alignments. Applying these provisions in some districts but not others that have a similar land use direction and multimodal transit orientation (such as the Pearl and South Waterfront subdistricts) is inconsistent. Staff proposed extending the prohibition throughout the Central City.

This amendment is intended to encourage a high density, pedestrian and transit oriented urban form and discourage lower-density land uses that are dependent upon queuing lanes. It would bring a more consistent approach to how such facilities are addressed Central City-wide. It would encourage redevelopment in places like the Lloyd subdistrict where a higher-density, less auto oriented urban form, less traffic congestion, and enhanced public realm is envisioned.

Staff recognizes the new regulation would create a number of non-conforming developments, but the desired outcome is to promote a dense, pedestrian- and bike-friendly urban form. In addition, this amendment is necessary for the Central City to qualify as a "Multi-modal, Mixed-Use Area" (MMA) under state regulations related to the Transportation Planning Rule (See Volume 2b).

### 33.510.230 Required Residential Development Areas

- A. Purpose.** The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City 2035 Plan.
- B. Sites and development subject to the required residential standard.** Sites subject to this standard are shown on Map 510-65 at the end of this chapter. On identified sites, all new development must meet the standards below.
- C. Required residential standard for new development.** For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium. New development must include at least 1 dwelling unit per 2,900 square feet of net site area (15 units per acre). ~~The floor area of the required housing units qualifies for the floor area bonus option stated in 33.510.210.C.1~~
- D. Timing and location of the housing.** Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project. ~~Exceptions to this may be approved as part of a Central City master plan. See 33.510.255, Central City Master Plans.~~

### 33.510.240 Drive-Through Facilities

~~Drive-through facilities are prohibited in the Central City plan district. in the Downtown, Goose Hollow, and South Waterfront Subdistricts. In the rest of the plan district, drive through facilities are prohibited on the portion of a site within 100 feet of a light rail alignment. In the River District subdistrict, drive through facilities are prohibited on the portion of a site within 200 feet of a streetcar alignment. This prohibition includes curb cuts and driveways used to approach and leave the drive through facility, stacking areas for waiting vehicles, and the facility itself, such as a drive up window or gas pump island.~~

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## Commentary

### **33.510.242 Demolitions:**

C. Subsection C has been deleted because section 33.510.118 is proposed for deletion.

### **New: 33.510.243 Ecoroofs:**

The bonus option for Ecoroofs is proposed to be eliminated and BPS proposes that ecoroofs become a requirement for some building types in the Central City. There are many reasons in the Central City for an applicant to pursue an ecoroof including reducing heat island effect and providing on site stormwater management for urban development. In addition, ecoroofs can make rooftops more attractive for building users and provide habitat benefits in an urban setting.

Roof area is calculated by taking the entire rooftop and subtracting areas used for solar panels, skylights or mechanical equipment, or areas used for fires and access routes. Of the remaining roof area, 60% needs to be covered by ecoroof. The remaining 40% is available for other uses, such as community gardens or outside patios.

BES reviews ecoroofs at the time of land use review and time of building permit. During both of these review processes they issue formal comments which would need to state that BES approves of the design and size to meet the standard. If an applicant wants to use the ecoroof to meet the Stormwater Management Manual (SWMM), BES would also review against the SWMM requirements and approve at the time of building permit. The ecoroof alone may not be sufficient to meet the SWMM and additional stormwater management may be required.

### 33.510.242 Demolitions

- A. Landscaping.** In R, C, and E zones, 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 in design zones, and issuance of a building permit outside of design zones. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.
- B. Replacement of demolished ground floor area.** In R, C, and E zones, if a building is demolished after September 1, 1994, the square footage of the ground floor of the demolished building must be replaced as follows. Adjustments to the requirement of this subsection are prohibited.
1. In ~~the Core Area~~ Parking Sector 4, as shown on Map 510-~~810~~, the square footage must be replaced on the same block as the demolished building. This replacement must occur before or at the same time as any other development or redevelopment on the block, other than landscaping.
  2. Outside ~~the Core Area~~ Parking Sector 4, as shown on Map 510-~~810~~, the square footage must be replaced on the same site as the demolished building. This replacement must occur before or at the same time as any other development or redevelopment on the site, other than landscaping.
- ~~**C. Demolition on Type C sites.** If an applicant requests a demolition permit for a Type C site as shown on Map 510-14, and proposes development that requires compliance with Subsections 33.510.118.I. or J., a conditional use, or a Central City Parking Review (CCPR), the application for a demolition permit must include documentation that the requirements of those subsections are met, or that the required land use review has been approved.~~

### 33.510.243 Ecoroofs

- A. Purpose.** Ecoroofs provide a combination of complementary benefits in urban areas, including stormwater management, reduction of air temperatures, and habitat for birds and pollinators.
- B. Ecoroof standard.** In the CX, EX, RX, and IG1 zones, new buildings with a net building area of at least 20,000 square feet must have an ecoroof that meets the following standards:
1. The ecoroof must cover at least 60 percent of the roof area. Roof area does not include areas covered by solar panels, skylights or mechanical equipment, or areas used for fire evacuation routes.
  2. The ecoroof must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual's *Ecoroof Facility Design Criteria*.

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## Commentary

**33.510.244 Low-Carbon Buildings.** The US Green Building Council's Leadership in Energy and Environmental Design (LEED) certification program verifies and recognizes buildings designed and constructed to save money and natural resources, protect the health of the occupants and contribute to the long-term viability of the community.

An intended outcome of the Low-Carbon Buildings Standard is to maintain the recent level of green building certification in the Central City. Since 2001, most new construction using a green building program have used the USGBC LEED program in the Central City. This new standard requires registration and submittal of the project checklist. BPS will confirm the registration and checklist and provide the applicant with a letter for submittal with the building permit to meet this standard. The proposed standard does not require full certification because state law restricts local jurisdictions' ability to require better performance than the state building code; however, by requiring registration, BPS seeks to encourage a large percentage of new construction throughout the Central City to pursue full certification.

### **33.510.250 Additional Standards in the North Pearl Subarea**

Staff recommends removing the Open Area Requirement provision. These provisions were adopted in 1985 as part of the North West Triangle plan a decade before the River District Plan and a few years before the 1988 Central City Plan. At the time, large swaths of this area were old rail yards or vacant underutilized properties. The street grid that created the 200' by 200' block structure that the area enjoys today had not been envisioned. Plans at the time were considering super blocks and office campus development rather than a high-density, mixed use environment.

When the North Pearl Plan was adopted in 2008, these provisions were carried forward and prior references to the North West Triangle Plan were changed to North Pearl. The provisions were carried forward as numerous large parcels existed North of NW Northrup Street. Since that time most of these parcels have been developed as has the remaining right-of-way serving this area. These provisions are no longer necessary. However, as the waterfront areas of the North Pearl remain much the same as they did when these provisions were created, the standards applicable to those larger parcels should remain in place to ensure development on these large sites maintains vertical as well as horizontal, physical and visual access to the Willamette River.

### **33.510.244 Low-Carbon Buildings**

- A. Purpose.** The low-carbon buildings standard ensures that new buildings and additions to existing buildings are designed and constructed to meet the US Green Building Council's Leadership in Energy and Environmental Design (LEED) standards at the gold level. The benefits of meeting LEED standards include improving energy efficiency, preserving natural resources, and protecting the health of the occupants.
- B. Low-carbon building standard.** New buildings with a net building area of at least 50,000 square feet, and alterations to existing buildings that increase net building area by at least 50,000 square feet must provide a letter from the Bureau of Planning and Sustainability that verifies that the project has registered to earn LEED gold level certification and prepared a preliminary LEED project checklist showing which LEED credits will be pursued for the building.

**33.510.250~~1~~ Additional Standards in the North Pearl Subarea.** Sites in the North Pearl Subarea south of the Fremont Bridge must meet the following standards:

- A. Special building height.** A special building height corridor shown on Map 510-~~1819~~ is designated along NW 13th Avenue. In this corridor the portion of a building that is within 20 feet of the property line along NW 13th Avenue may be no more than 75 feet in height. Adjustments and modifications to this requirement are prohibited.
- ~~B. Open area requirement.~~**
  - ~~1. Purpose.~~ ~~The open area requirement promotes adequate amounts of light and air, year round opportunities for outdoor active and passive recreation, visual relief from the built environment, and facilitates circulation for pedestrians to and throughout the North Pearl Subarea. The open area requirement is intended to produce open areas at a scale comparable to what large sites would have if divided by the 200 foot street grid pattern.~~
  - ~~2. The open area requirement.~~
    - ~~a. On sites over 40,000 square feet in the North Pearl Subarea, a minimum of 30 percent of the area over 40,000 square feet must be devoted to open area. The boundaries of the subarea are shown on Map 510-1 at the end of this chapter.~~
    - ~~b. Sites where at least one half the site area is in industrial use are exempt from the open area requirement. However, changes resulting in more than one half of the site area being in non industrial uses require compliance with the open area requirement.~~
    - ~~c. Open areas may include parks, plazas, covered or uncovered walkways, public fountains, and landscaped features or areas. Open areas do not include areas used for parking or loading, or landscaping within parking areas.~~
    - ~~d. Developments which utilize the Central City master plan option may consolidate the required open area of this section and locate it within the boundary of the master plan.~~

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# Commentary



**C. ~~Required open area development standards.~~**

- ~~1. At least 50 percent of the open area must be in the form of parks or plazas, and at least 25 percent of the open area must be devoted to one plaza or space.~~
- ~~2. Walkways may not constitute more than 25 percent of the required open area.~~
- ~~3. Shadow standard. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of a park or plaza at noon and 75 percent at 3:00 PM on April 21 of any year. Trees are not to be included in consideration of the limitation on shadows.~~
- ~~4. Tree standard. A minimum of one tree per 1,000 square feet of plaza or park area is required.~~
- ~~5. Border standard. Peripheral lines of trees, low walls, planters, or other similar treatment along the edges are required to ensure that parks and plazas have clearly defined borders.~~
- ~~6. Linkages. Open areas and walkways must provide safe, attractive, and convenient linkages to adjacent development and sidewalks.~~
- ~~7. Design quality. Open areas must be designed and constructed at a high level of quality consistent with an attractive, pleasant, and convenient environment for pedestrians.~~

**DB. North Pearl Subarea waterfront development.**

1. Purpose. These standards are intended to assure ensure both frequent views of the river and physical and visual connections to the river and its river-based activities.
2. Where these standards apply. This section applies only to lands between NW Front Avenue and the Willamette River within the North Pearl Subarea.
3. Development standards.
  - a. View corridors. At least 25 percent of the width of the site (as measured along NW Naito Parkway) must be maintained as a view corridor or corridors. Buildings and covered structures are not allowed in the view corridor.
  - b. Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the River Greenway Overlay zones; see Chapter 33. ~~440~~475. In addition, buildings or portions of buildings over 35 feet in height must be set back from the Greenway setback line 1 foot for every 1 foot of height above 35 feet.
  - c. Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both building length and depth.
  - d. Public access. As part of each development, public access for pedestrians must be available and clearly posted between NW Naito Parkway and the Greenway trail.

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## Commentary

**33.510.251 Additional Standards in the South Waterfront Subdistrict:** No Substantive changes

### **33.510.2512 Additional Standards in the South Waterfront Subdistrict**

Sites in the South Waterfront Subdistrict must meet the following standards.

#### **A. Special building height corridors and tower orientation.**

1. Purpose. Special building heights along designated east-west corridors and tower orientation standards provide visual access to the Greenway from points west of the district, provide visual access to the Tualatin Hills from points east of the district, provide access to sunlight along designated streets, and encourage an urban form that is visually permeable and varied.
2. Special building heights. The portion of a building that is within 50 feet of the centerline of a street or accessway designated as a special building height corridor on Map 510-15 may be no more than 50 feet in height.
3. Maximum north-south dimension. The north-south dimension is measured as specified in ~~Subparagraph A.3.e., below~~. See Figure 510-1. Adjustments to this paragraph are prohibited; however, modifications to the standards of this paragraph may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal. The north-south dimensions of buildings are limited as follows:
  - a. Less than 75 feet in height. For the portion of a building less than 75 feet in height, there is no limit on the north-south dimension, and no required space between buildings or portions of buildings;
  - b. 75 feet in height and above. The portion of a building that is at least 75 feet in height may have a north-south dimension up to 125 feet in width;
  - c. Where there is more than one building on a site there must be at least 50 feet between the portions of the buildings that are at least 75 feet in height. If there is less than 50 feet between these portions of the buildings, the north-south dimension is the total of the north-south dimension of each building and the north-south dimension of the space between them. The total may be up to 125 feet in width;
  - d. Where a building has more than one element that is at least 75 feet in height, the two elements are measured and regulated as two separate buildings;
  - e. Measurements for this paragraph. The measurements for the regulations of this paragraph are as follows. See Figure 510-1:
    - (1) The north-south dimension of a building is measured as follows:
      - From the northernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;

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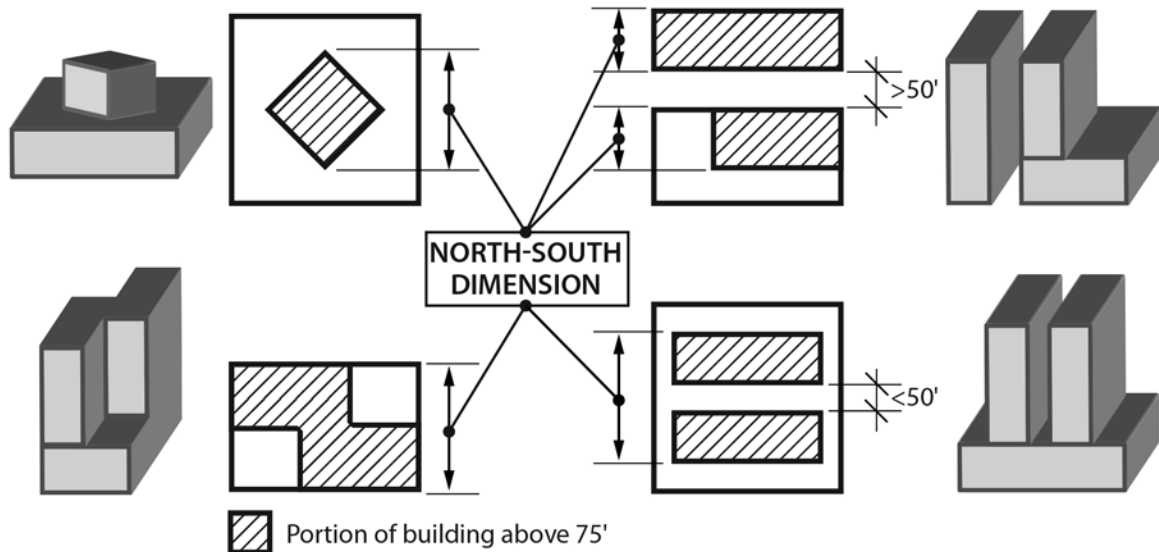
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# Commentary

No Substantive Changes

- From the southernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
  - A line drawn at right angles between the two east-west lines is the north-south dimension;
- (2) The space between buildings on a site is measured using the east-west lines created under A.3.e.(1). A line drawn at right angles between the northern east-west line of one building and the southern east-west line of the other is the distance between the buildings.

**Figure 510-1  
Measuring North-South Dimension**



**B. Accessways.**

1. Purpose. Accessways provide physical access and connections to the Greenway for neighbors, visitors, and residents of South Waterfront who might otherwise be cut off from the Willamette River and the Greenway trail. Accessways are generally extensions of existing and planned east-west public rights-of-way, and may or may not provide vehicle access. Accessways provide safe and convenient bicycle and pedestrian connections to and from the Greenway trail. Accessways contribute to stormwater management in the subdistrict. They also provide a visual connection to the South Waterfront Greenway Area and provide a transition from the natural emphasis of the South Waterfront Greenway Area to the urban emphasis of the rest of the district.
2. Where these regulations apply. These regulations apply to development and landscaping on sites with frontage on accessways that are east of River Parkway;
3. Setback. If the accessway is 60 feet wide or less, buildings must be set back at least 30 feet from the centerline of the accessway. If the accessway is wider than 60 feet, the

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## Commentary

### 33.510.251 Additional Standards in the South Waterfront Subdistrict

#### D. Required Ground Floor Retail Sales and Service Uses in the South Waterfront Subdistrict

In 2010, subsection 33.510.252.D Required Ground Floor Retail Sales and Service Uses in South Waterfront Subdistrict, was added to the Central City Plan District at the request of the Portland Design Commission. This provision requires that when development is proposed on sites previously shown on Map 510-21, that the portion of a building site identified be developed to accommodate Retail Sales and Service Uses.

At the time, the Design Commission stated that the existing Central City Plan District did not direct active ground floor uses at locations in South Waterfront that the commission felt would benefit from a more active public realm. However, the Commission noted that when the plan district was updated to address this concern Central City-wide, these provisions could be deleted.

BPS recommends against requiring Retail Sales and Service uses as the sole means to achieve this purpose in South Waterfront, based on the conclusions of a retail capacity analysis conducted by Economics Research Associates, which found that retail capacity for the South Waterfront district was reaching saturation and that location of retail uses needed to be more fluid and align with the evolving nature of development and densities in the district rather than a prescribed notion of where retail should be located based on assumptions of where and when development is desired to occur.

As part of Central City 2035, Sections 33.510.215 - Required Building Lines, 33.510.220 - Ground Floor Windows, and 33.510.225 - Ground Floor Active Uses have been revised to reflect a more holistic approach that implements the Street and Development Character concept of the Central City 2035 Plan. This approach does not identify a single use as a means to activate key locations in the South Waterfront Subdistrict, but prescribes different development standards applicable to a broader array of active ground floor uses to achieve the same goal as state in the purpose statement of 33.510.252.D.

building must meet the building line requirements of Section 33.510.215 on the accessway frontage;

4. Landscaping. The area between the building and the accessway must meet the landscaping standards of 33.510.253.E.7. that apply to subarea 3 of the South Waterfront Greenway Area. However, along accessways that are designated as special building height corridors on Map 510-15, trees are not required.

**C. Locker rooms and additional bicycle parking.**

1. Purpose. These standards support the transportation strategy of the South Waterfront Subdistrict by requiring amenities that support the use of alternative modes of transportation, including bicycling and walking;
2. When these regulations apply. The regulations of this subsection apply to proposals that will add at least 100,000 square feet of nonresidential floor area to a site;
3. Locker rooms. At least one locker room facility must be included in the proposal. The facility must include showers, a dressing area, and lockers. The facility must be available for use by all tenants of the building; and
4. Bicycle parking. At least 110 percent of the required long-term bicycle parking for the site must be included in the proposal. The bicycle parking must meet the standards of 33.266.220.B., Long-Term Bicycle Parking.

**~~D. Required Ground Floor Retail Sales and Service Uses in the South Waterfront Subdistrict~~**

- ~~1. Purpose. This requirement ensures that Retail Sales And Service uses are developed at key locations throughout South Waterfront; these uses activate and enrich the public realm. The requirement specifically focuses on Retail Sales And Service uses because they generate more activity and interaction within the public realm than do other active ground floor uses, and help to establish and reinforce a lively and vibrant public realm at key locations throughout the district.~~
- ~~2. Where this regulation applies. This regulation applies to the areas shown on Map 510.21 at the end of this chapter. New development or major remodeling on the portion of a site within the areas shown on Map 510-21 must meet the standard of this subsection.~~
- ~~3. Standards. Buildings must be designed and constructed to accommodate Retail Sales And Service uses. This standard must be met along the ground floor walls that front onto a sidewalk, plaza, greenway, or other public open space. Ground level wall areas include the exterior wall areas up to 9 feet above the finished grade.
  - ~~a. Areas where the corner is shown on Map 510.21. Where Map 510-21 shows that the standard must be met on a corner, the standard must be met along the length of walls extending in both directions for 25 feet. The corner may be the intersection of two streets, or the intersection of a street and the greenway,~~
  - ~~b. Areas where a block face is shown on Map 510-21. Where Map 510-21 shows that the standard must be met on a block face, the standard must be met for at least 50 percent of the length of the block face.~~~~

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## Commentary

### 33.510.252 Additional Standards in the Central Eastside Subdistrict

**A. Disclosure Statement.** Staff proposes a new code provision for the Central Eastside. This provision and the associated Central Eastside Industrial Disclosure Statement seeks to make all property buyers/owners and prospective tenants aware of the industrial character of the Central Eastside subarea. Property owners of new development with Household living, Retail Sales and Service and Office uses will be required to record the disclosure statement and provide it to all tenants. The statement must indicate that the use is located in an industrial area where impacts from industrial uses are present, such as noise, vibrations, fumes, odors, glare, traffic, and freight operations. It must also state that industrial uses will not be expected to mitigate impacts to adjacent uses within the Central Eastside beyond what is required by law.



- ~~c. Areas designed to accommodate Retail Sales And Service uses must meet the following standards:~~
- ~~(1) The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;~~
  - ~~(2) The area must be at least 25 feet deep, measured from the street facing facade;~~
  - ~~(3) The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standard of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and~~
- ~~4. The street facing facade must include windows and doors.~~

**33.510.252. Additional Standards in the Central Eastside Subdistrict**

The following additional standards apply in the Central Eastside subdistrict.

**A. Industrial impacts disclosure statement.**

1. Purpose. This requirement is intended to ensure that people who choose to live or work in the industrial sanctuary in the Central Eastside subdistrict are aware of the potential impacts, such as noise, vibration, odors, glare, and heavy truck traffic that stem from industrial and employment uses.
2. Disclosure statement required. Prior to the issuance of a building permit for development that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the development is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

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## Commentary

**B. Noise Insulation Requirement.** The Southeast Quadrant Plan identified the need to apply new standards to EX properties adjacent to IG1 zoned sites to reduce the potential for conflicts between uses. This new code section provides sound insulation standards for development in the EX zone with the goal of reducing the impact of noise from industrial operations on residents in the subdistrict.

### **33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict**

Most of this code section remains intact since a lot of planning and public involvement occurred when this code section was developed and the regulations in this section are unique to the South Waterfront Subdistrict. The changes proposed to the Greenway Overlay Zone in South Waterfront Subdistrict are:

1. Clarifying when trail, pedestrian connection and public viewpoint regulations apply when the impacts of a proposed development on the trail system are roughly proportional to the impacts of the development;
2. Changing the terminology for public recreational trail to major public trails;
3. Revising figures to reflect updated terminology and to improve clarity; and
4. Moving Tables 510-2 through 510-4, South Waterfront Plant Lists to the sub-area section of the Portland Plant List.

The rationale for the above code amendment proposals are provided in the commentary for the appropriate code subsections that follows.

**B. Noise insulation.**

1. Purpose. Noise insulation is required in order to protect homes located near industrial areas from potential noise impacts generated by industrial operations.
2. Where this standard applies. The noise insulation standard applies in the EX zone to sites that have a lot line abutting or across the street from an IG1 zone.
3. Noise insulation standard. All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average noise level of 45 dBA. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the standard for noise insulation prior to issuance of a building permit. Garages or other attached accessory structures that do not include living space are exempt from this standard.

**33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict**

**A. Purpose.** The regulations of this section:

1. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district;
2. Increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities;
3. Support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district;
4. Ensure a clean and healthy river for fish, wildlife, and people;
5. Embrace the river as Portland's front yard;
6. Enhance stormwater management in the South Waterfront Subdistrict;
7. Respond to the federal Endangered Species Act and Clean Water Act; and
8. Implement the Willamette Greenway Plan and State law.

**B. Relationship to other regulations.** Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code. Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

**C. Where these regulations apply.** The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

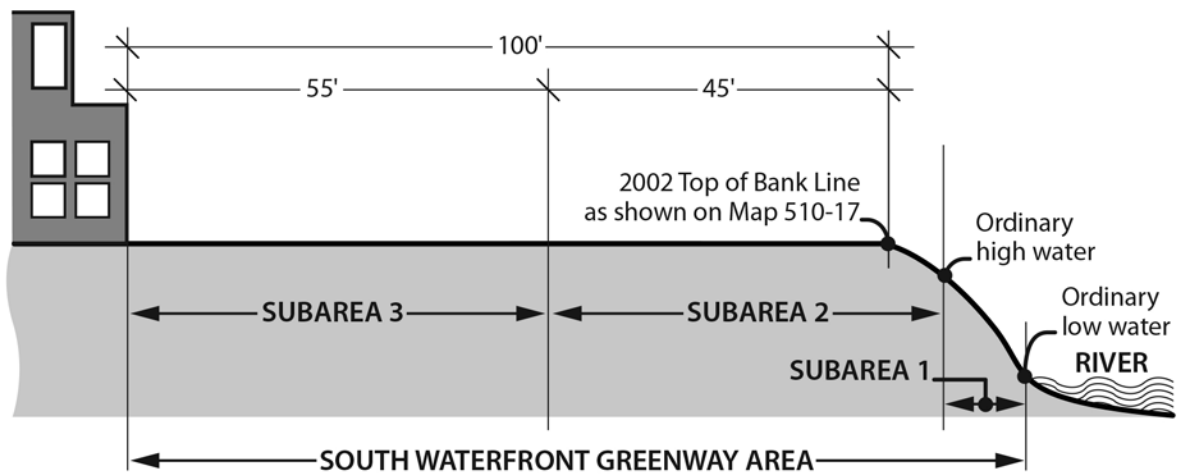
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# Commentary

No substantive change

**Figure 510-2  
South Waterfront Greenway Area and Subareas**



Greenway Area = from ordinary low water to 100' from 2002 Top of Bank Line as shown on Map 510-17  
 Subarea 1 = from ordinary low water to ordinary high water  
 Subarea 2 = from ordinary high water to 45' in from 2002 Top of Bank Line as shown on Map 510-17  
 Subarea 3 = from 45' in from top of bank to 100' in from 2002 Top of Bank Line as shown on Map 510-17

**D. Required South Waterfront Greenway improvements.** Adjustments and modifications to this subsection are prohibited.

1. Required landscaping.

- a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and BDS determines that the value of the proposed alterations on the site is more than \$155,900, the site must be brought into conformance with the landscape requirements of Paragraph E.5.f. that apply to subareas 2 and 3 of the South Waterfront Greenway Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (1) Alterations required by approved fire/life safety agreements;
- (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
- (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;

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## Commentary

### **33.510.253.D.3.**

This subsection updates the terminology for trails to be consistent with amendments proposed in 33.272, Major Public Trails. See 33.272 commentary for the rationale. This subsection also clarifies when major public trails, pedestrian connections and public viewpoints are required as part of a development proposal, also consistent with 33.272 code amendments and commentary. The proposed language states that the improvements are required when the impacts to the major public trail system by a proposed development are roughly proportional. A clear and objective formula for determining rough proportionality is proposed in the Central City 2035 Plan and identified for adoption and implementation by the Bureau of Development Services following plan adoption.

- (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
  - (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
- b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
- (1) Trees in subarea 2;
  - (2) Shrubs in subarea 2;
  - (3) Ground cover in subarea 2;
  - (4) Trees in subarea 3;
  - (5) Shrubs in subarea 3;
  - (6) Ground cover in subarea 3; and
  - (7) Other required landscaping;
- c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to BDS that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.5.f, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.f for subarea 1 must be met.
3. Major public trail, pedestrian connections and public viewpoints. When development on a site, or alterations to structures, the site, or rights-of-way are made ~~which that~~ add more than 50,000 square feet of floor area to the site, the applicant must meet the following standards. The major public trail, pedestrian connection and public viewpoint regulations apply when the development described above will increase the use of the major public trail system or will contribute to the need for additional major public trail facilities, and application of the regulations is determined to be roughly proportional to the impacts of the proposed development:
- a. ~~Provide a~~ Provide a public access easements that will accommodate a major public trail, pedestrian connections that meet the standards of Paragraph e.5.d., Major public trail and pedestrian connections; and Paragraph E.5.e., Public viewpoints. The square footage added to the site is calculated based on the total amount added, regardless of the amount demolished; and

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# Commentary



b. Construct the major public trail.

4. Timing of improvements. The applicant may choose one of the following options for making the improvements required by this subsection:
  - a. Option 1. Under Option 1, required improvements must be made as part of the development or alteration that triggers the required improvements;
  - b. Option 2. Under Option 2, the required improvements may be deferred if the following are met:
    - (1) The applicant must provide the BDS with a performance guarantee for the improvements. See 33.700.050, Performance guarantees; and
    - (2) The required improvements must be constructed or installed within 4 years of issuance of the Certificate of Occupancy or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.
5. Landscaping monitoring and reporting. Monitoring required landscaping is the ongoing responsibility of the property owners. If landscaping is required by the subsection, the owner must submit a report to BDS documenting that the landscape standards of Subparagraph E.5.f., below, have been met on the site. The report must be submitted within 1 year of the installation date, or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.

**E. Development standards.** Generally, proposals are subject to design review. In most instances, applicants may choose between meeting development standards or going through South Waterfront greenway review. In some instances South Waterfront greenway review is required.

1. Where these regulations apply. The regulations of this subsection apply in the South Waterfront Greenway Area as shown on Figure 510-2. The regulations apply to development and alterations to structures, sites, and rights-of-way.
2. Design review. New development, and changes to the land or structures including excavations and fills, bridges, and docks are subject to design review, unless exempted by Paragraph E.4.
3. South Waterfront greenway review. South Waterfront greenway review is required for the following:
  - a. New development or exterior alterations that do not meet the standards of Paragraph E.5 and are not exempted by Paragraph E.4;
  - b. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Paragraph E.4.
4. Exempt from design review and South Waterfront greenway review. The following are exempt from design review and South Waterfront greenway review;
  - a. Changes to the interior of a building where there are not exterior alterations;
  - b. Normal maintenance and repair;
  - c. Excavations and fills of less than 50 cubic yards;

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**Commentary**

- d. Dredging, channel maintenance, and the removal of gravel from the river; and
  - e. Emergency procedures necessary for safety or the protection of property.
  - f. The placement of up to four single piles, or two multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use.
5. Development standards. The following development standards must be met unless the applicant chooses South Waterfront greenway review. Adjustments and modifications to these standards are prohibited.
- a. Non-landscaped area. Limiting the percentage of non-landscaped area allowed in the South Waterfront Greenway Area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Non-landscaped area includes all aboveground structures and paving materials, including permeable paving materials.
    - (1) Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by non-landscaped area; however, paved surfaces that are required under the provisions of Paragraph E.5.d., Public viewpoints, are exempt from this limitation. Non-landscaped area may be no closer than 10 feet of the top of bank line as shown on Map 510-~~17210~~, South Waterfront 2002 Top of Bank Line;
    - (2) Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by non-landscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.
  - b. Buildings. Buildings are allowed within the South Waterfront Greenway Area if they meet E.5.b.(1) and (2) and either E.5.b.(3) or (4). Other buildings or portions of buildings are not allowed within the South Waterfront Greenway Area.
    - (1) The site meets the non-landscaped area requirements under E.5.a., above; and
    - (2) The building does not obstruct required pedestrian connections and trails; and
    - (3) The building is river-dependent or river related; or
    - (4) All of the floor area of the building is in Retail Sales And Service uses and the following are met:
      - The building has less than 1,000 square feet of floor area;
      - The building is entirely within subarea 3; and
      - The building is located landward of the South Waterfront trail.
  - c. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Area.

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## Commentary

### 33.510.253.E.5.d.(2)

Staff proposes a change in terminology from public recreational trail to major public trail. There are a couple of reasons for this change. One is that trails are used for transportation purposes in addition to recreation. Two is that the greenway trail is identified in the *Recommended Draft of the Comprehensive Plan 2035 Plan* as a major public trail and zoning code terminology needs to be updated to reflect this new reference. This text change is also being made to other relevant code chapters and sections that use the term public recreational trail.

d. Major public trails and pedestrian connections.

- (1) Purpose. Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan. Pedestrian connections ensure that there is adequate, safe, and direct pedestrian access from the adjacent development and from the district as a whole to the major public trails.
- (2) Major public recreational trails. Major public recreational trails must meet the following standards. When required by Subsection D., sites with a major public recreational trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a major public trail that meets the following standards. See Figure 510-3.
  - Location. The major public trail must be located in the South Waterfront Greenway Area shown on Figure 510-2. All portions of the major public trail must be at least 10 feet and no more than 75 feet from the top of bank line as shown on Map 510-1720, South Waterfront 2002 Top of Bank Line; however, any portion of the major public trail that is within 45 feet of the top of bank line as shown on Map 510-1720, South Waterfront 2002 Top of Bank Line, is subject to the maximum non-landscaped area limitations of Subparagraph E.5.a.;
  - Width. The major public trail must consist of two paths, each at least 12 feetn width;
  - Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.7. The landscaping may be interrupted by ~~pedestrian~~ public access connections between the two paths;
  - Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other non-motorized transportation modes;
  - Connectivity.
    - The major public trail or major public trail easement must connect to the existing major public trails or major public trail easements on adjacent sites; and
    - The major public trail or major public trail easement must connect to the required pedestrian circulation system on the site.
  - Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, Major Public Recreational Trails, must also be met.
- (3) Pedestrian connections. When a major public recreational trail or major public trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

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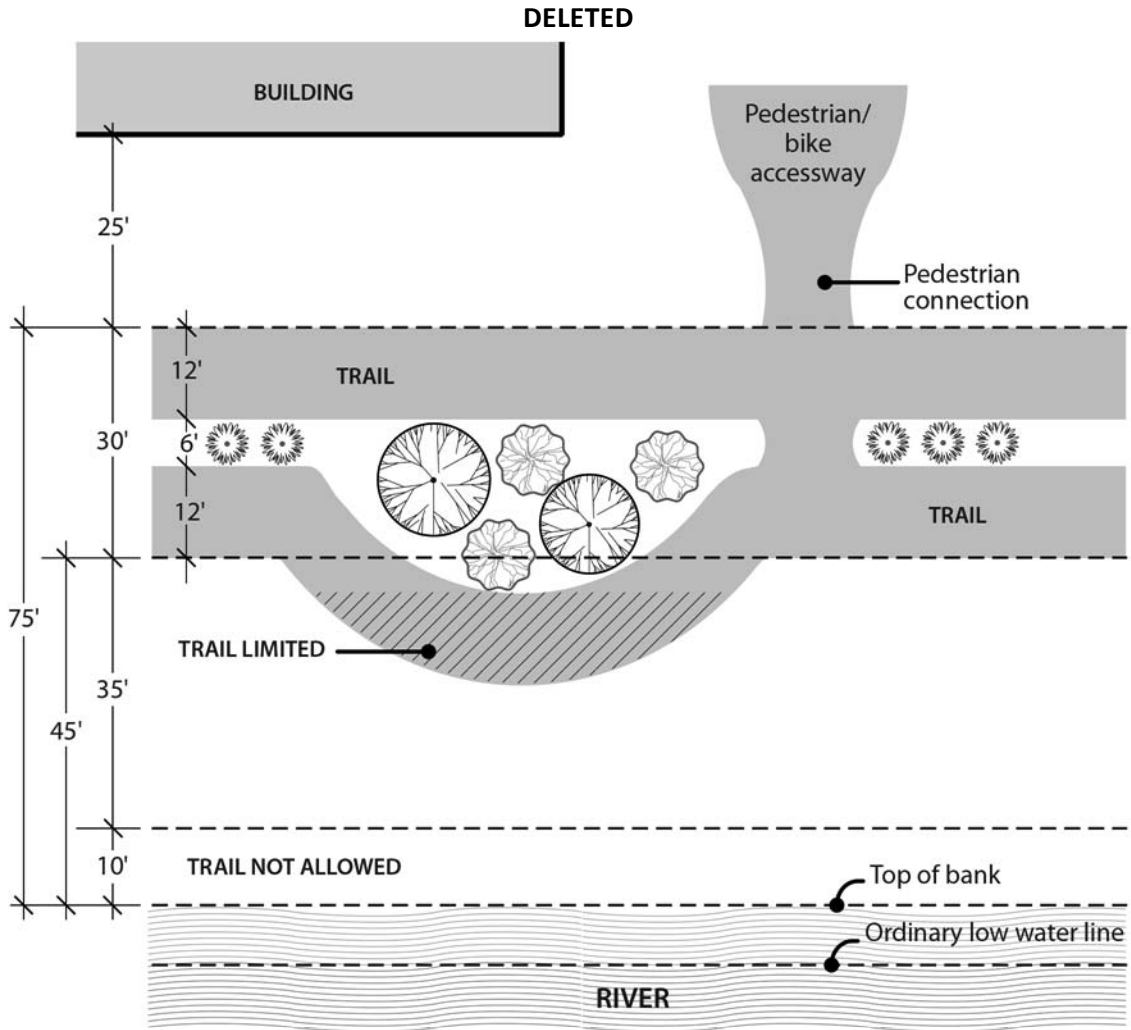
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## Commentary

### **Figure 510-3 South Waterfront Greenway Trail**

This figure has been updated to more clearly illustrate the code provision.

**Figure 510-3**  
**South Waterfront Greenway Trail**



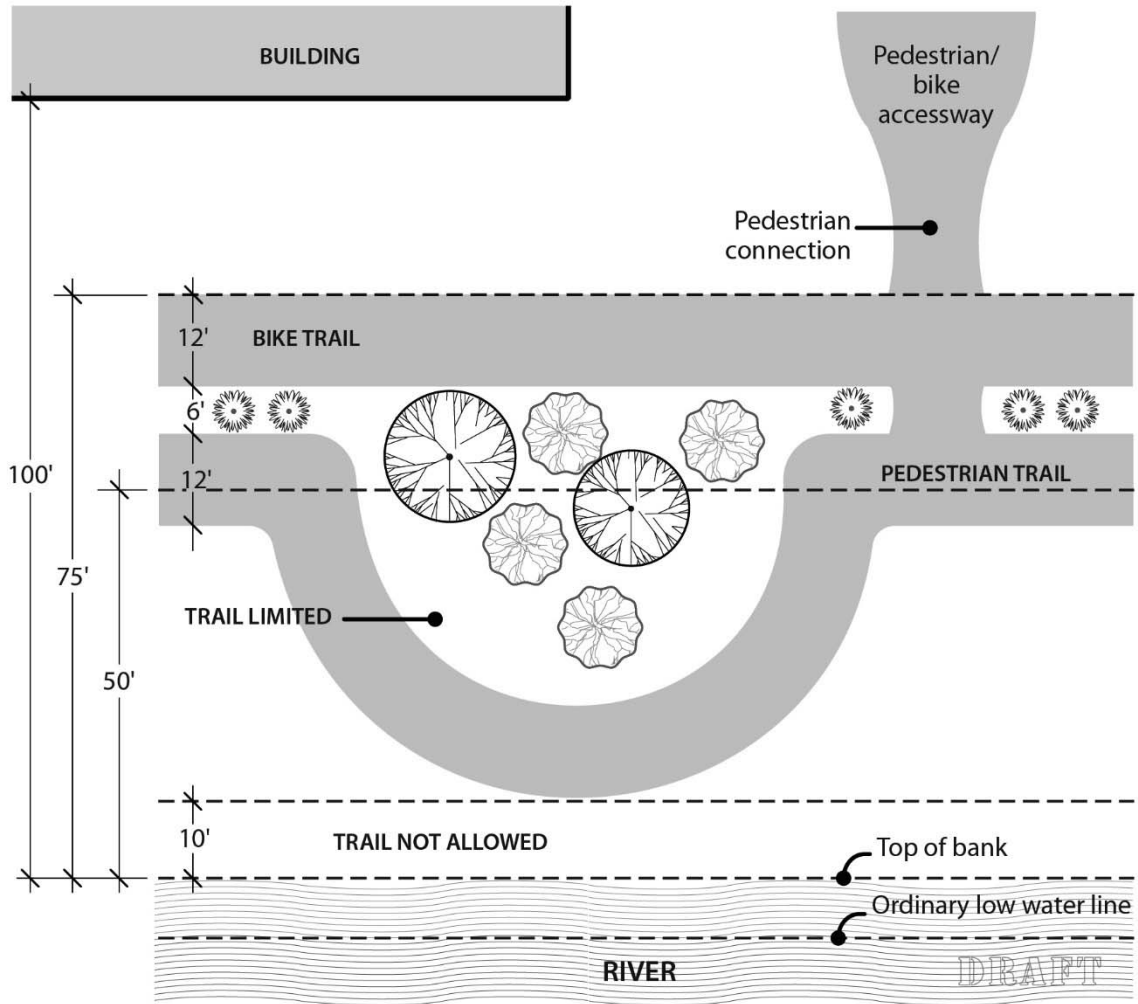
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# Commentary



**Figure 510-3**  
**South Waterfront Greenway Trail**



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# Commentary

e. Public viewpoints.

(1) Purpose. Public viewpoints provide stopping places and clearings along the South Waterfront Greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the Greenway and the river. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

(2) Viewpoint requirements. A public viewpoint must be provided on sites designated with a viewpoint symbol on Map ~~510-15-480-1~~. ~~There are two types of viewpoints within the district:~~

- ~~Minor viewpoint. Minor viewpoints are locations along the South Waterfront Greenway trail where views of the Willamette River are provided through the use of special landscaping standards. The standards discourage plantings that will grow to block views of the river. Sites with a minor viewpoint designation shown on Map 510-15 must meet the following standards:~~
  - ~~A view corridor at least 20 feet wide must be provided and maintained between the trail and the river. See Figure 510-4;~~
  - ~~If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street;~~
  - ~~Within the view corridor, landscaping must be no higher than 3 feet in height at maturity. The site must continue to meet the landscaping requirements of Paragraph E.5.f., below.~~
- ~~Major viewpoint. Major viewpoints are locations along the South Waterfront Greenway trail where additional space is provided to allow people to safely stop and view the Willamette River and the Greenway. Where required by Subsection D.3, Sites with a major viewpoint designation must provide a viewpoint area that meets the following standards:~~
  - ~~The viewpoint area must be at least 1,600 500 square feet in area;~~
  - ~~The viewpoint area must abut the Greenway trail or a pedestrian public access connection must be provided from the Greenway trail to the viewpoint area;~~
  - ~~The viewpoint area and any pedestrian public access connection to the viewpoint area from the Greenway trail must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Recreational Trails;~~
  - ~~Materials, benches, and lighting used in the viewpoint area must meet the requirements of the Portland Bureau of Parks and Recreation; and~~
  - ~~A view corridor must be provided that meets the standards of the second bullet under E.5.c(2), above.~~

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## Commentary

### 33.510.253.E.5.f.(2)

Staff proposes that the South Waterfront Greenway Plant List included in 33.510.253 tables 510-2 through 510-4 be removed from the zoning code and moved into the *Portland Plant List* (PPL) as an intact area-specific plant list. There already is an area-specific plant list for the Airport Subdistrict in the PPL. The South Waterfront Greenway Plant List would become the second such list.

The primary reason for this recommendation is that the PPL is periodically updated through an administrative not legislative process; which is easier to accomplish. The South Waterfront Greenway Plant List is the only specific plant list in the zoning code. Elsewhere in the city, the PPL is used when landscaping/planting is required.

Concurrent with this proposal BPS staff will update the PPL to ensure that plants listed in tables 510-2 through 510-4 are incorporated into its area-specific plant list section.

An update to the PPL via an administrative rulemaking process was completed in June 2016. The BPS Director approved and signed the final decision on the update after public input was received and considered. The following language was included in the directive signed by the BPS Director:

"Addition of the South Waterfront Greenway Native Plant List and Nuisance Plant List to the PPL Area-Specific Plant Lists upon City Council's deletion of the South Waterfront plant lists from Title 33, Portland Zoning Code (see 33.510.253, Greenway Overlay Zone in South Waterfront Subdistrict, Subsection E.5.f, Landscaping), and associated direction."

As a result of approval by the BPS Director, the South Waterfront plant lists will move to the PPL, provided the proposed code amendments in 33.510.253 are adopted by the City Council as part of the *CC2035 Plan*.

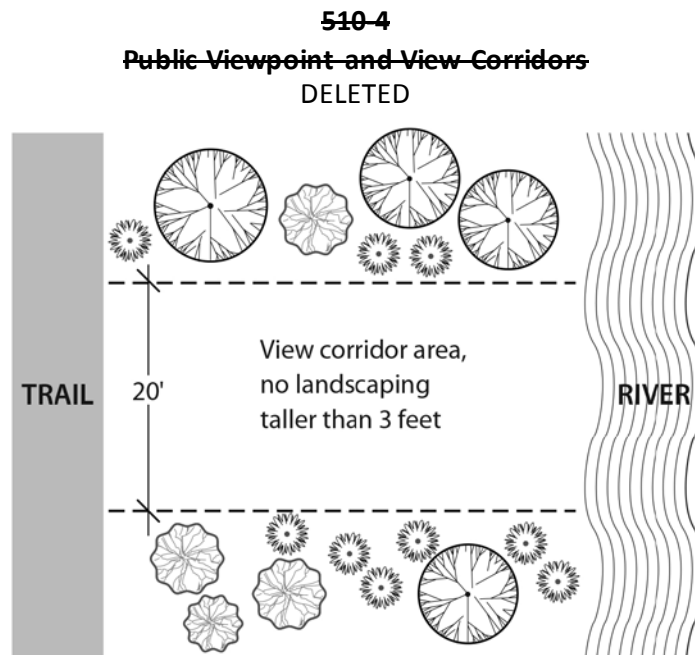
### Figure 510-4 Public Viewpoint and View Corridor

This figure has been updated to illustrate more clearly how the existing regulations are implemented.

- If an accessway or street that is mapped as a special building height corridor on map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street as shown in Figure 510-4.

f. Landscaping.

- (1) Coverage. Eighty (80) percent of the area that is not covered by buildings, trails, or other allowed non-landscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;
- (2) Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.065. However, ~~the following plants must be removed: Plants identified in the South Waterfront Greenway Nuisance Plants List of the Portland Plant List listed as a nuisance or prohibited on the Portland Plant List; must be removed. Plants listed in Table 510-4, South Waterfront Greenway Nuisance Plants.~~

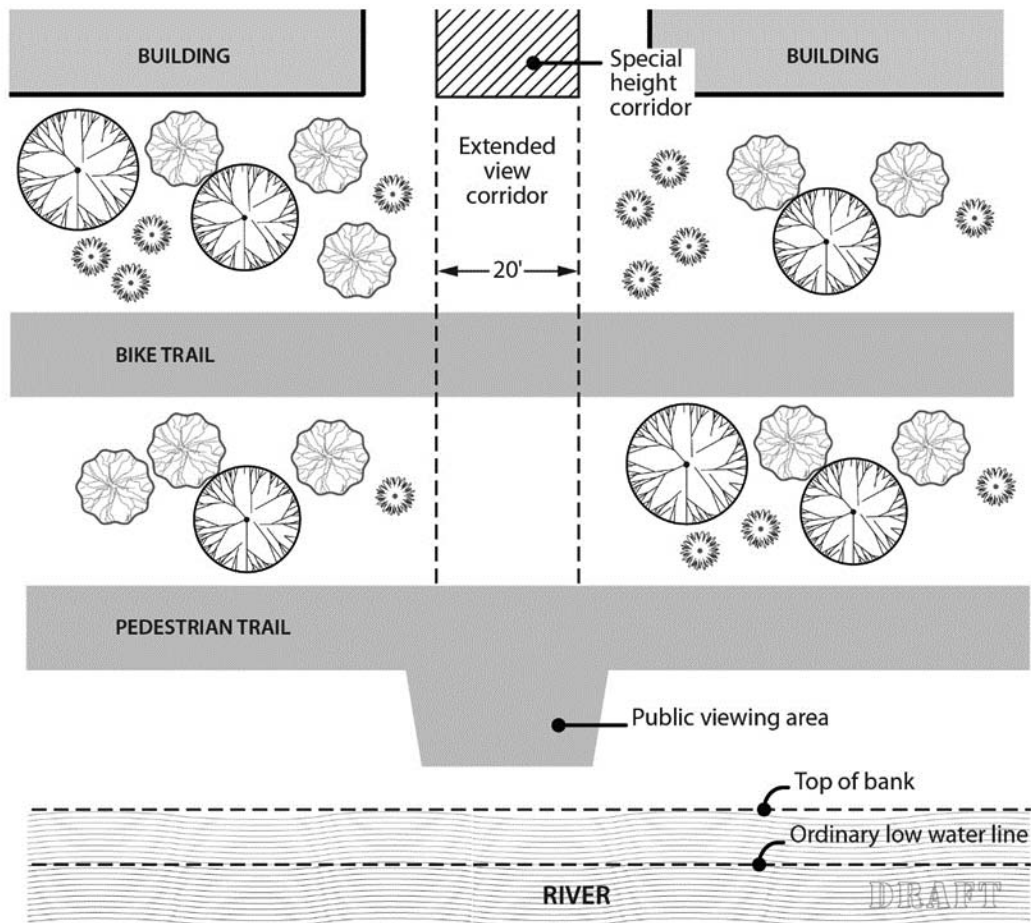


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# Commentary

**Figure 510-4**  
**Public Viewpoint and View Corridor**



- (3) Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:
- Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
  - Trees. Trees are not required, but are allowed;
  - Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
  - Plant list. Only plants listed in Table 510-2, Subarea 1 Plant List, the South Waterfront Greenway Subarea 1 Plant List of the Portland Plant List, may be planted; and
  - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.
- (4) Required landscaping in subarea 2. In subarea 2 the required landscaping is:

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# Commentary



- Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;
  - Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;
  - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
  - Plant list. Only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* Table 510-3, Subarea 2 and 3 Plant List, may be planted. At least eight different species must be planted; and
  - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years.
  - Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- (5) Required landscaping in subarea 3. In subarea 3, the required landscaping is:
- Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*; on Table 510-3, Subarea 2 and 3 Plant List;
  - Trees. At least 1 tree must be planted for every 1,000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*; on Table 510-3, Subarea 2 and 3 Plant List;
  - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*; on Table 510-2, Subarea 2 and 3 Plant List;
  - Plant list. Except as allowed by (1), (2) and (3), only plants ~~listed on Table 510-3, Subarea 2 and 3 Plant List~~, listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*; may be planted. The following plants are prohibited:
    - ~~Plants listed as a nuisance or prohibited on~~ included on the Nuisance Plants List or Required Eradication List of the *Portland Plant List*;
    - Plants included in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List*. listed in Table 510-4, South Waterfront Greenway Nuisance Plants.
  - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.

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## Commentary

### **New: 33.510.253.E.5.h. Exterior Lighting**

The standards are intended to minimize the adverse health, safety, and livability impacts of exterior lighting on humans, fish and wildlife, including glare, light spill, and encroachment into habitat areas. The standards and exemptions are also intended to continue providing for public safety in public parks and along trails and rights of way, and to support river dependent uses. These standards are also proposed for the Central City area that is within the River General (g\*) overlay zone boundary as found in chapter 33.475.

This section includes general standards for directionality and shielding of exterior light fixtures that apply throughout the overlay zone. These standards will support policies calling for energy efficiency, reducing light pollution and glare, and reducing light-related hazards to birds. This section also includes standards for exterior lighting on land proximate to the Willamette River. These standards restrict the location, spacing, brightness and spectral character of lighting to reduce impacts on birds, pollinators, and other wildlife and their habitat.

- g. Other development. Other development is allowed within the South Waterfront Greenway Area if it meets Subparagraphs g.(1) and (2) and either g.(3) or (4).
- (1) The site meets the non-landscaped area requirements under E.2., above;
  - (2) The development does not obstruct required pedestrian connections and trails; and
  - (3) The development is located in subarea 3; or
  - (4) The development is river-dependent or river-related.

h. Exterior lighting.

(1) Purpose. The standards for exterior lighting are intended to:

- Avoid or minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
- Reduce light pollution and glare impacts on residential developments;
- Maintain public safety and security along the Greenway trail, in parks, along public rights-of-way, and on piers and gangways; and
- Provide flexibility for river dependent operations associated with docks.

(2) General standards. The following standards apply to all exterior lights located within the River General (g) overlay zone.

- Exterior lights must not project light upward or to the side of the fixture; and
- The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials.

(3) Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the greenway setback, and all permanent exterior lights located within 25 feet landward of the greenway setback. Public rights-of-way are exempt from the standard in this Subsubparagraph but must meet the standards in Subsubparagraph E.5.h.(2).:

- Exterior lights are allowed only as follows:
  - In property owned or managed by the City of Portland Parks and Recreation,
  - In a public right-of-way,
  - When associated with a major public trail or public viewing area; or
  - When associated with a river-dependent or river-related development;

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## Commentary

Subarea Plant List tables are proposed to be moved to the Portland Plant List.

- Structures that support exterior light fixtures must be setback at least 5 feet from the top of bank of the Willamette River except for docks and gangways, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body;
- Structures that support exterior light fixtures must be spaced at least 25 feet apart;
- Lamps must fall below 3000K or within an S/P ratio range of 1- 1.2; and
- Exterior lights must not project directly into the Willamette River.

**F. Greenway goal exception.** Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right-of-way that is not river-dependent or river-related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.440.360, Greenway Goal Exception.

<b>Table 510-2 Subarea 1 Plant List</b>		
<b>Scientific Name</b>	<b>Common Name</b>	<b>Planting Notes</b>
<b>Trees</b>		
Populus balsamifera var. trichoarpa	Black Cottonwood	Avoid use where falling limbs could be a safety or maintenance concern.
Fraxinus latifolia	Oregon Ash	Avoid use where falling limbs could be a safety or maintenance concern.
<b>Shrubs</b>		
Spiraea douglasii	Western Spiraea	
Cornus sericea spp Sericea	Red-osier Dogwood	
Rosa pisocarpa		
Salix fluviatilis	Columbia River Willow	
Salix lasiandra	Pacific Willow	
Salix sitchensis	Sitka Willow	
<b>Ground Cover</b>		
Carex obnupta	Slough Sedge	
Juncus ensifolius	Dagger Leaf Rush	
Scirpus microcarpus	Small fruited Bullrush	

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## Commentary

Subarea Plant List tables are proposed to be moved to the Portland Plant List.

**Table 510-3  
Subarea 2 and 3 Plant List**

Scientific Name	Common Name	Planting Notes
<b>Trees</b>		
<i>Abies grandis</i>	Grand Fir	Avoid use where security concerns related to thick coverage are an issue.
<i>Acer macrophyllum</i>	Big-Leaf Maple	
<i>Alnus rubra</i>	Red Alder	
<i>Arbutus menziesii</i>	Pacific Madrone	
<i>Crataegus douglasii</i>	Black Hawthorn	
<i>Crataegus suksdorfii</i>	Black Hawthorn (upland)	Note limited availability.
<i>Fraxinus latifolia</i>	Oregon Ash	Avoid use where falling limbs could be a safety or maintenance concern.
<i>Malus fusca</i>	Western Crabapple	
<i>Pinus ponderosa</i>	Ponderosa Pine	
<i>Populus balsamifera var. trichocarpa</i>	Black Cottonwood	Avoid use where falling limbs could be a safety or maintenance concern.
<i>Prunus emarginata</i>	Bitter Cherry	
<i>Pseudotsuga menziesii</i>	Douglas Fir	
<i>Quercus garryana</i>	Garry Oak	
<i>Rhamnus purshiana</i>	Cascara	
<i>Salix lucida ssp. lasiandra</i>	Pacific Willow	
<i>Salix rigida var. macrogemma</i>	Rigid Willow	
<i>Salix scouleriana</i>	Scouler Willow	
<i>Thuja plicata</i>	Western Red Cedar	Avoid use of large size plant material in hot, exposed location.
<i>Tsuga heterophylla</i>	Western Hemlock	
<i>Umbellularia californica</i>	California Laurel	Use primarily in subarea 3.
Scientific Name	Common Name	Planting Notes
<b>Shrubs</b>		
<i>Acer circinatum</i>	Vine Maple	
<i>Amelanchier alnifolia</i>	Western Serviceberry	
<i>Berberis aquifolium</i>	Tall Oregon grape	
<i>Berberis nervosa</i>	Dull Oregon grape	
<i>Ceanothus sanguineus</i>	Oregon Tea tree	
<i>Cornus sericea</i> spp. <i>Sericea</i>	Red-osier Dogwood	
<i>Gaultheria shallon</i>	Salal	
<i>Holodiscus discolor</i>	Ocean Spray	
<i>Mahonia aquifolium</i>	Tall Oregon Grape	
<i>Malus fusca</i>	Western Crabapple	
<i>Oemleria cerasiformis</i>	Indian Plum	
<i>Philadelphus lewisii</i>	Mockorange	
<i>Physocarpus capitatus</i>	Pacific Ninebark	
<i>Polystichum munitum</i>	Sword Fern	
<i>Prunus virginiana</i>	Common Chokecherry	
<i>Rhamnus purshiana</i>	Cascara Sagrada	
<i>Ribes</i>	Pioneer Gooseberry	Note limited availability.

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## Commentary

Subarea Plant List tables are proposed to be moved to the Portland Plant List.



**Table 510-3  
Subarea 2 and 3 Plant List**

<i>Ribes sanguineum</i>	Red-flowering Currant	
<i>Rosa gymnocarpa</i>	Baldhip Rose	
<i>Rosa pisocarpa</i>	Swamp Rose	
<i>Rubus parviflorus</i>	Thimbleberry	
<i>Rubus spectabilis</i>	Salmonberry	
<i>Salix fluviatilis</i>	Columbia River Willow	Suitable for bioengineering.
<i>Salix sessilifolia</i>	Soft-leaved Willow	Suitable for bioengineering.
<i>Salix sitchensis</i>	Sitka Willow	Suitable for bioengineering.
<i>Salix lucida ssp. lasiandra</i>	Pacific Willow	Suitable for bioengineering.
<i>Salix rigia var. macrogemma</i>	Rigid Willow	Suitable for bioengineering.
<i>Salix scouleriana</i>	Scouler Willow	
<i>Sambucus mexicana</i>	Blue Elderberry	
<i>Sambucus racemosa</i>	Red Elderberry	
<i>Spiraea douglasii</i>	Douglas Spirea	
<i>Symphoricarpos albus</i>	Common Snowberry	
<i>Symphoricarpos mollis</i>	Creeping Snowberry	
<i>Viburnum edule</i>	Squashberry	Note limited availability.
<b>Ground Cover</b>		
<i>Achillea millefolium</i>	Yarrow	
<i>Aquilegia formosa</i>	Red Columbine	
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	
<i>Aruncus sylvestris</i>	Goatsbeard	
<i>Aster chilensis ssp. Hallii</i>	Common California Aster	
<i>Aster subspicatus</i>	Douglas's Aster	
<i>Athyrium filix-femina</i>	Lady Fern	
<i>Bromus carinatus</i>	California Brome grass	
<i>Bromus sitchensis</i>	Alaska Brome	
<i>Calytonia perfoliata</i>	Miner's Lettuce	
<i>Carex obnupta</i>	Slough Sedge	
<b>Ground Cover</b>		
<i>Collinsia grandiflora</i>	Large-flowered Blue-eyed Mary	
<i>Collomia grandiflora</i>	Large-flowered Collomia	
<i>Elymus glaucus</i>	Blue Wildrye	
<i>Epilobium angustifolium</i>	Fireweed	
<i>Eriophyllum lanatum</i>	Woolly Sunflower	
<i>Eschscholzia californica</i>	California Poppy	Be careful of seed source.
<i>Festuca rubra commutata</i>	Red Fescue	
<i>Fragaria vesca</i>	Wood Strawberry	
<i>Fragaria vesca var. bracteata</i>	Wood Strawberry	
<i>Fragaria virginiana var. platypetala</i>	Broadpetal Strawberry	
<i>Gilia capitata</i>	Bluefield Gilia	
<i>Heraclium lanatum</i>	Cow parsnip	
<i>Iris tenax</i>	Oregon Iris	
<i>Juncus ensifolius</i>	Dagger-leaf Rush	
<i>Lotus purshiana</i>	Spanish Clover	

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## Commentary

Subarea Plant List tables are proposed to be moved to the Portland Plant List.

**Table 510-3  
Subarea 2 and 3 Plant List**

Lupinus latifolia	Broadleaf Lupine	
Lupinus polyphyllus	Bigleaf Lupine	
Lupinus rivularis	Stream Lupine	
Madia sativa	Chile Tarweed	
Mimulus guttatus	Yellow Monkeyflower	
Penstemon ovatus	Broad-leaved Penstemon	
Polystichum munitum	Sword fern	
Potentilla glandulosa	Sticky Cinquefoil	
Prunella vulgaris var. lanceolata	Heal-all	
Pteridium aquilinum	Bracken	
Ranunculus occidentalis	Western Buttercup	
Sidalcea campestris	Meadow Sidalcea	
Solidago canadensis	Canada Goldenrod	
Tellima grandiflora	Fringecup	
Tolmiea menziesii	Pig-a-back	
Vancouveria hexandra	White Inside-Out Flower	

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## Commentary

Subarea Plant List tables are proposed to be moved to the Portland Plant List.

**Table 510-4  
South Waterfront Greenway Nuisance Plants**

Scientific Name	Common Name
<i>Agropyron repens</i>	Quack grass
<i>Agrostis capillaris</i> [A. tenuis]	Colonial bentgrass
<i>Agrostis stolonifera</i> [A. alba]	Creeping bentgrass
<i>Anthoxanthum odoratum</i>	Sweet vernal grass
<i>Arctium minus</i>	Common burdock
<i>Arrhenatherum elatius</i>	Tall oatgrass
<i>Borago officinalis</i>	Borage
<i>Bromus</i> sps.	Annual brome grasses
<i>Buddleia alternifolia</i>	Fountain butterfly bush
<i>Buddleia davidii</i>	Butterfly bush
<i>Centaurea cyanus</i>	Bachelor buttons
<i>Centaurea diffusa</i>	Diffuse Knapweed
<i>Centaurea maculosa</i>	Spotted Knapweed
<i>Centaurea pratensis</i>	Meadow knapweed
<i>Chrysanthemum leucanthemum</i>	Ox-eye daisy
<i>Chicorium intybus</i>	Chicory
<i>Chondrilla juncea</i>	Rush Skeletonweed
<i>Cyperus eragrostis</i>	Flats edge
<i>Dactylis glomerata</i>	Orchard grass
<i>Daphne laureola</i>	Daphne
<i>Digitalis purpurea</i>	Foxglove
<i>Dipsacus sylvestris</i>	Common teasel
<i>Euphorbia esula</i>	Leafy spurge
<i>Euphorbia lathyris</i>	Mole plant
<i>Festuca arundinacea</i>	Tall fescue
<i>Foeniculum vulgare</i>	Fennel
<i>Holcus lanatus</i>	Velvet grass
<i>Hydrilla verticillata</i>	Hydrilla
<i>Hypocharis radicata</i>	Spotted cat's ear
<i>Juncus effusus</i> v. <i>effusus</i>	European Soft Rush
<i>Lactuca muralis</i>	Wall lettuce
<i>Lactuca seriola</i>	Prickly lettuce
<i>Ligustrum</i> spp.	Privet
<i>Lolium multiflorum</i>	Annual ryegrass
<i>Lolium perenne</i>	Perennial ryegrass
<i>Lotus corniculatus</i>	Bird's foot trefoil
<i>Matricaria matricariodes</i>	Pineappleweed
<i>Melissa officianalis</i>	lemon balm
<i>Melilotus alba</i>	Sweetclover
<i>Parentucellia viscosa</i>	Parentucellia
<i>Phalaris aquatica</i>	Harding grass
<i>Phlem praetensis</i>	Timothy
<i>Poa praetensis</i>	Kentucky bluegrass
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Polygonum polystachum</i>	Himalayan knotweed

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## Commentary

Subarea Plant List tables are proposed to be moved to the Portland Plant List.

**Table 510-4  
South Waterfront Greenway Nuisance Plants**

Populus alba	White poplar
Prunus avium	sweet cherry
Prunus lusitana	Portugal laurel
Prunus mahaleb	Mahaleb cherry [rootstock]
Ranunculus ficaria	
Ranunculus repens	Creeping buttercup
Robinia pseudoacacia	black locust
Rosa eglanteria	sweet briar
Rosa multiflora	Multiflora rose
Rumex acetosella	Red sorrel
Rumex crispus	Curly dock
Secale cereale	Cultivated rye
Silene alba	White campion
Sisymbrium officinale	Hedge Mustard
Sonchus arvensis ssp. Arvensis	Perennial sowthistle
Sorbus aucuparia	European mountain ash
Taeniatherum caput-medusa	Medusa head
Tanacetum vulgare	
Ulmus pumila	Siberian elm
Verbena bonariensis	Tall verbena
Verbascum thapsus	Mullein
Vicia villosa	Hairy vetch

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## Commentary

### 33.510.255 Central City Master Plan

The Central City Master Plan (CCMP) regulations provide a new design review tool that applies to key large redevelopment sites shown on Map 510-19 in the Central City. In addition, the new regulation may also be used on a voluntary basis for the applicants of sites larger than 80,000 square feet in area. The master plan process will establish building location, as well as maximum height and floor area envelopes for each building site, prior to the design or review of individual buildings. The basis for this process is to encourage the creation of a development framework for large sites that identifies future building massing, where different uses on site will be located, and how the associated open space and accessways through the site connect development on site and allow the overall site to relate to the larger surrounding urban form the site is located within.

Through this process, larger site-wide urban design issues are addressed, allowing the subsequent design review of individual buildings to focus on specific issues related to materials and façade treatment, rather than height, massing, or ground floor activation. Thus, following the approval of a CCMP, it should be possible to review future development on site more expeditiously, as long as said development is consistent with the established parameters of the master plan.

#### Required Review

The following sites will be required to go through a Central City Master Plan review.

These sites were identified through the CC2035 Quadrant Plan process:

- **Portland Public Schools' Headquarters (AKA Blanchard Site):** This is an approximately 12 acre site in the Lloyd subdistrict. The site is adjacent to industrially zoned lands in Lower Albina and has access to Portland Streetcar and bicycle infrastructure on NE Broadway.
- **OMSI Station Area:** This area is approximately 30 acres in size and contains properties held by OMSI, Portland Community College, and Portland Opera. Several lots are adjacent to light rail and streetcar stations, while others face the Willamette River.
- **Clinton Station Area:** This approximately 10 acre area contains a light rail station and is owned primarily by two property owners. The site is surrounded by a combination of low density residential and industrial uses.
- **US Postal Service Main Branch:** This 13 acre site is located at the end of the Broadway Bridge and northern terminus of the North Park Blocks. A recently adopted framework plan for the site explored extending the park blocks into the site as well as extending some of the adjacent public right-of-way through the site.



### **33.510.255. Central City Master Plan.**

**A. Purpose.** The Central City master plan establishes a clear development strategy for significant redevelopment sites in the Central City. The review is intended to ensure that development on the site will positively contribute to the existing and desired urban form. The review will result in an urban design framework and site layout for the site as a whole, allowing subsequent reviews for individual buildings and other development to focus on materials and façade treatment. A Central City Master Plan is intended to result in the following urban design outcomes:

- Transit Oriented Development. A development site that has a strong orientation towards transit and multimodal transportation alternatives.
- Public Realm. A safe and vibrant public realm, supported by active ground floor uses, open space areas may include gathering spaces and passive and/or active recreation opportunities, and an internal circulation system that provides access to adjacent public rights-of-way and multimodal transportation options; and
- Building Height, Massing, and Orientation. Building bulk, height, and orientation that protects public views and preserves light and air within the public realm, and buildings and uses oriented to active public gathering spaces, including public open spaces, transit stations, and the Willamette River.

#### **B. When a Central City Master Plan review is required.**

1. Central City Master Plan review is reviewed for the following types of development in the areas shown on Map 510-19:
  - a. New development; and
  - b. Alterations to existing development that increase the floor area or exterior improvement on a site by more than 20,000 square feet.
2. Exemption. Development on lots that are 40,000 square feet or less in total area are exempt from Central City Master Plan review. This exemption does not apply to contiguous lots within the same ownership that have a total combined square footage of more than 40,000 square feet.

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## Commentary

- **Lincoln High School:** This area contains Lincoln High School as well as blocks located south of the high school extending to SW Jefferson Street. The area suffers from a lack of public open space and poor access for all transportation modes. However, the western edge of the area has access to light rail service.

### **When a Central City master plan is allowed.**

The minimum size for a master plan site is proposed to be no less than 80,000 square feet, which is equal to the area of two average Central City blocks. This threshold was established to ensure that the flexibility provided by these provisions is restricted to large sites capable of containing multiple buildings as well as open area amenities, such as plazas, pocket parks, or other features. This also ensures that the provisions are not used to transfer FAR from one lot to another on small sites as a means to avoid the FAR bonus and transfer provisions applicable to small sites that may consist of a limited number of lots.

### **Flexibility Allowed**

CCMP's also provide applicants flexibility in how FAR is transferred on site and how heights above the base heights on Map 510-3 can be achieved. Generally, proposed revisions to the FAR and height bonus and transfer provisions will require that prior to being able to transfer floor area from one lot to another, applicants must first earn 3:1 FAR through the use of affordable housing bonus provisions, or by transferring FAR from sites within the Skidmore/Old Town or New Chinatown/Japantown historic districts (sites along the riverfront have an open space transfer options they may also use).

Further, the ability to develop buildings taller than the base heights shown on Map 510-3 up to the maximum bonus heights shown on Map 510-4 is contingent upon a development proposal earning at least 1:1 FAR through one of these bonus or transfer options.

However, as part of a CCMP, an applicant may transfer FAR from one lot within a site to another lot without first earning bonus FAR from the affordable housing or historic transfer provisions. Applicants may also exceed the base heights on Map 510-3 up to the maximum bonus height shown on Map 510-4 without first using these provisions.

Lastly, within a portion of the EX zoned parcels in the OMSI station area, residential uses are allowed as a conditional use, as long as such development complies with the applicable approval criteria of the CCMP.

### **Master Plan Area.**

At a minimum, a master plan site consists of all lots in the same ownership that are adjacent to one another, including lots that would abut if not separated by public right-of-way. A master plan site may also include lots in separate ownership. However, it is not possible to establish a master plan site that excludes lots in the same ownership that are identified on Map 510-19.

- C. Voluntary Central City Master Plan.** An applicant may voluntarily submit for a Central City Master Plan review. The minimum size threshold for a voluntary Central City Master Plan review is 80,000 square feet.
- D. Flexibility allowed.** An approved Central City master plan review allows additional flexibility in the following situations:
1. Floor area transfer. Floor area may be transferred among lots and sites within the master plan boundary without having to meet the prioritization in 33.510.205.B;
  2. Minimum floor area. The minimum floor area ratio standard in 33.510.200.C.2 may be met for the master plan area as a whole rather than on a lot by lot basis;
  3. Bonus height. The bonus height limits shown on Map 510-4 may be achieved without having to provide the bonuses or transfers required by 33.510.210.D.4; and
  4. Residential use in EX. Residential use may be allowed on the sites in the EX zone shown on Map 510-6 that are identified as allowing residential use through a Central City master plan.
- E. Master Plan Area.** The boundaries of the area to be included in the Central City Master Plan must be identified. Sites must be contiguous or across a shared right-of-way. At a minimum, all areas in common ownership shown on map 510-19 must be in the master plan.

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## Commentary

### F. Review Procedure

CCMPs will be reviewed by the Portland Design Commission as a Type III design review and decisions are appealable to the Portland City Council.

### G. Components

Before a CCMP can be deemed complete by Design Review staff the following elements must be included with the application for a CCMP:

- **Boundaries.** A diagram/site plan identifying the boundaries of the master plan site, and it is suggested that lots within the site in different ownership be identified.
- **Urban Design and Development Framework.** The framework asked for here consists of various elements that will provide the reviewing commission and staff with a clear visual understanding of the general urban form that will result following implementation of the master plan. This framework will allow reviewers to know the location of buildings and the ultimate height and floor area envisioned for each building location (regardless of whether the entire height and floor area is utilized). The framework will also identify where open areas will be located and integrated into the site, how access onto and through the site is provided and how this internal circulation relates to adjacent rights of way and circulation patterns developed on other large sites perhaps adjacent to the site. Lastly, the framework will include massing diagrams, sections, sectional elevations, and perspectives necessary to provide adequate visuals of the built environment following successful implementation of the master plan.
- **Project Narrative.** A project narrative is required to describe and identify elements of the master plan that images alone may not be able to fully communicate. At a minimum, the narrative will include the following:
  - How the proposed master plan is consistent with the applicable design guidelines of the Central City Fundamental Design Guidelines and any applicable district specific design guidelines.
  - Information regarding the range and density of land uses envisioned for the site.
  - The proposed phasing for the complete implementation of the master plan.
- If FAR is to be transferred within the site as part of the CCMP, the lots on the site where FAR will be sent from and received and how much FAR will remain on each site.

**F. Review procedure.** A Central City Master Plan is processed through a Type III procedure.

**G. Components.** A Central City Master Plan must include the following components:

1. Boundaries. Master plan boundaries must be shown on a site plan.
2. Proposed urban design and development framework. The following materials must be included in the submittal to provide clear visual information about the proposal:
  - a. Site plan showing:
    - (1) Location, size, and dimensions of all existing structures, and the location of all main entrances to buildings;
    - (2) Location, size and dimensions of the building coverage of all proposed structures;
    - (3) Description of existing and proposed land uses. The description must include information as to the general amount, type and location of all uses;
    - (4) Proposed pedestrian, bicycle, and vehicle circulation system, including where each part of the proposed system connects to public right-of-way adjacent to the master plan boundary, and transit service lines and stations within or adjacent to the master plan boundary;
    - (5) Location of rights-of-way to be vacated or dedicated;
    - (6) Location of bicycle and vehicle parking; and
    - (7) Open areas, such as plazas, landscaped and hardscaped areas, outdoor recreation amenities, and stormwater facilities.
  - b. A three dimensional massing diagram that identifies the maximum proposed building envelopes, with proposed building dimensions and height for each building, including building massing where a tower will be setback from the edge of a podium; and
  - c. Sections, sectional elevations, and perspectives that illustrate the relationship of site redevelopment to the surrounding urban form in terms of building height and massing.
3. Project narrative. A narrative that describes the project, identifies how the Central City Master Plan is consistent with the applicable design guidelines of the Central City Fundamental Design Guidelines. Specific information about the proposed range and density of land uses and the proposed phasing of development must also be included. If the proposed Central City Master Plan 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.

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## Commentary

### Approval Criteria

The review of a proposed *CCMP* will be based on how well a project addresses the approval criteria. In all situations a proposed master plan must be found to be consistent with approval criteria addressing relevant goals and policies of the *Central City Plan*, and the *Central City Fundamental Design Guidelines*.

If sites are located within the *River* or *Industrial* overlay zones, criteria addressing unique conditions of developing in those areas must be addressed. Similarly, if sites contain or are located adjacent to public parks or transit stations, the applicant must demonstrate how the proposed master plan will be oriented towards, provide access to, and create an urban form supportive of these amenities.

Lastly, in areas where housing is allowed only as a conditional use in the *EX* zone (currently portions of the *OMSI* station area), approval criteria apply that ensure that residential uses will not have an adverse impact on industrial uses and that residential uses and residents can be safely located within an area where industrial uses are allowed outright.

**H. Approval Criteria.** A Central City Master Plan review will be approved if the review body finds that the following approval criteria have been met. Criteria H.1 through H.6 apply to all Central City Master Plan reviews. Criteria H.7 through H.11 also apply to proposals within the EX zone identified on Map 510-6 that are identified as requiring a Central City Master Plan review for residential uses.

1. The Central City Master Plan is consistent with applicable subdistrict goals and policies of the Central City 2035 Plan;
2. The master plan demonstrates how development will comply with the Central City Master Plan chapter of the Central City Fundamental Design Guidelines, as well as any applicable design guidelines specific to the subdistrict the master plan site is located within;
3. In the River overlay zone, development on lots with river frontage must incorporate elements that activate the riverfront, such as open areas, trails, accessways, and active land uses that encourage public use and enjoyment of the riverfront;
4. The proposed uses will not have significant adverse effects on industrial firms or result in conflicts with industrial activities located within the plan boundary or within 500 feet of the plan boundary;
5. The master plan demonstrates that development within the plan boundary will establish an overall building orientation through massing, the location of entrances, and the location of ground floor uses that result in an edge that embraces adjacent public park rather than creating an abrupt edge between the plan area and parks, and ensures that development within the plan boundary will not excessively shade the adjacent park;
6. The master plan demonstrates that easy and safe access will be provided to transit stations located within or immediately adjacent to the master plan boundary, and any buildings located immediately adjacent to a transit station include ground floor uses that create an active and safe pedestrian environment throughout the day, evening, and week;
7. The proposal will not have a significant adverse effect on truck and freight movement;
8. The transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan 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;
9. City-designated scenic resources are preserved;
10. Proposed residential uses are buffered from potential nuisance impacts from uses allowed by right in the zone; and
11. The master plan includes a design, landscape, and transportation plan that will limit conflicts between residential, employment, and industrial uses.

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## Commentary

### **Amendments to a CCMP**

Amendments to an approved CCMP will be processed as a Type III procedure.

### **Duration of a CCMP**

If the development approved by the CCMP has not started within 10 years of the approval of the review body, the CCMP will expire. However, once development approved by the CCMP begins, the CCMP remains in effect unless otherwise amended by subsection I.

### **Open Area Requirement**

To ensure that a sufficient amount of open space is developed as part of large development sites, at least 20 percent of master plan areas are required to contain open areas that contain elements such as landscaping, plazas, parks, recreation amenities, or other features that provide relief from the built environment. These areas should also provide opportunities for active and/or passive recreation.



**J. Amendments to a Central City Master Plan.** Unless specifically addressed in the approved Central City Master Plan review, an amendment to an approved master plan is required for the following changes. Amendments are processed through a Type III review:

1. Changes to the boundary of the Master Plan area;
2. Changes to the location or number of buildings;
3. Changes to the location and amount of proposed ground floor active uses;
3. Increases to an approved massing envelop; or
4. Changes to the location of a proposed public right-of-way, or to the location of a private vehicular accessway that connect to a right-of-way.

**K. Duration.** An approved Central City Master Plan remains in effect until development allowed by the plan has been completed, except that a Central City Master Plan expires in 10 years of the date of the final decision if none of the approved development or approved activity has commenced.

**L. Open area requirement.**

1. Purpose. The open area requirements promote a site design that provides access to light and air, opportunities for outdoor activities including active and passive recreation, public gathering spaces, and visual relief from the built environment. The standards are also intended to produce open areas at a scale compatible to what large sites would have if divided by the 200 foot street grid pattern common though the Central City.
2. Amount of required open area. A minimum of 20 percent of the master plan area must be devoted to open area. Open areas may include parks, outdoor recreation amenities, plazas, public fountains, and landscaped areas. Areas used for parking, loading, and driveways do not count toward the 20 percent minimum open area requirement.
3. Required open area development standards.
  - a. Parks and plaza size standard. At least 50 percent of the open space must be in the form of parks or plazas.
  - b. Accessway standard. Bike and pedestrian accessways may not constitute more than 25 percent of the required open space.
  - c. Tree standard. A minimum of one tree per 1,000 square feet of plaza or park area is required. Trees may include a combination of small, medium and large trees.
  - d. Shadow standard. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of the park or plaza at noon, and no more than 75 percent at 3:00 PM on April 21<sup>st</sup>.

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# Commentary

### **33.510.255 Central City Master Plans**

- A. Purpose.** The Central City master plan adds development potential and flexibility for projects in specified areas. The additional development potential and flexibility is possible because the plan is used to demonstrate that the policy objectives of the Central City Plan and the public service needs of the area are addressed. The Central City master plan is an option; it is not a requirement. A Central City master plan may also be created through a legislative process initiated by the City.
- B. Flexibility achieved.** An approved Central City master plan allows additional flexibility in any of the following situations:
1. Allocates allowed floor area to individual development sites that will not remain in the same ownership;
  2. Defers the building of any required housing; or
  3. Allows the development of required housing at a location outside of the required residential development area.
- C. Central City master plan contents.** In addition to the general application requirements for land use reviews, Central City master plans must contain the information listed below, as relevant to the area and proposal.
1. Floor area ratio. The plan must show the amount of allowable floor area which is to be assigned to each lot. Floor areas greater or less than shown on Map 510-2 may be assigned on a site specific basis. The total combined floor area for all sites in the plan area must be within the maximum allowed for the plan area before any allocations. Floor area transfers outside of a master plan area is prohibited.
  2. Infrastructure capability. The adequacy of infrastructure must be addressed if there is a proposal to shift allowable floor area between separate development sites. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.
  3. Circulation.
    - a. The plan must identify a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians, bicyclists, and drivers.
    - b. At locations adjacent to the Willamette River, the plan must include a proposal for access to the water as well as along the top of the bank.
    - c. The plan must identify open spaces that are convenient for use both by those living and working in the plan area and by the general public. At locations adjacent to the Willamette River, the open space areas must tie the pedestrian and bicycle circulation system to the Willamette River.

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# Commentary

4. ~~Views. The plan must identify significant public viewpoints and significant view corridors down rights of way. The plan must show how the views are being protected, including in situations where there is a proposal to increase the height above the base FAR of Map 510-3 in areas eligible for ultimate height.~~
5. ~~Required housing. The plan must identify the location, density, and general type of housing to be built in compliance with the required residential development standards of 33.510.230. Required housing may be deferred subject to the requirements of Subparagraph a. below. Required housing may be built outside of the required residential area subject to the requirements of Subparagraph b. below.~~
  - a. ~~If the required housing is not proposed to be built in advance or concurrently with other development, the plan must demonstrate that the proposed housing site is of suitable size and location, is reasonable, and is attractive for the housing. The proposed site must be reserved for housing through a concurrent application for a Comprehensive Plan map designation of Central Residential and an RX zone. The plan must identify a schedule or development phase when the required housing will be built.~~
  - b. ~~If the required housing is proposed for a location outside of the required residential development area, the proposed site must meet the following requirements. The site must be under the applicant's control. The site must be vacant or used for surface parking, or have improvements with an assessed value less than one third the value of the land. The site must be within the Central City plan district and be zoned CX or EX. The proposed housing site must be of suitable size and location to be attractive for the required amount of housing. The site must be reserved for housing through a concurrent application for a Comprehensive Plan map designation of Central Residential and an RX zone.~~

**D. ~~Approval procedure.~~** ~~Central City master plans requests are processed through a Type III procedure.~~

**E. ~~Approval criteria.~~** ~~A Central City master plan application will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:~~

1. ~~The proposed plan is consistent with the policy objectives of the Central City Plan;~~
2. ~~The plan ensures that there will be adequate and timely infrastructure capacity for the proposed developments;~~
3. ~~The plan provides for a useful and pleasant circulation system and for adequate open space within the plan boundaries;~~
4. ~~Development will be placed and sized to protect significant public viewpoints and public view corridors; and~~
5. ~~There are adequate assurances that required housing that is deferred or proposed for another site will be built.~~

**F. ~~Development in conformance with Central City master plans.~~** ~~Development within a Central City master plan boundary must be in full conformance with the approved plan. Review for conformance will be done as part of the design review of a specific proposal. Additional approval criteria for the design review are:~~

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# Commentary

- ~~1. The proposed development is consistent with and conforms to the specific Central City master plan; and~~
  - ~~2. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.~~
- ~~**G. Central City master plan amendments.** Amendments to an approved Central City master plan are processed through a Type II procedure. The amendment may be approved if the proposed change results in a plan which continues to meet all of the approval criteria in Subsection E., above.~~

**33.510.257 Signs for Additional Uses Allowed in the Open Space Zone**

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

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## Commentary

The Central City parking code underwent a substantial rewrite. The draft code that follows reflects a new parking code for the Central City. We are proposing to delete all the existing code sections 33.510.261-33.510.267 and replace with new Parking and Access sections 33.510-261-33.510.263.

The new code provisions better reflect and support current and future market conditions and expected future travel patterns. The Central City Transportation Management Plan (CCTMP) was adopted in 1995, and provides the transportation policies and guidance for the administration of the zoning code regulations for off-street parking within the Central City Plan District. The CCTMP was a key element of the Statewide Implementation Plan to address high levels of carbon monoxide. Since that time much has changed. Improvements in vehicle emissions technology have greatly reduced the impact of carbon monoxide pollution in Portland. Since 1996 substantial changes have taken place in the Central City Subdistricts in terms of development growth (and the character of development) and investment in transportation infrastructure (e.g., transit/rail and bike systems). The CCTMP is outdated and not suited to respond to current conditions and new challenges. The Central City 2035 Plan, along with the revisions to the Transportation System Plan (part of the Comprehensive Plan), will update and incorporate elements of the CCTMP that are still relevant, and will create new policies, zoning code language, and a transportation system project list. Thus a standalone long-range transportation plan for the Central City is no longer needed.

### **33.510.261- Parking Built After [effective date of code]**

#### **Description of types of parking.**

Each parking stall in the Central City has an associated parking type: growth (includes residential and hotel parking), preservation, visitor or undedicated general parking. Residential/Hotel and RX zone parking are proposed to be eliminated. Residential/Hotel will be considered growth parking and RX Zone parking is going away because it only applied to existing RX parking on surface lots. There will not be any new RX Zone parking, but regulations for existing parking will still apply. While a proposal may include several types of parking, each type of parking is an exclusive category. The same spaces can be more than one type of parking, if the regulations for both types are met.

B.1. **Growth Parking** is created in conjunction with additions of net building area. Net building area is added either as part of new development or adding floor area to existing development. The ratios for Growth Parking are based on the needs of employees, residents and those who come to the building for other reasons, such as customers and clients. Proposed amendments include hotel and resident parking as growth parking.



## Parking and Access

### 33.510.261 Parking Built After [insert effective date]

- A. Purpose.** These parking and access regulations implement the Central City 2035 Plan and the Transportation System-Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.
- B. Description of types of parking.** In the Central City plan district, there are three types of parking. While a proposal may include several types of parking (for example, a garage may include some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.
1. Growth Parking. Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development.  
  
In the case of new development, the land use or building permit for the parking must be requested by the time the foundation of the new building is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.  
  
In the case of additions of net building area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building area is issued. If it is requested after the building permit for the new net building area is issued, it will be Preservation Parking.  
  
The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
  2. Preservation Parking. Preservation Parking is created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
  3. Visitor Parking. Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with particular development.

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## Commentary

### Continued: Description of types of parking

**B.2. Preservation Parking** is created to serve existing and older buildings that have little or no parking associated with them. The ratios for Preservation Parking are based on the needs of employees, residents and those who come to the building for other reasons, such as customers and clients.

**B.3. Visitor Parking** is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with particular development.

**4. Delete: Residential/Hotel Parking.** This section of code is being deleted because residential and hotel parking are proposed to be Growth Parking. New Undedicated general parking is prohibited. This section has been moved to the existing parking section. There are new proposed maximum ratios for residential and hotel parking in Table 510-2, Maximum Parking Ratios.

**5. Delete: RX zone Parking:** This type of parking is being eliminated because the proposed changes to preservation parking include allowing residential uses to preserve entitlements to build parking in the future. The RX zone parking provided a way for older residential buildings to have "preservation parking."

**F. Growth Parking** in the Central City is for buildings that add net building area either as part of new development or by adding floor area to existing development.

The following provisions will apply:

- No minimum parking requirements in the Central City to encourage the use of alternative modes and support the mode split goals for the Central City.
- Maximum ratios. Impose maximum parking ratios on all uses in the Central City to limit the growth of the parking supply and encourage the use of alternative modes to support the mode split goals for the Central City.
- Adjust parking ratios in all Central City districts outside the downtown downward to limit the growth of the parking supply and reflect investments in transit, bicycling, walking and residential infrastructure. For the entire Central City, based on development potential in the different districts, proposed maximum ratios are lowered by about 30 percent for office/employment and residential uses compared to existing ratios.
- Adjust parking ratios for offices in a few existing downtown parking sectors upward to reflect actual demand for parking in downtown and lower others to maintain an average ratio of 1.0 per 1000 sf of net commercial space in former Downtown Sectors 1 through 6.

**C. Organization of parking regulations.** This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

There are three different kinds of parking. These are described in Subsection B. Generally, Growth Parking and Preservation Parking are allocated based on net building area of buildings or dwelling units. Visitor Parking may be located where demand is shown.

Each type of parking is regulated differently. For some types of parking, we do not limit who may park there, even though the parking may have been created in conjunction with a particular development.

Map 510-10 shows the Central City plan district parking sectors labeled 1-6. There are maximums for parking in all of the parking sectors. In some cases-Central City Parking Review may be required, while other proposals may need adjustments.

**D. Where these regulations apply.** The regulations of Sections 33.510.261 apply to parking built after [insert effective date].-Where there is more than one type of parking included in a proposal, each type of parking must meet the regulations in the appropriate subsection.

**E. Sites split by subdistrict or parking sector boundaries.** Where the site of a parking lot or structure is split by subdistrict or parking sector boundaries, and the regulations in the two areas differ. If the site is split by the boundary of a parking sector, the maximum ratio is based on the regulations that apply to the site of the use the parking will if any be serving.

**F. Growth Parking.** The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of this subsection are prohibited.

1. When Growth Parking is allowed. Growth Parking is allowed when net building area is added to a site either as part of new development or an alteration to existing development.
2. Minimum required parking. There are no minimum parking requirements for Growth Parking.
3. Maximum allowed parking. Growth Parking is limited to the maximum ratios in Table 510-2. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
4. Operation. Growth Parking may be operated as either accessory or commercial parking at all times.

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## Commentary

### Continued: F. Growth Parking

- Standardize parking ratios for residential and hotels throughout the Central City while lowering their average ratios. New maximums are proposed where there are none currently.
- Reduce parking sectors from 26 to 6 by combining multiple parking sectors.

**F.4. Operation:** The proposed code eliminates restrictions on accessory parking as follows: (a) in commercial, employment, mixed use and industrial zones, (b) under a maximum ratio and (c) built in a structure. The intent of this code change is to simplify the code by eliminating unnecessary restrictions that the City doesn't have the means to enforce. It will also allow greater efficiency in the use of the existing parking supply, to serve multiple trips to the Central City throughout the day and week, rather than exclusively requiring parking to be accessory to a specific use. This will lead to less new parking being built over time, since new development will be able to tap into existing supply before having to add new parking with new development. All new parking approved under this format will be considered Commercial Parking.

<b>Table 510-2 Maximum Parking Ratios [1]</b>						
<b>Uses</b>	<b>Parking Sectors</b>					
	<u>1</u> North Pearl	<u>2</u> North/ Northeast	<u>3</u> Goose Hollow	<u>4</u> Core	<u>5</u> Central Eastside	<u>6</u> South Waterfront
<u>Residential Uses</u>	<u>1.2</u>	<u>1.2</u>	<u>1.2</u>	<u>1.2</u>	<u>1.2</u>	<u>1.2</u>
<u>Office, Retail Sales And Service, Schools, Colleges, Daycare</u>	<u>1.5</u>	<u>1.35</u>	<u>1.5</u>	<u>1.0</u>	<u>2.0</u>	<u>2.0</u>
<u>Supermarkets</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>
<u>Anchor Retail [2]</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
<u>Hotel/motel and meeting or conference rooms</u>	<u>1/room, plus 1/1,000 square feet of meeting/conference rooms.</u>					
<u>Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, Industrial Service</u>	<u>1.0</u>	<u>2.0</u>	<u>1.0</u>	<u>1.0</u>	<u>2.0</u>	<u>1.0</u>
<u>Medical Center</u>	<u>1.5</u>	<u>1.35</u>	<u>1.5</u>	<u>1.5</u>	<u>2.0</u>	<u>2.0</u>
<u>Major Event Entertainment, Commercial Outdoor Recreation, Parks and Open Space Areas</u>	<u>Parking requires Central City Parking Review and must meet the Visitor parking approval criteria in 33.808.100.</u>					
<u>Community Service, Religious Institutions, Theaters, and all other uses</u>	<u>.5</u>	<u>.5</u>	<u>.5</u>	<u>.5</u>	<u>.5</u>	<u>.5</u>

[1] Maximum ratios are per 1,000 square feet of net building area for non-residential/hotel uses; per dwelling unit or hotel room for residential/hotel uses

[2] Anchor retail is a single structure with more than 50,000 square feet of net building area in Retail Sales and Service uses.

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## Commentary

**G. Preservation Parking** has been available to existing, older commercial buildings. Generally, these buildings rely on surface parking lots, most of which is Undedicated General parking. Currently, these parking lots in the Core Area comprise the Preservation Parking Pool. Approval of Preservation Parking in the Core has been tied to the redevelopment of the lots in the Preservation Pool. The code references an “eligibility list” that was never created, but the CCTMP administration section establishes 0.7 parking stalls per 1,000 square feet of floor area as the threshold for eligibility. Staff have therefore relied on the 0.7 ratio to determine eligibility. Approximately 2,000 parking stalls have been built since 1996 as Preservation Parking, and approximately half of the surface parking lots in the Preservation Pool have been redeveloped during that time. The following changes to Preservation Parking are proposed:

- Eliminate Eligibility List and Preservation Parking Pool and Reserve.
- Eligibility would be for any building with:
  1. Less than 0.70 stall/1,000 SF (commercial)
  2. 0.50 per unit (residential/hotel) or less. Currently, in the Core Area, residential and hotel uses are not eligible for Preservation Parking.
- Allow parking entitlements to commercial, residential and hotel uses, capped by the maximum parking ratios when the parking is built, and only if the parking is built in a structure. The one exception will be the parking entitlement for hotel uses, where the maximum entitlement will be half the maximum allowed at the time the parking is built.
- Eligible entitlements can only be transferred within a parking sector, not between parking sectors.

**G. Preservation Parking.** The regulations of this subsection apply to Preservation Parking. Adjustments to this subsection are prohibited.

1. When Preservation Parking is allowed. Preservation Parking is allowed when approved through Central City Parking Review. Existing buildings with Residential or hotel uses that have 0.5 or fewer parking stalls per unit or room are eligible to apply for Preservation Parking. Other existing buildings that have fewer than 0.7 parking stalls per 1,000 square feet of net building area are eligible to apply for Preservation Parking. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking is regulated the same as Growth Parking.
2. Location of Preservation Parking. Preservation Parking must be built within the same parking sector as the building the parking will serve. Parking sectors are shown on Map 510-10.
3. Minimum required parking. There are no minimum parking requirements for Preservation Parking.
4. Maximum allowed parking. The maximum ratio for Preservation Parking is the same as for Growth Parking shown in Table 510-2, except for hotel uses where the maximum ratio is one half the ratio allowed for new hotels. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
5. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 14 motor vehicle parking spaces.
6. Required covenants. Preservation Parking requires the following covenants:
  - a. Common ownership. If the parking is based on the net building area of buildings under the same ownership as the parking, the following must be met:
    - (1) The owner must specify which buildings the parking is based on;
    - (2) The owner must execute a covenant with the City that ensures that the parking will be primarily for those buildings for at least 10 years. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property.

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## Commentary

### Continued: G. Preservation Parking

- All existing unbuilt "preservation" building entitlements will be recalibrated to new parking maximum ratios. If code maximums are updated in the future (e.g., through periodic review), a recalibration of entitlements would occur.
- A "receiving site" of parking entitlements, would need to meet the Ground Active Floor Uses standard (33.510.225.C) regardless of where in the Central City it is constructed (i.e., no parking allowed at the ground level).
- Retain existing requirement that Preservation Parking must be primarily available to the tenants of the Preservation building for a minimum of 10 years. Otherwise, the parking may be operated as commercial parking.



b. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:

(1) For initial approval, the following must be met:

- There must be signed and recorded covenants between the owner of the parking and the owners of buildings for which the parking will be provided. The covenants must be for at least 10 years from the date the garage begins operation; and
- A copy of the covenant must be provided to the Bureau of Development Services as part of the application for a building permit and written documentation that the changes comply with the regulations of this Chapter.

(2) Changes in existing covenants. Changes in existing covenants between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the covenants must not be decreased to cover less than the initial 10-year period from the date the garage begins operation. The applicant must notify the Bureau of Development Services in writing of any changes to existing covenants.

(3) New covenants. New covenants between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the regulations of this Chapter are still met. The covenants must, at a minimum, cover the initial 10-year period from the date the garage begins operation. The applicant must notify the Director of the Bureau of Transportation in writing of any new covenants.

7. Operation. Preservation Parking may be operated as either accessory or commercial parking at all times.

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## Commentary

### H. Visitor Parking:

- Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with particular development and is operated as commercial parking.
- Staff proposes to continue to allow Visitor parking facilities to be built to serve short-term parking needs if approved through the CCPR process. This process allows demand to be measured in a manner appropriate to the specific visitor demand generator (e.g., event, cultural, retail and/or associated with significant demonstrated losses of on or off-street short-term parking).
- Staff proposes to retain operating restrictions that are necessary to ensure that short-term parking is the primary use. This includes continuing to prohibit "early bird" specials and require that the sale of all day passes have a pricing structure that prioritizes short term parking needs and is consistent with established performance based parking management objectives and targets.
- In April 2016 Council directed PBOT to develop a strategy to manage on- and off-street public parking as one system, under the framework of Performance Based Parking Management (PBPM), where occupancy dictates the pricing of parking and the length of stay. The intent is that short term trips are the priority and that parking is operated consistent with established performance targets. Many of these guidelines and regulations will be housed in Titles 16 and 17. As a result some types of Visitor Parking may in the future be required to operate consistent with PBPM practices.
- Whether the City or the private sector builds and operates visitor parking, they must provide information on how the parking structure is being used to guarantee that commuter uses are not being served.

**H. Visitor Parking.** The regulations of this subsection apply to Visitor Parking. Adjustments of the regulations of this subsection are prohibited.

1. When Visitor Parking is allowed. Visitor Parking is allowed when approved through Central City Parking Review.
2. Minimum required parking. There are no minimum parking requirements for Visitor Parking.
3. Maximum allowed parking. There are no maximum parking ratios for Visitor Parking. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria for Central City Parking Review.
4. Operation. Visitor Parking is operated as commercial parking, except as follows:
  - a. "Early Bird" discounts are prohibited on weekdays, and
  - b. The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.

**I. All parking.** The regulations of this subsection apply to all parking regardless of type.

1. The applicant is required to report the number of constructed parking spaces to the Director of the Bureau of Transportation within 30 days of parking operations beginning.
2. Carpool parking. The carpool regulations of this Paragraph do not apply to Residential or hotel uses:
  - a. Five spaces or five percent of the total number of parking spaces on the 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;
  - b. The carpool spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking; and
  - c. Signs must be posted indicating that the spaces are reserved for carpool use before 9:00 AM on weekdays.

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## Commentary

### I. All parking

#### I.3. Surface parking lots with new development

Staff proposes to prohibit the development of new surface lots except in areas zoned I (industrial zones IG1 and IH), where parking up to the maximum ratio or 20 stalls, whichever is less, will be permitted with new industrial use developments. This exception is intended to reduce overall development costs for industrial firms wishing to locate or expand in Central City industrial districts, consistent with Policy 6.37 (Industrial land) and Policy 6.38 (Industrial Sanctuaries) in the Recommended Draft of the Comprehensive Plan. Given the low employment densities associated with industrial uses (about one employee per 750 sf of net development) and the need to discourage single occupancy vehicle commute trips, 20 spaces is proposed as an appropriate balance between providing parking for industrial employees and supporting high density and pedestrian-oriented urban form consistent with the intent of the Mixed Use Multimodal Area designation and other Central City policies. Rehabilitated buildings that maintain their outside walls will be allowed to keep their surface parking.

a.(1)- The new surface parking (only allowed in the I zones) will be accessory to the intended use and will not be allowed to operate commercially. This restriction is intended to provide the necessary parking for development but discourage surface parking as a commercial activity that can generate revenue. Instead, the code allows commercial parking to operate only if in a structure. This acts as an incentive to redevelopment by making structure parking potentially more attractive financially than surface parking lots.

#### I.3.b. South Waterfront surface parking:

33.510.267 Parking in South Waterfront is being removed except for 33.510.267F. d(1) that allows surface parking that is operated by the city on a site that will be developed as a park in the future.

The following provisions can be removed because SOWA reached its maximum 200,000 square feet so, these provisions are no longer needed:

- No more than 200,000 square feet of new surface parking area may be created in the South Waterfront Subdistrict after January 20, 2003.
- Surface parking is prohibited if it will exceed the district-wide limit; however, the following are exempt from the limitations of this subparagraph and are not counted towards the 200,000 square foot total.

**I.4. Parking structures:** This paragraph is being updated to reflect extensions of the transit mall.

3. Surface parking lots are prohibited except as follows:
  - a. In the Central Eastside and Lower Albina subdistricts up to 20 of the maximum allowed number of parking spaces for a site may be on a surface parking lot if the following are met. Adjustments to these standards are prohibited:
    - (1) The parking is accessory to a Manufacturing and Production, Wholesale Sales, Industrial Service, or Warehouse and Freight Movement use;
    - (2) The parking is located in the IH or IG1; and
    - (3) The surface parking lot is located directly adjacent to the building in which the use exists. In this case, the parking on the surface parking lot must operate as accessory parking only and is prohibited from operating as commercial parking.
  - b. In the South Waterfront subdistrict, surface parking that is operated by the City of Portland on a site that will be developed as a park in the future is allowed. The property owner must execute a covenant with the City reflecting that the future development and use of the site must be a park, and the covenant must be attached to and recorded with the deed of the site. The covenant must meet the requirements of 33.700.060.
4. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure the following must be met. Adjustments to these standards are prohibited.
  - a. The structure may not be on any block bounded by both Fifth and Sixth Avenues between NW Irving and SW Jackson-Streets. Location on these blocks is prohibited.
  - b. The site of the structure must be at least 100 feet from Fifth and Sixth Avenues between NW Glisan and SW Jackson Streets.
  - c. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues. Location on these blocks is prohibited.
  - d. If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

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# Commentary

e. Street-facing facades.

(1) Street facing facades in the Parking Sector 4. Within Parking Sector 4 shown on Map 510-10 50 percent of the street-facing facade must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses.

(2) Street-facing facades in Parking Sector 6. Within Parking Sector 6, building walls that face and are within 50 feet of streets, accessways, or the South Waterfront Greenway Area must meet one of the following standards. On sites subject to the Required Building Lines or Ground Floor Active Use standards of Section 33.510.215 and 33.510.225, only the active use standard is allowed:

- Active uses standard. Fifty percent of the street-facing facade must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses; or
- Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

(3) Street-facing facades in all other parking sectors. In all other parking sectors, structures must comply with either the standards of Subsubparagraph I.4.e.(1) or the structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening.-If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the Required Building Lines or Ground Floor Active Use standard of Sections 33.510.215 and 33.510.225, the standard of Subsubparagraph I.4.e.(1) must be met; the landscaped setback standard may not be used.

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## Commentary

**I.5. Operation reports:** Eliminate reporting requirements for all parking approved under a maximum ratio and in a structure. The City Parking Manager will be empowered to request information and/or access to the facility in return for the elimination of current reporting requirements.



5. Operation reports. The applicant must provide operation reports to the Director of the Bureau of Transportation upon request. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
  - a. The number of parking spaces and the amount of net building area on the site.
  - b. A description of how the parking spaces were used based on a 6 month average in the following categories. Percentage of parking used for:
    - (1) Percent of monthly transactions that are Short-term (less than 4 hours);
    - (2) Percent of monthly transactions that are Long-term daily (four or more hours);
    - (3) Average number of monthly permits issued (other than carpool), and
    - (4) Number of signed monthly Carpool stalls in the facility.
  - c. Rate schedule for:
    - (1) Hourly parking;
    - (2) Daily Maximum Rate;
    - (3) Evening Parking;
    - (4) Weekend Parking;
    - (5) Monthly parking; and
    - (6) Carpool parking
  - d. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
6. Changes from one type of parking to another.
  - a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a Central City Parking Review. All current regulations will apply.
  - b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.
7. Bicycle parking. Bicycle parking regulations are in Chapter 33.266, Parking and Loading. For most types of development, bicycle parking requirements are based on the primary use, such as Office or Retail Sales and Service. For Commercial Parking, which includes Visitor and Undedicated General Parking, bicycle parking is based on the number of motor vehicle parking spaces. There are special bicycle parking requirements for Preservation Parking, as set out in Paragraph G.5. These regulations apply in addition to the requirements of Chapter 33.266.

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## Commentary

### 33.510.262 Parking Built before [insert effective date]

The intent of this code section is generally to allow existing parking to continue to operate as approved by the City at the time of the application. The primary change is that RX and Residential/Hotel go away as parking types. Parking approved under these types are now converted to Growth Parking. As such, if the parking is in a structure it can now operate as commercial parking. But if the parking is on a surface lot, it maintains the operating restrictions it originally had. This will have the effect of encouraging the redevelopment of surface lots by making structured parking more attractive given that it will have fewer operating restrictions than surface lots. If surface lots were approved as Growth parking for office, then they can operate as commercial. But Growth parking for non-office, and parking approved for residential uses will only be allowed to operate as accessory. Undedicated General is all parking, other than Visitor Parking, that is not associated with particular development.

An exception is given to the Central Eastside, where a City-led parking management program is transitioning long-term (more than 4 hours) on-street parking from a permit program that gives preference to employees and residents of the district to short-term (4 hours or less) metered parking, primarily to serve customers and visitors. Given this situation, the code allows existing off-street, surface parking that is underutilized to be used commercially to serve residents and employees of the district, by allowing monthly passes to be sold. The code does not allow the sale of hourly or daily parking given that these types of parking do not serve employees or residents well, and instead serve short-term users whose needs are being met by the City expanding the supply of on-street parking made available for short-term parking. Finally, these restrictions will also limit the attraction of using surface lots as commercial parking.

**33.510.262 Parking Built before [insert effective date]**

**A. Purpose.** With adoption of the Central City 2035 Plan in 2017, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, operation restrictions and reporting requirements have been reduced.

The new regulations do not supersede other types of approvals such as existing Preservation Parking covenants, design review and adjustments.

**B. Where these regulations apply.** These regulations apply to all parking that legally existed on [insert effective date]. The regulations also apply to all parking where a complete application was received before [insert effective date], or parking that received either a land use or building permit before [insert effective date].

**C. Assignment of parking types.** The parking types assigned below are the same types as described in Subsection 33.510.261.B.; or if you are not assigned below you are Undedicated General. Undedicated General is all parking other than Visitor Parking, that is not associated with particular development.

1. If the parking was built as Growth Parking it continues to be Growth Parking.
2. If the parking was built as Preservation Parking it continues to be Preservation Parking.
3. If the parking was built as RX Zone Parking or Residential/Hotel Parking it is now Growth Parking.
4. If the parking was built as Visitor Parking it continues to be Visitor Parking.
5. All other parking is Undedicated General Parking.

**D. Operation.**

1. If the parking is in a structure:
  - a. Growth and Preservation parking may operate as accessory or commercial parking.
  - b. Visitor Parking is operated as commercial parking except as follows:
    - (1) "Early Bird" discounts are prohibited on weekdays, and
    - (2) The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
  - c. Undedicated General Parking is subject to all previous conditions of approval.

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# Commentary

2. If the parking is on a surface parking lot:

a. Growth Parking:

(1) Unless specified in a.(2) Growth Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, growth parking that operates as commercial parking is subject to the following limitations:

- Monthly permits are only allowed for residents and employees of the subdistrict;
- Hourly and daily parking is prohibited; and
- Operation as commercial parking facility must be approved by the Portland Bureau of Transportation.

(2) Growth Parking that was operating as RXZone Parking on [insert effective date] must operate as accessory to a Residential use.

b. Preservation Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, commercial parking is subject to the following limitations:

(1) Monthly permits are only allowed for residents and employees of the subdistrict;

(2) Hourly and daily parking is prohibited; and

(3) Operation as commercial parking facility must be approved by the Portland Bureau of Transportation.

c. Undedicated General Parking. The operation of Undedicated General Parking is subject to all previous conditions of approval.

**E. Changes.** Changes to parking regulated by this Section are regulated as follows.

1. Changes that would be prohibited if requested for new parking are prohibited.

2. Changes from one type of parking to Visitor Parking or changes from Visitor Parking to Preservation or Growth requires a Central City Parking Review.

3. Changes in conditions of approval requires Central City Parking Review.

4. An increase in the number of spaces for all other parking types is subject to 33.510.261.

5. An increase in the number of spaces for Undedicated General is prohibited.

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## Commentary

**New Section: 33.510.263 Parking and loading access:** The regulations of this section apply to parking and loading access restrictions for all parking built before and after the effective date of this code.

The intent of this section is to guide the location of driveways for site development to avoid potential conflicts with other functions of the network and maximize the efficiency of the transportation system.

The restricted streets are detailed in the code section and the existing map is proposed to be deleted. The section is broken down into streets where parking access is:

- "prohibited" unless it is the only frontage for the site, in which case it is not allowed but an adjustment may be requested;
- "not allowed," where an adjustment may be requested.
- All other streets access is allowed.

**33.510.263 Parking and loading access.**

The regulations of this section apply to all parking and loading access.

**A. Purpose.** The purpose of the parking and loading access regulations is to ensure the safety of pedestrians, bicyclists, and motorists, to avoid significant adverse impact on transit operations, and to ensure that the transportation system functions efficiently. The regulations require that the access to parking and loading areas be designed so that motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail or streetcar alignment. Parking access shall be designed to avoid adverse impacts on operation and safety of pedestrian, bicycle, or motor vehicle circulation, and shall not preclude the future construction of facilities such as protected bikeways. A driveway is not automatically considered such an impact. On blocks where transit stations are located, the pedestrian environment on both sides of the streets will be considered and protected.

**B. Parking and loading access standards.**

1. Motor vehicle access to or from any parking or loading area, or parking structure is prohibited on or along the following streets unless it is the site's only frontage, in which case it requires an adjustment:
  - a. On Fifth and Sixth Avenues between NW Irving and SW Jackson Streets;
  - c. On SW Park between SW Jackson Street and SW Salmon Street;
  - d. On NW Park Avenue and NW 8<sup>th</sup> Avenue between W. Burnside and NW Lovejoy Street;
  - e. On SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues; and
  - f. On 1<sup>st</sup> Ave between NW Davis Street and SW Morrison Street.
  - g. Motor vehicle access to or from any parking area or structure is prohibited along any site frontage that abuts a street with a light rail or street car alignment in it unless entering and exiting the parking area or structure does not result in any motor vehicle travelling onto or across the light rail or streetcar alignment, in which case the access is allowed.
2. Unless addressed by Paragraph B.1., motor vehicle access requires an adjustment:
  - a. To or from any of the following streets:
    - (1) Major City bikeway;
    - (2) Major City Traffic Street;
    - (3) Major Truck Street; and
    - (4) Major Transit Priority Street.

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# Commentary



- b. To or from any parking area or structure when the access will cause or allow a vehicle to travel onto or across a light rail or street car alignment anywhere within 75 feet of the parking access measured from the property line.
- 3. All other streets. Motor vehicle access to parking or loading areas or parking structures is allowed.

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## Commentary

PBOT and BPS staff have proposed a substantial re-write to the Central City parking code. Only the proposed code is included in the draft.

**DELETE: existing code sections 33.510.261-33.510.267**

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## Commentary

### Potential Code Provision: Transportation and Parking Demand Management

As employment and residential densities in Portland grow, the number of trips going to or originating within the Central City will increase. As there is only so much capacity for single occupancy vehicle (SOV) trips, it will be necessary to significantly increase the number of trips made by transit, bike, and foot, while decreasing the number of SOV trips.

To achieve this goal, BPS and PBOT have an on-going action in the CC 2035 plan:

Explore tools and strategies to reduce development-related vehicle trip and parking impacts. These could include Transportation Demand Management, parking management or other strategies, to be implemented in partnership with new or existing developments.

In the Central City, a number of issues need to be addressed to ensure that new proposed requirements are designed to address conditions in the Central City and support the goals for increasing mode share for non SOV trips and other policy goals such as affordable housing. The issues that will be considered include, but are not limited to the following:

- What combination of approaches might be used to increase non SOV trips (such as lower parking ratios, increased bike parking facilities, support for trips made by transit)?
- How should situations where development does not create new parking, is in an area that already has a TDM program, or is at a site where improvements for transit are already assessed through a local improvement district be handled?
- PBOT and BPS will be working with stakeholders, such as employers, developers, institutions, and property managers, to develop a TDM program that best suits the Central City's unique conditions with the goal of having a recommended program developed before the effective date of Central City 2035, anticipated to be in early 2018.



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## Commentary

### Potential Code Provision: "Unbundling" Parking

One strategy that provides the dual benefits of helping to make housing more affordable and reducing drive-alone trips is to "unbundle" the price of parking from the sale and lease of commercial and residential space to the end user.

Unbundling parking means that a purchaser, tenant, or employee has the freedom to choose whether to purchase auto parking, rather than have the price obscured by "bundling" with the leased or purchased living or work space. They are provided the economic signal that parking has a real cost, and can choose whether or not to pay that cost.

The Portland City Council recently adopted a comprehensive plan policy encouraging parking unbundling and parking cash-out:

*Policy 9.59 "Cost and price. Recognize the high public and private cost of parking by encouraging prices that reflect the cost of providing parking and balance demand and supply. Discourage employee and resident parking subsidies."*

PBOT and BPS staff are working together to determine where parking unbundling code language should reside. Options include Title 33 (Planning and Zoning), or in another title, such as Title 17 (Public Improvements), Title 30 (Affordable Housing), or Title 16 (Vehicles and Traffic). Staff will be working on language to apply to areas with no or low minimum parking requirements, such as the Central City Plan District. The resulting requirement would ensure that end users have a choice in whether or not to pay for auto parking, helping to level the playing field with other transportation modes, such as transit.

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(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167515, effective 3/30/94; Ord. No. 167464, effective 4/15/94; Ord. No. 167650, effective 6/10/94; Ord. No. 169535, effective 1/8/95; Ord. No. 168702, effective 7/1/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171522, effective 9/19/97; Ord. No. 171648, effective 10/8/97; Ord. No. 172040, effective 3/13/98; Ord. No. 173259, effective 5/14/99; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175163, effective 1/1/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175294, effective 3/2/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178425, effective 5/20/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179084, effective 3/26/05; Ord. No. 179092, effective 4/1/05; Ord. No. 179925, effective 3/17/06; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182319, effective 12/5/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183517, effective 3/5/10; Ord. No. 183269, effective 10/21/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14.) Ord. Nos. 187216 and 187217, effective 7/24/15.)

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## Commentary

### 510 Maps

Existing 510 maps are labeled "deleted" and provided as a set for reference purposes. This set is followed by the full set of proposed replacement maps and more commentary about the changes for each map. Where maps are proposed for deletion without a replacement, staff have provided commentary explaining this decision with the deleted map. All other maps are being replaced and their commentary can be found with the new maps.

Please note that Maps 510-1, 10, 12 are in the progress of being amended as part of the Employment Zoning Project to eliminate the Employment Opportunity Subarea map area (the provision is being updated to apply to all Central Eastside subdistrict IG1 zoned areas). Because that project is expected to go before City Council in summer of 2016 prior to the Central City 2035 Plan, that project's maps represent the existing maps for this project and are included in the "deleted" set to be replaced.

### Map 510-1 Central City Plan District and Subdistricts

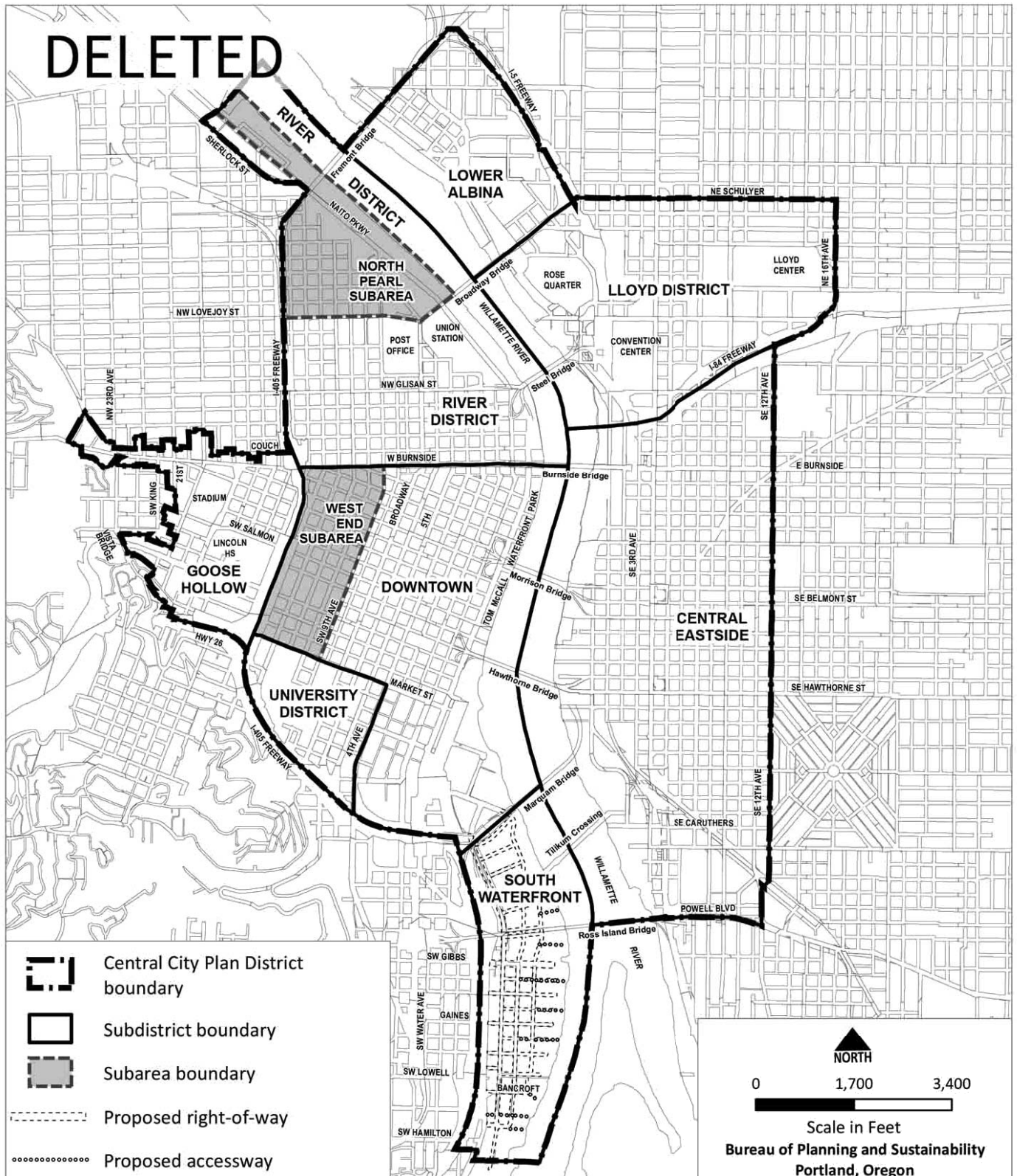
This project further updates the map from the Employment Zoning Project shown to the right as deleted. See the proposed maps in this document for details.



# Central City Plan District and Subdistricts

# Map 510-1

Map Revised Xxxxx X, 201X



6/20/2016

Proposed Draft Central City 2035 Plan  
Chapter 33.510, Central City Plan District

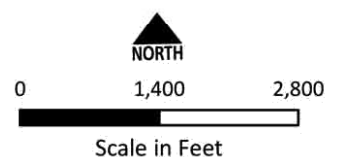
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# Commentary



Central City Plan District boundary



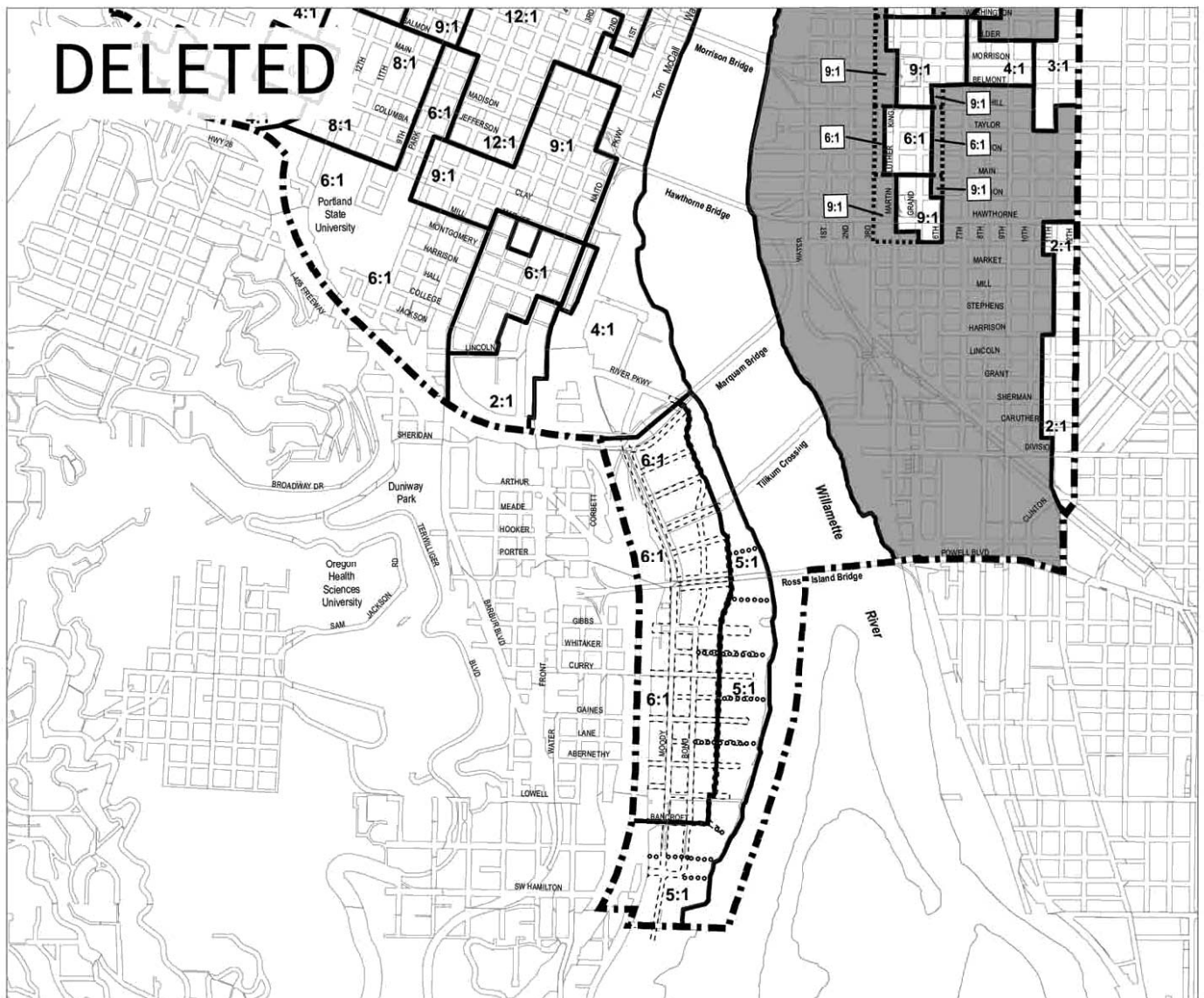
Bureau of Planning and Sustainability  
Portland, Oregon

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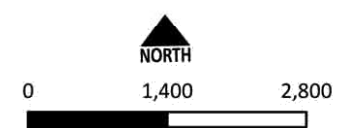
# Commentary

Map Revised June 5, 2015



<b>Legend</b>	
X	= Gross square foot of building
Y	= Square foot of site
X:Y	Maximum FAR
(X:Y)	Residential maximum FAR (33.510.56.200.B)
<span style="border: 1px solid black; padding: 2px;">X:Y</span>	Allowable FAR when rezoned to EX
<span style="display: inline-block; width: 20px; height: 10px; background-color: gray; border: 1px solid black;"></span>	Area where floor area ratio (FAR) is determined by base zone
<span style="border-bottom: 2px solid black; width: 20px; display: inline-block;"></span>	FAR area boundary
<span style="border-bottom: 1px dotted black; width: 20px; display: inline-block;"></span>	Boundary of allowable FAR when rezoned to EX

- Central City Plan District boundary
- Proposed right-of-way
- Proposed accessway



Scale in Feet  
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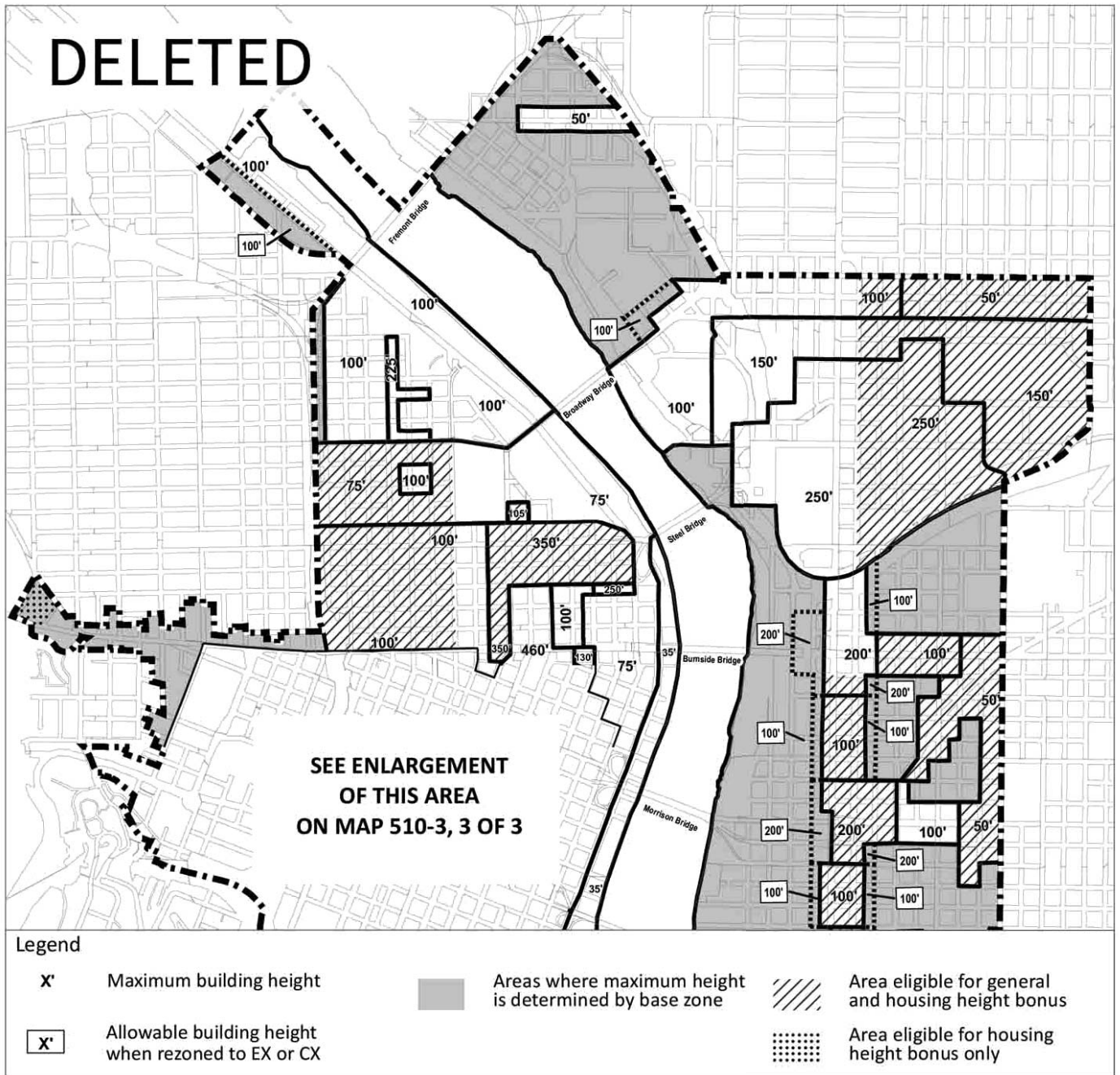
6/20/2016

Proposed Draft Central City 2035 Plan  
 Chapter 33.510, Central City Plan District

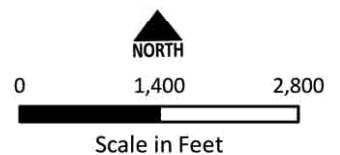
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# Commentary



- [Dashed Line] Central City Plan District boundary
- [Solid Line] Maximum heights area boundary
- [Dotted Line] Boundary of area when building heights are tied to rezoning to EX or CX



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6/20/2016

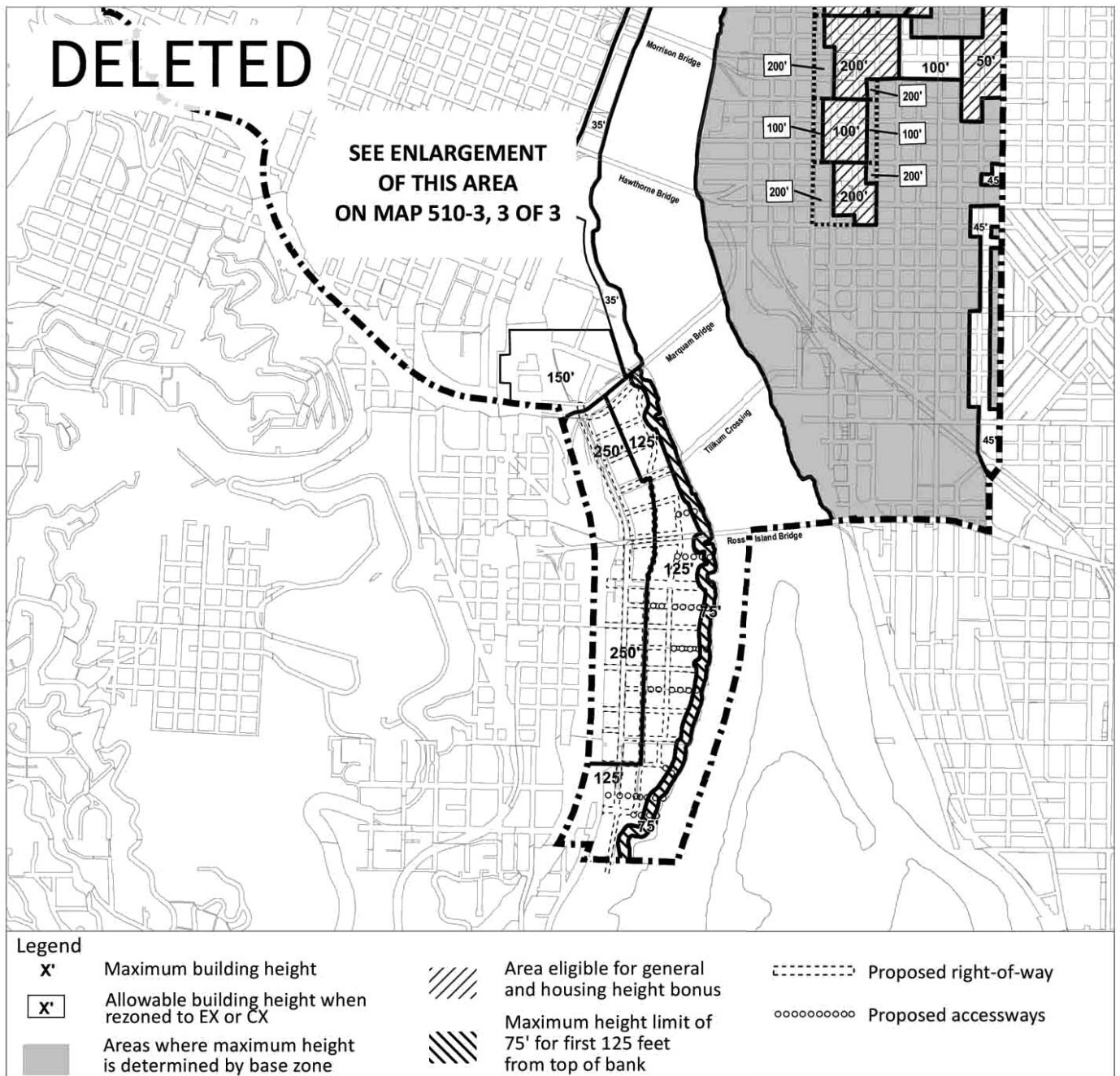
Proposed Draft Central City 2035 Plan  
Chapter 33.510, Central City Plan District

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# Commentary

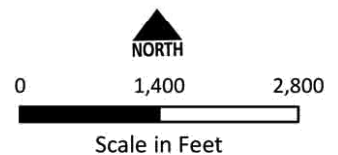




Central City Plan District boundary

Maximum heights area boundary

Boundary of area when building heights are tied to rezoning to EX or CX

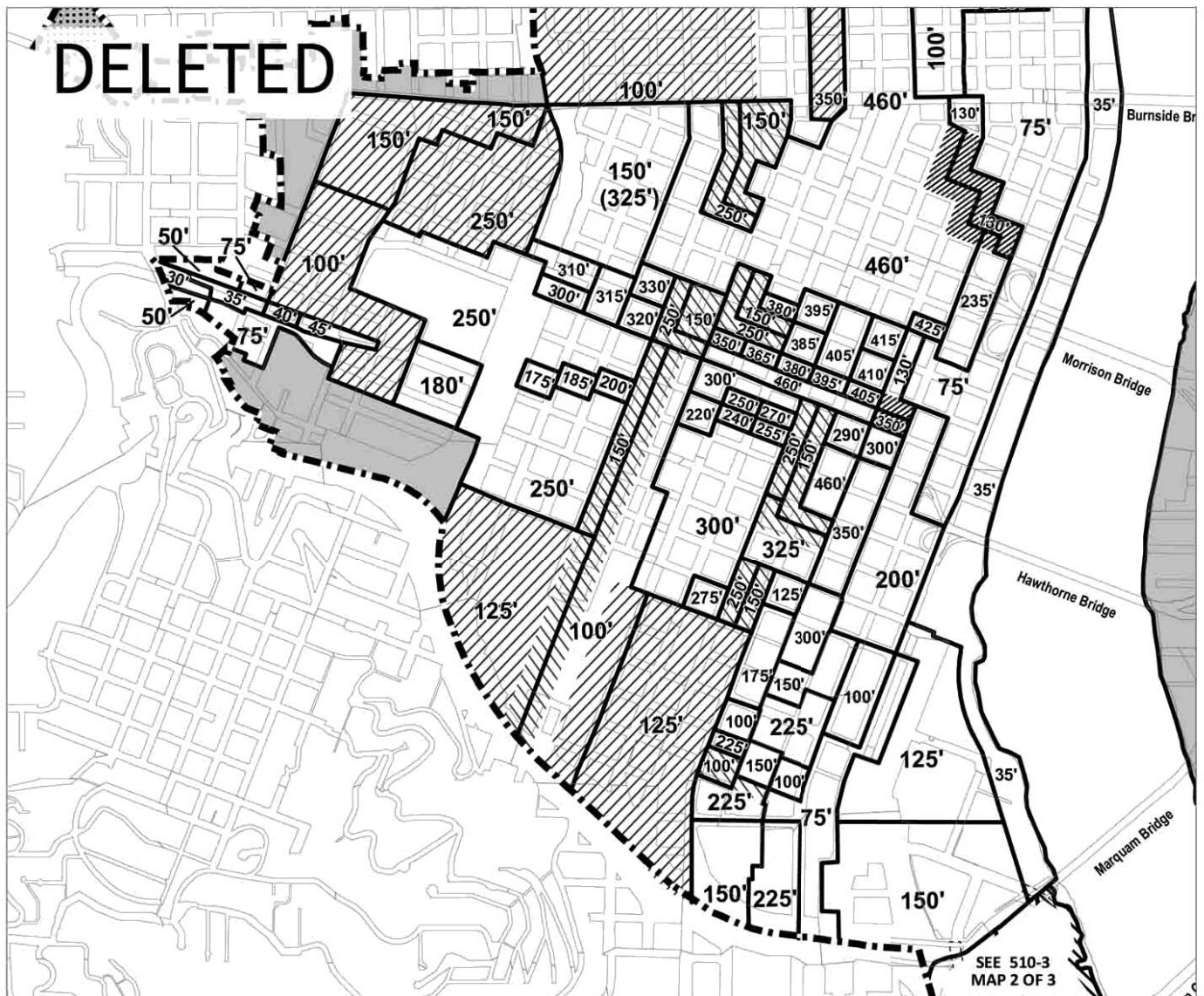


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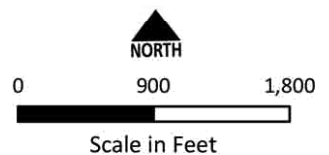
# Commentary



Legend	
x'	Maximum building height
(x')	Allowable height for residential (33.510.205.F)
	Area eligible for housing height bonus only
	Area eligible for general and housing height bonus
	Area eligible for Open Space performance standards
	Area eligible for historic step-down exception
	Areas where maximum height is determined by base zone

Central City Plan District boundary

Maximum heights area boundary

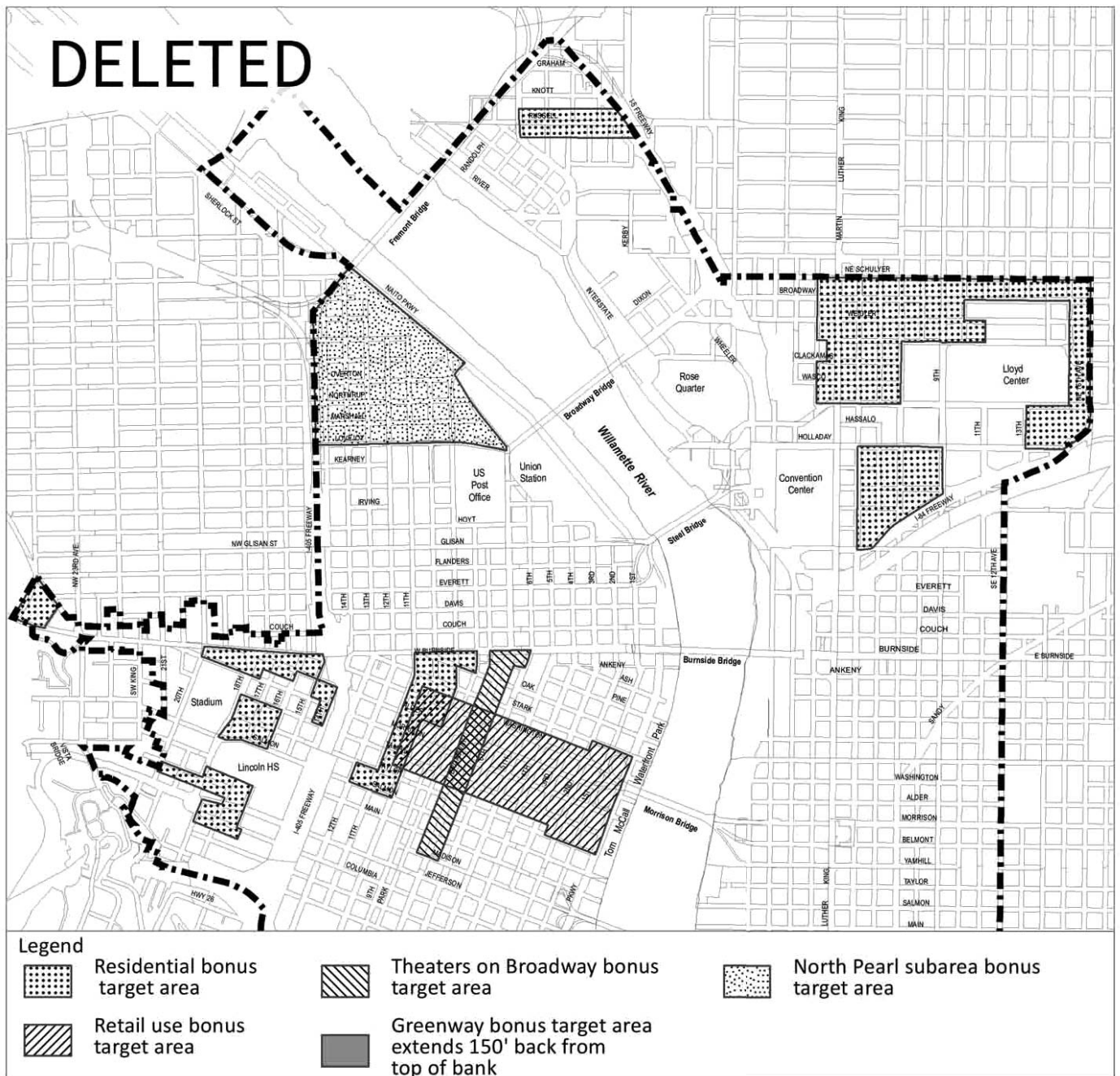


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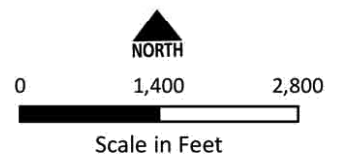
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# Commentary



Central City Plan District boundary

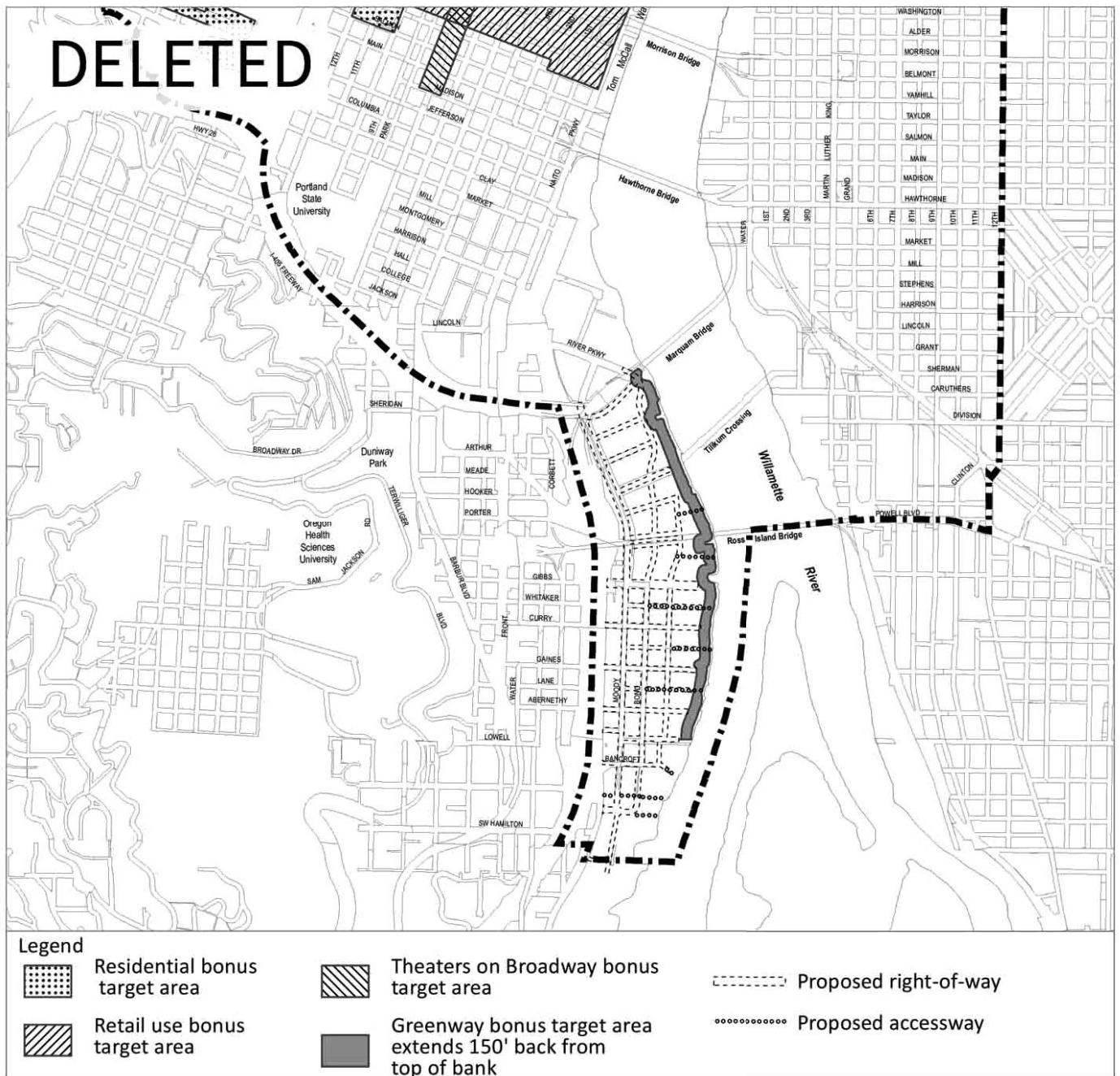


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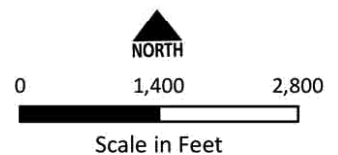
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# Commentary



Central City Plan District boundary



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# Commentary



# Required Residential Development Areas

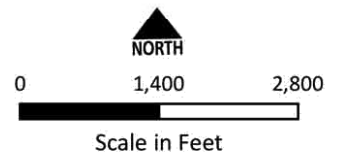
# Map 510-5

Map 1 of 2

Map Revised March 1, 2015



Central City Plan District boundary



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6/20/2016

Proposed Draft Central City 2035 Plan  
Chapter 33.510, Central City Plan District

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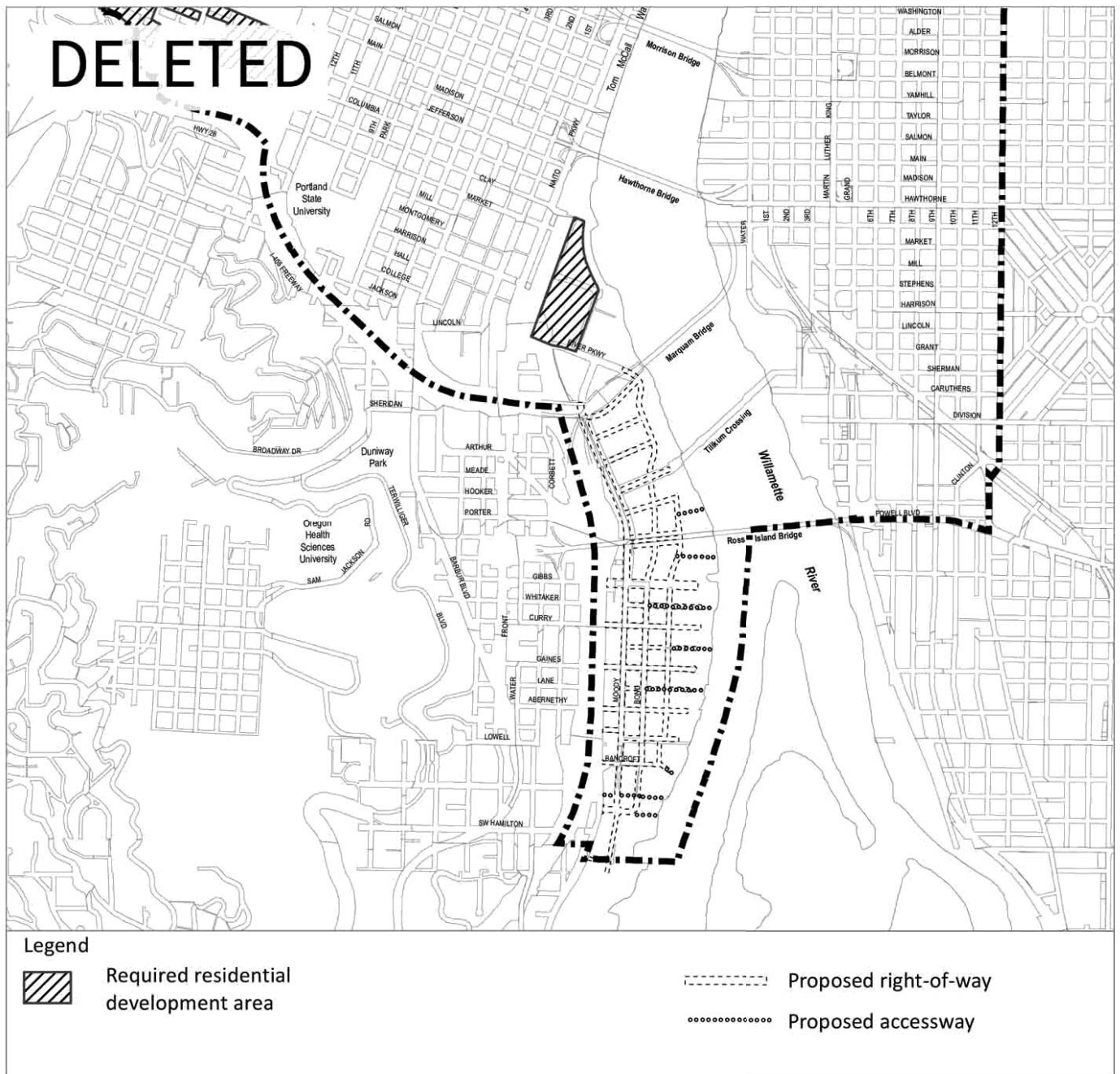
# Commentary

# Required Residential Development Areas

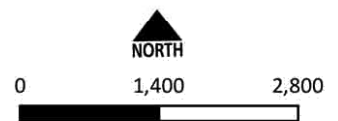
# Map 510-5

Map 2 of 2

Map Revised March 1, 2015



Central City Plan District boundary



Scale in Feet

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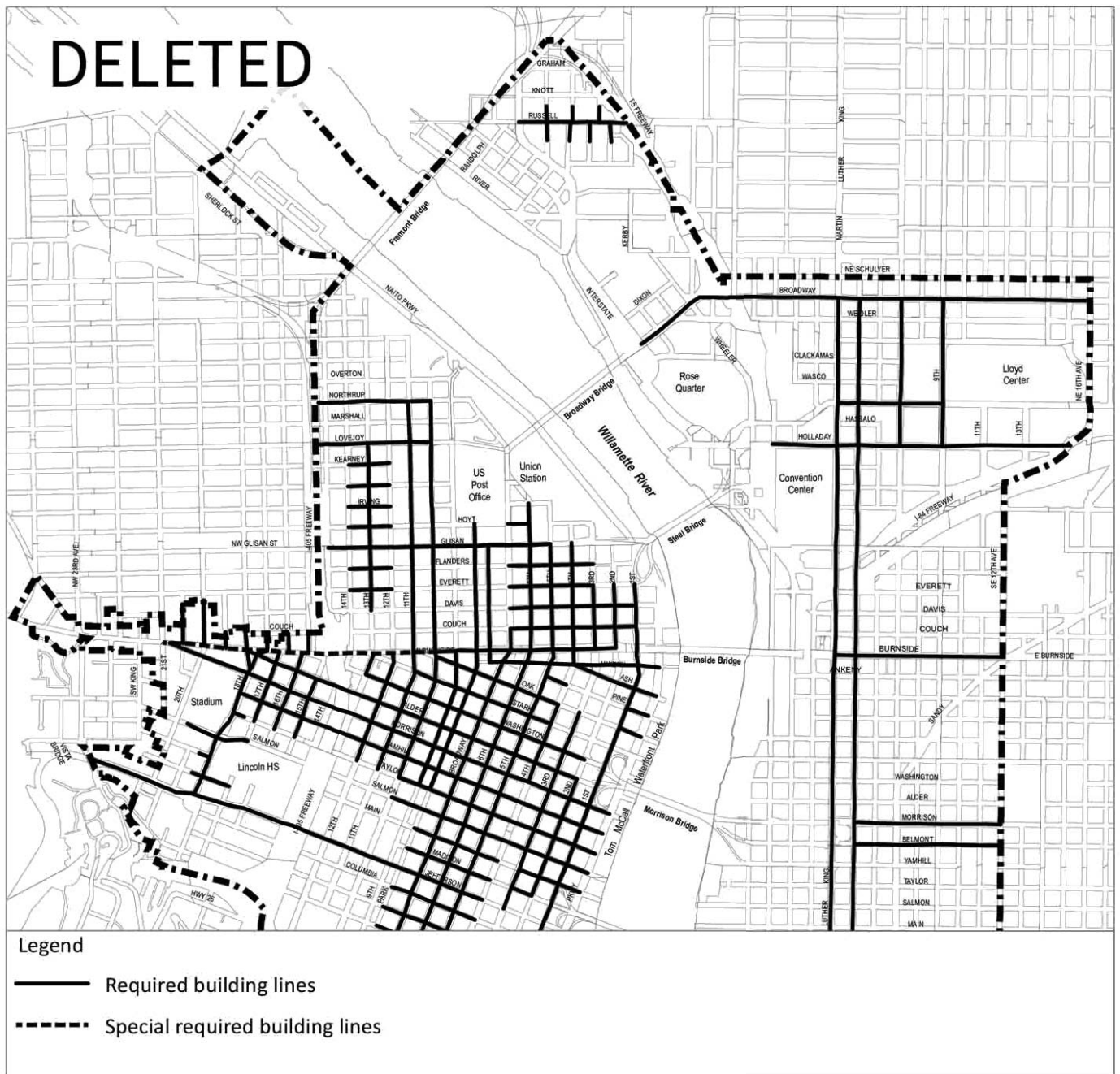
6/20/2016

Proposed Draft Central City 2035 Plan  
Chapter 33.510, Central City Plan District

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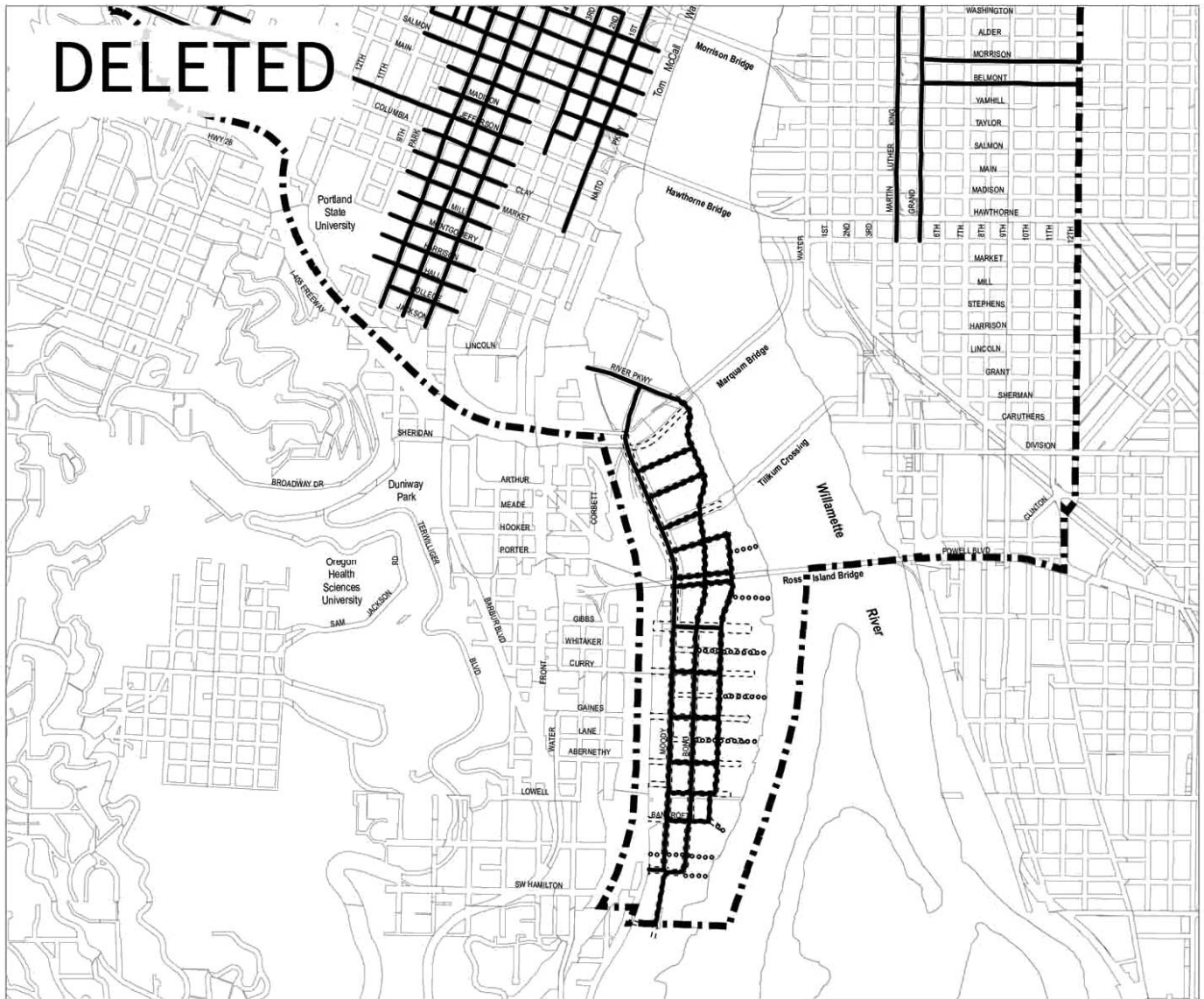
**Commentary**



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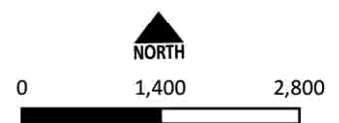
**Commentary**



**Legend**

- Required building lines
- Special required building lines
- Proposed right-of-way
- Proposed accessway

Central City Plan District boundary



Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon

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# Commentary





Central City Plan District boundary



0 1,400 2,800

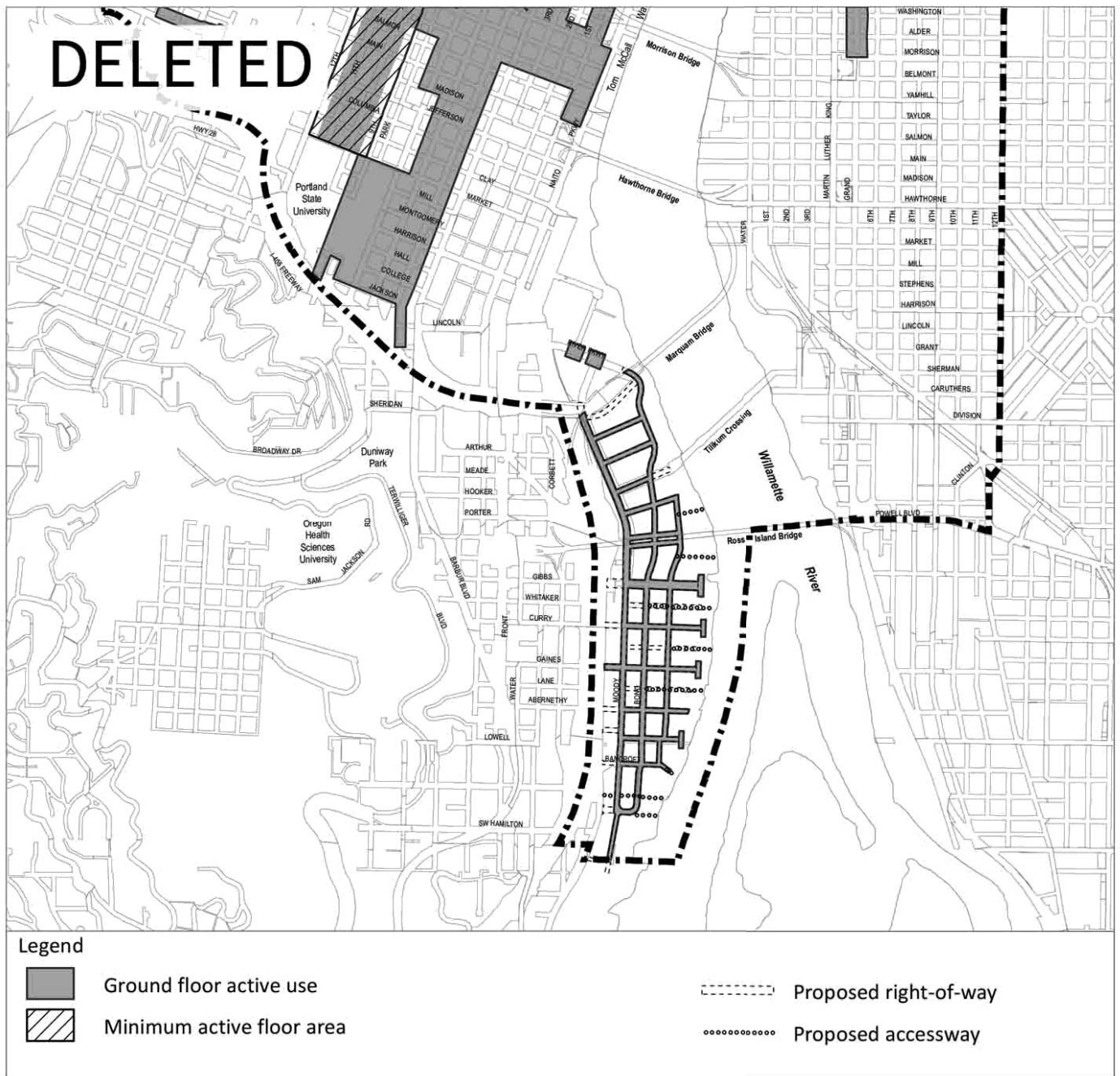
Scale in Feet

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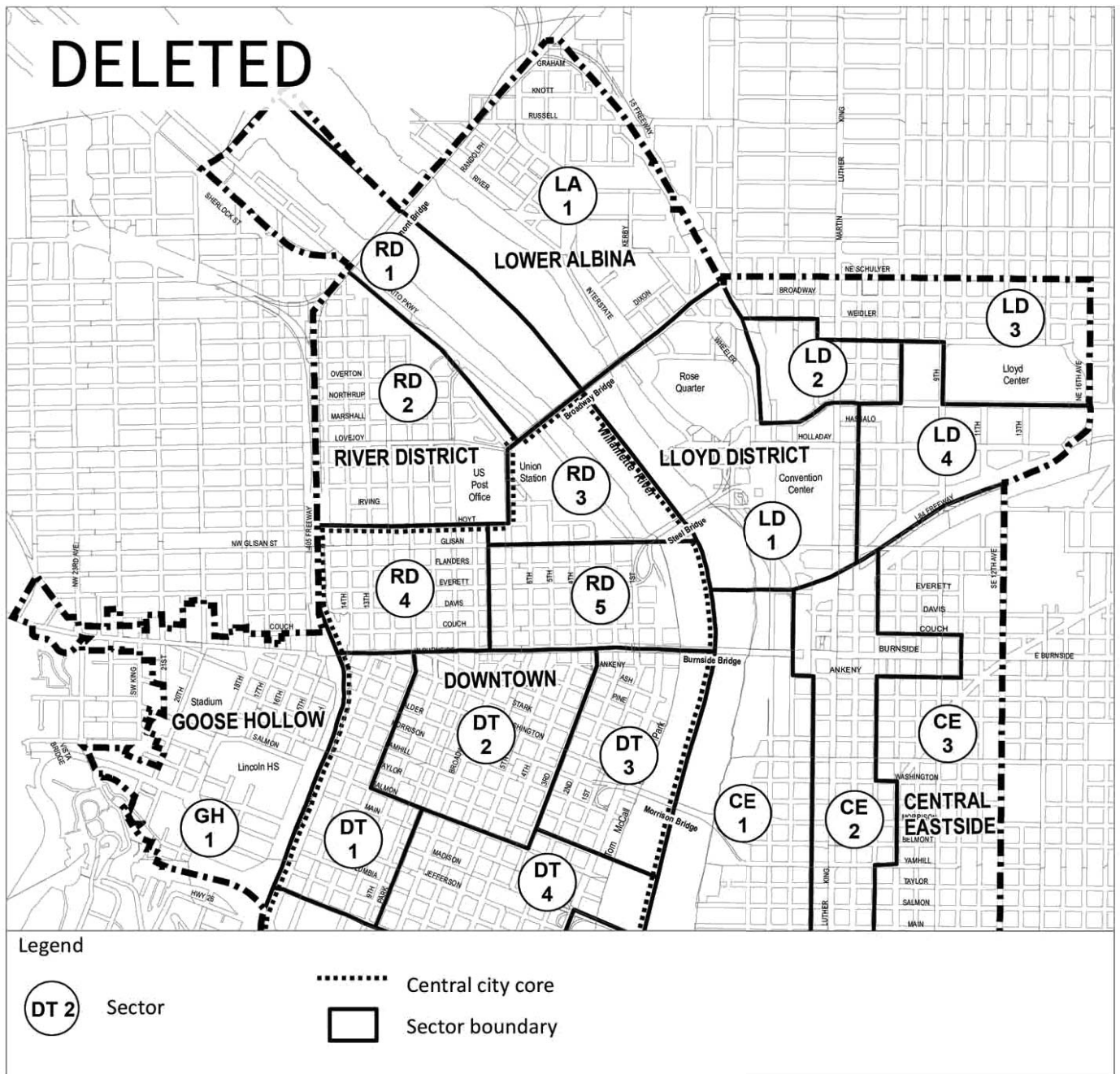
# Commentary



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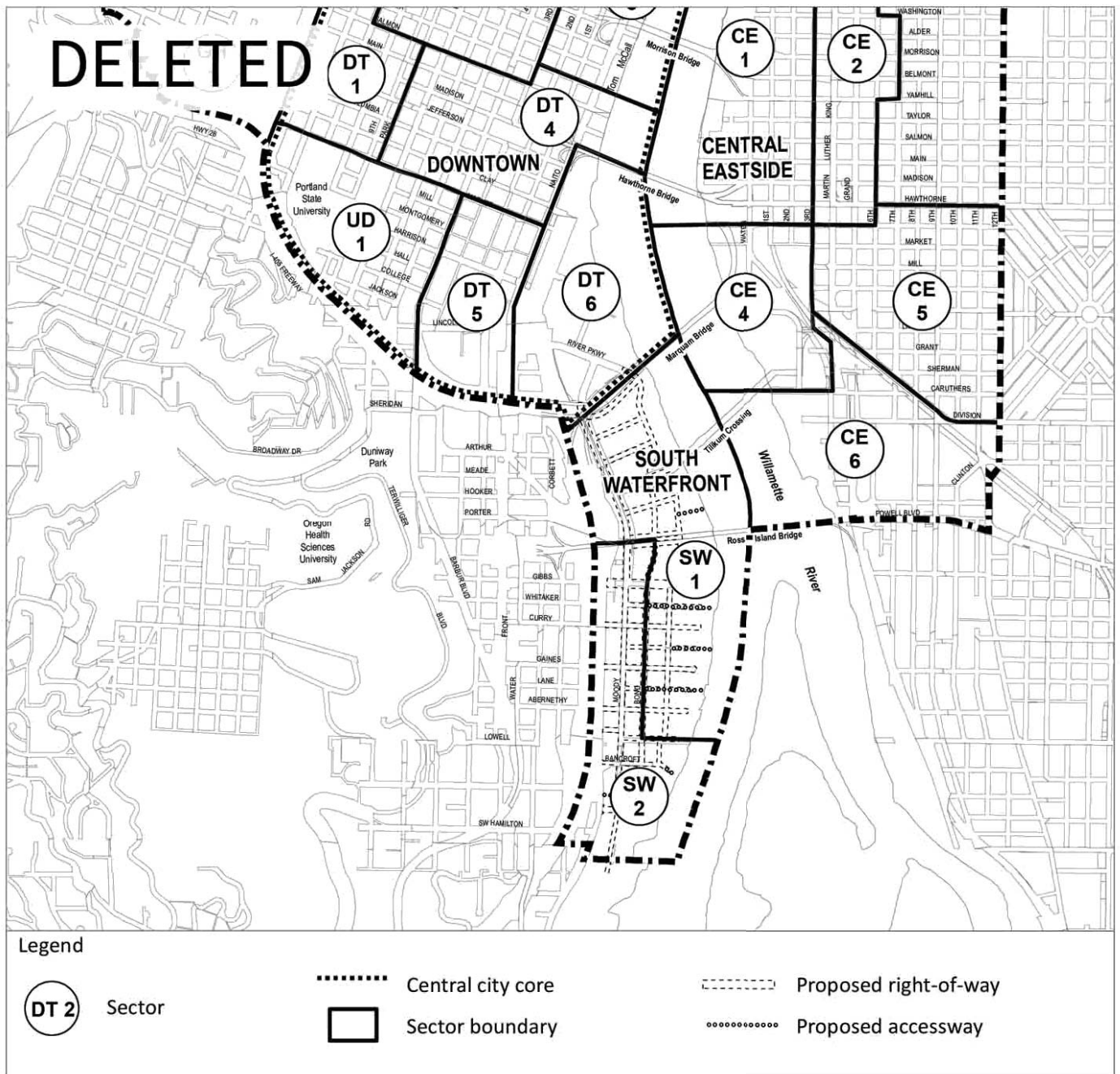
# Commentary



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# Commentary



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## Commentary

### **Proposed for Deletion: Existing Map 510-9 Parking Access Restricted Streets**

This map is proposed for deletion as the accompanying code language now clearly specifies these streets.

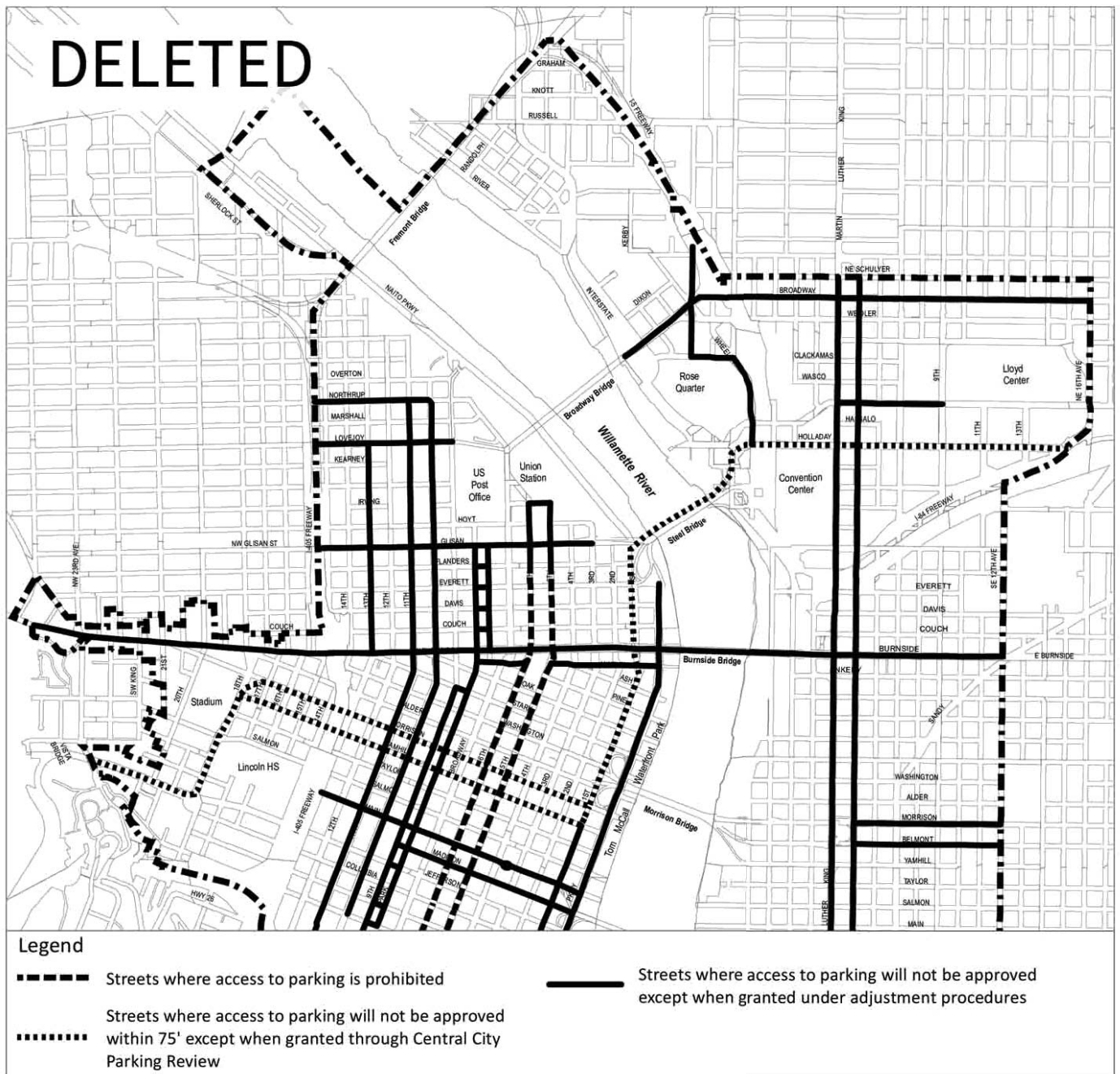


# Parking Access Restricted Streets

# Map 510-9

Map 1 of 2

Map Revised March 1, 2015



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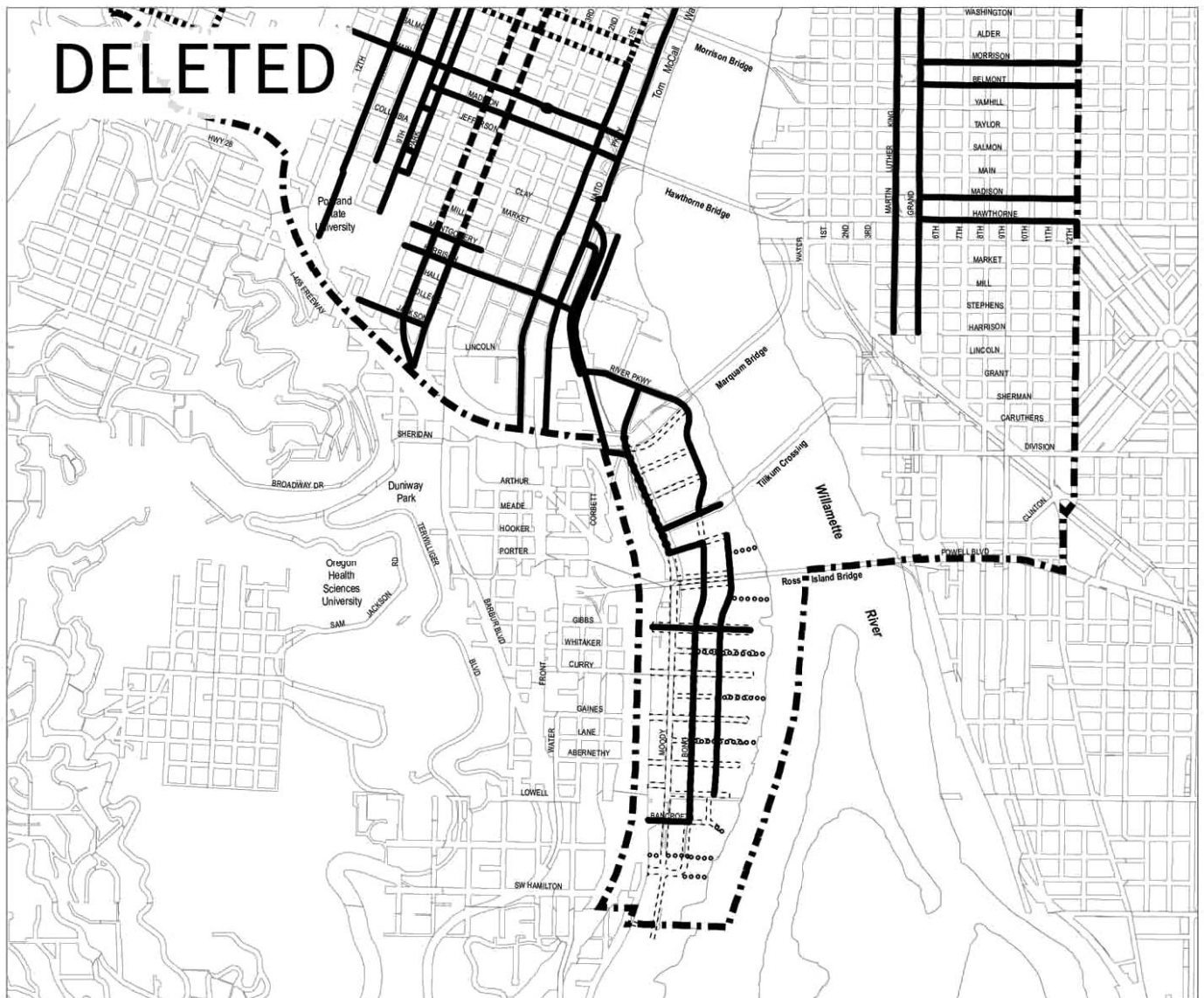
# Commentary

# Parking Access Restricted Streets

# Map 510-9

Map 2 of 2

Map Revised March 1, 2015



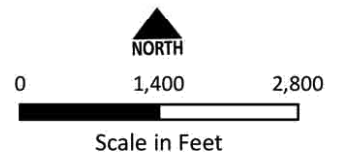
### Legend

- Streets where access to parking is prohibited
- Streets where access to parking will not be approved except when granted under adjustment procedures
- Streets where access to parking will not be approved within 75' except when granted through Central City Parking Review

Central City Plan District boundary

Proposed right-of-way

Proposed accessway



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**Chapter 33.510, Central City Plan District**

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# Commentary

# Areas Where Additional Uses are Allowed in the OS Zone

# Map 510-10

Map 1 of 2

Map Revised Xxxxx X, 201X



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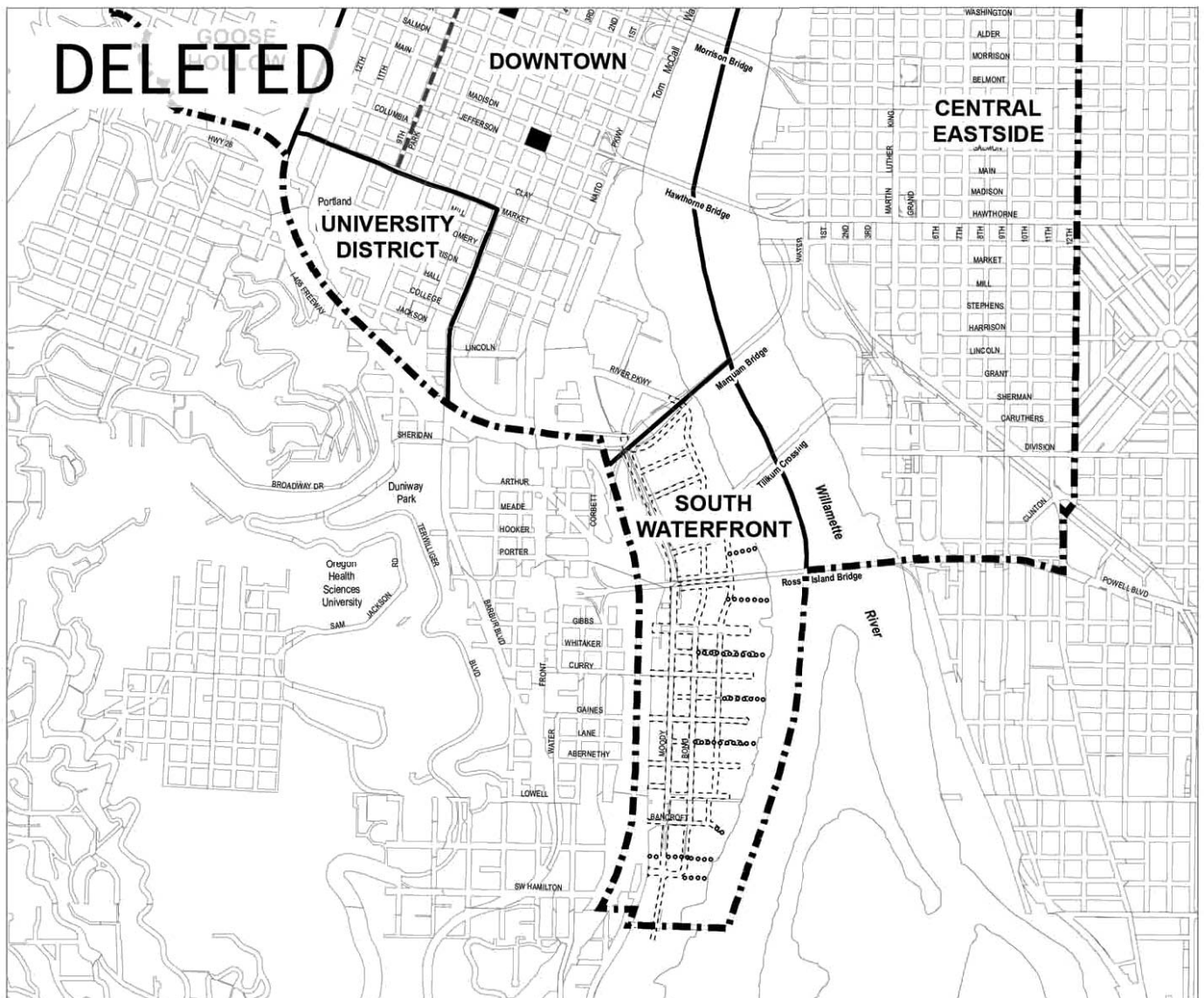
# Commentary

# Areas Where Additional Uses are Allowed in the OS Zone

# Map 510-10

Map 2 of 2

Map Revised Xxxxx X, 201X



**Legend**

■ OS sites where additional uses are allowed

----- Proposed right-of-way

..... Proposed accessway

⊞ Central City Plan District boundary

□ Subdistrict boundary

⊞ Subarea boundary



0 1,400 2,800

Scale in Feet

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# Commentary

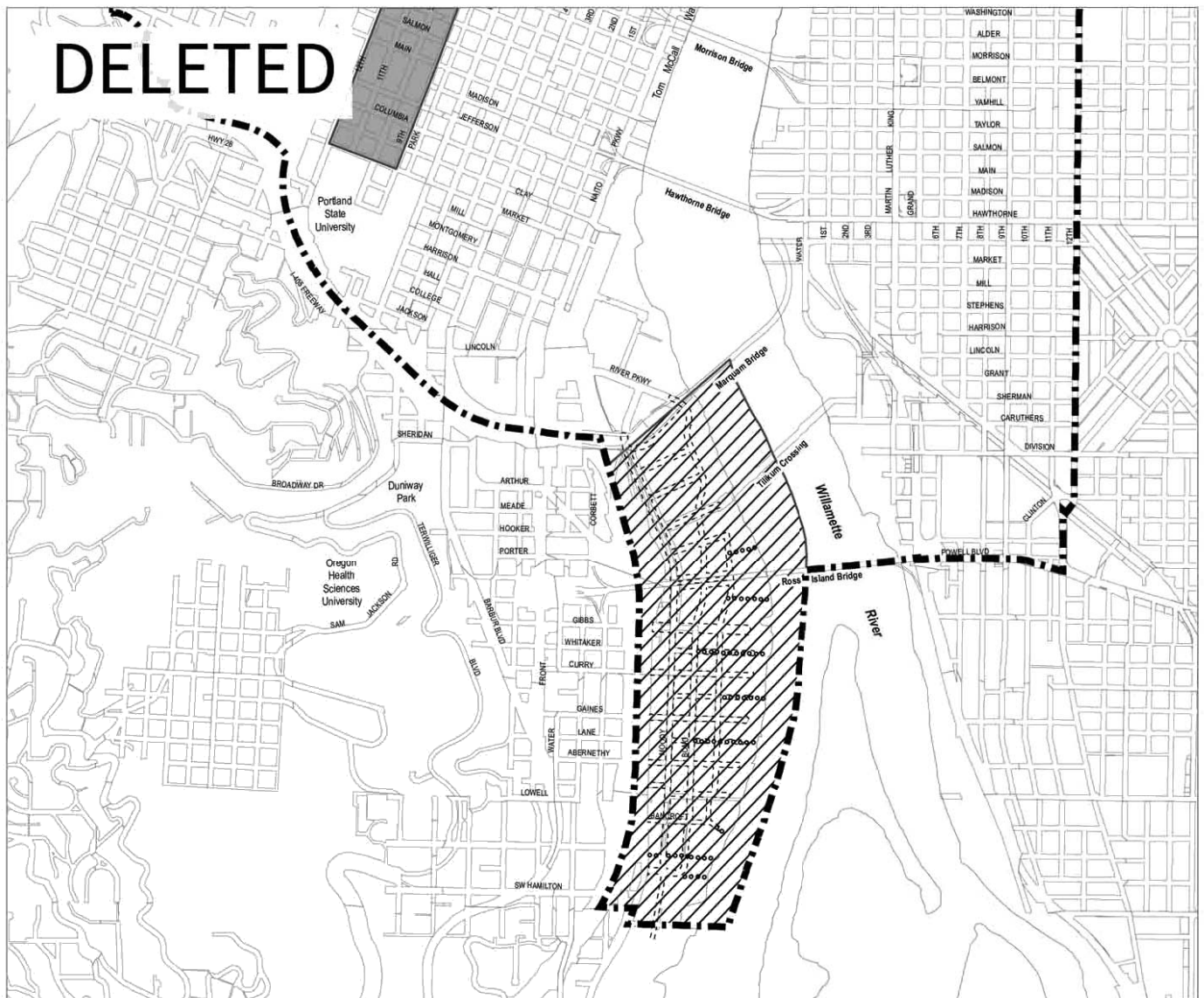




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# Commentary



Legend



Areas where size of retail sales and service uses is limited (33.510.116)



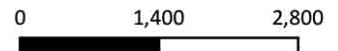
Areas where mechanical equipment must be screened (33.510.224)

----- Proposed right-of-way

..... Proposed accessway



Central City Plan District boundary



Scale in Feet

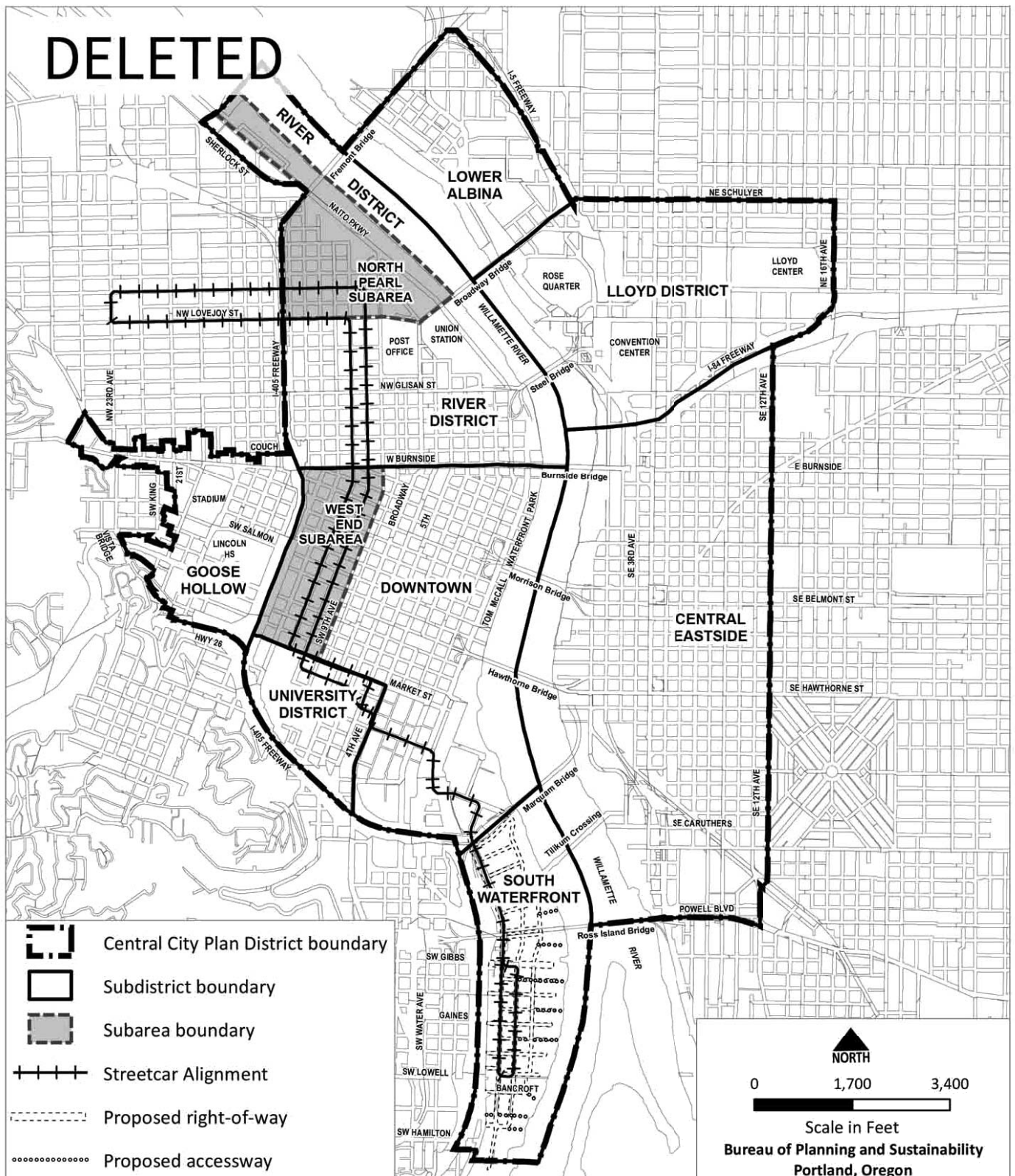
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# Commentary

Map Revised Xxxxx X, 201X



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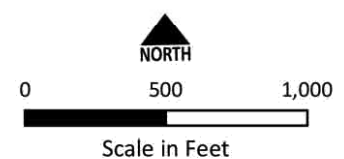
---

# Commentary

Map Revised March 1, 2015



-  Central City Plan District Boundary
-  Park block frontage



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## Commentary

### **Delete: Existing Map 510-14 Areas Where Additional Uses are Allowed in the RX Zone**

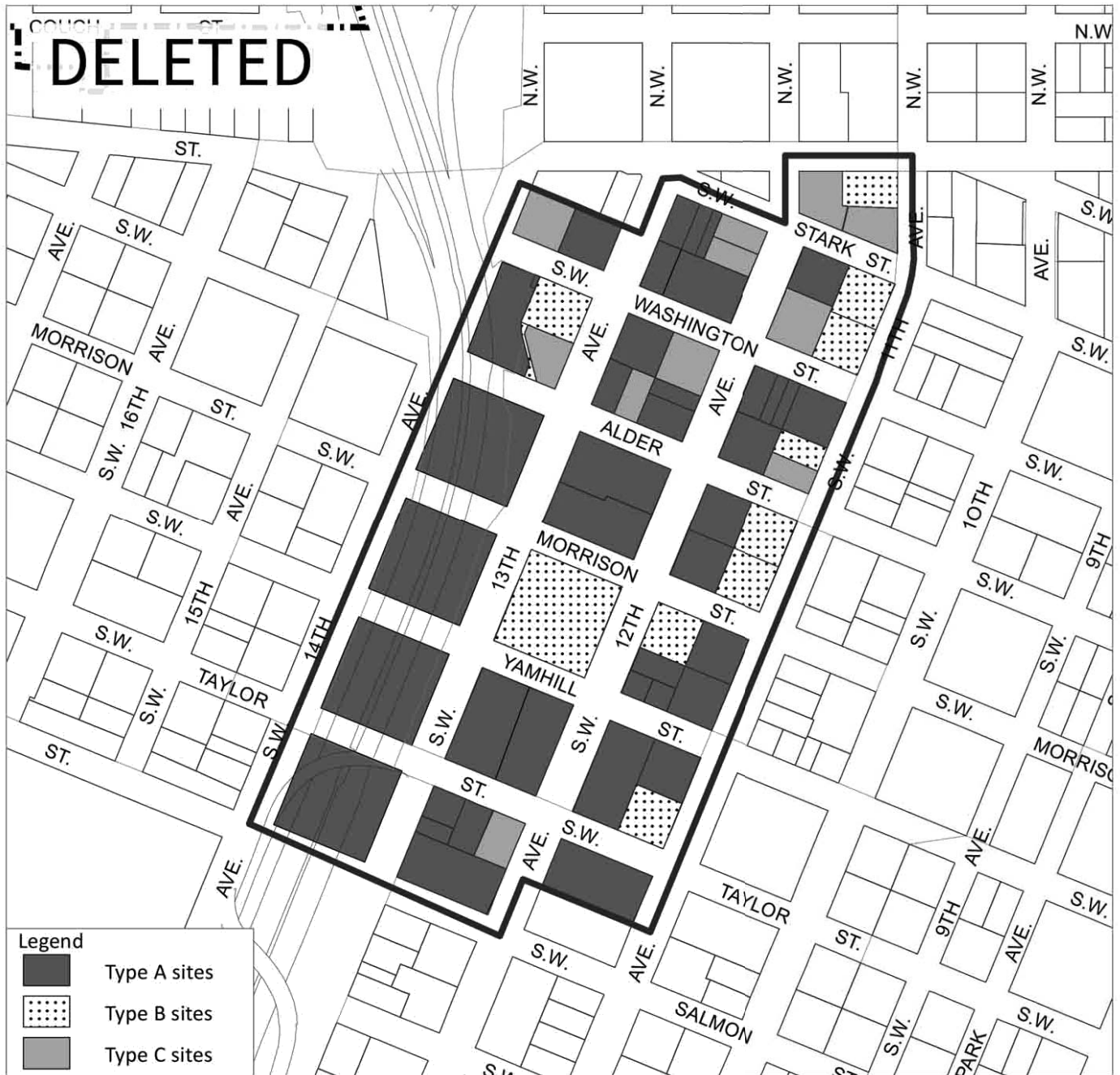
This map is being deleted because the primary section of the code that references this map, 33.510.118 "Use Regulations for Specified Sites in the West End Subarea," is being deleted. This section of Code allowed for different uses as well as different mitigation measures for certain types of development within this RX zoned area. Staff proposes to change the zoning here to CX, making most of these provisions irrelevant.








# Areas Where Additional Uses may be Allowed in the RX Zone

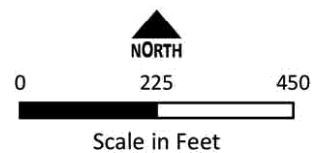
# Map 510-14

Map Revised March 1, 2015



- Legend**
-  Type A sites
  -  Type B sites
  -  Type C sites

-  Central City Plan District boundary
-  Area Boundary



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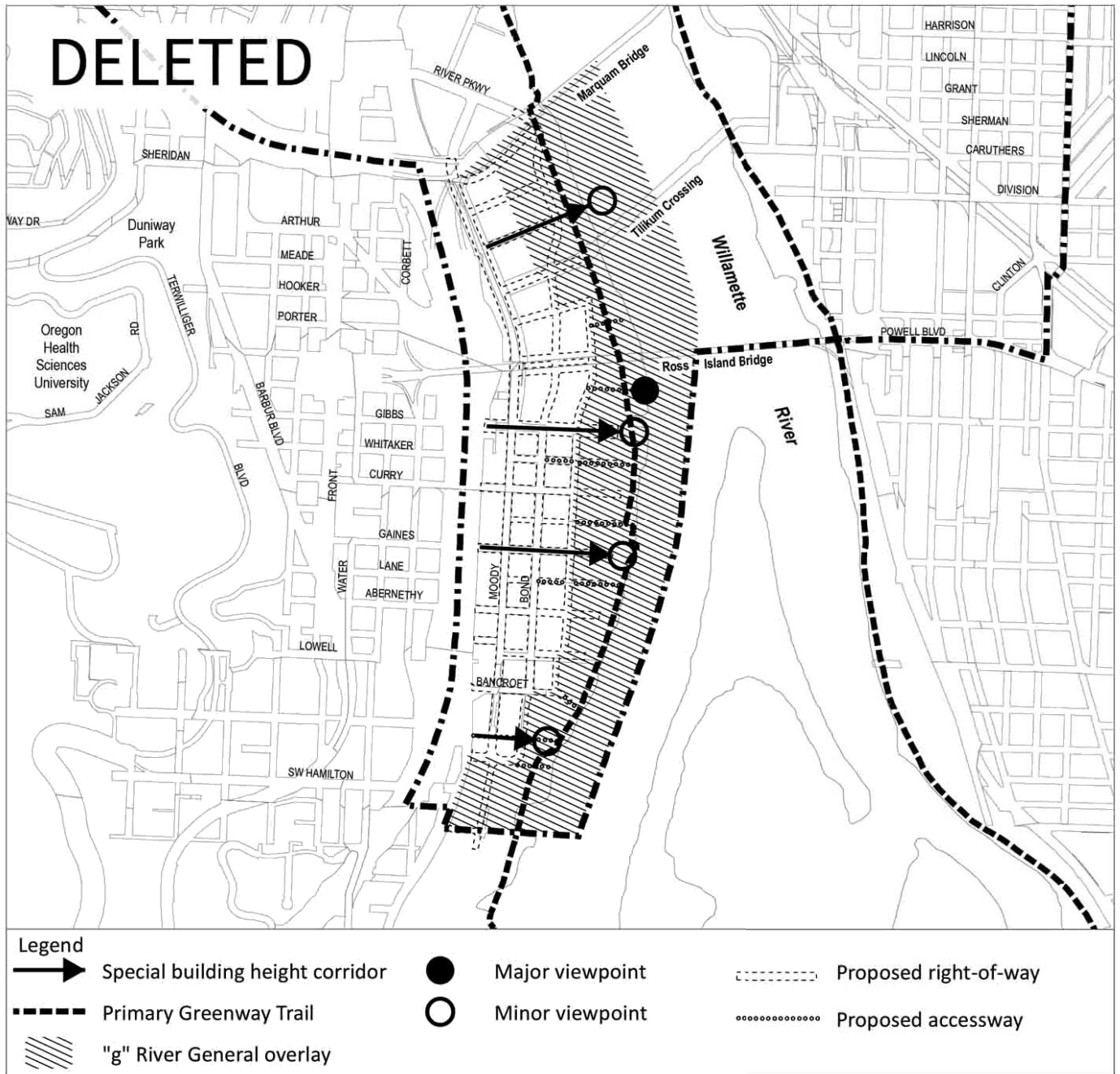
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# Commentary

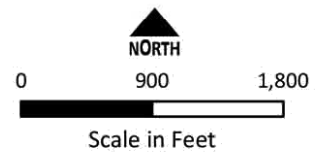
# South Waterfront Greenway Public Access

# Map 510-15

Map Revised March 1, 2015



Central City Plan District boundary



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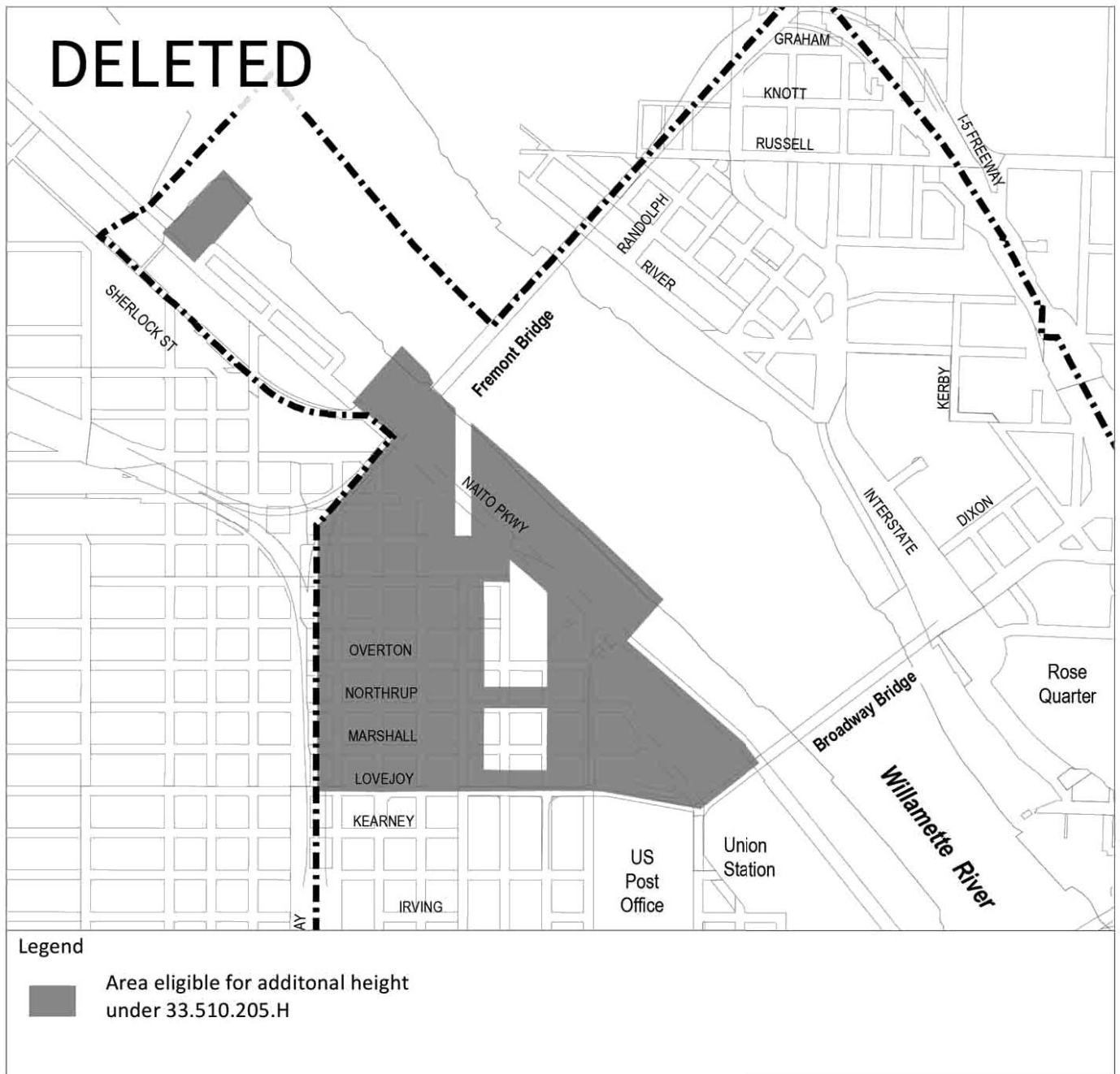
# Commentary

# North Pearl Height Opportunity Area

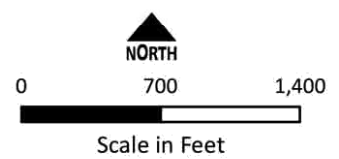
# Map 510-16

Map 1 of 2

Map Revised March 1, 2015



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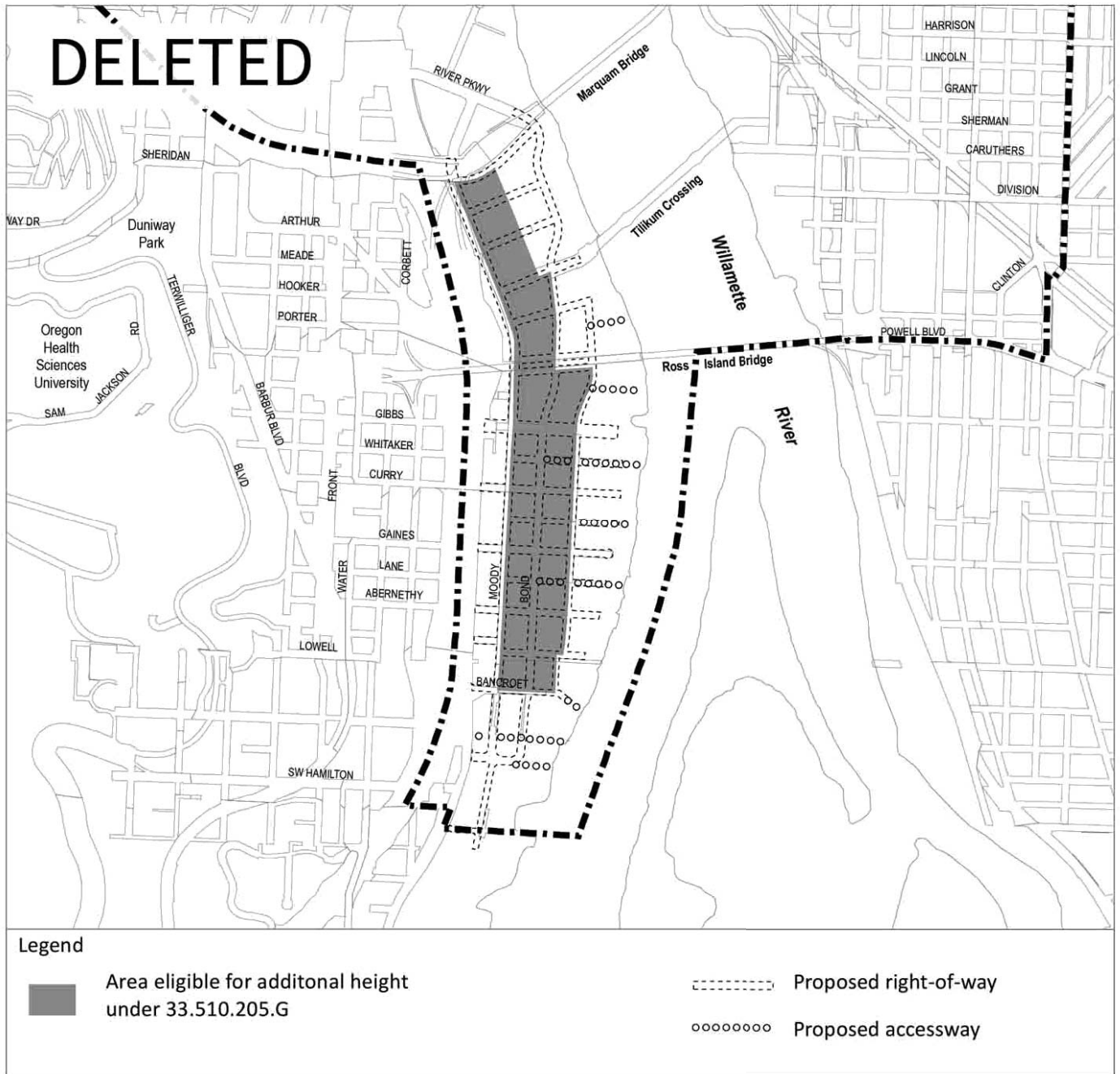
# Commentary

# South Waterfront Height Opportunity Area

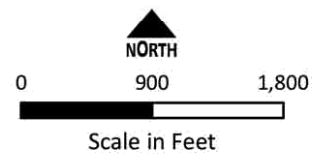
# Map 510-16

Map 2 of 2

Map Revised March 1, 2015



Central City Plan District boundary



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## Commentary

### **510-17 South Waterfront 2002 Top of Bank Line**

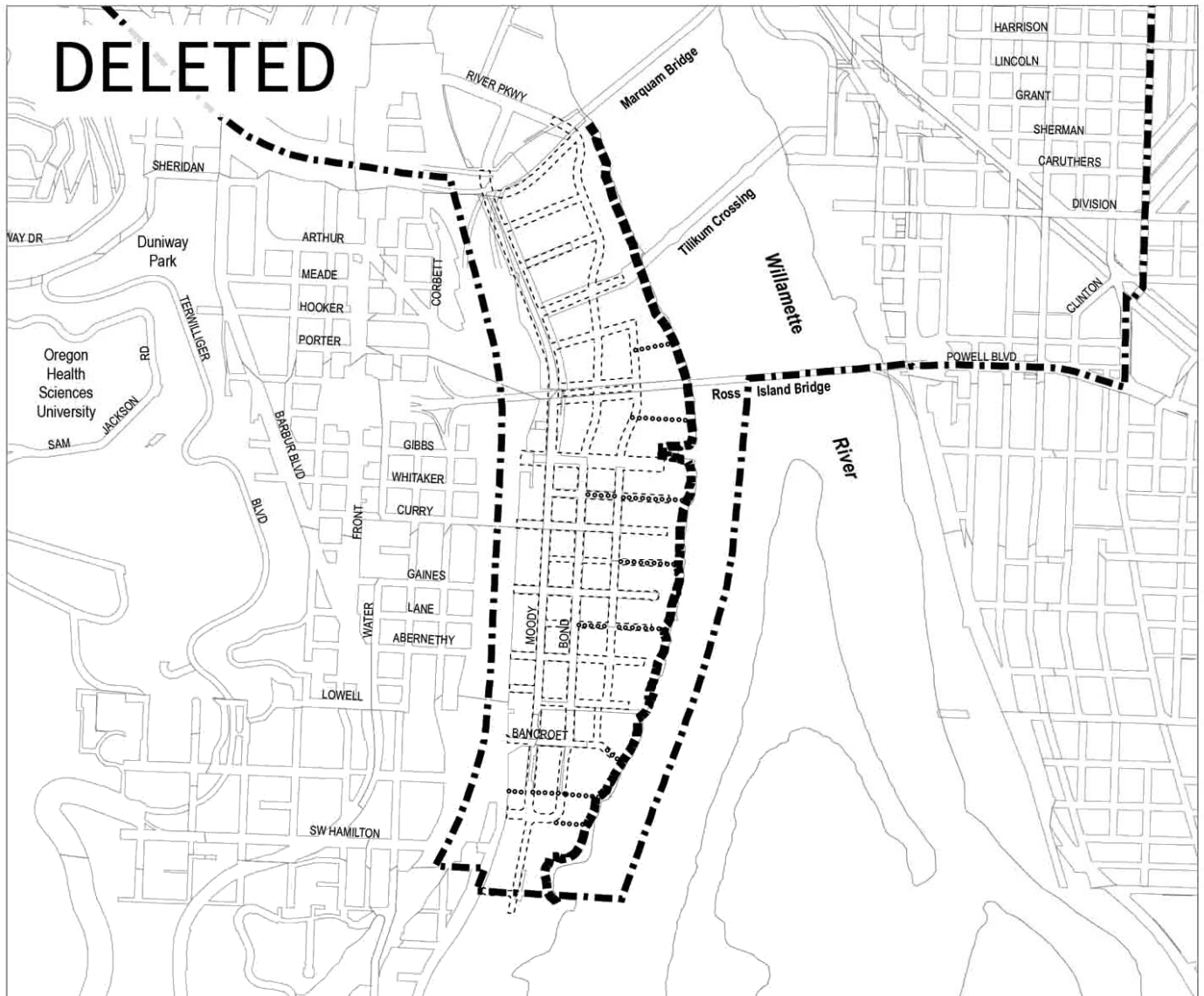
This map has been renumbered to 510-21



# South Waterfront 2002 Top of Bank Line

# Map 510-17

Map Revised March 1, 2015



**Legend**

■ 2002 Top of Bank line

----- Proposed right-of-way

Note: See map in Development Services Center for more detail

..... Proposed accessway



Central City Plan District boundary



0 900 1,800

Scale in Feet

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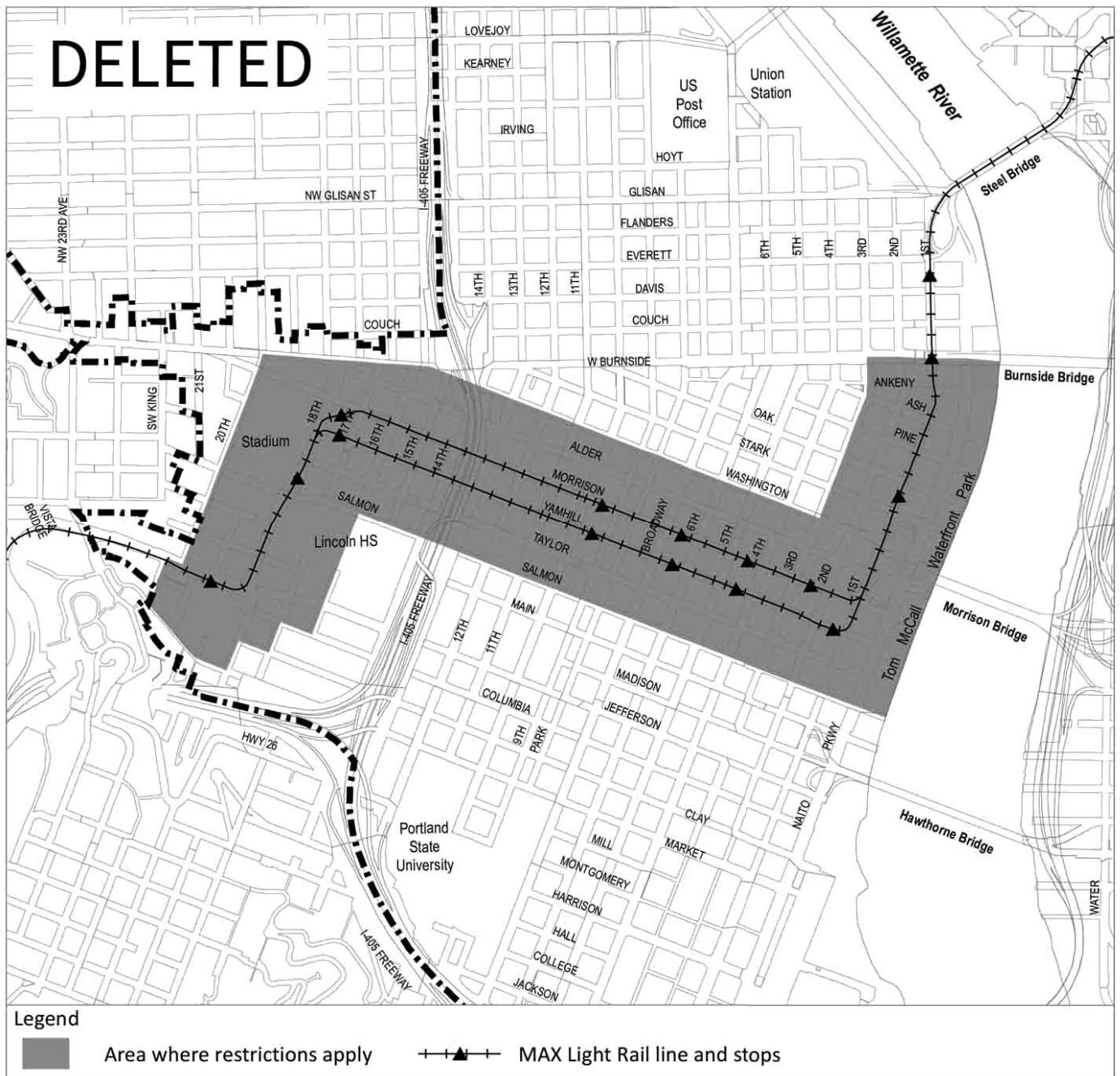
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# Commentary

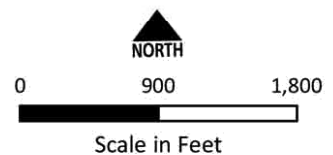
# Area Where Vehicle Sales and Leasing, and Exterior Display and Storage are Restricted

# Map 510-18

Map Revised March 1, 2015



Central City Plan District boundary



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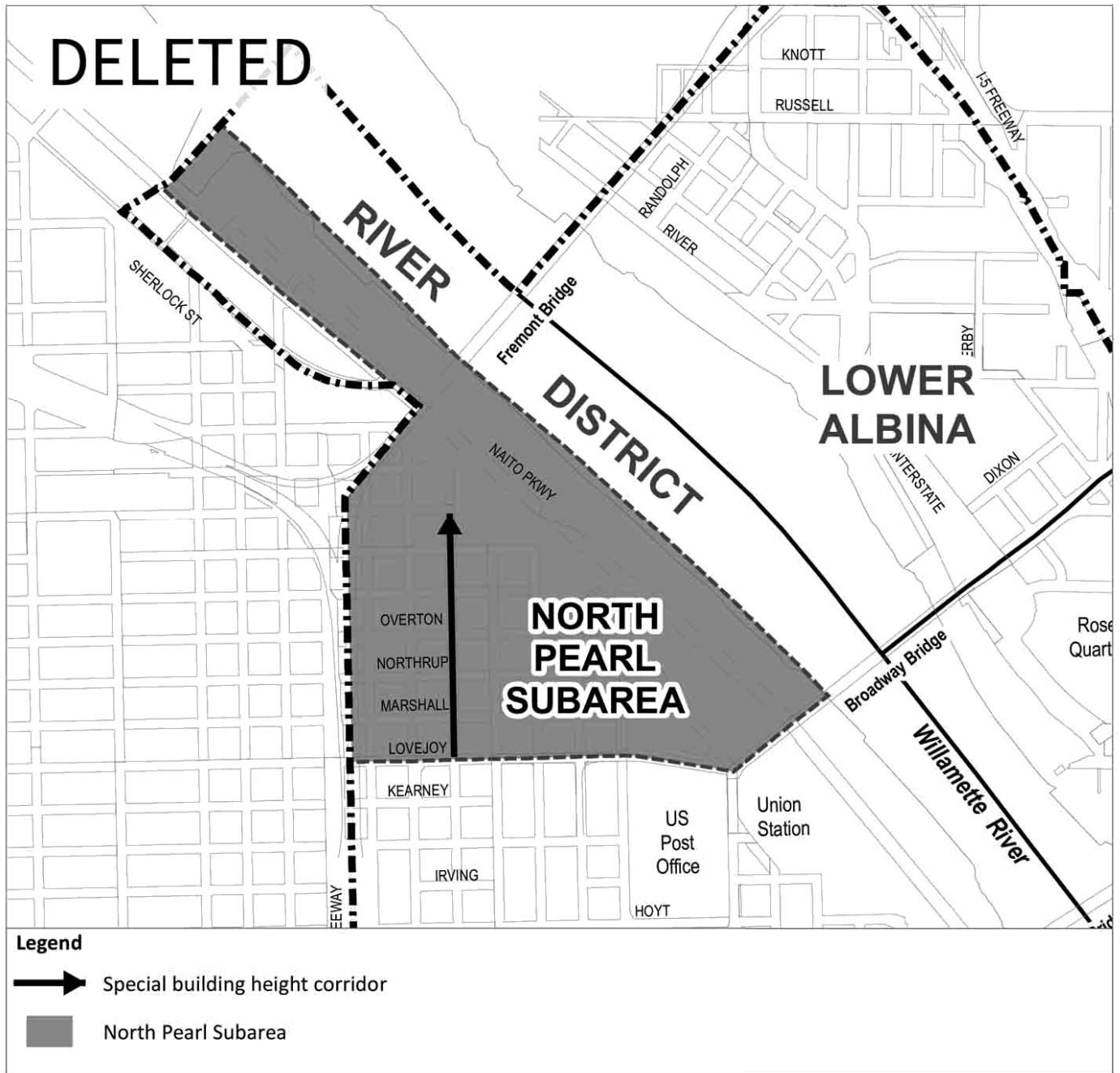
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# Commentary



# North Pearl Subarea Special Building Height Corridor




# Map 510-19

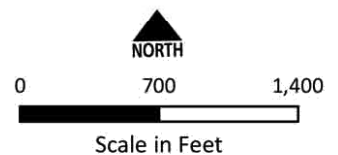
Map Revised March 1, 2015



**Legend**

-  Special building height corridor
-  North Pearl Subarea

-  Central City Plan District boundary
-  Subdistrict Boundary
-  Subarea boundary



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## Commentary

**Delete: Existing Map 510-20 Pearl Development Transfer Opportunity Area**

Staff propose to eliminate this map. This map was used to support the historic resources transfer provision for the Pearl District. A new transfer mechanism for historic resources is proposed to be applied across the Central City Plan District.

# Pearl Development Transfer Opportunity Area

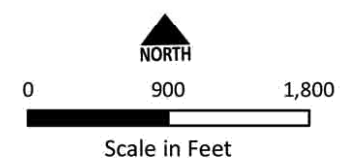
# Map 510-20

Map Revised March 1, 2015



**Legend**  
 Pearl Development Transfer Opportunity area

- Central City Plan District boundary
- Subdistrict boundary
- Subarea boundary



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## Commentary

**Delete: Map 510-21 Required Retail Sales and Service Use in South Waterfront**

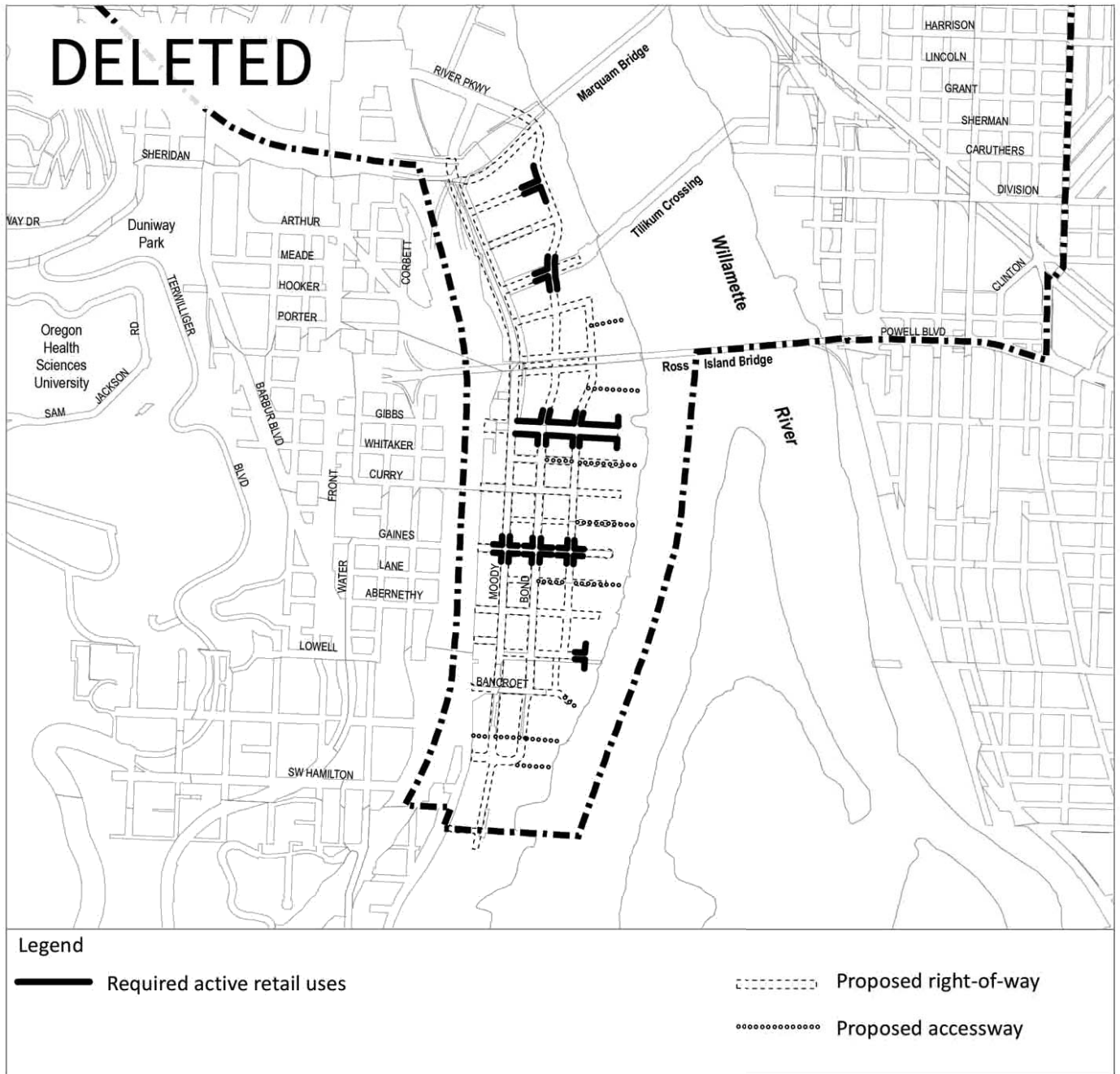
Staff propose to eliminate this map because the proposed code amendments implementing the Street and Development Character concept for the Central City meet the intent of this provision. Staff has incorporated guidance from this map into the Street and Development Character concept and has updated Map 510-9 Ground Floor Active Use Area accordingly.



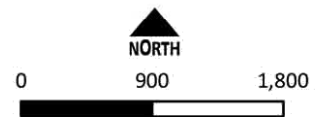
# Required Retail Sales and Service Use in South Waterfront

# Map 510-21

Map Revised March 1, 2015



Central City Plan District boundary



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## Commentary

### Proposed 510 Maps

This page starts the full set of proposed 510 maps. The "Deleted" set of existing 510 Maps are included on earlier pages for reference.

### Map 510-1 Central City Plan District and Subdistricts

The Central City Plan District boundary has been expanded to include the new Clinton MAX light rail station area between Milwaukie Blvd, Powell Blvd and the Union Pacific Rail Line at the eastern edge of the Central Eastside.

Subdistrict boundaries have been updated as follows:

- West End subarea is now a subdistrict.
- The River District is replaced by the Pearl and Old Town/Chinatown subdistricts (Old Town/Chinatown includes a small part of the former Downtown subdistrict). The North Pearl subarea is retained.
- Downtown subdistrict is now smaller (with the creation of the West End subdistrict and creation of the Old Town/Chinatown and University District/South Downtown subdistricts).

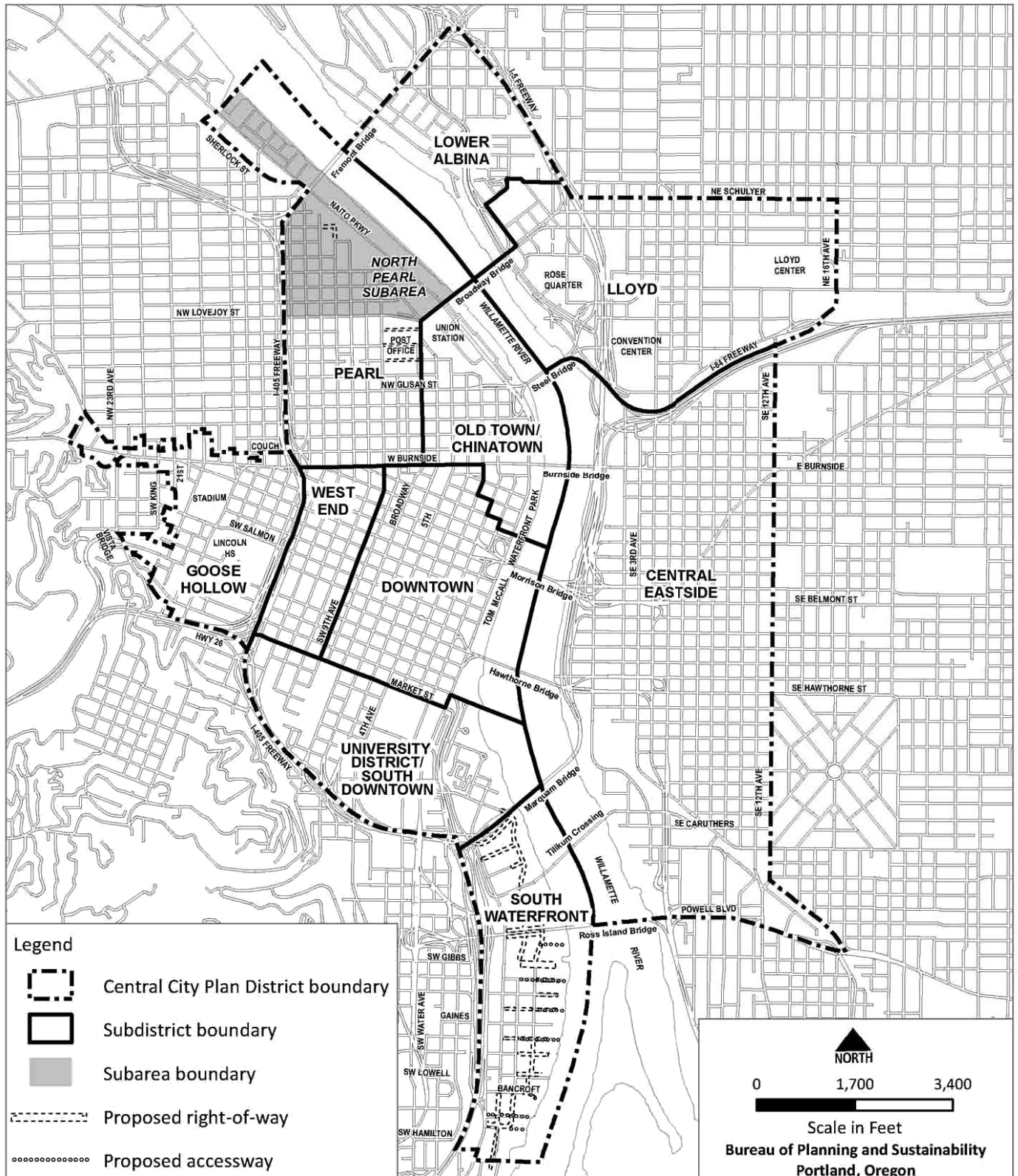
Other proposed changes:

- The Employment Opportunity Subarea (EOS) has been removed from this map as the provision has been expanded to all IG1 zoned land in the Central Eastside subdistrict through the Employment Zoning Project.
- A small portion of the Lloyd District near the Willamette River is proposed to move to the Central Eastside subdistrict.
- Some minor updates to reduce the number of tax lots split by the boundary.

# Proposed Central City Plan District and Subdistricts

# Map 510-1

Map Revised Xxxxx, 201X



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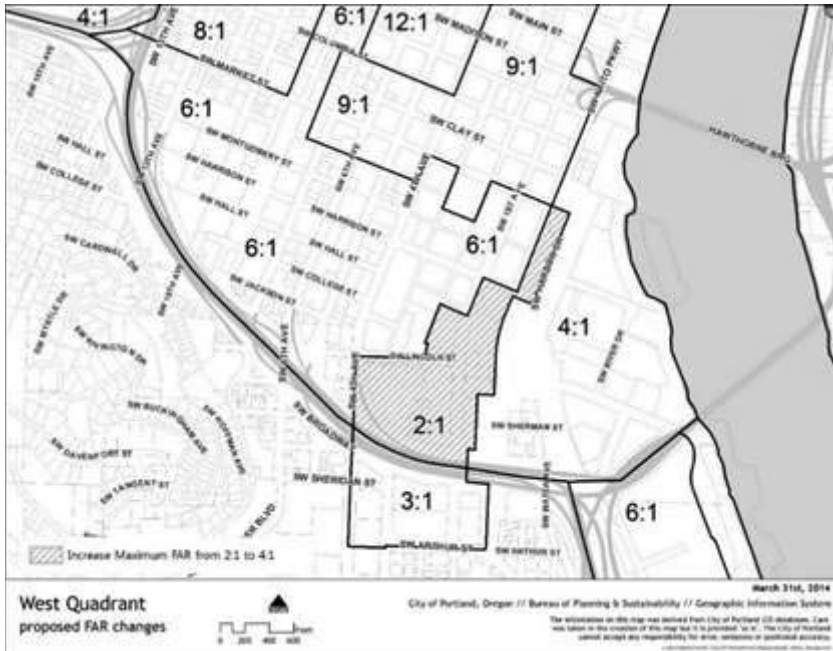
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## Commentary

### Map 510-2 Maximum Floor Area Ratios

In general, maximum floor area ratios have not been changed. The following changes are proposed:

- The area shown on the map below from West Quadrant Plan is proposed to go from 2:1 to 4:1 within the Central City Plan District. This change is proposed to be consistent with FAR base entitlements on adjacent properties within the Central City. Staff is not proposing to change the base entitlement outside the Central City, shown as 3:1 on the map below. These changes are also being made to Map 580-2 South Auditorium Plan District: FAR.



- FAR limits are also revised for a few large sites in the Central City:
  - The USPS site in the Pearl subdistrict is proposed to go from 4:1 to 7:1 consistent with the Broadway Corridor Framework Plan (2015).
  - The OMSI MAX light rail station area is being rezoned to EX and will have 2:1 FAR north and 3:1 south of SE Caruthers Street. The portion north of SE Caruthers St will need to go through a Central City Master Plan (see Map 510-19 Required Master Plan Sites).

Note: BPS and PBOT are modeling increases in FAR at a few additional locations. If there is no significant impact to the transportation system the following FAR updates will be proposed. The analysis will be completed in early Fall 2016:

- Southern Transit Mall (the blocks included in this area are between Mill St to I-405 to the South and between Broadway to 4<sup>th</sup> Ave). Potential increase in FAR from 6:1 to 9:1.
- Property adjacent to Lincoln Station area. Potential increase in FAR from 4:1 to 6:1.
- Property north of the Broadway Bridge and south of NW Naito. Potential increase from 2:1 to 4:1.

# Proposed Maximum Floor Area Ratios






# Map 510-2

Map 1 of 2

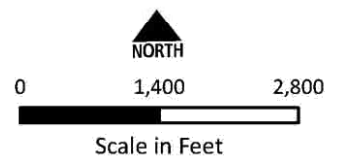
Map Revised XXXX XX, 201X



## Legend

-  Central City Plan District boundary
-  Maximum FAR area boundary
-  Area where floor area ratio (FAR) is determined by base zone
-  Proposed right-of-way
-  Proposed accessway

**X:Y** Maximum FAR  
**X** = Gross square foot of building  
**Y** = Square foot of site



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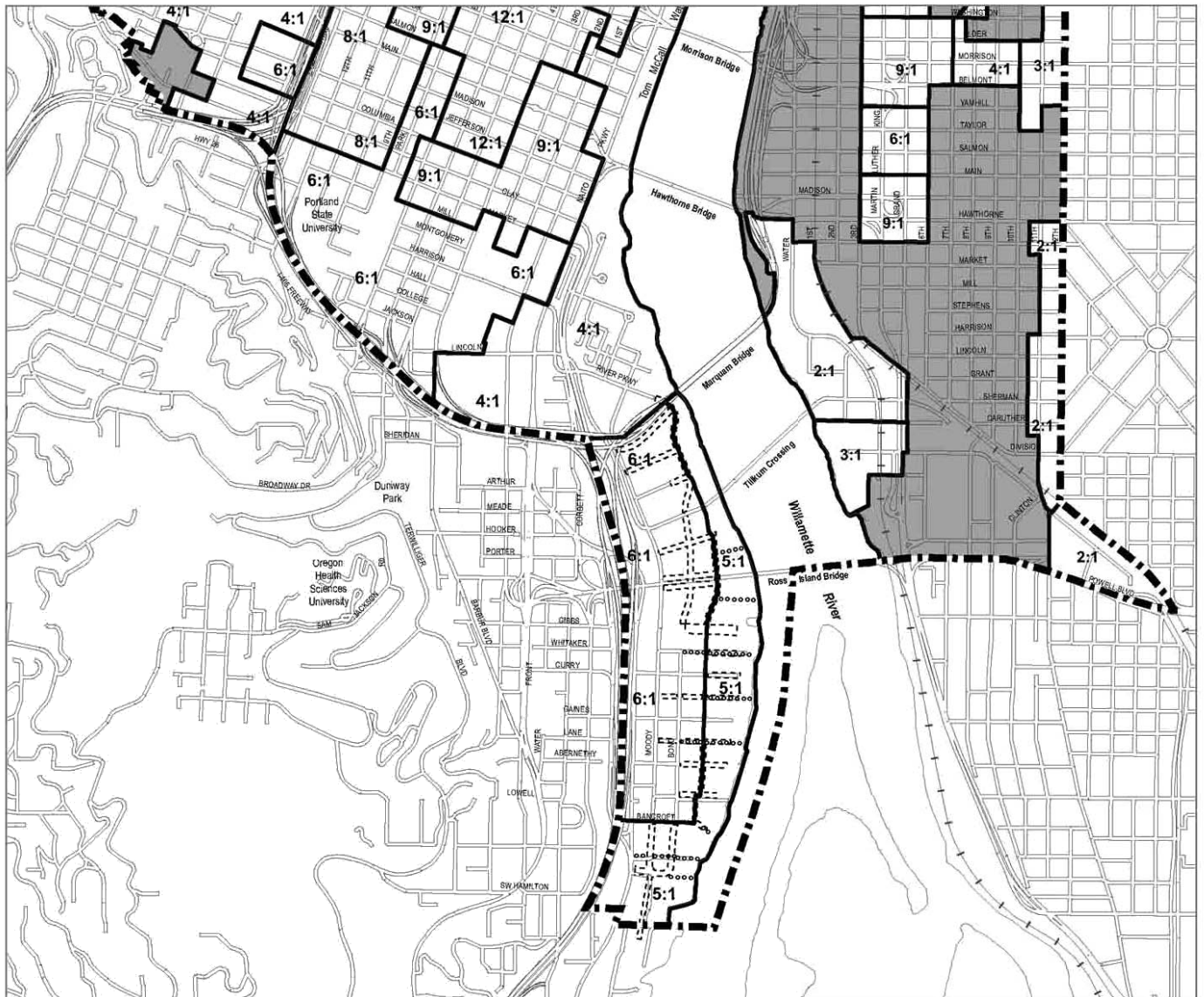
# Commentary

# Proposed Maximum Floor Area Ratios






# Map 510-2

Map 2 of 2

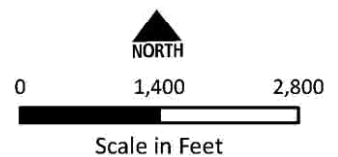
Map Revised Xxxx XX, 201X



### Legend

-  Central City Plan District boundary
-  Maximum FAR area boundary
-  Area where floor area ratio (FAR) is determined by base zone
-  Proposed right-of-way
-  Proposed accessway

**X:Y** Maximum FAR  
**X** = Gross square foot of building  
**Y** = Square foot of site



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## Commentary

### Map 510-3 Base Heights

The existing 510-3 map has become two maps:

- Map 510-3 Base Height (previously Maximum Height) shows maximum height allowed by right with hatching in areas where height increases through bonuses or transfers are possible.
- NEW: Map 510-4 Bonus Height shows the ultimate height possible through the use of bonuses and transfers.

Additionally, the "OS performance standard" feature has been moved from Map 510-3 to Map 510-4 and is now called "Areas where a shadow analysis is required." More details about this change can be found in the commentary for Map 510-4.

### Height and the Central City Scenic Resources Protection Plan Update

The Central City 2035 Plan also includes an update to the Central City Scenic Resources Protection Plan and height limits have been updated to reflect this work. A number of publicly accessible views have been identified and protected by moderating height allowances within designated view corridors. Height limits for properties that lie within a view corridor may have changed in one of the following ways:

- Where existing height limits would allow for new development that would project into a view corridor, heights have been reduced to the maximum height possible without impacting the view.
- Previously established view corridors have been mapped with greater precision; in some cases this has resulted in increased maximum heights.
- Within a view corridor, Map 510-4 Bonus Height shows the maximum height possible without impacting a view.

New Map 510-20 View Corridor Areas shows these areas. Review the Central City Scenic Resources Protection Plan for more information about these changes.

### Height in Historic Districts

To help preserve the character and scale of historic districts, staff proposes building height reductions in most historic districts. In some cases, including the New Chinatown/Japantown and East Portland/Grand Avenue historic districts, the existing maximum building heights were set prior to the establishment of the historic districts; staff is now proposing reductions that are more appropriate given the districts' historic status. The ability to gain additional FAR will be retained in historic districts, but bonus FAR will have to be used within the proposed height limits. The option to use height bonuses has been removed from all Central City historic districts.





**Legend**



Central City Plan District boundary

Proposed right-of-way



Base building height

Proposed accessways



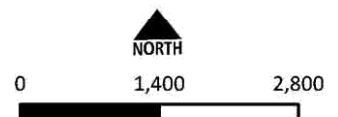
Areas where height is determined by base zone



Area eligible for height increase



Base height limit of 75' for first 125 feet from top of bank



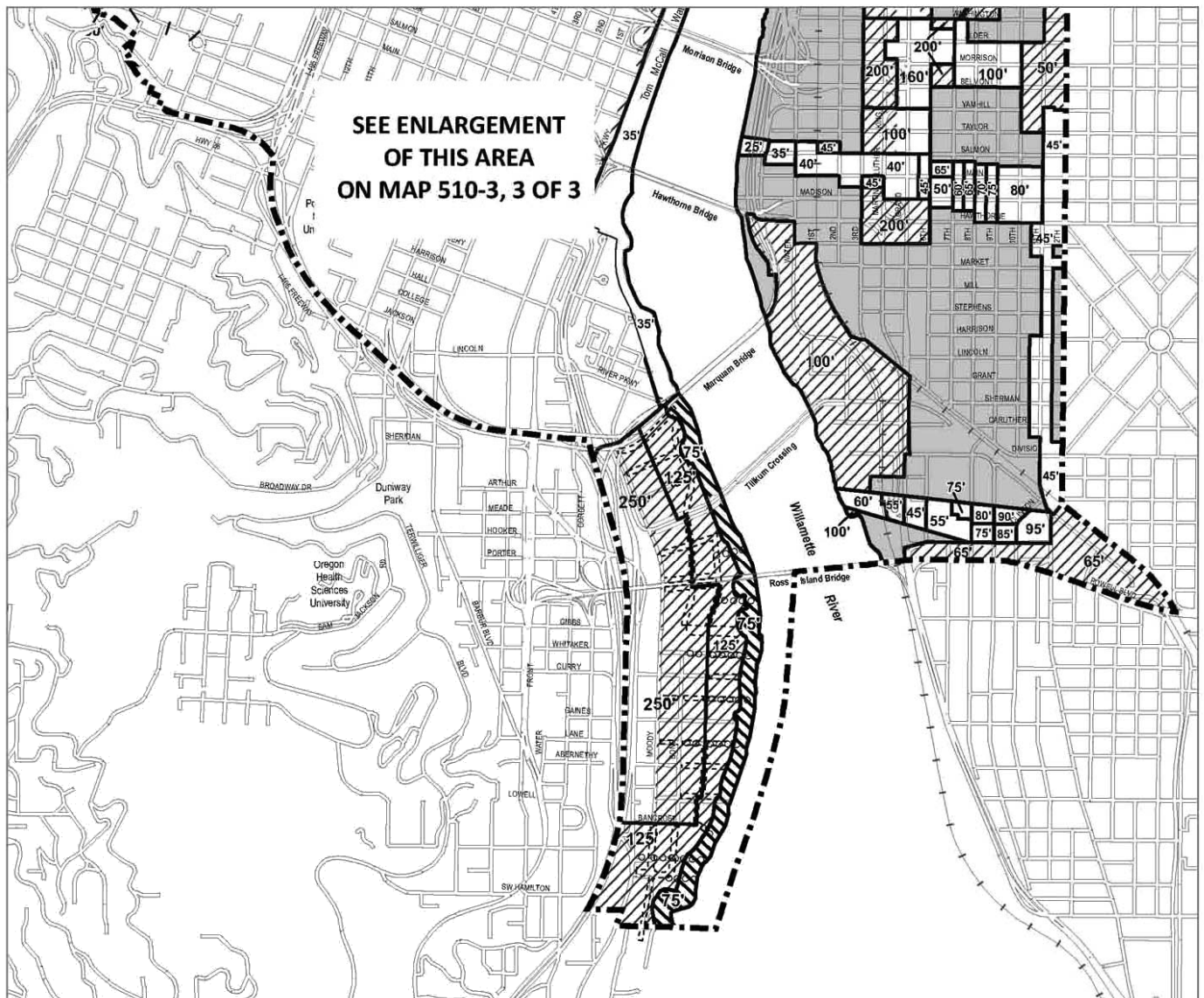
Scale in Feet

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# Commentary



**Legend**



Central City Plan District boundary



Base building height



Areas where height is determined by base zone



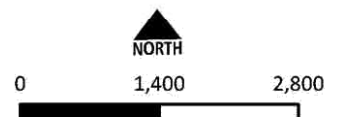
Area eligible for height increase



Base height limit of 75' for first 125 feet from top of bank

Proposed right-of-way

Proposed accessways



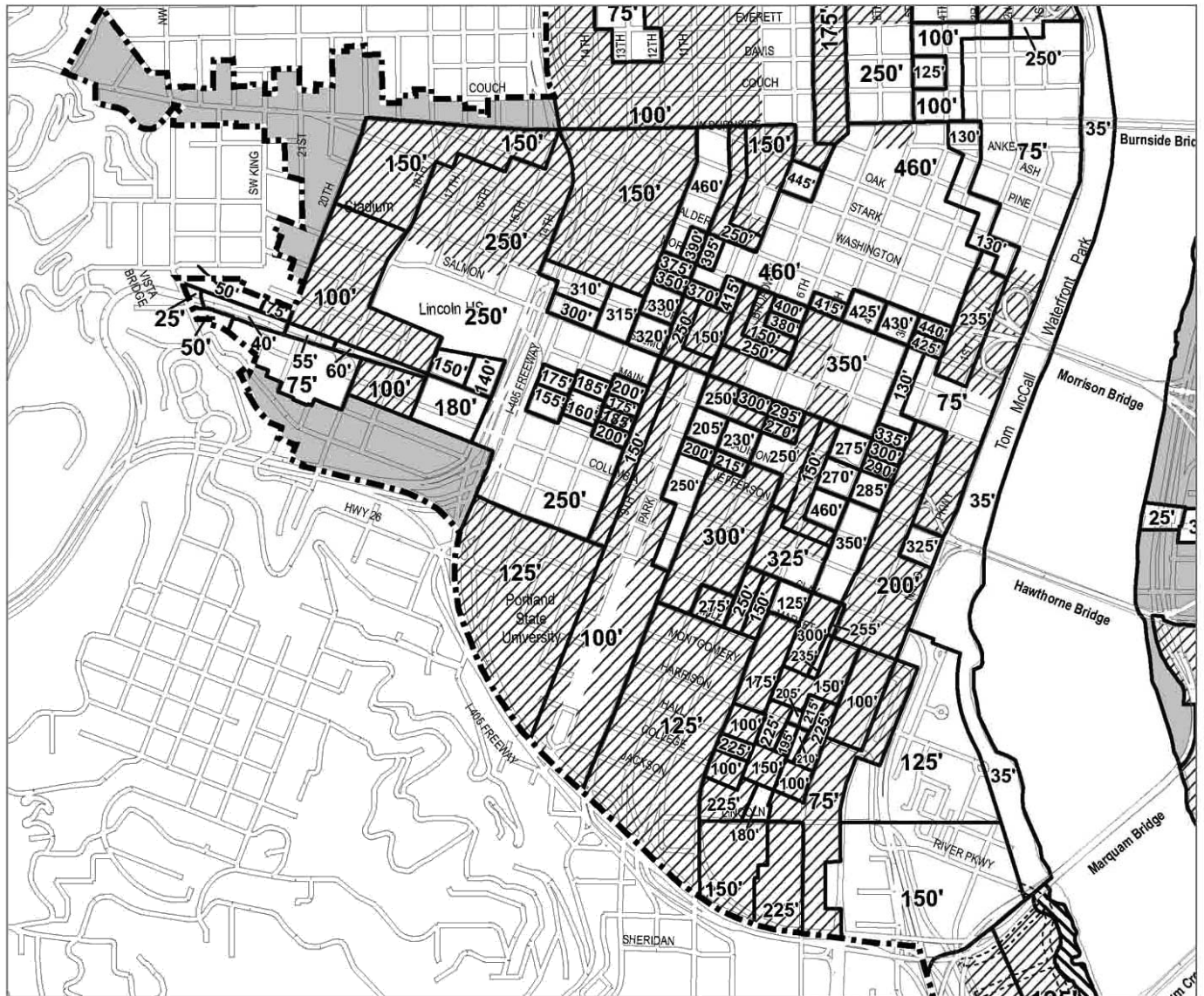
Scale in Feet

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# Commentary



**Legend**



Central City Plan District boundary



Base building height



Areas where height is determined by base zone



Area eligible for height increase



Base height limit of 75' for first 125 feet from top of bank

Proposed right-of-way

Proposed accessways



0 1,000 2,000

Scale in Feet

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## Commentary

### **New: Map 510-4 Bonus Height**

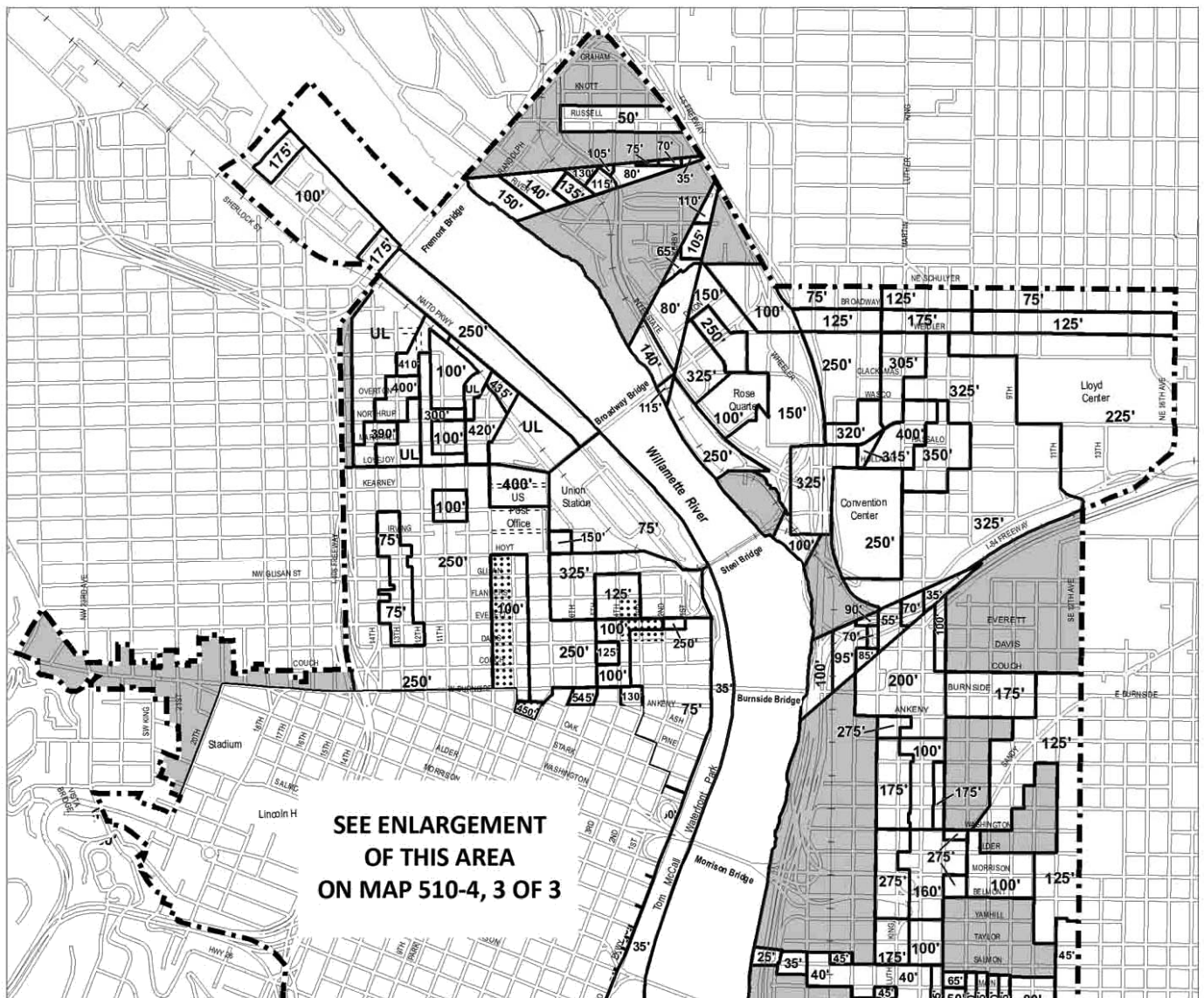
This new map includes the ultimate building height allowed, including height earned through use of bonuses and transfers (where allowed) and reflects the update to the Central City Scenic Resources Protection Plan that is part of the Central City 2035 Plan process. As noted in the commentary for Map 510-3, additional height beyond what is shown on Map 510-3 is not allowed in Historic Districts.

### **Changes to the OS Performance Standard**









The "OS performance standard" feature from Map 510-3 has been moved to this map and is now called "Areas where a shadow analysis is required." The code language has been changed as well. New development or redevelopment of properties in this area that utilize bonuses or other transfers to exceed the height on Map 510-3 may do so up to the height shown on this map, but they are required to undertake a shadow analysis to show that the structure will not cast more shadow on the adjacent open space than required by the standards of the code.

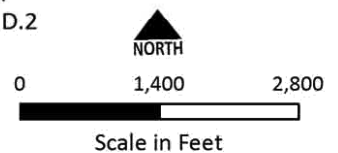
The area subject to this requirement has increased. It now generally covers the complete blocks to the south, southwest and west of most public open spaces.

Please refer to the code language and commentary in Section 510.210 for more details.



**Legend**

-  Central City Plan District boundary
-  Maximum bonus height
-  Areas where height is determined by base zone
-  Proposed right-of-way
-  Proposed accessways
-  Areas where a shadow analysis is required
-  Unlimited height allowed
-  Area eligible for additional height under 33.510.210.D.2



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# Commentary

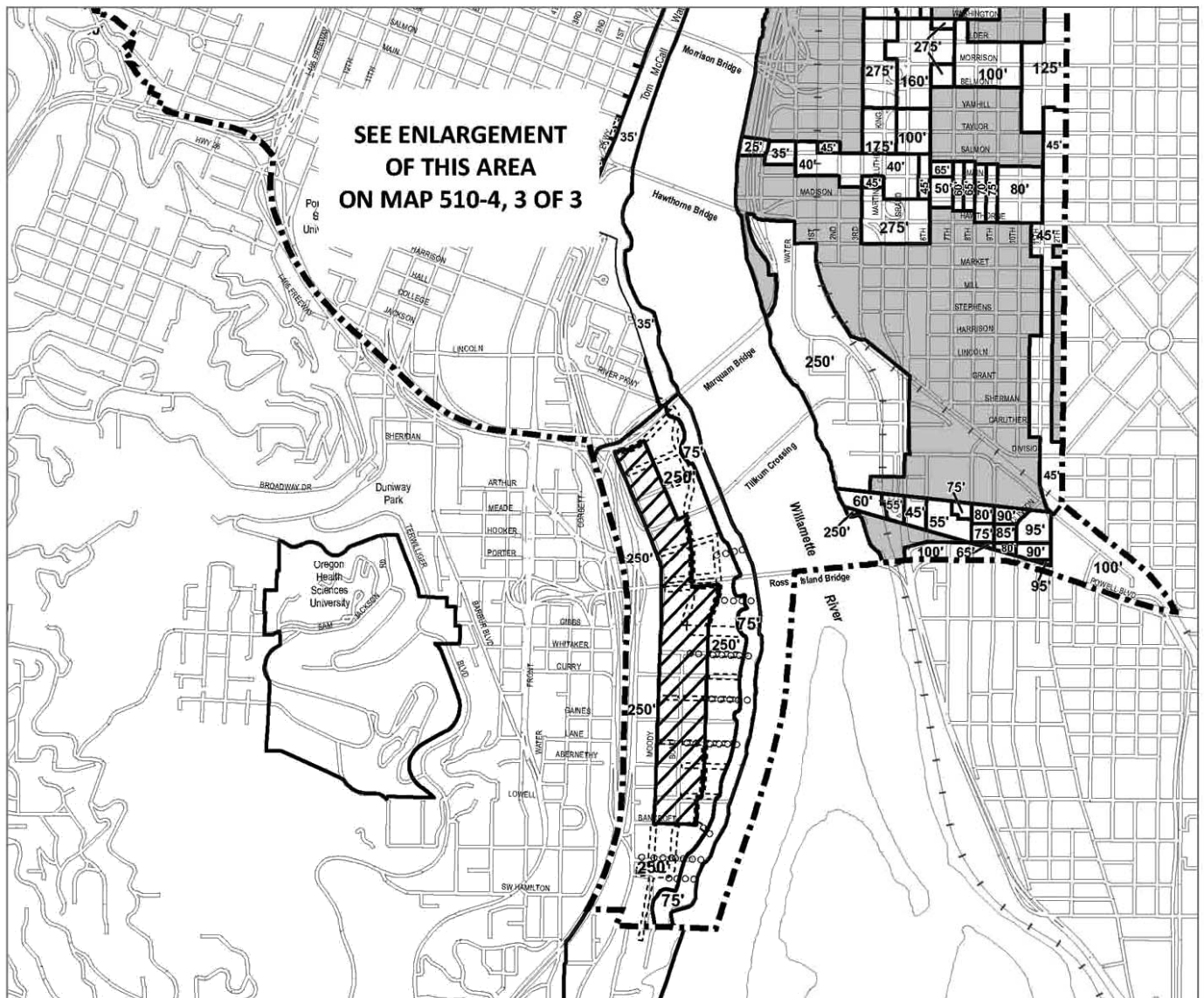


# Map 510-4










## Proposed Bonus Heights

Map 2 of 3

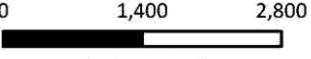
Map Revised Xxxxx XX, 201X



### Legend

-  Central City Plan District boundary
  -  Maximum bonus height
  -  Areas where height is determined by base zone
  -  Proposed right-of-way
  -  Proposed accessways
  -  Areas where a shadow analysis is required
  -  Unlimited height allowed
  -  Area eligible for additional height under 33.510.210.D.2
- 

NORTH



0 1,400 2,800

Scale in Feet

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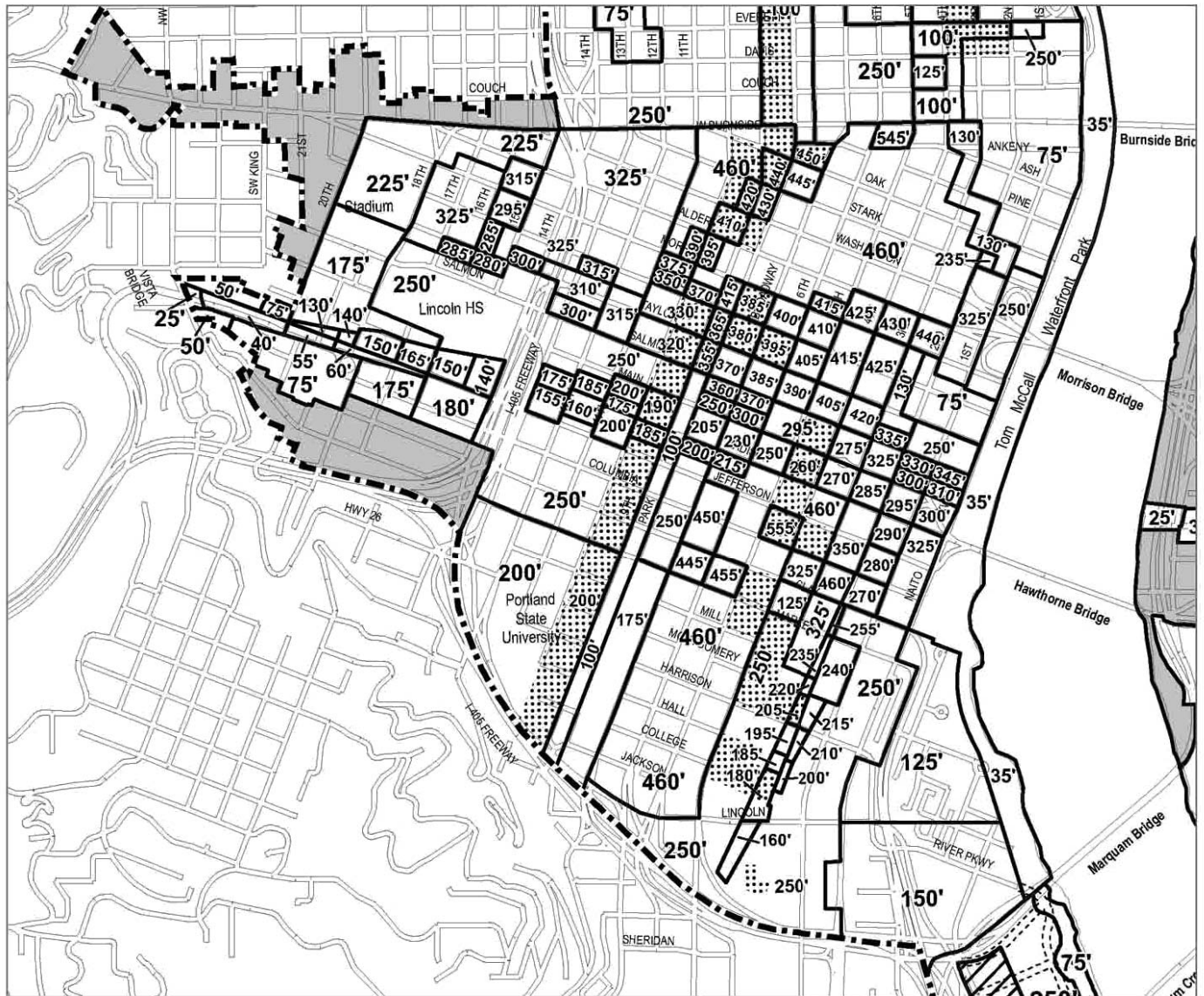
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






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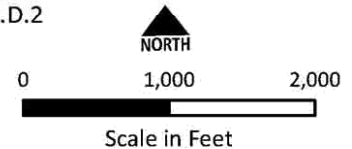
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# Commentary



**Legend**

-  Central City Plan District boundary
-  Maximum bonus height
-  Areas where height is determined by base zone
-  Proposed right-of-way
-  Proposed accessways
-  Areas where a shadow analysis is required
-  Unlimited height allowed
-  Area eligible for additional height under 33.510.210.D.2



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## Commentary

### **Map 510-5 FAR Bonus Options Target Areas (Previously Map 510-4)**

A number of the existing bonuses are proposed to be eliminated and therefore the bonus areas have been removed from this map. The Residential Bonus Target Area, Retail Use Bonus Target Area, and Theaters on Broadway Bonus Target Area have been removed. However, most of these areas will be eligible for the new proposed set of bonuses.

# Proposed FAR Bonus Options Target Areas






# Map 510-5

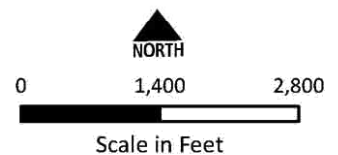
Map 1 of 2

Map Revised Xxxxx X, 201X



### Legend

-  Central City Plan District boundary
-  Greenway bonus target area extends 150' back from top of bank
-  North Pearl subarea bonus target area
-  Proposed right-of-way
-  Proposed accessway



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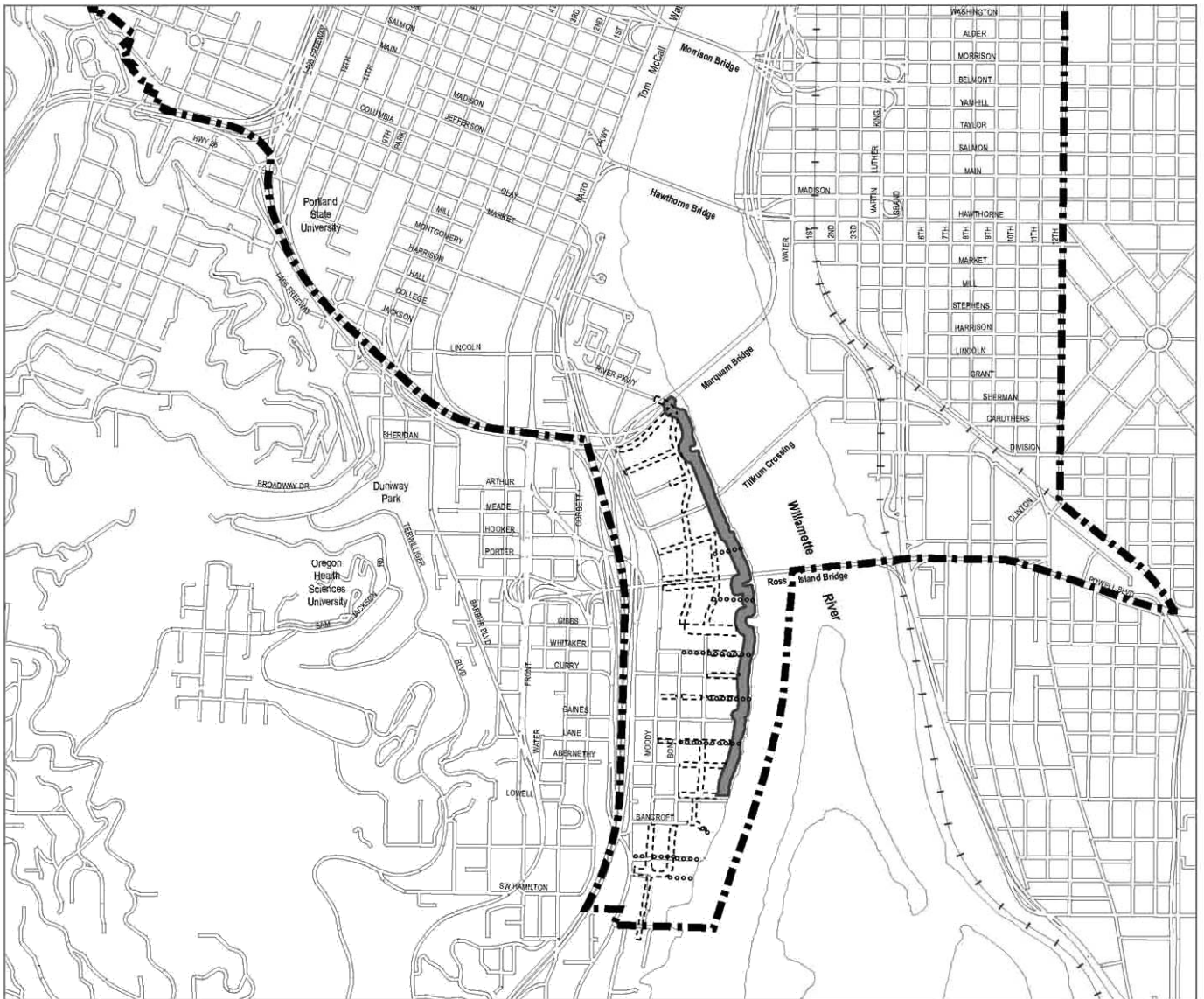
# Commentary

# Proposed FAR Bonus Options Target Areas






# Map 510-5

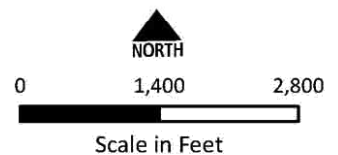
Map 2 of 2

Map Revised Xxxxx X, 201X



## Legend

-  Central City Plan District boundary
-  Greenway bonus target area extends 150' back from top of bank
-  North Pearl subarea bonus target area
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

### **Map 510-6 Special Residential Use Areas (Previously Map 510-5 Required Residential Development Areas)**

This map has been renamed because it now contains several residential regulations as described below.

#### **Required Residential Development Areas**

Required Residential has been removed in areas of *Goose Hollow* as discussed in the *West Quadrant Plan*. In addition, to support future *Lincoln High School* redevelopment and the goal of a vibrant *Jefferson main street*, the requirement was removed from the area between *Lincoln High School* and *SW Jefferson*. Most of this area is not currently in residential use. The tool was retained on *SW Columbia* to ensure enough residential development to support a *Jefferson main street*.

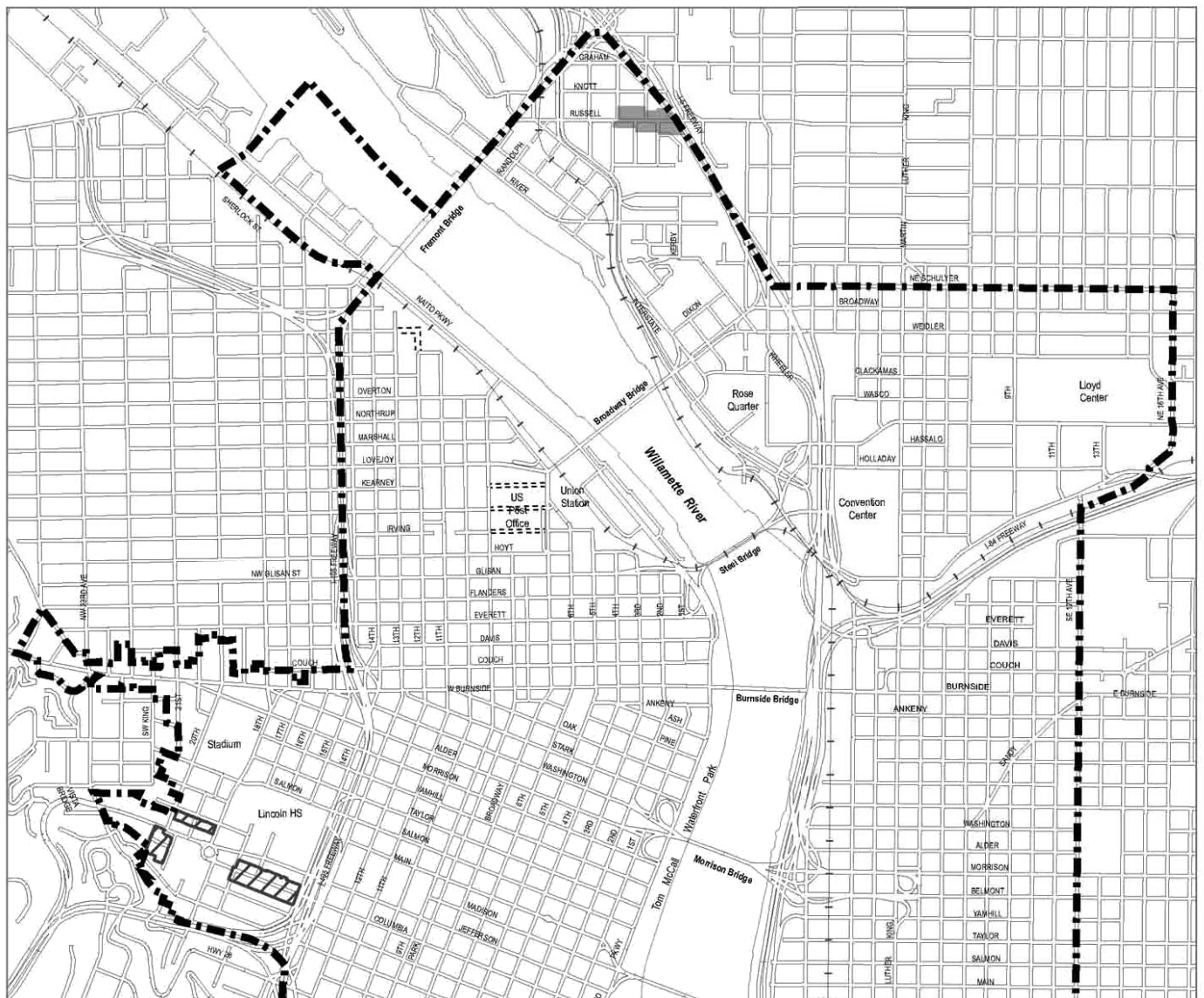
Additionally, Required Residential was removed from the western tip of the subdistrict to be consistent with other maps, and from the *West Burnside* corridor to support development of that area consistent with the desired *Civic Retail Commercial* character of the street.

#### **Other Residential Use Restrictions Added**







The following regulations on residential uses were added to the map consistent with the *N/NE Quadrant* and *Southeast Quadrant* plans:

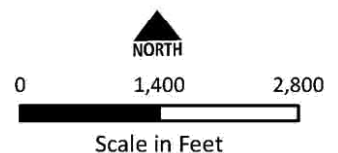
- "Residential uses prohibited" is applied to an area receiving an EX Comprehensive Plan designation in *Lower Albina* to prohibit residential uses when the area is rezoned;
- "Residential uses prohibited" on a portion of the area proposed to receive EXd zoning in the *Central Eastside*; and
- "Residential uses require a *Central City Master Plan*" on the area to the north of the new *OMSI MAX* light rail station area that had a Comprehensive Plan designation of EG. Residential uses may be allowed in this area through the use of a *Central City Master Plan* if sufficient evidence can be presented that this use would not impact the local transportation system or conflict with the surrounding uses.





**Legend**

-  Central City Plan District boundary
-  Required residential development area
-  Residential uses prohibited
-  Residential uses require a Central City Master Plan
-  Proposed right-of-way
-  Proposed accessway



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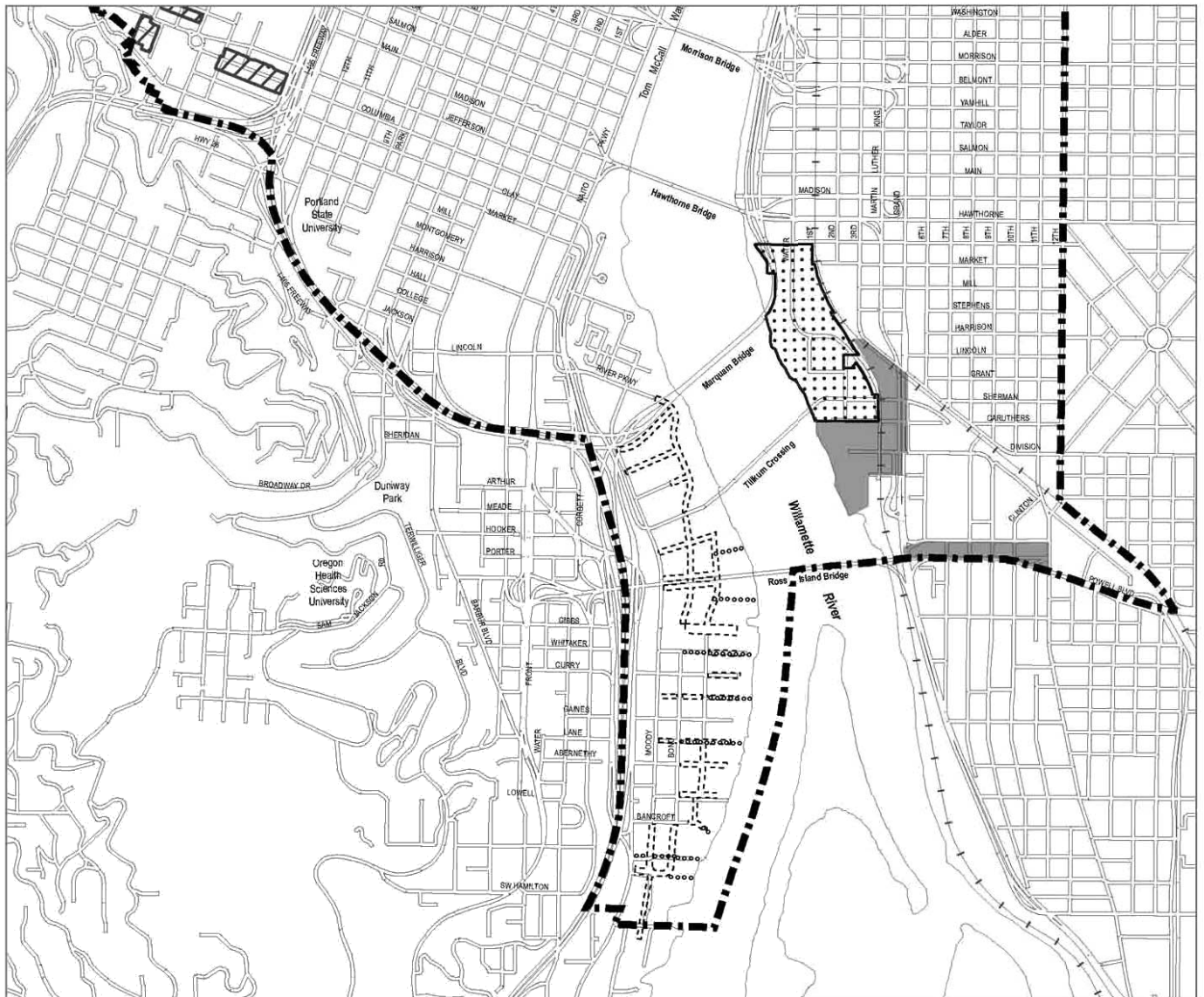
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

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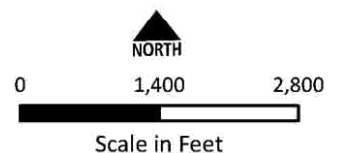
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# Commentary



**Legend**

-  Central City Plan District boundary
-  Required residential development area
-  Residential uses prohibited
-  Residential uses require a Central City Master Plan
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

### **Map 510-7 Options for Required Building Lines (Previously Map 510-6)**

Required Building Lines were updated to reflect the Street and Development Character concept from the quadrant plans. The code language now requires standards similar to the previous "Extension of sidewalk standards" throughout the Central City unless otherwise stated. The concept's Boulevard Streets are represented on this map by the "Landscaping standards option" and now require some landscaping if a project is set back from the street lot line. The Street and Development Character concept is described in the commentary for section 33.510.215

# Proposed Options for Required Building Lines






# Map 510-7

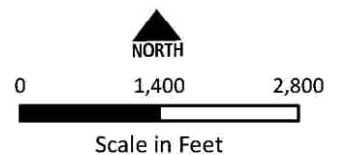
Map 1 of 2

Map Revised Xxxxx X, 201X



## Legend

-  Central City Plan District boundary
-  Landscaping standards option
-  South Waterfront building line and landscaping standards
-  Proposed right-of-way
-  Proposed accessway



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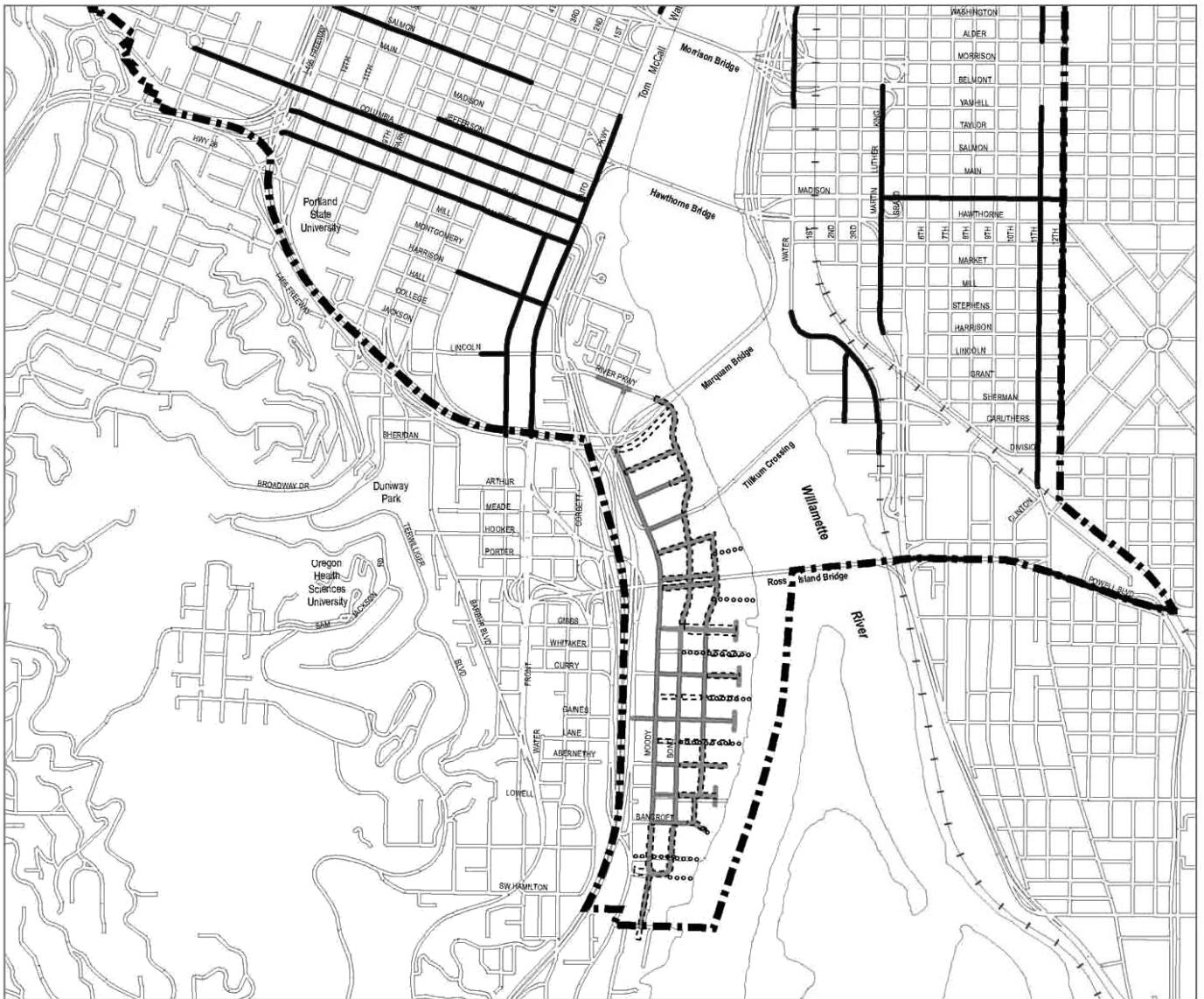
# Commentary

# Proposed Options for Required Building Lines






# Map 510-7

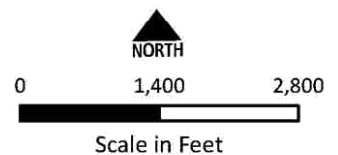
Map 2 of 2

Map Revised Xxxxx X, 201X



### Legend

-  Central City Plan District boundary
-  Landscaping standards option
-  South Waterfront building line and landscaping standards
-  Proposed right-of-way
-  Proposed accessway



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## Commentary





### **New: Map 510-8 Ground Floor Windows**

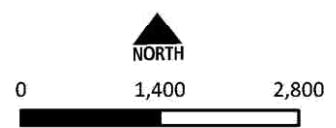
This is a new map created to identify streets where higher levels of glazing are required based on the Street and Development Character concept for the Retail Core. This map shows all streets where sites with frontage must have 60% glazing. All other street frontages are required to have 40% glazing.





**Legend**

-  Central City Plan District boundary
-  60% ground floor window requirement
-  Proposed right-of-way
-  Proposed accessway



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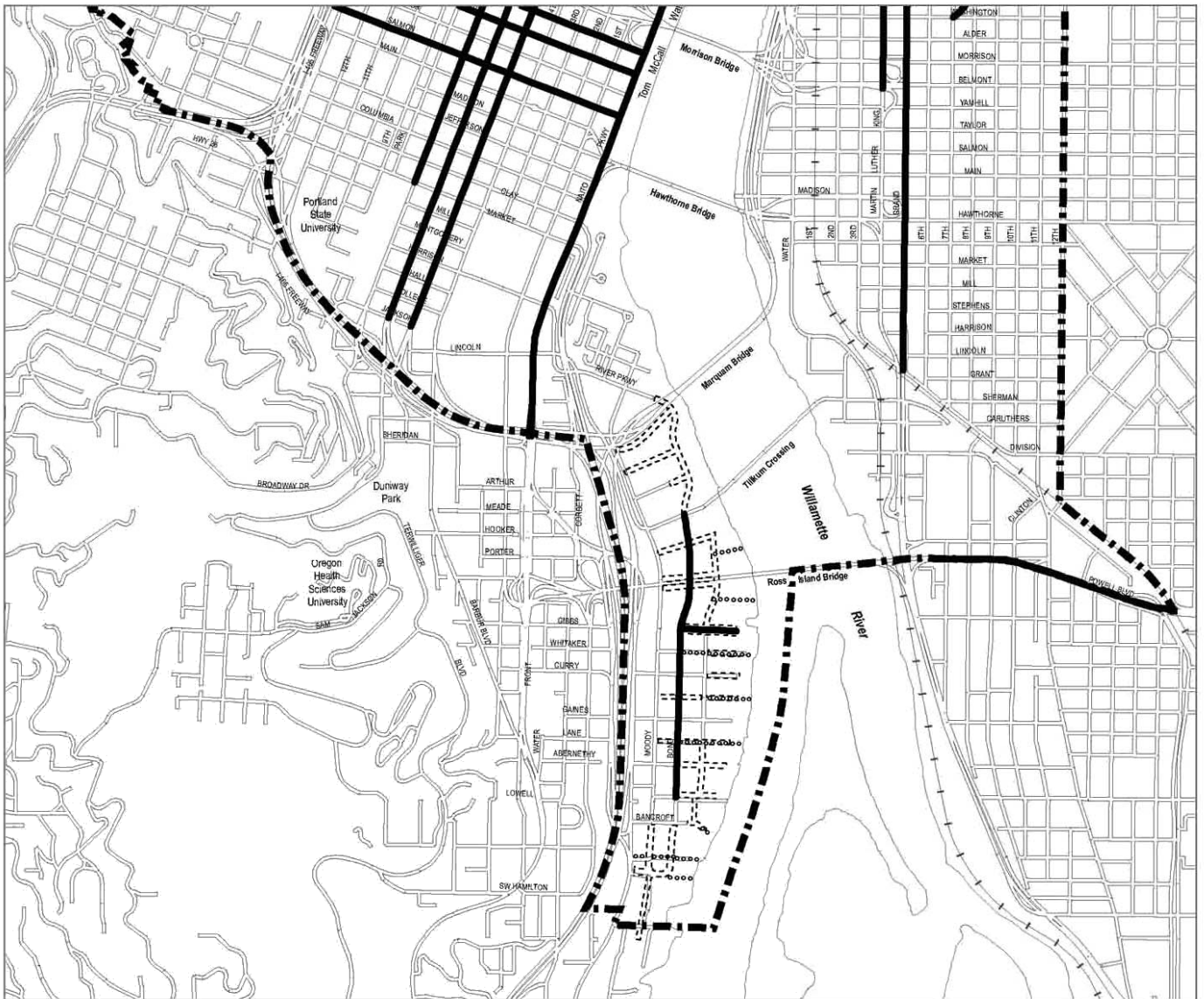
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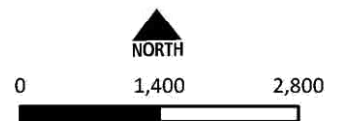
---

# Commentary



### Legend

-  Central City Plan District boundary
-  60% ground floor window requirement
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

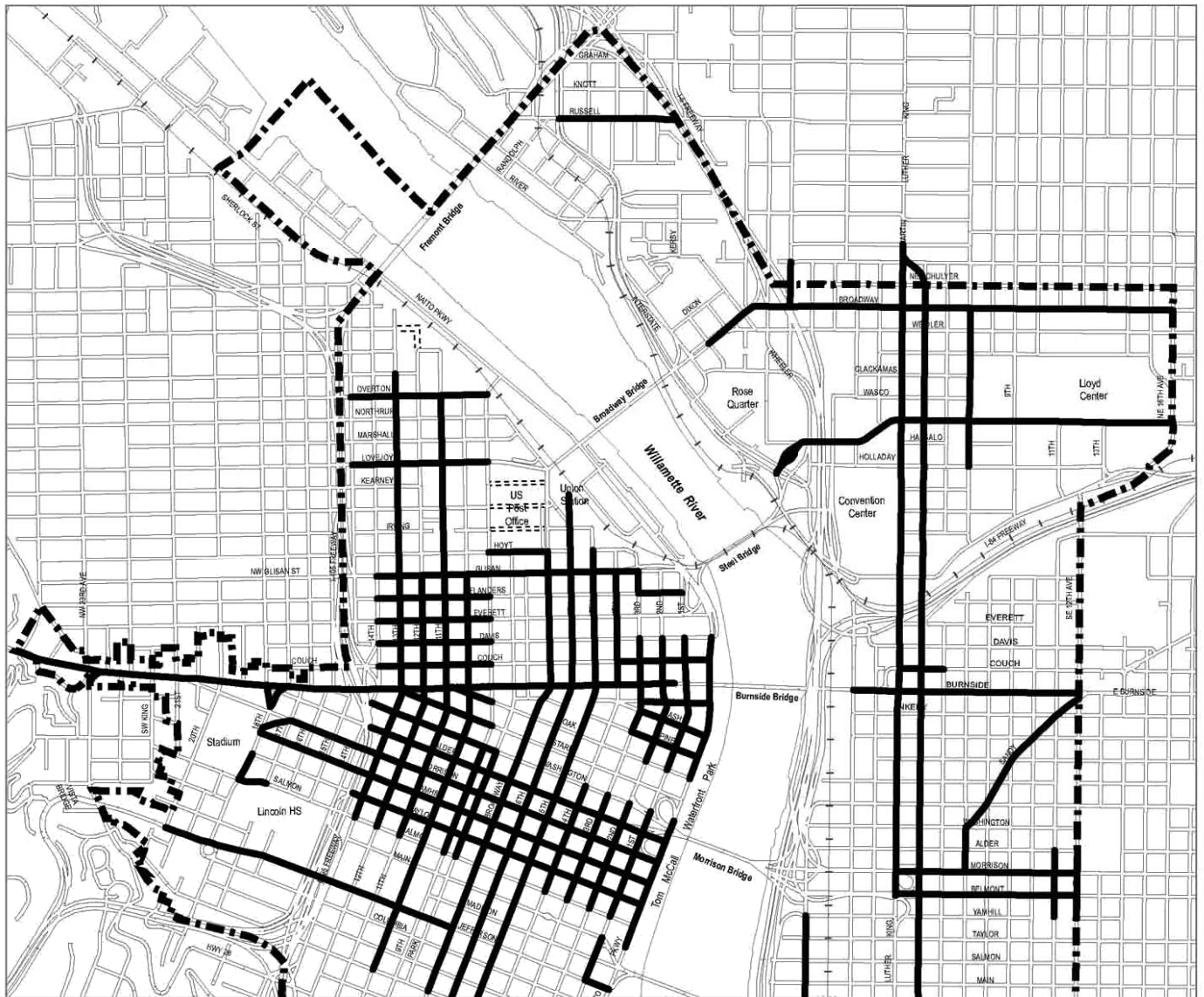
### **Map 510-9 Ground Floor Active Use Areas (Previously Map 510-7 Active Use Areas)**

The area with required ground floor active use requirements has been updated to incorporate Retail Street designations from the quadrant plans' Street and Development Character Concept (summarized below).





The area showing where the Minimum Active Floor Area requirement applies has been removed from the map because this provision is proposed for deletion. See the commentary for section 33.510.226.

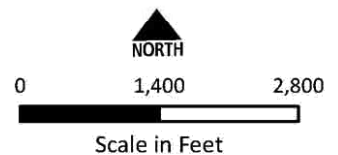
### Retail Streets

These are busy, continuous streets with retail activity throughout the day, evenings and weekends. Ground-floor retail uses are required or strongly encouraged. Some of these street corridors are "civic" scaled - those that are major corridors beyond the boundaries of the Central City.



**Legend**

-  Central City Plan District boundary
-  Required ground floor active uses
-  Proposed right-of-way
-  Proposed accessway



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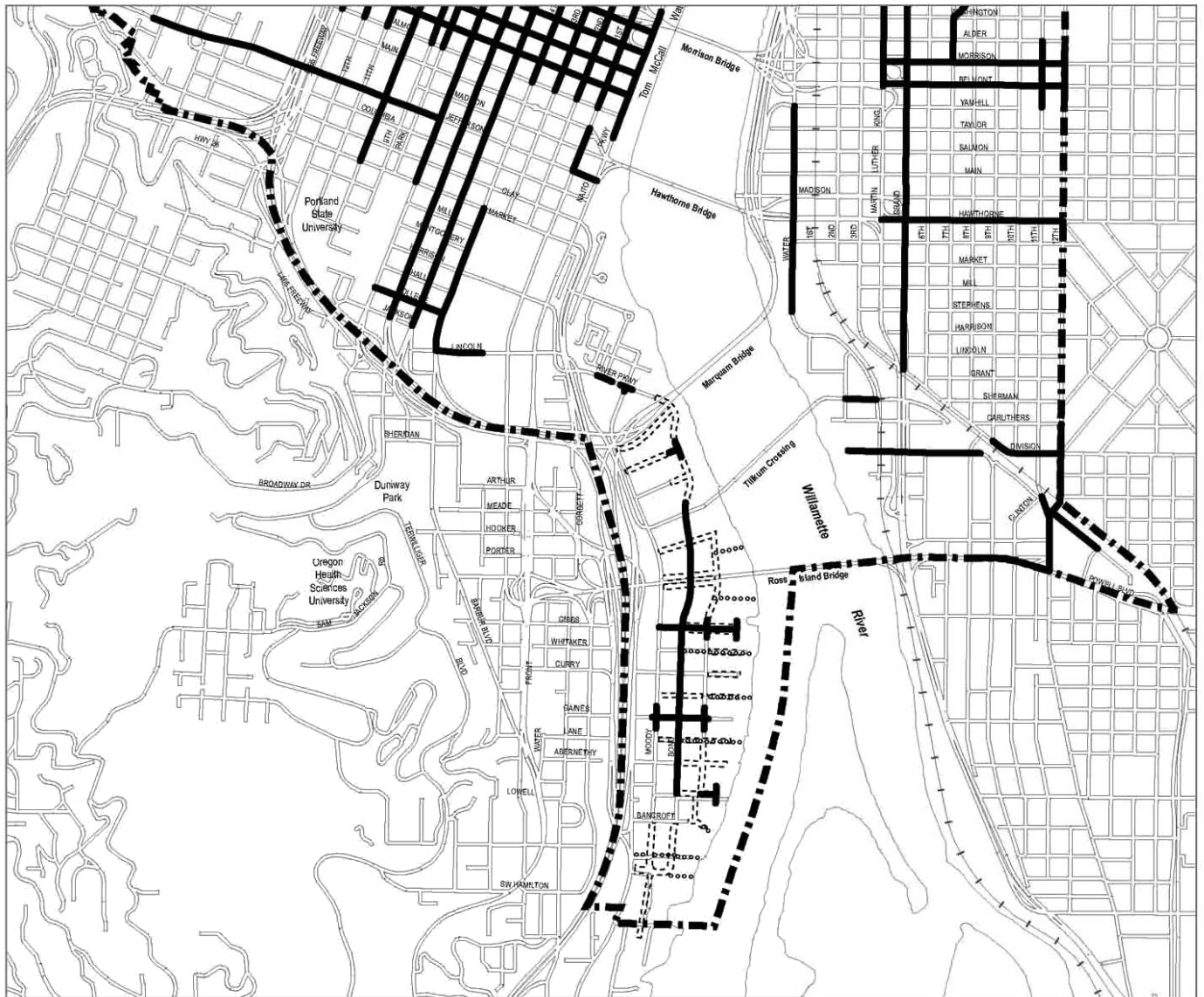
# Commentary

# Proposed Ground Floor Active Use Areas





# Map 510-9

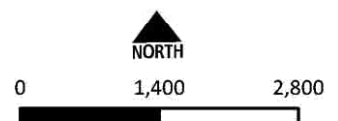
Map 2 of 2

Map Revised Xxxxx X, 201X



## Legend

-  Central City Plan District boundary
-  Required ground floor active uses
-  Proposed right-of-way
-  Proposed accessway



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## Commentary





### **Map 510-10 Parking Sectors (Previously 510-8 Core and Parking Sectors)**

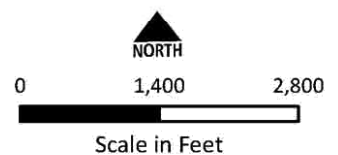
This map has been updated in conjunction with the PBOT Central City Parking Study. The number of sectors is proposed to be reduced from 26 to 6 to better match Central City subdistrict geographies.





### Legend

-  Central City Plan District boundary
-  Sector boundary
-  Proposed right-of-way
-  Proposed accessway



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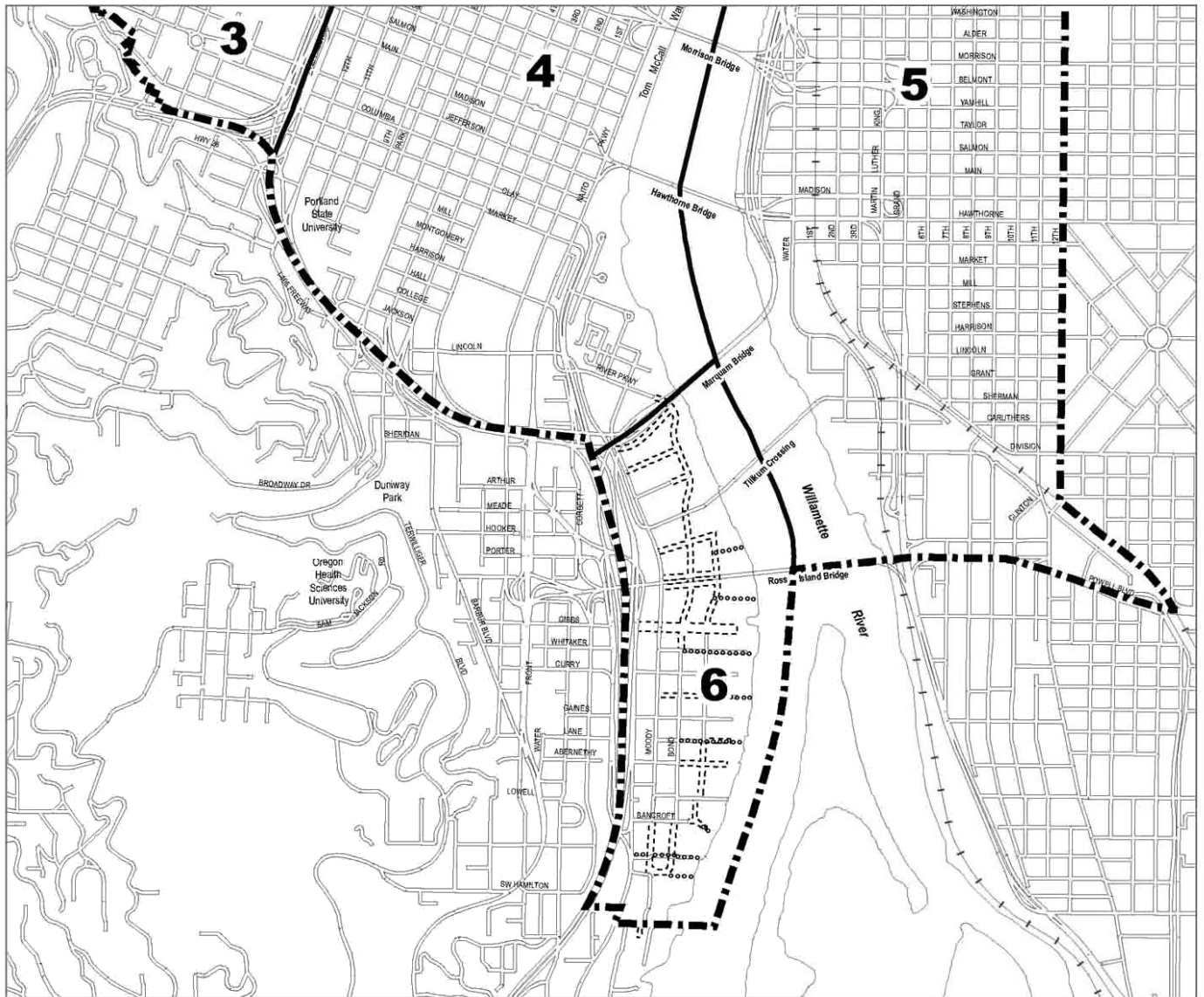
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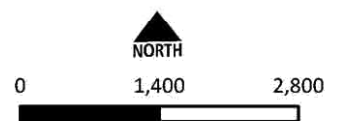
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# Commentary



### Legend

-  Central City Plan District boundary
-  Sector boundary
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

### **Map 510-11 Areas Where Additional Uses are Allowed in the OS Zone (Previously Map 510-10)**

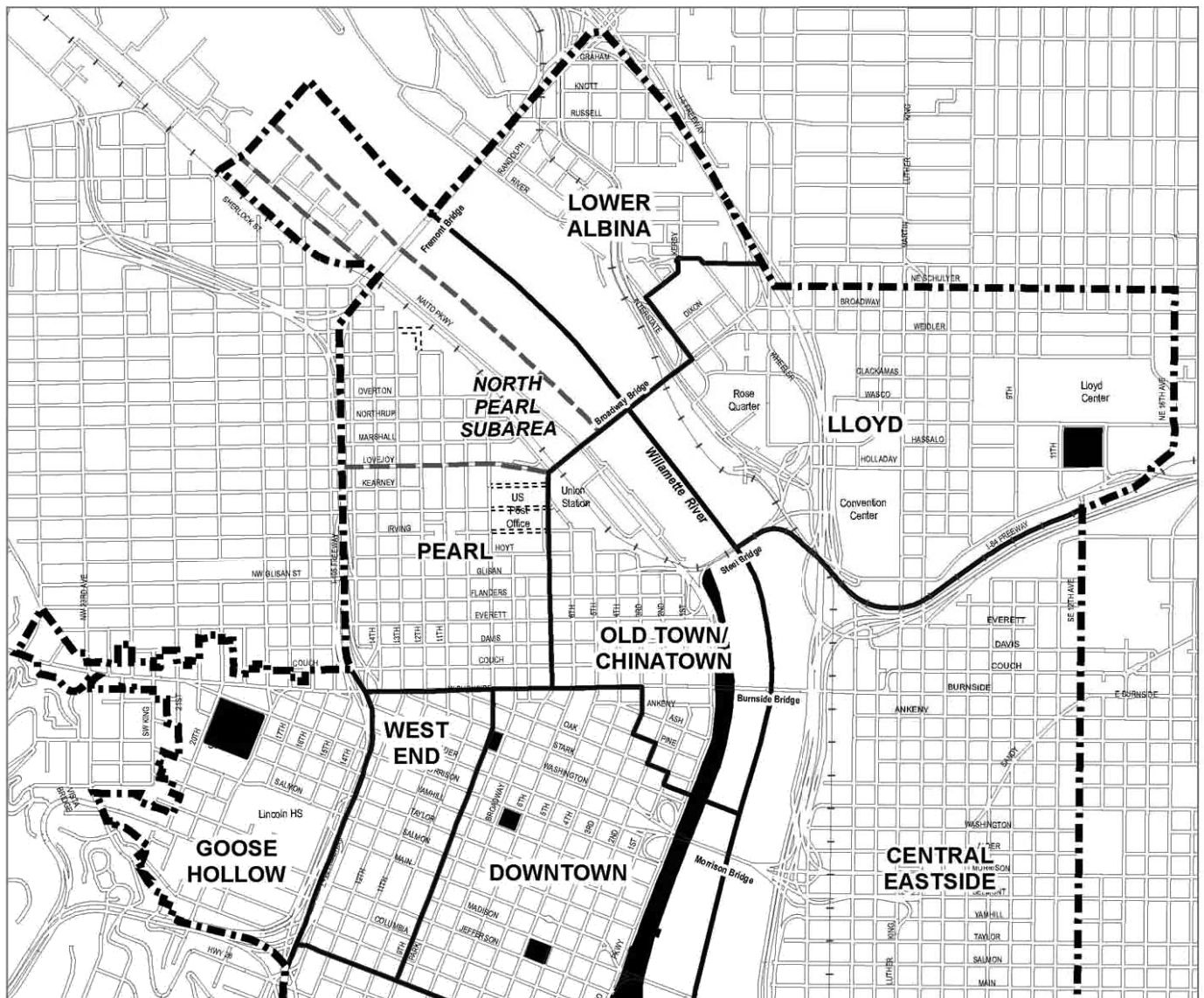
This map has been updated to include Governor Tom McCall Waterfront Park, the Open space at the Eastbank Crescent and Holladay Park as areas eligible for the Open Space zone use provisions of 33.510.115.

# Proposed Areas Where Additional Uses are Allowed in the OS Zone







# Map 510-11

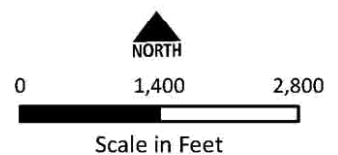
Map 1 of 2

Map Revised Xxxxx X, 201X



### Legend

-  Central City Plan District boundary
-  Subdistrict boundary
-  Subarea boundary
-  OS sites where additional uses are allowed
-  Proposed right-of-way
-  Proposed accessway



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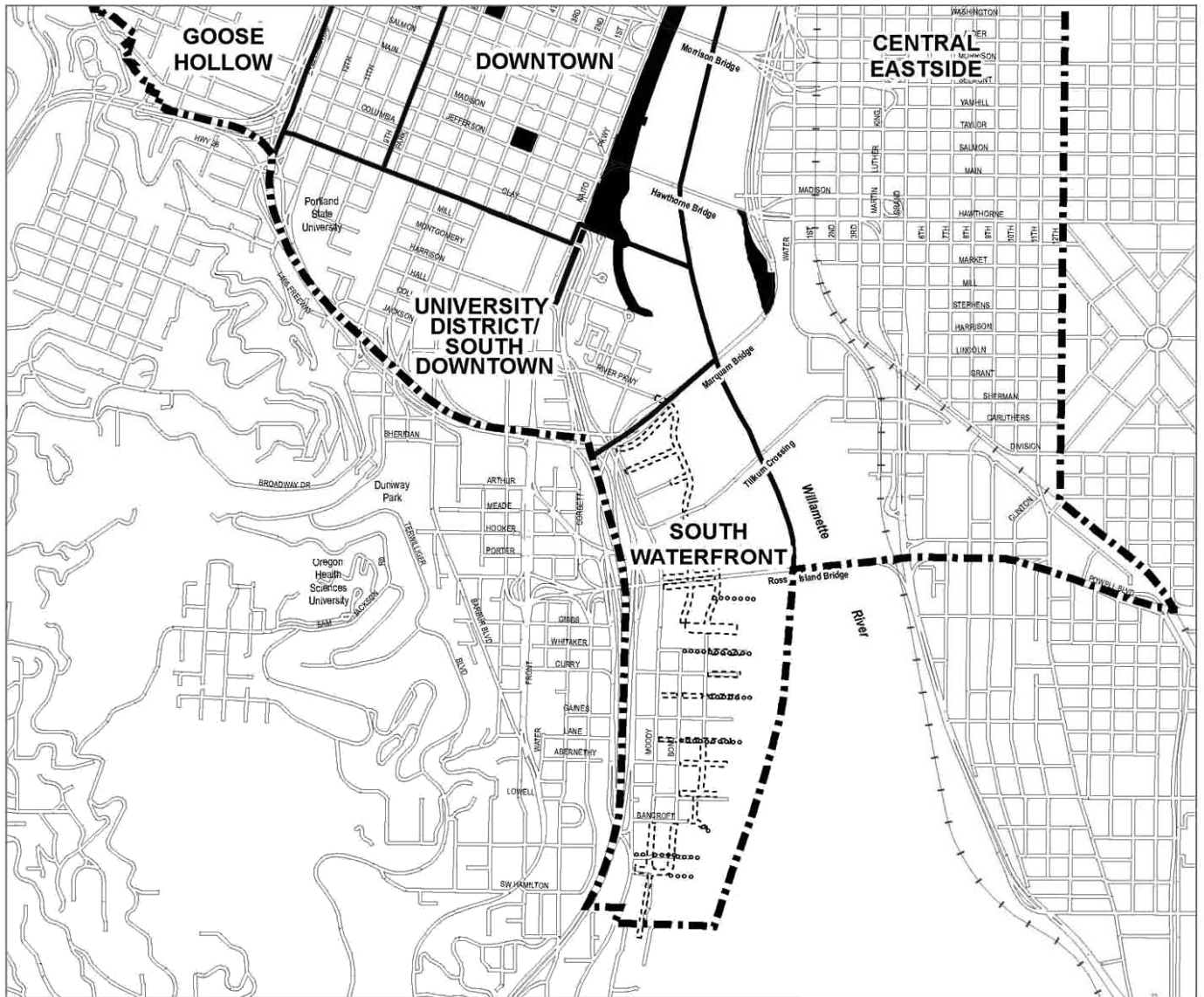
# Commentary

# Proposed Areas Where Additional Uses are Allowed in the OS Zone







# Map 510-11

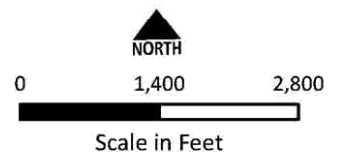
Map 2 of 2

Map Revised Xxxxx X, 201X



### Legend

-  Central City Plan District boundary
-  Subdistrict boundary
-  Subarea boundary
-  OS sites where additional uses are allowed
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

### **Map 510-12 Retail Sales and Services Limited (Previously Map 510-11 Special Areas)**

"Area where size of retail sales and service uses is limited" has been added to portions of the Central Eastside where new EXd zoning is proposed. This is now the only feature on the map, so the map has been renamed accordingly.

Staff are eliminating section 33.510.224 Mechanical Equipment along the Portland Streetcar Alignment. This language was added to the code to prohibit the diesel generators associated with "Telecom Hotels" - a technology no longer in use. The area associated with this provision has been removed from the map.



# Proposed Retail Sales and Services Limited





# Map 510-12

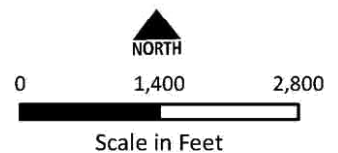
Map 1 of 2

Map Revised XXXXX XX, 201X



### Legend

-  Central City Plan District boundary
-  Areas where size of retail sales and service uses is limited
-  Proposed right-of-way
-  Proposed accessway



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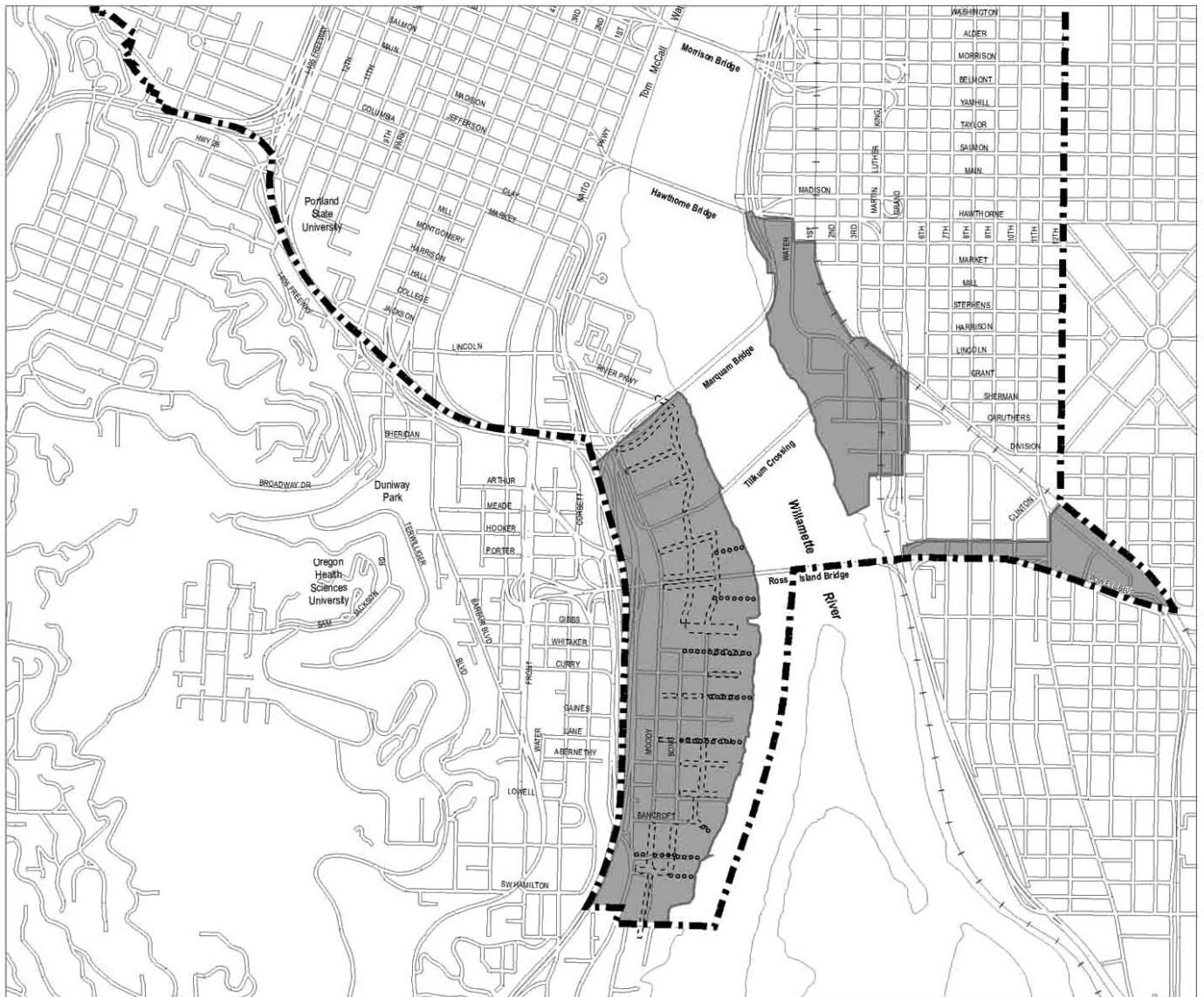
# Commentary

# Proposed Retail Sales and Services Limited



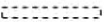

# Map 510-12

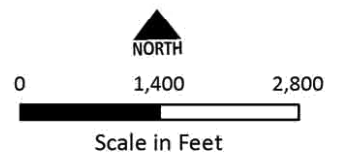
Map 2 of 2

Map Revised Xxxxx XX, 201X



## Legend

-  Central City Plan District boundary
-  Areas where size of retail sales and service uses is limited
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

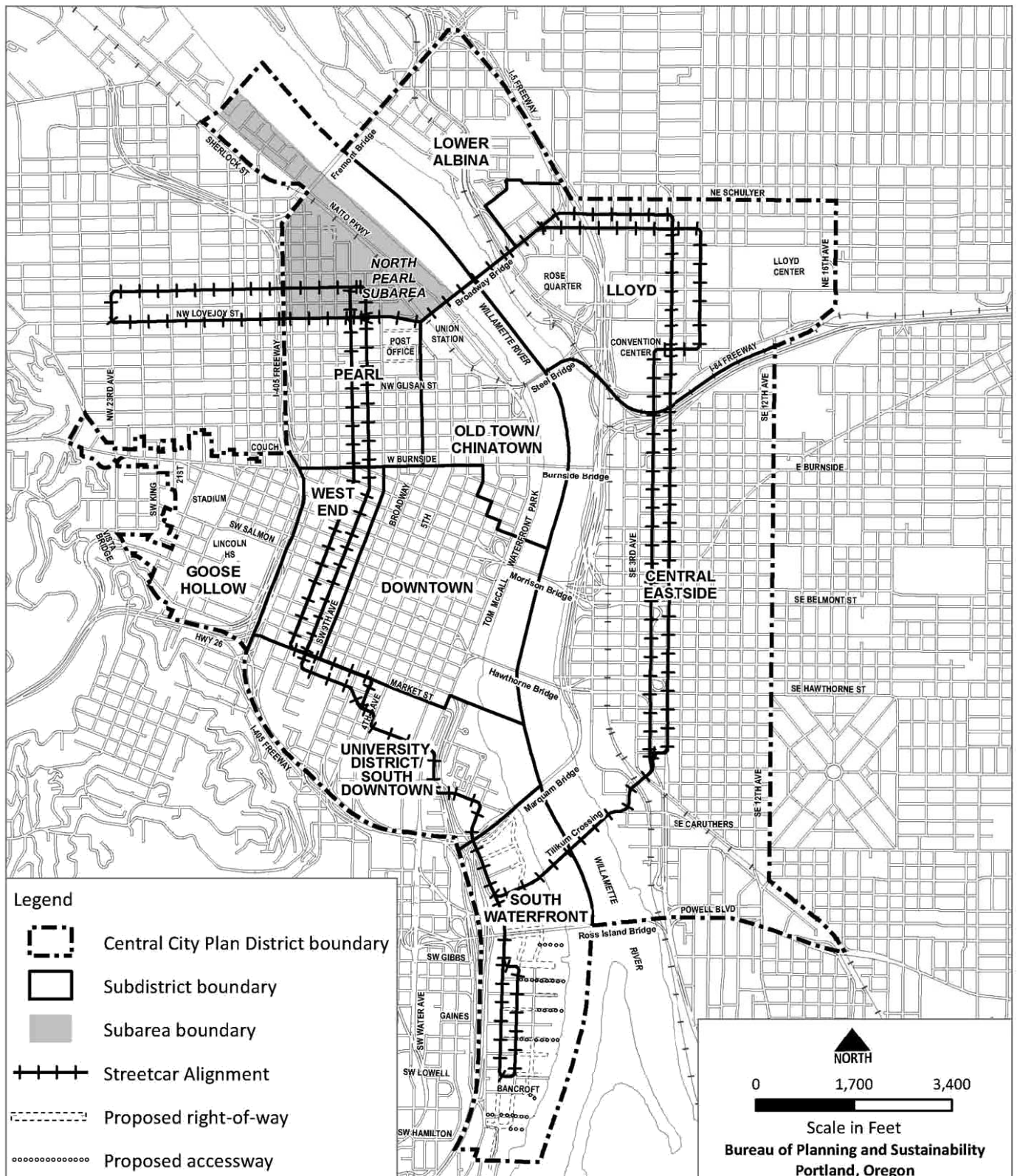
### **Map 510-13 Streetcar Alignment (Previously Map 510-12)**

Updated to include the east side streetcar line.

# Proposed Streetcar Alignment

# Map 510-13

Map Revised Xxxxx XX, 201X



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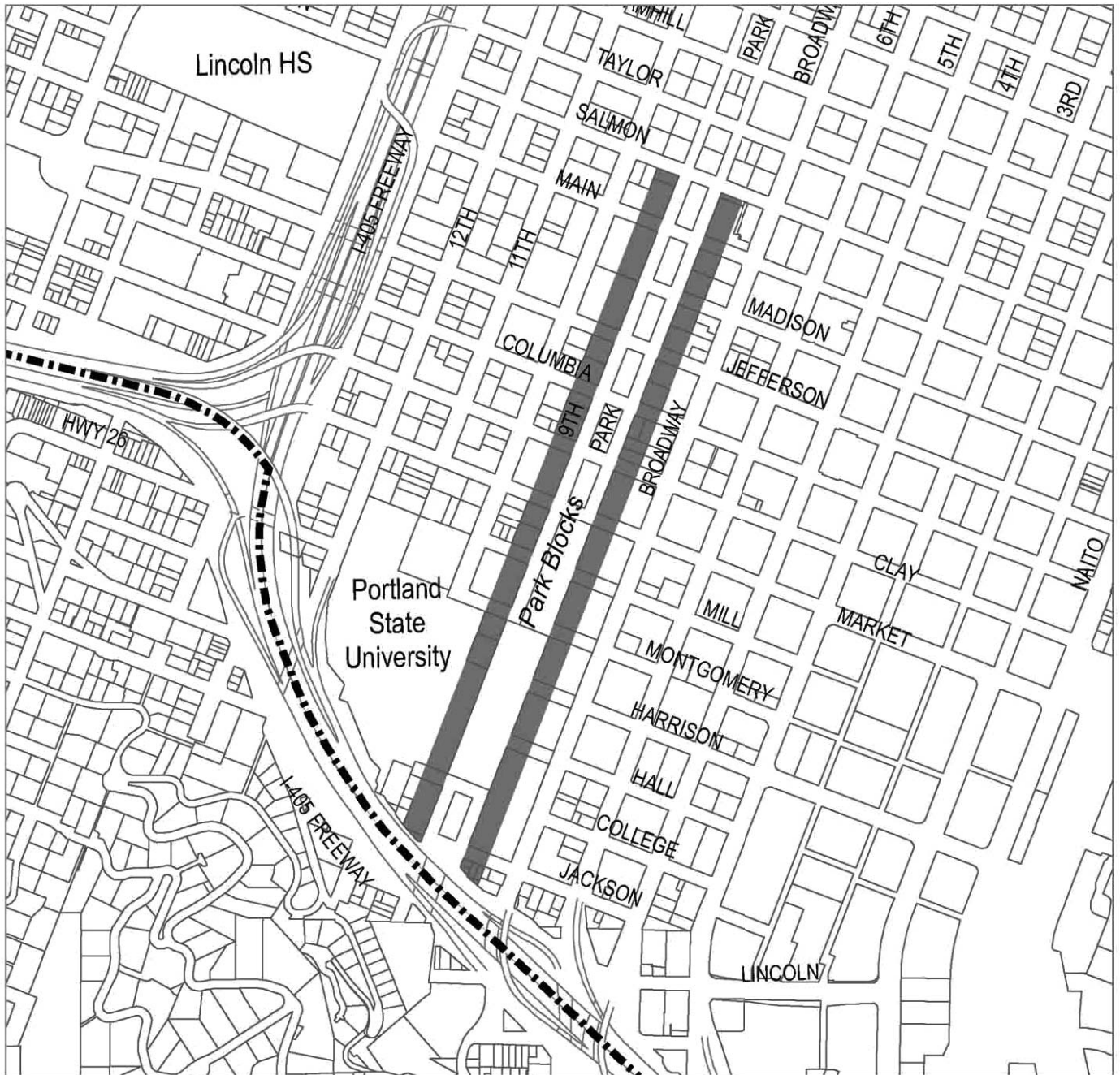
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## Commentary



### Map 510-14 South Park Block Frontages (Previously Map 510-13 Park Block Frontages)

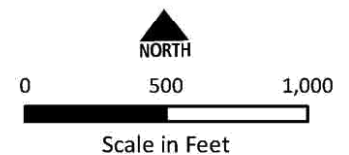
No changes are proposed for this map.

Map Revised Xxxxx XX, 2015



### Legend

-  Central City Plan District Boundary
-  Park block frontage



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## Commentary

### **Map 510-15 South Waterfront Greenway Public Access Map**

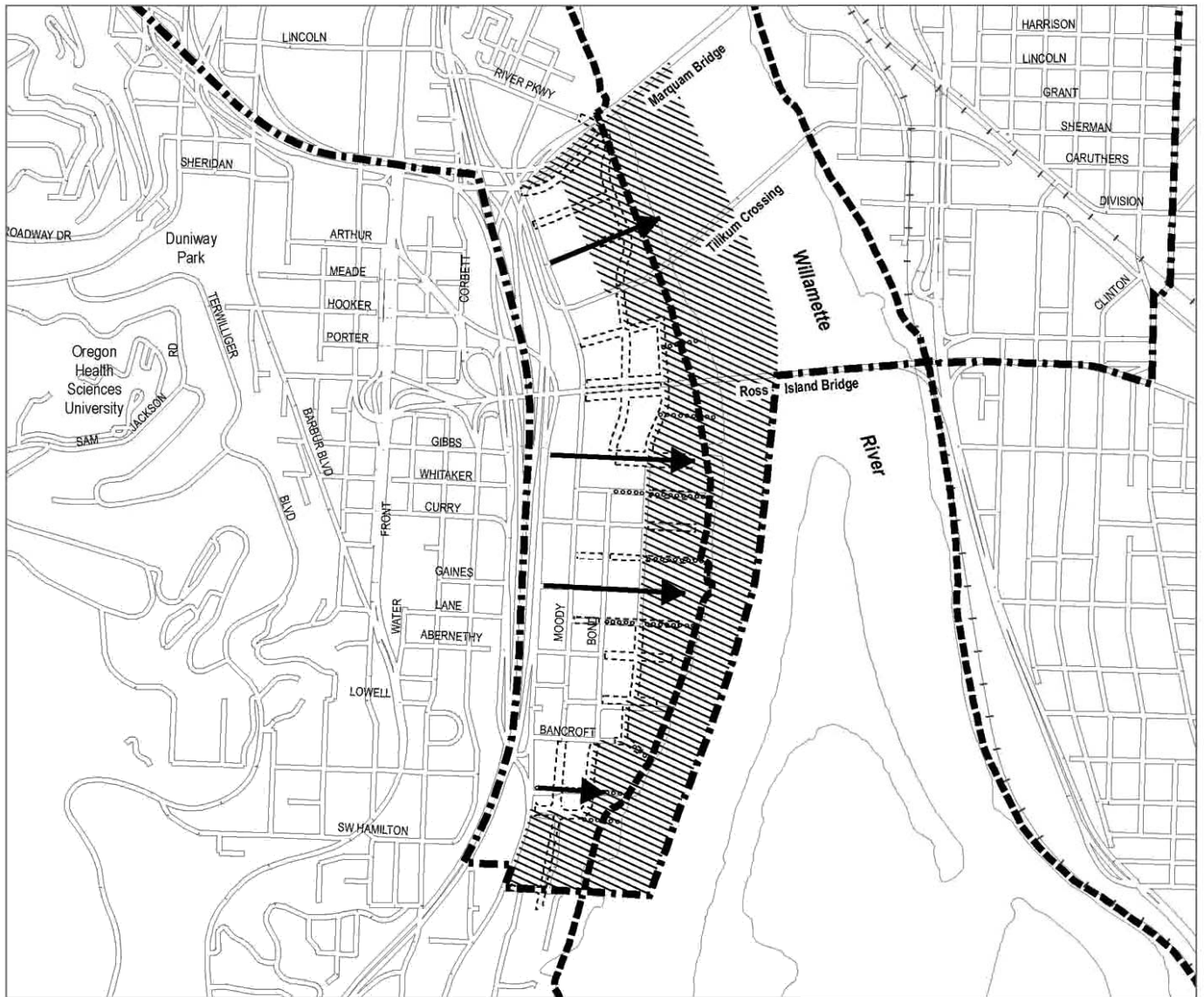
Updated to move the Major and Minor viewpoints from this map to maps in 33.480 Scenic Resources.









# Proposed South Waterfront Greenway Public Access

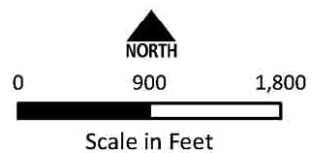
# Map 510-15

Map Revised Xxxxx X, 201X



### Legend

-  Central City Plan District boundary
-  Special building height corridor
-  Primary Greenway Trail
-  "g" River General overlay
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

### Map 510-16 North Pearl Height Opportunity Area and South Waterfront Height Opportunity Area

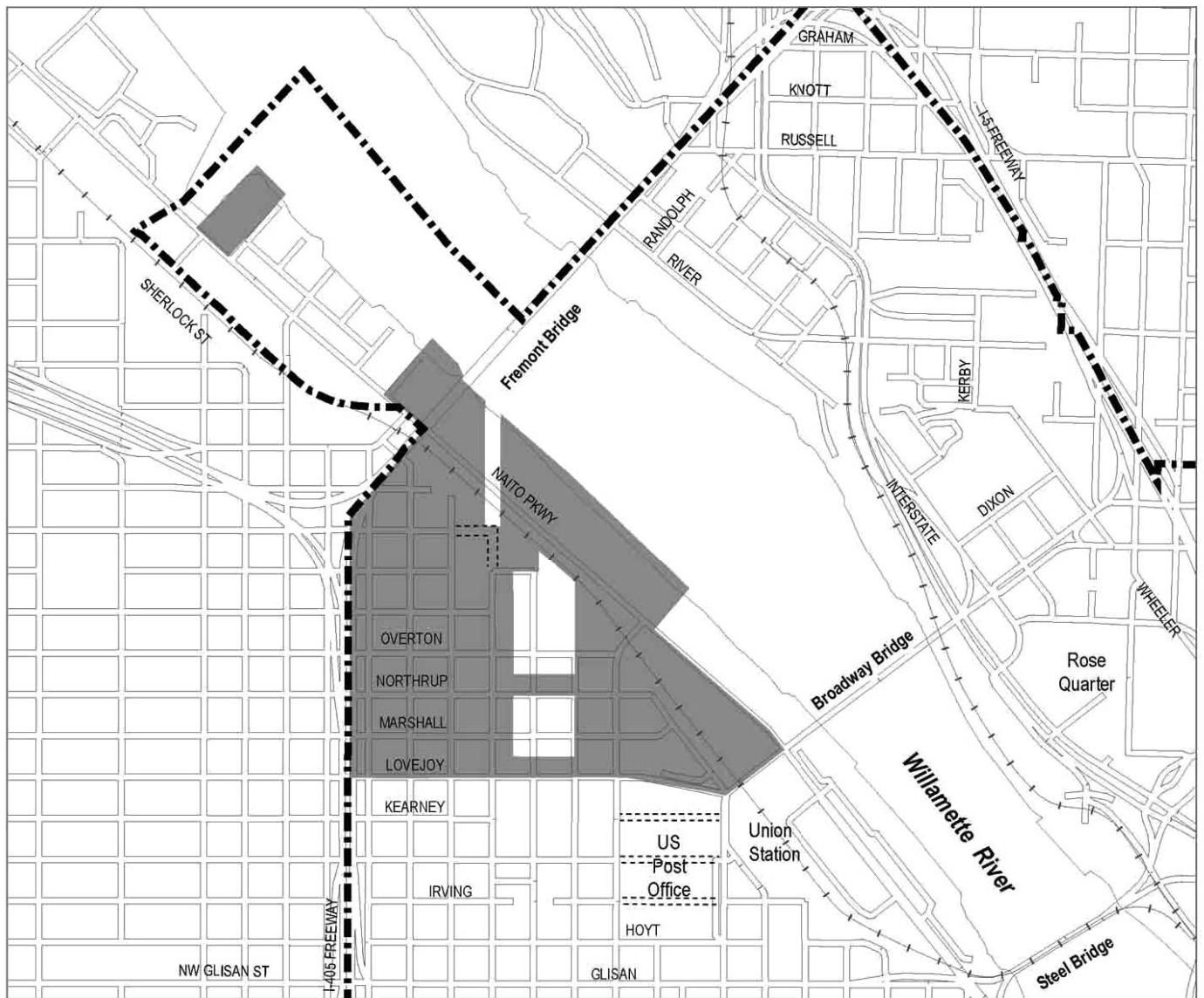
No changes proposed.

# Proposed North Pearl Height Opportunity Area





# Map 510-16

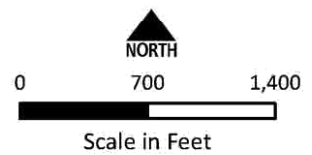
Map 1 of 2

Map Revised Xxxxx X 201X



### Legend

-  Central City Plan District boundary
-  Area eligible for additional height
-  Proposed right-of-way
-  Proposed accessway



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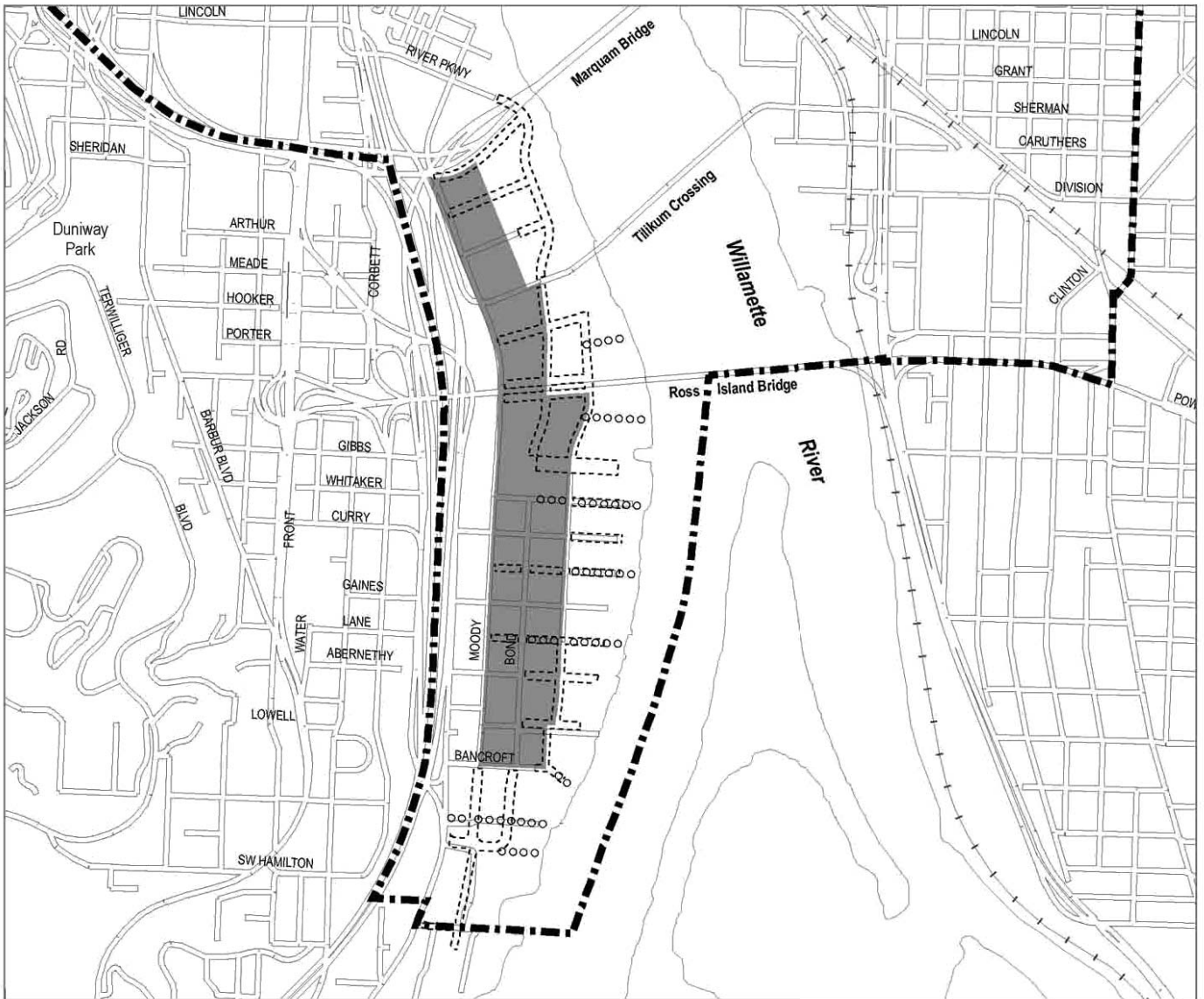
**Commentary**

# Proposed South Waterfront Height Opportunity Area





# Map 510-16

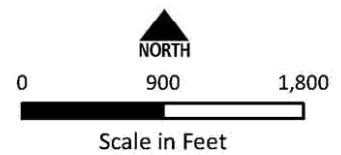
Map 2 of 2

Map Revised Xxxxx X 201X



## Legend

-  Central City Plan District boundary
-  Area eligible for additional height
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

### **Map 510-17 Areas Where Vehicle Repair and Vehicle Sales and Leasing Uses are Restricted (Previously Map 510-18 Area Where Vehicle Sales and Leasing, and Exterior Display and Storage are Restricted)**

This map has been renamed and updated to generally prohibit vehicle repair and vehicle sales and leasing uses within 500 ft of MAX light rail lines. Specifically, the identified area on the map:

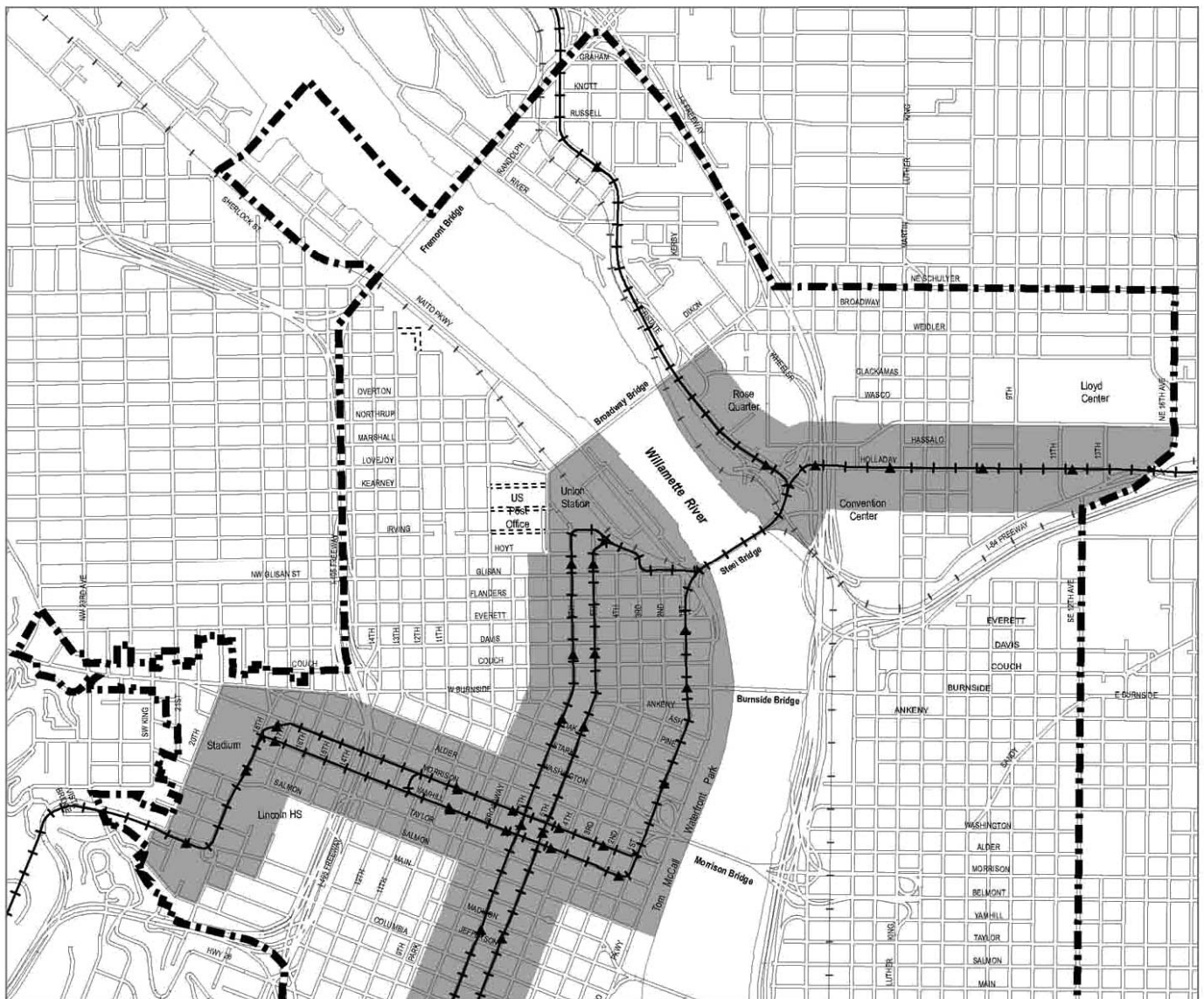
- a. Reflects areas near MAX lines where high pedestrian volume exists or is anticipated;
- b. Continues to reflect the existing exclusion of the western tip of Goose Hollow;
- c. Excludes areas where the MAX alignment is elevated or otherwise separated from the surface street system, presenting no potential conflicts with cars or pedestrians (e.g., elevated section between South Downtown/University and South Waterfront); and
- d. Excludes the predominately industrial Central Eastside and Lower Albina subdistricts.

# Proposed Area Where Vehicle Repair and Vehicle Sales and Leasing Uses are Restricted






# Map 510-17

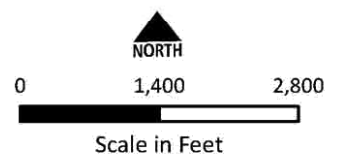
Map 1 of 2

Map Revised XXXXX XX, 201X



### Legend

-  Central City Plan District boundary
-  Area where restrictions apply
-  MAX Light Rail line and stops
-  Proposed right-of-way
-  Proposed accessways



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**Chapter 33.510, Central City Plan District**

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# Commentary

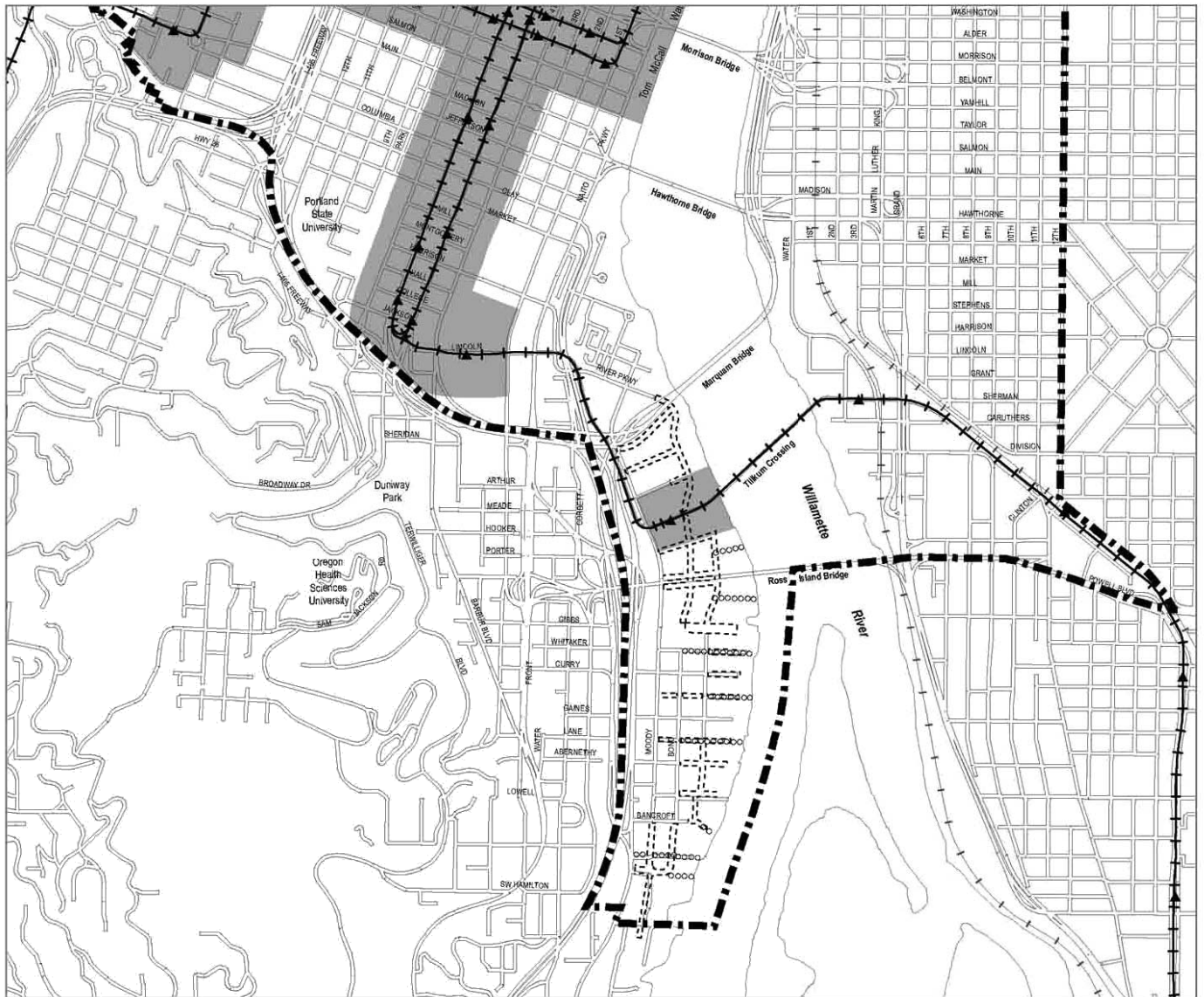


# Proposed Area Where Vehicle Repair and Vehicle Sales and Leasing Uses are Restricted






# Map 510-17

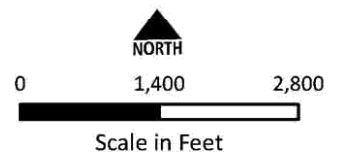
Map 2 of 2

Map Revised Xxxxx XX, 201X



## Legend

-  Central City Plan District boundary
-  Area where restrictions apply
-  MAX Light Rail line and stops
-  Proposed right-of-way
-  Proposed accessways



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## Commentary

### Map 510-18 North Pearl Subarea Special Building Height Corridor (Previously Map 510-19)

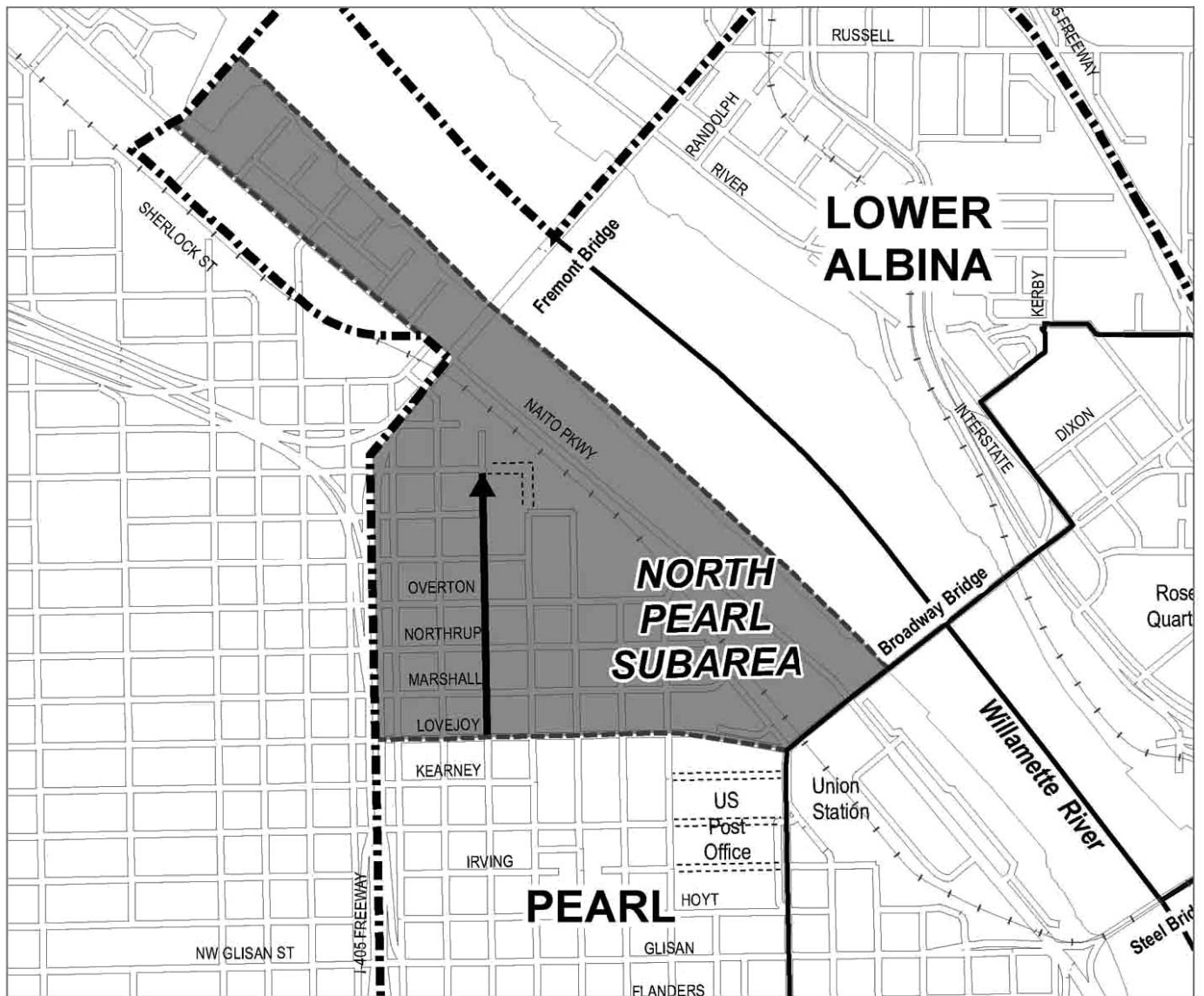
No changes proposed.

# Proposed North Pearl Subarea Special Building Height Corridor







# Map 510-18

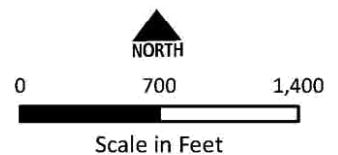
Code reference: 33.510.251

Map Revised Xxxxx X, 201x



## Legend

-  Central City Plan District boundary
-  Subdistrict Boundary
-  Subarea boundary
-  Special building height corridor
-  North Pearl Subarea
-  Proposed right-of-way



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## Commentary

### **Map 510-19 Required Central City Master Plan Sites (New)**

This new map shows areas where Central City Master Plans will be required because their redevelopment is considered important to the character of the Central City.

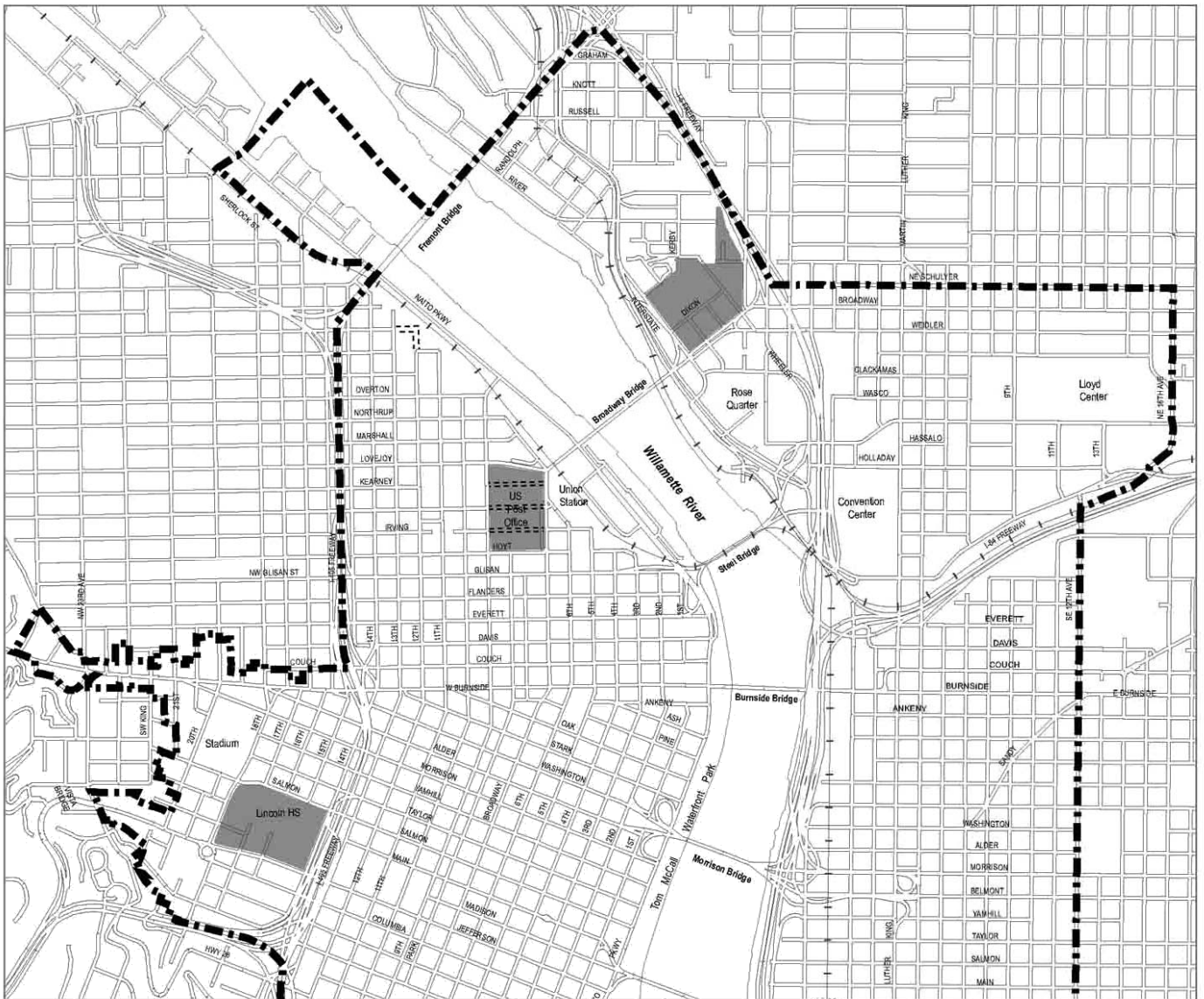
For more information, please refer to section: 33.510.255 Central City Master Plan.

# Proposed Required Central City Master Plan





# Map 510-19

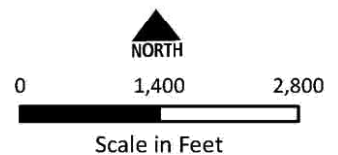
Map 1 of 2

Map Revised Xxxxx XX 201X



### Legend

-  Central City Plan District boundary
-  Required Central City Master Plan
-  Proposed right-of-way
-  Proposed accessway



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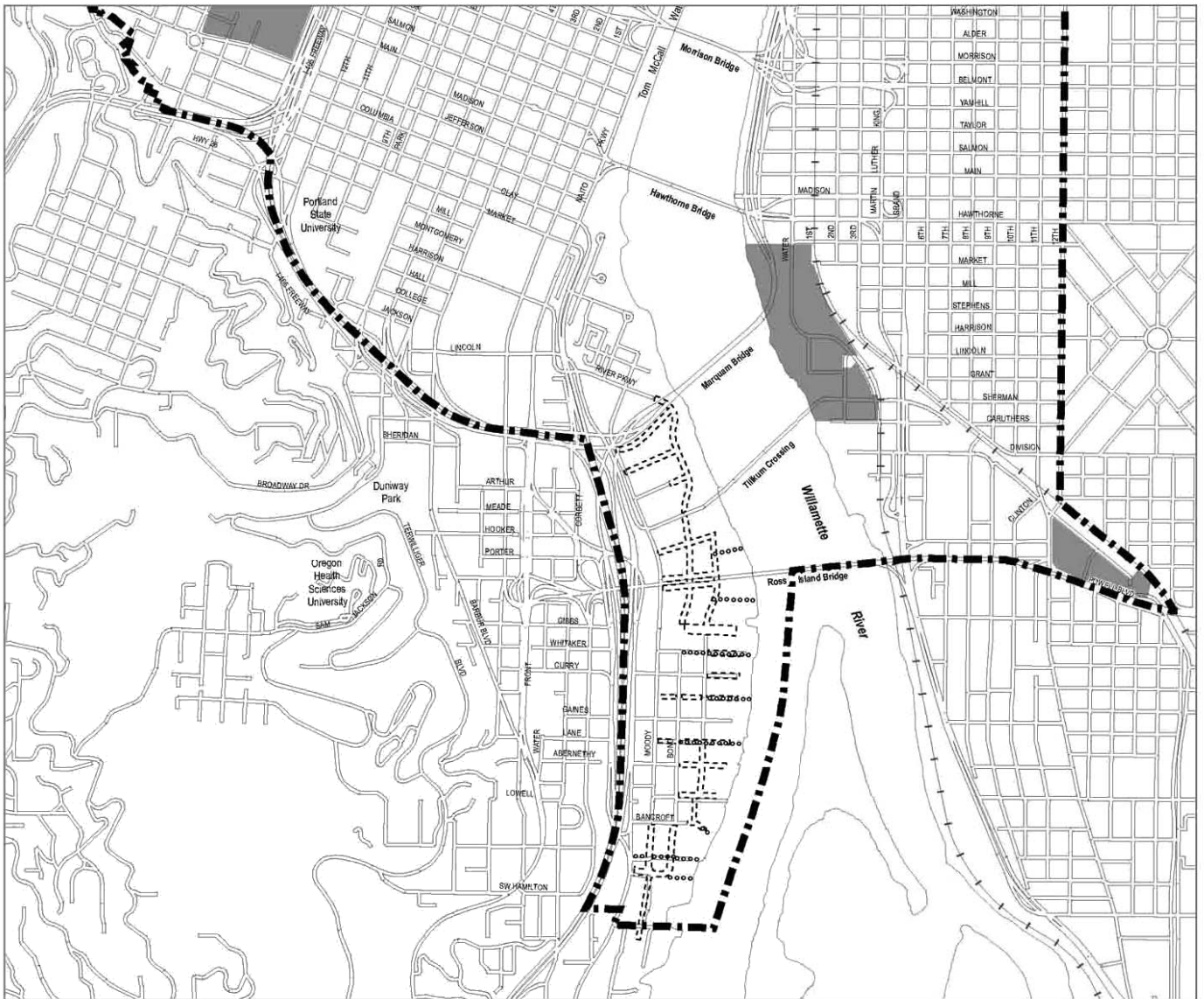
**Commentary**

# Proposed Required Central City Master Plan





# Map 510-19

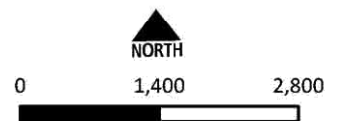
Map 2 of 2

Map Revised Xxxxx XX 201X



**Legend**

-  Central City Plan District boundary
-  Required Central City Master Plan
-  Proposed right-of-way
-  Proposed accessway



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## Commentary





### **New: Map 510-20 View Corridors**

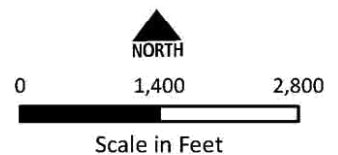
This new map shows public view corridors with special height restrictions as defined in the updated Central City Scenic Resources Protection Plan. Sites located within a view corridor may have maximum heights designated on Maps 510-3 and 510-4 based on the view.





### Legend

-  Central City Plan District boundary
-  Areas within Scenic View Corridors
-  Proposed right-of-way
-  Proposed accessway



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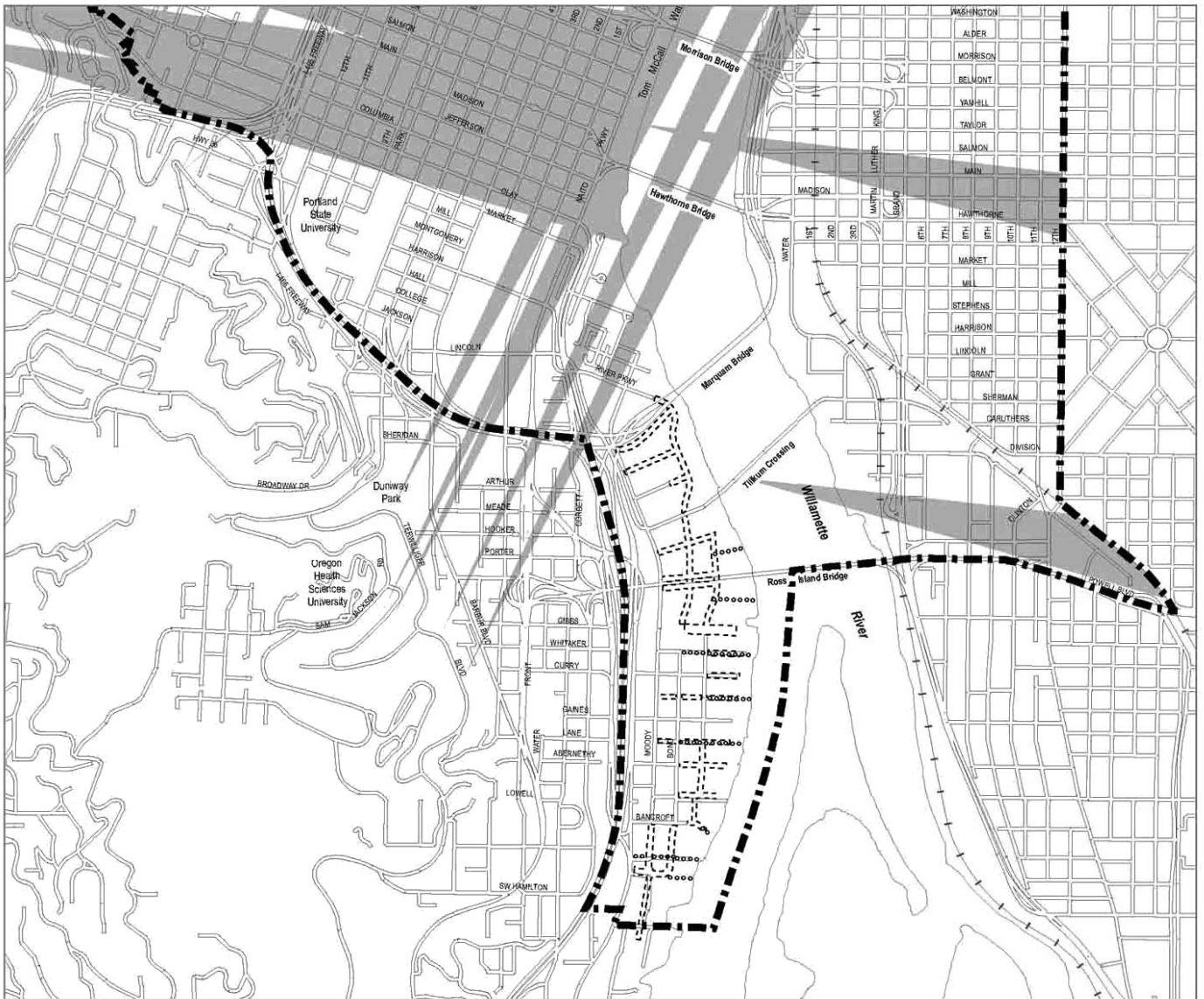
6/20/2016

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

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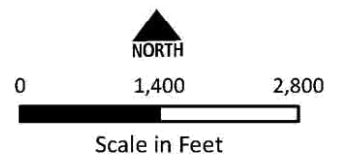
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# Commentary



### Legend

-  Central City Plan District boundary
-  Areas within Scenic View Corridors
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

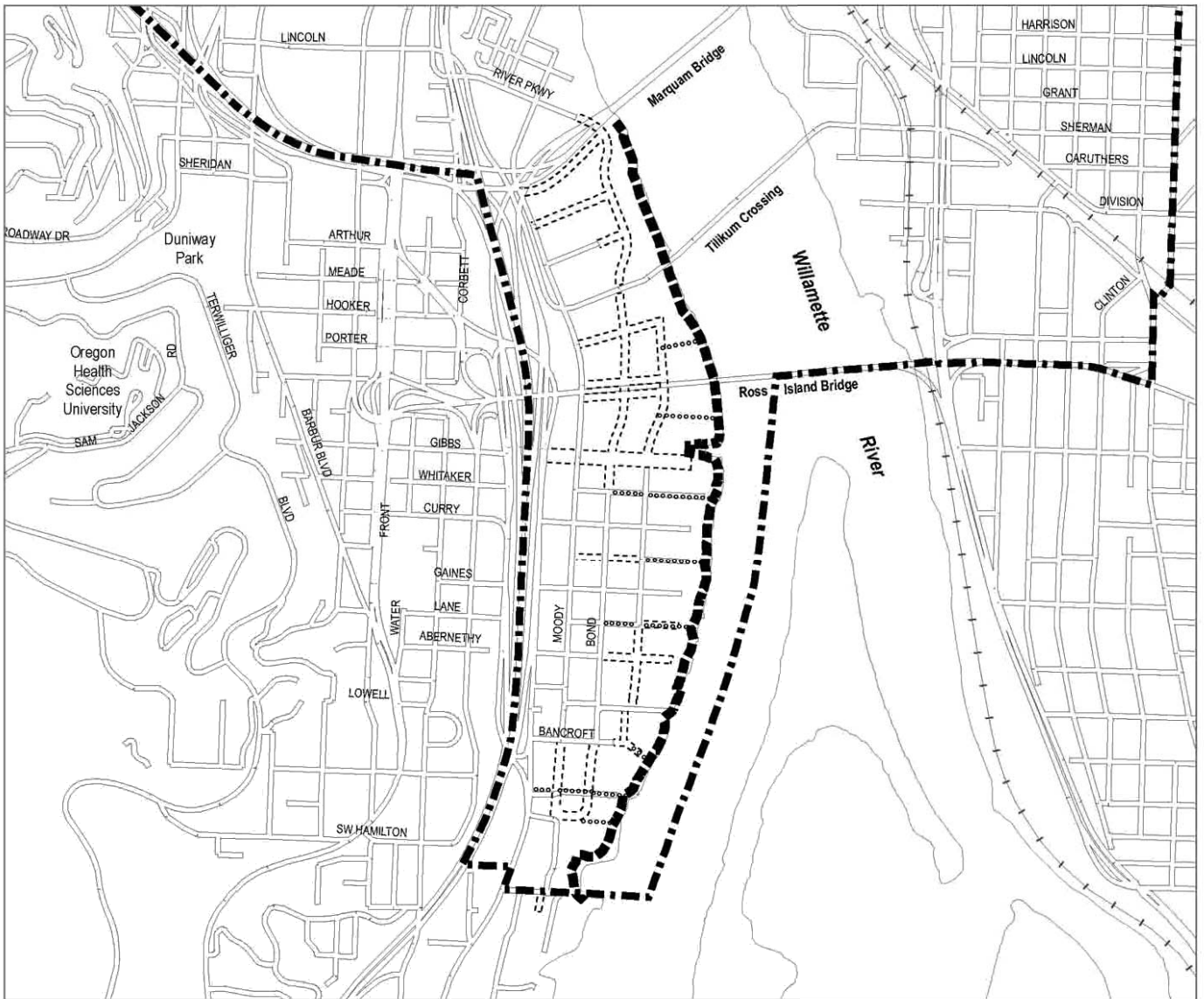
### **Map 510-21 South Waterfront 2002 Top of bank Line**

This map has been renumbered and was formerly Map 510-17





# Proposed South Waterfront 2002 Top of Bank Line

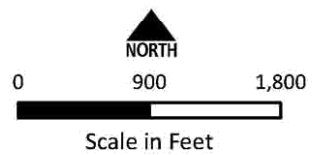
# Map 510-21

Map Revised Xxxxx X, 201X



## Legend

-  Central City Plan District boundary
-  2002 Top of Bank line  
Note: See map in Development Services Center for more detail
-  Proposed right-of-way
-  Proposed accessway



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## Commentary

### **New: Map 510-22 Bird Safe Exterior Glazing Standards**

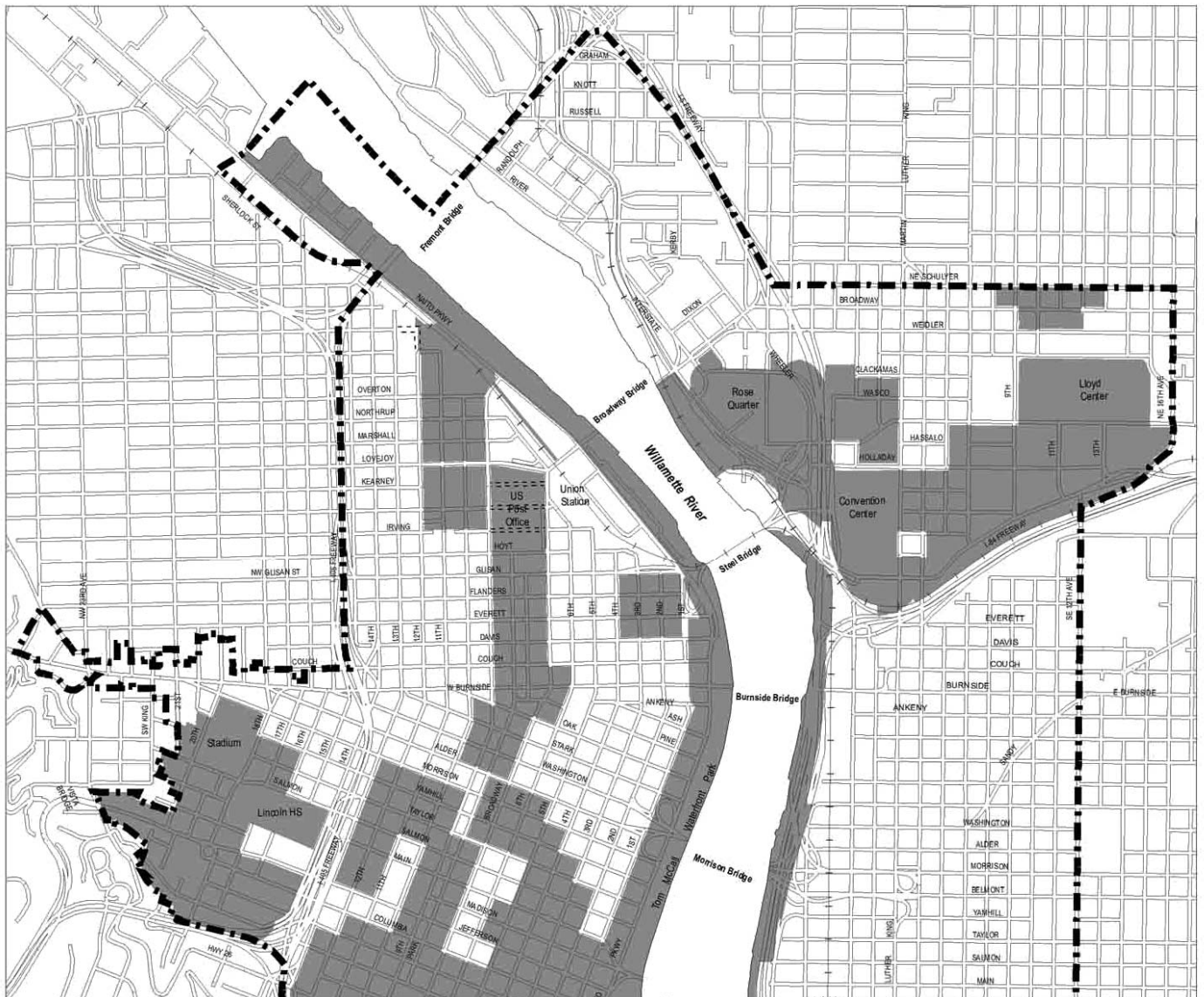
This map shows where the bird-safe glazing treatments required by section 33.510.223 are applicable. It has been drawn to include areas with a high level of expected bird-to-building strikes, including areas within the River overlay zone and areas within 200 feet of an area with contiguous tree canopy that is at least one acre in size.

# Proposed Bird-Safe Exterior Glazing Standards





# Map 510-22

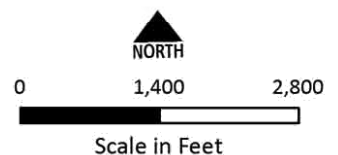
Map 1 of 2

Map Revised Xxxxx X, 201X



## Legend

-  Central City Plan District boundary
-  Proposed Bird-safe exterior glazing standards apply
-  Proposed right-of-way
-  Proposed accessway



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# Commentary

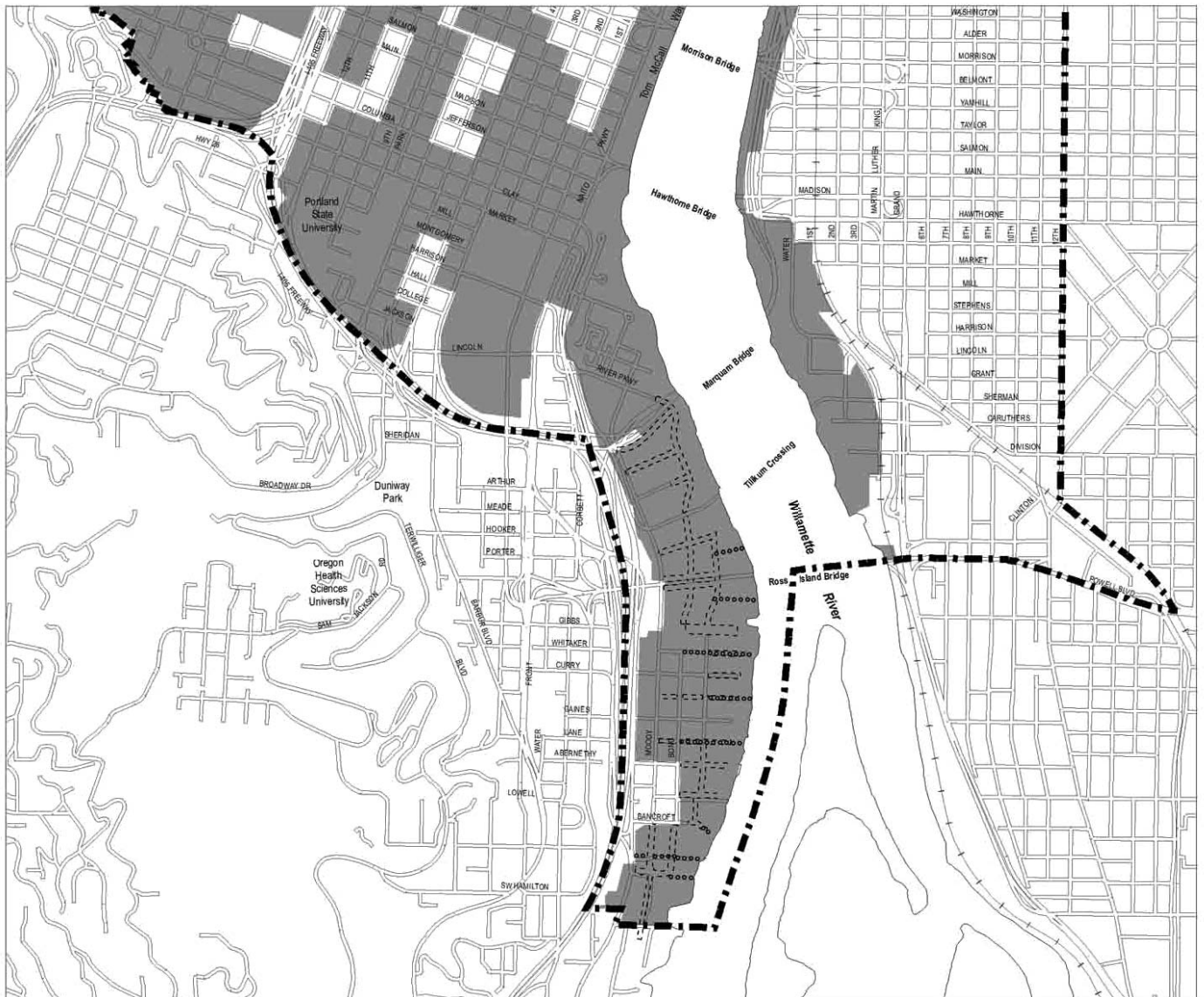


# Proposed Bird-Safe Exterior Glazing Standards





# Map 510-22

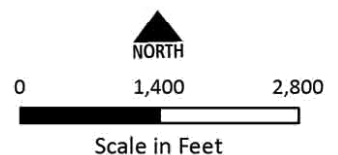
Map 2 of 2

Map Revised Xxxxx X, 201X



## Legend

-  Central City Plan District boundary
-  Proposed Bird-safe exterior glazing standards apply
-  Proposed right-of-way
-  Proposed accessway



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**Chapter 33.510, Central City Plan District**

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# Commentary

## 33.140 Employment and Industrial Zones

140

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Sections Amended:

33.140.245 Exterior Display, Storage and Work Activities

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## Commentary

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

The City is in the process of adopting comprehensive plan update including early implementation projects required for consistency with the new plan. Two implementing projects the Mixed Use Zoning and the Employment Zoning projects relate to this code section proposal. The Mixed Use Zoning Project changes zoning categories, patterns, and regulations. There will be a significant reduction in the Central Employment (EX) zone in the city. The EX zone will remain in the Central City and in Marquam Hill, where the Oregon Health Sciences University, Doernbecher Childrens' and Shriner's hospitals are located. This project has also updated exterior display regulations for commercial zones in the base zone code chapter, which makes sense to apply to the EX zone.

Staff's proposed amendment to 33.140.245 B applies the commercial zones exterior display code language to the EX zone. In the existing Central City 33.510.223 code section, exterior display and storage was allowed at mapped locations. This proposal replaces the 33.510.223 code section with the base zone section that applies to EX zoned sites. There continues the desire to allow the exterior display of some smaller scale goods that add to the vibrancy of street level activity and meets the daily needs and desires of residents, employees and visitors. This proposal allows some exterior display of goods and does not allow the exterior display of auto-oriented, construction and industrial use category goods. These are not appropriate items to be displayed outdoors in the urban Central City or at the EX zoned institutions in Marquam Hill.

**Note:** The Exterior Display, Storage and Work Activities code section is being amended through the Employment Zoning Project. It includes addressing the non-allowance of exterior storage in the EX zone, which is desirable in the Central City area. For the purposes of this *CC2035 Plan* amendment, staff is using the Planning and Sustainability Commission recommended code amendment text as the base language for this amendment. BPS staff does not anticipate changes to this section during the upcoming City Council public hearing and decision making on this project. If City Council takes additional action on the code language recommended in the Employment Zoning Project, then the next draft of the *Central City 2035 Plan* will incorporate such changes.

Below as a reference, is the existing code language for subsection 33.140.245.b:

**B. Exterior display.** Exterior display of goods is allowed in all of the E and I zones except the EX zone. The setbacks and landscaping standards for exterior display areas are stated in Table 140-6

### **33.140.245 Exterior Display, Storage, and Work Activities**

A. No change.

#### **B. Exterior display.**

1. Employment zones. Exterior display of goods is allowed as follows. The setback and landscaping standards for exterior display areas are stated in Table 140-6:
  - a. Exterior display of goods is allowed in the EG1 zone except for uses in the industrial categories. Exterior display of goods is not allowed for uses in the industrial categories in the EG1 zone.
  - b. Exterior display of goods is allowed in the EG2 zone.
  - c. Exterior display of goods is ~~not~~ allowed in the EX zone except for the display of motor vehicles, motor vehicle parts and supplies, building materials and uses in the industrial categories.

C.-E. No change.



## 33.580 South Auditorium Plan District

**580**

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### Sections Amended:

- 33.580.100 Floor Area Ratios
- Map 580-2 South Auditorium Plan District FAR

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## Commentary

### **Section 33.580.100 Floor Area Ratios**

Areas that are in the South Auditorium Plan District and also in the Central City Plan District are eligible for FAR bonuses through 33.510 Central City Plan District. Staff proposes language changes to make this clearer.



### **33.580.100 Floor Area Ratios**

~~The maximum floor area ratio for all sites in the South Auditorium plan district are as stated by the floor area ratios (FARs) shown on Map 580-2.~~ The maximum floor area ratios for all sites in the South Auditorium plan district are shown on Map 580-2. In addition, the Central City plan district floor area ratio and floor area bonus and transfer regulations apply to sites that are in both the South Auditorium and Central City plan districts.

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## Commentary

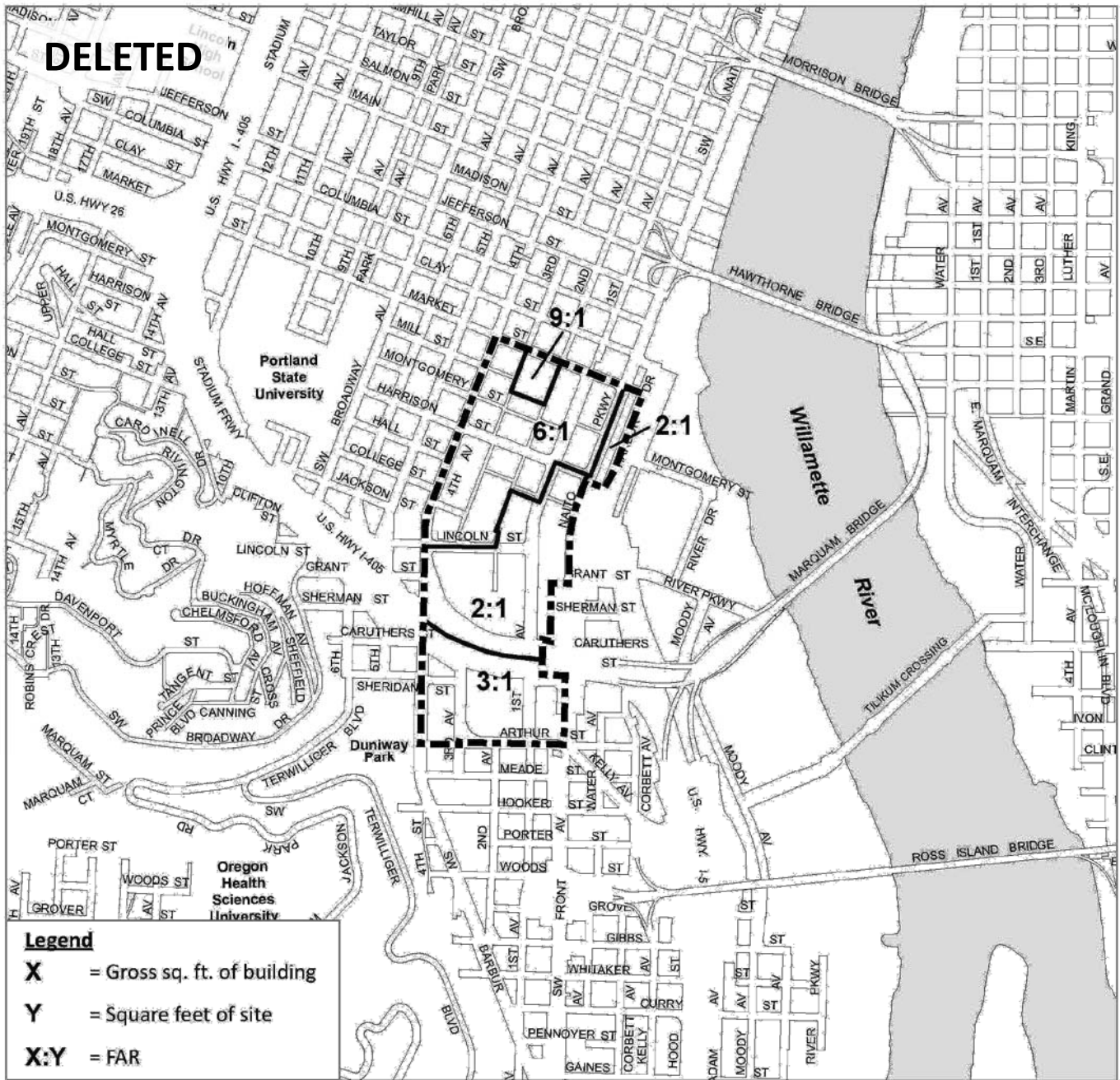
### Existing Map 580-2 South Auditorium Plan District: FAR

This section contains existing and proposed changes to floor area ratio entitlements in the South Auditorium Plan District to maintain consistency with Map 510-2 Maximum Floor Area Ratios. This is the existing floor area ratio (FAR) map for the plan district.

**South Auditorium  
Plan District: FAR  
Maximum Floor Area Ratios**

**Map 580-2**

Map Revised January 1, 2015



6/20/2016

Proposed Draft Central City 2035 Plan  
Chapter 33.580, South Auditorium Plan District

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## Commentary

### **Proposed Map 580-2 South Auditorium Plan District: FAR**

This map has been updated with areas of the South Auditorium Plan District going from 2:1 to 4:1 FAR to reflect input from the West Quadrant Plan. This change can also be seen on Map 510-2 Maximum Floor Area Ratios.

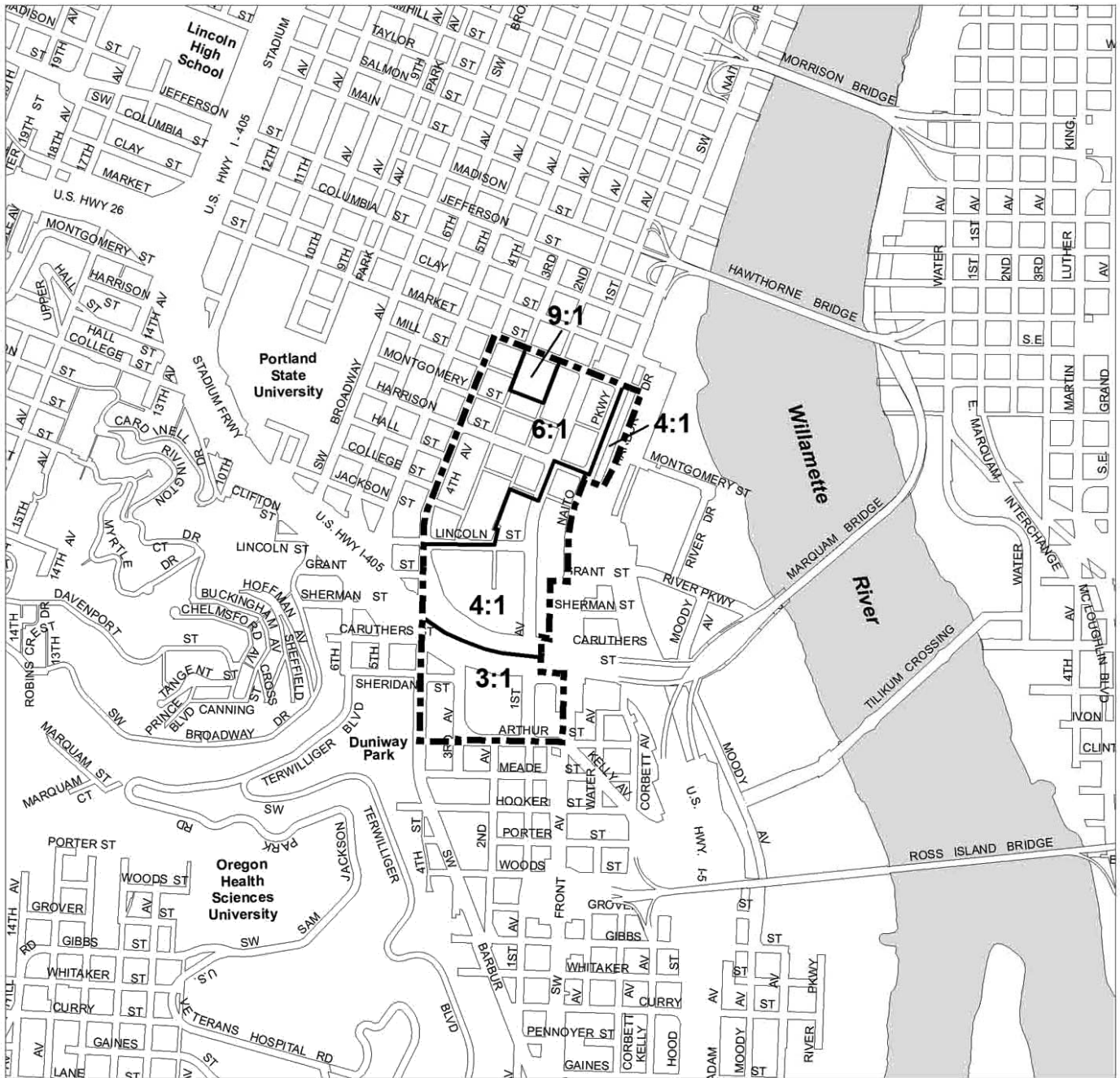
# Proposed South Auditorium

## Plan District: FAR

### Draft Maximum Floor Area Ratios

# Map 580-2

Map Revised xxxx, 201x



Plan District Boundary

Maximum FAR area boundary

**X:Y** = Maximum FAR

**X** = Gross sq. ft. of building

**Y** = Square feet of site



0 900 1,800



Scale in Feet

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6/20/2016

Proposed Draft Central City 2035 Plan  
Chapter 33.580, South Auditorium Plan District



## 33.720 Assignment of Review Bodies

**720**

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Sections Amended:

33.720.020 Quasi-Judicial Land Use Reviews

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## Commentary

### Section 33.720.020 Quasi-Judicial Land Use Reviews

This section has been updated to specify that the new Central City Master Plan process requires Design Commission review.



### **33.720.020 Quasi-Judicial Land Use Reviews**

Quasi-judicial land use reviews are assigned to the review bodies stated below.

- A. Director of BDS.** All land use reviews that are subject to a Type II or Type IIx procedure are assigned to the Director of BDS.
- B. Hearings Officer.** All appeals of land use reviews that were processed as a Type II or Type IIx procedure and all land use reviews subject to a Type III procedure, unless stated otherwise in Subsection C., or D., or E. below, are assigned to the Hearings Officer.
- C. Design Commission.** The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:
  - 1. Design review, except as provided for in Paragraph D.2 below;
  - 2. Adjustments in a Design zone, except historic districts and historic landmarks;
  - 3. Adjustments associated with a design review required by City Council outside of a Design zone;
  - 4. Reviews in the Central City plan district for height and FAR bonuses and transfers; ~~and~~
  - 5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district; and
  - 6. Central City Master Plan reviews.

**Subsections D through G remain unchanged.**

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## Commentary

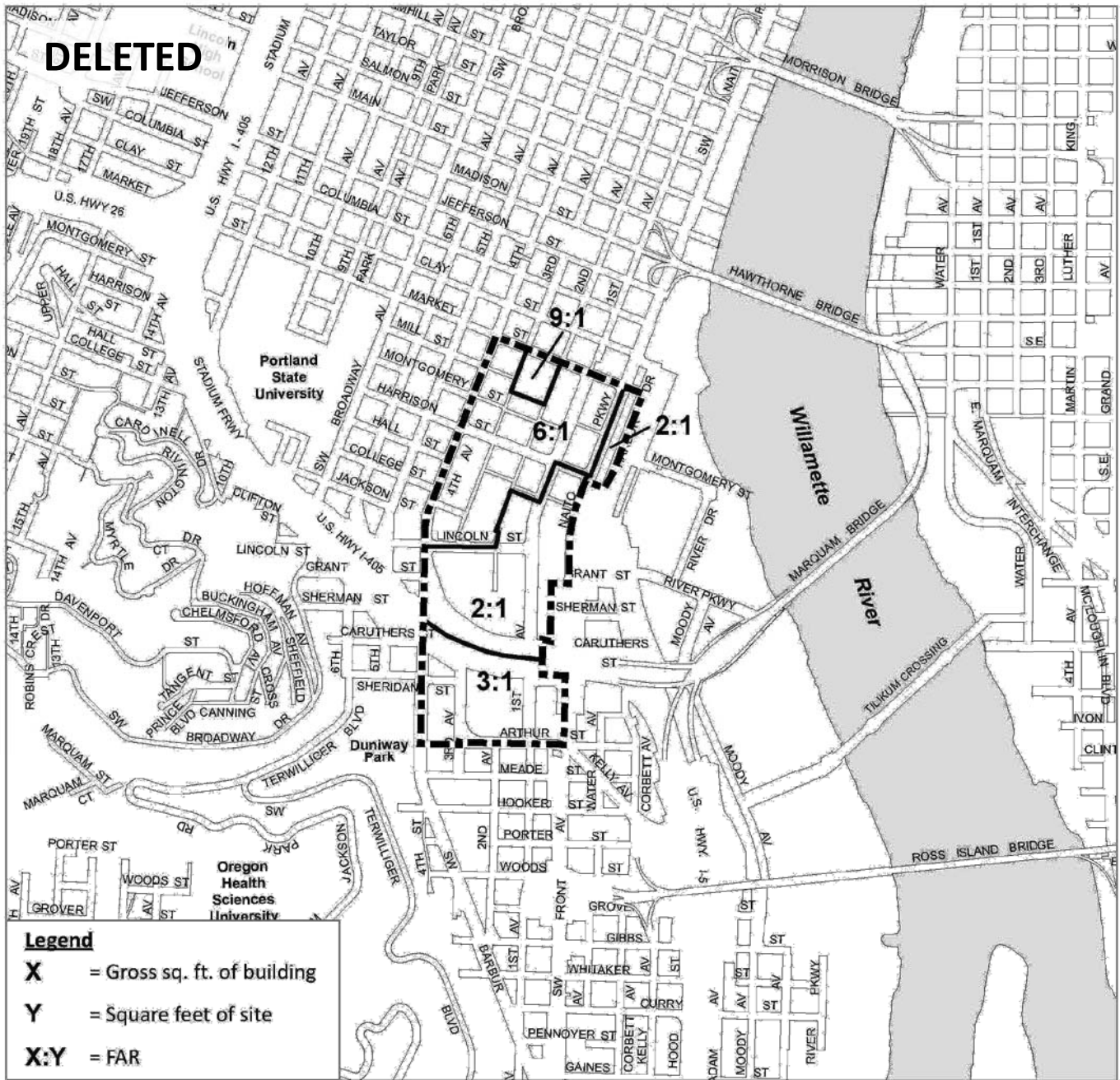
### Existing Map 580-2 South Auditorium Plan District: FAR

This section contains existing and proposed changes to floor area ratio entitlements in the South Auditorium Plan District to maintain consistency with Map 510-2 Maximum Floor Area Ratios. This is the existing floor area ratio (FAR) map for the plan district.

**South Auditorium  
Plan District: FAR  
Maximum Floor Area Ratios**

**Map 580-2**

Map Revised January 1, 2015



Plan District Boundary



0 900 1,800

Scale in Feet  
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6/20/2016

Proposed Draft Central City 2035 Plan  
Chapter 33.720, Assignment of Review Bodies

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## Commentary

### **Proposed Map 580-2 South Auditorium Plan District: FAR**

This map has been updated with areas of the South Auditorium Plan District going from 2:1 to 4:1 FAR to reflect input from the West Quadrant Plan. This change can also be seen on Map 510-2 Maximum Floor Area Ratios.

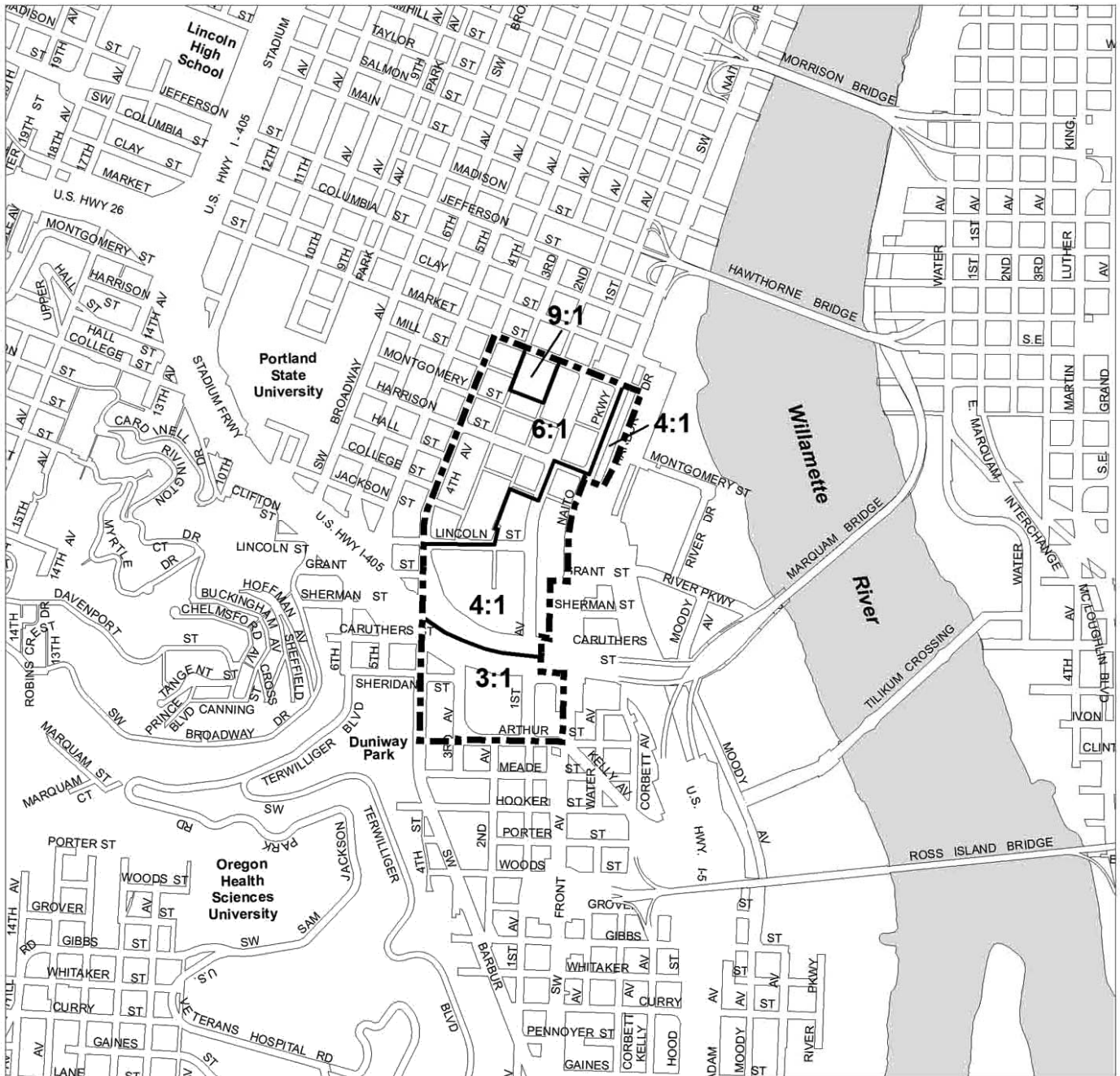
# Proposed South Auditorium

## Plan District: FAR

### Draft Maximum Floor Area Ratios

# Map 580-2

Map Revised xxxx, 201x



Plan District Boundary

Maximum FAR area boundary

**X:Y** = Maximum FAR

**X** = Gross sq. ft. of building

**Y** = Square feet of site



0 900 1,800



Scale in Feet

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6/20/2016

Proposed Draft Central City 2035 Plan  
Chapter 33.720, Assignment of Review Bodies



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## Commentary

Under the original Central City Transportation Management Plan and zoning code, surface parking lots were required to go through a renewal process via CCPR every 5 years. This requirement was eliminated in 2002, but Chapter 808 was never updated to reflect that. So references to conversion of surface parking lots is proposed to be deleted.

Currently, Central City Parking Review is generally only required when the zoning code does not provide a maximum parking entitlement to a particular site, or when the use is residential. The proposed changes to this section require Preservation Parking, Visitor Parking, and Growth Parking for non-office uses to go through CCPR. In addition, changes to conditions of approval for existing parking and increases in the number of parking spaces for existing parking require a CCPR.



### Sections:

- 33.808.010 Purpose
- 33.808.020 Organization Of This Chapter
- ~~33.808.030 Automatic Central City Parking Review Status~~
- 33.808.040 Review Procedures
- 33.808.050 Loss of Central City Parking Review Status
- 33.808.100 ~~General~~ Approval Criteria for Central City Parking Review
- ~~33.808.300 Conversion of Surface Parking Lots~~

### 33.808.010 Purpose

The purpose of Central City Parking Review is to allow for parking that supports Central City development, and is consistent with the goals and policies of the Central City 2035 Plan ~~and Central City Transportation Management Plan~~. The approval criteria ensure that the demand for parking will be managed, and the negative effects of parking minimized, while still providing sufficient parking to meet the goals of the City for the Plan District.

### 33.808.020 Organization Of This Chapter

This chapter contains approval criteria for all Central City Parking Reviews (CCPR). The criteria in Section 33.808.100 apply to all CCPRs ~~except Conversion of Surface Parking Lots, which is addressed in Section 33.808.300.~~

### ~~33.808.030 Automatic Central City Parking Review Status~~

~~**A. Purpose.** With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City Plan District were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, most parking in the plan district is automatically given Central City Parking Review (CCPR) status. Some surface lots have to apply to convert to CCPR status.~~

~~**B. Parking that automatically receives Central City Parking Review Status.** Parking in the Central City plan district that was legally operating on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, is considered an approved CCPR, and may continue to operate, subject to the regulations of Sections 33.510.261 through .267.~~

~~However, parking in the Core Area of the plan district in a surface lot that received a revocable permit or a conditional use that required periodic reapplication, and was operating on January 8, 1996 must apply for Central City Parking Review: See Subsection 33.510.263.K.~~

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## Commentary

One main goal of these code revisions is to streamline and simplify the regulations. Preservation Parking is propose to be processed through a Type 1x procedure. The type 1x review is necessary to track which buildings are using their Preservation Parking entitlement and where that entitlement is being built. Visitor Parking and changes to existing parking are proposed to be processed through a Type 2 Procedure.

The current zoning code language regulated Preservation Parking differently if it was built off-site vs. on-site. The new proposed code does not make this distinction.

The "CCTMP hot spot area map" references parts of downtown that had frequent carbon monoxide violations. The last violation was August 31, 1987, so this requirement is proposed to be deleted.

### 33.808.040 Review Procedures

- A. **Type IHH.** Except as specified in Subsection B., requests for Central City Parking Review are processed through a Type IHH procedure.
- B. **Type IxH.** ~~In the South Waterfront subdistrict, r~~Requests for Preservation Parking ~~supplemental growth parking as specified in 33.510.267.A.3.b~~ are processed through a Type IxH procedure.

### 33.808.050 Loss of Central City Parking Review Status

If the site of a Central City Parking Review is not used for parking for 3 continuous years, the Central City Parking Review rights are lost. Any new parking on the site will be subject to current regulations, and will be reviewed as a new use. Parking spaces in surface parking lots occupied by vending carts are still considered to be parking spaces.

### 33.808.100 ~~General Approval Criteria for Central City Parking Review~~

The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. The proposal will not by itself, or in combination with other parking facilities in the area, significantly lessen the overall desired character of the area. The desired character of the area is determined by City-adopted area, neighborhood, or development plans; by Comprehensive Plan designations and zoning, and by allowed densities.
- ~~B. The transportation system is capable of safely supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on the transportation impact analysis and includes factors such as street capacity and level of service, on street parking impacts, access requirements, impacts on transit operations and movement, impacts on the immediate and adjacent neighborhoods, and pedestrian and bicycle safety.~~
- ~~C. The parking facility is in conformance with the street classifications of the Central City Plan District and the Central City Transportation Management System Plan.~~
- ~~D. If the proposal will generate more than 100 vehicle trips during the peak hour commute; and is Growth Parking or is Preservation Parking where the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building. The Transportation Management Plan includes measures to increase the number of trips taken by alternatives to the single occupant vehicle during the peak hour commute.~~
- ~~E. If the site is in the RX zone, the parking will not by itself or in combination with other nearby parking, decrease the desirability of the area for the retention of existing housing or the development of new housing.~~
- ~~F. If the site is within the areas shown on the "CCTMP Hot Spot Area Map," the carbon monoxide hot spot analysis meets Federal air quality standards, as determined by the Portland Office of Transportation and Oregon Department of Environmental Quality. The map is maintained by the Parking Manager.~~

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## Commentary

B. These requirements are intended to ensure that the parking is available for the buildings that have the entitlement.

C. These requirements are intended to ensure that Visitor Parking is use primarily for short-term parking needs.

**BG.** If the proposal is for Preservation Parking, and the parking is not under the same ownership as the buildings for which the parking is provided, criteria BG.1 through B.3G-2, below, apply. If the proposal is to convert Visitor Parking to Preservation Parking, criteria BG.1 through B.4G-3, below, apply.

1. The agreements between the garage operator and the owners of the buildings for which the parking is provided are for at least 10 years; and
  2. For initial approval, the agreements cover 100 percent of the Preservation Parking.
  3. There must be a Parking Management Plan that includes measures to ensure that:
    - a. The parking is used primarily for commitments of at least 10 years to buildings that have fewer than 0.7 parking spaces per 1,000 square feet of net building area for commercial uses, 0.5 spaces per dwelling unit for residential uses, and 0.5 spaces per hotel room for hotel uses. All parking available to each building approved through previous Preservation Parking agreements are counted toward this total.
    - b. Other uses of the parking will occur only when the spaces are not used by the contracted parkers.
- ~~43.~~ The parking demand analysis shows there is not a need for Visitor Parking at this location.

**CH.** If the proposal is for Visitor Parking, the parking demand analysis shows a need for this parking at this location. The analysis must show the following criteria are met:

1. At least 65 percent of the short term parking demand is from uses within 750 feet of the parking structure or lot; and
  2. At least one of the following is met:
    - a. There is a cumulative increase in short-term parking demand due to an overall increase in activity associated with existing or new retail or other visitor-related uses; or
    - b. The parking will serve major new attractions or retail development, or
    - c. There has been a significant loss of on-street parking due to recent public works projects, or
    - d. There has been a significant loss of short-term parking spaces.
  3. There must be a parking management plan that includes measures to ensure that the parking will be primarily used for short-term parking.
- ~~43.~~ If the site is in an I zone, all of the following are met:
- a. The parking will primarily serve industrial firms;
  - b. The parking facility will not have significant adverse effects on nearby industrial firms; and

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## Commentary

The current code regulates Preservation Parking in the core area differently than outside. The new code does not make that distinction. The new code also eliminates the Preservation Pool/Reserve and prohibits Preservation and Visitor Parking on surface lots.

c. The parking facility will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

5. The transportation system is capable of safely supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on the transportation impact analysis and includes factors such as street capacity and level of service, on-street parking impacts, access requirements, impacts on transit operations and movement, impacts on the immediate and adjacent neighborhoods, and pedestrian and bicycle safety.

6. The parking facility is in conformance with the street classifications of the Central City Plan District and the Central City Transportation Management System Plan.

~~I. If the site is in the Core Area:~~

~~1. If the proposal is for Growth, Visitor, or Residential/Hotel Parking: The parking management plan supports alternatives to the single-occupant commuting vehicle through accommodations for carpooling, short-term parking, and other demand management measures appropriate to the type, size, and location of the parking facility, and consistent with the Central City Transportation Management Plan. If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking.~~

~~2. If the proposal is for Preservation Parking:~~

~~a. There are adequate spaces in the Replacement Reserve or Pool, which are administered by the Parking Manager; and~~

~~b. The Parking Management Plan includes measures to ensure that:~~

~~(1) The parking is used primarily for commitments of at least 10 years to buildings that have less than 0.7 parking spaces per 1,000 square feet of net building area and~~

~~(2) Other uses of the parking will occur only when the spaces are not used by the contracted parkers.~~

~~3. If the proposal is for Growth or Visitor Parking on a surface parking lot:~~

~~a. It will be an interim use only, as documented by the phased development plan;~~

~~b. The phased development plan ensures that the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and~~

~~c. The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking.~~

~~4. If the proposal is for Residential/Hotel Parking on a surface parking lot, and the parking will serve a residential use, either I.4.a or I.4.b, below, apply.~~

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## Commentary

5. This paragraph is being removed because the proposal to eliminate parking access CCPR requirements. The parking code (33.510.261) has been updated to identify streets where parking access and loading is prohibited and streets where an adjustment is required.

The language in paragraph 5 has been used to create a new purpose statement in 33.510.261 I.6 Parking and Loading access restricted streets.

J. The current code regulates Preservation Parking in the core area differently than outside. The new proposed code does not make that distinction.



- a. ~~If the total surface parking area on the site is 40,000 square feet or less and the parking is an interim use, the criteria of Paragraph I.3, above, are met; or~~
  - b. ~~If the total surface parking area on the site is more than 40,000 square feet or the parking is not an interim use, the Parking Management Plan includes measures to ensure that the surface parking is serving only the residential uses.~~
5. ~~If the proposal is for new access for motor vehicles within 75 feet of a Light Rail Alignment, but not on the alignment itself, criteria I.5.a through I.5.c, below, apply. If the proposal is for new access for motor vehicles on a Light Rail Alignment, criteria I.5.a through I.5.c, below, apply.~~
- a. ~~There will not be a significant adverse impact on transit operations;~~
  - b. ~~There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation;~~
  - c. ~~There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact. On blocks where stations are located, the pedestrian environment on both sides of the streets will be considered and protected;~~
  - d. ~~Motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail alignment;~~
  - e. ~~The development includes at least 0.8 FAR of retail, office, hotel or residential development in the same structure and on the same block as the parking. The retail, office, hotel or residential development must be on multiple levels. For purposes of this paragraph, net building area will be counted towards this requirement if any portion of the floor to be counted is at or above any adjacent grade.~~
6. ~~If the proposal is for a parking structure—a building where parking occupies more than 50 percent of the gross building area—within 100 feet of Fifth and Sixth Avenues between NW Glisan and SW Mill Streets:~~
- a. ~~There will not be a significant adverse impact on the overall pedestrian environment and safety;~~
  - b. ~~There will not be a significant adverse impact on vehicle operation and safety, and~~
  - c. ~~The development includes at least 0.8 FAR of retail, office, hotel or residential development in the same structure and on the same block as the parking. The retail, office, hotel or residential development must be on multiple levels. For purposes of this paragraph, net building area will be counted towards this requirement if any portion of the floor to be counted is at or above any adjacent grade.~~

J. ~~If the site is outside the Core Area:~~

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**Commentary**

1. ~~If the proposal is for Growth or Visitor Parking: The parking management plan supports alternatives to the single-occupant commuting vehicle through accommodations for carpooling, short-term parking, and other demand management measures appropriate to the type, size, and location of the parking facility, and consistent with the Central City Transportation Management Plan. If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking.~~
  2. ~~If the proposal is for new access for motor vehicles within 75 feet of a Light Rail Alignment, but not on the alignment itself, criteria J.2.a through J.2.c, below, apply. If the proposal is for new access for motor vehicles on a Light Rail Alignment, criteria J.2.a through J.2.d, below, apply.~~
    - a. ~~There will not be a significant adverse impact on transit operations;~~
    - b. ~~There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation;~~
    - c. ~~There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact. On blocks where stations are located, the pedestrian environment on both sides of the streets will be considered and protected; and~~
    - d. ~~Motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail alignment.~~
- K.** ~~If the site is in the Lloyd District Subdistrict, Goose Hollow Subdistrict, Central Eastside Subdistrict, Lower Albina Subdistrict or River District Sectors 1 or 2:~~
1. ~~If the proposal is for Growth or Visitor Parking: The parking management plan supports alternatives to the single-occupant commuting vehicle through accommodations for carpooling, short-term parking, and other demand management measures appropriate to the type, size, and location of the parking facility, and consistent with the Central City Transportation Management Plan. In addition:~~
    - a. ~~If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking; and~~
    - b. ~~If the proposal is for Growth Parking to serve office uses, and there are more than 60 spaces included that will serve non-office uses: The parking management plan ensures that there is operational or physical separation of the office and non-office parking, so that the office users do not have access to the non-office parking.~~
  2. ~~If the proposal is for Preservation Parking, the parking management plan includes measures to ensure that:~~
    - a. ~~If the parking will serve office uses, the parking is used primarily for buildings that have less than the maximum ratio allowed for the parking sector, and~~

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**Commentary**

~~b. If the parking will serve both office and non-office uses, and there are more than 60 spaces included that will serve non-office uses: The parking management plan ensures that there is operational or physical separation of the office and non-office parking, so that the office users do not have access to the non-office parking; and~~

~~c. Other uses of the parking will occur only when the building contracting for the parking does not need the spaces.~~

~~3. If the proposal is for Growth or Preservation Parking for non-office uses, and there will be more than 60 spaces on the site:~~

~~a. There will not be a significant adverse impact on transit operations;~~

~~b. There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation; and~~

~~c. There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact.~~

~~4. If:~~

~~a. The site is in a C, E, OS, or R zone;~~

~~b. The proposal is for Growth, Preservation, Visitor, or Residential/Hotel Parking; and~~

~~c. The site is in the Lloyd District Subdistrict, Goose Hollow Subdistrict, or Central Eastside Sectors 2 or 3, and the proposal is for a surface parking lot where the total surface parking area on the site is larger than 40,000 square feet in area; or~~

~~d. The site is in the Lower Albina Subdistrict; Central Eastside Sectors 1, 4, 5, or 6; or River District Sectors 1 or 2; and the total surface parking area on the site is larger than 40,000 square feet in area, or the parking area covers more than 30 percent of the site, whichever is larger;~~

~~The following must be met:~~

~~e. The amount of parking area larger than 40,000 square feet will be an interim use only, as documented by the phased development plan;~~

~~f. The phased development plan ensures that the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and~~

~~g. The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking.~~

~~h. If the site is in the Lloyd District, and the proposal is for Preservation Parking: There are adequate spaces in the Replacement Reserve, which is administered by the Parking Manager.~~

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**Commentary**

**M.** ~~If the site is in the Goose Hollow Subdistrict, and the proposal is for Undedicated General Parking:~~

- ~~1. The facility will provide parking primarily to those whose destination or residence is within the boundaries of the Goose Hollow Neighborhood, as shown on the most recent Neighborhood Boundaries Map published by the Office of Neighborhood Involvement. Long term parking by others is prohibited. Short term parking may be made available to others if it is coupled with a mechanism to ensure it is short term parking. A parking management plan will be submitted to document how this criterion will be met;~~
- ~~2. The number of spaces provided is the same or less than the number of parking spaces being removed by the light rail construction;~~
- ~~3. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, access requirements, and neighborhood impacts;~~
- ~~4. The proposal will not by itself, or in combination with other parking facilities in the area, significantly affect the character of the area by discouraging housing and commercial uses which are compatible with a growing community;~~
- ~~5. If the proposal is for a surface parking lot, the proposed parking area will meet or exceed the landscaping and screening standards applicable to the site and for parking areas;~~
- ~~6. Design of the facility will provide for a safe and attractive pedestrian environment. Evaluation factors include the following: number and location of curb cuts; visibility at curb cuts; and adequate separation, landscaping, and screening between the sidewalk and surface parking areas to reduce the impact on adjacent public and private spaces; and~~
- ~~7. If the proposed access to the facility is within 75' of a light rail alignment, the access should be as far as possible from the light rail alignment. Access will be onto the right-of-way proposed for or containing the light rail alignment only if no other access is feasible.~~

**N.** ~~If the site is in the South Waterfront subdistrict and the proposal is for surface parking:~~

- ~~1. If the proposal is for parking on a surface lot where the total surface parking area on the site exceeds the threshold of Paragraph N.3., below, criteria N.4.a. through N.4.c., below, apply. If the site is in an R, C, E, or OS zone; and is for Growth, Preservation, Visitor, or Residential/Hotel Parking; and is not created in conjunction with a regional attractor, criteria N.4.d. through N.4.f., below, also apply.~~
- ~~2. If the proposal is for Growth or Preservation parking on a surface lot, and if the proposal includes supplemental parking as specified in Subparagraph 33.510.267.A.3.b., criteria N.4.a. through N.4.f., below, apply.~~

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# Commentary



~~3.—Threshold: The amount of surface parking area on the site is larger than 40,000 square feet, or the parking area covers more than 30 percent of the site, whichever is larger.~~

~~4.—Approval criteria:~~

~~a.—There will not be a significant adverse impact on transit operations;~~

~~b.—There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation;~~

~~c.—There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact;~~

~~d.—Interim use:~~

~~(1) If the amount of parking area exceeds the threshold in Paragraph N.3, above, the amount of parking area that exceeds the threshold will be an interim use only, as documented by the phased development plan; and~~

~~(2) If the proposal includes supplemental parking as specified in Subparagraph 33.510.267.A.3.b., the supplemental parking will be an interim use only, as documented by the phased development plan;~~

~~e.—The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking; and~~

~~f.—The phased development plan ensures:~~

~~(1) That the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and~~

~~(2) After the final phase is built, the threshold in Paragraph N.3, above, will not be exceeded.~~

~~Ø.—If the site is in the South Waterfront subdistrict and the proposal is for residential parking that will be operated as commercial parking, the proposal must meet the approval criteria for Visitor Parking in the South Waterfront subdistrict.~~

### **33.808.300 Conversion of Surface Parking Lots**

~~These approval criteria ensure that surface parking lots will be converted in a manner consistent with the Central City Transportation Management Plan. The review focuses more on physical improvements than operational elements, and encourages better urban design and mitigation of negative impacts. The request will be approved if the review body finds that the applicant has shown that the surface parking lot is in compliance with all of the regulations in Subsection 33.510.263.H through L of the Zoning Code.~~



### Sections Amended:

- 33.800.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
- 33.815.304 Retail Sales And Service Uses on Specified Sites in the South Waterfront and the River District Subdistricts

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## Commentary

### **33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District**

This section is proposed for deletion because Section 33.510.118 and Map 510-14 to which these approval criteria apply are proposed for deletion.

### **33.815.125 Specified Uses in Industrial Zones**

The applicability provisions have been amended to specify that the criteria of 33.815.126 are now an option only in Lower Albina, because amendments to Chapter 510 have deleted options for conditional use approval of office uses in the Central Eastside. The reference 33.815.132 has been removed because that section is proposed for deletion by the Employment Zoning Project.

**33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District.**

These approval criteria apply to certain proposals that include nonresidential uses on RX zoned sites in the area shown on Map 510-14. The proposals that are subject to these approval criteria are specified in Section 33.510.118, Use Regulations for Specified Sites in the West End Subarea. The approval criteria are:

- A. Minimized negative impacts on the desirability of future residential development.** The location and amount of nonresidential uses in the project will not by itself or in combination with nearby developments decrease the desirability of the area for the retention of existing housing or the development of new housing.
- B. Small businesses.** The proposal increases opportunities for small businesses. A high percentage of the ground floor is suitable for occupancy by small businesses.
- C. Public services.** Existing infrastructure is sufficient to support the proposed development. Examples of factors to be considered include whether:
  - 1. The proposed use is in conformance with the Central City Transportation Management Plan;
  - 2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, parking impacts, access requirements, neighborhood impacts, and pedestrian safety.

**33.815.125 Specified Uses in Industrial Zones**

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Lower Albina Subdistrict of the Central City Plan District may use the approval criteria listed in 33.815.126: Office Uses in the IG1 Zone in the Lower Albina Subdistrict ~~Central City Plan District~~, if they contain characteristics of manufacturing businesses. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing to the historic significance of a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. ~~Office uses in the IG1 zone in the Employment Opportunity Subarea in the Central City Plan District may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District.~~ These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

**[A-E No Change]**

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## Commentary

### **33.815.126 Office Uses in the IG1 Zone in the Central City Plan District**

The title has been amended to indicate that the criteria of this section are now applicable only in Lower Albina. The amendments to chapter 510 have removed all options for conditional use approval for office uses in the Central Eastside, so these criteria will only apply in Lower Albina.

The reference 33.815.132 has been removed because that section is proposed for deletion through the Employment Zoning Project.

### **33.815.304 Retail Sales And Service Uses on Specified Sites in the South Waterfront and the River District Subdistricts**

The title and text reference to the River District has been amended to reflect the division of the River District into the Pearl District and Old Town/Chinatown subdistricts. The area where Retail Sales And Service uses are limited is shown on Map 510-12.

**33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict ~~Central City Plan District~~**

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing to the historic significance of a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. ~~Office uses in the IG1 zone in the Employment Opportunity Subarea may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District.~~ The approval criteria are:

**[A-E No Change]**

**33.815.304 Retail Sales And Service Uses on Specified Sites in the South Waterfront and the River Pearl District Subdistricts**

For Retail Sales And Service uses in the South Waterfront subdistrict of the Central City plan district with more than 40,000 square feet of net building area, all approval criteria apply. For Retail Sales And Service uses in the Pearl River District subdistrict of the Central City plan district with more than 40,000 square feet of net building area, approval criteria A, B and D apply.

**[A-D: No Change]**





Sections Amended:

List of Sections

33.825.025.A.4 Review Procedures, Models of proposals in the Central City plan district

33.825.025.B Neighborhood Contact

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## Commentary

### **33.825.025.A.4 Review Procedures, models of proposals in the Central City plan district**

This section is revised to require applicants to submit a digital model of proposed new developments and redevelopments that change an existing building's mass throughout the Central City. These models will be added to the City's existing 3D digital model of the Central City and help keep that model up-to-date. This model has been helpful not only to the City for planning projects but also to the development community, architects and urban designers.

BPS will develop 3D model submittal guidelines to assist applicants but this requirement will not be a significant burden on developers, as the data for the 3D model will already have been developed by project architects during the building design process.

Map 825-1 is being deleted and the rest of the 33.825 series of maps and references thereto are being renumbered.

Sections:

- 33.825.010 Purpose
- 33.825.025 Review Procedures
- 33.825.035 Factors Reviewed During Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- 33.825.055 Approval Criteria
- 33.825.065 Design Guidelines
- 33.825.075 Relationship to Other Regulations

~~Map 825-1 Area Where Models of Proposals Are Required~~

Map 825-~~21~~ Albuina Community Plan Area

Map 825-~~32~~ Outer Southeast Community Plan Area

Map 825-~~43~~ Southwest Community Plan Area

### 33.825.025 Review Procedures

A.4. Models of proposals in the Central City plan district. For proposals located in the ~~area of the~~ Central City plan district shown on Map ~~825-1~~ 510-1, a three dimensional ~~cardboard~~ digital model of the proposal is required with an application for Design Review. This requirement applies only to new developments or changes in the bulk of existing buildings. ~~The scale of the model must be 1 inch equals 50 feet.~~

Before a building permit is issued, a three dimensional ~~wooden~~ digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. ~~be placed in the City's downtown model. The scale of the model must be 1 inch equals 50 feet.~~ The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate ~~wooden~~ digital model.

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## Commentary

B. **Neighborhood Contact.** Map references renumbered.

- B. Neighborhood Contact.** The following proposals are subject to the Neighborhood Contact requirement, as specified in Section 33.700.025, Neighborhood Contact, if they are in the a, Alternative Design Density Overlay Zone, in the Albina Community Plan Area shown on Map 825-~~21~~, or in the Outer Southeast Community Plan Area shown on Map 825-~~32~~:
1. Proposals that create more than three 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;
    - c. By conversion of existing net building area from non-residential to residential uses; and
    - d. By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex;
  2. Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or
  3. Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.

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## Commentary

**Map 825-1 Area Where Models of Proposals Are Required.** This map is proposed for deletion.

# Area Where Models of Proposals are Required

(See 33.825.025.A.5 and 33.846.020.D.6)

# Map 825-1

Map Revised January 1, 2015



0 900 1,800



Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon

6/20/2016

Proposed Draft Central City 2035 Plan  
Chapter 33.825, Design Review

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# Commentary

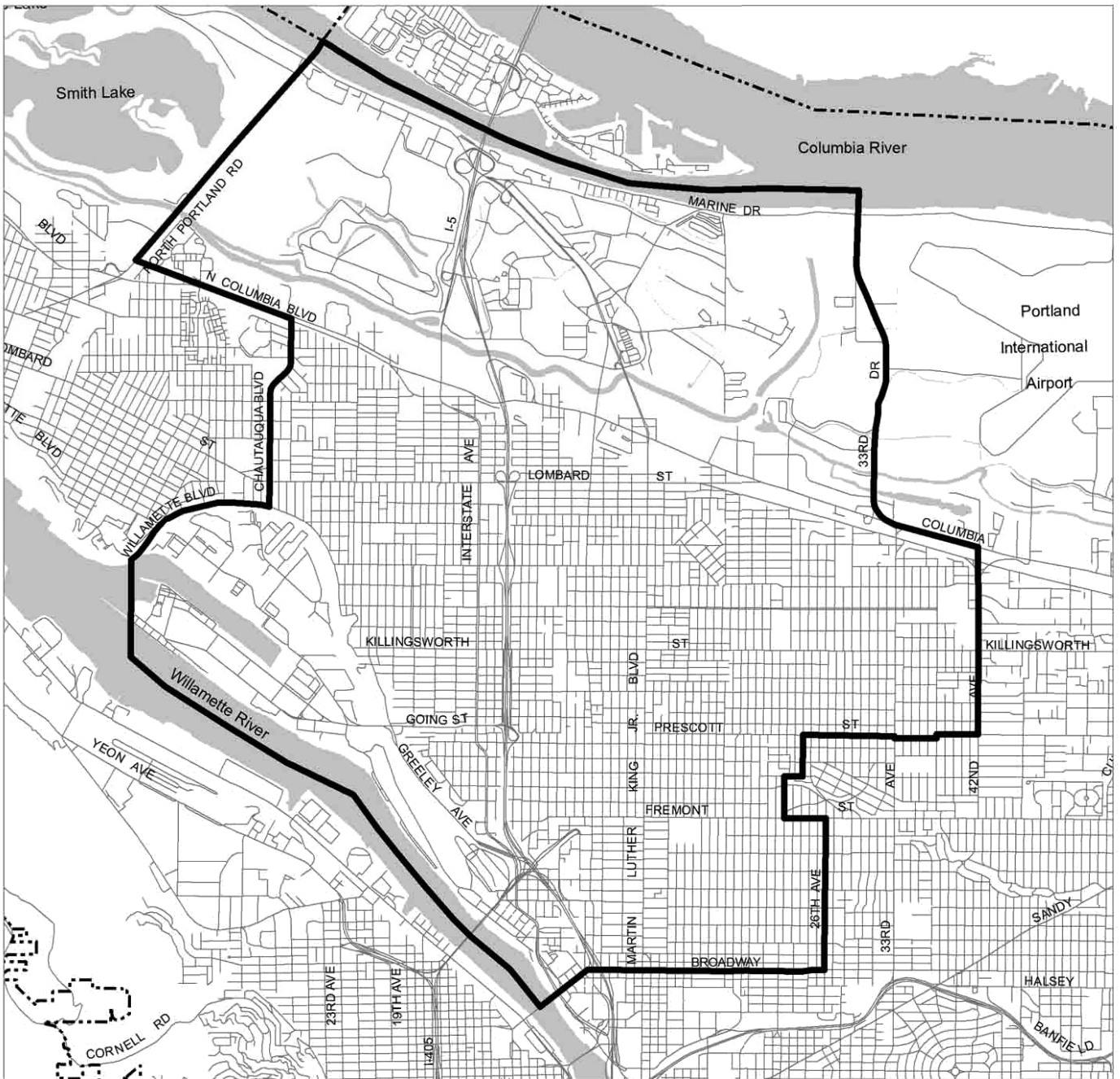
Map 825-2 renumbered





# Proposed Albina Community Plan Area

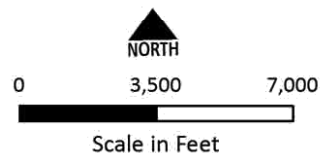
# Map 825-X1

Map Revised Xxxx XX, 201X



### Legend

-  City Boundary
-  Community Plan Boundary



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Portland, Oregon

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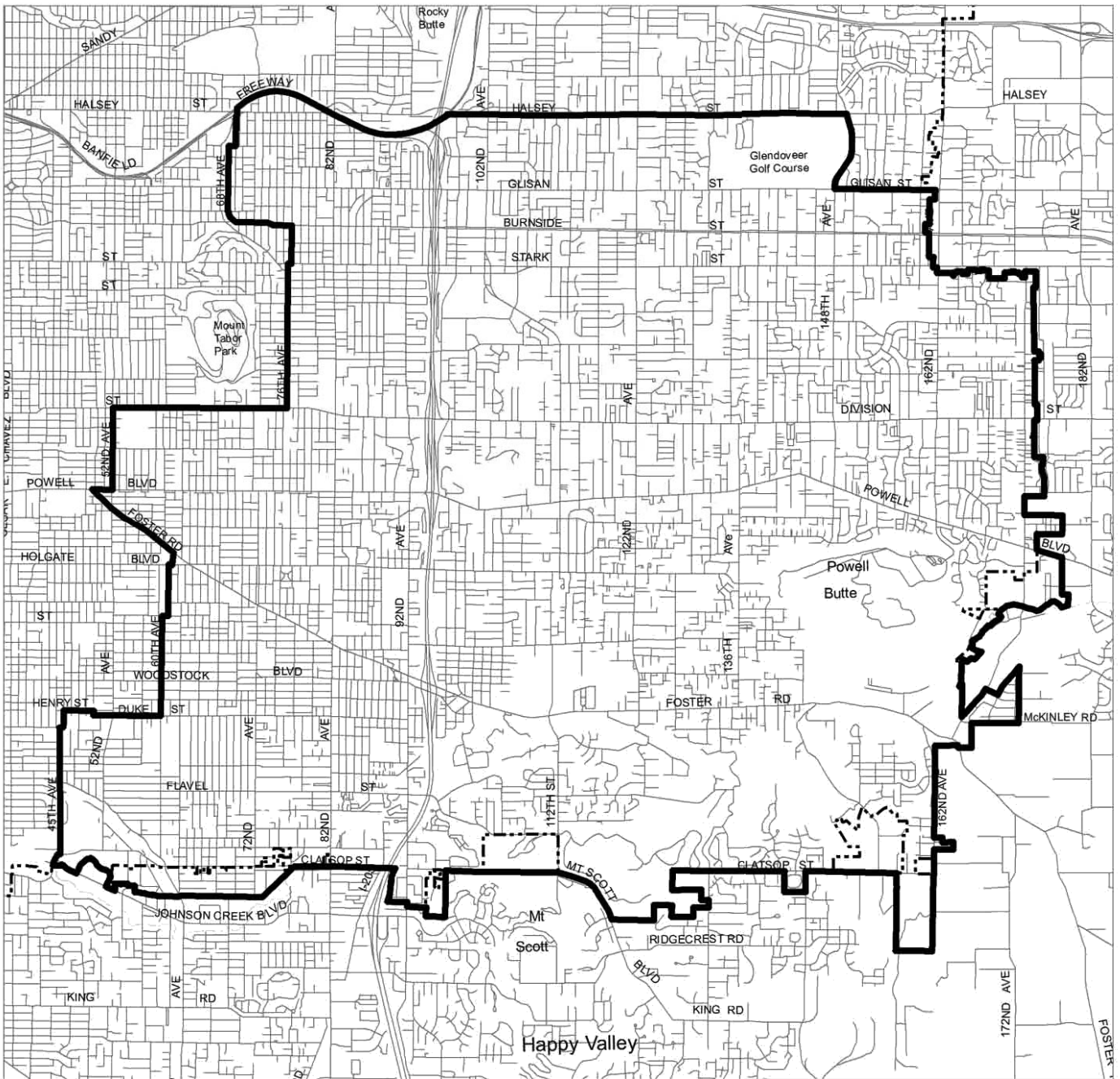
# Commentary

Map 825-3 renumbered



# Proposed Outer Southeast Community Plan Area

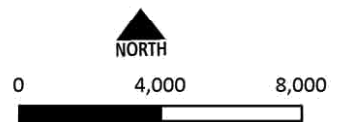
# Map 825-~~X2~~

Map Revised Xxxx XX, 201X



### Legend

-  City Boundary
-  Community Plan Boundary



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Portland, Oregon

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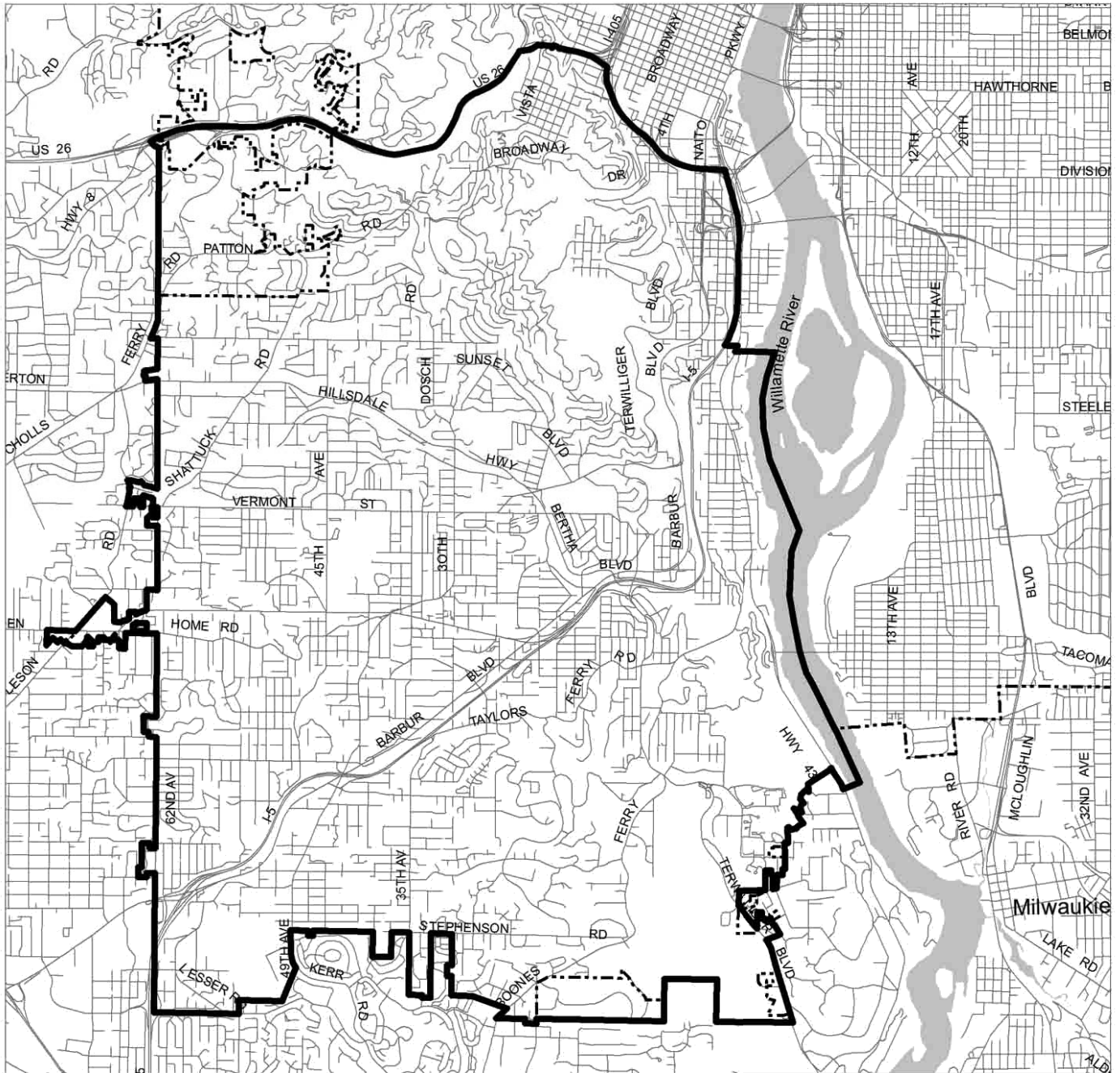
# Commentary

Map 825-4 renumbered



# Proposed Southwest Community Plan Area

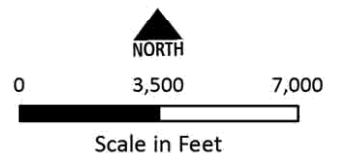
# Map 825-13

Map Revised XXXX XX, 201X



### Legend

-  City Boundary
-  Community Plan Boundary



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Chapter 33.825, Design Review



## 33.846 Historic Resource Reviews

846

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Sections Amended:

33.846.080 Demolition Review

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## Commentary

### **33.846.080 Demolition Review**

This is a clean-up edit; contributing structures in Conservation Districts are not subject to demolition review unless they have a preservation agreement.



### **33.846.080 Demolition Review**

**A. Purpose.** Demolition review protects resources that have been individually listed in the National Register of Historic Places or are identified as contributing to the historic significance of a Historic District ~~or a Conservation District~~. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality.



## 33.920 Descriptions of the Use Categories

**920**

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### Sections Amended:

33.920.240 Office

33.920.310 Manufacturing And Production

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## Commentary

### 33.920.240 Office

The Southeast Quadrant Plan proposed expanding entitlements similar to those associated with the Employment Opportunity Subarea (EOS) provision to all IG1 zoned properties in the Central Eastside subdistrict and expanding the amount of Industrial Office allowed per site from 60,000 square feet to three times the site area (3:1 FAR). The subarea is proposed for removal, and these entitlements are instead part of the Employment Zones Project proposals for amending 33.510.113 Retail Sales and Service and Office Uses in the IG1 Zone.

Concurrent with this expansion of potential Industrial Office uses, staff were asked to strengthen the definition for Industrial Office to improve the tool and make it easier for BDS staff and clients to determine what use category they belong in. In support of this goal, staff have also expanded and clarified the Traditional Office examples list.

In addition to BDS and public input, staff have utilized the 2012 version of the North American Industry Classification System (NAICS) to clarify the Examples section of the Use Category definition. NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

One notable change has been to remove the prior Industrial Office example of "Television, video, radio, and internet studios and broadcasting". Traditional Office once again includes "TV and radio studios" (where it was located prior to 2006) and the example "Movie production facilities" in Manufacturing and Production is being updated to include other video production uses. The differentiation between studios and production facilities here is that the former may solicit studio audiences or other large groups of visitors to the site that would be incompatible with industrial activities, businesses, and districts.

### 33.920.240 Office

**A. Characteristics.** Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. There are two subgroups within the Office category:

1. Traditional Office. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Traditional Office uses require customers or clients to visit the site on a regular basis.
2. Industrial Office. Industrial Office uses are characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods, while conducted in an office-like setting, are more compatible with industrial activities, businesses, and districts. Their operations are less service-oriented than Traditional Office uses and focus on development, testing, production, processing, packaging, or assembly of goods and products, which may include digital products such as internet home pages, media content, designs and specifications, computer software, advertising materials, and others. They primarily provide products and services to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.

**B. Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Accessory uses may also include food membership distribution.

**C. Examples.** Examples include uses from the two subgroups listed below:

1. Traditional Office: Professional services such as lawyers, or accountants or management consultants; business services such as headquarters, temporary staffing agencies, sales offices or call centers; financial services businesses such as lenders, brokerage houses, banks headquarters, or real estate agents and developers or property managers; sales offices; television and radio studios; portrait photography studios; government offices and public utility offices; medical and dental clinics, and blood collection facilities.
2. Industrial Office: Software and internet content development and publishing; computer systems design and programming; graphic and industrial design; engineers; architects; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; and medical and dental labs. Architectural, engineering and related services including landscape architects; drafting services; consultant service providers in the building inspection, architectural, geophysical surveying and mapping, environmental, agricultural, motion picture, biology and life sciences, biotechnology, physics, chemistry, economics, energy, and engineering fields; medical, dental, and veterinary labs primarily engaged in providing testing services to practitioners; interior, industrial, and graphic design services; commercial photography studios; computer system, software, or internet content design services where all support occurs off-site; data processing and hosting services.

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**Commentary**

**D. Exceptions.**

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

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## Commentary

### **33.920.310 Manufacturing And Production**

As noted in the commentary for proposed changes to 33.920.240 Office, staff are proposing a small change to the "Movie production facilities" example to accommodate new technologies and redistribute those uses previously included as Industrial Office under the example "Television, video, radio, and internet studios and broadcasting".



### 33.920.310 Manufacturing And Production

- A. Characteristics.** Manufacturing And Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. Accessory uses.** Accessory uses may include offices, cafeterias, food membership distribution, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones.
- C. Examples.** Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie and video production facilities; recording studios; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including manufactured dwellings; and Utility Scale Energy production.
- D. Exceptions.**
1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales And Service.
  2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
  3. Small Scale Energy Production is a Basic Utility.
  4. Solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production are considered Waste Related Uses.



## Proposed Zoning and Comprehensive Plan Maps

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This section includes the following existing and proposed maps for the Central City Plan District:

- Base zones
- Comprehensive Plan designations

The existing map currently in effect is shown followed by the proposed replacement map.

Changes to overlay zones are shown on maps in Volume 2A Part 2.

An interactive version of these maps with more information about the zones can be found online by clicking on “Central City 2035” after visiting: <http://www.portlandmaps.com/bps/mapapp>.

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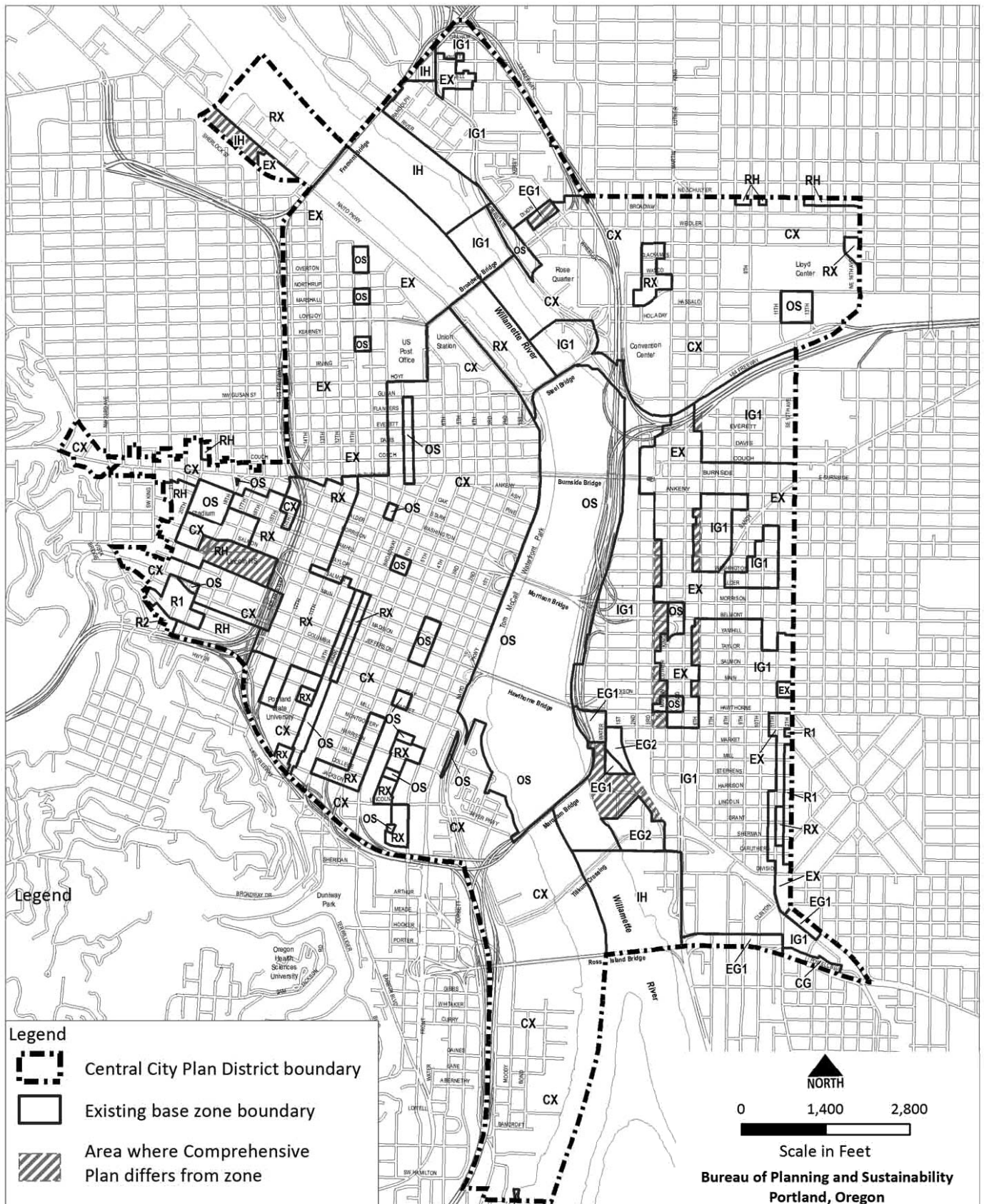
## Commentary

### Existing Zoning

This map shows the current base zoning for the Central City and highlights areas where the Comprehensive Plan designation differs from the base zone.

# Central City Existing Zoning

June 1, 2016



6/20/2016

Proposed Draft Central City 2035 Plan  
Zoning and Comprehensive Plan Maps

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## Commentary

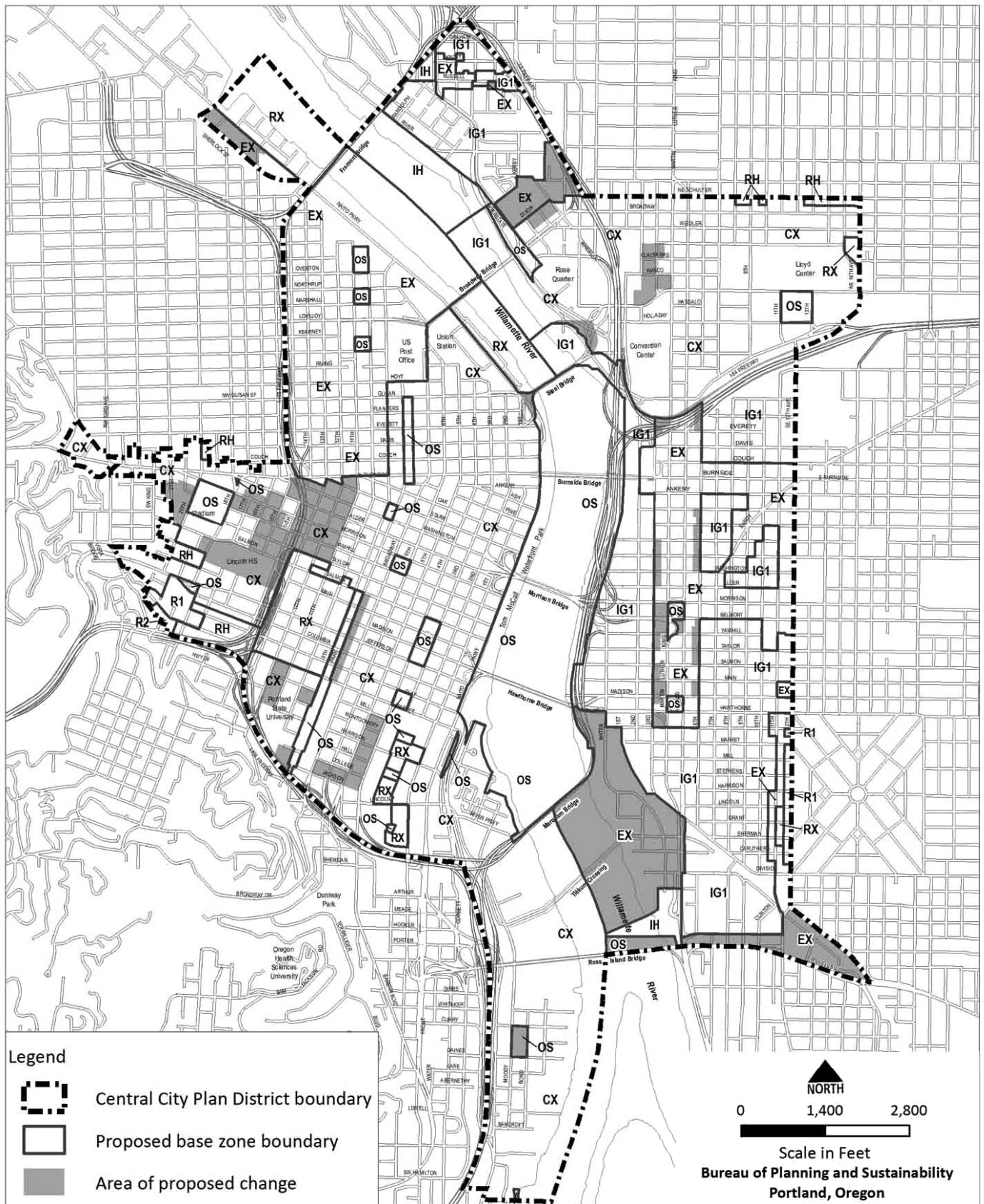
### Proposed Zoning

Zone changes are highlighted in gray on the map on the opposite page. The following broad categories of zone changes are proposed:

- **From General Employment (EG1 or EG2), General Industrial (IG1) or Heavy Industrial (IH) to Central Employment (EX):** These changes are being made in the Central Eastside around the new light rail stations and a few other locations so that more flexible employment uses can be accommodated.
- **From General Industrial (IG1) to Central Employment (EX):** Properties between SE 3rd and 6th Avenues in the Central Eastside that are zoned IG1 but have Comprehensive Plan Central Employment designations will be rezoned EX to match the Comprehensive Plan designation.
- **From Central Residential (RX) to Central Commercial (CX):** This change is proposed for a number of properties in the Lloyd, West End, Downtown, South Downtown/University District, and Goose Hollow subdistricts to increase the flexibility of uses in these areas.
- **Additional changes**
  - The N/NE Quadrant Plan recommended a Portland Public Schools owned property at the Blanchard Site is being rezoned from IG1 to EX to enable redevelopment, and a small piece of land near the Steel Bridge east bridgehead is being rezoned from IG1 to EX.
  - The West Quadrant Plan recommended rezoning parcels west of NW Naito Parkway at the northern tip of the Pearl District from IH to EX and rezoning Elizabeth Caruthers Park from CX to OS.
  - Metro requested that a property they own and maintain as open space in the Central Eastside adjacent to the Ross Island Bridge be rezoned from IH to OS.

# Central City Proposed Zoning

June 1, 2016



6/20/2016

Proposed Draft Central City 2035 Plan  
Zoning and Comprehensive Plan Maps

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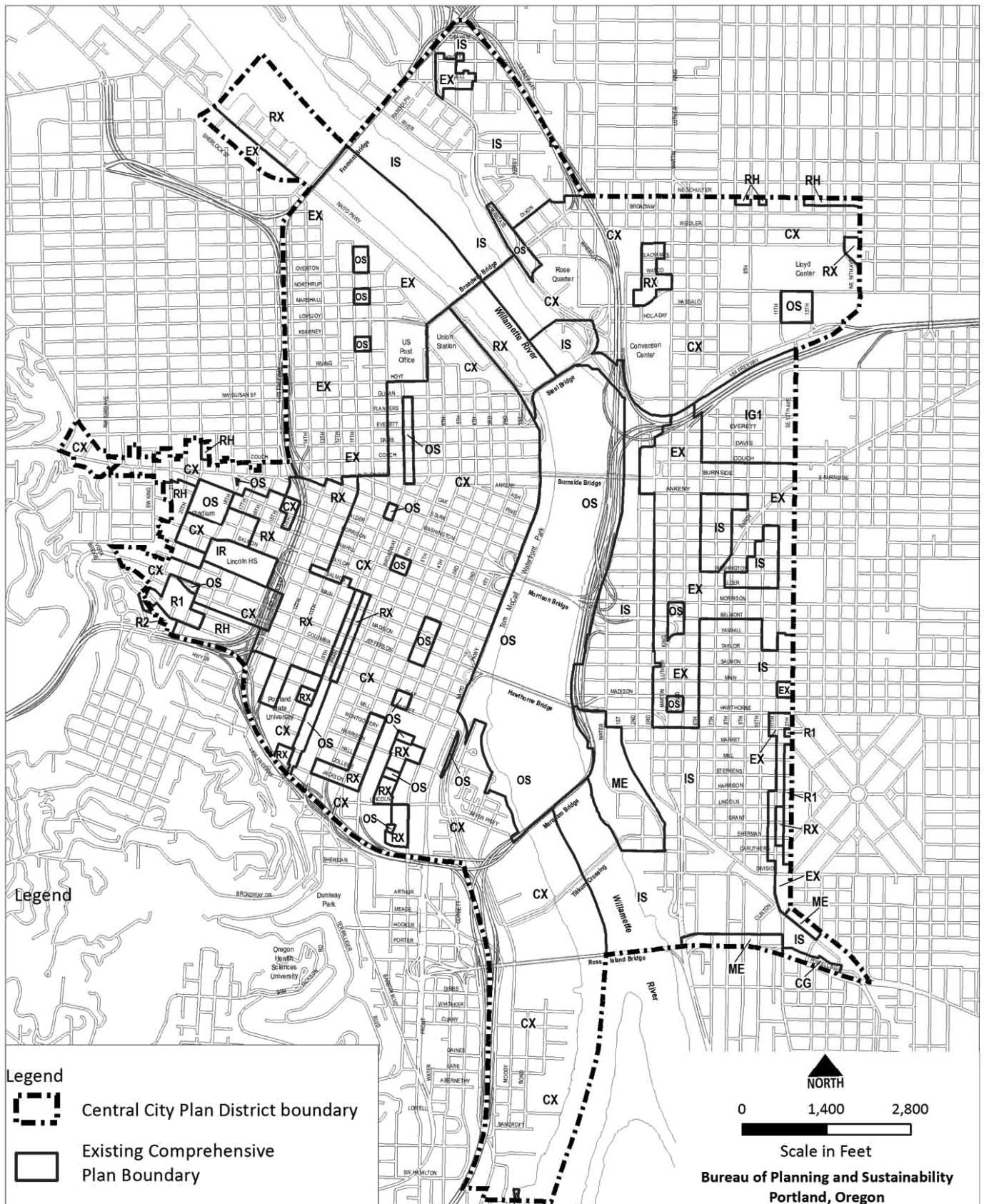
## Commentary

### Existing Comprehensive Plan Designations



# Central City Existing Comprehensive Plan

June 1, 2016



6/20/2016

Proposed Draft Central City 2035 Plan  
Zoning and Comprehensive Plan Maps

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## Commentary

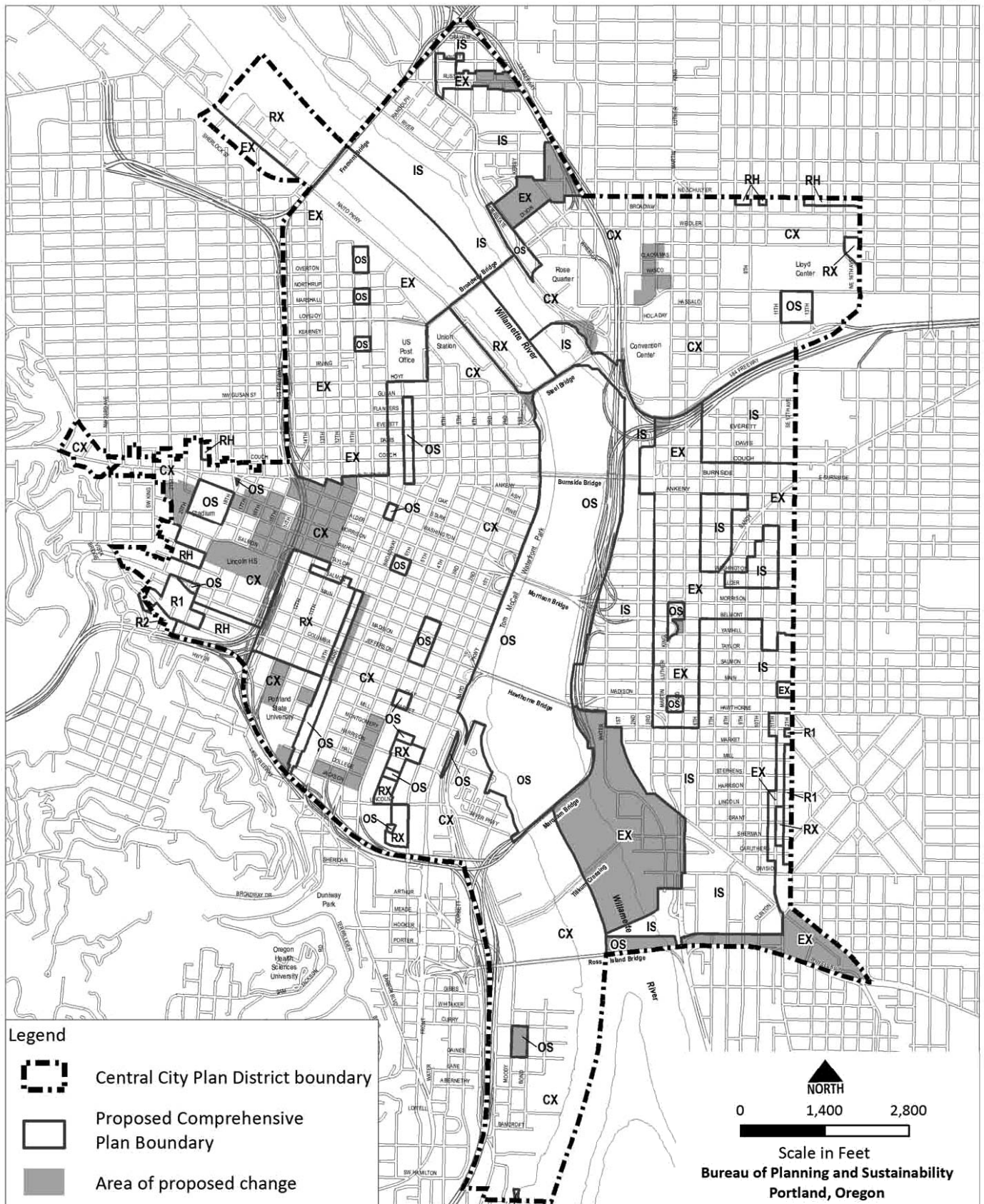
### Proposed Comprehensive Plan Designations

Generally, Comprehensive Plan designations are being updated to match the Central City 2035 zoning proposal.

Exceptions include specific parcels where property owners have requested that their property *not* receive a rezone to conform with the Comprehensive Plan Map designation. In this case, the Comprehensive Plan designation has been updated but the existing zoning remains intact.

# Central City Proposed Comprehensive Plan

June 1, 2016



6/20/2016

Proposed Draft Central City 2035 Plan  
 Zoning and Comprehensive Plan Maps

# WHAT'S IN THE CENTRAL CITY 2035 PLAN?

## **Volume 1: Goals and Policies**

*The long-range vision for the Central City*

- Big ideas to inspire a generation of Portlanders
- A framework of goals and policies to guide City projects for the next 20 years
- Highlights of the plan by district

## **Volume 2A: Zoning Code and Map Amendments**

*Regulations to implement the Plan*

- Part 1: Central City Plan District
- Part 2: River, Scenic and Trails

## **Volume 2B: Transportation System Plan Amendments**

## **Volume 3A: Scenic Resources Protection Plan**

- Part 1: Summary, Results and Implementation
- Part 2: Scenic Resources Inventory
- Part 3: Economic, Social, Environmental and Energy Analysis

## **Volume 3B: Willamette River Central Reach Natural Resources Inventory**

## **Volume 4: Background Materials**

*Prior plans and research provided for reference*

## **Volume 5: Implementation Plan**

*City's targets and the actions it will take to implement the Plan*

## **Volume 6: Public Involvement**

*CC2035 public involvement*