



Bureau of Planning and Sustainability

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MEMO

DATE: June 23, 2016
TO: Planning and Sustainability Commission
FROM: Barry Manning, Project Manager
CC: Susan Anderson, Joe Zehnder, Eric Engstrom, Bill Cunningham, BPS
SUBJECT: Mixed Use Zones Project – Staff response to additional Questions and Concerns from Commissioners

The table below includes a list of issues, questions and concerns posed by Commissioners Schultz and Smith to project staff via email. Staff has provided answers to questions as available at this time and indicated where issues may be addressed in work sessions.

	Question/Issue	Staff Response
KS	Residential FAR was not regulated previously, but now will be. Have you calculated an equivalency in the new FAR structure? In other words – are properties losing residential FAR potential?	This will be addressed on 6/28 in Topic 3. In some cases, base FAR is reduced somewhat in new base zones compared to existing zones (CM2, CE). In some cases it is the same, or higher (CM1, CM3). Housing is not regulated by FAR in current zones, therefore projects with housing may exceed stated FARs. In the proposed zones, additional FAR is available through bonuses. A comparison of proposed zones and similarly-scaled existing zones is attached at the end of this document and will be provided at the PSC meeting.
KS	Page 67 (33.130.050) - Neighborhood Contact – I recommend that clarification on expectations for both Neighborhood and Development team be provided - ie are base zoning allowances to be part of discussion?	Neighborhood contact parameters are proposed to be revised as part of follow up work on Comp Plan implementation.



	Question/Issue	Staff Response
KS	Page 73 - (33.130.100.B.a) - Commercial Parking - does tuck under parking qualify as structured parking?	Yes, tuck under parking would qualify as structured parking for the area within the bounds of a structure.
KS	Page 83 (33.130.210.B) - this opens up the door to project NOT building sidewalks to avoid measuring height in this manner.	Most sites in C/MU zones have sidewalks or would be required to add them by PBOT/Title 17 in conjunction with development. Staff does not believe this will be an issue.
KS	Page 87 (33.130.210.D) item 2 – the roof thickness increases with occupied roofs and needs to be accommodate in the height measurement as well as parapet heights.	This issue can be discussed by PSC and is raised in memo Topic 2.1 regarding heights.
KS	Page 87 (33.130.210.D) Item 4 - I am concerned with the required step backs combined with open space requirements, meeting the exceptions (item 4) of 15' setbacks for stair enclosures will be difficult to achieve.	This is existing code language. Staff will review w/ BDS and return to PSC with a revision if this is an issue.
KS	Page 89 (Table 130-2) – Does the required landscaping count towards required outdoor space?	Yes, landscape areas designed to accommodate people can count toward required outdoor space. Also, up to half of the required landscape area can be in the form of paved pedestrian surfaces such as plazas or walkways.
KS	Page 93 - (33.130.212) Floor Area and Height Bonus Options – can you describe the reporting requirements and how the administrative process will work?	The reporting requirements and administrative process is expected to be developed in partnership with PHB. Reporting requirements would likely be similar to those that accompany existing affordable housing tax exemption programs. This question will be answered in conjunction with the Inclusionary Housing program update, which is underway.
KS	Page 96 (33.130.212.D) Affordable Commercial – I support this effort and want to make sure it will get used - have the economics of this provision been tested?	BPS will continue to work with PDC on administration of this bonus. Initial evaluation for take-up/viability was done by Johnson Economics and EcoNW. The bonus provided a limited incentive in some scenarios (see EcoNW Report, May 2016 Draft). This bonus will be updated or reevaluated as IH proposal becomes clearer.
KS	Page 103 - (33.103.215.B.2) Required setbacks from interior lot line - minimum	The 12 foot minimum width dimension is intended to prevent overly narrow light



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	setback area must be minimum width of 12' or width of window - whichever is greater. How was 12' determined? Would hope to see that it is calibrated with typical unit sizes and/or room sizes	shafts and corresponds to the maximum width of bay windows.
KS	Page 160 (33.130.260) Drive-Thrus – Commentary states that this provision is based on Hollywood’s regulations – how long have they been in place? and how well are they working? Why is re-building limited to CM2 and CM3 zones?	This issue will be discussed by PSC as part of Topic 4. Staff is recommending revisions to the approach; this would allow rebuilding or changes in all CM zones for existing facilities. The 1:1 FAR provision in CM3 would be removed, except as an option in CMSO zone. Hollywood has seen redevelopment with a drive thru using the provision on one site – the Whole Foods/Beverly development on Sandy at 43 rd .
KS	Page 167 (map 130-1) I think I understand that the 10’ setback is to widen the pedestrian realm/sidewalk. I would like to see the street sections where this is being proposed for I am not convinced that wider sidewalk in and of themselves create a better pedestrian experience.	This issue will be discussed by PSC as part of Topic 5. Staff will provide visuals.
KS	Page 179 (33.266.110) – Sites Close to Transit – If it is not already the intent, I would like to encourage PBOT to publish annual updates onto Portland Maps for transit streets/stations	The intent is to publish a map to clarify which places qualify at minimum.
KS	Page 181 (33.266.110.B Joint Use Parking – Can you describe what will be required for the analysis?	This is existing code. Typically this involves a parking utilization survey, which provides statistics on when peak hours occur. Traffic engineering firms typically provide this.
KS	Page 181 – Was consideration given to requiring charging stations?	No, not at this time. Significant policy revisions to Chapter 266 were beyond the scope of the project. This could be a follow-up project.
KS	Page 217 (33.270.200) Energy Efficient Buildings – I am a big supporter of promoting and requiring energy efficient buildings, but am not convinced that LEED is the appropriate metric – due to complications of proving the building will meet LEED prior to permitting, changing metrics within LEED, cost of certification, etc.	The code calls for buildings to meet energy efficiency requirements of Bureau of Planning and Sustainability. These will be developed as Administrative Rules over the next several months. The concept is to base clear and objective energy efficiency building requirements on current LEED Gold or equivalent standards that meet key



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		performance goals. The BPS could return to PSC to review the standards when developed. The Zoning Code does not specify LEED, which allows BPS to identify other standards that would meet this over time.
KS	Page 228 (33.415.400) – Building Height – Why is increased ground floor height not allowed in all zones?	BPS initially proposed additional height citywide in CM2 and CM3 zones, but not in CM1 due to its application in low-scale neighborhood-oriented locations. BPS recommends applying the ground floor height allowance citywide and extending to CE zones. This issue will be discussed by PSC as part of Topic 2.1.
KS	Page 259 (33.575.100) Sandy - Building transitions – has the two step-back transition been in the code form some time? If so, are there examples of recently built buildings that have met this requirement?	There have not been recent examples of use of this transition.
CS	Rick Michaelson raised issues about sidewalk dedication, and whether we might be better served to push the building envelope back only on the first floor to achieve required sidewalk widths.	Staff will consult with PBOT about sidewalk requirements and follow up at a work session or in a memo.
CS	Doug Klotz raised an issue of whether the 10 foot setback requirement on Civic corridors is actually beneficial.	This issue will be discussed by PSC as part of Topic 5. Staff supports the 10 foot setback on these corridors; the setback will better buffer new residential and commercial development from high volume and fast moving traffic, and provides an opportunity for “greening” and pedestrian space in outer pattern area neighborhoods.
CS	I'm generally interested in the question of whether we would benefit from context-specific design requirements, whether that's by pattern area, quadrant, or some other criteria like the proposed low-rise storefront areas.	This is a broader Design discussion than the MUZ is scoped to address. The topic should be undertaken as part of DOZA or a design update process.
CS	Doug Klotz raised the issue (echoed by Oregon Walks) of whether removing specific language about windows starting no more than 4 feet from the ground might lead to ground floor window areas that are only above pedestrians' heads.	This issue will be discussed by PSC as part of Topic 5. Staff agrees that addressing window placement is an important issue. Staff proposes to develop additional code language prior to August 9 to address this issue.



	Question/Issue	Staff Response
CS	(What was the) rationale for where design review was and wasn't added (including Sellwood)	The Design overlay zone was proposed for areas identified as Mixed Use-Urban Center – which covers most Town Centers and Corridors in the Inner Ring district. These areas are expected to accommodate a larger share of growth than smaller Neighborhood Centers and Corridors, and larger buildings are expected. Design tools have traditionally been applied to places where a greater amount of growth and change are expected, as well as to areas of unique character through area planning efforts. Sellwood is a Neighborhood Center, with Mixed Use - Neighborhood Comp Plan designations. It is generally not eligible for larger-scale zoning designations such as CM3. As proposed, it is also not eligible for bonus height (5 story) in CM2. Staff will provide more detail on this topic for the July 12 meeting.
CS	Mapping of Ex -> CM3	Most EX zoned areas are proposed to be rezoned to CM3, the most comparable Commercial/Mixed Use zone. Development and use allowances in CM3 have been structured such that most of the employment allowances in EX carry-over to CM3. In places where CM3 may not be the most appropriate zone due to existing development or use characteristics, the EG1 or EG2 zone has been proposed. These properties would be eligible for future zone changes to CM3 either quasi-judicially or through a legislative process. Staff will provide a more complete comparison of EX and CM3 in a memo prior to the July 12 hearing.
CS	Height/FAR match and affect on building form	Staff will review the relationship of proposed height limits and FAR at the PSC work session on June 28.
CS	Operating hours issue at 15th and Brazeo. Does this occur in other locations as well? Noted other testimony about managing noise.	This issue will be discussed by PSC as part of Topic 5. Staff is conducting an analysis of sites meeting this criteria – 15,000 SF lot or less in size, abutted by residential zoning on all sides. Staff is tentatively recommending



	Question/Issue	Staff Response
		using the 15,000 SF threshold rather than 7,500 SF as originally proposed.
CS	<p>"Auto-Accommodating Development" (33.910)</p> <p>I've expressed in a couple of meetings that this term creates cognitive dissonance for me...</p> <p>To be consistent ... move an amendment to re-label the section in 33.910 "Auto-Oriented Development", and also all references to it in other parts of the code.</p>	<p>The term "Auto-Accommodating" is used in the zoning code to describe uses, situations and developments (gas stations, drive thrus, sites with large parking areas) that are designed to facilitate access for vehicles, but that still have pedestrian orientation (limited setback from street, entrances close to sidewalk, direct pedestrian connections, windows etc.). A re-labeling to "Auto-Oriented" might suggest that the strong pedestrian oriented development standards are not emphasized these situations. Staff does not recommend this recasting/relabeling.</p>



Comparison of Proposed and Similar Existing Zones

	Small Scale Zones			
	CM1	CN1	CN2	CO1
Height - Maximum Base (feet)	35'	30'	30'	30'
Height - Maximum with Bonus	35'	30'	30'	30'
FAR - Maximum Base	1.5:1	.75:1	.75:1	.75:1
FAR - Maximum* w/ Bonus	2.5:1	2.5:1	2:1	1.5:1
Commercial				
Retail Sales And Service	L	L	Y	N
Office	L	L	Y	Y
Quick Vehicle Servicing	N	N	L	N
Vehicle Repair	N	N	N	N
Commercial Parking	N	N	N	N
Self-Service Storage	N	N	N	N
Residential				
Household Living	Y	Y	Y	Y
Group Living	L/CU	L/CU	L/CU	L/CU
Industrial				
Manufacturing and Production	L	L/CU	L/CU	N
Warehouse and Freight Movement	N	N	N	N
Wholesale Sales	N	N	N	N
Industrial Service	N	N	N	N
Institutional				
Basic Utilities	Y/CU	Y/CU	Y/CU	Y/CU
Community Service	L/CU	L/CU	L/CU	L/CU
Parks and Open Areas	Y	Y	Y	Y
Schools, Religious Institutions, etc.	Y	Y	Y	Y

* For the current Commercial zones, residential use is not counted in FAR and is allowed to maximum height and setbacks allowed. Therefore these figures represent an estimated maximum FAR for residential uses.



Comparison of Proposed and Similar Existing Zones

	Medium Scale Zones			
	CM2	CO2	CM	CS
Height - Maximum Base (feet)	45'	45'	45'	45'
Height - Maximum with Bonus	55'*	45'	45'	45'
FAR - Maximum Base	2.5:1	2:1	1:1	3:1
FAR - Maximum* w/ Bonus	4:1	2.6:1	4:1	4:1
Commercial				
Retail Sales And Service	Y	L	L	Y
Office	Y	Y	L	Y
Quick Vehicle Servicing	N	N	N	N
Vehicle Repair	Y	N	N	Y
Commercial Parking	L	N	N	Y
Self-Service Storage	N	N	N	N
Residential				
Household Living	Y	Y	Y	Y
Group Living	L/CU	L/CU	L/CU	L/CU
Industrial				
Manufacturing and Production	L	N	L/CU	L/CU
Warehouse and Freight Movement	N	N	N	N
Wholesale Sales	L	N	L	L
Industrial Service	CU	N	N	CU
Institutional				
Basic Utilities	Y/CU	Y/CU	Y/CU	Y/CU
Community Service	L/CU	L/CU	L/CU	L/CU
Parks and Open Areas	Y	Y	Y	Y
Schools, Religious Institutions, etc.	Y	Y	Y	Y

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Comparison of Proposed and Similar Existing Zones

	Medium Scale Zones	
	CE	CG
Height - Maximum Base (feet)	45'	45'
Height - Maximum with Bonus	45'	45'
FAR - Maximum Base	2.5:1	3:1
FAR - Maximum* w/ Bonus	3:1	3.4:1
Commercial		
Retail Sales And Service	Y	Y
Office	Y	Y
Quick Vehicle Servicing	Y	Y
Vehicle Repair	Y	Y
Commercial Parking	Y	CU
Self-Service Storage	Y	L
Residential		
Household Living	Y	Y
Group Living	L/CU	L/CU
Industrial		
Manufacturing and Production	L	L/CU
Warehouse and Freight Movement	L	CU
Wholesale Sales	L	L
Industrial Service	CU	CU
Institutional		
Basic Utilities	Y/CU	Y/CU
Community Service	L/CU	L/CU
Parks and Open Areas	Y	Y
Schools, Religious Institutions, etc.	Y	Y

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Comparison of Proposed and Similar Existing Zones

	Large Scale Zones		
	CM3	EX	CX
Height - Maximum Base (feet)	65'	65'	75'
Height - Maximum with Bonus	75'	65'	75'
FAR - Maximum Base	3:1	3:1	4:1
FAR - Maximum* w/ Bonus	5:1	3:1	7:1
Commercial			
Retail Sales And Service	Y	Y	Y
Office	Y	Y	Y
Quick Vehicle Servicing	N	N	L
Vehicle Repair	Y	Y	L
Commercial Parking	L	CU	CU
Self-Service Storage	L	L	L
Residential			
Household Living	Y	Y	Y
Group Living	L/CU	L/CU	L/CU
Industrial			
Manufacturing and Production	L	Y	L/CU
Warehouse and Freight Movement	L	Y	N
Wholesale Sales	L	Y	L
Industrial Service	CU	Y	CU
Institutional			
Basic Utilities	Y/CU	Y/CU	Y/CU
Community Service	L/CU	L	L/CU
Parks and Open Areas	Y	Y	Y
Schools, Religious Institutions, etc.	Y	Y	Y

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