



Bureau of Planning and Sustainability

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MEMO

DATE: December 5, 2017

TO: Planning and Sustainability Commission

FROM: Barry Manning, project manager

CC: Susan Anderson, Eric Engstrom, Joe Zehnder

SUBJECT: Remaining CRP topics and additional proposed amendments

On October 24, 2017, the Planning and Sustainability Commission (PSC) held a public hearing on the *Code Reconciliation Project – Proposed Draft*, which contains proposed amendments to Title 33, as well as Title 11, Title 18 and Title 32.

Staff identified 13 topics in a November 9, 2017 memo to PSC highlighting topics of concern to commissioners and testimony received at the hearing. The PSC held a work session on November 14 at which many of the 13 topics were discussed. The PSC took a tentative position on 10 of the topics, with three topics remaining for further discussion on December 12, 2017.

This memo includes final staff comments and recommendations on the remaining topics for discussion and a recap of the tentative directions PSC indicated on other topics at the November 14 work session. This is followed by a set of additional proposed code amendments, most of which are technical items or corrections, and were previously shared with PSC in memos dated October 24 and November 14. The amendments included in this memo incorporate and supersede the memos dated October 24 and November 14, 2017. This memo also includes proposed amendments that address the following more substantive issues:

- 33.266.410, staff proposal to exempt Central City from Commercial/Mixed Use zone TDM requirements. This makes the 2035 Comp Plan early implementation amendments consistent with recent PSC directions on TDM in the Central City.
- 33.284.020, staff proposal to address Topic 7, Self-Service Storage. Proposal would require active uses at ground floor for Self Service Storage facilities on transit streets.

Requested Action: Staff requests that PSC approve the *Code Reconciliation Project – Proposed Draft* dated September 18, 2017 as amended by the additional code amendments in this memo.



Topics for Further PSC Discussion (*numbering matches previous memos*)

3. Level of Service (LOS) as approval criteria

- Reconsider use of Level of Service (LOS) as an approval criterion in land use reviews.

PSC Direction: This item will be discussed on December 12.

Staff Comment and Recommendation: Staff believes that additional discussion is required with staff from the Portland Bureau of Transportation before significant changes to the LOS evaluation factor is appropriate. Staff recommends approving the code language as presented in the September 2017 Proposed Draft until further steps are undertaken to develop evaluation methods for safety and other factors. Staff further recommends minor amendments to 33.641 and 33.854 as shown in this memo to provide consistency with other transportation evaluation criteria.

4. Affordable Commercial Bonus

- Provide info on Prosper Portland program parameters and administrative rule development.

PSC Direction: This item will be discussed on December 12.

Staff Comment and Recommendation: Staff proposed an amendment to 33.130.212.D and will continue to work with Prosper Portland on development of program details — including parameters for rent reductions, tenant improvement allowances, duration of benefits, and/or other components — prior to City Council consideration. The program details could be brought back to PSC at a meeting on April 10, 2018 for review and comment prior to final consideration of the Recommended Draft by City Council. If the Commission does not support this approach, staff recommends removing the Affordable Commercial bonus from the PSC zoning code recommendations, pending further development of administrative rules by Prosper Portland. Prosper Portland and BPS staff could return to PSC in spring 2018 with additional program details; the code provisions could be reconsidered by PSC and the recommendations forwarded to City Council at that time.

7. Self-Service Storage Uses

- PSC received testimony from several sources requesting changes in the allowances for, or the design and components of, Self-service Storage landuses.

PSC Direction: This item will be discussed on December 12.

Staff Comment and Recommendation: Based on issues expressed in written and oral testimony on the Proposed Draft, staff has developed an amendment for PSC consideration that would require a specified ground floor active use when Self Service Storage buildings are located on transit streets and over 100 feet in length. See proposed amendments to 33.284, Self Service Storage, in this memo.

Topics with Tentative PSC Direction (*numbering matches previous memos*)

1. Applying the CR Zone more broadly

- Consider a mechanism to allow CR zone to be applied through zones changes or Comprehensive Plan amendments.

PSC Direction: The PSC requested that BPS work with BDS to discuss the possibility of reduced cost Comprehensive Plan Map and Zoning Map amendments, to facilitate changes from residential to CR, where appropriate.

Staff Comment: Comprehensive Plan and zoning map changes in residential areas represent a substantial change in land use patterns and development allowances, and should be carefully considered. In support of Comprehensive Plan policies and PSC direction, staff will continue to explore appropriate ways to allow limited commercial activities in the context of residential areas. This may include a review of home occupation allowances, and a more thorough study of commercially-deficient areas that may be appropriate locations for limited commercial uses. BPS will also work with BDS staff to explore the types of situations where a reduction in fees for Comprehensive Plan and zoning map changes may be appropriate, similar to those in currently in place for other low-impact situations that have local community support.

2. Plan District Floor Area Ratios

- Identify if any plan districts might be under developing due to FAR limitations.

PSC Direction: Approve the proposed Title 33 amendments and the approach to Floor Area Ratios (FAR) in plan districts: 33.521; 33.526; 33.532; 33.536; 33.538; 33.550; 33.561; 33.562.

5. Title 11, Trees – CS and CM zone exemptions

- Provide more detail on tree code implications for development.

PSC Direction: Approve the proposed Title 11 amendments.

6. Title 32, Sign Code changes

- Provide additional information on changes to existing signs.

PSC Direction: Approve the proposed Title 32 amendments.

8. Buffer overlay zone

- Provide information on how development area is impacted by proposed changes.
- Demonstrate effect of buffer overlay removal on areas that were the subject of testimony.

PSC Direction: Approve the proposed Title 33 amendments, which remove the Buffer overlay zone (33.410) and include changes in Employment and Industrial base zones (33.140).

9. Marquam Hill Plan District

- PSC received testimony from several sources concerned about zone changes and potential allowances for commercial parking in areas on Marquam Hill.

PSC Direction: Approve the proposed Title 33 amendments to expand the Marquam Hill plan district and include prohibitions on Commercial Parking uses (33.555).

10. Amend code sections regarding retaining walls, landscaping and fences.

PSC Direction: No change to proposal.

11. Application of Transitional Sites standard adjacent to Campus Institutional zones (33.110.240.H)

PSC Direction: Reject staff recommendation to change the proposal - apply the standard as originally proposed by staff in the September 2017 Proposed Draft (33.110.240).

12. Request to not downzone.

PSC Direction: No change to proposal.

13. Consider zoning allowances for site at NE Sandy and NE 47th.

PSC Direction: No change to proposal. This topic was addressed in Map Refinement Project.

Additional Proposed Amendments

The following are additional amendments proposed by staff to address PSC directions and issues raised in testimony, as well as several technical amendments. The amendments herein supersede amendments previously proposed on October 24, 2014 and November 14, 2017. Changes in code language are shown with underline and ~~striketrough~~. The new amendments proposed after the September 2017 Proposed draft are shown with **highlighting**.

Summary of Amendments

Section	Topic	What is Proposed?
Contents	symbols	This change to the index of symbols reflects the change in Zoning Map symbol from "l" to "k" for the Prime Industrial Overlay Zone, 33.471.
Table 110-1	Uses	The use category for Retail Sales And Service has been amended to change from L to CU. This makes the letter more consistent with the use allowance.
33.110.100.B.10	Uses	The footnote for Retail Sales And Service has been clarified to ensure that only a retail nursery is allowed through a CU. All other Retail Sales And Service uses remain prohibited in the single-dwelling zones.
Map 120-11	4:1 FAR Map	This map replaces the previously proposed Map 120-11 and reflects PSC decisions about RH floor area ratios as part of the <i>Map Refinement Project</i> .
Map 120-18	4:1 FAR Map	This map replaces the previously proposed Map 120-18 and reflects PSC decisions about RH floor area ratios as part of the <i>Map Refinement Project</i> .

Section	Topic	What is Proposed?
33.130.212.D.	Affordable commercial space bonus	Amends bonus code as proposed by staff in working with Prosper Portland.
33.130.230	Windows	<p>This section has been reorganized so that all of the standards related to windows are in one section rather than two. To that end, window standards from other sections have been moved to this section, the section has been renumbered, and the section title has been changed to Windows rather than Ground Floor Windows.</p> <p>Also clarify the purpose for and type of exempted space — for vehicular access openings.</p>
33.150.060.C.2	Neighborhood Contact and Outreach	This corrects a typo in the proposed code.
33.258.070.D	Nonconforming upgrades	This amendment puts back code language that was inadvertently omitted with the Tree Code updates in 2015. The additional parenthetical clarifies that compliance with the minimum landscape area standard is only required to the extent that the site allows.
33.266.410	Transportation and Parking Demand Management	This provision is being amended to exempt Commercial/Mixed Use zoned sites in the Central City plan district from the Transportation Demand Management (TDM) requirement. Central City locations will be considered for TDM approaches in a future PBOT effort.
33.284	Self Service Storage	<p>These amendments implement the staff recommendation.</p> <p><i>33.284.010 Purpose</i> Amendment corrects the reference from commercial to commercial/mixed use zones. It also adds language that relates to addition of new use regulations and design approaches for Commercial/Mixed Use zones.</p> <p><i>33.284.020 Required Ground Floor Active Use</i> This amendment strikes the current language on 33.240.020 which was determined to be not necessary. The amendment also adds provisions in 33.284 that will require a portion of the ground floor of self-service storage use buildings to have an active use when located on a transit street.</p>
400s	Contents	This change to the contents reflects the change in Zoning Map symbol from "l" to "k" for the Prime Industrial Overlay Zone, 33.471.

Section	Topic	What is Proposed?
33.562.290	Use of Accessory Parking for Commercial Parking	This amendment changes this section to update the regulations consistent with new base zones and the Northwest plan district provisions. It substitutes CM3 for EX and CM2 for CS, which are the most equivalent new zones. It maintains limitations on commercial parking in CM3, limiting the commercial parking to accessory parking only, rather than allowing the Commercial Parking use outright.
33.641.020	Approval Criterion	The transportation approval criterion for land divisions is amended to be consistent with proposed changes to transportation evaluation and approval criteria found in other discretionary land use reviews.
33.700.110.B.2.b(1)	Prior Conditions of Land Use Approvals	This amendment clarifies the entire list of land use reviews to which the provision applies. Originally, the term conditional use was intended to cover all types of conditional use review (CU, CUMP, and IMP), however spelling it out clearly is the preferred method.
33.854.340. G.	Transportation impacts	The proposed language amends the transportation evaluation and approval criteria for Planned Development to be consistent with the Comprehensive Plan and changes being made to Conditional Use and other discretionary land use reviews with similar transportation approval criteria.
33.930.050	Measuring Height	This amendment clarifies how to measure height in the commercial/mixed use zones. BDS staff found the wording of the paragraphs hard to interpret.

Proposed Code Amendments

Additional Proposed Code Amendments begin on the following pages.

The code amendments are formatted to facilitate readability by showing draft code amendments on the right-hand (odd-numbered) pages and related commentary on the facing left-hand (even-numbered) pages. New code is shown as underlined and old/existing code is shown with a ~~strike through~~. New amendments proposed in this memo are shown with **highlighting**.

Commentary

Table of Contents — Index of Symbols on the Official Zoning Maps

This change to the index of symbols reflects the change in Zoning Map symbol from "l" to "k" for the Prime Industrial Overlay Zone, 33.471.

Proposed Code Amendments

Table of Contents

Index of Symbols on the Official Zoning Maps

	Symbol	Full Name	Chapter
Overlay Zones	a	Alternative Design Density Overlay Zone	33.405
	b	Buffer Overlay Zone	33.410
	c	Environmental Conservation Overlay Zone	33.430
	d	Design Overlay Zone	33.420
	f	Future Urban Overlay Zone	33.435
	g	River General Overlay Zone	33.440
	h	Aircraft Landing Overlay Zone	33.400
	i	River Industrial Overlay Zone	33.440
	jk	Prime Industrial Overlay Zone	33.471
	m	Centers Main Street Overlay Zone	33.415
	n	River Natural Overlay Zone	33.440
	q	River Water Quality Overlay Zone	33.440
	r	River Recreational Overlay Zone	33.440
	q	River Water Quality	33.440
	p	Environmental Protection Overlay Zone	33.430
	s	Scenic Resource Overlay Zone	33.480
	t	Light Rail Transit Station Overlay Zone	33.450
	v	Pleasant Valley Natural Resources Overlay Zone	33.465
	x	Portland International Airport Noise Impact Overlay Zone	33.470

Commentary

Table 110-1

The use category for Retail Sales And Service has been amended to change from L to CU. This makes the letter more consistent with the use allowance.

33.110 Single-Dwelling Zones

110

Use Categories	RF	R20	R10	R7	R5	R2.5
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	CU	CU	CU	CU	CU	CU
Commercial Categories						
Retail Sales And Service	L CU [10]					
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	CU [6]	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [5]					
Community Service	CU [1]					
Parks And Open Areas	L/CU [2]					
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [3]					
Other Categories						
Agriculture	L [7]	L [7]	L/CU [8]	L/CU [8]	L [9]	L [9]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [4]					
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Commentary

33.110.100.B.10

The footnote for Retail Sales And Service has been clarified to ensure that only a retail nursery is allowed through a CU. All other Retail Sales And Service uses remain prohibited in the single-dwelling zones.

Proposed Code Amendments

33.110.100 Primary Uses

A. Allowed uses. Uses allowed in the single-dwelling zones are listed in Table 110-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 110-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 110-1.

1.-9. [No change]

10. Retail Sales and Service. This regulation applies to all parts of Table 110-1 that have note [10]. Retail plant nurseries are a conditional use. All other Retail Sales And Service uses are prohibited.

C.-D.[No change]

Commentary

Map 120-11

This map replaces the previously proposed Map 120-11 and reflects PSC decisions about RH floor area ratios in this area as part of the Map Refinement Project.

33.120 Multi-Dwelling Zones

Proposed RH Areas with
Maximum FAR of 4:1

Map 120-11

Map Revised Xxxxx, 201x



- City Boundary
- █ Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2835, 2935



Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 120-18

This map replaces the previously proposed Map 120-18 and reflects PSC decisions about RH floor area ratios in this area as part of the Map Refinement Project.

Commentary

33.130.212.D. Affordable commercial space bonus.

The Portland Development Commission, also known as Prosper Portland, will administer the affordable commercial program. The agency is in process of developing specific program parameters, and meeting those parameters will qualify applicants for utilization of this bonus. The program will identify the type of tenants and businesses to be targeted, and could potentially include the following program elements:

1. Legally Binding Agreement - Affordable Commercial Space
 - Standardized tenant improvements
 - Rent reductions
 - Tenant technical assistance
 - Agreement to lease the space to qualified tenants for a designated period of years.

2. Legally Binding Agreement - Affordable Commercial In-Lieu Fee
 - Pay In-Lieu fee to support citywide Affordable Commercial programs.

33.130 Commercial/Mixed Use Zones

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33.130.212 Floor Area and Height Bonus Options

A-C. [No change to Proposed Draft]

D. **Affordable commercial space bonus.** Proposals that provide affordable commercial space may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of affordable commercial space provided, up to the maximum stated in Table 130-3:

- ~~1.~~ A long term leasing agreement with Portland Development Commission must be executed. The leasing agreement must ensure that the commercial space will be rented for 25 percent less than prevailing market rates to qualified businesses that meet program requirements, including locally owned, minority or woman owned businesses;
- ~~12.~~ The applicant must submit with the development application a letter from the Portland Development Commission certifying that commercial leasing agreements are in place to meet the standards of this subsection, and that any program administrative requirements have been met; and
- ~~23.~~ The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the leasing and reporting administrative requirements of the Portland Development Commission or qualified administrator.

E. **Planned Development bonus.** [No change to Proposed Draft]

Commentary

33.130.230 Windows

This section has been reorganized so that all of the standards related to windows are in one section rather than two. To that end, window standards from other sections have been moved to this section, the section has been renumbered, and the section title has been changed to Windows rather than *Ground Floor Windows*.

Proposed Code Amendments

33.130.230 ~~Ground Floor~~ Windows

A. Windows in street-facing facades.

1. Purpose. This standard:

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

2. Where this standard applies. This standard applies to street-facing facades of buildings. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade.

3. Windows in street-facing facades. At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and face the street lot line. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet this standard.

4. Exemption. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

Commentary

33.130.B.2.b.3

This change clarifies the type of development the exemption addresses. The exemption is designed to allow one opening into a parking or vehicle area on a ground floor facade to be exempted from window requirements.

Proposed Code Amendments

B. Ground floor windows.

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

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

B2. Ground floor window standard for wall area that is not the wall of a dwelling unit. The following standards apply to the portions of a ground floor wall of a street-facing façade that is not the wall of a dwelling unit:

1a. General standard.

a.(1) Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-11.

b.(2) If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those street to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.

2b. Exemptions:

a.(1) Houses, attached houses, manufactured homes, and duplexes are exempt from this Section; and

b.(2) Ground floor street-facing walls of dwelling units must meet the standards in Subsection D; and

e.(3) One opening for vehicular access to onsite parking area. If the portion of the ground floor wall area that is not a dwelling unit is less than 250 square feet in area, then it is exempt from this Section.

3.-5. [No change to Proposed Draft]

Commentary

33.150.060.C.2 Neighborhood Contact and Outreach

This corrects a typo in the proposed code.

33.150 Campus Institutional Zones

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33.150.060 Neighborhood Contact and Outreach

A.-B. [No change]

C. **Neighborhood contact.** Neighborhood contact is required as follows:

1. When development on a site will require a land use review, the applicant must notify the neighborhood association and business association for the area at least 30 days before submitting the land use review application to the City. Notification must be by certified mail and the notice must provide information on the proposed development, types of activities, size, and location on the site. A copy of the notification, the mailing list, and registered or certified mail receipts must be submitted with the land use review application.
2. Building permits, not otherwise subject to a land use review, that increase gross building floor area by 10,000 square feet or more are subject to the neighborhood contact requirement as specified in Section 33.700.025, Neighborhood Contact. All of the steps in 33.700.025 must be completed before a building permit is requested.

D. [No change]

Commentary

33.258.070.D

This amendment puts back code language that was inadvertently omitted with the Tree Code updates in 2015. The additional parenthetical clarifies that compliance with the minimum landscape area standard is only required to the extent that the site allows. For example, if the minimum landscaped area standard required 15 percent landscaping, but structures and other development on the site cover 90 percent of the site, only 10 percent of the site needs to be landscaped. The additional parenthetical ensures that adjustments are not required for legally nonconforming development.

33.258 Nonconforming Situations

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33.258.070 Nonconforming Development

A.-C. [No change]

D. Development that must be brought into conformance. The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.

1. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):

a. Landscaping and trees required for the following areas:

- Exterior display, storage, and work activity areas;
- Setbacks for surface parking and exterior development areas;
- Interior parking lot landscaping;
- Existing building setbacks;
- Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements) other than described above; and
- On-site tree density standards of Subsection 11.50.050.C.

b.-f. [No change]

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., below, the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.

a. [No change]

b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.

(1) Landscaping and trees required for the following areas:

- Exterior display, storage, and work activity areas;
- Setbacks for surface parking and exterior development areas;
- Interior parking lot landscaping;
- Existing building setbacks;
- Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements) other than described above; and
- On-site tree density standards of Subsection 11.50.050.C.

Commentary

33.258.070.D (continued)

Proposed Code Amendments

(2)-(6) [No change]

c.-d. [No change]

E.-G. [No change]

Commentary

33.266.410.B Transportation and Parking Demand Management

This provision is being amended to exempt Commercial/Mixed Use zoned sites in the Central City plan district from the Transportation Demand Management (TDM) requirement. Central City locations will be considered for TDM approaches in a future PBOT effort. The PSC considered these issues at the public hearing on Central City, however the hearings occurred after the Comprehensive Plan code amendments that included these TDM requirements. This amendment reconciles 33.266.410 with decisions about the approach to TDM for the central city.

33.266 Parking, Loading, And Transportation And Parking Demand Management

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Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

- A. Purpose.** Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.
- B.** Transportation and parking demand management in the commercial/mixed use zones. In the commercial/mixed use zones, a TDM plan is required when new development includes more than 10 dwelling units, or an alteration to existing development includes the addition of more than 10 dwelling units. Sites in the Central City plan district, and sites that are located far from transit, as described in Paragraph 33.266.110.B.2, are exempt from this requirement. To meet the TDM standard, the applicant must choose one of the following:
1. Go through the Transportation Impact review process set out in chapter 33.852; or
 2. Meet the objective standards of Title 17.106 as verified by the Portland Bureau of Transportation.

33.266.420 Transportation Impact Review in the Campus Institutional Zones

Development on a site with a College or Medical Center use must conform to an approved Transportation Impact review. Transportation Impact review is not required if the development:

- A. Does not increase the net building area on the campus by more than 20,000 square feet; or
- B. Does not increase the number of parking spaces on the campus by more than 4.

Commentary

33.284.010 Purpose

This amendment corrects the reference from commercial to commercial/mixed use zones. It also adds language that relates to addition of new use regulations and design approaches for Commercial/Mixed Use zones.

33.284.020 Required Ground Floor Active Use

This amendment strikes the current language on 33.240.020 which was determined to be not necessary. The amendment also adds provisions in 33.284 that will require a portion of the ground floor of self-service storage uses to have an active use when located on a transit street. This amendment responds to public testimony on this topic. This provision would apply to all zones where this use is allowed, but only in situations where buildings are longer than 100 feet and on a transit street.

33.284 Self-Service Storage

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Sections:

- 33.284.010 Purpose
- 33.284.020 Use Regulations
- 33.284.030 Development Standards
- 33.284.040 Design Review
- ~~33.284.050 Self-Service Storage Design Guidelines~~

33.284.010 Purpose

Self-Service Storage uses have some characteristics in common with both commercial use and industrial uses. This chapter provides regulations so that Self-Service Storage uses can be appropriately sited in either industrial zones or some commercial/mixed use zones, while maintaining the desired character and function of the specific zones. In general, Self-Service Storage uses are similar to other commercial uses in that they provide a service to residential and business uses. The character of their development is often more similar to industrial buildings. The and supplemental use and design standards ensure that development of self-service storage facilities their low activity level does not add to the vitality of a commercial areas and transit-oriented locations.

33.284.020 Use Regulations

~~Other uses on the site such as the rental of trucks or moving equipment must meet the use and development standards of the base zone, overlay zone, or plan district.~~

33.284.020 Required Ground Floor Active Use

When any portion of a building with a Self-Service Storage use in it is located within 20 feet of a transit street and the portion of the building within 20 feet of the transit street has a street-facing façade that is more than 100 feet in length, at least 25 percent of the ground level floor area within 100 feet of the transit street must be in one of the following active uses. Only uses allowed in the base zone may be chosen:

- A. Household Living;
- B. Retail Sales and Service;
- C. Office;
- D. Vehicle Repair
- E. Industrial Service;
- F. Manufacturing and Production;
- G. Wholesale Sales;
- H. Daycare;
- I. Community Service; or
- J. Religious Institutions.

Commentary

33.284.030 Development Standards

This amendment corrects a grammatical error.

Proposed Code Amendments

33.284.030 Development Standards

The development standards of the base zone apply unless the standard is superseded by regulations in this section.

- A. Purpose.** The special development standards in the C and EX zones are intended to allow self-service storage facilities to locate on certain sites in these zones where they can be close to the residential and business uses that they serve. At the same time, the development standards direct their location to sites that do not have major frontage on commercial streets. This prevents large sections of the commercial streets from being developed with uses that have extremely low activity levels ~~which~~ that detract from the vitality and desired interaction among commercial uses in the area. This also allows them to locate on odd-shaped or infill sites that are difficult to develop for many commercial uses.
- B. Maximum site frontage.** In the C and EX zones, the maximum site frontage along a street is 100 feet. This limitation applies only to sites for the construction of new buildings that are 30 feet or less in height.
- C. Storage areas.** The maximum size of individual storage areas in C and EX zones is 500 square feet.
- D. Internal circulation.** The internal circulation between buildings must be wide enough so that there is a 12-foot wide travel lane for emergency vehicles to pass while tenant's vehicles are parked at their storage areas.
- E. Parking.** For parking requirements see Chapter 33.266, Parking and Loading.

Commentary

Overlay Zones - 400s

This change to the contents reflects the change in Zoning Map symbol from "l" to "k" for the Prime Industrial Overlay Zone, 33.471.

Overlay Zones

- 33.400 Aircraft Landing Zone – h
- 33.405 Alternative Design Density Overlay Zone – a
- 33.410 Buffer Zone – b
- 33.415 Centers Main Street Overlay Zone – m
- 33.420 Design Overlay Zone – d
- 33.430 Environmental Zone – c or p
- 33.435 Future Urban Zone – f
- 33.440 Greenway Zones – g, i, n, q, or r
- 33.445 Historic Resource Protection Overlay Zone
- 33.450 Light Rail Transit Station Zone – t
- 33.465 Pleasant Valley Natural Resources Overlay Zone – v
- 33.470 Portland International Airport Noise Impact Zone – x
- 33.471 Prime Industrial Overlay Zone – ~~kk~~
- 33.480 Scenic Resource Zone – s

A list of symbols that appear on the Official Zoning Maps and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under “Index of Symbols on the Official Zoning Maps”.

Commentary

33.562.290 Use of Accessory Parking for Commercial Parking

This amendment changes this section to update the regulations consistent with new base zones and the plan district provisions. It substitutes CM3 for EX and CM2 for CS, which are the most equivalent new zones. It maintains limitations on commercial parking in CM3, limiting the commercial parking to accessory parking only, rather than allowing the Commercial Parking use outright.

33.562 Northwest Plan District

562

33.562.290 Use of Accessory Parking for Commercial Parking

- A. Purpose.** This section encourages efficient use of accessory parking by allowing greater flexibility for use during times when accessory parking is typically underutilized. This section includes limitations to minimize negative impacts on nearby residents.
- B. Where these regulations apply.** These regulations apply to accessory parking in the Northwest plan district as follows:
1. On sites in an R or ~~EXCM3~~ zone, the regulations of this section apply to the entire site;
 2. On sites that are in both an R or ~~EXCM3~~ zone and a commercial/mixed use zone, if any of the accessory parking is in the R or ~~EXCM3~~ zone, the regulations of this section apply to the entire site;
 3. On sites that are in both an R or ~~EXCM3~~ zone and a CSCM2 zone, if all of the accessory parking is in the CSCM2 zone, and none is in the R or ~~EXCM3~~ zone, the regulations of this section do not apply to the site. The parking is subject to the regulations of the base zone;
 4. On sites that are in the CSCM2 zone, the regulations of this section do not apply. The parking is subject to the regulations of the base zone.
- C. Regulations. [No change.]**

Commentary

33.641.020 Approval Criterion

The transportation approval criterion for land divisions is amended to be consistent with proposed changes to transportation evaluation and approval criteria found in other discretionary land use reviews.

On-site improvements for streets, sidewalks and other features are required by Title 17. These regulations allow evaluation on off-site issues as well as those on-site.

33.641 Transportation Impacts

641

33.641.020 Approval Criterion

A. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by 33.641.020.B. Evaluation factors include: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

B. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to fill in gaps in the local pedestrian and bicycle networks, and transit improvements.

33.641.030 Mitigation

The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets, alleys, or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices

Commentary

33.700.110.B.2.b(1)

This amendment simply clarifies the entire list of land use reviews to which the provision applies. Originally, the term conditional use was intended to cover all types of conditional use review (CU, CUMP, and IMP), however spelling it out clearly is the preferred method.

33.700 Administration and Enforcement

700

33.700.110 Prior Conditions of Land Use Approvals

This section addresses situations where a use, development, or land division was approved with conditions as part of a land use review under zoning or land division regulations that no longer apply to the site. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning or land division regulations. This may result from a change of the content of zoning or land division regulations or from legislative zone changes including annexation rezonings.

- A. Conditions of approval prior to 1981.** [No change]
- B. Conditions of approval after 1981.** The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.
1. [No change]
 2. Conditional uses.
 - a. [No change]
 - b. Use allowed by right. If the use is now allowed by right, the conditions of approval no longer apply, except for the following:
 - (1) Colleges and Medical Centers in the CI1 and CI2 zones.
 - Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue continue to apply until superseded by an approved Transportation Impact review;
 - If a College or Medical Center in a CI1 or CI2 zone was an approved **through a conditional use, conditional use master plan, or impact mitigation plan** under the prior regulations, and the **conditional use, conditional use master plan, or impact mitigation plan** has not expired, the applicant can continue to develop under the approved conditional use review, the conditional use master plan, or the impact mitigation plan until the review expires, or December 31, 2023, whichever comes first. If the applicant chooses to develop under the approved conditional use, the conditional use master plan, or the impact mitigation plan, they must develop under the zoning code regulations that were in effect on the date the land use application was deemed complete. Amendments to the conditional use are prohibited.
 - (2) [No change]
 - c. [No change]
 - 3.-4. [No change]

Commentary

33.854.340.G Transportation impacts

The proposed language amends the transportation evaluation and approval criteria for Planned Development to be consistent with the Comprehensive Plan and changes being made to Conditional Use and other discretionary land use reviews with similar transportation approval criteria.

33.854 Planned Development Review**854****33.854.340 Proposals Without a Land Division**

The approval criteria of this section apply to Planned Developments that do not include a land division, except Planned Developments that are only using the commercial/mixed use zones Planned Development bonus. The approval criteria are:

A-F. [No change]

G. Transportation impacts.

1. The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2;
2. ~~Adequate measures to mitigate on- and off-site transportation impacts are proposed. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts.~~ Measures may include: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to fill in gaps in the local pedestrian and bicycle networks, and transit stop improvements;
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
4. ~~A Traffic Impact Study may be required by the City Engineer in order to determine if the criterion is met. In addition, mitigation measures approved by the City Engineer may be included in the proposal as a way to meet this criterion.~~

Commentary

33.930.050

This amendment clarifies how to measure height in the commercial/mixed use zones. BDS staff found the wording of the paragraphs hard to interpret.

33.930 Measurements

930

33.930.050 Measuring Height

A. Measuring building height. Height of buildings is generally measured as provided in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.) The height of buildings is the vertical distance above the base point described in Paragraphs A.1. or A.2., unless the site is in a commercial/mixed use zone, in which case the height of buildings is measured as described in Paragraph A.3. The base point used is the method that yields the greater height of building. Methods to measure specific roof types are shown below and in Figure 930-5:

- Flat roof (pitch is 2 in 12 or less): Measure to the highest point of the roof except in the residential zones where the measurement is to the top of the parapet, or if there is no parapet, to the highest point of the roof.
- Mansard roof: Measure to the deck line.
- Gabled, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
- Gabled or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
- Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
- Other roof shapes such as domed, shed, vaulted, or pyramidal shapes: Measure to the highest point.
- Stepped or terraced building: Measure to the highest point of any segment of the building.

1.-2. [No change]

3. In the commercial/mixed use zones, the height measurement is based on the location of a building relative to a street lot line and the elevation of sidewalk area adjacent to the site, as follows:

a. When any portion of a building is within 20 feet of a street lot line, the base point from which height is measured is described below. See Figure 930-25 and Figure 930-26:

(1) Within 25 feet of the building, when the difference between the highest elevation and the lowest elevation of sidewalk is 10 feet or less, the base point is the highest elevation of the sidewalk; or

(2) Within 25 feet of the building, when the difference between the highest elevation and the lowest elevation of sidewalk is more than 10 feet, the base point is a point 10 feet above the lowest elevation of the sidewalk.

b. For all other buildings, or if no sidewalk exists or is proposed within 25 feet of the building, height is measured using the base points described in Paragraphs A.1. and A.2. In the commercial/mixed use zones, when any portion of a building is within 20 feet of a street lot line the following base points apply. See Figure 930-25. For all other buildings, or if no sidewalk exists or is proposed within 25 feet of the building, height is measured using the base points described in Paragraphs A.1. and A.2.:

Commentary

33.930.050 (continued)

Proposed Code Amendments

- a. The base point from which the height of the building is measured is the highest elevation of the sidewalk area located adjacent to the site within 25 feet of the building if the highest elevation within the sidewalk area is not more than 10 feet above the lowest elevation within the area. See Figure 930-26.
- b. The base point from which the height of the building is measured is a point 10 feet above the lowest elevation of the sidewalk area located adjacent to the site within 25 feet of the building if the highest elevation within the sidewalk area is more than 10 feet higher than the lowest elevation within the area. See Figure 930-26.

B. [No change]