

## Better Housing by Design Project: Potential Amendments to the Revised Proposed Draft

### 1 – Allow daycares as a limited use in multi-dwelling zones, regardless of location (Spevak)

**Amendment Summary:** Allow Daycare uses in the multi-dwelling zones as a limited use (up to 3,000 square feet ) regardless of location. This is a change from the Revised Proposed Draft, which provides this limited use allowance only for sites abutting a Civic or Neighborhood corridor.

**Rationale:** This amendment is intended to reduce Zoning Code barriers to the establishment of daycares in multi-dwelling zones, expanding opportunities for daycares to be located among the concentrations of housing in these zones to help meet the needs of residents. The Revised Proposed Draft regulations provided this limited use allowance only along major corridors (Civic and Neighborhood corridors) to support the role of these corridors as transit-rich places with concentrations of services (the corridor reference has been removed from the amended language, below). This amendment will allow Daycare uses—up to 3,000 sf—to be located by right at any location in a multi-dwelling zone. Current regulations allow “Family Child Care Homes”, with up to 16 children, as accessory to household living uses; while the BHD limited use allowance of up to 3,000 square feet would allow up to 60 children (state requirements call for 50 square feet of space per child). Daycares larger than these are possible through conditional use review, although this involves additional costs and uncertainty. Daycare uses are also currently allowed by right within institutional buildings, including current or former religious institutions.

**Staff Position:** Staff supports this amendment.

**Code Reference:** 33.120.100.B.7 in Volume 2

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#### 33.120.100 Primary Uses

**A. Allowed uses.** [No change to Revised Proposed Draft]

**B. Limited uses.** [Only change to Revised Proposed Draft is to subparagraph 7]

7. Daycare. This regulation applies to all parts of Table 120-1 that have a [7]. Daycare uses are allowed as follows:

a. Allowed use. Daycare uses are allowed by right if located~~ing~~ within a building ~~which~~that currently contains or did contain a College, Medical Center, School, Religious Institution, or a Community Service use.

b. Limited use. Daycare uses are allowed when:

(1) The total amount of Daycare use on the site does not exceed 3,000 square feet of net building area. The total amount allowed does not include outdoor play area; and

(2) All of the Daycare use, except for outdoor play area, is located on the ground floor.

c. Conditional uses. Daycare uses that do not meet Subparagraph B.8.a. or b. are a conditional use.

## 2 – Exempt bicycle parking from FAR calculations (Spevak)

**Amendment Summary:** This amendment will include required bicycle parking as part of proposed code language that exempts structured parking, up to a maximum FAR of 0.5 to 1, from being included in FAR calculations in the multi-dwelling zones. The proposed additional code language is the same as was recently recommended by the PSC for approval as part of the Bicycle Parking Code Update for the Commercial/Mixed Use zones.

**Rationale:** The BHD Revised Proposed Draft includes proposed code language for the multi-dwelling zones that is based on a provision that currently applies in the Commercial/Mixed Use Zones (Chapter 33.130) that allows structured parking to not count against FAR limits. This provides consistency across the two types of zones and is intended to accommodate structured parking, instead of surface parking, by not having this result in the loss of housing potential. The amendment to include required bicycle parking as part of this FAR exemption would likewise allow area dedicated to long-term bicycle parking to not count as floor area that could otherwise be used for residential units. This amendment would bring consistency with a code amendment the PSC recently recommended for approval for the Commercial/Mixed Use zones (as part of the Bicycle Parking Code Update).

**Staff Position:** Staff supports this amendment.

**Code Reference:** 33.120.210.B in Volume 2

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### 33.120.210 Floor Area Ratio

**A. Purpose.** [No change to Revised Proposed Draft]

**B. FAR standard.** The maximum floor area ratios are stated in Table 120-3 and apply to all uses and development. Floor area ratio is not applicable in the RMP zone. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing code requirements. Additional floor area may be allowed through bonus options described in Section 33.120.211, or transferred as described in Subsection D. Floor area for structured parking and required long-term bicycle parking, up to a maximum FAR of 0.5 to 1, is not calculated as part of the FAR for the site. Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years. Adjustments to the maximum floor area ratios are prohibited.

**C.-D.** [No change to Revised Proposed Draft]

### 3 – Modify the pedestrian standards to allow a pathway leading to the entrance of a building containing no more than 4 dwelling units to be three-feet wide (Spevak)

**Amendment Summary:** This amendment will allow segments of the pedestrian circulation system that connect only to an entrance providing access to up to **four units** to be as narrow as three-feet wide. This amendment changes the **two-unit** threshold for this narrow pathway allowance that was included in the Revised Proposed Draft (this two-unit threshold is not shown in the text below, but has been replaced by the four-unit threshold).

**Rationale:** This amendment will allow narrow pathways providing connections to small numbers of units, allowing for less impervious surface, while ensuring that other parts of the required pedestrian circulation system serving larger numbers of residents are sized adequately. The amendment will also bring regulatory consistency, in that sites with up to four units as well as portions of the pedestrian system of larger sites accessing entrances serving up to four units will both have the same allowance for a pathway as narrow as three-feet wide.

**Staff Position:** Staff supports this amendment.

**Code Reference:** 33.120.255.B.2.a in Volume 2

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#### 33.120.255 Pedestrian Standards

- A. **Purpose.** [No change to Revised Proposed Draft]
- B. **The standards.** The standards of this section apply to all development except houses, attached houses, manufactured homes on individual lots, ~~and duplexes,~~ and attached duplexes. The standards of this section also do not apply to manufactured dwelling parks. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.
  - 1. Connections. [No change to Revised Proposed Draft]
  - 2. Materials.
    - a. The circulation system required by the standards of this Subsection must be hard-surfaced and be at least 5 feet wide. must meet the following minimum width requirements:
      - (1) The circulation system on sites with up to 4 residential units must be at least 3 feet wide. Segments of the circulation system that provide access to no more than 4 residential units may be 3 feet wide.
      - (2) The circulation system on sites with 5 to 20 units must be at least 4 feet wide.
      - (3) The circulation system on sites with more than 20 residential units must be at least 5 feet wide.
      - (4) Segments of the circulation system that connect only to an entrance providing access to up to **4** units may be 3 feet wide.
    - b.-d. [No change to Revised Proposed Draft]
  - 3. Lighting. [No change to Revised Proposed Draft]

#### 4 –Set a maximum width for required pedestrian connections for large sites (Spevak)

**Amendment Summary:** This amendment will set a maximum width of 15 feet for the right-of-way of pedestrian connections required by the large site pedestrian connectivity standard, which currently applies in the Commercial/Mixed Use zones and is proposed for the Multi-dwelling zones. This regulation applies to sites over five acres in size and requires pedestrian connections at least every 330 feet (corresponding to Land Division and Title 17 connectivity standards).

**Rationale:** The intent of this amendment is to prevent this regulation from being used to require wide rights-of-way that could approach the width of full street connections and that take up large amounts of site area, constraining development potential and site design options.

**Staff Position:** Staff does not support this amendment. The legal framework of the Zoning Code specifically states that, unless it is in the context of a land division, land within a public right-of-way is regulated by Title 17 (Public Improvements) and not Title 33 (see 33.10.030). The Portland Bureau of Transportation (PBOT) is therefore responsible for setting standards for public rights-of-way and street design, such as the width of public pedestrian connections, including when it is required as part of a development permit. PBOT has a set of street and pedestrian connection design standards that they apply as part of land use and building permit processes. The standards specify a width of 15 feet in most residential zones (except RX and also mixed use zones, where standards specify 18-30 feet [depending on site conditions]). In addition, the PBOT pedestrian design guidelines, which supplement the land use and building permit design standards, do not recommend more than 25 feet for the widest type of public pedestrian connection (the guidelines recommend 15 feet for pedestrian-only connections and 25 feet for connections intended for both pedestrian and bicycle access – these dimensions include pathways as well as adjacent buffers within the right-of-way). Because the authority to regulate public right-of-way is assigned to PBOT, the Zoning Code is not the appropriate place for setting specific standards for the width of public street connections (including pedestrian connections). Adding Zoning Code language specifying dimensions for public rights-of-way would not supersede the authority for regulating public streets given to PBOT in Title 17, but would create the potential for conflicts between Title 17 and Title 33. If the PSC decides to support this amendment, staff recommends making the same amendment to an identical regulation in Chapter 33.130 for consistency (included below).

**Code Reference:** 33.120.330 in Volume 2 and 33.130.292

### **33.120.330 Street and Pedestrian Connections**

#### **A. Large site pedestrian connectivity.**

1. Purpose. The large site pedestrian connectivity standard implements regional pedestrian and bicycle connectivity standards. The standard enhances direct movement by pedestrians and bicycles between destinations and increases the convenience of travelling by foot or bike. The standard also protects public health and safety by ensuring safe movement and access through a large site. The standard provides flexibility for locating the pedestrian connection in a manner that addresses site constraints such as existing development.
2. When does the standard apply. The large site pedestrian connectivity standard applies to new development and major remodeling on sites that are more than 5 acres in size.
3. Standards.

- a. Dedication. If the site does not have pedestrian connections at least every 330 feet as measured from the centerline of each connection, then dedication of right-of-way for pedestrian connections is required.
  - b. Width. The width of the right-of-way dedicated for a pedestrian connection required by this Paragraph may not exceed 15 feet unless the applicant agrees to dedicate a wider pedestrian connection.
4. Exemptions. Dedication of right-of-way for pedestrian connections is not required in:
- a. The Central City plan district; and
  - b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.
5. Pedestrian connection alignment and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the configuration of elements within the pedestrian connection.
- B.** Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

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

#### **A. Large site pedestrian connectivity.**

1. Purpose. The large site pedestrian connectivity standard implements regional pedestrian and bicycle connectivity standards. The standard enhances direct movement by pedestrians and bicycles between destinations and increases the convenience of travelling by foot or bike. The standard also protects public health and safety by ensuring safe movement and access through a large site. The standard provides flexibility for locating the pedestrian connection in a manner that addresses site constraints such as existing development.
2. When does the standard apply. The large site pedestrian connectivity standard applies to new development and major remodeling on sites that are more than 5 acres in size.
3. Standard.
  - a. Dedication. If the site does not have pedestrian connections at least every 330 feet as measured from the centerline of each connection, then dedication of ROW for pedestrian connections is required.
  - b. Width. The width of the right-of-way dedicated for a pedestrian connection required by Paragraph may not exceed 15 feet unless the applicant agrees to dedicate a wider pedestrian connection.
4. Exemptions. Dedication of right-of-way for pedestrian connections is not required in:
  - a. The Central City plan district; and

- b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.
- 5. Pedestrian connection alignment, **width** and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the **width of, and** configuration of elements **within,** the pedestrian connections.
- B. Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

## 5 – In the RM4 zone in historic districts, provide base and bonus FARs of 3:1 and 4.5:1

**Amendment Summary:** In the RM4 zone in historic and conservation districts, provide base and bonus FARs of 3:1 and 4.5:1 (instead of the proposed RM4 FARs of 4:1 and 6:1). For the deeper housing affordability bonus in the RM4 zone in historic and conservation districts, provide a bonus of up to 6:1 (instead of the proposed bonus of 7:1). This amendment will not affect the proposed RM4 base and bonus FARs that will apply outside of historic or conservation districts (base FAR 4:1; bonus FAR 6:1/7:1).

**Rationale:** These amended base and bonus FARs will allow new development similar to the scale of larger historic buildings in the historic districts proposed for the RM4 zone. The bonus FAR of 4.5 to 1, achievable through the inclusionary housing bonus that is mandatory for buildings with 20 or more units, will allow development that is a little larger than the base 4:1 FAR that currently applies in the larger-scale RH zoning that is being replaced by the RM4 zone. The amendments will retain allowances for a greater amount of FAR (up to 6:1) for projects in which at least half of the units are affordable to households earning no more than 60 percent of median family income to prioritize affordable housing as an outcome.

**Staff Position:** Staff supports this amendment (this is a staff-initiated amendment that received initial PSC support during the PSC work session on April 9, 2019).

**Code Reference:** 33.120.210.B, Table 120-3, and Table 120-5 in Volume 2

### 33.120.210 Floor Area Ratio

**A. Purpose.** [No change to Revised Proposed Draft]

**B. FAR standard.** The maximum floor area ratios are stated in Table 120-3 and apply to all uses and development. In the RM4 zone the maximum FAR is 4 to 1, except in Historic Districts and Conservation Districts, where the maximum FAR is 3 to 1. Floor area ratio is not applicable in the RMP zone. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing code requirements. Additional floor area may be allowed through bonus options described in Section 33.120.211, or transferred as described in Subsection D. Floor area for structured parking, up to a maximum FAR of 0.5 to 1, is not calculated as part of the FAR for the site. Adjustments to the maximum floor area ratios are prohibited.

**C.-D.** [No change from Revised Proposed Draft for this item]

**5 – In the RM4 zone in historic districts, provide base and bonus FARs of 3:1 and 4.5:1 (continued)**

Table 120-3 Summary of Development Standards in Multi-Dwelling Zones							
Standard	R3	RM1-R2	RM2 R1	RM3 RH	RM4	RX	RMP
Maximum FAR Density (See 33.120.21205)	<del>1 unit per 3,000 sq. ft. of site area</del>	<del>1 unit per 2,000 sq. ft. of site area</del> FAR of <u>1 to 1</u>	<del>1 unit per 1,000 sq. ft. of site area</del> FAR of <u>1.5 to 1</u>	FAR of 2 to 1 or 4 to 1	<u>FAR of 4 to 1 or 3 to 1</u>	FAR of 4 to 1	<del>NA</del> 1 unit per 1,500 sq. ft. of site area
Maximum Density (See 33.120.212)		<u>none</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>1 unit per 1,500 sq. ft. of site area</u>
Maximum Density with Inclusionary Affordable Housing Bonus (See 33.120.21205.F)	<del>1 unit per 2,400 sq. ft. of site area</del>	<del>NA</del> 1 unit per 1,600 sq. ft. of site area	<del>NA</del> 1 unit per 800 sq. ft. of site area	<del>NA</del> FAR of 2.5 to 1 or 5 to 1 [1]	<u>NA</u>	<del>NA</del> FAR of 5 to 1	1 unit per 1,000 sq. ft.
Minimum Density (See 33.120.213205)	<del>1 unit per 3,750 sq. ft. of site area</del>	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	<u>1 unit per 1,000 sq. ft. of site area</u>	1 unit per 500 sq. ft. of site area	1 unit per 1,875 sq. ft. of site area
Maximum Base Height (See 33.120.215)	<del>35 ft.</del>	<del>40</del> 35 ft.	<del>25</del> 45 ft.	<del>25</del> 65 ft. <del>75</del> 100 ft.	<u>75</u> 100 ft.	100 ft.	35 ft.
Step-down Height (see 33.120.215.B.2 - Within 25 ft. of lot line abutting RF- R2.5 zones - Within 15 ft. of lot line across a local service street from RF – R2.5 Zones		<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
		<u>35 ft.</u>	<u>45 ft.</u>	<u>45 ft.</u>	<u>45 ft.</u>	<u>45 ft.</u>	<u>35 ft.</u>
Minimum Setbacks - Front building setback <del>Street building setback</del> - Side and rear building setback.	<del>10 ft.</del> — See Table 120-4	10 ft. — <u>5 ft. [1]</u> See Table 120-4	<del>10</del> 3 ft. 3 ft. <u>5 ft. [1]</u> See Table 120-4	<del>10</del> 0 ft. 0 ft. <u>5/10 ft. [1]</u> See Table 120-4	<u>5 ft.</u>  <u>5/10 ft. [1]</u>	0 ft. <del>0 ft.</del> 0 ft.	10 ft. — 10 ft.
Garage entrance setback (See 33.120.220)	<del>18 ft.</del>	18 ft.	5/18 ft.	5/18 ft.	<u>5/18 ft.</u>	5/18 ft.	18 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	<del>20 ft.</del>	20 ft.	20 ft.	20 ft.	<u>10 ft.</u>	10 ft.	NA
Max. Building Coverage (See 33.120.225)	<del>45% of site area</del>	50% of site area	60%/70% of site area	85% of site area	<u>85% of site area</u>	100% of site area	50% of site area
Max. Building Length (See 33.120.230)	<del>No</del>	Yes	Yes	No	<u>No</u>	No	Yes
Min. Landscaped Area (See 33.120.235)	<del>35% of site area</del>	30% of site area	20% of site area	15% of site area	<u>15% of site area</u>	none	30% of site area
Required Outdoor Areas (See 33.120.240)	<u>Yes</u>	Yes	Yes	<del>Yes</del> No	<u>Yes</u>	No	See 33.251

Notes:

[1] See 33.120.220.B.2 for Eastern Pattern Area special rear building setback.



**5 – In the RM4 zone in historic districts, provide base and bonus FARs of 3:1 and 4.5:1 (continued)**

<b>Table 120-5 Summary of Bonus FAR</b>				
	<b>RM1</b>	<b>RM2</b>	<b>RM3</b>	<b>RM4 &amp; RX</b>
<b>Overall Maximum Per Site [1]</b>				
Maximum FAR with deeper housing affordability bonus (see 33.120.211.C.2)	<u>2 to 1</u>	<u>3 to 1</u>	<u>4 to 1</u>	7 to 1 or or <b>6 to 1 [3]</b>
Maximum FAR with other bonuses [2]	<u>1.5 to 1</u>	<u>2.25 to 1</u>	<u>3 to 1</u>	6 to 1 or <b>4.5 to 1 [3]</b>
<b>Increment of Additional FAR Per Bonus</b>				
Inclusionary Housing (see 33.120.211.C.1)	<u>0.5 to 1</u>	<u>0.75 to 1</u>	<u>1 to 1</u>	2 to 1 or <b>1.5 to 1 [3]</b>
Deeper Housing Affordability (see 33.120.211.C.2)	<u>1 to 1</u>	<u>1.5 to 1</u>	<u>2 to 1</u>	<u>3 to 1</u>
Three-Bedroom Dwelling Units (see 33.120.211.C.3)	<u>0.25 to 1</u>	<u>0.4 to 1</u>	<u>0.5 to 1</u>	1 to 1 or <b>0.75 to 1 [3]</b>
Visitable Units (see 33.120.211.C.4)	<u>0.25 to 1</u>	<u>0.4 to 1</u>	<u>0.5 to 1</u>	1 to 1 or <b>0.75 to 1 [3]</b>

[1] Overall maximum FAR includes FAR received from a transfer.

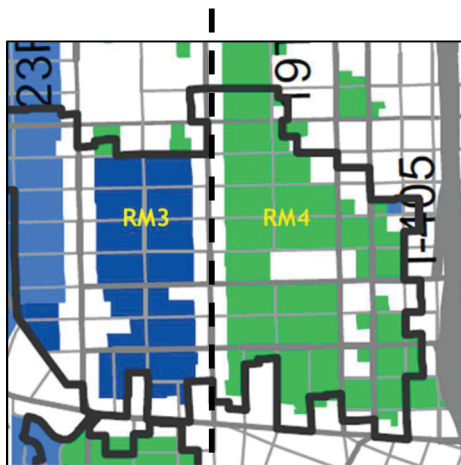
[2] Other bonuses are the Inclusionary Housing, Three-Bedroom Dwelling Units, and Visitable Units bonuses.

[3] The lower FAR applies in the RM4 zone in Historic and Conservation districts.

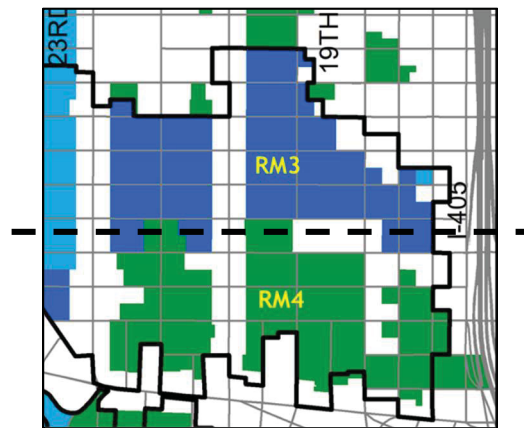
**6 – In the Alphet Historic District, change the application of the proposed RM3 and RM4 zones to better reflect historic development patterns**

**Amendment Summary.** In the Alphet Historic District, apply the larger-scale RM4 zone to current RH areas south of NW Glisan/Hoyt, and apply the smaller-scale RM3 zone to areas north of this. This would be a change from the current zoning pattern, where there is an east-west division between the larger- and smaller-scale RH zones. There are two components to this change:

- (1) **Apply RM4 zoning to the area between NW 21<sup>st</sup> and NW 23<sup>rd</sup>, from Burnside to Glisan/Hoyt,** instead of the proposed RM3 zoning. This would increase the base FAR in this area from the current 2:1 FAR to a base FAR of 3:1 and a bonus FAR of 4.5 to 1, which would allow for a range of development similar to the scale of larger historic buildings in this area.
- (2) **Apply RM3 zoning to the area east of NW 21<sup>st</sup> north of Glisan/Hoyt,** instead of the proposed RM4 zoning. This would decrease the base FAR in this area to 2:1 (bonus FAR of 3:1).



*Original Proposal  
(based on existing zoning)*

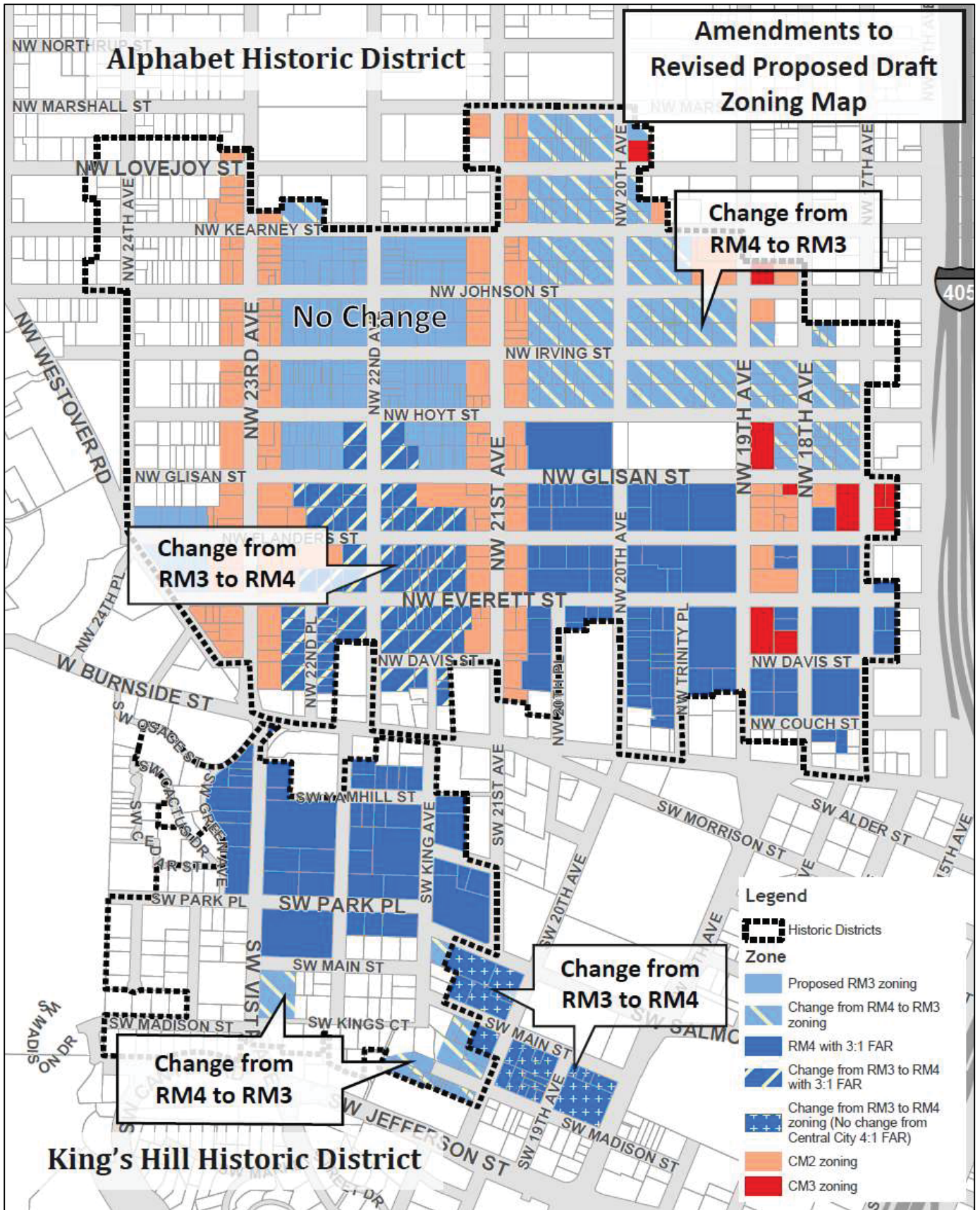


*Proposed Changes*

**Rationale:** These mapping changes will be more responsive to the scale of historic buildings in the district, where larger buildings are concentrated between Burnside and NW Glisan/Hoyt. These changes respond to Comprehensive Plan Policy 4.49, which calls for base zoning that takes into account the character of historic districts.

**Staff Position:** Staff supports this amendment (this is a staff-initiated amendment that received initial PSC support during the PSC work session on April 9, 2019).

**Code Reference:** Amendments to Revised Proposed Draft Zoning Map (see map on next page)



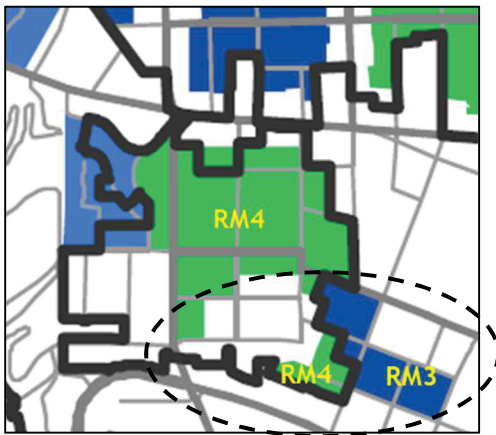
Note: changes from the Revised Proposed Draft code are highlighted



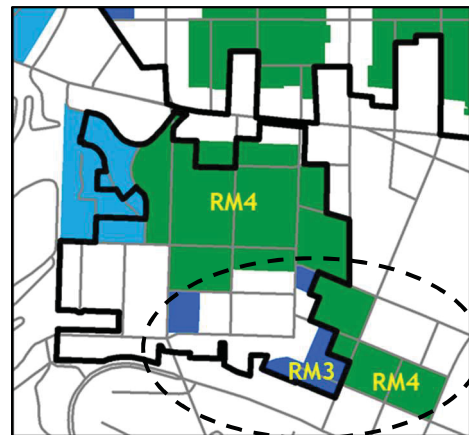
**7 – In and around the King’s Hill Historic District, change the application of the RM3 and RM4 zones to better reflect existing development patterns**

**Amendment Summary:** In the King’s Hill Historic District, apply the RM3 zone to properties with small historic structures at the edges of the historic district, and apply the larger-scale RM4 zone to currently RH zoned areas outside the historic district to the east. This will be a change from the current zoning pattern, where all of the current RH zoning in the historic district has a base FAR of 4:1 and was proposed for RM4 zoning. There are two components to this change:

- (1) **Apply the smaller scale RM3 zoning to properties with small historic structures at the southern edges of the historic district**, instead of the proposed RM4 zoning. This area has mostly smaller lots with small historic buildings (2-3 stories) and is adjacent to single-dwelling R5 zoning. This would decrease the base FAR in this area to 2:1 (bonus FAR of 3:1).
- (2) **Apply the larger-scale RM4 zoning to a three-block area outside the historic district to the east**, instead of the proposed RM3 zoning. This area is in the Central City Plan District, which provides a base FAR of 4:1. RM4 zoning would more closely correspond to this and other development standards that apply in this area. The primary change is that the block west of SW 20<sup>th</sup> between Salmon and Main streets would become eligible for the transit station area allowance for 100-foot building height (this block includes large existing buildings over 80-feet tall which exceed the current height limit of 65 feet). The other two blocks in this area are already provided with a Central City Plan District height allowance of 100 feet.



*Original Proposal  
(based on existing zoning)*



*Proposed Changes*

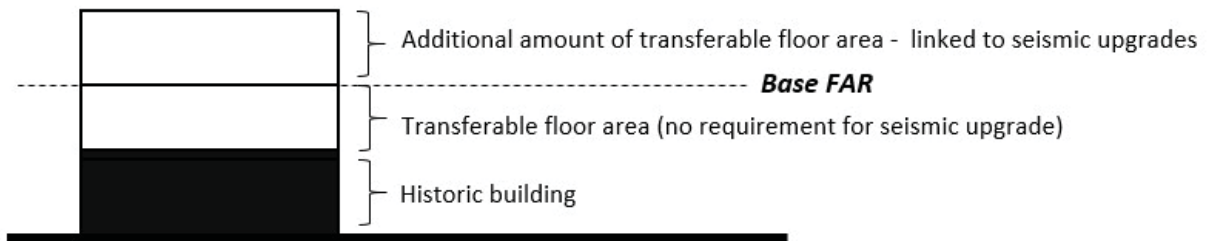
**Rationale:** Applying RM3 zoning at the southern edges of the King’s Hill Historic District will be more responsive to the scale of historic buildings in this area of the district, while applying RM4 zoning to the east of the district will more accurately reflect Central City development allowances that apply in this area, as well as better reflect the scale of existing development.

**Staff Position:** Staff supports this amendment (this is a staff-initiated amendment that received initial PSC support during the PSC work session on April 9, 2019).

**Code Reference:** Amendments to Revised Proposed Draft Zoning Map (see map on Page 11)

**8 – Additional FAR transfer allowance for seismic upgrades to historic structures**

**Amendment Summary:** Allow an additional amount of FAR to be transferred from sites with historic resources, in conjunction with seismic upgrades to these historic structures. This transferable FAR linked to seismic upgrades will apply in both the multi-dwelling and mixed use zones, and will be in addition to existing allowances for unutilized FAR to be transferred from historic properties to other locations. This proposal will allow an additional amount of FAR, equivalent to 50 percent of the base FAR, to be transferred to other sites, but use of this additional increment of transferable FAR will only be available in conjunction with seismic upgrades.



**Rationale:** This additional increment of transferable FAR is intended to provide an incentive for seismic upgrades to historic buildings by helping to defray the costs of these upgrades. The need for seismic upgrades to unreinforced masonry buildings (URMs) is an especially important issue for Portland’s historic resources, as nearly 600 historic buildings, such as the Alphabet Historic District’s large numbers of brick apartment buildings, are URMs and seismic upgrades are costly.

**Staff Position:** Staff supports this amendment (this is a staff-initiated amendment that received initial PSC support during the PSC work session on April 9, 2019).

**Code Reference:** 33.120.210.D (Volume 2) and 33.130.205.C (Volume 3)

*(See code language on next two pages)*

## 8 – Additional FAR transfer allowance for seismic upgrades to historic structures (continued)

### 33.120.210 Floor Area Ratio

**A.-C.** [No change to Revised Proposed Draft]

**D. Transfer of FAR.** FAR may be transferred from one site to another subject to the following:

1. Sending site. FAR may be transferred from:

- a. A site where all existing dwelling units are affordable to those earning no more than 60 percent of the area median family income. [No change to Revised Proposed Draft]
- b. A site where trees that are at least 12 inches in diameter are preserved. [No change to Revised Proposed Draft]
- c. A site that contains a Historic or Conservation landmark or a contributing resource in a Historic or Conservation district. Sites that are eligible to send floor area through this transfer are allowed to transfer:

(1) Unused FAR up to the maximum FAR allowed by the zone; and

(2) An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, the Bureau of Development of Services must verify that the landmark or contributing resource on the site meets one of the following:

- If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been 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;
- If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41-BPON 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.

2.-4. [No change to Revised Proposed Draft]

## 8 – Additional FAR transfer allowance for seismic upgrades to historic structures (continued)

### 33.130.205 Floor Area Ratio

A.-B. [No change to Revised Proposed Draft]

C. **Transfer of floor area from historic resources.** Floor area ratios may be transferred from a site that contains a historic resource, as follows:

1. **Sending sites.** FAR may be transferred from a site that contains a Historic or Conservation landmark or a contributing resource in a Historic or Conservation district. Sites that are eligible to send floor area through this transfer are allowed to transfer:
    - a. Unused FAR up to the maximum FAR allowed by the zone; and
    - b. An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, the Bureau of Development of Services must verify that the landmark or contributing resource on the site meets one of the following:
      - (1) If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been 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;
      - (2) If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41- BPON improvement standard as defined in City of Portland Title 24.85; or
      - (3) 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.
  1. ~~Sending sites.~~ Sites eligible to transfer floor area must contain:
    - a. ~~A Historic or Conservation landmark; or~~
    - b. ~~A contributing resource in a Historic District or a Conservation District.~~
- 2.-6. [No change to Revised Proposed Draft]

**9 – Correction to Table 130-2 (Chapter 33.130 Commercial/Mixed Use Zones)**

**Amendment Summary:** This amendment is a correction to the step-down height portion of Table 130-2. This table shows a step-down height of 35 feet for the CM1 zone that is the same as the base height of 35 feet. Because there is effectively no step-down height in this zone, this is being changed to “NA”, since the base height applies.

**Code Reference:** Table 130-2 in Chapter 33.130 (Volume 3)

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*(See code language on next page)*



**9 – Correction to Table 130-2 (Chapter 33.130 Commercial/Mixed Use Zones)**

<p align="center"><b>Table 130-2</b> <b>Summary of Development Standards in Commercial/Mixed Use Zones</b></p>						
<b>Standards</b>	<b>CR</b>	<b>CM1</b>	<b>CM2</b>	<b>CM3</b>	<b>CE</b>	<b>CX</b>
Maximum FAR (see 33.130.205 and 33.130.212)	1 to 1 [1]	1.5 to 1	2.5 to 1	3 to 1	2.5 to 1	4 to 1
- Bonus FAR (see 33.130.212)	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Minimum Density (see 33.130.207)	NA	NA	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	NA	NA
Base Height (see 33.130.210.B.1)	30 ft.	35 ft.	45 ft.	65 ft.	45 ft.	75 ft.
Step-down Height (see 33.130.210.B.2)	NA	<b>NA 35 ft.</b>	35 ft.	35 ft.	35 ft.	35 ft.
- Within 25 ft. of lot line abutting RF-R2.5 zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Within 25 ft. of lot line abutting <del>R3, R2, R1, RM1</del> and RMP zones	NA	<b>35 ft.</b>	<b>35 ft.</b>	<b>35 ft.</b>	<b>35 ft.</b>	<b>35 ft.</b>
- Within 15 ft. of lot line across a local service street from RF – R2.5 zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Within 15 ft. of lot line across a local service street from <del>RF – R2.5 zones and R3, R2, R1, RM1</del> and RMP zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Bonus Height (see 33.130.212)	NA	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Min. Building Setbacks (see 33.130.215.B)						
- Street lot line	none	none	none	none	none	none
- Street lot line abutting selected Civic Corridors	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street lot line across a local street from an RF – <del>RM2R1</del> , or RMP zone	none	none	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.
Min. Building Setbacks (see 33.130.215.B)						
- Lot line abutting OS, RX, C, E, or I zoned lot	none	none	none	none	none	none
- Lot line abutting RF – <del>RM4RH, or RMP, or IR</del> zoned lot	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Max. Building Setbacks (see 33.130.215.C)						
- Street lot line	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street lot line abutting selected Civic Corridors	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Max. Building Coverage (% of site area)						
- Inner Pattern Area	85%	85%	100%	100%	85%	100%
- Eastern, Western, and River Pattern Areas (see 33.130.220)	75%	75%	85%	85%	75%	100%
Min. Landscaped Area (% of site area) (see 33.130.225)	15%	15%	15%	15%	15%	None
Landscape buffer abutting an RF – <del>RM4RH</del> or RMP zoned lot (see 33.130.215.B)	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3
Required Residential Outdoor Area (see 33.130.228)	Yes	Yes	Yes	Yes	Yes	No
Ground Floor Window Standards (see 33.130.230.B)	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

[1] On sites that do not have a Retail Sales And Service or Office use, maximum density for Household Living is 1 unit per 2,500 square feet of site area.

## Better Housing by Design Project: Potential Amendments to the Revised Proposed Draft

### Technical Amendments

No.	Code Reference	Page	Summary/Reason	Amended Zoning Code
10	33.120.211.C.2	63	Add language to clarify that qualifying projects receive 10 feet of additional building height above the base height (there are different types of building height regulations).	<p>2. <u>Deeper housing affordability bonus option. Bonus FAR is allowed up to the maximum with deeper housing affordability bonus as stated in Table 120-5 when at least 50 percent of all the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income. Projects taking advantage of this bonus are also allowed an additional 10 feet of base height and an additional 10 percent of building coverage beyond the limits for the zone stated in Table 120-3. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must 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.</u></p>
11	33.120.211.C.4.a	65	Modify the visibility standard so that the minimum square feet of entrance-level living area is 200 square feet (instead of 120 square feet) to ensure that units using this bonus will be large enough to not be exempt from the Type C visitable unit standards in ICC A117.1 (which includes a habitable area threshold below which units are exempt from the visitability standards).	<p>a. <u>Dwelling units in houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, and multi-level dwelling units in multi-dwelling structures or multi-dwelling development must meet the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance;</u></p>

Note: changes from the Revised Proposed Draft code are **highlighted**

12	33.120.231.D	109	<p>Add "fourplexes" to the types of housing subject to the "distance from grade" entrance regulation. The intent was to apply this regulation to the same types of housing that are subject to this regulation in the single-dwelling zones (per the RIP proposals, which now include fourplexes).</p>	<p><b>D. Distance from grade.</b> For houses, attached houses, manufactured homes, duplexes, triplexes, and fourplexes, the main entrance that meets Paragraph C.1 must be within 4 feet of grade. For the purposes of this Subsection, grade is the average grade measured at the outer most corners of the street facing facade. See Figure 120-11.</p>
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