



# Memo

Date: November 9, 2023  
 To: Planning Commission members  
 From: Phil Nameny, City Planner  
 Re: Housing Regulatory Relief Project – Potential Amendments

On November 14, 2023, the Planning Commission (PC) will hold a work session and vote on the Housing Regulatory Relief Project. This memo includes the code language for potential amendments the Commission discussed on November 7 and shared in emails with staff. Gray shaded text below indicates where the Proposed Draft code language has been changed to address the potential amendment. We are looking to the PC to discuss and vote on the amendments and then vote on the whole project at the meeting on November 14, 2023. Commentary will be updated in the Recommended Draft to reflect amendments that are approved if necessary.

The list of potential amendments are:

#	Section	Requestor	Staff position
1	Technical Amendments: <ul style="list-style-type: none"> <li>• 33.258.070.D.2</li> <li>• Table 266-7</li> <li>• 33.415.340 and 33.595.250.E</li> <li>• 33.420.045.B.12</li> <li>• 33.815.220.F.2.a</li> </ul>	Spevak	Staff supports these technical amendments
		Spevak	
		Spevak	
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		Spevak	
2	33.475.235 & 33.510.223 Bird-safe glazing amendment	Thompson & PC	Staff supports this amendment
3	33.510.243.B Ecoroof amendment	Thompson & PC	Staff supports this amendment
4	33.705 (and other chapters) Neighborhood contact posting PC amendment	O’Meara & PC	Staff supports this amendment

**Amendment #1 Technical Amendment:**

**1a. Nonconforming upgrade waiver: 33.258.070.D.2 (Spevak)**

*Explanation of the amendment: This amendment clarifies that nonconforming upgrades will not be required when a site has, and will continue to have, a residential use on it regardless of whether the proposal triggering the nonconforming upgrade increases the number of dwelling units on the site.*

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., 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. Sites with residential uses are exempt from the requirements until January 1, 2029.

**#1b – Bike parking maneuvering area: Table 266-7 (Spevak)**

*Explanation of the amendment: This amendment clarifies that a bicycle parking space only requires a minimum of 5 feet back-up distance for maneuvering rather than a 5 foot by 5 foot unobstructed area.*

Table 266-7 Minimum Dimensions for Bicycle Parking Spaces [1]						
		Bicycle Space Depth	Bicycle Space Width	Bicycle Space Height	Maneuvering Area WidthDepth	Clearance to rack from walls
Standard Spacing						
	Standard Bicycle Spacing	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
Alternative Spacing						
	Horizontal: Side by Side	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
	Horizontal: Wall Attached	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	1 ft.
	Horizontal: Diagonal (45-60 degree)	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	3 ft.
	Vertical Spaces [2]	3ft. 4 in.	1 ft. 5 in.	6 ft.	5 ft.	--
	Stacked Spaces [3]	--	1 ft. 5 in.	--	8 ft.	--
	Larger Bicycle Space	10 ft.	3 ft.	3 ft. 4 in.	5 ft.	3 ft.

Notes:

[1] See Figures 266-8 through 266-14.

[2] The alternative spacing allowed for vertical bicycle parking spaces requires a minimum vertical stagger of 8 inches between each space.

[3] The alternative spacing allowed for stacked bicycle parking spaces requires a vertical stagger to be included in the manufacturer design.

**#1c – Ground floor windows: 33.415.340 and 33.595.250.E (Spevak)**

*Explanation of the amendment: This amendment clarifies rewords the waiver so that it is clear that the ground floor window requirement is 40% until January 1, 2029 rather than the ground floor window requirement is waived entirely.*

### **33.415.340 Ground Floor Windows**

The ground floor window standards of the base zones apply to all sites in the Centers Main Street overlay zone, however the percentage of ground floor window required by 33.130.230.B.2.a(1) is increased to 60 percent. See Figure 415-1. Until January 1, 2029, the increase to 60 percent for 33.130.230.B.2.a(1) does not apply to development that includes a residential use.

### **33.595.250 Commercial Corridor Standards**

A-D. [No change]

E. **Ground floor windows.** The ground floor window standards of the base zones apply, however the percentage of ground floor window required by 33.130.230.B.2.a(1) is increased to 60 percent. Until January 1, 2029, the increase to 60 percent for 33.130.230.B.2.a(1) does not apply for development to includes a residential use.

F. [No change]

### **#1d – Design review exemption: 33.420.045.B.12 (Spevak)**

*Explanation of the amendment: This amendment clarifies how the temporary exemption should apply. Security cameras are included in the exemption but do not have any qualifying conditions, whereas security gates and lighting must meet the listed conditions. The amendment clarifies that the conditions only apply to gates and lighting.*

#### **B. Exterior alterations**

1-11. [No change]

12. Gates, outdoor lighting, and video or digital cameras are exempt until January 1, 2029. Gates and outdoor lighting must meet the following:

- a. The gate must be less than 50 percent site obscuring;
- b. The exterior light fixture is located no more than 15 feet above grade, and only projects light downward.

### **#1e – On-street parking: 33.815.220.F.2.a (Spevak)**

*Explanation of the amendment: This amendment strikes the words “on-street parking” from the mining and waste related conditional use approval criteria. The criterion was included in the Proposed Draft, but the strike-through was inadvertently left out.*

### **33.815.220 Mining and Waste Related**

These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

A.-E. [No change]

F. Public services.

1. [No change]

2. Transportation system:

- a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, 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. 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;

b.-c. [No change]

3. [No change]

**G.-I.** [No change]

## **Substantial Amendments**

### **Amendment #2 – Bird-safe Glazing 33.475.235.B. and 33.510.223.B**

*Explanation of the amendment: This amendment removes the staff-proposed temporary bird-safe glazing waiver and replaces it with a temporary allowance for a higher percentage of glazing on the first 60-foot elevation of the building before the bird-safe glazing standard is invoked. The revised percentage of 37% is based upon possible glazing on different floor plates within those 60-feet, providing for 30% glazing on the upper floors while allowing for 60% glazing on the ground floor. Depending on different potential floor height iterations, staff found that the overall glazing percentage would be in the 35-37% range. As a result, staff proposes to temporarily increase the trigger threshold to 37%. Regardless of this percentage, the first 15-feet of a floor above a rooftop landscaped area will need to provide bird-safe glazing. The change impacts the River overlay zone (33.475.235.B) and the Central City plan district (33.510.223.B.)*

### **33.475.235 Bird-safe Glazing**

- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects in the South Reach. See Map 475-1. For new buildings, the standards apply per facade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the façade. For major remodeling projects, the standards apply per façade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. Until January 1, 2029, the 30 percent or more glazing thresholds are increased to 37 percent for development that includes a residential use. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.

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

- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects. For new buildings, the standards apply per façade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the façade. For major

remodeling projects, the standards apply per facade when at least 75 percent of the facade is altered and the altered facade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. Until January 1, 2029, the 30 percent or more glazing thresholds are increased to 37 percent for development that includes a residential use. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.

**Amendment #3 – Ecoroofs 33.510.243.B.**

*Explanation of the amendment: This amendment removes the temporary suspension of the ecoroof requirement and includes a temporary exception to the requirement on a new building with residential uses, if the roof is covered with solar panels to the same extent. The amendment creates a parallel set of standards for the solar panels and would be applicable as an alternative until January 1, 2029. However, buildings using this option will still need to manage stormwater as part of their review with environmental services.*

- B.** Ecoroof standard. In the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more must have an ecoroof that meets the following standards. Until January 1, 2029, development that includes a residential use can choose to meet Subsection B. or C. below:
1. The ecoroofs, including required firebreaks between ecoroofs areas, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:
    - a. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
    - b. Areas used for fire evacuation routes;
    - c. Stairwell and elevator enclosures;
    - d. Skylights;
    - e. Solar panels;
    - f. Wind turbines;
    - g. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system; ~~or~~
    - h. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance; or
    - i. Uncovered individual unit outdoor area directly accessible to the dwelling unit.
  2. The ecoroof must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual's *Ecoroof Facility Design Criteria*.

- C. Temporary exception for solar panels. Until January 1, 2029, in the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more that include a residential use can provide solar panels as an option to meeting Subsection B above. The solar panels, including the access space between panels, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:
1. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
  2. Areas used for fire evacuation routes;
  3. Stairwell and elevator enclosures;
  4. Skylights;
  5. Wind turbines;
  6. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system;
  7. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance; or
  8. Uncovered individual unit outdoor area directly accessible to the dwelling unit.

#### **Amendment #4 – Neighborhood Contact (O’Meara)**

*Explanation of the amendments: The amendment maintains the posting requirement of the neighborhood contact provisions while suspending the meeting requirement for 5 years. The intent is to still provide project and contact information ahead of a permit or land use review without requiring the commitment for having a meeting. The staff proposal to permanently simplify the neighborhood contact options remain. The change shifts the temporary suspension language from the base zones to the administrative chapter 33.705. A narrative is provided below for where the staff proposal is no longer needed while new language for 33.705 is shown.*

***Remove neighborhood contact amendment suspension from the following sections, but keep edits related to removal of neighborhood contact III:***

***33.110.050 Neighborhood Contact – Result is no amendment to this section***

***33.120.050 Neighborhood Contact– Results is no amendment to this section***

***33.130.050 Neighborhood Contact– Result is no amendment to this section***

***33.140.055 Neighborhood Contact in EX Zone – Result is no amendment to this section***

***33.150.060 Neighborhood Contact and Outreach – Results is no amendment to this section (33.705.020.B.3. See below for amendment)***

***33.730.013.A.3. Exception to Neighborhood Contact – results in no amendment to this section***

***33.730.014.B.3. Exception to Neighborhood Contact – results in no amendment to this section***

***33.730.015.B.3. Exception to Neighborhood Contact – results in no amendment to this section***

***33.730.020.B.3. Exception to Neighborhood Contact – Removes exceptions language but keeps other strikethrough language related to neighborhood contact III***

***33.730.025.B.3. Exception to Neighborhood Contact – results in no amendment to this section***

***33.730.030.B.3. Exception to Neighborhood Contact – Removes exceptions language but keeps other strikethrough language related to neighborhood contact III***

**33.705.020.B.3:** *The following provides the updated language to 33.705.020.B.3. under the Neighborhood Contact chapter. This is the paragraph that specifies the requirement for the Neighborhood Contact II meeting. All other existing amendments to this chapter will remain.*

34. Meeting. The applicant must schedule and attend one public meeting. Until January 1, 2029, the applicant is not required to schedule or attend a meeting if the development includes a residential use. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. The meeting must:
- a. [no change]
  - b. Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the district neighborhood coalition in which the proposed development is sited. Meetings ~~held between March 8, 2020 and January 1, 2024~~ may be held in person, remotely using online video conferencing technology, or a combination of both. ~~The selected technology must have a phone-in option available to those without access to a computer or mobile device;~~
  - c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, ~~or~~ between 1 p.m. and 6 p.m. on Saturday or Sunday, or during a scheduled neighborhood association meeting and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting; ~~and~~
  - d.-e. [no change]

#### **Next Step**

As stated above, once these amendments are discussed and approved, we are looking for the Planning Commission to make their recommendation to City Council. The staff recommendation for the Planning Commission is for City Council to:

- Adopt the Proposed Draft, as amended in this memo; and
- Amend Title 33, Planning and Zoning as reflected in the Proposed Draft, as amended.