



Housing Regulatory Relief Project

Recommended Draft – As Amended

January 2024

portland.gov/bps/planning/housing-regulatory-relief



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1. **Watch the City Council hearing** (live stream and recorded) at www.portland.gov/council-clerk
2. **Testify at the City Council hearing.** The hearing on January 10, 2024 at 3:00 PM will be a hybrid format with options to participate in-person at the Portland Building, Lizzy Weeks Room, or virtually using a computer, mobile device, or telephone. Council will attend the meeting virtually due to renovations in Council Chambers. You **must** sign up to testify in advance. The Council Clerk will post the agenda with the public testimony registration links on Friday January 5, 2024 by 9:00 AM. To testify before City Council in person or virtually:
 - Use the QR code to the right to visit project website;
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 - Visit the Council Agenda at www.portland.gov/council/agenda
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3. **Submit written testimony.** We strongly encourage electronic written testimony via the Map App. Written testimony must be received by the time of the hearing and must include your name and address.

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<p>portlandmaps.com/bps/mapapp Click on "Housing Regulatory Relief" then click the "Testify" button. Testifying in the Map App is as easy as sending an email.</p>	<p>City Council Housing Regulatory Relief Testimony 1221 SW 4th Ave, Room 130 Portland, OR 97204</p>

Contact Project Staff:

For more information, contact Phil Nameny, City Planner, at the Bureau of Planning and Sustainability 503-823-7709 or phil.nameny@portlandoregon.gov.

Acknowledgments

City Council

Ted Wheeler, Mayor
Rene Gonzales
Mingus Mapps
Carmen Rubio
Dan Ryan

Portland Planning Commission

Mary-Rain O'Meara, Chair
Michael Pouncil, Vice-Chair
Erica Thompson, Vice-Chair
Michael Alexander
Wade Lange
Nikesh Patel
Steph Routh
Eli Spevak

Bureau of Planning and Sustainability (BPS)

Carmen Rubio, Commissioner-in-Charge
Donnie Oliveira, Director
Patricia Diefenderfer, Chief Planner
Sandra Wood, Principal Planner, BPS

Project Staff

Phil Nameny, City Planner II, Project Manager, BPS
Shannon Buono, Senior Planner, BPS
Staci Monroe, Senior Planner, Bureau of Development Services
Jason Richling, Senior Planner, Bureau of Development Services
Sarah Figliozzi, Supervising Planner, Portland Bureau of Transportation
Liz Hormann, Transportation Demand Management Specialist, Portland Bureau of Transportation

Portland Planning Commission

Mary-Rain O'Meara, Chair

Erica Thompson, Vice Chair

Nikesh Patel

Steph Routh

Michael Pouncil, Vice Chair

Michael Alexander

Wade Lange

Eli Spevak



December 12, 2023

Mayor Wheeler and City Commissioners

City Hall

1220 SW 4th Ave

Portland, OR 97205

Dear Mayor and City Commissioners,

With this letter, the Planning Commission transmits its recommendation to the City Council on the Housing Regulatory Relief Project, which grants temporary relief from select Zoning Code provisions to facilitate housing production.

On November 14, 2023, the Commission voted 7-1 to recommend that City Council adopt the proposed Zoning Code amendments with modifications to the staff proposal.

Staff briefed the Planning Commission on September 16, 2023, and the Commission held a public hearing on the proposed project on October 24, 2023. The project generated a significant amount of both written and in-person testimony. As a result of the testimony and the policy considerations associated with the project, the Commission elected to have a special work session on November 7 to discuss the issues and provide staff with direction to amend the staff proposal. The result is a recommendation that balances the need to ease regulations for housing in the short term while maintaining regulations necessary to achieve the city's sustainability and resilience goals.

The staff proposal for the Housing Regulatory Relief (HRR) project identified 16 code provisions ranging from development and design standards to process improvements that have the potential to reduce housing development costs and encourage housing production, as a near-term response to the city's current housing crisis. The provisions in the proposal were identified through the results of an online housing production survey that was conducted by the City in early 2023 and were also drawn from the



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experience and observations of Bureau staff who write and implement the Zoning Code and review development applications.

While the Planning Commission recognizes that these regulations can have an impact on development, they also promote many of the goals and objectives of the City's Comprehensive Plan. Features such as ground floor active uses, ecoroofs, and bird-safe glazing advance land use and resiliency goals, while process requirements ensure transparency and community involvement in project review.

The project generated nearly 220 pieces of written testimony and included over 30 people testifying in person at the hearing. Much of the testimony reflected public concern about removing requirements grounded in policy, even if the suspensions are temporary. Other testimony expressed support for these suspensions to reduce costs and time barriers for housing development.

After hearing the public testimony, the Planning Commission directed staff to develop amendments on a few of the provisions that better balanced the City's policies with the need to reduce regulatory burdens for housing development. There were counter proposals presented by Commissioners that resulted in split votes of 4 to 4 on the ecoroof and bird-safe glazing provisions, before the Commission had majority agreement on the amendments below. The meeting minutes from November 7 and 14 reflect this discussion.

The Commissioners ultimately voted in favor of the three amendments below (in addition to approving a set of small, technical amendments). The amendments to the staff proposal include:

- Rejecting the temporary suspension of bird-safe glazing requirements, thereby keeping the existing standard which applies in the Central City plan district and the River overlay zone. However, the Commission encouraged staff to continue exploring a compromise solution to address bird-safe glazing options for residential floors that could be considered by City Council.
- Largely maintaining the existing ecoroof requirement but allowing greater flexibility by permitting solar panels as an alternative to ecoroofs.
- Amending the temporary suspension of the neighborhood contact requirement so that projects are still required to post a notice on the site and provide notification in advance of a permit or land use review submission, while suspending the need for a meeting.

The Planning Commission requests that staff monitor the regulations, engage stakeholders in any discussions of future policy or regulatory change and provide the Commission an update on outcomes associated with these temporary regulations prior to the expiration of the temporary regulations. The Commissioners also request that Council direct staff to engage with the bicycle community to continue discussion about bicycle parking needs with development. Lastly, the Planning Commission asks that Council direct staff to further research the barriers that religious and other institutional uses have in repurposing parking areas for community uses to address testimony received during the hearing. While



that issue was outside of the timeline and scope of the proposed project, The Commission feels it is important for staff to address this issue in the near future.

Recommendation

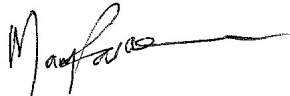
The Planning Commission recommends that the City Council:

1. Adopt the Housing Regulatory Relief project – Recommended Draft
2. Amend the Zoning Code (Title 33) as shown in the Recommended Draft

The Planning Commission also suggests that City Council direct staff to monitor the project and engage stakeholders as mentioned above to ensure its success.

Thank you for the opportunity to participate in the review of the project and for considering our recommendations.

Respectfully submitted,



Mary-Rain O'Meara
Chair



Table of Contents

Section 1: Staff Report.....	11
Section 2: Zoning Code Amendments	23
33.120, Multi-Dwelling Zones.....	24
33.130, Commercial/Mixed Use Zones.....	26
33.140, Employment and Industrial Zones.....	29
33.245, Inclusionary Housing.....	30
33.258, Nonconforming Situations.....	36
33.266, Parking, Loading, and Transportation and Parking Demand Management	46
33.270, Planned Development	56
33.415, Centers Main Street overlay zone	60
33.420, Design overlay zone	62
33.510, Central City plan district	70
33.526, Gateway plan district.....	88
33.530, Glendoveer plan district	92
33.536, Hollywood plan district.....	94
33.538, Kenton plan district	96
33.561, North Interstate plan district.....	98
33.562, Northwest plan district.....	100
33.595, West Portland Multicultural plan district	106
33.610, Lots in RF through R5 Zones	108
33.705, Neighborhood Contact	114
33.730, Quasi-Judicial Procedures.....	128
33.810, Comprehensive Plan Map Amendments	140
33.815, Conditional Use Reviews	142
33.825, Design Review.....	170
33.833, Gateway Master Plan Review	172
33.848, Impact Mitigation Plans.....	172
33.849, Marquam Hill Parking Review	174
33.852, Transportation Impact Review	174
33.854, Planned Development Review.....	176

Section I: Staff Report

Proposal

The Planning Commission recommends that the City Council take the following actions:

- Adopt the Housing Regulatory Relief project – Recommended Draft
- Amend Title 33, Planning and Zoning, as shown in the Recommended Draft. The amendments temporarily suspend and permanently change zoning regulations to provide regulatory relief in the building of housing projects.

Project Summary

The Housing Regulatory Relief Project amends the Zoning Code, providing both temporary suspensions of some rules and permanent clarification of these rules for when they are re-implemented after the suspension. The amendments are mostly based on the list of development issues identified through the Housing Production Survey conducted by the Bureau of Development Services on behalf of Commissioner Carmen Rubio's office. The Project also includes some technical amendments that impact the same code sections as those identified in the survey.

This project provides regulatory relief from some development standards and processes over the next 5 years for building projects, especially those providing housing. The intent is to increase housing production as Portland recovers from the COVID pandemic and the housing crisis. The project also includes amendments to clarify and update the inclusionary housing regulations. These were approved through amendment at City Council.

Background

Portland's housing production has not sufficiently accommodated the in-migration of people to the city during the years after the recession of 2009. While housing construction has increased, the previous slowdown has resulted in an imbalance between housing demand and supply and a continued increase in housing prices.

During the spring of 2023, the Bureau of Development Services (BDS) released a Housing Production Survey at the request of Commissioner Carmen Rubio who oversees both BDS and the Bureau of Planning and Sustainability (BPS). While BPS develops planning policy and updates the zoning code regulations, BDS is charged with implementing and enforcing these regulations through the review of land use applications and building permits. The survey was targeted to developers and those who apply for building permits and land use reviews. It sought input on processes and policies related to the development of housing that may merit reconsideration as the City works to increase housing production. The survey included a list of 25 development/process requirements, with a focus on zoning regulations, and asked respondents to rank their top 5. There were also opportunities to provide comments. The survey was sent to 3100 individuals and there were a total of 610 responses provided online.

Several items related to zoning code requirements received the highest scores, meaning they had been identified in the top 5 by many respondents. The highest response was for bicycle parking regulations, but other zoning issues that were identified included ground floor active use requirements, floor area and height limits, façade requirements, non-conforming upgrade requirements, special requirements for eco roofs and bird-safe glazing, and the neighborhood contact process. Although addressing maximum floor area and height ratios would require a rewrite of much of our zoning code and our comprehensive plan policies, several of the other concerns warranted the consideration of a ‘pause’ on the regulations to see if a suspension would result in increased residential development.

Information on the 2023 Housing Production Survey can be found at:

portland.gov/bds/news/2023/3/15/rubio-development-services-release-results-housing-production-survey

The items chosen for this project that came from the Housing Production Survey include bike parking, ground floor active use and height requirements, non-conforming upgrades, eco-roof requirements, façade articulation, neighborhood contact, and on-site loading spaces. While bird-safe glazing had been an item on the list, the amendment to suspend this items was pulled by the Planning Commission during deliberation. In addition, staff with the Bureaus of Planning & Sustainability and Development Services met to discuss other zoning issues that may benefit housing if they were temporarily paused. These included some development standards triggered by “major remodels”, design exemptions for security gates and lighting, Central City masterplan amendments, Design Review process types, land use approval criteria related to on-street parking, and expiration dates for land use approvals.

In a related effort, the Portland Housing Bureau (PHB) contracted with the firm BAE Urban Economics to review the City’s Inclusionary Housing regulations and their impacts on different types of housing. This study included a review of cost impacts from certain policies including zoning regulations on bicycle parking, first floor active use/height requirements and design review. The BAE Inclusionary Housing Calibration Study also included a separate report that included cost ranges associated with implementing these standards and processes. The Housing Regulatory Relief project includes amendments to all three issues identified in their findings and should alleviate a portion of those costs in terms of time or money. Information on the work group working with BAE with this study can be found at: portland.gov/phb/inclusionary-housing/calibration-study.

Lastly, the amendments also acknowledge the state level response to the housing shortage and affordable housing crisis identified through Governor Kotek’s Executive Order 23-04.

Several of the amendments include additional technical clarifications that were identified by staff and incorporated into this project.

Summary of Proposals

The amendments in Section 2 are presented in Zoning Code order, however, they address the 16 issues in the table below. The table summarizes the amendments and lists the sections of code that are impacted by them. In some cases, the code impact is a temporary suspension, while in other cases they are permanent amendments. In many cases the temporary changes only impact development that includes housing or residential uses. These temporary waivers/reductions would apply for approximately 5 years until January 1, 2029.

Below is the list of 16 issues addressed by this project. The 16th item was added by Council under amendment. Further description of 5 key issues is provided under “Key Proposals”:

Item #	Item Name	Amendment	Code Section(s)	Page #
Development Standards				
1	Bicycle Parking	Temporarily reduce the number of bike parking spaces for dwelling units and permanently remove some standards for “in-unit” bike parking.	33.266.200	46
2	Ground Floor Active Uses	Temporarily waive ground floor active use requirements for projects with housing. This affects the Centers Main Street ‘m’ overlay zone, the Central City, Northwest and West Portland plan districts.	33.415.200 33.510.225 33.562.270 33.595.130	60 78 102 106
3	Non-conforming Upgrades	Temporarily waive nonconforming upgrade requirements for housing projects and clarify some of the standards/timelines.	33.258.070	36
4	Loading Standards	Temporarily reduce the number of loading spaces required for larger residential projects and permanently increase threshold for the first loading space.	33.266.310	54
Design Rules				
5	Façade Articulation	Temporarily waive façade articulation requirements for projects with housing in the multi-dwelling and commercial/mixed use zones	33.120.230 33.130.222	24 26
6	Ground Floor Active Height Standard & higher window coverage	Temporarily waive taller ground floor standards (when applicable) in the overlay zones and plan districts outside Central City for projects with housing. Temporarily waive increased ground floor window requirements for projects with housing where applicable. Permanently clarify some of these standards.	33.415.340 Table 420-2 33.510.220 & 225 33.526.280 33.536.280 33.538.240 33.561.280 33.562.240 33.595.250	60 68 74 & 78 88 94 96 98 100 106
7	Security Gates and Lighting	Temporarily exempt security gates and lighting from the Design overlay zone.	33.420.045	62

Additional Central City Regulations				
8	Major Remodeling Projects	Temporarily waive some Central City development standards that are triggered by a major remodel.	33.510	70
9	Ecoroofs	Temporarily allow solar panels as an alternative to the ecoroof requirement in the Central City plan district (CCPD).	33.510.243	80
10	Central City Master Plans	Update and simplify the master plan amendment process.	33.510.255	84
Process Improvement				
11	On-street Parking Impact Criteria	Permanently remove references to on-street parking impacts as a part of the transportation impacts approval criteria in all land use review criteria.	33.510.255 33.562.300 33.810, 33.815, 33.833-33.854	84 104 140-169 172-177
12	Neighborhood Contact Requirements	Temporarily suspend the meeting requirement for Neighborhood Contact 2 but keep posting and email notification process. Permanently narrow the neighborhood contact requirement to two processes.	33.420.030 33.705 33.730	62 114 128-131
13	Design Review Procedure Types for Housing	Temporarily reduce the procedure types for design reviews by one level for projects that include housing.	33.825.025	170
14	Land Use Review Expiration Dates	Permanently extend the effective dates for all land use review approvals from 3 years to 5 years.	33.730.130	132
15	Land Division Allowance for Attached Housing	Permanently add a new density threshold for attached houses at the same density as a duplex to enable a conventional land division.	33.270.020 33.530.030 33.610	56 92 108
Council Addition added through Amendment				
161	Inclusionary housing regulations	Permanently update and clarify inclusionary housing regulations to be consistent with Housing Bureau programs and with State law changes, and remove out of date language.	33.245	30

Key Proposals

The Housing Regulatory Relief Project will temporarily remove or reduce certain development standards, generally when the development includes residential units. While the standards being amended were created to achieve desirable outcomes in development, this project aims to provide flexibility at a time when Portland is working to increase housing production. The key to this project is to provide temporary regulatory reductions while keeping the standards in the code to continue to be implemented after the five-year period. Temporary suspensions/ reductions elapse on January 1, 2029. Having a temporary reduction will allow staff to consider

the relief impacts, the economic situation, and if there should be more permanent changes to the regulations.

The following information provides some more detail about specific issues and the resulting changes.

Bicycle Parking (Item 1)

Amendment:

- Temporarily reduce the ratio of required bicycle parking from 1.5 to 1.0 spaces per dwelling unit in the inner pattern area and from 1.1 to 0.7 spaces in the outer pattern area.
- Temporarily suspend the requirement for large (i.e. cargo) bicycle parking spaces.
- Permanently eliminate the requirement for an alcove and proximity to the front door for bikes within dwelling units.

Background

The Portland Zoning Code has included some form of bicycle parking regulations for several decades. The bicycle parking standards are one of the City's tools to support and encourage bicycling as a convenient and affordable mode of transportation.

The rules covering long- and short-term bike parking in their current form were initially written in 1996. In 2010, there was an update to the ratios for residential long-term bicycle parking. The new rules required 1.5 bicycle parking spaces per unit in the Central City and 1.1 spaces elsewhere. This was based on average household size and bicycle ownership rates in Portland, which indicated an overall citywide need for 1.15 spaces per unit. The Central City 1.5 spaces per unit was added to recognize the future need for people over the lifetime of the building and the more complete bicycle network in the Central City.

Between 2015 and 2019 staff in the Portland Bureau of Transportation (PBOT) lead a comprehensive code update project for the bicycle parking regulations. In addition to reviewing regulations of other comparable cities, staff worked with a stakeholder advisory committee to review goals and issues. They also conducted extensive public engagement with developers, property managers, users (people who use a bicycle in a variety of ways and live in multi-dwelling units), and implementation staff. Several updates were made to the zoning code that were guided by the Stakeholder Advisory Committee's Guiding Principles to ensure adequate, safe and secure bike parking that is intentionally planned. More information on the stakeholder recommendations and the resultant bicycle parking amendments can be found at portland.gov/transportation/walking-biking-transit-safety/bike-parking-code.

As part of the Bicycle Parking Code Update effective 2020, the ratios established for residential uses were maintained but the applicable geography for the higher 1.5 space per unit ratio was expanded to include the neighborhoods within the inner pattern area. The update also addressed issues regarding how long-term bicycle parking is accommodated within units. Bike parking users in apartments brought up issues with the inefficiencies and maintenance when having all long-term bike parking within dwelling units. In addition, it was found that other

cities that were studied did not allow required bike parking to be accommodated within units. During the legislative process, the compromise was reached to allow up to 50 percent of required long-term parking within units, but with additional standards for the parking within those dwelling units.

Rationale for this amendment:

Respondents of the Housing Production Survey identified bicycle parking regulations as one of the top 5 issues affecting development. BDS staff have shared that complying with bicycle parking regulations generates frequent back-and-forth between applicants and reviewers. In other words, bike parking rules often generate “checksheets,” which adds to the time it takes for a permit to be issued. However, the flexibility offered within the bike spacing standards has reduced applications for adjustments.

The cost of construction information provided to the Housing Bureau in July 2023 by BAE Urban Economics also considered impacts of bike parking requirements. The possibility that bike parking be provided in a secure room on a building’s ground floor played a large part in the cost.

Staff recognizes the careful consideration that was done to develop the current bike parking regulations. This project looks to balance policy direction with some regulatory relief by proposing a temporary lower ratio to long-term bike parking for household living uses and removing most of the prescriptive standards for in-room bike parking. Other features from the Bicycle Parking Project remain, such as the flexible options in bike parking spacing and the continued requirement that a majority of bike parking be in common and accessible areas.

Most of these rules are temporary and still set a minimum requirement. A development proposal could exceed the minimum if the demand currently exists. In addition, bicycle parking could be added to a building later to meet future demand, and long-term bicycle parking would be a required upgrade for future alterations/improvements that qualify as major remodels.

Ground Floor Active Use and Height (Items 2 and 6)

Amendment:

- Temporarily waive ground floor active use requirements for projects with residential uses. This would affect the Centers Main Street ‘m’ overlay zone, Central City plan district, Northwest plan district, and West Portland Multicultural plan district.
- Temporarily waive ground floor height requirements in plan districts outside of the Central City for projects with residential uses.
- Temporarily waive the higher ground floor window percentages that apply in some overlay zones and plan districts for buildings with residential uses.

Background and Rationale:

Portland’s zoning code includes several regulations that require active uses on the ground floor of a building or require the ground floor to provide non-residential uses with a portion of the floor. The main purpose of these standards is to ensure mixed-use walkable neighborhoods.

These standards were expanded during the code rewrites following adoption of the 2035 Comprehensive Plan, the Mixed-Use Zone project, and Central City 2035 plan in 2018.

In some instances, the active use itself is not called for, but the regulations require that the building be designed to accommodate active uses, with 12 feet high ground floors that are at least 25 feet deep, and in many cases they are required to have walls with a greater percentage of window transparency for views into commercial or common spaces.

These use and dimensional standards were identified during the survey as creating a potential barrier to housing development or adding cost. One of the primary issues with the use requirement was related to the financing structure for housing projects, especially affordable housing. Allocating and/or constructing ground floor spaces that are intended to be used for commercial uses both adds to project cost and can create financing issues for non-profit affordable housing providers.

In addition, recent changes in commercial markets and demand, partially due to the pandemic, have raised the issue of how much commercial space is feasible in certain areas. In the short term, allowing ground floor dwelling units may provide opportunities for existing buildings to convert existing space to housing.

This project temporarily suspends several of these standards for 5 years to provide as much flexibility as possible. It suspends the use requirements that apply in the Centers Main Street overlay and several plan districts. It maintains the dimensional standards (12' tall and 25' deep) in Central City where activation of the street is of highest priority and where future conversions to commercial space is most likely. Elsewhere, the ground floor height standards are temporarily suspended for buildings with residential uses, so that the flexibility of the base zone ground floor standards can be used. Lastly, a temporary suspension is provided to the increased window coverage amounts for buildings with residential uses that is applicable in some overlay zones and plan districts. In those cases, the base zone code for ground floor windows will apply, which includes greater flexibility for ground floor usage as either commercial or residential space. The five-year period will allow BPS to analyze trends and the outcomes of this suspension.

Nonconforming Upgrades (Item 3)

Amendment:

- Temporarily waive nonconforming upgrade requirements for housing projects and clarify some of the standards and timelines.

Background and Rationale:

Nonconforming Upgrades are standards that require projects such as alterations or additions to a site with existing development to spend up to 10% of their project cost to bring certain development up to current zoning standards. Only projects that exceed a dollar threshold (currently \$347,000) are subject to the nonconforming upgrades. The development standards that can be upgraded include parking lot and site landscaping, screening, and pedestrian and bicycle infrastructure improvements. These rules have been in effect for several decades, although the threshold to trigger improvements have risen over time.

Some applicants for alterations or remodels of interior spaces have been surprised that their permit triggers this requirement for exterior improvements. This can cause a time delay and an expense to provide additional plans, which in turn delays housing retrofits. While a longer-term discussion about the triggers for nonconforming upgrades could benefit from additional study, this project temporarily suspends the upgrade requirements for 5 years. The suspension will apply to residential projects, to enable them to move through the permit review process quicker.

Neighborhood Contact (Item 12)

Amendment:

- Temporarily suspend the meeting requirement, but keep the posting and email notification for projects with residential uses.
- Permanently narrow the neighborhood contact requirement to two processes.

Background and Rationale:

The neighborhood contact regulations were expanded and standardized with the Neighborhood Contact project effective in late 2019. The regulations created a new process for developers to notify nearby residents and listed organizations of a development proposal prior to applying for a building permit or land use review. Depending on the size of the project, the notification ranges from the placement of a notice board on site with project information to holding a meeting (in person or virtual) to explain the project. For projects in the Design overlay zone, or those proposing land divisions in environmental zones, a third form of outreach is required that focuses the meeting toward the neighborhood association. This third form was added by a council member's amendment.

Since the adoption of the amendments in 2019, the nature of public outreach has changed significantly due to the COVID pandemic. In addition, the Housing Production Survey identified this process as an issue in the permitting process, especially since a permit or land use review must be placed on hold if the pre-submittal step has not been completed correctly. The neighborhood contact provisions were identified as a step that increases time and costs.

During the Planning Commission hearing and deliberation, testimony was received about the value of this initial contact to establish potential communication between neighbors and the applicant. The Planning Commission agreed that some form of notification and contact was important to have, and that keeping a physical posting onsite was still important to provide this opportunity.

This project creates a temporary suspension of 5 years to the required meeting of the Neighborhood Contact II process when the project includes residential development. The posting and email communication provision would remain for Neighborhood Contact I and II. In addition, the project permanently simplifies the process by providing only two options – small to medium projects (10,000 to 25,000 s.f.) provide on-site posting (Neighborhood Contact I), while larger projects include a meeting hosted by the developer (Neighborhood Contact II), once the meeting requirement is reinstated. Additional flexibility is provided for Neighborhood

Contact II so that the developer can work with the designated neighborhood association to hold the meeting during their regular meeting time.

Design Review Procedure Type (Item 13)

Amendment:

- Temporarily offer a reduced procedure type for design reviews projects that include housing. Projects that currently trigger a Type III Design Review could opt for a Type II Design Review with a Design Advice Request (DAR). Projects that currently trigger a Type II Design Review could opt for a Type Ix Design Review instead. Projects that qualify as affordable housing and trigger a Type III Design Review could opt for either a Type II or Type Ix review without the DAR.

Background and Rationale:

Currently, projects that are either required or elect to go through design review have their level of review based on the size and height of the project. Design reviews are a discretionary review where the project must demonstrate they meet a set of approval criteria. A larger project is required to go through a Type III land use review which requires a pre-application conference and a hearing before the Design Commission. A moderately sized project is subject to a Type II review which is a staff level review with an appeal to the Design Commission.

During the Design Overlay Zone Amendment (DOZA) project, an alternative review option was created for affordable housing projects. Those projects that normally would trigger a Type III review could voluntarily choose to go through the Type II process, if they initially filed for a design advice request (DAR) with the Design Commission. This alternate process became effective on August 1, 2021.

While design review was not a choice within the Housing Production Survey, it was mentioned several times in the comments section of the survey. This was also highlighted as an area of concern for some housing developers during the stakeholder interviews conducted by BAE Urban Economics, Inc. as part of a larger Inclusionary Housing Calibration Study.

As a result, this project temporarily expands the approved DOZA option of a reduced design review process beyond affordable projects to all design reviews that include residential uses, including market-rate housing. Projects with any type of residential use that would normally trigger the Type III review could choose the Type II review with a preliminary design advice request (DAR), similar to current options for affordable housing.

Projects with residential uses normally subject to the Type II review could choose the Type Ix. While not as quick as the Type I review process, the Type Ix is suggested over the Type I because it provides bureau review staff more time to comment. This is especially useful considering that new buildings would be reviewed under that process. The Type Ix process does not include a local appeal which can reduce some uncertainty.

During the hearing and deliberation at City Council, the Commissioners approved an additional amendment that further reduces the review process for qualified affordable housing projects beyond what was created during the DOZA process. A qualified project would be one that has

at least 50 percent of its units available to those the earning no more than 60 percent of the area median income. If the affordable housing project normally triggered a Type III review, the applicant could choose either a Type II or Type IX staff level review as described above. However, these projects would not need to go through the DAR in advance of the land use application. The Council felt that this would temporarily reduce the time delay of projects with a significant amount of needed affordable housing. Similar to the change made for other projects with housing, the reduced process is available to land use reviews submitted until January 1, 2029.

Stakeholder Outreach and Planning Commission Hearing

Bureau of Development Services released a survey to seek input on process and policies related to the development of housing that may merit reconsideration as the City works to increase housing development. The survey was open from February 16 to March 3, 2023. It was sent to applicants, nonprofit housing developers, business associations, staff and other stakeholders. More than 600 responses were received. The project scope was largely derived from results of the Housing Production Survey.

The Proposed Draft was made available to the public on the project website on September 22, 2023. Notice of the Planning Commission hearing was mailed on September 18, and emailed to the city's legislative list and to interested parties. Notice of the hearing and the Draft was sent to the Department of Land Conservation and Development (DLCD) on September 19, 35 days in advance of the hearing. In addition, this information was shared through the Bureau of Planning & Sustainability's web news. The City's online Map App was open to receive online testimony starting on September 22, 2023. With the release, informational meetings were held with the Development Review Advisory Committee, the Home Builders Association, and Oregon Smart Growth initiative.

Staff held a briefing with the Planning Commission on September 26, and the public hearing was held on October 24, 2023. Over 200 pieces of testimony were received through the Map App by the date of the hearing. Over 30 people testified in-person or virtually at the hearing. Approximately two-thirds of the written testimony expressed concerns with the suspension of the bird-safe glazing and the ecoroof requirements, both of which mostly apply in the Central City. Additional testimony expressed concerns with waiving the neighborhood contact requirements, reducing the design review options and the ground floor requirements.

Due to the amount of testimony received, the Planning Commission elected to hold an additional work session on November 7th. During this work session, they discussed the staff proposals, focusing on neighborhood contact, ground floors, bicycle parking, eco roofs and bird-safe glazing. They directed staff to work on amendments for the temporary suspensions of neighborhood contact, ecoroofs and bird-safe glazing for their November 14 work session.

At the November 14 work session, BPS staff presented amendments for the three items above. The amendments included a higher threshold of glazing before the bird safe glazing requirements were triggered, an option to only suspend the ecoroof requirement in cases where an equivalent amount of the roof was covered by a solar panel installation, and waiving only the meeting requirement for neighborhood contact, while keeping the posting. After

further deliberation, the Planning Commission elected to remove the bird-safe glazing waiver entirely from their recommendation, while incorporating their edits to the ecoroof and neighborhood contact items. The Planning Commission voted 7-1 to recommend the zoning code package with their amendments.

City Council Hearing

The City Council held a hearing on January 10, 2024 at 3:00 PM. Notification was provided to all who had commented on the Proposed Draft. In addition, an email was sent to approximately 300 people who had signed up to be on the mailing list. Approximately 50 people testified at the hearing and more than 400 pieces of written testimony were submitted through the Map App. The Council considered the draft, the scope of the testimony provided and a set of amendments proposed by Commissioner Rubio and Commissioner Gonzalez. Three amendments were ultimately approved by Council, including adding amendments updating the Inclusionary Housing zoning regulations.. The following code and commentary pages include the amendments approved by the Commission at their January 17 meeting.

Section II: Zoning Code Amendments

This section presents amendments to the Zoning Code. The section is formatted to facilitate readability by showing code amendments on the right-hand (odd) pages and related commentary on the facing left-hand (even) pages.

How to read these amendments:

- Language to be added is show in underline.
- Language to be deleted is show in ~~strikethrough~~.

Commentary

33.120.230.C.1. Where the standard applies

In order to limit the bulk of buildings that are located close to the street, the Multi-Dwelling zones require that large facades be broken up into smaller components. The standard applies in the RM2, RM3 and RM4 zones when a building exceeds certain height and façade thresholds. The amendment suspends this regulation for 5 years.

33.120.230.C.2. The standard

Balcony railings and partial balcony walls are generally not considered part of the building façade, but a feature that projects out from the façade. This amendment clarifies that balcony railings/walls are not considered part of façade articulation.

33.120.230 Building Length and Façade Articulation

A-B. [No change]

C. Façade articulation

1. Where the standard applies. This standard applies in the RM2 through RM4 zones as follows. Development that includes a residential use is exempt from this standard until January 1, 2029:
 - a. In the RM2 zone, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
 - b. In the RM3 and RM4 zones, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
 - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 30 feet in depth from the street property line are considered to be separate facade areas for the purposes of the facade area measurements. See Figure 120-8.
2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane, but projections into street right-of-way, and balconies that do not count toward floor area do not count toward meeting this standard. See Figure 120-9.

Commentary

33.130.222.C.1. Where the standard applies

In order to limit the bulk of buildings that are located close to the street, the Commercial/Mixed Use zones require that large facades be broken up into smaller components. The standard applies in the CM2, CE and CM3 zones when a building exceeds certain height and façade thresholds. The amendment suspends this regulation for 5 years, when the development includes residential uses. This temporarily removes the design standards for projects that include housing.

33.130.222.C.2. The standard

Balcony railings and partial balcony walls are generally not considered part of the building façade, but a feature that projects out from the façade. This amendment clarifies that balcony railings/walls are not considered part of façade articulation.

33.130.222 Building Length and Facade Articulation

A-B. [No change]

C. Facade articulation.

1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows. Development that includes a residential use is exempt from this standard until January 1, 2029:
 - a. In the CM2 and CE zones, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
 - b. In the CM3 zone, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
 - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 20 feet in depth from the street property line are considered to be separate facade areas for the purposes of the facade area measurements. See Figure 130-9.
2. The standard. At least 25 percent of the area of a street-facing façade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way, and balconies that do not count toward floor area do not count toward meeting this standard. See Figure 130-10.

Commentary

33.140.230.B. Required amounts of window area

The relationship between the ground floor window standards in the Central City and the ground floor window standard in the EX base zone is unclear. For example, there is confusion regarding what areas qualify as part of the ground floor. This amendment revises the ground level wall area threshold in the EX zone to be consistent with other base zones and the Central City Plan District.

33.140.230 Ground Floor Windows in the EX Zone

- A. Purpose.** In the EX zone, 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.
- B. Required amounts of window area.** In the EX zone, all exterior walls on the ground level that~~which~~ are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. For the purposes of this standard, G~~g~~round level wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade~~up to 9 feet above the finished grade~~. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.
- C-D.** [No change]

Commentary

33.245.020 Where These Regulations Apply

This amendment exempts dwelling units within a Continuing Care Retirement Community (CCRC) from the zoning code requirement to provide affordable housing. The amendment brings the zoning code into conformance with ORS 197.309 (Oregon Revised Statutes). The statute allows jurisdictions to require that a covenant be recorded to ensure that the units remain part of the CCRC to be exempt. The new exemption includes language to record a covenant per standard City procedures.

33.245.040.A Inclusionary Housing Standards

The lower inclusionary housing rates that applied outside the Central City and Gateway plan districts during the original phase-in period have expired. The lower inclusionary housing rates that applied outside the Central City and Gateway plan districts were part of the Inclusionary Housing Project ([No. 188162](#)) adopted by City Council in 2016. The “rate phasing” was initially set to expire on January 1, 2019. The phase-in period was extended twice—first by Ordinance No. 189303 through January 1, 2021; and second by Ordinance No. 190076 through January 1, 2022. This amendment removes the zoning code language related to the expired rates.

33.245.040.A.1.c & 33.245.040.C. Alternate calculation method

Title 30 and accompanying administrative rules contain an alternate calculation method that allows the inclusionary housing units to be consolidated into fewer units with more bedrooms. This amendment clarifies that the alternate calculation method is in Title 30.

33.245 Inclusionary Housing

245

33.245.020 Where These Regulations Apply

The regulations of this chapter apply to the following:

- A. New buildings with 20 or more dwelling units. Dwelling units in a continuing care retirement community (CCRC), as defined in ORS 101.020, that are operated as a CCRC do not count toward the 20 unit threshold when a covenant has been executed with the City that meets the requirements of 33.700.060, and specifies that the units will be operated as a CCRC; and
- B. Alterations to existing buildings that add 20 or more dwelling units. Dwelling units in a continuing care retirement community (CCRC), as defined in ORS 101.020, that are operated as a CCRC do not count toward the 20 unit threshold when a covenant has been executed with the City that meets the requirements of 33.700.060, and specifies that the units will be operated as a CCRC.

33.245.040 Inclusionary Housing Standards

Affordable dwelling units must be provided as follows, or a fee-in-lieu of providing affordable dwelling units must be paid. Adjustments are prohibited:

- A. **On-site affordable dwelling units.** When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates. For the purpose of this Section, affordable dwelling units located within the boundaries of a Central City Master Plan are considered to be on-site:
 - ~~1. Central City and Gateway plan districts. Inside the Central City and Gateway plan districts, affordable dwelling units must be provided at one of the following rates:~~
 - ~~a.1. 10 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or~~
 - ~~b.2. 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income; or~~
 - ~~c. Alternate calculation method. As a way to encourage the creation of larger affordable dwelling units, using one of the percentages stated above, the number of affordable dwelling units required may be calculated based on the total number of bedrooms in the new or altered building. For example, using the 10 percent rate, a new building with 60 two-bedroom dwelling units could provide 6 two-bedroom affordable units or 4 three-bedroom affordable units.~~

Commentary

33.245.040.B Off-site affordable dwelling units

This amendment also amends the off-site affordable housing options in three ways:

First, The option to provide 10 or 20 percent of the dwelling units at 30 percent of the area median family income (AMFI) is being deleted because the option has never been used. When the required affordable dwelling units are located off-site, they will be required to provide 20 percent at 60 percent AMFI.

Second, the alternate inclusionary housing calculation method that is currently available when the units will provide on-site is being added as an option for off-site compliance under 33.245.040.C.

Third, the distinction in the required percentage between new and existing off-site units is being removed. The Housing Bureau does not distinguish between these two options. When a development identifies existing off-site units, they will be required to provide 20 percent of the total units at 60 percent AMFI, the same as for new units.

~~2. Outside the Central City and Gateway plan districts. Outside the Central City and Gateway plan districts, affordable dwelling units must be provided at one of the following rates:~~

~~a. Rates before January 1, 2022:~~

- ~~(1) 8 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or~~
- ~~(2) 15 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income.~~
- ~~(3) Alternate calculation method. As a way to encourage the creation of larger affordable dwelling units, using one of the percentages stated above, the number of affordable dwelling units required may be calculated based on the total number of bedrooms in the new or altered building. For example, using the 10 percent rate, a new building with 60 two-bedroom dwelling units could provide 6 two-bedroom affordable units or 4 three-bedroom affordable units.~~

~~b. Rates on and after January 1, 2022. The rates shown in Paragraph A.1. apply outside the Central City and Gateway plan districts on and after January 1, 2022.~~

B. Off-site affordable dwelling units. When the affordable dwelling units will be located off-site, affordable dwelling units must be provided at one of the following rates:

1. New dwelling units. When the affordable dwelling units will be provided by constructing new dwelling units off-site, 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income~~one of the following rates apply~~. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter:

~~a. 10 percent of the total number of dwelling units in the new building or alteration must be affordable to those earning no more than 30 percent of the area median family income; or~~

~~b. 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income.~~

2. Existing dwelling units. When the affordable dwelling units will be provided by dedicating existing dwelling units as affordable, 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income~~one of the following rates apply~~. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter:

~~a. 15 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 30 percent of the area median family income; or~~

Commentary

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~b. 25 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income.~~

C. Alternate calculation method. As a way to encourage the creation of larger affordable dwelling units, Title 30 allows reconfiguration based on the total number of bedrooms in the new or altered building. See Title 30.01.120.D.

Commentary

33.258.070.D.1.f

This amendment removes the exception to nonconforming upgrades for landscaping that was conforming between 2001 and 2005 because the exception itself expired in 2015. This expiration provision was added to the zoning code in 2005 by City Council Ordinance No. 179316, which was intended to streamline and improve regulations that govern trees and required landscaping on private property. To help give property owners a transition period to comply with the new landscaping standards, the zoning code amendments included a 10-year exception for sites that had brought their landscaping into compliance with the standards that previously existed between 2001 (when parking lot landscaping standards were changed) and 2005 (when Ordinance No. 179316 was approved). The exception expired 7 $\frac{1}{2}$ years ago on December 31, 2015 and is no longer applicable.

33.258 Nonconforming Situations

258

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-e. [no change]

~~f. Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.1.a, above, for the following:~~

- ~~(1) Landscaped setbacks for surface parking and exterior development areas;~~
- ~~(2) Interior parking lot landscaping; and~~
- ~~(3) Landscaping in existing building setbacks.~~
- ~~(4) This exception expires December 31, 2015.~~

Commentary

33.258.070.D.2

This subparagraph requires alterations to sites with nonconforming development to become conforming with certain development standards when a dollar threshold value of the proposed alteration is triggered. This is called “nonconforming upgrades”. The current dollar threshold is \$347,000. When this threshold value is exceeded, the applicant is required to spend up to 10% of the project value to bring existing development into conformance with current development standards, such as landscaping, bike parking, pedestrian connections and other options.

There has been some concern that the requirement to bring nonconforming development into conformance adds cost and causes time delays. It may have the impact of limiting upgrades or expansions of residential development.

This amendment provides a 5 year suspension of these requirements when a project with residential uses triggers the nonconforming upgrade requirement.

33.258.070.D.2.b(3) also contains a provision to upgrade long-term bicycle parking if a project meets the definition of a major remodel project. However, with the 5-year suspension for all residential projects, there is no need for an addition residential exemption for major remodels.

33.258.070.D.2.b(6)

See commentary for 33.258.070.D.1.f.

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.
- 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); and
 - On-site tree density standards of Subsection 11.50.050.C.
- (2) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
- (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.200, Bicycle Parking as follows:
- Major remodeling projects must meet the standards for all bicycle parking;
 - Sites with accessory surface parking must meet the standards for all bicycle parking;
 - In all other situations, the amounts and standards for short-term bicycle parking must be met.
- (4) Screening; and
- (5) Required paving of surface parking and exterior storage and display areas.
- ~~(6) Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.2.b.1, above, for the following:~~
- ~~• Landscaped setbacks for surface parking and exterior development areas;~~
 - ~~• Interior parking lot landscaping; and~~
 - ~~• Landscaping in existing building setbacks.~~
 - ~~• This exception expires December 31, 2015.~~

Commentary

33.258.070.D.2.c Area of required improvements

When nonconforming development triggers an upgrade (based on project value), the area to which the required improvements apply is generally the entire site. There is currently one exception for sites with ground leases.

This amendment allows the nonconforming upgrade improvement area to conform to the area within a utility easement in the same way that the area of improvement for a ground lease is the area within the ground lease. . Often there can be upgrades to areas within utility easements made by the overseeing agency or utility, and the upgrades can trigger improvements elsewhere on the site for which the agency or utility have no control over. Utility easements operate similarly to ground leases, and so treating them the same removes potential issues triggered by the nonconforming upgrades.

- c. Area of required improvements.
- (1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.
 - (2) Exception for sites with ground leases or permanent utility easements. Required improvements may be limited to a smaller area if there is a ground lease or permanent utility easement for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease or permanent utility easement will be considered as a separate site for purposes of required improvements. The applicant must meet the following:
 - The signed ground lease, utility easement – or excerpts from the lease document or utility easement – must be submitted to BDS. The portions of the lease or utility easement must include the following:
 - The term of the lease or utility easement. There must be at least one year remaining on the ground lease or utility easement; and
 - A legal description of the boundaries of the lease or utility easement.
 - The boundaries of the ground lease or utility easement must be shown on the site plan submitted with the building permit application;
 - The area of the lease or utility easement must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease or easement; and
 - Screening is not required along the boundaries of ground leases or utility easements that are interior to the site.

Commentary

33.258.070.D.2.(2) Last bullet

This regulation allows the required improvements to be made over an extended period of time through a covenant. The extension that was implemented as part of the Expiration Date Extension Project was adopted in response to the beginning of the COVID pandemic. The end of the extension date has passed in 2022 so this allowance is no longer applicable.

Another zoning code amendment included in this package suspends non-conforming upgrades for residential projects for the next 5 years. See previous code and commentary under D.2.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:

(1) [No change]

(2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:

- [No change to bullets 1 through 6]
- ~~For covenants that were in effect on March 8, 2020, the compliance period expires on the later of January 1, 2022 or the period in the recorded covenant.~~

Commentary

33.258.070.E Loss of nonconforming development status

Currently, nonconforming development rights are lost if the nonconforming exterior development goes unused for 2 years. However, a nonconforming use does not lose its nonconforming rights until the use has gone unused for 3 years. This amendment increases the amount of time nonconforming development can maintain its nonconforming rights to 3 years. The amendment will remove any inconsistency between the discontinuance of a nonconforming use and the discontinuance of its associated nonconforming development. The change also aligns with regulations in the commercial/mixed use zones related to uses with a drive-through facility, which is considered a form of nonconforming development.

E. Loss of nonconforming development status.

1. Discontinuance. If a nonconforming exterior development, such as an exterior storage area, is unused for 32 continuous years, the nonconforming rights are lost and a nonconforming exterior development may not be re-established. If the exterior development is unused for less than 32 continuous years, a nonconforming exterior development may be re-established, unless stated otherwise in Subsection D. above.
2. [No change]

F-G. [No change]

Commentary

33.266.200.B.2

When the Bicycle Parking Zoning Code project was adopted (Ordinance No. 189785), this special provision allowed 18 affordable housing projects to use alternative bicycle parking requirements that were specified in the adopting ordinance. This special allowance was effective until June 30, 2022. This amendment deletes the allowance because June 30, 2022 has passed. A review of the 18 projects shows that all but one of the projects have been built or are in the permit/inspection process.

Table 266-6

The Housing Production Survey conducted jointly by Commissioner Carmen Rubio and the Bureau of Development Services found that respondents identified bicycle parking regulations to be an issue for projects providing housing, especially multi-dwelling housing. The issues raised include the number of required spaces and the complexity of the regulations. However, the complexity of the bike parking code has increased flexibility with respect to long-term bike parking facilities, which has resulted in many fewer adjustments to the standards.

In response to the survey findings, there are three amendments: The first temporarily reduces the long-term bike parking ratios for household living uses for a period for 5 years. Within the inner pattern areas, the ratio is reduced from 1.5 to 1 space per unit. In the outer pattern areas, the ratio is reduced from 1.0 to 0.7 space per unit.

The second and third amendments described in more detail on the following pages simplify the in-unit bike parking standards (up to 50% of the required bike parking spaces are allowed in dwelling units) and temporarily removes the requirement for larger bicycle parking areas to accommodate large or cargo bikes. More detail on those amendments are provided on the following pages.

Over the next 5 years, staff can study whether the existing ratios balance future needs with space utilization of housing projects to potentially consider a future amendment.

33.266 Parking, Loading, And Transportation And Parking Demand Management

266

33.266.200 Minimum Required Bicycle Parking

- A. [No change]
- B. **Number of spaces required.**
 - 1. [No change]
 - 2. ~~Until June 30, 2022, no bicycle parking is required for projects that are eligible to use the alternative bicycle parking standards specified in Ordinance 189785. To qualify for this exemption the applicant must provide a letter from the Portland Housing Bureau certifying that the project is eligible to use, and has met, the alternative bicycle parking standards specified in Ordinance 189785.~~
 - 23. [No change]

Table 266-6					
Minimum Required Bicycle Parking Spaces [1]					
		Long-term Spaces		Short-term Spaces	
Uses	Specific Uses	Standard A	Standard B	Standard A	Standard B
Residential Categories					
Household Living	5 or more units on site	2, or 1.5 per unit <u>[4]</u>	2, or 1.1 per unit <u>[5]</u>	2, or 1 per 20 units	2, or 1 per 20 units
Group Living		2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Units with restricted tenancy <u>[2]</u>	2, or 1 per 5 bedrooms	2, or 1 per 10 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Dormitory	2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	4 spaces	4 spaces
[No changes to the rest of Table 266-6]					

Notes:

[1] Wherever this table indicates two numerical standards, such as “2, or 1 per 3,000 sq. ft. of net building area,” the larger number applies.

[2] Group Living units with restricted tenancy are units that are regulated affordable housing per the Portland Housing Bureau requirements. The applicant must provide a letter from the Portland Housing Bureau certifying that the group living development meets any income restrictions and administrative requirements. The letter is required to be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review. The applicant must also execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the group living use will remain limited to households meeting any income restrictions and administrative requirements of the Portland Housing Bureau.

[3] No long-term bicycle parking is required for a Commercial Parking facility with less than 10 vehicle parking spaces.

[4] Standard A for development that includes a Household Living use is 1.0 space per unit until January 1, 2029.

[5] Standard B for development that includes a Household Living use is 0.7 space per unit until January 1, 2029.

Commentary

Table 266-7

This amendment clarifies the maneuvering standard in Table 266-7. The maneuvering distance is intended to be a backup aisle next to the bike parking space that is either 5-foot or 8-foot deep depending on the type of bicycle parking spaces installed. It is not intended to be measured as a square. The clarification changes the wording from “area width” to “depth”.

33.266.210 Bicycle Parking Development Standards

A-C. [No change]

Table 266-7						
Minimum Dimensions for Bicycle Parking Spaces [1]						
		Bicycle Space Depth	Bicycle Space Width	Bicycle Space Height	Maneuvering Area Width <u>Depth</u>	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.

Commentary

33.266.210.D.1.a(4)

The standards for long-term bike parking require that bike parking that is provided in a dwelling unit be in a closet or alcove, and that the bike parking space be within 15-feet of the dwelling unit entry. These requirements have proven difficult to implement for several reasons. First, the term "alcove" is too hard to define. Second, both requirements are too prescriptive and have resulted in additional delays in approving permits.

This amendment deletes the additional standards but will continue to require a bike rack and space that includes a rack that meets the dimensional requirements be shown somewhere in the unit.

D. Standards for Long-Term Bicycle Parking.

1. Development Standards. Long-term bicycle parking must be provided in lockers or racks that meet the following standards. Long-term bicycle parking for Schools may choose between (1) or (5) or a combination of those two locations:
 - a. Location Standards. Long-term bicycle parking may be provided in one or more of the following locations:
 - (1) Within a building, including on the ground floor or on individual building floors;
 - (2) On-site, including in parking areas and structured parking;
 - (3) In an area where the closest point is within 300 feet of the site; or
 - (4) In a residential dwelling unit. Up to 50 percent of long-term bicycle parking spaces may be provided in a residential dwelling unit, if they meet the following. Long-term bicycle parking provided in a residential dwelling unit does not need to meet the requirements for Paragraph C.2. above. Adjustments and modifications to this Subsubparagraph are prohibited.
 - ~~The bicycle parking is located within 15 feet of the entrance to the dwelling unit.~~
 - The bicycle parking is located in a closet or alcove of the dwelling unit that includes a rack that meets the standard bicycle parking spacing dimensions in Table 266-7.
 - For buildings with no elevators, long-term bicycle parking must be located in the ground floor units.
 - (5) For Schools, long-term bicycle parking must be placed where the closest space is within 100 feet of a main entrance.
 - b.-d. [No change]
2. [No change]

Commentary

33.266.210.D.3.b

The current code includes a requirement for 5% of the overall bike parking spaces to accommodate a larger or cargo bike, with a minimum dimension of 3-ft x 10-ft compared to 2-ft by 6-ft for a standard bike space. The requirement, triggered with 20 bike parking spaces, can mean that smaller multi-dwelling development with as few as 13 units can trigger the larger bike parking space. This can create a hardship for smaller residential projects which may have constrained public common areas or may be on smaller lots.

The amendment temporarily removes this requirement for 5 years with development that includes residential uses. There is nothing to prohibit a development from voluntarily including larger/cargo bike spaces and those spaces will still count toward minimums. This requirement can be monitored along with the reduced threshold over the next 5 years.

3. Additional Development Standards. The following standards apply to sites with more than 20 long-term bicycle parking spaces:
 - a. Minimum number of horizontal bicycle parking spaces. At least 30 percent of spaces must be in a horizontal rack, or on the lower level of a stacked bicycle parking rack. For Schools (K-8), all spaces located outside of the building must be in a horizontal rack.
 - b. Parking for larger bicycle space. At least 5 percent of spaces must accommodate a larger bicycle space, placed in a horizontal rack. These spaces may be included to meet the requirement for Subparagraph D.3.a. See Figure 266-14. Development that includes a residential use is exempt from this standard until January 1, 2029.
 - c. Electrical outlet requirement. At least 5 percent of spaces must have electrical sockets accessible to the spaces. Each electrical socket must be accessible to horizontal bicycle parking spaces.
- E. [No change]

Commentary

33.266.310.C.1

In order to reduce the cost of building housing and respond to findings from the Housing Production Survey, amendments are proposed to the loading space standards. In addition, these amendments are supported by the fact that BDS routinely approves adjustments or modifications to loading space requirements.

The first amendment raises the threshold for when a residential project is required to include a loading space on site. Several years ago, this threshold was reduced from 50 to 40 units because it aligned with initial proposals from the Apartments and Parking project that triggered minimum vehicle parking requirements. However, the parking minimums have since been removed, so the minimum trigger is raised back to the previous level of 50 units.

The second amendment provides a temporary reduction in the number and/or the size of required loading spaces for projects that are primarily residential. Generally, a project with over 100 dwelling units would either need to provide two small loading spaces or one larger space. This amendment removes the requirement for two small spaces or one large space for 5 years, although projects do still have to meet the requirement for one small space that is triggered with 50 dwelling units.

BPS is currently reviewing best practices in loading space requirements both on-site, and on-street, in conjunction with Portland Transportation. This work will inform future permanent changes.

33.266.310 Loading Standards

A-B. [No change]

C. Number of loading spaces.

1. Buildings where all of the floor area is in Household Living uses must meet the standards of this Paragraph.
 - a. One loading space meeting Standard B is required where there are more than 5040 dwelling units in the building and the site abuts a street that is not a streetcar alignment or light rail alignment.
 - b. One loading space meeting Standard B is required where there are more than 20 dwelling units in a building located on a site whose only street frontage is on a streetcar alignment or light rail alignment.
 - c. One loading space meeting Standard A or two loading spaces meeting Standard B are required when there are more than 100 dwelling units in the building. This standard does not apply until January 1, 2029.
2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.
 - a. Buildings with any amount of net building area in Household Living and with less than 20,000 square feet of floor area in uses other than Household Living are subject to the standards in C.1. above.
 - b. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building area in uses other than Household Living.
 - c. Two loading spaces meeting Standard A are required for buildings with more than 50,000 square feet of net building area in uses other than Household Living.

D-G. [No change]

Commentary

33.270.020.B Density and FAR

These amendments are technical fixes that align with the amendments in Chapter 33.610 that create a third level of lot density in the single dwelling zones, specifically for attached houses. That amendment requires that density B be renamed as density C.

33.270 Planned Development

270

33.270.020 Relationship to Other Regulations

- A. [No change]
- B. **Density and FAR.** Adjustments to density and FAR regulations are prohibited.
1. Density
 - a. Maximum dwelling unit density.
 - (1) RF. In the RF zone, maximum density is expressed as a number of lots. Maximum density for the RF zone is specified in 33.610.100. Maximum density can be met in the Planned Development by providing the same number of dwelling units.
 - (2) R20 through R5. In the R20 through R5 zones, maximum density is calculated as follows:
 - If the Planned Development is in the Constrained Sites Overlay or does not qualify to use the triplex or fourplex provisions of 33.110.265.E, maximum density is calculated as follows:
Maximum number of lots allowed as specified for maximum density BC in 33.610.100 ~~for~~;
x 2
= Maximum number of dwelling units allowed.
 - For all other Planned Developments, maximum density is calculated as follows:
Maximum number of lots allowed as specified for maximum density BC in 33.610.100 ~~for~~;
x 4
= Maximum number of dwelling units allowed.

Commentary

(3) R2.5. In R2.5 maximum density is calculated as follows:

- If the Planned Development is in the Constrained Sites Overlay or does not qualify to use the triplex or fourplex provisions of 33.110.265.E, maximum density is calculated as follows:

Maximum number of lots allowed as specified for maximum density B in 33.611.100
x 2
= Maximum number of dwelling units allowed.

- For all other Planned Developments, maximum density is calculated as follows:
Maximum number of lots allowed as specified for maximum density B in 33.611.100;
x 4
= Maximum number of dwelling units allowed.

- b. Minimum density. Minimum density must be met in the Planned Development. Minimum density for single-dwelling zones is expressed as a number of lots. Minimum density can be met in a Planned Development by providing the same number of dwelling units. Minimum density for single-dwelling zones is stated in 33.610.100 and 33.611.100. Minimum density for all other zones is stated in the base zone chapters.

2. [No change]

C. [No change]

Commentary

33.415.200 Required Ground Floor Active Use

There are two amendments to this section within the Centers Main Street (or m) overlay zone; one is a temporary suspension and one is a permanent clarification.

The first amendment suspends the ground floor active use requirement for 5 years when development in the 'm' overlay includes a residential use. This change is intended to reduce the cost of building housing by temporarily suspending the requirement to include non-residential floor area on the ground floor.

The second amendment clarifies where the standard applies. The standard requires that at least 25 percent of the ground level floor area be in an active use when within 100 feet of a transit street. The standard does not say it applies only to sites with frontage on a transit street. In some case, the standard has been applied to sites that are not on the transit street but have some portion of their property within 100 feet of the transit street (for example, lots on the back-end side of the block). This amendment clarifies that the standard applies only when the site actually has frontage on the transit street.

33.415.340 Ground Floor Windows

Within the Centers and Main Street overlay zone, the ground floor of a building must have windows covering 60% of the wall. This is an increased percentage over the 40% ground floor window requirement in the base zones. This amendment temporarily suspends the higher (60%) ground floor window requirement in the overlay zone for 5 years for development that include residential uses. The base zones ground floor window standard will instead apply. The combination of this amendment with the above amendment allows for dwelling units to be included in more of the ground floor on these sites over the next 5 years and have a window coverage more conducive to residential development.

33.415 Centers Main Street Overlay Zone

415

33.415.200 Required Ground Floor Active Use

On sites with frontage on a transit street~~Within 100 feet of a transit street~~, at least 25 percent of the ground level floor area located within 100 feet of the transit street must be in one of the following active uses. Development that includes a residential use is exempt from this standard until January 1, 2029. Only uses allowed in the base zone may be chosen:

- A. Retail Sales and Service;
- B. Office;
- C. Industrial Service;
- D. Manufacturing and Production;
- E. Community Service;
- F. Daycare;
- G. Religious Institutions;
- H. Schools;
- I. Colleges. If a College use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; library; food service; theatre; meeting area; or
- J. Medical Centers. If a Medical Center use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; waiting room; food service; out-patient clinic.

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.

Commentary

33.420.030. Neighborhood Contact.

This project is making two changes to the Neighborhood Contact requirements—one temporary change and the other is a permanent change.

The temporary amendment will exempt development with residential uses from the required meeting for the neighborhood contact for the next 5 years. See the commentary associated with amendments in 33.705, Neighborhood Contact for further explanation.

The permanent change simplifies the Neighborhood Contact process by eliminating Neighborhood Contact III, which applied in specific situations including in the Design overlay zone. See the commentary associated with amendments to 33.705, Neighborhood Contact. Because Neighborhood Contact III is being deleted, this reference in Chapter 33.420 is also being deleted.

33.420.040.B.12

This amendment temporarily exempts gates, cameras, and outdoor lighting from the Design overlay zone chapter for five years. The amendment acknowledges the recent growth in businesses that instigated security measures due to pandemic unrest and vandalism. Most of the recent installations are simple 'accordion style' sliding gates that are easily installed by the business, and were not reviewed under permits. The amendment is intended to temporarily allow these installations in the Design overlay zone without undue burden or risk of code compliance for those already installed. (Technically, gates or barriers that restrict entry into a building require a building permit.) The standards within the exemption provide a minimum amount of aesthetic oversight comparable with some existing fence and lighting standards and are mindful of the current security measures that many businesses have had to make under duress. The temporary measure allows staff the opportunity come up with a more permanent set of exemptions within the next five years. The exemption has the greatest impact in the Central City where projects are not eligible to use design standards as an option.

33.420 Design Overlay Zone

420

~~33.420.030 Neighborhood Contact~~

~~Neighborhood contact is a set of outreach steps that must be taken before certain developments can be submitted for approval. Neighborhood contact is required as follows:~~

- ~~A. When the proposed development will add at least 10,000 square feet of net building area to a site, the neighborhood contact step of 33.705.020.C., Neighborhood contact III, are required.~~
- ~~B. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.~~

33.420.045 Items Exempt From This Chapter

The following items are exempt from the regulations of this chapter:

- A. [No change]
- 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.

Commentary

33.420.050 Design Standards

The regulations in the Design overlay zone are modelled on the regulations for the environmental overlay zones. Each chapter is set up as a two-track system for reviewing development within the zone—meet all the overlay zone development standards or go through a land use review. Adjustments to the overlay zone development standards are not allowed. Varying from the development standards is reviewed through the environmental or design review.

The Environmental overlay zone chapter and the Community Design Standards (historic) chapter both directly state that adjustments to development standards are prohibited and not meeting a standard requires environmental or historic review (33.430.120.B; 33.218.015.B). However, a similar statement was inadvertently left out of the preamble to the new design standards in 33.420.050 when the Design Overlay Zone Amendments project (DOZA) was implemented in 2021. This has led to confusion and an occasional request for an adjustment to a design standard as a way to avoid design review. This amendment adds the adjustment prohibition statement in the Design overlay zone chapter to clarify the intent.

33.420.050.B

In the base zones, there are several exceptions to the maximum height limits to allow certain projections above the height limit. The intent is for those same exceptions to be considered when determining height thresholds for the Design overlay chapter. These amendments clarify this intent as well as align the wording with recent changes made through the Historic Code Amendment project.

33.420.050 Design Standards

The design standards provide an alternative process to design review for some proposals. Proposals that are eligible to use the design standards are stated in Subsection A. The standards for signs are stated in Title 32, Signs and related Regulations. Adjustments to the design standards are prohibited. Proposals that do not meet the design standards stated in Subsection C — or where the applicant prefers more flexibility — must go through the design review process.

- A. Unless excluded by Subsection B, proposals that are within the maximum limits of Table 420-1 may use the design standards stated in Subsection C as an alternative to design review.

Table 420-1	
Maximum Limits for Use of the design standards [1]	
Zones	Maximum Limit—New Floor Area
RM2, RM3, RM4, C, E, I, & CI Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none"> • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:

[1] There are no maximum limits for proposals where any of the floor area is in residential use.

- B. The design standards may not be used as an alternative to design review as follows:
 1. In the Central City plan district. See Map 420-1;
 2. In the Gateway plan district as follows. See Map 420-4;
 - a. New development and alterations to existing development when any portion of the new development or alteration exceeds 35 feet in height not ~~including~~counting additional height allowed through a ~~base zone height standard~~ exception in the base zone; and
 - b. Development subject to the requirements of 33.526.240, Open Area;
 3. New buildings or additions when any portion of the new building or addition exceeds 75 feet in height not ~~including~~counting additional height allowed through a ~~base zone height standard~~ exception in the base zone;
 4. For Institutional uses in residential zones, unless specifically allowed by the base zone, overlay zone, plan district, or an approved Impact Mitigation Plan or Conditional Use Master Plan;

Commentary

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

5. Non-standard improvements in the right-of-way or other encroachments identified in City Titles as requiring design review;
6. In the CM3 zone within the St. Johns plan district, structures that exceed 45 feet in height not including additional height allowed through a height exception in the base zone;
7. For motor vehicle fuel sales in the 122nd Avenue subdistrict of the East Corridor plan district; and
8. In the North Interstate plan district proposals taking advantage of the additional height allowed by 33.561.210.B.2.

Commentary

Table 420-2 PR1 and PR2

There are two amendments to these design standards—one is temporary and the other is permanent.

The first amendment temporarily suspends application of PR1 and PR2. Currently, these require that taller ground floors be built as a way to encourage active uses such as storefront commercial uses. This type of standard has been identified as adding cost to housing development and will thus be suspended for 5 years for development that includes a residential use. Similar standards in other parts of the code are also being suspended. While the PR2 standard is being suspended as a required standard, it can still be used by projects as an optional standard to gain 2 points.

The second amendment is permanent. The amendment revises the PR1 and PR2 standards to eliminate it from applying in the RM zones that have a Design overlay. As described above, the intent of the ground floor active use standard is to encourage active uses on the ground floor along a civic or neighborhood corridor, which supports an active and vibrant pedestrian realm along the sidewalk. However, active commercial uses are not generally allowed (or limited) in the RM zones. Application of the standard in these zones has resulted in 12-foot-tall garages in townhouse development, which is costly and unnecessary, and does not contribute to an safe and inviting pedestrian realm along the sidewalk. The provisions will be limited to the C and E zones.

In addition, the standard is being amended to clarify that it applies only to frontages along these corridors, not along side streets.

PUBLIC REALM (PR1 – PR22)			
<p>The standards for public realm provide an opportunity for development to contribute positively to the adjoining sidewalks, streets and trails. They encourage spaces on the ground floor that support a range of uses and create environments that offer people a welcoming and comfortable experience. The public realm standards are split into the following categories: Ground Floors, Entries/Entry Plazas, Weather Protection, Utilities, Vehicle Areas, and Art and Special Features.</p>			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
GROUND FLOORS			
X	<p>PR1 Ground Floor Height</p> <p>New building <u>in a C or E zone</u> with a ground floor street-facing facade that fronts on a street identified as a civic or neighborhood corridor on Map 130-3. <u>Until January 1, 2029, this standard does not apply to development that includes a residential use.</u></p>	<p>At least 50 percent of the ground floor <u>walls that are at an angle of 45 degrees or less from the civic or neighborhood corridor</u> must meet the following:</p> <ul style="list-style-type: none"> • The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams; and • The area meeting this standard must be at least 25 feet deep measured from the street-facing facade <u>on the civic or neighborhood corridor.</u> 	
X	<p>PR2 Ground Floor Height for Taller Buildings</p> <p>New building <u>in a C or E zone</u> with a ground floor street-facing facade that fronts on a street identified as a civic or neighborhood corridor on Map 130-3 as follows:</p> <p>The standard is required for a new building with a height that exceeds 55 feet.</p> <p>The standard is optional for a building that is 55 feet or less in height.</p> <p><u>Until January 1, 2029, this standard is optional for all new buildings that include a residential use.</u></p>	<p>At least 50 percent of the ground floor <u>walls that are at an angle of 45 degrees or less from the civic or neighborhood corridor</u> must meet the following:</p> <ul style="list-style-type: none"> • The distance from the finished floor to the bottom of the structure above must be at least 15 feet. The bottom of the structure above includes supporting beams; and • The area meeting this standard must be at least 25 feet deep, measured from the street-facing façade <u>on the civic or neighborhood corridor.</u> 	2

Commentary

33.510.215.B. Required building line standards.

There are two amendments to this Subsection; one is a temporary suspension, and one is a clarification.

The first amendment suspends this requirement for 5 years for major remodels that include residential uses. This temporarily removes an additional step for redevelopment projects.

The second amendment is permanent. The Central City plan district required building lines standard and the maximum building setback standard in the employment base zone (33.140.215.C) both regulate the distance between a building and the street. The standards are very similar but use different terminology and they both must be met. The base zone maximum setback standard is more restrictive, allowing a maximum setback of 10 feet in the EG1 and EX zones, while the Central City Plan District standard (CCPD) allows 2 additional feet of setback, but is specific to certain streets and areas in the CCPD. In addition, the CCPD standard requires the standard to be met on a greater percentage of the frontage than the base zone standard requires. This amendment exempts sites subject to the CCPD required building lines standard from the base zone maximum setback standard as a way to reduce confusion. If the site is not subject to this standard, then the maximum setback standards of the base zones will apply.

33.510 Central City Plan District

510

33.510.215 Required Building Lines

- A. [No change]
- B. **Required building line standards.** Major remodeling that includes a residential use is exempt from the required building line standards until January 1, 2029.
1. General Standards. Unless otherwise specified in Paragraphs B.2. through B.5., new development and major remodels in the RX, CX and EX zones must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - b. The building must extend to within 12 feet of the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."
 2. Standards for sites with frontage on a street shown on Map 510-7. New development and major remodels on a site with frontage on a street shown on Map 510-7 must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the length of the street lot line; or
 - b. The building must set back at least 6 feet from the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be landscaped as follows. All plants must be selected from the Portland Tree and Landscaping manual:
 - (1) When the setback area is at least 6 feet and less than 12 feet wide at least 50 percent of the setback must be landscaped with ground cover plants and shrubs;
 - (2) When the setback area is 12 feet wide or more, at least 80 percent of the setback area must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet of the setback area.

Commentary

3. Standards for the South Waterfront subdistrict. In the South Waterfront subdistrict, new development and major remodels must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line, and the space between the building and the street lot line must meet one of the following:
 - (1) Be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places;" or
 - (2) Be landscaped in one of the following ways:
 - The proposed landscaping meets the L2 standard;
 - The proposed landscaping meets the landscaping regulations of 33.510.253.E.5.f(5) for subarea 3 of the South Waterfront Greenway Area except that trees are not required; or
 - The applicant submits with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.
4. Standards for West Burnside. On sites with frontage on West Burnside between 10th and 21st Avenues, buildings must be set back 10 feet from the street lot line. This standard applies to new development and major remodels. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places." Exterior walls of buildings designed to meet the requirements of this section must be at least 15 feet high measured from the finished sidewalk at the buildings edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
5. Standards for the Park Blocks. On sites with frontage on a street shown on Map 510-22, and on sites that are adjacent to an open area shown on Map 510-22, buildings must be set back at least 12 feet from the street or adjacent lot line along at least 75 percent of the length of the lot line. At least 50 percent of the space between the building and the street or adjacent lot line must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet. All plants must be selected from the Portland Tree and Landscaping Manual. This standard applies to new development. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setback of the base zone.

Commentary

33.510.220.B Ground Floor Windows

There are two amendments to this Subsection; one is a temporary suspension and the other is a clarification.

In certain locations in the *Central City*, the ground floor of a building must have windows covering 60% of the wall. This is an increased percentage over the ground floor window requirement in the base zones. This amendment suspends the higher ground floor window requirement in the *Central City* for 5 years for development that include residential uses. The base zones ground floor window standard will instead apply.

The second amendment is a permanent clarification. The ground floor window requirements in the *Central City Plan District* and the commercial/mixed use zones were updated as part of the update of the city's *Comprehensive Plan* and the *Central City 2035* projects. The standards were updated to be in alignment. However, there has been confusion about the relationship between the standards in the plan district and those in the base commercial and EX zones. This is partially due to differences in measurements in the EX zone, and partially due to what development the plan district regulations apply to, and whether they supersede the base zone.

This amendment clarifies that these standards apply to all proposals in the *Central City* so that it is clear where the ground floor window standard of 33.510.220.B applies, thus superseding the base zone.

33.510.220 Ground Floor Windows

- A. [No change]
- B. **Ground floor windows.** The following ground floor window standards apply in the RX, CX and EX zones. ~~The standards of B.1 and B.2 apply to new development and major remodeling projects. B.3. only applies to major remodeling projects.~~ To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:
1. Ground level facades that face a street or open area shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade. Until January 1, 2029, the standard for development that includes a residential use is 40 percent of the ground level wall area.
 2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
 3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

Commentary

33.510.223.B Development subject to the bird-safe exterior glazing standards.

This amendment is a clarification. The bird safe exterior glazing standard was added to the Central City plan district with the adoption of the CC2035 plan. Subsequently, the bird safe glazing standard was added to the River Overlay zones when the River Plan / South Reach was adopted. The standards are identical except that the River Overlay zone bird safe glazing standard (33.475.235) clarified that the standard applies "per facade when the façade has 30 percent or more glazing, including spandrel glazing..."—the words "including spandrel glazing" were added to the River overlay zone standard.

While spandrel glass is an opaque glass that conceals views within, it still contains the reflective quality of standard glass and creates the same issues for birds outside of the building.

In order to ensure that the policy objectives related to bird safe glazing are carried out in the zoning code consistently, this amendment updates the Central City bird-safe glazing standards to include spandrel glazing consistent with the standard in the River overlay zone.

33.510.223 Bird-Safe Exterior Glazing

- A. [No change]
- 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 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. 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.
- C. [No change]

Commentary

33.510.225.A Purpose

The purpose statement is referenced within the standards under C.2. for examples of active area. This amendment adds common areas to the list to clarify that areas other than building lobbies are included, although the list is not exclusive. Common areas can include mailbox rooms, common meeting rooms, gyms for residents among others. These areas are open to users of the building but not necessarily to anyone outside of the building.

33.510.225.B. Sites and development subject to the ground floor active use standard. The ground floor active use standards listed in C.2 requires a minimum height of the ground floor. It may not be possible to meet these provisions with an alteration that qualifies as a major remodel. This amendment refines the applicability of the standard to only apply to new development, while ensuring the other standards continue to apply to new development and major remodels (although the dwelling unit prohibition is temporarily suspended - see below).

33.510.225.C. Ground floor active use standards. There is one temporary amendment and two permanent amendments: A temporary waiver suspends the prohibition on dwelling units on the ground floor if the development contains residential uses within the building. The suspension lasts for 5 years and temporarily removes a barrier of providing dwellings on the ground floor in some areas of the Central City.

The permanent amendment clarifies where the prohibition on dwelling units should occur. The intent of the Central City 2035 project was to ensure active uses along the frontages of the streets listed on Map 510-9. However, the standard was written to prohibit dwelling units on the entire ground floor, as long as one street was identified on Map 510-9. As written, it was too broad, prohibiting dwelling units facing a courtyard or a secondary street. The amendment clarifies the standard so that a dwelling unit is only prohibited along the frontage of the streets identified on Map 510-9. By creating a 25-ft buffer from the street, it allows that frontage to be of an adequate size to accommodate active or common parts of the building.

Within C.2, the active use standards apply to ground floor of walls that "front" onto certain streets, or plazas. Clarification of what "front" means is necessary. This amendment provides consistency for the situations where this standard applies. Rather than using different phrases including "walls that front" on a certain street, the amendment uses wording similar to that for street-facing facades but the emphasis is on the ground floor. These would apply to the street facing façade or to the wall that faces the plaza or other feature. A sentence is added to clarify that accessory structures are not intended to meet this requirement.

33.510.225 Ground Floor Active Uses

- A. Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible ~~public uses~~ and activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies and other common areas of the building, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.
- B. Sites and development subject to the ground floor active use standard.** The ground floor active use standards apply ~~to new new development and major remodels~~ on sites with frontage on a street shown on Map 510-9. Standards C.1 and C.3 apply to new development and major remodels. Standard C.2 only applies to new development.
- C. Ground floor active use standards.**
1. Dwelling units are prohibited on the ground floor within 25 feet of the street lot line of a street shown on Map 510-9. Development that includes a residential use is exempt from this standard until January 1, 2029.
 2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. Areas designed to accommodate these uses must be developed at the time of construction. This standard must be met along at least 50 percent of the ground floor walls that are at an angle of 45 degrees or less from the street lot line of a street shown on Map 510-9, front onto a sidewalk, a plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards.
Accessory structures are exempt from the standards:

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - b. The area must be at least 25 feet deep, measured from the street-facing facade or wall;
 - c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
 - d. The street-facing facade or wall must include windows and doors.
3. In the Pearl District and West End subdistricts, on the portion of a site within 100 feet of a streetcar alignment shown on Map 510-13, parking is not allowed in the portions of a building that meet the ground floor active use standard of Paragraph C.

Commentary

33.510.243.B. Ecoroof standard

There are two amendments related to this section; one is a temporary suspension with conditions, and one is a clarification.

This amendment provides an option to the ecoroof standard for 5 years if the development includes residential uses. If a solar installation is provided that meets the standards of 33.510.243.C., then the development does not need to provide the ecoroof and a design modification is not needed to the standard. The intent is to remove a process step for developments with residential uses that intended to install solar panels or a similar solar installation.

The second amendment is a permanent clarification. The ecoroof standard in 33.510.243.B.1 allows 40% of the roof to be covered with something other than an ecoroof. The standard includes a list of items that can count toward the 40% allowance including common outdoor area, but private outdoor area is not currently included on the list. This amendment adds private outdoor area that is accessible from the dwelling unit to the list as a way to reduce the number of modifications requested for residential developments.

33.510.243 Ecoroofs

- A.** Purpose. Ecoroofs provide multiple complementary benefits in urban areas, including stormwater management, reduction of air temperatures, mitigation of urban heat island impacts, air quality improvement, urban green spaces, and habitat for birds, plants and pollinators. The standards are intended to:
- Maximize the coverage of ecoroofs;
 - Allow for the placement of structures and other items that need to be located on roofs; and
 - Support the architectural variability of rooftops in the Central City.
- 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*.

Commentary

33.510.243.C. Temporary exception for solar panels

These are the temporary standards that apply for five years if a project chooses the option of providing solar panels on the roof instead of an ecoroof. The standards provide for an equal amount of solar panel coverage, but exempt similar roof-top features as the ecoroof standard.

- 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.

Commentary

33.510.255.H. Approval criteria

Within many of the existing land use approval criteria addressing transportation impacts in the zoning code, there is a reference to the impact to on-street parking from a development. The relationship between off-street and on-street parking was more critical when our zoning code had off-street parking minimums. However, with the recent adoption of the Parking Compliance Amendments Package in compliance with state rulemaking, the City no longer requires minimum on-site parking. Because the zoning code no longer requires on-site parking, requiring an analysis of a proposed development's impact on on-street parking can be problematic, because there is no policy or code mechanism to mitigate that impact with off-street parking. As a result, the proposal is to delete reference to "on-street parking" impacts from all transportation-related land use review approval criteria.

33.510.255.I. Amendments to a Central City Master Plan

Applicants who have gone through a Central City master plan review process have raised concerns about the lack of flexibility for amending an approved Central City Master Plan. The code identifies what kind of changes trigger a Type III and what changes trigger a Type II review, but it is not clear what should happen for changes that are not listed. To clarify and simplify, this Subsection is revised to follow the format for changes to an approved Planned Development (33.854).

These amendments create a tiered approach while also limiting the types of changes that would be subject to a Type III process, and allowing some changes to occur without land use review. These changes provide some regulatory relief to a project undergoing an amendment by reducing the process steps and timeline of an amendment. Significant changes to a Central City master plan will still trigger a Type III review, while smaller changes will be allowed administratively without the need for a land use review. Those that fall between these two will be reviewed under the Type II process.

33.510.255 Central City Master Plans

A.-G. [No change]

H. Approval Criteria. A Central City Master Plan review will be approved if the review body finds that the following approval criteria have been met. Criteria H.1 through H.11 apply to all Central City Master Plan reviews. Criteria H.12 through H.15 also apply to proposals within the area identified on Map 510-6 as requiring a Central City Master Plan review for residential uses.

1.-8. [No change]

8. The transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, ~~on-street parking impacts~~, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. 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;

9.-15. [No change]

I. Amendments to a Central City Master Plan. Unless specifically addressed in the approved Central City Master Plan review, an amendment to an approved master plan is required for the following changes. The amendment request must meet the applicable approval criteria in 33.510.255.H.

1. Major change. The following major changes ~~amendments~~ are processed through a Type III review:

- a. Changes to the boundary of the master plan area;
- b. Removing a proposed public right-of-way, or changing the location of moving a proposed public right-of-way more than 10 feet; or to the location of a private vehicular accessway that connect to a public right-of-way; or
- c. Removing an open area, or changing the location, dimension, or area of an open area as required by 33.510.255.K by more than 5 percent or 10 feet; or
- d. Changing a condition of approval of the master plan.

2. Minor change. A minor change is one that is neither major nor administrative. Minor changes ~~The following amendments~~ are processed through a Type II review:

- a. ~~Changes to the location or number of buildings; or~~
- b. ~~Change to the location of proposed the ground floor active uses; or~~
- c. ~~Increases or decreases of 15 percent or more to an approved massing envelope.~~

Commentary

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

3. Administrative change. Administrative changes are allowed without a land use review. An administrative change meets all of the following:
- a. The change is consistent with all conditions of the master plan approval and the conditions of any concurrent approval;
 - b. The change meets all development standards not modified by the master plan; and
 - c. Other than the boundary of the master plan, the change does not change any location, quantity, dimension, or area identified in the approved plans or narrative by more than 5 percent or 10 feet. Changes to the boundary of the master plan are a major change.

J.-K. [No change]

Commentary

33.526.280.B. Where these regulations apply

33.526.280.C. Required building lines

Several of the development standards that apply in the Gateway plan district, including those that apply along the enhanced pedestrian streets, are designed to accommodate or encourage commercial tenant spaces on the ground floor. However, these standards apply in the multi-dwelling zones and do not currently distinguish between primary and accessory buildings. Both of these circumstances can cause problems for development proposals. In addition, there has been confusion about whether the required building line only applies along the enhanced pedestrian street or on other street frontages if the site includes an enhanced pedestrian street.

These amendments create additional exceptions to the requirement to build commercial-accommodating ground floor space along enhanced pedestrian streets. Some of the streets shown on Map 526-4 include lower-density multi-dwelling zones where commercial use is limited or not allowed. In addition, there are setback requirements in those base zones intended to create a buffer area between the street and residential units. In these cases, the code was not intended to force the building to be built right up to the street and include the commercial-accommodating ground floor space. The amendment exempts RM1 and RM2 zones from the standard.

The amendments also clarify that accessory buildings, such as trash enclosures or bike parking buildings are exempt from these requirements. Lastly, the amendments clarify the intent that the required building line apply only to the enhanced pedestrian street located on Map 526-4, and not to every street that may be abutting the site.

If these standards are being met that supersedes the base zone requirements.

33.526.280 Enhanced Pedestrian Street Standards

- A. Purpose.** These regulations enhance and ensure the continuity of the pedestrian environment along key streets in the Gateway plan district. The standards help maintain an urban character along the Enhanced Pedestrian Streets by reinforcing the continuity of pedestrian-oriented, active ground-level uses and strengthening the relationship between those uses and the pedestrian environment. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office. Together with the ground floor window, entrance, and pedestrian standards, the Enhanced Pedestrian Street standards foster an efficient, safe, and interesting route for pedestrians to move through the Gateway plan district.
- B. Where these regulations apply.** Except as follows, the standards of this section apply to new development and alterations to existing development that add at least 40,000 square feet of net building area on sites that abut an Enhanced Pedestrian Street shown on Map 526-4. Development on sites abutting an Enhanced Pedestrian Street as shown on Map 526-4, where the development is new development or that adds at least 40,000 square of net building area to the site, must meet the standards of this section. The following are exempt from the standards.
1. Development in the RM1, RM2, and RM3 zones;
 2. Development where there has been a school use on the site since June 18, 2004 is exempt from this requirement; and
 3. Accessory structures.
- C. Required building lines.** Either Paragraph C.1. or C.2., ~~below~~, must be met. This standard only applies along the Enhanced Pedestrian Street. Exterior walls of buildings designed to meet the requirements of this subsection must be at least 15 feet high. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
1. The building must extend to the street lot line along at least 75 percent of the lot line; or
 2. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.

Commentary

33.526.280.D Ground floor active uses.

There are two amendments related to this section; one is a temporary suspension, and one is a clarification.

The temporary amendment suspends the ground floor active use standard for 5 years for development that include residential uses. The intent is to reduce the cost to build housing.

The second amendment is a permanent clarification. This amendment clarifies the parameters for determining what walls must be meet the requirement for ground floor active uses. They should apply at walls within 45 degrees of the enhanced pedestrian street or along any plazas or public open space on the building site if the site fronts the enhanced pedestrian street. It is intended to be consistent with similar provisions in other plan districts.

33.526.340.D Structured parking near light rail.

This amendment clarifies that the ground floor standards above should apply to a building containing structured parking if that parking is along a light rail alignment and faces a plaza or other pedestrian area.

- D. Ground floor active uses.** Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of an Enhanced Pedestrian Street, front onto a sidewalk, a plaza, or other public open space. Areas designed to accommodate active uses must meet the following standards. Development that includes a residential use is exempt from the ground floor active use standard until January 1, 2029:
1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 2. The area must be at least 25 feet deep, measured from the street-facing façade or wall frontage wall;
 3. The area may be designed to accommodate a single tenant or multiple tenants;
 4. The street-facing façade or wall must include windows, or be structurally designed so doors and windows can be added when the space is converted to active building uses; and
 5. Parking is not allowed in the areas that are required to meet the standard of this subsection.

33.526.340 Parking

A-C. [No change]

- D. Structured parking near light rail.** In C and E zones, areas of structured parking located within 100 feet of a light rail alignment must meet the standards of 33.526.280.D.1. through D.5, Ground Floor Active Uses, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and face~~front onto~~ a sidewalk, plaza, or other public open space.

Commentary

33.530.030 Minimum Lot Size and Maximum Density

This amendment is a technical fix that aligns with amendments in Chapter 33.610 that create a third level of lot density in the single dwelling zones, specifically for attached houses. That change requires that density B be renamed as density C.

33.530 Glendoveer Plan District

530

33.530.030 Minimum Lot Size and Maximum Density

For land divisions within the Glendoveer plan district, the following maximum density and minimum lot size standards replace the respective standards in 33.610:

- A. Maximum density BC in Table 610-1 is 7,500 square feet;
- B. Minimum lot area for all other lots in Table 610-2 is 7,500 square feet; and
- C. Minimum lot width for all other lots in Table 610-2 is 70 feet.

Commentary

33.536.280 Enhanced Pedestrian Street Standards

There are two amendments related to this section; one is a temporary suspension, and one is a clarification.

33.536.280.B Where these regulations apply.

This amendment suspends the enhance pedestrian ground floor standards for 5 years for development that includes residential uses. This temporarily removes a regulatory requirement from housing projects.

33.536.280.C Enhanced Pedestrian Street standards.

This amendment clarifies the parameters for determining what walls must be meet the requirement for ground floor active uses. They should apply at walls within 45 degrees of the enhanced pedestrian street. It is intended to be consistent with similar provisions in other plan districts.

This amendment also clarifies that accessory structures are not intended to meet this requirement.

33.536 Hollywood Plan District

536

33.536.280 Enhanced Pedestrian Street Standards

- A. Purpose.** These regulations enhance and ensure the continuity of the pedestrian environment and emphasize a core of business activities in Hollywood along the Enhanced Pedestrian Streets. The standards also help maintain a thriving urban district along the Enhanced Pedestrian Streets through the interrelationships of active uses on the ground floor of buildings and the street level pedestrian environment.
- B. Where these regulations apply.** These regulations apply to new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3. Alterations or exterior improvements to existing development are exempt from these regulations. Development that includes a residential use is exempt from the enhanced pedestrian street standards until January 1, 2029.
- C. Enhanced Pedestrian Street standards.** New development must meet the following standards:
1. Active building uses. Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of an front onto the Enhanced Pedestrian Streets. Accessory structures are exempt from this standard.

Areas designed to accommodate active building uses must meet all of the following standards:
 - a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - b. The area must be at least 25 feet deep, measured from the street-facing facade;
 - c. The area must be designed to accommodate a single tenant or multiple tenants;
 - d. The street-facing facade facing the ~~e~~Enhanced ~~p~~Pedestrian ~~s~~Street must include windows and doors; and
 - e. Parking is not allowed in the active building use areas.
 2. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from an Enhanced Pedestrian Street unless the site has no other street frontage.

Commentary

33.538.230 Required Building Lines

These amendments clarify where and to what type of development these standards apply.

First, the sites with multi-dwelling zones are exempted from this standard, as the intent is to provide opportunities for active exterior extensions of commercial activities, and the RM zones are not intended to have these uses.

Second, the amendment clarifies that buildings that meet the required building line standard do not need to meet the base zone transit street setback requirements. These are intended to supersede on the applicable streets.

33.538.240 Active Building Use Areas

Similar to the Hollywood, Gateway and Central City provisions, the first amendment provides a temporary suspension of these rules, and the second amendment provides a permanent clarification of the walls that the standard will apply for when the suspension ends.

33.538 Kenton Plan District

538

33.538.230 Required Building Lines

- A. [No change]
- B. **Where these regulations apply.** These regulations apply to site frontages shown on Map 538-4. Multi-dwelling zoned sites are exempt from the regulations.
- C. **Building line standards.** Exterior walls of buildings designed to meet these requirements must be at least 25 feet high. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
 - 1. Zero setback standard. On frontages designated for the zero setback standard on Map 538-4, buildings must extend to the street lot line for the entire lot frontage except that up to 10 feet of the length of the building may be set back up to 10 feet from the street lot line to accommodate the main entrance.
 - 2. Pedestrian amenities standard. On frontages designated for the pedestrian amenities standard on Map 538-4, buildings must extend to the street lot line for at least 75 percent of the lot frontage. Up to 25 percent of the building may be set back up to 10 feet from the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

33.538.240 Active Building Use Areas

- A. [No change]
- B. **Where these regulations apply.** These regulations apply to new development along frontages shown on Map 538-5. Development that includes a residential use is exempt from the active building use area standards until January 1, 2029.
- C. **Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of a frontages-shown on Map 538-5.

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

- 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- 2. The area must be at least 25 feet deep, measured from the street-facing facade;
- 3. The area may be designed to accommodate a single tenant or multiple tenants;
- 4. The street-facing facade must include windows and doors; and
- 5. Parking is not allowed in the active building use areas.

Commentary

33.561.270 Required Building Lines

These amendments clarify exactly where and to what types of development these standards should apply.

First, sites in multi-dwelling zones are exempted from this standard. The purpose of the standards is to ensure a vibrant and attractive pedestrian environment at the station platforms and along key east-west streets. The multi-dwelling zones are residential zones that do not typically have commercial uses on the ground floor.

Second, the amendments clarify that buildings that meet the required building line standard does not need to meet the base zone transit street setback requirements. The two standards can and often do conflict or at least cause confusion and difficulty meeting both standards. The plan district standards are intended to supersede the base zone standards on the applicable streets.

33.561.280 Active Building Use Areas

This amendment temporarily suspends these rules for development with residential uses, and provides a permanent clarification for how the standard is applied. It is similar to the changes in other plan districts.

33.561 North Interstate Plan District

561

33.561.270 Required Building Lines

- A. [No change]
- B. **Where these regulations apply.** These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. Development in the multi-dwelling residential zones and Alterations or exterior improvements to existing development are exempt from these regulations.
- C. **Building line standards.** Exterior walls of buildings designed to meet these requirements must be at least 25 feet high. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
 - 1. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - 2. The building must extend to within 10 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as seating areas, sidewalk cafes or vendor's stands.

33.561.280 Active Building Use Areas

- A. [No change]
- B. **Where these regulations apply.** These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. The following are exempt:
 - 1. Alterations or exterior improvements to existing development; ~~are exempt from these regulations.~~
 - 2. Accessory structures; and
 - 3. Development that includes a residential use is exempt until January 1, 2029.
- C. **Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of ~~fronting the~~ streets shown on Map 561-4.
Areas designed to accommodate active building uses must meet the following standards:
 - 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - 2. The area must be at least 25 feet deep, measured from the street-facing façade;
 - 3. The area may be designed to accommodate a single tenant or multiple tenants;
 - 4. The street-facing façade must include windows and doors; and
 - 5. Parking is not allowed in the active building use areas.

Commentary

33.562.240.D. Ground floor active use standard.

There are two amendments related to this Subsection. The first is a temporary suspension of the ground floor active use standard for 5 years for projects with residential uses. This is similar to the amendments made in other plan districts, and removes a standard that may increase development costs.

The second amendment is a permanent clarification of the term "front". This amendment replaces the word "front" with a description of what it means to be street-facing. The sentence is taken from the definition of "street-facing façade" in 33.910. This amendment is being made through out the zoning code where this standard exists.

In addition, this amendment clarifies that accessory structures are not exempt from the ground floor active use standard.

33.562 Northwest Plan District

562

33.562.240 Standards on Main Streets and the Streetcar Alignment

- A. Purpose.** These regulations reinforce the continuity of the pedestrian-oriented environment, limit the visual impact of parking facilities, and foster development with transit-supportive levels of activity along main streets and the streetcar alignment. The standards also help to maintain a healthy urban district with architectural elements and active ground-floor uses that provide visual interest and interrelate with the pedestrian environment.
- B. Where these regulations apply.** These regulations apply to sites with frontage on any of the main streets or the streetcar alignment shown on Map 562-7.
- C. Required windows above the ground floor.** On the portion of a site within 200 feet of a main street or the streetcar alignment, windows must cover at least 15 percent of the area of the street-facing façade above the ground floor wall area. This requirement is in addition to any required ground floor windows. Ground floor wall areas include all exterior wall areas up to 9 feet above grade.
- D. Ground floor active use standard.** In order to accommodate active uses, such as residential, retail, or office, the ground floor of buildings must be designed and constructed as follows. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of front onto a main street or streetcar alignment shown on Map 562-7. Accessory structures are exempt from this standard. Development that includes a residential use is exempt from this standard until January 1, 2029.

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

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing façade;
3. At least 25 percent of the area of the street-facing façade of the portion of the building designed to meet the requirements of this subsection must be windows and doors; and
4. Parking is not allowed in the areas designed to meet the standards of this subsection.

Commentary

33.562.270.C.

There are two amendments related to this section; one is a temporary suspension, and one is a permanent clarification.

This project is suspending the minimum active floor area use requirement for 5 years for development that includes a residential use. The amendment is intended to reduce the cost of housing while during the housing crisis.

The permanent amendment makes the minimum active floor area standard in this plan district consistent with the application of the same standard in other parts of the zoning code (33.284; 33.415. 33.595). The standard requires that at least 50 percent of the ground level floor area located within 200 feet of the streetcar be in one of the listed active uses. It is intended to apply to sites that have frontage on the streetcar alignment. For sites that have multiple buildings located within 200 feet of the streetcar alignment, the intent is to allow the 50% requirement to apply to the total floor area that triggers the standard rather than on a building by building basis.

33.562.270 Minimum Active Floor Area

- A. Purpose.** Requiring a transit-supportive level of activity and intensity near the streetcar alignment helps to decrease reliance on automobile travel and increases opportunities for housing and employment.
- B. Where this regulation applies.** Sites subject to minimum active floor area standards are shown on Map 562-7.
- C. Standard.** On ~~the portion of a site within 200 feet of~~ sites with frontage on a streetcar alignment, at least 50 percent of the ground level floor area in each building located within 200 feet of the right-of-way with the streetcar alignment must be in one or more of the active uses listed below, where allowed by the base zone. Parking areas, both accessory and commercial, are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area. Development that includes a residential use is exempt from the standard until January 1, 2029. The active uses are:
1. Household or Group Living;
 2. Retail Sales And Service;
 3. Office;
 4. Manufacturing And Production;
 5. Industrial Service;
 6. Community Service;
 7. Schools;
 8. Colleges;
 9. Medical Centers;
 10. Religious Institutions; and
 11. Daycare.

Commentary

33.562.300.G.3

See commentary related to 33.510.255.H.

33.562.300 Northwest Master Plan

A.-F. [No change]

G. Approval criteria for a Northwest Master Plan. A request for approval or amendment of a Northwest Master Plan will be approved if the review body finds that the applicant has shown that the following approval criteria are met:

1.-2. [No change]

3. Transportation.

a. [No change]

b. The transportation system is capable of supporting the proposed development 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 as required by criterion G.3.c.;

c.-e. [No change]

4. [No change]

H.-I. [No change]

Commentary

33.595.130.B Required Ground Floor Active Use

This project is suspending the required ground floor active use requirement for 5 years for development that include a residential use. The amendment is intended to reduce the number of standards applicable to development with housing when these standards can increase the cost of development. The amendment is also consistent with amendments made in other plan districts.

33.595.250.E Ground floor windows

Within the commercial corridors of the plan district, the ground floor of a building must have windows covering 60% of the wall. This is an increased percentage over the ground floor window requirement in the base zones. This amendment suspends the higher ground floor window requirement of 60% in these areas for 5 years for development that include residential uses. The base zones ground floor window standard will instead apply.

33.595 West Portland Multicultural Plan District

595

33.595.130 Required Ground Floor Active Use

- A. Where this regulation applies.** This regulation applies in commercial/mixed use zones.
- B. Required ground floor active use.** On sites that abut a commercial corridor shown on Map 595-3, and on sites that abut any street in the Barbur Transit Center shown on Map 595-3, 25 percent of any ground level floor area located within 100 feet of the lot line that abuts the corridor or street shown on Map 595-3 must be in one of the following active uses. Development that includes a residential use is exempt from the standard until January 1, 2029. Only uses allowed in the base zone may be chosen:
1. Retail Sales and Service;
 2. Office;
 3. Industrial Service;
 4. Manufacturing and Production;
 5. Community Service;
 6. Daycare;
 7. Religious Institutions;
 8. Schools;
 9. Colleges. If a College use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; library; food service; theatre; meeting area; or
 10. Medical Centers. If a Medical Center use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; waiting room; food service; out-patient clinic.

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 that includes a residential use.
- F.** [No change]

Commentary

33.610.100 Density Standards

HB2001, which passed in 2019, required cities to amend their single dwelling zoning rules to enable multiple types of middle housing, such as duplexes, triplexes, fourplexes, cottage clusters, and townhouses. In areas with certain environmental or land hazard constraints, middle housing types were limited to just duplexes.

The Residential Infill Project - Part 2 included amendments to the land division rules that would enable attached houses (i.e. townhouses) at higher densities in areas where fourplexes were allowed, with the underlying premise that the densities between a fourplex on a standard lot or four attached house lots were generally equal.

However, similar provisions were not created to allow attached houses at a density commensurate with duplexes for the constrained areas. Consequently, a duplex would be allowed on a standard lot, but 2 attached house lots on the same amount of area as the standard lot would not be allowed.

While HB2001 also created middle housing land divisions that would permit a duplex to be divided, middle housing land divisions are designed for single infill projects (e.g. dividing a duplex) and not dividing a number of properties on a larger site (e.g. dividing 10 duplexes on 10 lots). A conventional land division is better suited for that more holistic level review.

This change adds a new type of density for attached house lots that are proposed in constrained areas, that enable conventional land divisions for attached houses at the same density as if duplexes were proposed. This simplifies and consolidates the land division process for dividing lots with the same density outcome.

Consequently, there are now three types of maximum lot density in single dwelling zones. maximum density A is the highest, applicable only for attached houses where fourplexes would otherwise be allowed, i.e. outside the constrained sites overlay zone on sites that have frontage on a maintained street. Density B, the middle level of density, provides parity for attached house lots where duplexes would otherwise be allowed, i.e. either in the constrained sites overlay or locations that lack frontage on a maintained street. density C, is for creating lots for housing types other than attached houses. Whether those lots may be subsequently developed with a house or duplex, or triplex or fourplex is dependent on whether the lot is in the constrained sites overlay, and on a maintained street.

33.610 Lots in RF Through R5 Zones

610

33.610.100 Density Standards

- A. [No change]
- B. **Generally.**
- 1-2. [No change]
3. When lots will be created using more than one maximum density~~both maximum density A and maximum density B~~, maximum density is calculated separately for the area being divided under each maximum density. When streets are created, density is calculated separately after deducting for streets.
- C. **No street created.** Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:
1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:
- Square footage of site;
÷ Maximum density A₂ ~~or B₂~~ or C from Table 610-1;
= Maximum number of lots allowed.
2. Minimum density. Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:
- Square footage of site;
- Square footage of site within an environmental or River Environmental overlay zone, potential landslide hazard area, or special flood hazard area;
x 0.80;
÷ Maximum density C~~B~~ from Table 610-1;
= Minimum number of lots required.
- D. **Street created.** Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited:
1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:
- Square footage of site;
x 0.85;
÷ Maximum density A₂ ~~or B₂~~ or C from Table 610-1;
= Maximum number of lots allowed.

Commentary

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

Square footage of site

- Square footage of site within an environmental or River Environmental overlay zone, potential landslide hazard area, or special flood hazard area;

x 0.68

÷ Maximum density CB from Table 610-1

= Minimum number of lots required.

E. [No change]

Table 610-1 Maximum Density Standards					
	RF	R20	R10	R7	R5
Maximum Density A: Maximum density for lots that <ul style="list-style-type: none"> • Will be developed with attached houses; • Will be located entirely outside the Constrained Sites overlay zone; and • Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles. 	NA	1 lot per 5,000 sq. ft.	1 lot per 2,500 s q. ft.	1 lot per 1,750 sq. ft.	1 lot per 1,500 sq. ft.
<u>Maximum Density B:</u> <u>Maximum density for lots that will be developed with attached houses.</u>	<u>NA</u>	<u>1 lot per</u> <u>10,000 sq ft</u>	<u>1 lot per</u> <u>5,000 sq ft</u>	<u>1 lot per</u> <u>3,500 sq ft</u>	<u>1 lot per</u> <u>2,500 sq ft</u>
Maximum Density BC : Maximum density for all other lots	1 lot per 87,120 sq. ft.	1 lot per 20,000 sq. ft.	1 lot per 10,000 sq. ft.	1 lot per 7,000 sq. ft.	1 lot per 5,000 sq. ft.

Commentary

Table 610-2 Lot Dimension Standards

This amendment clarifies that the lot dimension standards for attached houses apply to attached house both in and out of the constrained sites overlay zone.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

Table 610-2 Lot Dimension Standards					
	RF	R20	R10	R7	R5
Minimum Lot Area					
Attached house lots [1]	NA	1,500 sq. ft. 12,000 sq. ft.	1,500 sq. ft. 6,000 sq. ft.	1,500 sq. ft. 4,200 sq. ft.	1,500 sq. ft. 3,000 sq. ft.
All other lots	52,000 sq. ft.				
Maximum Lot Area	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.
Minimum Lot Width [2]					
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	60 ft.	60 ft.	50 ft.	40 ft.	36 ft.
Minimum Front Lot Line					
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.

Notes:

[1] This dimensional standard is only allowed for lots that are ~~located entirely outside the Constrained Sites overlay zone, have frontage on a maintained street or a private street that connects to a maintained street or a self-contained pedestrian connection created solely for pedestrians and bicycles, and will be developed with attached houses.~~

[2] See 33.930.100.A for how lot width is measured.

Commentary

33.705.020.A.3

The neighborhood contact regulations contain a standard directing the applicant to submit information via an email or online submittal form prior to applying for a permit or land use review. The standard also directs the Bureau of Development Standards to make information available in a certain online format. The zoning code regulates development and development-related activities, not which kinds of online formats BDS should use. This particular regulation is too prescriptive and not appropriate for the zoning code. BDS has administrative procedures that they follow for how they post neighborhood contact information online. .Therefore, this amendment moves the standard directing what the applicant for a development permit or land use review must do to the paragraph related to "required information" and deletes the direction to BDS regarding online formats. This provides flexibility for BDS to utilize technology in the most efficient way, especially as new options develop.

Chapter 33.705 Neighborhood Contact

705

33.705.020 Neighborhood Contact Steps

- A. Neighborhood contact I.** Neighborhood contact I requires the following notification and posting steps:

1-2. [no change]

~~3. Online Access~~

~~a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:~~

~~(1) The name, telephone number, and email address of the applicant;~~

~~(2) The address of the site of the proposed development;~~

~~(3) A summary of the proposed development; and~~

~~(4) A site plan that includes the proposed development.~~

~~b. The Bureau of Development Services must make the information required by Subparagraph A.3.a available in an accessible online format and as an open data set. The bureau will also provide a way for community members to subscribe to get proactive notification of new information.~~

34. Required information.

a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:

(1) The name, telephone number, and email address of the applicant;

(2) The address of the site of the proposed development;

(3) A summary of the proposed development; and

(4) A site plan that includes the proposed development.

b. The following information must be submitted as part of the application for a land use review or building permit:

~~(1)a.~~ A copy of the email or letter that was sent as required by Paragraph A.1.;

~~(2)b.~~ A list of the email or postal addresses to which the email or letter required by Paragraph A.1. was sent;

~~(3)c.~~ A photograph of the sign required by Paragraph A.2. posted on the site;

~~(4)d.~~ A signed statement certifying that the required email or letter was sent, and the required signs were posted, at least 35 days, but not more than one year, before applying for a land use review or building permit.

Commentary

33.705.020.B.3

See previous commentary regarding neighborhood contact submission requirements.

33.705.020.B.3 Meeting

This amendment suspends the meeting requirement of Neighborhood Contact II for five years, when the proposal includes a residential use. Neighborhood Contact II gets engaged when a development exceeds 25,000 s.f. In addition to posting the site, the current standard requires the applicant hold a meeting within the neighborhood of the proposal prior to the submission of a building permit or land use review. While there is a benefit in providing this initial engagement, it can also increase the amount of time before a development is approved. The Planning Commission determined that the posting requirement was a marginal added step, but that the scheduling of a meeting potentially adds the greatest delay. The posting is kept, but the meeting requirement is waived for projects with a residential component until January 1, 2029.

33.705.020.B.3.b and B.3.c

At the beginning of the COVID pandemic, the zoning code was amended to allow the required neighborhood contact meeting to be held remotely. The allowance was initially intended to be short-term because no one knew how long the pandemic would last. Because many meetings continue to be held remotely, or as a combination of in-person and electronic format, this amendment allows this to continue permanently as an option. While there is no requirement for meetings to be one-way or the other, the amendment allows the flexibility for both the developer and neighborhood association to hold a meeting in a format that they are currently using or that is most comfortable given the uncertainty of future situations. The change also provides the option for the meeting to be held outside of the evening/weekend times if it is part of the neighborhood association meeting. This option is being moved from the Neighborhood Contact III which is being eliminated and incorporated into the Neighborhood Contact II thresholds.

B. Neighborhood contact II. Neighborhood contact II requires the following meeting, notification and posting steps:

1.-2. [no change]

~~3.—Online Access~~

~~a.—The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:~~

~~(1) The name, telephone number, and email address of the applicant;~~

~~(2) The address of the site of the proposed development;~~

~~(3) A summary of the proposed development; and~~

~~(4) A site plan that includes the proposed development.~~

~~b.—The Bureau of Development Services must make the information required by Subparagraph B.3.a available in an accessible online format and as an open data set. The bureau will also provide a way for community members to subscribe to get proactive notification of new information.~~

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]

Commentary

45. Required information.

- a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:
- (1) The name, telephone number, and email address of the applicant;
 - (2) The address of the site of the proposed development;
 - (3) A summary of the proposed development; and
 - (4) A site plan that includes the proposed development.
- b. The following information must be submitted as part of the application for a land use review or building permit:
- ~~(1)~~a. A copy of the email or letter that was sent as required by Paragraph A.1.;
 - ~~(2)~~b. A list of the email or postal addresses to which the email or letter required by Paragraph A.1. was sent;
 - ~~(3)~~c. A photograph of the sign required by Paragraph A.2. posted on the site;
 - ~~(4)~~d. A signed statement certifying:
 - ~~(1)~~ That the required email or letter was sent at least 35 days, but not more than one year, before applying for the land use review or building permit;
 - ~~(2)~~ That the required signs were posted, at least 35 days, but not more than one year, before applying for the land use review or building permit;
 - ~~(3)~~ That the required meeting was held at least 14 days before applying for the land use review or building permit, and at least 14 days after sending the email or letter and posting the required signs; and
 - ~~(4)~~ That the notes from the required public meeting were 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, prior to applying for the land use review or building permit.

Commentary

33.705.020.C Neighborhood contact III

This permanent change simplifies the Neighborhood Contact process by eliminating Neighborhood Contact III. The Neighborhood Contact III option is a more complicated process for projects in the Design overlay zone, or when a land division includes an environmental review, and it involves an alternative meeting schedule. Neighborhood contact III can increase the amount of time it takes for the neighborhood contact process to take place, and many applicants are confused by the different contact process and timelines of contact III when compared to the contact II process. The intent of the amendment is to standardize the contact process between the posting requirement of Neighborhood Contact I and the posting/meeting for II. The simplification reduces the confusion and potential time delay before a building permit or land use review is submitted. However, a parallel amendment made to the Neighborhood Contact II process allows for the applicant to work directly with the Neighborhood Association to host the meeting if the Association chooses to, which is similar to the contact III option. With its deletion, projects previously subject to Neighborhood Contact III will instead follow the Neighborhood Contact I or II process depending on the size of the development.

Note that this revised contact process will immediately apply to commercial only projects. However, projects with residential uses will have the meeting of the Neighborhood Contact II process waived. In those cases, only a posting will be required and the Neighborhood Contact I/II process will begin applying at the end of the suspension after January 1, 2029.

C. ~~Neighborhood contact III.~~ ~~Neighborhood contact III requires the following meeting, notification and posting steps:~~

1. ~~Notification. The applicant must contact via email or mail the neighborhood association, district neighborhood coalition, and business association for the area, and any neighborhood association, district neighborhood coalition, or business association within 400 feet of the proposal site. A copy of the request and information must also be sent via email or mail to the district neighborhood coalition, neighborhood business association, and school district within whose boundaries the proposal is located. The email or letter must include the following information:~~
 - a. ~~The name, telephone number and email address of the applicant;~~
 - b. ~~The address of the site of the proposed development;~~
 - c. ~~A summary of the proposed development; and~~
 - d. ~~A conceptual site plan. _____~~

~~The neighborhood association should reply to the applicant within 14 days and hold a meeting within 45 days of the date of mailing the request. If the neighborhood requests the meeting within the time frame, the applicant must attend the meeting. 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. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant must meet the meeting requirements of Paragraph C.4.~~

Commentary

2. ~~Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit.~~
- a. ~~A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Signs may not be posted in a public right of way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.~~
 - b. ~~The required signs must remain on the site until a building permit is issued or one year has passed since the application that triggers the sign requirement was submitted, whichever is less, except that the required signs must be removed from the site when required posting for a land use review occurs.~~
 - c. ~~The Director of the Bureau of Development Services has the authority to adopt administrative rules to determine the size and layout of the sign.~~
 - d. ~~A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.~~
 - e. ~~The signs must contain the following information:~~
 - (1) ~~The name, telephone number and email address of the applicant;~~
 - (2) ~~The name and email address of the neighborhood association that includes the site;~~
 - (3) ~~The name, telephone number and email address of the district coalition that includes the site;~~
 - (4) ~~A written summary of the proposed development;~~
 - (5) ~~A site plan that includes the proposed development;~~
 - (6) ~~The date, time and location of the meeting required by either C.1 or C.4; and~~
 - (7) ~~Procedural information provided by the Bureau of Development Services.~~
3. ~~Online Access~~
- a. ~~The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:~~
 - (1) ~~The name, telephone number, and email address of the applicant;~~
 - (2) ~~The address of the site of the proposed development;~~
 - (3) ~~A summary of the proposed development; and~~
 - (4) ~~A site plan that includes the proposed development.~~

Commentary

- ~~b. The Bureau of Development Services must make the information required by Subparagraph C.3.a available in an accessible online format and as an open data set. The bureau will also provide a way for community members to subscribe to get proactive notification of new information.~~
- 4. Meeting. ~~If the neighborhood association does not reply to the applicant meeting request within 14 days, or hold a meeting within 45 days, the applicant must schedule and attend one public meeting. 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. Be held at least 14 days before applying for a land use review or a building permit, and at least 14 days after sending the email or letter and posting signs required by Paragraphs C.1. and C.2.~~
 - ~~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 remotely using online video conferencing technology. 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 and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting; and~~
 - ~~d. Be open to the public; and~~
 - ~~e. Be in a location that provides access to all members of the public. If requested by a member of the public at least three days prior to the meeting, the applicant must provide language services, alternative formats, auxiliary aids, or other reasonable requests that ensure barrier free access.~~
- 5. Required information. The following information must be submitted as part of the application for a land use review or building permit:
 - ~~a. A copy of the emails or letters that were sent as required by Paragraphs C.1. and C.4;~~
 - ~~b. A list of the email or postal addresses to which the email or letter required by Paragraph C.1. and C.4 were sent;~~
 - ~~c. A photograph of the sign required by Paragraph C.2. posted on the site;~~
 - ~~d. A signed statement certifying:
 - ~~(1) That the required email or letter was sent at least 35 days, but not more than one year, before applying for the land use review or building permit;~~~~

Commentary

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

- ~~(2) That the required signs were posted, at least 35 days, but not more than one year, before applying for the land use review or building permit;~~
- ~~(3) That the required meeting request was sent;~~
- ~~(4) That the neighborhood association either did not reply or declined the request or that the neighborhood association meeting take place; and~~
- ~~(5) That the notes from the meeting, if one was held, were 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, prior to applying for the land use review or building permit.~~

Commentary

33.730.020.B.

This amendment removes references to the triggers and process for the Neighborhood Contact III option. As mentioned above, this option is being removed permanently, and projects will either meet the Neighborhood Contact I or II, even if they are within Design overlay zones. This simplifies the contact process moving forward.

33.730 Quasi-Judicial Procedures

730

33.730.020 Type II Procedure

The Type II procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

- A. Pre-application conference.** A pre-application conference is optional unless it is a specific requirement of a review. See 33.730.050.A., Pre-Application Conference.
- B. Neighborhood contact.**
 - 1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site ~~and no portion of the site is in the Design overlay zone~~, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 - 2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site ~~and no portion of the site is in the Design overlay zone~~, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 - 3. ~~When the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.C, Neighborhood contact III, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.~~
- C-J.** [No change]

Commentary

33.730.030.B.

This amendment removes references to the triggers and process for the neighborhood contact III option. As mentioned above, this option is being removed permanently, and projects will either meet the neighborhood contact I or II, even if they are within Design overlay zones or involve land divisions in conjunction with an environmental review. This simplifies the contact process moving forward.

33.730.030 Type III Procedure

A Type III procedure requires a public hearing before an assigned review body. Subsections A through E apply to all sites. If the site is within the City of Portland, Subsections F through I also apply. If the site is in the portion of unincorporated Multnomah County that is subject to City zoning, Subsection J also applies.

A. Pre-application conference. A pre-application conference is required for all requests processed through a Type III procedure, except applications for historic designation review and historic designation removal review. See 33.730.050.A., Pre-Application Conference.

B. Neighborhood contact.

1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
 - a. The application is for a land division that includes four to ten lots ~~and does not include an environmental review~~; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site ~~and no portion of the site is in the Design overlay zone~~. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
2. The neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required when:
 - a. The application is for a land division that includes eleven or more lots ~~and does not include an environmental review~~; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site ~~and no portion of the site is in the Design overlay zone~~. If the proposed development is in the EG1, EG2, or an I zone, or if it was subject to a building permit process, it is exempt from the neighborhood contact requirements.
3. ~~The neighborhood contact steps of 33.705.020.C., Neighborhood contact III, are required when:~~
 - ~~a. The application is for a land division that includes an environmental review; or~~
 - ~~b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.~~

C.-J. [No change]

Commentary

33.730.130.B.1 and B.4

This amendment makes two changes. First, the amendment increases the number of years before a land use review expires, from 3 years to 5 years. The time period for multiple developments is already being considered within the floodplain project. The second amendment modifies the extension period that applies to past approvals. The extension period was adopted at the beginning of the COVID pandemic. The effect of the COVID crisis resulted in a longer timeline for obtaining financing for some developments. While the timeline amendments will permanently increase the total number of years before a land use review expires, it does not apply to those projects that were previously part of the pandemic timeline. The modified extension period allows past land use approvals to have either 5 years or 7 years to gain permits or begin their use.

A corollary amendment in the RICAP 10 project is considering the creation of a land use review expiration extension review process that will allow a one-time, 2-year extension on top of the 5 years.

33.730.130 Expiration of an Approval

A. [No change]

B. When approved decisions expire.

1. Land use approvals, ~~except as otherwise specified in this section,~~ expire if:

- a. Generally. Within 53 years of the date of the final decision a City permit has not been issued for approved development; or for situations that do not require a permit, ~~w~~Within 53 years of the date of the final decision the approved activity has not commenced.
- b. Exception. ~~Within the City, F~~final decisions that became effective between January 1, 2019 and [INSERT EFFECTIVE DATE OF ORDINANCE] expire if within 5 years of the date of the final decision ~~March 8, 2017 and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced. by January 1, 2024. Within the portion of unincorporated Multnomah County that is subject to City zoning, final decisions that became effective between August 10, 2017 and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced by January 1, 2024.~~

2-3. [No change]

4. Multiple developments.

- a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 7 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply. Examples of multiple developments include phased development and multi-building proposals. Multiple developments does not include the phased permitting of a single building or multi-building projects with a single primary structure.
- b. Exception. ~~Within the City, O~~On sites where the final decisions became effective between January 1, 2017 and [INSERT EFFECTIVE DATE OF ORDINANCE] ~~March 8, 2017 and January 1, 2021 and a City permit is not issued for all development within 7 years of the date of the final decision~~by January 1, 2024, the approval does not expire but no additional development may occur without another review. Within the portion of unincorporated Multnomah County that is subject to City zoning, on sites where the final decisions became effective between August 10, 2017 and January 1, 2021 and a City permit is not issued for all development by January 1, 2024, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.

Commentary

33.730.130.B.6, B.8, and B.9

The timeline for submitting a final plat review had a temporary extension at the beginning of the pandemic relief. That extension will expire, so it is being deleted. In this case, there has not been a problem with preliminary plans expiring, because no part of the final plat has been submitted. As long as some part of the final plat is submitted within 3 years of the approval of a preliminary plan, the preliminary plan will not expire. This is a less onerous financing and timing requirement than those for issuance of a building permit. Submission of the final plat is just part of the existing two-step land division process, and once the final plat is submitted, the preliminary plat expiration is not a factor.

5. [No change]
6. Preliminary plans.
 - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
 - b. Exceptions. 1)——Approved preliminary plans for middle housing land divisions expire if within 3 years of the date of final decision the final plat has not been approved.
~~(2) Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.~~
7. [No change]
8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:
 - a. ~~Generally.~~(1)The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 - b.~~(2)~~Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
 - ~~b.~~——~~Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.~~

Commentary

9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:
 - a. Application for approval of a Final Plat for part or all of the site.~~(1) —~~ Generally, The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
~~(2) — Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.~~
 - b. [no change]
10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:
 - a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;
 - b. The final plat of the land division has not expired; and
 - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat. ~~For final plats approved between August 10, 2017, and January 1, 2021 the improvements must have been made by January 1, 2024.~~

Commentary

33.730.130.D. Expiration of adjustments approved prior to March 16, 2001

This is related to the 20 year old code provision for upgrading nonconforming landscaping in 33.258. An exception was created in 2001 when landscaping requirements were updated in the zoning code. The exception expired 10 years later and is being deleted from 33.258 (see code and commentary from 33.258.070). Because it will be deleted from 33.258, it will also be deleted here.

11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

- a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;
- b. The PUD or PD has not expired;
- c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD. Within the City limits, for a PUD or PD receiving final approval between March 8, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024. Within the portion of unincorporated Multnomah County that is subject to City zoning, for a PUD or PD receiving final approval between August 10, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024.

12. [no change]

C. [No change]

~~D. **Expiration of adjustments approved prior to March 16, 2001.** Adjustments to parking lot interior landscaping requirements approved prior to March 16, 2001 became void on March 16, 2001. Parking lot interior landscaping approved through an adjustment prior to March 16, 2001 is nonconforming development.~~

Commentary

33.810.050.A. Quasi-Judicial

Within many of the existing land use approval criteria addressing transportation impacts in the zoning code, there is a reference to the impact to on-street parking from a development. The relationship between off-street and on-street parking was more critical when our zoning code had off-street parking minimums. However, with the recent adoption of the Parking Compliance Amendments Package in compliance with state rulemaking, the City no longer requires minimum on-site parking. Because the zoning code no longer requires on-site parking, requiring an analysis of a proposed developments impact on on-street parking can be problematic, because there is no policy or code mechanism to mitigate that impact with off-street parking. As a result, the proposal is to delete reference to "on-street parking" impacts from all transportation-related land use review approval criteria.

33.810 Comprehensive Plan Map Amendments

810

33.810.050 Approval Criteria

- A. Quasi-Judicial.** Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:
- 1.-2. [No change]
 3. In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:
 - a. [No change]
 - b. The transportation system is capable of supporting the uses allowed by the proposed designation 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 as required by criterion A.3.c;
 - c.-i. [No change]
- B.** [No change]

Commentary

33.815.100.B.2

33.815.105.D.2.a

Within many of the existing land use approval criteria addressing transportation impacts in the zoning code, there is a reference to the impact to on-street parking from a development. The relationship between off-street and on-street parking was more critical when our zoning code had off-street parking minimums. However, with the recent adoption of the Parking Compliance Amendments Package in compliance with state rulemaking, the City no longer requires minimum on-site parking. Because the zoning code no longer requires on-site parking, requiring an analysis of a proposed developments impact on on-street parking can be problematic, because there is no policy or code mechanism to mitigate that impact with off-street parking. As a result, the proposal is to delete reference to "on-street parking" impacts from all transportation-related land use review approval criteria.

33.815 Conditional Uses

815

33.815.100 Uses in the Open Space Zone

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

- A. [No change]
- B. **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]
- C.-D. [No change]

33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones

These approval criteria apply to all conditional uses in R and campus institutional zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in residential and campus institutional zones that maintain or do not significantly conflict with the appearance and function of residential or campus areas. Criteria A through E apply to institutions and other non-Household Living uses in residential zones. Criteria B through E apply to all other conditional uses in campus institutional zones. The approval criteria are:

- A.-C. [No change]
- D. **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

Commentary

See commentary on page 144

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]

33.815.107 Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones

These approval criteria apply to Community Service uses that provide short term, mass, and outdoor shelters in R, CI1, and IR zones. Approval criterion A and C must be met for all for all mass shelters and short term shelters. Criterion A through E must be met for all outdoor shelters, and for mass short term shelters where the net building area on the site is increasing by more than 1500 square feet or 10 percent, whichever is greater. The approval criteria are as follows:

A.-C. [No change]

D. 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]

33.815.110 Office and Retail Sales And Service Uses in the RX Zone

These approval criteria provide for commercial uses in greater amounts than are allowed by right to promote new housing and support the residential area. The approval criteria are:

A.-B. [No change]

C. Transportation system

1. 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;

2.-3. [No change]

Commentary

See commentary on page 144

33.815.115 Specified Uses in Commercial/Mixed Use Zones

These approval criteria apply to Industrial Service uses and Agricultural uses in the commercial/mixed use zones. The approval criteria allow these uses in commercial/mixed use zones when they have a business or consumer orientation and are of a size and character to blend in with the other commercial uses. The approval criteria are:

A.-C. [No change]

D. Transportation system:

1. 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;

2.-3. [No change]

33.815.120 Commercial Parking Facilities in the RX, CX, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District.

These approval criteria provide for commercial parking facilities that support development outside the Central City, Columbia South Shore, and the Cascade Station/Portland International Center plan districts. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, mixed use, employment, or residential character of the zones. Commercial parking facilities must meet criteria A. through E. and one of F. or G. The approval criteria are:

A.-B. [No change]

C. Transportation system:

1. The transportation system is capable of supporting the proposed facility 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;

2.-3. [No change]

D.-G. [No change]

Commentary

See commentary on page 144

33.815.121 Commercial Parking Facilities in the CM2 and CM3 Zones in the Hollywood Plan District

These approval criteria provide for commercial parking facilities that support urban-scale development in the Hollywood plan district by providing parking for visitors, customers, and employees of Hollywood. The criteria are not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired character of Hollywood. The approval criteria are:

- A. [No change]
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed facility 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;
 - 2.-3. [No change]
- C. [No change]

33.815.122 Commercial Parking Facilities in the Employment Focus Area of West Portland Multicultural Plan District

These approval criteria serve to control Commercial Parking Facilities in the Employment Focus Area of Subdistrict A in the West Portland Multicultural Plan District to prioritize and support transit-oriented employment uses. The approval criteria are:

- A.-C. [No change]
- D. Transportation system:
 - 1. 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.
 - 2.-3. [No change]

Commentary

See commentary on page 144

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Lower Albina Subdistrict of the Central City Plan District may use the approval criteria listed in 33.815.126: Office Uses in the IG1 Zone in the Lower Albina Subdistrict, if they contain characteristics of manufacturing businesses. Office uses in Historic Landmarks, Conservation Landmarks, and contributing resources in a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

- A.** [No change]
- B.** Transportation system:
 - 1. 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;
 - 2.-3. [No change]
- C.-E.** [No change]

33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in Historic Landmarks, Conservation Landmarks, and contributing resources in a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. The approval criteria are:

- A.** [No change]
- B.** Transportation system:
 - 1. 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;
 - 2.-3. [No change]
- C.-E.** [No change]

Commentary

See commentary on page 144

33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District

These approval criteria allow accessory and headquarters offices that operate in conjunction with the primary activities of allowed uses, while ensuring that these offices will not have a detrimental impact on industrial operations in the plan district. These criteria also recognize that normal industrial activities may have negative impacts on office uses; those impacts can result in complaints that interfere with industrial operations.

- A. [No change]
- B. Transportation system:
 - 1. 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;
 - 2.-3. [No change]
- C. [No change]

33.815.128 Retail Sales And Service Uses in the EG Zone

These approval criteria apply to Retail Sales And Service uses in order to allow commercial development that serves the immediate employment area while ensuring that the development will not have a detrimental impact on the character of the employment zone. The approval criteria are:

- A. [No change]
- B. Transportation system:
 - 1. 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;
 - 2.-3. [No change]
- C.-D. [No change]

Commentary

See commentary on page 144

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote the preservation of historic resources that are Historic Landmarks, Conservation Landmarks, or contributing resources in a Historic District or a Conservation District. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

- A. [No change]
- B. Transportation system:
 - 1. 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;
 - 2.-3. [No change]
- C. [No change]

33.815.130 Residential Uses in the IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. The approval criteria are as follows:

- A. [No change]
- B. Transportation system:
 - 1. 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;
 - 2.-3. [No change]
- C.-D. [No change]

Commentary

See commentary on page 144

33.815.140 Mass and Outdoor Shelters in the C, CI2, E, and I Zones

These criteria apply to mass and outdoor shelters in the C, CI2, E, and I zones.

A.-B. [No change]

C. 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]

D.-E. [No change]

33.815.200 Aviation And Surface Passenger Terminals

These approval criteria allow Aviation And Surface Passenger Terminals at locations where their impacts on surrounding land uses, especially residential, are limited. The approval criteria are:

A.-b. [No change]

C. Bus, rail and ship passenger terminals.

1. Public services.

a. [No change]

b. Transportation system:

- (1) 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;

(2)-(3) [No change]

c. [No change]

2.-3. [No change]

Commentary

See commentary on page 144

33.815.205 Detention Facilities

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

A.-B. [No change]

C. Public services.

1.-2. [No change]

3. 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]

4. [No change]

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

A. Public services.

1.-2. [No change]

3. 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]

4. [No change]

B.-D. [No change]

Commentary

See commentary on page 144

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]

33.815.222 Park-and-Ride Facilities for Mass Transit

Park-and-ride facilities improve access to transit for some people who live beyond walking or bicycling distance of bus or light rail lines. Park-and-ride facilities can create significant peak-hour traffic and conflict with traffic, pedestrian, and bicycle movement. The approval criteria are:

A.-C. [No change]

D. Transportation system:

1. The transportation system is capable of supporting the proposed facility 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;

2.-3. [No change]

D.-G. [No change]

Commentary

See commentary on page 144

33.815.223 Public Safety Facilities

These approval criteria allow Public Safety Facilities where it is necessary to the health and safety of the public that a facility be at a particular site. The criteria also ensure that impacts resulting from the facility will be mitigated to the extent practicable. The approval criteria are:

A.-B. [No change]

C. 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]

D.-E. [No change]

33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

These approval criteria serve to control Commercial Parking Facilities in the Entryway subarea of the Columbia South Shore plan district to promote the City's development objectives for the area. The approval criteria are:

A.-E. [No change]

F. Transportation system:

1. 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;

2.-3. [No change]

Commentary

See commentary on page 144

33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District

These approval criteria provide for professional/technical facilities which directly involve firms in Columbia Corridor and which show effective transportation demand management. The approval criteria are:

A.-B. [No change]

C. Transportation system:

1. 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;

2.-3. [No change]

D.-F. [No change]

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District

For Retail Sales and Service Uses that directly support industrial firms in the Columbia South Shore but require space in excess of the limits provided in 33.515, only approval criteria A through D apply. For the minor alteration of Retail Sales and Service Uses in excess of 25,000 square feet which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, only approval criterion D applies:

A.-B. [No change]

C. Transportation system:

1. 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;

2.-3. [No change]

D.-E. [No change]

Commentary

See commentary on page 144

33.815.304 Retail Sales And Service Uses on Specified Sites in the CX and EX Zones in the Central City Plan District

Approval criteria A, B and D apply to Retail Sales And Service uses with more than 50,000 square feet of net building area on sites shown on Map 510-12 that are outside the South Waterfront Subdistrict.

Approval criteria A, B, C and D apply to Retail Sales And Service Uses with more than 50,000 square feet of net building area on sites shown on Map 510-12 that are within the South Waterfront Subdistrict.

A. [No change]

B. Transportation system:

1. 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;

2.-3. [No change]

C.-D. [No change]

33.815.305 Replacement Parking Facilities in the Central City Plan District

These approval criteria provide for parking facilities that replace on- and off-street parking spaces lost to development of a light rail line. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, mixed use, employment, or residential character of the zones. It is intended to allow parking facilities that primarily serve users who have destinations in the neighborhood, and to provide replacement, as opposed to additional, parking. The approval criteria are:

A.-B. [No change]

C. Transportation system:

1. 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;

2.-3. [No change]

D.-F. [No change]

Commentary

See commentary on page 144

33.815.315 Utility Scale Energy Production in Specified C zones.

These approval criteria provide for Utility Scale Energy Production in the commercial/mixed use zones. They allow energy-generating activities that have limited impact on the surrounding area, while supporting sustainability goals for energy. The approval criteria are:

A.-B. [No change]

C. Transportation system:

1. 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;

2.-3. [No change]

D. [No change]

Commentary

33.825.025 Review Procedures

Table 825-1

Currently, there is an option for affordable housing projects meeting certain specifications to choose to go through a Type II Design Review after meeting with the Design Commission through a Design Advice Request. This is an alternative to the Type III review process which requires a pre-application conference with staff and a formal hearing with the Design Commission. The alternative was added during the Design Overlay Zone Amendments (DOZA) project. During the DOZA deliberation, the DAR was considered a critical component in the review process and provided the opportunity for bureaus and stakeholders to provide comments to allow issues to be identified and addressed earlier in the process.

Comments by the development community in the housing survey and information from the Inclusionary Housing study showed potential costs and time commitments for projects that did not meet the affordability criteria and required the full hearing. There was a concern about the impact across all housing types, not just specified affordable housing. Similar to suggestions for relief from development standards, the Housing Regulatory Relief project was tasked with providing some process relief for projects subject to Design Review.

These amendments reduce the Design Review procedure type for 5 years for projects that include residential uses. For projects normally subject to a Type III review, there are two additional options available: First, for any projects with housing, the applicant will now be able to choose a Type II review in conjunction with a design advice request (DAR), similar to the current process allowed only for an affordable housing project. Second, for projects that meet the current thresholds in the chapter for an affordable housing project, the applicant will be able to choose either a Type II review or a Type Ix review (which does not provide for local appeal). The affordable housing projects would not need to go through a DAR prior to submitting.

For all housing projects that are normally subject to a Type II review, an applicant could choose to be subject to a Type Ix review.

These temporary allowances provide added flexibility for projects subject to a design review and may reduce some time/cost commitments. This special provision would expire on January 1, 2029. At that point, the review process would return to current options.

It should be noted that in all these cases, an applicant can still choose to go through the current review processes and/or apply for a Design Advice Request or Pre-application conference on a voluntary basis.

33.825 Design Review

825

33.825.025 Review Procedures

This section lists procedures for design review for proposals in Design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents. Procedures for design review vary with the type of proposal being reviewed and the geographic area in which the site is located. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Subsection D.

- A. Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1.
 1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal may include both an alteration and an addition to a building. If the alteration is subject to a Type II procedure, but the addition is subject to a Type III procedure, the proposal would be subject to a Type III procedure.
 2. Until January 1, 2029, when a proposal includes a residential use, the proposal may be subject to the next lower procedure type as follows:
 - a. If the proposal is subject to a Type III procedure, the applicant may choose a Type II procedure. A design advice request is required before the application for design review is submitted. See 730.050.B;
 - b. If the proposal is subject to a Type III procedure, the applicant may choose a Type Ix or Type II procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. If a Type Ix or Type II review procedure is chosen, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau; and
 - c. If the proposal is subject to a Type II procedure, the applicant may choose a Type Ix procedure.
- B.-C. [No change]

Commentary

33.833.110.E

33.848.050.F

Within many of the existing land use approval criteria addressing transportation impacts in the zoning code, there is a reference to the impact to on-street parking from a development. The relationship between off-street and on-street parking was more critical when our zoning code had off-street parking minimums. However, with the recent adoption of the Parking Compliance Amendments Package in compliance with state rulemaking, the City no longer requires minimum on-site parking. Because the zoning code no longer requires on-site parking, requiring an analysis of a proposed developments impact on on-street parking can be problematic, because there is no policy or code mechanism to mitigate that impact with off-street parking. As a result, the proposal is to delete reference to "on-street parking" impacts from all transportation-related land use review approval criteria.

33.833 Gateway Master Plan Review

833

33.833.110 Approval Criteria

Requests for Gateway master plan review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met. The proposed Gateway master plan must:

A.-D. [No change]

- E.** The following criterion applies to proposals that will result in more floor area on the site than allowed by the base zone; this includes additional floor area transferred from other sites and that earned from bonuses: Provide adequate and timely infrastructure to support the proposed uses in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; ~~on-street parking impacts~~; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

F.-I. [No change]

33.848 Impact Mitigation Plans

848

33.848.050 Approval Criteria

The approval criteria listed in this Section will be used to review impact mitigation plans. These criteria correspond to the regulations governing the content of the Impact Mitigation Plan. The approval criteria are:

A.-E. [No change]

F. Transportation system:

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

2.-3. [No change]

G.-O. [No change]

Commentary

33.849.110.B.1

33.852.110.D

Within many of the existing land use approval criteria addressing transportation impacts in the zoning code, there is a reference to the impact to on-street parking from a development. The relationship between off-street and on-street parking was more critical when our zoning code had off-street parking minimums. However, with the recent adoption of the Parking Compliance Amendments Package in compliance with state rulemaking, the City no longer requires minimum on-site parking. Because the zoning code no longer requires on-site parking, requiring an analysis of a proposed development's impact on on-street parking can be problematic, because there is no policy or code mechanism to mitigate that impact with off-street parking. As a result, the proposal is to delete reference to "on-street parking" impacts from all transportation-related land use review approval criteria.

33.849 Marquam Hill Parking Review

849

33.849.110 Approval Criteria

- A. [No change]
- B. **Approval criteria for Type B Marquam Hill Parking Reviews.** The request for a Type B Marquam Hill Parking Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
 - 1. If the proposal is to develop parking in excess of the maximums stated in Table 555-1, or the proposal is to develop parking after August 1, 2012 the following criteria must be met:
 - a. [No change]
 - b. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on a transportation impact analysis and includes factors such as street capacity and level of service, ~~on-street parking impacts~~, access requirements, impacts on transit operations and movement, impacts on the immediate and adjacent neighborhoods, and pedestrian and bicycle safety
 - c. [No change]
 - 2. [No change]

33.852 Transportation Impact Review

852

33.852.110 Approval Criteria for Transportation Impact Reviews

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only approval criterion B applies.

- A. The transportation system is capable of supporting the recommended development 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 as required by criterion C;
- B.-D. [No change]

Commentary

33.854.340.G.

Within many of the existing land use approval criteria addressing transportation impacts in the zoning code, there is a reference to the impact to on-street parking from a development. The relationship between off-street and on-street parking was more critical when our zoning code had off-street parking minimums. However, with the recent adoption of the Parking Compliance Amendments Package in compliance with state rulemaking, the City no longer requires minimum on-site parking. Because the zoning code no longer requires on-site parking, requiring an analysis of a proposed developments impact on on-street parking can be problematic, because there is no policy or code mechanism to mitigate that impact with off-street parking. As a result, the proposal is to delete reference to "on-street parking" impacts from all transportation-related land use review 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: 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 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.-3. [No change]

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Contact

PHIL NAMENY

City Planner II, Project Manager | Portland Bureau of Planning & Sustainability

phil.nameny@portlandoregon.gov

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THE BUREAU OF **PLANNING
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portland.gov/bps

503-823-7700

bps@portlandoregon.gov