



Montgomery Park Area Plan

Recommended Draft

Volume 2: Regulatory Tools - Zoning Code Amendments and Design Character Statement

October 2024



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

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Acknowledgments

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Section I: Introduction

Project Summary

This report contains:

1. Amendments to the Portland zoning code intended to implement changes to future land use in NW Portland resulting from the Montgomery Park to Hollywood Transit and Land Use Development Strategy; and
2. Amendments to Portland Community Design Guidelines that provide information and design guidance about the future desired character of the area.

Commentary describing each amendment can be found on the facing pages next to the zoning code amendments in this report.

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Section II: Zoning Code Amendments

This section presents Recommended zoning code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

Commentary

Introduction

This amendments adds the new chapter 33.590, Vaughn-Nicolai Plan District, to this list of chapters.

Title 33, Planning and Zoning

List of Chapters

Introduction

Plan Districts

- | | |
|--|--|
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| | 560 North Cully Plan District |
| | 561 North Interstate Plan District |
| | 562 Northwest Plan District |
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| | 565 Portland International Airport Plan District |
| | 566 Portland International Raceway Plan District |
| | 567 Powell Boulevard Plan District |
| | 570 Rocky Butte Plan District |
| | 575 Sandy Boulevard Plan District |
| | 580 South Auditorium Plan District |
| | 583 St. Johns Plan District |
| | 585 Swan Island Plan District |
| | <u>590 Vaughn-Nicolai Plan District</u> |
| | 595 West Portland Multicultural Plan District |

[No other changes to List of Chapters]

Commentary

Contents

This amendment adds chapter 33.590, Vaughn-Nicolai Plan District, to the zoning code table of contents.

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595	West Portland Multicultural Plan District	595-1

[No other changes to Table of Contents]

Commentary

Plan Districts 500s

This amendment adds chapter 33.590, Vaughn-Nicolai Plan District, to the plan district section's table of contents.

500s

Plan Districts

- 33.500 Plan Districts in General
- 33.505 Albina Community Plan District
- 33.508 Cascade Station/Portland International Center (CS/PIC) Plan District
- 33.510 Central City Plan District
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- 33.560 North Cully Plan District
- 33.561 North Interstate Plan District
- 33.562 Northwest Plan District
- 33.563 Northwest Hills Plan District
- 33.564 Pleasant Valley Plan District

Commentary

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

33.565 Portland International Airport Plan District

33.566 Portland International Raceway Plan District

33.567 Powell Boulevard Plan District

33.570 Rocky Butte Plan District

33.575 Sandy Boulevard Plan District

33.580 South Auditorium Plan District

33.583 St. Johns Plan District

33.585 Swan Island Plan District

33.590 Vaughn-Nicolai Plan District

33.595 West Portland Multicultural Plan District

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

Commentary

33.531 Table of Contents

As a result of the creation of the Vaughn-Nicolai plan district, subdistrict B of the Guild's Lake Industrial Sanctuary plan district will no longer exist—the area within subdistrict B is the area that will be the Vaughn-Nicolai plan district. As such, the regulations that apply to, and the map that shows, subdistrict B are being deleted from the Guild's Lake Industrial Sanctuary plan district. The table of contents for this chapter is being amended to reflect this change.

33.531.010 Purpose

This sentence is being deleted as NW Vaughn will no longer be in the Guild's Lake plan district due to amendments to the plan district boundary and Subdistrict B.

33.531 Guild’s Lake Industrial Sanctuary Plan District

531

Sections:

General

33.531.010 Purpose

33.531.020 Where the Regulations Apply

Use Regulations

33.531.100 Purpose

33.531.110 Additional Use Limitations in the IH Zone

33.531.120 Additional Prohibited Uses

33.531.130 Additional Regulations in Subdistrict A

~~33.531.140 Additional Regulations in Subdistrict B~~

Map 531-1 Guild’s Lake Industrial Sanctuary Plan District and Subdistricts

~~Map 531-2 Subdistrict B~~

33.531.010 Purpose

The Guild’s Lake Industrial Sanctuary plan district fosters the preservation and growth of this premier industrial area adjacent to Portland’s central city. The plan district’s large number of well-established industrial firms are dependent on the area’s multimodal transportation system, including marine, rail, and trucking facilities, and on the ability of area streets to accommodate truck movements. Because of its proximity to inner-city neighborhoods with high concentrations of commercial and residential uses, the Guild’s Lake Industrial Sanctuary is particularly vulnerable to impacts from, and redevelopment to, nonindustrial uses. The provisions of the plan district recognize that the displacement of industrial uses by inappropriate nonindustrial uses potentially threatens the integrity of this district and investments in public and private infrastructure. The provisions of this chapter protect the area from incompatible uses which threaten the district’s integrity, stability and vitality and compromise its transportation system. ~~This chapter also includes provisions to ensure a more pedestrian- and transit-oriented streetscape along NW Vaughn Street and an improved interface with the mixed-use neighborhood to the south.~~

Commentary

33.531.140 Additional Regulations in Subdistrict B

This section is being deleted as the area it refers to is being removed from the Guild's Lake Industrial Sanctuary plan district and will be included in the new Vaughn-Nicolai plan district.

33.531.140 Additional Regulations in Subdistrict B

- A. Purpose.** ~~These regulations minimize conflicts between industrial operations in the Guild’s Lake Industrial Sanctuary and the mixed-use neighborhood to the south. Uses are limited or prohibited that may conflict with nearby industrial and residential uses or that can overburden the area’s transportation system. These regulations provide additional flexibility in the siting of the limited amount of Office uses allowed in the subdistrict, while preserving overall Office use limitations. The regulations also limit blank walls on the ground level of buildings to encourage a continuity of active uses along street frontages and to avoid a monotonous pedestrian environment. Parking access is limited along NW Vaughn Street to minimize impacts on the transportation system and to reduce conflicts with pedestrians.~~
- B. Where these regulations apply.** ~~These regulations apply to sites in an EG zone within Subdistrict B, shown on Map 531-2.~~
- C. Additional limited uses.**
- ~~1. Retail Sales And Service uses limitation. Retail Sales And Service uses are allowed if the net building area plus the exterior display and storage area is not more than 10,000 square feet per site.~~
 - ~~2. Office use limitation. Except for sites with Historic Landmarks, Office uses are allowed if the net building area devoted to Office uses is not more than the total square footage of the site. On a site with a Historic Landmark, Office uses are allowed if the net building area devoted to Office uses is not more than twice the total square footage of the site.~~
- D. Additional prohibited uses.** ~~The following uses are prohibited:~~
- ~~1. Quick Vehicle Servicing;~~
 - ~~2. Commercial Outdoor Recreation; and~~
 - ~~3. Major Event Entertainment.~~
- E. Development standards.**
- ~~1. Maximum floor area ratios. Half the floor area used for parking is not counted toward maximum floor area ratios.~~
 - ~~2. Maximum height. The maximum building height is 65 feet.~~
 - ~~3. Building coverage. The maximum building coverage is 100 percent.~~
 - ~~4. Minimum landscaped area. There is no minimum landscaped area.~~

Commentary

5. ~~Transfer of floor area. The amount of floor area allowed to be in Office use on the portion of a site within Subdistrict B may be transferred to the portion of another site within Subdistrict B, if all of the following are met:~~
 - a. ~~Development on the receiving site must meet all development standards except for the amount of floor area in office use, which is increased to allow the amount transferred;~~
 - b. ~~Transfer of Office floor area may involve only one transferring site and one receiving site; and~~
 - c. ~~The property owner(s) must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential Office use floor area. The covenant must meet the requirements of Section 33.700.060.~~
 6. ~~Setbacks and main entrances. There is no minimum building setback. Sites are subject to the maximum setback standards and main entrance standards of the EG1 zone.~~
 7. ~~Ground floor windows. The ground floor of all street-facing façades that are 20 feet or closer to a street lot line adjacent to NW Vaughn Street must meet the ground floor window standards of the EX zone.~~
 8. ~~Drive through facilities. Drive through facilities are prohibited.~~
 9. ~~Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from NW Vaughn Street unless the site has no other street frontage.~~
 10. ~~Disclosure statement. Before a building permit is issued for an Office use, the applicant must record a disclosure statement with the County. In addition, the owner must provide a copy of the disclosure statement to all prospective tenants and buyers. The disclosure statement must state that the office is located in an industrial area where impacts from industrial uses are present, such as noise, vibrations, fumes, odors, glare, traffic and freight movement. The statement is available at the Development Services Center; and~~
- F. ~~Northwest Transportation Fund bonus option.~~** Contributors to the Northwest Transportation Fund (NWTF) receive Office floor area bonuses. For each contribution to the NWTF, a bonus of one square foot of additional floor area that may be used for Office use is earned, up to an additional floor area ratio of 0.85 to 1. The amount of the contribution required for each square foot of additional floor area is in Chapter 17.19, Northwest Transportation Fund. This bonus allows additional floor area to be in Office uses; it does not increase the total amount of floor area in any use that is allowed on the site, and does not count towards the maximum FAR allowed by the base zone.
- ~~The NWTF is to be collected and administered by the Portland Office of Transportation. The funds collected may be used only to make transportation improvements in the area that will be most affected by the bonus, which is generally bounded by: NW Pettygrove Street, NW Nicolai Street, I 405, NW 27th Avenue.~~

Commentary

Map 531-1

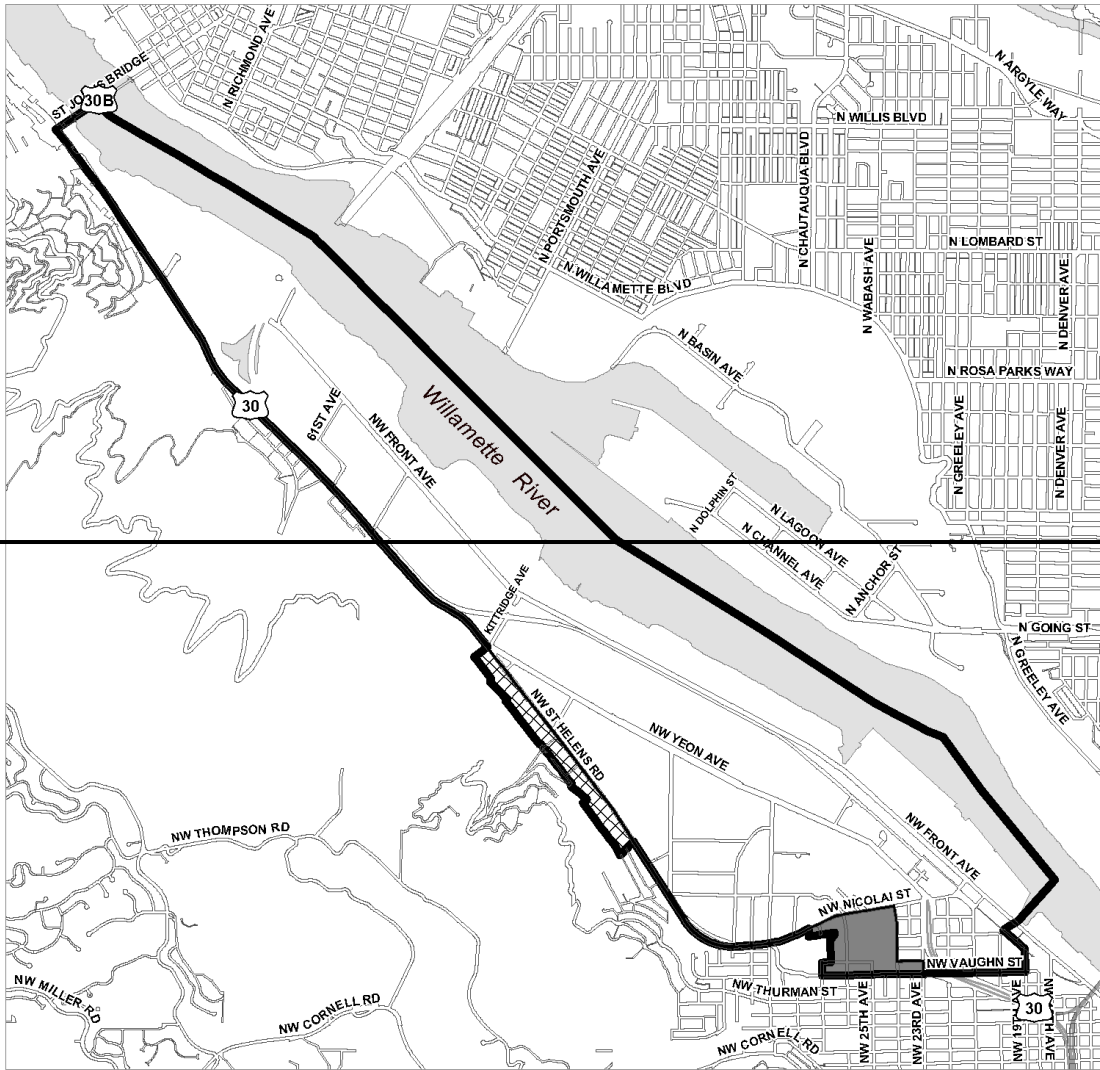
This map will be replaced with a new map that no longer includes Subdistrict B because the area that is in Subdistrict B will become part of the proposed Vaughn-Nicolai plan district.




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

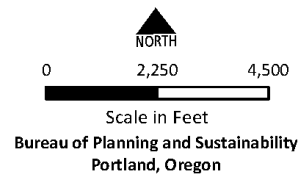
Guild's Lake Industrial Sanctuary Plan District and Subdistricts

Map 531-1

Map Revised May 24, 2018



-  Plan District Boundary
-  Subdistrict A
-  Subdistrict B



Commentary

Map 531-1

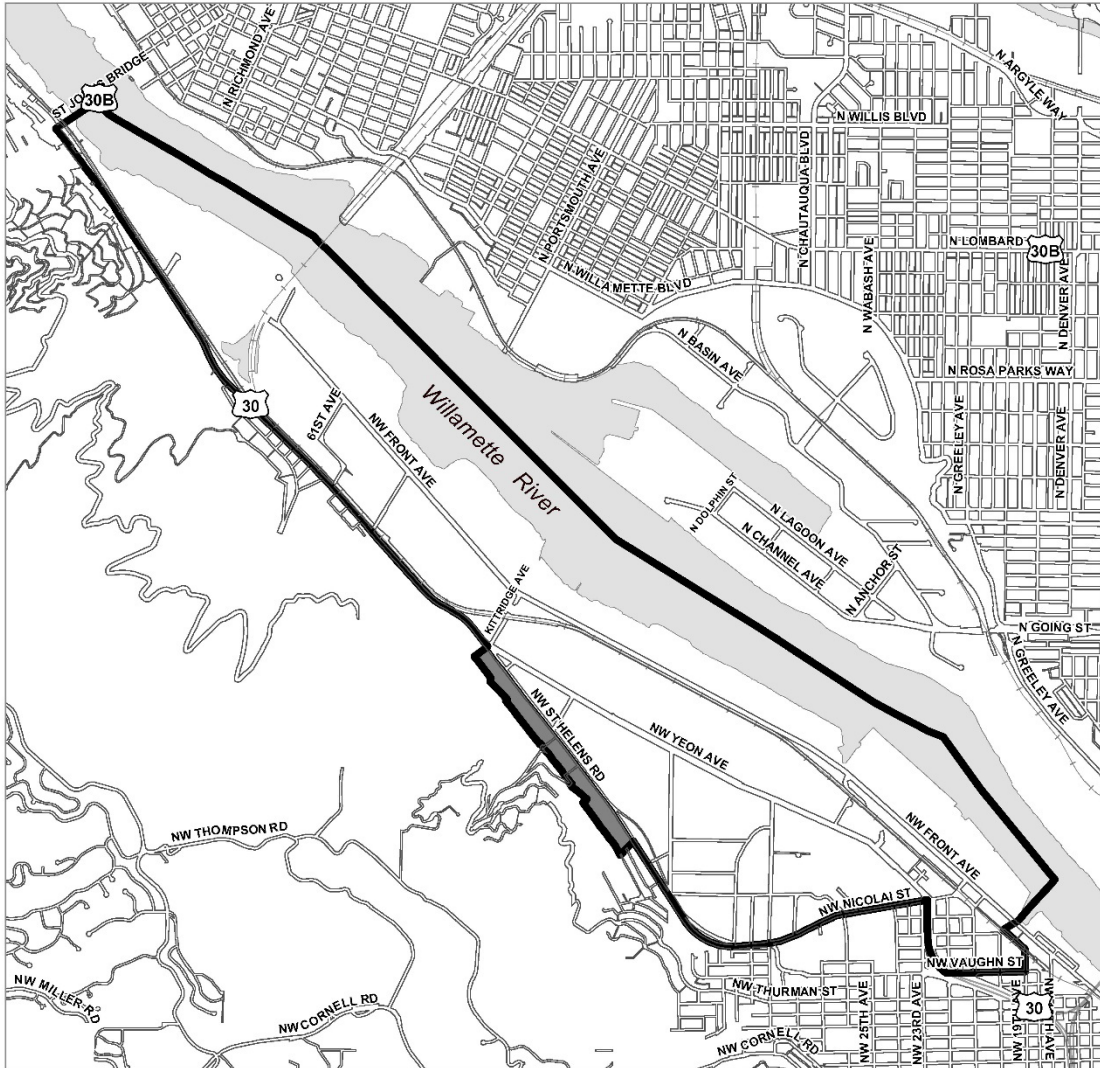
This updated Map 531-1 reflects the new boundary of the Guild's Lake Industrial Sanctuary plan district and removal of Subdistrict B.

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

Guild's Lake Industrial Sanctuary Plan District and Subdistricts

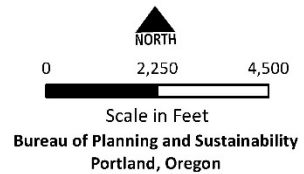
Map 531-1

Map Revised Xxxxx XX, 202X



Legend

- Plan District Boundary
- Subdistrict A



Commentary

Map 531-2

Map 531-2 is being deleted because the area it shows—Subdistrict B—will no longer part of the *Guild's Lake* plan district.

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

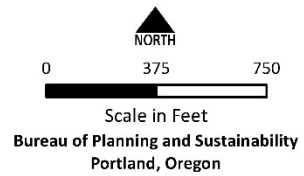
Guild's Lake Industrial Sanctuary Plan District Subdistrict B

Map 531-2

Map Revised May 24, 2018



- Plan District Boundary
- Subdistrict B



Commentary

Map 562-7.

Map 562-7 is being deleted and will be replaced with an updated map showing the area where the streetcar alignment will be expanded along NW 23rd. Additional standards apply along streetcar lines in the Northwest plan district.

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

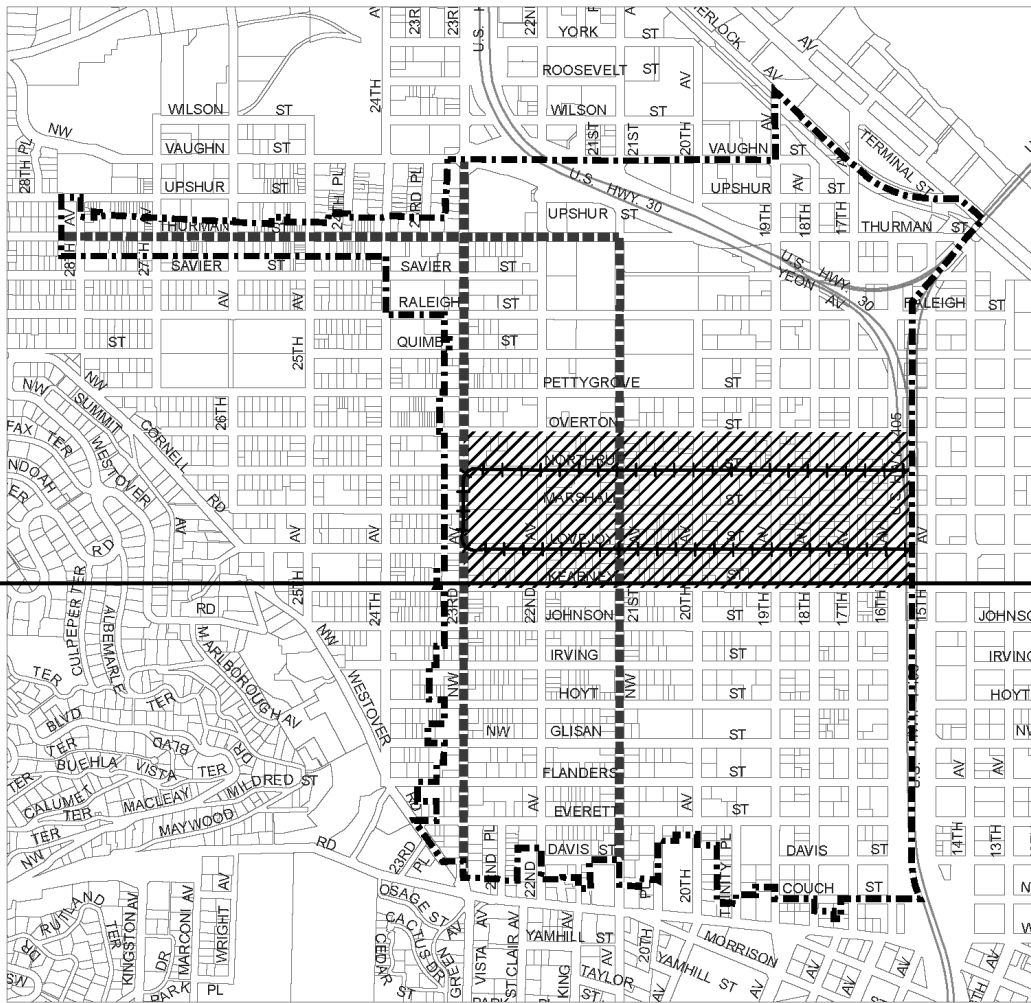
33.562 Northwest Plan District





562

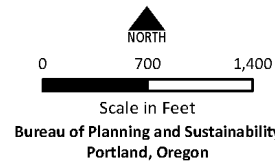
Northwest Plan District Areas with Special Development Standards

Map 562-7

Map Revised August 12, 2016



-  Plan District Boundary
-  Main Street
-  Streetcar Alignment
-  Minimum active floor area



Commentary

Map 562-7

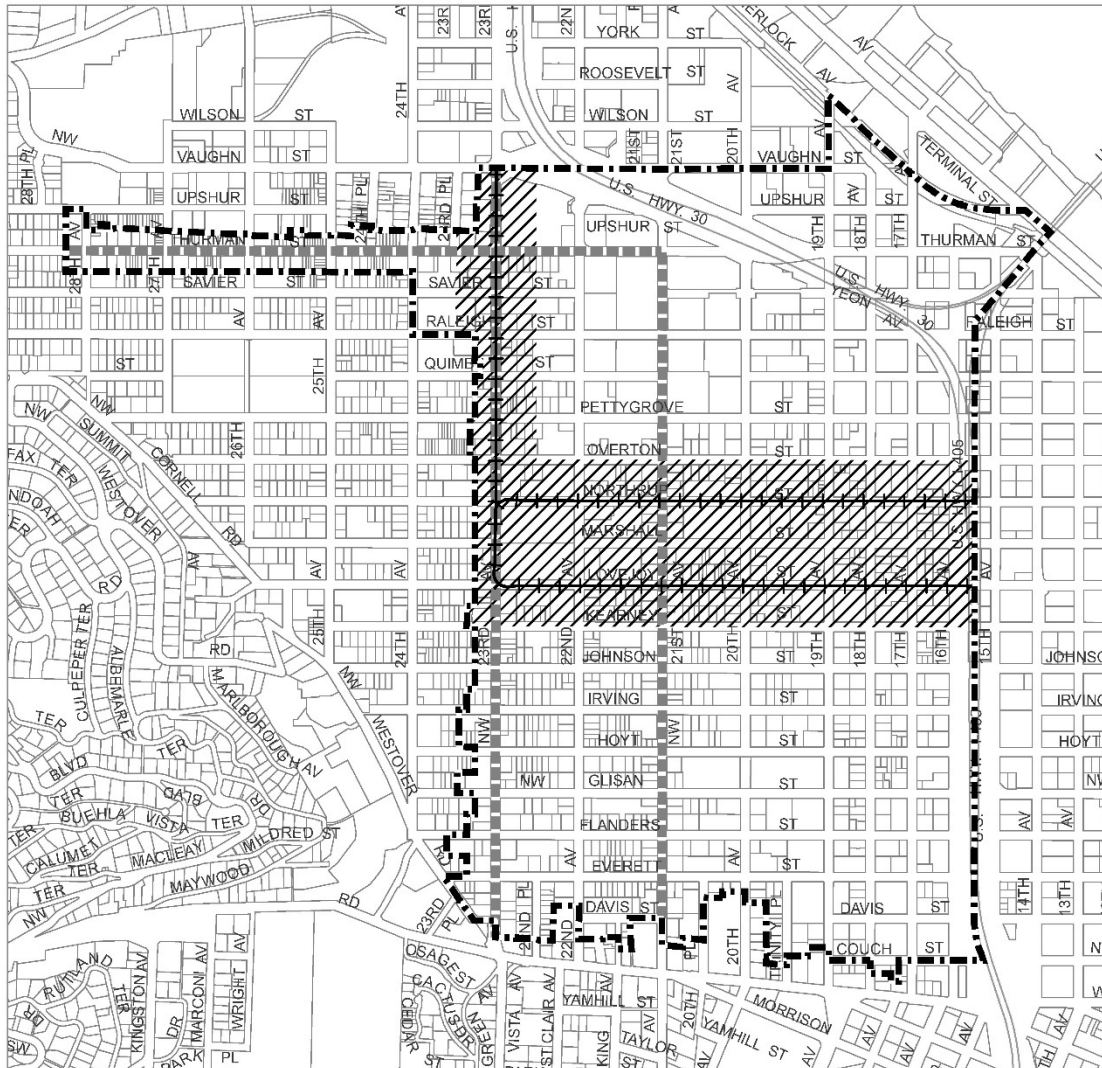
Map 562-7 has been updated to show the area where the streetcar alignment will be expanded along NW 23rd, and where special development standards are applied.

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





Northwest Plan District Areas with Special Development Standards

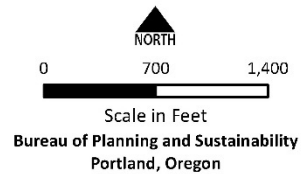
Map 562-7

Map Revised Xxxxx XX, 202X



Legend

-  Plan District Boundary
-  Main Street
-  Streetcar Alignment
-  Minimum active floor area



Commentary

33.590 Vaughn-Nicolai Plan District

The Vaughn-Nicolai Plan District is being created to address the unique issues of the study area.

33.590 Vaughn-Nicolai Plan District

590

Sections:

General

- 33.590.010 Purpose
- 33.590.020 Where These Regulations Apply

Use Regulations

- 33.590.100 Purpose
- 33.590.110 Additional Prohibited Uses
- 33.590.120 Retail Sales And Service Uses
- 33.590.130 Required Ground Floor Active Use
- 33.590.135 Required Nonresidential Use

Development Standards

- 33.590.200 Purpose
- 33.590.210 Floor Area Ratio
- 33.590.220 Maximum Height
- 33.590.230 Floor Area and Height Bonus Options
- 33.590.235 Minimum Density
- 33.590.240 Required Affordable Commercial Space
- 33.290.245 Residential-Employment Buffer Standards
- 33.590.250 Standards on Main Streets
- 33.590.255 Standards near the Streetcar Alignment
- 33.590.260 Urban Green Features
- 33.590.265 Required Outdoor Areas
- 33.590.270 Off-Site Impacts Standards
- 33.590.280 Transportation and Parking Demand Management
- 33.590.290 Parking

Map 590-1 Vaughn-Nicolai Plan District and Subdistricts

Map 590-2 Vaughn-Nicolai Plan District - Streetcar Alignment and Main Street

Commentary

33.590.010 Purpose

The Vaughn-Nicolai Plan District is being created to address the unique development circumstances within the boundary of the Montgomery Park Area Plan. The area is transitioning from an area primarily comprised of office employment and industrial uses, and the plan envisions an employment-oriented area comprised of office and other dense employment uses, as well as intense residential and mixed-use development. The regulations in this plan district are intended to foster transit-oriented development with high quality design and green features. The plan district is also intended to promote public benefits such as middle-wage employment opportunities, affordable housing and affordable commercial space that might not otherwise occur without these regulations.

33.590.020 Where the Regulations Apply

The regulations of this chapter apply to sites in the Vaughn-Nicolai plan district.

This is a new Chapter.
For ease of reading, ~~strike through~~ and underline are not used.

33.590.010 Purpose

The Vaughn-Nicolai plan district provides for a mixed-use neighborhood that includes high-density employment, residential, and commercial development. The provisions of the plan district recognize the opportunity and potential for this area to become a transit-oriented residential and commercial community while also supporting employment and industrial uses. The regulations ensure a pedestrian- and transit-oriented streetscape along the streetcar alignment and foster an improved interface with the mixed-use neighborhood to the south. The floor area and height allowances in the plan district, and other regulatory measures, promote development that provides public benefits including affordable housing and middle-wage employment opportunities.

33.590.020 Where the Regulations Apply

The regulations of this chapter apply to sites in the Vaughn-Nicolai plan district. The boundaries of the plan district are shown on Map 590-1 at the end of this chapter, and on the Official Zoning Maps.

Commentary

33.590.100 Purpose

Certain uses in the plan district are required, limited or prohibited to achieve different objectives of the plan. Some uses are limited or prohibited because they conflict with the development of a transit-oriented mixed use district and may also compromise the area's multimodal transportation system. The regulations limit the size of retail uses to foster smaller-scale community-oriented uses and help reduce traffic congestion associated with large-scale retail. Required active ground floor use regulations help support the transit investment along portions of the streetcar alignment and main street.

Required non-residential uses are intended to promote development that includes employment in the area; this is to support development for jobs in the area as it transitions from strictly industrial and employment uses to a broader array of uses.

33.590.110 Additional Prohibited Uses

The listed uses are prohibited because they conflict with the development of a transit-oriented mixed use district and/or may compromise the area's multimodal transportation system.

33.590.120 Retail Sales and Service Uses

The size of Retail Sales and Service uses are limited in the EX and EG zones because they conflict with the development of a transit-oriented mixed use district and may compromise the area's multimodal transportation system. Throughout the plan district, the size of retail uses is limited to discourage large-format retailers, and provide opportunities for smaller business. An exception is made for grocery stores because these uses serve and provide benefits for the local community, and for hotels and motels that serve other district objectives.

33.590.130 Required Ground Floor Active Use

Active uses are required for a portion of the ground level area of buildings on NW Wilson Street - a main street within the plan district - to support the streetcar transit investment and create an active transit-oriented main street environment. The type of active uses that are encouraged include retail shops, office lobbies, maker spaces (including those that are part of a live/work situation), and daycare centers.

Use Regulations

33.590.100 Purpose

The use regulations are intended to foster development of a transit-oriented mixed-use district. Certain uses in the Vaugh-Nicolai plan district are prohibited or limited because they conflict with the development of a transit-oriented, mixed-use district and may compromise the area's multimodal transportation system. Other uses are required to foster an active pedestrian environment near streetcar transit, and to support employment and other active nonresidential uses in the district.

33.590.110 Additional Prohibited Uses

The following uses are prohibited in the EX zone:

- A. Vehicle Repair;
- B. Self-Service Storage;
- C. Commercial Outdoor Recreation; and
- D. Agriculture.

33.590.120 Retail Sales And Service Uses

Except as follows, in the EX and EG zones, Retail Sales And Service uses are limited to 20,000 square feet of net building area per individual use:

- A. Grocery stores are limited to 60,000 square feet of net building area per use; and
- B. Hotels and motels are exempt from the size limitation.

33.590.130 Required Ground Floor Active Use

In the EX zone, on sites with frontage on a main street shown on Map 590-2, at least 25 percent of the ground level floor area located within 100 feet of the main street must be in one or more 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. Manufacturing and Production;
- D. Community Service;
- E. Daycare;
- F. Religious Institutions;
- G. Schools;
- H. Colleges; and
- I. Medical Centers.

Commentary

33.590.135 Required Nonresidential Use

The nonresidential use requirement is intended to foster employment uses within the plan district. Because the intent of the regulation is to ensure a minimum amount of nonresidential use, and because many of the sites in the plan district are not vacant, the nonconforming situation regulations of 33.258.050 and 33.258.070 will not apply. Instead, sites that are nonconforming must come into compliance with the **nonresidential use** standard when additional development or redevelopment occurs. If full compliance is not feasible, the applicant can follow the regulations that allow for transferring the requirement.

As mentioned, the nonresidential use requirement can be transferred to another site within the subdistrict to allow consolidation of nonresidential areas. This allows for some individual buildings to include little or no nonresidential use when the requirement is met in other buildings on the site or on other sites within the subdistrict. Consolidation may provide flexibility for larger sites and facilitate larger scale employment uses. The transfer process will happen via deed restrictions and covenants so that additional quasi-judicial review is not required.

In addition, the regulations include options for reducing the total amount of nonresidential use required. In subdistricts B, C and D, which include the largest sites in the plan district, the adopted Montgomery Park Area Plan Area public benefits agreement affects the amount of required nonresidential space. The agreement defines targets for employment and middle-wage jobs, and includes penalties for non-compliance. For property owners that are a party to the adopted public benefits agreement with the City of Portland, the amount of required nonresidential use is reduced or eliminated if the job targets specified in the agreement are met, or specified for-rent or for-sale affordable commercial space is provided. The Bureau of Planning and Sustainability will track compliance with the public benefits agreement. The benefits agreement will run with the property even if it is subsequently subdivided, so future property owners should be aware of the existence of the agreement through due diligence.

In subdistricts E, and F, the majority of sites are small, and the owners in these districts will not be subject to the adopted public benefits agreement. Instead, the requirement includes incentives for particular uses and deeper affordable housing that will allow property owners to reduce the amount of nonresidential use required.

33.590.135 Required Nonresidential Use

- A. Where this regulation applies.** The nonresidential use requirement applies on sites in the EX zone. For sites that are nonconforming with this regulation, the nonconforming use and nonconforming development regulations of 33.258.050 and 33.258.070 do not apply. In this case, when development is added to a site that is nonconforming in nonresidential use, the site must be brought into conformance with the required nonresidential use regulations.
- B. Adjustments.** Adjustments to the regulation in the section are prohibited.
- C. Required nonresidential use.**
 - 1. Subdistricts B and C.
 - a. Regulation. In subdistricts B and C, at least .5 square feet of floor area must be in a non-residential use for each one square foot of site area.
 - b. Exceptions.
 - (1) Public benefits agreement. The nonresidential use requirement is reduced to zero when the property is subject to, and in compliance with applicable provisions of, the Montgomery Park Area Plan Public Benefits Agreement that was adopted by Portland City Council on [INSERT DATE OF ADOPTION]. To qualify for this exception the applicant must provide a letter from the Portland Bureau of Planning and Sustainability certifying that the property is subject to and in compliance with the public benefits agreement.
 - (2) Affordable dwelling units. A building that contains a residential use in which 100 percent of the dwelling units in the building are affordable to those earning no more than 60 percent of the area median family income is exempt from the nonresidential use requirement, and 50 percent of the total square footage of floor area on the ground floor of the building counts toward the total amount of nonresidential use required for the site. To qualify for this exception, the property owner 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.
 - c. Transfer of nonresidential use requirement. Some or all of the required nonresidential use can be transferred from one site to another site, or can be consolidated in another building on the same site, when the following are met:
 - (1) Receiving site. The receiving site must be in the same subdistrict as the proposed development.

Commentary

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- (2) The property owner must execute a covenant with the City that:
 - Meets the requirements of Section 33.700.060, Covenants with the City;
 - Is attached to and recorded with the deed of the site transferring and the site receiving the required nonresidential use;
 - Ensures the receiving site complies with its own nonresidential use requirement, if applicable, and the transferred nonresidential use requirement; and
 - Reflects the respective decrease and increase of nonresidential use requirement on each site, or when the transfer is to another building within the site, states that the consolidated nonresidential requirement will be included in the next building to be built on the site.

2. Subdistrict D.

- a. Regulation. In Subdistrict D, at least .5 square feet of floor area must be in a non-residential use for each one square foot of site area.
- b. Exceptions.
 - (1) Public benefits agreement. The nonresidential use requirement is reduced to 0.25 square feet for each one square foot of site area when the property is subject to, and is in compliance with applicable provisions of, the Montgomery Park Area Plan Public Benefits Agreement that was adopted by Portland City Council on [INSERT DATE OF ADOPTION]. To qualify for the exception the applicant must provide a letter from the Portland Bureau of Planning and Sustainability certifying that the property is subject to and in compliance with public benefits agreement.
 - (2) Affordable dwelling units. A building that contains a residential use in which 100 percent of the dwelling units are affordable to those earning no more than 60 percent of the area median family income is exempt from the nonresidential use requirement, and 50 percent of the total square footage of floor area on the ground floor of the building counts toward the total amount of nonresidential use required for the site. To qualify for this exception, the property owner 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.

Commentary

This is a new Chapter.
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- c. Transfer of nonresidential use requirement. Some or all of the required nonresidential use can be transferred from one site to another site, or can be consolidated in another building on the same site, when the following are met:
 - (1) Receiving site. The receiving site must be in the same subdistrict as the proposed development.
 - (2) The property owner must execute a covenant with the City that:
 - Meets the requirements of Section 33.700.060, Covenants with the City;
 - Is attached to and recorded with the deed of the site transferring and the site receiving the required nonresidential use;
 - Ensures the receiving site complies with its own nonresidential use requirement, if applicable, and the transferred nonresidential use requirement; and
 - Reflects the respective decrease and increase of nonresidential use requirement on each site, or when the transfer is to another building within the site, states that the consolidated nonresidential requirement will be included in the next building to be built on the site.
3. Subdistricts E and F.
- a. Regulation. In Subdistricts E and F, at least .5 square feet of floor area must be in a non-residential use for each one square foot of site area.
 - b. Exceptions.
 - (1) Office, Industrial and Institutional uses. Each square foot of floor area in a Daycare, Community Service, Industrial Service, Wholesale Sales, Industrial Office use counts as 2 square feet toward the total required nonresidential use requirement. To qualify for this exception, the property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the floor area will be in one of the required uses for at least 10 years.
 - (2) Affordable commercial space. Each square foot of floor area in an affordable commercial space counts as 2 square feet toward the total required nonresidential use requirement. To qualify for this exception:
 - The applicant must submit with the development application a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and
 - The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built will meet the administrative requirements of the Portland Development Commission or qualified administrator.

Commentary

33.590.135.D Exclusions Vehicle areas and common areas shared with a residential use, do not count toward meeting the nonresidential use requirement because they do not provide floor area that will accommodate the types of employment or commercial activity that is intended by the nonresidential use requirement.

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- (3) Affordable dwelling units. A building that contains a residential use in which 100 percent of the dwelling units are affordable to those earning no more than 60 percent of the area median family income, is exempt from the nonresidential use requirement, and 50 percent of the total square footage of floor area on the ground floor of the building counts toward the total amount of nonresidential use required for the site. To qualify for this exception, the property owner 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.
- c. Transfer of nonresidential use requirement. Some or all of the required nonresidential use can be transferred from one site to another site, or can be consolidated in another building on the same site, when the following are met:
 - (1) Receiving site. The receiving site must be in the same subdistrict as the proposed development.
 - (2) The property owner must execute a covenant with the City that:
 - Meets the requirements of Section 33.700.060, Covenants with the City;
 - Is attached to and recorded with the deed of the site transferring and the site receiving the required nonresidential use;
 - Ensures the receiving site complies with its own nonresidential use requirement, if applicable, and the transferred nonresidential use requirement; and
 - Reflects the respective decrease and increase of nonresidential use requirement on each site, or when the transfer is to another building within the site, the states that the consolidated nonresidential requirement will be included in the next building to be built on the site.
- D. Exclusions.** Vehicle areas, and common areas shared with a residential use, do not count toward meeting the nonresidential use requirement.

Commentary

33.590.210 Floor Area Ratio

The floor area ratios applied within the district foster urban, mixed-use development, and other objectives of the plan district such as supporting transit-oriented development that includes space for employment and housing.

33.590.210.B Maximum floor area ratio

The amount of floor area allowed by right varies by subdistrict. The maximums are set to encourage use of bonus floor area for employment uses and affordable housing. Floor area ratios work together with the bonus options to help achieve the objectives of the Montgomery Park Plan Area Public Benefits legal agreement that will be adopted with this project and calls for the near-term construction of 200 units of affordable housing.

Until the 200 units of affordable housing required by the agreement are constructed, sites in Subdistricts C and D will earn a less FAR through the inclusionary housing bonus than the base zone allows, but can earn more FAR by providing a higher percentage of affordable units.

Once the provisions of the public benefits agreement are achieved (200 units of affordable housing constructed within seven years from the effective date of the Montgomery Park Area Plan), the base FAR and the amount of FAR earned through the inclusionary housing bonus will increase in Subdistricts C and D and the amount earned through other bonuses will decrease. See Section IV of this document for the alternate FAR allowances and revised code sections that will automatically replace Table 590-1 and this subsection when the public benefits agreement objectives are achieved. The alternate Table 590-1 is also shown in the commentary on page 50.

33.590.210.C Minimum floor area near streetcar

Within 200 feet of a streetcar alignment, development will be required to provide a minimum FAR of 1 to 1. This standard is intended to promote dense, transit-oriented development and ensure that land near the streetcar is not underutilized.

33.590.210.D Transfer of floor area

These provisions allow transfer of floor area in limited circumstances within the plan district. Transfers from outside the plan district are prohibited. Limiting transfers is intended to ensure that the total amount of floor area allowed within the district does not increase. Sending sites are limited to EX zoned sites. The transfer allowances also require that sending sites retain a minimum amount of floor area except when the sending site is the location of a publicly accessible park or open space.

(continued on next commentary page)

Development Standards

33.590.200 Purpose

These development standards foster a transit-supportive, mixed-use urban character with a high-quality pedestrian environment, and an emphasis on good building design. They also promote public benefits, such as affordable housing, affordable commercial space, employment, residential outdoor and other types of open areas, transportation and parking requirements, and urban green features that benefit a broad range of community members.

33.590.210 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) work with the height, setback, and building coverage standards to control the overall bulk of development. The maximum FARs allowed in the Vaughn-Nicolai plan district work together with bonus options to support an intense development form and encourage a transit-supportive level of development along the streetcar alignment. Floor area ratios also achieve the desired affordable housing outcomes of a public benefits agreement, which include development of affordable housing in a near term timeframe or at a greater percentage of affordable units.
- B. Maximum floor area ratio.** The maximum floor area ratios allowed are shown in Table 590-1. Additional floor area may be allowed through bonus options, as described in Section 33.590.230, or transferred per Subsection D. Adjustments are prohibited.
- C. Minimum floor area ratio.** In the EX zone, on the portion of a site within 100 feet of a streetcar alignment shown on Map 590-2, the minimum required floor area ratio is 1 to 1.
- D. Transfer of floor area.** Floor area may be transferred in the plan district as follows. Transfer of floor area into the plan district from sites outside of the district is prohibited:
 1. Sending site. FAR may be transferred from:
 - a. A site zoned EX that is not a sending site under Subparagraph D.1.b. The sending site must retain at least 1 to 1 FAR; or
 - b. A site, or a portion of a site, that is provided for a publicly accessible park or open space. To qualify for this transfer, the applicant must provide a letter from Portland Parks and Recreation (PP&R) verifying that the location of the park or open space has been approved by PP&R, and that the applicant is in compliance with the applicable provisions of the Montgomery Park Area Plan Public Benefits Agreement that was adopted by Portland City Council on [INSERT DATE OF ADOPTION].

Commentary

33.590.210.D.1.b Transfer of floor area

This transfer option promotes the creation of a publicly accessible open space and works in conjunction with exemptions from the required outdoor area standard and the adopted public benefits agreement between the City and property owners. The transfer requires a letter from Portland Parks and Recreation stating that the open area has been deemed to be in compliance with applicable provisions of the public benefits agreement.

33.590.210.D.2.a Transfer of floor area

Unless the sending site is the future park, the receiving site for transfers within the plan district must be within Subdistrict B. This is intended to allow development in Subdistrict B to increase FAR and take advantage of the bonus height allowed in this subdistrict without necessitating a Transportation Impact Review. Unused floor area from other subdistricts can be transferred to Subdistrict B and while maintaining the overall floor area limits of the plan district. When floor area is transferred to the subdistrict, the maximum floor area for development may not exceed the maximum allowed with bonus of 7 to 1. The transferred floor area must come from the same base zone, and the sending parcel must retain a minimum 1 to 1 FAR. If floor area in excess of 5 to 1 is sought in Subdistrict B without a transfer, it must be sought through the transportation adequacy bonus and a Transportation Impact Review (See 33.590.230.F)

33.590.210.D.2.b Transfer of floor area

When the transfer is from a site that will be a publicly accessible open space, the receiving site can be any site zoned EX, even one located outside of Subdistrict B.

33.590.220 Maximum Height

The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as EX zone because the EG1 zone in this district is intended to accommodate more intense uses and allows more floor area than in the base zone.

The lower height adjacent to NW Vaughn is intended to provide compatibility with height limits on the south side of NW Vaughn. Adjustments to the height limit are prohibited however, in order to allow some flexibility, modifications to the standard are allowed through design review.

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2. Receiving site.
 - a. Except as specified in Subparagraph D.2.b., the receiving site of a transfer from a site that is zoned EX can only be in Subdistrict B.
 - b. The receiving site of a transfer from a site, or portion of a site, that has been provided for a publicly accessible park or opens space in compliance with Subparagraph D.1.b, can be to a site zoned EX.
4. Maximum increase in FAR. The total FAR on the receiving site may not exceed the maximum FAR with bonuses identified on Table 590-1. This total FAR includes FAR transfers and any additional FAR allowed at the receiving site from bonus options.
3. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City. The covenant must meet the requirements of 33.700.060 and must be attached to and recorded with the deed. The covenant for each site must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.

33.590.220 Maximum Height

- A. Purpose.** The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is intended to accommodate more intense uses. The lower height limit in the area adjacent to NW Vaughn is intended to ensure compatibility with heights limits to the south.
- B. EG zones.** In the EG zones, the maximum height allowed is 65 feet. Additional height may be allowed through the bonus options described in 33.590.230. Adjustments are prohibited.
- C. EX zone.** In the EX zone:
 1. Except as stated in Paragraph C.2., the maximum height allowed in the EX zone is the base zone maximum. Additional height may be allowed through the bonus options described in 33.590.230. Adjustments are prohibited;
 2. Within subdistricts B and F, the maximum height allowed within 20 feet of NW Vaughn is 45 feet. Adjustments to this are prohibited, however modifications may be requested through design review.

Commentary

33.590.230 Floor Area and Height Bonus Options

In general, the FAR and height bonuses are intended to promote development that is highly urban in scale while providing desired features and benefits in the plan district. These desired features and benefits include employment-oriented uses, and affordable housing, including affordability beyond the requirements of 33.245, Inclusionary Housing. The bonuses feature varying floor area and height allowances specific to each subdistrict.

33.590.230.C and D Inclusionary Housing and Additional Affordable Housing Bonus

The inclusionary housing FAR bonus (33.590.230.C) provides additional floor area and height above the base when a development is subject to the inclusionary housing requirements of 33.245, which, when triggered, requires 10% or 20% of dwelling units to be affordable at 60% or 80% MFI respectively.

For Subdistricts C, D, E, and F, the additional affordable housing bonus option (33.590.230.D) provides more FAR as an incentive to provide more affordable units —15% at 60% MFI or 12% at 60% MFI depending on the subdistrict. The additional affordable housing bonus allows additional floor area and height when a higher percentage of affordable units are provided. These bonus options work in conjunction with the adopted public benefits agreement to ensure that at least 200 units of housing affordable housing at 60% MFI are built within seven years of the effective date of this plan.

Note: The additional affordable housing option for Subdistricts C and D (33.590.230.D.1) will be deleted and the base FAR for the subdistricts will increase to 3:1 from 2:1 if 200 units of affordable housing are constructed in accordance with the adopted Montgomery Park Area Plan public benefits agreement. The pre-approved code updates are shown in Section IV. The additional affordable housing bonus will continue to apply in Subdistricts E and F (33.590.230.D.2).

33.590.230 Floor Area and Height Bonus Options

- A. Purpose.** The following bonus options allow additional FAR and height and promote desired benefits such as affordable housing and employment. They also provide the opportunity for additional floor area in some locations when the transportation system can accommodate additional development.
- B. General floor area and height bonus options regulations.**
1. More than one bonus option may be used up to the overall maximum FAR and height stated in Table 590-1. In Subdistrict B, the first 2 to 1 of any increase in FAR must be earned or gained through the inclusionary housing bonus described in Subparagraph C.
 2. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.
 3. The increment of additional floor area ratio allowed per bonus is stated in Table 590-1 and described in Subsections C through F.
- C. Inclusionary housing bonus.** Maximum FAR and height may be increased as stated in Table 590-1 if one of the following is met:
1. Mandatory inclusionary housing. Bonus height and FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 590-1. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or
 2. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 590-1, when one of the following voluntary bonus options is met:
 - a. In Subdistricts B, D, E and F, bonus height and FAR is allowed for projects the voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 590-1. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

Commentary

33.590.230.D Additional Affordable Housing Bonus

See commentary on previous page

33.590.230.E. Employment Opportunity Bonus

This option provides bonus floor area in exchange for floor area dedicated to employment uses. To qualify for the bonus, the floor area must be in at least one of the following use categories: Manufacturing and Production; Industrial Office; Wholesale Office; Office; Industrial Service; or Institutional. This bonus option works in conjunction with the required nonresidential floor area use regulation (33.590.135) and the public benefits agreement to ensure that middle-wage jobs are provided in the plan district.

Note: The employment opportunity bonus option for Subdistricts C and D (33.590.230.E) will be deleted and the base FAR for the subdistricts will increase to 3:1 from 2:1 if 200 units of affordable housing are constructed in accordance with the adopted Montgomery Park Area Plan public benefits agreement. The pre-approved code updates are shown in Section IV. The employment opportunity bonus will continue to apply in Subdistricts E and F (33.590.230.D.2).

33.590.230.E. Transportation Adequacy Bonus

This provision allows for additional floor area in Subdistrict B when adequacy of the transportation system is demonstrated through a Transportation Impact Review (see 33.852). The intent of this bonus and associated review is to allow larger scale development when it is demonstrated that the additional intensity of development does not negatively impact the transportation system. The maximum bonus is 2 to 1 and the maximum overall floor area with bonuses or transfers is 7 to 1.

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- b. In all subdistricts, Bonus height and FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
- D. Additional affordable housing bonus.** A bonus is provided when additional affordable housing is provided.
1. In Subdistricts C and D, maximum height and FAR may be increased as stated in Table 590-1 when at least 15 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
 2. In Subdistricts E and F, maximum height and FAR may be increased as stated in Table 590-1 when at least 12 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
- E. Employment opportunity bonus.** In subdistricts A, C, D and E, proposals that provide floor area for employment uses may increase maximum height and FAR up to the maximum stated in Table 590-1. Floor area may be increased by one square foot for every one square foot of floor area provided in one or more of the following use categories: Manufacturing and Production; Wholesale Sales; Industrial Office; Industrial Service; or any use in the Institutional category. Floor area provided to meet 33.590.135, Required Nonresidential Use, does not count toward this bonus.
- F. Transportation adequacy bonus.** In Subdistrict B, maximum FAR may be increased as stated in Table 590-1 when approved through Transportation Impact Review. See Chapter 33.852.

Commentary

Table 590-1 Summary of Maximum and Bonus FAR and Height

Table 590-1 shown on page 51 includes the amount of FAR and height earned for each bonus per subdistrict.

Table 590-1 will be automatically replaced with the version shown directly below on this page if, within seven years of the effective date of the Montgomery Park Area Plan, 200 units of affordable housing are built in Subdistricts B, C, and D in the plan district. When the Portland Housing Bureau (PHB) certifies that 200 units of affordable housing have been built, the FAR table shown below will replace Table 590-1. The highlighted cells show where the FAR allowances change between the table on page 51 and the table below. The replacement table and corresponding zoning code will be adopted with this plan, and a directive in the ordinance spells out the point at which it becomes effective. Also see Section IV for the replacement table and code.

Table 590-1*							
Summary of Maximum and Bonus FAR and Height							
		Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
Maximums							
Maximum FAR		3 to 1	3 to 1	3 to 1	3 to 1	2 to 1	2 to 1
Overall Maximum FAR with bonus		5 to 1	7 to 1	5 to 1	5 to 1	5 to 1	5 to 1
Overall Maximum Height with bonus		85 ft.	120 ft.	85 ft.	85 ft.	85 ft.	75 ft.
Maximum Increment of Additional FAR and Height Per Bonus							
Inclusionary Housing (see 33.590.230.C)	FAR	1 to 1	2 to 1	2 to 1	2 to 1	2 to 1	2 to 1
	Height	20 ft.	55 ft.	20 ft.	20 ft.	20 ft.	10 ft.
Additional Affordable Housing (see 33.590.230.D)	FAR	n/a	n/a	n/a	n/a	1 to 1	1 to 1
	Height	n/a	n/a	n/a	n/a	none	none
Employment Opportunity (see 33.590.230.E)	FAR	1 to 1	n/a	n/a	n/a	1 to 1	n/a
	Height	20 ft.	n/a	n/a.	n/a	20 ft.	n/a
Transportation Adequacy (see 33.852)	FAR	n/a	2 to 1	n/a	n/a	n/a	n/a
	Height	n/a	none	n/a	n/a	n/a	n/a

* This "Future" Table 590-1 is included here for reference only. It is proposed for pre-approval, but will not be effective until a total of 200 units of regulated affordable housing meeting the standards of the inclusionary housing program have been built in Subdistricts B, C, and D.

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Table 590-1 Summary of Maximum and Bonus FAR and Height							
		Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
Maximums							
Maximum FAR		3 to 1	3 to 1	2 to 1	2 to 1	2 to 1	2 to 1
Overall Maximum FAR with bonus		5 to 1	7 to 1	5 to 1	5 to 1	5 to 1	5 to 1
Overall Maximum Height with bonus		85 ft.	120 ft.	85 ft.	85 ft.	85 ft.	75 ft.
Maximum Increment of Additional FAR and Height Per Bonus							
Inclusionary Housing (see 33.590.230.C)	FAR Height	1 to 1 20 ft.	2 to 1 55 ft.	1 to 1 20 ft.	1 to 1 20 ft.	2 to 1 20 ft.	2 to 1 10 ft.
Additional Affordable Housing (see 33.590.230.D)	FAR Height	n/a n/a	n/a n/a	2 to 1 None	2 to 1 none	1 to 1 none	1 to 1 none
Employment Opportunity (see 33.590.230.E)	FAR Height	1 to 1 20 ft.	n/a n/a	1 to 1 20 ft.	1 to 1 20 ft.	1 to 1 20 ft.	n/a n/a
Transportation Adequacy (see 33.852)	FAR Height	n/a n/a	2 to 1 none	n/a n/a	n/a n/a	n/a n/a	n/a n/a

Commentary

33.590.235 Minimum Density

The minimum density requirement is intended to ensure dense, urban-scale development. The standard is roughly 87 units per acre and is similar to the density required in the RX zone.

33.590.240 Required Affordable Commercial Space

The affordable commercial space requirement is intended to ensure that at least some of the commercial space developed in the plan district is affordable to help provide for a diversity of businesses. These required spaces will be targeted to entrepreneurs and businesses that meet specific criteria and qualify to participate in the affordable commercial space program administered by Prosper Portland (also known as Portland Development Commission). The affordable commercial requirements are defined in the Prosper Portland administrative rules (see Resolution 7277 for details).

The requirement is triggered when development will add more than 10,000 square feet of Retail Sales and Service or Office commercial uses. It is not triggered by employment-oriented uses such as Manufacturing and Production; Industrial Office; Wholesale Office; Industrial Service; or Institutional, as these uses support the employment goals of the Montgomery Park Area Plan.

33.590.235 Minimum Density

- A. **Purpose.** The minimum density standards ensure that development capacity is not wasted and that the City's housing goals in this plan district are met.
- B. **Minimum density.** The minimum density requirement is 1 unit per 500 square feet of site area. Minimum density applies to new development when at least one dwelling unit is proposed. Group Living uses are exempt from minimum density requirements.

33.590.240 Required Affordable Commercial Space

- A. **Purpose.** This standard promotes an inclusive business district that provides a diversity of business opportunities at a range of affordability levels. Diverse affordability levels in turn support pathways to opportunity, innovation, and long term social and economic resilience locally and regionally.
- B. **Where this standard applies.** The required affordable commercial space standard applies to sites zoned EX.
- C. **Required affordable commercial space.** When new development or alterations to existing development will add more than 10,000 square feet of net building area, and at least 10,000 square feet of the new or additional net building area is in a Retail Sales And Service or Office use, a minimum of 1,000 square feet of affordable commercial space must be provided on the site. To comply with this standard, the following must be met:
 - 1. The applicant must provide a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and
 - 2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as affordable commercial space will meet the administrative requirements of the Portland Development Commission or qualified administrator.

Commentary

33.590.245 Residential-Employment Buffer Standards

These regulations provide a buffer area between the EX zone, where residential uses are allowed and anticipated, and the EG1 zone, which is intended for more traditional employment and light industrial uses. The EG1 zoning provides a transition area to the heavy industrial areas to the north. The standards require a setback that is landscaped, primarily with trees, to help achieve a visual and physical separation and mitigate the potential impacts from employment uses. The landscaping also contributes to objectives related to increasing green infrastructure throughout the plan district.

While the setback requirement is 20 feet in most subdistrict, the width of the setback and size of tree required is reduced in Subdistrict E in recognition of the smaller lot pattern in Subdistrict E. Also, as the existing character of this area includes active employment uses, the standard only applies in Subdistrict E when residential uses are proposed.

33.590.245 Residential-Employment Buffer Standards

- A. Purpose.** These standards provide additional buffering between zones that allow residential use and zones that do not allow residential use. The standards increase separation and soften the edges between residential and nonresidential uses. The separation is achieved by increasing setbacks, limiting motor vehicle access, and requiring additional landscaping, which also provides greening and climate benefits.
- B. Where these standards apply.** These standards apply to lots zoned EX that have lot lines that abut lots zoned EG1 or EG2, and on split zoned lots that are split between EX and EG1 zoning.
- C. Setbacks and landscaping.**
1. In Subdistricts B, C, and D, the following setback and landscaping standards apply:
 - a. On EX zoned lots that have lot lines that abut lots zoned EG1 or EG2, a 20 foot setback landscaped to at least the L1 standard is required along all lots lines that abut the EG1 or EG2 zones. Only the L1 medium tree standard and large tree standard may be used to meet this standard.
 - b. Within the EX portion of split zoned lots that are split between EX and EG1, a 20 foot setback landscaped to at least the L1 standard is required along the zone line splitting EX and EG1. Only the L1 medium tree standard and large tree standard may be used to meet this standard.
 2. In Subdistrict E, a 10 foot setback landscaped to at least the L1 standard is required along all lots lines that abut the EG1 or EG2 zones when a residential use is proposed on the site.
- D. Structures and exterior activities.** Structures other than fences, parking area, exterior storage, exterior display, and exterior work activities are prohibited in the setbacks required by Subsection C.
- E. Access.**
1. Generally. Except as specified in Paragraphs E.2 and E.3, access through the setbacks required by Subsections C is prohibited.
 2. Pedestrian and bicycle access. Pedestrian and bicycle access is allowed through the setbacks, but may not be more than 6 feet wide.
 3. Vehicle access. Vehicle access is allowed through the setbacks, but individual accesses may not be more than 20 feet wide, and in total access is limited to more than 20% of the length of the setbacks.

Commentary

33.590.250 Standards on Main Streets

NW Wilson between NW 24th and NW 27th avenues is designated as a main street in the plan district (see Map 590-2). The main street also overlaps with the streetcar alignment on NW Wilson between NW 24th and NW 26th avenues. The standards in this section apply to sites zoned EX that have frontage on the main street, and are based on similar main street standards that apply in the Northwest plan district and the Central City plan district. The main street standards support active ground floor uses by:

- Requiring more substantial window area to enhance “eyes on the street” and increase visual appeal; and
- Requiring ground floor space be built in a way that supports active uses such as ground floor retail.

33.590.250 Standards on Main Streets

- A. Purpose.** These regulations reinforce the continuity of the pedestrian-oriented environment and foster development with transit-supportive levels of activity along the main street. 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. The regulations also promote window areas to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses; and
 - Encourage surveillance opportunities at street level.
- B. Where these regulations apply.** These regulations apply to sites in the EX zone with frontage on the main street shown on Map 590-2.
- C. Ground floor windows.** 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 are located within 100 feet of and face the main street shown on Map 590-2 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

This is a new Chapter.
For ease of reading, ~~strike~~through and underline are not used.

- 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 the main street shown on Map 590-2. Development that includes a residential use is exempt from the ground floor active use 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

33.590.250 Standards near the Streetcar Alignment

The streetcar alignment in the Montgomery Park plan district is located on NW Wilson and NW Roosevelt between NW 24th and NW 26th avenues, as well as NW 26th Avenue between NW Wilson and Roosevelt, and NW 23rd Avenue between NW Roosevelt and NW Vaughn (see Map 590-2). The standards in this section apply within the area of a site that is within 200 feet of the streetcar alignment. The standards support a pedestrian-oriented environment along the streetcar line by limiting parking areas and access to parking areas in proximity to the streetcar alignment. The standards are intended to minimize conflicts between pedestrians and vehicles and between transportation modes.

The standards are similar to standards that apply near the streetcar line in Northwest Portland and the Central City.

33.590.255 Standards near the Streetcar Alignment

- A. Purpose.** These regulations reinforce the continuity of the pedestrian-oriented environment and limit the visual impact of parking facilities along a streetcar alignment.
- B. Location of parking.** The following parking location standards apply in the EX zone within 200 feet of the streetcar alignment shown on Map 590-2:
 - 1. Surface parking is not allowed;
 - 2. Structured parking is allowed only when one of the following is met:
 - a. The finished ceiling is entirely underground;
 - b. The lowest floor of the parking area is 9 feet or more above grade; or
 - c. The parking area is at least 25 feet from the street-facing façade on main street frontages.
- C. Motor vehicle access.** Motor vehicle access to a vehicle area or structure is not allowed from the streetcar alignment shown on Map 590-2 except when the site has no other street frontage.

Commentary

33.590.260 Urban Green Features

This section applies to new development in the EX zone and requires the inclusion of at least one green, climate-resilient element in the urban environment. The features are designed to respond to and enhance the natural features of the area. Green features help to soften the effects of built and paved areas, cool air temperature, intercept rainfall, and reduce stormwater runoff. They may also provide opportunities to grow food and provide habitat for birds and other wildlife.

Development that adds more than 10,000 square feet of building floor area must choose from one of several options:

- 1) 15% of the site can be landscaped;
- 2) 10% of the site can be landscaped with large trees; or
- 3) An ecoroof can be provided on buildings.

33.590.260 Urban Green Features

- A. Purpose.** Green elements integrated into the urban environment help to soften the effects of built and paved areas, cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. They may also provide opportunities to grow food and provide habitat for birds and other wildlife. A range of urban green options are provided to address this area’s more urban development patterns and characteristics.
- B. Where these options apply.** The standard applies to new development and alterations to development in the EX zone when more than 10,000 square feet of floor area will be added to a site.
- C. Urban green features standard.** Development must include at least one of the following:
1. Landscaped area. A minimum of 15 percent of a site area must be landscaped. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The following apply:
 - a. Landscaped areas must be at ground level and comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. Up to one-third of the landscaped area may be improved for active or passive recreational use. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
 - b. Landscaped areas raised above ground level may be used to meet the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches.
 - c. Up to 50 percent of the required landscaped area may be improved for pedestrian use, such as walkways and plazas, if the area is surfaced with pervious pavement approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual. If this provision is used, no impervious surfaces can be counted toward meeting the minimum landscaped area standard.
 2. Space for large trees. At least 10 percent of total site area must be provided as outdoor area with no dimension less than 30 feet in any direction. At least half of this outdoor area must be landscaped to at least the L1 level and the remainder may be hard surfaced for use by pedestrians. At least half of the trees provided to meet the L1 standard must be large tree species. Large trees are defined in Section 33.248.030, Plant Materials.
 3. Ecoroof. An ecoroof must be provided that is equivalent in total area to at least 60 percent of the total building footprint of new buildings on the site. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual’s *Ecoroof Facility Design Criteria*.

Commentary

33.590.265 Required Outdoor Areas

The EX base zone does not require outdoor area for residential units. However, because the vision for the Montgomery Park plan district is a high-density, mixed-use residential and employment area, the plan district regulations will include required outdoor area. The standards in this section are the same standards required per dwelling unit in the commercial/mixed use zones. This helps implement the Comprehensive Plan policies to promote healthy, active living and access to outdoor space.

Required outdoor areas can be provided in the form of individual private outdoor spaces, shared common outdoor or indoor community or recreation space for the residents of the development, or publicly accessible open space.



Examples of residential outdoor areas in the form of individual balconies (left) and shared outdoor space (right).

The required outdoor area provisions also include exceptions that allow the requirement to be reduced by up to 50% in certain circumstances. These include:

- 1) When a publicly accessible open area or park is provided. This public area serves a greater neighborhood parks/open space goal and will help offset the reduction in required on-site open area. This provision can only be used when a public benefits agreement with large property owners requiring a publicly-accessible open space of at least 40,000 square feet in size, and meeting the requirements of Portland Parks and Recreation and approval by the Director of Portland Parks and Recreation, has been adopted by Portland City Council. The benefits agreement is expected to run with the property as it is subdivided, so subsequent owners should be aware of the existence of such an agreement through due diligence.
- 2) When a publicly-accessible open area that meets the criteria of 33.590.260.B.2.c is provided and the property owner executes a covenant with the City ensuring the preservation, maintenance, and continued operation of the plaza or park.

33.590.265 Required Outdoor Areas

- A. Purpose.** The required outdoor areas standards ensure opportunities for residents to have access to outdoor space for recreation, relaxation, natural area, or growing food. Outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment. The standards ensure that outdoor areas are located so that residents have convenient access. These standards also allow for outdoor area requirements to be met by indoor community facilities because they provide opportunities for recreation or gathering. The standards also incent public plazas/open spaces and other larger publicly accessible outdoor areas that serve a park-like function and provide a broader outdoor area function in the district.
- B. Requirements.**
1. Amount required:
 - a. Generally. Except as stated in Subparagraph B.1.b., outdoor area is required as follows:
 - (1) Except in Subdistricts B, C and D, on sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
 - (2) For sites that are more than 20,000 square feet in total area, and for all sites in Subdistricts B, C and D, at least 48 square feet of outdoor area is required for each dwelling unit on the site.
 - b. Exceptions.
 - (1) In Subdistricts B, C and D, the outdoor area requirement is reduced to 24 square feet for each dwelling unit on the site when a 40,000 square foot site is dedicated for a publicly accessible park or open space. This exception only applies to the first 2,000 dwelling units constructed in the combined Subdistricts B, C and D. To qualify, the applicant must:
 - Provide a letter from the Portland Bureau of Planning and Sustainability verifying that the Montgomery Park Area Plan Public Benefits Agreement specifying provision of a publicly accessible park or open space was adopted by Portland City Council on [INSERT ADOPTION DATE];
 - Provide a letter from Portland Parks and Recreation verifying that the site and terms of future development of a publicly accessible park or open space has been approved by Portland Parks and Recreation; and
 - Provide a letter from the Portland Bureau of Planning and Sustainability verifying that 2,000 housing units or fewer have been built in subdistricts B, C, and D.
 - (2) When a publicly accessible outdoor area that meets requirements of 33.590.265.B.2.c. is provided, each one square foot of publicly accessible outdoor area counts as two feet toward the total amount of required outdoor area.

Commentary

2. Size, location and configuration. Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, as common, shared areas, such as outdoor courtyards and play areas, or indoor recreational facilities or community rooms, or as publicly accessible outdoor area. There also may be a combination of individual common, or publicly accessible areas.
 - a. Individual unit outdoor areas. Where a separate outdoor area is provided for an individual unit, it must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. The outdoor area must be directly accessible to the unit. Balconies that extend over street right-of-way count towards meeting this standard. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting the required outdoor area. If the area is at ground level it may extend up to 5 feet into a required front setback, and may extend into required side and rear setbacks as long as the area is not closer than 5 feet to a lot line abutting an RF through RM4 zoned lot.
 - b. Common areas. There are two types of common area:
 - (1) Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and must measure at least 20 feet in all directions. The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.
 - (2) Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.
 - c. Publicly accessible outdoor area. Where the outdoor area is publicly accessible, the outdoor area must be open to the public between the hours of 7 a.m. and 9 p.m. The property owner must record an easement for the outdoor area that provides for unrestricted public access from 7 a.m. to 9 p.m. The publicly accessible outdoor area must be approved through design review, or meet the following standards:
 - (1) The area must be at least 1,000 square feet in area and must measure at least 20 feet in all directions;
 - (2) The outdoor area must be located directly adjacent to a public street or public access easement;
 - (3) If there is a building located directly adjacent to the outdoor area, the outdoor area must not be adjacent to any portion of a dwelling unit;
 - (4) A maximum of 25 percent of the outdoor area may be covered by awnings, building eaves or other covered structures.

Commentary

This is a new Chapter.

For ease of reading, ~~strike~~through and underline are not used.

- (5) A minimum of 15 percent of the outdoor area must be landscaped, and there must be a least one small canopy tree for each 100 square feet of landscaping.
 - (6) Include benches or seating that provides at least 10 linear feet of seats. The seating surface should be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.
 - (7) Include exterior light fixtures that meet the following:
 - One light fixture is required every 30 feet; and
 - Exterior lights must not project light upward;
 - d. Combination of individual, common, and publicly accessible outdoor area. Where a combination of individual unit, common, and publicly accessible area is provided, each individual area must meet Subparagraph B.2.a., each common area must meet B.2.b., and each publicly accessible area must meet B.2.c. or be approved through design review. Together, all the areas must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.
3. Surfacing materials. Except for publicly accessible outdoor areas, required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use. Non-permeable portions of publicly accessible outdoor areas must be surfaced with brick, concrete, pavers or stone.
 4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

Commentary

33.590.270 Off-Site Impacts Standards

The off-site impacts standards are intended to:

- Provide information to new residents and businesses that they are moving to an area that is in transition from, and proximate to, heavy industrial and other employment uses. Industrial and some employment uses may create noise, odors, and other forms of nuisance impacts that new residents and users should be aware of.
- Provide building design features - such as insulation and windows - that can reduce the noise impacts of nearby industrial and employment uses.

33.590.270 Off-Site Impacts Standards

A. Industrial impacts disclosure statement.

1. Purpose. This requirement is intended to ensure that people who choose to live or work in the district are aware of the potential impacts, such as noise, vibration, odors, glare, and heavy truck traffic that stem from nearby industrial and employment uses.
2. Disclosure statement required. Prior to the issuance of a building permit for a new building that will contain a Household Living, Retail Sales And Service, or Office use, and for alterations to an existing building that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the permit is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

B. Noise insulation.

1. Purpose. Noise insulation is required in order to protect homes located near industrial areas from potential noise impacts generated by industrial operations.
2. Where this standard applies. The noise insulation standard applies in the EX zone within 400 feet of a lot line that abuts or is across the street from an IH, IG, or EG zone. In the case of split zoned sites, the standard applies within 400 feet of the zoning line.
3. Noise insulation standard. All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average noise level of 45 dBA. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the standard for noise insulation prior to issuance of a building permit. Garages or other attached accessory structures that do not include living space are exempt from this standard.

Commentary

33.590.280 Transportation and Parking Demand Management

The purpose statement describes the need and rationale for the Transportation Demand Management (TDM) requirements. TDM plans are intended to reduce trips by automobiles and encourage use of alternative transportation modes. They may also reduce the need for vehicle ownership and corollary parking demand.

These regulations apply existing TDM regulations that are applicable in commercial/mixed use and multidwelling residential zones. A TDM plan will be required of developments and alterations that result in 10 or more new residential units on a site. For residential uses, the TDM requirements will allow an applicant/building manager to adopt a pre-approved "off the shelf" TDM plan (per Title 17). As an alternative, an applicant may choose to develop a custom TDM plan through a Transportation Impact Review (see 33.852).

In general, pre-approved TDM plans are expected to consist of the following:

- **Education and Information:** Education and information about walking, bicycling, and transit.
- **Multimodal Incentives:** A financial incentive for transit, bicycling, and walking to tenants and employees; these could include low cost transit passes, car share memberships, bike/walk incentives, or other benefits that can shift travel behavior.
- **Surveys:** Building operators will be required to participate in surveys monitoring how well strategies are working.

This is a new Chapter.
For ease of reading, ~~strike through~~ and underline are not used.

33.590.280 Transportation and Parking Demand Management

The regulations of 33.266.410, Transportation and Parking Demand Management, apply to new development and alterations to existing development in the EX zone when the development includes a building with more than 10 dwelling units.

Commentary

33.590.290 Parking

Parking regulations are designed to achieve the following:

- Parking ratios in Table 590-2 are intended to reduce the amount of vehicle parking allowed for certain types of land uses in the EX zone in this new transit-oriented district. These standards are generally similar to those used in the Pearl District within the Central City, or Standard A in Table 266-2. Where a use or ratio is not specified, the regulations of 33.266 apply.
- Limit the number of surface parking spaces in areas where surface parking is allowed. Uses and sites that typically cannot support structured parking such as industrial uses and small sites are exempt from this limitation.

33.590.290 Parking

- A. Purpose.** The parking and access regulations manage the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the plan district area.
- B. Where these regulations apply.** The regulations of this section apply to sites in the EX zone.
- C. Parking.** Except where superseded by this subsection, the regulations of 33.266 apply to all parking.
 - 1. Minimum required parking spaces. No minimum parking is required.
 - 2. Maximum allowed parking. The maximum number of parking spaces allowed is stated in Table 590-3.
 - 3. Surface parking limitation. No more than 25 percent of the total number of parking spaces on a site can be in surface parking. Industrial uses and sites 20,000 square feet or less in total site area are exempt from this requirement.

Table 590-2		
Maximum Parking Spaces Allowed in the EX Zone		
Use Categories	Specific Uses	Maximum Parking Spaces Allowed
Residential Categories		
Household Living		1 per unit, except SROs exempt
Group Living		1 per 4 bedrooms
Commercial Categories		
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area
Commercial Categories		
Office	General office	1.5 per 1000 sq. ft. of net building area
	Medical/Dental office	1.5 per 1000 sq. ft. of net building area
Quick Vehicle Servicing		Not applicable
Vehicle Repair		Not applicable
Commercial Parking		None
Self-Service Storage		Not applicable
Commercial Outdoor Recreation		Not applicable
Major Event Entertainment		Per CU review

Commentary

This is a new Chapter.
 For ease of reading, ~~strike through~~ and underline are not used.

Table 590-2 Maximum Parking Spaces Allowed in the EX Zone		
Use Categories	Specific Uses	Maximum Parking Spaces Allowed
Industrial Categories		
Manufacturing And Production		1 per 750 sq. ft. of net building area
Warehouse And Freight Movement		1 per 750 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 3,500 sq. ft. of net building area thereafter
Wholesale Sales, Industrial Service		1 per 750 sq. ft. of net building area
Bulk Fossil Fuel Terminals		not applicable
Railroad Yards		not applicable
Waste-Related		not applicable
Institutional Categories		
Basic Utilities		None
Community Service		1 per 500 sq. ft. of net building area
Parks And Open Areas		Per CU review for active areas
Schools	Grade, elementary, middle, junior high	1 per classroom
	High school	7 per classroom
Medical Centers		1 per 500 sq. ft. of net building area
Colleges		1 per 600 sq. ft. of net building area exclusive of dormitories, plus 1 per 4 dorm rooms
Religious Institutions		1 per 100 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of net building area
Other Categories		
Agriculture		Not applicable
Aviation		Per CU
Detention Facilities		Per CU
Mining		Not applicable
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None
	Radio or television broadcast facilities	2 per site
Rail Lines & Utility Corridors		None

Commentary

Map 590-1

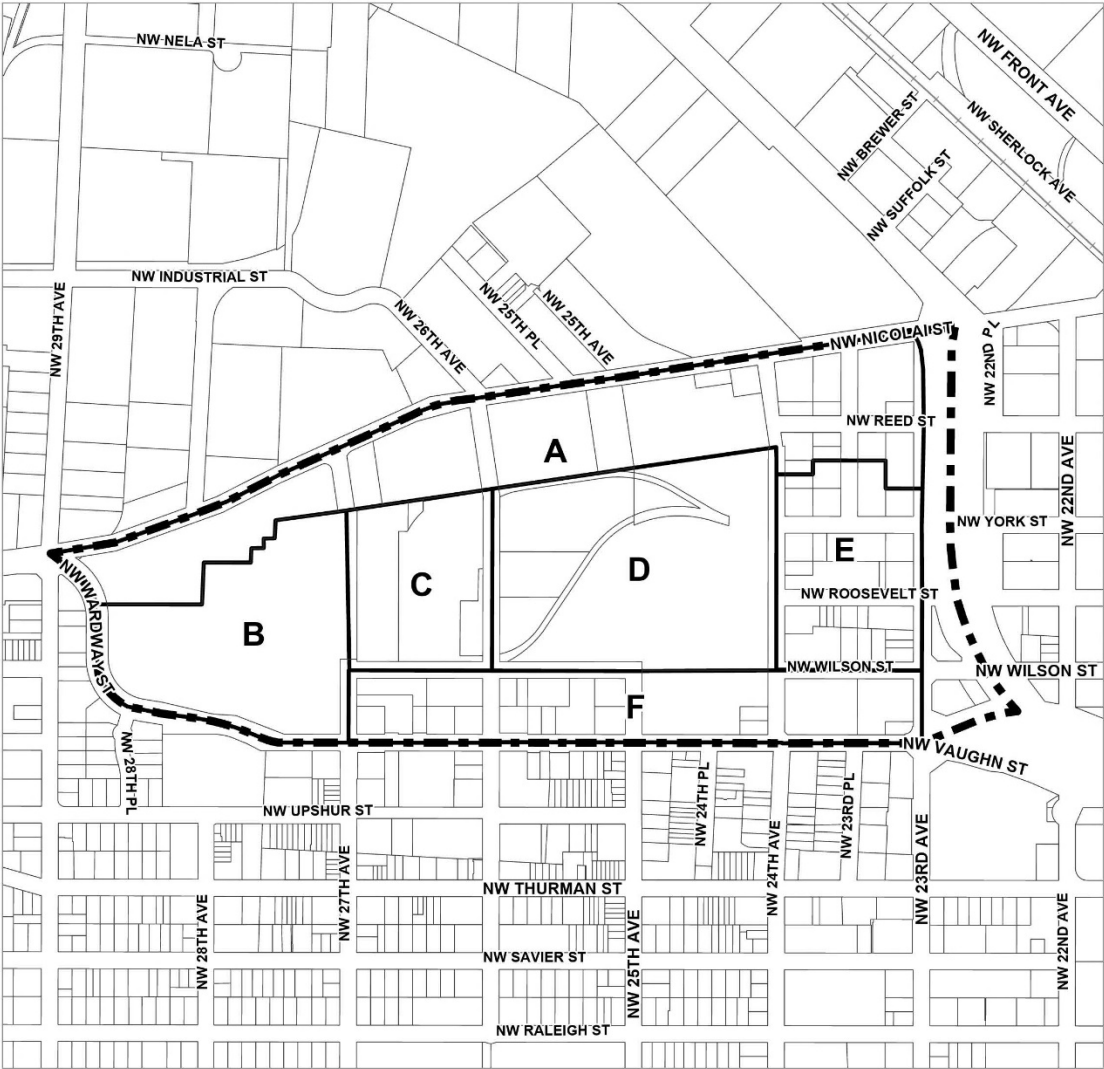
This map shows the new Vaughn-Nicolai plan district and Subdistricts.

This is a new Chapter.
For ease of reading, ~~strike through~~ and underline are not used.

Vaughn-Nicolai Plan District

Map 590-1

Map Revised Xxxxx XX, 202X



- Plan District Boundary
- Subdistrict Boundaries



Commentary

Map 590-2

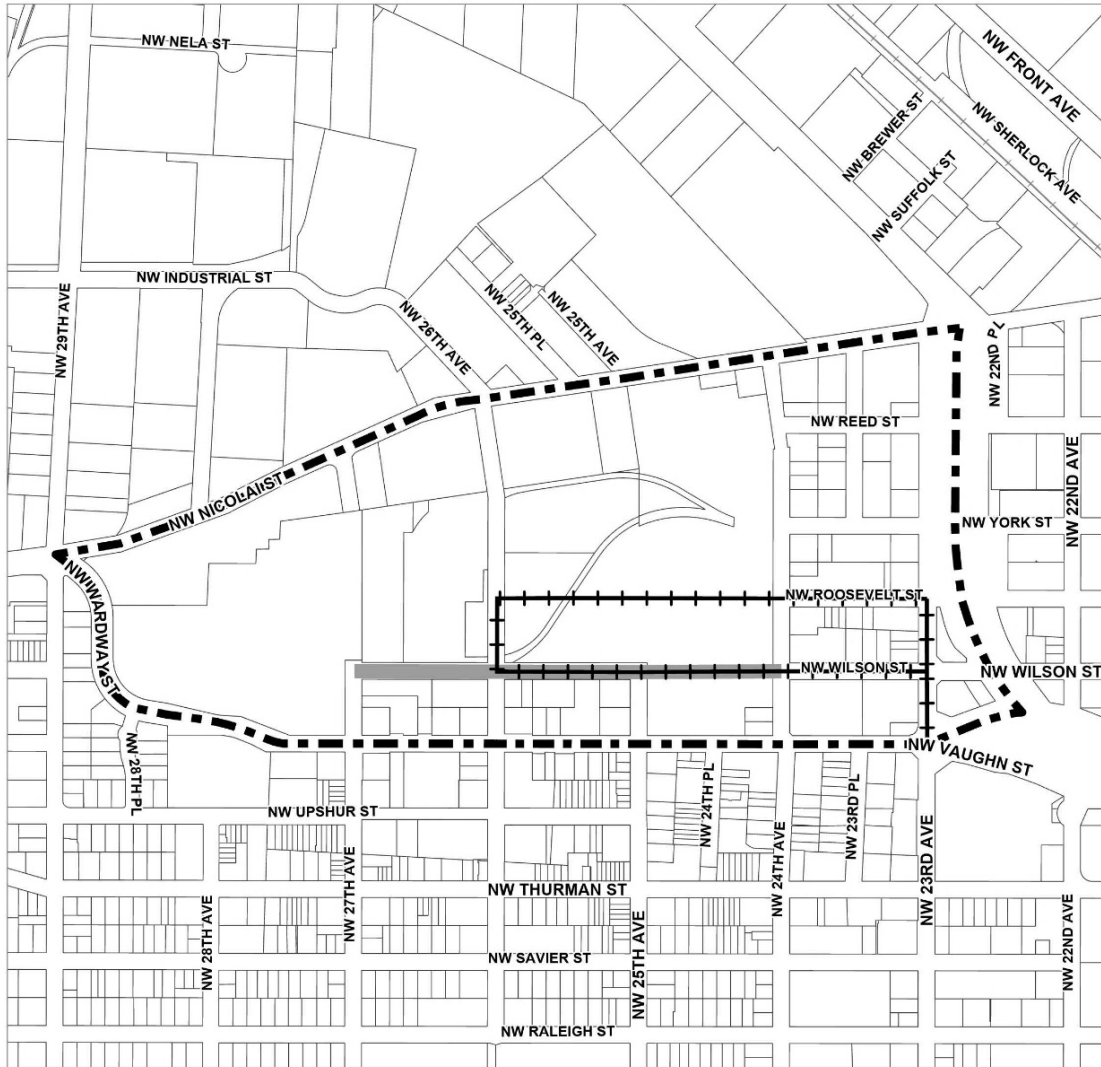
This map shows the new Vaughn-Nicolai plan district and areas where streetcar-oriented regulations apply.

This is a new Chapter.
For ease of reading, ~~strike~~through and underline are not used.

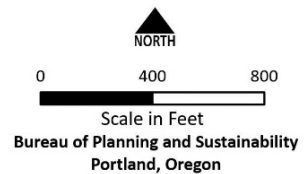
Vaughn-Nicolai Plan District Streetcar Alignment and Main Street

Map 590-2

Map Revised Xxxxx XX, 202X



- Plan District Boundary
- Streetcar Alignment
- Main Street



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Section III: Technical Zoning Code Amendments

The zoning code amendments in this section are technical amendments that provide consistency among sections of the zoning code that address additional prohibited uses. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

Commentary

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. [No change]

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., 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-c. [No change]

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:

- Before a building permit is issued, the applicant must submit the following to BDS:
 - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
 - Covenant. The City-approved covenant, which is available from Portland Permitting & Development in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.

Commentary

33.400 Aircraft Landing Zone

400

33.400.030 Height Limits

All structures, vegetation, and construction equipment within the Aircraft Landing Overlay Zone are subject to the height limits of this section. Map 400-1 shows the boundaries of the overlay zone. The Aircraft Landing Overlay Zone Map, available from Portland Permitting & Development~~in the Development Services Center~~ shows the height limits.

- A. **E, I, CI2, and OS zones.** In the employment, industrial, CI2, and open space zones, the height limits are shown on the Aircraft Landing Overlay Zone Map. When the base zone height is more restrictive than the Aircraft Landing Overlay Zone height, the base zone height applies. The Aircraft Landing Overlay Zone Map is available from Portland Permitting & Development~~at the Development Services Center~~.
- B-C. [No change]

Commentary

33.415.110 Prohibited Uses

This amendments is a technical amendment. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

33.415 Centers Main Street Overlay Zone

415

Sections:

General

- 33.415.010 Purpose
- 33.415.020 Short Name and Map Symbol
- 33.415.030 Where These Regulations Apply

Use Regulations

- 33.415.100 Additional Prohibited Uses
- 33.415.200 Required Ground Floor Active Use

Development Regulations

- 33.415.300 Prohibited Development
- 33.415.310 Minimum Floor Area Ratio
- 33.415.320 Maximum Building Setbacks
- 33.415.330 Location of Vehicle Areas
- 33.415.340 Ground Floor Windows
- 33.415.350 Entrances
- 33.415.410 Additional Use and Development Standards in the CM1 Zone

33.415.100 Additional Prohibited Uses

The following additional uses are prohibited **within 100 feet of a transit street**:

- A.** Quick Vehicle Servicing; and
- B.** Self-Service Storage.

Commentary

33.470 Portland International Airport Noise Impact Zone

470

33.470.030 Where These Regulations Apply

The regulations of the chapter apply within the Portland International Airport Noise Impact Overlay Zone. There are several contours within the zone. The boundaries of the 65 DNL and 68 DNL noise contours are based on the 1990 Portland International Airport Noise Abatement Plan. The 55 DNL noise contour is based on the 2035 50th Percentile Forecast Noise Exposure Map in the 2010 Portland International Airport Master Plan Update.

A set of quarter-section maps, known as the PDX Noise Zone Maps, is available from Portland Permitting & Development ~~for viewing at the Development Services Center~~. The maps are the official reference maps for the PDX Noise Zone regulations. The maps show the 55 DNL noise contour and each successively higher noise contour in one DNL increments.

33.470.040 Regulations for Residential Uses

- A. **Noise disclosure statement in the 55, 65, and 68 DNL.** The regulations of this subsection apply to sites in the 55, 65, and 68 DNL contours. Before a building permit is issued for new residential construction or reconstruction where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site, the owner must sign the City's noise disclosure statement. The noise disclosure statement acknowledges that the property is located within the 55, 65, or 68 DNL noise contour and signifies the owner's awareness of the associated noise levels. The noise disclosure statement must be recorded in the County records by the owner. A packet containing the noise disclosure statement is available from Portland Permitting & Development ~~at the Development Services Center~~.
- B. **Noise easement in the 65 and 68 DNL.** The regulations of this subsection apply to sites in the 65 and 68 DNL contours. Before a building permit is issued for new residential construction or reconstruction where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site, the owner must dedicate a noise easement to the Port of Portland. The easement authorizes aircraft noise impacts over the grantor's property at levels established by the DNL noise contour. Any increase of the DNL noise level above that stated on the easement will not void nor be protected by the easement. The easement forms are available from Portland Permitting & Development ~~at the Development Services Center~~.
- C-D. [No change]

Commentary

33.510 Central City Plan District

510

33.510.252 Additional Standards in the Central Eastside Subdistrict

The following additional standards apply in the Central Eastside subdistrict.

A. Industrial impacts disclosure statement.

1. [No change]
2. Disclosure statement required. Prior to the issuance of a building permit for a new building that will contain a Household Living, Retail Sales And Service, or Office use, and for alterations to an existing building that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available from Portland Permitting & Development~~in the Development Services Center~~. After the permit is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

B. [No change]

Commentary

33.521.110 Prohibited Uses

This amendment is a technical amendment. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

33.521 East Corridor Plan District

521

Sections:

General

- 33.521.010 Purpose
- 33.521.020 Where These Regulations Apply

Use Regulations

- 33.521.100 Purpose
- 33.521.110 Additional Prohibited Uses

Development Standards

- 33.521.200 Purpose
- 33.521.210 Building Height
- 33.521.220 Floor Area Ratios
- 33.521.230 Connectivity
- 33.521.240 Pedestrian Standards
- 33.521.250 Entrances
- 33.521.260 Building Design
- 33.521.270 Exterior Display and Storage
- 33.521.280 Drive-Through Facilities
- 33.521.290 Parking
- 33.521.300 Additional Standards in the 122nd Avenue Subdistrict

Map 521-1 East Corridor Plan District

Map 521-2 Maximum Building Heights

Map 521-3 Floor Area Ratios

Map 521-4 Areas Where Exterior Display and Storage are Allowed

33.521.110 Additional Prohibited Uses

The following additional uses are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment:

- A. Vehicle Repair that is not on the same site as auto sales in the Retail Sales And Service category;
- B. Quick Vehicle Servicing;
- C. Commercial Parking; and
- D. Self-Service Storage.

Commentary

33.526.110 Prohibited Uses

This amendment is a technical amendment. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

33.526 Gateway Plan District

526

Sections:

General

- 33.526.010 Purpose
- 33.526.020 Where These Regulations Apply
- 33.526.030 Early Project Consultation

Use Regulations

- 33.526.100 Purpose
- 33.526.110 Additional Prohibited Uses
- 33.526.120 Retail Sales and Service and Office Uses

Development Standards

- 33.526.200 Purpose
- 33.526.210 Building Height
- 33.526.220 Floor Area Ratio
- 33.526.230 Floor Area and Height Bonus Options
- 33.526.240 Open Area
- 33.526.250 Connectivity
- 33.526.260 Pedestrian Standards
- 33.526.270 Entrances
- 33.526.280 Enhanced Pedestrian Street Standards
- 33.526.290 Ground Floor Windows
- 33.526.300 Required Windows Above the Ground Floor
- 33.526.310 Exterior Display and Storage
- 33.526.320 Drive-Through Facilities
- 33.526.330 Gateway Master Plan
- 33.526.340 Parking

Map 526-1 Gateway Plan District

Map 526-2 Maximum Heights

Map 526-3 Floor Area Ratios

Map 526-4 Enhanced Pedestrian Streets

Map 526-5 Bonus Option Areas

33.526.110 Additional Prohibited Uses

- A. Vehicle Repair, Quick Vehicle Servicing, Commercial Parking, and Self-Service Storage are prohibited in the plan district.
- B. Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles is prohibited on the portion of a site within 200 feet of a light rail alignment. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

Commentary

33.534.110 Prohibited Uses

This amendment is a technical amendment. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

33.534 Hillsdale Plan District

534

Sections:

General

33.534.010 Purpose

33.534.020 Where These Regulations Apply

Use Regulations

33.534.100 Purpose

33.534.110 Additional Prohibited Uses

Development Standards

33.534.200 Purpose

33.534.210 Setbacks

33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones

33.534.230 Drive-Through Facilities

Map 534-1 Hillsdale Plan District

Sections:

General

33.534.010 Purpose

33.534.020 Where These Regulations Apply

Use Regulations

33.534.100 Purpose

33.534.110 Prohibited Uses

Development Standards

33.534.200 Purpose

33.534.210 Setbacks

33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones

33.534.230 Drive-Through Facilities

Map 534-1 Hillsdale Plan District

33.534.110 Additional Prohibited Uses

The following additional uses are prohibited:

- A. Vehicle repair;
- B. Quick vehicle servicing;
- C. Self-service storage; and
- D. Warehouse and freight movement.

Commentary

33.536.110 Prohibited Uses

This amendment is a technical amendment. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

33.536 Hollywood Plan District

536

Sections:

General

33.536.010 Purpose

33.536.020 Where These Regulations Apply

Use Regulations

33.536.100 Purpose

33.536.110 Additional Prohibited Uses

33.536.120 Required Residential Uses

33.536.130 Commercial Parking in the CM2 and CM3

Development Standards

33.536.200 Purpose

33.536.210 Prohibited Development

33.536.220 Maximum Building Height

33.536.230 Transition Between Residential and Commercial/Mixed Use Zones

33.536.235 Transition Between Commercial/Mixed Use Zones

33.536.240 Floor Area Ratio

33.536.250 Bonus Options

33.536.260 Building Facades Facing Sandy Boulevard

33.536.280 Enhanced Pedestrian Street Standards

33.536.290 Maximum Allowed Parking in the RX, CM2, and CM3 Zones

33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard

33.536.320 Nonconforming Development

Map 536-1 Hollywood Plan District and Subdistricts

Map 536-2 Hollywood Plan District: Maximum Building Heights

Map 536-3 Hollywood Plan District: Enhanced Pedestrian Streets

33.536.110 Additional Prohibited Uses

- A. **Purpose.** These regulations limit auto-oriented uses in the plan district, and help reduce traffic congestion, especially in the commercial core of Hollywood.
- B. **Additional Prohibited uses.**
 1. Park and Ride facilities are prohibited in the plan district; and
 2. Vehicle Repair and Quick Vehicle Servicing are prohibited in Subdistrict A.

Commentary

33.538.100 Prohibited Uses

This amendment is a technical amendment. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

33.538 Kenton Plan District

538

Sections:

General

33.538.010 Purpose

33.538.020 Where These Regulations Apply

Use Regulations

33.538.100 Additional Prohibited Uses

33.538.110 Limited Uses

Development Standards

33.538.200 Drive-Through Facilities

33.538.210 Maximum Building Height

33.538.220 Floor Area Ratio

33.538.230 Required Building Lines

33.538.240 Active Use Areas

33.538.250 Parking Access Restricted Streets

Map 538-1 Kenton Plan District

Map 538-2 Maximum Building Heights

Map 538-3 Floor Area Ratio

Map 538-4 Required Building Lines

Map 538-5 Active Building Use Areas

Map 538-6 Parking Access Restricted Streets

33.538.100 Additional Prohibited Uses

The following additional uses are prohibited:

- A. Wholesale Sales; and
- B. Vehicle Repair.

Commentary

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

33.540 Laurelhurst/Eastmoreland Plan District

540

33.540.030 Required Building Setbacks

Required building setbacks are shown on the Special Building Setbacks maps available from Portland Permitting & Development~~for review in the Development Services Center.~~

Commentary

33.550.100 Prohibited Uses

This amendment is a technical amendment. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

33.550 Macadam Plan District

550

Sections:

General

33.550.010 Purpose

33.550.020 Where the Regulations Apply

Use Regulations

33.550.100 Additional Prohibited Uses

Development Standards

33.550.200 Floor Area Ratio

33.550.210 Building Height

33.550.220 Building Setbacks

33.550.230 Building Coverage

33.550.240 Building Length

33.550.250 View Corridors

33.550.260 Exterior Display and Storage

33.550.270 Drive-Through Facilities

33.550.280 Signs

Map 550-1 Macadam Avenue Plan District

33.550.100 Additional Prohibited Uses

The following additional use categories are prohibited in the Macadam plan district:

- A. Quick Vehicle Servicing; and
- B. Vehicle Repair, excluding boat repair which is allowed.

Commentary

33.583.110 Prohibited Uses

This amendment is a technical amendment. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

33.583 St. Johns Plan District

583

Sections:

General

- 33.583.010 Purpose
- 33.583.020 Where These Regulations Apply

Use Regulations

- 33.583.100 Purpose
- 33.583.110 Additional Prohibited Uses
- 33.583.120 Retail Sales And Service Uses in the CM3 Zone

Development Standards

- 33.583.200 Purpose
- 33.583.210 Drive-Through Facilities
- 33.583.220 Exterior Activities in the EG and CM3 Zones
- 33.583.230 Detached Houses Prohibited in the CM3 Zone
- 33.583.250 Maximum Building Height
- 33.583.270 Building Coverage in the CM3 Zone
- 33.583.280 Residential Uses in the EG1 Zone
- 33.583.285 Additional Regulations in the Riverfront Subdistrict

Map 583-1 St. Johns Plan District

Map 583-2 Maximum Heights

33.583.110 Additional Prohibited Uses

- A. Plan district.** Quick Vehicle Servicing is prohibited in the plan district.
- B. EG and CM3 zones.** The following uses are prohibited in the EG and CM3 zones:
 - 1. Vehicle Repair;
 - 2. Commercial Parking;
 - 3. Self-Service Storage;
 - 4. Agriculture; and
 - 5. Detention Facilities.

Commentary

33.595.100 Prohibited Uses

This amendment is a technical amendment. Several overlay zones and plan districts prohibit uses in addition to the uses prohibited in the base zone. However, not all of the names of the sections are the same—some are simply Prohibited Uses, and others are Additional Prohibited Uses. The amendments in this section add the word “Additional” where necessary to ensure that all of the sections are titled in the same way.

33.595 West Portland Multicultural Plan District

595

Sections:

General

- 33.595.010 Purpose
- 33.595.020 Where These Regulations Apply
- 33.595.030 Neighborhood Contact
- 33.595.040 Initiating a Quasi-judicial Zoning Map Amendment

Use Regulations

- 33.595.100 Additional Prohibited Uses
- 33.595.110 Retail Sales and Service
- 33.595.120 Commercial Parking
- 33.595.130 Required Ground Floor Active Use

Development Standards

- 33.595.200 Minimum Density
- 33.595.210 Floor Area Ratio
- 33.595.220 Floor Area Bonus Options
- 33.595.230 Bonus Height
- 33.595.240 Required Affordable Commercial Space
- 33.595.250 Commercial Corridor Standards
- 33.595.260 Residential Corridor Standards
- 33.595.270 Setbacks
- 33.595.275 Design Standards for RM1 and RM2
- 33.595.280 Urban Green Features
- 33.595.290 Retaining Walls

Map 595-1 Plan District and Subdistricts

Map 595-2 Employment Focus Area

Map 595-3 Commercial Corridor and Residential Corridor Standards

Map 595-4 Maximum Floor Area Ratios

33.595.100 Additional Prohibited Uses

- A. Purpose.** These regulations prioritize employment opportunities in certain areas close to transit, promote pedestrian- and transit-oriented development, and help reduce traffic congestion, especially in the commercial core of the plan district.
- B. Additional Prohibited uses.**
 - 1. Residential uses are prohibited in the Employment Focus Area shown on Map 595-2;
 - 2. Self-Service Storage is prohibited within the plan district; and
 - 3. Quick Vehicle Servicing is prohibited within the plan district.

Commentary

33.750 Fees

750

33.750.020 Fee Schedule and Procedures

Required fees for land use reviews and appeals of land use decisions are stated in the Fee Schedule for Title 33, available from Portland Permitting & Development~~at the Development Services Center~~. Rules and Procedures for the payment of fees, refunds, and waiver of fees are determined by the Director of BDS.

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Section IV: Future Zoning Code Amendments

This section presents zoning code amendments that will be effective when 200 units of affordable housing have been built in Subdistricts B, C and D in conformance with the Montgomery Park Plan Area Public Benefits Agreement. These amendments will not be effective at the time the Montgomery Park Area Plan become effective, but rather, they will automatically become effective within 60-days of certification that 200-units of affordable housing meeting the criteria of an adopted public benefit agreement have been built no later than seven years from the effective date of the Montgomery Park Area Plan. The ordinance will contain directives to this effect.

The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

Commentary

These code amendments will become effective after 200 units of affordable housing have been built in Subdistricts B, C and D in compliance with the Montgomery Park Plan Area Public Benefits Agreement. These code provisions will not be effective when the Montgomery Park Area Plan becomes effective. They will become effective within 60-days of certification by Portland Housing Bureau (PHB) that 200 units of regulated affordable housing meeting inclusionary housing requirements have been built in Subdistricts B, C and D, no later than seven years from the effective date of the Montgomery Park Area Plan.

33.590.230.D Additional affordable housing bonus

When 200 units of regulated affordable housing meeting Inclusionary Housing requirements have been built in Subdistricts B, C and D no later than seven years from the effective date of the Montgomery Park Area Plan and certified by PHB, pre-approved code amendments will become effective within 60-days. The code section on the facing page shows the changes that will occur to 33.590.230.D when this occurs. The additional affordable housing bonus option will no longer apply to Subdistricts C and D. These subdistricts will then be subject to the base and bonus floor area ratios shown in "Future" Table 590-1, shown on page 119.

33.590.230.E Employment opportunity bonus

When 200 units of regulated affordable housing meeting Inclusionary Housing requirements have been built in Subdistricts B, C and D no later than seven years from the effective date of the Montgomery Park Area Plan and certified by PHB, pre-approved code amendments will become effective within 60-days. The code section on the facing page shows the changes that will occur to 33.590.230.E when this occurs. The Employment opportunity bonus option will no longer apply to Subdistricts C and D. These subdistricts will then be subject to the base and bonus floor area ratios shown in "Future" Table 590-1, shown on page 119.

33.590.230 Floor Area and Height Bonus Options

A-C. [No change]

D. **Additional affordable housing bonus.** In Subdistricts E and F, maximum height and FAR may be increased up to the maximum stated in Table 590-1 when at least 12 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus, the affordable dwelling units must be located on the site, and the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review. ~~A bonus is provided when additional affordable housing is provided.~~

~~1. In subdistricts C and D, maximum height and FAR may be increased as stated in Table 590-1 when at least 15 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus, the affordable dwelling units must be located on the site, and the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.~~

~~2. In Subdistricts E and F, maximum height and FAR may be increased as stated in Table 590-1 when at least 12 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus, the affordable dwelling units must be located on the site, and the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.~~

E. **Employment opportunity bonus.** In subdistricts A, ~~C, D~~ and E, proposals that provide floor area for employment uses may increase maximum height and FAR up to the maximum stated in Table 590-1. Floor area may be increased by one square foot for every one square foot of floor area provided in one or more of the following use categories: Manufacturing and Production; Wholesale Sales; Industrial Office; Industrial Service; or any use in the Institutional category. Floor area provided to meet 33.590.135, Required Nonresidential Use, does not count toward this bonus.

F. [No Change]

Commentary

These code amendments will become effective after 200 units of affordable housing have been built in Subdistricts B, C and D in compliance with the Montgomery Park Plan Area Public Benefits Agreement. These code provisions will not be effective when the Montgomery Park Area Plan becomes effective. They will become effective within 60-days of certification by Portland Housing Bureau (PHB) that 200 units of regulated affordable housing meeting inclusionary housing requirements have been built in Subdistricts B, C and D, no later than seven years from the effective date of the Montgomery Park Area Plan.

Table 590-1

When 200 units of regulated affordable housing meeting IH standards have been built and certified by Portland Housing Bureau (PHB), the amendments shown for Subdistricts C and D in Table 590-1 will become effective within 60-days.

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

Table 590-1							
Summary of Maximum and Bonus FAR and Height							
		Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
Maximums							
Maximum FAR		3 to 1	3 to 1	<u>2</u> 3 to 1	<u>2</u> 3 to 1	2 to 1	2 to 1
Overall Maximum FAR with bonus		5 to 1	7 to 1	5 to 1	5 to 1	5 to 1	5 to 1
Overall Maximum Height with bonus		85 ft.	120 ft.	85 ft.	85 ft.	85 ft.	75 ft.
Maximum Increment of Additional FAR and Height Per Bonus							
Inclusionary Housing (see 33.590.230.C)	FAR Height	1 to 1 20 ft.	2 to 1 55 ft.	<u>1</u> 2 to 1 20 ft.	<u>1</u> 2 to 1 20 ft.	2 to 1 20 ft.	2 to 1 10 ft.
Additional Affordable Housing (see 33.590.230.D)	FAR Height	n/a n/a	n/a n/a	2 to 1 n/a	2 to 1 n/a	1 to 1 none	1 to 1 none
Employment Opportunity (see 33.590.230.E)	FAR Height	1 to 1 20 ft.	n/a n/a	1 to 1 n/a	1 to 1 n/a	1 to 1 20 ft.	n/a n/a
Transportation Adequacy (see 33.852)	FAR Height	n/a n/a	2 to 1 none	n/a n/a	n/a n/a	n/a n/a	n/a n/a

Section V: Montgomery Park Area Design Character Statement

This section presents a Recommended Character Statement. All area plans, including town center plans, must include a Character Statement to comply with the Portland Citywide Design Guidelines. In accordance with this requirement the Montgomery Park Area Plan includes a Character Statement since the Vaughn-Nicolai Plan District will become part of the NW Town Center.

Commentary on Montgomery Park Area Plan Character Statement

All area plans, including town center plans, must include a Character Statement to comply with the Portland Citywide Design Guidelines. In accordance with this requirement the Montgomery Park Area Plan includes a Character Statement since the Vaughn-Nicolai Plan District will become part of the NW Town Center. As new buildings and public spaces in the district develop, the Character Statement will support the Guidelines in contributing to the area's emerging character. The role of the Character Statement is to articulate the existing and emerging character, as dictated by the community.

At the project open house and design workshop in June 2023, the online Character Statement Survey in Fall 2023, and a BIPOC Design Focus Group in Winter 2024, the community expressed a desire for future development to be designed to acknowledge the area's industrial past, particularly Montgomery Park and American Can. There is also a desire to acknowledge the displacement of past communities, and to support and foster the creation of a diverse, multi-cultural community. They also requested a green corridor along NW Vaughn, and a new public park, in addition to open spaces of various scales, to promote opportunities community gathering and recreation. This feedback has informed the development of this Character Statement and helped to identify what specific qualities in the area's community, architecture and nature contribute to this character.

Included here before the Character Statement is also an update to the Table of Contents within the Portland Citywide Design Guidelines.

The following Draft Montgomery Park Area Plan Character Statement is proposed for inclusion as an amendment into the Citywide Design Guidelines.

As the Character Statement is required for the Citywide Design Guidelines, the Design Commission will be the body making the recommendation to City Council on this component of the Town Center Plan. The Design Commission was briefed about the proposed Plan and Character Statement on August 17, 2023. The Design Commission will also participate in a joint public hearing with the Planning Commission on May 21, 2024 in addition to reviewing written public testimony. Design Commission work sessions to deliberate on the proposed Character Statement will be held as the Planning and Commission has their work sessions and makes their recommendations. These work sessions have not been scheduled yet. Information about future meetings dates will be posted on the project events page when they are scheduled.

A CHARACTER STATEMENT FOR MONTGOMERY PARK AREA PLAN

Centers are expected to be areas of growth and high activity. In recognition of this important role, additional consideration of how these centers look and feel is implemented through use of a Design overlay (d-overlay) zone. In addition to the proposed plan district provisions, all sites zoned Central Employment (EX) will be designated with the d-overlay zone. (The d-overlay zone currently applies to some properties within the existing project area boundary.)

What is the Design Overlay Zone?

The Design overlay (d-overlay) strives to ensure that new development forwards the goals and policies Portlanders set out in the 2035 Comprehensive Plan: to strengthen Portland as a city designed for people. It is applied to areas of high growth and activity, such as centers and corridors, but does not apply to most low-density residential areas. The Design overlay zone provides two options for development proposals: the objective track (using design standards) or the discretionary design review track (using design guidelines).

Under the objective track, a development must meet additional development standards. In some cases a project may not qualify to use the objective standards. In this case, design review is required, and decision-makers use design guidelines adopted by City Council to approve projects. Design guidelines give direction for each project that offers flexibility in how to meet them. The guidelines are based on a framework of three design-related core values, or “tenets” in Portland:

- Build on CONTEXT
- Contribute to the PUBLIC REALM
- Promote QUALITY AND RESILIENCE

What is the purpose of the Character Statement?

Character statements are additional tool to help guide future design reviews for each center.

The Montgomery Park Area Plan includes a proposal for a Character Statement. The statement will help development proposals undergoing design review be more responsive to the unique context of this center and the people who reside and work here. Ultimately, the goal of this statement is to provide future design reviews with a richer, more specific context description to guide how new development should address the area’s character-defining features, ecological context, resources, and social and cultural values.

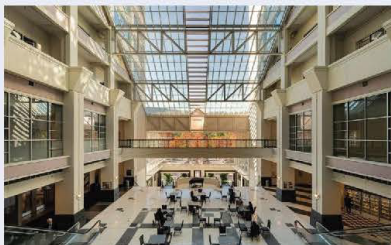
HOW ARE

CONTEXT AND CHARACTER USED IN THE GUIDELINES?

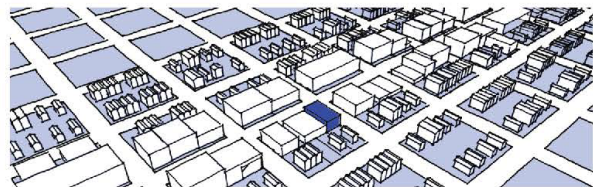
Help us identify what makes this place unique...



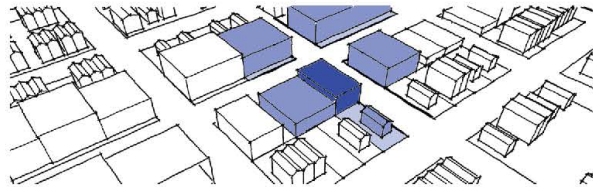
What are its special areas or features?
Historic Resources, Montgomery Park and American Can Factory



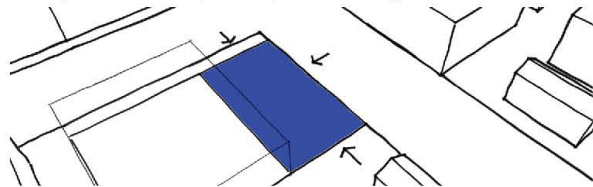
What are its community spaces and resources?
Atrium Space, Montgomery Park



Build on the character and local identity of the place.



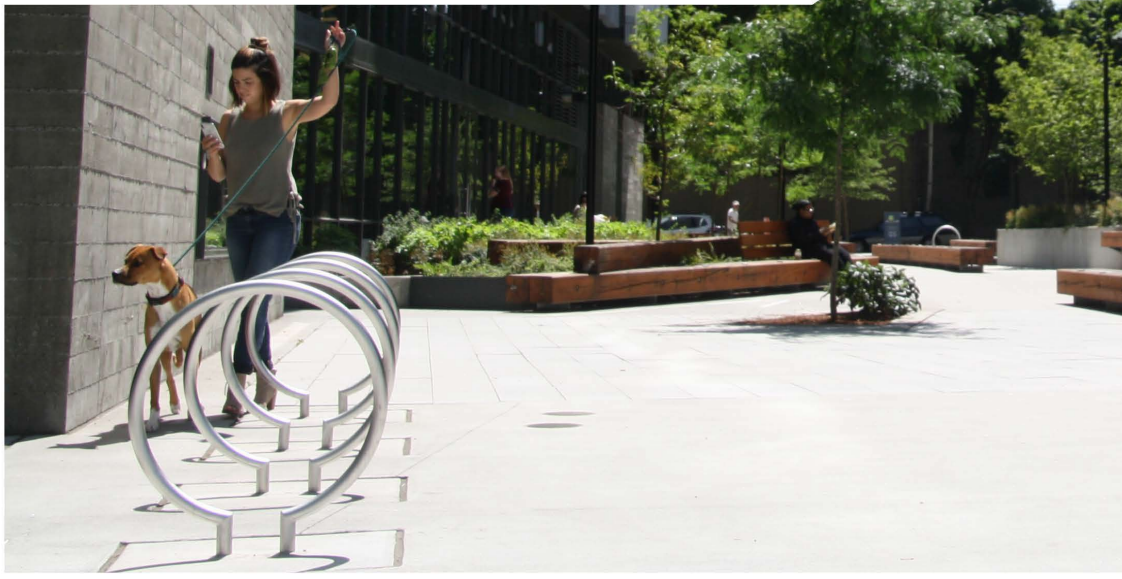
Create positive relationships with adjacent surroundings.



Integrate and enhance on-site features and opportunities to meaningfully contribute to a location’s uniqueness.

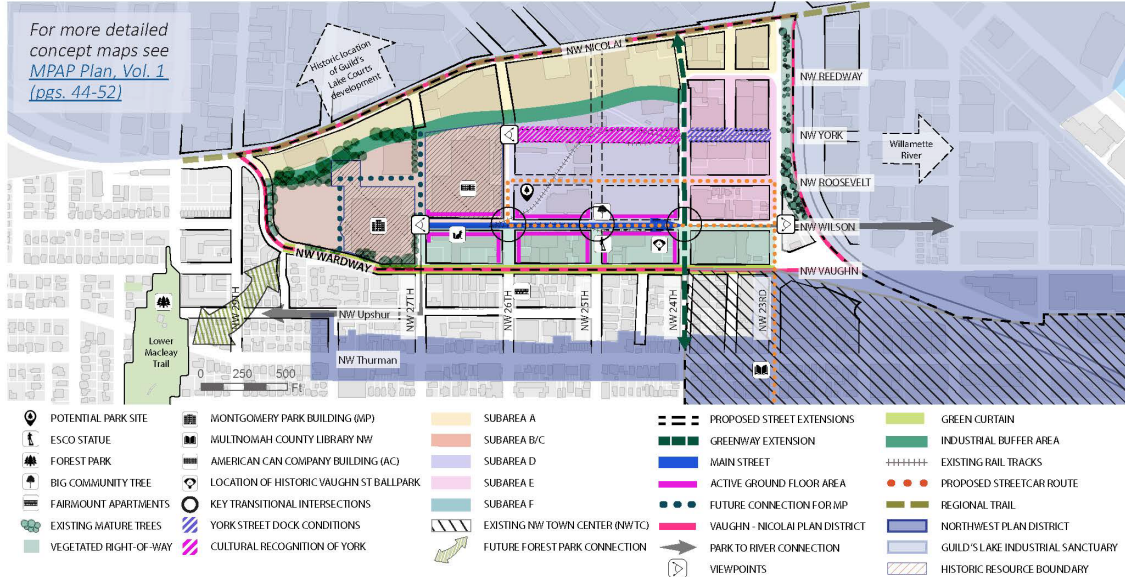
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CHARACTER STATEMENT: Montgomery Park

TOWN CENTER



BACKGROUND

HISTORY & EXISTING CONDITIONS

Framed by the Guild's Lake Industrial District to the North and the vibrant mixed-use communities of the Northwest District to the South, the Montgomery Park Area Plan (MPAP) is an eclectic mix of land uses and building types. The designated Vaughn Nicolai Plan District (VNPd), within the expanded Northwest Town Center, has been an area of continual transition and transformation. The area's variety of lot sizes, building types, and history of industrial and manufacturing uses created a dynamic built environment but has also resulted in a disconnected, difficult to navigate, street grid resulting in an urban heat island with little trees or green space.

Once home to a lush marshland and the low-lying Guild's Lake, this area was part of a larger ecosystem which contributed to the vibrancy of nearby Indigenous villages on Sauvie Island and across the Willamette River. Before significant changes to the landscape began in the late 1800s, Chinese immigrants lived and farmed on land around the lake.² Plans for industrialization led to their displacement and to the filling of the lake in the 1920s to create a robust industrial center. Today, hints of this wild landscape remain in the nearby hills of Forest Park, Balch Creek watershed, and Willamette River, including an opportunity to connect Forest Park trails to the Willamette River Greenway. Connected to this legacy are Portland's extant Indigenous and Chinese communities, though little acknowledgment of them or the natural environment exists in this location.

The area was the site of the 1905 Lewis and Clark Exposition which showcased Portland's community, industry, and innovation. Industry and innovation was later carried on in the Montgomery [Ward] Park office building (1920), the American Can Company complex (1921), and the former ESCO steel foundry. Portland's Black community has strong ties to this area, including connections to the since-demolished WWII-era housing development Guild's Lake Courts (1940s/50s) and the Portland Rosebuds, a minor league baseball team that was part of the short-lived West Coast Negro League, which played one season (1946) at the Vaughn Street Park. More recently, NW York was renamed in honor of York, the enslaved man who was an essential member of the Lewis and Clark Expedition. Despite this, other recognition of the Black Community's contributions to NW Portland has been limited.

CURRENT POLICY FRAMEWORK

Located at the edge of both an Industrial/Employment hub and the NW District Town Center, the VNPd is close to jobs, transit, parks, and shops and services. While encouraging elevation of its employment roots and future, the MPAP leverages new development and public benefits to create an inclusive, vibrant, low-carbon mixed-use neighborhood served by the Portland Streetcar. A Public Benefits Agreement³ outlines important public benefits, including the commemoration of York on NW York Street¹ to be done in partnership with the Office of Arts and Culture and community organizations who carry forward the lived experiences of communities of color with roots in the area.

ADDITIONAL RESOURCES

- [NW District Plan](#)
- [Guild's Lake Industrial Sanctuary Plan](#)
- [Montgomery Park District Transportation Plan](#)
- [Preliminary Racial Equity Analysis](#)
- ¹ [Indicates terms featured within the MPAP Plan, Vol.1, Pgs. 45 & 46](#)
- ² [Oregon Historical Society, Photo Essay](#)
- ³ [Public Benefits Agreement within the MPAP](#)

"...celebrate proximity to Forest Park by extending trees and open space into the neighborhood. 'Green Curtain' instead of the 'Steel Curtain'..."

- Community Members, 2023

The following sections align with, and are derived from, content in the Portland Citywide Design Guidelines, specifically Guideline 01. They each focus on characteristics specific to this Town Center and suggest ways character could be incorporated into development.

COMMUNITY CHARACTER



The use of color, art and outdoor gathering spaces provides a sense of creative energy and vitality.

Home to a mix of residents, businesses, and institutions, this district takes immense pride in its industrial heritage and variety of uses. Public spaces that acknowledge the contributions of Portland’s Black, Chinese and Indigenous communities are needed to support these various communities and reflect the multitude of histories of the area. Future development should celebrate the district’s rich industrial character and provide spaces that allow for a true mix of uses, reflecting a history of ingenuity and innovation.

A few ways to support these goals include:

- Designing ground floors with views into maker spaces along NW Roosevelt and/or providing historic markers indicating the history and sites of the 1905 Lewis and Clark Exposition.
- Framing terminating vistas such as Montgomery Park on NW Wilson St and American Can on NW Roosevelt and NW York.
- Integrating historic railroad track remnants in Subareas E¹ and D¹ within, or as a connection

between, contiguous open spaces.

- Integrating intimate, multi-functional and accessible gathering spaces to encourage intergenerational community gathering, especially in Subareas F¹ and D¹.
- Acknowledging and celebrating contributions of Portland’s Communities of Color. Consider working with Black, Chinese or Indigenous artists to incorporate design elements such as color, patterns and/or artwork.
- Programming open spaces with elements such as playgrounds, performance spaces, historic markers and/or passive recreation areas.
- Referencing context on specific Streets:
 - On NW Wilson, incorporate neon signage as a nod to the neon MP sign.
 - On NW York, commemorate York with physical storytelling elements such as art or historic markers.¹
 - On NW York, preserve historic dock conditions and reference them westward.¹

ARCHITECTURE + URBAN DESIGN CHARACTER



Development on NW Wilson which repurposed an existing industrial building with an updated form and new materials.

A century of transition has created a diverse landscape of urban forms and uses in this Center, dividing it into five distinct subareas¹. Perhaps most distinct is Subarea B/C¹, home to the historic Montgomery Park (MP) and American Can (AC) sites, whose size, in combination with the former ESCO Steel site in Subarea D, creates a challenging, disconnected street network between NW 24th and NW 27th. The Portland Streetcar¹ on NW Wilson and NW Roosevelt provides an opportunity for each subarea to preserve, emulate and celebrate its rich industrial context, while fostering a vibrant, safe and resilient mixed-use center.

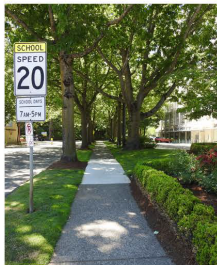
A few ways to support these goals include:

- Referencing industrial materials (i.e. concrete, steel) and characteristics, such as the longer, regular facades and roof forms of industrial warehouses, the large scale operable windows and brick detailing of MP and AC, and re-purposing existing industrial buildings, materials and features.
- Improving urban heat island conditions in Subareas E¹, F¹ and D¹ with climate-responsive design approaches, like lighter building colors

and roofing materials, and green features such as eco-roofs.

- Buffering development from noise pollution, particularly on sites near Hwy 30 and in the buffer area² along Subarea A by utilizing sound absorbing materials, landscaping and careful building orientation.
- Complementing industrial context adjacent to, and across the from, new development through aligning belt courses, roof lines and forms, repetition of bays and windows, and continuity of setbacks.
- Encouraging NW Wilson as a main street¹ with large openings at the ground floor offering views into flexible spaces with active uses¹, set-back frontages with hardscaped areas to accommodate large crowds, trees, and weather protection near transit stops.
- Supporting NW Vaughn, Roosevelt, and York as multi-modal, pedestrian-oriented streets by incorporating inclusive and accessible seating and weather protection, especially at key intersections, and by locating utilitarian uses toward and along NW 24th, 25th, and 26th.

NATURAL + SCENIC RESOURCES



Large, mature trees and vegetation along the public right-of-way on NW Wardway offer links to nature and relief from heat.

At first glance, this transitioning industrial district offers no connection to nature. Yet, a maturing tree canopy in the western Subarea A, an abundance of scenic views (West Hills, Mt. Hood and the Fremont Bridge), and rich natural history, provide this district with a foundational framework of natural and scenic resources. New development should reference, preserve, and build on this framework and address the community’s desire for a more verdant - district one with easy access to its own green spaces, as well as improved and direct connections to nearby Forest Park and the river.

A few ways to support these goals include:

- Creating a “Green Curtain” on NW Vaughn to identify it as an access path to Forest Park by preserving trees around Montgomery Park and widening sidewalks through building setbacks to support the planting of trees.
- Strengthening pedestrian connections and way-finding to the NW 24th Greenway, Forest Park, and the Willamette Riverfront.

- Reducing heat island impacts and easing stormwater system demand by preserving and adding large canopy trees, native vegetation, and open spaces on sites within Subareas E, F, and D.
- Designing prominent surface stormwater facilities that are functional, attractive, and celebrate the Balch Creek Watershed.
- Orienting shared spaces and pedestrian pathways to provide access to natural and scenic resources, parks and open spaces, including views of Mt. Hood and Fremont Bridge in Subarea D, and highlighting NW Vaughn as an access path to Forest Park.
- Mitigating impacts from pollution by utilizing a landscaped buffer¹ and setbacks, particularly on sites along NW 23rd and in Subarea A.
- Incorporating elements referencing the former ecological and agricultural landscape of Guild’s Lake. Consider utilizing water, native flora and first foods into landscape designs.

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About City of Portland Bureau of Planning and Sustainability

The Bureau of Planning and Sustainability (BPS) develops creative and practical solutions to enhance Portland’s livability, preserve distinctive places, and plan for a resilient future.



THE BUREAU OF **PLANNING
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