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MEMO

DATE: November 13, 2017

TO: Laura Lehman (BDS); Stephen Himes (BES); Gary Boyles (Fire & Rescue); Suzanne Zuniga and Jessica Conner (PHB); Katie Dunham (Parks); Denver Igarta (PBOT); Linly Rees and Lauren King (City Attorney); Julie Livingston (Home Forward); Ted Reid (Metro)

FROM: Bill Cunningham, Project Manager

CC: Joe Zehnder, Tom Armstrong, and Shannon Buono (BPS)

SUBJECT: Better Housing by Design In-House Draft Zoning Code Amendments

Attached for your review is the In-House Draft of Zoning Code amendments to implement the Better Housing by Design *Concept Report*: <https://www.portlandoregon.gov/bps/article/645263> . As outlined in the report, the changes are intended to improve implementation of policies in the updated Comprehensive Plan, as they relate to multi-dwelling zones outside the Central City.

Please review the attached draft document and return your comments to me by Monday, December 4, 2017. For those of you who are with the project's Technical Advisory Group (TAG), we have scheduled a meeting on Wednesday, November 15th, 11am - Noon (BPS conference room 7a), to provide an overview of the proposed zoning code changes and to answer questions. Other reviewers are also welcome to attend this meeting. Your timely review is appreciated, as we hope to publish the public Discussion Draft of the code amendments before the end of December.

Please focus your review on the draft Zoning Code amendments and commentary, as the document's introduction and background sections are still under development. The majority of the draft amendments are to Chapter 33.120 (Multi-Dwelling Zones), but this draft also includes amendments to related regulations in chapters 258, 266, 612, and 930. I have highlighted issues or questions on some of the commentary pages, using text highlighted in gray with the heading, **Note to Reviewers**.

Most of the draft code amendments are intended to implement code concepts that had previously been reviewed at a conceptual level by City agencies. These concepts, summarized in the *Concept*



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Report, were also the focus of public discussion over the past several months. For your review of the In-House Draft, we are especially seeking the following input:

- Review proposed code changes for effectiveness and clarity, and for any conflicts with other regulations.
- Review commentary for adequacy of explanation.

To help with your review, the following summarizes significant amendments included in the In-House Draft and identifies their location within the document.

Major code amendments that are substantial changes from existing regulations include the following:

1. **Regulate by building scale/FAR instead of unit density** (see pages 42-51). This is probably the most substantial change to the Chapter 33.120 regulations. This shift in approach primarily impacts the R2 and R1 zones and would bring consistency with the scale/FAR approach to regulating development intensity that is currently used in the higher density multi-dwelling zones and in the commercial/mixed use zones. See page 2 of the introduction for massing models of the base and bonus FARs (more detailed code modeling prototypes are also available on request).
2. **Possible changes to the names of the multi-dwelling zones** (see pages 10-11). BPS staff are considering the possibility of changing the names of the multi-dwelling zones to reflect the new FAR-based code structure. The current names for zones (such as R2 “Residential 2,000”) reflect a unit density approach that staff proposes to replace with an FAR-based approach.
3. **Discontinuation of the R3 zone** (see page 8). Properties with this zoning would be reassigned to the R2 zone. This is being proposed because of the relatively small amount of R3 zoning, the small amount of difference between R3 and R2 development standards, and questions about the R3 zone’s place in the spectrum of development intensity in the residential zones.
4. **Allow small-scale commercial uses in multi-dwelling zones on major corridors and near light rail stations** (see pages 18-19). This change, originally conceived of for East Portland but now proposed citywide, would blur the differences between multi-dwelling and commercial/mixed use zoning in the locations where they apply.
5. **Set a minimum street frontage requirement in locations that have deficient street connectivity** to provide enough space for new streets (see pages 40-41). A broader question that project staff are considering is whether or not to limit or disallow development on narrow sites throughout multi-dwelling zones in East Portland, in order to limit negative outcomes associated with development on such sites and to encourage small sites to be combined into larger sites that allow for more efficient site design.
6. **Discontinue most of the existing nine amenity bonuses, with the potential exemption of the three-bedroom bonus** (see pages 46-51). This is part of an approach intended to



prioritize affordable housing. Staff are in discussions with agency and community partners regarding the future of the three-bedroom bonus.

7. **Require all development to meet minimum density requirements** (see pages 52-53). This would discontinue current allowances for sites with existing development to have new units added without meeting minimum density requirements (with exceptions for ADUs and properties with historic resources).
8. **Continue Eastern Portland mid-block open areas through requirements for deep rear setbacks** (see pages 66-71). This would require a rear setback (equivalent to 25% of the depth of lots) for deep lots in East Portland.
9. **Require higher-density development to include visitable units** (see pages 92-93). This requirement would be triggered at densities exceeding 1 unit per 2,000 SF of site area. It is a substantial change from current regulations and would apply to multi-level units, such as townhouses, that are currently exempt from building code requirements for accessible units.
10. **Reduce minimum parking requirements, especially on small sites** (see pages 176-179). These changes would extend to the multi-dwelling zones the small site allowances for no/low parking recently adopted for the commercial/mixed use zones. Staff are also proposing to apply to all multi-dwelling zones the minimum parking ratio of 1 parking space per 2 units that currently applies in the RH zone (this ratio will apply in locations outside of frequent transit buffers).
11. **Limit large surface parking lots and driveways.** These limitations would also limit asphalt paving and are intended to respond to policy direction related to limiting urban heat islands and paved surfaces. (see pages 182-184).

Other draft code amendments that implement *Concept Report* elements, listed under the major topics of the *Concept Report*, include the following:

Outdoor spaces, green elements, and site design:

- Require residential outdoor spaces in the RH Zone (see pages 100-101).
- Require shared outdoor spaces for large sites (see pages 102-105).
- Allow alternatives to conventional landscaping (see pages 98-99).

Building design and scale:

- Require height transitions to single-dwelling zones and limit building height in the R2 zone to 35' to reflect typical neighborhood scale (see Table 120-3 on page 43, and pages 62-65).
- Simplify side setback regulations and reduce barriers to development on small sites (see Table 120-3 on page 43, pages 66-67, and pages 100-101).



- Require 10-foot front setbacks in R1 and RH zones (see Table 120-3 on page 43, and pages 68-69).
- Require large building facades to be divided into smaller components (see pages 85-87)
- Require building entrances to be oriented to public streets or to courtyards (see pages 88-91)
- Limit front garages and structured parking along street frontages (see pages 148-153).

Development bonuses and density transfers:

- Prioritize affordable housing by increasing the inclusionary housing development bonus (see pages 46-51). *The base and bonus FAR structure will be the focus of an economic analysis in October/November, and staff may make changes to this FAR structure based on this analysis.*
- Modify allowances for transfers of development rights to prioritize tree preservation and historic preservation (see pages 44-47).

Street connections:

- Calculate development allowances prior to street dedication to reduce disincentives for providing street connections (see pages 192-193).

