



## Bureau of Planning and Sustainability

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November 5, 2019

### MEMORANDUM

TO: Mayor Wheeler and City Council members

FROM: Bill Cunningham, Better Housing by Design Project Manager

COPY: Andrea Durbin, Director; Joe Zehnder, Chief Planner

SUBJECT: Better Housing by Design Amendments for Consideration on November 6, 2019

On November 6 at 2 p.m. time certain, Council will continue the public hearing on the Better Housing by Design Recommended Draft and will discuss and vote on amendments. The session is expected to include the following:

- I. Staff summary of amendments requested by City Commissioners**
- II. Public hearing on Recommended Draft and the draft amendments**
- III. Discussion and vote on amendments**

The following pages of this memorandum serve as a guide to the draft amendments requested as of today by City Commissioners. Following a listing of the draft amendments is an explanation of each amendment and the detailed replacement code and commentary that will be voted on. Besides the amendments included in this memorandum, commissioners can also request additional amendments to be brought forward for consideration after the close of the public hearing,

Staff will return to City Council on November 20 with the amended Recommended Draft and ordinance, incorporating outcomes from the amendment votes, along with substitute findings reflecting these changes.

*Note regarding replacement code and commentary: amended text is shaded to provide clarity regarding the changes, but this shading will not be included in the final version of the code amendments.*

## Better Housing by Design – Amendments Guide

November 6, 2019, 2 pm time certain

### Part I. Major Code Amendments

#	Amendment	Description	Page	Vote
1a	Deeper Housing Affordability Bonus – Zoning Code	Amend the Deeper Housing Affordability Bonus to add an option for projects to use this bonus when meeting affordability levels in Title 30, as an alternative to the 60 percent of area median income affordable level of the bonus.	4	
1b	Deeper Housing Affordability Bonus – Title 30	Amend Title 30 (Affordable Housing) to implement the Deeper Housing Affordability Bonus and provide an option for ownership units affordable at 80 percent of area median income.	5	
1c	Amend ordinance to incorporate Title 30 amendments	Amends the Better Housing by Design ordinance to incorporate the Title 30 amendments.	8	
2	Affordable Housing Parking Exemption	Amend the Chapter 33.266 affordable housing exemption from minimum parking requirements to apply regardless of location.	9	
3	Bonuses and FAR transfers – demolition of historic resources	Disallow development bonuses and FAR transfers from being used on sites where a historic building has been demolished.	11	
4	Bonuses and FAR transfers – transit access	Disallow development bonuses and FAR transfers from being used in locations more than a 1,500-foot walking distance from frequent-service transit.	16	
5	100-foot height in historic districts	In historic districts, remove an allowance for 100-foot building height within 1,000 feet of light rail stations in the RM4 zone.	22	
6	Indoor common area requirement	Require that large sites (more than 20,000 square feet) include indoor common areas, such as community rooms, in addition to the proposed requirements for outdoor common areas.	24	

### Part II. Map Amendments

#	Amendment	Description	Page	Vote
M1	Anna Mann House rezoning	Change the zoning of the Anna Mann House (1021 NE 33rd) from single-dwelling R5 to multi-dwelling RM1.	27	
M2	5631 SE Belmont zoning line shift	For a property at 5631 SE Belmont, rezone the rear of the lot from R5 to RM1 so that the entire house is in the same zone.	28	
M3	King's Hill Historic District zoning map changes	In the King's Hill Historic District, downzone from RM4 to RM3 four partial blocks where half or more of the buildings are small-scale historic structures.	29	

### Part III. Minor or Technical Amendments

#	Amendment	Description	Page	Vote
A	Minimum lot dimensions for duplexes, triplexes, and fourplexes	Amend regulations for minimum lot dimensions in the multi-dwelling zones (Chapter 33.612) to: 1. Add triplexes and fourplexes to the same minimum lot dimensions that now apply to duplexes. 2. Shift duplexes to the same lot dimension standards that apply to detached houses.	30	
B	Affordable housing parking exceptions	Amend the affordable housing exceptions from minimum parking requirements (Chapter 33.266) to apply to projects using the Deeper Housing Affordability Bonus.	33	
C	Tree preservation FAR transfer clarification	Amend tree preservation FAR transfer provision so that the amount of transfer cannot exceed the amount of unutilized FAR on the sending site.	35	
D	Tree health terms	For regulations related to tree health, delete reference to “diseased” and replace with “dying”.	36	
E	Paragraph numbering correction	Correct paragraph numbering in section 33.120.220.	36	
F	Corrections to zone name and section references	Update code section reference and change “R2” to “RM1” in 33.258.060.	37	

## Part I. Major Code Amendments

### 1a. Deeper Housing Affordability Bonus – Zoning Code

**Code section:** 33.120.211

**Sponsored by:** Mayor Wheeler

**Explanation:** This amendment to the Deeper Housing Affordability Bonus adds the option of allowing projects to use this bonus when meeting affordability levels stated in Title 30 (amendment to Title 30 will provide an option for ownership housing affordable to households earning no more than 80 percent of area median income, see Amendment 1b, below). The intent of this amendment is to provide flexibility for this bonus to be used to help address the need for affordable ownership housing, for which the 60% of area median income affordability level is not always practical (households typically need to earn more than this to qualify for ownership housing programs).

**Notes:** Projects not using the Title 30 option would need to meet this bonus's usual qualifying requirement that at least half of units must be affordable to those earning no more than 60 percent of area median family income.

#### Replacement Code:

#### **33.120.211 Floor Area Bonus Options**

**A.-B.** [No change to Recommended Draft]

**C. Bonus options.**

1. [No change to Recommended Draft]

2. Deeper housing affordability bonus option. Bonus FAR is allowed up to the maximum with deeper housing affordability bonus as stated in Table 120-5 when at least 50 percent of all the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income or an affordability level established by Title 30. Projects taking advantage of this bonus are also allowed an additional 10 feet of base height and an additional 10 percent of building coverage beyond the limits for the zone stated in Table 120-3. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review.

3.-4. [No change to Recommended Draft]

## **Replacement Commentary:**

*(Only the Deeper Housing Affordability Bonus Option commentary section on page 64 of Recommended Draft Volume 2 will be replaced)*

**2. Deeper housing affordability bonus option.** To qualify for this new voluntary bonus, projects will generally need to have at least 50 percent of units on the site affordable to households earning no more than 60 percent of MFI, a significantly greater amount and level of affordability than required by inclusionary housing. In combination with related amendments to Title 30 (Affordable Housing), this bonus provides an affordable home ownership option for projects in which at least half of the units are ownership units affordable to households earning no more than 80% of MFI. This provision provides a development bonus allowing 100 percent additional FAR and also allows additional height and building coverage for qualifying projects to accommodate this greater FAR (code modeling of the proposed development standards indicate that base regulations for parameters such as building height, coverage and setbacks provide enough capacity for a 50 percent FAR increase, but cannot accommodate a 100 percent increase).

Staff anticipate that this bonus will primarily be used by affordable housing developers, rather than the larger number of profit-dependent development projects. The minimum required percentage of 50 percent will allow developments to include some market-rate units to help offset the costs of the affordable units and allow for income diversity. Both this bonus and the standard inclusionary housing bonus will involve the Housing Bureau in administration (administrative rules will require rental units to remain affordable for a term of 99 years and ownership units to be affordable for 10 years). Unlike the inclusionary housing provisions, this bonus will not provide options for locating the affordable units off site or for payment into the Affordable Housing Fund.

### **1b. Deeper Housing Affordability Bonus – Title 30**

**Code section:** 33.293.020.A:

**Sponsored by:** Mayor Wheeler

**Explanation:** This amends Title 30 (Affordable Housing) to provide standards and administrative approaches to implement the Deeper Housing Affordability Bonus. It includes rules specific to rental units (must be affordable at 60 percent of area median income for a 99 -year period) and to ownership units (would need to be affordable at 80 percent of area median income for at least a 10-year period). These amendments to Title 30 are intended in part to provide options for the bonus to be used to promote affordable home ownership opportunities.

**Notes:** The shorter term of affordability for ownership housing allows for households to gain equity through ownership over time, especially since an objective of some ownership housing programs is to provide the benefits of ownership to communities that had not always had access to such opportunities in the past due to discriminatory practices.

## **New Code:**

### **30.01.140 Multi-Dwelling Zones Deeper Housing Affordability FAR Density Program**

- A. Purpose Statement.** The City intends to implement the Multi-Dwelling Zones Deeper Housing Affordability FAR Density Bonus Program (the “DHA Program”) to increase the numbers of Dwelling Units available for sale or for rent to households earning incomes that fall within particular City established parameters.
- B. Administration.**
1. PHB will certify whether the applicant’s proposed development meets the standards and requirements set forth in PCC 33.120.211.C.2 and this Section.
  2. PHB may adopt, amend, and repeal Administrative Rules and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter 30.01.140. The Director of PHB, or a designee, shall have the authority to modify the Administrative Rules as necessary to meet current City housing program requirements. PHB Administrative Rules will set forth clear and objective criteria to establish minimum development standards for affordable units subject to the DHA Program.
- C. Standards.** Developments approved for the DHA Program must satisfy the following criteria:
1. Dwelling units for sale shall remain affordable for a period of at least 10 years and be available to households earning 80 percent or less of area median income, and dwelling units for rent shall remain affordable for a period of 99 years and be available to households earning 60 percent or less of area median income;
  2. Owners are required to sign a Regulatory Agreement that will encumber the property receiving a density bonus under the DHA Program, and will be recorded in the official records of Multnomah County, Oregon;
  3. For rental Dwelling Units, the owner or a representative shall submit annual documentation of tenant income and rents to PHB;
  4. The City may inspect the affordable rental Dwelling Units for fire, life, and safety hazards and for compliance with DHA Program requirements and may inspect files documenting tenant income and rents of the affordable rental Dwelling Units; and
  5. Failure to meet the requirements of the DHA Program will result in a penalty, and may result in legal action.
- D. Penalties.**
1. In the event of a failure to meet the requirements of the DHA Program and the additional requirements established in the Regulatory Agreement, PHB may choose, to negotiate with the building owner to bring the building into project compliance.

2. Should PHB and the owner not agree upon an acceptable remedy to bring the project into compliance, the owner will owe financial penalties payable to PHB as follows:

- a. **For Rent Dwelling Unit Penalty.** For a building with rental Dwelling Units, a penalty equal to multiplying the gross square feet of the residential and residential related portions of the Building by \$23; and

**Interest.** Interest on the entire unpaid penalty amount, assessed at the rate of .833% simple interest per month or fraction thereof (10% per annum), computed from the date of default; and

**Financial Incentive.** Repayment of any financial incentives and exemptions received according to code and administrative rules including, but not limited to, system development charges, property taxes, and construction excise taxes; and

**Additional Penalties.** PHB may pursue any remedy available at law, or in equity, including but not limited to injunctive relief, and other remedies such as foreclosure, or receivership if the financial penalties established in this Section 2 are not timely paid in accordance with the timeframe prescribed by PHB or a court of competent jurisdiction.

Upon Owner's payment in full of the applicable Dwelling Unit Penalty, Interest, Financial Incentive repayment amounts due and payment of any Additional Penalties, the impacted for Sale Dwelling Unit will cease to be bound to the restrictions of the DHA Program and PHB will release the Covenant.

- b. **For Sale Dwelling Unit Penalty.** For for Sale Dwelling Units, repayment of the difference between the Restricted Sale Price and the assessed value as stated in the DHA Program Covenant; and

**Interest.** Interest on the entire unpaid Penalty amount, assessed at the rate of .833% simple interest per month or fraction thereof (10% per annum), computed from the date of default; and

**Financial Incentive.** Repayment of any financial incentives and exemptions received according to code and administrative rules including, but not limited to, system development charges, property taxes, and construction excise taxes; and

**Additional Penalties.** PHB may pursue any remedy at law, or in equity, including but not limited to injunctive relief, and other remedies such as foreclosure, or receivership if the financial penalties established in this Section are not timely paid in accordance with the timeframe prescribed by PHB or a court of competent jurisdiction.

Upon Owner's payment in full of the applicable Dwelling Unit Penalty, Interest, Financial Incentive Repayment amounts due and payment of any Additional Penalties, the impacted for Sale Dwelling Unit will cease to be bound to the restrictions of the DHA Program and PHB will release the Covenant.

## **1c. Amend Ordinance to Incorporate Title 30 Amendments**

**Sponsored by:** Mayor Wheeler

**Explanation:** This amends the Better Housing by Design ordinance to incorporate the Title 30 amendments (see Amendment 1b above), which are being included as a new Exhibit E.

### **Amended Ordinance:**

See attached amended Better Housing by Design ordinance and new Exhibit E.



## 2. Affordable Housing Parking Exemption

**Code section:** 33.266.110.D

**Sponsored by:** Mayor Wheeler

**Explanation:** This will amend the affordable housing parking exception (in Chapter 33.266) so that the exemption from minimum parking requirements for projects providing inclusionary housing units applies regardless of location. The amendment also adds the Deeper Housing Affordability Bonus to the types of affordable housing that can use this exemption. The intent of this amendment is to reduce costs and support the economic feasibility of projects that provide affordable housing units by making parking optional, instead of required.

**Notes:** Currently, projects utilizing inclusionary housing bonuses are exempt from minimum parking requirements when located within 500 feet of frequent-service transit lines or within 1,500 feet of light rail stations (applies to 73 percent of multi-dwelling zone properties). Outside of these distances, minimum parking requirements apply, although affordable units are subtracted from the minimum parking calculations. 95 percent of multi-dwelling and mixed use zone properties are located within 1,500 feet (just over a quarter mile) of frequent-service transit, meaning that most development in these zones is within walking distance of frequent transit. A feasibility analysis (see Recommended Draft Appendix C – Part 2) indicated that parking requirements impact the economic feasibility of projects with inclusionary housing units (structured parking typically costs around \$40,000 per parking space and takes up building area that could be used for housing units).

**Amended Code** (*all text below is new to the Recommended Draft*):

### 33.266.110 Minimum Required Parking Spaces

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

**D. Exceptions to the minimum number of parking spaces.** The minimum number of required parking spaces may be reduced as follows:

1. Affordable housing exceptions: The minimum number of required parking spaces may be reduced to zero when the applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus, or the requirements of the deeper housing affordability bonus of Section 33.120.211. This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.
  - a. ~~Exception for sites close to transit. The minimum number of required parking may be reduced to zero when the following are met:~~
    - (1) ~~The site is located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20 minute peak hour service; and~~

- ~~(2) The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus. This exception does not apply if the applicant pays a fee in lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.~~
  - b. ~~Exception for sites far from transit. Affordable dwelling units are not counted toward the total number of dwelling units when calculating the number of required parking spaces when the following are met:~~
    - ~~(1) The site is located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service; and~~
    - ~~(2) The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus. This exception does not apply if the applicant pays a fee in lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.~~
2. Other exceptions. [No change]

**New Commentary** *(all text below is new to the Recommended Draft):*

**33.266.110.D Exceptions to the minimum number of parking spaces.**

These amendments change the affordable housing parking exception so that the exemption from minimum parking requirements for projects providing inclusionary housing units applies regardless of location, instead of limiting this exemption to locations within 500 feet of frequent-service transit lines or within 1,500 feet of transit stations. The amendment also adds the Deeper Housing Affordability Bonus to the types of affordable housing that can use this exemption. The intent of this amendment is to reduce costs and support the economic feasibility of projects that provide affordable housing units by making parking optional, instead of required.

95 percent of multi-dwelling and mixed use zone properties are located within 1,500 feet (just over a quarter mile) of frequent-service transit, meaning that most development in these zones is within walking distance of frequent transit. A feasibility analysis (see Recommended Draft Appendix C - Part 2) indicated that parking requirements impact the economic feasibility of projects with inclusionary housing units (structured parking typically costs around \$40,000 per parking space and takes up building area that could be used for housing units).

### 3. Bonuses and FAR Transfers – Demolition of Historic Structures

**Code sections:** 33.120.210; 33.120.211; 33.130.205; 33.130.212

**Sponsored by:** Commissioner Fritz

**Explanation:** These amendments prohibit development bonuses or FAR transfers from being used on sites where a historic building has been demolished. This is intended to prevent the additional development scale provided by bonuses and FAR transfers from serving as an incentive for the demolition of historic buildings. The amendments will apply in both the Multi-Dwelling (Chapter 33.120) and Commercial (33.130) zones.

**Notes:** The amendments will not prevent bonuses or FAR transfers from being used for additions to properties with historic resources when the additions do not involve demolition of historic structures, and there are exceptions for buildings lost to fire or other causes beyond the control of the owner. Demolition protections currently vary by type of historic resource. Demolition of contributing structures in historic districts (such as the Alphabet and King's Hill historic districts) and individually-designated landmarks on the National Register of Historic Places are currently subject to City Council approval (through a Type IV demolition review) and few such demolitions have been approved. However, there are no demolition review requirements for locally-designated historic resources, including contributing structures in conservation districts (such as the Mississippi Avenue conservation district), there is only a demolition delay procedure. These resources would be more vulnerable to redevelopment (however, the Historic Resources Code Project is considering requiring demolition review in conservation districts and for locally-designated historic landmarks). There are four parts to these amendments:

- A. Amendments to FAR transfers in the Multi-Dwelling zones.
- B. Amendments to bonus options in the Multi-Dwelling zones
- C. Amendments to FAR transfers in the Commercial zones.
- D. Amendments to bonus options in the Commercial zones

#### A. Replacement Code – Multi-Dwelling Zones (Chapter 33.120) FAR Transfers:

##### 33.120.210 Floor Area Ratio

A.-C. [No change to Recommended Draft]

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

1. [No change to Recommended Draft]
2. Receiving site. The transfer must be to a site zoned RM1, RM2, RM3, RM4, or RX outside of the Central City plan district. Transferring to a site zoned RMP is prohibited. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, or the only structure on the site that was demolished was an accessory structure.

3.-4. [No change to Recommended Draft]

**Replacement Commentary:**

*(Only the 33.120.210.D commentary section on page 60 of Recommended Draft Volume 2 will be replaced)*

**33.120.210.D. Transfer of FAR (continued)**

All the FAR transfer provisions will allow for FAR to be sent to a receiving site with multi-dwelling zoning citywide (except the Central City, which has separate FAR transfer provisions). This is a change from existing FAR transfer regulations, which are currently limited to a two-mile transfer distance. This is being done to increase the feasibility of FAR transfers by increasing the numbers of potential receiving sites. Staff anticipate that FAR transfers will only be used by relatively small projects, since buildings with 20 or more units qualify for inclusionary housing development bonuses and will not be able to receive additional FAR from transfers. FAR transfers are generally prohibited from being used on receiving sites where a historic resource has been demolished to prevent the additional FAR from serving as an incentive for demolition of historic resources.

**B. Replacement Code – Multi-Dwelling Zones (Chapter 33.120) Bonus Options:**

**33.120.211 Floor Area Bonus Options**

A. [No change to Recommended Draft]

**B. General floor area bonus regulations.**

1. The floor area bonus options in this section are only allowed in the RM1, RM2, RM3, RM4, and RX zones outside the Central City and Gateway plan districts. Sites where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years are not eligible to use bonus options unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, or the only structure on the site that was demolished was an accessory structure.

2.-4. [No change to Recommended Draft]

C. [No change to Recommended Draft]

**Replacement Commentary:**

*(Only the 33.120.211 commentary paragraph on page 62 of Recommended Draft Volume 2 will be replaced)*

**33.120.211 Floor Area Bonus Options**

This new section includes development bonuses for affordable housing, moderate-income family housing, and visitable units. The proposed regulations limit the total amount of FAR that can be added to a site, from both transfers and from development bonuses, to an amount equivalent to 50 percent beyond the base FAR (see Table 120-5). An exception is provided for projects using

the special bonus for deeper housing affordability, which could receive a 100 percent increase in FAR. Development bonuses are generally prohibited from being used on sites where a historic resource has been demolished to prevent bonus FAR from serving as an incentive for demolition of historic resources.

## C. Replacement Code – Commercial Zones (Chapter 33.130) FAR Transfers:

### 33.130.205 Floor Area Ratio

**A.-B.** [No change to Recommended Draft]

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

1. [No change to Recommended Draft]
2. Receiving site. The transfer must be to a site that is zoned CM1, CM2, CM3, CE or CX outside of the Central City plan district. Transferring to a site that is zoned CR is prohibited. The receiving site must be within the same recognized neighborhood as the sending site, or within two miles of the transfer site, and must not be within a Historic or Conservation District. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, or the only structure on the site that was demolished was an accessory structure.
- 3.-6. [No change to Recommended Draft]

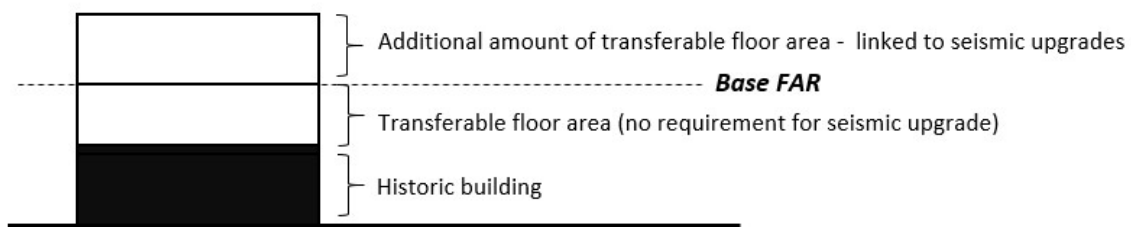
## Replacement Commentary:

### 33.130.205.C Transfer of floor area from historic resources

Amendments to this paragraph include:

**Transfer of floor area from historic resources - additional FAR transfer allowance for seismic upgrades.** Amendments to the historic resources transfer provision will allow an additional amount of FAR (beyond the amount of unused development capacity), equivalent to 50 percent of the base FAR of each zone, to be transferred to other sites, but use of this additional increment of transferable FAR will only be available in conjunction with seismic upgrades. This amendment is consistent with changes proposed for the multi-dwelling zones (Chapter 33.120) and is intended to provide an incentive for seismic upgrades to historic buildings by helping to defray the costs of these upgrades.

This regulation uses an existing provision that applies in the Central City, but will extend it to multi-dwelling and mixed use zones citywide. The need for seismic upgrades to unreinforced masonry buildings (URMs) is an especially important issue for Portland's historic resources, as nearly 600 historic buildings are URMs - often brick - and seismic upgrades are costly.



**Receiving sites.** Other amendments to this section allow FAR to be transferred to sites citywide, including sites within historic districts, consistent with proposed FAR transfer allowances in the multi-dwelling zones. This is being done to increase the feasibility of FAR transfers by increasing the numbers of potential receiving sites. Staff anticipate that FAR transfers will only be used by relatively small projects, since buildings with 20 or more units qualify for inclusionary housing development bonuses and will not be able to receive additional FAR from transfers. Also consistent with the multi-dwelling zones, the amendments would not allow transfers into the Central City plan district, which has separate FAR transfer provisions than the rest of the city. The amendments will continue to prohibit FAR transfers into the CR zone, where development is intended to remain small scale, in keeping with the scale of the low-rise residential areas where this zone is located. Consistent with the multi-dwelling zone amendments, FAR transfers are generally prohibited from being used on receiving sites where a historic resource has been demolished to prevent the additional FAR from serving as an incentive for demolition of historic resources.

## **D. Replacement Code – Commercial Zones (Chapter 33.130) Bonus Options:**

### **33.130.212 Floor Area and Height Bonus Options**

**A.** [No change to Recommended Draft]

**B. General floor area and height bonus regulations.**

1. Unless specified below, the bonus options in this section are allowed only in the CM1, CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts. Sites located within Historic or Conservation districts are not eligible to use bonus options. Sites where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years are not eligible to use bonus options unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, or the only structure on the site that was demolished was an accessory structure.

2.-4. [No change to Recommended Draft]

**C.-E.** [No change to Recommended Draft]

### **Replacement Commentary:**

*(Only the paragraph text on page 20 of Recommended Draft Volume 3 will be replaced. No changes to the graphics or image captions on this page.)*

### **33.130.212 Floor Area and Height Bonus Options**

Amendments to this paragraph will allow the use of FAR bonuses in the commercial/mixed use zones within historic and conservation districts, bringing consistency with allowances in the multi-dwelling zones. Development proposals in historic districts will be subject to Historic Resource Review, which considers context in determining the appropriate scale of new development (scale allowed by FAR bonuses may not always be approved). The majority of mixed use zoning in historic and conservation districts consists of the CM2 zone, which has a

base maximum FAR of 2.5 to 1. Bonuses in this zone will allow up to a 4 to 1 FAR, with base height in historic and conservation districts limited to 45 feet. Consistent with the multi-dwelling zone amendments, bonuses are generally prohibited from being used on sites where a historic resource has been demolished to prevent bonus FAR from serving as an incentive for demolition of historic resources.

The Planned Development Bonuses is excluded from being used in historic districts because this bonus provides additional height, not FAR. Also, there are no properties in historic districts with mixed use zoning that are two acres or more in size.

#### 4. Bonuses and FAR Transfers – Transit Access

**Code sections:** 33.120.210; 33.120.211; 33.130.205; 33.130.212

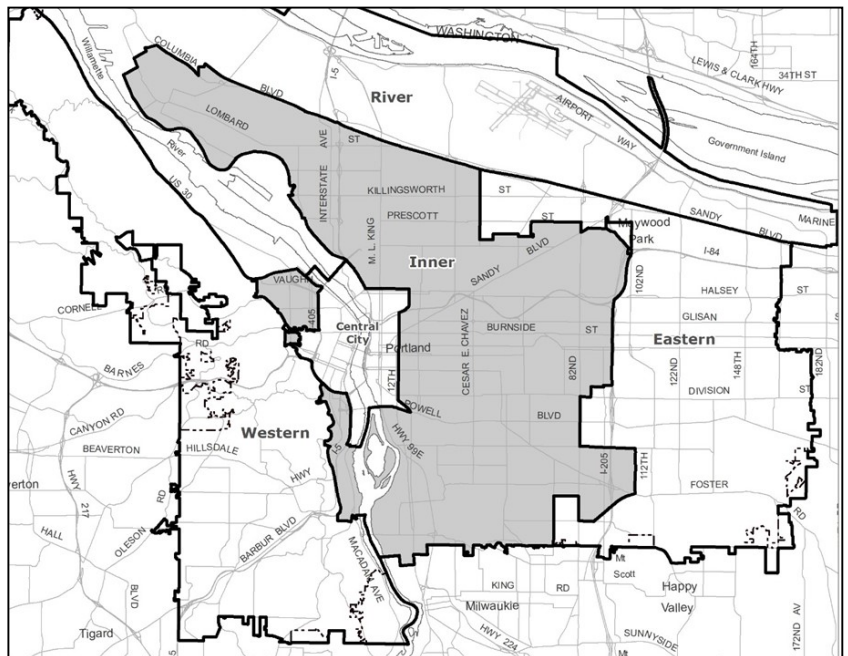
**Sponsored by:** Commissioner Fritz

**Explanation:** These amendments will prevent development bonuses and FAR transfers from being used on sites that are more than a 1,500-foot walking distance from frequent-service transit. The intent of the amendments is to ensure that the additional development allowed by bonuses and FAR transfers takes place only in areas well-served by transit, where development will be within walking distance of frequent-service transit (1,500 feet is a little of a quarter-mile distance). The amendments will apply in both the Multi-Dwelling (Chapter 33.120) and Commercial (33.130) zones.

**Notes:** The amended regulations would require that development proposals seeking to utilize bonuses or transfers in the Western, Eastern, and River pattern areas (see map below) would need to demonstrate that the site is within 1,500 feet of transit stations or frequent-service transit lines (service at least every 20 minutes during peak hours), as measured using the street network. This requirement would not apply in the Inner Pattern Area, which has a more extensive transit system with fewer gaps than the other areas. The regulations would also allow bonuses and transfers to be used within all designated centers, which are being designated as Pedestrian Districts in the Transportation System Plan. Analysis indicates that 89 percent of multi-dwelling zone properties and 93 percent of commercial/mixed use zone properties are within a 1,500-foot distance from frequent service transit, as measured using the street network. With these amendments, outside of this distance, new development of buildings with 20 or more units will still be subject to inclusionary housing requirements, but will not be eligible to receive bonus FAR. There are four parts to these amendments:

- A. Amendments to FAR transfers in the Multi-Dwelling zones.
- B. Amendments to bonus options in the Multi-Dwelling zones
- C. Amendments to FAR transfers in the Commercial zones.
- D. Amendments to bonus options in the Commercial zones

*Pattern areas map  
(Inner Pattern Area shaded)*





## **A. Replacement Code – Multi-Dwelling Zones (Chapter 33.120) FAR Transfers:**

### **33.120.210 Floor Area Ratio**

**A.-C.** [No change to Recommended Draft]

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

- 1.** [No change to Recommended Draft]
- 2.** Receiving site. The transfer must be to a site zoned RM1, RM2, RM3, RM4, or RX outside of the Central City plan district. Transferring to a site zoned RMP is prohibited. In the Eastern, Western, and River Pattern Areas shown on Map 120-3, the receiving site must be within 1500 feet of a transit station or a transit street with 20-minute peak hour service, or in a Pedestrian District. For the purposes of this regulation, the 1500-foot distance is the shortest distance measured in the street between the property line of the receiving site and a transit station or to the edge of the nearest transit street with 20-minute peak hour service.
- 3.-4.** [No change to Recommended Draft]

### **Replacement Commentary:**

*(Only the 33.120.210.D commentary section on page 60 of Recommended Draft Volume 2 will be replaced)*

#### **33.120.210.D. Transfer of FAR (continued)**

All the FAR transfer provisions will allow for FAR to be sent to a receiving site with multi-dwelling zoning citywide (except the Central City, which has separate FAR transfer provisions), with limitations based on proximity to transit. This is a change from existing FAR transfer regulations, which are currently limited to a two-mile transfer distance. This is being done to increase the feasibility of FAR transfers by increasing the numbers of potential receiving sites. Staff anticipate that FAR transfers will only be used by relatively small projects, since buildings with 20 or more units qualify for inclusionary housing development bonuses and will not be able to receive additional FAR from transfers. In the Eastern, Western, and River pattern areas, FAR transfers cannot be used on sites more than a 1,500-foot walking distance of frequent-service transit, as measured using the street network, to ensure that the additional development allowed by transfers only takes place in areas well-served by transit. This limitation will not apply in the Inner Pattern Area, which has a more extensive transit system with fewer gaps than the other areas. Transfers will also be allowed to be used within all designated centers, which are being designated as Pedestrian Districts in the Transportation System Plan.

## **B. Replacement Code – Multi-Dwelling Zones (Chapter 33.120) Bonus Options:**

### **33.120.211 Floor Area Bonus Options**

**A.** [No change to Recommended Draft]

**B. General floor area bonus regulations.**

1. The floor area bonus options in this section are only allowed in the RM1, RM2, RM3, RM4, and RX zones outside the Central City and Gateway plan districts. In the Eastern, Western, and River Pattern Areas shown on Map 120-3, only sites within 1500 feet of a transit station or a transit street with 20-minute peak hour service, or in a Pedestrian District, are eligible to use bonus options. For the purposes of this regulation, the 1500-foot distance is the shortest distance measured in the street between the property line of the site and a transit station or to the edge of the nearest transit street with 20-minute peak hour service.

2.-4. [No change to Recommended Draft]

**C.** [No change to Recommended Draft]

### **Replacement Commentary:**

*(Only the 33.120.211 commentary paragraph on page 62 of Recommended Draft Volume 2 will be replaced)*

### **33.120.211 Floor Area Bonus Options**

This new section includes development bonuses for affordable housing, moderate-income family housing, and visitable units. The proposed regulations limit the total amount of FAR that can be added to a site, from both transfers and from development bonuses, to an amount equivalent to 50 percent beyond the base FAR (see Table 120-5). An exception is provided for projects using the special bonus for deeper housing affordability, which could receive a 100 percent increase in FAR. In the Eastern, Western, and River pattern areas, bonuses cannot be used on sites more than a 1,500-foot walking distance of frequent-service transit, as measured using the street network, to ensure that the additional development allowed by bonuses only takes place in areas well-served by transit. This limitation will not apply in the Inner Pattern Area, which has a more extensive transit system with fewer gaps than the other areas. Bonuses will also be allowed within all designated centers, which are being designated as Pedestrian Districts in the Transportation System Plan.

## **C. Replacement Code – Commercial Zones (Chapter 33.130) FAR Transfers:**

### **33.130.205 Floor Area Ratio**

**A.-B.** [No change to Recommended Draft]

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

1. [No change to Recommended Draft]

2. Receiving site. The transfer must be to a site that is zoned CM1, CM2, CM3, CE or CX outside of the Central City plan district. Transferring to a site that is zoned CR is prohibited. The receiving site must be within the same recognized neighborhood as the sending site, or within two miles of the transfer site, and must not be within a Historic or Conservation District. In the Eastern, Western, and River Pattern Areas shown on Map 130-2, the receiving site must be within 1500 feet of a transit station or a transit street with 20-minute peak hour service, or in a Pedestrian District. For the purposes of this regulation, the 1500-foot distance is the shortest distance measured in the street between the property line of the receiving site and a transit station or to the edge of the nearest transit street with 20-minute peak hour service.

3.-6. [No change to Recommended Draft]

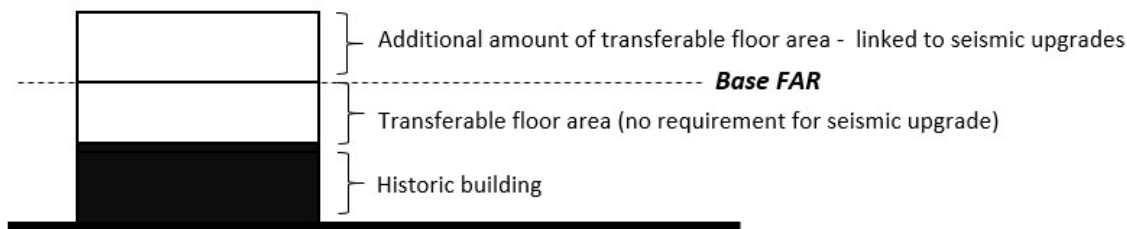
## Replacement Commentary:

### 33.130.205.C Transfer of floor area from historic resources

Amendments to this paragraph include:

**Transfer of floor area from historic resources - additional FAR transfer allowance for seismic upgrades.** Amendments to the historic resources transfer provision will allow an additional amount of FAR (beyond the amount of unused development capacity), equivalent to 50 percent of the base FAR of each zone, to be transferred to other sites, but use of this additional increment of transferable FAR will only be available in conjunction with seismic upgrades. This amendment is consistent with changes proposed for the multi-dwelling zones (Chapter 33.120) and is intended to provide an incentive for seismic upgrades to historic buildings by helping to defray the costs of these upgrades.

This regulation uses an existing provision that applies in the Central City, but will extend it to multi-dwelling and mixed use zones citywide. The need for seismic upgrades to unreinforced masonry buildings (URMs) is an especially important issue for Portland's historic resources, as nearly 600 historic buildings are URMs - often brick - and seismic upgrades are costly.



**Receiving sites.** Other amendments to this section allow FAR to be transferred to sites citywide, including sites within historic districts, with limitations based on proximity to transit - consistent with proposed FAR transfer allowances in the multi-dwelling zones. This is being done to increase the feasibility of FAR transfers by increasing the numbers of potential receiving sites. Staff anticipate that FAR transfers will only be used by relatively small projects, since buildings with 20 or more units qualify for inclusionary housing development bonuses and will not be able to receive additional FAR from transfers. Also consistent with the multi-dwelling zones, the amendments would not allow transfers into the Central City plan district, which has separate FAR transfer provisions than the rest of the city. The amendments will continue to prohibit FAR transfers into the CR zone, where development is intended to remain small scale, in keeping with the scale of the low-rise residential areas where

this zone is located. In the Eastern, Western, and River pattern areas, FAR transfers cannot be used on sites more than a 1,500-foot walking distance of frequent-service transit, as measured using the street network, to ensure that the additional development allowed by transfers only takes place in areas well-served by transit. This limitation would not apply in the Inner Pattern Area, which has a more extensive transit system with fewer gaps than the other areas. Transfers will also be allowed to be used within all designated centers, which are being designated as Pedestrian Districts in the Transportation System Plan.

## **D. Replacement Code – Commercial Zones (Chapter 33.130) Bonus Options:**

### **33.130.212 Floor Area and Height Bonus Options**

**A.** [No change to Recommended Draft]

**B.** **General floor area and height bonus regulations.**

1. Unless specified below, the bonus options in this section are allowed only in the CM1, CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts. ~~Sites located within Historic or Conservation districts are not eligible to use bonus options.~~ In the Eastern, Western, and River Pattern Areas shown on Map 130-2, only sites within 1500 feet of a transit station or a transit street with 20-minute peak hour service, or in a Pedestrian District, are eligible to use bonus options. For the purposes of this regulation, the 1500-foot distance is the shortest distance measured in the street between the property line of the site and a transit station or to the edge of the nearest transit street with 20-minute peak hour service.

2.-4. [No change to Recommended Draft]

**C.-E.** [No change to Recommended Draft]

### **Replacement Commentary:**

*(Only the paragraph text on page 20 of Recommended Draft Volume 3 will be replaced. No changes to the graphics or image captions on this page.)*

### **33.130.212 Floor Area and Height Bonus Options**

Amendments to this paragraph will allow the use of FAR bonuses in the commercial/mixed use zones within historic and conservation districts, bringing consistency with allowances in the multi-dwelling zones. Development proposals in historic districts will be subject to Historic Resource Review, which considers context in determining the appropriate scale of new development (scale allowed by FAR bonuses may not always be approved). The majority of mixed use zoning in historic and conservation districts consists of the CM2 zone, which has a base maximum FAR of 2.5 to 1. Bonuses in this zone will allow up to a 4 to 1 FAR, with base height in historic and conservation districts limited to 45 feet. In the Eastern, Western, and River pattern areas, bonuses cannot be used on sites more than a 1,500-foot walking distance of frequent-service transit, as measured using the street network, to ensure that the additional development allowed by bonuses only takes place in areas well-served by transit. This limitation will not apply in the Inner Pattern Area, which has a more extensive transit system with fewer

gaps than the other areas. Bonuses will also be allowed within all designated centers, which are being designated as Pedestrian Districts in the Transportation System Plan.

The Planned Development Bonuses is excluded from being used in historic districts because this bonus provides additional height, not FAR. Also, there are no properties in historic districts with mixed use zoning that are two acres or more in size.

## 5. 100-Foot Height in Historic Districts

**Code section:** 33.120.215

**Sponsored by:** Commissioner Fritz

**Explanation:** In historic districts, this amendment removes an allowance for 100-foot building height within 1,000 feet of light rail stations in the RM4 zone. The intent is to prevent new buildings from being out-of-scale with historic districts, which have very few historic buildings that exceed the base RM4 height limit of 75 feet.

**Notes:** This is an existing allowance that currently applies in the RH zone (in areas mapped for a 4:1 FAR, which are being assigned RM4 zoning as part of the Better Housing by Design amendments). New development in historic districts is subject to Historic Resource Review, undertaken by the Historic Landmarks Commission, which has the discretion to determine appropriate building height based on the historic context and can deny the full use of the 100-foot building height.

**Replacement Code:**

### 33.120.215 Height

A. [No change to Recommended Draft]

B. ~~Maximum height standard.~~

1. ~~Base height.~~ The ~~maximum~~ base heights allowed in the multi-dwelling zones are stated in Table 120-3. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures. In the RM4 zone, the base height is 75 feet, except on sites that are outside of Historic and Conservation Districts and are either within 1,000 feet of a transit station or 500 feet of a transit street with 20-minute peak hour service, where the base height is 100 feet.

2. [No change to Recommended Draft]

C. [No change to Recommended Draft]

### Replacement Commentary:

*(Only the paragraph on the RM4 allowance for 100-foot building height on page 80 of Recommended Draft Volume 2 will be replaced. No changes to other paragraphs on this page.)*

### 33.120.215 Height

- The existing allowance for 100-foot building height in the RM4 zone (former RH) within 1,000 feet of transit stations is being expanded to also apply within 500-feet of frequent transit lines. This allowance for 100-foot building height will not be allowed in historic or conservation districts to prevent new development from being out-of-scale with historic buildings (few of which exceed the RM4 zone base height of 75 feet). The additional height is not accompanied by increased FAR, which will provide opportunities for buildings to be taller and less boxy than would be the case for

buildings limited to 75-foot heights when built to the proposed RM4 base and bonus FARs of 4 to 1 and 6 to 1. The expanded allowance for 100-foot building height will increase the amount of land area where this height is allowed from the current 25 acres to a total of 68 acres.

[No changes to the rest of this commentary page]

## 6. Indoor Common Area Requirement

**Code section:** 33.120.240

**Sponsored by:** Commissioner Fritz

**Explanation:** This amendment requires that large sites (more than 20,000 square feet) include indoor common areas, such as community rooms or recreation rooms, in addition to the proposed requirements for outdoor common areas. This responds to testimony regarding the importance of indoor or covered community space to help reduce social isolation during times of the year when outdoor activity is limited. This is a change from the Recommended Draft, which proposed to allow indoor common areas as an option, not a requirement.

**Notes:** This amendment will require that projects on large sites include an indoor common area of at least 300 square feet (with minimum dimensions of 15 by 15 feet) as part of the requirement for common areas that will apply to large sites over 20,000 square feet in size. The Recommended Draft large-site requirement calls for common area equivalent in size to 10 percent of site area and allowed for up to half of this amount to be provided as indoor common area. The amendment reduces the maximum percentage that can be indoor common area to 25 percent to ensure that the majority of common area is outdoor space, such as courtyards or play areas.

### Replacement Code:

#### **33.120.240 Required Private Outdoor and Required Common Indoor and Outdoor Areas**

A.- [No change to Recommended Draft]

B. **Outdoor area and common area Requirements.** In the RM1 through RM4 zones, both outdoor and common areas are required. Required common area may count toward required outdoor area, but individual private outdoor area may not count toward required common area. The standards of this section do not apply in the RX and RMP zones.

1. [No change to Recommended Draft]

2. Required common area.

a. Required common area standard. On sites that are more than 20,000 square feet in total site area, at least 10 percent of total site area must be provided as common area. At least 75 percent of the required common area must be outdoor common area, such as outdoor courtyards or outdoor play areas. At least 300 square feet, but not more than 25 percent of the required common area, must be indoor common area.

b. [No change to Recommended Draft]

~~2C. **Size, location and configuration.** Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared outdoor areas, such as courtyards and play areas. There also may be a combination of individual and common areas.~~

~~a1. [No change to Recommended Draft]~~



b2. Common areas.

a. [No change to Recommended Draft]

b. Indoor common area. Where an indoor common area is provided, it must be designed so that a 15 foot x 15 foot square will fit entirely within it. Indoor common area 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. [No change to Recommended Draft]

3.-5. [No change to Recommended Draft]

**Replacement Commentary:** *See next page*

## Replacement Commentary:

### 33.120.240 Required Outdoor Areas (continued)

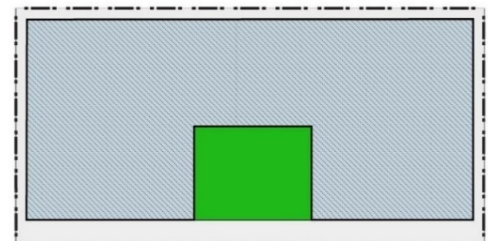
#### Required common area for large sites

This section includes new requirements for large sites (more than 20,000 square feet in total site area) to include common areas, such as courtyards or play areas. In past projects that focused on the health and activity needs of people living in apartments, residents identified the need for having usable outdoor spaces located close by for activities such as children's play and growing food. Currently, shared outdoor spaces that are large enough to provide these opportunities are not required and often not provided with new multi-dwelling development.

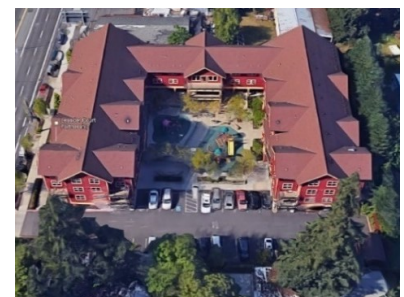


The new regulations require that development on large sites provide common areas equal to 10 percent of total site area (for example, a 30,000 square foot site would need to provide 3,000 square feet of common area). The regulations require both outdoor and indoor common areas. The regulations provide flexibility in the design and location of outdoor common area, which can be located at ground level or on raised courtyards or roof tops, and up to 25 percent of the requirement can be met with indoor common areas, such as indoor recreation or community rooms. A minimum of 300 square feet of indoor common area is required to accommodate year-round activity. For outdoor common areas, a minimum dimension of 20-feet ensures that these areas will be of usable size. The required common area will count toward meeting the per-unit outdoor space requirements.

The 10 percent requirement corresponds to the percent of site area used for shared outdoor areas frequently found in historic and more recent multi-dwelling developments that include common outdoor areas. The diagram (right) shows an area equal to 10 percent of site area in green.



An exception to the common area requirement for large sites is provided for street-oriented housing types, such as townhouses, when larger individual outdoor space is provided for each unit (200 square feet [equal to the R2.5 zone requirement for attached houses], instead of the usual 48 square feet). This addresses concerns raised that the shared common area requirement is not practical for street-oriented housing types.



*Street-oriented townhouses on a large site.*

*Historic and contemporary examples of multi-dwelling housing with courtyards that are approximately 10 percent of site area.*



## Part II. Map Amendments

### M1. Anna Mann House Rezoning

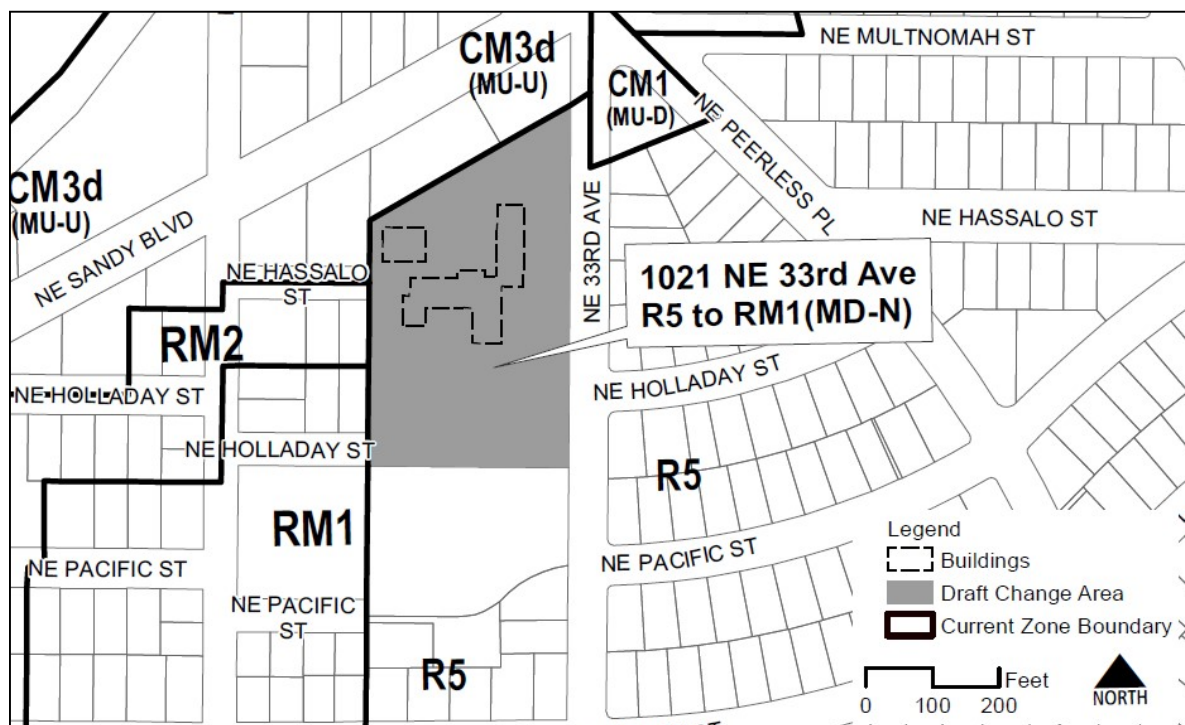
Amends the Zoning Map and Comprehensive Plan Map

**Sponsored by:** Mayor Wheeler

**Explanation:** This amendment will change the zoning of the Anna Mann House (1021 NE 33<sup>rd</sup> Avenue) from single-dwelling R5 to multi-dwelling RM1 and will change the Comprehensive Plan Map designation to the corresponding Multi-Dwelling – Neighborhood designation. This zone change will support the use of this historic property for affordable multi-dwelling housing and help accommodate its preservation.

**Notes:** The Anna Mann House is on a site with over three acres and is on the National Register of Historic Places. The property is one of Portland’s Affordable Housing Bond Projects and is proposed for 88 low-income units for families and households experiencing homelessness. Anna Mann House was originally built as an “old peoples home” and was never a single-family house, although it is located in the R5 single-dwelling zone. Applying the RM1 multi-dwelling zone to this property would provide flexibility for expansion of the multi-dwelling uses of this property and would be more in keeping with the historic use of the Anna Mann House as a multi-dwelling structure. Any additions to the property will require Historic Resource Review, which will help ensure the compatibility of any additions to the property. The property is located close to Sandy Boulevard (portions of the property are located within 50 feet of this corridor), which has frequent transit service and is designated in the Comprehensive Plan as a “Civic Corridor,” where higher-density housing is appropriate.

**Zoning and Comprehensive Map Changes:**



## M2. 5631 SE Belmont Zoning Line Shift

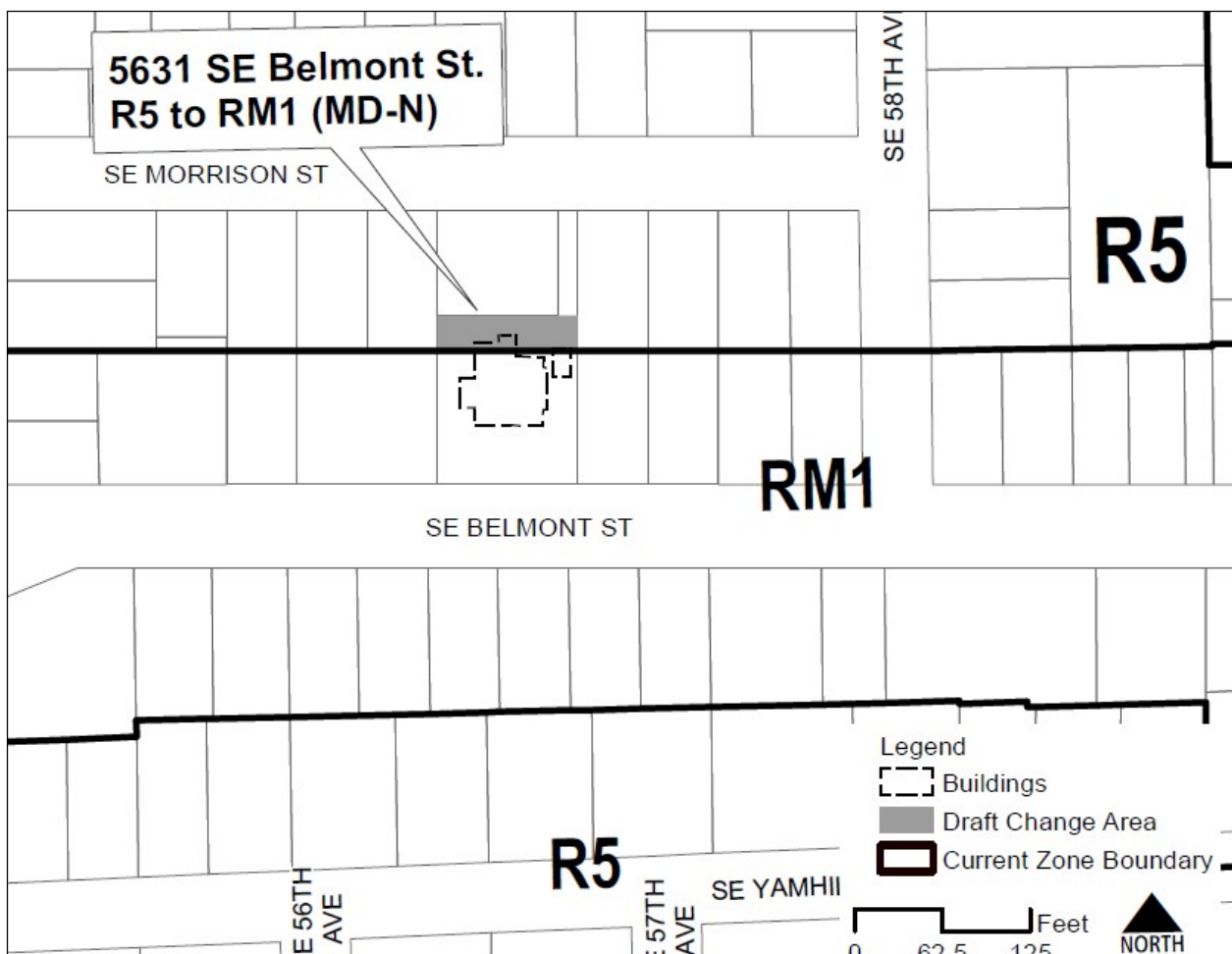
Comprehensive Plan Map amendment: Single-Dwelling – 5,000 to Multi-Dwelling – Neighborhood  
Zoning Map amendment: R5 to RM1

**Sponsored by:** Commissioner Fritz

**Explanation:** This amendment would rezone the rear portion of a property at 5631 SE Belmont Street from R5 to RM1 to remove a split zone situation in which the zoning line runs through the 1903 house. This amendment also changes the Comprehensive Plan Map designation on this portion of the property to the corresponding Multi-Dwelling – Neighborhood designation.

**Notes:** Shifting the zoning line on this property will put the entire house into the same zone (RM1), which will reduce barriers to the use of this structure that are currently limited due to the split zoning.

**Zoning and Comprehensive Map Changes:**





### M3. King's Hill Historic District Zoning Map Changes:

Recommended Draft Zoning Map amendments: RM4 to RM3

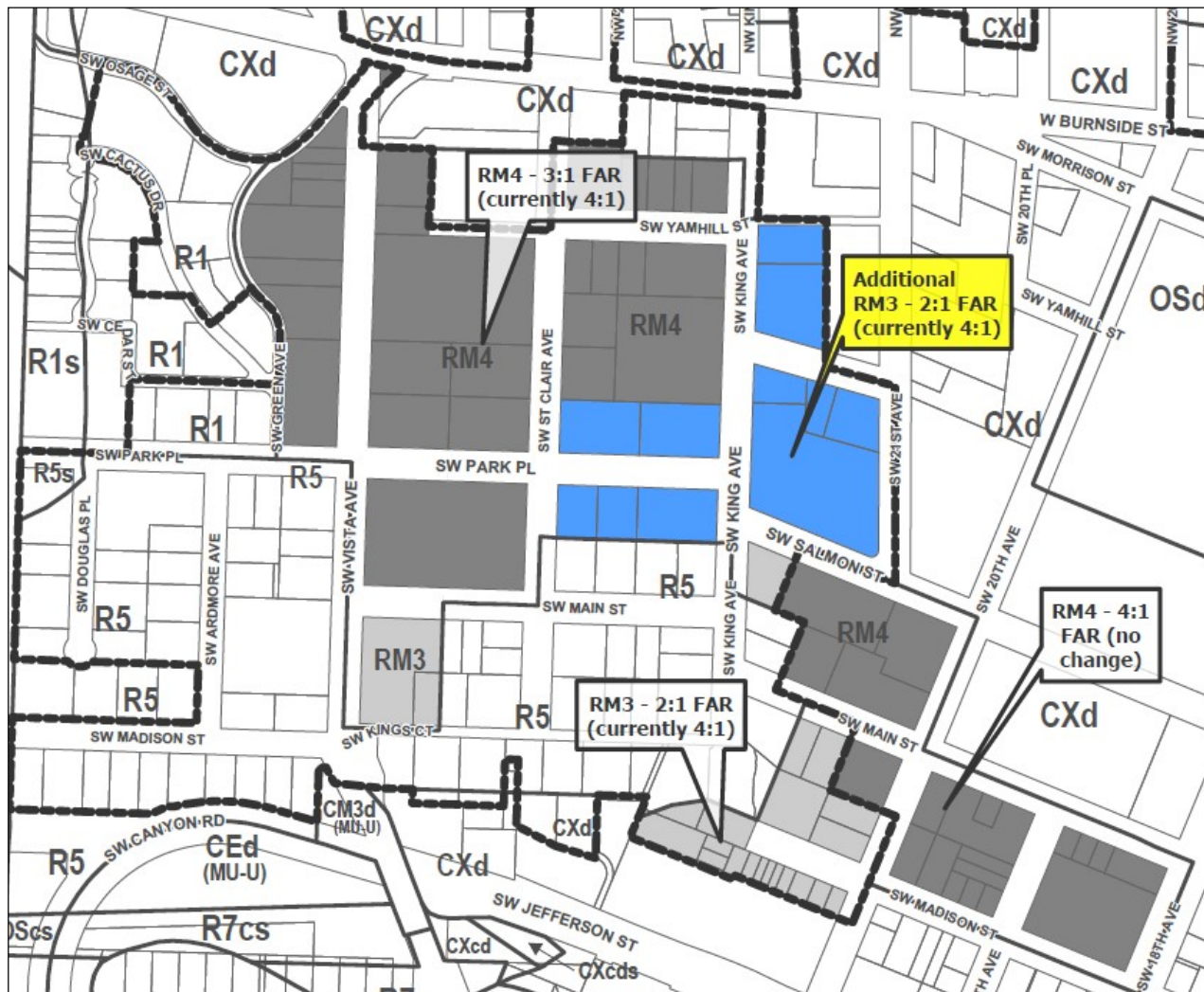
**Sponsored by:** Commissioner Fritz

**Explanation:** In the King's Hill Historic District, this amendment would change the Recommended Draft zoning from RM4 to RM3 on 11 properties located on blocks or portions of blocks where half or more of the buildings are small-scale historic structures. The intent of these changes is to reduce the allowed scale of new development to better match the scale of the small-scale historic buildings on these blocks. Changing the zoning from RM4 to RM3 would reduce the base FAR on these properties from 3:1 to 2:1.

**Notes:** The predominant scale of historic buildings on the properties proposed for the zone change is 2 to 3 stories, with FARs generally under 2:1. Current RH zoning on these blocks allow for a base FAR of 4:1. The BHD proposal for the new RM4 zone reduces the base FAR to 3:1 on these blocks (bonus FAR of 4.5:1), which corresponds to the scale of larger historic buildings in the King's Hill Historic District. This amendment would further reduce the base FAR to 2:1.

#### Zoning Map Changes:

*Changes from Recommended Draft Zoning Map shown in blue (RM4 to RM3).*



## Part III. Minor or Technical Amendments

### A. Amends regulations for minimum lot dimensions in the multi-dwelling zones for duplexes, triplexes, and fourplexes.

**Code section:** 33.612, Table 612-1

**Sponsored by:** Mayor Wheeler

**Explanation:** Amends regulations for minimum lot dimensions in the multi-dwelling zones to:

1. Add “triplexes” and “fourplexes” to the same minimum lot dimensions that now apply to duplexes. The amendment corrects a problem in the Recommended Draft in that these newly-defined housing types are not included in Table 612-1, which means that the table provides no guidance on minimum lot dimensions for these housing types.
2. Shift “duplexes” to the same lot dimension standards that apply to detached houses.

**Notes:** Triplexes and fourplexes are currently considered to be “multi-dwelling structures,” which in most of the multi-dwelling zones require a minimum size of 10,000 square feet for new lots. The BHD project is redefining triplexes and fourplexes as distinct structure types appropriate for small residential lots, and are proposing to regulate these similarly to other “middle housing” types, such as duplexes and attached houses. These amendments to Chapter 33.612 will allow triplexes and fourplexes on small lots, as is currently the case with duplexes (minimum 2,000 square feet in the RM1 zone).

Allowing duplexes on the same size lots as detached houses is necessary to comply with House Bill 2001, which requires duplexes to be allowed on each lot zoned for residential uses that allows for the development of detached single-family dwellings (minimum 1,600 square feet in the RM1 zone).

**Replacement Code:** *See next page*

<b>Table 612-1</b> <b>Minimum Lot Dimensions</b>								
	<b><del>R3</del></b>	<b><u>RM1R2</u></b>	<b><u>RM2R1</u></b>	<b><del>RM3RH</del></b>	<b><u>RM4</u></b>	<b><u>RX</u></b>	<b><u>RMP</u></b>	<b><u>IR (1)</u></b>
<b>Lots to be developed with:</b>								
<b>Multi-Dwelling Structures or Development:</b>								
Minimum Lot Area	<del>6,000 sq. ft.</del>	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	<u>10,000 sq. ft.</u>	None	10,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width	<del>50 ft.</del>	33 ft.	70 ft.	70 ft.	<u>70 ft.</u>	None	70 ft.	70 ft.
Minimum Lot Depth	<del>70 ft.</del>	70 ft.	70 ft.	100 ft.	<u>100 ft.</u>	None	100 ft.	100 ft.
Minimum Front Lot Line	<del>50 ft.</del>	30 ft.	70 ft.	70 ft.	<u>70 ft.</u>	10 ft.	70 ft.	70 ft.
<b><u>Attached Houses and Attached Duplexes</u></b>								
Minimum Lot Area	<del>1,600 sq. ft.</del>	1,600 sq. ft.	None	None	<u>None</u>	None	NA	None
Minimum Lot Width	<del>15 ft.</del>	15 ft.	15 ft.	None	<u>None</u>	None	NA	None
Minimum Lot Depth	<del>None</del>	None	None	None	<u>None</u>	None	NA	None
Minimum Front Lot Line	<del>15 ft.</del>	15 ft.	15 ft.	10 ft.	<u>10 ft.</u>	10 ft.	NA	10 ft.
<b><u>Detached Houses and Duplexes</u></b>								
Minimum Lot Area	<del>1,600 sq. ft.</del>	1,600 sq. ft.	None	None	<u>None</u>	None	NA	None
Minimum Lot Width	<del>25 ft.</del>	25 ft.	25 ft.	None	<u>None</u>	None	NA	None
Minimum Lot Depth	<del>None</del>	None	None	None	<u>None</u>	None	NA	None
Minimum Front Lot Line	<del>25 ft.</del>	25 ft.	25 ft.	10 ft.	<u>10 ft.</u>	10 ft.	NA	10 ft.
<b><u>Triplexes and Fourplexes Duplexes</u></b>								
Minimum Lot Area	<del>4,000 sq. ft.</del>	2,000 sq. ft.	None	None	<u>None</u>	None	NA	2,000 sq. ft.
Minimum Lot Width	<del>50 ft.</del>	33 ft.	None	None	<u>None</u>	None	NA	None
Minimum Lot Depth	<del>50 ft.</del>	50 ft.	None	None	<u>None</u>	None	NA	None
Minimum Front Lot Line	<del>50 ft.</del>	30 ft.	10 ft.	10 ft.	<u>10 ft.</u>	10 ft.	NA	30 ft.

Notes:

[1] This regulation may be superseded by an Impact Mitigation Plan.

**Replacement Commentary:** *See next page*

## Replacement Commentary:

### Table 612-1

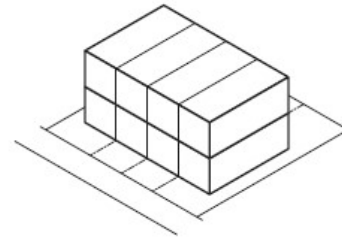
#### Minimum Lot Dimensions

The column for the R3 zone is being removed to reflect the R3 zone's deletion from Chapter 33.120 (Multi-Dwelling Zones).

"Attached Duplexes" are being added the section of the table that applies to Attached Houses, due to these housing types' similar characteristics. In many cities where rowhouses with attached sidewalls are common, attached duplexes are a common rowhouse variant and are often located on the same size lots as standard rowhouses. This change will provide attached duplexes with the same lot dimension requirements as applies to attached houses to allow for feasible development configurations.

"Triplexes" and "Fourplexes" are being added to the section of the table currently provided for duplexes. Triplexes and fourplexes are currently considered to be "multi-dwelling structures," which in most of the multi-dwelling zones require a minimum size of 10,000 square feet for new lots. The BHD amendments are redefining triplexes and fourplexes as distinct structure types appropriate for small residential lots, and regulate these housing types in Chapter 33.120 similarly to other small-lot "middle housing" types, such as duplexes and attached houses. The amendments to this table will allow triplexes and fourplexes on small lots, as is currently the case with duplexes.

"Duplexes" are being moved to the same section of the table for detached houses. Allowing duplexes on the same size lots as detached houses is necessary to comply with House Bill 2001, which requires duplexes to be allowed on each lot zoned for residential uses that allows for the development of detached single-family dwellings.



**Attached duplexes.** The move to a scale/FAR-based approach could open up new opportunities for this type of housing, which is similar in form to attached houses. When each duplex is built on a separate foundation, they can be constructed using 1-2 dwelling building code regulations.



**Example of a duplex on a small lot (less than 2,000 square feet in size).**



**B. Adds the Deeper Housing Affordability Bonus to the types of bonuses eligible for affordable housing exceptions from minimum parking requirements.**

*(This amendment should be withdrawn if Major Amendment 2 is approved)*

**Code section:** 33.266.110.D

**Sponsored by:** Mayor Wheeler

**Explanation:** This amends the affordable housing exceptions from minimum parking requirements, which currently apply to inclusionary housing projects, to also apply to projects using the Deeper Housing Affordability Bonus.

**Notes:** The existing affordable housing exceptions from minimum parking requirements currently apply to projects using inclusionary housing bonuses and are intended to facilitate development that includes affordable housing. For the same purpose of facilitating affordable housing, this amendment adds projects using the Deeper Housing Affordability Bonus to the affordable housing parking exceptions (such projects would be able to meet or exceed inclusionary housing requirements, providing more affordable units than required by inclusionary housing).

**Amended Code** *(all text below is new to the Recommended Draft):*

**33.266.110 Minimum Required Parking Spaces**

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

**D. Exceptions to the minimum number of parking spaces.** The minimum number of required parking spaces may be reduced as follows:

1. Affordable housing exceptions:

a. Exception for sites close to transit. The minimum number of required parking may be reduced to zero when the following are met:

- (1) The site is located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service; and
- (2) The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, ~~or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus, or the requirements of the deeper housing affordability bonus of Section 33.120.211.~~ This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.

b. Exception for sites far from transit. Affordable dwelling units are not counted toward the total number of dwelling units when calculating the number of required parking spaces when the following are met:

- (1) The site is located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service; and

- (2) The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, ~~or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus, or the requirements of the deeper housing affordability bonus of Section 33.120.211.~~ This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.

2. Other exceptions. [No change]

**New Commentary** *(all text below is new to the Recommended Draft):*

**33.266.110.D Exceptions to the minimum number of parking spaces.**

These amendments change the affordable housing exceptions from minimum parking requirements, which currently apply to inclusionary housing projects, to also apply to projects using the Deeper Housing Affordability Bonus in Chapter 33.120.

The existing affordable housing exceptions from minimum parking requirements currently apply to projects using inclusionary housing bonuses and are intended to facilitate development that includes affordable housing. For the same purpose of facilitating affordable housing, this amendment adds projects using the Deeper Housing Affordability Bonus to the affordable housing parking exceptions (such projects would be able to meet or exceed inclusionary housing requirements, providing more affordable units than required by inclusionary housing).

**C. Amends the tree preservation FAR transfer provision so that the amount of transfer cannot exceed the amount of unutilized FAR on the sending site.**

**Code section:** 33.120.210.D.1.b

**Sponsored by:** Mayor Wheeler

**Explanation:** This amendment brings consistency with other FAR transfer allowances, which generally limit the amount of FAR that can be transferred to the amount of unutilized FAR on the sending site. As written, this transfer allowance could allow more FAR to be transferred from a site than is allowed on the site, which was not the intent of the regulation.

**Replacement Code (33.120.210.D.1.b):**

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

1. Sending site. FAR may be transferred from:
  - a. [No change to Recommended Draft]
  - b. A site where trees that are at least 12 inches in diameter are preserved. The maximum amount of floor area that may be transferred for each preserved tree is indicated in Table 120-4, however the maximum amount of FAR that can be transferred may not exceed the total amount of unused FAR on the site. This transfer provision does not apply to dead, dying or dangerous, or nuisance trees. To qualify for this transfer, a report is required from the City Forester or a certified arborist documenting that the trees to be preserved are not nuisance trees and are not dead, dying or dangerous.; or
  - c. [No change to Recommended Draft]
- 2.-4. [No change to Recommended Draft]

**Replacement Commentary:**

*No change to commentary*

## D. Amendments to correct terms used in reference to tree health

**Code section:** 33.120.210 and 33.120.213

**Sponsored by:** Mayor Wheeler

**Explanation:** These are text changes that delete reference to “diseased” and replace with “dying” to more accurately convey the intent of the regulations and to bring consistency with language used elsewhere in the zoning code.

**Replacement Code - 33.120.210.D.4.b.(2):**

- (2) Require that any tree covered by the covenant that is dead, dying or dangerous be removed and replaced within a 12-month period. The trees must be determined to be dead, dying, or dangerous by the City Forester or a certified arborist. If a tree covered by the covenant is removed in violation of the requirements of this Section, or is dead, dying, or dangerous as the result of a violation, Tree Review is required.

**Replacement Code - 33.120.213.B.3.b.(2):**

- (2) Allow trees used to reduce the minimum density that die, are dying, or become diseased or dangerous to be removed and replaced within the 10 year preservation period. The trees must be determined to be dead, dying-diseased, or dangerous by an arborist, and a Title 11 tree permit must be obtained. If a tree used to reduce the minimum density is dead, dying diseased, or dangerous as the result of a violation, Tree Review is required; and

## E. Amendment to correct paragraph numbering

**Code section:** 33.120.220.D.1

**Sponsored by:** Mayor Wheeler

**Explanation:** This is a technical amendment to correct paragraph numbering.

**Replacement Code - 33.120.220.D.1:**

### D. Extensions into required building setbacks.

1. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line, except as allowed in 33.120.270, Alternative Development Options:
  - a. [No change to Recommended Draft]
  - b. Wheelchair ramps, Wwater collection cisterns and stormwater planters that do not meet the standards of Paragraph D. 24;
  - c. Decks, stairways, wheelchair ramps, and uncovered balconies that do not meet the standard for Paragraph D. 24 below, but only along a street lot line; and
  - d. [No change to Recommended Draft]

## **F. Amendments to Chapter 33.258 to update zone name and code section references.**

**Code section:** 33.258.060

**Sponsored by:** Mayor Wheeler

**Explanation:** These technical amendments update a reference to a multi-dwelling zone (replacing R2 with RM1) and correct a reference to a Chapter 33.120 code section to reflect amendments to Chapter 33.120.

**Amended Code** (*text below is new to the Recommended Draft*):

### **33.258.060 Nonconforming Residential Densities**

#### **A. Changes to dwellings.**

1. [No change]
2. In multi-dwelling zones. In multi-dwelling zones, sites with residential structures may move out of compliance or further out of compliance with the maximum density standards of Table 120-3 if all of the following are met:
  - a. [No change]
  - b. The site is moving out of compliance or further out of compliance with the maximum density standards due to a separation of ownership as allowed by Subsection 33.120.205.C ~~33.120.210.C~~.

#### **B. Discontinuance and damage.**

1. [No change]
2. Accidental damage or destruction.
  - a. More than one dwelling unit. When there is more than one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if a structure containing dwelling units is damaged or destroyed by fire or other causes beyond the control of the owner:
    - (1) [No change]
    - (2) [No change]
    - (3) If the repair cost is more than 75 percent of the assessed value of the structure, the new structure must comply with one of the following, whichever is less restrictive:
      - The development standards (except for density) that would apply to new development on the site; or
      - The development standards (except for density) that would apply to new development in the RM1~~R2~~ zone.
  - b. [No change]
3. [No change]

**New Commentary** (*all text below is new to the Recommended Draft*):

**33.258.060 Nonconforming Residential Densities (continued)**

Amendments on this page are updates to a Chapter 33.120 code section reference and to a multi-dwelling zone name.