

# Potential Better Housing by Design Amendments Requested by City Commissioners - Update

**DRAFT**

*This list of amendments is subject to change before being finalized for the November 21, 2019, City Council session.*

## Major Code Amendments

	Potential Amendment	Rationale	Staff Notes
1a	<p><b>Deeper Housing Affordability Bonus – Zoning Code:</b></p> <p>Amend the Deeper Housing Affordability Bonus to add the 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 (<i>see below</i>).</p> <p><i>Sponsor: Mayor Wheeler</i> <i>Code section: 33.120.211.C.2</i></p>	<p>This amendment would provide flexibility to use this bonus to help address the need for affordable ownership housing, for which the 60 percent of area median income affordability level is not practical (households typically need to earn more than this to qualify for ownership housing programs).</p>	<ul style="list-style-type: none"> <li>The amendment would retain the requirement for at least 50 percent of units to meet affordability requirements (a much higher percentage than required by inclusionary housing – 20 percent or 10 percent, depending on affordability level).</li> <li>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.</li> </ul>
1b	<p><b>Deeper Housing Affordability Bonus – Title 30:</b></p> <p>Amend Title 30 (Affordable Housing) to provide standards and administrative approaches to implement the Deeper Housing Affordability Bonus. Include 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).</p> <p><i>Sponsor: Mayor Wheeler</i> <i>Code section: 30.01.140 (new)</i></p>	<p>The new Title 30 section is needed to implement the deeper housing affordability bonus and to provide options for the bonus to be used to promote affordable home ownership opportunities.</p>	<ul style="list-style-type: none"> <li>The affordability level for ownership housing will be set at 80 percent of area median income, while rental housing would need to meet the 60 percent of area median income affordable level indicated in the zoning code Deeper Housing Affordability provision.</li> <li>The rental and ownership housing affordability levels align with existing Housing Bureau programs for affordable housing (SDC waivers, tax exemptions, etc.)</li> <li>The shorter term of affordability for ownership housing allows for households to gain equity through ownership, 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.</li> </ul>
1c	<p><b>Amend ordinance to incorporate Title 30 amendments</b></p> <p><i>Sponsor: Mayor Wheeler</i></p>	<p>This amends the Better Housing by Design ordinance to incorporate the Title 30 amendments in 1b.</p>	<ul style="list-style-type: none"> <li>Amends the ordinance title and general findings and incorporates a new Exhibit E with the Title 30 amendments.</li> </ul>

2	<p><b>Affordable housing parking exemption:</b></p> <p>Amend the Chapter 33.266 affordable housing parking exception 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.</p> <p><i>Sponsor: Mayor Wheeler</i></p> <p><i>Code section: 33.266.110.D</i></p>	<p>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. The amendment responds to testimony that requested discontinuing minimum parking requirements, but links this to the provision of affordable units.</p>	<ul style="list-style-type: none"> <li>• This amendment would affect projects providing affordable units through inclusionary housing provisions, primarily in the multi-dwelling and mixed-use zones, as well as the proposed Deeper Housing Affordability Bonus.</li> <li>• 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.</li> <li>• 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 is close to frequent transit.</li> <li>• 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).</li> </ul>
3	<p><b>Development bonuses and demolition of historic resources:</b></p> <p>Disallow development bonuses or FAR transfers from being used on sites where a historic building has been demolished in the past 10 years.</p> <p><i>Sponsor: Commissioner Fritz</i></p> <p><i>Code sections: 33.120.210; 33.120.211; 33.130.205; 33.130.212</i></p>	<p>Prevent the additional development scale provided by bonuses and FAR transfers from serving as an incentive for the demolition of historic buildings.</p>	<ul style="list-style-type: none"> <li>• This prohibition would apply in the multi-dwelling and mixed use zones and would prevent bonuses and FAR transfers from being used on sites where a Historic or Conservation landmark, or a contributing structure in a Historic or Conservation district, has been demolished (with exceptions provided for loss from fire or other catastrophic events).</li> <li>• Demolition of contributing structures in historic districts (such as the Alphabet and King’s Hill historic districts) and Historic Landmarks are subject to City Council approval (through a Type IV demolition review). As a result, there have been very few such demolitions.</li> <li>• 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, which limits the ability to prevent demolitions. These resources are more vulnerable to redevelopment. However, the Historic Resources Code Project is considering requiring demolition review in Conservation Districts and for locally-designated historic landmarks.</li> </ul>

4	<p><b>Development bonuses and transit access:</b></p> <p>Disallow development bonuses and FAR transfers from being used in locations that are more than a 1,500-foot walking distance from frequent-service transit.</p> <p><i>Sponsor: Commissioner Fritz</i></p> <p><i>Code sections: 33.120.210; 33.120.211; 33.130.205; 33.130.212</i></p>	<p>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.</p>	<ul style="list-style-type: none"> <li>• This limitation would apply in the multi-dwelling and mixed use zones.</li> <li>• Mapping 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.</li> <li>• On properties outside of this distance, new buildings with 20 or more units would remain subject to inclusionary housing requirements, but would not be eligible to receive bonus FAR.</li> </ul>
5	<p><b>100-foot height in historic districts:</b></p> <p>In historic districts, remove the allowance for 100-foot building height within 1,000 feet of light rail stations in the RM4 zone.</p> <p><i>Sponsor: Commissioner Fritz</i></p> <p><i>Code section: 33.120.215.B</i></p>	<p>Prevent new buildings from being out-of-scale with the scale of historic districts, which have very few historic buildings that exceed the base RM4 height limit of 75 feet.</p>	<ul style="list-style-type: none"> <li>• This is an existing height allowance that currently applies in the RH zone in areas mapped for a 4:1 FAR (these areas are being assigned RM4 zoning as part of the Recommended Draft).</li> </ul>
6	<p><b>Indoor common area requirement for large sites:</b></p> <p>Require that large sites (more than 20,000 square feet) include an indoor common area, such as a community or recreation room, in addition to the proposed requirements for outdoor common areas.</p> <p><i>Sponsor: Commissioner Fritz</i></p> <p><i>Code section: 33.120.240.B.2</i></p>	<p>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.</p> <p><b><i>Commissioner Fritz would like to withdraw this amendment and replace it with amendments 6a, 6b, and 6c (see Major Code Amendments Addendum, next page).</i></b></p>	<ul style="list-style-type: none"> <li>• This amendment would require that large sites include an indoor common area of at least 300 square feet as part of requirements for large sites more than 20,000 square feet in size to include common areas. The amendment will allow for indoor common area to comprise up to 25 percent of the total amount of required common area (the rest would need to be outdoor common areas such as courtyards or play areas).</li> <li>• This requirement would be a change from the Recommended Draft, which proposed to allow indoor common areas as a common area option, not a requirement. 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.</li> </ul>
7	<p><b>FAR transfers:</b></p> <p>Allow FAR to be transferred between sites in multi-dwelling and mixed-use zones.</p> <p><i>Sponsor: Mayor Wheeler</i></p>	<p>The intent is to expand options for where FAR can be transferred in order to increase the viability of FAR transfers from sites preserving historic buildings, existing affordable units, or large trees.</p>	<ul style="list-style-type: none"> <li>• This amendment was requested by Mayor Wheeler and moved for further discussion during the November 6 City Council session.</li> <li>• The BHD Recommended Draft only allows FAR to be transferred between sites that are both in multi-dwelling zones (current allowances in the RH zone also allow transfers to sites in the EX mixed-use zone).</li> </ul>

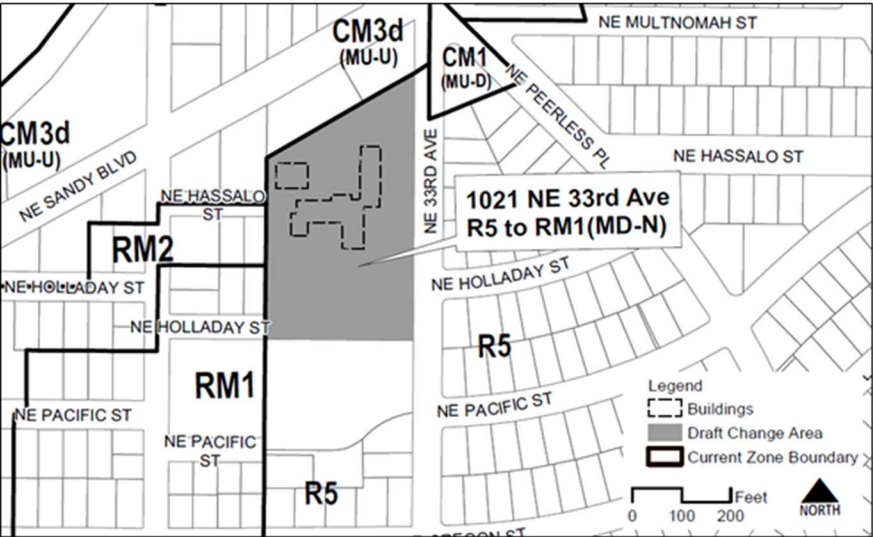
	Code sections: 33.120.210 and 33.130.205		<ul style="list-style-type: none"> <li>• Current regulations for the mixed use zones (Chapter 33.130) only allow FAR transfers to other mixed use zones.</li> <li>• Both types of zones prioritize affordable housing by providing the full amount of FAR increase for inclusionary housing projects, and do not allow FAR transfers to a site that receives an inclusionary housing bonus. This means that FAR transfers will only be to sites with smaller buildings with fewer than 20 units that do not trigger inclusionary housing, limiting potential sites that can receive FAR transfers.</li> <li>• This amendment would broaden the range of potential receiving sites by allowing FAR to be transferred between sites in the multi-dwelling and mixed-use zones. Only 8 percent of Portland's land area has multi-dwelling zoning. Another 7 percent of land area has mixed-use zoning.</li> <li>• In the mixed-use zones, FAR transfers would still be limited from increasing the FAR on a receiving site by more than 30 percent (half the FAR increase provided by the inclusionary housing bonus).</li> </ul>
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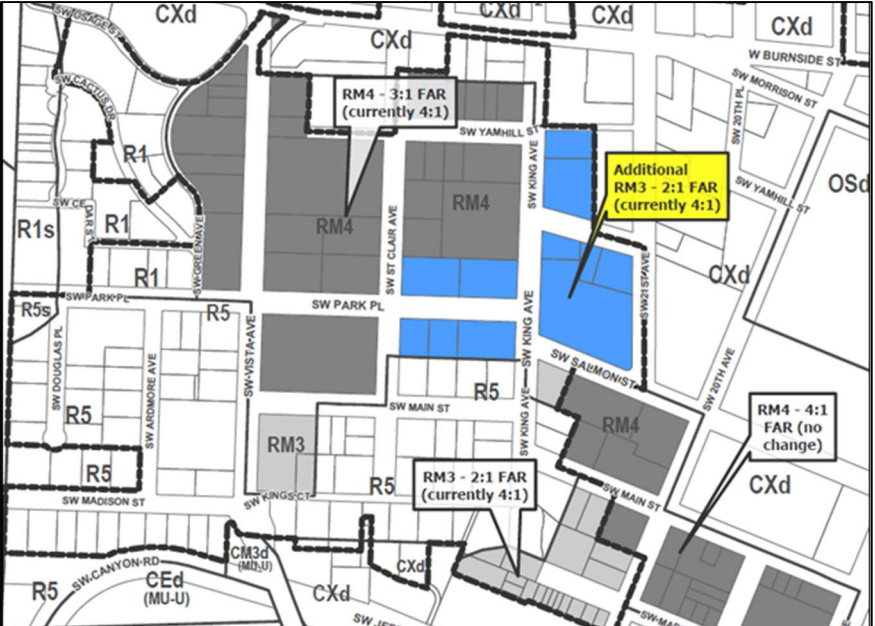
## Major Code Amendments Addendum

Commissioner Fritz would like to withdraw Major Code Amendment 6, above, and to replace it with the following amendments for Council consideration.

	Potential Amendment	Rationale	Staff Notes
6a	<p><b>Indoor common area - requirement for large sites:</b></p> <p>Require that large sites proposed for development with larger multi-dwelling structures (with 20 or more units) include an indoor common area, such as a community or recreation room, as part of proposed requirements for common areas. This amendment also exempts indoor common area from FAR calculations.</p> <p><i>Sponsor: Commissioner Fritz</i></p> <p><i>Code sections: 33.120.240; 33.120.210.B; 33.130.205.B</i></p>	<p>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.</p> <p><b>This replacement amendment limits this requirement to projects that including large buildings with 20 or more units</b>, in response to testimony about the difficulty of including indoor common areas for sites with small-scale housing types, such as clusters of duplexes or townhouses, that do not usually have shared indoor areas such as lobbies or community rooms.</p>	<ul style="list-style-type: none"> <li>• There are two main components to this amendment: <ul style="list-style-type: none"> <li><b>(A)</b> Require that development that includes large multi-dwelling structures (20+ units) on large sites (more than 20,000 square feet) <b>include an indoor common area of at least 300 square feet</b> (minimum 15'x15' dimension); and</li> <li><b>(B) Exempt indoor common areas from maximum FAR calculations</b>, so that these spaces do not reduce housing capacity.</li> </ul> </li> <li>• This requirement would be a change from the Recommended Draft, which proposed to allow indoor common areas as a common area option, not a requirement. 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.</li> </ul>

6b	<p><b>Indoor common area - limitation:</b></p> <p>Limit the maximum percentage of required common area on large sites that can be indoor common area to 25 percent.</p> <p><i>Sponsor: Commissioner Fritz</i></p> <p><i>Code section: 33.120.240.B.2</i></p>	<p>This amendment will ensure that the majority of common area required for large sites will be in the form of outdoor common areas, such as courtyards, play areas, or gardens.</p>	<ul style="list-style-type: none"> <li>• This amendment reduces the maximum amount of required common area that can be indoor common area to 25 percent, instead of the 50 percent limit in the Recommended Draft, to ensure that the majority of required common area is outdoor space.</li> <li>• This amendment provides flexibility for indoor common areas to be used to meet common area requirements, but places a greater limit on this proportion to prioritize the provision of outdoor common areas.</li> </ul>
6c	<p><b>Indoor common area - exemption from FAR calculations:</b></p> <p>Exempt indoor common areas from maximum FAR (building floor area) calculations.</p> <p><i>Sponsor: Commissioner Fritz</i></p> <p><i>Code sections: 33.120.210.B and 33.130.205.B</i></p>	<p><b><i>This amendment should only be considered if Amendment 6a is not supported by City Council.</i></b></p> <p>This is intended to remove a disincentive from providing indoor common areas and to ensure that these spaces do not compete with residential units for building floor area.</p>	<ul style="list-style-type: none"> <li>• In the BHD Recommended Draft, building floor area used for indoor common areas reduces the amount of building space that can be used for residential units (both must fit within maximum FAR limits).</li> <li>• This amendment would exempt indoor common areas (such as community or recreation rooms) from maximum FAR calculations, so that providing indoor common areas does not reduce the amount of building space available for residential units.</li> <li>• This exemption would apply in both the multi-dwelling and mixed-use zones, both of which have options for indoor common areas to be used to meet requirements for outdoor/common areas.</li> </ul>

	Potential Amendment	Rationale	Staff Notes
M1	<p><b>Anna Mann House rezoning:</b></p> <p>Change the zoning of the Anna Mann House (1021 NE 33<sup>rd</sup> Avenue) from single-dwelling <b>R5</b> to multi-dwelling <b>RM1</b>. Change the Comprehensive Plan Map designation to the corresponding <b>Multi-Dwelling – Neighborhood</b> designation.</p> <p><i>Sponsor: Mayor Wheeler</i></p>	<p>This zone change would support the use of this historic property for affordable multi-dwelling housing and help accommodate its preservation.</p>	<ul style="list-style-type: none"> <li>• The Anna Mann House is on a site with over three acres and is on the National Register of Historic Places.</li> <li>• This property is one of Portland’s Affordable Housing Bond Projects and is proposed for 88 low-income units for families and households experiencing homelessness.</li> <li>• The structure was originally built in 1910 as an “old peoples home” and was never a single-family house, although it is located in the R5 single-dwelling zone.</li> <li>• 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 Resources Review, which will help ensure the compatibility of any additions to the property.</li> <li>• 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.</li> </ul> 

M2	<p><b>5631 SE Belmont zoning line shift:</b></p> <p>For a property at 5631 SE Belmont (currently seeking historic status on the National Register of Historic Places) rezone the rear portion of the lot from <b>R5</b> to <b>RM1</b> so that the entire house is in the same zone.</p> <p><i>Sponsor: Commissioner Fritz</i></p>	<p>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.</p>	<ul style="list-style-type: none"> <li>Dashed line on map below shows the shift in the zoning boundary between RM1 and R5 zoning.</li> </ul> 
M3	<p><b>King's Hill Historic District zone changes:</b></p> <p>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 (reduces FAR from 3:1 to 2:1).</p> <p><i>Sponsor: Commissioner Fritz</i></p>	<p>Reduce the allowed scale of new development to better match the scale of the small-scale historic buildings on these blocks.</p> <p><i>Blue on map shows area that this amendment would change from RM4 to RM3 zoning.</i></p>	<ul style="list-style-type: none"> <li>The predominant scale of historic buildings on these blocks is 2 to 3 stories, with FARs generally under 2:1.</li> <li>Current RH zoning on these blocks have 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 broader King's Hill Historic District. This amendment would further reduce the base FAR to 2:1.</li> </ul> 

Minor or Technical Amendments (*sponsored by Mayor Wheeler*)

	Potential Amendment	Rationale/Notes
A	<p>Amend regulations for minimum lot dimensions in the multi-dwelling zones (Chapter 33.612) to:</p> <ol style="list-style-type: none"> <li>1. Add “triplexes” and “fourplexes” to the same minimum lot dimensions that now apply to duplexes.</li> <li>2. Shift “duplexes” to the same lot dimension standards that apply to detached houses.</li> </ol> <p><i>Code section: 33.612 – Table 612-1</i></p>	<ul style="list-style-type: none"> <li>• Triplexes and Fourplexes are currently considered to be “multi-dwelling structures,” which in most of the multi-dwelling zones currently require a minimum size of 10,000 square feet for new lots.</li> <li>• The BHD and RIP projects are 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. The amendments to Chapter 33.612 would allow triplexes and fourplexes on small lots, as is currently the case with duplexes (minimum 2,000 square feet in the RM1 zone).</li> <li>• 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).</li> </ul>
B	<p>Amend 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.</p> <p><b><i>This amendment will be withdrawn if Major Code Amendment 2 passes, since that amendment amends the same regulation.</i></b></p> <p><i>Code section: 33.266.110.D</i></p>	<ul style="list-style-type: none"> <li>• The existing affordable housing exceptions from minimum parking requirements currently apply to projects using the inclusionary housing bonus and is intended to facilitate development that includes affordable housing.</li> <li>• For the same purpose of facilitating affordable housing, the amendments would add projects using the deeper housing affordability bonus to the affordable housing parking exceptions (such projects will exceed inclusionary housing requirements for numbers of affordable units).</li> </ul>
C	<p>Amend the tree preservation FAR transfer provision so that the amount of FAR that can be transferred from a site cannot exceed the amount of unutilized FAR on the site.</p> <p><i>Code section: 33.120.210.D.1.b</i></p>	<ul style="list-style-type: none"> <li>• 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 a site.</li> <li>• 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.</li> </ul>
D	<p>For regulations related to tree health, delete reference to “diseased” and replace with “dying”.</p> <p><i>Code sections: 33.120.210.D.1.b and 4.b; and 33.120.213</i></p>	Correction
E	<p>Extensions into required building setbacks: correct paragraph numbering.</p> <p><i>Code section: 33.120.220.D.1 b and c</i></p>	Correction
F	<p>Corrections to zone names and section references.</p> <p><i>Code section: 33.258.060</i></p>	Corrections



## Minor or Technical Amendments Addendum

Mayor Wheeler would like to introduce this additional minor amendment, which will bring consistency with code amendments proposed by the Bicycle Parking Code Update Project.

	Potential Amendment	Rationale/Notes
G	<p>Amend the FAR exemption proposed for required long-term bicycle facilities to be consistent with a similar exemption proposed by the Bicycle Parking Code Update for the Commercial/Mixed Use Zones (Chapter 33.130).</p> <p><b><i>This amendment will be withdrawn if Major Code Amendments 6a or 6c pass, since those amendment revise the same code language.</i></b></p> <p><i>Code section: 33.120.210.B</i></p>	<ul style="list-style-type: none"><li>• This minor amendment would add code language specifying that required bicycle parking exempted from FAR calculations does not include bicycle parking inside residential units.</li><li>• The intent is to exempt from FAR calculations long-term bicycle parking in shared facilities, such as indoor bicycle rooms, so that expanded requirements for bicycle parking does not result in the loss of building space available for residential units.</li><li>• Bicycle parking included within units is more problematic to exclude from FAR calculations and alcoves or closets within units designed to accommodate bicycles may also be used for other purposes.</li></ul>