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MEMO

DATE: August 18, 2016
TO: Planning and Sustainability Commission
FROM: Barry Manning, Bill Cunningham, BPS
CC: Susan Anderson, Joe Zehnder, Eric Engstrom, BPS
SUBJECT: Mixed Use Zones Project — Final PSC Work Session – Additional Amendments

At the Planning and Sustainability Commission meeting on August 23, 2016, the Commission will hold a final work session on the Mixed Use Zones Project. Staff's memo to PSC dated August 16, 2016 included an amended version of the proposed code and a table that described the types of amendments included in code based on prior PSC directions. This memo includes several additional items for PSC to consider in final voting:

1. Clarification of changes proposed to CX zone FAR and bonuses in the amended draft of the Proposed Code sent on August 16, 2016.
2. Proposed amendments from Planning and Sustainability Commissioners;
3. Proposed amendments from staff that are generally technical.

The PSC should consider these items and vote to incorporate, reject, or amend them further in the final code package. Each item or groups of items is described below.

Please contact Bill Cunningham or Eric Engstrom if you have questions.

1. Clarification of changes proposed to CX zone FAR and height bonuses in the amended draft of the Proposed Code sent on August 16, 2016.

The PSC received testimony from a property owner/representatives regarding properties in the CX zone located adjacent to the Banfield Freeway near NE 16th in an area outside of the Central City. The request was generally to: 1) allow properties in the CX zone to participate in the Planned Development review that is being allowed in the CM zones (33.270; 33.854), with height limits of up to 160 feet; or 2) to include the property in the Central City. Staff responded to request 1 in the amended code, and has proposed to make these CX properties outside the Central City eligible for the MUZ bonuses for Planned



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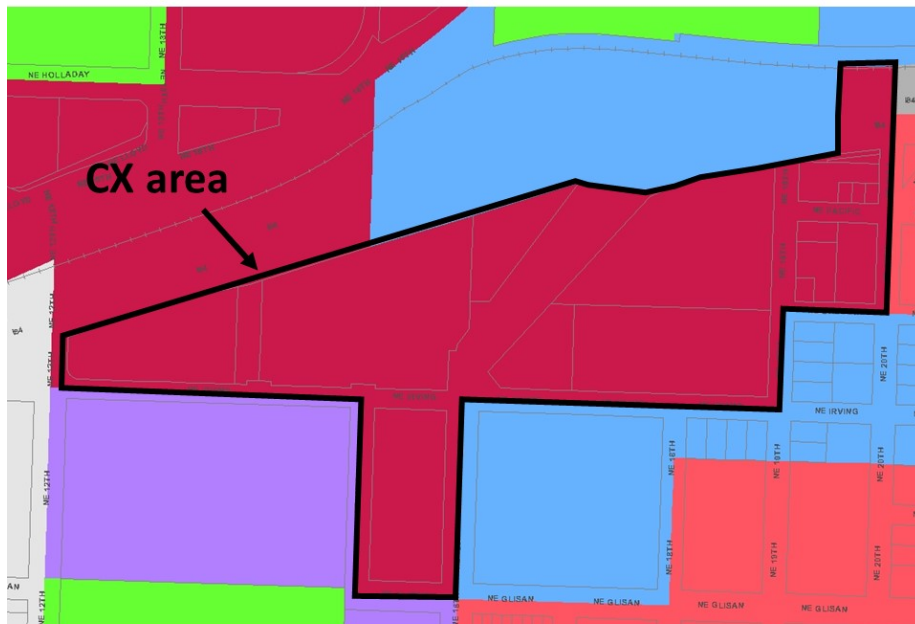
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Staff Clarification

Development. As part of the Amended Proposed Draft code, staff proposed to make these CX zone properties eligible for the Planned Development bonus, as well as other FAR and height bonuses available to the CM zones. The proposed FAR and height parameters are shown in Table 130-3 on page 95 of the amended Proposed Draft and are modeled on CM3, as the CX zones in other parts of the city became CM3, per the conversion methodology. Staff does not support the proposed 160-foot height limit. Staff recommends the maximum height for the CX zone in a Planned Development be 120 feet, which is the same as the CM3 zone. Table 130-3 and a map of the subject properties are shown below.

Recommendation: Staff recommends that the PSC accept staff's proposed approach. If other options are desired, the PSC could consider a) including these properties in the Central City Plan District, or b) retaining the existing CX code provisions (4:1 FAR, residential not regulated in FAR, no height bonus).

Table 130-3 Summary of Bonus FAR and Height						
		CM1	CM2	CM3	CE	CX
Overall Maximums Per Zone						
Maximum FAR with bonus		2.5 to 1	4 to 1	5 to 1	3 to 1	6 to 1
Maximum height with bonus		35 ft.	55 ft. [1] 75 ft. [2]	75 ft. 120 ft. [2]	45 ft.	85 ft. 120 ft. [2]
Increment of Additional FAR and Height Per Bonus						
Affordable Housing (see 33.130.212.C)	FAR Height	1 to 1 none	1.5 to 1 10 ft.	2 to 1 10 ft.	none none	2 to 1 10 ft.
Affordable Commercial Space (see 33.130.212.D)	FAR Height	0.5 to 1 none	0.75 to 1 10 ft.	1 to 1 10 ft.	0.5 to 1 none	1 to 1 10 ft.
Planned Development (see 33.130.212.E)	FAR Height	none none	1.5 to 1 up to 30 ft.	2 to 1 up to 55 ft.	1.5 to 1 up to 30 ft.	2 to 1 up to 45 ft.



Commissioner Proposed Amendments

2. Proposed amendments from Planning and Sustainability Commissioners.

Several Amendments to the proposal have been submitted by Planning and Sustainability Commissioners. These are listed in the table below for Commission consideration. Staff comments are included in the table for consideration.

Item	Commissioner	Requested Amendment/Issue	Potential Code Language	Staff Comments	Decision
1	Jeff Bachrach	Transportation and Parking Demand Management. Amend 33.266.410.B as indicated in the potential code language (next column). Intent of amendments are to: a. Clarify that the TDM plan requirement is triggered by the construction of additional (not existing) units. b. Exempt sites that are far from transit from the TDM plan requirement.	<i>(Provided by Commissioner Bachrach)</i> B. “Transportation and parking demand management in the commercial/mixed use zones. In the commercial/mixed use zones, a TDM plan is required when new development <u>includes more than 10 dwelling units</u> or an alternation to existing development includes <u>the addition</u> of more than 10 dwelling units. <u>Sites that are located far from transit as defined in 33.266.B.2 are exempt from this requirement.</u> To meet this standard, the applicant must choose one of the following: 1. Go through the Transportation Impact Review process set out in Chapter 33.852; or 2. Meet the objective standards of Title 17.106 as verified by the Portland Bureau of Transportation.	a. Staff supports this amendment. b. Staff agrees that requiring TDM for projects not close to frequent transit results in additional burden for projects also being required to provide parking.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
2	Jeff Bachrach	Transportation and Parking Demand Management. Amend 33.266.410 to add a new subsection (C) that would delay the effective date of the TDM plan requirements until PBOT adopts offsets to the cost of TDM. Commissioner comments: In response to concerns raised by the PSC, PBOT said it would consider some offset to the Transportation SDC before implementing the new TDM requirements for apartments in the commercial/mixed use zone. Proposed subsection C ensures that PBOT provides such an offset or else returns to the PSC to explain why not.	<i>(Provided by Commissioner Bachrach)</i> C. Delayed effective date. 33.266.110.B and 17.106.030.B shall <u>not take effect until the Portland Bureau of Transportation amends Title 17.15 to provide a credit against or reimbursement for the Transportation SDC to offset some portion of the cost of the TDM incentives required to comply with 17.106.030.B.</u>	Staff recommends that the proposed “Subsection C” not be added to the code. 1. Zoning Code provisions should not be contingent on the actions of another City agency. If the reason for the contingency is that great, it may be appropriate to not include the provisions. 2. It may not be feasible to fully offset in SDCs, and Portland’s low parking ratios already act as an offset to cost, one that is not offered in many other jurisdictions.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
3	Jeff Bachrach	Transportation Impact Reviews Purpose. Amend 33.852.010 to make explicit the types of development proposals in which the new Transportation Impact Review applies, and clarifies that it does not apply to other development proposals where a “transportation impact analysis” is required.	<i>(Provided by Commissioner Bachrach)</i> 33.852.010 Purpose Transportation Impact Review provides a mechanism to evaluate whether the multimodal transportation system is capable of supporting proposed development, as well as consideration of proportional mitigation measures. The development thresholds that trigger a Transportation Impact Review <u>are limited to development proposals in the campus institutional zone and development proposals in the commercial/mixed use zones that include more than 10 dwelling units</u> can be found in other chapters of this Title.	Staff does not support this amendment because it is inconsistent with the organization and structure of the zoning code. It is a tenant of the zoning code that land use reviews are not assigned in the 800s. The 800s contain the contents (procedure type, approval criteria) of the specific land use reviews themselves. The identification of what development triggers a particular type of review are found in other zoning code chapters. For example, the triggers for a TI review are found in 33.266, Parking and Loading, and in 33.508, Cascade Station/Portland International Center Plan District. 33.852 describes the procedure type and approval criteria for the review.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
4	Jeff Bachrach	Approval Criteria for Transportation Impact Reviews. Amend 33.852.110.B to clarify that the proposed TDM actions will	<i>(Provided by Commissioner Bachrach)</i>	Staff supports this amendment.	<input type="checkbox"/> Yes

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		<u>contribute</u> to the City achieving mode share and vehicle ownership targets, rather than focusing only on the site.	B. Proposed transportation and parking demand management actions <u>are likely to contribute to the City sufficient to achieve achieving</u> the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the site.		<input type="checkbox"/> No Other:
5	Jeff Bachrach	Approval Criteria for Transportation Impact Reviews. Amend 33.852.110.C as indicated in the potential code language (next column).	<i>(Provided by Commissioner Bachrach)</i> C. Adequate measures <u>Measures proportional to the impacts of the proposed development are proposed</u> to mitigate on- and off-site transportation impacts are proposed .	Staff supports this amendment.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
6	Andre Baugh	Drive-Through Facilities. Amend 33.130.260 to the effect of: 1. Prohibit drive-through facilities east of SE/NE 80 th in all C zones, including CE, and do not make existing facilities allowed in this area. 2. Alternatively, prohibit all drive through facilities in C zones citywide.	<i>(Existing text has been reorganized with some modified text. Only entirely new text is underlined.)</i> C. CM1, CM2, and CM3 zones. The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones: 1. <u>Drive-through facilities are prohibited within subarea A on map 130-X; (east of 80th)</u> 2. <u>Within subarea B on map 130-X (west of 80th):</u> a. New drive-through facilities are prohibited; and b. Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded, but adding additional drive-through facilities to the site is not allowed. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If an existing drive-through facility is unused for 3-2 continuous years, reestablishment of the drive-through facility is prohibited. D. CE zone. The following regulations apply to drive-through facilities in the CE zone: 1. Drive-through facilities are prohibited within subarea A shown on map 130-X; <i>(east of 80th)</i> 2. Within subarea B on map 130-X <i>(west of 80th)</i> drive-through facilities are allowed, except that drive-through facilities are not allowed within 25 feet of a lot line that abuts a residential zone. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.	Staff does not recommend the proposed amendments. The new zoning map will significantly reduce the areas where new drive-throughs can be located. It also at least provides some land supply for this type of development. Also, staff were persuaded by testimony that drive-throughs may be needed in areas where compact mixed-use development is not yet economically feasible.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
7	Andre Baugh	Quick Vehicle Servicing Uses and Drive-Through Facilities term of vacancy (CM1, CM2, CM3). Reduce the period in which an existing Quick Vehicle Servicing use or a Drive-Through Facility can be discontinued and reestablished as allowed from 3 years to 2 years.	33.130.100.B.2.d and 33.130.260.C.1: Number change (3-2 continuous years)	Staff does not recommend changing the timeframe to two years. The three-year timeframe proposed by staff is the same as the nonconforming situation timeframes for discontinuance and reestablishment. A two-year timeframe would set a higher standard for these facilities.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:

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8	Katherine Schultz	Height exception for high ceilings. 33.130.210.C.8: It is not clear to me that the 5' additional height can be used on any floor in a building as long as the minimum clearance at the ground floor is met - nor does the commentary address this. I am concerned that BDS will not allow the distribution of add'l height on other floors without the clarity and therefore recommend adding clarification to the commentary and code language to address.		Staff believes that the existing proposed code language provides enough clarity that 5' of additional height applies to the overall height of the building (the code language references all types of height: base height, step-down height, and bonus height). Staff suggests adding the following language to the code commentary: "The additional five feet applies to the overall building height and can distributed in various ways across multiple building levels, as long as the ground floor ceiling height of 15 feet is met."	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
9	Katherine Schultz	Height Exceptions. 33.130.210.c: I would like see stair enclosures not include in the 10% limit of area. If one is taking a stair enclosure to the roof, they are doing so for either life safety reason or to provide rooftop open space access and therefore should be allowed just as elevators are and not be limited in area.	4. Rooftop equipment. In the CM1, CM2, CM3, CE and CX zones, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limits as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades: a. Elevator mechanical equipment <u>and stairway enclosures</u> may extend up to 16 feet above the height limits; and b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limits.	Staff has proposed amended code in response.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
10	Katherine Schultz	Planned Development bonus for large sites – energy efficient buildings requirement. 3.270.200: States that BPS will define what energy standards are met. While I appreciate not directly referencing LEED, just stating BPS will provide standards is quite vague. Have we narrowed in on a solution/proposal yet?		Staff will work with bureau partners and others to develop the standards in 2017. The standards were originally envisioned to emulate the LEED Gold or Earth Advantage type standards. Staff can bring the standards back to PSC for a briefing at the appropriate time.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
11	Katherine Schultz	Stacked Parking. 33.266.100.F: I would like to suggest an amendment to revise the code language to allow Tandem parking in Residential units without an attendant. This is a modification request that we make on just about every residential project and always get approved. We use the tandems for two bedroom units where car keys can be shared to either use either car or move a car out of the way of another.	F. Stacked parking. Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. Automated stacked parking <u>and stacked parking for residential units</u> is exempt from the attendant and guarantee requirements. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.	Staff suggests this amendment to 33.266.100.F, but requests that PSC gives staff discretion for further amendments if alternate or improved code language is warranted to address the intent.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:

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12	Katherine Schultz	Civic Corridor minimum 10' setback. 33.130.215.B.1.C: As stated previously, I am in support of option 3 - Eliminating the required setback and relying on the base zone stds. My fall back choice would be option 2 - to reduce the setback to 5'	Option: a. The minimum setback required from a street lot line adjacent to a Civic Corridor shown on Map 130-1 is 10 feet. a. The minimum setback required from a street lot line adjacent to a Civic Corridor shown on Map 130-1 is 10 5 feet.	Staff supports retaining the 10 foot proposed setback for the reasons described in the August 16, 2016 staff memo to PSC. Staff also provided three additional alternatives for PSC to consider: 1. <u>Require trees in the setback</u> , including within areas hard surfaced for pedestrians. (Code to be developed.) 2. <u>Reduce the required setback</u> along the mapped Civic Corridors to 5 feet. (See potential code language.) 3. <u>Eliminate the required setback</u> and rely on base zone standards for these Civic Corridors. (Delete code section.)	<input type="checkbox"/> Accept <input type="checkbox"/> Reject Other:
13	Chris Smith	Drive Through Access I asked staff to develop language that would require that if a drive through was the only access to a business during certain hours (e.g., Taco Bell at 3am), that the drive through must be accessible to all customers, regardless of mode (i.e., pedestrians and cyclists cannot be excluded). I'd request that staff develop an amendment for this purpose. My policy goal is that any business that is open and operating does not discriminate against customers based on their mode. This language could exempt Quick Vehicle Service (there's no particular value to Jiffy Lube being accessible to someone on a skateboard). But if the only way to access a pharmacy at midnight is by the drive-through window, it has to accept all comers.	<u>33.224.070 Multi-modal Access</u> <u>When a drive-through facility is open and other pedestrian-oriented customer entrances to the business are unavailable or locked, the drive through must serve customers using other modes of travel, including but not limited to pedestrians, bicyclists and skateboards.</u>	Staff suggests the 33.274.070 Multi-modal Access zoning code amendment as a placeholder, but believes that the zoning code is not the ideal Title for such a provision. Staff requests that the PSC allow deletion of 33.224.070 if staff determines that another Title would be the more appropriate location for a provision with similar effect, and can amend that title appropriately.	
14	Chris Smith	Click and Collect I'm not sure that the language around click-and-collect actually says what the commentary suggests. If Fred Meyer had a queuing area (image a Goodwill donation drive-thru), where I drove up and someone dropped a box in my trunk or back seat, that would seem to meet the requirements of "Facilities designed exclusively for the loading of goods or products are non drive-through facilities" even though stacking is involved. The commentary suggests that stacking automatically makes something a drive through. I would suggest that the click-and-collect exclusion should specifically require no stacking.	Drive-Through Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales And Service use. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. <u>Parking spaces used for the picking up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment are not a drive-through facility. Facilities designed for the picking-up or loading of goods or products purchased</u>	Staff proposes the code language in this table to clarify.	

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			<u>from the establishment that include stacking lanes and a service area are a drive-through facility.</u>		
15	Eli Spevak with Maggie Tallmadge	<p><i>(Provided by Commissioners Spevak and Tallmadge)</i></p> <p>Amendments to the Staff Report: Affordable Commercial Bonus</p> <p>P. 33 Affordable Commercial Space: Earn up to 50% of bonus floor area when commercial space is provided at below-market rents <u>to qualifying businesses</u>. Two square feet is earned for each square foot provided.</p> <p>P. 47: Administration: The Portland Development Commission, or other appointed agency, <u>with involvement by representatives of the Planning and Sustainability Commission, Equitable Contracting & Purchasing Commission, affected communities and representatives of historically disadvantaged businesses,</u> would establish a program to evaluate development projects, issue a certificate of compliance to an applicant that has enrolled in the program, determine business eligibility for the enrolled space, and institute a mechanism to track and ensure affordability <u>and other compliance requirements</u> over time.</p> <p><u>All members of the advisory commission shall be selected to reflect the racial, ethnic, and economic diversity of experience and backgrounds important for successful implementation of this policy. Commission members shall each have a strong interest in addressing economic and racial inequality and local economic development. The advisory commission shall include individual members that have significant demonstrated expertise in the following fields:</u></p> <ul style="list-style-type: none"> A. <u>Local business or economic development</u> B. <u>Promotion of civil rights or racial equality;</u> C. <u>Job training experience with minority and women workers or contracting experience with minority and women owned businesses; and</u> <p>P. 48: Develop program details including: types of qualifying businesses; income or other qualifying requirements of applicants; <u>and penalties for non-compliance or fraud.</u> Determine whether and in lieu fee directed at an affordable commercial space fund is a practical approach.</p> <p><u>The policy shall at a minimum include discrete annual metrics related to people of color, women and other historically</u></p>		<p>If the PSC supports this proposed approach to defining the rules for the affordable commercial space bonus program, staff will amend the staff report accordingly. Staff also recommends this be mentioned in the PSC transmittal.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Other:</p>

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		<p><u>disadvantaged groups as identified by the responsible agencies and advisory commission including: (i) total hours and wages worked for each group; (ii) the total value and percentage of work completed by companies owned by DBE; and (iii) total funding spent on job training, apprenticeships and contractor support to support DBEs. Data should be disaggregated by race, ethnicity and gender. The policy shall also include measures for annually evaluating, enforcing and publicly reporting on measures taken to promote workforce, contractor and business diversity, updated goals and strategies for promoting workforce and business diversity, and the identification of any new and additional measures needed to achieve the workforce and business diversity goals of this policy.</u></p> <p><u>The advisory commission and responsible agencies shall similarly post the commission's membership, meeting agendas, meeting notes, applications, and policy statements.</u></p>			
16	Eli Spevak with Maggie Tallmadge	<p><i>(Provided by Commissioners Spevak and Tallmadge)</i></p> <p>COMMENTARY 33.130.212.D. Affordable commercial space bonus</p> <p>Affordable commercial space was identified in the new Comprehensive Plan as an important part of centers and corridors, responding to community interest in minimizing commercial displacement and providing opportunities for a variety of neighborhood businesses and services. The details of the implementation of this bonus will be subject to further discussions with the Portland Development Commission and others, <u>including representation from the PSC, Equitable Contracting & Purchasing Commission, and affected communities and DBEs.</u> Additional detail on bonus option requirements will be included in administrative rules, including requirements for the term of affordability (preliminary concept is that the affordability period will be <u>20 years</u>), required levels of affordability, tenanting requirements <u>to ensure rent reductions achieve policy objectives</u>, and other administrative and enforcement details. See Section V (Implementation Tools) for more information on administrative rules for this bonus and next steps that will be necessary before it can be implemented.</p>	<p><i>(Provided by Commissioners Spevak and Tallmadge)</i></p> <p>33.130.212.D.1 Affordable commercial space bonus.</p> <p>A long term leasing agreement with Portland Development Commission must be executed. The leasing agreement must ensure that the commercial space will be rented for 25 percent less than prevailing market rates <u>to qualified locally owned businesses that hire diverse and local workforces or to Disadvantaged Business Enterprises (DBEs).</u></p>	<p>Staff generally supports the commentary.</p> <p>The zoning code language may be too specific and not appropriate for the zoning code. If PSC wishes to include something, staff recommends the following: the leasing agreement must ensure that the commercial space will be rented for 25 percent less than prevailing market rates <u>to qualified businesses that meet program requirements.</u></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Other:</p>
17	Eli Spevak with Maggie Tallmadge	<p><i>(Provided by Commissioners Spevak and Tallmadge)</i></p> <p><u>LANGUAGE FOR PSC TRANSMITTAL LETTER TO CITY COUNCIL</u></p> <p>"Creating a mechanism to support affordable commercial spaces within our mixed use zones is an important nut to</p>		<p>The transmittal language is proposed by Commissioners for inclusion in a letter to City Council. Staff will work with PSC to craft a letter that conveys PSC's intent and direction on this topic.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Other:</p>

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		<p>crack. Reduced rents for commercial space is a <i>means</i>, not an <i>end</i> – and it’s unfortunate that the PSC is being asked to support code language where the policy objectives to be achieved have yet to be clearly articulated. This will require staff time, which seems unlikely to materialize until early 2017. Given the newness of such a program, lack of clarity about intended policy outcomes to be achieved through commercial space rent reductions, lack understanding about how such programs have played out in other cities, and the down-side risk that FAR bonuses might not, in fact, achieve their intended policy objectives, we were hesitant to recommend approval of this code provision in its current form.</p> <p>However, we believe this concept holds promise, so we encourage the city to dedicate staff time at PDC and/or BPS to craft a FAR bonus and associated compliance/monitoring program over the next 8 months for commercial spaces in service of some combination of the following policy objectives:</p> <ul style="list-style-type: none"> • Supporting local businesses that hire diverse and local workforces • Supporting historically disadvantaged businesses; • Supporting long-standing community businesses to stay in their neighborhood; and • Helping new locally owned <u>historically disadvantaged</u> businesses get started. <p>PSC should be represented on the working group that gets assembled to clarify policy goals and craft program details. We also recommend participation from the Equitable Contracting and Procurement Commission, <u>affected historically underserved communities and historically disadvantaged businesses.</u>”</p>			
18	Maggie Tallmadge	I'm interested in the cumulative impacts of design code changes, particularly where this may bite into feasible affordable unit inclusion rates. This will affect my final vote on design amendments.		The MUZ project and associated design overlays will go into effect in 2018. During 2016-17, the Design Overlay Zone Assessment (DOZA) project will explore what is working or not working with design review in Portland. Areas of design overlay zone added thru MUZ could be reevaluated for appropriate Design Review levels and procedures for at the conclusion of that effort.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
19	Maggie Tallmadge	<p>Increase the amount of residential open area space to at least 54 sq.ft. in eastern pattern areas.</p> <p>Rationale: Require additional residential open space for land values are cheaper and access to open space is limited.</p>	<p>33.130.228 Required Outdoor Areas</p> <p>B. Requirements.</p> <p>1. Amount required:</p> <p>a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;</p>	Staff does not recommend this amendment. The development impacts of additional required outdoor area have not been modeled. In addition, 54 sq. ft. per unit would exceed the open area requirement in lower-density residential zones.	

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			<p>b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site;</p> <p>c. <u>For sites in Eastern Pattern areas shown on Map 130-2, at least 54 square feet of outdoor area is required for each dwelling unit on the site regardless of site size.</u></p>	However, the proposed lot coverage and landscaping requirements for Eastern Pattern areas should provide some additional on-site opportunities for outdoor areas.	
20	Maggie Tallmadge	<p>Strike Alternative or post incarceration facilities as conditional uses. Make allowed by right.</p> <p>Rationale: Why are Alternative or post incarceration facilities uses limited? I'd rather not limit the location of these facilities, which could unintentionally inhibit recovery or increase recidivism or economic/racial segregation. Evaluate any negative impacts of conditional use of these group living arrangements city wide.</p>	<p>33.130.100.B Primary Uses</p> <p>B. Limited uses. Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.</p> <p>1. Group Living. This regulation applies to all parts of Table 130-1 that have a [1].</p> <p>a. General regulations. All Group Living uses, except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.</p> <p>b. Alternative or post incarceration facilities. Group Living uses that consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.</p> <p><u>Amend Table 130-1</u></p>	The proposed change is a big change to citywide code that has not been explicitly discussed in the MUZ process. To make this amendment and conform to expectations for community involvement, it is appropriate that it be considered in a separate follow up project.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
21	Maggie Tallmadge	<p>Require notification to community based organizations serving communities of color and low-income communities.</p> <p><i>(Provided by Commissioner Tallmadge)</i></p> <p><u>LANGUAGE FOR PSC TRANSMITTAL LETTER TO CITY COUNCIL</u></p> <p>33.130.050 Neighborhood Contact A significant amount of new housing, commercial and other development is anticipated in the mixed use zones. Because of the allowed scale and magnitude of many new developments, community members have raised</p>	<p><i>(Provided by Commissioner Tallmadge)</i></p> <p>33.130.050 Neighborhood Contact</p> <p>A. Purpose. Neighborhood contact is required for larger projects in the commercial/mixed use zones because of the impacts that large projects can have on the surrounding community. The neighborhood contact requirement provides an opportunity for community input on the design <u>or inclusion rate of affordable units</u> of these projects by providing a setting for the applicant</p>	<p>The transmittal language is proposed for inclusion in a letter to City Council. Staff will work with PSC to craft a letter that conveys PSC's intent and direction on this topic.</p> <p>Staff supports the purpose of this proposed change, but recommends holding off on this amendment. The public notice process in the Zoning Code needs updating with provisions such as this and more. We believe this is best done as part of a separate project.</p> <p>Also, without a more comprehensive look we run the risk of</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:

Commissioner Proposed Amendments

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		<p>concerns about the need for better notification of new development in the C/MU zones and the desirability of providing opportunities for dialogue between developers and the community, <u>including neighborhood associations and community based organizations serving low-income communities and communities of color</u>. Many plan districts and most multi-dwelling zone residential developments require neighborhood contact, but this is lacking in C/MU zones. This provision adds the requirement to larger development projects in this zone. BPS staff have received comments relating to concerns about the effectiveness of the existing contact requirement process (33.700.025) from internal and external stakeholders. BPS may pursue an update of this provision as part of implementation of the Comprehensive Plan Update. Draft code language is similar to existing language in Chapter 33.120. It utilizes the same dwelling unit threshold (5 units) as applies in the multi-dwelling zones, but also includes a 10,000 square foot threshold (new net building area) to include larger nonresidential projects.</p>	<p>and neighborhood residents <u>and community based organizations serving low-income communities</u> to discuss a proposal in an informal manner. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts.</p> <p>B. Neighborhood contact requirement. Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in Section 33.700.025, Neighborhood Contact. All of the steps in 33.700.025 must be completed before a building permit is requested:</p> <ol style="list-style-type: none"> 1. The proposed development has not been subject to a land use review; and 2. The proposed development will add at least 10,000 square feet of net building area on the site, or will create five or more new dwelling units. Dwelling units are created: <ol style="list-style-type: none"> a. As part of new development; b. By adding net building area to existing development that increases the number of dwelling units; or c. By conversion of existing net building area from non-residential to residential uses. <p>33.700.025 Neighborhood Contact</p> <p>A. Purpose. The Neighborhood Contact process provides a setting for an applicant and neighborhood residents <u>and community based organizations serving low-income communities of color</u> to discuss a proposal in an informal manner. By sharing information and concerns early in the quasi-judicial or permit process, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts before the proposal has progressed far into the quasi-judicial or permit process.</p> <p>Where the proposal is for a land division, the focus of the meeting should be on the proposed configuration of lots, tracts, and streets. Where the proposal involves design review or historic resource review, the focus of the meeting should be the design of the proposal and not whether the proposal will be built. Where the proposal is for a use or development that is allowed by</p>	<p>introducing provisions that are inconsistent with other parts of the code or that may be difficult to implement. For instance, BDS will need a way that applicants can document that they have reached the appropriate organizations serving low-income communities. This may not be clear for an individual project.</p>	

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			<p>the zoning, the focus of the meeting should be on the proposal and not on whether it will be built. The discussion at the meeting is advisory only and is not binding on the applicant.</p> <p>B. When Neighborhood Contact is required. Neighborhood Contact is required before applying for certain building permits or land use reviews, as specified in this Title. Applicants may also choose to follow the process voluntarily when it is not required.</p> <p>C. Requirements. The requirements for Neighborhood Contact are:</p> <ol style="list-style-type: none">1. The applicant must contact the neighborhood association for the area <u>and major community based organizations (CBOs) serving low income communities of color (these can be accessed through City of Portland's Office of Neighborhood Involvement) organizations participating in ONI's Diversity and Civic Leadership Program</u>, by registered or certified mail, to request a meeting. A copy of this request must also be sent by registered or certified mail to the district neighborhood coalition. Meeting request forms are available at the Development Services Center. Applicants are encouraged to include conceptual site plans, building elevations, <u>affordable housing inclusion rate</u> and any other information that supports their proposal. The request letter must summarize the proposed development, the purpose of the meeting, and describe the following timelines.<p>The neighborhood association <u>and CBOs</u> should reply to the applicant within 14 days and hold a meeting within 45 days of the date of mailing the request. If the neighborhood association <u>and CBOs do</u> does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may request a land use review or building permit without further delay. If the neighborhood <u>and CBOs</u> requests the meeting within the time frame, the applicant must attend the meeting. The applicant may attend additional meetings on a voluntary basis. The neighborhood <u>and CBOs</u> may schedule the meeting with its board, the general membership, or a committee.</p>		

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			<div><div>2.</div><div>After the meeting and before applying for the land use review or building permit, the applicant must send a letter by registered or certified mail, to the neighborhood association and district neighborhood coalition <u>and</u> CBOs. The letter will explain changes, if any, the applicant is making to the proposal.</div></div> <div><div>3.</div><div>Copies of letters required by this subsection, and registered or certified mail receipts, must be submitted with the application for land use review or building permit.</div></div> <div><div>4.</div><div>The application must be submitted within one year from the date of sending the initial letter required in paragraph C.1., or the neighborhood contact process must be restarted.</div></div>		

Staff Proposed Amendments

3. Proposed amendments from staff that are generally technical.

Staff has proposed several technical or clarifying amendments. These are listed in the table below.

Recommendation: Staff recommends that Planning and Sustainability Commission accepts all the amendments proposed in the table below

Item	Code Section	Requested Amendment/Issue	Potential Code Language	Staff Comments	Decision
1	33.130.230.B.1	Ground Floor Window Standard. Amend this standard so that structured parking entrances would not be included in the calculation of ground floor wall area. Openings in the walls of structured parking would continue to be included in the calculation of total ground floor wall area.	a. Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include <u>openings in the walls of structured parking entrances and openings</u> . See Figure 130-10.	BDS staff raised the issue that treating structured parking entrances as “wall area” makes it difficult to approve purely residential buildings with structured parking. This is because the walls of residential units are regulated differently than other ground floor wall areas. A structured parking entrance on a multi-dwelling building would be subject to the non-residential window coverage requirement (40% on a primary frontage), which a garage entrance cannot be used to meet.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
2	33.854.330.C	Planned Development Review – Commercial Uses in Residential Zones. Amend to assign the regulations of the CR zone (instead of CM1) to proposals for commercial uses in Residential zones	C. The proposed commercial development and uses must be consistent with the purpose and regulations of the CR CM1 zone.	The regulations of new CR zone are most appropriate for proposals for commercial uses in residential zones, since this zone was created for dispersed locations in residential areas.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
3	Table 852-1	Procedure Type for Design Review Procedures. Delete the row with the following content: C zones / Development proposals / In design overlay zones / Type II <i>(added by staff to the Amended Proposed Draft)</i>	Deletion	Staff added this to assign Type II design review (staff administered) to areas where the d-overly is being applied as part of the MUZ project. However, this creates unintended consequences for other C-zoned properties. The assignment of design review procedures is being addressed in the Proposed Draft of the Mass Shelter and Housing Zoning Code Update, and will be the subject of more focused consideration as part of the DOZA project.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:
4	33.130.245.B 33.130.215.D 33.415.350 33.930.050.A.3	Various technical edits: 1. Correct subparagraph number typo. 2. Edit text for clarity. 3. Edit text to be consistent with a similar regulation in Chapter 33.130. 4. Measuring building height in the commercial/mixed use zones: amend text for clarity, including clarification that the base point for height measurement is the sidewalk adjacent to the site (code language in next column	Various technical edits: 1. Edit subparagraph numbering (two subparagraphs are numbered “2”) 2. Residential-B Buildings <u>with all floor area in a Residential use</u> are exempt from this standard. 3. B. Entrance frequency. On transit streets, at least one entrance is required for every 100 feet of building length for <u>portions of buildings subject to located within</u> the maximum street setback. 4. <i>(Code language below is shown without strikethroughs/underlines, as it has been substantially rearranged.)</i> 3. In the commercial/mixed use zones, when any portion of a building is within 20 feet of a street lot line the following base points apply. For all other buildings, or if no sidewalk exists or is proposed within 25 feet of the	These edits are technical in nature and do not involve substantive change.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other:

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			building, height is measured using the base points described in Paragraphs A.1. and A.2.: a. The base point from which the height of the building is measured is the highest elevation of the sidewalk area located adjacent to the site within 25 feet of the building if the highest elevation within the sidewalk area is not more than 10 feet above the lowest elevation within the area. b. The base point from which the height of the building is measured is a point 10 feet above the lowest elevation of the sidewalk area located adjacent to the site within 25 feet of the building if the highest elevation within the sidewalk area is more than 10 feet higher than the lowest elevation within the area.		
5	Page 91 33.930.050.A.3, graphics	<u>Revisions and additional graphics:</u> 1. Development standards example illustration: modify graphic to reflect deletion of front step down regulations. 2. Measuring building height in the commercial/mixed use zones: add new graphics to illustrate and help clarify building height measurement in the C/MU zones.	Graphics, no code language.	Staff is requesting PSC to direct staff to create new or modified Zoning Code graphics. These will help clarify the regulations and do not involve any substantive change to the code text.	<input type="checkbox"/> Yes <input type="checkbox"/> No Other: