

## EXHIBIT A

### Further Findings of Fact – Comprehensive Plan Implementation Ordinance

#### Glossary of Terms and Acronyms

Unless the context clearly dictates otherwise, the following terms have the following meanings in these findings of fact:

“BLI” means buildable lands inventory. This inventory consists of 51 maps adopted by Ordinance 185657 (October 3, 2012), with several maps updated and supplemented with Ordinance 187831 (June 15, 2016). The resulting 54 summary maps are accompanied by estimates of how many new housing units and how many new jobs can be accommodated on these lands given the land use designations on the existing *Comprehensive Plan Map* and the *2035 Comprehensive Plan Map*.

“BPS” means the Director of the Bureau of Planning and Sustainability, or City officials acting under the Director’s instruction.

“CIC” means the Community Involvement Committee as appointed by the Mayor and confirmed in their appointments by the City Council.

“City” means, depending on context, either the City of Portland, Oregon as a place, or officials acting under direction of the City Council.

“City Council” means the elected Mayor and Commissioners acting as the governing body of the City.

“DLCD” means the Director of the Oregon Department of Land Conservation and Development, or state officials acting under the Director’s instruction.

“EOA” means the *Economic Opportunity Analysis* adopted by the City Council with Ordinance 187831 (June 15, 2016).

“Goal” means a Statewide Planning Goal adopted by the LCDC.

“HNA” means the *Housing Needs Analysis* adopted by Ordinance 185657 (October 3, 2012).

“LCDC” means the Oregon Land Conservation and Development Commission.

“Metro” means the Metro Council, the elected governing body of the Metropolitan Service District, a service district formed pursuant to ORS Chapter 268. All urban and urbanizable lands with the City of Portland are within the service district boundaries.



“NRI” means the natural resource inventory and maps adopted by Ordinance 185657 (October 3, 2012). These depict the locations of various natural resources, describe their quantity and quality, and determine their significance.

“OHP” means the *Oregon Highway Plan* adopted by Oregon Transportation Commission.

“PSC” means the members of the City’s Planning and Sustainability Commission who are appointed by the Mayor and confirmed by the City Council.

“RTP” means the *Regional Transportation Plan* adopted by Metro.

“Rule” means an administrative rule adopted by the LCDC.

“TPR” means a particular rule, the *Transportation Planning Rule*, adopted by LCDC.

“UGMFP” means the *Urban Growth Management Functional Plan* adopted by Metro.

## **Summary of Periodic Review Progress to Date**

Portland’s *Comprehensive Plan* is being updated within the structure of a mandated State of Oregon process called “periodic review.”

The City undertook a self-evaluation and determined updates were warranted for all three parts of the *Comprehensive Plan*: the policies, the map and the list of significant projects. The City Council adopted Resolution 36626 on August 6, 2008 which forwarded a proposed periodic review work program to the DLCD. The department approved the City’s work program with minor modifications on September 30, 2009.

The City’s work program is organized into the following five tasks:

- Task I, Community Involvement
- Task II, Inventory and Analysis
- Task III, Consideration of Alternatives
- Task IV, Policy Choices
- Task V, Implementation

The summary below is organized in chronological order. This organization reflects the interrelated nature of the work products, and the fact that work products were sometimes updated or expanded in the next sequential task.



## Task I of Periodic Review Obligations

Task I required appointment of a dedicated CIC for periodic review. Members were nominated by the Mayor and confirmed by the City Council (Task I, Subtask A). The appointment of the CIC was approved by DLCD Order 001792 on August 5, 2010. City Council Ordinance 184047 adopted a Community Involvement Program (Task I, Subtask B) that was approved by DLCD Order 001798 on January 5, 2011. Under Task I, the CIC has a continuing obligation to help “ensure meaningful, timely, and sufficient community participation in all phases on plan update.” The CIC is charged with submitting a report to the City Council as each periodic review task is proposed for adoption.

The CIC was established as a temporary committee charged with ensuring citizen participation during periodic review. The CIC has completed its obligation by completing reports covering each of the periodic review tasks (Task I, Subtask C) and by recommending beneficial changes to the *Comprehensive Plan* and *Zoning Code* (Task I, Subtask D). The City Council accepted a CIC report for periodic review Tasks III and IV with companion ordinance adopted the same day as this ordinance.

With the adoption of the new *2035 Comprehensive Plan*, a new CIC will be established as a permanent standing committee with oversight for the community involvement components of all programs of the BPS. The PSC will retain oversight of all other of the program components of implementing the *2035 Comprehensive Plan*.

## Task II of Periodic Review Obligations

Task II of the City’s periodic review work program required the City to adopt “at least the following” work products by ordinance and submit them to LCDC:

- Inventory Map of Buildable Residential Lands
- Inventory Map of Buildable Employment Lands
- Inventory Map of Significant Natural Resources
- Inventory Map of Hazards
- Housing Needs Analysis
- Economic Opportunities Analysis
- Estimate of Remaining Housing Capacity
- Estimate of Remaining Employment Capacity

The City Council fulfilled all of these Task II obligations on October 3, 2012, by adopting Ordinance 185657 that adopted the following reports and maps as official supporting documents for the *Comprehensive Plan*:

**Economic Opportunity Analysis (EOA)** in four documents:

*Economic Opportunities Analysis Section 1: Trends, Opportunities and Market Factors* – updated version as recommended by the PSC on June 12, 2012 as amended by Council



*Economic Opportunities Analysis Section 1, Appendix C, Harbor Lands Report* – updated version as recommended by the PSC on June 12, 2012 as amended by Council

*Economic Opportunities Analysis Sections 2/3: Supply and Demand* – updated version as recommended by the PSC on June 12, 2012 as amended by Council

*Economic Opportunities Analysis Section 4: Alternative Choices* – updated version as recommended by the PSC on June 12, 2012 as amended by Council

**Housing Needs Analysis (HNA) in five documents:**

*Housing and Transportation Cost Study* – version as recommended by the PSC in December 2010

*Updates on Key Housing Supply and Affordability Trends* – version as recommended by the PSC on July 12, 2011

*Housing Supply* – version as recommended by the PSC on July 12, 2011

*Housing Affordability* – version as recommended by the PSC on July 12, 2011

*Housing Demand and Supply Projections* – version as recommended by the PSC on July 12, 2011

**Infrastructure Condition and Capacity Analysis in one document:**

*Infrastructure Condition and Capacity* – version as recommended by the PSC on July 10, 2012

**Natural Resource Inventory (NRI) Report in two documents:**

*Natural Resource Inventory* – version as recommended by the PSC on July 10, 2012

*Natural Resource Inventory Update* – version as recommended by the PSC on July 10, 2012

**Buildable Lands Inventory (BLI) Report in four documents:**

*Buildable Lands Inventory Report, Summary of Future Development Capacity* – as recommended by the PSC on June 12, 2012 as amended by Council

*Buildable Lands Inventory Report, Appendix A, City of Portland Development Capacity Analysis, Development Capacity GIS model* – updated version as recommended by the PSC on June 12, 2012



*Buildable Lands Inventory Report, Appendix B, Central City Development Capacity Study* – updated version as recommended by the PSC on June 12, 2012

*Buildable Lands Inventory Report, Appendix C, Constraint Maps and Model Assumptions* – updated version as recommended by the PSC on June 12, 2012

### **BLI Maps**

Fifty-one (51) maps divided into the categories of “Constraints,” “Hazards,” “Natural Resources,” and “Infrastructure” – versions as recommended by the PSC on July 10, 2012.

After the City submitted Task II for State approval, but before the LCDC made a final decision, there were two significant changes in circumstances. First, the Port of Portland withdrew its application to annex West Hayden Island to the City of Portland, a portion of which the Port proposed to develop with a new marine industrial terminal. The Port’s action prompted the City to reevaluate both the harbor-related industrial land need and supply described in the EOA. Second, Metro adopted an employment forecast and jobs allocation lower than the draft Metro allocation and forecast the City relied upon to prepare its original EOA. This final forecast allocated to Portland the responsibility for creating approximately 123,000 new housing units and 142,000 new jobs<sup>1</sup>.

### City Task II Work Withdrawn from Consideration

Because of these two changes in circumstances, the City withdrew the following documents from state consideration:

*Economic Opportunities Analysis Section 1: Trends, Opportunities and Market Factors* – updated version as recommended by the PSC on June 12, 2012 as amended by Council

*Economic Opportunities Analysis Section 1, Appendix C, Harbor Lands Report* – updated version as recommended by the PSC on June 12, 2012 as amended by Council

*Economic Opportunities Analysis Section 2/3: Supply and Demand* – updated version as recommended by the PSC on June 12, 2012 as amended by Council

*Economic Opportunities Analysis Section 4: Alternative Choices* – updated version as recommended by the PSC on June 12, 2012 as amended by Council

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<sup>1</sup> Metro Council Ordinance 12-1292A, November 29, 2012. These totals include Portland’s growth allocation, and the allocation to the unincorporated portions of Multnomah, Washington, and Clackamas Counties that are within Portland’s Urban Services Boundary (the planning area for the *2035 Comprehensive Plan*). The forecast was rounded up to the nearest thousand to facilitate clearer communication and analysis.



## City Work Acknowledged as Meeting Task II

The LCDC approved all of the City's Task II submittal, except for the five withdrawn documents, on May 23, 2014 by Order 001850. The approved maps, reports, and documents, through operation of OAR 660-025-0160(8), became acknowledged supporting documents for the *2035 Comprehensive Plan*. LCDC Order 001850 also transferred the EOA requirement from periodic review Task II, Subtask D, to Task III, Subtask D, and required the City to recognize the forecast and allocation adopted by the Metro Council on November 29, 2012.

## Compliance Status Summary of Portland's Periodic Review Work Program

The following is a summary of the City's periodic review compliance status.

Task I, Subtask A	Community Involvement Committee, approved by LCDC Order 001792 on August 5, 2010
Task I, Subtask B	Community Involvement Program, approved by LCDC Order 001789 on January 5, 2011
Task II, Subtask A	Characterization of Existing Land Supply, approved by LCDC Order 001850 on May 23, 2014
Task II, Subtask B	Estimate of Remaining Housing Potential, approved by LCDC Order 001850 on May 23, 2014
Task II, Subtask C	Coordination of Housing Forecast with Metro, approved by LCDC Order 001850 on May 23, 2014
Task II, Subtask E	Identification of Housing Needs, approved by LCDC Order 001850 on May 23, 2014

## Periodic Review Products Adopted by Ordinance 187831 on June 15, 2016

The products adopted by Ordinance 187831 are listed below, and became effective on July 15, 2016. They have not been reviewed by the DLCD or LCDC pursuant to the procedures described in OAR Division 660, Chapter 25, so they are not yet acknowledged to comply with the Statewide Planning Goals. They include:

Task I, Subtask C	<i>Community Involvement Report</i> , Exhibit B of Ordinance 187831, evaluating the involvement leading up to the adoption of periodic review products for both Tasks III and IV.
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Task II, Subtask A	Four revised BLI supporting maps, Exhibits D, E, H and I of Ordinance 187831.
Task II, Subtask D	Two Revised Residential BLI Summary Maps, Exhibits F and G of Ordinance 187831, and a Revised Estimate of Remaining Housing Potential supported by the methods described in Exhibit J of Ordinance 187831.
Task III, Subtask A	Evaluation Criteria for Alternatives Analysis, which is part of the <i>Growth Scenarios Report</i> , Exhibit K of Ordinance 187831.
Task III, Subtask B	Thematic Alternatives Analysis, which is part of the <i>Growth Scenarios Report</i> , Exhibit K of Ordinance 187831.
Task III, Subtask C	Detailed Alternatives Analysis, which is part of the <i>Growth Scenarios Report</i> , Exhibit K of Ordinance 187831.
Task III, Subtask D	Revised <i>EOA</i> , Revised Employment BLI Summary Map, Exhibit C of Ordinance 198783, and Revised Estimate of Remaining Employment potential, Exhibits L1, L2, L3, and L4 of Ordinance 187831.
Task IV, Subtask D, Part 1.	<i>Citywide Systems Plan</i> (except for transportation), Exhibit M of Ordinance 187831.

#### Periodic Review Products Adopted by Ordinance 187832 on June 15, 2016

The products adopted by Ordinance 187832 are listed below and will become effective on January 1, 2018. They have not been reviewed by the DLCD or LCDC pursuant to the procedures described in OAR Division 660, Chapter 25, so they are not yet acknowledged to comply with the Statewide Planning Goals. They include:

Task IV, Subtask A	<i>2035 Comprehensive Plan Map</i> , Exhibit C of Ordinance 187832.
Task IV, Subtask B	Goals and policies comprising the economic element of the <i>2035 Comprehensive Plan</i> , Exhibits B and C of Ordinance 187832, Chapter 6.
Task IV, Subtask C	Goals and policies comprising the housing element of <i>the 2035 Comprehensive Plan</i> , Exhibits B and C of Ordinance 187832, Chapter 5.
Task IV, Subtask D, Parts 2-5	List of water, sewer and drainage projects necessary to support the <i>2035 Comprehensive Plan</i> , Exhibit B of Ordinance 187832, Chapter 8, and



*List of Significant Projects.*

Policy addressing Portland International Airport expansion, Exhibit B of Ordinance 187832, Chapter 9.

Policy addressing Portland Heliport, Exhibit B of Ordinance 187832, Chapter 9.

Coordination with school facilities plans, Exhibit B of Ordinance 187832, Chapter 8 and 10.

Task IV, Subtask E, Parts 1-3, Goals and policies of the *Transportation System Plan*, Exhibit B of Ordinance 187832, Chapters 3, 8 and 9.

Modal preferences or mode split targets, level of service standards, including possible alternatives, Exhibit B Ordinance 187832, Chapter 9.

List of transportation projects necessary to support the 2035 *Comprehensive Plan* and conform *City Transportation System Plan* to the *Regional Transportation System Plan*, Exhibits C, D and E of Ordinance 187832.

Periodic Review Products Adopted by this Ordinance

This ordinance completes the City's periodic review work program in two ways: (1) by adopting Zoning Map and Zoning Code amendments to implement the 2035 *Comprehensive Plan*; and (2) by adopting minor revisions, updates, and corrections to previous periodic review work tasks. Specifically, in this ordinance the Portland City Council adopts the following products for each of following periodic review work program requirements:

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|--------------------|--|
| Task I, Subtask C  | Community Involvement Committee review of Task V, Exhibit I of this ordinance.   |
| Task I, Subtask D  | Revised Community Involvement Program and related amendment to Title 3 of the City Code, Exhibit H of this ordinance.  |
| Task IV, Subtask A | Revision to the <i>Comprehensive Plan Map</i> depicting Major Public Trails, Exhibit H of this ordinance.  |
| Task IV, Subtask B | Minor revisions to <i>Comprehensive Plan</i> policy to limit mixed use development within employment areas and correcting errors and omissions, Exhibit C of this ordinance. |



- Task IV, Subtask E     *Transportation System Plan* policies, revised to include policy objectives, and amendments to Title 17 of the City Code, Exhibit F of this ordinance.
- Task V                     Implementation Measures.
- Amendments to the base zones of the *Zoning Map*, Exhibit D1 of this ordinance.
- Amendment to the *Zoning Map* adding an “l” overlay zone, Exhibit D2 of this ordinance.
- Amendment to the *Zoning Map* adding an “m” overlay zone, Exhibit D3 of this ordinance.
- Amendment to the *Zoning Map* removing the “b” overlay zone, Exhibit D4 of this ordinance.
- Amendment to the *Zoning Map* adjusting the application of the “d” overlay zone, Exhibit D5 of this ordinance.
- Amendment to the *Zoning Map* adjusting the application of the “a” overlay zone, Exhibit D6 of this ordinance.
- Amendment to the *Zoning Map* removing the “j” and “m” overlay zones, Exhibit D7 of this ordinance.
- Amendment to the *Zoning Map* establishing new plan district boundaries and adjusting the boundaries of existing plan districts, Exhibit D8 of this ordinance.
- Amendment to the *Zoning Map* adding Major Public Trails, Exhibit D9 of this ordinance.
- Amendments to Title 33 of the *Portland City Code*, Planning and Zoning (the *Zoning Code*), Exhibit E of this ordinance.
- Report on Mixed Use Zone Amendments, Exhibit J of this ordinance.
- Report on Residential and Open Space Zone Amendments, Exhibit K of this ordinance.
- Report on Employment Zone Amendments, Exhibit L of this ordinance.



Report on Campus Institutional Zone Amendments, Exhibit M of this ordinance.

Report on Miscellaneous Zone Amendments, Exhibit N of this ordinance.

Adoption of these products completes the City's obligations under its periodic review work program.

## **Findings of Fact**

These findings rely on evidence in the record before the Portland City Council and explain why the decisions made by the Council comply with three different sets of criteria: Statewide Planning Goals, Metro's *Urban Growth Management Functional Plan* (UGMFP) and *Regional Transportation Functional Plan* (RTPFP), and the policies of Portland's new *2035 Comprehensive Plan*.

These findings are for Task V of periodic review. Since periodic review is a process through which present decisions are supported by the decisions made in the preceding tasks, these findings focus on those facts and reasons particular to Task V. A full demonstration of compliance would also rely on materials adopted by Ordinances 184047, 185657, 187831, and 187832. The findings adopted by this ordinance occasionally make reference to, and in some cases repeat, those earlier findings. The general approach of the findings adopted by this ordinance is to describe evidence that is unique to Task V, or was not described by the earlier findings, and to respond to testimony presented to the City Council during consideration of this specific ordinance.

### **Statewide Planning Goal Findings**

The Statewide Planning Goals addressing citizen involvement and coordination apply to all periodic review tasks. Many of the other goals focus on the assembly of information, proper analysis, and policy decisions. These topics and actions were the subjects of Tasks II, III, and IV of periodic review and were adopted by Ordinances 185657, 187831, and 187832. This ordinance addresses Task V, the final step in periodic review, which requires adoption of implementing measures sufficient to carry out the policy decisions made in Task IV. The findings adopted by Ordinance 187832 explain how the adopted policy decisions comply with the Statewide Planning Goals and are not repeated here. Certain provisions of the Statewide Planning Goals address the adoption of implementing measures, and they are addressed below.



### Statewide Planning Goals that Apply to Portland

The Statewide Planning Goals that apply to Portland are:

- Goal 1, Citizen Involvement
- Goal 2, Land Use Planning
- Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6, Air, Water and Land Resource Quality
- Goal 7, Areas Subject to Natural Hazards
- Goal 8, Recreational Needs
- Goal 9, Economic Development
- Goal 10, Housing
- Goal 11, Public Facilities and Services
- Goal 12, Transportation
- Goal 13, Energy Conservation
- Goal 14, Urbanization
- Goal 15, Willamette River Greenway

### Statewide Planning Goals that no longer Apply to Portland

There are approximately 560 acres of land both within Portland's municipal boundaries and beyond the regional urban growth boundary that can be classified as rural land. In 1991, as part of Ordinance 164517, the City Council took an exception to Goal 3 and 4, the agriculture and forestry goals, in the manner described and authorized by state law and Goal 2. As a result of the acknowledged exception, the following goals do not apply:

- Goal 3, Agricultural Lands
- Goal 4, Forest Lands

### Statewide Planning Goals that do not apply to Portland

Other Statewide Planning Goals apply only within Oregon's coastal zone. The Statewide Planning Goal Glossary defines "Coast Zone" as "The area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of the state's jurisdiction, and in the east by the crest of the coastal mountain range, with the exception of: (a ) The Umpqua River basin, where the coastal zone shall extend to Scottsburg; (b) The Rogue River basin, where the coastal zone shall extend to Agness; (c) The Columbia River basin, where the coastal zone shall extend to the downstream end of Puget Island. (Formerly ORS191.110)." Since Portland is not within Oregon's coastal zone, the following goals do not apply to this decision:

- Goal 16, Estuarine Resources
- Goal 17, Coastal Shorelands
- Goal 18, Beaches and Dunes
- Goal 19, Ocean Resources



## **Statewide Planning Goal 1 Findings**

***Goal 1. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

Goal 1 applies to all legislative land use decisions. Administrative rules under Goal 1 further require cities to:

- Designate a committee for citizen involvement;
- Provide for widespread citizen involvement with an opportunity for citizens to be involved in all phases of the planning process (developing, evaluating, and amending plans; and in the development, adoption, and application of legislation to carry out the plan - the subject of periodic review Task V);
- Adopt and publicize a program for citizen involvement that is appropriate to the scale of Portland's *2035 Comprehensive Plan* process;
- Provide the opportunity for the public to be involved in data collection;
- To assure that technical information is available in an understandable form;
- Assure effective two-way communication with citizens, including feedback mechanisms; and
- Assure a sufficient level of funding and human resources are allocated to the citizen involvement program to make citizen involvement an integral part of the planning process.

These requirements apply to both the development of the plan, and to the ongoing involvement program that will be adopted by the plan.

### **Community Involvement Committee and Program**

Goal 1 allows the City Council three choices: it may appoint itself as the committee for citizen involvement, it may appoint the Planning and Sustainability Commission (PSC) as the committee, or it may appoint a committee separate from the Council or Commission. The City Council, exercising the third option, appointed a CIC. The appointment of the CIC is periodic review Task I, Subtask A, was approved by DLCD Order 001792 on August 5, 2010, and has been completed.

The City Council, on the recommendation of the CIC and the PSC, adopted Ordinance 184047, which adopted a Community Involvement Program for Portland's periodic review. This program is periodic review Task I, Subtask B, was approved by DLCD Order 001798 on January 5, 2011, and has been completed.



Public engagement throughout the planning process was overseen by the appointed CIC. The CIC has met quarterly from 2009 until 2016. During that time, they produced or reviewed ten different progress/evaluation reports, with detailed meeting and activity logs. Those reports were referenced with the impact statement filed with the present ordinance. They cataloged extensive outreach beyond the traditional mechanisms.

Under Task I, Subtask C, of Portland's periodic review work program, the CIC has a continuing obligation to monitor and evaluate how the Community Involvement Program is being carried out. The program also provides the CIC opportunities to report its findings to City Council before a periodic review task is adopted by ordinance and submitted for State approval. The Task II report from the CIC was approved by LCDC Order 001850 on May 23, 2014. On July 28, 2015, the CIC presented a report to the PSC describing community outreach that occurred during development of the *2035 Comprehensive Plan*, and the related supporting documents. The PSC accepted that report. The *Community Involvement Report* for periodic review Tasks III and IV (CIC Report) was accepted by City Council with the adoption of Ordinance 187831.

Exhibit I of this ordinance is the CIC's *Community Involvement Report* for Task V, which includes a summary of the community involvement activities leading up to this ordinance. Additional information is also provided in project-specific staff reports (Exhibits J through N). The PSC accepted this report on June 14, 2016. The Council acceptance of this with this ordinance completes the City's obligations under Task I, Subtask C, of Portland's periodic review work program.

Task I, Subtask D, of Portland's periodic review work program requires policy and code adjustments necessary to continue citizen involvement as the City builds upon and implements the new *2035 Comprehensive Plan*. The necessary policies were adopted by Ordinance 187832. This ordinance reconstitutes an ongoing committee for citizen involvement and amends two chapters of the City Code. Amendments to Title 3, which are adopted as Section V of Exhibit H of this ordinance, establishes a Community Involvement Committee as a permanent standing committee of the City of Portland. A revised *Community Involvement Program*, which is Section IV of Exhibit H, is also adopted by this ordinance. Amendments to Title 33 of the City Code concerning legislative procedures and a definition of "recognized organization" are adopted as part of Exhibit E of this ordinance. The program and code amendments adopted by this ordinance completes the City's Task I, Subtask D, periodic review work program obligations.

#### Response to Specific Goal 1 Testimony

The establishment of a committee separate from the city planning commission to guide citizen involvement is one of three options allowed by Statewide Planning Goal 1. The new committee established by the amendments to Title 3 of the City Code meets the requirements of Goal 1. The amended Title 3 provides that, "The Community Involvement Committee members shall be appointed by the Commissioner-in-Charge of the Bureau of Planning and Sustainability and confirmed by the City Council."



Council received testimony that the Title 3 language violates Goal 1 because does not repeat the language in Goal 1 requiring the combined committee membership be, “. . . broadly representative of geographic areas and interests related to land use and land use decisions.”

The absence of geographic representation language in the recommended version of the code in itself does not violate Statewide Planning Goal 1. As long as Title 3 code language substantially implements the goal’s requirement, it does not need to repeat the exact language of the goal. Title 3 provides for the kind of broad representation that Goal 1 envisions by assuring that the CIC will be diverse. To underscore this point, the Council amended the recommended Title 3 language to provide explicitly for broad geographic representation.

### Goal 1 Conclusions

Because the City appointed a CIC, adopted and implemented a far-reaching program for citizen involvement, supported the CIC to completion of the program, established a revitalized CIC, adopted a revised *Community Involvement Program* to carry out the *2035 Comprehensive Plan*, and provided adequate and timely public notices for all periodic review tasks, the City has complied with all requirements of Statewide Planning Goal 1.

### Statewide Planning Goal 2 Findings

***Goal 2. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

Goal 2 has three parts: planning, exceptions and guidelines. Since the City is not taking a Part II exception to any Statewide Planning Goal, and since the Oregon Legislature has nullified the Part III requirement to demonstrate how the planning guidelines were used to achieve the goals [see: ORS 197.015(9), *Churchill v. Tillamook County*, 29 Or LUBA 68 (1995) and *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006)], only Part I of Goal 2 applies to this ordinance.

Part I of Goal 2 requires Portland’s *2035 Comprehensive Plan* be coordinated with the plans of other governments. The plan was developed with the assistance of several committees and advisory committees that include government partners. Findings describing the details of this coordination were included with the periodic review Task IV adoption (Ordinance 187832)

The City provided timely notices of adoption of the implementation measures for the *2035 Comprehensive Plan* to Clackamas, Multnomah and Washington Counties, the Cities of Beaverton, Gresham, Happy Valley, Lake Oswego, Maywood Park, Milwaukie, and Tigard, Metro, TriMet, the Port of Portland, and the Special Districts Association of Oregon.

Throughout the development of implementation strategies for the *2035 Comprehensive Plan*, the City convened several project advisory committees and issue-specific focus groups, and circulated initial Discussion Drafts prior to bringing more formal proposals to the PSC. These



activities, described in Exhibits J through N, allowed the City to collect initial feedback from a variety of other governmental entities, including Metro, the Port of Portland, Portland Public Schools, and Portland Community College. In addition, the mixed use zoning recommendation was developed in part with Metro grant funding, which added an additional level of regional coordination for those recommendations.

For the *Transportation System Plan* elements of this ordinance, the City also continued to convene the Transportation Expert Group (TEG) to provide further oversight of street classification maps, performance measures, and transportation demand management approaches. The TEG included representatives from the Oregon Department of Transportation (ODOT), Trimet, Metro, and the Port of Portland. A subset of this group met quarterly to more closely coordinate transportation modeling, issue identification, and proposed solutions. This included representatives from Metro, TriMet and ODOT.

All applicable requirements of Goal 2 have been met, based on the coordination described above.

### **Statewide Planning Goal 3 Findings**

#### ***Goal 3. To preserve and maintain agricultural lands.***

In 1991, as part of Ordinance 164517, the City Council took an exception to the agriculture and forestry goals in the manner described and authorized by state law and Goal 2. Since this ordinance does not change any facts or analyses upon which the assumption is based, the exception is still valid and Goal 3 does not apply.

### **Statewide Planning Goal 4 Findings**

#### ***Goal 4. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.***

In 1991, as part of Ordinance 164517, the City Council took an exception to the agriculture and forestry goals in the manner described and authorized by state law and Goal 2. Since this ordinance does not change any of the facts or analyses upon which the assumption is based, the exception is still valid and Goal 4 does not apply.



## **Statewide Planning Goal 5 Findings**

### ***Goal 5. To protect natural resources and conserve scenic and historic areas and open spaces.***

This ordinance does not affect the City's Goal 5 program. The City adopted a new *Natural Resources Inventory* (NRI) by Ordinance 185657, which was approved by LCDC Order No. 001850. This inventory identified the location, quantity and quality of various natural resources and determined their significance in compliance with the initial steps of the Goal 5 process. The adoption of a new NRI was included in the periodic review work plan to ensure that the City's Goal 9 and Goal 10 analysis could be informed by an up-to-date inventory of natural resource lands. Goal 5 is otherwise not a required periodic review topic, and Portland's periodic review work program requires no further actions to comply with Goal 5.

The next steps in the Goal 5 process are to identify conflicting uses, examine the consequences of limiting conflicting uses versus conserving natural resources, make decisions to allow, limit or prohibit conflicting uses, and adopt a program to carry out any such decision. This ordinance leaves implementation of these next steps to the future and takes no further Goal 5 actions now. It does not repeal or replace any existing Goal 5 program or any environmental overlay zone and, therefore, leaves undisturbed the City's current Goal 5-compliant program and regulations.

## **Statewide Planning Goal 6 Findings**

### ***Goal 6. To maintain and improve the quality of the air, water and land resources of the state.***

The "Regulatory Compliance" section of the *Citywide Systems Plan*, adopted as Exhibit M of Ordinance 187831, describes city facilities, projects and operations that are regulated by state or federal permit and demonstrates that city facilities either comply with air and water quality regulations or are on a permitted path to comply. Policies calling for continued improvement in air and water quality were adopted as Exhibit B of Ordinance 187832.

Portland's periodic review work program requires no further actions to comply with Goal 6.

## **Statewide Planning Goal 7 Findings**

### ***Goal 7. To protect people and property from natural hazards.***

Goal 7 requires the City to maintain a current inventory of natural hazards, to avoid development in areas where hazards cannot be mitigated, and to prohibit essential facilities, hazardous facilities, and major structures in areas where hazards cannot be mitigated.

On May 23, 2014, LCDC approved a complete and current inventory of natural hazards as part of City's Task II periodic review submittal (Order No. 001850). Ordinance 187831 updated inventories for flood, slope and slide hazards. The Goal 7 hazard inventory requirement has been fully satisfied. The BLI inventory of "sufficient" residential land adopted by Ordinance 187831



did not include Goal 7 hazards. In addition, this ordinance amended the *Zoning Map* to reduce allowed residential density in certain hazard-prone lands.

Exhibit M of Ordinance 187832, the *Citywide Systems Plan*, completed the city's Goal 7 obligations by identifying essential public facilities.

Portland's periodic review work program requires no further actions to comply with Goal 7.

### **Statewide Planning Goal 8 Findings**

***Goal 8. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.***

Goal 8 requires the City to plan for recreational facilities in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. These requirements have been met for the reasons stated in the Goal 8 findings for periodic review Task IV (Ordinance 187832). This ordinance furthers the purpose of Goal 8 by amending Exhibit C of Ordinance 187832 to depict "Major Public Trails" on the *Comprehensive Plan Map*.

This ordinance removes an insignificant amount of existing City land zoned for open space (less than 0.5 acres). These removals are more than compensated by the amount of new open space zoning.

Figure 8-1. New open space zoning

Former zoning category	Acres of new OS zoning
Land rezoned from commercial zones	9 acres
Land rezoned from residential zones	1,235 acres
Land rezoned from employment and industrial zones	622 acres

Portland's periodic review work program requires no further actions to comply with Goal 8.

### **Statewide Planning Goal 9 Findings**

***Goal 9. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.***

Goal 9 requires cities to consider economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans for urban areas are required to include, among other things: an analysis of economic patterns, potentialities, strengths, and deficiencies; policies



concerning economic development; and land use maps that provide for at least an adequate supply of sites for a variety of industrial and commercial uses.

Land needs for a variety of industrial and commercial uses are identified in the *Economic Opportunities Analysis* (EOA), which was adopted as Exhibits L1, L2, L3, and L4 with periodic review Task III (Ordinance 187831). How these needs are met is explained in the findings contained within Exhibit A of that ordinance.

A new *Comprehensive Plan Map* was adopted with periodic review Task IV (Exhibit C of Ordinance 187832). Exhibit A of Ordinance 187832 contains findings explaining how the various land use designations on the new *Comprehensive Plan Map* meet the categories of industrial and commercial uses identified as needed within the *Economic Opportunities Analysis*.

This ordinance includes changes to both the *Zoning Map* and *Zoning Code*, as necessary to remove conflicts with the new *2035 Comprehensive Plan*, and to take initial steps to advance the goals of the plan.

- All zone changes were made to a base zone permitted by the new *Comprehensive Plan Map* as provided by Policies 10.1, 10.2, 10.3, and 10.4 of the *2035 Comprehensive Plan*, and as described in the “Corresponding and Allowed Zone” table, which is Figure 10-1 of the *2035 Comprehensive Plan*. These zone changes are adopted as Exhibit D-1 of this ordinance.
- The *Zoning Code* amendments adopted with this ordinance are described in Exhibit E. Chapters 33.130, 33.140, and 33.150 of the as-amended *Zoning Code* each contain a table of various commercial, industrial, and institutional uses derived from the EOA, and each of these uses are identified as allowed, limited, conditional, or prohibited by the land use regulations within these chapters.

### Supply of Industrial Employment Land

The question of employment land supply was addressed by the EOA adopted with periodic review Task III (Ordinance 187831) and the land use designations on the *Comprehensive Plan Map* adopted with Task IV (Ordinance 187832). The purpose of this ordinance is to carry out the decisions made by the previous stages of periodic review, not to revisit them.

The adopted EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and analyzing growth capacity at each one. The relevant industrial geographies were Harbor and Airport, Harbor Access, Columbia East, Dispersed Employment, and Central City Industrial. Each of these industrial employment geographies represented a different mix of industrial and related employment sectors, building types, and densities. The EOA included a buildable land inventory and capacity analysis in each of the geographies. That capacity analysis specifically considered a range of site sizes, infrastructure and service deficiencies, and various other development constraints.



The EOA included a summary of how the new *Comprehensive Plan Map* provided at least a twenty-year growth capacity in these geographies (Exhibit L of Ordinance 187831 - Figure 2 of Volume 4). That table described the constrained supply of land, described how additional capacity could be made available through investments in infrastructure and brownfield cleanup (the “With Other Gains” column), and described the impact of an “Integrated Strategy”, which also accounted for anticipated additional environmental protections in the future. The conclusion was that on balance there was an adequate 20-year supply provided within the *Comprehensive Plan Map*.

The present ordinance adopts *Zoning Map* amendments to begin implementing the recently adopted *Comprehensive Plan Map*. Assessing the adequacy of the employment land supply provided by the *Zoning Map* is a slightly different exercise than assessing the adequacy of the 20-year supply. The *Comprehensive Plan Map* is a long range 20-year plan, while the *Zoning Map* grants immediate entitlements. Not every land use designation on the 20-year map is immediately implemented in the *Zoning Map*. By its nature, the *Zoning Map* addresses short term need.

Figure 9-1 below supplements Figure 2 of EOA Volume 4, by adding columns to report the vacant and underutilized land supply available with the *Zoning Map* (as amended by this ordinance). The short term (2020) need is also reported, taken from Figure 19 of EOA Volume 2/3. This comparison demonstrates that the *Zoning Map* provides enough land to satisfy the short term (through 2020) industrial employment need. The land supply for the new *Zoning Map* has been calculated based on a GIS analysis, as summarized with Figures 9-2 through 9.6<sup>2</sup>.

Figure 9-1. Industrial Employment Demand and Supply Reconciliation

<u>Employment Geography</u>	20-Year Land Demand (acres)	Land Supply (acres)				Short Term Land Demand (acres)	Surplus/ Deficit
		Existing Comp Plan	2035 Comp Plan	With Other Gains <sup>3</sup>	New Zoning		
Harbor and Airport	1013	774	900	1067	1011	659	+352
Harbor Access	192	113	136	167	144	82	+62
Columbia East	350	356	346	416	388	279	+109
Dispersed Emp.	130	121	146	146	369	109	+260
Central City Industrial	90	65	188	188	188 <sup>4</sup> +	75	+113

<sup>2</sup> This analysis used the same methodology as the BLI. *Buildable Lands Inventory and Growth Allocation GIS Model*, Revised April 2016 (Exhibit J of Ordinance 187831).

<sup>3</sup> “Other Gains” are the result of other actions described in the EOA to remove constraints from employment land to increase the net supply, such and brownfield cleanup, or investment in transportation infrastructure.

<sup>4</sup> In this geography, consistent with the EOA/BLI methodology used in Task II and IV, this



Figure 9-2. Land Supply in Harbor and Airport EOA Geography

		Not in BLI	BLI Vacant	TOTAL
HARBOR AND AIRPORT		7858	1011	8869
EG1		29	5	34
EG2		163	251	414
EX		16	0	16
IG1		54	2	56
IG2		4666	474	5140
IH		2930	279	3209

Figure 9-3. Land Supply in Harbor Access EOA Geography

		Occupied	BLI Vacant	TOTAL
HARBOR ACCESS		2105	144	2249
EG2		40	12	52
IG2		87	4	91
IH		2019	128	2106

Figure 9-4. Land Supply in Columbia East EOA Geography

		Occupied	BLI Vacant	TOTAL
COLUMBIA EAST		1776	388	2164
EG2		149	101	250
IG2		1627	287	1914

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figure includes both re-developable and vacant land. In other geographies the EOA/BLI assumes only vacant land as available supply. This was done because industrial employment uses often involve large outdoor storage and work areas, and formulas that are typically used to identify under-utilized land based on building coverage or improvement to land value ratios do not work well for those land uses. The 188-acre figure also includes the 123 acres of supply gained by expansion of the EOS zoning, as described in the EOA, Section IV, page 12.

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Figure 9-5. Land Supply in Dispersed Employment EOA Geography

		Occupied	BLI Vacant	TOTAL
DISPERSED EMPLOYMENT		548	369	917
	EG1	10	65	75
	EG2	90	301	391
	IG1	264	0	264
	IG2	174	3	177
	IH	10	0	10

Figure 9-6. Land Supply in Central City Industrial EOA Geography

		Occupied	BLI Redevelopment or Vacant	TOTAL
CENTRAL CITY INDUSTRIAL		422	65	487
	CX	1	3	4
	EG1	1	6	7
	EX	135	40	175
	IG1	266	15	281
	IH	19	1	20

The supply in the Central City Industrial Geography (The Central Eastside Industrial District) is in-effect further increased by code changes made in the Central City Plan District to expand the Economic Opportunity Subarea (EOS) subarea to encompasses the broader district. This code change implements recommendations from Section 2/3 of the EOA, Chapter III. As explained in Exhibit E (33.510.113), that change enables more intensive employment density in that district. Industrial Office uses are allowed in this expanded area, and Retail Sales and Service and Traditional Offices uses are limited. The changes are intended to provide a balanced approach that supports industrial retention and industrial office job growth.

The existing EOS area has been very successful at increasing employment densities, especially those in industrial office space, while retaining existing industrial operations. As described in the EOA, industrial office uses are limited primarily to information sector businesses, such as graphics and software. This zoning innovation helped accelerate job growth in the Central Eastside by reuse of underutilized second-floor space. The predominant industrial zoning in this geography has created an affordable environment for robust job growth by cost-conscious office tenants. Continued growth in this market appears to be reliant on hybrid zoning that retains industrial sanctuary cost levels while expanding development capacity of Class C office tenants.



Expanding this allowance has the effect of allowing more intensive job density in the district, adding the equivalent of 123 acres to the district's capacity.

The *Zoning Map* provides an expanded supply of land in the Dispersed Employment Geography (369 vacant acres, compared with only 146 acres available under the *Comprehensive Plan Map*). This is explained by the fact that there are 200+ acres of land zoned employment (generally EG or IG) with a Commercial/Mixed Use Comprehensive Plan designation. These parcels are available for short term employment use, but for purposes of assessing the long term 20-year land supply, they were not counted in EOA analysis. For the same reason, the number of acres available in the Harbor Access Geography is slightly higher with the *Zoning Map* than the *Comprehensive Plan Map*.

#### Protection of Prime Industrial Lands

Statewide Planning Goal 9 is implemented by OAR Chapter 660, Division 9 (the Goal 9 Rule). In addition to requiring the identification and designation of an adequate supply of employment land, this rule has special provisions for the identification and protection of "prime" industrial land. The rule describes this type of land as possessing site characteristics that are difficult or impossible to replicate in the planning area or region, particularly lands having access to transportation and freight infrastructure "including, but not limited to, rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes."

In particular, Subsection (8) requires the City to adopt zoning map amendments and land use regulations to identify and protect prime industrial land. The City has responded to these mandates by amending the Official City Zoning Map to add an "I" (this is a lower case "L") overlay zone, titled the "Prime Industrial Overlay" (Exhibit D-2). This overlay maps prime industrial land, and the regulations associated with the overlay prohibit the re-designation of prime industrial land to any other use through any quasi-judicial procedure, and reduces the number of non-industrial uses allowed in the overlay. These reductions are in addition to already stringent use restrictions associated with the also-applicable industrial base zones.

The I overlay and its associated land use regulations meet the requirements of the Goal 9 Rule for prime industrial land.

#### Adequate Supply of Commercial Land

During the hearings leading to the adoption of this ordinance the City received testimony asserting that it lacked a sufficient supply of commercial land, or at least sufficient supplies of particular types of commercial land – specifically land for large format retail uses.

The questions of an overall adequate supply of commercially-designated land, and how narrowly commercial land needs must be analyzed before these designations are made, are both misplaced and untimely. These are matters already addressed by the EOA adopted with periodic review Task III (Ordinance 187831) and the land use designations on the *Comprehensive Plan Map* adopted with Task IV (Ordinance 187832). Council addressed and resolved these questions as



part of those ordinances. The purpose of this ordinance is to carry out the decisions made by the previous stages of periodic review, not to revisit them.

The adopted EOA analyzed adequate growth capacity for a diverse range of commercial uses by distinguishing five commercial geographies and analyzing growth capacity at each one. These geographies were Central City Commercial; Gateway Regional Center; Town Centers; Neighborhood Centers and Corridors; and Institutions. Each of these geographies represented a different mix of commercial sectors, building types, and densities.

The EOA included a buildable land inventory and capacity analysis in each of the five commercial employment geographies representing the City's primary commercial site types and locations. That capacity analysis specifically considered a range of site sizes, infrastructure and service deficiencies, and various other development constraints. The *Economic Opportunities Analysis* found that the new *Comprehensive Plan Map* provided at least a twenty-year growth capacity in all of the commercial geographies. Since twenty-year supply is "adequate" within the meaning of Statewide Planning Goal 14, the City retains more than an adequate supply of commercial land. Major commercial surplus capacities exist within the Neighborhood Commercial geographies where the supply is 216 percent of the forecasted twenty-year commercial need; in Centers and Corridors where the supply is 293 percent of the commercial need; and in the Gateway Regional Center where the supply is 328 percent of the commercial need.

The EOA identified the need for large-format retail use within each of the Neighborhood Commercial geographies. The analysis found that only 25 percent of forecast demand in the Neighborhood Commercial geographies would be for sites larger than three acres in area. Existing underutilized sites in these geographies meet 309 percent of the demand for commercial sites larger than three acres.

This supply is summarized in the following table:

Figure 9-7. Commercial land supply

District	Site Size (acres)	Zone	Number of Lots	Total Acres
EAST	2 - 9.9	CE	33	155.6
EAST	2 - 9.9	CM1	7	21.2
EAST	2 - 9.9	CM2	16	66.7
EAST	2 - 9.9	CM3	11	43.7
EAST	2 - 9.9	CX	13	46.1
EAST	10 - 14.9	CE	2	23.0
EAST	10 - 14.9	CM2	1	11.3
EAST	10 - 14.9	CX	3	37.1
EAST	15 - 19.9	CE	1	18.1
EAST	20+	CX	1	21.9



<b>District</b>	<b>Site Size (acres)</b>	<b>Zone</b>	<b>Number of Lots</b>	<b>Total Acres</b>
<b>EAST TOTAL</b>				<b>444.9</b>
NORTH	2 - 9.9	CE	21	91.8
NORTH	2 - 9.9	CM1	6	24.9
NORTH	2 - 9.9	CM2	5	16.7
NORTH	2 - 9.9	CM3	1	8.7
NORTH	10 - 14.9	CE	2	27.4
NORTH	15 - 19.9	CE	1	17.9
NORTH	20+	CE	7	279.8
<b>NORTH TOTAL</b>				<b>467.1</b>
NORTHEAST	2 - 9.9	CE	1	2.5
NORTHEAST	2 - 9.9	CM1	4	12.9
NORTHEAST	2 - 9.9	CM2	10	38.4
NORTHEAST	2 - 9.9	CM3	6	21.0
NORTHEAST	2 - 9.9	CX	1	4.5
NORTHEAST	15 - 19.9	CM2	1	15.4
<b>NORTHEAST TOTAL</b>				<b>94.8</b>
SOUTHEAST	2 - 9.9	CE	4	15.9
SOUTHEAST	2 - 9.9	CM1	6	18.9
SOUTHEAST	2 - 9.9	CM2	15	54.2
SOUTHEAST	2 - 9.9	CM3	1	6.0
SOUTHEAST	2 - 9.9	CX	3	9.5
SOUTHEAST	10 - 14.9	CM2	1	11.5
<b>SOUTHEAST TOTAL</b>				<b>115.9</b>
WEST	2 - 9.9	CE	9	33.3
WEST	2 - 9.9	CM1	5	15.6
WEST	2 - 9.9	CM2	16	57.0
WEST	2 - 9.9	CM3	9	23.1
WEST	10 - 14.9	CM2	1	12.6
<b>WEST TOTAL</b>				<b>141.7</b>
<b>PORTLAND TOTAL</b>				<b>1,264.4</b>

The EOA described commercial development trends that indicated increasing demand for transit-oriented development while emphasizing the attraction of retail to locations with increasing housing density, good transit access, and small business vitality. In response, the new



*Comprehensive Plan Map* adopted with periodic review Task IV established designations providing an expanded system of neighborhood centers and corridors. The present ordinance implements the new *Comprehensive Plan Map* with updated mixed use zoning. In essence, much of the testimony advocated for analysis, policy, and map decisions that the Portland City Council rejected in Ordinances 187831 and 187832. Specifically, the Council declined to adopt zones and land use regulations that would prioritize access to commercial sites by automobile, and chose to emphasize multimodal access. The “auto-oriented” approach advocated in some testimony is not supported by adopted plan policy or an adequate factual base.

Testifiers also maintained that Statewide Planning Goal 9 requires the amount of goods sold within the City to equal the amount of goods purchased by persons residing within the City as a whole, and within each of several sub-areas within the City. When fewer goods are sold in a certain area than purchased by its residents, the phenomenon is styled “retail leakage.” Its opposite is “retail surplus.” Nothing in the Goal 9 Rule requires the elimination of geographic area leakages and surpluses. The new *Comprehensive Plan Map* provides sufficient commercial land capacity for surpluses and leakages to come more into balance, but it is the nature of cities and metropolitan areas to have some areas, like Portland’s downtown, to have a “surplus” of retail sales, and for more suburban residential areas to have leakage.

There is conflicting evidence in the record as to whether the City as a whole has retail leakage. The study contained within the City’s adopted EOA, Section 1, pages 61, 62, and 63, is based on ESRI Business Analyst data, and it indicates that Portland has no retail leakage. During the public hearings another study was introduced into the record based on Nielsen data and it did indicate some retail leakage for the City as a whole. The consultant providing testimony did not assert or provide any evidence indicating that the first study for the City was in anyway flawed, but did note that the Nielsen data was newer. In response to this assertion the City re-ran the ESRI Business Analyst with newer data, and provided that information to Council. This newer data confirmed the earlier conclusion, — the City as a whole does not have retail leakage, and for most retail types the City has retail surplus. This means that the City has adopted zoning and land use regulations that “overserves” its residents with commercial opportunities.

In support of this conclusion, the Council adopts the facts and reasons within its April 19, 2016 memorandum “Portland and Pattern Area Retail Demand and Sales Analysis” addressed to the Mayor and Council from Tyler Bump, Senior Economic Planner, Steve Kountz, Senior Economic Planner, and Tom Armstrong, Supervising Planner.

The City has adopted 20-minute neighborhood and food equity policies in its 2035 *Comprehensive Plan* that exceed state planning requirements. The Council’s decision also responds to and is consistent with these policies. In summary, the City has adopted a plan and implementing measure emphasizing walkable mixed use complete communities. While implementing these policies will not eliminate all concentrations of retail surplus and leakage, for all neighborhoods, for all retail store types, the plan allows for opportunities to meet every day needs closer to home. To the extent that certain retail store types are underrepresented in some parts of the City, the Council agrees with the April 19 memorandum that this is attributed



to market factors and not attributable to an absence or shortage of land planed and zoned for commercial uses.

### Commercial Formats

The City Council received testimony that Goal 9 obligates the City to provide not only an adequate supply of commercially zoned land, but land zoned and regulated to permit particular commercial formats – particularly large format retail and automobile-accommodating retail.

The City is not required to adopt plans and land use regulations ensuring that large format retail or auto-oriented commercial uses will be approved. Rather, Goal 9 requires the City to demonstrate it considered the effects of its decisions on broad categories of commercial and industrial uses in light of competing policy objectives.

The Council considered whether to amend its land use regulations to provide for more auto-oriented commercial formats. Council concluded that the City retains a sufficient supply of land zoned for retail and other commercial uses (Figure 9-7 and other evidence presented in the EOA as part of Task II and IV). The fact that the City's land use regulations restrict some auto-oriented formats does not affect supply available to commercial uses. In short, a format is not a use.

Furthermore, restricting certain auto-oriented formats helps advance the purpose of the *Oregon Transportation Planning Rule* (OAR Chapter 600, Division 12) that calls for “availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation.” This rule further provides that,

Within metropolitan areas, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting changes in the transportation system and land use patterns. A key outcome of this effort is a reduction in reliance on single occupant automobile use, particularly during peak periods. To accomplish this outcome, this division promotes increased planning for alternative modes and street connectivity and encourages land use patterns throughout urban areas that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.

Findings in response to Goal 12 and OAR 660-012-0045 address this in particular. In summary, many of the standards that are alleged to interfere with the supply of commercial land for auto accommodating businesses are standards which are specifically required by the Transportation Planning Rule. For example:

- In response to OAR 660-012-0045 (3) and Metro RTP Title 1, the new commercial/mixed use zoning includes pedestrian circulation standards similar to those previously adopted by the City to meet this rule (Exhibit E, 33.130.240).



- In response to OAR 660-012-0045 (4) and Metro Tile 1, the new commercial/mixed use zoning also includes maximum building setback and main entrance requirements designed to ensure new buildings are oriented to the street and provide direct access from the sidewalk to main entrances (Exhibit E, 33.130.215 and .242).
- Maximum parking ratios in 33.266 (not amended by this ordinance) will continue to apply in order to comply with Metro RTP Title 4.
- In response to OAR 660-012-0045 (2), new main street overlay zones adopted with this ordinance include zoning regulations that limit vehicle areas close to the street along certain commercial main streets to ensure more continuous pedestrian zone (Exhibit E, 33.415.330).
- The City prohibits drive-through facilities in certain designated centers in order to qualify for lower vehicle trip generation assumptions provided in OAR 660-012-0060.

Do the City's zoning rules unreasonably limit auto-accommodating formats?

Testifiers are also incorrect that the City's new zones unduly limit access to goods and services by automobile.

The zoning code amendments that replace commercial zones with mixed use zones accommodate a variety of development options. Generally, the Central Commercial (CX) zone is primarily reserved for the Central City. The CM1, CM2, and CM3 mixed use zones generally replace commercial zones outside the Central City. The CE zone replaces much of the existing CG zone outside the central city.<sup>5</sup> The CR zone is applied in limited areas in the context of single dwelling zoned areas.

All of these commercial and mixed use zones allow retail sales and services and other commercial uses to be accessed, to varying degrees, by automobile. The development standards of the zones provide a wide array of development formats.

- In all commercial/mixed use zones, minimum building coverage requirements exist only in designated centers (33.415). In all other areas, there is no regulation that precludes low building coverage designs that are typical in auto accommodating formats. This is a change being made with this ordinance, as the former CS zone did have minimum building coverage standards.
- Maximum building setbacks apply in all commercial/mixed use zones along transit streets, but allowances exist to accommodate large format retailers on larger sites (33.130.215). This provision is being expanded with this ordinance.

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<sup>5</sup> A full accounting of this is provided with Exhibit J, page 69.



- The location of parking is regulated in all commercial/mixed use zones, and parking is typically not allowed between the building and the street, but allowances exist to accommodate larger sites that front multiple streets (Table 266-3). Grocery stores and other similar large format retail buildings have been built in compliance with these standards.
- Standards exist in all of the commercial/mixed use zones requiring on-site pedestrian circulation, and windows and main entrances oriented to the street (33.130.230, .240, and .242. These standards do not preclude large format retail – they simply govern certain features of the building. Many retailers are able to meet the standard while still having the main entrance easily accessible and visible from the parking.

A summary of the primary use allowance and a summary of selected development standards are below.

Figure 9-8. Excerpt of Table 130-1

<b>Table 130-1 (excerpt)</b>						
<b>Commercial/Mixed Use Zone Primary Uses</b>						
<b>Use Categories</b>	<b>CR</b>	<b>CM1</b>	<b>CM2</b>	<b>CM3</b>	<b>CE</b>	<b>CX</b>
<b>Commercial Categories</b>						
Retail Sales And Service	L [2]	L [2]	Y	Y	Y	Y
Office	L [2]	L [2]	Y	Y	Y	Y
Quick Vehicle Servicing	N	L [2]	L [2]	L [2]	Y	N
Vehicle Repair	N	N	Y	Y	Y	L [5]
Commercial Parking	N	N	L [9]	L [9]	Y	CU [9]
Self-Service Storage	N	N	N	L [4]	Y	L [4]
Commercial Outdoor Recreation	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	CU	CU	CU	Y

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

The new 2035 *Comprehensive Plan* calls for focused growth in Centers and Corridors, hence a vertical mixed use development is a preferred format for a variety of reasons discussed in documentation submitted with periodic review Task III. However, the development standards for the commercial and mixed-use zones do not require this format.

While the CE zone is characterized as the most auto-accommodating zone, all of the new commercial/mixed use zones still allow for automobile access and auto-accommodating formats to varying degrees, as described above, with appropriate limits imposed in order to comply with other state and regional goals.



## **Statewide Planning Goal 10 Findings**

***Goal 10. To provide for the housing needs of citizens of the state.***

### **Background**

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Goal 10 and its implementing administrative rules contain the following specific requirements:

1. Identify future housing needs by amount, type, tenure and affordability;
2. Maintain a residential *Buildable Lands Inventory* (BLI) with sufficient land to meet identified needs;
3. Adopt land use maps, public facility plans and policies to accommodate needed housing (housing capacity, as well as type, tenure and affordability);
4. Meet minimum density and housing mix requirements (including the Metropolitan Housing Rule); and
5. Adopt clear and objective standards for needed housing.

The findings below respond to these five requirements.

### **Identification of Needed Housing and Adoption of a BLI**

The City satisfactorily completed the first two requirements of Goal 10 with its Task II periodic review submittal adopted by Ordinance 185657, and as updated and revised with Ordinance 187831 (Exhibits F and G of that ordinance). The housing needs analysis adopted with these ordinances provided a specific estimate of the types of households (by size and income) likely to be in Portland by 2035, and provided additional facts describing housing need by type, tenure and affordability. The BLI identified the supply of land available to provide this needed housing. The first two parts of Goal 10 have been met for the reasons stated in findings prepared with those ordinances.

### **Accommodation of Needed Housing**

Ordinance 187832 addressed the third and fourth of these requirements by adopting a new *Comprehensive Plan Map* and new housing policies. In conjunction with the adoption of that ordinance the City documented that the new land use map and policies provide for needed housing. The findings below will review the relevant facts again, this time through the lens of the *Zoning Map* and regulations being adopted with this ordinance. In particular, the findings below address Goal 10 requirements that the *Zoning Map* and associated regulations accommodate 20-years of forecast growth at urban densities, and provide the opportunity for a variety of housing



types and tenures, with a variety of affordability levels. Several aspects of the Metropolitan Housing Rule are addressed directly.

First overall housing capacity is considered.

With Ordinance 187831 the City adopted a revised inventory of vacant and underutilized land (Exhibits F and G). Using this revised inventory of land, and the same GIS methods acknowledged with LCDC Order No. 001850, the City estimated that the *2035 Comprehensive Plan Map* provides a capacity of 247,000 additional units,<sup>6</sup> still well beyond the estimated need. Using the revised inventory of land adopted with Ordinance 187831, and the same GIS methods acknowledged with LCDC Order No. 001850, the City estimates that the *Zoning Map* provides a capacity of 201,000 additional units,<sup>7</sup> still well beyond the estimated need (123,000 units). Because supply greatly exceeds need, both with the *Comprehensive Plan Map* and *Zoning Map*, this ordinance is consistent with the Goal 10 requirement to accommodate needed housing.

Second, allowed density is considered.

The Metropolitan Housing Rule (OAR 660-007-0035) states that cities “***must provide for an overall density of ten or more dwelling units per net buildable acre***”. This applies to land within the Urban Growth Boundary.<sup>8</sup> Buildable is defined to include vacant and re-developable land, excluding land constrained by natural hazards, steep slopes, or land subject to natural resource protection measures.

In practice most residential development in Portland occurs on land designated for mixed use development. The rule also allows consideration of mixed use areas as “residentially-designated” (OAR 660-07-0018 (1)). The Metropolitan Housing Rule applies only to new construction on vacant and re-developable land. Including mixed use zoning, and residential zoning, the Buildable Lands Inventory contains about 9,888 acres of residentially-zoned vacant and re-developable land. The *Zoning Map* adopted with this ordinance allows a zoned-capacity of about 201,000 additional dwellings on that land. This equates to an allowed overall residential density of about 20 du/acre on this land, without excluding the kind of natural resource or other constraints that the rule allows to be excluded.

Of the 9,888 acres of residentially-designated vacant and re-developable land, approximately 3,802 of those acres are sites with slopes over 25 percent, within a landslide hazard area, within the 100-year floodplain, or within an environmental conservation or protection overlay (Portland’s acknowledged Goal 5 program). Those types of excludable lands together have a residential capacity of about 11,381 units. Excluding these sites from the Metropolitan Housing

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<sup>6</sup> Buildable Lands Inventory and Growth Allocation GIS Model (model run 5/24/16)

<sup>7</sup> Buildable Lands Inventory and Growth Allocation GIS Model (model run 9/07/16).

<sup>8</sup> Because Portland was incorporated before the creation of the UGB, there is a small area (about 440 acres) of residentially-zoned land in Portland that is outside the UGB, which is zoned for rural farm and forest uses with a 20-acre minimum lot size. This land has been excluded from the analysis of this section.



Rule calculations leaves 6,086 acres of remaining vacant or re-developable land, with a residential zoned capacity of 188,619 new dwellings. This equates to about 31 du/acre. As a result, the *Zoning Map* being adopted with this ordinance complies with this rule.

While allowed density is still well above that required by this Rule, two actions are being taken which reduce residential densities in limited areas. These are briefly discussed below.

- This ordinance reduces allowed residential density in several locations where urban infrastructure is lacking (no sidewalks, unpaved streets, limited sewer and water access), and where provision of such infrastructure would be expensive (steep slopes, landslide hazard areas). These locations are primarily in relatively remote low density areas (R7, R10, R20). These density reductions will not impact affordable housing opportunities because development of these areas would be inherently more expensive. The impact on the overall housing supply is limited because these areas are constrained, and are therefore already counted at a discounted rate in the BLI.
- Some multi-dwelling designations are being removed and replaced with single-dwelling designations in East Portland. This is occurring primarily in areas that are not close to transit, and where there is limited sidewalk infrastructure. Because these areas are not well served by transit, new residents in these areas would likely have higher transportation costs. Limited down-designations in these locations will encourage multi-dwelling development to be built in more transit-accessible locations, with a positive impact on household budgets. There is more than enough remaining multi-dwelling capacity elsewhere to compensate for this impact.

Third, housing type and tenure and affordability are considered.

The Metropolitan Housing Rule also requires that at least 50 percent of the City’s remaining residential capacity be available for multi-family units or attached single family units.

***“Jurisdictions other than small developed cities must either designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” OAR 660-007-0030(1)***

To provide a framework for this analysis the City calculated the potential supply of twelve different housing types, and compared that with the needs of the eight household types identified in the acknowledged housing needs analysis (Exhibits B.2 – B.5 of Ordinance 185657). The following table (Figure 10-1) describes the eight household types used in this analysis (taken from Table 14 on page 49 of the *Growth Scenario Report*; based on data from Exhibit B.5 of Ordinance 185657).



Figure 10-1. Household Types

<b>Household Income</b>	<b>Group Number</b>	<b>Expected New Households by 2035</b>
Less than \$15,000	1	24,540
\$15,000 to \$24,999	2	23,400
\$25,000 to \$34,999	3	22,095
\$35,000 to \$44,999	4	15,896
\$45,000 to \$59,999	5	8,391
\$60,000 to \$74,999	6	6,030
\$75,000 to \$99,999	7	12,227
More than \$100,000	8	9,697
<b>Total New Households</b>	<b>All</b>	<b>122,276</b>

The comparison of households and housing types was provided in the *Growth Scenarios Report* (Exhibit K of Ordinance 187831). At its simplest level, the analysis provided an understanding of the share of Portland's capacity that is available for multi-dwelling development. Figure 10-2 below provides a summary of these conclusions. The table includes results from the 2012 BLI (based on the existing *Comprehensive Plan*), and the updated 2015 inventory. The 2015 inventory provided data for both the existing *Comprehensive Plan* and the *2035 Comprehensive Plan*. The final column shows the capacity of the *Zoning Map* being adopted with the present ordinance, using the same methods used in the 2015 BLI.

The data in Figure 10-2 shows that Portland's existing *Comprehensive Plan* easily complies with this aspect of the Metropolitan Housing Rule, OAR 660-007-0030(1), because far more than 50 percent of the City's remaining housing capacity is available for multi-dwelling development. The *2035 Comprehensive Plan* and new *Zoning Map* similarly meet the requirement. This requirement is met.

Figure 10-2. Multifamily Housing Capacity Share

<b>Housing Capacity</b>	<b>Existing Comprehensive Plan (2012 BLI adopted w. Ord. No. 185657)</b>	<b>Existing Comprehensive Plan (2015 BLI methods)</b>	<b>2035 Comprehensive Plan (2015 BLI) Adopted w. Ord. No. 187831)</b>	<b>Zoning Map adopted w. this ordinance</b>
Single-dwelling	35,000 (15%)	29,000 (14%)	29,000 (12%)	26,000 (13%)
Multi-dwelling	198,000 (85%)	181,000 (86%)	218,000 (88%)	174,000 (87%)
Total	233,000	210,000	247,000	200,000

Because Portland has far more zoned capacity for residential development than the forecast growth (200,000 new units for 123,000 new households), the City developed a computer model



to estimate where the forecast 123,000 units would most likely be built, and what form they might take.<sup>9</sup> This was done in order to better understand if expected housing production allowed by zoning would meet identified needs (type, tenure, affordability), and also to evaluate the City's performance on other metrics (transportation modeling, environmental impacts, etc.)

Figure 10-3. Housing Types

Housing Types	Type Code	New Housing Type Allocation (2010-2035)	
		New Comp. Plan	Zoning* Map
<b>Single Dwelling</b>	<b>SFR</b>	<b>26,000</b>	<b>25,500</b>
Detached Single Family House	A	14,000	14500
Small-Lot Detached Single Family House	B	3,000	3000
Medium Density Building with Attached Single Family Units	C	5,000	4500
High Density Building with Attached Single Family Units	D	4,000	3500
<b>Multi Dwelling</b>	<b>MFR</b>	<b>94,000</b>	<b>93,500</b>
Duplex to Six-Unit Building	E	6,000	8000
Four Story Corridor Apartment Building all Residential	F	13,500	18000
Single Room Occupancy and Studio Apartment Building	G	13,500	14500
Neighborhood Four Story Mixed Use Building with Retail on Ground Floor	H	15,000	13000
Mid-Rise, Small Unit Apartment Building	I	18,000	16000
Mid-Rise, Large Unit Apartment Building	J	4,000	3000
High-Rise Apartment Building	K	24,000	22000
<b>Accessory Dwelling Unit</b>	<b>ADU</b>	<b>3,000</b>	<b>3000</b>

\* Numbers in this column are different than the *Comprehensive Plan Map* because not all density increases authorized by the *Comprehensive Plan Map* are in place with this ordinance, and because the allocation incorporates as-built data for the almost 21,000 units built during the 2010-2015 period. The forecast period is 2010-2035, so as each year progresses, the forecast is more and more influenced by what has actually been built.

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<sup>9</sup> Buildable Lands Inventory and Growth Allocation GIS Model, Revised April 2016 (Exhibit J of Ordinance 187831)

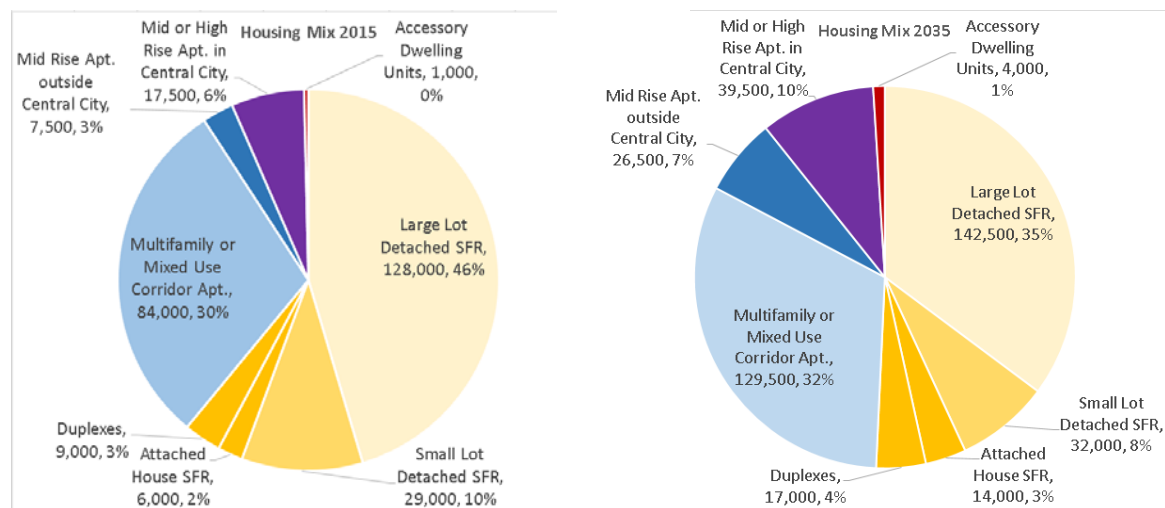


This “Housing Allocation” analysis (Figure 10-3) was based on the inventory of vacant and underutilized land described above. This model creates a simulated housing allocation based on the type and density of housing allowed in each land use designation or zone, past building permit trends, and several economic factors. The model identifies four types of single-dwelling units, seven types of multi-dwelling units, and accessory dwelling units. These types are listed in the table below and also described in the *Growth Scenario Report* adopted to fulfill periodic review Task III (Exhibit K of Ordinance 187831). Supporting documents use the term “allocation” to reference this model output, distinct from the term “capacity.” The “allocation” refers to the number of units that are forecast to be built in a particular area by 2035, while the “capacity” refers to the full build out of all vacant and underutilized land within the area.

The *Growth Scenario Report* adopted with periodic review Task III (Ordinance 187831) includes an analysis explaining which housing types in Figure 10-3 are affordable to each of the household types in Figure 10-1. These tables are included here to demonstrate that the *Zoning Map* provides a comparable level of housing choice and range of affordability levels.

The pie charts below illustrate how the housing mix is expected to change over the next 20 years, given the growth allocation described above. In 2015 about 40 percent of Portland housing units were multi-dwelling units. By 2035 that share is expected to increase to about 50 percent. Over 75 percent of new construction over the next 20 years is expected to be multi-dwelling units. This represents a continuation of established trends over the past 10 years. During the period between 2005 and 2014, only about 23 percent of new units in Portland were single dwelling units. As a result of these trends and Portland’s land use plan, the 2035 housing mix is expected to be more diverse (by type and tenure) than it is today.

Figure 10-4. Predicted Housing Mix (2015 and 2035)



In addition to Zoning Map amendments, this ordinance adopts a variety of regulations that impact affordability. Oregon state laws prohibit rent control and real estate transfer fees. Recent changes in state law allow limited forms of inclusionary zoning. These are tools that cities in



other states have used, with varying degrees of effectiveness, to create and maintain more permanent/protected (regulated) supplies of affordable housing. Other affordability tools available to Portland include appropriating funds derived from tax revenue, deferring tax revenue, allocating state and federal grants, and awarding height or floor area ratio bonuses for buildings that otherwise would not include affordable units.

Several specific regulatory changes are made with this ordinance with the intent to expand housing choice, and affordability.

- This ordinance adopts a new set of mixed use zoning designations, to replace the City's commercial designations. The new designations are based on a "Centers and Corridors" growth strategy described in the Urban Design chapter of the *Comprehensive Plan* (Chapter 3). This change re-affirms the City's intent to provide a range of mixed use housing opportunities, especially in close-in locations.
- The new commercial/mixed use zones include floor area and height bonuses to encourage more affordable housing (33.130.212). The bonuses are a voluntary form of inclusionary housing, awarding extra density in exchange for a commitment that a percentage of dwelling units are affordable to those earning 80 percent of the median family income, or lower.

Goal 10 and the Metropolitan Housing Rule also requires cities to allow certain forms of housing.

- Manufactured homes are recognized as components of Housing Types A and B (Detached Single Family House, and Small-Lot Detached Single Family House). Manufactured homes are allowed in all residential zones.
- Other housing types, such as floating homes, are also allowed in the City, but since these types have not been identified as "needed," the City does not need to maintain or increase a supply of sites for these types.
- In 1991, as part of Ordinance 164517, the City Council took an exception to the agriculture and forestry goals in the manner described and authorized by state law and Goal 2. As a result of the acknowledged exception, Portland does not have an obligation to identify farmworker housing as a particular category of need. Nevertheless, housing for farmworkers and their families is allowed in all single family and multi-family zones.

Housing Types A through K and ADUs are allowed without restriction on type of tenure and without regard to government ownership, assistance or subsidy.

While the City has an ample supply of land available and suitable for the amounts needed for all housing types, the cost of land, materials and labor means that the market alone cannot provide the housing needed by very low income households.



State planning law requires that housing needs be analyzed and identified by affordability, and requires that land be made available in sufficient supply to accommodate the amount of affordable housing needed. Allowing for a robust supply of inherently more affordable housing types (small studio apartments, ADUs, small-lot single family, etc.) does not mean that these housing units will actually be affordable in practice. In a market economy, housing is allocated to the highest bidder. If supply is limited, the price of even the more affordable housing types can be bid up. In addition, new housing is typically more expensive than older housing. Not all new households will occupy new housing units. Higher income households will often occupy new housing units, leaving older units to lower income households. If housing supply is tight, the price of older housing units can also be bid up. In light of these market dynamics, the primary impact of zoning on affordability will be the extent to which it allows for an adequate overall supply, and allows for a diverse mix of housing. The facts described above show that *the Zoning Map* adopted with this ordinance does this. Based on the facts and reasons stated above, the requirement to allow a diverse range of housing choices has been met.

#### Clear and Objective Standards

The final requirement of Goal 10 is that the City adopt clear and objective standards for needed housing. This ordinance makes amendments to the *Zoning Code*, to conform the City's base zone land use regulations to the land use designations of the new *Comprehensive Plan Map* and the policies of the *2035 Comprehensive Plan*. These code amendments are adopted as Exhibit E of this ordinance. Chapters 33.110 and 33.120 of the *Zoning Code*, as amended by Exhibit E, each contain a table of single and multi-dwelling uses derived from the housing needs analysis, and each of these uses are identified allowed, limited, conditional, or prohibited by the land use regulations within these chapters.

This ordinance also amends the *Zoning Code* in several ways that are designed to improve housing outcomes, while maintaining clear and objective standards for needed housing. Related code changes include:

- Re-written commercial/mixed use codes. The new commercial/mixed use code (Chapter 33.130) continues to allow housing as a by-right use, with defined clear and objective (measurable) development standards. Standards cover a number of traditional zoning topics - height, floor area, setbacks, building orientation, parking, and building façade design. The standards were modeled financially and architecturally to ensure buildings can be built without relying on discretionary land use reviews (Adjustments, etc.). More information about this new zoning can be found in Exhibits E and J.
- Expanded design overlay zone. *Zoning Map* amendments adopted with this ordinance expand the coverage of the Design Overlay zone (Exhibit D-5). The Design Overlay Zone promotes quality high-density development through development of design guidelines for each district, and by requiring Design Review or compliance with the Community Design Standards. In keeping with Goal 10, the Community Design Standards offer a clear and objective path to implement this overlay, as an alternative to discretionary review outside of the Central City and Gateway districts.



### Goal 10 Conclusions

For the reasons stated above, this ordinance meets all applicable requirements of Goal 10. The City complies with the single-dwelling to multi-dwelling capacity ratio requirement of Goal 10. The *2035 Comprehensive Plan Map* and *Zoning Map* provide a City supply of residential land that is sufficient to meet identified housing needs within the meaning of ORS 197.307(3), Goal 10 and OAR Chapter 660, Division 7. The *Zoning Map* provides a wide range of allowed housing types, at a variety for allowed densities. As a result, the 2035 housing mix is expected to be more diverse than it is today. Clear and objective standards are retained in order to ensure needed housing can be built by right, without land use reviews.

### **Statewide Planning Goal 11 Findings**

***Goal 11. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

A *Citywide Systems Plan* was adopted as Exhibit M of Ordinance 187831. Portland's periodic review work program requires no further actions to comply with Goal 11.

### **Statewide Planning Goal 12 Findings**

***Goal 12. To provide and encourage a safe, convenient and economic transportation system***

#### Goal 12 Background

Statewide Planning Goal 12, Transportation, requires Portland to adopt a Transportation System Plan (TSP) that supports safe, convenient and economical movement of people and goods, and supports a pattern of travel that will avoid air pollution, traffic and livability problems. Parts but not all of the City's *Transportation System Plan* has to be adopted as part of the *2035 Comprehensive Plan*.

All cities are required to provide safe and convenient motor vehicle, pedestrian and bicycle travel on a well-connected network of streets. Larger cities are required to provide for transit service and to promote more efficient performance of existing transportation facilities through transportation system management and demand management measures.

A key objective of Goal 12 (and associated administrative rules) is to reduce reliance on single occupancy automobile use, particularly during the morning and afternoon commutes. To accomplish this, the Goal requires street connectivity and land use patterns "that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs."

The Goal allows the recognition that some parts of the City, such as downtown, pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-friendly centers, are highly convenient for a variety of modes, including walking, bicycling and transit, while other



parts of the City are more auto-oriented. Nevertheless, the objective for the City as a whole is to “avoid principal reliance upon any one mode of transportation.”

Ordinance 187831 and Ordinance 187832 completed most periodic review obligations by:

- Recognition, acceptance and accommodation of the population and employment forecast and distribution issued by Metro under ORS 195.036. Pursuant to Portland’s periodic review work order, this is approximately 123,000 new households and 142,000 new jobs (2010-2035).<sup>10</sup>
- Adoption of a new *2035 Comprehensive Plan Map* carrying out and enhancing the spatial development pattern established by the *Region 2040 Growth Concept*, and furthering land use patterns “that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs” within the meaning of Goal 12 and the TPR (this is discussed in response to 660-012-0035).
- Adoption of *2035 Comprehensive Plan* policies sufficient to guide the completion of the TSP, and
- Adoption of an adequate list of transportation projects and related financial plan.

The TPR (OAR 660-0012) sets forth specific requirements for consistency with Statewide Planning Goal 12, and will be addressed below.

#### **OAR 660-012-0020 - Elements of Transportation System Plans**

This section of the rule requires that the TSP establish a coordinated network of transportation facilities and services adequate to serve state, regional, and local transportation needs, and identifies the required elements of a TSP. The table below summarizes the required elements, and identifies where they are addressed.

Figure 12-1. TSP Elements

Element	Status
Section 2 (a) - A determination of transportation needs and evaluation of alternatives	This was completed as part of periodic review Tasks III and IV. In addition, see findings for OAR 660-012-0030 and 0060 below.
Section 2 (b) - A road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections	Street classification amendments are occurring with this ordinance to bring the City’s classifications into conformance with the new <i>Comprehensive Plan</i> , and regional transportation plan (Exhibit F, Sections 4-7).
Section2 (c) – A public transportation plan	The TSP project list adopted with periodic

<sup>10</sup> Metro Council Ordinance 12-1292A (November 29, 2012).



	review Task IV is consistent with the <i>Regional High Capacity Transit Plan</i> , and contains projects to support Trimet's transit system plans (Exhibit D of Ordinance 187832). A letter of intent outlines steps to further joint planning with Trimet.
Section 2 (d) - A bicycle and pedestrian plan	<p>Existing adopted modal plans fulfill this requirement, which are not being amended with this ordinance.</p> <p>The TSP project list adopted with periodic review Task IV includes projects developed with the <i>Bicycle Plan for 2030</i> (Exhibit D of Ordinance 187832)</p>
Section 2 (e) - An air, rail, water and pipeline transportation plan which identifies airports, railroads, ports, and major regional pipelines and terminals.	<p>The existing adopted <i>Freight Master Plan</i> and <i>PDX Airport Futures Plan</i>.</p> <p>The <i>2035 Comprehensive Plan</i> adopted with periodic review Task IV incorporated new policies aimed at protecting harbor access lands within Industrial Sanctuary (Exhibit B of Ordinance 187832).</p> <p>TSP project list adopted with periodic review Task IV contains harbor and rail projects recommended by the Port of Portland, and regional rail freight studies (Exhibit D of Ordinance 187832).</p>
Section 2 (f) - A plan for transportation system management and demand management	New TDM programs are proposed with this ordinance (Exhibit F, Section 14).
Section 2 (g) - A parking plan	<p>With this ordinance Council has directed further refinement of parking plans, for further consideration in 2018 (Exhibit P).</p> <p>Further changes to the City's off-street parking regulations are adopted with this ordinance (Exhibit E, Chapter 33.266).</p>
Section 2 (h) - Policies and land use regulations for implementing the TSP	The <i>2035 Comprehensive Plan</i> adopted with periodic review Task IV incorporated new



	<p>Transportation and Public Facilities policies (Exhibit B of Ordinance 187832).</p> <p>Additional objectives and performance measures are adopted with this ordinance, which provide further more detailed policy guidance (Exhibit F, Sections 2 and 10)</p> <p>Amendments to the zoning code and Title 17 are adopted by this ordinance to implement elements of the TSP. See additional details in findings under 660-012-0045 below.</p> <p>The list of refinement plans and studies is updated by this ordinance (Exhibit F, Section 12).</p>
Section 2 (i) - A transportation financing program	This was adopted with periodic review Task IV (Exhibit F of Ordinance 187832).

### **OAR 660-012-0030 - Determination of Transportation Needs**

This rule requires TSPs to be based, in part, on an assessment of state, regional, and local transportation needs; needs of the transportation disadvantaged; and needs for movement of goods and services to support industrial and commercial development planned for pursuant to Statewide Planning Goal 9 (Economic Development) “needs” are defined in OAR 660-012-0005(32) as:

*Estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this rule, especially those for avoiding principal reliance on any one mode of transportation.*

The requirement for a needs analysis was addressed with periodic review Task III and Task IV. As part of those Tasks, the City conducted an analysis of motor vehicle mobility (volume to capacity ratios) in collaboration with Metro and ODOT. Based on this needs analysis, several segments of state highways do not meet mobility standards, even with planned projects in place. These are addressed in more detail later under findings for compliance with 660-012-0060. The City’s proposed approach for addressing these unmet state needs is to carry out further analysis as part of the projects identified at these locations in the TSP, and to conduct further refinement plans as defined in section 660-012-0025(3).



### Regional Travel Demand Model and Analysis

To support this analysis, the City coordinated with Metro to run the Regional Travel Demand Model. As a baseline for this modeling exercise, the City used the adopted 2035 Financially Constrained RTP project list (adopted 2010, based on the City's 2007 TSP), the adopted 2012 *Metro Urban Growth Report* jobs and housing forecast for 2035, and the subsequent RTP allocation of households and jobs to Metro Traffic Analysis Zones (TAZs).<sup>11</sup> The performance of other subsequent model results was compared with this baseline outcome.

The Regional Travel Demand Model was run five times, with additional supplemental City analysis.<sup>12</sup> In each case, this analysis compares expected performance of the planned transportation system in 2035.

1. The first model run measured the impact of staff-proposed land use changes, while holding planned transportation improvements constant per the current adopted City TSP.
2. The second run added the staff-proposed revised TSP project list<sup>13</sup> to measure the impact of project list changes in isolation.
3. The third model run used the updated land use and project recommendations from the Planning and Sustainability Commission. These results were reported in findings for Task IV (Ordinance 187832).
4. The fourth model run used the land use and projects from the adopted *Comprehensive Plan* Map (known as the "ACP", or Adopted *Comprehensive Plan* run).
5. The fifth model run was the same as the fourth, except the *Zoning Map* was used to generate land use assumptions, rather than the *Comprehensive Plan Map* (known as the "FZ", future zoning run).

### **OAR 660-012-0045 – Implementation of the Transportation System Plan**

This ordinance adopts a variety of implementation tools consistent with this rule, as summarized below in Figure 12-2.

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<sup>11</sup> This allocation was made using land use assumptions from the current adopted *Comprehensive Plan*.

<sup>12</sup> A more detailed description of modelling methods is found in a memo to City Council dated April 18, 2016.

<sup>13</sup> The "project list" is the list of improvements that define the planned modes, functions, capacities, and general locations of improvements to the transportation system. In RTFP terms, the project list is the list of "solutions" or strategies (defined in 3.08.220) to meet "needs" identified pursuant to RTFP 3.08. 110 through 160 and 3.08.210.



Figure 12-2 – TSP implementation approaches adopted with this ordinance

Rule Section	Description of what the section requires	Impact of this ordinance
(2)	Protect transportation facilities, corridors and sites for their identified functions	<ul style="list-style-type: none"> <li>• New main street overlay zones adopted with this ordinance include zoning regulations that limit parking and driveways close to certain commercial main streets to ensure more continuous pedestrian zone (33.415.330).</li> <li>• Special setbacks have been applied along several major traffic streets to enable a more comfortable sidewalk zone on wide streets (33.130.215).</li> </ul>
(3)	Ensure safe and convenient pedestrian and bicycle access	<ul style="list-style-type: none"> <li>• The new commercial/mixed use zoning includes pedestrian circulation standards similar to those previously adopted to meet this rule (Exhibit E, 33.130.240).</li> <li>• Bike parking requirements already adopted by the City will continue to apply (Exhibit E, 33.266).</li> <li>• Updated Master Street Plans (Exhibit F, Section 9).</li> </ul>
(4)	Support transit	<ul style="list-style-type: none"> <li>• The new commercial/mixed use zoning also includes maximum building setback and main entrance requirements designed to ensure new buildings are oriented to the street and provide direct access from the sidewalk to main entrances (Exhibit E, 33.130.215 and .242).</li> </ul>
(5)	Reduce reliance on the automobile	<ul style="list-style-type: none"> <li>• New Transportation and Parking Demand Management requirements will apply to college and hospital campus development, as well as larger residential or mixed use developments. College and hospitals will continue to be required to prepare TDM plans with major campus expansions, but with greater emphasis on measuring outcomes, and developing a toolbox of best practices among the impacted institutions. The new requirements for residential development will require a transit pass subsidy for each unit, for the initial first year of building occupation - or an equivalent subsidy to car share or bike share systems (Exhibit E, 33.266.410 and .420)</li> </ul>



		<ul style="list-style-type: none"> <li>• Changes to off-street parking requirements, removing those requirements for residential buildings close to frequent transit (Exhibit E, 33.266.110). New maximum parking ratios are also applied to residential development.</li> <li>• Parking code changes are also included to allow greater use of shared parking, and commercial paid parking (Exhibit E, 33.266.100 and 33.130.100.B.9).</li> <li>• New multimodal transportation adequacy criteria which will be applicable to a variety of land use reviews (Exhibit E, 33.852).</li> </ul>
(6)	Improvements to facilitate bicycle and pedestrian trips to meet local travel needs in developed areas	<ul style="list-style-type: none"> <li>• New bicycle classifications are incorporated into the TSP, implementing the adopted Bicycle Plan for 2030 (Exhibit F, Sections 4 and 5).</li> </ul>
(7)	Narrow street standards	<ul style="list-style-type: none"> <li>• No changes to the City's existing street and subdivision standards are being made with this ordinance – existing allowances for “skinny” streets are retained.</li> </ul>

### **OAR 660-012-0060 - Plan and Land Use Regulation Amendments**

These findings are in four parts:

1. The first part discusses applicability of OAR 660-012-0060 to this periodic review ordinance;
2. Second, there is a discussion of the expected household and job distribution under zoning adopted with this ordinance, in comparison to the distribution predicted under the recently adopted 2035 *Comprehensive Plan Map*;
3. Third, there is a brief discussion of general (citywide) Regional Travel Demand Model Analysis results; and
4. Finally, there is a discussion of more specific model results – with an emphasis on locations that fail to meet state volume/capacity standards.



### General Applicability

OAR 660-012-0060 is not applicable to this ordinance because the City is replacing its entire *Comprehensive Plan* in addition to a major update of its *Transportation System Plan*. The zone changes in this ordinance are integral to the *Comprehensive Plan* acknowledgement process. OAR 660-012-0060 focuses on discrete, specific amendments to an existing plan, not a wholesale change such as the one the City is making under its periodic review work program.

This ordinance is part of a sequence of City actions that are steps in an integrated periodic review work plan that is intended to result in a new acknowledged *Comprehensive Plan*. On June 15, 2016 the City Council adopted a new *2035 Comprehensive Plan* (Task IV of periodic review). With that ordinance the City Council adopted findings in response to Goal 12, the State Highway Plan, and the Regional Transportation Plan, and other state land use goals. In those findings the City identified elements of the transportation network that fail to meet state-adopted volume to capacity congestion standards, and identified projects and further studies intended to address those problems.

When a comprehensive plan and its associated transportation system plan are acknowledged to comply with Goal 12, the land uses allowed by the plan and the planned supporting transportation facilities are deemed to be in “balance.” When the *Comprehensive Plan* or *Zoning Map* designations, are changed, the city must demonstrate that this balance can be maintained, as required by OAR 660-012-0060. Periodic review is a major revision of plans. During each major revision plans are rebalanced to assure that existing and future land uses can be supported by existing and future transportation facilities.

The *Zoning Map* changes in this ordinance are consistent with and required to implement the recently-adopted *2035 Comprehensive Plan* and *Transportation Systems Plan*. The exception under OAR 660-012-0060 (9) allows for zoning changes in conformance with comprehensive plans, but does not directly address the applicability of the rule to amendments that are carried out within periodic review (when a new plan has been adopted but not yet acknowledged). Nevertheless, for the reasons stated above, the rule must be read as a whole to apply to post-acknowledgement amendments, not periodic review amendments. As part of periodic review, the City is required to amend its *Zoning Map* to implement the new plan and remove conflicts between the *Zoning Map* and new *Comprehensive Plan*. An alternate interpretation of OAR 660-012-0060 potentially puts the City in the position of being unable to complete zoning amendments necessary to bring zoning into conformance with the new *Comprehensive Plan*.

Although the rule does not apply, the Regional Travel Demand Model was run to test the impact of the recommended *Zoning Map* on state facilities, with additional analysis by the City. The City coordinated review of transportation modeling results with ODOT. The remaining findings are made out of caution, should decision-makers find that 0060 is applicable. From the model results, impacts to state highway volume to capacity ratios were examined. Information was generated about the freeway system generally, as well as other “locations of concern” on state highways. ODOT staff reviewed model results with the City.



### Job and Household Allocation

The basis of transportation modeling is a predicted allocation of households and jobs at the end of the planning horizon (2035 in this case). The City relies on 20-year population and employment forecasts issued by Metro under ORS 195.036. Pursuant to Portland's periodic review work order, this is approximately 123,000 new households and 142,000 new jobs (2010-2035).<sup>14</sup> For purposes of modeling plan outcomes, this citywide allocation was further distributed to smaller geographies. This information and related methodology was published and presented to decision-makers as part of periodic review Task III, in the *Growth Scenarios Report*, and the *Buildable Lands Inventory and Growth Allocation GIS model*.

Because the *Zoning Map* adopted with this ordinance conforms to the new 2035 *Comprehensive Plan*, the expected housing and employment distribution is similar. Differences are attributable to the fact that not all zoning authorized by the plan has been immediately implemented. For example, zoning has been held at a lower density for the short term in some locations, pending further planning, or pending further infrastructure investments. Zoning may be a lower density or less intensive use than what is allowed by the *Comprehensive Plan*, but not higher. Because the City's total growth assumption is a fixed number, applying a lower density zone in one location will cause zoned capacity in other locations to be more fully used. While zoning land for a lower density or less intensive use than the *Comprehensive Plan* allows may reduce pressure on the transportation system in that specific location, it may actually increase pressure in other locations (depending on where that growth appears instead).

Figures 12-3 and 12-4 below identify certain locations (Transportation Analysis Zones) in red, where modeling suggests higher growth under the *Zoning Map* than under the *Comprehensive Plan Map*. As shown on the map, much of the City's expected growth is comparable under either map. Transportation outcomes in these areas should be similar. In some areas, the *Zoning Map* results in lower growth than would be the case with the *Comprehensive Plan Map*. An example of such an area is inner SE Portland, where some of the mixed use corridors are not yet zoned to the full potential allowed by the *Comprehensive Plan*. In areas like this, transportation outcomes should also be comparable to what would be predicted under the *Comprehensive Plan Map*, or slightly better. The remainder of this analysis focuses on areas in red on Figures 12-3 and 12-4. The red areas demonstrate where transportation congestion potentially could be worse under the *Zoning Map*, relative to the adopted *Comprehensive Plan Map*.

Transportation modeling results for the recommended 2035 *Comprehensive Plan* were provided to City Council as part of periodic review Task IV, in a memo dated April 18, 2016. Further modeling was completed in October of 2016, using the adopted 2035 *Comprehensive Plan Map*. Figure 12-5 below is a map from this most recent modeling, identifying ODOT facilities with a volume to capacity ratio above .99 under the land use pattern of the adopted 2035 *Comprehensive Plan*<sup>15</sup>.

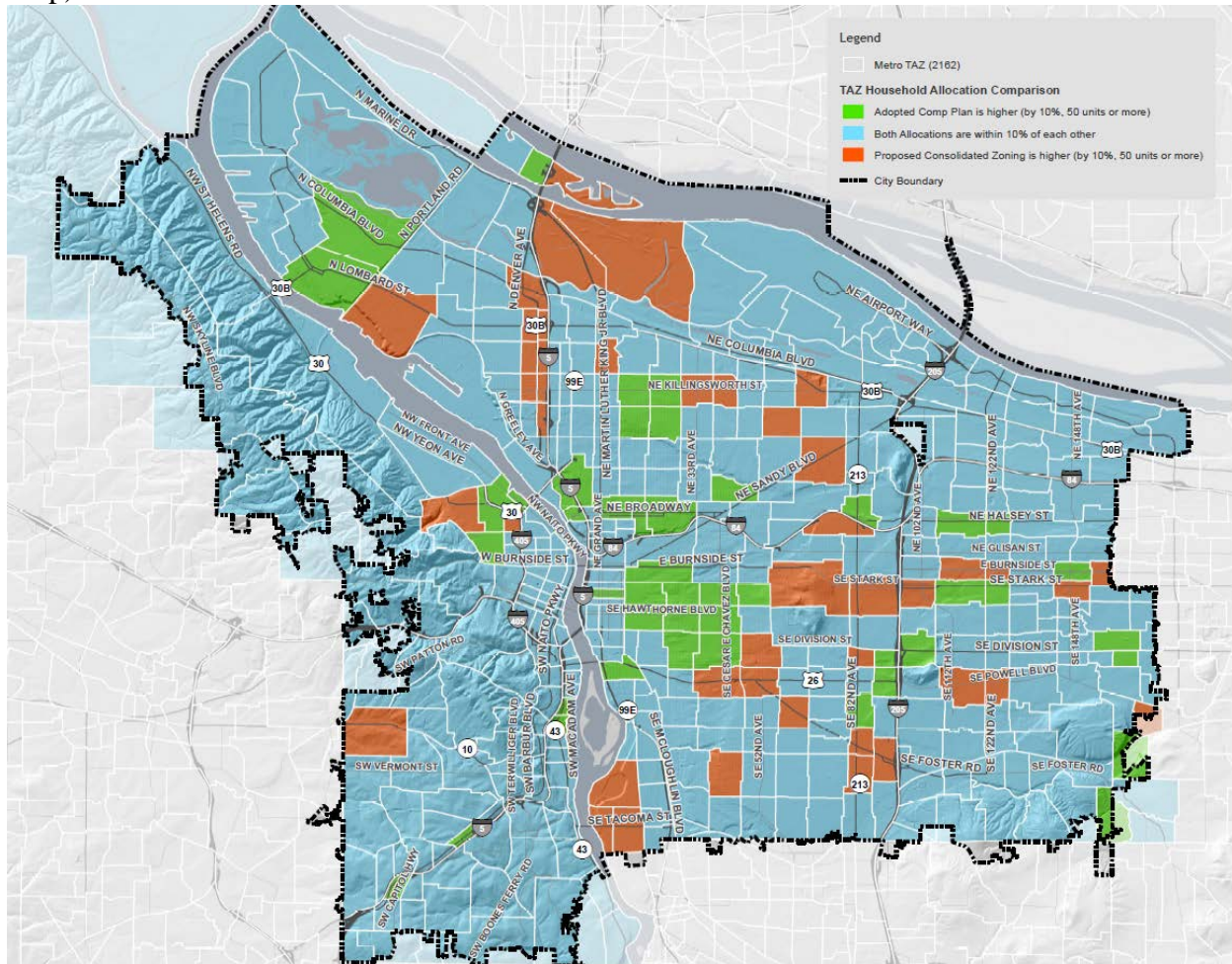
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<sup>14</sup> Metro Council Ordinance 12-1292A, November 29, 2012.

<sup>15</sup> The map shows predicted 2035 v/c ratios generated by both the spring 2016 modeling ("Run #3") and fall 2016 modeling ("ACP").



Figure 12-3. Household allocation differences (*Zoning Map* relative to *Comprehensive Plan* Map)



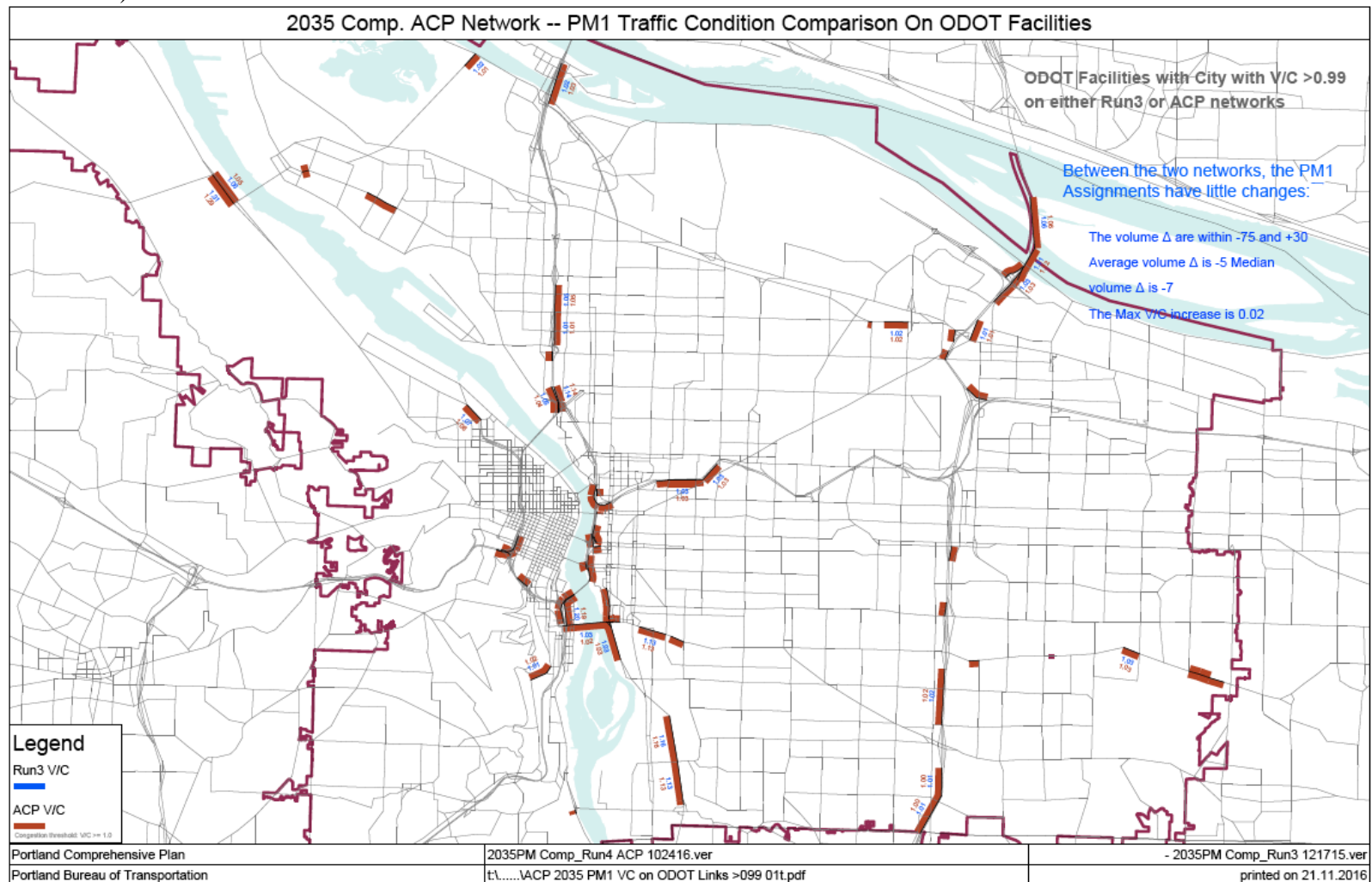


**Legend**

- Metro TAZ (2162)
- TAZ Employment Allocation Comparison**
  - Adopted Comp Plan is higher (by 10%, 50 units or more)
  - Both Allocations are within 10% of each other
  - Proposed Consolidated Zoning is higher (by 10%, 50 units or more)
- City Boundary



Figure 12-5. Map of facilities that fail to meet Policy 1.F (Table 7) V/C ratios from the *Oregon Highway Plan* using model results based on the housing and employment distribution predicted from the adopted 2035 *Comprehensive Plan Map* (know as the “ACP” model run)





Overlaying the information from Figures 12-3 through 12-5 shows that there are a few locations where there is both a transportation facility that failed to meet Policy 1.F when the *Comprehensive Plan Map* was modeled, and a forecast of higher growth under the *Zoning Map* than under the *Comprehensive Plan Map*. These locations are listed in Figure 12-6 below.

Figure 12-6. TAZs with both (a) a transportation facility that failed to meet Policy 1.F when the adopted *Comprehensive Plan Map* was modelled, and (b) a model prediction of higher growth under the *Zoning Map* than under the *Comprehensive Plan Map*.

TAZ	Change in modelled growth allocation ( <i>Zoning Map</i> relative to <i>Comprehensive Plan</i> )	Transportation Facility that that fails to meet Policy 1.F (Table 7) V/C ratios from the <i>Oregon Highway Plan</i>
65 (OHSU)	+47 households; +522 jobs*	I-405 exit ramps
127	+172 households; +117 jobs	I-5 North
159	+ 68 households; -1,159 jobs**	US 30 Bypass (N Lombard)
160	+ 112 jobs; -212 households	US 30 Bypass (N Ivanhoe, N Philadelphia, N Lombard)
219	+24 households; +833 jobs***	US 26 (Inner Powell Blvd.)
220	-37 households; +152 jobs	OR 99-E (SE McLoughlin Boulevard south of Ross Island Br.)
230	+51 households; -6 jobs	OR 43 (SW Macadam)
231	+70 households; +402 jobs	OR 99-E (SE McLoughlin Boulevard)
247	+170 households; +29 jobs	US 26 (Inner Powell Blvd.)
267	+173 households; +83 jobs	I-205 in Lents vicinity
276	+94 households; +176 jobs	I-205 exit ramps near Gateway
349	+109 households; +288 jobs	US 30 Bypass (NE Killingsworth @ 70 <sup>th</sup> -82 <sup>nd</sup> )
354	+3 households; +310 jobs	I-205 @ Killingsworth
356	+397 jobs****	I-205 @ Airport Way
357	+547 jobs****	I-205 @ Airport Way
396	+9 households; +99 jobs	I-205 exit ramps
403	+94 households; +126 jobs	I-205 exit ramps
418	+65 households; +240 jobs	US 26 (Powell Blvd. @ 136 <sup>th</sup> – 168 <sup>th</sup> )
443	+100 households; +46 jobs	US 26 (Powell Blvd. @ 112 <sup>th</sup> )
444	+23 households; +276 jobs	US 26 (Powell Blvd. @ 112 <sup>th</sup> )
453	+38 households; +78 jobs	I-205 in Lents vicinity

\* This difference in OHSU is the result of that campus retaining its existing EX zoning, rather than changing to a new campus zone. The model is based on fixed job density assumptions for each zone, so this changed the model assumption for this TAZ.

\*\*This large difference in TAZ 159 is most likely due to assumptions for future campus use of the McCormack & Baxter site, shown on *Comprehensive Plan Map*, but not yet zoned.

\*\*\* No significant *Zoning Map* changes were made in TAZ 219, but modeling suggests that the *Zoning Map* will result in higher utilization of existing entitlements in this area because other



employment land in other locations on the *Comprehensive Plan Map* has not yet been zoned to accommodate these uses.

\*\*\*\* No *Zoning Map* changes were made in the vicinity of I-205 and Airport way, but modeling suggests that the *Zoning Map* will result in higher utilization of existing entitlements in this area because other employment land in other locations on the *Comprehensive Plan Map* has not yet been zoned to accommodate these uses.

The facilities in these areas are examined further in the final part of these findings, to confirm the predicted V/C ratios based on the land use pattern expected from the *Zoning Map*. The purpose of this analysis is to both determine if the additional growth expected in these locations with the *Zoning Map* land use pattern will worsen the failure of these facilities, and to verify if there are projects and studies in the TSP that provide a mechanism to consider additional remedies at these locations.

#### Regional Travel Demand Model Analysis – General Results

Before discussing specific locations and transportation facilities, it is useful to compare citywide performance modeling results. Figure 12-7 below compares predicted 2035 citywide mode splits and vehicle miles travelled (VMT) for both the adopted *Comprehensive Plan Map* and the *Zoning Map* being adopted with this ordinance. As shown in this table, model results are virtually identical at the citywide scale. In other words, at a citywide scale, any difference in outcomes between the adopted 2035 *Comprehensive Plan Map* and the *Zoning Map* are insignificant. This supports a conclusion that the transportation effect of this ordinance is not significant, for purposes of OAR 660-012-0060.

Figure 12-7. Citywide modelling results comparison (fall 2016 “ACP” and “FZ” model runs)

			Adopted <i>Comprehensive Plan</i>	<i>Zoning Map</i>
All Trips	Mode %	Auto	74%*	74%*
		Transit	12.4%	12.5%
		Bike	3.6%	3.6%
		Walk	9.9%	9.9%
	Carpool		33.3%	33.3%
	Non SOV		46.3%	46.5%
	VMT per Capita		11.5	11.4

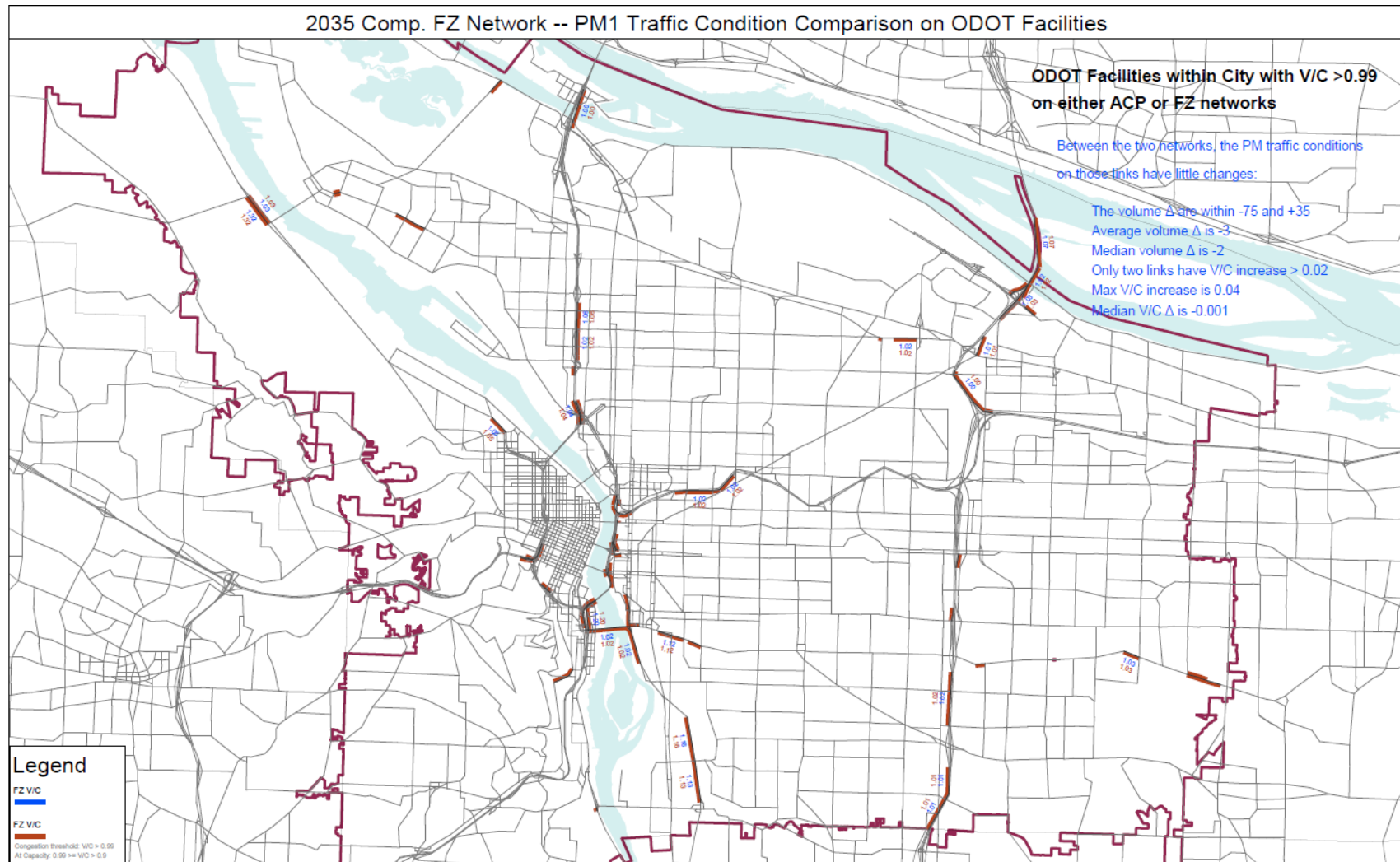
\* For context, auto mode share was 81percent in 2010.

#### Regional Travel Demand Model Analysis – Location-Specific Results

The remainder of these findings focus on specific ODOT system locations that fail to meet Oregon Highway Plan Policy 1.F mobility targets, based on the most recent fall 2016 modelling of the *Zoning Map* (the “FZ” model run). Figure 12-8 below is a map of ODOT facilities with a volume to capacity (V/C) ratio above .99 based on either the adopted 2035 *Comprehensive Plan* or the *Zoning Map*. As explained above, differences are attributable to the fact that not all zoning authorized by the new plan has been immediately implemented in zoning. As a result, predicted housing and employment distribution is slightly different.



Figure 12-8. Map of facilities that fail to meet Policy 1.F (Table 7) V/C ratios from the *Oregon Highway Plan* using model results based on the housing and employment distribution predicted from the *Zoning Map* (known as the “FZ” model run).





The subsequent table (Figure 12-9) itemizes the specific links highlighted with Figure 12-8. Many of the locations listed also do not meet the mobility targets with the current acknowledged *Comprehensive Plan* and TSP, as documented in baseline model results disclosed as part of periodic review Task IV. For each location, the table identifies the recommended project, study, or refinement plan associated with each location. These projects, plans, and further studies provide a mechanism for more location-specific analysis to identify the best way to make progress toward better meeting mobility targets in these locations. Because most of the projects in question have not been designed at a detailed level, there is an opportunity to do more site-specific analysis and consider further design solutions to improve the v/c at these locations.

Figure 12-9. Facilities that fail to meet Policy 1.F (Table 7) V/C ratios from the *Oregon Highway Plan* using model results based on the housing and employment distribution predicted from the *Zoning Map* (known as the “FZ” model run).

Highway/Street/Road	Location	Response (Projects and Refinement Plans)
Facilities within the Central City*		
I-405	Broadway exit and entrance ramps	MMA projects, CC2035 Plan, Project #20027, CC Loop Refinement Plan
I-405 NB	Between US 26 and Salmon	MMA projects, CC2035 Plan, CC Loop Refinement Plan
I-5 SB	Marquam Bridge approaching I-405 interchange	MMA projects, CC2035 Plan, CC Loop Refinement Plan
Junction of I-405 and US 26	Various ramps	MMA projects, CC2035 Plan, I-405 Safety Study
Junction of I-405 and I-5	Various ramps at east end of Freemont Bridge	MMA projects, CC2035 Plan, CC Loop Refinement Plan
I-405 NB	Kerby Street exit	MMA projects, CC2035 Plan, added light at Vancouver (project complete)
Junction of I-5 and I-84	Various ramps	MMA projects, CC2035 Plan, CC Loop Refinement Plan, Project #20119
US 26 (Sunset Hwy)	Vista Tunnel	MMA projects, CC2035 Plan
I-5 SB and NB	Various ramps connecting to and from Morrison Bridge	MMA, CC2035 Plan, CC Loop Refinement Plan
US 26 (Powell Blvd.)	Between Ross Island Bridge and Milwaukie Ave.	MMA projects, CC2035 Plan
Junction of US 26 (Powell Blvd.) and US 99E (McLoughlin)	ramp from Ross Island Bridge to McLoughlin Blvd. SB	MMA projects, CC2035 Plan, Projects #20050, 70030, 70045, 70078, 80040
US 26	Ross Island Bridge	MMA projects, CC2035, Project #80039, 80040



99E (SE Grand/MLK)	Viaduct from Lincoln to Powell	MMA projects, CC2035 Plan, Project #20050
Freeways and expressways outside the Central City		
I-5 NB	Going to Ainsworth	Third Track Connector Study
I-5 NB	Marine Dr. to Interstate Bridge	Projects #30020, 30033, Hayden Island Access Study
I-84 EB	16 <sup>th</sup> to 32 <sup>nd</sup>	Project #70078
I-205 NB	I-84 to over Glenn Jackson Bridge	Interstate 205 Corridor Refinement Plan, Project #40046
Junction of I-205 and Airport Way	Various ramps	Interstate 205 Corridor Refinement Plan
Junction of I-205 and NE Killingsworth	Various ramps	Interstate 205 Corridor Refinement Plan, Project #40018
I-205 SB	Killingsworth to Prescott	Interstate 205 Corridor Refinement Plan
I-205 SB	Exit to SE Division	Interstate 205 Corridor Refinement Plan
I-205 SB	Powell to Foster	Interstate 205 Corridor Refinement Plan
I-205 NB	In vicinity of Flavel	Interstate 205 Corridor Refinement Plan
I-205 NB	exit ramp to SE Washington in Gateway	Interstate 205 Corridor Refinement Plan
OR 99-E (SE McLoughlin Boulevard)	Ross Island Bridge to Center	Project #70030, Portland-Milwaukie LRT, ODOT “Hot Spots” Refinement Plan.
OR 99-E (SE McLoughlin Boulevard)	Reedway to Tacoma	Projects #70030, 70076, Portland-Milwaukie LRT, ODOT “Hot Spots” Refinement Plan.
Other ODOT facilities outside the Central City		
US 30 (NW Yeon)	NW Nicolai to NW 26 <sup>th</sup>	Project #60023
US 30 Bypass (N Ivanhoe, N Philidephia, N Lombard)	St Johns	Projects #30035, 30050
US 30 Bypass	St Johns Bridge, and NW Bridge Ave	North Willamette River Crossing Study
US 30 Bypass (N Lombard)	Westanna to Foss	Lombard Corridor Plan, Projects #30035, 30059
US 30 Bypass (NE Killingsworth)	70 <sup>th</sup> to 82 <sup>nd</sup>	ODOT “Hot Spot” Refinement Plan
North Portland Rd	At Marine Drive	Project #30038, Industrial Lands Access Study
US 26 (Powell Blvd.)	Ross Island Bridge to Chavez	Projects #80037, 80039,



		80040, 70045
US 26 (Powell Blvd.)	I-205 to 112 <sup>th</sup>	Projects #80015, 80032, 80035, 80037
US 26 (Powell Blvd.)	136 <sup>th</sup> to 168 <sup>th</sup>	Projects #80015, 80032, 80037, 80035, ODOT “Hot Spots” Refinement Plan.
99W (SW Barbur)	Bancroft to OR 10 (Capital Hwy)	Projects #90014, 90017, 90018, 90105, 90106, 90107, SW Corridor
OR 43 (SW Macadam)	Taylor's Ferry to Sellwood Bridge	monitor
OR 43 (SW Macadam)	At Palatine Hill Rd	Project #90071

\* This table shows the performance of Central City locations but does not yet reflect the impact of land use or project list changes being proposed with the *Central City 2035 Plan*, which will be adopted as a post-acknowledgement Plan.

#### Conclusions for 660-012-0060

These findings conclude that OAR 660-012-0060 does not apply to this periodic review ordinance. Even if it does apply, the *Zoning Map* changes being made are being made in conformance with the adopted 2035 *Comprehensive Plan Map*.

Furthermore:

- Comparing the household and job distribution predicted with the adopted *Comprehensive Plan Map* with that predicted with the *Zoning Map*, the differences are minor. This is relevant because this distribution impacts transportation patterns;
- The differences between the *Zoning Map* and the *Comprehensive Plan Map* did not introduce new problems that had not already been known during earlier (Task IV) analysis of the *Comprehensive Plan Map* and *TSP*, and those problems have not been made worse (as evidenced by Figure 12-6);
- The Regional Travel Demand Model Analysis results from these two distributions are virtually identical (Figure 12-5); and
- The state facilities that are expected to fail to meet state volume/capacity standards have been identified, and they correspond to locations already identified for future capital projects or studies in the recently adopted TSP (Exhibit D of Ordinance 187832). Although Figure 12-6 illustrates that the modeled outcomes we expect by building these planned projects has not fully resolved these failures, the planned projects and studies provide a mechanism to carry out further analysis and consideration of design alternatives that could address them.



## **Statewide Planning Goal 13 Findings**

### ***Goal 13. To conserve energy.***

Goal 13 requires that land use plans contribute to energy conservation. The *Growth Scenario Report* adopted with periodic review Task IV by Ordinance 187831 contains information about how energy conservation was considered in the development of the *2035 Comprehensive Plan*. For the facts and reasons stated in the finding in Exhibit A of that previously submitted task, Portland's periodic review work program requires no further actions to comply with Goal 13.

## **Statewide Planning Goal 14 Findings**

### ***Goal 14. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.***

Statewide Planning Goal 14, Urbanization, has several purposes, including:

- Providing orderly and efficient transitions from rural to urban land uses;
- Accommodating urban population and urban employment inside urban growth boundaries;
- Ensuring efficient use of land; and
- Providing for livable communities.

Goal 14 and its administrative rule assign most of these functions to Metro rather than the City. The City's role is limited to accepting the share of regional household and employment growth allocated by Metro, and demonstrating that this growth can be accommodated in an orderly and efficient manner that preserves and enhances livability. The template for this desired development pattern is the *Region 2040 Growth Concept*, which is carried out by Metro's *Urban Growth Management Functional Plan* (UGMFP). The growth concept emphasizes development within designated centers and corridors.

The Goal 2 analysis performed for the *Growth Scenarios Report* adopted by periodic review Task III (Ordinance 187831) provides substantial evidence that the spatial development pattern of urban jobs and housing allowed by the *2035 Comprehensive Plan Map* is compatible with the *Region 2040 Growth Concept*, ensures efficient use of urban land through infill and redevelopment opportunities, and will provide for more complete and livable communities. For the facts and reasons stated in the finding for Goals 2, 9, 10 and 12 in Exhibit A of Ordinance 87832, all requirements of Goal 14 have been met. Portland's periodic review work program requires no further actions to comply with Goal 14.



## **Statewide Planning Goal 15 Findings**

***Goal 15. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.***

This ordinance does not adopt an inventory of greenway resources or uses, or adopt land use regulations that allow intensification of uses within the Greenway. For this reason, most of Goal 15 does not apply to this ordinance. Goal 15 does, however, require that the Greenway boundary be depicted in the *2035 Comprehensive Plan*. This was done with the adoption of periodic review Task IV (Ordinance 187832).

The only provision of Goal 15 applicable to this ordinance is the requirement that “Each comprehensive plan shall designate areas identified for possible public acquisition.” This ordinance adopts needed segments of the Willamette Greenway Trail as components of the “Major Public Trails” depicted on the of the *Comprehensive Plan Map* and *Zoning Map* (Exhibits B and D-9).

Portland’s periodic review work program requires no further actions to comply with Goal 15.

## **Statewide Planning Goal 16, 17, 18, and 19 Findings**

Portland is not within Oregon’s coastal zone, and Goals 16, 17, 18, and 19 do not apply to this ordinance.

## **Metro Coordination Findings**

Within the Portland Metropolitan area, Metro has the authority and obligation under ORS 195.025 and ORS 195.036 to coordinate the comprehensive plans of the City and 25 other incorporated municipalities, and the unincorporated urban portions of three counties with one another. Metro accomplishes this in three ways:

- Adopting a 20-year population forecast for the entire Metropolitan region;
- Allocating 20-year housing and job need numbers to each of the 29 jurisdictions; and
- Requiring each city and county plan to meet the allocated 20-year housing and job need numbers.

When all 29 governments change their plans to meet their Metro allocations, the 29 plans will be sufficiently coordinated with one another within the meaning of ORS 195.036 and Statewide Planning Goal 2.



The Metro Council adopted a new regional forecast by Ordinance 12-1292A on November 29, 2012, and the City recognized and accepted this forecast of jobs and housing through the year 2035 on June 15, 2016 (Ordinance 187831). For this reason, and for the facts and reasons included in the findings for Goals 2, 9, 10 and 14 in this ordinance, the City is in full accord with Metro’s authorities and obligations under ORS 195.025 and ORS 195.036.

### **Metro Urban Growth Management Functional Plan Findings**

Under ORS 268.380 and its charter Metro has the authority to adopt regional plans and require city and county plans to comply with regional plan. Metro adopted its *Urban Growth Management Functional Plan* under this authority.

In its June 2011 update to its 2010 compliance report Metro found “The City of Portland is in compliance with all UGMFP requirements in effect on December 15, 2010, except for Title 13, Nature in Neighborhoods. On January 16, 2013, the City received a letter from Metro stating that Portland had achieved compliance with Title 13.

Most of the UGMFP requirements concern zones and land use regulations. Many of the zones and land use regulations that Metro has deemed to comply with UGMFP are not repealed or amended by this ordinance and continue in effect. Specific changes that do relate to UGMFP compliance are addressed below.

### **Urban Growth Management Functional Plan Title 1 Findings, Housing Capacity**

*The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120.*

This element of the regional plan limits down-zoning in the Central City and other 2040 places – specifically Regional Centers, Town Centers, 2040 Corridors, Station Communities, and 2040 Main Streets. There is a limited set of circumstances when down-zoning within these 2040-defined places may occur, including changes to address Title 4 (Industrial and Other Employment Areas), to add medical or educational facilities, and to protect natural resources.

For purposes of this title, Metro measures “minimum zoned capacity.” The title is clear that individual parcels may be down-zoned, provided the impact on the citywide minimum zoned capacity is negligible.

#### **Method of Analysis**

To evaluate compliance with Title 1, GIS analysis was performed to calculate the minimum zoned capacity for Gateway; all Town Centers; Neighborhood Centers; and other 2040 Station Communities, Corridors and Main Streets. The Central City was not included in this analysis because no land use map changes have been proposed involving designations with minimum residential densities (Central City Plan Map changes will come later, as part of the *Central City*



2035 project, and will be subject to a separate analysis). Some of the City-designated Town Centers shown in the *2035 Comprehensive Plan* are not yet adopted by Metro, but most of these places are already designated 2040 Corridors, Station Communities, or 2040 Main Streets. The City-designated Neighborhood Centers are a local designation, generally equivalent to the Metro Main Street designation (not to be confused with a different use of that terminology in Metro Title 12).<sup>16</sup>

This analysis compares current minimum zoned residential capacity with the minimum zoned capacity of the new *Zoning Map* being adopted with this ordinance. The different 2040 geographies within Portland are each summarized. The analysis is focused on vacant and underutilized land identified by the City's *Buildable Lands Inventory (BLI)*. Other lots may have minimum residential density higher than current utilization, but are not considered part of the City's "capacity" to accommodate additional growth. The analysis also excluded land within adopted college and medical center campus master plan areas and public land (such as parks, schools, etc.). Some college and hospital campuses, schools, and parks are currently zoned with residential designations, but they are not functionally available to accommodate additional housing.

#### Current Minimum Density Rules

This analysis is based on current minimum densities in the Zoning Code. Figure T1-1 below summarizes current Zoning Code residential density requirements. Only residential zones have minimum residential density requirements, though housing is also allowed in commercial/mixed use zones.

The Portland Zoning Code also specifies how minimum and maximum density numbers are rounded:

- Truncate all min and max density numbers after the second decimal (3.83 if 3.839);
- For min density, round up after .5 (3.83 becomes 4);
- For results below 1.00, always round up to 1 (0.1 would become 1);
- For max density, if the result is 1.01 to 3.99, round up only after .9;
- For max density, if the result is 4.01 to 10.99, round up only after .75;
- For max density, if the result is 11.01 or greater, round up at .5; and
- For final results, truncate to the rounded whole number.

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<sup>16</sup> Maps of the relevant GIS analysis geographies were provided to City Council in a memo dated April 18, 2016, as part of a preliminary analysis conducted with periodic review Task V.



Figure T1-1. Minimum Residential Density from the Portland Zoning Code

<b>Zoning Map Designation</b>	<b>Minimum Residential Density<sup>1,2</sup></b>	<b>Maximum Residential Density</b>
RX	1 unit per 500 square feet.	1 unit per 250 square feet.
RH	1 unit per 1,000 square feet.	1 unit per 500 square feet.
R1	1 unit per 1,450 square feet <sup>3</sup>	1 unit per 1,000 square feet.
R2	1 unit per 2,500 square feet.	1 unit per 2,000 square feet.
R3	1 unit per 3,750 square feet.	1 unit per 3,000 square feet.
R2.5	1 unit per 6,250 square feet.	1 unit per 2,500 square feet.
R5	1 unit per 6,250 square feet.	1 unit per 5,000 square feet.
R7	1 unit per 8,750 square feet.	1 unit per 7,000 square feet.
R10	1 unit per 12,500 square feet.	1 unit per 10,000 square feet.
R20	1 unit per 25,000 square feet.	1 unit per 20,000 square feet.
RF	1 unit per 108,900 square feet.	1 unit per 87,120 square feet.
Notes: 1) The minimum density of the portion of the site in the environmental zone, floodplain, or Landslide Hazard Area is 0. 2) If the minimum density is equal to the maximum density, then reduce the minimum by one. 3) In the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet.		

Using these rules, and the City's zoning and parcel data, GIS software was used to add up the total residential minimum density of the analysis areas in question. Several maps were used in this process:

- Metro 2040 Main Streets – areas within ¼ mile;
- Metro 2040 Corridors – areas within ¼ mile;
- Metro 2040 Station Areas – areas within ¼ mile of stations;
- District Liaison Boundaries;
- Town Centers and Neighborhood Centers (with actual boundaries, including Gateway and Central City);
- Urban Services Boundary (Proposed);
- 2035 *Comprehensive Plan* designations;



- Zoning (current);
- Parcels;
- Vacant and Underutilized Land/BLI – the 2015 version;
- Environmental zones;
- Floodplains; and
- Landslide Hazard Areas.

### Analysis Results

As shown in Table 2, the citywide estimated minimum residentially-zoned capacity is 39,324 dwellings, using the current *Zoning Map*. With zoning changes made with this ordinance, that number is 33,808 (about 14 percent less).

Most of the individual geographies reported in Table 2 have negligible changes (changes of less than 50 units, or less than 5 percent). Areas with more significant decreases are generally due to one of the following two reasons:

1. Some parcels changed from residential to commercial/mixed use zoning. These changes represent a loss of minimum residentially-zoned capacity only because the City does not currently have minimum density requirements for residential development in commercial/mixed use zones. It should be noted that this change may be beneficial from the perspective of Title 6 incentives.
2. Some parcels changed from one residential zone to a lower density residential zone (for example from R7 to R10, etc.). In many cases these changes were made in response to land hazards, historic district designations, lack of supporting transportation infrastructure, and school district capacity constraints.

These reasons are noted in Figure T1-2.

Changes from residential to commercial/mixed use are not likely to result in an actual loss of zoned residential capacity because residential development is allowed in commercial/mixed use zones. In fact, between 2005 and 2014, 74 percent of development projects in Portland's commercial/mixed use zones included new residential units. These projects added 6,866 units to the City's housing supply. 3,670 of those units were in 155 different mixed use buildings, and the remainder were in entirely residential buildings. Forty of those mixed use projects were profiled in more detail in the *Mixed Use Zones Assessment Report* (October 2014). The average density of those 40 mixed use projects was 140 units/acre.



Figure T1-2. Estimated Minimum Residentially-Zoned Capacity

Place	Existing Zoning 1902	New Zoning 1902	Change 0	% Change 0%	Notes
<b>CENTRAL</b>					
Central City	1902	1902	0	0%	
<b>EAST</b>	<b>19435</b>	<b>16102</b>	<b>-3333</b>	<b>-17%</b>	
Gateway Regional Center	3912	3433	-479	-12%	* changes from residential to commercial/mixed use
Midway TC	570	515	-55	-10%	
Lents TC	530	238	-292	-55%	*changes from residential to commercial/mixed use
122nd/Hazelwood	1075	1000	-75	-7%	
Jade District	1298	1274	-24	-2%	
Division/162nd	351	219	-132	-38%	
Rosewood/Glenfair	2792	2543	-249	-9%	
Parkrose	221	178	-43	-19%	
Other 2040 Areas	8686	6702	-1984	-23%	*residential down-designations in DDSD
<b>NORTH</b>	<b>4031</b>	<b>3508</b>	<b>-523</b>	<b>-13%</b>	
St. Johns TC	609	547	-62	-10%	
Hayden Island	66	28	-38	-58%	
Kenton Lombard	1056	977	-79	-7%	
Mid-Lombard	245	224	-21	-9%	
Other 2040 Areas	2055	1732	-323	-16%	*residential down-designations
<b>NORTHEAST</b>	<b>5419</b>	<b>4281</b>	<b>-1138</b>	<b>-21%</b>	
Hollywood TC	148	140	-8	-5%	
Killingsworth/Interstate TC	1002	922	-80	-8%	
42nd/Killingsworth	60	44	-16	-27%	
Alberta/MLK	101	74	-27	-27%	
Cully	157	100	-57	-36%	
Fremont/Williams	1030	412	-618	-60%	* residential down-designations
Roseway	274	118	-156	-57%	
Other 2040 Areas	2647	2471	-176	-7%	* residential down-designations, and changes from residential to commercial/mixed use
<b>SOUTHEAST</b>	<b>6018</b>	<b>5829</b>	<b>-189</b>	<b>-3%</b>	
Belmont/Hawthorne/Division	181	156	-25	-14%	* changes from residential to



					commercial/mixed use
Heart of Foster	7	2	-5	-71%	
Kerns	324	227	-97	-30%	
Montavilla	252	252	0	0%	
NE 60th/North Tabor	228	428	200	+88%	*Up-zoning
Powell/Creston	194	210	16	+8%	
Sellwood/Moreland	91	84	-7	-8%	
Woodstock	69	72	3	+4%	
Other 2040 Areas	4762	4398	-274	-6%	
<b>WEST<sup>17</sup></b>	<b>2519</b>	<b>2186</b>	<b>-333</b>	<b>-13%</b>	
					* Some zoning changed from residential to mixed use or employment
Northwest District	622	470	-152	-24%	
Hillsdale TC	0	0	0	0%	
West Portland TC	0	0	0	0%	
Macadam	203	139	-64	-32%	
Multnomah Village	0	0	0	0%	
Other 2040 Areas	1694	1577	-117	-7%	
<b>TOTAL</b>	<b>39324</b>	<b>33808</b>	<b>-5516</b>	<b>-14%</b>	

### Title 1 Conclusions

The conversion of some residential land to mixed use land in the *2035 Comprehensive Plan* appears to reduce residential capacity. To ensure and reinforce the City's ability to meet Title 1, this ordinance adopts minimum density requirements with commercial/mixed use zones when residential units are included in a project (Figure T1-3). These requirements will not preclude all-commercial projects, but they will ensure that commercial/mixed use land is not under-built when residential development does occur.

Figure T1-4 examines the impact of this new zoning requirement. The result in mixed use zones was multiplied by 74 percent to reflect recent (5-year) building permit history, where 74 percent of projects include residential units and 26 percent are purely commercial buildings. As Table 4 shows, gains from adding minimum residential density requirements to commercial/mixed use zones are greater than the loss from reduced minimum residentially-zoned capacity from other *Zoning Map* changes.

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<sup>17</sup> Some geographies in West Portland have no minimum density because they are within the mapped Landslide Hazard Area, or partially within the environmental overlay zone or floodplain. The Portland Zoning Code exempts these areas from minimum residential density requirements.



Figure T1- 3. New Mixed Use Minimum Density (33.130.207, in Exhibit E)

Mixed Use/Commercial Zone	Minimum Residential Density
CX, CE	None
CM3	1 unit per 1,000 square feet (the same as RH)
CM2	1 unit per 1,450 square feet (the same as R1)
CM1, CR	None

Figure T1- 4. Estimated Minimum Residentially-Zoned Capacity  
(including new Mixed Use minimum density requirement)

Place	Existing Zoning 1902	New Zoning 1902	Change	% Change	Notes
<b>CENTRAL</b>			0	0%	
Central City	1902	1902	0	0%	
<b>EAST</b>	<b>19435</b>	<b>23630</b>	<b>4195</b>	<b>22%</b>	
Gateway Regional Center	3912	3910	-2	0%	
Midway TC	570	1390	820	144%	
Lents TC	530	2047	1517	286%	
122nd/Hazelwood	1075	1923	848	79%	
Jade District	1298	2354	1056	81%	
Division/162nd	351	225	-126	-36%	
Rosewood/Glenfair	2792	2876	84	3%	
Parkrose	221	599	378	171%	
Other 2040 Areas	8686	8306	-380	-4%	
<b>NORTH</b>	<b>4031</b>	<b>7020</b>	<b>2989</b>	<b>74%</b>	
St. Johns TC	609	1060	451	74%	
Hayden Island	66	28	-38	-58%	
Kenton/Lombard	1056	1789	733	69%	
Mid-Lombard	245	497	252	103%	
Other 2040 Areas	2055	3646	1591	77%	
<b>NORTHEAST</b>	<b>5419</b>	<b>11808</b>	<b>6389</b>	<b>118%</b>	
Hollywood TC	148	892	744	503%	
Killingsworth/Interstate TC	1002	1697	695	69%	
42nd/Killingsworth	60	171	111	185%	
Alberta/MLK	101	834	733	726%	
Cully	157	358	201	128%	
Fremont/Williams	1030	1809	779	76%	
Roseway	274	721	447	163%	
Other 2040 Areas	2647	5326	2679	101%	
<b>SOUTHEAST</b>	<b>6018</b>	<b>12732</b>	<b>6714</b>	<b>112%</b>	
Belmont/Hawthorne/Division	181	949	768	424%	



Heart of Foster	7	520	513	7329%
Kerns	324	1179	855	264%
Montavilla	252	999	747	296%
NE 60th/North Tabor	228	558	330	145%
Powell/Creston	194	858	664	342%
Sellwood/Moreland	91	221	130	143%
Woodstock	69	344	275	399%
Other 2040 Areas	4762	7104	2432	52%
<b>WEST<sup>18</sup></b>	<b>2519</b>	<b>4409</b>	<b>1890</b>	<b>75%</b>
Northwest District	622	1559	937	151%
Hillsdale TC	0	0	0	0%
West Portland TC	0	0	0	0%
Macadam	203	397	194	96%
Multnomah Village	0	0	0	0%
Other 2040 Areas	1694	2453	759	45%
<b>TOTAL</b>	<b>39324</b>	<b>61501</b>	<b>22177</b>	<b>56%</b>

The above analysis demonstrates that with the above-described code amendment, the new *Zoning Map* increases the City's minimum residential density by more than 50 percent.

### **Urban Growth Management Functional Plan Title 2 Findings**

Title 2 addressed parking policy, but was repealed when similar provisions were added to the RTP. The former Title 2 does not apply to this ordinance.

### **Urban Growth Management Functional Plan Title 3 Findings, Water Quality and Flood Management**

*To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.*

Title 3 addresses water quality and flood management. The City has adopted overlay zones and land use regulations that, in the June 2011 update to its 2010 compliance report, Metro found sufficient to comply with Title 3. This ordinance does not change any of these overlays or

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<sup>18</sup> Some geographies in West Portland have no minimum density because they are within the mapped Landslide Hazard Area, or partially within the environmental overlay zone, or floodplain. The Portland Zoning Code exempts these areas from minimum residential density requirements.



regulations, nor does it adopt policy that would require such changes. Title 3 does not apply to this ordinance.

#### **Urban Growth Management Functional Plan Title 4 Findings, Industrial and Other Employment Areas**

***The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas.***

The purpose of Title 4 is to maintain a regional supply of existing industrial and employment land by limiting competing uses for this land. Metro has not adopted a Statewide Planning Goal 9 economic opportunities analysis for the region, so Title 4 is not based on an assessment of the land needed for various employment types, nor do the Title 4 maps necessarily depict lands most suitable to accommodate future job growth. Rather, Title 4 seeks to protect the manufacturing, warehousing, and distribution of goods within three types of mapped areas by limiting competing uses. These three areas are Regionally Significant Industrial Areas (RSIAs), Industrial Areas, and Employment Areas. They were identified in 2004 from clusters of existing industrial and employment uses. Industrial clusters with multi-modal freight handling infrastructure were designated as RSIAs.

Identified competing uses include retail commercial uses (such as stores and restaurants), and retail and professional services that cater to daily customers (such as financial, insurance, real estate, legal, medical, and dental offices, schools, places of assembly, and parks). Limitations on competing uses are most strict within RSIAs, slightly less strict within the Industrial Areas, and least stringent within Employment Areas. Title 4 places no limitations on residential, farm, forest or open space uses in any of the three mapped areas, provided designated open spaces are not developed into parks, schoolyards or athletic fields.

Title 4 encourages the location of retail and commercial uses in Centers, Corridors, Main Streets and Station Communities, and thus works in tandem with Title 6 to support the desired future settlement pattern depicted in the *Region 2040 Growth Concept*. Title 4 was adopted in 2004 and required Portland to achieve initial compliance by 2007 and by 2010 for additional restrictions on parks and places of assembly.

All previous Metro compliance reports have determined that land in Portland within an “Industrial Sanctuary” *Comprehensive Plan Map* designation meets all Title 4 requirements for mapped RSIA Land and Industrial Land. Similarly, all land in Portland within a General Employment *Comprehensive Map* designation meets Title 4 requirements for Employment Areas. The annual Metro compliance reports for 2010 through 2015 were included in the record for periodic review Task IV (Ordinance 187832). The last report for 2015 was prepared in March of 2016. Each of these reports finds Portland’s *Zoning Map* and *Zoning Code* complies with Title 4, with its existing *Zoning Map* and *Zoning Code*.



A new *Comprehensive Plan Map* was adopted with periodic review Task IV (Exhibit C of Ordinance 187832). Exhibit A of Ordinance 187832 contained findings explaining how the various land use designations shown in the new *Comprehensive Plan Map* comply with Title 4, provided the zones adopted by this ordinance either correspond or are otherwise allowed by the designations on new *Comprehensive Plan Map*. The distinction between plan and zone designations was made in the earlier findings because the Metro compliance reports were based on zone rather than plan designations and on land use regulations rather than plan policy.

The Metro compliance determinations examined whether City land use regulations limited retail and certain commercial uses to the extent required by Title 4. In particular, Metro evaluated whether certain uses identified in Title 4 as competing or interfering with employment and industrial uses were sufficiently limited by land use regulations associated with the City's industrial and general employment zones.

In its comments on Ordinance 187832 Metro noted that new *Comprehensive Plan* Policy 10.2, along with Figure 10-1, identifies certain mixed use zones (CM1, CM2, CM3 and CE) as non-corresponding but nevertheless allowed zones within the City's Mixed Employment *Comprehensive Plan Map* designation. To resolve this conflict, this ordinance amends the 2035 *Comprehensive Plan* to remove the CM1, CM2, CM3 and CE zones from the list of allowed zones in the City's Mixed Employment *Comprehensive Plan Map* designation. This is a largely housekeeping change because the City had not mapped any of these zones on land with the Mixed Employment designation. This means that there are no conflicts between the amended Zoning Map and Title 4. Additionally, the zones not amended by this ordinance have already been determined to comply with Title 4 by the annual Metro compliance reports the *Zoning Map*, as amended by this ordinance, continues to comply with Title 4 of the *Urban Growth Management Functional Plan*.

Like the *Zoning Map*, the land use regulations associated with the City's industrial and employment zones were determined to comply with Title 4 in the annual Metro compliance reports for 2010 through 2015. None of the amended land use regulations for the industrial and general employment zones adopted in Exhibit E of this ordinance allow uses that are either not allowed by Title 4 or allowed in amounts greater than those allowed by Title 4. In many cases the City's regulations are more protective of industrial employment land than Title 4. For example, residential uses are not explicitly restricted in Metro employment areas (although arguably contrary to the purpose of Title 4). Under the City's amended regulations residential uses in the general employment zones are explicitly no longer allowed. Similarly, retail facilities up to 60,000 square feet are expressly allowed in Metro employment areas, but under the City's amended regulations for its general employment zones retail facilities larger than 20,000 square feet are no longer allowed. These changes were made, going beyond Title 4 requirements, to ensure an adequate land supply under Goal 9.

This ordinance also exceeds the requirements of Title 4 by adopting a "Prime Industrial Land" overlay zone as mapped in Exhibit D-2 and as regulated in Exhibit E. This overlay is also described in the findings for Statewide Planning Goal 9 above. The overlay regulations prohibit quasi-judicial *Comprehensive Plan Map* amendments in prime industrial areas and reduce the type and amount of non-industrial uses allowed in the prime industrial areas. These restrictions



apply in addition to the regulations of the base zones. The additional overlay regulations restrict parks to no more than two acres, restrict commercial outdoor recreation to no more than 20,000 square feet, and prohibit major event entertainment and self-service storage. These overlay regulations both exceed the requirements of Title 4 help assure that there is no inconsistency between the industrial zones and Title 4.

For the facts and reasons stated above, the *Zoning Map* and the *Zoning Code*, as amended by this ordinance, continue to comply with Title 4 of the regional *Urban Growth Management Functional Plan*.

### **Urban Growth Management Functional Plan Title 5 Findings**

Title 5 addressed neighbor cities and rural reserves, but was repealed. The former Title 5 does not apply to this ordinance.

### **Urban Growth Management Functional Plan Title 6 Findings, Centers, Corridors, Station Communities and Main Streets**

*The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role.*

Title 6 establishes eligibility criteria for certain regional investments, and the use of more flexible trip generation assumptions when evaluating transportation impacts. Title 6 also contains aspirational activity level targets for different Metro 2040 place types. There are no specific mandatory compliance standards in Title 6 that apply to this ordinance.

### **Urban Growth Management Functional Plan Title 7 Findings, Housing Choice**

*The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.*

Title 7 addresses housing choice. Metro adopted voluntary affordable housing goals for each city and county in the region for the years 2001 to 2006, but never updated them. Since this ordinance adopts implementation measures for the planning period of 2015 to 2035, Title 7 does not apply. Nevertheless, the recently adopted 2035 *Comprehensive Plan* adopts affordable housing production goals that greatly exceed those adopted by the outdated Title 7 (Ordinance 178832).



### **Urban Growth Management Functional Plan Title 8 Findings, Compliance Procedures**

Title 8 addresses compliance procedures. This Title requires the City to notify Metro of pending land use decisions by providing Metro a copy of the 35-day notice required by the DLCD for proposed completion of a periodic review task. This notice was provided to Metro. Title 8 also requires the City to provide findings of compliance with the *Urban Growth Management Functional Plan*. The findings in this ordinance were also provided to Metro. All applicable requirements of Title 8 have been met.

### **Urban Growth Management Functional Plan Title 9 Findings, Performance Measures**

Title 9 addressed performance measures, but was repealed. The former Title 9 does not apply to this ordinance.

### **Urban Growth Management Functional Plan Title 10 Findings, Definitions**

Title 10 contains definitions. Whenever the City had a question about a term in the *Urban Growth Management Functional Plan*, the definition in Title 10 was applied. When the measures adopted by this ordinance use a term found in Title 10, either the term has the same meaning found in Title 10 or the difference is explained in these ordinance findings. All applicable requirements of Title 10 requirements have been met.

### **Urban Growth Management Functional Plan Title 11 Findings, Planning for New Urban Areas**

Title 11 addresses planning for new urban areas. Since no areas added to the urban growth boundary or designated as urban reserves have been assigned to Portland by Metro for planning, Title 11 does not apply to this ordinance.

### **Urban Growth Management Functional Plan Title 12 Findings, Protection of Residential Neighborhoods**

*Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise, and crime and to provide adequate levels of public services.*

Title 12 addresses protection of residential neighborhoods. This title largely restricts Metro's authority to plan and regulate, but does allow City designation of "Neighborhood Centers." The City has not exercised the option to designate neighborhood centers within the meaning of Title



12, but has employed the same term with a different meaning. The areas designated as a Neighborhood Center on the recently adopted 2035 *Comprehensive Plan* map are functionally equivalent to a “Main Street” designation within Title 6. Since the City has not employed any of the optional provisions of Title 12, the title does not apply to this ordinance.

### **Urban Growth Management Functional Plan Title 13 Findings, Nature in Neighborhoods**

*The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.*

Title 13 addresses nature in neighborhoods. The City adopted a new *Natural Resources Inventory* by Ordinance 185657, and this inventory was approved as a completed periodic review task by LCDC Order 001850. On January 16, 2013, the City received a letter from Metro which stated that Portland, upon adoption of this inventory, had also achieved compliance with Title 13.

The LCDC and Metro-approved inventory identified the location, quantity and quality of various natural resources, and determined their significance – including identification of significant fish and wildlife habitat areas and riparian areas regulated by Title 13. In addition to the approved inventory, 2035 *Comprehensive Plan* adopted with periodic review Task IV included policies that provide guidance for further refinement plans.

West Hayden Island is a Habitat Conservation Area within the meaning of Title 13. Title 13 states: “The City of Portland shall develop a District Plan that complies with Metro Code Section 3.07.1330(B)(4)(a), in cooperation with the Port of Portland, that applies to West Hayden Island.” The City prepared such a plan with Port participation, but it was withdrawn from Council consideration when the Port objected to its adoption.

Metro Code 3.07.1330(B)(4)(a) allows the adoption of a plan that either complies with Metro Code Section 3.07.1330(B)(1) or Metro Code Section 3.07.1330(B)(2). On January 16, 2013 the City received a letter from Metro stating that Portland had achieved compliance with Title 13 by adoption of an inventory of maps that “substantially comply with the Metro Habitat Conservation Areas Map” as required by the Section 3.07.1330(B)(2) option. These maps were also adopted as official *Comprehensive Plan* supporting documents as part of periodic review Task II.

Because this ordinance leaves in place the unchanged land use regulations and inventories previously determined to comply with Title 13, and because no provision in this ordinance makes changes to these inventories and land use regulations, all applicable requirements of Title 13 have been met.



## **Urban Growth Management Functional Plan Title 14 Findings, Urban Growth Boundary**

Title 14 addresses the regional urban growth boundary. Since this ordinance does not require, nor initiate, a boundary change, Title 14 does not apply.

## **Summary, Urban Growth Management Functional Plan Findings**

The Metro Title 10 definition of comply or compliance means “substantial” rather than absolute compliance. “Substantial compliance” means city and county comprehensive plans and implementing ordinances, on the whole, conform with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.

For the facts and reasons stated above this ordinance substantially complies with all *Urban Growth Management Functional Plan* requirements applicable to Task V of Portland’s periodic review work program.

## **Metro Regional Transportation Functional Plan (RTFP, Chapter 3.08)**

The *Regional Transportation Plan (RTP)* establishes an outcomes-based framework that is performance-driven and includes policies, objectives and actions that direct future planning and investment decisions to consider economic, equity, and environmental objectives.

The principal performance objectives of the RTP are improved public health, safety and security for all; attraction of jobs and housing to downtowns, main streets, corridors and employment areas; creating vibrant, livable communities, sustaining the region’s economic competitiveness and prosperity; efficient management to maximize use of the existing transportation system; completion of the transportation system for all modes of travel to expand transportation choices; increasing use of the transit, pedestrian and bicycle systems; ensuring equity and affordable transportation choices; improving freight reliability; reducing vehicle miles traveled and resulting emissions; and promoting environmental and fiscal stewardship and accountability.

The *Regional Transportation Functional Plan (RTFP)* implements the Goals and Objectives in section 2.3 of the RTP and the policies of the RTP and its constituent freight, high-capacity transit, and transportation system management and operations plans which cities and counties of the region will carry out in their comprehensive plans, transportation system plans (TSPs), other land use regulations, and transportation project development.

Local implementation of the RTP is intended to result in a more comprehensive approach for implementing the *2040 Growth Concept*, help communities achieve their aspirations for growth, support current and future efforts to achieve the principal objectives of the RTP, and address climate change. The RTFP is intended to be consistent with federal law that applies to Metro in its role as a metropolitan planning organization, the Oregon Transportation Plan, and Statewide Planning Goal 12 (Transportation) and its Transportation Planning Rule (TPR). If a TSP is



consistent with this RTFP Metro deems it consistent with the RTP.

### **Regional Transportation Functional Plan Title 1, System Design**

Title 1 addresses street, transit, freight, bicycle and pedestrian system design, green street design, street connectivity, bicycle and pedestrian connections to the transit system, modal plans, and system management.

Street designs in the already adopted *Portland Design Guide for Public Street Improvements* (October 1993) are generally consistent with Metro standards. This document provides detailed design and engineering specifications, and is used in tandem with street functional and design classifications, which provide guidance on the specific elements that must be accommodated in specific locations. Portland's existing TSP contains master street plans for areas that do not meet Metro connectivity standards. These plans are being carried over into the new TSP, and have been further refined with this ordinance (Exhibit F, Section 9).

The TSP project list adopted with periodic review Task IV includes a large number of projects that provide better pedestrian and bike connections to transit.

The City's existing zoning code includes design standards that regulate the orientation of buildings to the street and limit the location of parking lots and auto-oriented uses. These standards are being updated through the commercial/mixed use zoning rewrite adopted with this ordinance (Exhibit E, 33.130.215, .230, .240, .242, .and .260).

The City has existing adopted modal plans for transit,<sup>19</sup> freight, bikes, and pedestrians. The *2035 Comprehensive Plan* and TSP adopted with periodic review Task IV incorporated goals and policies from the 2011 *Bicycle Plan for 2030*. Corresponding changes to bike classifications are being adopted with this ordinance (Exhibit F, Sections 4 and 5). The freight and pedestrian plans were adopted in 2006 and 1998, respectively, and have previously been incorporated into the TSP. Those plans are carried forward as part of the new TSP, but have not been changed. Updates to the modal plans are anticipated as a post-acknowledgement amendment at some time after 2017. Policies 9.17 through 9.40 in the recently adopted *2035 Comprehensive Plan* provide high level mode-related policies to guide that work. The City is working toward a future update of its transit plans by initiating coordination with Trimet through its Service Enhancement process, through a pending new memorandum of understanding,<sup>20</sup> and through several studies that are in progress (Growing Transit Communities Plan, and the Enhanced Transit Corridors Study).

The *2035 Comprehensive Plan* and TSP takes a system management approach rather than proposing construction of new roadway capacity. The TSP project list adopted with periodic

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<sup>19</sup> The master street plan for transit in the TSP, which will be updated in Stage 3, serves as the city's modal plan for transit. Cities are not required to have a stand-alone plan, but do need a plan/map in the TSP.

<sup>20</sup> See Letter of Intent signed September 1, 2015



review Task IV contains a number of ITS projects to manage the existing system better through signal technology and live information about traffic conditions. Expanded TDM programs are also promoted through policy (Policies 9.52-9.54), and with new zoning requirements adopted with this ordinance (Exhibit E, 33.266; Exhibit F, Section 14).

Title 1 also addresses Green Street Elements (3.08.110.A.2). The City's existing development regulations comply with these requirements because the City has adopted standards for incorporation of green elements into public and private streets (17.38, 33.654, and the *BDS Admin Rule for Private Rights-of-Way - Streets, Alleys, Shared Courts, Common Greens and Pedestrian Connections*). These standards, developed to ensure compliance with federal water quality mandates, include requirements to include green features in streets such as vegetated swales, planters, street trees, and pervious pavement.

In conclusion, the zoning code and TSP amendments adopted with this ordinance meets RTFP Title 1 because:

- Already adopted street design standards are generally consistent with Metro standards;
- The City had existing street classifications and street plans, and is adopting updated bike classifications with this ordinance;
- The new commercial/mixed use zoning code adopted with this ordinance includes design standards that regulate the orientation of buildings to the street, require pedestrian connections, and limit the location of parking lots and auto-oriented uses, and;
- City has an existing suite of modal plans that have already been deemed to meet the requirements of this Title.

### **Regional Transportation Functional Plan Title 2, TSP Updates**

Title 2 describes certain elements that must be included and standards that apply when a City updates its TSP. This Title is applicable because this ordinance includes updates to the TSP. In particular, this ordinance adopts list of Refinement Plans and Studies (Exhibit F, Section 12), which is an element of how the TSP aims to resolve traffic problems identified in transportation system modeling.

Table 3.08-2 of the RTFP contains the same mobility standards described in Policy 1F of the *Oregon Highway Plan*. The Goal 12 findings above are therefore also applicable to documentation of RTFP compliance. The RTFP applies these targets to state facilities and to other regional facilities shown on Figure 2-7 of the RTP. As a supplement to the *Oregon Highway Plan* findings, all non-ODOT City streets on Figure 2-7 have been evaluated.

Figure RTP-1 below identifies the links (in addition to the ODOT facilities listed in Goal 12 findings) that will not meet mobility targets, based on the modeling described earlier in those



Goal 12 findings. For each location, the table identifies the recommended TSP project, study, or refinement plan associated with each location. While these projects, plans, and studies do not resolve these problems, they provide a mechanism for more location-specific analysis to identify the best way to make progress toward better meeting mobility targets in these locations.

Figure RTP - 1. Additional regionally-important facilities that do not meet Table 3.08-2 mobility targets (in addition to the state facilities identified in Goal 12 findings)

Street/Road	Location	Response (Projects and Studies)
Morrison Bridge	various approach ramps	MMA projects, CC2035 Plan, Project #20117
Hawthorne Bridge	Approach ramps and bridge	MMA projects, CC2035 Plan
NE Couch	NE Sandy to 11 <sup>th</sup>	Streetcar Project
NE Martin Luther King Jr. Blvd	Hancock to Freemont	Streetcar Project
NE Sandy Blvd.	47 <sup>th</sup> to 50 <sup>th</sup>	Projects #40068, 40069
NE Killingsworth	Kerby to Vancouver	Project #30028
NE Halsey	86 <sup>th</sup> to 102 <sup>nd</sup>	Project #40086.2
NE Glisan	60 <sup>th</sup> to 99 <sup>th</sup>	NE Glisan Study, Projects #70059, 70079
NE 33 <sup>rd</sup> Ave.	Broadway to Freemont	Monitor
W. Burnside	at Barnes Road	Project #60006
E. Burnside	60 <sup>th</sup> to Thornburn	Project #70010
SE Foster Rd.	51 <sup>st</sup> to 82 <sup>nd</sup>	Project #70021, 70047
SE Foster Rd.	122nd to City boundary	Pleasant Valley Area Study
SE Tacoma	Sellwood Bridge to McLoughlin	Project #70055, 70057
NE Airport Way	At I-205 interchange	Agreement with Trimet on improved frequent service bus

Solutions identified in the TSP project list adopted with periodic review Task IV emphasize system management, TDM, transit, bicycle, and pedestrian improvements. This was described in the Goal 12 findings above. Land use strategies have also been used to create a more walkable, bike-able, and transit-friendly urban form. In particular, the land use plan's emphasis on focusing growth in identified centers helps ensure more destinations are within walking distance of every household (Exhibit D).

The TSP includes performance targets consistent with those in the RTP/RTFP. Transportation policies and TSP objectives include reference to Metro's Interim Regional Mobility Policy, and the City is adopting modal targets. Title 2 identifies several performance measures that must be incorporated into the TSP, including those that address mode splits, mobility and congestion, safety, vehicle miles traveled per capita, and freight reliability.

The recently adopted *2035 Comprehensive Plan* includes policies to meet or exceed Metro's modal and VMT targets (Policy 9.5). Portland has previously adopted through resolution a



citywide goal that 70 percent of commute trips occur through walking, biking, transit, carpooling, or telecommute.<sup>21</sup> In addition, the specific modal targets are being integrated into the TSP as an objective (Exhibit F, Section 10). As described above in findings under Goal 12 and the TPR, single occupancy vehicle mode share declines with the recently adopted 2035 *Comprehensive Plan* and with the implementation measures adopted with this ordinance, while bicycle, walking, and transit mode shares increase.

The recently adopted 2035 *Comprehensive Plan* includes Goal 9A, which sets a target of zero traffic-related fatalities and serious injuries. This ordinance also incorporates regional interim mobility standards into the TSP (Exhibit F, Section 10).

With this ordinance the City is adopting specific objectives to supplement Policy 9.5, to establish modal targets for transit (25 percent), cycling (25 percent), walking (7.5 percent), and carpooling (10 percent). The City may also choose to adopt targets for working at home/telecommuting in the future.

Title 2 also requires consideration of the needs of environmental justice populations. During periodic review Task IV, the City took several steps to examine equity and potential impacts on environmental justice populations. As an element of the *Growth Scenarios Report* (Exhibit K of Ordinance 187831), the City developed a study and a set of maps to assess gentrification and displacement risk.<sup>22</sup> This study incorporated a number of different demographic datasets, as well as rates of demographic change and real estate conditions. Demographic risk factors included presence of communities of color, renters, people with lower educational attainment, and households with lower incomes. The mapping used in this study was updated a number of different times during the project. It was used as a tool to understand which land use decisions and projects would be most likely to impact vulnerable populations (either positively or negatively). During development of the TSP project list (adopted with periodic review Task IV), this data was used as an element of project ranking.<sup>23</sup> Projects that improve safety, access (opportunity and neighborhood), and/or health for underserved populations (low-income, people of color, seniors, and youth) received additional points in the ranking and were therefore more likely to become projects listed on the financially-constrained project list. The emphasis on safety, access, and opportunity in this evaluation was intended to emphasize that the project must benefit a community, rather than receiving points for simply passing through a community. For example, sidewalk improvements to improve access to schools and transit in a community was identified as a benefit because the facility would serve the local population directly. A rail project or arterial road project that simply passed through a community was not awarded these points. Negative points were given to projects that may have a negative local health impact on such communities.

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<sup>21</sup> *Climate Action Plan and Portland Plan*

<sup>22</sup> *Gentrification and Displacement Study: implementing an equitable inclusive development strategy in the context of gentrification*. Commissioned by City of Portland Bureau of Planning and Sustainability. Authored by Lisa K. Bates, PhD., Updated: 05/18/13.

<sup>23</sup> *TSP Major Projects Performance Report*, March 2015.



In conclusion, this ordinance meets RTFP Title 2 because:

- System needs have been identified as described in earlier Goal 12 and TPR findings, based on an analysis of gaps and deficiencies;
- Analysis has been based on growth assumptions which are aligned with Metro as directed in the City's periodic review work order;
- Through modeling the City has identified locations within the regional network that may fail to meet regional mobility standards in 2035, and the TSP includes projects, studies and refinement plans to consider appropriate remedies or other system management responses;
- Solutions identified in the adopted TSP project list emphasize system management, TDM, transit, bicycle, and pedestrian improvements, and land use strategies;
- The project selection and ranking criteria included consideration of environmental justice populations (documented in the record associated with periodic review Task IV);
- Regional mobility corridors have been considered in the City's analysis and evaluation; and
- The TSP amendments adopted with this ordinance include updated performance targets and related policies consistent with those in the RTP/RTFP (Exhibit F, Section 10).

### **Regional Transportation Functional Plan Title 3, Projects**

Title 3 requires the City to identify the location and general description/parameters of planned facilities. This requirement was fulfilled with the adoption of periodic review Task IV because the project list was mapped, and includes project descriptions/parameters, estimated costs, and timeframes.

### **Regional Transportation Functional Plan Title 4, Parking Management**

Title 4 requires cities to establish parking ratios within a specified range (minimums and maximums) in their development codes. This Title also requires that cities establish minimum bicycle parking requirements, and requires certain design standards for large parking areas. The title also requires parking management plans and policies in centers and station communities.

The City has previously adopted regulations into its development codes that comply with this title, including parking minimums and maximums within the required ranges, bicycle parking requirements, and design regulations for large parking-oriented developments.

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As an element of this ordinance the City is updating a variety of development regulations, including commercial mixed use zoning codes and parking regulations. These were discussed in more detail in findings in response to Goal 12 (OAR 660-012-0045).

- Changes to off-street parking requirements, removing those requirements for residential buildings close to frequent transit (Exhibit E, 33.266.110).
- New maximum parking ratios are also applied to residential development.
- Parking code changes are also included to allow greater use of shared parking and commercial paid parking (Exhibit E, 33.266.100 and 33.130.100.B.9).

This ordinance also directs City agencies to proceed with further development of new parking management programs and a toolkit for fast-growing mixed use centers and station areas.

### **Regional Transportation Functional Plan Title 5, Comprehensive Plans**

This Title includes requirements for amendments to comprehensive plans. It requires cities to consider certain strategies, including, transportation system management, transportation demand management, transit improvements, bike improvements, pedestrian improvements, traffic calming, land use, connectivity, and capacity. These strategies were considered, and are incorporated into the City's plans as part of periodic review Task IV (Ordinance 187832).

### **Regional Transportation Functional Plan Title 6, Compliance**

Title 6 describes RTFP compliance procedures. The RTFP was adopted in 2010, and last amended in 2012. The City's current periodic review order was initiated in 2007, the same year that the City's existing TSP was last amended. Since then, the City has worked with Metro to coordinate periodic review compliance with updates to the RTP. The City participated in the 2014 RTP update (which occurred mid-process in relation to the City's periodic review project), and is participating in the 2018 RTP update (which will presumably be adopted after the City's periodic review acknowledgement). Metro has been notified of hearings and various milestones of project development.

The following checklist has been developed in coordination with Metro as a tool to document compliance with the RTFP.



Figure RTP - 2. Metro Checklist

Regional Transportation Functional Plan Requirement	Local TSP Reference
<b>Title 1: Transportation System Design</b>	
Title 1, Street System Design Sec 3.08.110A(1) – Complete Streets	TSP Stage 1 (PR Task IV): Comp Plan Policy 9.1, 9.2, 9.6, 9.13 to 9.15  TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 2): Objective 8.1.D
Title 1, Street System Design Sec 3.08.110A(2) – – Green Streets	TSP Stage 1 (PR Task IV): Comp Plan Policy 9.1, 9.15  TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 2): Objectives 8.1.D, M, O, and P  Existing City Code 17.38, Stormwater Management  33.654, Rights of Way  BDS Admin Rule for Private Rights-of-Way - Streets, Alleys, Shared Courts, Common Greens and Pedestrian Connections Ys
Title 1, Street System Design Sec 3.08.110A(3) – Transit Supportive	TSP Stage 1 (PR Task IV): Policy 9.1, 9.6, 9.24 to 9.28  TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 2): Objectives 8.1.E, G, and J
Title 1, Street System Design Sec 3.08.110B - Regulations	TSP Stage 1 (PR Task IV): <i>Comprehensive Plan</i> Policy 9.6, 9.12, 9.16 to 9.18, 9.44 to 9.46  TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 2): Objectives 9.6.A-E / 9.10.B / 8.10.I/ 9.25.A-E  Objectives 9.21.C/8.1.E  Existing City Code 33.654, Rights of Way  17.82, Land Divisions  Design Guide for Public Street Improvements  BDS Admin Rule for Private Rights-of-Way - Streets, Alleys, Shared Courts, Common Greens and Pedestrian Connections



Regional Transportation Functional Plan Requirement	Local TSP Reference
Title 1, Street System Design Sec 3.08.110C - Connectivity	<p>TSP Stage 1 (PR Task IV): <i>Comprehensive Plan</i> Policy 9.2, 9.14, 9.46,</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit F): Section 6: Street Design Classification Descriptions  Section 9: Master Street Plans Descriptions and Maps</p>
Title 1, Street System Design Sec 3.08.110D – New Streets	TSP Stage 2 (this ordinance, PR Task V – Exhibit F): Section 9, Master Street Plans Descriptions and Maps
Title 1, Street System Design Sec 3.08.110E, F – New Development and Redevelopment	<p>TSP Stage 1 (PR Task IV): <i>Comprehensive Plan</i> Policy 9.15, 9.46</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 2): Objectives 9.24.A-D, Objectives 9.25.A-E</p> <p>Mixed Use Zoning Update (this ordinance, PR Task V – Exhibit E)  33.130.215.E (Alternative maximum setback for large retailers)  33.130.240 (Pedestrian standards)  33.130.292 (Street and pedestrian connections)</p> <p>Existing City Code 33.654, Rights of Way  17.88.040, Through Streets</p>
Title 1, Street System Design Sec 3.08.110G – Hwy Access Management	<p>TSP Stage 1 (PR Task IV): Comp Plan Policy 9.28, 9.44 to 9.49</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 2): Objectives 9.24.A-D, 9.22.A-C</p> <p>Existing City Code 17.28.110, Driveways</p>
Title 1, Transit System Design Sec 3.08.120A – Bike/Ped Connections	<p>TSP Stage 1 (PR Task IV): <i>Comprehensive Plan</i> Policy 9.16, 9.21, 9.22</p> <p>TSP Major Projects + Citywide Programs Recommendation List</p>



Regional Transportation Functional Plan Requirement	Local TSP Reference
	<p>Mixed Use Zoning Update (this ordinance, PR Task V – Exhibit E)</p> <p>33.130.215.E (Alternative maximum setback for large retailers)</p> <p>33.130.240 (Pedestrian standards)</p> <p>33.130.242 (Transit Street main entrance)</p> <p>Existing City Code</p> <p>33.120.220, Building Setbacks on a Transit Street, in Pedestrian District</p> <p>33.120.255, Pedestrian Standards</p>
Title 1, Transit System Design Sec 3.08.120B(1) – Transit Plan	TSP Stage 3: District Policies and Maps, for transit
Title 1, Transit System Design Sec 3.08.120B(2) – Access to Transit Design Standards	<p>TSP Stage 1 (PR Task IV):</p> <p><i>Comprehensive Plan</i> Goal 3.C (Focused growth)</p> <p><i>Comprehensive Plan</i> Policy 3.2, 3.19, 3.44, 3.49, 3.54-3.60, 4.6, 4.23, 9.12, 9.22-26</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 2): Objectives 9.13.A-D</p>
Title 1, Pedestrian System Design Sec 3.08.130A - Pedestrian Plan	<p>TSP Stage 1 (PR Task IV):</p> <p><i>Comprehensive Plan</i> Policy 9.2, 9.6, 9.16-9.18</p> <p>TSP Major Projects + Citywide Programs Recommendation List</p> <p>TSP Stage 3 (Pending): District Policies and Maps, for pedestrians</p> <p>Existing Plans</p> <p>Portland Pedestrian Master Plan</p>
Title 1, Pedestrian System Design Sec 3.08.130B - Pedestrian Districts	<p>TSP Stage 1 (PR Task IV):</p> <p><i>Comprehensive Plan</i> Policy 9.2, 9.12, 9.46</p> <p>TSP Stage 2 (this ordinance, PR Task V 0 Exhibit F):</p> <p>Section 2: Objectives 9.6.A, 9.24.A-D, 9.25.A-E</p> <p>Section 4: Objective 9.11.G,I</p> <p>TSP Stage 3 (Pending): District-specific policies and maps</p>



Regional Transportation Functional Plan Requirement	Local TSP Reference
Title 1, Pedestrian System Design Sec 3.08.130C - Direct Pedestrian Access	<p>Mixed Use Zoning Update (this ordinance, PR Task V – Exhibit E)</p> <p>33.130.240 (Pedestrian standards)</p> <p>Existing City Code</p> <p>33.120.220, Building Setbacks on a Transit Street, in Pedestrian District</p> <p>33.120.255, Pedestrian Standards</p> <p>33.654, Rights of Way</p> <p>17.88.040, Through Streets</p>
Title 1, Bicycle System Design Sec 3.08.140- – Bicycle Plan	<p>TSP Stage 1 (PR Task IV):</p> <p><i>Comprehensive Plan</i> Policy 9.2, 9.6, 9.19-9.21</p> <p>TSP Major Projects + Citywide Programs Recommendation List</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 2):</p> <p>Objectives 9.32 H-G; 9.20 A-L; 9.11 A, E, and F; 9.31 D and E; 8.1.F, Q-S; 8.3 F</p> <p>Section 5: Bicycle Classification Maps</p> <p>TSP Stage 3 (Pending): District Policies and Maps, for bicyclists</p>
Title 1, Freight System Design Sec 3.08.150 – Freight Plan	<p>TSP Stage 1 (PR Task IV):</p> <p><i>Comprehensive Plan</i> Policy 9.2, 9.7, 9.29-9.35, 9.40</p> <p>TSP Major Projects + Citywide Programs Recommendation List</p> <p>TSP Stage 3 (Pending): District Policies and Maps, for freight</p> <p>Existing Plans</p> <p>Portland Freight Master Plan</p>
Title 1, Transportation System Management and Operations Sec 3.08.160	<p>TSP Stage 1 (PR Task IV):</p> <p><i>Comprehensive Plan</i> Policy 9.38, 9.44-9.54</p> <p>TSP Major Projects + Citywide Programs Recommendation List</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit E):</p> <p>Section 14: Transportation Demand Management (TDM) and Code (Title 17)</p>



Regional Transportation Functional Plan Requirement	Local TSP Reference
<b>Title 2: Development and Update of Transportation System Plans</b>	
Title 2, Transportation Needs Sec 3.08.210	<p>TSP Stage 1 (PR Task IV): Goal 12 and Oregon Highway Plan findings submitted with new <i>Comprehensive Plan</i> reference and describe modeling results.</p> <p>TSP Major Project and Citywide Program List</p> <p>TSP Major Projects Performance Report: <a href="https://www.portlandoregon.gov/transportation/article/522651">https://www.portlandoregon.gov/transportation/article/522651</a></p> <p>Multimodal System Completeness, A strategy for Measuring and Building Portland’s Transportation System (2015)</p> <p>Alternative Mobility Standards and Performance Measures (2012)</p> <p>Citywide Systems Plan (2015)</p> <p>TSP Stage 2 (this ordinance, PR Task V 0 Exhibit F): Section 12: p.77: Refinement Plans and Studies, p57 Citywide All Modes Needs Analysis</p> <p>Existing Plans, Studies</p> <p>Columbia Multimodal Corridor Study (2012)</p> <p>Portland Bicycle Plan for 2030 (2010)</p> <p>Infrastructure Condition and Capacity Report (2009)</p> <p>Central Portland Transportation Plan Assessment (2009)</p> <p>Portland Streetcar System Concept Plan (2009)</p> <p>Portland Freight Master Plan (2006)</p> <p>Portland Pedestrian Master Plan (1998)</p> <p>Portland Traffic Safety Report (2016)</p> <p>High Crash Corridor Map, 2008 to 2012</p> <p>Regional Trails and Greenway Map (2014)</p>



Regional Transportation Functional Plan Requirement	Local TSP Reference
Title 2, Sec 3.08.220 Transportation Solutions	<p>TSP Stage 1 (Task IV): <i>Comprehensive Plan</i> Policy 3.33 and 3.37 (Land Use Strategy per 3.08.220.A.4)</p> <p>The TSP Major Projects and Citywide Programs includes significantly expanded TSM and TDM citywide programs, including Freight Priority, Transit Priority, and proposed expansion of TDM to new multifamily and office development. Pedestrian, bicycle, and transit gaps and deficiencies in centers and corridors, and in areas with disadvantaged communities, received higher project evaluation scores.</p> <p>ODOT, Metro, TriMet, the Port, and public and private sector stakeholders were involved in establishing project evaluation criteria and establishing the project and program constrained and unconstrained lists.</p>
Title 2, Performance Targets and Standards Sec 3.08.230	<p>TSP Stage 1 (PR Task IV): <i>Comprehensive Plan</i> Policy 9.5, 9.48</p> <p>Goal 12 and Oregon Highway Plan findings submitted with new <i>Comprehensive Plan</i> reference and describe modeling results.</p> <p>Growth Scenario Report adopted with Task III of periodic review describes anticipated performance on a variety of metrics, including mode split, VMT, emissions.</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit F): Section 10: TSP Performance Measures</p>
<b>Title 3: Transportation Project Development</b>	
Title 3, Defining Projects in Transportation System Plan Sec 3.08.310	<p>TSP Stage 1 (PR Task IV): TSP Projects and Programs</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit F): Section 9: Master Street Plans</p> <p>Sections 5, 6, 7: Classification Maps</p> <p>Existing City Code Design Guide for Public Street Improvements</p>



Regional Transportation Functional Plan Requirement	Local TSP Reference
<b>Title 4: Regional Parking Management</b>	
Title 4, Parking Management Sec 3.08.410	<p>TSP Stage 1 (PR Task IV):  <i>Comprehensive Plan</i> Policy 9.54-9.60</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 2):  Objective 9.29.A-C, 9.30.A-D, 9.31A-C.</p> <p>Objective 9.15.E On-street Truck Loading</p> <p>Mixed Use Zoning Update (this ordinance, PR Task V – Exhibit E)  33.266.</p> <p>Pending <i>Centers and Corridors Parking Management Toolkit</i> – technical reference document, and related new codes (to be adopted in Spring 2017.</p> <p>Existing Zoning Code  33: 33.266.110.D – areas near transit exempted from minimums  33.266.130.F.5 – Large parking lots  33.266.200 – bicycle parking  Table 266-1 &amp; 266-2 minimum and maximum parking tables  33.510.261-267 – Central City no parking minimums</p>
<b>Title 5: Amendment of Comprehensive Plans</b>	
Title 5, Amendments of City and County Comprehensive and Transportation System Plans Sec 3.08.510A,B	<p>TSP Stage 1 (PR Task IV):  Comp Plan Policy 9.53: TDM – new development</p> <p>TSP Stage 2 (this ordinance, PR Task V – Exhibit F, Section 10):  Performance measures page 5 Interim Regional Mobility Policy</p>
Title 5, Amendments of City and County Comprehensive and Transportation System Plans Sec 3.08.510C	TSP Stage 1 (PR Task IV): TSP Major Projects + Citywide Programs Recommendation List



## **Portland Comprehensive Plan Findings**

### **Introduction**

This scope of this ordinance is not to make every possible implementation of the recently adopted plan, but to take steps that are sufficient to complete Task V of Portland’s periodic review work program. Task V requires the City to adopt “sufficiently robust implementation measures” to conform the *Zone Map* and the *Zoning Code* to the policy decisions made in Task V, namely the *2035 Comprehensive Plan* including the *Comprehensive Plan Map* adopted by Ordinance 187832.

The name of the planning project leading up to this ordinance was called “Early Implementation of the Comprehensive Plan” to emphasize that this is only the first of many projects to carry out the new plan. Because this first project is mandated by periodic review, it necessarily emphasizes the land use components that must be addressed during periodic review.

### **General Application of Policy**

Some testimony asserted that some *Zoning Map* or *Zoning Code* amendments are inconsistent with the adopted 2035 Comprehensive Plan because one specific policy is not met. As a general principle, the policies of the *Comprehensive Plan* are not applied individually, or in isolation from each other, particularly if there are competing considerations. When policies conflict, it is the duty of the decision maker to consider the competing objectives and strike a proper balance between them. How these sometimes competing objectives are balanced and resolved are also described in the findings below. The Plan specifically addresses this on page GP 1-2:

*In cases where there are competing directions embodied by different policies, City Council may choose the direction it believes best embodies the Plan as a whole. This approach recognizes that there are trade-offs and compromises and allows flexibility while still guiding land use and capital decisions. The Plan’s Guiding Principles provide an anchor or reference point to consider when making trade-offs and compromises.*

Policy 1.10 provides further guidance by using the phrase “on balance” to describe what *Comprehensive Plan* compliance means. In this case Council has made several specific choices, balancing competing policies, in response to the testimony described below.

### **Zoning Map Conformance**

A comparison of Exhibits B and D-1 of this ordinance to Figure 10-1 of the *2035 Comprehensive Plan*, while complex, indicates that all base zones amended by this ordinance conform to the *Comprehensive Plan Map*. When this ordinance is submitted to the LCDC for approval, the City will also provide ArcGIS Map Packages, which are electronic files in the record that will allow others to confirm that the *Zoning Map* conforms to the *Comprehensive Plan Map*.

### **Guiding Principles**

The first goal of the *2035 Comprehensive Plan* calls for “integrated approaches, actions, and outcomes that meet multiple goals.”



*Goal 1.A: Multiple goals. Portland's Comprehensive Plan provides a framework to guide land use, development, and public facility investments. It is based on a set of Guiding Principles that call for integrated approaches, actions, and outcomes that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.*

Policy 1.10 requires legislative amendments to the *Comprehensive Plan's* elements and implementation tools to comply with the Guiding Principles. The guiding principles of the 2035 *Comprehensive Plan* are:

*Economic Prosperity*

*Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.*

*Human Health*

*Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.*

*Environmental Health*

*Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water and land.*

*Equity*

*Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and underrepresented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.*

*Resilience*

*Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.*

Each of these principles is addressed below, with further discussion of the most relevant policies. Additional more policy-specific analysis is also found in project reports (Exhibits J through N).

**Economic Prosperity**

The implementation measures adopted with this ordinance address economic prosperity by:

- Providing an adequate employment land supply in industrial districts;



- Expanding opportunities for growth in the Central Eastside Industrial District;
- Significantly expanding opportunity for expansion of colleges and medical centers; and
- Providing ample opportunity for continued retail and growth in mixed use centers and corridors.

#### Employment Land Supply

Employment zoning changes adopted with this ordinance implement plan map and policy changes needed to ensure an adequate land supply in the Portland Harbor, Columbia Corridor, Dispersed Employment areas, and Central City Industrial areas; implementing Policy 6.13 and Statewide Planning Goal 9, *Economic Development*. The project proposes a Prime Industrial overlay zone implementing Policy 6.38.

*Policy 6.13 Land supply. Provide supplies of employment land that are sufficient to meet the long-term and short-term employment growth forecasts, adequate in terms of amounts and types of sites, available and practical for development and intended uses. Types of sites are distinguished primarily by employment geographies identified in the Economic Opportunities Analysis, although capacity needs for building types with similar site characteristics can be met in other employment geographies.*

*Policy 6.38 Prime industrial land retention. Protect the multimodal freight-hub industrial districts at the Portland Harbor, Columbia Corridor, and Brooklyn Yard as prime industrial land that is prioritized for long-term retention. See Figure 6-1 – Industrial and Employment Districts.*

As Oregon’s largest industrial center and freight infrastructure hub, Portland has distinct economic development and job growth opportunities for the traded-sector (i.e., businesses that compete in markets outside the region). Industrial land uses near freight access support regional prosperity by bringing income into the region and lowering transport costs for Pacific Northwest producers and consumers. Updated employment zoning implements land use policies to meet forecast job growth.

Employment zoning changes support economic competitiveness by fostering the retention and growth of traded-sector businesses that compete in markets outside of the region, implementing policy 6.36.

*Policy 6.36 Industrial land. Provide industrial land that encourages industrial business retention, growth, and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing, and a widely accessible base of family-wage jobs, particularly for under-served and underrepresented people.*

#### Central Eastside

Zoning changes expand the area allowing Industrial Office uses in the Central Eastside



Subdistrict, providing for 20-year land supply needs in Central City Industrial areas addressed by Policy 6.34.

*Policy 6.34 Central City industrial districts. Protect and facilitate the long-term success of Central City industrial sanctuary districts, while supporting their evolution into places with a broad mix of businesses with high employment densities.*

#### Colleges and Medical Centers

The new Campus Institutional zoning category promotes economic prosperity by accommodating the projected job growth in healthcare and higher education employment sectors. The adopted *Employment Opportunities Analysis* (EOA) projects that these dispersed institutional campuses will gain some 22,700 healthcare and higher education jobs over the next 20 years. Jobs in healthcare and higher education are important to the local economy because they occur across a broad range of income levels and include traded sector jobs, which draw money into the local economy from outside the region in the form of tuition, research and specialized healthcare services.

In particular, this implements policy 6.57.

*Policy 6.57 Campus land use. Provide for major campus institutions as a type of employment land, allowing uses typically associated with health care and higher education institutions. Coordinate with institutions in changing campus zoning to provide land supply that is practical for development and intended uses.*

#### Mixed Use Zoning

The new commercial/mixed use zones advance this principle by accommodating projected job growth in retail and service sectors and providing locations for neighborhood business opportunities.

As an element of the commercial/mixed use zoning update, a considerable number of properties were rezoned from residential to commercial/mixed use in order to reduce the number of nonconforming uses. This action promotes neighborhood prosperity and local access to services by removing regulatory barriers to small business operations at these neighborhood-serving locations. This addresses policy 6.69.

*Policy 6.69 Non-conforming neighborhood business uses. Limit non-conforming uses to reduce adverse impacts on nearby residential uses while avoiding displacement of existing neighborhood businesses.*



## Human Health

The implementation measures adopted with this ordinance address human health by:

- Adopting zoning codes and maps that encourage walkable complete mixed use communities;
- Incorporating bicycle system plans into the TSP (implementing active transportation and vision zero goals);
- Updating Major Public Trail maps (access to nature); and
- Maintain land zoned for the manufacturing and industrial economy, which is an important source of upward mobility in Portland.

### Walkable Mixed Use Villages

Updated commercial/mixed use zoning furthers the human health principle by creating zones that are intended to increase walkable access to commercial services for residents throughout Portland.

A new Main Street Overlay Zone is being adopted with this ordinance, which promotes walkable mixed use districts within a 10-minute distance of most residential areas. This overlay requires active ground floor commercial uses and restricts auto-oriented land uses. The overlay has been mapped on the primary commercial streets within each of the Neighborhood Centers and Town Centers identified on Figure 3-3 of the *Comprehensive Plan*. By adopting a zoning pattern that allows for small commercial/mixed use “villages” throughout Portland, this ordinance is advancing the “complete communities” policies adopted with the *Comprehensive Plan*. This promotes human health by expanding options for people to have more active lifestyles where many daily needs can be met with short trips on foot. Having more locations close by or within a short distance increases the attractiveness of walking, bicycling or using transit to access goods or services. People who use “active” transportation modes are healthier. In 2010, 47 percent of Portland households were within a quarter mile walk of frequent transit service. By 2035, modeling completed for growth scenario analysis suggests that 62 percent will have walkable access to frequent transit, including new light rail, bus rapid transit and frequent bus lines. This is important because obesity is a significant public health issue.

*Policy 3.1      Urban Design Framework. Use the Urban Design Framework (UDF) as a guide to create inclusive and enduring places, while providing flexibility for implementation at the local scale to meet the needs of local communities. See Figure 3.1 — Urban Design Framework.*

*Policy 3.13    Role of centers. Enhance centers as anchors of complete neighborhoods that include concentrations of commercial and public services, housing, employment, gathering places, and green spaces.*

*Policy 3.15    Housing in centers. Provide housing capacity for enough population to support a*



*broad range of commercial services, focusing higher-density housing within a half-mile of the center core.*

*Policy 3.19 Accessibility. Design centers to be compact, safe, attractive, and accessible places, where the street environment makes access by transit, walking, biking, and mobility devices such as wheelchairs, safe and attractive for people of all ages and abilities.*

Amendments to Street Design Classification descriptions in the TSP are also intended to implement this concept by ensuring that street designs in each center are considered in relation to expected land uses.

*Policy 9.1 Street design classifications. Maintain and implement street design classifications consistent with land use plans, environmental context, urban design pattern areas, and the Neighborhood Corridor and Civic Corridor Urban Design Framework designations.*

An additional component of the new commercial/mixed use zoning is a requirement that open space be provided with residential development. This requirement exists in residential zones, but has not been applied previously to residential development in commercial zones. This new requirement will make mixed use housing more livable, ensuring that each unit will have direct access to a small amount of outdoor space, or access to a shared open area or indoor amenity room (such as a recreation room). This implements policy 5.51.

*Policy 5.51 Healthy and active living. Encourage housing that provides features supportive of healthy eating and active living such as useable open areas, recreation areas, community gardens, crime-preventive design, and community kitchens in multifamily housing.*

#### Bicycle Plan Integration

This ordinance adopts bicycle classification description changes, remapped classifications, and a new district classification to integrate the adopted Bicycle Plan for 2030 into the TSP. These changes provide a framework for significant expansion and improvement of the bicycle transportation network over the next 20 years. These changes will expand active transportation options and make those options safer. This is consistent with the “vision zero” goal in Chapter 9 of the *Comprehensive Plan*. In particular, the new bicycle classifications implement policies 9.2.c, 9.4, 9.20, and 9.21.

*Policy 9.2 Street policy classifications. Maintain and implement street policy classifications for pedestrian, bicycle, transit, freight, emergency vehicle, and automotive movement, while considering access for all modes, connectivity, adjacent planned land uses, and state and regional requirements.*

*9.2.c. Designate district classifications that give priority to bicycle access and mobility in areas where high levels of bicycle activity exist or are planned, including Downtown, the River District, Lloyd District, Gateway Regional*



*Center, town centers, neighborhood centers, and transit station areas.*

*Policy 9.4 Use of classifications. Plan, develop, implement, and manage the transportation system in accordance with street design and policy classifications outlined in the Transportation System Plan.*

*Policy 9.20 Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.*

*Policy 9.21 Accessible bicycle system. Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.*

### Major Public Trails

New Major Public Trail alignments have been identified in the 2035 *Comprehensive Plan* (see figure 8-2, page 65), necessitating the need to amend the *Zoning Map* designation that corresponds to these trail alignments. Changes to *Zoning Map* trail designations promote human health by creating additional recreational opportunities, improving access to nature, and promoting active transportation. These zoning changes directly implement policy 8.53.

*Policy 8.53 Public trails. Establish, improve, and maintain a citywide system of local and regional public trails that provide transportation and/or recreation options and are a component of larger network of facilities for bicyclists, pedestrians, and recreational users.*

### Industrial and Manufacturing Economy

Income level is a primary socioeconomic determinant of positive health outcomes. The project supports positive health outcomes by expanding self-sufficient wage opportunities for low and middle-income households and stimulating region-wide prosperity through traded-sector business retention and growth. Zoning changes to expand and protect employment districts supports equitably-distributed household prosperity by creating more opportunity for middle-wage jobs. Industrial and mixed employment areas are a primary source of middle-wage jobs for the majority of the workforce that does not have a four-year college degree.

Public health risks within industrial districts are managed by safety and environmental quality regulations, prohibition of household living in industrial zones, perimeter buffering, and technological improvements (such as emissions reduction). New zoning changes also prohibit household living in General Employment zones, which will further limit the number of households living in close proximity to industrial areas.

### **Environmental Health**

The implementation measures adopted with this ordinance address environmental health by:

- Incorporating required green elements and open space into mixed use zoning regulations;



- Incorporating aggressive transportation performance measures into transportation plans, to address the risks posed by climate change (mode shift and VMT goals); and
- Adopting transportation and parking demand management measures consistent with the Transportation Planning Rule and regional plans.

#### Mixed Use Green Elements

New commercial/mixed use zoning adopted with this ordinance furthers the environmental health principle by creating new provisions for landscaped areas or other green/vegetated elements. These requirements are being added to zones that had not previously been subject to landscaping standards. The new standards allow options that can be met in higher density more urban locations where 100 percent building coverage is possible. The new standards, based loosely on Seattle’s Green Factor system, allow a menu of green options, including standard landscaping on the ground, green roofs, or raised landscaped podiums. The standards also include a “large tree” option, intended to advance the City’s urban canopy goals. These new standards implement several plan policies.

*Policy 4.4      Natural features and green infrastructure. Integrate natural and green infrastructure such as trees, green spaces, ecoroofs, gardens, green walls, and vegetated stormwater management systems, into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces, especially in centers and corridors.*

*Policy 7.11     Urban forest. Improve, or support efforts to improve the quantity, quality, and equitable distribution of Portland’s urban forest through plans and investments.*

#### Transportation Performance Measures

The performance measures adopted with the TSP (Exhibit F, Section 10) advance this principle by including measures to support local and regional plans to address climate change. These include updated goals to shift a larger share of trips from single-occupancy vehicles to walking, bicycles, and transit. The performance measures chapter also includes standards to measure reductions in vehicle miles traveled (VMT), which are also necessary to achieve environmental objectives. These performance measures directly address several *Comprehensive Plan* policies:

*Policy 6.6      Low-carbon and renewable energy economy. Align plans and investments with efforts to improve energy efficiency and reduce lifecycle carbon emissions from business operations. Promote employment opportunities associated with the production of renewable energy, energy efficiency projects, waste reduction, production of more durable goods, and recycling.*

*Policy 7.4      Climate change. Update and implement strategies to reduce carbon emissions and impacts, and increase resilience through plans and investments and public education.*

*Policy 9.5      Mode share goals and Vehicle Miles Travelled (VMT) reduction. Increase the share of trips made using active and low-carbon transportation modes. Reduce*



*VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.*

*Policy 9.49 Performance measures. Establish multimodal performance measures and measures of system completeness to evaluate and monitor the adequacy of transportation services based on performance measures in goals 9.A. through 9.I. Use these measures to evaluate overall system performance, inform corridor and area-specific plans and investments, identify project and program needs, evaluate and prioritize investments, and regulate development, institutional campus growth, zone changes, Comprehensive Plan Map amendments, and conditional uses.*

These measures are also consistent with regional standards.

#### Transportation and Parking Demand Management

This ordinance adopts new demand management measures to further discourage single-occupancy vehicle travel, consistent with the state Transportation Planning Rule and regional plans. These measures are intended, among other things, to achieve mode share objectives, promote compact and walkable urban form, and encourage lower rates of car ownership. These objectives are rooted in protecting environmental health, improving air quality, reducing congestion, and addressing the threat of climate change.

Transportation and Parking Demand Management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective transportation demand management also incorporates management of parking supply and demand. In addition to reducing and preventing traffic and parking problems, TDM that is clear, consistent, and performance-based may be one of the quickest, cheapest, and most effective strategies to help achieve economic vitality, household prosperity, health, equity, climate, and access goals.

Specifically, new commercial/mixed use zoning includes a requirement that a transit subsidy be provided for the first year of a new mixed use residential building (or an equivalent subsidy to car share or bike share systems). This subsidy is intended to make it more attractive for new residents to make travel choices that are beneficial to environmental health. Providing a subsidy upon initial building occupancy is intended to establish beneficial travel patterns during the move-in period, when new patterns are already being established.

In tandem, code changes have also been made to further modify off-street parking regulations for locations close to frequent transit. These zoning changes establish a maximum number of off-street parking spaces for residential development, provide additional exceptions to minimum parking ratios, and flexibility for commercial and shared parking arrangements. These changes, taken together, are intended to encourage a more walkable pedestrian-oriented urban form, with fewer surface parking lots and more continuous un-interrupted pedestrian zones between



buildings and the sidewalk. Such a shift in urban form is not intended to remove cars from the urban environment. Instead, over time, these standards create an environment where it is convenient and easy for a larger share of households to live without car ownership, or have fewer vehicles. Off-street parking requirements are retained in locations farther from frequent transit, where options to driving are not as readily available.

These new requirements directly address several *Comprehensive Plan* policies.

*Policy 9.53 New development. Create and maintain TDM regulations and services that prevent and reduce traffic and parking impacts from new development and redevelopment. Encourage coordinated area-wide delivery of TDM programs. Monitor and improve the performance of private-sector TDM programs.*

*Policy 9.58 Off-street parking. Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand. Strive to provide adequate but not excessive off-street parking where needed, consistent with the preceding practices.*

## **Equity**

The implementation measures adopted with this ordinance address equity by:

- Adopting new affordable housing bonuses in mixed use zones;
- Changing zoning to increase capacity for residential development in high opportunity areas;
- Maintain land zoned for the sectors of the economy that can be a source of upward mobility in Portland;
- Temporarily reducing development pressures in the David Douglas School District; and
- Adopting a new Community Involvement Program.

## **New Affordable Housing FAR Bonuses**

Commercial/mixed use zoning adopted with this ordinance furthers this principle by including incentives for provision of affordable housing and commercial spaces. Specifically, the new zones will include voluntary incentives to develop units affordable to those earning 80 percent of the median household income or below (new zoning section 33.130.212). The program will be administered by the Housing Bureau. The incentives take the form of additional allowed floor area ratio (FAR) and height. Similarly, additional FAR and height may also be earned by providing affordable commercial space, in a program administered by the Portland Development



Commission.

These new requirements directly address several *Comprehensive Plan* policies.

*Policy 3.3      Equitable development. Guide development, growth, and public facility investment to reduce disparities; encourage equitable access to opportunities, mitigate the impacts of development on income disparity, displacement and housing affordability; and produce positive outcomes for all Portlanders.*

*3.3.d. Incorporate requirements into the Zoning Code to provide public and community benefits as a condition for development projects to receive increased development allowances.*

*Policy 5.26      Regulated affordable housing target. Strive to produce and fund at least 10,000 new regulated affordable housing units citywide by 2035 that will be affordable to households in the 0-80 percent MFI bracket.*

*Policy 5.32      Affordable housing in centers. Encourage income diversity in and around centers by allowing a mix of housing types and tenures.*

*Policy 5.35      Inclusionary housing. Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing. Work to remove regulatory barriers that prevent the use of such tools.*

#### Housing Opportunity Areas

Residential and mixed use *Zoning Map* changes adopted with this ordinance increase housing options in opportunity-rich locations close to the Central City. Examples of such changes include, for example, adoption of:

- Additional R2.5 zoning in inner-SE Portland (replacing R5);
- More urban commercial/mixed use zoning along portions of inner Powell Blvd;
- Higher density R1 and R2 zoning around the 60<sup>th</sup> Avenue MAX station;
- More consistently applied mixed use designations along inner Sandy;
- Additional mixed use designations on segments of NE MLK Blvd; and
- Additional mixed use zoning along portions of SE Cesar Chavez Blvd.

These new zoning designations directly address *Comprehensive Plan* policies 5.21 through 5.23.

*Policy 5.6      Middle housing. Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively*

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*smaller, less expensive units; more units; and a scale transition between the core of the mixed use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.*

- Policy 5.21 Access to opportunities. Improve equitable access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities in areas with high concentrations of under-served and under-represented populations and an existing supply of affordable housing.*
- Policy 5.22 New development in opportunity areas. Locate new affordable housing in areas that have high/medium levels of opportunity in terms of access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities. See Figure 5-1 — Housing Opportunity Map.*
- Policy 5.23 Higher-density housing. Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities.*

#### Upward Mobility Ladders

This ordinance also addresses equity by maintaining and expanding land zoned for the sectors of the economy that can be a source of upward mobility in Portland.

The new campus institutional zoning category advances equity principles by expanding employment opportunities across all wage and training categories, and by expanding educational opportunities that provide a pathway for advancement. In particular, Portland Community College (PCC) campuses are receiving this new zoning, which facilitates their ability to expand to better serve the region. Development review procedures and design standards are recommended that will encourage institutions to build up rather than out while transportation impact mitigation requirements will limit encroachment on adjoining neighborhoods. By allowing more flexibility for campus alterations, PCC and other institutions will be able to respond to emerging industry training needs more rapidly and expand to serve a larger more diverse student body.

Zoning changes to expand and protect employment districts support equitably-distributed household prosperity by creating more opportunity for middle-wage jobs. Industrial and mixed employment areas are a primary source of middle-wage jobs for the majority of the workforce that does not have a four-year college degree. Job growth in Industrial and Mixed Employment areas supports *Portland Plan* and *Comprehensive Plan* objectives for social and economic diversity and reduction of racial and neighborhood income disparities.

#### New Community Involvement Program

The proposed Community Involvement Program (Exhibit H) is intended to begin to implement



the goals in *Chapter 2* of the new *Comprehensive Plan*, and all of the corresponding policies. The new Community Involvement Program amounts to a significant refresh of the City's public involvement approach, adding more emphasis on engaging communities who have been historically under-served and under-represented, such as communities of color, immigrants and refugees, and tenants. This refreshed program builds on Portland's nationally-recognized Neighborhood Association system and strong legacy of public involvement.

The new program directly addresses several *Comprehensive Plan* policies.

*Policy 1.17 Community Involvement Committee. Establish a Community Involvement Committee to oversee the Community Involvement Program for land use decisions as recognized by Oregon Statewide Planning Goal 1 – Community Involvement and policies 2.15-2.18 of this Comprehensive Plan.*

*Policy 2.16 Community Involvement Program. Maintain a Community Involvement Program that supports community involvement as an integral and meaningful part of the planning and investment decision-making process.*

*Policy 2.17 Community engagement manual. Create, maintain, and actively implement a community engagement manual that details how to conduct community involvement for planning and investment projects and decisions.*

*Policy 2.19 Community Involvement Committee. The Community Involvement Committee (CIC), an independent advisory body, will evaluate and provide feedback to City staff on community involvement processes for individual planning and associated investment projects, before, during, and at the conclusion of these processes.*

*Policy 2.21 Program evaluation. Periodically evaluate the effectiveness of the Community Involvement Program and recommend and advocate for program and policy improvements. The Community Involvement Committee (CIC) will advise City staff regarding this evaluation.*

## **Resilience**

The implementation measures adopted with this ordinance address resilience by:

- Creating a centers and corridors-based land use pattern, and reducing reliance on fossil fuels (more walkable development pattern, less auto-oriented zoning); and
- Reduction of residential density in selected areas with hazardous conditions (landslide prone areas, floodplains, areas with poor emergency access).

## **Centers and Corridors Land Use Pattern**

The residential and commercial/mixed use zoning pattern adopted with this ordinance expands opportunities for more households to have access to "complete neighborhoods" — neighborhoods with a wide range of housing types and prices, where residents have safe and



convenient walkable access to the goods and services needed in daily life. This is a strategy to achieve a more resilient urban form.

This promotes resiliency by expanding options for people to meet daily needs with short trips on foot. Having more locations close by or within a short distance increases the attractiveness of walking, bicycling or using transit to access goods or services. This makes the city less reliant on fossil fuels, and more resilient if fuel supplies are disrupted by natural or human-caused disasters. As noted earlier in these findings, this supports policy 3.13.

The new commercial/mixed use zoning also furthers this principle by providing options and incentives for “green” features that reduce energy consumption in buildings, manage stormwater, create on-site green space, and help to address urban heat island effects and other climate challenges (for example, the Planned Development bonus option in 33.130.212.E). As noted earlier in these findings, this supports policies 4.4 and 7.11.

#### Reduction of Density in Hazardous Locations

The *Zoning Map* changes adopted with this ordinance includes down-zoning of approximately 1,898 acres of vacant and underutilized land, in selected areas, to address identified land hazards, including steep slopes susceptible to landslides, parcels with poor drainage or in floodplains, and areas where urban infrastructure (such as standard streets) would be very expensive to provide. Many of these areas have longer emergency response times as a result. More detailed evaluation of these factors was provided in memos presented to the Planning and Sustainability Commission on March 10 and March 24, 2015, as part of periodic review Task IV. Although intended to address public safety, these changes also have secondary environmental benefits because they help preserve tree canopy and reduce development pressure on environmentally sensitive landscapes identified in the City’s Inventory of Natural Resources. These *Zoning Map* changes implement changes made to the *Comprehensive Plan Map*, and address several *Comprehensive Plan* policies:

- Policy 1.14*     *Public facility adequacy. Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland’s urban services boundaries, as established by Policies 8.2 and 8.6.*
- Policy 7.14*     *Natural hazards. Prevent development-related degradation of natural systems and associated increases in landslide, wildfire, flooding, and earthquake risks.*
- Policy 8.24*     *Risk management. Maintain and improve Portland’s public facilities to minimize or eliminate economic, social, public health and safety, and environmental risks.*

#### **Response to Specific Policy-Related Testimony**

Council received testimony from several individuals and organizations asserting that elements of this implementation package are inconsistent with the *Comprehensive Plan*.



### Retail Task Force

Testimony from the Retail Task Force asserted, among other things, that the commercial/mixed use regulations do not adequately accommodate auto-oriented land uses, and in particular large format grocery stores. Policies 6.67 (Retail development) and 6.67.b (Centers) were cited.

*Policy 6.67     Retail development. Provide for a competitive supply of retail sites that support the wide range of consumer needs for convenience, affordability, accessibility, and diversity of goods and services, especially in under-served areas of Portland.*

*Policy 6.73.b   Encourage the retention and further development of grocery stores and local markets as essential elements of centers.*

As described in greater detail in the Goal 9 findings above, the Council rejected this argument. The Council agreed that grocery store access supports the equity and human health principles in the Plan. In addition, the Council found that other principles and policies are also relevant. In particular, the Plan includes many policies that support a transition to a more walkable and less auto-oriented urban form over time. The standards adopted with the mixed use zone include maximum building setbacks, requirements to orient main entrances to the street, requirements for street-facing windows, and limits on new drive-throughs. While these standards may impact the design of new grocery stores, they do not disadvantage one particular use over any other use. As discussed in the Goal 9 findings, the impact of these regulations is not to disallow grocery stores, but simply to govern design of all commercial development. In fact, requiring transit-friendly design may increase accessibility to essential services for transit dependent populations. Weighing these factors, Council considered the following policies.

*Policy 3.13     Role of centers. Enhance centers as anchors of complete neighborhoods that include concentrations of commercial and public services, housing, employment, gathering places, and green spaces.*

*Policy 3.19     Accessibility. Design centers to be compact, safe, attractive, and accessible places, where the street environment makes access by transit, walking, biking, and mobility devices such as wheelchairs, safe and attractive for people of all ages and abilities.*

*Policy 4.5       Pedestrian-oriented design. Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.*

*Policy 4.34     Auto-oriented facilities, uses, and exterior displays. Minimize the adverse impacts of highways, auto-oriented uses, vehicle areas, drive-through areas, signage, and exterior display and storage areas on adjacent residential uses.*

*Policy 6.6       Low-carbon and renewable energy economy. Align plans and investments with efforts to improve energy efficiency and reduce lifecycle carbon emissions from*



*business operations. Promote employment opportunities associated with the production of renewable energy, energy efficiency projects, waste reduction, production of more durable goods, and recycling.*

*Policy 7.4 Climate change. Update and implement strategies to reduce carbon emissions and impacts, and increase resilience through plans and investments and public education.*

*Policy 9.5 Mode share goals and Vehicle Miles Traveled (VMT) reduction. Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.*

The Retail Task Force also cited policy 4.24 in testimony about drive-through regulations in the commercial/mixed use zones.

*Policy 4.24 Drive-through facilities. Prohibit drive through facilities in the Central City, and limit new development of new ones in the Inner Ring Districts and centers in order to support a pedestrian-oriented environment.*

The Retail Task Force suggested this policy should preclude prohibitions or limitations on drive-through facilities in other geographies. Despite this testimony, the Council chose to adopt zoning regulations that prohibit new drive-through facilities in wider areas of the City, while also adopting a more liberal allowance to rebuild existing drive-through facilities outside of the Central City and the new Centers Main Street Overlay. This implementation decision was rooted in the other policies cited above, which together emphasize the intent that the City evolve toward a more walkable and less auto-oriented urban form over time. These policies relate to the human health, environmental health, and resiliency principles of the plan. The Council found, on balance, that this larger collection of urban form and transportation policies were as relevant to this decision as the single drive-through policy. Council acknowledged the continued role of drive-through facilities by expanding options to rebuild such facilities on sites that already have them.

### Parking

Testimony from Rose City Park and several individuals raised concerns about off-street parking requirements, and suggested that Policy 9.5 requires the city to maintain or increase off-street parking requirements. The testimony emphasized the use of the word “adequate” in the final sentence of the policy.

*Policy 9.58 Off-street parking. Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with*



*high parking demand. Strive to provide adequate but not excessive off-street parking where needed, consistent with the preceding practices.*

After hearing testimony both against and in favor of off-street parking requirements, Council decided to exempt residential buildings close to frequent transit from minimum off-street parking requirements, when they are providing affordable housing units using certain voluntary affordable housing incentives, or providing affordable units under anticipated mandatory inclusionary housing provisions. Council cited a number of other considerations in this decision, including those related to climate change and housing affordability.

*Policy 3.54 Transit-oriented development. Encourage transit-oriented development and transit-supportive concentrations of housing and jobs, and multimodal connections at and adjacent to high-capacity transit stations.*

*Policy 5.3 Housing potential. Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households, and identify opportunities to meet future demand.*

*Policy 5.35 Inclusionary housing. Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing. Work to remove regulatory barriers that prevent the use of such tools.*

*Policy 7.4 Climate change. Update and implement strategies to reduce carbon emissions and impacts, and increase resilience through plans and investments and public education.*

*Policy 9.5 Mode share goals and Vehicle Miles Travelled (VMT) reduction. Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.*

In tandem with this decision, the Council also directed further work to strengthen transportation demand management and on-street parking management programs. Both are other tools to address concerns about on-street parking congestion in neighborhoods. Requirements for off-street parking are being retained where they are most needed - in areas farther from frequent transit where alternatives to driving are less available. The term “adequate” in this policy does not compel Council to overlook many other goals that support reducing the amount of parking. In particular, Council made reference to economic studies suggesting that off-street parking requirements would be a regulatory barrier to the full utilization of affordable housing floor area bonuses. Removal of off-street parking requirements is also consistent with regional transportation plans and State TPR policies.



### Air Quality, Bikes, and TOD Housing

Testimony from the Rose City Park Neighborhood and several other individuals raised concerns about bike classifications being located on larger high-traffic streets, and concerns about housing being located on major streets or close to freeways. The testimony cited air quality policies, including Policy 7.5.

*Policy 7.5 Air quality. Improve, or support efforts to improve, air quality through plans and investments, including reducing exposure to air toxics, criteria pollutants, and urban heat island effects. Consider the impacts of air quality on the health of all Portlanders. Coordinate with the Oregon Department of Environmental Quality to incorporate up-to-date air quality information and best practices into planning and investment decisions.*

The Council rejected these arguments. While it is true that air quality in high traffic environments can have detrimental health effects, it is also true that walking and biking have significant health benefits. In addition, policies in the *Comprehensive Plan* express the Council's significant intent to increase the share of trips that occur on foot or on bicycles, in order to reduce overall emission of pollutants, and in order to improve health outcomes.

*Policy 4.23 Design for pedestrian and bicycle access. Provide accessible sidewalks, high-quality bicycle access, and frequent street connections and crossings in centers and corridors.*

*Policy 9.5 Mode share goals and Vehicle Miles Traveled (VMT) reduction. Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.*

*Policy 9.6 Transportation strategy for people movement. Implement a prioritization of modes for people movement by making transportation system decisions according to the following ordered list: 1. Walking 2. Bicycling 3. Transit 4. Taxi / commercial transit / shared vehicles 5. Zero emission vehicles 6. Other single-occupant vehicles.*

*Policy 9.17 Pedestrian transportation. Encourage walking as the most attractive mode of transportation for most short trips, within neighborhoods and to centers, corridors, and major destinations, and as a means for accessing transit.*

*Policy 9.20 Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.*

The 2035 *Comprehensive Plan* and implementation measures are based on a strategy of creating compact walkable communities, oriented to transit. Many of Portland's light rail stations are abutting or near freeways, and many of Portland's transit lines operate on major streets that carry significant traffic (Sandy, 82<sup>nd</sup>, Barbur, etc.).



- Policy 3.2 Growth and stability. Direct the majority of growth and change to centers, corridors, and transit station areas, allowing the continuation of the scale and characteristics of Portland’s residential neighborhoods.*
- Policy 3.49 Integrated land use and mobility. Enhance Civic Corridors as distinctive places that are models of ecological urban design, with transit-supportive densities of housing and employment, prominent street trees and other green features, and high-quality transit service and pedestrian and bicycle facilities.*
- Policy 3.54 Transit-oriented development. Encourage transit-oriented development and transit-supportive concentrations of housing and jobs, and multimodal connections at and adjacent to high-capacity transit stations.*
- Policy 4.25 Residential uses on busy streets. Improve the livability of places and streets with high motor vehicle volumes. Encourage landscaped front setbacks, street trees, and other design approaches to buffer residents from street traffic.*

In balancing these policies, the Council considered research in the record that suggests the benefits of exercise outweigh the potential harm from air quality impacts in most urban environments. For individuals who shift from car to bicycle, studies have estimated that beneficial effects of increased physical activity are usually substantially larger than the potential impact of increased inhaled air pollution doses and the increase in traffic accidents. Societal benefits are even larger due to a modest reduction in air pollution and greenhouse gas emissions and traffic accidents that occur by shifting trips to other non-auto modes.

One study (Woodward & Samet, 2016) concluded:

*“In summary, there are very few circumstances in which encouraging people to take the active transport route would do more harm than good. Only the most extreme conditions, with very high levels of air pollution, combined with long periods of unprotected walking and cycling, would shift the balance in the wrong direction. There are important implications of the findings of Tainio and colleagues. Information on the pluses and minuses of different transport choices should emphasize the gains from regular exercise. Similarly, when weighing up the health impacts of transport policies, it is important for planners to understand that the beneficial effects on physical activity will dominate any risks from local emissions. In health terms, we expect electric bikes to be a much better investment than electric cars”.*

Several other studies support this conclusion (Tainio, et al., 2016, Andersen, et al., 2015). PSU alumni Alex Bigazzi, PhD, has also published several articles on uptake of air pollutants while cycling in Portland.

Considering these findings, and the above-cited research, Council adopted a bike classification map that includes a variety of routes, including routes on both high and low-traffic streets. This



ensures a greater level of choice, allowing individuals to make decisions about how they balance trip distance, access to commercial designations on larger streets, and comfort.

Council also concluded that directing future residential growth to light rail stations and along major transit streets will have positive public health benefits, because it will cause more people to live in more complete walkable communities. Development of mixed use urban form in close proximity to transit reduces reliance on automobile travel, which encourages more active forms of transportation. The health benefits of active transportation outweigh the potential health impacts.

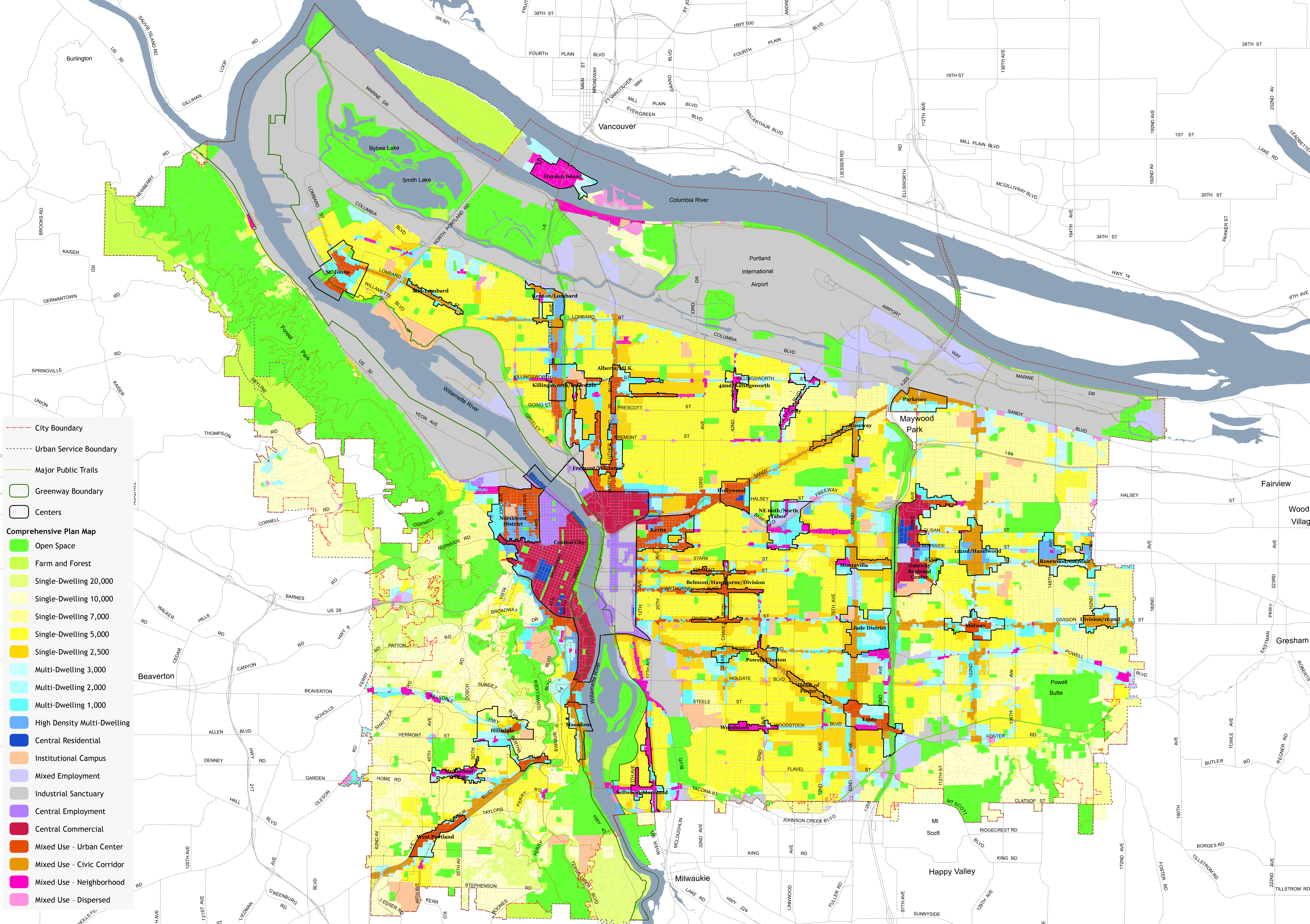
### **Portland City Code Findings**

Under Chapter 33.740 of the City code, this ordinance is a legislative project assigned to the PSC for a public hearing and recommendation and to the City Council for a public hearing and decision. These city code requirements have been met as demonstrated by the public meeting notices, agendas, testimony and minutes within the record. While these materials are not attached to this ordinance, they were filed with the Council Clerk and became part of the record before the City Council when this ordinance was adopted. The requirement of the City Code most applicable to this ordinance is that before the City Council considers a recommendation of the PSC, individuals and organizations identified by the code must be mailed notice 14 days in advance of the City Council hearing. The first Council hearing date for this ordinance was October 6, 2016. To test the timely receipt of these notices the City mails a notice to itself, in addition to those on the legislative mailing list. That test notice was received before September 21, 2016. The 14-day code requirement has been met. The City also mailed notices as required by ORS 117.186 (known as Measure 56) to potentially affected property owners (those subject to *Zoning Map* amendments or certain zoning code changes that fall under the scope of this measure). All City Code requirements have been met.

### **Conclusion**

For the reasons stated in the findings above this ordinance fulfills all requirements of City's state-mandated periodic review order for Task V.





December 5, 2016

City of Portland, Oregon // Bureau of Planning & Sustainability // Geographic Information System

The information on this map was derived from City of Portland GIS databases. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions or positional accuracy.



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## **Exhibit C – Comprehensive Plan Amendments**

Exhibit B, “20035 Comprehensive Plan, June 2016,” of Ordinance No. 187832 is amended is as follows:

On pages GP3-9 to GP3-28 renumber Policies 3.12 to 3.103 to Policies 3.11 to 3.102

(Needed to correct a numbering due to a missing number 3.11 in the adopted plan,)

On page GP8 -9 amend Figure 8-2 “Major Public Trails” to depict the trails in the same location as depicted on Exhibit D -9 of this ordinance.

(Needed to depict the trails in the plan and the plan map in the same place.)

On pages GP 9-16 and GP9-23, remove Policy 9.50.b and Figure 9-4 and place it within Chapter 15 of the *Transportation System Plan*, as shown with Exhibit F of this ordinance.

(This table is better located in the TSP, which contains similar performance measures.)

On page GP10-6 amend Figure 10-1, Part 13, “Mixed Use – Dispersed” amend the last sentence to read, “The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Employment (CE), and Commercial Residential (CR).

(Needed because the CR zone was not contemplated by the adopted plan.)

On page GP10-11 amend Figure 10-1 to add the CR zone as a corresponding zone to the Mixed Use – Dispersed plan designation.

(Needed because the CR zone was not contemplated by the adopted plan.)

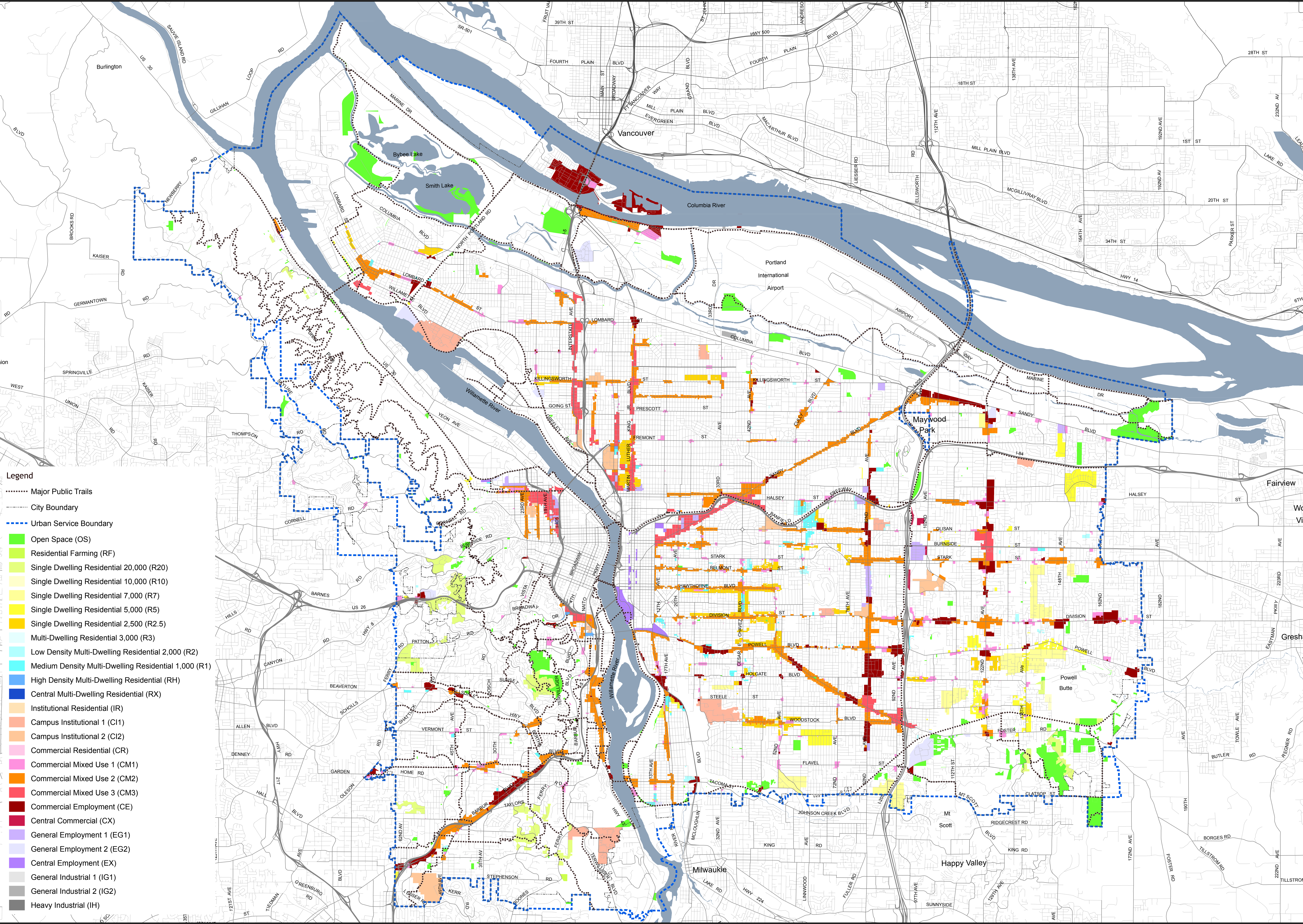
On page GP10-11 amend Figure 10-1 to remove the CM1, CM2, CM3 and CE zones from the list of non-corresponding but allowed zones in the Mixed Employment designation.

(Needed to better ensure Metro Title 4 compliance.)

On page GP10-11 amend the second line of Policy 10.3.c. by replacing “is does not” with “does not.”

(Needed to correct a grammatical error.)





December 5, 2016

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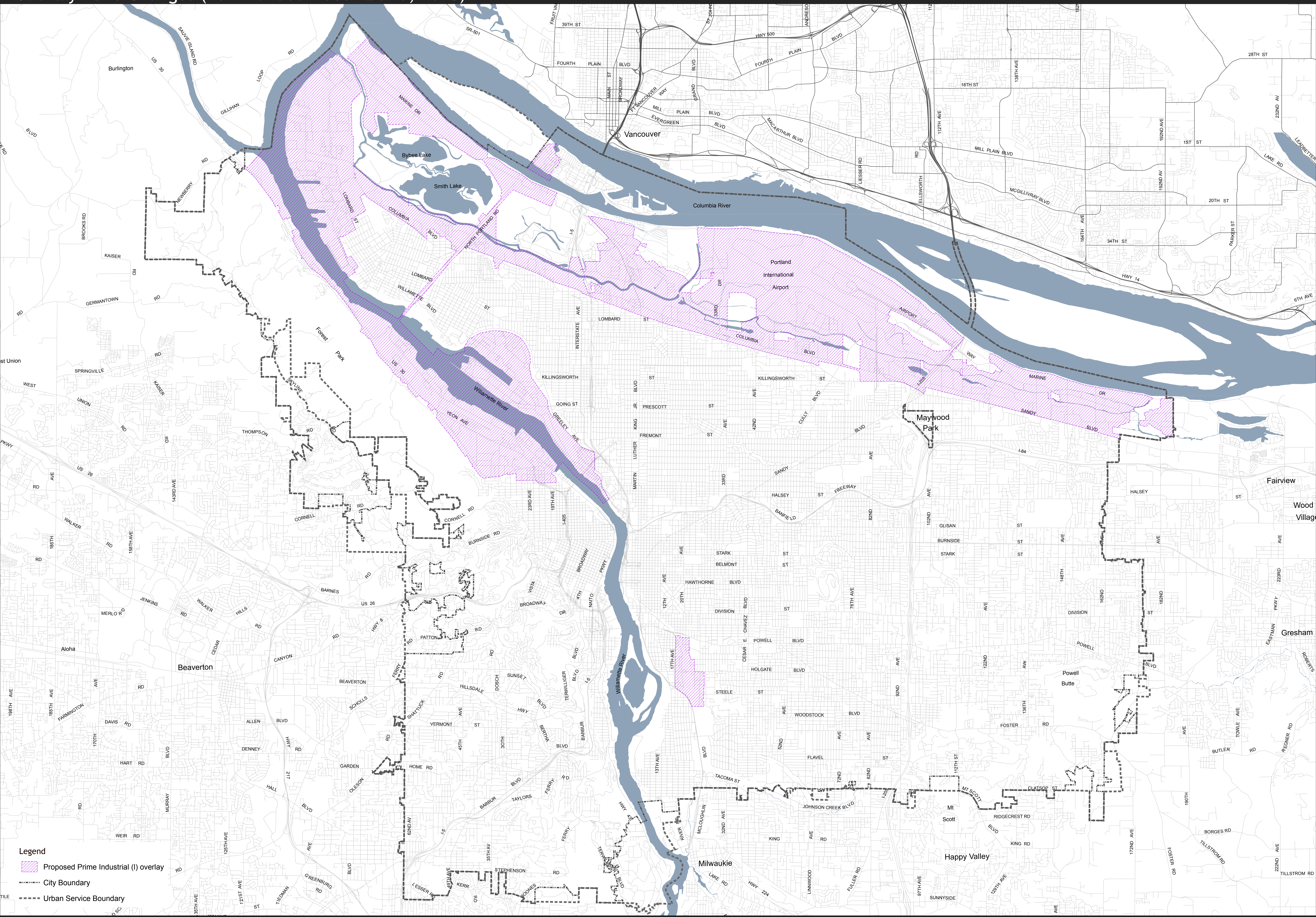


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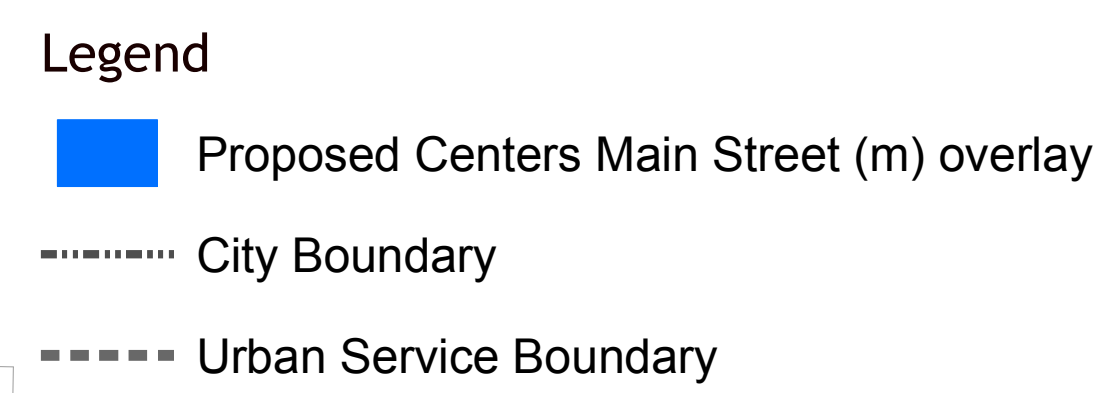
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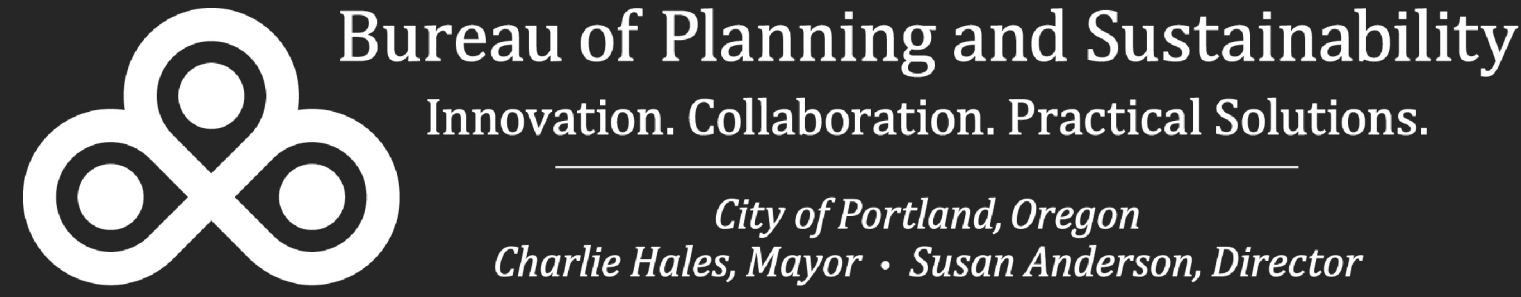
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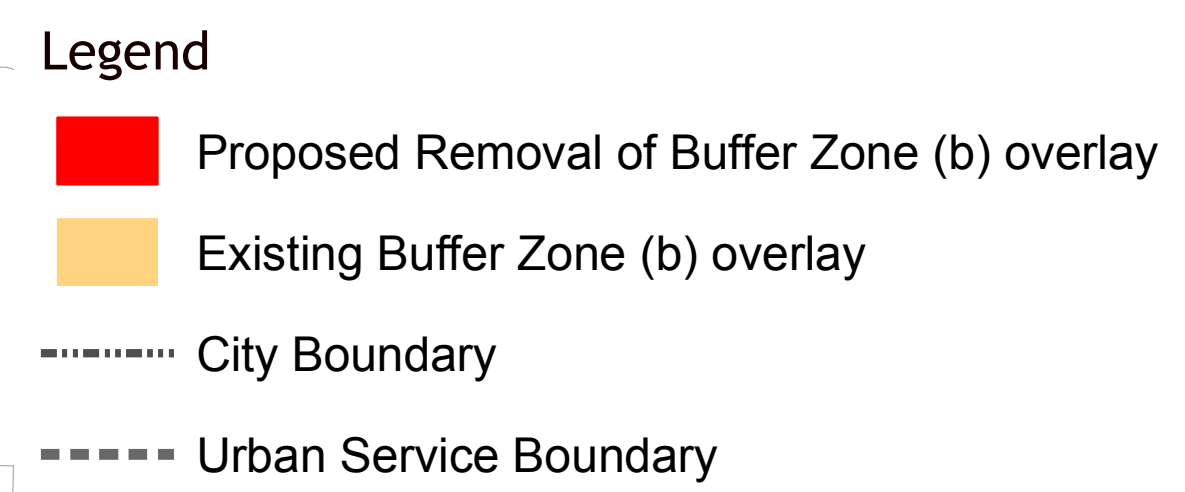




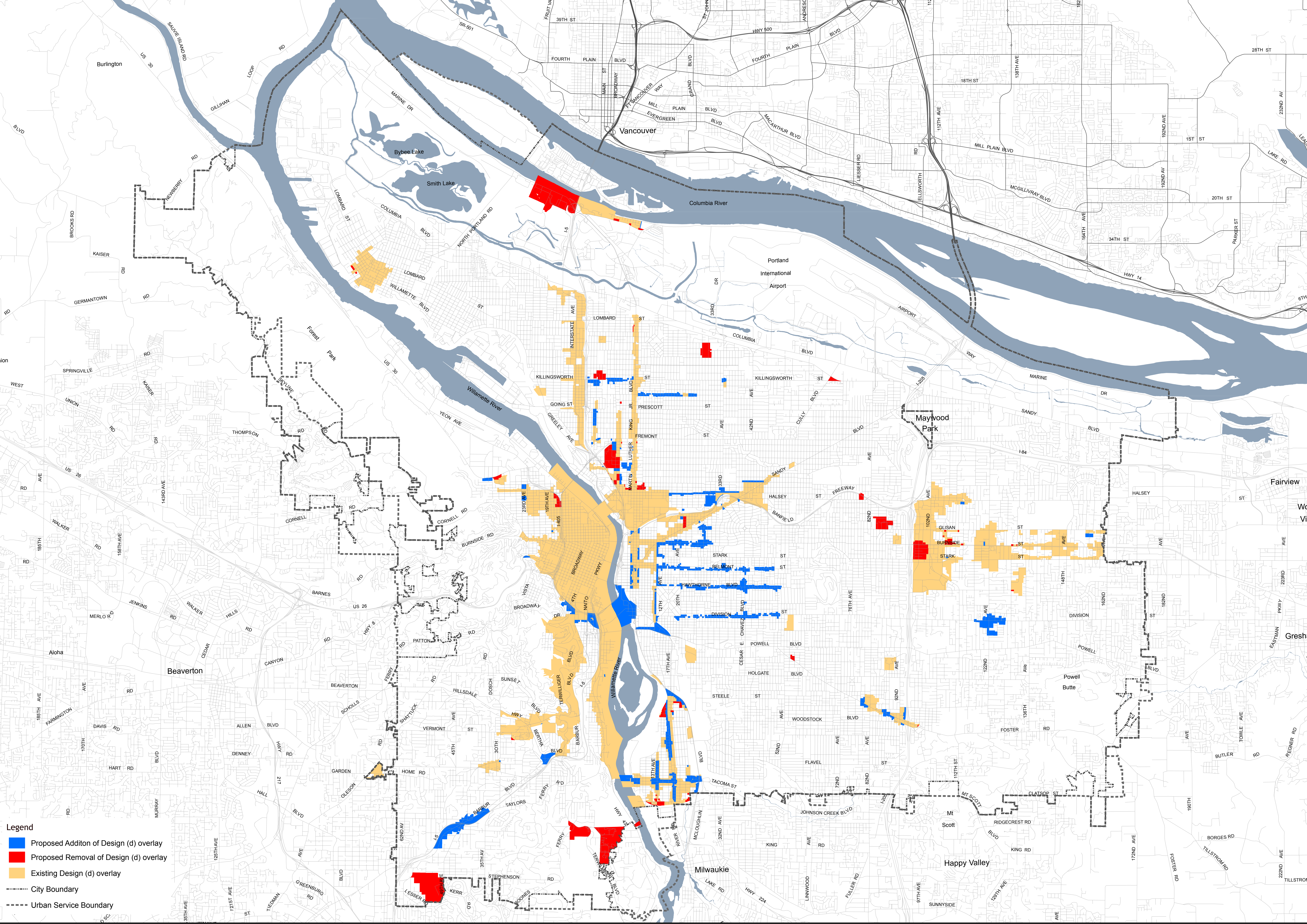
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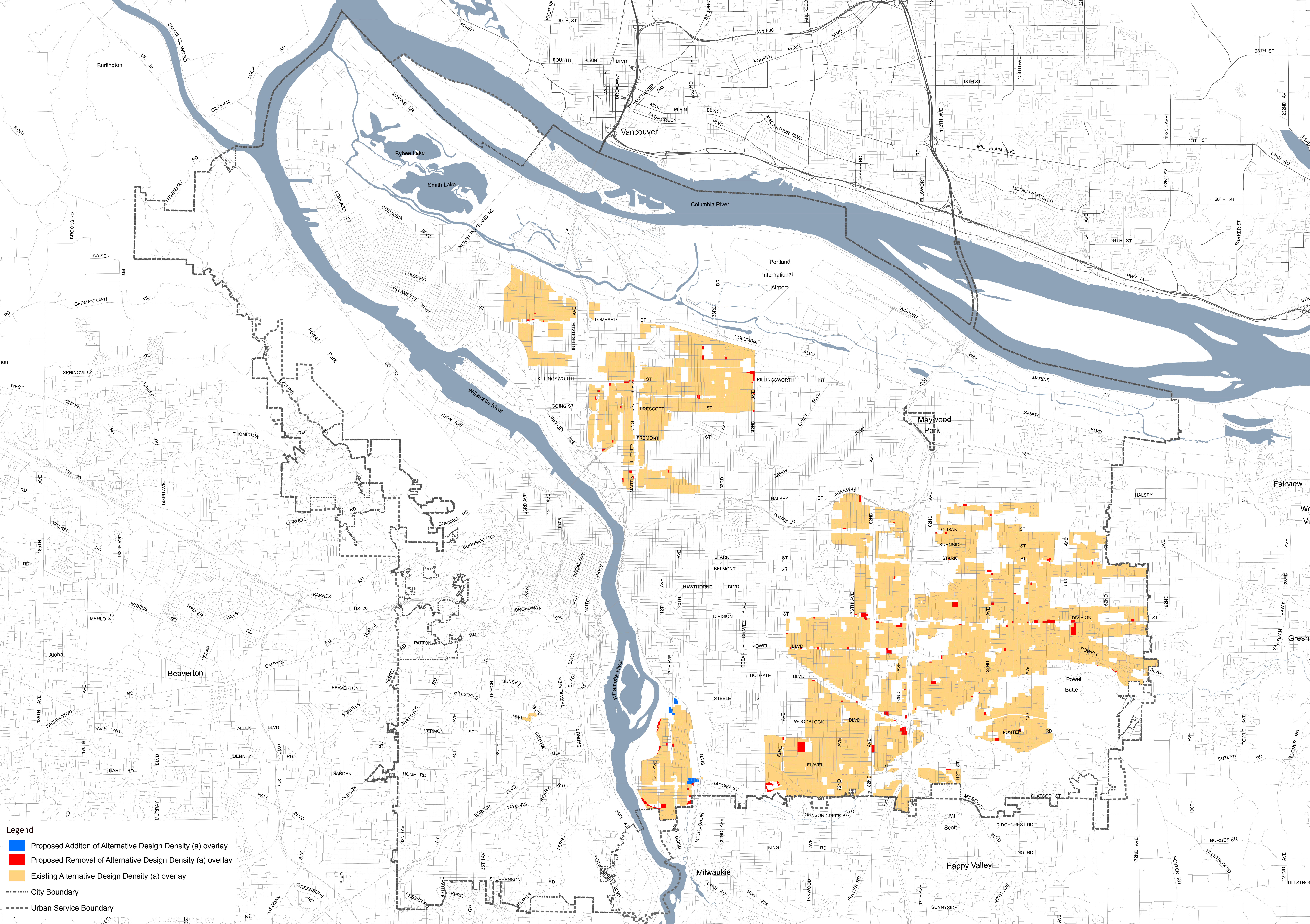










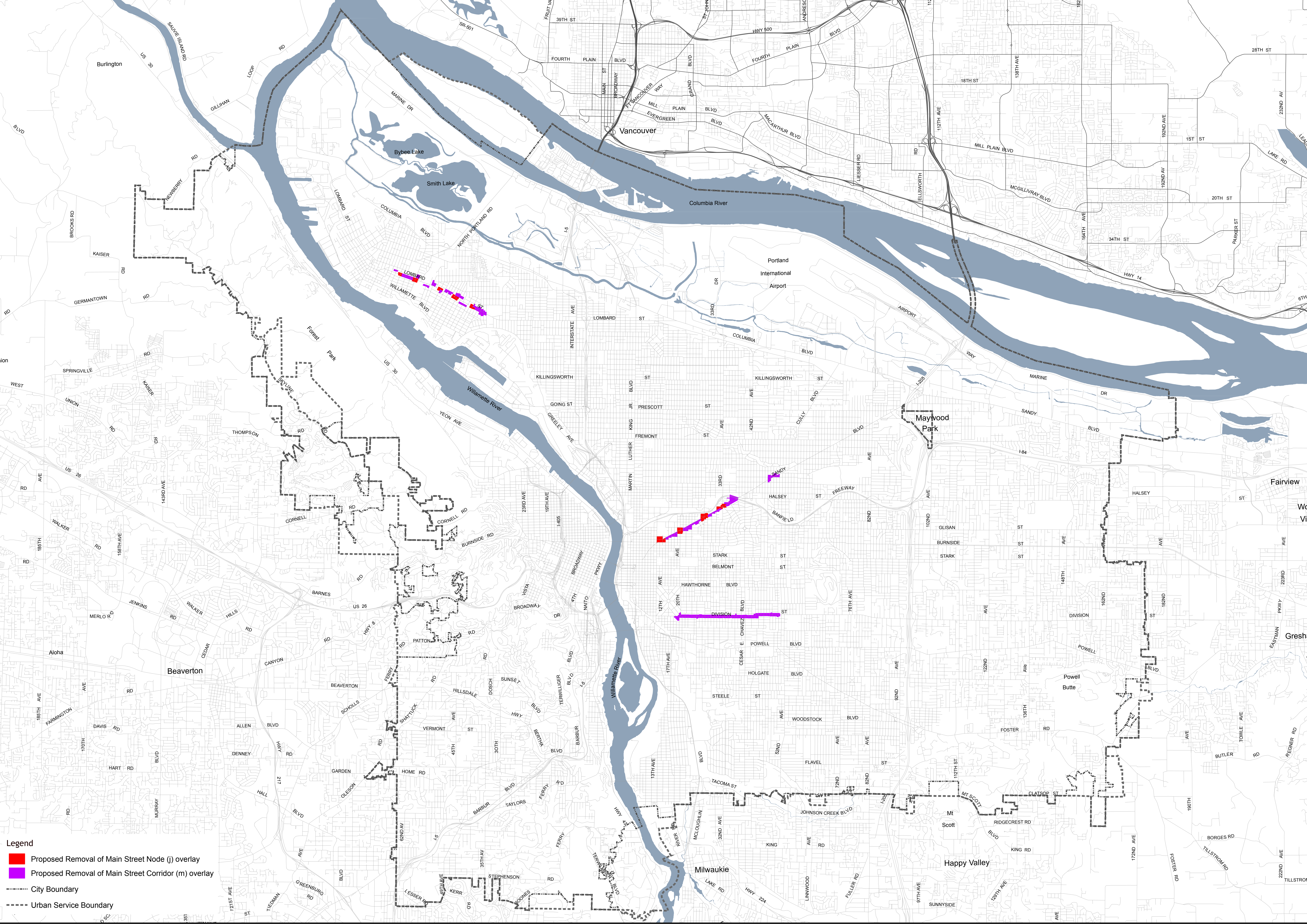


**Legend**

- Proposed Addition of Alternative Design Density (a) overlay
- Proposed Removal of Alternative Design Density (a) overlay
- Existing Alternative Design Density (a) overlay
- City Boundary
- Urban Service Boundary



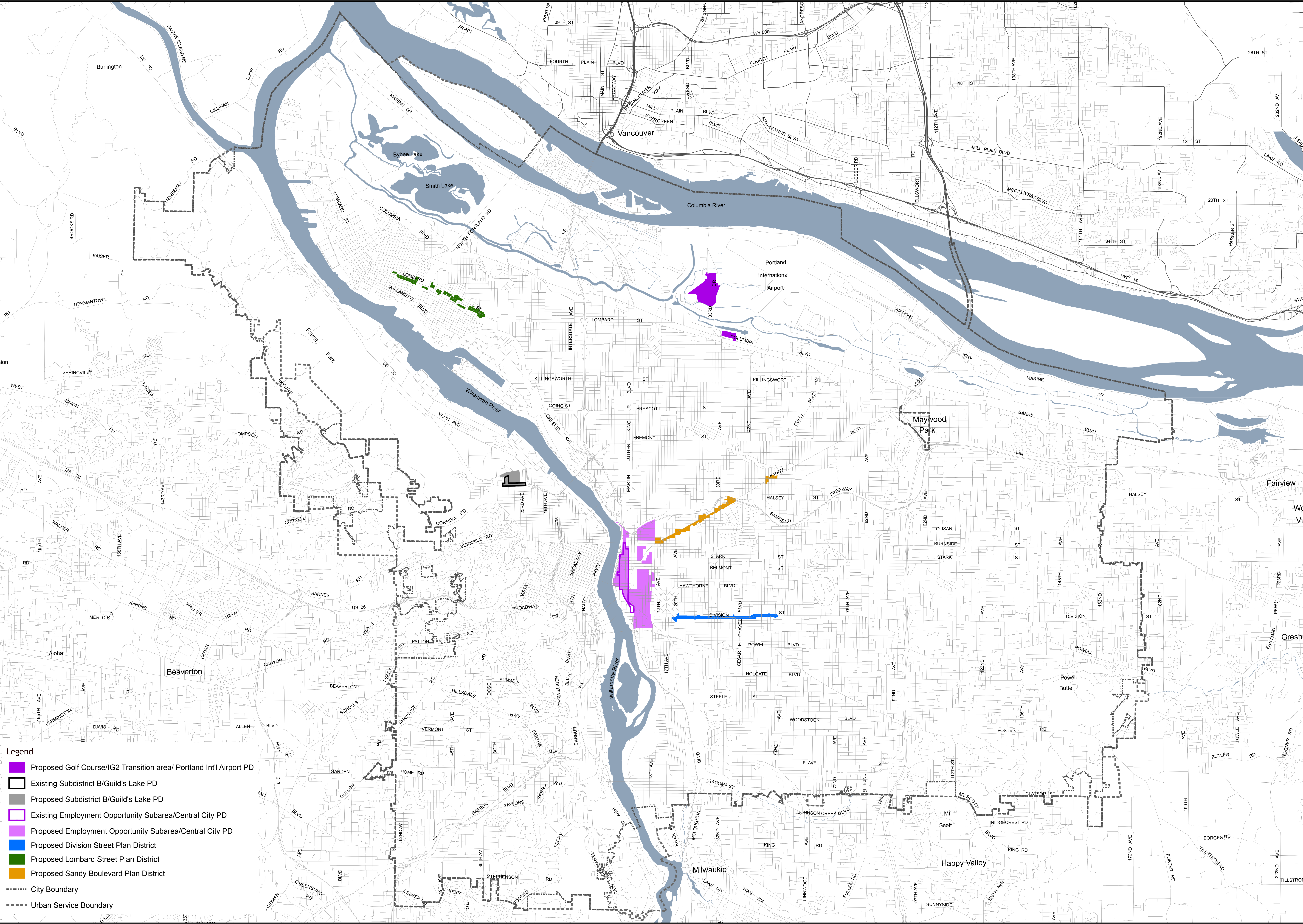




- Legend**
- Proposed Removal of Main Street Node (j) overlay
  - Proposed Removal of Main Street Corridor (m) overlay
  - City Boundary
  - Urban Service Boundary

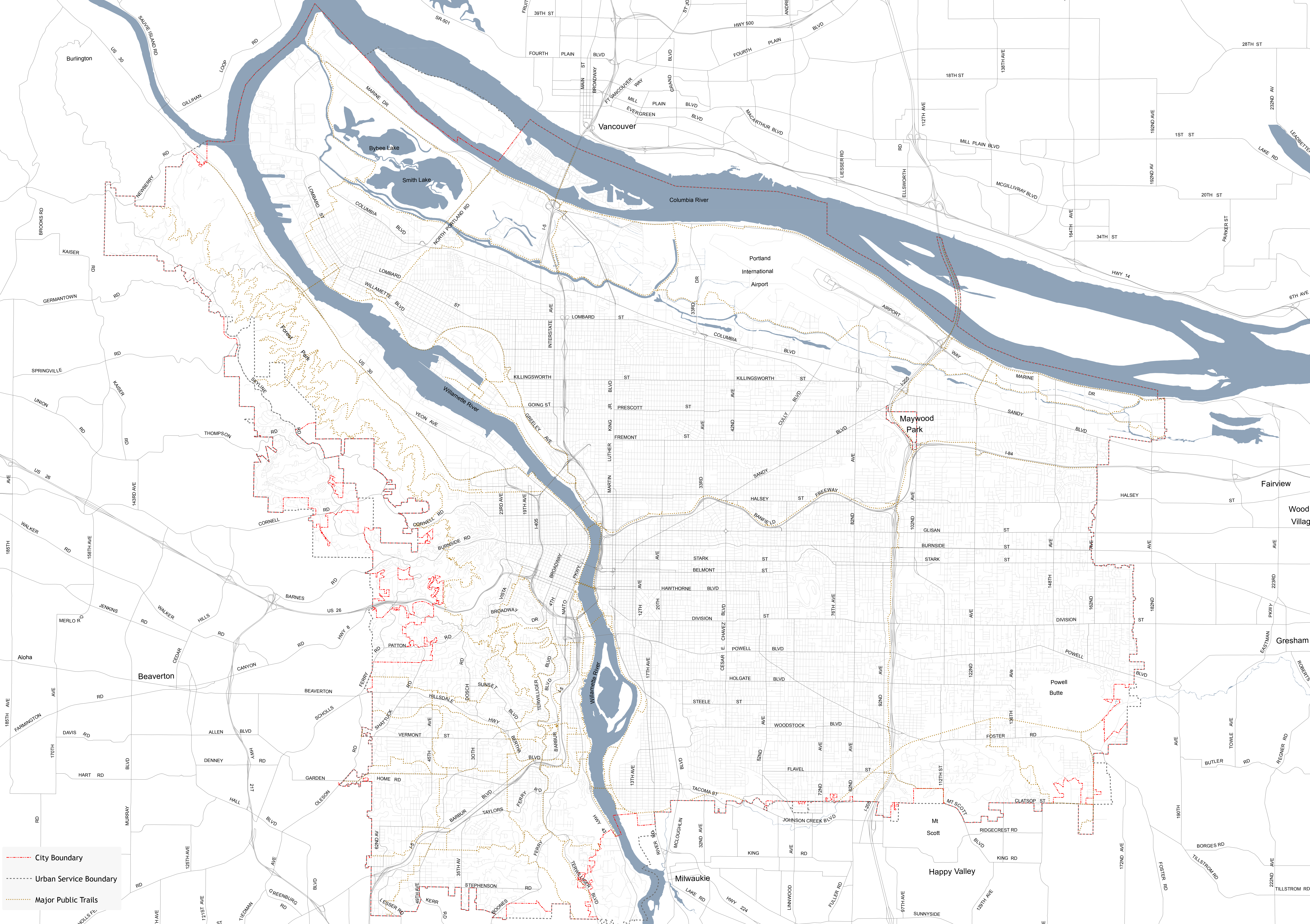






- Legend**
- Proposed Golf Course/IG2 Transition area/ Portland Int'l Airport PD
  - Existing Subdistrict B/Guild's Lake PD
  - Proposed Subdistrict B/Guild's Lake PD
  - Existing Employment Opportunity Subarea/Central City PD
  - Proposed Employment Opportunity Subarea/Central City PD
  - Proposed Division Street Plan District
  - Proposed Lombard Street Plan District
  - Proposed Sandy Boulevard Plan District
  - City Boundary
  - Urban Service Boundary





December 5, 2016

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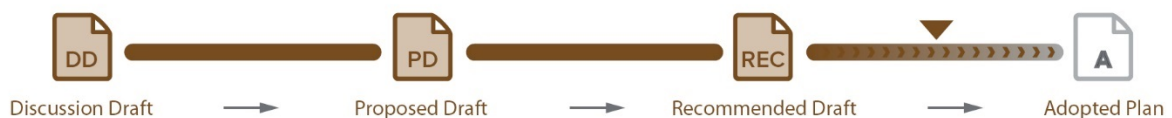
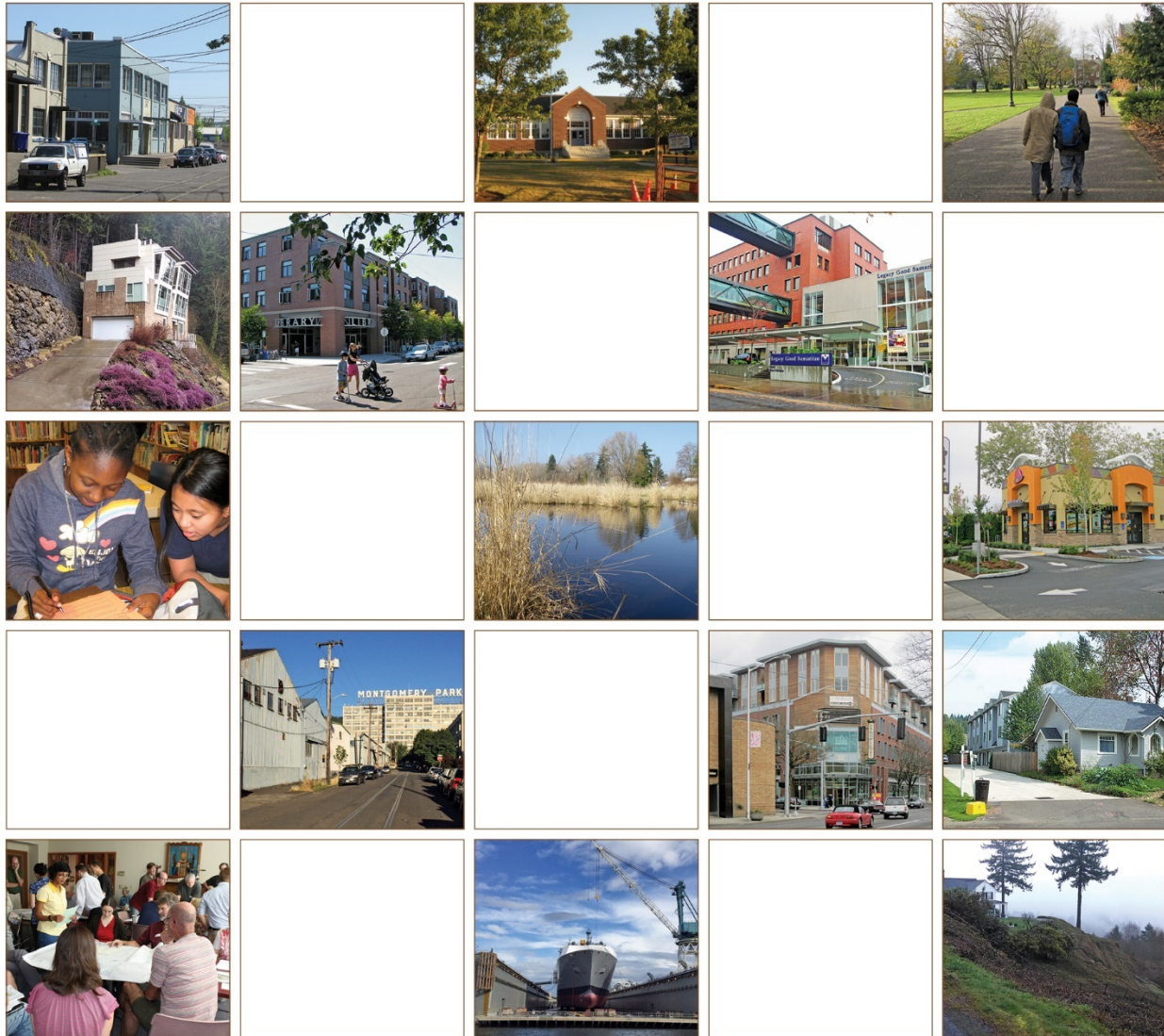
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# 2035 Comprehensive Plan Early Implementation ZONING CODE AMENDMENTS

AS-AMENDED DRAFT - DECEMBER 2016



December 2016  
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This As-Amended Draft reflects amendments to the Zoning Code made by City Council on November 22, 2016



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# Acknowledgments

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Nick Fish, *Commissioner*

Amanda Fritz, *Commissioner*

Steve Novick, *Commissioner*

Dan Saltzman, *Commissioner*

## **Portland Planning and Sustainability Commission**

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# Section I: Introduction

## Project Summary

This report contains recommended zoning code amendments to implement the adopted 2035 Comprehensive Plan. The amendments in this report were originally proposed and reviewed by the Planning and Sustainability Commission as part of the following 5 projects:

1. Mixed Use Zoning Project;
2. Campus Institutional Zoning Project;
3. Employment Zoning Project;
4. Miscellaneous Zoning Project; and
5. Community Involvement Program

Commentary describing each amendment can be found on the facing pages next to the zoning code amendments in this report. Background on project development, concepts discussed, and public outreach and feedback can be found in the recommended staff report for each project.







## Section II: Zoning Code Amendments

This section presents the Planning and Sustainability Commission's recommended Zoning Code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.



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## Commentary

### 33.110.100 Primary Uses

This amendment allows retail nurseries, such as Portland Nursery, to be allowed as a conditional use in single-dwelling residential zones. Currently, retail nurseries are prohibited in residential zones, and the nurseries that are operating in residential zones are nonconforming uses. Existing regulations for expanding a nonconforming use are quite strict—an expansion can be allowed only if it will not have a net increase in overall detrimental impacts on the surrounding neighborhood. One of the factors that must be considered in the assessment of detrimental impacts is “the amount, location, and nature of any outside displays, storage or activities” (33.258.080.B.1). Retail nurseries almost always have outside displays, storage and activities, and it can be very difficult to establish that an expansion of the outdoor uses will not have any increase in detrimental impacts.

Prior to 1991, retail nurseries were a conditional use in residential zones. With the adoption of the 1991 code nurseries were eliminated from the list of conditional uses leaving existing nurseries as nonconforming uses. With the 2035 Comprehensive Plan, the City is making an effort to preserve neighborhood serving businesses that are nonconforming while also ensuring that the impacts from the use are limited (Policy 6.67). As a conditional use, existing retail nurseries will have more flexibility, through a conditional uses land use review with notification to neighbors, to expand operations in a manner that is compatible with the surrounding area. The additional flexibility will make it possible for these neighborhood serving businesses to stay and grow on their current sites. This amendment will also allow additional retail nurseries to be established in single-dwelling residential zones. The approval criteria in 33.815.105, Institutional and Other Uses in Residential Zones will apply to this type of Conditional Use review.



### Use Regulations

#### 33.110.100 Primary Uses

- A. Allowed uses.** Uses allowed in the single-dwelling zones are listed in Table 110-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the 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.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 110-1 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 110-1.
1. – 9. [No change]
10. Retail Sales and Service. This regulation applies to all parts of Table 110-1 that have note [10]. Retail plant nurseries are a conditional use.



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## Commentary



<b>Table 110-1</b> <b>Single-Dwelling Zone Primary Uses</b>						
<b>Use Categories</b>	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>	<b>R2.5</b>
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	CU	CU	CU	CU	CU	CU
<b>Commercial Categories</b>						
Retail Sales And Service	<del>N</del> L [10]	<del>N</del> L [10]	<del>N</del> L [10]	<del>N</del> L [10]	<del>N</del> L [10]	<del>N</del> L [10]
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
<b>Industrial Categories</b>						
Manufacturing And Production	CU [6]	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Community Service	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]
Parks And Open Areas	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]
<b>Other Categories</b>						
Agriculture	L [7]	L [7]	L/CU [8]	L/CU [8]	L [9]	L [9]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.110.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters



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## Commentary

### **33.110.212 When Primary Structures are Allowed**

As a result of the 2035 Comprehensive Plan map designation and zoning changes in areas prone to natural hazards adopted, legally established lots may be deemed unbuildable due to the increase in minimum lot size established by the change in designation and zoning from R10 to R20. In order to address property owner hardship that may be created through these changes, this zoning code amendment creates an opportunity for these properties to be developed with one single family dwelling.

Properties subject to downzoning actions intended to address issues of service adequacy or neighborhood compatibility are not eligible for similar treatment because there are other avenues available to remedy those situations. Claims of reduced property value in these circumstances can be submitted according to procedures and criteria establish by Oregon Measure 47/49 and subsequent implementing state statutes and rules.



### **33.110.212 When Primary Structures are Allowed**

- A. Purpose.** The regulations of this section allow for development of primary structures on lots and lots of record, but do not legitimize plots that were divided after subdivision and partitioning regulations were established. The regulations also allow development of primary structures on lots that were large enough in the past, but were reduced by condemnation or required dedications for right-of-way.
- B. Adjustments.** Adjustments to this section are prohibited.
- C. Primary structures allowed.** In all areas outside the West Portland Park Subdivision, primary structures are allowed as follows:
  - 1. On lots created on or after July 26, 1979;
  - 2. On lots created through the Planned Development or Planned Unit Development process;
  - 3. On lots, lots of record, lot remnants, or combinations thereof that have not abutted a lot, lot of record, or lot remnant under the same ownership on July 26, 1979 or any time since that date.
  - 4. On lots, lots of record, lot remnants, or combinations thereof created before July 26, 1979 that meet the requirements of Table 110-6.
  - 5. Primary structures are allowed on lots, lots of record, lot remnants, and combinations thereof that did meet the requirements of Table 110-6 in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way.
  - 6. On lots, lots of record, lot remnants, and combinations thereof zoned R20 that met the requirements of Table 110-6 in the past but no longer meet the requirements solely due to a zone change effective on [insert effective date of this code].
- D. Regulations for West Portland Park.** [No change]
- E. Plots.** [No change]
- F. Nonconforming situations.** [No change]



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## Commentary

### 33.120.100 Primary Uses

This amendment will allow retail nurseries, such as Portland Nursery, to be allowed as a conditional use in the R3, R2 and R1 zones. Commercial uses are already allowed through a conditional use review in the RH and RX zones. Currently, retail nurseries are prohibited in the R3, R2, and R1 zones, and the nurseries that are operating in these zones are nonconforming uses. The regulations for expanding a nonconforming use are quite strict—an expansion can be allowed only if it will not have a net increase in overall detrimental impacts on the surrounding neighborhood. One of the factors that must be considered in the assessment of detrimental impacts is “the amount, location, and nature of any outside displays, storage or activities” (33.258.080.B.1). Retail nurseries almost always have outside displays, storage and activities, and it can be very difficult to establish that an expansion of the outdoor uses will not have any increase in detrimental impacts.

Prior to 1991, retail nurseries were a conditional use in residential zones. The adoption of the 1991 code made them nonconforming uses. With the 2035 Comprehensive Plan, the City is making an effort to preserve neighborhood serving businesses that are nonconforming while also ensuring that the impacts from the use are limited (Policy 6.67). As a conditional use, existing retail nurseries will have the ability, through a land use review with notification to neighbors, to expand operations in a manner that is compatible with the surrounding area. The additional flexibility will make it possible for these neighborhood serving businesses to stay and grow on their current sites. This amendment will also allow additional retail nurseries in multi-dwelling residential zones. The approval criteria in 33.815.105, Institutional and Other Uses in Residential Zones are the criteria that will apply to this type of Conditional Use review.



### Use Regulations

#### 33.120.100 Primary Uses

- A. Allowed uses.** Uses allowed in the multi-dwelling zones are listed in Table 120-1 with a “Y”. These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the 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.
- B. Limited uses.** Uses allowed in these zones subject to limitations are listed in Table 120-1 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 120-1.
  - 1. – 14. [No change]
  - 15. Retail Sales and Service. This regulation applies to all parts of Table 120-1 that have note [15]. Retail plant nurseries are a conditional use.



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## Commentary



**Table 120-1  
Multi-Dwelling Zone Primary Uses**

Use Categories	R3	R2	R1	RH	RX	IR
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	Y [1]
<b>Commercial Categories</b>						
Retail Sales And Service	N [15]	N [15]	N [15]	CU[2]	L/CU [3]	L/CU [10]
Office	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [4]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	CU
<b>Industrial Categories</b>						
Manufacturing And Production	N	N	N	N	N	CU
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	CU
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]
Community Service	CU [6]	CU [6]	CU [6]	L/CU [6]	L/CU [5, 6]	CU [6]
Parks And Open Areas	L/CU [7]	L/CU [7]	L/CU [7]	Y	Y	Y
Schools	CU	CU	CU	CU	L/CU [5]	L/CU [11]
Colleges	CU	CU	CU	CU	CU	L/CU [11]
Medical Centers	CU	CU	CU	CU	CU	L/CU [11]
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	Y	L/CU [12]
<b>Other Categories</b>						
Agriculture	L [14]	L [14]	L [14]	L [14]	L [14]	L [14]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.120.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.



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## Commentary

### **Map Series 120-1 through 120-20—RH Areas with Maximum FAR of 4:1**

As a result of City Council adoption of the 2035 Comprehensive Plan, several properties across the city were either changed from the RH zone to another zone, or changed to the RH zone from another zone. The zoning changes require amendments to the maps in the 33.120 that indicate where a parcel zoned RH has a maximum FAR of 4:1 rather than 2:1.

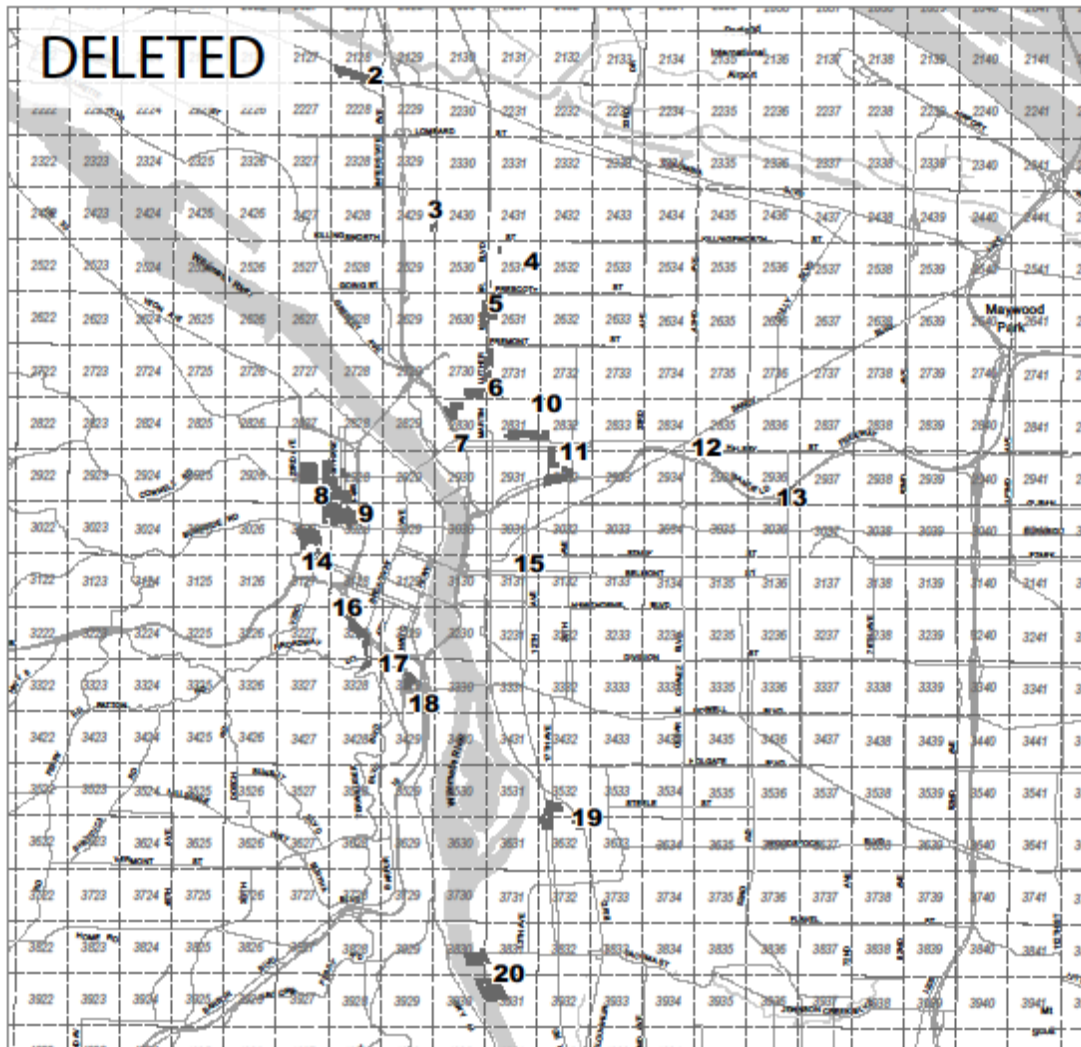
The entire series of 33.120 maps is being deleted and replaced with updated maps.



# Index Map for RH Areas with Maximum FAR of 4:1

## Map 120-1

Map Revised January 1, 2015



Boundary of Existing/Potential  
RH - Zoned Area

Portland Quarter Section Index

0 6,000 12,000

Scale in Feet

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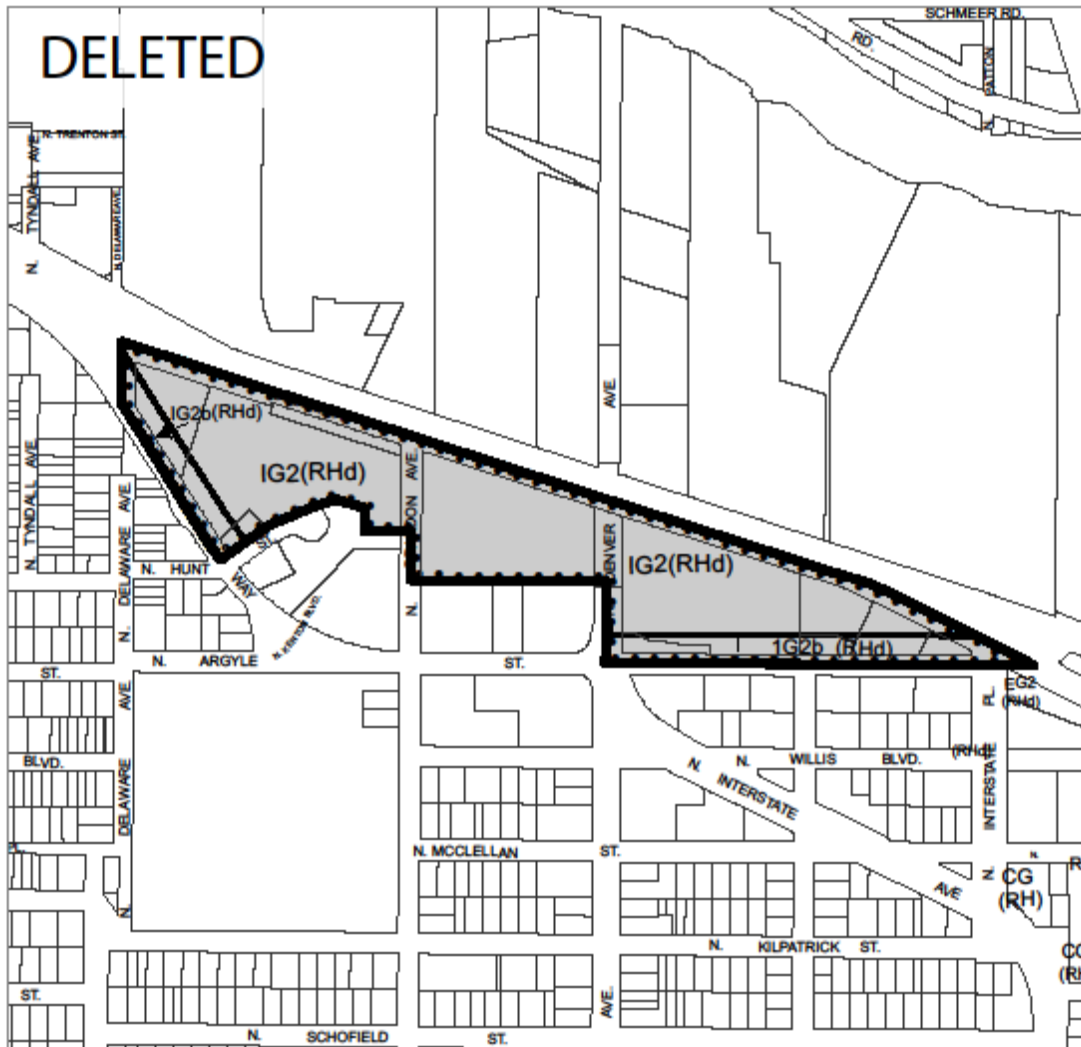
## Commentary




# RH Areas with Maximum FAR of 4:1


## Map 120-2

Map Revised January 1, 2015



--- City Boundary  
 Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 2128, 2129

  
 0 300 600  
 Scale in Feet  
 Bureau of Planning and Sustainability  
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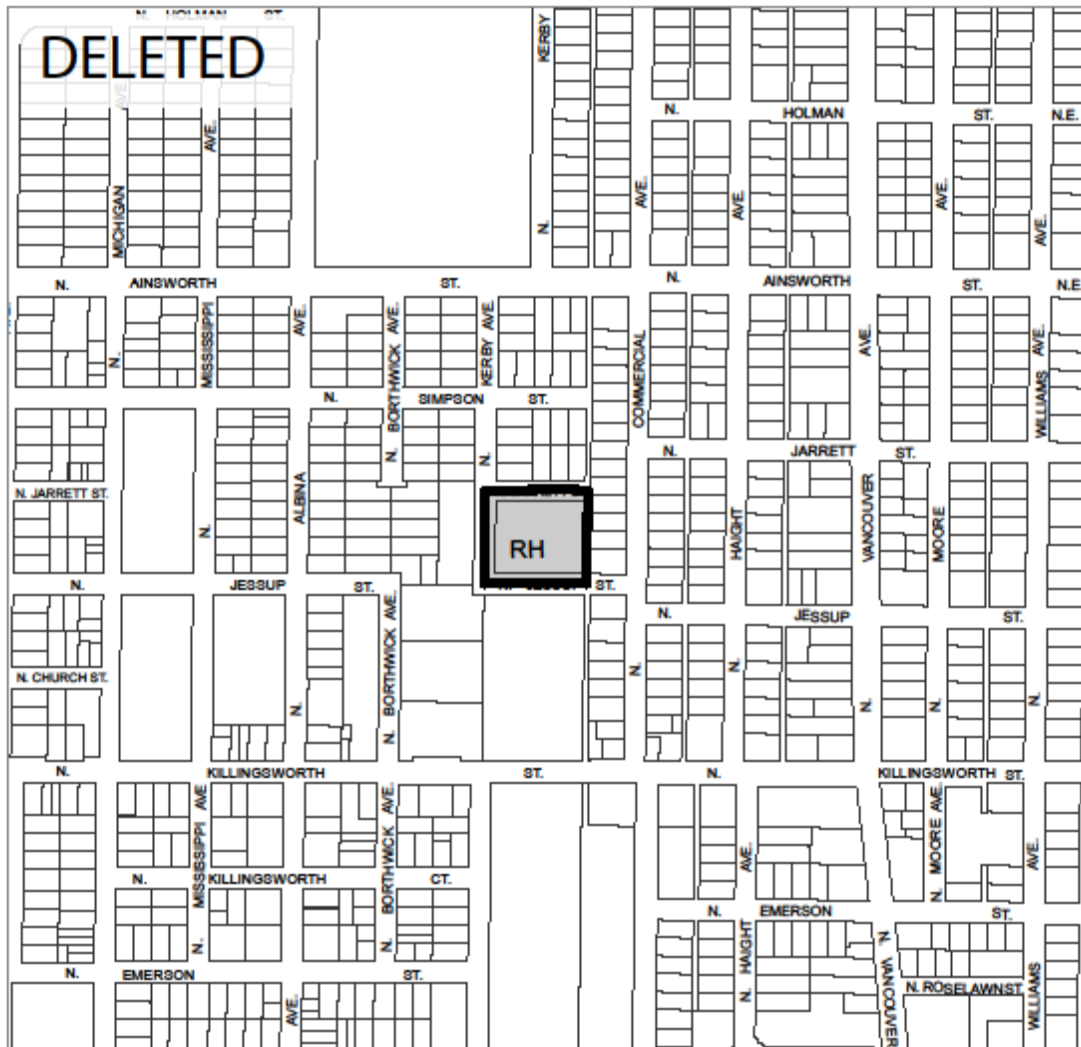
## Commentary



# RH Areas with Maximum FAR of 4:1

## Map 120-3

Map Revised January 1, 2015

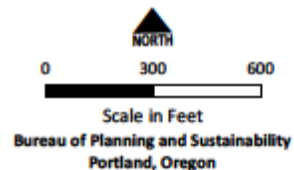


--- City Boundary



Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2429, 2430





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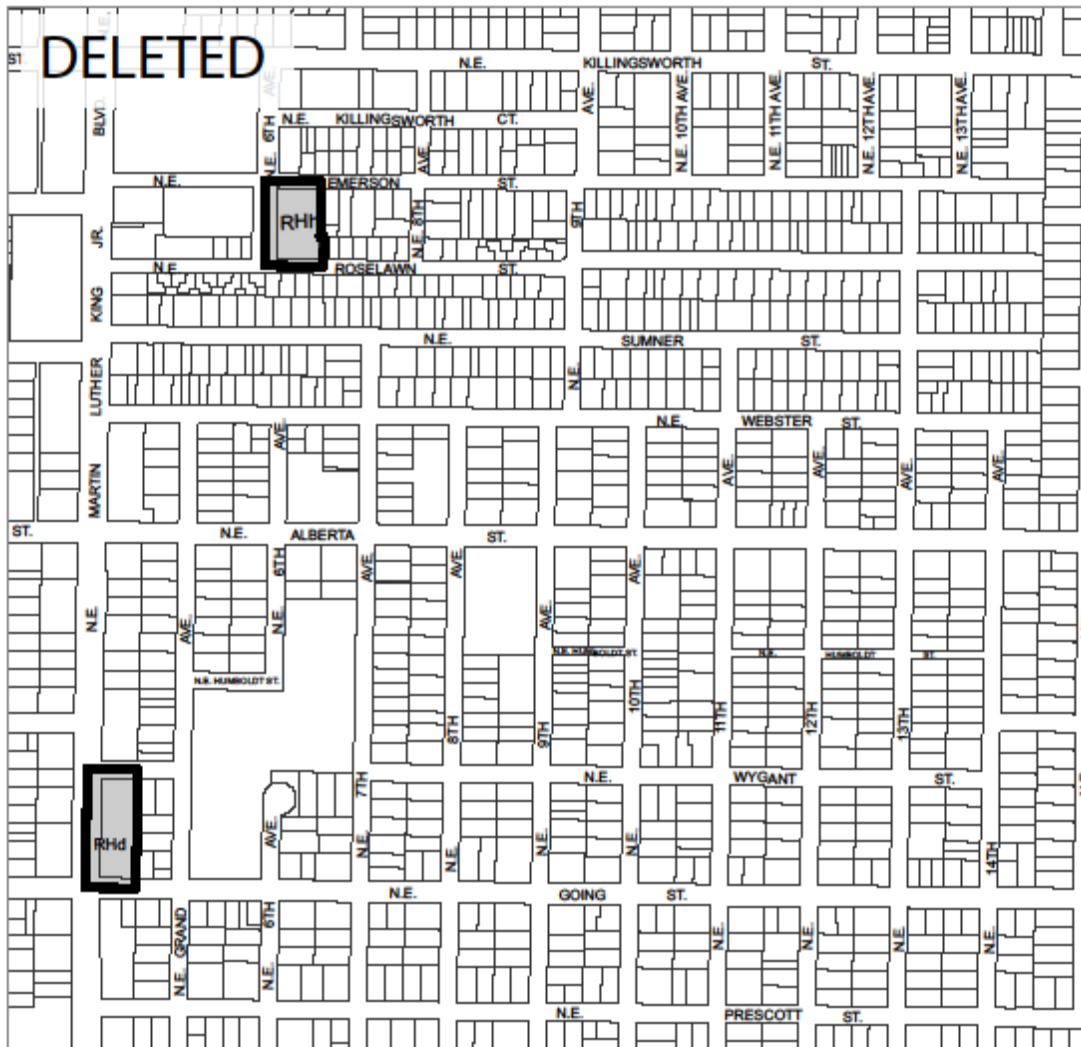
## Commentary




# RH Areas with Maximum FAR of 4:1

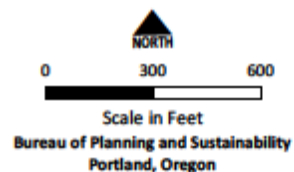
## Map 120-4

Map Revised January 1, 2015



--- City Boundary  
 Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 2531





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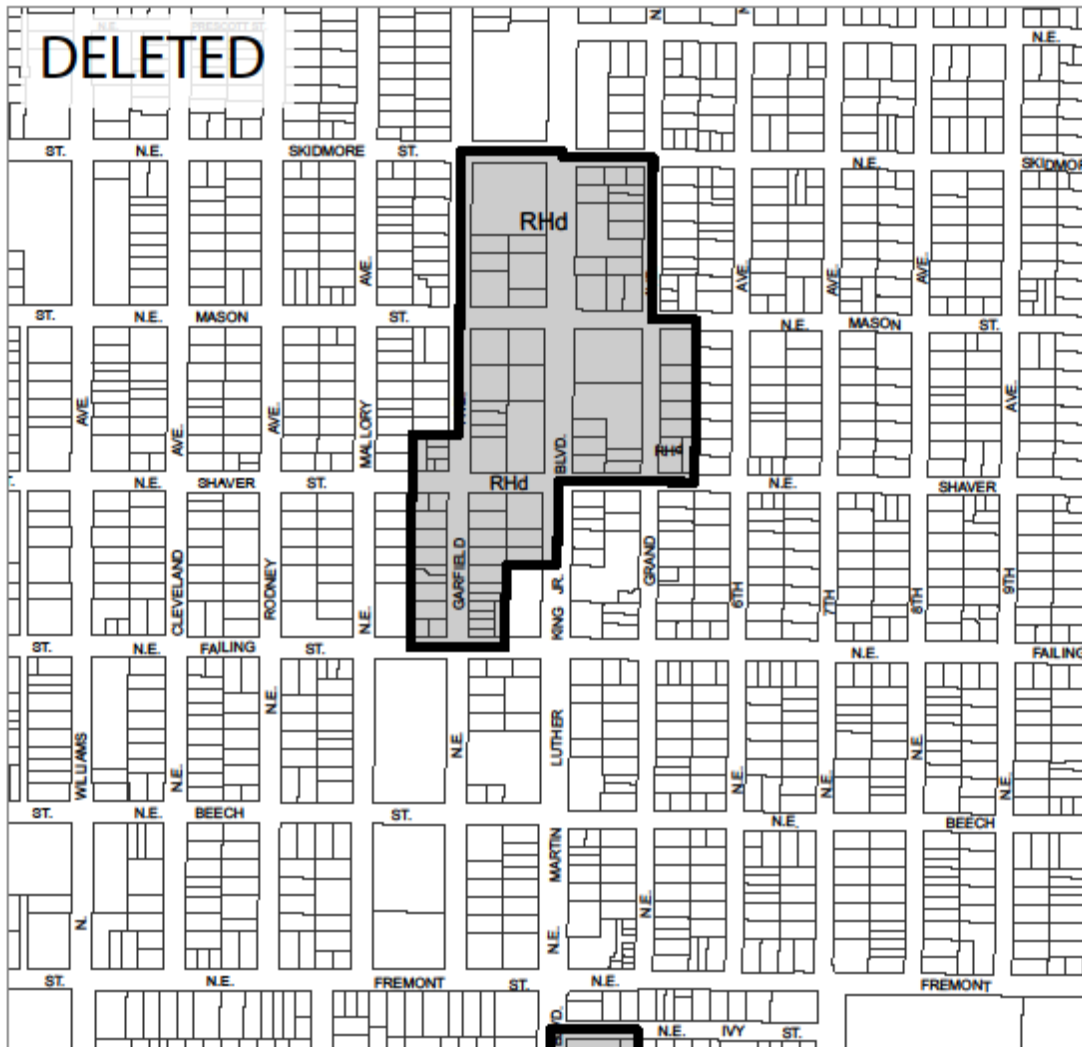
## Commentary




# RH Areas with Maximum FAR of 4:1

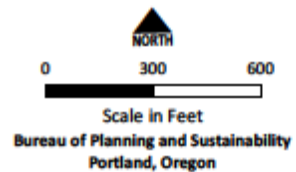
## Map 120-5

Map Revised January 1, 2015



--- City Boundary  
 Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 2630, 2631





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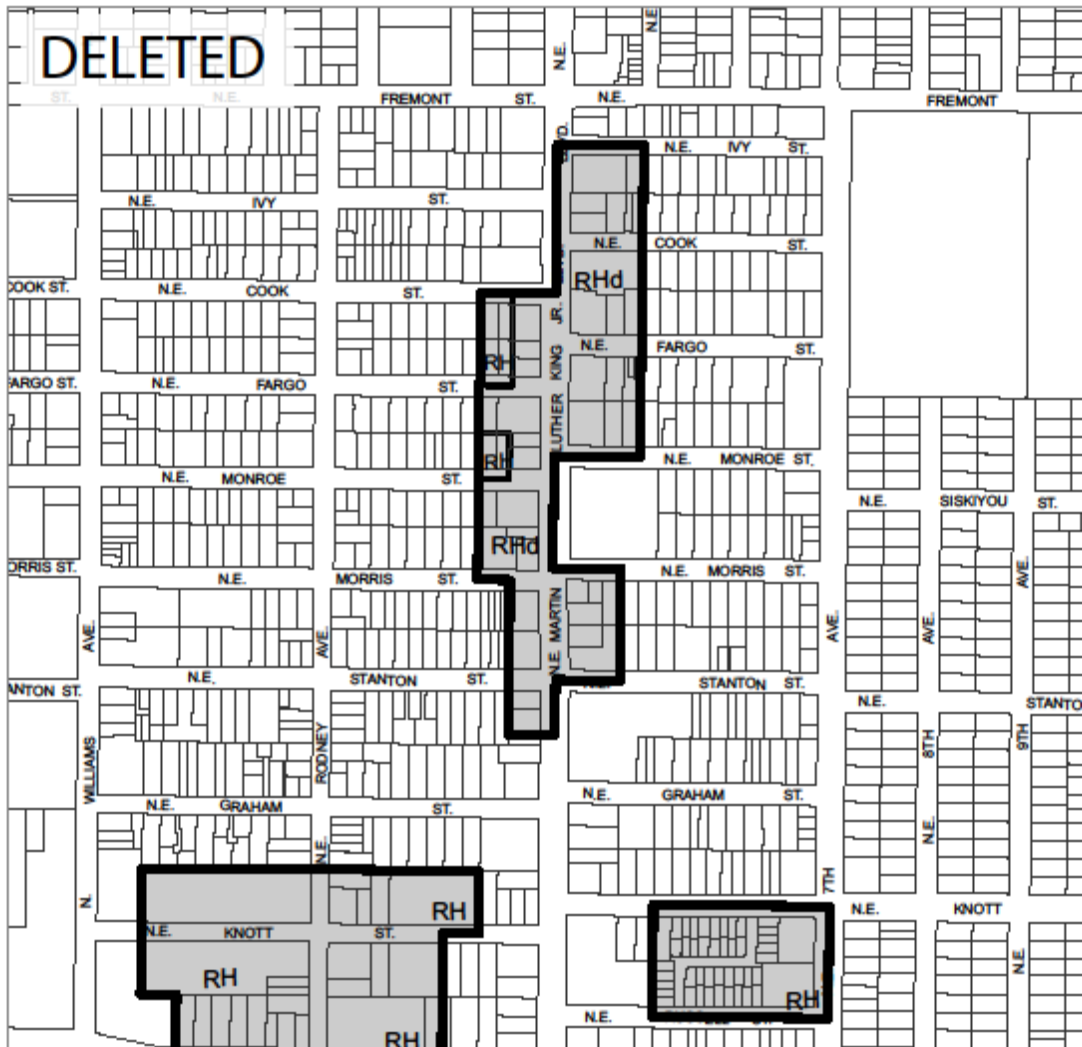
## Commentary




# RH Areas with Maximum FAR of 4:1

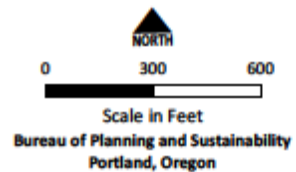
## Map 120-6

Map Revised January 1, 2015



- City Boundary
-  Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2730, 2731





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## Commentary



### Map 120-7

[illegible]

0 300 600

**Bureau of Planning and Sustainability  
Portland, Oregon**

Ord. 188177, Vol. 1.1.E, page 156



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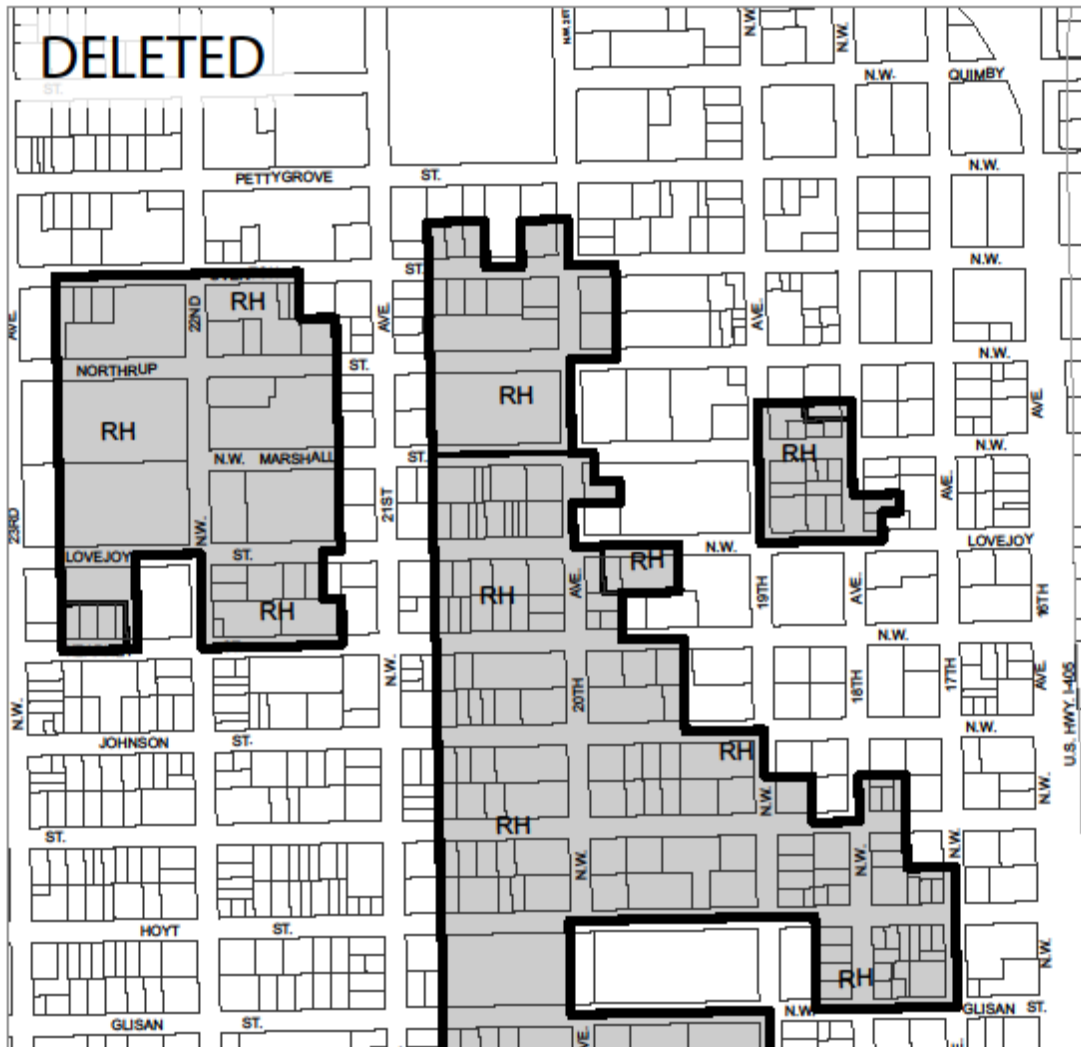
## Commentary



# RH Areas with Maximum FAR of 4:1

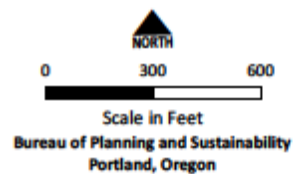
## Map 120-8

Map Revised January 1, 2015



- City Boundary
- Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028





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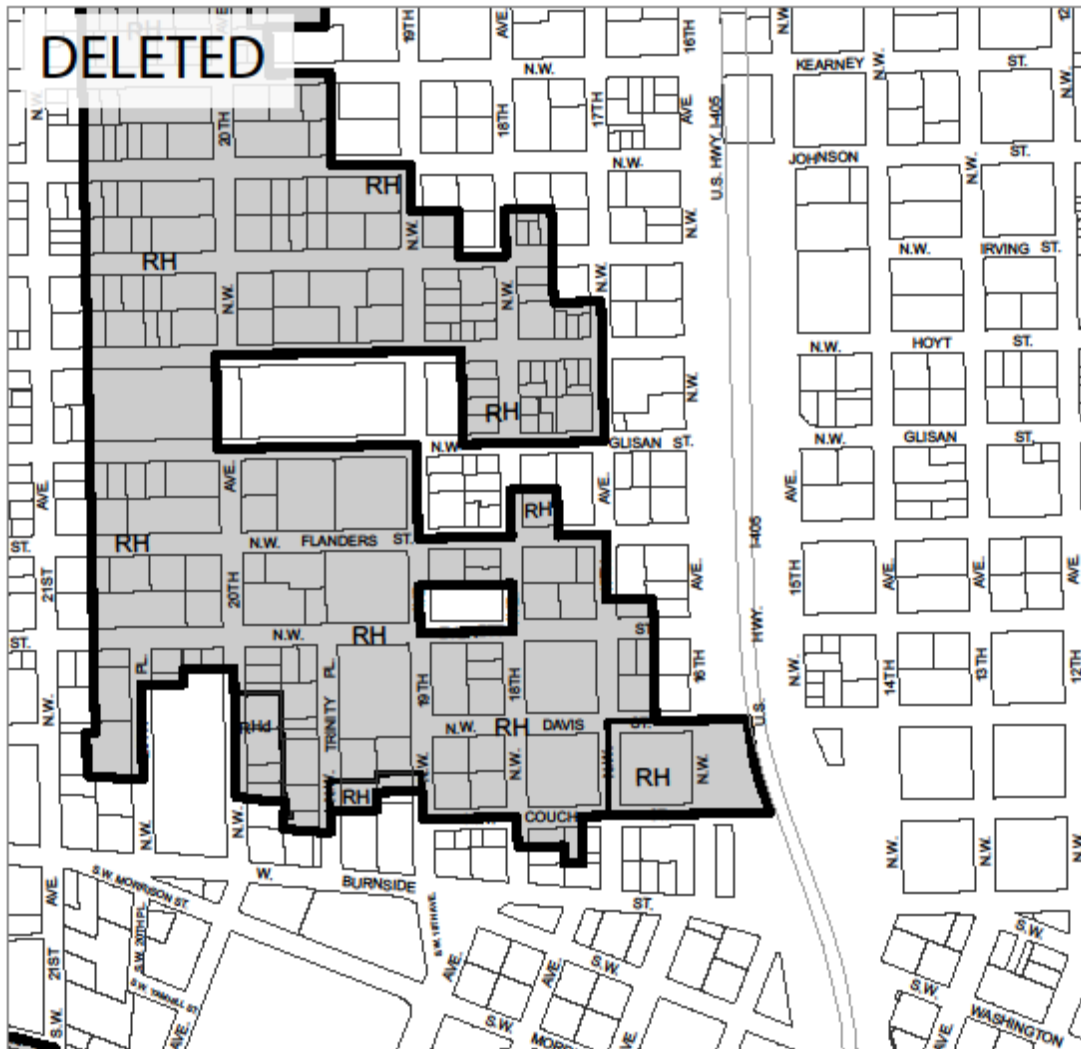
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## Commentary




### Map 120-9

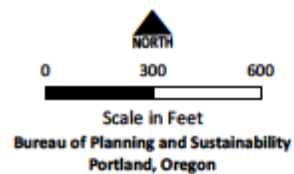
**Map Revised January 1, 2015**



--- City Boundary

 Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028





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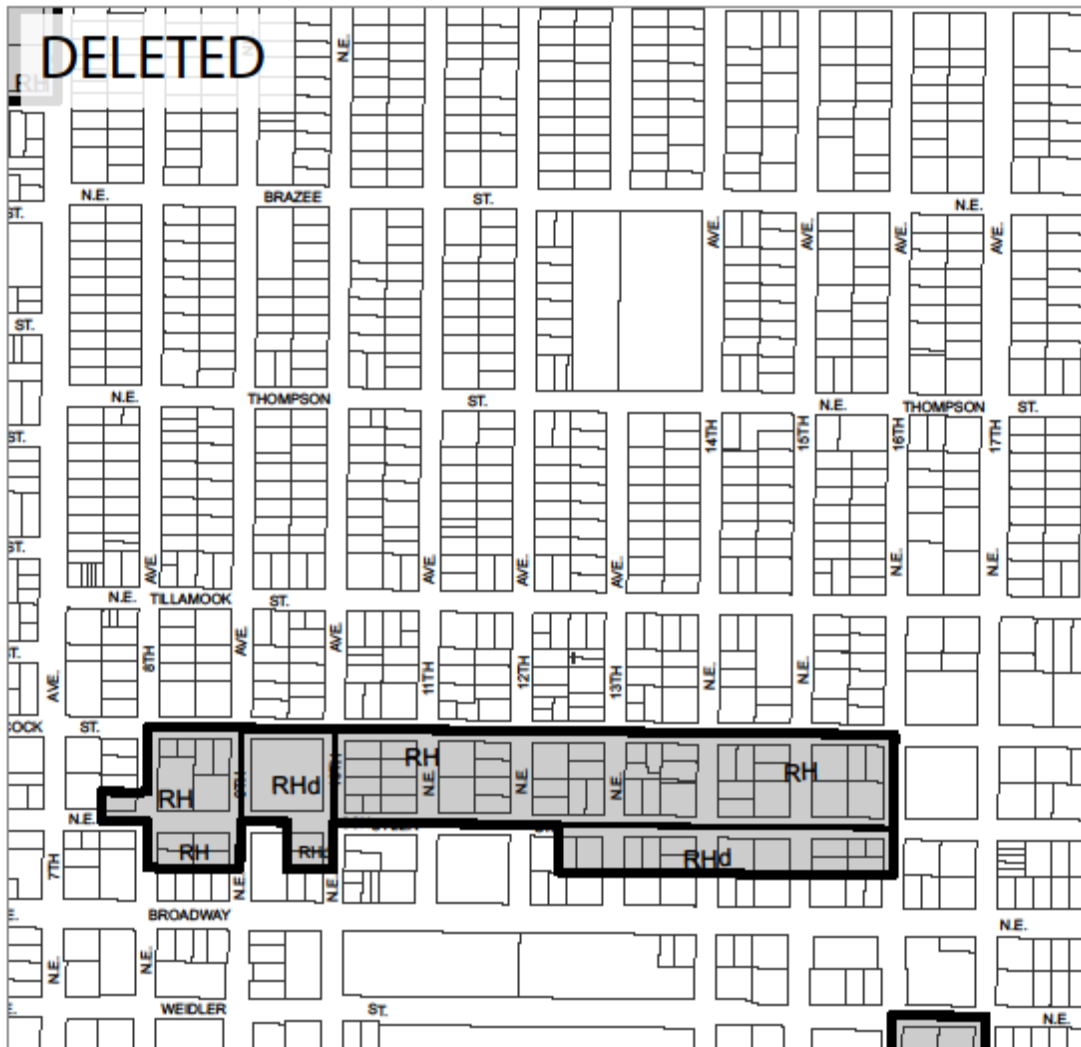
## Commentary



# RH Areas with Maximum FAR of 4:1

## Map 120-10

Map Revised January 1, 2015



--- City Boundary  
 Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 2831, 2832

NORTH  
 0 300 600  
 Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon



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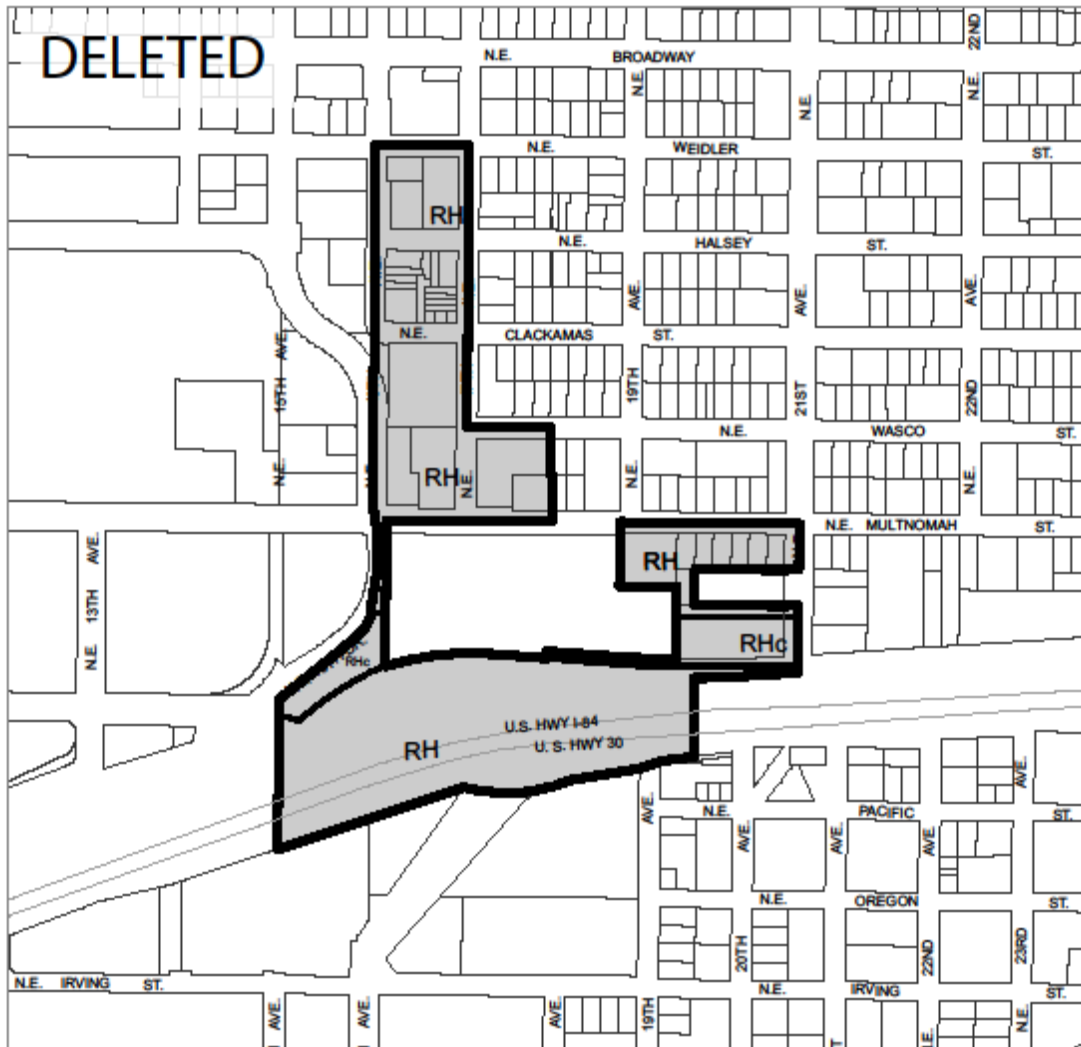
## Commentary




# RH Areas with Maximum FAR of 4:1


## Map 120-11

Map Revised January 1, 2015



--- City Boundary  
 Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 2832, 2932

  
 NORTH  
 0 300 600  
 Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon



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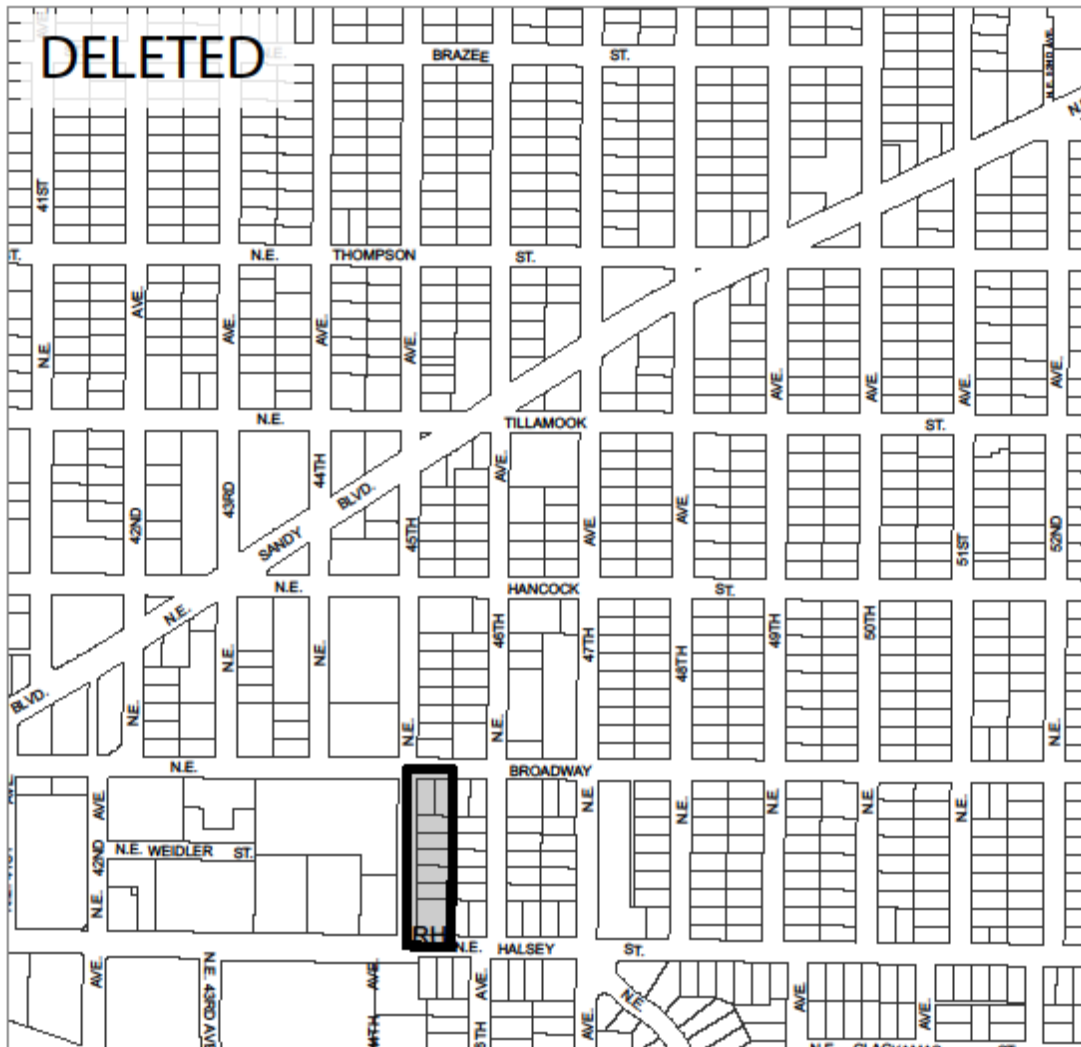
## Commentary




# RH Areas with Maximum FAR of 4:1

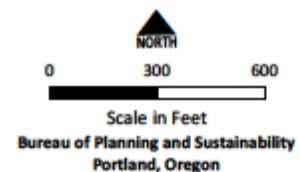
## Map 120-12

Map Revised January 1, 2015



- City Boundary
-  Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 2835, 2935





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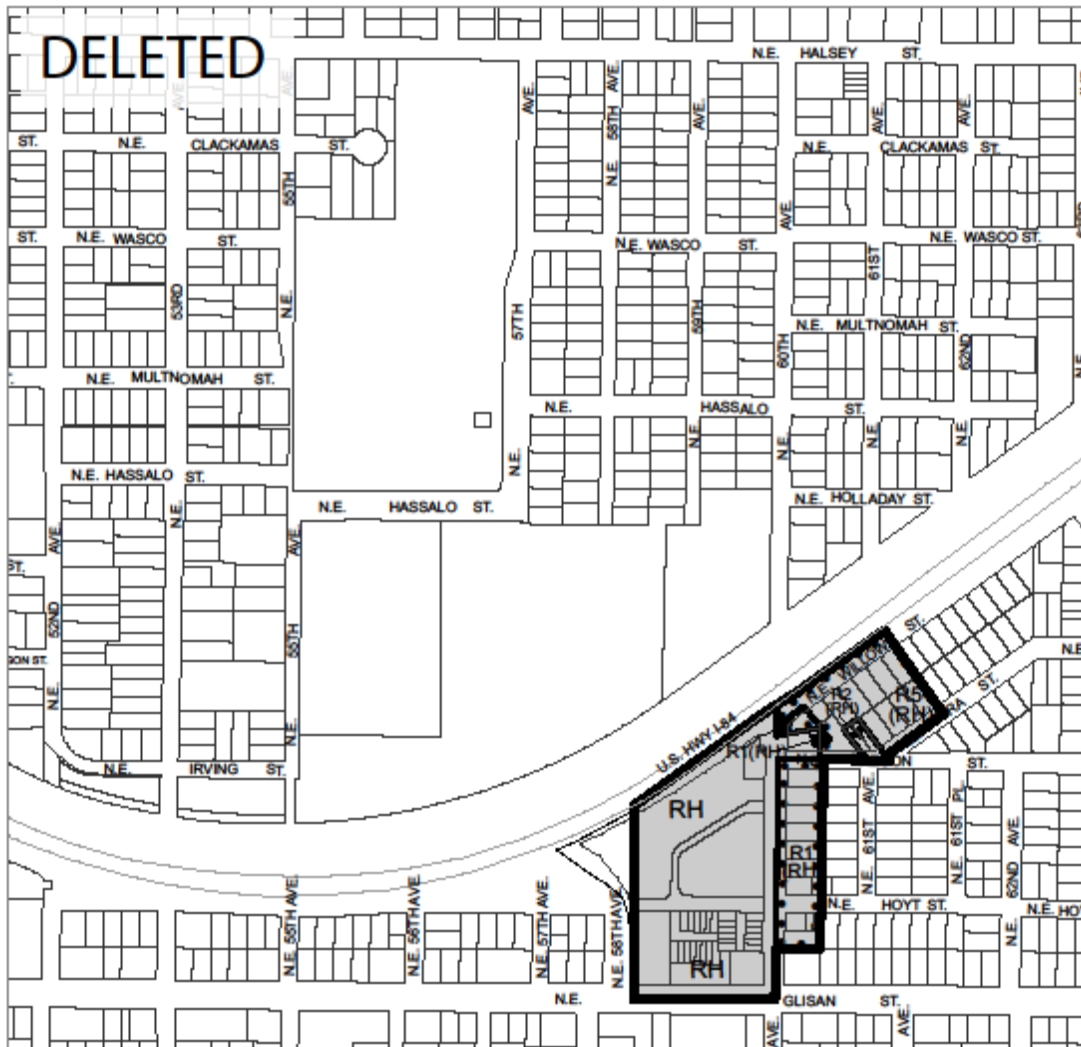
## Commentary



# RH Areas with Maximum FAR of 4:1

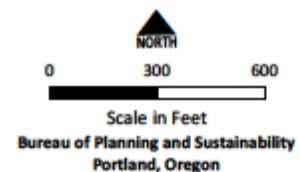
## Map 120-13

Map Revised January 1, 2015



--- City Boundary  
 Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 2936, 3036





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## Commentary



### Map 120-14



A north arrow pointing upwards with the word "NORTH" written below it. Below the arrow is a scale bar with markings at 0, 300, and 600 meters.

Quarter Section(s): 3027, 3127



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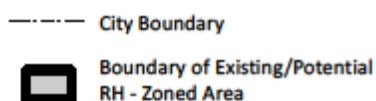
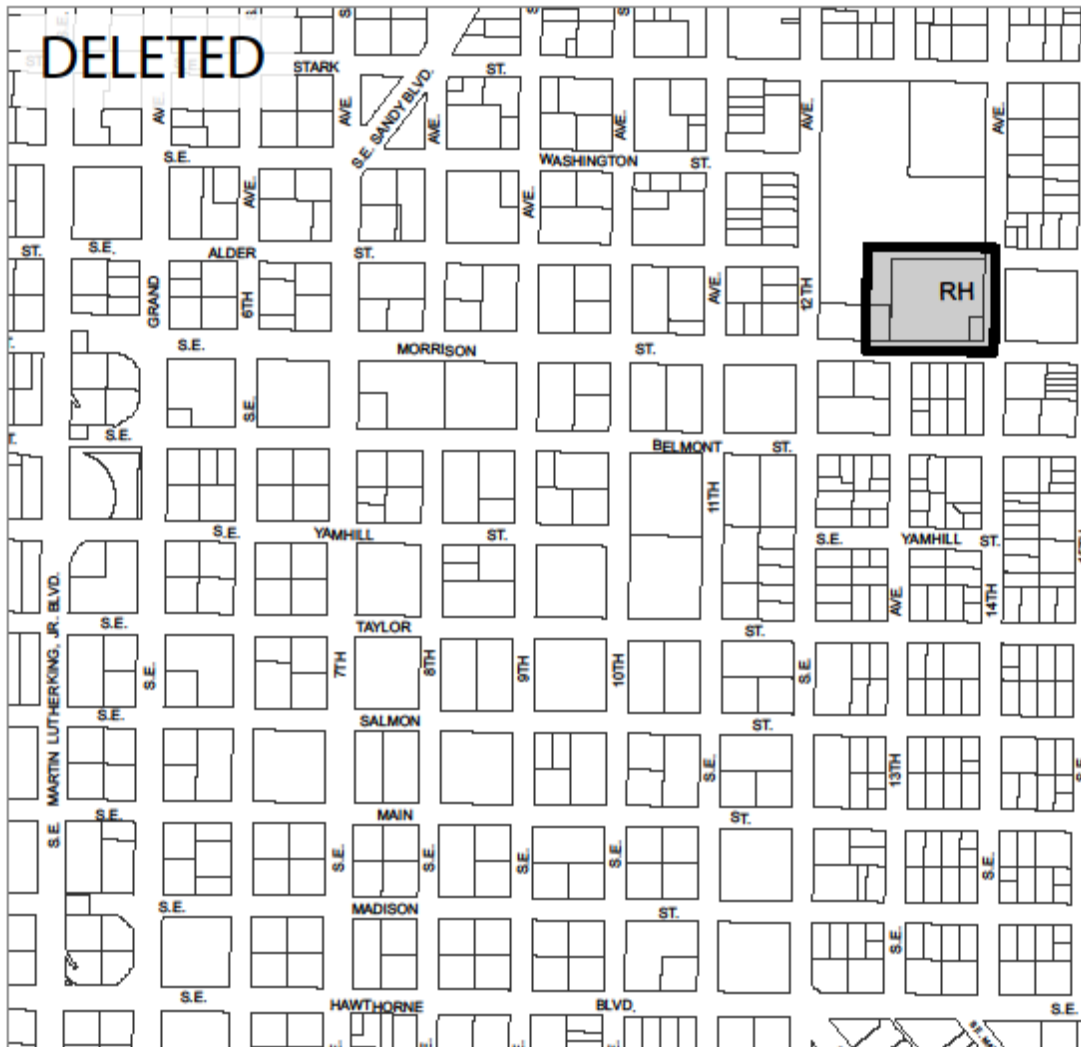
## Commentary



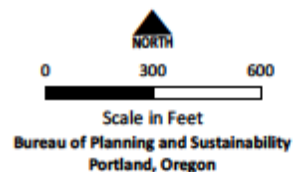
# RH Areas with Maximum FAR of 4:1

## Map 120-15

Map Revised January 1, 2015



Quarter Section(s): 3131





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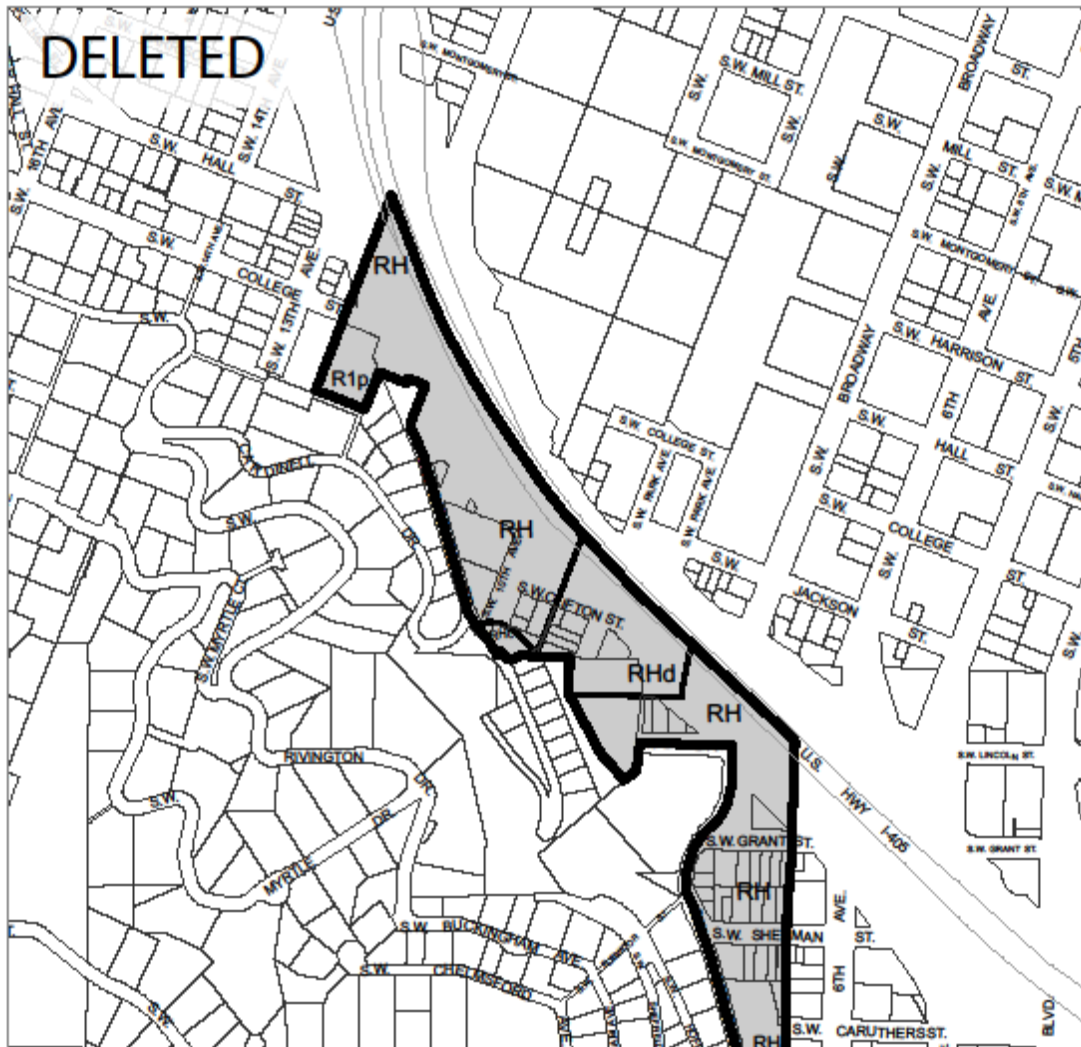
## Commentary



# RH Areas with Maximum FAR of 4:1

## Map 120-16

Map Revised January 1, 2015



--- City Boundary  
 [Gray Box] Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 3128, 3228

0 300 600  
 Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon



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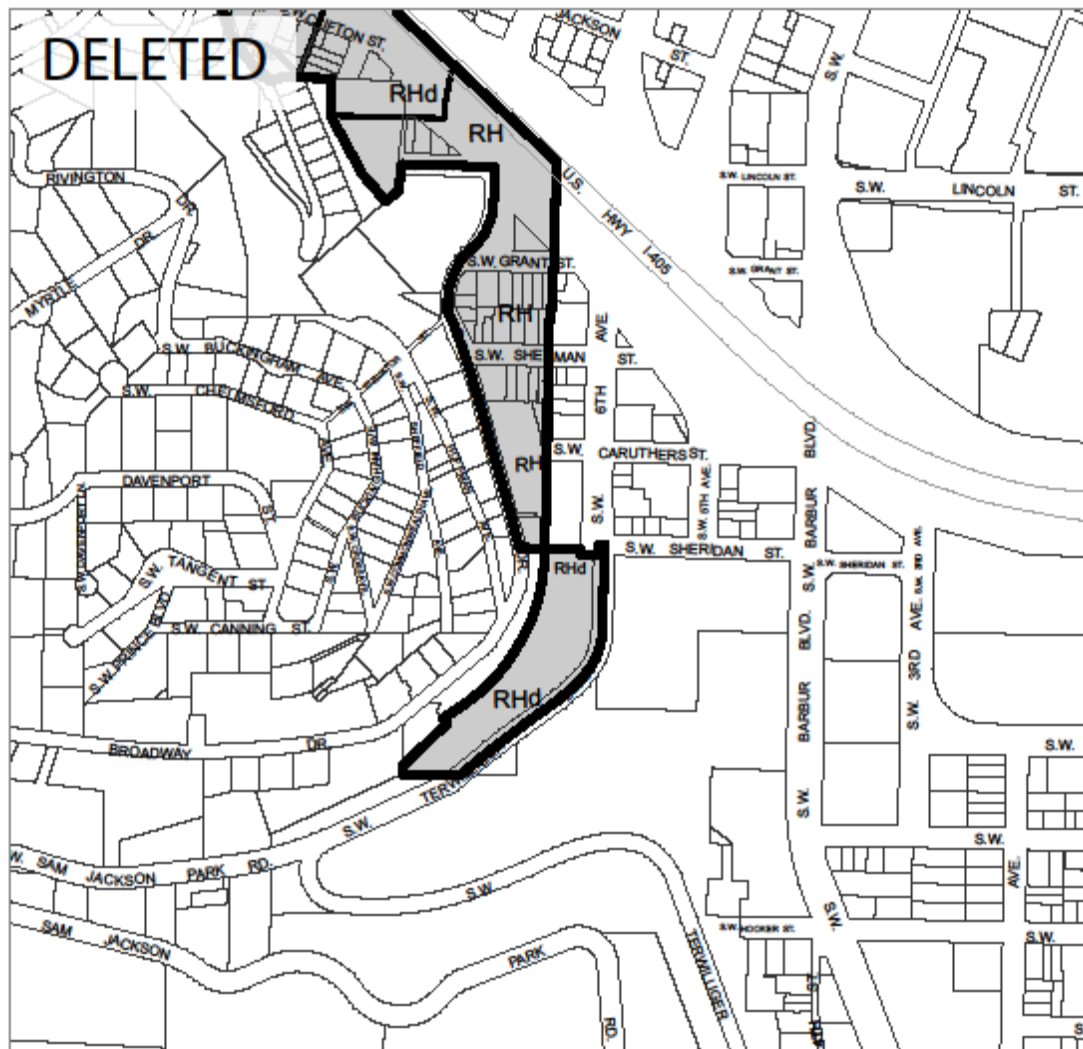
---

## Commentary



### Map 120-17

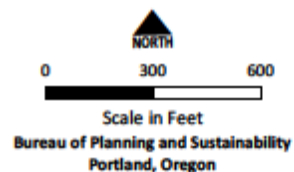
**Map Revised January 1, 2015**



--- City Boundary

 Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 3228, 3328





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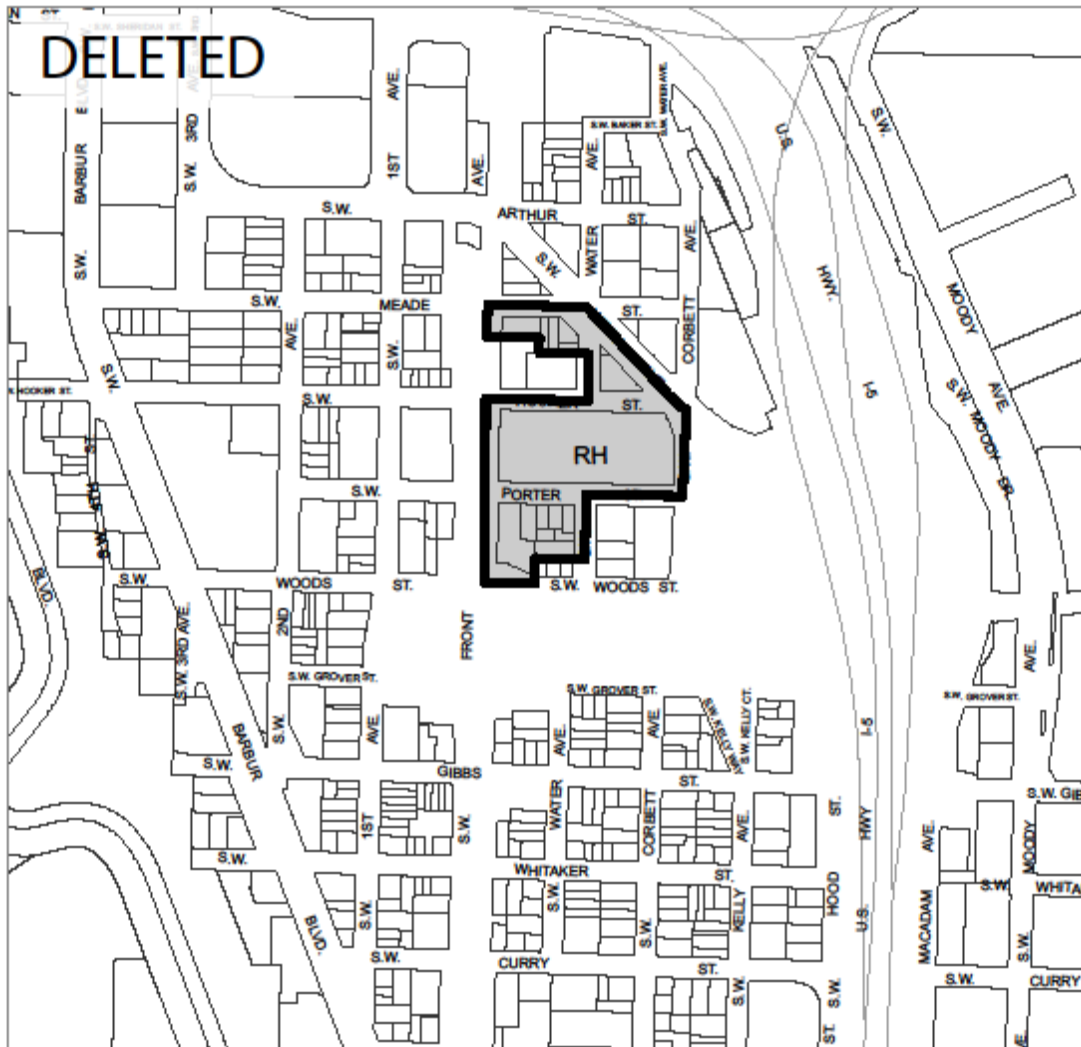
## Commentary




# RH Areas with Maximum FAR of 4:1


## Map 120-18

Map Revised January 1, 2015



--- City Boundary  
 Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 3329

  
 0 300 600  
 Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon



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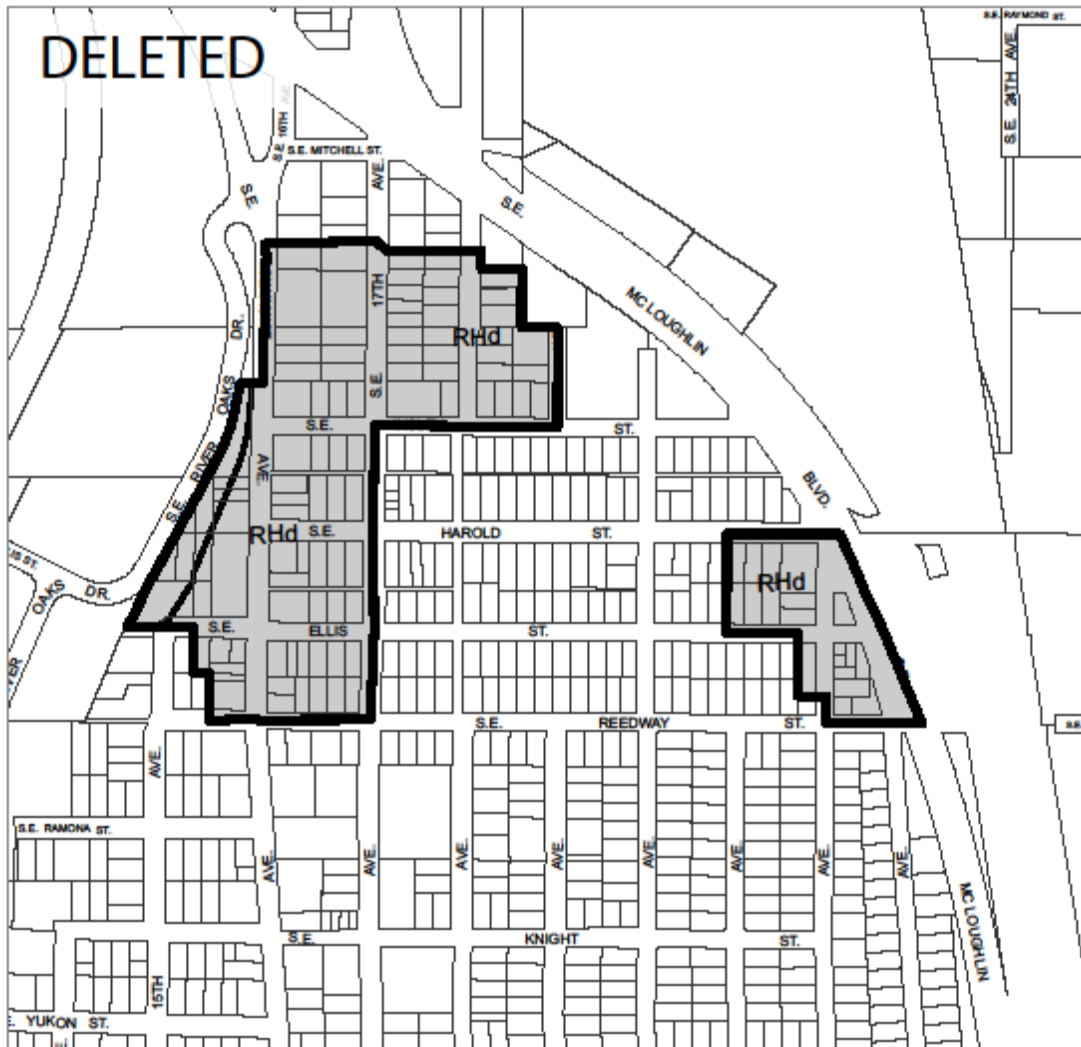
## Commentary



# RH Areas with Maximum FAR of 4:1

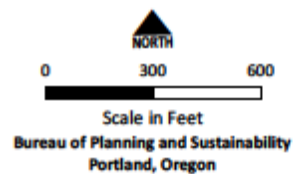
## Map 120-19

Map Revised January 1, 2015



- City Boundary
- Boundary of Existing/Potential RH - Zoned Area

Quarter Section(s): 3532, 3632





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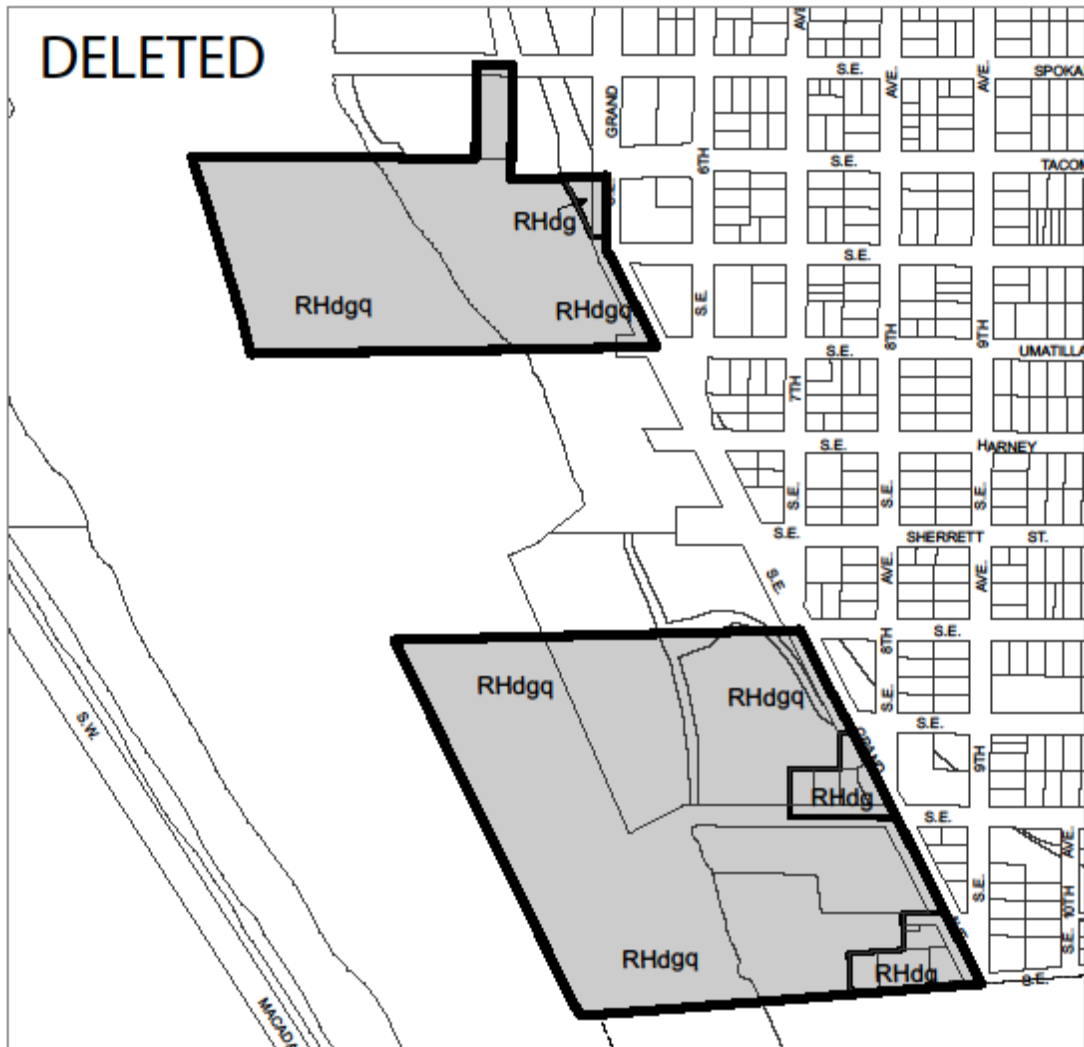
## Commentary




# RH Areas with Maximum FAR of 4:1

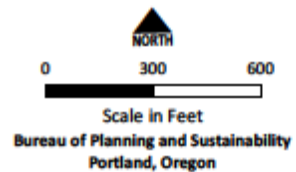
## Map 120-20

Map Revised January 1, 2015



--- City Boundary  
 Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 3830, 3831, 3930, 3931





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## **Commentary**

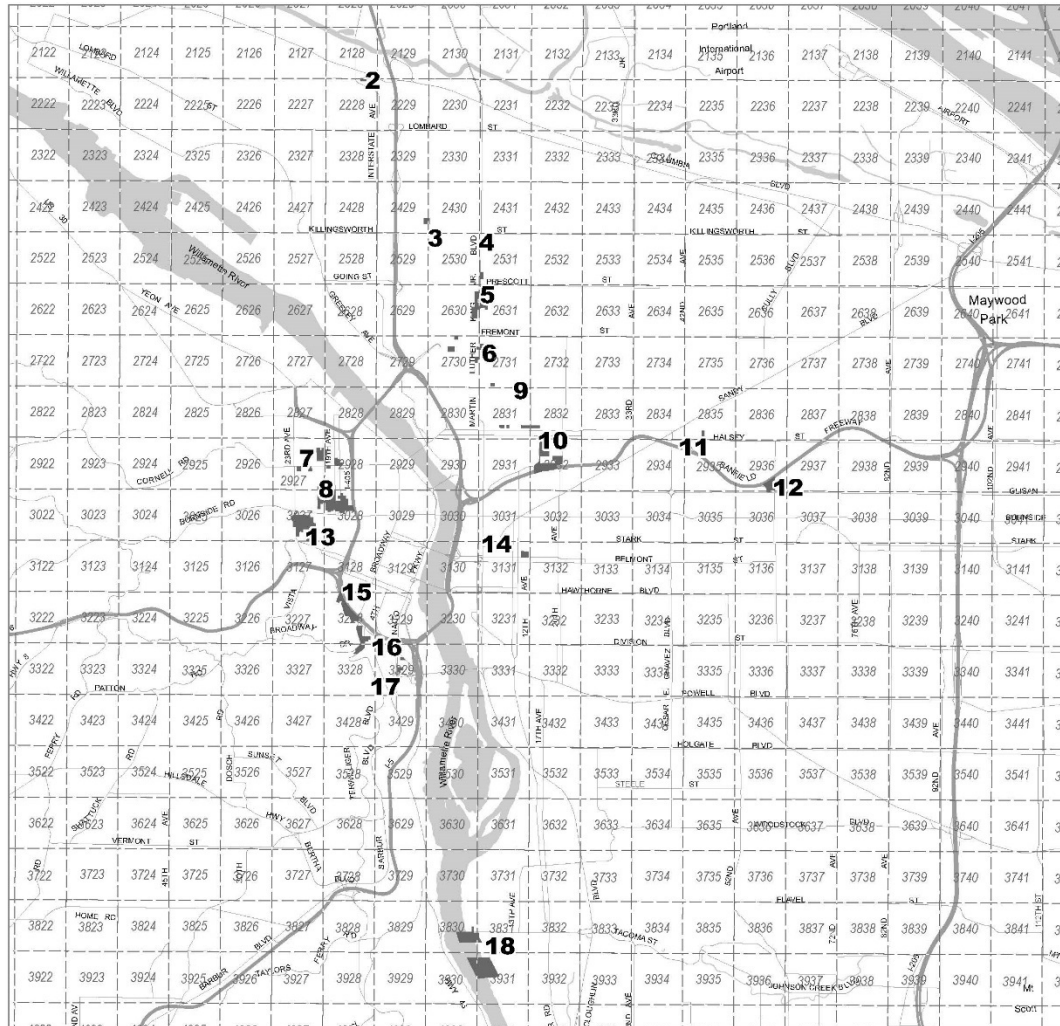
New index Map 120-1 reflects new map series revisions, deletions and renumbering.



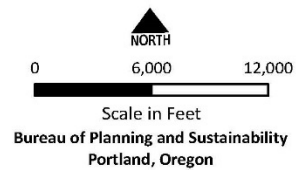
# Index Map for RH Areas with Maximum FAR of 4:1

# Map 120-1

Map Revised Xxxxx X, 201X



- Boundary of Existing/Potential  
RH - Zoned Area
- Portland Quarter Section Index





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## **Commentary**

Recommended Map 120-2 is a new map indicating property that is being rezoned from RX to RH with a 4:1 FAR.



## Map 120-2

[illegible]

Quarter Section(s): 2128, 2228



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## **Commentary**

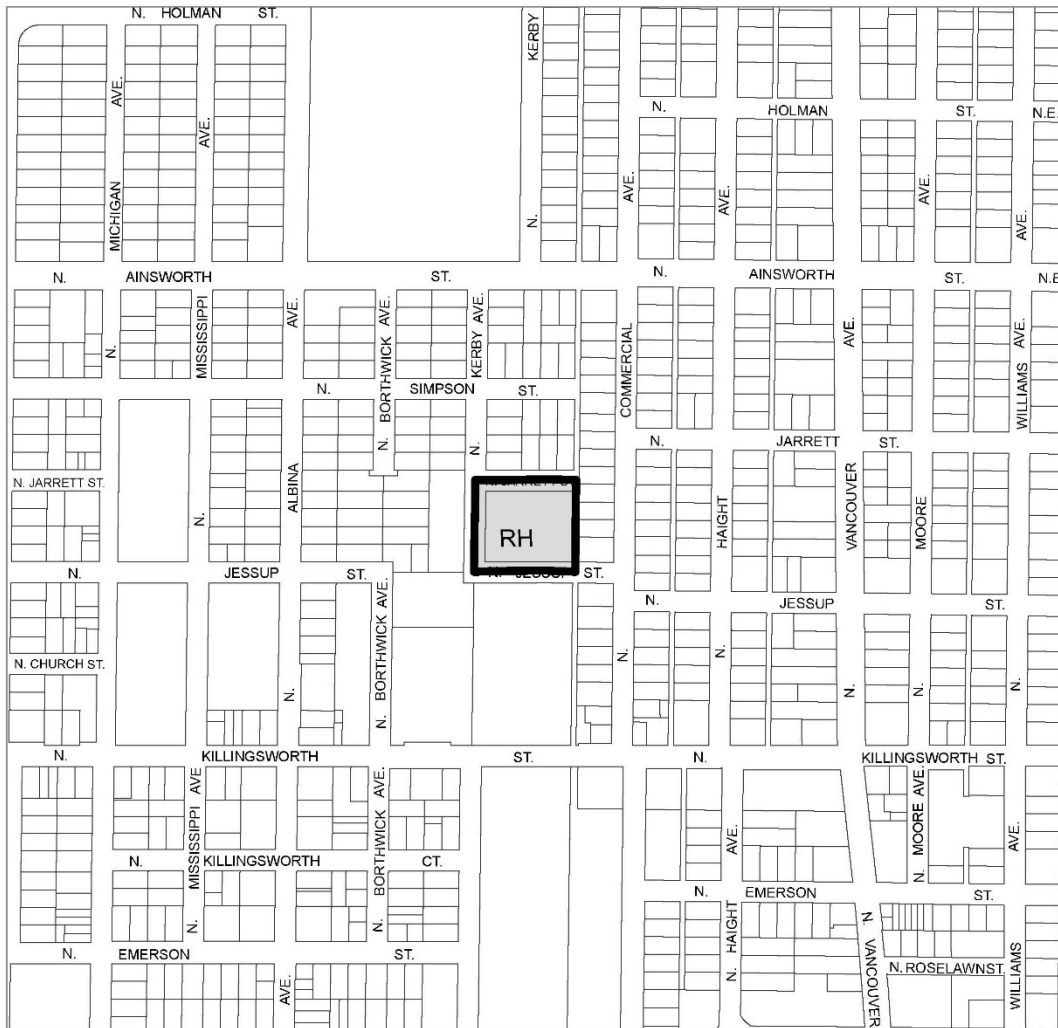
Recommended Map 120-3 is unchanged from the existing map series



# RH Areas with Maximum FAR of 4:1

## Map 120-3

Map Revised Xxxxx X, 201X

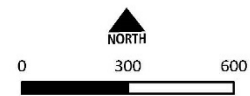


----- City Boundary



Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2429, 2430



Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon



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## **Commentary**

Recommended Map 120-4 is unchanged from the existing map series



## Map 120-4



Quarter Section(s): 2531



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## Commentary

Recommended Map 120-5 is revised to reflect changes in the Comprehensive Plan Map land use designation to Central Employment and the zoning to EX for a number of properties within the original boundary of this 4 to 1 FAR area. These changes address nonconforming situations, specifically existing commercial buildings and uses in the residential zone by changing the base zone.

An additional 4 to 1 FAR area has been added on the corner of NE Williams and NE Fremont where property has been rezoned from RX to RH.



# RH Areas with Maximum FAR of 4:1

## Map 120-5

Map Revised Xxxxx X, 201X



- City Boundary
- Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2630, 2631





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## Commentary

Recommended Map 120-6 is revised to reflect changes to the Comprehensive Plan Map designation to Mixed Use Urban Center and the zone has changed to CM3 for a number of properties within the original boundary of this 4 to 1 FAR area. These changes address nonconforming situations, and support a more continuous commercial street frontage.



# RH Areas with Maximum FAR of 4:1

## Map 120-6

Map Revised Xxxxx X, 201X

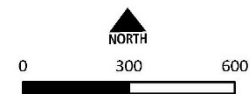


----- City Boundary



Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2730, 2731



Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon



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## Commentary

Recommended Map 120-7 includes the Comprehensive Plan Map designation and zone change from RH to CI2 on the Legacy Good Samaritan Medical Center campus, and the reduction in maximum FAR within portions of the Alphabet Historic District where additional building mass was deemed incompatible with historic preservation goals.




# RH Areas with Maximum FAR of 4:1

## Map 120-7

Map Revised XXXXX X, 201X



----- City Boundary

 Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028

  
NORTH  
0 300 600  
Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon



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## **Commentary**

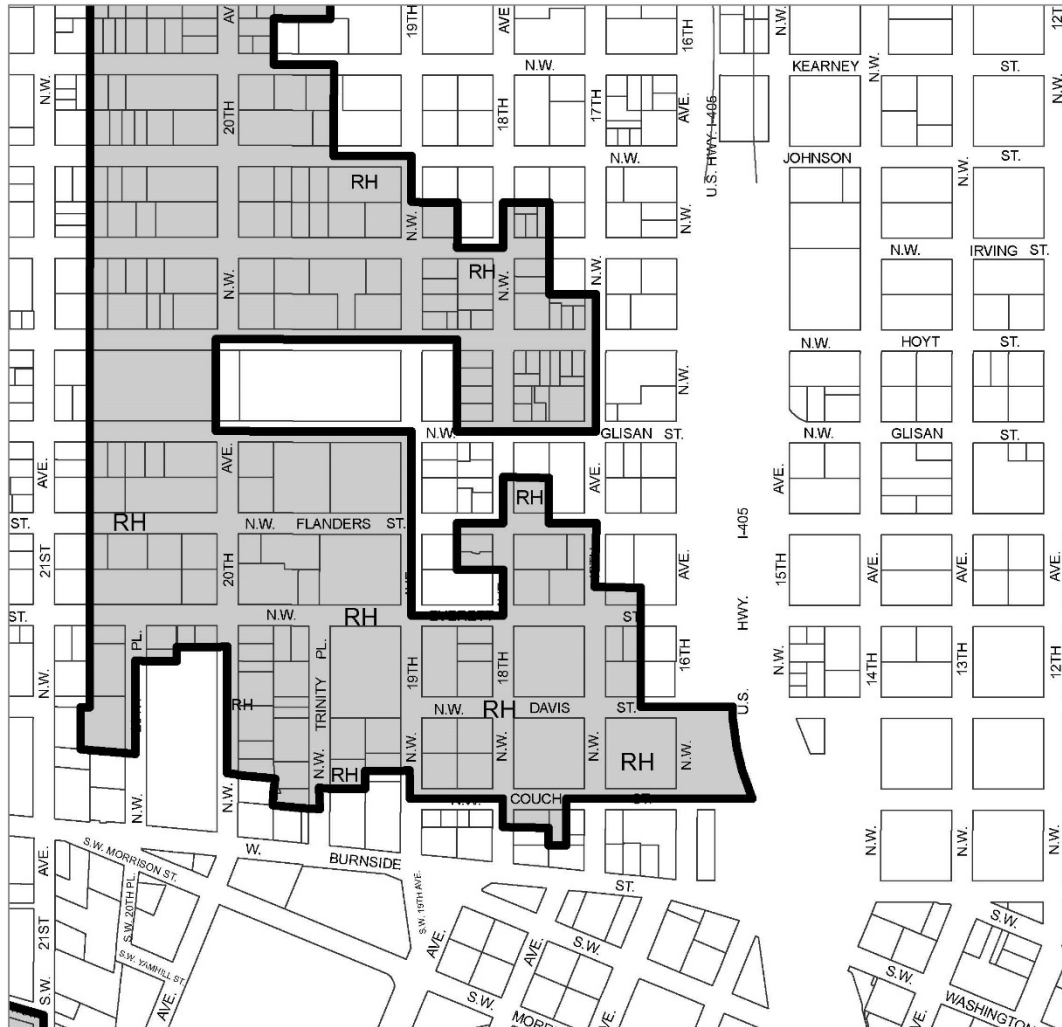
Recommended Map 120-8 reflects the reduction in maximum FAR within portions of the Alphabet Historic District where additional building mass was deemed incompatible with historic preservation goals.




# RH Areas with Maximum FAR of 4:1

## Map 120-8

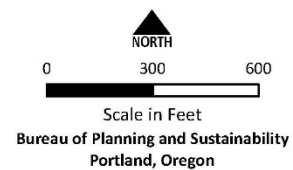
Map Revised Xxxxx X, 201X



----- City Boundary

 Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2927, 2928, 3027, 3028





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## **Commentary**

Recommended Map 120-9 reduces maximum FAR to 2 to 1 north of NE Schuyler in order to maintain compatibility with the Irvington Historic District.



# RH Areas with Maximum FAR of 4:1

## Map 120-9

Map Revised Xxxxx X, 201X

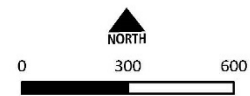


----- City Boundary



Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2832, 2932



Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon



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## **Commentary**

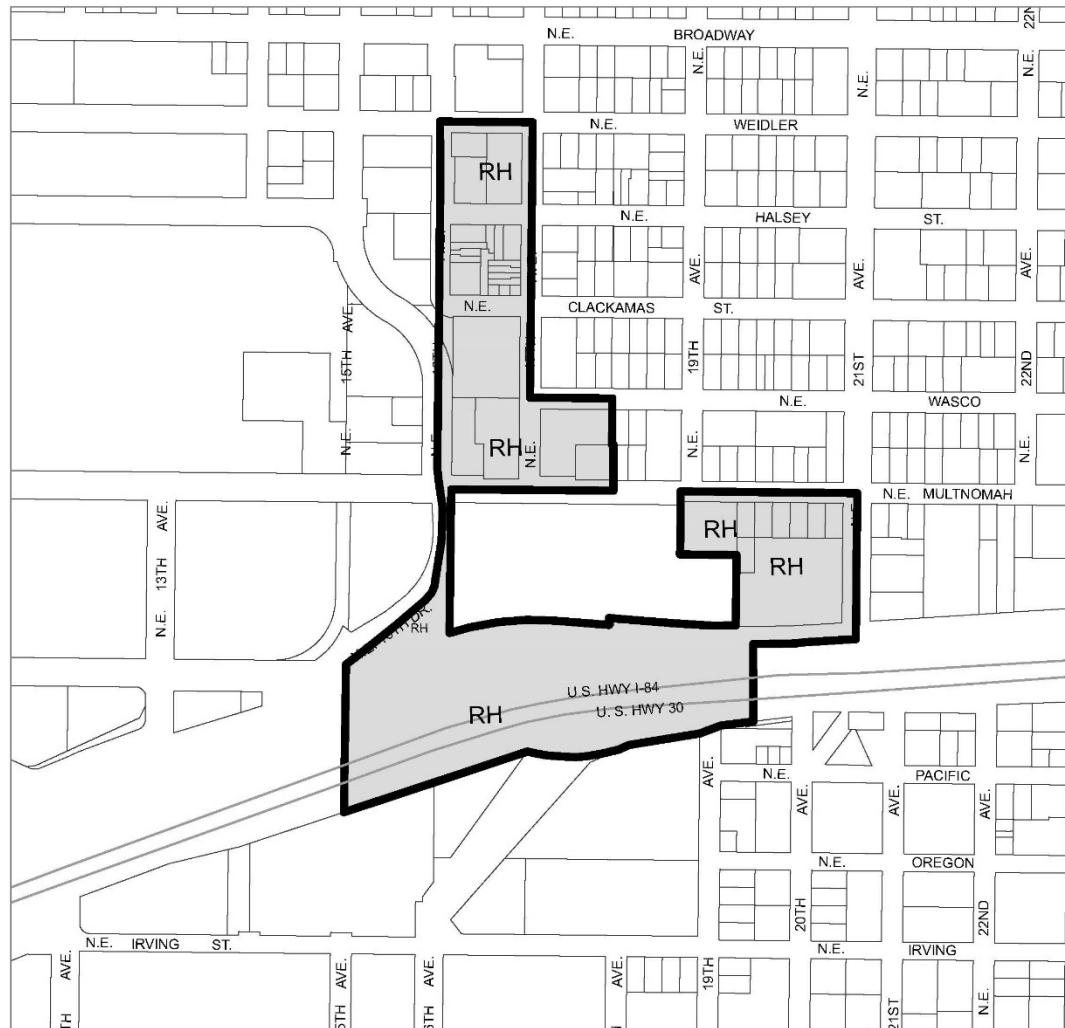
Recommended Map 120-10 reflects Comprehensive Plan Map designation and zone changes from R2 to RH.



# RH Areas with Maximum FAR of 4:1

## Map 120-10

Map Revised Xxxxx X, 201X



----- City Boundary  
 [Thick Black Line] Boundary of Existing/Potential  
 RH - Zoned Area

Quarter Section(s): 2832, 2932

0 300 600  
 Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon



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## Commentary

Recommended Map 120-11 is unchanged from existing map series except for its map number which had been 120-12.



# RH Areas with Maximum FAR of 4:1

## Map 120-11

Map Revised Xxxxx X, 201X



- City Boundary
- Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2835, 2935





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## **Commentary**

Recommended Map 120-12 is revised to reflect a reduction in maximum FAR from a portion of this area.



# RH Areas with Maximum FAR of 4:1

## Map 120-12

Map Revised XXXXX X, 201X

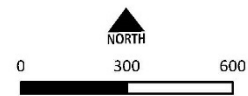


----- City Boundary



Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 2936, 3036



Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon



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## **Commentary**

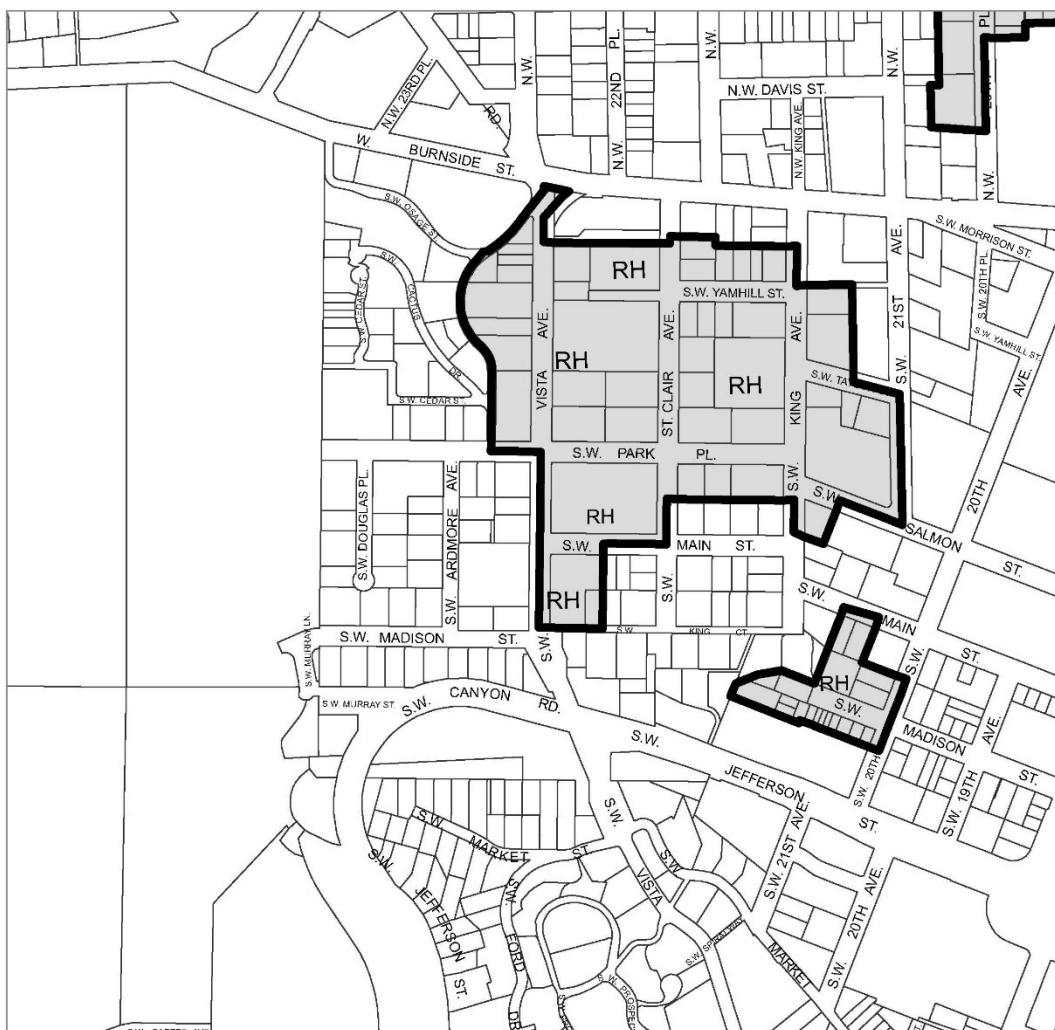
Recommended Map 120-13 is unchanged from the existing map series except it is renumbered—it had been 120-14.



# RH Areas with Maximum FAR of 4:1

## Map 120-13

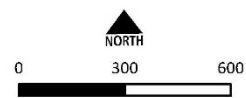
Map Revised Xxxxx X, 201X



----- City Boundary

■ Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 3027, 3127



Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon



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## **Commentary**

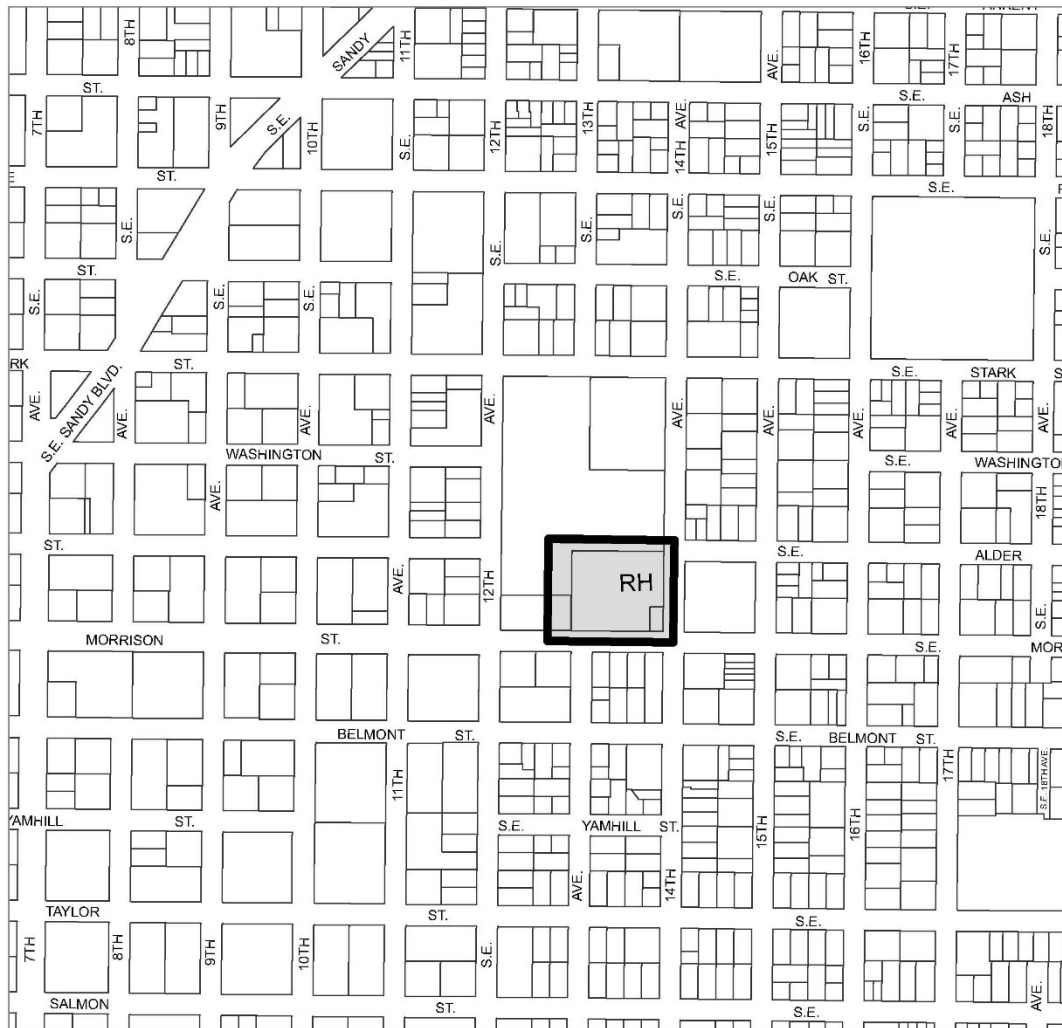
Recommended Map 120-14 is unchanged from the existing map series except it is renumbered—it had been 120-15.



# RH Areas with Maximum FAR of 4:1

## Map 120-14

Map Revised Xxxxx X, 201X

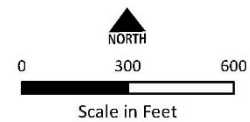


----- City Boundary



Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 3131



Bureau of Planning and Sustainability  
Portland, Oregon



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## **Commentary**

Recommended Map 120-15 reflects city initiated Comprehensive Plan Map designation and zone map change.



## Map 120-15



A north arrow pointing upwards with the word "NORTH" below it. Below the arrow is a scale bar with markings at 0, 300, and 600 meters.

Quarter Section(s): 3128, 3228



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## **Commentary**

Recommended Map 120-16 reflects change in Comprehensive Plan Map designation to High Density Residential and RH zone accompanied by 4 to 1 FAR approved by City Council in support of potential Terwilliger Plaza assisted living expansion.



## Map 120-16



Quarter Section(s): 3228, 3328



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## **Commentary**

Recommended Map 120-17 reflects the Comprehensive Plan Map designation and zone change from RH to CI2 on portions of the National University of Natural Medicine.



## Map 120-17



Quarter Section(s): 3329



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## **Commentary**

Recommended Map 120-18 remains unchanged from existing series except for map number—it had been 120-20.




# RH Areas with Maximum FAR of 4:1

## Map 120-18

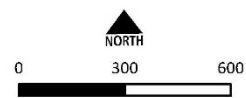
Map Revised XXXXX X, 201X



----- City Boundary

 Boundary of Existing/Potential  
RH - Zoned Area

Quarter Section(s): 3830, 3831, 3930, 3931



Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon



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## Commentary



### ~~33.130 Commercial Zones~~

~~130~~

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Delete this chapter. Replace with the revised chapter 33.130 shown on the following pages.



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## Commentary

### 33.130 Commercial/Mixed Use Zones

Commentary about draft Chapter 33.130 code amendments is in summary form. For more detail on the concepts and research related to the draft code amendments, see the *Mixed Use Zones Project Code Concepts Report* and its appendices.

Note: This is a substantial revision of the existing Zoning Code Chapter 33.130. For readability, ~~strike through~~ and underline is not used.



## 33.130 Commercial/Mixed Use Zones

130

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### Sections:

#### General

- 33.130.010 Purpose
- 33.130.020 List of the Commercial/Mixed Use Zones
- 33.130.030 Characteristics of the Zones
- 33.130.040 Other Zoning Regulations
- 33.130.050 Neighborhood Contact

#### Use Regulations

- 33.130.100 Primary Uses
- 33.130.110 Accessory Uses
- 33.130.130 Nuisance-Related Impacts

#### Development Standards

- 33.130.200 Lot Size
- 33.130.205 Floor Area Ratio
- 33.130.207 Minimum Density
- 33.130.210 Height
- 33.130.212 Floor Area and Height Bonus Options
- 33.130.215 Setbacks
- 33.130.220 Building Coverage
- 33.130.222 Building Length and Facade Articulation
- 33.130.225 Landscaped Areas
- 33.130.227 Trees
- 33.130.228 Required Outdoor Areas
- 33.130.230 Ground Floor Windows
- 33.130.235 Screening
- 33.130.240 Pedestrian Standards
- 33.130.242 Transit Street Main Entrance
- 33.130.245 Exterior Display, Storage, and Work Activities
- 33.130.250 General Requirements for Residential and Mixed-Use Developments
- 33.130.255 Trucks and Equipment
- 33.130.260 Drive-Through Facilities
- 33.130.265 Detached Accessory Structures
- 33.130.270 Fences
- 33.130.275 Demolitions
- 33.130.285 Nonconforming Development
- 33.130.290 Parking, Loading, and Transportation Demand Management
- 33.130.292 Street and Pedestrian Connections
- 33.130.295 Signs
- 33.130.305 Superblock Requirements
- 33.130.310 Recycling Areas



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## Commentary

### 33.130.010 Purpose

The purpose statement for the Commercial/Mixed Use Zones is recast to capture the role of these zones in advancing Comprehensive Plan goals and policies, which include allowing commercial and mixed use development as key components of complete neighborhoods, as well as related goals for place making and creating innovative, high quality development.

### 33.130.020 List of the Commercial/Mixed Use Zones

The number of zones is reduced from eight to six: CR, CM1, CM2, CM3, CE, and CX. The CM1 is small scale (35'), replacing CN1/2 and CO1; the CM2 is medium scale (45'), replacing CS, CM, CO2, and in some locations CG; the CM3 is large scale (65'), replacing CX and EX as applied outside of the Central City and Gateway; the CE is medium scale (45'), with more auto-oriented and wider employment and light manufacturing allowances. The CX zones continues to be applied primarily in the Central City and Gateway plan districts. The CR zone is applied primarily to small retail uses on properties located in the midst of residential areas (these properties were often previously non-conforming commercial uses with residential zoning).

### 33.130.030 Characteristics of the Zones

The new Comprehensive Plan changes the Comprehensive Plan designation-to-zoning relationship from a nearly one-to-one relationship to a one-to-many relationship. Several new mixed use Comprehensive Plan Map designations will be associated with more than one zone (see table below), so more guidance is needed for when it is appropriate to apply one zone versus another. This is particularly true for quasi-judicial zone changes in conformance with the Comprehensive Plan Map designation. To help inform decisions regarding the appropriate mapping of zones, the Characteristics of the Zones paragraphs now include more detail about the types of places and situations in which they are appropriate to be used. These paragraphs will be used in conjunction with the approval criteria for base zone changes.

New Comprehensive Plan Designation	Corresponding Zones
Mixed-Use Dispersed	CR, CM1, CE
Mixed-Use Neighborhood	CM1, CM2, CE
Mixed-Use Civic Corridor	CM1, CM2, CM3, CE
Mixed-Use Urban Center	CM1, CM2, CM3
Central Commercial	CX



## General

### 33.130.010 Purpose

The commercial/mixed use zones are intended for commercial and mixed use areas of the City as designated on the Comprehensive Plan map. These zones implement the vision, guiding principles, and goals and policies of the Comprehensive Plan, and encourage economic prosperity, human health, environmental health, equity, and resilience. These zones are primarily distinguished by the uses allowed and the intensity of development allowed. The zones allow a mix of commercial activities, housing, and employment uses that reflect the different types of centers and corridors described in the Urban Design chapter of the Comprehensive Plan, and also accommodate smaller, dispersed commercial and mixed use areas to provide opportunities for services in areas between the centers and corridors.

The commercial/mixed use zones are intended to serve local neighborhood areas, larger districts, as well as broader citywide or regional markets. The regulations promote uses and development that support healthy complete neighborhoods—places where people of all ages and abilities have safe and convenient access to the goods and services they need in their daily life, and where people have the opportunity to live active lifestyles. The zones encourage quality and innovative design, and facilitate creation of great places and great streets.

The development standards are designed to allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

### 33.130.020 List of the Commercial/Mixed Use Zones

The full and short names of the commercial/mixed use zones and their map symbols are listed below. When this Title refers to the commercial/mixed use zones, it is referring to the zones listed here.

Full Name	Short Name / Map Symbol
Commercial Residential	CR
Commercial/Mixed Use 1	CM1
Commercial/Mixed Use 2	CM2
Commercial/Mixed Use 3	CM3
Commercial Employment	CE
Central Commercial	CX

### 33.130.030 Characteristics of the Zones

- A. Commercial Residential zone.** The Commercial Residential (CR) zone is a low-intensity zone for small and isolated sites in residential neighborhoods. The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately zoned single-dwelling residential. The zone encourages the provision of small scale retail and service uses for surrounding residential areas. Uses are restricted in size to promote a local orientation, and to limit adverse impacts on surrounding residential areas. Where commercial uses are not present, residential density is limited to provide compatibility with surrounding residential areas. Development is intended to be pedestrian-oriented and building height is intended to be compatible with the scale of surrounding residentially zoned areas.



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## **Commentary**

### **33.130.030 Characteristics of the Zones (continued)**

See previous commentary.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

- B. Commercial/Mixed Use 1 zone.** The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed use nodes within lower density residential areas, as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant. This zone allows a mix of commercial and residential uses. The size of commercial uses is limited to minimize impacts on surrounding residential areas. Buildings in this zone will generally be up to three stories tall. Development is intended to be pedestrian-oriented and compatible with the scale and characteristics of adjacent residentially zoned areas or low-rise commercial areas.
- C. Commercial/Mixed Use 2 zone.** The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.
- D. Commercial/Mixed Use 3 zone.** The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.
- E. Commercial Employment zone.** The Commercial Employment (CE) zone is a medium-scale zone intended for sites along corridors with a Neighborhood Collector or higher traffic classification, especially along civic corridors that are also Major Truck Streets or Priority Truck Streets. This zone is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and where more urban development is not yet economically feasible. The zone allows a mix of commercial uses, including auto-accommodating development and drive-through facilities, as well as some light manufacturing and distribution uses that have few off-site impacts. The emphasis of this zone is on commercial and employment uses, but residential uses are also allowed. Buildings in this zone will generally be up to four stories tall. This zone is intended to allow for development with auto-accommodating configurations, while also including pedestrian-oriented design features that support transit and pedestrian access.



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## Commentary

### 33.130.040 Other Zoning Regulations

No change.

### 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 concerns about the need for better notification when new development in the C/MU zones is occurring, and have requested more opportunities for dialogue between developers and the community. 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 projects in this zone.

BPS staff have heard 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 in the near future.

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 non-residential projects.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

- E. Central Commercial zone.** The Central Commercial (CX) zone is intended to provide for commercial and mixed use development within Portland's most urban and intense areas, specifically the Central City and the Gateway Regional Center. A broad range of uses are allowed to reflect Portland's role as a commercial, cultural, residential, and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

### **33.130.040 Other Zoning Regulations**

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

### **33.130.050 Neighborhood Contact**

- 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 of these projects by providing a setting for the applicant and neighborhood residents 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.
- 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:
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:
    - 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.



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## Commentary

### 33.130.100.A. Allowed uses

The approach with the new zones is, to the extent possible, to retain and match the use allowances of the zones being replaced. There are some notable exceptions, for instance quick vehicle servicing — allowed in some CN2 situations — is not allowed in CM1, and the CM1 zone allows a broad array of uses beyond office in places where it replaces CO1.

### 33.130.100.B. Limited uses

Similar to allowed uses, the approach with the new zones was, to the extent possible, to retain and match the use limitations of the zones being replaced. Adjustments were made in some cases to respond to zones that had differing limitations, but which are now being combined into new zones (such as CN1 and CN2, to be combined into CM1).

Commercial size limitations in the CR and CM1 zones correspond in part to current limitations in the CN1 zone (such as the 5,000 square foot Retail Sales and Service limit), but in the CM1 zone provide allowances for larger sites on major streets (Neighborhood Collector streets or higher classification). These allowances for somewhat larger Commercial uses accommodate the fact that the CN2 zone (which did not have size limits) is being folded into the new CM1 zone. Overall, the CR and CM1 Commercial size limitations are intended to allow some Commercial uses in the dispersed locations where these zones are typically located, while encouraging larger uses to be located in centers and corridors where policies call for focusing commercial services.

The CR zone is typically applied to locations that are surrounded by single-dwelling residential zoning, and that zone has limitations on hours of operation to limit conflicts. This also responds to community concerns related to the rezoning of non-conforming commercial uses on some dispersed sites to CR zoning, which had sometimes operated under limitations on hours of operation as part of mitigation requirements related to their nonconforming status within residential zones.

In the CR, CM1, CM2, and CM3 zones, new Quick Vehicle Servicing uses are not allowed. Quick Vehicle Servicing that existed as of the effective date of the new code are considered allowed uses and can be rebuilt unless the use is discontinued for more than a three-year period.



## Use Regulations

### 33.130.100 Primary Uses

- A. Allowed uses.** Uses allowed in the commercial/mixed use zones are listed in Table 130-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the 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.
- 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.
1. Group Living. This regulation applies to all parts of Table 130-1 that have a [1].
    - 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.
    - 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.
  2. Commercial limitations. These regulations apply to all parts of Table 130-1 that have a [2].
    - a. In the CR and CM1 zones, each individual Retail Sales and Service and Office use is limited to 5,000 square feet of net building area, except that in the CM1 zone on sites that are over 40,000 square feet in size and are located on a Neighborhood Collector or higher classification traffic street, each individual Retail Sales and Service or Office use is limited to 40,000 square feet of net building area; and
    - b. In the CR zone, in addition to the size limitation specified in B.2.a., the hours when Retail Sales And Service uses can be open to the public are limited to 6:00 AM to 11:00 PM.
    - c. In the CM1, CM2, and CM3 zones, Quick Vehicle Servicing uses that existed on [insert effective date] are allowed. New Quick Vehicle Servicing uses are prohibited. If a Quick Vehicle Servicing use that existed on [insert effective date] is discontinued for 3 continuous years, reestablishment of the use is prohibited. If the Quick Vehicle Servicing use ceases operations, even if the structure or materials related to the use remain, the use as been discontinued. If the Quick Vehicle Servicing use changes to another use without obtaining all building, land use, and development permits that would have been required at the time of the change, the use has been discontinued.



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## Commentary

### 33.130.100.B. Limited uses (continued)

The industrial size limitations include some expanded allowances for smaller industrial uses in *CM2*, *CM3* and *CE* zones, responding in part to Portland's need for more employment land. In the case of current EX-zoned properties, which outside the Central City will generally become *CM3*, industrial uses will be more limited in size than what is currently allowed; although the *CM3* zone will allow larger industrial uses [up to 1:1 FAR] than the other commercial/mixed use zones.

No changes to the other limitations on this page.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

3. Industrial use and size limitations. These regulations apply to all parts of Table 130-1 that have a [3]. Utility Scale Energy Production and Industrial Service are conditional uses. All industrial uses are limited in size as follows. Amounts in excess of the limits are prohibited:
  - a. In the CM1 zone, each individual Industrial use is limited to 5,000 square feet of net building area;
  - b. In the CM2 and CX zones, each individual Industrial use is limited to 15,000 square feet of net building area;
  - c. In the CM3 zone, Industrial uses are limited to a total FAR of 1 to 1 per site; and
  - d. In the CE zone, each individual Industrial use is limited to 40,000 square feet of net building area.
4. Self-Service Storage limitation. This regulation applies to all parts of Table 130-1 that have a [4]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.
5. Exterior development limitation. This regulation applies to all parts of Table 130-1 that have a [5]. Exterior display or storage of industrial equipment, such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.
6. Community Services. This regulation applies to all parts of Table 130-1 that have a [6]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.
7. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 130-1 that have a [7]. Some Radio Frequency Transmission Facilities are allowed by right.  
See Chapter 33.274.
8. Basic Utilities. This regulation applies to all parts of Table 130-1 that have note [8].
  - a. Public safety facilities that include Radio Frequency Transmission Facilities are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.
  - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. However, it is only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; plus not more than 10 tons per week of biological material or byproducts from other sites. Installations that sell power they generate — at retail (net metered) or wholesale — are included.
  - c. All other Basic Utilities are allowed.



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## Commentary

### 33.130.100.B. Limited uses (continued)

See earlier commentary.

Note 9: This provides limited allowances for Commercial Parking in the CM2 and CM3 zones. Commercial Parking is one form of "shared parking," where the parking area is designated for use by the customers or tenants of several nearby business or residential buildings. Shared parking was identified by many community members as a parking approach that should be included in mixed used centers and corridors to help meet parking demand. This regulation generally requires that new Commercial Parking must generally be in parking structures to provide for efficient use of land. This also includes new allowances for parking originally approved as accessory parking to be used as Commercial Parking, when this parking is in excess of minimum parking requirements and within the maximum parking ratios of the associated uses (see Chapter 33.266 for minimum and maximum parking ratios).

Notes 10 and 11. No substantive change from previous regulations.

Note 12. This provides a new allowance for indoor Agriculture, including marijuana grow operations, treating these uses in a similar way to Industrial uses (including Manufacturing and Production), with which they share similar characteristics. Agriculture that takes places entirely indoors is allowed, subject to the same size limitations that apply to Industrial uses (maximum FAR of 1 to 1 per site in the CM3 zone, and up to 40,000 square feet per use in the CE zone). Indoor Agriculture in excess of these limits is prohibited, as is the case with Industrial uses.



Chapter 33.130 has been substantially revised.  
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9. Commercial Parking. This regulation applies to all parts of Table 130-1 that have a [9]. Commercial Parking is a conditional use in the CX zone except when superseded by plan district regulations. In the CM2 and CM3 zones, Commercial Parking is allowed as follows:
  - a. Commercial Parking is allowed by right in structured parking.
  - b. Commercial Parking is allowed by right on a surface parking lot legally constructed on or before [insert effective date].
  - c. Commercial Parking is allowed by right on a surface parking lot legally constructed after [insert effective date] when all of the following are met:
    - (1) The surface parking lot was constructed as accessory parking for other primary uses on the site;
    - (2) The total number of parking spaces on the site does not exceed the maximum number of parking spaces allowed for the other primary uses on the site; and
    - (3) Only non-required parking spaces are used as Commercial Parking.
10. Agriculture in the CR and CM1 zones. This regulation applies to all parts of Table 130-1 that have a [10]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.
11. Agriculture in the CM2 and CX zones. This regulation applies to all parts of Table 130-1 that have a [11]. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.
12. Agriculture in the CM3 and CE zones. This regulation applies to all parts of Table 130-1 that have a [12]. Agriculture that is outdoors is a conditional use. Agriculture that is entirely indoors is allowed up to the following limits. Indoor Agriculture in excess of the following limits is prohibited. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use:
  - a. In the CM3 zone, indoor Agriculture is limited to a total FAR of 1 to 1 per site; and
  - b. In the CE zone, each indoor Agriculture use is limited to 40,000 square feet of net building area.



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## **Commentary**

### **33.130.100.C. Conditional uses**

Text is the same as in the existing chapter.

### **33.130.100.D. Prohibited uses**

Text is the same as in the existing chapter.

### **33.130.110 Accessory Uses**

Text is the same as in the existing chapter.

### **33.130.130 Nuisance-Related Impacts**

Text is the same as in the existing chapter.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

- C. Conditional uses.** Uses that are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

### **33.130.110 Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

### **33.130.130 Nuisance-Related Impacts**

- A. Off-site impacts.** All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.



## Commentary

**Table 130-1 (Commercial/Mixed Use Zone Primary Uses)**

As noted previously, the approach with the new zones is, to the extent possible, to retain and match the use allowances of the new zones to the respective types of zones being replaced. The following tables provide a comparison between the new zones (shaded) and comparable existing zones regarding the status of some of the use categories.

### Comparison of small-scale zones

	CR	CM1	CN1	CN2	CO1
Commercial					
Retail Sales And Service	L	L	L	Y	N
Office	L	L	L	Y	Y
Quick Vehicle Servicing	N	L	N	L	N
Vehicle Repair	N	N	N	N	N
Commercial Parking	N	N	N	N	N
Self-Service Storage	N	N	N	N	N
Residential	Y	Y	Y	Y	Y
Industrial	N	L	L	L	N

### Comparison of medium-scale zones

	CM2	CE	CO2	CM	CS	CG
Commercial						
Retail Sales And Service	Y	Y	L	L	Y	Y
Office	Y	Y	Y	L	Y	Y
Quick Vehicle Servicing	L	Y	N	N	N	Y
Vehicle Repair	Y	Y	N	N	Y	Y
Commercial Parking	L	Y	N	N	Y	CU
Self-Service Storage	N	Y	N	N	N	L
Residential	Y	Y	Y	Y	Y	Y
Industrial	L	L	N	L	L	L

### Comparison of large-scale zones

	CM3	EX	CX
Commercial			
Retail Sales And Service	Y	Y	Y
Office	Y	Y	Y
Quick Vehicle Servicing	L	N	L
Vehicle Repair	Y	Y	L
Commercial Parking	L	CU	CU
Self-Service Storage	L	L	L
Residential	Y	Y	Y
Industrial	L	Y	L

#### Table Notes:

Y = Yes, allowed; N = No, not allowed;



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**Table 130-1**  
**Commercial/Mixed Use Zone Primary Uses**

Use Categories	CR	CM1	CM2	CM3	CE	CX
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
<b>Commercial Categories</b>						
Retail Sales And Service	L [2]	L [2]	Y	Y	Y	Y
Office	L [2]	L [2]	Y	Y	Y	Y
Quick Vehicle Servicing	N	L [2]	L [2]	L [2]	Y	N
Vehicle Repair	N	N	Y	Y	Y	L [5]
Commercial Parking	N	N	L [9]	L [9]	Y	CU [9]
Self-Service Storage	N	N	N	L [4]	Y	L [4]
Commercial Outdoor Recreation	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	CU	CU	CU	Y
<b>Industrial Categories</b>						
Manufacturing and Production	N	L/CU [3,5]	L/CU [3,5]	L/CU [3,5]	L/CU [3,5]	L/CU [3,5]
Warehouse and Freight Movement	N	N	N	L [3,5]	L [3,5]	N
Wholesale Sales	N	N	L [3,5]	L [3,5]	L [3,5]	L [3,5]
Industrial Service	N	N	CU [3,5]	CU [3,5]	CU [3,5]	CU [3,5]
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]
Community Service	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
Parks and Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y
Colleges	N	Y	Y	Y	Y	Y
Medical Centers	N	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y
<b>Other Categories</b>						
Agriculture	L [10]	L [10]	L/CU [11]	L/CU [12]	L/CU [12]	L/CU [11]
Aviation and Surface Passenger Terminals	N	N	N	N	CU	CU
Detention Facilities	N	N	N	CU	CU	CU
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	N	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Rail Lines and Utility Corridors	N	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special  
Limitations

N = No, Prohibited

**Notes:**

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.



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## Commentary

### 33.130.200 Lot Size

No change.

### 33.130.205 Floor Area Ratio

The approach to floor area ratios in the new zones is a significant change from current practice. The new zones set new FAR standards for each zone. All uses, including residential, are counted in floor area, which is a change from current practice which excludes residential from the calculation. The base allowed FARs of the new zones are as follows:

CR: 1:1  
CM1: 1.5:1  
CM2: 2.5:1  
CM3: 3:1  
CE: 2.5:1  
CX: 4:1

The new FAR approach would allow structured parking to not be included in maximum FAR calculations, up to a maximum FAR of 0.5 to 1, to reduce disincentives to accommodating parking in structures versus surface parking (which does not count as floor area) and to facilitate higher-density projects that are required to include parking. Adjustments to the maximum FARs are prohibited in order to prioritize bonuses as the means to increasing FAR. Bonus FAR is available when development includes specified community benefits (described in 33.130.212, Floor Area and Height Bonus Options).

#### 33.130.205.C. Transfer of floor area from Historic Resources.

The new approach of including residential in FAR calculations provides an opportunity to add FAR to development through bonuses (33.130.212) and also provides an opportunity for FAR to be transferred from historic resources to receiving C/MU zoned sites. The latter is possible currently, but is often not used because residential uses are allowed beyond the FAR limits, which limits the attractiveness and need for a transfer.

Allowances for transfers of FAR from giving sites are being extended beyond the current applicability to individual landmarks to also be applicable to contributing resources in Historic and Conservation districts. The new code's treatment of FAR calculations should increase the utility of density transfers. Each zone has a different maximum density transfer to receiving sites, and has been calibrating in conjunction with the bonuses in section 33.130.212, which provides the greatest additional development allowances to projects that include affordable housing.



## Development Standards

### 33.130.200 Lot Size

There is no required minimum lot size for development of land in commercial/mixed use zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial/Mixed Use Zones.

### 33.130.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The maximum floor area ratios are stated in Table 130-2 and apply to all uses and development. Additional floor area may be allowed through bonus options, as described in Section 33.130.212, or transferred from historic resources per Subsection C. Except in the CR zone, floor area for structured parking, up to a maximum FAR of 0.5 to 1, is not calculated as part of the FAR for the site. Adjustments to the maximum floor area ratios are prohibited.
- 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. Sending sites. Sites eligible to transfer floor area must contain:
    - a. A Historic or Conservation landmark; or
    - b. A contributing resource in a Historic District or a Conservation District.
  - 2. Maximum increase in FAR in the CR, CM1, CM2, CM3, and CE zones. Transferring floor area to a site zone CR is prohibited. In the CM1, CM2, CM3, and CE zones, the total FAR on the receiving site may not exceed the maximum FAR with bonuses identified on Table 130-3. This total FAR includes FAR transferred from historic resources, and any additional FAR allowed at the receiving site from bonus options, or from other transfers. In addition, an increase on the receiving site of more than the following due to a historic resource transfer is prohibited:
    - a. 0.5 to 1 in the CM1 zone;
    - b. 0.75 to 1 in the CM2 zone;
    - c. 1 to 1 in the CM3 zone;
    - d. 0.5 to 1 in the CE zone.



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## Commentary

### **33.130.205.C. Transfer of floor area from Historic Resources (continued).**

The new code continues the previous code's limiting of transfers of floor area to within a two-mile distance (or within the same recognized neighborhood). The new code does not allow transfer of floor area into Historic or Conservation districts in order to avoid providing additional building scale that may not be appropriate in the context of the established scale of these districts. These transfer of floor area regulations do not apply within the Central City plan district, which has its own regulatory provisions for transfer of floor area.

### **33.130.210 Height**

The purpose statement has been modified to reflect the new structure of commercial/mixed use zones and to reflect new requirements limiting height adjacent to residential zones and along narrower streets, as well as allowances that provide additional flexibility for building height in certain situations.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

3. Maximum increase in FAR in the CX zone. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
4. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by paragraphs C.2 and C.3 above;
5. Receiving site. 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.
6. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the historic resource transferring the density must meet the requirements of 33.445.610.D, Covenant.

### **33.130.207 Minimum Density**

- A. **Purpose.** The minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.
- B. **Minimum Density.** The minimum density requirements for the CM2 and CM3 zones are stated in Table 130-2. Minimum density applies to new development when at least one dwelling unit is proposed. Land within an Environmental zone may be subtracted from the calculation of minimum density.

### **33.130.210 Height**

- A. **Purpose.** The height limits are intended to control the overall scale of buildings. The height limits in the CR and CM1 zones allow buildings that are in scale with low rise residential areas. The height limits in the CM2 and CE zones allow for a greater building height at a scale that can accommodate the growth intended for centers and corridors, while relating to the low- to mid-rise scale of neighborhood residential areas. The CM3 zone allows the tallest buildings outside the Central City and Gateway plan districts, consistent with its intended role in accommodating higher-density development in areas well served by transit and other services. The CX zone allows the tallest buildings in the commercial/mixed use zones, consistent with its intended role in accommodating high-density development in the Central City and the Gateway plan districts.

In some situations, step downs in maximum height provide a transition in scale to adjacent lower-scale residential areas, and preserve opportunities for light, air and privacy. Exceptions to height limit standards accommodate minor projections that do not significantly increase the visual scale of buildings; provide flexibility in the height of parapets and railings to facilitate rooftop outdoor spaces and equipment screening; and accommodate ground-floor spaces with high ceilings to encourage ground-floor commercial uses, mechanical parking, and other uses that benefit from high ceilings.



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## Commentary

### 33.130.210.B. Height standard

The height standards are stated in Table 130-2.

**Step-down height.** These regulation responds to community interest in providing transitions in scale between higher-density mixed use areas and lower-density residential areas. It uses an approach used in some plan district and Zoning Code overlay areas, which require building height step-downs to the allowed height of lower-scale residential zoning and landscaped buffers. Instead of previous approaches, which link the decreased height to the maximum height of adjacent residential zone, this regulation generalizes the decreased height to 35 feet for all single-dwelling zones, and 45 feet for the R3, R2, and R1 multi-dwelling zones (see also code and commentary for 33.130.215.B.1.b).

Example of a mixed use building stepping down in height to adjacent residential zoning.



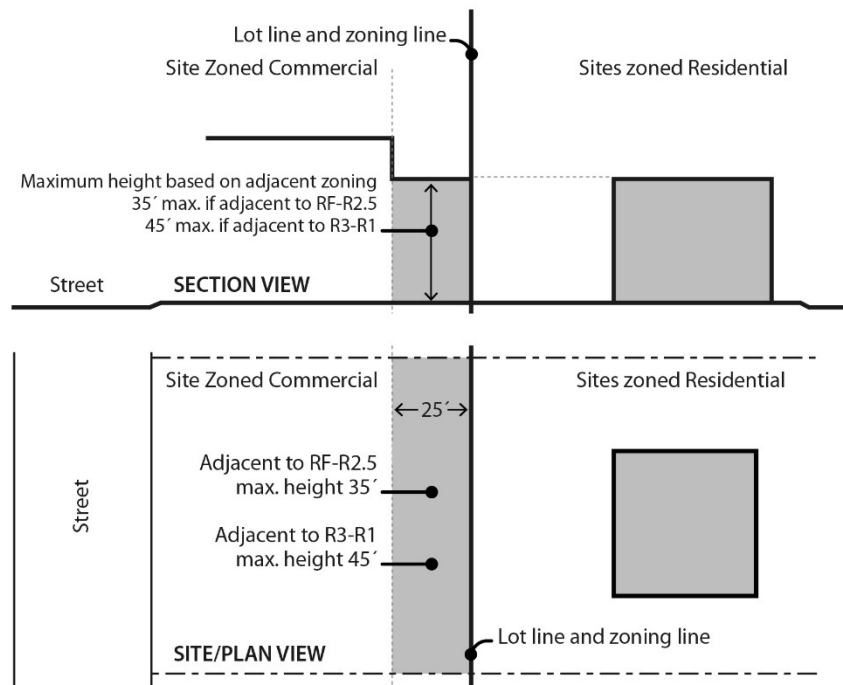


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**B. Height standard.**

1. Base height. The base height standards for all structures, except detached accessory structures, are stated in Table 130-2. The height standards for detached accessory structures are stated in 33.130.265, Detached Accessory Structures.
2. Step-down height. In the following situations, the base height is reduced, or stepped-down. Stepped-down height is not required in the CR zone:
  - a. Step-down adjacent to residential zones. The following step-down height limits apply within 25 feet of sites zoned residential. Sites with property lines that abut residential zones for less than a 5-foot length are exempt from these standards:
    - (1) On the portion of a site within 25 feet of a site zoned RF through R2.5, the step-down height limit is 35 feet. See Figure 130-1.
    - (2) On the portion of a site within 25 feet of a site zoned R3 — R1, the step-down height limit is 45 feet. See Figure 130-1.

**Figure 130-1**  
**Step-Down Height Adjacent to Residential Zones**





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## Commentary

### 33.130.210.C.2. Height standards — Step-down height (continued)

See previous commentary.

### 33.130.210.C. Exceptions

Most current exceptions to the maximum height standards are continued without substantive change to existing regulations or to amendments proposed as part of the Accessory Structures Zoning Code Update. New exceptions include the following:

Paragraph 2. Allowances for parapets to exceed building height limits responds to community interest (as well as input from designers and developers) in promoting a more varied roofline along mixed-use corridors. The current regulatory approach of including such features within the building height limits, such as the 45' maximum building height allowed in many areas with commercial zoning, results in many projects built up to this maximum height with little variation. The parapet exemption also facilitates the use of parapets to screen rooftop equipment.

Historic example of  
parapets providing roofline  
variety.



The exemption for roof top deck railings to exceed maximum heights is intended to facilitate roof top outdoor spaces, including decks adjacent to upper-level building areas fronting onto roof area resulting from height step downs adjacent to residential zones and narrower streets. The 3.5-foot dimension corresponds to building code minimum railing height requirements.

Paragraph 3. Exceptions for privacy walls to exceed maximum heights are intended to facilitate roof top outdoor spaces, especially decks adjacent to upper-level building areas with height step downs adjacent to residential zones and narrower streets. Privacy wall exceeding height limits are not allowed within 4 feet of roof edges in order to limit their visual impact. This regulation has been adapted from Main Street Corridor Overlay standards applicable to SE Division Street.

Paragraph 4. This paragraph is modified to regulate rooftop stairwell enclosures the same way as elevator mechanical equipment to facilitate rooftop access.



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For ease of readability, ~~striketrough~~ and underline are not used.

- b. Step-down across a local service street from an RF through R1 zone. In the CM2, CM3, CX, and CE zones the following step-down height limits apply. The limits do not apply to portions of buildings within 100 feet of a transit street:
            - (1) On the portion of the site within 15 feet of a lot line that is across a local service street from a site zoned RF through R2.5, the step-down height limit is 35 feet. See figure 130-2.
            - (2) On the portion of the site within 15 feet of a lot line that is across a local service street from a size zoned R3 through R1, the step-down height limit is 45 feet. See Figure 130-2.
  3. Bonus height. The base height limits can be increased through options described in Section 33.130.212. When a bonus option allowed by 33.130.212 is used to increase the base height, the step-down height limits do not increase.
- C. Exceptions.** Exceptions to the base height, step-down height, and bonus height limits are stated below:
1. Projections allowed. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limits, or 5 feet above the highest point of the roof, whichever is greater. Items that are greater than 5 feet in width, depth, or diameter are not allowed to project above the base, step-down, or bonus height limits.
  2. Parapets and railings. In the CM1, CM2, CM3, CE and CX zones, parapets and rooftop railings may extend 3.5 feet above the height limits.
  3. Walls and fences. In the CM1, CM2, CM3, CE and CX zones, walls or fences located between individual rooftop decks may extend 6 feet above the height limits if the visual screen is set back at least 4 feet from the edges of the roof.
  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 and stairwell enclosures may extend up to 16 feet above the height limits; and
    - b. Other mechanical equipment that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limits.



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## Commentary

### 33.130.210.D. Exceptions (continued)

No substantive changes to paragraphs 5-7.

Paragraph 8 (High ceilings). Allowances for an additional 5 feet of building height are intended to help accommodate ground-level commercial spaces with high ceilings, which are important for providing quality spaces for many types of retail and community uses. This allowance responds to concerns raised by some developers and architects that current height limits are too constraining, resulting in sub-optimal commercial spaces. The height allowance also facilitates mechanical/stacked parking systems, which allow for space-efficient accommodation of vehicle parking, but require high floor-to-ceiling spaces that were constrained by previous building height limits. By improving the ability to accommodate ground-floor commercial spaces, this allowance also responds to community interest in having ground-floor commercial uses as part of development in centers and corridors. The additional 5 feet applies to the overall building height (including the base height, step-down height, and bonus height), and can be distributed in various ways across multiple building levels, as long as the ground floor ceiling height of 15 feet is met.



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5. Antennas and mounting devices, utility power poles, and public safety facilities are exempt from the height limits.
6. Small wind turbines are subject to the standards of Chapter 33.299.
7. Roof mounted solar panels are not included in height calculations and may exceed the maximum height limits if the following are met:
  - a. For flat roofs or the horizontal portion of mansard roofs, the solar panel may extend up to 5 feet above the top of the highest point of the roof; and
  - b. For pitched, shed, hipped, or gambrel roofs, the solar panel must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.
8. High ceilings. In the CM1, CM2, CM3, CE and CX zones outside the Central City plan district, base height, step-down height, and bonus height may be increased by 5 feet when at least 75 percent of the ground floor has at least 15 feet between the floor and the bottom of the structure above. The bottom of the structure above includes supporting beams.



## Commentary

### Table 130-2 Summary of Development Standards in Commercial/Mixed Use Zones

See commentary for specific development standard sections. The tables below compare the FAR and height limits of the new zones (shaded) with existing comparable zones.

#### Comparison of small-scale zones

	CR	CM1	CN1	CN2	CO1
Height — Base (feet)	30'	35'	30'	30'	30'
Height — Bonus	n/a	35'	n/a	n/a	n/a
FAR — Base	1:1	1.5:1	.75:1 <sup>+</sup>	.75:1 <sup>+</sup>	.75:1 <sup>+</sup>
FAR — Bonus	n/a	2.5:1	n/a	n/a	n/a

#### Comparison of medium-scale zones

	CM2	CE	CO2	CM	CS	CG
Height — Base (feet)	45'	45'	45'	45'	45'	45'
Height — Bonus	55'*	45'	n/a	n/a	n/a	n/a
FAR — Base	2.5:1	2.5:1	2:1 <sup>+</sup>	1:1 <sup>+</sup>	3:1 <sup>+</sup>	3:1 <sup>+</sup>
FAR — Bonus	4:1	3:1	n/a	n/a	n/a	n/a

#### Comparison of large-scale zones

	CM3	EX	CX
Height — Base (feet)	65'	65'	75'
Height — Bonus	75'	n/a	n/a
FAR — Base	3:1	3:1	4:1 <sup>+</sup>
FAR — Bonus	5:1	n/a	n/a

#### Table Notes:

<sup>+</sup> Residential floor area is not regulated by FAR, and is allowed to height and setback limits of the zone.

\* 55' bonus height in CM2 applies to some areas with the design review (d) overlay.



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<p align="center"><b>Table 130-2</b> <b>Summary of Development Standards in Commercial/Mixed Use Zones</b></p>						
<b>Standards</b>	<b>CR</b>	<b>CM1</b>	<b>CM2</b>	<b>CM3</b>	<b>CE</b>	<b>CX</b>
Maximum FAR (see 33.130.205 and 33.130.212)	1 to 1 [1]	1.5 to 1	2.5 to 1	3 to 1	2.5 to 1	4 to 1
Minimum Density (see 33.130.207)	NA	NA	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	NA	NA
Base Height (see 33.130.210.B.1)	30 ft.	35 ft.	45 ft.	65 ft.	45 ft.	75 ft.
Step-down Height (see 33.130.210.B.2) - within 25 ft. of lot line abutting RF-R2.5 zones - Within 25 ft. of lot line abutting R3, R2, R1 Zones - Within 15 ft. of lot line across a local service street from RF – R2.5 Zones - Within 15 ft. of lot line across a local service street from R3, R2, R1 Zones	NA	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
	NA	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Bonus Height (see 33.130.212)	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Min. Building Setbacks (see 33.130.215.B) - Street Lot Line - Street Lot Line abutting selected Civic Corridors - Street Lot Line across a local street from an RF – R1 Zone.	none	none	none	none	none	none
	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
	none	none	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.
Min. Building Setbacks (see 33.130.215.B) - Lot Line Abutting OS, RX, C, E, or I Zoned Lot - Lot Line Abutting RF - RH Zoned Lot	none	none	none	none	none	none
	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Max. Building Setbacks (see 33.130.215.C) - Street Lot Line - Street Lot Line Abutting Selected Civic Corridors	10 ft. 20 ft.	10 ft. 20 ft.	10 ft. 20 ft.	10 ft. 20 ft.	10 ft. 20 ft.	10 ft. 20 ft.
Max. Building Coverage (% of site area) - Inner Pattern Area - Eastern, Western, and River Pattern Areas (see 33.130.220)	85% 75%	85% 75%	100% 85%	100% 85%	85% 75%	100% 100%
Min. Landscaped Area (% of site area) (see 33.130.225)	15%	15%	15%	15%	15%	None
Landscape Buffer Abutting an RF - RH Zoned Lot (see 33.130.215.B)	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3
Required Residential Outdoor Area (see 33.130.228)	Yes	Yes	Yes	Yes	Yes	No
Ground Floor Window Standards (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

[1] On sites that do not have a Retail Sales And Service or Office use, maximum density for Household Living is 1 unit per 2,500 square feet of site area.



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## Commentary

### **Example Illustration:**

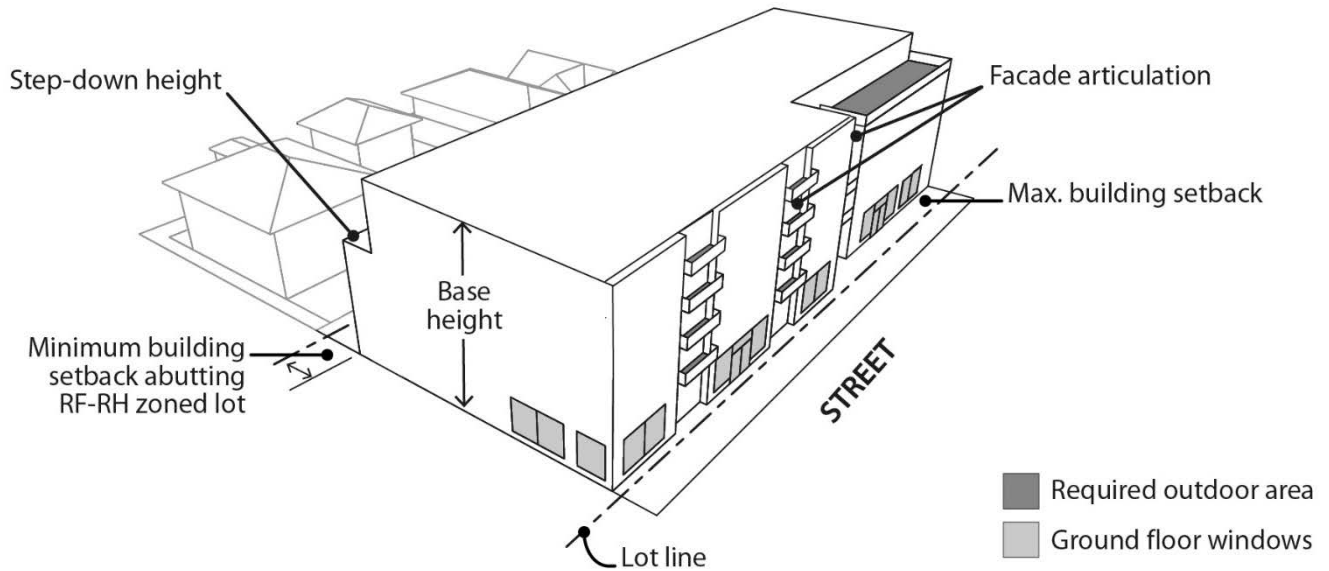
#### **Some building form and setback development standards**

To help clarify the roles of various key development standards, this provides an illustrative summary of some of the types of development standards that together shape the form and location of development in the commercial/mixed use zones. It is illustrative only and is not intended to indicate specific development allowances.



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**Example Illustration:  
Some building form and setback development standards**





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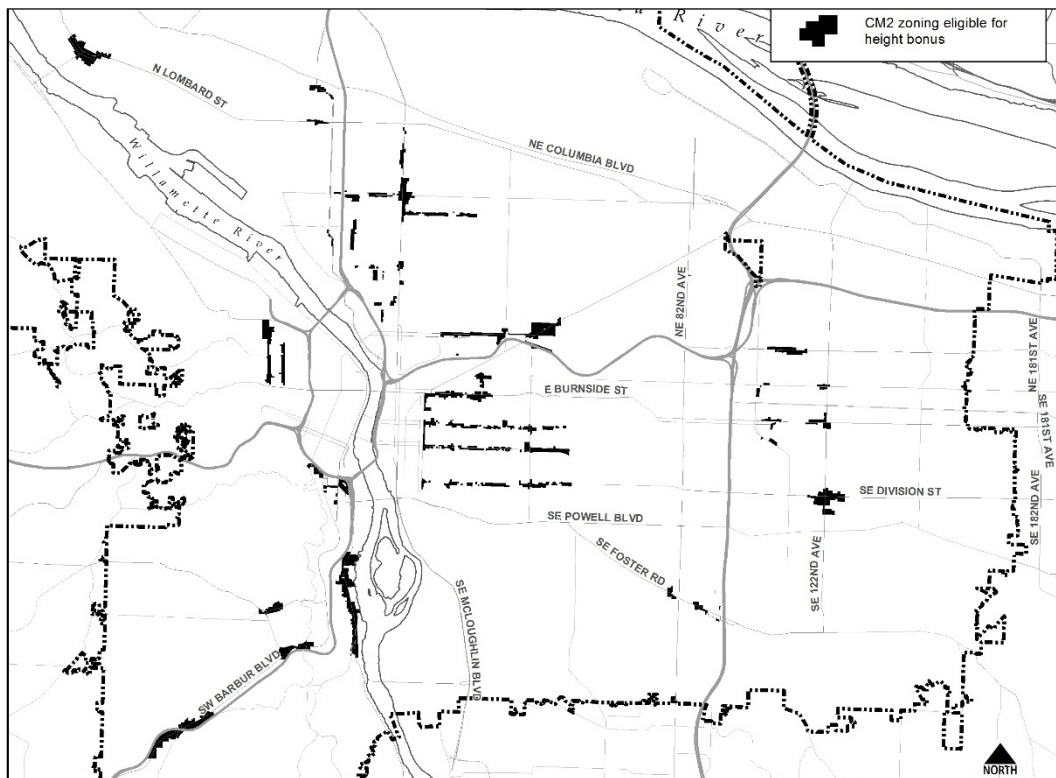
## Commentary

### 33.130.212.B General floor area and height bonus option regulations

There are two primary bonus-eligible elements: Affordable Housing and Affordable Commercial Space. The affordable housing bonus is given the greater priority and can earn the maximum amount of FAR and additional height. The total amount of bonus, together with any transfer of development rights from historic resources, cannot exceed the overall maximum per zone indicated in Table 130-3. In addition, for large sites over two acres, a Planned Development bonus is available when a project provides a combination of affordable housing, publicly accessible park or plaza, energy efficient buildings, and is approved through a Planned Development Review. The bonuses will not be available within Historic or Conservation districts in order to avoid providing additional building scale that may not be appropriate in the context of the established scale of these districts.

Paragraph 5. The additional bonus height in the CM2 zone (up to 55 feet, compared to the usual maximum height of 45 feet) will only be allowed in areas that have the Design Review Overlay and that have Comprehensive Plan Map designations of Mixed Use — Urban Center or Mixed Use — Civic Corridor (these will primarily include properties in designated Town Centers and along corridors close to the Central City).

Map of areas eligible for CM2 height bonus (assumes expansion of the d-overlay to areas with Mixed Use — Urban Center designation, and may be subject to plan district regulations).





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

- A. Purpose.** The bonus options allow additional floor area and an increase in height as an incentive for development that provides a public or community benefit. The bonus can be gained in exchange for providing affordable housing or affordable commercial space in conjunction with new development.
- B. General floor area and height bonus option 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.
  2. The bonus options refer to an administrative agency or qualified administrator. The administrative and reporting requirements of each bonus must be met to the satisfaction of the named agency or administrator. The named agencies are authorized to publish administrative rules with clear and objective administrative requirements.
  3. More than one bonus option may be used up to the overall maximums stated in Table 130-3. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.
  4. The increment of additional floor area ratio allowed per bonus is stated in Table 130-3 and described in Subsections C through E.
  5. The increment of additional height allowed per bonus is stated in Table 130-3, except as follows:
    - a. Additional height is not allowed where the step-down height limits of 33.130.210.B.2 apply.
    - b. In the CM2 zone, increasing maximum height through a bonus is allowed only on sites that:
      - (1) Are within the Design Overlay Zone; and
      - (2) Have a Comprehensive Plan Map designation of Mixed Use – Urban Center or Mixed Use – Civic Corridor.



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## Commentary

### **33.130.212.C. Affordable housing bonus**

Proposals that include affordable housing may increase maximum height and FAR as stated in Table 130-3 if at least 25 percent of the increased floor area is housing affordable to those earning no more than 80 percent of the area median family income.

The affordability target and amount of floor area that must be used for affordable housing reflect analysis undertaken to determine their market feasibility, and has been developed in conjunction with the Central City affordable housing bonus program currently under development, and discussions with the Portland Housing Bureau. Additional detail regarding bonus option requirements will be part of administrative rules, which will include details regarding items such as the term of required affordability, potential allowances for payment into an affordable housing fund in lieu of providing affordable housing on site, administrative and reporting requirements, any tenancing requirements, and enforcement. See Section V of the Mixed Use Zones report (Implementation Tools) for more information on administrative rules for this bonus and next steps that will be necessary before it can be implemented.

The applicability of this and the other bonuses to existing plan districts that have their own systems of floor areas allowances and bonuses, such as the Hollywood and Northwest plan districts, will be subject to future consideration.



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<b>Table 130-3</b> <b>Summary of Bonus FAR and Height</b>						
		CM1	CM2	CM3	CE	CX
<b>Overall Maximums Per Zone</b>						
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]
<b>Increment of Additional FAR and Height Per Bonus</b>						
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.

[1] Bonus height in the CM2 zone is only allowed on sites that are within the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use—Urban Center or Mixed Use—Civic Corridor.

[2] This larger overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review.

**C. Affordable housing bonus.** Proposals that include affordable housing may increase maximum height and FAR as stated in Table 130-3 if all of the following are met:

1. Proposals using this bonus must include at least 25 percent of the increased floor area as housing affordable to those earning no more than 80 percent of the area median family income;
2. The applicant must provide a letter from the Portland Housing Bureau certifying that the development will meet the standards of this subsection and any administrative requirements have been met;
3. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that dwelling units created using this bonus will remain affordable to households meeting the income restrictions and meet the reporting requirements of the Portland Housing Bureau or qualified administrator.



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## Commentary

### **33.130.212.D. Affordable commercial space bonus**

Affordable commercial space was identified in the new Comprehensive Plan as an important part of centers and corridors. As new development occurs, the opportunity for small businesses to locate in older buildings with more affordable rents could decrease. Because of the costs associated with new mixed use construction and the opportunity to attract tenants, rents levels in newer building are often higher than in existing buildings within those markets. As a commercial area revitalizes, rent in older buildings can rise too. This makes the spaces unaffordable to business startups, and many pre-existing local businesses. In neighborhoods with a history of minority-owned businesses, this can lead to displacement of businesses that are important landmarks for communities of color.

This bonus is intended to address this by offering a floor area bonus when a project builds commercial space that will be leased at affordable, below market rates, to qualified local businesses. The emphasis of the program would be to preserve and increase opportunities for local minority-owned and women-owned businesses in areas experiencing rapid development and change.

The details of the implementation of this bonus will be subject to further discussions with the Portland Development Commission and others. Additional detail on bonus option requirements will be included in administrative rules, including requirements for the term of affordability, required levels of affordability, any tenancing requirements, and other administrative and enforcement details. See Section V of the Mixed Use Zones report (Implementation Tools) for more information on administrative rules for this bonus and next steps that will be necessary before it can be implemented.

### **33.130.212.E. Planned Development Bonus**

The concept for this bonus option responds to community input received during the Comprehensive Plan Update process and during Mixed Use Zones Project events. Many community members were open to allowing development on large sites to be larger in scale, especially if there is enough space for a transition in scale to lower-density areas and proposals were subject to Design Review. It also responds to community interest in linking the provision of additional development potential to the provision of public benefits, especially affordable housing. The Planned Development bonus allows for additional FAR and height (in excess of the other bonus provisions) in exchange for the provision affordable housing, public open space, energy efficient buildings, and a public review process. See chapters 33.270 and 33.854 code and commentary for more information.



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- D. Affordable commercial space bonus.** Proposals that provide affordable commercial space may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of affordable commercial space provided, up to the maximum stated in Table 130-3:
1. 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 to qualified businesses that meet program requirements, including locally-owned, minority- or woman-owned businesses;
  2. The applicant must submit with the development application a letter from the Portland Development Commission certifying that commercial leasing agreements are in place to meet the standards of this subsection, and that any administrative requirements have been met; and
  3. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the leasing and reporting requirements of the Portland Development Commission or qualified administrator.
- E. Planned Development bonus.** Proposals that provide a combination of affordable housing, a publicly accessible plaza or park, and energy efficient buildings may increase maximum height and FAR as stated in Table 130-3 if approved through a Planned Development Review and Design Review (see Chapter 33.270 and Chapter 33.854). The site must be at least two acres in size to be eligible for this bonus.



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## Commentary

### Building Setbacks

#### 33.130.215.B.1.a. Required setbacks from a street lot line.

In most situations along transit street frontages, no minimum building setbacks will be required from street lot lines, as is currently the case. A minimum 10-foot setback will be required along Civic Corridors (which are typically wide multi-lane arterial streets) in the Eastern and Western pattern areas (see Map 130-1). These Civic Corridors include streets such as SW Barbur Boulevard, 122<sup>nd</sup> Avenue, and outer SE Division Street. The intent of this setback is to provide opportunities for landscaping and extensions of the pedestrian space of sidewalks, helping to provide a buffer between buildings and the heavy traffic of these corridors.

See next commentary page for notes on subparagraph 33.130.215.B.1.b



Example of a front setback along a wide Civic Corridor, providing additional space for pedestrians and trees.



### 33.130.215 Setbacks

- A. Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/mixed use zones. The setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial/mixed use development that will maintain light, air, and the potential for privacy for adjacent residential zones.

The front setback requirements for Civic Corridors in Eastern and Western pattern areas provide opportunities for additional pedestrian space and separation from the vehicle traffic along these major streets to create an environment for building users and pedestrians that is less impacted by close proximity to traffic, and provide opportunities for front landscaping reflective of the vegetated characteristics of these neighborhood pattern areas.

The minimum building setbacks along local service streets adjacent to residential zones work together with requirements for step downs in building height (33.130.210.B.2.b.) to ensure that there is a transition in street frontage characteristics to lower scale residential zones. In these situations, the building setback regulations promote street frontages with landscaping and residential uses to provide a transition and a cohesive street environment with similar street frontage characteristics on both sides of the street, and limit exterior display and storage to minimize impacts to nearby residentially-zoned areas.

- B. Minimum building setbacks.** Minimum required building setbacks are listed below and summarized in Table 130-2. Unless otherwise specified in this section, the minimum required setbacks apply to all buildings and structures on a site. Setbacks for exterior development are stated in 33.130.245, and setbacks for parking areas are stated in Chapter 33.266, Parking, Loading and Transportation and Parking Demand Management.

1. Required setbacks from a street lot line. Unless as specified below, there is no minimum required setback from a street lot line:
  - a. The minimum setback required from a street lot line adjacent to a Civic Corridor shown on Map 130-1 is 10 feet.
  - b. The following minimum setbacks are required from a street lot line on the portion of the site that is across a local service street from an RF through R1 zone. The setbacks do not apply in the CR or CM1 zones, or on or within 100 feet of a transit street:
    - (1) Buildings that are entirely in a residential use, and portions of buildings with dwelling units on the ground floor, must be setback 5 feet from a street lot line facing an RF through R1 zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback.



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## Commentary

### **33.130.215.B.1.b Required setbacks from a street lot line (continued)**

In situations in which street lot lines are across a local service street from most residential zones, these standards provide a transition in scale and street frontage characteristics from commercial/mixed use zoning to lower-scale residential zoning, particularly in locations that are not on primary corridor frontages. The concept limits development within 10' of these secondary street frontages to residential uses as a component of this transition. Residential buildings can be as close as 5' to the street lot line, while other types of buildings would need to be setback at least 10'. This standard functions in conjunction with step-down height limits (see 33.130.210.B.2.b) to provide transitions in building heights, setbacks, and uses to residential zones.

This approach is based in part on residential buffer requirements that are part of Community Design Standards (Chapter 33.218) that apply within the Design Overlay zone, and similar requirements that apply in some plan districts. The CM1 zone would be exempted from these requirements due to its small scale and often dispersed locations within residential areas.

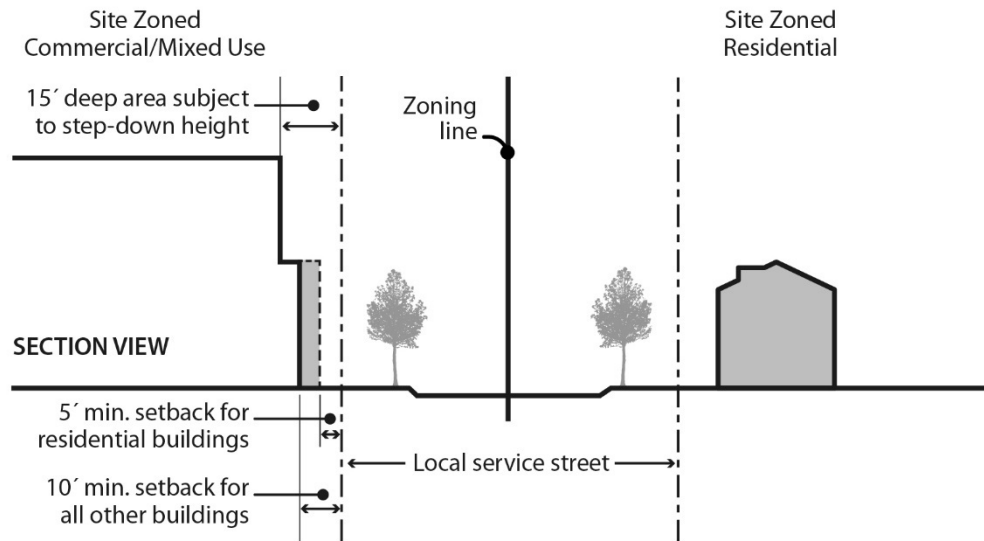


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For ease of readability, ~~strike through~~ and underline are not used.

- (2) All other buildings must be setback 10 feet from a street lot line facing an RF through R1 zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback. See Figure 130-2.
- c. See 33.130.250.D for the required garage entrance setback for a garage that is accessory to a house, attached house, manufactured home, or duplex.
- d. Structured parking that does not allow exiting in a forward motion must be setback 18 feet from the street lot line. See 33.266.130.C.

**Figure 130-2**

**Building Setbacks and Step-Down Height Across a Local Service Street from Residential Zones**





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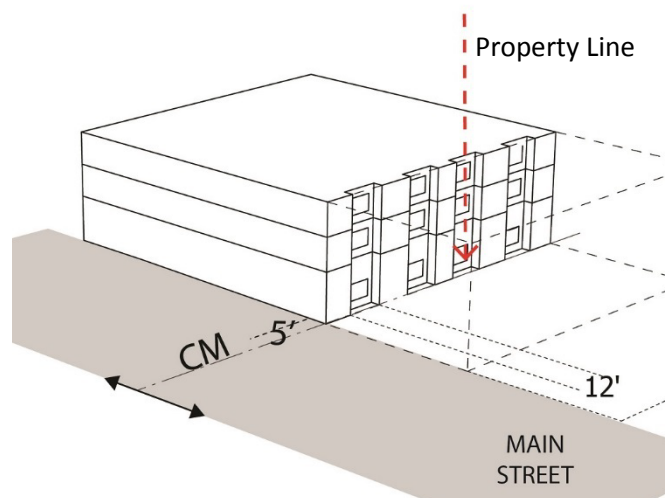
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## Commentary

### 33.130.215.B.2. Required setbacks from a lot line that is not a street lot line

Subparagraph b. A 10-foot setback will generally be required for buildings adjacent to residentially-zoned lots. This setback must include landscape screening and will work in conjunction with building height step downs to provide a transition between more intense development in the commercial/mixed use zones and adjacent residential zoning. The new approach, including the 10-foot setback, replaces the current approach of different setbacks based on the height of the building wall. The new regulations continue an allowance for no building setback in the case of buildings that are 15-feet high or less.

Subparagraph c. This section includes a requirement for residential windows to be set back a minimum of 5 feet from property lines that are not along streets. This requirement responds to the fact that the commercial/mixed use zones allow development to be built up to the property lines of adjoining properties with similar zoning. This is not a problem when buildings are built shoulder-to-shoulder, with windows facing the street or to mid-block open areas. It can be more of a problem for the livability of residential units if their primary windows are located close to interior property lines, up to which future neighboring buildings can be built. The building code allows window openings as close as 3 feet from property lines, which, since future buildings can be built up to these property lines, means that residential units can end up having only a 3-foot gap as their primary access to natural light and air. This concept will require that a minimum 5-foot setback be provided adjacent to interior property lines in order to provide better access to light and air. It will not apply to the walls of corner residential units that have windows along street frontages or that face rear setbacks or other dedicated open space.





Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

2. Required setbacks from a lot line that is not a street lot line:
  - a. There is no minimum setback required from a lot line that abuts an OS, RX, C, E or I zone. And, no setback is required from an internal lot line that is also a zoning line on sites with split zoning.
  - b. The required minimum setback from a lot line that abuts an RF through RH zone is 10 feet. The required setback area must be landscaped to the L3 standard. Areas paved for pedestrian or bicycle use can be located in the required building setback area, but may not extend closer than 5 feet to a lot line abutting an RF through RH zone. Buildings that are 15 feet or less in height are exempt from the required setback, however any setback provided that is 5 feet or greater in depth must be landscaped to at least the L3 standard for a distance of up to 10 feet from the lot line. This means that if the building is setback 3 feet, no landscaping is required, but if the building is setback 15 feet, then the first 10 feet measured from the lot line must be landscaped.
  - c. Windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts a C, E, or I zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.



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## Commentary

### 33.130.215.B. Minimum building setbacks (continued)

Projections into minimum building setbacks. Substantive changes from existing regulations in this section are:

- Decks (higher than 2-1/2 feet above ground), uncovered balconies, and bays and bay windows will not be allowed to extend into the required 10-foot setback adjacent to a lot line abutting an RF - RH zoned lot in order to limit privacy impacts. Eliminating these allowances for setback extensions also responds to the fact that the depth of required setbacks abutting residential zones is being reduced in some situations.
- Text in Subparagraph B.3.b.(3), regarding extensions into street setbacks, was deleted in RICAP 7 due to the lack of street setback requirements. It is now being brought back because of code amendments that will require minimum street setbacks in some situations (such as minimum setbacks along Civic Corridors in the Eastern and Western pattern areas).



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

3. Extensions into required building setbacks and buffering requirements of Table 130-2.
  - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves and stormwater planters, they may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
    - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;
    - (2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and
    - (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RH zoned lot, and also must meet the following requirements:
      - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
      - At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
      - Bays and bay windows must cantilever beyond the foundation of the building; and
      - The bay may not include any doors.
  - b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
    - (1) Uncovered decks, stairways, and wheelchair ramps with surfaces that are no more than 2-1/2 feet above the ground;
    - (2) On lots that slope down from the street, vehicular and pedestrian entry bridges with surfaces that are no more than 2-1/2 feet above the average sidewalk elevation; and
    - (3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.
  - c. Uncovered decks are allowed to fully extend into required street setbacks.
4. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of Section 33.120.280. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below.



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## Commentary

### 33.130.215.C. Maximum building setbacks

The maximum building setbacks that currently apply in the CS zone and along transit streets for some other zones will be applied to all zones in most situations, except in CE zones that are not located in Pedestrian Districts. The code amendments simplify applicability of the maximum setback standard to conform to the existing CS standard (50 percent of the length of the street-facing facades of buildings).

In some situations, in several commercial zones, current regulations require 100 percent of building frontages to be within 10' of a front property line. The code amendments will provide a more flexible approach for maximum building setbacks. The intent is to provide flexibility for a variety of desirable street frontage characteristics, while cultivating a street environment that is inviting to pedestrians. Community members have expressed interest in encouraging buildings with ground-floor windows and entrances close to sidewalks, while also providing opportunities for elements such as plazas, landscaping and other green elements along portions of street frontage.

This subsection also includes a maximum building setback of 20 feet along certain Civic Corridors in the Eastern and Western pattern areas (see Map 130-1). This greater maximum setback relates to the minimum building setback of 10 feet that will apply along these corridors.



The maximum setback standards encourage buildings located close to sidewalks, while providing flexibility for portions of street frontage to include features such as pocket plazas or plantings.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

- C. Maximum building setbacks.** Except as stated in Subsection E., the maximum building setback standards are stated below.
1. Maximum setback standards. Unless otherwise specified, the maximum a building can be set back from a street lot line is 10 feet, except on Civic Corridors shown on Map 130-1, where the maximum set back is 20 feet. At least 50 percent of the length of the ground level street-facing facade of the building must meet the maximum setback standard.
  2. Applying the standard.
    - a. Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 130-3 and 130-4.
    - b. Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings. See Figures 130-5 and 130-6.
    - c. In the CR, CM1, CM2, CM3, and CX zones, and in the CE zone within a Pedestrian District, if the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose which street or streets to apply the standard.
    - d. In the CE zone outside of pedestrian districts, the maximum setback standard only applies to transit streets unless the site does not have a street lot line on a transit street. If the site does not have a street lot line on a transit street, then the maximum setback standard applies to one street, and if there is more than one street, the applicant may choose which street to apply the standard. If the site has street lot lines on three or more transit streets, the maximum setback standard applies only to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit classification. If multiple transit streets have the same highest street classification, the applicant may choose which streets to apply the standard.
    - e. For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:
      - (1) For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
      - (2) The porch must have at least one entrance facing the street; and



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## Commentary

### **33.130.215.C. Maximum building setbacks (continued)**

In the Exception paragraph, no change is proposed to existing regulations or to amendments proposed by the Accessory Structures Zoning Code Update (which is adding primary structures under 500 square feet to this exception, which previously exempted only detached accessory structures).

### **33.130.215.D. Area between a building and a street lot line.**

General standard. This is an existing regulation, but has been moved from the Pedestrian Standards section (33.130.240) to the Setbacks section, as it address requirements for setback areas between a building and a street.

Improvements within transit street maximum building setbacks. This new regulation will require that at least 50 percent of setback areas are improved for pedestrian use along transit streets in order to foster a pedestrian-oriented environment. It responds to community interest that building setbacks, including landscape features, not create significant barriers between buildings and sidewalks, particularly along transit streets. Purely residential buildings are exempt from this requirement to allow for landscape features that can contribute to residential privacy.

### **Figure 130-3 (former 130-1)**

No change.



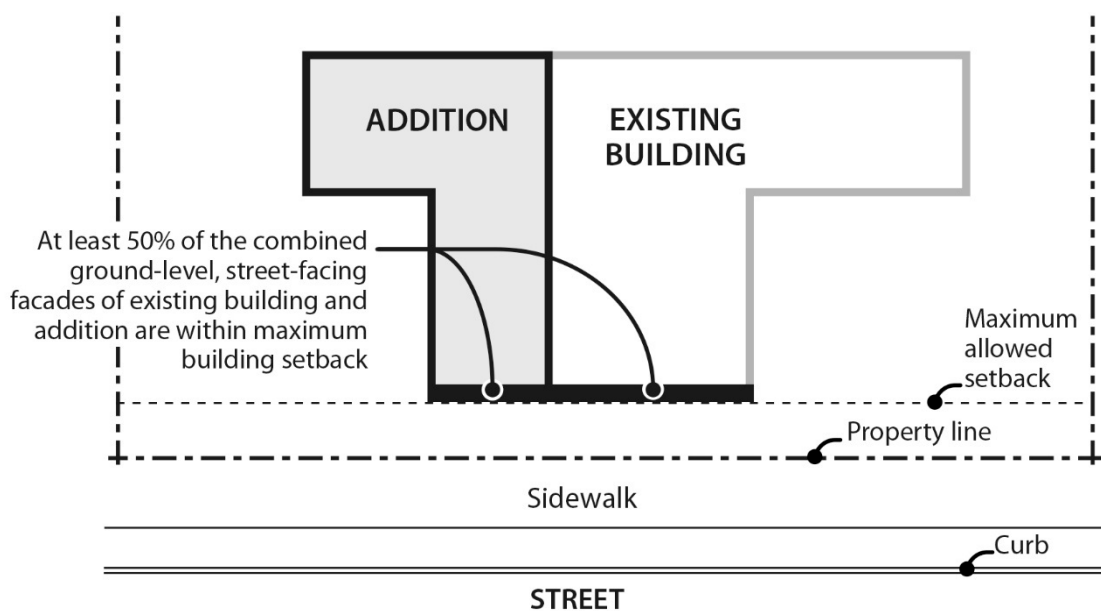
Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

- (3) The porch must have a roof that is no more than 12 feet above the floor of the porch and at least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
3. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 130-5.

**D. Improvements in the setback area between a building and a street lot line.**

1. General standard. The land between any building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vegetated stormwater management facilities used to meet Bureau of Environmental Services stormwater management requirements, and residential outdoor areas, such as play areas and garden plots, as well as vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard surfaced.
2. Improvements within transit street maximum building setbacks. Along transit streets, at least 50 percent of the setback area between the street lot line and the portion of the building that complies with the maximum building setback must be hard surfaced for use by pedestrians. Buildings entirely in a residential use are exempt from this standard.

**Figure 130-3**  
**Alteration to Existing Building in Conformance with Maximum Setback Standard**





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## Commentary

**Figure 130-4** (former 130-2)

No change.

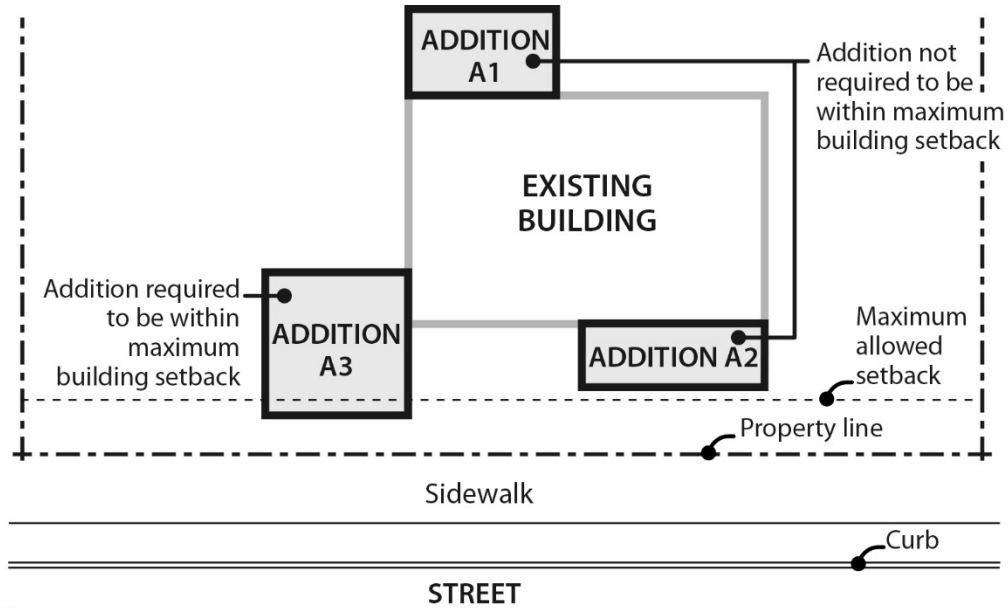
**Figure 130-5** (former 130-3)

No change.



Chapter 33.130 has been substantially revised.  
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**Figure 130-4**  
**Alterations to Existing Building**



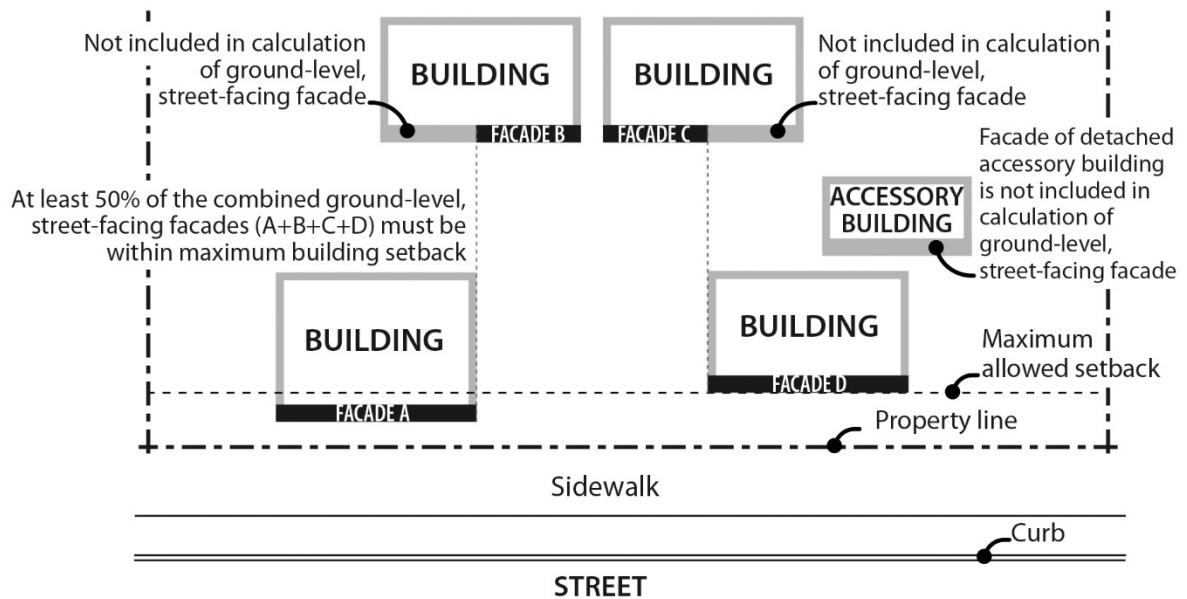
**Notes:**

Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

Addition A3. Because addition increases length of street facing facade, 100% of addition facade must be within maximum setback until maximum setback standard for entire building is met.

**Figure 130-5**  
**Calculating Maximum Building Setback When More Than One Building On Site**





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## Commentary

### Figure 130-6 (former 130-4)

No change.

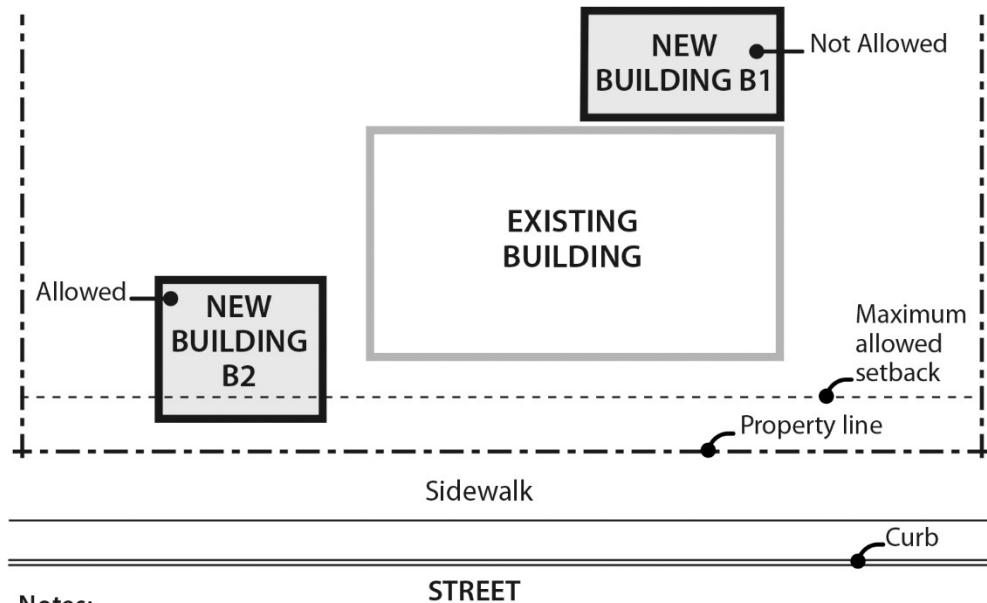
#### **33.130.215.E. Alternative maximum building setback for large retailers**

The only substantial change to this section is a reduction in the qualifying threshold from a building with 100,000 square feet down to 60,000 square feet. This change is intended to allow this provision to be used by a broader range of development anchored by supermarkets and other similarly-sized retailers, for which site design flexibility on large sites can be important to their feasibility. This flexibility is intended to increase possibilities for retail development in areas such as East Portland, which can benefit from greater local access to commercial services.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

**Figure 130-6**  
**New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback**



**Notes:**

New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.

New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

**E. Alternative maximum building setback for large retailers.**

1. Purpose. The intent of the regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller buildings close to the street and by creating an internal circulation system that is similar to streets in order to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.
2. Regulation. Sites that have at least one building with at least 60,000 square feet of floor area in Retail Sales and Service use are exempt from the maximum setback requirement of Table 130-2 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.
  - a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;



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## Commentary

### 33.130.215.F. (continued)

No change to the regulations on this page.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

- b. Internal circulation system. An internal circulation system that meets the following standards must be provided:
- (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
  - (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;
  - (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides and one of the following must be met:
    - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
    - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.
  - (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;
  - (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-7, at the intersections of internal accessways that have parking; and
  - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for Commercial or Institutional use, or zoned C, E, or I. The system must connect the buildings on the site to these adjacent sites.



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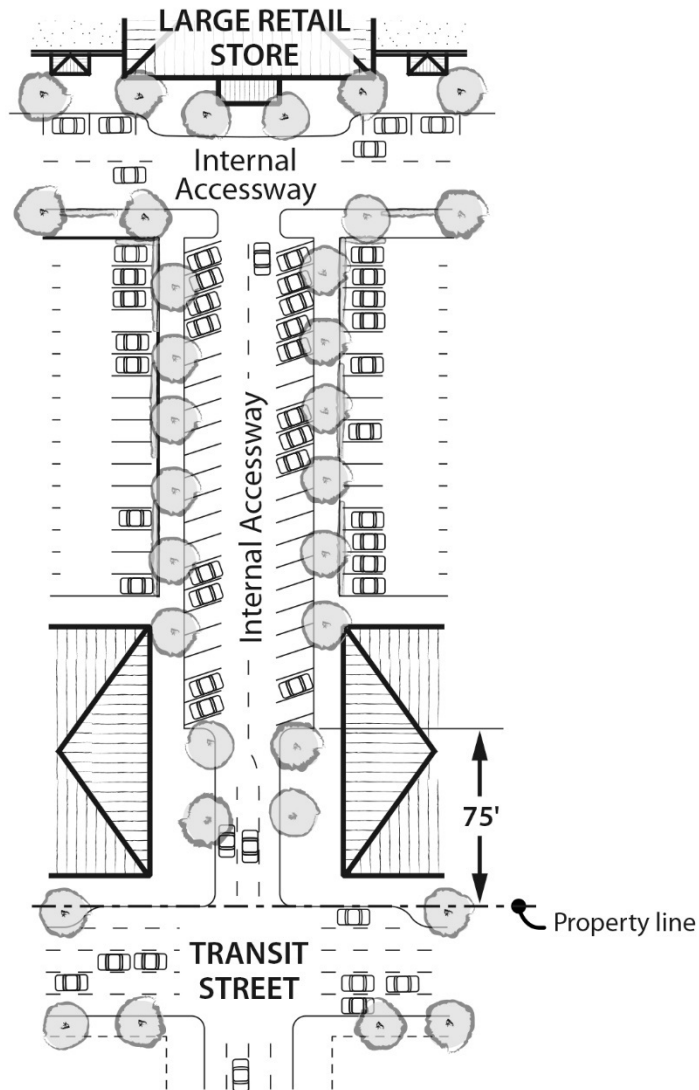
## Commentary

**Figure 130-7** (former 130-5)  
No change.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

**Figure 130-7**  
**Internal Circulation System**





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## Commentary

### **33.130.220 Building Coverage**

The building coverage standards provide differing requirements based on zone and pattern area location (see Table 130-2 and Map 130-2). Lower building coverage is allowed in areas outside the Inner pattern area to reflect their less intensely developed and more landscaped characteristics.

### **33.130.222 Building Length and Facade Articulation**

These new standards reflect community concerns about large buildings with monolithic massing that appear out of scale with the fine-grain patterns of many neighborhood commercial areas. The proposed standards are intended to promote buildings that fit better into the scale of neighborhood commercial corridors, but without dictating the architectural approach or style of new buildings. These standards require that the mass of large buildings be divided into smaller components.

**B. Maximum building length.** This requirement is derived from a standard that applies in some of the multi-dwelling zones. The maximum building length standard of 200 feet corresponds to traditional Portland block patterns. Outside of Portland's core, blocks can be 460 feet or greater in length, which has sometimes resulted in lengthy buildings whose scale has been of concern to community members. This building length limitation only applies within 20 feet of a street lot line, so that building volumes may be attached beyond this distance. This standard requires that the resulting building volumes, when located on the same site, be separated by a minimum of 20 feet in order to create a clear break in the building massing, which is also wide enough to potentially serve as a usable open space.



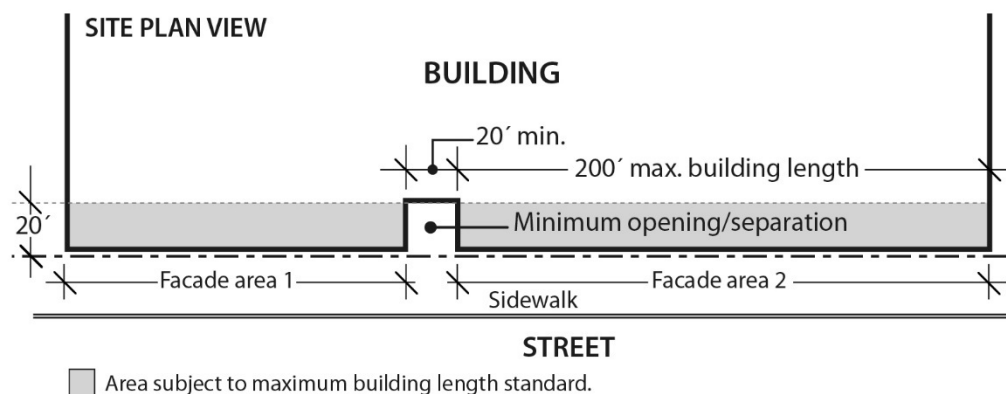
### 33.130.220 Building Coverage

- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. The standards allow a high degree of lot coverage in the Inner Neighborhoods pattern area to reflect the urban development patterns and continuous building frontages of the area. The standards for Eastern and Western pattern areas work in conjunction with landscaping requirements to respond to the less intensely developed characteristics of these areas.
- B. Building coverage standards.** The maximum building coverage standards are stated in Table 130-2, and the standards apply based on pattern area geography. Map 130-2 identifies the pattern areas. Maximum building coverage applies to all buildings and covered structures.

### 33.130.222 Building Length and Facade Articulation

- A. Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland's commercial/mixed-use areas and add visual interest and variety to the street environment.
- B. Maximum building length.** In the CR, CM1, CM2, CM3, and CE zones, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-8.

**Figure 130-8**  
**Maximum Building Length**





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## Commentary

### 33.130.222 Building Length and Facade Articulation (continued)

**C. Facade articulation.** This standard requires large building wall planes to be divided into smaller components. Recessed areas of facade that include projecting features such as balconies can count toward meeting this requirement. This approach would allow stepping back the upper levels of facades (such as the fourth story of a building in the CM2 zone) as one option for meeting this standard.

Portions of building facade that are entirely separated from each other, such as by a courtyard, are considered to be separate facade areas for the purpose of determining the size of each facade area.

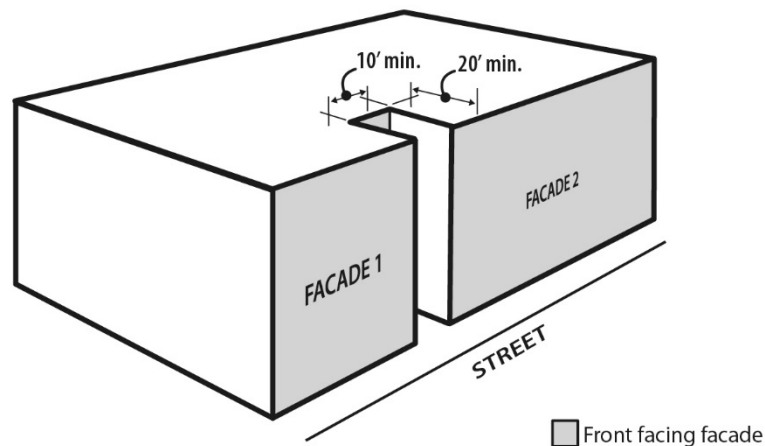


Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

**C. Facade articulation.**

1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows:
  - a. In the CM2 and CE zones, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
  - b. In the CM3 zone, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
  - c. Portions of building facades that are vertically separated by a gap of 10 feet in width or more extending at least 20 feet in depth from the street property line are considered to be separate facade areas for the purposes of the facade area measurements. See Figure 130-9.
2. The standard. At least 25 percent of the facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 130-10.

**Figure 130-9  
Façade Articulation**





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## Commentary

### 33.130.225 Landscaped Areas

The primary departure from existing landscape area regulations is a requirement for landscaping or alternative green options for commercial/mixed use zones that allow high lot coverage and do not currently have landscaping requirements (CM2 and CM3 in the Inner Pattern Area, whose comparable existing zones [CS, CM, CX, and EX] do not generally require landscaping).

This regulation responds to comments received regarding the need for green elements as part of development within centers and corridors in the Inner Pattern Area. Also, draft Comprehensive Plan policies call for integrating green/vegetated elements into the urban environment and reducing urban height island effects.

The proposed regulations apply a 15 percent landscaping requirement (as currently applies in most commercial/mixed use zones) to the CM2 and CM3 zones, but provide alternative options to meeting this requirement that preserve the ability to undertake development with high lot coverage (up to 100 percent). Some of these options are also intended to accommodate improvements to older buildings and the continuation of existing urban development patterns in older commercial districts that have high levels of building coverage.

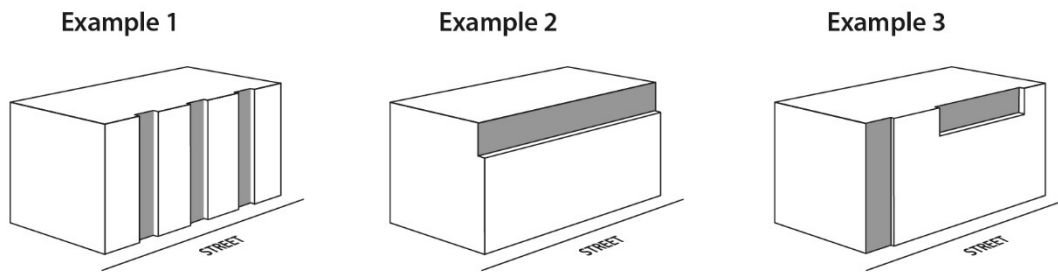


Example of a range of landscaping approaches integrated into urban development, including ecoroofs, raised landscaped areas, and stormwater planters.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

**Figure 130-10**  
**Facade Articulation**



### 33.130.225 Landscaped Areas

- A. Purpose.** Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. As an alternative to conventional landscaping, a range of urban green options are provided in the CM2 and CM3 zones in the Inner Neighborhoods pattern area to reflect this area's more urban development patterns and historic storefront commercial characteristics. Landscaping is required for all commercial/mixed use-zoned lands abutting R zoned lands and as screening for parking lots (see Chapter 33.216) to provide buffering and promote livability.
- B. Minimum landscaped area.** The minimum amount of required landscaped area is stated in Table 130-2. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The required landscape area must meet one of the following:
1. Unless allowed by Paragraph B.2., required landscaped areas must:
    - a. Be at ground level, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
    - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
  2. Urban green alternative landscaped area. In the CM2 and CM3 zones in the Inner pattern area shown on Map 130-2, one or more of the following may be used to meet the required landscape area:



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## Commentary

### 33.130.227 Trees

No change.

### 33.130.228 Required Outdoor Areas

Currently, no outdoor space is required for residential development in the commercial/mixed use zones. These standards would use the same 48 square feet per unit requirement that applies in multi-dwelling residential zones (R3, R2, and R1 zones). A lesser amount of outdoor space (36 square feet per unit) is required for small sites (20,000 square feet or less) in response to the greater difficulty of accommodating outdoor spaces on smaller more urban sites. This new requirement responds to the fact that residential development has become a predominant type of development in the commercial/mixed use zones. This implements Comprehensive Plan policy direction to promote healthy, active living and access to outdoor space.

The primary difference between these standards and similar requirements in the multi-dwelling zones is an allowance for indoor common areas (such as community rooms, exercise rooms and other indoor recreation facilities) to be used as an option to meet the residential outdoor space requirements. Required residential outdoor areas can be provided in the form of private outdoor spaces, shared outdoor areas, indoor community or recreation spaces, or combinations of these.



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



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

- a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.
- b. Large trees. The minimum required landscaped area may be reduced to 10 percent of site area when the site includes an area with minimum dimensions of 30 feet by 30 feet planted with at least one large-canopy tree. An existing large-canopy tree can be used to meet this requirement, subject to the Tree Protection Specifications of Title 11 (Section 11.60.030). Large canopy trees are defined in Section 33.248.030, Plant Materials. At least 50 percent of the ground area within this space must be planted with ground cover plants and the remainder may be hard-surfaced for use by pedestrians.
- c. Raised landscaped areas. Landscaped areas raised above ground level may be used to meet the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches.
- d. Pervious pavement. Up to 50 percent of the required landscaped area may be improved for pedestrian use, such as walkways and plazas, if the area is surfaced with pervious pavement approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual. If this provision is used, no impervious surfaces can be counted toward meeting the minimum landscaped area standard.

### **33.130.227 Trees**

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are specified in Title 11. See Chapter 11.50, Trees in Development Situations.

### **33.130.228 Required Outdoor Areas**

- A. Purpose.** The required outdoor areas standards ensure opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. Required outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment. These standards also allow for outdoor area requirements to be met by indoor community facilities that provide opportunities for recreation or gathering.
- B. Requirements.**
  1. Amount required:
    - 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;
    - 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.



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## **Commentary**

### **33.130.228 Required Outdoor Areas (continued)**

See previous commentary.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

2. Size, location and configuration. Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared areas, such as outdoor courtyards and play areas, or indoor recreational facilities or community rooms. There also may be a combination of individual and common areas.
  - a. Individual unit areas. Where a separate outdoor area is provided for each individual unit, it must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. The outdoor area must be directly accessible to the unit. Balconies that extend over street right-of-way count towards meeting this standard. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting the required outdoor area. If the area is at ground level it may extend up to 5 feet into a required front setback, and may extend into required side and rear setbacks as long as the area is not closer than 5 feet to a lot line abutting an RF through RH zoned lot.
  - b. Common areas. There are two types of common area:
    - (1) Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and so that a 20-foot x 20-foot square will fit entirely within it.
    - (2) Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.
  - c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet Subparagraph B.2.a and each common area must meet B.2.b above, and together must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.
3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.
4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.



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## Commentary

### 33.130.230 Ground Floor Windows

Significant changes to ground floor window requirements include the following:

- Increase in the window coverage requirement on the primary ground level frontage from the current 25 percent to 40 percent.
- Increase in the secondary frontage window coverage requirement from 12-1/2 percent to 25 percent.
- Change in the window coverage measurement methodology. Current measurement of ground level wall area includes all wall area up to 9 feet above grade. The new measurement is based on wall area from 2 feet to 10 feet above grade.
- Change from the current exemption for parking structures. New regulations would require parking structures to meet ground floor window coverage requirements on at least one frontage.
- The walls of residential units are no longer exempt from ground floor window coverage requirements. Instead, ground floor residential units are provided several options for meeting ground floor window requirements (see subsection D).
- Change to the Exception for Public Art option, limiting the use of this provision to one half of the ground floor window coverage requirements.

Ground floor window requirements have been an important design-related regulatory standard in Portland's commercial zones, continuing traditions of storefront commercial development and contributing to an engaging, pedestrian-oriented street environment. The current minimum ground-floor window coverage requirement of 25 percent, however, sometimes results in sub-optimal window coverage, and includes exemptions for residences and parking garages that can compromise the street environment.

The increased ground-floor window coverage requirements (and related concepts for entrances) respond to interest from a wide-range of community members in focusing on improving the design of the ground-level frontages of buildings. This is where buildings are most directly experienced by pedestrians and can be important for maintaining the continuity of business districts. Regulations for a higher level of ground floor window coverage (60 percent) is applied to the core commercial areas of centers, as part of the proposed Centers Main Street Overlay, to reinforce the roles of these locations as pedestrian-oriented places that are a focus of commercial and community activity (see Chapter 33.415).



### **33.130.230 Ground Floor Windows**

- A. Purpose.** In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
  - Encourage continuity of retail and service uses;
  - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
  - Avoid a monotonous pedestrian environment.
- B. Ground floor window standard for wall area that is not the wall of a dwelling unit.** The following standards apply to the portions of a ground floor wall of a street-facing façade that is not the wall of a dwelling unit:
1. General standard.
    - 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 openings in the walls of structured parking. See Figure 130-11.
    - b. If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those street to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.
  2. Exemptions:
    - a. Houses, attached houses, manufactured homes, and duplexes are exempt from this Section; and
    - b. Ground floor street-facing walls of dwelling units must meet the standards in Subsection D; and
    - c. If the portion of the ground floor wall area that is not a dwelling unit is less than 250 square feet in area, then it is exempt from this Section.
- C. Qualifying window features.** Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall.



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## Commentary

### 33.130.230 Ground Floor Windows (continued)

Portions of buildings with ground floor residential units will be required to meet one of three options:

- Design to accommodate future conversion to commercial or other active ground floor uses, with storefront-type windows and barrier-free entrances.
- Ground floor residential units set back from street lot lines.
- Ground floor residential units raised above grade.

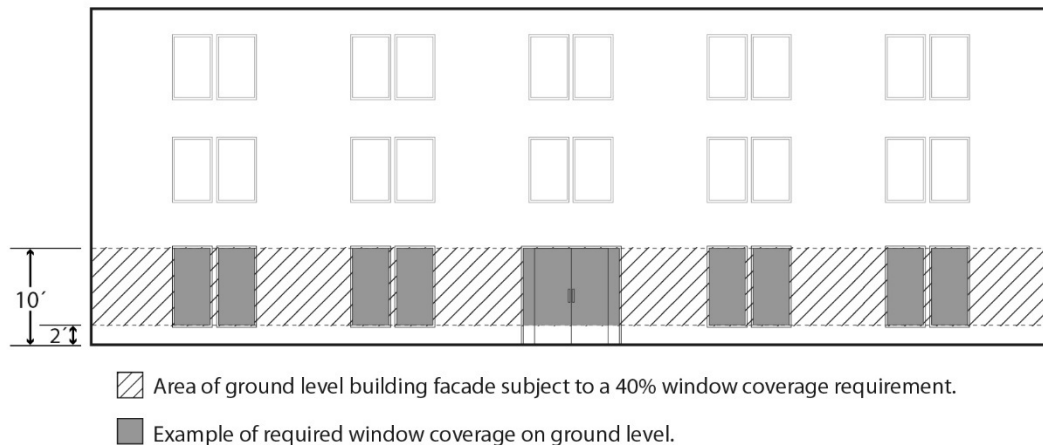
This regulatory approach responds to concerns about residential development in centers and corridors when residential units are built at ground level close to sidewalks. Besides loss of commercial opportunities, this creates privacy issues for the residents of ground floor units close to sidewalks. This concept proposes a series of options that projects with ground floor residences could choose to follow, one option of which is for designing the spaces to be adaptable to commercial uses with 40 percent window coverage; and the other two options of which are for more residentially-oriented design, with units either setback from the street or raised above grade. These options will be required for development with ground-floor residential units along any street frontage. Besides ground-floor window coverage requirements, residential development in the commercial/mixed use zones will need to meet requirements (existing) for 15 percent overall window coverage for street-facing facades.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

Windows into storage, vehicle or bicycle parking, mechanical equipment, or garbage and recycling areas, and display cases attached to outside walls do not qualify. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

**Figure 130-11**  
**Ground Floor Windows**



- D. Ground floor window and frontage standards for dwelling units.** The ground floor wall area of street-facing facades of dwelling units that are 20 feet or closer to a street lot line must meet at least one of the following standards:
1. Flexible ground floor design. The ground floor window standard of Subparagraph B.1.a. must be met, and the ground level of the building must be designed and constructed as follows:
    - a. The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
    - b. The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
    - c. Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.
  2. Front setback.
    - a. The portions of the building with residential dwelling units on the ground-floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and
    - b. Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.



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## Commentary

### 33.130.230 Ground Floor Windows (continued)

See previous commentary on ground floor window requirements for ground floor residential.

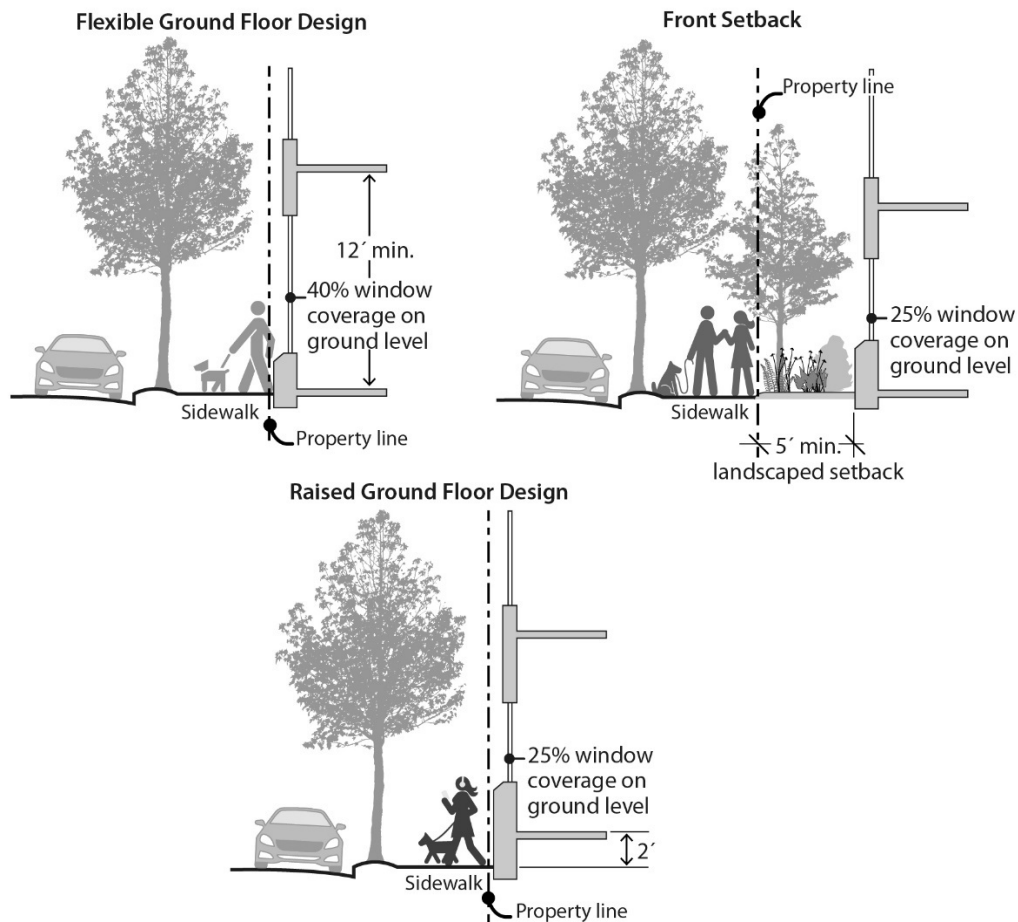
**33.130.230.E Exception for Public Art.** This existing subsection has been changed to limit the use of this provision to one half of the ground floor window coverage requirements in order to retain the intent of requiring windows to strengthen connections between buildings and sidewalks on a portion of ground floor frontages.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

3. Raised ground floor.
  - a. The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.
  - b. Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

**Figure 130-12**  
**Ground Floor Window Options for Dwelling Units**



- E. Exception for Public Art.** Outside the Central City, public art may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To qualify for this exception, documentation of approval by the Regional Arts and Culture Council must be provided prior to approval of the building permit.



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## Commentary

### 33.130.235 Screening

No change.



### **33.130.235 Screening**

- A. Purpose.** The screening standards address specific unsightly features which detract from the appearance of commercial/mixed use areas.
- B. Garbage and recycling collection areas.** All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
  - 1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
  - 2. A screen around the equipment that is as tall as the tallest part of the equipment; or
  - 3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
- D. Other screening requirements.** The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.



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## Commentary

### 33.130.240 Pedestrian Standards

No substantive changes to sections on this page, except for an allowance for buildings separated from a street by other buildings to not have a direct connection to the street. Such buildings would still need to meet requirements for internal connections between buildings within a site.



### 33.130.240 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.
- B. The standards.** The standards of this Section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this Subsection.
1. Connections. Pedestrian connections are required as specified below:
    - a. Connection between streets and entrances.
      - (1) Sites with one street frontage.
        - Generally. There must be a connection between one main entrance of each building on the site and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Buildings separated from the street by other buildings are exempt from this standard.
        - Household Living. Sites where all of the floor area is in Household Living uses are only required to provide a connection to one main entrance on the site. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
        - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.
      - (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
        - The standard of Subparagraph B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a connection meeting the standard of Subparagraph B.1.a(1) to one main entrance on the site;
        - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.



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## Commentary

### 33.130.240 Pedestrian Standards (continued)

Internal connections. Language has been added to this paragraph to allow public sidewalks to be used to meet requirements for internal connections for sidewalk-oriented buildings. This is intended to accommodate buildings located close to sidewalks, such as townhouse or storefront-type type buildings with main entrances close to public sidewalks and insufficient setbacks to provide pedestrian connections that are separate from public sidewalks.

Large site pedestrian connectivity. This new paragraph calls for pedestrian connections no further apart than 330 feet, in alignment with regional pedestrian connectivity standards.

Materials. The requirement for the pedestrian circulation system is being amended to allow for narrower, 3-foot wide connections for portions of the system providing access to only a few (up to 4) residential units. This corresponds to a similar provision in the Multi-Dwelling Zones (Chapter 33.120) that is intended to allow for less impervious surfaces in situations that are not expected to have large amounts of pedestrian activity. Also based on a Multi-Dwelling Zones regulation intended to allow for less impervious surfaces, a new provision has been added (subparagraph d) that allows a "shared street" configuration in which pedestrian and vehicle circulation takes place within the same space, when the circulation space is surfaced with paving blocks or bricks to signify the role of the space as a place for pedestrians. This allowance is limited to purely residential projects and to auto travel lanes that access no more than 16 units in order to limit pedestrian-vehicle conflicts.

No changes to other paragraphs.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

- b. Internal connections. The system must connect all main entrances on the site, and provide connections to other areas of the site used by building occupants, including parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. Pedestrian connections to public sidewalks may substitute for internal connections for main entrances that are within 10 feet of a public sidewalk.
  - c. Large site pedestrian connectivity. Sites that are 5 acres or more in size must provide pedestrian connections through the site that are no further apart than 330 feet as measured from the centerline of each connection. Pedestrian connections must provide connectivity to all streets that abut the site. Portions of sites that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, have existing large buildings that prevent this standard from being met, or have slopes with an average slope of 20 percent or greater are exempt from this standard.
2. Materials.
- a. The circulation system must be hard-surfaced, and be at least 6 feet wide. On sites where all of the floor area is in Household Living, segments of the circulation system that provide access to no more than 4 units may be 3 feet wide.
  - b. Except as allowed in Subparagraph B.2.d., where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
  - c. Except as allowed in Subparagraph B.2.d., where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.
  - d. On sites where all the floor area is in a Household Living use, the pedestrian circulation system may be located within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire auto travel lane is surfaced with paving blocks or bricks.
3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.



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## Commentary

### 33.130.242 Transit Street Main Entrance

A significant change to this section is expansion of transit street main entrance requirements to multi-dwelling structures, in addition to its current applicability to non-residential uses. New requirements call for one main entrance to a multi-dwelling structure to meet transit street main entrance requirements. It also provides an additional option for multi-dwelling structures to have the required main entrance front a courtyard and be within 50 feet of the transit street (as an alternative to the current requirement for 25 feet). This courtyard option allows a continuation of a common type of Portland courtyard apartment building that features main entrances accessed from courtyards, instead of fronting directly onto public sidewalks.

D. Distance between entrances. This new standard requires a minimum of one entrance for every 200' of building frontage. While more frequent entrances than this would provide more active street frontages (and is currently required of multi-tenant buildings close to sidewalks), this standard is intended to accommodate the very broad range of development types built in the commercial/mixed-use zones. Some development types which can be important contributions to mixed-use corridors do not lend themselves to multiple entrances. These include supermarkets and other large format retail (which could incorporate smaller retail spaces to meet the standard), as well as office buildings and other employment-related development. The requirement for one entrance per 200' will be more than is currently required and will be particularly impactful along the lengthy blocks common along corridors in Eastern and Western parts of Portland and in some inner neighborhoods.



### **33.130.242 Transit Street Main Entrance**

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Applicability.**
1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, or residential use in a multi-dwelling structure, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;
  2. Houses, attached houses, manufactured homes, and duplexes. Houses, attached houses, manufactured homes, and duplexes must meet the standards of 33.130.250.C, Residential Main Entrance, instead of the requirements of this section.
- C. Location.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:
1. Be within 25 feet of the transit street;
  2. Allow pedestrians to both enter and exit the building; and
  3. Meet one of the following:
    - a. Face the transit street;
    - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-13; or
    - c. If it is an entrance to a multi-dwelling structure:
      - (1) Face a courtyard at least 15 feet in width that is adjacent to the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
      - (2) Be within 50 feet of the transit street.
- D. Distance between entrances.** For portions of a building subject to the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.



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## Commentary

### **33.130.242 Transit Street Main Entrance (continued)**

E. Unlocked during regular business hours. Language is added to indicate that this requirement only applies to nonresidential uses.

### **Figure 130-12 (former 130-6)**

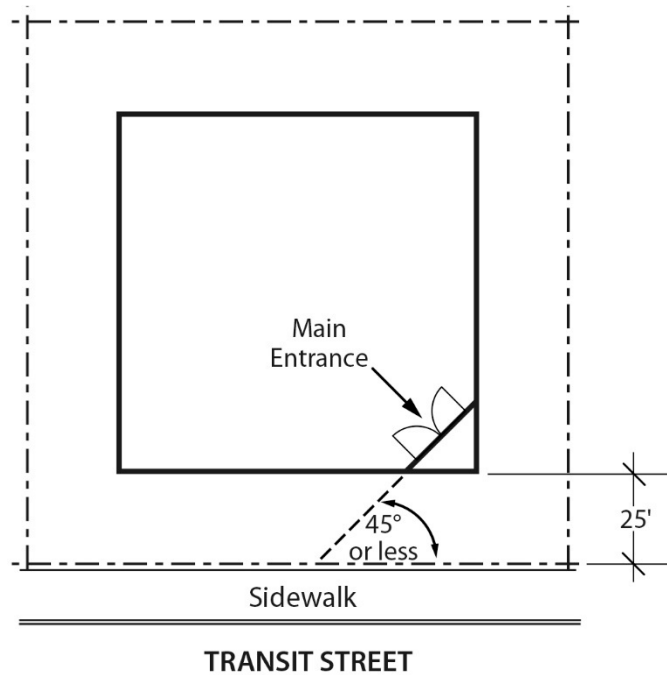
No change.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

- E. **Unlocked during regular business hours.** Each main entrance to nonresidential uses that meets the standards of Subsection C and D must be unlocked during regular business hours.

**Figure 130-13**  
**Transit Street Main Entrance**





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## Commentary

### 33.130.245 Exterior Display, Storage, and Work Activities

This section is being changed to expand allowances for the exterior display of goods in most commercial/mixed use zones. Exterior display of goods is currently limited in most commercial/mixed used zones. Most zones previously allowed only display of plants and produce, while the CG allowed exterior display of goods only if set behind landscaping. Flexibility for exterior display of merchandise can help contribute to vibrant pedestrian environments and support the vitality of businesses. Exterior merchandising such as vendor stalls and kiosks can also provide low-cost business opportunities, which can be particularly helpful for enabling lower-income people to establish retail businesses (much as food carts have reduced barriers for establishing food-related businesses). This concept primarily concerns exterior display on private property and any exterior display would need to preserve required clear areas on sidewalks for pedestrian passage. Along with expansion of allowances for the exterior display of goods, this section now includes requirements for five-foot deep landscaped screening along lot lines adjacent to residential zones.

The exterior work activities subsection is being amended to prohibit auto-oriented exterior work activities within 25 feet of lot lines abutting or across a local service street from a residential zone. This is derived from Buffer (b) Overlay provisions that apply in mapped areas adjacent to residentially-zoned areas, but would apply this prohibition whenever commercial/mixed use zoning is adjacent to residential zoning. Staff anticipates that this amendment, together with requirements in this and other Chapter 33.130 sections (such as requirements for screening landscaping and prohibition of drive-through facilities adjacent to residential zoning [see 33.130.260]), will replace the Buffer Overlay where it is mapped in the commercial/mixed use zones.

No substantial changes to other subsections, other than minor text edits in paragraph E (Other exterior activities), for which reference to plant nurseries has been deleted in conjunction with adding "propagation and sale of plants" to paragraph D.



Exterior display of merchandise  
(historic example).



### **33.130.245 Exterior Display, Storage, and Work Activities**

- A. Purpose.** The standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
  - Will not be a detriment to the overall appearance of a commercial/mixed use area;
  - Will not have adverse impacts on adjacent properties, especially those zoned residential; and
  - Will not have an adverse impact on the environment.
- B. Exterior display.**
1. CR zone. Exterior display of goods is not allowed.
  2. CM1, CM2, CM3, and CX zones. Exterior display of goods is allowed except for the display of motor vehicles, recreational vehicles, motor vehicle parts and supplies, building materials, and the display of goods associated with an industrial use.
  3. CE zone. Exterior display of goods is allowed except for the display of goods associated with industrial uses. Exterior display areas for motor vehicles and trailers must be set back at least 5 feet from street lot lines and be landscaped to at least the L1 standard.
  4. Exterior display landscape screening abutting R zones. Exterior display areas must be set back at least 5 feet from lot lines abutting R zones and be landscaped to at least the L3 standard.
- C. Exterior storage.**
1. Exterior storage is not allowed in the CR, CM1, CM2, CM3, and CX zones.
  2. Exterior storage is allowed in the CE zone if the storage area complies with the standards of this paragraph. Exterior storage is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. All exterior storage areas must be set back 5 feet from nonstreet lot lines and 10 feet from street lot lines, with the setback area landscaped to at least the L3 standard.
- D. Exterior work activities.** Exterior work activities are prohibited in the commercial/mixed use zones except for the propagation and sale of plants, sales of motor vehicle fuels, and car washes, which are allowed. Exterior work activities related to sales of motor vehicle fuels and car washes are not allowed within 25 feet of a lot line that abuts a residential zone.
- E. Other exterior activities.** The following exterior activities are allowed in the commercial/mixed use zones: outdoor eating areas, entertainment and recreation activities that are commonly performed outside, and outdoor markets and vendor stalls.
- F. Paving.** All exterior display and storage areas, except for plant nurseries, must be paved.



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## **Commentary**

### **33.130.250 General Requirements for Residential and Mixed-Use Development**

No substantive changes to sections on this page, except that the order of the section paragraphs have been changed for clarity.



### **33.130.250 General Requirements for Residential and Mixed-Use Developments**

**A. Generally.** Except as specified in this section, all development—residential, mixed-use, and nonresidential—must meet the other development standards for the zone such as height, setbacks, and building coverage.

**B. Street-facing facades.**

1. Purpose. This standard:

- Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. Where this standard applies. The standard of this subsection applies to the street-facing facades of buildings in commercial/mixed use zones where any of the floor area is in Residential uses. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

3. The standard. At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and facing the street lot line.

4. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet the requirements of this subsection.

**C. Residential main entrance.**

1. Purpose. These standards:

- Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence;



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## Commentary

### 33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

No substantive changes to sections on this page, except that the order of the section paragraphs have been changed for clarity.



Chapter 33.130 has been substantially revised.  
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- Ensure a connection to the public realm for development of lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
2. Where these standards apply.
    - a. The standards of this subsection apply to houses, attached houses, manufactured homes, and duplexes in the commercial/mixed use zones.
    - b. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.
    - c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street lot line, the applicant may choose on which frontage to meet the standards.
    - d. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
  3. Location. At least one main entrance for each structure must:
    - a. Be within 8 feet of the longest street-facing wall of the structure; and
    - b. Either:
      - (1) Face the street, See Figure 130-14;
      - (2) Be at an angle of up to 45 degrees from the street; or
      - (3) Open onto a porch. See Figure 130-15. The porch must:
        - Be at least 25 square feet in area;
        - Have at least one entrance facing the street; and
        - Have a roof that is:
          - No more than 12 feet above the floor of the porch; and
          - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.
  4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.



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## Commentary

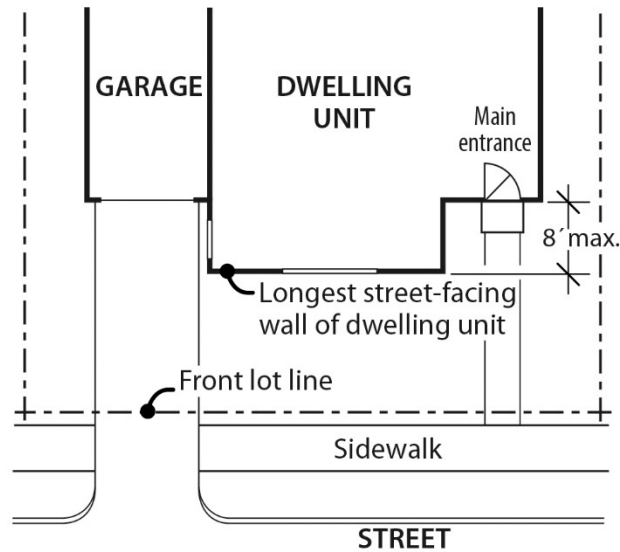
### 33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

No changes to figures on this page.

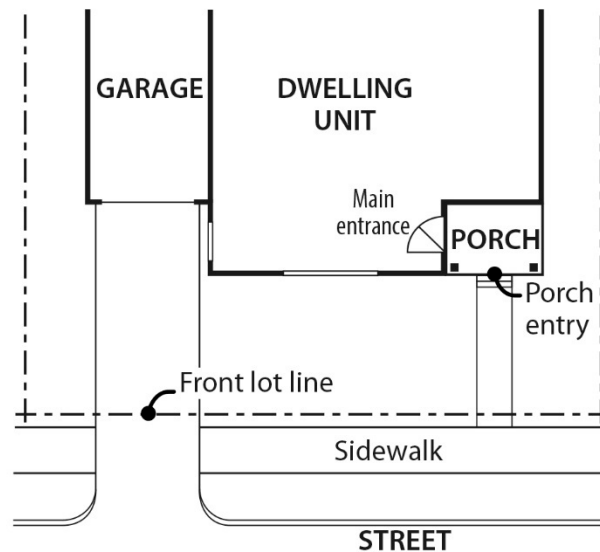


Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

**Figure 130-14**  
**Main Entrance Facing the Street**



**Figure 130-15**  
**Main Entrance Opening On to a Porch**





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## Commentary

### 33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

D.2 and D.3. (Length of street-facing garage wall). These subparagraphs are being changed so that the garage wall limitations apply to attached houses (rowhouses) and to eliminate the exemption that currently allows narrow lots (less than 24 feet wide — such as for rowhouses and narrow-lot detached houses) to have street-facing garages that are the majority of ground-level street frontages. The new code language is based regulations that currently apply in the single-dwelling zones. The new regulations promote pedestrian-friendly street frontages and fewer front driveways, reflecting policies for fostering a strong pedestrian orientation in areas with commercial/mixed use zoning, such as centers and corridors. Garages will continue to be allowed, but must be located to the rear or as part of building frontages that are wide enough so that garages do not take up the majority of ground-level frontage.

No changes to other subparagraphs on this page.

Code amendments would prevent front garages from being the predominant ground-level features of narrow detached or attached houses (as in example to right) to minimize disruptions to the pedestrian environment. Parking garages can be to the rear (as below), or in front if occupying no more than 50 percent of facades.





**D. Garages.**

1. Purpose. These standards:
  - Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
  - Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
  - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
  - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk;
  - Enhance public safety by preventing garages from blocking views of the street from inside the residence;
  - Prevent cars from overhanging the street or sidewalk; and
  - Provide for adequate visibility for a driver backing out of a garage.
2. Where these standards apply. The requirements of Paragraphs D.3, D.4 and D.5, below, apply to houses, attached houses, manufactured homes, and duplexes. The requirements of Paragraphs D.4 and D.5, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
3. Length of street-facing garage wall.
  - a. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 130-16. For duplexes, this standard applies to the total length of the street-facing facades. For all other lots and structures, the standards apply to the street-facing facade of each unit.
  - b. Where the street-facing facade is less than 22 feet long, an attached garage facing the street is not allowed as part of that facade.



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## **Commentary**

### **33.130.250 General Requirements for Residential and Mixed-Use Development (continued)**

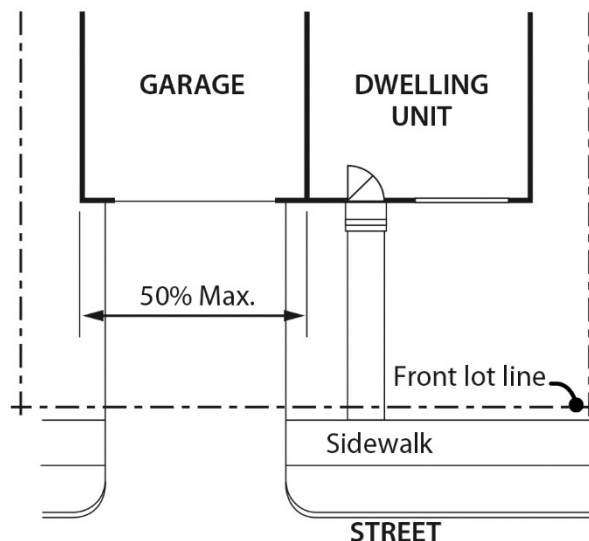
No changes to this page, except that paragraph E has been moved from near the front of the section.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

4. Street lot line setbacks.
  - a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 130-17.
  - b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
    - (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and
    - (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 130-18. The porch must meet the following:
      - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
      - The porch must have a solid roof; and
      - The roof may not be more than 12 feet above the floor of the porch.
  - c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.
5. Garage entrance setback. The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

**Figure 130-16**  
**Length of Street Facing Garage Wall**





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## Commentary

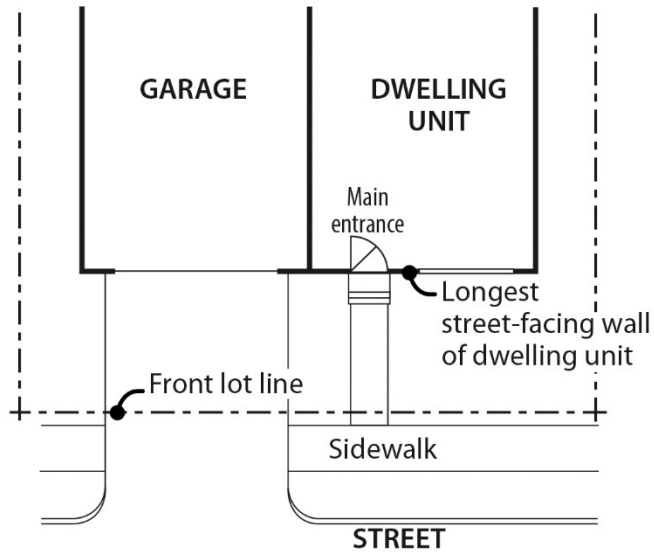
### 33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

No change to the figures on this page.

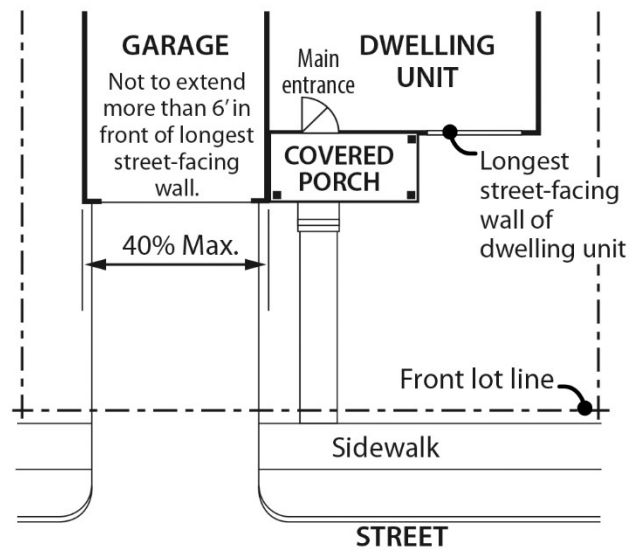


Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

**Figure 130-17**  
**Street Lot Line Setback**



**Figure 130-18**  
**Garage Front Setback Exception**





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## Commentary

### 33.130.255 Trucks and Equipment

No change.



### **33.130.255 Trucks and Equipment**

- A. Purpose.** The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the commercial/mixed use zones and to limit adverse effects on adjacent residential lands.
- B. Truck and equipment parking standards.** The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site which occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.
  - 1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all commercial/mixed use zone areas that comply with the development standards for parking areas.
  - 2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all commercial/mixed use zones. The parking of all other medium trucks and similar equipment is allowed only in the CE and CM3 zone. Truck parking areas must comply with the development standards for auto parking areas.
  - 3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any commercial/mixed use zone.



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## Commentary

### 33.130.260 Drive-Through Facilities

This section is being changed to treat existing drive through facilities in the CM1, CM2 and CM3 zones, in areas west of 80<sup>th</sup> Avenue, as allowed development to facilitate their continuation and improvement. New drive through facilities in these zones would remain prohibited, as is currently the case in the comparable existing zones (CN1, CO1, CO2, CM, CS, and CX). This allowance for the rebuilding of existing drive through facilities is intended to allow for the improvement of existing development, which would otherwise be regulated as non-conforming development, limiting the ability to rebuild or update facilities with this status. Continuing to prohibit new drive through facilities in these zones supports the intent of these zones in fostering development that contributes to creating pedestrian-oriented places. In the CM1, CM2 and CM3, when drive through facilities are rebuilt, they must meet the other standards in Chapter 33.130 and those in Chapter 33.224.

The CE zone will continue existing CG-zone allowances for drive-through facilities, except that such facilities will be prohibited east of 80<sup>th</sup> Avenue and within 25-feet of lot lines abutting a residential zone property. The latter limitation would serve together with other Chapter 33.130 regulations as a replacement to Buffer (b) Overlay provisions, applicable to some mapped areas adjacent to residentially-zoned areas, that are intended to limit negative impacts to residential areas. These new regulatory approaches will apply consistently whenever commercial/mixed use zoning is adjacent to residential zoning. Other new regulations providing a transition between commercial/mixed use zoning and residential zoning are requirements for:

- Height step downs (33.130.210.B.2),
- Landscaped setbacks (33.130.215.B.2.b),
- Required transition approaches across local service streets (33.130.215.B.1.b), and
- Limitations on exterior display and work activities (33.130.245).

In conjunction with these amendments, staff anticipates that the Buffer Overlay will be removed from the commercial/mixed use zones.

This section also includes a new prohibition on drive-through facilities in East Portland (east of 80<sup>th</sup> Avenue). In their consideration of the topic of drive-through facilities, the PSC sought to address issues related to the large numbers of drive throughs in eastern Portland, the negative impacts of fast food establishments and other drive through facilities on the area's residents, and barriers that Zoning Code allowances for drive throughs presented to achieving a healthier and more pedestrian-oriented urban environment in East Portland. The PSC recommends this new provision in order to limit the development of additional fast-food and other drive-through establishments in East Portland, and to instead encourage development of other locally-owned neighborhood serving businesses. The PSC was concerned that the proliferation of auto-oriented businesses in these areas would become a barrier to more locally-controlled economic development initiatives.



### **33.130.260 Drive-Through Facilities**

- A. Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones that are intended to be pedestrian-oriented, while allowing the continuation and improvement of existing drive-through facilities in some of these zones. In zones intended for auto-accommodating development, these regulations allow for drive-through facilities, while limiting the impacts from drive-through facilities on adjacent residential zones, such as noise and air pollution from idling cars.
- B.** CR and CX zones. Drive-through facilities are prohibited in the CR and CX zones.
- C.** CM1, CM2, and CM3 zones. The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones:
  - 1 New drive-through facilities are prohibited; and
  - 2. Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded. 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 continuous years, reestablishment of the drive-through facility is prohibited.
- D.** CE zone.
  - 1 New drive-through facilities are prohibited except for drive-through facilities associated with Quick Vehicle Servicing uses. 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.; and
  - 2. Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded. 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 continuous years, reestablishment of the drive-through facility is prohibited.



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## **Commentary**

### **33.130.265 Detached Accessory Structures**

No change to the existing regulations on the previous page. The primary change to this section is language that prevents uncovered accessory structures from being located within 5 feet of a lot line abutting most residential zones to allow for landscaped screening, which aligns with regulations for attached features (such as decks) in subparagraph 33.130.215.B.3.

### **33.130.270 Fences**

No change.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

**C. Setbacks.**

1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a required setback, but can be no closer than 5 feet to a lot line abutting an RF through RH zoned lot.
2. Covered structures.
  - a. Covered structures such as storage buildings, greenhouses, and work sheds are subject to the setbacks for buildings.
  - b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks for abutting a residential zone.
  - c. See Section 33.130.250, General Requirements for Residential and Mixed-Use Developments, for additional requirements for garages that are accessory to residential development.

**33.130.270 Fences**

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
  1. Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:
    - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
    - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
  2. Fences abutting other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.
  3. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 is the same as the regular height limits of the zone.
- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.



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## Commentary

### **33.130.275 Demolitions**

No change.

### **33.130.285 Nonconforming Development**

No change.

### **33.130.290 Parking, Loading, and Transportation Demand Management**

Changed to include references to the new Transportation Demand Management (TDM) requirements proposed in 33.266. Development in Commercial Mixed Use zones that includes more than 10 residential units will be subject to TDM requirements.

### **33.130.292 Street and Pedestrian Connections**

This new sections provides a reference to Title 17 requirements for street and pedestrian/bicycle connections, which are administered by the Bureau of Transportation. Staff anticipates that a future project will strengthen Title 17 requirements for street connectivity and conformance with adopted street plans, which is of particular concern in centers in areas such as East Portland that lack good street and pedestrian connectivity.

### **33.130.295 Signs**

No change.

### **33.130.305 Superblock Requirements**

No substantive change.

### **33.130.310 Recycling Areas**

No change.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.

### **33.130.275 Demolitions**

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.
- C. CX zone landscaping.** In the CX zone, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

### **33.130.285 Nonconforming Development**

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

### **33.130.290 Parking, Loading, and Transportation and Parking Demand Management**

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and landscaping, and requirements for transportation demand management are stated in Chapter 33.266, Parking, Loading, and Transportation Demand Management.

### **33.130.292 Street and Pedestrian Connections**

Requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

### **33.130.295 Signs**

The sign regulations are stated in Title 32, Signs and Related Regulations.

### **33.130.305 Superblock Requirements**

Development in the CM2, CM3, CE, and CX zones which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

### **33.130.310 Recycling Areas**

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.



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## Commentary

### Map 130-1

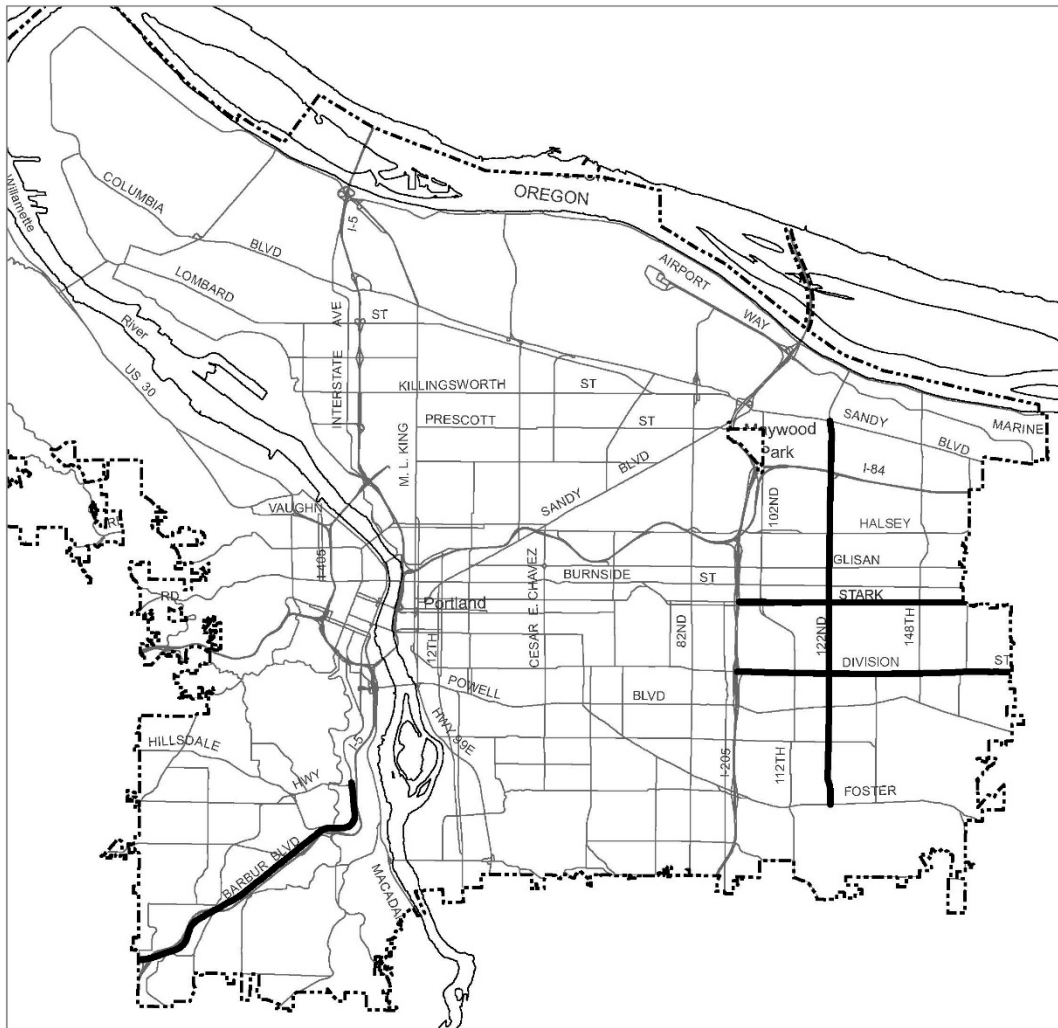
This map shows Civic Corridors where adjacent properties have a requirement for minimum 10-foot setbacks from street lot lines (see 33.130.215.B.1). This street setback requirement is applied to Civic Corridors in the Eastern and Western pattern areas (see Map 130-2).



## Civic Corridors with Required Setbacks

## Map 130-1

Map Revised Xxxx xx, xxxx



- City Boundary
- Civic Corridors where minimum 10-foot setbacks are required from street lot lines





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## Commentary

### Map 130-2

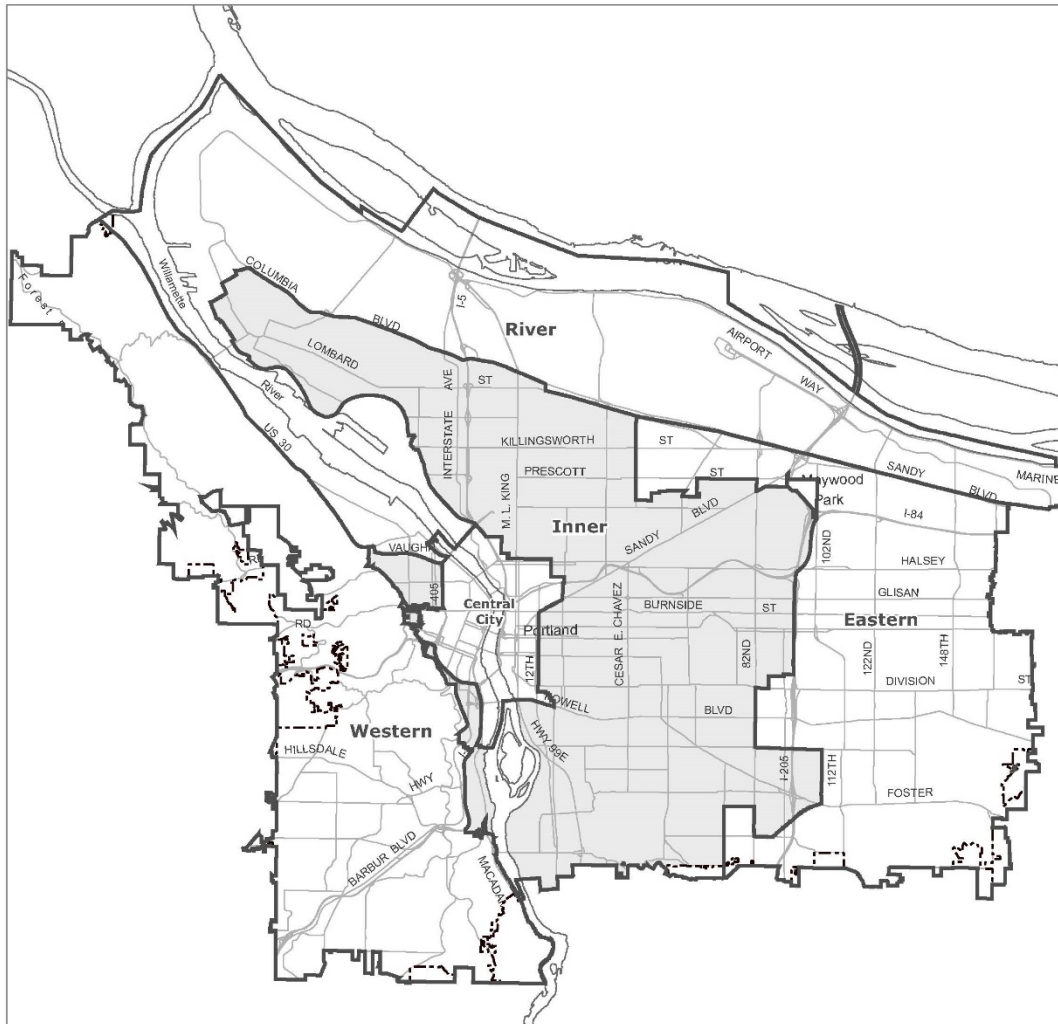
This map shows the location of the Inner, Eastern, Western, and River pattern areas. Building coverage and landscaped area requirements will vary based on pattern area (see Table 130-2). See the Urban Form Background Report for more on the neighborhood pattern areas, including information and mapping related to the lot and block patterns and other built and natural characteristics that distinguish the pattern areas.




## Pattern Areas

## Map 130-2

Map Revised XXXX xx, xxxx



----- City Boundary  
———— Pattern Area Boundaries

  
NORTH  
0 9,000 18,000  
Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon



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## Commentary

Map 130-3 identifies the area subject to a new prohibition on drive-through facilities in East Portland (east of 80<sup>th</sup> Avenue). See 33.130.260.

In their consideration of the topic of drive-through facilities, the PSC sought to address:

- Issues related to the large numbers of drive throughs in eastern Portland,
- The negative impacts of fast food establishments and other drive through facilities on the area's residents, and
- Barriers that Zoning Code allowances for drive throughs presented to achieving a healthier and more pedestrian-oriented urban environment in East Portland (particularly given the area's large proportions of lower-income residents and communities of color).

The PSC recommended this new provision in order to limit the development of additional fast-food establishments in East Portland, and to instead encourage development of other locally-owned neighborhood serving businesses. The PSC was concerned that the proliferation of auto-oriented businesses in these areas would become a barrier to more locally-controlled economic development initiatives.



Chapter 33.130 has been substantially revised.  
For ease of readability, ~~strike through~~ and underline are not used.



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## Commentary

**33.140.100.B.3** The amendments to this paragraph are intended to address efficient use of land in the *General Employment* zones. The amendments reduce restrictions on *Office* uses in the *EG* zones, and increase restrictions on *Retail Sales And Service* uses in the *EG* zones.

Ample development capacity for retail sales and personal services businesses are provided in neighborhood commercial corridors and centers that have *MU* or *C* zoning. Retail sales and personal service businesses are the predominant employment use in these neighborhood commercial areas, where customers typically come to the site. In contrast, *EG* zoning is applied in small, dispersed employment areas within larger neighborhood or industrial settings. *EG* zones are intended to provide for a flexible and affordable mix of office and small-format, light industrial businesses that are the predominant uses. Typical building types in *EG* zones are office buildings, flex space, and small general industrial buildings.

Office uses will become an allowed use in *EG1* and *EG2*, thereby increasing the floor area ratio (FAR) allowance for office development from 1:1 to 3:1.

The threshold that triggers a conditional use review for *Retail Sales And Service* uses will be reduced from 60,000 square feet to 20,000 square feet.



### 33.140.100 Primary Uses

- A. Allowed uses.** [No change]
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 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 140-1.
- 1.-2. [No change]
3. ~~EG commercial~~ Retail Sales and Service limitation. Theis following regulations applyies to all parts of Table 140-1 that have a [3].
- a. Limited uses.
- ~~(1) Office uses are allowed if the FAR is not more than 1:1 per site, except for historic landmarks. On sites with historic landmarks, the FAR may be up to 2:1.~~
- ~~(2) Retail Sales And Service uses are allowed if the floor area plus the exterior display and storage area is not more than 620,000 square feet or the FAR is not more than 1:1 per site, whichever is less, except for historic landmarks. On sites with historic landmarks, Retail Sales And Service uses are allowed if the floor area plus the exterior display and storage area is not more than 620,000 square feet or the FAR is not more than 2:1 per site, whichever is less.~~
- b. Conditional uses.
- ~~(1) Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 620,000 square feet, or the FAR is more than 1:1, are a conditional use, except in historic landmarks. In historic landmarks, Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 620,000 square feet or the FAR is more than 2:1 per site, are a conditional use.~~
4. – 16. [No change]



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## Commentary

### Table 140-1 Employment and Industrial Zone Primary Uses

The amendments to this table reflect several changes that support efficient use of Employment and Industrial zones, and reduce impacts on employment and industrial area from incompatible uses:

- Residential uses will be prohibited in EG zones;
- Office uses will be allowed outright with no limitation in EG zones;



**Table 140-1  
Employment and Industrial Zone Primary Uses**

Use Categories	EG1	EG2	EX	IG1	IG2	IH
<b>Residential Categories</b>						
Household Living	CU/N	CU/N	Y	CU [1]	CU [1]	CU [1]
Group Living	CU/N	CU/N	L/CU [2]	N	N	N
<b>Commercial Categories</b>						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	YL [3]	YL [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
<b>Industrial Categories</b>						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]
<b>Institutional Categories</b>						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L [9]	L [9]	L [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU [11]	L/CU [11]
<b>Other Categories</b>						
Agriculture	L [16]	L [16]	L [16]	L [16]	L [16]	L [16]
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

- Y = Yes, Allowed
- L = Allowed, But Special Limitations
- CU = Conditional Use Review Required
- N = No, Prohibited



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## Commentary

### **33.140.245 Exterior Display, Storage and Work Activities**

The amendments to this section are intended to reduce impact from dispersed employment areas located near residential neighborhoods. The amendments limit exterior display and storage activities in EG1 zones. Reducing exterior display and storage will improve the compatibility of the employment and industrial uses.

The small-lot patterns of EG1 areas can be more vulnerable to off-site impacts of exterior activities. Additionally, most of the proposed new EG1 areas are standalone locations, in contrast to most of the existing EG zones that function as a buffer between Residential zones and freeways or Industrial zones. Proposed EG1 code changes raise the compatibility standards for exterior activities in these EG1 areas to generally match Commercial Employment zones. Limiting the change to EG1 would minimize displacement of existing industrial service uses that have outdoor activity, which are common in EG2 zones.



### 33.140.245 Exterior Display, Storage, and Work Activities

**A. Purpose.** The exterior development standards of this section are intended to assure that exterior display, storage, and work activities:

- Will be consistent with the desired character of the zone;
- Will not be a detriment to the overall appearance of an employment or industrial area, and exterior activities in the EG1 zone will be limited to a similar level as exterior activities in the Commercial Employment zone;
- Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- Will not have an adverse impact on the environment.

**B. Exterior display.**

1. Employment zones. Exterior display of goods is allowed as follows. The setback and landscaping standards for exterior display areas are stated in Table 140-6:

- a. Exterior display of goods is allowed in the EG1 zone except for uses in the industrial categories. Exterior display of goods is not allowed for uses in the industrial categories in the EG1 zone.
- b. Exterior display of goods is allowed in the EG2 zone.
- c. Exterior display of goods is not allowed in all of the E and I zones except the EX zone. The setbacks and landscaping standards for exterior display areas are stated in Table 140-6.

2. Industrial zones. Exterior display of goods is allowed in the I zones. The setback and landscaping standards for exterior display areas are stated in Table 140-6.

**C. Exterior storage.**

1. Employment zones. Exterior storage is allowed in the EG1 zones but is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. Exterior storage is allowed in the EG2 zones. Exterior storage is not allowed in all of the E and I zones except the EX zones. The setback and landscaping standards for exterior storage areas are stated in Table 140-6.

2. Industrial zones. Exterior storage is allowed in the I zones. The setback and landscaping standards for exterior storage areas area stated in Table 140-6

**D.-E.**[No change]



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## Commentary

**Note:** This is a new Zoning Code chapter. For readability, strikethrough and underline is not used.

Two new Campus Institutional (CI) zones are recommended to accommodate two campus typologies: The CI1 zone is generally found in residential areas, and is characterized by lower intensity college campuses; and the CI2 zone is for urban land uses and intensities generally associated with hospitals and select college campuses. Typically, the campuses in the CI2 zone front on commercial streets or lie within or adjacent to mixed use centers. Two CI zones can better match the typologies than what is now contained in the single IR zone.

The existing Institutional Residential (IR) zone and related land use and development standards have been relocated from their current location in the Multi-Dwelling Zones chapter of the Zoning Code to this new chapter. This will better match the land use designation hierarchy of the new Comprehensive Plan wherein Campus Institutional, Mixed-Employment, and Industrial zones all implement the Employment Land comprehensive plan land use map designations.



## 33.150 Campus Institutional Zones

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### Sections:

#### General

- 33.150.010 Purpose
- 33.150.020 List of the Campus Institutional Zones
- 33.150.030 Characteristics of the Zones
- 33.150.040 Other Zoning Regulations
- 33.150.050 Where This Chapter Does Not Apply
- 33.150.060 Neighborhood Contact and Outreach

#### Use Regulations

- 33.150.100 Primary Uses
- 33.150.110 Accessory Uses
- 33.150.120 Nuisance-Related Impacts

#### Development Standards

- 33.150.200 Lot Size
- 33.150.205 Floor Area Ratio
- 33.150.210 Height
- 33.150.215 Setbacks
- 33.150.220 Building Coverage
- 33.150.235 Building Length in the CI1 Zone
- 33.150.240 Landscaped Areas
- 33.150.245 Trees
- 33.150.250 Ground Floor Windows in the CI2 Zone
- 33.150.255 Building Length and Facade Articulation in the CI2 Zone
- 33.150.260 Screening
- 33.150.265 Transit Street Main Entrance
- 33.150.267 Additional Development Standards for Institutional Campuses in the IR Zone
- 33.150.270 Exterior Display, and Storage
- 33.150.275 Trucks and Equipment
- 33.150.277 Drive-Through Facilities
- 33.150.280 Detached Accessory Structures
- 33.150.285 Fences
- 33.150.290 Demolitions
- 33.150.295 Nonconforming Development and Status of Previous Approvals
- 33.150.300 Parking, Loading and Transportation Demand Management
- 33.150.305 Signs
- 33.150.310 Superblock Requirements
- 33.150.315 Recycling Areas

Maps 150-1 through 150-5 Maximum Heights and Minimum Setbacks



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## Commentary



### **33.150.010 Purpose**

The campus institutional zones implement the campus institution policies and Institutional Campus (IC) land use designation of the Comprehensive Plan. The zones are for institutions such as medical centers and colleges that have been developed as campuses, and for other uses that are compatible with surrounding neighborhoods. The differences between the zones reflect the diversity and location of campus institutions. Allowed uses and development standards promote the desired character of each zone, and reflect the character and development intensity of surrounding neighborhoods. The CI1 and IR zones encourage development that is at a low to medium density residential scale, while the CI2 zone encourages development that is at a more intense, urban scale. The development standards allow flexibility for development and provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

### **33.150.020 List of the Campus Institutional Zones**

The full and short names of the campus institutional zones and their map symbols are listed below. When this Title refers to the campus institutional zones, it is referring to the three zones listed here. When this Title refers to the CI zones, it is referring only to CI1 and CI2.

Full Name	Short Name/Map Symbol
Campus Institutional 1	CI1
Campus Institutional 2	CI2
Institutional Residential	IR

### **33.150.030 Characteristics of the Zones**

- A. Campus Institutional 1 zone.** The Campus Institutional 1 (CI1) zone is intended for large colleges and medical centers located in or near low and medium density residential neighborhoods. Retail Sales and Service and other uses that serve or support the campus and neighborhood are allowed. Development is intended to be internally focused and compatible with the scale of the surrounding neighborhood. Setback and open space requirements create a buffer between the institution and the surrounding community.
- B. Campus Institutional 2 zone.** The Campus Institutional 2 (CI2) zone is intended for large medical centers, colleges and universities located in or near a Regional, Town or Neighborhood Center, or along a civic or neighborhood corridor that is served by frequent transit service. Development is intended to be pedestrian-oriented and at a scale that encourages urban-scale medical and educational facilities, while also ensuring compatibility with nearby mixed-use commercial and residential areas. Retail Sales and Service and Office uses are allowed to support the medical or college campus, and to provide services to the surrounding neighborhoods.
- C. IR zone.** The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions.



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## Commentary

### **33.150.040 Other Zoning Regulations**

A number of the campuses subject to the recommended rezoning are also subject to a variety of overlay zones including but not limited to the "d" design overlay "c" and "p" environmental overlays and the "g" greenway overlay. Some institutions fall within geographically specific "plan districts". Additional regulations and entitlements from these overlay zones and plan districts will apply to development within the new campus zones as will specific use and development type regulations included in the zoning code 200's chapter.

### **33.150.050 Where This Chapter Does Not Apply**

Institutions may retain their existing Conditional Use Master Plans and Impact Mitigation Plans until their expiration or through December 31, 2023, whichever comes first. This is roughly eight years from the City's Comprehensive Plan adoption and the application of the campus zones. During this transition period, institutions may continue to develop according to the entitlements and obligations of their approved plans provided they have not expired.

### **33.150.060 Neighborhood Contact and Outreach**

The neighborhood communications section ensures institutions coordinate with the surrounding neighborhood. The proposed neighborhood communications section has three components:

- 1) an annual meeting,
- 2) an early notification of any land use reviews the institution will apply for, and
- 3) an opportunity for the neighborhood association to meet with the institution prior to them submitting an application for a building permit resulting in 10,000 square or more in floor area.

During the course of the project's concept development and later in the review of discussion draft language, interest was expressed by a number of neighborhood or community based interests in including requirements for both "Good Neighbor Agreements" and for "Community Benefits agreements" as a component of the base zone. At the direction of the PSC, Good Neighbor Agreements are referenced in 33.150.050 Neighborhood Contact and Outreach subsection D as an optional element of an institution's outreach effort.



Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. The IR zone will be applied only when it is accompanied by the “d” Design Review overlay zone.

### **33.150.040 Other Zoning Regulations**

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

### **33.150.050 Where This Chapter Does Not Apply**

The regulations in this chapter do not apply to sites with a College or Medical Center use that are continuing to develop under an approved conditional use, conditional use master plan, or impact mitigation plan as allowed by 33.700.110.B.2.b. and 33.700.110.B.4. According to 33.700.110.B.2.b. and 33.700.100.B.4., Colleges and Medical Centers in the CI1 and CI2 zones that were approved conditional uses under prior regulations can continue to develop under the approved conditional use master plan or impact mitigation plan, and the base zone regulations that were in effect at the time the conditional use application was deemed complete, until the conditional use, conditional use masterplan, or impact mitigation plan expires, or December 31, 2023, whichever comes first. In this case, the regulations of this chapter do not apply to development on the site.

### **33.150.060 Neighborhood Contact and Outreach**

- A. Purpose.** The requirements of this section promote ongoing communication between campus institutions and their surrounding communities. By regularly updating the community on campus operations and development proposals, all involved have the opportunity to discuss and resolve potential impacts or conflicts before the proposal has progressed to a quasi-judicial or permit review process. While the comments from the community are not binding, a collaborative approach is encouraged.
- B. Where these regulations apply.** The regulations in this section apply to Colleges and Medical Centers in the campus institutional zones.
- C. Neighborhood contact.** Neighborhood contact is required as follows:
  - 1. When development on a site will require a land use review, the applicant must notify the neighborhood association and business association for the area at least 30 days before submitting the land use review application to the City. Notification must be by certified mail and the notice must provide information on the proposed development, types of activities, size, and location on the site. A copy of the notification, the mailing list, and registered or certified mail receipts must be submitted with the land use review application.
  - 2. Building permits, not otherwise subject to a land use review, that increase gross floor area by 10,000 square feet or more 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.



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## Commentary



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

- D. Annual meeting.** Colleges and Medical Centers must conduct at least one community meeting per year. The annual community meeting is intended to ensure that the College or Medical Center updates the community at least once a year regarding future development and other potential changes that could affect the surrounding area, and to provide a forum for discussion of a Good Neighbor Agreement:
1. The following information must be provided during the meeting:
    - a. The status of and any updates to the College's or Medical Center's Transportation and Parking Demand Management Plan, Transportation Impact Analysis, and related mitigation measures;
    - b. Development that is anticipated to take place on the site during the next 12 months;
    - c. Potential impacts of other on-site activities that could affect the surrounding neighborhood; and
    - d. Updated contact information for the College or Medical Center;
  2. The College or Medical Center must send notice of the meeting to the neighborhood association and business association for the area at least 30 days before the meeting. Notice must be by registered or certified mail, and must include the following:
    - a. The purpose of the meeting;
    - b. Information on how to contact the institution regarding details about this meeting;
    - c. The date, time, and location of the meeting.
  3. A copy of the notification, the mailing list, and registered or certified mail receipt must be retained by the College or Medical Center for at least 5 years and must be available for inspection by City staff upon request.

### **Use Regulations**

#### **33.150.100 Primary Uses**

- A. Allowed uses.** Uses allowed in the campus institutional zones are listed in Table 150-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the 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.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 150-1 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 150-1.



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## Commentary

### **33.150.100 B.1 Retail Sales And Services in the CI1 Zone:**

Up to 10,000 square feet of primary sales and service use may be permitted through a conditional use review on CI1 campuses. Specific conditional use approval criteria for retail sales and service uses within the CI1 zone are being added to Code section 33.815 Conditional Uses including criteria requiring demonstration that the proposed retail use will:

- be compatible with the adjacent residential neighborhood in building scale and size;
- not create significant adverse impact on surrounding residential uses from noise, lights or odors; and
- is served by a transportation system capable of supporting the proposed use.

The limited square foot allowances for primary retail sales help insure that the primary market area will be the surrounding neighborhood and not generate additional traffic to the neighborhood.

Accessory retail activity such as student bookstores and cafeterias are not subject to this square footage limitation.

Office uses are not given this same consideration. The rationale is that the retail uses will provide a neighborhood amenity while office uses would not provide the same neighborhood benefit.

### **33.150.100 B.2 Manufacturing And Production and Industrial Services in the CI1 and CI2 zones:**

Accommodation is made for Manufacturing And Production and Industrial Service uses in both the CI1 and CI2 zones to support campus institutions as centers of innovation and workforce development. Business incubators that may be affiliated with, but not strictly accessory to campus institutions are allowed as limited uses in both zones while additional Manufacturing And Production and/or Industrial Service Use may be permitted within the CI2 zone subject to conditional use approval.

### **33.150.100 B.5 Parks And Open Areas**

The limitations assigned to the allowed uses in this section apply only if they are not accessory to a campus use. For example, a swimming pool built for students on a college campus is an accessory use and not subject to a conditional use. A public pool serving the general public would require a conditional use.



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

1. Retail Sales And Service uses in the CI1 zone. This regulation applies to all parts of Table 150-1 that have note [1]. Up to 10,000 square feet of Retail Sales And Service use per site may be allowed as a conditional use in the CI1 zone.
2. Manufacturing And Production and Industrial Service in the CI1 and CI2 zones. This regulation applies to all parts of Table 150-1 that have note [2]. In the CI 1 and CI2 zones, up to 10,000 square feet of Manufacturing And Production use and 10,000 square feet of Industrial Service use is allowed per site. More than 10,000 square feet of Manufacturing and Production use and 10,000 square feet of Industrial Service use may be allowed as a conditional use in the CI2 zone. More than 10,000 square feet of Manufacturing and Production and Industrial Service is prohibited in the CI1 zone.
3. Basic Utilities. These regulations apply to all parts of Table 150-1 that have note [3].
  - a. Basic Utilities that serve a development site are accessory uses to the primary use being served on that site.
  - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net, metered) or wholesale—are included. However, they are only considered accessory if they generate energy primarily from biological materials or byproducts from the site itself, or conditions on the site itself. Not more than 10 tons per week of biological material or byproducts from other sites may be used to generate energy. Not more than 20 percent of the floor area on a site, exclusive of parking area may be devoted to small scale energy production. The requirements of Chapter 33.262, Off Site Impacts must be met.
  - c. All other Basic Utilities are conditional uses.
4. Community Service. This regulation applies to all parts of Table 150-1 that have note [4]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses.
5. Parks And Open Areas. This regulation applies to all parts of Table 150-1 that have note [5]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities that are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities that require a conditional use review are listed below.
  - a. Swimming pools.
  - b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
  - c. Golf courses, including club houses, restaurants, and driving ranges.
  - d. Boat ramps.
  - e. Parking areas.
  - f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.



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## Commentary

### **33.150.100 B.6.College Uses – Status of outdoor recreation fields**

It is the intent of this code section, together with 33.700.110 2.b.(2) to continue operational requirements assigned to certain outdoor sports fields such as, but not limited to, soccer, football and baseball fields. These facilities, often host organized sporting events and may be lighted for evening activities, which can impact the adjoining residential neighborhoods. Limitations have been placed on these fields through conditional use master plans and impact mitigation plans that include hours of operation, frequency of events and requirements for event staffing. Restrictions and regulatory requirements will continue to apply to outdoor sports fields. Application to modify these restrictions or to develop a new outdoor sportsfield (above certain thresholds) will require a new conditional use application together with the attendant neighborhood notification and opportunity to participate in the review process.



Shown above is a four row 15-foot-long (60 linear feet) bleacher unit with a 30-person capacity at 24" of bleacher width per spectator.

One of the thresholds included is a limit on spectator seating of 500 linear feet. This is greater than the 210 linear feet assigned to high schools under the assumption that more spectators will reside on campus and that the larger campus size allows for greater buffering from adjoining neighborhoods.

### **33.150.100.B.9. Group Living in the IR zone**

### **33.150.100.B.10. Retail Sales And Services and Office uses in the IR zone**

Use regulations for the existing IR zone have been relocated from their current location in Chapter 120 Multi-Dwelling Zones. No substantive changes are being made.



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

6. Colleges. This regulation applies to all parts of Table 150-1 that have note [6]. Colleges are allowed by right. However, outdoor sports facilities that include more than 1,500 square feet of accessory building floor area, more than 500 linear feet of spectator seating, outdoor lighting, or voice amplification require a conditional use review.
7. Agriculture. This regulation applies to all parts of Table 150-1 that have note [7]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.
8. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 150-1 that have an [8]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
9. Group Living in the IR Zone. This regulation applies to all parts of table 120-1 that have a note [9]. Group Living facilities in the IR zone are regulated as follows:
  - a. Group Living facilities must be included in the mission statement of the campus's impact mitigation plan;
  - b. The impact mitigation plan's implemented mitigation measures must accommodate the impacts the Group Living facility will create; and
  - c. A facility located less than 150 feet from another residential zone must meet the standards for Group Living in that zone. Where two or more residential zones are within 150 feet of the Group Living development, the controlling regulations are those of the lower density zone.
10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [10].
  - a. Purpose. Retail Sales And Service uses are allowed as part of an institutional campus in recognition of the large size of such campuses and the needs of the people present for nearby goods and services. Office uses are allowed in recognition of the multifaceted nature of colleges and medical centers.
  - b. Retail Sales and Service uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and
  - c. Retail Sales and Service and Office uses are allowed on an institutional campus as primary uses when the following regulations are met:
    - (1) The location is identified as a site for a primary retail, service or office use in the institution's approved impact mitigation plan;
    - (2) The impact mitigation plan's mitigation measures for commercial use at the site are met; and



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## **Commentary**

### **33.150.100 B.11. Schools, Colleges, and Medical Centers in the IR zone**

Use regulations for the existing IR zone have been relocated from their current location in Chapter 120 Multi-Dwelling Zones. No substantive changes are being made.



- (3) Retail Sales and Services uses in combination with office uses which are not listed as primary or accessory uses in the mission statement of the impact mitigation plan are limited. These uses are limited to no more than 50,000 square feet of floor area or 10 percent of the campus floor area, whichever is less. When structured parking is provided 250 square feet of parking structure floor area is included in the area subject to this floor area limitation for each required parking space. Size exceptions are prohibited.
  - d. Institutional Office uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and
  - e. Institutional Office uses allowed as primary uses. Office uses related to the mission of the institution are allowed by right when all of the following are met:
    - (1) The amount of office space development is mitigated for at the level specified in the institution's approved impact mitigation plan;
    - (2) The office uses allowed are limited to the following:
      - Institutional administrative, faculty, staff, student, and educational offices;
      - Blood collection facilities;
      - Medical office space and medical office buildings; and
      - Medical, scientific, educational research and development facilities and laboratories.
    - (3) Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; non institution-owned medical office buildings; and major event entertainment facilities and their associated structured parking to 30 percent or less of the campus floor area. Exceptions to the 30 percent maximum are prohibited.
11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [11].
- a. Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.
  - b. Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.



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## Commentary

### **33.150.100.C Conditional Uses**

#### **Religious Uses**

Religious uses are designated as a conditional use in all three zones. Chapels and other places of worship related to the primary education or medical use are considered accessory uses.

#### **High Schools**

High schools are being designated as Institutional Campus on the Comprehensive Plan Map and are allowed within the IR zone.

### **33.150.110 Accessory Uses**

There are a wide range of accessory uses allowed on campuses including but not limited to group housing (dormitories) household living (for faculty and staff) and retail sales (cafeterias and bookstores). Current code offers some guidelines for distinguishing between primary and accessory uses including, but not limited to Chapter 33.910 Definitions and proposed section 33.150.110.



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

- (1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.
    - (2) The institution has an approved impact mitigation plan or conditional use master plan.
    - (3) Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.
  - c. Regulations for other institutions. Schools, Colleges, Hospitals, and Medical Centers are allowed as a conditional use only.
  - d. Regulations for recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
12. Daycare in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [11]. Daycare facilities are allowed if included in the institution's approved impact mitigation plan or conditional use master plan.
- C. Conditional uses.** Uses that are allowed if approved through the conditional use review process are listed in Table 150-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 150-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

### **33.150.110 Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory use and all applicable development standards. In addition, Retail Sales and Service, Manufacturing and Production, and Industrial Service uses that are on a site with a College or a Medical Center in a CI1 or CI2 zone that have exterior access within 150 feet of a public right-of-way or have exterior signage are primary uses. Retail Sales and Service, Manufacturing and Production, and Industrial Service uses that have exterior access more than 150 from a public right-of-way and do not have exterior signage are accessory uses.

### **33.150.120 Nuisance-Related Impacts**

- A. Off-site impacts.** All uses, including accessory uses, must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.



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## Commentary

### Table 150-1

As noted previously, there are three campus zones included in this new chapter:

- Campus Zone 1 (CI1) provides for college and related accessory uses with limited provision for additional neighborhood serving Retail Sales And Service Uses as a conditional use. Outdoor recreation facilities beyond certain thresholds are also conditional uses due to their potential impact on adjoining neighborhoods.
- Campus Zone 2 (CI2) is a more intensive zone allowing a wider range of primary commercial uses in addition to college and medical center uses. It is intended for hospitals and colleges located along commercial street frontages.
- Institutional Residential (IR) is an existing zone currently located within Zoning Code Multi-Dwelling Residential Chapter 120. Staff has made limited changes to this "legacy" zone which remains applicable to many of the city's high schools.



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

<b>Table 150-1</b> <b>Campus Institutional Zone Primary Uses</b>			
<b>Use Categories</b>	CI1	CI2	IR
<b>Residential Categories</b>			
Household Living	N	Y	Y
Group Living	N	Y	Y [9]
<b>Commercial Categories</b>			
Retail Sales And Service	CU [1]	Y	L/CU [10]
Office	N	Y	L/CU [10]
Quick Vehicle Servicing	N	N	N
Vehicle Repair	N	N	N
Commercial Parking	N	Y	N
Self-Service Storage	N	N	N
Commercial Outdoor Recreation	N	N	N
Major Event Entertainment	CU	CU	CU
<b>Industrial Categories</b>			
Manufacturing And Production	L [2]	L/CU [2]	N
Warehouse And Freight Movement	N	N	CU
Wholesale Sales	N	N	N
Industrial Service	L [2]	L/CU [2]	N
Railroad Yards	N	N	CU
Waste-Related	N	N	N
<b>Institutional Categories</b>			
Basic Utilities	L/CU [3]	L/CU [3]	L/CU [3]
Community Service	CU [4]	Y	CU [4]
Parks And Open Areas	L/CU [5]	L/CU [5]	L/CU [5]
Schools	N	N	L/CU [11]
Colleges	Y/CU [6]	Y/CU [6]	L/CU [11]
Medical Centers	Y	Y	L/CU [11]
Religious Institutions	CU	CU	CU
Daycare	Y	Y	L/CU [12]
<b>Other Categories</b>			
Agriculture	L [7]	L [7]	L [7]
Aviation And Surface Passenger Terminals	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Radio Frequency Transmission Facilities	L/CU [8]	L/CU [8]	L/CU [8]
Rail Lines And Utility Corridors	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.



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## Commentary

### **33.150.200 Lot Size**

This will be treated the same as commercial zones in all campus zones. An amendment to 33.613 is required to add reference to CI zones.

### **33.150.205 Floor Area Ratio**

A maximum 3:1 Floor Area Ratio assigned to the CI-1 Urban Campus Zone combined with the available building heights allows for significant development potential on all of the urban campuses. The 0.5:1 FAR allowed for CI-2 residential campus zones is a reduction from existing development allowed in the IR zone but still results in significant development potential beyond what is currently built on these residential campuses. Together the proposed zones will meet the City's Goal 9 obligation to provide for additional dispersed campus institutional development capacity.

### **33.150.210 Height**

The 75 foot CI1 zone maximum height limit is equivalent to the existing IR zone standard. This accommodates prevalent educational campus design as described in the Bookin Group LLC and THA Architects authored white paper "*Determinants of College/University Campus Development Patterns*" prepared initially for the Economic Development Policy Expert Group and subsequently presented as background to the Campus Institutional Zoning Update Project.

A CI2 maximum height limit of 150 feet will accommodate modern nursing care facilities as demonstrated by the new Providence Cancer Center and Randall Children's Hospital towers and as further described in the Bookin Group/THA Architects white paper "*Determinants of Medical Center Development Patterns*" also presented to the Project Advisory Group as background material.

### **33.150.120.C Setbacks and height at campus perimeter**

In both the CI1 and CI2 zones, a reduced initial height limit at the perimeter of the campus is intended to match the allowed height of the adjoining zone. Subsequent maximum height limits are established back and away from the campus perimeter where greater height will not "encroach" on adjoining structures or yards.



## **Development Standards**

### **33.150.200 Lot Size**

There is no required minimum lot size for development of land or for the creation of new lots in campus institution zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial and Campus Institutional Zones.

### **33.150.205 Floor Area Ratio**

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The floor area ratios are stated in Table 150-2 and apply to all development.

### **33.150.210 Height**

- A. Purpose.** Maximum height limits work with other development standards to control the overall scale of buildings. The height limits in the CI zones allow for urban scale development that generally reflects the intent of each zone. Height limits adjacent to residential and mixed use areas preserve light, air, and the potential for privacy in the adjacent zones, and discourage buildings that visually dominate adjacent development.
- B. Maximum height.** The maximum height standards for all structures are stated in Table 150-2, or are shown on Maps 150-1 through 150-4. Maximum height is reduced adjacent to certain zones as described in Subsection C. The maximum heights shown on Maps 150-1 through 150-4 supersede the maximum height standards in Table 150-2 and Subsection C. Exceptions to all the maximum height standards are stated in Subsection E.
- C. Reduced maximum height.** Maximum height is reduced adjacent to certain zones.
  - 1. In the CI1 zone, maximum height is reduced as follows.
    - a. On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.
    - b. On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned R3 through RX or commercial/mixed use zones the maximum height is 45 feet. See Figure 150-2.



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## Commentary

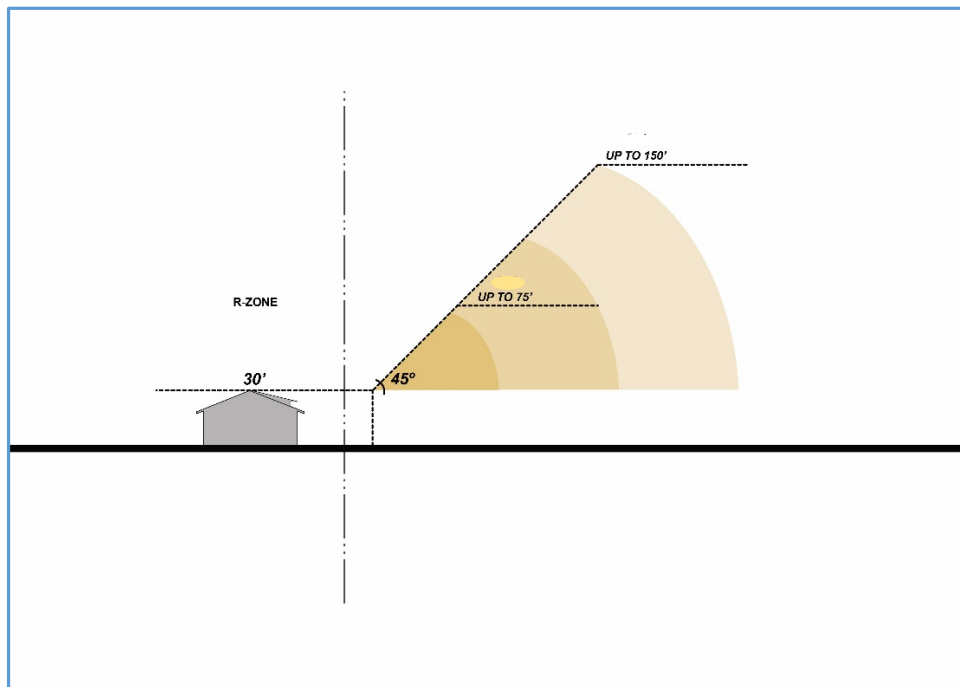
### 33.150.210.C continued

Together with building setback requirements, building height limits are intended to match building heights at the perimeter of campuses to the context of the neighborhood and locate taller buildings towards the interior of campuses.

A thirty-foot initial height limit is recommended for both CI1 and CI2 zoned property where it abuts, or is across the street from open space or single dwelling zones. This is consistent with the thirty-foot height limit now applicable in the RF through R5 single dwelling zones.

A forty-five (45)-foot initial height limit is recommended for CI1 and CI2 zones property where it abuts, or is across the street from multi-dwelling or mixed use commercial zones. This height is compatible with the R1-R3 multi-dwelling zone height limits which range from 35 to 45 feet in height, and the proposed 35- to 65-foot height limits of the CM1 through CM3 mixed use zones.

These initial height limits increase away from the campus perimeter where additional building height and mass will not have as great an impact on adjoining properties.



Generally, initial building height matches allowed height in adjacent zones and increases towards the interior of a campus.

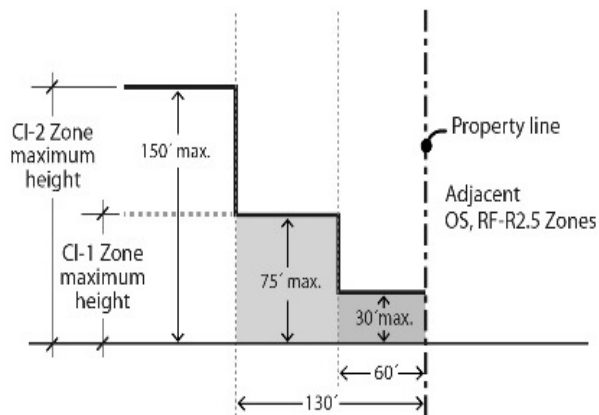


This is a new chapter. For ease of readability, ~~strike through~~ and underline are not used.

2. CI2 zone.

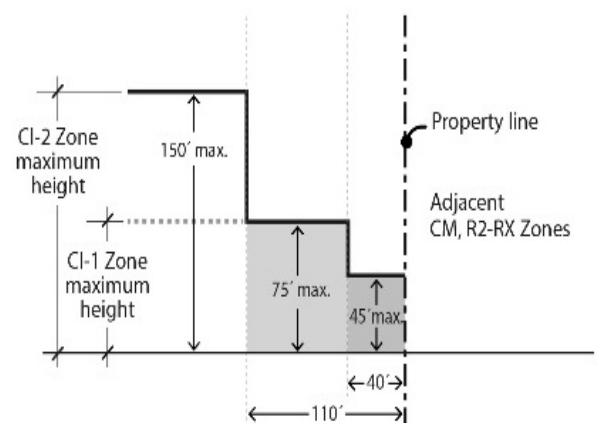
- a. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned OS, or RF through R2.5 as follows:
  - (1) On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.
  - (2) On the portion of the site that is more than 60 feet but within 130 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 75 feet. See Figure 150-1.
- b. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned R3 through RX, or commercial/mixed use zones as follows:
  - (1) On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned R2 through RX, or commercial/mixed use zones, the maximum height is 45 feet. See Figure 150-2.
  - (2) On the portion of the site more than 40 feet but within 110 feet of a lot line abutting or across the street from a site zoned R2 through RX, or commercial/mixed use zones, the maximum height is 75 feet. See Figure 150-2.

Figure 150-1



1. See Section 33.150.215 Setbacks for required building setback.

Figure 150-2



1. See Section 33.150.215 Setbacks for required building setback.



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## Commentary

### 33.150.210.D. Exceptions

This is existing text applicable in various zones where height restrictions are described.



#### **D. Exceptions**

1. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
2. All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
3. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
4. Small wind turbines are subject to the standards of Chapter 33.299. Roof mounted solar panels are not included in height calculations, any may exceed the maximum height limit if the following are met:
  - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
  - b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.
5. Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must comply with the setback standard.



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## Commentary

### Development Standards, Generally

Development standards assigned to the CI2 zone have been modelled on mixed use zone standards and are designed to achieve a commercial development environment. The lower scale CI1 zone standards are largely derived from the existing IR zone and table 110-5 Institutional Development Standards within single family zones to produce development that is compatible with adjoining residential neighborhoods. Some specific comparisons are outlined below:

FAR:	CI1 zone-0.5:1 FAR = table 110-5 Institutional development in single dwelling zones standard CI2 zone-3:1 FAR = CM3 zone standard
Max Height	CI1 zone-75' allowed height is the same as currently allowed in the IR zone CI2 zone-150' allowed height proposed to accommodate modern nursing tower design.
Building Coverage	CI1 zone-50% max coverage= table 110-5 allowance CI2 zone-85% max coverage = CM1 and CM2 and CM3 zone allowances based on Portland Geography
Max building length	CI1 zone-110 ft. maximum length CI2 zone - 200 ft. maximum length is same as Mixed Use Zones
Min Landscape	CI1 zone-25% = Table 110-5 Institutional Development Standards in Single Dwelling Residential Zones CI2 zone-15% = CM1, CM2 and CM3 zone allowances
Landscape abutting residential zone property lines	CI1 zone 10 feet@ L3 = Table 120-5 Institutional Development Standards in Multi-dwelling zone CI2 zone 5 feet @ L3 = commercial/mixed use zone standard
Landscape across ROW from residential zone	CI1 zone 10 feet@ L1 = Table 120-5 Institutional Development Standards in Multi-dwelling zone CI2 zone 5 feet @ L1 = commercial/mixed use zone standard



<b>Table 150-2</b> <b>Summary of Development Standards in Campus Institutional Zones</b>			
<b>Standard</b>	<b>CI1</b>	<b>CI2</b>	<b>IR</b>
Maximum FAR [1] (see 33.150.205)	0.5 to 1	3 to 1 [2] [3]	2 to 1
Maximum Height (see 33.150.210)	75 ft. [4].	150 ft. [4]	75 ft.
Minimum Building Setbacks [1] (see 33.150.215)			
- Lot line abutting or across the street from an OS, RF-R2.5 zoned lot	15 ft.	10 ft.	1 ft. for every 2 ft. of building height but not less than 10 ft.
- Lot line abutting or across the street from an R2-RX, IR zoned lot	10 ft.	10 ft.	
- Lot line abutting or across the street from a C, CI, E, or I zoned lot	0 ft.	0 ft.	
Maximum Building Setbacks Street Lot Line, Transit Street or Pedestrian District (See 33.150.215)	None	10 ft.	10 ft.
Maximum Building Coverage [1] (see 33.150.225)	50% of site area	85% of site area	70% of site area
Maximum Building Length [1] (see 33.150.235 and 33.150.255)	200 ft.	200 ft.	None
Minimum Landscaped Area (see 33.150.240)	25% of site area	15% of site area	20% of site area
Landscaping Abutting an R zoned lot (see 33.150.240.C)	10 ft. @ L3	5 ft. @ L3	10 ft. @L3
Landscaping across the street from an R zoned lot (see 33.150.240.C)	10 ft. @ L1	5 ft. @ L1	10 ft. @L1
Building Facade Articulation [1] (see 33.150.255)	No	Yes	No
Ground Floor Window Standards [1] (see 33.150.250)	No	Yes	Yes
Transit Street Main Entrance [1] (See 33.150.265)	No	Yes	No

**Notes:**

[1] For Colleges and Medical Centers, the entire CI zone is treated as one site regardless of ownership. In this case, FAR is calculated based on the total square footage of the parcels within the zone rather than for each individual parcel, and setbacks, building length, facade articulation, ground floor windows and transit street main entrance regulations are measured from, or only apply to, the perimeter of the zone.

[2] Maximum FAR within the Legacy Good Samaritan Hospital and Health Center campus boundary shown on Map 150-3 is 3.7 to 1.

[3] Maximum FAR within the PCC Sylvania campus boundary shown on Map 150-5 is .75 to 1.

[4] Heights reduced on sites that are across the street from, or adjacent to, certain zones. See 33.150.210.C.



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## Commentary

### **33.150.215 Setbacks**

Minimum and maximum setback requirements are included in the campus institutional zones. There is also a map series in this section that establishes specific height and setback standards for four campuses where specific adjustments or other development standard design features were included in the applicable conditional use master plan or impact mitigation plan. These maps will allow these institutions to continue to develop according to these fundamental design parameters approved through these earlier review procedures.



### **33.150.215 Setbacks**

- A. Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the campus institutional zones, and reflect the diversity of neighborhoods within which the campus institutional zones are located. In instances where a campus institutional zone abuts a residential zone, the required setbacks centers complement the residential character of surrounding neighborhood and result in development that will maintain light, air, and the potential for privacy for adjacent residential zones. In instances where a campus institutional zone abuts a mixed-use zone, pedestrian district and/or transit street, the setback requirements promote buildings and activity that are inviting to pedestrians, and contribute to an active pedestrian environment.
- B. Minimum building setbacks.** The minimum building setback standards apply to all buildings and structures on the site. Minimum required building setbacks are stated in Table 150-2, or are shown on Maps 150-1 through 150-5. Minimum building setbacks shown on Maps 105-1 through 150--5 supersede Table 150-2. Exceptions to the minimum building setback standards are stated below:
1. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, water collection cisterns and planters, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may project into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:
    - a. Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
    - b. At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
    - c. Bays and bay windows must cantilever beyond the foundation of the building; and
    - d. The bay may not include any doors.
  2. Full projection allowed. In addition to Paragraph 1 above, the following features are allowed to fully project into required building setbacks:



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## Commentary

### Mixed Use Zone Coordination

The development standards in the CI2 Campus Institution Zone are the same as the Commercial Mixed Use Commercial Zones, to promote an active, pedestrian-friendly environment along the city's commercial corridors and centers. The intention is that development within CI2 zones should be as supportive of these objectives as development within the mixed use zones themselves. Some standards have been modified in recognition of the relatively large site sizes available to campus institutions.

33.150.215 C. Maximum building setbacks in the CI2 Zone.

33.150.250 Ground Floor Windows in the CI2 Zone

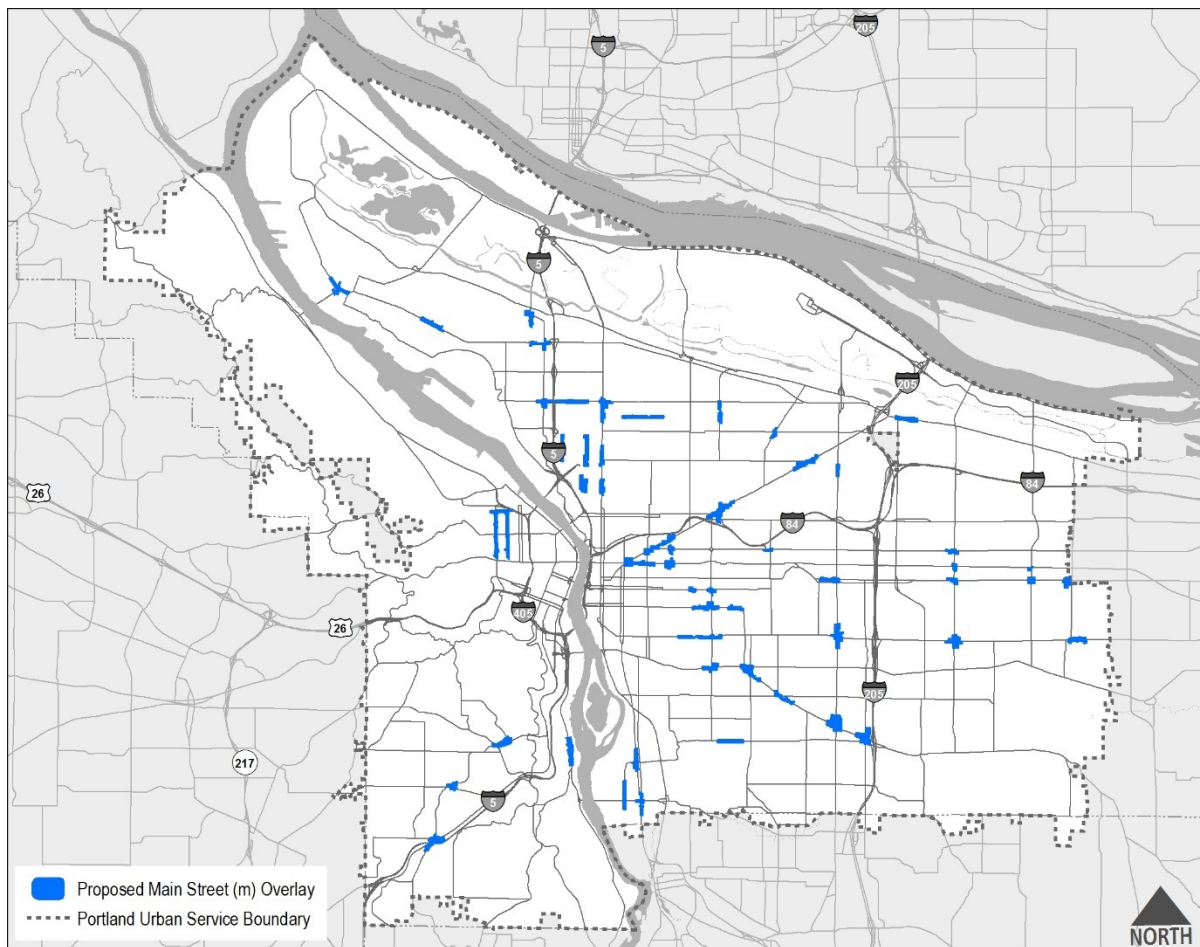
33.150.255 Building Length and Facade Articulation in the CI2 Zone,

33.150.265 Transit Street Main Entrance

### Centers Overlay Zone

Several campuses will also be subject to a new "Centers Overlay zone", presented in more detail as part of the Mixed Use Zone Project, requiring enhanced design standards and vehicular access limitations (Chapter 33.415).

### Proposed Centers Main Street Overlay





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

- a. Canopies, marquees, awnings, and similar features may fully extend into a street setback;
  - b. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback;
  - c. Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
  - d. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.
3. Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not a required setback from an abutting residential zone.

**C. Maximum building setbacks in the CI2 zone.**

1. Where the building is within 100 feet a transit street or street lot line within a pedestrian district, the maximum the building can be set back is 10 feet. Where an existing building is being altered, the standard applies to the portion of the building being altered. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose which streets to apply the standard.
2. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standard.

**D. Improvements within maximum building setbacks.** At least 50 percent of the setback area between the street lot line and the portion of the building that complies with the maximum building setback must be hard surfaced for use by pedestrians. Residential buildings are exempt from this standard.



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## Commentary

### **33.150.220 Building Coverage**

The standard considers the entire campus as one site, similar to the treatment of institutions in multi-dwelling zones.

### **33.150.235 Building Length in the CI1 Zone**

The maximum building length standard applicable in the CI1 zone is intended to match building massing at the perimeter of campuses with surrounding residential areas. It is similar to standards applied in multi-dwelling zones.



### **33.150.220 Building Coverage**

- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. In the CI1 zone, the standard promotes open spaces, both formal and informal, together with buildings at a scale that are compatible with surrounding single family residential development. In the CI2 zone the standards allow for buildings that represent an urban level of development and are consistent with adjacent mixed use zones.
- B. Building coverage standards.** The maximum building coverage covered structures are stated in Table 150-2

### **33.150.235 Building Length in the CI1 Zone**

- A. Purpose.** The maximum building length standard, along with the height and setback standard, limits the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.
- B. Maximum building length.** In the CI1 Zone, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site.



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## Commentary

### **33.150.250 Ground Floor Windows in the CI2 Zone.**

The campus institution zone standard requiring 40 percent of the ground level wall area of street-facing facades that are 20 feet or closer to rights of way is consistent with requirements and exceptions proposed in the Mixed Use Zones project. Such requirements are generally seen to promote an engaging pedestrian environment by increasing visibility and activity at the sidewalk level. Exceptions for public art and vegetated green walls provide options for institutional activity that may be incompatible with such window standards.



### **33.150.240 Landscaped Areas**

- A. Purpose.** Landscaping is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping is required for all campus institutional zoned lands that abut or are across a street from residential zoned lands to provide buffering and promote the livability of the residential lands.
- B. Minimum landscaped area.** The required amount of landscaped areas is stated in Table 150-2. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.
- C. Landscaping required in minimum building setbacks.** Landscaping is required in minimum building setbacks from lot lines abutting or across the street from a residential zoned lot. The depth and type of required landscaping are stated in Table 150-2.

### **33.150.245 Trees**

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are specified in Title 11. See Chapter 11.50, Trees in Development Situations.

### **33.150.250 Ground Floor Windows in the CI2 Zone.**

- A. Purpose.** In the CI2 Zone, blank walls on the ground level of buildings are limited in order to:
  - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
  - Encourage continuity of active street level uses;
  - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
  - Avoid a monotonous pedestrian environment.
- B. Ground floor window standard.** The following standards apply in the CI2 zone:
  - 1. General standard.
    - 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 openings in the walls of structured parking. See Figure 150-3.



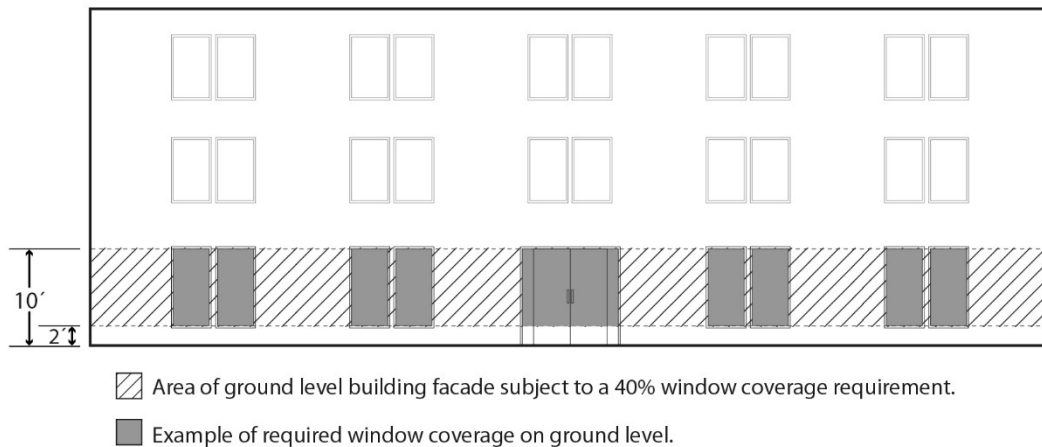
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## Commentary



**Figure 150-3**  
**Ground Floor Windows**



- b. If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those street to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.

2. Exemptions:

- a. Houses, attached houses, manufactured homes, and duplexes are exempt from this Section; and
- b. Ground floor street-facing walls of dwelling units are exempt from Paragraph B.1., but the walls must meet one of the standards in Subsection D.

**C. Qualifying window features.** Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage, vehicle or bicycle parking, mechanical equipment, or garbage and recycling areas, and display cases attached to outside walls do not qualify. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

**D. Ground floor window and frontage standards for dwelling units.** The ground floor wall area of street-facing facades of dwelling units that are 20 feet or closer to a street lot line must meet at least one of the following standards:



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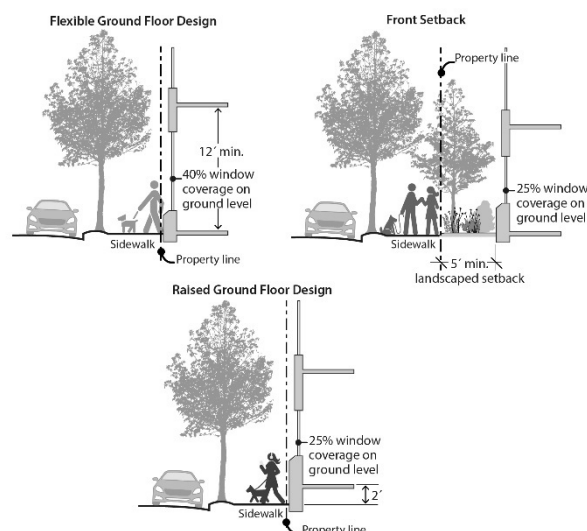
## Commentary



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

1. Flexible ground floor design. The ground floor window standard of Subparagraph B.1.a. must be met, and the ground level of the building must be designed and constructed as follows:
  - a. The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
  - b. The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
  - c. Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.
2. Front setback.
  - a. The portions of the building with residential dwelling units on the ground-floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and
  - b. Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.
3. Raised ground floor.
  - a. The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.
  - b. Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

**Figure 150-4**  
**Ground Floor Window Options for Dwelling Units**





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## Commentary

### **33.150.255 Building Length and Facade Articulation in the CI2 Zone**

Campus Institution Zone standards establishing a maximum building length for that portion of a building located within 20 feet of a street lot line at 200 feet is consistent with that being proposed for commercial structures in the Mixed Use Zones Discussion Draft. Facade articulation standards require large building wall planes to be divided into smaller components. This is in response to community concerns expressed about large building masses and their negative impact on the adjacent streetscape and desire for increased architectural interest.



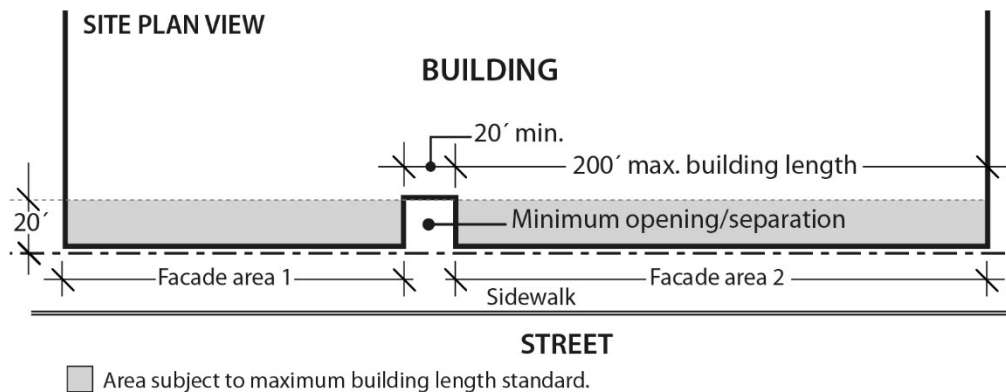
This is a new chapter. For ease of readability, ~~strike through~~ and underline are not used.

- E. Exception for Public Art.** Public art may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To qualify for this exception, documentation of approval by the Regional Arts and Culture Council must be provided prior to approval of the building permit.

### 33.150.255 Building Length and Facade Articulation

- A. Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland's commercial/mixed-use areas and add visual interest and variety to the street environment.
- B. Maximum building length.** In the CI2 zone, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 150-5.

**Figure 150-5**  
**Maximum Building Length**



**C. Building Facade articulation in the CI2 Zone.**

1. The standard applies to buildings more than 35 feet high and that have more than 3,500 square feet of street-facing facade area within 20 feet of a street property line.
2. The standard. At least 25 percent of each facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 150-6



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## Commentary

### **33.150.260 Screening**

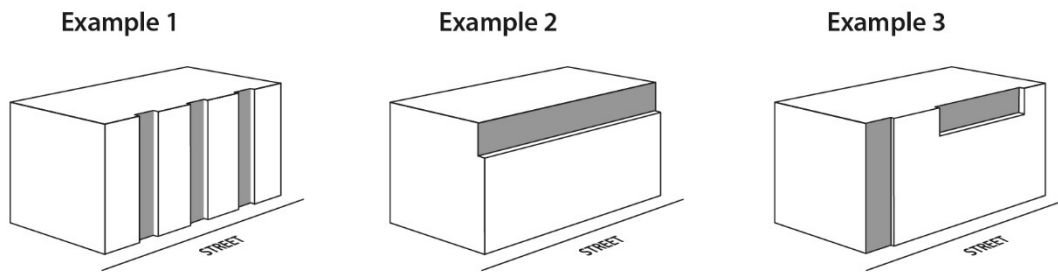
Recommended screening text uses existing code language from other code sections where screening requirements are in place.

### **33.150.265 Transit Street Main Entrance**

The recommended standards are consistent with the mixed-use zone requirements intent to promote street facing active uses along the city's neighborhood commercial streets. Note that the 200-foot distance between entrances has been established with an acknowledgement that certain institutional uses do not readily lend themselves to frequent public entranceways.



**Figure 150-6  
Facade Articulation**



### **33.150.260 Screening**

- A. Purpose.** The screening standards address specific unsightly features that detract from the appearance of campus institutional areas.
- B. Garbage and recycling collection areas.** All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
  - 1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
  - 2. A screen around the equipment that is as tall as the tallest part of the equipment; or
  - 3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.

### **33.150.265 Transit Street Main Entrance**

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Applicability.**
  - 1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, or residential use in a multi-dwelling structure, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C must be met on at least one of the transit streets;



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## Commentary

### **33.150.267 Development Standards for Institutional Campuses in the IR Zone**

The Institutional Residential (IR) zone allowed use and development standards have been relocated from their current location in the zoning code, Chapter 33.120 "Multi-Dwelling Zones" in order to more accurately match zoning code chapters with their corresponding Comprehensive Plan Map land use categories. An effort has been made to carry forward the relevant text to Chapter 150 however, in a limited number of circumstances, reference to chapter 120 standards are included in order to fully retain the current IR requirements without duplicating text in both chapters.

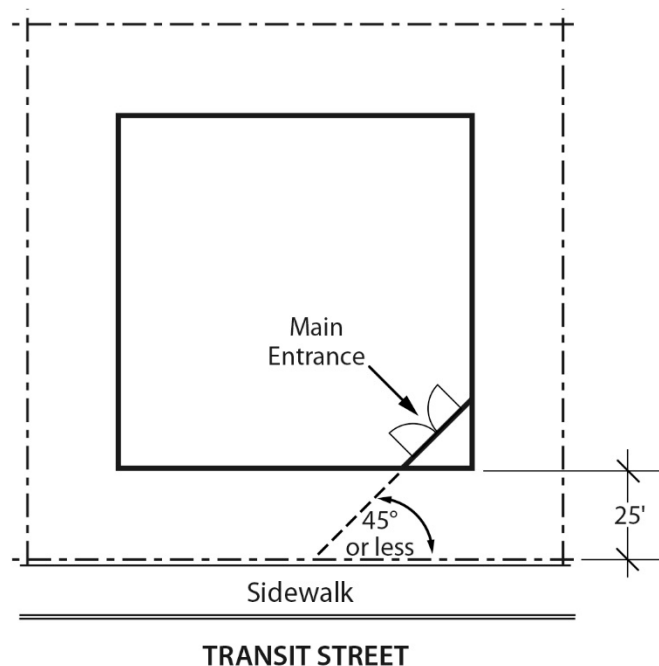
No changes have been made to the land use regulations, development standards or procedural requirements applied to development within the IR zone.



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

2. Houses, attached houses, manufactured homes, and duplexes. Houses, attached houses, manufactured homes, and duplexes must meet the standards of 33.130.250.C, Residential Main Entrance, instead of the requirements of this section.
- C. **Location.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:
  1. Be within 25 feet of the transit street;
  2. Allow pedestrians to both enter and exit the building; and

**Figure 150-7**  
**Transit Street Main Entrance**



3. Meet one of the following:
  - a. Face the transit street;
  - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 150-7; or
  - c. If it is an entrance to a multi-dwelling structure:
    - (1) Face a shared courtyard that is connected to the transit street by a 6 foot wide pathway that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
    - (2) Be within 50 feet of the transit street.



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## Commentary

### **33.150.270 Exterior Display and Storage**

Text in this section is similar to code language used elsewhere in the code.



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

- D. Distance between entrances.** For portions of a building with any nonresidential uses within the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.

### **33.150.267 Additional Development Standards for Institutional Campuses in the IR Zone**

- A. Purpose.** The general base zone development standards in the IR zone are designed for institutional campuses with approved impact mitigation plans. The intent is to maintain compatibility with and limit negative impacts on surrounding areas.
- B. Where these standards apply.** The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another.
- C. The standards.**
1. Access to accessory Retail Sales And Service uses must be from an interior space, or from an exterior space that is at least 150 feet from a public right of way.
  2. Exterior signage for accessory Retail Sales And Service uses is prohibited.
  3. The following subsections apply to development in the IR zone unless superseded by development standards in an approved impact mitigation plan or approved conditional use master plan:
    - a. 33.120.200 Housing Types Allowed;
    - b. 33.120.232 Street-Facing Facades;
    - c. 33.120.240 Required Outdoor Areas; and
    - d. 33.120.255 Pedestrian Standards.

### **33.150.270 Exterior Display and Storage,**

- A. Purpose.** The standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
  - Will not be a detriment to the overall appearance of a commercial area;
  - Will not have adverse impacts on adjacent properties, especially those zoned residential; and
  - Will not have an adverse impact on the environment.
- B. Exterior display.** Exterior display of goods is prohibited except for the display of plants and produce.



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## **Commentary**

**33.150.275 Trucks and Equipment**

**33.150.280 Detached Accessory Structures**

Text in these sections is similar to code language used elsewhere in the code.



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

**C. Exterior storage.** Exterior storage is allowed when the following are met:

1. Exterior storage is limited to 10 percent of the site area; and
2. Exterior storage areas must be set back 10 feet from lot lines and the setback area must be landscaped to at least the L3 standard. Exterior storage areas located more than 100 feet from the perimeter of a College or Medical Center site are exempt from the landscape requirement. For colleges and medical centers, the entire CI zone is considered one site regardless of ownership.

**D. Paving.** All exterior display and storage areas, except for plant nurseries, must be paved.

**33.150.275 Trucks and Equipment**

**A. Purpose.** The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the campus institutional zones, and to limit adverse effects on adjacent residential lands.

**B. Truck and equipment parking standards.** The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site that occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.

1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all campus institutional zone areas that comply with the development standards for auto parking areas.
2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all campus institutional zones. The parking of all other medium trucks and similar equipment is allowed only in the CI2 zone. Truck parking areas must comply with the development standards for auto parking areas.
3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any campus institutional zone.

**33.150.277 Drive-Through Facilities**

Drive-through facilities are prohibited in the campus institutional zones.

**33.150.280 Detached Accessory Structures**

**A. Purpose.** These standards are intended to maintain separation and privacy for abutting residential zoned lots from nonresidential development.

**B. General standards.**

1. The regulations of this section apply to detached accessory structures.
2. The height and building coverage standards of the base zone apply to detached accessory structures.

**C. Setbacks.**

1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a street setback, but not in a required setback from an abutting residential zone.



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## Commentary

### 33.150.285 Fences

Text in this section is similar to code language used elsewhere in the code.



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

2. Covered structures.

- a. Covered structures such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures are subject to the setbacks for buildings.
- b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks for abutting a residential zone.

### **33.150.285 Fences**

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
  1. Fences up to 8 feet high are allowed in required building setbacks except for required building setbacks along street lot lines or pedestrian connections. The following height limits apply to fences located within 10 feet of a street lot line or pedestrian connection. In the case of a college or medical center these limits apply to fences within 10 feet of all street lot lines or pedestrian connections within the zone.
    - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
    - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
  2. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 is the same as the regular height limits of the zone.
- D. Reference to other regulations**
  1. Building permits. Building permits are required by BDS for certain fences pursuant to the building code.
  2. Fence materials regulated by other bureaus. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

### **33.150.290 Demolitions**

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources. Demolition** of a historic resource is regulated by Chapter 33.445, Historic Resource Overlay Zone.



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## Commentary

### **33.150.300 Parking, Loading, and Transportation and Parking Demand Management**

Campus specific parking and loading requirements established through a Transportation Impact Review will supersede the standard parking and loading requirements of Table 266-2. Development permits for projects adding more than 20,000 square feet of building area or 4 parking spaces to a campus must be accompanied by approved Transportation Impact Review plans unless they are already contemplated or otherwise accounted for by an existing, approved Transportation Impact Analysis.

Please refer to recommended Zoning Code text amendments to Chapters 33.266 Parking Loading and Transportation and Parking Demand Management, and 33.807 Transportation Impact Review for additional discussion.



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

- C. Landscaping.** Sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through a land use review or building permit. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

### **3.150.295 Nonconforming Development**

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

### **33.150.300 Parking, Loading, and Transportation and Parking Demand Management**

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks, and landscaping are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

### **33.150.305 Signs**

The sign regulations are stated in Title 32, Signs and Related Regulations.

### **33.150.310 Superblock Requirements**

Development on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

### **33.150.315 Recycling Areas**

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.



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## Commentary

### **Campus Map Series**

In those circumstances where specific height or building setback standards have been established through an approved Impact Mitigation Plan or Conditional Use Master Plan and they exceed the proposed standards established in 33.150 these alternative height and setback standards are portrayed in a map series that supersedes the applicable chapter text.







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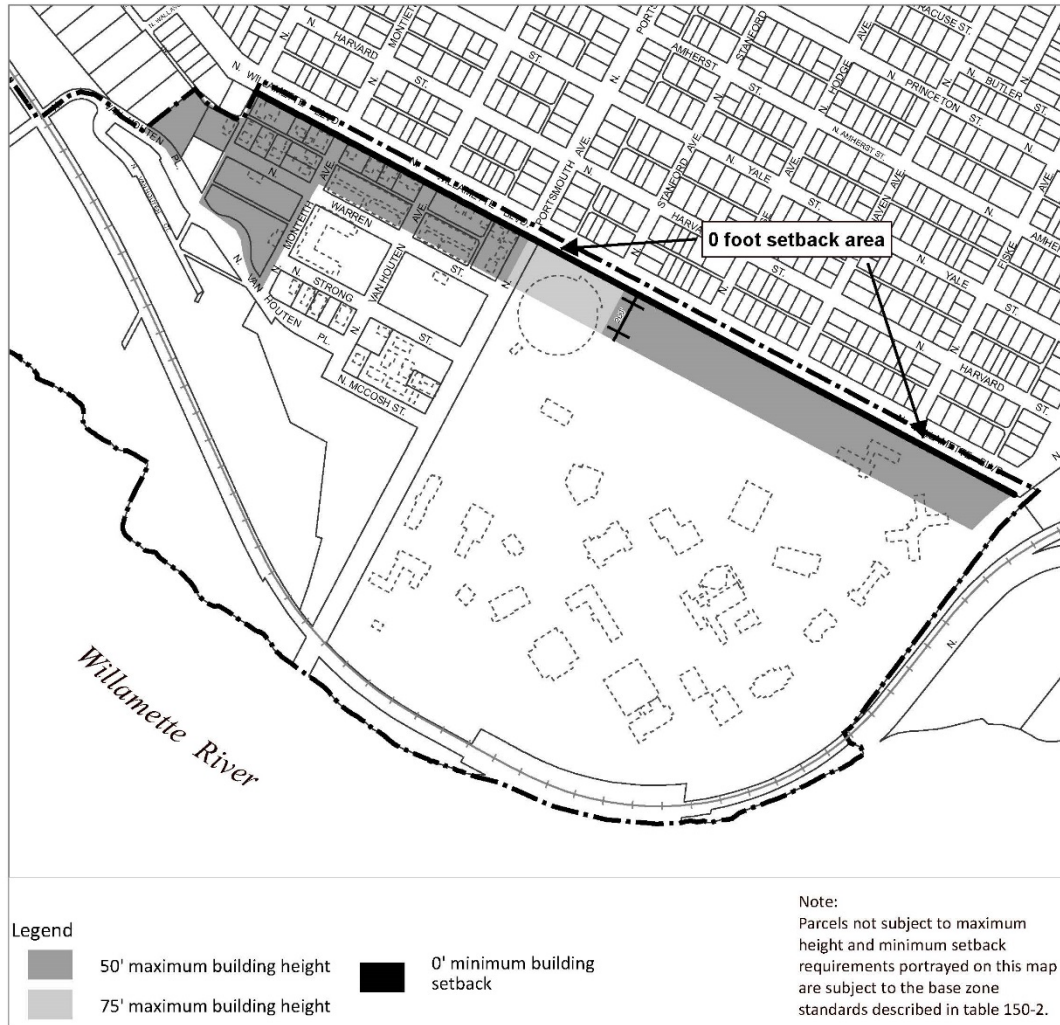
## Commentary



## Maximum Heights and Minimum Setbacks University of Portland

## Map 150-2

Map Revised XXXXX X, 201X



Campus Boundary  
Building footprints  
Setback dimensions

NORTH  
0 400 800  
Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon



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## Commentary



# Maximum Heights, Minimum Setbacks and Maximum Floor Area Ratio Legacy Good Samaritan Hospital and Health Center

## Map 150-3

Map Revised Xxxxx X, 201X



Campus Boundary  
 Building footprints

NORTH  
0 200 400  
Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon



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## Commentary







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## Commentary







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## Commentary

### **33.218.140 Standards for All Structures in the RH, RX, C and E Zones**

This amendment will require buildings over 55 feet tall in the CM2 and CM3 zones to go through design review rather than meet the community design standards. Currently, tall buildings in the EX zone must go through design review rather than meet the community design standards. Some properties currently zoned EX will shift to CM2 or CM3 with the update to the Comprehensive Plan and the creation of the commercial/mixed use zones. This amendment ensures that buildings over 55 feet tall on parcels that were zoned EX but will be zoned CM2 or CM3 continue to require design review.



### **33.218.140 Standards for All Structures in the RH, RX, C and E Zones**

The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.

Applicants for development of new structures on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.110. Applicants for exterior alterations on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.130.

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

#### **E. Building height.**

1. Maximum height in RH, RX, and E zones.
  - a. Generally. Structures in the RH, RX, CM2, CM3 and E zones may be up to 55 feet in height;
  - b. Where a site zoned RH, RX or E abuts or is across a street from an RF through R2 zone, the maximum height is reduced as specified in Subsection D, above;
  - c. New and replacement antennas are exempt from this standard if the antennas are located on an existing monopole, and the antennas do not project above the height of the monopole.
2. Minimum height. In C and E zones, primary buildings must be at least 16 feet in height.



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## Commentary

### **33.224.030**

Clarify that it is the 5 foot drive-through setback that must be landscaped, not other base zone setback areas.

### **33.224.070**

Chapter 33.224 regulates Drive-Through Facilities. This new section requires drive-through facilities to serve customers arriving as pedestrians or by bicycle, when other business entrances are locked or not available. The intent of this regulation is to prevent businesses with drive-throughs from excluding or discriminating against customers not arriving by motor vehicles, during times when the drive through is the only means of serving customers.



### Sections:

- 33.224.010 Purpose
- 33.224.020 When These Regulations Apply
- 33.224.030 Setbacks and Landscaping
- 33.224.040 Vehicular Access
- 33.224.050 Stacking Lane Standards
- 33.224.060 Off-Site Impacts
- 33.224.070 Multi-Modal Access

### **33.224.030 Setbacks and Landscaping**

All drive-through facilities must provide the setbacks and landscaping stated below.

- A. Abutting an R zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines which abut R zones. The 5 foot setback must be landscaped to at least the L3 standard.
- B. Abutting a C, E, or I zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines which abut C, E, or I zones. The 5 foot setback must be landscaped to at least the L2 standard.
- C. Abutting a street.** Where allowed by Chapter 33.266, Parking and Loading, service areas and stacking lanes must be setback 5 feet from all street lot lines. The 5 foot setback must be landscaped to at least the L2 standard.

### **33.224.070 Multi-Modal Access**

When a drive-through facility is open and other pedestrian-oriented customer entrances to the business are unavailable or locked, the drive-through facility must serve customers using modes other than a vehicle such as pedestrians and bicyclists.



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## Commentary

### **33.236.030 Houseboats**

Chapter 33.236 regulates Floating Structures. The reference to the EG zone is being deleted from the section. The amendment to this section reflect the fact that residential uses will be prohibited in EG zones.



### 33.236.030 Houseboats

Houseboats and houseboat moorages are classified under the general use category of Household Living. An individual houseboat outside of a houseboat moorage is considered a single-dwelling use of the upland lot. A houseboat moorage is considered a multi-dwelling use. Generally, an individual houseboat outside of a houseboat moorage is allowed only where a single dwelling use would be allowed on the upland lot, and a houseboat moorage is allowed only where a multi-dwelling use is allowed on the upland lot.

In the EG and I zones, houseboats and houseboat moorages are a conditional use.



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## Commentary

### 33.237 Food Production and Distribution

Table 237 Maximum Area for Market Gardens and code section 33.237.300 Food Membership Distribution are being amended to reference the new campus zones. Generally the (IR) Institutional Residential zone and the (CI1) Campus Institution 1 zones are treated similarly to other residential zones as far as Market Gardens and membership distribution facilities are concerned while the (CI2) Campus Institution 2 Zone is treated similarly to other commercial zones.



<b>Table 237-1</b> <b>Maximum Area for Market Gardens</b>		
	Maximum Area Allowed per Site	Maximum Area Allowed per Site if Neighbor Notification and Meeting requirements of Section 33.237.500 are met
<b>Zone</b>		
RF	174,000 square feet	261,000 square feet
R20	40,000 square feet	60,000 square feet
R10	20,000 square feet	30,000 square feet
R7	14,000 square feet	21,000 square feet
R5 and R2.5	10,000 square feet	15,000 square feet
Multi-Dwelling	14,000 square feet	21,000 square feet
Sites with Institutional Uses in residential, <u>CI1</u> and <u>IR</u> zones	14,000 square feet or 10 percent of the total site area, whichever is larger.	21,000 square feet or 15 percent of the total site area, whichever is larger.
Industrial, Employment, <u>CI2</u> , Commercial, and Open Space Zones	No maximum.	----

### 33.237.300 Food Membership Distribution

- C. Institutional uses on sites in residential, CI1 and IR zones.** The regulations of this subsection apply to sites in residential, CI1 and IR zones that are in Institutional use.
1. Sites that have at least three parking spaces reserved specifically for members picking up their food are subject to Paragraphs B.3 and B.4.
  2. Sites that do not have at least three parking spaces reserved specifically for members picking up their food are subject to Paragraphs B.1 through B.4.



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## Commentary

### **33.258.050 Nonconforming use**

Expansion of non-conforming household living uses by up to 500 square feet is being allowed in EG zones without non-conforming situation review, reducing the process burden and cost for small-scale changes to housing for which the non-conforming review considerations are less applicable. Generally, the half-block or larger areas of existing housing were changed from Mixed Employment to Residential designations on the draft Comprehensive Plan map. However, some dispersed residential sites were retained in existing and proposed Mixed Employment areas.



### 33.258.050 Nonconforming Uses

**A.–B.** [No change]

**C. Expansions.** [No change]

1. OS and R zones. [No change]
2. C, E, and I zones. The standards stated below apply to all nonconforming uses in C, E, and I zones.
  - a. No change.
  - b. In EG1, EG2 and I zones, expansions of floor area for nonconforming Household Living uses, when proposed within the property lines as they existed two years before the use became nonconforming, are allowed if all of the following are met:
    - (1) The expansion will not increase the floor area by more than 500 square feet over the floor area that existed when the use became nonconforming. Expansions that increase the floor area by more than 500 square feet over the floor area that existed when the use became nonconforming may be requested through a nonconforming situation review;
    - (2) The expansion must comply with development standards of the base zone, overlay zone, and plan district; and
    - (3) The addition of new dwelling units is prohibited.
  - c. In E and I zones, expansions of exterior improvements for nonconforming Household Living uses are allowed if they comply with the development standards of the base zone, overlay zone, and plan district.
  - d. Expansion of floor area or exterior improvements, when proposed beyond the property lines as they existed two years before the use became nonconforming, is prohibited, except in the following situation:
    - (1) The property proposed for expansion is abutting at least one of the property lines of the nonconforming use as they existed two years before the use became nonconforming; and
    - (2) The property proposed for expansion was in the same ownership as the property holding the nonconforming use when it became nonconforming; and
    - (3) The zoning regulations on the property proposed for expansion would have allowed the use at the time the existing situation became nonconforming; and
- (4) The expansion is approved through a nonconforming situation review.



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## **Commentary**

### **33.266 Parking, Loading and Transportation and Parking Demand Management**

Chapter 266 is amended to reference the new campus institutional zones and the new commercial/mixed use zones in the regulations. The chapter is further amended to include requirements for Transportation and Parking Demand Management.

#### **33.266.010 Introduction**

The changes add text to include the new requirements for Transportation and Parking Demand Management plans.



## **CHAPTER 33.266 PARKING, AND LOADING, AND TRANSPORTATION AND PARKING DEMAND MANAGEMENT**

**266**

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### Sections:

#### General

33.266.010 Introduction

#### Motor Vehicle Parking

33.266.100 General Regulations

33.266.110 Minimum Required Parking Spaces

33.266.115 Maximum Allowed Parking Spaces

33.266.120 Development Standards for Houses and Duplexes

33.266.130 Development Standards for All Other Development

33.266.140 Stacked Parking Areas

33.266.150 Vehicles in Residential Zones

#### Bicycle Parking

33.266.200 Purpose

33.266.210 Required Bicycle Parking

33.266.220 Bicycle Parking Standards

#### Loading

33.266.300 Purpose

33.266.310 Loading Standards

#### Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

33.266.420 Transportation Impact Review in the Campus Institutional Zones

### **33.266.010 Introduction**

This chapter establishes the standards for the amount, location, and development of motor vehicle parking, standards for bicycle parking, and standards for on-site loading areas, and requirements for transportation demand management plans. Other titles of the City Code may regulate other aspects of parking and loading.



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## Commentary

### **33.266.100 General Regulations**

No change.

#### **33.266.100.C Calculations of amounts of required and allowed parking**

This change clarifies that when there are multiple tenants with the same use, the floor area is added together rather than applying the minimum to each tenant.



## Motor Vehicle Parking

### 33.266.100 General Regulations

- A. Where the regulations apply.** The regulations of this chapter apply to all parking areas in all zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride facility in the Community Services use category.
- B. Occupancy.** All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Chapter 33.248, Landscaping and Screening.
- C. Calculations of amounts of required and allowed parking.**
  - 1. The number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.23., below. When there are two or more separate primary uses on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual primary uses. When there are two or more instances of the same primary use on the site, the required or allowed parking is based on the total square footage of all those same uses added together. For joint use parking, see Paragraph 33.266.110.B., below.
  - 2. When more than 20 percent of the net building area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area. The required or allowed parking would be computed separately for the office and warehouse uses.
  - 3. If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.
  - 4. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.
- D. Use of required parking spaces.** Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. See 33.266.110.B. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.



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## Commentary

### **33.266.100.E Proximity of parking to use**

This change is made to allow additional flexibility for the location of any required parking spaces, and to facilitate shared parking.

### **33.266.100. Stacked parking**

This change clarifies that no attendant or guarantee is required for automated stacked parking or for tandem parking spaces assigned to a single dwelling unit. This change facilitates more space-efficient parking layouts in residential and mixed use buildings.



- E. Proximity of parking to use.** Required parking spaces ~~for residential uses must be located on the site of the use or within a shared court parking tract owned in common by all the owners of the properties that will use the tract. On-street parking within a private street-tract other than a shared court does not count towards this requirement. Required parking spaces for nonresidential uses~~ must be located on the site of the use or in parking areas whose closest point is within 500 feet of the site.
- 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 and tandem parking for individual dwelling units are 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.
- G. Bureau of Transportation review.** The Bureau of Transportation reviews the layout of parking areas for compliance with the curb cut and access restrictions of Section 17.28.110, Driveways – Permits and Conditions.



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## Commentary

### **33.266.110. B Minimum number of required parking spaces.**

This section is being rewritten to be clearer about when parking is not required, and under what circumstances parking is required. The section identifies two basic groups of sites: 1) those close to transit, and 2) those far from transit.

**33.266.110.B.1** This section addresses sites close to transit. Close to transit is defined as sites located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak-hour service. For these sites parking is not required, except for developments with over 30 residential units. This regulation is the same as the current regulation for sites that are well-served by transit.

**33.266.110.B.2** This section addresses sites far from transit. Far from transit is defined as sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak-hour service. For these sites, parking is generally required as stated in Table 266-1 and at levels stated in Table 266-2. This is consistent with the current approach to parking. An exception is made to the parking requirements for development on small sites 7500 square feet or less in size in the CR, CM1, CM2, CM3 and CE zones. These sites would be exempt from parking requirements, except for developments with over 30 residential units. See Table 266-1 and related commentary for additional information on this exception.

These new provisions provide clarity about the locations and types of sites where parking is required or exempted.



### 33.266.110 Minimum Required Parking Spaces

- A. Purpose.** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Multi-dwelling development that includes a large number of units may require some parking to support existing and future uses in the area and serve residents and guests, especially those with disabilities. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.
- B. Minimum number of required parking spaces required.**
1. Minimum for sites located close to transit. For sites located 1500 feet or less from a transit station, or 500 feet or less than from a transit street with 20-minute peak hour service the following minimum parking requirements apply. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. For sites not shown on the map, the applicant may provide current information demonstrating that the site meets the service thresholds:
    - a. Household Living uses. The minimum number of required parking spaces for sites with Household Living uses is:
      - (1) Where there are up to 30 dwelling units on the site, no parking is required;
      - (2) Where there are 31 to 40 dwelling units on the site, the minimum number of required parking spaces is 0.20 spaces per dwelling unit;
      - (3) Where there are 41 to 50 dwelling units on the site, the minimum number of required parking spaces is 0.25 spaces per dwelling unit; and
      - (4) Where there are 51 or more dwelling units on the site, the minimum number of required parking spaces is 0.33 spaces per dwelling unit.
    - b. All other uses. No parking is required for all other uses.
  2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service the minimum number of parking spaces required is stated in Table 266-1.



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## Commentary

### **33.266.110.B Minimum number of required parking spaces — continued.**

Continued

### **33.266.110.C Required Carpool parking spaces.**

Minor edit of this section.



- ~~1. The minimum number of parking spaces for all zones is stated in Table 266-1. Table 266-2 states the required number of spaces for use categories. The standards of Tables 266-1 and 266-2 apply unless specifically superseded by other portions of the City Code.~~
  - ~~23.~~ Joint use parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed only if the uses and housing types to which the parking is accessory are allowed in the zone where the parking is located. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to BDS as part of a building or zoning permit application or land use review:
    - a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
    - b. The location and number of parking spaces that are being shared;
    - c. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
    - d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- C. **Required Carpool parking spaces.** For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:
1. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.
  2. The spaces ~~must~~will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.
  3. Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.



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## **Commentary**

### **33.266.110.D Minimum for sites well served by transit.**

This section is being replaced by the rewrite of this section and the provisions in sections 33.266.110.B.1 and B.2.

### **33.266.110.E**

Renumbered to 266.110.D. No substantive change.



~~D. Minimum for sites well served by transit.~~ For sites located less than 1500 feet from a transit station or less than 500 feet from a transit street with 20-minute peak hour service, the minimum parking requirement standards of this subsection apply. Applicants meeting these standards must provide a map identifying the site and TriMet schedules for all transit routes within 500 feet of the site. The minimum number of parking spaces is:

- ~~1. Household Living uses. The minimum number of parking spaces required for sites with Household Living uses is:~~
  - ~~a. Where there are up to 30 units on the site, no parking is required;~~
  - ~~b. Where there are 31 to 40 units on the site, the minimum number of parking spaces required is 0.20 spaces per unit;~~
  - ~~c. Where there are 41 to 50 units on the site, the minimum number of parking spaces required is 0.25 spaces per unit; and~~
  - ~~d. Where there are 51 or more units on the site, the minimum number of parking spaces required is 0.33 spaces per unit.~~
- ~~2. All other uses. No parking is required for all other uses.~~

**DE. Exceptions to the minimum number of parking spaces.**

1. The minimum number of required parking spaces may not be reduced by more than 50 percent through the exceptions of this subsection. The 50 percent limit applies cumulatively to all exceptions in this subsection.
2. Exceptions for sites where trees are preserved. Minimum parking may be reduced by one parking space for each tree 12 inches in diameter and larger that is preserved. A maximum of 2 parking spaces or 10 percent of the total required may be reduced, whichever is greater. However, required parking may not be reduced below 4 parking spaces under this provision.
3. Bicycle parking may substitute for up to 25 percent of required parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.
4. Substitution of transit-supportive plazas for required parking. A transit-supportive plaza may substitute for up to 10 percent of the required parking on sites where at least 20 parking spaces are required, and where at least one street lot line abuts a transit street. ~~may substitute transit-supportive plazas for required parking, as follows.~~ Existing parking areas may be converted to take advantage of these provisions. The plaza must meet the following regulations. Adjustments to the regulations of this paragraph are prohibited:
  - ~~a. Transit-supportive plazas may be substituted for up to 10 percent of the required parking spaces on the site;~~
  - a. The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop;
  - b. The plaza must be at least 300 square feet in area and be shaped so that a 10'-foot x 10'-foot square will fit entirely in the plaza;



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## Commentary

### 33.266.110.E.7

These changes are requested by PBOT. This provision clarifies when a bike sharing station may substitute for required parking. The only bike-sharing system eligible to qualify for this parking reduction is operated by a firm sanctioned by the City of Portland. A development using this provision must provide an on-site docking station that is part of the system operated or sanctioned by the City of Portland.



- c. The plaza must be open to the public. The owner must record a public access easement that allows public access to the plaza; and
- d. The plaza must include all of the following elements:
  - ~~(1) A plaza open to the public. The owner must record a public access easement that allows public access to the plaza;~~
  - (21) A bench or other sitting area with at least 5 linear feet of seating;
  - (32) A shelter or other weather protection that. The shelter must covers at least 20 square feet. If the plaza is adjacent to the bus stop, TriMet must approve the shelter; and
  - (43) Landscaping. At least 10 percent, but not more than 25 percent of the transit-supportive plaza must be landscaped to the L1 standard of Chapter 33.248, Landscaping and Screening. This landscaping is in addition to any other landscaping or screening required for parking areas by the Zoning Code.
- 5. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.
- 6. Substitution of car-sharing spaces for required parking. Car-sharing parking spaces may substitute ~~Substitution of car-sharing spaces for required parking is allowed~~ if all of the following are met:
  - a. For every car-sharing parking space that is provided, the motor vehicle parking requirement is reduced by two spaces, up to a maximum of 25 percent of the required parking spaces;
  - b. The car-sharing parking spaces must be shown on the building plans; and
  - c. A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.
- 7. Substitution of bike-sharing facility for required parking. Substitution of a bike-sharing facility City of Portland bike-sharing stations may substitute ~~Substitution of a bike-sharing facility for required parking is allowed~~ if all of the following are met:
  - a. A City of Portland bike-sharing station providing 15 docks and ~~eight~~10 shared bicycles reduces the motor vehicle parking requirement by ~~three~~3 spaces. The provision of each addition of ~~four~~4 docks and ~~two~~2 shared bicycles reduces the motor vehicle parking requirement by an additional space, up to a maximum of 25 percent of the required parking spaces;
  - b. The bike-sharing ~~facility~~station must be adjacent to, and visible from the street, and must be publicly accessible;
  - c. The bike-sharing ~~facility~~station must be shown on the building plans; and



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## Commentary

### 33.266.110.E.8

Economic modeling indicated that required parking may have a negative effect on the provision of affordable housing through the incentive/bonus for public benefits. This provision exempts affordable housing units built on-site using the affordable housing bonus or planned development bonus from the required parking calculations. For example, if a development is allowed additional floor area that results in 16 additional units, and based on the bonus requirements 4 of the units must be affordable, then the parking requirements are based on 12 units. Affordable housing units built within the base floor area allowance would still be subject to standard parking calculations and requirements.



d. ~~Bike sharing agreement.~~

- ~~(1) The property owner must have a bike sharing agreement with a bike sharing company;~~
- ~~(2) The bike sharing agreement must be approved by the Portland Bureau of Transportation; and~~
- ~~(3) A copy of the signed agreement between the property owner and the bike-sharing company, accompanied by a letter of approval from the Portland Bureau of Transportation, must be submitted before the building permit is approved.~~

8. Parking is not required for dwelling units in buildings that meet the following standards:

- a. The building is on a 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
- b. The building includes:
  - (1) Affordable housing units built under the provisions of Subsection 33.130.212.C., Affordable housing bonus;
  - (2) Affordable housing units built under the provisions of Subsection 33.130.212.E., Planned Development bonus; or
  - (3) Affordable housing units built under mandatory or voluntary inclusionary housing regulations adopted in conformance with ORS 197.309.

9. Parking is not required for affordable dwelling units built under the provisions of Subsections 33.130.212.C., Affordable housing bonus, or Subsection 33.130.212.G., Planned Development bonus.



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## Commentary

### Table 266-1

Changes to this table reflect changes to the new Commercial Mixed Use zoning designations and indicate the applicable parking standards.

As noted previously in commentary for 33.266.110.B.2, for sites far from transit parking is required in the CR, CM1, CM2, CM3, and CE zones as required in Table 266-1 at the levels stated in Table 266-2.

However, an exception is made to the parking requirements for development on small sites or with a limited amount of floor area. Sites 7,500 square feet in size are proposed to be exempt from parking requirements, except for developments with over 30 residential units. The rationale for this is that parking can be difficult to provide on small sites with commercial uses; many sites of this size are currently zoned CS, CM, CN1, or EX and are currently developed without parking and would become non-conforming if parking were required. Currently, the zoning code exempts parking in zones such as CN1, CS, CM, CX, and EX, which are often applied in urban situations on small sites. The CS, CM and CN1 parking exempt zones will no longer exist in the new zoning framework. The 7,500 square foot site exemption covers many of the situations where parking would have been exempted by these zones.



<b>Table 266-1</b> <b>Minimum Required and Maximum Allowed Parking Spaces By Zone [1], [2]</b>	
<b>Zone</b>	<b>Requirement</b>
OS, RF - RH, IR, <del>CN2, CO2, CG, EG, I</del>	Minimum is Standard A in Table 266-2.  Maximum is Standard B in Table 266-2.
<u>CR, CM1, CM2, CM3, CE</u>	<u>Minimum for sites that are 7,500 square feet or less in size: No minimum except for Household Living, which has the following minimums:</u> <u>0 for 1 to 30 units;</u> <u>0.20 per unit for 31-40 units;</u> <u>0.25 per unit for 41-50 units; and</u> <u>0.33 per unit for 51+ units.</u> <u>Minimum for all other sites is Standard A in Table 266-2</u>  <u>Maximum is Standard B in Table 266-2.</u>
EX	<del>No Minimum—None, except for Household Living, which has the following minimums: of</del> 0 for 1 to 3 units; 1 per 2 units for four+ units; and SROs <u>are</u> exempt.  Maximum is Standard A in Table 266-2, except: 1) Retail, personal service, repair-oriented - Maximum is 1 per 200 sq. ft. of net building area. 2) Restaurants and bars - Maximum is 1 per 75 sq. ft. of net building area. 3) General office – Maximum is 1 per 400 sq. ft. of net building area. 4) Medical/Dental office – Maximum is 1 per 330 sq. ft. of net building area.
<del>CN1</del>	<del>Minimum—None.</del> <del>Maximum of 1 space per 2,500 sq. ft. of site area.</del>
<del>CM, CS, RX, CX, CO1</del>	<del>No Minimum—None, except for Household Living, which has the following minimums: of</del> 0 for 1 to 30 units; 0.2 per unit for 31-40 units; 0.25 per unit for 41-50 units; and 0.33 per unit for 51+ units.  Maximum is Standard B in Table 266-2.

[1] Regulations in a plan district or overlay zone may supersede the standards of this table.

[2] Uses subject to a Conditional Use or Impact Mitigation Plan review may establish different parking minimum and maximum requirements through the review.



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## Commentary

### Table 266-2

A maximum parking ratio standard for Household living uses is proposed for sites in the Commercial Mixed Use zones that are located close to transit. The purpose of the maximum is to prevent oversupply of surface parking in mixed use areas and to establish an upper limit on the amount of parking that may be provided as Accessory Parking or Commercial Parking in new provisions of 33.130. Staff proposes to continue to exempt houses, attached houses and duplexes from the maximum parking ratio so that garages and parking in driveways in front of garages is not eliminated as a possibility for those housing types.

The actual parking ratios for recent multi-dwelling developments in mixed use zones generally ranges from zero (for small projects in areas well served by transit) to roughly one space per unit, although there are exceptions where parking is provided at higher ratios (the average ratio is 0.5 to 1). The 1.35 per unit ratio is similar to the maximums currently allowed in the Central City. Sites that are far from transit would be exempt from this maximum.



<b>Table 266-2</b> <b>Parking Spaces by Use [2]</b> <b>(Refer to Table 266-1 to determine which standard applies.)</b>			
<b>Use Categories</b>	<b>Specific Uses</b>	<b>Standard A</b>	<b>Standard B</b>
<b>Residential Categories</b>			
Household Living		1 per unit, except SROs exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units	None, <u>except 1.35 per unit on sites that are both in a commercial/mixed use zone and close to transit as described in 33.266.110.B.1.</u> Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 residents	None
<b>Commercial Categories</b>			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area	1 per 63 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area	1 per 185 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Office	General office	1 per 500 sq. ft. of net building area	1 per 294 sq. ft. of net building area
	Medical/Dental office	1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Commercial Parking		None	None
Self-Service Storage		1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.	2 per resident manager's facility, plus 5 per leasing office, plus 1 per 67 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats	1 per 5 seats



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## Commentary

### Table 266-2 continued

There are no changes to this part of Table 266-2.



<b>Table 266-2</b> <b>Parking Spaces by Use [2]</b> <b>(Refer to Table 266-1 to determine which standard applies.)</b>			
<b>Use Categories</b>	<b>Specific Uses</b>	<b>Standard A</b>	<b>Standard B</b>
<b>Residential Categories</b>			
Household Living		1 per unit, except SROs exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units	None, <u>except 1.35 per unit on sites that are both in a commercial/mixed use zone and close to transit as described in 33.266.110.B.1.</u> Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 residents	None
<b>Commercial Categories</b>			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area	1 per 63 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area	1 per 185 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Office	General office	1 per 500 sq. ft. of net building area	1 per 294 sq. ft. of net building area
	Medical/Dental office	1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Commercial Parking		None	None
Self-Service Storage		1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.	2 per resident manager's facility, plus 5 per leasing office, plus 1 per 67 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats	1 per 5 seats



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## Commentary

### Table 266-2 continued

There are no changes to this part of Table 266-2.

### 33.266.115 Maximum Allowed Parking Spaces

No change to code text.



<b>Table 266-2</b> <b>Parking Spaces by Use [2]</b> <b>(Refer to Table 266-1 to determine which standard applies.)</b>			
<b>Other Categories</b>			
Agriculture		None	None
Aviation		See note [2]	See note [2]
Detention Facilities		See note [2]	See note [2]
Mining		See note [2]	See note [2]
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None	None
	Radio or television broadcast facilities	2 per site	None
Rail Lines & Utility Corridors		None	None

Notes:

- [1] For uses in an EG or I zone, if the site size is 5,000 sq. ft. or less, no more than 4 spaces are required. Where the site size is between 5,001 and 10,000 sq. ft., no more than 7 spaces are required.
- [2] Uses subject to a Conditional Use or Impact Mitigation Plan review may establish parking minimum and maximum requirements through the review.

### 33.266.115 Maximum Allowed Parking Spaces

- A. Purpose.** Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.

The maximum ratios in this section vary with the use the parking is accessory to and with the location of the use. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use. Areas that are zoned for more intense development or are easily reached by alternative modes of transportation have lower maximums than areas where less intense development is anticipated or where transit service is less frequent. In particular, higher maximums are appropriate in areas that are more than a 1/4 mile walk from a frequently served bus stop or more than a 1/2 mile walk from a frequently served Transit Station.

- B. Maximum number of parking spaces allowed.** Regulations in a plan district or overlay zone may supersede the regulations in this subsection.

1. Surface parking. Where more than 25 percent of the parking accessory to a use is on surface parking lots, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:
  - a. Generally. The maximum number of parking spaces allowed is stated in Tables 266-1 and 266-2, except as specified in Subparagraph B.1.b., below;



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## **Commentary**

### **33.266.115 Maximum Allowed Parking Spaces — continued**

No change to code text.

### **33.266.120 Development Standards for Houses and Duplexes**

The text of this section is omitted for brevity because there are no changes to the text of the code.

### **33.266.130 Development Standards for All Other Uses**

There are no changes to code text on this page. Changes in this section are to 33.266.130.C.3.b.



- b. Exception for sites not well served by transit. For sites located more than 1/4 mile from a bus stop with 20-minute peak-hour service and more than 1/2 mile from a Transit Station with 20-minute peak-hour service, the maximum number of parking spaces allowed is 125 percent of the amount stated in Tables 266-1 and 266-2. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. For sites not shown on the map, the applicant may provide current information demonstrating that the site meets the service thresholds. Applicants requesting this exception must provide a map identifying the site and all bus stops and Transit Stations within 1/2 mile of the site and TriMet schedules for all transit routes within 1/2 mile of the site.
- 2. Structured parking. Where 75 percent or more of the parking accessory to a use is in structured parking, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:
  - a. Generally. There is no maximum number of parking spaces, except as provided in Subparagraph B.2.b., below;
  - b. Parking accessory to Medical Centers and Colleges. The maximum parking allowed that is accessory to Medical Centers and Colleges is stated in Tables 266-1 and 266-2.
- 3. Exception in the EG and I zones. In the EG and I zones, there is no maximum number of accessory parking spaces for either structured or surface parking where both Subparagraphs B.3.a. and b. are met, and either Subparagraph B.3.c. or d. is met:
  - a. The site is at least eight acres in area;
  - b. The site is located more than 1/2 mile from a transit stop or station with 20-minute peak-hour light rail or streetcar service; and
  - c. At least 700 of the accessory parking spaces are in a structure; or
  - d. The structured parking is in a structure with at least three floors, and parking is on at least three floors of the structure.

### **33.266.120 Development Standards for Houses and Duplexes**

[No changes]



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## Commentary

### **33.266.130 Development Standards for All Other Uses**

The purpose statement is revised to clarify that the standards for location and limits on vehicle areas not only affect the amount of street frontage used for vehicle areas, but also have an influence on the locations of buildings along a street.



### 33.266.130 Development Standards for All Other Uses

- A. Purpose.** The development standards promote vehicle areas ~~which~~that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations~~restrictions~~ for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; ~~and~~
- Create an environment that is inviting to pedestrians and transit users;
- Create a strong relationship between buildings and the sidewalk; and
- Create a sense of enclosure on transit and pedestrian street frontages.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

- B. Where these standards apply.** The standards of this section apply to all vehicle areas whether required or excess parking, except for residential parking areas subject to the standards of 33.266.120.



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## Commentary

### **33.266.130.C.3.b Frontage limitation**

This change makes reference to the new array of commercial mixed use zones.  
No substantive change has been made to the regulation.



**C. On-site locations of vehicle areas.**

1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3.
2. Building setbacks for structures that contain vehicle areas.
  - a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.
  - b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.
  - c. Structured parking that does not allow exiting in a forward motion in C, E, or I Zones must be set back 18 feet from the street lot line.
3. Frontage limitation.
  - a. The standard of this subparagraph applies outside the Central City plan district in the R3, R2 and R1 zones. No more than 50 percent of the frontage on a street may be used for vehicle areas. On sites with more than one street frontage, this standard applies to the street with the highest transit designation. If two streets have the same highest transit classification, the applicant may choose on which street to meet the standard. Sites where there is less than 100 square feet of net building area are exempt from this standard.
  - b. The standard of this paragraph applies outside the Central City plan district in the RH, RX, IR, CR, CM1, CM2, CM3, CE, ~~CN, CO, CG, CX~~, EG1, and EX zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.



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## Commentary

### Table 266-3

The table is amended to reflect applicability to the new array of zones.

In the CR, CM1, CM2, and CM3 zones on sites less than two acres, parking is not allowed between a building and a street. This is the same standard as in the current CX and EX zone, and is somewhat less stringent than the current standard in the existing CS and CM zones, where parking between a building and a street is completely prohibited. The intent is generally to not allow parking in front of buildings. However, the change in language that eliminates the prohibition provides an opportunity to consider special situations through the Adjustment review process if they arise. For sites in the CE zone, and larger sites in the CM1, CM2, and CM3 zones, the parking location standard is the same as the current CG and CN zones. The intent is to provide a greater degree of flexibility for parking locations in zones that are intended to be more auto-accommodating (CE), and on large sites where there is a higher likelihood of multiple buildings on-site. Sites with multiple buildings may have greater difficulty with more restrictive parking locations.



#### D. Improvements.

1. Paving. In order to control dust and mud, all vehicle areas must be paved. However, some portions of individual parking spaces may be landscaped per the standards of Paragraph F.4, below.
2. Striping. All parking areas, except for stacked parking, must be striped in conformance with the parking dimension standards of Subsection F. below.
3. Protective curbs around landscaping. All perimeter and interior landscaped areas must have protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards, or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers.

<b>Table 266-3</b> <b>Location of Vehicle Areas [1]</b>			
<b>Zone</b>	<b>General Standard</b>	<b>Exception for Through Lots and Sites with Three Frontages</b>	<b>Exception for Full-Block Sites</b>
<b>OS, RF-R5, R2.5, EG2, I</b>	No restrictions.		
<b>R3, R2, R1, RH, IR, <del>CE, CN, CO, CG</del>, EG1, <u>sites in CM1, CM2, and CM3 that are more than 2 acres in total area</u></b>	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
<b><del>CM, CS</del></b>	<del>Prohibited between a building and any street.</del> {2}	<del>May have vehicle areas between the building and one Local Service Transit Street.</del>	<del>May have vehicle areas between the building and two Local Service Transit Streets.</del>
<b><u>RX, CX, CR, EX, sites in CM1, CM2, and CM3 that are 2 acres or less in total area</u></b>	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:

[1] Driveways that provide a straight-line connection between the street and a parking area inside a building are not subject to these regulations.

{2} Existing Development: Where the vehicle area exists, and an existing building is being expanded, the location of vehicle area between the building and any street is not allowed, rather than prohibited.



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## **Commentary**

**33.266.130.E-G Development Standards for All Other Uses**

**33.266.140 Stacked Parking Areas**

**33.266.150 Vehicles in Residential Zones**

**Bicycle Parking**

**33.266.200 Purpose**

**33.266.210 Required Bicycle Parking**

**33.266.220 Bicycle Parking Standards**

**Loading**

**33.266.310 Loading Standards**

No changes are proposed for the code sections on this page. The code has been removed from this draft for brevity.



- E. **Stormwater management.** [No changes]
- F. **Parking area layouts.** [No changes]
- G. **Parking area setbacks and landscaping.** [No changes]

#### **33.266.140 Stacked Parking Areas**

[No changes]

#### **33.266.150 Vehicles in Residential Zones**

[No changes]

### **Bicycle Parking**

#### **33.266.200 Purpose**

[No changes]

#### **33.266.210 Required Bicycle Parking**

[No changes]

#### **33.266.220 Bicycle Parking Standards**

[No changes]

### **Loading**

#### **33.266.310 Loading Standards**

[No changes]



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## Commentary

### 33.266.410 Purpose

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

### 33.266.410.B Transportation and parking demand management in the commercial/mixed use zones

These regulations explain the thresholds and procedure for a TDM plan for development in the Commercial/Mixed Use Zones. A TDM plan will be required of developments and alterations that result in 10 or more new residential units on a site. The TDM requirements will allow an applicant/building manager to adopt a pre-approved "off the shelf" TDM plan (Title 17). As an alternative, an applicant may choose to develop a custom TDM plan through a Transportation Impact Review (see 33.852). The TDM requirement will not apply to sites far from transit.

More information about TDM can be found in Section VII of the Mixed Use Zones report, and the Section 14 of the Recommended Amendments to the Transportation System Plan. In general, pre-approved TDM plans are expected to consist of the following:

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

### 33.266.420 Standards for the Campus Institutional Zones

These regulations explain the thresholds and procedure for a Transportation Impact Review for Campus institutions. A Transportation Impact Review (33.852) involves an analysis of the potential transportation system impact of anticipated development, and will result in a TDM Plan and potentially other mitigation requirements. This section applies to development that adds more than 20,000 square feet of floor area or more than 4 new parking stalls in the campus institutional zones. Note that comprehensive programs can be prepared for entire campuses anticipating development over many years. In such instances development larger than 20,000 square feet or more than 4 parking spaces will not necessarily trigger the need for a new Transportation Impact Review provided it is anticipated in an already approved program.



## **Transportation and Parking Demand Management**

### **33.266.410 Transportation and Parking Demand Management**

- A. Purpose.** Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.
- 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 includes more than 10 dwelling units, or an alteration to existing development includes the addition of more than 10 dwelling units. Sites that are located far from transit, as described in Paragraph 33.266.110.B.2, are exempt from this requirement. To meet the TDM 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.

### **33.266.420 Transportation Impact Review in the Campus Institutional Zones**

Development on a site with a College or Medical Center use must conform to an approved Transportation Impact review. Transportation Impact review is not required if the development:

- A.** Does not increase the net building area on the campus by more than 20,000 square feet; or
- B.** Does not increase the number of parking spaces on the campus by more than 4.



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## Commentary

### 33.270 Planned Development

This chapter and Chapter 33.855 (Planned Development Review) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of Planned Development provisions for development proposals on large mixed use sites that do not involve land divisions. It includes new regulations related to the Planned Development bonus, included in the Floor Area and Height Bonus Options in Chapter 33.130 (see 33.130.212.E).

This chapter works in conjunction with Chapter 33.855. This chapter states the regulatory parameters for Planned Developments (including the requirements for Planned Developments in the commercial/mixed use zones and additional allowed uses for Planned Developments other zones), while Chapter 33.855 states the Planned Development review procedures, supplemental application requirements, and review criteria.

Many of the amendments to this chapter, including changes to the Purpose section, relate to the Planned Development bonus in Chapter 33.130, which is available on large sites (2 or more acres) in some of the commercial/mixed use zones and responds to community input received during Mixed Use Zones Project events. Many community members were open to allowing development on large sites to be larger in scale than what is usually allowed in most areas with commercial/mixed use zoning, especially if there was enough space for a transition in scale to lower-density areas and proposals were subject to design review. It also responds to community interest in linking the provision of additional development potential to the provision of public benefits, especially affordable housing.

The Planned Development bonus allows for additional FAR and height in exchange for the provision of affordable housing, public open space, low carbon buildings, and a public review process (for information on the review process and approval criteria, see the commentary and code for Chapter 33.855, Planned Development Review).

Also, in modeling of MUZ development prototypes, it was clear that levels of floor area allowed through commercial/mixed use zone bonuses are difficult to fully utilize on large sites due to circulation, parking, and other requirements that take up site area, in combination with the allowed height limits. The Planned Development bonus provides additional height allowances on large sites in commercial/mixed use zones to more fully utilize bonus floor area, when key bonus provisions that provide public benefits are met and the overall plan is approved through a public review process.



## 33.270638 Planned Development

**270638**

### Sections:

- 33.270638.010 Purpose
- 33.270638.020 Relationship to Other Regulations
- 33.270638.100 Additional Allowed Uses and Development in Single Dwelling Zones
- 33.270638.110 Limitations on Residential Uses and Development
- 33.270.200 Additional Requirements for Planned Developments in Commercial/Mixed Use Zones

### 33.270638.010 Purpose

The Planned Development regulations provide an opportunity for innovative and creative development, ~~while assuring that the development will complement existing neighborhood character.~~ Planned Development provides a master planning mechanism for allowing additional housing types and uses, the transfer of density and floor area to different portions of a site, and across internal zoning boundaries, and bonus floor area and increased height on large sites in commercial/mixed use zones. In this case, the flexibility is allowed when the development includes features that provide public benefits.

These regulations allow flexibility, and in some cases increased intensity of development, beyond that allowed by other chapters of this Title, if the proposed development is well-designed and can be successfully integrated into the neighborhood and provides public benefits. Overall, a Planned Development is intended to promote:

- High quality design that is integrated into the broader urban fabric, and complements existing character within the site and adjacent to the site;
- Development that is pedestrian-oriented, with a strong orientation towards transit and multimodal transportation alternatives;
- Building bulk, height, and orientation that ensures that light and air is accessible within the public realm, and that public view corridors are protected;
- A safe and vibrant public realm, with buildings and uses that are oriented to activate key public gathering spaces, be they public open space, transit stations, or the Willamette River;
- Open space areas that include gathering spaces and passive and/or active recreation opportunities;
- Affordable housing; and
- Energy efficient development.

### 33.270638.020 Relationship to Other Regulations

- A. **Flexibility.** Approval of a Planned Development allows certain kinds of flexibility for development in residential development zones and commercial/mixed use zones. Some of the flexibility allowed by Planned Developments may also be allowed under other provisions of this Title. Where such situations exist, the applicant may choose which provision to apply.



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## Commentary

### **33.270.100 Additional Allowed Uses and Development**

On sites over two acres in size in some commercial/mixed use zones, additional FAR and additional height allowed by 33.130.212, Floor Area and Bonus Options, may be requested in the Planned Development process. Planned Developments seeking this height and FAR bonus must complete a Planned Development review (33.854) to be conducted by the Portland Design Commission. The new code language in paragraph "I" adds this allowance to the listing of other types of development that can currently be requested through Planned Development Review.



- B. Density and FAR.** Minimum residential density and minimum FAR requirements must be met in a Planned Development. Adjustments to minimum density or minimum FAR are prohibited. Where the density requirement is expressed as a number of lots, it can be met in the Planned Development by providing the same number of dwelling units. Maximum density requirements in Single-Dwelling zones are specified in 33.610.100 and 33.611.100. Maximum FAR requirements are specified in 33.130.205.
- C. Land Divisions.** A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required.

### **33.270638.100 Additional Allowed Uses and Development**

In addition to the housing types and uses allowed by other chapters of this Title, the following uses and development may be requested through Planned Development Review. More than one of these elements may be requested:

- A. Attached houses.** Attached houses may be requested in the RF through R5 zones;
- B. Duplexes.** Duplexes may be requested in the RF through R2.5 zones;
- C. Attached duplexes.** Attached duplexes may be requested in the RF through R2.5 zones;
- D. Multi-dwelling structures.** Multi-dwelling structures may be requested in the RF through R2.5 zones;
- E. Multi-dwelling development.** Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;
- F. Modification of site-related development standards.** Modification of site-related development standards that are not prohibited from being adjusted may be requested through a Planned Development.
- G. Alternative residential dimensions.** Proposals for lots that do not meet the minimum lot area, minimum lot depth, or minimum front lot line standards may be requested in RF through R2.5 zones. Proposals for lots that do not meet the minimum lot size dimensions may be requested in the RH through R3 zones.
- H. Commercial uses.** Commercial uses that are allowed in the CM1~~CN1~~ zone may be requested in the RF through R1 zones;
- I. Additional height and FAR.** For sites in the CM2, CM3, CE, and CX zones outside of the Central City and Gateway plan districts that are greater than 2 acres in size, additional height and FAR may be requested through a Planned Development as specified in 33.130.212.E, Planned Development Bonus, and Table 130-3;
- IJ. Transfer of development within a site.** Transfer of development rights across zoning lines within the site may be proposed as follows:
  - 1. RF through R1 zones. If the site is located in more than one zone, and all the zones are RF through R1, the total number of units allowed on the site is calculated by adding up the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.



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## **Commentary**

### **33.270.110 Limitations on Residential Uses and Development**

The amended code language reflects changes made through the Employment Zoning Project that make residential uses a prohibited use in the EG1 and EG2 zones, and no longer eligible for approval through a Conditional Use Review.



2. RH and RX zones. If the site is located in more than one zone, and the zones are RH and RX, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
3. C, E, and I zones. If the site is located in more than one zone, and all the zones are C, E, and I zones, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
4. All zones. If the site is located in more than one zone, and at least one of the zones is RF through R1, and at least one of the zones is RH, RX, C, or EX, then the total number of dwelling units allowed on the site is calculated as follows:
  - a. The number of units allowed on the RF through R1 portion of the site is calculated in terms of dwelling units;
  - b. The number of units allowed on the other portion of the site is calculated in terms of floor area; The floor area calculation is converted to dwelling units at the rate of 1 dwelling unit per 1,000 square feet of floor area;
  - c. The two dwelling unit numbers are added together, and may be placed without regard to zone boundaries.

**JK. Transfer of development between sites.** Sites that are eligible to transfer development rights to another site are designated in other chapters of this Title. Where such transfers occur, both the sending and receiving sites must be part of a Planned Development.

### **33.270638.110 Limitations on Residential Uses and Development**

The following limitations apply to Planned Developments proposed in EG or I Zones:

- A. Industrial zones.** Residential uses and development are prohibited in industrial zones. Using floor area transferred from industrial zones for residential uses is prohibited in all zones.
- B. EG1 and EG2 zones.** ~~If a residential use is allowed in an EG1 or EG2 zone through a Conditional Use Review, then residential uses proposed for an EG1 or EG2 zone as a Planned Development must also go through a Conditional Use Review.~~ Residential uses and development are prohibited in EG1 and EG2 zones. Using floor area transferred from EG1 or EG2 zones for residential uses is prohibited in all zones.



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## Commentary

### 33.270.200 Additional Requirements for Planned Developments in the Commercial/Mixed Use Zones

The Planned Development bonus allows for additional FAR and height in exchange for the provision of affordable housing, public open space, low carbon buildings, and a public review process (for information on the review process and approval criteria, see the commentary and code for Chapter 33.854, Planned Development Review). The public open space component of this bonus provides a potential mechanism for creating public gathering places in centers, helping to implement new Comprehensive Plan policy objectives for centers.

**Affordable Housing.** The requirement for at least 25 percent of the additional floor area to be developed as affordable housing (affordable to households earning no more than 80 percent of area median family income) is based on the affordable housing bonus in Chapter 33.130 (see 33.130.212.C). For projects not fully utilizing the additional floor area allowed through this Planned Development provision (when the base zone FAR maximum is not exceeded by at least 40%), the affordable housing requirement applies to 10 percent of the total floor area of the project. This is intended to ensure that projects are not awarded the additional building height of this provision with only a minimal affordable housing component (the 10 percent figure approximates the overall affordable housing component that would result from projects more fully utilizing the additional floor area bonus, where this additional increment of floor area would need to meet the 25 percent affordability requirement).

Additional detail regarding bonus option requirements will be part of administrative rules, which will include details regarding items such as the term of required affordability, administrative and reporting requirements, any tenancing requirements, and enforcement. See Section V of the Mixed Use Zones report (Implementation Tools) for more information on administrative rules for the affordable housing bonus and next steps that will be necessary before it can be implemented.

**Energy Efficient Buildings.** This requirement helps implement new Comprehensive Plan policies calling for energy-efficient, low carbon development, and helps forward the objectives of Portland's Climate Action Plan. The details of this requirement and its administration will be part of administrative rules that will be created and administered by the Bureau of Planning and Sustainability. A preliminary concept is that a range of options for meeting this requirement would be provided, such as requiring development to be built such that it conforms to one of several energy efficiency standards for which certifications are typically sought, or designing buildings to achieve net zero energy performance.



### **33.270.200 Additional Requirements for Planned Developments in the Commercial/Mixed Use Zones**

Planned Developments in the CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts, that are using the Planned Development bonus, must met all of the following requirements:

- A. Affordable housing.** At least 25 percent of the additional floor area allowed by Subsection 33.270.100.I must be developed as housing affordable to those earning no more than 80 percent of the area median family income. If the total proposed floor area does not exceed the base zone maximum by at least 40 percent, then 10 percent of the total floor area on site (base and bonus) must be developed as housing affordable to those earning no more than 80 percent of the area median family income. To ensure that this requirement is met, the following apply:
1. The applicant must provide a letter from the Portland Housing Bureau certifying that the development will meet the standard of Paragraph A., and any administrative requirements;
  2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the dwelling units built as required by Paragraph A. will remain affordable to households meeting income restrictions for 60 years, and that the property owner will meet the reporting requirements of the Portland Housing Bureau or qualified administrator.
- B. Plaza or park.** At least 15 percent of the total Planned Development site area must be developed as a publicly accessible plaza or park. The proposed plaza or park must meet the following standards:
1. The plaza or park must be:
    - a. Located outside on the site;
    - b. Located adjacent to a public street; and
    - c. Open and accessible to the public from 7am to 9pm. The property owner must record an easement for the plaza or park that provides for unrestricted public access from 7am to 9pm;
  2. The plaza must have a minimum dimension of 50 feet by 50 feet;
  3. Open space used to meet required residential outdoor area standards cannot be used to meet this requirement;
  4. Building walls abutting the plaza or park must meet the ground floor window standard in 33.130.230.B.1.a, and there must be at least one building entrance facing the plaza or park; and
  5. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the plaza or park. The covenant must comply with the requirements of Section 33.700.060.
- C. Energy efficient buildings.** All buildings, except for accessory structures, within the Planned Development site, must meet the energy efficiency requirements of the Bureau of Planning and Sustainability.
- D. Design Review.** All development within the Planned Development site must be approved through Design Review.



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## Commentary



## Overlay Zones

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- 33.400 Aircraft Landing Zone – h
- 33.405 Alternative Design Density Overlay Zone – a
- 33.410 Buffer Zone – b
- 33.415 Centers Main Street Overlay Zone – m
- 33.420 Design Overlay Zone – d
- 33.430 Environmental Zone – c or p
- 33.435 Future Urban Zone – f
- 33.440 Greenway Zones – g, i, n, q, or r
- 33.445 Historic Resource Protection Overlay Zone
- 33.450 Light Rail Transit Station Zone – t
- ~~33.455 Main Street Node Overlay Zone – j~~
- ~~33.460 Main Street Corridor Overlay Zone – m~~
- 33.465 Pleasant Valley Natural Resources Overlay Zone – v
- 33.470 Portland International Airport Noise Impact Zone – x
- 33.471 Prime Industrial Overlay Zone – l
- 33.480 Scenic Resource Zone – s

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



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## Commentary

### **33.415 Centers Main Street Overlay Zone**

The Centers Main Street Overlay Zone is a new chapter. The purpose of the overlay is to enhance the active pedestrian main street qualities of key streets within Comprehensive Plan designated centers. The overlay would be applied to a limited set of properties along a roadway within a center, and may not cover the full extent of many developed main streets (for example, this would be applied to the core commercial portion of a street like Alberta, not the full length).

The tool is designed to be applied throughout the city in areas where these more specific pedestrian-oriented qualities, active uses, and minimum levels of development are desired. The existing main street overlays (33.455; 33.460) are being recast as Plan Districts (see 33.520; 33.545; 33.575) because the locations and streets where those regulations are applied typically have more unique features or desired regulatory approaches. An issue requiring future reconciliation is how this Centers Main Street overlay would interact/apply in other plan district areas.

A map of the specific areas where the overlay is proposed is included in this section and in Section VII of the Mixed Use Zones Report (Zoning Map Amendments).

This is a new chapter. For readability, strikethrough and underline is not used.

#### **33.415.010 Purpose**

The Centers Main Street overlay zone is intended to encourage a mix of commercial, residential and employment opportunities on the key main streets within Comprehensive Plan identified town and neighborhood centers, and in other locations where pedestrian-oriented qualities, active uses, and minimum levels of development are desired. It will be mapped along specific sections of key streets within town and neighborhood centers identified in the Comprehensive Plan.

#### **33.415.020 Short Name and Map Symbol**

The Centers Main Street Overlay Zone is shown on the Official Zoning Maps with an "m" map symbol.

#### **33.415.030 Where These Regulations Apply**

The regulations of this chapter apply to sites in the Centers Main Street overlay zone. A citywide map of this overlay zones is below.



## 33.415 Centers Main Street Overlay Zone

415

### Sections:

#### General

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

#### Use Regulations

- 33.415.100 Prohibited Uses
- 33.415.200 Required Ground Floor Active Use

#### Development Regulations

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

### General

#### 33.415.010 Purpose

The Centers Main Street overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

#### 33.415.020 Short Name and Map Symbol

The Centers Main Street overlay zone is shown on the Zoning Map with an "m" map symbol.

#### 33.415.030 Where These Regulations Apply

The regulations of this chapter apply to sites in the Centers Main Street overlay zone.



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## Commentary

### **33.415.100 Prohibited Uses**

The listed uses are prohibited because they are non-active uses or are detrimental to creating an active, pedestrian oriented main street area.

### **33.415.200 Required Use**

Key uses are now required as part of the ground floor of developments. The list of uses is designed to create an active main street area in these key areas. In some cases, particular functions of larger, multi-function uses are specified.

### **33.415.300 Prohibited Development**

The listed types of development are prohibited because they are detrimental to creating an active, pedestrian oriented main street area or are inappropriate in terms of intensity.



## **Use Regulations**

### **33.415.100 Prohibited Uses**

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

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

### **33.415.200 Required Ground Floor Active Use**

Within 100 feet of a transit street, at least 25 percent of the ground level floor area must be in one of the following active uses. Only uses allowed in the base zone may be chosen:

- A. Retail Sales and Service;
- B. Office;
- C. Industrial Service;
- D. Manufacturing and Production;
- E. Community Service;
- F. Daycare;
- G. Religious Institutions;
- H. Schools;
- I. Colleges. If a College use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; library; food service; theatre; meeting area; or
- J. Medical Centers. If a Medical Center use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; waiting room; food service; out-patient clinic.

## **Development Regulations**

### **33.415.300 Prohibited Development**

The following development is prohibited within 100 feet of a transit street:

- A. Drive-through facilities; and
- B. Houses, attached houses, and duplexes.



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## Commentary

### **33.415.310 Minimum Floor Area Ratio**

A minimum floor area is required to provide a minimum level of intensity of development in these key main street storefront type areas. Minimum FAR is used because the new base zones do not require minimum density, and the minimum building coverage requirements of the current CS/CM zones (50% of site), which are broadly applied, are being eliminated in the new CM1, CM2, and CM3 base zones. Sites in the Inner Pattern Area shown on Map 415-1 have a minimum FAR of 0.5:1 to approximate the CM/CS zone lot coverage standard that resulted in a 0.5:1 minimum FAR. The required FAR is reduced in Eastern and Western Pattern Areas to reflect their less dense development pattern.

### **33.415.320 Maximum Building Setbacks**

This regulation is intended to provide a greater amount of building wall near the sidewalk/lot line than the base zone, without a required "build to" line. The regulation is applied to sites in Inner Pattern areas to reflect the existing urban development pattern of relatively small blocks and lots with high percentages of building coverage.

### **33.415.330 Location of Vehicle Areas**

The intent is to create a high-quality, pedestrian friendly environment particularly along transit street frontages. This regulation does this by limiting the on-site location of vehicle and parking areas. Development that is using the alternative setback for large retailers is exempt from this standard, as the alternative setback standard provision is intended to allow more flexibility in site design and setbacks for large-scale retail uses.



### **33.415.310 Minimum Floor Area Ratio**

- A.** In the Inner Pattern Area the minimum floor area ratio (FAR) for all new development is 0.5 to 1. Pattern areas are shown on Map 415-1.
- B.** In the Eastern and Western Pattern Area the minimum floor area ratio (FAR) for all new development is 0.25 to 1. Pattern areas are shown on Map 415-1.

### **33.415.320 Maximum Building Setback**

In the Inner Pattern Area, at least 70 percent of the length of the ground level street-facing facade of the building must meet the maximum building setback standard of the base zone. If the site has three or more block frontages, this standard only applies to two frontages. In the case of sites with three or more block frontages, the two frontages subject to this standard are those with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose on which streets to meet the standard. Pattern areas are shown on Map 415-1.

### **33.415.330 Location of Vehicle Areas**

- A. Purpose.** The vehicle area regulations help minimize conflicts between vehicles and pedestrians on transit streets, and create a pleasant, pedestrian-oriented environment by limiting the areas where parking and vehicular activity may be located on site.
- B. Location of vehicle area.** The following limitations apply on transit streets. Pattern areas are shown on Map 415-1:
  - 1. In the Inner Pattern area, no more than 30 percent of any transit street frontage may be used for vehicle areas; and
  - 2. In the Eastern and Western Pattern areas, no more than 50 percent of any transit street frontage may be used for vehicle areas.
- C. Exemption.** Sites that meet all of the requirements of 33.130.215.E, Alternative maximum building setback for large retailers, are exempt from this standard.



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## Commentary

### **33.415.340 Ground Floor Windows**

In order to create a high quality pedestrian oriented main street experience, a greater degree of ground floor window coverage (60%) is required than in the base zones (40%).

### **33.415.350 Entrances**

The proposed changes to the base zone (33.130) will require a minimum entrance frequency of 1 per 200 feet of frontage. Centers are intended to be more active pedestrian spaces, and a greater degree of entrance frequency is intended to support that goal. A minimum of 1 entry per 100 feet of frontage is required on transit streets in the Centers Main Street overlay area in order to help create a more active pedestrian environment.

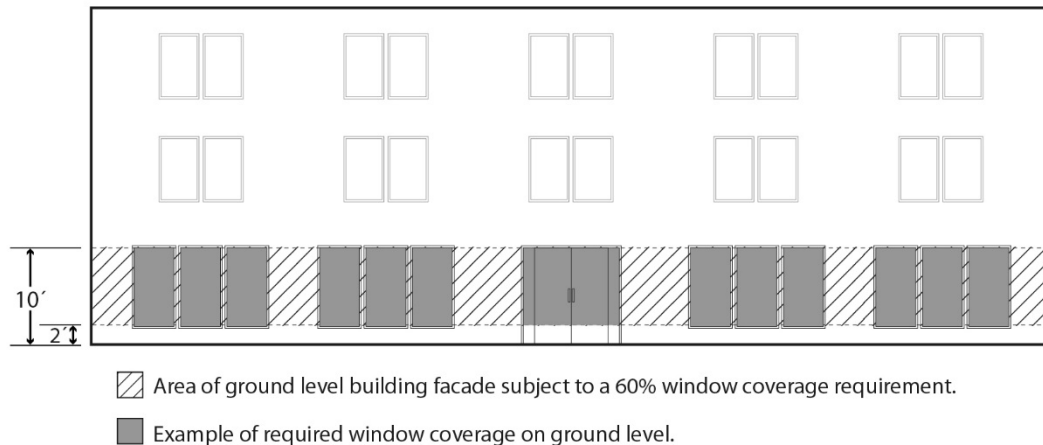


This is a new chapter. For ease of readability, ~~strike through~~ and underline are not used.

### 33.415.340 Ground Floor Windows

The ground floor window standards of the base zones apply to all sites in the Centers Main Street overlay zone, except that for sites with frontage on a transit street, the amount of ground floor wall area of the street-facing facade that is 20 feet or closer to the transit street lot line that must be covered by windows is 60 percent rather than 40 percent. See Figure 415-1.

**Figure 415-1**  
**Ground Floor Windows**



## 33.415.350 Entrances

- A. Purpose.** Building entrances provide convenient pedestrian access between the use and public sidewalks and transit facilities. They help promote an environment that supports retail facilities and pedestrian activity.
- B. Entrance frequency.** On transit streets, at least one entrance is required for every 100 feet of building length for portions of buildings subject to the maximum street setback.
- C. Entrance Design.** Required entrances must be designed to meet the requirements of 33.130.242 Transit Street Main Entrance.



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## Commentary

### **33.415.410 Additional Development Standards in the CM1 Zone**

This provision is designed to address special situations within the Centers Main Street overlay zone that have a collection of existing, older low-rise storefront commercial type buildings. The regulations are intended to support existing development in these areas and allow compatible new development by encouraging a built-up, pedestrian oriented character with buildings of one to three stories. The allowed FAR in the CM1 zone is set at 2.5 to 1, which allows the same amount of floor area as the "base" FAR allowance in the CM2 zone. This is a change from the Proposed Draft, which specified an FAR of 2 to 1 in the overlay zone. This will provide more development allowances within the allowed height envelope, and opportunity for FAR transfers from historic resources. Limited Manufacturing and Production and Wholesale Sales uses are also allowed in the CM1 zone to the same size allowances as the CM2 zone.



### **33.415.410 Additional Use and Development Standards in the CM1 Zone**

- A. Purpose.** Some locations in the Centers Main Street overlay zone are zoned CM1 and contain areas of continuous, older low-rise commercial storefront buildings that typically feature a concentration of retail uses, no landscaping, and are one to three stories in height. These additional regulations work in conjunction with regulations in the base zone, and the other standards of this section to support and protect the low-rise storefront scale and development features of these areas.
- B. Where these regulations apply.** The regulations in this Section apply to sites zoned CM1.
- C. Retail Sales And Service and Office use limitations.** Each individual Retail Sales And Service or Office use is limited to 40,000 square feet of net building area.
- D. Industrial use.** Manufacturing and Production and Wholesale Sales uses are allowed but each individual use is limited to 15,000 square feet of net building area.
- E. Maximum floor area ratio.** The maximum floor area ratio is 2.5 to 1.
- F. Maximum building coverage.** The maximum building coverage allowed is 100 percent.
- G. Landscaping.** No landscaping is required.



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## Commentary

### Map 415-1

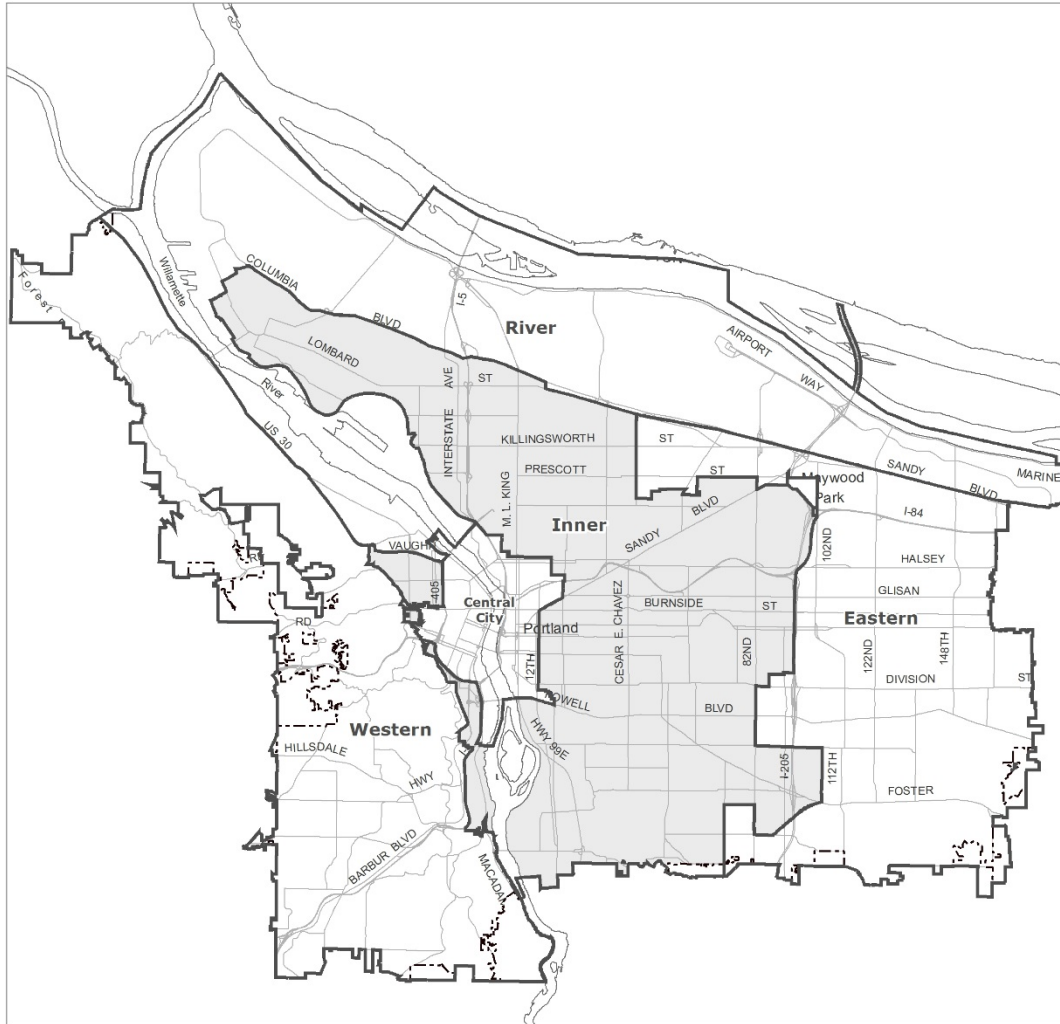
This map shows the locations of different "Pattern Areas" within Portland. Specific development regulations relate to the different areas.



## Pattern Areas

## Map 415-1

Map Revised XXXX XX, XXXX



----- City Boundary  
———— Pattern Area Boundaries

NORTH  
0 9,000 18,000  
Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon



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## Commentary

### 33.430.280 Modifications That Will Better Meet Environmental Review Requirements

This amendment is being made in response to concerns from BDS staff that the code is not clear about whether a modification is allowed when a development standard says "adjustments are prohibited". The environmental review, design review and Planned Development review approval criteria all allow development standards that can be adjusted to be modified through those review processes rather than going through an additional adjustment review process. This allowance streamlines the land use review, reduces cost to the applicant, and avoids two different BDS sections reviewing the same land use application. The intent has always been to only allow development standards that have the option to be adjusted to be modified in one of these other processes. This amendment makes that clear, and avoids having to add the words "adjustments and modifications are prohibited" throughout the zoning code.



**33.430.280 Modifications ~~Which That~~ Will Better Meet Environmental Review Requirements**

The review body may consider modifications for lot dimension standards or site-related development standards as part of the environmental review process. The review body may not consider modifications to standards for which adjustments are prohibited. ~~These M~~modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations. For modifications to lot dimension standards, the review body must also find that the development will not significantly detract from the livability or appearance of the area.



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## Commentary

### **33.445.610.C.9 Historic Preservation Incentive**

This amendment creates an additional regulatory incentive to preserve Historic Landmarks, Conservation Landmarks, and contributing structures in Historic and Conservation districts. In this case the incentive allows Office uses in the R5 zone in historic structures that have had a legally established Office use for a period of time. The impetus for the change comes from a group of contributing historic resources in the King's Hill Historic District that have had Office uses in them consistently since at least the early 1970's. The proposed amendments provide an opportunity to legally establish the existing Office uses in these structures and attach the approval to the property rather than to an individual as is the case with the "revocable permits" under which the existing office uses operate.

This is a targeted response to a specific identified need.



### 33.445.610 Historic Preservation Incentives

- A. Purpose.** Historic preservation incentives increase the potential for historic resources to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of historic resources because they provide flexibility and economic opportunities.
- B. Eligibility for historic preservation incentives.** Conservation Landmarks and Historic Landmarks are eligible to use the historic preservation incentives in Subsection C if the requirements of Subsection D are met. Sites with resources identified as contributing to the historic significance of a Historic District or a Conservation District are eligible to use the incentives in Paragraphs C.3 through C.98 if the requirements of Subsection D are met.
- C. Incentives.** The following incentives are allowed if the requirements of Subsection D, Covenant, are met. The incentives are:
  - 1. – 8. [No change.]
  - 9. Office uses in the R5 zone. In the R5 zone, up to 100 percent of the net building area of a structure may be approved for Office use as follows:
    - a. Review required. The Office use must be approved through Historic Preservation Incentive Review; and
    - b. Previous Office use required. The last use in the structure must have been an Office use and must have been allowed when established; if part of the structure was in residential use, the proposal must include at least as many dwelling units as were part of the last allowed use or uses. If the last allowed use was residential only, the structure is not eligible for this incentive.
- D. Covenant.** The owner must execute a covenant with the City. The covenant may not be revoked or rescinded. The covenant must:
  - 1. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review; and
  - 2. Meet the requirements of Section 33.700.060, Covenants with the City.



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## Commentary

### **33.455 Main Street Node Overlay Zone**

Chapter 33.455 is being deleted and replaced by Plan Districts. See chapters 33.520, 33.545, and 33.575.



### ~~33.455 Main Street Node Overlay Zone~~

~~455~~

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Delete this chapter.



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## Commentary

### **33.460 Main Street Corridor Overlay Zone**

Chapter 33.460 is being deleted and replaced by Plan Districts. See chapters 33.520, 33.545, and 33.575.



### ~~33.460 Main Street Corridor Overlay Zone~~

~~460~~

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Delete this chapter.



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## Commentary

### 33.471 Prime Industrial Overlay Zone

The Prime Industrial overlay zone implements the Prime Industrial Areas policy and sub-policies in the Comprehensive Plan.

Policy 6.36 is intended to help maintain the 20-year growth capacity for forecast job growth in these areas. Substantial industrial-conversion trends in the Portland Harbor and Columbia Corridor areas in recent decades have included Comprehensive Plan map amendments, public acquisition for non-industrial uses, and other land use actions that reduce industrial development capacity. The overlay zone restricts conversion of Prime Industrial land in order to preserve industrial development capacity. Designation and protection of prime industrial land implements direction set in Statewide Planning Goal 9, along with generally equivalent regional direction in Metro's Title 4 to protect Regionally Significant Industrial Areas. The description of Prime Industrial land in the purpose statement is drawn from the definition of Prime Industrial Land in the Goal 9 Administrative Rule.

The identified Prime Industrial Area prioritizes land for long-term industrial retention. The Industrial Sanctuary and Mixed Employment designations set land use direction within Prime Industrial areas. Industrial Sanctuaries provide areas primarily for manufacturing and distribution uses and a setting that encourages industrial growth. Mixed Employment areas provide primarily for office and light manufacturing uses within a more diverse mix of employment uses. Prime Industrial designations include Industrial Sanctuaries and internally located Mixed Employment areas, except that the relatively large retail areas at Cascade Station and Hayden Meadows Drive are not included.

The regulations in the new overlay zone:

- Prohibit quasi-judicial Comprehensive Plan Map amendments in the Prime Industrial areas; and
- Reduce non-industrial use allowances in the Prime Industrial areas.

**Note:** This is a new Zoning Code chapter. For readability, ~~strike through~~ and underline is not used.



## 33.471 Prime Industrial Overlay Zone

471

### Sections:

#### General

33.471.010 Purpose

33.471.020 Map Symbol

33.471.030 Applying the Prime Industrial overlay zone

33.471.040 Initiating a Quasi-judicial Comprehensive Plan Map Amendment

#### Use Regulations

33.471.050 Self-Service Storage

33.471.060 Commercial Outdoor Recreation

33.471.070 Major Event Entertainment

33.471.080 Parks and Open Areas Uses

### General

#### 33.471.010 Purpose

The purposes of the Prime Industrial overlay zone are to protect land that has been identified in the Comprehensive Plan as Prime Industrial, and to prioritize these areas for long-term retention. Prime Industrial Land is suited for traded-sector and supportive industries and possesses characteristics that are difficult to replace in the region. In Portland, Prime Industrial land consists of the Portland Harbor, Columbia Corridor, and Brooklyn Yard industrial districts. These freight-hub districts include Oregon's largest seaport, rail hub, and airport. Existing and potential multimodal freight access in these districts support interregional transport, exporting industries, and associated industrial businesses and activities. The regulations protect these areas by preventing, or requiring an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

#### 33.471.020 Map Symbol

The Prime Industrial overlay zone is shown on the Official Zoning Maps with the "I" symbol.

#### 33.471.030 Applying the Prime Industrial overlay zone

The Prime Industrial overlay zone is to be applied to all land designated as Prime Industrial in the Comprehensive Plan except for land that is zoned Open Space.

#### 33.471.040 Initiating a Quasi-judicial Comprehensive Plan Map amendment.

In the Prime Industrial overlay zone, an applicant is prohibited from initiating a quasi-judicial Comprehensive Plan Map amendment unless the amendment is from Mixed Employment to Industrial Sanctuary.



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## Commentary

### 33.471.050 Parks And Open Areas

Parks and Open Areas uses are currently allowed outright in the Industrial and General Employment zones. The recommended amendments change Parks and Open Areas uses from an allowed use to a limited use in the Prime Industrial areas. The intent of the amendments is to limit the conversion of Prime Industrial land to developed parks. Stormwater facilities as defined by the Bureau of Environmental Services are allowed as basic utilities.

Limited Parks and Open Areas uses:

- Any Parks and Open Areas that are 2 acres or less in size are allowed. Larger parks would require a legislative Comprehensive Plan map amendment to Open Space. Natural areas are allowed.
- Recreational trails and boat launching areas as long as the accessory uses and facilities built in association with the trail and boat launch are not larger than 2 acres.
- Environmental mitigation that is not accessory to a primary use on a site (i.e. off-site mitigation) will be allowed outright as long as the mitigation is for development that occurs in the I-overlay, including mitigation related to the Portland Harbor Superfund cleanup.

The Prime Industrial overlay boundary has been adjusted to exclude all existing parks in the City parks inventory in 2015, including undeveloped parks and parks without designated use types.

Bureau of Planning and Sustainability will coordinate with Metro, Portland Parks and Recreation, and the Bureau of Environmental Services to formalize public acquisition consultation procedures for parks and open areas in the I-overlay. The purposes of consultation at the time of acquisition decisions are to inform the acquisition agency of zoning limitations, options for legislative map amendments, and the estimated resulting loss of prime industrial development capacity of the site based on the Buildable Land Inventory (BLI) methodology. Consultation at the time of acquisition would facilitate consideration of prime industrial retention policy and zoning compliance in the property acquisition decision.



## **Use Regulations**

### **33.471.050 Self-Service Storage**

Self-Service Storage is prohibited in the Prime Industrial overlay zone.

### **33.471.060 Commercial Outdoor Recreation**

In the I and EG zones, Commercial Outdoor Recreation uses are limited to 20,000 square feet. More than 20,000 square feet in Commercial Outdoor Recreation use on a site is prohibited.

### **33.471.070 Major Event Entertainment**

Major Event Entertainment is prohibited in the Prime Industrial overlay zone.

### **33.471.080 Parks and Open Areas**

Parks and Open Areas are prohibited in the Prime Industrial overlay zone except for the following:

- A.** Parks and Open Areas that are 2 acres or less in size are allowed;
- B.** Nature preserves are allowed;
- C.** Recreational trails and boat launching areas are allowed. Trailheads, parking areas, bathroom facilities, educational kiosks and other development or facilities that are accessory to a recreational trail and boat launching areas are limited to 2 acres per site; and
- D.** Off-site mitigation is allowed if the mitigation is for impacts that occur in the Prime Industrial overlay zone.



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## Commentary

### **33.508.220 Maximum Development/Transportation Capacity**

Transportation impact analysis requirements are being relocated from this code section to new code section 33.852. These standards are referenced in a number of code sections including 33.266.420.



**33.508.220 Maximum Development/Transportation Capacity**

- A. Purpose.** [No change.]
- B. Limitations on the amount of development allowed.** [No change.]
- C. Cascade Station/Portland International Center Transportation Impact Analysis Review.**

An applicant may propose development that exceeds the allocation limits of Table 508-1 through a land use review that is based on a Transportation Impact Analysis (TIA). This approach allows an applicant more flexibility but is more complex to use. In addition to the application requirements of Section 33.730.060, the applicant must prepare a TIA that includes the elements and analysis listed in 33.852.105~~this subsection~~. The TIA may be used to exceed the maximum allocation limits in Table 508-1 or to establish lower trip generation rates. The TIA may not be used to exceed the total trips in Table 508-1.

  - ~~1. Description of recommended development;~~
  - ~~2. Delineation of the study area, and rationale for the delineation;~~
  - ~~3. Description of existing uses and conditions in the study area;~~
    - ~~a. The TIA must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;~~
    - ~~b. Any approved TIA must be reflected in the BDS tracking report;~~
  - ~~4. Traffic forecasts and distribution;~~
  - ~~5. Primary traffic access routes to and from the study area;~~
  - ~~6. Recommended mitigation measures, including transportation system management, transportation demand management, and needed roadway improvements on or for local roads and State highways; and~~
  - ~~7. Evaluation of:~~
    - ~~a. Impacts on street function, capacity and level of service;~~
    - ~~b. Impacts on on-street parking;~~
    - ~~c. Access requirements;~~
    - ~~d. Impacts on transit operations and movements;~~
    - ~~e. Impacts on pedestrian and bicycle routes and safety; and~~
    - ~~f. Impacts on the immediate airport area and adjacent neighborhoods.~~



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## Commentary

### **33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone**

The Central City Plan District use allowances in the Economic Opportunity Subarea (EOS) are expanded to the IG1 zones in the Central Eastside Plan District. Industrial Office uses are allowed in this expanded area, and Retail Sales And Service and Traditional Offices uses are limited.

These changes are recommended in the Southeast Quadrant Plan of the Central City Plan Update. The changes are intended to provide a balanced approach that supports industrial retention and industrial office job growth. The EOS has been very successful at increasing employment densities, especially those in industrial office space, while retaining existing industrial operations. The changes are also intended to partially meet 20-year growth-capacity needs in the updated Comprehensive Plan for the Central City Industrial area.

These changes are intended to foster new multi-story building construction that accommodates industrial and industrial office uses.

These changes are also intended to encourage and allow the full interior of an existing building shell to be rehabilitated to allow industrial office uses. Some buildings in the district have multiple stories that easily can be used as industrial office space, whereas some have former industrial warehouse or production space where the ceiling is very tall and additional floors could be added within the shell of the building to create industrial office space. Further, in some cases it may be desirable for developers to add a penthouse to the roof of an existing building to serve as additional industrial office space or as space for accessory uses to the office use. These provisions are intended to address this desire.



### 33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone

- A. Generally. [No change]
- B. Historic resources. [No change]
- C. ~~Employment Opportunity Subarea~~ Central Eastside Subdistrict.

1. Purpose. The regulations of this subsection are intended to broaden the mix of employment uses in the Central Eastside Industrial District in a manner that increases the vitality of the district without negatively impacting the viability of industrial uses and development. The additional uses allowed by the regulations are uses that build on the economic strengths, locational advantages and urban character of the Central Eastside~~promote the preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for a broad and diverse mix of employment uses that are compatible with industrial activities and that build on the economic strengths, locational advantages and urban character of the Central Eastside.~~
2. Where these regulations apply. The regulations of this subsection apply to sites zoned in the IG1 Zone in the Employment Opportunity Subarea of the Central Eastside Subdistrict that are not subject to Subsection B.
3. Allowed uses.
  - a. Retail Sales And Service and Traditional Office uses.
    - (1) Sites up to 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are 40,000 square feet or less in size:
      - Up to 5,000 square feet of the net building area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More than 5,000 square feet in Retail Sales And Service use on a site is prohibited.
      - ~~b. Traditional Office.~~ Up to 5,000 square feet of net building area on a site may be in Traditional Office use. More than 5,000 square feet in Traditional Office use on a site is prohibited.
    - (2) Sites over 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are more than 40,000 square feet in size:
      - Retail Sales and Service uses on a site are allowed but net building area plus exterior display and storage is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Retail Sales And Service use is prohibited.
      - Traditional Office uses on a site are allowed but net building area is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Traditional Office use is prohibited.



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## Commentary



~~e.b.~~ Industrial Office.

(1) Generally, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to up to an amount equal to three times the square footage of the site. Unless allowed by one of the exceptions below, Industrial Office use in excess of three times the square footage of the site is prohibited.

(2) Exceptions.

- If the site is 20,000 square feet or less in size, up to 60,000 square feet of net building area may be in an Industrial Office use. More than 60,000 square feet per site is prohibited.
- Industrial Office uses are allowed in buildings that existed on [insert adoption date]. In this case, 100 percent of the net building area may be in an Industrial Office use including floor area added inside of the building as it existed on [insert adoption date]. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on [insert adoption date] can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.

~~Up to 60,000 square feet of the floor area on a site may be in Industrial Office use.~~

~~4. Conditional uses.~~

- ~~a. More than 5,000 square feet in Traditional Office use on a site is a conditional use. More than 60,000 square feet in Traditional Office use on a site is prohibited.~~
- ~~b. More than 60,000 square feet in Industrial office use on a site is a conditional use.~~



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## Commentary

### 510 Maps

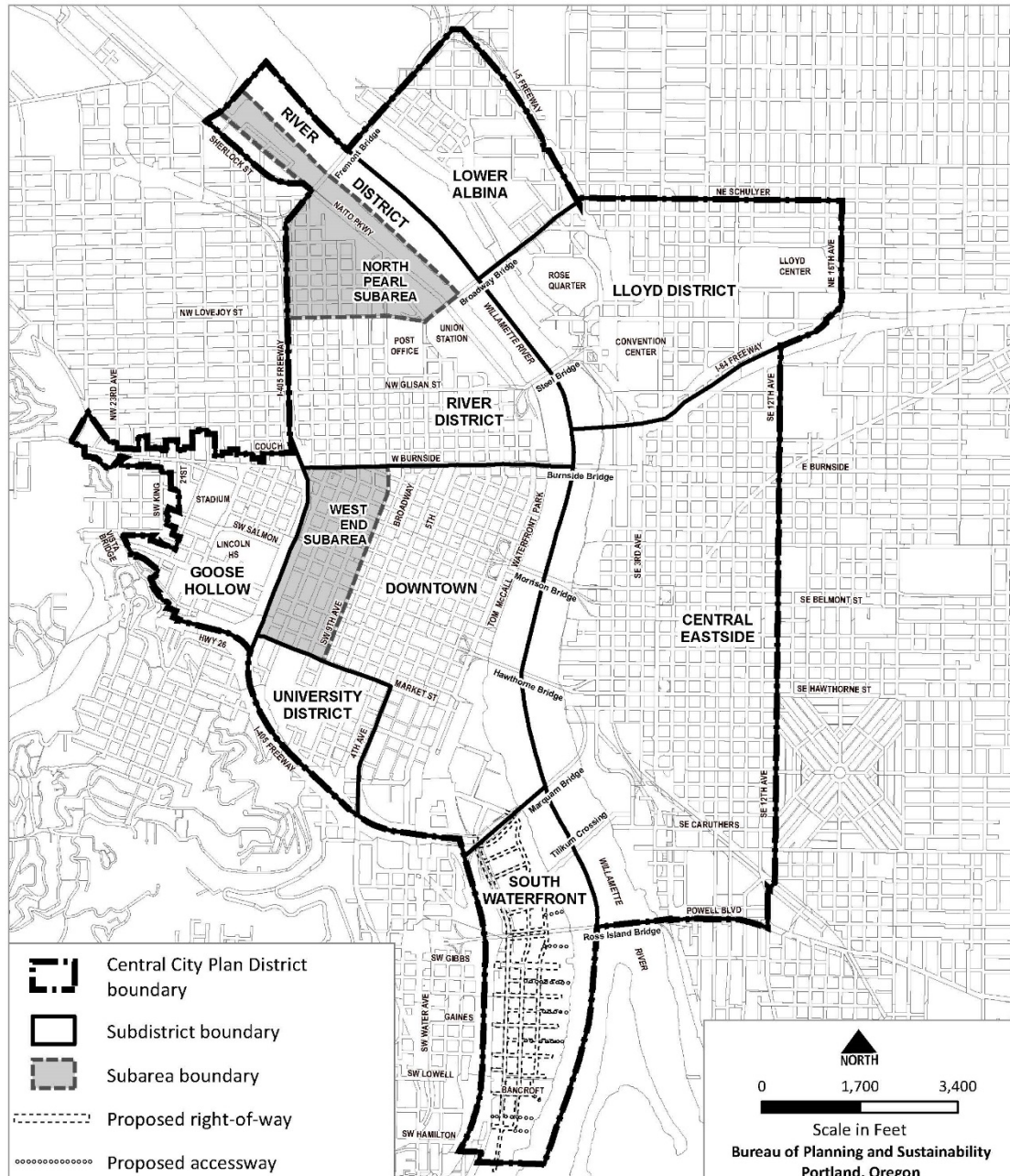
The following maps have been amended to remove the Employment Opportunity Subarea.



# Central City Plan District and Subdistricts

## Map 510-1

Map Revised Xxxxx X, 2015





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## Commentary

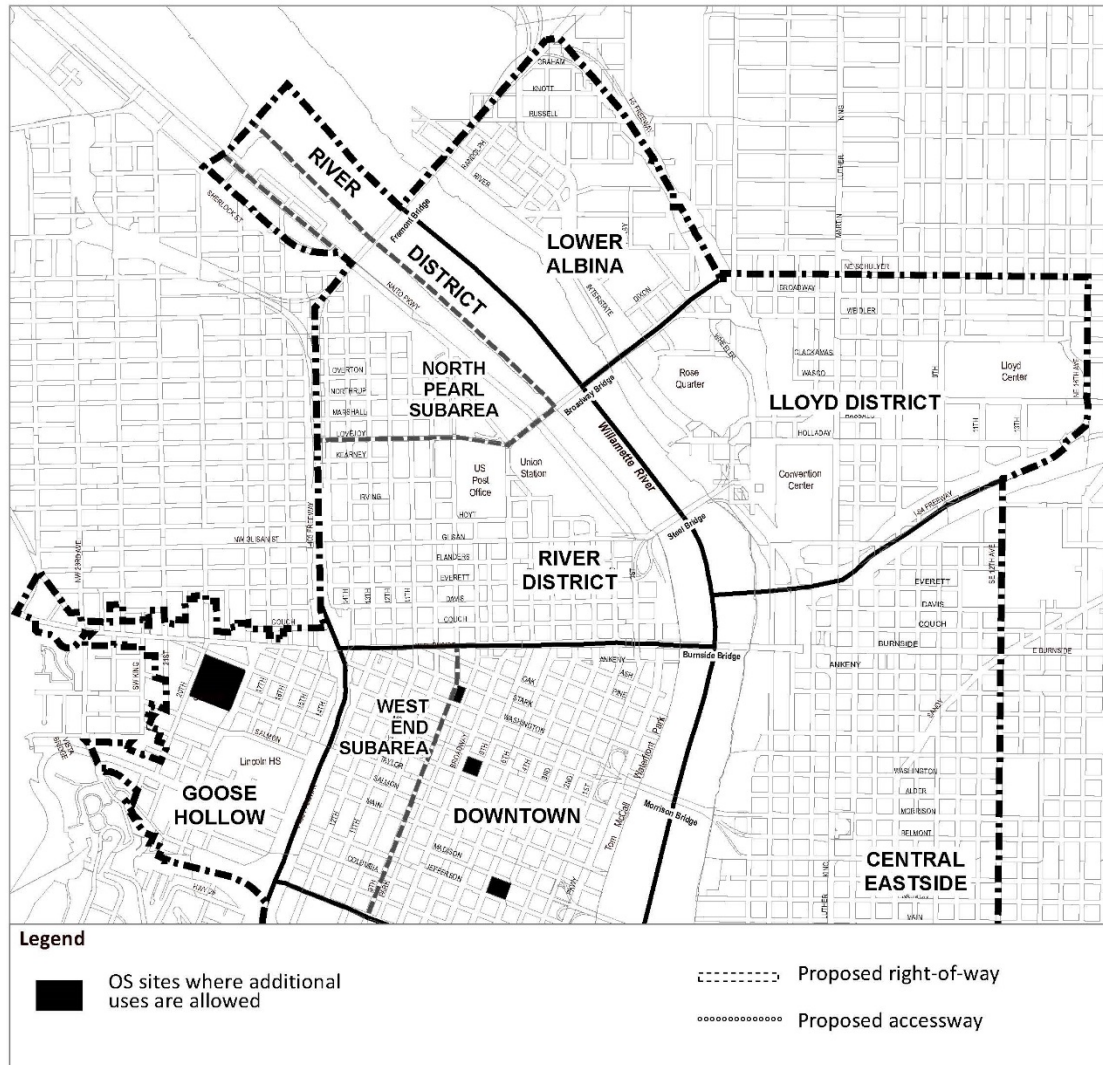


# Areas Where Additional Uses are Allowed in the OS Zone

## Map 510-10

Map 1 of 2

Map Revised XXXXX X, 2015





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## Commentary

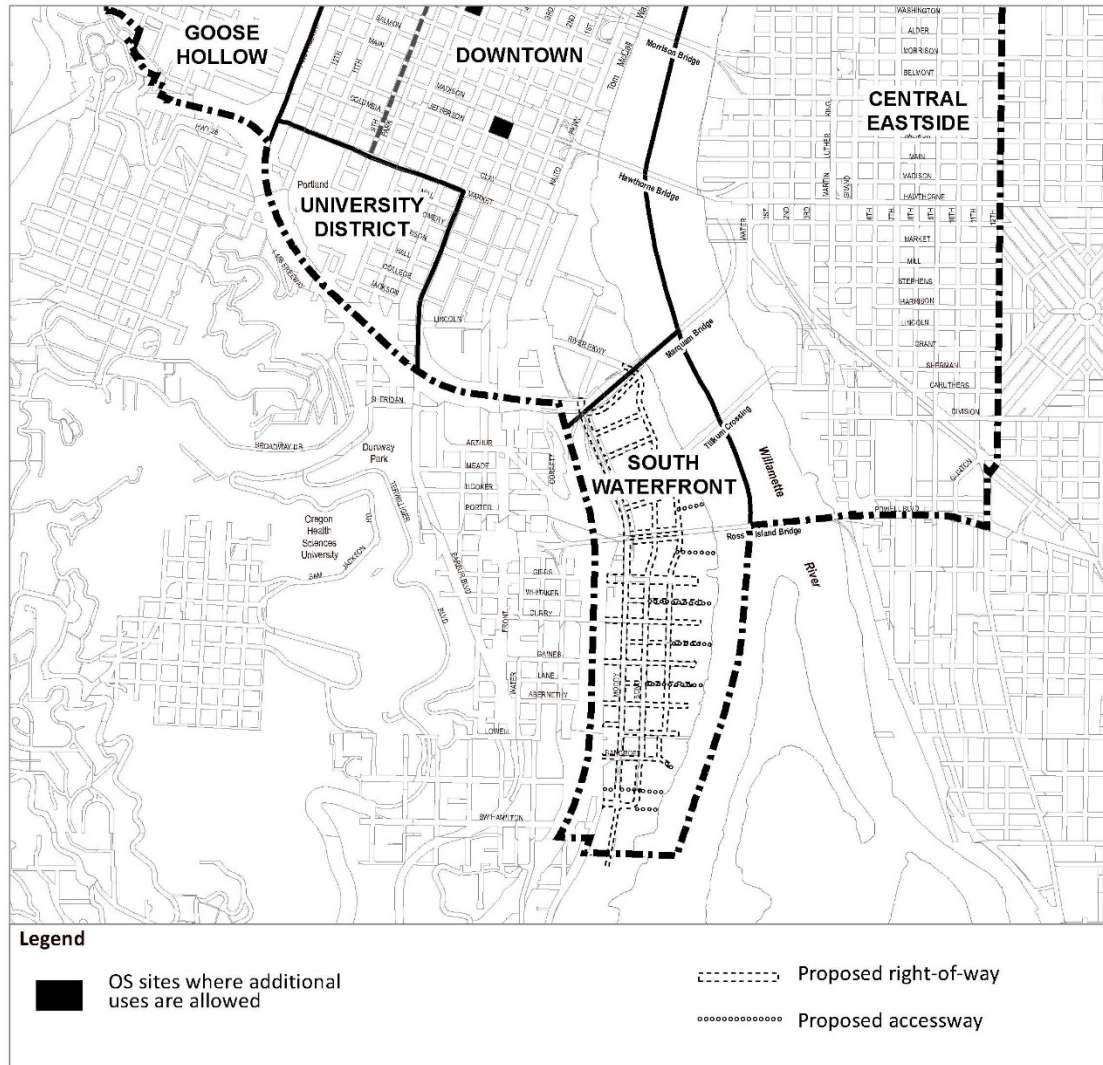


# Areas Where Additional Uses are Allowed in the OS Zone

## Map 510-10

Map 2 of 2

Map Revised Xxxxx X, 2015





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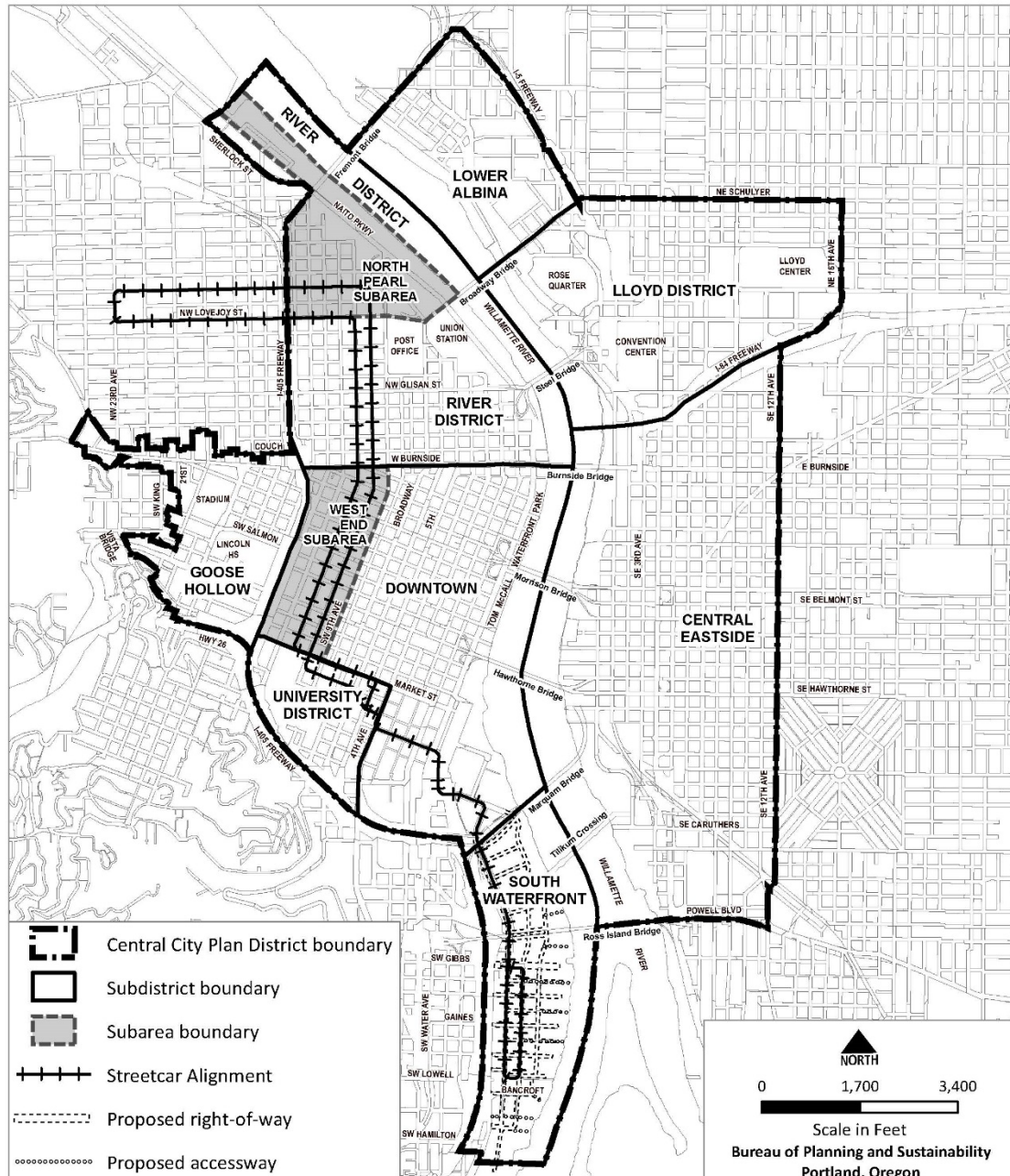
## Commentary



# Streetcar Alignment

# Map 510-12

Map Revised Xxxxx X, 2015





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## Commentary

### **33.520 Division Street Plan District**

The Main Streets Corridor overlay zone (33.460) had provisions specific to Division Street. That overlay zone and the related Main Streets Node overlay zone (33.455) are being repealed.

A new Centers Main Street overlay zone is proposed (33.415). Many of the overlay zone provisions of 33.460 relevant to Division are met through new base zone standards (33.130), through the new overlay (33.415) or through application of the design overlay zone. In some cases, existing overlay zone standards are no longer applicable or desired and are proposed to be removed.

Provisions that are not covered by other code sections and continue to be relevant to Division Street are being recast in this new plan district. Additional commentary is provided only where substantive code changes are proposed.



## 33.520 Division Street Plan District

520

### Sections

#### General

33.520.010 Purpose

33. 520.020 Where These Regulations Apply

#### Development Standards

33.520.100 Reinforce the Corner

33.520.110 Exterior Finish Material

Map 520-1 Division Street Plan District

### General

#### 33.520.010 Purpose

The Division Street plan district promotes development that fosters a pedestrian- and transit-oriented main street. The plan district provisions ensure that development:

- Activates Division Street corners and enhances the pedestrian environment; and
- Is constructed with high quality materials in combinations that are visually interesting.

**33.520.020 Where These Regulations Apply.** The regulations of this chapter apply to the Division Street plan district. The boundaries of the plan district are shown on Map 520-1 at the end of this chapter, and on the Official Zoning Maps.

### Development Standards

#### 33.520.100 Reinforce the Corner

- A. Where the standards apply.** The following standards apply to sites where any of the floor area on the site is in a nonresidential use, and where a site abuts both Division Street and an intersecting street:
- B. Main entrance standard.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the following. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. The main entrance must:
1. Be within 5 feet of the facade facing Division Street; and



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## Commentary

### **33.520.110 Exterior finish materials**

The Main Street Corridor overlay zone from which this plan district is derived previously specified exterior finish materials applicable to development in the R1 zone. The materials were derived from the Community Design Standards (33.218), as the Design overlay zone was not applied to R1 zoned properties in this area. The new plan district code references the Community Design Standards (33.218) rather than specific materials to allow for more consistency if standards are updated.



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

2. Either:
  - a. Face Division Street; or
  - b. Be at an angle of up to 45 degrees from Division Street, measured from the street property line.
- C. Surface parking areas are not allowed within 40 feet of the corner.

### **33.520.110 Exterior Finish Materials**

- A. Where the standards applies.** The exterior finish materials standard applies in multi-dwelling residential zones.
- B. Exterior finish materials standard.** Unless the building is approved through Design Review, all buildings must meet the foundation material standard of 33.218.110.I, and the exterior finish materials standards of 33.218.110.J. The standards must be met on all building facades.



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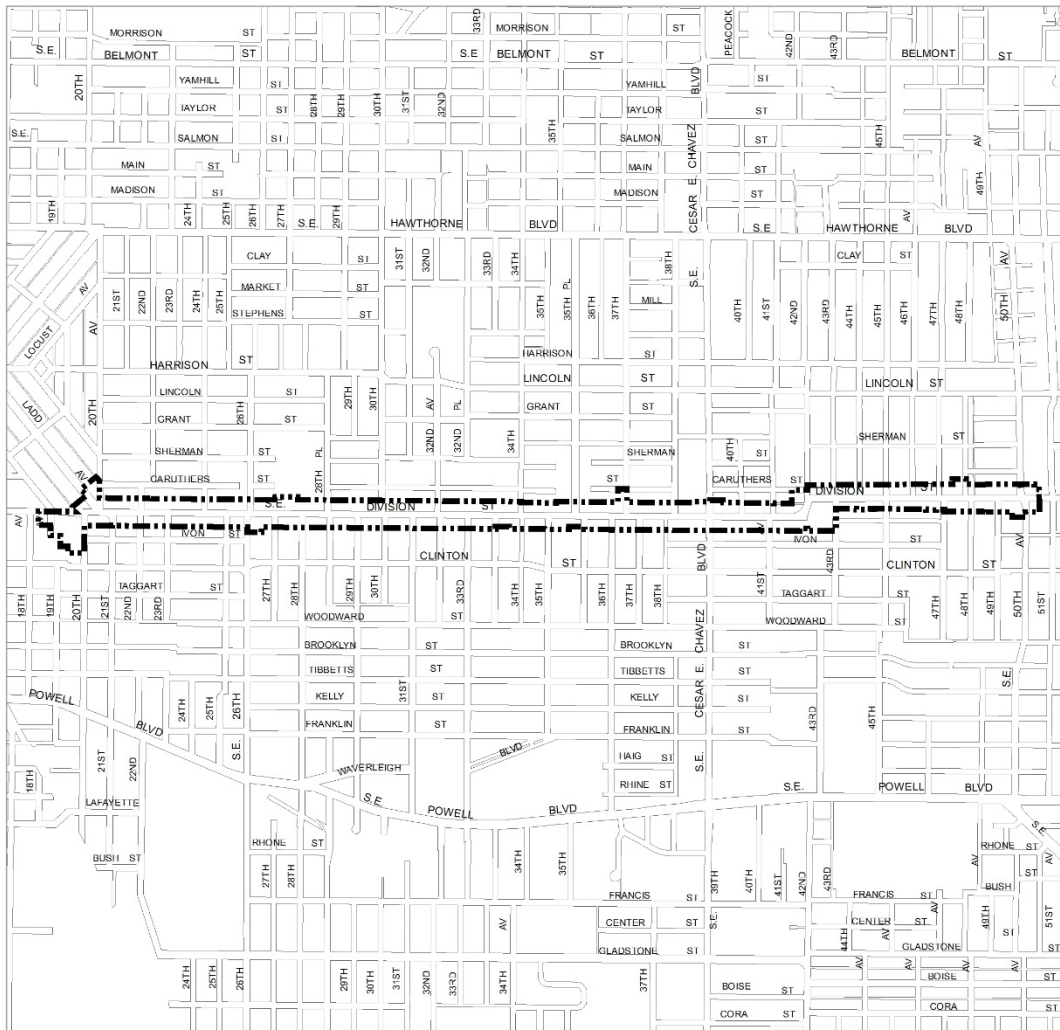
## Commentary



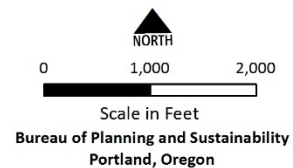
## Division Street Plan District

## Map 520-1

Map Revised Xxxxx X, 2015



Plan District boundary





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## **Commentary**

### **33.526.120 Retail Sales and Service and Office Uses**

A provision for Retail Sales and Service uses in the EG1 zone is being added to the Gateway Plan District because, through the Employment Zoning Project, EG1 zoning is being applied to areas that are currently zoned EXd.



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**33.526.120 Retail Sales and Service and Office Uses**

- A.** On sites in the EX zone, Retail Sales And Services uses are allowed up to 5,000 square feet of floor area for each use.
- B.** On sites in the EG1 zone, Retail Sales and Service uses are allowed up to 5,000 square feet of floor area for each use, up to a total of 20,000 square feet or 1:1 FAR per site.
- BC.** On portions of sites zoned Institutional Residential, IR, and within 1000 feet of the Main Street LRT Station, Retail Sales And Service uses are allowed up to 10,000 square feet of floor area for each use. The Retail Sales And Service uses must be included in a Conditional Use Master Plan or Impact Mitigation Plan for the site. Retail Sales And Service uses larger than 10,000 square feet of floor area for each use are prohibited.
- CD.** On sites in the RX zone, Retail Sales And Service and Office uses are allowed as follows. Adjustments to the regulations of this paragraph are prohibited.
  - 1. – 2 [No change]



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## Commentary

### **33.531.140.D Additional Prohibited Uses**

Through the Employment Zoning Project, Household Living and Group Living have been changed from conditional uses to prohibited uses in the EG zones. As a result, they do not need to be included in this list. They are now prohibited by the base zone regulations.

### **33.531.140.C.2 Maximum FAR**

Office use is proposed to be limited to a maximum FAR of 1 to 1 for sites in Subdistrict B of the Guild's Lake Industrial Sanctuary plan district. The EG1 zone currently allows Office use up to a maximum FAR of 1 to 1, with the opportunity for an additional 0.85:1 FAR bonus for contributions to the Northwest Transportation Fund, for a maximum FAR of 1.85:1 for Office uses in Subdistrict B. The current bonus office density limitation of 1.85:1 in Subdistrict B was based on traffic modeling when the plan district was created, estimating that the resulting uses would be adequately served by existing transportation facilities and anticipated improvements that would be funded through the Northwest Transportation Fund bonus option. However, under the Employment Zoning Project, the maximum FAR for Office uses will increase to 3 to 1. Without the proposed limitation, the maximum FAR for Office uses in Subdistrict B could reach 3.85 to 1. Therefore, the proposed limitations on Office uses is necessary to be consistent with the transportation plan for the surrounding area.



**33.531.140 Additional Regulations in Subdistrict B**

- A. Purpose.** These regulations minimize conflicts between industrial operations in the Guild's Lake Industrial Sanctuary and the mixed-use neighborhood to the south. Uses are limited or prohibited that may conflict with nearby industrial and residential uses or that can overburden the area's transportation system. These regulations provide additional flexibility in the siting of the limited amount of Office uses allowed in the subdistrict, while preserving overall Office use limitations. The regulations also limit blank walls on the ground level of buildings to encourage a continuity of active uses along street frontages and to avoid a monotonous pedestrian environment. Parking access is limited along NW Vaughn Street to minimize impacts on the transportation system and to reduce conflicts with pedestrians.
- B. Where these regulations apply.** These regulations apply to sites in an EG zone within Subdistrict B, shown on Map 531-2.
- C. Additional limited uses.**
1. Retail Sales And Service uses limitation. Retail Sales And Service uses are allowed if the net building area plus the exterior display and storage area is not more than 10,000 square feet per site.
  2. Office use limitation. Except for sites with Historic Landmarks, Office uses are allowed if the net building area devoted to Office uses is not more than the total square footage of the site. On a site with a Historic Landmark, Office uses are allowed if the net building area devoted to Office uses is not more than twice the total square footage of the site.
- D. Additional prohibited uses.** The following uses are prohibited:
- ~~1. Household Living~~
  - ~~2. Group Living~~
  - ~~13.~~ Quick Vehicle Servicing;
  - ~~24.~~ Commercial Outdoor Recreation; and
  - ~~35.~~ Major Event Entertainment.
- E. Development standards.**
1. Maximum floor area ratios. Half the floor area used for parking is not counted toward maximum floor area ratios.
  2. Maximum height. The maximum building height is 65 feet.
  3. Building coverage. The maximum building coverage is 100 percent.
  4. Minimum landscaped area. There is no minimum landscaped area.
  5. Transfer of floor area. The amount of floor area allowed to be in Office use on the portion of a site within Subdistrict B may be transferred to the portion of another site within Subdistrict B, if all of the following are met:



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## Commentary

### **33.531.140.E.6 Ground floor windows**

Changing text to reference "NW Vaughn" rather than "transit street" This change is being proposed because Subdistrict B will be enlarged and extended to NW Nicolai which is also a transit street but not a ROW where enhanced groundfloor window standards are sought.

### **33.531.140.E.11 Marketing statement**

Paragraph E.11 currently requires that owners of buildings market office space to office use whose primary market is industrial firms. The requirement to market office use in Subdistrict B to only those tenants whose primary market is industrial firms located in the Guild's Lake Industrial Sanctuary plan district. The marketing requirement is difficult to enforce because many forms of marketing are used in property leasing. Additionally, office sectors have become a predominant use in EG zones, and recommended code amendments in the Employment Zoning Project of the Comprehensive Plan Update will increase allowable office density from 1:1 to 3:1 FAR in EG zones generally to accommodate forecast job growth in this business district type.



- a. Development on the receiving site must meet all development standards except for the amount of floor area in office use, which is increased to allow the amount transferred;
  - b. Transfer of Office floor area may involve only one transferring site and one receiving site; and
  - c. The property owner(s) must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential Office use floor area. The covenant must meet the requirements of Section 33.700.060.
- ~~65.~~ Setbacks and main entrances. There is no minimum building setback. Sites are subject to the maximum setback standards and main entrance standards of the EG1 zone.
- ~~76.~~ Ground floor windows. The ground floor of all street-facing facades that are 20 feet or closer to a ~~transit-street lot line~~ adjacent to NW Vaughn Street must meet the ground floor window standards of the EX zone.
- ~~87.~~ Drive-through facilities. Drive-through facilities are prohibited.
- ~~98.~~ Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from NW Vaughn Street unless the site has no other street frontage.
- ~~109.~~ Disclosure statement. Before a building permit is issued for an Office use, the applicant must record a disclosure statement with the County. In addition, the owner must provide a copy of the disclosure statement to all prospective tenants and buyers. The disclosure statement must state that the office is located in an industrial area where impacts from industrial uses are present, such as noise, vibrations, fumes, odors, glare, traffic and freight movement. The statement is available at the Development Services Center; ~~and~~
- ~~11.~~ ~~Marketing statement. Before a building permit is issued for an Office use, the applicant must record a marketing statement with the County. The statement must state that the owner will make a good faith effort to market office space to businesses whose primary market is industrial firms in the Guild's Lake Industrial Sanctuary plan district. The statement is available at the Development Services Center.~~

- F. Northwest Transportation Fund bonus option.** Contributors to the Northwest Transportation Fund (NWTF) receive Office floor area bonuses. For each contribution to the NWTF, a bonus of one square foot of additional floor area that may be used for Office use is earned, up to an additional floor area ratio of 0.85 to 1. The amount of the contribution required for each square foot of additional floor area is in Chapter 17.19, Northwest Transportation Fund. This bonus allows additional floor area to be in Office uses; it does not increase the total amount of floor area in any use that is allowed on the site, and does not count towards the maximum FAR allowed by the base zone.

The NWTF is to be collected and administered by the Portland Office of Transportation. The funds collected may be used only to make transportation improvements in the area that will be most affected by the bonus, which is generally bounded by: NW Pettygrove Street, NW Nicolai Street, I-405, NW 27th Avenue.



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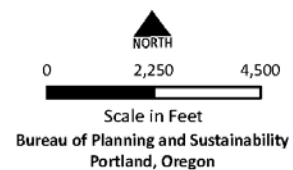
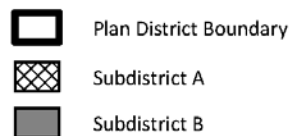
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## Commentary



## Map 531-1

Map Revised July 24, 2015





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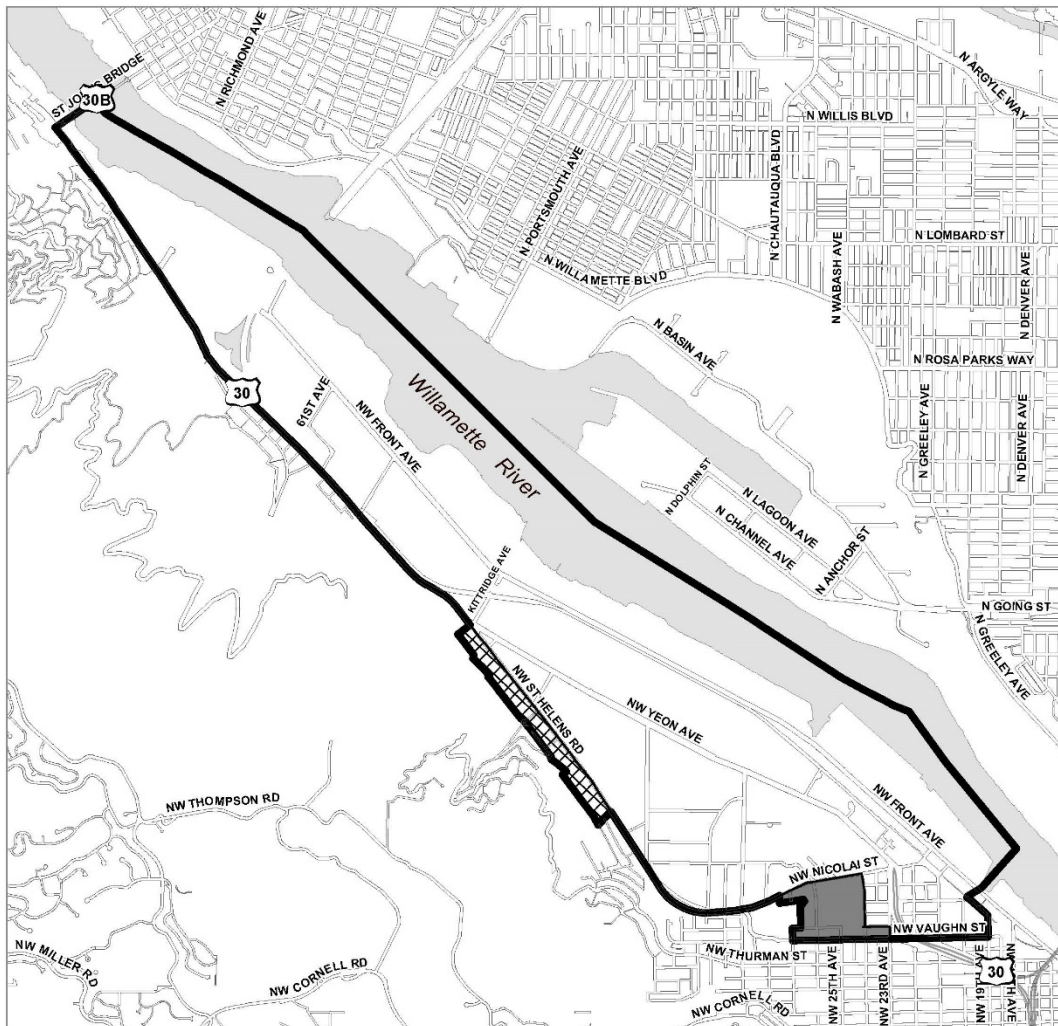
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## Commentary

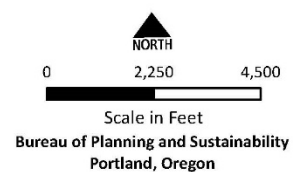


# Map 531-1

Map Revised xxxx, 201x



-  Plan District Boundary  
 Subdistrict A  
 Subdistrict B





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## Commentary





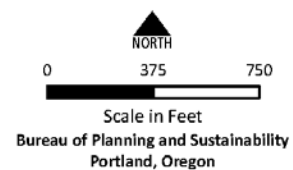
**Guild's Lake Industrial Sanctuary  
Plan District Subdistrict B**

**Map 531-2**

Map Revised July 24, 2015



-  Plan District Boundary
-  Subdistrict B





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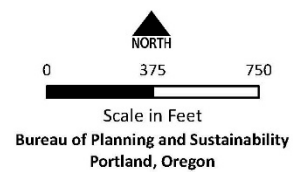
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## **Commentary**

Note new Map 531-2 shows expanded Subdistrict B.



## Map 531-2





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## Commentary

### 33.545 Lombard Street Plan District

The Main Streets Corridor overlay zone (33.460) and Main Streets Node overlay zone (33.455) have provisions specific to Lombard Street. These overlay zones are being repealed.

A new Centers Main Street overlay zone is proposed (33.415). Many of the overlay zone provisions of 33.460 and 33.455 relevant to Lombard Street are now met through new base zone standards (33.130), or through the new Centers Main Street overlay zone (33.415). In some cases, existing overlay zone standards are no longer applicable and are proposed to be removed. Provisions that are not covered by other code sections and continue to be relevant to Lombard Street are being recast in this plan district. Additional commentary is provided only where substantive code changes are proposed.

**Note:** This is a new Zoning Code chapter. For readability, ~~strike through~~ and underline is not used.



## 33.545 Lombard Street Plan District

545

### Sections:

#### General

33.545.010 Purpose

33.545.020 Where These Regulations Apply

#### Development Standards

33.545.100 Standards for Community Corner

33.545.110 Additional Regulations in the CM1 Zone

33.545.120 Additional Standards in the R1 Zone

Map 545-1 Lombard Street Plan District

### General

#### 33.545.010 Purpose

The Lombard Street Plan District implements the Lombard Street nodes and corridors elements of the St Johns/Lombard Plan by promoting development that fosters a pedestrian- and transit-oriented main street in key places, and supports enhanced design for multi-dwelling residential developments.

**33.545.020 Where These Regulations Apply.** The regulations of this chapter apply to the Lombard Street plan district. The boundaries of the plan district are shown on Map 545-1 at the end of this chapter, and on the Official Zoning Maps.

### Development Standards

#### 33.545.100 Standards for Community Corners

- A. Purpose.** These standards create active use areas and community gathering places along major streets intersecting with North Lombard. These standards ensure that development at key intersections along North Lombard is oriented to enhance the pedestrian environment.
- B. Where the standards apply.** The following standards apply to Subdistrict B shown on Map 545-1.
- C. Standards.**
  - 1. The ground level street-facing facades of primary structures must be within 10 feet of both street lot lines.
  - 2. Surface parking areas are not allowed within 40 feet of the corner.



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## Commentary



### **33.545.110 Additional Regulations in the CM1 Zone**

- A. Purpose.** These regulations encourage residential mixed use development and housing, in addition to small scale commercial development along sections of North Lombard Street to foster a transit-oriented main street environment. Size of uses are specified to promote commercial uses along the main street that serve a local market area, while limiting their potential impacts on residential uses.
- B. Where these regulations apply.** The following regulations apply to sites in Subdistrict A shown on Map 545-1 that are zoned CM1.
- C. Retail Sales And Service and Office uses.** Each individual Retail Sales And Service and Office use is limited to 10,000 square feet of floor area.
- D. Bonus height for housing.** Proposals that providing housing receive bonus height. The maximum building height when a proposal includes housing is 45 feet.
- E. Non-residential floor area.** The maximum FAR allowed for a non-residential use is 1:1. Adjustments are prohibited.



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## Commentary



### **33.545.120 Additional Standards in the R1 Zone**

- A. Purpose.** These standards ensure that development of sites with the potential for medium density development along or adjacent to the main street:
- contributes positively to established neighborhoods and the area's character;
  - creates a strong physical and visual connection between the living area and the street, and the main entrance and the street; and
  - improves the transition between development in the commercial and single-dwelling zone areas.
- B. Where these standards apply.** The following standards apply to duplexes, attached houses, and multi-dwelling structures on sites in Subdistrict A shown on Map 545-1 that are zoned R1.
- C. Standards.** Adjustments may be requested to these standards; they may not be modified through design review.
1. Large building elevations divided into smaller areas. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:
    - a. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;
    - b. A bay window that extends at least 2 feet; or
    - c. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.
  2. Location of main entrance. The main entrance of each primary structure must face the street lot line. The following are exceptions to this standard:
    - a. On corner lots the main entrance may face either of the streets or be oriented to the corner.
    - b. For buildings that have more than one main entrance, only one entrance must meet this requirement.
    - c. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.



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## Commentary

### **33.545.120.4 Exterior finish materials**

The Main Street Corridor overlay zone from which this plan district is derived previously specified exterior finish materials applicable to development in the R1 zone. The materials were derived from the Community Design Standards (33.218), as the Design overlay zone was not applied to R1 zoned properties in this area. The new plan district code references the Community Design Standards (33.218) rather than specific materials to allow for more consistency if standards are updated.



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

3. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:
  - a. The garage must not be more than 40 percent of the length of the building frontage or 12 feet long, whichever is greater;
  - b. The front of the garage can be no closer to front lot line than the front facade of the house;
  - c. Garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and
  - d. There may be no more than one garage door per 16 feet of building frontage.
4. Exterior finish materials. Unless the building is approved through Design Review, all buildings must meet the foundation material standard of 33.218.110.I, and the exterior finish materials standards of 33.218.110.J . The standards must be met on all building facades.
5. Corner lots with alley access. If the site is a corner lot that is adjacent to an alley, access for motor vehicles must be from the alley.
6. On lots less than 10,000 square feet in the R1 zone, the minimum density is 1 unit per 2,250 square feet of site area. This standard does not apply on corner lots.



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## Commentary






## Lombard Street Plan District and Subdistricts

## Map 545-1

Map Revised XXXXX X, 2015



-  Plan District boundary
-  Subdistrict A
-  Subdistrict B





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## Commentary

### **33.560.050 Approval Criteria**

This amendment reflects the fact that housing is no longer allowed in the EG zones, and the employment zoning in the Cully Plan District is predominantly EG.



### 33.560.050 Approval Criteria

All North Cully Development review applications must meet the following approval criteria.

**A. – G** [No change]

**H.** In addition to the approval criteria listed above, development south of NE Killingsworth will meet the following approval criteria:

1. – 2 [No change]

3. Development will include a mixture of uses ~~such as housing and commercial or light industrial.~~



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## Commentary



### Sections:

#### General

- 33.565.010 Purpose
- 33.565.020 Where These Regulations Apply
- 33.565.030 Relationship to Other Regulations and Agencies

#### Use Regulations

- 33.565.100 Additional Allowed Uses in the Airport Subdistrict

#### Development Regulations

- 33.565.110 Archaeological Resource Protection

#### Regulations in the Airport Subdistrict

- 33.565.200 Supplemental Application Requirement
- 33.565.210 New Airport Capacity
- 33.565.220 Landscaping
- 33.565.230 Pedestrian Standards for Specified Uses
- 33.565.240 Transportation Impact Analysis Review
- 33.565.250 Development and Availability of Public Services in the SW Quadrant

#### Special Notification Requirements in the Airport Subdistrict

- 33.565.310 Mailed Public Notice for Proposed Development
- 33.565.320 Posted Public Notice Requirements for Land Use Reviews

#### Regulations in the Middle Columbia Slough Subdistrict

- 33.565.400 Purpose
- 33.565.405 Zoning Map Amendments
- 33.565.410 Additional Development Standards

#### Environmental Overlay Zones

- 33.565.500 Purpose
- 33.565.510 Relationship to Other Environmental Regulations
- 33.565.520 Where and When These Regulations Apply
- 33.565.530 Measuring Setbacks
- 33.565.540 Exemptions
- 33.565.550 Development Standards
- 33.565.560 Special Procedures for Wildlife Hazard Management

#### Notice and Review Procedure for Permits Within Environmental Overlay Zones

- 33.565.600 Purpose
- 33.565.610 When These Regulations Apply
- 33.565.620 Procedure

#### Map 565-1 Portland International Airport Plan District

#### Map 565-2 Portland International Airport Plan District Areas of Archaeological Interest



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## Commentary

### **33.565.010 Purpose**

The purpose statement is being amended to reflect the legislative intent behind the regulations being proposed for the Middle Columbia Slough subdistrict, and because the regulations for mitigation and enhancement in the Middle Columbia Slough subdistrict were moved to the Environmental Overlay Zones chapter as part of RICAP 6.



### **33.565.010 Purpose**

The regulations of this chapter implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at Portland International Airport (PDX). PDX is a unique land use within the City and requires tailored regulations to address wildlife hazards and impacts to transportation and natural resources. The plan district provides flexibility to the Port of Portland—owner of PDX—to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context.

The regulations of this plan district protect significant identified environmental resources consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district. Additionally, the regulations protect significant archaeological features of the area.

The plan district has two subdistricts: the Airport Subdistrict and the Middle Columbia Slough Subdistrict.

The Airport Subdistrict includes the airport passenger terminal, terminal roadway area, airfield, and other support facilities most of which are owned and operated by the Port of Portland. Also included are other airport-related uses which are generally tenants of the Port. Within the Airport Subdistrict are two unmapped areas known as airside and landside (See Chapter 33.910, Definitions). Airside includes an area defined by a perimeter security fence and the airside uses associated with the airfield which includes runways, taxiways, lighting, etc. The perimeter security fence is not mapped since the fence may move over time due to federal and operational requirements. An area outside the fence—the runway protection zone—is also part of Airside. The airfield and airside uses are also treated differently due to federal regulations. Landside includes the passenger terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangars, maintenance buildings, fire and rescue facilities, and other similar types of development. Also within the Airport Subdistrict is the SW Quadrant Subarea, shown on Map 565-1.

The remainder of the plan district is the Middle Columbia Slough Subdistrict. The primary purpose of the regulations for this subdistrict is to promote eco-industrial development on sites that transition to industrial use from golf course use~~address the unique circumstances related to mitigation and enhancement for development within the Environmental Overlay Zones.~~

### **33.565.020 Where These Regulations Apply**

The regulations of this chapter apply to the Portland International Airport plan district. The boundaries of the plan district and subdistricts are shown on Map 565-1 at the end of this chapter and on the Official Zoning Map.

The regulations of Sections 33.565.010 through .030 and .110 apply to the entire plan district. The regulations of Sections 33.565.100 and 200 through .240 and 33.565.310 through .320 apply only in the Airport Subdistrict. Section 33.565.250 applies only to the SW Quadrant subarea of the Airport Subdistrict. Sections 33.565.400 and .410 apply only in the Middle Columbia Slough Subdistrict. Sections 33.565.500 through .560 apply in the Environmental Overlay Zones.

Because Federal regulation preempts local rules, development in the Airside portion of the plan district — other than new runways — is not subject to the regulations of this chapter.



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## Commentary

### Regulations in the Middle Columbia Slough Subdistrict

These code changes implement Comprehensive Plan policy and map direction at these golf course sites. These sites are an integral part of the industrial-land capacity strategies proposed in the updated Comprehensive Plan. The draft code change concept is intended to provide a balanced approach that supports industrial growth and watershed health.



## Regulations in the Middle Columbia Slough Subdistrict

### **33.565.400 Zoning Map Amendments**

The IG2 zone is the only zone that can be requested during a Zoning Map Amendment on the sites shown on Map 565-4. Requesting a zone other than IG2 is prohibited. In addition, the Prime Industrial overlay zone must be applied in conjunction with the zone change to IG2.

### **33.565.410 Additional Development Standards**

- A. Purpose.** The following development standards promote ecologically beneficial design by requiring buffers and plantings that provide ecological function and contribute to ecosystem services such as multi-objective stormwater management, cleaning and cooling of air and water, wildlife habitat, biodiversity, and aesthetic values. The development standards help reduce future demands on infrastructure, and reduce adverse impacts from development both on and off-site. The standards also buffer industrial development from abutting residential development and open space uses, and provide a pleasant work environment for employees.
- B. Where the standards apply.** The standards in this Section apply to development in the IG2 zone in the Golf Course/IG2 Transition Area shown on Map 565-4.
- C. Development standards.**
1. Minimum landscaped area standard. At least 20 percent of site area must be landscaped. Area improved for active or passive recreational use, or for use by pedestrians, does not count toward the required landscaped area. Other required landscaping, such as setbacks and parking lot landscaping, applies toward the landscaped area standard. Area covered by an eco-roof also applies toward the landscaped area standard.
  2. Native plants. At least 75 percent of all plants planted to meet Title 33 landscaping requirements must be native plants from the *Portland Plant List*.
  3. Vegetated setback.
    - a. All development must be set back 25 feet from a residential zone or open space zone. The area within the vegetated setback may be applied toward the required landscaped area standards;
    - b. Required plants and planting densities. One of the following standards must be met:
      - (1) One tree, three shrubs, and four other ground cover plants are required to be planted for every 100 square feet of setback area. Trees may be clustered. Plants must be native plants from the *Portland Plant List*; or
      - (2) One tree and three shrubs are required to be planted for every 100 square feet of setback area, and the entire setback area must be seeded with a native grass and forb seed mix at a ratio of 30 pounds per acre. Trees may be clustered. Plants and seeds must be native plants from the *Portland Plant List*; and
    - c. One-third of all trees planted must be native conifer trees from the *Portland Plant List*.
  4. Exterior lighting. Exterior lights must be shielded and placed so that they do not shine upward or into environmental overlay zones, or into the vegetated setback area required by Paragraph C.3.



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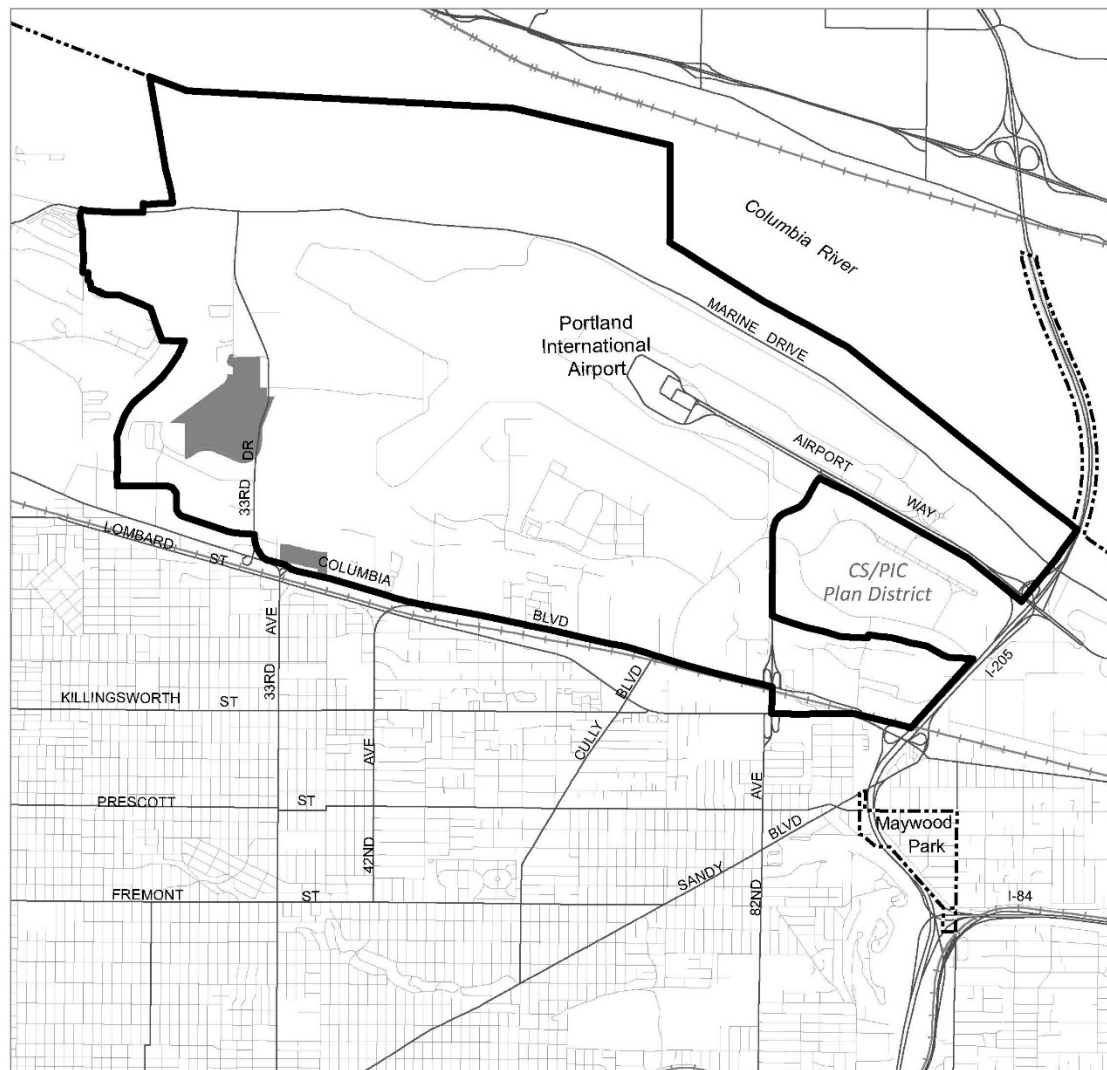
## Commentary



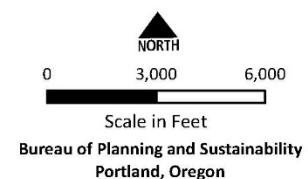
# Portland International Airport Plan District Golf Course / IG2 Transition Area

**Map 565-4**

Map Revised XXXXX X, 2015



- City Boundary
- Plan District Boundary
- Golf Course / IG2 Transition Area





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## Commentary

### 33.575 Sandy Boulevard Plan District

The Main Streets Corridor overlay zone (33.460) and Main Streets Node overlay zone (33.455) have provisions specific to Sandy Boulevard. These overlay zones are being repealed.

A new Centers Main Street overlay zone is proposed (33.415). Many of the overlay zone provisions of 33.460 and 33.455 relevant Sandy Boulevard are now met through new base zone standards (33.130), or through the new Centers Main Street overlay zone (33.415). In some cases, existing overlay zone standards are no longer applicable and are proposed to be removed. Provisions that are not covered by other code sections and continue to be relevant Sandy Boulevard are being recast in this plan district.

**Note:** This is a new Zoning Code chapter. For readability, ~~strike through~~ and underline is not used.



## 33.575 Sandy Boulevard Plan District

575

### Sections:

#### General

33.575.010 Purpose

33.575.020 Where These Regulations Apply

#### Development Standards

33.575.100 Transition Between Residential and Commercial Zones

33.575.110 Building Facades Facing Sandy Boulevard

Map 575-1 Sandy Boulevard Plan District

### General

#### 33.575.010 Purpose

The Sandy Boulevard Plan District implements the Sandy Boulevard elements of the Hollywood and Sandy Plan through special height transitions and unique setback treatments.

**33.575.020 Where These Regulations Apply.** The regulations of this chapter apply to the Sandy Boulevard plan district. The boundaries of the plan district are shown on Map 575-1 at the end of this chapter, and on the Official Zoning Maps.

### Development Standards

#### 33.575.100 Transition Between Residential and Commercial Zones

- A. Purpose.** These regulations ensure a landscaping treatment along commercial lot lines that face, but are across the street from a single-dwelling residential zone. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites from across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.
- B. Where these regulations apply.** These regulations apply to sites on Map 575-1
- C. Height limits for sites abutting or across the street from a RF-R1 zones.** Sites in commercial zones abutting or across the street from RF through R1 zones have special height limits that create a transition to the residential zone. The height limits are as follows:
  - 1. Sites abutting RF - R1 zones. Sites abutting RF through R1 zones have height limits that decrease in two steps near the residential zone. See Figure 575-1. These height limits are:
    - a. On the portion of a site within 25 feet of a site zoned RF through R1, the maximum building height is the same as the abutting residential zone.
    - b. On the portion of a site that is more than 25 feet but within 50 feet of a site zoned RF through R1, the maximum building height is 45 feet.



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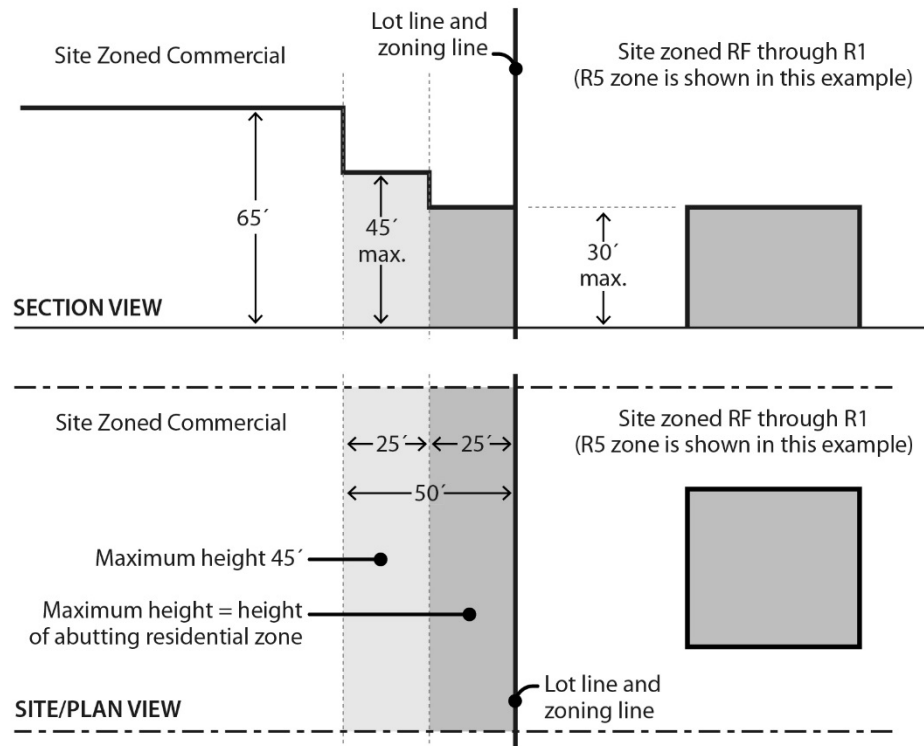
## Commentary



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

2. Sites across a street from RF - R1 zones. Sites across a street from RF through R1 zones have height limits that decrease near the residential zone. On the portion of the site within 15 feet of the lot line across the street from a site zoned RF though R1, the maximum building height is the same as the residential zone. See Figure 575-2.

**Figure 575-1**  
**Height limits on sites abutting RF - R1 zones**





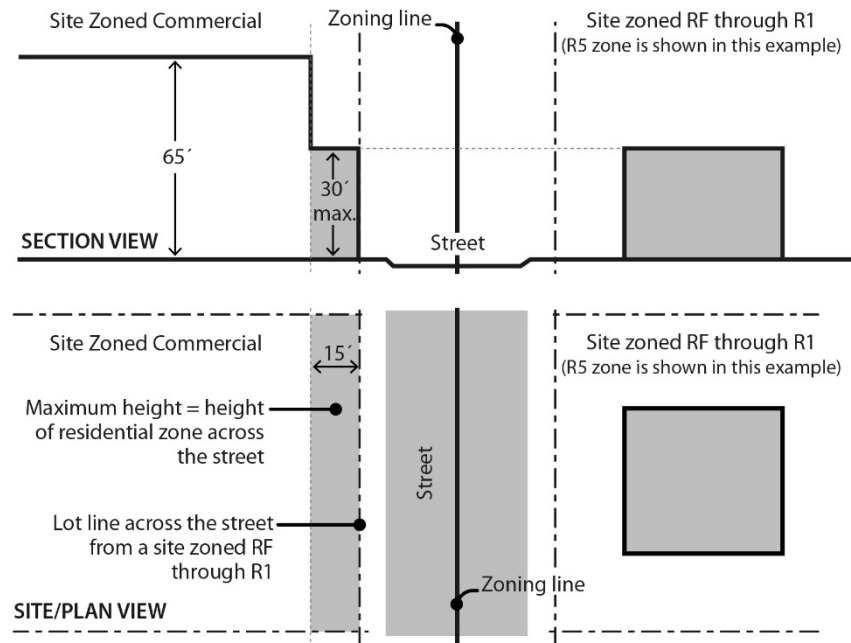
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## Commentary



**Figure 575-2**  
**Height limits on sites across a street from zones RF - R1 zones**





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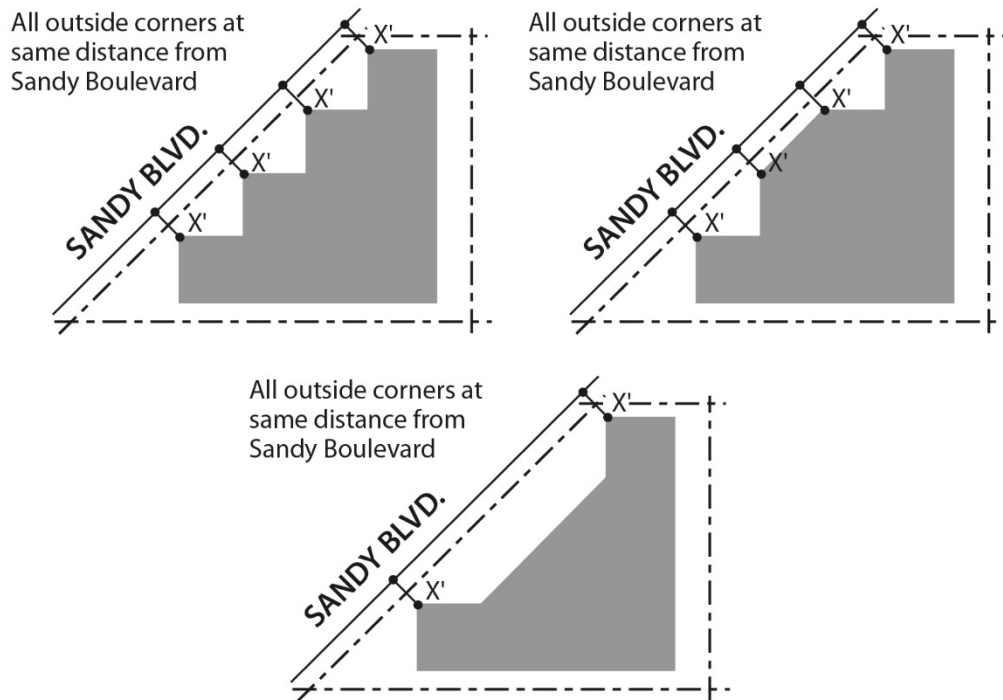
## Commentary



### 33.575.110 Building Facades Facing Sandy Boulevard

- A. Purpose.** These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.
- B. Where these regulations apply.** These regulations apply to sites on Map 575-1 with frontage along Sandy Boulevard.
- C. Building facades facing Sandy Boulevard.** The exterior walls of the building that can be seen from the Sandy Boulevard lot line must be either:
1. Parallel to Sandy Boulevard; or
  2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are the same distance from Sandy Boulevard, as shown in Figure 575-3.

**Figure 575-3**  
**Examples of building facades facing Sandy Boulevard**





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## Commentary

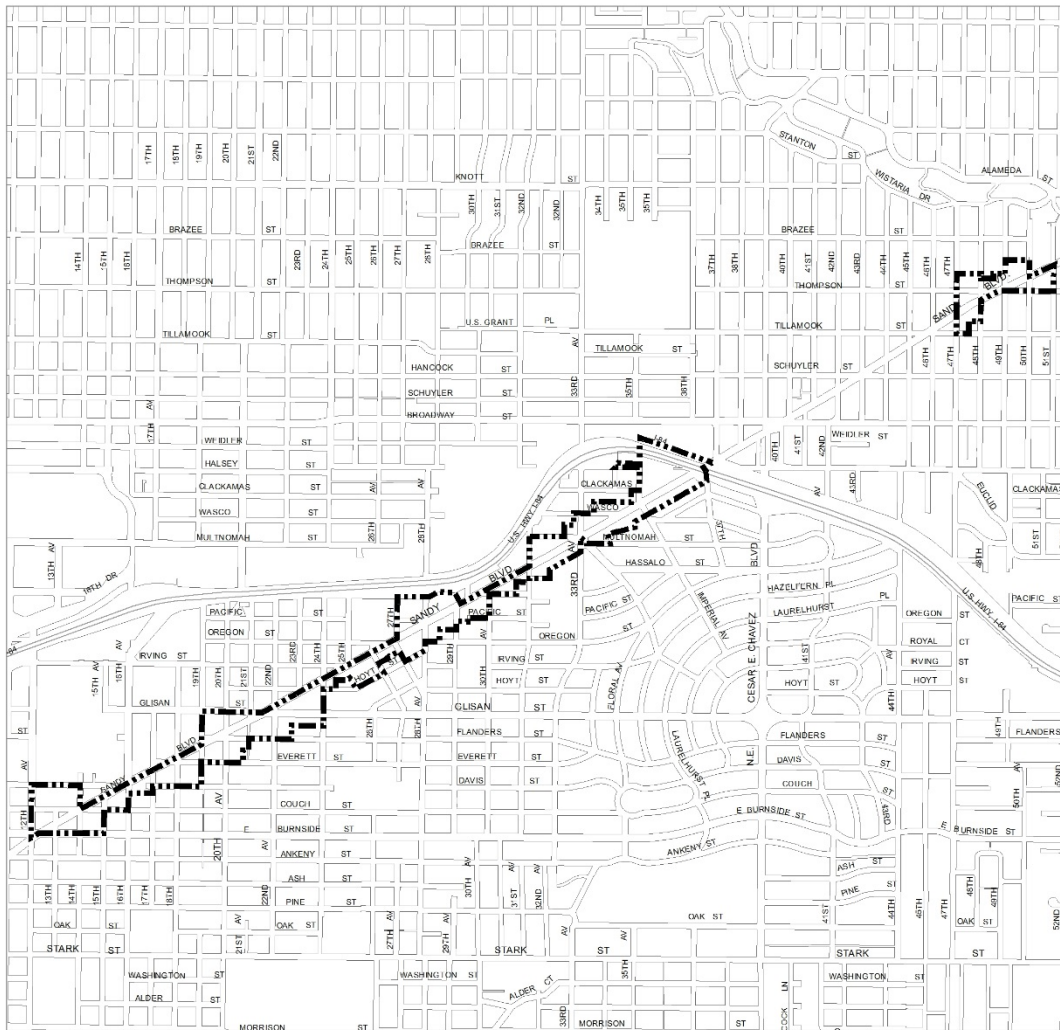


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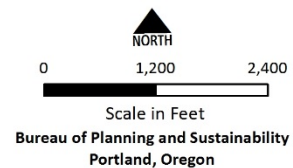
## Sandy Boulevard Plan District and Subdistricts

## Map 575-1

Map Revised XXXXX X, 2015



Plan District boundary





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## Commentary

### **33.583.285 Additional Regulations in the Riverfront Subdistrict**

Noise insulation standards are being applied to reduce the impact of railroad noise on new residential development in the St. Johns Riverfront Subdistrict. Medium to high residential density is expected in this location, consistent with its Town Center and Mixed Use Urban Center designations in the draft Comprehensive Plan, in contrast to its currently predominant industrial use and EG General Employment zoning. Current and future use of the St. Johns Lead of the Union Pacific railroad that runs through the subdistrict includes train-assembly activity associated with nearby marine terminals that can have significant noise impacts.



**33.583.285 Additional Regulations in the Riverfront Subdistrict**

- A. Purpose.** These regulations allow the Riverfront Subdistrict to continue to accommodate industrial uses, but foster the transition to an urban mixed-use area that is well integrated into St. Johns. Limiting some uses in the EG zones protects industry, and encourages development of housing and office uses only where appropriate.
- B. Where these regulations apply.** The regulations of this section apply to sites in the Riverfront Subdistrict, shown on Map 583-1.
- C. Prohibited uses in EG zones.** Residential and Office uses are prohibited in the EG zones.
- D. Minimum residential density in the EX zone.** Where all of the floor area on a site in the EX zone is in residential use, the minimum residential density is 1 unit per 1,000 square feet of site area.
- E. Noise insulation required.** All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. Reconstructed dwelling units where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site must also meet this standard. Garages and similar accessory structures that do not include living space are exempt from this standard.
  - 1. An engineer registered in Oregon who is licensed in acoustical engineering must certify that the building plans comply with the performance standard for sound insulation prior to the issuance of a building permit.
  - 2. The City of Portland will provide a list of at least three registered engineers knowledgeable in acoustical engineering.



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## Commentary

### 33.600 Table of Contents

This amendment is associated with the amendments that add school district capacity as a service consideration during a land division.



## Land Divisions and Planned Developments

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### Services and Utilities

33.651 Water Service

33.652 Sanitary Sewer Disposal Service

33.653 Stormwater Management

33.654 Rights-of-Way

33.655 School District Enrollment Capacity



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## Commentary

### 33.655 School District Enrollment Capacity

This is a new chapter. To implement new Comprehensive Plan policy, school district capacity is being added as a service criterion for the approval of a land division. When a land division occurs within the boundaries of a school district that has an adopted school facility plan, the school district will be required to verify that the schools in the district have adequate space to accommodate the students expected to live in the homes that will be developed once the land is divided into additional lots. This requirement is similar to existing service requirements, such as streets, sewer and water, that apply to a request for a land division. To meet the verification requirement, the applicant for a land division that will result in 11 lots or more will be required to provide a letter from the school district verifying that they have adequate capacity.

Administrative Staff from the David Douglas School District have worked with BPS staff on this proposal and are supportive of their assigned service provider responsibilities. BDS Staff have expressed concerns regarding the administration of this section, most specifically the need to develop objective criteria to be used in determining which development proposals will be subject to capacity related holds and lack of mitigating options available to individual developers faced with such "over capacity determinations and delays. These administrative procedures will need to be further defined prior to the effective date of this proposed code change.



## **33.655 School District Enrollment Capacity**

**655**

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Sections:

- 33.655.010 Purpose
- 33.655.020 Where These Regulations Apply
- 33.655.100 School District Enrollment Capacity Standard

### **33.655.010 Purpose**

In some areas of the City, growth and development have outpaced the ability for a school district to accommodate increasing student population. This regulation ensures that there is adequate enrollment capacity within school districts to accommodate the student population that is projected to be generated from a land division site.

### **33.655.020 Where These Regulations Apply**

The standard of this chapter applies to all land divisions that will result in eleven or more lots within the boundaries of a school district that has an adopted school facility plan that has been acknowledged by the City of Portland.

### **33.655.100 School District Enrollment Capacity Standard**

The school district within whose boundaries the land division site lies has verified that enrollment capacity for the district is adequate to serve the proposed development. Adjustments are prohibited.



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## **Commentary**

### **33.660 and 33.662 Review of Land Divisions in Open Space, Residential, Commercial, Employment and Industrial Zones**

These amendments are associated with other amendments that add school district capacity as a service consideration during a land division.



## **33.660 Review of Land Divisions in Open Space and Residential Zones**

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**660**

### **33.660.120 Approval Criteria**

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

- A. K.** [No change]
- L. Services and utilities.** The regulations and criteria of Chapters 33.651 through 33.6554, which address services and utilities, must be met.

## **33.662 Review of Land Divisions in Commercial, Employment, and Industrial Zones**

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**662**

### **33.662.120 Approval Criteria**

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

- A. – J.** [No change]
- K. Services and utilities.** The regulations and criteria of Chapters 33.651 through 33.6554, which address services and utilities, must be met.



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## Commentary

### **33.700.025 Neighborhood Contact**

Adds schools to the neighborhood contact requirement because it is consistent with newly adopted Comprehensive Plan policies related to coordination with school districts.



### 33.700.025 Neighborhood Contact

- A. Purpose.** The Neighborhood Contact process provides a setting for an applicant and neighborhood residents 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.

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 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.

- 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.

- C. Requirements.** The requirements for Neighborhood Contact are:

1. The applicant must contact the neighborhood association for the area, 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, neighborhood business associations, and the school district within whose boundaries the proposal is located. Meeting request forms are available at the Development Services Center. Applicants are encouraged to include conceptual site plans, building elevations, 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.

The neighborhood association 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 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 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 may schedule the meeting with its board, the general membership, or a committee.

2. 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, and school district. The letter will explain changes, if any, the applicant is making to the proposal.
3. 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.



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## Commentary

### 33.700.110 Prior Conditions of Land Use Approvals

Subsection 2.b.(1) Colleges and Medical Centers in the CI1 and CI2 zones establishes the regulatory framework under which colleges and hospitals will operate through the transition period, that time between the effective date of the new zones and the expiration of adopted Conditional Use Master Plans and Impact Mitigation Plans on December 31, 2023.

The expiration date proposed is roughly eight years after the adoption of the Comprehensive Plan and significantly, after the last existing conditional use master plan expires. This will minimize disruption to development plans that institutions may pursue in reliance on their existing approvals while moving all institutions to the new base zone in a discrete time period that supports larger Transportation System Plan goals and administrative certainty.

Campus	Current Approval	Duration
Reed College	CUMP	2008-2018
University of Portland	CUMP	2013-2023
Lewis and Clark College	CUMP	2009-2019
PCC Sylvania	CUMP	1993-2003
Concordia University	IMP	2003-2017
Warner Pacific University	CUMP	2001-2013
Multnomah University	IMP	2000-2025
University of Western States	CUMP	1998-2008
Providence Medical Center	CUMP	2012-2022
Kaiser Medical Center	CUMP	1989-2000
Legacy Emanuel	IMP	1994-2024
Legacy Good Samaritan	CUMP	2005-2015
Adventist Medical Center	CUMP	2005-2015
PCC Cascade	IMP	2001-2021
PCC Southeast	Base Zone	NA

1. BDS is allowing PCC to complete projects described in CUMP document
2. Expiration under dispute by Kaiser

### 33.700.110.B.1 Prior Conditions of Land Use Approvals

Updating to include reference to Commercial/Mixed Use zones.



4. 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.

### **33.700.110 Prior Conditions of Land Use Approvals**

This section addresses situations where a use, development, or land division was approved with conditions as part of a land use review under zoning or land division regulations that no longer apply to the site. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning or land division regulations. This may result from a change of the content of zoning or land division regulations or from legislative zone changes including annexation rezonings.

- A. Conditions of approval prior to 1981.** Conditions of approval for a land use review applied for prior to 1981 no longer apply to a site, except for conditions on all types of land divisions, Planned Unit Developments (PUD), or any other quasi-judicial review approved in association with a land division or PUD.
- B. Conditions of approval after 1981.** The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.
  1. Zone changes. If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping. The conditions of the original zone change do not apply if the site is rezoned to a noncomparable zone. Comparable zone changes are single-dwelling to single-dwelling, multi-dwelling to multi-dwelling, commercial to commercial or commercial/mixed use, employment to employment, and industrial or manufacturing to industrial zones. Also, changes from a City M3 or Multnomah County LM, M3, or M4 zone to a C, E, or I zone retain all conditions of approval on the site. Other zone changes are considered noncomparable.
  2. Conditional uses.
    - a. An allowed conditional use. If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.
    - b. Use allowed by right. If the use is now allowed by right, the conditions of approval no longer apply, except for the following:



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## Commentary

### **33.700.110 B.2.b.(2)**

Outdoor sports fields above a specified threshold are conditional uses under the campus institutional zones. This subsection is intended to carry forward the operational conditions attached to outdoor sports fields within existing conditional use master plans and impact mitigation plans. Such restrictions include but are not limited to, time limitations on when field lighting is allowed and restrictions on the number of major events that can be hosted at the fields.



(1) Colleges and Medical Centers in the CI1 and CI2 zones.

- Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue continue to apply until superseded by and approved Transportation Impact review;
- If a College or Medical Center in a CI1 or CI2 zone was an approved conditional use under the prior regulations, and the conditional use has not expired, the applicant can continue to develop under the approved conditional use review, the conditional use master plan, or the impact mitigation plan until the review expires, or December 31, 2023, whichever comes first. If the applicant chooses to develop under the approved conditional use, the conditional use master plan, or the impact mitigation plan, they must develop under the zoning code regulations that were in effect on the date the land use application was deemed complete. Amendments to the conditional use are prohibited.

(2) Conditions of approval continue to apply to outdoor sports facilities that are on a site with a College or Medical Center that was an approved use under the prior regulations.

- c. Use no longer allowed. If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and must continue to meet the conditions as well as the nonconforming use regulations. If the use was a conditional use with an expiration date and is no longer allowed, it is subject to the same regulations as revocable permits, as stated in Paragraph 120.C.1 below.
3. Variances and adjustments. If the variance or adjustment was for development that is now allowed by right, and the development on the site conforms to the current regulations, then the prior conditions of approval no longer apply.
4. Other land use actions. If the use or development was approved with conditions under a review ~~which~~ that is no longer in effect on the site (such as site review, design review, significant environmental concern review), the conditions no longer apply.



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## Commentary

### **33.730.060.D. Required information for land divisions**

To implement Comprehensive Plan policy 10.3.d, land divisions that result in 11 or more lots within school districts that have an adopted and acknowledged school facility plan will be subject to an additional service standard related to enrollment capacity. In order for such a land division to be approved, the school district will have to verify that there is adequate enrollment capacity to serve the proposed development. This amendment adds the requirement for verification information to the list of land division review application requirements.



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33.730.060 Application Requirements

## A. – B. [No change]

C. **Required information for land use reviews except land divisions.** Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of all of the materials listed in this Subsection. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request.

1. Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.
2. One copy of a written statement that includes the following items:
  - A complete list of all land use reviews requested;
  - A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);
  - A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate, this information may be placed on the site plan; and
  - Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable.
3. Four copies of a site or development plan. At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
  - All property lines with dimensions and total lot area;
  - North arrow and scale of drawing;
  - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
  - Existing natural features such as watercourses including the ordinary high water line and top of the bank;
  - The location, size, and species of all trees 6 inches and larger in diameter. On sites where the development impact area option for large sites in Chapter 11.50 will be used, only trees within that area must be shown;
  - Trees proposed to be preserved, including protection methods meeting the requirements of Chapter 11.60, and trees proposed to be removed;
  - Easements and on-site utilities;
  - Existing and proposed development with all dimensions;
  - Building elevations;
  - Location of adjacent buildings;
  - Distances of all existing and proposed development to property lines;
  - Types and location of vegetation, street trees, screening, fencing, and building materials;



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## Commentary



- Percentage of the site proposed for building coverage, and landscaping coverage;
  - Motor vehicle and pedestrian access and circulation systems, including connections off-site;
  - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;
  - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and
  - Additional requirements of the specified land use review.
4. In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation, if available.
  5. A transportation impact study, if required by the Office of Transportation at a pre-application conference.
  6. In the case of a zone change within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, the application must include verification from the school district that there is adequate enrollment capacity to serve the zone change site.

**D. Required information for land divisions.** Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8 ½ by 11 inches in size, and be suitable for reproduction.

1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include all of the following:
  - a. j. [No change]
  - k. When the land division site is within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, and the land division will create eleven or more lots, the application must include verification from the school district that there is adequate enrollment capacity to serve the development site.
2. – 4. [No change]



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## Commentary

### **33.730.130 Expiration of an Approval**

This section also references 33.852 where a ten-year duration is assigned to Transportation Impact Reviews. Such a time limit is necessary to account for changes in the surrounding transportation network even if no changes occur on an institutional campus itself.



### **33.730.130 Expiration of an Approval**

**A. Expiration of unused land use approvals issued prior to 1979.** [No Change.]

**B. When approved decisions expire.**

1. Land use approvals, except as otherwise specified in this section, expire if:
  - a. Generally.
    - (1) Within 3 years of the date of the final decision a City permit has not been issued for approved development; or
    - (2) Within 3 years of the date of the final decision the approved activity has not commenced.
  - b. Exception. Final decisions that became effective between May 27, 2006 and December 31, 2008 or between May 16, 2009 and June 30, 2011 expire if a City permit has not been issued for approved development or the approved activity has not commenced by June 30, 2014.
2. Zoning map and Comprehensive Plan map amendments do not expire.
3. Conditional Use Master Plans, ~~and~~ Impact Mitigation Plans, and Transportation Impact Reviews expire as specified in Chapters 33.820, ~~and~~ 33.848, and 33.852, or in the plans themselves.
- 4.-12. [No change.]

**C. Deferral of the expiration period.** [No Change.]

**D. Expiration of adjustments approved prior to March 16, 2001.** [No Change.]



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## Commentary

### 33.740 Legislative Procedure

This section is being changed to add new bodies to the required notice list, allow more flexibility in the format of the notification, and to be more specific about required information.

Counties and the Department of Land Conservation and Development are added to the list to allow better planning coordination. School districts and special service districts are added to allow them to monitor development and plan for enrollment.

The requirement to place a notice in the newspaper is removed because it is obsolete. The use of other platforms, such as bureau websites, are far more effective at reaching people.

The change from "mailed" to "provided" is intended to allow more flexibility, particularly for email notification when the recipient chooses email over mail. This also makes it easier to expand the lists while controlling costs.

The notice time frame is extended to be consistent with state requirements. The required content of the notice is specified, identifying key information so that people receiving the notices will be sure of receiving standardized information.

The Bureau of Planning and Sustainability is also exploring how to expand state-required and city-required notification practices to include property occupants as well as owners. This exploration is intended to identify ways to include residential renters in notifications.



**33.740.020 Commission Review**

- A. Hearing required. A Commission must hold at least one public hearing before recommending action on a legislative matter.
- B. Public notice for the hearing.
  - 1. Notice area. The notice must be ~~mailed~~provided to the regional transit agency, Metro, Multnomah County, the Oregon Department of Transportation, the Department of Land Conservation and Development, all recognized organizations within the subject area, all recognized organizations, counties and municipalities within 1000 feet of the subject area, affected bureaus, special service districts, and school district, and interested persons who have requested such notice. Notice must also be published in a recognized newspaper.
  - 2. Notice time frame. The notice must be ~~mailed~~provided at least ~~350~~ days prior to the first public hearing.
  - 3. Notice content. The notice must contain the date, time and location of the first hearing, a summary of the legislative matter subject to the hearing, a map or description of the area affected by the legislative matter, and instructions on how to obtain a copy of the staff proposal and how to testify.



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## Commentary

### **33.810.050.A.3 and 33.810.060 No Net Loss of Housing and Housing Pool**

The current Comprehensive Plan contains a policy directing that the City “retain housing potential by requiring no net loss of land reserved for, or committed to, residential, or mixed-use.” The policy specifically requires that Comprehensive Plan map amendments replace any loss of potential housing. The policy is carried out by requirements in the zoning code and replacement can occur through several measures including rezoning other land to increase housing potential, building residential units on the site, or through the use of a housing pool.

The policy was aimed at ensuring the City's overall number of potential housing units remain the same even in the face of quasi-judicial changes in Comprehensive Plan designations.

The 2035 Comprehensive Plan has the capacity for 267,000 additional housing units. With a growth forecast of 123,000 units, the City now has a large surplus of residential capacity, such that it is no longer necessary to closely track the impact of individual land use decisions on the residential capacity from quasi-judicial comprehensive plan amendments.

With the large surplus or residential capacity, Policy 4.2 (Maintain Housing Potential) in the current Comprehensive Plan was replaced by Policy 5.3 (Housing Potential) and 5.12 (Impact analysis) in the 2035 Comprehensive Plan that focuses on evaluating the impacts of legislative plans and investments on housing capacity, especially affordable housing for low- and moderate-income households. Therefore, the following code provisions for No Net Loss of Housing and the Housing Pool are no longer needed and are proposed to be deleted.



### 33.810.050 Approval Criteria

**A. Quasi-Judicial.** Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;
2. The requested change is consistent with Statewide Land Use Planning Goals;

3. ~~When the requested amendment is:~~

- ~~• From a residential Comprehensive Plan Map designation to a commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation; or~~
- ~~• From the urban commercial Comprehensive Plan Map designation with CM zoning to another commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;~~

~~the requested change will not result in a net loss of potential housing units. The number of potential housing units lost may not be greater than the potential housing units gained. The method for calculating potential housing units is specified in subparagraph A.2.a, below; potential housing units may be gained as specified in subparagraph A.2.b, below.~~

- a. ~~Calculating potential housing units. To calculate potential housing units, the maximum density allowed by the zone is used. In zones where density is regulated by floor area ratios, a standard of 900 square feet per unit is used in the calculation and the maximum floor area ratio is used. Exceptions are:~~
- ~~(1) In the RX zone, 20 percent of allowed floor area is not included;~~
  - ~~(2) In the R3, R2, and R1 zones, the amenity bonus provisions are not included; and~~
  - ~~(3) In the CM zone, one half of the maximum FAR is used.~~
  - ~~(4) Where a residentially zoned area is being used by an institution and the zone change is to the Institutional Residential zone, the area in use as part of the institution is not included.~~
  - ~~(5) Where a residentially zoned area is controlled by an institution and the zone change is to the Institutional Residential zone the area excluded by this provision also includes those areas within the boundaries of an approved current conditional use permit or master plan.~~



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## Commentary



- b. ~~Gaining potential housing units. Potential housing units may be gained through any of the following means:~~
- ~~(1) Rezoning and redesignating land off site from a commercial, employment, or industrial designation to residential;~~
  - ~~(2) Rezoning and redesignating lower density residential land off site to higher density residential land;~~
  - ~~(3) Rezoning land on or off site to the CM zone;~~
  - ~~(4) Building residential units on the site or in a commercial or employment zone off site. When this option is used to mitigate for lost housing potential in an RX, RH, or R1 zone, only the number of units required by the minimum density regulations of the zone are required to be built to mitigate for the lost housing potential; or~~
  - ~~(5) Any other method that results in no net loss of potential housing units, including units from the housing pool as stated in 33.810.060 below.~~
  - ~~(6) In commercial and employment zones, residential units that are required, such as by a housing requirement of a plan district, are not credited as mitigating for the loss of potential units.~~
  - ~~(7) When housing units in commercial or employment zones are used to mitigate for lost housing potential, a covenant must be included that guarantees that the site will remain in housing for the credited number of units for at least 25 years.~~
43. In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:
- a. – g. [No change]

### **33.810.060 Housing Pool**

- A. ~~Purpose.~~** The housing pool is intended to provide a resource of housing units that can be used by applicants for Comprehensive Plan Map amendments where housing potential would be lost. It is intended to be used only in cases where the other approval criteria for approving the Comprehensive Plan Map amendment have been met. It is generally intended for use only by small business persons or other applicants who do not have other resources or expertise to mitigate for the lost housing potential through other means.
- B. ~~Adding units to the pool.~~** Units may be added to the housing pool through the following methods:
- ~~1. Units in C, E, or I zones. Residential units in C, E, or I zones that are not required by other regulations, such as the requirement of a plan district, may be included in the pool. The residential units can be included only if there is a covenant that guarantees that the site will remain in housing for the credited number of units for at least 25 years.~~



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## Commentary



2. ~~Redesignating and rezoning land. Units may be added to the pool by redesignating and rezoning nonresidentially zoned land to a residential designation and zone. They may also be added by redesignating and rezoning lower density residential land to higher density residential land, or by redesignating and rezoning to the CM zone. In these cases the number of units added to the pool is the number of additional potential housing units that result from the change. However, increased housing potential that results from a neighborhood planning or district planning process may not be included.~~

**~~C. Subtracting units from the pool.~~**

1. ~~Process. Use of units from the housing pool will not be recommended until after the Director of BDS has made a tentative recommendation on the application for a Comprehensive Plan Map amendment. The review body will make the final decision on whether units from the pool may be used. The review body will base its recommendation on the review criteria in Paragraph C.2. below.~~
2. ~~Review criteria for use of the pool. Units from the housing pool will only be used if the review body finds that all of the criteria below are met. The burden of proof that the criteria are met increase as the size of the area of the Comprehensive Plan Map amendment increases.~~
  - a. ~~The applicant does not have the resources or expertise, or cannot reasonably obtain the resources or expertise to mitigate for the lost housing potential through other means, and~~
  - b. ~~The project will:~~
    - (1) ~~Provide valuable services to the surrounding community, through such means as providing goods or services to the community, drawing trade and economic activity into the community, or hiring from the community;~~
    - (2) ~~Retain or create employment opportunities for city residents; and~~
    - (3) ~~Contribute new investment to the area.~~



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## Commentary

### 33.815 Conditional Uses

Amendments to section 815 Conditional Uses are necessary to reference the new recommended base zones and acknowledge that the IR Zone has been relocated within the Zoning Code. Approval criteria for conditional uses within the CI zones are generally established to mitigate off-site impacts on adjoining residential uses.



## 33.815 Conditional Uses

815

### Sections:

#### General

- 33.815.010 Purpose
- 33.815.020 How to Use this Chapter
- 33.815.030 Automatic Conditional Use Status
- 33.815.040 Review Procedures
- 33.815.050 Loss of Conditional Use Status
- 33.815.060 Development Standards for Conditional Uses
- 33.815.070 Sites With Split Zoning
- 33.815.080 Approval Criteria in General

#### Approval Criteria

- 33.815.100 Uses in the Open Space Zone
- 33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones
- 33.815.107 Short Term Housing in R and IR Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, CG, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District
- 33.815.121 Commercial Parking Facilities in the RX, CS, and CX Zones, in the Hollywood Plan District
- 33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District
- 33.815.130 Residential Uses in the ~~EG1, EG2~~, IG1, IG2, and IH Zones
- 33.815.132 Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District
- 33.815.140 Specified Group Living Uses in the C and EX Zones
- 33.815.200 Aviation And Surface Passenger Terminals
- 33.815.205 Detention Facilities
- 33.815.210 Helicopter Landing Facilities
- 33.815.215 Major Event Entertainment
- 33.815.220 Mining and Waste-Related



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## Commentary

### **33.815.105 Institutional and Other Uses in R, CI and IR Zones**

This section provides the approval criteria that will be used in the review of conditional use reviews of both primary retail activity at the perimeter of campuses and outdoor sportsfields that are above a specified threshold of improvement (field lighting, amplified sound and spectator bleachers). In both of these instances the potential impact on adjoining residential neighborhoods requires additional review and an opportunity for adjoining property owners to participate in the review. Specific approval criteria proposed are standard to reviews where development adjoins residential neighborhoods.



### **33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones**

These approval criteria apply to all conditional uses in R and campus institutional zones-except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in ~~a residential zone~~ and campus institutional zones that maintain or do not significantly conflict with the appearance and function of residential or campus areas. Criteria A through E apply to institutions and other non-Household Living uses in residential zones. Criteria B through E apply to all other conditional uses in campus institutional zones. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
  - 1. The number, size, and location of other uses not in the Household Living category in the residential area; and
  - 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.
- B. Physical compatibility.**
  - 1. The proposal will preserve any City-designated scenic resources; and
  - 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
  - 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.



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## **Commentary**

### **33.815.107 Short Term Housing in R and IR Zones**

Minor edit to include approval criteria now applicable to the IR zone after it has been relocated in the code.



- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
1. Noise, glare from lights, late-night operations, odors, and litter; and
  2. Privacy and safety issues.
- D. Public services.**
1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
  2. The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
  3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

### **33.815.107 Short Term Housing in R and IR Zones**

These approval criteria apply to Community Service uses that provide short term housing in existing structures in R and IR zones. The approval criteria are:

- A. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
1. Noise, glare from lights, late-night operations, odors, and litter; and
  2. Privacy issues.
- B. Minimum spacing.** The service provided by the proposed use is different from others provided within 750 feet of the site.



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## **Commentary**

### **33.815.130 Residential Uses in the EG1, EG2, IG1, IG2 and IH Zones**

In order to preserve employment land for employment uses, residential uses will be prohibited in the General Employment zones. The amendments to this section implement that change.



### **33.815.130 Residential Uses in the ~~EG1, EG2,~~ IG1, IG2, and IH Zones**

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. ~~In the IG1, IG2, and IH zones, criterion A., B., C., and D. must be met. In the EG1 and EG2 zones, criterion A., B., and C. must be met and either D. or E.~~ The approval criteria are as follows:

- A.** The proposed use will not have a significant adverse effect on truck and freight movement.
- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;
- C.** City-designated scenic resources are preserved; and
- D.** The proposal is for houseboats or houseboat moorages which will not interfere with industrial use of the waterway or with adjacent industrial uses; ~~or~~
- ~~**E.** The proposal is for new development where:~~
  - ~~1. The proposal can be designed and developed so that housing is buffered from potential nuisance impacts from uses allowed by right in the zone; and~~
  - ~~2. The proposal includes a design, landscape, and transportation plan which will limit conflicts between residential, employment, and industrial uses.~~



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## Commentary

### **33.815.210 Helicopter Landing Facilities**

Minor edit to include Campus Institutional zones.



### **33.815.210 Helicopter Landing Facilities**

- A.** The following approval criteria apply to all helicopter landing facilities reviewed through a Type III procedure.
  - 1. The facility meets the safety standards required by state or federal agencies. The facility must be approved by State Aeronautics and the FAA;
  - 2. The facility is located so that the flights may take advantage of existing natural flight corridors. Locations close to natural flight corridors such as freeways are preferred;
  - 3. Consolidating the HLF with other existing nearby HLFs is not possible or feasible;
  - 4. In C, E, ~~or I~~, or campus institutional zones, the facility will not have a greater impact than allowed uses. If the facility will have significantly greater impacts, then it must be found that the public benefits of the HLF outweigh the harm of the impacts. Locations more than 500 feet from land with residential zoning will be viewed more favorably by the review body;
  - 5. In OS, R, CN, CO, and CM zones, the facility will not have a significant negative impact on the livability of the area or a significant detrimental environmental impact;
  - 6. The facility meets all development standards contained in 33.243.040; and
  - 7. The facility meets all noise regulations of the State of Oregon Department of Environmental Quality and Title 18 of the City Code.
- B.** The following criterion applies to helicopter landing facilities reviewed through a Type II procedure: The proposal will not result in an increase in the number of flights, changes in flight path, number or type of aircraft, hours of operation, or changes in required distances from other uses.



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## Commentary

### **33.815.215 Major Event Entertainment**

Minor edit includes CI1, CI2 and IR zones in Major Event Entertainment approval criteria.



### **33.815.215 Major Event Entertainment**

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

#### **A. Public services.**

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
3. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

#### **B. Appearance.** The appearance of the facility is consistent with the intent of the zone in which it is to be located and with the character of the surrounding uses and development;

#### **C. Benefit.** Public benefits of the proposed use outweigh any impacts that cannot be mitigated

#### **D. ~~In the IR zone~~ campus institutional zones.** These approval criteria allow Major Event Entertainment facilities to be part of an institutional campus. They also ensure that the impacts of the facility on nearby areas are mitigated and that affected neighbors have an opportunity to comment on the proposals for mitigation. The approval criteria are:

1. The facility is to be established as part of a school or college. Such facilities are prohibited as part of a medical center campus;
2. The facility is limited to events that feature the athletic or performance skills of students, faculty or staff or which supplement the institution's programs;
3. ~~In the IR zone~~ In the IR zone the facility is listed in the mission statement as part of the institution's impact mitigation plan;
4. ~~In the IR zone~~ In the IR zone the mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the facility. The location chosen and mitigation measures used are consistent with the institution's approved impact mitigation plan; and
5. All approved limited uses and major event entertainment uses in aggregate occupy 30 percent or less of all campus floor area. Calculation of total floor area of campus used by major event entertainment uses includes portions of parking structures associated with these uses. If campus facilities include structured parking 250 square feet of structured parking will be associated with the major event entertainment facility for each parking space required for the facility. Size exceptions are prohibited.



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## **Commentary**

### **33.815.225 Radio Frequency Transmission Facilities**

Edit picks up CI1, CI2 and IR zones in approval criteria.



### **33.815.225 Radio Frequency Transmission Facilities**

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for personal wireless service facilities proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, ~~or I~~, or campus institutional zone within 50 feet of an R zone:
  - 1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;
  - 2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and
  - 3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- B.** Approval criteria for personal wireless service facilities proposing to locate on a tower in an OS or R zone, or in a C, E, ~~or I~~, or campus institutional zone within 50 feet of an R zone:
  - 1. The applicant must prove that a tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
  - 2. The tower, including mounting technique, must be sleek, clean, and uncluttered;
  - 3. The visual impact of the tower on the surrounding area must be minimized. This can be accomplished by one or more of the following methods:
    - a. Limiting the tower height as much as possible given the technical requirements for providing service and other factors such as whether the tower will provide co-location opportunities;
    - b. Planting or preserving trees around the tower as a way to soften its appearance. The variety and spacing of the trees will be determined based on the site characteristics, tower height, and other co-location factors;



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## Commentary



- c. Shielding the tower and antennas from view by enclosing or concealing them within another structure that has less visual impact.
  - d. Placing the tower away from land uses that are more sensitive to the visual impacts, such as adjoining residences or open spaces; or
  - e. Other methods that adequately minimize visual impact;
- 4. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
- 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
- 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- C.** Approval criteria for personal wireless service facilities, proposing to locate on a tower in a C, CI2, or EX zone more than 50 feet from an R zone:
  - 1. The applicant must prove that a tower that is taller than the base zone height standard allows or is within 2,000 feet of another tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
  - 2. The tower, including mounting technique, must be sleek, clean and uncluttered;
  - 3. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
  - 4. The visual impact of the tower on the surrounding area must be minimized;
  - 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
  - 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- D.** Approval criteria for all other Radio Frequency Transmission Facilities:
  - 1. Based on the number and proximity of other facilities in the area, the proposal will not significantly lessen the desired character and appearance of the area;
  - 2. The facility will be located so that impacts on mature trees and tree groves are minimized;
  - 3. Public benefits of the use outweigh any impacts which cannot be mitigated; and
  - 4. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.



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## Commentary

### **33.820 Conditional Use Master Plans**

Section includes expiration date of December 31, 2023 for existing, master plans as part of the proposal's transition.



### 33.820.060 Duration of the Master Plan

The master plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. Generally, An approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superseded, however if an approved master plan for a site in a CI1 or CI2 zone has an expiration date later than December 31, 2023, the master plan expires on December 31, 2023.



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## Commentary

### 33.825.030 Procedures

The amendments to Table 825-1 are necessary for several reasons:

- 1) To remove the Main Street Node ("j") and Main Street Corridor ("m") overlay zones from the list of procedure assignments, as these zones are being removed and recast as plan districts.
- 2) To assign a procedure type to the design review that is required when a proposal in a commercial/mixed use zone gain bonus FAR and height through a Planned Development review. See 33.130.212, 33.270, and 33.854. The procedure is a Type III and the amendment is toward the bottom of Table 825-1.



## 33.825 Design Review

825

### 33.825.025 Review Procedures

This section lists procedures for design review for proposals in design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents.

**A. Procedures for design review.** Procedures for design review vary with the type of proposal being reviewed and the design district in which the site is located. Design review in some design districts requires an additional procedural step, the Neighborhood Contact requirement, as set out in Section 33.700.025, Neighborhood Contact. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Paragraph A.4. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.

1. Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal located in the Central City Plan District may not exceed the dollar threshold for a Type II procedure, but because it is also in the Downtown Design District and it exceeds the square footage threshold for a Type II procedure, the proposal would be subject to a Type III procedure.

Table 825-1 Procedure Type for Design Review Proposals			
Design Districts	Proposal	Threshold	Procedure
Downtown Design District	New floor area	> 1,000 s.f.	Type III
		≤ 1,000 s.f.	Type II
	Exterior alteration	Value >\$437,750	Type III
		Value ≤ \$437,750	Type II
River District Design District	New floor area or Exterior alteration in CX or OS zone	>1,000 s.f. and value >\$437,750	Type III
		≤ 1,000 s.f. or value ≤ \$437,750	Type II
Gateway Design District	Development proposals	Value >\$2,188,650 or included in a Gateway Master Plan Review	Type III
		Value ≤ \$2,188,650 and not part of Gateway Master Plan Review	Type II
Marquam Hill Design District	Development proposals	In design overlay zones	Type II
Sellwood-Moreland Design District			



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## Commentary



Terwilliger Parkway Design District	Proposals that are visible from Terwilliger Boulevard	Non single-dwelling development	Type III
		Single-dwelling development	Type II
Central Eastside	Development proposals	Value >\$2,188,650	Type III
Goose Hollow			
Lloyd District		Value ≤ \$2,188,650	Type II
Macadam			
River District			
South Waterfront			
Community Plans			
Albina Community Plan area, including Lower Albina	Development proposals	In design overlay zones	Type II
Outer Southeast Community Plan area, excluding Gateway Design District			
Southwest Community Plan Area, excluding Macadam & Terwilliger Design Districts			
Central City Plan District, excluding Lower Albina	Development proposals	In design overlay zones and value >\$2,188,650	Type III
Northwest Plan District		In design overlay zones and value ≤ \$2,188,650	Type II
South Auditorium Plan District			
Albina Plan District	Development proposals	In design overlay zones	Type II
Hollywood Plan District			
North Interstate Plan District			
St. Johns Plan District			
Overlay Zones			
“a” Alternative Density overlay	Additional density in R3, R2, R1 zone	Using bonus density provisions in 33.405.050	Type III
	Using other provisions in 33.405	Not subject to 33.405.050	Type II
“d” Design overlay	Development proposals	Not identified as Type Ix or Type II procedure elsewhere in this table	Type III
<del>“j” Main Street Node overlay</del>	Development proposals	In design overlay zones	Type II
<del>“m” Main Street Corridor overlay</del>			



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## Commentary

### **33.825.040 Modifications That Will Better Meet the Design Review Requirements**

This amendment is being made in response to concerns from BDS staff that the code is not clear about whether a modification is allowed when a development standard says "adjustments are prohibited". The environmental review, design review and Planned Development review approval criteria all allow development standards that can be adjusted to be modified through those review processes rather than going through an additional adjustment review process. This allowance streamlines the land use review, reduces cost to the applicant, and avoids two different BDS sections reviewing the same land use application. The intent has always been to only allow development standards that have the option to be adjusted to be modified in one of these other processes. This amendment makes that clear, and avoids having to add the words "adjustments and modifications are prohibited" throughout the zoning code.



Base Zones			
All zones	Signs	In design overlay zones	Type II
	Exterior mechanical equipment		
	New or replacement awnings		
C, E, I, RX zones	Facade alteration	≤ 500 square feet in design overlay zones	Type II
<u>C zones</u>	<u>Planned Development</u>	<u>Using the Planned Development bonus provision described in 33.130.212</u>	<u>Type III</u>
RF — R2.5 zones	Subject to section 33.110.213, Additional Development Standards	Requests to modify standards	Type II
IR zone site with an approved Impact Mitigation Plan (IMP)	Proposals that are identified in IMP	IMP design guidelines are qualitative	Type II
	Proposals that are identified in IMP	IMP design guidelines are objective or quantitative	Type Ix

### 33.825.040 Modifications That Will Better Meet Design Review Requirements

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. The review body may not consider modifications to standards for which adjustments are prohibited. ~~These~~ ~~M~~modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.



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## Commentary

### 33.848.060 Phases and Duration

Section includes expiration date of December 31, 2023 for existing, Impact Mitigation Plans as part of the proposal's transition.



### 33.848.060 Phases and Duration

An impact mitigation plan remains in effect until all phases of development included in the plan have been completed. An impact mitigation plan may include a specific expiration date. After all phases of development provided for in their impact mitigation plan have been completed, the plan remains in effect until it is amended, or updated, or superseded. Impact mitigation plans for sites in a CI1 or CI2 zone expire on December 31, 2023 and are superseded by the base zone.



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## Commentary

### **Chapter 33.852 Transportation Impact Review**

Chapter 33.852 replaces existing code section 33.207 Cascade Station/Portland International Center Transportation Impact Analysis Review and expands the circumstances in which a Transportation Impact Review is required. With these amendments this chapter now serves as a more general tool to evaluate transportation impacts in a variety of situations. In addition to the Cascade Station Plan District, this chapter will now also be used to evaluate the transportation impacts of large college and hospital expansions in the Campus Institutional Zones.

In the commercial/mixed use zones, for projects with 10 or more new dwelling units, Transportation Impact Review is also one option for meeting the Transportation and Parking Demand Management Requirements of Chapter 33.266 (see Section 33.266.410). The other option will be to allow an applicant to offer a pre-approved "off the shelf" multimodal incentives described in Title 17.



## **33.85207 Cascade Station / Portland International Center Transportation Impact ANALYSIS Review**

**85207**

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### Sections:

- 33.85207.010 Purpose
- 33.85207.100 Procedure
- 33.852.105 Supplemental Application Requirements
- 33.85207.110 Approval Criteria
- 33.852.115 Duration of a Transportation Impact Review

### **33.85207.010 Purpose**

~~Cascade Station/Portland International Center Transportation Impact Analysis (TIA) Review allows additional flexibility for development in the CS/PIC Plan District, while ensuring that the roadway systems are capable of supporting the recommended development.~~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 can be found in other chapters of this Title. Transportation Impact Review may be completed at various levels of detail. Generally, the more specific the proposal, the less review that will be required as future development is built. Transportation Impact Review is intended as a mechanism to identify practicable actions to reduce and mitigate transportation impacts, consistent with allowing those uses generally permitted or allowed in the base zone.

### **33.85207.100 Procedure**

~~Cascade Station/Portland International Center Transportation Impact Analysis~~ Reviews are processed through a Type II procedure.



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## **Commentary**

### **33.852.105 Supplemental Application Requirements**

This section establishes the supplemental application material needed for Transportation Impact Review. The listing identifies the types of information needed to address the approval criteria in Section 33.852.110.

Changes are intended to clarify the scope of evaluation, and study area.



### **33.852.105 Supplemental Application Requirements**

In addition to the application requirements of Section 33.730.060, an application for Transportation Impact Review must include the following:

- A. Description of proposed development. Transportation Impact Review must include proposed development, and may incorporate possible future development anticipated for up to ten years;
- B. Delineation of the study area, and rationale for the delineation. At a minimum, the study area must include primary access routes between the site and the nearest regional trafficways and major city traffic streets, regional transitways and major transit priority streets, major city bikeways, and city walkways. Other secondary routes used to access the site within the neighborhood(s) where the site is located must also be included;
- C. Description of existing uses and conditions in the study area. If the application is for development in the Cascade Station/Portland International Center Plan District, the following are also required:
  - 1. The description must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;
  - 2. Table 508-1 assumptions and conclusions must be provided to BDS for tracking purposes;
- D. Traffic forecasts and distribution;
- E. Primary traffic access routes to and from the study area;
- F. Analysis of the proportional responsibility of the proposed development to mitigate forecasted impacts;
- G. Recommended mitigation measures including transportation system management and needed transportation improvements;
- H. Transportation and parking demand management plan that has all the elements required by Chapter 17.106; and
- I. Evaluation of the transportation impacts of the proposed development, including impacts in the study area, on:
  - 1. Street function, capacity and level of service;
  - 2. On-street parking;
  - 3. Access;
  - 4. Transit operations and movements; and
  - 5. Pedestrian and bicycle routes and safety.



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## Commentary

### 33.852.110 Approval Criteria

The approval criteria have been modified to accomplish several objectives:

- Further emphasis on evaluation factors, including availability of other modes, and clarification that the evaluation factors may be looked at on balance. Portions of the transportation system are already failing. In this case, the failure should not preclude additional development in the area, and the burden of fixing the system should not fall on the first development to be evaluated. If a portion of the system is failing and the failure is not caused by the development being proposed, then any additional impacts caused by the proposed development should be mitigated, while still allowing the development.
- Consideration of how the Parking and Transportation Demand Management (TDM) plan will advance City mode split and auto ownership objectives.
- Clarification that mitigation may occur in a variety of forms, including improvements that benefit other modes, or actions that manage demand. For example, if the development will create traffic that impacts a nearby street segment or intersection, causing it to not meet level of service standards; mitigation may include improvements to benefit other modes, or additional Parking and Transportation Demand Management actions to reduce reliance on the automobile. This provides more options for mitigation, and ensures that mitigation can be proportional to the scale of the impact.



### **33.852.110 Approval Criteria for ~~Cascade Station/Portland International Center~~ Transportation Impact Analysis Reviews**

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met. In Commercial/Mixed Use Zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only approval criterion B applies.

- A. The transportation system is capable of supporting the recommended development in addition to the existing uses in the area, ~~as shown by the TIA.~~ Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion C;
- B. AProposed transportation and parking demand management actions are contributing to the City sufficiently achieving the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the siteplan is recommended that includes measures to reduce the number of trips made by single-occupant vehicles during the peak p.m. commuting hours;
- C. ~~Adequate m~~Measures proportional to the impacts of the proposed development are proposed to mitigate on- and off-site transportation impacts are recommended. Measures may include, but are not limited to, the following: transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to fill in gaps in the local pedestrian and bicycle networks, and transit stopimprovements; and
- D. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

### **33.852.115 Duration of a Transportation Impact Review**

An approved Transportation Impact Review remains in effect for up to ten years, or until development allowed by the review has been completed or the review is amended or superseded, whichever comes first.



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## Commentary

**Chapter 33.854 (Planned Development Review)** and Chapter 33.270 (Planned Development) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of planned development provisions for development proposals that do not involve land divisions. It includes new regulations related to the Planned Development bonus, included in the Floor Area and Height Bonus Options in Chapter 33.130 (see 33.130.212.E).

This chapter works in conjunction with Chapter 33.270 (Planned Development). The latter states the regulatory parameters for Planned Developments (including the requirements for Planned Developments in the commercial/mixed use zones and additional allowed uses for Planned Developments other zones), while Chapter 33.854 states the Planned Development review procedures, supplemental application requirements, and review criteria.

Many of the amendments to this chapter relate to the Planned Development bonus in Chapter 33.130, which is available on large sites (2 or more acres) in the commercial/mixed use zones and responds to community input received during Mixed Use Zones Project events. Many community members were open to allowing development on large sites to be larger in scale than what is usually allowed in most areas with commercial/mixed use zoning, especially if there was enough space for a transition in scale to lower-density areas and proposals were subject to design review. It also responds to community interest in linking the provision of additional development potential to the provision of public benefits, especially affordable housing. The Planned Development bonus allows for additional FAR and height in exchange for the provision of affordable housing, public open space, low carbon buildings, and a public review process (see Section 33.270.200 for required public benefits).

### **33.854.200 Review Procedures**

Subparagraph B has been added to indicate that the commercial/mixed use zones Planned Development bonus will be reviewed through a Type III procedure, which is a discretionary review procedure that involves a public hearing. The Design Commission will be the designated review body for such proposals, because of the key role of design and scale in the approval criteria (see section 33.854.320). Chapter 33.720 (Assignment of Review Bodies) will be amended at a later date to indicate the role of the Design Commission as the review body.

The other subparagraphs of this section are substantially unchanged, except for a reference in subparagraph A, which allows for Design Review of individual buildings to take place after the Planned Development Review is processed for a site.



## 33.854665 Planned Development Review

**854665**

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### Sections:

#### General

33.854665.010 Purpose

#### Review of Planned Development

33.854665.200 Review Procedures

33.854665.250 Supplemental Application Requirements

33.854665.300 Approval Criteria in General

33.854665.310 Approval Criteria for Planned Developments In All Zones

33.854665.320 Additional Approval Criteria for Modifications of Development Standards

33.854665.330 Commercial Uses in Residential Zones

33.854665.340 Proposals Without a Land Division

#### Changes to an Approved Planned Development

33.854665.500 Types of Changes

33.854665.510 Review Procedure

33.854665.520 Approval Criteria

### General

#### 33.854665.010 Purpose

These regulations assign Planned Development Reviews to an appropriate procedure type. The approval criteria ensure that innovative and creative development is encouraged when it is well designed and integrated into the neighborhood.

### Review of Planned Development

#### 33.854665.200 Review Procedures

- A. **Concurrent reviews required.** When land use reviews in addition to Planned Development Review are requested or required, all of the reviews must be processed concurrently, except for Design Review for buildings within a Planned Development site when the Planned Development bonus is being utilized (See 33.130.212.E). In this case, Design Review may be processed after the Planned Development Review.
- B. **Planned Development bonus.** Proposals that are using the commercial/mixed use zones Planned Development bonus (See 33.130.212.E) are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.



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## Commentary

### **33.854.250 Supplemental Application Requirements**

Subparagraph A is a list of the supplemental application material needed for review of a Planned Development proposal that are taking advantage of the Planned Development bonus in the commercial/mixed use zones. The listing identifies the types of information needed to address the approval criteria in Section 33.854.310.



**C. All other Planned Development Reviews.**

**1. Review in conjunction with a land division.** When a Planned Development is requested in conjunction with a land division, the review will be processed as follows:

- a1. Type III review. Proposals in the RF through R2.5 zones that include attached duplexes, multi-dwelling structures, or multi-dwelling development are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.
- b2. Type IIx review. All other proposals are processed through the Type IIx procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.

**2C. Review not in conjunction with a land division.** When a Planned Development is not in conjunction with a land division, the review will be processed as follows:

- a1. Type III. Planned Developments that include any of the following elements are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:
  - (1)a- Attached duplexes, multi-dwelling structures, or multi-dwelling development in the RF through R2.5 zones;
  - (2)b- Eleven or more units;
  - (3)c- Four or more units where any building location, utility, or service is proposed within a Potential Landslide Hazard Area;
  - (4)d- Environmental review;
  - (5)e- Any portion of the site is in an Open Space zone.
- b2. Type IIx. All other proposals not assigned to a Type III in SubpParagraph C.2.a.4, ~~above~~, are processed through a Type IIx procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.

**33.854665.250 Supplemental Application Requirements**

In addition to the application requirements of Section 33.730.060.D, the following information is required for a Planned Development application:

- A. Supplemental application requirements for Planned Developments in commercial/mixed use zones that proposing additional height or FAR through the Planned Development bonus (See 33.270.100.I):**
  - 1. The boundaries of the area to be included in the Planned Development. The area must include all contiguous lots that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way;
  - 2. An urban design and development framework plan showing:
    - a. The location of existing and proposed structures;
    - b. Proposed land uses including areas with active ground floor uses;



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## **Commentary**

### **33.854.250 Supplemental Application Requirements (continued)**

See previous commentary.



- c. A three dimensional massing diagram that identifies the maximum proposed building envelope for each building site, including maximum proposed building dimensions, height, and floor area allocations;
- d. Sections, sectional elevations, and perspectives that illustrate the relationship of existing and proposed development on the site to the urban form of the surrounding neighborhood in terms of building height and massing;
- e. The allocation of any required affordable housing if there will be more than one building;
- f. The location, design and programming of plazas, parks or open areas; and
- g. Relationships and transitions to adjacent properties and the neighborhood;
- 3. A transportation and circulation plan showing:
  - a. Proposed pedestrian, bicycle, and vehicle circulation system that meet City of Portland connectivity standards, including locations where the circulation system connects to public right-of-way outside of the site,
  - b. Transit service lines and stops within and immediately adjacent to the site;
  - c. Locations of right-of-way to be vacated or dedicated within the site; and
  - d. Vehicle and bicycle parking and any parking access points;
- 4. If required, a multi-modal transportation impact study that follows the guidelines of the Portland Bureau of Transportation, and includes assessment of traffic impacts on the streets surrounding the master plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element;
- 5. Transportation and parking demand management strategies;
- 6. If the proposed Planned Development involves the transfer of floor area, information about the location of the receiving and sending lots, the ownership of the lots, and amount of floor area to be transferred and retained at each lot must be included;
- 7. A stormwater management plan;
- 8. A phasing plan including proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development; and
- 9. A Project narrative describing how the proposal meets applicable design guidelines.
- B. Supplemental application requirements for all other Planned Developments:**
  - 1. Photographs that show the characteristics of surrounding neighborhood; and
  - ~~2B.~~ Either B.2.a.1 or B.2.b., below, must be submitted with the application:
    - ~~a1.~~ Proposed building elevations and locations with enough detail to show that all of the approval criteria are met; or



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## Commentary

### **33.854.300 Approval Criteria in General**

No substantial changes to these regulations.

### **33.854.310 Approval Criteria for Planned Developments using the Commercial/Mixed Use Zones Planned Development Bonus**

This section serves as the approval criteria for Planned Development proposals in the commercial/mixed use zones, including proposals seeking to utilize the Planned Development bonus provision of Chapter 33.130. It incorporates consideration of how proposed development scale and massing relate to the surrounding context, including consideration of how the project transitions to the scale of adjacent areas (which will typically be smaller in scale than the proposals seeking to utilize the Planned Development bonus). The criteria also address the arrangement of public open spaces, and of the transportation network and stormwater management facilities that can be expected to be components of development on the large sites (minimum of 2 acres) that will utilize the Planned Development bonus.

The review body for Planned Development bonus proposals in the commercial/mixed use zones will be the Design Commission, which will receive bureau recommendations on the transportation system and stormwater management facilities to inform decisions.

The approval criteria for a planned development that is not proposing the additional height or FAR as allowed by 33.270.100.I, are 33.854.310.E and F. These criteria are substantively unchanged.

### **33.854.320 Approval Criteria for All Other Planned Developments**

No substantial changes to these regulations.



- b2. Proposed standards regulating setbacks, building coverage, landscaping, vehicle areas, materials, and design of structures. The proposed standards must be clear and objective, and specific enough to show how all of the approval criteria are met. Proposed standards may not conflict with the regulations of this Title, except where a modification is requested as part of the Planned Development application. If approved, the standards will apply, in addition to regulations of this Title to all development on the site.

### **33.854665.300 Approval Criteria in General**

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.665.310. Some proposals must also meet additional approval criteria, as follows:

- A. Proposals to modify site-related development standards must meet the criteria in Section 33.854665.320.
- B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.854665.330.
- C. Proposals that do not include a land division must meet the criteria in Section 33.854665.340. Proposals that are only using the commercial/mixed use zones Planned Development bonus (See 33.270.100.I) are not required to meet the criteria in Section 33.854.340.

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the relevant approval criteria have been met.

### **33.854665.310 Approval Criteria for Planned Developments in All Zones**

Criteria A through F apply to proposals for additional height or FAR in the CM2, CM3, CE, and CX zones that are taking advantage of 33.270.100.I. If the Planned Development is not proposing additional height or FAR as allowed by 33.270.100.I, then only criteria E and F apply. Configure the site and design development to:

#### **A. Urban design and development framework.**

- 1. The proposed overall scheme and site plan provide a framework for development that meets applicable Community Design Guidelines and will result in development that complements the surrounding area;
- 2. Scale and massing of the development addresses the context of the area, including historic resources, and provides appropriate scale and massing transitions to the adjacent uses and development specifically at the edges of the Master Plan area;
- 3. Proposed plazas, parks, or open areas are well located to serve the site and public, and are designed to address safety and comfort of users; and
- 4. The site plan promotes active ground floor uses on key streets to serve the development and surrounding neighborhood; and

#### **B. Transportation system.** The transportation and circulation system provides multimodal connections that support the development of the site, limit impacts to adjacent neighborhoods, and meet the connectivity requirements of the City of Portland.



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## Commentary



**C. Stormwater Management.** The Planned Development meets the requirements of the Stormwater Management Manual or describes a phased approach to meet the requirements.

**D. Phasing Plan.** The Planned Development establishes coordinated phasing of development that demonstrates how the site will be developed over time and how any required development elements will be met.

**AE. Configure the site and development to** ~~visually~~ integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:

1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;
2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;
5. Minimizing potential negative effects on surrounding residential uses; and
6. Preservation of any City-designated scenic resources; and

**BE. Provision of** ~~Provide~~ adequate open area on sites zoned RF through R2.5 where proposed development includes attached houses, duplexes, attached duplexes, or multi-dwelling structures. Open area does not include vehicle areas.

### **33.854665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards**

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. The modification will be approved if the following approval criteria are met:

**A. Better meets approval criteria.** The resulting development will better meet the approval criteria of Section 33.855.310 for sites using the commercial/mixed use zones Planned Development bonus, or 33.854665.310 for all other Planned Developments~~above~~; and

**B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.



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## Commentary

### **33.854.340 Proposals without a land division (Planned Development Review)**

These amendments are associated with the addition of school district capacity as a service consideration during a land division.



### **33.854665.330 Commercial Uses in Residential Zones.**

The approval criteria of this section apply to proposals for commercial uses in Residential Zones. The approval criteria are:

- A. The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;
- B. The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and
- C. The proposed commercial development and uses must be consistent with the purpose and regulations of the CRCN1 zone.

### **33.854665.340 Proposals Without a Land Division**

The approval criteria of this section apply to Planned Developments that do not include a land division, except Planned Developments that are only using the commercial/mixed use zones Planned Development bonus. The approval criteria are:

#### **A. Services.**

- 1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;
- 2. The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;
- 3. The standards of Section 33.651.020, Water Service Standards, must be met;
- 4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met;
- 5. The standard of Section 33.655.100, School District Enrollment Capacity Standard, must be met; and,
- 56. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

#### **B. Tree preservation.** The proposal must meet the requirements of Chapter 33.630, Tree Preservation.

#### **C. Flood hazard areas.**

- 1. RF through R2.5 zones. In the RF through R2.5 zones, all proposed building locations must be outside of the flood hazard area.
- 2. R1 through IR, C, E, and I zones. In the R1 through IR, C, E, and I zones, all proposed building locations must be outside of the flood hazard area where possible. Where it is not possible to have all building locations outside of the flood hazard area, all proposed building locations must be configured to reduce the impact of flooding and to provide the greatest protection for development from flooding. Proposed building locations must be clustered on the highest ground and near the highest point of access, and they must be configured in a manner that will minimize obstruction of floodwaters.



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## Commentary



- D. Landslide hazard areas.** Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

**E. Clearing, grading, and land suitability.**

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;
2. Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;
3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Clearing and Grading Plan;
4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;
5. Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable;
6. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees shown to be retained on the tree preservation plan; and
7. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

**F. Streams, springs, and seeps.**

1. If there is a stream, spring, or seep outside of an Environmental Overlay Zone on the site, then the stream, spring, or seep must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, or seep. The edges of a seep or spring are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. If one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank where the edge of the stream, spring, or seep is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.
2. The following development, improvements, and activities are allowed in the easement:
  - a. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;



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## Commentary

### 33.854.340 Proposals Without a Land Division (continued)

Paragraph G (Transportation impacts). The approval criteria for transportation impacts have been modified to accomplish several objectives:

1. Further emphasis on evaluation factors, including availability of other modes, and clarification that the evaluation factors should be looked at on balance. Portions of the transportation system are already failing. In this case, the failure should not preclude additional development in the area, and the burden of fixing the system should not fall on the first development to be evaluated. If a portion of the system is failing and the failure is not caused by the development being proposed, then any additional impacts caused by the proposed development should be mitigated, but the development should not be denied.
2. Consideration of how the Parking and Transportation Demand Management plan will advance City mode split and auto ownership objectives.
3. Clarification that mitigation may occur in a variety of forms, including improvements that benefit other modes, or actions that manage demand. For example, if the development will create traffic that impacts a nearby street segment or intersection, causing it to not meet level of service standards; mitigation may include improvements to benefit other modes, or additional Parking and Transportation Demand Management actions to reduce reliance on the automobile. This provides more options for mitigation, and ensures that mitigation can be proportional to the scale of the impact.



- b. Removal of non-native invasive species with hand held equipment;
  - c. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
  - d. Erosion control measures allowed by Title 10 of Portland City Code;
  - e. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveway or service connections within the easement; and
  - f. Maintenance and repair of existing utilities, services, and driveways;
3. Public or private rights of way may cross the seep, spring, or stream easement if the following approval criteria are met:
- a. There is no reasonable alternative location for the right-of-way;
  - b. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
    - (1) The street improvements will not impede the flow of the stream, spring, or seep;
    - (2) The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and
    - (3) The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
4. Minimum density is waived in order to better meet the standards of paragraphs F.1-F.3, above.

**G. Transportation impacts.**

1. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2; and performance standards; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.
2. Adequate measures to mitigate on- and off-site transportation impacts are proposed. Measures may include: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to fill in gaps in the local pedestrian and bicycle networks, and transit stop improvements;



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## Commentary

### 33.854.500 Types of Changes

Amendments to this section introduce a third type of change to a planned development: *Administrative Change*. This new category accommodates very minor changes that are not substantive, are consistent with conditions of approval and development standards, and which will not require a land use review. Other amendments clarify thresholds related to the different types of changes.



3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
4. A Traffic Impact Study may be required by the City Engineer in order to determine if the criterion is met. In addition, mitigation measures approved by the City Engineer may be included in the proposal as a way to meet this criterion.

### **Changes to an Approved Planned Development**

#### **33.854665.500 Types of Changes**

There are ~~two~~ three types of changes; major, ~~and minor, and administrative.~~

**A. Major change.** A major change is one that will have significant impacts on the development in the PD, or on the site surrounding the PD. Major changes include:

- 1A. An increase in the site area of more than 5 percent;
2. Changes to the building heights or floor area allocations of more than 10 percent;
- 3B. In residential zones:
  - a. An increase in density, including the number of housing units;
  - b. ~~C. In residential zones, a~~ A change in the mix of single-dwelling and multi-dwelling structures; and
  - c. ~~D. An increase in the amount of land in nonresidential uses;~~
4. ~~E. A reduction in the amount of open space;~~
5. In commercial/mixed use zones:
  - a. Changes to building locations or required plaza or park locations;
  - b. A decrease in the amount or location of required affordable housing; and
  - c. Changes to the location of additional height;
6. ~~F. Deleting or changing the purpose of flood hazard or landslide hazard easements; or~~
7. ~~G. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PD; or~~
8. Changes in the amount of parking by more than 20 percent.

**B. Minor Change.** A minor change is a change that is neither major nor administrative.

**C. Administrative Change.** An administrative change is a change to an element of a Planned Development that:

1. Is consistent with all conditions of the Planned Development approval and the conditions of any concurrent approval;
2. Meets all development standards not modified by the Planned Development; and
3. Does not change any quantity, dimension or area identified in the approved plans or narrative by more than 5 percent.



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## Commentary

### **33.854.510 Review Procedures**

This section is amended to establish the process for administrative changes to approved planned developments. Administrative changes will not require a land use review, and will be used to process minor changes that are consistent with conditions of approval and development standards, and result in only minor changes to development configurations (see 33.855.500.C).



### **33.854665.510 Review Procedures**

Requests for changes to an approved PD are processed as follows:

- A. Major changes.** Major changes are processed as follows:
  - 1. If the original PD application was processed through a Type III procedure then the change is processed through a Type III procedure;
  - 2. If the original PD application was processed through a Type IIx procedure then the change is processed through a Type IIx procedure.
- B. Minor changes.** Minor changes are processed through a Type IIx procedure.
- C. Administrative changes.** Administrative changes are allowed without a land use review.

### **33.854665.520 Approval Criteria**

The approval criteria for changes to a Planned Development are those used for approval of the original planned development applications ~~Development Plan~~.



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## Commentary

### **33.855.030 When a Comprehensive Plan Map Amendment Is also Required**

This amendment changes the reference from the policy number in the old Comprehensive Plan to the correct policy number in the newly adopted Comprehensive Plan.

### **33.855.040 Procedure**

These amendments correct incorrect usage of the word "which".



### 33.855.030 When a Comprehensive Plan Map Amendment Is also Required

Zoning map amendments may also require an amendment to the Comprehensive Plan Map. Determination of whether the Comprehensive Plan Map must also be amended is based upon whether the proposed zoning map amendment is to a zone designated by the Comprehensive Plan Map. See Policy ~~10.71.18~~ in the Comprehensive Plan. If an amendment to the Comprehensive Plan Map is required, the zoning map amendment cannot be made unless the amendment to the Comprehensive Plan Map is approved first. Both amendments may be processed concurrently.

### 33.855.040 Procedure

- A. **Quasi-Judicial.** Requests for quasi-judicial zoning map amendments ~~which are quasi-judicial~~ are reviewed through a Type II or Type III procedure. Zoning map amendments to rezone a site to IR, Institutional Residential, are processed through a Type II procedure. Amendments for all other zones are processed through a Type III procedure.
- B. **Legislative.** Requests for legislative zoning map amendments ~~which are legislative~~ are reviewed through the legislative procedure stated in Chapter 33.740.
- C. **Manufactured dwelling park special notice.** The applicant for a zoning map amendment ~~which~~that changes the zoning on a manufactured dwelling park must provide written notice by first class mail to each unit in the manufactured dwelling park. The notice must include the time, date, and location of the public hearing and the new zone being proposed. The notices must be mailed 20 to 40 days before the hearing date.



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## Commentary

### **33.855.050.A.1**

This amendment is a clarification. For some zones, including the commercial/mixed use zones, the description of each zone is in a sections called *Characteristics of the Zones*, rather than in the purpose statement.

### **33.855.050.A.3 No net loss of housing**

This paragraph is being deleted because the requirement to ensure no net loss of housing when the zone is being changed from *CM* to *CS* is being deleted.

### **33.855.050 Zoning Map Amendments**

Recommended subsection D. establishes the requirement for a Transportation Impact Review further described in Chapter 33.852 as a component of a complete zoning map amendment application to the *CI1* or *CI2* Zone.



### **33.855.050 Approval Criteria for Base Zone Changes**

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Compliance with the Comprehensive Plan Map.** The zone change is to a corresponding zone of the Comprehensive Plan Map.
  - 1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes or characteristics of each zone and the zoning pattern of surrounding land.
  - 2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.
  - ~~3. When the zone change request is from a higher density residential zone to a lower density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.3 must be met.~~
- B. Adequate public services.**
  - 1. Adequacy of services applies only to the specific zone change site.
  - 2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
    - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.
    - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.
    - c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.



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## Commentary



- d. The school district within which the site is located has adequate enrollment capacity to accommodate any projected increase in student population over the number that would result from development in the existing zone. This criterion applies only to sites that are within a school district that has an adopted school facility plan that has been acknowledged by the City of Portland.
  - 3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.
- C. When the requested zone is IR, Institutional Residential.** In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.
- D. When the requested zone change is CI1 or CI2.** When the requested zone change is CI1 or CI2, a Transportation Impact Review is required as part of the zoning map amendment.
- DE. Location.** The site must be within the City's boundary of incorporation. See Section 33.855.080.



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## Commentary

### 33.910 Definitions

**Auto-Accommodating Development.** The "Auto-Accommodating Development" definition is being revised to reflect current use of the term in the Zoning Code. The term is primarily used in the Commercial/Mixed Use Zones chapter (33.130), particularly in regards to the Commercial Employment (CE) zone and in reference to zones in which drive-through facilities are allowed. Most areas with Commercial/Mixed Use zoning are located adjacent or close to transit streets or are in centers that are intended to have a pedestrian and transit orientation. Following from this, the Commercial/Mixed Use development standards do not generally allow some of the features described in the definition of auto-accommodating development, such as large areas of blank walls along facades and building main entrances oriented solely to parking areas. Auto-accommodating development with features such as large parking areas and drive-through facilities continue to be allowed in some zones, particularly in the CE zone, but such development is also expected to include some features supportive of pedestrian-oriented street environments, such as ground-floor windows and entrances oriented to transit streets.

**Drive-Through Facility.** The definition of Drive-Through Facility is amended to clarify that facilities designed exclusively for the loading of goods or products are not considered drive-through facilities. This may include "click and collect" type facilities, where a product is ordered online or via another means and the products are delivered to a vehicle that is parked in a space on site. However, if such a facility includes a stacking or queuing lane, or a drive-up service window for ordering products, it is then considered a Drive-Through Facility.



**33.910.030 Definitions**

The definition of words with specific meaning in the zoning code are as follows:

**Development Types**

- **Auto-Accommodating Development.** Development which is designed ~~with an emphasis onto~~ accommodate customers who use autos to travel to the site, ~~rather than those which have an emphasis on pedestrian customers.~~ This type of development usually has more than the minimum required number of parking spaces. ~~The main~~ Buildings feature entrances ~~is oriented~~ providing convenient access to the parking areas. In many cases, the building will have parking between ~~the street~~ secondary streets and the building. Other typical characteristics are ~~blank walls along much of the facade~~ drive-through facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics.

See also Pedestrian-Oriented Development.

- **Pedestrian-Oriented Development.** Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

See also Auto-Accommodating Development.

**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. Parking spaces used for customer pick-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 from the establishment that include a stacking lane and a service area are a drive-through facility.



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## Commentary

**Mitigate.** In order to preserve prime industrial land for industrial uses, certain non-industrial uses, including Parks and Open Areas, will be limited, and off-site mitigation and mitigation banks are a form of Open Area use that will be limited (see pg. 35 for more details). The following definitions are proposed for Chapter 33.910 to distinguish between off-site and on-site mitigation.

**Floor Area.** This definition is being amended so that unenclosed outdoor spaces, such as porches and balconies, are excluded from floor area calculations when they are enclosed along no more than 75 of their perimeter, which is a change from the previous perimeter enclosure limit of 50 percent. This change accompanies new requirements that residential development in the Commercial/Mixed Use Zones provide residential outdoor space, such as balconies, and new requirements for including residential development in maximum floor area calculations.

This increase in allowed outdoor space enclosure is intended to make these new requirements more practical. It also accommodates outdoor spaces, such as balconies, that provide more perimeter enclosure for residents; acknowledging that balconies with minimal perimeter enclosure (such as balconies that extend out from building facades) lack the protection from exposure to the elements that more enclosed balconies provide (such as those recessed into building facades and enclosed on three sides). This change in definition retains the general requirement that outdoor spaces must not be fully enclosed if they are not to count as floor area, so that these spaces are not part of the enclosed mass of buildings and do not contribute to the appearance of building bulk.

**Gross Building Area.** This definition is being modified to correspond to the change in the Floor Area definition in regards to how outdoor spaces are considered in floor area calculations.

**Recognized Organization.** This proposal reflects the need to ensure that the definition in the Comprehensive Plan and the definition in the zoning code are the same. The Office of Neighborhood Involvement is overhauling its notification systems and policies to ensure that under-served and under-represented communities are included. After this process is completed, this code change and the Comprehensive Plan definition may be adjusted further.



**Mitigate.** To rectify, repair, or compensate for impacts ~~which~~that result from other actions.

- **Off-site Mitigation.** Mitigation that does not take place on the site where the impact occurs.
- **On-site Mitigation.** Mitigation that takes place on the site where the impact occurs.

**Floor Area.** The total area of the portion of a building that is above ground. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes the area devoted to structured parking that is above ground level. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for ~~50~~75 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

**Gross Building Area.** The total area of all floors of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area includes structured parking but does not include the following:

- Roof area;
- Roof top mechanical equipment; and

Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for ~~50~~75 percent or more of their perimeter.

**Recognized Organization.** ~~A neighborhood, community, business, or industrial association, or organization recognized or listed by the Office of Neighborhood Involvement (ONI). Recognized organization also includes the ONI district offices.~~ An organization formally recognized by the Office of Neighborhood Involvement (ONI) pursuant to City Code 3.96.060, and organizations participating in ONI's Diversity and Civic Leadership Program.



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## Commentary

### Descriptions of the Use Categories

#### **33.920.410 Colleges**

Minor amendment to Accessory Uses to include housing for faculty and staff.

#### **33.920.450 Medical Centers**

Minor amendment to Medical Center definition to recognize housing for patient families (such as Ronald McDonald houses) as accessory uses.



## 33.920 Descriptions of the Use Categories

920

### 33.920.410 Colleges

- A. **Characteristics.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.
- B. **Accessory Uses.** Accessory uses include offices, housing for faculty, staff and students, food service, food membership distribution, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.
- C. **Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- D. **Exceptions.** Business and trade schools are classified as Retail Sales And Service.

### 33.920.450 Medical Centers

- A. **Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. **Accessory uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, food membership distribution, parking, maintenance facilities, and housing facilities for staff, ~~or~~ trainees, or patient families.
- C. **Examples.** Examples include hospitals and medical complexes that include hospitals.
- D. **Exceptions.**
  - 1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
  - 2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
  - 3. Urgency medical care clinics are classified as Retail Sales And Service.



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## Commentary

### **33.920.460 Parks and Open Areas Uses**

In order to preserve prime industrial land for industrial uses certain non-industrial uses will be strictly limited or prohibited. Parks and Open Areas are one of the non-industrial uses that will be limited, and off-site environmental mitigation and environmental mitigation banks are a form of Open Area use that will be limited (see pg. 35 for more details). Mitigation that is not accessory to a primary use on a site is not currently called out in the use category as a Parks and Open Areas use. This amendment is intended to clarify that off-site environmental mitigation (mitigation that is not on the site where the impact occurs) is a Parks and Open Areas use.



### 33.920.460 Parks And Open Areas

- A. **Characteristics.** Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. **Accessory uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, food membership distribution, and parking.
- C. **Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, off-site mitigation, community gardens, and land used for grazing that is not part of a farm or ranch.
- D. **Exceptions.** On-site mitigation is not a Parks and Open Areas use.



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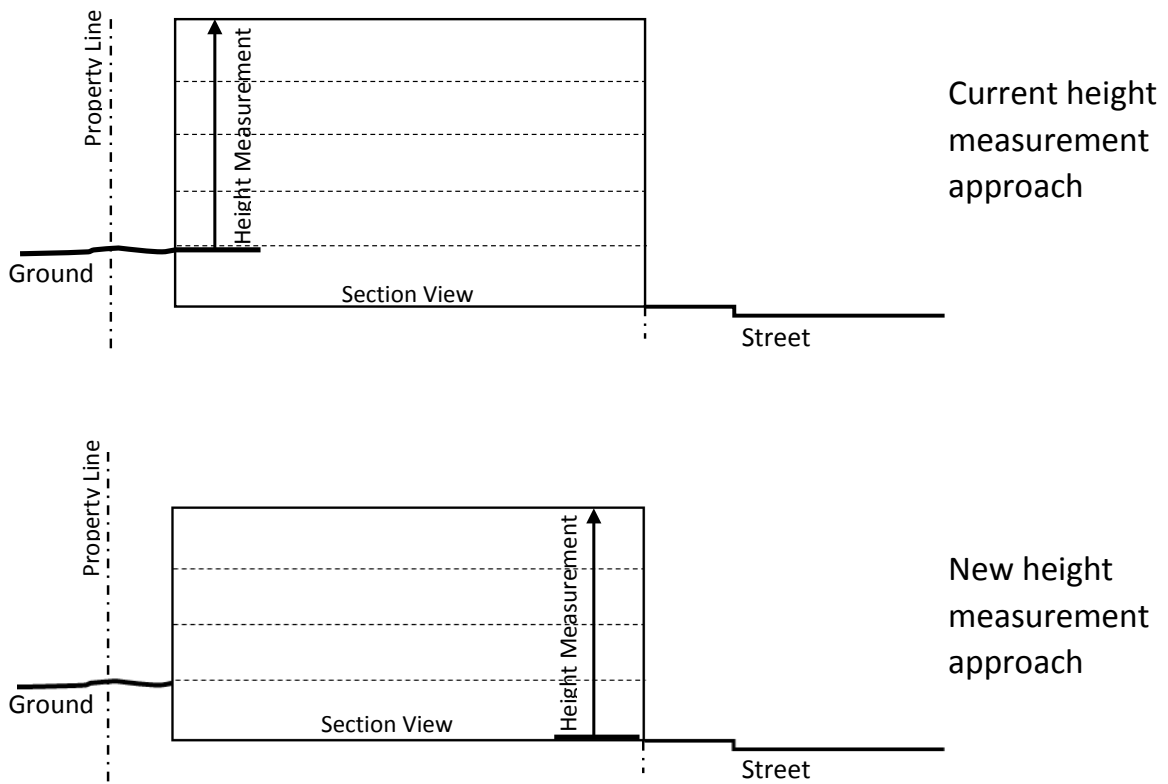
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## Commentary

### Chapter 33.930 Measurements

#### 33.930.050 Measuring Height

The method for measuring height is being amended for development in the commercial/mixed use zones. Using the existing approach to measuring height (Section 33.930.050 Measuring Height), the base point measurement can be taken from the elevation of a raised lot, instead of from sidewalk level. Because of the high level of building coverage allowed in the commercial/mixed use zones (up to 100 percent in some zones), the existing grade is sometimes largely removed as part of redevelopment and the sidewalk level visually becomes the new ground level, especially given regulatory standards that encourage sidewalk-oriented buildings in these zones. Existing regulations have resulted, for example, in five-story buildings in zones where maximum building heights of 45 feet normally result in four-story buildings. The amendments to this section would require that buildings close to street lot lines (within 20 feet) have their base point measurements taken from adjoining sidewalks. Buildings located further away from street lot lines, such as those on larger sites with sloping topography, would continue to have their measurement base points taken from nearby ground surfaces. No amendments are proposed to Paragraph B of this section ("Measuring height of other structures" - not shown).





## 33.930.050 Measuring Height

**A. Measuring building height.** Height of buildings is generally measured as provided in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.) The height of buildings is the vertical distance above the base point described in Paragraphs A.1. or A.2., ~~below~~ unless the site is in a commercial/mixed use zone, in which case the height of buildings is measured as described in Paragraph 3. The base point used is the method that yields the greater height of building. Methods to measure specific roof types are shown below and in Figure 930-5:

- Flat roof (pitch is 2 in 12 or less): Measure to the top of the parapet, or if there is no parapet, to the highest point of the roof.
  - Mansard roof: Measure to the deck line.
  - Gabled, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
  - Gabled or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
  - Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
  - Other roof shapes such as domed, shed, vaulted, or pyramidal shapes: Measure to the highest point.
  - Stepped or terraced building: Measure to the highest point of any segment of the building.
1. Base point 1. Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade. See Figure 930-6.
  2. Base point 2. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described in Paragraph 1., above, is more than 10 feet above lowest grade. See Figure 930-7.
  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. See Figure 930-25. For all other buildings, or if no sidewalk exists or is proposed within 25 feet of the 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. See Figure 930-26.
    - 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. See Figure 930-26.



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## Commentary

### **33.930.050 Measuring Height - Graphics**

#### **Figure 930-5 (not shown)**

No change.

#### **Figure 930-6 and Figure 930-7**

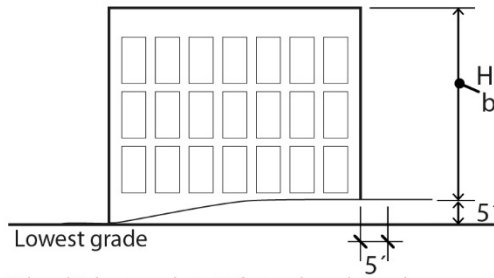
No change.

#### **Figure 930-25 and Figure 930-26**

These are new graphics that help clarify height measurement in the Commercial/Mixed Use zones, as described in 33.930.050.A.3. They illustrate when the height measurement is based on adjacent sidewalks (buildings within 20' of a street lot line) and the extent of the sidewalk area used for this measurement.

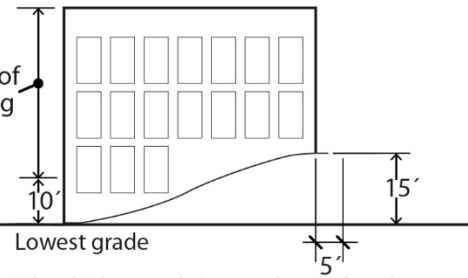


**Figure 930-6  
Measuring Height – Base Point 1**



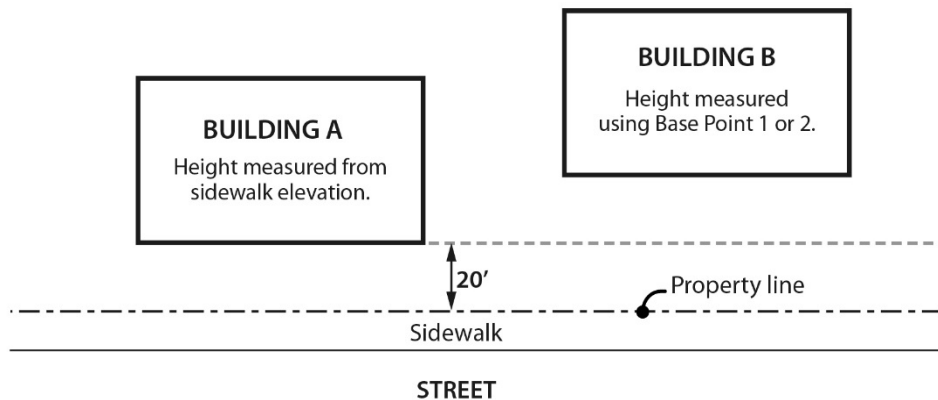
When highest grade is 10 feet or less above the lowest grade, the base point is the elevation of the highest adjoining sidewalk or grade within a 5-foot horizontal distance.

**Figure 930-7  
Measuring Height – Base Point 2**



When highest grade is more than 10 feet above the lowest grade, the base point is the elevation 10 feet above the lowest grade.

**Figure 930-25  
Measuring Height – Commercial/Mixed Use Zones**



**Figure 930-26  
Measuring Height – Sidewalk Area Used for Height Measurement  
in Commercial/Mixed Use Zones**

