

Sections Amended:

33.140.230 Ground Floor Windows in the EX Zones

33.140.245 Exterior Display, Storage and Work Activities

Commentary

33.140.230 Ground Floor Windows in the EX Zones

Ground floor window requirements are being increased Citywide through the Mixed Use Zoning project. The CX zone in the Central City will be subject to the new base zone 40% coverage requirement proposed by the Mixed Use Zoning project, or, in certain mapped areas, by the 60% coverage requirement in proposed amendments to 33.510.220.

Similarly, the EX zone in the Central City will be subject to a new base zone 40% coverage requirement proposed by this amendment. Some mapped EX zoned areas will be subject the 60% coverage requirement in proposed amendments to 33.510.220.

The language of this amendment has been taken from the proposed ground floor window requirements of the Mixed Use Zoning project.

Note: The provisions of this amendment as well as parallel amendments of the Mixed Use Zoning project include requirements that are beyond strictly ground floor windows, including the requirement for "flexible ground floor design," front setbacks and raised ground floors.

33.140.230 Ground Floor Windows in the EX Zone

A. **Purpose.** In the EX 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 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.

1. General standard.

- a. Windows must cover at least 40 percent of the ground level wall area of street-facing facades or a publicly-accessible plaza, park, open space or trail. For the purposes of this standard, ground level wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade. 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 façade 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. 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;
- 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.; and
- c. The walls of a parking structure that face a secondary street frontage are exempt from the 25 percent standard in Subparagraph B.1.b. if the façade is set back at least 5 feet and landscaped to the L2 standard.

Qualifying window features. Required ground floor window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows into storage, parking, garbage and recycling areas, and display cases attached to outside walls, do not qualify. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade.

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- C. **Ground floor window standard for ground floor residential.** Ground floor street facing walls 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 33.130.230.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 façade; 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 8 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.
- D. **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.
- E. **Exception for Vegetated Green Walls.** Vegetated green walls may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the vegetated green wall will be required, following the regulations of Section

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33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the vegetated green wall. Vegetated green walls must be set back at least 2 feet from street lot lines and must meet the standards for vegetated green walls in Chapter 33.248, Landscaping and Screening. (Note: these standards and their location in the Zoning Code are under development.)

- B. Required amounts of window area.** In the EX zone, all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.
- C. Qualifying window features.** Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.
- D. Exceptions for Public Arts.** Outside of the Central City plan district, public art is allowed instead of meeting 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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33.140.245 Exterior Display, Storage, and Work Activities

The City is in the process of adopting comprehensive plan update including early implementation projects required for consistency with the new plan. Two implementing projects the Mixed Use Zoning and the Employment Zoning projects relate to this code section proposal. The Mixed Use Zoning Project changes zoning categories, patterns, and regulations. There will be a significant reduction in the Central Employment (EX) zone in the city. The EX zone will remain in the Central City and in Marquam Hill, where the Oregon Health Sciences University, Doernbecher Childrens' and Shriner's hospitals are located. This project has also updated exterior display regulations for commercial zones in the base zone code chapter, which makes sense to apply to the EX zone.

Staff's proposed amendment to 33.140.245 B applies the commercial zones exterior display code language to the EX zone. In the existing Central City 33.510.223 code section, exterior display and storage was allowed at mapped locations. This proposal replaces the 33.510.223 code section with the base zone section that applies to EX zoned sites. There continues the desire to allow the exterior display of some smaller scale goods that add to the vibrancy of street level activity and meets the daily needs and desires of residents, employees and visitors. This proposal allows some exterior display of goods and does not allow the exterior display of auto-oriented, construction and industrial use category goods. These are not appropriate items to be displayed outdoors in the urban Central City or at the EX zoned institutions in Marquam Hill.

Note: The Exterior Display, Storage and Work Activities code section is being amended through the Employment Zoning Project. It includes addressing the non-allowance of exterior storage in the EX zone, which is desirable in the Central City area. For the purposes of this *CC2035 Plan* amendment, staff is using the Planning and Sustainability Commission recommended code amendment text as the base language for this amendment. BPS staff does not anticipate changes to this section during the upcoming City Council public hearing and decision making on this project. If City Council takes additional action on the code language recommended in the Employment Zoning Project, then the next draft of the *Central City 2035 Plan* will incorporate such changes.

Below as a reference, is the existing code language for subsection 33.140.245.b:

B. Exterior display. Exterior display of goods is 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

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F. No change.

G. 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 the EX zone except for the display of motor vehicles, motor vehicle parts and supplies, building materials and uses in the industrial categories.

C.-E. No change.