

**Decision Table I: Miscellaneous Code and Map Amendments, Part 2**

*This table is a continuation of Table I from the 11/16/16 PSC worksession. It contains miscellaneous code amendments recommended by the Bureau of Development Services, the Bureau of Planning and Sustainability and the Bureau of Parks and Recreation. Items I4 and I5 were flagged for additional discussion at the November 16 PSC work session. In addition, staff is requesting that the PSC reconsider a preliminary recommendation on one item made on November 16, C23 (now referred to as I26). Item I28 (formerly H2) is also included for PSC discussion. It was deferred to this worksession by the PSC on November 16.*

**Contents of Decision Packet I:**

- Decision Table I
- Memo I

**Items Marked for Discussion:**

I4, I5 and I28.

Ref #	Comment #	Commenter(s)	Topic	Proposed draft	Request(s)	Staff recommendation	Staff rationale	Discuss?	PSC decision
I4 and Memo I	20324	BDS Staff	Ground Floor Windows	Ground floor windows are required in the Central City. Generally, 40% to 60% of the ground level wall area on street-facing facades must be glazed.  <b>Reference:</b> Volume 2A: Part 1 Central City Plan District, 33.510.220.B, p. 139	<ol style="list-style-type: none"> <li>1. Remove display window as acceptable elements to meet Ground Floor Window standard. An applicant may still request a display case and it could be considered through a Modification but should not be allowed outright.</li> <li>2. Add mechanical rooms and bicycle parking to list of uses that do not qualify behind Ground Floor Windows.</li> </ol>	<p><b>Proposed Amendment:</b></p> <ol style="list-style-type: none"> <li>1. Remove “display windows set into the wall” from the first paragraph.</li> <li>2. Add mechanical rooms and bicycle parking to the list of items that do not qualify behind ground floor windows.</li> </ol> <p><b>See Memo I: Miscellaneous Code and Map Amendments, Part 2, for code language.</b></p>	<ol style="list-style-type: none"> <li>1. The ground floor window standard currently states that windows must allow views into work areas or lobbies, be windows in pedestrian entrances, or be display windows set into the wall. Staff believes that display windows often result in minimal activation of the ground floor. To ensure that they activate the ground floor, staff would prefer that these situations be reviewed through a modification.</li> <li>2. Staff believes the list of elements that do not qualify for uses behind a window should be expanded to include mechanical and utility areas and bike and vehicle parking. These are not truly active spaces and BDS has indicated that these elements are often requested.</li> </ol>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
I5 and Memo I	20324	BDS Staff	Ground Floor Active Uses	New development and major remodels are required to have ground floors of buildings constructed such that they can accommodate active uses, e.g. lobbies, retail, and offices.  <b>Reference:</b> Volume 2A: Part 1 Central City Plan District, 33.510.225, p. 147.	<ol style="list-style-type: none"> <li>1. Add language from ground floor windows standard clarifying which uses are NOT allowed in these active use areas [e.g. storage, utility room, parking, etc.]</li> <li>2. Ground Floor Active Use requirement must be built now, not designed for later. Strike “or may be designed for later conversation to active uses” in section 33.510.225 C2.</li> </ol>	<p><b>Proposed Amendment:</b></p> <ol style="list-style-type: none"> <li>1. Amend the purpose statement to clarify that storage, vehicle and bicycle parking, garbage and recycling, and mechanical and utility areas do not qualify as active use areas.</li> <li>2. Require active use areas to be developed at the time of construction.</li> </ol> <p><b>See Memo I: Miscellaneous Code and Map Amendments, Part 2, for code language.</b></p>	<ol style="list-style-type: none"> <li>1. Staff proposes to amend the purpose statement of the ground floor active use standard because the statement talks about allowed uses. The active use standard itself provides the required dimensions for the space.</li> <li>2. In the standard, BPS staff agrees that spaces must be built to meet specifications at the time of development. See attached memo for proposed code edits.</li> </ol>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other

Ref #	Comment #	Commenter(s)	Topic	Proposed draft	Request(s)	Staff recommendation	Staff rationale	Discuss?	PSC decision
I20	20846	Mike Abbate / Parks	Ground floor window requirements: open spaces	The ground floor window requirements are generally applied to street-facing facades, with specific streets identified for 60% window coverage shown on Map 510-8. A number of parks and open areas are not identified on Map 510-8.  <b>Reference:</b> Volume 2A: Part 1 Central City Plan District: 33.510.220, p.139 and Map 510-8, p. 351-353.	Add ground floor window requirements on parcels fronting parks	Amend 33.510.220 and Map 510-8 to require 60% ground floor window coverage on facades facing parks and open areas, in addition to facades facing identified streets.  A map indicating open areas recommended for this provision will be provided on January 10.	Building facades adjacent to parks and open areas are highly visible, frequented locations and a major part of the public realm. Adding a ground floor requirement for these building facades will enhance the pedestrian experience and provide more visibility and “eyes on the park”.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
I21	20324	BDS Staff	Replacement of demolished ground floor area/prevention of new surface parking	1. Square footage of the ground floor of demolished buildings must be replaced as part of future development on the site.  <b>Reference:</b> Volume 2A: Part 1 Central City Plan District, 33.510.242.B, p. 155.  2. Proposed code prohibits changes to existing parking that would be prohibited for new parking.  <b>Reference:</b> Volume 2A: Part 1 Central City Plan District, 33.510.262.E, p. 243.	1. Is this section really still needed since surface parking is prohibited and minimum FARs apply? How would it be implemented anyway?  2. Clarify code to be clear that expansion of existing surface parking lots is prohibited	1. Delete 33.510.242.B  2. Amend 33.510.262.E to add:  <u>An increase in site area devoted to surface parking is prohibited.</u>	1. This provision was originally created to prevent the creation of new surface parking on the sites of demolished buildings and to ensure a minimum level of development those sites. It is no longer needed because the proposed draft prohibits new surface parking and requires minimum FARs for new development.  2. Clarification. The recommended amendment would make explicit that expansion of existing surface parking lots is prohibited.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
I22	NA	BPS Staff	Shadow study requirement	Map 510-4 shows a shadow study requirement for the area between SW Oak and Stark, Park and 10 <sup>th</sup> .  <b>Reference:</b> Volume 2A: Part 1 Central City Plan District, p. 337, Map 510-4 (3 of 3).	NA	Revise Map 510-4 to remove shadow study requirement from area between SW Oak and Stark, Park and 10 <sup>th</sup> .	This requirement is not needed for this area because there is no designated open space to the east and PPR does not plan on acquiring this land for a future park.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other

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I23	NA	BPS, BDS, PDC Staff	Maximum size of Retail Sales and Service uses in the South Waterfront subdistrict	Retail Sales and Services uses in South Waterfront are allowed to a maximum of 40,000 sq. ft., or to a maximum of 50,000 sq. ft. as a conditional use.  <b>Reference:</b> Volume 2A: Part 1 Central City Plan District, 33.510.116, p. 29.	Maintain existing ability to develop Retail Sales and Services uses in South Waterfront up to a maximum of 60,000 sq. ft. as a conditional use.	Revise proposed section 33.510.116 to maintain existing provision allowing 60,000 sq. ft. of Retail Sales And Service uses as a conditional use	The existing code provision allowing up to 60,000 sq. ft. of Retail Sales and Service uses was established to reflect the block sizes and desired retail uses for South Waterfront and should be maintained.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
I24	NA	BPS Staff	Extend prohibition on Vehicle Repair and Vehicle Sales or Leasing to OMSI and Clinton station areas	Map 510-17 identifies station areas along the light rail alignments were Vehicle Repair and Vehicle Sales or Leasing uses are prohibited; however, the OMSI and Clinton station areas were mistakenly not referenced.  <b>Reference:</b> Volume 2A: Part 1 Central City Plan District, 33.510.100, p.9.	NA	Amend Map 510-17 to include OMSI and Clinton station areas as locations where Vehicle Repair and Vehicle Sales or Leasing are prohibited.	Corrects a mapping error. The OMSI and Clinton station areas are intended to be developed with high density, transit-oriented uses. Vehicle Repair and Vehicle Sales or Leasing uses are inconsistent with the proposed zoning for these two station areas.	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
I25	NA	BPS	Central Eastside industrial space bonus	Provides additional 1:1 FAR for industrial office if ground floor accommodates industrial uses.  <b>Reference:</b> Volume 2A: Part 1 Central City Plan District, 33.510.205.C.2.g, p. 63.	NA	<ol style="list-style-type: none"> <li>1. Move the provisions of this subparagraph to section 33.510.119, Retail Sales And Service and Office Uses in the IG1 Zone.</li> <li>2. Delete Wholesale Sales from the list of qualifying ground floor industrial uses.</li> </ol>	<ol style="list-style-type: none"> <li>1. This is a technical correction, grouping related use regulations into the same code section.</li> <li>2. The intention of this provision is to encourage primarily manufacturing and industrial service uses in the Central Eastside. In addition, wholesale sales operations often include retail components, drawing considerable numbers of customers to the site, increasing potential conflicts with traditional industrial activities.</li> </ol>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other

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I26	NA	BPS and PBOT Staff	Pearl District  Area: Post Office site	<p>The 510 series of maps in the Proposed Draft show incorrect proposed rights-of-way for the US Post Office site in the Pearl District.</p> <p>On Nov. 16, 2016 the PSC requested that the 510 series maps be revised to show the street network shown in the Broadway Corridor Concept Report (see item C23 in Table C).</p> <p><b>Reference:</b> Volume 2A: Part 1 Central City Plan District, Maps 510-1 to 510-22, p. 321-399.</p>	NA	<p>Proposed Amendment:</p> <p>Remove all proposed ROW from the Post Office site until such time as a formal street plan is adopted by City Council.</p>	<p>There is no adopted street plan for the Post Office site. The future street network for the area may differ from that shown in the Broadway Corridor Concept.</p> <p>Because no street plan has been adopted, staff requests that PSC recommend that no ROW be shown for the area until such time as a street plan is adopted.</p>	<input type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other

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<b>I27 (formally H2 on Table H, 11/16/16)</b>	20481	Jeanne Galick	Additional Uses Allowed in the Open Space (OS) Zone (also known as Retail in Open Space)	<b>Retail in the Open Space Zone</b> proposed draft language that revises 33.510.115.B.1 and states:  Additional uses allowed. The following uses are allowed on sites in the OS zone that are also shown on Map 510-10:  a. On sites that are 5 acres or less, the net building area of each Retail Sales and Service use may be up to 1,000 square feet, but the total amount of Retail Sales and Service uses on the site may not be more than 5% of the total site area.  b. On sites that are more than 5 acres in size, the next building area of each Retail Sales and Service use may be up to 1,000 square feet, but the total amount of all Retail Sales and Service uses on the site may not be more than 10,000 square feet.  Note: the above text is a clean version of the strikethrough and underline for readability.  Map 510-10 <del>1</del> was revised to add Governor Tom McCall Waterfront Park, Holladay Park and the Open Space zoned area by OMSI in the Central Eastside.	1. Limit retail structures in Open Space zone to 2, and limit each structure to less than 1,000 square feet. Encourage retail on the west side of Naito Parkway.  2. Do not allow permanent retail structures in parks. Temporary, (e.g. food carts) okay.  3. Objects to commercial development in Tom McCall Waterfront Park and inner eastside parks – not appropriate locations. Promote/incent retail near these locations. Consult Parks Board.  4. Retail in open spaces inconsistent with FEMA BIOp-related revisions.  5. Revert back to Discussion Draft code: 2,500 square foot retail structure allowance in mapped open space locations, with options for more retail in future parks.  6. America Vicente’s request is to revise zoning code to allow development of squares and parks that have a mix of uses.	<del>Retain the Proposed Draft version</del>  <b>Revised staff recommendation. See I28 below.</b>	BPS staff is in consultation with PPR staff.  • In general, the Zoning Code allows Retail Sales and Service uses in the Open Space zone when approved through a Conditional Use review and when associated with a Parks and Open Areas use. In the Central City Plan District, 33.510.115, one Retail Sales and Services use is allowed per site, up to 2,500 square feet but not larger than 5% of the site.  This provision applies only to mapped open spaces – Providence Park, Director Park, O’Bryant Park and Terry Shrunk Plaza.  Food carts and other retail uses in a trailer would not be allowed outright in the OS zone unless the Zoning Code specifically allows for Retail Sales and Service uses under the provisions mentioned above and the Proposed Draft recommendation.  • Through CC2035 outreach, we learned that many people support a limited amount of retail in parks and open spaces that support park-related active and passive recreation.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
	20497	Willie Levenson, Human Access Project							
	20956								
	20688	Ruth Williams Ruth Williams							
	21037	Bob Salinger, Audubon							
20701	Michael Jordan, BES								
20846	Mike Abbate, PPR								
20911	America Vicente								

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I28 (form erly H2 on Table H, 11/16 /16)		Parks Staff, Parks Board	Additional Uses Allowed in the Open Space (OS) Zone (also known as Retail in Open Space)	<p>The proposed draft altered the existing code for where and how much Retail Sales and Services uses and development could occur in the OS zone.</p> <p>It added 3 additional mapped areas to the existing 6 locations including: Governor Tom McCall Waterfront Park, Central Eastside riverfront area and Holladay Park.</p> <p>The proposal also delineated open space site area sizes of under and over 5 acres with separate square footage allowances for smaller versus larger sites. For sites under 5 acres, 1,000 sf maximum for each retail sales and service development would be allowed with the total amount no greater than 5% of the site area. For sites over 5 acres, the same limit of 1,000 sf per structure with an overall limit of 10,000 sf of the site.</p> <p><b>Reference:</b> Volume 2A: Part 1 Central City Plan District, 33.510.115, p.14-15</p>	<p>See I28. Public comments supported and opposed proposed draft recommendations.</p> <p>Parks staff discussed the proposed draft provision with the Parks Board, an advisory group to that bureau. Parks staff also conferred with BPS staff. After research on how other cities handle retail in open spaces and with an understanding of the general size of these uses in parks and plazas, Parks staff and the Parks Board developed an alternative proposal for Retail in the OS zone.</p> <p>The request from Parks staff and the Parks Board:</p> <ol style="list-style-type: none"> <li>1. Allow this provision to apply to all OS sites in the Central City plan district; deleting a map of specific locations.</li> <li>2. Delineates retail square footage allowances for sites under and over 1 acre (not the proposed draft 5-acre marker).</li> <li>3. Allow up to a maximum of 2,500 sf of retail on sites less than one acre.</li> <li>4. Allow up to a maximum of 10,000 sf of retail or up to 5% of total site area, on sites over 1 acre.</li> </ol>	<p>Revise 33.510.115.A. and B. according to the Parks staff and Parks Board requested amendments.</p> <p><b>See Memo I: Miscellaneous Code and Map Amendments, Part 2, for code language.</b></p>	<p>1. This recommendation provides more flexibility in locating retail uses in OS zoned areas. The uses and development will complement the parks/open space uses and users, such as a restaurant or a recreation equipment rental. It will also help activate spaces and will provide additional “eyes on the park”.</p> <p>2.The CC2035 Plan Proposed Draft includes applying the Design (d) overlay zone to all OS zoned properties. This means that all new retail development in the OS zone would be reviewed by the Design Commission through a public input process. The proposals would need to meet applicable code regulations and design guidelines. Compatibility and context for this type of development in a parks and open spaces setting will be considered.</p> <p>3.Parks and BPS staff researched other big cities to learn about retail in open spaces in these places. Overall, most other cities do not regulate retail in parks through their zoning code. Retail in parks and open spaces are determined by the parks entity. Cities usually carry out agreements with parks entities (boards or nonprofits) on these sites. Flexibility in the size of retail structures is common. Staff did not learn of any set square footage limits. Staff did learn that most retail in these cities are restaurants and recreation rentals. The sizes of these developments in the other cities vary, but are in a similar range as proposed by Parks staff and the Parks Board.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other



## MEMO

**DATE:** December 29, 2016

**TO:** Planning and Sustainability Commission

**FROM:** Rachael Hoy

**CC:** Susan Anderson, Director; Joe Zehnder, Chief Planner; Sallie Edmunds, Central City Planning Manager

**SUBJECT:** Attachment for Decision Table I: Miscellaneous Code and Map Amendments, Part 2

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This memorandum contains BPS staff-recommended revisions to various Zoning Code sections in the Proposed Draft Central City 2035 Plan. Items I4 and I5 are carried over from Decision Packet I, Part 1. Item I28 is a carryover from Decision Packet H, item H2.

Changes from the proposed draft are highlighted:

**I4: 33.510.220.B:** The ground floor windows regulations are amended to exclude display windows as elements that meet the window requirements and to clarify that windows into parking, mechanical and utility areas do not qualify.

### 33.510.220 Ground Floor Windows

- A. [no change]
- B. **Ground floor windows. Major remodeling projects.** In the RX, CX, and EX zones, all major remodeling projects must also meet the ground floor window standard of the base zone, or the option below. The following ground floor window standards apply to new development and major remodels in the RX, CX and EX zones. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances, or be display windows set into the wall. Windows into storage, vehicle or bicycle parking, garbage and recycling, mechanical and utility 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: [...]

**IS: 33.510.225:** The ground floor active use area regulations are amended to: 1) clarify that storage, vehicle and bicycle parking, garbage and recycling, and mechanical and utility areas do not qualify as active use areas and, 2) state that the active use areas need to be developed at the time of construction.

### **33.510.225 Ground Floor Active Uses**

- A. Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards are also intended to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. The standards are also intended to encourage a transit-supportive and pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies, retail, ~~residential~~, commercial, and office, but do not include storage, vehicle and bicycle parking, garbage and recycling, or mechanical and utility areas.
- B. Sites and development subject to the ground floor active use standards.** The Gground floor active use standards apply to new development and major remodels on sites with frontage on a street areas are shown on Map 510-9.7 at the end of this chapter. On identified sites, all new development and all major remodeling projects must meet the standard below.
- C. Ground floor active use standards.**
1. Dwelling units are prohibited on the ground floor.
  2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A., above. Areas designed to accommodate these uses ~~may~~ must be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards:

- ~~1a.~~ The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- ~~2b.~~ The area must be at least 25 feet deep, measured from the street-facing facade;
- ~~3c.~~ The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
- ~~4d.~~ The street-facing facade must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses.

## 128: 33.510.115 Additional Uses Allowed in the Open Space Zone

A. **Purpose.** Additional uses are allowed on certain sites zoned OS within the Central City plan district in recognition of the diversity of functions that Central City open spaces provide to residents and visitors. The Central City's open spaces tend to be more urban than open spaces found outside the Central City. Plazas, parks, and other improved outdoor spaces found in the Central City may be designed for a more intensive use and some may be adjacent to the Willamette River, while others and and may include little or no green space. In some cases, more intense activities are appropriate when the open space site is located near a Transit Station. These open spaces may contain buildings, benches, art, coffee shops or restaurants, or other small retail shops. These uses are encouraged in some urban parks in the Central City to help promote downtown as a regional attraction, enhance the Central City's role in culture and entertainment, provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near the open space.

B. **Additional uses allowed.** The following uses are allowed on sites in the OS zone that are also shown on Map 510-1011:

1. One-Retail Sales and Service uses such as flower, food and drink stands, and other similar pedestrian-oriented uses, per site is are allowed as follows:

a-1. On sites that are 51 acres or less in size, the total net building area of each all Retail Sales And Service uses on the site may be up to 1,000 2,500 2,500 square feet, but the total amount of all Retail Sales And Service uses on the site may not be more no larger than 5 percent of the total site area of the site.

b-2. On sites that are more than 51 acres in size, the total net building area of each all Retail Sales And Service uses on the site may be 10,000 square feet, or 5% of the total site area, whichever is less, up to 1,000 square feet 5% of the site, but the total amount of all Retail Sales And Service uses on the site may not be more than 10,000 square feet.