



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

Agenda

Mixed Use Zones Project Advisory Committee (PAC)

Date: December 16, 2015

Time: 4:00 p.m. to 6:00 p.m.

Location: 1900 SW 4th Avenue, Portland, Room TBD

Meeting Goals: Share feedback on Discussion Draft and info on significant changes

4:00 PM **Welcome**

4:05 PM **PAC Announcements and Feedback**

- Meeting notes
- Other/Announcements

4:15 PM **Bonus Study Update**

4:30 PM **Draft Zoning Code Amendments**

- Discussion Draft Comment summary
- Changes being considered for Proposed Draft

5:40 PM **Public Comment**

6:00 PM **Next Steps/Adjourn**



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portlandonline.com/bps
1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

Printed on 100% post-consumer waste recycled paper.

MUZ Proposed Draft – Potential Changes

December 15, 2015

The following is a list of issues that staff is considering that may result in significant changes to the proposal:

1. Affordable Housing. Consider an In-Lieu Fee or options for Affordable Housing bonus:
 - a. Never allow an in-lieu fee?
 - b. Always allow an in-lieu fee?
 - c. Allow an in-lieu fee in some situations:
 - i. Non-residential projects (office, or other types of uses)?
 - ii. Small increment of floor area needed (less than 3500 SF/4 units)?

Comment: Central City is also proposing a bonus for affordable housing. An in-lieu fee is being proposed as an option to building on-site; among other things, this may allow more housing to be developed in areas where costs are lower. An in-lieu fee was not discussed in MUZ outreach. Would this make sense for neighborhood areas? In some cases, an in-lieu fee could provide feasibility when a small bonus increment is needed or non-residential project is proposed.

2. Required Landscaping/Green Options. Consider requirements for landscaping in inner neighborhoods and alternatives to traditional in-ground landscaping:
 - a. Traditional landscaping
 - b. Planter/stormwater landscaping
 - c. Large canopy trees
 - d. Eco-roof
 - e. Tree fund payment
 - f. Large street trees

Comment: This is a response 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.

3. FAR Transfers. Limitations on FAR Transfer to historic districts:
 - a. Do not allow sites in Historic district to receive FAR transfers?
 - b. What about other bonuses?

Comment: Central City is proposing to limit FAR transfers into historic districts, where the scale allowed with a transfer may be out of step with historic designations. Neighborhood historic districts are likely to have similar issues, although scale differences are less dramatic. If FAR transfers are limited, should use of bonus be limited in these areas too? Comments were received about this issue.

4. Auto-Oriented Uses/Development. Consider changes that would provide more flexibility for Auto-Oriented uses/places.
 - a. Consideration of CE zone for selected CM1 and CM2 locations – as determined by district planners.
 - b. Consider change to 33.130.215.E, Alternative maximum building setback for large retailers? This provision allows large building setbacks for buildings over 100,000 square feet. Consider changing threshold and regulations to accommodate retailers of somewhat smaller size, for instance 60,000 square feet.
 - c. Consider reducing minimum FAR in Centers Main street overlay zone for some areas?

Comment: Staff received comments about the impacts of regulations on auto-oriented uses. These include: limitations on drive thrus; limits on exterior display for auto dealers; maximum building setbacks; and required minimum FAR. BPS staff is evaluating whether any map or code changes are warranted to address these issues.

5. Other Development Standards.
 - a. Increase landscape buffer from 5' to 10' adjacent to residential zones?
 - b. Centers Main Street overlay. In Inner Neighborhoods, increase entrance frequency requirement to one entrance for every 50 feet of building length (up from one entrance per 100 feet)? Also, consider a greater limitation of the amount of street frontage that can be used for vehicle areas (now set at a 40% maximum along transit streets)?
 - c. Consider exempting projects using affordable housing bonus (or registering with PHB) from ground floor commercial requirement in Centers Main Street overlay zone?

Comment: Staff received comments about these issues from neighborhood and bureau stakeholders.

6. Code Complexity/Redundancy. Consider changes to building height exemptions and other code sections to reduce code complexity and redundancy:
 - a. Delete allowance for corner height in exchange for angled corner?
 - b. Delete base zone allowance for added 3 feet of height for high ceiling ground floor retail; consider in Centers Main street overlay where active ground floor is required?
 - c. Combine the parapets and roof top deck railings exemptions into a single, simpler exemption that allows parapets and railings to exceed height maximums by 3.5 feet?
 - d. Plan Districts – the bulk of the former main street overlay standards and many of the Division Design Initiative recommendations and are now addressed in base zone, Design overlay zone, and Centers Main street overlay zone standards – is there a reason to keep the PDs, except to address specific issues such as materials standards (Division, Lombard) and two-step step-downs (Sandy)? Encourage consideration of Division Design Guidelines being developed by neighborhoods in the Design Review assessment getting underway.

Comment: Staff received comments from bureau stakeholders about complexity of regulations; whether adjustments were an adequate/appropriate tool to address issues; and if some regulations were so similar as to be unnecessary or somewhat redundant.

Mixed Use Zones Project

Potential Zoning Code Changes from Discussion Draft

Landscaping/Green Options Requirement

Change: Staff is considering adding a requirement for landscaping/green options to mixed use zones that allow high lot coverage and that do not currently have landscaping requirements (CM2 and CM3 in the Inner Pattern Area).

Reason: This is a response 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.

Preliminary Concept:

Apply the 15% landscaping requirement to the CM2 and CM3 zones that allow up to 100% building coverage, but provide alternative options to meeting this requirement that preserve the ability to undertake development with high lot coverage. 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. This green options approach may replace the ecoroof and large canopy tree components of the High Performance Green bonus. Staff is considering the following green options:

1. **Standard Landscaping.** 15% of site area in landscaping and trees (in ground or planters).
2. **Ecoroofs.** Allow ecoroof area to substitute for landscaping at a 4-to-1 ratio. For a building covering 100% of a site, this would translate to an ecoroof covering 60% of the roof area (the same percentage used for the existing Central City ecoroof bonus).
3. **Large Canopy Trees.** 10% of site area planted in large canopy trees and landscaping, with at least one 30' x 30' space to provide room for a large canopy tree.
4. **Tree Fund.** Contribute an amount to the City's Tree Fund equal to the costs of planting/establishing the number of trees that would otherwise be required with 15% in-ground landscaping (Title 11 includes required tree densities and payment-in-lieu schedules).
5. **Large Street Trees.** Allow the planting of large-canopy street trees, potentially in conjunction with wider planting wells and sidewalk area, to substitute for a portion of the standard landscaping requirement.

Note: these options would not substitute for landscaping required for specific situations, such as for landscaped screening required for parking lots and adjacent to residential zones (although this landscaped screening would count toward meeting the overall landscaping requirement).



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

Mixed Use Zones Project Advisory Committee Meeting Sign-In

Meeting Date - December 16th, 2015

Name	Initials
Jason Barnstead-Long	JBL
Bob Boileau	BB
Lori Boisen	LB
Timothy Brunner	in attendance
Eric Cress	
Daryl Garner	
Steven Gilliam	
Carol Gossett	
Brendon Haggerty	BH
Damien Hall	
Michael Hayes	X
Heather Hoell	
Duane Hunting	DH
Sarah Iannarone	
Lauren Jones	
Doug Klotz	DK
Charlotte Larson	
Susan Lindsay	SL
James McGrath	
Jason Miner	in attendance
Dennis Petrequin	
Cora Potter	
Curt Schneider	CS
Vicki Skryha	VS
Yu Te	
Frank Walsh	
Karen Ward	
Mike Warwick	



City Of Portland
Mixed Use Zoning Project - Public Sign-In Sheet
December 16, 2015 - PAC Meeting

Name (PLEASE PRINT)	Address (+City, Zip) (PLEASE PRINT)	Email (and/or phone) (PLEASE PRINT)	Add to mailing list
VIKI DEGAH	1435 SE Ogden St	vdega@comcast.net	<input checked="" type="checkbox"/>
Renate Powell	3116 NE 9th Ave	rpowellrenate318@gmail.com	<input type="checkbox"/>
TOY SHIRING	1002 SE Spokane St,	tshiraming@gmail.com	<input type="checkbox"/>
Miriam Erb		miriam.erb@gmail.com	<input type="checkbox"/>
Ellen Bunn			
Linda Nettekoven	2018 SE Hall Ave	linda@lnettekoven.com	
Deag Hata			
Terry Gni Feltus	4128 SE Reedway	tree.terry@gmail.com	
Paula Edwards	4110 NE Williams		
Jeff Cole	4343 SE MADISON ST	tiefcole@gmail.com	<input checked="" type="checkbox"/>
JIM ATWOOD	33 SW 3RD 97204	50332248-coco	
ROONEY KENNER	1717 SE CHITSOPT 97202	rooneykenner@ENTERPRISES.com	<input checked="" type="checkbox"/>
SUSAN SPENARD	2002 SW MARKET ST	susan@honorsoy.com	
Astrid Alveus	1160 SW Bond	ruth@orgon.org	



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

MUZ Discussion Draft Comments Overview

December 8, 2015

The following is a high-level overview of comments received on the MUZ Discussion Draft. All comments from City bureaus/technical advisors, PAC members, and the public were recorded for analysis. Each comment was split up by issue to identify areas where people had the most concern about the discussion draft. A list of the main issues/themes and the number of comments received on that issues are in the table below. (Note, the table does not include the extensive comments from Portland Bureau of Development Services, which submitted a substantial memo on code/implementation issues.) The table is followed by a brief summary of some of the comments about each issue.

Issues	Number of Comments
Area Specific	6
Bonuses	61
Centers Overlay	5
Design Overlay	7
Ground Floor Design	13
Landscaping/Setbacks	24
Mapping	21
Other Developmental Standards	31
Parking/TDM	15
Pattern Areas	1
Scale and Articulation	27
Zoning and Land Uses	39
TOTAL	250

Summary of issues:

Area Specific

Comments were in relation to specific design elements the commenter wanted for their neighborhood. In particular, a few of the comments referred to a plan district and particular design guidelines for specific neighborhood and areas (Lombard; Division).

Bonuses

The comments regarding the bonuses varied. Some commenters were in support of the bonuses. Other commenters suggested that the bonuses didn't go far enough, many wanted deeper housing affordability and more units for affordable housing. Some also felt that there should be an in-lieu fee as an option. Others felt that more should be offered for green features and even be a requirement versus

a bonus. However, some commenters did not agree with some of the green features and felt they weren't useful. Some commenters were also concerned about how the bonuses, if utilized, would affect the nearby neighbors (i.e. heights and outdoor space).

Centers Overlay

Some of the comments about Centers Overlay reflected an appreciation of the designation, suggesting that it fit the area. Other commenters felt that the overlays did not fit well for their neighborhood/area, especially if it overlaps or potentially conflicts with plan districts.

Design Overlay

Some commenters appreciated the extended/expanded areas for review. Others did not think the proposal was enough and felt that more CM2 zoned areas should include a design review. Other commenters were concerned about why certain neighborhoods benefit from a design overlay versus others who have similar characteristics and don't have the review. Finally, a few comments did not like the design review process and were worried it would limit development.

Ground Floor Design

Many commenters were in support of the required ground floor commercial and limits on ground floor residential. Many also supported the new window coverage requirement and the 60% requirement for centers.

Landscaping/Setbacks

In regards to setbacks, some commenters suggested a larger rear setback from 10' to 14'. A few commenters had concern about the 10' front/transit street setback along Civic Corridors in Eastern and western areas. Some also believed that the 5' setback between commercial and residential zones was not enough.

In regards to landscaping, some comment regarding the need for more landscaping requirements were submitted. A few commenters were wondering how Title 11 (Tree Code) related to the discussion draft code and if there would be amendments to Title 11. Some commenters did not see a reason for green walls. Other commenters suggested that landscaping/greening requirements should be applied to all mixed use zones/developments.

Mapping

These comments were about specific zone changes that the commenter wanted for his/her property.

Other Developmental Standards

These comments were in regards to development standards that did not regard setbacks, landscaping or ground floor design. Some comments were concerned about the exterior display limitations/criteria, particularly on large sites or areas used for auto sales. Some commenters felt that more development should be required to analyze its effects on solar access/shading. Other comments addressed the historic resource transfer – some were concerned about it being within the same neighborhood; others wanted more flexibility. Some comments were specific about building design issues such as screening requirements and operable windows in residential units. Some commenters called for greater flexibility for larger building setbacks, and broader allowances for drive through developments.

Parking/TDM

Some commenters believe that there should be more required parking for new residential development than currently proposed. Others feel that more TDM efforts should be given, with a lower threshold of 10 units. There is concern about the affordable housing bonus and the parking requirements - many of these residents taking advantage of affordable housing may have cars and create parking demand. Conversely, some commenters suggested exempting affordable units from parking requirements.

Pattern Areas

Comment referred to the concern about the variety of land uses between different areas of Portland, in particular industrial versus residential land.

Scale and Articulation

Many of the commenters expressed a desire for less height than proposed for commercial mixed use buildings in their neighborhoods. Some comments were also in support of the height and FAR requirements for each proposed zone. Many of the comments were in support of the façade articulation requirements and felt this broke up the building mass effectively.

Zoning and Land Uses

These comments were mostly in regard to changes within the proposed zones themselves. Some wanted to require housing within CM1 and CM2 zones. Other comments were in regards to allowing more density and increasing the proposed FAR. Other commenters expressed disagreement with the proposed zones for specific neighborhoods and areas, feeling that the zones didn't fit with the neighborhood character.

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
Consider Incentives in new Mixed Use Proposal for community amenities, including: preservation of older buildings reuse, high performance build-ings/zero energy buildings, provision of reasonably priced housing, and alternative transit-oriented or other community beneficial uses (daycare, small cor-ner grocery stores, affordable/senior housing).	zoning concept or code			Business
I am writing on behalf of the HBBA, Hawthorne Blvd. Business Association, to let you know that at our Thursday Nov. 12 th Board Meeting we voted in favor of endorsing the 10 Design Policy Recommendations from Division Design Initiative. We would like to additionally stress the importance of including commercial spaces on the ground floor of new buildings in already developed commercial areas.	zoning concept or code			Business
Add Permit Review Criteria for Assessing Compatibility with Neighborhood Context	zoning concept or code			Business
Create Incentives for Reuse & Preservation of Existing Buildings with Special Community character	zoning concept or code			Business
Incorporate solar policy into zoning code amendments to support more high performance buildings and minimize/mitigate solar shading of adjacent infill	zoning concept or code			Business
Enhance/maintain community livability through access to sun, air, light, privacy and public views for current and new residents/businesses.	zoning concept or code			Business
The City should employ broader tracking of and accountability for development impacts.	zoning concept or code			Business
The Mixed Use Zones project, after review of the DRAFT document dated September 2015, has raised some serious concerns. Although we do believe that these concerns can be overcome. This rezoning process effects every auto dealer in Portland. Although the zoning seems to be reasonable with regard to allowed uses, the major problem lies in the issue of parking and motor vehicle display and storage. This is a major code change for the City of Portland, and is an opportunity to make things that have been wrong in the past to be corrected and made right for employers in the city. For the auto dealers, the major issue is related to Exterior Display and Storage (33.130.245.B and C). It is interesting how the code revision specifically allows the uses in the new zoning, but does not allow the uses to function. Motor Vehicle sales is a retail sales use, the only issue is that the product is too large to store inside without major costs involved that make the development challenging. Section 33.130.245.B.1 is unfortunate because it prohibits the auto dealers from successfully running their businesses because there is need for onsite vehicle display and storage. Additionally, Section 33.130.245.C.1 is just as detrimental to existing businesses because the product that is sold requires space to store. Auto Dealers are much different from other uses that require outdoor storage. The products they sell are of a very high value and the services they provide help move the economy forward.	zoning concept or code			Business
Section IV of the Project proposes Transportation Demand Management (TDM) as a strategy to avoid a significant effect to the transportation system arising from the change in the City's existing commercial zones to mixed-use zones that reduce reliance on the automobile. Given the shortage in large tracts of properly zoned commercial land with access in the underserved grocery areas recognized by the large format retailers in the LeLand study for PDC above-mentioned, is the TDM analysis adequate or appropriate given the identified need to preserve some strategically located commercial lands for auto-dependent uses and developments? The City seems to ignore the comments received from neighborhood businesses and large format grocers regarding the type, size and location of commercial lands suitable for auto-dependent use and development. The planning goal is only to reduce reliance on the automobile and is being overly-implemented by proposing mixed-use zones for all commercial areas, which mixed-use zones do not support auto-oriented use and development. The City needs to provide a transportation system that will accommodate continued auto-dependent use and development over the entire planning period.	zoning concept or code			Business
Close the Residential Floor Area Ratio Gap in RICAP.	zoning concept or code			Business
Relate Building Height to Street Width. Consider Nodal Focus	zoning concept or code			Business
Improve notification and enable constructive community engagement about growth.	zoning concept or code			Business
Develop Density Transition Zones & Foster the "Missing Middle"	zoning concept or code			Business
While considering these major zoning changes we believe it is also important to consider how businesses are currently operating in the community and how these changes have the potential to impact them. I think it is important to highlight all these activities to make sure that the City of Portland knows that we are not only a thriving distribution company that has been a staple in Portland for many years but we are also making a difference in Portland for both our employees and the community in which they live and work.	zoning concept or code			Business
In consultation with Leland Consulting Group, the City's published 2012 Grocery Store Initiative Report (Report) concluded that the City should "continue working with traditional large format and specialty grocers" to "expand access to healthful foods in underserved areas." http://media.oregonlive.com/portland_impact/other/Grocery%20RFI%20Report%20-%20June%202012.pdf The Report also identified the fact that large format grocers are unwilling to expand into the underserved areas because of a "shortage of large parcels with proper commercial zoning or access". Report Pages 11-12. Large format grocers prefer land zoned general commercial to accommodate auto-dependent grocery uses. Does the City propose any large tracts of land in strategic locations with good access (e.g., new commercial nodes along transportation corridors) in underserved areas to be commercially zoned legislatively to provide an incentive for new grocery store development? If not, could the City add that additional inducement to the Project?	zoning concept or code			Business
Section III of the Project's Discussion Draft includes prior comments from neighborhood business representatives that "not every place is a pedestrian/mixed use district – some places will/should remain flexible for auto-oriented use". Does the proposed zoning map for the Project retain any areas for auto-oriented use? If not, would the City add that additional planning inducement to the Project?	zoning concept or code			Business
Section III of the Project's Discussion Draft states that the Project is one of eight early implementation projects as part of the City's comprehensive plan update. We understand that the project to update the City's 2009 Goal 9 Economic Opportunities Analysis (EOA) through the August 2015 Recommended Draft prepared by BPS is another one of the companion projects. The 2015 EOA Draft Recommendation speaks of the City's planning objective to encourage, relative to grocery and other daily goods and services, "complete" or "20 minute" walkable neighborhoods. See page 62. Does the 2015 EOA Recommended Draft adequately identify the shortage of large tracts of properly zoned commercial sites with good access in the City's underserved areas for grocery, given that it does not evaluate the type or size of commercial zoning needed for auto-dependent grocery use, and anticipates the City's current commercial zoning, and not the proposed mixed-use zones? Could the City amend the EOA Draft Recommendations to include an analysis of the type, size and location of commercial zoning needed by large format grocers to develop/redevelop grocery stores in Portland outside the Central City?	zoning concept or code			Business

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
The Sellwood Moreland Improvement League strongly opposes the proposed 3-foot height bonus for active ground floor use in our commercial zones (33.130.210.D.10). Far more people experience a building from the outside rather than inside. In addition, immediately adjacent to our commercial properties are hundreds of residential lots which look upon and are shadowed by the commercial buildings. Thus, the height and size of commercial buildings has a greater effect of the neighborhood fabric than the interior space. Increasing building height to increase interior space is a bad idea overall for the neighborhood. We have surveyed existing first floor commercial spaces in our neighborhood of about 9-13 feet height and find them comfortable and pleasant. Therefore, the additional first floor height is not necessary. Most new development in our commercial corridors include first floor commercial space, so we fear this proposed rule would provide a loophole to allow taller commercial buildings than presently allowed to the detriment of the neighborhood.	zoning concept or code			Neighborhood
Add Division Plan District Additional Design Standards: Through more than 18 public meetings, an interneighborhood design committee, community surveys and extensive community outreach, we have defined many of our neighborhood design patterns, design priorities, compatibility criteria, and notification requirements. We would like to codify these where possible by adding to the Division Plan District. We have an opportunity with the Division Plan District to advocate for some of our guidelines to be included. Below are recommendations for incorporating some of the proposed Division design guidelines (if ready and approved by NA's in time) into standards.	zoning concept or code			Neighborhood
For Division Plan District: Building Form, Landscaping & Screening - Recommend all requirements for MUZ proposed above, including: o Stepbacks at 4th floor o Side stepbacks to minimize blank walls, add more windows for air and light and minimize concentration of windows on the rear of buildings facing residential uses. o Increased Landscape & Screening Requirements, etc. o Others noted above.	zoning concept or code			Neighborhood
For Division Plan District: Add Requirements to Evaluate Compatibility with Context: Require the following permit submittal requirements: 1. Building elevations in context of existing adjacent building and block development to ensure new development does not create a significant neighborhood and street compatibility conflict by creating visual discontinuity in size, scale, style 2. Statement of Compatibility with existing neighborhood goals and design guidelines 3. Solar Shading Impact Analysis 4. Visual Impact Analysis – similar to Marty Eichenger project at 26th & Division.	zoning concept or code			Neighborhood
Relate Building Form to Existing Context & Established Division Main Street Area Patterns The following are typical area-specific neighborhood patterns found on Division, Hawthorne & Belmont): o 45 Degree Angle Cut Building Corners – maintains visibility for vehicles & pedestrians and when cut out solely at first floor can create areas to o Raised Sills & Storefront Windows o Clerestory Windows o Visible Building Increments of 25'-50' o Maintain Regular rhythm of recessed entries every 15'-20' o Include permanent awnings & overhangs for windows and entries o Window variation and patterns that relate to adjacent buildings o Articulated rooflines	zoning concept or code			Neighborhood
For Division Plan District: Include Strongly Encouraged Design Features that help articulate building massing: o Oriel windows o Balconies at the street that protrude from the façade beyond the and building edges to break up building mass o Stepdowns to adjacent lower scale development	zoning concept or code			Neighborhood
Incentives for Adaptive Reuse of Existing Buildings: Incentives for adaptive reuse of older buildings (Including those that may or may not be “designated” as historic). The focus is on older buildings with special character (e.g. Hawthorne-Belmont-Division in the 30s, & 11-12th and 20th/21st areas, Clinton corners at 21st and 26th, Fremont, Mississippi, Alberta, Albina, Foster/Powell sections). Transfer of Development Rights/credits are good but we need further tools like waivers of System Development Charges (SDCs).	zoning concept or code			Neighborhood
Beneficial Uses: Provide Incentives for beneficial uses such as affordable housing, senior housing, day care and alternative-transit oriented businesses. Waiver System Development Charges (SDCs).	zoning concept or code			Neighborhood
Innovative Energy Performance: Bonuses & Incentives for Zero Energy Buildings.	zoning concept or code			Neighborhood
In order to achieve the 75/78' height that is possible in the CM3 zone, an applicant must provide 20% affordable housing (as percentage of total # of units in project.)	zoning concept or code			Neighborhood
The current density bonus system is applauded as a good attempt to balance competing interests.	zoning concept or code			Neighborhood
We support the requirement for design review for all areas in the Urban Centers. We would like—at a minimum—Community Design Standards to be required for all Centers and Corridors.	zoning concept or code			Neighborhood
CM2 Commercial Mixed Use 2 (formerly CS): We recommend some type of 'd' overlay for this zone as well	zoning concept or code			Neighborhood
CM 3Commercial Mixed Use 3 (formerly EX): We support the requirement for design review for this zone.	zoning concept or code			Neighborhood
The City of Portland should expand Design Commission review into the high-density Civic Corridors zoned CM 2 and CM3. We envision the creation of numerous Design Commissions organized via the City of Portland's neighborhood coalition geography. The city has an abundance of talented architects, engineers, financiers, contractors and the like to populate these important bodies. Without the professional review of major mixed-use projects with the authority to demand state-of-the-art quality design and materials the Portland building boom currently occurring will be looked at sometime in the future as one of the worst planning eras in the city's history.	zoning concept or code			Neighborhood
Residents in single family homes adjacent to mixed use zones shall have right to request a design review. Such design reviews should be conducted by city-level Design Review committee created for this purpose.	zoning concept or code			Neighborhood
We support the 50% minimum window requirement as is and support your increasing this to 60% at Centers. We would like to see an added provision that says these windows must remain active and cannot be fully blocked by signage or merchandise. (Perhaps 20% blocked by merchandise?)	zoning concept or code			Neighborhood
We support the requirement for ground floor commercial and support your requirement for limited use of ground floor residential use.	zoning concept or code			Neighborhood
CM 3Commercial Mixed Use 3 (formerly EX): Setbacks A 10' setback is proposed. We would like to see 14' remain as the rear yard setback to allow for proper growth of trees to act as a buffer. 10' is not wide enough for these trees.	zoning concept or code			Neighborhood
We support the 5' setback required to allow for windows in residential units and would support this to be increased.	zoning concept or code			Neighborhood
Step-back the building façade at the 4th floor: Specifically on narrow/60' E-W main street corridors, require step-backs from the street at the upper 4th floor to a) better fit within the existing smaller scale neighborhood context, b) maintain sunlight at the sidewalk Right of Way, and c) avoid shading out commercial storefront properties on the at the northern side of street. (DDI has a solar analysis to support this recommendations). Areas with a Neighborhood Center designation may also warrant this.	zoning concept or code			Neighborhood
Side Step-backs on Upper Level Sides: to encourage more windows that maintain air/light, support passive cooling/resiliency, and reduce/minimize creation of large blank walls. This would also reduce concentration of so many windows to the rear residential which have many resulting impacts as noted below.	zoning concept or code			Neighborhood

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
Increase Building & Site Landscape Requirements: 1. Require bigger trees for bigger buildings at street to minimize appearance of building bulk and scale 2. Requirements for increased landscape at rear as a buffer (impacts privacy, noise, light spillover) 3. Increased building facade landscaping – e.g. trellises, kangaroo pouches on wall of building façade similar to Vancouver BC, living walls (impacts look and feel of corridor). City of Seattle uses “Green Factor” criteria to set a flexible menu of landscape options to meet priority goals (see summary in Metro Innovative Design & Development Codes, p 32-33)	zoning concept or code			Neighborhood
Keep the maximum rear setback at 14’, rather than 10’.	zoning concept or code			Neighborhood
Directly north of the site is a small section of CM2 zoning (Figure 9). The UPNA opposes this designation for the properties south of Willamette Blvd. These are residences and UPNA opposes this location and properties to be available for commercial use due to the high speed of auto traffic and dangerous curve at this location. We asked for this to be changed to Residential in previous comments, and will be doing so again at City Council and again at every opportunity before the Planning & Sustainability Commission. We do not feel that the Bureau of Planning and Sustainability nor the Planning & Sustainability Commission has responded to or even considered our views on this issue.	zoning map			Neighborhood
We have asked that the entire area of the so called ‘North Banfield Portal’ (NE16th to 21st Avenues, south of Multnomah Blvd) be designated on the Comprehensive Plan Map as High Density Multi-Dwelling (RH). It is not part of any Urban Center which other designation would imply. Pending the outcome of that request, we ask that this entire area be down-zoned to Commercial Mixed-Use 1 (CM1).	zoning map			Neighborhood
This area is not on any corridor or node suggesting higher commercial use. The area is not even at the “edge of neighborhood centers, town centers or regional centers” which is part of the definition of CM1 zones and thus would argue for even lower zoning.	zoning map			Neighborhood
The proposed up zoning of areas on the north side of NE Weidler from NE 17th to NE 24th should be rescinded. This up zoning is INCONSISTENT with the approved neighborhood and the Recommended Draft of the 2035 Comprehensive Plan. Sullivan’s Gulch is a small, high density residential neighborhood and threatened by development in new areas at its boundaries. Comprehensive Plan map designations establish long-range land use plans and investments that can affect many people. We urge you to include resident populations in decisions that affect them.	zoning map			Neighborhood
All of Sullivan’s Gulch is shown as a “Inner Ring commercial district” on page I-9 of Comp plan, whereas Irvington, across the street is shown simply as a “inner neighborhood pattern area”. This must surely be an editorial error. Similarly, Figure 3-8 of the Comprehensive Plan shows part of the Sullivan’s Gulch (east of NE 16th Ave) as part of the Central City; it is not. Another editorial error? Please correct these materials to make Sullivan’s Gulch similar to Irvington.	zoning map			Neighborhood
SG already has access to a ‘complete neighborhood’ on Broadway. Spreading this area south to Weidler attacks the heart of Sullivan’s Gulch residential area. The north side of Weidler between 17th and 24th is the most ‘residential’ of any street side in Sullivan’s Gulch; it has 26 identified lots, 21 single family housing structures, 2 vacant lots, 2 parking lots and only one identifiable apartment complex. Focusing growth on NE Broadway (compact urban form) minimizes carbon emissions (page I-33 of Comp Plan) and reduces infrastructure expenses (rebuild where necessary).	zoning map			Neighborhood
The current Community Design Standards are impacting design negatively and need to be re-vamped. 1. Cornice requirement is outdated 2. Over articulation of massing needs to be addressed	zoning concept or code			Neighborhood
We support the maximum height of 35’ within 25’ when a CM building abuts a residential zone. We would like to see the base setback to remain at 14’ to allow for proper landscape buffering (trees)	zoning concept or code			Neighborhood
Add Screening Requirements: Add screening requirements to prevent light overspill, privacy intrusion, noise, etc (e.g. balcony screens) where adjacent to residential zoning or existing uses.	zoning concept or code			Neighborhood
Buildings should be built with a minimum life expectancy of a century.	zoning concept or code			Neighborhood
Off street parking should look more like garages than parking stalls, and should include walls, utility connections, and garage doors.	zoning concept or code			Neighborhood
There should be a process established, with a goal of better design, approved more quickly, to get more units on the market more quickly.	zoning concept or code			Neighborhood
Plazas must be activated to be net contributors to the community.	zoning concept or code			Neighborhood
Parking Impact Management Plans: Transportation Demand Management plans (e.g. annual bus passes, shared use parking, onsite car share vehicles) for a lower threshold of units in no parking buildings, and additional loading requirements. City is currently proposing TDM Plans for buildings with ~20 units or more. However, 10 units would be a more appropriate threshold for TDM Plan requirements.	zoning concept or code			Neighborhood
CM 3 Commercial Mixed Use 3 (formerly EX): Building Height: We oppose 75’ height in this zone (see building height impacts in Boise neighborhood note below), with the exception of 10’ of height allowed for Affordable Housing Units to be the sole amenity bonus. We propose that 100% of the added units in the extra 10’ being affordable.	zoning concept or code			Neighborhood
We would rather see the building step back along the backside at 35’ and 45’ not at the street face. The proportion along the street of 4 stories stepping back to 7 creates an odd massing design. Instead allow 5 stories along the street face stepping back to either 6 or 7 stories (with the affordable housing amenity bonus).	zoning concept or code			Neighborhood
We would like to limit the use of ‘oriel windows’ overhanging the ROW.	zoning concept or code			Neighborhood
The mid-block zone change is so important to the Boise community because of the domino effect we fear it is quietly starting in our small swath of neighborhood. We are trying to ensure a balance is being met, and that Portland does not become the monoculture suburban dream of density that we are seeing imposed. Each town home that goes in removes street parking and street trees, adding minimal density, while removing the natural habitat provided by backyards. It is questionable if this is really the right approach if parking, storm water mitigation, and green spaces are of concern to the City.	zoning concept or code			Neighborhood
The Sellwood Moreland Improvement League strongly opposes the proposed 3-foot height bonus for active ground floor use in our commercial zones (33.130.210.D.10). Far more people experience a building from the outside rather than inside. In addition, immediately adjacent to our commercial properties are hundreds of residential lots which look upon and are shadowed by the commercial buildings.	zoning concept or code			Neighborhood
The scale of development adjacent to our residential neighborhood should be limited to a height of 35 feet. There is no other development in the area exceeding this height. Such zoning would implement the definition of CM1 zones as “compatible with the scale of surrounding residentially zoned areas.” The height transition, setback/stepdown provisions and street/building scale of the CM1 zone are appropriate for the residential neighborhood.	zoning concept or code			Neighborhood
Building Façades – Divide into Smaller Building Segments to match older neighborhood context: To better match the traditional small lot pattern areas of our streetcar era lots and buildings, refine the City’s proposed building articulation requirements from 100’ long to be smaller building increments (ideally 50’ segments) at street facing façade within some older east-side pattern areas.	zoning concept or code			Neighborhood

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
Heights within sufficient number of feet of North property line shall be lower on the north side as opposed to the south side of the street where mixed use is adjacent to single family/low enough that 3D modeling software shows it will not impede solar access to the roof of the adjacent house.	zoning concept or code			Neighborhood
we suggest that the Mixed-Use zones CM1 and CM2 be REQUIRED to include some housing (say a minimum of two units or 10percent) as part of development. This would further the connection a neighborhood to commercial activity and add meaning to the title of these zones.	zoning concept or code			Neighborhood
The existing CXd zone of the Marriott Residence Inn and CO2 zone fronting on NE 21st Avenue can be considered as pre-existing non-conforming uses. The Marriott property currently does not exceed the height of the CM1 zone.	zoning concept or code			Neighborhood
This up zoning is inconsistent with the Sullivan's Gulch Neighborhood Plan. The plan noted that returning NE Broadway to a two way street would increase exposure to businesses located there.	zoning concept or code			Neighborhood
There is no near term (5-7 years) need for more business sites within Sullivan's Gulch. The proposed addition of Mixed-Use areas north of Weidler would require additional city expenses for infrastructure and exacerbate parking problems south of Weidler.	zoning concept or code			Neighborhood
Sullivan's Gulch residents have expressed a desire for a variety of new construction along Broadway - not like the monolithic Grant Park block. Uniform up zoning of Broadway defeats that preference. We want small, independent- and locally-owned businesses. We must encourage concentrations of commercial services and employment opportunities in city "centers", page GP6-19. One size does not fit all.	zoning concept or code			Neighborhood
Use the Inner Ring Districts (Policies 3/40 thru 3/44 of comp plan) to guide development along Broadway corridor: 1)Emphasize growth that replaces gaps in historic urban fabric 2)Guide growth in corridors to transition to mid-rise scale close to central city 3)Maintain and enhance distinct identities, 4) Provide diversity of residential areas and 5) enhance role of inner ring transit, bicycle and pedestrian networks.	zoning concept or code			Neighborhood
The Mixed-Use policy as applied to Sullivan's Gulch is inconsistent with major policies of the Comprehensive 'Design and development' chapter, e.g., Context (GP4-5), Residential Areas, Centers and Corridors, Transitions, Off Site Impacts, and Historic and Cultural Resources.	zoning concept or code			Neighborhood
The thirteen smaller houses between NE 28th and NE 32nd south of Broadway are the last bit of housing of that type in Sullivan's Gulch. It should be preserved. Extending urban form density to Weidler would displace residents in that area and increase speculation and a lingering lack of care of homes. Housing diversity is one of the goals of the Comprehensive Plan (page GP5-6) as well as housing affordability (page GP5-9).	zoning concept or code			Neighborhood
<p>The past few years have seen an increase in commercial construction along Fremont. Some of this has been well designed and thought-out, and has generally been well received by the community. Other developments have been built at such height, density, and incompatibility with the neighborhood that major concerns among neighborhood residents have arisen.</p> <p>In addition, the TriMet bus line #24 has seen so much reduction in frequency of service and changes in destinations that this route can be considered little more than a "skeleton service". It no longer goes downtown, does not run on weekends, and weekday service is scattered and spotty. We feel we are being asked to support increasingly dense urban level development without the necessary level of urban services to accompany it.</p> <p>We hoped that the Mixed Use Zoning Project would address this disconnect between development and services. Instead, it has solidified it.</p> <p>Given the characteristics of the surrounding community and lack of services we think a designation of CM-1 is appropriate. The description of this zone in the draft publication appears to most closely fit the type of neighborhood street that would work well in our community: "Buildings in this zone will generally be up to three stories tall. Development is intended to be pedestrian-oriented and generally compatible with the scale of adjacent residentially zoned areas."</p> <p>Instead, most of Fremont is now proposed to be in the much more urban "CM-2" zone. As per the draft plan: "Buildings in this zone will generally be up to four stories tall, unless height and floor area bonuses are used.....(Zone is) intended for mixed use areas that are WELL-SERVED BY TRANSIT" (caps mine). For all the above reasons, we urge that the proposed mixed use zoning along Fremont St be designated as CM-1 and not CM-2. This is not in conflict with the Comp Plan as its designation along Fremont of "Mixed-Use Neighborhood" allows either CM-1 or CM-2 zones.</p> <p>In spite of our concern about overly intense development on Fremont St, there are many things contained in the Discussion Draft that B-WNA recognizes as assets to the neighborhood and we wish to commend BPS in bringing these issues to the fore:</p> <p>We strongly support the proposed requirement that new apartment buildings (on 7,000+ sq. ft. lots) that are more than 500' from FREQUENT TRANSIT routes be required to provide off-street parking at a ratio of 1-to-1. We will be monitoring the various stages of hearings and approvals of the mixed use plan to make sure that the designation of "frequent transit" remains firm.</p> <p>We also support the proposed requirement that the height of new construction be measured from the front sidewalk. This will provide a standard level of measurement that will replace existing standards that are often confusing and subject to abuse.</p> <p>We also were glad to learn that because Fremont St is not in a "design overlay district" it will not be subject to fifth floor "bonus" stories. Although we would have welcomed increased design scrutiny through the overlay district, it is our understanding that any new project will still have to meet minimum site and development standards set forth in the mixed use plan. These standards appear to be quite helpful in maintaining neighborhood compatibility.</p>	zoning concept or code			Neighborhood

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
<p>In the HAND neighborhood there are three such sites that would benefit from this zone. The HAND Board has written City Council to oppose the change in the Comprehensive Plan for 3029 SE 21st Ave (People's Co-op), 1996 SE Ladd Ave (Palo Dessert & Espresso House), and 1540 SE Clinton St (Northwest Naturopathic Clinic) from their current residential designation to that of commercial. This was not done to be critical of the existing businesses, which are great assets to the neighborhood. Our concern is the future of the sites should the zoning become commercial and a subsequent new business move in. The CM1 designation has no mechanism to ensure that this future business would remain compatible with the uniquely residential nature of these sites. For example, a site with a small neighborhood grocery could become home to a bar with a 2:30 am closing time. The best constructed Good Neighbor Agreement could not prevent or solve the problems likely to arise due to the residential nature of the area.</p> <p>The new commercial zoning code is missing a critical component to the success of isolated commercial sites such as these and others scattered around Portland. Residents need a zone designation that allows them to have more input in the nature and neighborliness of the commercial activity that takes place. Currently the conditional use status allows this to happen. The proposed CM1 commercial designation as it is presently defined does not have similar safeguards in place to ensure the livability and compatibility that currently exists. The businesses at these sites are currently good neighbors, but each one has had various issues over the years. Whether it was noise, odors, parking, or early morning deliveries, the conditional use status brought the businesses to the table to resolve the conflict with neighbors. Our concern is that the businesses at these sites will lose the obligation to engage with their residential neighbors to resolve issues if the properties turn over to CM1 as presently defined.</p>	zoning concept or code			Neighborhood
<p>The redevelopment of SE Division St can be viewed as a pilot effort or a prototype of what is being proposed in the Comprehensive Plan. Although the changes have brought benefits, our experience during the past three years of growth and change has led us to summarize the accompanying concerns of the community: • New development that creates discontinuity with existing neighborhood patterns, style, materials and building form. • Loss of solar access for nearby residents. • Decrease in availability of parking for residents and customers. • Lack of access to green space and public gathering spaces to serve residents. • A reduction in safety on adjacent neighborhood streets due to increased traffic speeds and volumes, and congestion on Division. • Dramatic neighborhood socio-economic changes, gentrification, and increasing lack of affordability of housing and loss/lack of neighborhood-serving businesses. • Lack of information, notification, or meaningful ability to participate in the planning process. • Lack of adequate design standards, and planning/design review criteria to ensure compatibility</p>	zoning concept or code			Neighborhood
<p>On pages 4 and 5, "bonuses" are referred to, but not explained. I think they should be explained better - What are they? What are they given for? What are the "community" benefits? At least have a note to the page/section that they are explained on.</p>	zoning concept or code			PAC
<p>The "affordable housing" bonus that allows "up to 80%" MFI for 25% of the "additional FAR" is an improvement over the earlier proposal requiring much lower MFI and application to the entire building. I/we did not and cannot support a lower level. On the other hand, the issue of how long these units need to be retained is still unresolved. May I suggest that the retention period be tied to MFI. Say 10 years for units at 25% and 30 for units at 80% with steps in between. It would also be helpful if it was clear that use of this provision WILL NOT limit developer's use of other affordable housing incentives, such as the PDC tax freeze.</p>	zoning concept or code			PAC
<p>The bonus for "eco roofs" is lame. Eco roofs are essentially moss, albeit moss that slows runoff and somewhat limits reflected heat. Presuming the purpose of the eco roof is NOT simply to encourage moss growth (which isn't needed in Portland!), but to slow roof runoff and reduce the heat island effect, other options should be allowed. For example, PV panels absorb nearly all of the sunlight hitting them. If these are coupled with a rainwater collection basis or gray water reuse it would accomplish the same purpose as moss on the roof and provide greater public benefits. Other "vegetative" roof top uses may as well (see next).</p>	zoning concept or code			PAC
<p>Presuming an ecoroof isn't counted as "outdoor space" because it can't be walked on, I suggest use of roof area for gardening be allowed to substitute for either outdoor space or ecoroofs. This could and should include options to cover the garden, greenhouse style, either during the winter or perhaps permanently without changing the space from "roof" to "floor." Access to a secure garden space would be a significant amenity for senior housing – which will be sorely needed in the next decade or three (until we have all passed on).</p>	zoning concept or code			PAC
<p>The LEED Gold bonus is still lame. Not only is LEED lame because it gives too much credit for measures that don't address greenhouse gas issues, Gold is too low a bar. I recommend both OTHER measures besides LEED be allowed, the bar be raised to reflect the importance of both greenhouse gas emissions and resilience. For example, net zero buildings that can sustain residents sheltering in place after "The big one" or whatever, should be encouraged over things like bike racks and recycled carpeting.</p>	zoning concept or code			PAC
<p>I recommend changes to the bonus structure currently under consideration for Affordable Housing.</p>	zoning concept or code	33.130.212	A 100% bonus, if offered, should apply to rentals for those earning no more than 60% MFI. At the 80% MFI level, perhaps a 50% bonus might be a worthy experiment if 50% of excess floor area were to be available for those with income below 80% MFI. The enduring commitment to "affordability" might be worthy of a modesty reward. Without an assured commitment to serve truly underserved households, the 100% bonus should be eliminated.	PAC
<p>Bonuses should require at least 8-10% of total units to be affordable to persons at 60% of AMI over a period of 50 years (similar to Seattle's new Housing Affordability and Livability Agenda). There should be circumstances where developers can opt out by paying an "in lieu" fee; such fees should go into an affordable housing fund to be used for affordable housing development for persons at 30% of AMI.</p>	zoning concept or code	33.130.212 C		PAC

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
<p>This does not seem to serve much purpose in a heavily developed area like Northwest where there are already clusters of commercial/active use spaces. This overlay would overlap with the Alphabet Historic District and the plan district.</p>	zoning concept or code	33.415 Centers Main Street Overlay Zone	Eliminate the proposed overlay in NW Portland since there is already an abundant mix of commercial, residential and employment opportunities in the area. If you read the purpose for the "Centers Main Street Overlay", it is already being fulfilled in NW Portland. Alternatively, limit the overlay to existing commercial strip areas.	PAC
<p>The Map IV-2: Design Overlay Zone illustration on page 37 of the Discussion Draft shows the areas where the "Existing D Overlay" is applied; that includes all established Westside neighborhood centers. Multnomah Village and the Sellwood-Moreland neighborhood centers share similar history and design character. They are similar in scale and they are likely to experience similar development pressure. One has the benefit of Design Overlay Zone designation, the other does not.</p>	zoning concept or code	33.415	As a matter of equity, the Design Overlay Zone expansion needs to be extended to include the Sellwood-Moreland Neighborhood Center.	PAC
<p>I am concerned that the enhanced design review requirements required in Main Street overlay zones may inhibit development within these zones in East Portland.</p>	zoning concept or code			PAC
<p>The window requirements still appear to allow opaque covering rather than transparency as the goal states. The windows on the Nike outlet store, most gas station convenience stores, drug stores, etc. are covered with commercial posters that defeat the purpose of a window. They are essentially a "legal" bypass of the sign code. That loophole needs to be closed.</p>	zoning concept or code			PAC
<p>Current code requires windows along transit streets, but only requires them for 25% of the length (and 50% of the area) of the building façade. And though the code requires windows "that allow views into working areas or lobbies, pedestrian entrance or display windows", often the windows have frosted film on them, or other hindrances that do not allow such views.</p>	zoning concept or code	33.130.230 (c)	<p>I recommend that language be added to 33.130.230 (C) Qualifying window features (in addition to the language already there):</p> <p>"Windows must be clear vision glass, with no frosting inside or out, and with no darkening or reflective films, decorative films or signs, or frits, applied to the glass. Glass blocks, or wavy or patterned glass, do not qualify. Window panes must not be overlaid with screens, ribs, or fins, except insect screening. Each individual pane must be at least 46" high x 46" wide to qualify. In order to qualify, display cases must be set into the wall, meet the same glazing requirements as above, and be at least 3' deep and display three-dimensional objects, rather than only signs or posters."</p>	PAC
<p>It is unclear if the standards of 33.130.230, C., apply to 33.130.230 D, which covers residential ground floor uses in Mixed Use zones.</p>	zoning concept or code	33.130.230 (D)	<p>I would add similar language in 33.130.230 (D), as follows: "Required Ground Floor Residential window areas must open into living areas. Windows must be clear vision glass, with no frosting inside or out, and with no darkening or reflective films, decorative films or frits applied to the glass. Interior curtains or shades are allowed. (Frosted or other "obscure" glass is allowed in bathrooms, but such windows cannot be counted toward the ground level wall area window 25% requirement.) No fins or other obscuring construction or screen is allowed in front of the qualifying windows, except insect screen."</p>	PAC
<p>While I was happy to see the 60% window glazing requirement in the new Centers Main Street overlay zone, I encourage you to consider implementing the 50% requirement for commercial units through the entirety of the mixed use corridors and not just in the Main Street overlay zones.</p>	zoning concept or code			PAC
<p>I oppose the Exception for Vegetated Green Walls proposed as 33.130.230 (F). While integrating vegetation is a worthy goal, Street Trees are a more appropriate response. Green Walls provide less pedestrian interest, like a hedge, and provide no "eyes on the street" or other connection to people and activities inside buildings. These should not be a substitute for windows.</p>	zoning concept or code	33.130.230 (F)		PAC

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
<p>The proposal (in 33.130.215 (B)) is not to require a wider sidewalk, but to require a 10' building setback from the property line, with landscaping allowed between the sidewalk and the building. This is proposed for all Civic Corridors in the Eastern and Western Pattern Areas. Staff mentioned requiring some of this space to be paved for pedestrians, but no such language is included. Experience with a similar 10' setback requirement along SE Powell shows that it does not increase pedestrian-friendliness.</p>	zoning concept or code	33.130.215 (B)	<p>I suggest changing PBOT policy (within the TSP and/or in the Pedestrian Design Guide) to require 15' sidewalks in the public right-of-way on Civic Corridors throughout the city, either through ROW dedications obtained with development or condemnation, or through the use of Road Diets, which reduce the number or width of travel or parking lanes. Where residential-only uses abut the ROW, a setback on private property, with vegetation, makes sense. but adjacent to commercial or mixed use development a setback on private property does not improve the pedestrian environment, it merely reinforces the auto orientation of these outer Corridors. The 10' minimum setback in 33.130.215 (B) should only apply to buildings with no retail component or spaces convertible to retail, and only residential use.</p>	PAC
<p>Height limits and setbacks should apply within and across the street from historic or conservation districts/buildings where protected buildings are smaller scale than their base zoning would otherwise allow.</p>	zoning concept or code	33.130.216.B. Additional standards for sites across a local street from a residential zone		PAC
<p>I suggest conducting specific outreach to EPAP regarding the 10' setback in eastern pattern areas. I'm concerned that it could have the effect of locking in the "wide open plain" feeling that is a current detriment to walkability. If this provision proceeds, it should be accompanied by a prohibition on curb-tight sidewalks (i.e. planting strip requirement).</p>	zoning concept or code			PAC
<p>Application of mixed use zones in NW Portland need to be modified to better confirm to existing zoning allowances considering the NW District Plan, Alphabet Historic District and wealth of other historic properties, and the NW District plan policies.</p>	zoning map	Maps showing application of new zoning to existing multi-use zones in NW	<p>Incorporate revised application of new mixed used categories consistent with recommendations of NWDA, based on historical context and NW District Policies. These tentatively include: (1) In the current EX Zone, convert EX-zoned areas to CM2 or CME in the area south of Kearney; while neither CM2 or CME is a perfect fit, alignment with existing zoning overlays and NW District policy would be improved in the staff draft proposal, while the issue is studied further. (2) Remove or limit Main Street Overlay as described above. (3) Reconsider application of only CM2 to NW Thurman corridor. (4) Reconcile how new MU bonuses will work with existing NW District bonuses. (5) Appropriately restrict building heights in the historic district. (6) Possible amendments to the district plan to fine-tune how new zones may be better adapted to the older, well-established NW District area.</p>	PAC
<p>The Historic preservation bonus is also much improved with the extension to "contributing" structures. However, the pool of those structures is very large. The 1 mile restriction should be reduced to ½ mile for those buildings to prevent subversion of the objective, namely preservation of historic infrastructure as an offset against new, modern development.</p>	zoning concept or code			PAC
<p>This regulation would require some openable windows in residential units. In much of the year in Portland, warm days but cooler nights make it possible to cool residential units naturally, by leaving windows open during evening and night, reducing use of electricity for artificial cooling. Yet some new multifamily an mixed use buildings are being built with sealed windows, seemingly on the assumption that all conditioning of air will be done by artificial, and power-consuming, means. This regulation apparently is not in the Building Code, so perhaps must be included in the zoning code, to support Comprehensive Plan Goals 4.C. Human and Environmental Health, and 4.D, Urban resilience, as well as Policy 4.11, Access to Light and Air, and Policy 4.63, Energy Efficiency.</p>	zoning concept or code		<p>45% of the window area in any residential unit be openable to outside air, including at least one window in every habitable room except bathrooms and kitchens, and fitted with insect screens which are readily removable for emergency egress.</p>	PAC

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
I support the proposed change, in 33.130.230 (E) to allow approved Public Art to substitute for only 50% of the Ground Floor Window requirements, instead of the 100% in current code. Art is needed, but visual connections to building activities are more necessary and desirable.	zoning concept or code	33.130.230 (E)		PAC
The language in 33.130.242 (E) was written with the word “regular.” It is unnecessary, and a potential loophole. Since we’ve already had a business decided that an “entrance” was not the same as an exit, and required patrons to exit a different door, necessitating a code change, I can foresee a business open in the evening for First Thursday, for instance, and claim that this is not “regular” business hours, and lock their Transit Street door.	zoning concept or code	33.130.242 (E)	I would recommend removing the word “regular” from the two places it occurs in 33.130.242 (E).	PAC
In the CM-1, CM-2 and CM-3 zone, fences over 3.5 feet high, even those that are 50% or less sight-obscuring, should be forbidden between the street lot line on a Transit Street, and any building on the site that is within 20’ of the Transit Street lot line. This will preserve the connection between the street and buildings on the site. Such pedestrian-friendliness is currently required in single-family residential zones, and there is every bit a much reason to also require it in Mixed Use zones.	zoning concept or code	33.130.270	This change should be made in 33.130.270	PAC
Need to limit transfer of floor area in historic and conservation districts; a transfer of floor area needs to be appropriately compensated (so it really helps to preserve the historic building); the receiving site should not be allowed out-of-scale development that detracts from the historic character of the local area.	zoning concept or code	33.130.205	Revise C.5. to add: ‘If in a historic or conservation district or other area with historic preservation potential, the receiving site’s added floor area cannot be used to create out-of-scale development that would detract from the historic character of the local area.’	PAC
I am deeply concerned that Large Site Projects has eliminated the Community Benefits Agreements requirement. Eliminating this requirement impacts several potential East Portland site project locations. Requiring Community Benefits Agreements will stimulate economic growth for East Portland residents and businesses and benefit the East Portland community as a whole.	zoning concept or code			PAC
I disagree with relaxing the standards in Table 266-3 to allow parking between a building and a street <u>with an adjustment</u> . The current <u>prohibition</u> is necessary to counter the still-prevailing desire by some property owners to put parking in front of their buildings, causing great harm to the pedestrian environment in these locations.	zoning concept or code		In the CM1, CM2 CM 3 CX and EX zones, parking should be prohibited between a building and any street. The exceptions for through lots, sites with 3 frontages and full-block sites could remain.	PAC
While decreasing vehicle use overall is a great goal, there needs to be a better approach based on traffic and parking studies, reasonable expectations and local conditions.	zoning concept or code	33.266 Parking, Loading and Transportation Demand Management	1) Modify 33.266.100 D to allow parking for other nearby residents when existing parking conditions are extremely tight. Modify 33.266.115 to create an exemption that would allow additional parking spaces for nearby residents in areas where recent development has eliminated parking and increased demand. This could work in concert with proposed traffic impact reviews (33.852). 2) Loading requirements are addressed elsewhere in codes, but there needs to be recognition that people without cars create more delivery and ride service traffic and parking demand.	PAC
Great idea to require a transportation impact review for new development in mixed-use zones.	zoning concept or code	33.852	In 33.852.110.A., add “loss of off-street parking resources” to list of evaluation factors. Clarify applicability to all mixed-use zone development types.	PAC
On page 2, the first bullet shows scales, but does not specify high or wide.	zoning concept or code			PAC
The Mixed Use Zones discussion draft now omits the current “minimum 50% coverage” requirement, for any of the new zones. The CM-2 and CM-3 would be logically where this requirement should be put back in place, in Table 130-2 . While these zones are mapped more broadly than the CS and CM, extending the area where parking-dominated sites are prohibited is a step forward. Eliminating the coverage requirement throughout the city is a step backwards.	zoning concept or code			PAC
I support the proposals in 33.130.222 which would require various simple articulations in building facades to break down the scale of buildings, while still allowing the capacity needed on our Corridors and Centers.	zoning concept or code	33.130.222		PAC
Contact requirement should not be limited to “larger projects” (>10,000 sq ft); large should be defined in proportion to site area (e.g. tall, dense building on small lot). I also think it would make sense to add ‘conversion of residential to commercial use’ to B.2; for example, a conversion of residential space to a restaurant, bar or poker parlor could have an impact on a neighborhood that merits notice.	zoning concept or code	33.130.050		PAC
My compliments on the approach to articulation and architectural projections. I strongly support it.	zoning concept or code			PAC
I believe the scale of buildings to streets is well-defined and neighborhood step-downs are better suited to Business/Community relationships. Including Business Districts in development notices will also cultivate that relationship.	zoning concept or code			PAC
Staff has said that the concept was to set the FAR so as to allow less development in the zones than is allowed now, but that if Bonus Height options are used, more development could be achieved than is now allowed, using a higher FAR and optional fifth floor. While it is unclear how often the bonuses will be taken advantage of, at least there is the possibility that the same or greater capacity can be achieved.	zoning concept or code		I would urge that the 2.5 base FAR in the CM-2 and CE zones be raised to 3.0:1, which is still less than the maximum achievable in CS. The base FAR in CM-3 should be raised to 3.5:1.	PAC

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
I recently discovered, though, that, in the CM-2 zones, this “bargain” of “height for bonuses” only obtains in areas that have both Design Overlay as well as being either in Mixed Use – Urban Center, or Mixed Use – Civic Corridor designations. This means that in probably the majority of areas where the CM-2 zone is mapped, the bonuses, while allowing higher FAR, will not allow the increased height, and thus the maximum achievable FAR is limited to the building envelope, which, with the new 4th Floor stepback, is less than available in most locations in the CS zone.	zoning concept or code	33.130.212. B,5, (b)	This restriction (33.130.212. B, 5, (b)) should be removed, and the bonus height should be allowed in all CM-2 locations.	PAC
I'm interested in a more aggressive phasing out of existing nonconforming drive through facilities. I also question whether they should be allowed in CE zones. At a minimum, we should consider adding a condition to 33130.260 (A) prohibiting rebuilding of a drive through within high-traffic pedestrian zones, such as near transit stops. I find the allowance of drive-throughs to be at odds with human and environmental health goals.	zoning concept or code			PAC
On the map on page 268, I was surprised at the lack of CM3 on some streets, notably Burnside, Glisan, Powell, and 82nd. That doesn't seem to be aligned with the intent to have match building height with street width. It also stands out that in inner SE there is relatively little CM3 compared with North Portland.	zoning map			PAC
I support NE Broadway/Weidler designated as a Civic Corridor (Broadway Bridge to Hollywood) and zoning appropriate along that corridor consistent with mixed use, multi story development	zoning concept or code			PAC
Specifically, the rezoning of the land located between NE Broadway and NE Weidler between 17th and 23rd Streets to include the opportunity for mixed use, multi-story development. This area has changed over time from single family residential to multi-family mixed use. Remaining parcels facing Weidler provide an opportunity for deeper parcel facing NE Broadway and provide an opportunity to development this portion of the corridor as a vibrant and well planned urban, mixed use center to serve three adjacent neighborhoods: Lloyd, Irvington, and Sullivan's Gulch.	zoning map			PAC
I also support the rezoning of property bounded by NE 28th and 32nd Avenues between NE Broadway and Weidler for dense mixed use investment consistent with recent development activity in the area. The development of Grant Park Village has prompted strong interest in this area and the location identified here provides an opportunity for urban, mixed use development along this portion of the civic corridor that has been limited by shallow lots containing design and functionally obsolete rental space. In the same location I support zoning that will advance more dense urban development on the Fred Meyer site at NE Weidler between 28th and 32nd Avenues including public parking structure(s), mixed use investment that will support Fred Meyer and adjacent retail and provide an opportunity for multi-family housing in this area.	zoning map			PAC
I support the zone changes proposed in Sullivan's Gulch generally including new mixed use zoning designations to implement the city's new Comprehensive Plan. This civic corridor provides an opportunity to realize the planning goals and policies of the Comprehensive Plan and to facilitate investment that will secure the economic, social, and cultural environment of Sullivan's Gulch and its neighbors.	zoning map			PAC
There should be a way of breaking down the one size fits all code into specific areas such as formation of special area plans or conditional use requirements that recognize the unique situation that may be present in a part of the zone.	zoning concept or code			Public
Since we advocate for consideration of land and natural resources as a commonwealth, sharing the economic benefits among the wider society, we support the City of Portland Bureau of Planning and Sustainability's plan to use new mixed use zones in centers and corridors to leverage affordable housing. Specifically, we support the current plan's emphasis on affordable housing (100% bonus) over commercial affordable, plaza and "green" features (50% bonus).	zoning concept or code			Public
I am very concerned that all the “bonuses” for developers on the new Zoning Code are geared toward affordable housing and none align with parking. It is my belief that the neighborhood would benefit most from a bonus structure that allowed a developer to double parking in return for another floor of units and not just affordable housing.	zoning concept or code			Public
Who do you have in mind with Affordable Commercial space? A tenant who is already receiving grants to fund and operate their business? Wake up. It takes a solid financial plan and capital to succeed in any business, especially requiring additional gross percent of sales tax, insurance, licenses, permits, employees, trimet tax, etc. Vacant property does not benefit any neighborhood. There should be no such thing as affordable commercial space (example: planning representative used was Mom & Pop Shop), without first watching out for the loyal owner/operators first. A business that is successful and has a track record of success should not be exempt to lease in these proposed buildings.	zoning concept or code			Public
Affordable housing. When was the last time you tried to evict a tenant because of months of non-payment or lack of respect to the property or surroundings? Believe me, City of Portland has no business endorsing special incentives in a "A Plus "property, subsidizing tenants screening or rents. Let Portland help get people working and earning a better life by offering business's incentives to encourage growth by hiring in-state employees.	zoning concept or code			Public
Current language in the discussion draft offers incentives (such as height allowances) to developer for providing outdoor common spaces or plazas that are open to the public. It may not be clear to BPS staff that both building height and outdoor public common spaces and plazas are liabilities to nearby neighbors.	zoning concept or code			Public
I live in Hillsdale, not far from the Capitol Highway area that will be affected by the mixed use zoned commercial “main street”. The photo examples of Portland's mixed use buildings and street fronts leave me cold and shuddering at the stark, ugly, impersonal, and aesthetically devoid look the city is endorsing. And where are the public commons in these mixed use/commercial areas? Where is the Hillsdale Publically Owned Commons, where we the people can locate n our own public property, centrally within the “mixed zone main street” to gathe and, share news and views, without being on private commercial property? The out of the way DeWitt Park? I much much prefer to see a non-commercial public commons in the Hillsdale “Main Street”, with a comfortable natural setting for the social health of our community. Hillsdale is much too oriented to Commercial Activity and the neighborhood suffers from a lack of Central Peoples Common.	zoning concept or code			Public
Adjust the ratios of allowable bonus FAR among the four listed benefits in order to reflect priorities: housing first, affordable commercial second, plazas and green features third.	zoning concept or code			Public
Insert into the revised MUZ code the requirement for an annual update of Cash Bonus Values and Below-Market-Rate set-asides for on-site housing production.	zoning concept or code			Public
No one was their to represent affordable housing big mistake . Medical income families, plus proverty Families need to be l plan.	zoning concept or code			Public
Affordable housing includes handicap have you though about how to get them out of living quarters if fire or earthquakes . Firemen need to know where they are located so they can recuse then , in fact all Building where handicap lives firemen need to know , they also need to the severe their handy ls so they can get them out knowing how to do it. Not happy with affordable housing plan does not address Extreme low income people, it will not slove the homelese problem. We need to have half new housing tom at foldable housing that doesn't mean \$1000 a month for two bedroom, try \$600.00 A month . Low income can pay \$1000.00 a month .	zoning concept or code			Public

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
I am especially concerned that trees be a major design element in affordable housing developments. It is especially important to provide access to nature in the form of nearby trees for children and the elderly who may not have the opportunity to visit neighborhood parks or may not have access to nature outside of the city. Indeed, the tree outside the window may be the only nature young children and the elderly see in their day-to-day lives, and given what health care professionals and researchers have shown about human health and access to nature, providing access to trees could be seen as a kind of proactive health measure, for everyone, but especially for those who are less mobile.	zoning concept or code			Public
In Section B. Development Bonuses—Incentives to provide public benefits (33.130.212), trees and landscaping of 15% of a site are listed as an equivalent to an eco-roof. Please amend this provision to give up to a 50% bonus floor when a building meets a low-carbon building standard, and provides street trees every 25-30 feet on its frontages and has 15% landscaping on site; moreover, where street trees are not possible because of necessary features such as stop signs, power poles, and driveway cuts, please require landscaping on the tax lot to include medium to large trees. Please make an annual compliance check for three establishment years part of the permitting fees for the building. While eco-roofs do provide environmental benefits, they cannot provide a public amenity to every pedestrian, cyclist, and driver in the public right of way. Only trees can calm traffic, sequester carbon at a great rate, reduce heat on adjoining pavement, and separate pedestrians from auto and bike traffic. The bonus should be given solely for trees and on-ground landscaping on the basis of equity, health, and the resilience of the streetscape.	zoning concept or code			Public
As an Arborist and Urban Forestry Commissioner, I would love to see trees throughout our urban landscape; not only in residential and commercial districts, but in Industrial and mixed use zones as well. I firmly believe that we can design for trees in our landscapes (not just sidewalk cutouts, but silva cells, structural soils, etc.). But I also know that the property values can dictate the amount of real estate devoted to the building footprint in these intensive zoning types. Traditionally, trees perform many of the ecosystem services in our urban landscapes. As we prioritize buildings, these buildings will need to start to provide those same services. Requiring the use of Ecoroofs on new development in Mixed Use Zones is one method of utilizing plant material to help us maintain our urban environment as they provide some of the same ecosystem services as trees.	zoning concept or code			Public
Strengthen the affordability requirement for the affordable housing bonus incentive. There is an urgent need to significantly increase the number of affordable units available to Portland residents. We must produce units at a scale that matches the pent-up demand for housing affordable to households earning less than 80% MFI, and particularly for residents from 0-60% MFI. Incentives that create affordability in all new developments throughout the city will be an important policy tool to ensure this outcome. The Mixed Use Zones Project represents an opportunity to include low-income units in high-quality developments located in Portland's best neighborhoods. Requiring only 25% of the bonus area be dedicated to affordable housing, as provided for in the current draft, fails Portlanders by failing to align the incentive policy with the considerable size of our housing problem. In addition, given the demand for new housing in mixed-use areas, height and FAR bonuses will be extremely attractive to developers looking to maximize their investments. The City should therefore raise the public benefit requirement to better match the value of this increased development capacity. Increasing the requirement to 50% of the bonus area would strengthen this tool's ability to produce affordable housing at the level currently needed, and strike greater balance between benefit to the developer and to the public.	zoning concept or code			Public
Prioritize housing affordability over other public benefits. We are aware that you are hearing from advocates who wish to preserve incentives for green infrastructure such as bike racks and eco-roofs. By incentivizing these options in the past, the City has contributed to a shift in the market to offer these much needed amenities, and improve developers' return on investment. Green features are now recognized as a win-win for developers and residents, and their inclusion is increasingly the norm among new developments. Incentives work. The City must now take the same intention with housing, catalyzing the development of affordable units that will stand as valuable community assets in high-opportunity neighborhoods. In July 2015, City Council called for revisions to the Central City FAR bonus provisions, noting that "the current menu of [bonus options] may not produce adequate public benefits in exchange for the density bonus received, and the public benefit options do not reflect current City priorities." The Mixed Use Zones Project offers the same opportunity to realign incentive offerings with current needs. While housing should be prioritized, we support the inclusion of affordable commercial space as a secondary incentive to support community economic development, job creation, and stabilize culturally specific and historic neighborhood businesses.	zoning concept or code			Public
Allow developers to contribute to an affordable housing fund in lieu of providing units onsite. Inclusion of affordable housing may be infeasible under certain circumstances. To increase the likelihood that new developments will benefit the community, the incentive policy should allow developers to make a cash contribution to an affordable housing fund in lieu of building units. However, given the importance of providing affordable housing in mixed-use areas with access to amenities and services, the policy should be structured to make onsite units the most financially attractive option.	zoning concept or code			Public
We request priority be placed more firmly on the housing and commercial affordability bonuses. Many of the proposed green features are already industry standards and are incentivized through the current market. If the green features bonus spoke to improving indoor air quality and mitigating air toxics along busy corridors (such as along Powell Division bus rapid transit project), we could also support this provision. The affordable housing bonus is too little and is arriving too late to the scene. More courageous measures are needed. We need more benefits to the community. We request the bonus meet the needs of families at 60% of the median income, rather than the 80% currently proposed, to truly meet the needs of working-class families. You can and must require more from developers.	zoning concept or code			Public
Finally, as a neighborhood we are pushing for affordable housing. However, there is already the MULTE program, and my neighbors and I feel it would be preferable to fix this program than adding a brand new one impacting negatively the neighborhood due to its inappropriate building height.	zoning concept or code			Public
Strengthen the affordability requirement for the affordable housing bonus incentive. There is an urgent need to significantly increase the number of affordable units available to Portland residents. We must produce units at a scale that matches the pent-up demand for housing affordable to households earning less than 80% MFI, and particularly for residents from 0-60% MFI.	zoning concept or code			Public
Prioritize housing affordability over other public benefits. We are aware that you are hearing from advocates who wish to preserve incentives for green infrastructure such as bike racks and eco-roofs. By incentivizing these options in the past, the City successfully spurred the market to offer these much needed amenities. Green features are now recognized as a win-win for developers and residents, and their inclusion is increasingly the norm among new developments.	zoning concept or code			Public
Allow developers to contribute to an affordable housing fund in lieu of providing units onsite. Inclusion of affordable housing may be infeasible under certain circumstances. To increase the likelihood that new developments will benefit the community, the incentive policy should allow developers to make a cash contribution to an affordable housing fund in lieu of building units.	zoning concept or code			Public

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
There needs to be a specific incentive or even requirement for noise reduction since living in a commercial zone will provide new disruptions to residential quality of living.	zoning concept or code			Public
FAR Bonuses & High Performance Green Features: "High Performance Green Features" should not simply be an option associated with FAR 4 bonuses. They should be required for all Mixed Use Zones as part of the base landscaping and green infrastructure standards. Again, we advocate the City establish an ecoroof requirement for all new buildings with roof angles less than 20 degrees.	zoning concept or code			Public
Any bonus buildable floors incentives should be constructed <i>entirely</i> as affordable housing to generate the greatest community benefit from such additions.	zoning concept or code			Public
That any such incentive additions be "land trusted" for permanent affordability.	zoning concept or code			Public
Change the Multnomah Village (commercial district) mixed-use zoning designation to a Corridor instead of a Center and as a CM-1 zone.	zoning concept or code			Public
The 10' foot setbacks from the streets are unreasonable and unsafe to the public.	zoning concept or code			Public
Maximum building coverage, required landscape areas and required outdoor space should be eliminated in some areas within the MUZ designations. Plan policies for resiliency prohibit these requirements from being accommodated above the ground level except in Type I construction. Most MUZ designated developments will be Type III and Type V construction based on current OSSC height and area definitions. Balconies, roof gardens and upper level outdoor spaces are not sustainable in Type III and Type V construction.	zoning concept or code			Public
We are asking the city zoning & planning Council to review the 10 feet set back policy based on each individual site. Because we are in a high crime neighbor & right next door to a 7-11 store. Our empty vacant lot (alley) is attractive to loitering, homeless camping, illegal transaction(drug dealing, prostitution), stolen vehicles parked overnight, etc. Daily we find needles, condoms, trash, and homeless still sleeping over night on our east side vacant spot. Our vacant spot is right next to 7-Eleven, they are open 24 hours day. When we close after business hours, that vacant spot is a hang out for unwanted activity. If the city would allow us to put up a building, it would surely help cut down on these activities, be safer, and would make economic sense for the whole neighborhood.	zoning concept or code			Public
Moreover the new setback is pretty inadequate since it doesn't address our requests: the angle from the neighbor's backyard to the top of the new building is the same with CM3 as with EX.	zoning concept or code			Public
On Table 130-2, page 73 of the discussion draft: Under Minimum Building Setbacks - Street Lot Line across a local street from RF-R1 Zoned Lot (see 33.130.215 B and 33.130.216) I suggest that it should be noted as "none, 5 or 15 ft." for CM2, CM3, CX and CE. I was told by Barry Manning that in section 33.130.261 it states that "portions of buildings within 100 feet of a transit street" are not subject to the 5 or 15 foot setback, therefore the setback would be none under those conditions. So I believe that adding the option of "none" would make this clearer.	zoning concept or code			Public
On the same section I would suggest the setback be only for lots across the street from RF-R2.5 lots.	zoning concept or code	33.130.215 B and 33.130.216		Public
I do not see any specific mention of Title 11 and the importance of tree canopy preservation when development takes place. While that issue is still being defined I think it is important for all new code to note that it is an important new factor to consider when relying on form based code.	zoning concept or code			Public
Street Trees & Other Green Infrastructure in the Public Right-of-Way: Relying only on Title 11 street tree planting requirements is insufficient to ensure the planting and growth of large form trees in the public right-of-way. New design and investment is needed to create more space in the public right-of-way for the growth of large form trees. PBOT, Urban Forestry, and Bureau of Planning need to develop coordinated strategies for more fully integrating of trees and landscaping into the public right-of-way preferably as part of the Mixed Use Zones Project. The proposed zoning and development code changes require corresponding changes in the public right-of-way to accommodate large form street trees, wider green strips and green streets. Better coordination and planning for green infrastructure in the public right-of-way is particularly important to expand the urban forest for a variety of health, water quality, traffic calming, and place making benefits in mixed use zones and across the City. The City needs a multi-bureau planning effort focused specifically on preserving and growing large form trees in the public right-of-way with an important emphasis on Mixed Use Zones.	zoning concept or code			Public
Landscaped Areas & Green Infrastructure in MUZ Discussion Draft: Table 130-2 (page 73) details the landscape standards for all new mixed-use zones which requires between 0-15% of site coverage be landscaped. Do these landscaping requirements result in a next increase in landscaping within the zones from what is currently required? If not how does that square with the Comprehensive Plan goals and policies?	zoning concept or code			Public
I live in the Woodstock neighborhood three blocks north of SE Woodstock Boulevard. Several commercial blocks near where I live have the advantage (from a resident's point of view) of having a 10' "Buffer Zone" setback where the current C-zone is "across a local service street from R-zoned land." AND this required setback must be landscaped to the L3 standard. (Current code 33.410.040) The Discussion Draft of the Mixed Use Zone Project only requires a 5' setback where a residential use in a CM zone is across the street from an R-zone (proposed 33.130.216 D.1) and there is only a requirement that the first 5' be landscaped to the L2 standard. This seems to me to be a significant downgrade of the buffer zone requirements in place today. Residential zoning across the street from CM zoning in my neighborhood will almost certainly be R2.5, which has a front building setback requirement of 10'. According to 33.130.216 A in the DD of the Mixed Use Zone Project,"these regulations promote street frontages with landscaping and residential uses to provide a transition and cohesive street environment with similar street frontage characteristics on both sides of the street." Do they?	zoning concept or code			Public
Current designation of property is for CM1. Would like to be changed to CM2.	zoning map			Public
Would like to see the entire Fremont Avenue block (south side) from NE 47th to NE 48th Avenue develop uniformly. Currently, only 4730 NE Fremont Avenue is changing zoning. I believe the long-term development of the entire block would be more beneficial to the density goals set out by the Comp plan.	zoning map		Would like a rezone of his property.	Public
SE Powell near SE 88th Avenue Lots: R333403, R333404, R333405, R333406, R333407, R333478, R333489, R333703, R333767, R333769, R333770, R333772, R333773	zoning map		I need to have the rezoning to CM2 done immediately, or I will lose my present developer. If I cannot get a CM2 Zone immediately, then I will need the zoning to be CE in order to ever develop this property and return it to the economic base for the City.	Public

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
Please consider changing zoning for the Palms Motel area on Interstate Avenue from CM-3 to CM-2. We are overwhelmed here with the new 63 unit apartment building going up next to Overlook Park. Density may be what the city wants , but overcrowding is challenging the safety of the community.	zoning map			Public
Hi, I think this property should be rezoned as CM1. This would allow the construction on small scale residential, for instance on the back of the property, that would serve: 1) as a buffer between the commercial employment zone to the south and the residential neighborhood to the north 2) as a stimulus for the construction of additional housing stock in a close in location with good transit and other infrastructure 3) as a way of aligning with the comprehensive plan designation	zoning map			Public
We own vacant land within the proposed Zone Change 1119. Specifically, our State ID# 1S1E30DA 5900; which is located at the intersection of SW Barbur Blvd. and SW 47th Avenue (dedicated but unimproved). Our current zone is General Commercial (CG). The proposed Comp Plan designation is Mixed Use – Urban Center. The proposed new zoning is CM2. This area should be zoned to encourage more intense uses around the Transit Station and future HCT. Therefore, I would respectfully request you consider applying CM3 or CE to Zone Change 1119.	zoning map			Public
I appreciate the notice and I plan on attending one or more of the public meetings. In the meantime, I have been exploring information at the various websites you included in your notice (one of which states "file not found." www.portlandmaps.com/bps/mapapp). I still don't have an understanding of how the proposed changes might affect me- i.e., what are the implications for me, Barbara May at 345 NE Roth St, Portland, 97211. The notice states that the current plan designates me as urban commercial and the proposed plan designates me as mixed use-dispersed. What are the implications for how this may affect permissible uses of my property? Thank you for your reply.	zoning map			Public
Our office represents Tim O'Leary, owner of the Baker's Building located at 1403-1415 and 1421 SE Stark Street. The portion of the site located at 1421 SE Stark Street (the "Addition") contains a 1945 addition to the main building at 1403-1415 SE Street (the "Main Building"). Mr. O'Leary requests that the City Council change the Comprehensive Plan map designation for the Addition to Mixed Use-Urban Center to match the Comprehensive Plan map designation proposed for the Main Building. This change will allow current commercial uses to continue at the property and become conforming under the Zoning Code, and will avoid split-zoning the site and building. Both the Addition and the Main Building are currently zoned Medium Density Residential (R1) with a Comprehensive Plan map designation of Medium Density Multi-Dwelling. The Comprehensive Plan map designation for the Main Building is proposed to change to Mixed Use - Urban Center. The City's Mixed Use Zones Project proposes to rezone the property to Commercial Mixed Use 1 (CM1), a small-scale zone which is compatible with the Mixed Use-Urban Center designation. The Addition was mistakenly not included in Staff's original Comprehensive Plan map change the property. We request that the Addition also be re-designated to avoid splitting the property and the building into two conflicting zones.	zoning map			Public
Properties 4931-4947 N WILLIAMS AVE and a few other lots owned by the Strong family would like an upzone designation from CN1 to CN2.	zoning map		Nan Stark wants to upzone the property. Wanted to make sure Barry and Bill knew.	Public
One of the concepts behind the Mixed Use Zones Project is to foster economic development and to encourage development in the outlying areas of the city. Eight of our properties are located in outlying areas of Portland that are not likely to redevelop in the foreseeable future. Several of these sites currently allow drive thru windows associated with banks, pharmacies, and coffee shops. As proposed in the draft, drive thru uses will only be allowed in the CE zone. Five of the properties will lose this allowance with the new zone. The properties in the outlying areas should be rezoned to CE.	zoning map			Public
Eight properties have the potential to accommodate more density than is proposed. All these properties are located in areas where additional development could be accommodated.	zoning map			Public
This document serves as written testimony to request designation and zoning changes that will positively impact the Sellwood Community and support the City's goals as envisioned in the Recommended Comprehensive Plan. Our employee, Rodney Pfeifer, has been involved in the neighborhood for over a year, working with both the Sellwood – Moreland Improvement League (SMILE) and the Sellwood Westmoreland Business Alliance (SWBA). His involvement and interest in the community helps us understand and address neighborhood concerns, especially during this period of intense development in the area. On November 4th, Rodney and our architectural firm, OTAK, Inc., met with the SMILE Land Use Committee specifically to discuss the following proposed changes and also to foster a continued collaborative relationship with SMILE and the community. Most of the requests below fall within the SMILE area, however, #5 is in the Brooklyn Neighborhood. We plan to contact the Brooklyn neighborhood association and share our proposed changes in the near future.	zoning map			Public
Trees vs. developers. In the meeting, I did not here if trees will be protected in the spaces that the City is proposing to place these structures? Is that something that should be dealt with before slating out the developments? There are a lot of old trees in the NE & SE neighborhoods. If approved, the construction companies should be mandated to not remove trees, may be best to design a building to accommodate the green space with the trees. Proposed buildings did not address adequate green space for residential tenants.	zoning concept or code			Public
Who will be footing the bill to improve the sidewalks, streets, crosswalks in the proposed Mixed Use Zones? City of Portland has probably 35% of neighborhoods that still do not have paved or severely damaged roads.	zoning concept or code			Public
Concrete construction VS. T-11 or more affordable building materials. Why? Wish list. Concrete is so expensive. The neighborhood would not benefit. Save the money and use it towards greenways, landscaping and most of all PARKING,BUSINESS & JOB INCENTIVES. Everyone would benefit!	zoning concept or code			Public
No playground for children needs to be A priority.	zoning concept or code			Public

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
<p>The guidelines recommend that in pedestrian districts, a 15' sidewalk with an 8' through zone, and 7' for street trees, furnishings, and sidewalk seating. This requirement was based on experience in existing retail districts where sidewalk seating and other objects make it difficult to walk when the sidewalk is only 12'. Since that time, this requirement has been achieved through the PBOT permit review process with a 3' dedication often required to accommodate the 15' sidewalk width. While this has achieved better sidewalks in many cases, the way it is achieved is problematic: 1. Developer's often do not know about the requirement until deep in the permit process when they have already designed their buildings. 2. Since PBOT does not regulate private property, the sidewalk can only be widened through a street dedication that reduces the private property area. With densities controlled by FAR limits, this reduces the size of a possible building and is costly to the developer. 3. The rigid implementation of the 15' requirement does not lead to the type of variation and articulation of building facades now sought by the community. Therefore it would be better to achieve this goal through the zoning code and should be made a requirement in the main street overlay zones. The regulation could be something like the following: <i>If the property line is less than 15' from the curb face, then the ground floor of the building shall be set back on average 15' minus the distance to the curb face.</i></p>	zoning concept or code			Public
<p>Catherine expresses well the concern that we don't simply think that inner areas are urban and therefore there is no space for trees. Also, I haven't responded in detail as I was hoping to see proposed Title 11 regulations by now; having them follow does not imply that Title 11 is subordinate to T33 I presume. My two concerns are: 1 - that the eco-roof doesn't become the "go-to" bonus at the expense of trees. - I also want to drop blanket exemptions to the tree regulations by zone. If there is 75% or maybe even 85% maximum lot coverage, there should be space for trees.</p>	zoning concept or code			Public
<p>The draft proposes standards that can be adjusted such as exterior display, drive-through, and storage. The code zoning could be designed to identify standards to permit exterior display such as a ten foot lawn setback, ornamental fencing, and flower beds (this has been on several projects through the adjustment process). Clear standards are consistent with the City's Compatibility Guidelines and current policy.</p>	zoning concept or code			Public
<p>I am writing to request that light pollution be specifically addressed within the Mixed Use Zoning Code. Design and Development Goals and Policies (pages 13-15 of the Discussion Draft) lay out recommendations to prevent adverse impacts to human health and safety and to enhance the environment. A policy for light pollution preventive design is certainly warranted among these policies. If the City is truly committed to the goals identified in the Recommended Comprehensive Plan, a policy that specifically addresses compliance with the IDA Fixture Seal of Approval program is a step in the right direction.</p>	zoning concept or code			Public
<p>I do not see any mention of view corridors. They seem to me to be an effective way of making sure building height is not the only factor determining air and sun and privacy and other important aspects of living in any neighborhood.</p>	zoning concept or code			Public
<p>There need to be specific transition rules for currently residential buildings and uses in new commercial zones. How the transition takes place will create additional problems unless it is specifically addressed with some sort of process to follow to consider specific situations.</p>	zoning concept or code			Public
<p>Recreation areas should be closely defined by more than size per living unit. Recreation areas should provide incentives to develop open plazas, pocket parks, and other open space that encourage gathering places with recreational features and amenities for all ages.</p>	zoning concept or code			Public
<p>Remove City-Wide Tree Code Exemptions to Commercial Zones The "City-Wide" tree code exempted some zones until the Economic Opportunities Analysis until the City could determine land needs to meet Goal 9. We have never believed that purpose, intent and content Title 11 or the City's urban forest management goals (including the Canopy Targets) were in conflict with Goal 9 for employment land policies. Regardless, since the draft Economic Opportunities Analysis indicates a surplus supply land for commercial/mixed use zones across the city, it is time to remove Title 11 exemptions for trees in commercial zones.</p>	zoning concept or code			Public
<p>we have concerns about the general lack consideration for bird-friendly building design and responsible lighting in the MUZ Discussion Draft. In general the MUZ Discussion Draft makes very little mention of lighting at all (Only p.121 and p 309). We recommend adding language that requires that lighting minimize light trespass, glare and sky glow. The City of Portland's "Resource Guide for Bird-friendly Building Design" provides information and guidance for bird-safe lighting design that should be incorporated into the MUZ project. The following sections of the MUZ Discussion Draft potentially increase the risks of bird window strikes by establishing new window requirements within 40 feet of the ground level: 1. Rooftop Railings (p. 69): MUZ Discussion Draft reduces height exceptions for rooftop deck railings if 80% of the railing is open or clear glass (emphasis added). 2. Ground floor and Frontage Window Requirements (p. 110-115): MUZ Discussion Draft increases window coverage requirements from 25% to 40% on ground floor frontage and from 12.5% to 25% on second floor frontage. Discussion Draft requires that parking structures meet ground floor window coverage on at least one side. 3. Plaza/park master plan requirements (p.110): Building walls abutting the plaza/park must meet the ground floor window standard. 4. Street Lot Line Wall Area (p.131): Residential requirements that 15% of wall areas face street lot lines must be windows or entrance doors; using glass block does not comply 5. Transit Street Frontage Requirements (p.195): Lots with frontage on a street with transit require 60% window coverage instead of 40%.</p>	zoning concept or code			Public
<p>Parking, very important! One should not expect a class requirement to learn about car pooling, transit travel, etc. to exempt a building to not provide a minimum of 1 car space per residential tenant. If you are expecting retail businesses to operate and succeed, ease and adequate parking is a must. Your planning department needs to set back all proposed building so that there is plenty of parking access to building tenants.</p>	zoning concept or code			Public
<p>Many have expressed their dismay at the influx of traffic and difficulty in finding street parking. What worries me is that no one is looking seriously at the growing bottleneck in service and loading access to all of the new buildings. The code is very lax in this respect and seems to not be updated (or even considered for updating) in response to all the changes we have experienced. It seems illogical to me that developers face stricter limits for providing parking (at 30 units) than they do for providing loading space (40 units).</p>	zoning concept or code			Public
<p>Parking and traffic from mixed use zones must not be allowed to spill over into adjacent residential areas. If I wanted to live in San Francisco, I would move there.</p>	zoning concept or code			Public
<p>Multi-use zoning concerns – I am pleased that residential space will now be included in calculation of floor-area-ratios under the new proposal. I am hopeful that this change will help control the height and mass of buildings in the Woodstock Neighborhood Center. However, another critical need for increased density to work is sufficient accommodation for all modes of transportation, including automobiles. The City has in the past taken an approach that tries to reduce automobile traffic by making it more difficult for cars to move about the city, including failing to ensure adequate parking for both daily and overnight needs. This is a very short sighted and ultimately disastrous approach. Commercial parking regulations should not limit parking (by defining what is allowed) but rather require it at levels appropriate to the floor area being developed. On street parking is not adequate to serve either residential or commercial development and contributes to traffic congestion. Perhaps a more scientific approach to determining adequate parking provision is called for.</p>	zoning concept or code			Public

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
Parking in the commercial district is near or at capacity. It cannot accommodate more multifamily housing infill. Neighbors who live near the commercial district are fearful that their quiet streets will be overwhelmed with persons looking for parking spaces.	zoning concept or code			Public
The Planning Department should underwrite valid studies that would assess increased density impacts upon neighborhood traffic, parking, transportation and the physical environment.	zoning concept or code			Public
Large properties (four acres or more) exist throughout Portland and are located in industrial or residential areas. These properties are occupied by important low intensity commercial uses on large site with significant amounts of cultivated natural areas and/or plants and trees. These include golf courses; farms; nurseries; and sanctuaries. These commercial uses need to thrive as commercial uses due to their special and historic purpose. Over time, a large low intensity (and often very green use) may no longer be viable and the property would require conversion to another use. A "Special Area Plan District" could provide that mechanism. As all plan districts, the districts would allow the operation, improvement, and expansion within limits of intensity regardless of the underlying zone. If and when the property is redeveloped, then the special area plan district would require a land use process such as subdivision and/or master plan.	zoning concept or code			Public
Who is financing the "FAR" mandated public properties? Property owners with increase taxes? City of Portland has already gouged property owners by adding an additional sales tax on their gross sales. Most properties are financing Portland twice with this tax, which seems inequitable.	zoning concept or code			Public
We need more building façade step backs—for instance on the fourth floor along the front facing building façade. This reduces the scale impact from the street level, particularly along narrow corridors such as Division. It also preserves sunlight, especially for properties along the north side of the street—improving property values and uses. The building sides and rears also need additional step back. Recently constructed buildings are leaving entire sides blank and devoid of any windows. Units within these buildings are long and skinny, each having its only windows facing out the back of the building. For residential properties behind these buildings (like mine), it is as if we are facing a wall of glass. At night the building glows, spilling off light across the entire block that it looms over. Step backs along building sides would make it possible to include access to air and light on all four sides of the building so it need not be so heavily concentrated on the back side.	zoning concept or code			Public
Any buildings higher than 3 stories will increase density with the related problems noted above. Higher buildings also will affect the pedestrian sightlines of urban forest in the hills surrounding this commercial district.	zoning concept or code			Public
In the section 33.130.216 I am a little confused by the hierarchy of the listings. It seems to me that C. "Maximum Height" and D. "Setbacks" should be sub-groups of B. "Where these standards apply".	zoning concept or code			Public
I would like to suggest that the "Mixed Use- Dispersed" zoning code contain a provision to prevent the construction of large-scale commercial parking operations. Although it sounds like that would not be an issue for most locations with this zoning, the "dispersed" zones on Marquam Hill could legally be quickly converted into large parking structures to facilitate commuter parking, with major negative consequences to the adjacent residential neighborhoods. As the clear goal of this designation is to provide for development that <i>enhances</i> neighborhoods, it should explicitly state that commercial parking operations not affiliated directly with other business uses on that property be prohibited in this zone designation.	zoning concept or code			Public
Massing criteria needs to increase where appropriate. The proposed CE designation occurs in areas where 75FT to 150FT high buildings can be accommodated. FAR in some areas can increase to 5 to 1 without bonuses. Locations for the added height and area can occur where standard base zone transition requirements can be met. In areas where transition requirements can be met, more CM3 and less CM1 and CM2 designations need to occur than in the current plan.	zoning concept or code			Public
In Section 33.130.030 C. Commercial/Mixed Use 3 zone, please include a forestry expert on the Design Review Panel. Generally speaking, larger developments should be required to plant large canopy trees, and designs should be reviewed with great care so that its aesthetic character is balanced against the scientifically proven ecological benefits of large canopy trees of specific species.	zoning concept or code			Public
I am very much against changing any zoning codes without giving it a lot more thought to the people that have spent most of their lives paying not only for their one little place they can come home to and feel safe in. Now you want to take part or all of it away and share it with illegal aliens, Muslims, Drug dealers, and just plain Homeless and worthless all being paid for by raising our taxes. You people need to take in account for not only the cars they will be driving but for the ones they leave sit on the street. If there had been any forethought TriMet would have had to have high rise parking for the amount of cars that would impose a hardship for the residence of the neighborhood that you are trying to destroy. Please go back to your drawing and try consider all of the hardships you are putting on(most of us are senior citizens) us.	zoning concept or code			Public
I am opposing several points of the mixed use proposal for CM3: - CM3 in Boise neighborhood, with automatic bonus to 75-78' tall building. - Height Transition and Buffering to single family properties.	zoning concept or code			Public
Density need: Some of the wording in the document pushes the reader to think that we do need higher density due to population increase. However, the city studied the impact and published the results in the Growth Presentation (2012 & reused in city verbose since then); the findings showed that Portland has enough capacity to handle the growth for the next 20-25 years with the current zoning. That is, there is no need of a change pushing towards a higher density.	zoning concept or code			Public
Some neighborhoods, like Boise finds themselves in a undesirable situation with most of the EX areas abutting the backyard of single family properties, which is a rare situation in Portland. For years, the neighborhood has complained to the city about this issue. Now, you are increasing the height from 65' to a potential 75'-78' with the new CM3, and the bonus is automatic and doesn't depend on the specific situation; this is not an appropriate measure, especially in these scenarios.	zoning concept or code			Public
More neighborhood involvement: The planning department should schedule more meetings with neighborhood associations as well as general meetings in neighborhoods for input. This is a very complex process and a difficult one for the average citizen to understand. Extend the timeline for completing the comprehensive plan. Encourage more dialogue with local citizens.	zoning concept or code			Public
The planning department should explain and document the City's 2035 growth projection which forecasts approximately 260,000 more people will be living in Portland within 123,000 new households. This projection appears to be the key guiding factor for the 2035 Comprehensive Plan. The Planning Department has an obligation to clearly explain the factors and basis for these projections to Portland's current citizens. Growth of this scale may be unrealistic? Does it reflect the wish dreams of developers, home builders, allied politicians and corporate profiteers?	zoning concept or code			Public

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
At today's Comp Plan testimony, Chris Eykamp from the HAND neighborhood testified about the concerns his neighborhood had about rezoning isolated commercial buildings to a Mixed Use zone, usually CM-1, with a Land Use designation of Mixed Use-Dispersed. I agree Chris had some good points about the concerns about late night noise, early morning trash pickup, etc. But the experience in the Richmond neighborhood has been different. In 20 years of neighborhood board meetings, I have never heard any neighbors complaining about any adverse impacts of the 34th Ave. Market, at 3400 SE Clinton St., nor about the "Area 41" vintage store at 4039 SE Clinton St. I would agree that perhaps some limits like "no outdoor seating", or "no business hours past 11" could be added on, where these sites are completely surrounded by R-5 or R-2.5, but it is important for the viability of these businesses, their ability to get improvement loans, etc., to have zoning that reflects their use.	zoning concept or code			Public
To fulfill Portland's mantra of growing up and not out, our policy should allow greater density, not less density. Applying that principal to the historic resource program would mean increasing the maximum transfer distance to be greater than two miles so that the FAR is more likely to be ultimately utilized at another site. The proposed reduction in the maximum distance for density transfers from Historic Resources from two miles to one mile does not serve that goal. By reducing the usefulness of FAR on the secondary market, FAR would become less valuable, and fewer property owners would choose to take advantage of the program to preserve historic sites. One effective approach to both ensuring that Historic Resource density is fully utilized and reducing the complexities introduced by today's illiquid secondary market for Historic Resource FAR would be to permit owners of historic property to transfer that density to any other eligible property they own in Portland, without regard to the distance between the properties.	zoning concept or code			Public
If transit streets are to be used as a defining element for mixed use it is extremely important that a minimum service level be established in defining a transit street. Without adequate transit of some sort mixed use will simply generate more problems for those dependent on their cars for transportation to employment, services, and shopping.	zoning concept or code			Public
The nature of a commercial activity is probably the greatest factor in determining what rules make sense when operating amidst residences -- an establishment serving alcohol (and maybe in the future marijuana?) is much more likely to generate noise complaints (not just from outdoor seating, but from intoxicated patrons on the street) than is a vintage store, and so an earlier closing time might be warranted. A high-volume grocery store (like People's) has a much higher potential impact on residents than a smaller convenience store (like the 34th Ave. Market in Richmond). And there are some businesses that are simply incompatible with a residential location (a music venue, for example). The outcome is more important than the mechanism. The HAND Board has submitted testimony that it would support converting our non-conforming residential sites to commercial if (and only if) the zoning code were altered to acknowledge that these isolated commercial sites face unique issues, and offered neighbors protections equivalent to what is in the current non-conforming use rules.	zoning concept or code			Public
FAR bonuses should be limited to affordable housing/commercial. Having multiple options and levels of bonus as proposed, will replicate the muddle of competing priorities that Commissioner Saltzman is seeking to eliminate through his streamlined density bonus proposal for the Central City. In particular, including public plazas and green features will undercut the affordable housing/commercial components. Most developers would choose plaza and/or green features since they could actually increase the property value. The affordable housing options would rarely be used by developers if current proposal was enacted.	zoning concept or code			Public
The policy should require more affordable units at the maximum level of affordability possible. Ideally, the affordable housing bonuses should require that at least 10% of total units in the building are affordable to persons at 60% of AMI. As we read it, under the proposal you would get an extra floor if 25% of the units on that floor are affordable at 80%. In a 6-floor building with 12 units per floor, this means there would be only one floor with four affordable units, and a total of 68 that aren't affordable. This is insufficient. Inclusion of affordable units should be building-wide and should be at least 10% of total units.	zoning concept or code			Public
Add an in-lieu option. There should be circumstances where developers can opt out by paying an "in lieu" fee; such fees should go into an affordable housing fund to be used for affordable housing development for persons at 30% of AMI.	zoning concept or code			Public
Length of affordability should be a minimum of 30-50 years (ideally permanent), with some form of certification and oversight to ensure compliance. The draft is silent on length and oversight of affordability – these are important pieces that need to be included.	zoning concept or code			Public
In addition to these specific comments on the affordable housing bonus, an overarching concern is that thru this process, the City must extract the maximum value and public benefit when upzoning to mixed use. While we did not see data in the Discussion Draft quantifying the amount of land that would be upzoned, it's our assumption that this will be a significant shift, with a huge potential windfall for private developers. The City must extract maximum value on behalf of the community. By "public benefit" we mean specifically community benefit – not just infrastructure but affordable housing, community benefits agreements, and other investments that directly mitigate displacement and are focused on equity inclusion, particularly for low-income people and communities of color.	zoning concept or code			Public
FAR Bonuses (p. 81): BES supports the High Performance Green Features FAR Bonus and will continue to work with BPS staff to further develop the details and review process. As noted in our previous review, BES is willing to administer the ecoroof bonus, as we currently administer the bonus in the Central City and we also review them for compliance with the Stormwater Management Manual (SWMM). However, BES does not administer the landscaping requirements of Title 33 nor the tree requirements in Title 11 and we feel that BDS would be the appropriate bureau to administer the tree and landscaping bonus.	zoning concept or code			Tech Advisor - BES
Ground Floor Window Requirements (p. 115): BES supports the exception to the ground floor window requirement for vegetated green walls as they support Comprehensive Plan policies that call for integrating vegetation into the urban fabric to provide habitat and reduce urban heat island effect. While BES is currently researching the use of green walls in stormwater management, they are not an approved facility in our SWMM and we have no mechanism to review or approve them, as our bureau does not oversee any vegetation requirements on private property outside of the SWMM. So while we do support the concept, we cannot administer this element of the proposed code.	zoning concept or code			Tech Advisor - BES
BES supports the concept of simplifying maximum setback regulations to offer more flexibility for providing outdoor spaces and landscaping. (p. 88)	zoning concept or code			Tech Advisor - BES
While we understand the intent of 33.130.215.D Improvements within maximum building setbacks (p. 91), we wonder if it's possible to meet this requirement and also take advantage of the high performance green features landscaping bonus. Can BPS take a closer look at this to determine if the size of the site or building makes a difference? If so, is the ideal lot size for meeting the bonus a typical or unusual lot size?	zoning concept or code			Tech Advisor - BES
Residential Outdoor Areas (p. 109): BES recommends that additional language be added to 33.130.228.B.3 to clarify that the area of an ecoroof "improved with decking, pavers, or other surfaces" is not actually ecoroof and cannot be counted toward the ecoroof bonus or meeting SWMM requirements. We suggest rewording the section to say something to the effect of "pedestrian areas such as rooftop decks and patios can be integrated with ecoroofs but are not considered ecoroofs for the purposes of stormwater management or the ecoroof bonus".	zoning concept or code			Tech Advisor - BES

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
Large Site Master Plan: BES recommends adding a requirement for either high performance landscaping or ecoroofs to this bonus. Given the size of the size of the sites associated with this bonus, integrating vegetation will be important to achieve many of the policies in the Comp Plan.	zoning concept or code			Tech Advisor - BES
Large Site Master Plan: Similar to the current Title 33 Conditional Use Master Plan, BES recommends using an adequacy of services approval criterion to address both stormwater and sanitary availability, such as "Proposed sanitary and stormwater management systems for the master plan area are acceptable to the Bureau of Environmental Services".	zoning concept or code			Tech Advisor - BES
BES recommends the following policies be included in the list of Key Comprehensive Plan Goal and Policies supported by the MUZ project (beginning on p. 10): Policy 3.48 Green infrastructure in corridors. Enhance corridors with distinctive green infrastructure, including landscaped stormwater facilities, extensive tree plantings, and other landscaping that both provide environmental function and contribute to a quality pedestrian environment. 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 4.69 Low-impact development and best practices. Encourage use of low-impact development, habitat-friendly development, bird-friendly design, and green infrastructure. Policy 4.70 Impervious surfaces. Limit use of and strive to reduce impervious surfaces and associated impacts on hydrologic function, air and water quality, habitat connectivity, tree canopy, and urban heat island effects. Policy 4.71 Hazards to wildlife. Encourage building, lighting, site, and infrastructure design and practices that provide safe fish and wildlife passage, and reduce or mitigate hazards to birds, bats, and other wildlife. 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. Policy 7.6 Hydrology. Through plans and investments, improve or support efforts to improve watershed hydrology to achieve more natural flow and enhance conveyance and storage capacity in rivers, streams, floodplains, wetlands, and aquifers. Minimize impacts from development and associated impervious surfaces, especially in areas with poorly-infiltrating soils and limited public stormwater discharge points, and encourage restoration of degraded hydrologic functions. – SW Portland. 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. 7.11.c. Tree canopy. Support progress toward meeting City tree canopy targets. Policy 7.11.f. Resilient urban forest. Encourage planting of Pacific Northwest hardy and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.	zoning concept or code			Tech Advisor - BES
Main Street Overlay: BES recommends the zoning and Main Street Overlay on Foster take advantage of the large development parcels between 72nd and 82nd; expand the Heart of Foster not to 74th and the 82nd node to include one additional block to the west. (pp. 275 & 283)	zoning concept or code			Tech Advisor - BES
Main Street Overlay: A broader design overlay may be desirable in Multnomah because of concerns about building heights, especially given the slopes in the area. Multi-story buildings can overwhelm single family homes, especially when they're downslope of large-scale development. (p. 288)	zoning concept or code			Tech Advisor - BES
Affordable Housing Bonus: Applies to both rental and for sale housing. Oversight and regulatory process will be different for the two tenancies. "80% AMI" needs to be refined. This may be a fair qualifier in the inner ring neighborhoods, but 80% AMI in outer ring neighborhoods is generally above market. Some forethought about the types of units produced seems necessary. Does PHB have authority to approve the number of units, bedroom mix, accessibility mix, location in the building, etc?	zoning concept or code			Tech Advisor - other
Publicly accessible plaza: A good architect can design a public plaza that does double-duty as a public benefit and required outdoor space. Many architects will find this challenging, but closing the door to the potential synergy seems short-sighted.	zoning concept or code			Tech Advisor - other
As was discussed at the TAG one area of concern is feasibility of the bonus structure to achieve City goals. I know further testing is being coordinated to understand the potential impacts of the different incentives. One thing to highlight for that effort is in the CM3 zone, where the bonus height allows a 7 th floor. It's my understanding that under building code this would push the construction type from a wood over concrete podium (6 stories) to a full steel frame building. Since the full steel frame building is more expensive across the whole building, the slight gain in FAR may not actually be an incentive to developers. I look forward to more discussion and results from the bonus analysis.	zoning concept or code			Tech Advisor - other
Increased ground floor height: Great strategy #2.	zoning concept or code			Tech Advisor - other
33.130.230.F: The green wall exception is an issue for the Design Commission. I share concerns about longevity and maintenance voiced by Wark and Savinar.	zoning concept or code	33.130.230.F		Tech Advisor - other
Commercial space required at ground floor: Doesn't work well for affordable housing. A requirement for non-residential space is reasonable, but the construction of commercial lease space in affordable housing developments introduces the requirement for commercial wage rates for the entire structure. Commercial wages have a dramatic negative impact on the financial viability of a development project. Add to that the fact that the tax credit investor may place constraints on the commercial lease space that make it hard to let: no smokes, no lottery, no liquor, etc. The end result is often an empty ground floor.	zoning concept or code			Tech Advisor - other
33.130.230.E: A check in with RACC staff to verify the proposed revisions work well for them seems like a good idea.	zoning concept or code	33.130.230.E		Tech Advisor - other
33.860.040.A: Do the calculations work as intended? Assume 80,000sf site in CM3. Base FAR = 240,000sf. If bonus FAR = max of 160,000sf, affordable housing = 25% of bonus FAR, or 40,000sf. If bonus FAR = 80,000sf, affordable housing = 10% of total FAR, or 10% of 320,000sf, 32,000sf. The sf seems reasonable, but the net result is more than 25% of the bonus FAR is required to be affordable housing and the rationale isn't immediately clear.	zoning concept or code	33.860.040.A		Tech Advisor - other
We encourage BPS staff to review the Portland Main Street Design Handbook for inspiration on measures that may be adopted to ensure vibrancy and compatibility within our existing neighborhood commercial zones: http://www.pdc.us/Libraries/Document_Library/Main_Street_District_Design_Handbook_pdf.fish	zoning concept or code			Tech Advisor - other
The HLC is not in favor of limiting the TDR radius to 1 mile and requests that 2 miles be retained in the code. The one-mile distance is insufficient and will add an unnecessary barrier to the use of this preservation tool. Not only will the limited distance lessen the pool of sending and receiving sites that can partner for a FAR transfer, but the limit could result in dense areas of large new buildings near areas of smaller-scale historic resources.	zoning concept or code			Tech Advisor - other
The HLC would like to see more tools to incentivize the retention of vintage buildings that are little "h" historic. Can the TDR bonus apply to older buildings from a certain era? To ensure these properties retain their integrity, can we incentivize their protection with a no-cost or low-cost historic or conservation landmark designation that is done as part of the TDR process?	zoning concept or code			Tech Advisor - other
Building height & street width: This is a great strategy.	zoning concept or code			Tech Advisor - other
Roofline variety: Great strategy #3.	zoning concept or code			Tech Advisor - other

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
The HLC is very supportive of allowing three feet of additional height to promote ground-floor commercial spaces with high ceilings. Forty-five feet can result in undesirable building proportions when developers try to achieve four floors within this height limit. Having taller ground floor spaces is more consistent with the development patterns that shaped many of the neighborhoods and commercial nodes that will be affected by the Mixed Use Zones Project. For similar reasons, we also support allowances for limited height increases to encourage architectural variety at rooflines.	zoning concept or code			Tech Advisor - other
The HLC has concerns about corner setbacks. In theory, this can be a benefit to commercial districts. However, this sets up a challenging design hurdle for those corner facades. Such a change in the code may create prominent corners that do not have adequate design resolution when formal design review is also not required.	zoning concept or code			Tech Advisor - other
The HLC has concerns about the proposed changes to building articulation/massing. While we support the desire to help buildings relate to the scale and patterns of neighborhood commercial areas, we also need to respect the street wall. A twenty-foot gap in the street wall could be a very undesirable outcome, particularly if it starts occurring in our commercial nodes on a frequent basis. The continuity of the pedestrian landscape and strong, consistent retail presence is important to maintaining urban vibrancy. We ask BPS staff to think of other things developers can do to ameliorate a long façade, including changes in building materials.	zoning concept or code			Tech Advisor - other
Requested changes to Section 33.266.110.B.1: Publishing a map annually should not be a PBOT responsibility. PBOT neither operates the transit system nor implements Title 33.	zoning concept or code			Tech Advisor - PBOT
Requested changes to 33.266.110.E.7: Substitution of a <u>new City of Portland</u> bike sharing <u>facility station</u> for required parking. Substitution of a bike sharing <u>facility station</u> for required parking is allowed if all of the following are met: a. A <u>City of Portland</u> bike sharing station providing 15 docks and <u>eight ten</u> shared bicycles reduces the motor vehicle parking requirement by three spaces. The provision of each addition of four docks and two 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 <u>facility station</u> must be adjacent to, and visible from the street, and must be publicly accessible; c. The bike sharing <u>facility station</u> must be shown on the building plans; and d. Bike sharing agreement. (1) The property owner must have a bike sharing agreement with the <u>City of Portland's designated operator of the City's bike sharing company system</u> ; (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 Bureau of Transportation, must be submitted before the building permit is approved.	zoning concept or code			Tech Advisor - PBOT
Requested changes to 33.266.100.G: Please revise two instances of <u>Office</u> of Transportation to <u>Bureau</u> of Transportation.	zoning concept or code			Tech Advisor - PBOT
PHB recommends that affordable housing projects receiving direct city funding be exempted from the "commercial" requirement in the overlay districts. For these projects the ground floor requirement would be active uses as described in Section 33.130.201.D rather than commercial uses	zoning concept or code			Tech Advisor - PHB
There are many ways to obtain floor area in the MUZ that can be used alone or in tandem to gain floor area instead of using the affordable housing bonus. The cost to the developer of delivering these different public benefits, or the cost to the city to administer the benefit, are not yet known because the details around these various bonuses are not fully conceptualized. PHB encourages the additional economic modeling proposed by BPS and PDC to compare the relative cost to a developer to use these bonus/transfer provisions and we look forward to a role in that work.	zoning concept or code			Tech Advisor - PHB
Section 33.860 of the code will address the Large Site Master Plan. Through a Title III master plan process, certain sites can gain floor area and height by providing affordable housing, a plaza and energy efficient buildings. The affordable housing requirement is met by providing 10% of all bonus floor area affordable at 80% MFI when the overall floor area is not increased by more than 40% over that allowed. If the floor area increase is greater than 40% of the base zoning requirement, then 25% of any bonus floor area must be affordable at 80% MFI. It is not clear to PHB staff why the 25% requirement was dropped to 10% in some instances. PHB recommends keeping the 25% of bonus floor area regardless of the amount of floor area sought. The large site master plan process also presents some implementation issues that only affect the affordable housing public benefit. PHB encourages further consideration of this issue by BDS and BPS.	zoning concept or code			Tech Advisor - PHB
Section 33.130.212.C describes the affordable housing bonus. Except for some instances within a Master Site process, bonus floor area can be earned by providing 25% of the bonus floor area as housing affordable at 80% MFI. In response, PHB recommends eliminating the income level from the zoning code and allowing it to be set through administrative rules. Alternatively, set the income level at 60% MFI, unless market studies demonstrate to the satisfaction of PHB that housing at 80% MFI achieves an unmet need.	zoning concept or code			Tech Advisor - PHB
PHB continues to support any effort of BPS to give affordable housing an even greater priority in the bonus system by eliminating or making other bonus options more expensive for the developer to provide. For example, we support the combination of the "high performance green" and the "landscape plaza" bonuses into a single bonus.	zoning concept or code			Tech Advisor - PHB
Affordable Commercial Space Bonus: Floor area increased by 2 sq ft for each square foot of affordable commercial space up to maximum. Requires "long term" leasing agreement with PDC ensuring that space will be rented for 25% less than market rates. Requires covenant with PDC.	zoning concept or code			Tech Advisor - PHB
Publicly Accessible Plaza Bonus: Floor area may be increased by 5 sq ft for every square foot of plaza up to maximum. Plaza must be adjacent to street and open to public during the day and evening. Plaza must have minimum dimensions and minimum size is the lessor of 1000 sq ft or 15% of site area. Plaza cannot be used to meet minimum residential outdoor space requirements of the zone. Requires recorded easement with city.	zoning concept or code			Tech Advisor - PHB
High Performance Green Bonus: Entire bonus is earned if two conditions are met. Primary buildings on site must meet BPS low carbon requirements and either additional landscaping or an eco-roof is provided. Ecoroof must cover 60% of roof and meet BES standards. Landscape must include large trees and dense plant cover over 15% of site if no landscape is required, or 25% of site if 15% is the base requirement. Area must have minimum dimension of 20' x 20' and be at least 1000 sq ft.	zoning concept or code			Tech Advisor - PHB
Large Site Master Plan Bonus: Site must be at least two acres in size and must go through Type III review with public hearing(s). All buildings may be approved at one time, or individual buildings may be reviewed and approved over time. Substantial additional height and additional floor area can be approved for individual buildings. Except in the CE zone, the overall cap in increased floor area is limited to that shown on line 4 above but limits are calculated by site not by individual building. To be approved, three public benefits must be provided on the site: affordable housing, energy efficient buildings and a plaza/park. The affordable housing requirement is met by providing 10% of all bonus floor area affordable at 80% MFI when the overall floor area is not increased by more than 40% of that allowed. If the floor area increase is greater than 40% of the base zone, then 25% of any bonus floor area developed above the base allowance must be affordable housing at 80% MFI.	zoning concept or code			Tech Advisor - PHB

MUZ Discussion Draft Comments List

Comment	Comment Type	Code Section	Proposal (if any)	Commentor
<p>Historic Resource Transfer (33.130.205): Floor area may be transferred through a private transaction from a “sending” site to another site in a MUZ. The sending site must be within the same neighborhood or within one mile of the “receiving” site, and the sending site must have a building which is a historic or conservation landmark, or a contributing resource in a Historic District or Conservation District. Requires covenant with city.</p>	zoning covenant with city			Tech Advisor - PHB
<p>Under Section 33.266.410, all projects with more than 20 unit in the MUZs will be required to provide TDM plans. Wisely, PBOT proposes to supply “off the shelf” plans developers can select rather than require costly, individual plans under the TIR. The off-the-shelf plans will rely on landlord/owner measures to discourage automobile use such as supporting car share or bike share programs. Unfortunately, these programs require resident households to have access to credit. Many low income households (0 – 60% MFI) do not have access to credit and many do not have bank accounts. As a matter of equity, any TDM plans that are required of affordable housing developers should reflect the fact that standard measures cannot successfully be used in affordable housing projects. Or, preferably, affordable housing developments should be exempted from this requirement for residential units. PHB can supply a definition of project types that should be exempted if this concept is pursued.</p>	zoning concept or code			Tech Advisor - PHB
<p>Section 33.266 changes parking requirements making some parking required for residential units in MUZs with lower requirements for projects close to transit. The code than reduces the parking requirement by allowing exemptions for taking certain measures like car share spaces and bike share programs. Again, this puts affordable housing developments at a disadvantage because providing both car share spaces and bike sharing programs allows for significant reductions in the required parking. If car share/bike share were to be provided by affordable housing developers, these resources would benefit the general public but not most residents. While having a low household income does not guarantee that a household will be carless -- it does increase that probability. PHB suggests that the provision of low income housing should provide an exemption, from a portion, or all, of the parking requirement. PHB will provide a more detailed concept for this exemption if this is pursued.</p>	zoning concept or code			Tech Advisor - PHB
<p>Section 33.700.060 describes what is required by code for zoning related covenants including that the owner complies with all requirements and conditions of approval and if owner fails to perform, City may terminate occupancy of the site and seek all necessary injunctive relief to prevent occupancy while a violation exists. This section also requires approval of covenant by city attorney and proof of the recording by county prior to issuance of building permit.</p>	zoning concept or code			Tech Advisor - PHB