

Mass Shelters and Housing Zoning Code Update

Proposed Draft



Amendments affecting mass shelters, short-term housing and the design/historic review for affordable housing

August 2016



Bureau of Planning and Sustainability
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City of Portland, Oregon
Charlie Hales, Mayor • Susan Anderson, Director



Mass Shelters and Housing Zoning Code Update

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Cover Photos taken from Internet: Portland Radio Project image of Portland Rescue Mission, Koin New image of Human Solutions Opening, Portland Tribune Shelter Opening, Home Forward Hawthorne Building

**Planning and Sustainability Commission
Public Hearing**

**Tuesday September 13, 2016 at 12:30 p.m.*
1900 SW 4th Ave., Room 2500 (2nd Floor)**

The Planning & Sustainability Commission (PSC) will hold a public hearing to consider proposed changes to the City's Zoning Code affecting mass shelters, short term living and affordable housing.

**Please call 503-823-7700 a week before the hearing for the scheduled time on the agenda.*

How to provide testimony on these proposals:

Provide written testimony to the Planning and Sustainability Commission.

Written testimony can be provided to the PSC any time prior to their hearing on September 13th, or it can be distributed to them at the hearing (please provide 12 copies if distributed at the hearing). Testimony can be:

- Mailed to the Planning and Sustainability Commission at 1900 SW 4th Ave., #7100, Portland, OR 97201
- Emailed to psc@portlandoregon.gov. Please include the term "Accessory Structures" in the subject line
- Faxed to 503-823-7800

Testify in person at the Planning and Sustainability Commission hearing.

The PSC will provide an opportunity for the public to testify on the proposals at their September 13th hearing. For more information on how to provide testimony, you can check the PSC web page at <http://www.portlandoregon.gov/bps/article/383947>. Metered and pay parking is available in the vicinity. MAX, the Portland Streetcar and many buses serve the building. Call Tri-Met at 503-238-7433 or go to their website at <http://www.trimet.org> for routes and times.

Acknowledgements

Portland City Council

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Staff Recommendations

The Bureau of Planning and Sustainability recommends the following actions be taken by the Portland Planning and Sustainability Commission:

1. Recommend that City Council adopt an ordinance that:
 - Amends Title 33: Planning and Zoning as shown in this report; and
 - Adopts this report as further findings and legislative intent.
2. Direct staff to continue to refine the recommended code language as necessary.

I. Introduction

Project Summary

These code amendments are the result of the Portland City Council's direction to "simplify regulations, remove regulatory obstacles, and expedite processes for land use reviews and permits for affordable housing projects, mass shelters, and short-term housing (Resolution 37196, passed on March 9, 2016).

On this same date, City Council also approved an Ordinance (187616) to "allow City Subsidized Affordable Housing Projects to utilize a Type IIx land use review procedure" within the Central City and Gateway plan districts as opposed to the Type III review which requires a public hearing and pre application conference. The purpose of the ordinance was to provide a temporary time/cost relief for design/historic reviews of affordable housing projects with the intent that the follow-up project would provide potential permanent changes.

Both the ordinance and the resolution were part of the process instigated by the Council's vote on October 7, 2015 to declare a housing emergency in the City of Portland. This declaration gave the Council the ability to address homelessness and housing affordability on an interim basis while longer term solutions (including this) were explored.

These amendments were originally planned to be part of a Regulatory Improvement Code Amendment Package (RICAP 8), but have been split off from that project in order to bring the amendments forward to the Planning and Sustainability Commission and City Council at an earlier date.

The code amendments focus on four areas of the code: Chapter 33.285 which provide the use and development regulations for short-term housing and mass shelters, Chapter 33.815 which provides the approval criteria for Conditional Use reviews (which can apply to mass shelters and short-term housing), Chapters 33.825 and 33.846 which explain the design review and historic review process, and Chapter 33.920 which provide descriptions for various use categories including religious institutions.

Below is a table with brief summaries of the changes. Proposed code changes are listed in Section II.

| Zoning Code Chapter | Summary of changes |
|---------------------|---|
| 33.100s Base Zones | <ul style="list-style-type: none"> Under 33.120, amend use tables and notes for certain multi-dwelling zones to correlate with changes elsewhere in title (see 2nd bullet in next section) Under 33.140, amend use tables and notes for E zones to correlate with changes elsewhere in title (see last bullet in next section) |
| 33.239 Group Living | <ul style="list-style-type: none"> Clarify the density standards for Group Living facilities in EG zones. (this can affect how short-term housing is reviewed in EG zones) |

| | |
|---|---|
| <p>33.285 Short Term Housing and Mass Shelters</p> | <p><u>For Shelters allowed by right</u></p> <ul style="list-style-type: none"> • Amend Table 285-1 to increase the number of shelter beds allowed by right in specific zones (where they are already allowed). • Allow small mass shelters (up to 15 beds) in multi-dwelling zones if they are part of an existing institution (religious institution, school/college, etc). • Reduce the required spacing between shelters from 1300 feet to 600 feet (same distance as group living uses). • Remove any parking requirement for a mass shelter or short term housing that is part of an existing institution. <p><u>For Shelters/Short-term housing subject to Conditional Use Review</u></p> <ul style="list-style-type: none"> • If a mass shelter or short term housing is part of an Institution or is proposed in an existing structure, the review is a Type II review in some situations. • If the shelter is in an existing structure in a residential zone, it is subject to a different set of approval criteria (33.815.107), similar to short term housing. • Shelters in EG zone are proposed to be a conditional use rather than prohibited. |
| <p>33.720 Assignment of Review Bodies</p> | <ul style="list-style-type: none"> • Clarify code to indicate that the Design Commission and Landmarks Commission are the hearing bodies to hear appeals of the Type IIx staff decisions for affordable housing projects. |
| <p>33.815 Conditional Uses</p> | <ul style="list-style-type: none"> • Amend 33.815.107 to address both shelters and short term housing in existing structures in residential zones. Add criteria related to impacts on the surrounding residential area • Note that 33.815.105 is not changing but will not apply to as many CU reviews. This set of criteria can often trigger transportation studies |
| <p>33.825 Design Review</p> | <ul style="list-style-type: none"> • Provide an option for City Subsidy Affordable Housing projects to go through a Type IIx Design Review with a Design Advice Request rather than through a Type III Design Review with hearing and Pre-application conference |
| <p>33.846 Historic Resource Reviews</p> | <ul style="list-style-type: none"> • Provide an option for City Subsidy Affordable Housing projects to go through a Type IIx Historic Review with a Design Advice Request rather than through a Type III Historic Review with hearing and Pre-application conference |
| <p>33.920 Use Categories – Religious Institutions</p> | <ul style="list-style-type: none"> • Expand the number of transitional households that a religious institution can host from one to four and expand the time limit for a transitional household from 60 to 180 days. |

Background of Regulations

The city has historically regulated the spectrum of shelter options within the city, including single dwelling, multi dwelling, group living, transitional and other forms for housing. This has included lower income housing options such as rooming houses and shorter-term options including short term housing and mass shelters. However, these short term options were subject to additional scrutiny and review, partially due to the historical concentration of the short term options within the downtown core. These facilities were classified as Essential Service Providers (ESP), which were defined as uses which provide food and shelter for free or below market rates. Although the facilities were defined as “essential” they were not allowed outright anywhere within the city. The facility was required to go through an Essential Service Provider review, or was prohibited.

As a result of the Federal Fair Housing Act of 1988, the City amended the code definition of household, but also recognized the need to conduct a thorough review of the zoning code to ensure full compliance with this act. The resultant task force came up with a set of code and implementation strategies, which resulted in a series of regulatory changes in 1993 that first defined mass shelters and short term housing, and placed them within the more general Community Service use category. Both of these definitions recognized that the average tenancy could be less than a month, which distinguished these facilities from household or group living categories where tenancy was required to be for one month or more. The regulatory project created a two-track system that allowed a limited number of short-term housing and mass shelters to be sited by right without a land use review. Instead of a discretionary review, facilities were subject to a set of development standards. In the case of mass shelters, these standards included a separation requirement and a limitation on the number of beds depending on the zone. If the shelter couldn't meet these standards, they were required to go through the conditional use review process. These regulations have remained essentially unchanged since early 1994 when they were effective.

Since 1994, the composition and size of the city has changed. The increase in population has placed an added stress and demand on the city's available housing stock, pushing sales prices and rents to levels that are often beyond the means of many individuals. The populations of individuals without homes has also increased rapidly during this time. The characteristics of homelessness have also changed, as homelessness affects a wider range of individuals and families. Concurrently, there has been a reduction of government programs to provide safety nets for those most vulnerable, especially those with physical or mental issues. Although many non-profits, religious and other institutions have attempted to fill the gaps in trying to provide shelters, the cost of the required conditional use reviews, traffic studies and occupancy permits have discouraged several from moving forward with plans. (See the appendix for a brief paper on the perceived barriers of entry to providing temporary shelter.)

With these real and perceived barriers to gain approval for a permanent shelter or short-term housing facility, most recent facilities have been set up through the city's temporary activities chapter to provide emergency shelters during times of extreme weather. While this provides temporary shelter relief, it is not a long term solution to providing a place to sleep for all segments of the population.

City Council Resolution & Ordinance

Recognizing that the situation for temporary housing had become critical, the City Council passed two ordinances (187370 and 187371) in October 2015. The first ordinance provided the administrative authority for Council to identify a housing emergency, while the second ordinance declared the housing emergency and provided the Council powers to create emergency shelters, including temporarily waiving certain zoning code requirements for a period of one year. This provision (along with the temporary activities chapter) allowed the Council to work with partners to set up emergency shelters such as the one at the Sears site in Multnomah Village and the reuse of a vacant building downtown.

These ordinances were followed in March by an ordinance and a resolution to provide Bureau of Planning and Sustainability staff with direction. The Ordinance (#187616) adopted an alternative land use review process for affordable housing projects in the Central City or Gateway plan districts that must go through design review or historic review. Rather than going through a Type III process which requires a pre-application conference and a hearing in front of the design or landmarks commission, an affordable housing project meeting certain parameters would be allowed to go through a Type II staff review process. Instead of a pre-application conference, the project would need to go through an initial design advice request (DAR). While it was anticipated that this alternative could reduce the time and cost of the land use review, no projects have yet to go through this alternative process.

Parallel with ordinance #187616, the Council passed Resolution #37196 to direct BPS to develop a legislative proposal to “simplify regulations, remove regulatory obstacles and expedite process for land use reviews and permits for affordable housing projects, mass shelters and short-term housing”. The Zoning Code amendments which follow are an attempt to satisfy this resolution.

Public and Stakeholder Involvement

Stakeholders

The main stakeholders that will be affected by these code amendments include those who provide shelters and other forms of transitional housing, those in need of such housing, those who work directly with the homeless, affordable housing providers, and the residents and businesses who may have an interest or be impacted by these types of facilities. Other stakeholders include city staff and bureaus who are implementing new policies related to providing shelter.

Staff have met with various internal and external service providers whose role is to provide and/or promote various forms of transitional housing to determine potential issues and roadblocks. This includes staff with the Mayor’s office, the city and county housing agencies, non-profit providers and other organizations. Staff have also presented the code concepts with several neighborhood members at their monthly district coalition offices.

Stakeholder input

As the result of the growing population of homeless individuals and households and the Mayor’s Housing State of Emergency, there is a realization of the need for these types of facilities. Many people tasked with finding sites for shelters and short-term housing have

been supportive of changes that can bring regulatory relief and/or reduce the cost and time of review for proposals. Those citizen and business groups that have been contacted have expressed understanding for the need for some regulatory change, although they do value the opportunities for neighborhood involvement and oversight that the regulations provide. For many stakeholders, more concern has been expressed about the steps the city has taken to address homelessness through the declared housing emergency. A main issue regarding these steps is the limited amount of stakeholder and neighborhood input that has been gathered during the housing emergency before decisions for temporary housing have been made. This issue is a factor in the limited number of changes to the regulations proposed here, so that shelters in certain zones and/or above certain sizes will still need to go through the conditional use process to gain approval.

Opportunities for Further Involvement

Staff is releasing their Proposed Draft the week of August 8th in advance of the Planning and Sustainability Commission hearing on September 13th. Copies of this draft are available at BPS offices and online. BPS staff is holding an **Open House** at the First Baptist Church at 909 SW 11th Avenue from 5:00-7:00pm on Wednesday August 31st. Notice of the draft release, open house and hearing is being sent upon the release of this draft to those interested in the city's legislative projects and those who have requested notice of this project.

Planning and Sustainability Commission Hearing and Recommendation

The Planning and Sustainability Commission (PSC) is holding a public hearing on September 13th beginning at 12:30pm on the proposals in this report. The public notice for the hearing is being sent to members of the public who have expressed interest in the project as well as to all those interested in legislative projects, and is posted on the project website. After the hearing and discussion the PSC will make a recommendation which will be forwarded to the City Council.

City Council Public Hearing (November 2016)

Portland City Council will hold a public hearing on the Planning and Sustainability Commission's recommendations before making a final decision. The notice of this hearing will be mailed to those who testify at the PSC hearing, those who request notice, and posted on the bureau's website.

II. Amendments to the Zoning Code

How to read this section

The Amendments are arranged in the order they appear in the Zoning Code. As an example, any amendments to the base zones (33.100s) are shown before the regulations for additional uses (33.200s). The majority of the amendments are concentrated in the chapter affecting Short-Term Housing and Mass Shelters, Chapter 33.285, Amendments in other Chapters clarify the review bodies and approval criteria and processes for various reviews related to mass shelters, short-term housing and affordable housing. See the table below for the zones affected.

The amended code language is located on the odd-numbered pages. The facing (even-numbered) pages contain the commentary for the code amendments. The commentary includes descriptions of the issue and the legislative intent of the solution.

Commentary is in *Comic Sans Serif*
Code appears on the right page in Calibri font.

Added language is underlined

Deleted language is ~~striketrough~~

| Location of Change by Zoning Code Chapter | Page |
|---|------|
| 33.120 | 10 |
| 33.140 | 14 |
| 33.239 | 18 |
| 33.285 | 18 |
| 33.720 | 32 |
| 33.815 | 34 |
| 33.825 | 40 |
| 33.846 | 44 |
| 33.920 | 48 |

33.120 Multi-Dwelling Zones

33.120.100 Primary Uses

- B. Limited Uses.** Footnotes 5 and 6 provide specific notes for *Community Service Uses*. In both cases they refer to Chapter 33.285. These amendments, in conjunction with the changes under Table 120-1 clarify that Chapter 33.285 should be referred to when determining if the use is subject to a *Conditional Use* review, and is related to the changes made in 33.285 to allow smaller short-term housing and mass shelters within multi-dwelling zones in limited situations. See 33.285 for more information.

33.120 Multi-Dwelling Zones

120

Use Regulations

33.120.100 Primary Uses

- B. Limited uses.** Uses allowed in these zones subject to limitations are listed in Table 120-1 with an “L”. These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.

1-4. [No change.]

5. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a [5]. Short term housing and mass shelters are also regulated by ~~have additional regulations in~~ Chapter 33.285, Short Term Housing and Mass Shelters.

- a. Limited uses. Community Service and Schools uses are allowed in a multi-dwelling development if all of the Community Service and Schools uses are located on the ground floor. If any portion of a Community Service or Schools use is not on the ground floor of a multi-dwelling development, the Community Services and Schools uses are limited to 20 percent of the net building area;
- b. Conditional uses. If any portion of the Community Service and Schools uses is not on the ground floor of a multi-dwelling development and the uses exceed 20 percent of the total net building area, then a conditional use review is required.

6. Community Service in R3 through RH and IR. This regulation applies to all parts of Table 120-1 that have a [6]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters are regulated by ~~have additional regulations in~~ Chapter 33.285, Short Term Housing and Mass Shelters.

7-14. [No change.]

Table 120-1

Currently, this table indicates that all *Community Service Uses* are conditional uses in the R3-R1 and IR zones. Amendments being made within Chapter 33.285 will allow smaller short-term housing and mass shelters (up to 15 beds) in limited situations. As a result, the symbols within table 120-1 need to be amended to acknowledge this change.

Note, the areas of change are also shaded to aid in locating the changes.

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

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

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes: [No change.]

33.140 Employment and Industrial Zones

33.140.100 Primary Uses

- B. *Limited Uses.* Footnotes 9 and 10 provide specific notes for *Community Service Uses* in the EG and EX zones respectively. In both cases they refer to Chapter 33.285, but can create some confusion since a *CU* may sometimes be required depending on what is stated in 33.285. These amendments, in conjunction with the changes under Table 140-1 clarify that Chapter 33.285 is the chapter to use when determining if the use is allowed, subject to a *Conditional Use* review, or is prohibited, and the changes are consistent with changes made in 33.285 which include allowing larger mass shelters by right in EX zones and allowing mass shelters in EG zones through a conditional use review. See 33.285 for more information.

33.140 Employment and Industrial Zones

140

Use Regulations

33.140.100 Primary Uses

- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1-8. [No change.]

9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. Most Community Service uses are allowed by right. Short term housing and mass shelters are regulated by ~~may be allowed by right if it meets certain standards. See Chapter 33.285, Short Term Housing and Mass Shelters. Mass shelters are prohibited.~~

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. Most Community Service uses are allowed by right. Short term housing and mass shelters are regulated by ~~may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.~~

11-16. [No change.]

Commentary

Table 140-1

Currently, this table lists some Community Service Uses as "Limited" and others as "Limited" or "Conditional Uses". Amendments being made within Chapter 33.285 have affected how these uses are allowed by allowing some mass shelters through a Conditional Use process in EG. In addition, the symbol in EX is amended to indicate that there can be cases where a mass shelter is a Conditional Use.

Note, the areas of change are also shaded to aid in locating the changes.

**Table 140-1
Employment and Industrial Zone Primary Uses**

| Use Categories | EG1 | EG2 | EX | IG1 | IG2 | IH |
|--|-----------|-----------|-----------|-----------|-----------|-----------|
| Residential Categories | | | | | | |
| Household Living | CU | CU | Y | CU [1] | CU [1] | CU [1] |
| Group Living | CU | CU | L/CU [2] | N | N | N |
| Commercial Categories | | | | | | |
| Retail Sales And Service | L/CU [3] | L/CU [3] | Y | L/CU [4] | L/CU [5] | L/CU [6] |
| Office | L [3] | L [3] | Y | L/CU [4] | L/CU [5] | L/CU [6] |
| Quick Vehicle Servicing | Y | Y | N | Y | Y | Y |
| Vehicle Repair | Y | Y | Y | Y | Y | Y |
| Commercial Parking | CU [15] | CU [15] | CU [15] | CU [15] | CU [15] | CU [15] |
| Self-Service Storage | Y | Y | L [7] | Y | Y | Y |
| Commercial Outdoor Recreation | Y | Y | Y | CU | CU | CU |
| Major Event Entertainment | CU | CU | CU | CU | CU | CU |
| Industrial Categories | | | | | | |
| Manufacturing And Production | Y | Y | Y | Y | Y | Y |
| Warehouse And Freight Movement | Y | Y | Y | Y | Y | Y |
| Wholesale Sales | Y | Y | Y | Y | Y | Y |
| Industrial Service | Y | Y | Y | Y | Y | Y |
| Railroad Yards | N | N | N | Y | Y | Y |
| Waste-Related | N | N | N | L/CU [8] | L/CU [8] | L/CU [8] |
| Institutional Categories | | | | | | |
| Basic Utilities | Y/CU [12] | Y/CU [12] | Y/CU [12] | Y/CU [13] | Y/CU [13] | Y/CU [13] |
| Community Service | L/CU [9] | L/CU [9] | L/CU [10] | L/CU [11] | L/CU [11] | L/CU [11] |
| Parks And Open Areas | Y | Y | Y | Y | Y | Y |
| Schools | Y | Y | Y | N | N | N |
| Colleges | Y | Y | Y | N | N | N |
| Medical Centers | Y | Y | Y | N | N | N |
| Religious Institutions | Y | Y | Y | N | N | N |
| Daycare | Y | Y | Y | L/CU [11] | L/CU [11] | L/CU [11] |
| Other Categories | | | | | | |
| Agriculture | L [16] | L [16] | L [16] | L [16] | L [16] | L [16] |
| Aviation And Surface Passenger Terminals | CU | CU | CU | CU | CU | CU |
| Detention Facilities | CU | CU | CU | CU | CU | CU |
| Mining | N | N | N | CU | CU | CU |
| Radio Frequency Transmission Facilities | L/CU [14] | L/CU [14] | L/CU [14] | L/CU [14] | L/CU [14] | L/CU [14] |
| Rail Lines And Utility Corridors | Y | Y | Y | Y | Y | Y |

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

The use categories are described in Chapter 33.920.

Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.

Specific uses and developments may also be subject to regulations in the 200s series of chapters.

33.285 Short Term Housing and Mass Shelters

33.239.030 Residential Density

A. Resident Density

3. Density Standard. This standard was originally placed in the table to ensure that group living facilities do not exceed the number of residents that would normally reside in the number of allowed households. In zones that do not regulate the number of households, the number of residents was not limited outside of building code and FAR. However, this provision did not include EG zones where Group Living could be allowed through a Conditional Use review. This amendment clarifies that the table is intended to apply to all E zones.

This amendment is important to the short term housing code because the regulations refer proposals for short term housing to the density standards of the Group Living chapter. It was not clear what the lack of direction in the density reference implied. The amendment clarifies the intent from the original amendments from 1993.

Note, the area of change is also shaded to aid in locating the change.

33.239 Group Living**239****33.239.030 Development Standards**

The development standards of the base zone, overlay zone or plan district apply unless superseded by the standards below.

A. Resident Density.

1. Purpose. Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.
2. Description of residents. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.
3. Density standard. Group Living uses are limited to the following number of residents per square foot of site area:

| Zone | Number of Residents |
|-----------------------------|---|
| RF through R5 zones | 1.5 residents per 1,000 square feet |
| R3 and R2.5 zones | 2 residents per 1,000 square feet |
| R2 zone | 2.5 residents per 1,000 square feet |
| R1 zone | 3 residents per 1,000 square feet |
| RH, RX, IR, C, and EX zones | Not limited (must comply with the building or housing code, and the FAR of the base zone) |

B-D. [No change.]

33.285 Short Term Housing and Mass Shelters

The bulk of amendments affect the special zoning code chapter for Short Term Housing and Mass Shelters, Chapter 33.285. This chapter currently provides the additional regulations for these types of development, which are defined in the definitions chapter, 33.910.

Chapter 33.285 contains the use and development regulations. These regulations state the zones and size limitations under which Short Term Housing or Mass Shelters may be allowed by right, subject to a Conditional Use Review, or prohibited. City Council's Resolution #37196 directed the Bureau of Planning and Sustainability to develop amendments that "simplify regulations, remove regulatory obstacles, and expedite processes" for mass shelters and short term housing. As a result, the amendments proposed here provide additional opportunities for these facilities to locate by right, especially in commercial and EX zones. The amendments also lower the barrier to entry to use existing buildings and/or to provide these facilities with other institutions by reducing the level of review from a Type III to a Type II process. This reduces some cost and process times, while still allowing staff to review the project for impacts as part of a conditional use review.

33.285.040 Use Regulations

A. Short term housing.

1. R zones. Currently, the code requires all short term housing within R-zones to go through a Conditional Use Review, the only difference being that a short-term housing proposal in an existing house would be subject to a Type II staff review with fewer approval criteria, while all other situations would go through a Type III hearing and pre-application conference. This would apply regardless of the number of people that may be staying there.

In many respects, short term housing is similar to group housing except that the stays may be arranged for a period of less than one month. Within the multi-dwelling zones (R3-RX) and IR zones, group living for 7-15 residents is allowed by right. The amendments would allow short term housing for 7-15 occupants by right if the short term housing is on the site of an existing institutional use. The new language works with the standards of 33.285.050 to allow this. All other short term housing is subject to a conditional use review.

It should also be noted that a religious institution may elect to have up to four transitional housing units as an accessory use (see 33.920.470). However, this accessory use would only be allowed on a temporary basis for up to 180 days

See next commentary page for continuation of the explanation of the amendments for the Conditional Use Review options

33.285 Short Term Housing and Mass Shelters

285

Sections:

- 33.285.010 Purpose
- 33.285.020 Description
- 33.285.030 Where These Regulations Apply
- 33.285.040 Use Regulations
- 33.285.050 Standards

33.285.010 Purpose

This chapter provides regulations for Community Service uses that provide short term housing or mass shelter. These regulations recognize that it is in the public interest to provide short term housing and shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that short term housing and mass shelters have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.

33.285.020 Description

Short term housing and mass shelters are defined in Chapter 33.910, Definitions. Both are Community Service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings.

In zones where Retail Sales and Services uses are allowed, limited, or conditional uses, the applicant may choose to classify a short term housing facility as a hotel, which is included in the Retail Sales and Services category.

33.285.030 Where These Regulations Apply

The regulations of Sections 33.285.040 through 33.285.050 apply to short term housing and mass shelters in all zones, ~~except as specified in 33.285.040.B.1.~~

33.285.040 Use Regulations

A. Short term housing.

1. R zones. New sShort term housing, an expansion of net building area, or an increase in the number of occupants in existing short term housing in R zones is subject to the following regulations:
 - a. Allowed useExisting structures. Short term housing for up to 15 beds is an allowed use in the R3 – RX and IR zones if it is provided in an existing structure and meets the standards of 33.285.050. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years;

A. Short term housing.

1. R zones. (Contd)

Currently, a short term housing project provided in an existing structure goes through a Type II process with a staff decision. The approval criteria used is 33.815.107 which focuses on livability impacts to the surrounding neighborhood. All other reviews are currently a Type III review with a public hearing. The amendments do not change this existing process, so that any proposal to locate in an existing building that isn't expanding will go through the Type II process.

The amendments revise the type of Conditional Use Review required for the other situation, providing a lower level Type II review if the short term housing is part of an existing Institutional use (i.e. part of a church, school or other community service use). Since these uses are already Conditional Uses, the addition of short-term housing is an incremental increase, and often the short-term housing is incorporated into existing operations. The review will be at a staff level (without a required pre-application conference) with the appeal to the Hearings Officer. However, the approval criteria will remain 33.815.105 Institutional and Other Uses in R zones since these proposals include new or expanded buildings that should be considered for public services impacts and physical compatibility.

The remainder of proposals will continue to be subject to a Type III process.

2. C and E zones. This change makes the wording consistent among those staying in short term housing and mass shelters.

3-4. [No change.]

- b. Conditional use. If the short term housing does not meet Subparagraph A.1.a, it in a residential zone is a conditional use and is reviewed through the following procedures. The short term housing must also meet the standards of 33.285.050:
- (1) If the short term housing is provided in an existing structure, the conditional use is reviewed through a Type II procedure. Approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R Zones. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.
 - (2) ~~b. If the short term housing is in a n~~New or expanded structures
~~Short term housing provided in a structure that has been built or added net building area within the past 5 years that is on a site of an existing Institutional Use, the conditional use is~~is a conditional use, reviewed through a Type ~~II~~III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.
 - (3) All other short term housing proposals are reviewed through a Type III procedure.
- c. ~~Expansion or increase of existing facility. Expansion of net building area or increase in the number of residents in an existing short term housing facility is processed according to SubSection 33.815.040, Review Procedures for Conditional Uses. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.~~
2. C and E zones. Short term housing is allowed in C and E zones if it meets the standards in Section 33.285.050. Expansion of net building area or increase in the number of occupants~~residents~~ in an existing short term housing facility is allowed if it meets the standards in Section 33.285.050.
 3. OS and I zones. Short term housing is prohibited in OS and I zones.
 4. Exemption. Short term housing that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, and E zones if it meets the size limitations for Group Living uses.

B. Mass Shelters.

1. RF - R2.5 zones.

Currently, all mass shelters in RF through R1 and IR zones are Conditional Uses reviewed through a Type III process, requiring a pre-application conference and a hearing. These amendments provide some additional flexibility and make the process for mass shelters similar to those for short term housing in R zones.

Under the amended code, in the single dwelling zones, a mass shelter that is proposed within an existing building will be processed through a Type II Conditional Use Review and be subject to the approval criteria of 33.815.107, similar to the short term housing regulations. 33.815.107 is being amended to cover both types of facilities within existing buildings. The criteria focus on livability impacts and not on the public services, since the physical development would not be changing.

An additional option is provided in the case when an existing institutional use such as a religious institution, school, or community service use decides to provide a mass shelter through an expansion or construction of a building. Currently this would trigger a Type III review with a pre-application and a hearing. Under the amendment, the review would be a Type II review, although the approval criteria remain the same (33.815.105) as current. It should be noted that an institution that chose to provide the mass shelter within an existing building (i.e. without expanding or creating new development) would be subject to the process listed in the previous paragraph, which has its focus on livability issues and not on the impact on public infrastructure.

B. Mass shelters.

1. ~~RF through R2.5R1 and IR zones. New mass shelters, expansions of net building area and increases in the number of occupants in existing mass shelters in RF through R2.5R1 and IR zones are a conditional use and are reviewed through the following procedures. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.~~

a. If the mass shelter is provided in an existing structure, the conditional use is reviewed through a Type II procedure. Approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R Zones. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.

b. If the mass shelter is in a new or expanded structure that is on a site of an existing Institutional Use, the conditional use is reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.

c. All other mass shelters are reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R zones.

~~Expansion of net building area or increase in the number of residents in an existing mass shelter is processed according to Section 33.815.040, Review Procedures for Conditional Uses. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.~~

~~The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.~~

2. R3 through R1 and IR zones.

Currently, all mass shelters in RF through R1 and IR zones are Conditional Uses reviewed through a Type III process, requiring a pre-application conference and a hearing. These amendments provide some additional flexibility within the multi-dwelling zones, and make the process for mass shelters similar to those for short term housing in R zones.

Within multi-dwelling zones, group living uses for up to 15 residents is an allowed use. Since short term housing is often configured similarly to group living, with the main difference based upon the length of stay, the code for short term housing is being amended to so that short term housing matches the group living allowances. For consistency purposes, and to give interested institutions an opportunity to provide a small scale shelter to alleviate homelessness, the code is also amended to allow up to 15 people to stay at a mass shelter by right in the multi-dwelling zones (R3-R1 and IR zones) if the shelter is operated as part of an institutional use.

In all other situations in these zones, the shelter is a conditional use. However, the code is amended to allow a greater number of review options, similar to the single dwelling zones. If the shelter is within an existing building, it would be a Type II review, subject to the approval standards of 33.815.107. If it is in a new or expanded building that is part of an institution, then it would be a Type II review, and subject to the standards of 33.815.105. All other proposals would continue to be a Type III process with a pre-application conference and a hearing.

3. RH and RX zones.

The mass shelter triggers in these zones are being aligned to provide a similar flexibility as above. However, it should be noted that the RH and RX zones already allow some mass shelters by right. Also see the commentary under 33.285.050 for changes to the standards for shelters allowed by right.

2. R3 through R1 and IR zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in R3 through R1 and IR zones may choose to be an allowed use or a conditional use, as stated below.
- a. Allowed use. A mass shelter that meets the standards of Section 33.285.050 are allowed uses.
 - b. Conditional use. If the mass shelter does not meet the standards of 33.285.050, it is a conditional use as follows. The standards of Section 33.285.050 do not apply to a mass shelter reviewed as conditional uses.
 - (1) If the mass shelter is provided in an existing structure, the conditional use is reviewed through a Type II procedure. Approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R Zones. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.
 - (2) If the mass shelter is in a new or expanded structure that is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.
 - (3) All other mass shelters are reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R zones.
32. RH and RX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of ~~occupants~~ residents in an existing mass shelter in RH and RX zones may choose to be an allowed use or a conditional use, as stated below.
- a. Allowed use. Mass shelters that meet the standards of Section 33.285.050 are allowed uses.
 - b. Conditional use. ~~If the m~~Mass shelters does not meet the standards of 33.285.050, it is ~~may be processed~~ as a conditional use as follows, ~~reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.~~ The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
 - (1) If the mass shelter is provided in an existing structure, the conditional use is reviewed through a Type II procedure. Approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R Zones. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.
 - (2) If the mass shelter is in a new or expanded structure that is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.
 - (3) All other mass shelters are reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R zones.

4. C and EX zones.

The amendments within the C and EX zones provide a similar set of changes as above. Some shelters currently are allowed by right, and this provision remains, although some of the thresholds within 33.285.050 are changing. For mass shelters subject to a Conditional Use review, the amendment provides a greater number of review options. A shelters proposed within an existing building, or institutions that propose to add a mass shelter will be subject to a Type II procedure, while all other options will continue to require a Type III procedure. It should be noted that the Conditional Use approval criteria for shelters in the C and EX zones are a different set (33.815.140) due to the difference in potential impacts of a shelter on adjoining commercial and employment land.

5. EG zones

Currently, mass shelters are prohibited in EG zones. However, EG zones are often located in the transition areas between less accessible industrial zones and other commercial zones that can contain homeless and other community services. Buildings in EG zones are often a single level with an open floor plan which may lend themselves to providing shelter beds, but are generally not part of the city's industrial sanctuary. EG zones also allow a variety of other institutional uses that are prohibited in I zones

This amendment provides the opportunity to go through a Conditional Use review to provide a shelter in an EG zone. Similar to the C-zone, a Type II review process would occur if the shelter is proposed within an existing building or is part of an Institutional Use, and a Type III review in other cases. The proposal is subject to the approval criteria of 33.815.140, which are used to review the compatibility with the intent of the zone as well as the provision of public services.

6. OS and I zones

Mass shelters will continue to be prohibited in OS and I zones to protect the purpose and features of these zones.

- ~~43.~~ C and EX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants~~residents~~ in an existing mass shelter in C and EX zones may choose to be an allowed use or a conditional use, as stated below.
- a. Allowed use. Mass shelters that meet the standards of Section 33. 285.050 are allowed uses.
 - b. Conditional use. ~~If the m~~Mass shelters does not meet the standards of 33.285.050, it may be processed as a conditional use, as follows~~reviewed through a Type III procedure.~~ Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C and E Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
 - (1) If the mass shelter is provided within an existing structure, or on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.
 - (2) All other mass shelters are reviewed through a Type III procedure.
5. EG zones. Mass shelters in EG zones are a conditional use, reviewed through the following procedures. Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C and E zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
- a. If the mass shelter is provided within an existing structure, or on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.
 - b. All other mass shelters are reviewed through a Type III procedure.
- ~~64.~~ OS, ~~EG,~~ and I zones. Mass shelters in OS, ~~EG,~~ and I zones are prohibited.
- ~~75.~~ Exemption. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, and E zones if it meets the size limitations for Group Living uses.

33.285.050 Standards

A. Short term housing

The reference to adjustments in the base section is confusing, because Mass Shelters must either meet the standards or go through a Conditional Review. However, some short term housing can request an adjustment to one of the standards. This amendment moves the language related to adjustments to the short term housing subsection since that is the only situation where an adjustment can be requested.

6. Parking. Some providers have run into issues with having to meet parking requirements in addition to the other requirements. Often these facilities are incorporated into existing institutional uses, and any parking that may be required can be absorbed into the existing operations. This amendment removes the requirement to calculate parking separately for the short term housing if it is located on a site that already has an institutional use. The institutional use itself would still be subject to any conditions on parking that may have been required of a conditional use.

B. Mass shelters.

Table 285-1 contains the maximum number of shelter beds allowed by right within certain zones. These maximums have not changed in over 20 years, and may be too limiting, especially in conjunction with the separation requirements. Over time, both the total number of people experiencing homelessness and the subset of families experiencing homelessness has increased. The current limit on numbers of beds restricts the numbers of people that can be sheltered in one facility, and particularly restricts the number of family households that can be served in family shelters. These factors force more shelter partners into a conditional use review.

The amendments increase the number of shelter beds that are allowed by right in the specific zones and reduces the separation requirement between "by-right" shelters meeting the table. Even with the increase in the number of beds, the shelter size would be considered fairly small considering the minimum of 35 square feet per shelter bed requirement. As an example, a shelter in CX providing the maximum allowed 200 beds would have a minimum size of 7,000 square feet for the sleeping area, which could fit within the ground floor of a quarter block building downtown. Also, a 200-bed family-oriented facility would provide for approximately 50-60 families. The reduced separation requirement still provides a two to three block buffer between each facility, which will continue to limit a concentration of facilities without their going through a conditional use review.

33.285.050 Standards

Adjustments to the standards of this section are processed as stated in Chapter 33.805, Adjustments.

A. Short term housing. Adjustments to the standards of this subsection are processed as stated in Chapter 33.805, Adjustments.

1. Existing structures and additions to existing structures. Short term housing provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.
2. New structures. Short term housing provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.
3. Density. The density standards for Group Living in Section 33.239.030.A must be met.
4. Hours of operation. The facility must be open 24 hours a day.
5. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.
6. Parking. No parking is required if the short term housing is on a site of an existing Institutional Use. If parking is required, tThe parking space requirements for Group Living apply to short term housing. If one or two spaces are provided, the development standards of 33.266.120 must be met. If 3 or more spaces are provided, the development standards of 33.266.130 must be met.

B. Mass shelters.

1. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.
2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility and within ~~600~~¹³⁰⁰ feet of the facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

| Table 285-1 | |
|---|--------------------------------|
| Maximum Number of Shelter Beds for Mass Shelters | |
| Zone of Site | Maximum Number of Shelter Beds |
| EX, CX, and CG | 200 ¹⁰⁰ |
| CS, CM, and CO2 | 50 ²⁵ |
| CN1, CN2, and CO1 | 25 ¹⁵ |
| RX and RH | 50 ²⁵ |
| R3 - R1, IR [1] | <u>15</u> |

Notes:

[1] The mass shelter must be operated on the site of an existing Institutional Use.

B. Mass shelters. (contd)

8. Parking. Similar to short term housing, some providers have run into issues with having to meet parking requirements in addition to the other requirements. Often these facilities are incorporated into existing institutional uses, and any parking that may be required can be absorbed into the existing operations. People in need of daily shelter often don't have cars nor do they travel by car. This amendment removes the requirement to calculate parking separately for a mass shelter if it is located on the site that already has an institutional use. The institutional use itself would still be subject to any conditions on parking that may have been required of a conditional use.

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.
5. Supervision. On-site supervision must be provided at all times.
6. Toilets. At least one toilet must be provided for every 15 shelter beds.
7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.
8. Parking. No parking is required if the mass shelter is on a site of an existing Institutional Use. If parking is required, The parking space requirements for Community Service uses apply to mass shelters.

33.720 Assignment of Review Bodies

33.720.020 Quasi-Judicial Land Use Reviews

C. Design Commission

Currently, there are no Type IIX Design Reviews, so this is not a process that would involve the Design Commission. However, with the establishment of a Type IIX process for certain affordable housing projects, it is possible that this staff decision could be appealed. The current language would send the appeal to the Hearings Officer who is not the expert body on design or historic design issues. Since the IIX design review is similar to a Type II review, it should be assigned to the Design Commission on appeal.

D. Historic Landmarks Commission

Currently, there are no Type IIX Historic Resource Reviews, so this is not a process that would involve the Historic Landmarks Commission. However, with the establishment of a Type IIX process for certain affordable housing projects, it is possible that this staff decision could be appealed. The current language would send the appeal to the Hearings Officer who is not the expert body on design or historic design issues. Since the IIX historic resource review is similar to a Type II review, it should be assigned to the Landmarks Commission on appeal.

33.720 Assignment of Review Bodies

720

Sections:

- 33.720.010 Purpose
- 33.720.020 Quasi-Judicial Land Use Reviews
- 33.720.030 Legislative Land Use Reviews

33.720.010 Purpose

This chapter assigns a review body to all land use reviews. It also specifies the procedure when more than one review is requested simultaneously.

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

- A. [No change.]**
- B. Hearings Officer.** All appeals of land use reviews that were processed as a Type II or Type IIx procedure and all land use reviews subject to a Type III procedure, unless stated otherwise in Subsection C., or D., or E. below, are assigned to the Hearings Officer.
- C. Design Commission.** The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II or Type IIx procedure, are assigned to the Design Commission:
 1. Design review, except as provided for in Paragraph D.2 below;
 2. Adjustments in a Design zone, except historic districts and historic landmarks;
 3. Adjustments associated with a design review required by City Council outside of a Design zone;
 4. Reviews in the Central City plan district for height and FAR bonuses and transfers; and
 5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district.
- D. Historic Landmarks Commission.** Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, because they primarily involve use issues, historic preservation incentive reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II or Type IIx procedure, are assigned to the Historic Landmarks Commission.
 1. Landmark designations, and the removal of landmark designations; and
 2. Historic resource review of Historic and Conservation Landmarks and structures in Historic or Conservation Districts.

E-G. [No change.]

33.720.030 Legislative Land Use Reviews [No change.]

33.815 Conditional Uses

Table of Contents

These amendments are made to two sections of approval criteria for *Conditional Use* reviews to acknowledge that they also apply to mass shelters. See the commentary on the following pages for more information.

33.815 Conditional Uses

815

Sections:

General

- 33.815.010 Purpose
- 33.815.020 How to Use this Chapter
- 33.815.030 Automatic Conditional Use Status
- 33.815.040 Review Procedures
- 33.815.050 Loss of Conditional Use Status
- 33.815.060 Development Standards for Conditional Uses
- 33.815.070 Sites With Split Zoning
- 33.815.080 Approval Criteria in General

Approval Criteria

- 33.815.100 Uses in the Open Space Zone
- 33.815.105 Institutional and Other Uses in R Zones
- 33.815.107 Short Term Housing and Mass Shelters in R Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, CG, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District
- 33.815.121 Commercial Parking Facilities in the RX, CS, and CX Zones, in the Hollywood Plan District
- 33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District
- 33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones
- 33.815.132 Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District
- 33.815.140 Specified Mass Shelters, Short Term Housing and Group Living Uses in the C and EX Zones
- 33.815.200-315 [**no changes to remainder of table of contents**]

33.815.105 Institutional and Other Uses in R Zones

The approval criteria for this section are not changing. They are included here to provide understanding of the necessary criteria for certain mass shelters and short-term housing identified in 33.285.

Approval Criteria

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
 1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.
- B. Physical compatibility.**
 1. The proposal will preserve any City-designated scenic resources; and
 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.
- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
 1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy and safety issues.
- D. Public services.**
 1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
 2. The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.107 Short Term Housing and Mass Shelters in R Zones

These approval criteria were created to apply to short term housing proposed in an existing structure in the R-zones. There were two approval criteria that applied to these facilities; one addressed livability issues while the second was a specific standard that required short term housing providing a similar service to be 750 feet away from a similar facility.

The approval criteria for 33.815.105 have a more holistic criterion to address the concentration of facilities and how they may impact surrounding household living uses. This includes considering how the use will impact the residential nature of the area, taking into account the number and sizes of any other non-residential uses in the area and the size of the proposed use. These criteria address a greater set of issues than the separation standard currently in 33.815.107. Since 33.815.107 is being expanded to address both mass shelters and short term housing, the more holistic approval criteria of 33.815.105 regarding the proportion of household living uses is incorporated into these approval criteria instead of the minimum spacing requirement currently part of the criteria.

These criteria address livability and concentration issues in cases where the facility is placed within an existing building. Proposals that involve the expansion or construction of buildings would be reviewed against the criteria of 33.815.105 which would also consider the public service requirements of the new or expanded buildings.

33.815.140 Specified Mass Shelter and Group Living Uses in the C and E zones

These changes are made for two reasons. First, these criteria are the relevant approval criteria for mass shelters in the C and EX zones as directed by the code in 33.285. However, these criteria currently only recognize their application to certain group living uses. This amendment corrects this historic oversight. Second, the amendments within 33.285 have expanded the situations when a mass shelter may be allowed through a Conditional Use review to apply to EG zones. As a result, the amendment acknowledges that the approval criteria are to be applied to mass shelter reviews within the EG zones.

33.815.107 Short Term Housing and Mass Shelters in R Zones

These approval criteria apply to Community Service uses that provide short term housing and mass shelters in existing structures in R zones. For new and expanded facilities in R zones, the criteria of 33.815.105, Institutional and Other Uses in R zones apply. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
 1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.
- B. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
 1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy issues.
- ~~**B. Minimum spacing.** The service provided by the proposed use is different from others provided within 750 feet of the site.~~

33.815.140 Specified Mass Shelters and Group Living Uses in the C and EX Zones

These criteria apply to mass shelters in the C and E zones, or to Group Living uses that consist of alternative or post incarceration facilities in the C or EX zones.

- A. Physical compatibility. [No change]**
- B. Livability. [No change]**
- C. Public services. [No change]**
- D. Area plans. [No change]**

33.825 Design Review

33.825.025 Review Procedures

A. Procedures for design review.

Table 825-1

This amendment codifies the ruling that Council made with Ordinance 187616, creating an option to a Type III Design Review for proposals that contain affordable housing that is considered a City Subsidy project. The process to consider something as a City Subsidy project will be coordinated with the Portland Housing Bureau, and involves city funding from either the housing bureau, PDC or another city bureau. The project would need to dedicate at least 20% of available housing units to those earning 60% or less of median family income.

Currently, projects above certain values are required to go through a Type III Design Review process. This is mostly the case within the Central City and Gateway plan districts, as projects in many other design overlay zones only need to go through a Type II process.

The Type III process requires a pre-application conference prior to the submittal of the land use review. In addition, the review must go through a formal hearing in front of the Design Commission. The Design Commission's decision is final, although their decision can be appealed to the City Council. Although not required, many more complex Type III projects may also elect to go through a Design Advice Request (DAR) which is a preliminary discussion with the Design Commission prior to formally submitting for the land use review.

The amendment provides a footnote within Table 825-1 that identifies all Type III reviews within design districts and design overlay zones to a footnote that provides a second option for the design review of an affordable housing project. Under this footnote option, an applicant for a City Subsidy Affordable Housing project can elect to either follow the current Type III process or go through a Type IIX process with a preliminary DAR. The Type IIX process is a staff level review with the decision made at a staff level. As a staff level review, appeals would be assigned to the design commission. This is clarified under 33.720. The Type IIX review can reduce the review time by 10 days or more depending on the hearing schedule, and can save between \$4,000 to 20,000 in fees depending on the cost and size of the project.

It should be noted that the March ordinance only applied to design reviews within the Central City and Gateway plan districts. The code amendment expands the option to apply to reviews citywide. This is done to provide the option more equitably across the city while keeping the regulations as clear as possible. However, doing this expands the option to certain other districts such as Northwest, Terwilliger and some unidentified design zone areas.

33.825 Design Review

825

33.825.025 Review Procedures [No change to text]

A. Procedures for design review. [No change to text]

| Table 825-1 | | | |
|---|--|--|-------------|
| Procedure Type for Design Review Proposals | | | |
| Design Districts | Proposal | Threshold | Procedure |
| Downtown Design District | New floor area | > 1,000 s.f. | Type III[1] |
| | | ≤ 1,000 s.f. | Type II |
| | Exterior alteration | Value > \$437,750 | Type III[1] |
| | | Value ≤ \$437,750 | Type II |
| River District Design District | New floor area or Exterior alteration in CX or OS zone | >1,000 s.f. <u>and</u> value >\$437,750 | Type III[1] |
| | | ≤ 1,000 s.f. <u>or</u> value ≤ \$437,750 | Type II |
| Gateway Design District | Development proposals | Value >\$2,188,650 or included in a Gateway Master Plan Review | Type III[1] |
| | | Value ≤ \$2,188,650 and not part of Gateway Master Plan Review | Type II |
| Marquam Hill Design District | Development proposals | In design overlay zones | Type II |
| Sellwood-Moreland Design District | | | |
| Terwilliger Parkway Design District | Proposals that are visible from Terwilliger Boulevard | Non single-dwelling development | Type III[1] |
| | | Single-dwelling development | Type II |
| Central Eastside | Development proposals | Value >\$2,188,650 | Type III[1] |
| Goose Hollow | | | |
| Lloyd District | | | |
| Macadam | | Value ≤ \$2,188,650 | Type II |
| River District | | | |
| South Waterfront | | | |
| Community Plans | | | |
| Albina Community Plan area, including Lower Albina | Development proposals | In design overlay zones | Type II |
| Outer Southeast Community Plan area, excluding Gateway Design District | | | |
| Southwest Community Plan Area, excluding Macadam & Terwilliger Design Districts | | | |

A. Procedures for design review.

Table 825-1

See commentary from previous page.

| Table 825-1 Procedure Type for Design Review Proposals | | | |
|---|---------------------------------------|---|-------------------------|
| Plan Districts | Proposal | Threshold | Procedure |
| Central City Plan District, excluding Lower Albina | Development proposals | In design overlay zones and value >\$2,188,650 | Type III ^[1] |
| Northwest Plan District | | In design overlay zones and value ≤ \$2,188,650 | Type II |
| South Auditorium Plan District | | | |
| Albina Plan District | Development proposals | In design overlay zones | Type II |
| Hollywood Plan District | | | |
| North Interstate Plan District | | | |
| St. Johns Plan District | | | |
| Overlay Zones | | | |
| "a" Alternative Density overlay | Additional density in R3, R2, R1 zone | Using bonus density provisions in 33.405.050 | Type III |
| | Using other provisions in 33.405 | Not subject to 33.405.050 | Type II |
| "d" Design overlay | Development proposals | Not identified as Type Ix or Type II procedure elsewhere in this table and value >\$2,188,650 | Type III ^[1] |
| | | Not identified elsewhere in this table and value ≤ \$2,188,650 | Type II |
| "j" Main Street Node overlay | Development proposals | In design overlay zones | Type II |
| "m" Main Street Corridor overlay | | | |
| Base Zones [No changes proposed to remainder of table] | | | |

[1] An applicant for Design Review of an affordable housing project that qualifies as a City Subsidy Project under Title 30 may choose a Type III or a Type II review procedure. At least 20% of the total number of dwelling units must be affordable to those households earning no more than 60 percent of the area median family income (MFI). If a Type II process is chosen, the applicant must apply for a Design Advice Request prior to submitting for review. As part of the Type II application, the applicant must provide a letter from the Portland Housing Bureau confirming that the project qualifies as a City Subsidy Project that meets the above requirements.

33.846 Historic Resource Reviews

33.846.060 Historic Resource Review

B. Review procedure

1 [No change.]

2 For Historic Landmarks

Table 846-1

This amendment codifies the ruling that Council made with Ordinance 187616, creating an option to a Type III Historic Review for affordable housing projects identified as City Subsidy Projects that involve a Historic Landmark. Instead of the Type III review, a Type IIx review option will be allowed supplemented by a Design Advice Request held prior to the land use submittal. The Type IIx review can reduce the review time by 10 days or more depending on the hearing schedule, and can save between \$4,000 to 20,000 in fees depending on the cost and size of the project. For additional information, see the commentary for Chapter 33.825.

It should be noted that the ordinance only applied to reviews within the Central City and Gateway plan districts. The code amendment expands the option to apply to reviews citywide. This is done to provide the option more equitably across the city while keeping the regulations as clear as possible, since the table does not currently provide any geographic distinction.

33.846 Historic Resource Reviews

846

33.846.060 Historic Resource Review

B. Review procedure. Certain proposals specified in B.1 are subject to neighborhood contact requirements. Procedures for historic resource reviews are shown in Tables 846-1 through 846-4. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.

1. [No change.]
2. For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.140.B, the review procedure is determined by Table 846-1 below:

| Table 846-1 Procedure Types for proposals affecting Historic Landmarks | | | |
|---|-------------|------------------------------------|------------------|
| Proposal | Zone | Threshold | Procedure |
| Alterations of a landmark-designated interior public space | All | Project value > \$437,750 | Type III [1] |
| | | Project value ≤ \$437,750 | Type II |
| Mechanical equipment | All | Exterior | Type Ix |
| Awnings | All | New or replacement | Type Ix |
| Signs | C, E, I, RX | Sign area < 150 sq. ft. | Type Ix |
| Alteration to the exterior of a structure | C, E, I, RX | Affected facade area < 500 sq. ft. | Type Ix |
| Historic restoration | RF-RH | | Type I |
| Any other non-exempt exterior alteration or historic restoration proposal | All | Project value > \$437,750 | Type III [1] |
| | | Project value ≤ \$437,750 | Type II |

[1] An applicant for Historic Resource Review of an affordable housing project that qualifies as a City Subsidy Project under Title 30 may choose a Type III or a Type Ix review procedure. At least 20% of the total number of dwelling units must be affordable to those households earning no more than 60 percent of the area median family income (MFI). If a Type Ix process is chosen, the applicant must apply for a Design Advice Request prior to submitting for review. As part of the Type Ix application, the applicant must provide a letter from the Portland Housing Bureau confirming that the project qualifies as a City Subsidy Project that meets the above requirements.

B. Review procedure

1-3 [No change.]

4. For Historic Districts, . . .

Table 846-3

This amendment codifies the ruling that Council made with Ordinance 187616, creating an option to a Type III Historic Review for affordable housing projects identified as City Subsidy Projects that are within a Historic District. Instead of the Type III review, a Type IIx review option will be allowed supplemented by a Design Advice Request held prior to the land use submittal. The Type IIx review can reduce the review time by 10 days or more depending on the hearing schedule, and can save between \$4,000 to 20,000 in fees depending on the cost and size of the project. For additional information, see the commentary for Chapter 33.825.

It should be noted that the ordinance only applied to reviews within the Central City and Gateway plan districts. The code amendment expands the option to apply to reviews citywide. This is done to provide the option more equitably across the city while keeping the regulations as clear as possible, since the table does not currently provide any geographic distinction.

3. [No change to paragraph or to Table 846-2]
4. For Historic Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.320.B, the review procedure is determined by Table 846-3, below:

| Proposal | Zone | Threshold | Review Type |
|---|-------------|------------------------------------|-------------------------|
| New structure | All | Project value > \$437,750 | Type III ^[1] |
| | | Project value ≤ \$437,750 | Type II |
| New accessory structure | RF-RH | | Type I |
| Signs | C, E, I, RX | Sign area < 150 sq. ft. | Type Ix |
| Alteration to the exterior of a structure | C, E, I, RX | Affected facade area < 500 sq. ft. | Type Ix |
| Alteration to the exterior of a structure | RF-RH | Affected facade area < 150 sq. ft. | Type I |
| Historic restoration | RF-RH | | Type I |
| Any other non-exempt exterior alteration or historic restoration proposal | All | Project value > \$437,750 | Type III ^[1] |
| | | Project value ≤ \$437,750 | Type II |

[1] An applicant for Historic Resource Review of an affordable housing project that qualifies as a City Subsidy Project under Title 30 may choose a Type III or a Type Ix review procedure. At least 20% of the total number of dwelling units must be affordable to those households earning no more than 60 percent of the area median family income (MFI). If a Type Ix process is chosen, the applicant must apply for a Design Advice Request prior to submitting for review. As part of the Type Ix application, the applicant must provide a letter from the Portland Housing Bureau confirming that the project qualifies as a City Subsidy Project that meets the above requirements.

33.920 Description of Use Categories

33.920.470 Religious Institutions

B. Accessory Uses

Currently a religious institution may host one household (as defined in Chapter 33.910) within a transitional housing unit on a temporary basis for a period of up to 60 days. A transitional housing unit is one that does not necessarily meet the definition of a dwelling unit, i.e. it may lack separate eating, bathing and/or sleeping facilities. The intent was to allow the institution to host people in transition, including those who may have experienced temporary homelessness or refugee families needing temporary accommodation before they can find permanent housing.

With the tightening housing market, the current regulations have proven limiting in two ways. First, some institutions have had an interest in hosting more than one household. In addition, City Council previously approved a resolution in 2011 that allowed a religious institution to provide opportunities for car camping for up to four vehicles, without being subject to code compliance. However, the zoning code has never reflected this resolution. Second, these institutions have found it increasingly difficult to be able to find permanent housing for a household to transition to permanent housing within the 60 day timeframe. This limit has discouraged some institutions from accepting a household on a transitional basis.

This amendment makes two changes. First it expands the number of transitional households allowed accessory to a religious institution from one to four. In conjunction, it clarifies that the transitional unit does not have to be within a building (i.e. it could be within a vehicle, tiny house/structure, etc) but the institution needs to provide access to bathing/sanitary facilities. Second, the amendment extends the time frame out to 180 days, which matches the maximum number of days that the building code allows a temporary use to occur without requiring a change of occupancy.

33.920 Descriptions of the Use Categories

920

33.920.470 Religious Institutions

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. **Accessory uses.** Accessory uses include Sunday school facilities, food membership distribution, parking, caretaker's housing, up to four~~one~~ transitional housing units, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 180~~60~~ days. A transitional housing unit does not need to be within a building, but it does need to include access to sanitation facilities.
- C. **Examples.** Examples include churches, temples, synagogues, and mosques.

Appendix: Issue Paper on shelter operators, and barriers to entry.



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Background Report

Mass Shelter and Housing Zoning Code Update

OVERVIEW

To understand obstacles facing the siting of homeless shelters in Portland, staff reviewed current Zoning Code regulations and review processes, interviewed shelter providers, and consulted with planners in other cities. Informed by this research and case studies, staff offers suggestions for regulatory and process changes to better facilitate provision of shelter beds or short-term housing for houseless Portlanders.

Findings

Interviews with shelter providers revealed a number of barriers to providing shelters. These include regulations that:

- Restrict the number of allowable shelter beds without triggering a conditional use review
- Specify a minimum distance between shelters without triggering a conditional use review
- Impose high parking requirements (outside of areas served easily by transit)

In addition, staff identified a number of perceived process issues that pose barriers to shelter providers, including:

- Inefficiency and delay due to lack of coordination between City staff and bureaus
- Complicated, expensive, and time intensive permit process that might not be realized upfront
- Potential for neighborhood appeals of land use reviews in situations where provider feels that all approval criteria are met

Portland's Housing Emergency

Over the last five years, rents in Portland have increased on average 30%, concurrent with vacancy rates of 3%. It has become increasingly difficult to obtain rental housing, let alone locate affordable rentals. In the last year, average rents increased about \$100 a month.



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In 2015, 4,311 people were placed in emergency shelters. 1,887 people were unable to find housing at all even in emergency shelters. Of these, 33% were newly homeless. They had been living on the streets, parks, in cars, abandoned buildings, and other places not intended for human habitation. The increase in encampments of people sleeping in public spaces outdoors also is an example of this trend.

In 2015, 4,311 people were placed in emergency shelters. 1,887 people were unable to find housing at all even in emergency shelters. Of these, 33% were newly homeless. They had been living on the streets, parks, in cars, abandoned buildings, and other places not intended for human habitation. The increase in encampments of people sleeping in public spaces outdoors also is an example of this trend.

Due to these factors, and as a result of strong advocacy, the Portland City Council declared a Housing State of the Emergency on October 7, 2015. In doing this, City Council created an ordinance allowing the city more flexibility in dealing with temporary housing and emergency mass shelters, by temporarily waiving zoning code requirements. Council followed this up with a Resolution in March directing the Bureau of Planning and Sustainability “to simplify regulations, remove regulatory obstacles and expedite processes for land use reviews and permits for affordable housing projects, mass shelters and short-term housing” (Resolution 37196. Removing barriers to siting homeless shelters is one component of the City’s efforts to ease the current housing crisis. There is a great need to provide shelter to these homeless individuals.

GENERAL DESCRIPTION OF HOMELESS SHELTERS IN PORTLAND

Most of Portland’s homeless shelters are located in the Central City, with the largest concentration in and around the Old Town, Chinatown neighborhood. Many of these shelters and service providers have been in place for many years, serving the population of homeless individuals. The main shelters are run by larger non-profits, such as Transition Projects or faith based organizations, such as Salvation Army and Portland Rescue Mission. The size of their facilities vary, but most contain 50-200 beds. The length of stay at shelters varies, up to four months, depending on need, but is often negotiated on a short-term basis.

Many smaller shelters are scattered across town in neighborhoods and run on shoe string budgets by churches and community based groups. They typically serve a smaller concentration of individuals and often families, since the larger shelters do not serve families. These facilities house 10-30 people, depending on capacity and resources (as some overnight church shelters are staffed by volunteers). Additionally, shelters that provide services to people escaping domestic violence situations do not disclose their addresses due to safety concerns.

Regulatory Context

The Portland Zoning Code addresses shelters in the Short Term Housing and Mass Shelter chapter of the Portland Zoning Code (chapter 33.285). The terms “short term housing,” “mass shelters,” and “mass shelter beds” have differences generally related to the design of the sleeping areas (open or enclosed) as described below (from 33.910 of the Definitions section of the Portland Zoning Code). It should be noted that the main difference between short-term housing and group living is with the duration of the residence.

Definitions

- **Mass Shelter.** A structure that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, or bunks. Individual sleeping rooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, on a daily basis.
- **Mass Shelter Beds.** Accommodation provided in a mass shelter. The number of beds is determined by the maximum number of people who can be given overnight

accommodations at one time on the site. This varies according to zone and building size, per regulations.

- **Short Term Housing.** A structure that contains one or more individual sleeping rooms, and where tenancy of all rooms may be arranged for periods of less than one month. The short term housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide short term housing, with or without a fee. Examples include transitional housing, and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.

Requirements

Chapter 33.285 states the situations where mass shelters and short-term housing may be allowed by right, subject to a conditional use review (land use review) or are prohibited. To be allowed by right, a facility providing short-term housing must meet a set of criteria that include zoning limitations, density and parking requirements aligned with the city's Group Living regulations (due to their similarities). Otherwise the short-term housing may be subject to a land use review, or may be prohibited.

Mass shelters have a more limited set of situations where they may be allowed by right. These limitations include limited zones, limits on the size, required separation between facilities and potentially required parking. The table below indicates these limits. If these limits are not met, then the mass shelter is either subject to a conditional use review or prohibited (this is the case in OS, EG and I zones).

Table of maximum allowed mass shelters by right

| Zone | Maximum # Beds Allowed | Minimum Distance from between Shelters providing maximum number of beds | Parking Requirements |
|---------------|------------------------|---|---|
| RH/RX | 25 | 1300 SF | Yes, if not near transit |
| CO1/CN1, CN2 | 15 | 1300 SF | CO1/CN1 None, CN2 Yes if not near transit |
| CS/CM/CO2 | 25 | 1300 SF | CS/CM None CO2 Yes if not near transit |
| EX, CX and CG | 100 | 1300 SF | EX/CX None CG Yes if not near transit |

As illustrated above across the various zones, the maximum number of beds allowed varies from 15 to 100. The variety of requirements between the different zones requires a level of code knowledge that not all homeless service providers possess. The larger providers are generally more familiar with the code and also have more resources to hire consultants to assist through the development process. Smaller providers have asserted that the complexity of code requirements makes it difficult to understand what is and is not allowed without assistance navigating the code. However, these types of variations are common for a range of development standards within Portland's zoning code, and so are not specific to mass shelters.

Even if a shelter proposes the number of beds listed above, the minimum distance requirement of 1300 feet needs to be met from any other shelter in the area, or the proposed shelter will need to go through a conditional use review. Although not as much of an issue outside of the Central City, a number of providers have found this requirement to be onerous as closer siting of new facilities allows more collaboration and shared resources between shelters and other providers. An applicant would need to undergo a conditional use review to assess whether the request is approvable.

SHELTER CASE STUDIES IN PORTLAND

1. Community of Hope Shelter

The Community of Hope shelter houses women and children. It is a shelter run by a consortium of North Portland churches. The goal of the shelter is to serve 15 clients on average four to six months. Because their model can include both longer term shelter and shelter within individual rooms, their operations straddle the line between short-term housing and group living

In order to expand the shelter, Community of Hope had to apply for a conditional use review because they planned to increase their group living limit from 15 to 34 in the multi-family zone. Additionally, they had to request an adjustment to ease parking requirements, as typically, homeless individuals do not own automobiles. Due to the size of the shelter, only one staff is needed to support the families.

In addition to zoning code regulations, there were several other building code regulations that the organization found quite cumbersome and expensive. Although some of the requirements may make sense from a health and safety perspective, because of costs associated with additional permits and required building upgrades, the organization must now fundraise to expand planned services.

The Community of Hope staff provides one example that helps illustrate the limits that applicants must adhere to, which are often unknown to those not familiar with the land use and permit process. As part of the conditional use review, the Bureau of Transportation required that the shelter conduct a traffic study to demonstrate that the new use would not impact traffic in the neighborhood. The consultant contacted for the study was surprised that such a small use, asking for a reduction in the number of parking spots would trigger a traffic study. *It should be noted that the parking review can now be determined as part of the conditional use review process.*

The Home Builders Foundation (an arm of the Home Builders Association that helps build and renovate transitional housing) believes that city requirements can cripple smaller shelters. They cite that small non-profits or churches run a high percentage of regional shelters. These organizations do not have the staff, experience, or access to funds that larger organizations have. HBF thinks that many of these small agencies would not have initiated the process of siting a shelter had they known what the onerous process and associated costs entailed. Furthermore, they find that the lack of coordination between city bureaus to be inefficient and problematic. Between zoning and building code requirements, seven bureaus touch the process and have to review documentation. This has on occasion resulted in slowing down the process.

ISSUES ILLUSTRATED: decrease parking regulations; increase allowable number of beds; less expensive, and shorter city process- decrease city permits, decrease onerous city requirements, coordination between city bureaus

2. Transition Projects

Transition Projects (TPI) is the largest homeless shelter provider in the city. They operate five shelters and two permanent housing facilities, housing approximately 615 individuals nightly. The length of shelter stay varies across shelter, but people average three to four months continuously. As the housing crisis has worsened, the length of stay has increased. Staff have found that if they were to adhere to 30-day maximum stay requirements, then people would immediately return to the streets. Most of their buildings are in downtown or Old Town, but some are in the inner neighborhoods of NE and SE Portland.

TPI currently operates the Jerome Sears emergency shelter, a temporary mass shelter in SW Portland, with 167 beds. Because of the Emergency Housing Declaration, TPI did not have to go through the regular permitting process. This new shelter has made TPI question the limited number of beds allowed by-right in many zones. With the success of this shelter, being able to operate a 200 bed shelter now seems possible.

Transition Projects generally hires consultants to handle the permitting process for their facilities, as most are new buildings or new uses. Therefore, staff do not have deep working knowledge of all the issues that arise through that system. However, they do believe the city process is not as straight forward as it could be.

In 1998, the Clark Center opening in the Buckman neighborhood was highly contentious. Neighbors were concerned about how the center would impact the neighborhood. Two years after the opening, the Oregonian interviewed people who lived next to the shelter. The interview revealed that many neighbors were not even aware that a shelter existed in their neighborhood. TPI now signs Good Neighbor Agreements at all new shelter locations. However, no issues have yet come up.

ISSUES ILLUSTRATED: increase bed allowance, decrease spacing requirements

3. Do Good Multnomah

Do Good Multnomah operates the 13 bed shelter out of the First Congregational United Church of Christ in the South Park blocks downtown. This shelter serves homeless veterans, who on average, stay 20 days.

The non-profit is looking to expand their services, but would prefer to open a new location in close vicinity. Do Good Multnomah believes that to provide as 'humane' services as possible, the number of individuals sleeping together should remain small. They are confident that clients would not come to their shelter if it were much larger. Due to trauma related reasons, this factor might be more of an issue for homeless veterans than other homeless populations. Increasing the number of shelter beds and people staying in the shelter would eliminate the comfortable, family like feel. At the current location, they try to create a warm, living room like atmosphere, with dim, more intimate lighting. A major goal of the agency is to build a relationship with each resident and find ways to help them stabilize and obtain permanent housing.

Do Good Multnomah's experience with the permitting process was smooth. A Home for Everyone helped to facilitate a seamless start for the shelter. City and county staff also helped with the permit process. Due to the smaller size, the site was not required to go through a conditional use review, which reduced the land use review step. Conversely, the non-profit notes that they are aware of other churches that have tried to open shelters on their own. For whatever the reason, a number did not follow through. The agency believes that a straightforward, friendlier city process would help eliminate barriers to entry.

ISSUES ILLUSTRATED: streamline process, coordinate between city departments

Table of Case Study Zoning Requirements

| Homeless Shelter | Zoning | Number of Beds | Beds Allowed | Distance from other shelters | Distance Allowed | Parking Needed | Parking Required |
|----------------------|--------|----------------|--------------|------------------------------|------------------|----------------|----------------------------|
| Community of Hope | R2 | 34 (with CU*) | 15 | 3 miles/ 15,840' | 600' | 0 | 1 space/4 people or per CU |
| Transitions Projects | varies | 167 | varies | varies | varies | varies | varies |
| Do Good Multnomah | RX | 13 | 25 | 1.6 miles/8,448' | 1300' | 0 | 0 (by zone) |

* Required conditional use review for group living

SHELTER CASE STUDIES IN OTHER CITIES

We contacted three other cities (Minneapolis, Minnesota; Seattle, Washington; and Los Angeles, California) to examine how their zoning regulations address homeless shelters. Minneapolis was chosen as an example because it is often used as a case study when looking into homeless services. Seattle was chosen because it has a similar climate and population size. Los Angeles was chosen as a large city, with a sizeable homeless population.

1. Minneapolis

Minneapolis recently updated their code to better align with city policy. One reason for the change was to decouple the requirement that shelters be operated within faith based institutions. Due to the concern of declining church membership, some have been worried that if churches were to close, that would result in the loss of shelters. Non faith based institutions can now operate shelters. Regardless of zone, bed size and spacing distance are treated the same throughout the code. However, all new shelters must go through a conditional use review to limit the impact on the neighborhood; infrastructure constraints; general health, safety concerns; and other miscellaneous requirements. The maximum number of shelter beds is 150, outside of a special downtown overlay which allows 350 beds. Additionally, the distance requirement between shelters is 1000 feet and parking requirements are minimal.

2. Seattle

In Seattle, shelters are not explicitly mentioned in the zoning code. If shelters are operated within religious facilities, they are considered an accessory use. Otherwise, indoor shelters have been categorized under Community Centers and are allowed in most non-residential and multifamily zones. A conditional use is required for siting shelters in single family zones. Since community centers have no distance limitation requirements, outside of residential zones that require 600 foot separation, shelters have no spacing requirements. Again, as shelters are not mentioned in the code, there is no limitation on the number of beds that can be sited. In this case, building code standards for safety concerns must be adhered to. Community centers require one parking space per every 350 square feet, so shelters must comply with this requirement for parking.

3. Los Angeles

Los Angeles allows shelters in most of its multifamily and industrial zones. Depending on the zone, shelters cannot be closer than 300 or 600 feet from one another and do not technically require a conditional use review. However, some performance standards are required that limit potential 'livability' and transportation impacts on neighbors. Additionally, a maximum of 30 beds are allowed at each shelter. Parking varies from one space per 100 feet per floor, with a 10% to 25% reduction.

Table of Requirements in other Cities

| CITY | LOS ANGELES | MINNEAPOLIS | SEATTLE* |
|------------------------------|--|--------------------------|----------------|
| Population | 3,928,864 | 407,020 | 662,400 |
| Homeless population | 12,536 | 4,343 (Hennepin County) | 4,000 |
| Beds allowed | 30 | 150; overlay area at 350 | none |
| Distance from other shelters | 300' or 600' | 1000' | none |
| Parking required | 1 space/ 100', with 10% to 25% reduction | built into CUP | 1 space/350 SF |

| | | | |
|-------------------------|----------------------|------------------------|----------------------|
| Allowed Use | yes in certain zones | conditional use | yes in certain zones |
| Zones | most MF and I | Varies by shelter type | most non R and MF |
| Conditional Use Process | n/a | yes | n/a |

* Shelters not specifically called out in code. Fits into Community Center use well. If in faith based property, then exempt from most LU requirements

RECOMMENDATIONS

There are several process and regulatory improvements that could be made to assist providers and institutions in siting mass shelters and short-term housing. These improvements have been identified both through review of the existing codes as well as through discussions with providers as illustrated in the next section. Improvements include:

1. **Increase bureau coordination.** The review process can involve multiple bureaus. Development, transportation, environmental, water, fire, and police services must review most applications. All three service providers interviewed cited a larger systems coordination issue as being an impediment to siting shelters. This appears to have a more profound effect on smaller providers because they run on more discrete budgets and staff do not have familiarity with the city bureaus, their responsibilities and their approval requirements for a review of a land use review or building permit. Managing the process to ensure that reviews are timely and aligned with one another could shorten the review process and improve communication and coordination.
2. **Assist small providers through the permitting process.** Many of these providers would prefer a more streamlined permitting process that shortens associated time and costs through a more simplified review (see #1 above). However, since many of these processes are based on local, state and federal code requirements, an option would be to dedicate a person to coordinate these reviews through the permitting process. A familiar face acting like a 'concierge' service or point person could help applicants through the bureaucratic process.
3. **Increase the number of individuals who can be housed within a shelter.** While smaller shelters typically house two to three families, allowing them the flexibility to serve 5-10 more people would make shelter expansion less cumbersome and more attractive. Through the opening of the Sears Shelter, TPI learned that once you serve a high number of people, it gets easier to replicate. For the larger facilities, such as the Sears Shelter and the Human Solutions shelter in East Portland, providers find that once they grow beyond serving approximately 100-150 people, it becomes easier from an organizational perspective to continue to scale up. Additional costs do not increase very much when you have a higher number of shelter beds and could create more efficient systems. TPI stated that they would be happy to shelter up to 200 individuals. However, this needs to be balanced against the potential for increased neighborhood impacts of larger shelters. The conditional use approval process is the usual mechanism for reviewing larger institutional uses.
4. **Decrease the distance requirement between shelters.** Although a shelter like Do Good Multnomah prefers to serve a limited number of individuals, they would like to expand. Being able to site another shelter near their existing facility would make it more efficient for staff to operate additional shelters and share goods and resources. The current 1300 feet spacing requirement may be an inconvenient distance. The 600-foot distance

between group living uses has served the neighborhoods over time. Perhaps this could be employed for shelters.

5. **Relax parking requirements for shelter residents.** Although some homeless families have used their automobiles to sleep in, it is not common for homeless people to own cars. Neither Community of Hope or Do Good Multnomah have served participants with automobiles. TPI has also found that very few, if any of their clients have owned cars. For this reason, eliminating parking requirements or requiring it only for shelter staff may be an additional improvement to the permitting process.
6. **Change review type from Type III to Type II.** Providers have found the land use review process to be lengthy, costly, and confusing. When applicants have a lack of specialized knowledge and experience about this process, delays can result. As part of the general review process, applicants must meet set approval criteria. Requirements of the Type III review include a pre-application conference, posting of the proposed project by the applicant and a public hearing. In contrast, a Type II review requires public notification, but the decision is made at a staff level, with a potential hearing on appeal.

Allowing certain shelters that may have more limited impacts to go through the Type II process still provides an opportunity for neighbors to be informed about any new proposals for shelters, but reduces some overall timelines and costs. Allowing neighborhood notification is important to avoid surprises and to allow for relationship building and the creation of good neighbor agreements. However, having proposals go straight to public hearing can create a more adversarial relationship between the applicant and the neighborhood. Also, appeals of a Type III hearing are sent to the City Council who then must balance the political environment with their assessment of the approval criteria.

7. **Consider current transportation impact criteria.** Currently, many conditional uses must provide a detailed traffic analysis as part of their review, even if the proposal is being proposed in an existing building. Often these shelters are not generating much, if any, additional traffic. Consider whether an alternative threshold can be created for when a traffic study may be needed.



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