



Bureau of Planning and Sustainability
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MEMO

DATE: September 30, 2016

TO: City Council

FROM: Eric Engstrom, Bureau of Planning and Sustainability, Principal Planner

CC: Susan Anderson, Bureau of Planning and Sustainability, Director
Joe Zehnder, Bureau of Planning and Sustainability, Chief Planner

SUBJECT: 2035 Comprehensive Plan Early Implementation
Zoning Map Amendments, Zoning Code Amendments and Title 17 —
Recommended Draft Errata Sheet

INTRODUCTION

In August the Recommended Draft of the Comprehensive Plan Early Implementation Package was published for your consideration, along with several supporting documents. This package includes zoning map amendments, zoning code amendments, Transportation System Plan amendments and appendices, the Community Involvement Program and the Community Involvement Committee (CIC) letter. Also, included in this package are the staff reports for the mixed use zoning, employment zoning, campus institutional zoning, residential and open space zoning and miscellaneous zoning amendments.

Since initial publication of these documents, several minor errors or “errata” have been discovered that should be corrected before public hearings begin on October 6. These are instances where the Planning and Sustainability Commission direction was clear, but staff incorrectly implemented their direction in the September Recommended Plan document. This memo identifies errata within the zoning map, zoning code and Title 17.



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In addition, staff has identified a few code provisions that should be amended based on the Planning and Sustainability Commission’s (PSC) Recommended Draft to make the zoning code clearer and more internally consistent for development review. This includes the Purpose statement for Drive Through Facilities (33.130.260.A) and clarification about where Quick Vehicle Servicing uses are allowed, based on their relationship to drive through facilities (33.130.100). Staff anticipates testimony on topics that relate to these code amendments, and will present clarifying code amendments to City Council at a later time based on Council’s direction on this topic.

ZONING MAP ERRATA:

District	Neighborhood	Address	Taxlots(s)	Errata Description
East	Hazelwood, Mill Park, Powellhurst-Gilbert	Multiple	35BDTRA, R122724, R122725, R122728, R122729, R122730, R122731, R122732, R122733, R122734, R122741, R122742, R122743, R122745, R122746, R122747, R122750, R122751, R135199, R135200, R158290, R178122, R178124, R187190, R201982, R201983, R201984, R207787, R215025, R215180, R215200, R215201, R215202, R223870, R224842, R237234, R238712, R239617, R253204, R319722, R319868, R320033, R320104, R331923, R331924, R331925, R334011, R334252, R334310, R481263, R617740	Remove Design ‘d’ Overlay from new R5 zoned area within the David Douglas School District (DDSD).
East	Pleasant Valley	6251 SE 136TH AVE	R201411	Retain R2 zone as site is developed as a mobile home park.



District	Neighborhood	Address	Taxlots(s)	Errata Description
North	Bridgeton	716 NE MARINE DR	R314250	Remove Design 'd' Overlay from new OS zoned area.
North	Bridgeton	BES- NE MARINE DR	R314271	Remove Design 'd' Overlay from new OS zoned area.
North	Bridgeton	BES- NE BRIDGETON RD	R314339	Remove Design 'd' Overlay from new OS zoned area.
North	Bridgeton	BES- N MARINE DR	R314405	Remove Design 'd' Overlay from new OS zoned area.
North	Kenton	BES- 11415 N FORCE AVE	R314519	Remove Design 'd' Overlay from new OS zoned area.
North	Cathedral Park	BES- 8845 N DECATUR ST	R191876	Remove Design 'd' Overlay from new OS zoned area.
North	Cathedral Park	BES- DECATUR & N ALTA AVE	R191864	Remove Design 'd' Overlay from new OS zoned area.
North	Piedmont	309 NE HOLLAND ST	R209282	Remove Design 'd' Overlay from new R5 zoned area.
North	St. Johns	6840 N MARINE DR	R325198	Remove Prime Industrial 'I' Overlay from new OS zoned area.
Northeast	Boise	825 N COOK ST	R139435	Remove Design 'd' Overlay from new EG1 zoned area.
Northeast	Eliot	16 NE IVY ST, 18-20 NE IVY ST,	R308638, R308639	Remove Design 'd' Overlay from new R2 zoned area.
Northeast	Concordia	6700 NE 29th AVE	R279890, R279897	Remove Design 'd' Overlay from new R5 zoned area.



District	Neighborhood	Address	Taxlots(s)	Errata Description
Northeast	Eliot	426, 432 and 438 NE TILLAMOOK ST	R101798, R101799, R101800	Remove Design 'd' Overlay from new R2.5 zoned area.
Northeast	Eliot	431 NE COOK ST, 435 NE COOK ST, 439 NE COOK ST	R539663, R539664, R539665	Remove Design 'd' Overlay from new R2 zoned area.
Northeast	Eliot	66 NE SAN RAFAEL ST, 69 NE HANCOCK ST	R102323, R102321	Remove Design 'd' Overlay from new R2.5 zoned area.
Southeast	Brooklyn	3717 SE 17TH AVE, 4235 SE 17TH AVE	R162559, R117932	Retain Buffer 'b' Overlay from EG1 zoned area.
Southeast	Montavilla	7931 NE HALSEY ST, 7805 NE HALSEY ST, 7815-7817 NE HALSEY ST	R170398, R194029, R194028, R194026, R194033, R194031, R194032	Remove Design 'd' Overlay from new EG1 zoned area.
Southeast	Montavilla	8240 NE PACIFIC ST, 8250 NE PACIFIC ST, 8260 NE PACIFIC ST, 8304 NE PACIFIC ST, 8314 NE PACIFIC ST	R234026, R234027, R234028, R234029, R234030	Remove Design 'd' Overlay from new R5 zoned area.
Southeast	Montavilla	8815 N/ NE GLISAN ST	R319649, R319659	Remove Design 'd' Overlay from new R2 zoned area.
Southeast	Montavilla	530 NE 87TH AVE, 8805 NE GLISAN ST	R319439, R319520	Remove Design 'd' Overlay from new R2 zoned area.
Southeast	Sellwood-Moreland	2210 SE SHERRETT ST	R268003, R268000, R267999, R528132	Remove Design 'd' Overlay from new OS zoned area.
Southeast	Sellwood-Moreland	8265 SE MCLOUGHLIN BLVD	R262215	Remove Design 'd' Overlay from new CE zoned area.
Southeast	Sellwood-Moreland	8825 SE 11TH AVE, 926 W/ SE LINN ST	R268246, R662266	Remove Design 'd' Overlay from new EG1 zoned area.



District	Neighborhood	Address	Taxlots(s)	Errata Description
Southeast	Sellwood-Moreland	SPRINGWATER CORRIDOR	R528128, R528129	Remove Design 'd' Overlay from new OS zoned area.
Southeast	Sellwood-Moreland	8802 SE 14TH AVE, 8826 SE 14TH AVE, 8846 SE 15TH AVE	R268121, R268122, R268123, R268124, R268125, R268126, R268127, R268128, R268129, R268130, R268131, R268132, R268133, R268134, R268135, R268136, R268137, R268138, R268139	Remove Design 'd' Overlay from new EG2 zoned area.
Southeast	Hosford-Abernethy	2624 SE DIVISION ST, 2636 SE DIVISION ST	R150680, R150681	Add Design 'd' Overlay to new CM2 zoned area.
Southeast	Richmond	1524 SE 38TH AVE, 1534 SE 38TH AVE, 1604 SE 38TH AVE, 3829 SE MARKET ST, 1621-1627 SE CESAR E CHAVEZ BLVD, 1613 SE CESAR E CHAVEZ BLVD, 1605 SE CESAR E CHAVEZ BLVD, 1535 SE CESAR E CHAVEZ BLVD, 1523 SE CESAR E CHAVEZ BLVD, 1600-1604 SE CESAR E CHAVEZ BLVD	R229489, R229488, R229487, R229484, R229483, R229482, R229481, R229480, R229479, R326481	Add Design 'd' Overlay to new CM2 zoned area.
Southeast	Sunnyside	3905 SE MAIN ST, 3915 SE MAIN ST	R281214, R281215	Add Design 'd' Overlay to new CM1 zoned area.
West	Hillsdale	SW California ST & SW 26 th AVE	R330008	Remove Design 'd' Overlay from new OS zoned area.
West	Northwest District	NW Nicolai ST	R316379	Remove Design 'd' Overlay from newly EG2 zoned area.
West	Collins View	SW Terwilliger BLVD	R212362, R330717, R212389, R330695, R330696, R330680	Remove Design 'd' Overlay from newly R20 zoned area.



District	Neighborhood	Address	Taxlots(s)	Errata Description
West	Collins View	SW Terwilliger BLVD	R330717	Remove Design 'd' Overlay from new OS zoned area.
West	Multnomah Co. Unclaimed #11	SW RIVERSIDE DR	R330575, R330592	Remove Design 'd' Overlay from newly R20 zoned area.
West	South Portland	049 SW PORTER ST	R128823, R128823, R128802, R128798, R128819, R128793, R128820, R128799, R128800, R128801, R128809, R128810, R128811, R128827, R128825, R128808	Change CI1 Zone to CI2 Zone
West	Hayhurst	6426 SW BEAVERTON HILLSDALE HWY, 6406 SW BEAVERTON HILLSDALE HWY, 6332-6366 SW BEAVERTON HILLSDALE HWY, 6330 SW BEAVERTON HILLSDALE HWY, 6310-6316 SW BEAVERTON HILLSDALE HWY	R329077, R329224, R329098, R329225, R329260	Correct minor line map registration error.

ZONING CODE ERRATA:

- 1. Maximum FAR in the CR zone has a footnote in Table 130-2; footnote [1].** The text of the footnote should show up at the bottom of Table 130-2 but was inadvertently deleted as a result of formatting the Recommended Draft report. Add the following text on page 121:

Notes:

[1] On sites that do not have a Retail Sales And Service or Office use, maximum density for Household Living is 1 unit per 2,500 square feet of site area.

- 2. Add strike-through and underline to Table 140-1 on page 207.** The strikethrough and underline should indicate that Household Living and Group Living use are prohibited (N) in the EG1 and EG2 zones. Both uses are currently conditional uses (CU). The strike-through and underline was inadvertently lost during the formatting of the Recommended Draft report:



Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU <u>N</u>	CU <u>N</u>	Y	CU [1]	CU [1]	CU [1]
Group Living	CU <u>N</u>	CU <u>N</u>	L/CU [2]	N	N	N

3. **Fix a Section numbering error on page 215.** The Neighborhood Contact and Outreach section should be numbered 33.150.060 rather than 33.150.050:

33.150.060 Neighborhood Contact and Outreach

4. **Fix two technical errors in Table 150-2.**

Standard	CI1	CI2	IR
Maximum FAR [1] (see 33.150.205)	0.5 to 1	3 to 1	2 to 1
Maximum Height (see 33.150.210)	75 ft. [2].	150 ft. [2]	75 ft.
Minimum Building Setbacks [1] (see 33.150.215)			
- Lot line abutting or across the street from an OS, RF-R2.5 zoned lot	15 ft.	10 ft.	1 ft. for every 2 ft. of building height but not less than 10 ft.
- Lot line abutting or across the street from an R2-RX, IR zoned lot	10 ft.	10 ft.	
- Lot line abutting or across the street from a C, CI, E, or I zoned lot	0 ft.	0 ft.	
Maximum Building Setbacks Street Lot Line, Transit Street or Pedestrian District (See 33.150.215)	None	10 ft.	10 ft.
Maximum Building Coverage [1] (see 33.150.225)	50% of site area	85% of site area	70% of site area



Maximum Building Length [1] (see 33.150.235 and 33.150.255)	100 ft.	200 ft.	None
Minimum Landscaped Area (see 33.150.240)	25% of site area	15% of site area	20% of site area
Landscaping Abutting an R zoned lot (see 33.150.240.C)	10 ft. @ L3	5 ft. @ L3	10 ft. @L3
Landscaping across the street from an R zoned lot (see 33.150.240.C)	10 ft. @ L1	5 ft. @ L1	10 ft. @L1
Building Facade Articulation [1] (see 33.150.255)	No	Yes	No
Ground Floor Window Standards [1] (see 33.150.250)	No	Yes	Yes
Transit Street Main Entrance [1] (See 33.150.265)	No	Yes	No

Notes:

[1] For Colleges and Medical Centers, the entire CI zone is treated as one site regardless of ownership. In this case, FAR is calculated based on the total square footage of the parcels within the zone rather than for each individual parcel, and setbacks, building length, facade articulation, ground floor windows and transit street main entrance regulations are measured from, or only apply to, the perimeter of the zone.

[2] Heights reduced on sites that are across the street from, or adjacent to, certain zones. See 33.150.210.C.

5. **Amend 33.150.235.B on page 245 so that the maximum building length in the CI1 zone is 100 feet not 110 feet.** The commentary on page 244 states that the standard is intended to match a similar standard in the multi-dwelling zones. The standard in the multi-dwelling zones is 100 feet not 110 feet:

33.150.235 Building Length in the CI1 Zone

- A. Purpose.** The maximum building length standard, along with the height and setback standard, limits the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.
- B. Maximum building length.** In the CI1 Zone, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 100 feet. The portions



of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site.

6. **Delete map 150-3, Maximum Heights and Maximum Setbacks—Legacy Emanuel Hospital and Health Center.** Specific campus height and setback maps are provided where development entitlements included in an approved conditional use master plan or impact mitigation plan exceed development standards included in base campus zone. Map 150-3 pertaining to Legacy Emmanuel Hospital, initially included in the recommended code section incorrectly relied on an exhibit provided in conjunction with the Randall Children’s Tower approved development permit to document height and setback standards on the Legacy Emanuel Campus. Subsequent review of the approved impact mitigation plan and referenced design standards document that the proposed CI2 Zone standards are equal to or greater than provided for in the IMP. Therefore, no specific map is needed

7. **Renumber the Prime Industrial Overlay Zone chapter, and all references to it, to 33.471 from 33.475.** This will allow the new River Overlay Zones chapter that is proposed as part of the Central City 2035 plan to be numbered 33.475 and keep the overlay zone chapters in alphabetical order.

TITLE 17 ERRATA:

Amend Title 17 Amendments contained in Section 14 (Transportation and Parking Demand Management) on pages 3, 5 and 7 to replace the code number (17.107) and apply consistent formatting to the code language. Renumber any Title 33 references to this code.

~~17.106~~107 Transportation and Parking Demand Management

~~17.106~~107.010 Purpose

The purpose of this chapter is to describe the required elements of a Transportation and Parking Demand Management Plan, and the circumstances under which a pre-approved TDM plan may be submitted.

TDM plans provide residents, employees, and visitors with information and incentives to use transportation methods other than single occupancy vehicles in order to achieve the City’s transportation goals, including reduced reliance on single occupancy vehicles, reduced vehicle miles travelled. Requiring transportation and parking demand management (TDM) is intended to prevent, reduce, and mitigate the impacts of development on the transportation system,



neighborhood livability, safety, and the environment while reducing transportation system costs.

17.106107.020 Required Elements of a Transportation and Parking Demand Management Plan

A TDM Plan shall include, at a minimum, the following elements:

- A. Description of proposed development, including trip generation estimates and proposed auto and bicycle parking. The description may include development anticipated to occur for a period of up to 10 years;
- B. Description of existing land uses, traffic conditions, and multimodal facilities in the area within ¼ mile of the site, including (if applicable) any current employee mode split data from the most recent Employee Commute Options (ECO) report submitted to the Oregon Department of Environmental Quality;
- C. Performance Targets:
 - 1. Mode split goals shall be based on the performance targets from Objective 9.28.h in the Transportation System Plan;
 - 2. An ECO survey submitted in Subsection B shall serve as the baseline mode split, when available. If an ECO survey is not available, census data may be used, or the applicant may submit an independent survey from a professional traffic engineer;
 - 3. Interim performance targets may be determined as a straight line projection from the base year to 2035;
 - 4. Alternate performance targets may be proposed based on the following factors:
 - a. The relative availability of bicycle, transit, bike share, and car share infrastructure and services;
 - b. Current TDM strategies that have been implemented by the applicant;
 - c. Travel characteristics, including schedules, of employees, residents, and visitors;
 - d. Best practices and performance of comparable sites in Portland and comparable cities;
- D. If a site has a TDM Plan approved through a previous land use review, and the applicant is in compliance with the provisions of that Plan, then the TDM Plan may serve as the basis of any subsequent updates. The submittal for a TDM Plan update should include:
 - 1. Demonstration of compliance with neighborhood engagement obligations;
 - 2. Demonstration of compliance with mode split reporting obligations;
 - 3. Evaluation of mode split trends based relative to the performance target;
- E. Strategies likely to achieve the identified mode split and parking management performance targets;~~1.~~ Strategies may include but are not limited to:
 - ~~a.~~ 1. Supply, management, and pricing of on-site employee, resident, and student parking;



- ~~b.~~2. Dissemination of information about alternatives to single-occupant vehicle commuting;
 - ~~c.~~3. Identification of a site or campus TDM coordinator;
 - ~~d.~~4. Financial incentives offered to employees for carpool, car-sharing, transit, bicycling, and walking;
 - ~~e.~~5. For nonresidential uses, strategies to reduce total trips such as telework and/or compressed work week scheduling or on-site housing;
 - ~~f.~~6. For nonresidential uses, the availability of end-of-trip facilities, such as bicycle lockers, showers, and secured bicycle parking.
- F. For colleges and hospitals in the Campus Institutional Zone, a neighborhood engagement plan;
- G. Reporting as required by ~~Subsection~~Section 17.107.045, including any Performance Monitoring plans proposed by the applicant that exceed the ECO reporting requirements detailed in Section 17.107.045;
- H. Ongoing Participation and Adaptive Management plan, specifying what additional actions not detailed in ~~Subsection~~Section 17.107.020(D) may be utilized to achieve the 2035 performance targets specified in ~~Subsection~~Section 17.107.020(C).

~~17.106~~17.030 Transportation and Parking Demand Management Requirements and Procedures

- A. Requirement for Colleges and Medical Centers.** Title 33 requires College and Medical Center uses in the campus institutional zones to conform to an approved Transportation Impact review. The application requirements for the Transportation Impact review require the applicant to provide a Transportation and Parking Demand Management Plan that has all the elements required by this Chapter. Approval of the TDM plan is subject to the criteria described in Chapter 33.852.
- B. Requirement for Residential Uses.** Title 33 requires development in a commercial/mixed use zone that includes more than 10 new dwelling units to have a TDM Plan at the time of development permit issuance. Development subject to this requirement may utilize the pre-approved multimodal incentive described in section ~~17.106~~17.035, or develop a custom plan approved through Transportation Impact Review, as described in Chapter 33.852.



17.106107.035 Pre-Approved Multimodal Incentives for Residential and Mixed Use Development

As an alternative to preparing a custom TDM plan subject to Sections 17.106107.020 through 17.106107.030, and Chapter 33.852, mixed use and residential development may agree to provide a pre-approved multimodal incentive, including the following:

- A. Distribution of transportation options information approved or provided by the Portland Bureau of Transportation for the first ~~four (4)~~ years of building occupancy, offered to residents, employees, and visitors;
- B. Multimodal financial incentives equal to the value of a one-year ~~TriMet~~ TriMet pass per residential unit, for the first ~~one (1)~~ year of building occupancy. This obligation will pay for a menu of incentives that will be offered to residents of the site to increase the use of transit, bicycling, walking, and other alternatives to driving alone;
- C. Participation in an annual travel survey of residents and employees for the first four (4) years of building occupancy;
- D. Acknowledgment of the enforcement provisions in ~~Title Section 17.106107.050~~.

17.106107.045 Required Reporting

Employers on sites subject to an approved TDM Plan shall submit Employee Commute Options surveys to the Portland Bureau of Transportation a minimum of every ~~two (2)~~ years after initial approval. On residential properties subject to a pre-approved TDM Plan under Section 17.106107.035, the building owner or manager is required to actively participate in an annual City travel survey of residents and employees for the first ~~four (4)~~ years of building occupancy.

17.106107.050 Enforcement and Penalties

It shall be a violation of this Chapter for any entity or person to fail to comply with the requirements of this Chapter or to misrepresent any material fact in a document required to be prepared or disclosed by this Chapter. Any building owner, employer, tenant, property manager, or person who fails, omits, neglects, or refuses to comply with the provisions of this Chapter shall be subject to a civil penalty of up to \$1,000 for every 7 day period during which the violation continues. If an entity or person is fully implementing all other elements of this Chapter, failing to meet performance targets alone shall not be an enforcement violation. The Bureau of Transportation shall seek voluntary compliance for a period of at least 1 month before resorting to penalties.



17. ~~106~~107.060

Administrative Rule Authority

The Director of Transportation shall adopt administrative rules necessary to achieve the purpose of this Chapter.

17. ~~106~~107.070

Fees

The City may charge fees for Transportation and Parking Demand Management goods and services provided, including but not limited to application review, incentives and education, performance monitoring, adaptive management, and compliance and enforcement.

