



Bureau of Planning and Sustainability

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## MEMO

**DATE:** November 4, 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  
Minor/Technical Amendments

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### INTRODUCTION

On August 23<sup>rd</sup> the Planning and Sustainability Commission recommended measures to implement the new 2035 Comprehensive Plan. The recommendation included Zoning Map amendments, Zoning Code amendments, changes to the Transportation System Plan, changes to Major Public Trails map, and a new Community Involvement Program.

The purpose of this memo is to identify several additional staff-recommended minor zoning map and code changes. These are generally minor and technical in nature, including:

- Responses to BDS requests for additional code clarification;
- Correcting split zoning that came to our attention after the PSC recommendation;
- Addressing minor oversights or testimony prompted changes in mapping



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ZONING MAP AMENDMENTS:

These amendments can be viewed in context on the zoning map using the online Map App:

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=rz>

Amendment #2a: 4125-4149 NE 82<sup>nd</sup> Ave (R220307)

Related testimony (for or against): individual

Neighborhood: Roseway

Amendment: Change R2 to CM2 on portion of a split-zoned site.

Comprehensive Plan Map designation: Mixed Use - Civic Corridor

Amendment #2b: 517 NE Roth St and abutting parcels on NE 5<sup>th</sup> Ave

Related testimony (for or against): none, as this is BPS staff sponsored

Neighborhood: Bridgeton

Amendment: Apply Design "d" overlay. Previous map line error excluded area that should have been mixed use.

Comprehensive Plan Map designation: Mixed Use - Neighborhood

Amendment #2c: 5540 NE Sandy Blvd and 2537 NE 56<sup>th</sup> Ave (R259619, R259620)

Related testimony (for or against): property owner

Neighborhood: Rose City Park

Amendment: Change R1 to CM2

Comprehensive Plan Map designation: Mixed Use - Civic Corridor

Amendment #2d: 1208 SE Boise St, 4214 SE 12<sup>th</sup> Ave and 4207 SE Milwaukie Ave (R172011, R172010 and R172002)



Related testimony (for or against): business owner

Neighborhood: Brooklyn

Amendment: Realign CM1 and CE portions of the site to provide a transition between the CE zone and residential portions to the west of the property

Comprehensive Plan Map designation: Mixed Use - Neighborhood

Amendment #2e: 1126 and 1138 SE Reynolds St (R253932, R253931)

Related testimony (for or against): Brooklyn Action Corps (BAC)

Neighborhood: Brooklyn

Amendment: Change Recommended CE and retain existing R2.5 zone

Comprehensive Plan Map designation: Mixed Use - Neighborhood

Amendment #2f: 3353 SE 115<sup>th</sup> Ave (R215180)

Related testimony (for or against): property owner

Neighborhood: Powellhurst-Gilbert

Amendment: Retain R2 (don't change to R5), property has recently been developed at R2 density

Comprehensive Plan Map designation: Multi-Dwelling R,200

Amendment #2g: 04 and 018 SW Hamilton St (R247595, R247587)

Related testimony (for or against): property owners

Neighborhood: South Portland

Amendment: Change R2 to CM2

Comprehensive Plan Map designation: Mixed Use - Civic Corridor



Amendment #2h: 4606 SW Corbett Ave (R247555)

Related testimony (for or against): property owner

Neighborhood: South Portland

Amendment: Change R2 to CM2

Comprehensive Plan Map designation: Mixed Use - Civic Corridor

Amendment #2i: Multiple OS properties with the Alternative Design Density "a" overlay zone

Related testimony (for or against): none as this is BPS staff sponsored.

Amendment: Remove "a" overlay from recommended OS zoned properties

Neighborhoods: Multiple neighborhoods in SE and East Portland that were part of the Outer-Southeast Community Plan.

Comprehensive Plan Map designation: Open Space

#### DRAFT ZONING CODE AMENDMENTS:

*Changes to code are shown using either an underline/~~strikeout~~, or shading. Shading is used to highlight changes to new chapters which are not otherwise shown in underline in the recommended draft.*

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Amendment #2j: Amend 33.130.030.A (pg. 95) to clarify that the CR zone is intended to be applied in limited situations on local streets and neighborhood collectors in area that are predominately zoned single-dwelling residential rather than predominately residential in character:

#### **33.130.030 Characteristics of the Zones**

- A. Commercial Residential zone.** The Commercial Residential (CR) zone is a low-intensity zone for small and isolated sites in residential neighborhoods. The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately zoned single-dwelling residential. The zone encourages the provision of small scale retail and service uses for surrounding residential areas. Uses are restricted in size to promote a local

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orientation, and to limit adverse impacts on surrounding residential areas. Where commercial uses are not present, residential density is limited to provide compatibility with surrounding residential areas. Development is intended to be pedestrian-oriented and building height is intended to be compatible with the scale of surrounding residentially zoned areas.

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Amendment #2k: Improve the clarity of 33.130.100.B.3 (pg. 103) by deleting the words “in addition” from the third sentence.

### 33.130.100 Primary Uses

- A. **Allowed uses.** [No change]
- B. **Limited uses.** Uses allowed that are subject to limitations are listed in Table 130-1 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 130-1.
  - 1. Group Living. [No change to Recommended Draft]
  - 2. Commercial limitations. [No change to Recommended Draft]
  - 3. Industrial use and size limitations. These regulations apply to all parts of Table 130-1 that have a [3]. Utility Scale Energy Production and Industrial Service are conditional uses. All industrial uses are limited in size as follows. Amounts in excess of the limits are prohibited:
    - a. In the CM1 zone, each individual Industrial use is limited to 5,000 square feet of net building area;
    - b. In the CM2 and CX zones, each individual Industrial use is limited to 15,000 square feet of net building area;
    - c. In the CM3 zone, Industrial uses are limited to a total FAR of 1 to 1 per site; and
    - d. In the CE zone, each individual Industrial use is limited to 40,000 square feet of net building area.

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Amendments #2l: Amend 33.130.215.B.3 (page 137) to allow balconies to fully extend into the street setback in the commercial/mixed use zones:

### 33.130.215 Setbacks

- A. [No change]
- B. **Minimum building setbacks.** Minimum required building setbacks are listed below and summarized in Table 130-2. Unless otherwise specified in this section, the minimum required



setbacks apply to all buildings and structures on a site. Setbacks for exterior development are stated in 33.130.245, and setbacks for parking areas are stated in Chapter 33.266, Parking, Loading and Transportation and Parking Demand Management.

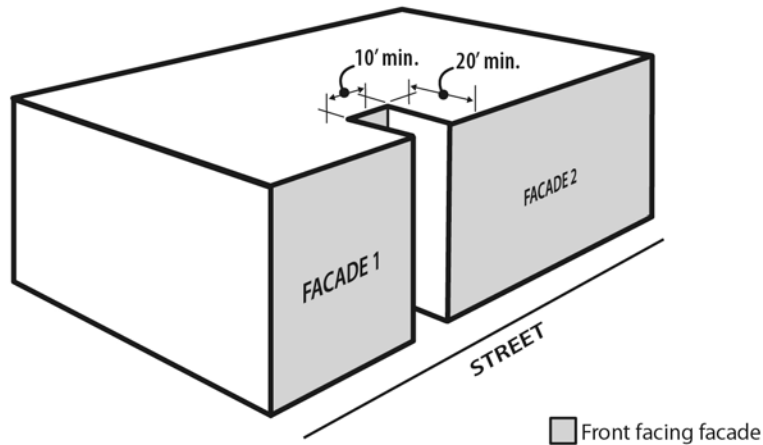
1. [No change]
2. [No change]
3. Extensions into required building setbacks and buffering requirements of Table 130-2.
  - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves and stormwater planters, they may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
    - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;
    - (2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and
    - (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RH zoned lot, and also must meet the following requirements:
      - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
      - At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
      - Bays and bay windows must cantilever beyond the foundation of the building; and
      - The bay may not include any doors.
  - b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
    - (1) Uncovered decks, stairways, and wheelchair ramps with surfaces that are no more than 2-1/2 feet above the ground;
    - (2) On lots that slope down from the street, vehicular and pedestrian entry bridges with surfaces that are no more than 2-1/2 feet above the average sidewalk elevation; and
    - (3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.
  - c. Uncovered decks are allowed to fully extend into required street setbacks.



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Amendment #2m: Add a new drawing (Figure 130-9) to better illustrate the façade articulation standards in 33.130.222 (pg. 153). Renumber the existing 130-9 through 130-17 to be 130-10 through 130-18.

**Figure 130-9**  
**Façade Articulation**



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Amendment #2n: Amend 33.130.230.B.2 (pg. 161) to add an exemption for nonresidential ground floor wall area that is less than 250 square feet in size. This will alleviate the problem created when mostly residential ground floors have some small wall area associated with a garage opening or a mechanical room. The wall area triggers the nonresidential window standard (40% windows), but windows into these spaces does not count toward meeting the standard. In addition, clarify which standards apply to ground floor dwelling units.

### 33.130.230 Ground Floor Windows

- A. Purpose.** In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
  - Encourage continuity of retail and service uses;



- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

**B. Ground floor window standard for wall area that is not the wall of a dwelling unit.** The following standards apply to the portions of a ground floor wall of a street-facing façade that is not the wall of a dwelling unit:

1. General standard.

- Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-10.
- If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those street to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.

2. Exemptions:

- Houses, attached houses, manufactured homes, and duplexes are exempt from this Section;
- Ground floor street-facing walls of dwelling units must meet the standards in Subsection D; and
- If the portion of the ground floor wall area that is not a dwelling unit is less than 250 square feet in area, then it is exempt from this Section.

**C. Qualifying window features.** [No change to Recommended Draft]

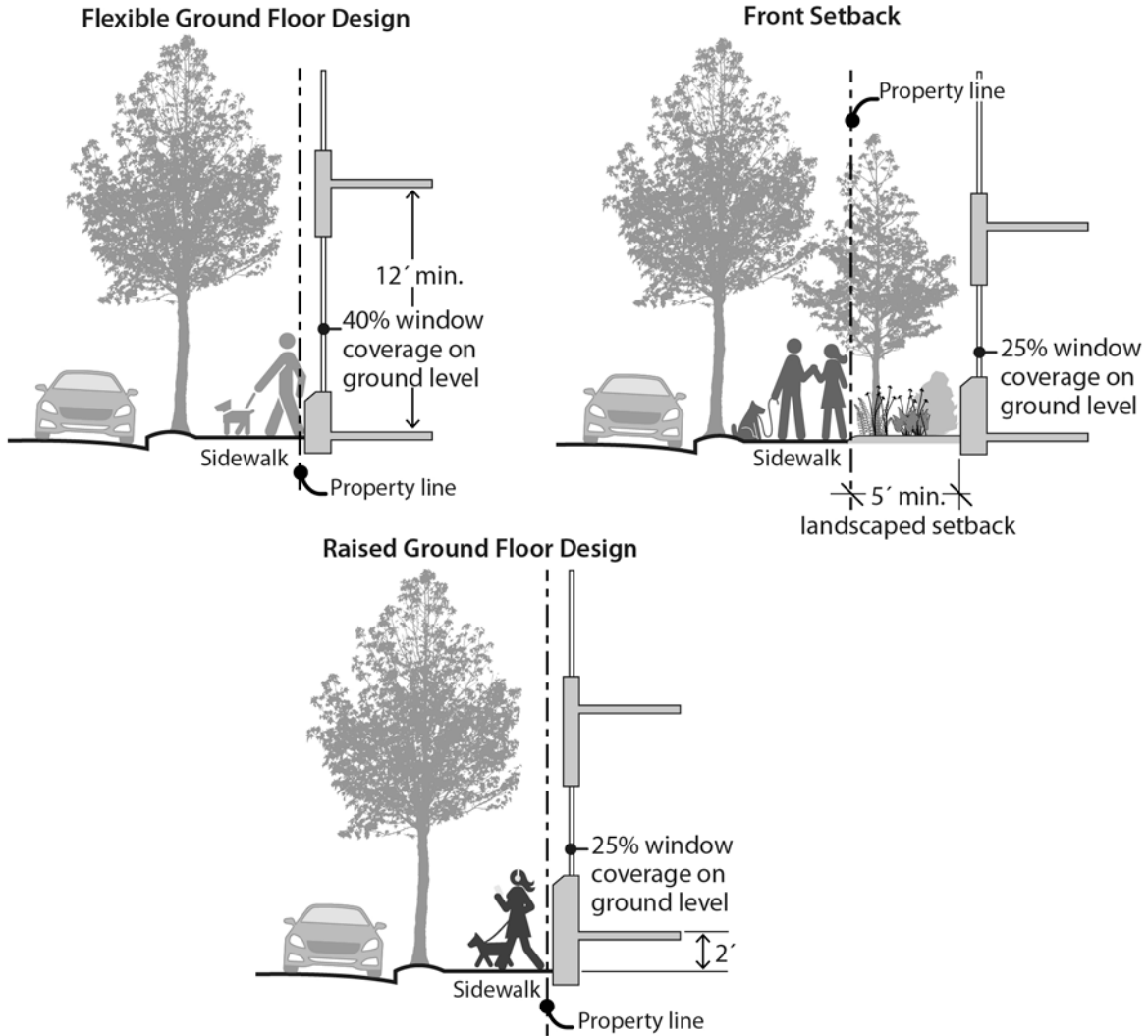
**D. Ground floor window and frontage standards for dwelling units.** [No change to Recommended Draft]





Amendment #2o: Fix figure 130-11(pg. 165) to show the property line in the right place

**Figure 130-11**  
**Ground Floor Window Options for Dwelling Units**



Amendment #2p: Delete 33.130.250.E, Permit-ready houses, because BDS no longer implements the permit-ready houses program (pg. 187).



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Amendment #2q: Amend 33.150.215.C, the CI2 maximum building setback (page 239), to provide more site layout flexibility for large campus institutions that have multiple buildings both close to and far from a transit street. Prevent a situation where all new building must be close to a transit street:

**33.150.215 Setbacks**

A. [No change]

B. [No change]

C. **Maximum building setbacks in the CI2 zone.**

1. Where the building is within 100 feet a transit street or street lot line within a pedestrian district, the maximum the building can be set back is 10 feet. Where an existing building is being altered, the standard applies to the portion of the building being altered. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose which streets to apply the standard.

2. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standard.

Delete Figures 150-3, 150-4, 150-5 and 150-6.

Renumber Figures 150-7 through 150-11 to be 150-3 through 150-7.

D. [No change]

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Amendment #2r: Amend 33.218.140.E (no page; new code amendment) to require buildings over 55 feet tall in the CM2 and CM3 zones to go through design review rather than meet the community design standards. Currently, tall buildings in the EX zone must go through design review rather than meet the community design standards. Some properties currently zoned EX will shift to CM2 or CM3 with the update to the Comprehensive Plan and the creation of the commercial/mixed use zones. This amendment ensures that buildings over 55 feet tall on parcels that were zoned EX but will be zoned CM2 or CM3 continue to require design review.

**33.218.140 Standards for All Structures in the RH, RX, C and E Zones**

The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.



Applicants for development of new structures on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.110. Applicants for exterior alterations on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.130.

**A. – D.** [No change to Recommended Draft]

**E. Building height.**

1. Maximum height in RH, RX, and E zones.
  - a. Generally. Structures in the RH, RX CM2, CM3 and E zones may be up to 55 feet in height;
  - b. Where a site zoned RH, RX or E abuts or is across a street from an RF through R2 zone, the maximum height is reduced as specified in Subsection D, above;
  - c. New and replacement antennas are exempt from this standard if the antennas are located on an existing monopole, and the antennas do not project above the height of the monopole.
2. Minimum height. In C and E zones, primary buildings must be at least 16 feet in height.

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Amendment #2s: Clarify in 33.224.030 (add to page 279; new code amendment) that it is the 5 foot drive-through setback that must be landscaped, not other base zone setback areas:

**33.224.030 Setbacks and Landscaping**

All drive-through facilities must provide the setbacks and landscaping stated below.

- A. Abutting an R zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines which abut R zones. The 5 foot setback must be landscaped to at least the L3 standard.
- B. Abutting a C, E, or I zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines which abut C, E, or I zones. The 5 foot setback must be landscaped to at least the L2 standard.
- C. Abutting a street.** Where allowed by Chapter 33.266, Parking and Loading, service areas and stacking lanes must be setback 5 feet from all street lot lines. The 5 foot setback must be landscaped to at least the L2 standard.

