



Bureau of Planning and Sustainability

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MEMO

DATE: April 3, 2018

TO: Mayor Wheeler and Portland City Council

FROM: Barry Manning, Project Manager

CC: Susan Anderson, Director
Joe Zehnder, Chief Planner
Eric Engstrom, Principal Planner

SUBJECT: Code Reconciliation Project – summary of testimony and preliminary staff recommendations for amendments

On Wednesday, March 21, 2018 the Portland City Council held a public hearing on the Recommended Draft of the Code Reconciliation Project. Council extended the deadline for written testimony until 5:00 p.m. on Friday, March 23, 2018. Nine people testified in person; over 50 more testified directly in writing or signed a petition regarding a specific topic. Testimony had been entered in the BPS testimony database and is available to view here: <https://www.portlandmaps.com/bps/testimony/#proposal=crp>. This memo provides Portland City Council with a summary of that testimony organized by theme/topic, and staff's preliminary recommendations on potential responses to testimony.

City Council deliberation on the Code Reconciliation Project is scheduled for Wednesday, April 11, 2018 at 3:30 p.m. The Mayor has requested that Commissioners propose any known amendments by April 4, 2018. A final vote on the Code Reconciliation Project is anticipated on May 24, 2018. The changes will go into effect on May 24, 2018.

Staff will look for any amendments from Commissioners this week, and then prepare another memo that outlines the Commissioner-proposed amendments along with staff recommendations on them. In addition, staff will be proposing a few additional technical amendments that have arisen as a result of the PSC briefing on the Affordable Commercial Space bonus, and subsequent meetings with staff from other bureaus.



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

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Testimony on the Recommended Draft received through March 23, 2018

The following is a summary review of the key issues that City Council received testimony on. The issue is discussed, followed by preliminary staff recommendations.

1. **Do Not Remove Buffer Overlay Zone on 2425 NW St. Helens Road.**

Who Testified: Multiple parties, both orally and in writing.

City Council received a substantial amount of oral and written testimony on this topic; much of it focused specifically on removal of the buffer overlay as applied to 2425 NW St Helens Road. Council also received a significant amount of testimony on this same topic as part of the Map Refinement Project at that hearing on March 14, 2018.

The recommended zoning code amendments would update residential buffering standards in the Industrial and Employment zones, generally following the approach and direction set for residential buffering in the new Commercial/Mixed Use (C/MU) zones. The 2035 Comprehensive Plan Early Implementation Amendments, adopted in December 2016, updated development standards for building setbacks, landscaping, access, and exterior activities in C/MU zones adjacent to residential zones and removed the Buffer (b) overlay zones from all Commercial-Residential zone interfaces. The current proposal is to extend this updated residential buffering approach to the Industrial and Employment zones. As part of the Code Reconciliation Project recommendations, the Buffer overlay zone (33.410) is proposed to be removed from the zoning code. Concurrent with this, the Buffer overlay zone (b) is proposed to be removed from the zoning map as part of the Map Refinement Project.

The Buffer overlay zone provides enhanced setback and landscaping standards along with limitations on exterior activities and access restrictions where applied. The current proposal replaces the buffer overlay zone with base zone setback and landscaping standards that would apply uniformly to all Employment and Industrial zone interfaces with adjacent Residential zones. This offers more protection to a broader array of properties where this interface occurs. However, the new standards do not mirror the existing buffer overlay zone standards, and change the standards in some areas. They are also somewhat different than the standards recently adopted for the new Commercial/Mixed Use zones.

Staff supports maintaining the recommended base zone changes to the Employment and Industrial zones, which provide transitioning standards more uniformly to all situations. However, the testimony to City Council suggests that more work needs to be done to fully explore the issues associated with the buffer overlay as it is applied in some Employment and Industrial interface situations, and to better communicate the tradeoffs to stakeholders.

Staff Recommendation: Amend the proposal. Retain the Buffer overlay zone in the zoning code. Return to City Council with recommendations for any potential changes to the Buffer overlay zone over the next 12-18 months.

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2. **Change FAR on 2525 NW Lovejoy to 4:1.**

Who Testified: Dana Krawczuk; Alison Reynolds.

City Council received testimony requesting that zoning code maps that show areas where the RH zone has a maximum FAR of 4:1 be amended to reflect 4:1 FAR on this property. This property was also the subject of testimony in the Map Refinement Project. This site is currently developed with a 90,000-square foot medical office building operating with a long standing nonconforming status. The existing RH designation in this node acknowledges existing multi dwelling development in the area and is intended to signify an eventual future transition towards residential for the entire node. Because it is a small area located between a low density single family zoning to the west and medium density multi-dwelling to the north, south and east, higher development capacity, via higher FAR (4:1) and height, has not been applied in this location. Higher FAR and height is generally reserved for areas adjacent to commercially-zoned areas or areas very near transit or commercial services.

Staff Recommendation: No change. The impacts of additional development capacity have not been studied, and mitigation measures have not been fully considered at this time.

3. **Amend the Parking Code.**

Who Testified: Barry Smith

Council received a request to:

- a. Change the distances for parking exemptions (33.266.110.B.1) to 2000 feet from a transit station and 1000 feet from a transit street; and
- b. Change the required number of spaces in Table 266-2 from 1 per unit to 0.06 (we interpret to mean 0.6) per unit.

The current parking recommendations were the result of deliberations and Council decisions on the 2035 Comprehensive Plan and the Inclusionary Housing project.

Staff Recommendation: No change. Changes to the parking requirements would require more in-depth study to understand impacts and should be considered in a follow up study.

4. **Allow use of Design Standards for projects using 5-foot height allowance for tall first floor.**

Who Testified: Joseph Bradford

The new Commercial/Mixed Use base zones allow up to five feet of additional overall height when the ground floor of a development has high ceilings. In the CM2 zone, the maximum height of 55 feet would be increased to 60 feet with this provision. The proposed Community Design Standards 33.218.140.E limit the use of design standards to buildings 55 feet or less in height when a Design



overlay zone is applied. The 55-foot height limit is an existing code regulation that applies to the EX zone and is being extended to the new replacement CM3 zone, as well as other Commercial/Mixed Use zones. This is consistent with the direction from City Council and PSC as part of the 2035 Comprehensive Plan Early Implementation Amendments adopted in December 2016.

Staff Recommendation: No change. The Design Overlay Zone Assessment (DOZA) Project is currently reexamining the design review process, including changes to design standards and thresholds. It would be more appropriate to consider changes in the context of that project.

5. Reduce the Residential buffer.

Who Testified: Joseph Bradford

Council received testimony requesting changes to required “buffers” between Commercial/Mixed Use and Residential zones. Staff interprets this as a request to change setback standards in the Commercial/Mixed Use (C/MU) zones. The changes made to C/MU base zone setback standards were reviewed and adopted as part of the 2035 Comprehensive Plan. No setback is required for buildings 15 feet or less in height (generally 1-story), but setbacks do apply to taller buildings. Further, a reference to 33.218.140.D regarding “Residential buffers” in the Community Design Standards was also cited. The recommended changes to this code section are intended to make this section of the Community Design standards consistent with the approach adopted by Council as part of the 2035 Comprehensive Plan Early Implementation Amendments adopted in December 2016.

Staff Recommendation: No change. Any changes to the standards should be considered in a follow up process. Regarding 33.218.140.D, the Design Overlay Zone Assessment (DOZA) Project is currently reexamining the design review process, including changes to design standards and thresholds. It would be more appropriate to consider changes to this section of code in the context of that project.

6. Support of Self-Service Storage amendments.

Who Testified: UPNA (Tom Karwaki) and STNA (John Carr)

Council received testimony from two neighborhood associations supporting the proposed approach to addressing Self-Service Storage uses and providing active ground-floor uses in key pedestrian and transit-oriented places.

Staff Recommendation: No change.

