



**Bureau of Planning and Sustainability**  
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April 6, 2018

## **MEMORANDUM**

**TO:** Mayor Wheeler and City Council members  
**FROM:** Sallie Edmunds, Central City, River and Environmental Planning Manager  
**COPY:** Susan Anderson, Director; Joe Zehnder, Chief Planner  
**SUBJECT:** City Council session on CC2035 on April 11, 2018

On April 11, 2018 at 4:30 p.m. Time Certain, Council will hold another session on Central City 2035 (CC2035). The session is expected to include the following:

### **Part I. Vote on amendments from the March 22 public hearing. (see page 3)**

This includes one amendment related to access on public school sites in the Central City.

### **Part II. Vote on the amendments from the April 4 public hearing. (see page 4)**

This includes three amendments that are minor, technical or corrections including:

- Correcting an error to the code related to the North Pearl Height Opportunity Area.
- Clarifying the amount of bird safe glazing needed adjacent to an ecoroof.
- Clarifying when transferring FAR from a seismically upgraded site that the site must meet or exceed the state code.

## CC2035 Voting Guide

April 11, 2018, 4:30 pm time certain

### Part I. Vote on amendments from the March 22 public hearing

#	Amendment	Description	Page	Vote
B	Access on public school sites in the Central City	Exempts sites with a public-school use from the superblock regulations to allow them to design spaces and accessways that meet the needs of the school and address safety and security concerns.	3	

### Part II. Vote on amendments from the April 4 public hearing

#	Amendment	Description	Page	Vote
1	North Pearl Height	The current code, which was not intended to change, states that bonus height is allowed if the building façades that face Naito or the Willamette River are not wider than 120' feet above 100'. The intent of the amendment is to return the code to its current meaning.	4	
2	Bird Safe Glazing	Clarifying when bird safe glazing next to an eco-roof is required and other technical corrections.	5	
3	Transfer of Floor Area from a Historic Resource	Slight modification to be clear that all buildings must show that they meet or exceed the specified Oregon Structural Specialty code section.	6	

## Part I. Vote on amendment from the March 22 public hearing

### B. Exempt public school uses from superblock regulations in the Central City

**Code section:** 33.293.020.A:

**Sponsored by:** Wheeler

**Explanation:** This amendment exempts sites with a public school use from the superblock regulations. These regulations are intended to link internal walkways and plazas to adjacent public sidewalks to improve circulation through a site and to the adjacent neighborhood and circulation system. The intent behind exempting public school uses is to allow PPS to design and locate open space areas, plazas, and vehicle and pedestrian/bicycle accessways in a manner that better addresses the specific programming needs of these facilities including emerging safety and security needs while school activities are being conducted. This exemption does not preclude PBOT or the City of Portland from working with the public school to establish specific public access agreements or MOUs to ensure public access through these large sites, at times when it is not necessary to provide greater security for students, faculty, and administrators located on-site.

**Amended Commentary:**

The intent behind exempting public school uses within the Central City Plan District from Superblock provisions is to allow PPS to design and locate open space areas, plazas, and vehicle and pedestrian/bicycle accessways in a manner that better addresses the specific programming needs of these facilities including emerging safety and security needs while school activities are being conducted.

However, it is the intention that the City of Portland will work with PPS to establish specific public access agreements or MOUs regarding public access through these sites at times when it is not necessary to provide greater security for students, faculty and administrators located on-site.

**Amended Code:**

**33.293.020 Where the Superblock Regulations Apply**

Superblocks are subject to the regulations of this chapter as stated below.

- A. **Central City plan district.** The superblock regulations apply to all new development and major remodelings on sites that include 5,000 square feet or more of vacated street. The regulations apply in all of subdistricts of the Central City plan district except the Downtown subdistricts and North Pearl Subarea. Sites within the boundaries of an approved Central City Master Plan and sites with a public school use are exempt from the regulations of this chapter.

## Part II. Vote on amendments from the April 4 public hearing

### 1. North Pearl Height Opportunity Area

**Code:** 33.510.210 Height

**Sponsor:** Mayor Wheeler

**Explanation for the amendment:** Corrects error related to the North Pearl Height Opportunity Area. The Recommended Draft code states that bonus height is allowed if the building façades that face Naito or the river are not wider than 120' feet. The current code, which was not intended to change, states that bonus height is allowed if the building façades that face Naito or the river are not wider than 120' feet *above the height of 100'*. The intent of the amendment is to return the code to its current meaning.

#### **Code Amendments:**

33.510.210 Height

**3. Bonus height earned through an FAR bonus or transfer.** Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4 are allowed as follows. Projections above the height limits shown on Map 510-4 are prohibited:

- e. Bonus height is allowed on sites within the North Pearl Height Opportunity Area shown on Map 510-16 as follows:
  - (1) Bonus height is allowed on sites located entirely between NW Naito Parkway and the Willamette River if building façades above 100 feet that face NW Naito Parkway or the Willamette Greenway are not wider than 120 feet in length; and
  - (2) Bonus height is allowed on sites that are not located between NW Naito Parkway and the Willamette River when one of the following are met:
    - The building is not taller than 175 feet; or
    - If the building is taller than 175 feet, the floors of the building above 100 feet must not be more than 12,500 square feet each.

#### **Commentary (no change)**

**33.510.210.D.3.e. North Pearl Height Opportunity Area.** The North Pearl Height Opportunity Area was originally adopted in 2008 to implement the North Pearl District Plan. These provisions were intended to allow the development of taller buildings that included a mix of land uses and programming objectives. The intent was to encourage the use of family compatible housing FAR bonus and historic resource transfer provisions in the North Pearl sub area; however, these provisions have been eliminated to focus on affordable housing and historic preservation. In order to access bonus height in this area, the design and building massing requirements are being retained for

buildings above certain heights to preserve views through the district and pedestrian access to light and air.

## 2. Bird-Safe Exterior Glazing

**Code:** 33.510.223

**Sponsor:** Mayor Wheeler

**Explanation for the amendment:** Technical and minor edits to clarify the standards for bird-safe exterior glazing. Clarification is provided that the standard applies to glazing within the first 15 feet of the building above and adjacent to an ecoroof. A diagram will be added to the commentary to show the area adjacent to an ecoroof. Finally, the last standard is updated to include glazed fences. Glass fences, of any height, may be used to separate outdoor areas within the first 60 feet of a building or adjacent to ecoroofs – these glazed fences must be treated as well.

### Code Amendments:

#### **33.510.223 Bird-Safe Exterior Glazing**

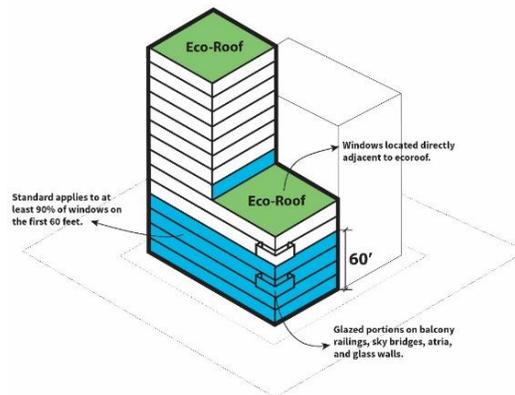
- A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.
- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodels. For new buildings, the standards apply per façade when the façade has 30 percent or more glazing within the first 60 feet measured from the grade adjacent to the facade. For major remodels, the standards apply per facade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing within the first 60 feet measured from the grade adjacent to the facade. The standard also applies to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.
- C. Bird-safe exterior glazing standards.** At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird-Safe Windows List*:
1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the facade;
  2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and
  3. The glazed portions of sky bridges or fences.

**Commentary:**

**33.510.223 Bird-Safe Exterior Glazing.** This provision responds to City Council Resolution 37034 (Oct. 2, 2013) directing City bureaus to seek opportunities to incorporate bird-friendly building design into City plans and projects, including the Comprehensive Plan, Central City 2035, and the City's Green Building Policy.

It is estimated that up to 1 billion birds die each year from collisions with buildings in the U.S. Birds do not see or perceive clear glass as a barrier. Bird strikes can occur anywhere there is exterior clear glass, and particularly near water or vegetated habitat areas or where exterior glazing reflects vegetation, such as street trees, or sky. Bird strikes have been documented in the Central City, where there is very dense development with extensive exterior glazing. Future development is likely to increase both exterior glazing and street trees that will be reflected in the glass.

The intention of this standard is to require new development and major remodels (except remodels of historic buildings) to use bird safe glazing techniques on windows that pose the highest risk for bird collisions: (e.g., on the lower stories of the building, near street trees and adjacent to vegetated or landscaped roof top areas or (aka ecoroofs). While the standard requires bird safe glazing within the first 15 feet adjacent to an ecoroof, the intent is to apply the standard to the first floor adjacent and above the ecoroof as shown in the diagram.



The *Portland Bird-Safe Windows List* is an Administrative Rule adopted by the Bureau of Planning and Sustainability and implemented by Bureau of Development Services. The list includes the required window glazing patterns and application techniques that reduce incidences of bird strikes. The Administrative Rule is periodically updated to reflect current science and industry advancements.

### 3. Transfer of floor area from a Historic Resource

**Code:** 33.510.205.D.1(b)

**Sponsor:** Mayor Wheeler

**Explanation for the amendment:** In order to use this provision, the building must be seismically upgraded. The slight modification to the text is to be clear that all buildings must show that they meet or exceed the specified Oregon Structural Specialty Code section. City of Portland Title and Section 24.85.070 will be updated in the coming year

and this section may move. The phased seismic agreement will continue to be a section in the Title 24.85 but the subsection number may change.

**Amended code:**

**33.510.205.D.1(b)**

b. Sites eligible to send floor area. In order to send floor area the site must meet the following requirements. Sites that are eligible to send floor area are allowed to transfer unused FAR up to the maximum FAR allowed on the site plus an additional 3 to 1:

(1) Be in a RH, RX, CX or EX zone, and

(2) Contain a Historic or Conservation Landmark or a contributing resource in a Historic or Conservation district for which the Bureau of Development Services verifies the following:

- If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been ~~upgraded or~~ shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
- If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been ~~upgraded or~~ shown to meet or exceed the ASCE41- BPON improvement standard as defined in City of Portland Title 24.85;
- or
- The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85-070.