

Potential Amendments to the Revised Proposed Draft

March 8, 2019

#1 – Restrict housing options in some areas [Baugh]

Amendment: Exclude the “displacement risk” census tracts and the SW Corridor (as shown in the map on next page) from allowing duplexes, triplexes, and fourplexes. In these areas, instead allow up to 3 ADUs, subject to applicable FAR limits (e.g. 2,500 sf house; 3,000 sf for house & 1 ADU; 3,500 sf for house & 2 or 3 ADUs). This limitation would last for 5 years or until such time a single-dwelling housing anti-displacement strategy is developed and implemented, including both Citywide and census tract-specific actions. The limitation would also be removed when census tracts are no longer identified as being at risk of displacement.

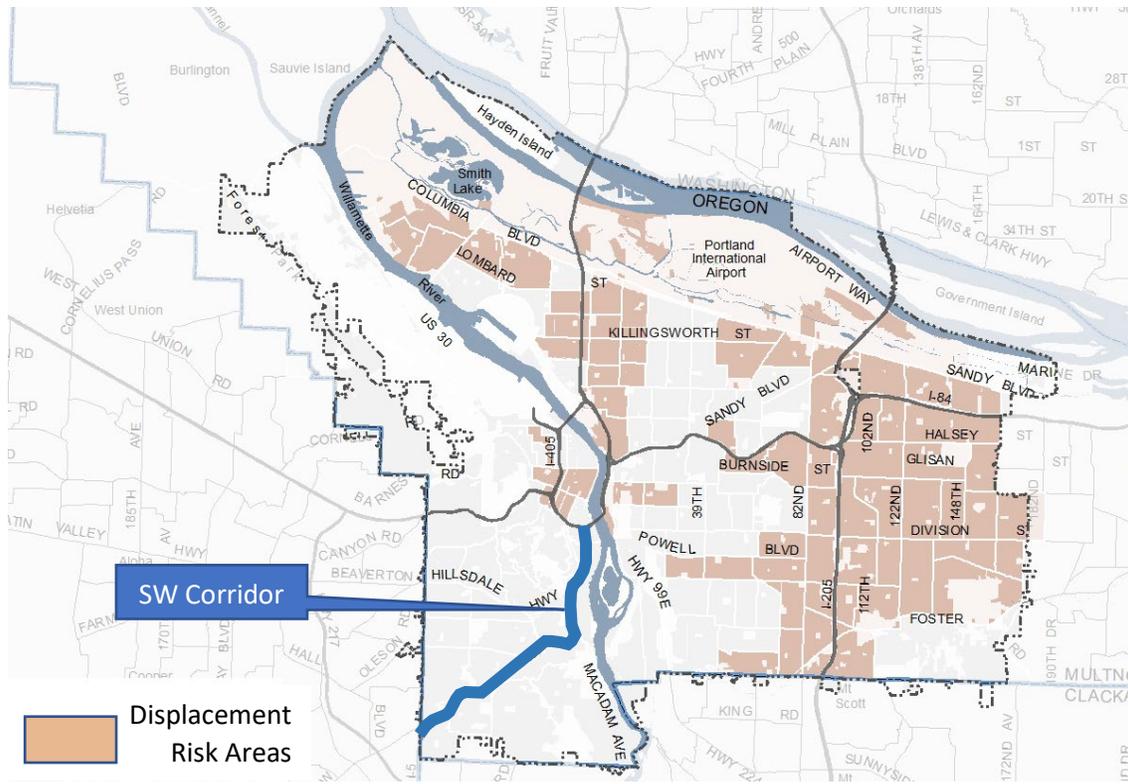
Rationale: To develop a policy to ensure low-income residents (80% MFI and below) and residents of color have access to affordable (80% or below) single-family units either rental or home ownership units in Portland. The focus would be on working families. Additionally, the focus would develop strategies to retain and create wealth for current home owners with incomes under 80% MFI in these areas. It is hoped the exclusion would not be removed until the City Council has received a report of good or excellent of how the anti-displacement strategy is working.

Staff position: Staff does not support this amendment, for several reasons:

- It **will alter the displacement risk analysis**, potentially leading to higher displacement of low-income renters in other areas of the city. Staff believes that a programmatic approach is better suited to adapt and respond to these changing conditions.
- While the proposed amendment provides opportunities to add the same number of units in these areas, **restricting these units to ADUs limits the unit sizes to studio or single-bedroom units**. This limits options for families in areas where displacement is a higher concern.
- Three ADUs per site will **not be a viable configuration** when considering building coverage, building code and other development rules.
- From a regulatory perspective, this would likely require establishing **another type of overlay zone**. Using a map in the zoning code to address the changing nature of neighborhood household composition is difficult, as the process to revise this map requires a legislative process and will create non-conforming development situations as the rules fluctuate and change.

Code Reference: To be determined. This change will require more extensive revisions to the code structure and proposed map.

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#2 – Match windows on duplex/attached house facades [Spevak]

Amendment: Limit the current window matching requirement on attached houses and duplexes (in the R20-R5 zones) to street facing windows only.

Rationale: Provides greater flexibility for building design for attached house facades that are less visible to the street

Staff position: Staff does not support this change. These standards ensure that both halves of the attached house are complementary with each other and appear as a single unified structure. Well-designed infill has a greater community acceptance.

Code Reference: 33.110.265.C.1.d(2) and D.3.e, see pages 109-111 in Volume 2

33.110.265 Residential infill options

C. Attached housing. Attached housing allows for more efficient use of land and for energy-conserving housing.

1. R20 through R5 zones. Attached houses are allowed as follows:

d. Development standards. Both attached houses must meet the following standards to ensure that the two units have compatible elements:

(1) Height. [no change]

(2) On both units:

- Exterior finish materials. The exterior finish material must be the same in type, size and placement.
- Roof pitch. The roof pitch must be the same.
- Eaves. Roof eaves must project the same distance from the building wall.
- Trim. Trim must be the same in type, size and location.
- Windows. **Windows on street-facing facades** must match in proportion and orientation.

D. Duplexes. Duplexes are allowed on corner lots in the R20 and R10 zones, and on interior and corner lots in the R7 through R2.5 zones as follows:

3. Compatibility standards. Both units of the duplex must meet the following standards to ensure that the two units have compatible elements. The standards are:

a. Exterior finish materials. The exterior finish material must be the same in type, size and placement.

b. Roof pitch. The roof pitch must be the same.

c. Eaves. Roof eaves must project the same distance from the building wall.

d. Trim. Trim must be the same in type, size and location.

e. Windows. **Windows on street-facing facades** must match in proportion and orientation.

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#3 – Attached house size on R5 historically narrow lots [Spevak]

Amendment: Allow attached houses on narrow lots in the R5 zone to have a base FAR of .6 total for the two units.

Rationale: This provides attached housing (two units on separate fee simple lots) with the same FAR as a duplex (two units on the same lot). In addition to having a consistent FAR for the two building types that can otherwise look identical, the amendment will help encourage more home-ownership opportunities. The amendment will avoid the implementation and enforcement problem of having a duplex built at a .6 FAR, if the owner later decides to divide the underlying lots into separate ownerships.

Staff position: Staff does not support this change because it further reduces the distinction between R2.5 and R5 narrow lots. The current differences in the Revised Proposed Draft include height (35 vs 30 feet), outdoor area (200 vs 250 square feet), and FAR (0.7 vs 0.5). This amendment decreases the FAR size difference to approximately 250 square feet.

Code Reference: 33.110.260.C, see pages 102-103 in Volume 2

33.110.260.C.3

Additional FAR is allowed for R5 narrow lots when a pair of attached houses is proposed. This ensures a more consistent approach between a duplex (two units on a single lot) and pair of attached houses (two units, each on their own lot). This also provides an additional incentive for attached houses on narrow lots where they are not required (e.g. lot is wider than 25 feet).

~~33.110.260~~ ~~33.110.213~~ Additional Development Standards for Narrow Lots and Lots of Record Created Before July 26, 1979

- C. **Standards.** ~~Modifications to the standards of this subsection may be requested through Design Review. Adjustments are prohibited. The standards are:~~

2. Floor Area Ratio. The maximum floor area ratio for attached houses in the R5 zone on lots less than 3,200 square feet is 0.6 to 1.

[Renumber 2. - 3. to 3. - 4.]

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#4 – Subsequent building additions [Smith, St. Martin]

Amendment: Add allowance for one addition up to 250 square feet in each 5-year period without having to show compliance with the maximum FAR.

Rationale: This enables small additions without having to document the total FAR on a site. It also permits more adaptability over time for structures that may be at or already above the maximum FAR.

Staff position: Support. This will help alleviate permit reviews for many minor additions, and provides for additional flexibility and adaptability, as well as an additional incentive to retain existing houses.

Code Reference: 33.110.210, see pages 28-29 in Volume 2

33.110.210.C Exception to Maximum FAR

An exception to floor area limits is provided for houses that are at least 5 years old. This allows modest additions (250 s.f. or less) that exceed the FAR limits. A 5-year period between additions is included to limit serial alterations. This reduces complexity for the applicant because demonstrating compliance with FAR would require showing the interior layout and dimensions of the entirety of a house, not just the proposed addition.

33.110.210 Floor Area Ratios

C. Exception. Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years.

[renumber C. to D.]

#5 – Retain Albina Plan District R5 provisions [Schultz]

Amendment: Retain current provisions that allow attached houses on vacant R5 lots in the Albina Plan District

Rationale: This retains current allowances for dividing vacant lots for pairs of attached houses, increasing the potential for more ownership options (attached houses versus duplexes)

Staff position: Support. This retains additional flexibility for ownership options in the plan district.

Code Reference: 33.505.230, see pages 180-183 in Volume 2

33.505.230 Attached Residential Infill on Vacant Lots in R5 Zoned Areas

[Do not strikeout this section as shown in Revised Proposed Draft]

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#6 – ADU size with a duplex [Smith]

Amendment: Base the size of the detached ADU on the larger, not smaller, duplex unit.

Rationale: In the revised proposed draft, the ADU size is based on the living area of the *smaller* duplex unit. Relating the ADU size limit to the larger duplex unit is more generous and allows for a larger ADU. It also maintains the accessory relationship of the ADU to a primary unit on the site, This also improves consistency for establishing the size of a detached ADU whether it is a house with an internal ADU or a duplex.

Staff position: Support. This provides a more consistent outcome in comparison to adding a detached ADU to a house that has an internal ADU.

Code reference: 33.205.040.C.2, see pages 134-135 in Volume 2

33.205.040.C.2. Maximum Size

These provisions are being amended to address size limits when an ADU is proposed with a duplex (i.e. a building with two primary units). This clarifies that when units in the duplex are different sizes from each other, the size of the ADU is based on the larger of the primary units to ensure that the ADU is smaller than at least one of the primary units. This provides consistency for determining the size of the detached ADU whether it is based on a duplex or a house with an internal ADU.

C. Requirements for ~~all~~ accessory dwelling units.

32. Maximum size. The size living area of the accessory dwelling unit may be no more than 75 percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less. This maximum size standard does not apply when the basement of a primary dwelling unit is converted to an accessory dwelling unit and the primary dwelling unit received final inspection at least 5 years ago. The size measurements are based on what the square footage of the primary dwelling unit and accessory dwelling unit will be after the accessory dwelling unit is created. When the primary dwelling unit is a duplex, the size of the accessory dwelling unit may be no more than 75 percent of the living area of the **larger** of the two primary units or 800 square feet of living area, whichever is less.

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#7 – Flag lots and alley access [Spevak]

Amendment: Allow a property line adjustment that results in a small flag lot to remove alley frontage for the lot in front of the flag lot.

Rationale: If a lot has alley access, the proposed regulation that restricts property line adjustments from removing alley access can limit the ability for a small flag lot to be created.

Staff position: Support. This offers greater flexibility to retain existing houses.

Code Reference: 33.677.100.A and D., see pages 202-203 in Volume 2

33.677.100 Prohibited Property Line Adjustments

D. Alley Frontage. Emphasis is being added for lots that have alley frontage in terms of locating vehicle access. For example, lots that abut an alley will be required to use the alley to access any parking that may be proposed. To prevent circumventing this requirement, property line adjustments will not be allowed to configure the lot to remove the alley frontage. **An exception is provided when creating small flag lots to further encourage retaining existing houses by removing potential regulatory barriers.**

33.677.100 Prohibited Property Line Adjustments

The following are prohibited as part of a Property Line Adjustment:

- A. A Property Line Adjustment that configures either property as a flag lot, unless:
 1. The property was already a flag lot; or
 2. Both properties are in the R5 or R2.5 zone and:
 - a. There is an existing house on one or both properties; and
 - b. Only one flag lot is proposed;
- B. A Property Line Adjustment that results in the creation of a buildable property from an unbuildable lot, lot of record, or lot remnant;
- C. A Property Line Adjustment that results in the creation of street frontage for property that currently does not have frontage on a street; ~~and~~
- D. A Property Line Adjustment that removes alley frontage from one or both properties unless alley frontage will only be removed from the lot in front of a flag lot that is being created through the Property Line Adjustment; and
- ~~E. D.~~ A Property Line Adjustment that creates a nonconforming use.

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#8 – Fourplex parking standards [Spevak]

Amendment: Regulate the parking for a fourplex in the same way the zoning code regulates parking for house, duplex and triplex.

Rationale: Puts all the parking standards that are applicable to allowed housing types in single-dwelling zones in one place. Treats houses and plexes similarly.

Staff position: Support. This change makes the parking standards consistent for the residential structure types that are allowed in single-dwelling zones.

Code Reference: 33.266.120, see pages 144-145 in Volume 2.

Note: 33.266.130.C.1 on pages 151 153 required alley access in single dwelling zoned sites for fourplexes on 7,500 sq ft and smaller sites. By moving fourplexes to the standards for houses, etc. this change is no longer necessary.

33.266.120 Development Standards for Houses, Duplexes Triplexes and Fourplexes.

The existing parking standards are broken into two groups: standards for houses and duplexes and standards for all other development. These amendments group triplexes and fourplexes with houses and duplexes. Houses and duplexes have standards that allow for 9-foot wide driveways, backing out into the street, and more restrictive front yard paving limits.

33.266.120 Development Standards for Houses, and Duplexes, Triplexes and Fourplexes

- A. **Purpose.** The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.
- B. **Structures these regulations apply to.** The regulations of this section apply to houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, manufactured homes, and houseboats. The regulations apply to ~~all required and excess~~ parking areas. The following are exceptions to this requirement:

33.266.130.C.1. Location of vehicle area - delete commentary

33.266.130.C.3 Frontage limitation - delete commentary

33.266.130 Development Standards for All Other Development

- A. [No change]
- B. **Where these standards apply.** The standards of this section apply to all vehicle areas whether required or excess parking, except for residential ~~parking~~ vehicle areas subject to the standards of 33.266.120.
- C. **On-site locations of vehicle areas.**
 - 1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3. [no changes]

[no changes to Table 266-3]